UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
FIRST SESSION

VOLUME 143—PART 10

JULY 8, 1997 TO JULY 17, 1997
(PAGES 13465 TO 15040)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, July 8, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

As we watch the movements of Sojourner from Pathfinder on Mars, we exclaim with the Psalmist, "When I consider Your heavens, the work of Your fingers, the moon and the stars, which You have ordained, what is man that You are mindful of him and the son of man that You visit him? For You have made him a little lower than the angels and You have crowned him with glory and honor. You have made him to have dominion over the works of Your hands".—Psalm 8:3–6.

O Yahweh, our Adonai, how excellent is Your name in all the Earth and the farthest reaches of the Earth's universe. You are Sovereign of universes within universes. We praise You that You have enabled us to reach out into space to behold Your majesty and come to grips with the magnitude of the realm of dominion You have entrusted to us. Our eyes have been glued to our television sets to witness the awesome achievement of landing Pathfinder on Mars and we have seen the venture of rover Sojourner on Martian rock after a 309-million-mile, 7-month journey from Earth. Guide our space scientists as they gather information about Mars and we are reminded of the reaches of Your Lordship.

And meanwhile, back to the planet Earth, back to the problems and potentials we face, and back to the U.S. Senate where You empower the leaders of humankind to grapple with the challenges, and grasp the opportunities in our time and in our space. As we work today, remind us that You created Mars and the Earth and will direct us to solutions to the complex problems we face. We bless and praise You for the privilege, Creator, Redeemer, and Lord of Lords. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Thank you, Mr. President. Today following morning business, the Senate will resume consideration of S. 936, the defense authorization bill. As previously ordered, from 12:30 until 2:15 p.m., the Senate will stand in recess for the weekly policy luncheons. At 2:15, the Senate will proceed to a cloture vote on the defense authorization bill. The majority leader is hopeful that cloture can be invoked so that the Senate can complete action on the defense bill this week.

As a reminder, Senators have until 12:30 today to file second-degree amendments on the defense bill. On behalf of the majority leader, I remind all Senators that we are now in a busy legislative period prior to the August recess. The appropriations process has begun and Senators should now expect rollcall votes occurring Monday through Friday of each week. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I ask unanimous consent to speak as in morning business for 15 minutes.

Mr. THOMAS. Mr. President, reserving the right to object, what is the time allocation?

The PRESIDING OFFICER. The time allocation is for not to exceed 5 minutes each. The Senator from Wisconsin does have, under the previous order, 15 minutes.

The Senator from Wisconsin [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

THE NEED FOR CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. It was just about 1 year ago, Mr. President, last June, when I stood here on the Senate floor with the senior Senator from Arizona, Senator MCCAIN, and others, and participated in a somewhat abbreviated debate on the need for meaningful, bipartisan campaign reform.

We discussed several issues during that debate, Mr. President. We talked about the 1994 elections and the resulting record amount of campaign spending in that election.

We had a chance to talk briefly about how one candidate for the U.S. Senate had spent $30 million of his own money to try and win a California Senate seat.

We talked about how the average amount of money spent by a winning 1994 Senate candidate had, unfortunately, reached over $4.6 million. We talked about the damaging effect that the unabated flow of campaign cash had on our political system as well as on the public perceptions of this institution.

In response to all of that, interestingly, we were told by opponents of reform that all was well, that spiraling campaign spending would somehow strengthen our democracy, and that our system was far from crying out for reform.

And then, on a quiet Tuesday afternoon, after a few paltry hours of debate and absolutely no opportunity for Senators to offer amendments, the bipartisan McCain-Feingold reform bill fell six votes short of breaking a filibuster, and that was done effectively by the guardians of the status quo.

That was a year ago, Mr. President. Although our opponents continue to proclaim that all is well and reform is not a priority, the evidence from the 1996 campaign stands in stark contrast to the declarations of those who are trying to defend the indefensible.

Last year, according to the Washington Post, candidates and parties

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

spent a record amount of money on Federal elections—$2.7 billion. Mr. President, $2.7 billion was spent on those elections, which is an all-time record. This record amount of campaign spending, I assume, is exactly what the opponents of reform, including the Speaker of the other body and the junior Senator from Kentucky had really hoped would happen.

Recall Speaker GINGRICH's words from the last Congress:

> One of the greatest myths in modern politics is that campaigns are too expensive. The political process, in fact, is not overfunded, but underfunded.

My distinguished colleague from Kentucky, referring to the 1996 election said:

> I look on all that election activity as a healthy sign of a vibrant democracy.

Well, Mr. President, back here on planet Earth, and back home in my State of Wisconsin, the American people have a very different view. They are disgusted by our current campaign finance system. They are appalled at the insane amount of money that is being spent on democratic elections. And not surprisingly, they told us how appalled they are by staying home in huge numbers last November. In fact, fewer Americans turned out to vote in 1996 than in any Presidential election year in the last 72 years.

There are mountains of evidence demonstrating the failure of current election laws. Poll after poll demonstrates the mistrust and cynicism the public feels toward this institution as a result of large campaign contributions.

The newspapers and nightly news programs are brimming with reports of election scandals, with charges and countercharges of abuse and illegality filling the headlines every day.

Scores of candidates—including many current officeholders—are choosing not to run for office principally because of the millions of dollars needed for a campaign for the U.S. Senate. In fact, the theory that unlimited campaign spending produces competitive elections has been completely discredited, as the average margin of victory in Senate elections last year was 17 percent.

Let me repeat that, Mr. President. Not only did 95 percent of incumbent Senators win reelection last November, most of these elections weren't even close. On average, 17 percentage points separated the winners from the losers.

Mr. President, while Rome burns and our campaign finance system crumbles all around us, the junior Senator from Kentucky characterizes the chaos of the 1996 elections as a healthy sign of a vibrant democracy.

Mr. President, as the U.S. Senate continues to duck and weave and dodge around the issue of campaign finance reform, the American people are becoming more and more convinced that we here in this body do not have the courage or the will to reform a system that has provided Members of this institution with a consistent reelection rate of well over 90 percent.

As we all know, Mr. President, this week hearings will begin in the Governmental Affairs Committee on the abuses and possible illegalities that occurred in the last election. I can think of no better time for us to make a major step forward to fundamentally overhaul our failed election laws.

Opponents of reform will surely assert that we should wait until the conclusion of these hearings before we consider reform legislation, so we can adequately identify the loopholes and the gaps and holes in our campaign finance system. But, Mr. President, in the last 10 years on this issue alone, we have had 15 reports by 6 different congressional committees, over 1,000 pages of committee reports, 29 sets of hearings, 49 days of testimony, over 6,700 pages of hearings, 522 witnesses, 446 different legislative proposals, more than 3,300 floor speeches, 76 CRS reports, 113 Senate votes, and 17 different filibusters.

So I think it is safe to assume that we have probably reviewed this issue more than almost any other issue pending before this body.

So, Mr. President, it is time now for serious consideration of reform legislation. I have joined with the senior Senator from Arizona, and others, in authoring the only comprehensive, bipartisan plan to be introduced in the Senate this year.

Mr. President, we are very aware that this bill is not perfect. Some have voiced their concerns or objections about this or that provision, or have criticized the legislation for not addressing particular areas. As we have said—and I think as we have shown all along—this legislation is primarily a vehicle for reform, and we are more than willing to consider additions, deletions, or modifications to the package.

We do have some bottom lines, though. First, we should have a full and robust debate on the issue, with all Senators having the opportunity both to debate the many complicated issues involved here and, also, to have the opportunity they didn't have last year to offer amendments.

Second, it is imperative that any legislative vehicle ban on so-called party soft money. These are the monstrous, unlimited and unregulated contributions that have poured in from labor unions, corporations, and wealthy individuals to the political parties.

It is these multihundred-thousand-dollar campaign contributions that were, more than anything else, at the root of the abuses and outrage stemming from the 1996 elections. Individuals and organizations certainly should have the opportunity to contribute to their parties with funds that can be used for Federal elections. But all of those funds, Mr. President, should be raised and spent within the scope and context of Federal election law.

Finally, Mr. President, we must have provisions in this reform legislation that encourage candidates to spend less money on their campaigns and, if we can, to encourage them to raise most of their campaign funds from the people they intend to represent in their district or State.

We have to provide candidates, and particularly challengers who have less access to large financial resources, with the tools and means to effectively convey their message, without having to raise and spend millions of dollars.

Unless we take fundamental steps to change the 90 to 95 percent reelection rates for incumbents that are seemingly enshrined under current election laws, the American people will justifiably perceive such reform as little more than one more incumbent protection plan.

Mr. President, the senior Senator from Arizona and I have waited quite patiently for the opportunity to have this historic debate. It is my hope that we can sit down with the majority leader in the coming days and begin the process of bringing such a meaningful discussion to the Senate floor in the next few weeks.

I look forward to that discussion, and I hope that it will eventually lead to passage of bipartisan reform legislation that will result in what I like to call moderate, mutual disarmament.

I thank the Chair and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think we have 30 minutes set aside.

The PRESIDING OFFICER. The Senator from Wyoming is recognized. Under a previous order, the majority leader or his designee is to be recognized to speak for 30 minutes.

The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

ORDER FOR CLOTURE VOTE AT 3 P.M.

Mr. THOMAS. Mr. President, may I first, in behalf of the leader, ask unanimous consent that the previously ordered cloture vote now occur at 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. For the information of all Senators, the cloture vote earlier scheduled at 2:15 will now occur at 3 p.m.

Thank you, Mr. President.

TAX RELIEF

Mr. THOMAS. Mr. President, I want to take this time—and I am sure some of my colleagues will join me—to talk a little bit about one of the items that has been before us and will continue to be before us that I think is probably the premier legislature, and that is tax relief.

I hope, as we move toward the conference committee agreement and as we move toward voting again in the Senate and in the House on tax relief, that we will keep in mind the big picture; the idea that American taxpayers are working harder than ever before, and the concept and the fact that the typical family is now paying more in taxes than they do for food, shelter, and clothing. Too many families have to rely on two incomes, partially because of the burden of taxes. The typical worker faces nearly 3 hours of an 8-hour day to pay their taxes.

So that is what we are talking about. Of course, it is appropriate to talk about and of course it is appropriate to debate how this tax relief is designed. But we ought to keep in mind that we are talking about for the first time in 10 years significant reductions in taxes—tax relief for American families.

What are we talking about? First of all, a child tax credit; $500 per child tax credit, so the families can use their own money to spend in their own way to support their own children.

We are talking about educational tax incentives; tax credits so that tuition for higher education can be offset with tax credits. We are talking about the reduction so that families can send their kids to college.

We are talking about retirement savings; IRA's to encourage savings to cause people to prepare for their old age, to be able to put away money and have incentive to do that by the incentive of providing for tax-free savings.

Capital gains reduction; taxes on capital gains to be reduced in order to encourage investment so that we could create jobs and so we create an economy that is healthy and robust.

Estate and gift tax relief. I happen to come from a State where there are a large number of small businesses, where we have lots of farmers and ranches, and families work their entire lives to put together a business or put together a farm or ranch, and when the time comes when there is a death in the family, they often have to sell these assets to pay 50 percent in taxes. That ought to be changed.

So I hope we can focus on those things that are beneficial and those things that are useful. I hope we don't allow this idea to be politicized. I hope we don't allow ourselves to enter into this political class conflict which, frankly, the administration is moving toward.

I was disappointed that the Secretary of the Treasury has gotten into sort of political class warfare. It seems to me if there is one office in the Cabinet that ought to be one that you can sort of depend on for facts, that it ought to be the person who is in charge of monetary policy, who is in charge of our money. Unfortunately, that has not been the case. I hope that it changes. The idea that some opposition, those who really do not want tax relief has been to make it a class warfare thing. And indeed it isn't.

According to Robert Novak, in his article, economist Gary Robbins showed that 75 percent of the tax cuts go to people who make $57,000 or less in adjusted income. I think that is interesting. Those are the people who pay 38 percent of the total taxes. Taxpayers who get more than $200,000 in income would get but one dime of relief for every $100 in total taxes.

This is not a tax break for the rich. Interestingly enough, in the same article he indicates—this is a congressional Joint Economic Committee using Treasury data—that the upper fifth of income now pays 63 percent of all income taxes. After the proposed tax cuts, the figure remains exactly 63 percent.

Similarly, the share paid by the bottom two-fifths of the income earners remains unchanged.

This is not a tax break for the rich.

We will hear some things about the tax cuts for the rich. Actually, 75 percent of the taxes, as I said, go to families who make less than $75,000. Families with two kids making $30,000 a year, their tax bill will be cut in half; less than half.

So, Mr. President, we have the first opportunity since early in the 1980's to have some tax relief for people who are heavily burdened with taxes.

If in fact the era of big Government is over, then we need to have big taxes to be over as well. We have the highest percentage of gross national product paid now in taxes in history —the highest percentage.

So, as we move away from big Government, we ought to allow American families to spend more of their own money.

Mr. President, I yield to my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I thank my friend and colleague from Wyoming for an opportunity to speak this morning about something that is rather important to Americans, all Americans, Americans who pay the bill, the forgotten American, I think, as we enter this next phase of debate in this country about tax relief. Make no mistake, Mr. President, this is what it is about. This is not about social tinkering. It is not about environmental policy. It is about tax relief—tax relief for those people who pay taxes, those people who have been footing the bill in this country for a long time. So, let's first of all put this in perspective.

I say that especially in light of the news conference that I saw yesterday and again this morning held by the Vice President and Secretary Rubin. I have the highest regard for Vice President Gore and Secretary Rubin, but I was astounded that much of the focus in that news conference was not about tax relief for the average middle-class American. It was about brownfields. It was about inner cities. It was about other policies.

This policy is about providing Americans tax relief, providing relief for the forgotten American.

The bill that we passed in this body 2 weeks ago, and the bill that was passed in the House 2 weeks ago, is not perfect, but it is a very significant first step. As my friend and colleague from Wyoming just said, it is the first significant tax relief legislation in 16 years.

We are here to do the Nation's business. We are here to focus on the average man and woman who pay their taxes, raise their family, and need to keep more of their income. You heard all of the numbers. You heard the statistics. But I think it is worth noting that we talk a little bit about what is in fact—in fact, not theory, not fabrication, not imputed income, not phony economic tax models that we are hearing from some corners—but in fact what is in this bill. Let's just take a moment to review some of this.

This is about helping the 6 in 10 Americans who must file Federal tax returns, the people who work hard to make a good life for themselves, their families, and their communities.

It is about helping the 3 in 4 Americans who file tax returns and earn less than $50,000 a year. Three-fourths of all taxpayers make less than $50,000 a year. In fact, three-fourths of all the tax cuts in the Taxpayer Relief Act that the Senate and the House passed overwhelmingly in a very strong, bipartisan way go to people making less than $75,000 a year.

This act has a number of provisions that will help families, small businesses, students, farmers, ranchers, and single parents who earn less than $75,000 a year. Couples earning less than $110,000 will get the full benefit of the family tax relief in this bill.

Parents with children age 12 and under get a $500 per child tax credit against their taxes—keeping more of their money. Parents with children ages 13 to 16 also get a tax credit. The Taxpayer Relief Act allows parents to set up special tax-deferred savings accounts to help with their children's education. It allows single people with incomes under $50,000 and couples with incomes under a $100,000 a tax credit for part of their children's college expenses.

Mr. President, come on. This is not a rich person's tax bill. This is a middle-class, average-American tax bill. And anyone who says to the contrary doesn't understand what we are doing here.

This also allows recent college graduates who are struggling to get established to deduct up to $2,500 in student loan interest payments during each of their first few years after graduation.

Capital gains tax cuts will help anyone who owns property—not rich people. Come on. Anyone who owns property is affected by the capital gains tax in this country. A capital gains tax cut helps middle-class Americans. Fifty-six percent of all tax returns reporting capital gains come from taxpayers with total incomes below $50,000. We move in this bill capital gains taxes from 28 percent to 20 percent.

Estate tax cuts will help millions of Americans. Both the House and Senate bills raised the estate tax exemptions to $1 million. It is not perfect. We need more. Of course, we do. But it is a good, strong beginning. It is a start. We need to phase these out. These estate taxes are not only unfair but they are un-American. You work all of your life. You work hard. You pay taxes. And at the end automatically the Government comes in and takes half of your estate.

You tell me, Mr. President, where that is fair. Some people think it is. I don't. I don't think most Americans think it is fair.

There are many, many other tax provisions in this bill to help farmers with livestock killed by severe weather and farmers hurt by unwarranted IRS rulings regarding the alternative minimum tax. Truckers are restored with the business meal deduction to 80 percent.

These are not rich people.

This bill helps small businesses by delaying a new, burdensome requirement that they file their income tax returns on anything other than electronic payroll tax means.

It helps universities and other researchers by extending the research and experimentation tax credit.

It helps people suffering from rare diseases by permanently extending the orphan drug tax credit.

This is real America. This is for real Americans.

We need to pass this tax relief bill. None of us likes everything in this bill. But we can either squabble ourselves into total stalemate or we can pass this bill and get the first real tax cuts since 1981.

Congress needs to reconcile this, move ahead in our conference, and send it to the President. He needs to sign it. America expects us to do this business. Mr. President, we have a responsibility and an obligation to do America's business.

I encourage my colleagues in the U.S. Senate and in the House to do the right thing and vote for a conference report and bring real tax relief to the American public.

Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think it is interesting that new Members, such as the Senator from Nebraska, who come from the private sector come here and feel very passionate about this and come more recently talking in behalf of people who are paying taxes. That is great. I appreciate it.

Another Senator who has worked most diligently on tax relief since he has been in the Senate is the Senator from Minnesota. I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from Minnesota is recognized to speak for 5 minutes.

Mr. GRAMS. Thank you, Mr. President.

Mr. President, Washington has undergone a remarkable transformation since the people of Minnesota first sent me here in 1993. Back then, no one was talking about tax relief. Certainly no one was talking about family tax relief. And with both the White House and Congress under Democratic control, the chances were slim that we would ever have an opportunity to give working Americans the tax relief they so desperately need.

My good friend and colleague from Arkansas, Senator HUTCHINSON, and I were freshman Members of the House in 1993 when we came together to develop a budget proposal that could serve as the taxpayers' alternative to the higher taxes and bigger government plan offered by President Clinton. The key component of our legislation at that time was family tax relief, and that was through the $500-per-child tax credit.

We were able to convince the House and the Senate leadership to make our families-first bill—with the $500-per-child tax credit as its centerpiece—the Republican budget alternative back in 1994. That November it became known as the crown jewel of the Contract With America. The Washington crowd was finally beginning to listen to the people and to talk about tax relief. In 1995, the $500-per-child tax credit seemed certain to finally be passed into law, with a Republican congressional majority and a President who had campaigned at that time on family tax relief. Unfortunately, however, it never made it past the President's desk.

In 1996, the voters again asked us to enact the taxpayers' agenda, but this time they wanted Congress and the President to come together to complete the work that we started in the 104th Congress. So this May, both President Clinton and the congressional leadership agreed on a number of tax-cutting measures built around the $500-per-child tax credit. The House and Senate passed them in a reconciliation package just before the Fourth of July recess.

Mr. President, working families need tax relief today more than ever, and Minnesotans have asked me to make it a top priority because taxes dominate the family budget. In fact, a survey just released in Minnesota last week showed that the main concern of Minnesota families was taxes.

Now, you factor in State and local taxes and also those hidden taxes that result from the high cost of Government regulation, and a family today gives up more than 50 percent—50 percent—of its annual income to the Government.

So all we are saying is let us allow the working people of this Nation to keep a little bit more of their own money in their pockets.

It is hard to believe that there are some who say we are offering too much in the way of tax relief in our Senate budget plan, and that is just plain wrong. Working families are not getting nearly the amount of tax relief we promised them.

Over the next 5 years, as we know, the Federal Government will take in about $8.7 trillion in taxes from the American people. What we are asking in this bill is just that 1 cent of every dollar the Government plans to take from the taxpayer be left in their hands.

That is what the $500-per-child tax credit and other tax cuts are all about, and that is making sure that a penny earned by working Americans would be a penny kept.

Unfortunately, by imposing severe restrictions on who can receive it, the $500-per-child tax credit proposal passed by the Senate falls still well short of delivering meaningful tax relief to working families that are trying to raise children.

The $500-per-child tax credit that I introduced originally says families are eligible for the credit as long as their children are under the age of 18. The bill passed by the Senate, however, cuts the tax credit once a child reaches the age of 13. If your children are between the ages of 13 and 16, the Senate bill says we will give you a tax credit but only if you spend it the way Washington thinks it should be spent. In this case, it would have to be spent on education.

I applaud the parents who take the $500-per-child tax credit and dedicate it to their child's college education fund, but that is a decision that belongs with parents, not with Washington.

It is not our place to tell families what they can and what they cannot do with their own money. Some may elect to spend that $500 on braces for their child or groceries or maybe health insurance, and that is fine because it is their money. An unrestricted $500-per-child tax credit takes the power out of the hands of Washington's big spenders, and it would put it back where it could do the most good, and that is with families.

The second unreasonable restriction in the Senate bill was to deny the child tax credit to families with children at the age of 17. According to the Agriculture Department, this age group is the most expensive one in the typical middle-income household, and it makes no sense to cut off the tax relief just when working families need it most.

The hard-working families of Minnesota and the Nation have been waiting far too long since Congress last cut their taxes—16 years ago. And we have yet to prove to them that we understand and, more importantly, we appreciate the hardships they face every day. I know we cannot increase the level of tax relief we are offering in the fiscal 1998 budget, but I urge my colleagues, the conferees, to take whatever steps they can to repair the $500-per-child tax credit so that it benefits the maximum number of Americans.

This debate will be revisited many times in the months ahead and the years ahead, and I look forward to working again with my fellow Senators to finally deliver on the tax relief promise that we made to the people.

I thank the Chair. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. Thomas). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I wish to thank you and those who are participating in this discussion for bringing this up. This is a very difficult and frustrating time for all of us, and I think the Senator from Nebraska, Mr. Hagel, gave a pretty good outline of what this is all about, what we want to accomplish, and what we have offered. And when I say "we," I am not talking about the Republican Party. I am talking about Congress.

To put it in perspective, the House passed the tax cut bill on June 26—just June 26—and it passed by a fairly substantial margin, 253 to 179. There was a substitute that was offered by Congressman Rangel that has come in the nature of what the President is announcing now, and it was rejected by 197 to 235. Then the Senate, on the following day, June 27, passed a tax cut bill 80 to 18. When the minority leader, Senator Daschle, offered a substitute, it was rejected 38 to 61.

So we went through a long and arduous process of having 29 amendments. We finally came up with a product, and we went out for the Fourth of July recess. And after we were out, the President announced a different, totally different tax cut plan while Congress was out of town, when we did not have any chance to react to it, and now he is saying that he wants his plan. His plan doesn't really provide tax cuts that are meaningful and will have a positive effect on our economy.

I have to ask the question, Mr. President, what has happened to the Democrats in their philosophy? The whole idea that we can cut taxes and increase revenue is not a Republican idea, and yet it is totally rejected by this administration. I can remember when President Clinton was first elected. His chief financial adviser, Laura Tyson, was quoted as having said there is no relationship between the level of taxes that a country pays and its economic productivity.

I suggest that if that is true, if you carry that to its logical extreme, you could tax everybody 100 percent and they will work just as hard, but we know that does not happen. And up until this administration, the Democrats knew that that could not happen.

I have to credit a Democrat with the whole idea that you can increase revenue by cutting taxes, exactly what we are trying to do, looking at taxes in general. President Kennedy said in 1962, and this is a direct quote:

> It is a paradoxical truth that tax rates are too high today and tax revenues are too low, and the soundest way to raise the revenues in the long run is to cut rates now.

The soundest way to raise revenues is to cut rates now. That is exactly what we are trying to do. And we remember what happened during the Kennedy administration. The first year he was in office, the total revenues that came in to support government, that we used to spend on government, amounted to $79 billion. After he went through his series of tax reductions, it had grown to $112 billion. We remember what happened during the Reagan administration. And we always hear from the other side that the Reagan administration came up with tax cuts and the deficits went up.

Well, sure, the deficits went up—not because of the tax cuts but because the liberals who dominated the Congress at that time voted for more government spending. And so in 1980, the total revenues that came in to run Government amounted to $517 billion. In 1990, the total revenues that came in were $1.03 trillion. It exactly doubled during that 10-year period.

Now, what happened during that 10-year period? During that 10-year period, we had the largest tax reductions in contemporary history. It has been shown—in fact, if you look at marginal tax rates, the revenues developed in 1980 were $244 billion; in 1990, it was $466 billion. And that happened during the time the tax rates were cut. So we know that we can increase revenues by reducing taxes and also relieve the burden on the American people to allow them to have more money—and not the rich. We know better than that. We have been playing that game and demagoging it for so long now that I think the American people are aware we are not talking about the rich.

With just a couple minutes remaining, I want to be more specific as to one of the particular tax cuts I feel very strongly about. In fact, Mr. President, you had made a comment about some of the farms in Wyoming. I had the same experience over the break. I was down in Lawton, OK, and I had a guy come up to me saying they were selling their family farm to a corporate farm because they could not get the price for some of their acreage in order to pay the estate taxes, and that's happening all over the country. They say, what is happening to the family-owned farm? That is what is happening.

I remember in our history, when this country was first founded and the pilgrims came over here and risked their lives—half of them did die—they came over for economic and for religious freedom. When they got over here, they established a system where each one had a plot of land to do with as he wanted and to be able to pass that wealth on from generation to generation. And it was so great, the wealth that was accumulated as a result of that, that in one of his letters back home John Smith said, now 1 farmer can grow more corn than 10 could before—because of that freedom that they had to be able to pass it on. It is called productivity, motivation, knowing the Government is not going to come in and take the money away from you that you have worked so hard to pass on to future generations.

Mr. President, I have six grandchildren, four children. I quit working for me. The motivation is for the future generations. When the estate tax was first formed, it was formed as a temporary tax. The maximum rate was 10 percent, and it was supposed to be dropped down.

I conclude by reading something that I found, an excerpt from a 1996 Heritage Foundation study that said if the estate tax were repealed, over the next 9 years the Nation's economy would average as much as $1.1 billion per year in extra output and an average of 145,000 additional jobs would be created, personal income would rise by an average of $8 billion per year above current projections, and the deficit would actually decline due to the growth generated by its abolishment.

So I think we need to reject the failed notion that has been proposed and stated over and over again by members of this administration, including Laura Tyson and the President himself, that we need to raise taxes and not lower taxes. We could actually raise revenues by lowering tax rates, and that is exactly what we intend to do and should do for ourselves, for the American people and for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized to speak for up to 10 minutes.

Mrs. MURRAY. I thank the Chair.

FUNDING ENVIRONMENTAL CLEANUP

Mrs. MURRAY. Mr. President, as a country we have congratulated ourselves time and time again on our enormous victory in winning the cold war. But today I want to remind my colleagues that the cold war was won at a cost, a very steep cost, and one of the biggest debts owed remains unpaid: the environmental devastation created at places like Hanford Nuclear Reservation in south-central Washington State.

Later today, the Energy and Water Development Appropriations Subcommittee will mark up its fiscal year 1998 appropriations bill. We will have a lot of work to do to make up the shortfalls found in both the Senate Armed Services defense authorization bill and the House national defense authorization bill. Rather than funding the cleanup bills, the authorizing committees have taken nearly $1 billion—billion—from the defense environmental management accounts of the Department of Energy and moved them into procurement and other Department of Defense accounts.

Let me tell you the effect this move will have on one place in my State. Probably the single biggest environmental problem on any of our former defense nuclear weapons sites is the 177 storage tanks filled with chemical and high-level radioactive waste at Hanford. Each of these tanks contains from a half million to a million gallons of toxic waste. Some of that waste is rock solid, some of it is soupy sludge, some of it is liquid, and some is poisonous gas. Several tanks have "burped" their noxious gases.

We have only recently begun making real progress in learning what chemicals and radioactive waste were put into these tanks and what substances have now been created through indiscriminate mixing of wastes.

The most troubling aspect of these tanks is that they are leaking, moving these vile substances into ground water and toward the Columbia River.

Let me say it again. These tanks are leaking, and they are located next to one of this Nation's greatest rivers. They are upstream from Richland, Kennewick, Pasco, Portland, and many smaller communities in Washington and Oregon. And their toxic waste is slowly migrating toward the Columbia River, which many view as the lifeblood of the Pacific Northwest because it provides fish, irrigation, power generation, recreation, and much more.

In this year's budget, the Department of Energy requested $427 million in budget authority to continue a privatization initiative, called the tank waste remediation system, and another $500 million plus for other environmental management privatization efforts. My colleague in the Washington delegation, Representative ADAM SMITH, was successful in getting the House National Security Committee to place $70 million in the defense authorization bill for tank waste, nearly $350 million short of the budget request, but the House gave no other sites any funds. Our Senate Armed Services Committee bill provides $215 million for four privatization projects, including $109 million targeted to tank waste. This is simply not adequate.

Yesterday, I submitted an amendment to the Department of Defense authorization bill that would increase these privatization accounts by about $250 million. Most of that money goes toward solving the tank waste problem which almost everyone familiar with this issue agrees must be our top priority, but money is also added at Savannah River, Oak Ridge, Idaho Falls, and Fernald.

In addition, my amendment would facilitate the riskiest part of this privatization venture by helping to ensure DOE is able to meet its time lines for delivery of this toxic waste to a private company for vitrification or immobilization. I added $50 million for this initial stage of characterization and remediation of the tank waste. The offsets come from noncleanup programs and another privatization effort within the Departments of Energy and Defense.

Mr. President, I am talking about deadly risks to human health and the environment, and so far, this Congress is choosing to ignore them. Simply wishing that these enormously costly projects will go away will not make them disappear. It will only make them worse and more costly to clean up later.

The Department of Energy has proposed an innovative method of solving these problems by privatizing them and letting some of the best, most established companies in the world use their expertise to clean up these sites. In order for industry to succeed, this Congress must demonstrate its commitment to the privatization program by funding it. Going from a Presidential request of $1 billion to $70 million in the House and $215 million in the Senate will not give the capital markets or private industry the confidence they need to make this work.

We need more money for the tank waste remediation system and other cleanup priorities. Let me remind my colleagues that even if my amendment prevails, this authorization bill will still contain about $500 million less than was agreed upon by the President and Congress in the recent historic budget agreement. The President finds this funding shortfall so serious that he has issued veto threats on both defense authorization bills, citing this as one of his primary concerns.

I urge my colleagues to stand with me as we work to get our former defense nuclear weapons sites restored or at least stop them from causing further harm to our rivers, our air and our land. We cannot turn our backs on the nearby communities that have sacrificed so much for this Nation in the past. Let's make our victory of the cold war complete by leaving our children and our grandchildren a safe, healthy environment, not a contaminated wasteland that sites, like Hanford, will become without sufficient Federal cleanup dollars.

Thank you, Mr. President. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 7, 1997, the Federal debt stood at $5,355,915,100,573.58. (Five trillion, three hundred fifty-five billion, nine hundred fifteen million, one hundred thousand, five hundred seventy-three dollars and fifty-eight cents)

Five years ago, July 7, 1992, the Federal debt stood at $3,970,574,000,000. (Three trillion, nine hundred seventy billion, five hundred seventy-four million)

Ten years ago, July 7, 1987, the Federal debt stood at $2,326,212,000,000. (Two trillion, three hundred twenty-six billion, two hundred twelve million)

Fifteen years ago, July 7, 1982, the Federal debt stood at $1,071,078,000,000. (One trillion, seventy-one billion, seventy-eight million)

Twenty-five years ago, July 7, 1972, the Federal debt stood at $429,537,000,000. (Four hundred twenty-nine billion, five hundred thirty-seven million) which reflects a debt increase of nearly $5 trillion—$4,926,378,100,573.58 (Four trillion, nine hundred twenty-six billion, three hundred seventy-eight million, one hundred thousand, five hundred seventy-three dollars and fifty-eight cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The bill clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran/Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams amendment No. 422 (to Amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Lugar Modified amendment No. 658, to increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 645

Mr. GORTON. Mr. President, I call up amendment No. 645 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendment numbered 645.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 217, after line 15, insert the following new subtitle heading:

SUBTITLE A—HEALTH CARE SERVICES

Page 226, after line 2, insert the following new subtitle:

SUBTITLE B—UNIFORMED SERVICES TREATMENT FACILITIES

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Commencement of Health Care Services Under Agreement.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) Temporary Continuation of Existing Participation Agreements.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

(c) Arbitration.—Subsection (c) of such section is further amended by adding at end the following new paragraph:

"(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date of such agreement shall be not more than six months after the date on which the agreement is executed.".

(d) Contracting Out of Primary Care Services.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: "Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contracted physicians or groups of physicians.".

(e) Uniform Benefit.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104-201, 10 USC 1073 note) is amended—

(1) in subsection (1) by inserting before the period at the end the following: ", subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)", and

(2) in subsection (2), by inserting before the period at the end the following: ", or the effective date of agreements negotiated pursuant to section 722(c)(3)".

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) Continued Acquisition of Reduced-Cost Drugs.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 if title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).".

Mr. GORTON. Mr. President, I ask unanimous consent that Senators HUTCHISON of Texas, D'AMATO, and MURRAY be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, this amendment refines legislation enacted last year to transition the uniformed services treatment facilities [USTF's] into the DOD's new health care program called TRICARE.

I hope that the managers of the bill, Senator THURMOND, chairman of the committee, and Senator KEMPTHORNE, chairman of the operative subcommittee, will accept it.

Mr. President, I am proud to have been associated with the USTF's since the program's inception over 15 years ago. I was an original cosponsor of the amendment offered on this floor in 1981 by the late Senator Henry M. "Scoop" Jackson that transitioned these former public health service hospitals and clinics to facilities of the uniformed services to provide health care to dependents of active duty personnel as well as military retirees and their dependents. Most recently last summer on this floor, I sponsored the amendment that provided the future authority for the USTF's to continue providing care to military beneficiaries through the integration of their facilities into DOD's military health care delivery system.

The USTF's currently serve about 120,000 beneficiaries at facilities located in seven States: Maine, Maryland, Massachusetts, New York, Ohio, Texas, and Washington. The facilities provide high-quality care that has been judged by every major study done to date as cost-effective when compared to CHAMPUS and other DOD health care alternatives. The USTF's pioneered managed care principles such as enrollment and capitation that have become the hallmarks of the new TRICARE program.

The USTF's are very popular with the beneficiaries, many of whom would never consider receiving their health care from any other provider. Satisfaction surveys just completed by an independent firm conclude that the USTF's as a whole have a 91 percent satisfaction rate, 7 percentage points higher than the norm for civilian HMO's. The USTF in my State, Pacific Medical Center, enjoys the highest overall satisfaction rate of nearly 95 percent. I doubt that any DOD health care provider program can match the USTF's for satisfying the medical needs of military personnel and their families.

The introduction of TRICARE, however, has brought the USTF program to a crossroads. TRICARE has been operating in my State of Washington for over 2 years and started in Texas in November 1995. Its introduction has heightened interest within DOD to integrate the USTF's into TRICARE to ensure consistent application of the so-called uniform benefit. The amendment I offered last year which was enacted as part of the fiscal year 1997 National Defense Authorization Act set out the process for this integration of the USTF's into TRICARE to protect the beneficiary interests as well as to preserve the separate designated status of the USTF's. My amendment, which reflected the position passed by the House, called for an orderly process for negotiation of new agreements so Pacific Medical Center and the other USTF's could continue offering high-quality and cost-effective health care to military beneficiaries.

Despite my earlier amendment's good intentions, unforeseen problems have developed, largely because of institutional delays and the Defense Department's unconventional interpretation of some of the key provisions. Accordingly, I feel compelled to offer an amendment today that updates and perfects last year's language.

In a similar fashion to last year, my amendment today includes four straight-forward provisions already contained in the House-passed fiscal year 1998 Defense authorization bill. It is important to note that these four provisions are in every way substantively identical to subtitle C of title VII of the House-passed bill.

The first House-passed provision provides authority for a 6-month transition period in the implementation of the new USTF program to allow adequate time to educate the beneficiaries. The 6-month transition is entirely reasonable given that new TRICARE contracts provide at least 7 months for a proper transition. As we learned from the TRICARE transition in Washington, a compressed time period for transition will cause confusion and frustration for the beneficiaries.

The second House-passed provision provides authority to continue the existing USTF agreements during the transition period. The Seattle and Texas USTF's technically lose their statutory designation effective October 1 unless they have new agreements executed. But because of delays in commencing the negotiations with DOD, these two USTF's will not have new agreements implemented by October. An extension of the current agreement and all its provisions until the transition period is complete seems fair and appropriate.

The third House provision clarifies that the ceiling for capitation payments provided to the USTF's takes into account the health status of the enrolled beneficiaries who are under age 65. This reflects last year's clear intent that the actuarial benchmark for developing rates to reimburse the USTF's should be the health status of the actual USTF enrollees, not a national average of military health care patients.

The fourth and final House provision clarifies last year's provision so that USTF's still qualify to purchase pharmaceuticals under the preferred pricing levels applicable to military health care providers. All parties agree that last year's legislation was not intended to take away the right to continued acquisition of these reduced-cost drugs.

In addition to these four House-passed provisions, my amendment includes three other items to ensure that DOD negotiates fairly with the USTF's on the new agreements. These provisions would not be necessary if the Defense Department were earnestly negotiating in good faith with Pacific Medical Center and the Houston, TX, USTF. These two facilities are on the firing line because TRICARE is already in their regions and they are therefore required by law to have a new agreement executed by October 1, 1997. DOD, however, has chosen to negotiate first with three other USTF's that will not see TRICARE in their regions until mid-1998 at the earliest and consequently do not face the same immediacy faced by Seattle and Texas.

The first new provision tries to prod the negotiations with DOD with a requirement for binding arbitration for up to 90 days if DOD and the Washington and Texas USTF's do not reach an agreement with DOD by October 1, 1997. This arbitration amendment encourages both sides to work out their differences without giving extra leverage to either side. Without arbitration, DOD has no incentive to negotiate because it can literally run the clock out and present the Washington and Texas USTF's with a "take-or-leave-it" contract in late September just before the October 1 deadline arrives.

Binding arbitration is an eminently fair device to break an impasse and push the negotiations to completion by a date certain. The Seattle and Houston USTF's are fully prepared to accept the judgment of an independent arbiter. If DOD wants to avoid arbitration, the Department's Health Affairs Division should commence immediately good-faith negotiations with Seattle and Houston leading toward a fair agreement.

This was the result the last time Congress threatened to impose arbitration to push DOD and the USTF to an agreement. The conference report language accompanying the fiscal year 1991 National Defense Authorization Act stressed that Congress was prepared to require mandatory arbitration if the managed care model was not negotiated by DOD and the USTF's by a statutory deadline. This threat of arbitration was instrumental in pushing DOD back to the negotiating table.

The second new provision contained in my amendment clarifies how the USTF's can contract out their physician services. The clarification permits contracting out to primary care physicians provided the USTF's retain all risk and don't exceed their enrollment cap and their historical service area. The provision serves the beneficiary interest by allowing the USTF's to place primary care physicians where they are needed to enhance the convenience and accessibility of care. This change will also level the playing field with the TRICARE contractors that can contract out their primary care services.

The third and last new provision in my amendment is a conforming change that applies to the uniform benefit, with the accompanying higher enrollment fee and higher cost shares, when the new USTF agreements are fully implemented. This clarification is needed to ensure consistency with the 6-month transition of the arbitration period.

Finally, Mr. President, I implore DOD to respond favorably to the request of Pacific Medical Center and the other USTF's for open enrollment season so that military retirees can sign up this summer for the USTF program. Since DOD did not permit Pacific Medical Center to conduct an open season last year, if there is no open enrollment this summer the effect will be to deny military retirees a chance to enroll in this program for 2 consecutive years. The result is substantial pent-up demand and frustration by retirees who are simply looking for another choice in meeting their military health care needs. I urge DOD to adhere to the request in a recent Washington State congressional delegation letter to permit an open season, as clearly provided for in the USTF contracts.

Overall, Mr. President, this set of legislative refinements, as well as providing for an open season, should enable the USTF program to continue to serve the health care needs of its military beneficiaries. I appreciate the committee's understanding and hope it will soon be able to accept this amendment. Of course, I urge the full Senate to pass it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent we lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 669

(Purpose: To provide $500,000 for the bioassay testing of veterans exposed to ionizing radiation during military service)

Mr. WELLSTONE. Mr. President, I have two amendments I will discuss. The first is an amendment numbered 669.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 669.

Mr. WELLSTONE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $50,000 shall be available for testing described in subsection (b) at the Brookhaven National Laboratory in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

Mr. WELLSTONE. Mr. President, I will be relatively brief and take just several hours—just take a few minutes to speak about this. I wanted to see if everyone was awake today.

This is an amendment that would assist atomic veterans. Mr. President, I actually could talk for several hours about the atomic veterans. But I would just say that I think the most moving and most emotional times for me as a Senator has been time spent with atomic veterans in Minnesota. These are veterans who were asked to go to ground zero during the atomic testing in States like Nevada and were put in harm's way by our Government, and no one told them what they might be facing, and no one gave them protective gear.

For many of these atomic veterans it has been a nightmare. This all started in the 1950's, and for decades many of them have had a pattern of illness in their families. I could go on for hours talking about what has happened to them, including high incidences of cancer for the atomic veterans themselves, and all sorts of problems of cancer and deformities with children and grandchildren.

And to this day they still wait for adequate compensation. They wait for justice. I think it is one of the most shameful things that has happened in our country. These are veterans.

I actually want to focus on just one small piece of this amendment. I am hoping to be able to receive good support from both Democrats and Republicans, and I am hoping this amendment may indeed be accepted. I know Congressman LANE EVANS has worked on this in the House, and I believe this provision has been accepted in the House of Representatives.

This amendment would authorize $500,000 for the third and final phase of a Defense Special Weapons Agency program at Brookhaven National Laboratory to conduct—this will sound technical, Mr. President, but it is actually pretty important—to conduct internal dose reconstructions of veterans exposed to ionizing radiation while serving in the Armed Forces. DSWA is responsible for providing dose reconstructions for most atomic veterans filing claims with the VA. Out of the funding provided to DSWA—this, again, is the Defense Special Weapons Agency—for R&D under section 201(4), $500,000 would be available for bioassay testing at Brookhaven National Laboratory for the purpose of conducting internal dose reconstructions of atomic veterans to find out what has happened to them.

That is what this is all about. This program is crucial to atomic veterans because it provides the means, I say to my colleague from South Carolina, who has been so supportive of veterans, for more accurate reconstruction of radiation dosage. This is a vital step in ensuring that atomic veterans receive the compensation they deserve and in reassuring veterans who did not inhale or ingest radioactive particles in quantities sufficient to cause cancer. In other words, they need to know where they stand. This is a terribly important test. We do not want to eliminate the funding for this. Many veterans who have radiogenic diseases have been denied compensation often based on flawed dose reconstructions.

Mr. President, out of the hundreds of thousands of atomic veterans—I would like my colleagues to hear this, even if they are not on the floor now as they consider how to vote on this—out of the hundreds of thousands of atomic veterans, merely 15,000 have filed claims for service-connected compensation with the VA based on disability stemming from radiogenic diseases. Of these, only 1,438 have been approved, or less than 10 percent. Just imagine this, hundreds of thousands of atomic veterans, only 15,000 claims, and only a little over 1,000 have been approved. Of this low percentage, an indeterminate percentage may have had their claims granted for diseases unrelated to radiation exposure.

Mr. President, we have to make sure that we provide funding, a small amount of funding within the Department of Defense—that is where we have been doing this funding—to make sure that we continue this very critical test undertaken for atomic veterans.

The White House Advisory Committee on Human Radiation Experiments found "that the Government did not create or maintain adequate records regarding the exposure of all participants [in nuclear weapons tests and] the identity and test locales of all participants." This finding calls into question the current capability of the Government to come up with accurate dose reconstructions on which the approval of claims for VA compensation for many atomic veterans depend. Again, the advisory committee has said we do not have adequate data. We have not been able to keep the records. If we do not have this dose reconstruction done well, then a lot of the atomic veterans who deserve compensation for the terrible illnesses that have been inflicted upon them or their family members are not going to have the chance to get the compensation.

The DSWA program at Brookhaven uses a technology called fission tracking analysis. It analyzes the results of urine samples from atomic veterans to arrive at internal dose reconstructions. The program seeks to improve the technique first used to establish the Marshall Islanders' exposure to ionizing radiation from atmospheric nuclear testing, the same tests that we have been using with Marshall Islanders. During the third and final phase of the program, Brookhaven plans to conduct bioassays of atomic veterans and provide technical assistance to DSWA in internal dose reconstruction.

Here is what has happened, here is the reason for this amendment, colleagues. Unfortunately, a conflict has now taken place between DOD and VA, and it has developed on funding the final phase of the program. DSWA declines to continue funding the program because it contends that it is not in the business of medical testing, even though the agency has performed medical testing for Marshall Islanders. The VA simply claims it lacks the necessary funding. In the interests of the atomic veterans who served this country bravely and unquestionably, we need to end the bickering and ensure the program is carried out to fruition. The VFW, the National Association of Atomic Veterans, and the Disabled American Veterans agree and strongly back this amendment. It is a little bit outrageous that we have this bickering going on and at the same time you have these veterans for whom this test is the only way that they are ever going to be able to get any compensation.

Mr. President, in closing, I note that for many years the cover of the Atomic Veterans Newsletter, the official publication of the National Association of Atomic Veterans, contained the simple but eloquent statement: "The atomic veteran seeks no special favor, simply justice." Their fight for justice has been too long, it has been too hard, and it has been too frustrating. But these patriotic and deserving veterans have persevered and they retain their faith in America.

I urge all of my colleagues to join me in helping atomic veterans with their struggle for justice and supporting my amendment. It is a matter of simple justice. Mr. President, Congressman LANE EVANS, who has been such a strong advocate for atomic veterans, has done this on the House side. I think the Senate should join in this effort. I think it would be absolutely unconscionable if we eliminated this funding for this small but very, very important program where we can have adequate data as to what kind of radiation dosage these atomic veterans were, in fact, vulnerable to, affected by, and what this means for them now. That, Mr. President, is the meaning of this amendment.

I ask unanimous consent this amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 668

(Purpose: To require the Secretary of Defense to transfer $400,000,000 to the Secretary of Veterans' Affairs to provide funds for veterans' health care and other purposes)

Mr. WELLSTONE. Mr. President, I call up amendment number 668.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 668.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purpose of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

Mr. WELLSTONE. Mr. President, this amendment would not be subject to any point of order. It authorizes the Secretary of Defense to transfer some $400 million to the VA budget for the health care for veterans.

Mr. President, this amendment is an effort to ameliorate some damage that was done in the budget resolution that—I say to my colleagues, I do not think any Senator was really familiar with—made significant cuts in VA health care.

My amendment to the Department of Defense authorization bill would, again, authorize the Secretary of Defense to transfer $400 million from the DOD budget to restore cuts in VA discretionary health care spending. This amendment responds to the health care needs of veterans by restoring some badly needed funding for programs to the fiscal year 1997 level.

Mr. President, even with this restoration, chances are remote that the VA health care funding for fiscal year 1998 will exceed fiscal year 1997. We all know—I just want to make this clear to my colleagues—that we have an aging veteran population. We all know that as more veterans live to be over 65 and over 85, there is more of a strain on the health care budget. We want to be sure that the cut that took place in the budget resolution—which I don't think hardly any Senator was aware of, although all of the veterans organizations were aware, and there is a fair amount of indignation around the country on this question—we want to make sure that these cuts in veterans health care don't end up forcing veterans who were either disabled, ill, or poor to have to shift from VA health care to other health care. That would be a travesty for the veterans and their families, and it would also have negative consequences for VA health care in our country.

Mr. President, it has become clear that the cuts in the veterans' discretionary programs that were agreed to as part of the budget resolution are going to have some severe, if not devastating, consequences on the quality and availability of VA health care for disabled and needy veterans. The fiscal year 1998 cuts will limit VA's ability to serve all patients entitled to VA health care. If veterans health care benefits are delayed because of reduced staffing—you have to make your cuts somewhere—or a longer waiting period, then we are going to be shortchanging men and women who have risked their lives for our country.

Let me give you some sense of the impact of the $400 million reduction in VA discretionary spending in fiscal year 1998. Mr. President, to give you some idea about it, a $400 million reduction in VA discretionary spending in fiscal year 1998 is roughly equivalent to the cost of operating one of the smaller of the VA's 22 integrated service networks.

I held a forum, I say to my colleagues, in May. It was unbelievable. We had a huge turnout of veterans representing, I think, all of the veterans organizations that I can think of—Vietnam Veterans of America, Disabled Americans, Paralyzed Veterans, Military for the Purple Heart, American Legion, Veterans of Foreign Wars, atomic veterans, you name it.

The Minnesota veterans were unanimous in denouncing the cuts in some really essential VA health care resources. Like my colleagues, I supported the sense-of-the-Senate amendment that was introduced by Senators DASCHLE, DOMENICI and ROCKEFELLER on May 21, which called for full funding of the VA discretionary programs, including medical care for fiscal year 1998. I supported it for two reasons. First, I don't think many of us were aware that in the budget resolution there were going to be cuts in our investment in resources for VA health care. Second, I think it is simply the wrong thing to do. I think there is a sacred contract with our veterans, and if we are going to be making cuts and do deficit reduction, we ought not to be doing it on their backs.

So, Mr. President, I am convinced that this amendment is appropriate. I am convinced that it is really quite appropriate to pass an amendment that gives the Secretary of Defense the authorization to authorize this transfer of funding because, after all, these veterans were fighting for the defense of the Nation. That is what it was all about. I think it is critically important that we live up to this commitment.

Mr. President, let me just finish up again and say to colleagues that I am just introducing these amendments because, as I understand this process, we are going to have a cloture vote this afternoon and we may not have votes for about a day and there will be more time to discuss these amendments. At least, that is my understanding. I do want colleagues to be familiar with each of them.

I think that the atomic veterans, unfortunately, have been out of sight and out of mind for all too many people in the country. This is a critically important amendment to those veterans so that they can know what happened to them. That is the very least we can do for those veterans, their children and grandchildren.

On the second amendment, I am absolutely convinced that very few Senators were aware of the fact that the budget resolution made these cuts. It was all done in good conscience. Some of my closest friends worked on the budget resolution and supported it. My amendment simply says that we should take $400 million and heal these cuts. My amendment authorizes the Secretary of Defense to do that. I know Dr. Ken Kaiser came out to Minnesota and met with veterans, and he wasn't aware of these cuts. I have not met one person in charge of delivering health care for veterans who believes that this can be done in such a way that it will not seriously damage the quality of health care. I am not just giving some kind of trump speech on the floor of the Senate. This is very important. We ought to, at the very least, be able to transfer this small amount of money and restore this funding for our VA health care.

With that, Mr. President, I yield the floor. I see my colleague from Georgia.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 712

(Purpose: To express the sense of Congress reaffirming the commitment of the United States to provide quality health care for military retirees)

Mr. CLELAND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 712.

Mr. CLELAND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VII, add the following:

SEC. 708. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States has incurred a moral obligation to provide health care to retirees from service in the Armed Forces;

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with health care for such retirees within two years after the date of the enactment of this Act.

Mr. CLELAND. Mr. President, one of the reasons I sought membership on the Senate Armed Services Committee is my commitment to supporting our men and women in the Armed Forces. I am particularly pleased to be the ranking Democratic member of the Personnel Subcommittee.

My focus on that committee has been and will be to improve the overall quality of life of our military personnel. Where possible, the level of the compensation they receive, improve military health care, and expand access to educational benefits.

One of the areas that I am most concerned about is the availability and adequacy of military health care. In particular, I believe this Nation has incurred a fundamental responsibility to provide for the health care of military retirees. We must adhere to this commitment.

I am especially concerned about what happens to retirees when they reach the age of 65. They are ineligible to participate in TRICARE. In addition, as the military begins to close and downsize its military treatment facilities, retirees over 65 are unable to seek and obtain treatment on a space available basis. Medicare does not currently reimburse the Department of Defense for health care services. The retirees over 65 are, in effect, being shut out of the medical facilities promised to them.

I am reminded of the quote from one of Wellington's troops: "In time of war and not before, God and soldier men a adore. But in time of peace with all things righted, God is forgotten and the soldier slighted."

I know we live in an environment in which resources are constrained. We are going to have to make some tough choices between people, modernization, and procurement while maintaining readiness. We are going to have to strike a balance between these competing priorities. But we must not allow budget constraints to force us to slight our soldiers. This is morally wrong. We have a sacred responsibility to take care of those who took care of us. We have incurred a moral obligation to attempt to provide health care to military retirees who believed they were promised lifetime health care in exchange for a lifetime of military service.

One alternative is Medicare subvention. It would appear that subvention would be fiscally beneficial to Medicare and would improve the ability of the Department to provide health care to military retirees over 65. However, I have several questions regarding possible shortcomings of subvention:

First, does subvention meet the needs of military retirees over 65 who do not live near military treatment facilities?

Second, as the Department continues to reduce its health care infrastructure, will maintaining access to all beneficiaries increase in difficulty?

I understand the Department has expressed concern that, under certain circumstances, Medicare subvention could result in diminished access to military treatment facilities for other DOD health care beneficiaries. That raises my third question. Will subvention increase access to some beneficiaries at the expense of others? If so, is this what we really want?

Another option that has been discussed is the idea of allowing retirees over 65 the option of enrolling in the Federal Employees Health Benefit Program [FEHBP].

The Congressional Budget Office has estimated that the cost of enrolling Medicare-eligible military retirees in the FEHBP is between $3.7 and $4.2 billion. The primary advantage to FEHBP enrollment is the ability of beneficiaries to seek and obtain healthcare anywhere in the Nation that insurers in the FEHBP provide service. I am concerned about additional cost this program would incur especially if offered in addition to the benefits currently available to retirees over 65. My question: Is there a better way to provide similar levels of service while not adding significantly high levels of cost to the Department of Defense?

A third option would be to allow military retirees over 65 to enroll in TRICARE. This would require additional resources to be made available to military treatment facilities to ensure that all TRICARE beneficiaries were guaranteed access. The Armed Services Committee was presented with an estimated $274 million shortfall in the budget request to fund the Military Health Service System. Frankly, without corresponding changes in the TRICARE system, continued enrollment in TRICARE will only exacerbate the current difficulties TRICARE faces in meeting all the needs of Military Health Service System beneficiaries. Under this option, we might also face the prospect of providing new access to some at the expense of those presently in the system.

Mr. President, I know there are significant difficulties involved with choosing the optimal approach to addressing military health care concerns. We have to deal with this problem. It is one of the highest priorities listed by the men and women in the armed forces. It is also the highest priority of those who represent the retired military population in this nation.

I believe that a comprehensive approach to reforming the DOD health care system is required. In addition to ensuring access to health care coverage, it is also necessary to ensure that health care is available to beneficiaries wherever they serve or retire.

In 1995, the Congressional Budget Office prepared a report entitled "Restructuring Military Medical Care." The report estimated that the total cost to the Department of Defense of providing the Federal Employees Health Benefit Program for all non-active duty beneficiaries ranged between $5.9 billion and $10.7 billion annually depending upon the percentage the Government pays for the average premium. The report also estimated the total cost of maintaining a wartime combat medicine capability for active duty personnel at $6.5 billion. Some have asked if it would be feasible to replace the bulk of the Department of Defense Health service system with FEHBP while maintaining a combat medicine capability given that the Department of Defense spends approximately $16 billion per year for health care.

I sponsored language in the Senate Armed Services Committee report that directed the Department of Defense to conduct a study of this issue. I believe this is an important step toward gathering the necessary information we need to make an intelligent decision which honors our commitment to the personnel in the military. We need to know what impact this would have on the entire medical infrastructure in the military. I hope we can begin to find the answers that will allow us to resolve this matter. Our men and women in uniform and those who have served deserve nothing less.

I look forward to working with my colleagues here in the Senate, especially my good friend Senator KEMPTHORNE, who is the chairman of the Personnel Subcommittee, on this most important matter.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are on the defense authorization bill. I have been privileged to listen to a number of presentations. They deal with, in many instances, very significant and very important issues for the future of this country.

Mr. President, I rise today to talk about two issues. One is an amendment that I intend to offer later in the consideration of this bill. The second is to support an amendment that is to be offered by Senator LUGAR and, I believe, cosponsored by Senator BINGAMAN and a group of others, dealing with the Cooperative Threat Reduction Program and the funding for it.

Before I discuss those two, let me indicate, however, that it is curious to see a cloture motion filed on a bill like the defense authorization bill this early in the process. A cloture motion suggests somehow that we should have a vote cutting off debate when debate has hardly begun on this defense authorization bill. This is a very significant piece of legislation. There needs to be time for significant debate on issues that are very substantial.

I hope this is not going to be habit forming—filing cloture motions virtually at the same pace when a piece of legislation like this comes to the floor of the Senate. A desire to shut off debate ought not be initiated before there is some demonstration that debate is going to go on forever. If a bill is moving at a reasonable pace, there is no reason, in my judgment, for anyone to be offering cloture motions or shut off debate. I just say that is a curious thing to have happen on this bill right at the start of the legislation. I hope that won't be a habit.

Now to the issue of the Cooperative Threat Reduction Program, Mr. President, folks in my hometown, in most cases, won't know much about this program because the American people have not been given much information about the Cooperative Threat Reduction Program. It is kind of a foreign title to a program that in most cases benefits the lives of every American citizen.

I want to describe what it is and why it is important and why I support the amendment that was offered, I believe, by Senator LUGAR, along with many other distinguished colleagues, and is now pending before the Senate.

The Cooperative Threat Reduction Program is a program by which we engage with our resources under an arms control agreement to help a former adversary, the former Soviet Union, now Russia, and its surrounding States to reduce the number of nuclear weapons and warheads that were previously in place aimed at the United States of America. Doing so reduces the threat against our country. I think it makes eminent good sense to see a missile destroyed in its silo rather than having a missile fired and have to deal with a missile that is flying toward a target of the United States.

Obviously, things have changed dramatically with the Soviet Union now being gone, and we now have Russia and other independent States. We are dealing with a new world, and we have a cold war that is largely ended. We have a circumstance in which we want to work with what had been a former adversary to reduce the amount of nuclear weapons that that adversary now possesses in concert with the arms control agreements that we have already had with them and that we have negotiated and signed with that former adversary.

Mr. President, let me ask unanimous consent to have an object on the floor that I might use to demonstrate to my colleagues that this, in fact, works.

Mr. President, I want to show my colleagues a picture. This is a picture of some workers in Russia with power saws sawing the wings off Russian bombers. These folks are bent over a wing of a bomber sawing the wings off Russian bombers. Why are they sawing the wings off Russian bombers and sending these bombers, now unable to fly, to the boneyard? Because of arms control agreements. They are required under arms control agreements to reduce the number of bombers they possess in their arsenal.

A smaller picture shows former Secretary of Defense Perry inspecting an SS–24 silo. This is a missile silo in the Ukraine. This silo had 550-kiloton warheads on top of a missile—nuclear warheads capable of being delivered over 6,200 miles. This silo is now empty of warheads. There are no nuclear warheads in that silo. And our former Secretary of Defense Perry is inspecting a silo that is now cleared of its missile and its nuclear warheads.

Finally, this picture. This is a picture of silo No. 110 near Pervomaisk in the Ukraine which held an SS–19 missile. As you can see, it is now only a hole. And, in fact, if you saw a later picture you would see sunflowers planted where missiles were previously planted poised and aimed at the United States of America. This is a hole. The hole is now covered up. There is no missile, no warhead. And, in fact, sunflowers are now planted there.

Mr. President, this piece of metal comes from that missile and the missile silo. This piece of metal was removed from this missile silo in the Ukraine. This little piece of metal is a demonstration of the success of the Cooperative Threat Reduction Program. This was part of an armament in the ground on an intercontinental ballistic missile with nuclear warheads aimed at the United States of America. Now it is here in this Chamber. And where this silo and missile with a warhead used to sit there is now planted sunflowers.

Why? Why at silo 110 near Pervomaisk in the Ukraine is there now a planting of sunflowers rather than a nuclear missile or an intercontinental ballistic missile with a nuclear warhead aimed at the United States? Because this program works. This program makes sense. This program reduces the number of missiles, the number of bombers, and the number of nuclear warheads in an arms control agreement. It reduces the number of those weapons that previously had been poised to strike at the United States of America.

Let me describe the facts about how this program has worked. We have seen the elimination of 212 submarine launchers, 378 intercontinental ballistic missile silos, 25 heavy bombers, more than 500 ICBM's.

Fiscal year 1997: 131 additional ICBM silos—70 of them in Russia, 61 of them Kazakhstan—and 43 heavy bombers gone under this program; and 80 submarine launchers, all in Russia, gone; 84 missiles—48 in Ukraine, 36 in Russia—gone under this program. In effect, we helped a former adversary destroy weapons that had previously been poised and aimed at us.

I can't think of anything that makes more sense than to destroy a missile by dismantling its silo, the missile and the warhead, and it is gone.

That is exactly what the Cooperative Threat Reduction Program has done. Senators LUGAR and Nunn were the authors of this program. Many others in the Chamber have worked hard on this program.

There is an amendment pending that will restore the money for this program which is necessary to continue the progress to reduce the number of nuclear arms in Russia and the independent states under this program. It is a bargain by any stretch. It makes eminent good sense for this country to do it.

I am proud to say that I support the amendment. I commend Senator LUGAR, Senator BINGAMAN, and so many others for offering the amendment today.

Mr. President, let me turn then to one other item. We will in the context of debating this piece of legislation also discuss whether we wish to authorize two additional rounds of military base closings or whether we want, to say it another way, create a base realignment and closing commission that would recommend, in two rounds, closing certain military installations in our country.

I am not here to support having more capability in military bases than we need. That would be wasteful. I understand that. On the other hand, we have had three full rounds of base closings and one abbreviated round. In the three rounds of closing military installations, we have ordered the closure of over 100 military installations in this country. My understanding is that only 50 of them have been finally and completely closed. We have no accounting at all—none—of what the costs and the benefits have been from the closings that have occurred so far.

I think it is far better for us to decide that we should finish the job on the previous rounds of base closings before we authorize two additional rounds.

I have another motive, obviously. I am concerned about what the rounds of base closings that are authorized do to communities in our country. We have had a couple of Air Force bases put on the list and taken off the list, put on the list and taken off the list. What happens in communities when you have a base closing round is that the minute your community or your facility is remotely involved in that round of base closings, economic growth is stunted and new investment is stopped.

There isn't anyone who will come to Cheyenne, WY, or to Grand Forks, ND, or Minot, ND, or Rapid City, SD, or you name it, where they have military installations, and say, "Oh, by the way, there are going to be new rounds of base closings here."

So what we want to do is make a new investment in the community of apartment buildings or commercial property, or a plant here or a plant there. That is not the way it works. What they say is, "Gee, we do not know what the future is going to bring." You might have 30 percent unemployment in that region 2 years from now because they might close that military installation, and if they do, the last thing I want to have done is to have made an investment in that community and find that investment going belly up. It terribly stunts economic growth in these communities while you have these base closing rounds.

In fact, at the Defense Appropriations Subcommittee hearing, the subcommittee of which I am a member, General Fogleman, who indicated in response to a question of mine that he would not likely be here when we have additional base closing rounds and said he would not recommend that we have two additional rounds. If we have additional rounds, and he indicated that he felt there would be some overcapacity, we should have only one, he said. That would be his recommendation. But I believe very strongly that we should not authorize two additional base closing rounds in this defense authorization bill for a number of reasons.

The Congressional Budget Office stated the following. The Congressional Budget Office said:

> The Congress could consider authorizing an additional round of base closures if DOD believes there are surplus military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of measures that have been taken thus far. Such a pause would allow DOD to collect the data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and savings achieved.

The Congressional Budget Office thinks it would be unwise to initiate additional base closing rounds without having the information available about what have been the costs and the benefits of the previous three rounds. I think we would be wise to heed the admonition of the Congressional Budget Office on this issue.

A good many Senators have expressed an interest in this amendment on both sides of the aisle—Senator DASCHLE, Senator CONRAD, Senator LOTT, Senator DOMENICI, Senator FEINSTEIN, Senator DODD, and others. I know we will likely have a significant and robust debate when this occurs.

I simply wanted to alert my colleagues that some of us feel very strongly that we should not initiate additional base closing rounds in this defense authorization bill until we receive the information that we think we should have about costs and benefits on previous rounds.

Let me close with a word about the subject that I originally discussed; that is, the Cooperative Threat Reduction Program.

There are those who are critical of the political process, and I suppose in many cases justifiably, because there are a lot of things that are done in the democratic process that are not efficient, some not effective. It is not a very efficient form of government—the best form of government but not the most efficient form of government. But I say to all of those who question the effectiveness or the efficiency of Government that the program called the Cooperative Threat Reduction Program in which we help finance the destruction of weapons—bombers, missiles, and nuclear warheads—that previously were aimed at the United States of America is a program that is a bargain by any standard of measure. That makes this world safer; it makes it a better world; and to the extent that we can continue this program and fund it the way it should be funded, I want to be a part of that. I hope very much we can get a vote on the amendment that is now pending, and when we do I hope very much the amendment will prevail.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I would ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 670

(Purpose: To require the Secretary of Defense to transfer $5,000,000 to the Secretary of Agriculture to provide funds for outreach and startup for the school breakfast program)

Mr. WELLSTONE. Mr. President, I call up amendment 670.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 670.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR OUTREACH AND STARTUP FOR THE SCHOOL BREAKFAST PROGRAM.

(a) TRANSFER REQUIRED.—In each of fiscal years 1998, 1999, 2000, 2001, and 2002, the Secretary of Defense shall transfer to the Secretary of Agriculture—

(1) $5,000,000 of the funds appropriated for the Department of Defense for that fiscal year; and

(2) any additional amount that the Secretary of Agriculture determines necessary to pay any increase in the cost of the meals provided to children under the school breakfast program as a result of the amendment made by subsection (b).

(b) USE OF TRANSFERRED FUNDS.—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

"(f) STARTUP AND EXPANSION COSTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

"(i) attended by children, a significant percentage of whom are members of low-income families;

"(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

"(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

"(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

"(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(2) USE OF FUNDS.—Out of any amounts made available under section (a)(1) of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Agriculture shall make payments on a competitive basis and in the following order of priority (subject to the other provisions of this subsection), to—

"(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program; and

"(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(3) PAYMENTS ADDITIONAL.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(4) STATE PLAN.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary of Agriculture a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

"(5) SCHOOL BREAKFAST PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

"(A) have in effect a State law that requires the expansion of the programs during the year;

"(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

"(C) do not have a school breakfast program available to a large number of low-income children in the State; or

"(D) serve an unmet need among low-income children, as determined by the Secretary.

"(6) SUMMER FOOD SERVICE PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

"(8) ANNUAL APPLICATION.—The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(9) GREATEST NEED.—Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

"(10) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.".

Mr. WELLSTONE. Mr. President, before I go any further, I ask unanimous consent that Justin Page, who is an intern, be allowed to be in the Chamber during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I rise today to introduce some amendments so that my colleagues have some knowledge of them. We will get back to them when there is more time to debate these amendments.

The School Breakfast Program was established back in 1966 as a pilot program. It was primarily located in rural districts. The idea was that children who lived in rural areas with long bus rides might not be able to have time to eat breakfast at home. Since then, the School Breakfast Program has really become a wonderful program upon which parents and students heavily rely. In many families, a single parent is working or both parents are working, and school breakfasts are recognized as one of the most beneficial nutrition programs we have.

Let me make it clear that a hungry child cannot learn and will likely grow up to be an adult who cannot earn. We are talking about a very wise investment. One more time. Sometimes we debate in this Chamber and we make issues out to be so complex. This is simple. A hungry child cannot learn and later on that child is quite likely to end up being an adult who cannot earn.

To give some context, we still have some 27,000 schools that are not able to make breakfast available or that do not make breakfast available to eligible students, and 8 million low-income children who need breakfast but do not participate. What my amendment does is correct an action that we as Congress took which was egregious. In the welfare bill that we passed, we eliminated a $5 million fund which was an outreach and start-up grant for school breakfast programs. It was created in 1990, and it was made permanent in 1994. These outreach grants are one-time grants that help States develop school breakfast programs.

Let me be crystal clear as to what is going on here. Every low-income student who is eligible for a free lunch is eligible for breakfast as well but only 40 percent of those students are able to get the assistance they need for a healthy and nutritious breakfast. The $5 million grant program was eliminated because it was an effective catalyst toward school districts expanding both their School Breakfast Programs. The welfare bill eliminated it because it was a success.

Now, why in the world do we want to eliminate a small grant program which was such an important tool in providing a nutritious breakfast for low-income children in America? What this amendment does is to point out that in the budget plan we have $2.6 billion for the Pentagon above and beyond what the President requested. Can we not authorize the Secretary of Defense to take $5 million out of $2.6 billion more than the President even requested and put that into a grant program for States and local school districts so they can start up school breakfast programs?

I submit that part of our definition of national security has to be the security of local communities—where every child is able to reach her and his full potential—because when our children do well, we do well. It is unconscionable that we eliminated an effective, crucial $5 million grant program when so many low-income children who need a nutritious and healthy breakfast are not able to have it.

So this is an amendment which gives the Secretary of Defense the authority to transfer to the Secretary of Agriculture $5 million from the $2.6 billion above and beyond what the President requested for the Pentagon. Is that too much to ask, $5 million to help State and local school districts expand the School Breakfast Program so more of the vulnerable children in this country can at least have a nutritious breakfast? That is what this amendment speaks to. This is amendment 670.

Mr. President, I now would ask unanimous consent that this amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 666

(Purpose: To increase funding for Federal Pell Grants)

Mr. WELLSTONE. I call up amendment 666.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 666.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of subtitle D of title X, add the following:
>
> **SEC. . TRANSFER OF FUNDS FOR FEDERAL PELL GRANTS.**
>
> (a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Education $2,600,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.
>
> (b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Education pursuant to subsection (a) shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) for fiscal year 1998.

Mr. WELLSTONE. Mr. President, we have a budget plan that provides an excess $2.6 billion to the Pentagon above and beyond what the President requested. This amendment would authorize the Secretary of Defense to invest that $2.6 billion in Pell grants instead of $2.6 billion into the Pentagon budget.

If this amendment passes, we would see the maximum Pell grant go up to $3,800, and Pell grants stretch to reach 4,278,000 students.

This would make a huge difference. There was an excellent piece by Larry Gladieux in Monday's New York Times. Gladieux made the argument that what is now being proposed—and by the way, I am trying to provide a rigorous, if you will, critique of both Republicans' and Democrats' plans on this—both the President's plan and what is being done here in the Congress through tax deductions and tax credits does not reach those families for whom higher education really has not been attainable. He pointed out, for example, that if a tax credit program is not refundable, many families with incomes under $28,000 and many community college students are not going to benefit at all.

Talk to your financial aid offices. Talk to your students. Talk to people in your States. I know this is the case in New Mexico as well. I know that Senator BINGAMAN has been a huge advocate of the Pell Grant Program. You talk to many in these community college programs, many of whom are older and going back to school, and they will tell you that the Pell Grant Program is the most effective, efficient way of meeting their needs.

Mr. President, I do not remember exactly the statistics, but there has been something like a flat 8 percent graduation rate for women and men coming from families with incomes under $20,000 a year since the late 1970's. That is a disgrace. We know higher education is key to economic success. All of us wish that higher education will be there for our children and our grandchildren, but still we have a lot of families for whom it is not affordable. The best way to make sure they have the assistance they need, the best way to make sure the Pell Grant Program can help working families, moderate-income families, even reach into the middle-income range, is to expand the Pell Grant Program. I suggest that when we have all sorts of reports that there are tens of billions of dollars the Pentagon cannot even account for in its expenditures—Senator GRASSLEY from Iowa has done an excellent job in continuing to focus on this issue—and when you have a situation where the Pentagon in the budget resolution receives more money than the President even requested, it would seem to me we could take that $2.6 billion in excess of what is needed or has been requested and instead put it into a very successful higher education program which is all about our national defense.

We do not do well as a nation unless we have a skilled work force. As we look to the next millennium, when so many of the industries are going to be womenmade and manmade—and many of them, Mr. President, since you are a strong advocate of small business, are small businesses—let us make sure that higher education is affordable. Let us do something that will make a huge difference. And one of the things we do is take a small amount of money—it is a small amount of money in the context of the Pentagon budget—and put it into expanding the Pell Grant Program.

There is not one of my colleagues, Democrat or Republican, who is going to hear from the higher education community, the students or their families that more of an investment in the Pell Grant Program is not extremely important to them. It is very important to the families we represent. It is very important to the future of our States. It is very important to the future of our country. I look forward to a full debate about our priorities as we go forward with this defense authorization bill and get back to debate on each of these amendments.

With that, Mr. President, I thank my colleagues for their graciousness in letting me introduce these amendments today and I will yield the floor.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment offered by Senator WELLSTONE to reduce defense spending. The budget agreement represents what is available for defense spending, not what is required. This amendment reduces defense funding below the amount that was agreed to by both the congressional and administrative budget negotiators.

Mr. President, we have been down this road before, but it seems that some of my colleagues have forgotten where it leads. Those who oppose a strong defense often attempt to justify their position by reminding us that the cold war is over. They conclude that defense spending should be lower because we do not face an obvious danger from a threat like the Soviet Union. They make a simple argument. This argument is appealing because it provides an easy solution to our funding problems—but the argument is wrong and dangerous.

While our Nation no longer faces a cold war danger, the world is still a dangerous place. The belief that continual reductions to defense are in order is not only ignoring reality, it also overlooks requirements for both present and future force readiness. We ask our men and women in uniform to respond to crises all over the world every day. Right now, we have United States troops on duty in Bosnia, in the skies over Iraq, and on ships at sea near any actual or potential trouble spot in the world.

The Chief of Staff of the Army, General Reimer, testified that,

> Requirements have risen 300 percent. . . . Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. It is common to find soldiers that have been away from home . . . for 140, 160 or 190 days of this past year.

The Secretary of the Air Force, Dr. Widnall, testified that,

> Since Desert Storm, we have averaged three to four times the level of overseas deployment as we did during the Cold War.

The problem remains that we will not require less of our servicemen and women. At the same time, some of my colleagues seek to continue to reduce defense spending. This is not right. Deployments to trouble spots have not slowed down. We have not stopped sending our young service people all over the world.

Arguments are made that the Pentagon could find all the money it needs by eliminating wasteful spending. Mr. President, this is probably true of many programs, not just defense. No one supports wasteful spending. But concerning the Defense Department, Secretary Cohen is taking action. He has just finished and delivered the Department's report on the Quadrennial Defense Review [QDR], a review of the national military strategy, force structure, and assets necessary to carry out it out. He has recently established another panel to push the Defense Department toward more business-like operations. The Armed Services Committee has already held one hearing concerning the QDR. More hearings will be held.

Mr. President we must remember that the QDR is an attempt to define our military requirements for our future military security, but we must deter wars with ships, planes, and tanks today. There is a price for freedom. This is the price for world leadership. As Secretary Cohen stated:

> Having highly ready forces that can go anywhere at any time really spells the difference between victory and defeat and it also spells the difference between being a superpower and not being one.

Mr. President, I strongly urge all of my colleagues to oppose this amendment that would intend to cut defense spending. It is absolutely necessary that we maintain defense for the security of this Nation. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, just a very brief response. I appreciate the comments of my colleague from South Carolina. I always appreciate what he has to say.

I do want to point out that one of my amendments—and I am hoping we can have some agreement on it—just says we should really follow the action of the House and do not eliminate a program within DOD which is a critical testing program for atomic veterans to find out what happened to them.

The second amendment I have has a lot to do with defense. It has to do with veterans who found out after the fact that in the budget resolution we essentially put into effect cuts in veterans' health care. I just have to say to all my colleagues, these veterans are very much about our national defense. I don't think it is too much out of a $2.6 billion excess of what the President and Pentagon even asked for to say, look, let's take $400 million and put that into the VA health care budget. These veterans are all about our national defense. I think this is going to be a critically important vote, and I look forward to the debate on it.

The third amendment I offered was an amendment which dealt with the School Breakfast Program. I again have to say, it would seem to me when we are talking about $2.6 billion more than what the President asked for, it is not so much to take $5 million which is so critical to enabling States to start up school breakfast programs and put it towards making sure that children have a nutritious breakfast before they go to school. This is all about priorities. It is not a question, I say to other Senators, of not wanting a strong defense. This is a small amount of money we are saying the Secretary might be authorized to transfer, a small amount of money with a very big bang.

I just finished talking about how my Pell grant amendment, too, impacts our national defense.

So, again, these amendments all focus on the $2.6 billion above and beyond what the President requested for the Pentagon. These amendments say we ought to at least give the Secretary the authority to transfer some of the small amount of funding to make sure veterans get the health care that they need or to make sure that we re-establish startup grants for the School Breakfast Program, to make sure we keep the program that we have had for the atomic veterans, and, finally, I have raised questions about an investment in education, but it is all done within the framework of an excess $2.6 billion. This is a debate about priorities, it is not a debate about who is for a strong defense.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, since there is no other Senator wishing to speak right now, let me say a word about the procedure that we seem to be agreed upon of having a cloture vote this afternoon at 3 o'clock. I know the majority leader has requested unanimous consent to do that and has been granted unanimous consent to do that. I certainly did not object. But I have to say, Mr. President, that the procedures in the Senate, as is said in Alice in Wonderland, get curiouser and curiouser. Having a cloture vote at this stage in our deliberations on this Defense authorization bill seems to me the most curious of any procedure I can recall.

We are, as I understand it, being advised by the leadership, the majority leadership, Senator LOTT, that we do not want any votes on this bill until at least 6 o'clock tomorrow evening when the absent Members who are in Madrid with the President attending the meeting on NATO return. I understand that is a very important meeting, and I certainly commend them for being there to attend that. I do not object to postponing votes on this important defense authorization bill until they return.

But for us to be, on one hand, being told that we should not vote because Members are absent and, on the other hand, being told that we should invoke cloture because someone is delaying the Senate in concluding action on this bill, the only people delaying the Senate in concluding action are the absent Senators or the leadership in trying to protect them from votes. So I have great difficulty understanding why we are having this cloture vote today.

Obviously, if that is the majority leader's will or desire, he has that right under Senate rules. But for people who try to understand the proceedings around the Senate, I think they need to understand that invoking cloture does cut off debate. That is the purpose of it. It limits the number of amendments each Senator can offer. It limits the length of time each Senator can speak. It prevents us from seriously considering legitimate proposals that may be made to improve or alter this bill.

So I think it would be a big mistake for us to invoke cloture. As I said in my early comment, I think it is really very confusing to this Senator to understand why we are having the vote at all. I hope that the majority leader will reconsider and vitiate the yeas and nays and put off any votes on cloture until such time as there is some evidence at least that some Senator is trying to delay action on the bill. I see no evidence of that at the present time. I think all of the Senators who have come to the floor this morning to offer amendments have had those amendments set aside because of their agreement with the majority leader's position that we should postpone votes until tomorrow evening after our colleagues return from Madrid.

Mr. President, I wanted to make that statement because I have great difficulty understanding myself the procedure that is being followed.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, the cloture vote scheduled for today will occur at 3 p.m. It is my hope that cloture will be invoked so that the Senate can complete action on this very important Department of Defense authorization bill this week.

It is my understanding that perhaps as many as 150 first-degree amendments have been filed to the bill. Needless to say, there remains a tremendous amount of work to be done in order to complete action this week.

SENATOR ENZI RECEIVES GOLDEN GAVEL AWARD

Mr. LOTT. Mr. President, today, the Senate pauses to recognize a colleague who has now presided over the Senate for 100 hours during this session of Congress. It has been a longstanding tradition in the U.S. Senate to honor those Senators who preside 100 hours in a single session. To those individuals who achieve this height, we bestow the Golden Gavel Award.

While many Senators have won this prestigious honor, few have done so as swiftly as Senator MIKE ENZI of Wyoming. Indeed, Senator ENZI has surpassed all other records that have been set by Republican Senators in the history of the Golden Gavel Award. Today he completes his 100th presiding hour. The Senate has been in session this year for approximately 615 hours, and the freshman Senator from Wyoming, as Presiding Officer, has filled 100 of those hours with matchless enthusiasm and dedication.

So, on behalf of my colleagues, I extend my congratulations to the first Golden Gavel recipient of the 105th Congress, Senator MIKE ENZI, who is presiding at this time.

Congratulations, Senator ENZI. Thank you for all the time that you have spent in the chair. The week before the Fourth of July recess period I had noted what an excellent job you had been doing as a Presiding Officer, having been in the chair late, I think it was, on Thursday night and back in the chair through a long, extended period of time on Friday morning.

We appreciate your good work. Now that you have reached this milestone, we hope you will continue on. You are doing such a good job we will just keep this pattern going in the future.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, Senators should be on notice that the Senate will begin having rollcall votes on Mondays and Fridays in order to make substantial progress on appropriations bills prior to the August recess. I have discussed this with the Democratic leader. He understands and agrees we should be prepared to have these votes on Mondays and Fridays so that we can make substantial progress on appropriations bills.

We hope to do a minimum of five appropriations bills as well as the balanced budget and the tax fairness conference reports before the Senate adjourns for the August recess.

Consequently, Senators need to be aware that votes should be anticipated on Mondays and Fridays, at least up until noon on Fridays. We will need the cooperation of all Senators.

We also, of course, could have some Executive Calendar nominations that would be required to either get clearance or to actually have them called up and have votes on them. We will be providing more information on that as the week goes forward.

I yield the floor, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent there now be a period for morning business during which Senators may speak for up to 5 minutes each, lasting until the hour of 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE GIBSONS ON THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Clarence and Rena Gibson of Independence, Missouri, who on August 7, 1997, will celebrate their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Gibsons' commitment to the principles and values of their marriage deserves to be saluted and recognized.

MICHIGAN TRAGEDIES

Mr. ABRAHAM. Mr. President, late on Wednesday, July 2, the State of Michigan was the recipient of an uninvited guest for the holiday weekend: Namely, a series of intense thunderstorms which ripped through the south-central and south-eastern portions of our State.

Heavy rains, accompanied by 13 confirmed tornado touchdowns, and powerful straight line winds in excess of 70 to 100 miles per hour caused extensive damage, injury and some deaths in our State. I have had the chance since then to tour a number of the damaged sites in our State, and I know that Senator LEVIN has likewise been visiting some of these communities. I can attest to the level of destruction which has taken place in Michigan.

Just to put some statistics to the descriptions, all told we had 13 people who were killed as a result of the storms, approximately 117 others as of this morning who were injured, and some 1,482 people are homeless today as a result of the storm. Public damage estimates at this point are now close to $135 million, and are expected to rise.

To put it in even a more personal perspective, in Grosse Pointe Farms, MI, winds in excess of 75 miles per hour caused the collapse of an occupied picnic pavilion gazebo. It actually swept the gazebo across the park, lifted it and those in it through a fence and into Lake St. Clair. Five people, including several very young children, were killed as a result. In Wayne and Macomb, Counties, flooding caused by the intense rainfalls resulted in nearly 52 million dollars' worth of damage to the public water and sewer systems. In the city of Detroit, the headquarters of Focus:HOPE, a volunteer organization that feeds over 50,000 people a month in Michigan, sustained $10 million in damages when a tornado tore the roof off several of its buildings and blew out dozens of windows. In the city of Hamtramck, another community I visited, the scene was reminiscent of a Hollywood set, with cars up-ended, houses destroyed, and roofs ripped off buildings. It was an incredible act of nature which, at one point, left approximately 325,000 people in our State without power.

I appear today, really, just to give the Senate an update. Michigan is a resilient place and the people in all of these communities have risen to this challenge. People have been volunteering, helping neighbors, and coming from all over our State to lend a hand in places such as Chesaning, a city in Saginaw County, and in Genesee, Wayne, Macomb, and Oakland Counties. I am very proud of those people, Mr. President. I appear today to thank all of those who have stepped up to this challenge.

Government officials, led by our Governor John Engler, Detroit Mayor Dennis Archer, Mayor Kozaren of Hamtramck, Mayor Danaher of Grosse Pointe Farms, Supervisor Kirsh of Washington Township, Supervisor DePalma of Groveland Township, Supervisor Walls of Springfield Township, Mayor Jester of East Lansing, Supervisor Miesle of Cohoctah Township, Supervisor Kingsley of Conway Township, Supervisor Wendling of Maple Grove Township, Village President Mahoney of Chesaning and numerous other local officials have pulled together the State and local resource teams to get out and help distressed folks. The Michigan State emergency personnel, the State police, and FEMA have already begun the public damage assessments and they have been stalwarts in addressing these problems. I want to commend them, but I especially want to commend the volunteers from all over our State who have joined together to provide these first few days the kind of neighbor-to-neighbor help that truly makes the difference when crises of this type occur.

Our office is very actively involved, along with the other congressional offices, in trying to provide assistance. We have made it clear to those in need, if there is anything we can do we will be there to help. We also intend to continue the efforts to work with our State and with FEMA to provide whatever assistance we can, and if a decision to seek Federal aid is made, certainly I urge the President to move quickly to approve it. My wife, today, in fact, is in the State working with the Red Cross in a number of the shelters that have been provided. People from our staff and other congressional staffs, I know, are likewise performing various volunteer services.

So, Mr. President, I want to send a heartfelt thanks to those in our State who have donated their time and energy. To the families of those who have lost loved ones, we send our prayers and condolences. And to the many others who have been affected by this, we want you to know that people are committed to working to do everything we can to return things to normal and to overcome this tragedy. It was an incredible storm, but Michigan is an incredible State, and I know we will successfully rebuild and put things back on track in a very short period of time.

I yield the floor.

ARE POLITICAL CONTRIBUTIONS VOLUNTARY?

Mr. NICKLES. Mr. President, on behalf of Mr. David Stewart and millions of workers like him, who hold their political freedoms in this country in the highest regard, I send the June 25, 1997 Rules Committee testimony of Mr. David Stewart of Owasso, Oklahoma to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF DAVID STEWART, TRANSPORT WORKERS UNION OF AMERICA-LOCAL 514, REGARDING SENATE BILL S. 9, THE PAYCHECK PROTECTION ACT

My name is David Stewart, I am a member of the Transport Workers Union of America, Local 514 located in Tulsa, Oklahoma. I am here today to support changes in legislation that will protect the hard earned money of myself, and my co-workers. We are tired of funding political agendas and/or candidates that we do not endorse or vote for. I want to first make the point that I am not anti-union, I have received decent wages and benefits as a result of my membership with the T.W.U. and believe that union membership is beneficial and would recommend that all working men and women of the United States join in a union.

Let me submit a brief overview of my history in Organized Labor. I became a union member (Transport Workers Union of America) in September 1983, when I was hired as a welder at American Airlines Inc. I was very interested in the affairs of the union and attended all union meetings and quickly became a Shop Steward around December 1983. As my interest continued, I was offered Labor Study classes in the evenings at Tulsa Junior College in 1984. I accepted and attended the following courses: History, Organization, and Functions of Unions, Labor and Politics, Labor Laws, and Grievance Handling and Arbitration.

In 1985–86 I was elected Vice-President of the Northeastern Oklahoma Labor Council. This was a very short lived position as I am the father of three boys and the time needed to perform these duties conflicted with my requirements as a father and resigned this position after about eight months. In any event, my involvement with the union continued as a member. I continued my duties as Shop Steward and was very involved with the Political Wing of the Union. This Political Wing has a "sign factory" behind the Union Hall where volunteers print, assemble, and distribute yard signs for political campaigns. I spent many hours in this building learning of political issues and candidates that the union supported.

In 1991, I transferred to a newly created local in Fort Worth, Texas. As I spent time away from Tulsa and the strong political wing of the Tulsa local union, my personal political views began to change toward a more conservative position and I began to realize that I really do not agree with some of the agendas and the candidates that the union endorses. Yet, we are all required to fund these agendas and campaigns just by virtue of our membership in the union. As I searched for relief from this unjust requirement, I found out about the "Beck Supreme Court Decision" which in effect gives a union member the right to a refund of the non-bargaining expenditures of the union. The problem is, I must relinquish my union membership and the rights associated with that membership to seek this refund. It is absurd to require me to fund the contract bargaining, contract enforcement and administration of the Local, yet require me to forfeit my rights to a voice in these affairs, only because I oppose the political expenditures of the union. I still attend the union meetings and enjoy having a voice in the affairs of the union and my career, I am not willing to give up this activity to receive the refund afforded me by the "Beck Decision."

In September of 1996, I transferred back to Tulsa as a Crew Chief. I have duties and responsibilities covering the assignments of 20 mechanics and welders. I have attended about six union meetings in the past eight months, I have had no conflicts with the union that would influence my decision to come to Washington and testify. I would like to believe that my status as a union member of the T.W.U. will not be affected by my testimony before this committee.

My options under current law are best described as follows:

Option A:

During the month of January, of any given year I can send a notice of my objection to the International Secretary Treasurer. I must first assume non-member status in my union. I am required to renew this objection in January of each year to object for the subsequent twelve months. As an objector, I shall have neither a voice nor a vote in the internal affairs of the Local Union or of the International Union; nor shall I have a voice or a vote in the ratification of or in any matter connected with the collective bargaining agreement, whether or not it covers my employment. My paycheck shall continue to have a fee equal to full union dues deducted by my employer and transmitted to the union. The Local and the International, place these fees in an interest bearing escrow account. After completion of an audit, I will receive a rebate equal to an amount ascribed by the audit to non-chargeable activities. This rebate of course does not include any portion of the interest applied to the escrow account. I can at my own expense challenge the validity of the audit. This procedure is very cumbersome and probably cost more than the challenge would change the audit report.

Option B:

I can continue to fund all of the non-germane and political expenditures of my union. This option allows me to maintain the very important voice and vote in the affairs of the Local and International Union. More importantly, as a bonus for funding these activities, I have a voice and a vote in the ratification of the collective bargaining agreement. It should be pointed out here, that I will fund the collective bargaining process regardless of which option I choose. I only get a voice and a vote as a reward for funding the other non-germane expenses.

Option C:

Seek assistance from my government representatives and attempt to get the laws changed that hold my voice and vote hostage as a result of the Supreme Court Beck Decision of 1988. The bottom line is this, I continue to fund the non-germane expenditures so that I can receive the reward for voice and vote in the union business associated with the germane.

I am currently a participant for Option B, and I appear before this committee today to exercise Option C.

It is my understanding that Organized Labor will oppose this legislation. I find this to be an interesting position, because it will not outlaw expenditures, only require consent from each member. If Labor is convinced that the membership supports their non-germane spending, they should also be convinced that the consent to continue, and even an increase in this spending should be very easy to obtain. I have no pride in the 35 Million Dollar attack on members of Congress in the election of last fall. I was disgusted to watch the misleading television ads attacking decent members of Congress, and I know many of my co-workers feel the same. On the other hand, an active campaign has begun to garner support for changes to the Federal Aviation Regulations, a bill to equalize regulations between domestic and foreign Aviation Repair Stations, this is a political expenditure that myself, and my co-workers must spend whatever it takes to seek support, this is one issue I should not oppose expenditures and volunteer funds for. This is where I stop and think to myself . . . why does everything require political funding for passage? Or, why don't we just do the right thing for the voter anymore? However, these hearings are not about Federal Aviation Regulation changes, Republican vs. Democrat, Pro-Union vs. Anti-Union, Right-to-Work Laws vs. Union Security Agreements. The issue is about allowing a union member to object to political expenditures and retain the right to vote on issues associated with the germane expenditures of the union that he will fund regardless of which option described above is exercised.

I feel privileged to sit before this committee today, as the debate over the campaign finance becomes the focus of our government. Very few Americans today believe that a single voter as myself without a huge bankroll of cash to fund the next campaign could ever reach this level of participation. I have already, and will continue to spread the word that indeed with persistence and knowledge of the issue, a constituent is still welcome on the hill.

I believe very strongly that the Paycheck Protection Act introduced by Senator NICKLES is the answer to my woe as a union member. I can object to the collection by intimidation of my hard earned money for political views and agendas I oppose, yet continue to have involvement and support those affairs of my union that I have no opposition to. It is refreshing to see that my Senator, has the insight and courage to help the union members of this country by authoring "the Paycheck Protection Act" Senate Bill No. 9.

Mr. KENNEDY. I ask unanimous consent that Tom Perez on my staff be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL RACE INITIATIVE AND AFFIRMATIVE ACTION

Mr. KENNEDY. Mr. President, I commend President Clinton for his impressive Presidential initiative on race, which he announced in his recent commencement address at the University of California, San Diego.

This initiative combines constructive dialog, study and action. It carries forward the President's longstanding concern that the country must remain One America, and that all Americans must have an opportunity to share in the American dream.

Too often, the race issue is used as a wedge to divide America.

President Clinton's goal is to unite America by examining where we have been, and where we need to go, in order to achieve lasting racial reconciliation. President Clinton correctly recognizes that our Nation's diversity is our greatest strength, and that we must improve the ability of all Americans to realize their full potential.

Civil rights is still the unfinished business of America. We have come a long way toward the goal of equal justice and opportunity. But as the church arson epidemic, the Texaco debacle, the O.J. Simpson trial and the Good Ol' Boys Roundup demonstrate, we are not there yet.

Incredibly, there appear to be some who believe that discrimination is a thing of the past, and that the playing field is now level for women, for people of color, and for other victims of discrimination. The facts clearly belie this claim.

The unemployment rate for African-Americans is twice that of whites. Women still earn only 72 percent as much as men.

The average income of a Latina woman with a college degree is far less than that of a white man with a high school degree. The Glass Ceiling Commission reported that 97 percent of the top executive positions in Fortune 500 companies are held by white men, although they are just 43 percent of the work force. In the Nation's largest companies, only 1 percent—1 percent—of senior management positions are held by Latinos or African-Americans.

Hate crimes continue to occur at alarming rates.

The scales of justice are supposed to be blind, but these figures demonstrate that race and gender discrimination are distorting the balance.

Yet, there are those who want to eliminate all affirmative action programs, claiming that they have outlived their usefulness. It's time to dispel the barrage of misinformation about affirmative action.

Affirmative action is not about promoting or hiring unqualified women and minorities, admitting unqualified students, or awarding contracts to unqualified businesses.

Affirmative action has clearly worked in the Armed Forces. Does anybody doubt the qualifications of Gen. Colin Powell?

Affirmative action has clearly worked in education. College admissions practices that allow universities to consider race as a factor—not the main factor or the controlling factor—have a positive impact on the ability of minorities to escape the cycle of poverty through education.

The overwhelming majority of educators feel that colleges and universities are failing in their mission if they ignore the diversity that is the essence of the American experience.

Done right, affirmative action works. President Clinton's impressive and exhaustive review concluded that affirmative action is still an effective tool to expand economic and educational opportunities, and to combat bigotry, exclusion and ignorance. I strongly support President Clinton's "mend it, don't end it" prescription for affirmative action.

There has always been bipartisan support for affirmative action. From President Kennedy to President Nixon to President Clinton, there has been bipartisan support in the White House and Congress, because no one can say with a straight face that the playing field is level for women and minorities.

In addition, President Clinton's nomination of Bill Lee to head the Civil Rights Division is also significant step in ensuring equal justice for all Americans. Bill Lee has dedicated his entire career to finding real-life solutions to real life problems of discrimination. The son of Chinese immigrants, Bill Lee grew up dirt poor in New York City. His parents operated a laundry in a poor section of New York. Bill Lee and his family suffered discrimination first hand, and know how it feels to be taunted and excluded simply because of one's appearance.

But he overcame their barriers and graduated from Yale University and Columbia Law School with honors.

For the past 22 years, he has worked on behalf of all victims of discrimination —African Americans, Asian Americans, Latinos, women, and the poor. He has won remedies that have aided them financially, and given them hope that they too can be part of America.

His ability to forge consensus has earned him the respect of all Americans. Republicans and Democrats alike, including Mayor Richard Riordan, and Senators WARNER and THURMOND, have written letters of support on his behalf. I hope that he will be confirmed expeditiously so that he can help lead the effort to ensure that civil rights guarantees do not remain hollow promises.

The issue of discrimination is too important to become a political football in Congress. As we continue the discussion of race and gender, I urge my colleagues to support President Clinton's initiative, and continue the tradition of bipartisan support that has served this country well in recent decades. Our goal is still to guarantee equal opportunity for all Americans. Let us be sure that when we say "all," we mean "all."

SUPPORT FOR THE ARTS ENDOWMENT

Mr. KENNEDY. Mr. President, this week the House of Representatives will take up the Department of Interior appropriations bill, which includes funding for the National Endowment for the Arts.

It will be a watershed debate in Congress, because Republican extremists in the House are trying to eliminate Federal support for this important agency. The House Appropriations Committee has recommended only $10 million for the Endowment, and these funds would be used only to phase out the agency. The misguided Republican goal is to eliminate direct Federal support for music, dance, symphonies, and other arts in communities across America.

The Republican position is so weak on the merits that the House leadership is attempting to use the parliamentary rules to block an up-or-down vote on the merits of this important issue.

Clearly, this unacceptable attack on the Arts Endowment deserves to be rejected. The Endowment has raised the quality of the arts in America. It has also strengthened support for the arts and interest in the arts by Americans in all walks of life in cities, towns, and villages in all parts of America.

For example, under the Endowment's tenure the number of orchestras in America has doubled and the number of dance companies has increased tenfold. Other arts have witnessed similar expansions and earned broad public approval.

An eloquent op-ed article in today's New York Times by the renowned actor, Alec Baldwin and Robert Lynch discusses the extraordinary record of achievement by the Arts Endowment. The article reminds each of us how much is at risk in the current debate, and the cynical Republicans strategy to prevent a vote on the merits. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, July 8, 1997]

TYRANNY OF THE MINORITY

(By Alec Baldwin and Robert Lynch)

Whether or not you believe the National Endowment for the Arts should be eliminated, there is one basic principle upon which we should all agree: Congress should at least vote on the matter, and the majority should prevail.

This notion may seem obvious, but it is the very principle that the House leadership is undermining. The House Appropriations Committee recommended giving the endowment $10 million for the fiscal year beginning Oct. 1—only enough to shut it down.

We believe that a clear majority of House members want to reject this scheme. After all, poll after poll shows that the public supports the endowment. The Senate leadership has indicated that it is willing to continue the N.E.A.'s current level of financing, and the White House has threatened to veto any bill eliminating the agency altogether.

Despite these clear signals, House leaders are using parliamentary rules to block an open and fair vote. The leadership is requiring advocates for the N.E.A. to win a procedural vote—before the bill can even be debated on the House floor. If this sounds unfair, that's because it is.

Why does the House leadership want to drive this train into a head-on collision? If Congress can't eliminate a small agency like the N.E.A., conservatives argue, it can never cut big-ticket items that will help balance the budget and reduce the deficit. As Representative John Doolittle of California put it, "It is gut-check time for the entire House."

This statement sounds compelling, but it's a red herring. If anything, the N.E.A. actually helps balance the budget. The endowment has helped a booming nonprofit arts industry, which each year generates $36.8 billion in revenue and pays $3.4 billion in Federal income taxes.

Every argument for elimination of the endowment crumbles under scrutiny. Conservatives say the agency is elitist, but the facts show that the N.E.A. actually helps average American families gain more access to the arts. When extremists argue that the Government should not be deciding what is good art, the facts show that it is not the Government, but panels of everyday citizens with working knowledge and expertise in the arts who are the ones making grant recommendations.

And although the agency is depicted as nothing but the purveyor of pornography, the reality is far different. The N.E.A. has made more than 112,000 grants supporting everything from the design competition for the Vietnam Memorial in Washington, to gospel music in Lyon, Miss. Fewer than 40 grants have caused controversy—that means 99.96 percent of the endowment's grants have been an unquestioned success. Moreover, two years ago Congress tightened the rules for N.E.A. grants to prevent further controversy.

Facts, however, no longer seem relevant when it comes to the N.E.A. Some members of Congress continue to invent one myth after another as a pretext for eliminating the N.E.A., just so they can claim victory in some form, any form.

Dick Armey, the House majority leader, claims that a handful of Republicans worked out a budget agreement two years ago that pledged partial financing for the N.E.A. in exchange for a phase-out of the agency over two years. As a result, he is now calling for this new Congress to uphold this alleged deal.

But Mr. Armey doesn't point out that this agreement was specifically excluded in the final appropriations bill two years ago. In fact, it was never included in any bill enacted into law.

Even if the agreement were valid, Mr. Armey himself provides a reason not to support it. Explaining why he was not bound by the recent balanced budget agreement, he recently said: "The basic rule around this town is that if you're not in the room and you don't make the agreement, you're not bound by it."

Mr. Armey makes an excellent point. He and other House leaders should stop bullying rank-and-file members to eliminate the N.E.A. After all, will Americans think that using arcane parliamentary rules to eliminate the endowment is an achievement worthy of the 105th Congress?

Mr COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 88, S. 936, the National Defense Authorization Act for fiscal year 1998: Trent Lott, Strom Thurmond, Jesse Helms, Pete Domenici, R.F. Bennett, Dan Coats, John Warner, Phil Gramm, Thad Cochran, Larry E. Craig, Ted Stevens, Tim Hutchinson, Jon Kyl, Rick Santorum, Mike DeWine, and Spencer Abraham.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 936, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], the Senator from Akansas [Mr. HUTCHINSON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Delaware [Mr. ROTH], and the Senator from Oregon [Mr. SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Ms. LANDRIEU], and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The yeas and nays resulted—yeas 46, nays 45, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—46

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Cochran
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey

Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—9

Biden
Coats
Hutchinson
Jeffords
Landrieu
McCain
Mikulski
Roth
Smith (OR)

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The pending question is amendment No. 666, offered by the Senator from Minnesota.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 658, AS MODIFIED

Mr. KENNEDY. Mr. President, I would like to and will speak briefly on an issue that I think is of significance and importance as we are addressing the defense authorization bill, and that is the amendment of the Senator from Indiana, Senator LUGAR.

I urge that the Senate support his amendment to restore the cuts made in the Nunn-Lugar cooperative threat reduction programs in the Department of Defense and related nuclear material security programs in the Department of Energy. The funds spent on these programs are the most important cost-effective contribution to our national security that we can make.

Today, and for the foreseeable future, the greatest threat to national security involves potential terrorist acts using weapons of mass destruction. And it is ironic that after living for 40 years under the specter of a cold war nuclear holocaust, the prospect of a nuclear explosion taking place within the United States has actually increased since the dissolution of the former Soviet Union. This is the ominous view of both the intelligence community and the Department of Defense. Any defense bill we enact must deal responsibly with this threat.

We have taken significant steps to do so in recent years. In 1991, Senator Nunn and Senator LUGAR initiated the Cooperative Threat Reduction Program. The basic concept of that program and the nuclear materials safety programs at the Department of Energy is that paying for the destruction and safeguarding of nuclear weapons in the states of the former Soviet Union increases the security of America itself.

The accomplishments of these programs offer convincing evidence that the Nunn-Lugar program works. The Defense Department has already helped to fund the elimination of 6,000 nuclear warheads in nations of the former Soviet Union. Never again will these weapons threaten the United States.

The funds for the Nunn-Lugar and related programs are the most cost-effective dollars spent in the entire defense budget.

They support the complete destruction of nuclear weapons in the nations of the former Soviet Union.

They strengthen border controls to prevent the illegal transport of nuclear bomb-making materials.

They support efforts to protect these materials from theft at their storage sites or during transport.

They provide employment and economic incentives for former Soviet weapons scientists to avoid the temptation that they will sell their know-how to buyers from nations and organizations that support international terrorism.

They fund cooperative efforts to match U.S. commercial applications with the Russian defense industry.

Since these programs began, Congress has fully funded the administration's budget requests until this year. The current committee bill reduces the President's request by $135 million. The bill takes $60 million from the Defense Department's Cooperative Threat Reduction Program, which the department intended to use to help Ukraine destroy its SS–24 intercontinental ballistic missiles.

We specifically encouraged the new Government of Ukraine to take this step because these missiles pose a clear and present danger to our national security. It is a costly operation, but few are more worthwhile. It is imperative that we maintain fully funded and well-structured programs to deal with all aspects of this serious threat.

The initiatives undertaken in this area by the Department of Energy are equally essential. The International Nuclear Safety Program upgrades safety devices on Chernobyl-era nuclear reactors. Yet, its funding has been cut by $50 million.

The Materials Protection, Control, and Accounting Program supports efforts to identify and store the nuclear materials that are most likely to be stolen. Yet, its funding is cut by $25 million.

Under these two programs, the Department of Energy has succeeded in making tons of nuclear weapons materials secure, primarily plutonium and highly enriched uranium. Previously, these materials had not been protected by even the most elementary security precautions. These materials posed grave threats to our national security, and they still do.

Alarming public reports in recent years have mentioned cases where nuclear materials were intercepted at border crossings. We can only wonder how many shipments have gone undetected at border crossings and whether terrorists even now have custody of these materials.

The National Research Council released a report this spring on U.S. proliferation policy and the former Soviet Union. Its first and strongest recommendation is full funding for the Materials Protection, Control, and Accounting Program.

The report goes on to express strong support for the overall Departments of Defense and Energy CTR Programs. But the material protection program was specifically singled out as the most important area for additional funding.

The reason is clear. Bomb-grade nuclear weapon material poses so great a threat to national security that the United States should do all we can to work with Russia to guarantee these materials are safely stored—no ifs, ands, or buts. There is no margin for error, none whatsoever.

The design and manufacture of a crude homemade nuclear weapon is a relatively easy task if the needed uranium or plutonium is available. It takes just 10 pounds of plutonium—about a single handful—to utterly destroy any American city.

Without a major ongoing effort to identify, catalog, transport, store, and eventually reprocess or destroy Russia's nuclear material, it is just a matter of time before some terrorist group becomes a nuclear power. That is why these programs are so important. That is what restoring these funds is all about. The last thing we need is to look the other way as the next Timothy McVeigh prepares to destroy an entire American city.

Over the years we have spent billions of dollars building our nuclear weapons and implementing strategies to prevent nuclear war. Now when a relatively small sum of money can deal with this current threat, how can we afford not to? If a terrorist explodes a nuclear weapon in the United States, we may well never know who to retaliate against.

It may already be too late. But we hope and pray it is not. We must do more—much more—to see that the current loose controls over nuclear weapons and bomb-making materials in the nations of the former Soviet Union do not result in a nuclear terrorist attack on the United States or any other nation.

There will be no comfort in saying the morning after, "If only we had done more." Now is the time to do more. Restoring these funds is the indispensable first step toward doing more, doing it, and doing it as soon as possible.

I commend the Senator from Indiana for his leadership on this issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that Senator KYL and Senator COVERDELL be added as cosponsors to amendment No. 420 offered by Senator COCHRAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I understand, and I have been briefed that there will be an amendment proposed on behalf of several Senators to increase the amount for National Guard Civilian Youth Opportunity Program to $48 million and to provide a substitute for the provision extending and revising the authority of the program.

Mr. President, I strongly object to this amendment. It is already at $20 million. The fundamental question here arises when we are complaining about the fact that there is not enough money for flying time, there is not enough money for pay raises, there is not enough money for quality of life for men and women who are in the military who are serving, and there is not enough money for modernization of the force—and every military leader will tell you that—and now we want to add $28 million to a program which, really, the National Guard has no business being in. It has no business being in a Civilian Youth Opportunity Program.

Oftentimes we refer to the job and role of our Founding Fathers, Mr. President. Who in our Founding Fathers thought that the job of the National Guard was to administer Civilian Youth Opportunity Programs?

The National Guard, I am told by my colleagues who are in areas where there have been floods, devastation, and other disasters, has its hands full. The National Guard has a great deal of difficulty in maintaining training levels of efficiency. We found that out during Operation Desert Storm. Now we want to add $28 million to a program that the National Guard has no business being in.

Mr. President, I am sure when we have a recorded vote on this—and I will demand a recorded vote—that it will carry overwhelmingly, just like the military construction appropriations bill that is coming before us will carry overwhelmingly that has billions of dollars of wasteful and pork barrel spending, but sooner or later, sooner or later, Mr. President, the American people are going to be fed up. They are going to stop supporting spending for national defense and they will stop because they see this kind of unnecessary and wasteful and pork barrel spending.

I read in the newspaper today the military construction bill has some $900 million additional for projects that the administration or the Department of Defense could not find anywhere on their priority list—nowhere to be found on their priority list as being necessary, but they also happen to match up to districts of powerful Members of the other body's committee.

It has to stop, Mr. President. A lot of people are getting tired of it. I am sure, as has happened on many other occasions, that when we have a recorded vote on this, it will carry overwhelmingly, but sooner or later we will ask ourselves the question, When are we going to spend the money where the priorities are, according to the leaders of the military, both military and civilian? It certainly isn't in this program. Is $28 million a lot of money? Certainly not in this entire bill. But it is symptomatic of the problem that has afflicted defense spending for too long and is becoming epidemic. The House overwhelmingly wants to spend what potentially would be $27 billion additionally for B-2 bombers that they can't find a military leader who will say we need. $27 billion. We hear time after time that we are not modernizing the force, that we are losing quality men and women out of the military, we are having to lower our recruitment standards in order to meet our quotas. What are we going to do to solve it? Spend $27 billion on B-2 bombers, add $28 million to the National Guard, and the pork barrel list goes on and on and on.

I am telling you, from talking to my constituents, people are getting a little weary of it, Mr. President. So when this amendment comes up, I tell the chairman and the Democrat manager, I will want to talk again on it, not because it is a lot of money—$28 million is not a lot of money in a defense bill—but it is the wrong thing to do. It is wrong what we are doing in military construction in the bill and wrong what we are doing authorizing projects and programs that we don't need, when at the same time there are severe and fundamental problems in the military that are not being addressed, which means that the Congress of the United States isn't performing its responsibilities in a mature fashion and in a way that will provide for the national security of this country.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 744

(Purpose: To extend the chiropractic health care demonstration project for 2 years)

Mr. THURMOND. Mr. President, I offer an amendment that would extend the chiropractic health care demonstration project for 2 years.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 744.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other"

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "Committees on Armed Services of the Senate and" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B)."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Not later than May 1, 2000, the Secretary".

Mr. THURMOND. Mr. President, I propose an amendment that would extend the Chiropractic Health Care Demonstration Program for 2 years and would include the National Capitol region as a demonstration site.

In the National Defense Authorization Act for fiscal year 1995, Congress directed the Secretary of Defense to conduct a demonstration program to determine whether chiropractic health care should be provided as part of the military health care system. The legislation requires a comprehensive evaluation of the program. Representatives of the chiropractic health care community are required to be included in the evaluation process.

The National Capitol region was not one of the 10 sites selected to be part of the demonstration. My amendment would expand the demonstration to include the National Capitol region. In order to include the experiences of chiropractic care in the National Capitol region in the evaluation, I propose to extend the demonstration program for 2 additional years. I am confident that this amendment will result in a better evaluation of the chiropractic care demonstration.

I urge my colleagues to support this amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 744) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 648

(Purpose: To require a report on Department of Defense policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment No. 648 that would require a report on the Department of Defense policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents.

I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, we favor the amendment.

We urge it be agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 648.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

Mr. LEVIN. Mr. President, we urge the Senate adopt the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 648) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 745

(Purpose: To authorize the Secretary of the Army to donate excess furniture, and other excess property, of closed Army chapels to religious organizations that have suffered damage or destruction of property as a result of acts of arson or terrorism)

Mr. THURMOND. Mr. President, on behalf of Senator HELMS, I offer an amendment which would authorize the Secretary of the Army to transfer excess religious articles formerly in chapels of the Department of the Army to churches that have been damaged or destroyed as a result of an act of arson or terrorism.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has, indeed, been cleared, and we support it.

Mr. THURMOND. Mr. President, I urge the Senate adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. HELMS, proposes an amendment numbered 745.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provisions of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

Mr. HELMS. Mr. President, when the Pilgrims boarded the Mayflower and set sail for a new world, they were searching for a land where they would be free to worship God as they wished. Our Founding Fathers, inspired by their example, incorporated the principle of religious freedom into our national fabric. The importance of this principle to our national character is emphasized by its honored place in the first clause of our Bill of Rights which reads "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In spite of this protection, some citizens have, at times, sought to deny others the right to worship. In extreme cases, this intolerance has turned to violence as houses of worship were desecrated by fire or vandalism. Last month, the National Church Arson Task Force released a report that found no evidence of a nationwide conspiracy behind the fires. I never believed there was a conspiracy but that finding does not diminish the suffering of the congregations in my home State and across the United States who have been victimized in these incidents.

Let there be no doubt, Mr. President, no act is more despicable than the desecration of a house of worship. It is fitting that the perpetrators of such a heinous crime be apprehended and prosecuted to the full extent of the law, I commend the Federal, State, and local law enforcement officials who work diligently to investigate these shameless acts and to prevent their recurrence.

Mr. President, while stories of church burnings are no longer on the front page of every newspaper or the lead story on the evening news, the victims remain. The pastor of one of those congregations, Pastor Brenda Stevenson of the New Outreach Christian Center in Charlotte, which was destroyed by an arsonist in 1995, recently wrote me about her church's effort to rebuild. She informed me that her congregation was able to rebuild with the help of the Christian Coalition's Samaritan project and the Save the Churches fund but that further help was needed. Specifically, Pastor Stevenson requested that excess religious property, formerly used in closed military chapels, be made available to churches that have suffered these terrible acts.

I am told that precisely such property has been found at Fort Bragg, NC, where several old wooden chapels were closed as part of a consolidation. The approximately $25,000 worth of property, including 65 oak pews, 3 altars, 2 pulpits, communion sets, and other religious property, has been declared excess to the needs of Fort Bragg and would ordinarily be sold at auction to the highest bidder. Similar property may also be available at other Army installations.

I agree with Pastor Stevenson that the Army should be allowed to donate this surplus property to some of the churches damaged or destroyed as a result of arson or terrorism. The amendment I am introducing gives the Secretary of the Army authority to donate such property as it becomes available at Army installations.

Mr. President, I know this matter may seem of little consequence to some considering that Congress is considering a budget in excess of $1.7 trillion dollars. However, the gift of this furniture and religious property can mean a very great deal to congregations such as the New Outreach Christian Center that are struggling to rebuild.

Moreover, it is appropriate that Fort Bragg, home of the XVIII Airborne Corps, 82d Airborne Division, and special operations force, which have done so much to protect our liberties abroad, be permitted to contribute to the defense of those liberties at home. I invite my colleagues to join in support of this bill so that some small measure of relief can be provided to these victims.

Mr. President, I ask unanimous consent that a copy of Pastor Stevenson's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW OUTREACH CHRISTIAN CENTER,
Charlotte, NC, June 6, 1997.

Hon. JESSE HELMS,
U.S. Senator,
Washington, DC.

DEAR SENATOR HELMS: The New Outreach Christian Center was desecrated by an arson March 14, 1995. This horrific act shocked our community and the county. With the assistance of the "Save the Churches Fund" grant of the Christian Coalition we were able to rebuild our house of worship.

The Samaritan Project, an outgrowth of the "Save the Churches Fund" has notified us that the military may have furniture, materials and equipment which could be of further help to our church. I ask that legislation be initiated that would allow churches that have been harmed by acts of violence to receive the items from these closed chapels. This could assist my church and others throughout the country.

Please move forward on this issue. As a country we cannot accept violence against any house of worship, and must unite to help rebuild them. If there are any questions please call Pastor Brenda Stevenson.

Thank you and God Bless,
BRENDA STEVENSON,
Pastor.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 745) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 649

(Purpose: To provide for increased administrative flexibility and efficiency in the management of the Junior Reserve Officers' Training Corps)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment numbered 649 that would provide for increased administrative flexibility and efficiency in the management of the Junior ROTC Program.

I think this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment is accepted on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 649.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. . FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"§ 2032. Responsibility of the Secretary of Defense

"(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

"(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidation of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

"(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2032. Responsibility of the Secretary of Defense.".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 649) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 746

(Purpose: To require the procurement of recycled copier paper by the Department of Defense)

Mr. THURMOND. Mr. President, on behalf of Senator JEFFORDS, I offer an amendment that would codify and extend the Executive Order 12873 requirement regarding Federal agency use of recycled content paper by providing for increased Department of Defense purchases of such paper for copy machines.

Mr. President, I believe this amendment has been cleared by the other side. I urge the Senate to adopt it.

Mr. LEVIN. Mr. President, this amendment has been cleared on this side. We support it. It is a good amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. JEFFORDS, proposes an amendment numbered 746.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

Mr. JEFFORDS. Mr. President, more than 20 years ago Congress passed the Resource Conservation and Recovery Act to promote Government purchases of products made from recycled materials. Since then, State and local governments throughout the country have enacted similar policies. Ten years ago, only 13 States and a handful of local governments had buy recycled laws. Today, at least 45 States and more than 500 local governments have established legal requirements to purchase recycled content products. In 1993, the administration issued Executive Order 12873 which reinforced the principle of increasing the Federal Government's use of recycled-content products, especially paper products.

Yet in 1996, the Department of Defense, the single largest consumer of copy paper in the world, had a compliance record of only 14 percent regarding its procurement of copy paper. Although DOD should be complimented for recently volunteering to buy only recycled-content copy paper, its decision was due to the General Services Administration's initiative to set the price of recycled paper at 5 cents cheaper than virgin paper. History leads us to assume that DOD will revert to the policy of buying virgin paper should the price shift a nickel.

Well, Mr. President, price is important, but it is only one factor in the equation. As the largest user, DOD must be the role model for other Government agencies and comply with the intent of Congress and the administration. This amendment affords DOD the flexibility of buying nonrecycled paper if the price differential is unreasonable compared to virgin paper, while defining the term "unreasonable" as "greater than 7 percent".

Additionally, the intent of this amendment is to cause Defense Department procurement offices to buy copy paper in an environmentally responsible manner and is not meant to place unreasonable constraints on the process. It, therefore, contains provisions which allow procuring agencies to choose not to buy the recycled paper if the product is unavailable within a reasonable period of time, or if the product does not meet reasonable performance standards.

Finally, this amendment builds on the intent of the executive order and extends it into the 21st century. Under this amendment, the required postconsumer content will rise to 50 percent in 2004. This initiative is based upon ongoing technological advances within the paper industry and the expectation that they will push down the cost of recycled paper in future years. If DOD cannot meet this requirement, a provision is included in the amendment which will allow them to report to Congress for purposes of gaining a deferment.

Mr. President, only through legislative action can we ensure that DOD will continue to shoulder its environmental responsibilities and serve as the role model it must be.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 746) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 747

(Purpose: To improve the provisions on depot inventory, and financial management reform)

Mr. LEVIN. Mr. President, on behalf of Senators HARKIN and DURBIN, I offer an amendment which would modify language in the bill addressing inventory management, depot management, and financial management issues.

I understand this amendment has been cleared on the other side.

Mr. THURMOND. Mr. President, the amendment is cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, for himself and Mr. DURBIN, proposes an amendment numbered 747.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, after line 14, add the following new paragraph (3):

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment."

On page 101, between lines 21 and 22, insert the following:

"(3) For the purposes of this section, the term 'best commercial inventory practice' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs."

On page 268, line 8, strike out "(L)" and insert in lieu thereof the following:

"(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

"(M)".

Mr. HARKIN. Mr. President, I offer an amendment with Senator RICHARD DURBIN regarding some much needed reforms in the way the Department of Defense manages its inventory of goods, as well as its financial management systems. Our amendment modifies some very useful language that is included in the Senate Armed Services Committee version of the Defense Authorization bill.

I first would like to applaud the members of the Armed Services Committee for including provisions in the bill that moves the DOD toward better management of its finances and inventories. These provisions are important steps toward fixing some critical problems. We believe that our amendment adds a few simple improvements to the committee provisions.

One element of our amendment requires that the DOD take actions to ensure that its comptrollers are adequately trained. Afterall, the comptroller is the key technical expert who overseas and manages the day-to-day financial operations. For example, the comptroller of the Pacific Fleet, billeted for a Navy captain, is responsible for the financial management and financial reporting of an annual budget of about $5 billion, comparable in size to a Fortune 500 corporation.

Earlier this year, I released a General Accounting Office report, entitled "Financial Management: Opportunities to Improve Experience and Training of Key Navy Comptrollers." The GAO report states that the Navy's financial and accounting systems have been substantially hampered by the fact that the Navy has no specific career path for financial officers, has inadequate financial management and accounting education standards for comptroller jobs, and has a policy of rotating officers too often through key accounting positions. In the report, GAO pointed to these personnel practices as one cause of GAO findings of misstatements in almost all of the Navy's major accounts.

The GAO report recommended that the Secretary of Defense ensure that the following steps are taken by the Navy, all of which are applicable to the other Armed Services:

Identify which key military comptroller positions can be converted to civilian status in order to gain greater continuity, technical competency, and cost savings.

For those comptroller positions identified for conversion to civilian status, ensure that those positions are filled by individuals who possess both the proper education and experience.

For those comptroller positions that should remain in military billets, establish a career path in the financial management and ensures that military officers are prepared, both in terms of education and experience, for comptrollership responsibilities.

This year, I also released, along with Senator DURBIN, Congressman PETER DEFAZIO and Congresswoman MALONEY, a second GAO report that addressed some critical problems with the DOD's inventory practices. "Defense Logistics: Much of the Inventory Exceeds Current Needs" detailed billions of dollars in unneeded supplies and equipment within the DOD's inventory. Although DOD has made some progress in reducing the overstock in its inventory, much more needs to be done. This is especially true in its overstock of spare parts and hardware items.

I agree with the committee's attempt to institutionalize best commercial practices in the management of DOD's inventory, especially for the inventory of spare parts. Our amendment simply requires the DOD to implement pilot programs when needed. It also clarifies the definition of best commercial practices to include the so-called prime vendor arrangements which have proven very successful.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 747) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 748

(Purpose: To streamline electronic commerce requirements and for other purposes)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON and GLENN, I offer an amendment which would amend the requirements in the Federal Acquisition Streamlining Act of 1994 to allow electronic commerce at DOD and other Federal agencies to be implemented in a cost-effective manner consistent with commercial practices.

The amendment would also make changes to current procurement law to conform civilian agency statutes to DOD statutes regarding the performance-based contracting and to revise a pilot program for the purchase of information technology to make it more competitive by allowing more than one vendor to participate in the program.

Mr. President, I believe this amendment has been cleared by the other side, and I urge that the Senate adopt this amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. It is a good amendment. We support it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, and Mr. GLENN, proposes an amendment numbered 748.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator GLENN, the committee's ranking minority member. We thank the chairman and ranking member of the Armed Services Committee for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal Government as well.

The amendment which we offer today began as a request from the administration to include additional procurement-related reforms to those enacted over the last 4 years and those already included in S. 936. Our amendment includes the following provisions:

First, it would amend current Governmentwide procurement law which requires the development and implementation of a Governmentwide Federal Acquisition Computer Network architecture—called FACNET and enacted as part of the Federal Acquisition Streamlining Act of 1994 [FASA]. At the time, Congress intended to require the Government to evolve its acquisition process from a paper-based process to an electronic process. The specific intent of FACNET was to provide a common architecture to implement electronic commerce within the Governmentwide procurement system.

However, GAO recently reviewed the Government's progress in developing and implementing FACNET, and concluded that, in the short time since passage of FASA, alternative electronic purchasing methods have become readily available to the Government and its vendors. Given these advances in technology, the overly proscriptive requirements of FASA and problems with implementation by the agencies, GAO questioned whether and to what extent FACNET makes good business sense. GAO recommended that if the FACNET requirements were an impediment to the implementation of a Governmentwide electronic commerce strategy, then legislative changes should be enacted. This amendment would provide those changes to give flexibility to implement electronic commerce at DOD and other Federal agencies in an efficient and cost-effective manner consistent with commercial practice.

Further, the amendment would make technical changes to current procurement law to: First, conform civilian agency statutes to DOD statues regarding performance-based contracting; and second, revise a pilot program for the purchase of information technology to make it more competitive by allowing more than one vendor in the pilot.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 748) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 749

(Purpose: To require the Secretary of Defense to review the command selection process for District Engineers of the Army Corps of Engineers)

Mr. LEVIN. Mr. President, on behalf of Senator GRAHAM of Florida, I offer an amendment that would require the Secretary of Defense to report to Congress concerning the process that the Army Corps of Engineers uses to assign officers as district engineers, and I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GRAHAM, proposes an amendment numbered 749:

At the end of subtitle E of title X, add the following:

SEC. 10 . REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) FINDINGS.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be of 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 749) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 750

(Purpose: To extend by 2 years the applicability of fulfillment standards developed for purposes of certain defense acquisition workforce training requirements)

Mr. THURMOND. Mr. President, on behalf of Senators SANTORUM and LIEBERMAN, I offer an amendment which would extend for an additional 2 years the requirement under section 812 of the Defense Authorization Act for Fiscal Year 1993 and for the Department of Defense to develop and implement alternative standards for fulfilling training requirements under the Defense Acquisition Work Force Improvement Act.

Mr. President, I believe this amendment has been cleared by the other side, and I urge the Senate to adopt it.

Mr. LEVIN. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SANTORUM, for himself and Mr. LIEBERMAN, proposes an amendment numbered 750:

At the end of subtitle E of title X, add the following:

SEC. 844. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1999".

Mr. SANTORUM. Mr. President, I rise to offer an amendment for myself and Senator LIEBERMAN that would extend the authority of the Department of Defense to consider alternative approaches to the fulfillment of the education and training requirements in the Defense Acquisition Workforce Improvement Act in chapter 87 of title 10, United States Code. In the report to accompany the Defense Authorization Act for Fiscal Year 1998, the Armed Services Committee noted its continuing concern with ensuring that our defense acquisition workforce has the necessary education and training support for the new environment in Government acquisition.

Section 812 of the Defense Authorization Act for Fiscal Year 1993 directed the Department of Defense to develop alternative standards for the fulfillment of the training requirements for the acquisition workforce under the Defense Acquisition Workforce Improvement Act. These standards will sunset on October 1 of this year. The amendment I am offering would extend the life of these fulfillment standards for an addition 2 years. This extension will allow the DOD to explore alternatives to formal internal training programs, including completion of courses outside of the Department of Defense educational system.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 750) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 712

Mr. LEVIN. Mr. President, on behalf of Senator CLELAND, I call up amendment No. 712 that would express the sense of Congress to reaffirm the commitment of the United States to provide quality health care for military retirees, and I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 712) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 751

(Purpose: To require the Secretary of Defense to initiate actions to eliminate or mitigate the need for some military families to subsist at poverty level standards of living)

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I offer an amendment that would require the Secretary of Defense to initiate actions to eliminate or mitigate the need for some military families to subsist at poverty level standards of living.

I ask also unanimous consent that Senator KEMPTHORNE be listed as an original cosponsor of this amendment.

I understand it has been cleared on the other side.

Mr. THURMOND. Mr. President, this amendment has been cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, for himself and Mr. KEMPTHORNE, proposes an amendment numbered 751:

At the end of subtitle E of title V, add the following:

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The morale and welfare of members of the Armed Forces and their families are key

components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel that for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 751) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 666 offered by the Senator from Minnesota [Mr. WELLSTONE].

AMENDMENT NO. 424

(Purpose: To require the Secretary of the Navy to set aside the previous selection of a recipient for donation of the USS Missouri and to carry out a fair process for selection of a recipient for the donation)

Mr. GORTON. I ask unanimous consent that the pending amendment be set aside so that I can call up amendment No. 424 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself and Mrs. MURRAY, proposes an amendment numbered 424.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle B of title X, add the following:

SEC. 1014. SELECTION PROCESS FOR DONATION OF THE USS MISSOURI

(a) FINDINGS.—Congress makes the following findings:

(1) The USS Missouri is a ship of historical significance that commands considerable public interest.

(2) The Navy has undertaken to donate the USS Missouri to a recipient that would memorialize the ship's historical significance appropriately and has selected a recipient pursuant to that undertaking.

(3) More than one year after the applicants for selection began working on their proposals in accordance with requirements previously specified by the Navy, the Navy imposed two additional requirements and afforded the applicants only two weeks to respond to the new requirements, requirement, never previously used in any previous donation process.

(4) Despite the inadequacy of the opportunity afforded applicants to comply with the two new requirements, and without informing the applicants of the intent to do so, the Navy officials gave three times as much weight to the new requirements than they did to their own original requirements in evaluating the applications.

(5) Moreover, Navy officials revised the evaluation subcriteria for the "public benefits" requirements after all applications had been submitted and reviewed, thereby never giving applicants an opportunity to address their applications to the revised subcriteria.

(6) The General Accounting Office criticized the revised process for inadequate notice and causing all applications to include inadequate information.

(7) In spite of the GAO critria, the Navy has refused to reopen its donations process for the Missouri

(b) NEW DONEE SELECTION PROCESS.—(1) the Secretary of the Navy shall—

(A) set aside the selection of a recipient for donation of the USS Missouri;

(B) initiate a new opportunity for application and selection of a recipient for donation of the USS Missouri that opens not later than 30 days after the date of the enactment of this Act; and

(C) in the new application of selection effort—

(i) disregard all applications received, and evaluations made of those applications, before the new opportunity is opened;

(ii) permit any interested party to apply for selection as the donee of the USS Missouri; and

(iii) ensure that all requirements, criteria, and evaluation methods, including the relative importance of each requirement and criterion, are clearly communicated to each applicant.

(2) After the date on which the new opportunity for application and selection for donation of the USS Missouri is opened, the navy may not add to or revise the requirements and evaluation criteria that are applicable in the selection process on that date.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, the U.S.S. *Missouri*, the battleship on which the Japanese surrender was signed in 1945, was decommissioned, mothballed and home ported in Bremerton, WA, from 1954 until it was recommissioned in 1986. It was during that period of time, of course, a major and treasured tourist attraction located relatively conveniently in the continental United States.

In 1995, the *Missouri* was decommissioned for a second time and returned to Bremerton. The U.S. Navy then made the *Missouri* available for donation to a community willing and able to transform the ship into a world class maritime museum honoring the men and women who served in World War II.

The Save the Missouri Committee in Bremerton competed with four other applicants in Hawaii and California under the same rules that had been applied to all previous Navy donations.

I want to emphasize that once again, Mr. President. These were general Navy donation rules under which Bremerton and the other four cities competed.

At the last minute, however, when it was likely that Bremerton would be chosen under those rules, the Navy added two new requirements, failing to tell any of the applicants that the two new requirements would count for 75 percent of the ultimate decision and that the earlier rules were only 25 percent.

The applicants had 2 weeks to respond. None of the applicants, according to the Navy's own evaluation team, responded adequately. Nevertheless, the Navy awarded the *Missouri* to Honolulu based exclusively on those new requirements.

The General Accounting Office then reviewed the Navy process. It criticized it on just the grounds that I have outlined. The Navy nevertheless has refused to reopen the process for the four losing applicants, Bremerton and the three in California.

Mr. President, during this entire process, I never interfered and told the Navy what answer it should come up with. I simply assumed that the Navy would do so on an objective and on a nonpolitical basis.

Now, however, I must say that, based on my own experience and the report of the General Accounting Office, I am outraged at the Navy's lack of objectivity and its indifference to fairness.

This amendment, therefore, sponsored by myself, my colleague from Washington, and Senator FEINSTEIN from California, will not decide the question in favor of one of our cities. It simply requires the Navy to reopen the question and to treat all five applicants fairly and under the same rules that were imposed at the beginning of the process rather than being added at the end. It is as simple as that. Mr. President, something that the Navy should have done in the first place it would be required to do by this amendment.

Obviously, the location of the *Missouri*, given its historic nature, is a matter of significance to all of the applicants and, I think, to all Americans and most especially to those who served in World War II.

Obviously, I would prefer the ultimate location to be in my own State. But I have not demanded in the past, nor do I demand now, that the Navy decide in my favor. I simply ask that it make this decision objectively—nothing more and nothing less.

For that reason, I ask for the support of my colleagues for this modest proposal.

Mrs. MURRAY. Mr. President, I am pleased to join my Washington State colleague in offering this amendment to require the Navy to revisit the awarding of the U.S.S. *Missouri*. I have followed closely the Navy's handling of the *Missouri*; working with Senator GORTON, Congressman NORM DICKS, the Washington congressional delegation, and my constituents. I am also pleased that California Senators have joined this effort to question the Navy's *Missouri* decision.

The history of the "Mighty Mo" is known all across our country and throughout the world. This is a relic of immense importance and historical significance. It was on the decks of this great battleship that World War II came to a welcome end. The *Missouri* is particularly valued by the residents of my State where she has been berthed for most of the last 40 years in Bremerton. She is a source of great pride to veterans in my State; many of whom served in World War II including in the Pacific theater and aboard the "Mighty Mo."

Following the Navy's decision to remove the *Missouri* from the Naval Vessel Register, five proposals were submitted to the Navy from communities interested in taking ownership of the famed battleship. Bremerton, WA was among the five applicants seeking to display and honor the *Missouri*. San Diego, San Francisco and Honolulu all submitted proposals.

Each community vying for the *Missouri* submitted voluminous applications to the Navy responding within a year's time to a set of Navy criteria previously used in the disposition of the U.S.S. *Lexington*. While I cannot speak for the other applicants, I know of the care, the time, and the commitment demonstrated by the Bremerton community in preparing its proposal to the Navy. Bremerton's proposal to permanently display the *Missouri* was delivered to the Navy in October 1995.

Last August, the Secretary of the Navy announced the decision to award the *Missouri* to Honolulu, HI. Following the Navy's decision, significant questions were raised regarding the Navy's process in awarding the battleship. Congressman NORM DICKS in his capacity as a senior member of the House Appropriations Committee requested a General Accounting Office study on the Navy's donation process of the *Missouri*.

It is the results of this GAO study that bring us here today. Since coming to the Congress, I have sought to let the Sun shine on the political process—to share with the public the great decisions before this body. The GAO study demonstrates that the Navy also needs a little sunshine.

Here's what the GAO found in reviewing the Navy process. Following the review of applications, the Navy added new and previously unused criteria to the selection process. And, according to the GAO, the Navy did not do a good job communicating the relative importance of the new evaluation criteria. According to the GAO, several of the applicants reported that the Navy gave them the mistaken impression that the additional requirements were not that significant.

Shockingly, these new criteria were actually given 75 percent of the donation award weight. After more than 1 year of discussion among the interested communities, the Navy changed the rules and failed to explain the importance of the new rules. Then the Navy gave the competing communities 12 days to respond to the new rules which turned out to be decisive in awarding the battleship.

Clearly, the Navy bungled the process—either innocently or with other motives in mind. I am not here to accuse either the Navy or another applicant of behaving inappropriately. Rather, I do believe the facts of the case as established by the GAO argue for our amendment.

Let me state clearly what our amendment seeks to accomplish today. We simply seek the Senate's support to instruct the Navy to conduct a new donee selection process. We do not seek to influence or prejudge that selection process. We only want a fair competition, administered by the Navy in a manner worthy of this great battleship.

Like all of my colleagues interested in displaying the *Missouri*, I have every confidence in the proposal from my home State. Bremerton continues to host the *Missouri* today and the community is devoted to remaining the steward of this unique historic monument. The *Missouri* is a passion for the residents of Bremerton, Kitsap County, and indeed all of Washington State.

I recognize that the interests of Washington State may not be enough to sway the Senate to overturn the Navy's decision. However, I do want my colleagues to know that this is not a small, regional competition. Veterans all across this country care about the *Missouri*. Those who served aboard this great battleship live in every State in the country; many are now elderly and incapable of traveling great distances to commemorate their service. It is for our veterans and particularly for those that served aboard the "Mighty Mo" that we must ensure that the process is fair to all.

All World War II vets recognize and revere the "Mighty Mo." Just recently, Bremerton hosted a group of 110 families and survivors from the Death March of Bataan and Corregidor. These veterans, many in poor health, could travel to Bremerton. And they wanted to see the "Mighty Mo." This reverence for the battleship demands that the Senate stand for a process fair to all.

I urge my colleagues to support the Gorton-Murray amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER [Ms. SNOWE]. The Senator from Hawaii.

Mr. INOUYE. Madam President, briefly, it displeases me to be standing here speaking in opposition to my distinguished friend from Washington. But I think it should be remembered by all of us that under current law, the law that is in place, the Secretary of the Navy is authorized to donate any stricken vessel to any organization which can demonstrate its financial means to support it.

The Navy is not required to hold a competition nor is it required to select a winning proposal. However, as my friend from Washington noted, when it became apparent that there were several cities vying for the *Missouri*, such as San Francisco, Bremerton, and Pearl Harbor, the Secretary determined that he would very carefully examine how he would dispose of the ship.

In a lengthy competition, the Navy kept all participants equally informed. Nowhere in the GAO report does it say that any city got favorable treatment. They were equally informed of how it would judge the applicants.

It determined that in the unique situation at hand it should ensure that this historic ship should be located where it would best serve the Navy and the Nation. Those were the two additional criteria.

I think that even without stating that, that should be the first criteria: How best can the interests of this Nation be served? How will the Navy's interests be served?

The Secretary issued these new requirements to all of the applicants. According to the GAO, no one received favorable or preferential treatment. The Navy Secretary then had his staff evaluate the criteria. He chose the best proposal as the winning location. Under the current law the Secretary could have selected the losing proposal, but he did not. He chose the winning proposal. And the winner was Pearl Harbor.

Now, those that lost say that is not fair. If one would objectively look at the GAO report, it does not suggest that it was not fair. All applicants operated under the same rules. We did not know that the Navy would change the interests which best served their interests.

They argue that the competition should be reopened. What is the basis of this argument? The GAO did not recommend that the competition be reopened, nor did the Secretary recommend that the competition be reopened. Instead, they believe, since none of the parties had enough time to consider how their location was the best location for the ship, that we should go back and redo the competition.

Madam President, I believe that is completely unfair to the winning team. We have made countless—hundreds—of decisions of this nature. Did we go back to MacDonnell Douglas and say we are going to reopen the competition for the joint strike fighter because they lost to Boeing? No. Did the Navy reopen the competition of the sealift ship contracts when Newport News and Ingalls lost to Avondale? No.

Madam President, the amendment by the Senator from Washington, I believe, is unfair and it is bad for all of us. Each of us has had constituents which won and also lost competitions. If we are to go back and reconsider awards even when the GAO does not recommend reopening matters, then I believe we will be in very serious trouble.

I believe that the Pearl Harbor applicants won the contest and competition for one simple reason: The Pearl Harbor applicants did not look upon the *Missouri* as a mere tourist attraction. We have a very sacred ship in Pearl Harbor at this moment, the *Arizona*. There are over 1,700 men who are still in the ship. It is a memorial. And it happens that more tourists visit the *Arizona* than they do the Tomb of the Unknown Soldier. But it was not built, Madam President, as a tourist attraction. It was built as a memorial to remind all of us that on this dark morning of December 7, 1941, we were suddenly thrust into a bloody and terrible war.

The battleship *Missouri* is a ship upon which the surrender terms were signed by the representatives of the Imperial Government of Japan. The most logical spot for the location is Pearl Harbor. On one hand, you will see the *Arizona* where the war began, and down Battleship Row you will see the U.S.S. *Missouri* where the war ended. It would constantly remind us of the many sacrifices that men and women of the United States were called upon to make during that terrible war.

I have visited Bremerton. It is a nice place. But I am certain that my colleagues realize that Bremerton is also looked upon by Navy personnel, and others, as the graveyard of ships, where dozens upon dozens of destroyers and cruisers are parked and put in cover hoping that someday they can be used.

The *Missouri* deserves much more than a graveyard, Madam President. The *Missouri* should be respected with dignity; it should be revered as a memorial.

So, Madam President, I hope that my colleagues will follow the suggestions of the GAO. The GAO said it should stand as is. The Secretary of the Navy said his decision stands. Why go through the misery again of spending countless dollars to come up with the same result?

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, with almost all of the factual statements about how the selection process was made, I agree with my friend and colleague from Hawaii. With his unwarranted characterization of Bremerton and, by implication, of San Francisco and of the California applicants, I most decidedly do not.

Pearl Harbor is in fact a memorial to World War II and to its beginning. But Pearl Harbor, no more than Bremerton or San Francisco, was the location of the surrender of the Japanese on board the *Missouri* at the end of the war.

Under the logic of the Senator from Hawaii, the *Missouri* should be sent to Tokyo Bay and be a memorial and a reminder there. Obviously, that is not going to be the case. But from the point of view of its availability to primarily American tourists, it is obviously more conveniently located in one of the west coast ports than it is Honolulu.

But, Madam President, the true difference between the Senator from Hawaii and myself is not that. The Senator from Hawaii, as apparently he did to the Navy himself, is making the case for his location. I simply depended on the Navy to make that decision objectively.

The Navy, of course, can set up whatever criteria it wishes for making a donation of a ship or any other artifact to a community, but the Navy, like every other American institution, should do so fairly and on the basis of rules that are not changed at the beginning of the game without telling the participants in the game what the new rules mean or what weight they will be given. Had the Navy followed its original rules, the rules it applied itself to all previous donations, Bremerton was the most likely winner by reason of the deep concern on the part of the community for what had been a part of its history for more than 40 years. But at the very end, the Navy comes up with two other criteria, informs no one of their importance, gives them 75 percent of the weight in making its decision, and comes out, I presume, where someone in the Navy wanted to come out in the first place but could not without changing those rules.

My amendment does not even require that those rules be changed, though I think they should be, Madam President. It simply requires the Navy to treat the citizens of the five communities that applied to be the permanent home of the *Missouri* on the basis of the same rules at the end of the process that it had at the beginning of the process and to inform those communities of what the rules are and what their relative weight is. That is asking for the most minimal fairness, Madam President, the most minimal fairness in the world.

The General Accounting Office did not take a position one way or the other on whether or not the process should be reopened, said that none of the communities were adequately informed about the nature and the weight of the new criteria. That is the fundamental answer that should have caused the Navy to reopen this process on its own.

Madam President, it is interesting to note that the fairness of this request, the request I am making in this amendment, is recognized even by the Honolulu Advertiser. Now, the Honolulu newspaper, a month ago tomorrow, wrote an editorial on the subject which, of course, takes Senator INOUYE's position on the merits, that Pearl Harbor is practically the only logical place and certainly the most logical place for the location of the *Missouri*. But it does say, in part,

> Officials from Bremerton, WA, cite a General Accounting Office report that says there were a number of last minute changes in the Navy's selection process that skewed it in favor of Honolulu. They want the selection process reopened. Hawaii Senator DAN INOUYE, whose enthusiasm was very obvious in the effort to get the *Missouri* at Pearl Harbor, says the GAO report in itself is skewed. He promises the great battleship will come to Pearl. Let's hope so. But if the proposed Pearl Harbor resting place makes so much sense, as we believe, then there should be no problem in reopening the selection process so that all questions are answered.

It concludes, "And no one can claim Hawaii stole it. We can proudly say we earned the right to host the *Missouri*."

I am not sure that would be the result. I hope that would not be the result. The very newspaper in Honolulu itself acknowledges that this competition should be a fair one and carries the implication that it was an unfair one. We ask no more than that. This is not a tremendously complicated process. It will not take a long time to do justice. But justice has not been done, Madam President, and it can only be done by the acceptance of this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered.

Mr. INOUYE. Madam President, I suggest that to call upon the Navy as being unfair and not objective is not fair. There is nothing in the record to suggest that they have been less than objective or less than fair.

I think it should be pointed out that the GAO report stated that no one received preferential treatment, no one received advance notice. It was objective, it was fair to all, and the Secretary of the Navy just recently stated he stands by his decision, and the GAO report itself says the decision should be left where it is. It should not be reopened.

So I hope my colleagues will defeat this amendment.

Mr. GORTON. Madam President, one correction. The GAO makes no recommendation with respect to whether or not this question should be reopened whatever. It does say the Navy should change its donation procedures in the future, but it does not say that the selection should stand.

Mr. LEVIN. Madam President, I oppose the amendment to reopen the Navy's decision to donate the U.S.S. *Missouri* to Pearl Harbor.

These are obviously very difficult decisions for all of us to make because of the friendships with the Senators from the States involved. I do believe, under these circumstances, the GAO found that the Navy's donation process was impartially applied, to use their words. They are critical of some aspects of the process and many of these processes are not perfect in their application. But to me, the key words of the GAO report are that the Navy's donation process appears to have been impartially applied, and the GAO's statement on page 10 where they say that on June 5, 1996, each of the five applicants was notified for the first time that "In addition to the financial and technical information that you've provided, your application will also be evaluated in terms of its overall public benefit to the Navy and to the historical significance associated with each location to include the manner in which the ship will be used as a naval museum or memorial." Notification was made in writing, with telephone confirmation.

The GAO also reports on page 12 that none of the applicants requested clarification of the June 5 letter or expressed concern about the additional requirements at the time, and all responded to the letter.

That, to me, is a very critical fact, that when the additional requirements were spelled out in that June 5 notification, that all the applicants responded to the letter with the additional requirements and none requested clarification or expressed concern.

Was this a perfect process? It was not. The GAO acknowledges that, and indeed, the Navy acknowledges that. Was this process sufficiently fair so that we should not reopen the Navy's decision to donate the *Missouri* to Pearl Harbor? It seems to me that it does meet that test.

I will oppose the amendment and vote against reopening the Navy's selection process.

I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that a letter dated June 10, 1997, from the Secretary of the Navy to the Honorable NORMAN D. DICKS, a Member of the House of Representatives, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, 10 June 1997.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: Thank you for your letter of June 3, 1997, regarding the General Accounting Office report concerning the Navy's donation selection process for the battleship ex-MISSOURI.

I have reviewed the General Accounting Office report you enclosed, and I find that it contains nothing that would warrant reopening the process. The General Accounting Office stated that the Navy "impartially applied" the donation selection process, and that all applicants received the same information at the same time. The report's chronology documents that scoring for the financial, technical, historical and public affairs evaluation of each application did not begin until after all criteria weighting was established and all information was received from the applicants. The initial evaluation scores developed by each of the three independent scoring teams were maintained throughout the process. I remain confident that my selection of Pearl Harbor was in the best interest of the Navy and our Nation, based on the impartial review of the relative merits of the four acceptable applications.

The General Accounting Office found the initial phase of the donation selection process was well-handled, but that the Navy could have done a better job of communicating information about the two additional evaluation criteria of Public Affairs Benefit and Historical Significance. The General Accounting Office also noted, however, that none of the applicants requested clarification on any aspect of these two criteria. When the General Accounting Office forwards their report to me, I will consider and provide a written response to any specific recommendations they make regarding how to improve the process for future competitive donation selections.

I am sensitive to the concerns of those American veterans who have expressed their desire to keep ex-MISSOURI on the mainland. Others, including the American Legion's Department of Missouri, have endorsed the Pearl Harbor site. I regret that it is not possible to accommodate all groups who are interested in the location of the ex-MISSOURI display. As I said at the time my selection was announced last summer, this was a very tough decision since all the proposals were so impressive. I hope that other groups interested in displaying a Navy ship will consider that there are several other ships currently available for donation.

As always, if I can be of any further assistance, please let me know.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

Mr. AKAKA. Madam President, I rise in opposition to the amendment offered by Senator GORTON.

The "*Mighty Mo*" is a historical icon of World War II in the Pacific. It began its service in World War II by providing gunfire support during the battles of Iwo Jima and Okinawa. The U.S.S. *Missouri* took its place in world history when it became the site for the formal signing of Japan's surrender.

Continuing its auspicious beginnings, the *Missouri* participated in the Korean war, was decommissioned, then recommissioned, and saw its final battles during the Persian Gulf conflict. She was finally decommissioned on March 31, 1992.

In January 1995, the Department of the Navy declared *Iowa* class battleships in excess to its requirements. The people of Hawaii have always believed that the *Missouri*'s home is Hawaii. We supported having her homeported in Hawaii before she was decommissioned in 1992. Since then, our community has been diligently working to bring the

Missouri to Hawaii to fulfill its final mission—as a memorial museum in the Pacific. It is a fitting tribute to those we honor at the *Arizona* Memorial to have the *Missouri* become a part of our memorial in the Pacific.

The Senator from Washington believes that the Navy's evaluation process was unfair because the criteria were changed during the evaluation stage. However, the General Accounting Office found that the Navy provided all applicants the same information on the additional criteria at the same time. Although all interested parties were provided the same information, none of the applicants requested clarification of the additional requirement.

The Navy conducted an impartial and fair review in determining the site location for the *Missouri*. There is no reason to reopen the selection process. I urge my colleagues to reject the amendment offered by the Senator from Washington, and let us move forward in establishing a memorial to those who so gallantly fought in the Pacific.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 753

(Purpose: To require a report on options for the disposal of chemical weapons and agents)

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 753.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Mr. MURKOWSKI. Madam President, let me explain very briefly the amendment that I put before the Senate. This amendment would direct the Department of Defense to conduct a study of alternatives to our present approach to chemical weapons disposal. Depending on the conclusion of this study and its evaluation, there is a potential savings to the taxpayer, somewhere in the area of $3 billion to $5 billion, and perhaps much more, in the costs of disposing of these weapons.

The Chair might wonder why the chairman of the Energy and Natural Resources Committee is interested and involved with this issue, and to what degree does he have expertise in this area that falls under the auspices of the Department of Defense and under the Defense authorization bill. The Chairman would respond, Madam President, by noting that, as chairman of the Energy and Natural Resources Committee, I spend a great deal of time and energy in the area of nuclear waste and nuclear waste disposal and the transportation of nuclear waste.

I might add that there has been moved globally about 25,000 tons of high-level nuclear waste throughout the world. We have, currently, in some 80 reactors in 31 sites in the United States, high-level nuclear waste that we are contemplating at some time moving to Yucca Mountain in Nevada. So I think the qualifications for a contribution to the area of disposing of chemical weapons is appropriate in the body of the amendment. This amendment simply calls for a study. It does not mandate changes in the program at this time, but will provide the Congress with an important and needed opportunity to responsibly evaluate alternatives to our chemical weapons disposal program in the future.

Surprisingly enough, there is no authority to evaluate alternatives at this time for the Department of Defense. It was my hope this amendment would be accepted by the floor managers.

I think it is noteworthy, Madam President, that prior to the Senate's ratification of the Chemical Weapons Treaty, the United States did adopt the policy that we would dispose of our chemical weapons in a safe and environmentally responsible manner. As most of my colleagues know, the disposal process is now underway, but it is becoming clear that we cannot afford to continue this program as it is currently constructed because of the costs.

According to the General Accounting Office, the costs of the stockpile disposal program have escalated sevenfold, from an initial estimate of $1.7 billion to a current estimate of $12.4 billion. The costs of the nonstockpile program, which consists of the location and destruction of chemical weapons ordinance that was disposed of through burial or other means in the past, could cost an additional $15.1 billion and take up to 40 years to complete.

Well, that is a total of about $27.5 billion to dispose of our chemical weapons. However, the GAO indicates that both the costs and the disposal schedules are highly uncertain and that it will likely take more time and likely take more money to get this job done.

Well, as a consequence of that dilemma, Madam President, I think the program needs a fresh look, a new comprehensive evaluation by the program managers in the Department of Defense.

Today, we have stockpiled chemical weapons stored at 9 locations. On the chart on my right, one can see that we start out with the Johnston Atoll, an island in the Pacific, roughly 700 miles southwest of Hawaii. We have another in Tooele, UT; Umatilla, OR; Pueblo, CO; Pine Bluff, AR; Anniston, AL; Blue Grass, KY; Aberdeen, MD; and Newport, IN.

The chemical consistencies of the weapons stored there are abbreviated here by GB, which is a sarin nerve agent, and HD, which is a mustard blister agent, and VX, which is a nerve gas agent.

Now, I have had the opportunity to visit the facility at Johnston Island on two occasions in the last 3 years. The chemical weapons are stored in capsules that look like hundred pound bombs. And within the bomb itself, or the casing, we have two components. One is an agent that is separate and distinct from the other nerve gas agents, and there is a triggering mechanism. Of course, the chemical reaction takes place when the two are mixed, or the exterior shell is punctured or broken. It is rather revealing to contemplate the terrible consequences of this type of weaponry, Madam President. It was explained that these can be fired from a Howitzer in ground activity, exploding perhaps 300 or 400 feet in the air, and the mist of the vapors, upon contact with the skin, will take a life within 30 seconds. Now, when you see this stored, you come to grips with the reality of the devastation of this type of weaponry and the necessity of proper disposal.

It is also important to recognize how it got there because this stuff wasn't made at Johnston Island. It was shipped there from Europe, and some was shipped from some of our bases in the Pacific. It was shipped under the observation of the Army Corps of Engineers. It was shipped safely and met the criteria for shipment, which was evaluated to ensure its safety.

So it is important to keep in mind in this discussion that these weapons we are now disposing of at Johnston Island, for the most part, were weapons that were part of the NATO capability, shipped from Germany, and have been safely transported to Johnston Island and are under the process of being destroyed.

Now, at Johnston island, we have this capability for weapons demilitarization and incineration. This complies, as it must, with all applicable environmental laws, including the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, and the Toxic Substances Control Act. It is a superbly safe, state-of-the-art facility. It is also very expensive. This plant cost approximately $1 billion.

What they have there are chambers where they take these things that look like bombs with the chemical in them and they actually take, in parts, the Chamber—that is, the inner Chamber, remove that, and put it in an area where they are able to dispose, through heat, of the volatility of the particular chemical agent. The other part goes in another Chamber and is burned at a very high temperature in an enclosed cycle process. So there is nothing that gets into the atmosphere.

Now, we have recently opened another $1 billion facility in Tooele, UT. The theory is that we are going to have to build some seven more of these plants, capable of disposing of this chemical waste at each of the locations where stockpiled chemical weapons are stored. So while we have operational facilities at Johnston Atoll and Tooele, UT, we are prepared to put in seven more at a billion dollars each, simply because we are prohibited from even considering shipping this to safe disposal sites already on line.

As I said, we have a perfectly functioning facility on Johnston Island, which has been operational for a number of years. Should we move or even consider moving chemical weapons to Johnston Island and dispose of all of them in that plant we have already built? The answer clearly is no. There are objections from California and objections from Hawaii. Nobody wants this to happen in their own backyard. These States that have the chemical weapons stored are in kind of a catch-22. They don't want them there anymore. If they want to get rid of them, they have to build a plant at a cost of over a billion dollars, as opposed to the alternative of shipping them to one or two sites.

Well, the answer to this $5 billion question is simple. Under current law, the Department of Defense cannot move chemical weapons across State lines. In fact, they can't even study the concept of transporting the munitions to an existing plant and thus build fewer plants. So if you look at the practicality of where we are, we are of one mind set. Reality: If we want to get rid of this stuff, we have to build seven plants rather than move the stuff because we have a law that prohibits us from moving these agents across State lines for disposal at one or two plants.

In other words, the Department of Defense can't even think about saving money by having this process occur in just a couple of plants instead of—well, it would be a total of nine. My amendment is designed to allow the Department of Defense to study the transportation issue, as well as whatever other approaches might be available to help bring down program costs consistent with the safe disposal of these chemical weapons.

My amendment does not repeal the provision in the 1995 defense authorization bill that prohibits the movement of chemical weapons munitions across the State lines.

At this time, we are only seeking a study to identify and evaluate options. This study will assess lifecycle costs as well as risks. We are not moving beyond the study phase because I, for one, will await the results of the study before reaching any firm conclusions.

But I have a hunch—and it is more than a hunch—that we can save money by reassessing this process. I am not suggesting it should go to any one place. But the reality is that we are designing a framework here for disposal in seven new additional sites which still need to be built. Given that we have two state of the art, fully operational facilities at Johnston Island and Tooele, UT, is it really necessary that we need to build seven additional sites? Or can we consolidate this process, perhaps with one site on the east coast and one site in the middle of the country? Our technical people have proven the competency of disposing of this, as we have had this process underway at Johnston Island and Tooele for some time. We seem to be so paranoid over the fact that we have this stuff and we are caught, if you will, in a dilemma of, well, if we want to get rid of it, we have to build a plant where it is stationed because nobody wants to see it moved across to someplace else where it can be disposed of. But nobody addresses what the experts tell us relative to the ability to move this stuff safely. We moved it safely from Germany to Johnston Island, it can be done and has been done. To suggest that we can't move it 400 or 500 miles by putting it in the type of containers that will alleviate virtually any exposure associated with an accident, I think, sells American technology and ingenuity short. We can move chemical weapons in a safe and environmentally responsible manner, and we can save a lot of money by reducing the number of facilities that we are committed to build.

So I urge the Senate to adopt my amendment. Again, I urge my colleagues to reflect on the reality that this amendment does not mandate any changes in the program. It will not mandate the movement of any chemical weapons from one place to another or remove the prohibitions to move weapons across State lines. It would merely allow the Department of Defense to study alternatives and report back to Congress by March 15, 1998. I know of the sensitivity of Members whose States are affected. But I ask them to consider the merits of a study to evaluate, indeed, whether we can move some of this to some places and reduce the number of facilities that we are going to build at a billion dollars a crack. What are we going to do with these facilities when the weapons have been deactivated and destroyed? We are going to destroy the facilities. I urge adoption of the amendment.

Madam President, if I may, it is my intention to ask for the yeas and nays on my amendment at the appropriate time. The floor managers can address it at their convenience.

Mr. LEVIN. Will the Senator withhold on that for a moment?

Mr. MURKOWSKI. Yes.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I am not sure whether the Parliamentarian recorded my request for the yeas and nays. I would like to withdraw asking for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 753, AS MODIFIED

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to modify my amendment which is pending at the desk at this time.

The PRESIDING OFFICER. The Senator has the right to modify his amendment at this time.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 753), as modified, is as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

Notwithstanding any provision of law:

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Mr. MURKOWSKI. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

MODIFICATIONS TO AMENDMENTS NOS. 666, 667, 668, AND 670, EN BLOC

Mr. LEVIN. Mr. President, on behalf of Senator WELLSTONE, I ask unanimous consent that it be in order to modify his amendments numbered 666, 667, 668, and 670, en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEVIN. I thank the Chair. Mr. President, on behalf of Senator WELLSTONE, I send his modifications to the desk.

The PRESIDING OFFICER. The amendments are so modified.

The modifications are as follows:

MODIFICATION TO AMENDMENT NO. 666

On page 1, line 5, strike "shall" and insert in lieu thereof "is authorized to".

MODIFICATION TO AMENDMENT NO. 667

On page 7, line 13, strike "shall" and insert in lieu thereof "is authorized to".

AMENDMENT NO. 668, AS MODIFIED

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense is authorized to transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purpose of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

MODIFICATION TO AMENDMENT NO. 670

On page 1, line 6, strike "shall" and insert in lieu thereof "is authorized to".

Mr. LEVIN. I thank the Chair and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I have two amendments that I would like to lay down. Both are at the desk.

AMENDMENT NO. 607

(Purpose: To impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons)

Mr. KYL. Mr. President, the first amendment at the desk is amendment No. 607.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 607.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons;

(4) Russia has deposited its instrument of ratification of the Chemical Weapons Convention; and

(5) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled "A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions", agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term "Cooperative Threat Reduction program" means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

Mr. KYL. Mr. President, let me briefly describe what this amendment does. Then I will discuss it in further detail later.

In summary, this amendment establishes five conditions for the assistance that is to be provided to Russia for destruction of its chemical weapons, the so-called Nunn-Lugar funding. Very briefly, this resolution is called for because the funding that we have provided to Russia to date does not appear to be adequately supported by the Government of Russia for its part of its own chemical weapons destruction program. If one could view this in the nature of matching funds, I think it is easy to understand. We have provided a great deal of money, of Nunn-Lugar funding, to Russia, much of it for destruction of their chemical weapons. They have not reciprocated by allocating or spending any of their own money for the destruction of their chemical weapons.

In addition, they have not ratified the Chemical Weapons Convention. They have not complied with the terms of the so-called Wyoming Memoranda, which is one of the methods by which we exchange information about our chemical stocks in furtherance of an agreement to destroy them. They have backed out of the bilateral destruction agreement, which was our bilateral agreement to destroy our mutual stocks of chemical weapons. They have not advanced a penny toward the development of the facilities for the destruction of their weapons that are currently being designed with U.S. Government money. In effect, they have not shown any willingness to join us in the destruction of those weapons which pose the most threat to the United States and other people around the world.

As a result, partially in conformance with the terms of the chemical weapons treaty, which was earlier adopted, and in conformance with S. 495, which had other specific requirements, and consistent with requirements that the House of Representatives placed on the House-passed version of the defense authorization bill, we provide five specific requirements that the Russian Government will have to meet in order to receive this funding.

First, that they show reasonable progress toward implementation of the 1990 Bilateral Destruction Agreement; second, that resolution of outstanding compliance issues related to the Wyoming Memorandum of Understanding and the BDA, that be resolved—at least that there be progress toward that; third, a full and accurate Russian accounting of its own CW program, as required by those previously mentioned agreements; fourth, Russian ratification of the Chemical Weapons Convention; and, fifth, bilateral agreement to cap the United States CW destruction assistance and Russian commitment to pay for a portion of their part of their own CW destruction costs.

As I said, these are reasonable requirements to be attached to U.S. taxpayer dollars going to the country of Russia for the destruction of their chemical weapons. I will discuss it in further detail later, but it seems to me to be more than reasonable for us to attach these conditions. If we do not, then additional taxpayer money is going to be sent to Russia with no indication whatsoever that Russia will ever support the program funded with U.S. taxpayer dollars to support their chemical weapons destruction program.

Perhaps most important, the most that it appears right now that Russia is inclined to do is to destroy those old chemical weapons that pose an environmental concern to Russia with United States dollars at the same time that they are using Russian dollars to continue a covert development and production program of new chemical weapons. So it makes no sense for us to be spending U.S. taxpayer dollars to help them destroy the stocks of the old environmentally unsafe weapons that they would like to get rid of anyway, at the same time they are using their money to develop new chemical weapons and produce those new chemical weapons that could someday be used against the United States—all in violation of the chemical weapons treaty, I might add.

So that is the nature of the first amendment.

AMENDMENT NO. 605

(Purpose: To ensure the President and Congress receive unencumbered advice from the directors of the national laboratories, the members of the Nuclear Weapons Council, and the commander of the United States Strategic Command regarding the safety, security, and reliability of the United States nuclear weapons stockpile)

Mr. KYL. If there is no objection, the second amendment is amendment No. 605. I call up that amendment at this time.

The PRESIDING OFFICER. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. Kyl] proposes an amendment numbered 605.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) Findings.—Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by relevant provisions of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–377) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. This approach is yet unproven. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) Policy.—

(1) In general.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) Nuclear weapons stockpile.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) Sense of Congress.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—No representative of a government agency or managing contractor for a nuclear weapons laboratory may in any way constrain a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) PROHIBITED PERSONNEL ACTIONS.—No representative of a government agency or managing contractor may take any administrative or personnel action against a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of the United States Strategic Command, in order to prevent such individual from expressing views under subsection (c) or (d) or as retribution for expressing such views.

(f) DEFINITIONS.—

(1) REPRESENTATIVE OF A GOVERNMENT AGENCY.—The term "representative of a government agency" means any person employed by, or receiving compensation from, any department or agency of the Federal Government.

(2) MANAGING CONTRACTOR.—The term "managing contractor" means the non-government entity specified by contract to carry out the administrative functions of a nuclear weapons laboratory.

(3) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

Mr. KYL. Mr. President, the purpose of this amendment—and this is really a very simple amendment that I think specific language will be worked out on with members of the committee and hopefully could be included as part of the managers' amendment—is simply to ensure that the President of the United States receives direct and objective and unencumbered advice regarding the safety and reliability and security of the U.S. nuclear force from the directors of the national laboratories and the members of the Nuclear Weapons Council.

Just one bit of background here. Both the national laboratories and the Nuclear Weapons Council are supposed to give the President advice about the safety, reliability, and security of our nuclear force. For them to be able to do that in an objective way, they obviously need to tell it as it is, "tell it like it is," without any fear that they are not adhering to any party line with respect to those issues.

This, in effect, extends the Goldwater-Nichols-like protection that has previously been provided to members of the armed services, the Joint Chiefs, for example, to the lab directors and the members of the Nuclear Weapons Council so they can give the President unvarnished, objective, accurate information, and that information can also come to the Congress, all for the purpose of enabling us to set proper national policy with respect to our nuclear weapons.

Mr. President, I will have more to say about this later. As I said, I hope the amendment can be worked on and included as part of the managers' amendment. We will discuss this amendment further later.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 9 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 996 and S. 997 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 88, S. 936, the National Defense Authorization Act for fiscal year 1998:

Trent Lott, Strom Thurmond, Jesse Helms, Pete V. Domenici, R.F. Bennett, Dan Coats, John Warner, Spencer Abraham, Thad Cochran, Larry E. Craig, Ted Stevens, Tim Hutchinson, Jon Kyl, Rick Santorum, Mike DeWine, Phil Gramm.

Mr. LEVIN. Would the majority leader yield?

Mr. LOTT. Mr. President, I yield to the distinguished manager of the bill on that side of the aisle.

Mr. LEVIN. I want to thank the majority leader for yielding. I have had a brief conversation with the majority leader because we are in a rather unusual situation where there will be no rollcall votes, further rollcall votes, until late tomorrow, and that we will be then having a whole series of rollcall votes that could occur I believe as early as 5 o'clock tomorrow afternoon, or whatever the UC reads.

But in my conversation with the majority leader, I was led to believe—and I think this would be very helpful—that if we are making good progress on getting rollcall votes late tomorrow and the next day, that there is a possibility at least that there will be no need to proceed with the cloture vote on Thursday. And I want to thank him for that.

Mr. LOTT. Mr. President, if I could respond.

Of course you always have the option of vitiating a cloture vote. My only goal is trying to get this very important legislation moved through to completion this week. I know that that is the desire on both sides of the aisle. I am concerned about the number of amendments that have been suggested, as many as 150 first-degree amendments. I know a lot of those will fall very quickly once we start moving through the process and getting to the end of the week. But I certainly will consult with the Democratic leader, with the Senator from Michigan, and Senator THURMOND, to see how we are doing. And we can take that into consideration when we get to Thursday and see what the prospects are at that time.

Mr. LEVIN. I thank the majority leader.

Mr. LOTT. This cloture vote will occur sometime Thursday unless it is vitiated. I will consult with the Democratic leader for the exact time of the vote.

I do ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2390. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tuberculosis in Cattle and Bison", received on June 30, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2391. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Annual Report for fiscal year 1996 under the Youth Conservation Corps Act; to the Committee on Energy and Natural Resources.

EC-2392. A communication from the Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "Railroad Retirement and Railroad Unemployment Insurance Amendments Act of 1997"; to the Committee on Labor and Human Resources.

EC-2393. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Medical Devices; Reclassification of the Infant Radiant Warmer", received on June 27, 1997; to the Committee on Labor and Human Resources.

EC-2394. A communication from the Deputy Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings; and Adjuvants, Production Aids, and Sanitizers", received on June 27, 1997; to the Committee on Labor and Human Services.

EC-2395. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report of the Federal Home Loan Banks and the Financing Corporation for calendar year 1996 under the Chief Financial Officers Act; to the Committee on Governmental Affairs.

EC-2396. A communication from the Director Morale, Welfare and Recreation Support Activity, Department of the Navy, Department of Defense, transmitting, pursuant to law, the annual reports for calendar years 1995 and 1996 of the Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC-2397. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Washington Convention Center Authority Accounts and Operation for Fiscal Years 1995 and 1996"; to the Committee on Governmental Affairs.

EC-2398. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received on July 7, 1997; to the Committee on Labor and Human Resources.

EC-2399. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Postmarketing Expedited Adverse Experience Reporting for Human Drug and Licensed Biological Products; Increased Frequency Reports", received on July 7, 1997; to the Committee on Labor and Human Resources.

EC-2400. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Indirect Food Additives: Polymers; Technical Amendment", received on July 7, 1997; to the Committee on Labor and Human Resources.

EC-2401. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule relative to expanded safe use of triisopropanolamine, received on July 7, 1997; to the Committee on Labor and Human Resources.

EC-2402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act; to the Committee on Appropriations.

EC-2403. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of expenditures during the period October 1, 1996 through March 30, 1997; to the Committee on Appropriations.

EC-2404. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Revenue Ruling 97-29; to the Committee on Finance.

EC-2405. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to guidance for income tax benefits (RIN 1545-AV33), received on June 30, 1997; to the Committee on Finance.

EC-2406. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Announcement 97-70; to the Committee on Finance.

EC-2407. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of a notice relative to Home Health Agency costs; to the Committee on Finance.

EC-2408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to staff-assisted home dialysis under the Omnibus Budget Reconciliation Act; to the Committee on Finance.

EC-2409. A communication from the Congressional Affairs Officer of the Federal Election Commission, transmitting, pursuant to law, a report relative to the National Voter Registration Act for the calendar years 1995 and 1996; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (by request):

S. 991. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 992. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. DODD) (by request):

S. 993. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

S. 994. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the National Educational Goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. KENNEDY, Mrs. BOXER, Mr. MOYNIHAN, Mr. TORRICELLI, and Mrs. MURRAY):

S. 995. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 996. A bill to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 997. A bill to amend chapter 44 of title 28, United States Code, to authorize the use of certain arbitration procedures in all district courts, to modify the damage limitation applicable to cases referred to arbitration, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX:

S. Con. Res. 36. A concurrent resolution commemorating the bicentennial of Tunisian-American relations; to the Committee on Foreign Relations.

By Mr. COVERDELL:

S. Con. Res. 37. A concurrent resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and should be entitled to all of the benefits and privileges available to nongovernmental international organizations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (by request):

S. 991. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; to the Committee on Energy and Natural Resources.

THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation, at the request of the administration, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996.

Mr. President, I would like to submit a copy of the administration's letter of transmittal along with a copy of the bill and section-by-section analysis, and I ask unanimous consent that they be printed in the RECORD.

At the end of the 104th Congress, legislation was enacted making a number of changes to various laws affecting the national parks and other public lands. This new law, Public Law 104–333, the Omnibus Parks and Public Lands Management Act of 1996, included over 100 titles. With over 119 individual bills being included in this package, a number of cross-references need changing, along with some spelling and grammatical errors.

Mr. President, this bill, when enacted will make the necessary technical corrections.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

The table of contents in section 1 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4094; 16 U.S.C. 1 note; hereinafter referred to as the "Omnibus Parks Act") is amended by striking—

"Sec. 504. Amendment to Boston National Historic Park Act.
"Sec. 505. Women's Rights National Historic Park."

and inserting—

"Sec. 504. Amendment to Boston National Historical Park Act.
"Sec. 505. Women's Rights National Historical Park.".

SEC. 2. THE PRESIDIO OF SAN FRANCISCO.

(a) Section 101(2) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4097; 16 U.S.C. 460bb note) is amended by striking "the Presidio is" and inserting "the Presidio was".

(b) Section 103(b)(1) of Division I of the Omnibus Parks Act (110 Stat. 4099; 16 U.S.C. 460bb note) is amended in the last sentence by striking "other lands administrated by the Secretary." and inserting "other lands administered by the Secretary.".

(c) Section 105(a)(2) of Division I of the Omnibus Parks Act (110 Stat. 4104; 16 U.S.C. 460bb note) is amended by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title.".

SEC. 3. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of Division I of the Omnibus Parks Act (110 Stat. 4109; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B,".

SEC. 4. BIG THICKET NATIONAL PRESERVE.

(a) Section 306(d) of Division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 689 note) is amended by striking "until the earlier of the consummation of the exchange of July 1, 1998," and inserting "until the earlier of the consummation of the exchange or July 1, 1998,".

(b) Section 306(f)(2) of Division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 689 note) is amended by striking "located in Menard Creek Corridor" and inserting "located in the Menard Creek Corridor".

SEC. 5. LAMPREY WILD AND SCENIC RIVER.

The second sentence of the unnumbered paragraph relating to the Lamprey River, New Hampshire in Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking "through cooperation agreements" and inserting "through cooperative agreements".

SEC. 6. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of Division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking "published by the Vancouver Historical Assessment' published by the Vancouver Historical Study Commission" and inserting "published by the Vancouver Historical Study Commission".

SEC. 7. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.

Section 504 of Division I of the Omnibus Parks Act (110 Stat. 4155, 16 U.S.C. 1 note) is amended by striking **"SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT."** and inserting **"SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.".**

SEC. 8. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(d) of Division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended by striking "section 8(b) of the Act referred to in section 4401(b))," and inserting "section 8(b) of the Act referred to in section 508(b),".

SEC. 9. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.

The first sentence of Sec. 205(g) of Title II of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended by striking "and are otherwise available for the purpose." and inserting "and are otherwise available for that purpose.".

SEC. 10. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of Division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking "the contribution of our national heritage" and inserting "the contribution to our national heritage".

SEC. 11. NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT.

(a) Section 511(c) of Division I of the Omnibus Parks Act (110 Stat. 4160; 16 U.S.C. 410ddd) is amended as follows:

(1) in paragraph (1) by striking "certain districts structures, and relics" and inserting "certain districts, structures, and relics."

(2) in clause (2)(A)(i) by striking "The area included with the New Bedford National Historic Landmark District, known as the" and inserting "The area included within the New Bedford Historic District, a National Landmark District, also known as the".

(b) Section 511 of Division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended—

(1) by striking "(e) GENERAL MANAGEMENT PLAN." and inserting "(f) GENERAL MANAGEMENT PLAN."; and

(2) by striking "(f) AUTHORIZATION OF APPROPRIATIONS." and inserting "(g) AUTHORIZATION OF APPROPRIATIONS.".

(c) Section 511(g) of Division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is further amended—

(1) by striking "to carry out the activities under section 3(D)." and inserting "to carry out the activities under subsection (d)."; and

(2) by striking "pursuant to cooperative grants under subsection (d)(2)." and inserting "pursuant to cooperative grants under subsection (e)(2).".

SEC. 12. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of Division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking "Afican-Americans" and inserting "African-Americans".

SEC. 13. UNALASKA.

Section 513(c) of Division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking "whall be comprised" and inserting "shall be comprised".

SEC. 14. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of Division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking "The study under subsection (b) shall—" and inserting "The study shall—".

SEC. 15. SHENANDOAH VALLEY BATTLEFIELDS.

(a) Section 606(d) of Division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) in paragraph (1) by striking "established by section 5." and inserting "established by subsection (e).";

(2) in paragraph (2) by striking "established by section 9." and inserting "established by subsection (h)."; and

(3) in paragraph (e) by striking "under section 6." and inserting "under subsection (f).".

(b) Section 606(g)(5) of Division I of the Omnibus Parks Act (110 Stat. 4177; 16 U.S.C. 461 note) is amended by striking "to carry out the Commission's duties under section 9." and inserting "to carry out the Commission's duties under subsection (i).".

SEC. 16. WASHITA BATTLEFIELD.

Section 607(d)(2) of Division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended by striking "will work with local land owners" and inserting "will work with local landowners".

SEC. 17. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of Division I of the Omnibus Parks Act (110 Stat. 4182; 16 U.S.C. 497c) is amended as follows:

(1) in subsection (d)(1) and in subsection (d) last paragraph, after "1994–1995 base year," insert "AGR";

(2) in subsection (f) by striking "sublessees" and inserting "subpermittees"; and

(3) in subsection (f) by striking "(except for bartered goods and complimentary lift tickets)" and inserting "except for bartered goods and complimentary lift tickets offered for commercial or other promotion purposes)".

SEC. 18. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of Division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking "referred to in section 301" and inserting "referred to in subsection (a)".

SEC. 19. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) Section 814(a) of Division I of the Omnibus Parks Act (110 Stat. 4190; 16 U.S.C. 17o. note) is amended as follows:

(1) in paragraph (7) by striking "(B) Competitive Leasing.—" and inserting "(B) Competitive Leasing.—";

(2) in paragraph (9) by striking "granted by statue" and inserting "granted by statute";

(3) in paragraph (11)(B)(ii) by striking "more cost effective" and inserting "more cost-effective";

(4) in paragraph (13) by striking "established by the agency under paragraph (13)," and inserting "established by the agency under paragraph (12),"; and

(5) in paragraph (18) by striking "under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l)," and inserting "under paragraph (7)(A), and any lease under paragraph (11),".

(b) Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

(1) in subparagraph (C) by striking "The sum of the total appraised value of the lands, water, and interest therein" and inserting "The sum of the total appraised value of the lands, waters, and interests therein"; and

(2) in subparagraph (F) by striking "all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein," and inserting "all property owners whose lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,".

(c) Section 814(d)(2)(E) of Division I of the Omnibus Parks Act (110 Stat. 4196; 16 U.S.C. 431 note) is amended by striking "(Public Law 89–665; 16 U.S.C. 470w–6(a)), is amended by striking" and inserting "(Public Law 89–665; 16 U.S.C. 470w–6(a)), by striking".

(d) Section 814(g)(1)(A) of Division I of the Omnibus Parks Act (110 Stat. 4199; 16 U.S.C. 1f) is amended by striking "(as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a)))," and inserting "(as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1(c)(a)),".

SEC. 20. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended as follows:

(1) in subsection (b) by striking "For fiscal years 1996, 1997 and 1998," and inserting "For fiscal years 1998, 1999, and 2000,"; and

(2) in subsection (d)(2) by striking "may be made in the approval plan" and inserting "may be made in the approved plan".

SEC. 21. TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) Section 1002(a)(4)(A) of Division I of the Omnibus Parks Act (110 Stat. 4204; 16 U.S.S. 689u) is amended by striking "to purchase a portion of the ranch," and inserting "to acquire a portion of the ranch,".

(b) Section 1004(b) of Division I of the Omnibus Parks Act (110 Stat. 4205; 16 U.S.C. 689u-3) is amended by striking "of June 3, 1994," and inserting "on June 3, 1994,".

(c) Section 1005(g)(3)(A) of Division I of the Omnibus Parks (110 Stat. 4207; 16 U.S.C. 689u-3) is amended by striking "Maintaining and enhancing the tall grass prairie" and inserting "Maintaining and enhancing the tallgrass prairie".

SEC. 22. RECREATION LAKES.

(a) Section 1021(a) of Division I of the Omnibus Parks (110 Stat. 4210; 16 U.S.C. 4601-10e note) is amended by striking "for recreational opportunities at federally-managed manmade lakes" and inserting "for recreational opportunities at federally managed manmade lakes".

(b) Section 13 of the Land and Water Conservation Fund Act of 1965 (Public Law 88–578, 78 Stat. 897) is amended as follows:

(1) in subsection (b)(6) by striking "the economics and financing of recreation related infrastructure." and inserting "the economics and financing of recreation-related infrastructure.";

(2) in subsection (e) by striking "The report shall review the extent of water related recreation" and inserting "The report shall review the extent of water-related recreation"; and

(3) in subsection (e)(2) by striking "at federally-managed lakes" and inserting "at federally managed lakes".

SEC. 23. BOSTON HARBOR ISLANDS RECREATION AREA.

(a) Section 1029(d)(6) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4235; 16 U.S.C. 460kkk) is amended by striking "(6) Relationship of recreation area to Boston-Logan international airport." and by inserting "(6) Relationship of recreation area to Boston-Logan International Airport.".

(b) Section 1029(e)(3)(B) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4235; 16 U.S.C. 460kkk) is amended by striking "pursuant to subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10)." and inserting "pursuant to subparagraphs (e)(2)(C), (D), (E), (F), (G), (H), (I), and (J).".

(c) Section 1029(f)(2)(A)(I) of Division I of the Omnibus Parks Act (110 Stat. 4236; 16 U.S.C. 460kkk) is amended by striking "and a delineation of profit sector roles and responsibilities." and inserting "and a delineation of private-sector roles and responsibilities.".

(d) Section 1029(g)(1) of Division I of the Omnibus Parks Act (110 Stat. 4238; 16 U.S.C. 460kkk) is amended by striking "and revenue raising activities." and inserting "and revenue-raising activities.".

SEC. 24. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3(b)(1) of the Act of October 8, 1988, entitled "An Act to create a national park at Natchez, Mississippi" (16 U.S.C. 410oo et seq.), is amended by striking "and visitors' center for Natchez National Historical Park." and inserting "and visitor center for Natchez National Historical Park.".

SEC. 25. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of Division I of the Omnibus Parks Act (110 Stat. 4240; 16 U.S.C. 1 note) is amended by striking **"SEC. 1035. REGULATIONS OF FISHING IN CERTAIN WATERS OF ALASKA."** and inserting **"SEC. 1035. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA."**.

SEC. 26. NATIONAL COAL HERITAGE AREA.

(a) Section 104(4) of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking "that will further history preservation in the region." and inserting "that will further historic preservation in the region.".

(b) Section 105 of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking "The resources eligible for the assistance under paragraphs (2) and (5) of section 104" and inserting "The resources eligible for the assistance under paragraph (2) of section 104".

(c) Section 106(a)(3) of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking "or Secretary to administer any properties" and inserting "or the Secretary to administer any properties".

SEC. 27. TENNESSEE CIVIL WAR HERITAGE AREA.

(a) Section 201(b)(4) of Division II of the Omnibus Parks Act (110 Stat. 4245; 16 U.S.C. 461 note) is amended by striking "and associated sites associated with the Civil War" and insert "and sites associated with the Civil War".

(b) Section 207(a) of Division II of the Omnibus Parks Act (110 Stat. 4248; 16 U.S.C. 461 note) is amended by striking "as provide for by law or regulation." and inserting "as provided for by law or regulation.".

SEC. 28. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of Division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking "National Historic Register of Historic Places," and inserting "National Register of Historic Places,".

SEC. 29. ESSEX NATIONAL HERITAGE AREA.

Section 501(8) of Division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking "a visitors' center" and inserting "a visitor center".

SEC. 30. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) Section 805(b)(2) of Division II of the Omnibus Parks Act (110 Stat. 4269; 16 U.S.C. 461 note) is amended by striking "One individuals," and inserting "One individual,".

(b) Section 808(a)(3)(A) of Division II of the Omnibus Parks Act (110 Stat. 4272; 16 U.S.C. 461 note) is amended by striking "from the Committee." and inserting "from the Committee,".

SEC. 31. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of Division II of the Omnibus Parks act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking "directly on nonfederally owned property" and inserting "directly on non-federally owned property".

Section-by-Section Analysis

Section 1 corrects the names of two historical parks in the Table of Contents.

Section 2(a) corrects the historical fact that the U.S. Army had already stopped using the Presidio as a military base at the time this Act was introduced in the 104th Congress. The current language was taken from a previous bill that was drafted prior to the Army leaving the Presidio. Section 2(b) corrects a misspelling. Section 2(c) corrects an erroneous cross-reference.

Section 3 provides a new map reference for Colonial National Historical Park. The correct map includes all of Lot 49 that was part of the Page Landing Addition authorized to be made to the park, but only half of which was included on the map referenced in the Omnibus Parks Act.

Section 4(a) corrects the bill language to reflect the intent of Congress that the report is due until the land exchange at Big Thicket National Preserve is completed or by July 1, 1998, whichever comes first. Section 4(b) inserts a word to allow the sentence to read correctly.

Section 5 provides the correct name for cooperative agreements.

Section 6 eliminates duplicative language in the sentence.

Section 7 corrects the name of the park in the title to the section.

Section 8 corrects a cross-reference.

Section 9 changes "the purpose" to "that purpose" which references related language in the sentence.

Section 10 changes a preposition in the sentence.

Section 11(a) inserts a comma between two distinct items in the sentence. Section 11(b) corrects a duplicative subsection reference by relettering two subsections. Section 11(c) corrects two erroneous cross-references.

Section 12 corrects a misspelling.

Section 13 corrects a misspelling.

Section 14 eliminates a redundant subsection reference.

Section 15 corrects four cross-references.

Section 16 corrects a spelling error.

Section 17 clarifies a time period, changes an incorrect word, and clarifies a term.

Section 18 corrects a cross-reference.

Section 19(a) corrects the spelling of the paragraph title. Section 19(b) makes the use of a similar phrase parallel in the two places it is used. Section 19(c) eliminates two unnecessary words, making this subparagraph parallel to the others. Section 19(d) corrects the punctuation for a U.S. Code citation.

Section 20(1) revises the years for which development funds are authorized to be appropriated to the Blackstone River Valley National Heritage Corridor. Since the Omnibus Parks Act was not enacted until November of 1996 after appropriations has already been enacted for fiscal year 1997, the Act's language eliminated two of the three years for which funds would have been authorized. The new language reinstates the intended three-year authorization. Section 20(2) corrects a misspelling.

Section 21(a) would change the word in the bill's findings describing the secretary's authority to obtain land at Tallgrass Prairie NP to make it consistent with the actual authority in Section 1006 that allows acquisition of land only by donation, not purchase. Section 21(b) changes a preposition in the sentence. Section 21(c) corrects the spelling of a word, making it parallel throughout the section.

Section 22 inserts hyphens in two compound adjectives and removes hyphens in two compound adjectives where its use is incorrect.

Section 23(a) capitalizes the name of the airport in the title to the paragraph. Section 23(b) corrects a cross-reference. Section 23(c) corrects a word in the compound adjective and inserts a hyphen. Section 23(d) inserts a hyphen in a compound adjective.

Section 24 uses a singular name for the visitor center making it parallel with similar references in the bill.

Section 25 changes a word in the title from the plural to the correct singular spelling.

Section 26(a) changes an incorrect adjective. Section 26(b) eliminates a redundant cross-reference that was left from a previous version of the bill that permitted land acquisition. Section 26(c) inserts a word to allow the sentence to read correctly.

Section 27(a) eliminates redundant language in the sentence. Section 27(b) corrects the verb tense.

Section 28 inserts the correct name of the National Register of Historic Places.

Section 29 uses a singular name for the visitor center making it parallel with similar references in the bill.

Section 30(a) makes the noun singular to agree with its pronoun. Section 30(b) replaces a period in the middle of sentence with a comma.

Section 31 inserts a hyphen in a word making it parallel to its use in the title of the section and in other places in the bill.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 3, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes."

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

At the end of the 104th Congress, legislation was enacted making a number of changes to various laws affecting the national parks and other pubic lands. This new law, P.L. 104–333, the Omnibus Parks and Public Lands Management Act of 1996, included over 100 titles. With many individual bills being included in this package, a number of cross-references need changing, along with some spelling and grammatical errors. The attached draft bill would make these corrections.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft legislation from the standpoint of the Administration's program.

Sincerely,

JANE LYDER,
Legislative Counsel, Office of Congressional and Legislative Affairs.

Enclosures.

By Mr. CAMPBELL:

S. 992. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

THE STOLEN GUN PENALTY ENHANCEMENT ACT OF 1997

Mr. CAMPBELL. Mr. President, many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports. Therefore, today I am introducing the Stolen Gun Penalty Enhancement Act of 1997 to increase the maximum prison sentences for violating existing stolen gun laws.

Reports indicate almost half a million guns are stolen each year. As of March 1995, there were over 2 million reports in the stolen gun file of the FBI's National Crime Information Center including 7,700 reports of stolen machine guns and submachine guns. In a 5 year period between 1987 and 1992, the National Crime Victimization Survey notes that there were over 300,000 incidents of guns stolen from private citizens.

Studies conducted by the Bureau of Alcohol, Tobacco and Firearms note that felons steal firearms to avoid background checks. A 1991 Bureau of Justice Statistics survey of State prison inmates notes that almost 10 percent had stolen a handgun, and over 10 percent of all inmates had traded or sold a stolen firearm.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four States shows that over 50 percent of those inmates had stolen a gun.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this month, the Bureau has a total of 34,825 firearms on its unrecovered firearms list.

All of these studies and statistics show the extent of the problem of stolen guns. Therefore, the bill I am introducing today will increase the maximum prison sentences for violating existing stolen gun laws.

Specifically, my bill increases the maximum penalty for violating four provisions of the firearms laws. Under section 922(i) of title 18 of the United States Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. Under section 922(j) of title 18, it is illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition.

The penalty for violating either of these provisions, as provided by section 924(a)(2) of title 18, is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

The third provision, set forth in section 922(u) of title 18, makes it illegal to steal a firearm from a licensed dealer, importer, or manufacturer. For violating this provision, the maximum term of imprisonment set forth in 18 U.S.C. 924(i)(1) would be increased to a maximum 15 years under my bill.

And the fourth provision, section 924(l) of title 18, makes it illegal to steal a firearm from any person, including a licensed firearms collector. This provision also imposes a maximum penalty of 10 years imprisonment. As with the other three provisions, my bill increases this maximum penalty to 15 years.

In addition to these amendments to title 18 of the United States Code, the bill I introduce today directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The "Stolen Gun Penalty Enhancement Act of 1997" will send a strong signal to criminals who are even thinking about stealing a firearm. And, I urge my colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined as provided in this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking "10 years" and inserting "15 years"; and

(3) in subsection (*l*), by striking "10 years" and inserting "15 years".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. KENNEDY (for himself and Mr. DODD) (by request):

S. 993. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

THE CAREER EDUCATION REFORM ACT OF 1997

S. 994. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the national educational goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

THE ADULT BASIC EDUCATION AND LITERACY FOR THE TWENTY-FIRST CENTURY ACT

Mr. KENNEDY. Mr. President, today, I am introducing two important education bills on behalf of Secretary Riley and the administration. One is designed to meet the changing needs of students in vocational education programs. The other outlines a comprehensive strategy for enhancing adult education and literacy services. Creating effective educational opportunities for these two student populations is essential if we are to make the American dream a reality for all our citizens.

The Career Preparation Education Reform Act restructures Perkins Act programs to promote student achievement in academic and technical skills. Only with both a strong academic background and training in an employable skill will students be fully prepared to compete in the 21st-century job market. Recognizing this core principle, the legislation supports broad-based career preparation education which meets high academic standards and links vocational education with wider educational reform efforts. It encourages learning in both classroom and workplace settings. This proposal also contains strong accountability provisions to ensure that local programs are actually achieving these goals.

The Adult Basic Education and Literacy for the Twenty-First Century Act recognizes that adult education is an integral component of our work force development system. Nearly 27 percent of the adult population has not earned a high school diploma or its equivalent. Their chances for career success are increasingly limited. Adult education programs open doors for those who successfully participate in them. They help participants to advance in the working world and to fully participate in every aspect of community life. This legislation streamlines existing adult education and literacy programs to maximize both access to educational opportunities and to enhance the quality of services. It seeks to target resources on those areas where the greatest need exists.

One of the highest priorities for the Labor and Human Resources Committee this year is the development of a comprehensive work force development strategy for our Nation. Effective vocational education and adult education programs must be major components of such a plan. These innovative proposals put forth by Secretary Riley should help us to achieve that goal.

Mr. President, I ask unanimous consent that each bill be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Center Preparation Education Reform Act of 1997".

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

AMENDMENT TO THE ACT

SEC. 101. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*; hereinafter referred to as "the Act") is amended in its entirety to read as follows:

"SHORT TITLE; TABLE OF CONTENTS

"SECTION 1. (a) SHORT TITLE.1—This Act may be cited as the 'Carl D. Perkins Career Preparation Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.
"Sec. 2. Declaration of policy, findings, and purpose.
"Sec. 3. Authorization of appropriations.

"TITLE I—PREPARING STUDENTS FOR CAREERS

"PART A—CAREER PREPARATION EDUCATION

"Sec. 101. Career Preparation Education; Priorities.
"Sec. 102. State leadership activities.
"Sec. 103. State plans.
"Sec. 104. Local activities.
"Sec. 105. Local applications.
"Sec. 106. Performance goals and indicators.
"Sec. 107. Evaluation, improvement, and accountability.
"Sec. 108. Allotments.
"Sec. 109. Within-State allocation and distribution of funds.

"PART B—TECH-PREP EDUCATION

"Sec. 111. Program elements.
"Sec. 112. State leadership activities.
"Sec. 113. Local activities.
"Sec. 114. Local applications.
"Sec. 115. Evaluation, improvement, and accountability.
"Sec. 116. Allotment and distribution.

"TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

"Sec. 201. Awards for excellence.
"Sec. 202. National activities.
"Sec. 203. National assessment.
"Sec. 204. National research center.
"Sec. 205. Data systems.
"Sec. 206. National Occupational Information Coordinating Committee.
"Sec. 207. Career preparation education for Indians and Native Hawaiians.

"TITLE III—GENERAL PROVISIONS

"Sec. 301. Waivers.
"Sec. 302. Effect of Federal payments.
"Sec. 303. Maintenance of effort.
"Sec. 304. Identification of State-imposed requirements.
"Sec. 305. Out-of-State relocations.
"Sec. 306. Entitlement.
"Sec. 307. Definitions.

"DECLARATION OF POLICY, FINDINGS, AND PURPOSE

"SEC. 2. (a) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States that, in order to meet new economic challenges brought about by technology, increasing international economic competition, and changes in production technologies and the organization of work, the Nation must enable every student to obtain the academic, technical, and other skills needed to prepare for, and make a transition to, postsecondary education, further learning, and a wide range of opportunities in high-skilled, high-wage careers.

"(b) DECLARATION OF FINDINGS.—The Congress finds that—

"(1) in order to be successful workers, citizens, and learners in the 21st century, individuals will need a combination of strong basic and advanced academic skills; computer and other technical skills; theoretical knowledge; communications, problem-solving, and teamwork skills; and the ability to acquire additional knowledge and skills throughout a lifetime;

"(2) students in the United States can achieve challenging academic and technical skills, and may learn better and retain more, when they learn in context, learn by doing, and have an opportunity to learn and understand how academic and technical skills are used outside the classroom;

"(3) a majority of high school graduates in the United States do not complete a rigorous course of study that prepares them for completing a two-year or four-year college degree or for entering high-skill, high-wage careers; adult students are an increasingly diverse group and often enter postsecondary education unprepared for academic and technical work; and certain individuals (including students who are members of special populations) often face great challenges in acquiring the knowledge and skills needed for successful employment.

"(4) education reform efforts at the secondary level are creating new American high schools that are committed to high academic standards for all students, and that ensure that all students have the academic and technical skills needed to pursue postsecondary education, provide students with opportunities to explore careers, use technology to enhance learning, and create safe, supportive learning environments;

"(5) community colleges are offering adults a gateway to higher education, access to quality occupational certificates and degrees that increase their skills and earnings, and continuing education opportunities necessary for professional growth by ensuring that the academic and technical skills gained by students adequately prepare them for the workforce, by enhancing connections with employers, and by obtaining sufficient resources so that students have access to state-of-the-art programs, equipment, and support services;

"(6) State initiatives to develop challenging State academic standards for all students are helping to establish a new framework for education reform, and States developing school-to-work opportunity systems are helping to create opportunities for all students to participate in school-based, work-based, and connecting activities leading to postsecondary education, further learning, and first jobs in high-skill, high-wage careers;

"(7) local, State, and national programs supported under the Carl D. Perkins Vocational and Applied Technology Education Act have assisted many students in obtaining technical and academic skills and employment, and technical preparation (tech-prep) education has promoted the integration of academic and vocational education, reinforced and stimulated improvements in classroom instruction, and forged strong secondary-postsecondary connections that serve as a catalyst for the reform of vocational education and the development of school-to-work systems;

"(8) career preparation education increases its effectiveness and better enables every student to achieve to challenging academic standards and industry-recognized skill standards and prosper in a highly competitive, technological economy when it is aligned with broader State and local education reforms and with challenging standards reflecting the needs of employers and the demands of high-skill, high-wage careers, and has the active involvement of employers, parents, and labor and community organizations in planning, developing, and implementing services and activities;

"(9) while current law has promoted important reforms in vocational education, it contains numerous set-asides and special programs and requirements that may inhibit further reforms as well as the proper implementation of performance management systems needed to ensure accountability for results;

"(10) the Federal Government can—through a performance partnership with States and localities based on clear programmatic goals, increased State and local flexibility, improved accountability, and performance goals, indicators, and incentives—provide to States and localities financial assistance for the improvement and expansion of career preparation education in all States, as well as for services and activities that ensure that every student, including those with special needs, has the opportunity to achieve the academic and technical skills needed to prepare for postsecondary education, further learning, and a wide range of careers; and

"(11) the Federal Government can also assist States and localities by carrying out nationally significant research, program development, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that support State and local efforts to implement successfully programs, services, and activities that are funded under this Act, as well as those supported with their own resources.

"(c) DECLARATION OF PURPOSE.—The purpose of this Act is to assist all students, through a performance partnership with States and localities, to acquire the knowledge and skills they need to meet challenging State academic standards and industry-recognized skill standards, and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers. This purpose shall be pursued through support for State and local efforts that—

"(1) build on the efforts of States and localities to develop and implement education reforms based on challenging academic standards;

"(2) integrate reforms of vocational education with State reforms of academic preparation in schools;

"(3) promote, in particular, the development of services and activities that integrate academic and occupational instruction, link secondary and postsecondary education, and promote school-based and work-based learning and connecting activities;

"(4) increase State and local flexibility in providing services and activities designed to develop, implement, and improve career preparation education, including tech-prep education, and in integrating these services and activities with services and activities supported with other Federal, State, and local education and training funds in exchange for clear accountability for results;

"(5) provide every student, including those who are members of special populations, with the opportunity to participate in the full range of career preparation education programs, services, and activities;

"(6) integrate career guidance and counseling into the educational processes, so that students are well prepared to make informed education and career decisions, find employment, and lead productive lives; and

"(7) benefit from national research, program development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities supporting the development, implementation, and improvement of career preparation education programs, services, and activities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3. (a) PREPARING STUDENTS FOR CAREERS.—(1) There are authorized to be appropriated to carry out part A of title I, relating to career preparation education, $1,064,047,000 for the fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) There are authorized to be appropriated to carry out part B of title I, relating to technical preparation education, $105,000,000 for the fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS.—From the amount appropriated for any fiscal year under subsection (a) the Secretary shall reserve—

"(1) not more than 7 percent to carry out title II (except section 207, relating to career preparation education for Indians and Native Hawaiians), of which not more than 2 percent of the amount appropriated under subsection (a) for any fiscal year after the fiscal year 2000 shall be available to carry out activities under section 201, relating to awards for excellence; and

(2) 1.75 percent to carry out activities under sections 207(b) and 207(c), relating to career preparation education for Indians, and section 207(d), relating to career preparation education for Native Hawaiians.

"TITLE I—PREPARING STUDENTS FOR CAREERS

"PART A—CAREER PREPARATION EDUCATION

"CAREER PREPARATION EDUCATION; PRIORITIES

"SEC. 101. (a) CAREER PREPARATION EDUCATION.—(1) In order to enable every student to obtain the academic, technical, and other knowledge and skills that are needed to make a successful transition to postsecondary education and a wide range of career and further learning, as well as support, to the maximum extent possible, the integration of vocational education with broader educational reforms underway in States and secondary and postsecondary schools, funds under this part shall be used to support career preparation education programs, services, and activities.

"(2) As used in this Act, career preparation education programs, services, and activities means those that—

"(A) support the development, implementation, or improvement of State School-to-Work systems as set forth in title I of the School-to-Work Opportunities Act of 1994; or

"(B) otherwise prepare students for employment and further learning in technical fields.

"(b) PRIORITIES.—In using funds under this part, States and local recipients, as described in section 105(a), shall give priority to services and activities designed to—

"(1) ensure that every student, including those who are members of special populations, has the opportunity to achieve a combination of strong basic and advanced academic skills, computer and other technical skills, theoretical knowledge, communications, problem-solving, and other skills needed to meet challenging State academic standards and industry-recognized skill standards;

"(2) promote the integration of academic and vocational education;

"(3) support the development and implementation of courses of study in broad occupational clusters or industry sectors;

"(4) effectively link secondary and postsecondary education;

"(5) provide students, to the extent possible, with strong experience in, and understanding of, all aspects of an industry;

"(6) provide students with work-related experiences, such as internship, work-based learning, school-based enterprises, entrepreneurship, and job-shadowing that link to classroom learning;

"(7) provide schoolsite and worksite mentoring;

"(8) provide instruction in general workplace competences and instruction needed for students to earn a skill certificate;

"(9) provide career guidance and counseling for students, including the provision of career awareness, exploration, and planning services, and financial aid information to students and their parents;

"(10) ensure continuing parent and employer involvement in program design and implementation; and

"(11) provide needed support services, such as mentoring, opportunities to participate in student organizations, tutoring, the modification of curriculum, classrooms, and equipment, transportation, and child care.

"STATE LEADERSHIP ACTIVITIES

"SEC. 102. (a) RESPONSIBLE AGENCY OR AGENCIES.—Any State desiring to receive a grant under this part, as well as a grant under part B, shall, consistent with State law, designate an educational agency or agencies that shall be responsible for the administration of services and activities under this Act, including—

"(1) the development, submission, and implementation of the State plan;

"(2) the efficient and effective performance of the State's duties under this Act; and

"(3) consultation with other appropriate agencies, groups, and individuals that are involved in the development and implementation of services and activities assisted under this Act, such as employers, industry, parents, students, teachers, labor organizations, community-based organizations, State and local elected officials, and local program administrators, including the State agencies responsible for activities under the State's implementation grant under the School-to-Work Opportunities Act of 1994.

"(b) IN GENERAL.—Each State that receives a grant under this part shall, from amounts reserved for State leadership activities under section 109(c), conduct programs, services, and activities that further the development, implementation, and improvement of career preparation education within the State and that are integrated, to the maximum extent possible, with broader education reforms underway in the State, including such activities as—

"(1) providing comprehensive professional development (including initial teacher preparation) for vocational, academic, career guidance, and administrative personnel that—

"(A) will help such teachers and personnel to meet the goals established by the State under section 106; and

"(B) reflects the State's assessment of its needs for professional development, as determined under section 2205(b)(2)(C) the Elementary and Secondary Education Act of 1965, and is integrated with the professional development activities that the State carries out under title II of that Act;

"(2) developing and disseminating curricula that are aligned, as appropriate, with challenging State academic standards and industry-recognized skill standards;

"(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this Act;

"(4) promoting equity in secondary and postsecondary education and, to the maximum extent possible, ensuring opportunities for all students, including students who are members of special populations, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers;

"(5) supporting tech-prep education activities, including, as appropriate, activities described under part B of this title;

"(6) improving and expanding career guidance and counseling programs that assist students to make informed education and career decisions;

"(7) improving and expanding the use of technology in instruction;

"(8) supporting partnerships of local educational agencies, institutions of higher education, and, as appropriate, other entities, such as employers, labor organizations, parents, community-based organizations, and local workforce boards for enabling all students, including students who are members of special populations, to achieve to challenging State academic standards and industry-recognized skill standards;

"(9) promoting the dissemination and use of occupational information and one-stop career center resources;

"(10) providing financial incentives or awards to one or more local recipients in recognition of exemplary quality or innovation in education services and activities, or exemplary services and activities for students who are members of special populations, as determined by the State through a peer review process, using performance goals and indicators described in section 106 and any other appropriate criteria;

"(11) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

"(12) developing career preparation education curricula that provide students with understanding in all aspects of the industry; and

"(13) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities.

"(c) SPECIAL POPULATIONS.—Any State that receives a grant under this part shall—

"(1) work to eliminate bias and stereotyping in education at the secondary and postsecondary levels;

"(2) disseminate data on the effectiveness of career preparation education programs, services, and activities in the State in meeting the educational and employment needs of women and students who are members of special populations;

"(3) review proposed actions on applications, grants, contracts, and policies of the State to help to ensure that the needs of women and students who are members of special populations are addressed in the administration of this part;

"(4) recommend outreach and other activities that inform women and students who are members of special populations about their education and employment opportunities; and

"(5) advise local educational agencies, postsecondary educational institutions, and other interested parties in the State on expanding career preparation opportunities for women and students who are members of special populations and ensuring that the needs of men and women in training for nontraditional jobs are met.

"(d) STATE REPORT.—(1) The State shall annually report to the Secretary on the quality and effectiveness of the programs, services, and activities, provided through its grant under this part, as well as its grant under part B, based on the performance goals and indicators and the expected level of performance included in its State plan under section 103(e)(2)(B).

"(2) The State report shall also—

"(A) include such information, and in such form, as the Secretary may reasonably require, in order to ensure the collection of uniform data; and

"(B) be made available to the public.

"STATE PLANS

"SEC. 103. (a) IN GENERAL.—Any State desiring to receive a grant under this part, as well as a grant under part B, for any fiscal year shall submit to, or have on file with, the Secretary a five year plan in accordance with this section. The agency or agencies designated under section 102(a) may submit its State plan as part of a comprehensive plan that may include State plan provisions under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, and section 14302 of the Elementary and Secondary Education Act of 1965. Any State that receives an implementation grant under subpart B of title II of the School-to-Work Opportunities Act of 1994 shall make the plan that it submits or files under this section consistent with the approved plan for which it received its implementation grant.

"(b) APPROVALS.—(1) Notwithstanding the designation of the responsible agency or agencies under section 102(a), the agencies that shall approve the State plan under subsection (a) are—

"(A) the State educational agency; and

"(B) the State agency responsible for community colleges.

"(2) The Secretary shall approve a State plan under subsection (a), or a revision to an approved State plan, only if the Secretary determines that it meets the requirements of this section and the State's performance goals and expected level of performance under subsection (e)(2)(B) are sufficiently rigorous as to meet the purpose of this Act and to allow the Department of Education to make progress toward its performance objectives and indicators established under the Government Performance and Results Act. The Secretary shall establish a peer review process to make recommendations regarding approval of the State plan and revisions to the plan. The Secretary shall not finally disapprove a State plan before giving the State reasonable notice and an opportunity for a hearing.

"(c) CONSULTATION.—(1) In developing and implementing its plan under subsection (a), and any revisions under subsection (g), the designated agency or agencies under section 102(a) shall consult widely writhe employers, labor organizations, parents, and other individuals, agencies,. and organizations in the State that have an interest in education and training, including the State agencies responsible for activities under the State's implementation grant under the School-to-Work Opportunities Act of 1994, as well as individuals, employers, and organizations that have an interest in education and training for students who are members of special populations.

"(2) The designated agency or agencies under section 102(a) shall submit the State plan under this section, and any revisions to the State plan under subsection (g), to the Governor for review and comment, and shall ensure that any comments the Governor may have are included with the State plan or revision when the plan or revision is submitted to the Secretary.

"(d) ASSESSMENT.—The State plan under subsection (a), and any revisions to the State plan under subsection (a), shall be based upon a recent objective assessment of—

"(A) the academic and technical skills education, training and retraining needs of secondary, adult, and postsecondary students, including individuals who are members of special populations, that are necessary to meet the projected skill demands of high-wage high-skill careers during the period of the plan; and

"(B) the capacity of programs, services, and activities to meet those needs, taking into account the priorities under section 101(b) and the State's performance goals under section 106(a).

"(2) The assessment shall also include—

"(A) an analysis of the State's performance on its State and local standards and measures under Section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990; and

"(B) an identification of any provisions of the State plan that have been included based on that analysis.

"(e) CONTENTS.—A State plan under subsection (a) shall describe how the State will use funds under this part to—

"(A) improve student achievement of academic, technical, and other knowledge and skills and address the priorities described in section 101(b);

"(B) help ensure that every student, including those who are members of special populations, has the opportunity to achieve to challenging State academic standards and industry-recognized skill standards and to be prepared postsecondary education, further learning, and high-skill, high-wage careers;

"(C) further the State's education reform efforts and school-to-work opportunities system; and

"(D) carry out State leadership activities under section 102.

"(2) A State plan under subsection (a) shall also—

"(A) describe how the State will integrate its services and activities under this title with the broad education reforms in the State and with relevant employment, training, technology, and welfare programs carried out in the State;

"(B) include a statement, expressed in terms of the performance indicators published by the Secretary under section 106(b), and any other performance indicators the State may choose, of the State's performance goals established under section 106(a) and the level of performance the State expects to achieve in progressing toward its performance goals during the life of the State plan;

"(C) describe how the State will ensure that the data reported to it from its local recipients under this Act and the data it reports to the Secretary are complete, accurate, and reliable;

"(D) describe how the State will provide incentives or rewards for exemplary programs, services, or activities under this Act, if the State elects to implement the authority under section 102(b)(10);

"(E) describe how funds will be allocated and used at the secondary and postsecondary level, the consortia that will be formed among secondary and postsecondary school and institutions, and how funds will be allocated to such consortia; and

"(F) be made available to the public.

"(f) ASSURANCES.—A State plan under subsection (a) shall contain assurances that the State will—

"(1) comply with the requirements of this Act and the provisions of the State plan; and

"(2) provide for the fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State under this Act.

"(g) REVISIONS.—When changes in conditions or other factors require substantial revision to an approved State plan under subsection (a), the State shall submit revisions to the State plan to the Secretary after the State plan revisions have been approved by the agencies responsible for approving the plan under subsection (b).

"LOCAL ACTIVITIES

"SEC. 104. (a) GENERAL REQUIREMENTS.—Each recipient of a subgrant under this part shall—

"(1) conduct career preparation education programs, services and activities that further student achievement of academic, technical, and other knowledge and skills;

"(2) provide services and activities that are of sufficient size, scope, and quality to be effective;

"(3) give priority under this part to assisting schools or campuses that serve the highest numbers or percentages of students who are members of special populations; and

"(4) promote equity in career preparation education and, to the maximum extent possible, ensure opportunities for every student, including those who are members of special populations, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers.

"(b) AUTHORIZED ACTIVITIES.—Each recipient of a subgrant under this part may use funds to—

"(1) provide programs, services, and activities that promote the priorities described in section 101(b), such as—

"(A) developing curricula and assessments that are aligned, as appropriate, with challenging State academic standards, as well as industry-recognized skill standards, and that integrate academic and vocational instruction, school-based and work-based instruction and connecting activities, and secondary and postsecondary level instruction;

"(B) acquiring and adapting equipment, including instructional aids;

"(C) providing professional development activities, including such activities for teachers, mentors, counselors, and administrators, and board members;

"(D) providing services, directly or through community-based or other organizations, that are needed to meet the needs of students who are members of special populations, such as mentoring, opportunities to participate in student organizations, tutoring, curriculum modification, equipment modification, classroom modification, supportive personnel, instructional aids and devices, guidance, career information, English language instruction, transportation, and child care;

"(E) supporting tech-prep education services and activities, career academies, and public charter, pilot, or magnet schools that have a career focus;

"(F) carrying out activities that ensure active and continued involvement of employers, parents, local workforce boards, and labor organizations in the development, implementation, and improvement of a career preparation education in the State, such as support for local school-to-work partnerships and intermediary organizations that support activities that link school and work;

"(G) assisting in the reform of secondary schools, including schoolwide reforms and schoolwide programs authorized under section 1114 of the Elementary and Secondary Education Act of 1965;

"(H) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

"(I) providing assistance to students who have participated in services and activities under this Act in finding an appropriate job and continuing their education and training; and

"(J) developing and implementing performance management systems and evaluations; and

"(2) carry out other services and activities that meet the purposes of this Act.

"(c) EQUIPMENT.—Equipment acquired or adapted with funds under this part may be used for other instructional purposes when not being used to carry out this part if such acquisition or adaptation is reasonable and necessary for providing services or activities under this part and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this part.

"LOCAL APPLICATIONS

"SEC. 105. (a) ELIGIBILITY.—Schools and other institutions or agencies eligible to apply, individually or as consortia, to a State for a subgrant under this part are—

"(1) local educational agencies;

"(2) area vocational education schools;

"(3) intermediate educational agencies;

"(4) institutions of higher education; and

"(5) postsecondary educational institutions controlled by the Bureau of Indian Affairs or operated by, or on behalf of, any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934.

"(b) APPLICATION REQUIREMENTS.—Any applicant that is eligible under subsection (a) and that desires to receive a subgrant under this part shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 102(a). In addition to including such information as the State may require and identifying the results the applicant seeks to achieve, each application shall also describe how the applicant will use funds under this part to—

"(1) develop, improve, or implement career preparation education programs, services, or activities in secondary schools and postsecondary institutions and address the priorities described in section 101(b), in accordance with section 103;

"(2) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 106;

"(3) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this title with broad educational reforms in the State and with relevant employment, training, and welfare programs carried out in the State; and

"(4) consult with students, their parents, employers, and other interested individuals or groups (including labor organizations and organizations representing special populations), in developing their services and activities.

"PERFORMANCE GOALS AND INDICATORS

"SEC. 106. (a) PERFORMANCE GOALS.—(1) Any State desiring to receive a grant under this part, as well as under part B, in consultation with employers, parents, labor organizations, and other individuals, agencies, and organizations in the State that have an interest in education and training, shall—

"(A) establish performance goals to define the level of performance to be achieved by students served under this title and to evaluate the quality and effectiveness of programs, services, and activities under this title; and

"(B) express such goals in an objective, quantifiable, and measurable form.

"(2) Any State may also use amounts it receives for State leadership activities under section 109(c) to evaluate its entire career preparation education program in secondary and postsecondary schools and to carry out activities under paragraph (1).

"(b) PERFORMANCE INDICATORS.—(1) After consultation with the Secretary of Labor, States, local educational agencies, institutions of higher education, representatives of business and industry, and other interested parties, the Secretary shall publish in the Federal Register performance indicators (including the definition of relevant terms and appropriate data collection methodologies) described in paragraph (2) that State and local recipients shall use in measuring or assessing progress toward achieving the State's performance goals under subsection (a).

“(2) The Secretary shall publish performance indicators for programs, services, and activities under this Act in the following areas:

“(A) achievement to challenging State academic standards, such as those established under Goals 2000: Educate America Act, and industry-recognized skill standards;

“(B) receipt of a high school diploma, skill certificate, and postsecondary certificate or degree;

“(C) job placement, retention, and earnings, particularly in the student's field of study; and

“(D) such other indicators as the Secretary determines.

“(c) TRANSITION.—A State shall use the performance goals and indicators established under subsections (a) and (b) not later than July 1, 1999. In order to provide a transition for State evaluation activities, each State receiving funds under this title shall use the system of standards and measures the State developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect prior to the enactment of this Act during the period that the State is establishing performance goals under subsection (a).

“(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States regarding the development of the State's performance goals under subsection (a), as well as use of uniform national performance data. The Secretary may use funds appropriated for title II to provide technical assistance under this section.

“EVALUATION, IMPROVEMENT AND ACCOUNTABILITY

SEC. 107. (a) LOCAL EVALUATION.—(1) Each recipient of a subgrant under this part shall—

“(A) annually evaluate, using the performance goals and indicators described in section 106, and report to the State regarding, its use of funds under this part to develop, implement, or improve its career preparation education program, services, and activities; and

“(B) biennially evaluate, and report to the State regarding the effectiveness of its programs, services, and activities under this part in achieving the priorities described in section 101(b), including the participation, progress, and outcomes of students who are members of special populations.

“(2) Such recipient may evaluate portions of its entire career preparation education program, including portions that are not supported under this part. If such recipient does so, it need not evaluate separately that portion of its entire career preparation education program supported with funds under this part.

“(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation conducted under subsection (a) and applicable performance goals and indicators established under section 106, that a recipient of a subgrant under this part is not making substantial progress in achieving the purpose of this Act in accordance with the priorities described in section 101(b), the State shall work jointly with the recipient to develop a plan, in consultation with teachers, counselors, parents, students, employers, and labor organizations, for improvement for succeeding school years. If, after not more than 2 years of implementation of the improvement plan, the State determines that the local recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued career preparation education services and activities for the recipient's students.

“(c) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act or carrying out services and activities under this part that are in accord with the priorities described in section 101(b), based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall work with the State to implement improvement activities.

“(d) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after of implementation of the improvement activities described in subsection (c), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purpose of this Act and are in accord with the priorities described in section 101(b).

“ALLOTMENTS

“SEC. 108. (a) ALLTOMENT TO STATES FOR CAREER PREPARATION EDUCATION.—Subject to subsection (b), from the remainder of the sums available for this part, the Secretary shall allot to each State for each fiscal year—

“(1) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

“(2) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States.

“(b) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of law and subject to paragraph (2), for fiscal year 1998 no State shall receive an allotment for services and activities authorized under this part that is less than 90 percent of the sum of the payments made to the State for fiscal year 1997 for programs authorized by title II of the Carl D. Perkins Vocational and Applied Technology Education Act, and for fiscal years 1998 through 2002 no State shall receive for services and activities authorized under this part an allotment that is less than 90 percent of its allotment under this part for the preceding fiscal year.

“(2) If for any fiscal year the amount appropriated for services and activities authorized under this part and available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

“(3) Notwithstanding any other provision of law, the allotment for this part for each of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands shall not be less than $200,000.

“(c) ALLOTMENT RATIO.—the allotment ratio of any State shall be 1.00 less the product of—

“(1) 0.50; and

“(2) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands), except that—

“(A) the allotment ratio shall in no case be more than 0.60 or less than 0.40; and

“(B) the allotment ratio for American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands shall be 0.60.

“(d) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for carrying out the services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

“(e) STATE GRANTS.—(1) From the State's allotment under subsection (a), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan under section 103.

“(2) The Secretary may promulgate regulations with regard to indirect cost rates that may be used for grants and subgrants awarded under this title.

“(f) DEFINITIONS AND DETERMINATIONS.—For purposes of this section—

“(1) allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available;

“(2) the term ‘per capita income’ means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year, and

“(3) population shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

“WITHIN-STATE ALLOCATION AND DISTRIBUTION OF FUNDS

“SEC. 109. (a) IN GENERAL.—(1) For each of the fiscal years 1998 and 1999, the State shall award as subgrants to eligible recipients under section 105(a) at least 80 percent of its grant under section 108(e) for that fiscal year.

“(2) For each of the fiscal years 2000 through 2002, the State shall award as subgrants to eligible recipients under section 105(a) at least 85 percent of its grant under section 108(e) for that fiscal year.

“(b) STATE ADMINISTRATION.—(1) The State may use an amount not to exceed 5 percent of its grant under section 108(e) for each fiscal year for administering its State plan, including developing the plan, reviewing local applications for subgrants under this part and part B, supporting activities to ensure the active participation of interested individuals and organizations, and ensuring compliance with all applicable Federal laws.

"(2) Each State shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds used for State administration under paragraph (1).

"(c) State Leadership.—The State shall use the remainder of its grant under section 108(e) for each fiscal year for State leadership activities described in section 102.

"(d) Distribution of Part A Funds at the Secondary Level.—(1) Except as provided in subsections (f), (g), and (h), each State shall, each fiscal year, distribute to local educational agencies, or consortia of such agencies, within the State funds under this part available for secondary level education programs, services, and activities that are conducted in accordance with the priorities described in section 101(b). Each local educational agency or consortium shall be allocated an amount that bears the same relationship to the amount available as the amount that the local educational agency or consortium was allocated under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such subpart by all the local educational agencies in the State in such fiscal year.

"(2) In applying the provisions of paragraph (1), the State shall—

"(A) distribute those funds that, based on the distribution formula under paragraph (1), would have gone to a local educational agency serving only elementary schools, to the local educational agency that provides secondary school services to secondary school students in the same attendance area;

"(B) distribute to a local educational agency that has jurisdiction over secondary schools, but not elementary schools, funds based on the number of students that entered such secondary schools in the previous year from the elementary schools involved; and

"(C) distribute funds to an area vocational education school or intermediate educational agency in any case in which—

"(i) the area vocational education school or intermediate educational agency and the local educational agency or agencies concerned have an agreement to use such funds to provide services and activities in accordance with the priorities described in section 101; and

"(ii) the area vocational education school or intermediate educational agency serves an equal or greater proportion of students with disabilities or economically disadvantaged students than the proportion of these students under the jurisdiction of the local educational agencies sending students to the area vocational education school.

"(e) Distribution of Part A Funds at the Postsecondary Level.—(1) Except as provided in subsections (f), (g), and (h), each State shall, each fiscal year, distribute to eligible institutions, or consortia of such institutions, within the State funds under this part available for postsecondary level services and activities that are conducted in accordance with the priorities described in section 101(b). Each such eligible institution or consortium shall be allocated an amount that bears the same relationship to the amount of funds available as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in the preceding fiscal year by such institution or consortium in a career preparation education programs that does not exceed two years bears to the number of such recipients enrolled in such programs within the State in such fiscal year.

"(2) For the purposes of this subsection—

"(A) the term 'eligible institution' means—

"(i) an institution of higher education;

"(ii) a local educational agency providing education at the postsecondary level;

"(iii) an area vocational education school providing education at the postsecondary level; and

"(iv) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior of the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934; and

"(B) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

"(3) An eligible institution may use funds distributed in accordance with paragraph (1) to provide postsecondary level services and activities for students enrolled in a career preparation education program that exceeds two years through a written articulation agreement between the eligible institution and the administrators of that program.

"(f) Alternative Part A Distribution Formula.—The State may distribute funds under subsection (d) or (e) using an alternative formula if the State demonstrates to the Secretary's satisfaction that—

"(1) the alternative formula better meets the purposes of this Act;

"(2) the alternative formula is in accord with the priorities described in section 101(b);and

"(3)(A) the formula described in subsection (d) or (e) does not result in a distribution of funds to the eligible recipients or consortia that have the highest numbers or percentages of economically disadvantaged students, as described in subsection (j); and

"(B) the alternative formula would result in such a distribution.

"(g) Minimum Subgrant Amounts.—(1)(A) Except as provided in subparagraph (B), no local educational agency shall be eligible for a subgrant under this part unless the amount allocated to that agency under subsection (c) or (d) equals or exceeds $15,000.

"(B) The State may waive the requirement in subparagraph (A) in any case in which the local educational agency—

"(i) enters into a consortium with one or more other local educational agencies to provide services and activities conducted in accordance with the priorities described in section 101(b) and the aggregate amount allocated and awarded to the consortium equals or exceeds $15,000; or

"(ii) is located in a rural, sparsely-populated area and demonstrates that the agency is unable to enter into a consortium for the purpose of providing services and activities conducted in accordance with the priorities described in section 101(b), but that the agency is able to provide services and activities that meet the purposes of this Act.

"(2)(A) Except as provided in subparagraph (B), no eligible institution shall be eligible for a subgrant under this part unless the amount allocated to that institution under subsection (d) or (e) equals or exceeds $50,000.

"(B) The State may waive the requirement in subparagraph (A) in any case in which the eligible institution—

"(i) enters into a consortium with one or more other eligible institutions to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $50,000; or

"(ii) is a tribally controlled community college.

"(h) Part A Secondary-Postsecondary Consortia.—The State may distribute funds available for part A in any fiscal year for secondary and postsecondary level services and activities, as applicable, to one or more local educational agencies and one or more eligible institutions that enter into a consortium in any case in which—

"(1) the consortium has been formed to provide services and activities conducted in accordance with the priorities described in section 101(b); and

"(2) the aggregate amount allocated and awarded to the consortium under subsections (a), (b), and (c) equals or exceeds $50,000.

"(i) Reallocations.—The State shall reallocate to one or more local educational agencies, eligible institutions, and consortia any amounts that are allocated in accordance with subsections (d) through (f), but that would not be used by a local educational agency or eligible institution, in a manner the State determines will best serve the purpose of this Act and be in accord with the priorities described in section 101(b).

"(j) Economically Disadvantaged Students.—For the purposes of this section, the State may determine the number of economically disadvantaged students on the basis of—

"(1) eligibility for free or reduced-price meals under the National School Lunch Act or for assistance under part A of title IV of the Social Security Act;

"(2) the number of children counted for allocation purposes under title I of the Elementary and Secondary Education Act of 1965; or

"(3) any other index of disadvantaged economic status if the State demonstrates to the satisfaction of the Secretary that the index is more representative of the number of low-income students than the indices described in paragraphs (1) and (2).

"Part B—Tech-Prep Education

"PROGRAM ELEMENTS

"Sec. 111. Funds under this part shall be used only to develop, implement, and improve tech-prep education programs that—

"(1) include—

"(A) a non-duplicative sequence of study, with a common core of required proficiency in mathematics, science, communications, and technology, consisting of at least 2 years of secondary school preceding graduation and leading to an associate degree, an industry-recognized skill certificate, completion of a registered apprenticeship program, or a bachelor's degree in a specific career field;

"(B) an integrated academic and technical curriculum appropriate to the needs of the students enrolled in the secondary schools and postsecondary education institutions participating in a consortium.

"(C) curriculum and professional development to—

"(i) train academic, vocational, and technical teachers to use strategies and techniques effectively to support tech-prep education; and

"(ii) train counselors to advise students effectively, and to help ensure that students successfully complete their tech-prep education and enter into appropriate employment;

"(D) preparatory services, including outreach, career counseling, assessment, and testing, that assist students to enter into tech-prep education, as well as career awareness, exploration, and planning activities that help students in tech-prep education to make informed choices;

“(E) equal access for students who are members of special populations; and

“(F) work-based learning opportunities, for both students and educators, that are tied to the tech-prep curriculum; and

“(2) are conducted by a consortium—

“(A) of at least one public secondary school or local educational agency and at least one postsecondary educational institution; and

“(B) that displays strong, comprehensive institutional links within the consortium.

“STATE LEADERSHIP RESPONSIBILITIES

“SEC. 112. (a) IN GENERAL.—Each State that receives a grant under this part may use funds reserved for leadership activities under section 109(c) to conduct services and activities that further the development, implementation, and improvement of tech-prep education programs throughout the State in accordance with the purposes of this Act.

“(b) STATE PLAN.—Any State desiring to receive a grant under this part for any fiscal year shall—

“(1) have an approved State plan under section 103 for that fiscal year; and

“(2) include in such plan—

“(A) a description of how the State will use funds under this part only to make competitive subgrants to consortia to conduct services and activities that further the development, implementation, and improvement of tech-prep education programs throughout the State in accordance with the purposes of this Act; and

“(B) a description of how tech-prep education programs under this part will relate to, and be integrated with, the career preparation education programs, services, and activities supported in the State under part A of this title.

“(c) STATE REPORT.—Any State that receives a grant under this part shall annually report to the Secretary on the quality and effectiveness of its services and activities provided under the grant, based on the performance goals and indicators, as appropriate, established under section 106. Such report shall be part of the report that the State submits in accordance with section 102(d).

“LOCAL ACTIVITIES

“SEC. 113. (a) GENERAL AUTHORITY.—Each recipient of a subgrant under this part shall use such funds to develop, implement, or improve a tech-prep education program described in section 111.

“(b) ADDITIONAL ACTIVITIES.—A recipient of a subgrant under this part may use such funds to—

“(1) acquire tech-prep education program equipment, subject to subsection (c); and

“(2) obtain technical assistance from State or local entities that have successfully designed, established, and operated tech-prep programs.

“(c) EQUIPMENT.—Equipment acquired or adapted with funds under this part may be used for other instructional purposes when not being used to carry out this part if such acquisition or adaptation is reasonable and necessary for providing services or activities under this part and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this part.

“LOCAL APPLICATIONS

“SEC. 114. (a) ARTICULATION AGREEMENT.—A consortium that desires to receive a subgrant under this part shall submit to the agency or agencies designated under section 102(a) a written articulation agreement among the consortium participants that describes each participant's role in carrying out the tech-prep education program.

“(b) APPLICATION REQUIREMENT.—(1) A consortium that desires to receive a subgrant under this part shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 102(a). In addition to including such information as the State may require and identifying the results the consortium seeks to achieve, each application shall also describe how the consortium will—

“(A) use funds under this part to develop, improve, or implement a tech-prep education program;

“(B) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 106;

“(C) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this part with career preparation education programs, services, and activities, broad education reforms, and relevant employment, training, and welfare programs carried out in the State; and

“(D) consult with students, their parents, and other interested individuals or groups (including employers and labor organizations), in developing their services and activities.

“(2) A consortium may submit its application as part of the application for funds under part A of this title.

“(c) APPROVAL AND SPECIAL CONSIDERATION.—(1) The agency or agencies designated under section 102(a) shall approve applications based on their potential to create an effective tech-prep education program as described in section 111.

“(2) The designated agency or agencies shall give special consideration to applications that—

“(A) provide for effective employment placement activities and for the transfer of students to 4-year baccalaureate degree programs;

“(B) are developed in consultation with business, industry, labor organizations, and institutions of higher education that award bachelor's degrees;

“(C) address effectively the needs of special populations; and

“(D) demonstrate the use of tech-prep education programs as a primary strategy for systemic educational reform.

“EVALUATION, IMPROVEMENT AND ACCOUNTABILITY

“SEC. 115. (a) LOCAL EVALUATION.—(1) Each recipient of a subgrant under this part shall—

“(A) annually evaluate, using the performance goals and indicators described in section 106, as appropriate, and report to the State regarding, its use of funds under this part to develop, implement, or improve tech-prep education programs described under section 111; and

“(B) biennially evaluate and report to the State regarding, the effectiveness of its services and activities supported under this part in achieving the purposes of this Act, including the progress of students who are members of special populations.

“(2) Such recipient may evaluate portions of its entire tech-prep education program, including portions that are not supported under this part. If such recipient does so, it need not evaluate separately that portion of its entire tech-prep education program supported with funds under this part.

“(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation conducted under subsection (a) and applicable performance goals and indicators established under section 106, that a recipient of a subgrant under this part is not making substantial progress in achieving the purpose of this Act, the State shall work jointly with the recipient to develop a plan, in consultation with teachers, parents, and students, for improvement for succeeding school years. If, after not more than 2 years of implementation of the improvement plan, the State determines that the recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued tech-prep services and activities for the recipient's students.

“(c) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall work with the State to implement improvement activities.

“(d) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after of implementation of the improvement activities described in subsection (c), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, tech-prep services and activities within the State that meet the purpose of this Act.

“ALLOTMENT AND DISTRIBUTION

“SEC. 116. (a) ALLOTMENT TO STATES FOR TECH-PREP EDUCATION.—(1) From the amount appropriated for this part under section 3(a)(2) for each fiscal year, the Secretary shall allot funds to each State for programs under this part based on the ratio that its allotment under section 108 bears to the sum of State allotments under part A for that fiscal year.

“(2) From the State's allotment under paragraph (1), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan in accordance with section 112(b).

“(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for carrying out the tech-prep education services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States to support tech-prep education services and activities. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

“(c) DISTRIBUTION OF FUNDS.—From the amount made available to each State under subsection (a)(2), the State agency or agencies designated in section 102(a) shall award subgrants to consortia of educational institutions on a competitive basis.

"(d) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In making subgrants under this part, the agency or agencies designated under section 102(a) shall ensure an equitable distribution of assistance between urban and rural areas of the State.

"TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

"AWARDS FOR EXCELLENCE

"SEC. 201. The Secretary may, from the amount reserved under section 3(b)(1) for any fiscal year after the fiscal year 2000, and through a peer review process, make performance awards to one or more States that have—

"(1) exceeded in an outstanding manner their performance goals or expected level of performance under section 103(e)(2)(B);

"(2) implemented exemplary career preparation education programs, services, or activities in secondary and postsecondary schools in accordance with the priorities described in section 101(b); or

"(3) provided exemplary career preparation education programs, services, or activities for students who are members of special populations.

"NATIONAL ACTIVITIES

"SEC. 202. (a) GENERAL AUTHORITY.—(1) In order to carry out the purpose of this Act, the Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation, capacity-building, and technical assistance activities in accord with the purposes of this Act, such as activities relating to—

"(A) challenging State academic standards and industry-recognized skill standards, including curricula and assessments aligned with such standards;

"(B) the improvement in academic, technical, communications and other skills of students participating in career preparation education;

"(C) best practices in career preparation education, including curricula, assessments, and supportive services;

"(D) effective career guidance and counseling practices, including the identification of components of such programs that meet the career preparation education needs of students;

"(E) the use of community- and work-based learning, job shadowing, internships, entrepreneurship, and school-based enterprises to further academic and technical skills development;

"(F) the use of technology, including distance learning, to enhance learning;

"(G) the preparation of students for new and advanced technologies and industries, such as information technology and telecommunications, biotechnology, and robotics;

"(H) enhancing employer-school partnerships;

"(I) the development of effective performance management systems;

"(J) the creation of innovative learning environments with a career focus, such as career academies, and public charter, magnet, and pilot schools;

"(K) "whole school" reforms, in which all students are expected to gain academic and computer and other technical skills, and be prepared for postsecondary education and career opportunities; and

"(L) improvements in technical education at the postsecondary level.

"(2) The Secretary shall coordinate activities carried out under this section with related activities under the School-to-Work Opportunities Act of 1994, the Goals 2000: Educate America Act, the Job Training Partnership Act, the Higher Education Act of 1965, and the Elementary and Secondary Education Act of 1965.

"(3) Research and development activities carried out under this section may include support for States in their development and implementation of performance goals and indicators established under section 106. The Secretary shall broadly disseminate information resulting from research and development activities carried out under this Act, and shall ensure broad access at the State and local levels to the information disseminated.

"(4) Activities carried out under this section may include support for occupational and career information systems, such as the system described in section 206.

"(b) PROFESSIONAL DEVELOPMENT.—(1) The Secretary may, directly, or through grants, contracts, or cooperative agreements, support professional development activities for educators (including teachers, administrators, counselors, mentors, and board members) to help to ensure that all students receive an education that prepares them for postsecondary education, further learning, and high-skill, high-wage careers.

"(2)(A) Professional development activities supported under this subsection shall—

"(i) be tied to challenging State academic standards and industry-recognized skill standards;

"(ii) take into account recent research on teaching and learning;

"(iii) be of sufficient intensity and duration to have a positive and lasting impact on the educator's performance;

"(iv) include strong academic and technical skills content and pedagogical components; and

"(v) be designed to improve educators' skills in such areas as integrating academic and vocational instruction, articulating secondary and postsecondary education, combining school-based and work-based instruction and connecting activities, using occupational and career information, computer literacy, innovative uses of educational technology, and all aspects of an industry.

"(B) Funds under this subsection may be used for such activities as pre-service and inservice training, including internships at employer sites, training of work-site supervisors, and support for development of local, regional, and national educator networks that facilitate the exchange of information relevant to the development of career preparation education programs.

"(3) In supporting activities under this subsection, the Secretary shall give priority to designing and implementing new models of professional development for educators, and preparing educators to use innovative forms of instruction, such as worksite learning and the integration of academic and vocational instruction.

"NATIONAL ASSESSMENT

"SEC. 203. (a) GENERAL AUTHORITY.—(1) The Secretary shall conduct a national assessment of services and activities assisted under this Act, through independent studies and analyses, including, when appropriate, studies based on data from longitudinal surveys, that are conducted through one or more competitive awards.

"(2) The Secretary shall appoint an independent advisory panel, consisting of administrators, educators, researchers, and representatives of employers, parents, counselors, students, special populations, labor, and other relevant groups, as well as representatives of Governors and other State and local officials, to advise the Secretary on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment.

"(b) CONTENTS.—The assessment required under subsection (a) shall examine the extent to which services and activities assisted under this Act have achieved their intended purposes and results, including the extent to which—

"(1) State and local recipients are meeting the performance objectives for their programs established by the Secretary under the Government Performance and Results Act, using the performance indicators under section 106(b);

"(2) State and local services and activities have developed, implemented, or improved systems established under the School-to-Work Opportunities Act of 1994;

"(3) services and activities assisted under this Act succeed in preparing students, including students who are members of special populations, for postsecondary education, further learning, and entry into high-skill, high-wage careers;

"(4) students who participate in services and activities supported under this Act succeed in meeting challenging State academic standards and industry-recognized skill standards;

"(5) services and activities assisted under this Act are integrated with, and further, broad-based education reform; and

"(6) the program improvement, participation, local and State assessment, and accountability provisions of this Act, including the performance goals and indicators established under section 106, are effective.

"(c) REPORT.—The Secretary shall submit to the Congress an interim report on or before July 1, 2001, and a final report on or before July 1, 2002.

"NATIONAL RESEARCH CENTER

"SEC. 204. (a) GENERAL AUTHORITY.—(1) The Secretary may, through grants, contracts, or cooperative agreements, establish one or more national centers in the areas of—

"(A) applied research and development; and

"(B) dissemination and training.

"(2) The Secretary shall consult with States prior to establishing one or more such centers.

"(3) Entities eligible to receive funds under this section are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

"(b) ACTIVITIES.—(1) The national center or centers shall carry out such activities as the Secretary determines to be appropriate to assist State and local recipients of funds under this Act to achieve the purpose of this Act, which may include activities in such areas as—

"(A) the integration of vocational and academic instruction, secondary and postsecondary instruction, and work-based and classroom-based instruction and connecting activities;

"(B) effective inservice and preservice teacher education that assists career preparation education systems at the elementary, secondary, and postsecondary levels;

"(C) performance goals and indicators that serve to improve career preparation education programs and student outcomes;

"(D) effects of economic changes on the kinds of knowledge and skills required for employment;

"(E) longitudinal studies of student achievement; and

"(F) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include—

"(i) serving as a repository for industry-recognized skill standards, State academic standards, and related materials; and

"(ii) developing and maintaining national networks of educators who facilitate the development of career preparation education systems.

"(2) The center or centers conducting the activities described in paragraph (1) shall annually prepare a summary of key research findings of such center or centers and shall submit copies of the summary to the Secretaries of Education, Labor, and Health and Human Services. The Secretary shall submit that summary to the Committee on Labor and Human Resources of the Senate, and the Committee on Education and the Workforce of the House of Representatives.

"(c) REVIEW.—From funds available for this title, the Secretary shall—

"(1) consult at least annually with the national center or centers and with experts in education to ensure that the activities of the national center or centers meet the needs of career preparation education programs; and

"(2) undertake an independent review of award recipients under this section prior to extending an award to such recipient beyond 5 years.

"DATA SYSTEMS

"SEC. 205. (a) IN GENERAL.—The Secretary shall maintain a data system to collect information about, and report on, the condition of career preparation education and on the effectiveness of State and local programs, services, and activities carried out under this Act in order to provide the Secretary and the Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career preparation. The Secretary shall periodically report to the Congress on the Secretary's analysis of performance data collected each year pursuant to this Act.

"(b) CONTENTS.—The data system shall—

"(1) provide information on the participation and performance of students, including students who are members of special populations;

"(2) include data that are at least nationally representative;

"(3) report on career preparation in the context of education reform; and

"(4) be based, to the extent feasible, on data from general purpose data systems of the Department or other Federal agencies, augmented as necessary with data from additional surveys focusing on career preparation education.

"(c) COORDINATION.—(1) The Secretary shall consult with a wide variety of experts in academic and occupational education, including individuals with expertise in the development and implementation of career preparation education, in the development of data collections and reports under this section.

"(2) In maintaining the data system, the Secretary shall—

"(A) ensure that the system, to the extent practicable, uses comparable information elements and uniform definitions common to State plans, performance indicators, and State and local assessments; and

"(B) cooperate with the Secretaries of Commerce and Labor to ensure that the data system is compatible with other Federal information systems regarding occupational data, and to the extent feasible, allow for international comparisons.

"(d) ASSESSMENTS.—(1) As a regular part of its assessments, the National Center for Education Statistics shall, as appropriate, collect and report information on career preparation education for a nationally representative sample of students, including, to the extent feasible, fair and accurate assessments of the educational achievement of special populations. Such assessment may include international comparisons.

"(2) The Commissioner of Education Statistics may authorize a State educational agency, or consortium of such agencies, to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to services and activities under title I, if the Commissioner has determined in writing that such use will not—

"(A) result in the identification of characteristics or performance of individual schools or students;

"(B) result in the ranking or comparing of schools or local educational agencies;

"(C) be used to evaluate the performance of teachers, principals, or other local educators for reward or punishment; or

"(D) corrupt the use or value of data collected for the National Assessment.

"NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

"SEC. 206. (a) IN GENERAL.—There is established a National Occupational Information Coordinating Committee (in this section referred to as the 'Committee') which shall consist of the Assistant Secretary for Vocational and Adult Education, the Commissioner of the Rehabilitation Services Administration, the Director of the Office of Bilingual Education and Minority Languages Affairs, the Assistant Secretary for Postsecondary Education, the Assistant Secretary for Elementary and Secondary Education, the Commissioner of the National Center for Education Statistics of the Department of Education, the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training of the Department of Labor, the Under Secretary for Research, Education, and Economics of the Department of Agriculture, the Assistant Secretary for Economic Development of the Department of Commerce, and the Assistant Secretary of Defense (Force Management and Personnel). The Committee shall provide funds, on an annual basis, to State occupational information coordinating committees and to eligible recipients and shall—

"(1) in the use of program and employment data, improve coordination and communication among administrators and planners of education and employment and training programs, including corrections and welfare programs, at the Federal, State, and local levels;

"(2) coordinate the efforts of Federal, State, and local agencies and tribal agencies with respect to such programs.

"(3) develop and implement, in cooperation with State and local agencies, an occupational information system to meet the common occupational information needs of education programs and employment and training programs at the national, State, and local levels;

"(4) conduct studies to improve the quality and delivery of occupational and career information; and

"(5) develop curricula and career information resources and provide training and technical assistance consistent with section 453(b)(2) of the Job Training Partnership Act in support of comprehensive guidance and counseling programs designed to promote improved career decision making by individuals.

"(b) STATE COMMITTEES.—Each State receiving assistance under this Act shall establish a State occupational information coordinating committee composed of representatives of the State education, vocational education, and postsecondary education agencies, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program. Such committee shall, with funds available to it from the National Occupational Information Coordinating Committee established under subsection (a)—

"(1) implement an occupational information system in the State that will meet the common needs for the planning for, and the operation of, education and employment and training programs, including corrections and welfare;

"(2) implement a career information delivery system; and,

"(3) conduct training and technical assistance in support of personnel delivering career development services.

"(c) ALLOCATION.—Of amounts made available by the Secretary to carry out the provisions of this section, the Committee shall use not less than 75 percent of such funds to support State occupational information coordinating committees for the purpose of operating State occupational information systems and career information delivery systems.

"(d) GIFTS, BEQUESTS, AND DEVISES.—The Committee may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

"(2) The responsible official shall establish written rules setting forth the criteria to be used by the Committee in determining whether the acceptance of contributions of services, money, or property would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity, or the appearance of the integrity, of its programs or any official involved in those programs.

"(e) EXPERTS AND CONSULTANTS.—The Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"CAREER PREPARATION EDUCATION FOR INDIANS AND NATIVE HAWAIIANS

"SEC. 207. (a) ALLOTMENT FOR INDIANS AND NATIVE HAWAIIANS.—In each fiscal year, from the amount the Secretary reserves under section 3(b)(2)—

"(1) 1.5 percent shall be available for carrying out subsections (b) and (c); and

"(2) 0.25 percent shall be available for carrying out subsection (d).

"(d) ASSISTANCE TO TRIBES OR BUREAU-FUNDED SCHOOLS.—(1)(A) From funds reserved under subsection (a)(1) for each fiscal year, the Secretary shall make grants to, or enter into cooperative agreements with, tribal organizations of eligible Indian tribes or Bureau-funded schools to develop and provide services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

“(B) Any tribal organization or Bureau-funded school that receives assistance under this subsection shall—

“(i) establish performance goals and indicators to define the level of performance to be achieved by students served under this subsection;

“(ii) evaluate the quality and effectiveness of services and activities provided under this subsection;

“(iii) provide guidance and counseling services to students; and

“(iv) help to ensure that students served under this subsection have an opportunity to achieve to challenging academic and industry recognized skill standards, receive high school diplomas, skill certificates, and post-secondary certificates or degrees, and enter employment related to their course work.

“(2)(A) The Secretary shall make such a grant or cooperative agreement—

“(i) upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for programs under the Indian Self-Determination Act or the Act of April 16, 1934; or

“(ii) upon the application (filed under such conditions as the Secretary may require) of any Bureau-funded school that offers secondary programs.

“(B)(i) A grant or cooperative agreement under this subsection with any tribal organizational shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act, except section 102(b), and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 that are relevant to the services and activities administered under this subsection. An eligible applicant that receives written notification that the Secretary will not award it a grant or cooperative agreement may submit written objections to that notice in accordance with regulations of the Secretary.

“(ii) A grant or cooperative agreement under this subsection with any Bureau-funded school shall not be subject to the requirements of the Indian Self-Determination Act of the Act of April 16, 1934.

“(C) Any tribal organization or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another tribal organizational or school.

“(D) The Secretary may not place upon such grants or cooperative agreements any restrictions relating to programs or results other than those they apply to grants or cooperative agreements to States under this Act.

“(3) Any tribal organization or Bureau-funded school receiving assistance under this subsection may provide stipends to students who are undertaking career preparation education and who have acute economic needs that cannot be met through work-study programs.

“(4) In making grants or cooperative agreements under this subsection, the Secretary shall give special consideration to awards that involve, are coordinated with, or encourage, tribal economic development plans.

“(c) Assistant to Tribally Controlled Postsecondary Vocational Institutions.—(1) The Secretary may make 4-year grants to tribally controlled postsecondary vocational institution to provide to Indian students services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101(b), including support for the operation, maintenance, and capital expenses of such institution.

“(2) To be eligible for assistance under this subsection, a tribally controlled postsecondary vocational institution shall—

“(A) be governed by a board of directors or trustees, a majority of whom are Indians;

“(B) demonstrate adherence to stated goals, a philosophy, or a plan or operation that fosters individual Indian economic self-sufficiency;

“(C) have been in operation for at least 3 years;

“(D) hold accreditation with, or be a candidate for accreditation by, a nationally recognized accrediting authority for postsecondary vocational education;

“(E) offer technical degrees or certificate-granting programs; and

“(F) enroll the full-time equivalent of not less than 100 students, of whom a majority are Indians.

“(3) To receive assistance under this subsection, a tribally controlled postsecondary vocational institution shall apply to the Secretary in such manner and at such time as the Secretary may require.

“(4) The Secretary shall, based on the availability of appropriations, distribute to each tribally controlled vocational institution having an approved application an amount based on full-time equivalent Indian students at each such institution.

“(d) Assistance to Native Hawaiians.—(1) In recognition of the findings and declarations made by Congress in section 9202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7902), the Secretary shall, from the funds reserved under subsection (a)(2) for each fiscal year, make one or more grants to, or enter into one or more cooperative agreements with, organizations, institutions, or agencies with experience providing educational and related services to Native Hawaiians to develop and provide, for the benefit of Native Hawaiians, services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101(b).

“(2) To receive assistance under this subsection, the organization, institution, or agency shall apply to the Secretary in such manner and at such time as the Secretary may require.

“(e) Accountability.—The Secretary shall require from each institution assisted under this section such information regarding fiscal control and program quality and effectiveness as is reasonable.

“(f) Definitions.—For the purposes of this section:

“(1) The term ‘Bureau-funded school’ has the same meaning given ‘Bureau funded school’ in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3)).

“(2) The term ‘full-time equivalent Indian students’ means the sum of the number of Indian student enrolled full time at an institution, plus the full-time equivalent of the number of Indian students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.

“(3) The term ‘Indian’ means a member of an Indian tribe.

“(4) The term ‘Indian tribe’ has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

“TITLE III—GENERAL PROVISIONS

“WAIVERS

“Sec. 301. (a) Request for Waiver.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of one or more statutory or regulatory provisions described in this section in order to carry out more effectively State efforts to reform education and develop, implement, or improve career preparation education, including tech-prep edcuation, in the State.

“(b) General Authority.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

“(A) if, and only to the extent that the Secretary determines that such requirement impedes the ability of the State to carry out State efforts to reform education and develop, implement, or improve career preparation education in the State;

“(B) if the State waives, or agrees to waive, any similar requirements of State law;

“(C) if, in the case of a statewide waiver, the State—

“(i) has provided all local recipients of assistance under this Act in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

“(ii) has submitted the comments of such recipients to the Secretary; and

“(D) if the State provided such information as the Secretary reasonably requires in order to make such determinations.

“(2) The Secretary shall act promptly on any request submitted under paragraph (1).

“(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

“(c) Programs.—(1) The statutes subject to the waiver authority of the Secretary under this section are—

“(A) this Act;

“(B) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

“(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

“(D) title IV of the Elementary and Secondary Education Act of 1965 (Safe and Drug-Free Schools and Communities Act of 1994);

“(E) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

“(F) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program); and

“(G) the School-to-Work Opportunities Act of 1994.

“(2) The Secretary may not waive any requirement under paragraph (1)(G) without the concurrence of the Secretary of Labor.

“(d) Waivers Not Authorized.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

“(1) the basic purposes or goals of the affected programs;

“(2) maintenance of effort;

“(3) comparability of services;

“(4) the equitable participation of students attending private schools;

“(5) parental participation and involvement;

“(6) the distribution of funds to States or to local recipients;

“(7) the eligibility of an individual for participation in the affected programs;

“(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

"(9) prohibitions or restrictions relating to the construction of buildings or facilities.

"(e) TERMINATION OF WAIVERS.—The Secondary shall periodically review the performance of any State for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

"EFFECT OF FEDERAL PAYMENTS

"SEC. 302. (a) STUDENT FINANCIAL ASSISTANCE.—(1) The portion of any student financial assistance received under this Act that is made available for attendance costs described in paragraph (2) shall not be considered as income or resources in determining eligibility for assistance under any program of welfare benefits, including the Temporary Assistance to Needy Families program, that is funded in whole or part with Federal funds.

"(2) For purposes of this subsection, attendance costs are—

"(A) tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

"(B) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

"(b) INSTITUTIONAL AID.—No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the among of State aid, with respect to public education within the State.

"MAINTENANCE OF EFFORT

"SEC. 303. (a) Except as provided in subsection (b), a State may receive its full allotment of funds under part A and part B for any fiscal year only if the Secretary finds that either the fiscal effort per student or the aggregate expenditures of such State for career preparation education, including tech-prep education programs, for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such fiscal effort or aggregate expenditures for career preparation education for the second fiscal year preceding the fiscal year for which the determination is made.

(b) The Secretary shall reduce the amount of allotments of funds under part A and part B for any fiscal year in the exact proportion by which the State fails to meet the requirements of subsection (a) by falling below 90 percent of either the fiscal effort per student or aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS

"SEC. 304. Any State rule or policy imposed on the provision of services or activities funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guidelines, shall be identified as a State-imposed requirement.

"OUT-OF-STATE RELOCATIONS

"SEC. 305. No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"ENTITLEMENT

"SEC. 306. Nothing in this Act shall be construed to provide any individual with an entitlement to services under this Act.

"DEFINITIONS

"SEC. 307. As used in this Act, unless otherwise noted:

"(1) The term 'all aspects of an industry' has the same meaning as given that term under section 4(1) of the School-to-Work Opportunities Act of 1994.

"(2) The term 'area vocational education school' means—

"(A) a special public high school that provides vocational education to students who are preparing to earn a high school diploma or its equivalency and to enter the labor market, or

"(B) a public technical institute or vocational school that provides vocational education to individuals who have completed or left high school and who are preparing to enter the labor market.

"(3) The term 'career guidance and counseling' has the same meaning as given that term under section 4(4) of the School-to-Work Opportunities Act of 1994.

"(4) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

"(5) The term 'institution of higher education' has the same meaning as given that term under section 1201(a) of the Higher Education Act of 1965.

"(6) The term 'intermediate educational agency' means a combination of school districts or counties (as defined in section 14101(9) of the Elementary and Secondary Education Act of 1965) as are recognized in a State as an administrative agency for the State's career preparation education schools or for career preparation education programs within its public elementary or secondary schools.

"(7) The term 'limited English proficiency' has the meaning given such term in section 7501(8) of the Elementary and Secondary Education Act of 1965.

"(8) The term 'local educational agency' has the same meaning as given that term under section 4(10) of the School-to-Work Opportunities Act of 1994.

"(9) The term 'postsecondary educational institution' means—

"(A) an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, that provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree;

"(B) a tribally controlled community college; or

"(C) a not-for-profit educational institution offering apprenticeship programs of at least 2 years beyond the completion of secondary school.

"(10) The term 'school dropout' has the same meaning as given that term under section 4(17) of the School-to-Work Opportunities Act of 1994.

"(11) The term 'Secretary' means the Secretary of Education.

"(12) The term 'skill certificate' has the same meaning as given that term under section 4(22) of the School-to-Work Opportunities Act of 1994.

"(13) The term 'special populations' includes students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, displaced homemakers, teen parents, single pregnant women, foster children, migrant children, school dropouts, students who are identified as being at-risk of dropping out of secondary school, students who are seeking to prepare for occupations that are not traditional for their gender, and, to the extent feasible, individuals younger than age 25 in correctional institutions.

"(14) except as otherwise provided, the term 'State' includes, in addition to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"(15) The term 'State educational agency' has the same meaning as given that term under section 4(24) of the School-to-Work Opportunities Act of 1994.

"(16) The term 'students with disabilities' means students who have a disability or disabilities, as such term is defined in section 3(2) of the Americans With Disabilities Act of 1990.

"(17) The term 'tribally controlled community college' means an institution that receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.".

TITLE II—EFFECTIVE DATES; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1998.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) upon enactment of the Career Preparation Education Reform Act of 1997, a State or local recipient of funds under the Carl D. Perkins Vocational and Applied Technology Education Act may use any such unexpended funds to carry out services and activities that are authorized by either such Act or the Carl D. Perkins Career Preparation Education Act; and

(2) a State or local recipient of funds under the Carl D. Perkins Career Preparation Education Act for the fiscal year 1998 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Carl D. Perkins Vocational and Applied Technology Education Act prior to its amendment.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 301. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section (4)—

(A) in paragraph (14), by striking "in section 521(22) of the Carl D. Perkins Vocational Education Act" and inserting in lieu thereof "section 4(10) of the School-to-Work Opportunities Act of 1994"; and

(B) in paragraph (28), by striking "Vocational Education Act" and inserting in lieu thereof "Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997";

(2) in section 121(a)(2), by adding at the end thereof the following sentence: “The State may submit such plan as part of a State plan, or amendment to a State plan, under the Carl D. Perkins Career Preparation Education Act or the School-to-Work Opportunities Act of 1994.”;

(3) in section 122(b)—

(A) by amending paragraph (8) to read as follows:

“(8) consult with the appropriate State agency under section 105 of the Carl D. Perkins Career Preparation Education Act to obtain a summary of activities and an analysis of result in training women in nontraditional employment under such Act, and annually disseminate such summary to service delivery areas, service providers throughout the State, and the Secretary;”; and

(B) in paragraph (11)(B), by striking “section 113(b)(14) of the Carl D. Perkins Vocational Education Act” and inserting in lieu thereof “section 105(e)(2) of the Carl D. Perkins Career Preparation Education Act”;

(4) in section 123(c)—

(A) in paragraph (1)(E)(iii), by striking “Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)” and inserting in lieu thereof “Carl D. Perkins Career Preparation Education Act”; and

(B) in paragraph (2)(D)(iii), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”;

(5) in section 125—

(A) in subsection (a), by inserting after “coordinating committee” a comma and “as described in section 422(b) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997,”;

(B) in subsection (b)(1), by striking out “Vocational” and inserting in lieu thereof “Career Preparation”; and

(C) ion subsection (c), by inserting after “Coordinating Committee” a comma and “as established in section 422(a) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997,”;

(6) in section 205(a)(2), by striking “Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)” and inserting in lieu thereof “Carl D. Perkins Career Preparation Education Act”;

(7) in section 265(b)(3), by striking “Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)” and inserting in lieu thereof “Carl D. Perkins Career Preparation Education Act”;

(8) in section 314(g)(2), by striking out “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”;

(9) in section 427(a)(1), by striking “local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Act which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations” and inserting in lieu thereof “local agencies, or private organizations”;

(10) in section 455(b), by striking “Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)” and inserting in lieu thereof “Carl D. Perkins Career Preparation Education Act”;

(11) in section 461(c), by striking out “Vocational” and inserting in lieu thereof “Career Preparation”;

(12) in section 464—

(A) in subsection (a), by striking out “Carl D. Perkins Vocational Education Act)” and inserting in lieu thereof “Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997)”;

(B) in subsection (b), by striking out “In addition to its responsibilities under the Carl D. Perkins Vocational Education Act, the” and inserting in lieu thereof “The”; and

(C) in subsection (c), by striking out “this Act, under section 422 of the Carl D. Perkins Vocational Education Act, and” and inserting in lieu thereof “this Act and”;

(13) in section 605(c), by striking out “Vocational Education Act)” and inserting in lieu thereof “Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995)”;

(14) in section 701(b)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—For purposes of this title, the term ‘applicable Federal human resource program’ includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency or agencies responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council.”; and

(B) in paragraph (2)(A)(ii), by striking “Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)” and inserting in lieu thereof “Carl D. Perkins Career Preparation Education Act”; and

(15) in section 703(a)(2), by striking the comma after “section 123(a)(2)(D)” and “except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act”.

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 302. The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 322(a)(4), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”;

(2) in section 342—

(A) in subsection (c)(11), by striking “Carl D. Perkins Vocational Education Act of 1963” and inserting in lieu thereof “Carl D. Perkins Career Preparation Education Act”; and

(B) in subsection (d), by striking “Vocational” and inserting in lieu thereof “Career Preparation”; and

(3) by amending section 384(d)(1)(D)(ii) to read as follows:

“(ii) be coordinated with activities conducted by other educational and training entities that provide relevant technical assistance;”.

AMENDMENTS TO THE SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994

SEC. 303. The School-to-Work Opportunities Act (20 U.S.C. 1601 et seq.) is amended—

(1) in section 202(a)(3), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”;

(2) in section 203(b)(2), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(3) in section 213—

(A) in subsection (d)(6)(B), by striking “Vocational and Applied technology” and inserting in lieu thereof “Career Preparation”, and

(B) in subsection (b)(4), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively,

(4) in section 403(a), by striking “the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)),”,

(5) in section 404—

(A) by inserting “and” after “(29 U.S.C. 1733(b)),”; and

(B) by striking “and the National Network for Curriculum Coordination in Vocational Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(C)),”;

(6) in section 502(b)(6), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”; and

(7) in section 505—

(A) in subsection (a)(2)(B)(i), by striking “section 102(a)(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)” and inserting in lieu thereof “section 112(c) of the Carl D. Perkins Career Preparation Education Act”; and

(B) in subsection (e), by striking “section 201(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)” and inserting in lieu thereof “section 102 of the Carl D. Perkins Career Preparation Education Act”.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 304. The Elementary and Secondary Education At of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1114(b)(2)(C)(v), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”;

(2) in section 9115(b)(5), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”;

(3) by amending section 14302(a)(2)(C) to read as follows: “(C) services and activities under section 102 of the Carl D. Perkins Career Preparation Education Act;” and

(4) in section 14307(a)(1), by striking “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”.

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 305. The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) in section 306—

(A) in subsection (c)(1)(A), by inserting before the semicolon at the end thereof a comma and “as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997, until not later than July 1, 2000, and the performance goals and indicators developed pursuant to section 107 of the Carl D. Perkins Career Preparation Education Act thereafter”; and

(B) in subsection (1), by striking out “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”; and

(2) in section 311(b)(6), by striking out “Vocational and Applied Technology” and inserting in lieu thereof “Career Preparation”.

OTHER TECHNICAL AND CONFORMING AMENDMENTS

SEC. 306. (a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) by amending section 127(2) to read as follows:

“(2) have, as one of the partners participating in an articulation agreement, an entity that uses funds under title I of the Carl D.

Perkins Career Preparation Education Act to support tech-prep education services and activities;'';

(2) in section 481(a)(3)(A), by striking "section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act";

(3) in section 484(l)(1), by striking "section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act"; and

(4) in section 503(b)(2)(B)(vi), by striking "in a Tech-Prep program under section 344 of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "in a tech-prep program supported through services and activities under the Carl D. Perkins Career Preparation Education Act".

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the Individuals and Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(c) REHABILITATION ACT OF 1973.—Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking out "Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Career Preparation Education Act".

(d) DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE ACT.—Section 9(a)(2) of the displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.) is amended by inserting "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997 or the State agency or agencies designated under section 102(a) of the Carl D. Perkins Career Preparation Education Act,".

(e) WAGNER-PEYSER ACT.—Section 7(c)(2)(A) of the Act of June 6, 1933 (29 U.S.C. 49 et seq.) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(f) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. 301 note; part C of title V of the Improving America's Schools Act) is amended by inserting after "(20 U.S.C. 2397h(3))" a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997.".

(g) TITLE 31, CHAPTER 67, OF THE UNITED STATES CODE.—Section 6703(A)(12) of title 31, United States Code (as added by section 31001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(h) NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT.—Section 2(b)(3) of the Nontraditional Employment for Women Act (29 U.S.C. 1501 note) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(i) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Section 6107(6) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by inserting before the semicolon at the end thereof a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997".

(j) GENERAL REDESIGNATION.—Any other references to the Carl D. Perkins Vocational and Applied Technology Education Act shall be deemed to refer to the Carl D. Perkins Career Preparation Education Act.

S. 994

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adult Basic Education and Literacy for the Twenty-First Century Act."

TITLE I—AMENDMENT TO THE ADULT EDUCATION ACT AMENDMENT

SEC. 101. The Adult Education Act (20 U.S.C. 1201 et seq.; hereinafter referred to as "the Act") is amended in its entirety to read as follows:

"TITLE III—ADULT BASIC EDUCATION AND LITERACY PROGRAMS

"SEC. 301. (a) SHORT TITLE.—This title may be cited as the 'Adult basic Education and Literacy Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

"TABLE OF CONTENTS

"Sec. 301. Short title; table of contents.
"Sec. 302. Findings; purpose.
"Sec. 303. Authorization of appropriations.

"PART A—ADULT EDUCATION AND LITERACY

"Sec. 311. Program Authority; Priorities.
"Sec. 312. State Grants for Adult Education and Literacy.
"Sec. 313. State Leadership Activities.
"Sec. 314. State Administration.
"Sec. 315. State Plan.
"Sec. 316. Awards to Eligible Applicants.
"Sec. 317. Applications From Eligible Applicants.
"Sec. 318. State Performance Goals and Indicators.
"Sec. 319. Evaluation, Improvement, and Accountability.
"Sec. 320. Allotments; Reallotment.

"PART B—NATIONAL LEADERSHIP

"Sec. 331. National Leadership Activities.
"Sec. 332. Awards for National Excellence.
"Sec. 333. National Institute for Literacy.

"PART C—GENERAL PROVISIONS

"Sec. 341. Waivers.
"Sec. 342. Definitions.

"FINDINGS; PURPOSE

"SEC. 302. (a) FINDINGS.—The Congress finds that:

"(1) Our Nation's well-being is dependent on the knowledge and skills of all of its citizens.

"(2) Advances in technology and changes in the workplace are rapidly increasing the knowledge and skill requirements for workers.

"(3) Our social cohesion and success in combating poverty, crime, and disease also depend on the Nation's having an educated citizenry.

"(4) There is a strong relationship between parents' education and literacy and their children's educational achievement. The success of State and local educational reforms supported by the Goals 2000: Educate America Act and other programs that State and local communities are implementing requires that parents be well educated and possess the ability to be a child's first and most continuous teacher.

"(5) There is a strong relationship between literacy and poverty. Data from the 1993 National Adult Literacy Survey show that adults with very low levels of literacy are ten times as likely to be poor as those with high levels of literacy.

"(6) Studies, including the National Adult Literacy Survey, have found that more than one-fifth of American adults demonstrate very low literacy skills that make it difficult for them to be economically self-sufficient, much less enter high-skill, high-wage jobs, or to assist effectively in their children's education.

"(7) Many Americans desire English instruction to help them exercise their rights and responsibilities as citizens.

"(8) National studies have also shown that existing federally supported adult education programs have assisted many adults in acquiring basic literacy skills, learning English, or acquiring a high school diploma (or its equivalent), and that family literacy programs have shown great potential for breaking the intergenerational cycle of low literacy and having a positive effect on later school performance and high school completion, especially for children from low-income families.

"(9) Currently, the Adult Education Act lacks adequate accountability requirements, and contains set-asides and categorical programs that are often narrowly focused on specific populations or methods of service delivery, thus inhibiting the capacity of State and local officials to implement programs that meet the needs of individual States and localities.

"(10) The Federal Government, in partnership with States and localities, can assist States and localities to improve and expand their adult education and literacy programs through provision of clear performance goals and indicators, increased State and local flexibility, improved accountability, and incentives for performance.

"(11) The Federal Government can also assist States and localities by supporting research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that further State and local efforts to improve student achievement in adult education and literacy programs.

"(b) PURPOSE.—(1) It is the purpose of this title to create a performance partnership that includes the Federal government, States, and localities to help provide for adult education and literacy services so that, as called for in the National Education Goals, all adults who need such services will, as appropriate, be able to—

"(A) become literate and obtain the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship;

"(B) complete a high school education; and

"(C) become their children's first teacher and remain actively involved in their children's education in order to ensure their children's readiness for, and success in, school.

"(2) This purpose shall be pursued by—

"(A) building on State and local education reforms supported by the Goals 2000: Educate America Act and other Federal and State legislation;

"(B) consolidating numerous Federal adult education and literacy programs into a single, flexible State grant program;

"(C) tying local programs to challenging State-developed performance goals that are consistent with the purpose of this Act;

"(D) holding States and localities accountable for achieving such goals;

"(E) building program quality through such measures as improving instruction, encouraging greater use of technology in adult education and literacy programs, and improving the professional development of educators working in those programs;

"(F) integrating adult education and literacy programs with States' school-to-work opportunities systems, secondary and postsecondary education systems, job training programs, welfare programs, early childhood and elementary school programs, and other related activities;

"(G) supporting State leadership and program improvement efforts; and

(H) supporting the improvement of State and local activities through nationally significant efforts in research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 303. (a) STATE GRANTS FOR ADULT EDUCATION AND LITERACY.—For the purpose of carrying out this title there are authorized to be appropriated $394,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2005.

"(b) RESERVATIONS.—From the amount appropriated for any fiscal year under subsection (a), the Secretary shall reserve not more than 5 percent to carry out section 318(c)(2) and part B of this Act, of which not more than 3 percent of the amount appropriated for any fiscal year after 1999 under subsection (a) may be used for awards for national excellence under section 332.

"PART A—ADULT EDUCATION AND LITERACY

"PROGRAM AUTHORITY; PRIORITIES

"SEC. 311. (a) PROGRAM AUTHORIZED.—In order to provide adults with the skills they need as workers, citizens, and parents, funds under this part shall be used to support the development, implementation, and improvement of adult education and literacy programs at the State and local levels.

"(b) PROGRAM PRIORITIES.—In using funds under this part, States and local recipients shall give priority to adult education and literacy programs that—

"(1) are built on a strong foundation of research and effective educational practice;

"(2) effectively employ advances in technology, as appropriate, such as using computers in the classroom and technology that brings learning into the home;

"(3) provide learning in 'real life' contexts, such as work, the family, and citizenship;

"(4) are staffed by well-trained instructors, counselors, and administrators;

"(5) are of sufficient intensity and duration for participants to achieve substantial learning gains, such as by earning a basic skills certificate that reflects skills acquisition and has meaning to employers;

"(6) establish measurable goals for client outcomes, such as levels of literacy achieved and attainment of a high school diploma or its equivalent, that are tied to challenging State performance standards for literacy proficiency;

"(7) coordinate with other available resources in the community, such as by establishing strong links with elementary and secondary schools, postsecondary institutions, one-stop career centers, job training programs, and social service agencies;

"(8) offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including adults with disabilities or other special needs, to attend and complete programs; and

"(9) maintain a high-quality information management system that has the capacity to report client outcomes and to monitor program performance against the State goals and indicators.

"STATE GRANTS FOR ADULT EDUCATION AND LITERACY

"SEC. 312. (a) STATE GRANT.—From the funds available for State grants under section 303 for each fiscal year, the Secretary shall, in accordance with section 320, make a grant to each State that has an approved State plan under section 315, to assist that State in developing, implementing, and improving adult education and literacy programs within the State.

"(b) RESERVATION OF FUNDS.—(1) From the amount awarded to a State for any fiscal year under subsection (a), a State may, subject to paragraph (2), use up to 18 percent for State leadership activities under section 313 and the cost of administering its program under this part.

"(2) A State may not use more than 5 percent of the amount awarded to it for any fiscal year under subsection (a), or $80,000, whichever is greater, for the cost of administering its program under this part.

"(c) FEDERAL SHARE.—(1) The Federal share of expenditures to carry out a State plan under section 315 shall be paid from the State's grant under subsection (a).

"(2) The Federal share shall be no greater than 75 percent of the cost of carrying out the State plan for each fiscal year, except that with respect to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands the Federal share may be 100 percent.

"(3) The State's share of expenditures to carry out a State plan submitted under section 315 may be in cash or in kind, fairly evaluated, and may include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purposes of this title.

"(d) MAINTENANCE OF EFFORT.—(1) A State may receive funds under this part for any fiscal year only if the Secretary finds that the amount expended by the State for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the amount expended for adult education and literacy, in the third preceding fiscal year.

"(2) The Secretary shall reduce the amount of the allocation of funds to a State under section 320 for any fiscal year in the proportion to which the State fails to meet the requirement of paragraph (1) by expending in the second preceding fiscal year for adult education and literacy less than 90 percent of the amount the State expended in the third preceding fiscal year for adult education and literacy.

"(3) The Secretary may waive the requirements of this subsection for one fiscal year only if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State.

"(4) If the Secretary reduces a State's allocation under paragraph (2), or grants a waiver under paragraph (3), the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the reduction or waiver.

"STATE LEADERSHIP ACTIVITIES

"SEC. 313. (a) STATE LEADERSHIP.—(1) Each State that receives a grant under section 312(a) for any fiscal year shall use funds reserved for State leadership under section 312(b) to conduct activities of Statewide significance that develop, implement, or improve programs of adult education and literacy, consistent with its State plan under section 315.

"(2) In using funds reserved for State leadership activities, each State shall, to the extent practicable, avoid duplicating research and development efforts conducted by other States.

"(b) USES OF FUNDS.—(1) States shall use funds under subsection (a) for one or more of the following—

"(A) professional development and training;

"(B) developing and disseminating curricula for adult education and literacy programs;

"(C) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this part, including establishing performance goals and indicators under section 318, in order to assess program quality and improvement;

"(D) establishing State content standards for adult education and literacy programs;

"(E) establishing challenging State performance standards for literacy proficiency;

"(F) promoting the integration of literacy instruction and occupational skill training, and linkages with employers;

"(G) promoting, and providing staff training in, the use of instructional and management software and technology;

"(H) establishing program and professional development networks to assist in meeting the purposes of this Act;

"(I) developing and participating in networks and consortia of States, and in cooperative Federal-State initiatives, that seek to establish and implement adult education and literacy programs that have significance to the State, region, or Nation; and

"(J) other activities of Statewide significance that promote the purposes of this title.

"(2)(A) beginning in fiscal year 2000, States may use funds under subsection (a) for financial incentives or awards to one or more eligible recipients in recognition of—

"(i) exemplary quality or innovation in adult education or literacy services and activities; or

"(ii) exemplary services and activities for individuals who are most in need of such services and activities, or are hardest to serve, such as educationally disadvantaged adults and families, immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities; or

"(iii) both.

"(B) The incentives or awards made under subparagraph (A) shall be determined by the State using the performance goals and indicators described in section 318 and, if appropriate, other criteria that are consistent with the purposes of this Act.

"STATE ADMINISTRATION

"SEC. 314. (a) STATE EDUCATIONAL AGENCY.—The State educational agency shall be responsible for the administration of services and activities under this part, including—

"(1) the development, submission, and implementation of the State plan;

"(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of programs assisted under this title, such as business, industry, labor organizations, corrections agencies, public housing agencies, and social service agencies; and

"(3) coordination with other State and Federal education, training, employment, corrections, public housing, and social services programs, and one-stop career centers.

"(b) STATE-IMPOSED REQUIREMENTS.—Whenever a State imposes any rule or policy relating to the administration and operation of programs funded by this part (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline), it shall identify the rule or policy as a State-imposed requirement.

"STATE PLAN

"SEC. 315. (a) FOUR-YEAR PLANS.—(1) Each State desiring to receive a grant under this part for any fiscal year shall have the State educational agency submit to, or have on file with, the Secretary a four-year State plan in accordance with this section.

"(2) The State educational agency may submit the State plan as part of a comprehensive plan that includes State plan provisions under one or more of the following statutes: section 14302 of the Elementary and Secondary Education Act of 1965; the Carl D. Perkins Career Preparation Education Act of 1997; the Goals 2000: Educate America Act; the Job Training Partnership Act; and the School-to-Work Opportunities Act of 1994.

"(b) PLAN ASSESSMENT.—(1) In developing the State plan, and any revisions to the State plan under subsection (e), the State educational agency shall base its plan or revisions on a recent, objective assessment of—

"(A) the needs of individuals in the State for adult education and literacy programs, including individuals most in need or hardest to serve (such as educationally disadvantaged adults and families, immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities); and

"(B) the capacity of programs and providers to meet those needs, taking into account the priorities under section 311(b) and the State's performance goals under section 318(a).

"(2) In its second 4-year State plan, the State educational agency shall also include in its assessment—

"(A) an analysis of the State's performance in progressing toward its performance goals under the preceding 4-year State plan; and

"(B) any changes in the second 4-year State plan that have been made based on that analysis.

"(c) PUBLIC PARTICIPATION.—In developing the State plan, and any revisions under subsection (e), the State educational agency shall consult widely with individuals, agencies, organizations, and institutions in the State that have an interest in the provision and quality of adult education and literacy, including—

"(1) individuals who currently participate, or who want to participate, in adult education and literacy programs;

"(2) practitioners and experts in adult education and literacy, social services, and workforce development;

"(3) representatives of business and labor organizations; and

"(4) other agencies, such as volunteer and community-based organizations, State and local health, social service, public housing, public assistance, job training, and corrections agencies, and public libraries.

"(d) PLAN CONTENTS.—The plan shall be in such form and contain such information and assurances as the Secretary may require, and shall include—

"(1) a summary of the methods used to conduct the assessment under subsection (b) and the findings of that assessment;

"(2) a description of how, in addressing the needs identified in the State's assessment, funds under this title will be used to establish adult education and literacy programs, or improve or expand current programs, that will lead to high-quality learning outcomes, including measurable learning gains, for individuals in such programs;

"(3) a statement, expressed in terms of the performance indicators published by the Secretary under section 318(b), and any other performance indicators the State may choose, of the State's performance goals established under section 318(a) and the level of performance the State expects to achieve in progressing toward its performance goals during the life of the State plan;

"(4) a description of the criteria the State will use to award funds under this title to eligible applicants under section 316, including how the State will ensure that its selection of applicants to operate programs assisted under this Part will reflect the program priorities under section 311(b) and the findings of program evaluations carried out under section 319(a);

"(5) a description of how the State will integrate services and activities under this title, including planning and coordination of programs, with those of other agencies, institutions, and organizations involved in adult education and literacy, such as the public school system, early childhood and special education programs, institutions of higher education, vocational education programs, libraries, business and labor organizations, vocational rehabilitation programs, one-stop career centers, employment and training programs, and health, social services, public assistance, public housing, and corrections agencies, in order to ensure effective use of funds and to avoid duplication of services;

"(6) a description of how the State will ensure that the data reported to it from its recipients of funds under this part and the data it reports to the Secretary are complete, accurate, and reliable;

"(7) a State-wide plan for the leadership activities the State will carry out under section 313;

"(8) a description of how the State will provide incentives or rewards for exemplary services and activities under this part, if the State elects to implement the authority authorized under section 313(b)(2);

"(9) any comments the Governor may have on the State plan; and

"(10) assurances that—

"(A) the State will comply with the requirements of this part and the provisions of the State plan; and

"(B) the State will use such fiscal control and accounting procedures as are necessary for the proper and efficient administration of funds under this part.

"(e) PLAN REVISIONS.—When changes in conditions or other factors require substantial modifications to an approved State plan, the State educational agency shall submit a revision to the plan to the Secretary.

"(f) CONSULTATION.—The State educational agency shall—

"(1) submit the State plan, and any revision to the State plan, to the Governor for review and comment; and

"(2) ensure that any comments the Governor may have are included with the State plan, or revision, when the State plan, or revision, is submitted to the Secretary.

"(g) PLAN APPROVAL.—(1) The Secretary shall approve a State plan, or a revision to an approved State plan, only if the Secretary determines that it meets the requirements of this section and the State's performance goals and expected level of performance under subsection (d)(3) are sufficiently rigorous as to meet the purposes of this title and to allow the Department of Education to make progress toward its performance objectives and indicators established pursuant to the Government Performance and Results Act. The Secretary shall not finally disapprove a State plan, or a revision to an approved State plan, except after giving the State reasonable notice and an opportunity for a hearing.

"(2) The Secretary shall establish a peer review process to make recommendations regarding approval of State plans and revisions to the State plans.

"AWARDS TO ELIGIBLE APPLICANTS

"SEC. 316. (a). AWARDS.—(1) From funds available under section 312, States shall make subgrants and contracts, as appropriate, to eligible applicants under subsection (b) to develop, implement, and improve adult education and literacy programs within the State.

"(2) To the extent practicable, States shall make multi-year awards under this section.

"(b) ELIGIBILITY.—(1) The following entities shall be eligible to apply to the State for an award under this section:

"(A) local educational agencies;

"(B) community-based organizations;

"(C) institutions of higher education;

"(D) public and private nonprofit agencies (including State and local health, social service, public housing, public assistance, job training, and corrections agencies and public libraries); and

"(E) consortia of such agencies, organizations, institutions, or partnerships, including consortia that include one or more for-profit agencies, organizations, or institutions, if such agencies, organizations, or institutions can make a significant contribution to attaining the purposes of this title.

"(2) Each State receiving funds under this part shall ensure that all eligible applicants described under subsection (b)(1) receive direct and equitable access to awards under this section.

"APPLICATIONS FROM ELIGIBLE APPLICANTS

"SEC. 317. (a) APPLICATION.—Any eligible applicant under section 316(b)(1) that desires a subgrant or contract under this part shall submit an application to the State containing such information and assurances as the State may reasonably require, including—

"(1) a description of the applicant's current adult education and literacy programs, if any;

"(2) a description of how funds awarded under this part will be spent;

"(3) a description of how the applicant's program will help the State address the needs identified in the State's assessment under section 315(b);

"(4) the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement, and how the applicant will measure and report to the State regarding the information required in section 319(a); and

"(5) any cooperative arrangements the applicant has with others (including arrangements with health, social services, public assistance, public housing, and corrections agencies, libraries, one-stop career centers, business, industry, labor, and volunteer literacy organizations) for the delivery of adult education and literacy programs.

"(b) FUNDING.—In determining which applicants receive funds under this part, the State, in addition to addressing the program priorities under section 311(b), shall—

"(1) give preference to those applicants that serve local areas with high concentrations of individuals in poverty or with low levels of literacy (including English language proficiency), or both; and

"(2) consider—

"(A) the results, if any, of the evaluations required under section 319(a); and

"(B) the degree to which the applicant will coordinate with and utilize other literacy and social services available in the community.

"PERFORMANCE GOALS AND INDICATORS

"SEC. 318. (a) PERFORMANCE GOALS.—Any State desiring to receive a grant under section 312(a), in consultation with individuals, agencies, organizations, and institutions described in section 315(c), shall identify performance goals that define the level of student achievement to be attained by adult education and literacy programs, and express such goals in an objective, quantifiable, and measurable form.

"(b) PERFORMANCE INDICATORS.—(1) After consultation with States, local educational agencies, service providers, representatives of business and industry, institutions of higher education, and other interested parties, the Secretary shall publish in the Federal Register performance indicators (including the definition of relevant terms) described in paragraph (2) that States and local recipients shall use in measuring or assessing progress toward achieving the State's performance goals under subsection (a).

"(2) The Secretary shall publish performance indicators for programs assisted under this part in the following areas:

"(A) achievement in the areas of reading, English language acquisition, and numeracy;

"(B) receipt of a high school diploma or its equivalent;

"(C) entry into a postsecondary school, job training program, employment, or career advancement; and

"(D) such other indicators as are determined by the Secretary.

"(c) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide technical assistance to States regarding the development of—

"(A) the State's performance goals under subsection (a); and

"(B) uniform national performance data.

"(2) The Secretary may use funds reserved under section 303(b) to provide technical assistance under this section.

"EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

"SEC. 319. (a) LOCAL EVALUATION.—The adult education and literacy programs of each recipient of a subgrant or contract under this part shall be evaluated biennially, using the performance goals and indicators established under section 318, and the recipient shall report to the State regarding the effectiveness of its programs in addressing the priorities under section 311 and the needs identified in the State assessment under section 315(b).

"(b) IMPROVEMENT ACTIVITIES.—If, after reviewing the reports required in subsection (a), a State determines, based on the performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), and the evaluations under subsection (9), that a recipient is not making substantial progress in achieving the purposes of this title, the State may work jointly with the recipient to develop an improvement plan. If, after not more than two years of implementation of the improvement plan, the State determines that the recipient is not making substantial progress, the State shall take whatever corrective action it deems necessary, which may include termination of funding or the implementation of alternative service arrangements, consistent with State law. The State shall take corrective action under the preceding sentence only after it has provided technical assistance to the recipient and shall ensure, to the extent practicable, that any corrective action it takes allows for continued services to and activities for the recipient's students.

"(c) STATE REPORT.—(1) The State educational agency shall report annually to the Secretary on—

"(A) the quality and effectiveness of the adult education and literacy programs funded through its subgrants and contracts under this part, based on the performance goals and indicators and the expected level of performance included in its State plan under section 315(d)(3), and the needs identified in the State assessment under section 315(b); and

"(B) its State leadership activities under section 313.

"(2) The State educational agency shall include in such reports such information, and in such form, as the Secretary may reasonably require, in order to ensure the collection of uniform national data.

"(3) The State educational agency shall make available to the public its State plan under section 315 and its annual report under this subsection.

"(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purposes of this title, based on the performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), the Secretary shall work with the State to implement improvement activities.

"(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after implementing activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on its performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purposes of this title.

"ALLOTMENTS; REALLOTMENT

"SEC. 320. (a) ALLOTMENT TO STATES.—(1) From the funds available under section 312(a) for each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, the amount that each would have been allotted under section 313(b) of the Adult Education Act as it was in effect the day before the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act.

"(2) From the remainder of such sums, the Secretary shall allot—

"(A) $250,000 to each of the States; and

"(B) from the remainder—

"(i) 95 percent of such remainder to each of the States in an amount that bears the same ratio to such amount as the number of adults in the State who are 16 years of age or older and not enrolled, or required to be enrolled, in secondary school and who do not possess a high school diploma or its equivalent, bears to the number of such adults in all the States; and

"(ii) 5 percent of such remainder to each of the States in an amount that bears the same ratio to such amount as the number of adults with limited English proficiency in the State bears to the number of such adults in all the States.

"(3) The numbers of adults specified in paragraph (2)(B) shall be determined by the Secretary, using the latest estimates, satisfactory to the Secretary, that are based on the U.S. population demographic data produced and published by the Bureau of the Census.

"(b) HOLD-HARMLESS.—(1) Notwithstanding subsection (a)—

"(A) for fiscal year 1998, no State shall receive under this part an allotment that is less than 90 percent of the payments made to the State for the fiscal year 1997 for programs authorized by section 313 of the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act; and

"(B) for fiscal year 1999 and each succeeding fiscal year, no State shall receive under this part an allotment that is less than 90 percent of the amount it received for the preceding fiscal year for programs under this part.

"(2) If for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

"(c) REALLOTMENT.—If the Secretary determines that any amount of a State's allotment under this section for any fiscal year will not be required for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States or the basis that the Secretary determines would best serve the purposes of this title. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

"PART B—NATIONAL LEADERSHIP

"NATIONAL LEADERSHIP ACTIVITIES

"SEC. 331. (a) AUTHORITY.—From the amount reserved under section 303(b) for any fiscal year, the Secretary is authorized to establish a program of national leadership and evaluation activities to enhance the quality of adult education and literacy nationwide.

"(b) METHOD OF FUNDING.—The Secretary may carry out national leadership and evaluation activities directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—Funds reserved under this section may be used for—

"(1) research and development, such as estimates of the numbers of adults functioning at the lowest levels of literacy proficiency;

"(2) demonstration of model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities and with limited English proficient adults, and development of case studies of family literacy and workplace literacy programs;

"(3) dissemination, such as information on promising practices resulting from federally funded demonstration programs;

"(4) evaluations and assessments, such as periodic independent evaluations of services and activities assisted under this title an assessments of the condition and progress of literacy in the United States;

"(5) efforts to support capacity building at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of programs under this title;

"(6) data collection, such as improvement of both local and State data systems through technical assistance and development of model performance data collection systems;

"(7) professional development, such as technical assistance activities to advance effective training practices, identify professional development projects, and disseminate new findings in adult education training;

"(8) technical assistance, such as endeavors that aid distance learning, promote and improve the use of technology in the classroom, and assist States in meeting the purposes of this title; and

"(9) other activities designed to enhance the quality of adult education and literacy nationwide.

"AWARDS FOR NATIONAL EXCELLENCE

"SEC. 332. The Secretary may, from the amount reserved under section 303(b) for any fiscal year after fiscal year 1999, and through a peer review process, make performance awards to one or more States that have—

"(1) exceeded in an outstanding manner their performance goals or expected level of performance under section 315(d)(3);

"(2) made exemplary progress in developing, implementing, or improving their adult education and literacy programs in accordance with the priorities described in section 311; or

"(3) provided exemplary services and activities for those individuals within the State who are most in need of adult education and literacy services, or are hardest to serve.

"NATIONAL INSTITUTE FOR LITERACY

"SEC. 333. (a) PURPOSE.—The National Institute for Literacy shall—

"(1) provide national leadership;

"(2) coordinate literacy services; and

"(3) be a national resource for adult education and family literacy, by providing the best and most current information available and supporting the creation of new ways to offer improved services.

"(b) ESTABLISHMENT.—(1) There shall be a National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Secretary may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

"(2) The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (the 'Board') under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director.

"(c) DUTIES.—(1) In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized to—

"(A) establish a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

"(i) effective practices in the provision of literacy and basic skills instruction, including the integration of such instruction with occupational skills training;

"(ii) public and private literacy and basic skills programs and Federal, State, and local policies affecting the provision of literacy services at the national, State, and local levels;

"(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

"(iv) a communication network for literacy programs, providers, social service agencies, and students;

"(B) coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

"(C) coordinate the support of research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies;

"(D) collect and disseminate information on methods of advancing literacy that show great promise;

"(E) work with the National Education Goals Panel, assist local, State, and national organizations and agencies in making and measuring progress toward the National Education Goals, as established by P.L. 103-227;

"(F) coordinate and share information with national organizations and associations that are interested in literacy and workforce development;

"(G) inform the development of policy with respect to literacy and basic skills; and

"(H) undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

"(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(d) LITERACY LEADERSHIP.—(1) The Institute may, in consultation with the Board, award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) The Institute, in consultation with the Board, is authorized to award paid and unpaid internships to individuals seeking to assist in carrying out the Institute's mission and to accept assistance from volunteers.

"(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—(1)(A) There shall be a National Institute for Literacy Advisory Board, which shall consist of 10 individuals appointed by the President.

"(B) The Board shall comprise individuals who are not otherwise officers or employees of the Federal Government and who are representative of such entities as—

"(i) literacy organizations and providers of literacy services, including nonprofit providers, providers of English as a second language programs and services, social service organizations, and providers receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students, including those with disabilities;

"(iv) experts in the area of literacy research;

"(v) State and local governments;

"(vi) State Directors of adult education; and

"(vii) labor organizations.

"(2) The Board shall—

"(A) make recommendations concerning the appointment of the Director and staff of the Institute; and

"(B) provide independent advice on the operation of the Institute.

"(3)(A) Appointments to the Board made after the date of enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act shall be for three-year terms, except that the initial terms for members may be established at one, two, or three years in order to establish a rotation in which one-third of the members are selected each year.

"(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office.

"(4) The Chairperson and Vice Chairperson of the Board shall be elected by the members.

"(5) The Board shall meet at the call of the Chairperson or a majority of its members.

"(f) GIFTS, BEQUESTS, AND DEVISES.—(1) The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

"(2) The responsible official shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

"(g) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(h) STAFF.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a director.

"(i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

"(j) Experts and Consultants.—The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(k) Report.—The Institute shall submit a biennial report to the Interagency Group and the Congress.

"(l) Nonduplication.—The Institute shall not duplicate any functions carried out by the Secretaries of Education, Labor, and Health and Human Services under this title. This subsection shall not be construed to prohibit the Secretaries from delegating such functions to the Institute.

"(m) Funding.—Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

"PART C—GENERAL PROVISIONS

"WAIVERS

"Sec. 341. (a) Request for Waiver.—A State educational agency may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of one or more statutory or regulatory provisions described in subsection (c) in order to carry out adult education and literacy programs under part A more effectively.

"(b) General Authority.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of a statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

"(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State or a subgrant or contract recipient under part A to carry out adult education and literacy programs or activities in an effective manner;

"(B) if the State waives, or agrees to waive, any similar requirements of State law;

"(C) if, in the case of a statewide waiver, the State—

"(i) has provided all subgrant or contract recipients under part A in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

"(ii) has submitted the comments of such recipients to the Secretary; and

"(D) if the State provides such information as the Secretary reasonably requires in order to make such determinations.

"(2) The Secretary shall act promptly on any request submitted under paragraph (1).

"(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purposes of this title.

"(c) Education Programs.—The statutes subject to the waiver authority of the Secretary under this section are—

"(1) this title;

"(2) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

"(3) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

"(4) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

"(5) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program);

"(6) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Labor; and

"(7) the Carl D. Perkins Career Preparation Education Act of 1997.

"(d) Waivers not Authorized.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

"(1) the basic purposes or goals of the affected programs;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) the equitable participation of students attending private schools;

"(5) parental participation and involvement;

"(6) the distribution of funds to States or to local recipients;

"(7) the eligibility of an individual for participation in the affected programs;

"(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

"(9) prohibitions or restrictions relating to the construction of buildings or facilities.

"(e) Termination of Waivers.—The Secretary shall periodically review the performance of any State or local recipient for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

"DEFINITIONS

"Sec. 342. For the purposes of this title—

"(1) except under section 320(a)(2)(B)(ii), the term 'adult' means an individual who is 16 years of age, or beyond the age of compulsory school attendance under State law, and who is not enrolled, or required to be enrolled, in secondary school;

"(2) the term 'adult education' means services or instruction below the college level for adults who—

"(A) lack sufficient education or literacy skills to enable them to function effectively in society; or

"(B) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education;

"(3) the term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and that provides education, vocational rehabilitation, job training, or internship services and programs;

"(4) the term 'individual of limited English proficiency' means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment where language other than English is the dominant language;

"(5) the term 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965;

"(6) the term 'literacy' means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential;

"(7) the term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority;

"(8) the term 'public housing agency' means a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

"(9) the term 'Secretary' means the Secretary of Education;

"(10) the term 'State' means each of the 50 States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, except that for purposes of section 320(a)(2) the term shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands; and

"(11) the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools, then such agency or officer may be designated for the purposes of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.".

TITLE II—EFFECTIVE DATE; TRANSITION

EFFECTIVE DATE

Sec. 201. This Act shall take effect on July 1, 1998.

TRANSITION

Sec. 202. Notwithstanding any other provisions of law—

(1) upon enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act, a State or local recipient of funds under the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act, may use any such unexpended funds to carry out services and activities that are authorized by the Adult Education Act or part A of the Adult Basic Education and Literacy Act; and

(2) a State or local recipient of funds under part A of the Adult Basic Education and Literacy Act for the fiscal year 1998 may use such funds to carry out services and activities that are authorized either by such part or were authorized by the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act.

TITLE III—REPEALS OF OTHER ACTS

REPEALS

Sec. 301. (a) National Literacy Act.—The National Literacy Act of 1991 (20 U.S.C. 1201 *et seq.*) is repealed.

(b) Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders.—Part E of title

X of the Higher Education Act of 1965 (20 U.S.C. 1135g) is repealed.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. KENNEDY, Mrs. BOXER, Mr. MOYNIHAN, Mr. TORRICELLI, and Mrs. MURRAY):

S. 995. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

THE CAPTIVE EXOTIC ANIMAL PROTECTION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to prevent the cruel and unsporting practice of "canned" hunting, or caged kills. I am pleased to be joined by Senators GRAHAM, KENNEDY, BOXER, MOYNIHAN, TORRICELLI, and MURRAY.

In a canned hunt, a customer pays to shoot a captive exotic animal on a small game ranch where the animal typically is trapped inside a fenced-in enclosure. The enclosed space prevents the animal from escaping and making it an easy prey. The so-called hunter returns home with the animal's head to mount on his or her wall and the ranch owner collects a large fee. No hunting, tracking or shooting skills are required. The animals are easy targets because they typically are friendly to humans, having spent years in captivity, and having been cared for and fed by the canned hunt ranch owners.

There are reported to be more than 1,000 canned hunting operations in the United States. At these ranches, a customer can, for example, "hunt" a Dama gazelle for $3,500, a Cape Buffalo for $6,000 or a Red Deer for $6,000. The rarer the animal, the higher the price.

My bill is similar to legislation I introduced in the 104th Congress, S. 1493. It is directed only at true canned hunts. It does not affect cattle ranching, the hunting or breeding of any animals that live in the wild in the United States, rodeos, livestock shows, petting zoos, or horse or dog racing. It merely bans the procuring and transport of non-native, exotic mammals for the purpose of shooting them for entertainment, or to collect a trophy. The bill would not affect larger ranches, where animals have some opportunity to escape hunters. Nor does the bill affect the hunting of any animals that live in the wild in the United States.

Many hunters believe that canned hunts are unethical and make a mockery of their sport. For example, the Boone and Crockett Club, a hunting organization founded by Teddy Roosevelt, has called canned hunts "unfair" and "unsportsmanlike." Bill Burton, the former outdoors writer for the Baltimore Sun and a hunter, testifying last year in support of this legislation, stated, "There is a common belief that the hunting of creatures which have no reasonable avenue to escape is not up to traditional standards. Shooting game in confinement is not within these standards."

Canned hunts also are strongly opposed by animal protection groups. As the Humane Society of the United States has said about animals in canned hunts, "the instinct to flee, their greatest natural defense, has been replaced by trust—trust that is rewarded with a cruel and brutal death." Indeed, many animals killed in canned hunts suffer immeasurably as they receive shot after shot to non-vital organs. This practice is intended to preserve the head and chest regions intact so that the animals will make more attractive trophies.

The practice of keeping captive animals for canned hunts may also pose a danger to native wildlife or livestock if the captive animals escape. John Talbott, acting director of the Wyoming Department of Fish and Game, stated that "Tuberculosis and other disease documented among game ranch animals in surrounding States" pose "an extremely serious threat to Wyoming's native big game." This is one reason why Wyoming has banned canned hunts. Other States that have banned these hunts include California, Connecticut, Georgia, Maryland, Massachusetts, Nevada, New Jersey, North Carolina, Rhode Island, and Wisconsin.

Unfortunately, in most States, canned hunts are largely unregulated. The lack of State laws, and the fact that many of these animals move in interstate commerce, make Federal legislation necessary.

I urge my colleagues who want to understand the cruelty involved in a canned hunt to visit my office and view a videotape of an actual canned hunt. You will witness a defenseless Corsican ram, cornered near a fence, being shot over and again with arrows, and clearly experiencing an agonizing death, then only to be dealt a final blow by a firearm. Then I urge you to join me in support of this legislation which will put an end to this needless suffering.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Captive Exotic Animal Protection Act of 1997".

SEC. 2. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§ 48. Exotic animals

"(a) PROHIBITION.—Whoever, in or affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy, shall be fined under this title, imprisoned not more than 1 year, or both,

"(b) DEFINITIONS.—In this section—

"(1) the term 'confined exotic animal' means a mammal of a species not historically indigenous to the United States, that has been held in captivity for the shorter of—

"(A) the greater part of the life of the animal; or

"(B) a period of 1 year;

whether or not the defendant knew the length of the captivity; and

"(2) the term 'captivity' does not include any period during which an animal—

"(A) lives as it would in the wild, surviving primarily by foraging for naturally occurring food, roaming at will over an open area of not less than 1,000 acres; and

"(B) has the opportunity to avoid hunters.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"48. Exotic animals.".

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 996. A bill to provide for the authorization of appropriations in each fiscal year for arbitration in U.S. district courts; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 997. A bill to amend chapter 44 of title 28, United States Code, to authorize the use of certain arbitration procedures in all district courts, to modify the damage limitation applicable to cases referred to arbitration, and for other purposes; to the Committee on the Judiciary.

ARBITRATION LEGISLATION

Mr. GRASSLEY. Mr. President, I rise at this time to introduce two bills. Both bills are designed to encourage what is known in the legal world as arbitration, which is a type of alternative dispute resolution and a means of settling differences instead of litigating them in the costly environment and adversarial environment of the courts.

Our great American leader, Abraham Lincoln, wrote over 140 years ago, in 1840: "Discourage litigation. Persuade your neighbors to compromise whenever you can." That is exactly what these two bills are designed to do.

For over 20 years now, all three branches have looked for ways to alleviate the courts' crowded docket and to enable a civil litigant to have his complaint heard in a more expedient fashion. In 1976, in search of alternatives, Chief Justice Burger convened the Pound Conference on the Causes of Popular Dissatisfaction with the Administration of Justice and asked its members: "Isn't there a better way?"

There is, and that way is called alternative dispute resolution. Most State and Federal bar associations now have alternative dispute resolution committees. Some have even elevated consideration of ADR approaches to a matter of professional ethics or its equivalent. Almost all law schools across the country now offer their students classes in ADR. Many graduate programs, especially business schools, have added ADR courses to their curriculum. And numerous legal and business publications are committed exclusively to the topic of alternative dispute resolution.

Contracts, be they between nations, major corporations, or even private individuals, now more often than not include arbitration clauses. There are numerous professional and trade associations under the umbrella of alternative dispute resolution. ADR is not a legal vogue, nor is it second-class justice. ADR is an intelligent and efficient alternative to litigation, and it is a way to ensure that civil matters can be handled as quickly as possible with low cost to the parties and with an outstanding settlement and satisfaction rate among all entities involved. Arbitration in particular combines procedural protections with the informality necessary for parties to discuss their positions in a manner that promotes settlement and allows for a detailed exploration of the issues.

In 1990, Congress enacted bills to authorize implementation of ADR programs throughout the administrative agency apparatus and to ask Federal courts to consider ADR as a means to reduce cost. For example, on November 15, 1990, President Bush signed into law a bill which I introduced called the Administrative Dispute Resolutions Act. This act authorized and promoted the use of alternative dispute resolution by Federal Government agencies.

Almost immediately, the success of the bill became evident. In 1992, for example, agencies reported that over 70 percent of the disputes submitted to ADR reached settlement. Often mere discussion of what ADR techniques to apply led to agreement between the parties. Last year, in a unified showing of support for the idea of ADR, including arbitration, we permanently reauthorized that 1990 act. 1990 also saw the passage of the Negotiated Rulemaking Act, which authorized the use of negotiated rulemaking as an alternative to adversarial rulemaking in Federal agencies, and the Civil Justice Reform Act, which required every Federal district court to develop a civil justice expense and delay reduction plan.

To test the ADR waters in the article III courts, in 1988, Congress amended the Judiciary and Judicial Procedure Act and authorized pilot programs in 20 Federal district courts. The amendment made court-annexed, nonbinding arbitration mandatory in 10 districts and voluntary in the other 10. The results are in, and they are more than encouraging. Therefore, the first bill I am introducing today will permanently extend authorization of these pilot programs so that these courts can continue to provide litigants with efficient and successful alternatives to trial. Senator SPECTER, whose own home State of Pennsylvania has participated in this program, is joining me in this effort.

Over half of the Nation's 94 districts currently offer some type of alternative dispute resolution. This number seems low, and the reason for that is because many districts are not sure whether courts other than those authorized by statute may offer ADR. Therefore, to eliminate this uncertainty, the second bill I am introducing not only authorizes district courts across the Nation to implement arbitration programs and procedures, it demands such implementation. It will then be left to the discretion of each judge, however, whether to make use of the implemented programs and procedures.

The major goal of arbitration is to encourage litigants to settle their disputes without going through the lengthy and costly process of a full-blown trial. This will not only lessen the burden on the judicial branch, but also enable people who feel they have been wronged to get a decision without waiting months for the usual verdict and without spending tons of money on attorney's fees.

Let me just give an example, and this is according to the National Law Journal. It was an article that was published last year. It has been determined that out of every dollar spent in asbestos litigation, only 39 cents goes to victims, with approximately 33 to 50 percent of the awards collected allocated as attorney's fees.

My arbitration bills are designed to curb exactly this type of "plaintiff-milking." In the pilot program districts, the majority of arbitration cases closed before even reaching the arbitration hearing level and over two-thirds did not return to the court's regular calendar, thus saving not only the litigants, but also the courts and, therefore, the public both time and money. In the New Jersey program, about 20 percent of the civil case filings qualified for mandatory arbitration over the 8-year period which the program operated. Less than 2 percent of those cases required trial; in other words, 98 percent of those cases could be settled via arbitration.

A majority of the attorneys involved in arbitration cases agreed that referring the case to the program directly resulted in earlier settlement discussions and, most important, in avoiding litigation. For the parties involved, that means their issues were resolved from 2 to 18 months sooner than if the case had gone to trial. In the Eastern District of Pennsylvania, as an example, the median time until a dispute is resolved through ADR is 5 months. Only 7 percent of the district's arbitration cases lasted beyond 9 months and the percentage of cases tried de novo is less than 10 percent.

Litigants, attorneys, and judges all are more than laudatory of the program's results. As a matter of fact, positive reaction could be documented almost as soon as the program was implemented. A 1990 report by the Federal Judicial Center illustrates this point. Over 80 percent of the litigants surveyed praised the fairness of the ADR process; 84 percent of attorneys surveyed said that they approved of arbitration both as a concept and, more important, as implemented in their specific districts.

Also, an overwhelming 97 percent of the judges involved in the program agreed that their civil caseload was reduced since less than a third of the arbitration caseload returns to the regular trial calendar. The resounding consensus was that other districts should also adopt this outstanding program as a result of this experiment.

Let me give you another example of the success of ADR. A November 1996 study of the Judicial Council of California, on California's Civil Action Mediation Act, showed that litigant satisfaction for arbitration in the Los Angeles County Superior Court was 84 percent and that 94 percent of the overall respondents would use arbitration again.

Incidentally, that same study showed that the program's mediation process within 2 years produced savings five times higher than what the California Legislature had targeted for 5 years. In other words, California had targeted $250,000 after 5 years to consider the mediation program a success. ADR saved the courts a total of $1.3 million in just 2 years. Whether it is mediation, arbitration, or any other of the ADR techniques, alternative dispute resolution undoubtedly is successful in creating huge savings for both the public and the litigants.

The benefits of arbitration, not only to the judicial branch, but, more important, to the litigants, are impossible to ignore. Skeptics argue that the litigant will feel he is being subjected to second-class justice, but, quite frankly, the opposite is the case. Litigants feel that they are much more closely involved in the process than would be the case if there was formal adjudication. Litigants can participate much more actively and have much more control over what is decided and how it is decided. Negotiation, rather than adjudication, is the goal. And when all is said and done, unlike after a trial, the parties on opposite sides of the table often still have some type of positive relationship.

On top of that, the process is private, unlike the public trial. In such a private, somewhat informal setting, the parties involved have much more flexibility, not only regarding procedure but also remedies. Generally, as we know, an article III court in a civil matter will limit remedies to a dollar figure. Arbitration can go beyond that. Often all a plaintiff wants might be an apology, or the injured worker who can't perform his job any more just wants another job. Arbitration can give a party those results.

Arbitration is a legal concept that makes sense, saves time, and saves money. As a matter of fact, the Eastern District of Pennsylvania, one of the pilot programs, estimates that arbitration has produced a 5-to-1 savings in private and public costs.

So the two bills that I am introducing today will, therefore, help give the public efficient and expedient access to the Federal courts and will help alleviate the caseload burden on the judicial branch.

I ask unanimous consent, Mr. President, that my two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARBITRATION IN DISTRICT COURTS.

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARBITRATION IN DISTRICT COURTS.

(a) AUTHORIZATION OF ARBITRATION.—Section 651(a) of title 28, United States Code, is amended to read as follows:

"(a) AUTHORITY.—Each United States district court shall authorize by local rule the use of arbitration in any civil action, including adversary proceedings in bankruptcy, in accordance with this chapter.".

(b) ACTIONS REFERRED TO ARBITRATION.—Section 652(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "and section 901(c)" and all that follows through "651" and inserting "a district court"; and

(B) in subparagraph (B) by striking "$100,000" and inserting "$150,000"; and

(2) in paragraph (2) by striking "$100,000" and inserting "$150,000".

(c) CERTIFICATION OF ARBITRATORS.—Section 656(a) of title 28, United States Code, is amended by striking "listed in section 658".

(d) REMOVAL OF LIMITATION.—Section 658 of title 28, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 44 of title 28, United States Code, are repealed.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 63

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 63, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

S. 102

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 208

At the request of Mr. BOND, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Georgia [Mr. CLELAND], the Senator from Arkansas [Mr. BUMPERS], the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Montana [Mr. BURNS], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 208, a bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes.

S. 222

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 224

At the request of Mr. WARNER, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. DORGAN] was withdrawn as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 509

At the request of Mr. BURNS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 686

At the request of Mr. SARBANES, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 686, a bill to establish the National Military Museum Foundation, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Michigan [Mr. ABRAHAM], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 916

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 916, a bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building".

S. 927

At the request of Ms. SNOWE, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 927, a bill to reauthorize the Sea Grant Program.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Texas

[Mr. GRAMM] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. THURMOND the names of the Senator from Arizona [Mr. KYL], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 424

At the request of Mr. GORTON the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of amendment No. 424 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 645

At the request of Mr. GORTON the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from New York [Mr. D'AMATO], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of amendment No. 645 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 648

At the request of Mr. LAUTENBERG his name was added as a cosponsor of amendment No. 648 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 712

At the request of Mr. CLELAND the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of amendment No. 712 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 36—COMMEMORATING THE BICENTENNIAL OF TUNISIAN-AMERICAN RELATIONS

Mr. BREAUX submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 36

Whereas August 28, 1997, will mark the 200th anniversary of the first Tunisian-American Treaty and the opening of diplomatic relations between Tunisia and the United States;

Whereas Tunisia guaranteed to the young American Republic freedom of navigation in Tunisia's territorial waters and freedom of trade with Tunisian citizens;

Whereas Tunisia supported the Allies politically and militarily during World War II and has become the final resting place of thousands of American soldiers fallen in battle;

Whereas the United States was the first great power to recognize Tunisia's independence from France in 1956;

Whereas Tunisia was a steady and reliable ally of the United States during the darkest days of the Cold War, providing naval facilities to the United States Sixth Fleet and supporting the United States at the United Nations and other international bodies;

Whereas Tunisia after independence received more aid from the United States than from any other donor country in the form of governmental loans and technical assistance;

Whereas Tunisia efficiently utilized American assistance and its own resources to drastically improve social conditions, further economic development, and establish an open market economy and a tolerant society based on the principles of democracy, social peace, and justice;

Whereas Tunisia has consistently supported a peaceful resolution to the Arab-Israeli conflict and United States efforts to bring peace to the Middle East; and

Whereas Tunisia and the United States have always shared mutual interests in regional security and have built a close partnership in that regard; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby acknowledges with gratitude and appreciation the bicentennial of the Tunisian-American Treaty of 1797 and expresses to the people of Tunisia its hopes and wishes for continued friendship and amity between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit a copy to the Government of Tunisia.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

CONRAD (AND DORGAN) AMENDMENT NO. 730

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 313, line 20, strike out "(e)" and insert in lieu thereof the following:

"(e) RETENTION OF B–52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft. For the purposes of subsection (a), the number specified for B–52H bomber aircraft in paragraph (1) of such subsection shall be deemed to be 94. The applicability of the limitation under that subsection to the 94 B–52H bomber aircraft may not be waived under subsection (b).

"(2) For purposes of carrying out upgrades of B–52H bomber aircraft during fiscal year 1998, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the six-year period beginning on October 1, 1997.

"(f) ASSESSMENT OF PROPOSED REDUCTION OF B–52H BOMBER AIRCRAFT FLEET.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the National Defense Panel established under section 924 of Public Law 104–201 (110 Stat. 2626), shall—

"(A) thoroughly assess the proposed retirement of B–52H bomber aircraft to reduce the fleet of B–52H bomber aircraft to 71 such aircraft; and

"(B) submit the assessment to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

"(2) The assessment under paragraph (1) shall include the following:

"(A) A discussion of the following matters:

"(i) The operational advantages, arms control implications, and budgetary impact of employing an additional combat-coded squadron of B–52H bomber aircraft above the level provided for in the future-years defense program submitted to Congress in fiscal year 1997, reconstituted out of the B–52H aircraft attrition reserve.

"(ii) The implications of designating and using such an additional squadron as an associate reserve squadron.

"(iii) The operational impact of an engine modernization program involving replacement of the engines on B–52H bomber aircraft with commercial, off-the-shelf engines, as assessed in accordance with the Department of Defense Appropriation Act, 1997 (title I through VIII section 101(b) of Public Law 104–208).

"(iv) The operational, arms control, and budgetary implications of modifying capabilities of aircraft comprising a portion of the fleet of B–52H bomber aircraft so that the modified aircraft have the capability to deliver only conventional munitions.

"(v) The number of B–52H aircraft that, together with other combat aircraft within the force structure, would be necessary, in a major theater war initiated with minimum advance warning, to disrupt the flow of enemy forces to the extent necessary for the United States (and any allies) to defeat advancing enemy forces in detail with the United States (or allied) forces in place as the advancing enemy forces arrive in locations to engage the United States (or allied) forces.

"(B) The views of the Chairman of the Joint Chiefs of Staff on the Secretary's assessment.

"(C) The views of the National Defense Panel on the Secretary's assessment.

"(3) If the Secretary submits the Secretary's annual report to Congress under section 113(c) of title 10, United States Code, within 120 days after the date of the enactment of this Act, the Secretary may include in that report the assessment required under paragraph (1).

"(g)".

COVERDELL AMENDMENT NO. 731

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of the amendment add the following:

( ) LIMITATIONS ON AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.—(1) The Secretary of Defense may exercise the authority provided in section 1022(a) only with the concurrence of the Secretary of State.

(2)(A) The Secretary may not obligate or expend funds to provide a government with support under section 1022 until the Secretary of Defense, in coordination with the heads of other Federal agencies involved in international counter-drug activities, has developed a riverine counter-drug plan and submitted the plan to the committees referred to in subsection (f)(2) of such section. The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

(B) The limitation in subparagraph (A) is in addition to the limitation in section 1022(f)(1).

THURMOND AMENDMENTS NOS. 732–733

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 732

At the appropriate place in the amendment, insert the following:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert "(a) PROHIBITION.—" before "None".

AMENDMENT NO. 733

At the end of the matter relating to proposed section 2206, add the following:

(c) AMENDMENT.—The agreement of the Senate to the amendment proposing this subsection shall be deemed to constitute the agreement of the Senate to amendments to section 141 as follows:

(1) Insert "(a) PROHIBITION.—" before "None".

(2) Add at the end the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

LEVIN (AND OTHERS) AMENDMENT NO. 734

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Mr. REED, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 674 by Mr. FEINGOLD to the bill, S. 936, supra; as follows:

Strike out "; Provided," and all that follows and insert in lieu thereof the following: in section 301B.

SEC. 301A. SENSE OF CONGRESS REGARDING A FOLLOW-ON FORCE FOR BOSNIA AND HERZEGOVINA.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Indentity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in a neighboring country; and

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina.

SEC. 301B. AMOUNTS FOR OPERATION AND MAINTENANCE.

The amounts authorized to be appropriated under section 301 are as follows:

MCCAIN AMENDMENT NO. 735

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 618 submitted by Mr. GLENN to the bill, S. 936, supra; as follows:

Strike the period at the end of the amendment, and insert in lieu thereof the following:

"At the appropriate place in the bill, add the following new section:

"SEC. XXXX. ANNUAL REPORT ON CONGRESSIONAL AND NONCONGRESSIONAL ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

(1) Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

'(3)(A) The report under subsection (a) shall include, for the latest fiscal year ending before the date of the report, the amount and cost of the work that the General Accounting Office performed during the fiscal year for the following:

(i) Audits, evaluations, other reviews, and reports requested by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress.

(ii) Audits, evaluations, other reviews, and reports not described in clause (i) and not required by law to be performed by the General Accounting Office.

(B) In the report, amounts of work referred to in subparagraph (A) shall be expressed as hours of labor.'.

(2) Paragraph (1) of such section is amended—

(A) by striking out 'and' at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof '; and'; and

(C) by adding at the end the following:

'(D) the matters required by paragraph (3).'.".

CONRAD AMENDMENT NO. 736

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 696 submitted by Mrs. HUTCHINSON to the bill, S. 936, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle —National Missile Defense

SEC. 01. SHORT TITLE.

This subtitle may be cited as the "Common Sense National Missile Defense Act of 1997".

SEC. 02. NATIONAL MISSILE DEFENSE POLICY.

(a) NATIONAL MISSILE DEFENSE POLICY.—It is the policy of the United States to develop a limited national missile defense system based on the Minuteman III missile system that could be deployed by 2003 at Grand Forks, North Dakota.

(b) GENERAL REQUIREMENTS.—The national missile defense system developed under subsection (a) for possible deployment should include the elements set forth in section 3 in a manner which—

(1) provides for the defense of the United States against a nuclear missile attack consisting of at least five nuclear warheads;

(2) is affordable;

(3) complies with the ABM Treaty; and

(4) maximizes the utilization of missile technology and infrastructure in use as of the date of enactment of this Act

(c) ASSESSMENT OF DEPLOYMENT.—Not later than March 31, 2000, the President shall submit to Congress a report on the deployment of the national missile defense system referred to in subsection (a). The report shall contain—

(1) the determination of the President as to the advisability of deploying the system; and

(2) if the President determines that the system should be deployed, a specification as to the preferred architecture for the system.

SEC. 3. SYSTEM ARCHITECTURE.

The national missile defense system developed under section 2 for possible deployment shall contain the following elements:

(1) An interceptor system that—

(A) utilizes a kinetic kill vehicle in development as of the date of enactment of this Act that is delivered by the Minuteman III missile system in existence as of such date;

(B) could be deployed in existing Minuteman III missile silos within the deployment area permitted under the ABM Treaty; and

(C) could consist of between 20 and 100 operational interceptors.

(2) Early warning ground-based radar utilizing ground-based radars in existence as of such date, or modifications or upgrades of such radars.

(3) To the maximum extent practicable, battle management, command, control, and communications systems in existence as of such date, or modifications or upgrades of such systems.

SEC. 4. IMPLEMENTATION OF DEVELOPMENT.

The Secretary of Defense shall—

(1) initiate promptly such preparatory and planning actions as are necessary to ensure that the national missile defense system developed under section 2 is deployable in accordance with subsection (a) of that section;

(2) not later than September 30, 2000, conduct an integrated systems test of the system; and

(3) prescribe such policies and procedures (including acquisition policies and procedures) as are necessary to eliminate unnecessary costs and inefficiencies in the development of the system.

SEC. 5. REPORT ON PLAN FOR DEVELOPMENT AND DEPLOYMENT.

(a) REQUIREMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for the development and deployment of the national missile defense system referred to in section 2.

(b) REPORT ELEMENTS.—The report shall include—

(1) the Secretary's plan for meeting the requirements of this subtitle, including a detailed description of the system architecture selected for development; and

(2) the Secretary's estimate of the funds required for research, development, test, and evaluation, and for procurement, in each of fiscal years 1998 through 2003 in order to ensure that the system is deployable in accordance with section 2(a).

SEC. 6. POLICY REGARDING THE ABM TREATY.

(a) POLICY.—It is the policy of the United States that—

(1) the ABM Treaty remains the foundation of stability among the nuclear powers and must not be abrogated or fundamentally altered;

(2) any United States national missile defense system raises concerns about United States compliance with the ABM Treaty; and

(3) the President should undertake such consultations with the Russian Federation as are necessary to achieve an agreement between the United States and the Russian Federation on an amendment or clarification of the ABM Treaty in order to permit the deployment of the national missile defense system referred to in section 2.

(b) REVIEW OF SYSTEM.—In light of the policy set forth in subsection (a), it is the sense of Congress that the President initiate immediately a full review of the implications of the development and deployment of the national missile defense system referred to in section 2 on United States compliance with the ABM Treaty. The review should address any modifications to the system that may be required in order to ensure that the system meets United States obligations under the ABM Treaty.

(c) REPORT ON CONSULTATIONS.—The President shall include an assessment of the results, if any, of the consultations undertaken under subsection (a)(3) in the report submitted under section 2(c).

SEC. 7. DEFINITION.

In this subtitle, the term "ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

REID AMENDMENT NO. 737

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On line 10, page 44, insert after "$50,000,000" the following: "and shall include not less than $2,000,000 to be authorized for technology development for detecting, locating, and removing the threat of abandoned landmines and for operation of a test and evaluation facility at the Nevada Test Site for countermine proof-of-concept testing and performance evaluation."

ALLARD AMENDMENT NO. 738

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to amendment No. 701 submitted by Mr. CAMPBELL to the bill, S. 936, supra; as follows:

Beginning on page 2, strike out line 14 and all that follows through "any well," on page 4, line 22, and insert in lieu thereof the following:

Number 1 for purposes of mineral leasing and multiple use management.

"(2) Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

"(3)(A) Except as provided in subparagraph (B), the Secretary of Energy shall continue after the transfer of administrative jurisdiction over public domain lands within an oil shale reserve under this subsection to be responsible for taking any actions that are necessary to ensure that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

"(B) The responsibility of the Secretary of Energy with respect to public domain lands of an oil shale reserve under subparagraph (A) shall terminate upon certification by the Secretary to the Secretary of the Interior that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

"(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other sections of this chapter shall cease to apply with respect to the transferred lands.

"(b) AUTHORITY TO LEASE.—(1) Beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserve Numbered 1 and the developed tract of Oil Shale Reserve Numbered 3. Any such lease shall be made in accordance with the requirements of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.), regarding the lease of oil and gas lands and shall be subject to valid existing rights.

"(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

"(c) MANAGEMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

"(d) TRANSFER OF EXISTING EQUIPMENT.—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, production facility,

---

BAUCUS AMENDMENT NO. 739

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one duplex housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) FUNDING FOR COSTS OF CORPORATION ASSOCIATED WITH CONVEYANCES.—Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Corporation such sums as the Secretary and the Corporation jointly agree are necessary to cover the costs of the Corporation in meeting the conditions specified in subsection (b).

MURKOWSKI AMENDMENT NO. 740

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 630 submitted by him to the bill, S. 936, supra; as follows:

Beginning on line 8, strike "If the Secretary" and all that follows and insert the following: "If the Secretary purchases a facility for the production of tritium, the Nuclear Regulatory Commission shall have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of this Act, and the Secretary shall be a person for purposes of section 103 of this Act, with respect to that facility.".

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 741

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1009. INCREASED AMOUNTS FOR CHEMICAL AND BIOLOGICAL DEFENSE COUNTERPROLIFERATION PROGRAMS.

(a) INCREASE.—Notwithstanding any other provision of this Act the amount authorized to be appropriated under section 104 for chemical and biological defense counterproliferation programs is hereby increased by $67,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 301(4) for Air Force Operations & Maintenance is hereby decreased by $51,000,000.

FAIRCLOTH AMENDMENT NO. 742

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 608 proposed by Mr. THURMOND to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

Of the amount authorized to be appropriated under section 201(3), $1,651,000,000 is available for engineering manufacturing and development under the F-22 aircraft program.

SEC. 221. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $9,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $9,000,000.

(2) The amount authorized to be appropriated under section 2204(a)(2) is reduced by $9,000,000.

CRAIG AMENDMENT NO. 743

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle D of title V, add the following:

SEC. 535. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1131. Cold War service medal

"(a) MEDAL REQUIRED.—The Secretary concerned shall issue the Cold War service medal to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member of an armed force during the Cold War;

"(B) completed the initial term of enlistment;

"(C) after the expiration of the initial term of enlistment, reenlisted in an armed force for an additional term or was appointed as a commissioned officer or warrant officer in an armed force; and

"(D) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant office in an armed force during the Cold War;

"(B) completed the initial service obligation as an officer;

"(C) served in the armed forces after completing the initial service obligation; and

"(D) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any one person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person referred to in subsection (b) dies before being issued the Cold War service medal, the medal may be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) DEFINITIONS.—In this section, the term 'Cold War' means the period beginning on August 15, 1974, and terminating at the end of December 21, 1991.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following: "Sec. 1131. Cold War service medal.".

THURMOND AMENDMENT NO. 744

Mr. THURMOND proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) Expansion to at Least Three Additional Treatment Facilities.—Subsection (a)(2) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other"

(c) Reports.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "Committees on Armed Services of the Senate and" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of the program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B)."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Not later than May 1, 2000, the Secretary".

HELMS AMENDMENT NO. 745

Mr. THURMOND (for Mr. Helms) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) Authority.—Notwithstanding any other provision of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) Property Covered.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels closed or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) Donees Not To Be Charged.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

JEFFORDS AMENDMENT NO. 746

Mr. THURMOND (for Mr. Jeffords) proposed an amendment to the bill, S. 936, supra; as follows:

On page 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) Requirement.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) Exceptions.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) Certification of Inability To Meet Goal in 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

HARKIN (AND DURBIN) AMENDMENT NO. 747

Mr. LEVIN (for Mr. Harkin, for himself and Mr. Durbin) proposed an amendment to the bill, S. 936, supra; as follows:

On page 59, after line 14, add the following new paragraph (3):

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment."

On page 101, between lines 21 and 22, insert the following:

"(3) For the purposes of this section, the term 'best commercial inventory practice' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs."

On page 268, line 8, strike out "(L)" and insert in lieu thereof the following:

"(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

"(M)".

THOMPSON (AND GLENN) AMENDMENT NO. 748

Mr. THURMOND (for Mr. Thompson, for himself and Mr. Glenn) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. ___. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) Policy.—Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is amended to read as follows:

"SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

"(a) In General.—The head of each executive agency, after consulting with the Administrator, shall establish, maintain, and use, to the maximum extent that is practicable and cost-effective, procedures and processes that employ electronic commerce in the conduct and administration of its procurement system.

"(b) Applicable Standards.—In conducting electronic commerce, the head of an agency shall apply nationally and internationally recognized standards that broaden interoperability and ease the electronic interchange of information.

"(c) Agency Procedures.—The head of each executive agency shall ensure that systems, technologies, procedures, and processes established pursuant to this section—

"(1) are implemented with uniformity throughout the agency, to the extent practicable;

"(2) facilitate access to Federal Government procurement opportunities, including opportunities for small business concerns, socially and economically disadvantaged small business concerns, and business concerns owned predominantly by women; and

"(3) ensure that any notice of agency requirements or agency solicitation for contract opportunities is provided in a form that allows convenient and universal user access through a single, government-wide point of entry.

"(d) Implementation.—The Administrator shall, in carrying out the requirements of this section—

"(1) issue policies to promote, to the maximum extent practicable, uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may require departures from uniform procedures and processes in appropriate cases, when warranted because of the agency mission;

"(2) ensure that the head of each executive agency complies with the requirements of subsection (c) with respect to the agency systems, technologies, procedures, and processes established pursuant to this section; and

"(3) consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the

National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

"(e) Electronic Commerce Defined.—For the purposes of this section, the term 'electronic commerce' means electronic techniques for accomplishing business transactions, including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfers, and electronic data interchange.".

(b) Repeal of Requirements for Implementation of FACNET Capability.—Section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) is repealed.

(c) Repeal of Requirement for GAO Report.—Section 9004 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 426a note) is repealed.

(d) Repeal of Condition for Use of Simplified Acquisition Procedures.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) Amendments to Procurement Notice Requirements.—(1) Section 8(g)(1) of the Small Business Act (15 U.S.C. 637(g)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(2) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(3) The amendments made by paragraphs (1) and (2) shall be implemented in a manner consistent with any applicable international agreements.

(f) Conforming and Technical Amendments.—(1) Section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended—

(A) in subsection (c)(4)—

(i) by striking out "the Federal acquisition computer network ('FACNET')" and inserting in lieu thereof "the electronic commerce"; and

(ii) by striking out "(as added by section 9001)"; and

(B) in subsection (e)(9)(A), by striking out ", or by dissemination through FACNET,".

(2) Section 5401 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1501) is amended—

(A) in subsection (a)—

(i) by striking out "through the Federal Acquisition Computer Network (in this section referred to as 'FACNET')"; and

(ii) by striking out the last sentence;

(B) in subsection (b)—

(i) by striking out "Additional FACNET Functions.—" and all that follows through "(41 U.S.C. 426(b)), the FACNET architecture" and inserting in lieu thereof "Functions.—(1) The system for providing on-line computer access"; and

(ii) in paragraph (2), by striking out "The FACNET architecture" and inserting in lieu there for "The system for providing on-line computer access";

(C) in subsection (c)(1), by striking out "the FACNET architecture" and inserting in lieu thereof "the system for providing on-line computer access"; and

(D) by striking out subsection (d).

(3)(A) Section 2302c of title 10, United States Code, is amended to read as follows:

"§2302c. Implementation of electronic commerce capability

"(a) Implementation of Electronic Commerce Capability.—(1) The head of each agency named in paragraphs (1), (5) and (6) shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to implement the capability within the Department of Defense.

"(3) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an agency referred to in paragraph (1) shall consult with the Administrator for Federal Procurement Policy.

"(b) Designation of Agency Official.—The head of each agency named in paragraph (5) or (6) of section 2303 of this title shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 2304(g)(4) of such title 10 is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(4)(A) Section 302C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252c) is amended to read as follows:

"SEC. 302C. IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.

"(a) Implementation of Electronic Commerce Capability.—(1) The head of each executive agency shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an executive agency shall consult with the Administrator for Federal Procurement Policy.

"(b) Designation of Agency Official.—The head of each executive agency shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the executive agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 303(g)(5) of the Federal Property and Administrative Services Act (41 U.S.C. 253(g)(5)) is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(h) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) The repeal made by subsection (c) of this section shall take effect on the date of the enactment of this Act.

SEC. ___. CONFORMANCE OF POLICY ON PERFORMANCE BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED FOR DEFENSE ACQUISITION PROGRAMS.

(a) Performance Goals.—Section 313(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(a)) is amended to read as follows:

"(a) Congressional Policy.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.".

(b) Conforming Amendment to Reporting Requirement.—Section 6(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(k)) is amended by inserting "regarding major acquisitions that is" in the first sentence after "policy".

SEC. ___. MODIFICATION OF PROCESS REQUIREMENTS FOR THE SOLUTIONS-BASED CONTACTING PILOT PROGRAM.

(a) Source Selection.—Paragraph (9) of section 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1492(c)) is amended—

(1) in subparagraph (A), by striking out ", and ranking of alternative sources," and inserting in lieu thereof "or sources,";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "(or a longer period, if approved by the Administrator)" after "30 to 60 days";

(B) in clause (i), by inserting "or sources" after "source"; and

(C) in clause (ii), by striking out "that source" and inserting in lieu thereof "the source whose offer is determined to be most advantageous to the Government"; and

(3) in subparagraph (C), by striking out "with alternative sources (in the order ranked)".

(b) Time Management Discipline.—Paragraph (12) of such section is amended by inserting before the period at the end the following: ", except that the Administrator may approve the application of a longer standard period".

GRAHAM AMENDMENT NO. 749

Mr. LEVIN (for Mr. Graham) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 10 . REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) Findings.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

SANTORUM (AND LIEBERMAN) AMENDMENT NO. 750

Mr. THURMOND (for Mr. SANTORUM, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 844. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1999".

HARKIN (AND KEMPTHORNE) AMENDMENT NO. 751

Mr. LEVIN (for Mr. HARKIN, for himself and Mr. KEMPTHORNE) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title V, add the following:

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel than for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

WARNER AMENDMENT NO. 752

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. GRADE OF DEFENSE ATTACHÉ IN FRANCE.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall take actions appropriate to ensure that each officer selected for assignment to the position of defense attaché in France is an officer who holds, or is promotable to, the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

MURKOWSKI AMENDMENT. NO. 753

Mr. MURKOWSKI proposed an amendment to the bill, S. 936, supra; as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other incentives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

INHOFE AMENDMENT NO. 754

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 692 proposed by Mrs. HUTCHISON to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

INHOFE AMENDMENT NO. 755

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 694 proposed by Mrs. HUTCHISON to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

INHOFE AMENDMENT NO. 756

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 695 proposed by Mrs. HUTCHISON to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to

Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

INHOFE AMENDMENT NO. 757

(Order to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 698 proposed by Mr. GRAMM to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

(2) by adding at the end the following new subsection:

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

(3) by adding at the end the following new paragraphs:

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nominations of Robert G. Stanton to be Director, National Park Service and Kneeland C. Youngblood to be a member of the U.S. Enrichment Corporation will be considered at the hearing scheduled for Thursday, July 17, 1997, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224-5070.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 22, 1997, at 9 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the Department of the Interior's handling of the Ward Valley land conveyance, the findings of a new General Accounting Office [GAO] report on the issue, and to receive testimony on S. 964, the Ward Valley Land Transfer Act.

Those wishing to submit written statements should contact David Garman of the committee staff at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 8, 1997, at 9 a.m. in SR-328A to receive testimony regarding rural electric loan portfolio and electricity deregulation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 8, 1997, at 2:15 p.m. in executive session, to consider the nomination of Gen. Wesley K. Clark, USA, to be Commander-in-Chief, U.S. European Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Tuesday, July 8, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATION OVERSIGHT AND THE COURTS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 8, 1997, at 9:30 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Oversight of the administrative process for disposing of Government surplus parts and equipment."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the African Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 8, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations to authorized to meet during the session of the Senate on Tuesday, July 8, 1997, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SPECIAL THANKS TO THE TASTY BAKING CO. OF PHILADELPHIA

• Mr. SANTORUM. Mr. President, I would like to take a few moments of Senate business to give a special word of thanks to the Tasty Baking Co. for its generosity to some very special inner-city children.

As many of my colleagues may recall, the Philadelphia Flyers recently faced the Detroit Red Wings in the Stanley Cup Finals. To make the game a bit more interesting, Senator ABRAHAM and I placed a friendly wager on the outcome. Unlike most interests in this series, the junior Senator from Michigan and I each picked a food donor and an inner-city school that would receive a complimentary party. If the Flyers lost, the Tasty Bakery agreed to donate 800 Tastykakes—400 to Warren G. Harding Elementary School in Detroit and 400 to William Penn High School in Philadelphia. If the Red Wings lost, Little Caesars Pizza would give a pizza party to both schools. Regardless of the outcome, the children stood to win.

Mr. President, I'm sorry to say that the Flyers did not bring the Stanley Cup back home to Pennsylvania. So, on June 16, the students of William Penn enjoyed their complimentary Tastykakes and Crazy Bread—which Little Caesars graciously donated despite the Red Wings' victory. Recently, the children of Warren G. Harding Elementary celebrated their victory party.

In closing, I would like to thank Little Caesars and the men and women at the Tasty Bakery for making these parties possible. I would particularly like to thank Kathleen Grim, Tasty Bakery's manager of community affairs, for coordinating this effort. I ask my colleagues to join me in extending the Senate's best wishes for continued success to the Tasty Bakery in Philadelphia, PA.•

SAFER SCHOOLS ACT OF 1997

• Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to support legislation introduced by Senator BYRON DORGAN and myself—the Safer Schools Act of 1997—which will ensure that students who bring guns to school can be suspended.

This legislation was originally introduced late last session in reaction to a startling ruling by an appellate court in New York that said a student should not have been suspended from school because the weapon he was carrying was uncovered during a search without a warrant.

We have reached a crisis in this country—a crisis which makes it difficult for parents to see their children off to school in the morning, for fear they will never see them again.

Each day in America, it is estimated that 100,000 guns are brought into American schools. According to the Centers for Disease Control, 2 in 25 high school students, or 7.9 percent, report having carried a gun in the last 30 days. In Los Angeles, according to an ACLU survey conducted earlier this year, 49 percent of high school students said they have seen a weapon in school, many of them guns.

In response to these types of alarming figures, Senator DORGAN and I introduced the Gun Free Schools Act in 1994 to set a zero-tolerance policy to keep America's schools gun-free. The goal of this legislation was to remove firearms from all public schools in the United States.

Although we still have a way to go to make all schools gun-free, this zero-tolerance policy is working to make our schools safer. A preliminary report recently released from the U.S. Department of Education provides irrefutable proof that this law is well on its way toward meeting this important goal. I am told that a full report on all the States will be due out sometime later this summer.

The Gun Free Schools Act has been responsible for the expulsions of more than 6,276 students in 29 States caught during the 1995-96 school year for trying to carry guns to school. This means there were 6,276 fewer opportunities for a child to be killed or injured by gunfire at school in the United States. According to the California Department of Education, there were 1,039 firearms-related expulsions in public schools in California during this same period. The entire State of California has 1,043 school districts. Amazingly, this translates into an average of one expulsion for every district in my State.

Today, each and every one of the 50 States and the District of Columbia have complied with the Gun Free Schools Act by passing laws requiring schools to expel—for at least 1 year—students who are caught carrying a gun.

But the ruling of an appellate court in New York threatens to undermine the progress we have made in setting a zero-tolerance policy for guns in schools.

The appellate court in this particular case applied the same evidentiary standards that apply to criminal proceedings in what was a school disciplinary action. The school, however, refused to lift the student's suspension and as a result, their action was upheld by the State Court of Appeals.

Mr. President, I believe that common sense was cast aside with the appellate court ruling. Incredibly, what the appellate court's decision said was that this student should not have been expelled from school and that his record should be expunged from any wrongdoing in the case.

Our legislation states very clearly that the exclusionary rule should not be applied in school disciplinary proceedings. What the legislation says is that you cannot exclude a gun as evidence in a disciplinary action in school.

This common-sense legislation does not violate the constitutional rights of children. This bill does not exonerate school officials who conduct unreasonable or unlawful searches and persons who have been aggrieved will have every right to pursue judicial or statutory remedies available.

The Safer Schools Act of 1997 will prevent kids who do bring a gun to school from slipping through a school's reasonable disciplinary process.

Fortunately, last September's court ruling that a gun can be excluded from use as evidence in an internal school disciplinary proceeding was ultimately reversed. But a similar ruling could be made in another State.

This legislation would send a clear signal that guns have no place in the hands of our children or in the hallways and classrooms of their schools. All children should be able to go to school without fearing for their safety.

This legislation also would say to school administrators throughout the Nation that it is perfectly legitimate to conduct a disciplinary proceeding in cases where a student has brought a gun to school. The schools can conduct a fair and reasonable proceeding that allows them to ensure the safety of their school grounds.

The bottom line is that the Gun Free Schools Act has helped reduce the threat of guns from our Nation's schools. With the Safer Schools Act of 1997, we give school officials and teachers much needed flexibility to ensure that America's schools are safe havens so that children can escape the violence that engulfs so many of their lives.

I urge my colleagues to support this legislation.•

TRIBUTE TO NEW HAMPSHIRE'S 368TH ENGINEER BATTALION ON THEIR 50TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to New Hampshire's 368th Engineer Battalion as they celebrate their 50th anniversary at a gala celebration in Manchester on July 19th.

Mr. President, I wish to honor the nearly 1,000 men and women of New Hampshire's 368th Engineer Battalion who are known as much for their efforts in international peace building campaigns as their wartime readiness. They have earned an enviable reputation from their community action projects that include building roads, bridges, schools, hospitals to disaster relief projects.

The 368th Engineer Battalion was formed in 1947 from engineer and heavy maintenance units. The battalion has been headquartered in Concord and Manchester and they have also had units in Laconia, Rochester, Gilford, West Lebanon, NH, as well as White River Junction, VT, and Attleboro and Danvers, MA.

The 368th Battalion has made a substantial contribution to the quality of life for residents of the Granite State. The Engineer Battalion has developed disaster relief models for such disasters as the recent Alton, NH dam breach where the unit played a critical role in clearing flood debris, stabilizing erosion and restoring local transportation facilities for the residents of the small Lakes Region community, which I and the citizens of Alton are very thankful for their exceptional work in that time of crisis. Helping others is the cornerstone of the 368th Engineer Battalion, making the Granite State a safer place to live and raise a family.

The 368th has seen their share of service on foreign soils in their 50-year history, where they have lived and cooperated with the civilian community including the countries of Italy, Germany, Honduras, Guatemala, Korea, and Kenya. They have continued their community action projects in building clinics, roads, and sanitation facilities which have had long term impact on the quality of civilian life and health for the people of the world.

The decision by the U.S. Government to invest $17 million to create a new joint service reserve center at Manchester Airport is a testament to the professionalism and commitment to excellence embodied in the 368th. The facility will enable the 368th to continue serving our Nation with distinction well into the next century.

I commend New Hampshire's 368th Engineer Battalion for their dedication to the community which is the embodiment of the American ideal. People like the members of the 368th are the backbone of their communities and our Nation. I am proud to represent them in the U.S. Senate. Happy 50th anniversary.•

TRIBUTE TO NEW JERSEY WORLD WAR II HEROES

• Mr. TORRICELLI. Mr. President, I rise today to acknowledge the courage and sacrifice of 2d Lt. George A. Ward, of Hoboken, and S. Sgt. William Drager, of Hackettstown, NJ. Lieutenant Ward was the bombadier and Sergeant Drager the gunner on a B–24J airplane during World War II flying missions out of a base near Liuzhou, China.

On August 31, 1944, Lieutenant Ward, Sergeant Drager and eight other crewmen off for what would be their second and final mission. The bomber successfully attacked Japanese ships and dropped mines near Taiwan before heading back to base. However, the plane was diverted because their base was under attack, and bad weather at the alternate landing site resulted in orders to circle while awaiting clearance to land.

They never made it. Their B–24 crashed into a cliff 6,000 feet up the side of Maoer Mountain, southern China's highest peak, where dense bamboo and grotto-like slashes in the granite face swallowed the wreckage and the bodies of all 10 crewmen.

The crash site lay undisturbed for 52 years until two Chinese farmers hunting for wild herbs found it last October. The discovery finally solved the mystery of what happened to the crew, and brought both some comfort and renewed heartache to the families of the airmen.

As we approach the 221st anniversary of our Nation's independence, it is appropriate that we remember the bravery and commitment of individuals like Lieutenant Ward and Sergeant Drager. We continue to enjoy the freedoms that we have cherished since the founding of the Republic because of the sacrifice of millions of courageous men and women who heeded the call to duty when our Nation needed them.

America is profoundly thankful for the patriotism of these men, and for this reason I stand today to recognize them for their accomplishments.•

TRIBUTE TO DR. RUTH WRIGHT HAYRE

• Mr. SANTORUM. Mr. President, I rise today to honor Dr. Ruth Wright Hayre upon her retirement as president of the Philadelphia School District's Board of Education.

Dr. Hayre is a remarkable woman whose successful career was built on the strong work ethic she developed early in life. At the age of 15, Dr. Hayre graduated with honors from West Philadelphia High School. After winning the mayor's scholarship to the University of Pennsylvania, she earned both her undergraduate and graduate degrees.

Once Ruth completed her studies, she began a distinguished career in the field of education. Dr. Hayre's teaching career began at Arkansas State College, but eventually, Ruth returned to Philadelphia to teach English at Sulzberger Junior High School. At William Penn High School, she was promoted from teacher to vice principal and then to principal. Dr. Hayre's achievements are even more impressive considering that she was the very first African-American teacher in the Philadelphia school system, the first African-American high school teacher, and the first African-American principal of a Philadelphia senior high school. Still, this was only the beginning. Ruth rose to the position of superintendent of district four. Once again, her list of firsts grew, since she was the first African-American superintendent of a Philadelphia public school. On December 2, 1985, she received an appointment to the Philadelphia Board of Education. Five years later, Dr. Hayre was unanimously elected president of the board—becoming the first female to hold this position. In 1991, she was reelected as president of the board. Moreover, she has taught a course in urban education and administration at the University of Pennsylvania. After years of dedication to the children of Philadelphia, she is retiring this year.

In addition to her commitment to education, Ruth has served her community in numerous other ways. She has served on the boards of many prestigious organizations including Blue Cross, the Philadelphia Council of Boy Scouts, the Afro-American Historical and Cultural Museum, the Educational Alumni of the University of Pennsylvania, and most currently, the Dr. Ruth W. Hayre Scholarship Fund. Dr. Hayre is also actively involved in religious, civic, and community service organizations such as the Northeasterners, the Coalition of 100 Black Women, and the Alpha Kappa Alpha sorority.

Dr. Hayre has received numerous awards and commendations for her contributions to the field of education. For instance, the Governor of Pennsylvania honored her as a Distinguished Daughter of Pennsylvania for establishing the Wings to Excellence Program at William Penn High School. Likewise, she received the Philadelphia Award for her efforts to provide quality education for all. The University of Pennsylvania and Temple University have each granted her honorary doctoral degrees. Similarly, she received national recognition for establishing a fund at Temple University to provide college tuition for 119 graduates of the sixth grade classes of the Kenderton and Wright Schools who complete high school and are admitted to an accredited college. All of her achievements notwithstanding, Dr. Hayre once remarked that her greatest accomplishment was, "Being a wife, a mother, and a grandmother."

Mr. President, Dr. Hayre is truly a great American. She has dedicated her life to one of the single most important vocations—educating young people. I ask my colleagues to join me in honoring Dr. Ruth W. Hayre for her lifelong accomplishments and in extending the Senate's best wishes for continued happiness as she retires.•

REV. ROSCOE C. WILSON

• Mr. HOLLINGS. Mr. President, I rise today in recognition of one of South Carolina's finest citizens, Rev. Roscoe C. Wilson, pastor of Saint John Baptist Church in Columbia. For the past 50 years, Reverend Wilson has presided over the same church and during this time, the congregation has increased from 150 to over 800 members.

Roscoe Wilson began his career of public service very early. In 1942, after graduation from high school, he joined the U.S. Army where he served for the next 4½ years. Upon his discharge in 1946, young Roscoe moved to Columbia, SC, and entered Benedict College where he earned his bachelor of arts and bachelor of divinity degrees. It was there that he met his future wife, the late Ethel Celeste Williams.

In 1948, at an unusually tender age, Roscoe Wilson was appointed pastor of Saint John Baptist Church. Together Roscoe and Ethel Wilson built a strong parish and became part of the tightly knit Benedict College community. Ethel Wilson worked at the college and was fondly named "Ma" by the students. The Wilsons often provided housing for out-of-town students who were unable to afford a room on campus. Reverend Wilson still refers to them as his foster children. The Wilsons raised two of their own, Roscoe, Jr., and Preston. Roscoe, Jr., director of the Midlands Marine Institute, a foundation for troubled youth, is married to the former Eva Rakes, and has two children, Renaldo and Asia. Preston is a well-known carpenter in the Columbia area, most noted for his woodwork.

Social activism has appropriately been the hallmark of Reverend Wilson's pastoral career. During the early civil rights movement, he worked to peacefully integrate public health facilities such as the Crafts-Farrow Mental Hospital and the Bryan S. Dorn

Veterans Hospital. Saint John Baptist Church, which has a large outreach ministry, runs a progressive preschool serving approximately 100 children between the ages of 3 and 5 years old. This preschool program has been an enormous success. Its pupils begin first grade with strong skills and high confidence.

In the little free time he has, Reverend Wilson enjoys the outdoors. He loves to hunt and fish and occasionally returns to Texas to visit family. It is at home in Columbia, though, where he indulges his true passion, gardening. He says that tending his roses helps him to focus on the important things. It is this care and focus which has made him such a successful pastor. He tends his congregation like his rose bed. Saint John Baptist Church will dearly miss Reverend Wilson though his work with the church and the community will undoubtedly continue. All of us in South Carolina are very grateful for this Texas transplant. We wish him the very best in his future endeavors.●

RURAL CREDIT NEEDS

● Mr. BENNETT. Mr. President, I address today an issue of significant importance to my home State of Utah. As you know, the State of Utah is largely rural. Of 29 counties in the State of Utah, 25 are classified as rural by the U.S. Department of Agriculture [USDA]. For this reason, I have a keen interest in rural issues in general and, as a member of the banking committee, rural credit issues in particular.

I have read with interest the recent reports from the Rural Policy Research Institute [RUPRI], the General Accounting Office [GAO], and the USDA on rural credit needs. I have also reviewed the proceedings of the Kansas City Fed's conference on "Financing Rural America." These documents present no surprises for those of us who represent rural areas. While each study approaches its task in a unique manner, all of these reports are similar in their conclusions. They note that while rural financial markets work reasonably well, not all market segments are equally well served. They all agree that small businesses from rural areas can have a difficult time obtaining financing, have fewer credit options, and may well pay more for their credit than comparable urban enterprises. At a time when small businesses are being recognized for their valuable contributions to our economic growth and stability, small businesses are facing increasing demands for credit, and Small Business Administration funding is frequently being challenged.

Historically, rural economic activity has been synonymous with agricultural production. Today, this is no longer the case. The number of farms in the United States has declined dramatically from about 6 million in the first half of this century, to about 2 million farms in 1990. While agriculture is still an important component of rural America and its credit needs are reasonably well addressed; the financial needs of rural nonagricultural business require attention now more than ever.

While government sponsored enterprises [GSE's] have contributed to the successes of agriculture and rural housing by providing competitive and reliable credit, there has been no GSE financing for rural nonagricultural businesses. As all of these reports point out, credit options for nonagricultural business are relatively scarce, expensive, and sometimes nonexistent. Yet, as the GAO and the Fed reports point out, economic development in these areas is actually hindered by these borrowers' difficulties in obtaining capital.

The facts are worrisome. As the RUPRI study points out, many rural areas were bypassed by recent employment growth. Existing rural employment is concentrated in slow-growth or declining industries. Job growth in rural areas, particularly rural areas that are not adjacent to metropolitan areas, is biased toward low-skill, low-wage activities. USDA has stated that "Rural economies are characterized by a preponderance of small businesses, fewer and smaller local sources of financial capital, less diversification of business and industry, and fewer ties to non-local economic activity."

Rural nonagricultural businessmen seek to be contributing members of our economic society. They do not seek a Federal hand out. They look for equal credit opportunities and an opportunity to participate fully in the same business activities of their urban counterparts.

As a political body, we need to consider the plight of rural nonagricultural businesses and the great potential that they offer our economy. I bring this issue to the attention of my colleagues in the hope we can work together and review constructive solutions to this program.●

GUYANA

● Mr. TORRICELLI. Mr. President, I rise today to recognize Guyana as it celebrates the thirty-first anniversary of its independence. The Guyanese American community has a great deal of history to celebrate, and I wish to recognize the changes and advancements that have been made in Guyana in the past 31 years.

For 32 years, the country of Guyana has worked to improve its standing within the international community and establish itself as a well-respected democracy. I am sure you will agree that Guyana has succeeded in these two goals. Participation in both the United Nations and the Caribbean Free Trade Area have meant better relations with the rest of the world. In addition, the smooth transition of power between President Hoyte and President Jagan in 1992 signify the end of political oppression in Guyana.

I have been pleased with the United States' decision to reinstate the economic assistance to Guyana it had suspended in 1982 because it represents our willingness to take an active interest in Guyana. I hope that this partnership between Guyana and the United States will continue to flourish as Guyana capitalizes on the progress that independence has encouraged. Privatization, growth and decreased inflation are only a few of the ways in which the quality of life in Guyana has improved. These reforms can and must continue.

The Guyanese have made tremendous achievements so far. With the continued commitment of its population, ongoing growth can be a reality. I look forward to 32 more years of positive news from this country.●

TRIBUTE TO WILLIAM F. LUEBBERT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to William F. Luebbert of Hanover, NH, for his outstanding service as a volunteer executive in Vladivostok, Russia.

William worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization which sends retired Americans to assist businesses and private enterprises in the developing countries and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

William assisted the Vladivostok State University of Economics with its computer technology. He is the retired director of academic computing at USMA (West Point). William is also a retired U.S. Army colonel.

William, and his wife Nancy, spent a month in Russia. Their outstanding patriotic engagement provides active assistance for people in need and helps build strong ties of trust and respect between Russia and America. William's mission aids at ending the cycle of dependency on foreign assistance.

I commend William for his dedicated service and I am proud to represent him in the U.S. Senate.●

SOUTH CAROLINA WATERMELONS: MOTHER NATURE'S PERFECT CANDY

● Mr. HOLLINGS. Mr. President, as Americans across the United States celebrated Independence Day this past weekend, many enjoyed the summer delight of a red, juicy watermelon. I rise today to recognize watermelon farmers, the people who make this Fourth of July tradition possible.

All day yesterday and today, my staff, along with the staffs of Representative JOHN SPRATT and Representative JIM CLYBURN, will be delivering South Carolina watermelons to offices throughout the Senate and House of Representatives. Thanks to South Carolina watermelon farmers such as Jim Williams of Lodge in Colleton County, those of us here in Washington will be able to cool off from the summer heat with a delicious South Carolina watermelon.

This year, farmers across South Carolina planted more than 11,000 acres of watermelons. These are some of the finest watermelons produced anywhere in the United States. Watermelons of all varieties—Jubilees, Sangrias, Allsweets, Star Brites, Crimson Sweets, red seedless, yellow seedlesss, and other hybrids are produced in South Carolina and marketed across the Nation.

Through the end of this month, farmers in Allendale, Bamberg, Barnwell, Colleton, Hampton, and other southern South Carolina counties will harvest hundreds of thousands of watermelons. In the Pee Dee areas around Chesterfield, Darlington, and Florence counties, the harvest will continue until about August 20.

Mr. President, as we savor the taste of these watermelons, we should remember the work and labor that goes into producing such a delicious fruit. While Americans enjoyed watermelons at the beach and at backyard barbecues all over the Nation this past weekend, most did not stop to consider where they came from. Farmers will be laboring all summer in the heat and humidity to bring us what we call Mother Nature's perfect candy. These remarkable watermelons are sweet, succulent and, most importantly, nutritious and fat free. The truth is, Mr. President, that our farmers are too often the forgotten workers in our country. Through their dedication and commitment, our Nation is able to enjoy a wonderful selection of fresh fruit, vegetables and other foods. In fact, our agricultural system is the envy of the world.

South Carolina farmers lead the way in the production of watermelons. For example, my State was a leader in the development of black plastic and irrigation to expand the watermelon growing season. By covering the earth in the spring with black plastic, farmers are able to speed up the melons' growth by raising soil temperatures. In addition, the plastic allows farmers to shut out much of the visible light, which inhibits weed growth. In addition, I am pleased to note that the scientists at the USDA Vegetable Laboratory in my hometown of Charleston continue to strive to find even more efficient and effective ways to produce one of our State's most popular fruits.

Therefore, as Congressmen and their staffs feast on watermelons this week, I hope they all will remember the folks in South Carolina who made this endeavor possible: Jim Williams of Williams Farms in Lodge; Les Tindal, our State agriculture commissioner; Martin Eubanks and Minta Wade of the South Carolina Department of Agriculture; Randy Cockrell and the members of the South Carolina Watermelon Association; and finally, Bennie Hughes and the South Carolina Watermelon Board in Columbia. They all have worked extremely hard to ensure that Congressmen can get a taste of South Carolina.

So, I hope everyone in our Nation's Capital will be smiling as they enjoy the pleasure of a South Carolina watermelon.•

NATO ENLARGEMENT AT THE SUMMIT OF THE EIGHT

• Mr. D'AMATO. Mr. President, I rise today to call to my colleagues' attention a column by Jim Hoagland of the Washington Post that was published in today's edition on page A19. This column is entitled "'Diktat' From Washington," and discusses what happened after the announcement that the United States would support only the admission of Poland, the Czech Republic, and Hungary into NATO.

As Chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I held a series of hearings on human rights and NATO enlargement, and last week released a Commission report assessing the readiness of candidate states to join the Alliance, based upon our evaluation of their human rights compliance. In the course of these hearings, I expressed my support for the inclusion of Lithuania, Latvia, Estonia, Poland, Hungary, the Czech Republic, Slovenia, and Romania in the first round of NATO expansion.

Now, Mr. Hoagland has recounted how the U.S. policy choice was conveyed to our allies and how they received it, both before and at the Summit of the Eight, just concluded in Denver. I commend this account to my colleagues and suggest that they consider what Hoagland calls the creation of at least a temporary line dividing nations that suffered equally under Soviet rule, and its probable consequences in central and eastern Europe.

While I do not believe that equality of suffering is the standard by which candidate NATO members should be judged, I am afraid that omitting Slovenia, Romania, and the Baltic states could cause future problems that could be avoided if we admitted them now. I will have more to say on this subject as we approach the Madrid Summit.

Mr. President, I ask that the aforementioned Jim Hoagland column be printed in the RECORD.

The column follows:

[From the Washington Post, June 25, 1997]

DIKTAT FROM WASHINGTON

(By Jim Hoagland)

NEW YORK—The devil that always lurks in the details of cosmic feats of diplomacy has suddenly emerged to jab President Clinton's plans for NATO expansion with several sharp pitchforks.

The pitchforks will not derail the administration's rush for expansion of the Atlantic alliance. But they could tarnish an event Clinton had confidently expected to be a crown jewel in his presidential legacy—the NATO summit in Madrid two weeks away.

That meeting now will be approached without great enthusiasm by many of America's European allies, who are disturbed by what some see as an American attempt to "dictate" to them who will be admitted as new members of the alliance.

France and a half-dozen other countries will continue to press at the Madrid summit to add Romania and Slovenia to the list of approved candidates, French President Jacques Chirac told Clinton in Denver last weekend during the Summit of the Eight, according to a senior French official aware of the contents of the conversation.

The French do not expect to shake America's insistence that only the Czech Republic, Hungary and Poland will be issued invitations at Madrid on July 7. All 16 members accept those three candidates; nine of the 16 favor expanding expansion to five.

But Chirac's remarks represent a rebuff for an American attempt to shut off debate on the numbers game. Deputy Secretary of State Strobe Talbott convoked the ambassadors from NATO states on June 12 and delivered what diplomats from three of America's closest allies described to me later as a "Diktat" that stunned them. The normally elegantly mannered Talbott's demand for silence would have done justice to Ring Lardner's great line: "Shut up," he explained."

The tone between Clinton and Chirac in Denver was far more cordial, but their failure to agree was clear: "Each one spoke as if disappointed that he had not been able to convince the other of a very good argument," a French official said.

The Clintonites feel they minimize the initial problems of expansion by sticking to three clearly qualified candidates. Chirac argues that rejection of Romania is unfair, immoral and certain to further destabilize NATO's troubled southern flank.

The bilateral French-U.S. meeting at the economic summit also failed, as expected, to resolve differences between Paris and Washington on internal NATO command arrangements. This means that the original U.S. hope that France would formally rejoin NATO's military command at the Madrid gathering and make it an even more glittering celebration has to be abandoned.

A third maximum U.S. goal got hooked by gremlins at Denver when President Boris Yeltsin made it clear that Russia would not treat the Madrid summit as a high-level celebration of unity and harmony.

Yeltsin curtly rejected a suggestion that he attend the gathering, saying pointedly that he would send his ambassador in Madrid instead. Later he was inveigled to upgrade Russia's representation to a deputy prime minister.

Chirac, who worked hard to persuade Washington not to back Yeltsin into a corner on NATO expansion, finds Yeltsin much more at ease now that NATO and Moscow have signed an agreement establishing a NATO-Russia Council. Russian participation in the Denver summit provided Yeltsin with good arguments to use to explain NATO expansion to the Russian public, Chirac believes.

Yeltsin, Chirac and other Europeans seem to fear that the Clintonites will attempt to turn Madrid into an event that combines holding a beauty contest for potential members and a crowning of the American president as king of NATO.

The Czechs, Poles and Hungarians could hardly be blamed for using Madrid and its invitation to NATO as a seal of approval by the world's most important capitalist powers. They will advertise their NATO-approved stability to potential investors considering putting money into investment-hungry Central and Eastern Europe, widening the gap between them and Romania, Bulgaria, et al.

That situation draws at least a temporary line dividing nations that suffered equally under Soviet rule. But the administration is unwilling to discuss publicly and frankly the consequences of that line-drawing. Nor does it squarely address the existential questions that its vague promises of future NATO expansion raise for the Baltics, Ukraine and other former Soviet republics want into the organization.

Those questions will be forced on the administration in the U.S. Senate when it comes time to amend the alliance treaty and discuss U.S. responsibilities in Europe. Madrid, with all its devilish but surmountable details, is the beginning of a grand debate, not the end.●

ECONOMISTS ENDORSE RAISING TOBACCO TAXES TO CURB YOUTH SMOKING

● Mr. KENNEDY. Mr. President, as Congress considers an increase in the Federal cigarette tax in the budget reconciliation bill, I urge my coleagues to read an excellent article by economists Michael Grossman and Frank J. Chaloupka, both of whom have written extensively on the impact of tobacco taxes on teenage smoking.

The article is entitled "Cigarette Taxes: The Straw to Break the Camel's Back," and is published in the July/August 1997 edition of Public Health Reports. It finds that raising tobacco taxes would be a powerful weapon against youth smoking, since children have less income to spend on cigarettes than adults. According to Grossman and Chaloupka, the 43 cents per pack cigarette tax increase in the legislation that Senator HATCH and I introduced earlier this year would reduce teenage smoking by 16 percent, saving the lives of over 830,000 children. In addition, the proceeds from the tobacco tax increase would be used to provide health insurance for millions of American children who are uninsured today.

It's time for Congress to say "no" to Joe Camel, the Marlboro Man, and the tobacco lobby, and say "yes" to the Nation's children. I ask that the Public Health Reports article be printed in the RECORD.

The article follows:

[From the Public Health Reports, July/August 1997]

CIGARETTE TAXES: THE STRAW TO BREAK THE CAMEL'S BACK

(By Michael Grossman, Ph.D. and Frank J. Chaloupka, Ph.D.)

SYNOPSIS

Teenage cigarette smoking is sensitive to the price of cigarettes. The most recent research suggests that a 10% increase in price would reduce the number of teenagers who smoke by 7%. If the proposed 43-cent hike in the Federal excise tax rate on cigarettes contained in the Hatch-Kennedy Bill were enacted, the number of teenage smokers would fall by approximately 16%. This translates into more than 2.6 million fewer smokers and more than 850,000 fewer smoking related premature deaths in the current cohort of 0 to 17-year-olds. Adjusted for inflation, the current 24-cent-a-pack tax costs the buyer about half of the original cigarette tax of 8 cents imposed in 1951. A substantial tax hike would curb youth smoking; this strategy should move to the forefront of the antismoking campaign.

These are not good times for the U.S. cigarette industry. For decades, policy makers and consumer activists have unsuccessfully attempted to rein in the tobacco industry. Now, new legal strategies are bearing fruit, more stringent regulations regarding the marketing and sales of cigarettes are being implemented, and a bill to significantly increase cigarette taxes has been put before the Senate. A large cigarette tax complements the gains made on other fronts by making cigarettes less desirable to teenagers, the next generation of addicts.

Numerous studies have shown that roughly 90% of smokers begin the habit as teenagers. Each day, approximately 6000 youths try a cigarette for the first time, and about half of them become daily smokers. Among people who have ever smoked daily, 82% began smoking before age 18. Thus, cigarette control policies that discourage smoking by teenagers may be the most effective way of achieving long-run reductions in smoking in all segments of the population.

The upward trend in teenage smoking in the 1990s is alarming to public health advocates. Between 1993 and 1996 the number of high school seniors who smoke grew by 14%. At the same time the number of tenth grade smokers rose by 23%, and the number of eighth grade smokers rose by 26%.

The FDA regulations approach the problem of youth smoking by curtailing access to cigarettes and attempting to reduce the appeal of cigarettes by putting limits on cigarette advertising. Increased taxation, which results in higher prices, is another means to accomplish the goal of discouraging young people from smoking. Unfortunately, increases in the Federal excise tax rate on cigarettes have not been motivated by a desire to curtail smoking. The purpose of each of the three tax increases since 1951 was to raise tax revenue or reduce the Federal deficit rather than to discourage smoking. The tax was fixed at 8 cents per pack between November 1, 1951, and the end of 1982. It rose to 16 cents per pack effective January 1, 1983, as part of the Tax Equity and Fiscal Responsibility Act of 1982. The tax was increased further to 20 cents per pack effective January 1, 1991, and to 24-cents per pack effective January 1, 1992, part of the Omnibus Budget Reconciliation Act of 1990. But if the tax had simply been adjusted for inflation each year since 1951, it would be 47 cents per pack today: therefore, in effect today tax is much lower than the 1951.

A 43-cent tax hike is proposed in a bill introduced by Senators Orrin G. Hatch and Edward M. Kennedy in this Congress. As with past tax increases, the primary focus is not to discourage teenage smoking. The goal of the tax increase in the Hatch-Kennedy Bill is to finance health insurance for low-income children who are currently uninsured. Two-thirds of the estimated annual $6 billion increase in tax revenue would be allocated for grants to the states to provide health insurance for children below the age of 15 whose low-income working parents do not qualify for Medicaid. The remaining one-third would be applied to reducing the Federal deficit.

The industry has known and public health advocates have come to realize, however, that an increase in the cigarette tax can influence the behavior of smokers. The American Cancer Society, the Robert Wood Johnson Foundation, and other members of the antismoking lobby are supporting a proposal to raise state cigarette tax rates to a uniform 32 per pack nationwide in the next few years, from the current range of 2.5 cents in Virginia to 92.5 cents in Washington State. According to John D. Giglio, manager of tobacco control advocacy for the American Cancer Society: Raising tobacco taxes is our number one strategy to damage the tobacco industry. The . . . industry has found ways around everything else we have done, but they can't repeal the laws of economics.

The cigarette industry's recognition of the potency of excise tax hikes as a tool to discourage teenage smoking is reflected in a September 1991 Philip Morris internal memorandum written by Myron Johnson, a company economist, to his boss, Harry G. Daniel, manager of research on smoking by teenagers. The memo was written in reaction to a Natural Bureau of Economic Research (NBER) report authored by Michael Grossman, Eugene M. Lewit, and Douglas Coate, which was later published in the *Journal of Law and Economics*. In the memo Johnson wrote: "Because of the quality of the work, the prestige (and objectivity) of the NBER, and the fact that the excise tax on cigarettes has not changed in nearly 30 years we need to take seriously their statement that . . . if future reductions in youth smoking are desired, an increase in the Federal excise tax is a potent policy to accomplish this goal. (Grossman et al.) calculate that . . . a 10% increase in the price of cigarettes would lead to a decline of 12% in the number of teenagers who would otherwise smoke.

WHY TAXES WORK

There are strong logical reasons for expecting teenagers to be more responsive to the price of cigarettes than adults. First, the proportion of disposable income that a youthful smoker spends on cigarettes is likely to exceed the corresponding proportion of an adult smoker's income. Second, peer pressure effects are much more important in the case of youth smoking than in the case of adult smoking. Interestingly, peer pressure has a positive multiplying effect when applied to teenage smokers: a rise in price curtails youth consumption directly and then again indirectly through its impact on peer consumption (if fewer teenagers are smoking, fewer other teenagers will want to emulate them). Third, young people have a greater tendency than adults to discount the future.

The "full" price to an individual of a harmful smoking addiction is the price of cigarettes plus the monetary and emotional costs to the individual of future adverse health effects. The importance and value placed on these future health effects varies among individuals and especially with age. Becker, Grossman, and Murphy have shown that young people are more responsive to the price of cigarettes than adults because they give little weight to the future, while adults are more sensitive to perceived or known future consequences. Young people may underestimate the health hazards of and the likelihood that initiation of this behavior leads to long-term dependency. And, even when fully informed, teenagers have a tendency to give a great deal of weight to present satisfaction and very little weight to the future consequences of their actions.

Becker and Mulligan argue that children become more future oriented as the result of an investment process. Many of the activities of parents and schools can be understood as attempts to make children care more about the future. Some parents and schools succeed in these efforts; but others do not. These failures are particularly troublesome because of the two-way causality between addiction and lack of a future orientation. People who discount the future more heavily are more likely to become addicted to nicotine and other substances. And the advance health consequences of these substances make a future orientation even less appealing.

Consumers are not unaware of the dangers of smoking. A survey of Viscusi suggests that both smokers and nonsmokers overestimate, not underestimate, the possibility of death and illness from lung cancer due to tobacco. Teenagers, who have less information than adults, actually attach much higher risks to smoking than the rest of the population. Other risks of cigarette smoking, including the risk of becoming addicted, may, however, be underestimated.

Cigarette smokers harm others (external costs) in addition to harming themselves (internal costs). The ignored internal costs of smoking can interact with the external costs. A striking example is smoking by pregnant teenage women, who may engage in this behavior because they heavily discount the future consequences of their current actions. Pregnant women who smoke impose large external costs on their fetuses. Numerous studies show that these women are more likely to miscarry and to give birth to low birth weight infants. Some of these infants die within the first month of life. More require extensive neonatal intensive care and suffer long-term impairments to physical and intellectual development.

The conventional wisdom argues that people who are addicted to nicotine are less sensitive to price than others. Therefore, adults should be less responsive to price than young people because adult smokers are more likely to be addicted to nicotine and if so, are likely to be more heavily addicted or to have been addicted for longer periods of time. The conventional wisdom that addicted smokers are less sensitive to price has been challenged in a formal economic model of addictive behavior developed by Becker and Murphy, which shows that a price increase can have a cumulative effect over time.

Since cigarettes are addictive, current consumption depends on past consumption. A current price increase has no retroactive effect on "past consumption" and therefore reduces the amount smoked by an addicted smoker by a very small amount in the short run. But the size of the effect would grow over time because even a small reduction in smoking during the first year after a price increase would also mean a reduction in smoking in all subsequent years. So, for example, 10 years after a price hike, "past consumption" would have varied over a 10-year period.

Changes in the total number of young people who smoke are due primarily to changes in the number of new smokers (starts). Among adults, changes in the total number of smokers occur primarily because current smokers quit (quits). Clearly, quits are inversely related to past consumption—there are more quitters among those who have smoked the least—while starts are independent of past consumption. Thus, the effect of price on choosing whether to smoke should be larger for young people than for adults.

THE EVIDENCE

Suggestive evidence of the responsiveness of teenage smoking to the price of cigarettes can be found in recent upward trends in smoking. In April 1993, the Philip Morris Companies cut the price of Marlboro cigarettes by 40 cents. Competitors followed suit. Marlboros are popular among teenagers: 60% reported that Marlboro was their brand of choice in 1993, while Marlboro had an overall market share of 23.5% in the same year. In 1993, 23.5% of teenagers in the eighth, tenth, and twelfth grades smoked. In 1996, 28.0% of the students in these grades smoked; this represented a 19% increase over a three-year period. Yet during this period, the number of smokers ages 18 years and older remained the same. Some attribute this increase in teenage smoking to a broad range of social forces thought to be associated with increases in other risky behaviors by teenagers, especially the use of marijuana. But we attribute it to a fall in cigarette prices: between 1993 and 1996 the real price of a pack of cigarettes (the cost of a pack of cigarettes in a given year divided by the Consumer Price Index for all goods for that year) fell by 13%.

More definitive evidence of the price sensitivity of teenage smoking can be found in two NBER studies that used large nationally representative samples of thousands of young people between the ages of 12 and 17. These studies capitalized both on the substantial variation in cigarette prices across states (primarily because of different state excise tax rates on this good) and on other state-specified factors such as parents' education and labor market status that may affect the decision to smoke and the quantity of cigarettes consumed. The findings of a 1981 study by Grossman, Lewit, and Coate—the subject of the 1981 Philip Morris internal memoradum—wēre used by the news media throughout the 1980s and early 1990s to project the effects of Federal excise tax hikes. The authors' 1996 study has been cited by Senators Hatch and Kennedy as evidence that a major benefit of the tax increase in their health insurance bill would be to discourage youth smoking.

The Grossman et al. 1981 study used data from Cycle III of the U.S. Health Examination Survey, a survey of almost 7000 young people between the ages of 12 and 17 conducted between 1966 and 1970 by the National Center for Health Statistics. The authors found that a 10% increase in the price of cigarettes would reduce the total number of youth smokers by 12%. Yet teenagers who already smoked proved much less sensitive to price: a 10% increase in price would cause daily consumption to fall by only 2%.

In our 1996 study, we used data from the 1992, 1993, and 1994 surveys of eighth, tenth, and twelfth grade students conducted by the Institute for Social Research at the University of Michigan as part of the Monitoring the Future Project. Taken together, these three nationally representative samples included approximately 150,000 young people. We found that a 10% increase in price would lower the number of youthful smokers by 7%, a somewhat smaller effect than the 12% projected in the 1981 study. Consumption among smokers, however, would decline by 6%, which is three times larger than the decline projected in the 1981 study.

Comparable studies of adults have found smaller effects of a projected 10% price increase. In a 1982 study of people age 20 years and older, Lewit and Coate reported that a 10% rise in price would cause the number of adults who smoke to fall by 3% and a decline of 1% in the number of cigarettes smoked per day by those who smoke. In a 1991 study of adult smokers, Wasserman et al. found that a 10% increase in price would cause the number who smoked to fall by 2% and the number of cigarettes smoked per day to fall by 1% while in a 1995 study Evans and Farrelly found declines of 1% in both categories. Based on the most recent estimates, a 10% increase in the price of cigarettes would reduce the number of teenagers who smoke by 7%, while it would reduce the number of adults who smoke by only 1%. Daily consumption of teenage smokers would fall by 6%, while daily consumption of adult smokers would fall by 1%.

PRICE INCREASES AS A POLICY TOOL

The proposed 43-cent cigarette tax hike in the Hatch-Kennedy Bill would, if fully passed on to consumers, raise the price of a pack of cigarettes by approximately 23%. According to our 1996 study, the number of teenage smokers would fall by approximately 16% and the number of cigarettes consumed by teenage smokers would decline by approximately 14%. Some of these smokers might compensate for a reduction in the number of cigarettes smoked by switching to higher nicotine and tar brands, inhaling more deeply, or reducing idle burn time. These factors, while representing a public health concern, are not relevant in evaluating the effect of an excise tax hike on whether an individual chooses to smoke at all.

Since very few smokers begin smoking after the ages of 20, these relatively large reductions in this total number of teenage smokers imply that excise tax increases are very effective ways to prevent the onset of a habitual behavior with serious future health consequences. A 16% decline in the number of young smokers associated with a 43-cent tax hike translates into over 2.6 million fewer smokers in the current cohort of 0 to 17-year-olds. Using a common estimate that one in three smokers dies prematurely from smoking-related illnesses, we can calculate that over time a real (adjusted for inflation) 43-cent tax increase would reduce smoking-related premature deaths in this cohort by over $50,000. And larger tax increases would result in even bigger reductions in the number of young smokers and the number of premature deaths.

A tax hike would continue to discourage smoking for successive generations of young people and would gradually affect the smoking levels of older age groups as the smoking-discouraged cohorts move through the age spectrum. Over a period of several decades, aggregate smoking and its associated detrimental health effects would decline substantially.

The effect of a price or tax hike also grows over time because of the addictive nature of smoking; a small reduction in current cigarette consumption by smokers due to a tax hike would decrease consumption in all future years to follow: Becker, Grossman, and

Murphy have estimated that each 10% rise in price causes the number of cigarettes consumed by a fixed population (number of smokers multiplied by cigarettes consumed per smoker) to fall by 4% after one year and by as much as 8% after approximately 20 years.

Caveats. Several caveats are required in evaluating the benefits of a tax hike. First, for a cigarette tax increase to continue at the same level in real terms, it would have to be indexed to the rate of inflation. The same objective could hypothetically be accomplished by converting to an ad valorem cigarette excise tax system under which the cigarette tax is expressed as a fixed percentage of the manufacturer's price. The latter approach has one limitation: the Congressional Budget Office points out that it might induce manufacturers to lower sales prices to company-controlled wholesalers to avoid part of the tax.

Second, Ohsfeldt, Boyle, and Capilouto have reported that the number of males between the ages of 16 and 24 who use smokeless tobacco would rise by approximately 12% if a state excise tax rate on cigarettes rose by 10%. Some would view such an increase with alarm because smokeless tobacco increases the risks of oral cancer and other oral diseases. On the other hand, Rodu argues that these elevated risks are very small and are more than offset by reductions in cigarette-related cancers and heart disease. The substitution of smokeless tobacco for cigarettes could be discouraged by raising the Federal excise tax on smokeless tobacco. But this would raise the cost of a safer nicotine delivery system than cigarettes and could be viewed as an unfair penalty on those who cannot give up their addiction.

Third, in strictly financial terms, we would expect a tax hike to yield higher rates of return in the short run than in the long run because of its cumulative effect in reducing smoking. The Becker et al. study implies that a Federal excise tax rate on cigarettes of approximately $1.00 a pack would maximize long-run Federal revenue from the tax at roughly $13.3 billion annually approximately 10 to 20 years after the new rate is in effect—only $7.6 billion more than the revenue from today's 24-cent tax. Clearly, the 67-cent tax in the Hatch-Kennedy Bill, which is expected to yield an additional $6 billion annually for the next few years, will have a much smaller yield in the long run.

The gap between long-run and short-run tax yields highlights a danger of justifying a cigarette tax increase to achieve goals other than reductions in smoking. For a while, public health advocates can have their cake and eat it too. But after a number of years, the large cumulative reduction in smoking would take a big bite out of the tax revenues initially generated by the tax hike. One would hardly like to see the development of a situation in which fiscal needs create pressure on the governments to encourage smoking or at least not discourage it. The extensive advertising campaigns conducted by state-run lotteries are examples of the danger of the government becoming too dependent on revenue from a harmful addiction.

CONCLUSION

We would like to see politicians and public health advocates focus discussions of the appropriate Federal cigarette excise tax rate squarely on the issue of reducing smoking. Both external costs and ignored internal costs justify the adoption of government policies that interfere with private decisions regarding the consumption of cigarettes.

Taxing cigarettes to reduce smoking by teenagers is a rather blunt instrument because it imposes costs on other smokers. But an excise tax hike is a very effective policy with regard to teenagers because they are so sensitive to price. The current Federal excise tax of 24 cents on a pack of cigarettes is worth about half in real terms of the 8-cent tax in effect in 1951. A substantial real tax hike to curb youth smoking should move to the forefront of the antismoking campaign.●

TRIBUTE TO DAVID SUSSMAN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to David Sussman of Charlestown, NH, former professor at Holyoke Community College, for his outstanding service as a volunteer executive in Feodosia, Ukraine.

David worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization which sends retired Americans to assist businesses and private enterprises in the developing countries and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

David assisted the Feodosia Institute of Management and Business, a business college, in developing plans for exchange of faculty and students with U.S. Colleges and for joint research.

David, and his wife Claire, spent a month in the Ukraine. Their outstanding patriotic engagement provides active assistance for people in need and helps build strong ties of trust and respect between the Ukraine and America. David's mission aids at ending the cycle of dependency on foreign assistance.

I commend David for his dedicated service and I am proud to represent him in the U.S. Senate.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 105–10, 105–11, AND 105–12

Mr. LOTT. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 8, 1997, by the President of the United States: Extradition Treaty with Luxembourg (Treaty Document No. 105–10); Mutual Legal Assistance Treaty with Luxembourg (Treaty Document No. 105–11); and Mutual Legal Assistance Treaty with Poland (Treaty Document No. 105–12). I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg, signed at Washington on October 1, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries, and thereby make a significant contribution to international law enforcement efforts. It will supersede, with certain noted exceptions, the Extradition Treaty between the United States of America and the Grand Duchy of Luxembourg signed at Berlin on October 29, 1883, and the Supplementary Extradition Convention between the United States and Luxembourg signed at Luxembourg on April 24, 1935.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 8, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, signed at Washington on March 13, 1997, and a related exchange of notes. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in drug trafficking, terrorism, other violent crime, and money laundering, fiscal fraud, and other "white-collar" crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking testimony or statements of persons; providing documents, records, and articles of evidence; transferring persons in custody for testimony or other purposes; locating or identifying persons and items;

serving documents; executing requests for searches and seizures; immobilizing assets; assisting in proceedings related to forfeiture and restitution; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 8, 1997*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including "white-collar" crime and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 8, 1997*.

ORDERS FOR WEDNESDAY, JULY 9, 1997

Mr. LOTT. I ask unanimous consent, Mr. President, that when the Senate completes it business today it stand in adjournment until the hour of 9:15 a.m., Wednesday, July 9. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator MACK or his designee, 60 minutes from 9:15 a.m. to 10:15 a.m.; and Senator DASCHLE or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that at 11 a.m., the Senate resume consideration of S. 936, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, the Senate will be in a period for morning business until the hour of 11 a.m. in the morning. At 11 a.m., the Senate will resume consideration of this very important Defense authorization bill. Senators can expect a series of rollcall votes on pending amendments to the bill later in the day as we make progress on this important legislation.

We do have some Senators that are attending the Madrid meeting at this time in a very important role that they are fulfilling as NATO enlargement observers. They will be returning in the afternoon, and that is why we are trying to accommodate their schedules to make sure that they make these important votes. As always, Members will be notified accordingly when votes on amendments are ordered.

As a reminder to Senators, this evening a cloture motion was filed, and all first-degree amendments then must be filed by 1 p.m. on Wednesday. That is one of the benefits of the cloture motion. All first-degree amendments have to be filed on Wednesday, so we will have a real good look at what is pending out there.

As previously stated, it is the intention to complete action on the bill by week's end, so Members should expect long, busy days with a number of votes occurring throughout the week.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Wednesday, July 9, 1997, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 1997:

DEPARTMENT OF STATE

RICHARD DALE KAUZLARICH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LANCE W. LORD, 1026

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER G. THOMPSON, JR., 5744
MAJ. GEN. MICHAEL S. DAVISON, JR. 7141

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. WARREN C. EDWARDS, 4897

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 628, AND 531:

To be lieutenant colonel

DANIEL J. ADELSTEIN, 4228
J. REX. HASTEY, JR., 1675
*ALAN S. MCCOY, 6177

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE U.S. MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 4333:

To be lieutenant colonel

MAUREEN K. LEBOEUF, 0913

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203 AND 12211:

To be colonel

JAMES A. BARRINEAU, JR., 9171
EDMUND T. BACKETTE, 5971
RICHARD R. BUCHANAN, 2752
MIRIAM L. FIELDS, 5519
DONNIE F. GARRETT, 2430
NANCY K. GAVI, 4707
LLOYD M. LACOSTE, JR., 1362
ROBERT W. PEARSON, 6319
PAUL C. REDD, 4975
ALBERT C. REYNAUD, 3163
DANIEL S. ROBERTS, 8384
JAMES D. SIMPSON, 2746
DEBORAH C. WHEELING, 9217

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

ANTHONY J. ZELL, 0227

To be major

MARK G. GARCIA, 9324

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS, FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 5721:

To be lieutenant commander

LAYNE M.K. ARAKI, 7908
THOMAS P. BRASEK, 5299
MATTHEW G. CAMPBELL, 8731
WILLIAM R. CAMPBELL, 4130
MATTHEW J. COLBURN, 4749
ANTHONY C. CONANT, 5051
TIMOTHY W. CONWAY, IV, 1613
VICTOR V. COOPER, 1018
MICHAEL R. CURTIS, 7154
MICHAEL R. DARGEL, 7077
JEFFREY S. DAVIS, 5284
STEVEN M. DEWITT, 6152
KEVIN A. DOYLE, 7393
MICHAEL E. ELMSTROM, 4896
BRUCE C. FAUVER, 8755
DOUGLAS K. GLESSNER, 7900
RAYMOND D. GOYET, 1640
LOUIS J. GREGUS, JR., 6089
GLENN E. GROESCH, 9219

WALTER O. HARDIN, 2117
LESLIE H. HARRIS, 5758
HARRY D. HAWK, 9834
ALAN L. HERRMANN, 8175
JEFFREY D. HICKS, 0107
STEVEN A. HILL, 3387
TIMOTHY E. ISEMINGER, 4809
JAY A. KADOWAKI, 2910
HERBERT L. KENNEDY, 7338
TODD K. KNUTSON, 9251
RICHARD J. KOTTKE, 5714
CLIFFORD S. LANPHIER, 5621
JOHN E. LEFEBVRE, 5458
NATHAN H. MARTIN, 5351
MICHAEL G. MCCLOSKEY, 9283
WILLIAM P. MCKINLEY, 4016
THAD E. NISBITT, 1850
ALBERT D. PERPUSE, 1718
RODRICK B. PHILLIPS, 6742
JOHN W. PLOHETSKI, 9192
PAUL H. POWELL, 7500
BRADLEY W. ROBERSON, 1977
FRANCIS M. SIDES, 0416
PAUL S. SNODGRASS, 0168
DANIEL SPAGONE, 1311
BLAZE A. STANCAMPIANO, 7355
KIRK S. STORK, 5627
MATTHEW D. SWANHART, 3993
MICHAEL T. TALAGA, 8575
MICHAEL J. TESAR, 1347
JOHN D. THOMAS, 6371
RICHARD E. THOMAS, 8694
JOHN J. THOMPSON, 6609
JOHN E. TODD, 9221
JOHN N. TOLLIVER, 5114
JOHN T. WALTERS, 8910
ROBERT T. WINFIELD, 5013
JOHN E. WIX, 1033
CHARLES F. WRIGHTSON, 8426

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

JAMES M. ABATTI, 8359
KENNETH G. ABBOTT, 9397
WILLARD L. ABERNATHY, 4508
LAURIE A. ABNEY, 4421
TODD E. ACKERMAN, 9524
MARK R. ADAIR, 8627
CHRISTOPHER W. ADAM, 8155
ANTHONY J. ADAMO, 0538
CRAIG L. ADAMS, 2764
JEROME P. ADAMS, 9368
RONALD E. ADAMSON, 1480
LARRY D. ADKINS, 8112
RHONDA R. ADLER, 3743
KAREN L. AGRES, 8376
JENNIFER M. AGULTO, 9276
VAROZ JOSEPH J. AIGNER, 0785
QAIS M. AJALAT, 0022
PATRICIA L. AKEN, 6413
CHRISTOPHER D. ALEXANDER, 3775
TERRY D. ALEXANDER, 5692
GRAIG L. ALLEN, 9804
JAMES M. ALLEN, 2480
JAMES M. ALLEN, 3604
JEFFREY S. ALLEN, 2738
RICHARD G. ALLEN, 0108
ROBERT S. ALLEN, 2175
SUSAN S. ALLEN, 2561
DARRIN L. ALLGOOD, 9359
GREGORY S. ALLORI, 6137
JOEL O. ALMOSARA, 6561
JOHN S. ALTO, 0468
THOMAS L. ALTO, 6290
CHRISTOPHER ANASTASSATOS, 5363
DWIGHT E. ANDERSEN, 1813
BRADLEY E. ANDERSON, 4848
JAMES A. ANDERSON, 9936
JOHN H. ANDERSON III, 6320
RAE ANDERSON, 7290
ROSS R. ANDERSON, 9062
TRACY L. ANDERSON, 6278
ANTHONY C. ANDRE, 9642
ROGER L. ANGEL, 2004
THOMAS M. ANGELO, 0901
MARY J. ANTE, 2733
JOHN S.R. ANTTONEN, 2116
BRADLEY A. APOSTOLO, 2471
PAUL W. ARBIZZANI, 1719
PAUL A. ARCHULETTA, 0888
ELNORA ARMSTEAD, 7769
CRAIG L. ARNOLD, 7953
DALE R. ARNOLD, 9042
HARLON R. ARNOLD, 2780
MARK G. ARNOLD, 1084
NEIL P. ARNOLD, 0599
WILLIAM H. ARNOLD, 5508
MARK ARREDONDO, 2447
GERARDO E. ARTACHE, 0275
CHRISTOPHER K. ARZBERGER, 2397
CHRISTOPHER B. ASHBY, 9691
KAREN J. ASHLEY, 3580
THOMAS H. ATKINSON IV, 3272
JAMES C. AULT, 3029
MARK C. AUSTELL, 4933
DALE R. AUSTIN, 3747
MATTHEW C. AUSTIN, 4407
JULIO C. AYALA, 1630
MICHAEL J. BABYAK, 8610
GEOFFREY S. BACON, 7323
BERNADETTE B. BAEZ, 7767
VALORIE L. BAGGENSTOSS, 5178
DEREK C. BAILEY, 0948
JAMES LAWRENCE BAILEY, 9616
THOMAS E. BAILEY, 2060
MELVIN A. BAIRD, 0016
KENNETH L. BAKER, JR., 5748
WILLIAM E. BAKER III, 3307
PETER I. BAKO, 7740
CHRISTOPHER J. BALCIK, 5272
PAUL C.G. BALE, 7401
JORGE F. BALLESTER, 4659
SCOTT J. BALSITIS, 2787
FRANK L. BANKS, 4500
JAMES R. BARNES, JR., 3096
JOHN D. BARNETT, 9348
GREG A. BARNHART, 7147
JAMES W. BARROW, 5903
ALLEN J. BARTON, 4307
LORRAINE R. BARTON, 7183
GREGORY C. BARTOS, 9753
MICHAEL A. BASLOCK, 0221
ERIC R. BASS, 2273
LAURA A. BASS, 1359
MELISSA L. BATTEN, 5262
FRANK BATTISTELLI, 1024
BRIEN J. BAUDE, 3793
JEROLD J. BAUER, 9716
GUY C. BAUM, 9845
KRIS A. BAUMAN, 5101
COLIN K. BEAL, 7797
CHARLES E. BEAM, 7902
SHARON K. BEARD, 9263
THOMAS A. BEATIE, 5345
FRANK J. BEAUPRE, 4735
EUGENE V. BECKER, 2480
JOSEPH M. BECKER, 9397
DAVID A. BEEBE, 2434
CHARLES G. BEEM, 8909
JAMES BELL, 9400
JEFFREY S. BELL, 1953
ROSE M. BELL, 7681
LANE M. BENEFIELD, 9403
DAVID W. BENNETT, 8879
LAYNE D. BENNION, 0867
PAULA A. BENSONREYNOLDS, 5106
DAVID P. BENTLEY, 2923
HAROLD W. BENTON, 5135
CHRISTOPHER N. BERG, 9580
ROBERT J. BERGEVIN, 3802
JON M. BERGSTROM, 9505
BRIAN J. BERNING, 8274
ANDREW J. BERRY, 2479
YVONNE M. BESSELLIEU, 9822
DANIEL J. BESSMER, 7236
BRENT D. BIGGER, 6068
TIMOTHY J. BILTZ, 7193
DEANNA L. BINGHAM, 6952
RACHEL H. BINGUE, 0375
DAVID R. BIRCH, 6187
BRYAN P. BIRCHEM, 2084
DANIEL A. BIRKLE, 3311
LEONARD T. BISSON, 6408
JOHN E. BLACK, 5994
THOMAS C. BLACK, 2428
DAVID S. BLADES, 2918
DREW A. BLAHNICK, 0599
DANIEL E. BLAKE, JR., 5679
CHARLES I. BLANK, III, 4068
BRENDI B. BLANSETT, 7725
MICHAEL S. BLASS, 4301
DAVID P. BLAZEK, 1154
RICHARD T. BLECHER, 9764
YOLANDA D. BLEDSOE, 0093
JOHN E. BLEUEL, 9035
WILLIAM H. BLOOD, 9745
NICOLE E. BLOOMER, 3396
SHAWN P. BLOOMER, 8734
GARRATH K. BLUCKER, 0458
RODEL V. BOBADILLA, 1068
DAVID W. BOBB, 4361
MATTHEW J. BOBB, 9957
GREGORY D. BOBEL, 0244
FREDERICK H. BOEHM, 6042
KEVIN L. BOERMA, 5121
TIMOTHY A. BOESE, 4844
ELIZABETH S. BOGDAN, 8041
THOMAS K. BOGER, 0909
JERRY BOGERT, 7608
BRYAN L. BOGGS, 4227
BRIAN C. BOHANNON, 8866
JAMES I. BONG, 3700
MALCOLM A. BONNER, JR., 1819
JEFFREY P. BONS, 9830
DAVID J. BORBELY, 4386
DONALD E. BORCHERT, 2371
JAMES R. BORTREE, 7267
JAMES BOURASSA, 6269
MATTHEW A. BOURASSA, 7870
JESSE BOURQUE, JR., 3535
KELLY D. BOUZIGARD, 2351
ROBERT P. BOVENDER, 7830
MARK E. BOWEN, 2515
ANNETTE A. BOWER, 2390
KENNETH B. BOWLING, 9462
JAMES K. BOWMAN, 1061
JEFFREY L. BOZARTH, 0835
ANDREW R. BRABSON, 0757
SUE A. BRADBURY, 8213
DAVID A. BRADFIELD, 9807
REED E. BRADFORD, 7728
DANIEL J. BRADLEY, 4718
JEFF C. BRADLEY, 7466
JOHN W. BRADLEY III, 9747
OWEN L. BRADLEY, 3137
MICHAEL H. BRADY, 7205
BRYCE H. BRAKMAN, 1561
DEBORAH J. BRANCH, 0914
TIMOTHY S. BRANDON, 7517
MARK W. BRANTLEY, 9132
MIKE M. BRANTLEY, 9222
COLSON L. BRASCH, 8628
NORMITA C. BRAVO, 7788
LAMBERTO M. BRAZA, 6880
PETER G. BREED, 5757
SANDRA L.H. BRENNAN, 5502
ERIC J. BRESNAHAN, 9651
SAINO M. BREW, 0325
RICHARD L. BREWER, JR., 4824
FRANK L. BRICEL, JR., 9921
BRUCE A. BRIDEL, 1843
SCOTT C. BRIDGERS, 1989
PATRICIA ANN BRIDGES, 8271
JEFFREY W. BRIGHT, 3269
DANIEL A. BRINGHAM, 7012
JOHN U. BRINKMAN, 1438
GREGORY S. BRINSFIELD, 9490
ROBERT A. BRISSON, 3087
JEFFREY S. BRITTIG, 3803
PATRICK T. BRODERICK, 9827
PEYTON T. BRODERICK, 7978
JOHN B. BRODEUR, JR., 5415
LINDA S. BROECKL, 4889
JOSEPH R. BROOKE, JR., 0449
SHANE M. BROTHERTON, 3871
JOHN F. BROWER, 4393
MICHAEL E. BROWERS, 2607
ARTHUR S. BROWN, 7288
BRIAN A. BROWN, 8812
GERALD Q. BROWN, 7534
SCOTT T. BROWN, 3034
SUSAN BROWN, 2183
THOMAS S. BROWNING, 0069
WILLIAM D. BRUENING, JR., 3210
MICHAEL H. BRUMETT, 1878
BLAINE R. BRUNSON, 6755
ANTHONY P. BRUSCA, 8757
LAURA L. BRYAN, 0046
KURT N. BUCHANAN, 1808
ROBERT A. BUENTE, 7961
DAVID S. BUNZ, 6873
RICHARD W. BURBAGE, 1994
BENJAMIN W. BURFORD, 8684
DAVID A. BURGESS, 2873
ROBERT G. BURGESS, 1962
KIMBERLY A. BURKET, 9715
JEFFREY W. BURKETT, 0522
JAMES R. BURNETT, JR., 5283
DAVID R. BURNS, 5049
GEORGE E. BUSH III, 1140
WILLIAM E. BUSH, 3865
VICTORIA T. BUSKA, 5921
CHARLES E. BUTCHER, JR., 7340
DAVID S. BUZZARD, 7169
PAMELLA A. BYRD, 9498
DAVID M. CADE, 1058
STEVEN E. CAHANIN, 2920
DIANE L. CALIMLIM, 7159
DANIEL J. CALLAHAN, 3056
TODD W. CALLAHAN, 1812
SARAH G. CALLINAN, 1332
YOLANDA V. CALLOWAY, 7230
BRIAN S. CALLSEN, 3494
CAROLYN K. CALVIN, 6667
CHARLES H. CAMP III, 5332
ANTHONY H. CAMPANARO, 0034
CHARLES F. CAMPBELL, JR., 1086
SCOTT A. CAMPBELL, 9789
CHRISTOPHER S. CAMPLEJOHN, 9932
CHARLEY L. CAMPLEN, 0468
SHERRY M. CAMPTON, 5627
GLEN J. CANEEL, 6308
ANNE M. CANNON, 3902
SHELLY K. CANNON, 9672
REINALDO L. CANTON, 6334
JAMES M. CANTRELL, 5498
JEFFREY CANTRELL, 7506
BARRY H. CAPE, 1686
MARGARET M. CAREY, 9522
MARY T. CARLISLE, 0943
ERIK R. CARLSON, 5327
KAREN L. CARPENTER, 0818
RICHARD A. CARPENTER, 7495
STEVEN G. CARPENTER, 2173
KURT J. CARRAWAY, 7113
BLAKE M. CARROLL, 5787
JAY A. CARROLL, 3094
DAVID B. CARTER, 2722
TIM R. CARTER, 1506
STEVEN L. CASE, 5032
SHAWN C. CASEY, 2304
KURT D. CASH, 5907
VINCENT R. CASSARA, 5139
RONALD M. CASSIDY, JR., 4833
EUGENE L. CAUDILL, 1949
JAMES A. CAUGHIE, 8354
JOHN D. CAYE, 6013
PAULA C. CERVIA, 3105
BRIAN M. CHAMNESS, 4598
CHINRAN O. CHANG, 6585
CHARLES D. CHAPDELAINE, 5989

ALICE S. CHAPMAN, 7556
MICHAEL S. CHAPMAN, 9912
IAN V. CHASE, 2843
JOHN S. CHASE, 2483
DOUGLAS J. CHEEK, 9640
CLARENCE F. CHENAULT, 7456
MICHAEL J. CHESTER, 1956
STEVEN S.H. CHIN, 1686
SCOTT B. CHMIELARSKI, 2964
JULIE A. CHODACKI, 6234
STEPHEN S. CHOI, 2048
BOGDAN CHOMICKI, 4152
ANTHONY P. CHOSA, 4143
GWENDOLYN CHRISTIAN, 7630
TAMMY E. CHULICK, 3945
DAVID A. CHUNN, 5275
MARK E. CHURCH, 6346
RAYMOND E., CHUVALA, JR., 6847
ANTON W. CIHAK II, 1651
JEFFREY S. CLARK, 6852
MARK S. CLARK, 2023
TODD M. CLARK, 9674
HARRY B. CLARKE, 3402
GREGORY N. CLARY, 0068
JODI A. CLAYTON, 8538
SHERMAN M. CLAYTON, 4690
ARDYCE M. CLEMENTS, 5262
JEFFREY T. CLIMER, 7176
DEAN A. CLOTHIER, 3363
DEDEE L. CLOUD, 5122
KATHERINE E. CLOUSE, 5147
KEVIN J. CLOWARD, 5626
VINCENT A. COBB, 8459
LISA A. COBURN, 6549
CHRIS A. COCHRAN, 1477
JERRY D. COCHRAN, 9577
ELIZABETH J. CODDINGTON, 1712
WILLIAM J. CODY, 8324
CHAD D. COE, 7949
CHRISTOPHER A. COFFELT, 6828
DAVID COHEN, 2959
ALAN B. COKER, 2351
CHARLES L. COLE, 5843
MADELINE D. COLE, 1971
LESIA J. COLEMANLINZY, 0385
WENDELL L. COLLINS, 8759
BETH A. COMBS, 3189
ANITA M. COMPAGNONE, 5097
DAVID W. COMPTON, 5901
DOUGLAS A. CONDON, 4750
KELLIE M. CONDON, 2722
ANDREW F. CONLEY, 5424
DONALD M. CONLEY, 0771
RYLAN S. CONRAD, 5911
MELANIE J. CONSTANT, 2295
RICHARD S. CONTE, 4968
DANIEL J. CONWAY, 0472
JOSEPH E. COOGAN, 2573
PHILIP R. COOK, JR. 8463
DAVID L. COOL, 0421
WILLIAM T. COOLEY, 6085
ANTHONY O. COPELAND, 9402
MICHAEL A. COPLEY, 3232
STEPHEN A. COPPI, 5027
DONALD R. COPSEY, 3512
LONZIO D. CORMIER, 6333
CECILIA M. CORRADO, 8900
MICHAEL J. CORRICELLI, 7307
CHRISTOPHER T. CORTESE, 9173
ROGER L. COSIMI, 6259
JAMES A. COSTEY, 3765
SCOTT M. COSTIN, 9063
ROBERT H. COTHRON, LLL, 6191
CHARLES E. COULOURAS, 6940
ANNE M. COVERSTON, 8776
RIM A. COX, 6859
DARLENE M. COYNE, 0934
DARWIN L. CRAIG, 3503
TAL G. CRAIG, 2065
CHAD L. CRAWFORD, 5701
MICHAEL B. CRAWFORD, 8629
ROSE M. CRAYNE, 0846
JERROLD E. CREED, 0554
JAMES L. CREVER, 2015
JAMES A. CREWS, 9550
MICHELLE C. CRONE, 7351
KYLE E. CROOKS, 8981
BRADLEY E. CROSS, 4540
NEIL A. CROW, 8666
KIM M. CRUSE, 4744
BRYAN L. CRUTCHFIELD, 2869
CHEUNITA R. CRUZ, 5497
KANDIS L. CRUZ, 5767
KEVIN W. CULP, 7867
JULIA K. CUMMINGS, 6432
EDGAR M. CUNANAN, 5323
CHRISTOPHER C. CUNNINGHAM, 2831
KEITH A. CUNNINGHAM, 7674
MILLER CUNNINGHAM, JR., 2986
LEE J. CURTIN, 6964
JAMES G. CUSIC III, 4843
GEORGE, CYHANIUK, 3627
LLOYD W. DAGGETT, 7175
MARK E. DAHLEMELSAETHER, 9349
ROBERT A. DAHLKE, 9365
GLYNDA M. DALLAS, 3537
JAMES R. DALLY, 1217
COLLEEN O. DALY, 5248
MATTHEW R. DANA, 7092
RONALD K. DANCY, 9588
TROY T. DANIELS, 7054
VERNON CHARLES DANIELS II, 0241
KAREN Y. DAVENPORT, 5810
ELTON H. DAVIS, 4682
GARY A. DAVIS, 0206
KARYL J. DAVIS, 8581
JON K. DAWSON, 1981
LISA D. DAY, 1378
MARK O. DEBENPORT, 7221
JOHN K. DECAMP, 3248
ELIZABETH A. DECKER, 1133
BRENTLY G. DEEN, 0129
ANGELA DEESPREBULA, 1492
THOMAS E. DEETER, 9605
JOSEPH C. DEFENDERFER, 0561
DREXEL G. DEFORD, JR., 5433
MITCHELL T. DEGEYTER, 4255
JOSEPH L. DEGRANDE, 7387
CURTIS R. DEKEYREL, 9834
STEPHEN P. DEMIANCZYK, 3428
JEFFREY A. DENEUI, 0174
CHARLES P. DENISON, 8200
DAVID B. DENMAN, 8101
DANIEL C. DERBAWKA, 0560
THOMAS A. DERMODY, 8498
MARTHA R. DERR, 6697
JEAN A. DESMARAIS, 3527
TIMOTHY P. DEVINE, 9814
MARK D. DEVOE, 7252
ANDREW J. DEWALD, 5025
SCOT A. DEWERTH, 9687
DOUGLAS S. DICKERSON, 3126
TERRY O. DICKINSON, 0114
JAMES H. DIENST, 8215
JOHN R. DIERCKS, 4138
STEPHEN J. DIPPEL, 0031
TIMOTHY A. DIRKS, 4020
JOHN P. DITTER, 9606
TODD A. DIXON, 9802
STEPHEN J. DOBRONSKI, 3378
DEAN E. DOERING, 6562
WAYNE E. DOHERTY, 8872
CHRISTIAN H. DOLLWET, 8973
JOHN F. DONAHUE, 2189
REBECCA L. DONAHUE, 0251
STEPHEN K. DONALDSON, 6381
BETH DOPLER, 9749
MARK J. DORIA, 2348
JAMES L. DOROUGH JR., 9505
JEFFREY O. DORR, 3653
HAMILTON L. DORSEY, 5952
MICHAEL M. DOUGHTY, 3854
ROBERT E. DOWNES, 6503
RICHARD A. DOYLE, 9710
ERNEST S. DRAKE, 7956
SHELIA M. DRAKE, 0102
GARY T. DROUBAY, 0132
GLENN R. DUBOIS, 0229
MARCUS S. DUBOIS, 6317
ANGEL M. DUDINSKY, 5817
LAURIE W. DUFFROBERTSON, 5709
CHRISTOPHER G. DUFFY, 0530
PATRICK J. DULANEY, 2078
DARRELL C. DUNN, 4320
RONDA L. DUPUIS, 0331
GREGORY P. DURAND, 9885
PHILIP B. DURDEN, 6555
TIMOTHY L. DUREPO, 7984
RANDY Q. DURR, 6342
CHRISTOPHER G. DUSSEAULT, 9658
JOSEPH E. DUVAL, 1623
KENNETH H. DWELLE, 6179
CHRISTOPHER A. DYER, 7252
JEAN MARIE EAGLETON, 4151
LIONEL F. EARL, JR., 8289
MARK H. EASTERBROOK, 2850
DAVID P. EASTERLING, JR., 1936
PAUL B. EBERHART, 7516
ADRIANA EDEN, 6031
DAVID K. EDNEY, 7487
AMIR A. EDWARD, 3918
ROBERT R. EDWARDS, JR., 2523
TISH REMI EDWARDS, 3021
TRENT H. EDWARDS, 7352
CHARLES D. EICHER, 8638
DEONA J. EICKHOFF, 0599
MICHAEL D. ELIASON, 7051
DEAN L. ELLER, 3443
ERIC D. ELLIOTT, 4940
WENDY CARLEEN ELLIOTT, 8450
JEFFREY I. ELLIS, 3020
PRISCILLA Y. ELLIS, 8219
TODD C. ELLISON, 0193
KRISTINA R. ELSAESSER, 5809
CHRISTINE I. ELY, 1587
VIRA EM, 1405
TEDDI J. EMBREY, 4606
MICHAEL T. EMMERTH, 2547
GREGORY L. ENDRIS, 0215
DAVID W. ENFIELD, 3697
DOUGLAS H. ENGBERSON, 2625
RICHARD D. ENGLAND, 0448
JEFFREY A. ENGLERT, 3245
JOHN T. ENYEART, 4878
ROBERT L. EPPENS, 6030
BRIAN E. EPPLER, 9457
LARRY T. EPPLER, 1984
SCOTT A. ERICKSON, 7209
STEVEN E. ERICKSON, 1417
GREGORY W. ERVIN, 0247
BERTHA B. ESPINOSA, 2604
DOUGLAS B. EVANS, 1126
STEVEN M. EVERETT, 1377
SHELLEY M. EVERSOLE, 4974
TERRENCE L. EVERY, 4133
LINDA M. EWERS, 8436
BRIAN P. EYRE, 9733
GUS M. FADEL, 1134
SCOTT R. FARRAR, 1395
KURTIS W. FAUBION, 0753
DONALD L. FAUST, 8465
MICHAEL J. FEDOR, 1617
JOHN T. FERRY, 8152
BRUCE E. FEWKES, 6426
DIANNE L. FIEDLER, 3545
RAYMOND J. FIEDER, 8502
RAMONA L. FIELDS, 6528
GEORGE F. FINK, 3236
TIMOTHY M. FINNEGAN, 8524
FREDRIC S. FIREHAMMER, 7996
ED J. FISCHER, 3537
JEFFREY H. FISCHER, 5207
KEITH D. FISCHER, 5337
RONALD J. FISCHER, 7058
RONALD J. FISCHER, 8695
JAMES T. FISH, 0646
ERIC S. FISK, 5265
CHARLES D. FITZGERALD, 4467
MICHAEL T. FITZGERALD, 2475
TIMOTHY L. FITZGERALD, 5850
EDGAR L. FLERI, JR., 8869
BRIAN J. FLETCHER, 4608
LOUIS L. FLETCHER, 6050
TIMOTHY D. FLORA, 5813
RUSSELL C. FLOWERS, 1224
ROBERT L. FLOYD, IV, 3715
JETH A. FOGG, 9455
RICHARD W. FOGG, 4456
LOUIS J. FOLEY, JR., 6491
RICHARD L. FOLKS, II, 7542
RACHAEL FONTANILLA, 5996
JAMES M. FORAND, 4334
JEFFREY T. FOREHAND, 0211
WILLIAM A. FORKNER, 2402
JOHN RAY FORMAN, 5652
SCOTT W. FORN, 5707
AMY A. FORRESTER, 7539
RICHARD J. FORRISTALL, 0080
JOEL R. FORTENBERRY, 3562
MICHELLE P. FOSTER, 7762
SAMUEL L. FOSTER, 7929
JOAN Y. FOURNIER, 6459
CHARLES F. FOX, 1909
ROBERT A. FRANKL, 3562
GREGORY C. FRANKLIN, 0118
JEFFREY R. FRANKLIN, 8704
RICHARD M. FRANKLIN, 7072
LLOYD D. FRAZIER, 7302
ROBERT E. FREDRICKSON, JR., 5207
BRIAN E. FREDRIKSSON, 8581
RICHARD K. FREEMAN, 6579
GREGORY A. FRICK, 8168
DANIEL J. FRITZ, 4173
JOANN C. FRYE, 4555
SCOTT L. FUCHS, 1646
LISA A. FUENTES, 2753
GREG M. FUJIMOTO, 9103
CHRISTOPHER T. FULLER, 4666
STEPHEN T. FULLER, 0435
SUSAN H. FUNKE, 9881
VERNE S. FUTAGAWA, 7964
CRAIG S. GADDIS, 7195
RICHARD E. GADDIS, 5095
SEAN T. GALLAGHER, 8581
LUIS S. GALLEGOS, 8336
JOSEPH M. GAMBRELL, 5998
JOAN H. GARBUTT, 0957
LISA A. GARCCI, 0252
MICHAEL A. GARCIA, 9966
STEVE E. GARCIA, 3064
STEVEN J. GARCIA, 8601
DAVID P. GARFIELD, 9209
ROBERT A. GARLAND, JR., 8403
ERIC S. GARTNER, 5617
TERRY J. GASPER, 4716
GEORGE H. GATES, JR., 7126
MARK A. GAUBERT, 1182
MARK K. GAUGLER, 7787
CHRISTOPHER D. GAWLIK, 9563
JOHN K. GAY, 1642
PAUL L. GAYLORD, 6729
GORDON M. GEISSLER, 4979
CHERYL A. GENTILE, 1784
TODD W. GENTRY, 3791
JAMES W. GEORGE, 0934
MICHAEL D. GERAGOSIAN, 3402
GREGORY R. GIBSON, 3084
PEGGY R. GIBSON, 1939
DANIEL E. GIFFORD, 9773
PAUL G. GIFFORD, 3044
CAMERON L. GILBERT, 4141
JOHN D. GILBERT, 0559
MICHAEL E. GILBERT, 9397
RONALD P. GILBERT, 8805
PAUL A. GILL, 4327
TIMOTHY H. GILL, 9659
ROBERT W. GILMORE, 2480
NATALIE Y. GISCOMBE, 4481
DAVID S. GLICK, 7973
THOMAS E. GLOCKZIN, 6705
MARK I. GLYNN, 9405
JEFFREY S. GODDARD, 9190
DAVID E. GOEBEL, 4163
REGINA T. GOFF, 3314
ALANA C. GOGAN, 7896
JAMES D. GOLDEN, 0614

FRANK C. GOLICH, 4823
MANUEL R. GOMEZ, JR., 5270
BRUCE E. GOOCH, 3424
JULIA R. GOODE, 6123
GERALD V. GOODFELLOW, 9507
LAURA J. GOODRICH, 7450
BETH A. GOODWILL, 3418
DAVID S. GOOSMAN, 0477
WILLIAM R. GORDON, 3874
TODD W. GORRELL, 6852
JOHN G. GORSE, 0897
PENELOPE F. GORSUCH, 9895
LISA M. GOSSETT, 0636
DEAN E. GOULD, 6982
GORDON D. GOULD, 3616
WINSTON A. GOULD, 3633
CLAYTON M. GOYA, 0336
CARMEN S. GOYETTE, 5152
STEPHEN W. GRADY, 7180
MARK A. GRAF, 9814
DAVID B. GRAFF, 0842
TERRY W. GRAGG, 6936
GREGG A. GRAHAM, 8675
JOHN G. GRAHAM, 4810
LYNN M. GRANDGENETT, 7756
ALESIA D. GRANT, 1891
GILLIAN J. GRANT, 0124
JOHN A. GRAVES, 7330
TODD V. GRAVES, 3257
DEBORAH L. GRAY, 2129
BRENT A. GREEN, 1650
KENNETH M. GREENSTREET, 0922
CHERYL J. GREENTREE, 7818
STEPHEN E. GREENTREE, 7749
BRIAN L. GREENWOOD, 1227
DANIEL W. GREGG, 4733
ROBERT A. GREGORIUS, 5880
PAULA D. GREGORY, 4493
DALE G. GREY, 6183
THOMAS H. GRIEP, 4381
CEABERT J. GRIFFITH, 0157
DANIEL T. GRILLONE, 3215
PATRICK J. GRIMM, 8125
RITCHIE D. GRISSETT, 6587
JAMES M. GROGAN, 2910
DANIEL J. GRONER, 9595
JOSEPH E. GROSS III, 1272
MARIA G. GUEVARA, 7492
JOSE E. GUILLEN, JR., 6663
JEAN M. GUMPPER, 6122
DARIN J. GUNNINK, 7128
KIRSTEN A. GURLEY, 6040
DARREK L. GUSTER, 7260
MARCEL L. GUSTIN, 5358
GARY S. HAAG, 8506
MARK W. HABERICHTER, 5088
CHRISTOPHER K. HADDOCK, 6162
MARK J. HAGEN, 7501
ROBERT J. HAHN, 9720
CARLOS HALCOMB, 9764
RODERICK A. HALEY, 1172
DOUGLAS C. HALL, 9478
JASON T. HALL, 9215
JOHN E. HALL, 1820
PETER R. HALL, 2354
MICHAEL J. HALLORAN, 0560
EDWARD G. HAMILL, 3325
KENNETH R. HAMM, 6980
KEVIN D. HAMPSHIRE, 7762
DAVID M. HANF, 0305
MARK E. HANLEY, 9497
SCOTT M. HANNAN, 2734
ERIK W. HANSEN, 0254
DAVID K. HAPNER, 5025
SAMUEL M. HARBIN, 8289
ROBERT A. HARDIN, 5721
MICHAEL S. HARDMAN, 0684
MICHAEL R. HARGIS, 8731
ROSANNE T. HARGROVE, 5630
BERNADETTE A. HARLOW, 9128
DAMAN B. HARP, 1393
TIMBERLYN M. HARRINGTON, 3941
BRYAN L. HARRIS, 8257
ERNEST S. HARRIS III, 8281
HUGH A. HARRIS, 6461
MCKINLEY HARRIS III, 0903
PAUL H. HARRIS, 9511
RONYA A. HARRIS, 8657
TAL H. HARRIS, 2620
MARK E. HARRISON, 3418
ROBERT L. HARSHAW, 9027
STACI E. HATCH, 4307
RYAN E. HATTEN, 2489
DOUGLAS A. HAUTH, 2794
GARY F. HAWTHORNE, 8757
RODNEY C. HAYDEN, 4025
STEVEN H. HAYES, 2454
THERESA L. HAYGOOD, 8137
DANIEL R. HAYNES, 6927
MARGARET F. HAYNES, 8547
NEIL M. HEAD, 2600
JOHN P. HEALY, 5292
MICHAEL D. HEARD, 7301
MATTHEW M. HEATON, 2822
EDITHA P. HEBERLEIN, 2372
SCOTT T. HEBRINK, 5523
ROBERT S. HEDDEN, 8580
JANE E. HEETDERKSCOX, 2214
DAVID M. HEFNER, 2705
JOEL R. HEFT, 0028
ERIK W. HEFTYE, 3749
JON P. HEILEMAN, 1855
DAVID P. HEIN, 0919
DENIS A. HEINZ, 7301
JULIE M. HEISE, 7636
JOHN R. HEISLER, 4544
BETH M. HELMS, 5097
MICHAEL W. HELVEY, 5400
SAMANTHA A. HELWIG, 6588
WENDY C. HEPT, 6531
JEFFREY R. HERBERT, 2098
DAVID M. HEROUX, 6264
MARTIN R. HERTZ, 7066
MICHAEL H. HEUER, 6788
ANDREAS C. HEY, 8882
DOUGLAS E. HIESTAND, 2574
TODD S. HIGGS, 3322
ROBERT W. HIGHLEY, 5131
CLARK A. HIGHSTRETE, 3991
ROBERT J. HILDEBRAND, 2812
KENNETH A. HILL, 2936
MARK B. HILL, 7880
MICHAEL S. HILL, 2892
ROBERT J. HILL, JR., 5607
JOHN J. HILLSMAN III, 5883
SCOTT T. HILLSTEAD, 3928
RAYMOND R. HINDMAN, 7722
DARREL T. HINES, 2524
MICHAEL W. HINZ, 7343
RICHARD M. HIRSCH, 6325
DAVID M. HITTE, 9299
DAVID J. HLUSKA, 9957
BYRON J.M. HO, 4719
DOUGLAS C. HODGE, 3636
CARL E. HODGES, 7992
MARILYN E. HODGES, 4508
PAUL J. HOERNER, 9685
CHARLES E. HOGAN II, 0328
JEFFREY S. HOGAN, 7998
MARK L. HOLBROOK, 4519
PAMELA L. HOLIFIELD, 1433
DEBORAH A. HOLINGER, 7423
MICHAEL W. HOLL, 4502
MICHAEL L.A. HOLLAND, 6758
STEVEN W. HOLLIS, 8026
MATTHEW H. HOLM, 1552
DANIEL T. HOLT, 4346
MICHAEL A. HOMSY, 1898
THOMAS M. HOMZA, 2877
DAVID E. HOOK, 5666
TROY E. HOOK, 1852
MICHAEL D. HOPPNER, 7511
ERIC S. HORNBOSTEL, 2515
DAVID J. HORNYAK, 7661
FRANK H. HORTON, 4269
WALTER G. HORTON, 0378
WRAY R. HOSKAMER, 1964
DARREN L. HOSKINS, 9431
CHARLES W. HOULDING, 3078
ROBERT C. HOUSE, JR., 9833
TIMOTHY M. HOUSE, 4206
PAUL L. HOWE, 4082
PAUL E. HOWELL, 0076
PAUL B. HROMANIK, 6663
ANN S. HRYSHKOMULLEN, 9254
JEFFEREY B. HUBBELL, 7134
BERT L. HUBERT, 9964
ROBERT V. HUCKLEBERRY, 3390
JAMES B. HUDGENS, 4608
BILLY W. HUDSON, JR., 0698
STEPHEN C. HUEHOLT, 2547
HEIDI E. HUENIKEN, 4447
ALICIA L. HUGHES, 8000
RODNEY R. HULLINGER, 5453
SCOTT W. HUMMEL, 7287
JAMES D. HUNSICKER, 9101
PETER A. HUNSUCK, 7826
THOMAS M. HUNTER, 7474
KYLE N. HUSE, 9019
DIANE T. HUSTON, 1246
THOMAS H. HUZZARD, 3264
RAYMOND L. HYLAND, JR., 2048
APRIL L. IACOPELLI, 2249
RICHARD D. IANNACCHIONE, 3510
JON E. INCERPI, 3440
ROBERT L. INGEGNERI, 1858
MARK S. INGLES, 5188
ROBERT E. INTRONE, 1656
JOEL D. IRVIN, 0983
JAMES M. ISBEL, JR., 7718
PAUL H. ISSLER, 2007
HARRY W. JACKSON, 7716
ROBERT S. JACKSON, JR., 1901
THOMAS N. JACOB, 3885
JEFFERY L. JACOBS, 6932
GLEN C. JAFFRAY, 4337
ALAN D. JAGOLINZER, 9088
EDWARD M. JAKES, 4948
SERGEJ JAKOVENKO, JR., 6261
DANA J. JAMES, 7086
KRISTIN K. JAMES 3194
CONNIE M. JAMISON, 9456
CHRISTOPHER S. JARKO, 2489
LISA R. JASIN, 8231
CRAIG A. JASPER, 5590
STEVEN P. JATHO, 9790
BRIAN K. JEFFERSON, 7156
THOMAS B. JEFFREY, 1413
DAVID L. JENNINGS, 9633
TODD C. JOACHIM, 4156
PATRICK E. JOCHEM, 8012
TAY W. JOHANNES, 8455
CONNIE J. JOHNMEYER, 0077
DAVID W. JOHNSON, 8553
JAY S. JOHNSON, 9072
JOSHUA B. JOHNSON, 1556
KENNETH F. JOHNSON, 1803
KENT O. JOHNSON, 3878
NATHAN H. JOHNSON, 8219
PAUL L. JOHNSON, 4274
WILLIAM B. JOHNSON, 5027
WILLIAM H. JOHNSON III, 6364
DREW Y., JOHNSTON, JR., 3922
KENNETH T. JOLIVET, 4933
LANCE A. JOLLY, 3652
ROBERT D. JOLOWSKI, 6517
DIANE M. JONES, 4937
JAMES E. JONES, 4471
JAMES R. JONES, JR., 0705
ROBERT W. JONES, JR., 6097
CURTIS M. JORDAN, 5995
FLOYD A. JORDAN, 5187
JAMES A. JOYCE, 5109
KENNETH M. JOYNER, 4989
ANDREAS JUCKER, 3572
DAVID J. JULAZADEH, 5732
MARGARET H. JUREK, 7409
HENRY C. KAPPES, JR., 3175
SHOMELA R. KARIM, 1312
TIMOTHY J. KARMONDY, 0995
BONNY S. KARR, 1597
AMBER R. KASBEER, 6011
DONALD G. KATHAN, 7401
JEFFREY S. KECKLEY, 7606
PATRICIA C. KEENAN, 8381
ROBERT B. KEENEY, JR., 1081
SANDY J. KEITH, 7820
EDNA V. KELLEY, 9438
JOHN L. KELLEY, 2147
RICHARD E. KELLEY, 2649
WAYNE N. KELM, 0188
DOUGLAS K. KELSCH, 1123
VERONICA N. KEMENY, 4965
DOUGLAS B. KENNEDY, 6452
KRISTI A. KENNEDY, 4472
JACQUELYN E. KERR, 5531
ALINA KHALIFE, 8074
EDWARD J. KHIM, 6182
KATHLEEN H. KIDD, 1702
JAMES G. KIMBROUGH, 3167
MIKE D. KINCAID, 6850
MICHAEL T. KINDT, 5220
BRIAN E. KING, 0597
SONYA N. KING, 2526
WAYNE F. KING, 7448
ROBERT G. KINSFATHER, 5881
CECILIA M. KIPP, 0459
DONALD C. KIRK, 4082
VINCENT L. KIRKNER, 2297
PRESTON D. KISE, 3388
MIKLOS C. KISS, JR., 0665
MONICA Y. KLATT, 2219
WENDY E. KLEIN, 2877
JAMES F. KLINGMEYER, 6301
STEVE M. KLUMP, 8728
LISA K. KNIERIEM, 7420
WILLIAM M. KNIGHT, 8039
KEVIN J. KNISKERN, 2874
DANIEL P. KNUTSON, 2185
CYNTHIA A. KOCH, 9180
THEODORE S. KOCH, 9304
SCOTT A. KOEHLER, 8217
STEPHEN R. KOENIG, 6944
TERESA M. KOHLBECK, 8218
MICHAEL L. KONING, 0944
BRIAN T. KOONCE, 5731
STEPHEN O. KORNITZER, 3691
BENJAMIN F. KOUDELKA, JR., 1348
JOSEPH V. KRAFT, 2597
ROBET L. KRAJECK, JR., 2143
GLENN M. KRAMER, 8438
ANNA MARTINEZ, KRAMM, 2975
GEOFFREY D. KRASSY, 6843
JEFFREY J. KRIENKE, 7178
STEVEN E. KRIESE, 4626
JAMES P.E. KULKA, 7358
CHAD S. KUNTZLEMAN, 5408
KRISTINE T. KUSEKVELLANI, 0119
MAUREEN A. KUSKE, 3271
ANDREW C. KUTH, 9516
GLENN A. KYLER, 1152
EDWARD A. LAFERTY, 6105
DAVID P. LAKE, 2312
JAMES A. LAMB, 1076
CHRISTOPHER S. LAMBERT, 9578
JEFFREY A. LAMBERT, 5828
STEPHEN B. LAMBERT, 1402
KEVIN S. LANE, 9863
LARRY H. LANG, 9985
LEIANN M. LANG, 8554
MARK A. LANGE, 3680
TODD A. LANGENFELD, 8446
DOUGLAS N. LARSON, 9081
JEFFREY E. LARSON, 1307
STEVEN M. LARSON, 6313
CYNTHIA C. LATKE, 3965
MICHELLE D. LAVEY, 5925
BRETT E. LAWLESS, 4388
JAMES F. LAWRENCE, 7492
TIMOTHY R. LAWRENCE, 1603
ROGER A. LAWSON, 5256
THERESA A. LAWSON, 7220
ROBERT F. LAWYER, 0451
THOMAS R. LAYNE, 5508
CHRISTOPHER A. LEACH, 6740
BRIAN K. LEATHERWOOD, 8609

JAMES E. LEBER, 6485
STUART C. LEDET, 2596
JAMES D. LEDNUM, 9441
GENE C. LEE, 9415
HYON E. LEE, 8591
KURT R. LEE, 5448
RUSSELL E. LEE, 2060
WENDY J. LEE, 9720
WILLIAM M. LEE, 6928
LORI LEEDOWDY, 5238
CHRISTINE M. LEISTER, 6444
TINA M. LEMKE, 9148
BERNARDO LEONARDO, JR., 1698
GARY N. LEONG, 6309
EDWARD G. LESZYNSKI, 8460
DAVID S. LEVENSON, 3798
LISA E. LEWIS, 4767
ROBERT W. LEWIS, 9489
LENORA C. LEYENDECKER, 4687
DAWN LIGHT, 9843
ANITA L. LIGHTFOOT, 9695
SAMUEL LIGHTFOOT, JR., 5428
RONADL L. LIMES, JR., 1784
CHRISTOPHER J. LINDELL, 0681
DALE M. LINDEMANN, 8353
JOE L. LINDSEY, 3988
BRUCE A. LING, 5329
MARY P. LINN, 8982
DAVID S. LINTON, 2651
PETER R. LITTLE, 9740
MARGARET E. LITTLEFIELD, 3753
ERVIN LOCKLEAR, 9540
STEPHEN A. LOGAN, 6077
LESLY LOISEAU, 6813
DAVID N. LOMBARD, 0299
TAMARA N. LOMBARD, 5227
FREDERICK A. LOMBARDI, 9928
JOHN J. LOMICK, 1799
GREGORY A. LONG, 2598
JOHN H. LONG, 0643
MARY L. LONIGRO, 4873
MARC A. LOPEZ, 9849
MARIA J. LOPEZ, 7871
JENNEY L. LORD, 8185
RONYA M. LOTTHENDERSON, 2382
JOHN H. LOVEALL, 2156
LAURIE DENE LOVARK, 6038
JOHN G. LOWE, 9877
ROBERT R. LOY, 4073
ROY E. LOZANO, JR., 5015
KEITH A. LUDWIG, 1642
TIMOTHY T. LUNDERMAN, 7132
DAVID A. LUNGER, 8144
GARRY W. LUNSFORD, 6743
JAMIE A. LUTES, 0949
DAVID L. LYLE, 4129
DESIREE L. LYLES 9756
SHANNON D. LYNCH, 8948
WANDA V. LYNCH, 5871
CHERYL A. LYON, 7999
TIMOTHY S. LYON, 0198
JAMES D. LYONFIELDS, 9329
RICHARD N. MACCONNEL, 5642
KENNETH A. MACDONALD, 7528
ROBERT C. MACKELPRANG, 4090
WILLIAM D. MAGEE, 6725
CHERYL L. MAGNUSON, 3781
RICHARD W. MAHARREY, 3985
DAVID A. MAHER, 6766
BRIAN J. MAHONEY, 7425
CAROL C. MALEBRANCHE, 9751
PHILIPPE R. MALEBRANCHE, 2820
DAVID T. MALLARNEE, 3929
ROBERT A. MALLETS, 1021
FRANCIS X. MALLOY, 2727
CHARLES J. MALONE, 3492
RUSSELL W. MAMMOSER, 5610
PAUL R. MANCINI, 1021
BERNARD W. MANLEY, 0730
ROBERT J. MANSFIELD, 0954
CHAD T. MANSKE, 0037
KARL W. MARIOTTI, 7779
TODD M. MARKWALD, 3424
THOMAS H. MARLIN, 7009
KEITH E. MARLOW, 9982
BARBARA C. MARTIN, 3417
LISA A. MARTIN, 2027
STEVE A. MARTIN, 11074
WAYNE R. MARTIN, 0652
MICHELLE D. MARTINEAU, 4068
GLENN E. MARTINEZ, 7365
PETER H. MASON, 8263
ANTHONY J. MASSA, 4437
MICHAEL L. MASTERS, 3202
MICHAEL T. MATHEIS, 3832
JOSEPH P. MATHIS, 9594
ESTER L. MATINA, 7222
FREDDY A. MATOS, 3826
GREGG T. MATSUMOTO, 2378
JAMES B. MATTILA, 3633
SUZANNE M. MATTIODA, 6919
LESLIE A. MAUNEY, 7611
ERIC R. MAURER, 8864
GARY A. MAUSS, 6264
RICHARD D. MAXHIMER, 2037
ROBERT E. MAYFIELD, 2931
PAMELA D. MCALLISTER, 7883
WILLIAM J. MCALLISTER, 1359
JEANINE M. MCANANEY, 0352
HOWARD G. MCARTHUR, 4746
WILLIAM T. MCBROOM III, 3870
RICHARD T. MCCAFFERTY, 6172
REBECCA A. MCCAIN, 2974
SAMUEL P. MCCARTHY, 0737
STEPHEN S. MCCARTY, 4540
TERRY W. MCCLAIN, 2781
CHARLES J. MCCLOUD, JR., 1485
CARLA J. MCCLURE, 3706
BARBARA A. MCCLURKIN, 8373
ROBERT G. MCCORMACK, 7100
MICHAEL R. MCCOY, 6181
ROBERT P. MCCRADY, 4420
ILYO L. MCCRAY, 7915
JAMES B. MCDONALD, 1028
MICHAEL E. MCDONALD, 1003
REGINALD A. MCDONALD, 5860
GEORGE M. MCDOWELL, 5540
JAMES C. MCEACHEN, 8280
JOHN P. MCELDOWNEY, 7105
JAMES J. MCELHENNEY, 0151
DARYL C. MCELWAIN, 4446
MARK A. MCGEORGE, 6066
MILDRED MCGILLVRAY, 0735
GERALD T. MCGINTY, 5364
ANTHONY K. MCGRAW, 7821
STEPHEN I. MCINTYRE, 2258
PAUL M. MCKENNA, 2012
FREDERICK J. MCKEOWN, 2559
MICHAEL J. MCKINNEY, 5062
ROSLYN E. MCKINNEY, 2037
TIMOTHY J. MCLAIN, 7906
BRIAN P. MCLAUGHLIN, 2032
GAYLA MCLAUGHLIN, 3116
JESSE O. MCLAUGHLIN, 8722
JAMES C. MCMAHON, JR., 4031
KEVIN A. MCMANUS, 0165
DAVID M. MCMURRIN, 7632
JAMES H. MCNAIR, 3640
FRANK R. MCNAMARA, 3079
ANTOINETTE M. MCNEARY, 4833
JOHN S. MCSPADDEN, 6925
ELLEN R. MEANS, 8854
VICKY R. MEDLEY, 5698
KURT W. MEIDEL, 3716
BRIAN B. MEIER, 0853
MARY K. MEJASICH, 4054
DOUGLAS L.P. MELEGA, 1373
LIBERTAD MELENDEZ, 7092
RUSSELL C. MELVIN, 6117
THOMAS S. MENEFEE, 5243
CHARLES E. METROLIS, JR., 4988
FREDERICK G. MEYER, 9233
GREGORY S. MEYER, 5279
MICHAEL C. MEYER, 4205
THOMAS E. MEYER, 8503
MARK W. MICHAEL, 2531
ERIN A. MIDDLETON, 6538
MARK A. MIENTEK, 7394
CHARLES T. MILLER, 7987
JAMES E. MILLER, 1819
JEFFREY S. MILLER, 8163
KEVIN W. MILLER, 4352
RAYMOND S. MILLER, 5641
RODNEY L. MILLER, 1041
SCOTT S. MILLER, 8534
STEVEN P. MILLER, 7033
THOMAS E. MILLER, 3771
DANIEL R. MILLMAN, 9050
GREGORY A. MILLS, 0398
MARILYNDA D. MILTEER, 9026
MICHAEL A. MINIHAN, 3251
CHERYL D. MINTO, 6052
JOSEPH B. MIRROW, 1953
JOSEPH M. MISSEL, 2922
JEFFREY S. MITCHELL, 8242
MICHAEL F. MITCHELL, 8666
JOSEPH B. MIZZELL, 1469
JOHN H. MODINGER, 9064
DEREK MOFFA, 3031
CHARLES W. MOINETTE, 4576
HERBERT S. MOLLER, 0310
DONALD T. MOLNAR, 2991
SOTIRIOS S. MOLOS, 1337
RICHARD P. MONAHAN, 1770
ANDREA MOORE, 5763
BOBBIE A. MOORE, 6701
CATHERINE M. MOORE, 1544
DORIS A. MOORE, 6215
KIMBERLY ANNCISNEROS MOORE, 8335
WILLIAM H. MOORE, 2399
ALBERT S. MORENO, 0603
GREY L. MORGAN, 3182
JOY L. MORIBE, 7843
MICHAEL A. MORREALE, 8956
SCOTT A. MORRIS, 9541
SUSAN D. MORRIS, 3101
WILLIAM L. MORRIS, 5754
PATRICE H. MORRISON, 9036
YANCY A. MOSLEY, 2556
GREGORY D. MOSS, 2310
TODD C. MOTTL, 5681
MICHAEL A. MRAS, 2758
LESLIE L. MUHLHAUSER, 2751
JOSEPH E. MULLEN, JR., 3469
MARY N. MULLER, 0935
JAMES P. MULLINS, 2550
DEBORAH A. MUNLEY, 3441
EVELYN MUNOZ, 6122
JENNIFER J. MURPHY, 3417
KAREN L. MURPHY, 4119
RODERICK T. MURPHY, 3075
WENDY L. MURRAY, 8667
MYLES M. NAKAMURA, 1416
JOSEPH J. NARRIGAN, 5907
DANIEL S. NASH, 4820
TRACY A. NEALWALDEN, 4563
LORA F. NEELY, 7220
MARY C. NEFF, 0260
ROBERT E. NEHER, JR., 0083
TIMOTHY A. NELL, 9101
BRENDA R. NELSON, 6807
CATHERINE M. NELSON, 5977
MELANIE J. NELSON, 9578
REBECCA A. NELSON, 4549
DOUGLAS W. NEMSCHICK, JR., 9561
ROBER L. NEUMANN, 4729
STEVEN T. NEUSER, 3406
MICHAEL EUGENE NEWMAN, 3361
CHRISTINE L. NG, 8228
CLIFTON E. NICHOLS, 1038
JAMES R. NICHOLS, 9356
JOSEPH K. NICHOLSON, 5002
SCOTT P. NICKERSON, 8846
ERIC B. NICKISH, 5242
CHRISTOPHER T. NICKLAS, 0316
DANA S. NIELSEN, 9631
TERANCE L. NIVER, 5400
LAWRENCE A. NIXON, 2961
BRIAN P. NOEL, 1744
VAHAN NOKHOUDIAN, 0152
STEVEN P. NOLL, 4025
DANIEL R. NORDSTROM, 0157
DALE W. NORRIS, 7635
ROBERT M. NORRIS, 3174
JAMES D. NORTON, 4229
KEVIN D. NOWAK, 4367
JOHN S. O'BRIEN, 0210
KRISTINA M. O'BRIEN, 9662
BARBARA S. OCHSNER, 9701
JODY L. OCKER, 2314
KEVIN S. O'CONNELL, 4336
TIMOTHY J. O'CONNOR, 5633
GARY L. O'DANIEL, 8740
CLIFFORD W. O'DELL, 4412
PATRICIA A. O'DONNELL, 2488
VIRGINIA A. O'DONNELL, 4754
EDWIN J. OFFUTT, 8890
ANGELA MARIE OGAWA, 8122
TERENCE J. O'GRADY, 6260
TIMOTHY F. OLDENBURG, 4990
KEVIN C. OLESEN, 8736
RICHARD L. OLIVER II, 1680
ELEANOR C. OLIVERIO, 4440
FORREST O. OLSON, 0216
AUDREY R. OMER, 9711
ANDREW D. O'NEEL, 5683
BRADLEY A. O'NEIL, 8543
RICHARD J. ONKEN, 7722
JILL J. OREAR, 5523
JENNIFER J. ORR, 7331
DAVID L. ORTOLANI, 5157
KEVIN A. OSBURN, 6543
KARL E. OTT, 7375
JANICE E. OWINGS, 1268
ALFRED J. OZANIAN, 9755
MICHAEL A. OZMENT, 5205
CLIFFORD D. OZMUN, 1019
JOSEPH P. PACE, 3644
DANIEL A. PACHECO, 9034
GREGORY S. PACHMAN, 0926
REGINA R. PADEN, 0730
TIMOTHY I. PAGE, 1799
JAMES P. PALMISANO, 7382
ANDREW J. PALOMBELLA, 3547
DANNY E. PALUBECKIS, 1103
THOMAS E. PARENT, 2453
DAVID D. PARK, 4587
ELIZABETH A. PARK, 6391
GREGORY H. PARKER, 0782
JEANNINE M. PARKER, 5286
JEFFREY R. PARKER, 9348
MARDIS W. PARKER, 7674
RICHARD L. PARKS, 9274
JAMES C. PARTIN, 4902
KENNETH J. PASCOE, 8165
DUSHYANTKUMAR A. PATEL, 9003
KALPESH B. PATEL, 1629
BRADLEY C. PATON, 5743
DAVID A. PATTON, 1524
BRETT A. PAUER, 3909
TODD M. PAVICH, 9290
GREGORY J. PAYNE, 7905
KATHY J. PAYNE, 2764
MARGARET M. PAYTON, 8568
JAMES L. PEASE, 6096
JAMES D. PECCIA III, 9009
JOSEPH E. PEDONE, JR., 5257
ERIC R. PELTIER, 6018
DWAYNE R. PEOPLES, 7320
DANIEL A. PEPPER, 5528
GARY L. PERCIVAL, 4953
KEVIN E. PERDUE, 0697
SEAN W. PERKINS, 6001
SUSAN M. PERRY, 5123
THEODORE O. PERSINGER, 1274
BRADLEY T. PETERS, 5806
RONALD F. PETERS, 3297
KEVIN S. PETERSON, 8115
SAMUEL B. PETTERS, 0333
PAUL E. PFANKUCH, 8504
LINDA G. PHELPS, 3373
KIRK A. PHILLIPS, 3454
MICHAEL A. PHILLIPS, 2530
JOSEPH F. PIASECKI, 3362
CHARLES PICONE, 4412
ERIC A. PIEL, 3517

PAUL S. PIRKLE III, 5452
MICHAEL E. PLATTEEL, 7214
PAUL R. PLEMEL, 9936
SCOTT L. PLEUS, 0750
STEPHEN D. POINTON, 1309
WILLIAM E. POLAKOWSKI, 0884
JOHN F. POLANDER, 4001
ROBERT W. POLICANO, 2248
MICHAEL J. POLLEY, 4955
THOMAS POLLIO, 3269
EDWARD J. POLLOCK, 4195
MICHAEL D. PORT, 7111
JAMES C. PORTER, 5067
SHEILA J. POWELKA, 1437
JAMES R. POWELL, 3224
JOHN W. POWERS III, 2471
WILLIAM M. PRAMENKO, 1730
TYE E. PRATER, 3077
JOHN R. PRATT, 8618
RONALD D. PRICE II, 0823
MARIA M. PRIEST, 5081
KELLY J. PRIMUS, 2930
MELANIE A. PRINCE, 5207
RICHARD D. PROCTOR, 0284
JOHN J. PROSCENO, JR., 4114
GREGORY T. PUCH, 0029
RAYMOND K. PURVIS, 7240
GLENN C. QUANBECK, 4726
THOMAS J. QUICK, 4903
CHARLES D. QUINN, 2943
PAUL R. QUIRION, 5311
ROBERT A. QUIRK, 2725
WILLIAM M. RADER III, 7603
STEVEN P. RAGGE, 0495
KENNETH C. RAGSDALE, 0200
CARL W. RAHN, 0519
CURTIS K. RAHN, 7361
TODD G. RAIRDAN, 9069
ANTHONY R. RAMAGE, 5919
MURIEL RAMIREZSALAS, 2153
STEVEN T. RAMSAY, 7172
ROBERT L. RAMSDEN, 1633
BENJAMIN A. RASGORSHEK, 3147
BILLY M. RASNAKE, 5010
WILLIAM F.I. RATLEDGE, 9976
JON C. RATZ, 0923
PAMELA A. RAUBINER, 4249
JOHN P. RAULSTON, JR., 0068
BRIAN E. RAUSCH, 1650
FLOYD C. RAVEN, JR., 4774
RAY C. JAMES, 7883
WILLIAM F. RAYNER, 3025
CAROL L. RAYOS, 9052
CYNTHIA A. REDELSPERGER, 5471
LOREN W. REDINGER, 6775
JAMES A. REES, 3101
BROOKS B. REESE, 1696
PATRICK S. REESE, 6962
THOMAS M. REESE, 4926
ANTHONY H. REILL, 3916
FRANK G. REINEKE, 6595
RICHARD J. REISER, 3147
CHARLENE H. REITH, 1043
ROBERT S. RENEAU, 3762
THOMAS A. REPPART, 6526
MARIA L. REYMANN, 5897
DONNA M. REZENDES, 8592
STEPHEN L. REZNIK, 4487
KENNETH P. RHEIN, 7715
KEVIN M. RHOADES, 9835
BRIAN K. RHODARMER, 9747
KENNETH D. RHUDY, 5813
SUSAN R. RICE, 0111
MARTIN J. RICHARD, 7573
DONNA M. RCIHARDS, 4963
THOMAS J. RICHARDS, 6659
TODD E. RICHARDS, 5636
PARTICIA M. RICHARDSON, 5800
SCOTT M. RIDER, 4387
MARY B. RIENDEAU, 8518
THOMAS A. RIETKERK, 3462
ANNA M. RIGHERO, 1025
KEVEIN R. RITCHIE, 9966
HANS V. RITSCHARD, 5904
ALTON O. RITTENOUR, 6363
JOSEPH M. RIVERS, 7766
CHAD E. ROALSON, 6058
CLYDE H. ROBERTS III, 6200
STEPHEN L. ROBERTSON, 1121
CHARLES T. ROBINSON, 0466
DONNAMARIA ROBINSON, 8091
JEFFREY D. ROBINSON, 8798
ROBERT M. RODGERS, 9387
CLIFFORD D. RODMAN, JR., 1535
JAMES F. RODRIGUEZ, 2201
JENNIFER C. RODRIGUEZ, 2180
CHERIES E. ROFF, 2675
WILLIAM B. ROGAN III 0422
JAMES W. ROGERS, JC., 2938
ROBERT A. ROGERS, 2015
JOANNE M. ROHLMAN, 5389
STEPHEN M. ROHRBOUGH, 0441
MICHAEL A. ROMERO, 4376
LIZA BETH ROOS, 0942
MARK D. ROOSMA, 2734
DONNA K. ROPER, 3779
ARMANDO L. ROSALES, 7043
JULIE A. ROSELLIRAYA, 1793
THOMAS ROSS, 5899
TED A. ROSWARSKI, 9568
KIM A. ROTH, 2578
MICHAEL F. ROTHERMEL, 1708
HEIDIE R. ROTHSCHILD, 7806
ROBERT B. ROTTSCHAFER, 8330
ANDERSON B. ROWAN, 0479
KIRK L. ROWE, 2911
RICHARD L. ROWE, JR., 8929
EUGENE I. ROWELL, JR., 2906
MICHAEL W. RUBY, 0278
JOANNE R. RUGGERI, 7378
DAVID M. RULLI, 1430
RALPH J. RUOCCO, 9335
BRIAN RUSLER, 0441
BRYN A. RUSSELL, 6870
DAVID M. RUSSELL, 9799
ROBERT D. RUSSELL, 8720
TERI JO RUSSELL, 1425
MICHAEL J. RUSZKOWSKI, 0869
PHILIP E. RUTLEDGE, II, 7711
MARK C. RYALS, 3537
JON J. RYCHALSKI, 8928
ANDREW L. SACKETT, 5290
MICHAEL T. SAGE, 5639
PAUL A. SAINSBURY, 9384
SARA J. SALANSKY, 6829
BRIAN R. SALMANS, 8221
JUVENAL Q. SALOMON, 9520
KELLY ANDERSON SAMOLITIS, 8987
TIMOTHY J. SAMOLITIS, 5155
KEVIN L. SAMPELS, 0937
DAVID S. SANCHEZ, 4386
PATRICK G. SANDERS, 9070
SHANE L. SANDERS, 1010
MICHAEL E. SANTOS, 2742
LEVY G. SARINO, JR., 5863
BRIAN L. SASSAMAN, 3201
RICHARD F. SAUERS, JR., 8774
GREGORY G. SAULNIER, 7921
TAMMY M. SAVOIE, 4589
BARBARA J. SCHACHT, 0647
GREGORY SCHECHTMAN, 4788
GREGORY C. SCHEER, JR., 0376
KURT M. SCHEIBLE, 9241
ANTHONY SCHEIDT, 4420
GEORGE J. SCHERER, 6989
WILLIAM A. SCHEU, 6313
KEVIN J. SCHIELDS, 0358
KIM L. SCHMIDT, 7707
THERESA R. SCHNITZER, 6030
PAUL L. SCHOLL, 5369
PATRICK J. SCHOLLE, 9494
JEFFREY C. SCHROEDER, 6957
JESUS C. SCHROEDER, 1595
ROBERT C. SCHROEDER, JR., 5011
CARL J. SCHULER, JR., 3785
MARK J. SCHULER, 0400
JON J. SCHULSTAD, 0440
CARL D. SCHULTE, 0011
MELANIE D. SCHULTZ, 0684
ROBIN L. SCHULTZE, 6024
LAURA T. SCHWARTZE, 8669
TERESA M. SCHWEHM, 6145
JONATHAN J. SCILKEN, 3367
RANDALL T. SCOGGINS, 0802
GEORGE J. SCORDAKIS, 4526
CRAIG M. SCOTT, 3714
DAVID A. SCOTT, 4576
SHARON T. SCOTT, 6772
VERNON L. SCRIBNER, 6187
DAVID C. SEAVER, 8912
REBECCA C. SEESE, 8626
ANGELA E. SEITZ, 5374
VICTOR H. SEVERIN, 6112
ANNE M. SHAFFER, 9686
CAROL L. SHAFFER, 6385
MELLOR KRISTINE M. SHAFFER, 9368
WILLIAM M. SHAFFER, 9880
BERNARD J. SHANAHAN, 7667
CHRISTOPHER C. SHANNON, 0865
MARK E. SHARP, 9091
MICHAEL G. SHARP, 3392
MICHAEL J. SHENK, 9199
MARIAN B. SHEPHERD, 6988
RONALD C. SHEPHERD, JR., 3524
JAMES W. SHERECK, 6323
DAVIN M. SHING, 2352
JON J. SHOWALTER, 5497
LARRY W. SHRYOCK, 2155
ROBERT A. SHULL, 2048
TODD C. SHULL, 0971
JAMES E. SIEFFERT, 7405
DAVID A. SIKORA, 6244
DONLEY SILBAUGH, 3223
ERIC E. SILBAUGH, 2341
BRIAN D. SILKEY, 6180
MICHAEL A. SILVER, 8298
STEPHEN S. SILVERS, 9654
NORMAN H. SIMER, JR., 6675
JOHN P. SIMMONS, 2079
KIMBERLY J. SIMMONS, 0082
DEBORAH L. SIMON, 5638
RHONDA R. SIMS, 9340
SAMUEL M. SIMS, 6505
JON M. SINCLAIR, 2915
LAWRENCE E. SINKULA, 0860
DEBBIE F. SIPLE, 0765
TIMOTHY M. SIPOWICZ, 9571
TODD W. SITTIG, 6333
JOANN E. SKEEN, 9068
ROSE A. SKIRTICH, 8317
KEITH E. SKOGEN, 0189
LESLEY J. SLATE, 1424
KENNETH R. SLATER, 4630
WILLIAM S. SLAUGHTER, 3853
CRAIG J. SLEBRCH, 6305
DENETTE L. SLEETH, 6036
JAMES C. SLIFE, 1260
DOUGLAS T. SLIPKO, 2931
CRAIG T. SLOAN, 1997
THOMAS G. SLOAN, 1798
BRIAN D. SMITH, 3819
BRUCE I. SMITH, 2288
BRUCE M. SMITH, 2053
COLLIN B. SMITH, 7958
DAVID P. SMITH, 7926
DIANE L. SMITH, 8052
GARY D. SMITH, 2356
JAMES B. SMITH, 1576
JEFFERY B. SMITH, 4084
JEFFERY P. SMITH, 2070
JEFFREY E. SMITH, 9649
JEFFREY M. SMITH, 0128
LOUIS V. SMITH, JR., 8360
MARIO F. SMITH, JR., 1591
MAURY J. SMITH, 8867
ROBERT J. SMITH, JR., 0926
ROXANNE M. SMITH, 4147
TERESA L. SMITH, 6764
WENDEL A. SMITH, 9783
MATTHEW C. SMITHAM, 1313
KERRY J. SMITHERS, 9178
CRAIG A. SMYSER, 4935
NEAL A. SNETSKY, 2176
BRIAN M. SNIPPEN, 8780
BENJAMIN E. SNOW, 8110
GORDON D. SNOW, 9167
JONATHAN D. SNOWDEN, 9386
DAVID D. SNYDER, 7813
JENNIFER L. SNYDER, 6665
JUDY A. SNYDER, 5582
SCOTT A. SNYDER, 5563
WILLIAM H. SNYDER, 5538
TIMOTHY J. SODERHOLM, 6203
JOHN T. SOMMER, 0744
DAVID M. SONNTAG, 1094
LENA L. SOTO, 5588
ERIC P. SOUCY, 6070
ANNETTE SOWARDS, 2447
DEAN C. SPAHR, 2766
RYAN S. SPAULDING, 3149
THOMAS R. SPELLMAN, 1849
ANNETTA L. SPENCER, 4972
JAMES A. SPERL, 8092
CHARLES J. SPILLAR, JR., 4203
GARY M. SPILLMAN, 2517
JUDITH K. SPOERER, 0135
JAMES E. SPRAY, 9120
JAMES B. SPROUSE, 4056
STEVEN G. STAATS, 3395
MARY I. STACKER, 4227
RODNEY L. STAGGS, 4544
DAVID J. STAMPS, 5155
DAVID W. STANEK, 8584
TIMOTHY R. STANEK, 5533
PAUL D. STANG, 7894
MICHAEL G. STAUBER, 2291
GREGORY C. STAUDENMAIER, 1088
LARRY M. STAUFFER, 0643
GRANT J. STEDRONSKY, 2018
KRISTIN A. STEEL, 4772
PHILLIP G. STEEL, 1108
JOSEPH D. STEELE, 9447
JERALD W. STEEN JR., 9613
KAREN B. STEINER, 1010
DENNIS W. STEININGER, 9116
DAVID M. STEPHAN, 7476
RONALD L. STEPHENS, 6484
MICHAEL W. STERN, 9329
JOHN P. STEVENS, 6230
MICHAEL D. STEVENS, 3752
BRIAN S. STEWART, 3053
THOMAS J. STEWART, 4598
JEFFREY A. STINSON, 8705
BRENT A. STIRLING, 4028
BRIAN A. STIVES, 6040
THERESA A. STOCKDALE, 6086
CARY L. STOKES, 0955
ALESSANDRA STOKSTAD, 4934
BRYAN M. STOKSTAD, 0673
CLEARENCE M. STONE JR., 4641
JEFFREY A. STONE, 8287
ROBERT H. STONEMARK, 8140
MICHAEL R. STRACHAN, 3768
RUSSELL F. STRASBURGER III, 8690
BRENTON K. STREZA, 0752
ROBERT M. STRICKLAND JR., 9131
DANIEL J. STRIEDIECK, 9697
CARL A. STRUCK, 7091
CYNTHIA R. STUDSDAHL, 6089
HEATHER J. STUMBO, 5098
CARL H. SUCRO JR., 8430
JOSLYN M. SULLEN, 4944
JOSHUA B. SUMMERLIN, 8505
PAMELA K. SUMMERS, 3097
SCOTT H. SUMMERS, 0287
CARROLL R. SUNNER II, 2233
ARAS P. SUZIEDELIS, 3587
STEVEN A. SVEJDA, 3050
JOHN P. SVOBODA, 6356
MICHAEL W. SWANN, 0726
LAWRENCE J. SWANSON, 8028
ROBERT J.C. SWANSON, 2204
ROBERT C. SWARINGEN II, 4265
MICHAEL A. SWIFT, 5682
RALPH A. SWINDLER, 5819
JOHN M. SYLOR, 0507

TERENCE L. SYMONDS, 7920
JEFFERY S. SZATANEK, 7796
ANDREW G. SZMEREKOVSKY, 5966
GEORGE P. TADDA, 6282
MICHAEL R. TAHERI, 0167
KARL S. TALKE, 8829
JOSEPH H.Y. TAM, 9387
MICHAEL L. TAPPAN, 8645
WALTER F. TARASKA JR., 2909
JOHN W. TARR JR., 6039
DAVID L. TARTER, 7777
TRENT J. TATE, 9651
GREGORY O. TAYLOR, 6525
JAMES F. TAYLOR, 4303
JOHN R. TAYLOR II, 6804
JOSEPH A. TAYLOR JR., 6762
KAREN A. TAYLOR, 4953
SYLVIA C. TAYLOR, 8821
SHAWN E. TEAGAN, 0418
GARIN P. TENTSCHERT, 4620
KEITH A. TERRELL, 0978
DAVID M. TERRINONI, 9407
JOHN P. TERRY, 7506
ROYCE M. TERRY, 4592
KEVIN M. TESSIER, 2531
JOSEPH B. THALMAN, 9353
TODD L. THIBAULT, 3213
DONALD G. THIBEAULT, 7907
GEOFFREY P. THOMAS, 4779
HOWARD M. THOMAS, 3306
JACQUELINE D. THOMAS, 1942
KENT A. THOMAS, 7805
CHARITY J. THOMASOS, 0257
BILLY D. THOMPSON, 5592
BRAD R. THOMPSON, 4512
GREGORY F. THOMPSON, 6543
MATTHEW H. THOMPSON, 3307
JEFFREY A. TIBBITS, 8518
CHERYL A. TILLMAN, 6117
CHARLES R. TIMMERMEYER, JR., 2019
EARL L. TINGLE III, 5463
GRACIELA E. TISCARENOSATO, 7447
MICHAEL A. TODD, 1855
PATRICK M. TOM, 1666
MICHAEL J. TOMASULO, 6999
LYNN A. TOMLONSON, 2941
DONNA L. TONEY, 6679
LAWRENCE O. TORRES, 2840
CHRISTIAN T. TOTTEN, 5926
PHILLIP P. TRAHAN, 5387
JAMES W. TRAVIS, 7395
JULIE D. TRAVNICEK, 3558
JENNIFER C. TRAYLOR, 7677
CHESTER A. TRELOAR, 0799
KIRK A. TRESCH, 4480
RUBEN TREVINO, 4445
JIMMIE L. TRIGG, 8590
MICHELLE M. TRIGG, 1303
JAMES D. TRIMBLE, 8603
JULIE P. TSEH, 4772
RAYMOND TSUI, 5422
LISA M. TUCKER, 6300
TROY TUCKER, 7750
DONALD J. TUMA, 4731
NINA M. TURCATO, 0446
ROBERT E. TURGEON, 9981
DENISE VERGA TURNBAUGH, 4118
DANIEL J. TURNER, 2950
DEBORAH A. JOHNSON TURNER, 8196
WESLEY A. TUTT, 6759
DIANA L. TUTTLE, 0583
ROBERT E. TUTTLE, 9244
AMY E. TWEED, 4481
WILLIAM R. TYRA, 3554
DAVID F. UBELHOR, 5198
BLAKE P. UHL, 3687
JEFFREY R. ULLMANN, 6171
JODI L. UNSINGER, 5052
CHRISTOPHER J. URDZIK, 8478
GREGORY N. URTSO, 5485
BARBARA M. UTTARO, 7170
IAN M. VAIL, 7041
JOHN M. VAIL, 1068
PETER C. VALLEJO, 9909
DREW RANDAL C. VAN, 1368
LIEU LISA D. VAN, 9855
TIEM THOMAS, JR. VAN, 1116
TROY B. VANCASTER, 5189
JOHN J. VANCE, 3312
CHRIS D. VANDECAR, 7323
REX S. VANDERWOOD, 1637
TERRY F. VANN, 7687
JONATHAN R. VANNOORD, 5428
MICHAEL A. VANTHOURNOUT, 5818
FRITZ VANWIJNGAARDEN, 4802
CHERYL L. VARGO, 6911
BRIAN T. VARN, 7107
DAVID S. VAUGHN, 3116
NANCY VEGA, 6127
FREDERICK H. VICCELLIO, 5006
ROMMEL B. C. VILLALOBOS, 7353
JUAN C. VILLARREAL, 7033
MICHAEL G. VINSON, 0696
DAVID E. VIPPERMAN, 6404
STEPHEN R. VIRNIG, 9075
JOHN M. VITACCA, 8097
LEAMON K. VIVEROS, 8749
SCOTT G. VOGEL, 1623
KARL A. VOGELHEIM, 7147
GREGORY S. VOYLES, 9893
BRIAN WACTER, 4217
GEOFFREY E. WADE, 5053
KIRSTEN A. WADE, 0738
BERNARD D. WADSWORTH, 5856
JAMES D. WAGGLE, 4781
MARGARET M. WAGNER, 8954
SUSAN J. WAID, 8246
CURTIS A. WAITE, 9143
CHARLES E. WAITS, 5234
TRESSIE L. WALDO, 5161
CRAIG J. WALKER, 4111
DARRYL D. WALKER, 4973
DAVID S. WALKER, 2520
BRIAN D. WALL, 8015
JEFFREY S. WALLACE, 1374
JONATHAN M. WALLEVAND, 7806
KAREN D. WALLS, 6049
SCOTT F. WALTER, 6075
SHELDON D. WALTER, 7524
JOSEPH M. WALZ, 5968
DEAN A. WARD, 9813
ROBERT J. WARD, 1963
ERIC L. WARNER, 7351
LEAH C. WARNER, 6619
SCOTT A. WARNER, 5554
JAMES L. WARNKE, 2698
ELAINE R. WASHINGTON, 4738
LORENZO S. WASHINGTON, 1055
MARK E. WASSER, 3496
BILLY J. WATKINS, JR., 2124
MICHAEL G. WATSON, 7275
CHRISTIAN G. WATT, 2675
KATHERINE A. WEBB, 1708
RICHARD E. WEBB, JR., 5123
MICHAEL R. WEHMEYER, 5186
DAN K. WEIBLE, 3837
TERI L. WEIDE, 1431
GREGORY S. WEISE, 4473
KIRK K. WEISSENFLUH, 3290
NANCY L. WEITZEL, 1561
PATRICK T. WELCH, 6396
MARK D. WELTER, 9763
JAMES C. WEST, 4991
WILLIAM P. WEST, 6205
GARY A. WETTENGEL, JR., 7517
BRYAN A. WHATLEY, 2140
SEABORN J. WHATLEY III, 6490
MONICA L. WHEATON, 4469
CATHERINE A. WHEELER, 2306
MARK C. WHEELHOUSE, 3801
TOBY S. WHELCHEL, 6383
CHRISTOPHER G. WHELESS, 8367
JEFFREY WHETSTONE, 8793
WILLIAM S. WHIPPLE, 1877
DAVID G. WHITE III, 6540
ROBIN L. WHITE, 1584
TONY A. WHITESIDE, 7023
LUKE D. WHITNEY, 5440
WILSON W. WICKISER, JR., 8502
WENDY S. WICKWIRE, 5422
ROBERT WILLIAM WIDO, JR., 6164
ROBIN A. WIEGAND, 3397
JEFFREY A. WILCOX, 9823
SHEILA H. WILHITE, 4707
JOHN M. WILKENS, 5370
PEGGY ANNE WILKINS, 5746
MARK W. WILKINSON, 4297
MICHAEL D. WILKINSON, 3410
BRETT T. WILLIAMS, 5292
CLIFFORD D. WILLIAMS, 4220
DALE R. WILLIAMS, 4203
DANIEL R. WILLIAMS, 8432
DOUGLAS A. WILLIAMS, 3869
GREG A. WILLIAMS, 7460
JEFFREY G. WILLIAMS, 3948
KENNETH A. WILLIAMS, 1718
LYNDON J. WILLIAMS, 8205
NEICKO C. WILLIAMS, 1763
NNEKA C. WILLIAMS, 4007
ROBIN B. WILLIAMS, 8059
SHUN V. WILLIAMS, 7926
JEFFREY S. WILLIS, 1851
JOHNDAVID W. WILLIS, 5952
MATTHEW B. WILLIS, 1725
CHRISTOPHER A.D. WILLISTON, 5388
R. BREC WILSHUSEN, 2895
ALEXANDER M. WILSON, 9457
CLIFFORD A. WILSON, 6628
KENNETH R. WILSON, 8520
TERRY A. WILSON, 9361
MAJORIE E. WIMMER, 9481
PATRICK J. WINDEY, 9253
TRACY A. WINGERT, 8708
MARYELLEN WINKLER, 7161
TERRENCE E. WINNIE, 1266
RICHARD S. WISE, 0606
TRACY M. WITCHER, 4940
MARK E. WITSKEN, 7343
JEROME E. WIZDA, 3720
JEFFREY S. WOELBLING, 4264
DANIEL T. WOLF, 9026
KEVIN M. WOLF, 6758
KEVIN S. WOLFE, 3963
JOSEPH L. WOLFER, 7392
JOSEPH L. WOLFKIEL, 9955
JASON L. WOOD, 1457
THERESA G, WOOD, 4027
RIPLEY E. WOODARD, 2113
ANDREW D. WOODROW, 5210
ROBERT S. WOODWARD, 1651
TIMOTHY M. WOODYARD, 5819
MICHAEL W. WOOLLEY, 3528
JAMES O. WOOTEN, 7540
RHONDA S. WOOTTON, 6229
TODD A. WORMS, 2064
BRADLEY K. WRIGHT, 6368
JACK D. WRIGHT, JR., 8403
KARYN E. WRIGHT, 3023
RICHARD D. WRIGHT, 7080
ANTHONY J. WURMSTEIN, 3456
JUSTIN R. WYMORE, 0871
PAUL A. YARBROUGH, 9465
ERIC W. YATES, 3827
JAMES H. YEAGER, 0757
JOHN P. YEATMAN, 5121
MARY ANNE C. YIP, 0259
PATRICIA L. YORK, 3701
JOHN S. YOUNG, 8189
GREGORY J. YUEN, 8756
ELIZABETH A. ZEIGER, 3700
KEVIN M. ZELLER, 6096
KAREN K. ZEPP, 5879
KENNETH S. ZEPP, 1602
MICHAEL J. ZIGAN, 6380
DOUGLAS J. ZIMMER, 4678
JAMES B. ZIMMERMAN, 7935
MICHAEL J. ZUBER, 5091
SCOTT A. ZUERLEIN, 1813

HOUSE OF REPRESENTATIVES—*Tuesday, July 8, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 8, 1997.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2014. An act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998; and

H.R. 2015. An act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2014) "An Act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; and the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2015) "An Act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. LAUTENBERG, Mr. CONRAD, and Mrs. BOXER; the Committee on Agriculture, Nutrition, and Forestry: Mr. LUGAR, Mr. HELMS, and Mr. HARKIN; the Committee on Banking, Housing, and Urban Affairs: Mr. D'AMATO, Mr. SHELBY, and Mr. SARBANES; the Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, and Mr. HOLLINGS; the Committee on Energy and Natural Resources: Mr. MURKOWSKI, Mr. CRAIG, and Mr. BUMPERS; the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; the Committee on Governmental Affairs: Mr. THOMPSON, Ms. COLLINS, and Mr. GLENN; the Committee on Labor and Human Resources: Mr. JEFFORDS, Mr. COATS, and Mr. KENNEDY; and the Committee on Veterans' Affairs: Mr. SPECTER, Mr. THURMOND, and Mr. ROCKEFELLER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Vice President, appoints the Senator from Alabama [Mr. SESSIONS], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Vice President, appoints the Senator from California [Mrs. FEINSTEIN], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to Public Law 101–509, the Chair announces, on behalf of the Secretary of the Senate, his appointment of James F. Blumstein, of Tennessee, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 104–293, the Chair, on behalf of the Democratic Leader, appoints J. James Exon of Nebraska, as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. STEARNS] for 5 minutes.

FDA AND EPA SHOULD POSTPONE ACTION AFFECTING ASTHMA PATIENTS

Mr. STEARNS. Mr. Speaker, I rise today to bring our colleagues' attention to the FDA's proposed policy that would deny asthma patients the medicines they need to help them breathe. I and the gentleman from New Jersey [Mr. SMITH] expect to propose a resolution urging the FDA and the EPA to postpone action on this matter.

Mr. Speaker, 30 million people in the United States today rely on these medications and as each of us know, some better than others, these people use a product called a metered dose inhaler, which I will refer to as MDI, to deliver the medications they need into their lungs. Over the past 25 years, we have developed many new treatments for people with asthma, chronic pulmonary disease, and other airway diseases that prevent people from breathing. In fact, there are now 70 different products available in metered dose inhalers. For people who cannot breathe, these products are lifesavers and allow people to lead normal lives.

On March 6, 1997, the Food and Drug Administration surprisingly issued an advance notice of proposed rulemaking that sets in motion a process to take these medications away from patients. According to the FDA, this proposed rule was developed in collaboration with the Environmental Protection Agency because of EPA's desire to eliminate all uses of chlorofluorocarbons. These are what are called CFC's, which I will refer to them as.

CFC's are important in this picture because all metered dose inhalers, except one, use CFC's, a propellant that gets the medicine from the inhaler canister into the patients' lungs. Until recently, CFC's were the only propellant approved by the FDA to do so.

I am told the makers of metered dose inhalers believe that elimination of CFC's is a worthy goal. Therefore, that is why the United States and 140 other countries signed a treaty to phase out CFC's use. I believe this treaty did a good job establishing a process that allows companies that make products

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that use CFC's to develop alternatives and get these to the customers.

The treaty went for the big users of CFC's first. In the United States we no longer use CFC's in hair sprays, air fresheners, new cars containing air-conditioning systems, and new refrigerators. Some of us here in the House may question this altogether, but it is done.

The treaty, however, also acknowledged that some uses were more difficult to phase out. Asthma medicines were one of them. So why is the FDA now proposing action that would unnecessarily move up the time line provided in this international treaty? Why, when FDA's mission is to provide patients with safe and effective medicines, is it seeking to ban the safe and effective medicines from patients who require them?

Thousands of Americans fear this proposed policy. I am keenly aware of the fear my constituents have. A woman in Ocala, my hometown of Florida, said,

> I understand there is an FDA proposal to withdraw certain inhaler medications. As an asthmatic patient with a daughter and 3 grandchildren who are also asthmatic, I protest your proposal vehemently. The CFC and the metered dose inhalers have minimal impact on the environment, and any one of my family could suffer or die because of your phasing out the proposal. You will be responsible.

Another man from Ocala, FL, writes,

> In September 1993, I was discharged from the hospital under the care of a hospice. I had been confined for almost a month with viral pneumonia and was being treated with a wide range of medications, including 16 liters a minute of oxygen. The pulmonary specialist who had attended me had given up hope and estimated that I could live for perhaps 2 weeks. Needless to say, they were wrong and I survived but my lungs are severely damaged. I have been using three different MDI medications ever since my 'recovery' and would not survive without them. Great strides have been made in elimination of these products in refrigeration systems and in various aerosol sprays but MDI products must be viewed in a totally different way. They are essential to the health of many persons as opposed to the other products which were used for comfort or convenience. Moreover, reasonable substitutes have been found for nonmedical products. This is not the case for MDI's. Potential substitutes must be subjected to the usual comprehensive scrutiny that the FDA applies to all medications. I cannot believe that the tiny amount of CFC's released by MDI's would produce a detectable level of CFC in the atmosphere between now and the time a medically safe substitute can be developed. I urge the FDA and the EPA to postpone action on elimination of CFC's from metered dose inhalers until such a medically safe substitute is found.

In conclusion, another woman from Ocala states,

> My life depends on MDI's and I am never without three of them, and they all contain different medicines. I'm 69 years of age and I've used them most of my adult life and I cannot understand the big rush suddenly to ban the MDI's. It is frightening to think of the ban since my very life depends upon it.

Mr. Speaker, these are just a few of the 10,000 letters that the FDA has received. I hope my colleagues will sponsor my bill. We must halt the FDA's action, which is harmful to patients.

TRIBUTE TO THE LIFE OF CHARLES KURALT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. PRICE] is recognized during morning hour debates for 2 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, Charles Kuralt was an ambassador for North Carolina. With a crinkled road map and a two-man camera crew, he set out to see America. He was a wonderfully gifted storyteller and the story he told was ours. He wanted to showcase the very best of America, not the headlines or the lead stories in the news but the America of ordinary people living extraordinary lives. Charles Kuralt knew that many people report on the mayhem of the world, but he had a more important story to tell.

When Walter Cronkite stepped down from anchoring, Charles Kuralt had the opportunity to take the helm but he turned it down so he could continue to see America his way, traveling the forgotten State highways in his rambling RV, stopping in the small country stores to "sit a spell."

He gave a voice to every American. Interviewing the North Carolina woman who at 104 years old visited nursing homes each week to sing and to bring a smile to tired faces. Or the story of the poor southern family that worked to send all nine kids to college. Charles Kuralt believed these families and their stories were not only "small town" America, they were the very essence of America. We understand ourselves and each other better because of the work he did among us.

An ambassador for North Carolina who made us proud, Charles Kuralt is being honored at this moment at a memorial service at his alma mater, the University of North Carolina at Chapel Hill. He was a North Carolinian who set out to understand America and today, after an incredible journey, he will come back home to rest beneath the magnolia trees in Chapel Hill.

LEGISLATION TO EASE IRS BURDEN ON ELECTION OFFICIALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, it is not an overstatement to say that our system of free elections, which is the envy of the world and the envy of the history of civilization, depends a great deal on the volunteer election system that we have in manning and womaning the polls, our election workers who come from our neighborhoods and who help every single election day to put through a process which, as I say, is the envy of the world. Yet over the last several years we have found a subtle threat to these free elections. I say again I am not overstating it. What has happened is that the IRS has mandated that even these workers who only work once or twice a year, who most of the time are senior citizens who have long since retired and are only helping out in their precincts because they have been requested to and because they want to help out, they are being subjected to the same tax regulations as the high-earning citizens of our communities.

A long time ago the Congress took a step to try to help the situation, to say that if a person earns less than $1,000 a year, they would not have to file FICA, the Social Security mandated provisions. What my legislation does is to take it a step further and to say that those who are earning $1,000 or less, and most of those people would be found in the category of these election workers, if they earn $1,000 or less not only would they not have to comply with Social Security as is already the law, but now they would not have to file the W-4's in response to the W-2's and that the local election officials would not have to bother with that if they are reasonably certain that the people they are employing for these 1- or 2-day-a-year jobs would not be earning more than the $1,000 that would qualify them for the Social Security in the first place.

This is a problem for every single Member of the House and of the Senate. The election workers are the people who make our system work. The less we bother them with details that are meaningless, the better off we are and the better off they are. They will be more easily recruited for these positions on the election precinct basis and we can be certain that the free elections of which we are so proud can be guaranteed.

So I am offering the legislation. I have the cosponsorship of the gentleman from Texas [Mr. FROST], who is well aware of the program that we are trying to inject into the system. Now I invite the cosponsorship of others. It is a simple in my judgment technical amendment to conform to another technical amendment that already is on the books that would exempt our senior citizen election officials from the FICA portions, now we want to exclude them from all the paperwork that has been so burdensome to them and to the county officials who have to implement the election laws.

INTRODUCTION OF INTERNATIONAL TOBACCO RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. DOGGETT] is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, this week I am introducing the International Tobacco Responsibility Act. To some, this title will itself appear contradictory, for clearly the tobacco lobby has never been known to accept responsibility for the death and disease that its products cause. But now, under the terms of the proposed tobacco settlement, American companies have agreed to impose more meaningful labeling and warning requirements on their products and on their advertisements. Under this settlement's terms, for the first time cigarette packs will carry warnings such as "Smoking Kills," which it obviously does; "Smoking is Addictive"; and "Smoking Causes Cancer, Heart Disease and Emphysema." Yet while the settlement requires these warnings on tobacco sold here at home, it makes no effort to curb the export of death.

As noted in a recent front page article in the New York Times entitled "Fenced in at Home, Marlboro Man Looks Abroad":

> If there is a heaven for beleaguered cigarette manufacturers of the West, it is the developing markets of eastern Europe, Asia and the Middle East, half a world away from . . . assertive regulators. . . .

□ 1245

Indeed, in agreeing to settle the lawsuits brought against them here in America, the corporate nicotine dealers made sure that they retained full authority to promote a nicotine fix that hooks kids around the world with their deadly products, and they are doing that just as fast as they can.

Since 1990, Philip Morris, for example, has had its sales go up by 4.7 percent here in the United States but abroad, it has grown 80 percent. The world's children, the children are the newest target of Big Tobacco's continued addiction itself to making money at the expense of human lives. Joe Camel and the Marlboro cowboy, they have not gone away; they are just taking a trip overseas where they will appear on a billboard next to someone else's school and on the pages of a youth-oriented magazine in another language.

Big Tobacco knows that it can pay any penalties that we impose in America with profits earned at the expense of someone else's children. That is wrong. If America is to call itself a world leader, it must also lead in the battle to save the lives of young children from nicotine addiction, and that leadership means more than just saving lives in my home State of Texas or in Ohio; it means being concerned about the lives of young children in Poland or in Korea.

The tragic consequences of nicotine addiction do not know any national boundaries. Tobacco does not discriminate. It kills people regardless of race, creed, color or national origin, and American tobacco companies should have the responsibility to warn smokers everywhere across this world of the ghastly health effects of their products.

The International Tobacco Act of 1997 would take three important steps toward addressing this worldwide health menace.

First, it would require that American tobacco companies apply the same warning labels to their products sold overseas and their advertisements as they are required to do in the United States. While current United States law requires labels on domestic cigarette packs, it specifically exempts exported cigarettes. This bill would repeal that loophole and require labels on tobacco products produced here or wherever their ultimate destination.

Second, the International Tobacco Responsibility Act would prohibit the existing subsidy, yes subsidy, by American taxpayers for promoting overseas tobacco sales. Too often in the past Federal officials in our own Government have been accomplices to exporting death and disease throughout the world. Employees of our Government, paid with our tax money, have promoted tobacco abroad and brought down advertising restrictions in other countries that were designed to prevent addicting children and others overseas from the very way that they have been exploited here at home.

Third, the International Tobacco Responsibility Act would call on the United States of America to exercise some moral leadership on this vital issue. If we can achieve an international accord to restrict the trade in ivory to protect elephant herds around the world, surely we can seek accords to restrict the marketing of lethal tobacco products to the world's children.

This bill would urge the President to seek, through the United Nations, an international conference to implement measures such as those in the proposed settlement agreement to reduce nicotine consumption worldwide. In Japan, one warning label modestly suggests "let us carefully observe smoking manners." Clearly it would be the ultimate hypocrisy to continue to promote death abroad at the same time we address the needs of our own children here at home.

As we move toward consideration of the proposed tobacco settlement, we must not default on our obligation as a world leader. We should seize this unique opportunity to act responsibly ourselves, while seeking concerted international action to limit trafficking in a highly addictive drug that kills more people worldwide than any other.

PRESERVE FUNDING FOR THE ARTS

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. McGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, some of my colleagues have been arguing that the Federal Government should bear no responsibility for funding the arts. They claim that the National Endowment for the Arts is a shameful bureaucracy, out of touch with the American people; that it is a bastion of elitism; that Americans would be better off without it.

Mr. Speaker, those colleagues are wrong, and I rise today to set the record straight.

I was in my hometown of Worcester, MA, for the Fourth of July festivities. Before the fireworks took to the sky, I sat with 30,000 of my constituents as we were collectively awed by the Central Massachusetts Symphony Orchestra performance. It was a breathtaking experience. The concert was free to the public; the music, a gift to everyone who gathered at East Park. The Central Massachusetts Symphony Orchestra is a beneficiary of grants from the Worcester Cultural Commission and the Massachusetts Cultural Counsel which receives funding from the National Endowment for the Arts.

The NEA is not the exclusive funding source for arts in America. The lion's share of their funding comes from private individuals and corporations, and eliminating the NEA will not eliminate the arts; but it will curb average Americans' abilities to access them, to learn and grow from them and to enrich their children with them.

If the NEA is eliminated, the arts will become a private enterprise, the exclusive domain of the wealthy and well connected. The work of the American theater troops, musicians, painters, writers, and photographers belong to every American, not just those who can afford season tickets, private passes, and A-list invitations. As the arts preserve, reinvent and create our national heritage, they serve each of us. Their creations should be available for all of us to see, hear, feel and experience. The NEA helps make this happen.

The growth of museums, dance and opera companies, symphony orchestras and presenting groups is the direct result of NEA resources. Without the NEA, States like Massachusetts will become a tale of two cities. Larger cities like Boston will always find the resources to preserve the cultural centers. It is medium-sized and small cities, it is rural communities like those in my district that will suffer without Federal arts funding.

One glorious example of the NEA's handiwork is the Worcester Art Museum. Because of a $15,000 NEA grant, the Worcester Art Museum was able to open the landmark exhibition entitled Grant Wood: An American master revealed. Over 57,000 men, women, and children throughout the area marveled at this exhibition. Free tours were given to over 3,800 students and a family day with hands-on art activities drew close to 2,000 people. Worcester Art Museum is expecting tens of thousands more people from Massachusetts and throughout New England to attend exhibitions planned for this coming year, and each of them is being made possible through NEA funding.

The NEA has done much to fund and recognize the educational value of the arts. Arts in the classroom have been proven to increase student attendance, bolster self-esteem, broaden vocabulary and boost overall academic progress. By teaching about the arts in our schools we not only enrich our students' cultural education, we actually help them learn. I have long been committed to reining in wasteful Government spending; but to target the NEA as the source of that waste demonstrates a fundamental misunderstanding of the Federal budget. Sadly, as this Congress seeks to eliminate the modest Federal funding for museums, symphony orchestras, and theater groups across this Nation in the name of deficit reduction, it has succeeded in pouring billions and billions of dollars more into B–2 bombers that even the Pentagon says it does not need and does not want. It is absurd.

The former Governor of New York, Mario Cuomo, spoke eloquently about the current state of our society. He said that it is simply a tragedy that so many of our Nation's children will hear the sounds of gunfire before they hear the sounds of a symphony.

It is not simply a matter of resources, Mr. Speaker, it is a matter of priorities. Each taxpayer contributes less than 70 cents per year to the NEA, and I think that is a small price to pay to protect our heritage and preserve our culture. If anything, the NEA actually helps balance the budget. The NEA's investment in the Nation's arts acts as a catalyst for over $3.4 billion in Federal tax revenue. It stimulates local economies and urban renewal. In my district, cities, and towns from Worcester to Fall River have witnessed the benefits of increased tourism and economic growth as a result of the NEA.

What message will we be sending to the Nation if the National Endowment for the Arts is eliminated? To cut the NEA is to reduce our national commitment to cultural activity. It is to decrease national visibility for cultural education, and it may prompt the States and local governments to cut the funding for the arts as well.

The arts bring people together, heal communities, and provide us with a common language. Supporting the arts is central both to our understanding of past civilizations and to constructing a shared vision for the future.

In conclusion, if we care that historical monuments will continue to be treasured and experienced by all, if we care that traveling exhibitions will make it beyond our Nation's largest cities, if we care that our children will be able to open the doors to America's culture and history, if we believe that music, drama and visual works, these flowers of our national experience must be made available to all, then we must support the National Endowment for the Arts.

GAY AND LESBIAN PRIDE CELEBRATION 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, during the month of June, gay and lesbian people throughout this country celebrated our presence in this country. That is a tradition that has now gone on for more than 20 years, but this year there was one difference. As Herb and I prepared to go to New York to participate in the New York celebration, I carried with me a statement from the President of the United States in which he welcomed the gay and lesbian pride celebrations and reaffirmed his commitment, the President's commitment, to fighting anti-gay and lesbian prejudice.

Bill Clinton is the first President in our history to confront this prejudice. Unfortunately, by the norms of American political discourse, you generally today get criticized by people when they are unhappy and ignored when you have done something that they should be applauding.

President Clinton is entitled to a good deal of praise for his willingness to confront one of the enduring prejudices that has blighted our ability as a nation to fully realize our constitutional ideals. I believe Mr. Speaker, given the historic nature of this proclamation which I was pleased to get a copy of from Richard Socarides, a very able aid at the White House who worked on these issues, I think it is appropriate that the President's statement on Gay and Lesbian Pride Celebration 1997 be shared here in this Chamber. So I will now, with unanimous consent, proceed to read the President's celebration:

> Warm greetings to all those participating in the 1997 Gay and Lesbian Pride Celebration.
>
> Throughout America's history, we have overcome tremendous challenges by drawing strength from our great diversity. We must never believe that our diversity is a weakness. The talents, contributions and goodwill of people from so many different backgrounds have enriched our national life and have enabled us to fulfill our common hopes and dreams. As we stand at the dawn of a new century, we must all rededicate ourselves to reaching the vital goals of acceptance and inclusion. America's continued success will depend on our ability to understand, appreciate, and care for one another.
>
> We're not there yet, and that is why our efforts to end discrimination against lesbians and gays are so important. Like each of you, I remain dedicated to ending discrimination and preserving the civil rights of every citizen in our society. We have begun to wage an all-out campaign against hate crimes in America, crimes that are often viciously directed at gay men and lesbians. I have also endorsed and fought for civil rights legislation that would protect gay and lesbian Americans from discrimination. The Employment Nondiscrimination Act now being considered in Congress would put an end to discrimination against gay men and lesbians in the workplace, discrimination that is currently legal in 39 States. These efforts reflect our belief in the right of every American to be judged on his or her merits and ability, and to be allowed to contribute to society without facing discrimination on the basis of sexual orientation. And they reflect our ongoing fight against bigotry and intolerance in our country and in our hearts.
>
> My Administration's record of inclusiveness is a strong one, but it is a record to build on. I am proud of the many openly gay men and lesbians who serve with distinction in my Administration, and their impact will continue to be significant in the years ahead. I pledge to you that I will continue striving to foster compassion and understanding, working not simply to tolerate our differences, but to celebrate them.
>
> Best wishes for a memorable celebration.
>
> Bill Clinton.

□ 1300

Mr. Speaker, I congratulate the President on his willingness to speak out. It is consonant with the many actions he has taken in a number of areas to ban discrimination and to fight for the right of all Americans, as he said, to be judged on their individual merits, without being held back by some irrational prejudice.

RECESS

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLING) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Enable us, O gracious God, to translate our noble words and affirmations into acts and deeds of value and worth. Encourage us to transpose our postures of goodness and charity into food for the hungry, shelter for the homeless, and peace and security for the troubled. Inspire us to convert our creeds of faith into works of justice and into accomplishments that heal the soul and comfort every person. Bless us, O God, as we seek to be Your people and do those deeds that honor You and serve people in their need. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. WICKER] come forward and lead the House in the Pledge of Allegiance.

Mr. WICKER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, June 30, 1997 at 10:45 a.m.:

that the Senate passed without amendment H.R. 173;

that the Senate passed without amendment H.R. 649.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

COMMUNICATION FROM STAFF MEMBER OF HON. ROBERT L. LIVINGSTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Betty S. Barnes, staff assistant for the Hon. ROBERT L. LIVINGSTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the District Court for the Parish of Orleans, State of Louisiana.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

BETTY S. BARNES.

THE LIBERALS AND TAX CUTS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the last time taxes were cut in the 1980's several things happened. Many people like to call it the Reagan boom. It followed the tough times people faced in the 1970's.

During the Reagan boom, 18 million jobs were created; 18 million jobs were created. Manufacturing production increased by almost 50 percent. These are good-paying manufacturing jobs, Mr. Speaker. Incomes went up across the board. Taken together, we can say that prosperity went up.

Yes, the deficit also went up, but the dirty little secret that one never ever hears the liberals talk about is that spending went up, and spending increases are what caused the deficit to increase.

What about revenues? Why do we not ask the liberals if revenues increased or decreased? They increased.

Why do we not ask them to tell us if tax cuts resulted in revenues going up or going down? They went up.

Why do we not ask them to explain to us how the tax cuts caused the deficit? They did not. Why do we not learn from experience, Mr. Speaker?

CRAFTING A BALANCED BUDGET RESOLUTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, now that we have returned from the Independence Day district work period, negotiators between the House and the Senate will get down to business hammering out a final version of the balanced budget resolution. Democrats have argued in favor of tax cuts primarily for the middle class while Republicans seem intent on large tax breaks for their wealthy friends. A recent Treasury Department report indicated that in the last year of the Republican budget proposal, affluent Americans would be the primary beneficiaries of the tax cuts. Over half of the tax cuts would benefit those making nearly a quarter of a million dollars and more. President Clinton's and other Democratic proposals seek to give more back to the middle class. Our tax proposals provide more money for education expenses and for working families.

Mr. Speaker, the budget negotiators must move to lighten the burden on low- and middle-income families if they are to gain the President's approval and not break the promises that were made to working families as part of this budget deal.

SUPPORT H.R. 1917, HARDROCK MINING PROTECTION ACT OF 1997

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, mining is one of the most important and needed industries in the United States. However, the Bureau of Land Management's decision to enforce a final rule on reclamation bonding of hardrock mineral operations is having a negative impact on large and small miners alike as well as their suppliers, contractors and the economy.

Mr. Speaker, the good news is that I have introduced legislation that will transfer the authority of the Bureau of Land Management to require bonds or other financial guarantees for the reclamation of mineral operations to State governments. Once again the current Federal rule is a mandate of action on the States and does not give them the option of solving local problems at local levels. My bill will allow States to work in cooperation with miners, contractors and suppliers to develop a strategy that will protect our public lands while supporting an industry that every American is dependent upon. I urge my colleagues to support H.R. 1917, the Hardrock Mining Protection Act of 1997. We must protect the future of mining and the thousands of jobs it produces for American families.

TELLING IT LIKE IT IS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let us tell it like it is. When monks and nuns who take a vow of poverty give $140,000 to a presidential campaign, ladies and gentlemen, when a welfare worker who makes $20,000 a year gives the entire $20,000 to a presidential campaign, something is funny.

If that is not enough to freeze your stir fry, when an Assistant Secretary of Commerce responsible for international trade raises 3.5 million Chinese dollars for a presidential campaign, this is not China-gate, this is sewer-gate. This is not about Democrats, this is not about Republicans. This is about national security and Communists, Communists who may have compromised big people in high places in our Government.

But let me say this, Congress. These Chinese Communists did not provide all those bucks because they are enamored with and love America. Beam me up, Mr. Speaker. I say, let the dragon chips fall where they may.

TREASURY DEPARTMENT LIKENED TO OLIVER STONE IN TAX CUT DEBATE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, White House figures showing that the tax cut package mainly benefits the rich have as much credibility as an Oliver Stone movie. Like Oliver Stone, the Treasury Department has decided to make stuff up.

It is even worse than that. Like Oliver Stone, the Treasury Department uses tax numbers in a way that deliberately is designed to deceive. Again like Oliver Stone, the Treasury Department is counting on the fact that most people will not be able to tell the difference between what is the truth and what is fiction.

I am talking about the Treasury Department's fraudulent use of family economic income, a new, ingenious way to make middle-class families look rich. Family economic income, you ask? What is that?

Now you begin to see what I am talking about. Oh, sure, imputed rent income, unreported income you never knew you had, unrealized capital gains you never knew you had. Stuff like that. It is so dishonest it would make even Oliver Stone proud.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 886

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. FRANK) be removed as a cosponsor of my bill, H.R. 886.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

PREVIEW OF SPECIAL ORDER COMMEMORATING LIFE OF BETTY SHABAZZ

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, this coming Thursday I will lead a special order on the life of Dr. Betty Shabazz. Her tragic death from burns to her body cannot overwhelm her triumphant life. Betty's life teaches that it is possible to rise against all the odds. She became a devoted mother and grandmother and a distinguished educator and bearer of the legacy of a great man.

Like her husband, Malcolm X, Betty Shabazz was not defeated by life's cruel terms but used them to become a better, deeper, stronger person. Malcolm left behind racial bitterness and embraced orthodox Islam and universal human rights. Like Malcolm X, Betty Shabazz took the best of her old life and created a new reality, of devotion to family, educational excellence, and human rights. Please join me in celebrating the life of Betty Shabazz this Thursday in a special order.

TAX RELIEF FOR THE MIDDLE CLASS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I have seen information from the 1996 Statistical Abstract of the United States, and on page 461 is a table of statistics that shows the median household income in 1994, the latest year of which figures are available, was $32,264. An American household earning $32,264 is about as middle class as middle class can be.

So the question I have is should middle-class households, such as one earning $32,264 a year, be given tax relief? Should Washington spend a little bit less money so that families with incomes of about $32,000 a year can have a little more?

I think we should. I think we should let middle-income families keep a little more of what is already theirs, their hard-earned money, and that tax relief package that was passed by Congress was designed exactly for the middle class.

My mind keeps going back to the single mother working at an aircraft company in Wichita, KS. She has three children. She is working hard trying to keep the three kids in school, properly clothed, never going hungry, living in a good home. Should she be able to keep more of her hard-earned money? I think so. Yes, Mr. Speaker, she should.

TIME TO BAN LAND MINES

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, we have to assume greater responsibility for and take greater leadership against the proliferation of land mines throughout the world. Land mines were responsible for one-third of all the casualties in the Vietnam war. Likewise in the Persian Gulf war, they were responsible for one-third of the casualties. Already there have been 284 casualties due to land mines in Bosnia.

But it is not just professional military forces that suffer from these horrible instruments of death. Last year over 26,000 people were killed or maimed by land mines. That is one person every 20 minutes. Most of these victims were not members of the military. Most of them were children. Many of these children are victims of wars long ended, of conflicts long forgotten, but land mines can stay active for over 50 years, Mr. Speaker. They will kill children whose parents are not even born yet. And even though some countries have more active land mines in their territory than people, we continue to plant 2 million more land mines every year. It is time to ban them.

CYPRUS PEACE TALKS

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, this week Greek Cypriot President Glafcos Clerides, and Rauf Denktash, the Turkish Cypriot leader, have agreed to meet in upstate New York to start serious bilateral peace negotiations.

It has been 23 years since the Turkish invasion of the Island of Cyprus, and a significant military presence on both sides still remains. It is my hope that the discussions will concentrate on the removal of Turkish troops, the restoration of the territorial integrity of the Republic of Cyprus, and the implementation of a constitutional democracy.

Just as neighboring Greece, the birthplace of my grandparents, is the birthplace of democracy, it is very important that Cyprus serve as another cradle of democracy in southeast Europe.

Today marks a positive first step forward. Opening a line of communication can only lead to greater understanding.

Mr. Speaker, I wish both sides well and hope for a lasting and peaceful resolution for the people of Cyprus.

□ 1415

A TAX SYSTEM THAT REWARDS AMERICAN VIRTUES

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, in the huge best seller, "The Book of Virtues," by William J. Bennett, the author compiles a collection of moral tales for children. Children are taught through these stories that they should live their lives with concern to moral virtues. The lessons they are taught include such virtues as self-discipline, responsibility, courage, perseverance, and honesty.

Mr. Speaker, those are the very virtues that are so often the hallmark of people who have worked their way up from the bottom and have realized the American dream. They are the virtues that so often bring about prosperity and economic security.

Mr. Speaker, in my view designing a tax system that rewards those virtues, that rewards hard work, that rewards playing by the rules, thrift, diligence, is exactly the kind of tax system that our country needs. The Republican tax cut is a step in that direction. It rewards the virtues that we all admire. It is a statement about how we live our lives.

Let us make a change in that direction, Mr. Speaker, and pass the tax relief package and encourage the President to sign the tax relief package before the Congress.

THE REPUBLICAN PARTY STANDS FOR LOWER TAXES

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, President Reagan was an admired figure for many reasons. One of the reasons he is admired is because he called for tax cuts during the 1980 Presidential campaign and he delivered on his promises after he became President. He did not suddenly discover that the economy was in worse shape than he thought and use that as some kind of an excuse not only to cancel the tax cuts but actually increase taxes, which is what we saw in 1992. It is time to take a cue from Ronald Reagan.

Mr. Speaker, the Republican Party stands for lower taxes, and my constituents decided to send me to Washington because they expect Republicans to deliver some long overdue tax relief to American workers. Now is the time to deliver. The tax bill that the House is considering contains tax relief for all taxpayers, with middle class families getting the biggest break of all. Regardless of income, the Republican Party thinks our constituents should keep more of it. That was Ronald Reagan's philosophy, and I could not agree more.

BE CAREFUL OF GENERALIZING AMERICANS OF PACIFIC OR ASIAN ANCESTRY

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, this morning the other body started its hearings on alleged violations of certain individuals and companies about our campaign laws, and I want to commend my good friend, the Senator from the great State of Hawaii, Senator DANIEL K. AKAKA, for reminding his colleagues and Members of this institution to be careful of generalizing the issues and the implications. Sometimes the media in its feeding frenzy is questioning the integrity and the honesty of the entire Asia Pacific community in our Nation, that their honest contributions made in our national and local elections sometimes are being questioned simply because these Americans are of Asian or Pacific ancestry. Let me give my colleagues a little bit of history about the sacrifices of the Asia Pacific community, and it is sealed in their blood.

The Japanese-Americans of the 100th battalion, 442d infantry combat troops, after fighting our enemies in Europe: 9,000 Purple Hearts, 560 Silver Stars, 65 Distinguished Service Crosses, and only 1 Medal of Honor.

I ask my colleagues, let us be careful of generalizing people and the composite view of our Nation here in our country, and I thank the Speaker for giving me this chance.

IT IS TIME FOR THE NEA TO SAY GOODBYE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the White House has been sending signals that the President will veto the Interior appropriations bill if the National Endowment for the Arts is phased out. The NEA, my colleagues will remember, is that bureaucratically bloated $100 million-per-year Federal agency that purports to decide what does or does not constitute quality taxpayer-funded art.

Can the Republic survive without government art? I think it probably can, but the President apparently does not. He feels so strongly about this pet program that in order to save it he is willing to jeopardize the funding of such Federal entities as the National Park Service, the Smithsonian, the Kennedy Center and the Holocaust Museum, all funded in the Interior bill.

Mr. Speaker, let us not create a legislative log jam to satisfy the elite special interests in the arts community. Let us say goodbye to the NEA once and for all, and let us hope that President Clinton does not stand in the way.

PASS A TAX BILL THAT PUTS MONEY BACK IN THE POCKETS OF AVERAGE AMERICANS

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, when it comes to tax cuts the question before this House is a simple one: Who should benefit? President Clinton and the House Democrats believe that the middle class should. That is why the bulk of benefits from the Democratic tax proposals go to families who need it most, hard-working, average, middle class families. My colleagues on the other side of the aisle disagree. Their tax proposal helps big business and the wealthy at the expense of the middle class, and the American people know it.

In a recent Gallup Poll 52 percent of those surveyed say the Republican proposal will benefit the rich while only 8 percent said it would favor the middle class, and 61 percent said the Republican Congress is out of touch with the American people.

I urge my colleagues to listen to the message the American people are sending us. Let us get back in touch with the American people. Let us pass a tax bill that puts back money into the pockets of average American middle class families.

BIPARTISAN SUPPORT FOR CAPITAL GAINS AND ESTATE TAX RELIEF

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, I have in my hand a letter from Dr. Lester Spell, commissioner of agriculture and commerce for the State of Mississippi. Dr. Spell is a statewide elected official elected on the Democratic ticket, and he asks that Congress provide relief from the capital gains tax and reduce the death tax. Commissioner Spell has this to say about capital gains taxes: "This tax has a negative and unfair effect on agricultural families and non-agricultural families."

About the estate tax, Commissioner Spell says: "This tax destroys the hope and enthusiasm of free enterprise and entrepreneurship."

He goes on to say: "This year Independence Day would be much more meaningful to all Americans if Congress would reduce capital gains taxes and move to eliminate the death tax."

Mr. Speaker, the House-passed tax cut is good for average Americans. Over 75 percent of the tax relief goes to families between $20,000 and $75,000 in annual income. I am glad capital gains and estate tax relief are part of this package, and I commend Commissioner Lester Spell for pointing out the bipartisan support for these provisions.

THE FAMILY ECONOMIC INCOME CONCEPT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, maybe some of my liberal friends on the other side of the aisle can help me with a problem I am having. I am trying to get to the bottom of this family economic income business.

For example, if I make $45,000 a year and I would like to apply for a loan, can I put down $75,000 a year as my income on the loan application form? After all, I heard this great news from my liberal friends that under this great new economic family income concept I am actually much, much richer than I think.

Let us take another example. If I make $45,000 a year and I would like to buy a house, and I put down $75,000 a year as my income on the mortgage application, will they still send me to jail for lying on my form if they check to see what I really make?

Mr. Speaker, will I be able to use the family economic income defense? Will the judge buy that? After all, I can say, Wait, judge, the Secretary of the Treasury himself said this was an honest way to calculate what people really make.

I wonder.

NEED FOR HONEST DEBATE ON TAX CUT ISSUES

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, the debate we are having about whether or not most of the tax cut goes to the middle class or to the rich is downright goofy. It should be a simple question with an agreed-upon way to score it. There should be a clear-cut answer whether it is primarily the middle class or the rich who will be able to keep more of what is already theirs.

At least when discussing capital gains, I could understand some disagreement, for one can score it two ways, either by the number of people who are receiving capital gains reductions or by the value of their capital gains cut. But in terms of this tax package, charges that the majority of the tax cut goes to the wealthy are simply ridiculous.

Democrat class warriors in the Treasury Department are using bogus numbers. Redefining household incomes so that people making $45,000 a year are scored as actually making $75,000 a year is nothing short of scandalous. Imagine trying to convince a shipyard worker that he is actually making $30,000 a year more than he thinks he is making. It is downright dishonest.

IN MEMORY OF FIREFIGHTER MICHAEL SEQUIN

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, last Friday while most of western New York State and Buffalo, NY, and indeed across the country were enjoying Independence Day festivities, a 33-year-old Buffalo firefighter, Michael Sequin, reported to duty at engine 33. Unfortunately, firefighter Michael Sequin died at the scene of a house fire that evening believed to be started by illegal fireworks.

Mr. Speaker, at services today firefighter Sequin was referred to by Captain Scott Barry this way: "If you had a kid and you wanted him to grow up to be a person everybody loved and respected, it would be Mike Sequin."

Firefighter Sequin's tragic death serves as a reminder to all of us of the dangerous risk firefighters, police officers, and all public safety officers face every day. I ask all the Members of the House to join me, the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from New York [Mr. LAFALCE] in sending our condolences, sympathies, and grateful thanks to firefighter Sequin's family, friends, and fellow firefighters in western New York and all across the country.

STOP POLITICIZING TAX REDUCTION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, finally, after 16 years, this Congress has passed a tax reduction for the American taxpayers.

Listening to the debate on who will benefit from the proposed tax reduction, one would think that the President's plan and the congressional plan were the exact opposite from each other. The truth of the matter is that these bills are quite similar. There are two basic differences in the legislation.

First of all, the congressional tax reduction package does more for small businessmen and women than the President's. Two out of every three jobs created in America today are created by small business owners. They need tax incentives for economic expansion, not tax obstacles. The President wants to expand the only refundable tax credit in the Tax Code, the earned income credit.

These are the two basic differences in the legislation. Let us stop politicizing this issue and reduce the tax burden of the American people.

FREE MARKETS PROMOTE PROSPERITY AND POLITICAL REFORM

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, in November 1979, when he announced his candidacy for President of the United States, Ronald Reagan called for the creation of the world's largest free trade zone, the North American accord. His vision of the United States, Canada, and Mexico working together as friends in peace and prosperity was more than fanciful conjecture. He understood that spreading free markets and free trade promoted prosperity and political reform. It was good for America. Across the world, the past 18 years have proven Ronald Reagan's views correct.

This weekend Mexico held national elections. For the first time in decades three parties, led by the ruling Institutional Revolutionary Party, split the seats in the Mexican Parliament. A non-PRI candidate won the mayoralty in Mexico City.

Mr. Speaker, the American people must recognize that great and positive political change is proceeding in Mexico under the leadership of President Ernesto Zedillo. It is not that we applaud who is winning the elections, but that a full-fledged multiparty democracy is emerging on our doorstep.

Cooperation on all fronts, from trade, immigration to crime and corruption, is the only way to continue to build the United States-Mexico relationship on a foundation of mutual respect, cooperation and friendship befitting two great nations. NAFTA, Ronald Reagan's North American accord, certainly promotes that process.

□ 1430

TAX CUTS IN THE REAL WORLD

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, this last week, I spent most of the week driving some 2,200 miles across my State of South Dakota. I talked to farmers, ranchers, small business people, and a whole lot of just hard-working Americans. They did not want to hear the same old overused trite platitudes about tax cuts for the rich. They wanted to know what we are going to do to enable them to keep their families and their small businesses and what we are going to do to give them more control over their economic future. These are real people with real-world concerns, and they want real-world, honest answers, not the same old trite platitudes.

We want to bring tax relief that will improve the quality of life for all hard-working Americans who pay taxes and make Government smaller.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. GOODLING). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

PROHIBITING ILLEGAL ALIENS FROM RECEIVING RELOCATION ASSISTANCE

The Clerk called the bill (H.R. 849) to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Clerk read the bill, as follows:

H.R. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISPLACED PERSON DEFINED.

Section 101(6)(B) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601(6)(B) is amended—

(1) by striking the period at the end of clause (ii) and inserting "; and "; and

(2) by adding at the end the following:

"(iii) an alien that is not lawfully present in the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

(a) IN GENERAL.—Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

"SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

"(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or any other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

"(b) DETERMINATIONS OF ELIGIBILITY.—

"(1) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of this section, and after providing notice and an opportunity for public comment, the head of the lead agency shall issue regulations to carry out subsection (a).

"(2) CONTENTS OF REGULATIONS.—Regulations issued under paragraph (1) shall—

"(A) prescribe the processes, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;

"(B) prohibit a displacing agency from discriminating against any displaced person;

"(C) ensure that each eligibility determination is fair and based on reliable information; and

"(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

"(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person is otherwise eligible for such assistance.

"(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect any rights available to a displaced person under any other provision of Federal or State law.".

SEC. 2. DUTIES OF LEAD AGENCY.

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities, information developed with the Attorney General (acting through the Commissioner) on proper implementation of section 104;

"(3) ensure that displacing agencies implement section 104 fairly and without discrimination;".

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] will each control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House the bill, H.R. 849, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act to prohibit illegal aliens from receiving relocation assistance associated with Federal projects and grants. The bill was introduced by our esteemed colleague, the gentleman from California, Mr. RON PACKARD, and is cosponsored by 25 additional Members.

H.R. 849 plugs a loophole left open in last year's immigration reform bill. That bill prohibits illegal aliens from receiving Federal benefits. However, because the relocation assistance provided under the Uniform Relocation Assistance Act is technically compensation rather than a benefit, the Department of Transportation has concluded that it cannot legally deny relocation assistance to aliens, even if they are present in the United States illegally. As a result, such compensation has been paid to illegal aliens in several instances.

For example, one illegal alien who was relocated according to a Federal project was actually given $12,000 in federally funded relocation assistance.

Mr. Speaker, this approach wastes taxpayer money and it makes no sense at all. Federal relocation assistance should not be given to those who are illegally in our country. H.R. 849 will correct this and make the Uniform Relocation Assistance Act consistent with last year's immigration reform bill.

Working together with the ranking Democratic member on our committee, the gentleman from Minnesota, Mr. JIM OBERSTAR, and the principal sponsor, the gentleman from California Mr. RON PACKARD, we have crafted a bipartisan bill to correct this problem.

As reported by the committee, H.R. 849 contains a general provision prohibiting illegal aliens from receiving relocation assistance. It also contains four important features which clarify the bill's intent and ensures fair and consistent implementation.

First, the bill will require DOT to issue uniform regulations for the implementation of the bill and to require that eligibility determinations be made on a nondiscriminatory basis using only reliable evidence.

Second, the bill contains a safety net provision that is consistent with existing immigration law. If an illegal alien can provide clear and convincing evidence of an exceptional and extremely unusual hardship, he or she will remain eligible for relocation assistance.

Third, the bill makes clear that by prohibiting relocation assistance under the Uniform Relocation Assistance Act, we do not intend to take away any other rights to compensation that an illegal alien might have under other Federal or State laws.

Fourth, the bill directs DOT to provide training to other agencies on how to implement the provisions of the bill fairly and without discrimination.

Mr. Speaker, I would like to thank the gentleman from Minnesota [Mr. OBERSTAR] and his staff for the cooperative way in which they have worked with us to craft this bill. This has been a truly bipartisan effort. I also note that the administration has reviewed the proposal and does not object to it.

Mr. Speaker, I would also like to thank the gentleman from California [Mr. PACKARD] for sponsoring this legislation and bringing an important issue to the attention of the House. H.R. 849 is a good bill that plugs the loophole in Federal law. I would recommend an "aye" vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly concur with the gentleman from Wisconsin, the chairman of the Subcommittee on Surface Transportation, that this has been a bipartisan effort. There has been splendid cooperation on the part of the majority staff with the Democratic staff. We welcome that splendid participation that we have always maintained in our committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT], a cosponsor of the bill.

Mr. TRAFICANT. Mr. Speaker, I thank the distinguished ranking member for yielding time to me.

Mr. Speaker, I want to first of all commend the gentleman from California [Mr. PACKARD] for his brilliant efforts to reform the immigration mess in the country in a fair and equitable way. I think the gentleman from Wisconsin [Mr. PETRI], the chairman, discussed the foundation case that brought the attention and the microscope to this matter: $12,000 in Federal housing assistance went to an undocumented alien.

Quite frankly, Mr. Speaker, I think we are hung up on the term in the Congress. We are not talking about immigrants. I do not think there is a person in the Congress that is opposed to immigrants. We are all products of immigrants. We are talking about illegal immigrants, and we are talking about money for illegal immigrants. And we had better get on with the discussion, because as a Congress we are cutting education, we are cutting welfare, we are cutting food stamps for our own citizens; but yet, through many loopholes, we are providing Federal benefits and millions and millions of dollars to illegal immigrants.

This is not going to stop all of that. It certainly does not run rampant over anyone's rights, because the constitutional rights were protected by a fine agreement, I believe, made with the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] that made sure that this bill would provide an exception for extreme and unusual hardships, which mirror those that already exist in immigration laws we have recently passed.

Mr. Speaker, I want to stand here today, and I am very proud to be part of the program that brought this to the floor. I believe the gentleman from California [Mr. PACKARD] has done a great job and a great service. I hope Congress will pass it overwhelmingly.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have brought this bill to the House floor in response to a loophole, as has been explained, in the current immigration and welfare reform bills that we passed last year. We thought we had covered all of the areas that would prevent illegal aliens, those who are here in this country illegally, from receiving taxpayer-funded benefits; but we apparently missed this one area where $12,000 in my district was paid to an illegal alien that was being displaced from a housing project when the housing project was being converted into an AIDS Housing Program, another government program. HUD determined that the relocation requirements require them to pay benefits or relocation costs and assistance to this illegal family.

Mr. Speaker, at the same time there were legal families, legal residents, citizens of the United States, that were in the same project that received $400 for relocation assistance. A quirk in the law required that $12,000 be paid to the illegal mother and only $400 to the American citizens that were displaced from the very same housing project. This is something that I think all Americans, and certainly, to my knowledge, all Members of Congress feel that this ought to be corrected.

Mr. Speaker, this bill is simply to correct that loophole. Mine was not the only case. We have researched it and found that there are many, many other cases where housing assistance, relocation assistance, has been given, and in some cases the money was given to the illegal alien so they could go down to Mexico and buy their own home in Mexico.

Mr. Speaker, that is simply unconscionable to the American citizens, where their tax dollars would be used to go to someone that broke the law to come into this country, and then they would receive enough assistance to go down and buy a home in Mexico. Mr. Speaker, I think there is no Member of Congress that would not wish to have this corrected.

Mr. Speaker, one of the wonderful parts of this Correction Day procedure, and I should like to just speak briefly to the merits of having this opportunity to bring a noncontroversial bill that is designed to correct a loophole or a deficiency in existing law, that needs to be done without going through the long and drawn-out procedure of hearings and committee and subcommittee activity, and ultimately, the debate and so forth, this allows it to be fast-tracked. I very much appreciate the corrections process that allows this.

Mr. Speaker, I deeply appreciate the work of the chairman of the committee that has jurisdiction over this issue, the gentleman from Wisconsin [Mr. PETRI], the gentleman from Minnesota [Mr. OBERSTAR], the ranking member and former chairman of the committee, and all members of the committee that worked on this. I deeply appreciate their willingness to accept it and to bring it to the floor of the House, and the staff that also worked on it. I believe it does correct a very important deficiency. I hope all Members of Congress will vote for it.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CAMP], our colleague and chairman of the Corrections Advisory Group.

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is with great pleasure that I rise under the Corrections Calendar. The Corrections Advisory Group is responsible for identifying and eliminating outdated or unnecessary laws, rules, and regulations. With over 67,000 pages of regulations alone, we have a lot of work to do.

The bill before us today is the third bill to be considered under the Corrections Calendar. It is the third bill to correct an outdated or unnecessary law. Today it will be the third bill passed by the House under this unique process. By working with my colleagues, and as a result of the efforts of the gentleman from California, Mr. RON PACKARD, we were able to identify the problem and to quickly find a solution. It is the bipartisan nature of the Corrections Advisory Group that makes this targeted action possible.

When the Congress enacted immigration reform last year, it spoke clearly: No Federal benefits would be paid to those who are illegally present in the United States. Unfortunately, an anomaly in the housing law allowed relocation benefits to be paid to an illegal alien to the tune of $12,000. My colleague, the gentleman from California, as I mentioned, brought this loophole to the Congress' attention, and through the bipartisan Corrections Day process we are able to correct this glaring error.

The bill clarifies that, if an individual is here illegally, that status must be taken into account when paying Federal benefits under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act. While the name may sound complicated, the goal of the bill is clear: Those individuals who enter the country illegally should not receive relocation benefits.

As chairman of the Corrections Day Advisory Group, it was a pleasure to recommend this bill for action. I would like to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and the gentleman from Wisconsin [Mr. PETRI], the subcommittee chairman, and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], for quickly reporting this bill to the House. I would also like to commend the gentleman from California [Mr. PACKARD] for his diligence in seeing this bill through. I urge my colleagues to support the bill.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank my colleague, the gentleman from California, for sponsoring this bill.

Mr. Speaker, Freehold Borough, one of the towns in my district and the hometown of Bruce Springsteen, has experienced firsthand the frustrations of a bloated Washington bureaucracy that seems intent on wasting their hard-earned tax dollars. As part of a plan that took place in 1994 to renew an area by the borough and HUD, the borough discovered that some of the families they helped relocate while improvements were being made turned out to be people that were living in this country illegally. As a result, the taxpayers of Freehold Borough ended up paying over $60,000 of their hard-earned income and property tax dollars to people who had broken the law.

Just last week we celebrated cost-of-government day, the day in which the average American worker could finally celebrate their independence from Government taxes and regulations. The citizens of Freehold Borough and of America worked 183 days to pay for the services of government. Once again, we discover another area where the Government has wasted their hard-earned money.

The fact that Freehold Borough property taxpayers had to pick up most of the bill for this Federal policy is simply wrong. Freehold Borough tried to get assistance and clarification from HUD before issuing payment, but the answer from HUD was clear: All dislocated people, regardless of immigrant status, were to be paid relocation assistance. This has happened in other parts of the country as well.

Additional questions raised by Freehold as to how this income would be reported and how the borough would document this expense was referred to the IRS: more bureaucracy, more red tape, no help, and more waste of the taxpayers' money.

As the grandson of legal immigrants, I understand the importance of diversity and supporting legal immigration. However, I cannot support measures that encourage illegal immigration. What does a potential illegal immigrant think when he or she hears of stories like this? We should not reward people who break the law. Support this legislation.

□ 1445

Mr. PETRI. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying premise of H.R. 849 is not controversial. Persons illegally in the United States should not receive assistance under the Uniform Relocation Act. However, as with so many of the issues that we face, the devil is in the details and there certainly were a number of details that needed closer examination.

When we began several weeks ago to examine this legislation, several concerns arose for me on the details of how to ensure fair application of such a ban when there are dozens of agencies, Federal and non-Federal, that provide assistance under this Uniform Relocation Act.

We raised those questions with the gentleman from Pennsylvania [Mr. SHUSTER] and with the chairman of the Subcommittee on Military Construction of the Committee on Appropriations, our colleague, the gentleman from California [Mr. PACKARD], former member of our Committee on Transportation and Infrastructure, and together we worked out those concerns.

In the substitute before us, the committee has crafted language that will ensure that this ban will be administered fairly and without discrimination against applicants for uniform relocation assistance. The legislation establishes that persons illegally in this country will not be eligible for Uniform Relocation Act assistance. Then it goes on to include important provisions that will ensure evenhanded implementation.

Mr. PACKARD. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. PACKARD. Mr. Speaker, I want to say that the committee and particularly the gentleman from Minnesota made significant improvements on the bill, I thought, that left a safety net so that no one would be stripped of any legal opportunities and benefits that would be available to them. I really appreciate the improvements that came on the bill as a result of the committee's action.

I might also mention that I have a letter from the Department of HUD as well as from OMB that has done an interagency review of the bill and they have indicated that the administration has no objections to the bill as it is now submitted. I again want to thank the gentleman for making improvements on the original bill.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman.

Further to that point, we do have a letter from the administration, from the Office of Management and Budget, indicating no objection to the legislation but also indicating that when the legislation is considered in the Senate, they would ask for a full year to coordinate and issue implementing regulations for the bill.

First, this legislation requires the Department of Transportation to issue regulations after notice and after opportunity for public comment to specify how the displacing agencies will go about determining who is and who is not eligible for assistance because of their immigration status. The regulations must provide that all applicants for assistance will furnish information about their immigration status, not just those who speak with foreign accents or those who have a different skin color. All agencies, Federal, State, or local that use Federal funds for a real estate acquisition that displaces people must comply with these regulations. And these uniform rules will apply whether the displacement is caused by a new highway or a new senior citizen center, to be evenhanded.

Secondly, the bill makes it clear that the ban is intended to be limited to assistance under the Uniform Relocation Act. The prohibition on assistance does not affect a person's right under the Constitution to due process or Federal or State law for just compensation for taking of property.

Third, the bill provides for a limited administrative decision in cases of extreme hardship.

I insisted that the bill include this provision to ensure that agencies will have some latitude to respond to complicated cases where refusing assistance might be devastating to families which include U.S. citizens or lawful U.S. residents.

We cannot predict every possible situation that may deserve that kind of discretion, but we can be certain that this narrow flexibility will someday enable Government agencies and State agencies to provide critically needed assistance to U.S. citizens and lawful U.S. residents.

I would also note there is a high standard for qualifying for this waiver and that the burden of proof is shifted, the burden of proof will rest on the applicants.

This provision is not meant to create an impossible standard, a bar so high that it would preclude assistance to even the most deserving families which include U.S. citizens or lawful U.S. residents. The Department of Transportation must ensure that it will carefully guide agencies in the judicial use of this provision.

Fourth, the bill further requires the Department of Transportation to develop training and technical assistance activities that will help promote implementation of the ban. Education, in other words, a very important component, I believe, of this legislation. And that will ensure that the many agencies covered under the Uniform Relocation Act will understand the complexities of determining eligibility based on immigration status.

We have to remember that the issue of illegal immigration stirs very deep passions across this country. And it is a problem that has given rise to appalling examples of avoidance of the laws, as the gentleman has pointed out, but also appalling examples of blatant discrimination. We cannot allow a sensible policy to become a new tool for discrimination against those who may differ from us. If that were the case, as my colleague from Ohio said a little earlier, we are a nation of immigrants, in particular, in the district that I represent, they come from all parts of the world; we would certainly not want to discriminate against people because of where they originated or how they speak English with a different accent.

The very diversity that has made this country strong should not be a pretext for treating people unfairly.

Again, I want to thank Mr. SHUSTER and Mr. PETRI as well as Mr. PACKARD for their cooperation in addressing those concerns that I have had on constitutional grounds, on personal grounds, and for bringing this piece of legislation together. I have no objection to adoption of the bill now before us and urge its enactment.

However, on a personal basis, I have to once again express, as I have repeatedly in this Chamber, my opposition to this Correction Day calendar procedure. I believe it short-circuits the regular legislative process. It abbreviates, it compresses the deliberative nature of the legislative process. And my deepest concern is that in time, without care and attention, it can become a vehicle for special interest favoritism. Bills proposed for this corrections calendar, at least those that have come through our Committee on Transportation and Infrastructure, could well have come up under the suspension calendar, subjected to a much higher test of a two-thirds vote. In this case this particular bill could well have come up on the union calendar for a much broader deliberative text test, subject to amendment, open to broader debate and consideration on the House floor and broader test of suitability.

While I think our committee has been very judicious in the way it has handled correction calendar legislation, I personally am, just on a procedural basis, very much opposed to this process. While I am not going to be obstructionist about it, I must once again express my reservations and my opposition to the practice. But, again, let me express my appreciation to Mr. SHUSTER and Mr. PETRI and to the staff on both sides for their deliberate consideration in giving this bill every full measure of consideration that it would have had, had we brought it up under other procedures.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, in closing I would just like to acknowledge the hard work and contribution of a number of people that took this concept and worked out a lot of the kinks, if not every single kink; there may be one or two more that we will be working out with the Senate before it goes to the President for his signature. Paul Rosenzweig of our committee, the able assistant to Mr. PACKARD, and Chris Peace and Cordia Strom of the Committee on the Judiciary all made outstanding contributions to getting this legislation in proper form.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of H.R. 849, which would prohibit illegal aliens from receiving relocation assistance from the Department of Housing and Urban Development [HUD]. This legislation continues Congress' commitment to stop providing taxpayer supported benefits to illegal aliens.

Like many of my constituents, I was shocked to read on February 12, 1997, the San Diego Union-Tribune headline "Immigrant Status No Bar to Housing Aid, Undocumented Tenant To Get $12,000 in Relocation Funds." The article, written by Lola Sherman, highlights how an illegal alien living in Oceanside, CA, was provided $12,000 by HUD for relocation assistance. I have attached the article for the RECORD. This illegal alien was living in a public housing complex which was purchased by Community Housing of North County, a private, nonprofit organization that is planning to remodel the complex to provide housing to people with AIDS. The illegal alien and the other members of the public housing complex were to be relocated to other housing by HUD under the Uniform Relocation Assistance Act. Of the other 21 residents of this complex, all legal residents, 10 received no assistance for relocation. The other 11 either moved into subsidized housing or received between $1,000 and $2,500 in relocation assistance.

However, because the illegal alien was not eligible to move into subsidized housing, and because the alien had no legal taxable income, HUD was required to provide the illegal alien the maximum possible Federal subsidy under the Uniform Relocation Assistance Act for relocation assistance. In this case, the illegal alien was provided $12,000, far more than the other citizens and legal residents were provided for living in the same situation.

Immediately, I joined Mr. PACKARD in supporting this important legislation, which would deny assistance under the Uniform Relocation Assistance Act to illegal aliens. This commonsense legislation continues Congress' commitment to stopping taxpayer benefits to illegal aliens. Last year, Congress passed the Personal Responsibility and Work Opportunity Act and the Immigration in the National Interest Act to stop generous taxpayer benefits from being paid to illegal aliens. By passing this legislation today, we will remove one more magnet which draws illegal aliens to our country and ensure that our limited taxpayers' dollars are focused to our citizens who need help most.

Mr. Speaker, I encourage all my colleagues to support this commonsense legislation. Vote "yes" on H.R. 849.

[From the San Diego Union-Tribune, Feb. 12, 1997]

WOMAN GETS $12,000 IN HOUSING AID DESPITE UNDOCUMENTED STATUS

(By Lola Sherman)

OCEANSIDE.—An Oceanside woman is being paid $12,000 in federal housing money to move from an apartment complex here even though she isn't a legal resident of the United States.

The woman, Olivia Solorio, is one of a dozen individuals or families that were relocated after their former apartments on South Tremont Street were bought by Community Housing of North County, a private, nonprofit organization that soon will begin remodeling the complex to house AIDS patients.

Most of the other tenants of the apartments, all legal residents of the country, moved either to rent-subsidized apartments or received much smaller relocation payments. Solorio's payment of $12,000 was largely the result of her undocumented status and her lack of income, officials acknowledge.

City and federal officials, as well as documented residents ousted from the complex, say the large payment to Solorio doesn't seem fair.

"It's the law," said Nancy Lahey, relocation specialist in the Los Angeles regional office of the U.S. Department of Housing and Urban Development. "I think it will take an act of Congress to change it."

Solorio and the other tenants were moved from the 22-unit complex over the last several months. Work is to begin Feb. 24 on a $480,000 remodeling project so the complex can house low-income tenants with AIDS.

Oceanside has funneled $310,750 of its federal housing funds into the remodeling, said Richard Goodman, city housing director. The entire project will cost about $1.7 million, mostly from federal tax credits offered to investors. Of that, $1.1 million is in so-called "hard costs" such as land acquisition and renovation. The rest is for relocation expenses, a reserve for future rental assistance for the new tenants and a developer fee to North County Housing, formerly called Esperanza.

About 10 tenants moved from the apartments without any assistance. To save money on relocation expenses for the remaining 12, Goodman said, officials were able to relocate most of them to Section 8 housing, which provides federal rent subsidies. They received no relocation payments.

But Solorio does not qualify for Section 8 housing since she is not a legal resident. She will, however, get $12,000 under the Uniform Relocation Act, which does not consider immigration status.

"It has always rubbed me the wrong way, but there is nothing I can do about it," Goodman said.

HUD's Lahey said, "It's kind of crazy." Undocumented immigrants are eligible for one kind of public aid and not another, she said, adding that she wasn't happy about giving taxpayer dollars to an undocumented resident, but was not able to do anything about it.

Explaining the formula used to figure the payment, Lahey said if, for example, people displaced by a federally financed project had an income of $600 a month, they would be expected to pay just under a third of that, or about $180, for rent. If the rent in the new apartment was $400, they would be entitled to the difference—$220—for a period of 42 months.

Solorio, 49, from Jalisco, Mexico, had lived in the South Tremont apartments since July 1994. It was unclear whether she would be subject to deportation. City housing records describe her status only as "undocumented."

In an interview, Solorio said, "My documentation is in process." She denied seeking any large amount of money and expressed surprise at the sum due her.

She said she does not work outside the home but takes care of two small children. She did not disclose her income, but said she pays $465 a month, plus utilities, in her new apartment. In the Tremont apartment, she paid $450 including utilities.

Her two youngest sons, 13 and 15, live with her. All 10 of her children reside in California, she said, and she has been here for seven years.

Solorio said she has not gotten any sizable payments as yet. "I don't know anything about it," she added, indicating she has received only a small amount for moving expenses.

But Del Richardson of Del Richardson and Associates, the Yorba Linda firm in charge of distributing the money under contract to North County Housing, said Solorio has received half the $12,000, while a check for the other half will be sent to her "sometime this month."

Richardson said that Solorio may be unaware of some of the assistance she has received because it went directly to the owner of her new apartment, for rent and the security deposit, and was paid to other vendors for moving costs. But she said Solorio has received direct payments as well.

Horacio Ortiz and Concepcion Diaz, two other former tenants of the South Tremont Street apartments, were among four tenants besides Solorio who either turned down Section 8 housing or were not eligible for it. Because both have higher incomes than Solorio, Ortiz received $1,512 and Diaz $2,142 from the same fund that will pay Solorio $12,095, records show.

Oritz, who lived in the Tremont apartments since 1974, isn't happy about the situation. "It's not fair—she has less time here and she doesn't have (immigration) papers," he said.

Diaz, a resident in the Tremont units since 1982, agreed. "She doesn't have papers and she hasn't been here very long," she said.

Mr. PACKARD. Mr. Speaker, illegal aliens should not be rewarded with taxpayer dollars. When we passed immigration reform legislation last year, I thought that this was made crystal clear. Imagine my astonishment when I read in the San Diego Union-Tribune that an undocumented, unemployed, mother of 10 was handed $12,000 in relocation assistance from the Department of Housing and Urban Development [HUD].

This woman was living in my district when HUD selected her apartment building in Oceanside, CA, to be transformed into a low-income AIDS patient housing project. Under provisions of the Uniform Relocation Act, HUD was required, like every other Federal agency, to either provide alternative housing for displaced residents or grant direct funding to residents relocating on their own.

Mr. Speaker, many of those displaced by the project were moved into section 8 housing and received an average of $400 in Federal rent subsidies. However, because the Uniform Relocation Act does not consider citizenship status when doling out relocation assistance, this undocumented woman received $12,000 simply because she was residing in this country illegally.

When the Government goes out of its way to hand out free money to illegal aliens, it should be no surprise that our Nation continues to suffer from the devastating effects of illegal immigration. We have no right to expect our citizens to foot the bill when the Federal Government blatantly defies the American taxpayer. I will not let that continue. Today, we will consider H.R. 849. I introduced this bill in February to close this loophole which enabled an illegal alien to receive Federal housing benefits. I encourage all of my colleagues to pledge their support for denying Federal benefits to illegal immigrants.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). Pursuant to the rule, the previous question is ordered on the amendment recommended by the Committee on Transportation and Infrastructure and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. PETRI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, further proceedings on this question are postponed to a time not earlier than 5 p.m. today.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 849, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules but not before 5 p.m. today

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 29) to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes.

The Clerk read as follows:

S.J. RES. 29

Whereas President Franklin Delano Roosevelt, after contracting poliomyelitis, required the use of a wheelchair for mobility and lived with this condition while leading the United States through some of its most difficult times; and

Whereas President Roosevelt's courage, leadership, and success should serve as an example and inspiration for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO FRANKLIN DELANO ROOSEVELT MEMORIAL.

(a) PLAN.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall plan for the design and construction of an addition of a permanent statue, bas-relief, or other similar structure to the Franklin Delano Roosevelt Memorial in Washington, D.C. (referred to in this Act as the "Memorial"), to provide recognition of the fact that President Roosevelt's leadership in the struggle by the United States for peace, well-being, and human dignity was provided while the president used a wheelchair.

(b) COMMISSION OF FINE ARTS.—The Secretary shall obtain the approval of the Commission of Fine Arts for the design plan created under subsection (a).

(c) REPORT.—As soon as practicable, the Secretary shall report to Congress and the President on findings and recommendations for the addition to the Memorial.

(d) CONSTRUCTION.—Beginning on the date that is 120 days after submission of the report to Congress under subsection (c), using only private contributions, the Secretary shall construct the addition according to the plan created under subsection (a).

SEC. 2. POWERS OF THE SECRETARY.

To carry out this Act, the Secretary may—

(1) hold hearings and organize contests; and

(2) request the assistance and advice of members of the disability community, the Commission of Fine Arts, and the National Capital Planning Commission, and the Commissions shall render the assistance and advice requested.

SEC. 3. COMMEMORATIVE WORKS ACT.

Compliance by the Secretary with this joint resolution shall satisfy all requirements for establishing a commemorative work under the Commemorative Works Act (40 U.S.C. 1001 et seq.)

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this joint resolution such sums as may be necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from America Samoa [Mr. FALEOMAVAEGA], each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S.J. Res. 29 directs the Secretary of the Interior to plan and construct the addition of a permanent statue, bas-relief, or other similar structure to the present Franklin Delano Roosevelt Memorial in Washington, DC, to recognize that President Roosevelt's leadership was provided to the Nation while he was a disabled individual using a wheelchair.

The resolution requires that the Secretary, as soon as practicable, report to Congress and the President his findings and recommendations for this addition to the FDR Memorial. The Secretary may seek the assistance and advice of the disabled community, the Commission of Fine Arts, and the National Capital Planning Commission in creating a final design for this addition to the FDR Memorial.

The Commission of Fine Arts must approve the Secretary of the Interior's final design plan. Furthermore, the resolution requires construction of the addition to the FDR Memorial begin 120 days after submission of the report to Congress, using only private contributions.

□ 1500

The entire process for the addition to the FDR Memorial must comply with all of the requirements of the Commemorative Work Act of 1986.

Mr. Speaker, S.J. Res. 29 has the strong support of the Clinton administration. Additionally, this resolution is heartily endorsed by former Presidents Bush, Carter, and FORD. Finally, there is broad unified support for this resolution within the disabled community.

Mr. Speaker, the resolution honors the achievements of President Roosevelt, who served this Nation while disabled, and I urge my colleagues to support Senate Joint Resolution 29.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Joint Resolution 29 is a Senate-passed measure that was authored by the good Senator from the State of Hawaii, Senator DANIEL INOUYE, and is a companion to H.J.Res. 76, a bill introduced by my colleague on the Committee on Resources, the gentleman from New York [Mr. HINCHEY], who is also a member of the Franklin Delano Roosevelt Memorial Commission.

The legislation directs the Secretary of the Interior to design and construct a statue or a similar structure at the FDR Memorial to recognize that President Roosevelt's great leadership was provided while the President used a wheelchair.

I know that many Members are aware of the controversy that preceded the dedication of the FDR Memorial on May 2, 1997. Representatives of the disabled community have raised concerns that the memorial did not adequately reflect the President's disability and undertook a campaign to see that President Roosevelt be depicted in a wheelchair to reflect that disability, which was the result of polio, did not diminish his ability to provide great leadership to our Nation.

Although the President took actions to play down his disability, he has been an inspiration to millions of Americans who have seen that a disability need not diminish the ability of an individual to fully participate in all aspects of life.

The issues addressed by Senate Joint Resolution 29 were of great concern to the disabled community and the FDR Memorial Commission and members of the Roosevelt family. I am glad to see we have before us today a consensus bill that will address this issue in a dignified and thoughtful manner.

Mr. Speaker, I support the legislation and urge my colleagues for their support of this bill. I thank my good friends and the gentleman of the Subcommittee on National Parks and Public Lands for his management of this bill.

Mr. HINCHEY. Mr. Speaker, I rise in support of the legislation. As the sponsor of the House version of the resolution, I am pleased that it has been brought before the House so promptly and expeditiously. The Senate has already adopted the resolution by unanimous consent, and the President has publicly supported it. I especially want to thank our committee chairman, DON YOUNG, and our subcommittee chair, JIM HANSEN, for expediting the resolution's consideration, and Dan Smith, of the committee staff, for his work on this.

Along with our colleague, PHIL ENGLISH, I served on the Franklin Delano Roosevelt Memorial Commission, which was responsible for the design and construction of the new Roosevelt Memorial. For a long time, the Commission was ambivalent about whether the memorial should include a depiction of the President in his wheelchair. On the one hand, we knew that President Roosevelt did not want to be portrayed in his wheelchair when he was in office, and he kept the extent of his disability form the public. On the other, we know that his disability is certainly no secret today, and that most Americans find it one of the most inspiring facts about his life.

America has changed in the years since President Roosevelt died, and in the years that the memorial was being planned and built. Congress enacted the Americans with Disabilities Act, which recognizes and protects the rights of the disabled to full participation in our society. When the memorial was first conceived, there was no legal requirement that it be made accessible to the handicapped, and it had already gone through several plans and designs before accessibility even became a consideration. The minds and hearts of our people have opened themselves to the disabled in a way that I am sure that President Roosevelt would have welcomed. I think this change in law and in attitude has brought most of us who were involved with the Memorial close to a consensus that the President's disability should be acknowledged in the memorial, and his triumph over it celebrated along with the many other triumphs of his life and work.

President Roosevelt came from the Hudson Valley, as I do, although our families had little in common. He was a hereditary aristocrat, and grew up on a vast estate overlooking the river. He was educated at the best and most exclusive schools—Groton and Harvard—and was groomed for a life of privilege. Yet his presidency reached out to all Americans. He displayed a particular concern with the lowly, with those who had little or nothing, those whose lives were a forest of obstacles rather than a vista of opportunity. For this he was called a traitor to his class—and those of us who toiled to build the railroads and the towers, and slogged through the mud, loved him all the more for it.

I believe that at least part of the reason he cared so much about those who had to struggle was his own struggle after he was stricken with infantile paralysis just before he turned 40. He made the decision that it would not let it stop him. But it also must have made him understand and sympathize with those who faced other obstacles and tried to overcome them—even if they were not as successful as he was.

President Roosevelt may have intended to be more open about his disability once he left office, and no longer felt the need to convey an image of strength to the Nation. He designed a modest retirement home for himself on his estate at Hyde Park. It was at his retirement cottage where he held the famous barbecue for the King and Queen of England. He designed the cottage to be handicapped-accessible and barrier-free—a major innovation in its time. Had he lived, his home might have served as an example, and might have advanced barrier-free design by several decades.

But as I said, even if his disability was not widely known when he was alive, it is known now. We should not try to hide it again at the memorial or elsewhere. Instead, we should show the positive side. We should let today's Americans and future generations know that an obstacle like the one the President suffered can be overcome. We should let them know that people with disabilities are people like everyone else, people whose talents and capabilities can benefit everyone else, people who can lead and can achieve. And we should let the memorial serve as a place of pride and inspiration for those who do suffer from disabilities: that someone who shared their burden rose as high as President Roosevelt and achieved as much.

We hope that progress on this addition to the memorial will go forward as expeditiously as this legislation, and that Secretary Babbitt and the Park Service will turn their attention to it as quickly as possible. At the same time, I hope they will review some concerns that have been raised about accessibility at the memorial now that it is open to the public—to find ways to allow disabled visitors to experience the same sense of participation and closeness to the Roosevelts as other visitors, specifically to be able to feel the braille inscriptions, touch the statues, and enjoy the cooling waters as President Roosevelt himself did. The resolution gives the Park Service flexibility in developing a design for this addition, but we hope that the Service will fully take into account the sensibilities of disabled Americans, and will include a representation as prominent and tangible as the statues that have already been erected.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to comment on the importance of Senate Joint Resolution 29, a bill that fully honors the memory of one of our Nation's finest Presidents, Franklin Delano Roosevelt.

Foremost, I want to thank Senator INOUYE of Hawaii for introducing this legislation. Senator

INOUYE'S leadership and dedication to a proper memorial has been second to none. Senator INOUYE has correctly stated that, "disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in all aspects of American life * * * the depiction of President Roosevelt in a wheelchair will inspire the tragically afflicted. It may very well be a more honest way to depict President Roosevelt." Such a strong commitment on the part of Senator INOUYE has allowed us all to pay full tribute to the life of Franklin Delano Roosevelt.

I also want to thank Representative DON YOUNG of Alaska, chairman of the House Resources Committee, and Representative GEORGE MILLER of California for bringing this legislation to the House side in a bipartisan manner.

Modifying the Franklin Delano Roosevelt Memorial by adding a permanent statue which depicts him as a citizen with a disability is essential if we are to fully understand the life and times of FDR. The need to erect a permanent addition to the FDR Memorial is twofold. First, it is imperative to publicly acknowledge the great accomplishments of our 32d President. And second, a permanent statue sends a message to our citizens that disabilities do not limit a person's opportunity for achievement.

FDR's accomplishments as President speak volumes of the fact that people living with disabilities can accomplish their goals. Throughout his tenure as President, FDR remained firmly committed to the development of all Americans, those living with disabilities, and those without. In his second inaugural address, FDR spoke of the "road of enduring progress" on which he claimed that "mental and moral horizons had been extended." For FDR this goal was especially important to those living with disabilities. Ultimately, FDR sought the advancement of this cause through the establishment of a foundation at Warm Springs, GA, to help other polio victims, and inspired the March of Dimes program which funded an effective vaccine.

To be sure, our country has built upon the legacy of FDR and has come a long way in ensuring the equality of all citizens living with disabilities through programs such as the Americans With Disabilities Act and the Individuals. With Disabilities Education Act. The FDR Memorial is simply a testament of how far along the road of progress we have come as a nation to ensuring that persons living with both mental and physical disabilities are entitled to equal rights, equal access, and equal opportunity.

The FDR Memorial serves as a reference point for those of us who are traveling down the road of progress. FDR renounced fear as it is "nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance." President Roosevelt's continued renunciation of fear, refusal to crumble, and ability to act decisively and fearlessly in spite of the pressures of the Great Depression and World War II allowed him to develop into one of the finest role models for the people of the United States.

A permanent statue of FDR as a citizen living with a disability will forever inspire all citizens to forge through our fears and most difficult times. To me it is ironic, yet only fitting, that during the Great Depression, a time when our Nation was in fact disabled, a man living with a disability, stepped beyond his limitations to lead our Nation like no other. Our 32d President not only lived with a disability, but did so while being one of the great leaders of our country. FDR is symbolic of perseverance, and his Presidency is testimony that mental and physical disabilities are not impediments to success.

In the end, a permanent statue which portrays Franklin Delano Roosevelt as a person living with a disability will be forever a reminder that disability is part of humanity and in no way reduces a person's chance of fulfilling his or her dreams.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 29.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FACILITATING A LAND EXCHANGE WITHIN THE WENATCHEE NATIONAL FOREST IN CHELAN COUNTY, WA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 822) to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA, as amended.

The Clerk read as follows:

H.R. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT, WENATCHEE NATIONAL FOREST, WASHINGTON.

The boundary of the Wenatchee National Forest in Chelan County, Washington, is hereby adjusted to exclude section 1 of Township 23 North, Range 19 East, Willamette Meridian.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 822, as amended, is a bill introduced by my colleague, the gentleman from Washington [Mr. HASTINGS]. Mr. Hastings has worked hard to make this bill acceptable to the administration. The passage of this bill will benefit the people of Washington and the people of the United States.

H.R. 822 expedites a land exchange between a parcel of private property, currently within the boundaries of the Wenatchee National Forest, with the Bureau of Land Management. The Forest Service boundary needs to be removed for a land exchange to occur. The Forest Service does not have the authority to remove the boundary administratively, although they state the boundary is no longer needed. The Forest Service also agrees the old boundary does not contribute to the management of the Wenatchee National Forest. The BLM has expressed interest in acquiring the land parcel through exchange in order to consolidate their holdings which are adjacent to the private land. In order for this exchange to occur, the congressionally authorized Forest Service boundary surrounding this private property must be removed. This removal is required to allow an administrative exchange with the BLM.

Mr. Speaker, this is a noncontroversial measure that is supported by the administration, and I urge my colleagues to support H.R. 822.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the good gentleman from the State of Washington [Mr. HASTINGS] for his sponsorship of this legislation.

Mr. Speaker, H.R. 822 directs that, if the Secretary of the Interior acquires by exchange certain private lands located within the boundaries of the Wenatchee National Forest, those lands will be administered by the Bureau of Land Management instead of the Forest Service. As originally drafted, the bill was opposed by the administration. There were discussions during the committee consideration of H.R. 822 on an alternative legislative approach that would statutorily remove the acquired lands from the national forest boundary, and the Committee on Resources adopted such language as an amendments. With this change we support the legislation.

Again I thank my good friend, the gentleman from Utah, for his management of this legislation and our good friend from Washington for his sponsorship of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS], the sponsor of this bill.

Mr. HASTINGS of Washington. Mr. Speaker, this is a commonsense approach to a small problem, frankly, that deals with 640 acres in the Wenatchee National Forest, where an individual wants to exchange it to potentially put this into development; but he cannot exchange it unless these boundaries are removed because the other Federal agency involved, the Bureau of Land Management, would have input into that process. So this simply removes the boundary to allow negotiations to start between this individual and BLM. It does not mandate anything, it just allows the process to start.

I might add that I think this is important for Chelan County, because upwards of 75 percent of that county is in Federal control. An opportunity like this for potential development in the private sector, I think, is good for Chelan and I think good for that area.

Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for moving expeditiously on this.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 822, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING THE EXCHANGE OF CERTAIN LANDS LOCATED IN HINSDALE, CO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 951) to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO.

The Clerk read as follows:

H.R. 951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

In exchange for conveyance to the United States of an equal value of offered lands acceptable to the Secretary of the Interior which lie within, or in proximity to, the Handies Peak or Red Cloud Peak Wilderness Study Areas or the Alpine Loop Backcountry Bi-way in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (in this section referred to as "LCR"), approximately 560 acres of selected land located in the same county and generally depicted on a map entitled "Larson and Friends Creek Exchange", dated June 1996. The exchange shall be contingent upon LCR granting the Secretary a permanent conservation easement on the approximate 440 acre Larson Creek portion of the selected lands (as depicted on the map) which limits future use of such lands to agricultural, wildlife, recreational, or open space purposes. The exchange shall also be subject to the standard appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), and to reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws. The costs of such appraisals and reviews shall be paid by LCR. The Secretary may credit such payments against the value of the selected land, if appropriate, pursuant to section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 951 is a bill introduced by my colleague, the gentleman from Colorado [Mr. MCINNIS]. Because of the outstanding effort of the gentleman from Colorado, this bill is agreeable to the administration, to the environmental community, and to the private property owners.

I would also like to commend another colleague, the gentleman from Texas [Mr. THORNBERRY], who has added his support to this bill.

H.R. 951 requires the Secretary of the Interior to exchange approximately 560 acres of Federal land located in Colorado to Lake City Ranches, Ltd. This land is currently managed by the Bureau of Land Management. In return, the U.S. Government will receive inholdings within the proposed Handies Peak or Red Cloud Wilderness Areas, or along the Alpine Loop Backcountry Biway. The BLM is also granted a permanent conservation easement on 440 acres of the lands conveyed to be used for agricultural, wildlife, recreation, or open space purposes.

Mr. Speaker, this bill has very wide community support and I urge my colleagues' support of H.R. 951.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume, and again I commend the gentleman from Colorado for his sponsorship of this legislation.

Mr. Speaker, H.R. 951 provides for the exchange of certain public lands in Hinsdale County in the State of Colorado for private lands that are located within or in proximity to several wilderness study areas and a backcountry bi-way. The bill provides that the exchange be of equal value. In addition, as a condition of the exchange, the private landowner will keep approximately 440 of the 560 acres under a conservation easement.

The exchange is supported by the local community, by the environmental groups, and the administration. I am unaware of any controversy associated with the bill and certainly will support this legislation and urge my colleagues to do the same.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 951.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VALIDATING CERTAIN LAND CONVEYANCES IN THE CITY OF TULARE, CA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 960) to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that:

(1) It is in the Federal Government's interest to facilitate local development of jobs in areas of high unemployment.

(2) Railroad interests in rights-of-way prevent local communities from obtaining clear title to property for development unless the city also obtains the Federal revisionary interest in those rights-of-way.

(3) For development purposes, in order to secure needed financing, the City of Tulare Redevelopment Agency requires clear title to certain parcels of and within the city's business corridor that are part of a railroad right-of-way.

SEC. 2. TULARE CONVEYANCE.

(a) IN GENERAL.—Subject to subsections (c) and (d), all conveyances to the Redevelopment Agency of the City of Tulare, California, of lands described in subsection (b), heretofore or hereafter, made directly by the Southern Pacific Transportation Company, or its successors, are hereby validated to the extent that the conveyances would be legal or valid if all rights, title, and interest of the United States, except minerals, were held by the Southern Pacific Transportation Company.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the parcels shown on the map entitled "Tulare Redevelopment Agency-Railroad Parcels Proposed to be Acquired", dated 5/29/97, that formed part of a railroad right-of-way granted to the Southern Pacific Railroad Company, or its successors, agents, or assigns, by the Federal Government (including the right-of-way approved by an Act of Congress on July 27, 1866). The map referred to in thus subsection shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management.

(c) PRESERVATION OF EXISTING RIGHTS OF ACCESS.—Nothing in this section shall impair any existing rights of access in favor of the public or any owner of adjacent lands over, under or across the lands which are referred to in subsection (a).

(d) MINERALS.—The United States disclaims any and all right of surface entry to the mineral estate of lands described in subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 960, introduced by the gentleman from California [Mr. THOMAS] will give the Tulare Redevelopment Agency the ability to purchase lands within the railroad right-of-way that bisects their city. This bill would validate the city's title to one parcel of land that they bought from the railroad before learning the title was clouded by the Federal Government's reversionary interest. It would also allow the railroad to pass clear title to parcels of land shown on the referenced map.

This legislation is a reasonable solution to a difficult problem. The BLM has studied the issue and concluded that the lands in question are best suited for local development as planned by the redevelopment agency. The gentleman from California has worked very hard with the BLM to craft a bill that would be satisfactory to all concerned. The bill has been amended to clarify language that gives the railroad the right to pass clear title to only the redevelopment agency. Language has also been removed from the bill that the administration felt could be construed as a waiver of environmental laws. The current bill would also preserve the Federal interest in mineral rights to the lands, while at the same time disclaiming any right the Government may have to surface entry to the mineral estate. This gives the city the ability to go forward with planning, financing and development.

This bill is intended to resolve an unusual problem within the city of Tulare. The bill is not intended to be dispositive of the status of other rail properties nor is it intended to set a general policy for the treatment of railroad grants. Concerns that this action would set an undesirable precedent regarding railroad right-of-way problems are, I believe, therefore unfounded.

This is a good bill. It is long overdue. I urge my colleagues to support it and allow the Tulare Redevelopment Agency to get on with their efforts to facilitate development and economic growth within their city.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume and, before addressing the legislation before us, I want to thank the Speaker for properly pronouncing the jurisdiction of the district that I represent, American Samoa. It is not Somalia, Somoya, it is Samoa, and I thank the Speaker for that.

Mr. Speaker, I commend the gentleman from California [Mr. THOMAS] for his sponsorship of this legislation. The purpose of H.R. 960, introduced by the gentleman from California, is to allow the city of Tulare in California to acquire property to then resell or lease in order to address redevelopment needs. The property in question is a railroad right-of-way comprised of a 400-foot-wide corridor which was given to Southern Pacific Transportation Co., now owned by the Union Pacific Railroad Co., on a limited fee basis by the United States for the construction of a railroad and telegraph line. If and when the right-of-way is no longer used for the original intent, the property would revert to the United States. Because Union Pacific Railroad Co., does not own this property free and clear, it cannot convey a clear title unless the United States relinquishes its interest in the land.

Under current law, the National Trails Systems Act provides that railroad rights-of-way lands, once abandoned, will remain in the Federal domain. Further, the act establishes a mechanism by which these lands can be used for recreation purposes or for recreation trails. H.R. 960 would preempt this law.

In the past, Congress has voted to validate some limited conveyances by railroad companies. In those cases, private landowners bought what they believed to be clear titles to property only to find out about the U.S. interest in the lands when they went to build or resell the property.

□ 1515

Other instances arose where an adjacent landowner mistakenly built a garage or add-on to a private home which infringed on the right-of-way. Parcels approved in the past have been of little monetary value and were mostly used for private housing.

This legislation will mark the first time a Congress will prospectively validate parcels in this manner. Enactment of this legislation will be the first time the United States relinquishes its interest in its railroad right-of-way lands for the purpose of community development.

By all accounts, the city of Tulare, CA is in need of revitalization. Extinguishing Federal rights in this land may help the redevelopment of the area, and I hope it does. How much profit Union Pacific Railroad Co. seizes from gaining the Federal interest will presumably be determined through price negotiation with the city of Tulare. This legislation reacts to a specific and unique set of circumstances in the city of Tulare.

In this instance, the Federal Government has determined that if the railroad right-of-way lands were to revert to the Federal Government, it would not be interested in managing the land and would seek to dispose of the land. Passage of this legislation should not be perceived as endorsing the concept of the Federal Government giving away public rights without compensation.

With that statement, Mr. Speaker, again I urge my colleagues to support this legislation with those bases of clarification; and again I thank our good friend from California for his diligence and working closely both with the administrators and with Members of this side of the aisle.

The United States gave Southern Pacific Transportation Co. an interest in the lands that are the subject of H.R. 960 through a right-of-way granted under the Pacific Railroads Act of July 1, 1862, ch. 120, 12 Stat. 489, as amended. Section 2 of the act granted a 400-foot-wide right-of-way through the public lands of the United States: "For the construction of a railroad and telegraph line."

In *Northern Pac. Ry.* v. *Townsend*, 190 U.S. 267, 271 (1903), the right-of-way grant was characterized as a "limited fee made on an implied condition of reverter" in the event that the railroad ceased to use the right-of-way for the purpose for which it was granted. Under these conditions, if the railroad were to cease use of the right-of-way, and a forfeiture were declared by the Congress or a judicial proceeding initiated by the Attorney General of the United States, the railroad would lose its interest in the land, which would revert to the Federal Government.

The National Trails System Act, 16 U.S.C. 1241, provides that * * * all right, title, interest, and estate of the United States in all rights-of-way * * * shall remain in the United States upon the abandonment or forfeiture. * * * This act establishes a mechanism by which the reverted land can be used for recreation trails. H.R. 960 would preempt the National Trails System Act by eliminating the reversionary interest.

The city of Tulare wants to buy the right-of-way land alongside the railroad to sell or lease through the city of Tulare Redevelopment Agency. The railroad, however, does not own the land—the taxpayers do—and so the title is not cleared to convey. One parcel in the city of Tulare has already been sold by the railroad despite the fact it did not own the land. This legislation would validate title to the parcel already sold as well as prospectively extinguishing Federal reversion rights on all lands within the redevelopment plan area, thereby giving Southern Pacific Transportation Co. clear title to sell the lands and to profit from their disposal.

In the past Congress has validated some limited conveyances in situations where the new owner purchased the land in good faith without realizing there was a reversion interest to the Federal Government. Parcels approved in the past have been of little monetary value and were mostly used for private housing. This legislation will mark the first time that Congress prospectively validated parcels in this manner before they were sold and before any party was misled about the title of land which it had purchased.

Enactment of this legislation will be the first time the United States relinquishes its interest in railroad rights-of-way lands for the purpose of community redevelopment. By all accounts the city of Tulare is in need of revitalization. Extinguishing Federal rights to this land may help the redevelopment of the area. How much profit Southern Pacific Transportation Co. realizes from selling the Federal interest will presumably be determined through price negotiations with the city of Tulare.

It should be noted that this legislation responds to a specific and unique set of circumstances in the city of Tulare. In this instance, the Federal Government has determined that if the railroad right-of-way lands were to revert, the Federal Government would not be interested in managing the lands. Passage of this legislation should not be perceived as endorsing the concept of the Federal Government giving away public rights without just compensation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], the sponsor of this legislation, who has worked many, many hours to bring this to pass.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank both the chairman and ranking member for taking the time that they have in looking at this obviously unique situation. I think all of us want to underscore the hours consumed in dealing with this issue is because it is a unique situation. It probably will remain unique, given the definition of unique, and it will not set a precedent.

The people in the small community of Tulare in the central valley of California have got to feel comfortable that people who represent American Samoa and Utah, in their subcommittee duties, took enough time to understand the uniqueness of this situation that would allow what would if it were precedent-setting be an extremely unusual situation to go forward. I want to thank both of you for their willingness to work with my office and my constituents.

Mr. Speaker, I am extremely pleased that the House is considering my bill, H.R. 960, today because the bill is an essential step toward giving the city of Tulare, California's Tulare Redevelopment Agency the tools with which to end a blight in the city's downtown area. This bill will give local people control over Federal reversionary interest in railroad rights of way bisecting the very heart of the city, allowing a rural community with high unemployment to bring in new jobs.

H.R. 960 takes a new approach to the complicated field of Federal land grants because of the unusual problem confronting the city of Tulare. Our Resources Committee colleagues passed the bill by voice vote on June 25, 1997, because they saw the need to foster redevelopment in this community. So does the Bureau of Land Management. In fact, the Bureau's full support of H.R. 960 is expressed in a letter I am submitting for the RECORD. We were able to reach agreement on the legislation because of the widespread agreement on the very unique setting H.R. 960 will address.

Tulare, a city of 40,350 located in California's Central Valley, has an unemployment rate of over 15 percent. The surrounding county has a similarly high-unemployment rate and residents of the area have median incomes that are 30 percent below the rest of California's. City of Tulare leaders have been looking for ways to bring more jobs to the region for years. Tulare's Redevelopment Agency has been working on a redevelopment program as part of that process and the agency needs H.R. 960 to carry out its program.

H.R. 960 is a very limited proposal intended to meet unique needs. It transfers the Federal reversionary interest in 12 parcels of land in the middle of the community to the city of Tulare's Redevelopment Agency so that the agency can pursue a 10-year program to finance and market a redevelopment program intended to help bring retailing opportunities and jobs to the community.

There is no reason for the lands covered by H.R. 960 to be retained at the Federal level for recreational purposes. The parcels are in the midst of an urban, largely industrial area. The Bureau of Land Management [BLM] does not want these properties back and that the agency would seek some way of getting the land to Tulare if the railroad ever relinquished control. In similar circumstances, BLM has found these urban settings to be a drain on its resources because the unoccupied properties become casual dumping grounds which cost BLM money to clean up.

If allowed to redevelop land adjacent to the rail line, the people of Tulare believe that it could generate more than 350 jobs in 6 years because of the agency's plan to create a retail shopping area.

The city cannot gain control over the core of this corridor without a change in Federal law. In the last century, Congress extended rights of way to railroads in order to encourage the creation of a rail transport system. The Southern Pacific Railroad received rights for tracks and land adjacent to those tracks within what is now Tulare. Because the Federal Government has a reversionary interest in the right of way and surrounding properties, the redevelopment agency cannot obtain control of all the 12 parcels of land along the rail line that the city wishes to redevelop. The city cannot condemn the Federal interest and as a result, cannot make use of anything the community might secure from the railroad.

The railroad and its successor, Union Pacific, run over 30 trains per day through the center of the city and as a result the tracks will probably never be abandoned under the law. The railroad will continue to argue that it controls the adjoining parcels of land because abandonment has not occurred. The Federal interest in these properties is at best a highly speculative, prospective one and that is the way things are likely to stay. That leaves Tulare with a problem.

Most of the land along the tracks is empty. Small shops east of the rail line and a cotton seed mill and family homes on the other side look out on blighted property. There are a few small businesses operating on short-term leases and an abandoned gas station on railroad property along the corridor. For the most part, however, a visitor can see nothing but vacant lots that have cut off business growth from the east. The Tulare Redevelopment Agency's plan would preserve the railroad tracks while allowing some of this empty space in the center of town to be turned into more productive use.

H.R. 960 clears the path for redevelopment. First, it gives the city clear title to one piece of property which Tulare already thought it had purchased from Southern Pacific before learning that railroad law clouded the title. Second, it transfers the reversionary interest in 11 other parcels so that the redevelopment agency can deal with the railroad and secure the remaining properties.

It is essential that we pass this bill because the redevelopment plan cannot be made to work piecemeal. Following the practices of the past and "confirming" title in someone who has already bought a clouded title only solves part of the city's problem. To ensure coherent economic redevelopment, the redevelopment agency has to control all the parcels of land so planning, marketing and community financing of the development are possible. Giving the city title to one piece of property will deny the city resources to continue developing. Forcing the city to come back to Congress each time an interest is transferred is a waste of the city's time and ours.

The bill is not intended by the Resources Committee or by me to be dispositive of the status of other rail properties not addressed in the legislation nor is it intended to set a general policy for the treatment of railroad grants. Because the city needs the redevelopment H.R. 960 will facilitate, our colleagues decided this unique approach should be adopted in this case.

I urge my colleagues to join me passing H.R. 960 today. Tulare wants to take control over its own economic destiny by putting lousy land to better use. Unless this bill is enacted, Congress will be in the way of a city that badly needs our help.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 24, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for this opportunity to comment on H.R. 960, a bill that will extinguish the Federal government's right of reversion to lands encumbered by a railroad right-of-way within Tulare, California. The Bureau of Land Management (BLM), testified at a hearing on May 20, 1997, before the Subcommittee on National Parks and Public Lands on this bill. It is my understanding that this bill will soon be marked up by your Committee and we would like our views included for the Record. The Administration supports the legislation as reported to your Committee.

The BLM testified before the Subcommittee in support of H.R. 960 if certain changes were made to the bill. Those changes were made in Subcommittee markup and we now support this bill.

H.R. 960 would eliminate all rights of the United States to land within a railroad right-of-way, granted by an Act of Congress on July 27, 1886, in downtown Tulare, California. The City of Tulare has requested this action in order to obtain clear title to those portions of the right-of-way within an Urban Redevelopment Plan adopted by the City. H.R. 960 would accomplish this by validating conveyances made prior to or after April 15, 1996, to the City of Tulare's Redevelopment Agency by the Southern Pacific Transportation Company, the holder of the railroad right-of-way (or its successor, presently Union Pacific Railroad).

Currently, some 30 trains a day cross the tracks in the center of this right-of-way through downtown Tulare and the railroad owner has no plans to stop using the tracks. Therefore, until abandonment is legally determined, the property does not revert to the Federal government.

Our understanding of the situation is that the City of Tulare attempted to acquire one parcel of land within the right-of-way for redevelopment purposes and was informed by their title company that it would not insure title because of the reversionary nature of the railroad's right-of-way. Because of this, the City did not attempt to acquire any of the remaining lands within its redevelopment area (encompassing approximately 60 acres) pending resolution of this issue.

The right-of-way granted pursuant to the Act of July 27, 1866, is a grant of a limited fee, made on an implied condition of reverter in the event that the company ceased to use or retain the land for the purpose for which it was granted. By the Act of May 24, 1920 (43 U.S.C. 913), the railroad owners were authorized to convey to States, counties or municipalities the outer portions of the right-of-way for use as a public highway or street (such conveyances would still be subject to the possible future reversion to the United States). The 1988 National Trails System Act (16 U.S.C. 1248(c)), provides that ". . . all right, title, interest, and estate of the United States . . . shall remain in the United States upon the abandonment or forfeiture . . ." of the railroad.

BLM has examined the lands in downtown Tulare and has concluded that because of their location, and having reviewed the City's plans, the lands are best suited for local development as planned by the Redevelopment Agency.

BLM is not interested in managing the lands involved even if they did revert to the Federal government. In the interim, the City of Tulare deserves to be able to plan for the development of its downtown and revitalize its business center. The only way that this public goal can be realized is for the Federal government to relinquish its interest in the property involved through legislation such as H.R. 960.

We made several recommended changes which have been incorporated in the bill, including the deletion of the waiver of environmental laws and revised language clarifying that only conveyances from the railroad to the Redevelopment Agency would be validated. Finally, we requested that a map of this area be on file with the BLM and that we have an opportunity to see such a map before markup. We have reviewed that map and are satisfied with it.

Thank you for the opportunity to comment on this legislation. The Office of Management and Budget has advised us that it has no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

PIET DEWITT,
Acting Deputy Assistant Secretary.

Mr. Speaker, I thank the chairman and ranking member once again.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 960, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND TO CITY OF GRANTS PASS, OR.

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1198), to direct the Secretary of the Interior to convey certain land to the city of Grants Pass, OR., as amended.

The Clerk read as follows:

H.R. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. CONVEYANCE OF BLM LAND TO GRANTS PASS, OREGON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall promptly convey to the City of Grants Pass, Oregon (in this section referred to as the "City"), without monetary compensation, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) PROPERTY DESCRIBED.—(1) IN GENERAL.—The real property referred to in subsection (a) is that parcel of land depicted on the map entitled "Merlin Landfill Map" and dated June 20, 1997, consisting of—

(A) approximately 200 acres of Bureau of Land Management Land on which the City has operated a landfill under lease; and

(B) approximately 120 acres of Bureau of Land Management Land that are adjacent to the land described in subparagraph (A).

(2) DETERMINATION BY SECRETARY.—The Secretary of the Interior may determine more particularly the real property described in paragraph (1).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Secretary shall require the City to agree to indemnify the Government of the United States for all liability of the Government that arises from the property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1198, as amended, is a bill introduced by my colleague, the gentleman from Oregon [Mr. SMITH]. Mr. SMITH has worked hard to develop a bill which successfully resolves an environmentally sensitive issue and will benefit the people of Oregon.

H.R. 1198 directs the Secretary of the Interior to convey certain Federal land currently used as a solid waste landfill facility from the Bureau of Land Management to the city of Grants Pass, OR. This bill transfers title and all right and interest of the real property to the city of Grants Pass, while indemnifying the Government of the United States for all liability that may arise from the property. A technical amendment provided the title and date of the map in the property description found in section 1(b)(1) of the bill.

This bill is noncontroversial and is supported by the administration and the city of Grants Pass, OR. I urge my colleagues to support H.R. 1198.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I too would like to commend the gentleman from Oregon [Mr. SMITH], who is also a member of our committee, for his sponsorship of this legislation.

Mr. Speaker, H.R. 1198 directs the Secretary of the Interior to convey to the city of Grants Pass, OR, without monetary consideration, approximately 200 acres of public land which the city has operated under lease and 120 acres of adjacent public land to be used as a buffer. In addition, the bill specifies that the city must agree to indemnify the United States from all liability that arises from the property.

In testimony before the Committee on Resources, the administration stated its support of the bill, and I know of no controversy associated with the legislation.

With that in mind, Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further speakers on this issue, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, before I yield the balance of my time, I would like to say that I would be remiss if I did not offer my commendations to the members of the staff on this side of the aisle for their tremendous work with the Members in getting this piece of legislation successfully passed here on the floor of the House: Mr. Rick Healy, Marie Howard Fabrizio, Jean Flemma, and Ann Owens.

Mr. SMITH of Oregon. Mr. Speaker, I rise today to urge swift passage for this legislation which would transfer the Merlin Landfill in my district to the city of Grants Pass, OR.

Grants Pass is a small city in southern Oregon and has leased approximately 200 acres of BLM land for the Merlin Landfill since 1968. This lease is due to expire on April 14, 2000, 2 or 3 years short of the landfill's operational lifespan. The BLM has stated that it will not renew this lease.

In 1990, low levels of organic chemicals were identified in groundwater beyond the site boundaries. This contamination was so minimal that if the water was used for public drinking, it would meet all Federal and State standards for safety. Nevertheless, the Superfund law requires that, as public land, the site be listed as a contaminated Federal facility and evaluated for ranking on the national priorities list for subsequent cleanup.

Although the BLM would be responsible for performing this cleanup, Superfund requires that the Bureau recover its costs. As with other Superfund liability disputes, the litigation expenses incurred by both the BLM and the city could quite possibly cost more than the cleanup itself. These circumstances led the BLM to attempt to cancel the Merlin Landfill's lease in 1991. Because a lease termination or a suspension in operation during the cleanup would pose an enormous financial burden on the citizens and businesses of Grants Pass, the city successfully worked with the BLM to address the environmental concerns. These efforts have cost the city several million dollars

In addition, the city has entered into a consent order with the Oregon Department of Environmental Quality obligating it to address the remaining concerns in preparation for the eventual closure of the landfill. However, despite its faithful cooperation in addressing these issues, if the landfill closes when the lease terminates in the year 2000, the city will not have adequate financial resources to fund the remaining compliance activities as well as the Closure and Post-Closure Trust Funds.

After exploring a number of nonlegislative options, the concerned parties came to a consensus agreement that the best and most cost-effective solution to the problem would be for the BLM to transfer the leased land and an additional parcel of 120 acres to the city. In turn, Grants Pass would accept all liability and responsibility for cleaning up the contaminated area.

Most important, however, is that such a transfer would allow operations to continue at the Merlin Landfill for another 2 or 3 years past the lease termination date. This would allow the city to raise enough money to meet its environmental obligations including the Closure and Post-Closure Trust Funds.

This is simple, cost-effective, good government, and it is recognized as such by all parties involved. The Oregon Department of Environmental Quality, Josephine County, the BLM, and the Governor's office have all voiced their support for this legislation. I, too, hope for a speedy passage so that the city of Grants Pass and the BLM have adequate time to prepare and complete this transfer.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1198, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on S.J.Res. 29, H.R. 822, H.R. 951, H.R. 960, and H.R. 1198, the bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws, as amended.

The Clerk read as follows:

H.R. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Striped Bass Conservation Act Amendments of 1997".

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ATLANTIC STRIPED BASS CONSERVATION ACT.

The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Atlantic Striped Bass Conservation Act'.

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

"(2) No single government entity has full management authority throughout the range of the Atlantic striped bass.

"(3) The population of Atlantic striped bass—

"(A) has been subject to large fluctuations due to natural causes, fishing pressure, environmental pollution, loss and alteration of habitat, inadequacy of fisheries conservation and management practices, and other causes; and

"(B) risks potential depletion in the future without effective monitoring and conservation and management measures.

"(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

"(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

"SEC. 3. DEFINITIONS.

"As used in this Act—

"(1) the term 'Magnuson Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

"(2) The term 'Atlantic striped bass' means members of stocks or populations of the species Morone saxatilis, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

"(3) The term 'coastal waters' means—

"(A) for each coastal State referred to in paragraph (4)(A)—

"(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

"(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

"(B) for the District of Columbia, those waters within its jurisdiction; and

"(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

"(4) The term 'coastal State' means—

"(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

"(B) the District of Columbia; and

"(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.

"(5) The term 'Commission' means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77–539 and 81–721.

"(6) The term 'exclusive economic zone' has the meaning given such term in section 3(6) of the Magnuson Act (16 U.S.C. 1802(6)).

"(7) The term 'fishing' means—

"(A) the catching, taking, or harvesting of Atlantic striped bass, except when incidental to harvesting that occurs in the course of commercial or recreational fish catching activities directed at a species other than Atlantic striped bass;

"(B) the attempted catching, taking, or harvesting of Atlantic striped bass; and

"(C) any operation at sea in support of, or in preparation for, any activity described in subparagraph (A) or (B).

The term does not include any scientific research authorized by the Federal Government or by any State government.

"(8) The term 'moratorium area' means the coastal waters with respect to which a declaration under section 5(a) applies.

"(9) The term 'moratorium period' means the period beginning on the day on which moratorium is declared under section 5(a) regarding a coastal State and ending on the day on which the Commission notifies the Secretaries that that State has taken appropriate remedial action with respect to those matters that were the case of the moratorium being declared.

"(10) The term 'Plan' means a plan for managing Atlantic striped bass, or an amendment to such plan, that is prepared and adopted by the Commission.

"(11) The term 'Secretary' means the Secretary of Commerce or a designee of the Secretary of the Secretary of Commerce.

"(12) The term 'Secretaries' means the Secretary of Commerce and the Secretary of the Interior or their designees.

"SEC. 4. MONITORING OF IMPLEMENTATION AND ENFORCEMENT BY COASTAL STATES.

"(a) DETERMINATION.—During December of each fiscal year, and at any other time it deems necessary the Commission shall determine—

"(1) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

"(2) whether the enforcement of the Plan by each coastal State is satisfactory.

"(b) SATISFACTORY STATE ENFORCEMENT.—For purposes of subsection (a)(2), enforcement

by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within the coastal waters of the State is being, or will likely be, substantially and adversely affected.

"(c) Notification of Secretaries.—The Commission shall immediately notify the Secretaries of each negative determination made by it under subsection (a).

"SEC. 5. MORATORIUM.

"(a) Secretarial Action After Notification.—Upon receiving notice from the Commission under section 4(c) of a negative determination regarding a coastal State, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.

"(b) Prohibited Acts During Moratorium.—During a moratorium period, it is unlawful for any person—

"(1) to engage in fishing within the moratorium area;

"(2) to land, or attempt to land, Atlantic striped bass that are caught, taken, or harvested in violation of paragraph (1);

"(3) to land lawfully harvested Atlantic striped bass within the boundaries of a coastal State when a moratorium declared under subsection (a) applies to that State; or

"(4) to fail to return to the water Atlantic striped bass to which the moratorium applies that are caught incidental to harvesting that occurs in the course of commercial or recreational fish catching activities, regardless of the physical condition of the striped bass when caught.

"(c) Civil Penalties.—

"(1) Civil penalty.—Any person who commits any act that is unlawful under subsection (b) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

"(2) Civil forfeitures.—

"(A) In general.—Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (b) shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

"(B) Disposal of fish.—Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed in regulations.

"(d) Enforcement.—A person authorized by the Secretary or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (a) that an officer authorized by the Secretary under section 311(b) of the Magnuson Act (16 U.S.C. 1861(b)) may take to enforce that Act (16 U.S.C. 1801 et seq.). The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

"(e) Regulations.—The Secretary may issue regulations to implement this section.

"SEC. 6. CONTINUING STUDIES OF STRIPED BASS POPULATIONS.

"(a) In General.—For the purposes of carrying out this Act, the Secretaries shall conduct continuing, comprehensive studies of Atlantic striped bass stocks. These studies shall include, but shall not be limited to, the following:

"(1) Annual stock assessments, using fishery-dependent and fishery-independent data, for the purposes of extending the long-term population record generated by the annual striped bass study conducted by the Secretaries before 1994 and understanding the population dynamics of Atlantic striped bass.

"(2) Investigations of the causes of fluctuations in Atlantic striped bass populations.

"(3) Investigations of the effects of water quality, land use, and other environmental factors on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass populations, including the Delaware River population.

"(4) Investigations of—

"(A) the interactions between Atlantic striped bass and other fish, including bluefish, menhaden, mackerel, and other forage fish or possible competitors, stock assessments of these species, to the extent appropriate; and

"(B) the effects of interspecies predation and competition on the recruitment, spawning potential mortality, and abundance of Atlantic striped bass.

"(b) Reports.—The Secretaries shall make biennial reports to the Congress and to the Commission concerning the progress and findings of studies conducted under subsection (a) and shall make those reports public. Such reports shall, to the extent appropriate, contain recommendations of actions which could be taken to encourage the sustainable management of Atlantic striped bass.

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.

"(a) Authorization.—For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this Act—

"(1) $800,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.

"(b) Cooperative Agreements.—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission or with States, for the purpose of using amounts appropriated pursuant to this section to provide financial assistance for carrying out the purposes of this Act.

"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF MANAGEMENT PLANS AND AMENDMENTS.

"(a) Standards and Procedures.—In order to ensure the opportunity for public participation in the preparation of management plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 805(a)(2) of the Atlantic Coastal Fisheries Cooperative Management Act.

"(b) Application.—Subsection (a) shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on the date of enactment of the Atlantic Striped Bass Conservation Act Amendments of 1997.

"SEC. 9. PROTECTION OF STRIPED BASS IN THE EXCLUSIVE ECONOMIC ZONE.

"(a) Regulation of Fishing in Exclusive Economic Zone.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines are—

"(1) consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(3) sufficient to assure the long-term conservation of Atlantic striped bass populations.

"(b) Consultation; Periodic Review of Regulations.—In preparing regulations under subsection (a), the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a), and if necessary to ensure their continued consistency with the requirements of subsection (a), shall amend those regulations.

"(c) Applicability of Magnuson Act Provisions.—The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.".

SEC. 3. REPEALS.

(a) Anadromous Fish Conservation Act.—Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is repealed.

(b) Albemarle Sound-Roanoke River Basin.—Section 5 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (16 U.S.C. 1851 note; 102 Stat. 2984), relating to studies of the Albermarle Sound-Roanoke River Basin striped bass stock, is repealed.

(c) Regulation of Fishing in Exclusive Economic Zone.—Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (102 Stat. 2986; 16 U.S.C. 1851 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. PETERSON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of H.R. 1658, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

The Striped Bass Act is one of the few true success stories in fisheries management. It was enacted in 1984, several years after the Atlantic coast stock of striped bass suffered a severe population crash. The Striped Bass Act provided a means of enforcing a single interstate management plan throughout the eastern seaboard, which allowed fisheries managers to take the action needed to save the fishery from extinction.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Now stripers are as abundant as they have ever been. They stand as a rare example of how to bring an irreplaceable recreational and commercial resource back from the brink of disaster.

This bill before us today would continue this successful restoration program. It would reauthorize the Striped Bass Act and continue the striped bass study which started in 1980 and has provided information necessary to make good management decisions. The restoration program would not have been nearly as successful without these studies. We must continue gathering the best information possible to protect the gains that we have made.

In addition, this bill makes technical corrections to the Striped Bass Act to make it consistent with the Atlantic States Cooperative Fisheries Management Act. It also provides for greater public input into the writing of striped bass management plans.

H.R. 1658 will ensure that the successful striped bass management program continues into the future. I urge all my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this legislation. Mr. Speaker, the striped bass fishery is one of the most important fisheries for marine recreational anglers. The fishery extends north from Cape Hatteras to Maine. In 1995, over 1 million anglers made almost 7 million trips and nearly spent $160 million in pursuit of this fish.

For the last three decades Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction, and other factors. Fishermen and managers alike were concerned that the fishery would soon become an endangered species.

Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic coast States have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on commercial breeding stocks. In response, States such as New Jersey, Connecticut, Pennsylvania, Georgia, and several others have passed game fish laws or have prohibited Atlantic striped bass commercial angling.

The enactment of the Striped Bass Conservation Act or the Striped Bass Act, which was passed in 1984, has authorized an annual study population assessment of striped bass stocks to be done with the NMFS and the U.S. Fish and Wildlife Service. It was enacted to encourage coastal States to comply with interstate management plans developed by the Atlantic States Marine Fisheries Commission to conserve striped bass populations. Unfortunately, Mr. Speaker, the last study that was actually done on striped bass was in 1994.

Mr. Speaker, when this bill had a hearing, when we had a field hearing of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans in Manahawkin, NJ, a few months ago, many spoke out about the effects of environmental changes and interspecies competition on striped bass populations. I think support of this legislation would allow us to better understand striped bass stock and design management plans that not only benefit the stock, but also the striped bass fishing community.

I also want to commend the sponsor of the bill, my colleague the gentleman from New Jersey [Mr. SAXTON], because the bill increases public participation in the preparation of striped bass management plans.

Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work. And knowing the importance of this fishery to American anglers, I would urge Members of this body, my colleagues, to support the legislation and reauthorize the appropriations for the annual striped bass study.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for some of us the conservation of a threatened species such as striped bass is more than a legislative priority. Last weekend I took part in the annual striped bass tournament on Martha's Vineyard, in my congressional district. I was led by some exceptionally talented surf casters to Lobsterville Beach, where we fished for stripers until midnight.

As for results, let us just say I did not win the tournament. In fact, let us just say I did not land a single fish. My partners concluded that this must be part of my own personal plan to help save striped bass.

We can achieve this important objective, however, without doing it one fish at a time. I rise today in support of legislation which will help ensure the continued health of striped bass stocks from Maine to South Carolina, and hopefully will increase my own chances for the next tournament on Martha's Vineyard, or anywhere, for that matter.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and overfishing. Harvests had plummeted so far, so fast, by over 10 million pounds over the preceding 10 years, that there was legitimate fear that the future of the species was clearly in danger.

If the problem was clear, the solution was not. The striped bass are highly migratory and move primarily along the 3-mile coastal zone which is under the combined jurisdictions of 12 States and the District of Columbia. Balancing the needs of the fish, the fishermen, and regulators, Congressman Studds and his colleagues created a unique and, as it turned out, highly effective scheme to bolster State management efforts to restore the stock.

□ 1530

By all measures, the results of this cooperation among the States and between the State and Federal Government has been astonishingly successful. Today the fish are found in record numbers up and down the coast, and all the people involved are still talking courteously to each other.

The Federal-State partnership embodied in the Striped Bass Act has restored the species to its former considerable glory as one of the most important sport and commercial fisheries on the east coast. We have demonstrated to fishermen and fisheries managers alike that conservation, if properly conceived and sensibly executed, can work.

H.R. 1658 will ensure that we stay the course that has nursed this fishery back to health and that, given enough time, encouragement and good bait, even Members of Congress might one day experience the thrill of hooking one of these spectacular fish.

Mr. SAXTON. Mr. Speaker, today we are considering H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments of 1997.

I have stood here many times to speak about striped bass and the Atlantic Striped Bass Conservation Act. In fact, I represent many Atlantic striped bass. Young stripers live the first part of their lives in the Delaware River, at one end of the third district of New Jersey. When they grow up, they inhabit the bays, inlets, and coastal waters at the other end of the district.

My other constituents who are recreational fishermen consider striped bass one of the premier saltwater game fish on the east coast. They support a large industry of charter boats, bait, and tackle shops, and other businesses, not only in New Jersey but all along the Altantic coast. In other east coast States, striped bass also support a significant commercial fishery.

The larger importance of striped bass is that they nearly disappeared 20 years ago. In the late 1970's, heavy fishing pressure and inconsistent State management policies coincided with pollution and other environmental factors to cause a serious population crash. This devastated the commercial fishery and nearly wiped out the species as a game fish. Congress responded by enacting the Atlantic Striped Bass Conservation Act, which enforced a single management plan throughout all the east coast States. This allowed fisheries managers to take the action that was needed to end overfishing and restore the population.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook for striped bass was bleak. Now, they are as abundant as they have ever been. Striped bass are one of the few true success stories in fisheries management, and stand as an example of how conservative, forward-looking management can bring an irreplaceable resource back from disaster.

H.R. 1658 would continue this successful program. It updates the objectives of the Striped Bass Act to reflect the current state of the fishery. It makes technical corrections to increase consistency with the Atlantic States Cooperative Fisheries Management Act, which governs other coastal fisheries. It increases public input into striped bass management plans. Most important, it reauthorizes the annual striped bass study. This study started in 1980 and provides the information that fisheries managers need to make good management decisions.

Without these studies, the restoration program would have been much less successful. Likewise, a shortage of information will compromise future management efforts. We need the best information possible to protect the gains that we have made. Only a commitment to careful study and conservative management can ensure that striped bass will remain a livelihood for commercial fishermen, a thrill for anglers, and a common sight in east coast waters well into the future.

Mr. Speaker, this bill will continue an extremely successful program. I urge you and all other members to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to rise in support of the Striped Bass Conservation Act Amendments, and I compliment the author of the bill, JIM SAXTON, for his continued efforts to move this legislation.

The Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. Striped bass harvests plummeted from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect Atlantic striped bass stocks.

After 15 years of careful management, the striped bass population has fully recovered to pre-decline levels. This is a major fishery management success. H.R. 1658 will ensure that this remarkable recovery is not compromised in the days ahead.

As reported by the Resources Committee, this legislation reauthorizes the study provisions of the Striped Bass Act and related laws, makes technical changes to increase consistency with other fishery conservation laws, and encourages greater public participation in the writing of management plans.

Mr. Speaker, I hope more of our fishery management efforts prove to be this successful in the future. I urge an "aye" vote on H.R. 1658.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended.

The question was taken.

Mr. PETERSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1658, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CODIFYING LAWS RELATED TO TRANSPORTATION

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1086) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 26, INTERNAL REVENUE CODE OF 1986.

Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(3)) is amended by striking "such Acts are in effect" and all that follows through the end of the paragraph and substituting "section 5338 (a)(1) or (b)(1) and the Intermodal Surface Transportation Efficiency Act of 1991 were in effect on December 18, 1991".

SECTION 2. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In the item related to subchapter I in the analysis for chapter 5, strike—

"DUTIES AND".

(2) In the heading for subchapter I of chapter 5, strike—

"AND".

(3) In section 5108(f), strike "section 522(f)" and substitute "section 552(b)".

(4) Section 5303(c) is amended as follows:

(A) In paragraph (1), insert "and sections 5304–5306 of this title" after "this section".

(B) In paragraph (4)(A), strike "paragraph (3)" and substitute "paragraph (5)".

(C) In paragraph (5)(A), insert "and sections 5304–5306 of this title" after this section".

(5) In item 155 in the subtitle analysis for subtitle IV, strike "AND TARIFFS".

(6) In section 11904(a)(2), strike "a person" and substitute "person".

(7) In section 11906, strike "of this title" and substitute "of this part".

(8) In section 13506(a)(5), strike "1141j(a))" and substitute "1141j(a)))".

(9) In section 13703(a)(2), strike "subsection (a)" and substitute "paragraph (1)".

(10) In section 13905(e)(1), strike "31144," and substitute "31144".

(11) In section 14123(c)(2)(B), insert "in" before "no event".

(12) In section 14903(a), insert "a" before "civil penalty of not more than".

(13) In section 15101(a), strike "oversee of" and substitute "oversee".

(14) In the item related to section 15904 in the analysis for chapter 159, strike "certain" and substitute "pipeline".

(15) In section 15904(c)(1), strike "section 11501(b)" and substitute "15901(b)".

(16) In section 16101, redesignate subsection (d) as (c).

(17) In item 305 in the subtitle analysis for subtitle VI, strike "NATIONAL AUTOMOBILE TITLE INFORMATION SYSTEM" and substitute "NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM".

(18) In section 30305(b)—

(A) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), strike "paragraph (2)" and substitute "subsection (a) of this section"; and

(B) redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(19) In section 32706(c), strike "subchapter II of chapter 105" and substitute "subchapter I of chapter 135".

(20) In the analysis of subtitle VII, strike the item related to part D and substitute

"PART D—PUBLIC AIRPORTS

"491. METROPOLITAN WASHINGTON AIRPORTS .... 49101".

(21) In the item related to section 41502 in the analysis for chapter 415, strike "common".

(22) The catchline for section 41502 is amended by striking "common".

(23) In section 41713(b)(4)(B)(ii), strike "10102" and substitute "13102".

(24) In section 41714(d)(1), strike "sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986" and substitute "sections 49104(a)(5) and 49111(e) of this title".

(25) In section 44936(f)(1)(C), strike "section 30305(b)(7)" and substitute "section 30305(b)(8) of this title".

(26) Insert after part C of subtitle VII the following:

"PART D—PUBLIC AIRPORTS

"CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS

"Sec.
"49101. Findings.
"49102. Purpose.
"49103. Definitions.
"49104. Lease of Metropolitan Washington Airports.
"49105. Capital improvements, construction, and rehabilitation.
"49106. Metropolitan Washington Airports Authority.
"49107. Federal employees at Metropolitan Washington Airports.
"49108. Limitations.
"49109. Nonstop flights.
"49110. Use of Dulles Airport Access Highway.
"49111. Relationship to and effect of other laws.
"49112. Separability and effect of judicial order.

"§49101. Findings

"Congress finds that—

“(1) the 2 federally owned airports in the metropolitan area of the District of Columbia constitute an important and growing part of the commerce, transportation, and economic patterns of Virginia, the District of Columbia, and the surrounding region;

“(2) Baltimore/Washington International Airport, owned and operated by Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the 2 federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

“(3) the United States Government has a continuing but limited interest in the operation of the 2 federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;

“(4) operation of the Metropolitan Washington Airports by an independent local authority will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978 (Public Law 95–504; 92 Stat. 1705);

“(5) all other major air carrier airports in the United States are operated by public entities at the State, regional, or local level;

“(6) any change in status of the 2 airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the United States Government and State governments involved;

“(7) in recognition of a perceived limited need for a Federal role in the management of these airports and the growing local interest, the Secretary of Transportation has recommended a transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the United States;

“(8) an operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials and concerned residents regarding noise at the Metropolitan Washington Airports;

“(9) a commission of congressional, State, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by Virginia and the District of Columbia; and

“(10) the Federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

“§49102. Purpose

“(a) GENERAL.—The purpose of this chapter is to authorize the transfer of operating responsibility under long-term lease of the 2 Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted independent airport authority created by Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transportation assets.

“(b) INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT NOT PRECLUDED.—This chapter does not prohibit the Airports Authority and Maryland from making an agreement to make Baltimore/Washington International Airport part of a regional airports authority, subject to terms agreed to by the Airports Authority, the Secretary of Transportation, Virginia, the District of Columbia, and Maryland.

§49103. Definitions

“In this chapter—

“(1) ‘Airports Authority’ means the Metropolitan Washington Airports Authority, a public authority created by Virginia and the District of Columbia consistent with the requirements of section 49106 of this title.

“(2) ‘employee’ means any permanent Federal Aviation Administration personnel employed by the Metropolitan Washington Airports on June 7, 1987.

“(3) ‘Metropolitan Washington Airports’ means Washington National Airport and Washington Dulles International Airport.

“(4) ‘Washington Dulles International Airport’ means the airport constructed under the Act of September 7, 1950 (ch. 905, 64 Stat. 770), and includes the Dulles Airport Access Highway and Right-of-way, including the extension between Interstate Routes I–495 and I–66.

“(5) ‘Washington National Airport’ means the airport described in the Act of June 29, 1940 (ch. 444, 54 Stat. 686).

“§49104. Lease of Metropolitan Washington Airports

“(a) GENERAL.—The lease between the Secretary of Transportation and the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378), for the Metropolitan Washington Airports must provide during its 50-year term at least the following:

“(1) The Airports Authority shall operate, maintain, protect, promote, and develop the Metropolitan Washington Airports as a unit and as primary airports serving the Metropolitan Washington area.

“(2)(A) In this paragraph, ‘airport purposes’ means a use of property interests (except a sale) for—

“(i) aviation business or activities;

“(ii) activities necessary or appropriate to serve passengers or cargo in air commerce; or

“(iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation.

“(B) During the period of the lease, the real property constituting the Metropolitan Washington Airports shall be used only for airport purposes.

“(C) If the Secretary decides that any part of the real property leased to the Airports Authority under this chapter is used for other than airport purposes, the Secretary shall—

“(i) direct that the Airports Authority take appropriate measures to have that part of the property be used for airport purposes; and

“(ii) retake possession of the property if the Airports Authority fails to have that part of the property be used for airport purposes within a reasonable period of time, as the Secretary decides.

“(3) The Airports Authority is subject to section 47107 (a)–(c) and (e) of this title and to the assurances and conditions required of grant recipients under the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 671) as in effect on June 7, 1987. Notwithstanding section 47107(b) of this title, all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of the Metropolitan Washington Airports.

“(4) In acquiring by contract supplies or services for an amount estimated to be more than $200,000, or awarding concession contracts, the Airports Authority to the maximum extent practicable shall obtain complete and open competition through the use of published competitive procedures. By a vote of 7 members, the Airports Authority may grant exceptions to the requirements of this paragraph.

“(5)(A) Except as provided in subparagraph (B) of this paragraph, all regulations of the Metropolitan Washington Airports (14 C.F.R. part 159) become regulations of the Airports Authority as of June 7, 1987, and remain in effect until modified or revoked by the Airports Authority under procedures of the Airports Authority.

“(B) Sections 159.59(a) and 159.191 of title 14, Code of Federal Regulations, do not become regulations of the Airports Authority.

“(C) The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not impose a limitation on the number of passengers taking off or landing at Washington National Airport.

“(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations of the Metropolitan Washington Airports on June 7, 1987, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation related to those rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. The Airports Authority must cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of duties and powers related to the period before June 7, 1987. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

“(B) The procedure for disputes resolution contained in any contract entered into on behalf of the United States Government before June 7, 1987, continues to govern the performance of the contract unless otherwise agreed to by the parties to the contract. Claims for monetary damages founded in tort, by or against the Government as the owner and operator of the Metropolitan Washington Airports, arising before June 7, 1987, shall be adjudicated as if the lease had not been entered into.

“(C) The Administration is responsible for reimbursing the Employees' Compensation Fund, as provided in section 8147 of title 5, for compensation paid or payable after June 7, 1987, in accordance with chapter 81 of title 5 for any injury, disability, or death due to events arising before June 7, 1987, whether or not a claim was filed or was final on that date.

“(D) The Airports Authority shall continue all collective bargaining rights enjoyed by employees of the Metropolitan Washington Airports before June 7, 1987.

“(7) The Comptroller General may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under regulations the Comptroller General may prescribe. An audit shall be conducted where the Comptroller General considers it appropriate. All records and property of the Airports Authority shall remain in possession and custody of the Airports Authority.

“(8) The Airports Authority shall develop a code of ethics and financial disclosure to ensure the integrity of all decisions made by its board of directors and employees. The code shall include standards by which members of the board will decide, for purposes of section 49106(d) of this title, what constitutes a substantial financial interest and the circumstances under which an exception to the conflict of interest prohibition may be granted.

“(9) A landing fee imposed for operating an aircraft or revenues derived from parking automobiles—

"(A) at Washington Dulles International Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington National Airport; and

"(B) at Washington National Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

"(10) The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee that is not more than the landing fee for aircraft weighing 12,500 pounds.

"(11) The Secretary shall include other terms applicable to the parties to the lease that are consistent with, and carry out, this chapter.

"(b) PAYMENTS.—Under the lease, the Airports Authority must pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, equal to $3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every 10 years.

"(c) ENFORCEMENT OF LEASE PROVISIONS.—The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. The Attorney General or an aggrieved party may bring an action on behalf of the Government.

"(d) EXTENSION OF LEASE.—The Secretary and the Airports Authority may at any time negotiate an extension of the lease.

"§49105. Capital improvements, construction, and rehabilitation

"(a) SENSE OF CONGRESS.—It is the sense of Congress that the Metropolitan Washington Airports Authority—

"(1) should pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Washington National Airport simultaneously; and

"(2) to the extent practicable, should cause the improvement, construction, and rehabilitation proposed by the Secretary of Transportation to be completed at Washington Dulles International Airport and Washington National Airport within 5 years after March 30, 1988.

"(b) SECRETARY'S ASSISTANCE.—The Secretary shall assist the 3 airports serving the District of Columbia metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for United States Government financial assistance by whichever of the 3 airports is most in need of increasing airside capacity.

"§49106. Metropolitan Washington Airports Authority

"(a) STATUS.—The Metropolitan Washington Airports Authority shall be—

"(1) a public body corporate and politic with the powers and jurisdiction—

"(A) conferred upon it jointly by the legislative authority of Virginia and the District of Columbia or by either of them and concurred in by the legislative authority of the other jurisdiction; and

"(B) that at least meet the specifications of this section and section 49108 of this title;

"(2) independent of Virginia and its local governments, the District of Columbia, and the United States Government; and

"(3) a political subdivision constituted only to operate and improve the Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

"(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be authorized—

"(A) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

"(B) to issue bonds from time to time in its discretion for public purposes, including paying any part of the cost of airport improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment for the airports;

"(C) to acquire real and personal property by purchase, lease, transfer, or exchange;

"(D) to exercise the powers of eminent domain in Virginia that are conferred on it by Virginia;

"(E) to levy fees or other charges; and

"(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 1996.

"(2) Bonds issued under paragraph (1)(B) of this subsection—

"(A) are not a debt of Virginia, the District of Columbia, or a political subdivision of Virginia or the District of Columbia; and

"(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not any part of the projects are financed from the proceeds of the bonds.

"(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed by a board of directors composed of the following 13 members:

"(A) 5 members appointed by the Governor of Virginia;

"(B) 3 members appointed by the Mayor of the District of Columbia;

"(C) 2 members appointed by the Governor of Maryland; and

"(D) 3 members appointed by the President with the advice and consent of the Senate.

"(2) The Chairman of the board shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

"(3) Members of the board shall be appointed by the board for 6 years, except that of the members first appointed by the President after October 9, 1996, one shall be appointed for 4 years. A member may serve after the expiration of that member's term until a successor has taken office.

"(4) A member of the board—

"(A) may not hold elective or appointive political office;

"(B) serves without compensation except for reasonable expenses incident to board functions; and

"(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

"(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

"(6)(A) Not more than 2 of the members of the board appointed by the President may be of the same political party.

"(B) In carrying out their duties on the board, members appointed by the President shall ensure that adequate consideration is given to the national interest.

"(C) The members to be appointed under paragraph (1)(D) of this subsection must be appointed before October 1, 1997. If the deadline is not met, the Secretary of Transportation and the Airport Authority are subject to the limitations of section 49108 of this title until all members referred to in paragraph (1)(D) are appointed.

"(D) A member appointed by the President may be removed by the President for cause.

"(7) Eight votes are required to approve bond issues and the annual budget.

"(d) CONFLICTS OF INTEREST.—Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. The official appointing a member may make an exception if the financial interest is completely disclosed when the member is appointed and the member does not participate in board decisions that directly affect the interest.

"(e) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—An action of the Airports Authority changing, or having the effect of changing, the hours of operation of, or the type of aircraft serving, either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

"(f) ADMINISTRATIVE.—To assist the Secretary in carrying out this chapter, the Secretary may hire 2 staff individuals to be paid by the Airports Authority. The Airports Authority shall provide clerical and support staff that the Secretary may require.

"(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to decide whether the contracts were awarded by procedures that follow sound Government contracting principles and comply with section 49104(a)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"§49107. Federal employees at Metropolitan Washington Airports

"(a) LABOR AGREEMENTS.—The Metropolitan Washington Airports Authority shall adopt all labor agreements that were in effect on June 7, 1987. Unless the parties otherwise agree, the agreements must be renegotiated before June 7, 1992.

"(2) Employee protection arrangements made under this section shall ensure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

"(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who transferred to the Airports Authority and who on June 6, 1987, was subject to subchapter III of chapter 83 or chapter 84 of title 5, is subject to subchapter II of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

"(c) ACCESS TO RECORDS.—The Airports Authority shall allow representatives of the Secretary of Transportation adequate access to employees and employee records of the Airports Authority when needed to carry out a duty or power related to the period before June 7, 1987. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

“§49108. Limitations

“After October 1, 2001, the Secretary of Transportation may not approve an application of the Metropolitan Washington Airports Authority—

“(1) for an airport development project grant under subchapter I of chapter 471 of this title; or

“(2) to impose a passenger facility fee under section 40117 of this title.

“§49109. Nonstop flights

“An air carrier may not operate an aircraft nonstop in air transportation between Washington National Airport and another airport that is more than 1,250 statute miles away from Washington National Airport.

§49110. Use of Dulles Airport Access Highway

“The Metropolitan Washington Airports Authority shall continue in effect and enforce section 4.2 (1) and (2) of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995. The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with this section. The Attorney General or an aggrieved party may bring an action on behalf of the United States Government.

“§49111. Relationship to and effect of other laws

“(a) SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.—To ensure that the Metropolitan Washington Airports Authority has the same proprietary powers and is subject to the same restrictions under United States law as any other airport except as otherwise provided in this chapter, during the period that the lease authorized by section 6005 of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378) is in effect—

“(1) the Metropolitan Washington Airports are deemed to be public airports for purposes of chapter 471 of this title; and

“(2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First Supplemental Civil Functions Appropriations Act, 1941 (ch. 780, 54 Stat. 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770), do not apply to the operation of the Metropolitan Washington Airports, and the Secretary of Transportation is relieved of all responsibility under those Acts.

“(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washington Airports and the Airport Authority are not subject to the requirements of any law solely by reason of the retention of the United States Government of the fee simple title to those airports.

“(c) POLICE POWER.—Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of Virginia may exercise jurisdiction over Washington National Airport.

“(d) PLANNING.—(1) The authority of the National Capital Planning Commission under section 5 of the Act of June 6, 1924 (40 U.S.C. 71d), does not apply to the Airports Authority.

“(2) The Airports Authority shall consult with—

“(A) the Commission and the Advisory Council on Historic Preservation before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport; and

“(B) the Commission before undertaking development that would alter the skyline of Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

“(e) OPERATION LIMITATIONS.—The Administrator of the Federal Aviation Administration may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not decrease the number of those takeoffs and landings except for reasons of safety.

“§49112. Separability and effect of judicial order

“(a) SEPARABILITY.—If any provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is held invalid, the remainder of this chapter and the application of the provision to other persons or circumstances is not affected.

“(b) EFFECT OF JUDICIAL ORDER.—(1) If any provision of the Metropolitan Washington Airports Amendments Act of 1996 (title IX of Public Law 104–264, 110 Stat. 3274) or the amendments made by the Act, or the application of that provision to a person, circumstance, or venue, is held invalid by a judicial order, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to section 49108 of this title from the day after the day the order is issued.

“(2) Any action of the Airports Authority that was required to be submitted to the Board of Review under section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–380, Public Law 99–599, 100 Stat. 3341–383) before October 9, 1996, remains in effect and may not be set aside only because of a judicial order invalidating certain functions of the Board.”.

SECTION. 3. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective November 15, 1995, section 333(a) (1) and (2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50, 109 Stat. 457) is amended to read as follows:

“(1) in subparagraph (B) ‘that extends the economic life of a bus for at least 5 years’; and

“(2) in subparagraph (C), ‘that extends the economic life of a bus for at least 8 years’.”.

(b) Effective July 2, 1996, section 2(c) of the Anti-Car Theft Improvements Act of 1996 (Public Law 104–152, 110 Stat. 1384) is amended by striking “sections 30502 and 30503” and substituting “sections 30501(6), 30502, 30503, and 30504(a)(1)”.

(c) Effective October 9, 1996, the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3213) is amended as follows:

(1) Section 123 is amended as follows:

(A) Subsection (b)(6) is amended to read as follows:

“(6) in subparagraph (B), as so redesignated, by striking ‘at least 2.25’ and all that follows through ‘1996,’ and inserting ‘at least 4 percent for each of fiscal years 1997 and 1998’; and”.

(B) Add at the end the following:

“(d) CONFORMING CROSS-REFERENCE.—Section 47117(e)(1)(A), as redesignated by subsection (b)(3) of this section, is amended by striking ‘47504(c)(1)’ and substituting ‘47504(c)’.”.

(2) Section 124 is amended by striking subsection (d).

(3) Section 276 is amended by adding at the end the following:

“(c) CONFORMING CROSS-REFERENCE.—Section 106(g)(1)(A) is amended by striking ‘45302, 45303’ and substituting ‘45302–45304’.”.

(4) Sections 502(c) and 1220(b) are repealed.

(d) Effective October 11, 1996—

(1) Section 5 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3388), is amended as follows:

(A) In clause (45)(A), strike “ENFORCEMENT,” and substitute “ENFORCEMENT:”

(B) Clause (69) is amended to read as follows:

“(69)(A) Add at the end of chapter 401 the following:

‘§40124. Interstate agreements for airport facilities

‘Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.’.

‘(B) In the analysis for chapter 401, add at the end the following:

‘40124. Interstate agreements for airport facilities.’.”.

(C) Clause (76) is repealed.

(D) Clause (79) is amended to read as follows:

“(79) In section 46316(b), strike ‘and sections 44701 (a) and (b), 44702–44716, 44901, 44903 (b) and (c), 44905, 44906, 44912–44915, and 44932–44938’ and substitute ‘chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)’.”.

(E) (84) is repealed.

(2) Section 8 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3400), is amended as follows:

(A) In paragraph (1), strike “(77), (78)” and substitute “(77)–(79)”.

(B) Paragraph (2) is amended to read as follows:

“(2) The amendments made by section 5(81)(B), (82)(A), and (83)(A) shall take effect on September 30, 1998.”.

(e) The General Aviation Revitalization Act of 1994 (Public Law 103–298, 108 Stat. 1552) is amended as follows:

(1) In section 2(c), strike “the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.)” and substitute “part A of subtitle VII of title 49, United States Code,”.

(2) In section 3—

(A) in paragraph (1), strike “section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5))” and substitute “section 40102(a)(6) of title 49, United States Code”;

(B) in paragraph (2), strike “section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(c))” and substitute “section 44704(c)(1) of title 49, United States Code,”; and

(C) in paragraph (4), strike “section 603(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(a))” and substitute “section 44704(a) of title 49, United States Code,”.

(f) The amendments made by subsections (a)–(d) of this section shall take effect as if included in the provisions of the acts to which the amendments relate.

SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before May 1, 1997, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after April 30, 1997, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications

that are severable from any of the invalid applications.

SEC. 5. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1996						
Oct. 18	99-500	6001-6012	100	1783-373		
Oct. 30	99-591	6001-6012	100	3341-376		
1991						
Dec. 18	102-240	7001-7004	105	2197		
1996						
Oct. 9	104-264	902-907	110	3274		

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1086, as amended, is a bill to codify without substantive change laws related to transportation not included in title 49, Transportation, and to improve the United States Code. This bill was prepared by the Office of the Law Revision Counsel under its authority to prepare and submit periodically revisions of positive law titles of the United States Code to keep those titles current.

The Law Revision Counsel has informed us that he is satisfied that H.R. 1086, as amended, makes no substantive changes in the law. Therefore, no additional costs to the Government would be incurred as a result of the enactment of H.R. 1086, as amended.

I urge my colleagues to support H.R. 1086, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume. I simply would associate myself with the remarks of the gentleman from Florida [Mr. MCCOLLUM], and I would urge that the House support this revision.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 748) to amend the prohibition of title 18, United States Code, against financial transactions with terrorists, as amended.

The Clerk read as follows:

H.R. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prohibition on Financial Transactions With Countries Supporting Terrorism Act of 1997".

SEC. 2. FINANCIAL TRANSACTIONS WITH TERRORISTS.

Section 2332d of title 18, United States Code, (relating to financial transactions) is amended—

(1) in subsection (a)—

(A) by striking "Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever" and inserting "Whoever"; and

(B) by inserting "of 1979" after "Export Administration Act"; and

(2) in subsection (b)(1), by inserting after "1956(c)(4)" the following: ", except that such term does not include any transactions ordinarily incident to—

"(A) routine diplomatic relations among countries;

"(B) an official act by a representative of, or an act which is authorized by and conducted on behalf of, the United States Government;

"(C) the broadcasting or reporting of news by organizations regularly engaged in such activity; or

"(D) the provision or purchase of assistance intended to relieve human suffering, including medical services, supplies, and equipment;

"(E) the receipt of emergency medical services;

"(F) any postal, telegraphic, or other personal communication which does not involve a transfer of anything of value;

"(G) the protection of intellectual property rights of any United States person;

"(H) the performance of any contract or agreement that was entered into before June 12, 1997, but not those renewed after such date;

"(I) the provision of hospitality or transportation services; or

"(J) the payment of a claim to any United States person".

SEC. 3. REPORT ON EFFECTS OF ENACTMENT.

Beginning not later than one year after the date of enactment to this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall issue an annual report to Congress on—

(1) the impact of this prohibition on United States businesses; and

(2) any means by which a negative impact might be ameliorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 748, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 748, is an important addition to the Federal Government's battle against international terrorists and particularly those countries which have been identified as supporters of terrorism.

The gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, and I introduced this bill for the purpose of eliminating overly permissive regulations promulgated by the administration last year which have effectively gutted the provisions he and I offered successfully to the antiterrorism bill in the last Congress.

The amendment the gentleman from New York [Mr. SCHUMER] and I successfully offered to the antiterrorism bill, now known as section 321, prohibited all financial transactions between U.S. persons and governments which have been designated as supporters of terrorism.

Section 321 was drafted with a dual purpose in mind. First, by prohibiting financial support from terrorist countries to terrorist persons, it attempts to prevent the long arm of terrorism from reaching the shores of the United States through domestic entities. Second, the provision was intended to prohibit all financial transactions by U.S. persons with these countries regardless of where these transactions took place. This would have the effect of cutting off terrorist sponsoring governments from economic benefits of doing business with U.S. companies.

We agreed last year to authorize the Department of the Treasury, in consultation with the Department of State, to issue regulations which provided some exceptions to this ban. We intended that these regulations exclude a variety of specific transactions such as those which occur in the course of diplomatic activities and other related official matters.

Instead, in August of last year, the Treasury Department published regulations in relation to section 321 which essentially reversed the effect of the new prohibition. These regulations permit all financial transactions other than those which pose a risk of furthering domestic terrorism. The regulations prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States. Thus, these regulations completely ignore the second purpose of the prohibition. They ensure a business as usual policy and represent a step backwards in the effort to isolate countries which provide support to terrorists.

H.R. 748 strips the executive branch of its authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception only for specified transactions. The list of permitted activities and transactions incident thereto include: routine diplomatic relations among countries; official acts by representatives of the U.S. Government; news reporting; humanitarian assistance; emergency medical services and the provision of medical supplies; postal and telephone services; the protection of intellectual property rights; hospitality or transportation services; payments of a claim to U.S. persons; and transactions connected to contracts and agreements entered into before the formal consideration of this legislation.

As a result of sanctions currently in place involving Iran, Iraq, North Korea, Libya, and Cuba, this bill has a more significant impact on transactions between United States persons and the governments of Sudan and Syria. These two countries are the only terrorist-list countries not subject to economic sanctions under other provisions of law.

It has been suggested by some that this legislation comes at a time when peace talks between Syria and Israel are a future possibility. We have all got to hope that that occurs. In fact, I certainly hope that that is true and that such talks will occur and be fruitful. Until such time, however, we must all stand firm on the principle that terrorism will not be tolerated and that countries giving shelter and support to terrorists are acting against the well being of the world community.

If the passage of this legislation would detract from the peace process, as some I think genuinely believe, I however do not, but as some believe, then I would suggest that the peace that is at hand is not really there and that it is a false hope rather than a reality. For all this legislation does is simply say that we are enforcing the laws of this land, that we are interested in making certain that those countries that do engage in supporting terrorism to the extent that they are placed on a terrorist list by our government as countries that support these acts are not going to any longer be able to engage in normal financial transactions with U.S. persons, U.S. citizens, U.S. companies, and all that a country has to do to get off the list, to avoid this sanction, is simply to stop those activities that have gotten them on the list in the first place. While some of the countries listed may engage more openly and more often and more frequently in these acts that make them terrorist-list countries, all of the countries are on the list for a reason. I would submit again that if one or two of these nations are close to the line and only have to take a few steps to come off the list that they proceed to do so. In fact that is indeed the message of this bill.

Mr. Speaker, H.R. 748 is a very important piece of legislation. There should be no higher priority for the United States in the battle against terrorism than the elimination of foreign government support for terrorists. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would replace the existing rules and procedures governing financial transactions with terrorism listed governments with an absolute ban on such transactions unless they fit in one of the 10 express exemptions provided by the bill. I want to commend the gentleman from Florida [Mr. MCCOLLUM] for his diligent efforts on behalf of this measure. I want to associate myself with the intent of his legislation.

While I join with him and the rest of the committee in reporting the bill favorably, I do have a concern which I raised during the committee's consideration of the bill as to what effect the bill might have on the embargoes currently in place against 5 of the 7 countries on the terrorism list. Specifically, I was concerned about whether the bill leaves the executive branch sufficient flexibility to address individual cases as they may arise since it is impossible to fully anticipate all the myriad circumstances which might require private citizens or the government itself to engage in financial transactions in the midst of an embargo. I have since received a letter from the Department of State which indicates that.

> The effect on these embargoes would be significant, including in ways that cannot be fully foreseen or assessed at this time.

The letter which I would ask to have included in the RECORD goes on to say that:

> If H.R. 748 were adopted, the administration may no longer be able, under the embargo authorities otherwise available to it, to authorize transactions with terrorist-list governments, other than those specifically exempted by H.R. 748. An example might be the repatriation of MIA remains from North Korea."

□ 1545

The department's letter offers many other such examples, including the payment of taxes and other fees to protect property interests in terrorist listed countries, payments on claims negotiated before the Iran-United States Claims Tribunal, transactions made in connection with the dismantlement of the Iraqi nuclear weapons program, and transactions associated with humanitarian activities that may not fall within the express exemptions in the bill.

I frankly do not know whether these particular horrors would come to pass if the bill becomes law or not. I am not in a position to know, but I think it should matter to us that those who are in a position to know have raised questions of this magnitude. One thing that I do know is that the gentleman from Florida is a thoughtful and reasonable colleague and that he has attempted to work with the administration to resolve these concerns, and I hope and trust and am confident that he will continue to do so.

U.S. DEPARTMENT OF STATE,
Washington, DC, June 20, 1997.

Hon. WILLIAM D. DELAHUNT,
House of Representatives.

DEAR MR. DELAHUNT: Thank you for your question, raised at the House Judiciary Committee meeting of June 18, whether H.R. 748 would have an effect on the embargoes currently in place against five of the seven terrorism-list countries under the authorities that include the International Emergency Economic Powers Act 50 U.S.C. §1701 et seq. ("IEEPA"), the Trading with the Enemy Act, 50 U.S.C. App. §1 et seq. ("TWEA"), and section 5 of the United Nations Participation Act (22 U.S.C. 287c) ("UNPA"). The five countries are Cuba, Iran, Iraq, North Korea, and Libya. The effect on those embargoes would be significant, including in ways that cannot be fully foreseen or assessed at this time.

The Department of the Treasury regulations (31 C.F.R. §596.503), currently in force under the authority of 18 U.S.C. 2332d, incorporate by reference the exemptions and licensing policies applicable under each individual embargo, so as to preserve the legislative mandates and executive branch policies that apply under each program. H.R. 748 would remove this regulatory authority and thus would appear to have the effect of overriding any statutory or regulatory provisions that may conflict. If H.R. 748 were adopted, the Administration may no longer be able, under the embargo authorities otherwise available to it, to authorize transactions with terrorist-list governments, other than those specifically exempted by H.R. 748. An example might be the repatriation of MIA remains from North Korea.

A further related concern is whether H.R. 748 is meant to take precedence over more specific laws such as the Cuban Democracy Act of 1992, 22 U.S.C. 6001 et seq. ("the CDA or Torricelli Act) which authorizes various forms of support for the Cuban people "notwithstanding any other provision of law," or the Cuban Liberty and Democracy Solidarity Act of 1996, 22 U.S.C. 6021 et seq. ("the Libertad Act" or "the Helms-Burton Act") which codifies the pre-existing Cuban embargo, including licensing authorities.

Your question highlights the difficulty that the Judiciary Committee and the Administration would face in trying to develop a specific and comprehensive list of exemptions that would be necessary if a complete ban on financial transactions with terrorism-list governments were adopted. While the exemptions that have been added to H.R. 748 are helpful, they are by no means adequate. Enclosed is a list of examples that we have developed within the Department of State to identify some of the more obvious and troublesome consequences if H.R. 748, as amended, were enacted into law. (Other Departments and agencies may have additional concerns for their programs.)

We do not know the full range of transactions which U.S. citizens or residents may be required to engage in with the individual terrorism-list governments, nor can we anticipate all the activities, whether governmental or private, that may require some form of financial transaction with a terrorism-list government in the future. No enumeration of specific exemptions would be adequate to meet all the unforeseen circumstances that inevitably arise in the administration of a sanctions regime. Unless the Administration is entrusted with the discretion to address specific circumstances, as in current law, any list of exemptions would necessarily be inadequate to protect the interests of the United States.

We appreciate your consideration of these views.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

H.R. 748 AS AMENDED

DESCRIPTION

H.R. 748, as amended by the House Judiciary Committee, prohibits financial transactions with terrorism-list governments, unless specifically exempted by its terms. The ten exemptions included thus far, however, are inadequate to alleviate a wide range of adverse consequences for American citizens and the civilian population of the countries concerned, as well as for the conduct of foreign policy and other governmental and intergovernmental functions. It strips the Executive Branch of all regulatory and licensing flexibility now contained in section 321 of the 1996 Antiterrorism Act and other embargo authorities. By so doing, its potential impact would exceed that of any existing embargo.

We appreciate the effort made by the Judiciary Committee to accommodate certain limited concerns; however the minimal exceptions reflected in the H.R. 748, as amended, are inadequate. We do not know the full range of incidental transactions which Americans may be required to engage in with individual terrorism-list governments, nor can we anticipate all the activities, whether governmental or private, that may require some form of financial transaction with a terrorism-list government in the future. As a result, it is impossible to provide a comprehensive list of cases that could serve as the basis for developing exemptions to this provision.

Unless the Executive Branch is entrusted with the discretion to address individual circumstances, as under current law, any list of exceptions would necessarily be inadequate to protect the interests of the United States.

Among the consequences of such a rigid legislative approach could be the following:

The U.S. might no longer be able to meet certain binding legal obligations undertaken in the past with Iran, including implementation of the Algiers Accords through the Iran-U.S. Claims Tribunal in the Hague, and implementation of the agreement settling the 1988 Iran Air shootdown and certain Tribunal bank claims. These obligations may extend beyond the more limited exceptions provided for payments incident to official acts by the USG or on its behalf or payments of claims to Americans, to include, for example:

Payments by U.S. claimants of Tribunal awards to the Government of Iran (Under the Algiers Accords, these awards are enforceable in foreign courts.)

Payments by Iran for the warehousing arrangement it has with Victory Van in Virginia, which stores Iran's equipment that the USG refuses to license for export to Iran.

Payments via government-controlled banks to Iranian relatives of victims of the Iran Air shootdown; and

Private payments for expenses that are not necessarily on behalf of the USG the denial of which could result in USG liability under the Accords or other agreements;

Payments by Iran necessary to enforce its awards or bring other claims in U.S. courts (also as provided for in the Algiers Accords);

Payments by terrorism list governments generally to defend lawsuits and property interests in the U.S., which may raise constitutional issues.

It is unclear whether the provision is meant to override the basic scheme of the Foreign Sovereign Immunities Act (FSIA) by denying American attorneys payment for representation of terrorism list governments sued in the United States.

(Under the FSIA, foreign states are not immune from actions arising from a broad range of activities, including terrorist acts by the 6(j) countries against U.S. nationals. The Act assumes the issues of immunity and liability will be resolved through U.S. court proceedings. Deprivation of counsel for 6(j) government defendants may raise constitutional issues, call into question the fairness of the U.S. legal system, and generally discourage foreign governments from participation in suits under the FSIA, thus impeding USG efforts to persuade foreign states to adopt the restrictive theory of sovereign immunity and honor U.S. court judgments.)

It is unclear that an exception for provision of humanitarian assistance would be sufficient to enable U.S. nationals to pay the incidental government fees and personal expenses necessary to enable them to travel to or subsist in terrorism list countries to support or work in humanitarian programs in these countries;

It is unclear whether an exception for the provision of assistance intended to relieve human suffering is sufficient, for example, to allow Americans to repatriate the remains of family members who die in terrorism list countries, to settle decedents' estates, or to relieve other personal hardships that may arise in these countries;

Nor is it clear that an exception strictly limited to official transactions by the USG or conducted on its behalf would be sufficient to permit the continuation of transactions by intergovernmental or non-governmental organizations or of private individuals in furtherance of on-going programs serving important U.S. interests, including repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons' programs, and promotion of freer communication with the Cuban population;

The exception for transactions "incident to routine diplomatic relations among countries" may not clearly encompass the maintenance of interest sections and protecting power arrangements, which are not generally viewed as "routine diplomatic relations;"

Nor is it clear whether the provision's diplomatic exception applies to multilateral representation, for example, the ability of terrorism-list governments to maintain missions to international organizations headquartered in the United States (even where the USG has relevant treaty obligations such as the obligation under the U.N. Headquarters Agreement not to impede the functioning of these missions).

The protection of intellectual property rights of Americans is a welcome exception, but does not adequately resolve binding legal obligation of the United States under various multilateral intellectual property agreements to protect the rights of property owners in other member states;

Nor do the exceptions adequately provide for taxes and other fees that Americans may be required to pay to protect real or other property interests in terrorism-list countries;

It is unclear how Americans are to interpret the scope of the various exceptions on their own without administrative or regulatory guidance from a designated federal agency, as is normally the practice under embargoes; the net result may be a chilling effect on even those transactions that the Congress seeks to protect from interruption through these exemptions.

In sum, the Government already has a wide range of economic sanctions against countries that support international terrorism including Syria and Sudan. Sanctions are most effectively used in dealing with specific events or problems. They are a tool, not an end in themselves. To impose such sweeping mandatory sanctions, particularly in the absence of a precipitating event, does not strengthen our counter-terrorism efforts or other foreign policy goals with these individual countries. Indeed, it weakens them. It uses up the remaining economic arrows, leaving little ammunition in reserve.

Such sweeping measures, make it more difficult to maintain the contacts and dialogue needed to get necessary cooperation on specific situations, as we have in the past been able to obtain from Syria and Sudan. We have even had limited success with certain embargoed countries which would not have been possible without the flexibility and discretion available to the Executive branch under existing laws to create a climate for encouraging positive change within those countries.

The Administration has sufficient authority to deal with specific situations as necessary.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

I would like to respond to the gentleman only to state a couple of things. One is that the concerns that he has expressed through the letter of the State Department of June 20, 1997, I have examined with my staff. We do not believe that the specific concerns listed in the letter are concerns that are not addressed in the bill. They are addressed in the bill.

For example, if there is a repatriation of MIA remains that would be involved from North Korea, they are covered because the language that we have in the exemption of the bill says it does not include any transaction ordinarily incident to an official act by a representative of or an act which is authorized by and conducted on behalf of the United States Government. And I have spent some considerable time with staff of other committees making certain that this covers activities that we might delegate out through our communities, both in defense and intelligence, as well as those which the State Department may be doing.

The same would be true with regard to the Cuban Democracy Act and the concern which was expressed in that letter about it because the act itself on its face, the Cuban Democracy Act, says notwithstanding any other provision of law, and this bill, 748, does not override that concern, is still the express view of the bill on its face that was passed before the Cuban act that I am talking about.

I would also add that while of course we cannot list every possible exception, and the ideal was what we passed in the legislation that is currently law, where we give full discretion to the Treasury and the State Departments to make exceptions as they see fit. The fact is they abused it grossly, and if we are going to restrict the terrorist list countries and restrict financial transactions of U.S. citizens from doing such things as going out and developing oil fields and investing in those countries that are terrorist list nations and giving them then the means and the resources to fuel terrorist acts around the world by their support of terrorist activities, then the whole exercise that we had in the antiterrorism bill is futile and useless and not workable. And while I would continue to work with the gentleman from Massachusetts as well as those at the State Department and our Government in the period of time between the House floor activity today and any final bill that comes out of both bodies in conference to see if there are other issues that we might need to resolve, it is certainly my intent and, I believe, the members of the subcommittee by and large and the full Committee on the Judiciary to see that the House passes this bill today, as I believe it will be the will of the House, and that we send a clear and unmistakable message that doing business with terrorist organizations and in support of terrorism and being on the terrorist lists by our State Department, if they are a country doing that, then they are not going to get the benefits of ordinary, everyday financial transactions with United States citizens. It is simply not common sense to let that happen, it is not good American policy, and I believe that this legislation needs to be adopted and should be adopted.

Mr. RAHALL. Mr. Speaker, combating international terrorism is in the vital national interest of the United States. There can be no mistake about that. Nor can there be any question that the Clinton administration has worked tirelessly in pursuit of this objective. While the purpose of H.R. 748 is to assist in this effort, the ultimate consequence, albeit unintended, may very well be the opposite.

If passed, H.R. 748 will prevent the administration from acting on foreign policy objectives and conducting basic diplomacy. In his opening remarks, Representative McCOLLUM stated clearly, "The bill strips the executive branch of the authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception * * *." By removing any flexibility the Executive branch has in implementing economic sanctions or prohibitions on financial transactions, the President is stripped of his ability to conduct the foreign policy affairs of the United States—a responsibility granted him by the Constitution.

In addition, while this bill may be touted as a safeguard against loopholes in existing legislation, it is vital to point out that the Antiterrorism and Effective Death Penalty Act of 1996 is an effective tool employed by the President to advance our counter-terrorism agenda in a manner he deems most appropriate, country by country. This restrictive legislation has serious implications—ultimately tying the President's hands in waging the war on international terrorism.

While the bill may have an effect on various regions of the world, one can look to the Middle East peace process as a clear example of how it will restrict the President's foreign policy. Without the ability to engage Syria, the United States can not be viewed as a balanced intermediary between the parties to the process. The peace process itself, a critical foreign policy objective, would be hindered by such action because the bill would impede the Administration's ability to advance stated peace process objectives.

Ms. HARMAN. Mr. Speaker, I rise today in opposition to H.R. 748, which, in the name of stopping terrorism, would mandate an automatic one-size-fits-all foreign policy and restrict the rights of American citizens and companies to do business in some countries overseas.

We all agree that terrorism is abhorrent, and that stopping it must be a top foreign policy priority for the United States.

The tough question, though, is how best to meet that goal. Are we better off adopting multilateral policies to deal with individual state sponsors of terrorism? Or should we automatically impose unilateral sanctions on every nation deemed a sponsor of terrorism?

The bill before us today chooses the second answer to this question: Automatic sanctions. This is a tempting solution. After all, we're talking about countries like Iran, Libya, Cuba, and North Korea. There are few defenders of these regimes anywhere in the world.

Unfortunately, there are three major costs associated with imposing unilateral sanctions.

First, unilateral sanctions are rarely, if ever, an effective punishment. When American companies are barred from entering foreign markets, competitors from Asia and Europe are poised to take advantage. Without multilateral support for sanctions, then, the punitive effect of banning American business from a country may be minimal at best.

Second, imposing unilateral sanctions means lost American jobs. It is self-evident that keeping American companies out of foreign markets means lost American wealth.

Third, imposing unilateral sanctions will not necessarily end a foreign government's use of terrorism. In fact, in cases where terrorist regimes are generally supported by their subjects, imposing sanctions is likely only to increase anti-American sentiment and strengthen the hold of those in power.

I do support unilateral sanctions in certain targeted instances, for example with Iran. But taking away the President's prerogative to choose, and Congress's ability to assess whether to use this blunt policy tool, as the bill before us would do, will make our antiterrorism foreign policy worse, not better.

Mr. Speaker, we should do everything in our power to end all forms of terrorism. We are right to lead international efforts to isolate and punish terrorists. But imposing the automatic one-size-fits-all response to terrorism contained in H.R. 748 will be ineffective and costly. I urge my colleagues to defeat this bill.

Mr. McCOLLUM. Mr. Speaker, I have no further speakers. If the gentleman does not, I am prepared to yield back the balance of my time.

Mr. DELAHUNT. No, I do not, Mr. Speaker, and I want to thank the gentleman from Florida for his reassurances.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 748, as amended.

The question was taken.

Mr. MCCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

LAW ENFORCEMENT TECHNOLOGY ADVERTISEMENT CLARIFICATION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1840) to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

The Clerk read as follows:

H.R. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Technology Advertisement Clarification Act of 1997".

SEC. 2. EXCEPTION TO PROHIBITION ON ADVERTISING CERTAIN DEVICES.

Section 2512 of title 18, United States Code, is amended by adding at the end the following:

"(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1840, the Law Enforcement Technology Advertisement Clarification Act, makes a small change to section 2512 of title 18, United States Code. The section states that any person who places in any newspaper, magazine, handbill, or other publication, any advertisement of any electronic, mechanical, or other device primarily useful for the purposes of surreptitious interception shall be fined and imprisoned. Thus, current law rightfully prohibits the widespread advertisement of electronic interception devices.

Unfortunately, this blanket prohibition against all advertisements includes advertisements to legitimate law enforcement users. Police departments may not receive mailings from companies which manufacture electronic equipment informing them that such equipment has been updated and improved.

Advances in the technology of electronic devices are being made at a staggering pace. One example is body microphones which are used frequently by undercover officers. These devices have been miniaturized and disguised through technological advancements and it is now almost impossible to tell if an officer is wearing one. Technological improvements like these specially in the area of undercover work can quite literally save police officers' lives. It is therefore essential that the manufacturers or distributors of this technology be able to contact law enforcement agencies and make them aware of improvements. That is the only purpose of this legislation.

It is certainly very important to protect privacy rights of every citizen in this country, and this bill does not grant any new authority to law enforcement in the area of electronic interception. Although law enforcement may already legally use devices intended for surreptitious interception, nothing in this bill expands existing law. This change only relates to advertisement of such equipment though subcommittee staff and industry representatives who work closely with the Federal Bureau of Investigation to ensure that this language will only provide relief to companies that manufacture law enforcement related equipment, and I would like to thank Director Freeh for his assistance with this legislation.

Again the sole purpose of this bill is to allow for the advertisement of such equipment to police departments. It is a very small change but one which could have a very big impact for police departments around the country, and I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I want to congratulate the gentleman from Florida [Mr. MCCOLLUM] for introducing this bill. It is straightforward, it is a sensible exception to that broad prohibition which he alluded to on the advertising of electronic surveillance technology. As he indicated, current law prohibits manufacturers from advertising such devices even to legitimate law enforcement agencies. This bill would simply allow such advertising as long as the recipient of the advertising is duly authorized to use these particular devices.

Mr. Speaker, I support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1840.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

H.R. 1847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telemarketing Fraud Prevention Act of 1997".

SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(8) The Court, in sentencing a defendant for an offense under section 2326, shall order that the defendant forfeit to the United States any real or personal property—

"(A) used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense; and

"(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.".

SEC. 3. SENTENCING GUIDELINES CHANGES.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2326 of title 18, United States Code—

(1) by at least 4 levels if the circumstances authorizing an additional term of imprisonment under section 2326(1) are present; and

(2) by at least 8 levels if the circumstances authorizing an additional term of imprisonment under section 2326(2) are present.

SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LOCATION TO EVADE PROSECUTION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by at least 2 levels if the defendant conducted activities to further the fraud from a foreign country.

SEC. 5. SENTENCING COMMISSION DUTIES.

The Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in sections 3 and 4 are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

SEC. 6. CLARIFICATION OF ENHANCEMENT OF PENALTIES.

Section 2327(a) of title 18, United States Code, is amended by striking "under this chapter" and inserting "for which an enhanced penalty is provided under section 2326 of this title".

SEC. 7. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in September 1996 the House of Representatives passed by a voice vote an identical version of H.R. 1847, the Telemarketing Fraud Prevention Act. The Senate failed to act on that legislation before final adjournment, and the gentleman from Virginia [Mr. GOODLATTE], a dedicated member of the Committee on the Judiciary, has picked up the flag and is now advancing this important issue.

Mr. Speaker, the Subcommittee on Crime, which I chair, held a hearing a year ago on telemarketing fraud particularly as it related to our Nation's elderly. The Federal Trade Commission estimates that telemarketing fraud costs consumers about $40 billion a year. It is a sad fact that crooked telemarketers prey especially on our senior citizens. Telemarketing fraud is devastating for older persons because they often lose their entire life savings. As the American Association of Retired Persons has noted, many of this Nation's elderly are too trusting, they are very much too trusting, and cannot distinguish between a legitimate telephone pitch and a fraudulent one. Unfortunately, those who fall prey unintentionally aid the criminals because they are too humiliated to tell anyone of their drastic financial losses.

In the hands of a fraudulent telemarketer, a phone is a very dangerous weapon. They will use every trick possible to get their victims to send money. Examples of such deceptions include offering phony investment schemes, claiming to work for charitable organizations while promising grand trips and prizes. These telephone thieves are ruthless in their pursuit of someone else's hard-earned paycheck.

The most heinous part of the telemarketing fraud crime, however, is the final step. After a crooked telemarketer has wrung every last dime possible out of a victim, he then sells the victim's name to a so-called recovery room operation. The victim is contacted by a recovery room operator who pretends to be a private investigator or an attorney. The crook, masquerading as a legitimate investigator, tells the victim that he can help recover all the lost money, but first the victim needs to mail in some more money to cover the cost of the investigation. The victim is so desperate that anything seems reasonable, even a few hundred dollars to cover a private investigator's fee. Of course once the money is sent, the hopeful victim never hears from the scammer again. The recovery room operator is a true bully, kicking the victim when the victim is already down.

H.R. 1847 is designed to strengthen Federal law enforcement's fight against telemarketing fraud. Since money is all that matters to a fraudulent telemarketer, H.R. 1847 strikes back where it hurts, by requiring that any defendant convicted of a telemarketing scam forfeit all property used in the offense or any proceeds received as a result of the offense.

This bill also directs the U.S. Sentencing Commission to amend the guidelines to increase sentences for telemarketing fraud offenses defined in section 2326 of title 18 of the United States Code. Furthermore, the bill includes conspiracy language to allow prosecutors to seek out and punish the organizers of these illegal activities.

Again I thank my good friend from Virginia [Mr. GOODLATTE] for not allowing this issue to go unnoticed. I am going to yield to him in a moment but I am going to first of all withhold the balance of my time and let my good friend from Massachusetts have some time on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from Florida and my friend, the gentleman from Virginia [Mr. GOODLATTE] in supporting this measure which would increase penalties for telemarketing fraud, particularly when such fraudulent schemes victimize older Americans. While I ordinarily feel that Congress should allow the U.S. Sentencing Commission to determine when sentences and what sentences are appropriate, I am very glad that the bill takes steps to address what has become a serious and growing problem.

□ 1600

What family has not had the unpleasant experience of sitting down to a quiet dinner at home, only to have the telephone ring with some obnoxious telemarketer on the other end? Only this morning I received from a constituent of mine on Martha's Vineyard a letter who spoke of being plagued by telemarketing. Every third call is someone trying to sell something unsolicited.

For most of us, this sort of occurrence is a recurring nuisance. We may not want to hear the sales pitch but we usually know when to hang up. Unfortunately, when the caller is a sophisticated scam artist, things are rarely so clear. We have all heard from constituents who were tricked into contributing to nonexisting charities, or conned into throwing away their hard-earned money on phony real estate schemes. The situation is especially serious for older Americans, who are the favorite targets of these criminals.

Older people are especially vulnerable because many of them are lonely, homebound, and infirm. For them, that unwanted telephone call can mean the loss of everything they have managed to save over a lifetime. Predators who take advantage of other peoples' weaknesses should be held to account.

I urge support for H.R. 1847, and again extend my congratulations to the gentleman from Florida and the gentleman from Virginia.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary and the author of this bill.

Mr. GOODLATTE. I thank the gentleman for yielding time to me, Mr. Speaker, and I especially thank him as chairman of the Subcommittee on Crime for his leadership in helping to move this important legislation forward.

Mr. Speaker, I want to begin by reading from an article in last week's New York Times dated June 29. The article describes a recent investigation by Federal prosecutors targeting fraudulent telemarketers based out of Chattanooga, TN.

According to Federal officials, at least 100,000 people, most of them elderly, sent $35 million to fraudulent telemarketers based there from 1992 to 1995. According to the Times, and I quote,

> These scams were connected loosely, if at all. They ranged from single operators to 30-person phone banks. Typically, the lonely grandmothers and grandfathers were told that they had won one of four prizes: a new car, a Hawaiian vacation, $25,000 in cash, or $100.
>
> They were then asked to send a check, usually for hundreds or thousands of dollars, by overnight mail to cover taxes, postage, and handling for the winnings. If the taxes were this high, the telemarketer would say,

"Then the prize must be wonderful." According to one 80-year-old woman from New York who had fallen prey to the slick criminals, "I have been a widow for 19 years. It is very lonely. They were nice on the phone. They became my friends."

Fortunately, Federal prosecutors succeeded in winning convictions of 50 people as a result of their investigation. However, the average sentence in those 50 cases was less than 3 years for each person. Many of these people will be eligible for parole even sooner. The legislation I am offering today will send a loud and clear message to fraudulent telemarketers: the punishment for destroying the lives of our Nation's most vulnerable citizens will fit the crime, and it will be severe.

Telemarketing fraud has become a critical problem across the country, but especially in my home State of Virginia, where it has made victims of countless unsuspecting folks and their families.

Who are these victims? They are most often the elderly and disabled, those who have contributed so much to our society over the years. They are veterans of World War II and Korea, they are our retired schoolteachers, they are our parents and grandparents. Many of these victims, longtime residents of southwestern and central Virginia, come from a time when one's word was his or her bond, and they are often deceived by a con artist who will say whatever it takes to separate victims from their money. It has been estimated by the FBI that nearly 80 percent of all targeted telemarketing fraud victims are elderly.

Who are these people who victimize our Nation's elderly? They are white-collar thugs who contribute nothing to our society but grief. They choose to satisfy their greed by bilking others instead of doing an honest day's work. They strip victims not only of their hard-earned money but also of their dignity. They are swindlers who con our senior citizens out of their life savings by playing on their trust, sympathy and, if that does not work, their fear.

These criminals have said that they do not fear prosecution because they count on their victims' physical or mental infirmity or the embarrassment that victims feel from being scammed to prevent them from testifying at trial. Even if they are brought to trial, they are currently not deterred from engaging in telemarketing fraud because the penalties are so weak.

My bill raises the risk for criminals by directing the U.S. Sentencing Commission to increase by four levels the sentencing guidelines for fraudulent telemarketers and by eight for those who defraud those most vulnerable in our society, those over the age of 55.

My bill also includes conspiracy language to help put a stop to the targeting of Virginia as a victim State. Virginia is currently called a victim State by telemarketing criminals because very few of them have set up their boiler room operations here. Instead, they set up their operations in other States or even other countries, in particular Canada, to target Virginia's citizens as part of their scams. The addition of conspiracy language to the list of enhanced penalties will enable prosecutors to seek out the masterminds behind these boiler rooms and bring them to justice.

Of the top 11 company locations in 1996, four were Canadian provinces, Quebec 3d, Ontario 8th, British Columbia 9th, and Nova Scotia 11th. My bill will increase by two levels the penalty for those who use international borders to further their scams or evade prosecution.

Finally, my bill addresses the problem of victims who are unable to recoup any of their losses after the criminal is caught and convicted. It includes provisions requiring criminal asset forfeiture, to ensure that the fruits of crime will not be used to commit further crimes.

The Telemarketing Fraud Prevention Act will serve as a vital tool in the Federal arsenal of weapons available to law enforcement officials in the fight against telemarketing fraud. Since its introduction it has attracted several cosponsors from both parties, as well as the enthusiastic support of various seniors' groups, consumer protection groups, and law enforcement officials.

I thank my colleague for his assistance in advancing this important legislation, and urge my colleagues to support its passage this afternoon.

Mr. DELAHUNT. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations, who was unavoidably detained during consideration of H.R. 748.

Mr. HAMILTON. I thank the gentleman for yielding time to me, Mr. Speaker.

I rise in opposition to H.R. 748. I fully understand that is not the bill that is being discussed at the moment, and I want to express my appreciation to the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] to permit me to speak for just a moment out of turn here, and perhaps even out of order.

Mr. Speaker, I rise in opposition to H.R. 748. I do not have any doubt at all about the popularity of the bill. The intent of the authors is altogether praiseworthy, as are their motives. I think, however, the bill presents a number of unintended consequences, unintended problems.

I am aware of the fact that the authors of the bill, the gentleman from Florida and the gentleman from New York, have tried to meet some of the objections that the administration has put forward. I am also aware that the administration was probably late into the game as this bill was moving along. I appreciate that they are trying to deal with those problems by including a number of exceptions in the bill. My concern is that they cannot see every problem or circumstance, and I think what is really needed in this bill to make it okay is a waiver authority for the President.

Let me try to spell out very quickly some of the consequences that I see in the bill, and I know they are not intended by the authors. I think the bill would not help and could harm the peace process. All of us realize that process is at a very fragile state today, a very high priority for the United States, for the United States is trying to get Israel and Syria to restart the peace talks.

The prohibition on financial transactions, for example, with Syria in this bill will not make it any easier and could make it a lot more difficult for the United States to act as a catalyst in the peace talks between Israel and Syria. I think it is quite possible that the bill could hurt counterterrorism cooperation.

The authors of the bill are exactly correct when they say that Syria continues to provide safe haven and logistical support to some of the groups engaged in terrorism. It is also true, however, that Syria has been helpful to the United States on certain terrorism cases. This bill would make cooperation by Syria very difficult.

I think the bill's exceptions are too narrow and could harm U.S. interests. For example, the emergency medical services exception does not include nonemergency medical items like antibiotics and bandages. The humanitarian assistance exception may not cover U.S. nationals working on humanitarian programs. U.S. nationals working for the United Nations or other international organizations may not be covered.

The exception for official U.S. Government transactions may not include repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons programs, and promotion of freer communications with the Cuban population.

Finally, let me just say that the bill is another application of unilateral sanctions by the United States. I certainly understand the frustration of Members and the desire to put unilateral sanctions into place. We often get very frustrated by the actions of foreign governments. But unilateral sanctions have now become quite popular in this body.

Too often I think we reach into the foreign policy toolbox and decide to rely on unilateral sanctions to try to solve problems. But when we act unilaterally, U.S. business interests often suffer. Unilateral sanctions are not usually effective, and sometimes the biggest impact of the sanctions are to make more difficult our relations with our European and Asian friends. We can sometimes lose U.S. markets as well.

So I think the gentlemen who are supporting this bill, the gentleman from Florida, the gentleman from New York, the gentleman from Massachusetts, have the highest of motivations here. I believe that in moving the bill forward, they are actually doing a good service, but I do believe the bill needs some significant changes.

On the Senate side, as I understand it, there was a Presidential waiver provision put in the State Department authorization bill, a comparable provision to this bill. I would hope that the authors of this bill might look at that pretty carefully.

For these reasons I will not be able to vote for the bill, but I certainly understand why it is brought forward, and I appreciate the popularity of the bill. Let me say again to the gentleman from Massachusetts [Mr. DELAHUNT] and the gentleman from Florida [Mr. McCOLLUM] how much I appreciate their magnanimous action here in letting me speak out of turn.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly respect the gentleman who has spoken, the gentleman from Indiana [Mr. HAMILTON]. He is a very strong voice in the concerns of our Nation with respect to international affairs and has been for many years. As he has indicated, a number of us have worked diligently to try to address the concerns that he expressed in his statements, and I know that we have not perhaps done so to his satisfaction.

As I stated before he got here, a number of the provisions in the bill, in my personal belief and that of my staff and the experts we have had look at it, do cover and do address those areas of concern. Again, as I stated earlier, it seems to me that for that particular bill dealing with financial transactions with the named terrorist countries, Iran, Iraq, Sudan, North Korea, Libya, Syria, that it is very important that we do send this message, that we are not going to allow financial transactions between United States citizens and those governments as long as they are on the terrorist list.

I will continue to work with the administration and with the gentleman from Indiana as well as others to improve this bill as we go forward, but it does occur to me that at the present moment there is no peace process with regard to Syria. I wish there were. I hope there will be.

I certainly would like to see this bill, if anything, encourage that process. Syria certainly could do so by dropping those things which it is doing that puts it on the terrorist list, albeit maybe lesser than those things which some of the other countries on the list are doing.

Mr. Speaker, returning to the subject at hand, the bill that is before us of the gentleman from Virginia [Mr. GOODLATTE], H.R. 1847, regarding telemarketing fraud, affects just about every person who owns a telephone.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS] on H.R. 1847.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida, for yielding time to me.

Mr. Speaker, I also rise in support of this legislation sponsored by my good friend, the gentleman from Virginia [Mr. GOODLATTE], and reported out of the Subcommittee on Crime of the Committee on the Judiciary, chaired by another good friend, the gentleman from Orlando, FL, Mr. BILL McCOLLUM.

There is a quote by Sir Walter Scott that goes something like this: "Oh, what a tangled web we weave when first we practice to deceive." I think that quote by Sir Walter Scott sort of sums up what we have here. It is perhaps a perfect description of the fraud committed by the unscrupulous telemarketers who prey on the susceptibility of our citizens. Particularly in Florida we have senior citizens, elderly people, and I think telemarketing would be something that people would use to prey on our citizens.

I was the original cosponsor of this legislation when it was first introduced on January 21, 1997, when I believe the bill back then was H.R. 474. Now it is H.R. 1847. It has been strengthened, I think, through the committee process, so I think the current version is even better.

□ 1615

As my colleague from Florida has mentioned, telemarketing fraud is estimated to rob the United States consumers of at least $40 billion annually. This legislation would finally send a clear signal to the con men who manipulate the public's telephone systems to commit fraud. Under current law, fraudulent telemarketers spend an average of only 1 year in jail. This bill directs the United States Sentencing Commission to increase prison sentences for those convicted of telemarketing fraud. The commission is directed to increase the recommended penalties to a prison term of 2½ years with longer sentences for those who defraud the elderly, mentally disturbed, disabled, and other vulnerable consumers.

H.R. 1847 also requires a person convicted of telemarketing fraud to forfeit all money made in executing the fraud and to forfeit any property used in connection with the fraudulent acts as well as forfeiting any investments or property purchased with the profits of the telemarketing fraud. So with all that in mind, I urge all my colleagues to vote in support of this important piece of legislation. I congratulate the gentleman from Virginia [Mr. GOODLATTE] and my distinguished colleague, the gentleman from Florida [Mr. McCOLLUM].

Mr. GALLEGLY. Mr. Speaker, I am pleased to be a strong supporter of H.R. 1847, the Telemarketing Fraud Prevention Act.

The FBI estimates that telemarketing scams, such as schemes involving bogus charities, fake gem stones and deceptive travel promotions cost consumers as much as $40 billion annually. Often these fraudulent schemes target those who are least able to defend themselves, including senior citizens, many of whom live by themselves. The callers, through the use of deception, threats, or outright lies, are able to convince many elderly Americans to part with hundreds or thousands of dollars to companies who promise spectacular profits or outstanding deals.

The Telemarketing Fraud Prevention Act takes dead aim at those who prey on seniors and other unsuspecting consumers. H.R. 1847 increases Federal criminal penalties for persons convicted of committing fraud through the telephone. This legislation directs the U.S. Sentencing Commission to increase the sentencing levels for all telemarketing fraud, with the greatest increase in sentences for those who target those over 55 years of age. H.R. 1847 also requires monetary restitution to victims through the use of proceeds from persons or groups convicted under the statute.

Mr. Speaker, it is time that our Nation gets tough with criminals who use the telephone to steal from American consumers. And, it is time we get tough against con artists who prey on vulnerable senior citizens.

Mr. DELAHUNT. Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, again I want to encourage support for this bill, H.R. 1847, the Telemarketing Fraud Act. I thank my good friend, the gentleman from Virginia [Mr. GOODLATTE] for bringing it forward. Telemarketing fraud is really one of the most dastardly types of crimes in this country. The bill will do a lot to enforce that law and to make much tougher punishments.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 1847, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT NATION'S CHILDREN ARE ITS MOST VALUABLE ASSET AND THEIR PROTECTION SHOULD BE HIGHEST PRIORITY

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 154) expressing the sense of the House that the Nation's children are its most valuable assets and that their protection should be the Nation's highest priority.

The Clerk read as follows:

H. RES. 154

Whereas the Nation's most valuable and vulnerable asset is its children;

Whereas their protection should be one of our highest priorities;

Whereas over 1,000,000 children are reported missing, and over 100,000 attempted nonfamily abductions take place every year;

Whereas over 750,000 children under the age of 18 disappear for some length of time every year;

Whereas law enforcement officials constantly encounter crimes against children;

Whereas sex offenders are nine times more likely to repeat their crimes than any other class of criminal;

Whereas nearly two-thirds of State prisoners serving time for rape and sexual assault victimized children; and

Whereas while many missing children are returned to their homes, many others are exposed to danger and exploitation: Now, therefore, be it

Resolved, That—

(1) all Members of Congress should take appropriate action to ensure the safety and protection of children in their jurisdictions;

(2) State governments should have in effect laws which register offenders convicted of sexual crimes against children and laws which require law enforcement to notify communities of the presence of these offenders;

(3) States should have in effect laws which severely punish individuals convicted of offenses against children, especially crimes involving abduction, sexual assault, exploitation, and stalking;

(4) law enforcement agencies should take the necessary steps to safeguard children against the dangers of abduction and exploitation; and

(5) State and local law enforcement agencies should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a child's life may be in danger.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 154, introduced by the gentleman from Georgia [Mr. COLLINS] expresses the sense of the House regarding the safety and protection of our Nation's children. On May 25 we observed National Missing Children's Day, a day established by President Reagan in 1983 to raise public awareness about the need for increased child protection. This resolution, prepared in connection with National Missing Children's Day, is a declaration by this Congress that child abduction is a very serious matter and that we intend to work with State and local law enforcement to ensure that effective and appropriate measures are in place to prevent crimes against children.

Justice Department statistics indicate that over 1 million children are reported missing each year. Over 100,000 abductions of children are attempted by nonfamily members annually. This resolution includes these and other statistics in its findings, in addition to providing that States should have in place laws which severely punish individuals convicted of offenses against children. The resolution declares that law enforcement agencies should take steps necessary to safeguard children against the dangers of abduction and exploitation and should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a life may be in danger. Losing a child is a nightmare which becomes a reality for too many Americans. I would like to commend the gentleman from Georgia [Mr. COLLINS] for his efforts and I urge my colleagues to supported this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution declares that protection of children should be our highest national priority. I certainly do not intend to take issue with that sentiment as the father of two wonderful daughters. I frankly cannot imagine any Member of this House taking issue with it.

However, I do recognize that it is important from time to time for the Congress to reaffirm even such self-evident truths. I commend the author of the bill, the gentleman from Georgia [Mr. COLLINS] for doing so.

How the States choose to protect our children is, of course, another matter.

This resolution does not actually require the States to do anything. For that reason, it was reported favorably by our committee without dissent. But it does urge States to take various steps which the authors of the bill favor, including the adoption of laws that require the registration of convicted sex offenders, and severely punish those who commit offenses against children. Most of the States already do those things. But again I recognize that it is sometimes useful for the Congress to encourage the States to do what they are already doing.

Given so much harmonious agreement, it seems out of place to strike a discordant note, but there is something that does trouble me about this resolution. What troubles me is the implicit assumption that the people responsible for local law enforcement have more to learn from the Congress than we have to learn from them. I know from my own experience in law enforcement that this is simply not the case. If communities around the country choose to adopt these kinds of measures, it will not be because Congress thinks they should. It will be because they have determined that these measures are the best way to protect their children for whom they are responsible. If they do not do so, it will not be because they care less about their children than we do; it will be because they have chosen other means which they think would be more effective within their communities.

Finally, Mr. Speaker, once we have affirmed our concern for the well-being of America's children, I hope we will remember the many other things that threaten them. Things like malnutrition, lack of education, inadequate health care.

Unlike local law enforcement, these are things that we can do something about.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the gentleman from Massachusetts and the gentleman from Florida for both their recognition of how important it is at times for us to remind ourselves and to remind our State and local officials and also our law enforcement officials of the importance of our children and to remind them, too, that we are all concerned and very interested in their protection.

As the father of four and the grandfather of six and, by the way, Mr. Speaker, I put my request in to my four children hopefully to get a baker's dozen of those grandchildren, I recognize the importance of love and protecting our children, our most valuable asset.

Therefore, I rise today to offer a resolution referencing the importance of our Nation's children. Amidst all the talk of balanced budgets, taxes and entitlements and their importance, too, to our children, we often overlook the need to protect what truly is the most priceless resource in this country, and that is our children. But like any other valuable, our children's safety is often threatened. Losing a child is a nightmare which has become a reality for far too many Americans. In fact, a recent study conducted by the Princeton Survey Research Associates indicated that the number one fear of 54 percent of the parents who responded is that their child might be kidnapped. And while most missing children are returned to their homes safely, many are exposed to the evils of exploitation.

The gentleman from Florida [Mr. McCollum] referred to several statistics released recently by the Justice Department. A couple of those statistics are that more than 300,000 children are abducted by family members each year and that nearly two-thirds of our State prisoners serving time for rape and sexual assault victimized children and that sex offenders are nine times more likely to repeat their crimes than any other criminal.

Mr. Speaker, our law enforcement agencies are constantly faced with the difficult task of stopping crimes against children, and Congress has done a commendable job in recent months with the passage of two acts, one the Megan's law which gives citizens the power to educate themselves with sex offender registration information and, two, the Sexual Offender Tracking Identification Act, which aids law enforcement officials in tracking down threats to our children.

Both these measures are a good start but there is much work to be done yet. Therefore, Mr. Speaker, I am pleased to offer House Resolution 154, which expresses the sense of Congress that the Nation's children are its most valuable resource and that their protection should be our Nation's highest priority.

House Resolution 154, as reported earlier, also urges local and State governments to take appropriate action to ensure the safety and protection of children within their jurisdictions and to severely punish offenders of such crimes. I would like to recognize the diligent efforts of the National Center for Missing and Exploited Children, the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], the ranking member, the gentleman from Massachusetts [Mr. HYDE] and the other members in the leader's office for their help with this measure. I urge my colleagues to join me in passage of this resolution.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the resolution, House Resolution 154.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING MEDICAID ENROLLMENT RULE FOR BETTER HEALTH PLAN OF AMHERST, NY

Mr. PAXON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2018) to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY, as amended.

The Clerk read as follows:

H.R. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF 75/25 MEDICAID ENROLLMENT RULE FOR BETTER HEALTH PLAN, INC.

Effective July 1, 1997, the requirement of section 1903(m)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(ii)) is waived, for contract periods through December 31, 1998, with respect to the Better Health Plan, Inc. operating in New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2018, legislation I offered along with my colleagues from New York on the Committee on Commerce. Our legislation is but a small piece of legislation but it is absolutely vital to many Medicaid recipients in the State of New York.

Better Health Plan, based in my district in Amherst, New York, needs an extension of their 75/25 waiver which expired on June 30, 1997. The 75/25 rule requires that any Medicaid managed care plan enroll at least 25 percent of their patients from the private sector. Without this legislation, Better Health Plan would be forced to disenroll thousands of Medicaid recipients. These recipients would face a disruption of their health care, and Mr. Speaker, we cannot allow this to happen. The 75/25 rule would be eliminated under the President's proposed budget as well as the congressional budget plan. Unfortunately the budget bill was not signed into law by June 30 of this year. Therefore, we need to take quick and decisive action on H.R. 2018.

I must also point out that the New York State Department of Health and Better Health Plan were hoping the State's 1115 Medicaid waiver would be approved by this time. Approval of the 1115 waiver would have provided relief without the need for congressional action. Unfortunately, we were told by HCFA that a decision on the 1115 rule waiver would not come before June 30, 1997.

It is because of this that I offer H.R. 2018 today and ask that my colleagues quickly approve this legislation so that Better Health Plan may continue to provide quality health care to Medicaid beneficiaries, as they have since 1994. Better Health Plan is a Medicaid prepaid health services plan approved by the New York State Department of Health. At present, Better Health Plan operates in New York City and 11 counties across the State of New York. Better Health serves over 41,500 individuals of which 36,700 are Medicaid recipients.

I received a letter from the New York State Department of Health verifying that mandated surveys have been conducted by the State and there have been no quality-of-care deficiencies with Better Health Plan.

Therefore, before I close, I would like to thank my colleagues, the gentlemen from New York, particularly Mr. ENGEL, Mr. TOWNS, Mr. MANTON, and Mr. LAZIO who have all been helpful in bringing this legislation to the floor. I would also like to thank the gentleman from Virginia [Mr. BLILEY] and his staff for their prompt attention to this situation. It is because of this bipartisan effort that we will ensure that Medicaid patients in New York City/State will continue to receive quality health care.

Mr. Speaker, I reserve the balance of my time.

□ 1630

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with my friend and colleague, the gentleman from New York [Mr. PAXON], in strong support of H.R. 2108.

Let me say, as he has said, the five members of the Committee on Commerce from New York all strongly support the bill. Indeed, the Committee on Commerce passed the bill unanimously by voice vote. This, as the gentleman from New York said, would grant a waiver for the Better Health Plan from the 75–25 rule.

The Better Health Plan covers people throughout New York State, mostly northern New York, but also in the city of New York as well, and the 75–25 rule states that any Medicaid HMO plan must have a minimum of 25 percent participation from non-Medicaid enrollees. This rule has been eliminated in the Medicaid portion of the budget reconciliation measure.

However, as was pointed out, the budget plan has yet to be enacted and, because of that, Better Health must now begin disenrolling patients unless the bill before us is enacted. Better Health Plan is a Medicaid prepaid health services plan approved by the New York State Department of Health to operate in the State since March 30, 1994. At present, as I mentioned, the plan operates in the five boroughs of

New York City, as well as Westchester County, which I also represent, and in 11 other counties, and serves over 41,000 enrollees, including 37,000 Medicaid recipients.

Surveys conducted by the State of New York have not reported any quality of care deficiencies with Better Health. For the last 3 years, Better Health has operated under an exemption to the 75–25 rule that was granted by HCFA in June 1994. The waiver period ended last week on June 30 and Better Health will be required to send out notices of disenrollment to its enrollees unless this legislation is enacted. That is why it is so important we enact this legislation today. We must pass the measure before us today in order to ensure that the patients continue to receive the care they need.

I also want to mention, Mr. Speaker, that in addition, there are two other plans in New York that are also requesting waivers and find themselves in the same predicament that Better Health has found itself, and these two other plans are Health First and Genesis, the latter of which is in my district to a very large degree.

While both plans will not have to disenroll patients until later this year, because their waiver lasts a little longer, I would have preferred to see waivers granted for these plans also. I would have preferred to have seen it all in one bill. But should there be delays or problems arising in the future on the budget plan, I plan to work with my friend from New York, Mr. PAXON, and the Committee on Commerce should we need to address the situation later on in the year with regard to the other plans that I mentioned. So, Mr. Speaker, I strongly urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PAXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I thank my colleague for yielding me this time, and I want to begin by saying that I want to thank Members on both sides of the aisle and the leadership for moving this bill very quickly. Also I want to thank the staff on both sides of the aisle who have done a superb job. I could call the names, but I will not get into that because I might just leave a name out.

The Better Health Plan serves over 40,000 Medicaid recipients in the New York area. This plan provides services all over the five boroughs of New York City, including my district, which has close to 2,000 beneficiaries. Better Health Plan offers many innovative health care programs for its Medicaid members and helps them become better consumers of health care, which is very, very important.

The plan also offers a wide variety of preventive services, including vision, hearing, lead screening tests and also provides counseling services for alcohol and tobacco and drug habits as well. The legislation waives the Medicaid 75–25 rule and will continue to make this plan available to New York residents.

My colleague mentioned earlier that there were some other New York plans that were also concerned about the fact that they were not included in this legislation. It is my hope that the waiver will come about and that we will not have to do that, but in the event it does not occur, I would like to assure him that I will join him in doing everything that I can to make certain that they are included because we need to make certain that people do not need to have frustration and tension because of the fact the 75–25 rule is in effect.

Again, Mr. Speaker, I want to thank my colleagues, the gentlemen from New York, Messrs. PAXON, ENGEL, MANTON and LAZIO, and also thank my staff person, Brenda Pillors, who worked very hard on this.

Mr. MANTON. Mr. Speaker, as an original cosponsor of this legislation, I rise in strong support of H.R. 2018, a bill to extend the 75–25 Medicaid waiver for Better Health Plan of Amherst. I want to thank my colleagues on the Commerce Committee, particularly Representatives PAXON, TOWNS, ENGEL, and LAZIO for their efforts in bringing this legislation to the floor in such a swift manner.

Better Health Plan of Amherst provides essential services to its beneficiaries in the five Boroughs of New York City and eleven counties throughout New York State. Of the 40,000 individuals Better Health Plan serves, 36,700 are Medicaid recipients. H.R. 2018 would ensure uninterrupted delivery of quality health care for those who rely on the services provided by Better Health Plan. The quality services provided by Better Health Plan range from increased access to health care to intensive health education for its members.

Mr. Speaker, I urge my colleagues to support this legislation which would guarantee that Better Health Plan of Amherst can continue to provide quality, low-cost health care to its numerous beneficiaries.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 2018, a bill that provides a temporary Medicaid waiver for the Better Health Plan in New York. This is a bill that I strongly support, Mr. Speaker, and I urge all of my colleagues to do the same.

Thousands of Medicaid patients in New York are anxiously waiting to see if the doors to their health care office will remain open tomorrow morning, due to the 75/25 Medicaid enrollment provision. According to this provision, 25 percent of a health plan's patients must be enrolled from the private sector. If a health plan cannot meet this goal, they must start disenrolling patients. The Better Health Plan, in Amherst, NY is in danger of having to disenroll more than 36,000 Medicaid recipients, since their 75/25 waiver expired on June 30 of this year.

This bill will grant the Better Health Plan an extended waiver of the 75/25 provision until December 31, 1998, thereby aiding low income New York residents. I remain committed to ensuring quality care for New York Medicaid patients, which can be done by other means than a 75/25 provision. However, we cannot and should not sit here and order health care providers to close their doors on more than 40,000 patients. Quick action is needed to ensure that the quality care that Medicaid patients are now receiving from health plans will continue. The future of Medicaid recipients hangs in the balance at this time while the very real threat of termination of care and services to these lower income residents is dependent upon this vote. Please don't let these people down, support H.R. 2018.

Mr. ENGEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from New York [Mr. PAXON] that the House suspend the rules and pass the bill, H.R. 2018, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PAXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2018 and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 178 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 178

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Thursday, June 26, the Committee on Rules granted, by voice vote, an open rule providing 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations for the consideration of H.R. 2016, the military construction appropriations bill for fiscal year 1998. The rule waives points of order against provisions in the bill which do not comply with clause 2 of rule XXI prohibiting unauthorized appropriations and legislation on general appropriations bills, and clause 6 of rule XXI prohibiting transfers of unobligated funds.

The rule provides for priority recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD. The rule also provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the votes take place immediately following another recorded vote and that the voting time on the first series of questions is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Today we will consider the first bill in the annual appropriations process. Because the other body and conference action on the National Defense Authorization Act has not been completed, the Committee on Appropriations considered only projects recommended for authorization when crafting H.R. 2016. All projects included in H.R. 2016 are approved subject to authorization.

This is a product of a bipartisan effort to ensure that the needs of our service men and women are effectively addressed. The committee chairman and ranking member of the Subcommittee on Military Construction both testified that debate on the measure was very short in both the subcommittee and full Committee on Appropriations where it passed with a voice vote.

The living conditions of our Nation's fighting men and women have been the focus of much attention and grave concern. Currently, 62 percent of troop housing spaces and 64 percent of housing family units are unsuitable. It is imperative we work to improve their living conditions, which are directly linked to readiness, morale, and retention.

I am proud of our continued efforts to improve the housing for the Armed Forces, those brave Americans that protect our freedoms. In particular, the need for improved family housing has increased dramatically. Since the 1950's the all-volunteer structure of the Armed Forces has resulted in the steady rise of married service members. More than 60 percent of those serving today are married. It is important that we have a sustained, flexible approach to meet their needs.

H.R. 2016 addresses the severe backlog in readiness, revitalization and quality of life projects. To address this problem, the committee included funding above the administration's request to fund the planning and construction of several barracks, family housing and operational facilities. Included in the additional funding is:

Ten additional unaccompanied housing projects; new construction and improvements to family housing units, benefiting approximately 2,438 military families; four child development centers; operational and training facilities for the active service; and operational, training, environmental compliance and safety related activities for the Reserves.

Good infrastructure is key to military installations operating effectively and achieving their mission. They need good transportation networks, rail lines, roads, airports and seaport facilities, communication systems, telephone lines and satellite uplinks and downlinks, and mundane but vital support like water and sewer systems, and electrical generation and distribution systems.

There have been reports that aging installations are suffering from crumbling infrastructure and support facilities. It is crucial we give the revitalization of these facilities sufficient priority so that they are able to meet their mission requirements. This bill dedicates funding to continue to address these problems.

Other commitments addressed in the bill include funding for the continued implementation for the base realignment and closure program. The funds are necessary so that the base closure schedules can be met and the savings realized. The bill gives the Department of Defense the flexibility to carry out this complex task in the most efficient manner possible.

This is a good bill that honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition so that our Armed Forces can continue to defend the freedoms we all cherish.

Mr. Speaker, I urge my colleagues to support the open rule on this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and thank my colleague from North Carolina, Mrs. MYRICK, for yielding me this time.

This resolution is an open rule. It will allow for full and fair debate on H.R. 2016, which is the military construction appropriation bill for fiscal year 1998.

Under this rule, germane amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments. The Committee on Rules reported this rule without opposition in a voice vote and I certainly plan to support it.

This bill appropriates $9.2 billion for military construction, family housing and base closure construction projects. And though the bill provides $800 million more than the administration's request, the funding level still represents a reduction of $610 million, or 6 percent below last year's appropriation.

The bill funds necessary capital improvements to our Nation's military facilities. And continuing the trend of recent years, the Committee on Appropriations paid special attention to facilities that improved the quality of life for our service men and women. This includes an emphasis on family housing, barracks, and child development centers.

The bill contains funding for four projects at Wright-Patterson Air Force Base, which is partially located in my district.

One of the four is a new building to consolidate the Aeronautical Systems Center's acquisition support functions, and this will result in cost reductions and improved efficiency. The new building will help enhance current weapon systems as well as developing new ones, such as the Joint Strike Fighter.

Another project is a child development center, which will assist Air Force parents stationed at Wright-Patterson.

□ 1645

Mr. Speaker, passage of this bill is important to our national defense and to the welfare of our fighting men and women; and I certainly would urge the adoption of this open rule and the bill.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–172) on the resolution (H. Res. 179) providing for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–173) on the resolution (H. Res. 180) providing for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 4 o'clock and 48 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLING) at 5 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on the bill called from the Corrections Calendar and each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which each question arose.

Votes will be taken in the following order: H.R. 849 by the yeas and nays, Senate Joint Resolution 29 by the yeas and nays, H.R. 1658 by the yeas and nays, and H.R. 748 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PROHIBITING ILLEGAL ALIENS FROM RECEIVING RELOCATION ASSISTANCE

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 849, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 246]

YEAS—399

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson

Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—35

Becerra
Bilbray
Brown (OH)
Bryant
Cox
Dellums
Edwards
Fattah
Frost
Gejdenson
Gilman
Hayworth
Hilleary
Hostettler
Hunter
Inglis
Kennedy (RI)
Lantos
Largent
LaTourette
Lowey
Mica
Owens
Pastor
Riggs
Rush
Sanford
Scarborough
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1738

Mr. GOODLATTE changed his vote from "nay" to "yea."

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRYANT. Mr. Speaker, on rollcall No. 246, bad airline connections prevented me from voting. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLING). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each motion to suspend the rules on which the Chair has postponed further proceedings.

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, Senate Joint Resolution 29.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 29, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 39, not voting 32, as follows:

[Roll No. 247]

YEAS—363

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Shimkus
Skeen
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—39

Barr
Bartlett
Barton
Berman
Bonilla
Burton
Chenoweth
Coble
Coburn
Combest
DeLay
Dingell
Doolittle
Gallegly
Hall (TX)
Hefley
Johnson, Sam
Lewis (CA)
Livingston
McIntosh
Moran (VA)
Obey
Paul
Radanovich
Rohrabacher
Royce
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shuster
Skaggs
Skelton
Smith (MI)
Stump
Taylor (MS)
Thornberry
Tiahrt

NOT VOTING—32

Becerra
Bilbray
Brown (OH)
Cox
Dellums
Edwards
Fattah
Frost
Gejdenson
Gilman
Hayworth
Hilleary
Hostettler
Hunter
Inglis
Lantos
Largent
LaTourette
Lowey
Mica
Owens
Pastor
Riggs
Rush
Sanford
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1750

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, on rollcall No. 246 and 247. I was delayed at O'Hare Airport due to weather and due to flight delay, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, my airplane was unavoidably detained because of avionics difficulties from Chicago into Washington this afternoon. Accordingly, Mr. Speaker, I missed two votes held under suspensions. I want the RECORD to reflect that had I been present, I would have voted "yes" on H.R. 849 and also "yes" on Senate Joint Resolution 29.

PERSONAL EXPLANATION

Mr. HOSTETTLER. Mr. Speaker, due to official business in my district, I missed two votes today, July 8, 1997. Had I been present, I would have voted as follows:

I would have voted "yea" on rollcall No. 246, passage of H.R. 849, a bill to amend the Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit the payment of displacement compensation to illegal aliens.

I would have voted "nay" on rollcall No. 247, on passage of House Resolution 79, a resolution to direct the Interior Secretary to design and construct a permanent addition to the FDR Memorial in Washington, DC.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

The SPEAKER pro tempore (Mr. GOODLING). The pending business is the question of suspending the rules and passing the bill, H.R. 1658, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 8, not voting 27, as follows:

[Roll No. 248]

YEAS—399

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—8

Barr
Foley
Manzullo
Neumann
Paul
Royce
Scarborough
Sensenbrenner

NOT VOTING—27

Becerra
Bilbray
Brown (OH)
Cox
Dellums
Edwards
Frost
Gejdenson
Gilman
Hilleary
Hunter
Inglis
Lantos
LaTourette
Lowey
Menendez
Mica
Riggs
Rush
Sanford
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1800

Mr. SCARBOROUGH changed his vote from "yea" to "nay."

□ 1801

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall Nos. 246, 247, and 248, I was inadvertently detained due to mechanical problems with my plane. Had I been present, I would have voted "yes" on each.

PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

The SPEAKER pro tempore (Mr. GOODLING). The pending business is the question of suspending the rules and passing the bill, H.R. 748, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 748, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 33, answered "present" 1, not voting 23, as follows:

[Roll No. 249]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings

Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—33

Blumenauer
Bonior
Campbell
Conyers
Dingell
Farr
Hamilton
Harman
Hastings (FL)
Hilliard
LaFalce
LaHood
Lewis (GA)
Lofgren
McDermott
McKinney
Meek
Miller (CA)
Minge
Moran (VA)
Obey
Paul
Payne
Pelosi
Rahall
Scott
Skaggs
Snyder
Tauscher
Torres
Vento
Waters
Yates

ANSWERED "PRESENT"—1

Delahunt

NOT VOTING—23

Becerra
Bilbray
Brown (OH)
Coburn
Cox
Dellums
Edwards
Frost
Gejdenson
Gibbons
Gilman
Hunter
Lantos
LaTourette
Lowey
Riggs
Rush
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon

☐ 1809

Mr. LaHOOD and Mr. MORAN of Virginia changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, on June 25, on rollcall No. 236, I inadvertently voted "yes." I intended to vote "no."

Mr. Speaker, on June 25, 1997, on rollcall vote 236 on H.R. 1119, the Defense Authorization Act for Fiscal Year 1998, I inadvertently voted "yea." It was my intention to vote "no" on the bill.

I have consistently voted against increasing defense spending, especially since the end of the cold war, when our Nation faces its biggest threat, not from outside our shores, but from the impending fiscal disaster that awaits our country.

H.R. 1119 was a $2.6 billion increase over last year and included items that we either do not need nor can not be justified by objective analysis.

H.R. 1119 included $331 million for advanced procurement of additional B–2 bombers. The CBO estimates that the additional bombers would cost $27 billion over the next 20 years. This is for nine planes that neither the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the Secretary of the Air Force requested nor wants. I voted for an amendment to redirect this money for the use of the National Guard and Reserve, but it failed.

The bill included other questionable weapons systems. It provides $661 million for the V–22 and $469 million for the joint strike fighter.

While the House debated the Defense bill, our troops were still in Bosnia without any effective exit date. The House defeated an amendment to set the initial deadline for withdrawal by December 31, 1997. We need to bring our troops home from Bosnia and turn the mission over to our European allies.

H.R. 1119 contained many of the same provisions of past bills that I have voted against.

Mr. Speaker, please let the record reflect that I intended to vote "no" on H.R. 1119.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained on rollcall vote 246 on today's vote. Had I been here, I would have voted "aye."

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2016), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 178 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2016.

☐ 1813

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

☐ 1815

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Let me proceed by informing all the Members that the rules require a record vote on final passage of this bill. Some have inquired.

Mr. Chairman, I want to begin by saying what a pleasure it has been for me to work with the gentleman from North Carolina [Mr. HEFNER]. We have crafted this bill, I think, to be very attractive to all the Members of the Congress.

This is a military construction bill, and our primary concern in this bill was that we address this very serious problem with quality-of-life issues, family housing, barracks, hospitals, day-care centers, and the like. This bill includes $9,183,000,000. This is within the 602(b) allocations. It represents a $610 million reduction from last year's appropriated levels. This is a 6 percent reduction. So we want Members of the House to know that this bill is cutting, not raising, the cost of Government.

The Members recognize that this addresses, as I have mentioned, the quality-of-life issues. We recommend that an additional $800 million above and beyond the request in the President's budget be devoted to improving the troop housing, family housing, child day-care centers. This adds up to $752 million in barracks, troop housing; $28 million in child day-care centers; $146 million in hospital and medical facilities; $104 million in environmental compliance on our bases; $1 billion for new housing and improvement of existing housing; and over $3 billion of the bill is in operation and maintenance of existing inventory. Twenty-three percent of the bill, or $2.1 billion, is for downsizing DOD's infrastructure, in other words, the base realignment and closure program.

Again, I want to express my deep appreciation to the staff, to the members of my subcommittee, certainly to the ranking member, for the cooperation we have had in crafting this bipartisan bill. In conclusion, I want to express the fact that we have worked closely with the authorizing committee.

As a matter of fact, all individual items in this bill are included in the authorization bill. So we worked very closely with the authorizing committee and they have been very, very cooperative. This $9.2 billion is roughly 4 percent of the total defense budget and $610 million below last year's level.

We strongly urge the Members of Congress to support the bill and move it forward. We fully expect that this will move without a great deal of controversy; and, hopefully, we will be able to have our final passage vote within the hour.

Mr. Chairman, I include the following for the RECORD:

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Military construction, Army	565,688,000	595,277,000	721,027,000	+155,339,000	+125,750,000
Rescissions	-3,028,000			+3,028,000	
Total, Military construction, Army (net)	562,660,000	595,277,000	721,027,000	+158,367,000	+125,750,000
Military construction, Navy	707,094,000	540,106,000	685,306,000	-21,788,000	+145,200,000
Rescissions	-19,780,000			+19,780,000	
Total, Military construction, Navy (net)	687,314,000	540,106,000	685,306,000	-2,008,000	+145,200,000
Military construction, Air Force	754,064,000	495,782,000	662,305,000	-91,759,000	+166,523,000
Rescissions	-5,100,000			+5,100,000	
Total, Military construction, Air Force (net)	748,964,000	495,782,000	662,305,000	-86,659,000	+166,523,000
Military construction, Defense-wide	763,922,000	673,633,000	613,333,000	-150,589,000	-60,300,000
Rescissions	-51,000,000			+51,000,000	
Total, Military construction, Defense-wide (net)	712,922,000	673,633,000	613,333,000	-99,589,000	-60,300,000
Total, Active components	2,711,860,000	2,304,798,000	2,681,971,000	-29,889,000	+377,173,000
Department of Defense Military Unaccompanied Housing Improvement Fund	5,000,000			-5,000,000	
Military construction, Army National Guard	78,086,000	45,098,000	45,098,000	-32,988,000	
Military construction, Air National Guard	189,855,000	60,225,000	137,275,000	-52,580,000	+77,050,000
Rescission	-5,000,000			+5,000,000	
Total, Military construction, Air National Guard (net)	184,855,000	60,225,000	137,275,000	-47,580,000	+77,050,000
Military construction, Army Reserve	55,543,000	39,112,000	77,731,000	+22,188,000	+38,619,000
Military construction, Naval Reserve	37,579,000	13,921,000	40,561,000	+2,982,000	+26,640,000
Military construction, Air Force Reserve	52,805,000	14,530,000	27,143,000	-25,662,000	+12,613,000
Total, Reserve components	408,868,000	172,886,000	327,808,000	-81,060,000	+154,922,000
Total, Military construction	3,125,728,000	2,477,684,000	3,009,779,000	-115,949,000	+532,095,000
Appropriations	(3,209,636,000)	(2,477,684,000)	(3,009,779,000)	(-199,857,000)	(+532,095,000)
Rescissions	(-83,908,000)			(+83,908,000)	
NATO Security Investment Program	172,000,000	176,300,000	166,300,000	-5,700,000	-10,000,000
Family housing, Army:					
Construction	158,503,000	143,000,000	202,131,000	+43,628,000	+59,131,000
Operation and Maintenance	1,212,466,000	1,148,937,000	1,148,937,000	-63,529,000	
Total, Family housing, Army	1,370,969,000	1,291,937,000	1,351,068,000	-19,901,000	+59,131,000
Family housing, Navy and Marine Corps:					
Construction	499,886,000	278,933,000	409,178,000	-90,708,000	+130,245,000
Operation and Maintenance	1,020,721,000	976,504,000	976,504,000	-44,217,000	
Total, Family housing, Navy	1,520,607,000	1,255,437,000	1,385,682,000	-134,925,000	+130,245,000
Family housing, Air Force:					
Construction	317,507,000	253,128,000	341,409,000	+23,902,000	+88,281,000
Operation and Maintenance	816,509,000	830,234,000	830,234,000	+13,725,000	
Total, Family housing, Air Force	1,134,016,000	1,083,362,000	1,171,643,000	+37,627,000	+88,281,000
Family housing, Defense-wide:					
Construction	4,371,000	4,950,000	4,950,000	+579,000	
Operation and Maintenance	30,963,000	32,724,000	32,724,000	+1,761,000	
Total, Family housing, Defense-wide	35,334,000	37,674,000	37,674,000	+2,340,000	
Department of Defense Family Housing Improvement Fund	25,000,000			-25,000,000	
Homeowners Assistance Fund, Defense	36,181,000			-36,181,000	
Total, Family housing	4,122,107,000	3,668,410,000	3,946,067,000	-176,040,000	+277,657,000
Construction	(980,267,000)	(680,011,000)	(957,668,000)	(-22,599,000)	(+277,657,000)
Operation and Maintenance	(3,080,659,000)	(2,988,399,000)	(2,988,399,000)	(-92,260,000)	
Family Housing Improvement Fund	(25,000,000)			(-25,000,000)	
Homeowners Assistance Fund	(36,181,000)			(-36,181,000)	

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Base realignment and closure accounts:					
Part II	352,800,000	116,754,000	116,754,000	-236,046,000	
Rescissions	-35,391,000			+35,391,000	
Subtotal	317,409,000	116,754,000	116,754,000	-200,655,000	
Part III	971,925,000	768,702,000	768,702,000	-203,223,000	
Rescissions	-75,638,000			+75,638,000	
Subtotal	896,287,000	768,702,000	768,702,000	-127,585,000	
Part IV	1,182,749,000	1,175,398,000	1,175,398,000	-7,351,000	
Rescissions	-22,971,000			+22,971,000	
Subtotal	1,159,778,000	1,175,398,000	1,175,398,000	+15,620,000	
Total, Base realignment & closure accounts (net)	2,373,474,000	2,060,854,000	2,060,854,000	-312,620,000	
Grand total:					
New budget (obligational) authority	9,793,309,000	8,383,248,000	9,183,000,000	-610,309,000	+799,752,000
Appropriations	(10,011,217,000)	(8,383,248,000)	(9,183,000,000)	(-828,217,000)	(+799,752,000)
Rescissions	(-217,908,000)			(+217,908,000)	

Mr. PACKARD.

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would be remiss if I did not congratulate the chairman of the committee, who is one of the finest gentleman I have ever worked with in this House, and this is one of the best committees, I guess, in the entire House of Representatives. And I would like to congratulate the staff, because they have done a tremendous job, both on the minority side and the majority side, they have done a tremendous job in putting together this bill, and it merits the support of everyone in this House.

This bill contains, as the chairman has said, some $9.2 billion in total funding. This is $600 million below last year. I would like to remind some of the critics of the bill that we have been taken to task that we are over the President's mark. But I would like to remind the Members of the House that we have a committee that in the past 2 years, under both Democrat and Republican administrations, we have had to fight very hard to get money for quality of life for our troops. We have concentrated on doing the best that we can for quality of life for our troops, and we think we have done a good job with limited funds.

We have got 50 new barracks projects, and all of our barracks are over 40 years old. We need another 250,000 units. And I might add that everything in this package has been authorized and was voted on and passed in this House. So I think we have a very good bill, and I want to thank the chairman for all of his courtesy to work with us through the years and for the staff.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the bill, and I want the gentleman from California [Mr. PACKARD] to know that it is a joy to serve on his subcommittee and under his chairmanship.

As I said at the markup, the gentleman from California [Mr. PACKARD] could give us all lessons in how to mark up a bill in an efficient way and to get the job done. The gentleman from California has done an outstanding job in crafting this bill that addresses the quality of life and needs of our armed services.

The men and women who serve this country deserve the very best that we can provide, and this bill includes increased funding for billets, for new family housing units, and for private family homes. Each of these are essential to the readiness of our Armed Forces.

I am particularly pleased that the chairman funded several projects at the Great Lakes Naval Base in my district. The Great Lakes Naval Training Center serves as the Navy's only primary training base and the principle location for early training skills. This bill includes new enlisted barracks at the Great Lakes Naval Hospital at a cost of $5.2 million in new barracks, two new fire stations, and a combat pool at the Great Lakes Naval Training Center at a cost of $26.7 million.

Under the leadership of the gentleman from California [Mr. PACKARD], this bill takes very strong steps in improving the quality of life for our armed services. He has done a masterful job in crafting the bill, and I applaud him and urge support of all Members.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER], who is a member of the committee.

Mr. OLVER. Mr. Chairman, as a new member of the Subcommittee on Military Construction, I rise to support this bill, but particularly to commend the gentleman from California [Mr. PACKARD] for his very effective leadership, and then also to commend both Chairman Packard and the gentleman from North Carolina [Mr. HEFNER] the ranking member, for their very bipartisan working relationship which was indeed, as the previous speaker said, a joy to work with.

The fiscal 1998 MILCON appropriations bill continues to focus on the quality of life for servicemen and women. Improving quality of life for those who serve in the Armed Forces and for their families is critical if we are going to retain our best personnel beyond their minimum service requirements. We are spending billions on new weapons, and we ought to spend enough to ensure that the servicemen and women who operate those sophisticated weapons are not left in substandard and in some cases deplorable living conditions.

To that end, this bill provides funding, in some cases above the Pentagon's request, for new child development centers; new hospital and medical facilities, including treatment centers and medical research facilities; and for cleanup at military bases where contamination sites that are in violation of either Federal or State environmental protection laws do exist.

The report which accompanies this bill contains initiatives that should be supported by all Members. These initiatives are aimed at saving costs and bringing common sense to construction planning by the service branches.

There are instructions in the report for each military department to develop a unified design guidance program to stop wasteful, duplicative spending on the engineering and design of like projects, including duplicative spending on computer programs used in the engineering, design, and construction of standard military facilities.

A second cost-saving measure in the subcommittee's report is the forwarding of Bold Venture, the Pentagon's program to move military entrance processing stations from private, commercial buildings to military installations in order to reduce office rent expenditures and the cost associated with housing recruits in hotels rather than in barracks.

I thank the chairman and ranking member for including this language in the subcommittee's report, and I look forward to reviewing the Defense Logistics Agency's report on the budgeting timetable for Bold Venture, which is due to the Appropriations Committee no later than January 1998.

But perhaps the best feature of this package is the specific instruction included by the chairman to the Army, the Army National Guard, and the National Guard Bureau on the need for a concerted system of planning and prioritizing the hundreds and hundreds of unbudgeted Army National Guard construction projects.

The subcommittee report before the House today points out that the Army Guard has no comprehensive approach whatsoever to armory construction—as well as no understandable, consistent method for prioritizing competing armory and readiness center construction projects.

I commend the leadership of the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER] in taking steps to improve this extremely poor budgeting process, both for the next fiscal year and for the long run.

For those reasons and more, I urge my colleagues on both sides of the aisle to support the fiscal 1998 military construction bill.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a member of the subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me the time.

Mr. Chairman, I want to briefly echo the sentiments of other speakers who already talked tonight in commendation of our subcommittee chairman, the gentleman from California [Mr. PACKARD], as well as the gentleman from North Carolina [Mr. HEFNER], the ranking member, for the bipartisan nature in which they have approached this issue, taking care of quality-of-life and readiness issues, all within our budget allocation.

Mr. Chairman, I think it might surprise many American people to hear that over 25 percent of our military barracks are in substandard condition at the present time and over 66 percent of onbase housing is considered substandard. And that is what this bill is principally about.

I was glad to see my friend, the gentleman from Illinois [Mr. PORTER], talk about quality of life as it affects readiness. It would take 32 years and $30 billion in order to correct all of the problems presently associated with our military housing.

Forty-two percent of this bill goes toward family housing needs, $1 billion toward new family housing, and another $3 billion toward operation and maintenance of existing facilities. There are also many other needs that are met by the bill: $28 million for child development centers, $146 million for hospital and medical facilities, $752 million for barracks facilities.

So I just want to echo the comments of other speakers already and congratulate the chairman and the ranking member. Because of the rule, we will have a recorded vote; and I certainly would expect an overwhelming vote in favor of this legislation.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of the authorizing Subcommittee on Military Installations and Facilities of the Committee on National Security.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of H.R. 2016, the Military Construction Appropriations Act for fiscal year 1998.

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have described the principal features of this legislation, and I do not want to repeat what they already have said. But as chairman of the Subcommittee on Military Installations and Facilities, I would like to elaborate on a couple of points that the gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have made.

This House has been concerned for some time about the serious shortfalls in basic infrastructure, military housing, and other facilities that affect the readiness of our Armed Forces and the quality of life for military personnel and their families, and Congress has taken action to attempt to address those shortfalls.

Both the authorization and appropriations committees of jurisdiction were disappointed that the budget requested by the administration for fiscal year 1998 continued a pattern of significant deterioration in the funding programmed by the Department of Defense for military construction, in spite of the very clear and obvious facilities problem that the services confront. This legislation will not solve all those problems, but, if it passes, it will be a further demonstration of the commitment of the House to correct the severe deficiencies that exist at our military installations.

I am gratified that the authorization and appropriations subcommittees have continued their close working relationship. The gentleman from California [Mr. PACKARD] is correct that all projects recommended for appropriation in the bill have been represented for authorization in H.R. 1119, the National Defense Authorization Act for fiscal year 1998, which passed the House prior to the recess by a vote of 304 to 120.

□ 1830

This House has always responded to the clear and compelling need of the military services. H.R. 2016 reflects a bipartisan consensus on military construction that has already been ratified by the House. I urge Members to keep faith with the men and women in uniform and continue our effort to improve their living and working conditions. I ask for my colleagues' support for this bill.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me take just a moment to associate myself with the gentleman's remarks and compliment him as the subcommittee chairman on the authorizing committee, to compliment the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER], the ranking member who has labored so long and so well in his previous chairmanship on this. This is an excellent bill, and I think it should pass, as the gentleman says, overwhelmingly. I thank the gentleman for yielding.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ]) for a colloquy with the chairman of the subcommittee.

Mr. MENENDEZ. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, if I may, what I am trying to accomplish in lieu of an amendment that I intended to offer in this colloquy with the chairman is based on an issue that arises from my district where the Military Ocean Terminal in Bayonne, NJ is going to close. That is a foregone conclusion. We understand that. But as part of this process, the BRAC Commissioners voted to take the Military Sealift Command that was there and have them relocate to a base X, an undisclosed base. My understanding is that there would be a financial feasibility as to what would be the most appropriate place to have the Military Sealift Command be relocated to.

The Navy has gone off unreined to determine that they want to go to a location that does not in fact substantiate itself with any study as to what is the financial cost and whether it is the most financially feasible cost. Consequently we have learned that they intend to go to Camp Pendleton, VA.

In January of this year, I asked for a GAO report simply to find out whether or not they have done a study and if not what is the most appropriate place in terms of the consequences of the financial impact of moving this and is this the most financially feasible both for the Navy and for the U.S. taxpayers. We are expecting the design phase of that, to have it within the next 2 weeks, but it will take a little more time to have a final report.

What I am trying to accomplish, Mr. Chairman, in this colloquy is, first of all, I understand that there is no money in this bill for such a transfer of the Military Sealift Command. Am I correct in that statement?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from California.

Mr. PACKARD. The gentleman is correct.

Mr. MENENDEZ. Second, Mr. Chairman, I would ask if the gentleman will work with us to seek a resolution with the Navy on this matter in order to ensure that the taxpayers' money is well spent and we are going to the most appropriate place.

Mr. PACKARD. Of course we will work with the gentleman in every way we can to resolve the problem.

Mr. MENENDEZ. I thank the gentleman.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises to express his concerns regarding the lack of funding for many Army National Guard projects in H.R. 2016. This deficiency, I am told, in funding is apparently the result of a lack of communications by the Army National Guard Bureau with the members of the Appropriations Subcommittee as to the priorities of the various projects requested by each State's Army National Guard. Reference to that matter was previously made a few minutes ago by the gentleman from Massachusetts. There is certainly a lesson to be learned by the Army National Guard Bureau from this process. I believe the Army National Guard Bureau must learn that it can no longer rely on the political connections of the past with respect to both the Congress and the Pentagon. It must also make more energetic efforts to directly communicate its needs and its priorities to the Appropriations Subcommittee.

This member recognizes the great difficulty the members of the subcommittee faced in formulating this appropriation bill. It is clear that extremely tight budgetary constraints made the job of the subcommittee much more difficult, especially when coupled with this lack of adequate communications by the Army National Guard Bureau.

It is my understanding that this unfortunate situation has resulted in the

Mr. PACKARD.

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would be remiss if I did not congratulate the chairman of the committee, who is one of the finest gentleman I have ever worked with in this House, and this is one of the best committees, I guess, in the entire House of Representatives. And I would like to congratulate the staff, because they have done a tremendous job, both on the minority side and the majority side, they have done a tremendous job in putting together this bill, and it merits the support of everyone in this House.

This bill contains, as the chairman has said, some $9.2 billion in total funding. This is $600 million below last year. I would like to remind some of the critics of the bill that we have been taken to task that we are over the President's mark. But I would like to remind the Members of the House that we have a committee that in the past 2 years, under both Democrat and Republican administrations, we have had to fight very hard to get money for quality of life for our troops. We have concentrated on doing the best that we can for quality of life for our troops, and we think we have done a good job with limited funds.

We have got 50 new barracks projects, and all of our barracks are over 40 years old. We need another 250,000 units. And I might add that everything in this package has been authorized and was voted on and passed in this House. So I think we have a very good bill, and I want to thank the chairman for all of his courtesy to work with us through the years and for the staff.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the bill, and I want the gentleman from California [Mr. PACKARD] to know that it is a joy to serve on his subcommittee and under his chairmanship.

As I said at the markup, the gentleman from California [Mr. PACKARD] could give us all lessons in how to mark up a bill in an efficient way and to get the job done. The gentleman from California has done an outstanding job in crafting this bill that addresses the quality of life and needs of our armed services.

The men and women who serve this country deserve the very best that we can provide, and this bill includes increased funding for billets, for new family housing units, and for private family homes. Each of these are essential to the readiness of our Armed Forces.

I am particularly pleased that the chairman funded several projects at the Great Lakes Naval Base in my district. The Great Lakes Naval Training Center serves as the Navy's only primary training base and the principle location for early training skills. This bill includes new enlisted barracks at the Great Lakes Naval Hospital at a cost of $5.2 million in new barracks, two new fire stations, and a combat pool at the Great Lakes Naval Training Center at a cost of $26.7 million.

Under the leadership of the gentleman from California [Mr. PACKARD], this bill takes very strong steps in improving the quality of life for our armed services. He has done a masterful job in crafting the bill, and I applaud him and urge support of all Members.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER], who is a member of the committee.

Mr. OLVER. Mr. Chairman, as a new member of the Subcommittee on Military Construction, I rise to support this bill, but particularly to commend the gentleman from California [Mr. PACKARD] for his very effective leadership, and then also to commend both Chairman Packard and the gentleman from North Carolina [Mr. HEFNER] the ranking member, for their very bipartisan working relationship which was indeed, as the previous speaker said, a joy to work with.

The fiscal 1998 MILCON appropriations bill continues to focus on the quality of life for servicemen and women. Improving quality of life for those who serve in the Armed Forces and for their families is critical if we are going to retain our best personnel beyond their minimum service requirements. We are spending billions on new weapons, and we ought to spend enough to ensure that the servicemen and women who operate those sophisticated weapons are not left in substandard and in some cases deplorable living conditions.

To that end, this bill provides funding, in some cases above the Pentagon's request, for new child development centers; new hospital and medical facilities, including treatment centers and medical research facilities; and for cleanup at military bases where contamination sites that are in violation of either Federal or State environmental protection laws do exist.

The report which accompanies this bill contains initiatives that should be supported by all Members. These initiatives are aimed at saving costs and bringing common sense to construction planning by the service branches.

There are instructions in the report for each military department to develop a unified design guidance program to stop wasteful, duplicative spending on the engineering and design of like projects, including duplicative spending on computer programs used in the engineering, design, and construction of standard military facilities.

A second cost-saving measure in the subcommittee's report is the forwarding of Bold Venture, the Pentagon's program to move military entrance processing stations from private, commercial buildings to military installations in order to reduce office rent expenditures and the cost associated with housing recruits in hotels rather than in barracks.

I thank the chairman and ranking member for including this language in the subcommittee's report, and I look forward to reviewing the Defense Logistics Agency's report on the budgeting timetable for Bold Venture, which is due to the Appropriations Committee no later than January 1998.

But perhaps the best feature of this package is the specific instruction included by the chairman to the Army, the Army National Guard, and the National Guard Bureau on the need for a concerted system of planning and prioritizing the hundreds and hundreds of unbudgeted Army National Guard construction projects.

The subcommittee report before the House today points out that the Army Guard has no comprehensive approach whatsoever to armory construction—as well as no understandable, consistent method for prioritizing competing armory and readiness center construction projects.

I commend the leadership of the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER] in taking steps to improve this extremely poor budgeting process, both for the next fiscal year and for the long run.

For those reasons and more, I urge my colleagues on both sides of the aisle to support the fiscal 1998 military construction bill.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a member of the subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me the time.

Mr. Chairman, I want to briefly echo the sentiments of other speakers who already talked tonight in commendation of our subcommittee chairman, the gentleman from California [Mr. PACKARD], as well as the gentleman from North Carolina [Mr. HEFNER], the ranking member, for the bipartisan nature in which they have approached this issue, taking care of quality-of-life and readiness issues, all within our budget allocation.

Mr. Chairman, I think it might surprise many American people to hear that over 25 percent of our military barracks are in substandard condition at the present time and over 66 percent of onbase housing is considered substandard. And that is what this bill is principally about.

I was glad to see my friend, the gentleman from Illinois [Mr. PORTER], talk about quality of life as it affects readiness. It would take 32 years and $30 billion in order to correct all of the problems presently associated with our military housing.

Forty-two percent of this bill goes toward family housing needs, $1 billion toward new family housing, and another $3 billion toward operation and maintenance of existing facilities. There are also many other needs that are met by the bill: $28 million for child development centers, $146 million for hospital and medical facilities, $752 million for barracks facilities.

So I just want to echo the comments of other speakers already and congratulate the chairman and the ranking member. Because of the rule, we will have a recorded vote; and I certainly would expect an overwhelming vote in favor of this legislation.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of the authorizing Subcommittee on Military Installations and Facilities of the Committee on National Security.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of H.R. 2016, the Military Construction Appropriations Act for fiscal year 1998.

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have described the principal features of this legislation, and I do not want to repeat what they already have said. But as chairman of the Subcommittee on Military Installations and Facilities, I would like to elaborate on a couple of points that the gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have made.

This House has been concerned for some time about the serious shortfalls in basic infrastructure, military housing, and other facilities that affect the readiness of our Armed Forces and the quality of life for military personnel and their families, and Congress has taken action to attempt to address those shortfalls.

Both the authorization and appropriations committees of jurisdiction were disappointed that the budget requested by the administration for fiscal year 1998 continued a pattern of significant deterioration in the funding programmed by the Department of Defense for military construction, in spite of the very clear and obvious facilities problem that the services confront. This legislation will not solve all those problems, but, if it passes, it will be a further demonstration of the commitment of the House to correct the severe deficiencies that exist at our military installations.

I am gratified that the authorization and appropriations subcommittees have continued their close working relationship. The gentleman from California [Mr. PACKARD] is correct that all projects recommended for appropriation in the bill have been represented for authorization in H.R. 1119, the National Defense Authorization Act for fiscal year 1998, which passed the House prior to the recess by a vote of 304 to 120.

□ 1830

This House has always responded to the clear and compelling need of the military services. H.R. 2016 reflects a bipartisan consensus on military construction that has already been ratified by the House. I urge Members to keep faith with the men and women in uniform and continue our effort to improve their living and working conditions. I ask for my colleagues' support for this bill.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me take just a moment to associate myself with the gentleman's remarks and compliment him as the subcommittee chairman on the authorizing committee, to compliment the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER], the ranking member who has labored so long and so well in his previous chairmanship on this. This is an excellent bill, and I think it should pass, as the gentleman says, overwhelmingly. I thank the gentleman for yielding.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ]) for a colloquy with the chairman of the subcommittee.

Mr. MENENDEZ. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, if I may, what I am trying to accomplish in lieu of an amendment that I intended to offer in this colloquy with the chairman is based on an issue that arises from my district where the Military Ocean Terminal in Bayonne, NJ is going to close. That is a foregone conclusion. We understand that. But as part of this process, the BRAC Commissioners voted to take the Military Sealift Command that was there and have them relocate to a base X, an undisclosed base. My understanding is that there would be a financial feasibility as to what would be the most appropriate place to have the Military Sealift Command be relocated to.

The Navy has gone off unreined to determine that they want to go to a location that does not in fact substantiate itself with any study as to what is the financial cost and whether it is the most financially feasible cost. Consequently we have learned that they intend to go to Camp Pendleton, VA.

In January of this year, I asked for a GAO report simply to find out whether or not they have done a study and if not what is the most appropriate place in terms of the consequences of the financial impact of moving this and is this the most financially feasible both for the Navy and for the U.S. taxpayers. We are expecting the design phase of that, to have it within the next 2 weeks, but it will take a little more time to have a final report.

What I am trying to accomplish, Mr. Chairman, in this colloquy is, first of all, I understand that there is no money in this bill for such a transfer of the Military Sealift Command. Am I correct in that statement?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from California.

Mr. PACKARD. The gentleman is correct.

Mr. MENENDEZ. Second, Mr. Chairman, I would ask if the gentleman will work with us to seek a resolution with the Navy on this matter in order to ensure that the taxpayers' money is well spent and we are going to the most appropriate place.

Mr. PACKARD. Of course we will work with the gentleman in every way we can to resolve the problem.

Mr. MENENDEZ. I thank the gentleman.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises to express his concerns regarding the lack of funding for many Army National Guard projects in H.R. 2016. This deficiency, I am told, in funding is apparently the result of a lack of communications by the Army National Guard Bureau with the members of the Appropriations Subcommittee as to the priorities of the various projects requested by each State's Army National Guard. Reference to that matter was previously made a few minutes ago by the gentleman from Massachusetts. There is certainly a lesson to be learned by the Army National Guard Bureau from this process. I believe the Army National Guard Bureau must learn that it can no longer rely on the political connections of the past with respect to both the Congress and the Pentagon. It must also make more energetic efforts to directly communicate its needs and its priorities to the Appropriations Subcommittee.

This member recognizes the great difficulty the members of the subcommittee faced in formulating this appropriation bill. It is clear that extremely tight budgetary constraints made the job of the subcommittee much more difficult, especially when coupled with this lack of adequate communications by the Army National Guard Bureau.

It is my understanding that this unfortunate situation has resulted in the lack of appropriations for many worthy projects for the Army National Guard, including projects in the districts of the subcommittee members. I strongly regret that circumstance. This member, for example, requested the subcommittee's consideration of two military construction projects for the Nebraska National Guard. They should have received strong consideration and bureau support, and I will expect that this deficiency will be corrected in the short-range future.

Mr. Chairman, in conclusion, this member would like to express his hope that this unfortunate situation is rectified by the Army National Guard Bureau and that a similar predicament is not encountered in the future by members of the Subcommittee on Military Construction of the Committee on Appropriations.

This criticism of the bureau has to be made, it seems to me, but it is offered by this member for constructive reasons. Therefore, I would hope that the bureau does not have any future sense of retribution for bringing this deficiency to the attention of the body.

I thank the chairman and the ranking member and all the members of the subcommittee for the outstanding job they have done on the bill they bring before us.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM], a member of the full committee.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the bill. I appreciate my colleague from California for the good work that he and the ranking member have executed on the bill. But I come to the committee with a concern. For the first time I visited West Point this year, just a couple of weeks ago. We have a facility built in the 1920's, and they put through 4,000 cadets a day in these facilities. My colleagues say, "What does a Navy guy want to help the Army for?" Because we train our men and women to go to war and they are hurting bad. The facilities are cracked, they are falling down in some cases, and this is what we have to offer the best of the best that go through? These rascals even had "Beat Navy" signs on their houses, on their bleachers, on their cars, and in their dormitories, but that does not overshadow the fact that I would like to appeal to the gentleman from California next year to go forward and take a trip there and he will see just how decimated West Point is in relation to our other academies.

Mr. HEFNER. Mr. Chairman, I yield myself 3 minutes in response to the gentleman from California [Mr. CUNNINGHAM]. For many, many years I have been on this Subcommittee on Military Construction. It has been our number one initiative to try to do what we can for quality of life and to help for retention for what we believe is the finest young men and women in the world in our Armed Forces. We have tried very, very hard to put the focus on quality of life, both in the authorizing committee and in the appropriations committee. But I must say, it has been very difficult over the years in both Democrat and Republican administrations, it always makes the request short of what is needed for quality of life for our military people. We have had some criticism in this particular bill that we are pork-barreling. But I do not think it is pork-barreling when we are doing the very best that we can with limited dollars for our men and women in the Armed Forces. The people who are so critical of us do not realize that we have had pauses, one year we did not have any money particular at all, we did no improvements in barracks and quality of life, and then we have had the only budget in this House that has been stagnant at best. We have actually lost ground over the last few budget sessions. We have done a good job, and the chairman has done a good job in putting together along with the staff what I consider a very, very good budget. I agree with my friend from California, it is absolutely terrible when we go to these bases, in some of them these young men and women are operating the most sophisticated weapons that man has ever devised and they are walking across unpaved parking lots and standing in showers up to their ankles to get a bath. This is absolutely not right. This should be a higher priority. This should be a real priority for any administration to do whatever is needed for quality of life for our men and women who lay it on the line, who make the sacrifice for their families. They certainly do not make a lot of money. If we are going to have a volunteer force, if we are going to count on retention and these young men signing up to stay and to serve their country, we are going to have to put more focus on quality of life for our troops. That is what we have tried to do in this bill. I think it is a bill that certainly, certainly merits the support of all the Members of this House.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself 15 seconds to respond and certainly agree totally and wholeheartedly with the ranking member that just spoke. Certainly we need to retain the trained men and women that we have. We spend billions of dollars to train our men and women only to lose them because we do not have adequate housing, we do not have adequate facilities for them. That is atrocious. I also agree with the gentleman from California in regard to the need to improve our academies.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from California [Mr. PACKARD] for yielding me this time.

I certainly want to express my support for this military construction funding bill and certainly want to commend not only the gentleman from California [Mr. PACKARD] but the gentleman from North Carolina [Mr. HEFNER] for their good work on this bill. I know the Subcommittee on Military Construction had less money to work with this year and they have done an admirable job of crafting a bill which increases the quality of life for American military personnel and makes important investments in our defense facilities.

As I heard the gentleman from North Carolina [Mr. HEFNER] comment about what is good and the gentleman from California [Mr. PACKARD] talk about what is good for our young men and women in the service, I want to give an example of this committee's work that relates to the Air Force Base and the Air National Guard unit at Fairchild Air Force Base in my district in Spokane, WA. Fairchild Air Force Base began in 1942 as an airplane maintenance depot, and then it became a B–29 bomber base after World War II. In 1976, it became the 141st Air Refueling Wing, it moved to Fairchild as a tenant unit, and it houses the KC–135s for the Air National Guard in hangars which were meant for World War II.

These hangars are large enough to cover most of the airplane, but not the tail and the fuselage. So for 20 years the rear end of these airplanes has stuck out in the open air. Whenever an Air National Guard mechanic had to go out and work on this airplane, he had to stand out in the cold, and it gets very cold in my part of the country in the wintertime.

I just want these two distinguished gentlemen to understand, and the rest of my colleagues to understand, too, that this has a very practical implication in my district because it is correcting a problem that has existed for years, and it really is a readiness issue and it is a service issue for these young men and women who work on these airplanes. So by modifying this Air National Guard hangar in my district, the whole plane is going to be under cover during the winter months and they are going to have maintenance be able to occur. That is just one example of some very important measures in this bill that improve the quality of life of our American men and women in uniform.

Mr. Chairman, I recommend support for this bill.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of H.R. 2016, the Military Construction Appropriations Act. This bill aptly balances budgetary concerns with military concerns. In the process, quality of life issues are considered and addressed by this bill. I commend Chairman PACKARD and Congressman HEFNER for their efforts on this bill. They have done a superb job. This bill is the appropriations for military construction projects. But, I think it is important to understand that this bill is really appropriations for the infrastructure that supports our soldiers, sailors, airmen, and marines. This bill also supports quality of life issues that are important to our men and women in service.

Like many Members with their own districts, I have remained aware of military construction projects for bases in my district. I am encouraged by the planned projects and recognize that these were planned by DOD and contributed to the military environment on Guam positively. The projects followed the normal budgetary cycle and now are close to final approval. However, DOD has also attempted to request funding outside the normal budgetary process. This funding would be for construction of a DOD Dependent School on Guam. To characterize this properly, DOD first took actions in November 1996 regarding an education contract between DOD and the Government of Guam. They stopped payment. This clearly indicates DOD had the time to include appropriations requests for school construction during the normal budget cycle. In February of this year, DOD Comptroller Secretary Hamre testified before the Subcommittee on Military Construction that there were no current plans to establish DOD schools on Guam. However, there have been indications that DOD is seeking a congressional add for the project. This sends the wrong message. Local elected leaders in Guam have worked hard to open discussions with DOD regarding education issues, but have had little cooperation. Now DOD wants to change its own self proscribed timeline and establish DOD schools this year vice next year. I say let's keep the school year 1998 timeline. This will allow time for local education officials and DOD to discuss issues and will preserve the appropriations process.

Mr. HEFNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $721,027,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $71,577,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $685,306,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $46,659,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $662,305,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $45,880,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $613,333,000, to remain available until September 30, 2002: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $34,350,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $45,098,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $137,275,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $77,731,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $40,561,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $27,143,000, to remain available until September 30, 2002.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $166,300,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $202,131,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $1,148,937,000; in all $1,351,068,000.

Family Housing, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $409,178,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $976,504,000; in all $1,385,682,000.

Family Housing, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $341,409,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $830,234,000; in all $1,171,643,000.

Family Housing, Defense-Wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,950,000, to remain available until September 30, 2002; for Operation and Maintenance, $32,724,000; in all $37,674,000.

Base Realignment and Closure Account, Part II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $116,754,000, to remain available until expended: *Provided*, That not more than $105,224,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Base Realignment and Closure Account, Part III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $768,702,000, to remain available until expended: *Provided*, That not more than $398,499,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Base Realignment and Closure Account, Part IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,175,398,000, to remain available until expended: *Provided*, That not more than $353,604,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

Sec. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

Sec. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Sec. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

Sec. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

Sec. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

Sec. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

Sec. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

Sec. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

Sec. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

Sec. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

Sec. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

Sec. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Sec. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

Sec. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

Sec. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

Sec. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

Sec. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

Sec. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding any other provision of law, appropriations made available to the Department of Defense Family Housing Improvement Fund shall be the sole source of funds available for planning, administrative, and oversight costs incurred by the Department of Defense relating to military family housing initiatives and military unaccompanied housing initiatives undertaken pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

□ 1845

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 17, line 21, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM:

Page 17, after line 21, insert the following new section:

SEC. 125. None of the funds appropriated in this Act or any other Act for any fiscal year may be used for military construction for the Naval Nuclear Power Propulsion Training Center in Charleston, South Carolina.

Mr. PACKARD. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM] for 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I offer this amendment tonight out of a great deal of frustration because of what has gone on over the past several years regarding a small portion of the Navy's training center in Orlando, FL that was ordered closed in a base closure decision in 1995. That small portion is the Navy's Nuclear Power Propulsion Training Center. That center was directed in 1995 to be relocated to New London, CT to go along with the Navy's submarine and other nuclear facilities there. But in the process of the 1995 closure commission decision, a decision was made to keep open the submarine base in New London, CT, and as a result of that there was no place for the nuclear power school facilities that are now in Orlando to go there. The cost to go to New London, to build new buildings, to buy new land, to dig under the granite there was too great, and the Navy came back—and I said 1995, it was 1993—came back in 1995 and requested a redirect from New London to Charleston of this particular facility. And in 1995 I argued rather vehemently before that commission that the school should be kept in Orlando, not moved to Charleston; that it was not a cost-effective move and that the payback period, which is the way we measure these sorts of things, was going to be way too long.

But the rules of the game that the Base Closure Commission used at that time said, hey, we are going to look at this as though the nuclear power facilities have already been moved to New London, and then we are going to compare a move from New London to Charleston to a move from New London to Orlando; and the reality was it was a lot cheaper to move to Charleston from New London. But that was a total fiction. The reality is that the Navy's Nuclear Propulsion Training Center schools and so forth are still in Orlando this day.

So last year along the way with appropriated moneys that were put forward subsequent to that base closure realignment decision, they began to construct in Charleston earlier than anticipated on these new schools, and I asked the General Accounting Office for a report. The General Accounting Office came back. They have done, as far as I know, no other reports on base closure work. They have got some comprehensive work undergoing. But they were willing to do this on this one occasion because it did not seem right to them either; and in November of 1996, last year, they issued a report on this matter in which they described the fact that in reality, having looked at this matter, I was right all along; that the payback period was going to be 20 years in order to pay back the cost of the upfront maneuvering to make this move to Charleston. And the net bottom line is that 20 years is far in excess of any payback period for any base closure that I am aware of in 1991, 1993, or 1995.

Mr. Chairman, at any rate I am left with no recourse but to comment on this today and to seek redress to pull that funding back. We are otherwise going to waste a whole lot of money. It is $151 million to make this move to Charleston, unnecessarily being spent by the Navy right now. I am told that if we stop this process today, we could still save $80 or $90 million of that amount of money. There is no reason to have this new school being built there. There is no reason that it could not stay in Orlando in a containment facility, which was an alternative that was proposed and is considered, and in fact it is the logical thing to do in light of this General Accounting Office report which, as I say, corroborates what I am saying.

The Navy's excuse for not doing this, and I have talked to the Secretary of the Navy, is that we do have long-term recurring savings by making the move, and of course we do. Every base closure proposal has long-term recurring savings. The point is, though, that it takes more than 20 years in this move to pay back the upfront costs by those recurring savings, and anything greater than 8, 9, 10, 11 years is unheard of in base closures as far as payback period times are concerned.

Twenty years is way out of line, totally wrong. Unfortunately when the base closure laws were passed, there were no remedies for errors like this built into law. Once we got through the process, once an error is made, that seems to be finality. The authorizing committee did not have an open rule out here for me to bring this up to my colleagues under, and consequently I am here today having asked the Secretary of Defense to stop the money flowing, asked the Secretary of Navy to no avail, on more than one occasion, written letters, banged on the door of the gentleman from Colorado [Mr. HEFLEY] in the authorizing subcommittee, and find myself totally frustrated by the absence of an equitable and fair process to resolve this matter in the best interests of the taxpayers.

And while somebody can say, "Well, you are arguing for your own district here," actually we got a great base reuse plan undergoing, and the Navy just yesterday concluded negotiations with the city of Orlando that I think will wind up being approved, so the issue is not that.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, MR. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. The issue is not a question of what is best for Orlando. The issue is what is wrong with a base move that should never have taken place, what is wrong with the fact that our laws do not provide a remedy for an error like this, and once one reads this General Accounting Office report that I will put in the RECORD at the appropriate time in the House of the Whole, it seems to me that the only reasonable remedy is for us to proceed with pulling back the money that was appropriated previously.

And so I would urge my chairman, though his point of order may be technically correct, to allow this amendment to proceed. It is the only remedy I know to stop this loss, unnecessary loss of money, and to remedy a base closure problem that really otherwise has no remedy that I know of that we can address.

The Navy's nuclear power facilities should remain in Orlando; the savings of money should be there. The move to Charleston makes absolutely no sense. A 20-year payback period is absurdly wrong, and the General Accounting Office report confirms the fact that we are wasting the taxpayers' money to make this move to some extraordinary measure that may be indicative of other problems, but I am only here to address the one tonight.

Mr. Chairman, I include the following for the RECORD:

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, November 22, 1996.

Hon. BILL MCCOLLUM,
House of Representatives.

DEAR MR. MCCOLLUM: In response to your June 18, 1996, request, we compared the overall cost of moving the Navy's Nuclear Power Propulsion Training Center (NNPTC) to Charleston, South Carolina, with the cost of retaining the Center in Orlando, Florida. On September 25, 1996, we briefed you on the results of our work; this letter summarizes that briefing.

BACKGROUND

In 1993 the Department of Defense (DOD) recommended to the 1993 Base Closure and Realignment Commission that the Navy's Training Center in Orlando, Florida, which housed the NNPTC, be closed. Most of the Center's basic and advanced training activities would then be relocated to the Navy's Great Lakes Training Center in Illinois. DOD recommended that the NNPTC be relocated to the submarine base at New London, Connecticut, and that the submarines at New London be relocated to Kings Bay, Georgia. The Commission approved the recommendation on the Navy Training Center but did not approve the submarine relocation. As a result, costly new construction was required for the NNPTC at New London.

During development of its 1995 base closure recommendations, the Navy looked for a less costly location for the NNPTC and ultimately recommended the Naval Weapons Station in Charleston, South Carolina. The 1995 Base Closure and Realignment Commission approved the relocation. To date, the NNPTC has not been relocated. Retaining NNPTC at the Navy Training Center in Orlando was not considered because it had been approved for closure in the previous Base Closure and Realignment round.

RESULTS IN BRIEF

Our analysis of Navy cost data shows that moving the NNPTC to Charleston will require more in up-front investment costs than remaining in Orlando. This cost will take about 20 years to recover through reduced annual operating expenses. Keeping the NNPTC in Orlando would not require such a large up-front cost, but operating the Center would cost more per year in Orlando than in Charleston.

ESTIMATED COSTS OF RELOCATION AND OPERATION

Our analysis of Navy cost data shows that moving the NNPTC to Charleston would require $115.4 million more in up-front costs than keeping the Center in Orlando. It also shows that the annual operating cost at Charleston would be about $8.8 million less than at Orlando. Table 1 shows the estimated one-time and annual recurring costs of relocating the NNPTC to Charleston and the costs of keeping it in Orlando.

TABLE 1: DIFFERENCE BETWEEN ESTIMATED COSTS OF RELOCATING THE NNPTC TO CHARLESTON AND LEAVING IT IN ORLANDO

[Dollars in millions]

Cost category	Charleston	Orlando	Difference [a]
One-time:			
Construction and/or renovation	$125.6	$25.7	$99.9
Contract cancellation		10.0	(10.0)
Relocation [b]	25.5		25.5
Total	151.1	35.7	115.4
Annual recurring:			
Support	15.7	20.3	(4.6)
Housing	4.0	6.3	(2.3)
PCS [c] to follow on training		1.9	(1.9)
Total	19.7	28.5	(8.8)

[a] This column shows the difference between the costs in Charleston and Orlando (numbers in brackets are savings).

[b] Costs of relocating personnel and equipment and separating civilian personnel.

[c] Permanent change of station.

We based the cost estimates in table 1 on Navy data. These estimates came largely from current budget data or data developed during the 1995 base closure and realignment process. The budget data has not yet been finalized and is subject to change. The data developed during the 1995 base closure and realignment process was certified by the Navy as complete and accurate when it was submitted. We believe that this data is the best available for estimating the relative cost differences between the two locations. Following is a brief explanation of each of the cost categories in table 1.

One-Time Costs. The major one-time cost of relocating the NNPTC to Charleston is for the construction of classrooms, bachelor enlisted quarters (BEQ), a galley, and an addition to the existing medical/dental clinic. A contract for construction of all these facilities except for the clinic was signed on August 13, 1996. We took the one-time costs from contract data and the Chief, Naval Education and Training (CNET), fiscal year 1998 budget submission to Navy headquarters. Relocation costs are those generally associated with any base closure. We took the relocation cost estimate from the fiscal year 1998 CNET budget submission.

The one-time costs for Orlando reflect actions that may have to be taken if the NNPTC remains in Orlando, that is, construction and renovation of existing BEQs to meet current DOD enlisted housing standards and cancellation of the Charleston construction contract. The estimated cost to construct and renovate Orlando BEQs came from Navy data developed during the 1995 base closure and realignment process. However, when the Navy will actually budget the $25.7 million to construct and renovate the Orlando BEQs is uncertain. We included the Charleston construction contract cancellation cost in one-time costs because the construction contract was awarded on August 13, 1996. Navy officials from the Southern Division, Naval Facilities Engineering Command, estimated that if the Navy cancelled the contract by December 31, 1996, the termination cost would be about $10 million.

Annual Recurring Costs. The estimated $15.7 million annual Charleston support cost is taken from the fiscal year 1998 CNET budget submission. The budget submission contains an estimate of the cost to support the training center once it relocates to Charleston. According to Navy officials, the budget review process is not complete, and the estimates are therefore subject to change. The estimate does not include housing costs for training center staff and married students. According to Charleston officials, on-base family housing will be available for all those that need it. Charleston officials estimated the cost of operating this housing to be $4 million annually.

We took the estimated Orlando annual support cost of $20.3 million from data the Navy developed at the request of the 1995 Base Closure and Realignment Commission. This estimate also does not include housing costs for training center staff and married students. According to Navy officials, no on-base housing would be available at Orlando, so housing would have to be obtained on the local economy. Navy data developed during the 1995 base closure and realignment process showed that the annual basic allowance for quarters and variable housing allowance cost at Orlando would be $6.3 million. Additionally, about half the students graduating from the Orlando training center would attend follow-on training at Charleston and incur permanent change of station costs. Again using Navy data, we estimated this cost to be $1.9 million.

PAYBACK PERIOD

Payback is the time in years before money spent on an action is recovered. Given the $115.4 million difference in the one-time cost of moving to Charleston versus the cost of remaining in Orlando, and the annual operating cost reduction of $8.8 million, it would take about 20 years to payback the difference in one-time costs. The Navy maintained that it would have to upgrade the BEQ at Orlando if they were to remain at that location. Therefore, we included this cost in our payback period estimate. You expressed concern about whether these renovations would actually occur and requested that we provide a separate payback calculation that deletes the renovation cost. That payback period would be about 27 years. To determine the payback period, we assumed that all one-time costs would be incurred in the first year and savings would begin to accrue in the second year. We also discounted costs to take into account the future value of money. We used a discount rate of 3.8 percent.

SCOPE AND METHODOLOGY

We based our review on documents obtained during meetings with officials from the Department of the Navy; NNPTC, Orlando; and the Naval Weapon Station, Charleston. We also reviewed documents on Navy and Base Closure and Realignment Commission work regarding the decisions in both 1993 and 1995 to relocate the Naval Training Center and NNPTC. We did not verify the Navy's data. We also visited the Naval Training Center in Orlando, Florida; the Navy's Center for Education and Training in Pensacola, Florida; and the Navy Weapons Station in Charleston, South Carolina.

We conducted our review between July and September 1996 in accordance with generally accepted government auditing standards.

AGENCY COMMENTS AND OUR EVALUATION

In commenting on a draft of this report, DOD agreed that moving the Navy's Nuclear Power Propulsion School [NNPTC] to Charleston will require up front costs and result in lower annual operating costs. DOD noted that the cost analysis prepared by the Navy for the 1995 Base Closure and Realignment Commission identified the costs for redirecting a move from New London to Charleston whereas our analysis focused on a direct cost comparison between Orlando and Charleston. DOD stated that without a mechanism to change the Commission's recommendation, the Department must implement it as directed. DOD also noted that both of our analyses showed that it is more cost effective to operate the NNPTC in Charleston. Our analysis showed Charleston had a lower annual operating cost but that it would take 20 years for this lower cost to payback the one-time up-front cost of moving to Charleston. DOD's comments are in enclosure I.

We are providing copies of this letter to the Chairmen and Ranking Minority Members of the Senate Committee on Armed Services and the House Committee on National Security; the Director, Office of Management and Budget; and the Secretaries of Defense and the Navy. We will also make copies available to others on request.

Please contact me at (202) 512–8412 if you or your staff have any questions about this letter. Major contributors to this letter were John Klotz, Assistant Director; Raymond C. Cooksey, Senior Evaluator; and Stephen DeSart, Senior Evaluator.

Sincrely yours,

DAVID R. WARREN,
Director, Defense Management Issues.

ENCLOSURE I

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, November 20, 1996.

Mr. DAVID R. WARREN,
Director, Defense Management Issues, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC.

DEAR MR. WARREN: This is in response to your draft report: "MILITARY BASES: Information Relating to The Movement Of A Navy Training Center", Dated October 15, 1996, (GAO Code 709223/OSD case 1241).

The Department agrees that implementing the Commission's recommendation to redirect the transfer of the Navy's Nuclear Power Propulsion School (NPPS) from the Naval Submarine Base New London to Naval Weapons Station Charleston requires up front costs and will result in lower annual operating costs. The Department also agrees that the different methodologies used by the GAO and the Defense Base Closure and Realignment Commission to calculate implementation costs and savings result in different estimates of how long it may take to recover these costs.

The Navy prepared a separate Cost of Base Realignment Actions (COBRA) analysis for the BRAC 95 Commission to identify the costs for a redirect of the NPPS from New London to Charleston. This analysis included BRAC 93 funds cost avoidances due to the BRAC 95 recommendation to redirect the NPPS to Charleston instead of New London. The GAO analysis focused on the direct comparison of costs between Orlando and Charleston and did not include the cost avoidances identified by the Navy.

Regardless of the methodologies used or the differences in calculated costs and savings, both the GAO and the Department agree that it is more cost effective to operate the Nuclear Power Propulsion School in Charleston. Furthermore, without a mechanism to change the recommendation the Department must implement it as the Commission directed.

Thank you for the opportunity to provide the Department's comments on the draft report.

ROBERT E. BAYER,
Principal Assistant Deputy Under Secretary (Industrial Affairs & and Installations).

ORDERING INFORMATION

The first copy of each GAO report and testimony is free. Additional copies are $2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

Orders by mail: U.S. General Accounting Office, P.O. Box 6915, Gaithersburg, MD 20884–6015, or visit: Room 1100, 700 4th St. NW (corner of 4th and G Sts. NW), U.S. General Accounting Office, Washington, DC.

Orders may also be placed by calling (202) 512–6000 or by using fax number (301) 258–4066, or TDD (301) 413–0006.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512–6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to: info@www.gao.gov or visit GAO's World Wide Web Home Page at: hhtp://www.gao.gov.

POINT OF ORDER

Mr. PACKARD. Mr. Chairman, I certainly sympathize with the gentleman's concerns, but I must insist on my point of order against the amendment because it proposes to change existing law and constitutes legislating on an appropriations bill. Therefore it violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] wish to be heard on the point of order?

Mr. MCCOLLUM. If I might, Mr. Chairman.

The reality is that this amendment deals with appropriations. It discusses that no funds appropriated in this act or any other act for any fiscal year may be used for military construction for a particular purpose. It does not deal with authorization. It deals with appropriations, and it deals with cutting off the funding sources that this Committee on Appropriations put forward and the House approved both in the past and in this Congress.

And so I would urge that it be germane. I believe that it is. I do not understand the anomalies that I am advised about this rule if it is ruled out of order. I think it should be in order.

Mr. PACKARD. Mr. Chairman, I request a ruling from the Chair.

The CHAIRMAN. The Chair is prepared to rule on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

Because the amendment does not confine its limitation to the funds in the pending bill, but instead applies it to other acts and other fiscal years as well, it must be held to constitute legislation in violation of clause 2 of rule XXI.

The point of order is sustained.

Are there other amendments?

If not, the Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 1998".

The CHAIRMAN. If there are no other amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr.

CHAMBLISS] having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes pursuant to House Resolution 178, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 14, not voting 25, as follows:

[Roll No. 250]

YEAS—395

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fawell
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Shadegg
Sisisky
Smith (NJ)
Solomon
Taylor (NC)
Yates

NAYS—14

Barrett (WI)
Campbell
Conyers
Frank (MA)
Markey
Minge
Oberstar
Paul
Rahall
Ramstad
Royce
Sensenbrenner
Stark
Upton

NOT VOTING—25

Baesler
Becerra
Brown (OH)
Dellums
Edwards
Ewing
Fattah
Fazio
Frost
Gejdenson
Gilman
Kanjorski
Lantos
Largent
LaTourette
Lowey
Murtha
Riggs
Schiff

☐ 1918

Mr. NADLER changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. CHAMBLISS) laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 711 of Public Law 104-293, I hereby appoint the following individual to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction:

Mr. Tony Beilenson, Maryland

Yours very truly,

RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 806(c)(1) of Public Law 104-132, I hereby appoint the following individual to the Commission on the Advancement of Federal Law Enforcement:

Mr. Gilbert Gallegos, Albuquerque, NM

Yours very truly,

RICHARD A. GEPHARDT.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE AMERICAN FAMILY FARM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAPPS] is recognized for 5 minutes.

Mr. CAPPS. Mr. Speaker, at this time of the year when we talk about corn being so high by the Fourth of

July, I wish to talk briefly about the American family farm. The American family farm represents the heart and backbone of America. It reflects our values, our ideals, our heritage. Growing up in the heartland of this Nation in Nebraska, together with my brother Roger who is here today, I worked in farms and was surrounded by farms. The work ethic and the values I hold today stem from this upbringing. The community I now represent on the central coast of California actively participates in everything from cattle ranching to broccoli growing, to strawberry growing to wine cultivation.

This past week we celebrated our Nation's birthday. I participated in the Santa Barbara County Fair in Santa Maria, CA. The farmers there are worried about whether or not they will be able to pass their farms or ranches on to their children. Today's estate tax makes that very difficult, especially for these hardworking people in our district.

I strongly support efforts to protect the American family farm and provide estate tax relief for our Nation's hardworking farmers. Farmers and ranchers work long, hard hours over a lifetime to build their businesses. However, far too often the burden of costly estate taxes forces them to sell their land. This is especially prevalent in our district with soaring property values and continued suburban development. Not only do farmers and ranchers lose when their land is sold but we all lose. We lose open space, we lose a critical sense of community.

The American Farmland Trust just published a report entitled Farming on the Edge. This report lists farmlands on the central coast of California as one of the 20 most threatened agricultural regions in the Nation. The report warns that the U.S. population is expected to jump 50 percent by the mid-21st century and high quality farmlands will shrink 13 percent. During the same period the Nation could become a net food importer instead of a net food exporter.

Mr. Speaker, we just cannot allow this to happen. This is why I am supporting legislation to provide needed estate tax relief to our Nation's family farmers and ranchers. Fortunately this message is being heard throughout the country. Both tax bills on the House floor last month addressed estate tax relief. The President agrees and has made estate tax relief for family farmers and businesses one of his top priorities. I have cosponsored a bipartisan bill introduced by the House Committee on Appropriations chairman, the gentleman from Louisiana [Mr. LIVINGSTON], my friend, to increase the tax exemption from the current level of $600,000 to $1.2 million. I ask my colleagues to join me in this effort.

Mr. Speaker, it is also important that we encourage young people to become farmers and to be trained and educated to exert leadership in agribusiness. We need to make sure that agricultural education is strong and that groups like Future Farmers of America, the 4-H, Agriculture Future of America are supported and strengthened. I am intensely proud that Cal Poly State University in my district is noted as one of the best institutions in agricultural education in the Nation.

This month as Congress grapples with monumental budget and tax bills, we must not forget about our Nation's family farmers and the pressures they face. We must make our Nation's family farms and ranches a priority and protect this vital ingredient of our American heritage. Family farming is an irreplaceable enterprise that we cannot afford to take for granted.

CAPITAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to talk about the issue of indexing capital gains for inflation. I was very disappointed to recently hear that the President of the United States, Bill Clinton, opposed this, and he felt that this would be some sort of a time bomb that would explode the deficit.

I am very disappointed to hear him take this position because I believe very strongly that indexing capital gains for inflation is an issue of fairness. It is fairness to working people. It is fairness to the American taxpayer. And the best way to get this point across, Mr. Speaker, is to give an example.

Let us just suppose that 10 years ago you saved up $1,000 and you decided to invest in something. Let us say you were investing for maybe your daughter's college education, she was 8 at the time, now she is 18. And now today your thousand dollar investment was increased to $2,000. Well, you have got a $1,000 capital gain on that investment. And according to the kinds of tax policy that Bill Clinton would like, you would pay a capital gains tax on that $1,000. What we Republicans who support tax fairness say is that if inflation was such that that thousand dollars that you had 10 years ago is now only worth $500, then your real capital gains on that investment is $500.

□ 1930

It is not $1,000. And we should pay, Mr. Speaker, our 28 percent, or now, with our new capital gains reduction, it would be a 20-percent tax on the $500, and that is what we call indexing capital gains for inflation.

Now, the President says this is a time bomb that is going to explode the deficit. I feel compelled to talk a little bit tonight about why we are in the fix that we are in right here in Washington where we have these huge deficits, and it is spending.

It is not a problem with revenue. The American people have been sending more and more and more money to Washington, DC, and for years the deficits got bigger and bigger. It was not until the Republicans took control of this body that the deficits really started coming down.

Mr. Speaker, the problem is spending. As a matter of fact, when Ronald Reagan cut taxes in 1980, revenues into the Federal Treasury went up more than $400 billion. But the reason the deficit exploded is because this body, the Congress of the United States, the House of Representatives, doubled spending over the next 8 years, and that is where those huge deficits came from. If the Congress had held the line on spending, we would not be in the fix we are in today and we would not have a $5 trillion national debt, $18,000 for every man, woman, and child.

So when the President gets up and talks about this being a time bomb that is going to explode the deficit, what he is really saying to us is that he does not want to control himself, he does not want to control Washington when it comes to spending, and he wants to tax inflation. Our dollar is worth less, our investment is worth less because of inflation, but the President wants us to pay taxes on that.

I say, Mr. Speaker, that what we in the Republican Party stand for is tax fairness. And, Mr. Speaker, indexing capital gains is just an issue of fairness. If we have made that investment but inflation has eaten away at the value of that investment, we should not have to pay income tax to Washington, DC, for inflation.

Mr. Speaker, our tax bill is the right tax bill. It is a tax cut for the middle class, and it does provide badly needed capital gains reduction so that we can stimulate the economy and create good, high paying jobs well into the future. But what is very, very important, Mr. Speaker, is that we treat the wage earners all across America with fairness.

This indexing of capital gains, in my opinion, is a fundamental issue of tax fairness. It will not explode the deficit if this body controls themselves on spending, if they hold the line on spending. If the Congress of the United States can live within its means, we will keep the budget balanced well into future years.

The problem is not a deficiency of revenue for Washington, DC; the problem is, Mr. Speaker, too much spending.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

NATIONAL YOUTH SPORTS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KIND] is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to report to my colleagues in the House about a terrific program that I had the pleasure to visit during our 4th of July recess last week. The program is the National Youth Sports Program, which is one of the Department of Health and Human Services', the Department of Agriculture's and the NCAA's best kept secrets, yet it is consistently one of the most successful, cost-effective, and influential programs helping youth in this country today.

National Youth Sports helps at-risk, economically disadvantaged children and teenagers build the skills and the confidence they need to tackle the tough challenges and also gives them something positive to look forward to over their summertime break.

Each summer 170 colleges and universities help shape the future of our youth through this program. We have all heard of summer sports camps where parents spend a lot of money to send their children to catch the eyes of local coaches. Well, National Youth Sports is completely different.

While the program, which is provided at no cost to the participants, offers sports instruction and activities, the name is perhaps a misnomer. Program staff members also teach life skills, such as alcohol and other drug prevention, gang resistance, good nutrition, personal health, science and math, and job responsibilities.

National Youth Sports also provides other direct services to the participants, such as USDA provided and approved meals, accident and medical insurance for each participant, and a medical exam before activities start.

What makes the program so successful and cost effective is the outstanding partnership that exists between the Federal Government, local civil organizations and civic organizations, private businesses, individual colleges and universities of the NCAA, and local law enforcement agencies. Because the program is designed to serve youth from low income families, in fact approximately 90 percent of the participants at each of the 170 sites must meet U.S. poverty guidelines, those who become involved in the program know that they have a direct impact at helping at-risk youth make the right choices when confronting the challenges in their lives.

This more than anything is what I wish to convey to my colleagues here today. I am very proud to have 2 of the 170 universities, University of Wisconsin-La Crosse and the University of Wisconsin-Eau Claire in the congressional district that I represent, participating in this program every year.

If everyone here could have seen the look of enthusiasm that I saw in those kids' eyes when I visited the program last week, they would all realize the full value of the National Youth Sports Program. There are some truly amazing things being done in the program.

At the University of Wisconsin at Eau Claire, for instance, the staff has put together an exciting math and science curriculum that relies heavily on the use of computers. They have put together a challenging rope course to not only test individual athletic skills but also team building skills.

The University of Wisconsin-La Crosse program has entered into a partnership with the La Crosse Police Department that enables police officers to work in the program on a daily basis, infusing content from the GREAT Program, the Gang Resistance Education and Training.

Besides reporting about the National Youth Sports Program today, I also want to take a couple of seconds here today to commend a few of the individuals I met who make the program the big success that it is. At the University of Wisconsin-La Crosse, Mo McAlpine, Garth Tymeson, Joannie Lorentz, Phil Esten, Tim Laurent, Officer Roger Barnes, and Lieutenant Doug Groth of the La Crosse Police Department; and at the University of Wisconsin-Eau Claire it is Bill Harmes, Diane Gilbertson, Mary Maddox, and Brad Chapman.

There are many, many more staff and volunteers who devote countless numbers of hours at little or no compensation at all because they want to make a difference in young lives. They all bring a tremendous amount of enthusiasm, dedication, but also a concern for these children in our country.

The Federal Government's $12 million grant, which acts as seed money for the program, and the USDA's $3 million worth of donated food are a very wise investment in the future of our youth. In this environment of balanced budget negotiations, fiscal belt tightening and even tax cuts, the National Youth Sports Program is a program worth investing in and, I believe, worth expanding so we can provide the same opportunities to many more economically disadvantaged and at-risk youth in the country.

If we can find a way to provide money for an additional nine B–2 bombers, which during the course of a lifetime of those planes costs us roughly $27 billion, when the Department of Defense specifically requested that this country not allocate any additional money for more B–2 bombers, I think we can find a way to continue funding for this very worthwhile program.

That is why I ask my colleagues today to support this program. In fact, just one of those B–2 planes will finance the National Youth Sports Program for the next 250 years. Need I say more?

REPUBLICAN TAX PLAN FAVORS THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, my Republican colleagues are obviously concerned that the media and the American people are beginning to understand that their tax plan heavily favors the wealthy and that, if their plan is made into law, it would explode the deficit. Rather than balance the budget, it would unbalance the budget, and that would really be a great tragedy since so many people have worked so hard to achieve this balanced budget agreement.

I believe that Congress should balance the budget, and I also believe that we can cut taxes responsibly and in a way that maintains the goals of continued balanced budgets beyond the year 2000. Democrats feel that any tax cuts should be targeted primarily to working Americans. Unfortunately, the Republicans have thus far been successful in cutting a large portion of the taxes for their country club buddies.

Republican tax breaks focus on big business, special interests and wealthy families, while limiting tax cuts for education and families with children. They offer million dollar tax exemptions instead of helping working families. Democrats, on the other hand, strongly believe that the Republican values from this debate are out of sync with the average American. Democrats and President Clinton have offered alternatives that make better use of the tax cut moneys and focus them on middle-income families.

Mr. Speaker, over the weekend Treasury Secretary Rubin released a report that better illustrates how the Republican proposals primarily benefit wealthy individuals over the 10-year budget window. In addition, Secretary Rubin expressed serious concern regarding the potential for the Republican tax cuts to explode the deficit.

According to the Treasury report, which examined the last year of the Republican proposals, only 38 percent of the tax cuts would be for middle class families under the House proposal, while 55 percent of the tax cuts would go to the affluent. The President's tax cuts, on the other hand, are targeted more to the middle class. Eighty-three percent of the tax cuts under President Clinton's proposal would be targeted to the middle class, and only 10 percent would be targeted to the wealthy.

Now, there was another study conducted by Citizens for Tax Justice, which illustrated that over half of the tax cuts will benefit those making nearly a quarter of $1 million and above. Someone making nearly $650,000 can expect to receive somewhere near $22,000 in tax benefits, while someone making $44,500 can expect only a few hundred dollars. And those in the bottom 40 percent of the income distribution, but still working families, can actually expect to pay more taxes under the Republican proposal, which certainly is not fair, in my opinion.

The differences in the Democratic and Republican approaches in this budget plan are clear, and I will continue to urge Republicans to wake up and listen to the American people. The Republican tax cuts focus on short-term profits and financial gains. Democrats emphasize investment in education to create a highly trained work force for the future.

Republicans penalize low-income workers by not cutting their taxes and also treating people who are working their way off the welfare rolls as second-class citizens. Democrats, on the other hand, believe that low-income workers should not be excluded from the tax cuts and are eager to assist welfare recipients in becoming productive citizens.

The contrasts are so clear, Mr. Speaker: Republicans have always favored the corporate tax breaks and the million dollar exemptions, while Democrats have been the fighters for the middle class. Again, the argument is no longer about whether we should balance the budget or cut taxes but about how we should do it.

I believe the Democrat approach is the right approach. It is certainly not too late. We are now in the process of reconciling the budget. The Republicans really have to move to lighten the burden on low- and middle-income families if they are to expect that the President is going to approve this budget. And they cannot break the promises that were made to working families as part of this budget deal.

That was the commitment, that this budget deal was going to balance the budget and that the tax cuts were going to be mostly for working families. And the Republicans have to live up to that commitment. So far they have not, but it is not too late, and I am hopeful that we will work in that direction and that we can come together on a plan that both balances the budget and, at the same time, primarily helps working families.

That is the only fair way to do it, Mr. Speaker.

VOLUNTEERS AND OUR TAX DOLLARS AT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I believe that we are all aware that we need to balance the Federal budget, and the reason it is no longer being argued is because the Republican Party heard the cries of the American public who said we must balance the Federal budget. It really is common sense, but it has been a generation since we have balanced the budget.

For a long time the Democrats were in control and they did not even consider it, would not even consider a balanced budget. The same with tax relief. It was not considered until the Republicans got control and took the cries of the American people to the floor of the House and made them heard, and now we are talking about how big the tax relief should be and who should get it.

□ 1945

And it is very clear that when you give $500 per child tax relief, that goes to the most poor as well as those who are making more.

Now when we talk about capital gains, the IRS has told us that tax relief in capital gains, 75 percent of the recipients will make less than $75,000. So there has been a lot of bad information about who is getting tax relief and who is not.

The Treasury Department is trying to manipulate the numbers to push more people into the wealthy category than actually exist there so they can focus on bogus numbers. But the truth is, the Republican Party is going to provide tax relief for middle-class people, for working poor, for people who need the tax relief. Because people do two things with their money once they get tax relief. They either spend it or save it. Both are good for our economy.

In an era when we are balancing the budget and we have limited spending, I think it is important that we take time to set national priorities. One of those national priorities that I think we need to set is the need for research for the gulf war illness that has plagued tens of thousands of our servicemen and women.

We really do not know how many Americans are affected by exposure to chemical warfare agents. Some 700,000 men and women served America in the gulf war. According to the Department of Defense, at least as a minimum, 20,000 soldiers were exposed to a chemical agent at Khamisiyah, according to the DOD. However, as many as 120,000 gulf war veterans may have been exposed, according to the CIA.

The real truth is we have no idea how many people are suffering from gulf war illness. We do not know how many were even exposed. And as time goes by, more and more of those are showing up with symptoms. According to the Journal of the American Medical Association, the symptoms are fatigue, joint pain, gastrointestinal complaints, memory loss, emotional changes, impotence, and insomnia. This is just some of what gulf war vets are living through every day. And so far, we have not given priority to finding the cure for this, finding the cure for our servicemen and women who served in the gulf war.

Thanks to people like Representative Dan Thimesch, from the 93d District of the Kansas House of Representatives, he has brought this issue to my attention and to the attention of the entire State of Kansas, and made it a priority there that we address the needs of people who are suffering from this illness.

When we establish these higher priorities, we need to shift money. When we are trying to get to balance the budget, we have these priorities that we have so many efficient programs, so we need to take the money from inefficient programs and move it to higher priorities like curing Gulf War illness.

Americorp is one of those programs that is very inefficient. We all know that it was designed as paid volunteers. The problem that we are having in Americorp is that we cannot keep people on the job. They sign up, start drawing their pay, and then quit showing up to do their paid volunteer work.

According to the Corporation of National Service, the annual direct compensation package for an Americorp volunteer is $15,900. Now, if this is an accurate figure, this is more than 42 percent of what the young people with real jobs between the ages of 15 and 24 make every year.

Incidentally, the directors of the Americorp program do not even use the word "volunteers." They prefer to call them "members," because if you go to the dictionary and look up the definition of "volunteer," you will see that there is nothing to do with pay. It is only when we get to a big government approach to volunteers that we decide to pay them to do what 89 million volunteers do every year.

In Kansas we had an interesting situation at the Cheney Reservoir. A dozen Americorp paid volunteers showed up to help clean up around the lake by request of the Cheney Lake Association. By the end of the first week, more than one half of the paid volunteers simply quit showing up for work.

In Colorado, Americorp built hornos. Hornos is a mud oven that was used by the residents of Colorado some 4,000 years ago to cook their food. But now this mud oven is available to travelers to stop by, collect some wood, cook their food in this primitive oven.

So Mr. Speaker, in conclusion, I would say that we need to establish higher priority, eliminate Americorp, and shift the money to curing gulf war illness.

AMERICA NEEDS REAL WELFARE-TO-WORK PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I think that what is expected of those of us who are honored by service in the U.S. Congress is simply telling the truth.

Let me start by telling the truth about the team who have guided the Sojourner. Let me congratulate them for not only their initiative but their talent, their creativity, and for raising up science as not only an art and a study but the work of the 21st century.

Might I add my congratulations, as a Member of the House Committee on Science, for the outstanding work that has been done out in California on behalf of this country and of the world. We should never shy away from knowledge.

Now I think it is equally important to address this whole question of taxation, the deficit, and, yes, welfare reform. Interestingly enough, as my Republican colleagues keep focusing on the deficit, the deficit, the deficit, let me remind them that the revenue flow in June, according to the Wall Street Journal, reflecting a continued healthy economy, could signal a deficit of $50 billion or less for fiscal year 1997. Hear me clearly, $50 billion, less than a third of the original Government forecast, and a fifth of the peak $290.4 billion deficit in 1992.

After the budget passed in 1993, on the clock of the Clinton Administration, that is why we now have only a $50 billion deficit. That needs to be made clear. Policies of a Democratic administration brought this deficit down.

What we have now, however, are all of the individuals who keep hollering about a so-called deficit now trying to cut those who are in need, particularly those who are moving from welfare to work.

Interestingly enough, as I went to an inner city district, my own, and asked those individuals on welfare and those who are the working poor, all of us agreed collectively that welfare is not the way to go, that there needed to be reform. We opened our hearts and our minds to the issue of welfare reform. But let me cite for my colleagues the inequities of the Republican workfare or welfare reform.

Geneva Moore, a 45-year-old in New York. She indicates that she is happy to work the 20 hours a week as she cleans up a dusty and dirty back lot of the housing project, but she has a little dignity. And the question becomes, as she cleans her shabby back lot of the Murphy consolidated public housing, is how she gets treated and what kind of training she gets.

Well, my colleagues, she is learning to sweep a lot. Are there a lot of jobs for those who sweep a lot? I beg to ask the question, and say no. First of all, there is a question of minimum wage. I am glad the Democrats have convinced Republicans that those who work on welfare deserve the minimum wage. But you know what she does not get, Mrs. Moore, who has three children? She does not get the opportunity to ask for a brace for her back when she is lifting heavy trash cans, or boots and heavy gloves to protect her feet and hands from broken glass, crack vials, and junkies' needles.

Can she talk to a union organizer? Of course not. Can she get the dignity of a paycheck? Can she translate the sweeping of the shabby lot into a real job, which most Americans think workfare will bring about?

Moore and many others say that as long as she is doing work other people are hired and paid to do, she should not need to wait to be treated like a worker with the kind of benefits and kind of health care that she needs. She says clearly that these city maintenance workers, in particular in New York, they make $9 an hour. And while she does not, she says some of those workers drink coffee and remind her that she pays for their welfare check, creating a two-tiered, second-class citizenship when these so-called workfare individuals work alongside of the regular workers.

What about Hattie Hargrove, who used to work? She used to work and get benefits, but yet she was laid off by the parks department of New York. She had to go on welfare because she could find no job. And what is she doing in workfare now? Working in the city parks department with no benefits, alongside of those individuals who themselves will be downsized and soon to be unemployed?

We need to fix the welfare-to-work system. First of all, we need to recognize that we need the kind of jobs that will create opportunity for people to move from welfare to work, jobs that they can be hired for. We also have to recognize that we should not disadvantage low-income workers by attritioning them out and then putting in the work force people with no benefits, no ability to organize, no ability to understand and to be able to be protected against sexual harassment and discrimination. We are not giving dignity to these individuals who want to work, who want to be trained.

The other question is, if we truly want welfare-to-work, we need more child care, we need more moneys for transportation. And lastly, Mr. Speaker, let me say that the way to reform welfare is not to give big corporations the ability to run welfare like some States want to do, giving large corporations like Lockheed and others the ability to work welfare. And, lastly, we need to make sure that we give them the right kind of training, Mr. Speaker, in order to ensure that they get the right kind of jobs. Let us have real training and real welfare-to-work.

QUESTIONABLE DECISION BY THE CORPS OF ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I come to the floor tonight to express a sentiment. The longer I live and the more I am involved in public life, the more convinced I become that the ordinary citizen is at a great disadvantage when they come up against the heavy hand of government or the all-powerful reach of a large corporation.

Case in point: I represent many small wonderful communities in southern Ohio. One of those communities is located on the banks of the beautiful Ohio River. It is a little village called Chesapeake. In Chesapeake, OH, many citizens have chosen to build their homes and to locate on the river because they appreciate the community spirit and the quality of life there.

A few months ago, a large corporation decided they wanted to establish a barge fleeting facility directly across the river from Chesapeake, OH; and, so, they approached the Army Corps of Engineers for a permit to do so.

Early on, the Congressman who preceded me in this office asked the Army Corps of Engineers to demand and require an environmental impact study leading to a statement which would determine whether or not the citizens, my constituents in Chesapeake, OH, would be damaged as a result of this fleeting facility.

When I was elected, I also asked the Army Corps of Engineers to have an environmental impact study completed before granting this permit. Nearly 2,000 of my constituents signed a petition to the Army Corps of Engineers. I met with the Army Corps in Huntington, WV. I met with the Assistant Secretary of the Army in charge of civil works in my office here in Washington. I simply asked that my constituents be protected. I said that if this permit was granted, it ought not to be granted until a study was done to make sure that all of the factors that should be considered were considered.

A few days ago, the headlines appeared in a local newspaper which said, "Corps Approves Barge Facility." And although I had been told that all the factors had been considered, I had been told that the aesthetic factors, property values, safety issues, recreational interference, water and air pollution, that all of these factors had been considered, it is my judgment that they were not and that the Army Corps of Engineers disregarded hundreds, even thousands of my constituents in order to support a large corporation.

This troubles me greatly. There is something wrong when ordinary citizens living in the small communities of this country do not get a fair shake. And I think the real attitude of the Army Corps of Engineers was expressed by a spokesperson who said recently, I quote spokesman Steve Wright of the Huntington office, said,

> Officials heard comments about the facility's effect on the environment, air quality and noise factors and the aesthetics of where this barge facility will be built.

And then he said, and I quote,

> The people in Chesapeake who have concerns about the aesthetics might want to consider that they are on a super highway of commerce.

This attitude sickens me, Mr. Speaker.

□ 2000

It shows a callous disregard and insensitivity to American citizens who have a right to believe that their government and the agencies of their government care about them and are willing to protect them. I believe the Army Corps of Engineers needs a careful look. Perhaps their decisionmaking process needs to be reevaluated. Perhaps their funding needs to be reevaluated, because any time a part of this government shows disregard for American citizens, they have gone too far. They may have won this battle, but I believe that the Army Corps of Engineers has damaged itself. It certainly has damaged itself in the eyes of this Member of Congress. I will never feel as positive toward the Army Corps of Engineers or have the kind of respect that I have had in the past for the Army Corps of Engineers until they change their mode of operation and put the interests of ordinary American citizens above the interests of large corporations.

DEBT REDUCTION: WHERE WE WERE, WHERE WE ARE, WHERE WE ARE GOING

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise this evening to bring my colleagues and the country as a whole up to speed on where we were, where we are now and where I hope we are going to in this country.

I left a very good job in the private sector. I had no experience in public life, I had no one I knew that was in politics and I left the private sector, I left a very good business, because of this picture and this chart.

What this chart shows is the growing debt facing the United States of America. This shows how much money our Federal Government has borrowed on behalf of the American people. It shows a pretty flat line from 1960 to 1980. The debt did not really grow very much from 1960 to 1980. But in 1980 forward, the debt has just grown right off the chart. I would just point out to the folks that are watching this evening that we are currently about here on this chart. It is a very serious problem facing our country, and it is why a lot of us came here in the class of 1994. It is now the sophomore class. For all the folks out there that are watching going, "1980, that's the year Ronald Reagan took over," they are blaming the Republicans for this, I say, "OK, I am hearing you." For all the people out there that are saying, "Well, the Democrats spent out of control in those years," that is OK, I am hearing that, too, because the parties have been blaming each other for this problem for the last 15 or 20 years.

I personally think it is time we stop blaming each other and figure out what we as Americans can do to solve this problem. The debt today stands at about $5.3 trillion. The number looks like this. I used to teach mathematics, we used to do a lot of things with this number in our math classroom. $5.3 trillion is the amount of money that the Federal Government has borrowed on behalf of the American people. Here is what we used to do in my classroom. We used to divide that number by the number of people in the United States of America to see how much it would be if each one were to pay off just their share of the Federal debt. It turns out the Federal Government has borrowed $20,000 in behalf of every man, woman and child in the United States of America or for a family of five like mine, they have borrowed $100,000.

Here is the kicker in this thing. The interest alone, just the interest on that Federal debt, we really owe that money to individuals who buy T-bills, to foreign countries. We saw the Japanese threaten to call their notes and the stock market plunge here a couple of weeks ago and I saw threats from the Chinese today that they were going to call in their notes. We actually owe that money to people and we are paying interest on it.

The interest alone for a family of five on average is $580 a month. It is not all in income tax. A lot of it they do not really see. It is like when you walk into a store and you buy a loaf of bread, the store owner makes a small profit on that loaf of bread and part of that profit gets sent out here to Washington and gets applied toward this interest. When it is all over and done with, an average family of five in the United States of America today is paying $580 a month in the interest on this Federal debt.

I would like to concentrate on what brought me here to Washington and talk about the past, and the people out there are a little cynical as we talk about some of these issues and for some reason they do not believe everything that they hear from Washington, D.C., and rightly so.

When I came to Washington, I was very frustrated because the people in Washington promised continually we were going to have a balanced budget. Then they promised another balanced budget and they raised taxes. They did all of these things supposedly to get us to a balanced budget, but the balanced budget never materialized.

I would like to start with this chart that shows the Gramm-Rudman-Hollings promises of 1985. This blue line shows the promises that were made by the Congresses then to get us to a balanced budget by 1991. The red line shows what actually happened. I emphasize again this is the past. This is pre-1995. This is 1994 and before. The promise was made to balance the budget. That is the blue line. The red line is what actually happened. Deficits ballooned.

So in 1987 they figured out they were not going to be able to follow this path, so they again promised the American people they would balance the budget and the blue line again shows the Gramm-Rudman-Hollings fix, but again we see the red line is what they actually did, and the deficits exploded.

The amazing thing to me is that the people in this community cannot quite figure out why the American people are so angry at Congress and at Washington. Here is the reason. Washington has repeatedly made promises to the American people that they were going to deal with this very serious problem, the growing national debt, and in the past, and I emphasize in the past, they were not able to accomplish their goal. So they made these promises back there in the late 1980s and the early 1990s. In fact, the deficits ballooned when they were supposed to be getting to zero.

In 1993, Congress got together and they decided what they ought to do to bring these deficits down and they passed the largest tax increase in history. Gasoline taxes went up, Social Security taxes went up, taxes on taxes went up, all taxes went up. All the people paid more taxes with the idea that somehow if Washington took enough money out of the pockets of people and brought it out here to Washington, somehow that would lead us to a balanced budget.

When we start talking about and thinking about the past, the people are very cynical because they have received promise after promise that we get to a balanced budget, and then in

1993 the people got together in this community, in Washington, and said well, the only way we can get to a balanced budget is to raise taxes and they passed the biggest tax increase in history. I emphasize again, this is the past. This is pre-1995, this is before the Republicans took over in the House of Representatives and in the Senate. This is the track record that had been laid down.

I would like to yield to the gentleman from Minnesota [Mr. GUTKNECHT], who is also going to talk a little bit about the past and how government spending happened in the past.

Mr. GUTKNECHT. I would like to thank the gentleman from Wisconsin. I have a chart of my own I would like to show. I really like the way we are going at this, by talking a little bit about where we were, where we are and where we are going. I think the gentleman is absolutely right.

I was home over the Fourth of July break. We were in about six parades, at a lot of community festivals, including Spam Jam, had a wonderful time in Austin, MN, on Saturday, but in talking to a lot of folks, there is a good deal of cynicism. On one hand I think they are very happy that they think that we are getting closer to a balanced budget, but they have had their hearts broken before.

I want to show this chart, and I hope people can see this, because what it shows is a history. Benjamin Franklin said, "I know no lamp by which to see the future than that of the past." The track record of Washington and the track record of Congress over the last 30 or 40 years has not been very good. What this chart shows is between 1975 and 1995, the red lines show how much Congress spent for every dollar that it took in. What it really translates to on average between those years of 1975 and 1995, for every dollar that Congress took in, they spent $1.22. That is the bad news and it is the truth. But if we look at the blue lines, that is since the gentleman and I came to Congress. We said that we are going to change the way Washington works, we are going to make the Federal Government go on a diet, we are going to eliminate wasteful Washington spending, and we are going to balance the people's books.

I am happy to report that we are making real progress. If we look at these blue lines, there are two things that I think are good news. First of all, the amount that we spend in excess of what we take in is coming down dramatically, and frankly we are ahead of schedule. I think the gentleman may have another chart on that.

But if we look at it since we came to Washington, the average is about $1.075 as opposed to $1.22 over the last 20 years. So we are making progress, but I think the American people have every reason to be cynical. But as Patrick Henry once said, "The price of liberty is eternal vigilance." The real critical path is that we stay on this path as we go forward.

The bad news is that if we had not made some serious changes in the way Washington works, if we had not been willing to make some changes both in entitlements and in domestic discretionary spending, the truth of the matter is we were going to absolutely consign our kids to a life of debt, dependency and despair and a lower standard of living. For the first time a growing number of Americans were saying that they believed that their kids would actually have a lower standard of living than they have enjoyed. That is just plain wrong. That is the essence of the American dream. The bad news is Congress had not done a very good job over the last 40 years. We have not done everything right. I certainly do not want to say that we have not made some pretty serious mistakes, but I think on balance we are heading in the right direction. We have eliminated something like 289 Federal programs, we have saved the taxpayers in excess of $50 billion, and thanks to that, there is more consumer confidence. It is not just consumers, but there is more confidence on Main Street and on Wall Street and in the business community. We are seeing more investment, we are seeing more jobs, and so we are taking in more revenue. The real name of the game, you cannot tax yourself to prosperity. What we need is economic growth. As a result of the growth that we have seen over the last couple of years, yes, the deficit is coming down dramatically, we are on the right path, we are ahead of goal, we are under budget and we have got to keep the pressure on to stay that way.

Mr. NEUMANN. I would point out, the gentleman is kind of moving into the present. I would just like to sum up this picture of the past and then move forward into the present. When we sum up this picture of the past, I just keep coming back to this chart and I just keep thinking of these promises. This is where the deficit was going to get to zero in 1991, the Gramm-Rudman-Hollings promise of 1985 and this is what actually happened. The deficits exploded. Then they made a new series of promises to the American people. Again the deficits exploded.

The past is not a very good track record of keeping their commitment to the American people. So in 1993 what happened, biggest tax increase in American history. I think it is real important to point out that that tax increase passed in the House of Representatives by a single, solitary vote. Lots of people in this community knew that raising taxes, taking more money out of the pockets of the American people was not the right way to deal with this problem. It went over to the Senate and in the Senate that 1993 tax increase passed by a single, solitary vote again, and we got the biggest tax increase in American history as their plan as to how we could get this under control.

That brings us kind of to the present. The present I am going to define as from 1995 to now. I am going to define it as the time when the Republicans took over out here and look at just exactly how different it has been from before, from this picture of the past to what has been going on in the last 3 years. A lot of folks do not remember that in 1995, when the Republicans took over, we laid down a plan to balance the Federal budget, too. Our plan was a 7-year plan to balance the Federal budget. We are currently in the third year of our 7-year plan, and I think it is more than fair for the American people to look at our projections and see whether or not we have kept our word to them. So I brought a chart, and this chart shows what the projected deficit was, that is the red column, that was what was in our plan back in 1995. The blue column is the actual deficit. The first two columns here are 1996. That year is over and done with.

The first year of our plan, we were not only on track, but we were roughly $50 billion ahead of schedule. Contrast that to those charts I had up here before where they never hit the targets. First year, on track, ahead of schedule. Year 2, 1997, this fiscal year is about to end. This year we projected a deficit of $174 billion. The actual is going to be, we are now hearing, as low as $45 billion. Again over $100 billion ahead of schedule.

I think it is real important to note what happens. The government was projecting that it was going to borrow out of the private sector $174 billion. Instead, it borrowed $100 billion less, $67 billion, and maybe even less than that. What happens? When the Federal Government did not go into the private sector to borrow that money, that meant the money stayed available in the private sector. When the money was available in the private sector, that meant the interest rates stayed down and when the interest rates stayed down, of course, people bought more houses and cars, and when people bought more houses and cars, of course, that was job opportunities. So they left the welfare rolls and went to work and this is what has led to the strong economy that we have right now today.

We are now going into the third year. This is what we are spending our time on out here in Washington right now. We are in the third year of this 7-year plan to balance the Federal budget. The facts are in the third year, once again we will be ahead of schedule, ahead of what was promised back there in 1995, a strong contrast between the broken promises of the late 1980's and early 1990's and what is going on now, where we are not only hitting our targets but we are actually ahead of schedule. It is a very, very different Washington from what was here before 1995.

I will go a step further. I think we also need to contrast the tax increases of 1993, the other side's solution to this problem, with how we have gone about solving the problem. The other side said the only way we can hit these targets, the only way we can get to a balanced budget and reduce the deficit is to take more money out of the pockets of the people and bring it out here to Washington.

□ 2015

When the Republicans took over we said, "No, no, that's not how we're going to do it. We're going to curtail the growth of government spending. If we curtail the growth of government spending, government doesn't spend as much, we should be able to get to a balanced budget without raising taxes." And in fact that is exactly what has happened.

This red column shows the average growth of spending in the last 7 years before the Republicans took over. Spending at the Federal Government level was going up by 5.2 percent. This blue column shows how fast it is going up, and I would point out that this is not the draconian cuts that the other side would like you to believe are going on. Spending was going up by 5.2 percent. It is now going up by 3.2 percent.

There are a lot of folks in this community, myself included, that would like to see this government spending go up by even less, but the point is it is still going up but it is going up at a much slower rate than what it was going up before.

Government spending has been curtailed. The growth of government spending has been curtailed to a point where we can both balance the budget and reduce taxes on the American people. That is the good news.

And I just point out for those that are interested in the inflation-adjusted dollars, before the GOP took over in 1995 spending was going up at an inflation-adjusted dollar increase of 1.8 percent. That has been reduced by two-thirds in the GOP plan.

So we have effectively curtailed the growth of government spending, not the draconian cuts that they would like us to believe, but curtailed the growth of government spending to a point where when we look at charts like these we see that we are not only hitting our targets but we are ahead of schedule, and we are now able to continue hitting our targets and remain ahead of schedule while at the same time reducing taxes on the American people.

And maybe we should throw it open to a little bit of discussion about these tax cuts. It is real important when we talk about the tax cuts that we realize we are still on track to our balanced budget, we are not breaking the agreements like they did in the past. We are certainly not raising the taxes like they did in 1993. In fact, we are on track to a balanced budget and reducing the taxes at the same time.

And here in this discussion about the present, let us just pause a little bit and talk about the tax reductions for the American people, letting the people keep more of their own money.

Mr. GUTKNECHT. If the gentleman would yield, let me go back to a couple of points, because again we understand why the American people are cynical. They should be cynical. But let us just talk about a couple of numbers, and I think you were the first one to really discover this, and in fact I think we should also point out that I think all of your charts have been verified by the Congressional Budget Office. I mean you did not make these numbers up. Those are the actual numbers, and the Congressional Budget Office is the nonpartisan, bipartisan group which is in effect the official scorekeeper for Congress.

So when we talk about budget numbers, when we talk about limiting the growth of Federal spending to 3.2 percent, that is what the Congressional Budget Office says. And more importantly, another point that is many times demagogued is that we are making these huge cuts. The truth of the matter is Federal spending is still growing at faster than the inflation rate.

And what we said, I know when I first ran I said we could balance the budget if we would simply limit the growth of Federal spending to slightly more than the inflation rate, and still allow for those legitimate needs of the people who depend on the Federal Government and our legitimate needs for national defense and so forth. We can do all that and make room for a modest amount of tax relief for working families, and that is exactly what we are doing.

But you are the first one to really discover how much a difference we have actually made because, as you recall, back in 1995 we said that in fiscal year 1997, which we are in right now, this Congress would spend $1,624 billion. Well that, you know, is what we said 2 years ago, and that was legitimate, and I think those were honest numbers. The truth of the matter is this Congress is going to spend $1,622 billion. We are actually going to spend less money in this fiscal year than we said we were going to spend 2 years ago.

Now I would ask my colleagues and anyone else who may be watching this special order to ask themselves when is the last time that Congress actually spent less than it said it was going to spend. I cannot remember a time in my lifetime when that has actually happened.

You also mentioned something else that I think we need to really emphasize because I think the American people understand this, and frankly I had a very interesting meeting yesterday in my office with a gentleman who is very closely affiliated not only with our welfare system but with many people who are on the system, and I do not want to disclose his name because some of the things he said were very, very intriguing.

And I think the American people have been way out in front of this whole welfare reform debate for a long time because they know that if you encourage people to become dependent, unfortunately what you do is you make people even more dependent, and the tragedy of our welfare system has not been that it has cost too much money, although that certainly has been a byproduct. The real tragedy of the welfare system that we have in this country was that it destroyed peoples' initiative and it destroyed families, it undermined work and it undermined personal responsibility.

Well, the good news about not only our budget but our welfare reform plan which requires work, requires personal responsibility, encourages families to stay together; well, the President went on the radio the other day, and he said by his own admission there are over a million families that are no longer dependent on the welfare system in America today. That is an enormous victory, and I do not care if the President takes credit, I do not care if the Republican Congress takes credit, and I really think the American people should take credit. But that is an enormous victory, and again it is not about saving money, it is about saving people and it is about saving families and it is about saving children from one more generation of dependency and despair.

Mr. NEUMANN. If the gentleman would yield one second on the welfare issue, I was in a place in Kenosha where it was kind of a one-stop help find job and get them off the welfare rolls all at the same time, Kenosha, Wisconsin, and it was one of the most exciting conversations I have had in a long time, and it illustrates what you are saying. When people are on welfare they are depending on the Government for their raise, they are depending on the Government for everything they get.

In this place they were taking me around, they were showing me how people left welfare and got their first job. But they did not talk to them just about their first job after they leave welfare. They were showing them their second and third and fourth job, they were all the way down the line to where their fourth job would be and how much money they could earn as they move through this process.

In other words, if they were willing to take responsibility for themselves and work hard, they could actually get ahead in America. That is what made this Nation great, and it provides hope and opportunity for their families to live a better life than they thought they could. Well, they had only the government to rely on. What a wonderful statement as we look at welfare reform, to look at an organization that is showing people not only their first job, but what the potential is as they improve their lives and the lives of their family, looking at their second job and their third and their fourth job opportunities and how that improved lifestyle can make things so much better for their families.

That is what welfare reform is about.

Mr. GUTKNECHT. And frankly that is what many of our colleagues were talking about for a number of years before we came here. They were talking about moving away from the welfare state and to an opportunity society, and we are making real progress in that direction.

In fact, in meeting with particularly small business employers in my district, the biggest problem that I hear at virtually every stop is we cannot find people. We have; in fact I have had a number of businesses say we turn away business, we simply do not have enough good people to get the product out the door or to get the job done so we are turning away business, and is that not a wonderful problem to have? And that people with modest amounts of skill now are able to get out there to become self-sufficient.

And I have often said this, and I really believe this, that a job is more than the way you earn your living. A job helps to define your very life. It is about a sense of self worth. And what we are giving to over a million families today is something they did not have a year ago, and that is a job, a future, real hope and real opportunity.

And if I could I want to share one more story, I know that you go to schools often, as well as I do. I often go to schools, I read to kids, I listen to kids, and we can learn a lot sometimes from kids. And I was at a school a few months ago in my district, and one of the teachers, after the kids went home, we were meeting with the teachers. We were talking about welfare and what it has done to families and what it was doing in their particular school, and actually she was quite congratulatory.

She said, "I think you guys are doing the right thing about welfare reform," and she said, "I'd like to tell you a story. There was one of my students who came in. He has just started acting better." His behavior was better, he was carrying himself better, everything about him was better. His deportment was better, his studies were better, his grades were better. So finally the teacher said, "You know, Johnnie, is there something different at your house?"

And Johnnie said, "Yeah, my dad got a job."

I mean it has an effect on families, and so by getting the economy moving stronger, by increasing consumer confidence, by getting Americans to believe once again that Congress can balance the budget, that we can live within our means and we can allow Americans to keep and spend more of what they earn, we have done a lot more than just balance the budget. It is about helping families to really have more hope in their futures.

Mr. NEUMANN. I think again we should emphasize that we are now talking about the present, what has happened from 1995 to 1997 and how things are different, and certainly the concept of able-bodied welfare recipients leaving the welfare rolls and going to work so they have hope and opportunity in their life is certainly significant. I think it is important that we continue to contrast the present to the past, to show how different it is now, in 1995 to 1997 through the present, to what it was before.

And remember the Gramm-Rudman-Hollings broken promises of a balanced budget versus now, where we are not only on track but ahead of schedule in our third year of our plan to balance the budget. And the tax increases of 1993, biggest tax increase in American history, passed in this institution by a single vote, went over the Senate in 1993; again it passed the Senate by a single vote. Taxes went up, the gasoline tax, social security tax.

I would like to just point out as we talk about these families and we think about our families out there, that not only are we in the third year of a 7-year plan to balance the Federal budget and on track and ahead of schedule, we are also about to pass one of the biggest tax cuts, at least in the last 16 years and maybe ever, and we are doing that at the same time that we are balancing the budget. These tax cuts are very real.

And you know I hear all the demagoguing out in this city, and they try to muddy the waters to a point where nobody seems to understand. But you know what? I found out in Wisconsin they do understand.

A family of five that I see in church every Sunday, they got 3 kids, one headed off to college and 2 kids still at home. They are middle income folks, probably earning between $40,000 and $50,000 a year. They understand what these tax cuts mean. They know that for each one of the kids that are still at home they are going to get $500 back to put into an account.

And it was real interesting. I was having a conversation with the parent, and she said, "When I get that $500 it goes immediately into an account to pay for their college," and that is what this is all about. They sure understand that they are going to get their $500-per-child tax cut.

And they also understand, the one that is off at college, the one that started college, they are going to get $1,500 to help pay the tuition at that college.

Now their son happens to be headed to the same college I think my daughter is headed to, so we sure understand about the cost of going to college. This family of 5, they may not have understood all this demagoguing that is going on out here, but they understood the idea that they were going to keep a thousand dollars, $500 for each of the kids at home, and get $1,500 help to pay for college; they understood that very, very well.

So when all the demagoguing is done out here in this city and the people actually see the money coming back or, better yet, it is their money, they get to keep their own money; when they see that actually happening, they are going to understand perfectly well that it is not about the demagoguing. It is about them keeping more of their own hard-earned money instead of sending it to Washington. It is about them knowing better how to spend their own money than the people in Washington, and that is what these tax cuts are about.

Capital gains, we started talking to some folks that had invested in some real estate, and they are thinking of selling the real estate, and some people that had pension funds, and virtually every American has some sort of a pension fund. When they cash in the pension funds, the capital gains reduction kicks in.

Before, if you would have made a $10,000 profit on your pension fund over a 15- or 20-year period of time, you would have sent the Government $2,800 out of that $10,000 profit. Now you only send them $2,000, you keep the extra $800 in your own house, in your own pocket.

That is what these tax cuts are about. They are about the American people keeping more of their own money in their pockets instead of sending it to Washington.

I would add one other thing to this, that the death tax is being reformed so that the estates that are being passed on from one generation to another are not being taxed again when someone dies, and that is very, very important as we look at what these tax cuts are really all about.

I see my good friend the gentleman from Florida [Mr. WELDON], has joined us.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I want to thank you in particular for the hard work you do here on this budget issue. I think you have clearly stood out in our class as somebody who has worked very, very aggressively to rein in the deficit monster.

And I was sitting over in my office, and let me just add, by the way, that the gentleman from Minnesota [Mr. GUTKNECHT] as well has been doing a super job fighting for—and you know this is not just a fight for us. This is a fight for the working people all across America, working families who have trouble making ends meet, who do not know how they are going to pay for the braces, who do not know how they are going to pay for college when, you know, the little girl and the little boy who is getting big gets to that college age. How are they going to do it?

□ 2030

This is not about numbers. This is about families. This is about how American families are going to make ends meet.

I want to thank both of the gentlemen. I was sitting over in my office, and I was watching the charts they were displaying and the way they were explaining all of this. I wanted to come over here and just join in. I just want to ask a question if I can, I would say to the gentleman from Wisconsin [Mr. NEUMANN].

That chart that is on the floor there, if we could just put that up, I have a question about that. Mr. Speaker, I would ask the gentleman, is he saying that spending prior to our arrival in January 1995, when the 104th Congress got sworn in, when all three of us arrived, spending was increasing here at almost 2 percentage points ahead of the inflation rate?

Mr. NEUMANN. Yes. Yes. Spending was growing much more rapidly than inflation, almost twice as fast as the rate of inflation.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will continue to yield, in the last 20 years Government spending at the Federal level has increased to nearly double that of the national inflation rate. That had been the pattern. The gentleman almost quoted a good old farm fellow in my district who said it so clearly. He said, the problem is not that we do not send enough money in to Washington. The problem is that Congress spends it faster than we can send it in.

So raising taxes to try to balance the budget has never worked. What really has to happen is we have to limit the growth in spending, allow spending to increase but at a much slower rate, and we cannot only balance the budget then but we can actually allow American families to keep more of what they earn.

Mr. NEUMANN. There is a big danger in this chart. This is where some of our conservative friends look at this and they see that Government spending is still increasing faster than the rate of inflation. They look at this chart and say, why is Government spending still increasing faster than the rate of inflation? I personally agree with them. I would much prefer to see this even smaller than what it is.

But there has been a huge change in the growth of Government spending from what was here before and what is here now. It is this curtailing the growth of Government spending that has allowed us to be in the third year of our 7-year plan to balance the budget and be ahead of schedule, and now be able to come out to the American people and say, look, the budget is going to be balanced in 2000, maybe even in 1999, and we are going to reduce taxes.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, I think a lot of this gets right at the issue of what is right and what is fair. I rose on this floor over an hour ago and I was talking about the President's criticism of our decision to index capital gains to inflation. He is going around saying that is going to explode the deficit.

I just take real offense at him saying that, and some of his staff saying that, because the problem was created by too much spending. The charts that the gentlemen have put forward make that very, very clear. The issue of indexing capital gains to inflation is a very simple one. If you are a working man and you manage to set aside $1,000 for an investment, let us say it is for your children's college, you have an 8-year-old, and in 10 years they are going to be in college and that doubles in value to $2,000. But if inflation has been such that it has really only gone up about $500 in value, we say you pay capital gains on that $500. Bill Clinton wants you to pay capital gains on the whole $1,000 increase in your investment. In effect you are paying capital gains taxes to Washington, DC, on inflation.

I just think that is dead wrong and it is an issue of fundamental fairness. Likewise, it is just wrong and unfair for elected officials to come up here to Washington and to vote over and over again to increase spending and then throw up their hands and say we have to raise taxes to balance the budget.

Mr. NEUMANN. That is the past. That is 1993 that we were talking about, where they did literally throw up their hands and pass the biggest tax increase in history. I would just add, as we are discussing what President Clinton is throwing out here in these tax cuts, the other big argument going on here in the community is, if a person is not paying any taxes today, can they receive a tax cut.

In Wisconsin people start laughing when I ask that question. Of course, if you are not paying any taxes today you cannot receive a tax cut. But that is the other big argument in whether or not this tax cut package passes. If a person is paying no taxes today, the other side wants to give them a tax cut. It is not really a tax cut; what they want to do is send them a check, which actually becomes welfare.

So the other big argument, it is the indexing argument the gentleman mentioned, and the argument about whether or not a person who is not paying taxes should receive a tax cut. Most of our hard-working families that are paying taxes think it would be unfair for people not paying taxes to receive a tax cut. It comes back to this fairness issue.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield again, I am aware that the President wants to do that. He wants to give the $500 per child tax credit that is in our bill to people who do not pay taxes, so it essentially amounts to $500 per child. We can call it a welfare check, we can just call it benevolence, but this is somebody who is not paying any taxes, no Federal withholding at all. He wants to turn around and give them the $500 per child tax credit.

I agree with the gentleman that the $500 per child tax credit should go to people who are paying taxes. It should not be turned into a welfare program.

One of the other things that is really bothering me about what the White House is doing is they are doing some very, very strange calculations on people's income. They are doing something that totally boggles my mind, where if you have a house and you have a family income of $30,000 a year, but if you lived on the street and you rented your house out for $500 a month, then they do $500 times 12 and they get $6,000 and they say, really, your family income is $36,000.

Mr. NEUMANN. Could the gentleman go through that once more? I want to make sure I understand it. If a family is earning $30,000 a year and they are living in this house, the Government does not say you are earning $30,000 a year. The Government, under the Clinton administration, is saying that if they lived in a tent in the backyard and rented the house out and then collected $500 a month, or $6,000 for a year, they are going to say that they have to count that rent toward their income?

Mr. WELDON of Florida. Let me just clarify, OK? It is not the Government in the sense that the Congress is not saying that, the Congressional Budget Office is not saying that.

Mr. GUTKNECHT. Not even the IRS says this. Only the Treasury Department uses this convoluted system called imputed income.

Frankly, I have to say, and I think I am a fairly well educated person, I was in politics before I came here, I had never heard the term "imputed income" before I came to Congress.

It is worse than just the $30,000 example. What they have done is taken a family at $44,000, they have assumed they could rent their house for $1,000 a year, which adds $12,000 to that income, brings them up to $36,000, and then they assume someone in that income bracket would probably have at least a $20,000 capital gain.

So they take someone who has approximately the median family income in the United States, and all of a sudden they have imputed them into the wealthy category, making more than $75,000 a year. It is one of the most convoluted, crazy things I have ever heard in my life, and yet only here in Washington can a crazy idea like that have any credence.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will yield further, only at 1600 Pennsylvania Avenue does that have any credence, because I believe people like the gentleman from Ohio, Mr. JOHN KASICH, and the gentleman from Texas, Mr. BILL ARCHER, do not use these kinds of convoluted figures.

Mr. GUTKNECHT. We actually had some Members of this Congress come before the House not too long ago and say, in effect, with those numbers, that our tax cut was targeted at the rich.

Mr. WELDON of Florida. If the gentleman will continue to yield, does he mean Members of the House of Representatives?

Mr. GUTKNECHT. Yes, colleagues of ours from States the gentleman would recognize.

Mr. NEUMANN. On the other side of the aisle, I might add. I think that is real important.

Mr. GUTKNECHT. The IRS does not use that. Frankly, in all of this discussion, and the gentleman from Wisconsin [Mr. NEUMANN] and I were talking, earlier, frankly, what we need to do is get, and I think the Senate Finance Committee already has an electronic work sheet on a web site and we hope to have it on a web site very, very soon, and we will have work sheets available, and perhaps by the next time we have a special order we can have a chart made up so average American families can calculate for themselves; do not take my word for it, do not take the Treasury Department's word for it, calculate it for yourself.

I will give a classic example. The same story. I came home a couple of weeks ago, there was a family going to a garage sale, they had three kids. That is $1,500 more they would have to spend. Those kids, when they go to college, it can be up to $1,500.

Do not take our word for it. We ought to have a work sheet, whether it is on a web site so people who have access could do that, or an actual written work sheet so people can calculate their own tax. It is not what it might be worth to somebody else, but what is it worth to the average family in the gentleman's district? To the average family in my district it is worth over $1,000 a year.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, that gets back to what I was talking about before. This is not about numbers. We tend to spend a lot of time here in Washington throwing around numbers, but this is really about moms and dads in Minnesota, in Wisconsin, in Florida, where I come from, having more money to buy clothes, to buy braces, to set aside for college education.

One of the points that I really want to stress is we, the Republicans in the House of Representatives and in the Senate, are delivering on a Clinton campaign promise of 1992 to provide a middle class tax cut.

One of the things that motivated me to run for Congress back in 1994 was that Bill Clinton had campaigned on ending welfare as we know it, and then just did not follow through on that. He campaigned on a middle class tax cut and he raised taxes. Of course, it did take us to pass welfare reform, and now we are following through on another Clinton campaign promise, to provide that middle class tax cut. Our tax cut is a middle class tax cut.

What boggles my mind is to have Members on the other side of the aisle get up day after day and tell us that, if we would just let them do the tax cut, that they would do a better tax cut. These are the people who raised taxes in 1993, who did not want to cut taxes in 1993, or 1994, or 1995, or 1992, or 1991. They want to increase spending, and increase spending, and raise taxes, and raise taxes.

For them now to come before this body, to come before the American people straight-faced and look us in the eye and say their tax cut would be a better tax cut, or their tax cut would really, truly be a middle class tax cut, to me is absolutely amazing.

It is the Republican Congress, the Republican Senate, and yes, we have been working with the administration on this, and this is a cooperative effort and he is agreeing to go along with us, it is a Republican initiative to finally deliver on the Republican promise of 1994 and the Clinton promise of 1992 to provide a middle class tax cut.

Mr. NEUMANN. Mr. Speaker, it is true, everything the gentleman is saying. But I think the most important outcome here is that it is good for the American people. That is what this is all about. The gentleman has gone back and hit on those past things. I think it is important.

We remember the broken promises, where Gramm-Rudman-Hollings is going to get us to a balanced budget, and it did not happen; in 1993 where they said they were going to cut taxes but instead they gave us the biggest tax increase in history. And I think it is very important we contrast that to the present, and we look at the fact that we are fulfilling our campaign promises for 1994. We are actually doing what we told the American people we would.

I would like to kind of wrap up the discussion of the present and turn our focus to the future with this chart. This chart shows when we came here what the deficit stream was projected to be. Deficits were headed up over $300 billion. If we had come here and played golf and basketball instead of doing our job, this is where the deficit line would have gone. Twelve months in the yellow line shows how much progress was made. The green line shows our hope to balance the Federal budget. This is our Republican plan laid into place in 1995 to balance the Federal budget.

Mr. GUTKNECHT. That was the original 7-year plan.

Mr. NEUMANN. The original 7-year plan to balance the Federal budget. We were to get to zero in the year 2002. We are now in the third year, and it is important to note that the deficit is significantly under those projections. We are in the third year of a 7-year plan to balance the Federal budget and we are not only on track, but we are significantly ahead of schedule. It is very, very important to note the contrast between what was here before and what is happening now. We are laying down this track record so the American people can once again have some faith in this institution.

Mr. WELDON of Florida. If the gentleman will continue to yield for a question, Mr. Speaker, I want to look to the future. As the gentleman knows, I represent an area of Florida that includes the Kennedy Space Center, an area that has always had its eyes looking to the future.

The question I have for the gentleman is, I believe if we remain committed to our principles that that black line that is showing there will come down to the zero mark and we will have the budget balanced. If we stay true to our principles and hold the line on spending, we will actually start showing a very small surplus. Is that not correct?

Mr. NEUMANN. That is absolutely correct. I think the gentleman is coming to the significant question here of, after we balance the budget, then what? Is our job done?

Mr. WELDON of Florida. That was the question I wanted to ask the gentleman. Go ahead.

Mr. GUTKNECHT. If both Members will yield for a second, the gentleman from Wisconsin [Mr. NEUMANN] and I both serve on the Committee on the Budget. We actually have gotten the CBO and others to run some numbers. If our economic growth rate remains even close to the level it is at, in fact, it could drop dramatically from what the economic growth rate has been for the last year, we will balance the budget on our current path not in the year 2002, not in the year 2001. I believe, and I think the gentleman from Wisconsin [Mr. NEUMANN] will probably agree with me, we are going to balance the budget by the year 2000.

☐ 2045

Frankly, it may even be 1999. I want to come back to one of the points you made. You said this is not just about numbers. We talk about 12.3 percent and 174 billion. It flies past most Americans like a Nolan Ryan fast ball. It is about people, but more important, I think what we are doing really is all about preserving the American dream for our kids. What kind of a country are we going to give to our kids? That is why it is important that we talk a lot tonight about the National Debt Repayment Act. You have spent an awful lot of time on this. You have an awful lot of cosponsors. That is where we are really headed in the future. That is why it is important.

I wonder if you would share about the National Debt Repayment Act.

Mr. NEUMANN. Mr. Speaker, I put another chart up here because I think it is important that we recognize the differences between the past and the present, but we also realize that once we get to a balanced budget we still have this $5.3 trillion debt. That debt is going to be passed on to our children if we do not do something about.

That brings us to the future. That brings us to, after we balance the budget, then what? The answer to that question is the National Debt Repayment Act. The National Debt Repayment Act does this. After we reach a balanced budget, it caps the growth of government spending at a rate 1 percent below the rate of revenue growth. It caps, after we reach a balanced budget, it caps the growth of government spending 1 percent below the rate of revenue growth. So if spending goes up by 4 percent, revenue goes up by 5, that creates a small surplus. That surplus is then used one-third to further reduce taxes and two-thirds to pay down the national debt.

So we create the surplus by capping the growth of government spending. We take one-third of the surplus, let the people keep more of their own money, additional tax cuts, two-thirds goes to repay the national debt. If we do that, by the year 2026 the entire Federal debt will be repaid in its entirety and we can pass this Nation on to our children debt free.

In doing so, when we repay the national debt, we are also putting the money back into the Social Security trust fund that has been taken out. Every year the Social Security system collects more than it pays back out to seniors in benefits. The idea is, we are supposed to be building this savings account, a savings account that, when we do not have enough money coming in, is where we are supposed to get the money to make good on payments to seniors.

The problem is, the money has not been going into that savings account. It has been spent on other Government programs. In fact, that trust fund, that Social Security trust fund, is now all part of this $5.3 trillion debt. So under the National Debt Repayment Act, we create the surplus after we have reached a balanced budget, two-thirds goes to repay the debt and, as we are repaying the Federal debt, we are also putting the money back into the Social Security trust fund. And we pay off the debt in its entirety so we can give this Nation to our children debt free. Instead of them sending $580 a month out here to do nothing but pay interest on the Federal debt, they can keep that in their own home in their own family and decide how best to spend their own money rather than sending it out here to Washington, DC.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, as I understand it, we are paying out about $340 billion to pay interest on that debt. So with your legislation, which I am a cosponsor of, not only would we be able to pay off the national debt and take that burden off of our kids and the future of our children and not only would we be able to provide more tax relief for working families, but we would no longer be paying these $300 billion a year interest payments; is that correct?

Mr. NEUMANN. That is correct. For a family of five, that translates into $580 a month to do nothing but pay interest on the Federal debt.

Mr. WELDON of Florida. In effect it is a win/win situation that taxpayers would get to keep more of their hard-earned money and we would pay off the debt and we would not have these big interest payments. And we would actually have more money within the Federal budget to pay for roads, for example, or say maybe a manned mission to Mars, for example?

Mr. NEUMANN. And do not forget the other part of that, that is that the Social Security trust fund is restored. It is so important to look at this because if the money is not in the Social Security trust fund, Social Security is bankrupt in the year 2012. So it also solves the Social Security problem at least through the year 2029.

Mr. WELDON of Florida. I am really glad you brought this issue up, the National Debt Repayment Act, because that was one of the reasons I came over to join you and Mr. GUTKNECHT. I want to thank you for allowing me to join you in this conversation. I think it has been very informative.

Mr. GUTKNECHT. Mr. Speaker, I just want to talk a little bit about the National Debt Repayment Act. A lot of people I think are going to look at this and some of our critics on the other side of the aisle will say this cannot happen. I want to remind them, these are the same Members who said we cannot balance the budget, we cannot reform welfare, we cannot reform Medicare, we cannot reform the Medicaid system. We cannot do all of that and balance the budget and provide tax relief. And yet we are proving that it can be done.

And what the National Debt Repayment Act shows is that by again just limiting the growth modestly of Federal spending, and I think I am correct in this, Federal spending under the National Debt Repayment Act will still continue to increase. We are not talking about pulling the rug out from senior citizens and people who need legitimate services from the Federal Government. Spending will still go up.

Mr. NEUMANN. Faster than what I would like, I might add. But absolutely. Spending would still go up and could go up faster than the rate of inflation. It is important to remember that revenues to the Federal Government grow because of real growth in the economy but also because of inflation. So it is really kind of two things happening simultaneously. Revenues, in fact, increase.

Mr. GUTKNECHT. Show that chart. I think people are astonished when people see the numbers, the average Federal revenue growth over the last 17 years.

Mr. NEUMANN. The average increase in revenue to the Federal Government over the last 3 years was 7.3 percent. Inflation is only 2½, 3 percent. So it is going up at over twice the rate of inflation. Revenue to the Federal government. This is the amount of money that came in this year compared to last year; 5-year average, 7.3 percent increase; 10-year average, 6.2; 17-year, bottom line revenue to the Federal Government has been growing at a very significant rate over the last 17 years. It has not been revenue that is the problem. The problem has been spending that is out of control. This chart also shows that the budget agreement that we signed, a lot of people said it was pie in the sky, it was not.

Mr. GUTKNECHT. It was rosy scenarios.

Mr. NEUMANN. The budget agreement only projects a 4 percent growth. I think it is real important to see that 4 percent number next to these numbers, what has actually been happening. It is very, very conservative. In fact, I asked the question, if revenues grow by 6 percent instead of 4, what happens? In fact we find that we have a balanced budget by the year 2000. We run a surplus in the year 2000. That is when the National Debt Repayment Act would kick in, two-thirds of that surplus goes to pay down the debt, one-third goes to reduce taxes even further for the American people. And that is what this is all about.

I think maybe we should conclude or start to wrap this up by just kind of briefly going back through the past, the present and the future. I always use this chart to talk about the past because I think it says it better than anything else we have. During the late 1980's and early 1990's, the American people were promised a balanced budget. This blue line shows how it was supposed to work. Deficits exploded. In fact we did not follow the blue line.

They never hit their targets. They said, in 1987, we will fix that. And they gave the American people another whole series of promises, and they never hit that target either. The American people got cynical.

In 1993, they looked at this picture and they said, well, we sure cannot curtail the growth of Government spending. The only thing we can do to get this under control is to reach into the pockets of the American people and collect more taxes. So in 1993, by a single vote in the House of Representatives and a single vote in the Senate, they passed the biggest tax increase in American history and they thought that was the only way to reduce the deficit. The American people responded in 1994 and said we have had enough of this. We do not like those broken promises. We do not think you need more of our money. You are already getting enough of our money out there in Washington. They sent a whole new group of people out here and the GOP took over control of Congress.

We are now in the third year under Republican control of Congress. In the third year of our plan to balance the budget, the contrast is so stark. The first year of our plan we promised a deficit, of our 7-year plan, we promised a deficit of $154 billion. It was actually 107. First year on track, ahead of schedule. Second year Republican control, second year of our 7-year plan to balance the Federal budget, we promised a deficit not greater than 174. The deficit was 67. Second year on track, ahead of schedule. Third year is what we are debating right now, deficit promise of 139, it will be under 90. Third year of a 7-year plan on track and ahead of schedule.

Notice the stark contrast. Not only are we on track and ahead of schedule to produce what we promised the American people, a balanced budget, we are not only on track and ahead of schedule, but we are also letting the American people keep more of their own money. That is the tax cuts. Five hundred dollars per child, $1,500 to help go to college. Capital gains coming down from 28 percent to 20 percent. Reducing the death tax so families can pass on their estates to their children.

These are all things that are now coming about at the same time we are staying on track and ahead of schedule to balancing the budget. This has all been done not with the old theory, the 1993 theory that the people rejected in 1994, the idea that we have to raise taxes. This is all being done at the same time that we are lowering the taxes on the American people. It can happen. It is working beautifully. The American people are responding, the economy is responding in a very, very positive way. The future, that is past, present, the future after we get to a balanced budget, we have still got a $5.3 trillion debt.

The National Debt Repayment Act, after we reach a balanced budget, will cap the growth of spending at a rate 1 percent lower than the rate of revenue growth. By doing that, we can then create a surplus. With that surplus, two-thirds goes to reducing the Federal debt, one-third goes to additional tax cuts. We can pay off the entire Federal debt under this plan by the year 2026 and pass this great Nation of ours on to our children completely debt free. So instead of having to send $580 a month to pay interest on the Federal debt, our families can, in the year 2026, just keep that money in their own home, put it away to save for their kids' college or send them to a better school or buy a better house or better car, whatever they see fit, but not send the money out here to Washington.

The National Debt Repayment Act then, the future, caps the growth of Government spending at a rate 1 percent below the rate of revenue growth. Takes two-thirds of the surplus and uses it to repay debt and the other one-third to reduce taxes even further. And as we are paying off the Federal debt, it is important to remember that also will restore the Social Security trust fund money. All the money that has been taken out would be returned to the Social Security trust fund under the National Debt Repayment Act. That is a vision.

That is what this is all about. Broken promises of the past, the tax increases of the past, those are days gone by. The American people rejected those ideas in 1994. In 1995, through the present, we are now in a situation where we are in the third year of a 7-year plan to balance the budget. We are on track and ahead of schedule. We are letting the American people keep more of their own money. It has been done by curtailing the growth of Government spending as opposed to raising taxes on the people. The future holds very bright prospects for our children. It holds us paying off the Federal debt, reducing taxes even further, and making sure the Social Security trust fund is solvent for our senior citizens.

Mr. GUTKNECHT. Mr. Speaker, I think our time has about expired. I think you have summarized very well where we were, where we are and where we are going. The negative naysayers said you cannot balance the budget, you cannot provide tax relief, you cannot reform welfare, you cannot save Medicare, not all at the same time. Well, it is happening.

This chart illustrates very clearly where we were. For the last 20 years, we spent, this Congress spent $1.22 for every dollar they took in. We are now spending less than $1.04 for every dollar we take in. We are making real progress. We are on the right track. The American people understand that. And we are going to balance the budget and let people keep more of what they earn.

Mr. NEUMANN. I want to wrap up this evening with a tribute to a church that I attended twice in the last 3 days here. The church held a very special service and they put in a huge amount of effort. A little church in Williams Bay. It is Calvary Community Church. What they did is they held a special worship service on two nights to honor our veterans. When I went there the first night, the church was absolutely packed. I got there about a half hour before the service started. There were 900 people there. I could not believe it. I walked in the place. It was absolutely jam-packed. All American citizens there to pay tribute to our veterans. What better place could they be to celebrate the Fourth of July weekend?

I went back the second night, my wife and I. Sue and I were driving over to the church service and we said, they cannot possibly have 900 people in this church again the second night in a row. They had 900 people the second night in a row. What that does for me is it reinvigorates me, gives me hope for the future of this great country.

We saw in two nights 1,800 people turn out to a church to pay tribute to the veterans that have done so much to give us this great Nation that we live in. I thought that would be a fitting way to wrap this discussion up this evening because they have done so much in the past to give us this great Nation that we live in today. It is now our responsibility, our awesome responsibility to do the right thing so that our children receive a better Nation than we received, so that we live up to our responsibility to pass this Nation on to the next generation in a fiscally sound way, a way that they can also look forward to living the American dream, hopes and dreams for their families and for their children and their grandchildren. That is what this is all about.

ON TRADE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I cannot help but comment on the discussion that we have just had here before I talk about trade, because I think it has a distorted view of history. I would like to correct my colleagues who just spoke by reminding the American people that in 1993, when the Clinton administration took office, they inherited a $300 billion annual deficit from the Republicans.

□ 2100

Three hundred billion. And, of course, in 1993, we passed a very important budget that has worked in several ways:

It has eliminated literally hundreds of government programs. It reduced the Federal work force by 250,000 people, I believe. We have the lowest Federal work force since John F. Kennedy, the lowest Federal work force today. And it also brought the deficit down from the Bush Republican number of $300 billion annually down to about 65 this year, every year reducing that budget deficit. And not one Republican voted for that 1993 budget deal that basically has brought us into balance.

So when my friends speak of spending, they have this convenient amnesia about their policies and how it was in the 1993 bill that we were able to finally get some control to the point now where our debt relative to our gross domestic product is the lowest of any Western developed nation in the world today.

I want to turn to another subject, if I could, this evening, Mr. Speaker, and that is trade. I will be joined hopefully by a few of my colleagues to talk about the North American Free Trade Agreement and its effects on the people of Mexico and the United States over the past 3½ years.

We are engaging in this discussion because sometime this fall, we think, Congress will be asked to approve something that is known as fast track. Now, people are out there saying what is this fast track that he is talking about; is that some kind of a Washington special lingual term that is out there to confuse the rest of us? Well, fast track is an authority that the Congress surrenders to the administration to make a trade deal. Fast track forces Congress to accept or reject an entire trade agreement rather than allowing us to improve upon the agreement that is reached by our trade negotiators with other nations.

The administration wants fast track, all administrations want fast track, in order to expand NAFTA to other nations in Central and South America. What we are saying is that, before we rush ahead to expand NAFTA, we should understand the effects it has already had on the workers in the United States and in Mexico.

I try to use the analogy that, if our house has a flooded basement, our roof is burning and we have chaos in our house, we do not decide to build an addition to the house. We decide to take care of these problems that we have before we pass on improvements to our house. The same is true with our trade agreement.

We will see much analysis of NAFTA over the next couple of weeks, starting later this week, when the administration is going to release a report on NAFTA, and we will discuss that a little later this evening. What I would like to discuss now is the remarkable election that took place on Sunday in Mexico.

Mexico is our neighbor. There are good people in Mexico, hard-working people, people who are struggling, people who have had a very difficult time with human rights and democracy. Elections have repeatedly been stolen in Mexico.

They had a very important election on Sunday. There were over 100 million people in Mexico. Opposition on both the left and the right of the ruling Institutional Revolutionary Party, or PRI, as it is called, these opposition parties scored significant victories, victories that will unravel nearly 70 years of one-party rule in Mexico. And the biggest one ever was the Party of the Democratic Revolution, which is a party that is headed by Mr. Cardenas, who was overwhelmingly elected the mayor of Mexico City. And by the way, this is the first time they allowed the second most powerful position in Mexico, the mayor of Mexico City, to be elected.

This election was significant for many reasons, but I want to focus on two of those reasons this evening. Most people agree that the conduct in the election on Sunday was not perfect but that it was by far the fairest national election conducted over the past 68 years in Mexico. This was the first real chance that the people of Mexico have had to see their ballots actually tallied and counted and not discarded or misplaced somewhere.

The voters rejected the PRI. That is the 70-year ruling party. They protested its economic policies and they bravely chose change. Now, in the past, they have chosen change, but their ballots were not counted and elections were stolen from the people, and it was done on a regular basis. The most notable example was the Presidential election in 1988, not too long ago, in which most people believe that Cardenas handily beat Carlos Salinas only to have the apparent victory snatched from him by the PRI massive electoral fraud.

In that election Cardenas' phones were tapped, his top aides were murdered, and the government halted the vote count on election night and declared Salinas the winner. Over the next 6 years, as many as 500 Cardenas and PRD activists were murdered in an attempt to intimidate and silence the opposition. That is a startling, startling number. Five hundred of his supporters and activists were murdered by the ruling party.

What amazed me through all of this was the acceptance of Carlos Salinas in America as some kind of savior, an intellectual, elite, smart, sophisticated individual. He fooled the entire elite intellectual community in this country.

It has been said in Mexico that the PRI governed not from the ballots of democracy but from the bullets of revolution. It has also been called the perfect dictatorship by one of the great writers of Mexico, Octavio Paz. It was only a matter of time before these misdeeds of the PRI caught up with them, and on Sunday these misdeeds did catch up with them.

While many people will try to characterize the vote on Sunday in Mexico as only being significant because it produced a major shift in power away from the PRI, anybody who watched that election and listened to that election and analyzed that election and saw what the Mexican workers were going through, and I will describe that in a second, will understand clearly that this was significant because the Mexican people felt their economic situation needed to be changed.

A major factor in the ascension of the PRD and Cardenas has been their economic program. Many people here probably believe that all of Mexico supported NAFTA, and that the loss of American jobs has greatly benefited Mexico. But that is not the case at all. In fact, it is just the opposite. The very few at the top, in our country and in Mexico and to some degree in Canada as well, have benefited well, but the majority of people, 80 percent of the American people, probably higher than that in Mexico, have suffered as a result of what I consider one of the worst treaties this country, if not the worst, has ever put together.

Now, let me talk about what has happened there, because Mexico has been devastated since NAFTA through an economic crisis triggered by the devaluation of their peso, which we argued was going to happen when we debated NAFTA on this floor, and also by the PRI government policies that benefitted investors at the expense of the working people in Mexico. And, of course, investors were benefited in the United States at the expense of our workers.

The PRD and Cardenas agree that NAFTA and the economic policies of the existing ruling party there, the PRI, are not working. They favor changing NAFTA to make it fair to workers in all three countries. In order for NAFTA to work, according to its opponents, we had to build a consumer market in Mexico.

The idea was that we will have this free trade and the people that are producing things in Mexico will increase their salaries, and when they increase their salaries they will be able to buy more products from us, more consumer products, and everything will kind of just bubble up. Well, the opposite has happened. Everything has sort of bubbled down.

That means ensuring that Mexican workers, under this theory, had jobs at wages in which they could afford to buy United States products. But, as I said, just the opposite has happened. The lives of millions of people in Mexico have been devastated, thanks in part to NAFTA, to the economic crisis precipitated by the peso devaluation in

1994, and to the wage controls forced on workers by the existing Government and the businesses and official labor unions it controls.

There was a concerted effort, since 1980 basically, where the corrupt labor union in Mexico, which lost its leader, by the way, a man who was 96 years old, who passed away, and maybe there is hope for change now, but he was in cahoots with the investors, the business elite, the foreign investors and the Government to keep wages low. The effects of these failed policies on workers in Mexico has been staggering. It has been staggering. That, in turn, had smoked out NAFTA for what it really was about, giving corporations investment guarantees in Mexico and then solidifying the role of the maquiladora region in Mexico, that is the area along the United States-Mexican border, and California, Arizona, New Mexico and Texas, solidifying the role of this area called the maquiladora region as an export platform.

What does export platform mean? That means people produce to ship right back into this country. United States companies are shifting jobs to Mexico, paying Mexican workers about 10 percent of what American workers were being paid and are shipping their products right back here to the United States. The toll of this on Mexican workers has been severe. The gap between Mexico's richest and their poor has been rapidly expanding, as I might add, as it has been in the United States. Our gap between the rich and the poor in this country is growing ever more every year, every 4 or 5 years. It is expanding to an all-time high today.

Twenty-eight thousand small businesses have failed in Mexico since NAFTA. The number of unemployed in Mexico doubled in 2 years. Our own embassy in Mexico estimated in late 1995 that 35 percent of Mexicans were either unemployed or underemployed. Real wages in Mexico are 27 percent lower than in 1994 and 37 percent lower than they were in 1980. Real wages. And 19 percent of workers made less than the minimum wage, which is only $3.30 a day. Not an hour, $3.30 a day. And 66 percent of workers lack any benefits at all, any pension or health benefits.

Eight million people. Listen to this. Since NAFTA, eight million people in Mexico have fallen from middle class status into poverty. Eight million in just 3½ years. And perhaps worst of all, millions of children have entered the work force to try to keep their families making ends meet.

The Mexican people were stunned by all of this, as one can imagine. Their wages were cut. If they had any benefits, they were cut out. They were being dropped into poverty. Twenty-eight thousand of them lost businesses. The peso was devalued. They woke up one morning and the worth of the money they had in their pocket, or if they had a little savings account, dropped by 30 or 40 percent. So they were mad. They were mad. And they were stunned and they opted for change, and I believe the American people feel the same way about this treaty.

Now, people say the economy is doing so well in the United States. It is doing extremely well for about 20 percent of Americans. They are doing incredibly well. Incredibly well. But for 80 percent of America, their wages have been stagnant since 1979. Almost 20 years. Going on almost 20 years now. And it is easy to understand, because corporations and companies are saying to workers, "If you want a wage increase, you want pension benefit increases or health benefit increases, we are out of here; we are going to Mexico."

And do not take my word for it. There was a study done by Kate Bronfenbrenner, University of Cornell in New York, just done recently for the Labor Department. This study, by the way, was suppressed because of what it said. It said that 62 percent of businesses in this country use NAFTA as a lever, as a wedge against their own workers, saying that, "If you demand too much, we are out of here; we are leaving." Sixty-two percent. An amazing number. An amazing figure.

So there was change in Mexico. I believe the American people feel the same way about this. And if the vote on NAFTA were held today, I believe it would be a much different story because we are coming to realize that, after 3½ years, trade agreements like NAFTA cannot ignore the issues of wages and basic standards for workers or the environment, or for things we do not ordinarily talk about when we talk about trade, like food safety.

I am concerned that the report that many people will be looking at for information about NAFTA that will be issued later this week will not address these serious issues either. Later this week we will be releasing its version, the administration, of how well NAFTA has worked. But I am not sure it will include a serious discussion about how NAFTA is depressing wages, affecting food safety, highway safety and a number of other issues.

□ 2115

I want to relay to you a story of one real person who has been affected by NAFTA, a story you will not read about in the study on NAFTA. I met this woman a couple weeks ago. She was from the city of El Paso, right on the border, a city which has more certified NAFTA job losses than any other city in the country. Her name is Irma Montoya.

Ms. Montoya worked in an electronics plant in El Paso for 8 years. She worked hard. She paid her taxes. She played by the rules. She did her best. But despite her best efforts, the company shut down in El Paso when maquiladoras from just across the border, miles away, took over the work her plant did.

And why did they do that? Of course, because they were being paid. She was being paid a very low salary, very close to the minimum wage in this country. They moved the plant just a few miles over the border because they could get away with paying people less than a dollar an hour over there.

Now Irma received no health or pension benefits from her company. And despite being eligible for NAFTA job training assistance, she received no real help. She wanted to become an accountant and was told it would be too expensive. So now Irma is stuck without a job, without a pension, without health benefits, without training. And she lives in a city where the unemployment rate is about 12 percent.

NAFTA provided the incentive not only for the loss of her job but for the downward pressure on wages and benefits for the American workers, which left Irma without a pension or without health benefits. And this is going on all over the country.

Just the other week my friends were here, the gentleman from Ohio [Mr. KUCINICH] and the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from Pennsylvania [Mr. KLINK] and the gentlewoman from Missouri [Ms. DANNER], and they were telling me about how these jobs are leaving, how people are being stranded without benefits, without the proper training, and it is going on all over the country. There are hundreds of thousands of people just like Irma Montoya all over this country.

And while you will not hear about Irma Montoya later this week in the administration's report on NAFTA, we are going to keep coming to the floor. My colleague, the gentleman from Massachusetts [Mr. MOAKLEY], who is with me, who is going to talk about this issue in just a second, and other colleagues are going to come here and talk about this issue because it needs to be aired.

And while I do not think the NAFTA report will be all that enlightening, one memo that I would recommend to everyone here in this Chamber and in the Congress and my colleagues is to take a look at Professor Harley Shaiken, who was at the University of California at Berkeley, who has probably more knowledge on this issue than anybody in America and who has studied the economic relationship between the United States and Mexico extensively. Look at his report. Professor Shaiken sheds some light on what I would call the myth behind the increased exports to Mexico.

There is no denying that exports to Mexico have risen since NAFTA, although imports from Mexico have increased more dramatically. We had about a $2 billion surplus with Mexico prior to NAFTA, which is only 3½ years ago. We have a $16 billion deficit today. That is a major shift. That means they are sending us here a lot more than we are sending them there. We are sending them a few more things, but listen to what is happening to those things that we send them.

He, Professor Shaiken, analyzing trade data, shows that the vast majority of export growth has been in what he calls the revolving door exports. And what do we mean by revolving door? Those are goods that are shipped to Mexico as components, therefore counted as exports, but then they are assembled right on that maquiladora border. They get over the line, they are assembled and they come right back here, shipped right back to the United States. The revolving door exports have surged 230 percent since NAFTA, rising from $18 billion in 1993 to $42 billion last year.

These exports accounted for 40 percent of our total exports to Mexico in 1993, but that share grew 62 percent last year. So 62 percent of our exports to Mexico are shipped right back here. They are assembled, put together by people who are making 70 cents, a dollar an hour, and then they are sold back here, at no reduced rates, I might add. These are not job-creating exports, they are job destroying exports. As Professor Shaiken noted in his memo, paraphrasing Pogo, "We have met the market and it is us."

The memo also notes that NAFTA has increased for especially direct investment in Mexico from other nations as well. This is kind of interesting. Remember the claim during our debates, where the NAFTA proponents said that we want to pass NAFTA now to get into Mexico before the Europeans and the Asians could get in there?

Well, the fact is that those nations have a trade surplus with Mexico. We have a $16 billion deficit, and they are investing in Mexico at rapid rates since NAFTA. Investments from Germany have tripled since NAFTA; investments from Japan have increased tenfold.

Now keep that fact in mind when we are going to hear the same claim this year about going into Latin American nations before European and Asian nations do. We are going to hear that same argument, and it is just full of holes. The facts show that we will all get into those markets, and that rushing through an ill-conceived free-trade agreement does not give us any type of advantage in that respect.

One other item from Professor Shaiken's memo that I would mention at this point is about continued falling real wages in Mexico. He notes that Mexican workers have been unable to make wage gains despite increased productivity. What does that mean? That means they are putting out more, Mexican workers are producing more, dramatically more, because they are hard workers and because they are working in newer modern facilities.

Some of these facilities in the maquiladora, and I have traveled and looked at them, they are as modern as anything we have here in this country. So productivity in Mexico has risen 38 percent since NAFTA, but real hourly wages have dropped by 21 percent over the same period. So you figure it out. They are producing more for their executives and CEO's, and these corporations, mostly multinationals, productivity is way, way up and their wages are going down.

And then when our workers try to get a wage increase here in their plants, they see multinational people who are down there and who own corporations up here say to our workers, "We cannot give you any wage increase, cannot take care of any health or pension benefits because we will just go down to Mexico and we do not have to pay them anything." So they are leveraging. They are leveraging.

Productivity in Mexico, as I said, has risen by 38 percent since NAFTA, but real hourly wages dropped by 21 percent. Despite the fact that many plants in Mexico approach or exceed United States productivity levels, the hourly wage in Mexican manufacturing was less than 10 percent of the United States levels in 1996. They make one-tenth of what our workers make, and this is a trend that has only accelerated since NAFTA. This disparity between wages and productivity in Mexico existed well before NAFTA and during stable economic times.

Between 1980 and 1993, manufacturing productivity in Mexico rose by 53 percent while real wages declined by 30 percent. So you know the investors, the money people, the multinationals, they are doing very well. Their workers have been falling further and further behind, 8 million falling into poverty from the middle class in Mexico.

That fact led many of us during the NAFTA debate in 1993 to call for a linkage between wages and productivity in Mexico and for ensuring the rights of workers in Mexico, that those rights were honored, but our cause went unheeded. And the problem has only gotten worse, as we have already seen. So this is a trend, I think, that is going to continue on and on unless we seriously address these issues of wages and worker rights in our trade agreement.

The current system is tragic for working people both in the United States and in Mexico and in Canada, as well. It does not have to be permanent, though. The people of Mexico spoke on Sunday, and the American people through us in Congress will have a chance to speak this fall when we have this debate.

We need to remember that this trade debate is not just about markets and trade barriers; it is about jobs, it is about living standards, it is about human rights, it is about human dignity. Human dignity. These struggles we are about to engage in have been fought in this country before and around the world by earlier generations of workers.

At the turn of this century, 100 years ago, the industrial revolution brought massive change, just as the global economy and technology and information are changing the landscape today. And at that time, giant corporations tried to do the same thing. They tried to control the process. But the people got wise, they figured it out. They figured out they were being exploited. They figured out their land was being exploited, and they banded together. They formed labor unions and they formed progressive movements. They came together and fought back and they made a difference. That struggle led to the creation of a system of labor and social and health rules which increase our living standards in this country.

If it was not for people coming together, led mostly by labor unions in this country, we would not have a minimum wage, we would not outlaw child labor, we would not have weekends, we would not have a 40-hour work week, we would not have an 8-hour day, we would not have health benefits. We have to remind ourselves sometimes that people banding together can make a difference.

But it is that very system that is under attack today, and we cannot afford to go backward 100 years. This debate is about our economic future, and whether we want to take our Nation forward or go back to an era in this Nation in which workers' rights were not guaranteed and in which a few wealthy corporations controlled our economy.

This is a fight against trans nationals, multinational corporations. That is what this is about. There are very few governments standing up to them today. Labor is on the decline in many parts. Although I might just say in this country it is on the rebound, and it is becoming more vibrant and more organized, and they are organizing more workers every day because of the statistics I read to you.

I predict in Mexico, with the demise of their labor leader, who passed at 96 and who was, I believe, corrupt and did not serve working people well, and with the demise of the PRR government, we will see stronger labor unions, we will see people banding together in progressive units and demanding a fair and just wage.

So we do not want to go back as a nation to where we were 100 years ago. We want a trade policy that is going to move us forward. That is what this debate is about, and that is why we are here talking about it, so that people can understand some of the other side of the issue.

We are going to get a report, as I said twice or three times this evening, from the administration this week on NAFTA; and I would ask the people to look at that in its entirety. They are not going to hear in that report about food processing or they are not going to hear about food safety.

Let me talk about food safety for just a second. Then I want to yield to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules. Remember a few months ago the strawberry scare in this country, contaminated strawberries came in from Mexico? Hundreds and hundreds of kids in this country, particularly in my State of Michigan, were affected. We had 1,100 kids who had to go get vaccine shots, a series of very difficult shots, and hundreds of them were sick.

That has happened with wheat, and it is happening with other foods. And, of course, the drug problem. You know, we tried to negotiate a tougher drug deal than NAFTA, but we caved. Drugs are coming in here at incredible rates, an incredible rate. Seventy percent of the cocaine coming into this country comes through Mexico, 25 percent of the heroin, and it is passing through every day. It is a wave line down in Texas.

They inspect trucks. They inspect 1 truck out of 200. Eleven thousand trucks come across the border. Eleven thousand trucks come across the border every day. One out of every two hundred get inspected. So lots of drugs are coming in here. The NAFTA agreement was one of the worst agreements this country ever signed and engaged in.

I am not opposed to having an agreement with Mexico. They are good people. They are hard-working people. They have a new chance for a new beginning. I want a good trade relationship, but I want a relationship that will elevate their workers to our standards, rather than bringing our workers down to their poverty standards. That is not too much to ask. That is what the Europeans did when Portugal and Greece wanted into the European Union, you know, an economic market union that is strong and vibrant.

□ 2130

But the Europeans said to Greece and to Portugal, "Before you come in, you have got to meet a few standards here on food safety, you have got to meet a few standards on wages, on productivity, a few other things. And then we will let you in." And these countries said, "Well, that's reasonable, that's fair, we'll do that." They met those standards and they were accepted and they are part of the union. That is what we were trying to get with a good NAFTA. But instead, we got one of the worst pieces of legislation, I believe, this country has ever engaged in.

I thank my colleague from Massachusetts for staying so late and participating in this. I appreciate his leadership on this issue and his passion for working people. He is one of the great leaders of this body on Central American issues. I remember vividly the gentleman from Massachusetts [Mr. MOAKLEY] leading the effort to bring justice and dignity to El Salvador. I thank him for joining me this evening.

Mr. MOAKLEY. Mr. Speaker, I thank my leader, and my dear friend from Michigan. I do not think there is anybody in this House who is a better friend to American workers than the gentleman from Michigan [Mr. BONIOR]. He knows that NAFTA was a bad idea and he is really speaking out on this issue. He is on the right side of this issue.

I was in my office watching my leader speaking on this thing when my telephone rang and a young lady from Milton, Massachusetts called up and said, "I'm looking at my television set and I notice the gentleman from Michigan [Mr. BONIOR] speaking on NAFTA. How do you stand on NAFTA?" I said, "I voted against NAFTA, as did the gentleman from Michigan [Mr. BONIOR]." But there are people out there that the gentleman has really educated this evening with some of the facts that he has given, and I am sure that many votes might change as a result of it.

Mr. Speaker, the North American Free-Trade Agreement has been a bad idea. It has been bad news to the American economy, it has been bad news for the American workers, it has been bad news for the Mexican workers, and before the passage of NAFTA, the United States had a trade surplus with Mexico, but since the passage of NAFTA our trade deficit has ballooned to $16.1 billion.

Mr. Speaker, a $16.1 billion deficit is hardly good news for the economy. The deficit in large part is due to the revolving door exports. In fact, Mr. Speaker, 62 percent of our exports to Mexico were revolving door exports, which mean that our raw goods were sent to Mexico, assembled by Mexican workers and sent back to the United States.

Before the NAFTA agreement, Mr. Speaker, only 22 percent of our exports to Mexico were revolving door exports. These exports, along with other conditions of this agreement, have cost American workers wages and in many cases cost American workers their jobs. In fact since 1993, NAFTA has cost American workers over 420,000 jobs. That is right, Mr. Speaker, 420,000 jobs have been lost as a result of NAFTA. The Department of Labor has certified that in the years 1994 and 1995, 52,000 Americans lost jobs in 400 U.S. plants since the passage of NAFTA. Many of these workers, unfortunately, Mr. Speaker, came from my home State, the Commonwealth of Massachusetts.

Since the start of NAFTA, hundreds of thousands of jobs have been shifted to maquiladora production plants, which pay very low wages for work done right on our border. As of March of this year, the maquiladora plants employed more than 861,000 Mexican workers in over 2,600 plants. These plants are taking American jobs from all over the country. In fact, in the Commonwealth of Massachusetts, just this year, the Osram Sylvania Co., a fluorescent light manufacturing plant, sent 160 jobs to Mexico. When asked why they moved, company officials said, "The move was NAFTA-related."

For those American jobs that have not gone to Mexico, the threat is always there that they will go, and for that reason American wages have stayed low, closer to Mexican wages.

In fact, the NAFTA Labor Secretariat found that half the American firms used threats of moving to Mexico to fight union organizing. When forced to bargain with labor organizers, 15 percent of the firms actually closed part or all of a plant. That is triple the rate of shutdowns before NAFTA.

But, Mr. Speaker, despite what has happened to our workers, despite what has happened to our economy, the people who are suffering most are the Mexican workers. Their wages are less than one-third of what they were in 1980. Some 14.9 percent of Mexicans live below the poverty rate, which is less than $1 a day. In fact, the Mexican Government even has policies to hold down the wages to attract investments despite the thousands of people living on less than $1 a day.

In 1995, one out of every five Mexican workers worked for less than the Mexican minimum wage, and 66 percent got no benefits whatsoever.

Since Mexican workers do not make very much money, they can barely afford to put food on the table, much less buy American products. Mexican infant mortality is very high, 13 deaths per 1,000 live births. For those children who do survive, 10 million of them are sent to work, violating Mexico's own child labor law.

From what I can tell, Mr. Speaker, nothing at all has been done about the horrendous environmental degradation in Mexico. Thirty percent of the population of Mexico have no access to sanitation. I have heard that some of the workers that live in some of these new industries that have gone down to Mexico are still living in refrigerator crates.

Mr. BONIOR. The gentleman makes a very good point. The American Medical Association, in examining this border, the maquiladora border that the gentleman is talking about, termed it a cesspool of infectious disease. This is our American Medical Association. That is how bad the environmental degradation is in that area, and that has caused, as the gentleman has correctly stated, numerous health problems, literally babies born without brains. There are hideous examples of deformities, just unconscionable activities on the part of the corporations that have gone down there and the governments that have allowed it to happen. I thank the gentleman for raising that point.

Mr. MOAKLEY. The gentleman from Michigan is absolutely correct. On some days the children in Mexico City can hardly breathe. This polluted air is making its way into this country. The ozone levels in El Paso, TX have increased steadily since NAFTA. The rate of hepatitis in the border region of the United States has risen to about four times the U.S. average.

Mr. Speaker, hepatitis is a very contagious disease that does not respect borders, yet the NAFTA agreement looks the other way. As the gentleman from Michigan alluded to, we import fruits and vegetables from a country that has virtually no environmental regulations and that many times these fruits and vegetables are filled with pesticides that are not even allowed in our country.

But despite all of these problems, Mr. Speaker, the administration now is proposing expanding NAFTA to Chile and possibly the rest of the southern hemisphere. I think this is a very dangerous idea. Any agreement we make should include very serious and very specific regulations on labor, on the environment, and on human rights. These conditions should not be left for later action because, as we have seen with this trade agreement, provisions that were left out of the original agreement never really happened.

I am glad to join my leader, an expert on this matter, and I look forward to continuing this debate with him.

Mr. BONIOR. I thank my colleague for his leadership and passion on this issue and for bringing to light some of the important facts on workers' rights and health and safety. We appreciate the gentleman's contribution.

PROBLEMS ASSOCIATED WITH IMPLEMENTATION OF IMPENDING EPA STANDARDS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Pennsylvania [Mr. MASCARA] is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, I was supposed to join the gentleman from Pennsylvania [Mr. KLINK] this evening to talk about the problems associated with the impending standards to be implemented by the Environmental Protection Agency.

First of all, I would like to give a historic perspective to illustrate why I have joined so many of my colleagues in the House of Representatives to speak about the national ambient air quality standards. First let me clear the air, no pun intended. I support, as do many Members of Congress, clean air and a sound environmental policy in this country. The key word is "sound."

I would like to share with my colleagues, Mr. Speaker, a historic perspective about the 15 years' experience that I had in county government. During that time I served on the Southwestern Pennsylvania Regional Planning Commission and during those 15 years I served as chairman 3 years and also as chairman of the Plan Policy Committee which had the responsibility of implementing ISTEA, which is the Intermodal Surface Transportation Efficiency Act and the Clean Air Act amendments of 1990 which were a companion bill. So I had an opportunity as a county commissioner to see the system from the bottom up and now as a Member of Congress to see it from the top down. I do have some experience in dealing with legislation that applies to clean air and air quality standards.

As a member of the Regional Planning Commission, we covered six counties, including Allegheny, Armstrong, Beaver, Butler, Washington, and Westmoreland and the city of Pittsburgh. I also served as chairman of this Plan Policy Committee that had the responsibility of implementing those two pieces of legislation, including the National Highway System Act.

This enabled me to have a better understanding of the problems associated with implementing those standards in southwestern Pennsylvania. I led a group of county commissioners in 1994 suggesting that the nonattainment status in southwestern Pennsylvania was incorrect, and that we as county commissioners and the city of Pittsburgh council requested that an independent testing firm test the quality of air in southwestern Pennsylvania to determine whether in fact we did not reach attainment. We found at that time that some of the equipment that was used in measuring the quality of air was faulty, we found that the air quality samples that were taken were taken on the hottest days of the year. We requested and the Department of Transportation in Pennsylvania and the Department of Environmental Resources agreed to permit a testing company, an independent testing company to measure the quality of air in southwestern Pennsylvania.

□ 2145

The tests that were done by this independent firm proved our suspicions that the earlier testing was inappropriate and resulted in inaccurate test results. The air quality in the Pittsburgh region had definitely met the air quality standards. The Pennsylvania DER advised the EPA that southwestern Pennsylvania had met its ozone standards, and the EPA sat on the new information and never corrected our status from moderate nonattainment to attainment.

Listen to this. Based on monitoring data between 1989 and 1994, western Pennsylvania's air quality met or exceeded the national standards for ozone levels. Apparently the application got lost in the bureaucratic maze, for it took the EPA over 2 years to respond instead of the mandated 18-month period. That summer, the summer of 1995, western Pennsylvania's ozone readings exceeded acceptable levels on only 9 days. Let me remind you that 1995 was one of the hottest summers on record.

Yes, we paid the price for clean air that we now breathe, and as I said earlier we all support clean air. Southwestern Pennsylvania citizens paid the price, and now they want us to believe the new standards could eventually put the remaining 100,000 miners out of work and impact workers in the few remaining jobs we have in southwestern Pennsylvania.

Mr. Speaker, I remind you that as a part of the 1980's and the decline in the steel and mining industry that we lost nearly 200,000 manufacturing jobs in southwestern Pennsylvania. And these new air quality requirements are without a basis of science, and we are asking the President, and I joined in with several of my colleagues in writing the President asking him to take another look at the air quality standards which will be implemented this year.

OUR FOUNDING FATHERS WERE GREAT MEN OF GOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, with the Fourth of July having just passed, I wanted to reflect on some of the thoughts I had and shared with people in Glynn, Wayne, and Pierce County, GA, this past week. I started out by saying, you know, one of the big thrills of Washington is to occasionally go up to the top of the dome, and when you do that it is kind of a special feeling. You duck into an unmarked and inconspicuous door, you climb up about a story, some spiral steps in an old roundhouse that used to contain some sort of a heating turbine, and then you go on an 1865 catwalk in between the skin of the new dome and the limestone of the old dome. You go up, round and round, for maybe 20 minutes on a set of steel concrete and cables, about 200 feet. Finally you get to the top, and on the top you see one of the best views of some of the most significant monuments in our country. You can see the Washington Monument, the reflecting pond, the Lincoln Memorial, the Jefferson Memorial, Robert E. Lee's home, and hidden in the trees, you know, the Korean and the Vietnam Memorials are also there. Each one of these monuments contains a special chapter in American history, and if you look beyond these monuments, you can see a glimpse of America herself.

On the Fourth of July we celebrate our Nation's birthday. It is fitting that we reflect on these monuments and the great souls that they immortalize. We can think about from Concord and Lexington to Vietnam and Desert Storm we seek to understand more of our own history. We look inside ourselves, if you will.

Standing on the balcony of the dome of the Capitol, Mr. Speaker, to the far left you see Thomas Jefferson's monument, the third President, founder of the University of Virginia, and author of the Declaration of Independence. His work formally began when Richard Henry Lee introduced a resolution for independence in the Continental Congress. Congress, even then being Congress, decided to form a committee, and a committee was formed consisting of Robert Livingston, Roger Sherman, Benjamin Franklin, John Adams and the 34-year-old Thomas Jefferson. In the nearby drafthouse he worked late into the Philadelphia nights, these words:

"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them to another" and so forth.

As he labored, surely he knew the death warrant that would become not just for him but for so many, the strife, the hardship and inevitably war.

What guided Thomas Jefferson, George Washington, and Benjamin Franklin? They were smart, they were enlightened, they were visionaries, but did they also pray? I submit to you, Mr. Speaker, that like so many of our great American leaders that they did indeed pray, because I think that our Founding Fathers were guiding them.

I also believe that they were men who were ready as this whole Nation to sacrifice for this thing called freedom, and I think, third, that they knew that freedom is fragile.

Let us talk about the godliness. We always hear about Thomas Jefferson being a deist, which seems almost a buzz word for atheist, yet on his monument Thomas Jefferson says: Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just and that his justice cannot sleep forever. End of quote.

Very explicit words, Mr. Speaker, and indeed a warning.

Likewise, Benjamin Franklin admonished delegates at the Constitutional Convention to pray to break a deadlock. His words were in the beginning of our war with Britain, we prayed daily for guidance. Our prayers were heard and were answered. Have we now forgotten this powerful friend? The longer I live, this I know to be true. God governs the affairs of men. For if a sparrow cannot fall to the ground without his notice, is it probable a Nation can rise without his aide?

And George Washington on his tomb, rather than pontificating about the many, many achievements he has, he instead merely quotes the gospel of John.

I submit to you that our Founding Fathers were great men and women of God, and they had divine guidance in that America was not just born by luck or by accident. Second, Mr. Speaker, we can rest assured that they had made many, many sacrifices and were willing to, just as millions of Americans have also done, follow in their example. Indeed Thomas Jefferson and George Washington would be much happier spending their time at Monticello and Mount Vernon.

Robert E. Lee, as we look at his, the Custis mansion across the river, Robert E. Lee lost this to Arlington Cemetery; and adjoining him by way of Memorial Bridge, Abraham Lincoln lost his life because of the Civil War, as did 360,000 Union soldiers and 135,000 Confederate soldiers.

Their examples were followed in every war. The Revolutionary War, 25,000 died; the War of 1812, 2,300 died; the Mexican War, 13,000; the Spanish American War, 2,300; World War I, 117,000; World War II, 408,000. And while their monuments cannot be seen from the top of the Capitol, Mr. Speaker, there are two very significant monuments. One consists of 19 life-sized figures. In the morning mist they seem to move. The wind catches their ponchos, their faces strained to the sky, their bodies bent in fatigues. They are American soldiers in the Korean conflict, a conflict that claimed 3 million Koreans and 1 million Chinese citizens. These soldiers are tired, hungry, cold. Their sunken eyes search for a sniper and surely for hope. They move slowly and eternally toward a black marble wall that merely says four words:

Freedom is not free.

They should know. Over 54,000 of them died. Their figures haunt us, but as we turn around through the trees across the reflecting pond and over the berm, there lies another wall. Here we face 58,211 names of other great Americans. This wall is still sober and forceful. Each name is a story.

Brantley, David Watson: Born 1946, Kite, GA; graduated 1964, Glynn Academy; died June 7, 1968 from an exploding mine in the Huz Nghiz Province.

Cameron, James Frederick: graduated Glynn Academy; shot down over the Tan Kieu Hamlet, September 13, 1969.

Smith, Russell Lamar: Born March 26, 1948; graduated Glynn Academy 1966; married, one unborn son; killed by small arms fire; DaNang, November 28, 1968.

Honaker, Raymond Kermit: Born February 16, 1949; graduated Glynn Academy 1967; helicopter shot down, August 31, 1968.

Armstrong, Atwell Asbell: Born August 19, 1947; killed by small arms fire, October 25, 1968 at Song Be.

Miller, Hebert: Killed April 21, 1971, near Quang Tri Province.

Rabb, Robert of Darien, GA; his loving mother Doris Rabb is with us today.

Grina, Thomas: Born November 16, 1949; killed December 19, 1967 by a ground explosion trying to rescue his fellow marines pinned in a killing field.

From Brunswick alone: Leonard J. Peacock, Roger E. Mathis, Carlton Amerson, Larry Williams Bailey, John Devvin Bell, and Rayford H. King.

The names go on and on and on from coastal Georgia, from the entire East Coast of the United States and all through the United States, each soldier a hero, each paying the highest price for this ideal we call freedom.

And on this national birthday let us proudly and sincerely appreciate their lives and their family. Let us recognize the high and significant advancement they gave the cause of freedom. The Vietnam war was to stop the growth of communism so we can say loudly: Mission accomplished.

Thailand, Singapore, Indonesia, Philippines, Malaysia, all once in great peril of Communist rule, are now out of danger and democratic nations today, and 179 out of 192 or 93 percent of the world's countries have free elections. And in the last 10 years 69 nations for the first time in their history have had free elections, and that includes five from the former Soviet Union.

Would this have happened without Vietnam? Hardly. Again I say: Mission accomplished.

But, Mr. Speaker, as we go back and review these monuments, let me close with this: Last summer when the Olympic torch came through Washington I asked one of the Olympic leaders, what happens when the torch goes out? He said, we merely relight it. And I said, is that it, you just relight it? He said yes, that is it. What a shame that freedom's torch cannot be so easily relit. I believe that the torch of freedom that we pass down from generation to generation is more like a candle than a torch and it is a stormy night and the wind is blowing.

Edmund Burke said this, Mr. Speaker. The price of freedom is eternal vigilance, and the name of the great soldiers whose names are on the monuments and the names who are not on monuments, let us never forget that Americans have sacrificed a lot for this ideal we call freedom. Freedom is indeed fragile.

On the field of Gettysburg, Lincoln put it this way:

> It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead

shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Let us remember that, and I will close with the words of Edmund Burke. The price of freedom is eternal vigilance. Let us remember that on this Nation's birthday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today before 6:30 p.m., on account of airline delays in Chicago.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) until 6 p.m. today, on account of travel delays.

Mr. RIGGS (at the request of Mr. ARMEY) for today, on account of illness.

Mr. YATES (at the request of Mr. GEPHARDT) today after 6:15 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. CAPPS, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. PICKERING, for 5 minutes each day, on today and July 9 and 10.

Mr. KINGSTON, for 5 minutes, on July 9.

Mr. SAXTON, for 5 minutes each day, on July 9, 10, and 11.

Mr. RAMSTAD, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. HERGER, for 5 minutes, on July 9.

Mr. RADANOVICH, for 5 minutes, on July 9.

Mr. TAUZIN, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on July 9 and 10.

Mr. DUNCAN, for 5 minutes, on July 9.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on July 9 and 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MASCARA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON.
Mr. PASCRELL.
Mr. DAVIS of Illinois.
Mr. ETHERIDGE.
Mr. KUCINICH.
Mr. FRANK of Massachusetts
Ms. NORTON.
Mr. STOKES.
Mr. KLECZKA.
Mr. BONIOR.
Mr. VISCLOSKY.
Mrs. MALONEY of New York.
Mr. LEVIN.
Mr. HINCHEY.
Mr. BARRETT of Wisconsin.
Mr. KLINK.
Mr. TRAFICANT.
Mr. PASTOR.
Mr. STRICKLAND.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. FORBES.
Mr. RADANOVICH.
Mr. GALLEGLY.
Mr. GINGRICH.
Mr. KELLY.
Mr. DAVIS of Virginia.
Mr. LEWIS of California.
Mr. BURR of North Carolina.
Mr. EWING.
Mr. BEREUTER.
Mr. PITTS.
Mr. FOX of Pennsylvania.
Mr. COMBEST.
Mr. SMITH of New Jersey.
Mr. SHAYS.
Mr. COBLE.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii.
Mr. WAXMAN.
Mr. KINGSTON.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 27, 1997:

H.R. 1553. An act to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, July 9, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4039. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington: Amended Assessment Rate [Docket No. FV97-946-1 FIR] received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4040. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Eastern Colorado Marketing Area; Suspension of Certain Provisions of the Order [DA-97-05] received July 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4041. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation [Docket No. 97-041-1] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP-300500; FRL-5719-9] (RIN: 2070-AB78) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Secretary of Health and Human Services, transmitting a report of violations of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4044. A letter from the Secretary of Defense, transmitting the Department's report entitled "Report on Accounting for United States Assistance Under the Cooperative Threat Reduction (CTR) Program," pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 1996; to the Committee on National Security.

4045. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Year 1997-1998 for a Knowledge Dissemination and Utilization Project Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4046. A letter from the Secretary of Education, transmitting Final Regulations—Impact Aid Program, Title VIII of the Elementary and Secondary Education Act, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4047. A letter from the Secretary of Education, transmitting Final Regulations—William D. FORD Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4048. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Notice of Final Funding Priorities for Fiscal Years 1997-1998 for Rehabilitation Research and Training Centers and a

Knowledge Dissemination and Utilization Project, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4049. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for Impact Aid Program, Title VIII of the Elementary and Secretary Education Act, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4050. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for William D. FORD Federal Direct Loan Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4051. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Reorganizing, Renumbering, and Reinvention of Regulations; Terminology; Correction (RIN: 1212–AA75) received June 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 026–1026; FRL–5853–1] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for Yolo-Solano Air Quality Management District [CA 105–0041a; FRL–5843–9] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4054. A letter from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1997 [MM Docket No. 96–186] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4055. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications; Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual [CC Docket No. 96–193; AAD 95–91] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4056. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network, and Petition for Modification of Section 68.213 of the Commission's Rules filed by the Electronic Industries Association [CC Docket No. 88–57; RM–5643] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4057. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Raton, New Mexico) [MM Docket No. 96–206, RM–8877] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4058. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nashville, Arkansas) [MM Docket No. 97–16, RM–8932] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4059. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chatom and Grove Hill, Alabama) [MM Docket No. 97–71, RM–8920] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4060. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Glenwood Springs, Colorado) [MM Docket No. 97–40, RM–8949] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4061. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mukwonago, Wisconsin) [MM Docket No. 97–92, RM–9032] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4062. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson, Oklahoma) [MM Docket No. 96–248, RM–8950] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4063. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Naches, Washington) [MM Docket No. 97–2, RM–8955] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4064. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Llano and Marble Falls, Texas) [MM Docket No. 95–49, RM–8558] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4065. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Victor, Idaho) [MM Docket No. 97–37, RM–8975] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4066. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Victor, Idaho) [MM Docket No. 97–33, RM–8937] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4067. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Valdez, Alaska) [MM Docket No. 96–258, RM–8967] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4068. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Franklin, Idaho) [MM Docket No. 97–13, RM–8915] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4069. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grass Valley, California) [MM Docket No. 97–29, RM–8921] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4070. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Portland and Seaside, Oregon) [MM Docket No. 96–212, RM–8884] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4071. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamogordo, New Mexico) [MM Docket No. 96–144, RM–8827] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4072. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods; Conditional Exemption From Terminology Section of the Care Labeling Rule [16 CFR Part 423] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4073. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Postmarketing Expedited Adverse Experience Reporting for Human Drug and Licensed Biological Products; Increased Frequency Reports [Docket No. 96N–0108] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4074. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0062] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4075. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers; Technical Amendment [Docket No. 97F–0198] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4076. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational New Drug Application; Exception from Informed Consent; Technical Amendment [Docket No. 97N–0223] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4077. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Adminsitration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0004] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4078. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for the EDGAR System (RIN: 3235–AG96) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4079. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 10–97 extending U.S. involvement in the Cooperative Outboard Logistics Update (COBLU) with the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4080. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 97–22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4081. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4082. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Washington Convention Center Authority Accounts and Operation for Fiscal Years 1995 and 1996," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

4083. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Chief Financial Officers Act Report for the Federal Deposit Insurance Corporation for 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4084. A letter from the Chairman, Federal Housing Finance Board, transmitting the 1996 management reports of the 12 Federal Home Loan Banks and the Financing Corporation, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4085. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4086. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4087. A letter from the Chief, Forest Service, transmitting a copy of the Final Environmental Impact Statement, Record of Decision, and the Revised Land and Resource Management Plan for the Tongass National Forest; to the Committee on Resources.

4088. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 062497C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4089. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; "Other Rockfish" Species Group in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 062497B] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 961227373–6373–01; I.D. 062797C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Define Fishing Trip in Groundfish Fisheries [Docket No. 970619143–7143–01; I.D. 061097A] (RIN: 0648–AC68) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 960805216–7111–06; I.D. 063097C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Abandoned Mine Land Reclamation Plan [VA–104–FOR] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4094. A letter from the Director, Executive Office for U.S. Trustees, Department of Justice, transmitting the Department's final rule—Qualifications and Standards for Standing Trustees (RIN: 1105–AA32) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Money Penalties Inflation Adjustments (Coast Guard) [CGD 96–052] (RIN: 2105–AC63) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace; Los Angeles, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–15] (RIN: 2120–AA66) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4097. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lewisburg, WV (Federal Aviation Administration) [Airspace Docket No. 97–AEA–24] (RIN: 2120–AA66) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4098. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28936; Amdt. No. 403] (RIN: 2120–AA65) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes [Docket No. 97–NM–28–AD; Amendment 39–10060; AD 97–14–03] (RIN: 2120–AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–154–AD; Amdt. 39–10051; AD 97–13–05] (RIN: 2120–AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard 54H60 Series Propellers (Federal Aviation Administration) [Docket No. 97–ANE–24–AD; Amdt. 39–10054; AD 97–13–07] (RIN: 2120–AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River (Coast Guard) [CGD08–97–018] (RIN: 2115–AE84) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes, Excluding Airplanes Equipped With Pratt & Whitney PW4000 and General Electric CF6–80C2 Series Engines (Federal Aviation Administration) [Docket No. 97–NM–94–AD; Amdt. 39–10064; AD 97–14–06] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4104. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G–I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–17–AD; Amdt. 39–10066; AD 97–14–08] (RIN: 2120–AA64) received July 7, 1997, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–16–AD; Amdt. 39–10068; AD 97–14–10] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockhead Model L–1011 Series Airplanes Equipped with Rolls-Royce Model RB211–524 Series Engines (Federal Aviation Administration) [Docket No. 97–NM–06–AD; Amdt. 39–10065, AD 97–14–07] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G–I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–15–AD; Amdt. 39–10067; AD 97–14–09] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903 [STB Ex Parte No. 537] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans' Benefits Improvements Act of 1996 (RIN: 2900–AI66) received June 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4110. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Submission of School Catalogs to State Approving Agencies (RIN: 2900–AH97) received June 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4111. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; District of Columbia [Department of the Treasury Circular, Public Debt Series, No. 2–86] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accelerated Cost Recovery System [Revenue Ruling 97–29] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Claims for Certain Income Tax Convention Benefits [TD 8722] (RIN: 1545–AV33) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transition Relief for Failures to Make Plan Distribution to Certain Employees or Offer Options to Defer Distribution by April 1, 1997 [Announcement 97–70] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on June 26, 1997 the following report was filed on July 1, 1997)

Mr. REGULA: Committee on Appropriations. H.R. 2107. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–163). Referred to the Committee of the Whole House on the State of the Union.

(Pursuant to the order of the House on June 26, 1997 the following report was filed on July 3, 1997)

Mr. LEACH: Committee on Banking and Financial Services. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 105–164 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2018. A bill to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY; with an amendment (Rept. 105–165). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1198. A bill to direct the Secretary of the Interior to convey certain land to the city of Grants Pass, OR, with an amendment (Rept. 105–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Senate Joint Resolution 29. An act to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes (Rept. 105–167). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 822. A bill to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA; with an amendment (Rept. 105–168). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1658. A bill to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; with an amendment (Rept. 105–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 951. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO, (Rept. 105–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 960. A bill to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes; with an amendment (Rept. 105–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 179. Resolution providing for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 105–172). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 180. Resolution providing for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen and Tahoe National Forest in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities (Rept. 105–173). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

(The following action occurred on July 1, 1997)

Pursuant to clause 5 of rule X the Committee on National Security discharged from further consideration. H.R. 1775 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

(The following action occurred on July 3, 1997)

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than September 15, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON:

H.R. 2108. A bill to dispose of certain Federal properties located in Dutch John, UT, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Resources.

By Mr. COOK:

H.R. 2109. A bill to amend the Federal Election Campaign Act of 1971 to require reports filed under such act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt; to the Committee on House Oversight.

By Ms. DELAURO (for herself, Mr. GEJDENSON, Mr. GONZALEZ, Mr. EVANS, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. STARK, Mr. DELLUMS, and Ms. RIVERS):

H.R. 2110. A bill to require employer health benefit plans to meet standards relating to the nondiscriminatory treatment of neurobiological disorders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2111. A bill to reduce the amounts allocated for payments pursuant to production flexibility contracts entered into under the Agricultural Market Transition Act; to the Committee on Agriculture.

By Mr. FRANKS of New Jersey (for himself, Mr. DeFazio, Mr. Oberstar, Mr. Clement, and Mr. Frank of Massachusetts):

H.R. 2112. A bill to amend the Communications Act of 1934 to increase the forfeiture penalty for telephone service slamming and to require providers of such service to report slamming incidents, and for other purposes; to the Committee on Commerce.

By Mr. GEKAS (for himself and Mr. Frost):

H.R. 2113. A bill to amend the Internal Revenue Code of 1986 to exempt from certain reporting requirements certain amounts paid to election officials and election workers; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 2114. A bill to amend the Federal Reserve Act to provide for the appointment of the presidents of the Federal reserve banks by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Finance Services.

By Mr. LIVINGSTON:

H.R. 2115. A bill to provide that compliance by States with the National Voter Registration Act of 1993 shall be voluntary; to the Committee on House Oversight.

By Mr. PASCRELL:

H.R. 2116. A bill to designate the post office located at 194 Ward Street, in Paterson, NJ, as the "Larry Doby Post Office"; to the Committee on Government Reform and Oversight.

By Mr. PITTS:

H.R. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farmland which by covenant is restricted to use as farmland and to exclude the value of such farmland from estate taxes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2118. A bill to prohibit smoking in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. Murtha, Mr. Solomon, Mr. Paxon, Ms. Molinari, Mr. McNulty, Mr. LaTourette, Mr. Weldon of Florida, Mr. Ackerman, Mr. Forbes, Mr. Baker, Mrs. Maloney of New York, Mr. Ehrlich, Mr. Cook, Mr. Livingston, Mr. Flake, Mr. Weller, Mr. Towns, Mr. Engel, Ms. Dunn of Washington, Mr. Hall of Ohio, Mr. McIntosh, Mr. Meehan, Mr. Lewis of California, Mr. Gibbons, Mr. Mascara, Mr. Abercrombie, Mr. Andrews, Mr. Clement, Mr. Foley, Mr. Callahan, Mr. McHale, Mr. Brown of California, Mr. Davis of Virginia, Mr. Jenkins, Mr. Gordon, Mr. Filner, Mr. Wolf, Mr. McIntyre, Mr. Ortiz, Mr. Ramstad, Mrs. McCarthy of New York, Mr. Hefner, Mr. Burton of Indiana, Ms. Rivers, Mr. McGovern, Mr. Sessions, Mr. LoBiondo, Mr. Cooksey, Mr. Metcalf, Mr. Hutchinson, Mr. Brown of Ohio, Mr. Bentsen, Mr. Smith of New Jersey, Mr. Manton, Mr. Shays, Mr. Allen, Mr. Lipinski, Mr. Neal of Massachusetts, Mr. Kasich, Mr. Walsh, Mr. Buyer, Mr. Boehlert, Mr. Aderholt, Mr. Canady of Florida, Mr. Ballenger, Mr. Weldon of Pennsylvania, Mrs. Mink of Hawaii, Mrs. Kelly, and Mr. Manzullo):

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation; to the Committee on Government Reform and Oversight.

By Ms. JACKSON-LEE (for herself, Ms. Eddie Bernice Johnson of Texas, Mr. Frost, Mr. Green, Mr. Archer, Mr. Reyes, Mr. Gonzalez, Mr. Bentsen, and Mr. Lampson):

H. Con. Res. 110. Concurrent resolution to congratulate and commend the United Way of the Texas gulf coast on the occasion of its 75th anniversary; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. Carson, Mr. Clay, Ms. Eshoo, Mr. Filner, Mr. Flake, Mr. Owens, Mr. Sabo, Mr. Stark, and Mr. Vento.

H.R. 15: Mr. Brown of California and Mrs. Clayton.

H.R. 45: Mr. Martinez and Mr. McGovern.

H.R. 51: Mr. Rahall.

H.R. 53: Ms. Woolsey.

H.R. 58: Mr. Everett and Mr. Duncan.

H.R. 59: Mr. McIntosh, Mr. Radanovich, and Mr. Pitts.

H.R. 122: Mrs. Linda Smith of Washington and Mr. Graham.

H.R. 192: Mr. Tanner.

H.R. 197: Mrs. Meek of Florida.

H.R. 264: Mr. Vento.

H.R. 339: Mrs. Linda Smith of Washington and Mr. Jones.

H.R. 343: Mr. Gibbons.

H.R. 367: Mr. Clay, Mr. Weldon of Pennsylvania, Mr. Evans, Mr. Filner, Mr. Mica, Mr. Kasich, and Mr. Callahan.

H.R. 387: Mr. Sanford, Mr. Miller of Florida, and Mr. Cannon.

H.R. 399: Mr. Gibbons.

H.R. 414: Mr. Tanner.

H.R. 492: Ms. Woolsey.

H.R. 519: Ms. McCarthy of Missouri.

H.R. 616: Mr. Allen, Ms. Harman, and Mr. Roemer.

H.R. 631: Mr. Rohrabacher.

H.R. 633: Mrs. Morella and Mr. Hoyer.

H.R. 681: Mr. Pombo and Ms. Harman.

H.R. 753: Mr. Hastings of Florida, Mr. Dixon, and Mr. Gejdenson.

H.R. 754: Mr. Gutierrez and Mr. Traficant.

H.R. 767: Mr. Gibbons.

H.R. 774: Ms. Rivers and Ms. Jackson-Lee.

H.R. 789: Mr. Dan Schaefer of Colorado.

H.R. 813: Mr. Bunning of Kentucky.

H.R. 859: Mr. McIntosh.

H.R. 875: Mr. Bliley and Ms. Sanchez.

H.R. 883: Mr. Skaggs.

H.R. 887: Mr. Frank of Massachusetts.

H.R. 915: Mr. Maloney of Connecticut, Mr. Ackerman, Mrs. Kennelly of Connecticut, Ms. Slaughter, Mr. Snyder, Mr. Jackson, and Mr. Gutierrez.

H.R. 921: Mr. Kennedy of Rhode Island.

H.R. 965: Mr. Gibbons.

H.R. 977: Mr. Poshard.

H.R. 978: Mr. Olver.

H.R. 991: Ms. Brown of Florida.

H.R. 1002: Mr. Gibbons and Ms. DeGette.

H.R. 1023: Ms. McCarthy of Missouri, Mr. Lampson, Mr. Sessions, Mr. Smith of Michigan, and Mr. Jones.

H.R. 1050: Ms. Carson and Mr. McGovern.

H.R. 1054: Ms. Hooley of Oregon, Mr. Price of North Carolina, Mr. Gibbons, and Mr. Ensign.

H.R. 1060: Mr. Pickett, Mr. Oberstar, Mr. Frost, Mr. Callahan, Mr. Stump, Mr. Sisisky, and Mr. Istook.

H.R. 1061: Mrs. Meek of Florida and Mr. Pascrell.

H.R. 1108: Mr. Burton of Indiana.

H.R. 1114: Mr. Price of North Carolina, Mr. Barrett of Wisconsin, Mr. Gilman, Mrs. Fowler, Mr. Engel, Mr. Lampson, Mr. Rush, and Mr. Baldacci.

H.R. 1126: Mr. Hansen and Mr. Metcalf.

H.R. 1161: Mr. Payne.

H.R. 1165: Mrs. Clayton, Mr. Nadler, Mr. Towns, Mr. Traficant, and Mr. Turner.

H.R. 1168: Mr. Condit, Mr. Norwood, Mr. Metcalf, and Mr. Leach.

H.R. 1169: Mr. Franks of New Jersey.

H.R. 1171: Mr. Ryun, Mr. Rohrabacher, and Mr. Mascara.

H.R. 1175: Ms. Sanchez.

H.R. 1181: Mr. Houghton, Mr. King of New York, Mr. Olver, Mr. Lazio of New York, Mr. Doyle, and Mr. Kennedy of Massachusetts.

H.R. 1240: Mr. Olver and Mr. Kennedy of Rhode Island.

H.R. 1280: Mr. Wexler and Mr. Jones.

H.R. 1283: Mr. Calvert, Mrs. Northup, Mr. Burton of Indiana, Mr. Blumenauer, and Mr. Castle.

H.R. 1296: Mr. Frost.

H.R. 1330: Mr. Peterson of Minnesota.

H.R. 1334: Ms. Millender-McDonald.

H.R. 1373: Mr. Thompson and Mr. Brown of Ohio.

H.R. 1376: Mr. Jackson, Mr. Pascrell, Mr. Olver, Mr. Green, and Mr. Rothman.

H.R. 1437: Mr. Ackerman, Mr. Capps, Mr. Miller of California, Mr. Stark, Mr. Kennedy of Massachusetts, Mr. Frost, Ms. McKinney, Mr. Gilman, and Mrs. Roukema.

H.R. 1450: Mr. Visclosky and Mr. Kildee.

H.R. 1492: Mr. Stump.

H.R. 1500: Mr. Maloney of Connecticut.

H.R. 1507: Mr. Evans, Ms. Lofgren, Mr. Coyne, Mr. Abercrombie, Mr. Dixon, Mr. Conyers, Mr. Stupak, Mr. Scott, Ms. Jackson-Lee, Ms. Pelosi, Mr. McDermott, Mr. Delahunt, Mr. Wynn, Mr. Watt of North Carolina, Mr. Pastor, and Mr. Stokes.

H.R. 1526: Mr. Sensenbrenner, Mr. McIntyre, Mr. Andrews, Mr. Kleczka, Mr. Leach, Mr. Whitfield, Mr. Souder, and Mrs. Northup.

H.R. 1534: Mr. Dooley of California, Mr. Frost, Mr. Hastings of Washington, Mr. Hansen, Mr. Riley, and Mr. Bob Schaffer.

H.R. 1543: Mr. Martinez.

H.R. 1544: Mr. Cook, Mr. Talent, and Mr. Goodlatte.

H.R. 1609: Mr. Delahunt.

H.R. 1614: Mr. Gibbons, Mr. Wolf, and Mr. Manton.

H.R. 1619: Mr. John, Mr. Hamilton, Mr. Shimkus, Mr. Norwood, Mr. Lewis of Kentucky, Mr. Roemer, Mr. Latham, Mr. Camp, and Mr. Moran of Kansas.

H.R. 1636: Mr. Levin, Mr. Lipinski, Mr. Lampson, and Mr. Sabo.

H.R. 1679: Mr. DOYLE and Mr. MCDADE.

H.R. 1689: Mr. PETERSON of Minnesota.

H.R. 1693: Mr. GUTIERREZ, Ms. RIVERS, and Ms. MILLENDER-MCDONALD.

H.R. 1709: Mr. MCINTOSH, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. BOB SCHAFFER, Mr. GOODLATTE, Mr. MANZULLO, Mr. SMITH of Texas, Mrs. CHENOWETH, Mr. SENSENBRENNER, Mr. PORTER, and Mr. KLUG.

H.R. 1716: Mrs. MALONEY of New York and Ms. FURSE.

H.R. 1743: Mr. HASTINGS of Washington.

H.R. 1782: Ms. WOOLSEY.

H.R. 1802: Mr. DIAZ-BALART, Mr. KING of New York, and Mr. SOLOMON.

H.R. 1812: Mrs. MYRICK.

H.R. 1814: Mr. FRANK of Massachusetts.

H.R. 1824: Mr. OLVER, Mr. PAYNE, and Mr. FLAKE.

H.R. 1836: Mr. SUNUNU.

H.R. 1839: Mr. TAYLOR of Mississippi, Mr. SNOWBARGER, and Mr. HANSEN.

H.R. 1849: Mr. FROST, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. ISTOOK, and Mr. UNDERWOOD.

H.R. 1855: Mr. KENNEDY of Massachusetts, Mr. TIERNEY, and Mr. LOBIONDO.

H.R. 1859: Mr. BARRETT of Nebraska.

H.R. 1873: Mr. MCGOVERN.

H.R. 1874: Mr. BENTSEN, Mr. DELLUMS, and Mr. STARK.

H.R. 1912: Mr. BATEMAN.

H.R. 1946: Mr. MANTON and Mr. FILNER.

H.R. 1955: Mr. SESSIONS, Mr. HOBSON, Mr. LIPINSKI, Ms. DUNN of Washington, Ms. HOOLEY of Oregon, and Mr. CANADY of Florida.

H.R. 1993: Ms. CARSON.

H.R. 2005: Mr. DAN SCHAEFER of Colorado, Mr. WATTS of Oklahoma, Ms. VELÁZQUEZ, and Mr. MCNULTY.

H.R. 2011: Mr. COOKSEY, Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. EHRLICH, and Mr. WATTS of Oklahoma.

H.R. 2029: Mr. PETERSON of Pennsylvania and Mr. HASTINGS of Florida.

H.R. 2031: Mr. FLAKE and Mr. RUSH.

H.R. 2064: Mr. HILLIARD and Mr. HOUGHTON.

H.R. 2070: Mrs. KELLY and Mr. MCHUGH.

H.R. 2081: Mr. WELDON of Florida.

H.R. 2103: Mr. LAHOOD and Mr. LATOURETTE.

H.J. Res. 76: Mr. SANDERS and Mr. LAMPSON.

H.J. Res. 78: Ms. DUNN of Washington, Mr. CAMP, Mr. BATEMAN, Mr. MCINTYRE, Mr. COOKSEY, Mr. COBLE, Mr. REDMOND, and Ms. CHRISTIAN-GREEN.

H. Con. Res. 6: Mr. TALENT and Mr. GOODE.

H. Con. Res. 40: Mr. RANGEL, Mr. LEACH, Ms. CARSON, Mr. FROST, Ms. WOOLSEY, and Mr. YATES.

H. Con. Res. 52: Mr. NADLER, Mrs. MEEK of Florida, and Mrs. MCCARTHY of New York.

H. Con. Res. 55: Mr. BILIRAKIS, Mr. MARKEY, Mr. BLILEY, and Mrs. LOWEY.

H. Con. Res. 97: Mr. TORRES and Mr. STARK.

H. Con. Res. 107: Mr. GREENWOOD.

H. Res. 16: Mr. FROST and Mr. WOLF.

H. Res. 26: Mr. MARKEY, Mrs. LOWEY, Mr. PASCRELL, Ms. BROWN of Florida, and Mr. MEEHAN.

H. Res. 37: Mr. FATTAH, Mr. BERMAN, and Mr. UNDERWOOD.

H. Res. 50: Mr. DOYLE.

H. Res. 122: Mr. DELLUMS and Mr. FRANKS of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 886: Mr. FRANK of Massachusetts.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 858

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) RIPARIAN RESTORATION.—During any fiscal year in which the resource management activities required by subsection (d) result in net revenues, the Secretary shall recommend to the authorization and appropriation committees that up to 25 percent of such net revenues be made available in the subsequent fiscal year for riparian restoration projects that are consistent with the Quincy Library Group-Community Stability Proposal within the Plumas National Forest, the Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest. For purposes of this paragraph, net revenues are the revenues derived from activities required by subsection (d), less expenses incurred to undertake such activities (including 25 percent payment to the State of California under the Act of May 23, 1908 (Chapter 192; 35 Stat. 259; 16 U.S.C. 500, 553, 556d).

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) EFFECT ON MULTIPLE USE ACTIVITIES.—The Secretary shall not rely on the resource management activities described in subsection (d) as a basis for administrative action limiting other multiple use activities in the Plumas National Forest, the Lassen National Forest, and the Tahoe National Forest.

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas

National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i) EXPEDITIOUS IMPLEMENTATION AND ENVIRONMENTAL LAW COMPLIANCE.—

(1) ENVIRONMENTAL LAW REQUIREMENT.—All environmental impact statements for which a final record of decision is required to be prepared in accordance with this subsection, and all records of decision adopted under this subsection, shall comply with applicable environmental laws and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Province Interim Guidelines issued by the Forest Service, and subsequently issued final standards and guidelines that modify such interim guidelines when such final standards and guidelines become effective.

(2) ENVIRONMENTAL IMPACT STATEMENT FOR PILOT PROJECT AND FIRST INCREMENT.—Not later than the expiration of the 150-day period beginning on the date of the enactment of this Act, the Regional Forester for Region 5 shall, after a 45-day period for public comment on the draft environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for all of the pilot project area specified in subsection (b)(2) that covers the resource management activities required by subsection (d) for the 5-year duration of the pilot project—

(A) adopt a final record of decision for that statement; and

(B) include as part of that statement a project level analysis of the specific resource management activities required by subsection (d) that will be carried out in an area within the pilot project area during the increment of the pilot project that begins on the day that is 150 days after enactment of this Act and ends December 31, 1998.

(3) SUBSEQUENT YEARLY ENVIRONMENTAL DOCUMENTS.—Not later than January 1 of 1999 and of each year thereafter throughout the term of the pilot project, the Regional Forester for Region 5 shall, after a 45-day public comment period, adopt a final record of decision for the environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 consisting of a project level analysis of the specific resource management activities required by subsection (d) that will be carried out during that year. A statement prepared under this paragraph shall be tiered where appropriate to the environmental impact statement referred to in paragraph (2), in accordance with regulations issued by the Council on Environmental Quality.

(4) CONSULTATION.—Each statement and analysis required by paragraphs (2) and (3) shall be prepared in consultation with the Quincy Library Group.

(5) FOREST SERVICE FOCUS.—

(A) IN GENERAL.—The Regional Forester for Region 5 shall direct that, during the period described in subparagraph (B)—

(i) any resource management activity required by subsection (d), all road building, and all timber harvesting activities shall not be conducted on the Federal lands within the Plumas National Forest, Lassen National Forest, and Sierraville Ranger District of the Tahoe National Forest in the State of California that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a); and

(ii) excess financial and human resources available to National Forests and Ranger Districts that are participating in the pilot project shall be applied to achieve the resource management activities required by subsection (d) and the other requirements of this section within the pilot project area specified in subsection (b)(2).

(B) PERIOD DESCRIBED.—The period referred to in subparagraph (A) is when the resource management activities required by subsection (d) are being carried out, or are eligible to be carried out, on the ground on a schedule that will meet the yearly acreage requirements of subsection (d) and under environmental documentation that is timely prepared under the schedule established by paragraphs (2) and (3).

(6) PROTECTION OF EXISTING WILDERNESS.—This section shall not be construed to authorize any resource management activity in any area required to be managed as part of the National Wilderness Preservation System.

(7) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

H.R. 858

OFFERED BY MR. MILLER OF CALIFORNIA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall, to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California Spotted Owl as set forth in the California Spotted Owl Sierran Province Interim Guidelines, implement and carry out the following resource management activities on the Federal lands included within the pilot project area under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and an active restoration effort.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the earlier of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (h).

(2) The date that is five years after the date of the commencement of the pilot project.

(h) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(i) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the

Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) Limitation on expenditures.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(j) Final Report.—

(1) In general.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) Limitations on expenditures.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(k) Relationship to Other Laws.—Nothing in this section exempts the pilot project from any Federal environmental law.

H.R. 1775

Offered By: Mr. Conyers

Amendment No. 2: Page 10, after line 15, insert the following new section:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1999 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

H.R. 1775

Offered By: Mr. Frank of Massachusetts

Amendment No. 3: Page 6, after line 24, insert the following new section:

SEC. 105. REDUCTION IN FISCAL YEAR 1998 INTELLIGENCE BUDGET.

(a) Reduction.—The amount obligated for activities for which funds are authorized to be appropriated by this Act (including the classified Schedule of Authorizations referred to in section 102(a)) may not exceed—

(1) the amount that the bill H.R. 1775, as reported in the House of Representatives in the 105th Congress, authorizes for such activities for fiscal year 1998, reduced by

(2) the amount equal to 0.7 percent of such authorization.

(b) Exception.—The amounts appropriated pursuant to section 201 for the Central Intelligence Agency Retirement and Disability Fund may not be reduced by reason of subsection (a).

(c) Transfer and Reprogramming Authority.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the limitation required by subsection (a) by transferring amounts among accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

H.R. 1775

Offered By: Mr. McCollum

Amendment No. 4: Page 10, after line 15, insert the following new section:

SEC. 306. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) Report to Congress.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) Delivery of Report.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) Contents of Report.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

H.R. 1775

Offered By: Mr. Traficant

Amendment No. 5: Page 10, after line 15, insert the following new section:

SEC. 306. ESTABLISHMENT OF 3-JUDGE DIVISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR DETERMINATION OF WHETHER CASES ALLEGING BREACH OF SECRET GOVERNMENT CONTRACTS SHOULD BE TRIED IN COURT.

(a) Assignment of Judges.—The Chief Justice of the United States shall assign 3 circuit judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) *Assignment and Terms.*—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2-years each, the first of which shall commence on the date of the enactment of this Act.

(c) Factors in Division's Deliberations.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) Referral of Cases.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case of the division of the court.

(e) Effect of Division's Determination.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) Other Judicial Assignments Not Barred.—Assignment of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) Vacancies.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) Support Services.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) Definitions.—For purposes of this section—

(1) the term "secret Government contract" means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term "member of the intelligence community" means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

(j) APPLICABILITY OF SECTION.—

(1) IN GENERAL.—This section applies to claims arising on or after December 1, 1976.

(2) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act which would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

H.R. 1775

OFFERED BY: MS. WATERS

AMENDMENT NO. 6: Page 10, after line 15, insert the following new section:

SEC. 306. STUDY OF CIA INVOLVEMENT IN THE USE OF CHEMICAL WEAPONS IN THE PERSIAN GULF WAR.

Not later than August 15, 1999, the Inspector General of the Central Intelligence Agency shall conduct, and submit to Congress in both a classified and declassified form, a study concerning Central Intelligence Agency involvement (or knowledge thereof) of the use of chemical weapons by enemy forces against Armed Forces of the United States during the Persian Gulf War. Such study shall determine—

(1) whether there is any complicity of Central Intelligence Agency agents, employees, or assets in the use of chemical weapons;

(2) whether there is any use of appropriated funds for such purposes; and

(3) the extent of involvement of other elements of the Intelligence Community of the United States or foreign intelligence agencies in the use of such weapons.

H.R. 1775

OFFERED BY: MS. WATERS

AMENDMENT NO. 7: Page 10, after line 15, insert the following new section:

SEC. 306. CLANDESTINE DRUG STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Clandestine Drug Study Commission" (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall—

(1) secure the expeditious disclosure of public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the Central Intelligence Agency or others on their behalf or associated with the Central Intelligence Agency;

(2) report on the steps necessary to eradicate any Central Intelligence Agency involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers; and

(3) recommend appropriate criminal sanctions for the involvement of Central Intelligence Agency employees involved in drug trafficking or the failure of such employees to report their superiors (or other appropriate supervisory officials) knowledge of drug smuggling into or within the United States.

(c) MEMBERSHIP.—The Commission shall be comprised of nine members appointed by the Attorney General of the United States for the life of the Commission. Members shall obtain a security clearance as a condition of appointment. Members may not be current or former officers or employees of the United States.

(d) COMPENSATION.—Members of the Commission shall serve without pay but shall each be entitled to receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM.—A majority of the Members of the Commission shall constitute a quorum.

(f) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by the members of the Commission.

(g) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is empowered to investigate by this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses). Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(j) CONTRACT AUTHORITY.—The Commission may enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission with any public agency or with any person.

(k) REPORT.—The Commission shall transmit a report to the President, Attorney General of the United States, and the Congress not later than three years after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(l) TERMINATION.—The Commission shall terminate on upon the submission of report pursuant to subsection (k).

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 to carry out this section.

H.R. 2107

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 1: Page 2, line 13, strike "$581,591,000" and insert in lieu thereof "$576,939,000".

Page 60, line 20, strike "$636,766,000" and insert in lieu thereof "$638,866,000".

EXTENSIONS OF REMARKS

HOUSE RIGHT TO GIVE MIDDLE CLASS A BREAK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. GINGRICH. Mr. Speaker, I would like to submit into the CONGRESSIONAL RECORD the following editorial, "House Right to Give Middle Class a Break." Appearing in the Atlanta Journal on June 30, 1997, this article cuts through all the misleading rhetoric surrounding the recently passed House tax-cutting bill. While providing the first major Federal tax cut to working Americans in 16 years, this bill will bestow a full three-quarters of its benefits upon middle income Americans with incomes under $75,000 per year.

I would like to clear up two misconceptions about this bill. First of all, some of my friends on the left have attacked this bill because we chose to give tax relief to taxpayers, rather than channel the money into additional welfare spending. The fact of the matter is that the poorest working Americans do not pay Federal income tax, and the payroll taxes that are withheld from their paychecks are more than fully refunded through the earned income tax credit. To give an additional $500-per-child tax credit to those who pay no taxes is welfare, plain and simple. Now if my redistributionist friends on the left favor higher welfare spending, they are welcome to make that argument on its own merits, but they should not disguise additional welfare payments as a tax credit.

The second false argument made by critics of the bill is that it is a tax giveaway to the rich. First of all, my Republican colleagues and I, start from the premise that tax dollars belong first and foremost to those who earned it, not the Government. Thus, the term "tax giveaway" can only be accurately used to describe the redistribution of wealth, whereby the Government confiscates money from the one who earned it to give it to someone who did not earn it. Furthermore, in analyzing who benefits from this tax bill, the Treasury Department cooked the books to make practically any taxpaying jobholder rich. For example, in calculating income, the Treasury Department factored in the potential revenue which could be generated by renting out one's house. No rational American considers him or herself wealthier by such a hypothetical source of additional income.

I join the Atlanta Journal in celebrating this long-overdue tax relief for hard-working Americans.

[From the Atlanta Journal, June 30, 1997]

OPINION: HOUSE RIGHT TO GIVE MIDDLE CLASS A BREAK

The House has passed a budget bill that would eliminate deficits by 2002, offer college scholarships to thousands of students and, for the first time in 16 years, give a significant tax break to an overburdened middle class.

And though it does all those remarkable things—helped by a hard-charging economy—the bill garnered support from just 27 Democrats. The Senate on Friday passed a similar budget bill, but with considerably more bipartisan support.

The 179 Democrats who voted against the House bill complained that it tilted too heavily in favor of the "rich" (read: the middle class) and did too little to help the "poor" (read: those who pay little or no taxes).

"They [Republicans] give tax breaks to people who don't need them," charged Rep. Edward Markey (D-Mass).

We think the middle class needs them, and thus we're glad that families earning $75,000 a year or less would get 76 percent of this bill's benefits. The main ones are:

$3,000 in tax breaks for the first two years of college, or $10,000 per year in tax deductions for tuition. The provision, a pet project of President Clinton, consumes about $30 billion of the overall $85 billion in tax cuts.

An increase in the amount of income exempted from inheritance taxes from $600,000 to $1 million. While Democrats charge this provision helps the rich, mostly it benefits small-business owners who risk losing a family business to an onerous tax liability after the death of a relative.

A cut in the capital gains tax to 20 percent from 26 percent, and adjusting capital gains to the effects of inflation. This benefits not just the wealthy, but a middle class increasingly invested in 401(k)s and mutual funds, as well as average home sellers whose "gains" are largely the result of inflation.

A tax credit of $500 per child 17 or younger for families earning less than $110,000. The credit, benefiting millions of families, would be $400 next year, rising to $500 thereafter.

House Democrats complain not just about the capital gains tax cut—which benefits all Americans by sparking capital investment and job creation—but also that Republicans refused to extend the child care tax credit to the working poor. Democrats wanted the $500-per-child credit to go to those who don't even have $500 in tax liability, giving the working poor, on top of the Earned Income Tax Credit, one more "refund" on taxes they didn't pay. But that's not a tax cut; it's another scheme to seize income from one American and put it in the pocket of another.

To the extent the working poor pay taxes, prepare their kids for college and try to save for the future, this bill is a boon to them. But in the end, tax cuts should go to people who actually pay taxes.

TRIBUTE TO BASEBALL LEGEND AND CIVIL RIGHTS PIONEER, LARRY DOBY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. Lawrence Eugene Doby of Montclair, NJ, the first African-American to play baseball in the American League.

Mr. Doby was a leader in breaking down the color barriers both in baseball, and outside the stadium walls in our society. Mr. Doby first played for the Cleveland Indians on July 5, 1947. Now, as we approach the 50th anniversary of that momentous day, it is fitting that we pay tribute to this great civil rights pioneer and honor his many achievements.

Mr. Doby was born in Camden, SC, on December 12, 1923. In 1938, he and his mother moved to Paterson, NJ, where he immediately demonstrated his great athletic prowess. At Eastside High School, he lettered in no less than four sports—baseball, basketball, track, and football. Upon his graduation from high school, Mr. Doby enrolled in Long Island University on a basketball scholarship. He later transferred to Virginia Union College, but had his education interrupted when he was drafted into the Navy in 1943.

Mr. Doby began his path to eventual stardom after receiving an honorable discharge from the Navy in 1946, when he joined the San Juan Senators in Puerto Rico and played there for several months. Later in 1946, Mr. Doby joined the Newark Eagles in the Negro National League as a second baseman. In his first year on the Eagles, Mr. Doby had a .348 batting average and earned a spot on the Negro American League All-Stars team. He also led the Eagles to the World Series, where they defeated the Kansas City Monarchs in a seven-game series.

During the early part of the 1947, rumors began spreading that Mr. Doby had been chosen to be the Jackie Robinson of the American League. These rumors became reality on July 5, 1947, as Bill Veeck of the Cleveland Indians officially purchased his contract from Effa Manley, the owner of the Newark Eagles.

Mr. Doby played in the American League for a total of 13 seasons. He spent nine of those with the Indians, three with the Chicago White Sox, and one, his last season, with the Detroit Tigers. His baseball career as a player ended on May 7, 1960, due to a torn ligament, fractured ankle and several other injuries. Throughout his career, Mr. Doby had amassed an astounding record, including a .283 batting average; 253 home runs; 969 runs; and a .983 fielding average. He also broke down several additional color barriers by becoming the first African-American to play in the World Series, hit a home run in any World Series, and win a major league home run title.

Despite his many commitments and extensive traveling, Mr. Doby managed to find time to raise a close-knit family. On August 19, 1946, he married his childhood sweetheart, Helyn Curvy, also from Paterson. Together, they raised five children, six grandchildren, and four great-grandchildren.

After his career as a player ended, Mr. Doby by no means gave up on his commitment to the sport of baseball. Instead, he entered the second phase of his career, as a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

manager. In 1971, he became a full-time batting coach for the Montreal Expos. He would later serve as coach for the Cleveland Indians; manager of Zulia, a team in Maracaibo, Venezuela; and serve in a number of other scouting and coaching positions in the Major League. He became manager of the Chicago White Sox in 1978, becoming only the second African-American manager in Major League history.

Mr. Doby was inducted into the Hall of Fame of the Cleveland Indians and Chicago White Sox in 1987. He also received recognition from the State of New Jersey, as the State legislature declared July 15, 1987, "Larry Doby Day," and Mr. Doby was presented with the Governor's Award. In addition, Baseball Commissioner Peter Ueberroth appointed Mr. Doby to serve on a special committee to help find ways to further integrate Major League baseball.

Despite his great accomplishment, Mr. Doby has remained modest and endearing, a true gentleman. Mr. Doby always give thanks to God for giving him the talent to help integrate baseball and American society, to Mr. Veeck for giving him the opportunity to use that talent, and to his wife. Helyn, for holding together their family while he was away.

Mr. Speaker, I ask that you join me, our colleagues, Mr. Doby's family and friends, the Township of Montclair and the city of Paterson in recognizing Lawrence Eugene Doby for his outstanding and invaluable service to the community, to baseball, and to America.

TRIBUTE TO PAUL DEMOURA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to recognize Mr. Paul DeMoura of Swan Sea, MA, who is one of the top collectors of hats and caps in the United States.

Paul has collected hundreds of hats and caps from all over the United States and the world.

Paul's father, Mr. Raymond DeMoura, served in Company "B" of the 78th Medical Battalion during World War II. The 78th Medical Battalion acquired the reputation for excellence in its assistance and treatment of the wounded during World War II. Members of the 78th Battalion proudly recount that not one life was lost while tending to the injured and evacuating them from the front lines.

The men of Company "B" are the primary source of Paul's hat and cap collection. A very religious individual, Paul says a prayer for each of the men who presents him with a new hat or cap.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to Mr. Paul DeMoura for his status as one of the top hat and cap collectors in the United States. I wish Paul and his parents, Raymond and Evelyn DeMoura, all the best the future can bring.

TRIBUTE TO GWENDOLYN BROOKS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to acknowledge the 80th birthday of Ms. Gwendolyn Brooks, Poet Laureate of Illinois. Poet Laureate of Illinois; a communicator with the world, a song to be sung, a lesson to be learned, a life to be lived.

Gwendolyn Brooks, a master of using the written word, is the author of more than 20 books. The highly acclaimed "A Street in Bronzeville" was the first, published in 1945. For three decades, her works were published by Harper & Row. However, for economic reasons, she switched to the black-owned Broadside Press in 1969 and in 1974, to the Third World Press.

Gwendolyn Brooks was named Poet Laureate in 1968 and has continued to be relevant, fresh, and vibrant for all of these years. Therefore, our hats are off to a great American, a profound and prolific writer, a great humanitarian—Ms. Gwendolyn Brooks, Poet Laureate of Illinois.

PARTICIPANTS IN CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM EXCEED 10,000

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of our colleagues an excerpt from the May 15, 1997 record of the German Bundestag. Vice-President Hans-Ulrich Klose of the Bundestag interrupted proceedings on that day to acknowledge the presence in the visitors' gallery of American participants in the Congress-Bundestag Youth Exchange Program, and noted that the number of participants in this youth exchange program has now exceeded 10,000.

The Congress and the German Bundestag initiated this program in 1983 to strengthen ties between young people in our two countries, and I believe it is playing an important role in building strong United States-Germany relations for the future. The text of the Bundestag transcript follows:

GERMAN BUNDESTAG—13TH ELECTORAL TERM—175TH SITTING BONN, THURSDAY, MAY 15, 1997, EXCERPT FROM THE STENOGRAPHIC RECORD, FULL PLENARY SESSION (APPROX. 670 MEMBERS PRESENT)

Vice-President Hans-Ulrich Klose: I now close the debate.

Before we proceed to the vote may I ask for your attention for a moment. Three young Americans are sitting in the distinguished visitors' gallery. They belong to the group of 400 American students and young professionals who have spent a year in Germany as participants in the Congress-Bundestag Youth Exchange Program. (Applause in the entire House)

Why am I mentioning this today by way of exception? I am mentioning it, my dear Colleagues, because with this group the number of participants has reached and exceeded 10,000. (Sustained applause in the entire House)

I should like to welcome, on behalf of all this year's participants in the Congress-Bundestag Youth Exchange Program, the 9,999th participant, Kristina Bass from California, (Applause in the entire House) the 10,000th participant, Nicole Myers from Pennsylvania, (Applause in the entire House) and the 10,001st participant, Brian Blake from Connecticut. (Applause in the entire House)

The Congress-Bundestag Youth Exchange Program, which was inaugurated in 1983 by the U.S. Congress and the German Bundestag, contributes with its special emphasis on young people to strengthening the close relationship between our two countries in the future—our common future.

We all know that both countries, the United States of America and the Federal Republic of Germany, face major challenges. There are substantial budgetary problems in both countries. However, I would like to take this special opportunity to appeal to our colleagues in the U.S. Congress and to the Members of this House to definitely continue this program on the present scale. (Lively applause in the entire House)

I would also like to take this opportunity to thank my colleagues in the Bundestag very warmly for their willingness to sponsor German and American participants year after year.

I hope that the participants will have a good time tomorrow. May you retain many pleasant memories of this exchange year in Germany, which is soon coming to an end: may it inspire you to make the good relationship between our two countries your personal concern. Welcome! (Applause in the entire House)

A PROMISE KEPT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Norfolk Daily News on July 5, 1997.

A PROMISE KEPT—HONG KONG REVERTS TO CHINA; REASON FOR PRIDE IN WHAT HAS BEEN ACHIEVED

Hong Kong residents have been promised a capitalist economy and a relatively free society for at least 50 years. People now alive will be able to see whether the government of China, which continues to be governed by Communists, keeps its word as the British did in turning back this rich, small and independent enclave after their 99-year lease expired June 30.

A contract was honored; no gunfire exchanged.

That has not been the way of international relations; rather, it is an exception.

In farewell remarks, the last British governor of the territory, Chris Patten, said of Hong Kong: "It is a great Chinese success story written—to be fair—within a system of values and British institutions which have encouraged, not threatened, that success."

It is an example of what can be achieved when industrious people are free to profit from their hard work and enterprise, and able to live their lives without an oppressive government.

Britishers should be proud of what they accomplished as they relinquish control of this remnant of a once huge empire.

The future benefits to mankind might turn out to be as significant as those which followed the grim days when they stood virtually alone against Adolf Hitler's aggression.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1997

Mr. STOKES. Mr. Speaker, I rise today to express my strong support for House Joint Resolution 79, a bill to disapprove most-favored-nation [MFN] trade status for China. House Joint Resolution 79 is targeted to send a strong message to the Chinese Government that continues suppression of human rights, flaunting of international agreements on nuclear nonproliferation, and engaging in unfair trade practices cannot be tolerated, ignored, or rewarded.

Denying most-favored-nation status for China is a reasonable response to the continuing controversy over trade and human rights policy with regard to China. It is absolutely imperative that the House of Representatives and the United States Government not reward the Chinese regime which brutally massacred pro-democracy demonstrators in Tiananmen Square. Granting most-favored-nation status for all Chinese products rewards the Chinese regime for its intransigence on human rights, and its refusal to engage in fair trade.

Mr. Speaker, despite the arguments of those who support unfettered trade with China, the fact remains that trade and human rights are inextricably linked. A nation that suppresses its citizens' human rights also suppresses their wages. This, in turn, leads to an unnatural advantage in trade, which adversely impacts American businesses and workers, and causes the loss of American jobs.

In fact, the United States receives more than 30 percent of China's exports, accounting for a significant portion of the Chinese GDP. While on the other hand, less than 2 percent of American exports go to China. China's extensive use of prison and child labor over the past decade has resulted in a staggering 1,000 percent increase in the China-United States trade deficit. This imbalance is projected to top $40 billion this year.

The United States trade deficit with China is second only to our trade deficit with Japan. Yet, despite the freedom we grant to Chinese imports to the United States, China does not grant most-favored-nation status to United States goods, and continues to bar certain United States goods from the Chinese market. For those who advocate free trade, it seems rather illogical and inconsistent to grant free access to our market to a country which denies free access to their market for our goods.

Most-favored-nation status is perhaps the most effective tool for influencing the Chinese Government to improve their record on human rights. If the United States continues to grant most-favored-nation status to Chinese goods, without requiring improvements in human rights, there is no incentive for the Chinese regime to alter their policies.

Mr. Speaker, I strongly urge all of my colleagues to insist that the United States stand up for the principles of human rights, and for the freedom of the Chinese people. Vote for House Joint Resolution 79 and send a clear, unmistakable message to the dictators in Beijing, and your consistuents, that you believe in freedom and democracy for people all over the world.

TRIBUTE TO MARK S. LEVENSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Mark S. Levenson of Clifton, NJ.

Mark was born and raised in Boston, MA and graduated from Maimonides Day School. He is a cum laude graduate of Brandeis University where he majored in economics and political science and was a recipient of the William Mazur Scholarship. During and after college, Mark worked in Washington, DC, completing a tenure with Congressman Robert F. Drinan; the late Speaker of the House, Thomas P. "Tip" O'Neill, Jr.; Senator EDWARD M. KENNEDY's Energy subcommittee of the Joint Economic Committee; and the Urban Institute think tank.

Mark received his J.D. from New York University School of Law in 1982 where he served as research editor on the "Annual Survey of American Law." He has been a practicing attorney in New York for the last 15 years, specializing in domestic and international real estate transactions and corporate advisory matters. Mark has worked on major projects in the United Kingdom, India, the Czech Republic, Canada, Australia, Latin America, and throughout the United States. He is currently a partner with the firm of Kronish, Lieb, Weiner and Hellman, L.L.P. in New York City and is a member of the board of directors of the New York Chapter of the National Association of Corporate Real Estate Executives and the American Bar Association's Real Estate, Probate and Trust Law Section's Environmental Aspects of Corporation Subcommittee.

Mark is the honorary president of Congregation Adas Israel Synagogue having served as president for the previous 3 years. He is recording secretary of the Jewish Federation of Greater Clifton-Passaic and is a member of the executive committee; he chairs the Federation's young leadership development program and serves on the YM–YWHA Program Services Committee. Mark also is a member of the executive committee of the New York Regional Board of the Anti-Defamation League. He was a recipient of the 1994 Young Leadership Award of the Federation and has received several other awards for his charitable and volunteer work.

Mark has always been involved in giving back to the community. Prior to moving to the Passaic-Clifton area, Mark served as treasurer and then vice-president of the Young Israel of the West Side, New York, as co-chair of the UJA-Federation of Jewish Philanthropies of New York, Young Lawyer's Division, and as founding chair of the UJA Lawyer's Division Specialty Task Force Subcommittee on Corporations. He was also a member of the UJA Lawyer's Division Steering Committee.

Mark is a pro bono arbitrator in the New York City Civil Court System and serves on the U.S. District Court, Southern District of New York, Mediation Panel. He is married to Eta Krasna Levenson. Professionally, Eta is assistant director of Yachad/The National Council for the Jewish Disabled, but she also serves as vice-president for education of Congregation Adas Israel, chair of the Jewish Family Services Advisory Council, director of the Hand-In-Hand charitable organization, and as trustee of the Federation. Mark and Eta are the proud parents of Eric, Hadassa, and Jessica.

Mr. Speaker, I ask that you join me, our colleagues, Mark's family and friends, and the congregation of Adas Israel in recognizing Mark S. Levenson's outstanding and invaluable service to the community.

A TRIBUTE TO DONALD "CY" WALSH ON 50 YEARS OF SERVICE TO VOLUNTEER FIREFIGHTING IN RIVERHEAD

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to one of the heroes of our Long Island community. Donald "Cy" Walsh has served the Riverhead Fire Department with 50 years of devotion and selflessness on behalf of his neighbors. This small-town hero and World War II veteran has volunteered his time, energy, and leadership to the Riverhead, and community service has been the recurring theme of his life. He will be honored for that lifetime of service by the Riverhead Volunteer Firemen's Association on July 8, 1997.

Cy Walsh joined the Riverhead Fire Department in 1947, where he started as a volunteer member of Fire Police Patrol #1. His hard work, dedication, and perseverance in response to midnight calls and harrowing blazes were rewarded in 1953, when he was elected as the captain of his patrol. By 1955, "Cy" Walsh was quickly moving up the ladder of the Riverhead Fire Department having been elected by his peers as third, second, and first assistant chief. In 1962, Cy's many years of committed volunteerism culminated with his election to chief of the Riverhead Fire Department.

An outstanding fire chief, Cy's work on behalf of Riverhead and the firefighters of Suffolk County was far from complete. He served as sergeant-at-arms of the Riverhead Fireman's Association for 5 years and has been chaplain since 1970. He also served on the Southampton-East Hampton-Shelter Island Chief Council, including a year as president in 1970, and as president of the Suffolk County Volunteer Firemen's Association. Cy reached out from Long Island's east end and lent his vision and enthusiasm to the people of New York State, serving with the New York State Firemen's Association, and as the chairman of the Fire Police Committee. His many positions of leadership in the firefighting community are a sign of the high esteem that Cy's peers hold him in.

At the age of 85, Cy is still serving the town of Riverhead, as chaplain of the North Fork Volunteer Firemen's Association and as one of the chaplains of the Riverhead Volunteer Firemen's Association. As his 50-year volunteer career shows, Cy Walsh epitomizes the ideals of service and leadership that America was built on. He has touched many lives in the past 50 years—in meeting rooms and firehouses and in the shops and restaurants of his hometown. His wife Kay, along with his 4 children 16 grandchildren, and 5 great grandchildren are also proud of Cy Walsh, as are his fellow firefighters and community members.

Therefore, I ask my colleagues in the U.S. House of Representatives to join me in saluting Donald "Cy" Walsh on the occasion of his 50th anniversary of service to the Riverhead Fire Department. Congratulations, Cy.

TRIBUTE TO JAMES E. WHITE

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. EWING. Mr. Speaker, I rise today in honor of Mr. James E. White, Rural Housing Specialist of the USDA, Rural Development. Mr. White retired on May 31, 1997, after a distinguished 26-year career.

He began his Federal career with Farmers Home Administration in 1971 as an assistant county supervisor in Lincoln, IL. He was promoted to county supervisor in Golconda/Metropolis in 1975. His final career move was to Rural Housing Specialist in the Illinois State Office in 1976. Mr. White remained in that position until his retirement.

Mr. Speaker, today, I would like to bring the achievements of James White to the attention of my colleagues in the House, and ask that they join me in expressing our appreciation and congratulations to Mr. White for his tremendous service to the people of Illinois.

A TRIBUTE TO DENNIS MARTIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dennis Martin who is retiring as supervisor of the Inyo National Forest after a long and dedicated career in forest management. Dennis will be recognized for his many contributions at a retirement dinner in his honor on July 12.

Dennis Martin was born in 1939 in the small mining town of Cornucopia, OR. He began his forest work at the age of 18 with the Wallowa-Whitman Forest in Washington State. Two years later, he began working as a smoke jumper in the North Cascades in Washington. Following a 2-year stint in the Army and a year working for a private timber company, Dennis returned to the Wallowa-Whitman Forest to begin his permanent career.

Over the years, Dennis has worked in a variety of capacities in forest management in Oregon, Washington, Idaho, and California. After a 3½ year stint as deputy forest supervisor of the Boise National Forest in Idaho, Dennis became forest supervisor of the Inyo Forest in 1986. Dennis has also done critical collaborative work in forest management and has achieved great success through recognizing the value of partnerships in resolving important land use issues.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the many fine achievements of Dennis Martin. We are grateful for his remarkable stewardship of the Inyo National Forest and wish him the very best in the years to come.

CONGRATULATIONS TO RT. REV. MOUSHEGH MARDIROSSIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Rt. Rev. Moushegh Mardirossian for his elevation to the rank of bishop in the Armenian Apostolic Church. Right Reverend Mardirossian's inspiration and leadership is held with the greatest respect.

On June 22, 1997, Right Reverend Mardirossian was elevated to the rank of bishop after a Pontifical High Mass in Antelias, Lebanon, at the St. Gregory the Illuminator Cathedral. This Episcopal ordination by the Catholicos came as a result of an official request presented by the Prelacy's National Representative Assembly, and the joint session of the Religious and Central Executive Councils of the Western Prelacy of the Armenian Apostolic Church.

Right Reverend Mardirossian was born in Beirut, Lebanon. He completed his elementary education in Noubarian Armenian School in October 1969. He immediately entered the Armenian Seminary of the Great House of Cilicia, in Antelias. As a graduate of the Antelias Seminary, Right Reverend Mardirossian was ordained into celibate priesthood in June 1976. Since that time, he has served in various capacities in both Lebanon and California.

Right Reverend Mardirossian has functioned as vicar general and on November 17, 1995, the Joint Session of the Religious and Executive Councils of the Western Prelacy of the Armenian Apostolic Church of America unanimously elected him Locum Tenens of the Prelacy. He has been a member of the national representative assembly and member and chairperson of the religious council. Prior to his election as a prelate in May 1996, Right Reverend Mardirossian was the pastor of the Forty Martyrs Armenian Apostolic Church in Orange County, CA.

Mr. Speaker, it is with great honor that I congratulate Rt. Rev. Moushegh Mardirossian for his elevation to the rank of bishop. His character and wisdom are symbolic of his outstanding service as a religious leader and human being. I ask my colleagues to join me in wishing Rt. Rev. Moushegh Mardirossian continued happiness and inspirational religious leadership.

TRIBUTE TO FRANCIS J. MARELLA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BONIOR. Mr. Speaker, today I would like to congratulate my friend, Mr. Francis J. Marella, upon his retirement from the Macomb County Probate Court on May 30, 1997. His colleagues will honor him with a dinner party at Fern Hill on July 9, 1997.

Since 1961, Frank Marella has been a familiar and friendly face at Macomb County Juvenile Court. As a friend and former coworker of Frank's, I can attest to his strong sense of caring and compassion. For many years I have appreciated the great friendship and support that Frank has given to my family. Frank was the first person I met when I began working at Juvenile Court. I was amazed by his strong commitment to preventing crime and creating a safer community.

Throughout the years, Frank's vision and dedication has resulted in numerous innovative programs designed to help children and their families. As program director, Frank realized the strong need for community support groups to support strong families, drug-free and crime-free lifestyles. Over a span of 37 years, Frank has implemented programs such as the Big Brother program, Family Skills Development, Juvenile Employment Education, Substance Abuse Education, Systematic Training for Effective Parenting, and the Community Restitution program. Frank's programs have encouraged parents and the community to take an active role in improving the welfare of our youth.

Macomb County has been lucky to have a leader like Frank Marella. Few people give to their community with the same time and energy that Frank has given to his. Frank's successful programs have touched the lives of many people. On behalf of the citizens of Macomb County, I would like to thank Frank for all of his hard work and dedication.

TRIBUTE TO JOHN PETROLL, DEPUTY MAYOR OF WEST ORANGE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention John Petroll, deputy mayor of West Orange, NJ.

John has dutifully served the township of West Orange for decades. He began his service to the township of West Orange as a police officer and always was conscious of giving back to the community. He was a special police officer at Rock Spring Country Club and at Midlantic Bank, and has served as president of New Jersey Special Police Association. John has been the deputy mayor of West Orange for the past 19 years, celebrating his 20th year at townhall this month. At 87 years of age, he walks to and from work every day, arriving as early as 6 a.m., to begin working for the citizens of West Orange. John sorts through the mail, organizes schedules and gets the offices ready for the late-comers.

John, together with the clerks in the administration office, put together the "West Orange Outlook," a monthly informational packet outlining special activities and events. The township's recycling center relies on John to field telephone calls from residents with questions and problems, and municipal officials depend on him to arrange special weekend meetings. His favorite duty by his own admission is community advertising—maintaining the announcement sign in front of the township hall. John is also the township's resident historian.

According to Murray Palent, council president of the West Orange Town Council, "John is a permanent fixture in West Orange" and "is always there when you need him, always willing to lend anyone a hand." West Orange Mayor Sam Spina has stated that John, "is a loyal, dedicated, trustworthy friend, someone this entire town can count on. He takes care of so much for us, and we are very lucky to have him." His generosity to people, organizations, and causes is well known, as well.

Throughout the years, John has been a good friend of Mr. and Mrs. Thomas Alva Edison, Charles Edison, and former Governor Brendan Byrne. John has two children, John and Robert, three grandchildren, Karen, Bryan and Kevin, and four great-grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, John's family and friends, and the township of West Orange in recognizing John Petroll's outstanding and invaluable service to the community of West Orange.

CARDOZO SENIOR HIGH SCHOOL'S CONSTITUTIONAL SCHOLARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Ms. NORTON. Mr. Speaker, students from Cardozo Senior High School gave an outstanding performance in the national finals competition "We the People . . . The Citizens and the Constitution National Academic Program" which is administered by the Center for Civic Education.

These talented young students competed against 50 other classes from throughout the Nation and demonstrated a working knowledge of the fundamental ideas and values of the American constitutional government. The national finals competition simulated a congressional hearing where students testified as constitutional experts before a panel of judges.

I want to encourage these promising Cardozo Senior High School constitutional scholars Davida Baldwin, Ta Hoang, Andrea Jones. Thomas Richardson, Suleimon Shifaw, Tiffany Simms, Antoinette Stephenson, Zerai Kifle, Quana Teleferro, Levi Ruffin, Veronica Nguyen, and Toan Vu. I want to also salute Mr. Bruce Pendleton for utilizing strong learning patterns in teaching American Government.

I ask that this body join me in congratulating these young people, Mr. Bruce Pendleton, and the District of Columbia Coordinator, Sharon Yohannes-Bocar on this worthy accomplishment.

IN RECOGNITION OF THE YORKTOWN HIGH SCHOOL GIRLS LACROSSE TEAM—NEW YORK STATE'S 1997 STATE CHAMPIONS

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mrs. KELLY. Mr. Speaker, for the second year in a row, the members of Yorktown High School's girls lacrosse team have won the New York State Public High School Athletic Association's [NYSPHSAA] girls lacrosse State championship, and I would like to take a few moments to recognize these young women from my district, each of whom has exhibited great dedication, outstanding teamwork, and extraordinary perseverance.

In 1996, the Yorktown Cornhuskers won the NYSPHSAA girls lacrosse competition in Division B. Over the past year, increasing student enrollment at Yorktown High School placed the girls lacrosse team in Division A.

Mr. Speaker, any sports fan would be inspired by the manner in which the Yorktown High School girls lacrosse team responded to their placement in the highly competitive Division A. The Cornhuskers found themselves competing against teams representing schools with student bodies as much as four times larger than Yorktown's. In spite of the odds, the Yorktown High School girls lacrosse team played a remarkable season, decisively winning the NYSPHSAA Division A championship. In doing so, the Yorktown Cornhuskers became the first girls' lacrosse team in the State of New York to first win a championship in one division and then win in a higher division the immediate following year.

Mr. Speaker, I wish to congratulate each of these motivated young women, as well as their parents and coaches, for the Yorktown Cornhuskers' repeated success. High school varsity athletes are expected to commit a great deal of time to their sport. For the members of the Yorktown High School girls lacrosse team initiative and hard work are the norm.

However, the coaches and parents of these young women also deserve recognition, because without their devotion, these young women would have had trouble reaching the goals that they have. So by supporting their children, the parents of these young women have profoundly nurtured their daughters' ambitions. And certainly no less significant than their parents' guidance, a sound coach who positively motivates the members of a team—such as their's surely does, by constantly pushing them to fulfill their potential, also played a significant role in their success.

Mr. Speaker, I ask all my colleagues to join me in paying tribute to the young women of the Yorktown High School girls lacrosse team. Their hard work, commitment, and teamwork should serve as a model for us all. I congratulate the Cornhuskers for their hard-fought and well-deserved victory, and I wish them continued success in all their future seasons.

PRESERVE OUR NATION'S FARMLAND

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PITTS. Mr. Speaker, the family farms of Lancaster and Chester Counties are national treasures. Sadly, pristine farmland which has been operated by families in the 16th District of Pennsylvania for generations is at risk due to the Federal estate tax. Many family farms in southeast Pennsylvania and across this National are sold in an effort to pay off huge estates taxes, and others are sold to developers in fear of the impending estate tax. Thanks to excessive taxation, our Nation's farms are slowly being eliminated.

That is why I am introducing the Farm Preservation Act today. This bill will protect our farmland by eliminating estate taxes on a farm which has a covenant ensuring that the land will remain a farm. By eliminating the estate tax on farms, families can be rest assured that their life's work will not be abandoned once the farm is left to a family member who will continue the farming tradition. Further, this bill waives all capital gains taxes on the sale of a farm which will be used only as farmland. This provision provides a real incentive for people who must sell their farm to ensure that it remains in agricultural production in the future.

Mr. Speaker, in order to preserve our precious farmland, we need to end the tax practices which destroy them. We must also provide incentives for people to keep farmland undeveloped. The Farm Preservation Act accomplishes these important goals. As we consider another tax relief bill in 1998, I urge Members to join me in protecting our Nation's farmland and provide real opportunities to keep family farmers in business.

WHY I SUPPORT NORMAL TRADE RELATIONS FOR CHINA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from June 1997 entitled "Why I Support Normal Trade Relations for China."

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

WHY I SUPPORT NORMAL TRADE RELATIONS FOR CHINA

Earlier this month, the House of Representatives voted to extend normal trade relations, known as "most favored nation" (MFN) status, for China for another year. The MFN debate was hotly contested. Opponents argued that China's record on human rights, trade, proliferation and other issues did not justify extending normal trade relations. I disagree. Engagement—including normal trade relations—is the best means to bring China into the international community and to achieve U.S. political, economic and security objectives.

China matters. China is the world's most populous country, with the largest army and one of the largest economies. Its actions directly affect peace and stability throughout East and Southeast Asia. As a permanent member of the UN Security Council, China has a say in many decisions affecting U.S. interests. How China evolves will profoundly affect our economic, political and security interests. If China becomes a threat, the U.S. defense budget will go up, tensions in Asia will rise, and Asia's prosperity will be at risk. If we keep U.S.-China relations on track, peace and security in Asia will be strengthened, prospects for human rights will be enhanced, and Asia's remarkable economic growth will continue.

A policy of engagement. By extending normal trade relations for another year, the House chose a policy of engagement over a policy of isolation. I agree. Engagement has been the policy of every President, Democratic and Republican, for twenty-five years. Engagement is not appeasement. It does not mean ignoring our differences with China. It means actively engaging China to resolve our differences. It means hard bargaining in pursuit of American objectives.

Engagement works. It has produced results, such as Chinese adherence to the Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention. Because of engagement, China helped persuade North Korea to sign the pact freezing that country's nuclear weapons program. China's cooperation in the UN Security Council helped create the coalition that defeated Iraq in the Gulf War.

Engagement with China has changed the lives of hundreds of millions of Chinese for the better. The exchange of goods, ideas, and people has brought increased openness, social mobility, and personal opportunities for the Chinese people.

Because we are engaged with China, we can use our trade laws to attack Chinese trade barriers and to help American firms export to China. Because we are engaged with China, we can work together to combat terrorism, alien smuggling, and illegal narcotics. China also cooperates on environmental and public health issues—matters with a direct impact on our well-being.

Key issues. Engagement has not solved all problems. We still have many concerns about Chinese behavior. China continues to fall far short on human rights, for example. China today remains an oppressive society. Political expression is limited, and the rights of the individual are subordinated to the interests of the state—as defined by a self-selected party elite.

But China is light years ahead of where it was 25 years ago. Personal freedoms for the average Chinese—choice of employment, place of residence, freedom of movement—are greater than ever before. The lesson of China since President Nixon's visit in 1972—and the lessons of South Korea, Taiwan, and other former dictatorships that are now democracies—is that U.S. engagement is the best way to promote human rights.

The $38 billion U.S. trade deficit with China is another source of tension. Yet revoking normal trading status will not significantly reduce this deficit or bring back lost jobs. Other countries that, like China, can produce labor-intensive goods more cheaply than we can will simply pick up the slack. The best way to reduce the trade deficit is not to revoke MFN—which might even increase the deficit—but to bring China into the World Trade Organization, so that we can reduce Chinese trade barriers and help American exporters compete on a level playing field.

On non-proliferation, China has moved in the right direction. Despite this progress, I remain concerned about Chinese transfers of missile and chemical weapons technology and advanced conventional weapons to Iran, about Chinese nuclear cooperation with Iran and Pakistan, and about Chinese missile sales to Pakistan. But, as the recent record shows, we are more likely to persuade China to accept international norms if we engage China than if we isolate it.

Revoking MFN. If Congress had revoked MFN, it would have damaged U.S. interests at home, in China and around the world. Revoking MFN would likely make the human rights situation in China worse, not better. It would undermine our stature throughout Asia. Our allies in the region, who support U.S. engagement and benefit from U.S.-China trade, would lose confidence in our judgment and ability to play a constructive role in East Asia. Hong Kong and Taiwan, which support engagement, would be worse off if we revoked MFN. We would also be losing the support of one of five permanent members of the UN Security Council, which would hurt U.S. interests globally.

Revoking MFN would hurt the United States at home. We would lose markets for $12 billion worth of U.S. exports, which support 170,000 high-paying U.S. jobs. It would raise prices here on low-cost imports. It would deny us access to China's huge market.

Conclusion. The United States could not isolate China even if we wanted to—China is too big, and too important. We can disengage from China, but no one would follow us and we would only hurt our interests. If we treat China as an enemy, it will become one. Engagement offers a proven record of moving China toward international norms, and a better prospect for achieving U.S. objectives than a policy of isolation.

CHARLES STITH DISCUSSES RACIAL PROGRESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, people often call for dialog on difficult issues, but rarely engage in it beyond talking about what a nice idea it would be if we had some. In the June 29 issue of the Boston Globe, Charles R. Stith of Boston, President of the Organization for a New Equality made a genuinely useful contribution to the dialog on race that we should be having. I have known Charles Stith for many years and I am an admirer of the work he has done on many fronts to further the cause of racial justice—and indeed social justice for all people—in greater Boston and in America. I believe his short essay is a wise and useful contribution to the national conversation and given the importance of this topic and his credentials to speak out on it, I ask that it be printed here.

President Clinton has challenged Americans to resume our efforts on racial reconciliation and plans to lead us in a national dialogue toward that end. After listening to the pundits, pontificators, and prognosticators muse about the virtues and failings of the president's effort, I will add my view to the discussion. It can be summarized in one word—hope.

There is cause for hope when it comes to racial justice and racial reconciliation in this country. The naysayers are not credible arbiters of history. If the past 30 years mean anything, they are a testament to the possibility of change.

I am of that generation of African-Americans born on the cusp of discriminatory laws, customs, and change. I remember integrating the Fox movie theater during my adolescent years in St. Louis. I remember my brother and me getting dressed on that fateful day in our "Sunday-go-to-meeting clothes" and being admonished by our mother not to do "anything to embarrass the race."

America has come a long way since those days. Not only are we beyond the embarrassment and inconvenience of petty apartheid American-style, but we have made some equally important advances in other areas.

For example, in 1960 approximately 18 percent of African-American families were middle class; by 1990 there were 42 percent. About 30 years ago there were 1,400 black elected officials; today there are close to 10,000. In that group are black mayors of predominantly white cities and a US senator.

In addition, minority-owned businesses are one of the fastest growing segments of the economy. The number of businesses owned by minorities in the United States increased 60 percent between 1987 and 1992. This compares to an increase of 26 percent for all US firms over the same period.

On the social front, there is a broader acceptance in both the black and white communities of interracial marriage and interracial adoption.

Are we as a nation where we ought to be regarding racial justice and reconciliation? Obviously not; ergo the necessity of the national dialogue. But having acknowledged that, the past 30 years provide a demonstration of what can be accomplished if there is a will.

The other reason that hope ought to be the first word in this national dialogue on race relations is the flip side of the first. The progress achieved over the past 30 years was possible because people believed that we should not live as a "house divided against itself" and that we could do something individually and societally to make a difference. If we are to finish the unfinished business of racial reconciliation in this country, then people have to believe that things can change. The reason is simple: unless people believe that there is a way, there is no will.

Those on the left must go beyond bashing Clinton for what they see as his inadequacies of perspective and policy. We must stop contributing to the cynicism that grips the nation. If we don't, then just as we lost political power at the national level in '92, we will also lose our moral authority to challenge the nation to pursue the high ground of racial justice and racial reconciliation. If we are not in the vanguard of trying to lead this nation to believing again that the quest to bring people together across color, class, and community lines is worthwhile, then who will?

We might do well to reflect on Martin Luther King Jr.'s essay "A Testament of Hope:"

"I am an optimist," he wrote, because while "it is possible for me to falter, I am profoundly secure in my knowledge that God loves us; he has not worked out a design for our failure. Man has the capacity to do right as well as wrong, and his history is a path upward, not downward. The past is strewn with the ruins of empires of tyranny, and each is a monument not merely to man's blunders but to his capacity to overcome them."

TRIBUTE TO LINDA ANN ALIMI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Linda Ann Alimi of West Essex, NJ.

Linda received her bachelor of science from Boston University in 1965 and received her master of arts from Montclair State University in 1977. She graduated summa cum laude and was elected to Phi Kappa Phi, the National Honor Society.

Ms. Alimi has coached the women's field hockey team of West Essex High School for 32 years. She clinched conference titles 25 out of 27 years—1970–79, 1981, 1983–95, and 1996, Essex County titles 5 times—1974, 1975, 1987, 1990, 1991, and North Jersey sectional titles 19 times—1971–76, 1978, 1981, 1983, 1984, 1987, 1989, 1991–93, and 1996. West Essex has been ranked the No. 1 women's field hockey team in New Jersey 3 times—1984, 1992, 1993, and the No. 2 team in the State 4 times—1987, 1989, 1991, and 1996. She also coached the women's junior Olympic field hockey team to a gold medal in 1992. Such a dynasty can only be explained by tremendous coaching.

Linda is the recipient of many prestigious awards including the 1987 Merit Award from the Governor's Council on Fitness and Sport; the 1987 Gold Award, Franklin Life Insurance and Scholastic Coach magazine, Select Circle Coaching Award; the 1989 Garden State All Sports Foundation Award; the 1989 NJSIAA Executive Award; the 1989 Coca-Cola and Madison Square Garden Network Spotlight Award; the 1990 Outstanding Coaches Award for Field Hockey from the National Federation Interscholastic Coaches Association for the State of New Jersey; and the 1990 Boston College Sargent College Special Merit Award for Coaching Excellence. Linda was also the recipient of the 1994 Women's Sports Foundation Budget Car Coaches Award.

Linda was inducted into the New Jersey Interscholastic Athletic Association's Hall of Fame in 1985 and received the Boston University Harry Clevarly Award for Coaches Excellence that same year. She was inducted into the West Essex Regional High School Hall of Fame in 1991 and was named New Jersey's Winningest Field Hockey Coach in 1994 with an unprecedented 422 victories, 53 losses and 40 ties. Ms. Alimi was also named the Winningest Field Hockey Coach in the U.S.A. in 1996 for her amazing 457 victories. Linda received the Honor Award for Outstanding Leadership in Sports from the New Jersey Association for Girls and Women in Sports in 1996, and was the recipient of the 1996 Pathfinder Award presented by the National Association for Girls and Women in Sports. She was inducted into the NJSIAA Hall of Fame on December 2, 1996, placed in the National Federation High School Sports Record Book in 1997 and previewed in Sports Illustrated's Faces in the Crowd on March 17, 1997.

On top of being an exceptional coach, Linda Alimi is a member of numerous committees and involved in a number of activities. She has served as vice president of the West Essex Education Association 1987–88; been liaison committee chairperson to the board of education 1987–88; and was the originator and president of the North Jersey Field Hockey Coaches Association from 1974–85 and county representative from 1985–96. Linda was certified as an instructor in 1982 under the American Coaches Effectiveness Program, Level I and is presently the clinician and chairperson for the New Jersey Interscholastic Athletic Association. Ms. Alimi was a member of the New Jersey Governor's Council on Fitness and Sport from 1986–88, and the winner of the Garden State All Sports Foundation Award in 1988. She served as a member of the U.S. Field Hockey Association board of directors from 1988–92, on the NJSIAA Field Hockey Committee from 1989–96, and on the USFHA Futures Committee in 1994. Linda presently serves on the National Federation Field Hockey rules committee.

Mr. Speaker, I ask you to join me, our colleagues, Linda's family, friends and teammates in recognizing Linda Ann Alimi's outstanding and invaluable service to the community.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to discuss whether the United States should continue normal trade relations with China. If I believed for one moment that revoking our current trade status with China would improve the human rights situation there and benefit American workers, I would oppose renewal of most-favored-nation [MFN] status. However, revoking MFN would only serve to make matters worse.

To begin with, MFN is not a special privilege. It would be more accurate to call it "normal trade status" because it is the trade relationship our country has with 184 nations.

If the United States were to revoke this normal trade status, China is likely to retaliate against United States exports by increasing tariffs on these products. Such retaliation would put a large number of U.S. workers at a disadvantage. China is the United States' fifth largest trading partner, with our annual exports to that country having quadrupled to $12 billion over the past decade. An estimated 170,000 Americans work in jobs that produce United States exports to China.

In my district, a number of companies, including ABB Drives and Rockwell [Allen-Bradley], have penetrated Chinese markets, expanding trade and job opportunities. In 1995, Wisconsin companies exported products worth $142 million to that nation, an increase of 29 percent over the previous year. If the United States unilaterally denies normal trade status to China, other countries like Japan and the members of the European Union will immediately replace United States exports to that country.

Since none of our allies would be willing to join us in sanctioning China our sanctions would do the most damage to ourselves. In 1979, we made a similar mistake when we imposed a grain embargo upon the Soviet Union as punishment for the invasion of Afghanistan. What happened? The embargo cut off an important market for United States farmers while Canadian, Argentine, and European growers rushed in to fill the gap. We lifted the embargo in 1981 with a realization that it had had little impact on the Soviets. The Soviets did not get out of Afghanistan until years later, when the Afghans threw them out. This recent historical case illustrates that our unilateral sanctions wreak most of its punishment on one nation: ours.

When we placed sanctions upon South Africa several years ago, they were effective because we had the cooperation of all our major trading partners. If we revoke normal trading status with China, we will be doing it alone—and the Europeans and Japanese will take the business opportunities that United States companies will now be forced to forego.

Opponents of MFN renewal note that over the last several years we have had a growing trade deficit with China. However, the deficit figures show that while our trade deficit with China has increased, our deficit with other major Asian exporters has decreased. In other words, according to the Institute for International Economics, Chinese imports of labor-intensive consumer goods have simply replaced the imports we used to get from Japan, Korea, Taiwan, and Hong Kong. Chinese production has largely displaced imports from other third-party nations, not United States domestic producers.

While I continue to be concerned about the human rights situation in China, is there any reason to believe that we can work to improve human rights by severing our normal trade relations with China? Historically, China's treatment of its own people has always been at its worst when it is most isolated, like their repressive Cultural Revolution from 1966 to 1976. By contrast, today reform in China has a tenuous foothold, thanks partly to our close economic engagement with that country. In the 2 previous years, over 39,000 Chinese students studied at United States universities, who will eventually return to their homeland having experienced American ideas of pluralism and democracy. In 1995, over 164,000 Chinese residents visited this country on business, and thousands more who do not visit here are supervised by American managers and work with American counterparts via phone and e-mail on a daily basis, and thereby get a sense of our politics, our economy, and our personal freedoms.

Regarding religious freedoms, a number of the missionary groups working on the ground in China have expressed their fears that revocation of MFN would hinder, not help, the cause of human rights there. The China Service Coordinating Office, an organization serving over 100 Christian organizations in service and witness there, fears that ending MFN would close doors in China through educational, cultural, and other exchanges, and cause harm to burgeoning social and political reforms. Similarly, Dr. Samuel Ling of the Billy Graham Center has called on "evangelical Christians to think twice before supporting efforts aimed at revoking China's MFN trade status."

Our engagement has led to a number of significant human rights advances over the last several years. Village elections have given millions of rural citizens access to a more democratic process for choosing local officials. Exposure to international norms and legal systems has played a role in China's legal reform effort to broaden citizens' rights. Reforms include the 1997 amendments to the criminal procedure law which impose limits on police detention of suspected criminals, and the 1994 state compensation law, which allows Chinese citizens to sue government officials and collect damages. By withdrawing economically, we jeopardize future reforms by reducing the positive influence we can continue to have on China.

A vote to continue MFN is not a vote in favor of the policies of the Chinese Government. A vote to continue our normal trade relations with China is a vote for an ongoing engagement which not only supports thousands of American jobs, but allows us to promote reform and democracy among the people of China.

IN HONOR OF WMZQ

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to one of the top rated radio stations in the Washington area, WMZQ. June 22 marks their 20th anniversary on air as a country music station, serving the musical and community needs of our region.

On June 22, 1977, WMZQ 98.7 FM signed on the air with the song "Are You Ready for the Country?" Since that time, the Washington Metropolitan area has benefited from the talent and commitment of their staff. The Country Music Association [CMA] has honored WMZQ's contribution to country music by naming WMZQ the CMA Station of the Year in 1989. The radio industry has also recognized WMZQ's programming excellence with several Achievement in Radio [AIR] Awards.

WMZQ's staff is intertwined with the greater Washington community. WMZQ has supported many charitable organizations like the American Heart Association, the March of Dimes, Children's Hospital, the American Red Cross, and Toys for Tots through event participation and public affairs programming. WMZQ's loyal listeners' generous response to the Annual St. Jude Children's Research Hospital Radiothon has raised over $2 million in just 5 years. Listener's contributions during the Coats for Kids campaigns has kept thousands of children warm during the winter months. WMZQ's Christmas in April home renovation projects has provided many elderly, low-income, and handicapped neighbors with safer living conditions.

On June 22, the WMZQ staff and 15,000 of their most loyal fans celebrated the radio station's 20th anniversary at the Bull Run Country Jamboree. This year they were proud to host Paul Brantly, LeAnne Rimes, Neil McCoy, and Wynonna. Over the last 7 years this annual event has raised over $600,000 for the Northern Virginia Park Authority. This year, WMZQ general manager, Charlie Ochs, rededicated the efforts of the WMZQ staff to better serve the country music listener and to continue to work to make the Washington area a better place to live.

Mr. Speaker, I know my colleagues join me in celebrating the special anniversary of WMZQ. Not only do they provide the region with good country music, but they have supported our community through many volunteer programs. They have enriched the lives of their listeners, have enhanced the quality of life in our region and have grown to be one of the top rated country stations in the Nation.

TAXPAYER RELIEF ACT OF 1997

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2014) to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998:

Ms. MINK of Hawaii. Mr. Chairman, I rise to oppose H.R. 2014, the Republican tax bill, which shifts the burden of achieving a balanced budget by 2002 to those least able to pay.

Mr. Chairman, H.R. 2014 directs 70 percent of the tax cuts to the top 20 percent of the Nation's taxpayers. H.R. 2014 further limits the new $500-per-child tax credit so that the working poor would not be eligible. H.R. 2014 also allows investors to reduce the taxable value of their capital assets by the rate of inflation, beginning in 2001. H.R. 2014 disproportionately benefits the very wealthy since 62 percent of all capital gains are realized by people with incomes of $200,000.

With respect to education, H.R. 2014 provides $31 billion in tax cuts to pay for higher education costs over the first 5 years, although the GOP congressional leadership and the White House had agreed earlier on a $35 billion cut. In addition to reducing the allocation for education tax cuts, H.R. 2014 changes how these tax cuts would be applied.

For example, under H.R. 2014, a tuition tax credit replaces the HOPE tax credit. The new tuition credit provides for 50 percent of the first $3,000 of tuition paid, and not a full tuition credit of up to $1,500. Accordingly, those students who attend community colleges and other low-tuition schools where costs total, say, $2,000 will receive only $1,000—that is, 50 percent of $2,000—and not the full credit of up to $1,500 proposed by President Clinton. And, by applying the Pell grant offset to the new tuition tax credit, H.R. 2014 further reduces the credit that will be available to low-income students attending low-tuition community colleges.

H.R. 2014 provides for education saving accounts as a way to minimize taxes. But these accounts are also skewed against low-income families. Why? Because the tax education is taken when tuition is paid rather when deposits are made to the accounts. Only high-income families will be able to save enough to take advantage of this tax deduction.

H.R. 2014 provides for a child tax credit which will, however, be effectively denied to lower-income working families who have the greatest need for it. While H.R. 2014 phases out the child tax credit at $75,000—single returns—and $110,00—joint returns—the tax bill provides that any earned income tax credit received by lower-income working families will be used to offset the child tax credit, thereby ensuring that the child tax credit will be denied to lower-income working families.

Single parents who need child care, and use the dependent care tax credit will also be effectively denied the new child tax credit. Why? Because the tax bill provides that any dependent care tax credit claimed by single parents will be used to offset the new child tax credit.

The capital gains provisions in H.R. 2014 disproportionately benefits the richest Americans. Aside from the fact that 62 percent of capital gains are realized by people with incomes over $200,000, investors will be able to index their capital gains for inflation—that is, reduce the taxable value of their capital assets by the rate of inflation—beginning in 2001. The longer an asset is held, the greater the inflation indexing will be. This will result in very large tax cuts for the very rich.

In addition, the indexing of captial gains for inflation, beginning in 2001, means that the projected $3 billion in capital gains-related revenue gains of the first 5 years will be offset by huge revenue losses in the second 5 years. Indeed, the capital gains provisions of the tax bill are expected to contribute about $33 billion to the deficit over 10 years.

H.R. 2014 is fundamentally unfair. This bill, like last year's egregious welfare legislation, punishes the most vulnerable of our citizens: the working poor. The tax bill offers the working poor no relief, and ensures that the gap between the working poor and the rich will widen even more.

I strongly urge my colleagues to oppose H.R. 2014.

HONORING LAWRENCE COUNTY CANCER SOCIETY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. KLINK. Mr. Speaker, I rise today in recognition of the Lawrence County Cancer Society and their efforts to combat breast cancer. On July 12, 1997 they will be holding their First Pink Ribbon Golf Classic to raise money for cancer research and increase the public's awareness about this deadly disease.

Sadly, breast cancer is the second leading cause of death among women today. The American Cancer Society predicts that this year 180,200 new cases of breast cancer will be diagnosed, and nearly 46,000 women will die of this deadly disease. Research shows that breast cancer will affect 1 out of every 9 women in America. Today, according to the American Cancer Society, two-thirds of all women over the age of 65 are not receiving mammograms, even though doctors recommend that they get one every other year. Early detection of this disease is vital. By doing so, we can save lives.

The Lawrence County Cancer Society is doing all they can to change these terrible statistics by encouraging women to get checked for this disease as early and as often as possible. Research shows that if breast cancer is detected early, a woman has a 40-percent greater chance to survive this disease. By spreading the word about the benefits of early detection, the Lawrence County Cancer Society is helping to save the lives of the women of America.

Mr. Speaker, I again want to applaud the Lawrence County Cancer Society for their courageous efforts. I hope my colleagues will join me in recognizing their efforts to combat this lethal killer.

IN HONOR OF GOLDEN AGERS OF SS. CYRIL AND METHODIOUS CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the Golden Agers of SS. Cyril and Methodious Church in Lakewood, OH on the 25th anniversary of their senior group on July 13, 1997.

The Golden Agers were formed in July 1972 by Father Humensky and Abbott Theodore Kojis for seniors of the parish. Approximately 59 members of the church attended the first meeting at which Lucy Misencik was appointed the first president of the Golden Agers by Father Humensky. Lucy served as president for 2 years until her death in 1974. At this time Helen and John Kolesar were appointed copresidents. By 1975 there were 270 members of the Golden Agers.

Marie Vaxman was appointed president of the organization in 1980 by Father Onderjka, the current priest of the parish. Marie presided over the organization until 1990. During this time card parties were instituted to defray expenses for pilgrimages and other trips taken by members.

After Vaxman's term, Mary Jacko served as president until 1992, at which time Lenore Steve filled the position. Clara Zbin took over the duties of head of the organization until February 1996. Irene Tomcik is the current president of the Golden Agers. Members of this nonprofit organization enjoy social get-togethers on the third Wednesday of each month.

My fellow colleagues, please assist me in extending congratulations to the Golden Agers of SS. Cyril and Methodious Church on the 25th anniversary of their valuable organization.

BAN ON SMOKING IN FEDERAL BUILDINGS ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to prohibit smoking in any indoor portion of a Federal building. The Ban on Smoking in Federal Buildings Act covers all federally-owned and leased buildings, including those used by the Federal judiciary and the U.S. House of Representatives and U.S. Senate. The bill defines the term "Federal building" as any building or other structure owned and leased for use by a Federal agency. The bill exempts U.S. military installations and health care facilities run by the Department of Veterans Affairs, as well as any area of a Federal building used primarily as living quarters.

As chairman of the House Public Works and Transportation Subcommittee on Public Buildings and Grounds in the 103d Congress, I introduced similar legislation in 1993. That legislation would have limited smoking in Federal buildings to separately ventilated smoking areas. The bill was approved by the House in 1993 but was not considered in the other body.

Smoking in buildings used by executive branch agencies is limited to designated areas that are separately ventilated, although many Federal agencies have already imposed total bans. Smoking is also prohibited in Federal courtrooms. Smoking is permitted in some rooms of the U.S. Capitol, and Members of Congress can set their own smoking policies for their offices. In my view, there should be a uniform smoking policy for the entire Federal Government—one that protects the health and safety of nonsmokers. In light of what is being done in the private sector, a total ban on smoking in Federal buildings makes good sense.

In studies conducted by the U.S. Environmental Protection Agency, indoor air pollution was identified as one of the top five environmental risks to public health. Environmental tobacco smoke [ETS] has been determined to be a major indoor air pollutant. Although there are other harmful pollutants in the air of most workplaces, very few of those pollutants are capable of being isolated and removed from the workplace environment. ETS is a known health hazard that can easily be removed from the Federal workplace.

In addition to the known health hazards posed by ETS, in 1993, officials from the U.S. Department of Labor testified before the Subcommittee on Public Buildings and Grounds that the Federal Government has paid out hundreds of thousands of dollars in workers' compensation claims to nonsmoking Federal employees who have been disabled or impaired due to workplace exposure to ETS. Unless a uniform ban on smoking in Federal buildings is imposed, the U.S. taxpayer will continue to pay workers' compensation claims to Federal employees disabled or impaired by ETS.

Mr. Speaker, I would note that a number of States have imposed a total ban on smoking in State buildings. In addition, numerous localities have passed ordinances banning smoking in restaurants and other facilities. Many privately owned and operated facilities—from sports arenas to shopping malls to movie theaters—have banned smoking. My legislation is a logical and commonsense measure that will protect the public health of all those who work in, use or visit Federal buildings. The bill will also save taxpayer dollars by eliminating the cause of costly workers' compensation payments to Federal employees impaired or disabled by workplace exposure to ETS. Finally, the Ban on Smoking in Federal Buildings Act will, for the first time, put in place a uniform smoking policy for all three branches of the Federal Government. I urge all of my colleagues to cosponsor this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ban on Smoking in Federal Buildings Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts among sensitive populations;

(2) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(3) citizens of the United States spend up to 90 percent of a day indoors and, consequently, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(4) exposure to environmental tobacco smoke occurs in public buildings and other indoor facilities; and

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency.

SEC. 3. SMOKING PROHIBITION IN FEDERAL BUILDINGS.

(a) SMOKE PROHIBITION.—On and after the 180th day after the date of the enactment of this Act, smoking shall be prohibited in any indoor portion of a Federal building.

(b) ENFORCEMENT.—

(1) EXECUTIVE BRANCH BUILDINGS.—The Administrator of General Services shall issue regulations, and take such other actions as may be necessary, to institute and enforce the prohibition contained in subsection (a) as such prohibitions applies to Federal buildings owned or leased for use by an Executive Agency.

(2) JUDICIAL BRANCH BUILDINGS.—The Director of the Administrative Office of the United States Courts shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an establishment in the judicial branch of the Government.

(3) LEGISLATIVE BRANCH BUILDINGS.—

(A) HOUSE OF REPRESENTATIVES.—The House Office Building Commission shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by the House of Representatives.

(B) SENATE.—The Committee on Rules and Administration of the Senate shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by the Senate.

(C) OTHER ESTABLISHMENTS.—The Architect of the Capitol shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an establishment in the legislative branch of the Government (other than the House of Representatives and the Senate).

SEC. 4. PREEMPTION.

Nothing in this Act is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this Act.

SEC. 5. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(2) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency and any establishment in the legislative or judicial branches of the Government.

(3) FEDERAL BUILDING.—The term "Federal building" means any building or other structure (or portion thereof) owned or leased for use by a Federal agency; except that such term does not include any building or other structure on a military installation, any health care facility under the jurisdiction of the Secretary of Veterans Affairs, or any area of a building that is used primarily as living quarters.

(4) MILITARY INSTALLATION.—The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other facility under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works (including any rivers and harbors project or flood control project).

IN MEMORY OF BILL CLEAVINGER

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. COMBEST. Mr. Speaker, the family farm lost one of its very own when Bill Cleavinger passed away after a generation of working the soil, tending to his family, and nurturing his community.

Bill remained most at home on the family farm and at his best when he spoke up for farming families. First as Texas Sugar Beet Growers Association president and later executive director, he rose to the position of national spokesman as American Sugarbeet Growers Association president. Because he always lived his life close to farming, folks could readily understand and count on what Bill Cleavinger had to say about production agriculture.

As a boy, he helped his father with farm chores, then after college and service in the military, Bill returned to the family farm to work alongside his father. In the rural Panhandle community of Wildorado, Bill and his wife June raised their family on down-to-earth values while they worked the good earth to raise each year's crop.

In his life, Bill Cleavinger was father, farmer, school board member, director of church music, and director of a local bank. To those of us who knew him, Bill was much more than those titles could possibly suggest.

Even with his passing, there will be a next generation of family farmers who will come to know about men like Bill Cleavinger through an internship established in his name to honor personal leadership, persistence, creativity, patience, and integrity.

TRIBUTE TO JOSEPH ROSENBERG

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. SHAYS. Mr. Speaker, I rise today to honor Joseph Rosenberg of Bridgeport, CT, as he celebrates 50 years of living in the United States.

For nearly a half-century Joseph has been an outstanding American citizen and role model for his peers.

As a survivor of several World War II Nazi concentration camps including Auschwitz, he is a living testament of courage, bravery, and the desire for freedom.

Upon Joseph's arrival in the United States, he joined the Army and served his new country proudly. We are deeply grateful for his contributions to the Bridgeport community and our Nation.

We should all be proud to have a fellow American as patriotic as Joseph Rosenberg. As he often says, "There is no place like the United States. People don't know what freedom really is. It's great."

TRIBUTE TO MR. AND MRS. EUGENE C. BERCHIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. and Mrs. Eugene C. Berchin, who will celebrate their 50th wedding anniversary on July 20, 1997.

The Berchins are an extraordinary couple whose love and support for one another has continued to grow over the past 50 years. Though they have celebrated many happy events and milestones throughout their marriage, they were faced with an overwhelming challenge when Marjorie Helene suffered an unfortunate and disabling stroke a few years ago. Fully facing this challenge, Eugene has devoted himself to caring for Marjorie Helene in every way, seeing that she is comfortable and receiving the best care possible.

Eugene and Marjorie Helene met shortly after Eugene's discharge from the U.S. Army, where he was a captain stationed overseas with the 89th Infantry Division. After their marriage, Marjorie Helene graduated from UCLA obtained her teaching credential, and taught life sciences at Polytechnic High School. During that time, she was the primary source of income as Eugene attended dental school at USC and later attended law school.

The Berchins have two children, a son, Joel Mitchell, and a daughter, Sondra Ellen. Joel is a physician who practices in the San Diego area and Sondra is a lawyer who attended UCLA School of Law. She was a law clerk for both Justice Thurgood Marshall and Second Federal District Justice Oaks. The Berchins are also the proud grandparents of Kyle Taylor and Caitalin Lee.

Eugene and Marjorie Helene Berchin are a living tribute of the greatest strengths of the institution of marriage and the American family. They having continually loved and supported one another, their children, and their grandchildren in each event of their lives, whether joyous or sorrowful.

Eugene very proudly expresses that Marjorie Helene is a beautiful today as the day he met her and that she still enjoys the music of the Big Band Era.

I ask my colleagues to join me in congratulating the Berchins as they celebrate their 50th wedding anniversary and in wishing them and their family every happiness in the years to come.

TRIBUTE TO THE STAFF OF THE IRWIN BANK

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. KLINK. Mr. Speaker, I rise today to extend my warmest congratulations to 170 people celebrating a 75th birthday—the staff of the Irwin Bank & Trust Co. in Pennsylvania.

Its central strength has been to observe a good rule of thumb for politicians: Never forget those you serve. As it has grown, Irwin Bank has stayed loyal to its customers and loyal to the community.

In particular, I heartily commend the bank's commitment to re-invest in the area it serves. Playgrounds, libraries, and concerts have been funded through its grant program; local people affected by natural disasters have been helped by the bank's low-interest community loan scheme. Companies have a responsibility to society just as individuals do, and Irwin Bank deserves recognition for its exceptional work in Pennsylvania.

Over the past 20 years, I have grown accustomed to the bank's friendly neighborhood service. The staff do indeed treat their customers as the friends they are. I invite all Members of this House to join with me in congratulating Irwin Bank on 75 years of community service, and wishing all the staff the best of luck for the future.

INTERNATIONAL DEVELOPMENT LAW INSTITUTE

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I wanted to bring to the attention of my colleagues a fascinating program that I recently learned about since I joined the International Affairs Committee. The International Development Law Institute was founded in Rome in 1983 and has operated as a public international organization since 1991.

The Institute's mission is an intriguing one. Its founders, Michael Hager, William Loris, and Gilles Blanchi, all recognized that one of the impediments to development for many countries was the lack of trained lawyers and legal advisors who could provide the essential services required to foster private sector development, governance, and economic law reform.

To overcome these barriers, the Institute offers, both in Rome and onsite in individual countries, practical training in lawyering—how to negotiate and draft an agreement; how to resolve disputes—international commercial law—how to set up a joint venture, how to foster technology transfer—and economic law reform—how to deal with issues of corporate governance and bankruptcy—as well as courses addressing public law issues like environmental laws. The Institute has trained more than 4,600 lawyers from 153 countries preparing them to meet the evermore challenging demands of modern international trade.

I am proud, Mr. Speaker, that one of the member states of IDLI is the United States. I have met Mr. Hager and was impressed with IDLI's commitment to its mission. It is my hope that our country will continue its support of this valuable Institute to provide critical resources to those countries which so very much need them.

ELECTIONS IN MEXICO

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. GALLEGLY. Mr. Speaker, 2 days ago, the United States and all the nations of the Americas witnessed one of the most dramatic expressions of democracy ever held in this hemisphere in modern times.

The recent national elections in Mexico represented the clearest sign yet that the principles of democracy, freedom of expression, and the turn to true multiparty representation has taken a strong hold in the hemisphere and promises to serve as a model for the rest of the Americas.

The people of Mexico should be very proud of themselves for effecting what was apparently the fairest and freest election in Mexican history. The people of Mexico should also be proud of the government of President Ernesto Zedillo, who despite the fact that the voters threw his party into serious election defeat, was bold enough to initiate and to enact the significant election law reforms which resulted in these elections being so transparent.

The people of Mexico should be congratulated for overcoming what surely was a healthy amount of skepticism of the reforms and for going to the polls to express their will in support of change for truly representative government. Without their faith, their cooperation, and their participation, the changes proposed by President Zedillo would not have mattered.

The political parties of Mexico and their successful candidates should also be commended for their participation and for conducting such clean and apparently corruption-free campaigns. Through these elections, Mexico has truly turned the corner and has seriously committed itself to real democracy.

Now, however, comes the hard part. Can the PRI accept the will of the people and relinquish some of the decisionmaking authority it has so long held. Can the Chamber of Deputies work together to forge coalitions to fashion policies which will benefit all of the people of Mexico. Can the Zedillo government work with the Chamber to provide economic growth and social justice. Can the PAN governors of some of Mexico's wealthiest states work with the Federal Government for a greater Mexico. Can the PDR mayor-elect of Mexico City work cooperatively with the Federal Government to govern an unruly city which needs help in so many facets of everyday life.

Whatever the outcomes of these questions, there can be no doubt that what happened on July 6 was a tremendous boost to democracy not only in Mexico but throughout all of the Americas.

As chairman of the Western Hemisphere Subcommittee, I want to offer my congratulations to the government of President Zedillo, to all of the successful candidates, and most especially to the people of Mexico for making this election a benchmark in Mexican history and a shining example of how democracy should work for the rest of the hemisphere.

HONORING MR. TONY CURTIS TOTTEN

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor a man who has overcome several obstacles to lead a fulfilling life. Tony Curtis Totten is a talented artist, a hard worker, and a well-respected citizen. He also has Usher's Syndrome, an inherited condition that causes both hearing loss and loss of peripheral vision.

Despite this disability, Mr. Totten was recently named Employee of the Year by Winston-Salem Industries for the Blind. He has also been nominated for the Peter J. Salmon National Blind Employee of the Year award. I applaud Mr. Totten for his determination to succeed and his dedication to his work. I believe he is an excellent candidate for this honor.

By day, Mr. Totten works to produce mattresses. He has been with Winston-Salem Industries for the Blind for 6 years. According to his coworkers, he has a good attitude about work, does whatever jobs he is asked to do, and is quick to help others when they need assistance. Tony is usually "the first person in the department to go to work, and the last one to stop."

By night, however, Mr. Totten is a gifted and devoted artist. Drawing is his passion, and he is able to create remarkable portraits from photographs. Art has been an important part of his life for many years. Tony has won art awards in the area, and one day hopes to operate his own graphic arts business.

It is people like Tony Totten who exemplify the idea of the American dream. His initiative and display of personal responsibility inspires the people around him. Tony has already opened many doors that were previously closed to him and others with similar disabilities. For myself, for my colleagues in this House, and for our Nation, I say thank you Mr. Totten for showing us that nothing is impossible.

A SESQUICENTENNIAL TRIBUTE TO MILWAUKEE'S ST. JOHN'S CATHEDRAL

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with pride today that I celebrate an important event in the city of Milwaukee's history. The summer of 1997 marks the sesquicentennial of Milwaukee's St. John's Cathedral. I ask my colleagues to join me in saluting this parish's remarkable achievements and invaluable contributions to a great community.

In May 1844 Milwaukee's first bishop, John Martin Henni, arrived in Wisconsin. As Ordinary of the Milwaukee See, Bishop Henni devoted 37 years to the betterment of the Milwaukee area. In an era of expansion, Bishop Henni looked to the future. Perhaps his most impressive accomplishment was overseeing the construction of St. John's Cathedral.

Bishop Henni's purchase of nearly an acre of ground on which to erect his new cathedral proved to be an ambitious endeavor. While many people felt the Bishop was too zealous, his energy and vision resulted in the successful construction of one of the most majestic structures in Milwaukee. In addition to its physical beauty, St. John's Cathedral contributed to the community's rich culture enjoyed by its first settlers. It is in the spirit of Milwaukee's first immigrants that St. John's Cathedral continues to add to Milwaukee's community.

The dedication of the men and women of St. John's parish makes our community a better place to live. Throughout its 150 years of existence, the people of St. John's have persevered. In January 1935, St. John's Cathedral suffered a devastating fire. It was the unselfish work of the entire Archdiocese that allowed St. John's to be reconstructed. Today, St. John's Cathedral remains one of the most prominent structures in the city.

Mr. Speaker, I ask my colleagues to join me in paying tribute to St. John's Cathedral. I join with the city of Milwaukee in wishing this outstanding parish a happy sesquicentennial and continued success in our community.

TRIBUTE TO THE MICHIGAN APPAREL CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. LEVIN. Mr. Speaker, I rise to honor the Michigan Apparel Club [MAC] on the occasion of their 80th anniversary.

Eighty years ago, this club began as just a social gathering between manufacturers' representatives of men's apparel and the Michigan retailers they serviced. In the 1920's, their informal relationship took on a closer association with the introduction of "The Sprinkler," and trade shows. "The Sprinkler" was, and still is today, the publication that informs retailers of the trade shows and provides advertising opportunities for the manufacturers' representatives and their merchandise.

With the advent of the Depression, apparel clubs in other States suffered, and only the Michigan club remained.

MAC's most successful years came as a result of World War II. Shortages of merchandise resulted in strict allocation of supplies to retailers, and with the return of servicemen the club took on a new spirit and camaraderie that is unmatched even today. Indeed, those were their glory days.

The Detroit trade shows were first held in the Statler and Book Cadillac Hotels, and shortly expanded from the two hotels, to three with the addition of the Tuller. Their next move was to Cobo Hall, and later to the Southfield Civic Center. Today the Michigan Apparel Club holds their trade shows at the Burton Manor in Livonia, and serves as the regional show for all the Midwest.

Mr. Speaker, I ask my colleagues to join me in congratulating the Michigan Apparel Club for its 80 years of dedicated service, and I wish the current members continued success in promoting the goodwill and prosperity in our business community.

TRIBUTE TO THE LATE JAMES MAITLAND STEWART

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise to celebrate the life of one of America's most cherished heroes, James Maitland Stewart, known to beloved fans worldwide as Jimmy Stewart. He was not only a World War II hero, but he was the quintessential American—honest, moral, and decent.

Jimmy Stewart was born on May 20, 1908, in Indiana, PA. He graduated from Princeton University in 1932 and soon traveled to Broadway. After a string of hits, he went to Hollywood and appeared in his first movie, "Murder Man," with Spencer Tracy. He portrayed characters in nearly 80 films, spanning the film genres of westerns, dramas, thrillers, and comedies. He starred with the greats of the Silver Screen: Grace Kelly, Katherine Hepburn, Cary Grant, and John Wayne.

In 1941, Stewart enlisted in the U.S. Army. His military career was as successful as his acting career. He flew 25 successful missions over enemy territory and was promoted to the rank of colonel. Due to his bravery and valor he was awarded the Air Medal and the Distinguished Flying Cross. He retired in 1968 with the rank of brigadier general, making him the highest-ranking entertainer in the United States Military.

After the war, he appeared in "It's A Wonderful Life," one of the most celebrated movies in American history. In 1940, he won his first Academy Award for the "Philadelphia Story." Always known as a humble man, he sent the award home to his parents. He went on to be nominated four more times. He won the lifetime achievement award from the American Film Institute in 1980, the Kennedy Center in 1983, and the Film Society of Lincoln Center in 1990.

Jimmy Stewart, a true renaissance man, served as a role model for many Americans during his 89 years. Several generations have already enjoyed his movies and their influence is sure to continue to posterity.

Mr. Speaker, I respectfully urge my colleagues to take a moment to remember Jimmy Stewart—a man who embodied the spirit of America.

TRIBUTE TO CHARLIE HARVILLE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. COBLE. Mr. Speaker, the Piedmont Triad of North Carolina has a rich sports heritage and a man who has reported on much of it for more than half a century has been honored as one of the best ever produced by our State. I am referring to sports broadcasting legend Charlie Harville of Greensboro, NC. Harville, the first television sports anchor in the Greensboro-High Point market, has been inducted into the North Carolina Sports Hall of Fame.

As a student at High Point College, now University, Charlie Harville began his broadcasting career at WMFR–AM as a substitute baseball announcer for the Class D North Carolina State League Thomasville Tommies. After he worked his first game on April 28, 1938, the radio station hired him permanently. Harville's budding broadcasting career was suspended by 4½ year tour of duty in the Army Air Corps during World War II. Following his discharge, he landed radio jobs in Martinsville, VA, Goldsboro, NC, and LaSalle, IL, before he returned to Greensboro for a job at WFMY Radio. In 1949, WMFY–TV went on the air and Charlie Harville became the station's first sports anchor.

Harville remained at WFMY until 1963 when WGHP, channel 8 in High Point, hired him away. He was replaced at WFMY–TV by Woody Durham, better known these days as the voice of the University of North Carolina Tar Heels. Charlie left WGHP in 1975, and after 2 years of free-lance sports announcing, he was rehired by WFMY in 1977 to replace the departing Woody Durham. Charlie retired from full-time reporting and channel 2 in 1988. In 42 years of broadcasting, WFMY had known only two sports directors, both legends in North Carolina, Charlie Harville and Woody Durham.

Now 78, Charlie Harville, shows no signs of slowing down. We are sure that his 9 children and 22 grandchildren will make sure of that. He continues to tape a 4-minute daily interview show for Greensboro Bats baseball games on WKEW–AM. He attends most Bats games at War Memorial Stadium, and he remains an active member of Society of American Baseball Research. His close friend and president of the Greensboro Sports Commission Tom Ward told the Greensboro News & Record that Charlie Harville is a "walking encyclopedia with a photographic mind who can recite batting averages from 1944." Retired News & Record sports editor Irwin Smallwood said that Charlie Harville "was an authentic pioneer in regional television. He set a standard to which others still aspire."

His colleagues share that opinion and that is why he was elected to our State's Sports Hall of Fame. We can think of no better place for Charlie to be except maybe at a baseball game, on the golf course, or at the race track. We always knew that Charlie Harville was an All Star, but we were particularly pleased to learn that now he is a Hall of Famer, too.

On behalf of the citizens of the Sixth District of North Carolina, we salute Charlie Harville on his induction into the North Carolina Sports Hall of Fame. To borrow Charlie's signature closing line—"That's the best in sports today.'

SENATE—*Wednesday, July 9, 1997*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Generous Father, help us to be more gracious receivers. We talk a lot about giving but often find it difficult to give to others what they need because we have been stingy receivers of Your grace and goodness. We cannot give what we do not have. Remind us that to love You is to allow You to love us profoundly. Then we will be able to love others unselfishly. The same is true for the gifts we need from You for our leadership. We need Your supernatural gift of discernment. Help us be willing to receive Your divine intelligence rather than obdurately insisting on making it on our own limited resources. Invade our thinking with insight and inspiration we could not produce on our own. You wait to bless us. We receive not because we do not ask. All through this day, make us aware of our great need for You and the great things You want to do through us. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Texas, is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I wish to make the following announcement. Today the Senate will be in a period of morning business until the hour of 11 a.m. At 11 a.m. the Senate will resume consideration of S. 936, the Senate defense authorization bill. Currently, there are a number of amendments pending which will require rollcall votes and also a number of filed amendments which are expected to be debated throughout the day. As previously announced, Senators can expect a series of rollcall votes on amendments to the bill later in the day as we make progress on this important legislation.

As always, Members will be notified accordingly when votes on amendments are ordered. As a reminder to all Senators, last night a cloture motion was filed on S. 936. Therefore, all first-degree amendments must be filed by 1 o'clock today. As previously stated, it is the intention of the majority leader to complete action on this bill by the end of the week. Senators should be prepared for busy sessions this week.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under a previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under a previous order, there will now be a period for the transaction of morning business, not to extend beyond 11 a.m. with Senators being permitted to speak up to 5 minutes.

INVESTIGATION BY GOVERNMENTAL AFFAIRS COMMITTEE

Mrs. HUTCHISON. Mr. President, I rise today to discuss the solemn importance of the investigative hearings that have just begun by the Senate Governmental Affairs Committee under the leadership of the distinguished chairman, Senator THOMPSON, and the distinguished ranking member, Senator GLENN.

While it is unfortunate that some in Congress have attempted to portray this investigation as an effort by one side to make political hay, I want to briefly discuss why these hearings are crucial for all Americans of whatever party or ideology.

Through the hard work and bipartisan effort of the Governmental Affairs Committee, there has been evidence uncovered and indications of much more evidence to come that our American political system was put up for sale and that an alarming number of foreign interests were ready and willing to buy. While there have been indications of a wide array of illegal activities in connection with the 1996 Presidential election, much of which the public is aware, Senator THOMPSON yesterday indicated that there may be much the American people do not yet know.

The chairman stated yesterday that his committee has evidence that points to a concerted effort by the Chinese Government to improperly or illegally influence American foreign policy toward that country and toward Taiwan. Mr. President, if this is, indeed, the case, then in my view the American people must know the truth. They have a right to know whether the U.S. Government and U.S. officials who were charged with the duty of serving the interests of the American people instead served their own special interests and the interests of others.

The U.S. Senate is attempting to find the truth through this investigation and I am hopeful and confident that it will do so.

Central to the investigation at this point is a name now well-known to the American people, John Huang. Mr. Huang has been a highly paid executive of a major foreign bank. He was appointed to be a high-level trade official at the Commerce Department with access to an array of classified documents. And finally, he was for a time a key fundraiser for the Democratic National Committee. While alone each of these positions is laudable, in part what this investigation seeks to determine is whether or not Mr. Huang served in all of these capacities at the same time, which would be a crime.

Although it is becoming increasingly apparent that Mr. Huang did not act alone in his efforts to serve as an international influence broker, it is nevertheless interesting to discover that of the $3.4 million in donations to the Democratic Party that Mr. Huang raised, the Democratic Party has returned almost half of that money, $1.6 million, to the donors because the contributions were probably made illegally.

Now Mr. Huang has asked the Senate for immunity from future prosecution if he testifies before the Governmental Affairs Committee. Whether Mr. Huang is ultimately granted immunity or not, his conduct and that of dozens of others who have been subpoenaed must be uncovered. This will inevitably involve a give-and-take process between the majority and the minority on the committee. That is to be expected, given the sensitive nature of this inquiry. But simply because the investigation touches on sensitive issues does not mean that it should not move forward. In fact, the history of our country has been one of constant vigilance against the kind of secret manipulation of power that is at the center of this investigation. Only by fully exposing wrongdoing can we be satisfied that all that can be done is being done to tell those who would seek to thwart our system that America's foreign and domestic policy is not for sale.

Mr. President, in addition to the critical need to expose the illegal activities of those in positions of authority in our Government, let me also say that we in Congress should act to address the related issue of campaign finance reform. Let me be clear: the Governmental Affairs Committee and this Senate have the duty and obligation to immediately and fully investigate allegations of criminal wrongdoing with regard to the most recent Federal election. But once the criminal investigation is complete, I am confident that the evidence brought out at these hearings will help shed light on how we might reform our campaign fundraising laws to prevent many of the abuses of the system that this investigation will also highlight.

I have introduced a bill in the Senate that I believe can serve as a vehicle to not only achieve consensus on this important and contentious issue, but that will put a stop to the types of excesses and abuses of our system that have eroded the integrity and public confidence from our Federal political system.

For example, my bill specifically prohibits contributions from any foreign entity or any foreign person, including green card holders who are not citizens of this country. I believe that effecting this change of current law would be a positive result of what we have learned from the 1996 Presidential election. It is simply not healthy for our democracy to have foreign influence in the election process. That is a sacred right and a sacred responsibility that the American people have, to democratically elect our President, our Congress, and our other State and local leaders. Anything that impinges on that right is not warranted, and I hope we will be able to take action soon to prevent this type of conduct from ever happening again.

In addition to the issue of foreign influence in our election process, I am hopeful that the Governmental Affairs hearings, which I think are being conducted in a very fair and bipartisan way, will also tell us what other things we should do to make sure that our campaign laws protect the integrity of our election system.

Mr. President, I want to thank the distinguished chairman of the Republican conference, Senator MACK, for asking us to come forward and talk today about the importance of this investigation and the importance of the integrity of our American election system.

I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to thank the Senator from Texas for her comments this morning and for her involvement in expressing the importance of the actions on the part of the Governmental Affairs Committee. I also want to express my support for the committee itself and the inquiry that began some 6 months ago. As elected officials, it is our duty not only to change the laws when necessary but to abide by them. The hearings that began in the Governmental Affairs Committee yesterday are an inquiry into just how well the Clinton administration abided by the law during the last election cycle. The Democrat Party and the White House would like the American public to think that they did nothing different than anyone else, and that everybody does it and therefore we must change the law.

That just simply is not true. No, not everybody does it. Before we begin considering what new laws to pass, we ought to examine who has violated the ones we have on the books now. In my view, the administration will have no standing to debate the issue of campaign finance reform until they prove that we can live and that they can live within the law as it currently stands. It does little good to create new laws if our leaders don't follow them with principle, integrity, and some semblance of morality. We ought to have leaders who adhere to the spirit of the laws—rather than to push the envelope of propriety.

Unfortunately, there are credible allegations that the Clinton administration exhibited precious little principle, integrity, or morality in the conduct of their last campaign. The committee will be looking into whether the Clinton administration knowingly accepted illegal foreign contributions, allowed money laundering to occur, or actively engaged in the unlawful solicitation of campaign donations in Federal buildings. Worst of all, the committee must determine the true nature and extent of what appears to be a calculated attempt by the Chinese Government to buy influence in the last election.

Senator THOMPSON's committee has uncovered evidence of a detailed plan by China to illegally increase their influence over the United States legal process. They found that China has invested substantial sums of money in this effort and that the White House was made aware of the plan prior to the election but did nothing to prevent it from succeeding. Disturbingly, the Chinese plan continues today. The committee must now determine who knew or should have known about this plan and how it came to be implemented.

I commend Senator THOMPSON and his team for uncovering this shocking infiltration of our electoral system by another government. Judging by the level of complaining by Democrats, he must be close to the truth. When you get right down to it, these hearings are about the lack of shame in this administration. No one in this administration is ashamed of the fact that they may have broken the laws to win the election. No one in this administration seems to be ashamed of the fact that the President and Vice President reportedly leaned on donors from the comfort of the White House. That is illegal. And no one in this administration seems to be ashamed of the fact that overnight stays in the Lincoln bedroom were for sale to the highest bidder. The White House should not be for sale. No one in this administration seems to be ashamed of the fact that poor religious people were preyed upon for illegal donations. They should be beyond such political manipulation. No one in this administration seems to be ashamed of the fact that fundraising safeguards were jettisoned so that illegal foreign cash came rolling in with no questions asked. Compliance with our country's election laws is not optional. No one in this administration seems to be ashamed of the fact that a midlevel political appointee potentially compromised our national security.

He should never have been in a position to do so.

This administration seems incapable of being ashamed of any of this. Rather, they continue to rationalize their actions in an attempt to deflect the negative publicity with hollow calls for campaign finance reform. Unlike others who attempt to tear down our current system, I hope Senator THOMPSON and the members of the Governmental Affairs Committee are able to restore some confidence in our system through these hearings. Calling people to publicly account for their wrongdoing is the first step in that journey.

Finally, I want to thank Senator THOMPSON for his forbearance. He has shown great tolerance and conducted himself like a gentleman, at times when courtesy has been hard to muster. The administration continues to stonewall the committee on producing documents; witnesses have claimed their fifth amendment privilege; targets have fled the country; and a paper trail consisting of millions of pages have been left for the committee to unravel.

Today, I express my gratitude to him for taking on this unpleasant job, and I wish the committee members patience and good judgment in exercising their duties to uncover what has heretofore been covered up.

I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I believe there is a special order pending.

The PRESIDING OFFICER. The Chair advises the Senator from Alaska that we are now in a period of morning business.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, today is the first day of testimony in the Senate Governmental Affairs special investigation of the 1996 Federal election campaign contributions. There is, of course, but one purpose to this investigation. That purpose is to review campaign financing practices during the 1996 election to determine whether Federal laws were violated.

I think it is fair to state that Federal campaign laws in question are relatively straightforward.

It is illegal under U.S. election law for a noncitizen to contribute to campaigns;

It is illegal for anyone to contribute to a campaign in someone else's name;

And, it is illegal to solicit campaign funds on Federal property.

Yesterday, at the opening of these hearings, Chairman THOMPSON announced exceedingly alarming evidence of violations of these Federal laws. The gravest of these violations is an alleged covert plan by the Chinese Government to subvert the 1996 United States election process.

I note, Mr. President, that was headlined in the Washington Post this morning.

The chairman indicated that the plan implemented a series of alleged illegal efforts by high members of the Chinese Government to influence United States policy by giving substantial sums of money. The intent had to be clear: To cultivate relations with the White House to influence foreign policy.

Two key figures in the committee's investigation are John Huang of the Lippo Group and Charlie Trie, a Macao-based campaign fundraiser. Between Huang and Trie, nearly $4 million in questionable funds were raised. Over half of those funds have already been determined to be improper contributions and have appropriately been returned by the Democratic National Committee.

This allegation goes to the very heart of the workings of our Government, and questions must be answered.

First would be: What efforts were used by foreign nationals to influence U.S. policy?

Second, to what extent was the U.S. political process infiltrated?

Third, ultimately, was the United States compromised at any particular time?

Additionally, these hearings will focus on the disturbing use of President Clinton's perquisites of the Presidency as a fundraising tool.

Even though Federal law precludes campaign fundraising on Federal property, the committee has revealed the following information.

During the 5 years that President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom.

This figure is an unprecedented escalation of past Presidential practices.

Presidential historian Richard Norton Smith stated that there has "never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House."

On March 15, 1997, the White House counsel, Lanny Davies, stated, "It's fair to say these additional functions at the White House were for the purpose of encouraging support for the President's campaign, including financial support."

These overnight guests at the Clinton White House donated at least $6 million to the Democratic National Committee.

Additionally, President Clinton hosted some 103 Presidential coffees. Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms-trading company, donated some $27 million to the Democratic National Committee.

White House officials have denied that such events were planned with the intention of raising specific amounts of money. However, President Clinton's Chief of Staff, Harold Ickes—who will testify before the committee—recently turned over a large number of documents that show figures for both expected and actual donations from nearly every White House coffee.

Here's a comparison. President Bush hosted one Presidential coffee. No money was raised. And I am told the cost was $6.24 cents.

The accuracy of that I will leave to the historians.

But, finally, Mr. President, on March 11, 1997, this body voted unanimously to hold this investigation.

I commend Chairman THOMPSON for his commitment to Congress and to the constitutional duty of the oversight process; that is, to provide the American people with a fair, unfiltered, and bipartisan view of the 1996 campaign practices. The American public deserve no less.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I have been in the chair for the last few minutes listening to some of the comments that have been made. I would like to read one paragraph that I saw in yesterday's Wall Street Journal.

I would like to ask everyone, Mr. President, to listen very carefully, because we are only talking about three of a long list of things that are being investigated right now as far as the alleged transgression of the President.

Yesterday's Wall Street Journal has the editorial of which this is just one paragraph:

> Travelgate, trumped-up Billy Dale prosecution, the secret health-care task force, the 900 FBI files and bouncer/security chief Craig Livingstone, alerts to the White House from high Treasury officials on Resolution Trust Corporation investigations, the guy who told the congressional committee he lied to his diary, the brightest minds in the Democratic Party suffering massive memory loss at congressional hearings, the "lost" Rose Law Firm billing records, Webster Hubbell's passage of the Justice to jail, Vince Foster's torment, the Lincoln Bedroom rented out, Charlie Trie on the run, John Huang taking the fifth, Jim and Susan McDougal convicted, the Buddhist monastery/money laundry, the drug dealers let in for the White House photo-ops, the routinely cavalier treatment of legal and judicial procedures, and independent counsels appointed for three members of the Cabinet, one sitting American President and, for the first time in history, one First Lady.
>
> Everyone does it? We don't think so. At least up to now.

In this long list of alleged transgressions, the investigation right now is really only dealing with three things.

It is interesting for me that every time something comes up concerning campaign contributions that have been taken illegally, the President comes out and says we need campaign finance reform.

I would only comment, as did the Senator from Alaska, Senator MURKOWSKI. How do we know that we need reform of campaign contributions until we live under the laws that we have today?

Currently it is illegal—under our current law—to accept foreign money from foreigners. It is illegal to launder money. It is illegal to solicit or accept money on Federal property.

That is what this is all about.

So I just hope as the debate goes on about campaign finance reform that we adopt an attitude that we should comply with the laws that are on the books right now and see how far that goes to resolving the problems.

Mr. President, I see that there is no other Senator seeking time, so I ask unanimous consent that I be recognized as if in morning business on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

STORM CLOUDS ON THE HORIZON

Mr. INHOFE. Mr. President, I am very honored to be serving as the chairman of the Readiness Subcommittee of the Senate Armed Services Committee.

Today at 11 o'clock we will begin again the discussion on the passage of the defense authorization bill.

As chairman of the Readiness Subcommittee, I have jurisdiction over the readiness of our forces to defend America: Such things as military construction, such things as military pay, such things as training, and the like.

In carrying out my responsibilities, I have visited many, many bases throughout the world and here in the United States. I have had occasion to be recently in Camp Lejeune Marine Corps Base; Fort Hood, TX; Corpus Christi Naval Base; and the Dyess Air Force Base.

My concern is that with all the people we have talked about and talked to in the committee meetings that we have had in the Readiness Subcommittee of the Senate Armed Services Committee, we keep getting assurances from the administration that we are in a state of readiness that would meet the minimum expectations of the American people, and yet the information that we get as we go around certainly contradicts that. We have statements made by a number of people who are in the field. When you get past the top brass here in Washington, we find that we have very, very serious problems.

Mr. President, I plan to make several statements concerning this as the development of and discussion on this bill takes place after 11 o'clock, but I would just suggest that we have not found ourselves and put ourselves in a state of readiness that meets the minimum expectations of the American people. The administration has said many times we are in a position to defend America on two regional fronts, and I can assure you that is not the case. In fact, as we watched the Persian Gulf war, I regret to say that we are not in a state of readiness today to be able to defend America against that type of aggression.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would first like to say I appreciate the leadership of the Senator from Oklahoma. Senator INHOFE has done an outstanding job in working to preserve the defense of his Nation, and his comments about our lack of preparedness are very serious. I think this body, as a body traditionally considered to be the long-term evaluator of national security interests of this Nation, needs to listen to what he says. I thank him for those comments.

INVESTIGATION BY GOVERNMENTAL AFFAIRS COMMITTEE

Mr. SESSIONS. I rise at this time, Mr. President, to make some remarks about the hearings going on in the Governmental Affairs Committee. I think they are most important hearings. I think it is important we remember that the committee, headed by the excellent and fine Senator from Tennessee, Mr. FRED THOMPSON, was commissioned by this body. They were mandated by this body to go out and discover the facts and to conduct an investigation of illegal and improper activities in connection with the 1996 political campaigns. So they have a responsibility and a duty that falls to them at this point whether they want it or not, whether they wish they did not have it, and they have to see it through and do it in a formal and proper way. I think the committee is at a point where it is not dealing with exact science, but with a process by which that committee needs to go out and find the facts, apply those facts to the law, to decide what actions ought to be taken and to evaluate it that way.

It was by a 99-to-nothing vote that this Senate, Democrats and Republicans, directed that committee to do its work. And so we ought to let them do their work and let them follow the evidence where it leads, to let them apply that evidence to the law and to analyze the results and make recommendations for the future.

A key part of that investigation is gathering the facts. I served for 12 years as a U.S. attorney. That was the Federal prosecutor for the southern district of Alabama. And, as such, I had the duty for many years—to handle major corruption-type cases involving complex white-collar crime, and so I have had a lot of experience in that field.

I have not been commenting on this case and the evidence because I think we ought to let the committee do its work. I made one previous statement about this investigation a few weeks ago addressing my concerns to the grant of immunity, and I think we ought to talk about that and a few other things today.

This investigation is dealing with a serious question, and that question is whether or not a foreign nation, not really considered a friendly nation, Communist China, may have systematically and intentionally set about to influence the American election in 1996 and, in fact, to influence American policy.

We know that the President of this United States was a great critic of President Bush because he said President Bush was too accommodating to China and needed to be more tough in dealing with China. And then, after he becomes President, we know that he now is a leading spokesman in this country for accommodation with China.

So whatever that is about, the facts in this case will have to tell us. But I do think it is clear that we are dealing with unusual types of problems with campaign financing. This may not be only a technical violation of the law, but it is a situation in which we may have a foreign power, an adversary, a Communist nation, with the largest standing army in the world, attempting to influence elections.

We need a bipartisan effort, similar to those conducted in the past. We need the spirit of Howard Baker in the Watergate hearings who, as a Republican, made sure that he cooperated in that investigation and sought the truth. We need the spirit of Warren Rudman, Republican, who participated in the Irangate matters that were investigated here. He always sought to get to the truth regardless of politics. I have not seen that, frankly, by some in the leadership in the other party on this committee. It seems to me there has been too much partisanship.

Now that those committee hearings are proceeding, they need to proceed professionally and objectively and all members need to pull together to find out the facts and get the truth out.

I did want to talk, Mr. President, about the question of immunity. We had the not unusual, if you are familiar with complex prosecutions, situation yesterday when the committee hearings commenced that the ranking member from the Democratic Party announced that Mr. John Huang, who had been the main focus in the investigation, was prepared to testify if he were granted immunity.

I think we have to be very careful about that. In fact, at this point, I would advise the members to say no to immunity at this point in the process. There may come a time when immunity is necessary, but at this point I do not think it is. That is my experience after many years of prosecuting. You use immunity, first and foremost, to get the testimony of the little fish, to find the people who may know something about the case, and then that helps you develop the real facts of the case and go on to the higher-ups.

I was very concerned a few weeks ago—and it is the only comment I have made about this matter since I have been in the body—when members of the Democratic Party were refusing to grant immunity to little fish in this case. Now that they are talking about one of the top ones, they are suggesting that maybe we ought to grant immunity to him, but they were objecting to and questioning the wisdom of granting immunity to what they called the nuns and the priests in the Buddhist temple, those who have taken vows of poverty, and they have yet given large contributions to the Democratic campaigns, and the investigators want to ask them questions about where that money came from because there was a clear suggestion it was not their money, that somebody had given them that money and then they had taken it and made the contribution, and that would be technically a crime. And their lawyers were saying, as good lawyers would, "we will tell you about it but my people didn't understand this; they are not political sophisticates; we will tell you who told us; we will tell you who gave us the money; we will tell you who did it; but we don't want you to turn around and prosecute us."

So that is the type of circumstance the committee must decide. You may not want to prosecute those people anyway. They may not have understood what they were doing was against the law. So that is an appropriate circumstance for the committee to consider immunity.

I thought it was critical and a matter of stonewalling of that investigation to, across the board, just deny consideration of immunity for those people, and now we are dealing with a situation in which on the first day of the hearings comes the announcement that Mr. Huang, under some complicated theory, would be prepared to testify if he is given immunity for everything he did except being a spy.

Well, my observation is that that is not a good way to proceed, and there are several reasons why that is true. First of all, Mr. Huang wants to come in and get immunity from the things that it appears there may be such evidence right now to convict him of.

That is not a bad deal, if they have evidence to convict you of a number of crimes. Let us say maybe it is money-laundering or maybe it is a violation of the Hatch Act or maybe it is the Ethics in Government Act or Illegal Foreign Contributions Act or campaign finance laws, in which you deliberately run money through someone else's name so that it would appear to come from them and not from someone else. Those kinds of things can be violations of the law.

The investigators have done a lot of work on this. Perhaps they already know the basic facts, and probably Mr. Huang knows what they know also. So it would not be unusual for a good lawyer representing Mr. Huang to see if he could not pull a little gambit, if he could come in on the first day of the hearings when everybody's attention is focused on other things and announce, if you give me immunity, I will tell you what I know, but just remember, I don't need immunity for being a spy because you don't have the evidence about that perhaps. Maybe that is what he is thinking.

The context of this thing is very troubling to me. My advice to the members of that committee would be to be very, very careful about it.

There are a number of other things that are troubling to me. You have to remember that the grant of immunity can in fact undermine prosecutions later. We have to know that the Department of Justice, even though those of us on the Senate Judiciary Committee and others have called on the Department of Justice to appoint an independent prosecutor and Attorney General Janet Reno has declined to do so, the Department of Justice is conducting an investigation of Mr. Huang. They may already have evidence which indicates that he has committed crimes against the United States. And if that is true, then it is a real serious thing for the Senate to go through the process of granting him immunity. In fact, I would think it would be very bad at this point; of all the people who are most prominently involved in this, who played a high role—and he was a high Department of Commerce official. These problems are serious. Huang is a major player in the campaign finance scandal that we are seeing unfold, and I think he ought not readily be given any grant of immunity. I think it would undermine the legitimate prosecution that could go on later.

As a prosecutor, one thing I always tried to avoid was to be in a situation in which I granted immunity to the main crook in the case. If you have five people involved and you need the testimony of some others to maybe bring out the details, you do not give that immunity to the main crook. You do not give immunity to the person you have the most evidence against already.

That does not make sense. I think that this is a gambit, this is an attempt to rush in here while this committee has a well-planned schedule to bring in the evidence that is in existence about this scandal and to bring it all to the fore, to disrupt that process.

The committee ought to stay the course. They ought to bring in the evidence from every source, and when they have all the evidence brought in, they then ought to objectively, coolly and professionally consider whether or not Mr. Huang deserves immunity, but until then I say no. I think we ought to be very careful about this process. It is a very serious thing.

Finally, let me just say that this process is important. The people of this country are entitled to know that there has been an objective and thorough evaluation of the allegations that have been so prominently talked about here. I think that is important. I think Americans expect that. They would be concerned, rightly, if one of the primary persons alleged to be involved in wrongdoing who could have been involved in maybe a half a dozen different criminal activities, were to be given immunity at the very beginning of these hearings, and therefore perhaps end up with a situation in which you have prosecutions against lesser offenders and the main culprit goes free. That is a very serious matter. And sometimes in America, as one writer said a number of years ago, we suffer from a colossal inability to discriminate among levels of wrongdoing.

I would say to you that if some of the facts here turn out to be true, we are dealing with a very serious violation of American law and campaign procedures involving millions of dollars, involving a Communist nation, a Communist power attempting to influence this Nation. I think that committee has to see it through. They have to get the facts and call the shots, no matter what the consequences.

Mr. President, I salute the leadership of Senator THOMPSON and others on that committee. I believe they are doing a good job and I am confident that the truth will come out. I believe in this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to speak not to exceed 10 minutes.

The PRESIDING OFFICER. The time set aside for Senator MACK has expired. This is morning business. Without objection, the Senator may proceed.

Mr. GORTON. Mr. President, the entire legitimacy of this body and the House of Representatives, of the Presidency and of the administration, depends upon its members, in the case of the Presidency the President himself, having been freely chosen by the American people in an election campaign conducted under certain rules consistent with the statutes and the Constitution of the United States. It is a set of serious allegations about violations of those existing rules that is at the heart of the investigation now being conducted by the Governmental Affairs Committee.

There are many who say the rules ought to be changed, and there can be legitimate debate over how much and in what direction those election campaign rules ought to be changed. The issue here and now, however, arises under the current rules, arises under serious allegations about violations of those current rules: The Hatch Act, the misuse of the White House, the use of covert foreign contributions to affect the outcome of the elections, money laundering, and a number of other violations of what the laws relating to the election of the President of the United States are right now. In this connection we have the unfortunate spectacle that many—most of the key witnesses, of those who know the facts, of those who participated in the alleged violations, have either hidden themselves overseas beyond the reach of any subpoena or have stated that they will exercise their fifth amendment rights and will refuse to testify unless they are immunized against the very offenses which so clouded last year's Presidential election. In that connection, we have the regrettable response, a response almost without precedent, on the part of one of the parties, that finding these witnesses is a Republican problem, that grants of immunity to minor participants will not be approved. How markedly, how strikingly this contrasts with the investigation of Watergate, with Iran-Contra, in which the party whose actions were being investigated cooperated fully in attempting to determine the truth of these allegations.

As we all recognize the vital importance of free and open and fair elections conducted in accordance with the rules, so, it seems to me, we must all recognize the importance of determining whether or not there were serious violations of those existing laws, because if we cannot enforce the law as it exists today, what point is there in debating whether or not we ought to change and tighten those laws? We need the investigations that are being conducted, both here in the Senate of the United States and in the House of Representatives today, to cast light on what actually took place during the course of last year.

We asked for a special prosecutor. We needed the Department of Justice in order to determine whether or not there were criminal violations that should be prosecuted in the criminal courts of the United States. But the classic justification, the rationale for this Senate investigation is the determination of facts: The breadth and extent of the violations of law that took place last year, who the violators were, what consequences the committee of the Senate feels should stem from those violations, and then and only then whether or not there should be additional laws applicable to the next set of elections. This inquiry and this investigation is of vital importance to the American people. The American people deserve to know precisely what took place during the course of the 1996 Presidential election campaign, on both sides; the breadth and the extent of violations of law, who violated the law, and who knew about and benefited from those violations.

I call on all of the Members of the Senate to cooperate to the fullest possible extent in the determination of those facts and express my hope that the results of this investigation will be enlightenment and far better practices in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, yesterday the chairman of the Governmental Affairs Committee began his hearings on the alleged political campaign finance irregularities of 1996. After all that has been written and reported in the press and elsewhere, it is time. Even before these hearings, a lot of facts are already known and how much more these hearings will reveal yet has to be seen. Knowing all the roadblocks that could be posed in these hearings and these investigations, they may reveal very little, or we may be surprised at some of the findings. Nonetheless, the hearings must move forward. This body and the other body, the House of Representatives, has the unsavory duty to investigate, reveal and inform the American people. I know no one in either Chamber relishes this assignment. To some it tends to polarize, and to some it confirms what they have already known.

John Quincy Adams, who returned to the House of Representatives after serving as President of the United States, in a heated debate over slavery, of which he was an ardent opponent, said, "Duty is ours; results are God's."

The nature of these hearings is different, especially when we talk about campaign financing. This one involves foreign entities attempting to politically infiltrate the American system. That is the concern of all Americans and in particular those of us who have taken the oath to uphold and defend the Constitution of the United States in face of foreign and domestic assault. To do otherwise is just not accepting our sworn duty and our obligation to the American people.

Alexis de Tocqueville, author of "Democracy in America," way back in the early 1800's, wrote that America is great because America is good. When America ceases to be good, it will cease to be great. That is as true today as it was then.

The alleged violations of the 1996 campaign did not start just in 1997. One must remember, back in the fall of 1996, about mid-October, when the Democratic National Committee failed to file its campaign report with the Federal Election Commission—some excuse that the accountants did not have it ready or it was not ready to go. In fact, I don't recall whether it was filed at all until the elections were over in 1996. The point is, could full disclosure be working if there were obvious irregularities? If there were, did they take the attitude, "Why should we file?" Were there campaign activities that could prove embarrassing right before the election? And I would ask, is that not the main purpose of the present laws, full disclosure—full and timely disclosure of campaign activities? Maybe the present law is working. Maybe, under the present law, we know what we know today. We must ponder that.

The China connection has lots of us concerned. In fact, Americans should be outraged at such an allegation, let alone proof. What was going on when John Huang received top security clearance without even a background check, 5 months before he began working at the Commerce Department? Why did this person still have a security clearance when he began working at the DNC? Why did John Huang attend over 100 classified briefings, hold 95 meetings at the White House, have frequent access to the President of the United States? I want to know that. I want to know why it was allowed to happen. The American people deserve to know. And we have the duty to inform them.

It is apparent that inquiry is necessary because it seems to me that this administration was willing to do whatever it took to win an election. The facts that we know now—not allegations but facts—tell us that they broke current and existing laws. Are they above the law? I don't believe so—as none of us are. They inadvertently allowed our national security to be compromised? One has to question that.

So, the Governmental Affairs Committee is fulfilling a constitutional responsibility by conducting oversight to find out whether the current laws have been adhered to, of which we know some of them were not.

It is their duty to discover what laws were broken, and then we can decide what can be done to improve enforcement of those laws.

This is about money laundering, illegal foreign contributions and unlawful receipts of campaign funds within Federal buildings. There is credible evidence out there that indicates this administration was engaged in all of these violations.

It is my hope, Mr. President, that these hearings will get all the facts out in the open for the American people. I commend Senator THOMPSON and committee members for assuming that responsibility. It is an awesome responsibility and one that is not taken lightly by any Member of the U.S. Senate or the U.S. House of Representatives. It is time that we proceed to get this out in the open and let the American people judge what is right and what is wrong.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 8, 1997, the Federal debt stood at $5,354,619,850,034.63. (Five trillion, three hundred fifty-four billion, six hundred nineteen million, eight hundred fifty thousand, thirty-four dollars and sixty-three cents)

One year ago, July 8, 1996, the Federal debt stood at $5,154,104,000,000. (Five trillion, one hundred fifty-four billion, one hundred four million)

Five years ago, July 8, 1992, the Federal debt stood at $3,971,809,000,000. (Three trillion, nine hundred seventy-one billion, eight hundred nine million)

Ten year ago, July 8, 1987, the Federal debt stood at $2,326,070,000,000. (Two trillion, three hundred twenty-six billion, seventy million)

Fifteen years ago, July 8, 1982, the Federal debt stood at $1,076,916,000,000 (One trillion, seventy-six billion, nine hundred sixteen million) which reflects a debt increase of more than $4 trillion—$4,277,703,850,034.63 (Four trillion, two hundred seventy-seven billion, seven hundred three million, eight hundred fifty thousand, thirty-four dollars and sixty-three cents) during the past 15 years.

BIDDING FAREWELL TO HIS EXCELLENCY, AMBASSADOR GALLAGHER

Mr. DODD. Mr. President, I would like to offer some brief comments, if I may, regarding a good friend to many of us here who will be returning to his country in the next few days. I speak of Dermot A. Gallagher, Mr. President, the current Ambassador of Ireland to the United States.

Mr. President, Dermot Gallagher can leave the United States with pride in the work that he has done for his Government and his country.

I have had the privilege, Mr. President, of working closely with Dermot over the last 6 years, as many of us have. It has been an extremely positive experience, and I have come to consider Dermot not only a competent diplomat, but a good friend, and a good friend to this country. Without doubt, Dermot Gallagher is a consummate professional, an able and talented diplomat, and an individual who has served his country with skill and grace. And in no small measure, he has been assisted in that process by his lovely wife Maeve who has been a partner in this endeavor of theirs over the last number of years.

It goes without saying that Ambassador Gallagher has had an extraordinarily busy and productive tenure as Ireland's Ambassador in Washington. From early 1994 until the present, Ireland, and particularly the Northern Ireland peace process, have been front-burner issues for the Irish, the British, and our own Government.

Naturally, Dermot Gallagher has been in the thick of all of it. He has been an effective spokesman for his Government with the State Department, the White House, and the Congress. He has also been enormously helpful, I might point out, Mr. President, to those of us who have been actively involved in trying to get the peace process back on track in that country following the tragic decision of the IRA last year to break the August 1994 cease-fire.

Ambassador Gallagher may be returning home to Dublin, but I am confident he will remain actively involved in many of the same issues with which he has become so intimately knowledgeable. I say this because Ambassador Gallagher will be returning to Dublin to assume the position of Second Secretary General within the Department of Foreign Affairs, where he will continue to play a major role in Anglo-Irish issues, especially in the Northern Ireland peace process.

Given the recent events in Drumcree, where once again violence erupted, Mr. President, in connection with the annual Orange Order parade season, he will have his work cut out for him. Dermot will play a critical role in advising the newly elected Irish prime minister, Bertie Ahern, on the most effective policies for the Irish Government to pursue in order to restore a climate of trust, peace, and reinvigorate the currently stalled peace process.

So, Mr. President, I know again I speak for all of my colleagues here when I bid Ambassador Gallagher and his wife Maeve and their family a farewell and a thank you for a job very well done. We continue to look forward to working with him in the years ahead.

DEVELOPMENTS IN CAMBODIA CAUSE FOR CONCERN

Mr. McCAIN. Mr. President, for those of us who follow events in Southeast Asia closely, recent developments in Cambodia are a cause for great concern.

The coup d'etat—and, yes, I employ that term even if the Department of State, for broader foreign policy reasons, does not—staged this week by Second Prime Minister Hun Sen is a terrible setback for that strife-torn country. Tragically, the expression by Mao Tse-Tung that "power grows out of the barrel of a gun" applies nowhere more so than Cambodia. A peace process initiated in 1991, culminating in the Paris peace accords, and manifested most significantly in the 1993 elections is dying.

The investment in that country since the signing of the 1991 accord by the international community of more than $3 billion, including $160 million from the United States, has clearly failed to eliminate from Cambodia the intertwining of politics and violence. The removal from power of the Khmer Rouge, one of the most vicious guerrilla movements in history—the very people for whom Cambodia has become synonymous with the image of bloodshed on a monumental scale—has not eliminated from the minds of Cambodia's leaders the notion of "power from the barrel of a gun."

Mr. President, I am a strong supporter in Congress of facilitating the development of normal political and economic relationships with former adversaries in the Far East. I supported the opening of diplomatic relations with Vietnam and the extension of most-favored-nation trade status to Vietnam, Cambodia, and Laos. With many other Members of Congress, I have invested considerable time and effort to helping secure a peaceful and prosperous future for a region that has known decades of warfare unimaginable to most Americans. I can only now fear for the future. The coup by Hun Sen represents a reversal of fortune that will prove, I fear, extremely difficult to resolve. The culture of violence that dominates major factions in Cambodia is alive and well and once again in power.

The response to the coup by the Clinton administration is understandably tempered by the knowledge that we will have to deal with the new regime as a simple fact of life, as well as within a broader regional context. It is that regional context that worries me as much as the developments inside Cambodia. The visit by Hun Sen to Hanoi immediately prior to his takeover of Phnom Penh sends a chilling message to those of us concerned about the region's future. Whether Vietnam is culpable in the events in Cambodia is an issue that demands, and presumably will receive, serious attention.

The American public remains extraordinarily wary of any involvement by this country in Southeast Asia. That is understandable given the history of United States involvement there as well as memories of the years of terror in Cambodia under the Khmer Rouge. That concern cannot and should not be ignored. That is why I was never under any doubt about the popularity of some of my positions with regard to Southeast Asia. The United States, however, must remain engaged there. It cannot turn its back on a region of great importance to the entire Far East. Conflict in Indochina, during a period when countries circle each other warily over specks in the South China Sea that may or may not be rich in oil and natural gas, can easily have wider implications. We must work to bring peace and stability to Southeast Asia. Both morally and practically, we must stay engaged.

I have met a number of times in the past with Hun Sen. He is a tough individual not vulnerable to intimidation. He is capable of acting as ruthlessly as he deems necessary. His troops have actively sought out Members of Cambodia's elected Parliament with the clear intent of imprisoning those who oppose him and incorporating into his movement those who do not. Cambodia's interior minister was captured and executed. Sam Rainsy, president of the Khmer National Party and a friend of some of ours, expressed the situation appropriately when he asked, only partly rhetorically,

> On what ground, following what rule, what law, what article of the Constitution, what legal procedure can the Second Prime Minister unilaterally "dismiss" the First Prime Minister . . . (O)nly with the backing of his tanks Hun Sen gave to himself the right to dismiss the First Prime Minister and to announce the formation of a new government.

A reign of terror has been launched and a shadow has fallen over a country now known more for its violence than its awesome natural beauty. Gunfire around the Angkor Wat Temple, revered by Buddhism and universally identified with solemnity, provides a sad contrast that illustrates all too well the tragic fate of Cambodia. The international community, which invested so much time, energy, prestige, and money in establishing in Cambodia a democratic form of government and the opportunity for the same peaceful and prosperous future enjoyed by so many of Asia's countries, can be forgiven if it does not attempt a repeat of its efforts earlier this decade.

The United States should, I believe, work to resolve this crisis and repair the damage. I would be hard-pressed at the moment, however, to argue on behalf of foreign assistance for Cambodia while a government that took power via coup d'etat rules in Phnom Penh and the ousted FUNCINPEC party negotiates in the northwest with the Khmer Rouge. The administration must communicate more forcefully than it has to date to Hun Sen that his actions are unacceptable and it must meet with Prince Ranariddh while he is here in Washington at the highest possible level of government to convey our continued support for the democratically-elected government that was ousted. It must be reiterated that Hun Sen was made Second Prime Minister and the Cambodian People's Party given a sizable representation in Parliament not because of its popular support, which it lacks, but because of its history of extreme violence and willingness to employ that violence to attain its objectives. It must be illuminated the degree to which the international community bent over backward and the Cambodian people's interests sacrificed in order to bring the CPP into the coalition that was torn apart by the coup.

Mr. President, the tragedy that is Cambodia continues. The Senate as a body, the Congress as an institution, and the administration as this country's representative abroad must communicate the message that the recent events in Cambodia represent a reversal that cannot be accepted without a price. I, for one, stand ready to do my part.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The bill clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran/Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams amendment No. 422 (to amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Lugar modified amendment No. 658, to increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs.

Gorton amendment No. 645, to provide for the implementation of designated provider agreements for uniformed services treatment facilities.

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 668, to require the Secretary of Defense to transfer $400,000,000 to the Secretary of Veterans' Affairs to provide funds for veterans' health care and other purposes.

Wellstone modified amendment No. 670, to require the Secretary of Defense to transfer $5,000,000 to the Secretary of Agriculture to provide funds for outreach and startup for the school breakfast program.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Gorton/Murray/Feinstein amendment No. 424, to reestablish a selection process for donation of the USS Missouri.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Mr. THURMOND. Mr. President, we are now back on the defense authorization bill, S. 936. We are ready to take up amendments. I want to inform my colleagues, if you have an amendment, come to the floor and present it. We are ready to act on these amendments. We have to finish this bill this week. We have lots of amendments. If you want your amendment acted on, you better come to the floor and see about it, otherwise we are going to proceed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I rise to comment on one of the most important authorization bills to be debated by the Senate each year, the defense authorization bill. In fact, if you consider that the first duty of government is to assure the life and freedom of its people, then this is the most important authorization bill we will take up this year.

Our debate, like most of what we do on this floor, will eventually produce a law. In our democracy, Mr. President, law is really our collective national imagining of how something should be. In this debate, America imagines its Armed Forces and crafts a law that authorizes their existence and shapes them to their tasks. This law has global reach and global consequences; so we should approach this debate with seriousness, with respect for those who serve, and respect toward those who wrestle with these issues on a daily basis.

Deserving respect in the latter category are our colleagues who serve on the Armed Services Committee. They have produced a good bill, on balance, and they have done an exceptionally difficult task in putting together this legislation because they have to consider not only the threats to the Nation and the nonnegotiable requirements to repel those threats today, but also to support the force that is already deployed, as they are in Bosnia. They also face tough budget limitations, along with the demands of competing bureaucracies and those in the private sector who supply equipment and services for defense. Our colleagues on the Armed Services Committee must balance near-term with long-term, readiness with research, and through it all keep their eyes focused on the overall good of protecting the Nation. Mr. President, I thank them for taking on this tough task and producing such a good product. I especially thank the distinguished Senator from South Carolina and the distinguished Senator from Michigan for their fine work on this legislation.

National strategy should be the basis for our consideration of the Defense authorization, and strategy is illuminated by history. We have a history, in the aftermath of decisive military involvement overseas, of withdrawing from foreign commitments. The surest sign of our withdrawal has always been the deep reduction of our Armed Forces. After World War I, we listened to our isolationist instincts, refused to join the League of Nations which our own President had created, and cut our military to the bare bones. Absent our leadership, Europe and Asia developed into a conflict which killed 50 million people—a conflict which only renewed American engagement could win. Again, after World War II, we deeply cut our military, only to be shocked into rearmament by the initial victories of Communist forces in Korea—forces which might well have been deterred had we kept our forces capable.

Again, after Vietnam we deeply cut our forces but fortunately rebuilt them when it became clear that our military was less capable than our national strategy required. We wisely rearmed and created a force which outlasted the Soviet Union and won a historic victory in the cold war.

The clear lessons of history are: Stay engaged in the world and keep our Armed Forces congruent with the national strategy and with the threats we face. In other words, we should not withdraw from the world—we should continue to lead, and an essential component of leadership is Armed Forces who can do what our strategy requires. Keeping those forces capable means sizing and shaping and equipping them to deal with the threats of today and tomorrow, changing and improving them so they can achieve their purpose.

Our forces have an overriding purpose: To defend the Nation. But they also have subsidiary purposes: To defend our national interests and to support the stability which shields prosperity and democracy. We Americans also expect our military to do more than just national defense. We expect them to maintain and embody our national leadership. We expect them to be the agent of America's desire to lead a response to anarchy or famine or other instances in which American values call for action. These are the American values the world loves and depends on, and our military delivers on them.

No other country on Earth has such a set of purposes for its armed forces, and no other country has the multifaceted, action-oriented, take-charge people in its military who can accomplish any or all of these purposes and think outside the box to do it better. Developing and nurturing such people is yet another essential task of our Armed Forces.

The military that can answer the tall orders we place it cannot be a static institution, and our is not. It is not a status quo force. Some fail to see it, but in fact the U.S. military has become significantly smaller since the cold war. In 1990, there were 2,069,000 active duty service members. This bill authorizes 1,431,000 for fiscal year 1998. In 1990, there were 18 active Army divisions and 10 divisions in the Army National Guard. This bill authorizes 10 and 8 divisions, respectively, for fiscal year 1998. The number of Navy aircraft carriers has gone from 15—and 1 for training—to 22 and 1. Battle force ships have gone from 546 to 346. Air Force fighter wings have gone from 24 active and 12 reserve to 13 active and 7 reserve. My point is not to argue with these reductions, which made sense in terms of the threats and our commitments, but to note they occurred, and also to note they have been traumatic, not just for the communities in which they are located, but also for the services themselves.

Let me add parenthetically, whatever the size of our forces, they should be supported by logistics and infrastructure that reflects their size. If our forces get smaller, we should not retain unneeded military bases. I, therefore, support the distinguished ranking member's amendment to initiate a new base closure process. The money we can save on excess bases is a matter for debate, but excess bases hurt readiness regardless of money because they add requirements for our most precious resource: personnel.

Too much of what passes for strategic decisionmaking in defense these days is really about money. In my view, money is an issue only after you decide on a strategy and the military component of the strategy. The lesson of the cold war is, if we need something military to protect our country and achieve our strategic goal, we will pay for it, whatever the cost. In examining this bill and our strategic direction, saving money is not my highest priority. In fact, I don't think we spend too much on defense, given our global responsibilities and the size of our economy.

My question is whether we are spending it on the right things. We can answer it by reviewing the threats we are facing and will face in the future.

The top threat, the only threat that can instantly extinguish our national life and the lives of scores of millions of our citizens, is Russian nuclear weapons. The mission of U.S. Strategic Command is as essential as ever. It is the fashion to consign the cold war to the historic past, and Russia today is a friendly country. Indeed, the growth of prosperity and democracy in a friendly, peaceful Russia ought to be at the top of our strategic priorities—the potential for such a Russia is one of the principal fruits of the cold war. Conversely, a poor, unstable, chaotic Russia threatens our security because the command and control of nuclear weapons could be weakened. The likelihood of accidental launch or leakage of fissile materials into the hands of criminals or terrorists is increased. No aspect of the proliferation problem is more potentially threatening than the possibility that Russian fissile materials get into the wrong hands.

The Armed Services Committee has understood the connection between Russian nuclear surety and our own national security. The Nunn-Lugar programs are proof of that understanding and the strategic vision of those two statesmen and many of their colleagues. The cuts made in those programs in this bill suggest we may have briefly lost sight of that vision, and I will join with the Senator from Michigan in seeking to restore the requested levels.

Russian nuclear weapons are an inescapable, obvious part of our strategic reality. We also face a serious threat of proliferation of weapons of mass destruction to rogue States, countries like Iraq, Iran, Libya, and North Korea. One appropriate response to the threat from these countries, when the threat matures and becomes specific, is missile defense. But there are other responses that should not wait, including advanced research and development on the detection and targeting of nuclear, chemical, and biological weapons. Our global responsibilities could propel us with little warning into a conflict in which these weapons, the so-called poor man's nuclear weapons, are present, just as we now know they were during the gulf war.

A third threat is the conventional capabilities of potentially hostile states, and analysis suggests to me these capabilities are in broad decline around the world, just as are the conventional capabilities of many allies. Most countries can stage a decent military parade. But there are few who can sustain ground combat operations or an air campaign lasting more than a few days.

Recent history, and I am thinking especially of the performance of non-United States NATO forces in the earlier UNPROFOR stage of Bosnia, shows there are not many armies willing to even engage in ground combat unless United States troops are in action alongside them. Likewise, the Russian invasion of Chechnya several years ago seemed to me to be a repeated instance of Russian troops who would not leave the safety of their armored vehicles and their artillery positions to fight on the ground. The Russians blew up a lot of things from a distance but they did not win the war.

I am most grateful American soldiers and marines still have the warrior spirit and have it in abundance, but I think we should recognize that this spirit, at least at this time in history, is far from universal. There are many armed people in the world who are willing to fight, but not generally on behalf of governments. The foreigners who are eager for a fight are likelier to be with Hizbollah or the PKK than with an established government. This reality, which may be only a temporary condition, should be reflected in how we shape our forces. We may be overstressing the likelihood of conventional conflict and understressing the unconventional, although the latter may be more likely. Let me add that unconventional operations have not been our forte, historically. As the nation-state declines in many regions and dissolves altogether in some parts of Africa, the potential for unconventional operations by U.S. forces grows larger.

Conventional naval threats also appear to be in decline. Certainly there are no naval forces in the world remotely close to ours in either size or capability. The Russian Navy is experiencing severe problems just in paying and feeding its sailors, much less getting underway. At least temporarily, we may have the world's last real navy. But the gradual emergence of the navies of developing powers like China and India present a more distant threat that bears watching. At the other end of the spectrum, unconventional and shore-based attacks on our warships are already a threat to our forces which, as in the Persian Gulf, must come close to hostile coasts to maintain regional stability.

Our global responsibilities, in the opinion of the administration, require us to be prepared to fight simultaneously in two major regional contingencies. Looking at the situation in North Korea, a regime which was described to the Intelligence Committee in open session earlier this year by Lt. Gen. Pat Hughes, the Director of Defense Intelligence, as "terminal," I respectfully disagree with the two MRC assumption. I think the likeliest near term possibility is for a combination of one major and several minor simultaneous contingencies which could be inconveniently located in terms of our logistics structure. In my view, the soundest investment we could make is more airlift so we can rapidly force a favorable outcome in these contingencies, and better sealift to sustain them.

As we take on new international responsibilities our military should be appropriately tasked and shaped to carry them out. I note the Senate will soon consider the expansion of NATO. Our most significant new responsibility from this policy decision will be to be prepared to defend the eastern border of Poland. That is the guarantee we will make. It will not be a meaningful guarantee unless U.S. military forces are dedicated for this mission and train for it, and for all the logistic support which will also be required. I have yet to learn how this commitment, if we make it, will affect our force structure and what it will cost.

Every human environment is a potential military target or theater of conflict, and that includes the new environment of cyberspace, an environment which is essential to our national security and yet is an environment without international borders or government controls. If we are to defend our communications systems, our transportation systems, our power transmission systems, our medical care delivery systems, we must defend our national information environment, our public networks. Robust encryption is an essential part of the defense of this environment as well as its assured, secure use by consumers, the private sector, and Government. The Secure Public Networks Act, which Senator McCain and I and others have introduced, aims to make set a global as well as a national standard for secure public networks. Our bill serves national defense as well as our commercial interest, and I commend it to my colleagues.

Mr. President, as the threats and the environments change, it is our duty, as well as that of the administration, to ask ourselves if our forces are designed and equipped in the light of today's and tomorrow's reality. What is the likelihood that our Army will have to conduct large-scale armored operations against an enemy like the Iraqis of 1991? Is the aircraft carrier the optimum fire support or air supremacy system in areas where we are denied access to airfields? What is the likelihood of a major amphibious assault in today's world, or a mass tactical parachute jump? What are the tactics and platforms best suited to achieve rapid, overwhelming victory today and tomorrow?

We have in our military officers who can answer these and many other questions essential to formulating the future of our forces. Our military education system trains officers to think outside the box. Will their political masters in the Pentagon and White House let them? Are we in Congress open to real change or does it present political risk to us that we would rather not face?

In the past, we have only made major positive changes in our military under the pressure of external threats. Now we have the opportunity to do it for ourselves. The seriousness of the tasks we assign to our military, and the quality and spirit of those who serve and who are willing—even enthusiastic—about going into danger for the rest of us, demand no less.

Again, Mr. President, I commend both the chairman of the Armed Services Committee, the distinguished senior Senator from South Carolina, and the Senator from Michigan, the ranking member of this committee, for their very constructive and important work. They have produced a good piece of legislation. There are some changes that I would like to make with their support, especially of the ranking member. But overall they have kept the faith with the people of this Nation and produced a piece of legislation that, if enacted, will enable the United States of America to continue to be safe and secure.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Nebraska, who incidentally is the only Member of Congress who is a Congressional Medal of Honor winner, for the excellent statement he just made. It will be very beneficial to the country to hear a statement like that.

PRIVILEGE OF THE FLOOR

Mr. President, while I am on my feet, I ask unanimous consent that Ron Moranville, a legislative fellow on Senator McCain's staff, be granted privileges of the floor during the debate of S. 936.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Nebraska is still on the floor, I want to add my voice to my good friend, the chairman of our committee, for his comments about the Senator's remarks. I only wish that every Member of the U.S. Senate could have been here to hear the Senator from Nebraska.

It is a comprehensive statement. It is thorough. It is intellectually solid. It is based, most importantly, on experience. There are some times theoretical statements that we hear that do not have that kind of a base and experience.

The Senator talked about old values of this country and new threats. He set forth what these new challenges and new threats are. But he also underpinned our commitment as we hope to reflect in this bill with his help the old values which he has so superbly represented throughout his life.

I just simply want to thank the Senator from Nebraska for his commitment, for his dedication, for his patriotism, and for taking the time to set forth in a document, as he did this morning, and in speeches he gave this morning, some of the most critical challenges that this Nation faces.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me not miss this opportunity to join our chairman and ranking member in saying good things about our dear friend from Nebraska. I am glad I was over and got to hear part of his speech.

Mr. President, I have waited until we got to a lull in consideration of amendments to come over today and talk about an issue which is very important to me and to my State. But I think more importantly it is very important to our national security, and it is very important to the American taxpayer who is intimately involved in all of these considerations as the ultimate payer for all that we undertake.

I want to apologize in advance to my colleagues because I want to cover a series of issues here that are related to base closing and privatization.

We have had a protracted debate in the House of Representatives, most of which I would have to say I believe is based on a view of the facts that do not comport with my view, and I think don't comport with the facts. I think it is very important at least to have on record at one place as we enter into the debate, which ultimately will occur in conference, on what this whole issue is about and what it is not about, because I want our colleagues to know that this is not a dispute among Senators that are simply representing the views and interests of their States.

In my mind this is about a fundamental issue. I think when you cut through all of the rhetoric, when you separate out all of the random facts that are out there in the debate, that the ultimate issue is, do you believe in competition? Do you believe the taxpayer benefits from competition with a lower price? And do you believe that competition produces quality and excellence? If you do, you are for it. If you do not, you are against it. And it is my belief that these decisions about privatization ought to be made on that basis.

Having thrown a bunch of ideas out there that to any listener not involved in this sounds to be random, let me go back to the beginning, back to the 1995 Base Closing Commission report, and then come forward to the present, to the House action and where we are today, and basically try to set this whole thing in the context of facts. So let me begin with the base closing report.

As our colleagues are painfully aware—and especially if they represent a State as I do where bases have been closed—we adopted a bill establishing a commission to close military bases that were no longer needed. I was a principal cosponsor of that bill. I supported it. I have voted for each of the recommendations of the Base Closing Commission including the recommendations that closed five military bases in my State. I am committed to continuing the base closing process. I will be one of the Senators, assuming that Senator MCCAIN and I can work out some language differences, who will be cosponsoring Senator MCCAIN's amendment to reinstitute the Base Closing Commission.

So I do not want anybody to be the least bit confused. I am in favor of closing military bases to reduce the overhead that we have which is literally starving national defense, and in the process threatens our modernization and threatens our ability to maintain the pay and benefits that have allowed us to recruit and retain the finest young men and women who have ever worn the uniform of this country.

I intend, assuming that we can work out these minor language differences, to cosponsor the McCain amendment to reinstitute base closing, though it is very unpopular in my State, and very unpopular in the country. The bottom line is we have cut national defense spending by over a third, and we have closed only 18 percent of the military bases.

We have a huge overhang from the cold war in the bureaucracy in Washington, around the world, and in our own country, which makes absolutely no sense. We have more nurses in Europe than we have combat infantry officers in Europe. We have a huge overhang of resources, facilities, production capacity, and bureaucracy that ultimately have to be pared down to meet the defense needs of the Nation. And while I am not happy about doing it, while I worry that more military bases in my State will be closed, I am for it because I think the national interest dictates it.

I also believe it is a tragedy that cannot be avoided that the very communities whose support allowed us to operate military bases and facilities that won the cold war and tore down the Berlin Wall and liberated Eastern Europe and transformed the world are the very communities that end up being hurt by this process. But the alternative to this process is that we end up with a huge bureaucracy where we are spending our money to maintain facilities rather than to maintain defense. We have in terms of our "tiger," so to speak, our military strength today, too little tooth and too much tail. That is what the Base Closing Commission is about.

Having said all of that, let me go back to the Base Closing Commission Report of 1995. I want to talk about a base in my State. And then from that I want to discuss this whole issue because I have never heard a debate since I have been here that has been more confused on what the real issues are than this debate about privatization.

Let me take you back to 1995. We are in the process of moving toward congressional and Presidential elections. The Base Closing Commission recommends, among other things, closing Kelly Air Force Base in San Antonio, TX, a huge facility with 14,000 employees. And they recommend two options. I want to read from the Base Closure Commission report, because one of the assertions that has been made in all this debate is that the President is trying to use politics to overcome the recommendation of the Base Closure Commission. There is only one problem with that assertion, and that is it is not true.

Now, when the Base Closure Commission in 1995 closed Kelly, they had two recommendations as to what to do. One was consolidate the workload to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. In other words, the recommendation was to close Kelly Air Force Base and then either transfer its functions to another depot or put them out for private bids, and if under the procedures established by the Defense Depot Maintenance Council it is cheaper to do it in the private sector than to transfer it to a depot, DOD could do it that way.

Now, this is not me talking; this is not what I am in favor of. This is what was recommended by the Base Closure Commission.

Now, it does get confusing after that. You have a base closed, a big maintenance facility in California, and you have a big maintenance facility in Texas closed, Kelly Air Force Base, and President Clinton is running for reelection. Obviously, people in California are not happy about the base closing. Obviously, people in Texas are not happy about it. So what do you expect the President to do? Do you expect him to go around and say this is great? What the President did, which I would have to say 9 out of 10 politicians would have done, including many people on my side of the aisle, is he went out of his way to say, well, look, all is not lost. Maybe we can privatize some of these functions in facilities that are currently at McClellan or currently at Kelly. In other words, the President, in campaigning, did what any politician would do. He took the options of the Base Closure Commission and wrapped them in as pretty a package as we could wrap them and led people to believe that he somehow was going to support "privatizing these functions in place," which was a term that he used.

Now, those who oppose competition based on price and quality have seized on what the President did during the campaign and claimed that somehow that violated the principles of the Base Closure Commission. It seems to me that as politicians we are all familiar, intimately familiar, practiced, in fact, in the skill of taking bad news and putting as pretty a face on it as you can. And what the President did all through the campaign in voter-rich California and Texas, two big States with huge electoral votes, is he talked about the potential for privatization. But I want to remind my colleagues that the President signed the Base Closure Commission report. We had some effort in my State to try to encourage the President not to sign the Base Closure Commission report. I am proud to say that I rejected it, refused to participate in it and thought the President had no choice, and in the end he did not.

But to somehow assert, as has been done in the debate in the House and to some extent here, that the President has tampered with the process by trying to put a pretty face on a corpse is just not fair, and it misleads people about this whole debate.

Now, let me outline what we are actually talking about. We are going to have a contract where maintenance work on the C-5 is put out for competition. If a private contractor can do it for less, it will be privatized to save the taxpayer money. Now, that private contractor can do the work anywhere they choose, and obviously one of the options that is going to be bid will be the option of using the C-5 hangar which exists at Kelly and nowhere else—it would cost $100 million to rebuild it somewhere else—and doing the work not with Government employees but with private employees. They will not get the contract if they cannot do it for less.

So what is the issue here? Well, some people say the issue is DOD is not following the Base Closure Commission report because they are not closing Kelly Air Force Base. They are not closing McClellan Air Force Base. Well, look, we all want to take facts and try to use them to bolster our argument, but this is not true. No one is proposing that we not close Kelly Air Force Base. No one is proposing that we not close McClellan Air Force Base. There are a lot of people in San Antonio, there are a lot of people in Texas, there are a lot of people in California who would rather not close these bases, but there is no debate about it. The debate is about this: Should private industry have a right to compete for the work that will no longer be done by the Government at Kelly and McClellan? That is the question. So nobody is saying do not close the military bases. To listen to the debate in the House, you would think that is what is being proposed.

Now, that brings me to the next point I want to make. All throughout the debate in the House of Representatives reference was made to a GAO study entitled "Air Force Depot Maintenance: Privatization in Place Plans Are Costly While Excess Capacity Exists."

Now, might I say that this is so typical of GAO work, because what happened is somebody asked GAO to do a study that in essence said, if your whole objective is to reduce Air Force overhead, would you want to consolidate or would you want to privatize? Nobody asked the question, if you want to save the taxpayer money, if you want to improve quality, what would you do? But to listen to the debate in the House of Representatives, where over and over again people held up this study, you would think that the General Accounting Office had concluded that having the Government do this work rather than having a public/private competition, where we would decide who does it based on who could do it better or cheaper, that GAO had looked at this option and had decided the Government could do it better.

Now, when you actually look at their study, you find, in fact, that is not what the study looks at at all. What the study basically looks at is, if your objective is to reduce the level of overhead in depots, what you would want to do is consolidate. If your objective is to reduce the amount of excess capacity in private industry, as if that is our concern, you would want to consolidate into the depots. But when they get down to cost, all they can say is that "Air Force planning has not progressed far enough to compare precisely the cost of privatization of depot workload in place with the cost of transferring the work to other unused depots."

So, in other words, all the GAO study says is if the only options are to close Kelly and McClellan and transfer the work versus keeping them open, operating at the same cost, you ought to close them and transfer the work, especially if your sole objective is to reduce overhead. I do not disagree with a word this study says, but the problem is it does not have anything to do with the debate that is being conducted. The debate is not about excess capacity. The debate is about cost. The debate is about dollars and cents: Is it cheaper to have public/private competition, or is it cheaper to simply have the maintenance work done in Government depots?

Interestingly enough, there was another study on this subject which was never referred to in the debate in the House, and this is a July 1995 study done by the Congressional Budget Office. I want to remind my colleagues this study was done before the Base Closure Commission report and was in no way colored by anybody trying to tilt the evidence in favor or against privatization.

Now, the CBO study basically concludes, comparing the public sector, where the Government does maintenance work with Government employees, versus the private sector, that "shifting depot work to the private sector might reasonably be expected to save $1 billion annually in the long run."

In other words, you have two studies. One looks at whether or not to close a facility and shift the function, where those are the only two options—and which is not what we are debating at all. The other study tries to look at competition between the public sector and the private sector in doing this work, and—something that should not come as startling to an American—competition means lower prices and higher quality, and this study projects about $1 billion of savings from competition once you fully implement competition.

Let me summarize then what the real issue here is about. The real issue here is not about closing two Air Force maintenance facilities. Nobody is arguing that these two bases should not be closed. But what is being argued, and being argued with some passion, is whether or not we ought to look at the least costly way of doing this work. Should we simply close these two military bases, which everyone supports, and shift the functions to other Air Force maintenance facilities, or should we put out this work for bids, and if it can be done cheaper in a Government depot, do it there, and if it can be done cheaper by the private sector, do it there?

That is what the issue really is about, but you would never know it from the debate. The debate we hear really goes in two directions. One, we are talking about keeping bases open that the Base Closure Commission closed and that violates the agreement. Nobody is talking about keeping the bases open. They are going to be closed. We are going to bring down the flag. The military personnel are going to be shifted. Nobody is debating that option. The question is, should we allow a private contractor, who would come in and lease a facility that will belong in this case to the city of San Antonio, a C–5 hangar that does not exist anywhere else in America, should a private contractor be able to come in and lease that facility and compete with other private contractors and with the Government to maintain, for example, the C–5?

That is the question. Obviously, if we have private competition, that is going to mean that our remaining depots are going to have to compete.

I am not going to get into the business of trying to determine the intentions of our colleagues. I never try to impugn anybody's intentions. But let me talk specifically about that issue. I have proposed a compromise that I think makes sense. In this sort of supercharged environment where this has become one State versus another, we have not yet worked out a compromise, but I wanted to outline what my compromise is because I think in the future we are going to have to come to some conclusion here.

My proposed compromise is the following thing. We have in this bill a requirement that 50 percent of our maintenance work be done in Government depots and no more than 50 percent be done by the private sector. This is an arbitrary provision. It ought to be repealed. We ought to make the decision based on defense needs and cost. But what has really happened here is that at the very time when defense spending is being cut, you might initially believe that, well, with defense having been cut by a third, we have all been forced to make tough decisions, and in the name of a strong national defense and in the name of the security of the United States, we are all forced to make decisions about cutting overhead and waste and protecting special interests, dropping that so that we can get the most return we can on our defense dollars. You might think that would happen. But I am sorry to say that I think there is every evidence that exactly the opposite has occurred, that what has happened with defense spending declining is that our defense facilities and the people who live in those communities and those who represent those communities have started to view defense like welfare or an entitlement, that somehow because you have a defense maintenance facility, for example, that you are entitled to the work and the fact that we have less of it makes you more entitled.

So what we have seen in the House is sweeping language that would bar privatization and price competition for all practical purposes, forcing the Air Force to do something they do not want to do. The Secretary of Defense, the Secretary of the Air Force, the uniformed leadership, the Joint Chiefs of Staff, the people who are trying to preserve a strong defense desperately want the ability to engage in price competition. They understand we won the cold war because the private sector can do things well. So what they want to do, with the limited amount of money they have, is take a requirement and put it out for competitive bids and get the most return we can by having competitive bids. So that, if a depot in some State wants work, they have to prove they can do it cheaper than any other depot or than any other private sector person who might do that work.

I have offered to our colleagues on the other side of this issue to sit down with them and define a level playing surface, so that we can be absolutely sure that this is going to be a fair competition. But, basically, what has happened, I am afraid, and I am unhappy to say, is that increasingly defense is being viewed as an entitlement or welfare program, where, as we have less of it, rather than spending our money more efficiently, there is a demand to protect the interests of individual communities and individual military facilities. If we follow this procedure, we are going to end up with a less effective military force, we are going to end up with less procurement of new equipment, we are going to end up with poorer pay and working conditions, we are going to end up with a military that does not represent the best and the brightest in our society.

What my proposal has been is the following: Leave this division of public/private work in place, at least temporarily. I would have to say that logic dictates that we ought not to have any arbitrary division, that it ought to be done based on competition. But my proposal is the following, that within this arbitrary division set out in law, in our bill 50-50—no more than 50 percent can be contracted out—leave that provision in place, but add a provision that says that, if a private contractor using a level playing surface that takes into account all costs, where a bidder has to have a firm, fixed price and where you don't pay them if they have a cost overrun, they have to eat it, and where you impose a fine and other penalties on them if they don't meet quality requirements and a timetable, including disbarring them from doing defense work, then have a full and fair competition, however we want to define it. I would define it to include all costs, including retirement and overhead, and require the public and the private sector to have fixed-price contracts, and then make them live up to the contract.

I am trying to work out a compromise and break this impasse that not only fractures the Senate and House but that threatens our national defense efficiency, in my opinion. What I am willing to say is, OK, stay with the 50-50 arbitrary division except in the cases where the savings are 10 percent or greater. In other words, begin with a presumption that it is worth 10 percent to have the Government do it, but if the private sector can do it for more than 10 percent less than what the Government can do it for, let the private sector have the contract. In other words, give a 10-percent bias toward the Government. If you really are concerned about efficiency, it seems to me that is more than a reasonable proposal. What it would say is that any time the Government in its depots can do the work within 10 percent of what the private sector can do it, we leave the existing restrictions in place. But in those cases where the savings are at least 10 percent or more, let the private sector have the opportunity to bid on it and, if they win the bid by that margin, let them have the work.

That is, I believe, the ultimate solution to this problem. I don't think it makes sense economically. I think it is tilted toward Government procurement, Government provision of maintenance. But to try to reach a compromise, it is what I am in favor of. But let me make it clear, not only do I believe the position I have taken is right for America and right for the taxpayer, but the idea that companies in Texas or anywhere else don't have a right to bid on work and, if they can do it cheaper, get the contract is so alien to everything that I believe and everything that I believe is in the national interest that, if there is any provision in this final bill that stops competition, that precludes price competition to benefit the taxpayer, I am going to vigorously resist.

Also, I might note that the President has said that he would veto the bill if such a provision were in it. I hope my colleagues, at the very time when we are all down here bemoaning the decline in defense spending and the threat it poses to our security, I hope we are not going to put ourselves in a position where we are defending special interests and the President is vetoing the bill because we are more concerned about the pork barrel and treating defense like welfare than we are concerned about providing for the national defense.

Let me go to the final point. So confused has this issue become that we now have colleagues who are saying that they are not going to support another base closing commission because of what the President supposedly has done about the last one. Our chairman of the Defense Appropriations Subcommittee, TED STEVENS—we all know and admire him—he is quoted in today's paper in the following way: "Senator TED STEVENS, Alaska Republican, said there will be no further closure until Mr. Clinton backs off his plan to protect bases in California and Texas."

Let me respond by saying, obviously the President, like any good parade leader, when the Base Closing Commission proposed one of the options being price competition, the President grabbed his baton and got out in front of the parade. He just thought it was a great idea and he thought that we would almost certainly do it. And he was for it. He was very much for it. Because people were getting ready to vote on whether to renew his contract or not.

But it is not what he said that is important; it is what his administration did. The point is, they didn't do it. All they have said is that they want to follow the Base Closing Commission report where they would put out bids, and if the private sector can do the work on these closed military bases, or anywhere else, cheaper than the Government can do the work internally, they want to do it.

So, are we going to base the public policy of the country on political posturing by a candidate for office during a contested Presidential election? The plain truth is, the President said over and over he was for privatization and he believed that contractors at these bases would win the competition. But he didn't change Government policy. He didn't say we are going to write the proposals so that they have to win. In fact, the Defense Department believes, our Secretary of Defense believes, the Secretary of the Air Force believes, the uniformed services believe, that we could save as much as 30 percent by having price competition.

So, what a terrible confusion we find ourselves in, where we are talking about not moving forward with necessary policy because the President, taking the best provisions of the Base Closing Act from a political point of view and trying to hide behind them, somehow confuses people. We are going to let a contract on C-5 maintenance. If it can be done cheaper by the private sector, it will be done by the private sector. If it can't, it won't. Now, if it is cheaper to be done by the private sector—and I believe it will be substantially cheaper—but if it is, do I expect the President to make a statement about it and say: I am delighted that a private contractor in California or Texas or Timbuktu has gotten this contract? Yes, I expect him to do that. But does that change the fact that the taxpayer has benefited? That defense has benefited? No. So, I urge my colleagues to go back and look at this issue.

A final point and I will yield the floor. This is not, in my mind—and I believe demonstrably it is not a fact—to say that this is a dispute between the Senators who represent Texas and California on one hand and the Senators who represent States that have Air Force depots on the other hand. In fact, I had the great privilege, as our distinguished chairman will remember, of serving on the Armed Services Committee for 6 years. Every day in every way on every issue, I supported privatization as a member of that committee. Now, granted, if the situation were reversed and we had closed a maintenance facility in some other State and we were moving it to Texas, my position would be more difficult than it is today, because the national interest and my State's little special interest would be at least partially on a different side. But I don't believe that my position would be any different than it is today. I cannot imagine that I would ever oppose price competition as a way of getting the largest return on our dollar. I hope, if the day ever comes that I have to go against something that I believe in as strongly as I believe in price competition, that maybe I'll get out of the way and let somebody else do this job.

The point I want to make in concluding is this is not a dispute among States. Granted, everybody can look at this, this collage of facts and political posturing, and they can pick and choose what they want. They can take reports that do not have anything to do with price competition and say, "You see, it's cheaper to let the Government do it and have no price competition." Anybody who has lived in America for more than a day would know this can't be right. But you can do that. You can take political posturing and make whatever you want to out of it. But, when you get down to the bottom line, this is a debate about price competition, are you for it or are you not for it? I'm for it.

Let me say, I want to work something out. This ends up, in a sense, pitting me against some of the Members for whom I have the highest affection. There is no Senator I love more than the Senator from Georgia, Senator COVERDELL, or Senator INHOFE from Oklahoma. I was instrumental, as chairman of the senatorial committee, I think, in helping to elect both of them.

I want to work out an agreement where everybody can feel that we have a good national policy, and their interests are protected. If there is a legitimate concern about full and fair competition, if people are in any way concerned that the Air Force is going to tilt the competition to benefit private contractors at the expense of depots, which I don't believe because I think every pressure will be in the opposite direction, but the point is, if people are concerned about that, I am willing to sit down and work with them and come up with an ironclad system.

I am willing to bring private accounting firms into the certification process to guarantee that it is a fair competition. I am willing to do whatever we have to do to safeguard the competitive process. But I am not willing to let what I perceive to be special interest treat defense spending as welfare and say this belongs to us, even if we can't do it better, even if we can't do it cheaper, that the fact that we have done it means that we ought to have it forever.

We all have to resist that. We all have to represent our States. That is why we are elected. But we have to also look at the overriding national interest.

I wanted to come down today and go over all these issues because someday, the Senate is going to have to reach a decision on this. I think as it stands now, this decision will be made in conference. I hope that we can, in conference, preserve the ability to have price competition. I am hoping that next year, we can sit down and work out an agreement where everybody believes and is confident, to the degree we can make people confident, that their individual interests are protected.

But the issue here is not preventing base closures. We are going to close the bases. The flags are coming down. We are already moving people. Nobody is disputing that. Despite all the political rhetoric to the contrary, we are closing these bases. The question is: Should we use price competition to determine whether some of their functions go to other bases or whether they go to the private sector? And the Base Closing Commission recommended that we do that. So nobody is here trying to override the Base Closing Commission. What we are here trying to do is to implement the Base Closing Commission recommendations.

We all, obviously, look at an array of facts, and we often try to take the facts that bolster our case. I think that is only human nature. But I believe that if a person gathers all the facts and cuts through all the irrelevant issues and gets to the bottom line on this issue, it is: Do we believe in competition? Do we believe that we can maximize the effectiveness of national defense by having public-private competition where the best provider at the lowest price wins? I believe we do. I believe that is the principle that most Members of the Senate and the House believe in.

I wanted to take the time today—and I thank my colleagues for their forbearance in this lengthy speech—to at least get on the public record what one Member believes the facts to be. I yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I offer my congratulations to my friend and colleague from South Carolina, the distinguished chairman of the committee, and Senator LEVIN and others who have done, I think, a wonderful job in putting this bill together. I commend them for it. It is comprehensive, from a parochial standpoint. There are issues in my State that are addressed in this defense authorization bill which I think are extremely important from a national security standpoint, maintaining an industrial base, the teaming approach, the creative approach that the Defense Department has come up with that Electric Boat Division and Newport News in Virginia have joined together in a teaming process for the next generation of submarine technology that will allow both of those industrial bases to maintain their viability well into the next century.

Mr. President, stepping back a bit and looking at the Defense authorization bill as a whole, I'd like to complement my colleagues, Senator THURMOND and Senator LEVIN, the chairman and ranking member of the Armed Services Committee for bringing to the floor a bill that provides for the Nation's defense in a sound and fiscally responsible manner.

Let me comment on several provisions of the bill in particular.

First and foremost, this bill supports the submarine teaming plan which will save hundreds of millions of taxpayer dollars and keep our current submarine industrial base viable for the near future. The Navy estimates that this teaming plan will save $650 million, or about half a submarine, when compared to straight competition. That's a fact, and it has not been disputed. In this era of cost cutting, teaming on submarines is clearly the best course. Moreover, if at some point in the future there is enough work for full competition between two submarine builders, only the teaming plan will ensure that two submarine builders still exist.

It is far too early, however, to become complacent on this matter, for high hurdles remain, but I plan to do my utmost to make sure that this plan, fully backed by the Navy, becomes law.

On a related matter, I'm glad to see that we are on track in authorizing funds to complete the third and final *Seawolf* submarine. Just last week, Electric Boat in Groton, CT, turned over to the Navy the U.S.S. *Seawolf*, the first submarine in the class and the most advanced submarine in the world. It once again demonstrates that the Nation looks to Connecticut to produce the world's finest equipment for the world's finest fighting forces.

This bill also calls for 36 UH-60 Blackhawk helicopters, a testament to the continued need for these versatile aircraft used by nearly every branch of the Armed Forces as well as a host of countries around the world. Also, these helicopters are ever-present in disaster relief operations, from the wildfires in California to the floods in the Dakotas. This bill will ease a bit the National Guard's massive shortfall in modern helicopters. Any National Guard adjutant general will attest to the outstanding capabilities of these helicopters, especially when compared to the aging, Vietnam-era UH-1 Huey helicopters many units may be forced to continue to use for the coming years.

Finally, this bill holds off on more rounds of base closures and I support that position. Although I've stood behind base closure rounds in the past, we don't have a good handle at this point on the costs and benefits from those previous rounds, so I'm disinclined to go forward. The GAO has found that, while there are probably eventual savings that accrue from BRAC rounds, the specific amounts cannot be pinned down from the available data. Furthermore, GAO has found that environmental cleanup costs have been underestimated and revenue from land sales has been overestimated—both resulting in lesser savings than DoD had initially calculated.

That is why I have signed onto an amendment offered by Senator DORGAN that has the support of both the majority leader and the minority leader. The amendment simply requires that we closely examine the data from the four previous base closure rounds as well as the shutdowns scheduled over the next year before we go forward with additional rounds. This doesn't seem too much to ask when we consider the difficulties that confront communities that surround a military base on the closure list. We owe it to those communities to provide accurate estimates rather than the more familiar overstatements of savings used to justify their extreme hardship.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 762

(Purpose: To add a subtitle relating to Persian Gulf War illnesses)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 762.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DODD. Mr. President, very briefly, this is an amendment that was adopted in the other body's consideration of the authorization for the Armed Services of this country, adopted 417-0. But I thought it was worthwhile for this body to speak as well to this issue.

I speak of the gulf war illnesses, Mr. President, that virtually every Member of this body and others have expressed deep concern about to the members of their own States who served in the gulf war. We know now that at least 10 percent of the 700,000 that served in the war may have been afflicted with a gulf war illness of one kind. To the credit of General Schwarzkopf and others who testified in recent weeks, it was suggested this matter ought to be pursued.

It is mystifying and disturbing to many exactly what kind of exposure those men and women were subjected to. I do not know that anyone can tell you categorically what the answer is yet, but this amendment tracks some of the conclusions reached by the General Accounting Office that they revealed in a recent report about the gulf war illnesses. The author of the amendment in the House, as well as myself, tracked that report, drafted this language, and are asking our colleagues to support it so that we might not only get to the bottom of this and provide the kind of treatment that our veterans deserve, but also maybe minimize in future situations being faced with the kind of difficulties that we have all heard about in various hearings that have been held in this body and the other over the last number of months regarding this issue.

This amendment, as I mentioned a moment ago, will provide, I think, some real solace, not to mention significant help, particularly help to the 700,000 members of the Armed Forces who served in the Persian Gulf war. And perhaps as many, as I said, as 10 percent of them who may be suffering from some form of these Persian Gulf war illnesses. It is a modest attempt to help those people.

In a $268 billion defense bill, I do not think we ought to find it too difficult to provide $4.5 million, which is what this amendment does, to study the most effective treatments of gulf war illnesses and encourage efforts to replicate those treatments. If there is one thing I think this body and this Nation can agree on, it is to do better by our gulf war veterans.

Clearly, our colleagues in the House recognized the imperative here. That body approved an amendment 417-0.

Mr. President, let me just briefly describe this amendment and why I think it is necessary.

This amendment will require the Defense Department and the Veterans Administration to work together to determine what is working in the treatment of gulf war illnesses. While the DOD and VA have taken an important step of offering examinations to all who fought in the Persian Gulf war, those agencies have not examined the adequacy and effectiveness of treatments after those initial examinations.

Mr. President, let me, just as an aside here, suggest as well utilizing the forum of this body to urge the gulf war veterans to visit their veterans hospitals in their States to be examined. There are 5,000 people in my State who served in the gulf war. Only about 400 to 500 have showed up at the veterans hospital in West Haven to be examined to determine whether or not they may be suffering any of the effects of the gulf war illnesses.

Many have had no effects whatsoever. But we are being told by experts that some of the reactions are delayed reactions, and they may not be showing up in the normal predictable course of events in a timely fashion. But if more people would just go for that half an hour examination, I am confident that the overwhelming majority will not find that they suffered any consequence, but it would be helpful for them and their families, but it would assist us immeasurably as we try to get to the bottom of this issue.

This, as I said, is an amendment that would help us identify some of the treatments that are working. This is based on the General Accounting Office report that was recently released and called "Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis Are Needed." It clearly asserts that neither the DOD nor the VA has a mechanism in place to monitor the effectiveness of treatment after those initial exams. This amendment would provide such a means, one that I feel is long overdue.

But it is not enough, in my view, to take just a close look at the present treatments. I think we must look ahead to make sure we do not repeat the mistakes. And this amendment will take steps on that front as well.

For example, the Defense Department has been unable to provide the location of military units at certain times during the Persian Gulf war. Specifically, we are apparently uncertain of troop movements in the proximity of the ammunition depot at Khamisiyah when it was destroyed.

That is why this amendment, I think, would be helpful in requiring the Defense Department to develop a plan to collect and maintain information regarding the daily location of units engaged in a contingency or combat operation. Had we done that during the gulf war, we would know where our troops were when the emissions of chemical or biological agents occurred. That is vitally important information.

Furthermore, both the General Accounting Office and the President's Advisory Committee on Gulf War Illnesses have highlighted the loss or incompleteness of military medical records. Now, years later, as researchers attempt to determine who is and who is not suffering from an illness that resulted from their service in the Persian Gulf war, the fact that in many cases they cannot piece together medical histories does not allow them to make an informed decision.

This amendment, Mr. President, would therefore require the Department of Defense to put a system in place that would accurately record the medical condition of service members prior to their deployment and retain such data in a centralized location to ease future access. Again, this is a modest proposal that would have prevented, I think, our current difficulties had it been in place prior to or during the Persian Gulf conflict.

Concerning the fact that troops in the Persian Gulf were given drugs that did not yet receive FDA approval for usage, this amendment would require that members of the Armed Forces at least be notified when they receive an investigational new drug. That way, if such drugs are required, at least our troops will not have any mistaken impressions about them.

Finally, Mr. President, I urge my colleagues to support this amendment. It gives the Defense Department and the Department of Veterans Affairs wide discretion and simply guides their action in areas where I think there have been some shortcomings.

The final objective is a better understanding of the best treatments of these illnesses and to guard against similar problems in the future.

Again, even though we have passed legislation banning the use of chemical weapons—the treaty—I think we all realize that this may be a reoccurring problem in the future. And this modest amendment, I think, would go a great distance to alleviating some of these problems.

Again, I emphasize that this has been adopted by the other body unanimously. I think it would be worthwhile if this body were to express its opinion on this issue as well.

For those reasons, Mr. President, I offer this amendment and urge its adoption.

Mr. President, I am not asking for a rollcall vote on this. One may be necessary.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor this amendment to the Department of Defense authorization bill. This amendment would better coordinate DOD's and VA's response to Persian Gulf war illnesses and would provide a plan to better protect the health of our troops during future deployments.

At the outset, it is important to note that DOD and VA have made a lot of progress on the important issues surrounding the illnesses suffered by veterans of the 1990–91 Persian Gulf war. They have coordinated their efforts in areas of evaluation, research, and outreach in ways that will benefit gulf war veterans as well as veterans of future deployments. But I think we all agree that there is still much to be done. This amendment builds on the coordination and progress that has been made so far. Therefore, I encourage all of my colleagues to join in support of this important measure.

As ranking member of the Committee on Veterans' Affairs, I have witnessed firsthand the human costs of the gulf war. It is my belief, and that of many others, that the casualties of this war continued long after the battles were over. This is true of many wars, but the chronic health problems of many of the men and women who served in the gulf war have been particularly devastating as they have had to continue to fight to be heard and to get the care and benefits they have earned. Their battles should have been over by now, but their struggles are still ongoing. This amendment would go a long way to help address some of their concerns, and it puts some measures in place so that hopefully, we will not repeat our mistakes with the next deployment.

This amendment is important because it would require a joint plan from the Secretary of Defense and the Secretary of Veterans Affairs for providing appropriate health care for veterans of the gulf war, including those serving in Reserve units. It would require that this care be appropriate to the specific health problems or illnesses of gulf war veterans and that the quality and effectiveness of their health care be carefully monitored.

This amendment also attempts to address some of the lessons we have learned form the gulf war. It calls for DOD to improve medical tracking of service members deployed overseas in contingency or combat operations through the use of pre- and post-deployment medical examinations and through improved recordkeeping of immunization and health records. It calls for a plan to improve collection and maintenance of troop location information so we can better reconstruct risks and exposure data when unanticipated exposures such as Khamisiyah occur. It also would provide that service members receive timely notice of use of unapproved or investigational drugs, and it would require adequate record keeping of the administration of such drugs.

This amendment would authorize $4.5 million for the funding of clinical trials to evaluate the effectiveness of treatment protocols for gulf war veterans who present with ill-defined or undiagnosed conditions. It would call for a review of the previous Federal research efforts examining gulf war illnesses, as well as recommendations for the direction of future research efforts.

In my rule as ranking member of the Committee on Veterans' Affairs, I have witnessed the struggles of America's gulf war veterans. I have heard their testimony in our hearings and I have met with them in hospitals and in their homes. I have received testimony from representatives from DOD and VA and I have heard their concerns and explanations. The course of events stemming from the gulf war, the resulting health problems, and our Federal response have contributed to a lack of public trust on this issue. This amendment is a step toward making things right and restoring our veterans' trust. I am proud to cosponsor this amendment and I encourage my colleagues to support it as well.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I think the amendment of the Senator from Connecticut is a very worthy one. I have been asked to review it, and other members of the committee asked to review it, including a Democrat member. And so, if it is agreeable to the Senator from Connecticut, we will have the amendment in line. Whether it is accepted on a recorded vote, we will know later on this afternoon.

Mr. DODD. Mr. President, I thank my colleague from Arizona.

Parliamentary inquiry. I would not have to at this moment then make a request for a recorded vote, but I could wait on that if that became necessary?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the Chair, and I thank my colleague.

I would like to move to another two matters, if I could, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 765

(Purpose: To commend Mexico on the conduct of free and fair elections in Mexico)

Mr. DODD. Mr. President, on behalf of myself and my colleague from Arizona, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. McCAIN, proposes an amendment numbered 765.

Mr. DODD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SECTION. .

(A) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican states;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote,

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) Since 1994, Mexican law has permitted international observers to be a part of the process;

(7) With 84% of the ballots counted, PRI candidates received 38% of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates receive 52% of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President;

(9) PAN members will now serve as governors in seven of Mexico's 31 states;

(B) It is the sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his Administration;

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

Mr. DODD. Mr. President, this is an amendment that I offer on behalf of myself and my colleague from Arizona. This really is an amendment commending the people of Mexico, the Government of Mexico, and the people of Mexico as well, for this remarkable election that occurred just last Sunday which, for the first time in 68 years, has changed the political landscape of that country.

One might ask, "Why are we offering a resolution on this? They had their election. So be it."

Mr. President, for over the last number of years, the only time the issue of Mexico has come up on the floor of the Senate has been in a usually highly critical way having to do with the issue of drugs, narcotics, and our concern there. We had a debate on the North American Free Trade Agreement; obviously, that provoked a lot of criticism.

I thought it might be worthwhile for this body to take a moment out to say to our neighbor to the south, we applaud you as a people and as a Government for the election that you went through last Sunday.

To those who were victorious, we congratulate them. To those who lost, we express our regrets for you. We commend President Zedillo for having embraced the results, who saw to it that a process was in place that would not allow the corruption that occurred in the last election when apparently people who were legitimately elected were denied those victories.

The people of Mexico voted in strong numbers. There is a new mayor for the city of Mexico. Mexico, in the past, has not had freely elected mayors.

So while we as a Congress have been critical of Mexico in the past, I think it is worthwhile to take a moment out to say, "Well done," and that Mexico has done an excellent job here. It is the first election. We hope there will be many more like it in the years to come. Obviously, one election is only the beginning of a process, but it is good for those of us who wanted to see improved relations between ourselves and our neighbor to the south.

My colleague from Arizona has spent a good deal of his time as a Member of this body interested in Mexico, not just from a geographical standpoint, although the State shares a border with our neighbor to the south, but because of his concern, as well, over the issue of narcotics and trade, the border issues which his State and other States in the Southwest face all the time.

We are not reluctant, as a body, to raise our voice where criticism is due. It is worthwhile to take a few moments out and to offer praise where praise is due. The people of Mexico, the Government of Mexico, the candidates and the parties involved, I think, are worthy of taking a moment out to congratulate them on their election last Sunday and to urge they continue in that process in the years ahead.

I urge the adoption of this language, and on this amendment, at some point, I will want to get a recorded vote because I am sure it will be unanimous, and I think it may be worthwhile to have such a recorded vote when it is appropriate and proper to do so.

Mr. McCAIN. Mr. President, I want to congratulate the Senator from Connecticut on proposing this amendment.

As he has pointed out, quite often when something goes wrong in Mexico, we and our colleagues are quick to take the floor and criticize, which is our role. But I think, as the Senator from Connecticut also pointed out, when something good happens, it is also important for us to take the floor and encourage our neighbors to the south in continuing the very difficult process toward a free and open society, which has been very difficult and arduous.

I also agree with the Senator from Connecticut we ought to have a vote on this amendment to tell the people in Mexico and their leaders of our support and our interest. Quite often, as I travel, especially in Latin America with my friend from Connecticut, I continue to be surprised at how much attention is paid to what we say here, how much attention is paid to what we do here. Quite often, we will do a unanimous-consent agreement, it comes to the floor, and it will make headlines all over that particular nation which is affected. Usually it is in the negative.

I cannot elaborate on what the Senator from Connecticut said except to point out again—I believe the first time the Senator from Connecticut and I traveled together was in 1987. If, 10 years ago, he and I had been in a conversation and I said, "Guess what? In Mexico, an opposition party is now the mayor, a member of the opposition party is now the mayor of Mexico City," which has the largest concentration of people in Mexico, "that many of the Governorships have been taken over by both opposing parties, both on the right and on the left, and that by all judgments that it was a free, fair, and open election," the Senator from Connecticut and I would have been accused of irrational thinking, to say the least, because it was not in the realm of possibility 10 years ago.

Now what has happened in Mexico, we are seeing a transition which, by the way, will be characterized and fraught with great danger and perhaps violence because of the inequities that exist in Mexico that we are all aware of, but a major step forward was made. It is an important landmark election in the history of the country of Mexico where the ruling party not only allowed but encouraged a free and fair process, which we all know was not the case before.

I think that we, the representatives of the American people, should do everything in our power to applaud, appreciate, and encourage such actions. I want to thank the Senator from Connecticut, whose long involvement of many years on these issues is important, and it has been an honor and a privilege for me to have the opportunity of working with him, as we have seen our neighbors to the south, not just Mexico but the other nations in Central and Latin America, make a transition for which I think holds a prospect for the peoples of our hemisphere which most observers thought was highly unlikely, if not impossible, in the recent past.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. There is a good editorial in the Hartford Courant, entitled "Mexico's Bloodless Revolution." I ask unanimous consent that that article be printed in the RECORD to underscore the point the Senator from Arizona and I have made with this amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEXICO'S BLOODLESS REVOLUTION

It's hard for most Americans to grasp the momentous nature of Mexico's election last Sunday.

Imagine if the same political party controlled Congress and the White House for almost 70 years. Imagine if the party won successive elections through fraud and ruled in a manner as imperious as a dictatorship. Then imagine that the party, in spite of its tremendous power, lost an election.

That's what happened in Mexico. Ever since its founding in 1929, the Institutional Revolutionary Party, known as PRI, has run the government as a fiefdom. The party's long rule was unnatural. In a healthy democracy, voters usually prefer periodic change if only to remind officeholders who is in charge.

Until recent years, Mexicans lived under a quasi-democracy. Although people voted for president, Congress and municipal officers, the outcome was pre-ordained.

As democracy swept through Latin America and the rest of the world—even Russia—Mexicans became convinced that their system stood out as a democracy in name only. To their credit, President Ernesto Zedillo and his recent predecessors understood the necessity of change, albeit much too slowly.

Mr. Zedillo helped form an autonomous election council that included no government officials and was not dominated by PRI. To minimize fraud, every voter's photograph was included on an identity card. Polling officials received special training and political parties and candidates received campaign funds from the treasury.

The turnout was estimated at 75 percent of the 52.2 million registered voters, and the elections were judged by independent observers to be clean. Unofficial results showed PRI losing its majority in the lower house of Congress.

Mr. Zedillo could become the first Mexican president since 1913 to face an opposition legislature. Even though his party, PRI, lost, he proclaimed that "all Mexicans can say with pride and with unity that democracy has been institutionalized in our country."

One honest election does not institutionalize democracy, but it's a big step forward. Mexico's northern neighbors can only be pleased by this historic development.

Mr. DODD. I thank our colleagues on the Armed Services Committee. Certainly a case can be made that this is not directly bearing on the dollar amounts here, but there is a security issue involved.

AMENDMENT NO. 763

(Purpose: To congratulate Governor Christopher Patten of Hong Kong)

Mr. DODD. Mr. President, I have an amendment that will not require a recorded vote. The reason I am offering it here is for the sense of timeliness. Again, I appreciate the indulgence of the members of the Armed Services Committee.

I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I now send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 763.

Mr. DODD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill at the following new section:

SEC. . (a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure and the political climate was positive and stable;

(6) The most important legacy of the Patten administration is that the people of Hong Kong were able to experience democracy first hand, electing members of their local legislature; and

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(b) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

Mr. DODD. Mr. President, for reasons that will become obvious as I engage in these remarks on why I am offering this amendment at this time, this amendment congratulates Chris Patten, who served as the Governor General of Hong Kong. We can wait, I suppose, a few weeks, and it might lose its sense of timeliness.

I think Chris Patten did a remarkable job in Hong Kong. He was the source of a lot of criticism within the People's Republic of China and elsewhere because he spoke up on behalf of democracy in Hong Kong and established the first freely elected assembly in Hong Kong, which we are hopeful will be reinstituted based on commitments that have been made.

I thought it might be worthwhile for us as a body here to express our appreciation for the job that Chris Patten did during his tenure as a Governor of Hong Kong. It was a remarkable and historic tenure.

Before the July 4th recess, I spoke at some length about Chris Patten's accomplishments as the last Governor of Hong Kong under British rule. Much of what I said at the time I have sought to incorporate in the sense-of-the-Congress amendment.

Mr. President, we all watched the pomp and circumstance on Monday, June 30, as the clock in Hong Kong ticked toward midnight. At 1 minute before midnight Hong Kong time we witnessed the Union Jack being lowered for the last time, and the unfurling of the People's Republic of China flag in the night sky.

That was truly a historic occasion. Appropriately, the events were attended by representatives from governments around the world. July 1, 1997, will at the very least, become an important footnote in the history of the 20th century.

Having said that, I think the U.S. Senate should also acknowledge what preceded those events—the very impressive accomplishments of the Governor, Chris Patten, during his tenure in Hong Kong. We should thank him, I think, for his service to his own country, but more importantly, in many ways to the people of Hong Kong. Simply put, that is what my amendment seeks to do.

I hope my colleagues support this expression of our appreciation and congratulate him for a job well done on behalf not only of his own nation, the people of Hong Kong, but for all democracy-loving people around the globe.

I ask for the adoption of the amendment at the appropriate time. I will reserve the yeas and nays. I do not want to take up time for a recorded vote unnecessarily.

Mr. ASHCROFT. Mr. President, I ask unanimous consent the pending amendment be set aside and I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I ask unanimous consent I be able to proceed until I complete my remarks, which will be 20 or 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINESE MILITARY EXPANSION AND UNITED STATES NATIONAL SECURITY

Mr. ASHCROFT. Mr. President, no one did more to bring peace and prosperity in our time than our 40th President, Ronald Reagan. President Reagan's economic and foreign policies gave us the longest peacetime expansion in our history and, indeed, did fulfill an ambition of this country to make the world safe again for democracy. But more than that, Ronald Reagan called us to our highest and best; we never spoke with more certainty or sat taller in the saddle than when Ronald Reagan was riding point.

In his second inaugural address, Reagan spoke of the danger of simple-minded appeasement, of accommodating countries at their lowest and least. "History," said President Reagan, "teaches us that wars begin when governments believe the price of aggression is cheap." Having seen the death and destruction of five wars in his lifetime, President Reagan's was a lesson learned at some expense. It was a lesson which he refused to repeat. And from his experience was borne the policy of peace through strength—a strategy that recognized that wishful thinking about our adversaries is a betrayal of our past and a squandering of our freedom.

But today, the administration seems to have forgotten this costly lesson. It seems driven not by foreign policy so much as by foreign politics, willing to pursue that which sounds historic rather than adopting policies that are historically sound.

Nowhere is this administration's failed thinking more apparent than in United States policy toward China. As I noted on the floor 2 weeks ago, Beijing has embarked on a military buildup that may soon threaten security interests in Asia, including our own. China already has the world's largest military at 2.9 million and is taking steps to enhance its force projection capabilities, including the acquisition of a blue water navy and a 21st century air force.

China is not an enemy of the United States. I sincerely hope that Washington and Beijing can develop a forthright and an enduring relationship. For such a relationship to develop, however, security issues must be addressed and fundamental questions about those issues must be answered.

What does it mean when China engages in a dramatic military buildup aimed at achieving superpower status? What does it mean when China proliferates technology for weapons of mass destruction and signs a $4.5 billion arms deal with the terrorist State of Iran? What does it mean when China fires missiles in the Taiwan Strait and seizes small islands in the South China Sea? For this belligerence suggests a China bent on regional domination.

While China's official military budget is roughly $8 billion, Beijing effectively conceals military spending through off-budget funding and revenue. Reliable estimates place China's military spending from 4 to 10 times the official budget. Russia alone, has made over $7 billion in arm sales to China since 1990, and hundreds, perhaps thousands, of underemployed Russian nuclear engineers have been hired by China in the last several years.

Mr. President, the People's Liberation Army of China, has 20,000 companies, business enterprises, that funnel revenue into the military's coffers. These PLA companies are not the kind of competitors we want to welcome to the American market. Companies with ties to the PLA benefit from their special relationship with Beijing and have been involved in criminal activities ranging from smuggling assault weapons onto the streets of San Francisco to stealing defense-related technology.

So what, then, has this explosion in military spending wrought? First, a missile program that will soon give China the capacity to build hundreds of highly accurate ballistic missiles. Second, short- to medium-range ballistic missiles that will provide Beijing with versatile nonnuclear weapons to target U.S. military personnel in a variety of contingencies if they so desire.

And, as if this were not enough, China is modernizing its long-range nuclear intercontinental ballistic missiles with mobile ICBM systems and advance reentry technology. Due to the potential of secret underground construction which is said to be available in China, China could have as many as 130 of such missiles with a range of 8,000 miles. China's missile modernization program is accompanied by the buildup of China's Air Force.

By 2010, China could have over 100 SU-27 and SU-30 aircraft. The SU-27 is comparable to, and may be more advanced in some areas than, the U.S. F-15C Eagle. Russia has been the primary provider of these aircraft and has signed a $2.2 billion coproduction agreement with China to help Beijing develop the domestic capacity to produce these planes.

China's ultimate goal is to acquire an all-weather Air Force within 5 years. Attack aircraft, precision-guided munitions, airborne early warning and control systems [AWACS], and large transport aircraft are all items on Beijing's wish list. With the help of Russian arms suppliers, China is putting the pieces of this lethal puzzle in place.

Beijing is also working to develop a blue water navy. Their ambitions are perhaps summed up best by the words of Admiral Liu Huaqing. "The Chinese Navy," said Admiral Liu, "should exert effective control of the seas within the first island chain. Offshore should not be interpreted as coastal as we used to know it. Offshore is a concept relative to the high seas. It means the vast sea waters within the second island chain."

Mr. President, it just so happens that the first island chain China seeks to control encompasses Japan, Taiwan, the Philippines, and some of the most critical shipping lanes in the world. The South China Sea alone accommodates 25 percent of the world's maritime trade and 75 percent of Japan's oil shipments.

To achieve Admiral Liu's objective, Beijing has purchased *Kilo*-class submarines and *Sovremenny*-class missile destroyers from Russia. In addition, the United States Office of Naval Intelligence [ONI] cites a National People's Congress report that China is seeking to build two 48,000-ton aircraft carriers, each with 40 combat aircraft, by the year 2005.

China's arms buildup would be less disturbing if Beijing were acting to resist aggression by an enemy power. But China faces no grave security threats, leaving us with troubling conclusions about Beijing's real intent. China has historically demonstrated a willingness to settle territorial disputes with force, and greater capacity can only increase the likelihood of belligerence in the future.

Since WWII, a catalog of China's regional conflicts covers almost her entire periphery. China has invaded Tibet and Vietnam, entered the Korean war, ousted Vietnamese forces from several islands in the South China Sea, fought India twice and Russia once over boundary disputes, and—not to forget the most consistent aspect of China's military adventurism—threatened Taiwan with military exercises and outright invasion of Taiwanese islands close to China's shore.

China currently has territorial disputes with India, Russia, Japan, Vietnam, and has vied with the Philippines, Vietnam, Taiwan, Brunei, and Malaysia for control of the resource-rich and strategically important South China Sea. To defend its claim, Beijing has already constructed five naval installations in the Paracel Islands and seven installations in the Spratly Island group.

And what has been the Clinton administration's response to the rising Chinese military threat? Appeasement at every turn. China proliferates missile, nuclear, and chemical weapons technology to rogue regimes like Iran; in fact, China is identified by the CIA as the world's worst proliferator of weapons of mass destruction. And yet, the administration refuses to impose consistently sanctions authorized by U.S. law.

The China Ocean Shipping Co., better known as COSCO, is implicated in weapons smuggling to the United States and missile transfers to Pakistan, and the President personally assists the city of Long Beach, CA, in leasing the local United States naval harbor to COSCO.

The China National Nuclear Corp. orchestrates most of the nuclear technology transfers to Pakistan and Iran, and the administration responds by approving Export-Import Bank loans to help this Chinese company complete a nuclear reactor in China.

These examples reveal an underlying laxity also clearly seen in President Clinton's dismantling of export controls for sensitive technology. President Reagan's formation of the Combat Command [COCOM] helped enforce an international embargo of sensitive technology exports to the Soviet Union and effectively expanded America's technological lead. Unfortunately, having confused short-term profits with long-term security, this administration has undermined our export control framework.

For example, advanced U.S. aircraft engines have historically been a protected item on the munitions list of goods and services. Sales of Munitions List items are illegal to any country without formal approval from the State Department. In addition, sales of Munitions List items to China were prohibited after the Tiananmen Square crackdown and could only be permitted with a Presidential waiver.

Instead of openly issuing a waiver for the sale of aircraft engines to China, the Clinton administration quietly took airplane engines off the Munitions List and shifted their control from the Department of State to the Department of Commerce. Licenses for the sale of aircraft engines were quickly issued by then-Secretary Brown, and they continue to this day.

In addition to aircraft technology, export controls for supercomputers have also been relaxed. As Senator COCHRAN has argued so compellingly on the floor this week, supercomputers are not extra large versions of a Macintosh or an IBM, but advanced machines that can simulate warfare contingencies and model sophisticated weapons.

The Bush administration defined supercomputers as machines that could perform 195 MTOPS—million theoretical operations per second. The Clinton administration relaxed export controls by changing this definition to 2,000 MTOPS, a tenfold increase in the capability of noncontrolled supercomputers within 2 years. Shortly thereafter, the Clinton administration raised the threshold to 7,000 MTOPS for export of supercomputers for civilian use.

In the euphoria of the post-cold war world, the Clinton administration seems to have forgotten that civilian and military distinctions have little use in a Communist State like China where Government control of industry ensures that civilian technology is applied to military ends and where thousands of so-called businesses are literally owned by the military.

Again, as Senator COCHRAN has noted, United States companies have used these relaxed regulations to sell 47 supercomputers to China. Dozens more have been indirectly shipped to China via Europe, the Persian Gulf, and East Asia. The Clinton administration cannot account for where many of these computers are located or how they are being used.

As Stephen Bryan, former Deputy Undersecretary of Defense, writes:

> Thanks to * * * the Clinton administration, the Chinese can now conduct tests of nuclear weapons, conventional explosives, and chemical and biological weapons by simulating them on supercomputers. Not only can they now make better weapons of mass destruction, but they can do a lot of the work secretly, thus threatening us with an additional element of surprise.

For too long we have heard the argument that if the United States does not sell technology to Beijing, China will simply acquire the products from other sources. This contention is as familiar as it is flawed. United States military and dual-use technology is often a generation ahead of its Russian and European counterparts. How can the United States call on other nations to stop transferring dangerous technology when America is giving China some of the most advanced technology in the world?

A final thought. This week the Government Affairs Committee began investigating an ominous and startling facet of our national security—the security of this Nation's democratic elections. Every American has an interest in investigating the alleged plot of the Beijing Government to influence the election of our President and Members of this Congress. Trying to corrupt American elections is shocking, outrageous, and wrong. And, if true, it must be dealt with in a forthright and forceful fashion.

In the end, it all comes down to leadership. That is what Ronald Reagan gave us throughout the 1980's, and that is what this country is looking for now. Leaders are willing to call this Nation—and nations around the world—to their highest and best, not accommodate them at their lowest and least.

Continued appeasement can only lead to further belligerence from Beijing. We must not let China slam shut the gate of freedom. We must show the quiet courage and common sense that have marked our foreign policy since America's first days.

It is time for America to place restrictions on high-technology exports to Beijing by supporting the Cochran-Durbin amendment; time to impose consistently sanctions on China for proliferating weapons of mass destruction; time to restrict United States market access to PLA-front companies; and time to let Beijing know that American security interests in East Asia will not be compromised. So, that 1 day, the long tug of memory might look favorably upon us as we look approvingly on those who fought for freedom in decades passed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 670, AS MODIFIED

Mr. WELLSTONE. Mr. President, I call up amendment 670.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 670, as modified.

Mr. WELLSTONE. Mr. President, just as a courtesy to my colleagues, let me say that I am not offering a new amendment. This is an amendment that I introduced yesterday morning. I wanted to take advantage of this time to speak about this amendment.

This amendment would authorize the Secretary of Defense to transfer $5 million out of the $265 billion Pentagon budget—some $2.6 billion more than the President himself asked for—to the Secretary of Agriculture, to be used for outreach and startup grants for the school breakfast program.

Mr. President, this amendment involves a very small amount of money. While it involves a small amount of money—at least given the kind of money we are dealing with here—it actually speaks to a very large question. I think the question has to do with what our priorities are.

I think it is a distorted priority to provide the Pentagon with $2.6 billion more than it originally asked for. For the third year in a row—these are one of the few times I can remember in my adult life that the Congress actually wants to provide the Pentagon with more money than the Pentagon has actually asked for. At the same time, when it comes to some really vitally important programs that dramatically affect children's lives, we don't make the investment.

By way of background: In the welfare bill that passed last Congress, $5 million was eliminated from a critically important program, which was a program that on the one hand provided States and school districts with the information they needed—call it an outreach program—about how they could set up a breakfast program, and on the other hand, it provided some badly needed funding for some of the poorer school districts to actually, for example, purchase refrigerators in order to have milk.

It is difficult to understand how this could have been cut, especially given the heralded success of the school breakfast program. Some things I guess we do not know enough about, but we do know that a nutritious breakfast really is important in enabling a child to learn. We also know that if a child is not able to learn, as I said yesterday, when he or she becomes an adult they may very well not be able to earn. This is a small amount of money that makes a huge difference.

So this amendment says that out of a $265 billion Pentagon budget, some $2.6 billion more than the Pentagon asked for, can't we authorize the Secretary of Defense to be able to transfer $5 million—$5 million—for school breakfasts? For what I would call catalyst money that gets necessary information out to the States and school districts and some needed assistance by way of refrigerators and resources to enable them to expand the school breakfast program.

Mr. President, I want to point out by way of context that there are still some 27,000 schools that do not have school breakfast programs available. There are some 8 million vulnerable, low-income children, therefore, who are not able to participate. Too many of those children go to school without having had a nutritious breakfast.

This may seem abstract to many of us in the Senate, but it is a very concrete and a very important issue.

This amendment has the support of FRAC, the Food Research Action Center, which has a longstanding history of working on childhood hunger and nutrition issues. It has the support of the Elementary School Principals Association, the American School Food Services, and Bread for the World.

Mr. President, I might point out that these organizations have a tremendous amount of credibility for all of us who care about hunger and malnutrition. These are organizations that have been down in the trenches for years working on these issues. I don't think anybody can quarrel with the values and ethics of Bread for the World and the work that they have done, much of it very rooted in the religious community, and the American School Food Services. These are food service workers. These are the people who know what it means when they can't provide a nutritious breakfast to low-income students.

This is a special endorsement for me because my mother was a food service worker.

What the Elementary School Principals Association is saying by endorsing this amendment is simply this: If a child hasn't had a nutritious breakfast, how is that child going to be able to learn?

Mr. President, let me talk a little bit about the extent of hunger and the scope of the problem. This is from the Food Research Action Committee.

Approximately 4 million American children under the age of 12 go hungry, and approximately 9.6 million are in risk of hunger. According to estimates based on the results of the most comprehensive study ever done on childhood hunger in the United States—this was the community childhood hunger education project—based on the results of over 5,000 surveys of families with incomes below 185 percent of poverty, applied to the best available national data, FRAC estimates that of the approximately 13.6 million children under age 12 in the United States, 29 percent live in families that must cope with hunger or the risk of hunger during some part of one or more months in the previous year.

Let me just raise a question with colleagues before we have this vote. I just think that this goes to the heart of what we are about. This goes to the heart of priorities.

I, as a Senator from Minnesota, tire of the symbolic politics. We have had the conferences on early childhood development. The books and the reports, the magazines, the TV documentaries have come out.

We know—let me repeat this—we know that in order for children to do well, it is important that they have a nutritious breakfast. We know that when children are hungry, they don't do well in school. We know, as parents and grandparents, that we want to make sure that our children and our grandchildren start school after having a nutritious breakfast. And we also know, based on clear evidence, that sometimes we don't know what we don't want to know—that there is a significant amount of children who still go to bed hungry or still wake up in the morning hungry and go to school hungry.

Why can't the U.S. Senate make this small investment in this program which was so important in enabling States and school districts to expand the school breakfast program?

Mr. President, I am going to bring this amendment to the floor of the Senate over and over and over again starting with this defense authorization bill.

Let me just read. I am assuming that my colleagues are interested in this information, and I am assuming that we want to address the problem. Let me just talk a little bit about this relationship between hunger and nutrition and learning.

> Undernutrition increases the risk of illness and its severity.
>
> Undernutrition has a negative effect on a child's ability to learn . . .
>
> Iron deficiency anemia is a specific kind of undernutrition and is one of the most prevalent undernutritional problems in the United States especially among children. Even mild cases lead to shortened attention span, irritability, fatigue and decreased ability to concentrate . . .
>
> Hunger leads to nervousness, irritability, disinterest in the learning situation, and an inability to concentrate . . .
>
> Hunger . . . disrupt(s) the learning process—one developmental step is lost, and it is difficult to move on to the next one.
>
> A United States Department of Agriculture study of the lunch and breakfast programs demonstrated that these programs make nutritional improvements in children's diets.

I could go on and on, but—I see my colleague from Arizona in the Chamber—I will try to summarize. Let me just make it clear that the data is out there. And over and over again, in report after report after report, we see clearly that malnourished children are not going to do well in school, and we know that 8 million low-income children are not able to participate because there is no School Breakfast Program.

We had a $5 million USDA outreach program that enabled school districts to get started, provided them with badly needed information, provided them with refrigerators if they needed that, and we eliminated it. And at the same time we have a Pentagon budget that is $2.6 billion more than the Pentagon asked.

We all say we care about children. We are all referring to these studies that say children have to do well in school, we are talking about the importance of good nutrition, and here we have an opportunity to make a difference.

So, Mr. President, I want to over and over again come to the floor with amendments that speak to this question. One more time, just in terms of looking at the endorsements for this amendment, we have endorsements from FRAC, which is Food Research and Action Center—FRAC has been as involved in children's nutritional issues as any organization I know—the Elementary School Principals Association—they are saying to us, colleagues, at least make sure that children are able to have a nutritious breakfast. I think the elementary school principals know something about learning and something about children at this young age—American School Food Services and Bread for the World.

I hope we will have strong support for this amendment.

I point out by way of conclusion that if you look at participation in the School Breakfast Program from 1976 to 1996—and remember, once upon a time, I say to my colleagues, we used to think this program was only for rural areas, for students with long bus rides, students who were not going to be able to eat at home. Now what we find is the reality that in many of these families there are split shifts, different shifts, both parents working, and all too often these kids in urban areas and suburbs come to school and they really have not had a nutritious breakfast.

We saw a good increase in participation in the School Breakfast Program from 1976 to 1996, but now what has happened as a result of eliminating this small $5 million outreach program is there is tremendous concern from USDA all the way to the different child advocacy organizations that the participation is going to begin to decline.

So here is an opportunity, colleagues, to invest a small amount of money in the basic idea that each child ought to have the same opportunity to reach his or her full potential. This is an opportunity for all of us to come through for these vulnerable children, understanding full well—and I know my colleague from Arizona is out here, but I say to him and this really is my conclusion—understanding full well that, indeed, there is a linkage to reform and to the work that he and others are doing on trying to get the money out of politics. There are a number of us who are absolutely convinced we have to act on this agenda. That is to say these children and these families are not the heavy hitters; they are not the big players; they are not the givers; they do not have the big lobbyists; they all too often are faceless and voiceless, and that it is profoundly wrong. I hope to get 100 votes for this amendment.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Arizona.

Mr. McCAIN. Before I call up my amendment, I wish to respond to my friend from Minnesota for just a moment on his amendment. I preface my remarks by saying I know of no more passionate or compassionate Member of this body than the Senator from Minnesota, nor do I believe that there is anyone in this body who articulates as well as he the plight of those who, as he pointed out, may be underrepresented here in this body in our deliberations. I have grown and developed over the years a great respect and even affection for the Senator from Minnesota because of my admiration for his incredible commitment to serving those who may not always have a voice.

But I say to the Senator from Minnesota that this amendment, like many others, is what I call the Willie Sutton syndrome. When the famous bank robber was once asked why he robbed banks, he said, "Because that's where the money is." And time after time I see amendments that are worthwhile and at times, as the Senator from Minnesota just articulated, compelling, but they come out of funds that are earmarked for national defense. In my view, that is not an appropriate way to spend defense money.

I would also quickly point out that this is not the first time it has happened. There are literally billions of dollars now that we spend out of defense appropriations and authorization that have absolutely nothing to do with defending this Nation's vital national security interests, again because of the Willie Sutton syndrome. Although I admire and appreciate the amendment of the Senator from Minnesota, I would oppose it, not because of its urgency but because of its inappropriate placement on a defense appropriations bill. And I would also like to work with the Senator from Minnesota when the Labor-HHS appropriations bill comes to the floor to see if we cannot provide that funding, which the Senator from Minnesota appropriately points out is not a great deal of money given the large amounts of money we deal with and also considering the importance and urgency of the issue.

Mr. President, I ask unanimous consent——

Mr. WELLSTONE. Will the Senator yield at this moment.

Mr. McCAIN. I would be glad to yield to the Senator from Minnesota for a comment.

I ask unanimous consent to yield to the Senator from Minnesota for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleague. The respect is mutual.

I just wanted to say—it was going to be a question, but I can just make a comment instead—as a matter of history, the School Lunch Program was created by the Congress 50 years ago, and I quote, "As a measure of national security to safeguard the health and well-being of the Nation's children." It was a direct response to the fact that many of the young men who were drafted in World War II were rejected due to conditions arising from nutritional deficiencies. So there is, in fact, a direct linkage to national defense.

It is, in fact, very much a national security issue to make sure that children have full nutrition and that we do not end up with men and women later on who have not been able to learn, not been able to earn and may, in fact, not even be healthy enough to qualify to serve our Nation.

So it is an interesting history, and I just wanted my colleague to know that this program is very much connected to national security.

My second point is I too look forward to working with my colleague in the future. But I hope to win on this amendment now. This is simply a matter of saying, look, we have a budget that is $2.6 billion over what the Pentagon asked. There have been plenty of studies which have pointed out excesses in the defense budget. Can we not at least authorize the Secretary of Defense to transfer this $5 million.

And then, finally, I say to all my colleagues that I think there is going to come a point in time where people cannot—and I know the Senator from Arizona is not trying to do this—but people cannot say, well, we shouldn't vote for this now; we can't vote for this now; we won't vote for this now; there will be a more appropriate place; there will be a more appropriate time. And I find that when it comes to all these issues that have to do with how can we refurbish and renew and restore our national vow of equal opportunity for every child, the vote always gets put off. It always gets put in parenthesis. So I absolutely take what my friend from Arizona said in good faith. I look forward to working with him. But I do think that on this bill, on this amendment, this is the time to vote for such a small step for a good many very vulnerable children in our country.

I thank my colleague for his graciousness.

AMENDMENT NO. 705

(Purpose: To authorize base closure rounds in 1999 and 2001)

Mr. McCAIN. Mr. President, I ask unanimous consent to lay aside the pending amendments and ask that the clerk call up amendment No. 705.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN], for himself, Mr. LEVIN, Mr. COATS, and Mr. ROBB, proposes an amendment numbered 705.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, this amendment would authorize two additional base closure rounds in 1999 and the year 2001 consistent with the recommendations in the Quadrennial Defense Review, known as the QDR. The amendment authorizes a process which is identical to the process established in 1990 for the last three BRAC rounds. The amendment also contains language which addresses the politicization in the last BRAC process which permitted the President to implement privatization in place at Kelly and McClellan Air Force Bases.

I might point out that I am working with the Senator from Texas [Mr GRAMM], in trying to frame language to modify the amendment at the appropriate time which would allow the Secretary of Defense to privatize where it can be proven to be of benefit to the taxpayer. We are still working on that legislation.

Mr. President, we need to authorize additional base closure rounds to correct a current imbalance in force structure and infrastructure. After four base closing rounds, only 21 percent of the military installations in the continental United States have been reduced. Our force structure, however, will have been reduced by over 36 percent by the time that quarterly defense review recommendations are complete. Obviously, retaining excess base infrastructure is unnecessary with a smaller military force and wastes scarce defense resources that are essential to future military modernization.

I think it is important to frame the debate about this amendment in the terms of the realistic approach we have to take to future defense budgets. I do not believe there is any of us here, barring a national security emergency, who believes we are going to see increases in defense spending, certainly not increases in defense spending which would justify the size of our infrastructure as it exists today. It just is not possible, in a period, in real terms, of declining defense budgets, to maintain this infrastructure and, at the same time, modernize our force and provide the men and women in the military with the necessary tools to fight and to win any future conflict with a minimization of casualties.

I am very confident that the United States has emerged at the end of the cold war as the world's No. 1 superpower. I don't think there is any doubt about that. But I also think it is important to point out that we are seeing problems within the military that some of us, with the benefit of experience and old age, recognize as having happened before. We are now seeing a failure to meet our recruitment goals for our All Volunteer Force. We are now seeing a derogation of our readiness capabilities in parts of the military establishment. We clearly are not modernizing the force in a way that will give us the ability to maintain our technological edge, which has made us the world's No. 1 superpower and won the magnificent victory of the Persian Gulf war.

So, if you accept the premise that there will be at best a leveling of defense spending, and certainly realistically speaking a decline, at least in terms of inflation if not worse, then there really is no argument against closing more bases. I have heard some very interesting arguments and we will hear on the floor some interesting arguments against base closure. One that has some legitimacy is that, either in reality or by perception, the last base closing round was politicized by the President of the United States by privatizing in place two major bases, both of them with very large electoral votes. I wish that had not happened. It has caused an enormous amount of acrimony and division within this body, within America, within the Senate Armed Services Committee. And this particular reauthorization of further BRAC rounds will not allow a privatization in place to take place. So it will be well, I am sure, by some, to lament the politicization of the process as took place—or the perception that it took place, depending on which side you are on in the argument—of the last BRAC process.

But it does not change the reality. It does not change the reality that we have a significant imbalance between operating forces and infrastructure. In other words, we don't need the number of bases that we have in our defense establishment in order to match up to the fighting forces that we must maintain. If we maintain that base structure, it will siphon more and more funds unnecessarily into a base structure and away from the much needed funding, such as pay raises, such as operations and maintenance, such as training funds, such as modernization of force, such as recruitment, such as, for example, addressing the problem we are seeing right now in aviation in the military, an exodus of pilots from the military to go with the airlines. One of the reasons is pilots are putting pen to paper and figuring out that after a short period of time financially they will be better off as airline pilots than as military pilots.

If you couple that with ever-increasing deployments and separation from family and home, this is causing a hemorrhaging from our most highly skilled and highly trained branches of our military.

Another argument you are going to hear is that we are spending too much money on other functions, such as peacekeeping. All of us regret that we have had to spend—I believe the estimates are now up to somewhere around $7.5 billion or $8 billion on peacekeeping in Bosnia. I regret that, too. I hope that by next June 30 the United States will not only be out of Bosnia militarily but also financially. I will bend every effort that I can, short of jeopardizing the lives of those young men and women and short of provoking another conflict in the region which may cost the United States more in the long run, but I will do everything in my power to see that we stop spending that money on peacekeeping.

But what in the world is the connection between the money we are spending on peacekeeping and the base infrastructure? What is the point? There is none, because whether we had a large or small establishment, we would still be spending too much money on peacekeeping.

So, I respect the arguments that will come in opposition to this amendment. Those are the two primary arguments. But I fail to see the relation between those arguments and what we have to do in the national interest.

One of the interesting things that has happened since the end of the cold war is that we see very little, if any, interest in national security issues and national defense on the part of the American public. I think in some ways that is good news, because the American people feel content. They do not see a threat to our security out on the horizon. And, although that sentiment does not prevail when Americans are killed in places like Somalia and others, generally speaking there is no urgent feeling on the part of the American people that we need to spend, not only not more, but even as much as we are spending on national defense.

It is also true, however, that we do have to maintain a certain level, otherwise we will not maintain our position in the world. It is also true in my view that, if we don't wish to be the world's No. 1 superpower, then it is a very valid question as to who, then, do we expect to be the world's No. 1 superpower? Because other nations, I think, would be perfectly willing to do so.

Mr. President, I have a letter to Chairman STROM THURMOND, and I quote from it:

> We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live. We ask your assistance in addressing this difficult issue.
>
> Sincerely, John M. Shalikashvili, Chairman of the Joint Chiefs of Staff; Joseph W. Ralston, Vice Chairman; Dennis Reimer, General, United States Army, Chief of Staff; Jay L. Johnson, Admiral, U.S. Navy, Chief of operations; Ronald R. Fogleman, General, United States Air Force; Charles Krulak, General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. President, I ask unanimous consent that this letter and a letter I will read in a few minutes from the Secretary of Defense be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, June 4, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 36 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Sincerely,

JOSEPH W. RALSTON,
Vice Chairman of the Joint Chiefs of Staff.
DENNIS J. REIMER,
General, U.S. Army Chief of Staff.
RONALD R. FOGLEMAN,
General, U.S. Air Force Chief of Staff.
JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
JAY L. JOHNSON,
Admiral, United States Navy Chief of Naval Operations.
CHARLES C. KRULAK,

General, U.S. Marine
Corps, Commandant
of the Marine Corps.

THE SECRETARY OF DEFENSE,
Washington, DC, June 24, 1997.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR JOHN: As you consider the Fiscal Year 1998 National Defense Authorization Bill, I urge you to add a provision that would permit the Department to conduct two additional base closure and realignment rounds, in FY99 and FY01. Reducing excess infrastructure was an essential element of the Quadrennial Defense Review (QDR). The Department has already reduced its overseas base structure by almost 60 percent and must now bring its domestic base structure into balance with its force structure.

With the expiration of the previous BRAC legislation, the Department needs a process to close or realign excess military installations. Even after four rounds of base closures, we have eliminated only 21 percent of our U.S. base structure while force structure will drop by 36 percent by FY03. The QDR concluded that additional infrastructure savings were required to close this gap and begin to reduce the share of the defense budget devoted to infrastructure. Base closings are an integral part of this plan. The QDR found that the Department has enough excess base structure to warrant two additional rounds of BRAC, similar in scale to 1993 and 1995.

The Department estimates two additional base closure rounds would result in savings of approximately $2.7 billion annually. These savings are critical to the Department's modernization plans. We must modernize our force structure over the long term, laying the groundwork now for the platforms and technologies our forces need in the future. Without the ability to modernize, we would face future threats with obsolete forces. Additionally, the Department will continue to waste resources by maintaining excess military installations, impacting readiness.

As you may know, when I was in the Senate, a base in my state was closed as a result of the 1991 BRAC. Therefore, making a recommendation for further BRAC rounds is not something I take lightly. However, the Service Chiefs all believe that additional BRAC rounds are necessary. Further, there have been many communities which have been successful in their base reuse efforts. I am enclosing, for your consideration, additional information on BRAC, the views of the Joint Chiefs of Staff and community success stories including a New York Times piece on how Charleston survived the closing of the Charleston Naval Base.

I would greatly appreciate your support for an amendment to authorize additional base closures and would be pleased to answer any questions or to discuss this matter with you.

Sincerely,

BILL COHEN.

Enclosure

Mr. MCCAIN. Mr. President, I do not think we can lightly ignore—or not seriously consider, I guess is a better way of saying it—this letter from the individuals that we have asked to lead our military. Every one of these individuals knows the pain and hardship that comes about when a base is closed. But each of these individuals has been charged by the President, with the advice and consent of the Senate, to run our military establishment. And all of those individuals feel, not just supportive of what Secretary Cohen is saying, but obviously that this is a very important issue if they are going to be able to carry out their responsibilities.

Mr. President, I have a letter from the Secretary of Defense, Secretary Bill Cohen, former Senator Bill Cohen, whom we all know quite well. Secretary of Defense Cohen says:

> Reducing excess infrastructure was an essential element of the Quadrennial Defense Review. The Department has already reduced its overseas base structure by almost 60 percent and must now bring its domestic base structure into balance with its force structure.
>
> * * * * *
>
> Base closings are an integral part of this plan. The QDR found the Department has enough excess base structure to warrant two additional rounds of BRAC, similar in scale to 1993 and 1995.
>
> The Department estimates two additional base closure rounds would result in savings of approximately $2.7 billion annually. These savings are critical to the Department's modernization plans.

Let me say that again:

> These savings are critical to the Department's modernization plans.

He goes on to say:

> As you may know, when I was in the Senate, a base in my State was closed as a result of the 1991 BRAC. Therefore, making a recommendation for further BRAC rounds is not something I take lightly. However, the Service Chiefs all believe that additional BRAC rounds are necessary.

Mr. President, I think it might be appropriate to point out at this time, in light of what I just read from Secretary Cohen's letter, that there are bases in my State that I know will be vulnerable in light of two additional rounds of base closing. And I know that I will have to go back to my home State, if one of them is closed, and say: Yes, I'm the guy who proposed the amendment for two more rounds of base closings.

But I will also tell the people of my State that I did it because I told them, when I sought to serve in this body, that I would act in the national interest first. I would also add that we went through a base closing in my State, in the case of Williams Air Force Base, and I am happy to say, by the way, as has been the case in many bases in many areas of the country, that the community has ended up by generating more economic benefit than less. That certainly has not been in all cases, but it certainly has been in many.

Mr. President, I want to point out that there are several urban success stories: Charleston Naval Base, Charleston, SC, where currently there are 32 agencies reusing this former naval base; Pease Air Force Base, Portsmouth, NH, the establishment of Pease International Tradeport created more than 1,161 new jobs; Sacramento Army Depot, Sacramento, Packard Bell NEC, the country's largest manufacturer of personal computers, has created more than 5,000 jobs at this former depot; Williams Air Force Base, now known as the Williams Gateway Airport, quickly emerged as an international aviation and aerospace center where more than 20 companies engage in aircraft maintenance; Mather Air Force Base; Gentile Air Force Station, Kettering, OH; Norton Air Force Base, San Bernardino; Fort Benjamin Harrison, Indianapolis; Griffiss Air Force Base; Cameron Station, Alexandria; Naval Air Station/Naval Aviation Depot Alameda, Alameda—the list goes on and on.

Mr. President, there are a large number of success stories. That does not diminish the fact that in some rural areas there will be significant economic impact. There is no doubt about that. But it also is part of the BRAC process that economic impact is a factor in the determination of a base closing.

Mr. President, I have talked too long a time, probably, on this issue, because the issue is well known to my colleagues. I am grateful to my colleague from Michigan, Senator LEVIN, who, along with me in the Armed Services Committee deliberations, tried to—we were cosponsors of an amendment; had it put in the authorization bill. We were defeated on a tie vote. I appreciate the efforts of Senator LEVIN very much on this issue.

This is a nonpartisan issue. It is an issue that has to do with the future military capabilities of this country and our ability, over time, if called upon, to defend our vital national security interests. It is not possible to modernize the force, maintain the level of training and readiness and recruit the qualified men and women in an all-volunteer force if we refuse to put back into balance the base support structure with the fighting forces and operational forces that are necessary to do the fighting.

My friend from Virginia, Senator ROBB, former Marine Corps officer, carries around with him from time to time a chart that is very simple. It shows what he calls the tooth to tail—tooth being the fighting forces, the tail being those in support—and how those two lines have diverged steadily over the intervening years. With this BRAC closure we may not cause that trend to reverse, but at least we can level it off. I believe we must do so.

I know there will be a lot of debate on this amendment, and I hope we can agree to this and move forward.

I feel so strongly about this particular issue that unless we do include a base closing round and unless we do something about the depot issue, if I were the President of the United States, I would be very tempted to veto this legislation.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. LEVIN. Will the Senator from California yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Greg Renden, Senator WELLSTONE's intern, be allowed the privilege of the floor for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Michigan, and I thank the Chair.

Mr. President, in my 4½ years in this body, I have not seen an effort as egregious, as badly flawed, as unfair as the base closure process. I happen to have great respect for the Senator from Arizona and the Senator from Michigan, but I think to adopt this amendment at this time is really only to continue this kind of egregious pursuit. I hope, in the course of my remarks, to at least point out some of the areas where I find the base closure process very wanting.

The Senator from Arizona spoke of States with big electoral clout, and I would have to plead guilty. No State has bigger electoral clout than California. I also hasten to point out that no State has suffered more base closures than California—29 bases cited for closure to date, and the largest number of jobs lost all across this Nation. In net jobs lost to date, California has lost 123,000 net jobs. The next State in net jobs lost is Pennsylvania at 35,000. So we are more than four times Pennsylvania's job loss. The next highest State in total number of bases closed to California is Texas, then Pennsylvania, then New York, then Illinois.

If I really believed that this was going to end up being an important cost saving for the U.S. military, I would say, "All right, Dianne, you may represent this State, but, by and large, this is for the best interest of the military." I don't believe it, and I have seen no evidence to date to corroborate that. I believe strongly that it is much too soon to begin another round without having some of this information.

We don't know how much the four rounds cost. We don't know how much the four rounds have saved. And we haven't met our commitments to local communities impacted by these closures, despite the letter of the distinguished Secretary of Defense to the contrary.

The CBO—even the CBO—the 1995 BRAC Commission, they both say wait. CBO recommends waiting until at least 2001 for another round. They say:

> The Congress should consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after—

And I stress the word "after"—

> all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

(Mr. HAGEL assumed the chair.)

Mrs. FEINSTEIN. I would like this distinguished body to know that we cannot get a single figure from the U.S. Navy as to what the cost savings actually will be from the closures of the Navy bases in the State of California. Not a single figure. They will not give us estimates. And yet we are going to run ahead, pass another round and begin this same procedure again. It doesn't make any sense.

Let me quote what the BRAC 1995 commission itself recommended:

> . . . the Commission recommends that the Congress authorize another Base Closure Commission for the year 2001 . . . [giving] military services time to complete the current closures in an orderly fashion—

Which has not happened, I might allude to—

> while ensuring that the Defense Department has the opportunity in the future to make further reductions . . .

In addition to these new BRAC rounds beginning too quickly, and contrary to what DOD and supporters of this amendment claim, the base reuse process has been cumbersome and has been fraught with bureaucratic nightmares.

Secretary Cohen's letter of June 24 says that the DOD has assigned "transition coordinators" to each base to solve closure problems and to speed the process. Well, let me say, as one Senator from California, this approach has not worked well. I have had to intervene with DOD for communities in my State numerous times to fight for a community's needs in just this past year alone.

Let me speak for a moment about environmental costs. I think every Member of this body knows that the costs of environmental remediation are grossly underestimated, grossly underbudgeted. DOD claims it is "empowering communities" by speeding base cleanup, and I would like to give you the results in California of what is termed "speedy base cleanup."

Environmental remediation—that is just remediation—is in place at only 29 percent of the Army BRAC sites; 14 percent of the Navy BRAC sites; and 18 percent of the Air Force BRAC sites in my State. Environmental remediation has not been completed at a single base closed in any of the four rounds in the State of California.

This issue is important, because without clean property, transfers by deed cannot occur and individuals cannot get financing. Therefore, if they don't have the bases cleaned up, they can't be effectively and fully put to use.

Let me take the four California instances that the Secretary of Defense raises in his letter. First, Castle Air Force Base. That is in California's Central Valley. It was closed by BRAC in 1991. To date, there have been 262 separate sites at this base identified for cleanup; 65 of these sites have not yet even been evaluated to determine what contaminants are in the soil or water; and none of the sites—none of the sites—on this base, held out as a model, have remediation efforts currently in place.

Second base: Mather Air Force Base in Sacramento was closed by BRAC in 1988. To date, there have been 87 sites identified for cleanup; 15 have not yet been evaluated to determine what contaminants are in the soil or the water; and only 39 of the sites, or 44 percent, have remediation efforts in place. So 55 percent of the sites haven't even begun to be worked on yet.

Another of these sterling examples, Norton Air Force Base in southern California, closed by BRAC in 1988. To date, 25 sites have been identified for cleanup; 6 have not yet been evaluated to determine what contaminants are in the soil or water; and only 10 of the sites, or 40 percent, have remediation efforts in place.

None of the environmental cleanup has been completed at any of the bases anywhere in California. These were bases, Mather and Norton, that were closed nearly 10 years ago, and yet they are not close to being clean. No transfer by deed have yet occurred at Norton and a very limited number of these transfers by deed have occurred at Mather.

Alameda Naval Air Station and Naval Aviation Depot was closed by BRAC in 1993. One of the real problems I had when this was closed was that Alameda had 7,600 units of housing that were going to be vacated. The fleet, the nuclear carriers were to be moved to Everett and San Diego. Everett had no housing for the wings. Housing had to be built. MilCon was not included in the cost of closing that base.

To date at Alameda, there have been 30 sites identified for cleanup. Only one of these sites has not yet been evaluated to determine what contaminants are in the soil or water. But none of the sites have remediation in place. So at Alameda, they have done some identification; they have done no remediation.

Sacramento Army Depot was closed by BRAC in 1991, and this is probably California's most successful reuse site to date. They have 16 sites identified for cleanup. All cleanup sites have been evaluated, and 12 sites, or 75 percent, have remediation efforts in place.

It should also be pointed out, there is no deadline for the completion of environmental cleanup at BRAC sites. Let me, once again, make this point clear. Communities can't reuse a base when they don't know when it is going to be clean. The law has been liberalized to allow long-term, interim leases to be granted for dirty property, but these leases are limited in scope, and the potential buyer cannot obtain financing under these circumstances, and this has further delayed and deterred base reuse.

DOD has given communities estimates as to when their bases will be clean, but DOD will not guarantee these completion dates, and every year, environmental cleanup is underfunded and every year it is delayed even more.

The Air Force estimates that Castle Air Force Base should have environmental remediation in place by the year 2000 and that it should be complete by 2018. So the total base cannot be transferred into private reuse at Castle Air Force Base until the year 2018.

The Air Force estimates that Mather should have environmental remediation in place by 1999 and that this should be complete by the year 2027. So it will take to 2027 for the process to be completed and the base to be transferred.

The Air Force estimates that Norton Air Force Base should have environmental remediation in place by 1999, and that this should be complete by 2012. So, again, one has to wait for the base to be transferred.

DOD is also far behind on the transfer of base closure property, due in large part to environmental contamination. In my State, and this is the largest State, only 4 percent of the acreage—4 percent of 79,618 acres—have been transferred by deed to new owners.

So we are contemplating here a new BRAC closure round when only 4 percent of the land covered in California has been deeded to new owners. It does not make sense. If one is thinking about the communities and really means that reuse should work, how can you go ahead with a new round where you have 80,000 acres of land and only 4 percent of them at this stage have been deeded to a local entity?

Only 19 percent of these acres have been transferred by long-term lease, and a whopping 49 percent are still sitting there with no action on any kind of transfer having taken place.

So one-half of the acreage that has been closed in California has no plan for a transfer at this stage, and we are still contemplating a new round.

Many of these base closure communities are working hard to make the best of their misfortune and many are optimistic about the prospects of base reuse. But before we pile on these additional rounds, let us look candidly at some of the difficulties they are facing.

In Tustin, CA, the community is trying to reuse the Tustin Marine Corps Air Station. After 14 months of negotiations for an interim lease for one of the large blimp hangars and the loss of nine potential film tenants, a lease was approved by the city of Tustin and the Navy's Southwest Engineering Division. When the Pentagon subsequently rejected this lease, the prospective tenant, Walt Disney Productions, simply got fed up and left to lease space elsewhere.

So here you had a base with a prime potential tenant, and the bureaucratic nightmare that has ensued caused it to be rejected, and Disney walked off and went somewhere else. So that was the 10th one they lost.

At Norton Air Force Base, the Worldpointe Trade Center project that Secretary Cohen lauds in his June 24 letter will not happen due to a lack of financing. The community has regrouped, though, and now this project will be replaced by an industrial park that will take 5 years to build and yield only 40 percent of the jobs hoped for with the trade center development.

At Mather Air Force Base in Sacramento, the Air Force and Sacramento County have finally reached agreement on the sale of 1,200 housing units. It took four separate appraisals and 5 years of negotiations to finally reach the price of $4.25 million—the same price as the county's 1993 appraisal.

At George Air Force Base in southern California, it took 20 months to get a signed economic development conveyance. It was submitted by the community in February 1995 and finally signed in 1996.

Another EDC at Mare Island Naval Shipyard was submitted in January of 1996—of 1996—and a year and a half later is still pending. They are still waiting for a decision.

The city of Long Beach just completed a negotiated sale with the former Long Beach Naval Hospital. After 18 months of negotiations, the city will have to pay the Navy $8.6 million to buy back this 30-acre site that the city sold to the Navy in 1964 for 10 dollars. So they sold it to the Navy for 10 dollars and now they buy it back at $8.6 million. To make matters worse, the Navy required that the city provide the Navy with a letter of credit to secure two promissory notes to buy back the property. This cost the city of Long Beach an additional $50,000.

Finally, the goal of base closures was to save DOD money so that we could modernize our force. If anybody could come in here and say, look, the Navy has saved x dollars in California by closing bases, I would say, OK, now we know either it was cost efficient or it was not cost efficient and we have a sound basis on which to make another judgment.

But as I said before, the Navy will not give my office a single figure as to what cost savings can be anticipated from closure of major Navy bases in the State of California. Yet, we are going to go about another round today.

The GAO and the CBO both say that DOD's estimated savings cannot be quantified. GAO and CBO cannot quantify what the military says the savings estimates are.

DOD has not included the total cost of environmental cleanup in its net savings figures. By 2001, DOD claims that it will have saved nearly $14 billion from BRAC. To their credit, they did include the cost of environmental cleanup through 2001. That was $7.3 billion. But they did not include the cost of BRAC cleanup for these sites after 2001. In California alone this will cost another $1.56 billion.

So, in the costs that have been provided by the military to this body, with California alone it is $1.56 billion shy, short, lacking, not defined, not there; and yet we would go ahead with another round regardless of knowing what the true costs and true savings actually are.

Let us look at how much additional cleanup funding four of five California success stories will need past the year 2001:

Castle will require an additional $53.1 million.

Mather will require an additional $73.8 million.

Norton will require an additional $1.25 million.

Alameda Naval Air Station and Naval Aviation Depot will require an additional $73.4 million.

None of this is counted before we make the decision. And I am just giving you four bases here—not 29.

The true costs of BRAC should include all of these costs related to closure, not just those funded directly by the BRAC account. Until they do, frankly, I will not vote ever for another round. Just because these costs are funded from other Federal accounts does not mean that they are any less real.

So what is happening, Mr. President, is that they fund some of this from other accounts and they do not cost them in. So that way the military costs look less, but the Federal costs—it is all the same, it all comes from the same taxpayer, all goes into the same budget, but it is not counted here.

DOD's Office of Economic Adjustment grants to base closure communities for base reuse planning, $125 million. It is not counted here, not counted as a cost. It is a cost? Of course it is a cost.

The Department of Commerce, Economic Development Administration grants to base closure communities, $371 million. It is not counted here as a cost.

FAA grants to establish airports at closed bases, $182 million. It is not counted here.

It is like MilCon, except MilCon is in the defense budget. These are not in the defense budget. They are necessary, but not counted.

Department of Labor job retraining grants, $103 million. It is not counted in the cost of base closure.

So without at least a firm accounting of how much the first four rounds of BRAC cost and how much was saved, I cannot and I do not believe any Member of this body should support a new round.

We have moved too fast in closing these bases. We need to look at the bottom line. What are these closures costing, not only the Defense Department, but the FAA, the Department of Commerce, the Department of Labor in retraining grants, the Office of Economic Adjustment? What are the costs? And factor those costs in. What are the costs of MilCon for all of the rounds? Factor those costs in as well.

Later this afternoon it is my understanding that Senator DORGAN will be offering an amendment to propose a study to come up with just this very information. I think to proceed with another round until the study is done and until we have the specific information would really be a major, major mistake.

We need to look at operations and maintenance. We need to look at military construction, environmental cleanup costs, base reuse costs and economic redevelopment costs also funded by the Federal Government, unemployment compensation costs, military health care costs and force structure costs. All of this should be looked at, I believe, by an independent agency, figures ascertained on which responsible people can depend; and then another decision can be made on another day about another round.

I think this is ill-advised. It is too fast. And it will simply complicate one flawed procedure with another flawed round.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I strongly support the amendment which has been offered by Senator McCAIN to have an additional two rounds of base closings. I do so for many, many reasons. But let me just cite first that we have a recommendation which is as strong a one as I have ever seen from the uniformed military of this country, pleading with us to reduce excess baggage, the infrastructure that they no longer need because it is costing money which is desperately needed elsewhere.

We cannot successfully do what we need to do for the defense of this Nation, they are telling us—and I will quote that letter in a moment—if we continue to carry excess infrastructure which we simply no longer needed. Now, we are going to hear lots of reasons why it is tough to do it and lots of reasons why we should not do it. We will address those one by one.

But when you get a letter, which we have received, signed by the Joint Chiefs of Staff, every single member, a so-called 24-star letter, it does not happen very often around here. But when we get a letter from General Shalikashvili and the Vice Chairman Joe Ralston, and each of the Chiefs signing a letter as succinct and to the point as this one is, I think we ought to give it the most serious consideration. We cannot just shed this and say, base closing is tough or we cannot prove precisely how much money it saves. We have a pretty good idea, by the way, and I will get to that in a moment. But we just cannot simply say, base closings are tough. And they are. Let me tell you, my State knows it. Percentagewise, it is one of the 10 hardest hit States with base closings, and we still have facilities where people feel they are at risk.

But this is what the letter from the Joint Chiefs says. It is addressed to our chairman, Senator THURMOND. I am going to read it all. It is a short letter, but it is very much to the point.

> Dear Mr. Chairman.
>
> As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Now that is point one. We have to make every effort we can to find the funds necessary for future investments in the defense of this country inside the defense budget. That is a statement based on reality. It is a statement based on the desire of all of us to get down to a zero deficit and to begin to pay off the national debt. It is a statement based on the reality that the defense budget is not going to grow faster or in a different way than what we have projected in our 5-year defense budget, unless, of course, world circumstances change.

Then the letter goes on:

> Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 36 percent.
>
> We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.
>
> We ask your assistance in addressing this difficult issue.

Now, they are asking our assistance to do something which is difficult, and it is difficult politically, and every one of us knows that. I don't think there is any one of us who has a facility in our State that we have not been worried about it, that we have not gone to bat for, that we have not been an advocate for and, in some cases, have won a battle for a base and, in other cases, lost a battle for a base.

That is one of the reasons we are here, to be advocates for our States, and we do that proudly. I have done that for bases in my State. I have won some and I have lost some. We have lost every Strategic Air Command base in my State—all three, gone—and it has been painful. They have been in rural communities. In one case, most recently, up in the Upper Peninsula of Michigan, it was the largest single employer in the Upper Peninsula, Sawyer Air Force.

Has the environmental cleanup gone as predicted? It has not gone as fast. Have we struggled to make sure the leases are available to people who want to lease that property? We have; we work with them every day. Is it working out OK? It is. Is it tough? It is. Have there been dislocations? Yes. But is there any alternative if we are going to do our job to come up with the necessary resources to defend this country? Is there any alternative but to shed the excess baggage which our Joint Chiefs are asking us to shed? This is not easy for them, either. Those are communities that they have their hearts and souls in. But what they are telling us is we must bite this political bullet again if we are going to save the funds necessary for modernization, for investment accounts, for readiness, for the other things which we need to do in our defense budget.

The Quadrennial Defense Review reached the same conclusion. The Secretary of Defense has reached the same conclusion. So the amendment is simple. It authorizes the same process that we used in 1991, 1993, and 1995 for two new rounds in 1999 and 2001. We have changed this process over the years. We have tried to make the environmental cleanup faster. We worked on the leases to make sure that they be available to lease land, even before it was finally cleaned up. We tried to improve the notice requirements, the fairness requirements. We made lots of changes over the years. But to say we are going to not continue to do what our uniformed military says we must do to avoid wasting billions of dollars each year because it is politically difficult or because we cannot determine the precise amount, in an audited fashion, of the savings, it seems to me, is inconsistent with the desire of this body to protect the Nation's defense.

This process has the Secretary of Defense, again, making recommendations to a commission, nominated by the President, confirmed by the Senate. During those confirmation hearings, we got into all of the kinds of issues and concerns which each of us has relative to base closing. The commission, after being confirmed by the Senate, reviews these recommendations and makes their own recommendations to the President. The President then reviews the recommendation, either sends those back to the commission for additional work or forwards them, without changes, to the Congress, and then the recommendations of the commission go into effect unless disapproved by a joint resolution of the Congress. That is the process.

Has it been perfect? It has not. There have been many changes made in this process over the years. This amendment is open to other changes in terms of how do we approve the process. But to say that the process is not perfect means we should perfect it. It does not mean that we should ditch it when it has led to significant savings already and when it is essential to lead to additional savings in the future.

The case for closing more military bases is simply clear, and it is compelling. From 1989 to 1997, the Department of Defense reduced total active duty military end strength by 32 percent, and that figure will grow to 36 percent by 2003 as a result of the recently completed Quadrennial Defense Review, known as the QDR. So we are going to be reducing the active end strength, the number of people in our military, by 36 percent. But even after the four base closure rounds that are now completed, the reduction in domestic base structure will be 21 percent. So we have a gap. We have excess. We have surplus. We have baggage we must shed. We have facilities that are no longer being fully used, facilities that are not being run in a way which makes economic sense. These are facilities which we can no longer justify keeping.

Which are those facilities? Does anyone really believe that we on the Senate floor could decide which facilities need to be closed? It was the inability of the Congress to make those kinds of decisions which brought the Base Closure Commission into effect to begin with. We realized a few years back that we could not close bases ourselves. It is too difficult politically. There are too many pressures on us. There are too many tradeoffs that are possible. So we created a BRAC commission, giving ourselves a final right to veto, but basically saying that this is the only realistic way we are going to downsize the unneeded structure.

Now, this year, General Shalikashvili, who is our Chairman of the Joint Chiefs, testified before our committee as follows: "As difficult as it is politically, we will have to further reduce our infrastructure. We, perhaps, have more excess infrastructure today than we did when the BRAC process started. In the short run, we need to close more facilities, as painful and as expensive as it is." That is his quote.

One line in that quote, I hope, if nothing else, will remain with us: "We, perhaps, have more excess infrastructure today than we did when the BRAC process started."

Now, both the QDR and the independent National Defense Panel—and this is the group of citizens outside the Defense Department that have been appointed by the President—both the QDR, the Quadrennial Defense Review, inside the Defense Department, and the independent National Defense Panel have concluded that further reductions in DOD infrastructure—that is the base structure of the Department of Defense—are essential to free up the money that we need to modernize our forces.

On May 23, Secretary Cohen wrote to the chairman, Senator THURMOND, and to me, asking the Congress to act this year on his request to authorize two additional base closure rounds in 1999 and 2001. Though we will not get the final report of the National Defense Panel until later this year, they do have an interim report dated May 15 which accompanies the Quadrennial Defense Review. This is what the outside citizens panel said about base closures:

> We endorse the Secretary's plan to request authority for two additional rounds of base closure and realignment. We strongly urge the administration to support legislation that will start this process in 1999 and encourage Congress to approve the request despite constituency challenges.

Several weeks ago, the Armed Services Committee received a letter, as I indicated, which all six members of the Joint Chiefs signed. We do not get these 24-star letters every day or every week or even every year. I am not sure I can even remember the last 24-star letter that we have received. But now the Chiefs, every one of them, say that the committee should reduce base structure supported by the Secretary of Defense.

While I have read this letter, I ask unanimous consent, Mr. President, that a copy of the letter from the Chiefs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, June 4, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 26 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Sincerely,

JOSEPH W. RALSTON,
Vice Chairman of the Joint Chiefs of Staff.
DENNIS J. REIMER,
General, United States Army, Chief of Staff.
RONALD R. FOGLEMAN,
General, United States Air Force, Chief of Staff.
JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
JAY L. JOHNSON,
Admiral, United States Navy, Chief of Naval Operations.
CHARLES C. KRULAK,
General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. LEVIN. The service chiefs have also made the case for shrinking our base structure. In testimony before the committee, General Reimer said:

> We cut 36 percent out of the force structure and 21 percent of the infrastructure in the Army. I think we need to balance those two out or we are going to pay a heavy price that we should not have to pay.

The testimony of the service chiefs makes this point very clear. The issue is not base closures or no base closures. The issue is either we shrink the base structure or we are going to have to cut modernization. If we make the wrong choice and do not close any more bases, this problem is not going to go away. If we keep excess bases open and try to protect modernization by cutting the size of our forces instead, that will further increase the amount of excess base structure, which will, in turn, increase the pressure to close bases.

This problem is not going to go away. This problem will get worse if we delay it. If we cut forces instead of closing bases, that will inevitably lead to increased operating costs and increases days away from home for the smaller number of personnel who will be left. This issue is not going to go away. It will fester and get worse unless we address it. It will not be easier to determine and make this decision a year from now or 2 years from now than it is now.

The reason there is so much pressure coming from our defense establishment to authorize more base closures is because the Defense Department understands that reductions in the base structure are essential to the modernization of our forces. Every dollar we spend to keep bases open that we do not need—excess bases—is a dollar we cannot spend on modernization programs that our military forces do need.

As Secretary Cohen said in his preface to the QDR report:

> In essence, our combat forces are headed toward the 21st century, but our infrastructure is stuck in the past. We cannot afford this waste of resources in an environment of tough choices and fiscal constraint. We must shed weight.

This is not just a choice which the Defense Department faces. This is not just Secretary Cohen's problem. This is our problem, and it is a problem which will get worse unless we make this decision earlier rather than later.

We cannot just tell the Department of Defense, "Reform yourself." The Department of Defense can reform if they want to, which they do, but they can't reform if we can't let them. It requires legislative action. As General Fogleman, who is Chief of Staff of the Air Force, said to our committee, "Getting lean and mean is no easy feat. We can be mean if we have to, but we need your help to get lean."

Make no mistake, if we don't act this year to approve and to authorize additional base closure rounds, there will not be any additional base closures before the turn of the century. No bases have been or will be closed outside of the Base Closure Commission process contained in this amendment, and every year we delay facing this issue, we delay achieving the potential savings that we need to modernize our forces.

Now, the argument has been made that we can't prove exactly how much previous base closures have saved. I agree that we don't know exactly how much base closures have saved. We can't audit it; it is not that precise. But I don't know of any disagreement over the fact that closing bases has saved, and will save, substantial amounts of money. The savings don't always come as quickly as the Department of Defense originally forecasts, for a number of reasons. But the savings have been there, and they are documented.

The CBO concluded in that same report, which was read before, that "BRAC actions will result in significant long-term savings." Now, the Department of Defense makes an estimate on savings. These estimates are available for Members of the Senate. They are based on 100 or so reports of base closings. Their estimate is that implementing the BRAC actions in the first four rounds will result in $23 billion in one-time implementation costs—that is the cost—and this is offset by savings of $36.5 billion—that's the savings—for a total net savings of $13.5 billion. So that is between 1990 and 2001 when the implementation of the first four rounds is supposed to be concluded. That is a net savings—deducting the investment from the gross savings—of $13.5 billion. That's what Secretary Cohen has written us. That is what he has testified to. That is the best information that is available.

Secretary Cohen estimates that each of the additional BRAC rounds that he is asking the Congress to approve will save $1.4 billion a year once they are fully implemented. That is comparable to the savings that will be achieved from the 1991 and 1995 rounds.

Maybe 5 years from now we are going to find that the actual savings from the first four rounds of base closures will be slightly smaller or slightly larger than the $5.6 billion I have referred to. But there is no question that there are large, ongoing savings from shrinking our base structure. Before the first base closure round, we had approximately 500 domestic military bases. When all of the bases from the first four BRAC rounds are closed, we will have about 400 bases. So 80 percent of the bases will remain after all four BRAC rounds are implemented, even though we will have seen a reduction of one-third of our force structure.

Now, the exact amount that we are saving is impossible to prove—these are approximations and estimates—for lots of reasons, including the fact that these savings represent money we would have spent to pay civilians we no longer have and to operate bases that we no longer have. So they are, by definition, estimates; we can't audit them. But I cannot imagine someone trying to argue that we are not going to save large sums of money by operating 400 bases instead of 500 bases. That is 100 fewer bases at which we have to pay for electricity, heat, water, telephone service, maintenance, and security.

These BRAC savings, Mr. President, are an important part of the funds that are going to finance the future modernization of the armed services that will keep our military the most technologically advanced and lethal fighting force in the world.

Some people have expressed concern that funds from base closures may not go toward modernization. But this amendment includes a provision that would require the Department to ensure that all savings that come from future base closings go toward modernization programs.

Now, over the last few months, another issue has been raised, an issue relative to the question of privatization in place. Some of our colleagues complain about the implementation of the 1995 Base Closure Commission recommendation with respect to the closing of two Air Force depots, at Kelly and Sacramento. There are clearly very strong feelings on this issue, and understandably so. I don't agree with those who say that what happened, however, in 1995, whatever one's view of those events are, somehow justifies refusing to ever close any more bases.

My own view is that we should let the market decide the most efficient way to redistribute the workload of these two closing depots and that the way to let the market decide that is through a fair and open competition.

Deputy Secretary of Defense John White testified before our Readiness Subcommittee in May that the Department's policy is no longer to privatize the work of these two closing depots in place, but to compete their workload between the public depots and the private sector. Secretary Cohen wrote a letter to the majority and minority leaders reaffirming the Department's policy of competing this work. He also testified before our committee that, "If you disagree with giving the commission this kind of discretion"—he was referring to privatization in place—"then you can always restrict it in the future."

That is what the amendment does. To address the problem of privatization in place for future BRAC rounds, this amendment includes language that would allow the Secretary of Defense to privatize in place the workload of a closing military installation only when it is explicitly recommended by the Base Closure Commission as either the correct way to close the base or as one option.

But whatever our view is of privatization in place at the two air logistic centers that were closed by the 1995 Base Closure Commission, that is no reason to cut off our nose to spite our face and keep excess base structures open at a huge, unjustifiable cost in the future.

As I said a moment ago, I know personally how painful the base closing process is. Michigan never had a very large military presence, but we rank seventh among all States in the percentage of total BRAC job losses. So we know in our State, and we know that we have a few additional facilities that some people think could be at risk.

If we are serious about modernizing our military forces and if we are serious about maintaining the qualitative technological edge that we have, then we have no choice but to reduce our infrastructure costs so that they are in line with our foresight.

The Secretary of Defense and the Joint Chiefs are right. We need to close more bases if we are going to modernize our forces, and we are not going to be able to do that unless this amendment is adopted.

I thank the Chair and yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I appreciate the opportunity to speak on behalf of the overall defense bill and to give credit where credit is due in regard to the distinguished chairman of the committee, Senator THURMOND, and the distinguished ranking member from Michigan, Senator LEVIN. I want to pay tribute to their leadership. I think the committee did great work, and there was much bipartisan agreement. I think we had a very difficult task in this regard.

I would like to draw the attention of my colleagues to a study called "America's National Interests" by the Commission on America's National Interest. It was about a year ago, and I served on the commission with some very qualified people who have a great deal of expertise in regard to defense matters. The cochairs were Robert Ellsworth, Andrew Goodpaster, and Rita Hauser. The study was done by the Center for Science and International Affairs of Harvard University and also by the Nixon Center for Peace and Freedom and the Rand Corp.

Basically, they had an executive summary that pretty well said this: No. 1, American foreign policy and American national interests don't really represent a very high blip on the national attention radar screen. They said America was adrift. "In the wake of the Cold War, the American public's interest in foreign policy has declined sharply and political leaders have been pressed to attend to immediate domestic concerns." Certainly that is true. "After four decades of unusual single-mindedness in containing Soviet expansion, we have seen five years of ad hoc fits and starts." This was last year, remember. "If it continues, this drift will threaten our values, our fortunes, and indeed our lives."

I think the committee took an important first step in trying to end this drift. They mentioned confusion and the lack of a national strategy as we try to determine how much money to spend on defense, which, after all, is the first obligation of the Federal Government.

So having said that, I want to again thank Senator LEVIN and Senator THURMOND for their leadership. However, I must rise in opposition to the amendment as argued for by Senator LEVIN and as proposed by Senator McCAIN. I am talking about BRAC. I am talking about the effort to, obviously, reduce the excess infrastructure that we have in regard to our national defense system.

I want to make it very clear and I want to really emphasize that I do not support—and I don't know of anybody in the Senate or, for that matter, in the House of Representatives who supports—carrying excess or unproductive capacity in our military infrastructure. After all, how could anybody stand up here and say that they were supporting that? Having said that, I don't think we should sign onto another BRAC process until we are confident that the process will be done without making it a political football or without receiving an answer to several very fundamental questions, which I would like to go into.

No. 1, we need to certify what is meant by overcapacity. Everybody seems to agree that there is excess capacity in the structure of the military. I think that is obvious. Senator LEVIN just went over that. But if you ask different people where exactly that excess infrastructure exists, a variety of answers will certainly be given. Many argue that there is a great disparity between the reduction of military end-strength, down 36 percent—Senator McCAIN mentioned that. Every proponent of the BRAC process and of this amendment will tell you that the military end-strength is down 36 percent and reduction of military base structure is down 21 percent. Now, there is a relationship between these two. I know that. But there is no numerical correlation that would define what percentage of base closure we should strive for. That is extremely important. If there were such a numerical correlation, closing any of our bases would help bring the percentage in line.

I think common sense tells us that it is a lot more complex than simple percentages. If we all agree that excess capacity exists—and I think we do—I think that the Department of Defense, before we approve something like this amendment, should develop a certified list defining that excess capacity. What's wrong with that? I might add, I think we probably have that list already prepared. Why not really delineate the amount of excess and the priority of eliminating that excess and the difficulty of restoring the capability if required by a military operation? Let me repeat that. Let us try to delineate the amount of excess and the priority of eliminating that excess and, most important, the difficulty of restoring the capability if required by a military operation.

Once you lose the base, once you lose that infrastructure, like Humpty-Dumpty, it is off the wall, gone; you can't regain it. It is not reasonable to agree to a BRAC if we don't fully understand the nature and location and the amount of the reported excess.

I have the same letter from Secretary Cohen and the letter illustrated on the minority side from the Joint Chiefs of Staff expressing their support for a BRAC. Secretary Cohen, a good friend, a former colleague, said this: "With the expiration of the previous BRAC legislation, the Department needs a process to close or realign excess military installations. Even after four rounds of base closures, we have eliminated only 21 percent"—here we go again—"of our U.S. base structure while force structure will drop by 36 percent by fiscal year 2003."

Let me repeat again what I think is a fallacy. Secretary Cohen's letter—I know it is not his intent, but his letter suggests the direct correlation, again in percentage points, between base closures of 21 percent and force structure reductions of 36 percent. There is no direct correlation between the reduction of troops and how many bases should be cut. There is, of course, a connection, but to suggest there is some kind of a mathematical correlation is false. It is misleading. Exactly how we could get into indiscriminate cutting of facilities—the assumption of such a simple-minded statement is that all bases are equal.

Senator LEVIN has just indicated that of 100 bases remaining, and there is a need to reduce base structure by perhaps 15 percent, that any 15 bases would do the trick. Unfortunately, this is the exact argument—down 36 percent in troops but only 21 percent in bases—which was made in behalf of this whole argument. It is the very reason we need to understand which bases are in excess and which bases support the strategy. If it is 15 percent and you cut 15 bases out of 100, if that doesn't have anything to do with what kind of a base it is, what kind of force is there, or what the mission of the base is, I don't think that correlation really makes any sense.

Let's talk about the type of facilities to be considered once the DOD develops a certified list of excess capacity, and then what specific types of facilities to be considered for closure should be provided. If the Department of Defense demonstrates that certain types of facilities do not represent excess capacity, it doesn't make any sense to include them in the process. Why would we want to do that?

The effect of this action would shorten and focus the BRAC process. We would have successful BRAC, we would eliminate a lot of the headaches, pain and suffering, and the politics that the proponents of this amendment always talk about. Just as important, it would let those communities with military facilities as neighbors know whether they need to be concerned or not and prevent them from spending large sums of money to help save their bases. That is what happens.

As soon as this amendment is passed—I hope it does not; the committee did not pass it and the House of Representatives did not pass it—every community next to a base in America will hire a consultant, spending large sums of money, and will end up in BRAC purgatory. It is not necessary. We could shorten the process and get this job done with a better process.

Let's talk about the criteria to be used for closure recommendations.

There needs to be a full discussion of the criteria used for the BRAC process. I have the old criteria here somewhere, but, obviously, this isn't the criteria that is going to be used. This is the former base realignment and closure criteria. I thought the new criteria were going to be judged on the Bottom-Up Review and the QDR and the National Defense Panel. The National Defense Panel hasn't made a comment on where we are headed in terms of national defense strategy. We don't have the criteria yet. I think we are putting the cart before the horse.

So, at any rate, I think we need a full discussion of the criteria used for the BRAC process to ensure the results of the process are consistent with the strategy, as I have indicated, of the Bottom-Up Review and the QDR. For example, it makes little sense to me to use the same criteria of the last BRAC since we have substantially altered the military since then and our strategy has been changed. That is why we are going through this. A critical analysis of the criteria and their weight in the process is required. We should not inadvertently cut meat from our capacity if fat exists somewhere else simply because the criteria we used is flawed.

I want to talk about cost for just a moment. It seems to me, despite the claims of, I think, $2.7 billion that the letter indicated that we are going to save—and I think Senators LEVIN, McCAIN, and others listed $13.5 billion by the year 2001—I question that either in magnitude or when those savings will be seen. The whole purpose of this process, as proposed by the authors of this amendment, is to save the precious defense dollars.

Let me point out that we are supposed to be talking about national strategy here. The committee did its best, but in terms of trying to determine how much we spend on defense in the post-cold-war period, we said, "OK, you can have all the strategy you want, but don't spend more than $250 billion."

So it is budget driven and numbers driven, and the whole key argument in behalf of this is to save the precious defense dollars and use them for procurement and modernization and quality of life. So you close the bases. You save the money. And, as the Joint Chiefs of Staff, the Secretary, and the proponents of the amendment said, we are going to improve the quality of life, modernization, and procurement.

Well, I am not sure that those savings will be there. And, second, I will tell you where the money will go. If we could earmark this money, maybe put it in a lockbox and give the key to Senator THURMOND—I sure trust him as to where the money should go—I might support this. But do you know where the money is going to go? Peacekeeping missions. For peacekeeping missions since President Clinton took office: 1993, $2.441 billion; 1994, $1.9 billion; 1995, $2.16 billion; 1996, $3.3 billion; 1997, projected $3.27 billion. I am not sure that even accounts for Bosnia.

We are talking about savings that are going to occur in the outyears. And, yet, we have been using the peacekeeping fund for modernization and readiness and quality of life? That is what has been happening. If we could earmark these savings for all of the very good purposes that proponents of this amendment are talking about, it might be one thing. But we are not.

So what will happen is that we will go through this whole process only to find out that we are putting a lot of people into what I call BRAC purgatory only to find out that we don't have the separation by the people who really do that right now between those bases that are needed and not, and also the problem with cost savings only to find out that it will be spent for peacekeeping.

I am not opposed to peacekeeping in every instance. But it seems to me in terms of our national strategy and in America's national interest, I am not sure that that has been simply well spent.

I would like to associate myself with the remarks of Senator FEINSTEIN of California, and I would like to say that I know that it is the right thing to do in regard to base closures. Nobody in this Senate—nobody anywhere—is for saving excess infrastructure. That is just not a possible position, and we shouldn't do that.

I might add in closing, Mr. President, that I am one who is concerned about some of my colleagues who with some degree of condescending understanding look at me and say, "Well, now, you know, we all have politics, and we all have the pain of politics." I know it is going to be hard. This is not premised on any base in Kansas. This is based on a firm belief that this may be the right thing to do. But we are going at it the wrong way, and it is very premature.

So for the reasons that I have listed—and I would only add that there is no reason why we can't wait on the QDR, the review, and the National Defense Panel, have the new criteria, certify the excess, earmark the savings, and, yes, then go ahead with some kind of a BRAC. There is no reason why we can't do that. But it seems to me that we are rushing to judgment here, and I think it would be very counterproductive. I think we should watch out for the law of unintended affects.

I rise in opposition to the amendment offered by the Senator from Arizona and as agreed to by the Senator from Michigan and urge my colleagues to take another look at this. Let's take a little time. Let's do this right.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Maine.

Ms. SNOWE. Thank you.

PRIVILEGE OF THE FLOOR

Mr. President, first of all, I ask unanimous consent that the privilege of the floor be granted to two of my staff members, Tom Vecchiolla and Peggy Kline, during the pending consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, thank you.

First of all, I would like to commend the chairman of the Senate Armed Services Committee, Senator THURMOND, and the ranking member, Senator LEVIN, for their tremendous efforts in bringing the Defense Department authorization bill to the floor. I certainly think they have taken a great deal of initiative and leadership in putting this legislation together. I appreciate their efforts in that regard.

I certainly want to associate myself with the remarks made by the Senator from Kansas, Senator ROBERTS, on the amendment that has been offered by our colleague from Arizona, Senator McCAIN. It is an amendment that I certainly will oppose in proposing more rounds of military base closures and realignment.

I am certain the committee rejected the call for new base closings, and the Senate should follow suit.

As we all know, the administration has asked for two more rounds of base closings with the intent of realizing $2.8 billion per year in savings from these new BRAC rounds. The administration further stated that these estimated savings are to be used to meet the well-established requirements for $60 billion in procurement funding which is necessary to modernize our forces to meet the challenges of the 21st century.

I have consistently asked the question as to exactly what has happened to the savings in the past four BRAC rounds that started in 1988. The Pentagon estimated the savings to occur from those four rounds to be in the area of $57 billion over the next 20 years with the annualized savings of upwards of $5.6 billion per year starting in the year 2001. In its April 1995 report, the GAO estimated that such savings projects their estimates at less than $17 billion over the next 20 years, past the number that had been projected by the Department of Defense, with annual recurring savings possibly being in the area of $1.8 billion in the year 2001.

Mr. President, GAO conducted a further analysis and issued a following report in April 1996. In this report GAO found that the total amount of actual savings that may be estimated from the four previous BRAC rounds is uncertain, for a number of reasons, the primary of which, according to the GAO, is that the DOD accounting systems do not provide adequate information or isolate their impact from that of other DOD initiatives.

Despite the fact that the DOD has complied with legislative requirements for submitting annual costs and savings estimates, the GAO further stated that the estimates' usefulness is limited because the estimates are not budget quality and that the inclusion of these estimates of reduced personnel costs by all of the services are not uniform and, further, the GAO determined that certain community assistance costs were excluded. In fact, in one example, GAO identified the fact that DOD BRAC cost estimates included more than $781 million in economic assistance to local communities as well as other costs.

In December 1996, the Congressional Budget Office, in its report, stated that it was unable to confirm or accept DOD's estimates of cost savings because the DOD is unable to report actual spending and savings from BRAC action.

So now we have the Pentagon, the GAO, and the Congressional Budget Office with differing estimates on what has actually been saved and what is supposed to happen as a result of these four BRAC rounds since 1988. There is no consensus on the numbers. That, indeed, in my opinion, is a significant problem, if we are to predicate future closings on these savings and estimated savings for the future.

The fact is we are chasing an elusive infrastructure savings because there is no straight-line corollary between the size of our forces and the infrastructure required to meet two nearly simultaneous major regional conflicts. The Department of Defense has even admitted to the GAO investigators that they do not have accounting systems in place to isolate the impact of specific initiatives such as BRAC.

So, in fact, we have no comprehensive adjustment of the reduction of the infrastructure that has occurred as a result of the four previous rounds of base closings and the impact on munitions as well as our forces. In fact, when these base closing rounds were first initiated, one of the greatest concerns that I had was that they would underestimate the cost of savings and overestimate the savings to accomplish the base closings.

Mr. President, the projections for national defense outlays decrease 34 percent over the period from 1990 to the year 2002. We have all seen the downward pressure in defense spending. In fact, we have seen a reduction of more than 40-percent in the defense budget since 1985. Future years' defense plans call for a 40 percent increase in the defense modernization budget within the confines of an overall defense budget that essentially will remain flat over the next few years. But yet, we have seen a procurement budget that has plummeted from $54 billion in 1990 to today's level of just over $42 billion.

It is interesting, because in the same time that we are seeing a reduction in procurement, we have had four previous rounds of base closings. You might have thought that money would have been invested in the procurement budget, but, in fact, the contrary has happened because again the Department of Defense underestimated the cost that is required to close these bases and overestimated the savings.

As of May 1997, the DOD has invested $14 billion in base closings. The total implementation costs of the four previous BRAC actions through 2001 are estimated at $23 billion. Through fiscal year 1996, the DOD estimates that it may have saved through cost avoidance approximately $10 billion.

So, in simple terms, to date we have spent $14 billion to avoid costs of $10 billion. Yet, we are promised by the DOD that the savings is in the outyear savings—savings that even DOD's own budget analysts say they are not equipped to track.

The promise for the outyears has been a recurring theme for the Pentagon over the last 4 years. How many times have each of us heard that the fix for the procurement account is in the outyears? And each year we see the administration's request for procurement steadily decline. In fact, in each of these 4 years since the Pentagon completed the Bottom-Up Review an investment in the procurement accounts has actually been postponed.

The procurement request for 1998 is $42 billion, whereas the fiscal year 1995 program had projected reaching $54 billion by now. So we have not seen the funding promised, and the DOD cannot show it to us in its own budgets, and the reasons are obvious. The funding has migrated elsewhere.

In its own Quadrennial Defense Review, the DOD said the $18 billion meant for procurement under the 1995 plan has disappeared. The QDR report tells us that the funding migrated to three places. First, it went to unprogrammed operating expenses such as contingency operations like Bosnia. The second place was unrealized savings from initiatives like outsourcing or business process reengineering which failed to achieve the objectives and expectations, similar to the failure to achieve the levels of savings expected in the previous four BRAC rounds. And the third, of course, was new program demands.

The QDR stated national defense policy of shape-respond-prepare reinforces the fact that U.S. forces will conduct smaller scale contingency operations for peacetime engagement. These operations include, according to the report, intervention, limited strike, no-fly zone enforcement, peace enforcement, peacekeeping, humanitarian assistance, and disaster relief. The QDR further projects that U.S. involvement in the smaller scale contingency operations will increase over the next 20 years.

So we can expect more and more peacekeeping operations, far beyond the traditional missions of peacekeeping operations, that are going to require more robust military requirements. The QDR cites the obvious problem that DOD has had with the constant migration of funds which were planned for procurement ending up in operation and support activities. This certainly has been the case in the last few years to pay for operations like Bosnia and other areas where we have developed peacekeeping operations.

Since 1991, in over 39 separate contingency operations in Southwest Asia, Bosnia, Somalia, Rwanda, et cetera, it is estimated that the taxpayers will pay over $17 billion for these operations. And as I illustrate in this chart here today, I think we can get an example of the multiple operations that the United States has been engaged in just in the decade of the 1990's. We know that in 1989 we spent less than $100 million in peacekeeping operations. In the decade of the 1990's alone we have spent the grand total of $17.2 billion and counting.

We all know the administration has underestimated the costs of our participation in the forces in Bosnia, not to mention the length of time. It is estimated that we will spend upward of $6.8 to $7 billion until June 1998. My expectation is that we will have underestimated those costs as well. But we have spent a total of $17.2 billion in peacekeeping operations. That is an exorbitant price that we are now paying for unbudgeted, for the most part, operations and missions elsewhere—unanticipated and in most cases unbudgeted. The cost for Bosnia, as I said, has been over $7.2 billion, assuming we withdraw in June 1998. The cost for these operations have quadrupled—quadrupled—since 1991. The fact is the Department of Defense has been heavily taxed to meet these deployments.

We know that of the $17.2 billion that will have been spent in contingency operations through June 1998, about $8 billion of this amount was reimbursed to the Department of Defense by Congress through supplementals. The Department of Defense, however, has also told us that $2.3 of the $17.2 billion total were service absorbed costs, funding that was taken directly out of procurement and other accounts to pay for these operations.

Mr. President, I suspect that the remaining difference of almost $7 billion was siphoned from procurement accounts as well as the operations and readiness accounts to pay for these contingency operations. We have asked the Department of Defense for these figures and they cannot provide them. As of 1997, we readily know that we were facing over 2.5 billion dollars' worth of unfunded contingency operations and that required, as we know, a supplemental appropriation which we passed a couple of weeks ago. But we must ask the question, because it has been asked but it has not been answered, how many modernization programs got impacted as procurement dollars were siphoned from the modernization programs by the DOD comptroller to pay for these unprogrammed operations? It is obvious that this is a persistent problem. We know that we can expect more of the same. In fact, the QDR report that was issued by the administration, as I said previously, expects that small scale contingency operations will be high over the next 20 years, so that we literally cannot anticipate the numerous unbudgeted operations in which the United States will participate.

The State Department did a compilation in 1995 of the voluntary contributions of the United States in 13 other countries to support U.N. peacekeeping operations. The United States provided for 54 percent of those costs—54 percent—11 other countries, NATO countries and Australia, 45 percent, and Japan less than 1 percent.

So it is obvious and clearly apparent that the United States is assuming an enormous cost and burden for these peacekeeping operations. And as I also said earlier, these peacekeeping operations are not within the traditional operations as we have known them in the past where we are upholding and enforcing a cease-fire agreement that has been reached by two or more parties. These operations have gone beyond that to peace enforcement where we are imposing a peace on recalcitrant parties. That requires more military expertise, weaponry, and requirements on the part of our own military as we have seen not only in Somalia but, of course, as we have seen in Bosnia.

The point of all of this is that what we are seeing happening in the Defense Department's budget is that more and more of the funds are being drawn from operations and the readiness account, indeed, from modernization, because even the administration has not been able to meet its own procurements modernization goal of $60 billion. The fact is a $17 billion gap in the modernization goal because that money is being drawn away into these operations.

I believe that the pressure to come up with more base closing rounds is premised on the need to finance these operations; that we will see whatever savings we can achieve from base closings will not be realized in the modernization accounts. The fact is we have no guidance from the administration in terms of what the administration is apt to spend on base closings because we know there are enormous upfront costs just in the environmental cleanup arena alone, not to mention all the other costs associated with base closings that require up-front expenditures. So we do not have the costs nor the real savings realized in the future. And yet at the same time we are spending more and more of the Defense Department's immediate funds on these peacekeeping operations for which we have not been able to precisely project what the costs will be in the future.

These missions have quadrupled since 1991. We can expect more of the same. And yet we do not have a comprehensive analysis of the impact of the four previous rounds. They have not been completed. They have not come through yet. And so the administration is now asking for two more rounds without even knowing what the previous rounds have exacted in terms of the impact on our forces, our mission, as well as our infrastructure.

We know that once a base is closed, it is lost forever; it is irreplaceable, and yet we have had no thorough analysis done on what the impact will be for the future. I believe that the pressure for more base closing rounds from the administration is due to the fact that more of these dollars are being siphoned away from modernization and into peacekeeping operations. So we could have two more rounds, but we do not know what the savings will be, we do not know whether or not it is going to go into modernization, and we do not know what the impact will be on our forces as well as our mission.

I believe we are relying on a flawed approach to achieve the savings from infrastructure reductions that have yet to be realized, and we are finding that the Defense Department is spending billions of dollars on contingency operations which have little or no relevance to our vital national interests, and yet we are willing to cut the heart out of our military infrastructure within our sovereign borders without fully evaluating the impact to our national defense.

The fact is I believe that we are on a collision course with less than expected savings from base closings and an increased number of contingency operations that will result in a further degradation of our force readiness and it will delay much needed procurement.

I realize that we are facing limited resources within the Defense Department's budget and within our own overall Federal budget, but we must also be concerned for our troops and our resources, that they are not overtaxed in support of these numerous contingency operations over which we obviously have had little control. We have to take a more judicious approach to the deployment of our forces in view of our constrained resources as well as protecting our vital national interests, not only for today but also for tomorrow.

So I ask the Senate to reject the amendment that has been offered by the Senator from Arizona because I believe clearly that we have to begin a thorough examination of what has already transpired before we take any future actions that we will regret, and at the same time I hope that it will put some pressure on this administration to begin a thorough reexamination of the necessity of constantly deploying troops in areas that perhaps they should not be engaged.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank both the chairman and ranking member of the Armed Services Committee for their handling of this bill and for their help in bringing it to this particular position. I particularly want to commend my friend, the ranking member, the distinguished Senator from Michigan, for his advocacy of this particular amendment. I am pleased to join as a cosponsor with the Senator from Michigan and the Senator from Arizona and others. But I recognize it is a very difficult amendment for all concerned, as the Senator from Michigan so eloquently explained a few minutes ago on this floor. I know his particular State was more impacted in terms of strategic air base closures.

My own State is more dependent on defense spending on a per capita basis than any other State in the Union. Year after year more defense dollars, per capita, are spent in Virginia than in any other State. So this is not a popular or easy issue in my own State. But I have tried to analyze the reasons why most of those who do oppose this particular amendment are opposed. It seems to me, Members are opposing another BRAC round for three principal reasons: No. 1, unwillingness to endure the pain of another closure round; No. 2, concerns about the accuracy of estimated savings; and, No. 3, concerns over the integrity of the process.

Regarding the pain of closures, I can only say that I see the choice as a simple one. We can either preserve jobs and facilities in our own States or we can provide desperately needed funding to ensure that our troops can fight and win in future wars, which, of course, is the reason that we have a national defense capability in the first place. By virtually every expert estimate, early in the new century we will simply be unable to fund a force necessary to support a very prudent and measured national military strategy.

During the cold war, our massive base infrastructure had substantial duplication built in because of enormous uncertainties about the scale and consequences of a strategic war with the Soviet Union. Much of that duplication we probably could have done without, but I would certainly concede that military construction in Members' home States or districts has undeniable appeal politically. But we no longer have the luxury of duplicating infrastructure just to keep the folks back home happy.

As many have noted, every dollar we keep spending on bases we don't really need is a dollar we cannot spend on maintaining end strength, replacing aging weapons systems, advancing our military technology to ensure dominance of the future battlefield, and keeping quality of life at a level that will ensure strong recruiting and retention.

The second rationale for opposing a new BRAC round stems from the assertion that because we don't know exactly how much we saved from previous BRAC rounds, that we should not go forward until we do. If we accept this rationale, however, we would never have another round of base closures, which I suspect would be just fine with many who cite this reason for opposing the effort. But if our net savings from another BRAC round are significant, although indefinite, it seems to me we ought to move forward now. Why should we postpone doing what we know we are going to have to do anyway, just because our estimate of savings are imprecise, as long as we know they are significant?

The reality is that the long-term savings from the first four-base closure rounds will exceed $5 billion a year when they are completed. It just so happens the Secretary of Defense is still seeking approximately that much money to meet the modernization objectives that he set forth in the Quadrennial Defense Review. New base closure commissions, if they are courageous enough to close the bulk of the remaining excess bases, should add billions in additional savings. If Members want to conduct more studies on exactly how much has been and will be saved by BRAC rounds, that's fine, but let's not hold up this process for a study that we know will tell us that billions will be saved.

The third reason Members are opposing a new BRAC round is their concern about the integrity of the BRAC process in light of the attempt to privatize-in-place the work at Kelly and McClellan Air Force depots, or ALC's. To avoid any future ambiguities about this matter, a provision here clarifies that privatization in place will be allowed only if the BRAC explicitly permits this at a military installation.

None of these reasons for opposing another base closure round, in my judgment, is compelling. The responsible thing to do, I believe, for our Nation's security is to cut excess infrastructure as soon as possible. Waiting will only delay the inevitable and cost our military billions in funds that are badly needed for maintaining force structure, supporting training and day-to-day operations, and adequately funding modernization.

I urge my colleagues, in this case, to make the responsible choice, the choice that the Secretary of Defense, that all of the service Secretaries, that all of the service chiefs and that all of the CINC's agree is the only responsible choice, and that is to begin another round of BRAC closures as soon as possible.

With that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 771 TO AMENDMENT NO. 705

(Purpose: To require a report on the actual costs and savings attributable to previous base closure rounds and on the need, if any, for additional base closure rounds)

Mr. DORGAN. Mr. President, I rise today to offer a second-degree amendment to the amendment that has been offered by Senators MCCAIN and LEVIN, an amendment that was just supported by my colleague and friend from Virginia. I do this with great respect for the views of those who have offered the amendment on base closing. But I come to a different conclusion than they do on this subject, and represent that conclusion with a second-degree amendment. When I conclude my remarks, I will send my second-degree amendment to the desk.

I would tell my colleagues I offer the amendment on my behalf, on behalf of Senator LOTT, Senator DASCHLE, Senator THURMOND, Senator DOMENICI, Senator CONRAD, Senator FEINSTEIN, Senator DODD, Senator BINGAMAN, Senator BOXER, Senator BURNS, Senator LANDRIEU, Senator ROBERTS, and Senator FORD.

I am offering this second-degree amendment to the amendment now pending, which would authorize two additional rounds of base closures, one in 1999 and the other in the year 2001.

For those unfamiliar with the issue of base closures, they should know that we have established in this country previously, on several occasions—actually, through four rounds, but three of them really full rounds—something called the Defense Base Realignment and Closure Commission. And the Commission then begins to study what kind of military installations do we have in this country, where are they, what is their capability, and how many of them might now be surplus and might be closed in order to save money for the future. That is what the base closure process was about.

I have supported the base closure process on those occasions. I have voted for it and believed it was appropriate, as we downsized the military after the cold war, that we also then needed to get rid of the surplus in our facilities and save the money that we can save that is necessary for other areas, such as training and readiness and weapons programs and other priorities. So I have supported that in the past, believing that as you downsize force structure, you also are going to have surplus military installations that must, in fact, be closed.

In the process of doing that, we have ordered the closures in the rounds of 1988, 1991, 1993, and 1995. That resulted in the decisions to close 97 military installations in this country. The military is slightly over halfway through the process of closure of these 97 installations; slightly more than one-half of those bases have, in fact, been closed. In fact, the second base closure round is scheduled to finish this month, and those are the bases that the 1991 Base Closure Commission decided to close. The 1993 and 1995 closures, the third round and the fourth round, they will be shut down completely—and they are in the process now—but they will be shut down completely perhaps in the year 2001. So we have been involved in the substantial shutdown of military facilities under the Base Closure Commission process, have done it now for a number of years—9 years this process has been in effect—and now the proposal in this defense authorization amendment is to say, let's have two additional rounds of base closures.

What is the problem with that and why do I offer an amendment? Let me describe my amendment first and then describe the problem. I say in my amendment that the Secretary of Defense shall prepare and submit to Congress, to the defense committees of Congress, a report on the costs and the savings attributable to the base closure rounds before 1996, and on the need, if any, for additional base closure rounds. The rest of the second-degree amendment describes what we would like the Secretary to report to us on. The amendment also would prohibit the funding of further base closure commissions until the Congress has received that report.

But I would like to go through a series of charts, to tell you why I think there are significant questions that must be answered before this Congress should authorize one additional or two additional rounds of base closures.

The General Accounting Office, the GAO, which is the congressional accounting watchdog agency, says that "Congressional auditors can't verify the estimates of base closure savings"; the Department of Defense "cannot provide information on actual savings" from the previous rounds; the DOD's savings estimates, according to the GAO, are "inconsistent . . . unreliable . . . incomplete." That is the GAO.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, says: "The Congressional Budget Office was unable to confirm or assess the Department of Defense's estimates of costs and savings because the Defense Department is unable to report actual spending and savings for BRAC actions"—in other words, the base closures.

The Congressional Budget Office also says:

> CBO cannot evaluate the accuracy of DOD's estimates without empirical data.
>
> The DOD does not track . . . actual savings that have accrued.

And on the specific subject of the McCain-Levin amendment, the Congressional Budget Office says this about additional rounds of base closing:

> The Congress could consider authorizing an additional round of base closures if the

> Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out.

And then it says, and this is important for my colleagues to understand:

> That consideration, however, should follow an interval during which the Department of Defense and independent analysts examine the actual impact of the measures that have been taken thus far.

Finally, CBO says:

> Such a pause [or an interval] would allow the Department of Defense to collect the data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and the actual savings achieved.

That is not me. It is not a conservative or liberal or Democrat or Republican; that is the General Accounting Office, the GAO, the investigative watchdog, and the Congressional Budget Office, the nonpartisan Congressional Budget Office, saying that after all of these rounds of base closures, they can't get information about what have the costs and the savings been.

What has been the experience? What is the impact for the American taxpayer on all of this? How much do you save when you close them down? And what have been the costs of closing them down?

The Congressional Budget Office says it would be a reasonable thing to do to have an interval to really evaluate what are you doing, what are you achieving, how much are you saving. That is why I think it makes no sense for us in this authorization bill to proceed immediately now, before nearly one-half of the bases that have been previously ordered closed are closed, and say, "Well, now, let's do two additional rounds. We don't know what the costs and benefits are of the previous rounds, we don't know what the savings to the taxpayers have been, we don't know what the costs have been, but let's order two more rounds."

So I offer a second-degree amendment that says the Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs attributable to base closure rounds. Let's get a full accounting before we move for two additional base closure rounds.

Let me respond to some of the other statements that have been made on this issue. Proponents of more base closures suggest more closures are needed to match the base infrastructure to our force structure. They say as the force structure comes down, clearly we should be able to close some bases, and that is true. But let's look at the figures.

According to Congressman HEFLEY, the chairman of the House National Security Committee's Subcommittee on Military Installation and Facilities, if you measure by plant replacement the value of bases in the United States and around the world, base infrastructure has fallen by 27 percent, very close to the one-third or 33 percent reduction in force structure. Other estimates of reduction in base structure are either not calculating the plant replacement value or they are calculating values of only bases in the Continental United States, which ignores the 43 percent reduction in U.S. bases overseas.

In addition to that, the military's operational bases—that is, the bases that host the combat units—are already closing down in proportion to the defense drawdown. For example, when all the BRAC rounds are done, the Air Force will have closed 22 of 74 major air bases, 30 percent; the Navy will have closed 10 of 17 naval stations, nearly 60 percent, and 12 of 29 naval air stations, 40 percent; the Army will have closed 10 major combat and training facilities, about one-third of those Army bases. So with respect to the operational bases, there has already been an appropriate amount of base closing done.

Proponents of the amendment to authorize two additional rounds of base closings say we need more base closing rounds in order to be able to afford new weapons. We will achieve savings from base closings and, therefore, be able to afford the new weapons programs. Let's examine just a bit what these arguments mean by asking what the savings from base closures are or will be or have been with what sketchy information we have.

There are various estimates of savings from the BRAC implementation period from 1988 to the year 2001. The Congressional Budget Office in December said they were not able to get very much information. They estimated, with what information they had, that we would save $5.3 billion in that period, this despite four base closing rounds in closures that began 9 years ago.

So, if this number is accurate, with sketchy information, yes, base closures save some money but very slowly, and if future base closing commissions decide to close bases in 2001, the savings would be available, again, very slowly perhaps by the year 2010. And the savings here are only estimates from sketchy information that both the GAO and the Congressional Budget Office indicate is unreliable and incomplete. They say the information on this is simply not available from the Department of Defense.

The Government Accounting Office and the Congressional Budget Office also say in closing military installations that the Department of Defense has not taken into account the full cost of environmental cleanup when a base is closed, the accurate proceeds from the sale of land in closing bases, the economic transition costs, especially those not funded by the Department's base closing program, the higher costs of operation at bases that gain missions from the bases that are closed and higher construction costs at the bases that gain missions.

In summary, Mr. President, my amendment is important because it would require the Pentagon to report to Congress on what have been the actual costs and savings in four base closing rounds over nearly a 10-year period. Until and unless we get information about what are the costs and benefits, I don't think we ought to legislate in the dark, and that is what we would be doing if we were to decide now to rush off and authorize two additional rounds of base closures without knowing the impact of, the costs of, or the benefits of the closures in the previous four rounds.

I am pleased to offer the amendment with some very strong support from some very influential Members of the Senate. The majority leader, Senator LOTT, is a cosponsor; the minority leader, Senator DASCHLE; the distinguished chairman of the Armed Services Committee, Senator THURMOND; and many others.

I think all of us feel the same way. There may be at some future date a need to reconcile further base capacity with troop strength. We understand that, we have understood that through four rounds of base closings. However, there will also be, and is now, a requirement that we understand exactly what we are doing, what are the costs and what are the benefits, and this would not be the time to authorize additional rounds of base closures prior to our having the information available on what we have done in the past.

One final point. All of us perhaps have some parochial interests, and I would certainly understand if someone said, "Well, but you have some military installations in your State." Yes, we do, and I have supported previous base closing rounds despite the fact that we have military installations, and it would probably not be in my best interest to do that, but I supported that because I understand we must reduce capacity in these installations.

But, I also understand that every time you go through a base closing round, there are additional costs imposed on nearly every community that has a military installation that is not calculated anywhere on these papers, and that is the cost of the economic investment that doesn't happen and the stunted economic growth in a community because a potential investor says, "That, community, I don't want to invest there at the moment. I want to wait a couple years to see if that military installation, that community is going to be there for the long-term future. If not, that region is going to have 20 percent unemployment, and the last thing I want to do is lose my investment."

So community after community after community has imposed on it a stunted cost of economic development whenever we begin this process.

I am not here today to say I will never support another BRAC round, but this is the wrong time to initiate two additional rounds. If we look in the future at what the overcapacity might be, if there is, in fact, an overcapacity, then we should respond to that. But I do not want, in this circumstance, to authorize two rounds before we know the full cost, the full value and the full benefit of previous base closure rounds.

Mr. President, I ask unanimous consent that Senator FORD from the State of Kentucky be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, as I conclude, I send my second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. LOTT, Mr. DASCHLE, Mr. DOMENICI, Mr. THURMOND, Mr. CONRAD, Mrs. FEINSTEIN, Mr. DODD, Mr. BINGAMAN, Mrs. BOXER, Mr. BURNS, Ms. LANDRIEU, Mr. FORD, and Mr. ROBERTS, proposes an amendment numbered 771 to amendment No. 705.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After "SEC." on page 1, line 3 of the amendment, strike all and insert:

. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the cost and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and construction facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(e) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

Mr. DORGAN. Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I rise in opposition to the Levin-McCain amendment and in support of the Dorgan-Daschle-Lott amendment. Before I speak on the substance, I want to, again, take note of the tremendous leadership we are receiving from the Armed Services Committee chairman, the Senator from South Carolina, and the cooperation we are getting from the Senator from Michigan as they try to move this legislation through. They are doing an outstanding job. I know we will start a series of votes later on this afternoon, and we continue to look forward to completing this very important legislation before the week is out.

Mr. President, I have followed these base closure recommendations, so-called BRAC issues, now for many years. I was in the House when it was first proposed by a young Congressman from Texas, DICK ARMEY. I was a member of the Rules Committee, and he came to me and asked about how to get this procedure to be considered, to get it through the Rules Committee, to get it to the floor of the House of Representatives. I remember specifically telling him how the procedure would work, but assuring him from the beginning I would oppose it.

I have always been opposed to this approach. It is one more example of Congress not being able to deal with the tough issues of what we need in terms of facilities in this country and passing the decisions off—the tough decisions off—to others, in this case the Commission. I don't think that is the way it should be done, and that is not the way it was done until recent years.

In the past, the Pentagon, the Department of Defense, would make recommendations to Congress. Congress, through the appropriate committees—Armed Services and the Appropriations Committee—would consider those recommendations and, in some instances, base closures were approved, including facilities in my own State and probably most States in the Nation, and in others, it was rejected. But somehow over the years, it became more and more difficult to close these bases or to make decisions, to make changes in the bases, and so these so-called BRAC rounds gained some currency and were pushed and, in fact, passed through the Congress.

We have been down this old BRAC road before, three-and-a-half or four times, if you will. I maintain it has not worked well. First of all, we found that it is a very difficult process. There is always concern about the fairness of how it is done. There are always some implications or indications that some political considerations came into play, and there always will be. But also I think it is important that we remember what it does to the communities and to the people who are involved.

These are just not nameless, faceless people. These are bases in communities, communities that are disrupted by these proceedings, communities and States spending millions of dollars trying to prove the worth of their bases. So we know that it has had an impact on the communities where these bases have existed.

We know it has created problems for the Defense Department among the various branches. We know that it is almost totally impossible to assess the real damages or the benefits or the savings from these closings. We have seen this in instance after instance. For instance, we have made decisions that certain bases would be closed and there would be certain savings. Yet, we have found that it has been very difficult to move toward closing those bases and getting the savings for no other reason than we have found, in many instances, that there are environmental problems in cleaning up those bases before they can be turned over to the private sector or the local communities.

To this day, the recommendations of previous BRAC's have not been completed. We have bases or facilities, depots that supposedly were going to be closed. They are not closed. So without having had an opportunity to really assess the damage that has been done to our capabilities and our facilities for the military of this country, without having an opportunity to really get these bases closed and, therefore, the savings achieved, we have now the recommendation that we have not one but two more of these base closure rounds.

I think that it has been a very dubious process that has caused lots of problems, and it should not go forward again with two more rounds until we fully understand the ramifications and the implications of what we have already done.

So that is why I think that the Dorgan amendment is a better approach. It doesn't say that we will never have another base closure round, although I can't envision myself voting for one in the future anymore than I have in the past, but it does set up a legitimate, logical process to assess what has already happened, what has been achieved in terms of savings as a result of those decisions, what it has done to our capabilities militarily, before we go forward with another round.

The amendment that has been offered by Senator DORGAN and others allows already authorized base closures and realignments to go forward, and that is important, I emphasize again, because what has already been agreed to has, in fact, not been completed. This would include the 97 base closures and the 55 realignments that have already been agreed to.

Economic and fiscal ramifications of closing and realigning bases Congress has already authorized will stretch well into the 21st century. The Pentagon estimates on the savings cannot be supported. GAO, for instance, recently concluded that the "Department of Defense cannot provide [accurate] information on actual savings." The Congressional Budget Office has stated that it "was unable to confirm or assess DOD's estimates of cost and savings because the Department is unable to report actual spending and savings for [these] actions." As a result of all these factors, CBO observed that additional base closures "should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken * * *"

The Dorgan-Daschle-Lott amendment sets up a logical process to review what we have already done before we go forward with recommended rounds in the future. The last Base Closure Commission concurred in the assessment and stated that another round of base closures should not occur until the year 2001—not 1999, as proposed in the Levin-McCain amendment. That is an important point. The last Base Closure Commission specifically recommended that there not be another one until the year 2001, if then, so that we could get our work done, see what happened, and then make an informed judgment about whether to go forward with it again in the future.

This amendment provides the Pentagon with the time to develop accounting techniques so they can fully and accurately reflect the costs and savings from previous and future rounds of base closures, and it requires the Pentagon to prepare a report on the financial ramifications of past and future base closures and to have the report reviewed by GAO and CBO.

In short, Mr. President, this sets up a process to take a look at what we have already done, evaluate it, make sure we understand the cost savings or the costs that have been expended to try to achieve what has already been agreed to before we go forward, and then and only then after that review should we make an informed decision about whether or not to have another round.

I am going to hand out to my colleagues when we start having votes a list that I had prepared of facilities and activities that were considered by the Base Closure Commissions in the years 1991 to 1994, but not closed. There is a long list. And I just want to ask my colleagues, whether they be from California or Connecticut or Georgia or Minnesota or my own State or any other State, take a look at what is on this list.

Think of what you have already been through, and think of the impact it would have on the military if some of these facilities, which are very fine facilities that are important for our training for the Air Force, for the Navy, if they should be threatened once again with being closed. Do you want that? So I will have this list, and I invite my colleagues from all over the United States to take a look at this list.

This should not be done. We should not be closing down needed facilities and needed bases in the United States while we are sending our military men and women on humanitarian missions around the world. We are looking after the needs and problems around the world. That is fine. But what about the impact and the needs in our own communities of our own constituencies and most importantly of the military itself?

I vigorously oppose the Levin-McCain amendment and I will go along with the Dorgan-Daschle-Lott amendment because I think it is a better alternative and that it sets up a logical process to evaluate whether or not we should ever have another Base Closure Commission.

Mr. President, with that I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). THE SENATOR FROM OKLAHOMA.

Mr. NICKLES. Mr. President, I want to join with my colleague from Mississippi in urging our colleagues to vote no on the McCain amendment.

Mr. President, the entire process dealing with base closure is a process that Congress entered into with the administration, a joint process where we said we would work together, set up a commission, a commission of experts, we call it BRAC, the Base Closing Commission, and they would make recommendations and send those to the President. The President would either accept it or reject it. He could not modify it. If the President did not agree with those recommendations, he could send it back to the Base Closing Commission and they could change it. But he has two options: He accepts it or rejects it.

Same thing with Congress. Under the procedure that was set up—I might mention, it worked quite well the first three rounds. The President took the recommendations; then he would forward those on to Congress, and then Congress accepted them. We could not amend it. We could not say that it included a base from the Senator from

Montana's home State, the chairman of the Military Construction Subcommittee, so we will send that specific recommendation back, or maybe a recommendation to close a base in the home State of the Senator from South Carolina or Mississippi, those are powerful Senators, the chairman of the Armed Services Committee, and the majority leader respectively.

We did not touch those. We did not set it up that way. We set it up so an independent commission of experts, appointed and I might mention confirmed by the Senate, would work and work very hard. One of the toughest jobs around was for this commission to travel to all the bases on the so-called suspect list or the possibility list. They would visit these bases, and then they would make their recommendations.

I might mention in the process, they would probably terrify the individual communities and all the individuals associated with those bases. They would terrify them because they were afraid they might lose their job, they were afraid they might be on the final base closure list, they were afraid they might lose a job they think is a pretty good job—in all likelihood it is a good job, and they do not want to lose it.

So Congress had to—I don't know if it should be called collective wisdom, but we said, "Let's put it on this group, these real experts, a lot of retired military people, people that are going to spend the time and really investigate and analyze which bases should be closed." We have too much base infrastructure, so we had to close them. So that was the process. And it worked quite well the first three rounds.

Then in the fourth round President Clinton changed it. We had the same Base Closure Commission, a good commission. They made their recommendations, sent it to the President, and said accept it or reject it. President Clinton did neither. He said: Well, we're going to accept all the recommendations except for two, except for ones in California and Texas. There are a lot of electoral votes. We have an election coming up. So he did not accept the base closure recommendation.

He tried to modify it. He said: "Well, we won't close two bases. We'll privatize them and keep them in existence." That was not what the Base Closure Commission had said. Congress did not have that option. We were not able to say, "Wait a minute, we want to close all these on the list except for—" We did not do that.

So the President, in my opinion, violated the law. And I think the law is very clear. Other people debated, "Wait a minute. Does he have the flexibility? Does the Base Closing Commission give him the option to privatize in place or is this something he created?" I think it is something he created. That was not the intent of the Base Closing Commission.

Could he fudge? Could he interpret it that way? Well, he did. So far he has gotten away with it. But that was not what the base closing law called for. That was not the intent of the Base Closing Commission. And certainly the President circumvented the will of the BRAC, and of the base closing process. I think he destroyed a lot of good will in the process.

A lot of people might have been willing to say, well, we might comply with another round, but I will tell you, you cannot comply with another round if you think the executive branch might violate that trust or politicize this process. And that is exactly what President Clinton did.

I might even read for my colleagues an op-ed article from the Washington Post at that time, July 14, 1995. I will just read this part of it.

> Over the past couple of weeks [President] Clinton has been engaged in a highly publicized effort to ensure that many of the jobs at McClellan Air Force Base in Sacramento will be privatized. That is rather disingenuous. If the privatization is real, it will merely perpetuate the expensive overcapacity that the base closing is supposed to reduce. If the private-sector jobs rapidly fade away after another election or two, the people who held them will rightly consider the whole effort a sham.

What he had was an effort to win votes, and again violate the process. And so should we have another couple of base closing rounds? I do not think so. No, not as long as there is not an understanding that we are all going to be in this boat together, the President is going to abide by the law and Congress is going to abide by the law. The President certainly did circumvent the law in this case.

I will read to you a quote from a speech President Clinton made in Texas. He said:

> On July 1st, you were dealt a serious blow when the Independent Base Closing Commission said that we ought to shut Kelly down. At my insistence and my refusal to go along with that specific recommendation, the Air Force developed the Privatization In Place Plan that will keep thousands of jobs here at this depot.

That was made October 17, 1995.

President Clinton is exactly right, he refused to go along with the specific recommendation of the Base Closing Commission. The point is, if he wanted to disavow the Base Closing Commission decision, he could have sent it back to the Commission. He said, "I will agree with all these, but not these two." And that would have been the process to follow; he could have sent it back to the Base Closing Commission.

Maybe they would have reconsidered; maybe they would not have. But he did not do that. He said: I am going to accept and amend. And the law did not give him that right. So he violated the process, and created a new process, and one, in my opinion, where he undermined the credibility that we have under this law that worked in the first three rounds and did not work in the fourth round. He politicized the process.

Should we just have another two rounds? I do not think so. I just cannot see that Congress would allow another round or another two rounds and terrorize all these communities if they think, and the individual Members of Congress think, "Well, wait a minute. Maybe we're not going to do this on military value. Maybe we're going to do it on politics. Because politics entered the last round, maybe politics will be in the next round."

The President found a clever way of doing it. We do not have to close any base. We will just privatize in place. We do not have to lose any jobs. He promised in California—there were 8,700 jobs the day the base closures were announced, and he said, we will have 8,700 jobs in the year 2001. We will have 5,000 jobs a few years later than that. We will promise you jobs forever. That is not privatization in place. That is electoral politics.

And it is a real shame he introduced election politics into the base closing process, some real violation of trust for every single Member that had a base closed in any round—any round. If you were willing to say, OK, we will put our bases at risk since we are all doing it together for the good of the country, for the good of national defense, I am willing to leave my rights alone as a Senator to participate in this process for the good of national defense and the good of our country because we know we have to do it, we know we have to reduce excess base capacity, if we are not going to play politics a lot of people said they are willing to do that. Then President Clinton plays politics.

So, Mr. President, I strongly urge my colleagues to vote no on the McCain amendment. We should not have additional base closing rounds in this Senator's opinion until and unless we comply and until or unless we make absolutely, totally, completely, sure that politics will not be involved in any future round.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to support the Dorgan-Daschle amendment. I think that is the logical step to take at this time. I wish to commend the majority leader, Senator LOTT, the assistant majority leader, Senator NICKLES, for their excellent talks that they made on this subject. I wish to commend all others who took that position or the opposite position for participating in this debate. This is a very important subject. I am very pleased that so many Senators have taken part in this debate, which is very helpful to our country.

Mr. President, I am not going to make a long talk. We have had a lot of talk the other day. I expect to speak less than 5 minutes.

Mr. President, in my judgment, and that of many of my colleagues, the Secretary of Defense has not made a sufficient case for additional base closures. The one point that has been a common theme throughout the debate on additional base closures rounds has been the extent of actual overcapacity in the existing infrastructure. I am not satisfied that we have accurate data on this matter and should not vote for any additional rounds until we have an independent assessment of the overcapacity.

As a second concern is that I believe that the desire for supposed savings is becoming the sole driving force for additional base closure, without consideration of continuing requirements. The Department has not identified the upfront cost of doing another closure round and I am worried that, based on experience, most of the claimed savings will not materialize, or be used for modernization.

Mr. President, it is also important that the Congress understands on how the Department plans to proceed with the next BRAC and whether it will focus on facilities where excess capacity truly exists. I do not need to remind my colleagues that we have had four rounds of base closures, and that many of our communities have endured tremendous turmoil and great losses because of them. These communities were under the impression that the closures they endured would resolve the overcapacity problem. I recall the Department's claiming that BRAC 95 would be "The Mother of all BRACs." In facts, this was a gross overstatement. I suggest that the Presidential campaign had a role in limiting the scope of BRAC 95, and the communities and the Nation are now bearing the consequences of that action.

Despite the stated good intentions of my colleagues, I oppose taking action at this time. We must have a better understanding of the excess capacity, what the future military requirements will be and how the Department will pay for this expensive undertaking. Until we have that information, I urge the Senate to vote against this amendment.

Mr. LEVIN. Mr. President, just briefly, a few comments on the BRAC amendment of Senator McCAIN, myself, Senator ROBB and others.

First, on the cost question. The Defense Department has testified on the savings. Their testimony is part of the record. The Under Secretary for Defense, John Goodman, before the Readiness Subcommittee of the Armed Services Committee, testified that their estimate of net cost in savings are as follows: 98 major installations closed through BRAC, costs through 2001, when they would be fully implemented, $23 billion; savings through 2001, in billions, $36.5 billion. That is a $13 billion savings during that period, and then after 2001, recurring savings, every year, because we had the courage to pass four BRAC rounds, of $5.6 billion.

Now, that is our modernization shortfall. That is why the Joint Chiefs of Staff, every single one of them, plead with us, in a very direct letter, plead with us to support the Secretary of Defense in his request for two more BRAC rounds.

Now, there is no use coming to this floor and talking about the need to modernize or to make sure we have the most advanced forces in the world, the most ready forces in the world, with the highest moral in the world, when we are not willing to take the steps that are necessary to make those things possible. We know we are not going to get increases in the defense budget. We know we have a 5-year budget that we have to live within.

So the question, then, is, are we going to keep excess baggage, infrastructure, which the Defense Department says is no longer necessary? It is a tough choice. I could not agree more with my friends from Oklahoma and Mississippi and others who have spoken about the difficulty that communities go through. My communities in Michigan have gone through it and will again if we pass this BRAC round. Three Air Force base communities, all three SAC bases, gone. We know something about that. We know about the pleas that we made to the BRAC commission and the Defense Department. We know about that. We know the urgencies of those pleas. But there is no alternative.

History has proven over and over again that if you are going to get rid of excess infrastructure—and we know we have excess, and the experts are telling us that—it seems to me we have no reason to disbelieve the Joint Chiefs when they tell us we have this major surplus of capacity. The Chairman of the Joint Chiefs of Staff, General Shalikashvili, says we have more excess capacity now than we did when we started the BRAC process because we have reduced the size of our force. Are we listening? When we get these kind of pleas from the uniformed military not to waste money on bases that they cannot afford to maintain, are we listening to them, or are we going to take an easy way out, which is to say give us a report.

We have a report: the Defense Department. That is the report. That chart is the report for the Defense Department. Now, can they prove those figures so that they can be audited? No, these are estimates of the Defense Department. That same Congressional Budget Office which points out that the estimates cannot be confirmed with precision, also says this, which is not reported. I didn't hear the opponents of this amendment quote this part of the CBO report, although I may have missed it, in fairness to them. I didn't hear it. CBO believes that BRAC actions will result in significant long-term savings.

Now, we can delay it. They will be longer term. We heard the argument, "Look how long it has taken for the environmental cleanup," and that is true. It will take longer if we don't close a base, to clean up that base environmentally, than if we do. We know that, by the way, historically. We have money to clean up bases we are closing where we don't have money to clean up bases that are staying open. If we are worried about the speed with which a base is cleaned up, they are cleaned up more quickly, I say, ironically and sadly, when they are closed than when they are kept open. That is a pretty sad comment, but that is a fact. That is the reality.

So if we want to speed up the environmental cleanup, you don't keep a base open to that purpose, and you surely don't delay closing bases which need to be closed if the environmental cleanup has taken too long. It will take longer if you delay the closing. Delaying closing of needless infrastructure does not speed up the environmental cleanup of that infrastructure; it delays the environmental cleanup of that infrastructure.

Now, we are talking here about a significant sum of money in this defense budget. I want to just repeat these estimates: $5.6 billion is the estimate. People say, "Well, we don't have the dollars." Yes, we do. Here is the report from the Defense Department. There is the chart from the Defense Department. These documents here are the basis of that report. I am not so sure how many of us want to go through each one of these to see if those figures add up to the $5.6 billion, but here they are. The savings are real. Even the CBO, which says they can't confirm the precision, the accuracy of these estimates, says, again, CBO believes that BRAC actions will result in significant long-term savings.

We just got a report from Secretary Cohen addressed to Senator THURMOND, a letter that reads as follows: "As the Senate moves to final consideration of its version of the FY 98 defense authorization bill, I urge you to support the McCain-Levin amendment authorizing BRAC rounds in 1999 and 2001."

Now, he is giving the estimate of the two additional rounds in terms of the recurring savings. I am sure this is what the next sentence means, because we had this testimony, in effect.

> We estimate two additional rounds would result in savings of approximately $2.7 billion annually.

I know from previous testimony he is referring to the recurring savings. That is a significant hunk of change, even in the defense budget.

And then he says something we ought to listen to.

> These savings are absolutely critical to the department's modernization plan.

He goes on:

> There have been some questions regarding the savings actually realized from previous base closures. We have taken these questions seriously and asked the Department of Defense Inspector General to take an independent look at this issue. The Inspector General's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective.

I am going to repeat that before I continue because that is sort of the bottom line here.

> The Inspector General's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective.

And then Secretary Cohen goes on to say:

> The preliminary audit examined BRAC 1993 actions, including the largest Navy closure, Mare Island, and eight Air Force Bases closed or realigned. For these bases, the IG found that DOD overestimated costs by $148 million and underestimated savings by $614 million.

The IG's report is attached to his letter. This report goes through some of the reasons why they actually underestimated here the savings.

So, instead of, at least on this study by the IG, the bases actually saving us less than predicted, the closing of those bases that were studied by the IG turned out to save us more than was projected by a significant amount, and the reasons for it, again, were set forth in the IG's report.

There is another argument that we have heard, and that argument is that this action has been politicized. There will be arguments back and forth as to whether or not the privatization in place that occurred at two facilities was consistent or not with the Base Closing Commission. You can argue that either way. Obviously, the State that is affected positively by the President's or the Defense Department's decision feels it was perfectly within the scope of the Base Closing Commission's report. The States which were negatively affected, in their view, by that decision argue it was not contemplated by the Base Closing Commission.

The Base Closing Commission report, however, says that these facilities "consolidate the remaining workloads to other DOD depots or"—and that is the critical word for those who argue one side of this issue, "or"—"or to private-sector commercial activities as determined by the Defense Depot Maintenance Council."

Well, the Defense Depot Maintenance Council determined those two actions should be taken so that they could be privatized in place. I think that, at least, is reasonably, arguably, provided for by the Base Closing Commission report. It says "or"—"to consolidate the remaining workloads to other DOD depots or to private-sector commercial activities as determined by the Defense Depot Maintenance Council," as the alternative to consolidating the remaining workloads to other DOD depots.

Two options were laid out by the Base Closing Commission. The DOD followed one option. They privatized in place. But whichever side of that argument one takes—and we have heard both arguments—that is no excuse, even if one follows the view that that was politicized, that they should not have been privatized in place. They should have gone to other DOD facilities, and that was a political decision.

If one accepts that argument and concludes that is right, what reason would that be not to have future rounds of base closings? What we simply would do, as we have done in this bill, is to make sure that there will be no privatization in place in the future without the specific recommendation of the Base Closing Commission, which is created in this amendment. Why would we want to cut off our nose to spite our face, even if one believes that it was politicized? Why would we want to say we don't want to save $2 billion in the future because DOD or the President politicized the last round? We will cure the problem and disallow privatization in place, unless it is explicitly provided for by the Base Closing Commission—more explicit than the language that I even read.

Now, our amendment does that. We are not going to cure the perceived problem of this privatization in place action by denying future base closings and denying savings of $2.3 billion a year, which Secretary Cohen says is the estimated savings from the next two rounds of base closures. We are not going to cure that problem. We are going to make our problem worse, not better.

Now, we can address that problem, and some may want to do that with amendments on this floor. If they wish, they are free to try to offer amendments to reverse that decision. My own view is that we ought to make sure that that action is competitive and is certified by the inspector general of the Department of Defense as being a fair and open competition as between the various alternatives that are sought here.

Let the marketplace decide—that is my view—in a fair and open competition. But there have been some proposals that maybe there ought to be amendments to cure what is perceived to be that political problem. That at least addresses the problem. Denying future rounds of base closings, which will deny us savings of billions of dollars, doesn't cure the perceived inequity or unfairness that resulted, many feel, from the privatization in place decision of the Defense Department. We are not curing the problem. We are just denying ourselves savings.

So there is not a logical connection between those two actions. Now, I understand. If I were representing one of those three States, I know I would feel the same way they do. At least I think I would. I can understand that. We all represent States and feel passion for the States we represent. We all represent our States as advocates. We believe in them and we believe they ought to get a fair shake. When we don't think they got a fair shake, we are on the Senate floor pleading for our State. So I understand.

As I said, I understand the pain of base closing. We have been through it, and we might face more. But I also understand what the Joint Chiefs are telling us when they say we have excess, surplus baggage, that the infrastructure exceeds the number of personnel that we now have. "The tail is too big for the tooth," as they say in the military. We have to slim down. When General Shalikashvili, who is a distinguished soldier, Chairman of our Joint Chiefs, says we have more surplus capacity now than we did when the BRAC closing process began, we should listen.

We are listening. We have offered this amendment to give us a chance to proceed to shed the excess weight that Secretary Cohen has asked us to shed, to save the billions that we need and cannot afford to waste if we are going to fully protect and defend the security of this Nation.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Arizona.

Mr. McCAIN. I thank my friend from Michigan for a very lucid and, I think, fact-filled discussion of this issue, which I believe has become more Orwellian in nature, if I might characterize it as that.

We are now debating whether closing a base will save money or not. If that were not the case, Mr. President, we made a terrible mistake at the end of World War II. We should have kept all the bases open that we built all over America during World War II and should not have closed any of them. I am, frankly, astonished.

Now, I think there have been valid arguments made over the process. There have been arguments made as to whether the process was politicized in the last round of BRAC. I think that there have been some valid points here. But, Mr. President, anyone in the world, I think, can understand that if you have to reduce a business, a corporation, or whatever it is, because the in-flow of money has been reduced, then you have to close a number of facilities because you don't have the business.

Mr. President, the military, in many ways, is a business. They are assigned a mission. They receive money to carry out that mission, and they build the facilities and equipment and hire the men and women to carry out that mission. Then, as that mission is reduced and the amount of money to support that mission is reduced, you shrink the size of the support establishment.

It is not really very complicated. To make an argument that a base closing does not save money over time, really, to me, defies all logic. Yes, there have been costs associated with base closings that were not anticipated. I will certainly agree with that. A lot of it had to do with environmental cleanup. But the fact is, Mr. President, that those costs would have been incurred anyway and probably would have been higher as years went by and the pollution and the environmental poisoning would have become greater. So to somehow say that because we had to clean up bases that were closing does not justify the bases being closed, that ignores the fact that sooner or later the environmental cleanup would have had to take place.

Now, Mr. President, if you have three bases and you only need two, then you need to keep paying the electric bill at the third base, keep the runways paved and the housing up and the grass cut. All of those are costs that are associated with excess inventory. So when you don't have the requirement for that inventory because the mission has been reduced—the funding in this case—then you reduce the support establishment. I don't know how it could be much less complex than that.

When we talk about CBO estimates, DOD savings estimates are inconsistent, unreliable, and incomplete, maybe they are. Maybe they are all those things. But you can't deny the fundamental fact that unless you believe we are going to increase defense spending, we have to have a better match-up between the support establishment and the operating forces, and that because our reduction in overall funding and our failure to implement the reductions in the support establishment is not matched up, we therefore are losing in this "tooth to tail" ratio, which the Senator from Virginia, Senator ROBB, has talked about on occasion.

One of the opponents of this amendment said that Congress should be doing this. I totally agree that Congress should be making these decisions. It is a lack of courage on the part of Congress that we have to turn to a commission. But, Mr. President, it is perfectly clear that for 17 years not a base was closed, even though there was a requirement, in the view of one and all, to do so. It was because Congress didn't have the political will to do it. That is why we resorted to the Base Closing Commission.

Now, if I had the confidence that Congress would act in a responsible fashion and we would close bases as necessary, then I would not support the commission. But the record is perfectly clear that, for all those years, we were unable to close a base because Congress was politically paralyzed, so we had to give the responsibility and the blame to a Base Closing Commission.

The Senator from Michigan has already referred to the letter of the Secretary of Defense. I am told that a letter from the President is coming over. The inspector general of DOD found that, in some cases, they overestimated cost by $148 million, and they underestimated savings by $614 million. The inspector general is a well-respected individual, and her memorandum, which is contained in the cover letter by Secretary Cohen, I think is abundantly clear.

Mr. President, I don't like to drag out this debate too long. I think that some arguments have been made that I think are important to be made by the opponents of this amendment. I want to make it clear that if the Dorgan second-degree amendment is not tabled, the Senator from Michigan and I intend to have a vote on our amendment up or down. So we will raise that amendment again until there is a final adjudication by this body on the McCain-Levin amendment. I hope that the Dorgan second-degree amendment is tabled and we can have an up-or-down vote on the other.

The Senator from Michigan pointed out and showed the stacks of information that have been sent over to the Senate. The Senator from Michigan and others have pointed out the abundance of information that has been sent over by the Department of Defense and the forms and reports as to how much money has been saved and where and under what circumstances. Yes, we underestimated the environmental cleanup costs, but we have underestimated the environmental cleanup costs in every toxic waste site in America, not just on military bases. Those toxic waste sites are not going to go away just because the base remains open. Sooner or later, that problem is going to have to be addressed. So I hope that we will act in agreement.

One other thing. The letter from the chiefs of the services that came over, including the Chairman of the Joint Chiefs of Staff—many of the allegations I have heard quite often are that members of the military are empire builders, they never want to give up a base or a weapons system, and they never met a weapon system they didn't love. These individuals are calling for these tough decisions to be made because they know what will happen if we don't close these bases. It will not free up the money, which is absolutely vital, in their view, to modernizing the force and retaining the men and women we need in the All Volunteer Force, to provide sufficient funds for training and operations in order to keep our military the best in the world, because you can't siphon off all this money into support functions and expect us then to have enough money left over to carry out the operations that are necessary.

So, Mr. President, at the appropriate time, I will move to table the Dorgan second-degree amendment. I hope we can dispense with this issue as soon as possible.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, I want to take a few moments today to talk about this process. I have to say that having gone through the three BRAC processes we have had in the past, having traveled from city to city to make the cases that we made, having fought very hard to try and make sure the process was honest and decent, having lived through it, where the defense depot in Ogden was shut down—we felt, for very poor reasons. The only reason was that it was more interior, it seems to me, than the bases on the various coasts. But it seems to me that that was one of its great advantages. It would be much more difficult to attack if we got into difficulty.

But we lived with that. We lived with the shutdown of the Tooele Army Base, which literally had the greatest heavy-duty vehicle repair facility in the world, just completed at a cost of almost $200 million to the taxpayers. And they shut down. Now they wish they had not because they now don't have the facilities or quite the same capability to take care of Army heavy-duty vehicles. It was a stupid thing to do. But that is what they did, in spite of the fact that Utahans have the chemical weapons destruction facility there. And we put up with all of the hazardous problems of storing chemical weapons in Utah and even transporting them around with various aspects in and out of Utah and with the chemical weapons demilling that we do there.

Utahans have always been very patriotic. They have supported the military as much, if not more so, than any other State in the Union, and I think the attitude is still that way in spite of some of these glaring inequities that have occurred. We lived with those. We can accept them.

I agree with the distinguished Senator from Arizona. We should shut down bases that do not deserve to compete, or really aren't competitive, or really are dealing with old, worn-out, less modernized facilities and also equipment, and work done on various less modernized pieces of equipment. But what we are getting very upset about lately is that we went all through this BRAC process, and we worked our tails off trying to make a case for the Hill Air Force Base and Ogden Air Logistics Command. We did. It came out No. 1 without question. It was the best Air Logistics Command in all of the Air Force—in all of the military. The work force was one of the best in the history of the country. And we won. So did Tinker Air Force Base. So did Warner Robins.

Mr. President, they won because they were more competitive. These three bases won because they could do a better job. They won because they literally made sense as far as keeping our Air Force modernized and working well with the best equipment possible. Three work forces appeared to be the best, and certainly Hill was No. 1. Since that has happened, Hill has gone down to about a 54 or 55 percent utilization of capacity.

I have to say this. With that low utilization of capacity, which should be up around 85 percent had the transition work been given to Hill, and which we hope will be given to Hill, if we could get it up over 70 percent of capacity, as high as 85 percent of capacity, Hill Air Force Base would be so competitive that nobody could compete with them in the world today. But at 54 or 55 percent, it means that the costs are much higher than literally they would be if we were utilizing the capacity in a fair and decent manner.

I have to say that we have had many Air Force people tell us they don't want to ever see Hill hurt because it is the best Air Logistics Command in the armed services today. But their hands are somewhat tied by the administration that is playing politics with the BRAC process.

The administration has indicated because there are two Presidential States involved that even though the full BRAC process said that McClellan Air Force Base in Sacramento had to be shut down and that Kelly Air Force Base in San Antonio had to be shut down, the administration has indicated they don't want them shut down. As a matter of fact, they are now talking about privatization in place. It is nice to talk about that if all things were equal—if literally good business principles were practiced; if literally there was not any stacking of the deck in either case; if literally the regulations that would be written would be fair. Maybe there could be an argument for that.

But the only argument that should be made for privatization in place is after the consolidation of the three Air Logistic Commands that won the competition. Once they are consolidated, then I have no problem with trying to place some privatization and have private companies bid on some of the work.

Keep in mind that one reason why we don't go straight to privatization is because during time of war, we want to be able, above all things, to be functional, and we don't want to have to worry about whether prices are going to be jacked up by private companies, or whether or not we have the capacity to take care of the needs of our fighting men and women overseas, or for any other number of reasons.

Mr. President, the President's politicization of the BRAC95 process has become a common theme on this floor. I admire the willingness of so many of my colleagues on both sides of the aisle to explicitly state that privatization-in-place was not intended by BRAC, and that this deliberate evasion of the BRAC recommendations can only portend defeat for those seeking future BRAC rounds.

UTAH DOES NOT DESERVE TO LOSE THREE BRACS IN A ROW

My State, Utah, does not deserve to lose in three successive BRAC rounds. We lost 5,000 jobs from the closure of two installations, the Tooele Army Depot in BRAC91 and the Defense Depot at Ogden in BRAC93. But Hill Air Force Base, and the Ogden Air Logistics Center, is a different case.

Hill is the best of the best among maintenance depots, rated as a tier I installation. That means the highest military value. By contrast, Kelly and McClellan were rated tier III—meaning the lowest military value. To privatize at the worst depots is to demean the merits of the Air Force and BRAC decisions to preserve the best, and the best is the work force at Hill.

I can make the case that BRAC91 was wrong. The Army put $250 million into the finest consolidated maintenance depot for wheeled combat vehicles in the world. A couple of years later, it shut it down and moved the work to the Red River Army Depot at Texarkana. Then what do you think happened? Red River was designated for closure! But it gets worse—DOD virtually abandoned Tooele until the Tooele County Commission, to its everlasting credit, aggressively beat the bushes for users, successfully bringing Detroit Diesel onto the former base.

The point is that Utahns can and do turn bad situations into successes. We can deal with adversity, but we do not have to deal with the type of unfairness and outrageous discrimination that is being dealt to my State by the President.

Let me remind my colleagues that Hill met the best of the BRAC95 parameters, which included military value and return on investment.

Utah is a terrific investment for the Air Force and the Nation:

DOD is mindful of Utah's value for the same reasons that domestic and foreign businesses flock to the State. And they certainly don't come because of our political clout alone—after all, we have only five electoral votes.

Utah's attraction lies with its people, its business climate, its youthful and well-educated work force.

The State has the highest educational level in the United States, according to the U.S. Bureau of Labor Statistics.

Money Magazine and Business Week, among other sources, repeatedly cite it as the best place to do business, the best place to live, and the so-called Software Valley of the World.

And its work force is the youngest in the country and teeming with skilled college graduates who work. Ask any business in Utah about the Utah work ethic; in fact, ask the BRAC commissioners! Ask the Air Force!

In a few words: Utahns are the real return on investment, and it is why the Air Force and BRAC have heavily endorsed the retention of Hill.

Utah's military value is unmatched. The BRAC commissioners didn't miss a thing in assessing Hill's military value. It hosts the gateway to the Nation's largest exercise site, the Utah Test & Training Range, covering 2,675 square miles. This is the only range in the world on which every active Air Force aircraft can exercise—keep that point in mind. If Hill is not properly used, or if the President's privatization deception causes an underutilized Hill to suffer in a future BRAC round, I will tell you now that this range will not longer be available to DOD. It is just that simple. People in Utah are going to turn against them.

Even though we have been the most patriotic State, or equal to any other patriotic State in the Union.

I will not allow the citizens of my State to become a DOD trash can—dumping bombs on our fragile terrain, using our remote regions for developing chemical defenses or demilitarizing dangerous chemical munitions, for example. We tolerate as day-to-day sacrifices certain activities that we see other States revolting against.

We want Hill's military value appreciated and developed precisely the way that BRAC intended, and that means consolidating core workload at Hill. We want this work at the best depot. Like most other Americans, we do not want privatization of the workload at the site of the worst depot. We want the ICBM depot at Hill to flourish, the F-16 logistics management program, and the C-130 depot programs to be expanded as intended. We deserve—because we have earned—the F-22 and Joint Strike Fighter depot programs over the next decade.

Hill does not work well at the current 50-percent capacity usage level, nor at the 66-percent level which it would have in the outyears if privatization in place occurs. We work best when we are at full capacity, and that is why BRAC directed a consolidation package that would put Hill at 86-percent utilization in the year 2001. It was done, to repeat myself, because Hill is the best of the best.

HILL REFLECTS THE UTAH "CAN-DO" SPIRIT

Mr. President, Utah is a State populated initially by pioneers who lived and overcame adversity—even in the face of outrageous unfairness and persecution. Today, the Old Mormon Trail is alive with men and women of all ages, and of all faiths, who are re-recreating that spirit as they trek toward Utah.

We overcame the unfairness of Tooele Army Depot loss, as I mentioned.

Despite our remote location, we are a literate, sophisticated State with 17 percent of the Utah adult speaking a foreign language, most fluently.

Our small State with just over 1 million persons in the work force, has over 1,800 information technology and computer software companies.

Our unemployment rate is 3.5 percent, while our job creation rate is twice that of the United States at 7.3 percent.

And, we are the fifth fastest growing State.

Mr. President, I could go on—but my point has been made, I believe. It is that, like many other Members of both the House and Senate, we demand fairness. When we appoint an independent commission, we expect its recommendations to be honored by a Chief Executive who is President of all the people, not just those with the greatest number of potential votes.

PRIVATIZATION IN PLACE

Mr. President, the Base Realignment Commission—BRAC—issue that affects us most deeply is the evasion of the BRAC recommendation to consolidate workload at a public depot or at a commercial private sector facility. This BRAC recommendation has been distorted by the Clinton administration to allow what has now become known as privatization in place.

In the next few minutes, I will present eight reasons why privatization in place will not work. It is not economically feasible, and it is inherently unfair to the public depot competitor:

First, it will worsen already deteriorated efficiency in the depot system;

Second, GAO has identified current wasteful depot practices that beg reform, something that privatization in place can't provide;

Third, past depot reforms have not succeeded;

Fourth, the problem of excess capacity is not solved;

Fifth, it will not produce promised cost savings;

Sixth, the best depots are being sacrificed on a shaky political alter;

Seventh, the case for privatization in place has yet to be made; and

Eighth, the privatization-in-place competition lacks the elements of fairness expected in Government solicitations.

PRIVATIZATION-IN-PLACE WILL COMPOUND IDENTIFIED DEPOT INEFFICIENCIES

Mr. President, the Depot Caucus is an informal group of Members of Congress with strong interests in averting the problems of depot waste and inefficiency. Our goal is to ensure the availability of high-readiness equipment to our Armed Forces.

Depot operations are part of service logistics, which is probably the most difficult of all military specialties. Even some of history's top military strategists, Napoleon and von Clausewitz, to name two of the greatest, failed to insert military logistics into their battle plans and strategies. Yet, military logistics has long been one of the great strengths of our military services. It has also been an undeniable cause of our success on the battlefield.

My point here is that we cannot afford the inefficiencies and waste that privatization in place will bring to an already cumbersome depot system in DOD.

GAO HAS FOUND DEPOT OPERATIONS WASTEFUL AND INEFFICIENT

GAO has identified $2.5 billion of losses over 4 years directly related to an Air Force depot system that is already encumbered with 40 percent excess capacity. In its May 1997 report on defense depot operations, the GAO said "DOD consistently experienced losses [in depot operations] * * *, and has had to request additional funding to support their operations."

Why do I raise this specific point? Because depot operations are expected to at least break even. That has always been one of the Air Force depot system's ever-elusive goals. But, instead, the system will sustain operating losses for fiscal year 1997, which the Air Force estimates at $1.7 billion. This exceeds even the GAO forecasted losses.

Let me add that operating losses is an auditor's term of art. GAO's mandate is to audit organizational and operational procedures to evaluate efficiency and effectiveness, predictors of program quality.

DEPOT FINANCIAL MANAGEMENT REFORMS HAVE HELPED ONLY MARGINALLY

This is not to say that DOD hasn't been working the problem; it's just not getting any better. Let me give you an example.

In 1995, DOD streamlined the financial management of its depot operations by devolving control over depot financing from the office of the Secretary of Defense to the military services. This reform shifted accountability for the Defense Business Operating Fund [DBOF], placing it at the service level. I share GAO's demand for better accountability. But the problems plaguing DBOF just followed the so-called reforms.

First, the Air Force, not unlike the Navy, advance billed its customers, which are the military units sending equipment to the depots and which pay for the services of the depots. The advance billing came to $2.9 billion, which was to ensure that sufficient cash balances were available to pay for the goods, services, and other stock items required by the depots to service the assets. Still, the Air Force will operate this year at the $1.7 billion deficit that I mentioned earlier.

The second point regarding this reform is that there is simply too little demand for depot service. It's a classic supply-demand problem that every undergraduate encounters in textbooks. I suggest to my colleagues that if they owned a chain of auto repair facilities—let's say 5—and there was significant excess capacity, the logical thing would be to close two garages and consolidate the work in the remaining three. Unlike a lot of what the Air Force does, this is not rocket science.

But, I can't place too much blame on the Air Force. They have four big problems, the last of which is beyond their control:

First, they're faced with 40 percent overcapacity;

Second, they have a resulting $1.7 billion deficit this year;

Third, there are gross inefficiencies and distortions that always accrue to business planning when you have to advance bill your customers; and

Fourth, they now have some members of their board of directors, including Congress, telling them to throw caution to the wind and sustain these inefficiencies anyway!

Many Members of this body have run businesses. Is there anyone here who could keep afloat under these conditions?

My last point on current inefficiencies is that these problems were not unknown before we compiled the Defense depot provisions in the bill before us today.

You'll recall that during the BRAC process we used a sophisticated analytical modeling technique called COBRA [Cost of Base Realignment Activities]. The parameters and formulas applied by the COBRA model long ago uncovered the same problems. Academicians say that a model's strength is related to its ability to predict and explain. The accuracy with which BRAC uncovered, explained, and predicted the problems that we are discussing today suggests COBRA's efficacy. Perhaps some other agencies of government ought to try it.

THE PROBLEM OF EXCESS CAPACITY

Mr. President, the GAO testified before the Senate Defense Appropriations Subcommittee hearing last month. In his testimony before that panel, the Assistant Comptroller General made the following observation on excess capacity. DOD's 40 percent excess capacity, he said, "is a significant contribution toward inefficiency and high cost of DOD's maintenance program and in generating significant losses in the depot maintenance activity group of the services' working capital funds." This was in further reference to the annual $1.7 billion annual Air Force depot system loss referred to earlier.

Still more importantly, the GAO testimony continued—and I want to emphasize the following remarks:

> The Air Force's plans for implementing BRAC recommendations will do little to reduce excess capacity and will likely result in increased depot maintenance prices.

Here, of course, the GAO witness was referring to Air Force proposals to implement privatization in place to avoid the BRAC recommendation for the consolidation of workload to depots or other commercial private activities. In the case of San Antonio and Sacramento, this expressly excludes privatization in place as an alternative to closure.

Mr. President, as a customer of the depot system, you don't have real market choice if you cannot utilize alternatives to suppliers who lock you into higher prices. My point is that depots are forced to be inefficient, both as competitors as well as business operators, where we deny them the opportunity to rid themselves of excess capacity to bring down costs.

The problem of waste gets worse. GAO found a $689 million loss from continued excess capacity related to the DOD privatization in place plan. If you multiply this amount over 6 years, which is the statutory period for the phase-out of BRAC closures, the loss to the taxpayers is a staggering $4.1 billion. Imagine what it would be if an 8-year contract, as proposed in the McClellan competition, were to be awarded!

Again, I plead with my colleagues who have been in business to stop and think about this—could you keep your customers if you just kept raising prices, while requiring them to disperse badly needed operating funds to pay for services in advance?

It may be great theater, but it's a lousy business practice. And it is even worse as public policy. We are gouging the taxpayers to subsidize such outrageous waste. We need to put a stop to it by preventing privatization in place.

PRIVATIZATION IN PLACE DOES NOT PRODUCE COST SAVINGS

Mr. President, GAO has also criticized the overly optimistic assumptions about cost savings that were anticipated from privatization in place where it had been authorized. I repeat: where authorized, to distinguish from the plain language of the BRAC recommendation regarding Sacramento and San Antonio, which stated "consolidation . . . to commercial private sector activities," which in no way allows the inference of privatization in place. Privatization in place was not intended. This is a point clearly made by the ranking minority member of the Readiness Subcommittee and junior Senator from Virginia on this floor last Thursday evening.

But, let me turn to a case study where privatization in place was directly recommended by BRAC. Let's look at the results. I refer to the BRAC 1993 decision regarding the Air Force Aerospace Guidance and Metrological Center located at Newark AFB, Ohio. GAO performed an audit of facility operations under privatization in place and found that the Air Force itself estimated costs to be $9 to $32 million higher than those before the operation went private. In fact, I was told by the Air Force over the weekend that there remain nearly 150 government employees at the site.

Despite this history, the solicitation for privatization at McClellan is actually forecasting a 25 percent cost savings! Every sensible government accountant that I've spoken to claims this figure is at best vastly inflated.

THE PRESIDENT IS SACRIFICING THE BEST DEPOTS ON A SHAKY POLITICAL ALTER

Politicization of the BRAC process is risky both economically and militarily. The consequences are already quite clear:

Both the House an Senate will deny the President future BRAC rounds. Who among us can support continuation of a process that has become blatantly political? Who is willing to roll the dice with the livelihoods of workers in their States, let alone the lives of our servicemen and women?

We are denying DOD critically needed modernization moneys that were to come from the BRAC savings.

Worse, still, we are courting the serious deterioration of combat efficiency and safety if our armed services do not get technologies—technologies which are already in the hands of our adversaries, some of them Third World countries.

There is not the least likelihood that demand will rise to meet the sustained levels of excess capacity perpetuated by the President's actions. For example, modern weapon systems have reduced programmed depot maintenance. The F–16, for one, has no routine depot-maintenance requirements. And that aircraft is to be replaced by the Joint Strike Fighter, which has even a longer mean-time-between-failures requirement—MTBF means the average that a system can operate without major replacement or overhaul. The F–22, which will replace the F–15, also has no programmed depot maintenance.

But the problems of excess capacity get worse. GAO has calculated that the 5 depots left in place will have 57 million direct work hours to perform 32 million direct work hours of labor, and, the requirement will fall by over 37 percent to 20 million direct work hours by 1999. This means that the depot system will have over 2½ times the amount of labor it needs.

Mr. President, the President's politicization of BRAC is costing our defense structure the best of the best.

The BRAC decision could not have been more clear. Hill AFB was a Tier I depot, meaning that it had the highest military value. San Antonio and Sacramento, by contrast, were Tier III—or installations which had the lowest military value. The ratings were made by the Air Force and used extensively in the BRAC rounds. Yet, the Air Force is now being brow-beaten by its political masters in the Clinton administration into renouncing its own objective rankings.

At the same time, these Tier III installations are being extended the same rewards that were fairly won by the hard work of the Utah, Georgia, and Oklahoma bases. Mr. President, what does this say for merit? Or, will the Senate merely go on record with the message that lots of electoral votes carry the day?

What statement are we making to motivate government employees to provide their best effort? How much political distortion and corruption of good performance are we willing to tolerate?

Let me put a more positive face on some of these problems. Let's consider the value to the taxpayer of pursuing the BRAC recommendations, that is, keeping the best, while eliminating the poorer performers. According to GAO, the elimination of the San Antonio and Sacramento depots, as proposed by BRAC, would produce the following gains:

Excess capacity, by 1999, would fall from 65 percent to 27 percent. On the other hand, if the bases are not closed, San Antonio will have 89 percent of its maximum capacity idled, while Sacramento will be at 90 percent;

Average hourly rates would be reduced by $6 per hour; and

That $182 million would be saved annually from these types of economies of scale and efficiencies.

Regrettably, I have to say that the President's attitude toward the non-coastal Western States, and especially my own State of Utah, cannot escape our attention. It should be foremost in the thoughts of every Senator from this region.

The President has repeatedly interfered with, tried to disrupt, and tried to knock off course the most economically vibrant regional economy in the Nation.

Need another example? Among other punitive land use regulations, he has usurped without prior consultation 1.7 million acres of land in my State, arbitrarily removing them from economic development and other generally beneficial uses. I refer here to the grand Staircase-Escalante National Monument.

It troubles me substantially that the President, even though he is in his second term, is simply not acting as the President of all the people and all the States. He is acting as the President for the large, electorally rich States. If this were not true, the decision to implement the BRAC recommendation would be a no-brainer.

THE PRIVATIZATION IN PLACE COMPETITION IS INHERENTLY UNFAIR

Mr. President, I have done a thorough assessment of the proposal for privatization in place at McClellan. I find two major flaws that starkly stack the deck against the public depot and favor private bidders.

First, the public depot bidders are forced to bear an unfair share of the costs of transitioning the Sacramento depot from active Air Force status.

The DOD Cost of Competition Handbook stipulates that both public and private bidders must cite the transition costs in their bids. However, the private bidder doesn't include the costs of early retirement, separation, or relocation for workers at Sacramento who lose their jobs. But the public depot shows it as an accounting charge because it's paid by the taxpayer.

This becomes a form of double accounting. In fact, BRAC intended, and Congress provided the moneys, to fund personnel transition costs regardless of who wins. Yet, the impression is left that this is a cost that will be integrated into the depot's cost to its customers.

Second, the private bidders get substantial financial and performance advantages from the use of the excess capacity intended to be closed by BRAC.

The local redevelopment authority can determine its own cost of leasing the facility to the private bidder. What an incentive. There is nothing to keep the leasing agreement from covering just about anything, such as depreciation writeoffs, improvements, and even equipment and facility maintenance. All of this allows the private bidder to be artificially low.

Yet another inequity denies the public depot from beginning military construction related to the workload transfer until the contract is awarded. This means the work must be performed at the Sacramento location for an indeterminate period of time, adding to the public bidder's cost. And, of course, reducing the fairness of the competition.

The McClellan bid consists of a 5-year contract with three 1-year options, for a possible total award of 8 years. The options are performance based. This means that the LRA is certain to expend moneys on facilities maintenance in order to allow the private contractor to achieve better productivity, and through that level of performance, ensure the option awards. The public depot, on the other hand, must invest in facilities modernization and reflect this investment in its cost.

THE CASE FOR PRIVATIZATION IN PLACE JUST CAN'T BE MADE

Mr. President, on the basis of all available evidence, we should conclude that privatization in place cannot fairly or reasonably produce cost savings. More likely, it will contribute to waste and inefficiency. In support of this proposition, I want to make the following closing arguments:

First, depots are already among the most critical or so-called high-risk areas of the Federal Government.

High risk is a special designation used by GAO to alert Congress to areas that are highly vulnerable to waste, fraud, abuse, and mismanagement.

Second, GAO has already forecast that, by the end of fiscal year 1999, San Antonio will have 89 percent of its maximum productive capacity as excess, while Sacramento's excess capacity will be at 90 percent. Both of these levels are more than twice the current 40 percent excess capacity that we are arguing about today. In other words, the problem is going to be doubly bad by the end of the next fiscal year if we don't solve it now by ending privatization in place.

Again, these problems are caused in great part by diminished workload requirements related to force downsizing. Yet, as I said earlier, it is the savings generated by reducing infrastructure that are fueling our ability to modernize our equipment, something that almost every Member of this body knows is necessary.

Third, GAO told the Appropriations Committee panel that: "the Air Force has the most serious excess capacity problem." The combined losses could reach about $500 million if the Sacramento and San Antonio facilities are kept in the inventory.

Let me remind my colleagues of the value of the BRAC findings that I mentioned earlier. I need to repeat this: in making its determinations regarding both these depots, BRAC leaned heavily on the Air Force's own designation of the Sacramento and San Antonio ALC's as so-called Tier III installations. This means, as most of us involved in the BRAC process will recall, that the installations had the lowest military value. I challenge anyone to argue that there is some redemptive value that could follow from the revival of installations that the Air Force itself realized should be closed.

I might add, Mr. President, that Utah has been on the low end of the BRAC process in other areas. My State has lost two installations. I must admit that I fought hard to prevent those losses. I do not deny the trauma that the closure of such a large military facility causes States and communities. And, I admit that if the situation were reversed, I might be making the same weak arguments my colleagues from California and Texas are making today. I am well aware of what is at stake for my colleagues from Texas and California.

But, this does not excuse the Clinton administration from its responsibilities either to the defense of our country, to the ensuring the safest possible equipment for our servicemen and women, or to the taxpayers who are footing the bills. The President needs to take the broad view. And, by rejecting the BRAC recommendations—and compromising the entire BRAC process for unsupportable political reasons—he clearly has not.

We should not tolerate diversions from, or the politicization of, the BRAC recommendations. The very nature of downsizing means that there will be losers and survivors. We must make every effort to protect the integrity that the process itself demands.

But, more importantly, one of our essential duties under the Constitution is to provide for the common defense. Congress and the President have the ultimate responsibility for the support of our Armed Forces. It is a duty we cannot delegate. I simply ask each of my colleagues these questions:

Do we fulfill that duty when we knowingly allow diversions that produce gross inefficiencies in the operation of military services from the recommendations of an independent commission?

And do we honor our obligations by denying funds produced by these recommendations for the provision of technologically superior equipment and training for our fighting men and women?

We need to affirm our duties and obligations. Only then will we take a major step toward giving our citizens and our fighting men and women the type of defense the country expects.

Mr. President, let me just say, in conclusion, that I want this process to work. It is very difficult for me to support a future BRAC process if this is going to be politicized the way we see it being politicized right now. After all, the pain, suffering, inconvenience, and difficulties in traveling around the country and meeting time after time with the military, with the various administrations, and so forth, to have to put up with what is going on right now is just unacceptable.

Frankly, I can't support a future BRAC process if that is the best we can do with this one, which I thought was fair and which came out with very tough decisions. They weren't easy. I feel sorry for anybody who has lost anything. But we have lost plenty, too.

All I can say is, if we lose this, then I am never going to get over it. I don't think the people of Utah are going to get over it, and I think, frankly, the country will be poorer for it, and I think our national security interests will be poorer for it.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that Senator SESSIONS and Senator INHOFE be added as cosponsors to amendment 420 offered by Senator COCHRAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Jeanine Esperne of Senator KYL's staff be granted privileges of the floor during consideration of S. 936.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that at 5:30 p.m. today, there be 15 minutes of debate equally divided between Senator WELLSTONE and Senator THURMOND, or his designee, and 15 minutes of debate between Senator GORTON and Senator INOUYE; and, immediately following that debate, the Senate proceed to vote on or in relation to the Wellstone amendment 670, to be followed by a vote on or in relation to the Gorton amendment 424, to be followed by a vote on or in relation to the Dodd amendment 765; and, finally there be 2 minutes for debate equally divided before the second and third vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I further ask unanimous consent that no other amendments be in order to the above-listed amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is the Dorgan amendment with reference to base closures pending?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I would like to speak for a few moments on the subject. I will not take long.

Mr. President, I rise in support of the Dorgan-Domenici amendment to require the Department of Defense to submit a report to Congress detailing the costs and savings of previously authorized base closure rounds and on the need, if any, for further base closure rounds prior to the Congress authorizing the Department to move forward with additional closures. This amendment stands for a simple proposition. It says that as Members of Congress we will take our oversight responsibilities seriously when major decisions that affect the lives of all Americans are on the table. It says that we will take a long hard look at where we have been before we chart a course for where we are going. We owe the people we represent a commitment to carefully analyze what the last four rounds of base closure dating back to 1989 have accomplished before we decide to give the authority to the Department of Defense to conduct two more base closure rounds. This amendment does not say that additional base closure rounds are not necessary, or that they will not be needed in the future. This amendment simply requires that the Congress be able to have essential factual data about the costs and savings associated with previous rounds before we authorize legislation that would give the Department of Defense the authority to conduct new rounds. This amendment is reasonable, it is fair, and it offers a common sense approach to the serious modernization problems we face.

Mr. President, I want to make clear before I begin that I understand the argument of those who say that BRAC savings are an important part of the funds that will finance the future modernization of our Armed Forces and keep our military the most technologically advanced and lethal fighting force in the world. I understand that the Quadrennial Defense Review and the National Defense Panel established by the Congress concluded that further reductions in the DOD base structure are essential to free up money we need to modernize our forces. I am aware that in a recent letter, all members of the Joint Chiefs of Staff urged the Congress to "strongly support further reductions in base structure proposed by the Secretary of Defense." Nevertheless, Mr. President, the question is not whether the savings are needed, the question is will the necessary savings for force modernization be present if we conduct two more rounds of closure? In that regard, no one can guarantee that the savings will be present after two more rounds. No one can guarantee the projected savings from previous rounds will be what they are currently estimated. The QDR did not guarantee the savings will be present, the National Defense Review Panel has not assured the Congress that the savings will be present, and the Joint Chiefs of Staff has not assured the Congress that the savings will be present if we close more bases.

There have been four rounds of base closure—1988, 1991, 1993, 1995. They have resulted in decisions to close 97 of 495 major bases in the United States. Between 1990 and 2001 the DOD estimates that BRAC actions will produce a total of $13.5 billion in net savings. After 2001, when all of the previous BRAC actions must be completed, steady State savings are estimated by the DOD to be $5.6 billion per year. CBO estimates that it will cost $23.4 billion to close all 97 bases. These costs are mostly due to environmental cleanup at closing bases, 30 percent, additional operations and maintenance at receiving bases, 35 percent, and additional construction and renovations and receiving bases, 30 percent.

CBO projects at total of $57 billion in savings by the year 2020. CBO estimates that DOD will save about $28.7 billion during the BRAC implementation process, 1988–2001, which means a net savings of only $5.3 billion during those years. Half of the $57 billion in savings are projected to come from lower operations and maintenance costs; a quarter from less spending on personnel, including civilians whose jobs are eliminated; the remainder comes from projected land sales.

Mr. President, the main question we must ask ourselves is how reliable is this cost savings information? The answer, unfortunately, is that no one really knows. Not the Department of Defense, not the Congress, not the President.

We in New Mexico have had a fair amount of experience with the base closure process and one fact that we have learned is that what the Department of Defense estimates in savings cannot, and should not be taken for granted. We need to examine carefully whether the savings promised have some basis in reality. The responsible choice is to see where we have been before we set a course of where we are going.

For example, during the 1995 BRAC process the Secretary of Defense recommended that Kirtland Air Force Base undergo a major realignment. Before we took a long hard look at their numbers for costs and savings, the Department of the Air Force estimated that it would spend $277.5 million to realign the base while projecting a $464.5 million in savings over 20 years.

Mr. President, what would you say if I told you that not only did we find that the Air Force's costs and savings were wholly inaccurate, but that after careful analysis by my staff, knowledgeable members of the community, and others in the congressional delegation, the Secretary of Defense for the first time in the history of the BRAC process wrote to the BRAC Commission and told them that "* * * the recommendation for the realignment of Kirtland Air Force Base no longer represents a financially or operationally sound scenario."

Specifically, we found that if the Air Force major realignment of Kirtland Air Force Base passed that the Department of Energy would have to assume $64 million in conversion costs and that it would cost an additional $30.6 million per year to maintain the safety, security, and viability of the critical base operations that remained.

Mr. President, the New Mexico experience with BRAC may be unique, but it serves to make the essential point that we are making with this amendment. The driving factor behind base closure decisions should continue to be the overall cost to the taxpayer. In our case, the original half-billion cost savings turned out to be a half-billion new cost to the taxpayer. The message of the New Mexico experience is that we need to carefully examine the Department's projected costs and savings in order to thoughtfully determine whether it is a wise decision to give the Department of Defense the legislative authority they need to conduct additional base closure rounds. The Dorgan-Domenici amendment will give the Congress the necessary data to make this decision in a thoughtful and precise manner.

Mr. President, the Senators from New Mexico and North Dakota are not the only people who think that the Department of Defense's current costs and savings projections may not be reliable. The Congressional Budget Office says it "cannot evaluate the accuracy of DOD's estimates without empirical data." In even stronger words the CBO states that the "Department is unable to report actual spending and savings for BRAC actions." CBO recommends that, "Congress could consider asking DOD to establish an information system that would track the actual costs and savings of closing military bases. The system could apply to BRAC IV bases because DOD is just beginning to shut down those bases and virtually all the work remains to be done."

In addition to the CBO's analysis, the Government Accounting Office had this to say, "DOD cannot provide accurate information on actual savings because (1) information on base support costs was not retained for some closing bases and (2) the services' accounting systems cannot isolate the effect on support costs at gaining bases."

Mr. President, the task we have before us is clear. My advice to Senators is to make the responsible choice and let us take a careful look before we leap into two new rounds of base closure. There will be enough time for the Department of Defense to close additional bases if the costs and savings of the first four rounds prove to be accurate. Even those who argue for additional base closure rounds today will not tell you that the future of our military's capability rests on deciding at this moment in time to give the DOD the authority to conduct additional rounds of base closure. By making the responsible choice today and voting for the Dorgan-Domenici amendment Senators will show that they are concerned about the modernization of our forces by requiring the data that shows the savings required to finance that modernization will be present at the end of the closure process.

Mr. President, I believe that the Dorgan-Domenici amendment will provide the information necessary for the Congress to make decision of whether to authorize additional rounds of base closure sound, well reasoned, and based on fact. I ask my colleagues for their support, and I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I would like to speak briefly in favor of the Dorgan-Lott second-degree amendment and associate myself with that amendment. I do think it is important before we go forward with additional BRAC's that we know and can certify the amount of money that has been saved by prior BRAC rounds. I do not think we have taken that into consideration. There is a lot that is also associated with closure costs.

But more to the point on this particular issue, it seems to me that we have been through this BRAC process here now for several rounds, and some of that may have been very healthy to do, but that we ought to stop and appraise just what was good about that, and, more importantly, I think we need to go through a BRAC on domestic discretionary spending. Let us look at some of the programs that are discretionary programs, not entitlement programs but discretionary programs, say, within the Department of Commerce or, say, within the Department of Energy. Let us go through a BRAC there. Let us take a look at those and have a vote up or down. We ought to be focusing our effort there where we know we have some wasteful programs. We know there is money that is being wasted and spent not for a good reason or cause.

We have gone through that on some of the military bases as far as looking at some bases that may not be necessary to have, but would it not be so much wiser now to focus on some of these discretionary programs? They are in the media virtually every day—the Advanced Technology Program being a corporate welfare program, for one instance. We have other programs that have been identified. We have a fleet of ships under the Commerce Department that we have been saying for a long time ought to be privatized rather than being run there. That is a wasteful spending program. I have a list of those that I think we ought to go through far before we start up some other BRAC round in the military when we do not even know what sort of cost or what sort of savings we have had associated within it.

So, Mr. President, I just think we have a lot better things that we could be doing with our time and focus on rather than going back through a BRAC round. I do think it is constructive, through the Dorgan-Lott approach, to get a sense of where we are costwise, get a sense of what cost we have with closing a military base, get a strategy going here which guarantees that further base closures will not jeopardize national security. We need to look at all those things before we go forward with another BRAC round.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. The floor is available. Any Senator who now wishes to express himself on the other side of this issue has the opportunity. We are going to be voting here in just a little bit.

Mrs. BOXER. Mr. President, I rise to strongly oppose efforts to authorize additional rounds of base closings. I believe that it is bad policy to close more bases without accurately knowing the ramifications of previous cuts.

Congress has already approved four rounds of base closings, the latest round occurring in 1995. My State of California has suffered unfairly during this process, losing 27 major installations. Job losses from these closings are estimated to exceed 250,000, and the total economic loss will top $8 billion.

Although the California economy is experiencing an economic upturn, unemployment in my State continues to run two percentage points above the national average. It is clear that communities in California are disproportionately being hurt by the BRAC process.

It is unfair to ask my State to bear the brunt of yet another round of base closings. It is even more egregious to ask Californians to go through another round of closings when they are still suffering from previous rounds. Past BRAC rounds will continue to weigh heavily on my State because many bases from the 1995 closure round will not close until 1999 or after. Furthermore, some of these closures have not proven to be cost-efficient, and that is one reason why we are not seeing the savings that had been previously promised.

I believe that we should not even consider future base closings until we have had the time to properly analyze the ramifications of the previous four rounds. We need to have solid data about the long-term costs and benefits of base closures. More importantly, we need to make sure that we understand the effect these closures have had on the real people whose lives drastically change when a base in their community is closed.

That is why we should pass the Dorgan Amendment, of which I am a cosponsor. This amendment would require the Department of Defense to issue a report on the long-term costs and savings incurred from the previous rounds of base closings before future BRAC's could go forward. I simply can not see how we can entertain the idea of additional rounds of base closures without first having the benefit of solid data and hard numbers from previous BRAC's.

Mr. President, Californians are amazingly resilient. They have overcome devastating floods, disastrous earthquakes and terrorizing floods. Our state has gone through a lot. But I promise that California will not suffer further economic damage from another round of base closings until I have exhausted every tool available to me as a Senator. I urge my colleagues to oppose a new round of base closures.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the opportunity to say just a couple of more words about the amendment that is now pending. It is a second-degree amendment offered to the first-degree amendment that had been previously offered by Senator McCAIN and Senator LEVIN.

I indicated when I started out I have great respect for both of them. We reach a different conclusion and come to a different judgment on this question, and I do want to say in response to some of the discussion that has been held in this Chamber that this is not a question about whether closing bases saves money. I accept the notion that closing military installations saves money.

That is why I have been involved in supporting four previous base closing rounds. It clearly will save money. We do not know how much. I do not think anyone here knows how much. The Congressional Budget Office has reviewed it, the Government Accounting Office has reviewed it, and they are trying to understand how much money is saved and what are the costs. Are we saving a little bit of money and having very substantial costs? Are we saving a lot of money? We do not know. There has not been a decent accounting.

I am not standing here quibbling about whether closing additional bases will save money. It likely will save money. The question is should we in this authorization bill launch two additional rounds of base closures when the GAO and the Congressional Budget Office indicate—especially CBO indicates—it would be wise for us to have an interval at this point during which we fully understand what we have done in the previous four rounds by which we have said let us close 100 military installations only about 50 of which are now closed.

Let us finish the job we have done in the previous four rounds before we decide whether and when we initiate two additional rounds of base closing. We might discover that the basis for the previous closures and the conditions under which those closures were ordered and the experience of those closures might persuade us to do something different, maybe closing other installations in a different way. I do not know. But we ought to have the benefit of that experience and that knowledge before we proceed.

That is the issue. I know the Senate Democratic leader is in the Chamber and wishes to speak on this subject, and I shall not go further. I may have something to say later. But this is an interesting and, I think, a useful discussion for us to have, and I appreciate the cosponsorship of both the majority leader and the minority leader to my second-degree amendment.

Mr. President, I yield the floor.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from North Dakota for his extraordinary work on this particular amendment and appreciate very much his advocacy and the effort he has made throughout the day to make the case. He and others have spoken eloquently and very persuasively. There is little else I can add. Nevertheless, I do want to touch on a number of issues largely for the purpose of emphasis. I think it is very critical that we have an opportunity to talk through this matter as carefully as we can.

Let me also give great credit to our distinguished ranking member. I have had the good fortune to work with him on so many issues, and it is extraordinarily rare that I find myself in disagreement with him on anything. So for me to be in this position, in fact standing at his desk, is a very uncomfortable situation, to say the least.

Mr. LEVIN. If the Democratic leader will reciprocate just for a moment and yield, I am also standing at his desk, so we are even.

Mr. DASCHLE. I thank Senator THURMOND, the distinguished chairman, who is standing at another desk, for his leadership and the effort he has made in moving this bill.

Past Congresses have approved four rounds of base closures —1988, 1991, 1993 and 1995. We have already agreed to close 97 out of the 495 military bases and realign an additional 55 bases. I have joined with many others in voting yes every step of the way. Yes on authorizing four rounds of base closures. Yes on closing 97 bases. And yes on aligning 55 others. So, let no one doubt this Senator's willingness to cast a difficult vote in support of our national defense. I have done so in the past and am prepared to do so in the future.

However, voting to close more bases at this time makes no sense—for our military, for our budget and, perhaps most importantly, for local communities. This is the position not only of the Senators from the Dakotas and Senators from across the country, it is also the position, as the distinguished Senator from North Dakota noted, of the Congressional Budget Office, of the General Accounting Office, and even the Base Closure Commission.

I will get back to that in just a minute. The principal argument advanced by supporters of this particular amendment is a fiscal one. The Pentagon needs to achieve savings to stay within its $1.4 trillion budget.

Setting aside the issue for the amount of whether the Pentagon really needs $1.4 trillion—and given the current international circumstances and the sacrifices we are asking of important domestic problems—we need to look at the proponents' claims about future significant savings.

According to Pentagon's figures, we did not break even on base closures until 1996, nearly a decade after we began the current phase of base closings. In other words, the Pentagon's figures indicate we did not save one dime during the first eight years of base closures; instead we spent billions and billions of additional dollars. It is only after nearly a decade of economic dislocation and hardship that the Pentagon's own analysis begins to demonstrate any net savings.

In fact it takes up to 6 years to close a base once Congress has authorized its closure, and of the 97 bases Congress voted to close since 1988, we have actually closed just over half this number. Since the last round of base closures was passed in 1995, it will take the Pentagon until the year 2001 just to complete action on the bases we have already voted to close.

So, Mr. President, the question is, since we have not even closed about one-half the bases that were scheduled for closure, why is it that we are now making the effort to move to close still more before we have completed our work on the last ones?

CBO and the General Accounting Office do not trust Pentagon figures. In fact, CBO's analysis shows that the Pentagon has consistently overestimated the savings that will accrue from a given round of base closures. In the first round, the Pentagon estimated that we would achieve $844 million in savings for the period 1990 to 1995. Subsequently, it turned out that instead of saving money, the round actually lost $517 million. For the second round of base closures, the Pentagon initially estimated that we would save $2.916 billion from 1992 to 1997. What happened? We did not save $2.9 billion. We will be fortunate to save about one-third of that amount, roughly $972 million. For the third round, the Pentagon estimated that we would lose $715 million for the period 1994 to 1999. It now estimates we will not lose quite as much, about $553 million. Clearly less than a stellar record for the Pentagon's forecasters.

So the estimates according to the Department of Defense itself, which has generated this kind of skepticism from the General Accounting Office and the Congressional Budget Office, is that we are not doing as well as we had originally anticipated; we are not making the savings in base closings that we expected.

The sharp fall in Pentagon savings estimates are really represented by this graph. The Pentagon's forecast for savings from the first round of base closure was reduced by 161 percent for the period 1990 to 1995. In the second of base closures, the Pentagon savings estimate has been revised downward by 67 percent. And in the third round, the Pentagon has already acknowledged that it miscalculated by about 23 percent.

This chart proves as clearly, I think, as anyone can that on the basis of savings there is real reason to question whether or not we have achieved the stated goals of the Base Closure Commission—161 percent off the mark in the first one, 67 percent off the mark in the second one and 23 percent off the mark in the third one.

GAO and CBO, two independent congressional advisory organizations, have each conducted thorough examinations of the costs and savings inherent in the base closure process. And they concur in their findings: They can reach no conclusions on savings from base closures, given the Pentagon's current accounting system. As expressed by GAO in a recent report, "[the Defense Department] cannot provide accurate information on actual savings". As stated by CBO in a December 1996 report, "CBO was unable to confirm or assess DOD's estimates of cost and savings because the [Defense] Department is unable to report actual spending and savings for [base closure] actions."

What we do know so far is that there has been a gross overestimation of what will have achieved in savings to date. So, before we decide to go to yet another round, the question presents itself, is this the right time? Not knowing how much we are going to achieve, not knowing whether or not we are going to save or actually spend more money, is this the time to commit to yet another base closing round?

As I said, there are a lot of different policy questions involved here. One is savings. Another is the tremendous ripple effect through the local economies that will be felt well into the next century with yet another base closing round. We are going to be living with severe dislocations and economic loss, we know that. We are also going to be living with short-term degradation in military capability as individual military units pick up their operations and move from one base to the other.

And we really have not looked at alternative approaches to achieve savings within the $1.4 trillion defense budget. And there are alternative cost saving approaches. For example, the bill before us contains an additional $5 billion additional commitment for weapons systems that were either not requested by the Pentagon or not requested in the quantities proposed in this bill. Let me say this again. This bill contains over $5 billion for weapons systems that the Pentagon judged unnecessary for national security. By my calculation if we were to attempt to save this same $5 billion through base closures alone, it would take until nearly the end of the first decade of the 21st century. In other words, by paring back weapons systems that even the Pentagon did not request, we could save today what would take roughly a decade to accomplish through base closures—even if we accept the Pentagon's rosy and highly questionable assumptions regarding potential savings.

So, instead of focusing exclusively on surplus bases, perhaps we need to be discussing other ways with which to achieve any necessary savings. Looking at surplus weapons systems may be one way to do it. I am prepared to look at any and all options. However, before we commit to an approach that may not generate savings and that may not give us the framework within which a very thoughtful consideration of infrastructure can take place, we should do what this second-degree amendment sets forth.

The second-degree amendment is based on two major assumptions. First, Congress should allow already authorized base closures to go forward before we cause still more dislocation and hardship. Second, Congress should be fully informed about the implications of past and future closings before we commit ourselves to still more closings.

Therefore, rather than launch another round immediately, the second-degree provides the Pentagon with time to develop accounting techniques so that they and we can fully and accurately understand the costs and savings from previous and future rounds of base closures. This amendment requires the Pentagon to prepare a report on these financial changes and to have that report reviewed by the GAO and CBO. Finally, our amendment requires the Pentagon to do all of this in a timely manner.

Just as important is what this amendment does not do. The amendment does not preclude future base closures that may reveal themselves to be justified once we fully understand the ramifications. If there are to be future base closures, we simply want to be able to ensure that we understand where we are today in terms of infrastructure changes we have already approved and to be able to accurately assess the long-term impact of any proposed future changes. That is the concept that I think the CBO itself has articulated.

According to the Congressional Budget Office, consideration of additional base closures "should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far. Such a pause [they add] would allow the Department of Defense to collect data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and savings achieved. Additional time would also allow more informed assessment of the local impacts of the bases already closed."

Finally Mr. President, after hearing the views of GAO and CBO, I ask the Senate to consider the perspective of the last Base Closure Commission. Largely as a result of the continued turbulence and the lack of hard information, the Commission itself recommended that Congress not authorize another round of closures until the year 2001. Only our amendment is consistent with the findings of the Base Closure Commission.

So based upon the analysis presented to us by CBO, by the GAO, by the Base Closure Commission, I think to move yet another round at this time is just premature.

My record on base closures is clear. I have supported then when I thought they were needed and would produce the desired outcome—a leaner, more effective military that minimizes disruptions to our communities. GAO and CBO indicate that the Pentagon cannot tell us today what we have saved from past rounds, let alone yet-to-be determined future rounds. The only statement that can be made with any confidence is that our communities will suffer dislocations and disruptions well into the 21st century from actions that we have already taken.

The case for inflicting additional suffering on them is far from compelling, especially when there are many other ways to achieve the necessary efficiencies within our defense budget. What we need to do is to find them. GAO, CBO, and the Base Closure Commission all acknowledge as much.

Let's work together to see that happens. Only one base closure amendment protects the interests of our military and our communities, that is the second-degree amendment pending. I urge its support.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the letter we just received from the Secretary of Defense about the savings which have resulted from BRAC 1993 actions, a letter dated July 9, 1997, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, July 9, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate moves to final consideration of its version of the FY 98 Defense Authorization Bill, I urge you to support the McCain-Levin amendment authorizing BRAC rounds in 1999 and 2001. We estimate two additional rounds would result in savings of approximately $2.7 billion annually. These savings are absolutely critical to the Department's modernization plans.

There have been some questions regarding the savings actually realized from previous base closures. We have taken these questions seriously and asked the Department of Defense Inspector General (DoDIG) to take an independent look at this issue. The IG's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective. The preliminary audit examined BRAC 93 actions, including the largest Navy closure (Mare Island) and eight Air Force bases closed or realigned. For these bases, the IG found that DoD overestimated costs by $148 million and underestimated savings by $614 million. I have attached a copy of the IG's preliminary report for your review.

I would greatly appreciate your support for two additional BRAC rounds and hope you find this information useful in your consideration of the McCain-Levin amendment.

Enclosure.

BILL COHEN.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, June 23, 1997.

Memorandum for Principal Deputy Under Secretary of Defense (Acquisition and Technology)

Subject: Review of Base Realignment and Closure (BRAC) Costs and Savings

This is to provide the interim results of the audit being conducted by this office in response to the Under Secretary of Defense for Acquisition and Technology memorandum of February 7, 1997. The audit objectives are to compare the BRAC costs and savings estimates in previous budgets with actual experience and to identify lessons learned regarding management controls for estimating and tracking BRAC costs and savings.

The lack of records makes retroactive reconstruction of actual costs and savings from pre-1993 BRAC impossible at this point. Likewise, it is too soon to assess BRAC 95 costs and savings. We have focused our review, therefore, on the BRAC 93 round. The audit universe for BRAC 93 is comprised of cost estimates totalling $7.3 billion and savings estimates of $7.5 billion through FY 1999. The bulk of both the BRAC 93 budgeted costs and savings, $5.2 billion and $4.6 billion respectively, was related to Navy installations. During the first portion of the audit, we reviewed the experience at the largest BRAC 93 site, Mare Island Naval Shipyard, and all eight Air Force BRAC 93 sites. In addition, we started identifying construction project cancellations at all Navy sites. The nine fully audited installations had BRAC cost estimates of $1.1 billion and savings estimates of $1.8 billion.

The initial audit results indicate that the Navy and Air Force erred on the side of conservative estimating, over-estimating costs at the sites reviewed by up to $148 million and underestimating savings by $614 million. The reasons for the variances included:

Some cost estimates were related to block obligations for one-time implementation costs, which were never adjusted to reflect actual disbursements. Researching these largely invalid obligations could free up significant funding for current BRAC requirements.

Canceled military construction projects valued at $8 million at Mare Island were not counted in savings estimates.

An additional $58 million of canceled construction projects at other Navy BRAC 93 sites was not counted because incomplete projects funded in prior year programs were not counted, even if they were curtailed.

The Navy assumed that 40 percent of the indirect civilian labor costs at Mare Island would transfer to other shipyards, but the audit indicated minimal related increases in other shipyards indirect costs.

Reductions for base operation support costs at Mare Island were underestimated after the first year of closure.

Documentation did not exist to explain differences between the Air Force biennial budget and reductions reflected in the Air Force Future Years Defense Plan.

The results of the audit to date, while not fully staffed nor statistically projectable across either BRAC 93 or all BRAC rounds, appear to corroborate the DoD position that concerns that BRAC has not been highly cost effective are unfounded. As a result of consultation with the Deputy Under Secretary of Defense (Industrial Affairs and Installations), we plan to continue auditing the BRAC 93 costs and savings. In our audit report this fall, we will provide recommendations for management controls on estimating and tracking costs and savings for any future BRAC rounds.

We hope that this update is helpful. If there are questions, please feel free to contact me or Mr. Robert J. Lieberman, Assistant Inspector General for Auditing, at (703) 604-8901.

ELEANOR HILL,
Inspector General.

Mr. LEVIN. As I indicated before, Mr. President, since we are talking about estimated savings, the IG that was requested by the Department of Defense to make these estimates found that the costs were overestimated by $148 million and savings underestimated by $614 million, which means in this study by the DOD IG, there were significantly greater savings than had been predicted by the BRAC commission. That, of course, is somewhat different—very different—in terms of the evidence of that presented by the distinguished Democratic leader. We are not sure whether the leader's numbers came from the original Department of Defense estimates before they went to BRAC, and that is something we will check out, because in all but one case, the commission produced savings significantly less than had been requested by the Department of Defense.

Finally, relative to the argument that the cost of previous base closures have been underestimated, one of the reasons the original Department of Defense estimates were high was that they estimated the savings from the sale of land. We changed the rules in the middle on that one. The revenue never materialized because we changed the rules, very consciously, to provide that most base property would be given away when the base was closed rather than sold. We did that to make economic redevelopment more feasible. That has benefited all of our States just about where these closings have taken place. So that is another possible explanation for the difference in these numbers.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 670, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, on the amendment offered by the Senator from Minnesota, there will now be 15 minutes of debate equally divided between the Senator from Minnesota and the Senator from South Carolina. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment, which is an amendment that I have offered with Senator HARKIN, from Iowa, is very simple and straightforward. It authorizes, so it is not subject to a point of order, it just authorizes the Secretary of Defense to transfer to the Secretary of Agriculture $5 million over the next 5 years, $25 million altogether. That is $5 million out of a $265 billion Pentagon budget, a budget that is some $2.6 billion more than the Pentagon itself has requested.

So out of that $2.6 billion more than the Pentagon has requested, this is an amendment that says take $5 million and transfer it to the Secretary of Agriculture; that is to say, authorize the Secretary of Defense to transfer this to the Secretary of Agriculture.

This $5 million program per year was eliminated. We should never have done that. This is to correct an egregious mistake that we made. This has everything in the world to do with malnutrition and hunger among children. This $5 million has been used effectively nationwide—a small amount of money—as a catalyst, as an outreach program, to enable States and school districts to set up and expand the School Breakfast Program. As a matter of fact, I think one of the reasons it was eliminated was that it had been so successful, in fact, in enabling school districts to expand the School Breakfast Program, the argument then being we would have to invest more resources in the School Breakfast Program.

I read from a letter received from the Food Research & Action Center that points out that only "seven of ten, 71.4 percent, of the schools that offer school lunch participate in the School Breakfast Program. This represents only 65,000 of the almost 92,000 schools that" participate. "Additionally, just 39.6 percent of low-income children participating in the National School Lunch Program also participate in the School Breakfast Program. While more than 14 million low-income children participate in the National School Lunch Program, only 5.6 million participate in the School Breakfast Program."

Is it too much to ask, as we keep talking about our children being our most precious resource, given the fact that all these children are God's children, is it too much to ask for $5 million to be put back into this program that has been so successful? That is what this amendment is all about.

Mr. President, there are 8 million children who don't participate, and if these children had a chance to get a good breakfast and these children, therefore, were not hungry, they would be in a much better position to learn. When children are hungry and children do not have a good breakfast and can't start out the day, they are not going to be able to learn, and when they are not able to learn, as adults, they are not able to earn. This amendment should be adopted with 100 votes.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I oppose the amendment offered by Senator WELLSTONE in regard to the School Breakfast Program.

I remind my colleagues that the President proposed the repeal of these startup grants during last year's welfare debate. In addition, the Democratic substitute welfare reform bill contained a provision to repeal these grants. Obviously, people across the political spectrum believe this grant program to be unnecessary.

I also remind my colleagues that this requirement was not identified in the budget request, and presently, about four in every five low-income children already attend a school with a school breakfast program. The breakfast program has expanded to the extent that it is not clear additional funds are necessary or would have the effect of bringing more schools into the program.

The last point I want to make is that transferring funds from the Department of Defense, even making the authority discretionary, is bad precedent. We shouldn't make this a precedent. We, in the Congress, should make these decisions and not delegate them to the Secretary of Defense.

Mr. President, we have a budget agreement. We should not void this agreement and our responsibilities to make these decisions. I urge my colleagues to defeat this amendment.

I thank the Chair and yield the floor.

Mr. WELLSTONE. Mr. President, might I ask how much time I have?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes, 18 seconds.

Mr. WELLSTONE. I am waiting for my colleague, Senator HARKIN. I ask unanimous consent to add Senator HARKIN as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent that a variety of letters of endorsement be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FOOD RESEARCH &
ACTION CENTER,
Washington, DC, July 9, 1997.

Senator PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: We are writing to enthusiastically support your amendment to the DOD Reauthorization Bill which would authorize the transfer of funds from DOD to the school breakfast and summer food start up and expansion programs.

Both the school breakfast and summer food programs remain under-utilized and many public and private sponsors require special initial funding to get programs off the ground. Funding is necessary to inform potential sponsors of the availability of these programs and how to qualify.

Only approximately seven of ten (71.4%) of the schools that offer school lunch participate in the School Breakfast Program. This represents only 65,000 of the almost 92,000 schools that offer school lunch also offer school breakfast. Additionally, just 39.6% of the low-income children participating in the National School Lunch Program also participate in the School Breakfast Program. While more than 14 million low-income children participate in the National School Lunch Program, only 5.6 million participate in the School Breakfast program. Participation rates for the Summer Food Program are even lower.

Your amendment and your efforts on behalf of low-income children will not only serve the immediate need to get food into children's bellies, but will also serve the long-term goal of feeding their brains, and getting them ready to learn!

Sincerely,

EDWARD COONEY,
Deputy Director.
ELLEN TELLER,
Senior Attorney for Government Affairs.

BREAD FOR THE WORLD,
Silver Spring, MD, July 9, 1997.

DEAR SENATOR WELLSTONE: Bread for the World, a grassroots Christian citizens' movement against hunger, heartily supports your efforts to strengthen the School Breakfast Program. We hereby endorse your amendment to require the Secretary of Defense to transfer $5 million to the Secretary of Agriculture to provide funds for outreach and startup for the School Breakfast Program.

We agree with you that a hungry child can not learn the way they should and we know that in the end, this hurts not only the child, but our society as a whole. A nation as blessed as ours should not allow children to go hungry.

Thank you for your continued commitment to hungry children.

Sincerely,

LYNETTE ENGELHARDT,
Domestic Policy Analyst.

AFSCME,
Washington, DC, July 9, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), we strongly support your amendment to transfer $5 million from the Department of Defense to the School Breakfast Program to fund the outreach and startup grant program.

The School Breakfast Program has proven successful in improving the health and educational achievement of children who have been able to participate. Unfortunately, about 27,000 schools do not offer the School Breakfast Program because they lack the capital funds needed to meet the startup costs. This deprives eight million low-income children of the opportunity to eat a nutritious and healthy meal in school. In prior years, the $5 million grant program was critical in enabling schools to establish a breakfast program.

We support your amendment to continue the outreach and startup School Breakfast grant program with $5 million for fiscal year 1998 by transferring the funds from the Department of Defense's budget.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. DOMENICI. Mr. President, the Wellstone amendment would require the Secretary of Defense to transfer $5 million to the Secretary of Agriculture for school breakfasts

The purpose of the nondefense program that Senator WELLSTONE wants to support with defense funds may be laudatory; however, the amendment is ill-considered and very problematic.

First the amendment would, in principle, violate the bipartisan budget agreement that Congress has completed with the President and that we are working hard to enforce: the amendment would reduce the amount of defense spending the agreement specifies and would increase nondefense discretionary spending above the levels of the agreement.

Second, the amendment would violate the intent of firewalls that Congress has adopted over the years—and as recently as the 1998 budget resolution that we just passed last month. As all Senators know, these firewalls are designed to prevent transfers between defense discretionary spending and nondefense discretionary spending, and they establish a 60-vote point of order against such transfers. However, the amendment has been modified to go to great lengths to circumvent a Budget Act point of order and has confused the issue of whether it actually constitutes a Budget Act violation.

Third, the amendment imposes an unfair obligation on the Appropriations Committee. If the amendment is passed, the Appropriations Committee is given the Hobson's choice of having to repeal the Wellstone amendment or to seek a directed scoring of the transferred money so that it would count as nondefense discretionary spending—as it should. This would, in turn, require the relevant appropriations subcommittees to find offsets for this additional nondefense discretionary spending. If the Appropriations Committee reports a Defense appropriation bill consistent with the letter and intent of the Wellstone amendment, it will immediately be subject to a 60-vote point of order.

For all of these reasons, the Wellstone amendment is bad legislation, and I urge all Senators to reject it, whether or not they favor the program that would benefit from this amendment.

Mr. WELLSTONE. Mr. President, this should be an easy vote for Senators: $5 million out of over $2 billion more than the Pentagon asked for to have an outreach program and enable local school districts to buy refrigerators so they can have a school breakfast program so that we can make sure that all of our children go to school and are able to learn.

It is that simple. I mean, where are our priorities? We can't even come up with $5 million? This is not a mandate. This just simply authorizes the Secretary of Defense to transfer this. This is a way that we as a Senate can, in fact, commit a little bit more by way of resources to make sure that there is an adequate nutritious breakfast for more children who go to school in America. How in the world can you vote against it?

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two minutes, thirty-nine seconds.

Mr. WELLSTONE. Might I ask whether or not the other side intends to respond at all? If not, I will finish up. I am trying to wait for Senator HARKIN, but I will go ahead and conclude. Might I ask whether the other side has yielded back its time?

Mr. THURMOND. Mr. President, no.

The PRESIDING OFFICER. The Senator from South Carolina wishes to keep his time reserved.

Mr. WELLSTONE. Mr. President, a report from Tufts University Center on Hunger, Poverty and Nutrition on the link between nutrition and cognitive development in children states that even before results are detectable, inadequate food intake limits the ability of children to learn, affecting their social interactions, intuitiveness, and overall cognitive functions.

Come on, we have to stop having all of these conferences on early childhood development and talking about children, and now we know that we have some 8 million children who don't get a chance to participate in this program, we know there are many children who are malnourished, and we know for $5 million a year out of this budget, which is $265 billion, $2.6 billion more than the Pentagon asked for, we can't even make this kind of small commitment to children in America? That is what this vote is about.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

Mr. THURMOND. I yield such time as he may require to Senator COVERDELL.

The PRESIDING OFFICER. The Senator from Georgia is recognized for the 5 minutes, 40 seconds remaining of the time of the Senator from South Carolina.

Mr. COVERDELL. I thank the Senator from South Carolina and compliment him on his fine work as chairman of the Armed Services Committee.

AMENDMENT NO. 771

Mr. COVERDELL. Mr. President, I ask unanimous consent to be added as a cosponsor of the Dorgan-Lott-Daschle second-degree amendment to the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, the McCain amendment purports to create another series of base realignment closure commissions. I am opposed to that and have so stated and have so advised the Secretary of Defense. I do not believe there should be another Base Realignment Closure Commission until the administration can certify to the Congress that all the work of the previous Base Realignment Closure Commissions has occurred and properly.

Many of us, particularly in the States affected by Air Force depots, believe the President and the administration undermined BRAC and undermined the confidence in the people and the Congress with regard to its integrity, because essentially the President overrode the 1995 BRAC recommendations, in our judgment, particularly as they relate to Kelly Air Force Base in Texas and McClellan Air Force Base in California. That is in dispute. I certainly acknowledge the comments and characterizations that have been made by the good Senators from Texas and California.

But this issue must be resolved and it must restore the confidence of the Congress and it must reassert an integrity into the process for the people who undergo this horrendous process, that the legislation has to apply to the President, the administration, and the Department of Defense, not just to the people in Congress.

I rise in opposition to the McCain amendment and in support of the second-degree amendment offered by Senators Dorgan, Lott, and Daschle.

I yield any remaining time back to the managing Senator.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 670, AS MODIFIED

Mr. THURMOND. Mr. President, I move to table Wellstone amendment 670.

The PRESIDING OFFICER. All time has not been yielded back on both sides.

Mr. THURMOND. I yield back any time I have.

The PRESIDING OFFICER. The Senator from South Carolina yields back the remainder of his time. The Senator from Minnesota has 52 seconds.

Mr. HARKIN. How much time, Mr. President?

The PRESIDING OFFICER. Fifty-two seconds.

Mr. HARKIN. How much?

The PRESIDING OFFICER. Fifty-two.

Mr. HARKIN. Mr. President, I rise in support of the Wellstone amendment. This School Breakfast Program has been one of the best in this country. Already we have kids getting school lunches, but they don't get the school breakfast.

I say that if you ever want to see a clean plate, you go to a school breakfast program. These kids come in, they are hungry, there is not a drop of food left when they put those trays back into the hopper. The school lunch may be a little different.

If you really want to have an impact on early childhood education and getting these kids to learn, this is the place to put the money. It was wrong to take it out of welfare reform. I tried at that time to put the money in, and we could not do it. It was wrong for this to be taken out in the welfare reform to save that kind of money. It does not save money. It ruins lives because we are not providing the money for the outreach program for the school breakfast startups and for the summer feeding program.

This is a small amount of money. I think out of this whole defense thing we could at least authorize the Secretary of Defense to transfer a measly $5 million to get this job done.

The PRESIDING OFFICER. All time is now yielded back. Time has expired on this amendment.

AMENDMENT NO. 424

The PRESIDING OFFICER. The question now occurs on amendment No. 424 offered by the Senator from Washington [Mr. GORTON]. Debate on this amendment is limited to 15 minutes equally divided between Senator GORTON and Senator INOUYE.

Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I come to the floor this evening to speak on amendment No. 424 to the defense authorization legislation that was proposed yesterday by my colleague, Senator GORTON. I am a cosponsor of this amendment to require the Navy to reopen the selection process for the donation of the USS *Missouri*.

From the beginning, I have followed closely the Navy's handling of the *Missouri*, working with Senator GORTON, Congressman NORM DICKS, the Washington congressional delegation, and my constituents. The "Mighty Mo" is a relic of immense importance and historical significance. It was on the decks of this great battleship that World War II came to a welcome end.

The *Missouri* is particularly valued by the residents of my home State where she has been berthed for most of the last 40 years in Bremerton. She is a source of great pride to the veterans in my State, many of whom served in

World War II, including in the Pacific theater and aboard the *Missouri*.

I have reviewed yesterday's debate over the amendment, and I want to take this opportunity to make several additional remarks for the RECORD.

I first want to commend both Senator GORTON and Senator INOUYE. The debate was indicative of the immense interest in the *Missouri* and all of the States that competed for the honor of displaying this important piece of our history.

While I cannot speak for the other applicants, I know of the care, the time, and the commitment demonstrated by the Bremerton, WA, community in preparing its proposal to the Navy. Bremerton, Kitsap County and Washington State have developed a kinship with the "Mighty Mo." It is because of this kinship with the battleship, and our 40-year record of paying tribute to the *Missouri* each and every day, that I continue to believe that Bremerton is the ideal home for the *Missouri*.

Last August, the Secretary of the Navy announced the decision to award the *Missouri* to Honolulu, HI. Following the Navy's decision, significant questions were raised regarding the Navy's process in awarding the battleship. It is those questions, including a General Accounting Office report, that brings me here today to seek the Senate's support for our amendment to reopen the *Missouri* donee selection process.

I want to reiterate what our amendment seeks to accomplish. We simply seek only the Senate's support to instruct the Navy to conduct a new donee selection process. We do not seek to influence or prejudge that selection process. We only want a fair competition administered by the Navy in a manner worthy of this great battleship.

I recognize that the Navy is under no obligation to conduct a competition for important relics like the *Missouri*, but the fact is the Navy did conduct a competition for the *Missouri*. Having conducted this competition, I think it is only fair to the competing communities to expect the Navy to conduct itself in an aboveboard and a forthright manner.

Clearly, significant mistakes were made by the Navy in the *Missouri* competition. The GAO report clearly identifies the Navy's numerous shortcomings in this competition. Proponents and opponents can and do differ over whether the Navy's handling of the competition influenced the outcome. But I find it very difficult to conclude that all communities were treated fairly by the Navy. And that is what we are asking for today. It really is just a simple matter of fairness for all of the competing communities.

I urge my colleagues to support the Gorton-Murray-Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the matter before us goes much deeper than the gallant lady, the U.S.S. *Missouri*. It involves the process of competition in the U.S. Government. Every day there is some competition. There is a competition between two great manufacturing plants to see whether this plant should build a tank or that plant. There are competitions going on as to what company should build the joint strike fighter or the C–17 or the B–2. Should it be Boeing? Should it be McDonnell Douglas?

These competitions are part of the life of the U.S. Government. And if we look upon this measure before us as a simple *Missouri* amendment, then we have not seen the deeper picture; we will be setting a very, very dangerous precedent, Mr. President.

This competition was won fairly and impartially. If the Congress of the United States is to take a step to overturn this decision, then what will happen to all the other competitions that we have been faced with? Whenever there is a contest on who would build that submarine—should it be Norfolk or should it be Connecticut?—if Connecticut wins, should Norfolk come to the Congress and appeal the case, or vice versa?

Mr. President, let me just read once again from the letter from the Secretary of the Navy. The Secretary says—and this is from a letter dated June 10; and it is part of the RECORD at this moment:

> I have reviewed the General Accounting Office report . . . and I find that it contains nothing that would warrant reopening the process. The General Accounting Office stated that the Navy "impartially applied" the donation selection process, and that all applicants received the same information at the same time . . . I remain confident that my selection of Pearl Harbor was in the best interest of the Navy and our Nation, based on the impartial review of the relative merits of the four acceptable applications. . . . The General Accounting Office also noted, however, that none of the applicants requested clarification on any aspect of these two criteria [that the proponents speak of].

No one complained about the process when it was ongoing. The complaints come at the end of the process.

It may interest you, Mr. President, to know that the State of Missouri—and this ship is named after the State of Missouri—by resolution that was passed unanimously by the Missouri Senate, the general assembly, the House of Representatives concurring:

> . . . memorialize the Congress of the United States, the President of the United States, the Chief of Naval Operations, and the Secretary of the Navy to take any appropriate action necessary to permanently locate the U.S.S. *Missouri* at Pearl Harbor, Honolulu, Hawaii, next to the U.S.S. *Arizona* Memorial, for the purpose of serving as a Naval Memorial and Museum. . . .

There is another organization, Mr. President. It is the Iowa Class Preservation Association. The U.S.S. *Missouri* is an *Iowa* class battleship. I will not read the whole letter, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IOWA CLASS PRESERVATION ASSOCIATION

To: Mr. JERRY KREMKOW, USS Missouri Memorial Association, 2610 Kilihau St., Honolulu, HI.

DEAR MR. KREMKOW, The *Iowa* Class Preservation Association is a non-profit organization that is dedicated to acquiring the museum rights to one of the *Iowa* Class Battleships currently in storage.

All four ships were recently released by the US Navy and of these only the USS *Missouri*, which looks like she's heading to Pearl Harbor, seems safe from the scrap yard. Our organization plans on acquiring and establishing one of the three other ships as a museum in the city of San Diego, CA. We believe that the combination of port facilities, tourism base and the lack of capital ship museums on the west coast would make San Diego an ideal location for a ship exhibit.

Our major concern is that the East Coast already has several battleship and aircraft carrier museums and has reached it saturation point. There is no way all three battleships will be able to survive on the East Coast. Therefore unless we can bring one of the three to the West Coast, it is highly likely that at least one of these fine ships will be scrapped.

As stated the purpose of our group is to save one of the ships that is in danger of being lost due to lack of support. As long as your organization is diligently seeking to acquire the USS *Missouri* we will support you and not seek to obtain the *Missouri*. We personally feel that a berth near the USS *Arizona* Memorial would be an appropriate place for such an historic ship. We look forward to working with your organization in saving two of the magnificent battleships.

Sincerely,

ROBERT DANIELS,
President.
STEVEN RUPP,
Vice President.

Mr. INOUYE. It says that:

> The Iowa Class Preservation Association . . . is dedicated to acquiring the museum rights to one of the *Iowa* Class Battleships currently in storage.
>
> * * * * *
>
> We personally feel that a berth near the USS *Arizona* Memorial would be an appropriate place for [the *Missouri*].

Here we have a letter from the Navy League of the United States. And I ask unanimous consent that this letter, as well as another, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NAVY LEAGUE OF THE UNITED STATES,
Arlington, VA, March 31, 1995.

Hon. JOHN H. DALTON,
Secretary of the Navy,
Washington, DC.

DEAR SECRETARY DALTON: I am writing on behalf of The USS Missouri (BB63) Memorial

Association and its efforts to have the Battleship enshrined at Pearl Harbor.

As you are probably aware, the Navy League of the United States is quite strong in the Pacific Area and particularly in Honolulu which has the largest Navy League Council in the world. This project has the complete support of the Pacific Area Navy League, which has supplied much of manpower and motivation to move this effort along for the past two years.

Our Hawaii Navy League councils, led by the Honolulu Council have a proven record of "getting the job done" with projects such as The Pearl Harbor Memorial, The Bowfin Memorial, commissioning of USS Lake Erie and provisions of MARS equipment for vessels deploying out of or thru Pearl Harbor. We feel that this tribute to peace and victory belongs along side of the revered USS Arizona Memorial in Pearl Harbor. We urge you to look favorably on this project and award USS Missouri to the Memorial Association for its purposes.

Yours very truly,

J. WALSH HANLEY.

NAVY LEAGUE OF THE UNITED STATES,
Jefferson City, MO, July 9, 1997.

DEAR SENATOR: In Executive Session this afternoon the Board of Directors of the Mid-Missouri Council of the Navy League of the United States voted in favor of the transfer of the battleship U.S.S. Missouri to Pearl Harbor. We feel this is the most appropriate location for the Missouri.

We are opposed to the Gorton Amendment and urge you to vote against it.

Sincerely,

HERMAN SMITH,
President.

Mr. INOUYE. In part it states:

This project has the complete support of the Pacific Area Navy League, which has supplied much of [the] manpower and motivation to move this effort along for the past two years.

Mr. President, I have a letter from the American Legion of the Department of Missouri, Inc. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
DEPARTMENT OF MISSOURI, INC.,
Jefferson City, MO, July 9, 1997.

Hon. DANIEL K. INOUYE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INOUYE: I am writing on behalf of The American Legion State of Missouri to express our stronger possible disagreement with the proposed Gorton Amendment (S. Admt. 424) to the Defense Authorization Bill (S. 936).

If adopted, this amendment will stop the transfer of the battleship Missouri to Pearl Harbor and force the Secretary of the Navy to reopen the competition. The American Legion State of Missouri in convention voted unanimously to transfer the battleship to Pearl Harbor. The 1996 General Assembly State of Missouri unanimously passed a concurrent resolution supporting the transfer to Pearl Harbor.

Pearl Harbor was chosen by the Secretary of the Navy after rigorous evaluation as the site most suitable for memorializing the Missouri. The process was fair and honest, and the results should be carried out. We agree with this decision.

USS Missouri belongs in Pearl Harbor, within sight of USS Arizona, where future generations can come and understand America's involvement in World War II, from beginning to end.

I urge you and the honorable members of the United States Senate to vote against the Gorton Amendment.

Sincerely,

JAMES S. (JIM) WHITFIELD,
Chairman, Legislative Assistance Committee.

Mr. INOUYE. This letter makes it very clear that:

[The] USS Missouri belongs in Pearl Harbor, within site of the USS Arizona, where future generations can come and understand America's involvement in World War II, from beginning to end.

Mr. President, the GAO report has been cited. The GAO report makes it very clear that Pearl Harbor won the competition without question. And, more importantly, Hawaii did not lose the competition even if it is based solely on financial and technical issues.

Mr. President, I realize that no one relishes the thought of losing. We all want to win. But the human affairs of this Nation would tell us that at times one wins and another loses. And if we are to set a precedent that whenever someone loses that he will come to Congress to appeal his case, the process that we have established for the past decades to determine decisions that are very necessary to our Defense Department, if such be subject to appeal at each turn by the Congress, we will get nowhere.

I just hope that those of us here will recognize from this report and from all other reports that this competition was won fairly and impartially and that it is in the public interest and the interests of the Navy and our Nation that this ship be based in Pearl Harbor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

There are approximately 3 minutes and 30 seconds remaining for the proponents of the amendment.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 670, AS MODIFIED

Mr. THURMOND. Mr. President, I had previously moved to table the Wellstone amendment. It seems there is some misunderstanding, but I so move to table the Wellstone amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Ms. COLLINS). The question is on agreeing to the motion to table the Wellstone amendment numbered 670, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—65

Abraham
Allard
Ashcroft
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kempthorne
Kerrey
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—33

Akaka
Baucus
Boxer
Bumpers
Byrd
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Coats
Mikulski

The motion to lay on the table the amendment (No. 670), as modified, was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. KERRY. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Madam President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 424

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on the Gorton amendment No. 424.

Who yields time?

Mr. GORTON. Madam President, I ask unanimous consent that there be 4 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Madam President, I ask the Chair to bring the Senate to order, please.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Washington is entitled to be heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senate is still not in order. The Presiding Officer would appreciate it if the Senate would be in order. The Presiding Officer hopes not to break the gavel.

The Senator from Nevada is recognized.

Mr. REID. Madam President, I have two congressional fellows, and I ask unanimous consent that they be allowed floor privileges during the pendency of this action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that King Gillespie of my staff be allowed floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, a few years ago, when the battleship *Missouri* was decommissioned for the second time, after more than 30 years, the Navy began a process to determine where it could become a permanent historic monument. The Navy carried on that process over an extended period of time under the rules that had been applicable to all previous donations.

Two weeks before it made its final decision, the Navy informed the applicants of two additional and quite separate considerations. It did not tell any of the applicants the weight those considerations would be given. It did not inform them of the fact that they could submit additional items. They were really quite separate from the first set of considerations. At the end of that first round, Bremerton and Honolulu were essentially tied. At end of the second and unfair round, the Navy awarded the *Missouri* to Honolulu.

The General Accounting Office—our General Accounting Office—has reported these changes, has reported that this was the wrong thing to do, and has reported that the Navy should change its processes in the future.

My amendment does not seek to change the location of the *Missouri*. It just asks the Navy to start the process over again, to treat all applicants fairly, to set the rules in advance, and not to change the rules just before the game is over without telling people what the weight of the new rules will be.

I ask for your votes on it as a matter of simple fairness to all of the applicants—both in California and Washington and in Hawaii—in a process which is very important to each one of these communities and which the Navy, very regrettably, has carried on in a totally unfair fashion to this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, this proposal is very important both to the opponents and proponents. I am still unable to hear because of the noise in the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Madam President, I ask that Janice Nielsen, a legislative fellow working in Senator CRAIG's office, be granted the privilege of the floor during the duration of the debate on S. 936, the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, the GAO report makes it very clear that the competition was impartial and fair and that, when all the numbers were counted, Pearl Harbor was the winner because, as the Secretary of the Navy has indicated, it will serve our Nation's interests and the interests of the U.S. Navy to have the *Missouri* memorialized and made into a monument next to the Arizona so that all Americans from this day on will be able to see in one place the beginning and the end of World War II.

But, more importantly, Madam President, this amendment does not involve just the *Missouri*. It involves the process of competition. If the Congress is to be called upon at each time whenever someone loses, where do we end? Whenever there is a competition for the building of a submarine, should the losing State come forward to the Congress and ask for reconsideration? If they lose a carrier, should the losing State come here and ask the colleagues here for reconsideration? We have competition going on at every moment of the day.

Madam President, let us not set a bad precedent. I think the time has come for decision. The merits are clear. The State of Missouri is in favor of their ship being berthed in Hawaii. The American Legion is in favor of that. The Navy League of the Pacific is in favor of that. I think the Nation would prefer to have the U.S.S. *Missouri* have its final resting place in Pearl Harbor where it belongs.

Thank you, very much.

The PRESIDING OFFICER. All time has expired.

The question occurs on amendment No. 424 offered by the Senator from Washington [Mr. GORTON].

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I ask unanimous-consent that the remaining rollcall votes in this series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I was unavoidably delayed by the weather coming in and just missed that last vote. I wonder if it would be all right with my colleagues if I ask unanimous consent to be recorded in favor of the tabling on the last vote.

The PRESIDING OFFICER. The Parliamentarian informs the Presiding Officer that unfortunately that unanimous-consent request is not permissible under the Senate rules.

Mr. COATS. That is acceptable to me, if the RECORD will indicate that I made the request.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I hope that the RECORD will show nothing with reference to the Parliamentarian. The rule clearly states that once the Chair has announced the results of a vote no Senator may be allowed to vote. Moreover, the Chair cannot even entertain such a request under the rule.

Mr. COATS. Madam President, I withdraw that request. I wouldn't want to do anything to offend the rules. I have been flying in from Nairobi, Africa, for the last 32 hours on British Airways, which has been on strike, and had to change. And I can't tell you what I have gone through in the last 32 hours to try to get here for these votes. But I wouldn't want to offend the rules.

So I will leave it at that.

I withdraw my request.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 424 offered by the Senator from Washington [Mr. GORTON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 53, as follows:

{Rollcall Vote No. 163 Leg.}

YEAS—46

Abraham
Allard
Ashcroft
Boxer
Burns
Campbell
Chafee
Coats
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams

Grassley
Gregg
Hagel
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murray
Nickles
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Thomas
Thompson
Wellstone

NAYS—53

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bumpers
Byrd
Cleland
Cochran
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Graham
Harkin
Hatch
Hollings
Hutchinson
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Moseley-Braun
Moynihan
Murkowski
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Smith (NH)
Stevens
Thurmond
Torricelli
Warner
Wyden

NOT VOTING—1

Mikulski

The amendment (No. 424) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 765

The PRESIDING OFFICER. The Senate will be in order so that we can proceed to the next vote.

Under the previous order, there will now be 2 minutes of debate equally divided on the Dodd amendment No. 765.

Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I understand from the distinguished chairman of the committee there is no objection to this amendment. My colleague from Arizona, Senator MCCAIN, and I offered this amendment. We are asking for a recorded vote here because in so many instances over the past 5 years when we have had votes on Mexico, every one of them has been over a negative issue. This resolution merely commends the people of Mexico and the Government of Mexico for the very fine election that they had last Sunday. I thought it would be worthwhile for this body to say to Mexico how much we appreciate and admire their process last week and hope it portends great news for the coming years.

With that, Madam President, I yield back the remainder of my time.

Mr. THURMOND. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question now is on agreeing to amendment No. 765 proposed by the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Jeffords
Mikulski

The amendment (No. 765) was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

MODIFICATION TO AMENDMENT NO. 705

Mr. MCCAIN. Madam President, I send a modification to my amendment No. 705 to the desk and ask unanimous consent it be made a part of amendment 705.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The modification follows:

On page 4, after the period on line 12, add at the end of subparagraph (2) under (c) PRIVATIZATION IN PLACE: "Nothing in this provision would prevent a private contractor, using facilities on a closed military base, from competing for defense contracts or from receiving or being awarded a contract if the bid is deemed to save money under established procurement procedures, provided that the competition offers a substantially equal opportunity for public sector entities and private sector entities to compete on fair terms without regard to the location where the contract will be performed;"

AMENDMENT NO. 771 TO AMENDMENT NO. 705, AS MODIFIED

Mr. THURMOND. Madam President, I ask unanimous consent that there now be 10 minutes equally divided, prior to a vote on the Dorgan second-degree amendment to the McCain amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senate will be in order.

Mr. THURMOND. Madam President, I yield my 10 minutes to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes. The Senate will be in order.

Mr. GRAMM. Madam President, could we have order? We are limited to the time we have, and I think it is important everybody be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Texas.

Mr. GRAMM. Madam President, we have cut defense since 1985 by 34 percent. We have closed 18 percent of the military bases. We have more nurses in Europe than we have combat infantry officers in Europe. We have a huge overhang of bureaucracy, a huge overhang of bases that we have to shear down to the size that is required for the force that we are now willing to fund in the House and Senate. In short, with this huge overhang of bureaucracy and bases, we have a tiger but increasingly the tooth is too small and the tail is too long.

Nobody wants base closings. We have closed five bases in my State. But we all know it is something that needs to happen. So I intend to support the amendment of the Senator from Arizona. I intend to oppose the Dorgan amendment, which for all practical purposes kills the underlying amendment.

I think basically we have to recognize defense has been cut by 34 percent. We have closed only 18 percent of the military bases. If we are going to preserve modernization, if we are going to keep the pay and benefits to maintain the finest people in uniform we have ever had, we are going to have to close more military bases.

So, I hate it, as I am sure many of our colleagues do, but there is no alternative, given the amount of money that the House and Senate are willing to appropriate. I urge my colleagues to defeat the Dorgan amendment and to support the McCain amendment.

I yield the remainder of my time to Senator MCCAIN.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Could we clarify the unanimous consent agreement we are operating under? I understand there is 10 minutes equally divided between the proponents and opponents of the Dorgan amendment, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator North Dakota.

Mr. DORGAN. The Senator from Texas has just used information that is not accurate. He is referring only, when he talks about 18 percent, to the bases in this country. We have also closed bases overseas. When you add that to it, the total bases closed represent about 27 percent of the infrastructure.

But the point of my second-degree amendment is to say this: Let us at this point not authorize two additional rounds of base closures until we figure out what we have done, what the consequences of what we have done are in the last four rounds. We do not have all the facts about what the last four rounds have given us in terms of costs and benefits.

Let me not speak for myself. Let me have the Congressional Budget Office do it, and the GAO has done something similar. It says:

> The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out.

That is what CBO says. Then CBO says:

> That consideration, however, should follow an interval during which the DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

Why does CBO say that we ought to wait and take a measure of what we have done? Because they cannot get the facts. No one knows what are the costs and what are the savings. What CBO is saying is let's figure out what we have done. We have ordered the closure of nearly 100 military installations and only about half of them have been fully closed. At this point, let us finish that closure, assess the costs and the benefits, and then proceed, if necessary, to authorize additional base closures.

I reserve the remainder of my time.

Mr. STEVENS. Will the Senator yield a minute-and-a-half to me?

Mr. DORGAN. I will be happy to yield a minute-and-a-half to the Senator from Alaska.

Mr. STEVENS. Madam President, I join the majority leader in supporting the Dorgan amendment. I do so because, in our recent trips overseas, we have found a new military base, a U.S. military base in Kuwait; we have a new one at Prince Sultan in Saudi Arabia; we have been expanding a new one at Aviano, in Italy. The Hungarians believe we are going to continue to maintain their base once they join NATO.

It will take no Base Closure Commission for the administration to start closing bases overseas. I would rather see them stop building new bases overseas. But, certainly we need a report like this to try and get some idea about what is going on.

Last, I would say this, almost 40 percent of our military personnel today who are combat personnel are overseas. I do not believe we should have a Base Closure Commission to decide how many bases to close here at home until they return. It is not time to have a new base closure commission.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if the Senator from Arizona will yield me 1 minute?

Mr. McCAIN. Mr. President, 60 percent of the bases overseas have been closed, and that is a fact. I don't know where the Senator from Alaska has been traveling, but I suggest he go to Germany where we have basically dismantled our huge defense establishment, which was necessary and no longer is. There are stacks and stacks of information that can be provided about the costs that have been reduced as a result of the base closings that have taken place.

Finally, we are now in an Orwellian argument that not closing bases somehow saves money. It is the strangest argument I have been through on the floor of the Senate. We have to reduce these.

I do not intend to move to table the Dorgan amendment. I expect the Dorgan amendment will win. But I will tell my colleagues right now, this will be a sad day.

This will be a sad day in the history of the Senate, because we will not have fulfilled our obligations to the men and women in the military because we continue to siphon off money to pay for bases that we don't need instead of paying for the troops and the equipment that they need to fight and win.

Mr. LEVIN. Will the Senator yield 1 minute to me?

Mr. McCAIN. I yield to the Senator from Rhode Island, former Secretary of the Navy, and then the remaining time to the Senator from Michigan.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Rhode Island is recognized. Mr. President, I support the Levin-McCain amendment, which will allow the Defense Department to reduce its excess infrastructure and use resulting savings for needed equipment modernization.

After four rounds of base closings (1988, 1991, 1993 and 1995), the U.S. military has eliminated 21 percent of its base structure. Overall force structure, people and weapons starting in 1988 and ending 5 years from now on the other hand, is being reduced by 36 percent. This gap between the level of our forces and our infrastructure should not continue to exist indefinitely. If we do not continue the process of reducing excess capacity, the Defense Department will not have the funds to modernize its increasingly outdated weaponry and continue to maintain adequate readiness.

Today, we have heard arguments that the savings promised by earlier base closure rounds either have not materialized or have not been fully accounted for. Mr. President, I do not believe that we have to document exactly how much has been saved to the last nickel from previous BRAC's in order to continue this necessary process.

The fact of the matter is that previous base closures have resulted in substantial savings, currently estimated to be a total of $13.5 billion. The final amount of these savings may not be known for years. Perhaps these savings have not been as great as originally thought, but they have been there. You simply cannot reduce 21 percent of your infrastructure and not come up with some significant cost savings. Secretary of Defense Cohen—who endured some very painful base closings in his State as a Senator—has estimated that two additional rounds would result in savings of approximately $2.7 billion annually.

Mr. President, all six members of the Joint Chiefs of Staff—who account for some 24 stars—have written Congress to urge two additional base closures. The previous BRAC itself also recommended additional reductions. The Joint Chiefs recognize that our troops ought to be armed with the very best equipment when called to battle. It was this technological edge that proved so valuable in the gulf war.

But these weapons have a cost, and continuing to expend valuable resources on unneeded infrastructure will hinder modernization and detract from readiness. I urge support for the Levin-McCain amendment and opposition to the Dorgan amendment.

Mr. President, I certainly hope the prediction of the Senator from Arizona is not accurate, that the Dorgan amendment will prevail. I think it is not a good amendment. We have to reduce the base structure in the country as we bring down the forces. I support the efforts of Senator McCAIN vigorously and hope he will prevail.

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. Mr. President, I support the McCain amendment and very much oppose the Dorgan amendment. I hope we will listen to General Shalikashvili. This is what he said when he testified:

> As difficult as it is politically, we will have to further reduce our infrastructure. We have more excess infrastructure today than we did when the BRAC process started. We need to close more facilities, as painful and as expensive as it is.

We should listen to the head of our uniformed military. The Secretary of Defense has told us we cannot afford this waste of resources in an environment of tough choices and fiscal constraint. We must shed weight. The savings are on this chart. They have been estimated by the Department of Defense. We have a letter from all of the Joint Chiefs pleading with us, it is called a 24-star letter, all the Joint Chiefs, and the chairman and the vice chairman pleading with us to shed excess weight.

I hope we will not adopt the Dorgan amendment. If we adopt it, it will destroy the possibility that this year—this year—as we propose in the McCain amendment, we will again do what we must do, as painful as it is. And those of us who come from States which have had bases closed and which face additional base closings, as I do in my State, understand that pain.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota controls 2 minutes.

Mr. DORGAN. Mr. President, I yield a minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. NICKLES. Mr. President, I urge my colleagues to vote in favor of the Dorgan-Lott substitute and against the McCain amendment. Even if this substitute is not adopted, I urge them to vote against the McCain amendment, and the reason is, for the first time in the four base closing rounds, this administration played politics. They said, "Well, we're going to accept all of them except for two." That has never happened. It didn't happen in the first round, it didn't happen in the second round, and it didn't happen in the third round. It happened in the fourth round.

I don't think we should give them additional rounds until we have a clear understanding that we are not going to play politics. We are going to close bases on the merits and not on electoral votes.

I urge my colleagues to vote in favor of the Dorgan-Lott substitute.

The PRESIDING OFFICER. The Senator from North Dakota controls 1 minute 12 seconds.

Mr. DORGAN. Mr. President, first of all, I have voted for every previous round of base closings and intend to vote again when additional bases are needed to be closed, but if this is, in fact, about saving money, then let us at least pay some heed to the Congressional Budget Office.

The Congressional Budget Office says that additional base closing rounds ought to follow an interval during which the Department of Defense and independent analysts examine the actual impact of what has been done so far. If this is, in fact, about saving money, let's take the advice of the Congressional Budget Office and figure out what we have done before we decide to do more, what has the cost and the benefit been of what we have done.

The majority leader, the minority leader, Senator THURMOND, Senator STEVENS, and so many others have cosponsored this second-degree amendment, which is very simple. The second-degree amendment asks the Secretary of Defense to prepare and submit to Congress a report on the costs and savings on the closure rounds that have already been occurring and to give us information that we don't now have before we proceed to talk about additional rounds of base closures.

The PRESIDING OFFICER. All time has expired.

Mr. McCAIN. Mr. President, I ask unanimous consent that my colleague, the Senator from Virginia, who has been standing to make a statement, be granted 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Virginia is recognized for 30 seconds.

Mr. ROBB. I thank my colleague from Arizona. We have given a great deal of attention to the fact that the tooth-to-tail ratio is completely out of whack. It used to be 50–50 10 years ago. It is close to 70–30 now. The tail being the support of everything else. If we want to support force structure, if we want to be capable of carrying out our commitments, we have to cut infrastructure. The savings start as soon as we begin to cut infrastructure. We can argue about how many dollars later on.

With that, Mr. President, I thank the Chair and yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Adopt the Dorgan-Lott second-degree amendment.

The PRESIDING OFFICER. A rollcall has not been requested on this amendment.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 771, offered by the Senator from North Dakota [Mr. DORGAN] to amendment No. 705, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 33, as follows:

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—66

Abraham
Akaka
Bingaman
Bond
Boxer
Breaux
Brownback
Bumpers
Burns
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Allard
Ashcroft
Durbin
Faircloth
Feinstein
Ford
Frist
Graham
Grams
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Landrieu
Lautenberg
Baucus
Bennett
Lott
Mack
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Roberts
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli

NAYS—33

Biden
Bryan
Byrd
Chafee
Coats
Enzi
Feingold
Glenn
Gorton
Gramm
Grassley
Harkin
Inouye
Kennedy
Kerrey
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lugar
McCain
Reed
Reid
Robb
Rockefeller
Roth
Smith (OR)
Thomas
Warner
Wellstone
Wyden

NOT VOTING—1

Mikulski

The amendment (No. 771) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 705, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on the McCain amendment No. 705, as modified, as amended.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Is there objection to vitiate the yeas and nays on amendment No. 705?

Without objection, it is so ordered.

The question now occurs on agreeing to McCain amendment No. 705, as modified, as amended.

The amendment (No. 705), as modified, as amended, was agreed to.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations just reported from the Armed Services Committee: Gen. Wesley Clark and Lt. Gen. Anthony Zinni. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations appear at the appropriate place in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be general

Gen. Wesley K. Clark, 5682.

IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be general

Lt. Gen. Anthony C. Zinni, 7104.

Mr. LOTT. Mr. President, I would like to note special appreciation to the Armed Services Committee for moving these nominations. I want to thank the chairman for having extra meetings to get these two nominations cleared. I want to thank Senator LEVIN from Michigan.

It would have been a very awkward situation tomorrow and the next day at the change of command of our NATO officials if we had not had Gen. Wesley Clark confirmed and in a position to assume command from General Joulwan. This was a very positive move. I thank the Armed Services Committee and the Senate for their cooperation in these confirmations.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Would the Chair inform the Senator from Nevada what the parliamentary status on the floor is at this time?

The PRESIDING OFFICER. The pending business is the defense bill, S. 936, and the pending question is on Dodd amendment No. 763.

Mr. REID. I ask unanimous consent that the Dodd amendment be set aside for purposes of my offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 772

(Purpose: to authorize the Secretary of Defense to make available $2,000,000 for the development and deployment of counter-landmine technologies)

Mr. REID. Mr. President, I ask the clerk to call up amendment No. 772.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 772.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

On page 30, between lines 19 and 20, insert the following:

( ) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. BUMPERS. Could the Senator say about how long he anticipates speaking on his amendment?

Mr. REID. About 10 to 12 minutes.

Mr. BUMPERS. I thank the Senator.

Mr. REID. Several years ago, I and a number of my colleagues took a trip. One of the places we went to was Angola. It was a beautiful country. It is a country that has been devastated by war. We did not see the wild animals roaming the plains as they did at one time. We did not see the oil fields pumping as well as they should have. What we did see were hundreds of people who had been injured by landmines. Their legs were gone, their arms were gone. We, of course, did not see the people who were killed on a daily basis in Angola from landmines.

If Angola were the only place in the world that had been devastated by landmines, perhaps we should not take the time of this body by looking at it. But Angola is important, and where the antipersonnel landmines have ravaged the countryside, we in this body must be concerned.

I rise today, having introduced an amendment to accelerate the removal of millions of abandoned antipersonnel landmines. This is just one more important step in the long and difficult job of stopping forever the killing and maiming of innocent men, women and children, by these useless relics of warfare and terrorism.

Mr. President, I am appreciative of the work that has been done by Senator PAT LEAHY on bringing to our attention the devastating problem of abandoned landmines. He has fought long and hard and spoken out on this issue, and I appreciate that. He has a long-time commitment to terminating this threat to innocent noncombatants. The whole world, and especially the developing world, owes Senator LEAHY thanks for his leadership in forever banning these instruments of war.

These landmines have limited military utility, with primary value found in the terror and timidity they incite in the enemy infantry. Modern military battles, though, are not won by the infantry. Victory may very well be sealed by the infantry, but the battle is won by the air, by the artillery and by the armored mechanized forces.

My amendment responds to a terribly tragic situation in which an unnecessary weapon remains long after battle, and wreaks its terror and its death and destruction on innocent civilians.

Mr. President, I am going to recite some statistics that are unbelievable, for lack of a better description.

It is estimated that there are more than 100 million of these landmines buried and abandoned in 64 different countries. That is one landmine for every 50 people on this Earth. I have talked about Angola. The Angolan war lasted for much more than a decade. The country of Angola has 10 million people in it, but buried in the dirt in Angola are more than 20 million landmines, 2 landmines for every person in Angola.

They are buried, they are unexploded, they are unrecovered, and they are waiting for women and children, principally, to step on them. Why women and children? Because the women are often the ones to work the fields and the children are the ones that often unknowingly stray into the abandoned minefields.

In Angola, 120 people die every month from landmines. Four people a day in Angola are killed. This does not take into consideration the scores, the hundreds of people that I saw in Angola missing legs and arms.

Every month in Cambodia, 300 Cambodians are casualties—10 casualties each and every day.

Afghanistan, Mozambique, Croatia, Bosnia, Vietnam—in all these countries, and more, the toll mounts.

We were in Bosnia a year or so ago. While we were there a call came over the commander's radio, a call reporting a landmine casualty. It was a Russian who had had a leg blown off by a landmine. These are occurrences that happen all the time.

In the world, we have about 70 casualties a day, 500 each week, 30,000 a year. These casualties are unnecessary, and without action on our part—we cannot leave it to anyone else—they are going to continue to be unavoidable.

Most of those killed and injured have not done anything but try to farm, walk to school, walk to the market, walk to a hospital, take a shortcut home. Some of the children are just playing in the fields around their homes. But, on this day, playing around their homes, their farms or their schools, a landmine goes off, killing or maiming the child.

Think of it, Mr. President, every day not knowing whether any particular step you take is going to wind up in death or losing a limb or limbs. People should not have to live that way.

We, as the most powerful Nation in the world, have an obligation, I believe, with the great scientific minds we have in this country, to figure out a way to better detect those mines and to remove them.

Estimates from a year ago projected that about 100,000 landmines were being removed each year while about 2.5 million mines were being placed in the Earth each year. So what does this mean? Humanity, zero; landmines, 2.4 million every year. That is no contest.

Like most problems, the abandoned landmine problem is rooted in economics. How much does it cost to remove a landmine? Lots of money, up to $1,000 a landmine. How much does it cost to place a landmine in the ground? A couple bucks. That is all.

The recovery costs go up dramatically when the mine field maps are lost or purposely destroyed or become so old as to engender no confidence in the minds of the recovery crews.

If we do not outlaw antipersonnel landmines, the economics guarantees proliferation of this barbaric practice. The economics of mine warfare guarantee more death and maiming and destruction unless these devices are forever outlawed and stockpiles around the world are quickly destroyed.

But the world community might not outlaw antipersonnel landmines because they are so cheap and easy to use. I say that antipersonnel landmines have no place in a civilized world. We must stop the distribution of these implements of terror that spread permanent disability, disfigurement, and death wherever they have been used.

There is pending in the Senate a bill to permanently ban the use of antipersonnel landmines. I support that legislation, as do 58 other Senators. This is the legislation that has been led by Senator LEAHY.

But even if the Senate supports this ban, others in the world community may not. The best and most effective way of banning landmines is to make them useless by making their discovery cheap and easy and by developing faster and cheaper ways of clearing landmines. This would be both a humanitarian advance and a lifesaving action for our troops on combat missions.

To do this successfully we must better develop capabilities to locate buried landmines, and then we need to develop new and more effective ways to clear them.

A few months ago, Mr. President, I made a tour of the lab at Livermore in California, one of our national laboratories. I said to them, how much money are we spending to find a way to remove these landmines? They said about $100,000 a year.

We can do better than that.

The magnitude of this task is significant. If one man could locate and recover one landmine every hour, that would be eight devices per 8-hour day per man in the field. Today's technology, of course, does not allow us to do it anywhere near as quickly as that. But even at that rate, which we cannot achieve today, it would take 1,000 men working 7 days a week, 24 hours a day, 34 years to remove the landmines that are now buried. But remember, we are putting in about 2.4 million extra ones each year.

There are a lot of ideas out there of what we can do. We need to focus on developing and deploying landmine remediation systems while continuing the research that promises better capability in the future.

An area of the Nevada test site has been equipped and used by our national laboratories for testing new ways of landmine detection and location. For example, at the Nevada test site, which was used for underground nuclear explosions and aboveground nuclear explosions, we can test these in many different ways. Systems were tested that permitted remote locations of buried landmines under favorable conditions. But much improvement is needed because conditions are almost never favorable.

We will shortly begin testing a new concept that promises a better performance, and has the added value of detecting nonmetallic landmines, because the people who develop these weapons of destruction have gone a step further. They are no longer metal, they are plastic. This new concept allows detection and discrimination of buried objects at much greater depths. But we need to do something to develop the technique.

As progress is made in landmine detection and location, we need to develop and test better ways of landmine recovery and destruction. We can do that. That is what this amendment is all about. There is plenty of talent, scientifically, to do it. We just need the support for infrastructure, personnel, equipment, and field work to do something about it.

I say, again, antipersonnel landmines have no place in the future of civilized nations. We need to get on with developing better capability to remove these devices that are already deployed. Cheaper and faster landmine clearing will protect both innocent civilians and our combat troops and it will remove much of the incentive to spread more of these terrible instruments of terror, injury, death, and destruction.

The amendment I have submitted today will permit our national laboratories to use their superb talents for accelerated development of landmine detection and clearing technologies. The report language for the National Defense Authorization Act includes direction to the Department of Defense to establish more effective collaboration with the weapons laboratories of the Department of Energy.

This amendment is consistent with that direction. It will apply an existing national resource to this important mission and it will facilitate the development and testing of a new technology that promises mine detection performance well beyond that of any existing capability. This amendment will make antipersonnel landmines useless by cheap and easy detection, localization, and removal.

Mr. President, I urge my colleagues to support this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCING THE BUDGET

Mr. BUMPERS. Mr. President, several weeks ago I stood at this desk during the debate on the budget resolution and offered an amendment that I thought was an eminently serious, major, defining amendment on that bill. I have been here 22½ years and I knew perfectly well that I was not going to prevail on that amendment. But I had pointed out during the course of the debate that in the 22½ years I have been here, probably the most important goal I had hoped to see achieved during my tenure in the Senate was a balanced budget.

I had, on several occasions, voted against a constitutional amendment to balance the budget simply because of my reverence for the Constitution and for my belief that economic policy has no place in the Constitution. I had always argued and will argue until my dying day that balancing the budget is a matter of will by the Members of the U.S. Congress, and to suggest that the only way we can screw up the nerve and stiffen our spines to balance the budget is to put it in the Constitution is demeaning in the extreme.

So that is why in 1993 I voted for the reconciliation bill that raised taxes and cut spending. It raised taxes on 1½ percent of the wealthiest people in America and cut spending by $250 billion over a 5-year period, all of which combined was supposed to reduce the deficit from what it would otherwise be by $500 billion over the ensuing 5 years. Mr. President, that 5-year period is not yet up, but in 1998 on the fifth anniversary of the passage of that bill, it will not have saved $500 billion, it will have saved $1 trillion and more. That bill is responsible for the deficit going from almost $300 billion in 1992 to what we thought was $67 billion until today.

It has been a source of unbelievable satisfaction to me to see the deficit in 1993 go from $290 billion anticipated to $254; in 1994, to $205 billion; in 1995, $154 billion; in 1996, $107 billion; in 1997, anticipated to be $67 billion, and this morning's front page of the Washington Post says that because the economy is so good and people are paying taxes that the deficit this year will be $45 billion or less. That will be the smallest deficit we have had, as we lawyers like to say, since the memory of man runneth not.

The reason I rise to speak, Mr. President, is not just to catalog that history with which all the Senators are all too familiar, but to point out another item that was included in that Washington Post story. It said if we can just get the House and Senate conferees to keep bickering for another year and not pass this tax cut, we could easily balance the budget in 1998.

Two weeks ago when I offered my amendment to forgo tax cuts, I said we should forgo tax cuts, honor what I consider to be a nonnegotiable demand by the American people to balance the budget and balance the budget in 2001, maybe even 2000. And now this morning's paper says you do not have to postpone taxes to do it in 2001. If you postpone taxes, you can do it in 1998. Never, never in modern times have we been so close to actually doing what most of us say we want to do, and that is balance the budget.

Now, Mr. President, I got a whopping 18 votes for my amendment 2 weeks ago. I am not going to call the names of the Senators that voted with me, but I hope people will look at the RECORD and see who had the courage, who had the vision and the spine to stand up on the floor of the Senate and vote for an eminently sensible proposal to balance the budget earlier, much earlier, than the bill we were debating. And 4 of those courageous 18 people were up for reelection next year. They certainly have my praise and my respect because they believe in the American people and they were willing to stand up and vote for a reduction of the deficit as opposed to a tax cut.

If you ask the American people, would you favor this $135 billion tax cut over the next 5 years, or would you prefer a balanced budget over the next 2 years, I can tell you the answer would be 70 percent to 80 percent of the people would opt for a balanced budget.

Mr. President, the 18 votes I got to postpone the tax cuts in order to bring about a balanced budget much sooner is the smallest number of votes I have ever received on an amendment since I have been in the Senate. And it was probably as good, as authentic and courageous an amendment as I have ever offered since I have been in the Senate. It could have changed the economic course of the country.

Mr. President, the article in the paper this morning got one thing totally wrong. The article stated that neither the Democrats nor the Republicans are going to be able to take credit for the balanced budget.

I take strong exception to that as a Democrat. Two of the finest Senators we ever had in the U.S. Senate lost their seats in 1994 because they stood up and voted for the 1993 budget which raised certain people's taxes. The House of Representatives fell to the Republicans in 1994 when NEWT GINGRICH became speaker and the U.S. Senate went to the Republicans and there was not one Republican in the House or the Senate that voted for that bill which has brought about this exhilarating chance to actually balance the budget.

So to say that President Clinton has not been courageous in proposing the 1993 budget package is a terrible injustice and it is wrong. It is his legacy. It is the legacy of this President that he stood firm on deficit reduction in offering that bill, which cost the Democrats dearly at the polls the following year. So far as I am concerned, the stock market has been soaring ever since that bill was passed in 1993, despite the promises of some of the most distinguished Senators on the other side, who said that this is going to end the world as we know it, and you are going to see people out of work and more homeless people, and you are going to see a depression if we pass this bill.

We passed the bill. The stock market took off because people were encouraged and finally believed that the people down here knew what they were doing and were finally going to screw up their nerve and give them a sound fiscal Government. It has been going on ever since, and that is precisely the reason we are within striking distance of balancing the budget right now. To say nobody can claim credit for that is a real stretch. It was President Clinton. It was not easy. Most of you will recall that the Vice President had to come over and sit in the chair and break a tie in order to pass that bill. Today, the American people are the beneficiaries.

I hope that the conferees are unable to reach an agreement on this, because if they don't reach an agreement, we can balance the budget. If they do reach an agreement, Lord only knows what the results are going to be. All we know is that the wealthiest people in America are going to get a handsome tax cut and the budget is not going to be balanced.

So, Mr. President, I rise tonight to set the record straight on what I think is an extremely important event. I was absolutely euphoric this morning to read that the deficit that was anticipated to be $127 billion this year was then calculated to be about $104 billion, and then calculated about 3 months ago to be $67 billion, and this morning calculated to be $45 billion. It is beyond our wildest dreams. Why would we not seize the moment to forego this tax cut and do precisely what the American people want us to do? It isn't too late.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 778

(Purpose: To amend title 18, United States Code, to revise the requirements for procurement of products of Federal prison industries to meet needs of Federal agencies)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. ABRAHAM, Mr. ROBB, Mr. HELMS, Mr. KEMPTHORNE, Mr. DASCHLE, and Mr. BURNS, proposes an amendment numbered 778.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 844. PRODUCTS OF FEDERAL PRISON INDUSTRIES.

(a) PURCHASES FROM FEDERAL PRISON INDUSTRIES.—Section 4124 of title 18, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections (a) and (b):

"(a) A Federal agency which has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

"(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to Federal Prison Industries at least 15 days before the issuance of a solicitation of offers for the procurement of such product;

"(2) use competitive procedures for the procurement of that product, unless—

"(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

"(B) the Attorney General makes the determination described in subsection (b)(1) within 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

"(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

"(b) A Federal agency which has a requirement for a product referred to in subsection (a) shall—

"(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for the purchase of the product if the Attorney General personally determines, within the period described in subsection (a)(2)(B), that—

"(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

"(B) it is necessary to award the contract to Federal Prison Industries in order—

"(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

"(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

"(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price.".

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Federal Prison Industries shall, to the maximum extent practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor."; and

(3) in paragraph (6), as so redesignated, by striking out "paragraph (4)(B)" and inserting in lieu thereof "paragraph (5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, this amendment is cosponsored by Senators ABRAHAM, ROBB, HELMS, KEMPTHORNE, DASCHLE, and BURNS. This is to implement the recommendation of the National Performance Review that we should require Federal prison industries to compete commercially for Federal agencies' business instead of having a legally protected monopoly.

Mr. President, our amendment will eliminate the requirement for Federal agencies to purchase prisoner-made goods even when they cost more and are of lesser quality. This amendment will ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency can get a better product at a lower price from the private sector, it should be permitted to do so. The taxpayers will get the savings.

Many in Government and in industry point out that the Federal Prison Industries' products are often more expensive than commercial products, inferior in quality, or both. For example, the Deputy Commander of the Defense Logistics Agency wrote in a May 3, 1996, letter to the House that Federal Prison Industries had a 42-percent delinquency rate in its clothing and textile deliveries, compared to a 6-percent rate for the commercial industry. For this record of poor performance, the Federal Prison Industries charged prices that were an average of 13-percent higher than commercial prices. Five years earlier, the DOD inspector general reached the same conclusion, reporting that the Federal Prison Industries' contracts were more expensive than contracts for comparable commercial products by an average of 15 percent. Now, the Department of Defense made roughly $150 million in purchases from Federal Prison Industries last year, and so this is currently costing the Department of Defense, alone, $25 million.

Mr. President, it just makes no sense that, with all of the advantages in terms of labor price, which is nominal in prison, that they can assert a monopoly which gives them the right to sell to the Defense Department products at a greater cost than the Defense Department could buy them in the commercial market, and this amendment would correct that.

At this point, I want to yield to my good friend and colleague from Michigan, Senator ABRAHAM, for his statement. I ask unanimous consent that I be immediately recognized thereafter to complete my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The junior Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank my colleague and friend who brings us, I think, a wise amendment tonight, which I am happy to cosponsor. This is a pretty simple amendment, really. It does not say that anybody should get a preference over the Prison Industries, but simply that those who are in the private sector, who create jobs for people, who play by the rules and work hard, ought to have the same opportunity to bid on Federal contracts that the Federal Prison Industries themselves enjoy.

As my colleague from Michigan, Senator LEVIN, has indicated, we have numerous examples that suggest that, right now, the Federal taxpayers are not getting their money's worth when Federal agencies purchase office equipment, because the Prison Industries' costs are greater than would be the case if the private sector were involved. Moreover, of course, it is our view that if competition was injected into the system, the cost would go down, even though it is conceivable that the Prison Industries would continue to be the contractor chosen for the production and provision of such furnishings.

In my State, Mr. President, we have a lot of people in this industry. I have spoken with them in the plants in which they work—not just the people who run the plants, but the people working on the floor making the finest furniture in the world. They have an interesting take on the way we do business. They say: Doesn't it seem unusual that we should work hard, 40 hours a week, and sometimes more, to produce a high-quality piece of furniture, and that we should have a certain amount of the money we earn for that hard work sent to Washington to pay taxes, or sent to Lansing, or wherever, and then that we should see those tax dollars go to the Federal Government to be used, at least in part, to support the development of an industry that competes with us and prevents us from having the opportunity to create better paying jobs and more jobs?

That doesn't make sense to them, Mr. President, and it doesn't make sense to me. It seems that we ought to pride ourselves here on providing our taxpayers the most efficient Government possible. That ought to mean that when we purchase equipment and furniture for the Federal departments and agencies, we get the best bargain possible and that we at least make sure that folks who work hard and play by the rules in the furniture industry, or any other industry, have the opportunity to benefit from the Federal contracts that are let to purchase furniture and other sorts of items that help us in the Federal agencies and departments. To me, this is just pure common sense. So for that reason I support this amendment.

I think all we are asking for here is a level playing field—no special preference, no exclusion of the private sector from the bidding process. If the furniture made by the Federal Prison Industries is the best deal, then that is who ought to be doing the work. But if it is not, then the taxpayers deserve the best deal.

As to a broader point, I just want to say this. I believe that people in prisons should work. This is in no way, or should it be in any way, interpreted as an amendment designed to suggest that those who are doing hard time should stop doing hard time or that those who are learning trades and skills ought to be in any way prevented from doing so. But it seems to me that what makes sense is for the Prison Industries to focus primarily on providing services, and so on, in areas where they aren't competing with American workers and American jobs in the private sector. I think, at a minimum, we should level the playing field so that that can occur.

For those reasons, I am happy to support this amendment as a cosponsor. I look forward to the continuation of this debate tomorrow on the floor as well.

Under the previous order, I yield the floor back to the Senator from Michigan.

The PRESIDING OFFICER. Under the previous order, the senior Senator from Michigan is recognized.

Mr. LEVIN. I yield to the chairman of the committee who, I understand, wants to make a statement at this time.

Mr. THURMOND. Mr. President, the amendment offered by the Senator from Michigan, Senator LEVIN, would seriously damage the functioning of the Federal Prison Industries, Incorporated known as FPI.

FPI is the Bureau of Prisons' most important inmate program. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus it is essential to the security of Federal correctional institutions, the communities in which they are located, and the safety of Federal correctional staff and inmates. Eliminating FPI's mandatory source status in law would dramatically reduce the number of inmates FPI would be able to employ. The inmate idleness this would create would seriously undermine the safety and security of America's Federal prisons.

In addition to the general benefit of keeping our prison population employed, the Federal Prison Industries Program has the added benefit that 50 percent of the wages paid to prisoners employed under the program are used to pay off fines and provide restitution to the victims of their crimes. This is an important benefit that must not be impeded.

FPI has no other outlet for its products than Federal agencies. The constraints within which FPI operates cause it to be less efficient than its private sector counterparts. While private sector companies specialize and become highly efficient in certain product areas, FPI, in an attempt to limit its market share in any one area, has diversified its product line. Private sector companies strive to obtain the most modern, efficient equipment to minimize the labor component of their manufacturing costs. FPI, on the other hand must keep its manufacturing process as labor intensive as possible in order to employ the maximum number of inmates.

Since FPI operates its factories in secure correctional environments, it faces additional constraints that limit its efficiency. For example, every tool must be checked out at the beginning of the day, checked in before lunch, checked out again in the afternoon, and checked in at the end of the day. In addition, Federal Prison Industries factories are occasionally forced to shut down because of inmate unrest or institutional disturbances. The costs associated with civilian supervision and numerous measures necessary to maintain the security of the prison add substantially to the cost of production.

It should be noted that the average Federal inmate has an 8th grade education, is 37 years old, is serving a 10-year sentence for a drug related offense, and has never held a steady job. According to a recent study by an independent firm, the overall productivity rate of an inmate with a background like this is approximately ¼ that of a civilian worker.

FPI must have some method of offsetting these inefficiencies if it is expected to acquire a reasonable share of Government contracts and remain self financing. The offsetting advantage that Congress has provided is the mandatory sourcing requirements in section 4124 of title 18, United States Code. This section requires that Federal agencies purchase products made by FPI as long as those products meet customer needs for quality, price, and timeliness of delivery. If the product is not currently manufactured by FPI, or if the FPI is not competitive in quality, price or timeliness, Federal Prison Industries will grant a waiver to allow the Federal agency to purchase the product from private sector suppliers.

The amendment proposed by Senator LEVIN would force the Attorney General to require that Federal agencies purchase FPI products on a case-by-case basis, increasing paperwork and administrative expense unnecessarily. The current FPI mandatory source requirement provides a steady flow of work to the inmate population and reduces the requirement for FPI to expend large amounts of money on advertising and marketing. If such expenses had to be incurred, sales levels and market share would have to be expanded to cover them. This would have an adverse impact on private sector companies in the same businesses as FPI.

I urge my colleagues to reject the Levin amendment. Mr. President, I ask unanimous consent that a letter from the Council of Prison Locals of the AFL–CIO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL PRISON COUNCIL 33,
(AFL–CIO)
June 19, 1997.

HON. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR. I am writing to express the strong opinion of the Council of Prison Locals, American Federation of Government Employees, against Senator Levin's proposed amendment to the Defense Authorization Bill. The Levin Amendment would eliminate mandatory source status for Federal Prison Industries (FPI), a wholly-owned corporation of the Federal Government.

The Council of Prison Locals is the exclusive representative of 22,000 bargaining unit employees nationwide working in the nation's Federal Prisons. Our members feel that this is the Bureau of Prisons most important correctional program.

We have several concerns with the Levin Amendment. The first concern is that FPI should be looked at as part of the overall Bureau of Prisons program. This should include hearings on the Judiciary Committee. We feel the safety of thousands of Correctional Workers is in jeopardy because of the "perception" that FPI is somehow controlling the Federal market. This could not be further from the truth. We believe that FPI is part of safe prison management of our facilities and should not be an amendment to some unrelated legislation.

We urge you to oppose the Levin Amendment and keep the Federal Prison System safe for its workers.

Sincerely,

PHIL GLOVER,
Northeast Regional Vice President,
Council of Prison Locals, AFGE.

Mr. THURMOND. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

Mr. President, last July, a master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on the Government furniture contract has undermined the Navy's ability to improve living conditions for its sailors. This was his testimony.

> Speaking frankly, the FPI product is inferior, costs more, takes longer to procure. FPI has, in my opinion, exploited their special status, instead of making changes that would make them more efficient and competitive. The Navy and other services need your support to change the law and have Federal Prison Industries compete with private sector furniture manufacturers under GSA contract. Without this change, we will not be serving sailors or taxpayers in the most effective and efficient way.

There was a coalition that joined together to try to provide for competition. All we are asking for is the private sector to be allowed to compete when its product costs less and when its product is a better quality. The competition in contracting at coalition is made up of 28 organizations and 204 businesses. Their letter, in part, reads as follows, that this amendment would implement a recommendation of the National Performance Review which stated that our Government should "take away Federal Prison Industries' status as a mandatory source of Federal supplies and be required to compete commercially for Federal agencies' business." This solution would help manufacturers by eliminating the barriers to competition and allowing the bid process to take place.

We received a letter from Access Products of Colorado Springs, CO. They were denied an opportunity to bid on an Air Force contract for toner cartridges because Federal Prison Industries exercised its right to take the contract on a sole-source basis.

This is a small business in Colorado trying to sell to the Government. They have to compete with incredibly cheap labor in the prisons, which ranges between 23 cents an hour and $1.15 an hour. That is labor paid in the prison. This small business in Colorado makes this product, and they want to sell it to the Government. Here is what they write.

> My company bid $22 a unit. The Federal Prison Industries' bid was $45 a unit.

The Government ended up paying $45. So here you have a small business struggling to survive against Federal Prison Industries paying incredibly cheap prices for its labor, comes in with a bid of half of what that product is bid by the FPI and loses the bid.

We are not trying to get a monopoly for the private sector. We are trying to eliminate this monopoly which is assumed by FPI, which allows it to say, this product, since it is produced by FPI, must be used by the Federal agencies, even though it costs the taxpayers more and, in many cases, is nowhere near as good in quality.

This is what the Access Products folks in Colorado Springs went on to say:

> The way I see it, the government just overspent my tax dollars to the tune of $1,978. The total amount of my bid was less than that. Do you seriously believe this type of product is cost effective? I lost business. My tax dollars were misused because of unfair procurement practices mandated by Federal regulation. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition with the full support of Federal regulations and the seeming approval of Congress. It's far past time to curtail this company known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

The Veterans' Administration sought repeal of this mandatory preference on several occasions on the ground that FPI prices for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, Veterans Administration officials estimated that repeal of this preference would save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

We all want to do what we can do reasonably to make sure that work is available for Federal prisons. But the way that we are doing it is all wrong.

As one small businessman in the furniture industry put it in very emotional testimony at a House hearing last year:

> Is it justice? Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veterans Administration suggested he enter?

Here you have a veteran of Vietnam who has entered into the business at the suggestion of the Veterans Administration, and he is not allowed to compete on a level playing field with Federal Prison Industries.

Our amendment is supported by the Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the Business and Industry Industrial Furniture Manufacturers Association, the American Apparel Manufacturers Association, the Industrial Fabrics Association International, the Competition in Contracting Act Coalition, and hundreds of small businesses from Michigan and around the country.

Mr. President, there is something fundamentally wrong with the procurement system which says that a small businessperson cannot compete even though his price is lower than a Federal Prison Industries' price, which has the cheapest labor in the country, 23 cents an hour to $1.15 an hour, and when we tell the veterans who open up small businesses and want to supply the Veterans Administration with a product, that they can't compete because the Federal Prison Industries has a monopoly on a product. We are not dealing fairly with either that veteran or that small businessperson.

There are many products which this Government buys that are imported which are not produced with American labor of small business, and instead of diversifying to produce those products currently imported and made with non-American labor, we have Federal Prison Industries continuing to focus on textiles, furniture, on items which displace American workers and American small businesses because they have a monopoly.

We are not seeking a preference. I want to drive home that point. We are not saying Federal Prison Industries should not be allowed to compete. It is the opposite. We are saying American small businesses should be allowed to compete where their price is cheaper and when their quality is better. For Heaven's sake, they ought to be allowed to sell to their Government and not be faced with a monopoly which charges more for even a less quality product frequently, as these letters explain, and nonetheless, sells to the Government at a greater expense to the taxpayers.

That is why the NFIB, the Chamber of Commerce, the National Association of Manufacturers, all of these small businesses in all of our States are pleading with us to end this monopoly situation.

Let me read from some of their letters. The National Federation of Independent Business says, in a letter dated June 19, 1997:

> Today, federal agencies are forced to buy prison-made products through Federal Prison Industries (FPI) . . . This is yet another example of avoidable government waste as virtually all such items are available from the private sector, which provides them more efficiently and at lower prices. In addition, such mandatory purchases from the FPI costs America jobs. Firms that can't enter an industry or expand production, can't hire new employees.

The Chamber of Commerce says, in a letter dated June 19, 1997:

> The Chamber has long-standing policy that the government should not perform the production of goods or services for itself or others if acceptable privately owned and operated services are or can be made available for such purposes. We recognize the importance of the productive training and employment of our nation's inmate population. However, we believe that our federal prison system should not be given preferential treatment at the cost of our nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe upon the private sector's opportunities to compete for government contracts.

The National Association of Manufacturers says, in a letter dated June 25, 1997:

> The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulted in higher cost(s) for goods and services bought by the government and in many cases has resulted in loss of jobs and business opportunities for our members. Removal of the "FPI mandatory source status is an idea [whose] time has come . . .

Mr. President, our amendment would not require FPI to close any of its facilities, or force FPI to eliminate any jobs for federal prisoners, or undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI—which currently ranks as one of the sixty largest federal contractors—to compete for federal contracts on the same terms as all other federal contractors. That is simply justice to the hard-working citizens in the private sector, with whom FPI would be required to compete.

The obvious fact is that FPI already has built-in competitive advantages, even if it is forced to compete for its contracts. First and foremost, FPI pays inmates a fraction of the wages paid to private sector working in competing industries. FPI's pay scales, as of March 27, 1995, were as follows:

Grade:	*Compensation rate*
1	$1.15/hour
2	0.92/hour
3	0.69/hour
4	0.46/hour
5	0.23/hour

Second, the Federal government provides land to FPI for the construction of its manufacturing facilities. Third, FPI pays no corporate income taxes and has no need to provide health or retirement benefits to its workers.

On top of these advantages, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. There is simply no reason why the taxpayers should be required to provide an indirect subsidy as well, by requiring federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items.

Mr. President, I am a supporter of the idea of putting federal inmates to work. A strong prison work program not only reduces inmates idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to productive society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its workforce by continuing to displace private sector jobs in its traditional lines of work.

That is why I participated in an effort in the early 1990's to help Federal Prison Industries identify new markets that it could expand into without displacing private sector jobs. In 1990, the House Appropriations Committee requested a study to identify new opportunities for FPI to meet its growth requirements, assess FPI's impact on private sector businesses and labor, and evaluate the need for changes to FPI's laws and mandates. That study conducted by Deloitte & Touche on behalf of FPI, concluded that FPI should meet its growth needs by using new approaches and new markets, not by expanding its production in traditional industries. The Deloitte & Touche study concluded:

> FPI needs to maintain sales in industries that produce products such as traditional furniture and furnishings, apparel and textile products, and electronic assemblies to maintain inmate employment during the transition.
>
> These industries should not be expanded, and FPI should limit its market shares to current levels.

I followed up on that report by meeting with FPI officials and participating in a "summit" process, sponsored by the Brookings Institute, designed to develop alternative growth strategies for FPI. The summit process resulted in two suggested areas for growth: entering partnerships with private sector companies to replace off-shore labor; and entering the recycling business in areas such as mattresses and electrical motors.

Unfortunately, FPI has chosen to take the exact opposite course of action. Last year, for instance, FPI acted unilaterally to virtually double its furniture sales from $70 million to $130 million and from 15 percent of the federal market to 25 percent of the federal market, over the next five years. This follows a steady growth in FPI's market share which has already taken place, unannounced, over the last ten years. In direct contravention of the Deloitte & Touche recommendations, FPI has announced its intention to undertake similar market share increases in other traditional product lines, such as work clothing and protective clothing.

This amendment would return FPI to the course prescribed by Deloitte & Touche and the Brookings summit by requiring it to concentrate any future expansion efforts, to the maximum extent practicable, on products currently sold to federal agencies that would otherwise imported. Expansion in existing lines of business would still be possible, but only as a last resort, and only as a result of competition, on a level playing field, with private industry.

Mr. President, this amendment is appropriate on this bill, because the Department of Defense is FPI's biggest customer, and pays by far the largest subsidy for FPI's overpriced products. The competition required by our amendment will save millions of dollars for the Department of Defense and other federal agencies. It should also improve FPI's performance, forcing it to become more efficient and productive, and advancing FPI's objectives of instilling a strong work ethic and providing a positive job experience. Working in non-productive and uncompetitive jobs may reduce inmate idleness, but it does not provide realistic work experience that will translate to the private sector.

We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for working men and women around the country, better for the taxpayer, and better for FPI.

Mr. WARNER. Mr. President, I commend my friend, the Senator. He has my support. I will vote with him tomorrow. He is right on.

Mr. LEVIN. I thank my good friend from Virginia.

Mr. President, I understand there will be a period of time tomorrow immediately prior to voting on this amendment for the proponents and opponents to summarize arguments. I think that will be part of the unanimous consent request which is going to be propounded in a few moments.

I thank the Chair.

I thank my good friend from Virginia.

I yield the floor.

FFTF

Mr GORTON. Mr. President, I would like to engage the Senator from New Hampshire, [Mr. SMITH] in a colloquy to clarify a provision within the bill's title on Department of Energy national security programs. Section 3134 limits, for a prescribed time period, the funds made available by the National Defense Authorization Act for the purpose of evaluating tritium production to two options: use of a commercial light water reactor or building an accelerator. As you know, DOE has decided to evaluate, in addition to a commercial reactor and an accelerator, the Fast Flux Test Facility, as known as the "FFTF," as a possible back-up production option to provide interim quantities of tritium. The FFTF is currently, and in the future proposed to be, funded from sources not covered by this bill, specifically, the non-defense Environmental Management account and the civilian Nuclear Energy account. Accordingly, would the Subcommittee chairman agree that the limitation contained in section 3134 is not applicable to FFTF and similar options that are funded through programs wholly unrelated to that monies provided by this defense bill.

Mr. SMITH of New Hampshire. If the Senator would yield, that is correct. The provision being proposed is applicable only to the stated plans in the Department's "dual track" strategy. This bill would not affect the Fast Flux Facility, because that facility is currently funded through a non-defense account. This bill does not have authority over these funds, and therefore, this provision would in no way alter the commitment made by former Secretary O'Leary to keep the FFTF in a hot stand-by condition.

Mr. GORTON. I thank the Senator for this clarification.

AIR FORCE SERGEANTS ASSOCIATION

Mr. McCAIN. Mr. President, on Monday, the Senate adopted a symbolic, yet important amendment which grants a Federal charter to the Air Force Sergeants Association, a highly respected nonprofit, veterans association.

Over the past 36 years, the Air Force Sergeants Association has been stalwart in representing the interests of Air Force enlisted men and women. The association has served a vital purpose by informing Members of Congress of the concerns of enlisted servicemembers and their families, and likewise informing enlisted personnel where Members of Congress stand on critical personnel issues, such as pay, military medical health care, quality of life and earned retirement benefits for active duty, Reserve component, and military retirees.

This Federal Charter is a symbolic gesture that shows Congress appreciation to the Air Force Sergeants Association for the outstanding service they provide and to the dedicated men and women whom the association represents. We pay tribute to the noncommissioned officers who form the backbone of the Air Force.

Noncommissioned officers turn the wrenches, prepare the aircraft, walk the perimeters, and train "new" junior officers as they report to their first assignments directly from their commissioning source. The contribution of our noncommissioned officers cannot be overstated whether as major contributors to dismantling the Iron Curtain, winning the Persian Gulf War, to carrying out vital peacekeeping missions throughout the world or projecting American power wherever and whenever it is needed.

As the Air Force celebrates its 50th anniversary, Congress honors the commitment and contribution of enlisted servicemembers to our national security. Granting this Federal charter demonstrates our gratitude for their outstanding efforts.

Mr. President, I appreciate the support of my colleagues for this amendment. It is with great honor and gratitude that I was asked to introduce this legislation by my friends at the Air Force Sergeants Association.

I ask unanimous consent that the text of the Air Force Sergeants Association Federal charter amendment, amendment number 728, be printed again in the CONGRESSIONAL RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 728

(Purpose: To provide a Federal charter for the Air Force Sergeants Association)

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104-201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

"(79) Air Force Sergeants Association.".

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

AMENDMENT NO. 420

Mr. GLENN. Mr. President, I rise to speak in support of an amendment offered by my colleagues, Messrs. COCHRAN and DURBIN, to correct a significant deficiency in our export licensing system.

I will speak today of the current practice of allowing the export from the United States of high-powered, dual-use computers—machines that until very recently were called supercomputers—without any prior U.S. Government assessment of their end uses or end users. The amendment takes a significant step to correct this problem—not by banning the export of such machines, but merely by requiring exporters to obtain an individual validated export license before exporting them from the United States or reexporting them from elsewhere.

The amendment specifically requires a license for the export of computers with a composite theoretical performance level equal to or greater than 2,000 million theoretical operations per second [MTOPS], when such machines are destined to a group of countries that now receive such computers—up to a level of 7,000 MTOPS—without U.S. Government end use or end user checks.

The specific group of controlled countries—the so-called "Tier 3" countries—is described as follows in the Bureau of Export Administration's Report to Congress for Calendar Year 1996: "* * * countries posing proliferation, diversion or other security risks." So we are dealing here with certain countries that our government, on the basis of all the information at its disposal, has determined pose risks to our security.

SOME ANCIENT HISTORY

This is not the first time I have spoken about the proliferation risks associated with high-powered computers. On October 31, 1989, I spoke of the dangers from supercomputers and super bombs (Congressional Record, 10/31/89, p. S-14382 ff.).

On that occasion, I reminded my colleagues of the role computers play in designing nuclear weapons, and this particular application will only grow in importance now that the world appears heading for a ban on all nuclear explosions. Though it is true indeed that countries do not need high-powered computers to build the bomb—witness America's 1945-vintage Fat Man and Little Boy bombs—it is well recognized today that such computers are absolutely essential to developing advanced nuclear weapon designs, including H-bombs, especially when nuclear test explosions are prohibited. These computers are also useful in designing nuclear weapon delivery systems, the full gamut advanced conventional weapons systems, and have other national security applications—cryptography, for example.

Over a decade ago, in January 1986, America's three nuclear weapon labs—the Lawrence Livermore, Los Alamos, and Sandia National Laboratories—issued an unclassified report aptly titled, "The Need for Supercomputers in Nuclear Weapons Design." The following extracts clearly identify the utility of supercomputers—as defined back in 1986—in the design and improvement of our Nation's nuclear weapons:

> Large-scale computers are essential to carrying out the weapons program mission. Computers provide essential understanding and enable us to simulate extremely complicated physical processes . . . Computers enable us to evaluate performance and safety over the decades of a weapon system's lifetime . . . computers enable us to verify weapon designs within testing limits.
>
> With large-scale computers, we have been able to improve our designs by optimizing design parameters, while reducing the number of costly experiments in the design process . . . Tests involving high explosives have been reduced from 180 tests for a 1955-vintage weapon to fewer than 5 for today's weapons because of computation.
>
> Computers enable us to extrapolate to new capabilities . . . it is this computational capability, driven by the needs of the weapons design, that has made possible new concepts and enhanced safety in weapons.
>
> The inability to calculate solutions to complex problems [during the years of the Manhattan Project] hampered development and forced weapons designers to build in large margins against error (e.g., large amounts of high explosive, which increased weight to such an extent that some designers were uncertain the devices could actually be carried by existing aircraft) . . . It has been estimated that a team of scientists using the calculators of the 1940s would take five years to solve what it takes a Cray computer one second to perform.
>
> Without supercomputers, the nation's nuclear weapons program would be deprived of much of its vitality . . . supercomputing is essential . . . in providing us with a tool to simulate the complex processes going on during a nuclear explosion . . . computers enable us to infer real-environment weapon performance from underground nuclear tests.
>
> The computer becomes absolutely essential in the evolution of a design that will survive the "fratricide" threat . . . the computer is essential in designing a system whose vulnerability to an ABM attack is reduced to an acceptable level.
>
> [Computers] enable the designer to "test" ideas before actually committing to hardware fabrication . . . computing capabilities are absolutely critical to progress in new designs.

OK, so those were the uses of high-powered computers a decade ago. Obviously, computer technology has grown rapidly—even exponentially—since that time. This growth has led to much higher computing speeds, more manufacturers, more applications, improved software, and more countries seeking such machines. The growth has been so rapid that many both in and out of Government have come to believe—or appear to have convinced themselves—that this technology is completely uncontrollable.

The rapid advancement of this technology has been accompanied by an equally rapid decontrol of some of the very devices we used to make some of the most powerful weapons the world has ever known. The Commerce Department's Bureau of Export Administration, for example, reports in its most recent Annual Report to Congress that—"Due to the 1994 and 1995 liberalization for computers, this commodity group has been replaced by shotguns as being the most significant commodity group for which export license applications were received in fiscal year 1996." So it now appears that we are giving closer regulatory attention to shotguns than to a key technology that our top weapons labs have characterized as essential to performing a variety of nuclear-weapons applications.

But the supporters of this decontrol effort are not daunted by this news. They have consistently argued that if some other country is exporting high-powered computers without rigorous controls—or without any controls at all—then by golly, so should we, or else we would face the horrible accusation of "shooting ourselves in the foot" by denying U.S. manufactures market opportunities that are available to their foreign competitors. If there is evidence of foreign availability, in short, if there is at least one other country out there—whether it be North Korea, or Iran, or China, or any other nation—if just one of these countries decides to cash in on America's restraint, then we should have the same profit-making opportunities.

Well, there are a lot of problems with this point of view, some legal, and some political and moral. Let's have a closer look at these problems.

THE LEGAL AND POLITICAL FOUNDATIONS OF LICENSING

Under our Constitution, treaties are the supreme law of the land. One of our treaties, the Nuclear Non-Proliferation Treaty of 1968 [NPT], explicitly requires America not in any way to assist any non-nuclear weapon state to acquire the bomb. That treaty does not contain any proviso indicating that assistance may be provided if some other country is providing such assistance. It has no loophole allowing such assistance provided though a third party. It contains no codicils exempting the computer industry or any other industrial sector from the duty not in any way to assist the proliferation of nuclear explosive devices. The taboo on assistance is clear and categorical.

As well it should be. Indeed, America is quite fortunate that the term "not in any way" does not mean "except in some ways." After all, there are 5 nuclear-weapon states today in the NPT and over 175 non-nuclear-weapon states in the world that have ratified or acceded to that treaty. If today we decide that it is fully consistent with this treaty obligation for the United States to decontrol completely technology that our top weapons designers at our nuclear weapon labs have publicly identified as essential to performing a variety of nuclear weapons-related activities, then how can we even pretend to be complying with this treaty? Is this the kind of approach we wish for other members of the treaty to adopt, to interpret that treaty as only requiring the regulation of state-of-the-art technology or goods that are only exclusively available at home? Is this what is ahead for American leadership in the global nonproliferation regime?

If this is the reasoning that is to guide America's technology transfer control policies into the 21st century, then I truly worry not just for the future of the NPT but for the future security of our country. To those who argue that we should only control state-of-the-art or sole-national-source technology, I ask: Why limit this logic only to the controls over computers? Why not, after all, also decontrol all of the other technologies that go into making bombs, except those items that are the most modern or exclusively sold in the U.S.?

The answer of course, is self apparent. Such a step would amount the crudest possible form of technological indexing, where U.S. controls would simply be ratcheted down with every new technological advancement. Such an approach would wreak havoc on any responsible nonproliferation policy.

The hydrogen bombs that America fielded in the 1950's and 1960's are no less dangerous in the hands of our adversaries just because they were made with technology that is now a half-century old. To advocate the decontrol of a technology strictly on the bases of so-called foreign availability, or the age, or level of sophistication of the item, without regard to either the actual end use or identity of the end user, is to turn a blind eye to proliferation. It is a sure-fire method to bring, as fast as possible, anachronistic weapons of mass destruction back into fashion. Fortunately, the NPT does not only aim at preventing the proliferation of state-of-the-art bombs—and we and our friends and allies around the world are much better off as a result.

Nor does our domestic legislation take such an approach. I am proud, for example, to have been the principal author of the Nuclear Non-Proliferation Act of 1978 [NNPA], which requires the President to control "all export items * * * which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes" (section 309(c)). Now I suppose it might have been possible to have written this law only to control:

> The smallest possible number of chokepoint export items . . . which are known beyond even the faintest shadow of a doubt to be exclusively intended for a weapons-related use in a publicly-listed bomb plant in a rogue regime that is known to be pursuing weapons of mass destruction.

But fortunately that is not how the law was written and our Nation is quite a bit safer with the original text. No indeed, the law was quite explicit in requiring the control over "all" export items—and all means all—which "could be"—not just are—"of significance for" nuclear explosive purposes—not just absolutely critical to performing such functions.

We also have several sanctions laws that punish foreign countries and firms that assist other countries to acquire nuclear weapons. The so-called "Glenn/Symington amendments" in sections 101 and 102 of the Arms Export Control Act, for example, require sanctions against any party involved in the transfer of unsafeguarded uranium enrichment technology or nuclear reprocessing technology. These are the types of technology that produced the nuclear materials used in the Nagasaki and Hiroshima bombings. I guess you can call that old technology. I guess you could say there is "foreign availability" of that technology since many other nations can perform these fuel cycle operations. I guess that today's methods of enriching uranium or separating plutonium are more sophisticated than they were 20 years ago. But does any of this mean that we should rewrite all of our nuclear sanctions laws to correspond to this dubious new doctrine of controlling only state-of-the-art goods? Absolutely not, the question answers itself.

When China transferred ring magnets to Pakistan's unsafeguarded uranium enrichment plant, I did not wonder, "now gee, were these items state-of-the-art quality or just 1970's-vintage?" I was not angry that the items did not come from San Francisco, Chicago, New York, or even Cleveland. I did not care how sophisticated, or how old, or how cheap, or how "available" such items were. I did care, however, that China was assisting Pakistan to produce nuclear materials for its secret bomb project.

Nonproliferation is about not assisting countries to get the bomb—not just a duty to control the most modern gadgets available. When the special U.N. inspectors found tons of Western dual-use goods in Saddam Hussein's weapons bunkers, did any of my colleagues recall an avalanche of mail from their constituents expressing outrage that more U.S. goods were not found in Saddam's arsenal? Were there pickets in front of the Capitol haranguing the Congress further to relax export controls so that we can lower our Nation to that grimy "level playing field" quite evidently enjoyed by some of our European friends? None that I could find.

None indeed. Here is what happened instead. The public was outraged, and outraged all the more amid revelations shortly after the gulf war in 1991 that United States dual-use goods did, indeed, turn up in Iraq. This outrage, with a little help from the news media, helped to stimulated some constructive reforms in America's nonproliferation policy. In 1992, America succeeded in getting 27 nations of the Nuclear Suppliers Group to commit themselves not to export dual-use goods to unsafeguarded nuclear facilities and to require full-scope international safeguards for all exports of nuclear reactors and other nuclear energy-related technology. Before these sensitive dual-use goods can be exported, under this multilateral understanding, member governments must review specific license applications and review the specific nonproliferation credentials of the importing parties.

In this instance, America did not stoop to adopt the laissez faire nuclear trading practices of other countries; instead, we raised the level of the international playing field to our level by showing that our Nation is a leader not a follower when it comes to nonproliferation.

Another positive reform in U.S. nonproliferation controls was implemented just a few months after Iraq invaded Kuwait. President Bush unveiled the "Enhanced Proliferation Control Initiative" [EPCI], which authorized the U.S. Government to prohibit the export of any item—repeat, any item—that could contribute to the proliferation of missile technology or chemical and biological weapons. A similar control had existed for years covering dual-use nuclear technology where the exporter "knows or has reason to know" that the item would be used in a weapons-related application.

The EPCI or so-called knows rule was intended, however, to complement—not to replace—the Nation's export licensing system. Let me cite a recent case to illustrate this point.

On February 19, 1997, for example, the Washington Post reported that a California computer firm, Silicon Graphics, Inc., had illegally sold four supercomputers to a Russian nuclear weapons facility. The article quoted the chief executive officer of this firm as offering the following explanation for the export: "The Department of Commerce doesn't provide a list of facilities around the world that we shouldn't ship to. So we tend to rely on the end-user statement on how they will be used." In short, the company interpreted the knows rule as applying only to the importer's stated end-use for the specific export. The company, and it is probably not alone in this respect, evidently did not even consider the possibility that its importer would consider offering a bogus end use.

Now there are several reasons why the U.S. Government cannot go around publishing the names and locations of all the world's secret bomb facilities and their suppliers. Here are three of them—First, the names change rapidly in the black business of nuclear proliferation and a printed list would no doubt be obsolete as soon as its ink was dry; second, the public identification of such facilities and suppliers could well jeopardize U.S. intelligence collection capabilities; and third, such a listing could be quite useful to a proliferant country or group, effectively amounting to free market research for the proliferators.

So there are some significant limitations in the extent to which the Government can delegate export control responsibilities to the private sector. Companies simply do not have the capabilities of U.S. intelligence agencies. That is the reason why licensing is such a good idea: It is the best known technique for making efficient and effective use of the resources of our Government—for which the U.S. taxpayer has paid so dearly over the years—to assess proliferation risks in specific exports.

Thus even if some of the goods we control are being sold by foreign competitors, and even if some goods are not state-of-the-art, it still makes considerable sense for the U.S. Government to require licenses for items that could assist countries to make bombs. Why? For two key reasons.

First, licensing is the Government's window on the world market for U.S. products; export decontrol or devolution of export controls to the private sector slams that window shut. In other words, licensing creates a paper trail, generates data, and gives our Government's nonproliferation analysts something concrete to work with. This information is valuable in assessing —and subsequently reducing—proliferation risks. Thus, even if license applications are rarely denied as is currently the case, it still makes sense to require licenses for goods that, as our treaties and domestic laws specify, could assist other countries to make weapons of mass destruction.

Second, our leadership role in international nonproliferation regimes requires not just words but deeds. If we want other nations to strengthen their controls, we should be prepared to do so ourselves. Again, our job must be to use our leadership to raise international standards up to our own level playing field, rather than lower our own to some homogenized least-common-denominator standard set by the world's most irresponsible suppliers.

SOME ADDITIONAL LOOSE ENDS

Before concluding today, I would like to touch upon a few other charges that have been leveled against the very idea of requiring export licenses for any but state-of-the-art computers. I will address two of such charges.

First, our national economy will allegedly be hurt by the establishment of licensing requirements for computers rated at over 2,000 MTOPS going to the designated nations.

We should keep in mind here that the overwhelming majority of America's exports leave the country without requiring export licenses at all. In 1995, for example, America exported $969 billion in goods and services, while the Government denied export licenses for goods valued at only $30 million. To give my colleagues an idea of the scale we are talking about here, the ratio between the value of those goods that were denied licenses and the total value of U.S. trade in that year is analogous to the difference between the length of a pencil eraser and the height of the Washington Monument. That is about the same ratio as the size of garden pea on the quarter-inch line of a 100-yard football field, or the amount of calories in a single carrot relative to a year's worth of balanced meals.

Here is another way to put this problem in its proper context: $99.20 out of every $100 in U.S. exports did not require an export license. And of the few that did require such a license, only one license in a hundred was denied. That was in 1995. Since then, computer controls have been substantially liberalized (along with chemical exports going to parties to the Chemical Weapons Convention), while overall U.S. exports were just over $1 trillion in 1996. Relative to total U.S. trade, therefore, fewer and fewer goods are requiring licenses.

Now some might argue that while these figures may be true, certain industries face a greater likelihood of having to face license requirements than other industries. Yes that is undoubtedly true: If you produce something that is likely to assist another country to get the bomb, you can expect Uncle Sam to get a bit nosy and, if the system is working right, to be an outright nuisance. No company, however, can claim any right under U.S. law to help another country to make nuclear weapons or any other weapons of mass destruction. We have a free economy—but our individual freedom to produce and market goods is not unlimited, especially when it comes to goods that can jeopardize our national security.

As John Stuart Mill once wrote in his book, "On Liberty," over a 100 years ago: "Trade is a social act. Whoever undertakes to sell any description of goods to the public, does what affects the interest of other persons, and of society in general; and thus his conduct, in principle, comes within the jurisdiction of society." The writer of those words was one of England's foremost liberal economists. Even Adam Smith himself admitted that the Government had a legitimate responsibility to regulate certain forms of trade.

And I for one cannot imagine a more legitimate basis for regulating trade than to ensure that America is not assisting other countries to make the bomb. Fortunately, I am not alone in this conviction. As President Clinton stated on October 18, 1994: "There is nothing more important to our security and to the world's stability than preventing the spread of nuclear weapons and ballistic missiles." The key legislative task—a responsibility now before us today—is to ensure that this principle is reflected in the rules and procedures America uses to control its own exports. License-free exports of technologies that our weapons labs have repeatedly identified as useful in making bombs and reentry vehicles hardly seems to me an appropriate way to implement this Presidential statement of our top national priority.

Our national economy will not be hurt, and America's international economic competitiveness will not be crippled, by the establishment of a licensing requirement on computers rated at 2,000 MTOPS and above going to certain destinations—though our national economy could well be endangered, and considerable business opportunities lost, if a nuclear war should someday break out involving foreign weapons that designed with computers that were Made in USA.

Most computers, moreover, will still leave the country without export licenses. We are talking about today machines that have special capabilities. On June 12 of this year, a senior strategic trade advisor at the Department of Defense, Peter Leitner, testified before a hearing of the Joint Economic Committee on "Economic Espionage, Technology Transfers and National Security." Dr. Leitner included with his testimony a graphic showing some of the functions in our own military of computers operating at levels actually less than 2,000 MTOPS. He pointed out that NORAD had recently upgraded its computers by buying Hewlett-Packard computers rated between 99 and 300 MTOPS. He testified that machines have been used below 2,000 MTOPS to perform the following functions: space vehicle design (launch and control); high-speed design simulations; prewind tunnel modeling; reentry vehicle design (ICBMs); and high-speed cryptography.

Perhaps we should require licenses for computers at even lower levels than 2,000 MTOPS, as Dr. Leitner's testimony implies. It seems hard to justify the authorization of exports—without even requiring a license or an end use or end-user check—of technology that is capable of being used in designing nuclear weapons or reentry vehicles as being in any way consistent with our national security interests. Until some international agreement can be reached on an alternative level, however, the 2,000 MTOPS level is a good place to begin to strengthen controls over these sensitive dual-use items.

Multilateral control over this technology is of course the best course to pursue, but multilateralism has to begin somewhere. The United States—with its reputation as the world's leading champion of nonproliferation and with its world-class computer industry—has an extraordinary opportunity for leadership in encouraging other members of the Nuclear Suppliers Group to adopt similar controls. A diplomatic effort of this nature would also help to alleviate fears of our industry that the duty of complying with these controls would fall only on U.S. exporters. Our negotiations with other members of the NSG should begin with one basic question: Why should computers be exempt from the no-assistance norm that lies at the heart of the global nonproliferation regime?

My colleague from Minnesota, Mr. GRAMS, has recently suggested that perhaps the General Accounting Office might be called upon to examine the national security risks of unregulated exports of computers in this range and, depending on the scope and content of the request, this might be a good idea indeed. But until we see a specific request and a finished study, I think the amendment proposed by Messrs. COCHRAN and DURBIN is a prudent course to follow for the immediate future.

It is useful to recall that GAO does indeed have some relevant background in dealing with the proliferation implications of such computers. At my request back in 1994, the GAO prepared a lengthy report on U.S. export licensing procedures for handling nuclear dual-use items. In testimony before the Committee on Governmental Affairs on May 17, 1994, a senior GAO official, Joseph Kelly, noted that recent export control reforms in recent years ". . . will almost certainly result in a substantial decline in the number of computer license applications and could complicate U.S. efforts to prevent U.S. computer exports from supporting nuclear proliferation." GAO concluded that "many of the computers that will now be free of nuclear proliferation licensing requirements are capable of performing nuclear weapons-related work." (GAO/NSIAD–94–119, 4/26/94 and GAO/T-NSIAD–94–163, 5/17/94.) Mr. President, these do not seem to me to be the types of items that should be, in GAO's terms, "free of nuclear proliferation licensing requirements."

The second charge leveled against the establishment of a licensing requirement is that it would place U.S. exporters at a competitive disadvantage, due to the protracted delays in obtaining the necessary license approvals. This argument also lacks credibility. The Bureau of Export Administration [BXA] in the Department of Commerce is so proud of its recent efforts to streamline the export license application process that it trumpets this achievement in its most recent annual report to Congress. Here is what that report had to say about the licensing process:

> . . . BXA implemented significant improvements in the export license system via Presidential Executive Order 12981 [which] . . . limit the application review time by other U.S. agencies, provide an orderly procedure to resolve interagency disputes, and establish further accountability through the interagency review process.
>
> [E.O. 12981] . . . reduces the time permitted to process license applications. No later than 90 calendar days from the time a complete license application is submitted, it will either be finally disposed of or escalated to the President for a decision. Previously, all license applications had to be resolved within 120 days after submission to the Secretary. . . . By providing strict time limits for license review and a "default to decision" process, it also ensures rapid decisionmaking and escalation of license applications.
>
> In FY 1996, the Bureau introduced a PC-based forms processing and image management system which, along with the new multipurpose application form, enhances BXA's ability to make quick and accurate licensing and commodity classification decisions.
>
> BXA ensures that export license applications are analyzed and acted upon accurately, quickly, and consistently, and that exporters have access to the decisionmaking process, with current status reports available at all times. Rapid processing is available for the majority of applications BXA receives.

BXA also notes that it is in the process of upgrading and expanding its electronic licensing process to provide prompt customer service.

It is also noteworthy that BXA discusses in the same report its assistance to Russia and other new republics of the former Soviet Union to upgrade their national systems of export control. Obviously, if America is decontrolling goods useful in making nuclear weapons and other weapons of mass destruction, and the missile systems to deliver them, then we can hardly hope to inspire these other countries to show any greater discipline.

It would be far better for us to be sticking to a strict interpretation of the "not in any way to assist" obligation that the United States and every other nuclear-weapon state in the NPT has vowed to implement. We should lead the way in strengthening international controls, not in relaxing them under the false flag "economic competitiveness." We should remember that these other countries have their own conceptions of "economic competitiveness" that, if allowed to become a global norm, could lead to a total collapse of the international nonproliferation regime. We have as much at stake in encouraging these countries to place nonproliferation as a high-national priority as we have in ensuring a similar priority here at home.

CONCLUSION

So I ask my colleagues to join me in voting for this constructive reform of our export licensing process. We have the people in our government who are competent to review these licenses. We have the technology and procedures in our Government to ensure the prompt and efficient handling of license applications. We have both domestic and international legal obligations that requires the control of technology that could assist other countries to get the bomb. And we have legitimate national security interests to protect. America can be a formidable economic competitor in the world without becoming the world's most formidable proliferator of nuclear or dual-uses goods. I urge my friends and colleagues to vote for this amendment.

HIGH-PERFORMANCE COMPUTERS

Mr. WARNER. Mr. President, I had the opportunity earlier today to meet with a number of computer manufacturers located in my State. They expressed grave concerns about the amendment which you have proposed. I would like to take this opportunity to engage in a colloquy with the Senator from Mississippi in an effort to get more information on this important issue into the RECORD.

My constituents allege that, by next year, your amendment will have the effect of restricting the sale of personal computers—similar to those in our Senate offices—to Tier 3 countries. Do you agree with this statement?

Mr. COCHRAN. Mr. President, based upon statements made by Under Secretary of Commerce for Export Administration William Reinsch, it is highly unlikely that personal computers capable of more than 2,000 MTOPS will be available by next year. At a recent hearing Secretary Reinsch said, "high-end Pentium-based personal computers sold today at retail outlets perform at about 200 to 250 MTOPS," and at another hearing, this one before my subcommittee on June 11, he also said that "computer power doubles every 18 months, and this has been the axiom in the industry for I think about 15 years." The math is straightforward; if top-end PC's are capable of 250 MTOPS today, 18 months from now they'll be capable of 1,000 MTOPS; and 54 months from now—in 4½ years—they'll be capable of 2,000 MTOPS. Fifty-four months from now is not, contrary to the claims of some computer manufacturers, the fourth quarter of next year.

Mr. WARNER. Mr. President, it is my understanding that, since 1995 when the new export control standards were established, there have been over 1,400 computers sold in this range to Tier 3 countries. Of those 1,400 sales, a small number have allegedly wound up with military end users in Russia and China. What evidence do we have concerning these alleged computer sales to military end users?

Mr. COCHRAN. Mr. President, according to the Department of Commerce, from the period January 25, 1997, through March 1997, 1,436 supercomputers were exported from the United States. Of that number, 91—or 6.34 percent—went to Tier 3 countries, some of which went with an individual validated license. We know, based upon statements by Russian and Chinese Government officials, that some of these supercomputers are in the Chinese Academy of Sciences, a military facility in Chungsha, China, and in Arzamas-16 and Chelyabinsk-70. Arzamas-16 and Chelyabinsk-70 are both well-known nuclear weapons development facilities in Russia; the suggestion by exporters that these high performance computers would be in either of these locations and not be doing nuclear-related work appears to be somewhat self-serving and contrary to common sense. According to Russia's Minister of Atomic Energy, these supercomputers are "10 times faster than any previously available in Russia." The Chinese Academy of Sciences, which has worked on everything from the D–5 ICBM to enriching uranium for nuclear weapons, hasn't been shy about its new supercomputing capabilities, saying that its American supercomputer provides the Academy with "computational power previously unknown" available to "all the major scientific and technological institutes across China." American high performance computers are now available to help these countries improve their nuclear weapons and improve that which they are proliferating.

Mr. WARNER. Mr. President, if your amendment passes, it is my understanding that this would be the first time that export control parameters would be established in statute. I am concerned that with advances in technology, the fixed parameters will quickly become outdated. How will we be able to deal with these technological advances when fixed parameters are included in legislation? Did you consider other alternatives to fixed statutory language, such as an annual review of the threshold by a neutral third party or government entity?

Mr. COCHRAN. Mr. President, the current policy is established in regulation, and regulation has the force and effect of law. For Congress to participate in the policymaking process it must pass legislation. Furthermore, the pace of technological advancement is such that, at some point in the future, it is entirely possible that the 2,000 MTOPS level—which is the administration's current floor—will have to be raised. That is why, on July 7 on the Senate floor, I said that if, 4 or 5 years from now, industry's optimism proves to be correct, I will be pleased to return to the floor and offer legislation adjusting the 2,000 MTOPS level.

Mr. WARNER. Mr. President, I have been told that computers with similar capabilities and computing power are readily available from other nations. Given that, the concern is that your amendment would put U.S. computer companies at a competitive disadvantage since these computers are readily available on the world market. What has your subcommittee's research shown regarding the foreign availability of computers in this range (2,000–7,000 MTOPS)? What is the market share of U.S. manufacturers of computers in this range, and has that market share changed since the administration liberalized its policy in 1995?

Mr. COCHRAN. Mr. President, this amendment will not in any way reduce the number of American high-performance computers going to Tier 3 countries. It does not change the administration's standards for making the exports; all that is changed is the question of who makes end-use and end-user determinations for Tier 3 countries. In fact, at least eight high-performance computers have been exported to Tier 3 countries with an individual validated license since this policy started. Only entities that shouldn't be receiving these supercomputers in the first place won't, because of closer scrutiny by the executive branch, receive them under this amendment. So, the suggestion by some manufacturers that this amendment would somehow reduce their market share is an argument that has no basis in fact.

Mr. WARNER. Mr. President, it has been alleged that the licensing requirement contained in your amendment will put U.S. computer companies at a commercial disadvantage since it often takes up to 6 months for the Commerce Department to approve an export license. By contrast, the Japanese often approve export licenses in 24 hours. In conjunction with your efforts on this amendment, have you explored options for improving the export license approval process at Commerce?

Mr. COCHRAN. Mr. President, Japan has a more restrictive export control policy than does the United States. I support making the Department of Commerce export licensing process more efficient, though a more efficient process cannot come at the expense of national security concerns, which must be adequately addressed in the process. I would note, as well, that more than 95 percent of export licenses considered by Commerce are currently approved in 30 days or less.

AMENDMENT NO. 669

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor an amendment to the Department of Defense authorization bill that would restore funding for bioassay testing of atomic veterans. I urge all of my colleagues to join in support of this important measure.

In my role as the ranking member of the Senate Committee on Veterans' Affairs, I have heard firsthand of the difficulties experienced by veterans exposed to ionizing radiation during their military service when they have tried to get their radiation-related diseases service connected by the Department of Veterans Affairs. The main reason for this difficulty is the sometimes impossible task of accurately reconstructing radiation dosage.

The law currently distinguishes between two groups of veterans: those who warrant presumptive service connection for their radiation-related conditions because of their participation in an atmospheric nuclear test, the occupation of Hiroshima or Nagasaki, or their internment as a prisoner of war in Japan during World War II, which resulted in possible exposure to ionizing radiation—and those who may have been exposed to ionizing radiation in service under other circumstances, such as service on a nuclear submarine. Those veterans who do not receive presumptive service connection and suffer from radiogenic diseases must prove their exposure to radiation by having the VA and DOD attempt to reconstruct their radiation dose through military records. VA looks to the DOD to perform these dose reconstructions.

This amendment is so important because the White House Advisory Committee on Human Radiation Activities has acknowledged that there are inadequate records to determine the precise amount of radiation to which a veteran was exposed, and what the long-term risks associated with that exposure are. As of September 1996, VA had only granted service connection to 1,977 out of 18,896 veterans who had filed claims based on participation in all radiation-risk activities. VA estimates that it has granted fewer than 50 claims of veterans who did not receive presumptive service connection.

This amendment would authorize $300,000 for the completion of the third and final phase of Brookhaven National Laboratory's testing of radiation-exposed veterans. Brookhaven's fission tracking analysis could provide a more accurate measure of an individual's internal radiation dosages. I have contacted VA in support of the Brookhaven project in the past. VA's response indicated that it is the Department of Defense, not the VA, who has the responsibilty to provide dose estimates for veterans exposed to ionizing radiation. That is why we must restore funding to the Brookhaven project in the DOD authorization bill.

As ranking member of the Committee on Veterans' Affairs, I have seen the struggles of America's atomic veterans and their survivors. I have heard testimony of the veterans who bravely served in our military, and who are now sick and dying and cannot get the compensation they have earned by their service to our country. These veterans were placed in harm's way, sworn to secrecy, and abandoned by their government for many years. It is critical that we search for a better way to assess their exposure to radiation. It is vital that we restore funding to a program that can renew hope to atomic veterans and their families.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent for a period of morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, if I might ask my distinguished colleague, we have a few cleared amendments on the bill. Would it be possible to clear up these few amendments and then return to his request?

Mr. BROWNBACK. I have no objection to doing that.

Mr. WARNER. I thank the Senator.

Mr. President, we are ready to proceed, if the distinguished ranking member is prepared.

AMENDMENT NO. 607, AS MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that Senator KYL's amendment be modified as indicated in the modification, which I now send to the desk, numbered 607.

Mr. LEVIN. Mr. President, let me ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand that this modification, which has been offered by the sponsor of the amendment, would be in order, that he would have the right to modify his own amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Arizona would have the right to modify his amendment only if cloture is not invoked tomorrow.

Mr. LEVIN. As of right now, if the Senator from Arizona were here, he would have the right to modify his amendment. Is that correct?

The PRESIDING OFFICER. If cloture were invoked tomorrow, the particular modification would be invalid without unanimous consent.

Mr. LEVIN. Parliamentary inquiry. Perhaps I did not state it clearly. If the Senator from Arizona were here now and offered to modify his own pending amendment, which is what I understand is being offered——

The PRESIDING OFFICER. It would be invalidated by the adoption of cloture tomorrow in the absence of unanimous consent.

Mr. WARNER. Mr. President, I am seeking unanimous consent and appearing on behalf of the Senator and offering it on his behalf. And the yeas and nays, to my understanding, have not been ordered.

The PRESIDING OFFICER. If unanimous consent were granted to the modification, of course.

Mr. WARNER. That is correct. And I have sought unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Parliamentary inquiry. I am sorry to press this. But my parliamentary inquiry is, that right to modify his own amendment would exist if the Senator were here himself at this point.

The PRESIDING OFFICER. Only with unanimous consent, should cloture be invoked tomorrow.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Now, Mr. President, I thank the indulgence of the Chair while the Senator from Michigan and I have resolved such differences as we may have had and once again restate, I ask unanimous consent that the amendment of the Senator from Arizona, amendment No. 607 be amended, and I send to the desk the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. I thank the Chair.

The amendment (No. 607), as modified, is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons; and

(4) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled "A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions", agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term "Cooperative Threat Reduction program" means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

AMENDMENT NO. 644

(Purpose: To make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll)

Mr. WARNER. Now, Mr. President, on behalf of Senator KEMPTHORNE, I offer an amendment which would make retroactive the entitlement of certain Medal of Honor recipients for special pensions provided to persons entered and recorded in the Medal of Honor rolls.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. WARNER. I therefore urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KEMPTHORNE, proposes an amendment numbered 644:

At the end of subtitle D of title V, add the following:

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104–201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stripes, in equal shares.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 644) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 596

(Purpose: To authorize $6,719,000 for the construction of a combined support maintenance shop, Camp Johnson, Colchester, Vermont)

Mr. LEVIN. Mr. President, on behalf of Senators LEAHY and JEFFORDS, I offer an amendment which would authorize $6.7 million for the construction of a combined support maintenance shop for the Vermont Army National Guard in Colchester, VT.

I believe this amendment has been cleared on the other side.

Mr. WARNER. Mr. President, it has been cleared.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, for himself and Mr. JEFFORDS, proposes an amendment numbered 596:

On page 382, line 15, strike out "$155,416,000" and insert in lieu thereof "$162,135,000".

Mr. JEFFORDS. Mr. President, I am pleased to be offering, with my colleague Senator PATRICK LEAHY, an amendment to the Department of Defense authorization bill to provide for the construction of a combined support and maintenance shop [CSMS] at Camp Johnson, VT.

This project is to be constructed in Colchester, VT and used by the Vermont National Guard to meet its support level maintenance mission. The quantity, size and type of equipment now assigned to the Vermont Army National Guard have required them to propose the construction of this CSMS. The new facility will have administrative offices and allied shops as well as special bays for maintenance work on all types of vehicles. The design money for this project was approved by the Congress last year.

The Vermont Army National Guard has stretched the limits of the current facility which was built over 40 years ago, in 1956. The current facility has very significant shortfalls in all office and shop areas. The existing work bays cannot accommodate the M-1 tank. In addition, essential maintenance and maintenance training is consistently delayed due to the lack of space. Without the construction of a new facility readiness of the Vermont Army National Guard will be adversely affected.

In order to assure that the Vermont Army National Guard is ready at all times to meet the needs of our nation's defense, Senator Leahy and I have worked together on this project. I am pleased that the Vermont Army National Guard can move forward on this CSMS and hope that my colleagues will support the efforts that Senator Leahy and I have taken to insure that the Vermont Army National Guard can meet the military needs of our country in the next century.

I commend Chairman THURMOND for his foresight to realize that his new facility is essential in order for the Vermont Army National Guard to meet the anticipated demands on them in the coming years.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 596) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 781

(Purpose: To authorize $3,210,000 for the construction of an Army National Guard readiness center at Macon, Missouri)

Mr. WARNER. Mr. President, again, I am standing in for the distinguished chairman of the Armed Services Committee this evening in offering these amendments.

On behalf of Senator BOND, I offer an amendment which would authorize $3.2 million for the construction of a readiness center for the Missouri Army National Guard in Macon, MO.

This amendment, it is my understanding, has been cleared.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BOND, proposes an amendment numbered 781:

On page 382, line 15, strike out "$155,416,000" and insert in lieu thereof "$158,626,000".

Mr. BOND. Mr. President, I rise to offer an amendment to the Defense authorization bill to include authorization for funding construction of a National Guard readiness center. Military construction projects such as this will ensure that as we downsize our military, the facilities which house and service our military will not be left to deteriorate. Armories throughout the Nation need to be adequately maintained and upgraded to provide decent training facilities for the men and women assigned to units based at these armories and to protect the vital equipment stored there. In Macon, MO, there is a company of soldiers located in a facility owned by the city, which was constructed in the 1890's and is totally inadequate. In order to provide these soldiers with a facility capable of maintaining their proficiency in mission essential task training, I have requested funds adequate to complete such a facility. I also point out that it will be less expensive to create a new facility than to attempt to refurbish this 19th century structure.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 781) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 610

(Purpose: To authorize $5,232,000 for the addition and alteration of an administrative facility at Bellows Air Force Station, Hawaii)

Mr. LEVIN. Mr. President, on behalf of Senator INOUYE, I offer an amendment which would authorize $5.2 million for the alteration of an administrative facility at Bellows Air Force Station, HI.

I believe this amendment has been cleared by the other side.

Mr. WARNER. The amendment has been accepted on this side.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. INOUYE, proposes an amendment numbered 610:

On page 366, in the table following line 5, insert after the item relating to Robins Air Force Base, Georgia, the following new item:

Hawaii	Bellows Air Force Station	$5,232,000

On page 366, in the table following line 5, strike out "$540,920,000" in the amount column in the item relating to the total and insert in lieu thereof "$546,152,000".

On page 369, line 9, strike out "$1,793,949,000" and insert in lieu thereof "$1,799,181,000".

On page 369, line 13, strike out "$540,920,000" and insert in lieu thereof "$546,152,000".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 610) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 782

(Purpose: To make certain adjustments in the authorizations relating to military construction projects)

Mr. WARNER. On behalf of Senators THURMOND and LEVIN, I offer an amendment which would make funding adjustments to provide the necessary offset to fund certain military construction projects.

I undoubtedly think it has been accepted on the other side.

Mr. LEVIN. It has been, Mr. President.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself and Mr. LEVIN, proposes an amendment numbered 782:

On page 356, line 8, strike out "$1,957,129,000" and insert in lieu thereof "$1,951,478,000".

On page 357, line 4, strike out "$1,148,937,000" and insert in lieu thereof "$1,143,286,000".

On page 360, in the table following line 7, strike out the item relating to Naval Station, Roosevelt Roads, Puerto Rico.

On page 360, in the table following line 7, strike out "$75,620,000" in the amount column in the item relating to the total and insert in lieu thereof "$65,920,000".

On page 362, line 14, strike out "$1,916,887,000" and insert in lieu thereof "$1,907,387,000".

On page 362, line 20, strike out "$75,620,000" and insert in lieu thereof "$65,920,000".

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 782) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 783

(Purpose: To authorize the Secretary of the Air Force to enter into an agreement for the use of a medical resource facility in Alamagordo, New Mexico)

Mr. LEVIN. Mr. President on behalf of Senator BINGAMAN, I offer an amendment that would authorize the Secretary of the Air Force to enter into an agreement to grant $7 million to a private nonprofit hospital in Alamagordo, NM, to construct and equip a new joint-use hospital.

I ask also unanimous consent that Senator DOMENICI be added as an original cosponsor.

I believe it has been cleared on the other side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 783:

On page 226, between lines 2 and 3, insert the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the "Hospital"), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equiping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 783) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 784

(Purpose: To require a report on the policies and practices of the Department of Defense relating to the protection of members of the Armed Forces abroad from terrorist attack)

Mr. WARNER. Mr. President, on behalf of Senator SPECTER, I offer an amendment which would require the Secretary of Defense to provide the Congressional defense committees with a report that would contain an assessment of the policies and procedures for determining force protection requirements within the Department of Defense and procedures to determine accountability within the Department of Defense when there is a loss of life due to a terrorist attack.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 784:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD AND TERRORIST ATTACK.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dhahran is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(a) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 784) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 785

(Purpose: To express the sense of Congress regarding the transfer of the ground communication-electronic workload from McClellan Air Force Base, California, to Tobyhanna Army Depot, Pennsylvania, in accordance with the schedule provided for the realignment of the performance of such workload; and to prohibit privatization of the performance of that workload in place)

Mr. WARNER. Mr. President, on behalf of the Senators SANTORUM and SPECTER, I offer an amendment which would express the sense of the Senate that the ground communication-electronic depot maintenance workload currently performed at McClellan Air Logistics Center should be transferred to the Army Depot at Tobyhanna, PA, in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, for himself and Mr. SPECTER, proposes an amendment numbered 785:

At the end of subtitle B of title III, add the following:

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 785) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 786

(Purpose: To make technical amendments and corrections)

Mr. WARNER. Now, Mr. President, on behalf of Senator THURMOND, I offer an amendment which makes technical amendments and corrections to the bill.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 786:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert "(a) PROHIBITION.—" before "None".

On page 37, line 9, strike out "6,006" and insert in lieu thereof "6,206".

On page 278, line 12, strike out "under section 301(20) for fiscal year 1998".

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "$23,600,000" and inserting in lieu thereof "$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "14,100,000" and inserting in lieu thereof "$14,600,000".

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert ", to the extent provided in appropriations Acts," after "shall".

On page 417, line 23, strike out "$1,265,481,000" and insert in lieu thereof "$1,266,021,000".

On page 418, line 5, strike out "84,367,000" and insert in lieu thereof "$84,907,000".

On page 419, line 17, strike out "$2,173,000" and insert in lieu thereof "$2,713,000".

On page 481, line 16, insert "of the Supervisory Board of the" before "Commission".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 786) was agreed to.

Mr. WARNER. I thank the Chair. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 706

(Purpose: To enhance fish and wildlife conservation and natural resources management programs under the Sikes Act)

Mr. WARNER. Mr. President, on behalf of Senators CHAFEE and BAUCUS, I offer an amendment that would authorize the act to promote effective planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation on military installations.

Mr. President, I also ask that the Senator from Virginia [Mr. WARNER] be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAFEE, for himself, Mr. BAUCUS, and Mr. WARNER, proposes an amendment numbered 706.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, the Sikes Act was enacted by Congress in 1960 to provide enhanced stewardship of fish and wildlife and other natural resources on military installations. It was named for Congressman Bob Sikes of Florida. The act seeks to capitalize on the enormous potential for natural resource conservation on military lands. The Department of Defense controls nearly 25 million acres of land and water at approximately 900 military installations in the United States, and the National Guard oversees an additional 1 million acres on 80 sites. These lands serve as home to approximately 100 endangered or threatened species and countless other fish and wildlife resources.

The Sikes Act was last amended in 1986, and authorization expired in 1993. Since then, several attempts to reauthorize the act have been made, and although Congress has been close several times, all have failed. We now have a golden opportunity to amend and reauthorize the Sikes Act, in S. 936, the bill to authorize the Department of Defense.

Two weeks ago, an agreement was reached among the Department of Defense, the Department of the Interior, the International Association of State Fish and Wildlife Agencies, and the two House committees with jurisdiction over the Sikes Act. The White House approved the agreement the following day. The amendment that I am introducing, together with Senator BAUCUS and Senator KEMPTHORNE, is virtually identical to the House version, which passed in the House as part of H.R. 1119, the Department of Defense authorization bill. This amendment to the Sikes Act will greatly improve the current law.

In its current form, the Sikes Act authorizes the Secretary of Defense to enter into cooperative plans with the Secretary of the Interior and the appropriate State fish and wildlife agency for the conservation of fish and wildlife on military lands. Over the 37 years of the Sikes Act, cooperation under the act has improved fish and wildlife management on military bases.

For example, wetlands associated with the North American Waterfowl Management Plan that are on military bases have been restored under a recent initiative by the Fish and Wildlife Service and Department of Defense. Fort Bragg and Camp Lejeune in North Carolina, and Elgin Air Force base in Florida, have undertaken efforts to protect the redcockaded woodpecker.

Fisheries assessments are taking place on both coasts, including Brunswick Naval air station in Maine and a submarine base in Washington.

While these examples illustrate how cooperation can improve natural resource management, more can and should be done. Only 250 agreements exist, and many of these are outdated. In addition, many agreements provide only for minimal cooperation among parties, rather than affirmative management of the resources. Another 200 agreements are currently being developed.

The amendment that Senator BAUCUS, Senator KEMPTHORNE, and I are introducing would infuse new vigor into implementation of the Sikes Act. Specifically, it would require the Secretary of each military department to develop a natural resource management plan for each of its military installations, unless there is an absence of significant natural resources on the base. The plan would be prepared by the Secretary in cooperation with the Fish and Wildlife Service and the appropriate State fish and wildlife agency. The plan must be consistent with the use of military lands to ensure the preparedness of the military, and cannot result in any net loss in the capability of the military installation to support the military mission of the installation. With those caveats, the plan must also provide for the management and conservation of natural resources. This language accommodates the interests of the State and Federal wildlife agencies as well as the needs of the military.

While the agreement was negotiated on the House side, I would like to make several observations regarding the differences between the current law and this agreement. The most important change in the law, of course, is that development of the natural resources management plans would become mandatory. In practical terms however, this provision would better conform to and encourage the current practice of the military, which already has a policy of developing these plans.

An equally important change to the law would be that preparation and implementation of the plans would be the responsibility of the Secretary of the appropriate military department, rather than the Secretary of Defense. Extensive discussions last year revolved around attempts to agree on a dispute resolution process in the event that the Department of Defense, the Fish and Wildlife Service, and the State fish and wildlife agency could not agree on the development of a particular plan. The balance struck in the current agreement between the requirement to prepare the plans, and the discretion afforded the Secretary of the individual military department regarding the content of each plan, seems to me to be a good one.

Greater specificity would be provided for the contents of the plans, which are to provide for, among other things and to the extent appropriate, fish and wildlife management and habitat enhancement, establishment of management goals and objectives, and sustainable use by the public.

The amendment also provides for an opportunity for the public to comment on individual plans, as well as a review of each military installation by the Secretary of the appropriate military department to determine whether new plans should be prepared or existing plans should be modified. In addition, the amendment would also require annual reports by the Secretaries of Defense and the Interior regarding funding for implementation of the Sikes Act. The Department of Defense currently spends approximately $5 million for developing plans under the Sikes Act, but there are few cost estimates for State fish and wildlife agencies, as well as for the Fish and Wildlife Service. Thus, these annual reports should provide valuable information.

The amendment also seeks to encourage cooperative agreements for the funding of management and conservation measures without specifying particular cost sharing or matching requirements.

I would note that there is one substantive change between the House language and this amendment. This change was negotiated between the Committees on Environment and Public Works and Armed Services, and approved by all interested parties, including the Departments of Defense and the Interior, and the International Association of State Fish and Wildlife Agencies. Specifically, the deadline for completing the natural resource management plans is extended from 2 to 3 years from the date of the initial report to Congress, which itself is required 1 year from the date of enactment. This change should enable the Department of Defense to complete the plans consistent with its own internal time frames, without unnecessarily missing any statutory deadlines.

I would note that jurisdiction of the Sikes Act, since its passage in 1960, has always rested with the Committee on Environment and Public Works. Bills to amend and reauthorize the act, including one that was introduced in the 103d Congress containing substantive revisions similar to the revisions in this amendment, have all been referred to that committee. The fact that reauthorization of the Sikes Act is being done through the DOD authorization bill represents the fortuitous circumstance that after more than 1 year of debate, agreement happened to be reached by all parties at this particular time in this particular context. I do not expect that this circumstance would alter jurisdiction over the Sikes Act in the future. Nevertheless, the Committee on Environment and Public Works has always worked cooperatively on that portion of the Sikes Act pertaining to military installations in the past, and will continue to do so in the future.

In closing, Mr. President, I believe that this amendment will improve the Sikes Act significantly, and represents a major achievement in environmental law in this Congress. The speed with which this legislation has moved in this Congress understates its importance both for the agenda of the Environment and Public Works Committee, and for efforts to conserve natural resources nationwide. I would especially like to thank both the distinguished chairman of the Subcommittee on Readiness, Senator INHOFE, and the distinguished chairman of the Committee on Armed Services and manager of the bill, Senator THURMOND, for their cooperation and efforts in facilitating approval of this amendment.

Mr. BAUCUS. Mr. President, I am pleased to join Senator CHAFEE, the chairman of the Environment and Public Works Committee, in supporting an amendment to S. 936, the Defense Authorization Act. This amendment will reauthorize and improve a law commonly known as the Sikes Act. The amendment will reauthorize the law through the year 2003.

The Sikes Act authorizes the Secretary of Defense to manage fish and wildlife and other natural resources on military lands. The Department of Defense controls nearly 25 million acres of land at approximately 900 military installations. These lands encompass all major land types in the United States and include habitat for threatened and endangered species, historic and archaeological sites, and other cultural and natural resources.

Senator CHAFEE and I have been working, in consultation with the Senate Armed Services Committee, to reauthorize and amend the Sikes Act, a law within our committee's jurisdiction, for a number of years. Unfortunately, we were unable during the last Congress to draft amendments that were acceptable to the Interior Department, the Department of Defense, and the International Association of Fish and Wildlife Agencies. I am pleased to say that this amendment has the support of all three. In addition, a nearly identical version was recently passed by the House on the House Defense Authorization bill.

This amendment requires the Secretary of Defense to prepare integrated natural resources management plans for military installations, unless the Secretary determines that preparation of a plan for a particular installation is inappropriate. Plans are to be prepared, in cooperation with the U.S. Fish and Wildlife Service and the State fish and wildlife agency, within 4 years after the date of enactment. I urge all three agencies to work closely together, taking full advantage of their respective resources and expertise, to develop mutually acceptable plans to conserve fish and wildlife and other natural resources on our Nation's military installations. Finally, the amendment establishes annual review and reporting requirements to ensure that required plans are prepared and implemented.

Mr. President, I urge my colleagues to support the amendment.

Mr. INHOFE. Mr. President, I want to thank Senator CHAFEE and his staff for the willingness to work in a cooperative manner with myself and the staff of the Subcommittee on Readiness.

The Sikes Act Amendment is a significant item of legislation that will directly impact the Department of Defense management of the 25 million acres of land it controls.

While Senator CHAFEE has highlighted some of the positive environmental aspects of this legislation, I would like to stress the need to ensure the preservation of the military mission, readiness and training.

The Sikes Act Amendment makes the preparation of integrated natural resource management plans mandatory for the military departments.

I have reluctantly agreed to the mandatory language of this provision because the Department of Defense and military departments support it and have insisted that this new environmental requirement will not undermine the military mission and will not increase funding for such planning activities.

It should be made clear that:

The Sikes Act Amendment is not intended to enlarge the U.S. Fish and Wildlife Service or State fish and wildlife agency authority over the management of military lands.

Natural resource management plans should be prepared to assist installation commanders in conservation and rehabilitation efforts that are consistent with the use of military lands for the readiness and training of the U.S. Armed Forces.

It is understood that many installations, about 80 percent, have already completed integrated natural resource management plans in cooperation with the U.S. Fish and Wildlife Service and appropriate State fish and game agencies.

Given the level of agency cooperation, the time, the personnel, and funds involved in the completion of existing natural resource management plans, it is expected that most of these plans will satisfy the requirements of the Sikes Act Amendment and will not have to be redone.

I want to close with an emphasis on the need to ensure that the amendment will not result in an increased funding level for natural resource management plans and will not undermine military readiness and training.

As chairman of the Subcommittee on Readiness, I intend to follow the implementation of this amendment, and its impact on military readiness, very carefully.

Senator CHAFEE, I want to thank you again and express my appreciation for our ability to work together on the Sikes Act Amendment and other environmental issues.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 706) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 624, AS MODIFIED

(Purpose: To require the Secretary of the Navy to carry out a program to demonstrate expanded use of mutitechnology automated reader cards throughout the Navy and the Marine Corps)

Mr. LEVIN. Mr. President, I call up an amendment numbered 624 offered by Senator ROBB, and I send a modified amendment to the desk. The amendment would require the Secretary of the Navy to carry out an expanded use of multitechnology automated reader cards throughout the Navy and Marine Corps, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, that is correct.

The PRESIDING OFFICER. Without objection, the clerk will report the modified amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROBB, proposes an amendment numbered 624, as modified:

At the end of subtitle E of title III, add the following:

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cars throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(b) PERIOD OF PROGRAM.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) REPORT.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated under section 301(1), $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load off load program of the Navy.

(2) Of the amount authorized to be appropriated under section 301(1), the total amount available for cold weather clothing is decreased by $36,000,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 624), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 631

(Purpose: To restore the garnishment and involuntary allotment provisions of title 5, United States Code, to the provisions as they were in effect before amendment by the National Defense Authorization Act for Fiscal Year 1996)

Mr. WARNER. Mr. President, on behalf of the Senator from Idaho [Mr. CRAIG], I offer an amendment No. 631, that would change the method for processing court-ordered Federal employees' wage garnishment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CRAIG, proposes an amendment numbered 631:

At the end of title XI, add the following:

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.";

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

The PRESIDING OFFICER. Without objection the amendment is adopted.

The amendment (No. 631) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 645

Mr. WARNER. Mr. President, on behalf of Senator GORTON, the distinguished Senator from Washington, I call up an amendment that would clarify the implementation date of the designated provider program of the uniform services treatment facilities, USTF, to clarify the limitation on total payments and allow the USTF to purchase pharmaceuticals under the preferred pricing levels applicable to Government agencies, No. 645.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. GORTON, for himself, Mrs. HUTCHISON, and Mr. D'AMATO, proposes an amendment numbered 645:

Page 217, after line 15, insert the following new subtitle heading:

Subtitle A—Health Care Services

Page 226, after line 2, insert the following new subtitle:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

"(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed.".

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: "Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contracted physicians or groups of physicians.".

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104–201, 10 USC 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: ", subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)", and

(2) in subsection (2), by inserting before the period at the end the following: ", or the effective date of agreements negotiated pursuant to section 722(c)(3)".

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 645) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 787

(Purpose: To Make Technical Corrections to Section 123)

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY and myself, I offer an amendment which corrects a drafting error in the bill regarding how the cost cap for the *Seawolf* submarine program is defined. Section 123 of this bill, S. 936, was included to clarify those costs that are included and those that are excluded from the total cost cap on the *Seawolf* program. This amendment does not change the *Seawolf* cost cap up or down, but merely corrects an error we made in crafting the language in the committee's markup of the defense authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KENNEDY, for himself, and Mr. WARNER, proposes an amendment numbered 787:

Strike out section 123 and insert in lieu thereof the following:

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN–23, SSN–24, and SSN–25 Seawolf class submarines, which have been canceled).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 787) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 658

Mr. LEVIN. Mr. President, on behalf of Senators LUGAR, BINGAMAN, and other cosponsors, I ask to call up amendment No. 658 that would restore the funds requested in the President's budget for the Department of Defense Cooperative Threat Reduction Program and related programs at the Department of Energy.

I ask unanimous consent at this point that Senator GLENN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 658

Mr. LEVIN. I send a modification to the desk. I believe this amendment has been cleared by the other side.

Mr. WARNER. That is correct, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification follows:

On page 2 of the amendment change line 12, which currently reads "$56 million" to "40 million dollars".

Mr. GLENN. Mr. President, I rise to speak as a cosponsor of the amendment offered by my colleagues, Messrs. BINGAMAN, LEVIN, LUGAR, DOMENICI, and others, to restore $60 million to the Cooperative Threat Reduction (CTR) Program, $25 million to the Department of Energy's Materials Protection Control and Accounting [MPC&A] Program, and $50 million to the International Nuclear Safety Program. The administration requested these funds because they are needed to serve our national security interests. I have heard or seen nothing to dispute this basic conclusion and therefore strongly support the full requested amounts.

These funds serve our interests because they work to alleviate one of the gravest national security threats facing our Nation. Acknowledged by the President and Congress, by liberals and conservatives, by the House and the Senate, by Republicans and Democrats alike—indeed by all thinking Americans—this threat arises from the dangers all of us would face from the further erosion of Russia's ability to protect its weapons-usable nuclear materials and the technology and dual-use goods needed to produce them. In light of this broad national consensus, I find it hard to understand why we are here today debating a proposal to slash the funds for the programs designed to alleviate this very threat.

Congress should, of course, give close scrutiny to all Federal programs to see if further economies can be made. No one should look upon the Nunn-Lugar program as immune from vigorous congressional oversight. But when one considers the magnitude of the potential threats our country faces from these deadly materials, and considers these threats in light of the genuine progress that has been made (thanks to Nunn-Lugar) in reducing clear and present nuclear dangers in the former Soviet Union, it should be clear to all that Congress has, if anything, shortchanged this program rather than overfunded it.

I find these proposed cuts all the more remarkable given the committee's apparent determination to shovel hundreds of millions of additional taxpayer dollars at the National Missile Defense Program, despite the disturbing implications of that program for the future of the Antiballistic Missile [ABM] Treaty, and despite any serious accounting for precisely how these additional funds will be spent.

In 1991, a far-sighted bipartisan coalition gathered to support a proposal offered by our colleagues, Messrs. Nunn and LUGAR, to curb present and potential future proliferation threats emanating from the collapse of the Soviet Union. In 1997, there continues to be a strong consensus both in Congress and across America that it is in our collective national interest to address these threats. Some misinformed commentators have attacked the CTR and MPC&A programs as a form of "subsidy of Russia's nuclear security" or "foreign aid." Perhaps what the critics fear most is that the programs might actually succeed in achieving their ambitious goals, and thereby reduce the need for our government to spend additional billions more to address these grave foreign threats.

I will leave it for others to speculate further about what must be motivating critics of the Nunn-Lugar program—and some of these criticisms might occasionally even be on target—but I remain convinced that the modest funds our country is allocating to CTR and MPC&A efforts are not only well within our means, but vital to our long-term national security and nonproliferation interests. And these funds are truly modest, compared against the billions we continue to spend on such programs as the B-2, the ever-expanding National Missile Defense program, the airborne and space-based laser programs, and other dubious programs that are well funded in the present bill. A $135 million cut to these Nunn-Lugar activities is the last thing this program needs. What, after all, has the program already accomplished?

The CTR Program has worked and continues to work to ensure that significant numbers of strategic Soviet nuclear weapons will not be available for use against the United States and its friends and allies around the world. The program has worked to help reduce the risk of nuclear materials finding their way into black markets in unstable regions around the world. The program has worked to facilitate the removal of all nuclear weapons from Ukraine, Belarus and Kazakstan. The program has worked to help remove over 1,400 nuclear warheads from Russia's strategic weapons systems, and to eliminate hundreds of delivery vehicles for such systems, including submarine launched ballistic missile launchers, ICBM silos, and strategic bombers.

The committee has claimed that the CTR Program can be cut because the loss could be made up with prior years' funds. Yet, Defense Secretary Cohen wrote to the chairman of the committee on June 19 that "All unobligated CTR funds have already been earmarked for specific projects". The CTR Program continues to serve the national interest by helping to eliminate strategic arms programs in Russia and Ukraine—if anything, Congress should be debating today measures to accelerate these efforts rather than to chop them back. The committee's proposal would only work to convert the CTR Program into a competitive threat renewal program.

A few years before Congress made the mistake of eliminating the Office of Technology Assessment, that organization produced an excellent report entitled, "Proliferation of Weapons of Mass Destruction: Assessing the Risks" (OTA-ISC-559, August 1993). On page 6 of that report, readers will find the following unambiguous finding:

> "Obtaining fissionable nuclear weapon material (enriched uranium or plutonium) today remains the greatest single obstacle most countries would face in the pursuit of nuclear weapons."

Those were OTA's words, "the greatest single obstacle" to proliferation. Now, what kept Saddam from getting the bomb sooner than he could have? Access to special nuclear material. What is America's leading defense against future nuclear terrorism? Limiting access to special nuclear materials. We should not be cutting programs that help Russia to serve our common interest in limiting international trafficking in special nuclear materials. We should instead be reaffirming and even expanding such programs. Helping Russia to serve our interest in these ways is not foreign aid, it is part and parcel of our national defense strategy.

The MPC&A programs run by the Department of Energy work specifically on this problem of enhancing controls over these special nuclear materials, plutonium and highly enriched uranium. I have seen the letter that the Energy Secretary sent to the chairman of the committee on June 19—Secretary Peña wrote that the proposed $25 million cut in the MPC&A program would lead to a 2-year delay in achieving key program objectives. This program deserves our full support. After all, as Secretary Pena says, this program has secured "tens of tons" of nuclear material at 25 sites, and is working on enhanced controls at a total of 50 sites where this material is at risk in Russia, the Newly Independent States, and the Baltics. When we consider that we are dealing with a problem involving hundreds of tons of such material, it hardly seems wise for us now to be cutting back on our efforts to address this formidable threat to our national security.

Another program cut by the committee is the International Nuclear Safety Program. That program is essentially an investment to reduce the risk that fallout from a future Russian nuclear reactor accident will not once again—only a few years after the disastrous Chernobyl accident—be falling down from the sky on United States citizens and other people around the world. There is no fallout defense initiative—or FDI, so to speak—in this bill that would offer any shield over our country or the territory of our allies against such radioactive debris from a future reactor explosion in Russia. The best initiative of this nature is the one in this amendment, to restore the funds needed to enhance the safety and security of certain old Soviet-designed power reactors in the Newly Independent States and Russia.

So, in conclusion, I believe that the bipartisan consensus behind Nunn-Lugar, which is represented in this bipartisan amendment offered today, is alive and well because it addresses genuine threats to our security. I hope all Members will support full funding for these programs.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 658), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 778

Mr. HATCH. Mr. President, I feel constrained to oppose the Levin amendment provision that is filed on this bill before the Senate, as it is a matter that is properly within the jurisdiction of the Judiciary Committee which has not had an opportunity to consider it.

More importantly, in my view, this amendment, while well intentioned, is unwise policy.

This amendment would essentially abolish the Federal Government's purchasing preference for products supplied by Federal Prison Industries [FPI], also known by its trade name of UNICOR.

FPI is the Federal corporation charged by Congress with the mission of training and employing Federal prison inmates.

For more than 60 years, this correctional program has provided inmates with the opportunity to learn practical work habits and skills, and has enjoyed broad, bipartisan support in Congress and from each Republican and Democrat administration.

FPI and its training programs at Federal prisons across the Nation have been credited with helping to lower recidivism and ensuring better job-related success for prisoners upon their release—a result that all of us applaud.

This amendment, in its starkest terms, requires of us a choice—either we want Federal inmates to work, or we do not. I believe that we do want inmates to work, and therefore I must oppose this amendment. I say to my colleagues, if you believe in maintaining good order and discipline in prisons, or if you believe in the rehabilitation of inmates when possible, you should be opposed to this amendment.

Under current law, FPI may sell their products and services only to the Federal Government. The amendment we are debating would not alter this sales restriction.

To ensure that FPI has adequate work to keep inmates occupied, Congress created a special FPI procurement preference, under which Federal agencies are required to make their purchases from FPI over other vendors as long as FPI can meet price, quality, and delivery requirements.

This amendment would remove this procurement preference. Without the Federal Government's procurement preference, FPI probably could not exist. Again, FPI is not permitted to compete for sales in the private market. It may only sell to the Federal Government, and then only if it can meet price, quality, and delivery requirements.

Nothing short of the viability of Federal Prison Industries is at issue here. Under full competition for Federal contracts, combined with market restrictions, FPI could not survive.

My colleagues should remember that the primary mission of FPI is not profit, but rather, the safe and effective incarceration and rehabilitation of Federal prisoners. Needless to say, FPI operates under constraints on its efficiency no private sector manufacturer must operate under. For example, most private sector companies invest in the latest, most efficient technology and equipment to increase productivity and reduce labor costs. Because of its different mission, FPI frequently must make its manufacturing processes as labor-intensive as possible—in order to keep as many inmates as possible occupied.

The Secure correctional environment FPI in which FPI operates requires additional inefficiencies. Tools must be carefully checked in and out before and after each shift, and at every break. Inmate workers frequently must be searched before returning to their cells. And FPI factories must shut down whenever inmate unrest or institutional disturbances occur. No private sector business operates under these competitive disadvantages.

The average Federal inmate is 37 years old, has only an 8th grade education, and has never held a steady legal job. Some studies have estimated that the productivity of a worker with this profile is about one-quarter of that of the average worker in the private sector.

My colleague's amendment has not been considered by the Judiciary Committee, which has jurisdiction over FPI and, more generally, National penitentiaries under rule XXV of the Standing Rules of the Senate.

The Committee has not had the opportunity to consider the full impact of this proposal on FPI and prison work.

All share the goal of ensuring that FPI does not adversely impact private business. Indeed, FPI can only enter new lines of business, or expand existing lines, until an exhaustive review has been undertaken to the impact on the private sector. Again, this is a restraint that most other businesses do not have imposed on them.

FPI has made considerable efforts to minimize any adverse impact on the private sector. Over the past few years, it has transferred factory operations for multiple factory locations to new prisons, in order to create necessary inmate jobs without increasing FPI sales. FPI has also begun operations such as a mattress recycling factory, a laundry, a computer repair factory, and a mail bag repair factory, among others, to diversify its operations and minimize its impact on the private sector, while providing essential prison jobs.

I agree with my colleagues who believe that we must address the issues raised by prison industries nationwide. As we continue, appropriately, to incarcerate more serious criminals in both Federal and State prisons, productive work must be found for them. At the same time, we must ensure that jobs are not taken from law-abiding workers.

On jobs there is substantial evidence that FPI actually creates a substantial number of private sector jobs. In fiscal year 1996, some 14,000 vendors nationwide registered with FPI, and supplied over $276 million in sales to FPI.

Every dollar FPI receives in revenue is recycled into the private sector. Out of each dollar, 56 cents go to the purchase of raw materials from the private sector; 19 cents go to salaries of FPI staff; 17 cents go to equipment, services, and overhead, all supplied by the private sector; 7 cents go to inmate pay, which in turn is passed along to pay victim restitution, child support, alimony, and fines. FPI inmates are required to apply 50 percent of their earnings to these costs. One cent goes to activating new FPI factories—again, with equipment purchased from the private sector. Private businesses in every State benefit from these sales.

In short, FPI is a proven correctional program. It enhances the security of Federal prisons, helps ensure that Federal inmates work, and helps in their rehabilitation when possible. The amendment before us now would do immense harm to this highly successful program, and I urge my colleagues to oppose it.

I think it is the right thing to do to oppose it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my good friend, Senator HATCH, has made reference to the private sector benefiting from Federal Prison Industries. The private sector has spoken loud and clear in letters to us. The NFIB says that this amendment is important because:

> Today federal agencies are forced to buy prison-made products. . . . This is another example of avoidable government waste, as virtually all such items are available from the private sector which provides them more efficiently and at lower prices. Mandatory purchases cost America jobs. Firms that can't enter an industry or expand production can't hire new employees.

The U.S. Chamber of Commerce says:

> We believe that our Federal prison system should not be given preferential treatment at the cost of our Nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe on the private sector's opportunities to compete for government contracts.

The National Association of Manufacturers says:

> The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulting in higher costs for goods and services bought by the government and in many instances has resulted in loss of jobs and business opportunities for our members.
>
> Removal of the "FPI mandatory source status" is an idea whose time has come.

Mr. President, I ask unanimous consent that the full text of the letters from the NFIB, the Chamber of Commerce, the National Association of

Manufacturers and Access Products Inc. be printed in the RECORD at this time.

There being no objection, the letters were ordered to be printed in the Record, as follows:

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, June 19, 1997.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to urge the Congress to take action to ensure that increased competition is encouraged between small business and prisons.

It is well known that government agencies sometimes compete against private businesses in providing goods and services. Today, federal agencies are forced to buy prison-made products through Federal Prison Industries, Inc. (FPI). It is considered the mandatory source of some 85 items ranging from general supplies to office furniture. This is yet another example of avoidable government waste as virtually all such items are available from the private sector, which provides them more efficiently and at lower prices. In addition, such mandatory purchases from the FPI costs America jobs. Firms that can't enter an industry or expand production, can't hire new employees.

In a survey of our members, 70 percent believe that government agencies should not be allowed to compete against private businesses. In addition, the prohibition of competition between government agencies and small businesses was one of the top recommendations of the 1995 White House Conference on Small Business. Small businesses do not want to prohibit prison industries from entering the market, they just want a fair and level playing field upon which to compete against the FPI.

We urge you to take action to ensure that the FPI competes fairly for federal agencies' business. Small businesses should not have to compete with government-supported entities with exclusive contracts that give them an immediate and unfair advantage.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 19, 1997.

Re Prison Industry Mandatory Preference.

MEMBERS OF THE UNITED STATES SENATE: I am writing to urge your support for the amendment to be offered by Senators Levin and Abraham to eliminate mandatory preference for prison industry goods for government contracts to S. 936, the fiscal year 1998 defense authorization bill.

Currently, the federal government is required to purchase needed goods from the U.S. Federal Prison Industries (FPI) if available. This law was enacted in the 1930's and has resulted in a growing encroachment upon private sector enterprise. For example, FPI now accounts for 25% of textiles and furniture purchased by the federal government. The amendment by Senators Levin and Abraham would remove Federal Prison Industries as a "required source of supply" for federal government purchasing.

The FPI produces more than 85 different products and services and in 1994 sold approximately $392 million worth of goods and services to the federal government, causing it to be ranked 54th among the "Top 100 Federal Contractors." Additionally, we understand that in order to accommodate the growth in the prison population, FPI is planning to expand its sales. The Chamber supports the National Performance Review recommendation that the FPI's status as a mandatory source be eliminated and that FPI be required to compete commercially for federal business.

The Chamber has long-standing policy that the government should not perform the production of goods or services for itself or others if acceptable privately owned and operated services are or can be made available for such purposes. We recognize the importance of the productive training and employment of our nation's inmate population. However, we believe that our federal prison system should not be given preferential treatment at the cost of our nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe upon the private sector's opportunities to compete for government contracts. Clearly, a balance must be struck between these two competing goals.

The U.S. Chamber, the world's largest business federation, represents an underlying membership of more than three million businesses and organizations of every size, sector and region. On behalf of this membership, I strongly urge your support of the amendment to the defense authorization bill to eliminate the FPI mandatory source of supply requirement and to open these government contracts to fair competition from the private sector.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, June 25, 1997.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: On behalf of the 10,000 small and medium members of the National Association of Manufacturers, I would like to restate our support for your bill S. 339. This bill would restore competition to federal procurement by ending the Federal Prison Industries (FPI) mandatory source status.

The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulted in higher cost for goods and services bought by the Government and in many instances has resulted in loss of jobs and business opportunities for our members.

Removal of the "FPI mandatory source status" is an idea which time has come and it has received the support of this current administration in its National Performance Review Recommendations.

We trust that you will move quickly on gaining passage of S. 339 and restore fairness and equity to thousands of small and medium size manufacturers.

Sincerely,

JAMES P. CARTY.

ACCESS PRODUCTS, INC.,
Colorado Springs, CO, April 15, 1997.

Senator WAYNE ALLARD,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR MR. ALLARD: I wrote to you in March of 1997 regarding Federal Prison Industries and the unfair and uncompetitive advantage it has over small companies such as mine who are seeking to do business with the federal government.

I have a very specific example which I am quite incensed about, not only as a small business owner but as a taxpayer as well.

I recently lost an EDI bid to Unicor. The contractor was Scott AFB and the item solicited was 86 Series 2 remanufactured toner cartridges. For your information, the FRQ# was F1162397T2361. Unicor bid on this item and simply because Unicor did bid, I was told that the award had to be given to Unicor. Unicor won this bid at $45 per unit. My company bid $22 per unit. The way I see it, the government just overspent my tax dollars to the tune of $1978. The total amount of my bid was less than that.

Do you seriously believe that this type of procurement is cost-effective? Forget about fairness to small business—that seems to be an issue lost in the halls of Congress.

I lost business, and my tax dollars were misused because of unfair procurement practices mandated by federal regulations. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition, with the full support of federal regulations and the seeming approval of Congress. It is far past the time to curtail this "company" known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

What will it take to convince you that this is an issue which deserves your attention and your support? Perhaps a visit to my manufacturing facility in Colorado Springs would help. Meet the people who pay their taxes only to have them misused by overspending as per government regulations. I'm sure they will feel their tax dollars could be more wisely used. Meet the people who could also fail to prosper if my company is rendered unable to do business with the federal government because of uncompetitive procurement practices. This is the tip of the iceberg in my industry and I have no wish to go down like the Titanic.

Sincerely,

SHARON KRELL,
Manager/Owner.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I want to make a couple of notes about an upcoming event and something that took place today, and then I have business to conduct before the Senate.

A STRONG ECONOMY AND CULTURAL DECLINE

Mr. BROWNBACK. Mr. President, today there is some excellent news regarding the economy. The deficit, because of such a strong economy and taxes being paid, may be as low as $45 billion. I am hopeful that we can continue to keep that economy going strong by some of the tax cuts that are being proposed and are currently being negotiated. I think the real story here of what is taking place on balancing this budget is the fact that the economy is growing. Growth works, and it works well, and it is working well for us here.

I think it would be a mistake if we did not step forward and do whatever we can to continue this economy and this economic expansion that has been one of the longest running expansions we have had in history to date. That is why some of the tax cuts, particularly the progrowth and profamily tax cuts, the capital gains tax cut and the $500 per child tax credit are very, very important for us to continue, not only to balance the budget and not only to do it before the year 2002, or do it by the year 2000, but to start to pay off the debt. I think it is important we do it.

I also note that while the economy is doing well and we are getting the deficit under control—and those are important things—we certainly need some help in our culture overall. We continue to have terribly high rates of crime taking place in this society. We had in Washington, DC three people in a coffee shop murdered. We continue to have story after story, it seems like, on a daily basis of cultural problems that we are having just throughout society. Whether it is the number of children born out of wedlock, teenage suicide, cultural decline in total, violent crime rates or disintegration of the family, we really have to step it up in these areas.

CHARACTER COUNTS WEEK

Mr. BROWNBACK. Mr. President, one thing I want to draw people's attention to is that in the third week of October, there is going to be a "Character Counts" week taking place. That may be a while off and is not necessary for us to focus on now, but I think it is time that while we look at economic activity being strong and culturally we are having all these problems, let's focus on these things.

The Senator from New Mexico, Senator DOMENICI, has been a major champion of character counts, and that is where people step up and say, "We need to look at ourselves and our own character." Good character doesn't come about by accident, it is a practice of virtue. It is one thing that each and every one of us as Americans can step forward with.

I would like to, as we close today, give one example of a person who stepped up on character, and it is a gentleman in Wichita, KS, in my home State, by the name of Leo Mendoza. Leo is a man who knows that character counts, because he hasn't always had it.

Leo is a survivor of sexual abuse, alcohol abuse, drug abuse and crime. For 17 years, he was in and out of jail, on and off drugs and in and out of marriages.

But today, after years of soul-searching and counseling, he is, once again, a solid citizen. He is an elder at his church, and he and his wife are trying to adopt a child.

What changed Leo? Was it Government rehabilitation programs? Was it a Government social program? Or was it actually something deeper, something that the Government could neither teach nor instill?

Leo actually never relied on a Government assistance program, partly out of pride, partly out of independence. He never even sought help from others. It was his friends who sought him.

In 1987, a friend of his introduced him to Alcoholics Anonymous and a local church.

Slowly, he began to form the rudiments of character, promising himself that he would confront the daily struggles of life with the firmness that a life of true character is built not on one heroic act, but rather is the consequence of a thousand little struggles. Leo, together with his family, friends, and church, began to rehabilitate. He had the courage to say no, the patience to endure the temptations and the humility to ask God for help when weakness was about to overcome him.

By struggling with his past, Leo learned virtue, and by learning virtue, he built character.

Those struggles teach us about our own character and about what true character is made of.

I give that little vignette as we close today because in attacking the cultural decline and difficulties in this society, this is not something you legislate with massive Government programs or is not something we can sit in a conference room to decide what we are going to do and impose that will upon the country. But rather it is the little individual struggles that each and every one of us has everyday. It is each and every struggle that 250 million-plus Americans deal with. That is how you make a great Nation, people struggling to build character, by building that virtue and struggling to build it one at a time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume consideration of the Grams amendment No. 422; that there be 90 minutes remaining for debate to be equally divided between Senator COCHRAN and Senator GRAMS; and that following the conclusion or yielding back of time, the Senate proceed to vote on, or in relation to, the Grams amendment, to be followed by a vote on, or in relation to, the Cochran amendment No. 420.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. I further ask unanimous consent that no other amendments be in order to the above-listed amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMBATING THE FLOW OF NARCOTICS—SENATE JOINT RESOLUTION 34

Mr. McCAIN. Mr. President, I joined my colleague and friend, Senator DODD, in introducing a joint resolution calling on the President to take concrete steps to increase the level of international cooperation in combating the flow of narcotics into this country, and to lead America toward coming to grips with the domestic demand that is tearing this country apart while enriching the drug cartels of Latin America and our own organized crime groups.

This legislation acknowledges the problems endemic in waging the war on drugs while domestic demand continues to remain high. It further recognizes the failure of numerous previous efforts at stemming the flow of illegal narcotics. It consequently expresses the sense of Congress that the President should appoint a high level task force, to be chaired by the Director of the Office of National Drug Policy, to establish a framework for improving international cooperation in these efforts. Finally, and of particular importance, it suspends for 2 years the process by which countries are certified as cooperating in the war on drugs.

The drug problem in this country dates at least as far back as the Civil War, when wounded soldiers were turned into morphine addicts as the only way to deaden the horrific pain caused from battle and disease. The problem grew to such an extent that President Nixon felt compelled to establish the Drug Enforcement Administration in order to better coordinate the antidrug effort. President Reagan assigned Vice President Bush to oversee a major escalation in the war on drugs, a war carried on at considerable monetary cost throughout the Bush administration. President Clinton, to his credit, appointed perhaps our finest "drug czar" in Gen. Barry McCaffrey, who has waged the drug war as valiantly as he led troops in combat during Desert Storm.

And still, the flow of illegal narcotics continues virtually unimpeded. Record-breaking seizures serve mainly to remind us of how much more is getting through our porous borders undetected. Street prices alert us to the failure of our best efforts at putting a dent in the problem of drug trafficking. To the extent that one area, for example, cocaine, is tackled with any degree of success, another bigger problem—the resurgence in heroin abuse comes to mind—rises up in its place. Clearly, it is time to step back again and look more critically at every facet of the problem.

I do not believe "chicken-and-egg" debates about which problem, supply or demand, should take higher priority serve any useful purpose. The bill we are offering today addresses both problems. Nor do I believe the certification process has accomplished its intended goal any more than such processes ever really do irrespective of the subject matter. In fact, the decision by the White House to decertify Colombia, which has waged a valiant and costly—in both lives and treasure—struggle against extremely powerful and ruthless cartels while recertifying Mexico, whose law enforcement agencies are so rife with corruption that that country's equivalent of Gen. McCaffrey was arrested for drug-related crimes, illuminates all too well the impracticality of the current process.

It is easy to argue that the drug problem has been studied to death. It has not, however, been examined from the perspective, and at the level, recommended in this resolution. If I believed for a second that this resolution represented just another attempt at studying the problem of drugs, I would not have attached my name to it. The recommended steps, however, combined with the suspension of the drug certification process, constitute a real and meaningful effort at focusing the Nation's attention on one of our most serious problems. Drugs are, in every sense of the word, a scourge upon our society. We must take a comprehensive, sober look at the scale of the problem and what realistically can be done about it. We must do this domestically and internationally. We must, once and for all, wage the war on drugs as though we intend to prevail. I hope that my colleagues in the Senate and the House of Representatives will support this legislation.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JULY 4

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 4, the United States imported 8,960,000 barrels of oil each day, 918,000 barrels more than the 8,042,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 58.4 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,960,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 748. An act to amend the prohibition of title 18, United States Code, against financial transactions with terrorists.

H.R. 822. An act to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, Washington.

H.R. 849. An act to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

H.R. 951. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale, Colorado.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices;

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

H.R. 1847. An act to improve the criminal law relating to fraud against consumers.

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal section of the Federal Energy Administration Act of 1974.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

The message also announced that pursuant to the provisions of section 711 of Public Law 104-293, the minority leader appointed the following individual to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction: Mr. Tony Beilenson of Maryland.

The message further announced that pursuant to the provisions of section 806(c)(1) of Public Law 104-132, the majority leader appoints the following individual to the Commission on the Advancement of Federal Law Enforcement: Mr. Gilbert Gallegos of New Mexico.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 822. An act to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, Washington; to the Committee on Energy and Natural Resources.

H.R. 951. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale, Colorado; to the Committee on Energy and Natural Resources.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code; to the Committee on the Judiciary.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the

City of Grants Pass, Oregon; to the Committee on Energy and Natural Resources.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on the Judiciary.

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; to the Committee on Commerce, Science and Transportation.

H.R. 1847. An act on improve the criminal law relating to fraud against consumers; to the Committee on the Judiciary.

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2410. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Veterans' Benefits Improvement Act of 1996" (RIN:2900-AI66), received on July 1, 1997; to the Committee on Veterans' Affairs.

EC-2411. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Veterans Education: Submission of School Catalogs to State Approving Agencies" (RIN: 2900-AH97), received on July 1, 1997; to the Committee on Veterans' Affairs.

EC-2412. A communication from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to export administration regulations (RIN0694-AB60), received on June 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2413. A communication from the Acting Assistant Secretary for Export Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule relative to revisions to the entity list, received on June 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2414. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report for calendar year 1996 under the Federal Home Loan Bank Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2415. A communication from the Deputy Secretary, U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report relative to Release No. 33-7427 concerning the Electronic Data Gathering, Analysis, and Retrieval system; to the Committee on Banking, Housing, and Urban Affairs.

EC-2416. A communication from the Program Director, Naitonal Fund for Medical Education, transmitting, pursuant to law, the audited financial statement for the year ended December 31, 1996; to the Committee on the Judiciary.

EC-2417. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "To amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998, 1999, and 2000"; to the Committee on the Judiciary.

EC-2418. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the employment of Americans by the United Nations and Specialized Agencies under the Foreign Relations Authorization Act; to the Committee on Foreign Relations.

EC-2419. A communication from the Assistant Legal Adviser for Treaty Affairs, U.S. Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC-2420. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Maritime Terrorism: A Report to Congress" for calendar year 1996 under the Omnibus Diplomatic Security and Antiterrorism Act; to the Committee on Foreign Relations.

EC-2421. A communication from the Assistant General Counsel, U.S. Information Agency, transmitting, pursuant to law, a report of a rule relative to the Exchange Visitor Program, received on June 27, 1997; to the Committee on Foreign Relations.

EC-2422. A communication from the Secretary of Defense, transmitting, pursuant to law, a proposal to obligate $23.5 million in Fiscal Year 1997 to implement the Cooperative Threat Reduction Program under the Fiscal Year 1997 Defense Appropriations Act; to the Committee on Armed Services.

EC-2423. A communication from the Secretary of Defense, transmitting, pursuant to law, the Calendar Year 1996 Report on Accounting for United States Assistance Under the Cooperative Threat Reduction Program under the National Defense Authorization Act for Fiscal Year 1996; to the Committee on Armed Services.

EC-2424. A communication from the Director, Operational Test and Evaluation, Office of the Secretary, Department of Defense, transmitting, pursuant to law, a report relative to an alternative live fire test; to the Committee on Armed Services.

EC-2425. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to medical care for children of members of the Armed Services under the 1997 National Defense Authorization Act; to the Committee on Armed Services.

EC-2426. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Armed Forces Health Professions Scholarship and Financial Assistance Programs under the National Defense Authorization Act for Fiscal Year 1997; to the Committee on Armed Services.

EC-2427. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of General George A. Joulwan; to the Committee on Armed Services.

EC-2428. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of Lieutenant General Paul K. Van Riper; to the Committee on Armed Services.

EC-2429. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of Vice Admiral Douglas J. Katz; to the Committee on Armed Services.

EC-2430. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to property transferred to the Republic of Panama under the Panama Canal Act of 1979; to the Committee on Armed Services.

EC-2431. A communication from the U.S. Railroad Retirement Board, transmitting, pursuant to law, a report on the financial status of the railroad unemployment insurance system for calendar year 1997; to the Committee on Labor and Human Resources.

EC-2432. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Servicemen's and Veterans' Group Life Insurance" (RIN: 2900-AI73), received on July 7, 1997; to the Committee on Veterans' Affairs.

EC-2433. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Minimum Income Annuity" (RIN2900-AI83), received on July 7, 1997; to the Committee on Veterans' Affairs.

EC-2434. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to memorialization of spouses of veterans; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-163. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 97-1003

Whereas, The federal "Intermodal Surface Transportation Efficiency Act of 1991" (ISTEA) was designed to be the comprehensive solution to federal surface transportation funding since it replaced the "Surface Transportation and Uniform Relocation Assistance Act of 1987", which marked the end of the interstate era; and

Whereas, The purpose of ISTEA is "to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner"; and

Whereas, When it was proposed, ISTEA was designed to give states and local governments flexibility as to how federal moneys were to be spent in their regions but, in fact and practice, the new federal program specifies how these moneys are distributed as well as how they can be spent by states and local governments; and

Whereas, Examples of the types of categories for which specified percentages of ISTEA moneys may be spent include, but are not limited to, safety, enhancements, population centers over 200,000 people, areas with populations under 5,000 people, transportation projects in areas that do not meet the Clean Air Act standards, and minimum allocation, reimbursement, and hold harmless programs; and

Whereas, For the six-year duration of ISTEA, Colorado will receive an estimated

$1.31 billion in federal moneys, compared to $1.43 billion Colorado received in the previous six years; and

Whereas, Before the enactment of ISTEA, Colorado was permitted to use a portion of Interstate Maintenance Funds to increase vehicle carrying capacity, but under ISTEA, capacity improvements are limited to High Occupancy Vehicle (HOV) lanes or auxiliary lanes in nonattainment areas; and

Whereas, Since the six-year duration of ISTEA will end after the 1996 fiscal year, Congress will have to reauthorize ISTEA in order to continue the federal surface transportation funding to states and local governments; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:

That the Colorado General Assembly respectfully urges the 105th Congress of the United States to consider the following proposals as ISTEA comes under scrutiny for reauthorization:

(1) Eliminate federal mandates, sanctions, and restrictions that limit the powers of the states and local governments to accomplish their individual transportation needs and reduce federal oversight and reporting requirements;

(2) Transfer from the General Fund to the Highway Trust Fund, for distribution to the states, the 4.3 cents per gallon fuel tax added by the United States Congress in 1993; and

(3) Allow the 2.5 cents per gallon fuel tax added by the United States Congress in 1990 to be deposited into the Highway Trust Fund and distributed to the states, given the demonstrated need for moneys for transportation systems.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

POM–164. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 242

Whereas, one of the most important legislative initiatives in the 105th Congress is the reauthorization of the federal highway and mass transit programs, referred to as the Intermodal Surface Transportation Efficiency Act (ISTEA); and

Whereas, the quality of our highways and mass transit systems directly affect the lives of virtually all Americans; and

Whereas, the United States Department of Transportation reports that an additional $15 billion in highway investment above current spending is needed annually just to maintain existing highway conditions; and

Whereas, highway users pay for construction and maintenance of highways and mass transit through the Highway Trust Fund, which is financed with the revenues from the federal motor fuels tax; and

Whereas, in 1993, Congress enacted a 4.3 cent per gallon increase in the motor fuels highway user fee which was directed into the Treasury general fund for deficit reduction rather than into the Highway Trust Fund; and

Whereas, the allocation of federal highway user fee revenues among the states will be the single most contentious issue in the Intermodal Surface Transportation Efficiency Act reauthorization debate; and

Whereas, the allocation debate could effectively be eliminated before it becomes contentious by significantly increasing the total amount of federal highway funds available to be allocated among the states; and

Whereas, this can be accomplished by swift action on the following two measures:

(1) Redirecting the revenue from the 1993, 4.3 cent federal motor fuels tax increase into the Highway Trust Fund; and

(2) Removing the Highway Trust Fund from the unified budget to ensure that all revenues into the Highway Trust Fund are spent; and

Whereas, failure to act on these two measures before the completion of the fiscal year 1998 budget resolution means this source of additional highway revenues for the State of Hawaii could be lost for the entire six-year duration of the Intermodal Surface Transportation Efficiency Act reauthorization measures; now, therefore,

Be it resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, the House of Representatives concurring, that Hawaii's Congressional Delegation is respectfully urged to support and enact measures before the United States House of Representatives and the United States Senate to redirect the revenue from the 1993, 4.3 cent federal motor fuels tax increase into the Highway Trust Fund, and to remove the Highway Trust Fund from the unified budget, before Congress completes the fiscal year 1998 budget resolution; and

Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Senator Daniel K. Akaka, Senator Daniel K. Inouye, Representative Neil Abercrombie, and Representative Patsy T. Mink.

POM–165. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

HOUSE RESOLUTION 203

Whereas, on November 15, 1990, the President signed the Clean Air Act Amendments of 1990 (Public Law 101–549, 104 Stat. 2399); and

Whereas, the Environmental Protection Agency has demonstrated an inability to effectively promulgate fair and equitable regulations pertaining to vehicle emissions which frustrate the intent of the Congress of the United States to permit the various states to have a range of acceptable options; and

Whereas, a number of members of Pennsylvania's Congressional delegation have expressed concern over various aspects to the operational parameters of the emissions program as currently mandated by the Environmental Protection Agency; and

Whereas, it is quite likely that the Commonwealth will be threatened with the loss of up to $1 billion in Federal highway funds and possibly fined on a daily basis by a Federal District Court judge; and

Whereas, the only remedy for Pennsylvania is Congressional action to relieve these penalties; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to suspend implementation of the vehicle emissions provisions of the Clean Air Act Amendments of 1990 and subsequent regulations promulgated by the Environmental Protection Agency until October 1, 1998; and be it further,

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Wesley K. Clark, 5682

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Anthony C. Zinni, 7104

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. ROBB, and Mr. SARBANES):

S. 998. A bill to simplify and consolidate the pay system for the United States Secret Service Uniformed Division, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 999. A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, Mr. KENNEDY, Mr. TORRICELLI, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. KERRY):

S. Res. 106. A resolution to commemorate the 20th anniversary of the Presidential Management Intern Program; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 107. A resolution to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 999. A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

WOMEN VETERANS LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing legislation which would require the Department of Veterans Affairs [VA] to provide mammograms to women veterans in accordance with nationally accepted standards.

Breast cancer is the second leading cause of death among women and the No. 1 killer of women ages 40 to 49. I am, and will continue to be, personally committed to ensuring that the women of this country receive mammography screening in accordance with the highest possible standards. Enactment of this legislation will ensure that our Nation's women veterans receiving care at Veterans Health Administration [VHA] treatment facilities will have access to mammography screening in accordance with accepted national policy.

At issue is the question of how often women should receive screening mammography examinations and the age at which those examinations should begin. On March 23, 1997, the American Cancer Society [ACS] recommended that women begin annual mammography screening at age 40. On March 27, 1997, after much deliberation, the National Cancer Advisory Board recommended that all women between 40 and 49 years receive regular mammogram screening every 1 to 2 years. The National Cancer Institute accepted the same recommendation, both recommendations being very close to the new ACS standard of annual screening beginning at age 40. In addition, the American College of Radiology Board of Chancellors approved revised guidelines in January 1997, affirming its support for yearly screening for women after the age of 40.

The issue of mammography screening for women between the ages of 40 to 49 has been an issue of particular interest to me and one that has occupied quite a bit of my time during the first half of 1997. In my capacity as chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I have already held four hearings this year addressing the importance of mammography screening for women ages 40 to 49; one here in Washington, DC on February 5, in Philadelphia, PA on February 20, in Pittsburgh, PA on February 24, and in Hershey, PA on March 3, 1997. I have heard testimony, from physicians and women alike, advocating mammography screening beginning at age 40. Currently, 40 States have enacted legislation, and 4 States have legislation pending, which would require either insurance reimbursement for, or mandatory provision of, routine mammogram screening of women ages 40 to 49. Obviously, our Nation sees the value of screening women early for breast cancer, and the impact that early detection can have on decreasing the mortality of this No. 1 killer of women between 40 and 49.

It is estimated that last year 184,300 women were diagnosed with breast cancer, and this year nearly 44,000 women will die from the disease. Research indicates that regular mammograms for women in their 40's can cut breast cancer mortality by 17 percent. When Dr. Vogel of the University of Pittsburgh Cancer Institute and Magee Women's Hospital testified at the February 24 hearing in Pittsburgh, PA, he stated that there are nearly 1 million women in Pennsylvania between the ages of 40 and 49, and that nearly 2,000 will be diagnosed with breast cancer this year. As many as 1,000 of these women will die. He stated that if women aged 40 to 49 were screened annually, this death toll could be reduced by 250.

I am disappointed that VHA has refused to adopt this higher, now national, standard of mammography screening for our Nation's women veterans despite these research findings and national recognition that early mammography screening can save thousands of women's lives each year. In a report issued in April, 1997, VA's Inspector General Office of Health Care Inspections [OHI] offered their objective and critical assessment of the status of mammography services being provided to our Nation's women veterans receiving treatment at VA treatment facilities. Some of OHI's findings are particularly alarming. For example, only 36 percent of women veterans treated in 1995 were even offered a mammogram and only 79 percent of the VHA facilities systematically recorded reviews of outcome data, including disposition of positive mammograms and correlation of surgical biopsy results with radiologic interpretations. Only 72 percent of VHA facilities assessed effectiveness using quality improvement or quality assurance monitors, and none of the VHA facilities assessed customer satisfaction, quality of final diagnostic product, or any other quality of care indicators for contracted providers of mammography services.

The OHI recommended that VHA offer mammograms in accordance with ACS guidelines—yearly mammography screening, beginning at age 40. VHA, maintaining that mammography screening for women between the ages of 50 to 69 is sufficient, rejected this recommendation. For this reason, I am compelled to introduce this legislation which will require the Department of Veterans Affairs to, at a minimum, offer mammograms in accordance with the most prudent guidelines, those of the American Cancer Society, which call for yearly mammogram screening starting at age 40.

The women who receive treatment at any of our Nation's VA medical centers deserve mammography screening consistent with the accepted national standard—the highest standard, which is currently the recommendation of the American Cancer Society. As chairman of the Veterans' Affairs Committee, I urge my colleagues in the Senate to join me in supporting this legislation.

ADDITIONAL COSPONSORS

S. 193

At the request of Mr. GLENN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 322

At the request of Mr. GRAMS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 365

At the request of Mr. COVERDELL, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 365, a bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes.

S. 472

At the request of Mr. CRAIG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 492

At the request of Mr. SARBANES, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 569

At the request of Mr. McCAIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 569, a bill to amend the Indian Child Welfare Act of 1978, and for other purposes.

S. 683

At the request of Mr. STEVENS, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 683, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

S. 724

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 724, a bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform.

S. 726

At the request of Mrs. FEINSTEIN, the names of the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Mr. BREAUX], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. REED], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. BRYAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Michigan [Mr. ABRAHAM], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Oklahoma [Mr. INHOFE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. DORGAN], the Senator from Georgia [Mr. COVERDELL], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from South Carolina [Mr. THURMOND], the Senator from Illinois [Mr. DURBIN], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from Nebraska [Mr. KERREY], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 726, a bill to allow postal patrons to contibute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 728

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 728, a bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 854

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 854, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital in the capital gains tax for assets held more than 2 years, and for other purposes.

S. 938

At the request of Mr. BOND, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 938, a bill to amend the Public Health Service Act to provide surveilance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

AMENDMENT NO. 420

At the request of Mr. THURMOND the names of the Senator from Alabama [Mr. SESSIONS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. ABRAHAM his name was withdrawn as a cosponsor of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 645

At the request of Mr. GORTON the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of amendment No. 645 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 657

At the request of Mr. DURBIN the names of the Senator from Rhode Island [Mr. REED] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of amendment No. 657 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 658

At the request of Mr. GLENN his name was added as a cosponsor of amendment No. 658 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 670

At the request of Mr. WELLSTONE the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 670 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 688

At the request of Mrs. HUTCHISON the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 688 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 689

At the request of Mrs. HUTCHISON the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 689 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 706

At the request of Mr. CHAFEE the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of amendment No. 706 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 706 proposed to S. 936, supra.

SENATE RESOLUTION—106—COMMEMORATING THE 20TH ANNIVERSARY OF THE PRESIDENTIAL MANAGEMENT INTERN PROGRAM

Mr. ROBB (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, Mr. KENNEDY, Mr. TORRICELLI, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 106

Whereas, the Presidential Management Intern Program was created 20 years ago to attract to federal service men and women of exceptional management potential and special training in public policy;

Whereas, more than 3500 persons have been appointed to federal service under the Presidential Management Intern Program;

Whereas, these men and women contribute to raising the standards of public service through their hard work and dedication: Now, therefore, be it

Resolved, That the Senate recognize the skill and dedication of Presidential Management Intern Program participants and commemorate the 20th anniversary of the Presidential Management Intern Program.

That a copy of this resolution be transmitted to the Presidential Management Alumni Group as an expression of appreciation for their continued support for federal service and the Presidential Management Intern Program.

Mr. ROBB. Mr. President, I rise today to introduce a resolution commemorating the 20th anniversary of the Presidential Management Intern, or PMI, program. I would request that Senators MIKULSKI, SARBANES, WARNER, KENNEDY, TORRICELLI, ROCKEFELLER, SANTORUM, and KERRY be listed as original cosponsors.

President Carter established the PMI program to recruit graduate students with excellent management potential and public policy backgrounds to the Federal work force. As many of us know, either from working with PMI's in Federal agencies or even having them on our staffs, these men and women have provided valuable services to our country in a wide variety of areas. Since the program's inception, over 3,500 men and women have participated as PMI's with over half of those remaining in government service today.

At a time when many have denigrated Federal employees, I believe we should recognize the outstanding commitment and abilities of these individuals and the program which has worked to ensure that our Government has civil servants of the highest caliber. For that reason, I and my colleagues are introducing this resolution to commemorate the twentieth anniversary of the Presidential Management Intern program and recognize the outstanding men and women who have participated in it.

SENATE RESOLUTION 107—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia* v. *Brenda S. Cook*, No. 94–F–20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are authorized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia* v. *Brenda S. Cook*.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

REID AMENDMENT NO. 758

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 45, between lines 3 and 4, insert the following:

(e) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts transferred under this section, the Secretary of Defense may utilize not more than $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

FEINGOLD AMENDMENT NO. 759

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF FUNDS FOR DEPLOYMENT OF GROUND FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—Funds appropriated or otherwise made available for the Department of Defense may not be obligated for the deployment of any ground elements of the Armed Forces of the United States in Bosnia and Herzegovina after the later of—

(1) June 30, 1998; or

(2) a date that is specified for such purpose (pursuant to a request of the President or otherwise) in a law enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) to the support of—

(A) members of the Armed Forces of the United States deployed in Bosnia and Herzegovina in a number that is sufficient only to protect United States diplomatic facilities in that country as of the date of the enactment of this Act; and

(B) noncombat personnel of the Armed Forces of the United States deployed in Bosnia and Herzegovina only to advise commanders of forces engaged in North Atlantic Treaty Organization peacekeeping operations in that country; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

DOMENICI (AND BINGAMAN) AMENDMENTS NOS. 760–761

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted two amendments intended to be proposed by them to the bill, S. 936, supra; as follows:

AMENDMENT NO. 760

Insert where appropriate:

SEC. . LOS ALAMOS LAND TRANSFER.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) no later than three months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years, and;

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) No later than 12 months after the date of enactment of this Act, submit to the appropriate Congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(4) no later than 3 months after the date which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title—

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(5) as soon as possible, but no later than nine months after the date of submission of the plan under paragraph (4), complete the conveyance of all portions of the lands identified in the plan.

(c) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a limited period of time or that remediation of hazardous substances in accordance with applicable laws has not been completed, and the finding will delay the parcel's conveyance beyond the time limits provided in paragraph (5), the Secretary shall convey title of the parcel upon completion of the remediation or after the parcel is no longer necessary for national security purposes.

AMENDMENT NO. 761

Insert where appropriate:

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the "Foundation").

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

DODD AMENDMENTS NOS. 762–763

Mr. DODD proposed two amendments to the bill, S. 936, supra; as follows:

AMENDMENT NO. 762

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 723. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions that were made by the Secretary of Defense to the criteria used by physical evaluation boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness pursuant to section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas.".

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) Notice Requirements.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

"(a) Notice Required.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical care providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) Time for Notice.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

"(c) Form of Notice.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) Content of Notice.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered is an investigational new drug.

"(2) The reasons why the investigational new drug is being administered.

"(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

"(4) Such other information that, as a condition for authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) Records of Use.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) Definition.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of investigational new drugs.".

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) Findings.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) Establishment of Program.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) Funding.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

Amendment No. 763

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

At the appropriate place in the bill at the following new section:

Sec. . (A) Congressional Findings.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure, and the political climate was positive and stable;

(6) The most important legacy of the Patten administration is that the people of Hong Kong were able to experience democracy first hand, electing members of their local legislature; and

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(B) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

STEVENS (AND OTHERS) AMENDMENT NO. 764

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. Wyden, Mr. Torricelli, Mr. Smith of Oregon, Mr. Shelby, Mr. Sarbanes, Mr. Reid, Mr. Murkowski, Ms. Mikulski, Mr. Leahy, Ms. Landrieu, Mr. Johnson, Mr. Jeffords, Mr. Inouye, Mr. Hollings, Mr. Ford, Mrs. Feinstein, Mr. Enzi, Mr. Domenici, Mr. DeWine, Mr. D'Amato, Mr. Conrad, Mr. Cochran, Mr. Byrd, Mr. Burns, Mr. Bumpers, Mr. Bryan, Mr. Breaux, Mr. Bond, Mr. Frist, Mr. Bingaman, Mr. Akaka, and Mr. Bennett) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title IX, add the following:

SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) Establishment.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

"§10509. Senior Representative of the National Guard Bureau.

"(a) APPOINTMENT.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advice and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

"(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

"(b) ROTATION OF OFFICE.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) MEMBER OF JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau.".

(c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502 of title 10, United States Code, is amended by inserting ", and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1998.

DODD (AND McCAIN) AMENDMENT NO. 765

Mr. DODD (for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (A) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican states;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote,

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) Since 1994, Mexican law has permitted international observers to be a part of the process;

(7) With 84% of the ballots counted, PRI candidates received 38% of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates received 52% of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President;

(9) PAN members will now serve as governors in seven of Mexico's 31 states;

(B) It is the Sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his Administration;

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

GRAHAM AMENDMENTS NOS. 766–768

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 766

At the end of subtitle D of title II, add the following:

SEC. 235. CONSOLIDATION OF ELECTRONIC COMBAT TESTING.

(a) LIMITATION.—The electronic combat testing assets of the laboratories and test and evaluation centers of the Department of Defense may not be transferred from the locations of those assets as of the date of the enactment of this Act until the five-year plan for consolidation of laboratories and test and evaluation centers of the Department of Defense required by section 277 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 242) is completed.

(b) CONTINUED SUPPORT FOR SOCOM AND AIR COMBAT COMMAND.—The Secretary of Defense shall ensure that, within amounts available for use for the purpose, the range electronic combat test capabilities at Eglin Air Force Base, Florida, are funded at levels sufficient to continue to meet the operational requirements of the Special Operations Command and the Air Combat Command.

AMENDMENT NO. 767

At the end of subtitle D of title X, add the following:

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain—

(1) a discussion of the results of the review; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

(D) CERTIFICATION.—The Secretary of Defense will certify to Congress that contingency plans have been developed and appropriate assets have been identified to defend United States territory against potential hostile action by Cuba. The current assessment by the intelligence community of Cuban military capabilities and the threats to the national security of the United States posed by Fidel Castro and the Government of Cuba will be the basis for development of the contingency plans.

AMENDMENT NO. 768

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish the Center for Hemispheric Defense Studies in the Department of Defense in accordance with section 2166 of title 10, United States Code, as added by subsection (b).

(b) CHARTER FOR CENTER.—(1) Chapter 108 of title 10, United States Code, as amended by section 902, is further amended by adding at the end the following:

"§ 2166. Center for Hemispheric Defense Studies

"(a) ESTABLISHMENT.—There is a Center for Hemispheric Defense Studies in the Department of Defense.

"(b) MISSION.—The mission of the Center is to develop, organize, manage, administer, and present for civilian and military leaders of South American, Central American, and Caribbean nations executive-level academic programs that are designed—

"(1) to stimulate deliberations about defense policy and civil-military relations specifically in the context of the requirements and interests of South American, Central American, and Caribbean nations;

"(2) to provide those leaders with an understanding of defense decisionmaking and resource management in a democratic society;

"(3) to improve the expertise of the civilian leaders of such nations in national defense and military matters;

"(4) to strengthen civil-military relations within those nations; and

"(5) to foster intergovernmental understanding and cooperation in democratic countries in the Western Hemisphere.

"(c) LOCATIONS OF EDUCATIONAL PROGRAMS.—(1) The headquarters of the Center is located at the National Defense University, Fort McNair, District of Columbia. The headquarters is the principle location for the presentation of the core programs of the Center.

"(2) The Center may present at locations in South American, Central American, and Caribbean nations activities that are designed to assist any of such nations to institutionalize the development of civilian defense expertise, as follows:

"(A) Series of short courses.

"(B) Outreach and research activities that complement the educational programs of the Center.".

(2) The table of sections at the beginning of such chapter, as amended by section 902, is further amended by adding at the end the following:

"2166. Center for Hemispheric Defense Studies.".

(c) RELATIONSHIP TO NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) The Center for Hemispheric Defense Studies.".

(d) FIRST PROGRAM SESSION OF CENTER.—The Center for Hemispheric Defense Studies shall present the inaugural session of the Center's core education program during the first quarter of fiscal year 1998.

(e) PLAN FOR PROGRAMS.—Not later than December 31, 1997, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for convening at the Center for Hemispheric Defense Studies a minimum of five core program sessions each year and for operating and maintaining the Center in general.

(f) ASSESSMENT OF DEPARTMENT OF DEFENSE PROGRAMS RELATING TO REGIONAL SECURITY AND HOST NATION DEVELOPMENT IN THE WESTERN HEMISPHERE.—(1) Congress reaffirms the findings on Department of Defense programs relating to regional security and host nation development in the Western Hemisphere that are set forth in subsection (a) of section 1315 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2896).

(2) Not later than May 1, 1998, the Secretary of Defense shall—

(A) carry out another comprehensive review and assessment in accordance with subsection (b) of section 1315 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2897), in addition to the review and assessment previously carried out under such subsection; and

(B) submit to Congress a report on the additional review and assessment.

HUTCHISON AMENDMENTS NOS. 769-770

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted two amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 769

On page 68, between lines 17 and 18, insert the following:

SEC. 319. EFFECTIVE DATE OF PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

Notwithstanding any other provision of this Act, the provisions of this Act, and any amendments made by such provisions, relating to depot-level maintenance and repair shall take effect on the date of enactment of this Act.

AMENDMENT NO. 770

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. POLICE, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) Notwithstanding any other provision of law, the Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides police services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement may provide for the reimbursement of the Secretary, in whole or in part, for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

DORGAN (AND OTHERS) AMENDMENT NO. 771

Mr. DORGAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. DOMENICI, Mr. CONRAD, Mrs. FEINSTEIN, Mr. DODD, Mr. BINGAMAN, Mrs. BOXER, Mr. BURNS, Ms. LANDRIEU, Mr. FORD, Mr. THURMOND, Mr. ROBERTS, and Mr. COVERDELL) proposed an amendment to amendment No. 705 proposed by Mr. MCCAIN to the bill, S. 936, supra; as follows:

After "SEC." on page 1, line 3 of the amendment, strike all and insert:

. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and construction facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, or the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(e) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

REID AMENDMENT NO. 772

Mr. REID proposed an amendment to the bill, S. 936, supra; as follows:

On page 30, between lines 19 and 20, insert the following:

( ) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

SARBANES AMENDMENT NO. 773

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 30, between lines 19 and 20, insert the following:

( ) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

COATS (AND OTHERS) AMENDMENT NO. 774

(Ordered to lie on the table.)

Mr. COATS (for himself, Mr. BREAUX, Mr. SMITH of Oregon, and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) will meet July 8 and 9, 1997, in Madrid, Spain, to issue invitations to several countries in Central Europe and Eastern Europe to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The Clinton Administration has determined that the United States Government will support inviting three countries—Poland, Hungary, and the Czech Republic—to join NATO at the Madrid summit.

(4) The United States should ensure that the process of enlarging NATO continues after the first round of invitations are issued this July.

(5) Romania and Slovenia are to be commended for their progress toward political and economic reform and their meeting the guidelines for prospective NATO membership.

(6) In furthering NATO's purpose and objective of promoting stability and well-being in the North Atlantic area, Romania, Slovenia, and any other democratic states of Central and Eastern Europe should be invited to become NATO members as expeditiously as possible upon satisfaction of all relevant criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should issue a second round of invitations to Central and Eastern European states that have met the criteria for NATO membership at the 1999 NATO summit.

BINGAMAN AMENDMENT NO. 775

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d) The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for the production of tritium for defense-related uses in a facility licensed under section 103 of this Act."

(b) Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) does not apply to activities conducted under this section during fiscal year 1998.

(c) The Nuclear Regulatory Commission may collect fees from the Secretary under section 9701 of title 31, United States Code (the Independent Offices Appropriation Act of 1952) for services rendered to the Secretary in connection with the implementation of this subsection.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 776

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the appropriate place in Title XXXI add the following new section:

SEC. . EDUCATIONAL FOUNDATION FOR SCHOOLS IN THE AREA AROUND LOS ALAMOS NATIONAL LABORATORY.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, $5,000,000 shall be available for payment by the Secretary to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around Los Alamos National Laboratory (in this section referred to as the "Foundation").

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such investments to fund programs designed to support the educational needs of public schools in northern New Mexico educating children in the area around the Los Alamos National Laboratory.

BINGAMAN AMENDMENT NO. 777

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations restricting the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas.

LEVIN (AND OTHERS) AMENDMENT NO. 778

Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. HELMS, Mr. ROBB, Mr. KEMPTHORNE, Mr. DASCHLE, and Mr. BURNS) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 844 PRODUCTS OF FEDERAL PRISON INDUSTRIES.

(a) PURCHASES FROM FEDERAL PRISON INDUSTRIES.—Section 4124 of title 18, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections (a) and (b):

"(a) A Federal agency which has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

"(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to Federal Prison Industries at least 15 days before the issuance of a solicitions of offers for the procurement of such products;

"(2) use competitive procedures for the procurement of that product, unless—

"(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

"(B) the Attorney General makes the determination described in subsection (b)(1) within 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

"(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

"(b) A Federal agency which has a requirement for a product referred to in subsection (a) shall—

"(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for the purchase of the product if the Attorney General personally determines, within the period described in subsection (a)(2)(B), that—

"(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

"(B) it is necessary to award the contract to Federal Prison Industries in order—

"(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

"(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

"(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison Industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price.".

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Federal Prison Industries shall, to the maximum extend practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor."; and

(3) in paragraph (6), as so redesignated, by striking out "paragraph (4)(B)" and inserting in lieu thereof "paragraph (5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 779

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 652 submitted by Mr. BINGAMAN to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 1998 for Defense-wide procurement under section 104 is hereby increased by $51,000,000, and within the amount authorized to be appropriated under such section (as so increased) the total amount available for chemical and biological defense counterproliferation programs is hereby increased by $51,000,000.

(b) OTHER FUNDING.—Of the unobligated balance of the amount authorized to be appropriated for fiscal year 1997 for Defense-wide procurement under section 104 of Public Law 104–201 for chemical and biological defense counterproliferation programs, $16,000,000 is authorized to remain available for fiscal year 1998 for such programs.

(c) OFFSETTING DECREASE.—The total amount authorized to be appropriated for the Air Force for fiscal year 1998 for operation and maintenance under section 301(4) is hereby decreased by $51,000,000.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 780

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 653 submitted by Mr. BINGAMAN to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 1998 for Defense-wide procurement under section 104 is hereby increased by $51,000,000, and within the amount authorized to be appropriated under such section (as so increased) the total amount available for chemical and biological defense counterproliferation programs is hereby increased by $51,000,000.

(b) OTHER FUNDING.—Of the unobligated balance of the amount authorized to be appropriated for fiscal year 1997 for Defense-wide procurement under section 104 of Public Law 104–201 for chemical and biological defense counterproliferation programs, $16,000,000 is authorized to remain available for fiscal year 1998 for such programs.

(c) OFFSETTING DECREASE.—The total amount authorized to be appropriated for the Air Force for fiscal year 1998 for operation and maintenance under section 301(4) is hereby decreased by $51,000,000.

BOND AMENDMENT NO. 781

Mr. WARNER (for Mr. BOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out "$155,416,000" and insert in lieu thereof "$158,626,000".

THURMOND AMENDMENT NO. 782

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 356, line 8, strike out "$1,957,129,000" and insert in lieu thereof "$1,951,478,000".

On page 357, line 4, strike out "$1,148,937,000" and insert in lieu thereof "$1,143,286,000".

On page 360, in the table following line 7, strike out the item relating to Naval Station, Roosevelt Roads, Puerto Rico.

On page 360, in the table following line 7, strike out "$75,620,000" in the amount column in the time relating to the total and insert in lieu thereof "$65,920,000".

On page 362, line 14, strike out "$1,916,887,000" and insert in lieu thereof "$1,907,387,000".

On page 362, line 20, strike out "$75,620,000" and insert in lieu thereof "$65,920,000".

BINGAMAN AMENDMENT NO. 783

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 226, between lines 2 and 3, insert the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the "Hospital"), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health

care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

SPECTER AMENDMENT NO. 784

Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD FROM TERRORIST ATTACK.

(a) FINDINGS—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dharhan is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

SANTORUM (AND SPECTER) AMENDMENT NO. 785

Mr. WARNER (for Mr. SANTORUM for himself and Mr. SPECTER) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle B of title III, add the following:

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

THURMOND AMENDMENT NO. 786

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert "(a) PROHIBITION.—" before "None".

On page 37, line 9, strike out "6,006" and insert in lieu thereof "6,206".

On page 278, line 12, strike out "under section 301(20) for fiscal year 1998".

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "$23,600,000" and inserting in lieu thereof "$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "$14,100,000" and inserting in lieu thereof "$14,600,000".

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert ", to the extent provided in appropriations Acts," after "shall".

On page 417, line 23, strike out "$1,265,481,000" and insert in lieu thereof "$1,266,021,000".

On page 418, line 5, strike out "$84,367,000" and insert in lieu thereof "$84,907,000".

On page 419, line 17, strike out "$2,173,000" and insert in lieu thereof "$2,713,000".

On page 481, line 16, insert "of the Supervisory Board of the" before "Commission".

KENNEDY (AND WARNER) AMENDMENT NO. 787

Mr. WARNER (for Mr. KENNEDY, for himself and Mr. WARNER) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 123 and insert in lieu thereof the following:

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN–23. SSN–24, and SSN–25 Seawolf class submarines, which have been canceled).

THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT ACT OF 1997

THOMPSON (AND GLENN) AMENDMENT NO. 788

Mr. BROWNBACK (for Mr. THOMPSON, for himself and Mr. GLENN) proposed an amendment to the bill, H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; as follows:

On page 4, insert between lines 5 and 6 the following:

"(D)(i) The Administrator shall ensure that non-profit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

"(ii) For purposes of this subparagraph, the term 'disability' has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1940 (42 U.S.C. 12102(2)).

On page 4, line 6, strike "(D)" and insert "(E)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 9, 1997, at 9 a.m. in open session, to consider the nominations of Gen. Wesley K. Clark, USA, to be commander-in-chief, United States European Command and Lt. Gen. Anthony C. Zinni, USMC, to be commander-in-chief, United States Central Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief and the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 9, 1997, to conduct a hearing on the Real Estate Settlement Procedures Act [RESPA], the Truth in Lending Act [TILA] and problems surrounding the mortgage origination process.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 9, for purposes of conducting a joint oversight hearing with the House Committee on Resources which is scheduled to begin at 11 a.m. The purposes of this hearing is to receive testimony on the Final Draft of the Tongass Land Management Plan as the first step in the congressional review process provided by the 1996 amendments to the Regulatory Flexibility Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, July 9, at 9 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 9, 1997 at 3 p.m. in room S211 to hold a hearing on: "Encryption, Key Recovery, and Privacy Protection in the Information Age."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 9, 1997, at 2:30 p.m. until business is completed to hold a business meeting for a briefing on the status of the investigation into the contested Louisiana Senate election. This meeting will continue at 9:30 a.m. on Friday, July 11, 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 9, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TOBACCO IN THE MILITARY

• Mr. LAUTENBERG. Mr. President, yesterday the Senate adopted an amendment to require the Pentagon to study the effectiveness of the military's programs aimed at promoting healthy lifestyles among members of the Armed Forces. By March 30 of next year, the Secretary of Defense must submit a report which outlines programs aimed at preventing tobacco and alcohol dependence, in terms of education, rehabilitation, and intervention. I commend the Senator from New Mexico for his leadership on this issue. As a cosponsor to this amendment, I am glad that my colleagues view the health of our military personnel an important factor when considering our Nation's security.

Over the past year, the Pentagon has taken important steps to reduce tobacco use among its personnel. Despite strong opposition from the tobacco industry and its friends in the Congress, policies to remove subsidies from tobacco products sold through military commissaries have been implemented. Further regulations on tobacco advertising and product placement are due to take effect in the future. These are positive steps that have been long overdue.

The need to attack tobacco addiction in the military was crystallized in a report by the Inspector General of the Department of Defense last December. The DOD IG's analysis concluded that between health care and lost productivity attributed to tobacco use, tobacco addiction costs the Defense Department, and American taxpayers, about $930 million a year. Roughly $453 million of this is in hospitalization costs alone. In this Senator's view, that's $930 million too much.

The need to address this issue head-on couldn't be clearer. Tobacco use among military personnel has continued at higher levels than that of the civilian population. Nearly 36 percent of civilian males aged 18 to 25 smoke cigarettes. However, for the same age group in the Army, 41 percent smoke tobacco products as do 39 percent in the Navy and 44.7 percent in the Marine Corps. In light of the fact that the health of our troops, and all members of our military, should be of the utmost importance, this disparity is shameful.

I commend those in the Pentagon who have begun to seriously address the problem of tobacco sales and addiction in the military. They are doing a great service for military personnel by removing subsidies from cigarettes sold in commissaries in an effort to protect their health. They are taking the bold step of evaluating ways to discourage use, an effort which is clearly at odds with the low prices of tobacco products sold on military bases compared to prices in retail outfits in the rest of the country. While I agree that for their service, members of the military should get certain benefits, a line should be drawn at an addictive and destructive product such as tobacco.

Mr. President, I hope that when this Congress receives the report from the Secretary of Defense, as directed by this amendment, it will include bold proposals aimed at curbing addiction.

Our fighting forces need to be the best prepared and the healthiest in the world.•

REMEMBERING JIMMY STEWART

• Mr. SANTORUM. Mr. President, I rise today to honor the memory of one of the most beloved sons of Pennsylvania, Mr. Jimmy Stewart. A native of Indiana County, Mr. Stewart honored all of us by identifying himself, in the fullest sense, as one of us.

Throughout his career, he was hailed as the Everyman, the quintessential American male, an example of "inspired averageness," as one writer put it. And that was his special gift—doing the extraordinary in a way that didn't call attention to itself. But what he did with his life, what he accomplished, did, in the end, call attention to itself, because Jimmy Stewart was not ordinary.

In "Liberty Valance," one of Mr. Stewart's movies in which he plays a Senator returning to town for a rancher's funeral, a newsman says to him: "This is the West, sir. When the legend becomes fact, print the legend." I would like to recall today, Mr. President, how the fact of Jimmy Stewart became the legend. Because with Mr. Stewart, the fact and the legend are one.

Jimmy Stewart was born in Indiana, PA in 1908. His father owned the local hardware store and he always retained ties to his hometown and the traditions that it embodied for him. As he himself said, "This is where I made up my mind about certain things—about the importance of hard work and community spirit, the value of family, church and God."

He graduated with honors from Princeton University in 1932 with a degree in architecture and even did well enough to earn a scholarship to pursue graduate studies in that field. But it was acting he chose to pursue and he would eventually appear in 71 films, among them some of the best ever produced, such as "The Philadelphia Story," "Mr. Smith Goes to Washington," "It's a Wonderful Life," and "Rear Window." For someone with a reputation for uncomplicated wholesomeness, the successful portrayal of so many diverse characters in so many films suggests, as others have remarked, the possession of something more—something deeper and more compelling than simple wholesomeness, although he had that too.

This "something more" was seen most clearly, perhaps, in Mr. Stewart's exemplary service in World War II. When other stars were content to remain at home and fulfill their patriotic obligation in less hazardous ways, Jimmy Stewart willingly left a thriving and prosperous film career to enlist in the Army Air Corps. He enlisted as a private and by 1945 had attained the rank of colonel. He also aggressively campaigned for combat duty and would eventually fly 20 dangerous missions over enemy territory as a command pilot. By war's end, he had been awarded the Distinguished Flying Cross, the French Croix-de-Guerre, and the Air Medal. He stayed active in the Air Force Reserve and retired a brigadier general, the highest rank ever attained by a professional entertainer.

Just as he had the humility to leave a successful film career to be a soldier like any other in that war, he also had the modesty to return to acting and wonder if he could reclaim a place in Hollywood. And he did, of course. "It's a Wonderful Life" was his first film after the war and it not only returned him to American movie audiences, it gave us and every future generation the wonderful character of George Bailey. George Bailey, who changed so many lives without even knowing it. And, of course for many of us, Jimmy Stewart was George Bailey. Someone who succeeded in so many ways without ever appearing to fully realize how extraordinary those achievements were.

Jimmy Stewart continued to distinguish himself as a citizen, as an actor, and a devoted husband and father for the rest of his life. Once he retired from the movies, he remained active in charitable and community work, wrote poetry and became an ardent champion of film preservation, often coming to Washington to testify before Congress on the subject of colorizing old black and white films—a practice he opposed.

With his death, he leaves two twin daughters and a son. He also leaves millions of devoted fans who admired him as much for his work as for the exemplary character and intelligence he projected throughout his lifetime.

Jimmy Stewart once said that he agreed to do "It's a Wonderful Life" because of one line in it: "Nobody is born to be a failure." He believed that ordinary Americans, in their everyday life, could, and did, do extraordinary things. Jimmy Stewart may have behaved as if he were just like everyone else. And he may have even believed it himself. But he really wasn't. He wasn't average at all. It was simply a final act of skill and generosity that he let us believe he was.•

ALLOWING MEDICARE ELIGIBLE MILITARY RETIREES TO JOIN THE FEDERAL EMPLOYEES HEALTH BENEFITS PLAN

• Mr. BURNS. Mr. President, I recently added my name to the list of cosponsors of S. 224, introduced by Senator **WARNER**, which will allow Medicare-eligible military retirees to join the Federal Employees Health Benefits Plan. After hearing from military retirees in Montana, I am convinced that this is a necessary step to help ensure that military retirees have access to quality health care.

When military retirees turn 65, they no longer have guaranteed access to military health care. The lucky ones can get services from military treatment facilities [MTF's] on a space-available basis, but the rest do not have access to MTF's. They must rely on Medicare, which has less generous benefits, despite the commitment they received for lifetime health benefits by virtue of their service to this country. They are the only group of Federal employees to have their health benefits cut off at age 65. That's just not right.

This bill offers a simple solution by allowing military retirees who are eligible for Medicare to join the Federal Employees Health Benefits Plan. This is a popular program which provides good benefits at a reasonable cost. It will serve military retirees well and uphold the Government's commitment to provide quality health benefits. Our military retirees deserve no less.•

HONORING THE RETIRED AND SENIOR VOLUNTEER PROGRAM [RSVP] OF WATERLOO, IA

• Mr. GRASSLEY. Mr. President, I would like to acknowledge the accomplishments of the Retired and Senior Volunteer Program [RSVP] in Waterloo, IA. This program is celebrating 25 years in their community, this year of 1997. In the last 25 years, over two million volunteer hours have been donated to the communities it serves. Among the recipients of these hours have been children, teachers, elderly, handicapped and a variety of service and community agencies. Some of the many community needs RSVP is assisting with are mentoring, assisting teachers, clerical, carpentry, transportation for the frail and elderly, mediation, respite care, tax preparation assistance, bulk mailings, money management, etc. The needs are as diverse as the volunteers themselves.

This RSVP program started out as a clearinghouse for volunteers and now includes sponsoring several programs of its own: a mediation program that assists with the small claims courts; a school volunteer program that provides mentors and other volunteers to assist with student needs; a money management program that helps individuals remain independent in their own homes; a respite program that provides relief to care givers; and a tax assistance program that provides tax preparation assistance to the low income and elderly.

RSVP provides challenging volunteer opportunities to those 55 and older. At the same time meeting many community needs through the dedication of their unselfish volunteers, who have proven to be a valuable asset to the communities they serve.•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-13 AND TREATY DOCUMENT NO. 105-14

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 9, 1997 by the President of the United States:

Extradition Treaty with France (Treaty Document No. 105-13);

Extradition Treaty with Poland (Treaty Document No. 105-14).

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and France, signed at Paris on April 23, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions of this Treaty, which includes an Agreed Minute, follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 9, 1997.*

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 103, H.R. 680.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 788

(Purpose: To provide that the Administrator of General Services shall ensure that nonprofit organizations shall consider the mental or physical disability of individuals for purposes of self-help requirements, and for other purposes)

Mr. BROWNBACK. Mr. President, Senators THOMPSON and GLENN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. THOMPSON, for himself and Mr. GLENN, proposes an amendment numbered 788.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, insert between lines 5 and 6 the following:

"(D)(i) The Administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

"(ii) For purposes of this subparagraph, the term 'disability' has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

On page 4, line 6, strike "(D)" and insert "(E)".

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 788) was agreed to.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 680), as amended, was deemed read the third time and passed.

CLARIFYING PROTECTIONS OF THE FEDERAL TORT CLAIMS ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1901, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1901) to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

The Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1901) was deemed read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 107, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, Senator BYRD and Senator ROCKEFELLER have each received a request from a State prosecutor in West Virginia for copies of correspondence between a West Virginia resident and their offices for use in a pending criminal prosecution in that State. Senator BYRD and Senator ROCKEFELLER believe that granting the prosecutor's request would serve the ends of justice. This resolution authorizes them to provide copies of correspondence in response to the prosecutor's request.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia* v. *Brenda S. Cook*, No. 97–F–20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are authorized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia* v. *Brenda S. Cook*.

ORDERS FOR THURSDAY, JULY 10, 1997

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., Thursday, July 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 936, the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, tomorrow morning, the Senate will resume consideration of the defense authorization bill and immediately begin 90 minutes of debate on the Grams second-degree amendment to the Cochran amendment. Following that vote, the Senate will continue debating amendments with rollcall votes occurring throughout the day. The majority leader has stated that it is his intention to assess the progress on the bill following these votes in order to determine if and when the cloture vote will occur.

POSTPONEMENT OF CLOTURE VOTE

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that the cloture vote be postponed at a time to be determined by the majority leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Mr. President, on behalf of the majority leader, I announce that it is his intention to complete action on the defense authorization bill this week. Senators can expect late-night sessions with rollcall votes into the evening in order to finish this important legislation this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:07 p.m., adjourned until Thursday, July 10, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 1997:

DEPARTMENT OF THE INTERIOR

JAMIE RAPPAPORT CLARK, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE MOLLY H. BEATTIE.

DEPARTMENT OF AGRICULTURE

I. MILEY GONZALEZ, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE KARL N. STAUBER.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ANDREW M. CUOMO.

DEPARTMENT OF AGRICULTURE

AUGUST SCHUMACHER, JR., OF MASSACHUSETTS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AN FOREIGN AGRICULTURAL SERVICES, VICE EUGENE MOOS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 9, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WESLEY K. CLARK, 5682

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. ANTHONY C. ZINNI, 7104

HOUSE OF REPRESENTATIVES—*Wednesday, July 9, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day we are aware of all Your gifts to us, O gracious God, those gifts that brighten our days, that warm our hearts, and strengthen our spirits. We are especially conscious of the gift of friendship and those relationships that help bind us one to the other and give us a sense of unity in a common bond. With all the distractions that pull us from a noble vision of life, we are enthused that there are people who inspire and encourage us, whose loving concern lifts us up and helps point us in the way. For the gift of friendship that provides harmony and support in our lives, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRATULATIONS TO CONGRESSMAN AND MRS. CHET EDWARDS ON BIRTH OF SECOND SON

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I rise today to congratulate our colleague and our friend, the gentleman from Texas [Mr. EDWARDS], and his wife Lea Ann, and their son John Thomas on the birth of their second son, Garrison Alexander. Garrison Alexander was born at 10:32 on Sunday, July 6 at Hillcrest Baptist Hospital in Waco, TX. He weighed 6 pounds and 1 ounce.

Garrison Alexander is named in honor of his two grandmothers, Shirley Garrison Edwards and Patricia Alexander Wood. His 1½-year-old brother that all of us know as J.T. is named in honor of his two grandfathers, Rev. John A. Wood and Thomas Edwards.

I have had the pleasure of working with the gentleman from Texas [Mr. EDWARDS] on many issues that affect Texas and our Nation, and he represents his constituents with the highest degree of integrity. He is a devoted family man, and he will be a terrific father to Garrison, just like he has been to J.T. Both Edwards boys are very lucky to have such a loving family with CHET and Lea Ann.

I am also privileged to have the opportunity to play this small part with the Edwards family. We all wish heartfelt congratulations to the proud parents and hope the rest of Congress joins me in welcoming Garrison Alexander into this world. I want to thank CHET and Lea Ann as we celebrate bringing another Texan in to serve our Nation.

GIVING CREDIT WHERE CREDIT IS DUE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, it is time to give credit where credit is due. In today's Washington Post on the front page there is an article announcing that the budget could be balanced ahead of schedule. The budget could be balanced as early as next year. How can we explain this good news? Let us recall a little history.

In 1993, the President submitted a budget with huge deficits as far as the eye can see. In 1994, the President submitted a budget with huge deficits as far as the eye can see. In 1995, the President submitted three budgets with huge deficits as far as the eye can see.

But in 1995 a big change came to Washington. Republicans came to town promising to balance the budget and they were serious. They insisted that the President join us in an effort to balance the budget, and the President finally agreed. Our determination and seriousness is now paying off. We are perhaps only 1 year away from a balanced budget. That is a victory that all Americans should celebrate.

CLEVELAND SHINES AS HOST OF ALL-STAR GAME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I rise to celebrate my city, Cleveland, OH, for its outstanding debut as America's All-Star city last night when the American League beat the National League 3 to 1 at Cleveland's Jacobs Field.

The All-Star victory was brought about through a dramatic two-run home run by Cleveland Indian Sandy Alomar, who was named the game's most valuable player. The midsummer night's classic showed Cleveland at its best, an All-Star city, a still-shining new Jacobs Field, the most enthusiastic fans anywhere, a first-rate, first-place team, the most valuable players.

When Sandy Alomar hit a home run to win the All-Star Game, he showed that Cleveland hits a home run every time it steps up to the plate nationally. Baseball, what a sport. The All-Star Game, what a game. Cleveland, what a city.

TAX CUTS ON GILLIGAN'S ISLAND

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the debate we are hearing these days about tax cuts for people who pay no taxes is worthy of a scene from Gilligan's Island. One can just imagine Gilligan complaining to the Skipper and asking him why he is not getting a tax cut.

At this point the Skipper would have already taken off his cap and smacked Gilligan over the head and cried with exasperation, "Gilligan, don't be ridiculous!"

Then the Skipper, in his usual condescending way, would try to explain to his slow "Little Buddy" that it is impossible to cut taxes for someone who pays no taxes.

Gilligan would not need the Professor to explain to him the metaphysical impossibility of such a preposterous proposition, even though Gilligan lived in a fantasy land. All he would need is a good rap on the chest, a little common sense, and the advice, "Gilligan, don't be ridiculous!"

☐ 1015

LET US START CARING ABOUT AMERICAN KIDS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Mexico's top narcotics organization has threatened to kidnap and murder American officials. The FBI said the Arellanno-Felix organization, in an effort to protect their drug shipments on our borders, will come in America and will kill.

Unbelievable here. America is overrun with heroin and cocaine, we have got kids dying in Chicago, Los Angeles, New York, and who cares, Congress? Who really cares?

And there is now a group of people trying to take the Traficant language out of the defense bill that authorizes, but not mandates, the use of the troops on our borders.

Are they nuts? Are they inhaling or what? Wake up, Congress. What has to happen? Will one of these narcotics organizations have to kidnap our drug czar?

America has no program, none, zero, and our borders are wide open.

Let us start caring for American kids.

CONSERVATIVE MAJORITY TO DELIVER TAX CUTS FOR THE AMERICAN PEOPLE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it was good to be back home in the Sixth District of Arizona last week, being outside of the beltway and all of the speculation and all the imagined conversation, and to talk to honest to goodness Americans and Arizonans, people who are pleased at long last, Mr. Speaker, that this conservative majority will deliver on promises that should have been realized a long time ago: tax cuts for the American people, the first tax cuts in over a decade and a half.

Mr. Speaker, the people of the Sixth District viewed with alarm, concern and outright curiosity the claims by some about the notion of giving income tax cuts to people who do not pay income taxes. They said it in Show Low, Arizona, they said it in Eagar and Overgaard: How do we give an income tax cut to someone who does not pay income taxes? How indeed, Mr. Speaker?

The good news is, over 70 percent of our tax cuts go to middle income families, working Americans. We realize the value of work, we realize the value of individual initiative, and Mr. Speaker, we realize the value of having hardworking Americans keep more of their own money in their pockets and send less of it here to Washington.

URGING SUPPORT FOR RESTRICTIONS ON GUN TRAFFICKERS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, now that the U.S. Supreme Court has struck down the background check provision of the Brady law, it is imperative that we have Federal legislation so that States with strong gun laws cannot be undermined by those with weak gun laws.

Take my home State of Illinois, for example. Illinois has tough gun laws, including background checks. Other States, unfortunately, are not as tough on guns.

One of Chicago's major highways, Interstate 55, runs through four States with gun laws a recent study described as very weak. I-55 is otherwise known as the iron pipeline. These States are irresistible to Chicago's street gangs and drug dealers who need firearms to protect their turf. It brings a whole new meaning to the phrase, "Have gun, will travel."

We can take steps to shut the valve on the iron pipeline and on other interstate highways that have become virtual firearm freeways. Join me in supporting the bill of the gentleman from New York [Mr. SCHUMER] that would give out mandatory 3-year prison sentences to convicted gun smugglers and limit people to one handgun purchase per month.

ANY EXCUSE IS A GOOD EXCUSE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, any excuse is a good excuse if someone does not want to do something. The liberals do not want to vote for tax relief, so any excuse will do. The most frequent excuse is that tax relief will only go to the rich.

In today's Washington Post in the James K. Glassman column it says the Democratic Policy Committee recently sent an outraged fax to radio talk show hosts around the country. Under the current GOP proposal, this is a quote, "The top 1 percent of Americans would receive more benefits than the combined bottom 60 percent in tax cuts."

The IRS reports that the top 1 percent of Americans paid 29 percent of the Nation's income tax bill, and the bottom 60 percent paid just 9 percent. So to be fair, the top 1 percent should get triple the cuts as the bottom 60 percent.

But that is not the plan. The plan is targeted tax relief for the middle class. That is what we passed in this House.

But any excuse is a good excuse if someone does not want to vote for tax relief.

TRIBUTE TO CHARLES KURALT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to a North Carolina hero who made us all proud to be Americans. Yesterday Charles Kuralt was laid to rest in Chapel Hill, NC. His award winning-broadcast career celebrated not the lifestyle of the rich and famous, but regular ordinary Americans off the beaten path. He inspired us not with stories of glitzy stars or flashy celebrities, but the common men and women whose everyday lives and work made this country great.

It was North Carolina's values that sent Charles Kuralt on the road to discovery, and it was our good fortune that he took us along for the ride.

Born in Wilmington, raised in Charlotte and educated in Chapel Hill, Charles Kuralt lived and breathed North Carolina even as he reported to us from around the country and across the world. He took North Carolina values with him wherever he went, and his road was our road.

Yesterday under a scorching sky of Tarheel blue this North Carolina hero made his final trip.

Rest in peace, Charles Kuralt.

WHO REALLY BENEFITS FROM A CAPITAL GAINS TAX CUT?

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, who owns stock and who will benefit from the capital gains tax relief that the Republicans are attempting to provide? Well, it is time for some surprising news, and this news flatly refutes the Democrat catch phrase: Tax cuts for the wealthy.

According to a recent stock market survey, stock ownership doubled over the past 7 years to 43 percent of the adult population. Forty-seven percent of all investors are women. Fifty-five percent are under the age of 50. Fifty percent are not college graduates.

So let us think about that and compare it to the absurd stereotypes perpetuated by the liberals. Almost half of all American adults own at least one share of stock. Slightly under half of all shareholders are women. More than half of all investors are not yet 50, and half of all those with a stake in investments are not college graduates.

Are the liberals really against helping these people? Are they sure that cutting taxes on savings and investments only helps the rich? Maybe it is about time the liberals updated their stereotypes.

REPUBLICAN BUDGET FAILS TO PROVIDE HEALTH COVERAGE FOR MOST CHILDREN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, over 10 million American children lack health insurance. They lack the ordinary means to gain access to the health care system.

Unfortunately, Texas leads the Nation with 46 percent of our children, almost one in two, lacking health insurance. These are the kids that do not see a doctor when they are sick, unless they get so sick they have to be rushed to the hospital emergency room. They are the children of the working parents who are struggling to make ends meet but get no health insurance at their job.

Some 5 million of these kids were supposed to be covered by this great Republican budget bill that we have heard ballyhooed here this morning.

Well, last week the Congressional Budget Office that this Republican crowd hired reported that they left off a zero in their great plan; they are only going to cover 500,000, not 5 million new kids in America.

In politics they say half a loaf is better than no loaf at all, but for those many kids who need health care and health insurance the Gingrich Republicans are only providing a heel.

A BRIGHT FUTURE FOR AMERICA

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I rise this morning to call attention to what is happening in Washington out here. We are about to conclude legislation that balances the budget, restores Medicare, and reduces taxes on the American people.

The front page of the Washington Post this morning says that the budget may be balanced as soon as 1998, and they credit a robust economy, but they forget to mention that in addition to a robust economy we have a new group of people in Washington that is curtailing the growth of Government spending. When the government spends less, that means they have a lower deficit, and that means they borrow less money out of the private sector. More money available in the private sector means the interest rates stay lower, and when the interest rates stay lower, people buy more houses and cars, and of course people have to go to work to build those houses and cars, and that means they leave the welfare rolls and they go into the work force and that creates a strong economy.

That is what is going on in this country today, a balanced budget, Medicare restored, lower taxes on the American people. That is a bright future for America. That is a bright future for our children and our grandchildren.

CHILD TAX CREDIT DENIED WORKING FAMILIES

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, it is wrong to deny tax relief to America's working families, and what we are seeing here again is the Republicans and their rich and wealthy friends bashing working Americans and their families. Compared to the President's proposal, the Republicans' proposal, 4 million working families will be largely denied a child tax credit under their plan. These are people who make between $20,000 and $30,000 a year.

An example: Consider a family of four with two children, living in a medium-sized southern city. The father is a rookie police officer. He makes $23,000 a year. Mother takes a few years off to take care of the kids. What happens under their plan? Zero. Zero for that family. Under the President's plan, $767.

They take their credits and they give it to the wealthy in the form of tax relief on corporate minimum tax, a $22 billion giveaway. They give it to relief with respect to capital gains and indexing, $650 billion that explodes in the outyears.

They are bashing working people, and they are doing it to take care of their wealthy friends. It is wrong, it is outrageous, and we need to stop it.

TAX REDUCTION FOR THE MIDDLE CLASS

(Mr. COBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I do not usually get up here and talk, but there is a lot of absences that we did not hear just a minute ago, a lot of things that were left out.

There are 4 million people today who are receiving Federal income money who earn no money. It is called the earned income tax credit. It is 36 percent of the claims for that are fraud. It is the most abused system that we have.

It is not about leaving those people out. It is about creating an opportunity for them to join the rest of America through a tax reduction that is for middle class America. They are already granted earned income tax credits.

What we are saying is, if they work and pay taxes, they ought to get a tax cut. If they do not work and we are already giving them a payment, maybe we should not give them more so we can encourage them to work.

SURVIVAL OF THE FITTEST?

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, in all due respect to the previous speaker, only people who work qualify for the earned income tax credit. This is not money going to people who do not work. If they do not work, they do not qualify.

Sadly, my colleagues on the other side of the aisle seem to embrace a survival of the fittest mentality. If people are wealthy, if they are healthy, they are deemed to be good and worthy. If they are old or sick or poor, somehow they do not deserve a part of the American dream. They do not deserve a tax break.

We are going to get a tax bill, but I hope the American people are watching us, because this tax bill must be a fair bill. Under the Republican bill, if a family has four children and makes $18,000 a year, they will get nothing, nothing under the child tax credit provision. But if a similar family makes $80,000 a year, they will get $2,000. Nothing for the poor family; $2,000 for the well-to-do family.

The Republican bill takes care of the well-to-do. We have got a responsibility to stand up for America's working families.

TAX CREDITS FOR TAXPAYERS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Well, Mr. Speaker, it is only 10:30 and the Democrats are already confused. No surprise, but usually they make it to 11 o'clock.

Here is the idea of nothing for the poor. Let us examine the case of a person who is poor who does not work. Their children get WIC, their children and they get food stamps, they get Medicaid, they get public transportation, they get college education, they get free housing.

Now on top of that the Clinton Democrat liberals want to take $500 per child tax credit from a single working woman with a 14-year-old and 16-year-old, and instead of giving that single working woman a $1,000 tax credit for her 14-year-old and 16-year-old, they want to say no, she does not get any of it, and give it to somebody who is not working and who is not paying taxes.

There is no discussion here about the poor not getting anything. What we are discussing here is taking the money from middle class working people and giving it to those who are not paying taxes. This is a tax credit. Tax credit goes to those who pay taxes.

We are not debating taking away public assistance benefits which are secure, which will continue to go to the poor.

☐ 1030

MIDDLE-INCOME AMERICANS SHOULD GET TAX CUTS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, in 1993, when President Clinton took over, the deficit was over $250 billion. In 1993, with the President and all the Democrats in the Congress, not one single Republican voted on a deficit reduction plan. Today that deficit is $45 billion. The deficit is indeed coming down.

This Congress voted for an $85 billion tax cut. That tax cut goes only to people who are working and who pay taxes. That is the Democratic plan. The question is, who will get those tax cuts? We believe that middle-income Americans ought to get those tax cuts; that they ought to receive deductions for education for their children, that they ought to receive child tax credits. The Democratic plan says that.

Do not be confused. The facts are simple. Who should get the tax cuts? Democrats and the President believe those tax cuts ought to go to middle-income people for deductions for their children's education and for child tax credits. Check the facts. Members should know what they have before them. We believe that $5 billion ought to go to hard-working Americans and yes, people must work to get the tax credit.

REPUBLICANS ARE COMMITTED TO TAX CUTS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, while liberal Democrats are busier than a White House shredder coming up with excuses why they are against tax cuts, Republicans in Congress remain committed to passing the first tax cuts in 16 years. Let us recall that Congress would not even be talking about tax cuts were it not for the Republicans in control. After all, prior to 1994 the Democrats were in power for decades. They had their chance to give average families tax relief. They chose instead to pass President Clinton's tax increase, the largest tax increase in U.S. history. Now I hear the other side making claims that they really are for tax relief, only they are not for the Republican tax package.

With all due respect, those claims are about as credible as the White House claims that no one can remember who hired Craig Livingstone. No, the sad truth is that Democrats have not stood for tax relief since President John F. Kennedy. The proof is in the pudding.

REPUBLICAN PLAN BENEFITS THE WEALTHY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, according to all of the news services, the public understands very well what is going on. Sixty-one percent of the American people now understand that the Republican tax bill gives most of the benefits to wealthy corporations and to wealthy individuals.

What is the Republicans' response to this fact? The response is to go out and hire a new public relations firm to try to tell a new story about their tax bill. It is not to change their tax bill, to take care of working families, it is not to change their tax bill to take care of the children of working families, but it is to change the public relations firm.

What the Republicans ought to do is start sharing some of the benefits of that tax bill with people who wake up every morning and go to work and work hard but do not make a lot of money. They, too, would like to take care of their children. They, too, would like to be able to educate their children. But the Republicans do not do that. They decide in fact that corporations should no longer have to pay the alternative minimum tax. They decide in fact that people who clip coupons should pay 15 percent of taxes while people who go to work should pay 28 percent on their taxes.

DEMOCRATIC TAX PLAN IS WELFARE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, well, the liberals in this place have finally done it. After 40 years of building the welfare state, the liberals have finally come up with the ultimate welfare policy. They have discovered a way to try to turn a tax cut into a welfare program. Under the Republican plan, 75 percent of the tax cuts go to people who make less than $75,000. Liberals want to give welfare to people who are not paying any taxes at all and then call it a tax cut. Welcome to liberalism in the 1990's.

Taking money from the taxpayers and giving it to people who do not pay any taxes at all is not a tax cut at all. That is welfare. Let us call it what it really is. In fact, it is so ridiculous that I dare anyone on the other side to try to come and explain it to my constituents with a straight face. Good luck.

TAX CUTS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, while the gentleman is here who just spoke, the President's proposal would give a child credit only to those who work and pay Federal taxes, income or withholding, Social Security, period. So do not come here and distort the truth.

Second, in 1993 I voted for that package. I am proud of it. We have now a deficit that may be disappearing. Why? Because we Democrats had the guts in 1993 to stand up.

Third, this 75 percent figure going to those who earn under $71,000, it is a 5-year analysis at best. Give us a 10-year analysis. They do not give it to us because it will show that most of the tax cut would go to very wealthy families, and I would say here to Mr. Kies of the Joint Committee on Taxation, today come up with a 10-year analysis. He does not because he hides the fact who will benefit, and that it would explode the deficit after 5 years.

STRENGTHENING FEDERAL LAWS AGAINST CRIMINALS WHO COMMIT CRIMES AGAINST CHILDREN

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing the Joan's Law Act of 1997. This legislation will reflect the recently enacted New Jersey Joan's Law.

I introduced this bill on behalf of the family and friends of Joan D'Alesandro, a 7-year-old Hillsdale, NJ, girl who was raped and murdered in 1973. Joan's murderer, who lived across the street and participated in the family's search for their daughter, was sentenced to 20 years in prison. Now eligible for parole, he has twice sought release since his incarceration.

Mr. Speaker, my bill states that any person who is convicted of a Federal offense defined as a serious violent felony should be sentenced either to death or imprisonment for life when the victim of the crime is 14 years of age or younger and dies as a result of the offense. This bill sends the strongest possible message to anyone who would take the life of a child: If you do so, you will either forfeit your own life or live out all your remaining days in a Federal prison.

I urge my colleagues to cosponsor this legislation.

AS USUAL, REPUBLICAN TAX CUTS ARE FOR THE WEALTHY

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, life in America is always changing these days, but one thing that Americans know never changes. That is, when Republicans say cut taxes for the middle class, they really mean cut taxes for the wealthy. Of course, they want us to believe that their tax cut is fair and that it is for the middle class, but their plan says otherwise.

The fact of their plan is that one-third of all the tax cut goes to the top 5 percent of the American people. Two-thirds of their tax cut goes to the top 20 percent. By contrast, in the President's plan two-thirds of the tax cut goes to the middle class, of the 60 percent of Americans whose income lies between $15,000 and $75,000 a year. Under the Republican plan, the rich become very much richer. Under their plan, the crumbs from the plate go to the middle class, that broad middle class of 60 percent, and the poor lose their shirts. That is not fair. In fact, it is even class warfare.

CONFUSION AND DISHONESTY IN DISCUSSION ON TAX CUTS

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, there seems to be a lot of confusion in the Chamber this morning. To me it is really quite simple. If you pay Federal income taxes, you are going to get a lower tax burden. If you do not, you do not get lower taxes. I think that is a pretty clear distinction.

But we have a problem here because there is a lot of confusion and distortion about what the facts are. The Treasury Department states that there are 21.2 million families or people in America who are making more than $75,000 a year. That is double the census number.

I am going to tell the Members why. Because in their number they include not only adjusted gross income, but IRA's and Keogh, Social Security, life insurance, inside buildup pensions, employer-provided fringe benefits, and imputed rental income that you would get if you rented your house that you are currently living in.

Talk about doctoring the numbers. All we are talking about is adjusted gross income as adjusted gross income. We have to talk honestly if we are going to have an honest debate. There is a lot of dishonesty in this town right now. Frankly, anybody who buys into that kind of funky bookkeeping must be growing a very long nose.

DEMOCRATS HAVE THE FAIRER TAX PROPOSAL

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, this chart tells the whole story. This is the percentage of the tax cut benefit that goes to the middle 60 percent of the people in this country, 60 percent of the people who work every single day. They are not on welfare. They work.

Under the President's tax proposal, 67 percent of the benefit of his proposal would go to those people. Under the House version of the tax bill, 32 percent of the benefit would go to that 60 percent of the people. Under the Senate version of the bill, 34 percent of the benefit would go to that 60 percent of the people. Now, tell me which tax cut proposal is fairer? What happens to the benefit that is not shown here in the Republican's proposal? It goes to the top 20 percent of the people.

REPUBLICANS' TAX PLAN TARGETS TAX CUTS TO AMERICANS WHO PAY TAXES

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I just want to provide a few facts for this debate on tax cuts for the wealthy, quote unquote. I do not normally quote from Albert Hunt's column in the Wall Street Journal but I am going to today, because I think he has his numbers right.

If we take a family of four with two children that are earning $23,000 a year, they would pay approximately $700 in Federal income tax. That would be what they would owe the Government in Federal income tax. However, under current law they would qualify for an earned income tax credit of about $1,700. So if we deduct what they owe the Government from the amount that they get back from the Government, they are getting a check back from the Government for $1,000.

Our tax bill is focused and targeted on families who are still sending funds in to the Government for their taxes. That is why those families that are getting a check back from the Government do not qualify under the Republican plan. I think that is what the majority of people in my district want.

THE DEMOCRATIC TAX PACKAGE ACKNOWLEDGES WORKING AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought that we could civilly discuss this very important issue of taxes. Unfortunately, Al Hunt also in that article said that a police officer making $23,000 a year would get nothing under the House and Senate proposal.

But let me really focus the Members. A single mother lives with her 7-year-old daughter in Texas. She has been working as a bank teller for several years. She gets $20,000 a year. She tallies up her tax. She pays $1,200 in Federal income tax. She gets a $1,150 earned income tax credit. However, she pays $1,500 in payroll taxes, not to mention what her company pays for her.

How does the gentleman dare say this working woman making $20,000 should not get the $500 a year tax credit and claim that she is on welfare? How dare he insult those single working mothers who are every day taking care of their children? I am ashamed. The Democratic alternative, the President's bill, acknowledges working Americans.

Let me just simply say that the OTA, and that is the Treasury Office, its tax analysis, an independent body has said, provides a more comprehensive measure, more consistent with how economists would measure the bill's benefits to individuals, meaning the President's calculus is more accurate than the Republicans.

This is a ridiculous debate. Vote for working men and women and vote for the Democratic plan.

DEMOCRAT CLASS WARFARE WARRIORS ARE AT IT AGAIN

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the Democrat class warfare warriors are at it again. They want to talk about tax cuts for the rich. They seem to define the rich as anyone who pays income taxes. We do not need fancy charts from OMB or CBO or the Treasury to determine if one benefits under our Republican tax plan. It is rather easy.

No. 1, if you pay income taxes and you have children under 17, or you pay college tuition or you are trying to save for the future, or you are trying to sell your small business or your family farm, or you are trying to keep that small business or family farm in your family, you will benefit from tax relief provided under the Republican plan.

□ 1045

It is time to put class warfare aside. The class warfare warriors in the Democratic Party need to take a rest. Our Republican tax relief plan is for all Americans at all stages of their lives.

A REPUBLICAN TAX BILL THAT BENEFITS THE RICH

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this debate about the tax bill is about who benefits. My Republican colleagues once again are trying to pass a tax bill that benefits the wealthiest of Americans and forgets about average middle-class families. And once again, only people who work and pay taxes are eligible for a tax cut. Do not let them distort the facts.

I will tell my colleagues that 61 percent of the people in this country are not buying their distortions because they believe that the Republican Congress is out of touch with the American people. Do not take my word for it. Newsweek magazine, an article by Jonathan Alter, said the following: A new CNN/USA Today poll shows 61 percent believing the GOP Congress is out of touch. And that is before middle-class voters even learn that the GOP wants to give a chunk of their tax cut to Donald Trump.

Donald Trump, one of the richest men in the world. They would provide a tax cut for the richest corporations in this country, yielding some of those folks a zero tax break.

Class warfare? Yes, indeed, Mr. Speaker, the Republican Party, the Republican majority in this House has declared war on middle-class America. Let us not let them get away with it.

CLASS WARFARE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, class warfare is exactly what it is, and they are engaging in it. It seems to me that as we listen to this vitriolic attack on the capital gains tax cut, which God forbid Donald Trump might benefit from, let us look at who really benefits from reducing that top rate on capital gains.

Over a 7-year period, the average family of four would see an increase in their take-home pay of $1,500 per year. We continue to hear talk about how $1,500 is going to be cut from the average family with this package. Baloney. We need to realize that a capital gains tax cut is what the American people need to help those who want to emerge from middle-class status and frankly become wealthier. So they are the ones who are trying to engage in this us-versus-them argument. We are the ones who recognize that we are all in this together; because the fact of the matter is, Paul Tsongas was absolutely right when he described his political party and said, you know, the Democrats unfortunately love employees but they hate employers. We are all in this together, Mr. Speaker. Let us support the Republican tax plan.

QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment shall be considered as read. Points of order against that amendment for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. No amendment to that amendment shall be in order except an amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, which may be offered only by Representative Miller of California or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Dayton, OH [Mr. HALL], and, pending that, I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes in order H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997 under a modified closed rule. While I share the sentiments of the minority that bills of this nature should be considered under an open amendment process, I believe a modified closed rule in this instance is appropriate and justified.

The Quincy Library Group is a 41-member coalition of local environmental organizations, the timber industry and local officials that met in Quincy, CA. In 1993, the group developed an innovative consensus-based pilot program to permit local management of 2.5 million acres of three national forests in California. It is a responsible plan that emphasizes local cooperation and balances environmental protection with local economic needs.

H.R. 858 is intended to end the 4-year stalemate over the implementation of environmentally sound management practices for the Plumas, Lassen, and Tahoe National Forests that are aimed at preventing wildfires that are a serious threat to life and property.

The Committee on Resources has been negotiating for 8 weeks with environmental groups, the Clinton administration and even our California colleagues over in the Senate to address their substantive concerns.

The amendment in the nature of a substitute that is made in order by the rule addresses all of their concerns except the concern over local control, which is the primary purpose of this bill. In particular, the substitute amendment specifically states that the pilot project is subject to all existing environmental laws and reviews. Let me underscore that again, Mr. Speaker. The pilot project is subject to all existing Federal environmental laws and reviews.

The amendment in the nature of a substitute accurately reflects the plan that was painstakingly negotiated by this 41-member coalition. There is a legitimate concern that efforts to substantively revise that plan could cause that coalition to unravel.

The Quincy Library Group bill has bipartisan support. To strengthen that support, the rule affords the respected ranking minority member of the Committee on Resources, my colleague, the gentleman from California [Mr. MILLER], to offer a germane amendment to further address additional concerns that, in the unlikely event, may be overlooked in the substitute amendment.

The rule, Mr. Speaker, ensures ample debate by providing 1 hour of debate on the Miller amendment in addition to the 1 hour of general debate. So Mr. Speaker, this is a responsible rule that will ensure the integrity of the Quincy Library Group while allowing for an innovative and responsible forest management plan, a pilot plan to be developed by local consensus so that we can move forward.

For these reasons, Mr. Speaker, I urge adoption of the rule and of the bill itself.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from California, Mr. DREIER, for yielding to me this time.

This resolution 180 is a modified closed rule. It will allow for the consideration of H.R. 858. This is a bill that directs the Secretary of Agriculture to conduct a 5-year pilot project for the management of lands within three national forests in the Sierra Nevada Mountains in the State of California.

As my colleague has described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. This modified closed rule makes in order one amendment offered by the gentleman from California [Mr. MILLER], the ranking minority member of the Committee on Resources. No other amendments may be offered.

Reluctantly, I oppose the rule because it is an unnecessary restriction of the rights of House Members to offer amendments to this bill on the floor.

During the hearing of the Committee on Rules last night, the gentleman from California [Mr. MILLER] testified that this is a controversial bill. It is opposed by State and local California environmental groups, and furthermore he testified that his concerns could be taken care of with about a half a dozen amendments.

My principal opposition to the rule is not based on the procedure up to this point. During the Committee on Rules hearing, the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, testified that numerous changes had been made in the bill to accommodate the opposition. In general, the committee process has been followed. The controversy that has resulted is part of the normal process when basic disagreements continue to exist after fair debate at the subcommittee and committee level.

The next step, which this rule will not permit, is to carry those disagreements to the House floor. Members should have the right to continue the perfecting process before the House in full view of the American public. Instead, Members are offered the right to vote on only one amendment and then to consider the bill on a take-it-or-leave-it basis.

House tradition and custom encourage full and fair debate on the House floor whenever possible. That tradition is particularly strong in the Committee on Resources, which has rarely requested a restricted rule. Supporters of this restrictive, modified closed rule have failed to make the case that an exception should be made now, and as crowded as the floor schedule is for this month, surely room could have been found to take up the half dozen amendments that might be offered.

While the fire protections in the bill are needed soon by the people of California, this bill has already been in development for 4 years. The extra debate time to consider amendments will make little difference.

Mr. Speaker, this legislation is about the management of the national forests supported at taxpayers' expense to protect environmental resources that belong to all Americans. The representatives of the people should have the right to shape this legislation on the House floor. I oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Sanibel, FL [Mr. GOSS], chairman of the Subcommittee on Legislative and Budget Process and chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California, vice chairman of the Committee on Rules, acting chairman today in the absence of the chairman, for yielding me this time.

I rise in support of what I think is a very fair rule for a very important subject that I think in some ways is a bellwether to be used again and again and again as a model in this controversy we have between private property rights and the preservation of our natural resources, which we generally speak of in terms of our environmental legislation.

Obviously we are never going to entirely have a winner on one side or the other of that debate. We are always going to have protection of our natural resources because our quality of life demands it, and we are always going to have private property rights because they are guaranteed, as they should be, in the Constitution of the United States.

Finding ways to work out solutions when they come in conflict is what this bill is about in one narrow specific area of the United States. I believe that the rule we have crafted works out quite well. It is a modified closed rule. It ensures that the minority opposed to some aspects of this bill, which I understand was reported out of the committee nearly unanimously; that nevertheless there was a minority and that that minority has the opportunity to improve the bill in their view through a single amendment and, of course, through the traditional motion to recommit. I am told, frankly, that this legislation is a result of 4 years of discussion by the interested party, the Quincy Library Group, which is a coalition of the environmental leaders, timber industry officials, local citizens and other interested parties in the area who would be immediately affected.

□ 1100

It would be unfortunate, I think, to allow the diligent work they have done to be compromised by misunderstanding here by those of us who were not there or, frankly, to be derailed by mischief making in Washington which, strangely enough, happens every now and then.

This rule does not shut off the amendment process but it does provide for expedited consideration of this long-awaited bill and is supported by local groups representing all ranges of the ideological spectrum. The Quincy Library Group, in my view, should be commended. They have been the conflict resolution forum for a compromise that has been tailored and shaped to resolve a longstanding specific controversy in their area.

In effect, H.R. 858 implements a locally conceived management plan for three national forests in northern California. It establishes a 5-year pilot program designed to conserve forest resources, protect wildlife habitat, and provide economic stability for the region; jobs and quality of life together. Most importantly, it represents a step away from the Washington knows best mentality that has plagued our environmental policy over the years.

This bill presents a long overdue cooperative, locally driven approach to protect our precious resources and our jobs and well-being. It is a fresh approach to land management. I applaud it. It is one that empowers local folks to make decisions and find solutions that work for them.

I urge my colleagues to support this rule, which I think preserves the package, allows for the amendment if the minority wishes to make it, and allows us to get on to reflect our own views on how we will vote on the final bill, which I also urge support for.

Mr. Speaker, I thank the gentleman from California for being so generous with his time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to the rule. The fact is that, I suppose in a sense, based on the past consideration of our timber policies in the last Congress and this Congress, that this represents a great liberalization of our opportunities to vote and debate on issues that affect our national forests. The fact is we have not had many votes on such national forest policies.

The last session, we had the discussion on the timber rider, as it became known, the infamous timber rider, the salvage timber rider which, under the auspices of timber salvage, basically opened up many of our national forests to really an unregulated adventure in terms of harvesting timber in the name of trying to suppress fires and so forth, all with good words of intent; but the consequence of it was that not just salvage operations, which are ongoing and an administrative function of the Forest Service, was in place, but in fact they ran counter to what would be sound forest health practices.

This measure that is before us and this rule, of course, does not provide for the open-ended open amendments. I do not know of any effort to offer a significant number of amendments that would derail this particular bill, but it is an effort to overcontrol and overmanage what should be an open process on this floor. If there was a bill that could have an open amendment process, this would be it.

I do not know the outcome, but I would just suggest to the Members on the substance of this bill, because many Members have discussed the substance, this is not an argument over private property rights; this is a question of how we are going to manage three national forests all public lands, three national forests and a land mass of about 2½ million acres. So it comprises a significant portion of our national forests, the public domain not owned by private land holders.

Two-and-a-half million acres, and an area that has been of significant controversy in the Pacific Northwest with regard to the policy path for our timber harvest. The fact is that Congress has had heavy hands in this area in terms of mandating legislative timber cuts for a long time.

Finally, when the reality of an ecological crash really occurred with regard to species and diversity of wildlife and so forth in the Pacific Northwest, that resulted in lawsuits and a whole series of efforts that basically denied the problem during the Bush administration, this Clinton administration worked very hard to put in place a sound forest plan, a forest plan or planning process that has been difficult for everyone, concerned in terms of accepting the types of harvest and limits that were necessary because of new scientific information.

Now, with these key forests, a group got together, and I think all of us respect local input and respect the virtue of that, but this Quincy group has not formulated fully all of the ideas in terms of how this should be managed. The question is, should national forests be controlled strictly by local policies based upon generalized guidelines? A 22-page document that raises more questions than it answers.

If we are going to replace the NFS with such a local group, Quincy Library Group, in place of the Forest Service, which is significant national policy change, are the guidelines in place that will in fact best conserve and utilize the national forest resources, preserve the resources of these 2.5 million acres, three national forests? My answer to that is no. I think we need the Forest Service as a full partner at the table. I think we need the existing laws in place, not set aside.

The effort here to pass this law is to in fact superimpose this over the existing mosaic of Federal laws that guide the use of these national lands. Not private lands, national public lands. This effort, in my judgment, is an effort to hijack what is the Quincy Library Group, the local input, to try to superimpose it and to use it for other purposes. The end result here is to basically circumvent many of the existing environmental laws that we have, in fact, superimpose this particular policy path over such laws.

It is called a pilot project but, as I said, it involves 2½ million acres of land. It is not a pilot project. This is an effort to, in fact, circumvent the existing limits, court decisions, other factors that have provided a policy path today that in the Northwest is working, admittedly not with controversy.

Now, I think the Quincy Library effort is an admirable effort. I respect the people involved in it. I think they add significantly to the policies that are being pursued in these areas, but I think the idea is not fully developed. I think the Forest Service has not completed some of the negotiations, furthermore, trying to allocate nearly $100 million to the management of this plan for this particular group is expensive and it will take away from many of the other functions the National Forest Service is responsible for. While there is no new authorization in this bill, the expectation is that that hundred million dollars has to come out of the general budget of the forests involved and the hide of the Forest Service.

I would suggest the rule is inappropriate, not necessary, it should be opposed, as should this bill in its present form or with the amendments that are being proffered by the majority at this time.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California [Mr. DREIER] has 23½ minutes remaining and the gentleman from Ohio [Mr. HALL] has 22 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Pleasantville, PA [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I want to thank the gentleman from California for the chance to speak on this rule. As a member of the Committee on Resources, I am proud to stand here today to support the Quincy Library Group Forest Recovery and Economic Stability Act, and to support the rule that has been designed to preserve the locally generated compromise.

For more than 4 years this group has been meeting to find common ground on the policy governing management of these forests. The title of this bill is an accurate description of the proposal's intent to recover forest health and to achieve economic stability.

Why would a Member from Pennsylvania be interested in this measure? I support this bill because it serves to move the environmental debate away from passion-driven arguments toward science-based and consensus-based approaches to forest health issues and to the management of all of our national forests.

In the Fifth District of Pennsylvania, where I serve, we have the Allegheny National Forest, 520,000 acres, a forest that in no way is similar to these forests in northern California, but the Allegheny National Forest in Pennsylvania is 520,000 acres of the highest quality hardwoods in the world. Unfortunately, in the past, the Forest Service and this Congress has often tried to manage our national forests in one-size-fits-all.

There is a great difference between the western forests and the eastern forests. I am not as familiar with the western forests as I would like to be, but I believe there is probably a difference in the California forests and maybe the Montana and Wyoming forests, but yet in the past we have tried to manage one-size-fits-all.

H.R. 858 steers us toward sound science and conflict resolution in order to provide habitat protection for the California spotted owl, preservation of the roadless areas for the length of the pilot project, reduction of the fire risks through construction of fuel breaks, and stability of the wood products industry.

My fellow colleagues, I know there has been a long-time debate on the national forests. There are those who want to lock them up. There are those who think we should just look at them. I believe these investments were made years ago for many reasons and for many multiple uses. I believe we should always support locally generated solutions when we can have them.

I think this proposal steers us in a new direction of managing our national forests in a way that suits the region upon which they are in, in a way that protects the taxpayers of the great investment we made and preserves the high quality of these forests. When local wisdom and cooperation offer a solution to complicated emotional issues, I am doubtful a federal government is better equipped to make these decisions.

This is a good issue that has been worked out locally in northern California and I, from Pennsylvania, urge all of those from the East to look seriously at this compromise and accept it as a new way, a new direction to go in managing our national forests.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, first of all let me speak to the rule. I think this rule is incredibly unfair given the complexity and the controversy surrounding this legislation that the Committee on Rules would deem that we can only have one amendment when in fact this is a multifaceted bill which now requires that we put all of the problems with this legislation in one amendment and accept it up or down, when in fact there are parts of this bill that may very well be able to be fixed on individual votes but we are not allowed that opportunity.

I want to say that in the future, I think that when the ranking members of committees come before the Committee on Rules and ask for the opportunity to present differences in the form of amendments and those are not granted, I think we should just assume that the Committee on Rules then owes us time. If we need five amendments and they give us one, they owe us 4 hours of time. And we should take it out in terms of motions to rise or motions to adjourn or whatever it is to take up and get back that time, because this is unacceptable, an unacceptable practice of shutting down the voices of many Members of Congress that represent a different view on the reported legislation, and yet they are not entitled to offer those amendments or to seek to have the House record itself on those differences.

Now, to this legislation. This legislation is brought forth as a suggestion that somehow this embodies the Quincy Library Group, which was a group that was formed to try and see whether or not we could pull together the disparate forces and interests in our national forests, to see whether or not we could come up with a management plan for those forests. Somewhere between the Quincy Library Group and the floor of the House of Representatives today this process was hijacked. This process was hijacked by those who were interested in cutting trees, not in truly managing the forest.

That is why this legislation has very, very serious problems, problems that are highlighted by the administration in its statement of administrative positions, and that is why this legislation has terrible problems with not only many, many environmental organizations within the State of California but of the national environmental organizations.

Let us understand what we are talking about. One of the previous speakers got up and talked about private property or something. We are talking here about the public's resources. We are talking about the national forests of this Nation. These lands belong to the public. We want to encourage, and in fact the administration is already administratively doing a number of the things suggested in this legislation to work with local groups, but we must understand that as a Congress of the United States we are the stewards of those public lands and we cannot let people willy-nilly do what they want with those lands because they think, well, this would be good for me.

The fact of the matter is that this legislation exempts this pilot project of 2½ million acres of the public's lands from the environmental laws. It is not consistent with the environmental laws of this Nation that all other plans have to be governed by, and that is why the administration is opposed to this legislation at this time.

This legislation, in fact, contains the very same timber salvage rider that got this Congress into so much trouble with the American public when they saw that the cutting of trees took precedence over every other multiple use in the forest, whether it was fisheries or recreation or species protection or riparian protection, all of a sudden we found out that we could cut the trees without those considerations. This is a rerun of that language. If we read the language from the salvage rider and we read the language in this legislation, in fact, they are identical.

This legislation would exempt this pilot project if we complete the changes in the forest management plan for these particular forests, the Plumas and Lassen and Tahoe National Forests. It would exempt them from that if in fact they were done prior to the 5 years.

□ 1115

So if we find in all of the studies and all of the science that this is contrary to the best interest of these forests, they can continue to go forward; they can continue to go forward with this plan even if the new forest plans are put in place. Those are the kinds of terrible inconsistencies that shall threaten this forest.

Now, let us understand something about the Sierra Nevada Mountains. The Sierra Nevada Mountains in California are under incredible stress. There has been a huge infusion of population, of use, of very bad logging practices in the past. We have now been told in major study after major study that the entire forest system is at risk, that we have got to take care of it, that we have got to do it in a comprehensive fashion.

The President, I believe, is going out to Tahoe to look at the Tahoe National Forest which is part of this plan, to see whether or not there is a way in which we can secure the longevity of the Tahoe National Forest and the Sierras and not destroy the watersheds of Tahoe, one of the national jewels of this Nation, not destroy the watersheds of the rivers of these forests.

So my colleagues have to take it in that context when they look at this pilot project. But this pilot project, while well intentioned and hard worked on and federally financed, and it is going to probably spend about $80 million in Federal dollars to carry out the intent of this, we have got to make sure that this is, in fact, consistent with the environmental laws and with the other activities that are necessary in these forests.

A lot of those activities are driven now, in fact, by population. They are driven by people who want to use these forests for off-road vehicles, who want to use them for camping, for hiking, for biking, all of these other activities, and want to make sure that the watersheds are protected so that we, in fact, can continue to restore the fisheries and the recreational activities in the great rivers of northern California.

That is what is at stake in this legislation, and that is what this legislation does not address. I will be offering an amendment that will take the administration's objections and address them in this legislation and provide for the riparian protection. If that amendment is, in fact, adopted, I will support this legislation.

I believe, then, that this legislation is headed in the right direction and can achieve its goals. But absent that amendment, this legislation is seriously flawed with respect to the integrity of the environmental laws, to the forest plans, and to the multiple uses of these forests in the most populous State in this Nation.

These mountains and these forests are important to millions of Californians, and we will not delegate the right to destroy those forests to a handful of people who have decided that cutting trees is the only way that we can protect this forest. We can have clear-cuts under this legislation, we can decide that that is the most efficient way and, in fact, we can go ahead and just start clear-cutting some of the last of the big trees in California. That should not be allowed.

I would hope that the House would support my amendment. Then we can all go forward and support this legislation, because the process of the Quincy Library Group is, in fact, moral and right and should be encouraged. But this work product fails, fails to meet the needs of the State of California and of the people of this Nation.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman from California [Mr. MILLER] by saying that this measure enjoys very strong bipartisan support in this House.

My friend from West Sacramento, CA [Mr. FAZIO] is a strong supporter of this. The gentleman from Marysville, CA [Mr. HERGER] has done a spectacular job in putting this together. And it has been, frankly, in some ways over his protest said before the Committee on Rules last night, the gentleman from Fort Yukon, AK [Mr. YOUNG], the chairman of the Committee on Resources, has moved dramatically to end up supporting this measure.

Mr. Speaker, I yield such time as he may consume to the very, very compromising gentleman from Fort Yukon, AK [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time.

Mr. Speaker, I was not going to speak on the rule, but I do support this rule. There is a need for this quasi-modified rule to make sure we expedite this process. But I cannot stand by and listen to my good friend, the gentleman from California [Mr. MILLER] make the statements he has made, because we have worked on this legislation for four years.

As I told the chairman of the Committee on Rules the other day, I think they have gone too far as far as this negotiation process. But this is an attempt to listen to the local people, and we have done that. In fact, the Friends of the Plumas Wilderness Society, who have filed 15 lawsuits, 15 lawsuits to stop every logging operation in this area, now support my substitute.

I have a whole list of other people that support this legislation, and not the industry itself but the community that lives there. And, yes, this forest is endangered, not from logging but because of fire and mismanagement by the U.S. Forest Service.

It has finally dawned on people, we cannot manage this from Washington, D.C. This is a national asset, but we cannot manage it from those people who live here in Washington, D.C. or even the Congress that live outside. We ought to start listening to the people. This is what we are doing in this legislation. For the first time, we are bringing all parties together, not just this Congress but the parties that live there, the environmental community.

And may I just clear one up thing. There are no clear-cuts under my substitute at all, and no tree over 31 inches can be cut under my substitute, 31 inches in diameter. By the way, the substitute of the gentleman from California [Mr. MILLER], keep in mind now he says he is doing what the Administration wants, and I am shocked. Because under my substitute, we protect the roadless areas. We protect those areas. And under the substitute of the gentleman from California [Mr. MILLER], he does not protect the wilderness areas.

Then we have the environmental impact statements. This is one thing I cannot quite understand about this administration and the gentleman from California [Mr. MILLER]. My substitute gives one EIS and four smaller EIS statements. Take a look at page 8 or 10 of my substitute. Right there is a total of 5 environmental impact statements. Under the Miller substitute, the gentleman from California [Mr. MILLER] offers one environmental impact statement. One, that is all he offers.

I never thought I would see the day the gentleman from Alaska [Mr. YOUNG] was out-environmentaling the gentleman from California [Mr. MILLER]. That shocks me to death.

We keep talking about riparian restoration. The Miller substitute removes my provision of more funding for riparian rights, riparian recovery in this bill. May I suggest, we took the exact language from the administration, the exact language Jack Ward Thomas proposed. That is the language we used, the language the administration supports, so I do not know what the gentleman from California [Mr. MILLER] is talking about.

We have communicated with the administration. We have communicated with the environmental community. We communicated with the industry itself. We communicated with the local people. We sat down with the Quincy Library Group and put together a good piece of legislation.

And may I close by saying, yes, our national forests are in terrible, deplorable shape, not because they were logged, but because this administration and, yes, other administrations decided that every area could live naturally. That may have been so many, many years ago. But look at the fires. I ask my colleagues to read the papers on fires that are occurring in California today and the fires that occur all the way around the Northwest, in Idaho, Utah, yes, even Alaska. Look at the volatility of those fires and the destruction that occurs. What happens after the fire, the soil is basically dead for our trees.

Every science that talks to us about our forests tells us we must start managing the forests, we must start looking at all alternatives, and this is what this bill does. It is a good, sound environmental bill. Remember, I remind you, the local environmentalists support this legislation.

Yes, the national environmentalists oppose it. You know why? Because they lose their control, and this is what this is all about, control. The environmental so-called community around Washington, DC, it knows nothing about the environment.

Let us start listening to the local people. Let us start listening to those that live there. Let us start saving our forests and our wildlife and the heritage we should leave to future generations.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Boise, ID [Mrs. CHENOWETH], my very, very good friend.

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding me the time.

Mr. Speaker, I, too, just wanted to clarify the record following the gentleman from Alaska [Mr. YOUNG] about some of the statements that were made by the gentleman from California [Mr. MILLER]. I just want to make it perfectly clear and back up what the gentleman from Alaska [Mr. YOUNG] said, that this issue has far less to do with the forest health and jobs.

What the debate from the gentleman from California [Mr. MILLER] was about was about control by a select environmental group here in Washington, DC, who do not understand silvicultural management, who do not really understand the dynamics of good forest management.

H.R. 858 is not at all like the salvage rider. I worked on that salvage rider, and I supported it. But this is not at all like the salvage rider that the gentleman from California [Mr. MILLER] claimed that it was. This pilot project, and let me reemphasize, it is a pilot project, is designed to reduce the risk of catastrophic fire and to prevent the need for salvage riders in the future because we will be taking care of the salvage in this particular area.

The legislation does not provide for clear-cuts. It is just the opposite. What it does call for is thinning of the forest and providing for shaded fuel breaks, in which the small trees are cut and the large trees are left to grow. That not only provides for healthy forests but healthy habitat and browse for wildlife.

In fact, the strategic fuel break system is that very system recommended in the SNEP report, the very scientific report that the gentleman from California [Mr. MILLER] wants the Forest Service to use in the Sierra Nevadas.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I simply close by saying that this is a very fair and balanced approach because of the uniqueness of this 41-member coalition that has been assembled, the Quincy Library Group. And I would like to again congratulate the chairman of the Committee on Resources who, under his self-description, has out-environmentaled the gentleman from California [Mr. MILLER].

I would also like to congratulate the gentleman from Marysville, CA [Mr. HERGER], who has done a superb job on this legislation over the past several years. And I would like to congratulate those Members on the other side of the aisle who have joined in this bipartisan coalition to ensure that we look at this issue in a very fair way.

I look forward to passage of this rule and passage of the legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 180 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 858.

☐ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 858 is a good bill. It helps working people, it helps the environment, it saves the forest, and it helps wildlife. It certainly is not everything that I hoped for in terms of timber supply, and I will be the first one to say that again. But it is what the people in northern California want, and in northern California the people are directly affected, and I say all the people, and they deserve congressional help.

☐ 1130

This is a pilot project. The bill is just as simple, just like the Quincy Library Group agreement. It directs the Forest Service to implement a science-based fire protection and forest health plan for three national forests in northern California. There are two cornerstones of the bill. Thinning, taking the volatility out of the forest, and fuelbreak work outside of roadless areas; and, second, a requirement to build fuelbreaks on 40,000 to 60,000 acres per year in roaded areas. This means thinning smaller trees, leaving larger trees, and generally improving the habitat and the condition of forests.

I want to stress again, everyone wins with this bill: Local environmental groups, timber workers, again the wildlife, school children, and communities throughout the region. That is why this bill has the support of heavy duty environmentalists like the Friends of Plumas Wilderness and the Plumas Audubon Society. These groups have sued to stop nearly every timber sale in northern California, but they support this bill.

Six labor organizations, like the United Brotherhood of Carpenters and the United Paperworkers, also support the bill. The California Farm Bureau, the Society of American Foresters, Governor Pete Wilson, State assembly members, California county education offices, county boards of supervisors all support the bill. I could go on and on with a list of those who support the legislation.

Frankly, Mr. Chairman, I did not think I would see the day when the staunchest people in the environmental movement, their timber company foes, the union work force, and government officials would actually agree on the timber issues in their own backyard.

That day came almost 1,500 days ago in the public library in Quincy, CA, when neighbors from all walks of life actually agreed on a forest health, land allocation, and economic stability plan. But the plan has not been implemented now for 4 years. People have tried. The Quincy Group is still trying. That is why we are here on the floor with this bill that directs the implementation of their plan.

It is a sad day, Mr. Chairman, that this Forest Service under this administration cannot do what we are directing them to do today in this plan. The management of our forests under this administration is deplorable. It is, in fact, a crime and a sin in what they have done to our forests, because there is no management.

I must say, Mr. Chairman, that the gentlewoman from Idaho [Mrs. CHENOWETH], the gentleman from California [Mr. HERGER], and I have been very, very reasonable in this bill, reasonable to the point that I am wondering whether we have made too many accommodations as I said when I spoke on the rule. It is really not what I would like. But again I want to stress it is up to the Congress to start listening to the people of America, especially those directly affected by actions of this Congress.

We have gone through 27 drafts of this bill between the 104th Congress and today. That bothers me to some extent because we are going to hear later on, "We weren't told, we weren't notified, we weren't asked, we didn't participate." Twenty-seven different drafts were worked on.

No less than 50 modifications that the gentlewoman from Idaho [Mrs. CHENOWETH] shepherded through her subcommittee and then through the full committee. My substitute has 16 changes plus 11 new subsections or paragraphs. Each address one or more of the concerns about the bill.

When national environmentalists complained that the bill might allow some timber harvesting in spotted owl habitat, the gentlewoman from Idaho [Mrs. CHENOWETH] removed two entire pages of the bill that gave rise to the concern.

When some said the Quincy bill did not protect water and riparian areas, the gentlewoman from Idaho [Mrs. CHENOWETH] offered an amendment that ensured that riparian areas would be protected with the same standards in the President's Northwest Forest Plan.

Recently, riparian restoration was raised. On page 4 of my substitute, the issue is addressed with an incentive-based, cost-effective way to restore riparian areas.

Some complained that the Quincy Library Group plan has never been the subject of an environmental impact statement. If Members would look on page 9 of my substitute, we require an environmental impact statement. The library group and I drafted it together. The same environmental leaders in northern California who have sued to block hundreds of timber sales sat with the gentleman from California [Mr. HERGER] and myself to write language giving the Quincy plan an environmental impact statement.

A member of my committee said the Quincy plan would not even get a public hearing or other procedural safeguards. People are important. So in my substitute I included an assurance that there would be a 45-day public comment period.

Others said we were trying to exempt the bill from the National Environmental Policy Act. That was never true, but we included the environmental impact statement requirements and we included a subsection (m) which states, "Nothing herein exempts this pilot project from any Federal environmental law." I do not think we could be any more clear than we want to follow the environmental laws.

Some said they were unsure whether the bill was consistent with the California Spotted Owl process. I am certain it is, but my substitute says that the California Owl Guidelines and any final owl guidelines will apply.

Frankly, this is an exercise in reasonableness on the part of the gentleman from California [Mr. HERGER], the gentleman from New Jersey [Mr. SAXTON], the gentleman from Maryland [Mr. GILCHREST], the other members of the Committee on Resources and Members off the committee that support the bill. The gentleman from California [Mr. CAMPBELL] has been very helpful on the environmental impact statement portion.

With all these changes, it is no wonder so many groups support the Herger bill. Only the groups on the very fringe oppose the bill and they have no rational basis to do so. We tried to get them to the table, but they refused. There are groups that will never be satisfied. That is the way they make their living. Frankly I do not understand their thinking because I thought they were environmentalists.

I know from his past statements that the Secretary of Agriculture supports the Quincy plan. I asked him 6 weeks ago to assist us in crafting any changes to accommodate his concerns, but I have not heard back from him. We have been very bipartisan and bicameral in our approach. I also asked the junior Senator from California for her suggestions, and we have accommodated the concerns that she raised.

I urge Members to support my substitute and, by the way, reject the Miller substitute because as I mentioned in debate on the rule, his does not protect the riparian part of my bill. He in fact invades the roadless areas. As I said, I never thought I would see the day when I would be out-environmentaling the gentleman from California [Mr. MILLER], but I am doing this in my substitute. Again, I say to those who might have some questions, listen to the people of America. Listen to those that are directly affected. Yes, this is a national forest, but there are people that live in, around, and with the national forest that every day they wake up, they are faced with a problem of mismanagement under this administration. It is time that this Congress listen to those people and let us try this pilot project. What is the fear of trying a pilot project when we are failing today? Let us see if this works. If it works, it will be an example and a molding of how we can for the first time in many, many years address the forest as a total entity, not as something far away, or from Roswell, NM. That is how they are managing it today, a bunch of aliens who have no concept about the potential of the fire damage, no concept of the homes that are lost, and the destruction not only of the forest but of the wildlife. If Members do not believe me, read the newspapers today, tomorrow, and the day after. What do they say about every Western State of the fires that are occurring? Because of the lack of management. This bill takes care of that problem and recognizes the need and necessity of cooperation.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say at the outset that there is no question that the gentlewoman from Idaho and the gentleman from Alaska, the chairman of our committee, have worked very hard on this legislation, as have the people of the Quincy Library Group worked very hard on this legislation. But we are down to the point now where we have to vote and we have to decide whether or not this legislation meets the test of providing for the comprehensive protection of these forests or whether it does not.

The suggestion that somehow that these forests are in trouble because of this administration is just ludicrous. The fact of the matter is what has happened is this administration has had to go around and clean up after the previous administrations that decided they would not administer the forests at all, and we saw almost the entire Northwest and a good portion of California starting to be shut down economically because of the spotted owl. We now see that in fact resources are again being opened up under this administration, that cooperative agreements are being entered into with some of the largest timber companies in the country, and supplies are being returned to the market.

But where are we with respect to the Quincy Library Group? The Quincy Library Group, in their name this legislation is being put forth, and it is unfortunate to have to report to the Congress of the United States that this legislation simply does not meet the test to provide for the protection of the Sierra Nevada Forest, of the three forests that are involved in this pilot project of 2.5 million acres, that it does not comply with the environmental laws of this Nation.

I wish it did, because we have been strong supporters, many people on both sides of the aisle, of this process to try to improve and increase the voices of those people who live in the direct area. But we also have to make the bottom line decision that these forests belong to all of the people of the United States, just as Yellowstone National Park does, as Grand Canyon does, as the Appalachian forests do, of the great forests of the Midwest, of the public lands. These forests belong to the people of this Nation, and we have the stewardship obligations to make sure that these forests will be healthy, that these forests are sustainable so that future generations will have the same enjoyment, both economically, from a recreational point of view, for the use of their families, and from an environmental point of view that our generation has had.

That is the test, and that is why the Quincy Library Group exists, to see whether or not we can manage these forests on a sustained basis now, sustaining them economically and sustaining them for multiple uses. That was not the policy for the past 50 years, of both administrations, Democratic and Republican. It was that the forests were simply a crop, just cut them down and go on about your merry business. Now we find ourselves in terrible shape.

For the people of California, 33 million people, that use the Sierra Nevadas as a major recreational resource, for the millions of people who come from around the world to use the Sierra Nevada for a recreational resource, this resource is in trouble. That is why we are willing to try something like Quincy Library. But Quincy Library has got to be prepared to do it within the environmental laws of this country.

That is why the Clinton administration has sent a letter to this Congress telling us that this legislation, while they support the process, while they funded, they put $4 million into Quincy Library, that this product as it is presented to this Congress at this time is a flawed product. It is a flawed product basically because it fails and it is inconsistent with the environmental law compliance on current environmental procedures. This project is not designed so the project will be carried out consistent with the environmental laws. They state that time and again in this legislation.

My amendment is addressed to the points raised by the administration to bring this project into compliance, so that in fact when we do amend the forest plans in Plumas, the forest plans in Tahoe, this project will be brought in compliance. It will not be run if the science tells us that we are taking too many trees or we do not have the correct firebreaks or we are not protecting the streams in the right fashion. This legislation should not be able to operate outside those scientific findings, but that is what this bill allows this project to do.

I appreciate that the process is subject to environmental impact studies, but the project itself is exempted in many ways. The 2.5 million acres, the 300,000 acres of timber harvest, the riparian protections are exempted. In fact, if we go back and read Public Law 104–19, we will find language in here that saddens this Nation, that this Congress and this President at one moment said you could cut trees without consideration of the environmental laws, without the multiple use, without taking into consideration the impact of that activity on the rest of the forest.

We learned our lesson. We learned our lesson when the public told us that was unacceptable. Yet when we go to this legislation that is before us here today, we find out that the same language is present in this legislation. One of the horrible black marks on our environmental record of this Congress and this Government is now being brought back to us in this legislation.

What does that say? That language says that you can cut these trees and you never have to take into consideration the cumulative impact: Are you destroying the great rivers of northern California with siltation and debris and the fisheries? Are you having an adverse impact on Lake Tahoe? Are you having an adverse impact on the surrounding forests? Are you destroying the ability of diverse species to live in these forests? Are you causing erosion that is beyond your control and will destroy the ability of these forests to come back? Under this legislation you do not have to take that into consideration. "The Secretary concerned shall not rely on salvage timber sales as a basis for administrative action limiting other multiple use activities."

□ 1145

That is where we are today. It is not that we disagree with what the people of Quincy Library have tried to do and how hard they have worked. It is not that we disagree with what the chairman of this committee is trying to do and the gentlewoman from Idaho has spent so much time on this legislation. It is that this legislation needs about four or five small technical fixes which would bring it into compliance with the environmental laws and modern practices so that we do not repeat the horrendous mistakes that almost destroyed the Sierra Nevada forests of California, that have in fact destroyed the fisheries, the great fisheries, of many of the streams and rivers in northern California where we are spending hundreds of millions of dollars to try and recover those fisheries so that people can use them with their families.

And now this legislation puts 2½ million acres into a pilot project. Nothing wrong with that pilot project except that it does not comply with the laws of this Nation; it does not comply, it will not have to comply, with the amendments and the changes and the forest plans for these three forests. And unfortunately because of many, many years of neglect, we do not have a lot of trees to waste, we cannot be wrong for the next generation, or our grandchildren. Where we once enjoyed great, great forests of the West, our grandchildren will enjoy scrub bush, Manzanilla, and eroded soils.

Have my colleagues ever tried pitching a tent in that kind of area? Ever try to enjoy that when it is 105 degrees in the foothills of California? That is not why people live in California.

This is about the future of these resources, and Quincy Library has all of the possibilities and the abilities to make a positive contribution to the protection of the Sierra Nevada forests. But that is not what this legislation does. It can be easily corrected with my amendment, and then we can all support this legislation.

I am sure there will be those who are unhappy with my amendment, that it does not go far enough, but I think it maintains the integrity of our national environmental laws, and it maintains the integrity of the Quincy Resource Group.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG] for yielding this time to me.

Let me just say I rise in strong support of this bill, and I want to commend particularly the gentleman from California [Mr. HERGER] who has spent so much time and has dedicated so much of himself to bringing us here, to bringing us here today.

Let me say to my good friend from California, Mr. MILLER, with whom I have shared so many common positions on environmental issues, I am not going to go down the litanies of things that the gentleman pointed out in terms of where this bill may differ with other national policy that we have passed here, but I would say to the gentleman that we in this House have got to stop looking at environmental issues from a white and black point of view. There has got to be some middle ground, and I believe this bill finds that middle ground.

In fact, for the past 2½ years I have been advocating State and local participation as a means to rationally implement laws like the Endangered Species Act. Only those closest to home of endangered species can understand the impact of protecting them and the impact on local people and on local businesses, and that is why in my opinion the future of environmental protection is on State and local partnerships with the Federal Government.

Mr. Chairman, that is what this bill brings to us. H.R. 858 is a bill that puts this theory of State and local in a Federal partnership into place. H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997, implements a 5-year pilot project, a locally conceived solution to a forest health crisis in California. This program is aimed at maintaining community stability, improving forest health and preventing wildfires and making fuelbreaks in our national forests in the district of the gentleman from California [Mr. HERGER] which are so important.

What is so unique about this bill is its origins. In direct response to President Clinton's directive at the Forest Summit in April 1993, the Quincy Library Group was formed. It was comprised of local environmental organizations, the wood products industry, citizens and local officials. They took seriously the President's charge at that April meeting when he said, "When you leave here today, I ask you to keep working for a balanced policy that promotes economy, preserves jobs and protects the environment." He said, "I hope we can stay in the conference room and out of the courtroom."

The Quincy Library Group plan emerged, and it is based on the Sierra Nevada ecosystem project and vastly improves the odds of saving endangered species habitat from fire damage.

My colleagues may hear from some environmental groups that my friend from California was advocating, whose position he was advocating, that they are not thrilled with the bill. Some of their criticism stems from the perception that the administration did not have enough negotiating time to draft an alternative solution. I do not agree. The bill was not even drafted until the plan remained unimplemented by the Forest Service for 1,400 days. That is 4 years. And H.R. 858 was then introduced on February 22, 1997, with bipartisan support.

In conclusion, H.R. 858 shows that locally conceived environmental solutions are possible and should be encouraged by Congress, and I urge my colleagues on both sides of the aisle to support the bill.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HERGER], the author of the bill, from the area which is directly affected.

Mr. HERGER. Mr. Chairman, for more than 15 years, environmentalists and members of the forest products industry have waged war over managing western forests, and like all wars this conflict has had its share of victims. The victims of the forest management debate include schools left with dramatically reduced funding.

Twenty-five percent of all timber sales receipts are promised by mandate to fund local education and country road programs. When sales decline, so does education. Other victims are communities faced with extreme unemployment rates and an environment clogged with unhealthy forests.

In 1993 Bill Coats, Plumas County supervisor from Quincy, CA, took up the challenge of breaking the gridlock over forest management. He did so by arranging a meeting with environmental attorney Michael Jackson and Sierra Pacific Industries forester Tom Nelson. They met in the library because they knew that there they would not be yelling at each other.

The Quincy Library Group is now a coalition of 41 local environmentalists, forest product industry representatives, public officials, and concerned citizens who met each month at the Quincy Library to discuss ways to improve local forest health.

This program has been endorsed by local environmental organizations including the Plumas Audubon Society, the Friends of the Plumas Wilderness, the Sierra Nevada Alliance, and the Shasta-Tehama Bi-regional Council. At the heart of their discussions is the overriding threat that fire will destroy the forest before any action can be taken.

Nationwide last year more than 5.8 million acres burned with total fire suppression costs of close to $1 billion of taxpayer dollars. The group turned to the best science available, including the recently released Sierra Nevada Ecosystem Project [SNEP] report which defines, among other things, the elements of a healthy forest.

H.R. 858, the Quincy Library Forest Group and Economic Stability Act of

1997, takes the first vital step toward conflict resolution of environmental issues across the United States. This legislation is all about compromise and consensus building on the local level. H.R. 858 is not about local control of national forests but about local input on forest management through implementation of a 5-year pilot project on portions of the Plumas, Lassen, and Tahoe National Forests in northern California. In short, this is all about local wisdom gaining a voice in our forests. The Federal Government still retains complete control over implementation.

The Quincy Library Group implements most of these elements through the following goals: First, reduce the risk of catastrophic wildfire; second, protect environmentally sensitive areas; third, implement critical watershed stream and water quality restoration; and fourth, provide economic stability for communities dependent on the wood products industry. These goals are accomplished through implementation of a 5-year pilot project on three of California's threatened forests. My legislation implements a strategic system of defensible fuel profile zones including shaded fuelbreaks that contain fires in the more manageable forest understory.

Again, the Quincy Library Group bill is clearly science based. It improves forest health by implementing the SNEP fuelbreak program to reduce fire risk. Its riparian protection guidelines were written by scientists led by Dr. Jack Ward Thomas, former chief of the Forest Service under the Clinton administration and architect of the science work underlying the northern spotted owl debate.

Through these elements of the program, fire suppression personnel will have the ability to contain fires before they get out of hand. The proposal also implements uneven-aged forest management prescriptions utilizing individual tree selection, and thinnings and group selection to achieve optimal forest health by creating an all-age multistory, fire-resilient forest.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon, Mr. BOB SMITH, the chairman of the Committee on Agriculture, my good friend.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman from Alaska for yielding this time to me.

This is finally a compromise that I have been looking for for at least 10 years. In my experience we have not hit balance in the practice of forestry in this country, and certainly that is evident by what has happened in the Pacific Northwest where we find in region 6, the States of Oregon and Washington, 85 percent of the public forests are shut down to any kind of management. For the first time in after 4 years, and of course it plays a very important part here, after 4 years the Quincy Library Group has finally found balance, I believe, and here again, if there are those of my colleagues who are concerned about the environmental impact here, there are four environmental impact studies in this legislation, four.

So do not let anybody fool us about how the environment is going to be taken advantage of here.

The issue here very simply is what happens when we lose the resource, and that is catastrophic fire. We rely upon science now. We rely upon science as the evidence of what will happen in the future if we do not manage forests. That is what Quincy Library Group did. Evidence here by Dr. Chad Oliver, including nine scientists across the country who have testified before our committee twice now, and one of the options they present is no management. What do we get when you have no management? I will tell my colleagues what is received. Received finally loss of specie, receive loss of water quality and quantity, and finally receive loss of the resource because finally it will burn, finally it will burn.

Mr. Dombeck, Chief of the Forest Service, testified before our committee that there are 40 million acres of land under stress of catastrophic fire or the possibility of catastrophic fire in this country.

□ 1200

Most of them are in the West. He testified that we are going to service only 1 million acres. I ask, 40 years later, what do we have? We have lost our forests. That is unacceptable. The Quincy Library Group addresses the issue because they manage the forests in a balanced fashion, which will manage the threat to ecosystem health crisis and catastrophic fires.

The bill obviously, as we have heard, is the wisdom of local stakeholders. We all know that that is better opportunity and better judgment than we can find even here in these hallowed halls, because the people in California understand the issue better than any of us do. They came forward, environmentalists, labor leaders, forest people, and they came with the idea that we ought to have this kind of management process.

Also, this bill is a clear issue of measurement. We must measure what happens. That is very important to the Congress and to those folks in California as well. There is an old saying, when performance is measured performance improves, and when performance is measured and reported back, the rate of improvement accelerates. We must measure what happens with Quincy Library.

Finally, the fundamental principle here is that we need to manage our forests to save them. We need to manage them to save them. If we are going to help 40 million acres in this country, this is just the beginning. This may be a pilot project, but this may be the beginning of an opening of pilot projects around the country to prove again that we should manage our forests, manage them scientifically, and manage them for every resource.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise today in strong support of H.R. 858, the Quincy Library Group Health and Economic Stability Act of 1997. I would like to commend my colleague, the gentleman from California [Mr. HERGER], for his work on this legislation.

This bill would implement a community-based solution to improve the ecological and economic health of three northern California communities. Catastrophic wildfire is a chief threat to the ecological integrity of the forest system. By treating the landscape through a system of strategic fuelbreaks, this plan effectively implements the principles of ecosystem management, thereby providing forest conditions for wildlife, fish, and human beings. In addition, this bill provides interim protection of all roadless areas in the three forests.

I would like to applaud the Quincy Library Group for their efforts in developing this plan. Representatives of local environmental groups, labor unions, wood product organizations, and local government officials sat down and hammered out a plan to address the challenges facing their community. I would like to encourage more local communities to work together to find practical solutions to address their problems.

I am greatly encouraged to know that folks with such different interests can sit down and reasonably work out a solution based on sound science, bipartisan cooperation, and local expertise even on a sometimes controversial issue like forest management.

Finally, H.R. 858 is not exempt from environmental laws. It simply provides for a 5-year pilot project in which the Forest Service retains complete control of its implementation. Let us give this type of community-based bipartisan scientific approach a chance to work.

I strongly urge my colleagues to vote in support of H.R. 858, the Quincy Library Group Forest Health and Economic Stability Act of 1997.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise today in support of the manager's amendment to H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act.

In April 1993 at the Northwest Forest Summit, President Clinton put forth a challenge to a community in northern California in the midst of timber wars and litigation brought about by the listing of the northern spotted owl and a reduction of logging levels in the forests of northern California.

President Clinton said to the people in the local area of Quincy, CA: "When you leave here today, I ask you to keep working for a balanced policy that promotes the economy, preserves jobs, and protects the environment. I hope we can stay in the conference room and out of the courtroom."

So a group of local citizens around Quincy, CA, including the local county supervisor, timber employees, and members of the local environmental community, and they are strong environmentalists, I might say, seized the President's challenge. The group had their first meeting at the public library in Quincy because it was the only location which assured quiet, civil discussion about many difficult and contentious issues and concerns that divided the regional community.

The manager's amendment before us today is the result of 4 years of consensus building on issues that do not easily lend themselves to a consensus. We can see that here on the floor today, because we could resolve this here. I hope we will.

The bill provides a framework for managing the forests of the Sierra Nevada through fire suppression, watershed protection and riparian restoration and seeks to direct these activities toward meeting the local needs of communities dependent on these forests for economic livelihood.

Since my colleague, the gentleman from California, Mr. WALLY HERGER, introduced this bill early in this Congress, H.R. 858 has come a long way. I testified before the committee in March as a cosponsor of this bill in support of the process of local people getting together to work out problems in their community. But I also acknowledged that the bill still had a long way to go. In any attempt to put an agreement into legislative language the devil remained in the details. What followed in northern California after the committee hearing was perhaps one of the most remarkable steps forward we have seen in this country since the two sides embattled in a debate over our Nation's forests first butted their heads together.

Members of the QLG, the Forest Service, Congress and the national environmental community came together in an attempt to work out further differences. Much progress was made in the several meetings which were held during the past few months. But as is always true with consensus, not all the glitches were ironed out.

Provisions have been added which ensure compliance with environmental laws as well as interim and final California spotted owl guidelines, and there is an authorization for additional appropriations for the Forest Service to implement the Quincy Library Group proposal. But I know the administration still had a some concerns.

I am sympathetic with the amendment being offered by my colleague, the gentleman from California, Mr. GEORGE MILLER, which addresses some of the issues raised and ensures a straightforward interpretation of the bill's environmental protection provisions. But here we are arguing about interpretation of language and not legislative intent, which I believe is the same, if not very similar. We can reach closure, and I hope we will, before the amendment is offered and hopefully broadly supported.

Senator FEINSTEIN has also been working with the QLG, the administration, and members of the environmental community on Senate legislation which I believe will move us closer to a bill which has something in it for just about everyone.

As I have said all along, this bill is a work in progress. But I feel certain if we continue to work together, not only on the floor today but as the bill proceeds to the Senate, we will be able to send a bill to the White House that the President will not only sign, but do so gladly.

So I urge my colleagues to enable this work in progress to move forward today by voting "yes" on this bill, hopefully on an amendment that has been agreed to by both sides to further clarify intent, but even without, if no agreement is reachable today. This bill deserves to be sent forward so the process of refinement can continue.

Let me simply say, I think we have to put more faith in communities that are at odds with each other but are willing to work together to come to solutions. We cannot solve every problem in Washington. We cannot solve every problem in the Forest Service without input from local people. I think what the gentleman from California, Mr. WALLY HERGER, has attempted to do and which I have joined him in the effort to accomplish is to validate that process that these local community activists have so long and thoroughly engaged in.

This is not a bill that is perfect, but it is getting close, and it deserves to be supported by a broad bipartisan coalition on this floor.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 4 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank my chairman, the gentleman from Alaska, for yielding time to me.

Mr. Chairman, we have heard a lot of comment here today about, what about cumulative impacts as a result of the Quincy Library Group proposal succeeding; what about cumulative impacts on rivers and streams and on wildlife; what about sedimentation and soil erosion?

Mr. Chairman, it just does not take a rocket scientist to realize that when you have uncontrollable fires in the forests, it destroys the wildlife, the little critters and the big critters. That is a horrible way to die, let us face it. It does not take a rocket scientist to understand that when we have uncontrolled forest fires that it destroys the sedimentation and we have massive erosion. That is what is causing the pollutant load in our streams and our rivers.

I am so impressed with the work of the gentleman from California [Mr. HERGER] and the work of the Quincy Library Group. I have been impressed by the way in which this unlikely coalition of individuals, each with strongly held beliefs, have worked together to achieve a common goal. That is to preserve the ecology of the forests where they work, where they live, and where they play, and to protect the jobs, economy, and the social fabric of their community. They have that right in America, and we should back them up.

For the economy, the Quincy Library Group bill means jobs. The fuelbreaks and selection harvests will generate 2,250 family-wage jobs each year, and 12,250 jobs over the life of this pilot project. This counts only the direct jobs that are produced, but the indirect jobs that are generated will more than double those figures. Mr. Chairman, that amounts to 25,000 jobs. These family-wage jobs are sorely needed in a community where we have seen at least 32 mills that have closed in just the recent years.

If now we can break the gridlock over environmental issues by implementing a locally developed solution that also puts people back to work, then we are doing the right thing. I believe if jobs are the only issue, the Quincy Library Group would not have reached the agreement on a legislative proposal, but they also agreed that something must be done to ensure a clean, safe, and healthy environment for the short- and the long-term future.

Their plan will improve the environment in the following important ways: It improves the health of the forests by thinning smaller trees and allowing better forest habitat to develop; it quickly begins to reduce the extreme fire risk in the Sierras, using a strategy described and recommended in the recent scientific report known as the SNEP report, or the Sierra Nevada Ecosystem Project report; it protects streamside areas and fisheries with the provision I added to the bill in my committee, which applies the same riparian measures that are included in the President's forest plan; and it preserves roadless areas, while focusing on thinning and forest health activities in areas that are already roaded.

It ensures that spotted owl habitat will not be entered for timber harvesting, since in committee we removed a provision that would have allowed limited harvesting after catastrophic events, and it ensures, through the manager's amendment, that the project will receive an EIS, so environmental laws apply.

While I do not necessarily believe there should be more wilderness, and I question the need for the riparian guidelines used in the President's forest plan, I recognize that the QLG plan is part of a balanced compromise based on commonsense solutions. The Quincy Library Group has convinced me that their plan will address ecological concerns, sustain a viable community, and allow people to make a living. We must now support their goal and "just say no" to those in the national conflict industry who oppose this bill.

As the Quincy Library Group told my subcommittee, they heeded the President's call to leave the courtroom and meet at the conference table. The result, H.R. 858, will break the timber gridlock, at least in one part of northern California. Environmental leaders, timber companies and the many others who make up the Quincy Library Group have agreed that it is not a sin to cut a tree, and it is important to move forward with a plan to protect the forests that they love.

Now it is important that we support their effort and provide the means to implement that plan by passing H.R. 858.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I thank the distinguished minority member for yielding this time to me.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the committee. I want to thank Chairman YOUNG for working with me and others who had concerns about this bill. I think we now have a bill which allows an important experiment to move forward, while ensuring that it proceeds within the framework of existing environmental law. That is very important to me and many of my colleagues in this House.

I would like to engage the chairman in a colloquy to clarify a few points.

First, under the Young substitute, I would ask the gentleman from Alaska, would an environmental impact statement have to be completed before the pilot project got underway?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Yes, it would.

Mr. BOEHLERT. In the event that an environmental review found that the project was in some way at odds with environmental law or the spotted owl guidelines, then the project would have to be altered accordingly?

□ 1215

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, that is correct. The bill does not exempt the project from any environmental law and it explicitly references the spotted owl guidelines.

Mr. BOEHLERT. One final question, Mr. Chairman. Is there anything in this bill that would prevent the Forest Service from undertaking site-specific analysis as part of an environmental impact statement?

Mr. YOUNG of Alaska. No, there is not.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for those assurances. I think that my colleagues can now see how this bill provides adequate environmental protection. This valuable locally developed experiment will be able to go forward to the extent that it passes muster under existing environmental law. We have provided no special dispensations but we have ensured that the initial stages of environmental review cannot be dragged on indefinitely.

I think this Congress needs to do everything possible to advance locally developed solutions to environmental issues, but those solutions must be in compliance with environmental, Federal environmental law. This bill satisfies both of those goals. This bill would advance a locally negotiated, created, worthy 5-year experiment while ensuring that the experiment moves forward only to the extent that it complies with Federal environmental law. It is exactly the right approach to the stewardship of Federal lands that belong to us all. Creative management, full-fledged protection.

In forest management in particular, this strategy has been lacking. On one side we have those who want to ban all logging in Federal forests; on the other, those who want to limit the role of environmental concerns in managing those forests. But those extremes must be rejected. This bill rejects them.

I am pleased this bill has been revised to represent a true middle ground. I want to thank all of those on both sides of the aisle who have worked so cooperatively with the Quincy Library Group. This is how the system should work. I want to commend both the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. HERGER] in particular with whom I have had the privilege of working closely. I want to thank the gentleman from California [Mr. MILLER] and my colleagues on the other side of the aisle for working cooperatively with us.

With that, I urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, as vice chairman of the Western Caucus, I rise to express my strong support for H.R. 858 and my opposition to the substitute offered by my colleague, the gentleman from California [Mr. MILLER]. In November of 1992, representatives from local environmental organizations, local foresters, local elected officials, and interested citizens began meeting at the library in Quincy, CA. The result of this effort is the legislation we have before us today, H.R. 858, a proposal that is good for forests, good for people, and good for the environment.

Using the best and most current science available, the Quincy Library Group has brought before us a 5-year forest management pilot program that strengthens the health of the forest in the Quincy region by reducing the catastrophic wildfires, restoring streams and watersheds, prohibiting timber harvesting in all designated roadless areas, and saving endangered species.

H.R. 858 represents a bold new approach to solving today's environmental problems, an approach that is long overdue. The legislation put forward by the gentleman from California [Mr. HERGER] marks the new beginning of an era of environmentalism in America, one that emphasizes local wisdom, local cooperation, and incentives not in conflict and controversy.

For too long we have placed our trust into the hands of nameless, faceless Washington bureaucrats to decide what is best for our environment and our well-being in local communities like Quincy. In order to better protect the environment, we must move beyond the outdated approaches of the past. We must replace the old Federal command and control approach to environmental protection with one that rewards local stewardship and private property incentives. H.R. 858 achieves these important objectives.

Mr. Chairman, do not let the ecothugs destroy the environment of northern California. Vote no on the Miller amendment and yes on H.R. 858, the Quincy Library bill.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me as I rise in opposition to H.R. 858, the Quincy Library legislation and in support of the Miller amendment to H.R. 858.

Mr. Chairman, I rise in opposition because this committee bill, despite the valiant efforts of the distinguished chairman of the committee, whom I hold in the highest esteem, this bill is not what it appears to be. It does not provide forestry stream protection. It does not promote adequate public input. It does not provide environmental controls on logging. Indeed, in spite of the efforts of our distinguished chairman, H.R. 858 is a facade. The legislation is not even necessary.

The goals stated in this bill could easily be accomplished at less cost and with less controversy by administrative action. What may have started out as a laudable plan by a small group of concerned citizens has not resulted in fulfilling the original concept of forest protection. If Congress intends to go forward with this legislation, it should at a minimum, at a minimum, Mr. Chairman, include the Miller amendment to bring H.R. 858 into compliance with Federal environmental laws governing forest protection and particularly the protection of the spotted owl and its habitat in the region.

The Miller amendment stipulates that environmental impact statements under the legislation must be prepared in accordance with existing Federal law. The management of these vast tracts of California forest should be based on sound science and environmental policy. We should not proceed with anything less than the Miller amendment.

While the original goal of the Quincy Library Group, and indeed the distinguished chairman, was to reduce catastrophic wildfires, that is an important goal for the Quincy communities and surrounding forest, it has been lost in this debate. H.R. 858 is a drastic departure from the intended goal. Instead H.R. 858 sets a poor example for citizen involvement by allowing Federal laws to be circumvented and sends the message that the activities of local communities can be made immune from Federal laws governing Federal forests.

The echo from this message will reverberate in future forest management decisions, signalling that environmental laws can be disregarded. Let us not set a bad precedent today. I urge my colleagues to support the Miller amendment when it is offered later and to oppose final passage of this bill, if the Miller amendment is not adopted.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think what is becoming clear in this debate is there is clearly an agreement in terms of purpose and intent, I believe, essentially among all parties to this legislation; that is, that we ought to try and see as to whether or not local communities can be involved to a greater extent, can help the Federal Government design forest practices and forest management that is consistent with the interest of those communities. When I say those communities, I mean it in the broadest regard, as is reflected in the Quincy Library where we have included the environmental community, the business communities, the forest industries community, those interested in recreation, small businesses and all of the rest, that those communities get a great deal of consideration and participation in the design of the management and the practices on our forests.

Where I think this debate departs is that in designing this pilot project, we have run into some glitches that I think are minor in terms of intent but important in terms of the law and important in terms of trying to reduce the potential for litigation on this pilot project. My amendment seeks to address those concerns that have been raised by this administration. It has been funded, it has been championed, it has been motivating, the Quincy Library Group. I am sure that we are disappointed that we are at this stage, but they have come forth and I admit they only came forth this morning or late yesterday afternoon with the statement of administrative position clearly outlining these important changes that they sought. But we should not argue about whether or not the administration came forward on a timely basis. What we ought to do is to see whether or not, in fact, we can clear up those concerns so that we can have, in fact, here a unified position on this legislation. We will have the ability to expedite it through the Senate and have it in fact become the law so that we can get on with this process.

A number of speakers have alluded to the fact that the Quincy Library Group has been meeting for a very, very long time, that this work product, their desire, has been around a considerable period of time. It would be a shame that if after we get consideration of this in the House, then, in fact, we find out that we cannot get consideration because of these remaining controversies, we cannot get consideration of it in the Senate where it languishes and I think it is fair to say that that would be a very real problem.

I think with the acceptance of these amendments, we basically have legislation where we have the kind of agreement that allows for the expediting of this within the other body. I would hope that as I get prepared to offer my amendment, that all parties who have worked so very, very hard on this legislation would understand that I think in some cases we are talking about a difference in language, maybe not a difference of intent. It is clear that the gentlewoman from Idaho, the chairman, the gentleman from California [Mr. HERGER] and others have gone a long distance in trying to address those concerns. But now we have a clearly stated list of concerns from the administration that in fact are going to have to be addressed, whether they are addressed here or addressed later. We ought to address them here and dramatically improve the chances of this legislation becoming law so that people in Quincy Library can get on with this pilot project.

Ordinarily you would not think that this would be terribly important, when we are talking about a pilot project, but as I tried to say in my opening remarks, we are talking about a forest system in our State of California that is under a great deal of stress, a forest system that a lot of changes have to be made in, and there is not a lot of room for error, whether you are from the forest industries side of the equation or whether you are from the environmental side of the equation or whether you are a small business trying to sell gasoline and food and recreational supplies to people who come there to use it. If we do not from this date forward manage these forests correctly, we run the risk of losing these forests for many, many generations. We cannot afford to do that.

I think that is the purpose of the administration's amendments, which, again, comes from an administration that created the Quincy Library Group, has funded the Quincy Library Group, and now finds itself in a position where it has, I believe, four or five recommendations to make this bill consistent with the environmental laws of their concern. I would hope that we would be able to address those when I offer my amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me the time.

I have followed this process as a person who comes from a district where the forest wars have raged during my entire tenure in Congress. I have followed the Quincy Library project with great hope as a way to move away from embittered and polarized interests to some solutions that make sense. I am very concerned that we have ended up with a bill on the floor that the administration has raised strong objections to a few points of language and concerns within the bill. I am hoping that we work that out, because I would like to see this project go forward to implementation.

□ 1230

Because it is finally moving away from the forestry we have been practicing in this country since NFMA and before that, which is the approach of save and sacrifice. That is, over here we will have huge clearcuts, and over here we will put some land aside. The President's plan was an improvement, but what it did was saved more and sacrificed less. It did not look at alternative management.

This project would, over a wide and large land base, first, reserve roadless areas, reserve wilderness areas, enhance riparian protections, follow all the recommendations for the spotted owl recovery program in terms of canopy closure, but it would engage in what is called light touch, uneven aged stand management, light touch forestry, over about a quarter of this land base. Now, that, to me, is a step forward in recovering the health of this ecosystem and in beginning to turn down the temperature on these conflicts.

There are some who have vested interests in continuing the conflict, and they are going to object even if we come to a reasonable conclusion here, those at the poles of this debate. But I believe the vast majority of the people want to see us work out an agreement here that can be signed into law by the President, that will allow us to look at a different type of forest management to recover forest health and leave those areas that are already healthy alone.

That is what the Quincy Library project is about. Those were the conclusions that were reached by this local group, rather amazingly. I was very skeptical when we put forward funding for the Quincy Library project. I said we will never get strong environmentalist and strong industry advocates to sit down in a room together and agree on much of anything. Well, there has been substantial agreement, but now the disagreement has gone beyond the walls of the Quincy Library to here on the floor, where we still have a few fine points to work out so that we can ensure that we have a bill that is acceptable to the administration and that we can go forward.

Again, reserve the roadless areas, reserve the wilderness areas, enhance the protections, follow the spotted owl guidelines, but go to light touch uneven aged stand management on those lands outside of those critical areas that are not in a very healthy condition. It would definitely be a step forward in our understanding of how we might recover some of the damage that has been caused by mismanagement of Federal forestlands over the last half century here in this country.

So I am hopeful that it will be possible to come to that sort of an agreement here on the floor today. I will support the gentleman's amendment when it is offered later and am hopeful that we can work out any other differences.

Mr. FAZIO of California. Mr. Chairman, I rise today in support of the manager's amendment to H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act.

In April 1993, at the Northwest Forest Summit, President Clinton put forth a challenge to a community in northern California in the midst of timber wars and litigation brought about by the listing of the northern spotted owl and a reduction in logging levels in the forests of northern California.

President Clinton said to the people local to the area of Quincy, CA, "When you leave here today, I ask you to keep working for a balanced policy that promotes the economy, preserves jobs and protects the environment, I hope we can stay in the conference room and out of the courtroom."

A group of local citizens around Quincy, CA—including public officials, timber employees, and members of the environmental community—seized the President's challenge.

The group had their first meeting at the public library in Quincy—the only location which assured quiet, civil discussion about many difficult and contentious issues and concerns.

The manager's amendment before us today is the result of 4 years of consensus building on issues that do not easily lend themselves to a consensus.

The bill provides a framework for managing the forests of the Sierra Nevada through fire suppression, watershed protection and riparian restoration, and seeks to direct these activities toward meeting the local needs of communities dependent on these forests for economic livelihood.

Since my colleague, WALLY HERGER, introduced this bill early in the 105th Congress, H.R. 858 has come a long way.

I testified before the committee in March as a cosponsor of this bill, in support of the process of local people getting together to work out problems in the community. But I also acknowledged that the bill still had a long way to go.

In any attempt to put an agreement into legislative language, the devil remained in the details.

What followed in northern California after the committee hearing was perhaps one of the most remarkable steps forward we have seen in this country since the two sides embattled in the debate over our Nation's forests first butted their heads together—members of the QLG, the Forest Service, Congress, and the national environmental community came together in an attempt to work out further differences.

Much progress was made in the several meetings which were held during the past few months, but as is always true with consensus, not all the glitches were ironed out.

Provisions have been added which ensure compliance with environmental laws as well as interim and final California spotted owl guidelines, and there is an authorization for additional appropriations for the Forest Service to implement the Qunicy Library Group proposal.

But I know that the administration still has some concerns, and I am supportive of the amendment being offered by my colleague GEORGE MILLER, which addresses some of the issues raised and ensures a straightforward interpretation of the bill's environmental protection provisions.

Senator FEINSTEIN has also been working with the QLG, the administration, and members of the environmental community on Senate legislation, which I believe will move us closer to a bill which has something in it for just about everyone.

As I have said all along, this bill is a work in progress.

But I feel certain that if we continue to work together, the House and the Senate will be able to send a bill to the White House that the President will sign.

I urge my colleagues to enable this work in progress to move forward today by voting yes on H.R. 858.

Mr. STARK. Mr. Chairman, I rise in support of the amendment to H.R. 858 offered by Representative MILLER which would ensure the environmental integrity of an otherwise bad bill. Based on its own merit, H.R. 858 is a bill that would have serious environmental and fiscal impacts.

Proponents of H.R. 858 have sold the bill as a consensus between environmentalists and the timber industry. In reality, no such consensus exists. Environmental organizations from the affected forests oppose this bill. To date, not a single environmental organization has endorsed the bill. Further, when the Clinton administration hosted meetings between the Quincy Library Group and environmental organizations, the Quincy Library Group ended those negotiations. So much for collaboration.

There are a number of serious concerns with the legislation. If enacted, this bill would double the amount of logging that is currently being practiced on the Lassen and Plumas National Forests and the Sierraville Ranger District of the Tahoe National Forest. Further, there are no assurances that the logging will not violate environmental law. The massive experiment consisting of up to 350,000 acres of logging over a 5-year period, would be done prior to environmental review. This is fundamentally contrary to the provisions of the National Environmental Policy Act and National Forest Management Act. The experiment could cause tremendous harm on the ground.

Finally, the bill is bad for the taxpayers. The Congressional Budget Office has stated that the implementation of the increased logging levels that would be allowed by H.R. 858 would cost taxpayers $83 million over the next 5 years. This money will come from other programs on the Lassen and Plumas National Forests. It is fiscally irresponsible to continue to spend taxpayer dollars to subsidize an increased logging program that already costs taxpayers millions of dollars each year.

Representative MILLER allows the pilot project to go forward, but simply makes sure that no environmental laws are waived or superseded. What could possibly be wrong with that?

Let's do the right thing for the environment. The environmental analysis should determine the levels of logging, not a handful of local residents who would ask the rest of the taxpayers to pay the $83 million price tag for a project that makes an end run around our country's environmental laws.

I urge my colleagues to support the Miller amendment, and if accepted, to support H.R. 858.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment numbered 1 in the CONGRESSIONAL RECORD is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute numbered 1 is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) RIPARIAN RESTORATION.—During any fiscal year in which the resource management activities required by subsection (d) result in net revenues, the Secretary shall recommend to the authorization and appropriation committees that up to 25 percent of such net revenues be made available in the subsequent fiscal year for riparian restoration projects that are consistent with the Quincy Library Group-Community Stability Proposal within the Plumas National Forest, the Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest. For purposes of this paragraph, net revenues are the revenues derived from activities required by subsection (d), less expenses incurred to undertake such activities (including 25 percent payment to the State of California under the Act of May 23, 1908 (Chapter 192; 35 Stat. 259; 16 U.S.C. 500, 553, 556d).

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) EFFECT ON MULTIPLE USE ACTIVITIES.—The Secretary shall not rely on the resource management activities described in subsection (d) as a basis for administrative action limiting other multiple use activities in the Plumas National Forest, the Lassen National Forest, and the Tahoe National Forest.

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i) EXPEDITIOUS IMPLEMENTATION AND ENVIRONMENTAL LAW COMPLIANCE.—

(1) ENVIRONMENTAL LAW REQUIREMENT.—All environmental impact statements for which a final record of decision is required to be prepared in accordance with this subsection, and all records of decision adopted under this subsection, shall comply with applicable environmental laws and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Province Interim Guidelines issued by the Forest Service, and subsequently issued final standards and guidelines that modify such interim guidelines when such final standards and guidelines become effective.

(2) ENVIRONMENTAL IMPACT STATEMENT FOR PILOT PROJECT AND FIRST INCREMENT.—Not later than the expiration of the 150-day period beginning on the date of the enactment of this Act, the Regional Forester for Region 5 shall, after a 45-day period for public comment on the draft environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for all of the pilot project area specified in subsection (b)(2) that covers the resource management activities required by subsection (d) for the 5-year duration of the pilot project—

(A) adopt a final record of decision for that statement; and

(B) include as part of that statement a project level analysis of the specific resource management activities required by subsection (d) that will be carried out in an area within the pilot project area during the increment of the pilot project that begins on the day that is 150 days after enactment of this Act and ends December 31, 1998.

(3) SUBSEQUENT YEARLY ENVIRONMENTAL DOCUMENTS.—Not later than January 1 of 1999 and of each year thereafter throughout the term of the pilot project, the Regional Forester for Region 5 shall, after a 45-day public comment period, adopt a final record of decision for the environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 consisting of a project level analysis of the specific resource management activities required by subsection (d) that will be carried out during that year. A statement prepared under this paragraph shall be tiered where appropriate to the environmental impact statement referred to in paragraph (2), in accordance with regulations issued by the Council on Environmental Quality.

(4) Consultation.—Each statement and analysis required by paragraphs (2) and (3) shall be prepared in consultation with the Quincy Library Group.

(5) Forest service focus.—

(A) In general.—The Regional Forester for Region 5 shall direct that, during the period described in subparagraph (B)—

(i) any resource management activity required by subsection (d), all road building, and all timber harvesting activities shall not be conducted on the Federal lands within the Plumas National Forest, Lassen National Forest, and Sierraville Ranger District of the Tahoe National Forest in the State of California that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a); and

(ii) excess financial and human resources available to National Forests and Ranger Districts that are participating in the pilot project shall be applied to achieve the resource management activities required by subsection (d) and the other requirements of this section within the pilot project area specified in subsection (b)(2).

(B) Period described.—The period referred to in subparagraph (A) is when the resource management activities required by subsection (d) are being carried out, or are eligible to be carried out, on the ground on a schedule that will meet the yearly acreage requirements of subsection (d) and under environmental documentation that is timely prepared under the schedule established by paragraphs (2) and (3).

(6) Protection of existing wilderness.—This section shall not be construed to authorize any resource management activity in any area required to be managed as part of the National Wilderness Preservation System.

(7) Contracting.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) Corresponding Forest Plan Amendments.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) Reporting Requirements.—

(1) In general.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) Limitation on expenditures.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) Final Report.—

(1) In general.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) Limitations on expenditures.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) Relationship to Other Laws.—Nothing in this section exempts the pilot project from any Federal environmental law.

The CHAIRMAN. No further amendment is in order except the amendment numbered 2 in the Congressional Record, which may be offered by the gentleman from California [Mr. Miller] or his designee, shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Boehner) having assumed the chair, Mr. Pease, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 858), to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, had come to no resolution thereon.

PROVIDING FOR OFFERING OF AMENDMENT IN LIEU OF MILLER OF CALIFORNIA AMENDMENT TO H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the order of business in House Resolution 180 be modified so that it shall be in order for Mr. Young of Alaska to offer the amendment now at the desk in lieu of the amendment numbered 2 in the Congressional Record by Mr. Miller of California, and that the amendment be considered under the same terms as would otherwise be applied to amendment No. 2.

The SPEAKER pro tempore (Mr. Boehner). Is there objection to the request of the gentleman from Alaska?

There was no objection.

QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 180 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 858.

□ 1241

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, with Mr. Pease in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, all time for debate had expired.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Alaska [Mr. Young] is recognized for 5 minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I apologize to Members that there is a little confusion going on right now, but there has been some discussion in trying to reach an agreement with the administration. I have letters from the administration saying that they basically support the implication of this legislation, from Mr. Glickman, the Department of Environmental Quality. What we have been trying to do for the last hour is to work out some mutual agreement where I personally believe that we can, in fact, send this bill to the Senate and have the Senate take it up without any amendments and send it to the President.

Now, there may be some that may not agree with what has been done on both sides, but it is my belief it is the best way to try to solve these problems. Because I am a realist, and I recognize there are those that oppose this bill, especially the national environmental community, I understand that and I understand that there are those in the Senate who have the power, because their rules put holds on bills and nothing occurs, I think it is very important to get this pilot project on its way to become a law.

I have worked with the gentleman from California [Mr. MILLER] for the last hour, and we have been saying things to one another and discussing this, what we can accomplish. I am resentful of the administration, because I just got their letters about 10 minutes, 15 minutes ago. I think this is inappropriate on the part of the administration when this is their brainchild, when they thought this would be the way to go.

We have done everything possible to make this work. It is my belief, the way that this has been made up, that we have an opportunity now to really solve what was in my substitute but was a definition that appeases not only the administration but the gentleman from California [Mr. MILLER] and others that are involved.

Now, I will not say that we did not have the votes. I believe we had the votes to pass it in the House big time, and I understand that, but there is also a chance in the way this works, if we want to get this program in place, on time, working for the people, the Quincy Library Group and the people in that arena, we must try to solve the problems here on the floor of the House to give them that opportunity.

If these amendments destroy the intent of the bill and if it does not work, then we can always review it. We can come back and find out what is happening. But it is an attempt to make sure that we have a fledgling duckling turn into a beautiful swan. It is an opportunity to make this work.

I know there is some question about what we are doing here, and I apologize to those people, but this is the way this program works. This is a democracy. This is a legislative process, putting a package together that becomes a reality.

So with that, I would like to thank the gentleman from California and those involved. I would like to suggest respectfully, for those that are unaware of what we are doing, that this is really, I think, our opportunity to fulfill not only an obligation, although we can win on this floor, but we can go forward and have an opportunity on the Senate side and get this to the President of the United States and make sure that these local people are heard and done correctly.

If it does not work, we can come back and revisit it again. I do believe it will work.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

There was no objection.

Mr. MILLER of California. Mr. Chairman, I want to thank the chairman for offering this amendment. I think, in fact, as I said, there is very little disagreement about the intent and the purpose of this legislation and what all of us would like to see carried out. The gentlewoman from Idaho, the subcommittee chair, has worked long and hard on this legislation, has accepted many changes by the various concerned parties to this legislation, as has the gentleman from Alaska, the chairman of the committee.

The gentleman from California [Mr. HERGER] who represents this area and has championed this legislation, this approach, I think also has accepted many changes to this legislation that I believe is consistent with the idea that we would try to empower local communities to have a say in the planning of forest practices and forest managements that are consistent with the best interests of those communities while, at the same time, being consistent with the overall system of general forest health.

I think the suggestions put forth now by the chairman, the gentleman from Alaska, now ensure that we have legislation here that can be considered on a very timely basis in the Senate and be sent to the President's desk so, in fact, the Quincy Library Group pilot project on this 2½ million acres can go forward and it can go forward with every Member being assured that it is in compliance with the laws and it is in compliance with the intent and the purposes of the Quincy Library Group.

It is not easy to fashion these kinds of amendments when we are dealing with resource issues. When I used to be chairman of the committee, I used to tell people that wanted to get on the committee that we do not deal with anything abstract in this committee. We are either moving a boundary 10 feet north or 10 feet south, and trees either end up vertical or they end up horizontal. This is not an abstract committee.

So I want to commend the gentleman and the other Members on the other side for their effort in offering this amendment, and it is my intention to support the amendment, to support the legislation, and to work hard to see that it becomes the law of the land.

The CHAIRMAN. Pursuant to the rule, amendment numbered 1 in the CONGRESSIONAL RECORD is considered as an original bill for the purpose of amendment and is considered read.

No further amendment is in order, except the amendment enabled by the recent order by unanimous consent which may be offered by the gentleman from Alaska [Mr. YOUNG] or his designee, shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 200 days); shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest,

Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) Exclusion of Certain Lands, Riparian Protection and Compliance.—

(1) Exclusion.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) Riparian protection.—

(A) In general.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) Guidelines described.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) Compliance.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal laws and the standards and guidelines for the Conservation of the California Spotted Owl as set forth in the California Spotted Owl Sierran Provence Interim Guidelines or the subsequently issued final guidelines whichever is in effect.

(d) Resource Management Activities.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) Fuelbreak construction.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) Group selection and individual tree selection.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) Group selection.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) Individual tree selection.—Individual tree selection may also be utilized within the pilot project area.

(3) Total acreage.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) Riparian management.—A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) Cost-Effectiveness.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(g) Funding.—

(1) Source of funds.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) Prohibition on use of certain funds.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) Flexibility.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) Restriction.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) Overhead.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) Authorized supplemental funds.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) Baseline funds.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline functioning levels.

(h) Term of Pilot Project.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i)(1) Consultation.—Each statement required by subsection (b)(1) shall be prepared in consultation with the Quincy Library Group.

(2) Contracting.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) Corresponding Forest Plan Amendments.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) Reporting Requirements.—

(1) In general.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) Limitation on expenditures.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) Final Report.—

(1) In general.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

The CHAIRMAN. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume. Again may I stress the importance of this legislation and the amendment which I offer to the original amendment by the gentleman from California [Mr. MILLER].

This is an interpretation which was disputed between the gentleman from California [Mr. MILLER] and myself and from the administration and what they requested. We still believe we did what we should have done in the original bill, or the substitute which I offered, but there is a disputing of definitions. We now believe that we have an opportunity with my amendment to take and resolve that dispute between the gentleman from California, myself, and the administration.

I have had the commitment of the gentleman from California that he is going to support this legislation if my amendment is adopted. Now, the total package will be voted on. And I have also had indications that the Senate would work appropriately with this legislation and the administration would sign this legislation if it gets out of this House in this form.

If this does not occur, that means that we would have to go back to conference; but I am confident that if we went to conference, I have the support of the ranking member and other members involved whereby we can in fact solve this problem and get the community input as necessary.

May I suggest, Mr. Chairman, there has been much said about the preservation of this forest. One of the biggest fears I have and have always had is the burning of our forests today and the lack of management.

□ 1245

Fires are natural, yes. We have not been involved with Smokey the Bear, but we have put out fires for many, many years. The volatility of these acres now is about 100 barrels of gasoline per acre in some of our forests. Some of the most magnificent trees today are threatened because of the lack of fire control or fire suppression or, in fact, the continued growth and undergrowth that makes it impossible to put a fire out, and it kills the soil when it burns.

So we talk about the future generations walking through the forests. There will be no forests to walk through if we do not have the proper management. Yes, we can leave some trees aside. We can leave the old growth where it is in some places. We can also take and have the management thinning in the appropriate classification. But we must have what I call the appropriate management, and who better can do that than those in the area in which it lives? I think it is so crucially important that we continue to try this pilot project.

I want to stress again and again, pilot project, five-year project, all environmental laws, all registrations now. But it allows the taking of timber. It allows the proper fire suppression. So I urge the adoption of my amendment. I think it is crucially important that we have the opportunity to continue this.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CALVERT], on the legislation itself and not necessarily directed to the amendment.

Mr. CALVERT. Mr. Chairman, I rise in support of the Quincy Library Group and the manager's amendment. The Quincy Library Group was not created in a vacuum. The national urban environmental organizations have been involved and aware of the Quincy Library Group since its inception in 1993.

National urban organizations have also been involved and endorsed at one time or another each element of the Quincy Library proposal. For example, the 5-year pilot program which is established by this legislation calls for an annual range of between 40,000 and 60,000 acres to be treated with strategic fuel breaks. This acreage was proposed directly by the national urban organizations.

The Quincy Library proposal is a positive bill that is good for the forest, good for the people, good for the environment, and receives a wide range of support. Therefore, I ask Members for their support in passage of H.R. 858 and the manager's amendment.

The CHAIRMAN. Without objection, the gentleman from California [Mr. MILLER] may control the time otherwise reserved for an opponent of the amendment.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. MILLER], for yielding. I want to thank both the gentleman from Alaska [Mr. YOUNG], the chairman, and the gentleman from California [Mr. MILLER], the ranking member, for coming together here on the floor to reach common ground on a very significant piece of legislation.

I think our bipartisan effort, and I am confident this bill will be agreed to after this amendment is agreed to by an overwhelming margin, has really set the tone for what I hope can be a new era in the way in which we resolve our differences on forest practices.

We have been at war with each other. We have not been able to resolve our differences. We have stopped progress. We have not created any new initiatives or new incentives to move on. I think this Quincy Library Group language, the original premise for it and the amended version that will pass today, is evidence that we can lay down our swords and actually work together to accomplish something.

We do not know that this is the solution. But the 5 years that we have given ourselves to try to put this local agreement into effect without violating national laws, I think is a window of opportunity. Should we succeed in these three national forests, dealing with the riparian restoration issues and the thinning issues and fire suppression, all the other issues that I think are part of contemporary management of our national forests, we will have perhaps set for the future a standard by which other forests can be managed with all the players coming together, environmentalists and local officials and local business people, people who work in the forests and people who employ them, coming together to find a common approach to getting off dead center. For that I am very thankful, as I am sure many of my colleagues and many of my constituents are.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from California [Mr. FAZIO], who has been very busy here the last hour and a half on the floor trying to help us hammer out this agreement, and for taking part in these discussions and serving as a go-between. I want to thank him for that effort.

Both the gentleman from California [Mr. FAZIO] and the gentleman from California [Mr. HERGER] are the closest representatives to this area and clearly, as the gentleman from Alaska [Mr. YOUNG] tries to remind us all the time, have the concern with the greatest impact. I think that this is a balanced approach that the gentleman has worked on, and I appreciate and thank him for your efforts.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I thank the gentleman from California [Mr. MILLER] for his comments, and I simply want to congratulate the gentleman from California [Mr. HERGER] for his initiative and his successful steering of this measure through, I hope, to the Senate and to the President.

It is a breakthrough. I think this would not have been accomplished without the willingness of the staff of the Committee on Resources and its leadership to resolve their differences here today on the floor so that we can offer an united front and, hopefully, see implementation of this concept.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG] for yielding me the time. I also want to thank all those people on both sides of the aisle that have been involved in working through this legislation to reach a compromise that will benefit not only the people in the community that are directly involved in this issue, but it will have a positive impact on the rest of the country and on logging in general.

Are we smart enough, Mr. Chairman, to sustain logging, mimic nature, and protect biological diversity? I think we are, and I think this legislation will begin the process for us to understand how to do that.

Does this Nation need wood? The answer is yes. Must we sustain logging, or should we sustain logging? The answer is we must sustain logging. Does this Nation need the kind of health that biological diversity offers species, including human beings? Biological diversity ensures that we are going to sustain the kind of things we need in order to survive on this planet. Not only can we protect and sustain biological diversity, we must sustain biological diversity.

So are we smart enough, in this society that we call the United States of America, with a democracy, with a free market economy out there, with people with varying interests, can we get together and resolve these issues? The answer is yes.

And if we look at the legislation, does it protect the habitat for species? This legislation protects habitat for species. Does it protect and do further research on riparian areas? The answer is yes.

On page 8, line 18: "All environmental laws apply to this pilot project." On page 10: "An annual review of the project is ordered by the Secretary of Agriculture," an annual review.

If my colleagues look on page 15, line 6, this has something else to do with ensuring that we are going to do the right thing: "The Secretary shall compile a science-based assessment of the effectiveness of this pilot project."

The legislation is sound. Are we smart enough, as people in this democracy, to sustain logging, mimic nature, and protect biological diversity? Can we do that? The answer is yes. I strongly encourage my colleagues to vote for this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, our forests are really in deplorable condition. My colleagues can see and anyone who flies over the Sierra Nevadas can see just what a terrible state they are in, how years of drought and insect infestation have killed in some cases more than one-third of all the standing trees, a number of brown trees they can see flying over the Sierra Nevadas. We have had some devastating forest fires. And the prognosis is, unless we manage these forests, we are going to have fires on an even greater scale than we have seen so far, that will absolutely wreak havoc for years upon the environment and destroy the livelihood of all the people that live in timber-based communities.

Mr. Chairman, the Quincy Library Group represents remarkable consensus amongst local residents, local timber experts, local businessmen, local environmentalists, all local people who have produced this consensus to properly manage the forests. The only group opposed to this legislation is the arrogant, left wing, taxpayer subsidized environmental lobby, because if we have consensus to manage our forests at the local level, they might not be necessary.

Mr. Chairman, this is a good bill. We should approve this bill and finally send a message to the world that local people can govern themselves, so I urge the approval of this legislation.

Mr. MILLER of California. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in favor of this bill with the amendment, accept that because it is essentially a bottom-up process and we all got here from local government, and this is where people who live on the land take care of it, both sides of the issue, environmentalists and nonenvironmentalists, have come to consensus. I think it is a good bill and we ought to support it.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I came over here to oppose this bill initially, and I am now met with the fact that the chairman and ranking member have come to an agreement that has been difficult to achieve concerning this issue. I commend them, and I intend to support that agreement because of the confidence I have in both of my colleagues and the staff who are engaged in this issue with me.

I must say I am somewhat uneasy with it. I am uneasy, Mr. Chairman, because it is implied that somehow the National Forest Service or some of our other land management planning agencies, the Park Service, BLM and the Fish and Wildlife Service, really did not have the information they need or did not have the know-how; and the fact is that these land management agencies are revered around the world for their knowledge with regards to the cutting edge understanding land management and the ability to manage the national forests, our temperate rain forests, our arboreal forests, the NFS is at the cutting edge of this particular study and application on the ground.

We ought to look at what has happened to the ability of the Forest Service and other land management agencies to develop the type of rapport that we need with local communities. I believe what has happened, as we examine the record, is that there have been significant reductions in professional staff throughout the 1980's and into the 1990's.

If we look at our budget for the next 5 years, I think we are going to find more problems along those lines. As budget are curtailed fewer personnel will be available for on the ground communication. And most of the plans we have actually go through extensive work, far above the Administrative Procedures Act, for example, such land management plans go through extensive work to try and share with local communities what the plans are for a forest, what the plans are for a park or for other public domain lands.

This modified substitute is a good idea in the sense that if we can develop consensus at the local level and it is consistent with scientific principles and sound national land management practices, that these national lands, which in this case happen to be in California and Oregon, would in fact be effectively managed and we will with a better rapport have less misunderstandings and less acrimony.

As new scientific information is developed and new knowledge is acquired, we have to bring this to bear in terms of land management plans in our forests, parks and other public lands. That is what Congress has asked the Forest Service to do in the many laws and policies that exist. That is what Congress is requiring the Park Service or BLM or other land management agencies to do, and that is a tough job, a very tough job, because that new information portends changes regards the use of our forests, park and public domain lands.

□ 1300

However, I think engaging people locally in this formal way may prove to be quite expensive. I think we need to look at the total bill in dollars. This is more than just a pilot plan. I think it is a significant commitment by this Congress in terms of local engagement which must be matched with a fiscal commitment. I would just suggest that if my colleagues want this, if it is to work, then hopefully the same will stand up and start putting the money into the Forest Service to do the job in terms of forest health, to do the job in terms of developing this type of local input, and the ability to fully carry out the process of not just decisionmaking but implementation.

This is a very difficult task. It is an expensive task. I think it is one that is worth the effort if in fact the process accomplishes the promised objectives and goals. As I said earlier in my statement when we were talking on the rule for this measure's consideration, I do not disagree with the Quincy Library Group concept, but I do not think that I wanted to see this idea hijacked for other purposes, to get around the environmental and other laws that today present a challenge to some, the cost of local input should not be dispensing with the body of land use environmental laws.

That is why, Mr. Chairman, I rose in opposition to H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997. As reported to the House the bill is unacceptable. Often in Congress we are faced with legislation in its best wrappings that attempts to appeal to our most common and good instincts, but unwrapped it reveals just another effort to benefit a special interest group. What could make more sense than a local group getting together to settle its differences in the confines of a library? What could be better than an agreement that satisfies everyone involved, preserves a community's economic stability, and protects the environment? You would think, upon reading the information provided by the supporters of this bill, that this was a slice of American pie, the most perfect proposal that Congress should rubber stamp.

Well I say to my colleagues that this bill from the Resources Committee is far from perfect. This isn't the Quincy Proposal. This is an attempt by these interests to force feed the American taxpayer and the U.S. Forest Service a policy path which side steps most major environmental laws and scientific principles. This bill could be yet just another attempt to cut more trees by sidestepping environmental law and existing rules and policy governing our national forests. This initial bill, H.R. 858, is a consensus proposal without a consensus on this floor. Is it a stalking horse for special exploitive interests? This bill takes a positive development and tries to cash it in before it becomes fully defined, much less developed. Cash it in for whom?

This measure which affects over 2.5 million acres of 3 national forests and could become a 1997 version of the infamous 1995 salvage rider, the risks in the initial measure are just too great.

I opposed this initial bill because it disregards important environmental safeguards. It does not require real compliance with the National Environmental Policy Act [NEPA] or the National Forest Management Act. Instead, it substitutes a questionable and sloppy review process for true environmental stewardship without the safeguards. We've had enough trouble with the timber industry already—and this measure must not be just another special exception from some of the most important protected industries in America.

I want to make it clear that I am not critical of the Quincy Library Process. I am objecting to writing into law a half-baked concept and excepting it from the professional management practices that have helped guide the timber policy. This bill as law would superimpose a policy which is in glowing generalities a 22-page document that will lend itself to risk.

I question this bill further because it will cost $83 million over the next 5 years. That's $83 million the U.S. Forest Service will not be able to spend on creating more recreational opportunities for our kids, restoring old roads, or protecting the environment. In a time when we are finally tightening our belts, I ask my colleagues: can we really afford $83 million to fund an uncertain and incomplete policy?

I oppose this original bill because it calls itself a pilot program, while it in fact deals with 2.5 million acres and 3 national forests. This is not characteristic of a pilot program. This could well result in a semantic exercise that is being sold with a goal to jettison important environmental protections.

I oppose this bill because it continues the majority's strategy of attempting to quietly ram through anti-environmental time bombs. Members of the Quincy Library Group themselves have expressed optimism that they are nearing an administrative solution with the Department of Agriculture. My friend from California, Mr. FAZIO, who originally supported this bill, contacted the Subcommittee on Forests asking us to give the administrative route more time. He was ignored, of course, because this bill is no longer about the Quincy Library Agreement—when unwrapped in living color this bill is about more logging and fewer environmental restrictions.

Finally, and most importantly, I oppose this bill because it sets a dangerous precedent. Clearly, communities have a vital role in determining our national forest policies. This bill, however, goes too far down that road. Simply because citizens live next to Federal land does not entitle them to manage that land. Those who live close to such land are important partners, often stewards, who offer real strength and accountability. Our national forests and public lands, however, are the property of all Americans. Every single American—not just the residents and interests of Quincy, CA—has a stake in ensuring that they are adequately protected from irresponsible management practices now and for future generations.

Finally, the majority and minority Members are offering the long-sought changes that have been agreed to. I urge my colleagues to support this Young/Miller substitute. It's an improvement over the very imperfect measure reported; it limits some of the risks, but is a bill really necessary? Couldn't this be done without a new law? It is a major concern. This measure should be carefully watched in the legislative process and close oversight if it is enacted into law the next 5 years to ensure that the commitments to sound science and environmental sensitive land use planning are effective and achieved.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman raised a very serious concern earlier about one particular section of the bill which resembled language from the infamous timber salvage rider which I opposed. The language in concern was that the Secretary concerned shall not rely on salvage timber sales as a basis for administrative action limiting other multiple use activities, et cetera.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. As part of the amendment, that language has been stricken from the legislation.

Mr. DEFAZIO. I thank the gentleman.

The gentleman now feels that this bill fully complies with all existing environmental laws, and reserves rights of appeal, litigation, and other things to the public and other concerned individuals?

Mr. MILLER of California. That is my understanding.

Mr. DEFAZIO. I thank the gentleman.

Mr. Chairman, I rise in support of this legislation. I appreciate the willingness of the proponents on the other side of the aisle to work with the minority to address the significant concerns raised by the administration. It is my hope now that we will be able to move this process forward with some dispatch and, as I said earlier, to begin to look at a different way of managing our forests; reserving the roadless areas, the few that are left, reserving and preserving the wilderness areas that are statutorily defined by Congress, meeting the needs of the spotted owl and other endangered species in the area, clean water concerns, but also engaging in some forestry activities in what would be called a lighter touch, uneven age stand management regime, one that came after hours and hours and hours of discussion between traditional antagonists in this part of the country. I only hope that a similar process can be modeled on the Quincy Library project for my own district and other areas where for so long we have been engaged in pitched battles.

Early on in the forest debates I got the carpenters union to go with some environmental activists up to look at management similar to what is being proposed here today, uneven age stand management, principally thinning, along with a forester who works on alternative management. There was substantial agreement that that would be something that had promise. I got the carpenters to then go to an ancient forest conference and say they would look at an alternative that preserved all the remaining old growth if we could look at alternative management on the remaining lands. Yet the administration out of hand rejected that as did Lord Thomas reject that in going through the plan, to develop the President's forest plan. I think this is a crack in the armor of the old save and sacrifice forestry. This threatens people that are polarized at either ends of the debate. I applaud this process to move away from save and sacrifice to uneven age stand management, selective management and forestry that is sensitive to all environmental laws and truly perhaps for the first time to multiple uses.

Mr. MILLER of California. I thank the gentleman for his remarks in support.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HERGER], the author of this legislation, to speak not only on the amendment but to the bill itself.

Mr. HERGER. Mr. Chairman, I think it is very appropriate that this bill just moments before it comes before a vote here on the House floor in the U.S. House of Representatives ends, or concludes the way that it started. The way that it started was some 4 years ago in a small community of a couple of hundred citizens in Quincy, CA, within the Plumas National Forest in the Sierra Nevada Mountains, a community which for 15 years had been racked with wars of the environmental community, warring with those that were trying to support the wood products industry. The fact that their economy had come to a standstill, the environmental health of the community and of these forests had come not just to a standstill but was actually to a state that we were seeing these forests burning up through fires. Just last year alone some 870,000 acres of forest burned in the State of California alone. Other environmental issues were not being addressed. And so at that time we saw the environmental community, the wood products community, the schools, the locally elected officials come together at a place that they felt they would not yell at each other, and that was the library. They started a long process of meeting together night after night, more than some 46 representatives, leaders in all the different areas of the community, working together to finally come up with a plan that was using the most recent environmental science, science that had been developed in this very area itself of the Sierra Nevada Mountains, to come up with a plan which was a win-win for everyone: A win for the environment, a win for the California spotted owl, a win for riparian problems that we have there, a win also for the economy of this community as well, a community which throughout that area some 32 mills had closed in just the last couple of years.

And to see at this time all the working together there, working with the administration, working with our two U.S. Senators, literally thousands of meetings, and then to see it culminate here before our very eyes in which we see very much the same type of scenario taking place, I really did not think, I have been here six terms, I was not sure if I would see the time when my very good friend and distinguished leader, the gentleman from California [Mr. MILLER] and myself and the gentleman from Alaska [Mr. YOUNG] and others, the gentleman from Oregon [Mr. DEFAZIO], the gentleman from California [Mr. FARR] and the gentleman from California [Mr. FAZIO] and others could come together in agreement. I think it is certainly, I feel is either the highlight, or certainly one of the highlights of my political career.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, yesterday was luncheon, today it is legislation, tomorrow it is frightening to think of what it could mean. I appreciate the gentleman's cooperation, and I want to thank him for how hard he has worked on this legislation. As he has pointed out, more times than I care to count, this is not a new idea with respect to Quincy Library. These people have worked very, very hard on this, and this is not an idea that somehow does not have a lot of support. It has a lot of support, and I think with changes of the gentleman from Alaska [Mr. YOUNG], we now have what I would assume is almost going to be unanimous support in the House. I thank the gentleman for all of his perseverance and his hard work on this.

Mr. HERGER. I thank the gentleman.

Then just to conclude, to see it come together is encouraging, is something that I feel can be a beginning, hopefully, of a number of other very controversial issues that we have, that we have shown, are showing, are in the process of showing here this afternoon that both sides can come together, Conservatives, Liberals, Democrats, Republicans, and make the system work.

Again, I want to thank everyone involved. I certainly want to thank all those from our communities in northern California who never gave up, who hung in there. I want to again say that I am very supportive of this amendment, our legislation, and I want to emphasize this for those people who are watching, that this legislation remains basically, the intent is basically exactly the same as it was before. We think that this helps improve the bill and it helps for, I believe, the support we are going to need in the Senate and I believe the support that we will have from the President.

Again I want to thank everyone. I support this, I urge Members' support on this amendment, and I urge their overwhelming support on the bill itself.

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that the pending amendment be modified by the form I have at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

On page 6, line 11, after "use", insert ", subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations".

On page 11, line 15, insert before "excess", the following: "subject to the advance approval of the House and Senate Committees on Appropriations reprogramming process,".

The CHAIRMAN. Without objection, the amendment in the nature of a substitute is modified.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I can only urge a "yes" on my amendment and a "yes" on final passage of the legislation.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG], as modified.

The amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROGAN) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, pursuant to House Resolution 180, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLITTLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 429, nays 1, not voting 4, as follows:

[Roll No. 251]

YEAS—429

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAY—1

Paul

NOT VOTING—4

Boucher
Cox
Edwards
Schiff

☐ 1334

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 858, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action the House has just taken.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from Alaska?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

ANNOUNCEMENT REGARDING SATELLITE INDUSTRY TECHNOLOGY DISPLAY IN CANNON CAUCUS ROOM

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, today in the Cannon Caucus Room, the third floor of the Cannon Building, all of the various technologies of the satellite industry are on display. These demonstrations will give Members a great look at the world of communications, of satellite technologies in the developing world and in the developed world, and will give a great insight as to what is coming in terms of technology for our own country in communications.

I urge Members to stop by before 3 o'clock and just take a look at the future in the Cannon Caucus Room on the third floor.

PROVIDING FOR CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 179

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) or clause 5(b) of rule XXI are waived. No amendments to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. Goss] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas [Mr. Frost], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only on this issue.

Mr. Speaker, I am honored to be in the somewhat unique position of serving the House and my constituents as a member of the Committee on Rules and as chairman of the House Permanent Select Committee on Intelligence. I certainly feel in very good company, following the footsteps of our former colleague, Tony Beilenson, who in the 101st Congress served in both capacities, and did so in great distinction from the other side of the aisle.

I am proud to be able to fulfill obligations to both committees in bringing forward to the House Resolution 179, making in order H.R. 1775, the Intelligence Authorization Act for fiscal year 1998. I believe this rule is without controversy.

With the approval of this rule by the House later today during a debate on the bill itself I will be describing in more detail the specific provisions of the unclassified portions of H.R. 1775. All Members have been advised that the bill's classified provisions are and have been available for review in the Committee on Intelligence spaces.

For the purpose of this rules debate, I would simply like to point out to the House that this measure reflects several months of very hard work and bipartisan cooperation by the Members of the Committee on Intelligence and its staff. It is a bill which I think is solid, professional, and necessary, and a bill which I believe faithfully fulfills our obligation to the American people to conduct vigorous oversight of our Nation's intelligence programs and activities. We are the line of defense in that area for the people of this country. We take our job seriously.

Mr. Speaker, as to this rule, House Resolution 179 is a fairly traditional rule for this type of legislation. As in past years, the rule is a modified open rule providing for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Intelligence. My friend, the gentleman from Washington [Mr. Dicks], will take care of that part for the minority.

The rule makes in order as an original bill for the purpose of amendment the committee amendment in the nature of a substitute now printed in the bill which shall be considered by title and as read.

In addition, based on consultation with the parliamentarian, the rule waives points of order against the committee amendment for failure to comply with clause 7 of rule XVI, which is the germaneness section, and clauses 5(a) and 5(b) of rule XXI prohibiting appropriations on an authorization bill and prohibiting the consideration of tax or tariff measures which have not been reported by the Committee on Ways and Means.

These waivers are quite technical, but I would like to briefly explain them so Members understand what we are doing. The germaneness waiver is necessary because the committee mark which comes in the form of an amendment in the nature of a substitute is broader in scope than the bill as originally introduced.

This will come as no surprise to most Members. The rule XXI clause 5(a) waivers pertain to three specific sections of H.R. 1775: sections 401, 402, and 603. On those specific sections, as on many of the issues in this legislation, the Committee on Intelligence staff has been in close contact with the staff of the Subcommittee on National Security of the Committee on Appropriations which has not, to my knowledge, objected to these waivers. In fact, we have worked closely with the appropriations staff on this point.

□ 1345

Regarding the 5(b) waiver that pertains to the Committee on Ways and Means, I submit for the Record correspondence between the Permanent Select Committee on Intelligence, the Committee on Ways and Means, and the Committee on Rules.

The provision in question, which is section 305 of H.R. 1775, is a 1-year extension of the deferral of sanctions provision in current law. Section 305 continues, until January 6, 1999, the President's current statutory authority under the National Security Act to delay imposing a sanction upon his determination that proceeding with the sanction could compromise an ongoing criminal investigation or an intelligence source or method. This subject matter falls within the jurisdiction of the Committee on Ways and Means and within the scope of the prohibition outlined in clause 5(b) of rule XXI.

So by way of history, this deferral authority was in fact first included in the fiscal year 1996 Intelligence Authorization Act, was extended for 1 year in the fiscal year 1997 intelligence authorization bill and here we have it again. Through the exchange of correspondence, the Committee on Ways and Means and the Permanent Select Committee on Intelligence have reached an accommodation to allow the 1-year extension provided by section 305 to remain in H.R. 1775, as reported, and to coordinate future activity on this subject.

I understand, therefore, that there is no objection to granting the waiver and I understand further that there will probably be some colloquy during the debate time on the rule on this point.

Mr. Speaker, the rule allows for consideration of all germane amendments, but in the interest of ensuring that sensitive classified information is protected, the rule has required that Members have their amendments preprinted in the Congressional Record prior to consideration of the bill. This has proved to be a prudent and helpful and nononerous requirement in past important intelligence authorization bills, and we have made every effort to ensure that Members have had ample time to consider and to file their amendment and to receive appropriate staff assistance from our committee, if desired.

Finally, Mr. Speaker, the rule provides for the traditional motion to recommit with or without instructions. Thus I believe this unanimously supported rule in the Committee on Rules is fair, appropriate, and noncontroversial. Accordingly, I urge support for the rule.

Mr. Speaker, I include for the RECORD the following correspondence:

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, July 8, 1997.
Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR BILL: I am writing to you concerning your objection to the inclusion of section 305 in this Committee's Intelligence Authorization Act for Fiscal Year 1998 (H.R. 1775). I understand that staff have consulted on this issue and resolved the matter to our satisfaction.

To that end, it is important that for future purposes we set out our agreement that this provision falls squarely within the scope of Clause 5(b) of House Rule XXI, which provides that no tax or tariff provision may be considered by the House that has not been considered by the Committee on Ways and Means. We appreciate your authority over tax and revenue provisions and in no way seek to undermine that jurisdiction. I will work to defeat any additional tax or revenue increasing provision that any other Member may seek to attach to this bill, both during floor consideration of this bill by the House and during Conference Committee meetings with the Senate.

This provision is of critical importance to the protection of intelligence sources and methods whenever a proliferation violation has been identified and sanctions are deemed to be the appropriate method of discipline. This provision supplies the President with the necessary flexibility to address the competing interests of punishing the violators and protecting our national security interests at the same time. I appreciate your recognition of this important aspect of this section of our bill.

I will also offer any modification of this provision in future Intelligence Authorization bills, beyond a mere reauthorization for additional periods of time, will be subject to consultation between our Committees, and subject to points of order pursuant to Clause 5(b) of House Rule XXI.

Based upon this understanding, I would ask that you withdraw your request to the Committee on Rules to strike section 305 from H.R. 1775 prior to consideration by the full House.

Thank you for your cooperation in this regard and I look forward to your support for H.R. 1775.

With all best wishes, I remain

Sincerely yours,

PORTER GOSS,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 7, 1997.
Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR GERRY: I am writing to you regarding further consideration of an import sanction provision included in H.R. 1775, the Intelligence Authorization Act for Fiscal Year 1998, as reported by the Committee on Intelligence.

As previously indicated, section 305 of H.R. 1775 would amend section 905 of the National Security Act of 1947 (50 U.S.C. 441d) to extend through January 6, 1999 the authority of the President to stay the application of import sanctions contained in certain laws outlined in 50 U.S.C. 441c. The chairman of the House Intelligence Committee has now acknowledged that this provision falls within the jurisdiction of the Committee on Ways and Means, and he has agreed to oppose the inclusion of any other provisions within the jurisdiction of the Committee on Ways and Means during further consideration of this legislation. Based on this understanding, and in order to expedite consideration of this important legislation, I will not object to consideration by the House of H.R. 1775 in its present form. However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives on this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. I reserve the right to request that the Committee on Ways and Means be named as conferees on any provisions of jurisdictional interest should the need arise during further consideration of the bill.

Thank you for your consideration in this matter.

Sincerely,

BILL ARCHER,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Democratic members of the Committee on Rules support this rule. We do, however, share a concern about the provisions of the rule, and it is the same concern we had last year. The rule allows only for consideration of those amendments to the bill which have been preprinted in the CONGRESSIONAL RECORD prior to consideration of this legislation.

Mr. Speaker, our concern with this requirement to preprint amendment centers around the fact that this is not a particularly controversial bill. Consequently, we are not convinced that the preprinting requirement is necessary. We understand that preprinting may ensure that debate on this legislation does not inadvertently disclose classified materials. The ranking minority member of the Permanent Select Committee on Intelligence has no objection to the inclusion of the requirement in the rule. But the Democratic members of the Committee on Rules are concerned that a precedent has now been established with regard to the construction of the rule for the consideration of this legislation. I want to take this opportunity to voice our concern.

The rule also contains a number of waivers against the committee amendment including germaneness, appropriations on an authorization bill, and consideration of tax or tariff matters not reported by the Committee on Ways and Means.

While the Democratic members of the Committee on Rules do not oppose these waivers, we would simply like to point out to the House that these waivers are included in the rule.

Mr. Speaker, the funding levels for intelligence activities authorized in H.R. 1775 are contained in the classified annex to the report issued by the Permanent Select Committee on Intelligence. The committee reported the bill by a vote of 15 to nothing, and there are no areas of major controversy in the bill.

Mr. Speaker, as I stated at the outset, I do not oppose this rule. I would urge my colleagues to support the rule so that the House may proceed to the consideration of this vitally important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague from Texas for his wise words and support on this matter.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEWIS], a member of the House Permanent Select Committee on Intelligence.

Mr. LEWIS of California. Mr. Speaker, I thank very much my chairman for yielding me this time.

I rise to express my support not only for the rule itself but also for the bill that will be before the House shortly.

Mr. Speaker, as a member of the House Permanent Select Committee on Intelligence now for some 4 years and presently having the privilege of serving as chairman of the Subcommittee on Technical and Tactical Intelligence, I can say that this is a very, very finely crafted bill. I am speaking to the bill briefly at this moment before I have to go to the full Committee on Appropriations during the time of general debate, but I wanted to share with the Members my thought that in crafting this bill, it is most impressive to see that the chairman and our ranking member, the gentleman from Washington [Mr. DICKS], have very carefully gone about scrubbing the numbers here to make certain that we are spending as little as possible for very, very important interests of the American public and our national strategic interests as well.

I would point out that in the final analysis, there are some very significant cuts to a number of unmanned aerial vehicle programs and other technical programs in spite of the high priority given by my subcommittee. At the same time the funding that does go for technical assistance is critical to our future and I think the committee overall has done a very fine job.

Finally, Mr. Speaker, I would be remiss if I did not point out to my colleagues that the President's request for some of those tactical intelligence systems and operations supporting our men and women in both activities and reserve military components is significantly less than the Congress authorized last year.

Mr. Speaker, this bill increases the President's request for intelligence support to the military by only 1.3 percent, and despite this increase, the bill's authorization in this area is 4 percent below last year's.

The men and women who serve and who indeed have to fight and sometimes die for this country when in difficult circumstances deserve the best weapons we can provide but they also deserve the best intelligence systems that can be made available. It is our effort to meet that challenge as well as we can provide. This bill is a very well developed and finely balanced bill.

I urge support for the rule as well as for the bill's final passage.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

I speak in strong support of the rule which allows for a number of serious amendments. I think the main point that I would make, as we proceed in this discussion, is that it is imperative for the U.S. Congress to get its priorities straight.

There are proposals that we are going to be debating here within the next couple of weeks which call for massive cuts in Medicare, massive cuts in veterans programs; we have experienced major cuts in housing, programs for our kids. And it seems to me that those Members who are concerned about national priorities, those Members who are concerned about deficit reduction have also got to take a hard look at the intelligence budget.

It is wrong to say to the elderly, we are going to cut home care service to you; say to low income people, we are going to cut back on Medicaid for you; allow a situation to continue by which we have the highest rate of childhood poverty in the industrialized world; and then say, well, despite the fact that the cold war is over, despite the fact that the Soviet Union does not exist, that international communism is basically dead, that despite all of that, we can allocate more money tc the intelligence community despite the fact that the record shows that in area after area after area, the intelligence community has been extraordinarily wasteful and not costeffective.

I would remind Members that last year the New York Times reported, and I quote, May 16, 1996,

> In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress, intelligence officials acknowledged today.

And the article continues:

> To put the $4 billion in perspective, the National Reconnaissance Office, what the National Reconnaissance Office did was to lose a sum of money roughly equal to the annual budgets for the FBI and the State Department combined.

John Nelson, appointed last year as the reconnaissance office's's top financial manager and given the task of cleaning up the program, said in an interview published today in a special edition of Defense Week that the secret agency had undergone, and I quote, a fundamental financial meltdown. End of quote.

Let us get our priorities straight. We cannot cut for the kids. We cannot cut for the elderly. We cannot cut for the homeless, and in fact even make over the years significant cuts in military spending and then say to the intelligence community, hey, we treat you differently than any other aspect of government.

I rise in support of the rule because it enables us to have a serious debate on a major issue.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the rule and also urge my colleagues to support this bill.

Our good friend, the gentleman from Vermont [Mr. SANDERS], has made a few comments in the well. I want my colleagues to know it was the Democratic staff of the committee that uncovered the problem at the NRO. I want you also to know that both the authorizers and the appropriators have taken the money, the excess money that was there and utilized it for other programs. So we have dealt with that problem. In fact, I worry a little bit that we may have been a little too harsh on the NRO, but I will report to the House in my judgment we have solved the financial problems.

Mr. Deutch, before he left, brought in new financial people at the NRO. I think they are doing a very fine job. I think the problems that were there have been corrected. It is part of the process of oversight. We found the problem. We corrected it. We made sure that whatever reserves are there are only those that are necessary to keep the program going.

Now, this committee operates on a very bipartisan basis and I think this bill is a good bill. The gentleman is correct, we are going to have some very serious debate here on amendments. I urge my colleagues to support the rule. But I also would remind every one that we have cut defense by over $100 billion between 1985 and 1995. Of course, the intelligence budget is part of the defense budget. And it has received cuts as well. So to say that this area has not received reductions simply is inaccurate. Anyone who wants to come up and see the numbers in the committee is welcome to do so.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I hope my colleagues will support the rule and support the underlying legislation.

The intelligence community is in a very difficult position. Because of the classified nature of their work, it is difficult for them to respond to some of the public criticisms. I hope that this House will not only support the underlying legislation but will oppose the amendment that would make it difficult for the intelligence community to be able to carry out their work. They do outstanding public service. I have had an opportunity to visit some of the facilities. I hope more of my colleagues would take the opportunity to visit and see firsthand the type of work that we are doing. We had the best intelligence operation in the world. It is in our national interest to make sure that it is adequately authorized and funded.

I want to congratulate the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] for their work. They have worked in a bipartisan manner to bring this legislation forward. It deserves the support of this body. I thank my colleague from Texas for yielding me the time.

Mr. FROST. Mr. Speaker, I have no further requests for time. I urge adoption of the rule, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. ROGAN]. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 425, nays 2, not voting 7, as follows:

[Roll No. 252]

YEAS—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner

Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Bonior
DeFazio

NOT VOTING—7

Cox
Edwards
Hall (OH)
Hastert
Neumann
Roukema
Schiff

☐ 1419

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERING AS PRINTED TRAFICANT AMENDMENT INADVERTENTLY OMITTED FROM PRINTING IN THE RECORD

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that an amendment that I have placed at the desk that was submitted and inadvertently omitted from the RECORD be considered as though it had been printed in the RECORD.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, it was necessary for me to be out of the country yesterday, preventing me from voting on rollcall numbers 246, 247, 248, 249, and 250. Had I been able to vote, I would have voted "aye" on each of those measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1060

Mr. BURR of North Carolina. Mr. Speaker, due to a clerical error, I ask unanimous consent to remove the name of the gentlewoman from New York [Mrs. MALONEY] from my bill, H.R. 1060. Her name was mistakenly entered as a cosponsor instead of the gentleman from Connecticut [Mr. MALONEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1775.

☐ 1421

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] will each control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the members of the House Intelligence Committee who have worked so hard in putting this bill together. In particular, I appreciate the very fine work of the gentleman from California [Mr. LEWIS] and the gentleman from Florida [Mr. MCCOLLUM], our subcommittee chairmen.

But I also have to point out that the gentleman from Washington [Mr. DICKS], the committee's ranking Democrat, and other Democratic members of the committee have played an extraordinarily constructive and helpful role in the formulation of this legislation. It is truly bipartisan.

Finally, I would like to say to the staff on both sides of the aisle, "Thank you for a job well done." They are a dedicated, talented, and professional group who have very special knowledge that serves the United States of America extremely well.

This bill, which the committee reported out unanimously, is the product of a lot of work, intensive deliberation, and cooperation. The committee held seven full committee and two subcommittee budget hearings. In addition, there were over 100 staff and member briefings on programs, specific activities, and budget requests.

H.R. 1775 authorizes the funds for fiscal year 1998 for all of the intelligence and intelligence-related activities of the U.S. Government. The National Security Act requires that spending for intelligence be specifically authorized. This is the only route we have.

The intelligence budget has three major components: the national foreign intelligence program, known as NFIP; the tactical intelligence and related activities program, known as TIARA; and the joint military intelligence program, known as JMIP.

NFIP funds activities providing intelligence to national policymakers and includes programs administered by such agencies as the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency. TIARA, or Tactical Intelligence Activities, reside exclusively in the Department of Defense. They consist in large part of numerous reconnaissance and target acquisition programs that are a functional part of the basic military force structure and provide direct information in support of military operations. The Joint Military Intelligence Program provides military intelligence principally to defensewide or theater-level consumers.

Although our committee has jurisdiction over these three intelligence programs, we must work closely with the Committee on National Security, particularly in the oversight and authorization of the TIARA and JMIP programs where we share jurisdiction. I would like to publicly acknowledge and personally thank the gentleman from South Carolina [Mr. SPENCE] for the extraordinary cooperation that we received from him, the members of his committee and the members of his committee staff.

I would be remiss if I did not also mention the cooperation we have received from the Committee on Appropriations, particularly and most importantly from my colleague on this committee, the gentleman from Florida [Mr. YOUNG], who also chairs the Subcommittee on Defense Appropriations and sits, of course, on HIPCE.

Due to the classified nature of much of the work of the Committee on Intelligence, I cannot discuss many of the specifics of the bill before the House except in the broadest terms. In order to understand those specifics, I strongly urge those Members who have not already done so to read the classified annex to this bill. The annex is available in the committee office in the Capitol. It is about a 2-minute walk from here, for those who are interested, and I hope all are interested.

Despite classification restrictions, there are several major elements of the bill that I can discuss here today. In this year's budget review, the committee continued to place heavy emphasis on understanding and addressing the future needs of the intelligence community, preparing for those needs and the several distinct roles that intelligence is going to play in our national security in what is, in fact, a different world situation today.

Based on the threats we believe the United States will confront in the future, the committee's budget review focused on two specific areas. First, we looked at which intelligence programs are properly structured and sufficiently prepared to meet future needs and requirements. Second, we looked at the intelligence community's collection and analytical shortfalls.

Unfortunately, the committee review revealed few areas where the intelligence community is well situated for the future, and an overabundance of shortfalls were found. These shortfalls are due, in part, to the fact that intelligence resources are stretched too thin while handling an ever-increasing multitude of issues.

I would like to point out that this is not any kind of a shock to the intelligence community. It is realizing the fact that we are stretched thin and need to deal with it. Nonetheless, the committee is concerned that the intelligence community is not moving fast enough in some of the areas to address the threats of the future.

Given these concerns, the committee has begun to address the shortfalls we see in the intelligence community's budgeting and responsibilities. In this year's mark the committee has specifically addressed the following issues:

First, we have taken actions to help the intelligence community improve its analytic depth and breadth through improved training, targeted hiring, and the use of analytic tools. There is no point to have information if you cannot value enhance with the proper analysis.

Second, the intelligence community places too much emphasis on intelligence collection at the expense of downstream activities. Downstream activities are processing the information we get, analyzing, disseminating, and so forth. We have to get a better balance. If we spend all our money collecting and none for analyzing, we will be awash in information that is not going to do us much good.

Third, our espionage capabilities are limited and dependent on ad hoc funding. We have taken steps to tie funding for clandestine operations to the long-term needs of analysts, policymakers, and the military. That is putting it where we need it. I think that is almost the most critical part of this whole bill, from my personal perspective.

Fourth, we have pushed the intelligence community toward developing, acquiring, investing in, and deploying more flexible technological capabilities in order to collect key information on the highest priority targets.

Finally, we have continued our efforts from the last Congress to make the intelligence community work corporately across traditional bureaucratic boundaries and to enhance flexibility. The committee believes that such efforts are absolutely essential if the intelligence community is to succeed in dealing with increasingly complex threats to U.S. national interests.

Very clearly, turf wars have no place in national security. Again, I congratulate the gentleman from California [Mr. THOMAS], the former chairman, and the gentleman from Washington [Mr. DICKS] for the work they did to bring this matter forward in the previous Congress, and we are following forward on that.

☐ 1430

Those threats and concerns are broader and more diverse to our national security than they ever have been. Among them are those issues that have been called the transnational threats. Those include terrorism, the proliferation of advanced weapons and weapons of mass destruction, narcotics trafficking and global criminal racketeering. Such problems demand that the intelligence community have a worldwide view and a highly flexible set of resources. Given the nature of these threats, our intelligence eyes and ears and brains are more important than they ever have been.

As an example, in the realm of counterterrorism, we are aware of the recent success our intelligence community has had in locating international terrorists so as to allow law enforcement agencies to apprehend them and bring them to justice. Less well known, however, because we must guard against revealing intelligence methods, are the numerous successes intelligence has had in recent months in detecting terrorist activities in advance and foiling them, so Members did not read about them in the paper. U.S. facilities that would have been destroyed are intact today. American lives that could have been lost have been saved.

As another example, in the area of counterproliferation, I would direct my colleagues' attention to this unclassified report which has been prepared by the CIA which describes the role of various countries in providing technologies and material for the development of weapons of mass destruction and their delivery systems by various rogue regimes around the world. This report, entitled "The Acquisition of Technology Relating to Weapons of Mass Destruction Advanced Conventional Munitions," put out by the Director of Central Intelligence, covers the time between July and December 1996 at the request of this committee. It is a very important report. The media has picked it up. It is unclassified. It tells us the world is real, the world is dangerous and there are people involved in serious mischief. It has received a great deal of attention in the press because of its rather extraordinary findings. When we read the classified evidence that is behind that report, we find it is even more extraordinary. That includes a great deal of specific and reliable intelligence that has given our policymakers and our military excellent insights into the activities of various countries and what we must do in response. Anyone who does not see the immense value to our national security to such work by the intelligence community I think is probably living in blissful ignorance of the dangers growing around us from rogue regimes that are getting closer and closer to being able to threaten Americans anywhere in the world with terrible weapons of extraordinary power.

In closing, I strongly urge all Members to support this authorization. It is the unanimously accepted product of a bipartisan committee. It makes significant improvements, measured by over 200 cuts, yes, I said cuts, and some additions to the President's budget request, and yet it comes in at less than 1 percent above the President's request when all is said and done. I am convinced that in supporting it, we are supporting the development of critically important intelligence capabilities that will make us all safer and will surely save the lives of many Americans, whether they be soldiers in the field, tourists on their vacation abroad, common Americans at home going about their business and their lives, all of this for today and for the years ahead.

Mr. Chairman, before I close, I would like to take one more moment to acknowledge an individual who is, I am sure, celebrating his last authorization process on the Permanent Select Committee on Intelligence. I said we had extraordinarily good staff. We do. But this year an individual, Mr. Ken Kodama, the senior substantive expert on the minority side, is retiring later this year after 9 years on the committee. Mr. Kodama represents the finest level of professionalism that other staff should emulate. His service to the full committee has been invaluable as well as to the subcommittee. In fact, Mr. Chairman, the reason that I could make some of the comments that I did at the beginning of this statement was in large part due to our ability to interact with Mr. Kodama in a truly bipartisan nature. To put it simply, he will be sorely missed. We wish him the best in his future endeavors, and I personally want to thank him for his assistance.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the pending legislation.

Mr. Chairman, first of all, let me say that I really agree with what the chairman has just mentioned. Ken Kodama has served this committee extraordinarily well. He has been a part of our senior Democratic staff and just one of the most professional people we have. We wish him and his family well in his future endeavors and compliment him again on his outstanding work.

I want to congratulate the gentleman from Florida [Mr. GOSS], the chairman, for the effort he has made to ensure that the committee functions in a bipartisan fashion as much as possible. This bill reflects this effort. He is to be commended for it. Few legislative products can achieve total harmony, and we do have some differences with the majority on this measure. Those differences, while relatively few in number, do concern some important matters. But I very much appreciate the determination of the gentleman from Florida [Mr. GOSS] that the issues on which we could not reach agreement within the committee would have a substantive rather than a political basis. I also want to applaud the committee staff for their outstanding work and professionalism on this bill and on the other work of the committee.

H.R. 1775 provides for a slight increase in funding over the amounts authorized by the Congress for intelligence and intelligence-related activities in fiscal year 1997 and the amounts requested by the President for fiscal year 1998. Although these increases are small, 1.7 percent above the amount authorized by Congress last year, and 0.7 percent above the amount requested by the President this year, I recognize that there are some who believe that we are already spending too much money on intelligence. I would say to those holding that view that the provision of accurate and timely intelligence to policymakers and military commanders is absolutely critical to our national security. The collection, processing, analysis and dissemination of intelligence is in many cases reliant on technologies which are both rapidly changing and quite expensive. The alternative to making the investments necessary to maintain superiority in these areas is to accept an increased risk of not obtaining that critical information which might make a difference in a trade negotiation, disrupt the plans of a terrorist or permit the tracking of chemical warfare agents.

In my judgment, the authorization levels in this bill are adequate to ensure that the intelligence agencies continue to provide the kind of information essential to sound policy determinations and successful military operations. I do not believe that a reduction in those amounts would be wise.

Although it is important that intelligence activities be adequately funded, it is equally important that the available funds be used in ways which maximize their impact. Spreading resources too thinly by trying to cover everything is a good way of ensuring a general level of inadequate performance.

We should remember that, although intelligence is information, not all information used by policymakers or military commanders is provided appropriately by intelligence agencies. In my judgment, the intelligence community best performs its function when it concentrates on providing information unobtainable by other means. It is essential that intelligence agencies not be tasked either by others or by themselves to acquire information which is more readily available from other parts of Government or is of little utility.

The gentleman from Florida [Mr. GOSS], the chairman, has described the bill, but I want to note my concern with section 608, which would terminate the Defense Airborne Reconnaissance Office [DARO]. I believe it is clear that changes are coming to the Office of the Secretary of Defense and support offices generally in the Pentagon. These offices can and should be streamlined. But that result should be the product of decisions made after all available evidence is gathered rather than before. In the case of section 608, the committee took action without a single hearing. In fact, the only evidence formally presented to the committee was laudatory of DARO and strongly advocated its continuation. I expect that we will use some of the time before conference to better explore DARO's role and its future. I also expect that we will review some of the other actions taken in the bill on certain National Reconnaissance Office programs. Changes in the direction of highly complex activities should be undertaken with a clear understanding of their likely consequences.

Mr. Chairman, despite these areas of reservation and disagreement, this is on balance a good bill, which I intend to support. It can be made better in conference, and I shall work with the gentleman from Florida [Mr. GOSS], the chairman, toward that end. The bill deserves the support of the House today, however, and I urge that it be approved.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI] for the purpose of a colloquy with the chairman because of her responsibilities as the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Ms. PELOSI. I thank the distinguished ranking member for yielding me this time and for his leadership on this important committee.

Mr. Chairman, I rise to engage the gentleman from Florida, chairman of the committee, in a colloquy concerning section 305 of the bill.

As the chairman knows, this section of the bill extends for 1 year the authority of the President to delay the imposition of a sanction upon a determination that to proceed with the sanction would risk a compromise of an ongoing criminal investigation or an intelligence source or method. My first question, Mr. Chairman, is whether the legislative history of this provision, enacted in 1995, would be applicable to this extension of the authority for 1 more year?

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. GOSS. I would assure the gentlewoman from California that it is the intent of the committee that the legislative history of this provision as it was developed in the debate in 1995 is applicable to the exercise of this authority. Indeed, the report to accompany H.R. 1775 reiterates the joint explanatory statement of the committee of conference on the Intelligence Authorization Act for Fiscal Year 1996 to make completely clear that the original legislative history of this provision continues to govern its implementation.

Ms. PELOSI. Mr. Chairman, is it then the case that the committee intends this provision will be narrowly construed and only used in the most serious of circumstances, when a specific sensitive intelligence source or method or criminal investigation is at risk?

Mr. GOSS. That is certainly the intent of the committee.

Ms. PELOSI. Is it also the case that the law requires the intelligence source or method or law enforcement matter in question must be related to the activities giving rise to the sanction, and the provision is not to be used to protect generic or speculative intelligence or law enforcement concerns?

Mr. GOSS. That is also the case.

Ms. PELOSI. Finally, Mr. Chairman, does the committee expect that reports concerning a decision to stay the imposition of a sanction shall include a determination that the delay in the imposition of a sanction will not be seriously prejudicial to the achievement of the United States' nonproliferation objectives or significantly increase the threat or risk to U.S. military forces?

Mr. GOSS. Yes, it does.

Ms. PELOSI. Mr. Chairman, I thank the chairman of the committee for engaging in this colloquy, and for his confirmation of the understanding that we had when this provision was first enacted.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Washington.

Mr. DICKS. I wanted to just say that I concur in all the statements made by the chairman. This is also the understanding that I have of this provision.

Ms. PELOSI. I appreciate the ranking member's cooperation in that.

Mr. Chairman, I rise in support of an amendment to be offered by the gentleman from Florida [Mr. MCCOLLUM]. I have been concerned for some time about the coordination of our Government's response to any intelligence activities which may be undertaken by the People's Republic of China, including those in the United States. The McCollum amendment will contribute to our ability to respond appropriately to any Chinese espionage activities which may occur. I urge its adoption and commend his leadership for bringing it to the floor.

Mr. Chairman, I strongly support the amendment.

I have been concerned for some time about the coordination of our Government's response to any intelligence activities which may be undertaken by the People's Republic of China. The United States presents a tempting target for any nation seeking economic, diplomatic, or technological advantage. One of the chief responsibilities of our intelligence agencies is to counter efforts by foreign intelligence services to improperly acquire information in these areas. The extent to which foreign governments are engaged in such practices ought to be evaluated by our Government and business leaders in determining the type of relationship the United States should have with those governments. Those determinations can not be made, and the effectiveness of the efforts by the intelligence community to provide the information necessary to support them can not be judged, unless they are periodically reviewed in a comprehensive fashion.

The reports required by this amendment will help in that review. They will assist the Congress and the public in evaluating the extent of the threat posed by the intelligence activities of the People's Republic of China and will better ensure that the United States is positioned properly to respond to it. By requiring the reports to be submitted jointly by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, the amendment recognizes the division of responsibility which exists between those intelligence activities of the United States primarily conducted overseas and those primarily conducted within our borders. I do not favor a blurring of those areas of responsibility and expect that the wording of the amendment is clear enough to ensure that does not occur.

Mr. Chairman, countries spy on one another. That has been a fact of life on this planet since people began to live behind national boundaries. The bill we consider today is a reflection of that fact. It seeks to ensure that the United States is effective at spying on others and preventing others from spying on us. This amendment will contribute to our ability to respond appropriately to any Chinese espionage activities which may occur, and I urge its adoption.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, we should not be beguiled into thinking that because the cold war is over that we face a safer world in which we live, because in many respects it is just as dangerous or even more dangerous. Two threats that I want to focus on are the twin evils of illegal drugs and terrorism and the relationship to our intelligence activities. When I had the privilege of serving as the ranking member of the Permanent Select Committee on Intelligence, I was deeply involved in the creation of the counternarcotics center out at the Central Intelligence Agency. Today that center is known as the crime and counternarcotics center. It indeed has matured into one of the most effective of the DCI centers. In fact, some of its successes have been published but many of its successes still must remain classified.

□ 1445

Some of us are concerned, however, about the number and functions of Federal counternarcotics intelligence programs, and therefore in this year's authorization we have asked that the intelligence community, in coordination with the Office of National Drug Control Policy, develop a new drug intelligence architecture based on an assessment of the effectiveness of the national security and law enforcement drug intelligence systems, the drug intelligence architecture.

Indeed, Mr. Chairman, this year's Intelligence Authorization Act also authorizes the National Drug Intelligence Center. It was chartered in 1991. It became a reality largely because of the strong support envisioned of the gentleman from Pennsylvania [Mr. MURTHA]. The National Drug Intelligence Center was included in the intelligence budget last year, and I am pleased to report that this year's intelligence authorization continues to provide support for the program. This center provides strategic drug analysis to policymakers.

With regard to terrorism, Mr. Chairman, it is a growing concern because of the growing access which terrorists have to weapons of mass destruction, and in fighting terrorism the capability of our human intelligence assets is of extraordinary importance; and indeed I am fearful that our clandestine service is in danger of being destroyed, in danger of being destroyed by an atmosphere of risk aversion, an atmosphere which permeates from the highest levels and filters down into the Central Intelligence Agency and other intelligence agencies.

Indeed, the case officers in our intelligence service who handle the agents around the world are involved in very risky business. It is risky business, and it is dangerous business, and it takes years to develop a productive agent, particularly in hostile places of the world.

So I would urge my colleagues to support this legislation, to recognize the successes of our intelligence service and to also recognize the problems we face.

Mr. DICKS. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DIXON] who has been one of the most attentive, hardworking members of our committee.

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time, and, Mr. Chairman, I would like to take this time to make a report to the body on the CIA contra crack cocaine investigation being conducted by the Permanent Select Committee on Intelligence.

As all of my colleagues may recall beginning last August 18, the San Jose Mercury News published a three-part series alleging that Nicaraguan drug traffickers introduced, financed, and distributed crack cocaine into the African-American community of Los Angeles. The article further stated that the profits from the drug sales were used to provide lethal and nonlethal assistance to the Nicaraguan contras to support their struggle against the Sandinista government. Lastly the article implied, and very seriously implied, that the CIA either backed or condoned the drug activities.

In September 1996, the House Permanent Select Committee on Intelligence initiated a formal investigation into the charges levied in the San Jose Mercury articles. The scope of our investigation is as follows:

First, we are asking the question and investigating whether there were any CIA operatives or assets involved in the supply of sales or drugs in the Los Angeles area; second, if CIA operatives or assets were involved, did the CIA have knowledge of the supply or sale of drugs in the Los Angeles area by anyone associated with the agency; third, did any other U.S. Government agency or employee within the intelligence community have knowledge of the supply or sale of drugs in the Los Angeles area between 1979 and 1996; fourth, were any CIA officers involved in the supply or sale of drugs in the Los Angeles area since 1979; fifth, did the Nicaraguan contras receive any financial support through the sale of drugs in the United States during the period when the CIA was supporting the contra effort? If so, were any CIA officials aware of this activity? And finally, sixth, what is the validity of the allegations in the San Jose Mercury News?

The Justice Department Inspector General and the CIA Inspector General have both launched probes into the allegations contained in these newspaper articles. At the beginning of their investigation, both inspector generals expected to have their investigations completed by the fall of this year. The committee has received periodic updates on the status of the two reviews and at this point it is expected that the inspector generals will complete their task this fall and will issue reports.

The House Permanent Select Committee on Intelligence has a practice of not completing its investigation of a matter until the committee has had the opportunity to review the work of the inspector general. We will not complete our investigation until we have an opportunity to review the results of the inspector generals' reports as part of the committee's inquiry into this very important and relevant matter.

Reviewing the conclusions of the inspector generals' reports as part of the committee's investigation should not be construed by anyone as though we are relying on the results of the inspector general. Quite the contrary. Since the beginning of the committee's investigation, the committee has made trips to Los Angeles and Managua, Nicaragua to interview individuals allegedly possessing information on these allegations. Additionally, the committee has had one witness brought to Washington for the purpose of conducting an interview. Committee staff is in the process of reviewing over 6 feet of documents compiled by the CIA pertaining to this issue. Additionally, the Drug Enforcement Agency has briefed staff and provided information on certain aspects of this investigation.

The Congressional Research Service, pursuant to the request of the committee, is compiling background data on the Iran-contra investigations, and Iran-contra documents have been retrieved from the National Archives and reviewed to determine what light they may shed on this matter.

Finally, the committee attended and participated in two town hall meetings in south central Los Angeles where citizens expressed their concerns and views of this case. Last year when the fiscal year 1997 Intelligence Authorization Act was being considered on the floor, members of the committee pledged to our colleagues and to the American public that a full and thorough investigation into these allegations would be conducted. On March 12 of this year, the committee reviewed and ratified its ongoing inquiry into the San Jose Mercury News allegations. This year for the 105th Congress, the committee ratified the scope of this investigation.

While many may have differences of opinions and draw different conclusions from our committee's report when it is finally made, I hope that we will all agree on its thoroughness, its professionalism, and the bipartisanship that has surrounded the investigation.

I want to once again assure the American public and all of my colleagues that this investigation is moving in a detailed and thorough manner.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today because of the concerns that I have, given the bill that is on the floor before us, and certainly one that I intend to vote on. I have several questions especially pertaining to the report that the gentleman from California [Mr. DIXON] has just articulated, and I am sorry I came in on the tail end.

As my colleagues very well know, my district was the hardest hit with reference to the drug proliferation and the drug trafficking and the allegations that the CIA was involved in that. As my colleagues know, my district represents that of Watts in south central California as well as Compton. Since that time, I have called for investigations, that of the Department of Justice as well as the Central Intelligence Agency, and I have been in conversations with the gentleman from California [Mr. DIXON] on what the Select Committee on Intelligence is all about and what they are doing.

The questions that I have for either the chairman, the ranking member, or the gentleman from California [Mr. DIXON] is what is going on in terms of the hearings, or are there hearings in terms of a select committee on intelligence?

Is the intelligence community cooperating with this committee by any means?

And what is the timetable for getting a report to us so that I can articulate that to my community with reference to the ongoing investigation, if in fact they have begun to do that?

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, first of all I would like to compliment the gentlewoman for her participation. As I indicated in my remarks, there have been two hearings in Los Angeles, both of them coordinated by her and her office, one with the director of the Central Intelligence Agency and one with the inspector general from the Justice Department. Both, hearings, gave an opportunity to see the people that would be conducting the investigations from Justice and the CIA and give the community a chance to have some input.

As it relates to hearings, no decision has been made but I do think that there will be a discussion about the appropriate hearings that could be conducted. But it really will be based on the conclusions that the committee comes to.

Certainly I think that the committee will have called before it and examined the reports of the CIA respectively and the Justice Department as to the findings that the inspector generals make.

And as it relates to a timetable, I would think that no earlier than October-November would we be prepared to make a report to the House. Perhaps even longer. I think it is more important, rather than being on a timetable, but to be thorough and cover each base of these serious allegations.

Ms. MILLENDER-MCDONALD. And upon the report that the gentleman is talking about, will he then return back to my community, as was suggested at the hearing when the director came to south central? Will he then bring that report to the community that has been devastated by the drugs when that report is completed?

Mr. DIXON. It is my personal view, and I cannot speak for the committee, but there must be some public document on this issue that is released to the community. Whether or not there will be another hearing in Los Angeles I think will be a committee decision that the chairman and ranking member certainly will have input into.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would respond, if the gentlewoman will yield, that it is very much my intention to make sure that where taxpayers' dollars are used there is an appropriate accounting; if there is anything classified that justifies classification, we will have to deal with that. But it is not my intent to do that. It is my intent to report back what we find. That is the purpose of the investigation, and we will be dealing with the work of not only our own investigation but the investigation, as the gentleman from California [Mr. DIXON] has said, with the other IG's that are doing work, and frankly there is another committee in the other body working also.

So I believe we do not know all of the answers yet, but I think the gentlewoman can go forward in good faith, understanding we are going to do our best to be fully accountable.

Ms. MILLENDER-McDONALD. Mr. Chairman, I look forward to the gentleman's continuous dialog with me.

Mr. GOSS. Assuredly.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. McCOLLUM] my colleague who serves us well on the committee and serves well on the Committee on the Judiciary as well.

Mr. McCOLLUM. Mr. Chairman, I rise in support of the Intelligence Authorization Act for fiscal year 1998. As chairman of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I am pleased to report that this year's authorization bill identifies and corrects some of the fundamental shortfalls in the investments we must make to ensure that this Nation will have an intelligence community that can take the national security challenges of this country into the 21st century.

□ 1500

Particularly, this authorization bill makes the investments in human intelligence, in analysis, and in counterintelligence that will be necessary to future efforts against narcotics, terrorism, proliferation, and other transnational threats, areas that require human interaction on the ground to answer some of our most vexing questions.

I think complacency is probably much greater today than it should be in the minds of most Americans. Since the fall of the Berlin Wall and the dismantling of the Soviet Union, most Americans think we are a more secure world. I, quite frankly, having viewed matters daily from the purview of the Committee on Intelligence, question that we are in a more secure world. We are in a less stable world. We are in a world where intelligence is more necessary than ever.

We have in Russia KGB, former KGB members, who are engaged in organized crime. We have the potential threat of proliferation and movement of nuclear, biological, and chemical weapons that once were fairly secure. At least we knew where they were going to be, over in Russia. They may go anywhere now: into the Middle East, into the hands of terrorists, into the seven terrorist states that we have to be involved with and concerned with, from Iran and Iraq, North Korea, Libya, Sudan, Syria, all of those; Cuba. Then there is China, the question of what happens in the future. We have continuing, ongoing concerns in drug trafficking, and so on goes the list.

Mr. Chairman, no technology can replace the critical role of the human collector of intelligence on the plans and intentions of our adversaries and terrorists, traffickers, and proliferators. I am happy to report that the collectors of human intelligence, or human as we call them in the CIA and elsewhere in the intelligence community, are hard-working, and they are working hard against the high priority targets we have set.

In the budget request, however, the committee found a significant shortfall in technical and other supports these collectors will need in future years to continue their fine efforts to gather human intelligence to these threats. We cannot expect the collectors to overcome high technology employed by drug traffickers, for example, without technology of their own.

The committee also found a lack of long-term planning in the focus and funding of collection operations. We cannot expect human collectors to perform well when funded on an ad hoc basis year to year. I am pleased to report that this authorization bill does indeed provide adequate support for the eyes and ears of the intelligence community upon which so much of the knowledge about national and transnational threats depend.

We have directed the community to develop a system for projecting the long-term funding needs of these vital collection efforts so we may continue to provide these efforts with adequate support. The all-source analyst stands at the center of the planning of this committee and the intelligence community for the needs of the policymakers of the next century.

We will look at the all-source analyst to anticipate future needs for intelligence, and to provide support to the policymakers and to the military: Where will the next Iraq or Somalia be? What are the terrorist threats in a specific country? What successes is a rogue regime having in developing chemical or biological weapons?

We will also look to that analyst for direction in what information about these crises we may obtain through open sources and what we must obtain through human or technical clandestine collection. In that light, Mr. Chairman, the authorization bill directs and begins to fund the restoration of an analyst cadre pared too lean over the past couple of years to cover the projected needs of policymakers.

As our report makes clear, this committee will remain engaged in that restoration and will look to the all-source analyst to guide the intelligence community.

Finally, Mr. Chairman, I note with grim satisfaction that during the past 2 months we have seen the final sentencing phase of the successful prosecutions of an FBI agent and a CIA officer arrested for spying on behalf of the Soviet Union and Russia. The success of both prosecutions depended first of all upon the counterintelligence officers within the FBI and the CIA who were able to do and to think the unthinkable; that is, that an American agent, an officer, could engage in such treachery, and to pursue investigations to such a conclusion. Success depended as well upon the willingness on the part of the leadership of the FBI and the CIA to make the sacrifices that would have been necessary to prosecute these cases through a course to full trial.

Mr. Chairman, I am pleased to report that the authorization bill as reported reflects recognition of this committee of the efforts of the counterintelligence officers, and supports the means by which their vigilance may be continued.

In sum, this authorization bill acknowledges and supports the focused efforts of the human intelligence collector, the crucial role of the analyst, and the difficult but necessary role of the counterintelligence officer. The bill makes surgical cuts and strategic adds that are necessary to the effectiveness of the intelligence community in providing the support to policymakers we need well into the next century.

I want to thank Chairman GOSS for the direction and guidance he has given to both this committee and to the subcommittee, and I conclude my remarks by saying I certainly support this bill.

Mr. DICKS. Mr. Chairman, I yield 5½ minutes to the gentlewoman from California, Ms. JANE HARMAN, a very outstanding member of our committee and a member of the Committee on Armed Services.

Ms. HARMAN. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, it is an honor to serve as a new member of the Committee on Intelligence. I commend our chairman and the ranking member and the staff for their bipartisanship and professionalism.

I sought appointment to this committee during two terms of Congress because I have a keen interest in issues relating to technology and satellite architecture. I often boast that I represent the aerospace center of the universe, the 36th district in California. Surely it is the satellite center of the universe. Also, as the ranking member said, I serve on the Committee on National Security, which gives me some additional insight into the defense functions served by our intelligence agencies.

I rise in support of this bill, although I would like to share with our colleagues several reservations. My reservations concern a comment made by our chairman as part of his opening remarks. He said, in part, and I quote, "We have pushed the intelligence community toward developing, acquiring, investing in, and deploying more flexible technological capabilities in order to collect key information on the highest priority targets."

I certainly agree that we should push technology and that we should do collection on the highest priority targets, but I would also suggest that the consequences of doing this could lead to some bad results: First, program instability, and, second, proceeding with change without a full understanding of its consequences. This is a point made by the gentleman from Washington [Mr. DICKS] in his opening remarks. It seems to me that our goal here is to make the right choices and the right changes among competing technologies.

As to levels of funding, I support the level in this bill, the product of a thoughtful and professional exercise. Could we spend some dollars better? Sure, and we should. But let us do that, rather than mandate across-the-board cuts which may result in limiting our technological options.

As I said in debate on this bill in the last Congress, intelligence funding is intelligent funding. Better information earlier is better offense and better defense. Our judgments about our worldwide geopolitical options and our defense strategic options on a particular battlefield depend in substantial part on good intelligence. To shortchange intelligence funding is to shortchange U.S. national security.

Finally, I just want to comment on the colloquy we just had between the gentleman from California [Mr. DIXON], the gentlewoman from California [Ms. MILLENDER-MCDONALD] and our chairman. I support what the committee is doing to thoroughly understand and study whether or not the CIA played any role in drug trafficking in California.

I would tell our colleagues that this issue is of intense interest in the Los Angeles community, and I hope that we share whatever we can appropriately share with the affected communities as soon as we can appropriately do so.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentlewoman on her statement. One of the things that I hope as we go through the rest of this process is that we can blend together our great respect for the all-source analyst, but also recognize that we have the finest national technical means in the world in terms of gathering intelligence. That should not be undervalued. In fact, I think what we need to do is blend these capabilities of human intelligence and our national technical means, and remember the gulf war, where we had a very major problem in the dissemination of imagery.

I just made a visit to Molesworth in England and saw the improvements in dissemination of imagery to the people who are serving us so well in Bosnia. I have been to the CAOC, the all-source center in Italy, have seen the combination of all these intelligence sources, from satellites to UAV's, human, everything coming into one room, and then being made immediately available to the battlefield commander in Bosnia.

So I just want the House to know that a lot of very important improvements have been made. I just want to make certain that we do not, in the rush to cut various programs, cut some of these things that are crucial both in signals and in imagery to giving us the kind of advantage that our military commanders need. This is very, very important to keep a balanced approach.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for his comments. I think all of us on the committee would agree that the revolution in military affairs for the future contains a huge technology component.

I was just urging that as we proceed to push the envelope, we not throw out technologies that function well in pursuit of some future technology.

Mr. Chairman, I also want to complete my comment about the importance of disseminating information to Los Angeles residents. As I think everyone on our committee knows, certainly the gentleman from Washington [Mr. DIXON] knows, and other Members from Los Angeles know, this issue has garnered intense interest.

If this committee can put it to rest finally by virtue of a very careful and thorough study, we need to communicate the results of that study to the residents of Los Angeles. I would urge us to do that as soon as possible.

Mr. GOSS. Mr. Chairman, I yield myself 15 seconds to assure the gentlewoman from California that I am interested in the truth. All of the resources and assets that we have and are bringing to bear on this are designed to bring the truth to the people of the United States of America, and particularly to those who are affected in Los Angeles.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], a member of the committee who is not only my great friend, but has shown me the way forward on some of these issues. I think we are going to hear about that.

Mr. BOEHLERT. Mr. Chairman, the bill before us today provides the necessary, and I emphasize necessary, funding for the operations of our Nation's intelligence functions. It also provides continuing support, in keeping with the committee's work over the previous 2 years in building the intelligence community for the 21st century.

This bill makes major improvements to the President's budget request by taking some critically needed steps forward, particularly in the areas of building up human intelligence capabilities and analysis and improving technical collection abilities. It puts some needed logic in the area of unmanned aerial vehicle management, and it builds on some existing directions forged last year in such areas as the national reconnaissance program.

Mr. Chairman, to do all of this the bill increases the President's budget by only about seven-tenths of a percent, so I want to congratulate the chairman of the committee and the ranking member for the outstanding work and guidance they have provided.

The worldwide scene and many of our national interests have changed, Mr. Chairman, since the dissolution of the Soviet empire. However, the world is not necessarily a significantly safer place since the end of the cold war. This bill recognizes the fact that despite the very real lessening of a threat to our national being, several rogue states, radical movements, and transnational threats such as terrorism, organized crime, and the proliferation of weapons of mass destruction continue to clearly present a danger to our Nation and our people.

It is important to understand that the focus of our intelligence community in peacetime is to maintain a knowledge level of the world that allows us to maintain that peace we so dearly cherish. Our intelligence services are, for example, fully employed now around the world helping to ensure that we are not caught by some surprise in places such as Bosnia or the Persian Gulf or the Korean Peninsula. This bill focuses on right-sizing and right-equipping our intelligence services, both civilian and military, to perform their critical functions to preserve that peace.

Mr. Chairman, it should be noted that during the preparation of this bill each budgetary line item in the President's request was valued on its individual merits in relation to the whole of the U.S. intelligence efforts. The committee did not work to a specific or artificially developed top line number. Instead, the committee added funding as necessary to critical programs and made some cuts to programs that it considered overfunded. The resulting authorization is therefore highly defensible in the aggregate and in a line-by-line analysis. This is a view I am sure is shared by those Members of the House who have examined the classified annex wherein each budgetary line is explained in detail.

Mr. Chairman, this is a good product brought forward by a committee that has worked cooperatively, and it is a pleasure for me and a privilege to be a new member of the committee and watch the high degree of professionalism that exists in all its deliberations, not only high degree of professionalism, but a high degree of bipartisanship.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Georgia, MR. SANFORD BISHOP, a new member of the committee and a person who has spent considerable time and effort on intelligence matters.

Mr. BISHOP. Mr. Chairman, I rise in strong support of H.R. 1775, the Intelligence Authorization Act for fiscal year 1998. I also stand before the Members today to commend and congratulate Chairman GOSS and the ranking Democratic member, the gentleman from Washington [Mr. DICKS], for their efforts in producing a bipartisan measure that enhances our Nation's intelligence collection, analytical, and dissemination processes.

□ 1515

Mr. Chairman, one only has to look at any one of our Nation's major newspapers on any given day to learn of the unstable and unpredictable world in which we now live. Just last weekend Cambodia erupted in violence as forces loyal to Cambodia's two prime ministers took to the streets of Phnom Penh and engaged in armed clashes. This year alone we have witnessed the spread of civil strife in a number of countries, including Albania, Kenya, Congo, Sierra Leone, Rwanda, to name just a few.

When violence erupts in these countries, it is the intelligence community that is called upon to sort out what the threat is to U.S. persons, what the facts are, who the players are, what the likely outcome is, and what ramifications such actions may have for the region and most importantly for our Nation's security.

We need to consider whether a shortage of qualified intelligence analysts exists in many regions of the world that have been inflicted with unexpected violence that threatens the stability of that region. H.R. 1775 addresses this problem by providing additional resources to be directed and enhancing and expanding the analytical talent pool throughout the intelligence community. This is especially important to our military personnel who are often called upon to perform noncombatant evacuations of U.S. citizens from regions that are beset with violence.

Prior to the military conducting an evacuation, intelligence must be collected and analyzed so as to protect our military forces who perform these important and valuable missions. Additionally, the military has in the past and will in the future be called upon as part of the U.N. peacekeeping force. The Department of Defense needs qualified analysts for force protection, counterterrorism and to assess the plans and intentions of hostile forces. Let us not forget that the military has drawn down more than any other Federal agency, and the reduction in personnel in dollars continues today.

Intelligence acts as a force multiplier. And if we are to continue on a downward path in funding our Nation's armed services, which concerns me greatly, then we certainly need to take every step to ensure that our intelligence capabilities are sufficient to provide policymakers with the necessary information they need to make key decisions affecting our national security.

In addition to the ever-increasing number of contingencies that await us in the future, old enemies combined with the explosion of technology create new challenges for our intelligence communities. Russia, China, Iran, Iraq, the Korean peninsula, Bosnia, terrorism and proliferation of weapons of mass destruction continues to pose a threat to the national security of the United States.

The measure before us this afternoon provides funding for our country to aggressively collect intelligence against those important targets. One of the best methods used to collect intelligence on these targets is human intelligence.

I am pleased to report that this measure before us enhances the human intelligence collection capabilities throughout our intelligence community. Technology provides us a window into areas that are often hidden and protected against physical intrusion. While technical means of collecting intelligence may shed light on a number of programs, including proliferation activities, human intelligence is one sure-fire way of gathering information on plans and intentions as well as timetables. We must retool our human officer cadre to provide them with the skills and the tools necessary to accomplish their mission in the next century. This bill provides the requisite tools and enhances training to meet these future challenges.

Mr. Chairman, let me again thank the gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] for their leadership in fashioning a bill that provides critical support to our intelligence community.

I urge my colleagues to support this measure and in doing so to support the men and women of the U.S. intelligence community, our military forces and our diplomatic corps around the globe. They are the people who sacrifice often in far-away places that we who live in America can always enjoy a safe, secure, and high quality of life. We owe them and the people of our Nation no less.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nevada [Mr. GIBBONS], a new member of our committee who has brought a wealth of value and experience.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I also rise today in support of the Intelligence Authorization Act. As a new member of this intelligence committee, I have had the unique privilege to participate in the development of this act. The gentleman from Florida [Mr. GOSS], chairman, and the ranking minority member, the gentleman from Washington [Mr. DICKS], are both to be commended for their incredibly hard work and leadership. Their efforts and stewardship of the committee as a whole and especially the fine work of the committee staff have resulted in an act which provides the United States an intelligence community which is properly equipped, properly funded and properly supervised for the difficult intelligence tasks confronting this Nation well into the future.

This is no easy task, Mr. Chairman. Many people think the United States no longer faces the worldwide threat that we once did during the cold war era. However, it would be foolhardy to say that the threats to this Nation have gone away. In fact, one could say that the number of threats has actually increased. The post-cold war proliferation of relatively cheap weapons of mass destruction, the increase of fanatical terrorism and the rise of transnational threats such as drug cartels dictate that we have a stronger, not weaker intelligence capability.

It could easily be debated that such threats are more diverse and more difficult to monitor and defend against than was the single major threat we faced during the cold war years.

Mr. Chairman, this act works toward an intelligence capability and community that is better postured to deal with these new and diverse threats. There are those who say we spend too much for the Nation's intelligence services and capabilities. Because of security interests, I cannot speak for the specific dollar amount this authorization act recommends for intelligence activities; however, I can say that the security of the Nation does not come cheap.

Intelligence is the foundation for maintaining that security, and it has often been said that an ounce of prevention is worth a pound of cure.

I would submit that a relatively small investment in our intelligence, understanding of the threats to our country, is what is worth much more than the cost of recovering from the damage.

Knowledge of our potential foes is without question worth the investment. Is that investment large in terms of real dollars? Yes, of course it is. But again, an ounce of prevention, the same old adage.

Mr. Chairman, I would like to close with a thought about the future. Specifically with respect to intelligence technology development that this act supports, the Nation's policymakers require valid, useful and up-to-date intelligence on national and transnational threat issues, as I have mentioned. In order to maintain such information in an increasingly complex world, the intelligence community must invest in modern and equally complex technology.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. TRAFICANT], my friend and distinguished colleague who was mentioned on the Imus show this morning.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 2 minutes and 30 seconds.

Mr. TRAFICANT. Mr. Chairman, I do not have as much confidence as everybody else who is here. I may give it a chance. I have respect for the gentleman from Florida [Mr. GOSS] and for the gentleman from Washington [Mr. DICKS]. But quite frankly, we heard about the collapse of the Soviet Union on CNN. We learned about the fall of the Berlin Wall on CNN. We learned about the invasion of Kuwait on CNN. I honest to God believe we might save a lot of money by getting rid of our intelligence community and giving the money to CNN.

There is an issue that concerns me, and I know it will be ruled nongermane, but during the Vietnam war we had 450 commandos, South Vietnamese, to perform espionage services. They were captured by the North Vietnamese. The CIA lived up and the DIA and our intelligence community kept their payments and compensation to their families up until 1965, until they were listed as missing. Then they cut off those payments. Even though the Congress of the United States passed $20 million in compensation for those commandos who helped us during Vietnam, the CIA has said, no, and they cite the Totten doctrine, an 1876 Supreme Court ruling, Totten versus the United States, as the grounds for not in fact meeting that compensation level. The Totten doctrine simply bars enforcement of secret contracts making them nonenforceable and not eligible to be adjudicated in a court of law. The Traficant amendment would simply create a three-member panel appointed by the Supreme Court that would rule whether or not these secret cases may be eligible for adjudication and could set them up in camera.

Let me say one last thing. The quality of our field operatives is evidently very bad when we are hearing about all these revolutions on CNN. Word is getting out that if our intelligence community is not going to toe the line and take care of their field operatives, what type of an intelligence community do you have without good street people? In America we call them snitches in the police departments. To the intelligence community we call them spies. Evidently from the amount of spying we have going on, we can use a little more fairness in this whole situation.

I understand this has a bearing and naturally it is more within the purview and jurisdiction of the Committee on the Judiciary.

But listen very carefully, a three-member panel appointed by the Supreme Court that would simply review these cases for cause and then have the option of making them eligible for adjudication and if they did it could be in camera. I think this has much to do with the camaraderie, much to do with the ability of our field operatives or we will have no field operatives. So when that debate comes up, I ask my colleagues to listen, especially Committee on the Judiciary members.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from New Hampshire [Mr. BASS] a member of the committee.

Mr. BASS. Mr. Chairman, I thank the gentleman from Florida for yielding me the time. I rise in support of the intelligence committee authorization. I would make a couple of points.

First of all, this is not a fat budget. This is a lean budget. It represents a less than 1 percent increase over what the President's request was. I would point out that as we heard the chairman of the Committee on National Security talk last week, the defense budget in this country has gone down for 13 successive years and the intelligence budget as well has suffered from these declines.

I would point out that the Intelligence Committee has spent a considerable amount of time in the last 4 to 5 months examining the priorities in the Intelligence Committee. You have heard other speakers this morning talk about the need for better exploitation of all the information that we are receiving from our various collectors.

Second, the need to pay more attention to the issue of human intelligence and the need to develop better human intelligence around the world. I believe that intelligence is important to this country. It has been important to this country ever since it was founded.

Let me remind my colleagues that when Paul Revere road out of Boston to warn the patriots that the British were coming, he did not do it because the British told him they were coming. It was because he had a spy at the top of the Old North Church.

Intelligence was important in the Civil War. Intelligence was important in the First and Second World Wars. Indeed, the Air Force was founded as a result of the need to get behind enemy lines to understand what was going on.

Indeed, Mr. Chairman, intelligence in this country saves lives. It makes it possible for leaders in this country to make informed decisions about what needs to be done. It protects the national security of this Nation. It saves money in the rest of the defense budget and it strengthens this country as we move forward into the 21st century. I am pleased to be a member of this important committee. I am pleased to support this authorization.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

I think Members who are watching well understand that we have a very rich and diverse committee that has worked very hard with the other appropriate committees, the Committee on National Security and the Committee on Appropriations. We take our job very seriously. Everybody has something thoughtful to say and to add. The cold war is over but the danger is not gone. We are doing our best to make sure every intelligence dollar is spent well. Obviously that is a never-ending task.

☐ 1530

Quite seriously, those who read the newspaper are not getting the full story, and those who wish to speak, I would hope, would go and read the classified annex so they are dealing with the same support level of fact that we are on the committee.

And, finally, I would simply say I agree with my distinguished colleague, the ranking member, and the gentlewoman from California [Ms. HARMAN], who spoke about the need for balance, the proper balance between collection, technology, and all of that. We strive for that proper balance. It is a moving target, it is a moving world, and we will be doing this in a moving way for many years to come. I hope we have it right for now. If we do not, we have a conference ahead of us where we will have a chance to do things again. I urge full support of this bill, Mr. Chairman.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, Mr. TRAFICANT has offered a similar provision in years past with a goal of ensuring that the intelligence community maximizes its purchase of American-made products. That is a goal I support.

We have worked with the gentleman from Ohio on other occasions to preserve the spirit of his amendment in conference even though the committee is aware that the record of the intelligence community on the procurement of U.S. products is exemplary. We will do so again this year and we are pleased to accept the amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read. No amendment to the committee amendment in the nature of a substitute is in order unless printed in the CONGRESSIONAL RECORD.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1775 of the 105th Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $147,588,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 313 fulltime personnel as of September 30, 1998. Such personnel may be permanent employees of the Community Management Account elements or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—In addition to amounts authorized to be appropriated by subsection (a) and the personnel authorized by subsection (b)—

(1) there is authorized to be appropriated for fiscal year 1998 such amounts, and

(2) there is authorized such personnel as of September 30, 1998,

for the Community Management Account, as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 304 of this Act), during fiscal year 1998 any officer or employee of the United States or member of the Armed Forces who is detailed to an element of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis; except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and engineering purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. ADMINISTRATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Subsection (e) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following new paragraph:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 304. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

"SEC. 113 (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence

community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

"(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed 1 year when the heads of the parent and host agencies determine that such extension is in the public interest.

"(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which they are being detailed.

"(c) ANNUAL REPORT.—(1) Not later than March 1 of each year, the Director of the Central Intelligence Agency shall submit to the permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) for the previous 12-month period, including the number of employees detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the program.

"(2) The Director shall submit the first of such reports not later than March 1, 1999.

"(d) TERMINATION.—The authority to make details under this section terminates on September 30, 2002.".

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by striking the items relating to sections 120, 121, and 110 and inserting the following:

"Sec. 110. National mission of National Imagery and Mapping Agency.
"Sec. 111. Collection tasking authority.
"Sec. 112. Restrictions on intelligence sharing with the United Nations.
"Sec. 113. Detail of intelligence community personnel—intelligence community assignment programs.".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to an employee on detail on or after January 1, 1997.

SEC. 305. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "1998" and inserting "1999".

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to title III that deals with the Totten doctrine.

The Clerk read as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

Page 10, after line 15, insert the following new section:

SEC. 306. ESTABLISHMENT OF 3-JUDGE DIVISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR DETERMINATION, OF WHETHER CASES ALLEGING BREACH OF SECRET GOVERNMENT CONTRACTS SHOULD BE TRIED IN COURT.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) ASSIGNMENT AND TERMS.—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2-years each; the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case of the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignemt of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term "secret Government contract" means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term "member of the intelligence community" means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

(j) APPLICABILITY OF SECTION.—

(1) IN GENERAL.—This section applies to claims arising on or after December 1, 1976.

(2) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act which would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

Mr. GOSS. Mr. Chairman, I will reserve a point of order, if this is the amendment I think it is, that the gentleman's amendment is not germane.

The CHAIRMAN. The point of order is reserved and the gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Chairman, I had cited earlier this whole issue dealing with the Totten doctrine. Totten versus United States, the Supreme Court ruling in 1876, dealt with a secret contract where Abraham Lincoln, President Lincoln, had an individual working in an underground capacity. Upon the death of this individual, there was a lawsuit that emanated from those services, and from there came the decision that secret contracts are unenforceable and not eligible for adjudication.

So the Totten doctrine, in essence, bars the judiciary from adjudicating disputes arising out of secret government contracts. Now, that is in 1876. Now we have come to an intelligence community where we have many intelligence operatives that believe they have been wronged. If they attempt to adjudicate these matters or seek relief through the courts, the Totten doctrine is simply cited and they are barred from any further adjudicative action.

What the Traficant amendment would do, and I understand the point of germaneness here, but there must be some commitment coming from the leadership of intelligence if we are to do anything about the camaraderie and the ability to have good field operatives. We must look at the Traficant amendment.

Now, let me just close out here. The amendment calls for a three-member panel appointed by the Supreme Court in the U.S. District Court of Appeals in the Nation's Capital. They would review these claims, they would have the option of saying there is meritorious claim here or not. And if they did, they could set up that trial in camera.

We at this point have already gone into that judiciary type of activity. We have at this time allowed certain types of Federal judiciary cases on secret contracts involving, for example, the CIA and private contractors, to be adjudicated. They have been handled without any breach of national security.

And for those opponents who say our judges are not prepared to deal with these secret issues, I think if they can handle these broad tax cases, complicated environmental and toxic waste types of cases, they can certainly handle these.

I know it is not the intention of the Congress of the United States to have

450 South Vietnamese, many of them who have given up their lives in espionage activities for our country, to have been abandoned. And what we have on record is that they have been abandoned by our intelligence community and then their families, and in agreements made with their families, that agreement was abrogated. That compensation was not made, to the point where Congress gave $20 million last year and that money has still not been given to the survivors of those individuals who gave up their lives in our efforts in Southeast Asia. Unbelievable to me. And they cite, among other reasons, the Totten doctrine.

So all I am saying is that at some particular point, I understand the germaneness issue, but I know that the gentleman's committee has been fair, but I believe this hurts camaraderie, this hurts our acquisition and recruiting of top-notch agents. The word is out that one can get shafted; watch yourself. That is not the type of predicate we need to recruit the type of individuals that give us the intelligence we need. And we will keep reading and hearing about intelligence activities from CNN not from our own intelligence sources.

So I will ask, if I could, Mr. Chairman, the chairman of the Judiciary Subcommittee with jurisdiction to give consideration, since they are considering this to be a germaneness problem to Judiciary. But let me also say this to the intelligence community: Even though this is a Judiciary matter, its overtones in intelligence are so great, the shadows so great, I do not believe we can have a good intelligence program without addressing this old statute.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I am actually not the chairman of the critical subcommittee, the one on courts, but I am a member of the Subcommittee on Courts and Intellectual Property, and I would agree to work with the gentleman toward getting a hearing, an opportunity in the Committee on the Judiciary and the Subcommittee on Courts and Intellectual Property to go over this proposal.

I think it is a proposal that needs to be discussed, but I have no authority to be the chairman to say that I can hold the hearing. This is not my subcommittee.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, let me just say to the gentleman that I appreciate that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would say to the gentleman that we are now checking at the Defense Department about the $20 million. And the gentleman, I think, has made a very important case here.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 2 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, I will continue to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think what the gentleman is most concerned about is getting the money released and doing it in the proper way, and we will do everything we can to help him achieve his objective.

Mr. TRAFICANT. I also want the gentleman to help me in advancing the issue of looking at the Totten doctrine, because we will not recruit the types of agents we need to do our job properly.

Mr. DICKS. We will certainly follow up on that issue.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding.

I think the issue is a very important issue and it has been well outlined by the gentleman from Ohio, and I think with the assurance of my colleague from Florida to proceed and the assurance that I have personally given the gentleman to look into the matter in terms of why those payments have not been made, which again I cannot usurp appropriations matters, this is not my area, but we want to make sure that the gentleman's fairness issues are well regarded.

I would point out it was, as the gentleman knows, the U.S. Congress, not the intelligence community, that made the decision for the relief. I think that is entirely appropriate. I think when we go back and look at the Totten decision, and I think it probably is time to look at that, again not my area of jurisdiction, I think we have to ask ourselves questions about the appropriate oversight. I think that is entirely relevant and entirely timely.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I am going to ask Congress to enforce the release of that $20 million to those surviving families of those South Vietnamese commandos who gave their lives to help us out in Southeast Asia.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, as the gentleman well knows, it is in the supplemental appropriations. Congress has appropriated the money. They are working on the regulations.

We just talked to Mr. Hamre's office, the Comptroller of the Department of Defense, and they think they will have the regulations finished by the end of July in order to get the money out.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, the money was appropriated last year and I think they should get on with it.

I appreciate the dialog we have had here and I ask for consideration in some other vehicle that comes up.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the Congressional RECORD?

Mr. TRAFICANT. Mr. Chairman, this is the amendment authorized by unanimous consent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 10, after line 15, insert the following new section:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, one of the most innovative Members of the House, the gentleman from Massachusetts, Mr. BARNEY FRANK, said this is the Spy America Amendment, so I will accept that. He is usually very brilliant. I will call it the Spy Buy America Amendment.

If we are going to have all these covert buys and all this covert budget, we can have a covert understanding that when they buy these high-technology James Bond items, they try to buy them in America and from American producers, from American workers and companies who pay corporation taxes and who pay income taxes and excise taxes and hidden taxes and sales taxes and property taxes and State taxes and estate taxes and inheritance taxes and surtaxes and hidden taxes. We should hold them to account in an attempt to at least buy in America.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would be happy to accept the amendment, of course, because I understand it was inadvertently left out, and it is not a new issue; it is one that I have supported before.

I just want to make sure the gentleman is entirely clear that occasionally, because of the uniqueness of the intelligence business, it is necessary to buy something that is not American made or to acquire something that is not American made, and I want the gentleman to fully understand that that is not a violation of the spirit.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, if the gentleman was, for example, a Korean spy, he would want to buy American to make us think that the gentleman was close to America. So who is to know? It is like a stealth amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding.

We have no problem with his amendment. We have supported it enthusiastically in the past, but the chairman is correct; we have to understand there will be times when we will have to do something that might breach the amendment.

Mr. TRAFICANT. Mr. Chairman, we understand that.

I ask for support on the amendment and move the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD?

Mr. MCCOLLUM. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 4 offered by Mr. MCCOLLUM:

Page 10, after line 15, insert the following new section:

SEC. 306. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 years after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I rise to offer this amendment today, which is a very simple amendment, that would require the Director of the Central Intelligence Agency and the Director of the Federal Bureau of Investigation to jointly prepare an annual report on the intelligence activities of the People's Republic of China and, most specifically, those which are directed against or affect the interest of the United States.

Some of the news reports on the fund-raising scandals that we have been reading about recently suggest that the People's Republic of China has apparently has decided to take a more aggressive approach toward influencing American politics. This is occurring at all levels of our political system, through the use of legitimate, such as through lobbying, as well as covert influence.

At the same time, the Chinese are also relying heavily on the success of their economic espionage efforts to make their economy more competitive with ours. We also have concerns, that I think most Americans share, with the increasing buildup of the Chinese military operations and capabilities, and the potential that that poses a threat to our national security interests in the Pacific rim region.

A China specialist at the Department of Defense recently summarized a growing threat posed by China's intelligence agencies by saying:

> The Ministry of State Security is an aggressive intelligence service which is coming of age in an international arena. The combination of a relatively stagnant economy and an increasingly competitive global economic environment will force China to rely more heavily on the illegal acquisition of high-technology modernization. Arms production and sales are increasingly being used to gain hard currency and expand global political influence. The MSS will be required to produce intelligence to support this assertive role in the global commercial and political environments.

He went on to say:

> Western democracies, such as the United States, must adjust the focus of their clandestine intelligence and counterintelligence operations if they are to meet the MSS's forward posture effectively.

The annual report that this amendment authorizes and requires would document significant developments involving China's Ministry of State Security, the military intelligence department of the People's Liberation Army, and other Chinese intelligence entities operating against the United States.

□ 1545

The report is specifically intended to cover trends in the following areas: First, political, military, and economic espionage by Chinese intelligence services; second, intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party; third, efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army; and fourth, disinformation and press manipulation by the Government of the People's Republic of China against the United States.

Various agencies from the intelligence and law enforcement communities will be tasked to provide input on Chinese intelligence activities within the United States and elsewhere. Some of the agencies being tasked to contribute to the annual report include the Central Intelligence Agency, Department of Defense, Department of Justice, National Security Agency, Defense Intelligence Agency, Department of State, and Department of the Treasury.

The classified version of the annual report will be provided to the leadership of both the House and the Senate as well as to the two intelligence oversight committees. An unclassified version will be prepared so that the American people can be provided with a general summary of the nature of the Chinese intelligence threat to the United States.

My colleagues, I believe, will find this amendment to be one that is very crucial and very important, although very simple. It is not one that requires anything more than a gathering of information for us, but I think it is information that is something critical that we have and that it be prepared in these two different versions: First, the classified version for our committee's use primarily; and second, a version which can be revealed to the American public in general terms so we can keep track and the public can keep track of what the Chinese community may or may not be doing with respect to interests of the United States through its intelligence efforts.

I have no more complicated issue than that to present.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I congratulate my colleague, the gentleman from Florida [Mr. McCOLLUM], for what I think is a very important addition to the work of the committee. Events have obviously transpired in a very clear way, in a very public and visible way on the subject of China in recent days, and I think this amendment to H.R. 1775 is a very valuable addition.

I would also like to thank the gentleman for his initiative on the issue. The intelligence activities of China that are directed against United States interests is a subject that has caught us all up. It certainly is of central importance to the committee, and it is of concern to the people of the Nation as well.

Anybody who has been watching television, whether it is CNN or any others that are covering events of the world, will know that there is a lot happening. The People's Republic of China has deployed an intelligence service worldwide that is acquiring assets and technology illegally and against the interests of the United States and its businesses and subsidiaries here and overseas.

The gentleman's statement outlines, as well as can be done in this forum, the threat presented by China's Ministry of State, Security and Military Intelligence Department, the People's Liberation Army. The old days of the threat of China goes only so far as its Army can walk are clearly behind us.

The amendment offered by the gentleman from Florida [Mr. McCOLLUM] directs that the two agencies in the best position to gather intelligence on the threat, the FBI and CIA, report annually to Congress on the specifics of Chinese intelligence activities and acquisitions that affect United States interests.

What this amendment does is to recognize and to regularize reporting on the threat to America and Americans that we in the committee have received from excellent but ad hoc briefings from these two agencies and others as well, frankly, in the community.

I welcome the gentleman's initiative, as I said, and commend it and look forward to a more structured version of the excellent classified information on this matter that we have received to date from the community. The classified information we have received to date, and I can say this, justifies entirely the initiative presented to us today, in my view.

I referred earlier to a report on proliferation, which is unclassified, which I referred to all Members. I also applaud the gentleman's requirement that the FBI and CIA produce an unclassified version of their annual reports for public dissemination. As I have said, Americans and American businesses and subsidiaries here and overseas should be concerned about this threat from Chinese intelligence activities in the United States and elsewhere. The committee will, in that regard, promote the dissemination of any and all possible warning information as appropriate.

At the same time, Mr. Chairman, it will come as no surprise to anyone at all familiar with intelligence that there will be limits on what the intelligence community will be able to provide the public without damage to the national security or to the sources and methods at risk in the collection. This is a very important target, and it is going to be a more important target, I think, in the next century. Very clearly, we have to be careful about our capabilities to deal with the target.

Acknowledging this constraint, upon which lives as well as intelligence depend, I repeat my wholehearted support to the amendment of the gentleman from Florida [Mr. McCOLLUM] and look forward to the badly needed process that it does create, in which I serve and which I think will serve oversight extremely well. I am going to support the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman from Florida [Mr. GOSS] for yielding.

Mr. Chairman, I have no objection to the amendment on this side. In fact, the gentlewoman from California [Ms. PELOSI] wanted to be here to speak on it, but had to be in a markup in the Committee on Appropriations.

I appreciate the gentleman yielding.

Mr. GOSS. Mr. Chairman, reclaiming my time, I am happy to have the ranking member remind me of that. I should have referred to the RECORD. The RECORD will clearly show that the gentlewoman from California [Ms. PELOSI] has already spoken in support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 1.

Mr. Chairman, I was in a markup and was of the understanding that the gentleman from Michigan [Mr. CONYERS] would be offering his first. I ask unanimous consent to return to title I and that my amendment be allowed to proceed in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. GOSS. Mr. Chairman, reserving the right to object, I would like to explain my reservation.

I understand the gentleman's dilemma. We have a Committee on Rules, and we have rules for a reason, to try and have an orderly process. I believe, however, that the debate that the gentleman proposes to bring forward is a debate of great value. I am, therefore, willing to not object.

Normally I would object because I think the process is important. As I say, I think this debate is worth it; and on the basis of the gentleman's request for unanimous consent, I will not object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. SANDERS: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 1998 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1997.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency

Retirement and Disability Fund by section 201.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Florida [Mr. MCCOLLUM] very much, because this is an important debate and one that I am going to ask for another unanimous consent that I had discussed previously.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, essentially, the amendment as recorded called for a 10-percent reduction in the intelligence agencies; and I would like to change that to a 5 percent reduction. I ask unanimous consent that the amendment be allowed to be 5 percent rather than 10 percent.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

> Modification to amendment No. 1 offered by Mr. SANDERS:
>
> In the proposed amendment, strike "90 percent" and insert "95 percent."

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I would like to thank my Republican colleague and my Democratic colleague for their indulgence. This is an important debate and I very much appreciate their allowing it to go forward.

Mr. Chairman, the amendment that I have offered is simple, and I would hope would be supported by all, especially those people concerned about the deficit and those people concerned about national priorities. What this amendment does is cut the intelligence budget by 5 percent from the level authorized for fiscal year 1997 while still protecting the CIA retirement and disability funds.

Mr. Chairman, although the amount authorized by this bill is classified, there are various press reports which have indicated that funding for all the intelligence activities is currently about $30 billion, which means that this amendment would cut approximately $1.5 billion from the intelligence agencies.

Mr. Chairman, in my opinion, this debate is about a number of key factors: No. 1, our sense of national priorities. Is it appropriate to increase funding for an already bloated intelligence budget at exactly the same time as we propose painful cuts for senior citizens in Medicare, for low-income people in Medicaid, for others in housing, for kids, for the environment? How appropriate is it to say that we will cut $1.5 billion in home health care for seniors but not cut $1.5 billion for an intelligence budget which, in my view and in the view of many, already has too much money.

Mr. Chairman, if we are serious about deficit reduction, we cannot only go after working people and low-income people, we also have to have the courage to go after the intelligence community. Mr. Chairman, let me be frank that, for whatever reasons, despite the end of the cold war, despite the collapse of the Soviet Union and international communism, the intelligence community has not experienced the kind of appropriate cuts that had been made with many other agencies, including the Department of Defense.

Mr. Chairman, in 1996 the U.S. Senate, led by Senators Hank Brown and Warren Rudman, completed a report on the efficacy and appropriateness of the activities of the U.S. intelligence community in the post-cold war global environment. Let me read a brief portion from that report, which is commonly referred to as the 1996 Aspin-Brown Commission Report. They say, and I quote:

> In general, from 1980 until the present, intelligence grew at a faster rate than defense when defense spending was going up and decreased at a slower rate when defense spending was going down. As a result, intelligence funding

Now this is 1990—

> is now at a level 80 percent above where it was in 1980, while defense overall, other than intelligence, is now 4 percent below its 1980 level.

Mr. Chairman, the Congress has asked almost every agency to examine its budget and make appropriate cuts as we try to move toward a balanced budget. It is appropriate, now that the cold war is over, to ask the intelligence community to do that as well.

Mr. Chairman, in recent years a number of our allies have made public their intelligence budget, something I think we should do, but that is not for this debate. But let me tell what you we have learned from some of those countries who have made public their intelligence budgets.

In the United Kingdom, our strong ally, under a conservative government, intelligence spending was reduced from 957 million pounds in 1993 down to 701 million pounds in 1997. That is Great Britain. Canada also reduced its intelligence budget. They understood that the cold war is over. They had other priorities. I think we might want to learn something from our allies.

Mr. Chairman, not only do we have to look at our priorities and what our allies are doing; we have got do ask the simple question, are we getting good value for money that we are spending on intelligence? I would argue that there is a wide cross-section of opinion from the left and the right that says no, that the intelligence budgets are inefficient and wasteful, that they can be cut without loss of value in terms of the needs of the American people.

Mr. Chairman, what I would like to do now is not give you my opinion but to quote various newspapers, totally public reports, nothing secret or nothing confidential here, and tell you what some of the newspapers are reporting.

The New York Times front page, May 16, 1996, and I quote:

> In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress, intelligence officials acknowledged today.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 3 additional minutes.)

Mr. SANDERS. Mr. Chairman, what NRO did was to lose track of $4 billion, an amount roughly equal to the annual budgets for the FBI and the State Department combined. They lost the money.

John Nelson, appointed last year as the National Reconnaissance Office's top financial manager and given the task of cleaning up the problem, said in an interview published today in a special edition of Defense Week that the secret agency had gone, and I quote the gentleman, "a fundamental financial meltdown," an excerpt from the article in the New York Times.

Let me further quote from the New York Times, same article:

> The reconnaissance office found itself in trouble in 1994 for constructing what several Senators called a stealth building. The Senate Intelligence Committee protested that the agency had built itself a headquarters outside Washington costing more than $300 million, without disclosing the building's true cost and size.

That is the New York Times.

According to another newspaper, the New York Daily News, December 16, 1996, and I quote, page 27, editorial:

> Two huge threats are looming before the U.S. intelligence community as national security advisor Anthony Lake prepares to become director of central intelligence. The first is a Marine reserve sergeant out in San Diego. Armed with a personal computer and a network of contacts around the world, Eric Nelson has developed and E-mail system that consistently beat the Defense Intelligence Agency's reporting on terrorism, chemical and biological warfare, political profiles, background on hot spots, nuclear weapons, international crime and political analysis. "He really covers the ground," says Marine Colonel G.I. Wilson at the Pentagon. "And best of all, he is quick. His secret is that he only uses open, i.e., unclassified sources. He has been immensely successful. All the armed services use him."

□ 1600

This is a guy on his own, an ex-marine.

"Nelson's threat to the $40 billion intelligence community? His operating cost is about $20 a month."

Twenty dollars a month and he is doing work that the intelligence community is not able to do. And on and on it goes.

Last, let me quote from another article in the New York Times, March 3, 1997:

"Breaking with its past, the CIA has severed its ties to roughly 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes, Government officials said today."

The New York Times continues:

"The agency found that the violence and corruption of scores of those informers were so bad, and the quality of the information they provided comparatively so marginal, that they were not worth the tens of thousands they were paid annually."

The article continues, "The Latin American division of the CIA's clandestine service proved to be one of the most riddled with foreign agents who are killers and torturers, that the agency has violent men on its payroll," et cetera, et cetera.

Mr. Chairman, I would ask that the Members say no to the intelligence communities and support the Sanders amendment lowering it by 5 percent.

Mr. GOSS. Mr. Chairman, I rise in opposition to the amendment. As President Dewey used to say, "Be careful what you read in the newspapers."

I think it is very important that we remember that my ranking member has addressed a lot of the issues that the distinguished gentleman from Vermont has just brought forward to us in previous sessions of the Congress in previous years.

We are very concerned with our responsibilities to do our job of oversight to make sure that we are providing the best possible means of defense for Americans and America through the use of eyes and ears and brains around the world, our intelligence business, because despite the fact that the cold war is over, the danger to America and Americans and American interests is clearly not. Anybody who thinks it is might want to look in the newspapers about the World Trade Center bombing or they might want to look in the newspapers about the bombing in Saudi Arabia that regrettably cost the lives of some American troops and much wounding of hundreds of American troops, and on and on. Or they might want to go upstairs and take a look in the Intelligence Committee's area and of course every Member of this Congress is cordially invited to come upstairs and take a look at any time in what we are doing and what information we have as long as they are willing to comply with the accountability and responsibility that goes along with that knowledge.

We think that it is very important that we have what I will call a factual analysis and we on the committee have tried to give it our best bet on what the facts are and what the analysis of the facts are. We have not done a data-free analysis. We have come to a thoughtful conclusion of where we are.

I cannot overstate my opposition to across-the-board cuts, anyway, to intelligence bills, and even though I know that the gentleman from Vermont is well-intentioned, we have had this debate before, such an approach to budget cutting I do not think is good and it is indiscriminate.

To make cuts by a percentage or a number grabbed out of thin air, whether it is 10 percent or 5 percent or any other percent, completely undercuts the duty of Congress to deliberate and make thoughtful decisions on behalf of our constituents in the best interests of the Nation.

Remember, this is the one piece of legislation that must be authorized. We have an authorization charter on this committee that nobody else has. In our representative democracy, Members of Congress are elected to make responsible, informed spending decisions based on the close scrutiny of the costs and the benefits of specific government programs. That is what this permanent select committee has done.

The select committee has analyzed and reviewed the intelligence and intelligence-related activities of the United States to determine the benefit provided by those programs to the national security interests of the United States, and that is the bill we have in front of us today.

To my colleagues who favor this amendment, let me ask, to what specific programs are they opposed? What should we cut back? Which programs should be terminated? Which intelligence targets should be dropped? Specific modifications to intelligence programs would be more appropriate than the broad brush approach that the gentleman proposes.

In the gentleman's testimony to the Committee on Rules that was submitted in support of the amendment, he noted programs that he considers to be bloated wastes of taxpayers' money. In support of this 5 percent budget slashing amendment, he contends that the NRO, which we have heard about, the National Imagery and Mapping Agency, NIMA, and the National Security Agency simply collect too much information to be thoroughly analyzed and used by policymaking consumers. He argues that because some information is not put to its best use, the entire intelligence community should suffer a 5 percent reduction in funding.

Because the gentleman is unhappy with the overall lack of analytical capabilities of the intelligence community, which I would note is something that the committee specifically seeks to correct through this bill in a very thoughtful and deliberate and specific manner, he wants to reduce the analytical resources by an additional 5 percent. That is counterintuitive and counterproductive.

If Members come up to the committee spaces and read the classified annex to the bill, they will see that the Permanent Select Committee on Intelligence on a bipartisan basis did its job. The committee reviewed each program for its merit and its benefit to national security. The committee truly scrubbed each program to ensure the money would be well spent. We had a lot of debate about that.

The committee held 7 full committee budget hearings, as I said, scores of briefings, 100 or so Member and staff briefings, and on and on. The committee thoroughly, let me repeat, the committee thoughtfully and thoroughly and with careful deliberation made appropriate adjustments to the President's intelligence budget proposal.

The committee reported increases for those programs where it found the President's plan lacking, and it reduced authorization levels where appropriate and necessary.

If Members have looked at the schedule of authorizations, they will see that the committee has made drastic, substantial, and real cuts, not just reductions in budget request levels but real cuts in several programs. The committee did so based on the merits of the program, not simply to achieve a percentile decrease that is altogether meaningless. These reductions were made for good government reasons.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 2 additional minutes.)

Mr. GOSS. At the same time, however, the committee has increased authorization levels for certain other programs to ensure that the U.S. Government has adequate intelligence capabilities so that another Kamisiyah does not occur, so that collected intelligence is not wasted, to adequately support all our deployed Armed Forces and to properly address global crises that threaten our national security interests without diminishing our capabilities in other areas of this still treacherous world.

Just because the cold war is over does not make this world more safe. Quite the contrary. Radical regimes exist that wish us harm, and transnational threats of terrorism, narcotrafficking, organized crime and weapons proliferation actually threaten our way of life on a daily basis whether we are here or abroad.

This amendment would indiscriminately make cuts where program funding has already been reduced by significant amounts and cut those programs that need additional budgetary resources. This amendment requires no thought for what is needed, how things operate or the fixed cost of a strong national security enjoyed by all Americans. It is purely a number thing.

If this amendment passes, how will we explain to the American public that the funding for the FBI, the CIA, and others against international terrorists was cut back? How will we justify the reduction in our ability to monitor the unfair trade and economic policies of business competitors? What will we say to your business constituents after we reduce our ability to determine when foreign countries and foreign corporations try to steal us blind of our technology and commercial secrets? Should we hamstring our efforts to stay one step ahead of the radical regimes who are feverishly working to develop nuclear, chemical, and biological weapons and the missile systems to deliver them? And they are.

That is what this amendment would do. This amendment would also put our deployed troops at risk. Passage of this amendment will result in higher casualties in all likelihood because of the inability to provide the necessary force protection. We have had a sad lesson there recently.

This indiscriminate 5 percent reduction in the authorization levels will result in less accurate and less timely intelligence that is critical to disclosing the threatening capabilities or evil intentions of our foes. The parents of those serving this country in the armed services will want to know the justification for increasing the threat to their children.

The global strategic reality is that we have won the cold war, but we have not resolved the danger problem.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

The gentleman from Florida makes a good case against across-the-board cuts. I for one have never particularly favored across-the-board cuts, but in this case we are confronted with a budget that is secret. We cannot come out here and debate the individual elements of the budget or the individual allocations to the individual components of this budget because it is secret. If I went up to the little room upstairs and found out how much the National Reconnaissance Office is getting and I came down here to the floor and revealed it, I would be subject to censure or removal from the House. So how is it that we can approach this more reasonably as long as we keep these numbers secret? What can our enemies learn from knowing how much money we spend or waste on the intelligence services, whether it is well spent or wasted?

The sum is phenomenal. It is reported in the press to be more than $30 billion, an increase this year of about $1 billion. Perhaps the gentleman could help me out here. Could the gentleman from Florida tell me what the 5-percent cut would constitute? How much money would the 5-percent cut constitute?

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I would invite the gentleman to come upstairs to the committee quarters and we will be happy to share with him, we will provide as much staff as he likes, we will walk him through line by line and we will be the better for it and so will the gentleman.

Mr. DEFAZIO. Reclaiming my time, I thank the gentleman, but here on the floor, in the people's House, for the people of the United States who pay the taxes that constitute this secret budget, we cannot know how much a 5-percent cut constitutes, so we cannot know whether it is prudent or imprudent.

The gentleman said one other thing that particularly intrigued me, and this did concern me. He said the FBI would not be able to protect against international terrorists if this 5-percent cut went through.

How much will be cut by this 5-percent cut from the budget of the FBI to combat international terrorism?

Mr. GOSS. If the gentleman will yield further, it is impossible to know in foresight. Let me put it this way. In hindsight we have discovered that if we had better equipment in the question of the bombing of the World Trade Center in New York, we may very well have avoided that.

Mr. DEFAZIO. But again we cannot reveal the number.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I appreciate the dilemma that the gentleman has described. There is perhaps one other solution. Perhaps the Permanent Select Committee on Intelligence would determine, and the leadership as well, to accept the gentleman from Vermont [Mr. SANDERS] as a member of the committee, and that way he would be privy to the information that has been pointed out by the gentleman from Florida [Mr. GOSS] as necessary to effect a specific solution. Because right now there is not only no way that the gentleman from Vermont [Mr. SANDERS] can be specific to those seven excellent questions, but neither can any other Member in the House of Representatives who is not on the committee.

Mr. DEFAZIO. I thank the gentleman.

Again the dilemma we have here, and I do not like across-the-board cuts, is we are not given an option. Yes, I can go to the room upstairs. The gentleman can show me the individual budgets of the individual agencies, but I cannot come down here to the floor and use that information in any way. I cannot come down here and say, "Well, the National Reconnaissance Office is up by $1 billion, I want to cut $500 million there because they are spending it on this particular satellite that I do not think is helpful." I can do none of that on the floor. I can go up there and be imbued with information that will tie my hands and my tongue if I come to the floor. I could not talk about the amount of money here if I had been up there to review the budget. I can only talk about it because I read it in the New York Times. I know there will be an amendment later to reveal the total amount of money spent, and I would hope the gentleman would support that and I hope this gentleman will support that.

Mr. DICKS. And I will.

Mr. DEFAZIO. And I would hope it passes.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. I would urge the gentleman to come up to the room upstairs.

Mr. DEFAZIO. The gentleman wants to tie my tongue.

Mr. DICKS. You got it, baby.

Mr. DEFAZIO. I do want to see the special room sometime, but I do not want to look at any of the documents in there.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Michigan.

Mr. BONIOR. First of all, Mr. Chairman, I would like to commend my colleagues here who have taken the leadership position on this committee, my dear old friend the gentleman from Washington [Mr. DICKS] and the gentleman from Florida [Mr. GOSS], who knows probably more about this, him and the gentleman from Texas [Mr. COMBEST], than anybody in this institution, and for their capable staffs.

Having said all those nice things, let me encourage Members to follow the line of my friend from Oregon and support the gentleman from Vermont [Mr. SANDERS], and I hope the gentleman from Massachusetts [Mr. FRANK] if the Sanders amendment does not pass. All the gentleman from Massachusetts [Mr. FRANK] wants to do is keep us within the bounds of the administration, keep it basically at a freeze, and also the Conyers amendment, which will get to the point of this discussion that we are having right now of revealing what the number is.

The CHAIRMAN. The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

(By unanimous consent, Mr. DEFAZIO was allowed to proceed for 2 additional minutes.)

Mr. DEFAZIO. Mr. Chairman, I continue to yield to the gentleman from Michigan.

Mr. BONIOR. I would say to my friend from Oregon, we need these amendments because this is a Rip Van Winkle budget. If Rip Van Winkle was just waking up, he would not know that the cold war was over, that the world has changed, that our intelligence needs are dramatically different than they were a decade ago.

□ 1615

But that is exactly how this intelligence budget is framed, like nothing has changed, and the gentleman from Florida [Mr. Goss] who I have deep respect for, is absolutely right. We actually need a strong intelligence budget for those things that occurred at the World Trade Center and occurred in the Middle East and took so many lives. But let us be realistic.

Mr. DEFAZIO. How much of this budget is spent on those particular terrorist threats?

Mr. BONIOR. We do not know.

Mr. DEFAZIO. We do not know.

Mr. BONIOR. We do not know.

Mr. DEFAZIO. But even if we wanted to beef up those portions of the budget, we could not do that here on the floor?

Mr. BONIOR. I think we probably could. I think we probably could.

Mr. DEFAZIO. We could transfer from one account to another since we do not know what is in the accounts?

Mr. BONIOR. That is kind of the dilemma here that we are facing.

And so I would say to my friend that what we need to do is to work together to rein this in. Today the drive to a balanced budget is reducing spending dramatically.

In fact, we read in the paper this morning that the budget is going to be down about $45 billion, the annual budget, a tremendous drop since 1993. Yet today we are spending 95 percent more than our major allies combined on intelligence, combined, and twice as much as nations that are viewed as rogue states.

So as my colleagues know, here we are, we have got about $112 billion bill to refurbish schools that are falling apart across this country, we have got 10 million kids in this country without health insurance, and we are spending, according to the New York Times, over $30 billion on intelligence, and the cold war is what? Nine years, seven years, eight years over with?

It does not make any sense, so I urge my colleagues, support SANDERS, support FRANK and support CONYERS.

Mr. BASS. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the Sanders amendment. The implication from the discussion they have been hearing here is that intelligence in this country has been developed as a result of the cold war. Well, the cold war is yet a small part of an entire history of this country especially its strategic interests which have been around since the Constitution was written.

Let me just point out that the debate here is on the amendment not the other extraneous issues. We will debate when we reach, if we do, the Conyers amendment, the issue of publicity of intelligence authorization or authorizing numbers, but let me just point out that this amendment in essence implies that the Permanent Select Committee on Intelligence in the 6 or 7 months that it has been working on its budget has not really done its work.

The fact of the matter is, as the chairman has mentioned, we have held numerous hearings, we have had plenty of hearings to discuss each and every line item as has been amply discussed. Every Member of the Congress, Republican or Democrat, could come up and examine these numbers in any level of detail.

The fact of the matter is, as the chairman has mentioned, we have held numerous hearings, we have had plenty of hearings to discuss each and every line item as has been amply discussed. Every Member of the Congress, Republican or Democrat, could come up and examine these numbers in any level of detail.

The fact of the matter is that it is surprising to me that any amendment that would be offered at a 10-percent reduction yesterday and then turn into a 5-percent reduction today can be called a responsible amendment. It only goes to show that when the chairman said, "What would you cut," that there is no real intention here of being serious about reducing this budget.

The fact is the committee has been responsible in dealing with this budget on a line-by-line basis over the last 7 months. The distinguished gentleman from Michigan calls this a Rip Van Winkle budget; I would point out that this amendment is probably a blind man's bluff amendment because we have absolutely no idea what the impact would be.

That is not responsible legislating, and I urge my colleagues to oppose this amendment.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from New Hampshire for doing that. I did want to point out on a serious note that any Member of the U.S. House of Representatives, of course, enjoys a very high privilege for serving here, but they also enjoy the opportunity to examine classified information, and I believe that that is a wonderful opportunity. I hope Members will take advantage of it; I mean that very sincerely because I think that they get a better impression of what our responsibilities in the area of national security are by examining classified information and material available to the committee then they do by reading various newspapers which inevitably have a slant or point of view and less than full information, or even watching C-Span which is always dramatic; excuse me, CNN which is always dramatic.

But that is not really the point. The other point I wanted to make is this:

We have clearly got a responsibility, the 15 Members of the House Permanent Select Committe on Intelligence. Oversight has come a long way, baby, since we first started to have oversight of the intelligence community. We needed oversight. It all started back, and my colleague has said a long time ago, but in the Second World War became apparent that we needed to deal with the oversight question and organize intelligence, and shortly after that we did. And oversight has become much more sophisticated, much more organized, I believe much more representative.

But it is true, the 15 of us on that committee have a responsibility to all of the other Members of this body to make the right decisions. We have brought forward a bill, 15 to zero, that we do not all agree with every item on to be sure, but, 15 to zero, we have brought our colleagues a bipartisan bill which we think is about right for where we are to go into conference with, and we are asking our colleagues to basically understand that we have not come out of thin air, that we have worked hard and deliberately, going time and time again into these programs dealing with these agencies, making them justify how they expend these moneys.

I am a fiscal conservative. I would not be voting for pork or waste. I assure that the Members who know me know that is true. As I say, I think we have got it about right, I think the members of this committee have done a very good job, and I think a straight across the board cut that is totally indiscriminate is going to do serious damage and not going to get the kind of benefits or savings that the well intentioned sponsors of the amendment has envisaged.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in these days with the cold war behind us, Berlin Wall having come down, we find ourselves in a comparable era, as we did in the 1920's and the early 1930's where there was no known adversary on the horizon.

I support the bill as it is, and I oppose the amendment to reduce the authorization.

Serving on the Committee on National Security, and there are a few of us on this Permanent Select Committee on Intelligence that do, also as a member of this committee, I know the value of timely and accurate intelligence to military commanders as well as to the administration and the State

Department. In these days where the predictability of the future is so cloudy, that is when, Mr. Chairman, it is all the more important for us to have the best, the finest intelligence network we can.

More than that, it is more than just being able to collect intelligence. We need the analysts who can give us that predictive analysis as to where we think problems may arise. Successful military operations, successful diplomatic operations which minimize the risk of problems and lives of American service men and women cannot, simply cannot be conducted without excellent intelligence and excellent analysis.

As a member of both of the committees that deal with this I pay particular attention to the needs of the military as well as the other. I believe this bill responds to those needs, I support it. A cut, I think, would be doing a disservice to our diplomats, it would be doing a disservice to those who serve in uniform, a disservice to those who want to keep our country free and our interests keen in the days and years ahead.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I understand this amendment originally suggested that we cut 10 percent of this budget. This amendment says we cut 5 percent. This is a very reasonable amount in this time when we are supposed to be working in tight budgets. Of course we can make the argument that rather than spending money on international spying activities that could be better spent here at home, and I think there is a lot to that argument.

But I am pleased with the amendment, and I am very happy that the amendment is brought to the floor because, if nothing else, the 5 percent of savings that we might get if we pass the amendment, we do not know the exact figures so we cannot even make that calculation, it is not going to make or break the budget even though it could be helpful. But the amendment allows us to come to the floor and at least express a concern, and we have heard many of these concerns already. It is just a chance to get on the floor and say to the Congress and to our colleagues, Whoa, let's slow up a minute, let's think for a minute what we're doing and what have we been doing.

It is now accepted that the activities of the CIA is they are proper and something that we have had for a long time, but the CIA is a rather new invention. It is part of the 20th century. It came up after World War II. But it was pointed out earlier that this is not exactly true because we have been dealing with intelligence for a long time, and that is true. But it has always been dealt with in national defense, it was strictly limited, and it was handled by the military. But since World War II, since the time that we have built and tried to run the American empire, we have to have our spy agents out there. Now we have a civilian international spy agency.

I might ask my colleagues really if they would even be inclined to read the Constitution in a strict manner where would they get this authority that we have to go out, have an organization like this that is very poorly followed by the Congress? We know very little in general about what happens when it comes to our Government being involved in overthrow of certain leaders around the world. I would suggest that when the history of the 20th century is written that many of us will not be very proud of the history of the CIA and the involvement that they have been involved in over these many years. I think the activity of the CIA has gone a long way to give America a bad reputation.

This does not mean that we should not have intelligence and we should not be concerned about national defense, but if it were done in a proper manner it would be done without an organization such as the CIA. These very secret clandestine activities of the CIA really is very unbecoming of a free society. It is not generally found in a society which is considered free and open and that the people know what is going on.

It surprised me a little bit to hear it even admitted earlier that some of the activity of the CIA is involved with, business activity that we have to be thinking about business espionage, many of us have made this accusation challenge that, yes, we have the CIA that represents big business in many parts of the world. And I think this is the case. And not only do we have our business interests reaching out to many areas of the world and we have a very internationalistic interventionist foreign policy, we have troops in so many countries, over a hundred countries.

I would really like somebody to get up here today that is knowledgeable; tell me how many countries we have CIA agents in. If we have troops in 100 countries, we may have CIA agents in 200 countries. But I do not know that, and possibly it will be buried someplace, but I am not allowed to come down here and explain it to the American people.

The American people are responsible. They pay the bills. They are the ones who have to fight the wars if we go and do something nonsensical. And was the CIA involved in Vietnam? It certainly was. There was a killing of a leader in Vietnam that escalated that affair which led to war and killing and the death of many young Americans.

So we in the Congress should be more responsible so we can tell the people exactly what is going on, exactly what it is going to cost and exactly what the ramifications are when these agents are dealing in other countries.

□ 1630

I would say that the CIA does not have a very good reputation among many Members of Congress nor among many citizens of this country. They are concerned about it and would like to know a lot more about it.

Is there any chance the CIA could have funding outside of the so-called normal appropriations process? I think there is a very good chance that is possible and that they may well have been involved in drug dealing.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought for the last several years that I would stay out of these debates about the CIA, but I am torn to come back and say a few words here.

I had the pleasure of serving on the Committee on Intelligence for a few years, and I finally resigned in disgust because I did not find either that the intelligence was very reliable, and certainly that the rules and regulations with which the process was conducted were utterly asinine.

We have had references here to statements in the newspapers about the level of funding and other things involving the CIA. I, as most Members know, have been involved with the space program for 30-odd years. I thought I knew something about space activities and the kinds of things that the CIA was doing in overhead collection. I was getting my information from scientific journals and some of the researchers who were doing the work on these kinds of collection systems.

I was precluded by the rules with regard to my serving on the Committee on Intelligence from reflecting not what I saw in newspapers but what I saw in scientific journals or scientific reports of various kinds. This is kind of asinine, to classify something that the most informed people have already published. Mr. Chairman, I thought this was something that we really ought to get away from, but I found that my loyalty to the country was questioned if I even brought this up for discussion, in many cases.

Now progress is being made, not very much, but some. The members of the committee are honorable people who are trying to do a better job, and I commend them for it, because it is frequently a thankless task. When I was on the committee, I served under the chairmanship of the gentleman from Indiana, Mr. LEE HAMILTON, and the gentleman from Ohio, Mr. LOU STOKES, and they were honorable people, wonderful people who were doing their best for the welfare of this country. Nevertheless, they were constrained by the same rules and practices that I was constrained by to sort of go along with the system.

I remember the time, for example, when we would be invited down to the White House, and Admiral Poindexter, at that time National Security Adviser, and Ollie North would lie through their teeth to us about what was going on. Every time a critical event came up, they would invent some new lie to explain it to us. Mr. Chairman, I did not particularly like that, but I suppose I could understand it.

Actually, the whole intelligence apparatus, or the CIA in particular, and the National Reconnaissance Office, which I suppose we are still precluded from mentioning on the floor because it is classified, are actually a secret army for the President. They do what he says and they kind of protect him in the process, and we saw this occurring over long periods of time.

I am not sure that that really is what we need from an intelligence agency. We do need intelligence, without regard to the fact that the cold war is over. This is a dangerous world and we need intelligence. Going back to the writings of that great Chinese author, Sun Dzu, who wrote with regard to war, about war 2,500 years ago, good intelligence collection was the most important thing that any military commander could have, regardless. It is still true today, that it is essential.

But we are not getting good intelligence. If so, we would have known far more about the economic, social, and other conditions in the Soviet Union which led to its collapse. We would know far more about the kind of cultural and religious conflicts taking place in the Islamic nations than we know. We know practically nothing, as a matter of fact. We are not going to get it from the CIA.

I think the committee is beginning to understand that there are problems with our intelligence collection in certain vital areas, such as those that I have mentioned. Their suggestion that we might consider a civilian reserve corps may be the best idea that has come out of the Committee on Intelligence in a long time, because with a civilian reserve corps of people who understand the language and the culture and the economies of the areas that we have an intelligence interest in, we will get more and better intelligence than we have ever had before.

With regard to analytical capabilities, it has been known for two decades that the CIA was collecting huge amounts of information which they never bothered to analyze. We would apparently not give them the money to analyze it, and if we did, they cached it away to pay for a $3 billion building, or whatever.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, the committee's report recognizes these things and lays them out specifically and then asks for more money. This is ridiculous. If we are getting inadequate intelligence and intelligence analysis today, why reward that with more money? Maybe it would be a healthy lesson if we would cut them 5 percent or 10 percent.

We have been doing this with another agency that I am very well acquainted with, NASA, for the last several years. I regretted it. I hated it, because I felt that NASA was doing a good job and producing huge benefits to the American people through the technology it developed and sponsored. But they survived it, and they are doing a better job today.

The landing of a rover on Mars, for example, was done at half the cost that we thought it would be done a few years ago, because we have found that we can do things faster, cheaper, and better.

Why cannot the CIA and the other intelligence agencies live with that same kind of discipline? I think they could. I think it would be good for them. The intelligence would be better. The country would be better served. We could say that we are enhancing the security of this country and our understanding of the rest of the world and saving money at the same time. That is what we should be trying to do. We are doing it in every other area, and I think it is time we applied it to the intelligence agencies.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one speaker has implied that we are not serious when we offer this amendment because we know it is not going to pass. I regret that it will not pass. We are reduced to a ceremonial action each year. Once again we are here to impose what I consider a civilized and reason-based ceremony on a very primitive Congress, which goes through a ritual of blindly authorizing more than $30 billion for a CIA that should have been streamlined and downsized at the end of the cold war. By the most conservative estimate in the New York Times, this is $30 billion that we are talking about.

We ought to take 5 percent of that, which is $1.5 billion; $1.5 billion may seem like a small amount compared to the overall CIA budget, but our entire proposed initiative by the President on school construction was merely $5 billion over a 5-year period; $5 billion over a 5-year period, which means we could fund the school construction initiative out of this cut and still have $2.5 billion left over for other matters, like the empowerment zones in poverty areas. So we are talking about money that could do a great deal that is probably being wasted in a CIA that is unaccountable.

The very basic but baffling instinct and superstition of this congressional village is to insist that tampering with the secret budget of the CIA is taboo. The CIA is untouchable. There is fear that dangerous, invisible demons will rise up and destroy our village if we disturb this almighty Washington wizard.

It is not reasonable, what we do here. Downsizing, streamlining, and restructuring are vitally necessary for this Federal agency, just as it was useful in other Federal agencies. The era of big government is over. We are proud to keep repeating that the era of big government is over. The era of the big unaccountable CIA should also be over, but nobody wants to touch the big, unaccountable CIA.

We have just heard more than 1 hour of general debate which did not grapple with the following taboo subjects.

They did not talk really in the general debate about the failure of the CIA to predict the collapse of the Soviet Union, the greatest failure of all. They did not talk about the dangerous and costly interference with administrative diplomatic initiatives, policy initiatives, in Haiti.

Somebody just said a few minutes ago that the CIA is the President's secret army. It certainly did not behave like the President's secret army in Haiti, because the President authorized one policy and took one set of initiatives and the CIA was funding the organization in Haiti called FRAPH, which had a big demonstration of wielding pistols, shooting guns, and stopped a peaceful initiative to bring some police officers in to help train the Haitian police.

We later had to have a costly military operation in order to deal with the criminals in Haiti. The CIA did it. Emanuel Constanz, who headed that organization, was on the payroll of the CIA. He was arrested for a while and then set free. He is out there free somewhere now. The CIA has never explained their relationship with Emanuel Constanz and the FRAPH organization.

The loss of $40 billion in petty cash funds. It was written in the New York Times that the petty cash funds of the National Reconnaissance Agency somehow lost $2 billion first, and later on they said no, it is $4 billion, lost and later recovered, of course.

The Aldrich Ames affair. His name has not been mentioned during general debate at all. Aldrich Ames was very dangerous. At least 10 agents, 10 operatives of the CIA, by their own admission, lost their lives, yet Aldrich Ames is alive and well now, and he intimidates the CIA with interviews that he gives from prison. He makes fun of the CIA. Aldrich Ames was said to receive $2 to $3 million for his treason.

Harald Nicholson, another highly placed CIA person recently was given 20 years; he will be out in 10 years, for betraying his country, for selling secrets. First it was for $120,000 and later on they said maybe it was $300,000. Who knows how much it was. But this pattern in the CIA occurs at very high levels. Aldrich Ames was a very high level person in charge of the Eastern European and Soviet operation; very high level people are selling out for dollars. Something must be wrong somewhere.

It was $7.5 billion that we talked about over a 5-year period. Surely we can use it and put it to better purposes than have it go on existing in this unaccountable agency. If we start with a 5 percent cut, maybe next time it will be a 10 percent cut and maybe next time we will go to the real purpose of restructuring, restructuring the CIA to fit its mission in the present time.

Common sense, combined with scientific reasoning, should be allowed to prevail over the primitive kinds of instincts that are employed when we have discussions of the CIA. It is not rational what we are doing, not scientific, not based on reason, not based on the evidence that exists.

The CIA budget was increased to deal with the evil empire. The evil empire no longer exists. The evil empire gets aid from us, and they use some of that aid to pay our agents. Russia pays our agents out of some of the aid we give them. Ridiculous.

Ms. WATERS. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise in support of this amendment. It seems almost impossible that this Congress would not embrace a 10-percent, a measly 10-percent reduction in this intelligence budget. I am not going to talk at this moment about everything that I have learned about the CIA and their drug dealing and other activities. I am just going to talk about what some of our allies think about them.

In a Los Angeles Times article Monday, March 17, 1997, our international allies' dislike of the CIA's clandestine activities is stated as such.

I quote: "Around the world, America's friends are sending a quiet but stern message to the Central Intelligence Agency: The cold war is over, the rules of the spy game have changed, and it's time for the United States to curb its espionage operations on its allies' turf.

"At least four friendly nations, Germany, Italy, Switzerland, and France, have halted secret CIA operations on their territory during the past 2 years." In Germany a CIA officer was ordered to leave the country, get out, apparently for trying to recruit a German official. In 1995 there was a major intelligence failure in Paris when the French uncovered and put an end to an economic espionage operation run by our CIA.

In the Washington Post there was an article entitled "House panel affirms some allegations against CIA." This was March 18, 1997. The Washington Post reported that a House intelligence committee report affirmed a previous conclusion that CIA contacts in Guatemala were involved in serious human rights violations with the agency's knowledge and their involvement, which was improperly kept from Congress in the early 1990's.

□ 1645

In fact, the article stated, and I quote, "The report represents a sharp criticism of the CIA from a Republican-controlled committee that has tended to be more sympathetic to CIA arguments that it must deal with unsavory individuals to get good intelligence," unquote.

What is the mission of the CIA in the post-cold war environment? Is it necessary to continue allocating $30 billion to this intelligence effort? Should we not use these funds for other purposes such as job development or school infrastructure or rehabilitation? I am encouraged that the New York Times on March 3, 1997, recently reported that the CIA was doing some scrubbing, they called it, in an effort to sever ties with 100 foreign agents, about half of them in Latin America, whose value as informers was outweighed by their acts of murder, assassination, torture, terrorism and other crimes. According to these articles, the Latin American division of the CIA's clandestine service proved to be the one most riddled with foreign agents who were killers and torturers, and that the CIA also has had on its payroll people who are terrorists and drug dealers. I am going to talk about drug dealers in an amendment that I am going to bring up, but I want Members to keep fixed on that. Drug dealers who were terrorists and, of course, drug dealers.

It is not enough to cleanse some of the rogue agents employed by the CIA in their clandestine activities. We really need to eliminate the CIA. The Defense Intelligence Agency, the DIA, needs to take over the functions and responsibilities currently held by the CIA. There are overlapping functions between the CIA and the DIA. So while I think they need to be eliminated, certainly this very small modest request for a 10-percent reduction, a 5-percent reduction, 5 percent, 10 percent, whatever, should be done. It should be embraced by everybody. It would show that at least we are concerned about this agency that is just riddled with problems. I mean this agency is a disgrace. Time and time again we find these articles that are appearing that are talking about not only our agents who are selling us out but all of the rogues and the terrorists and the dope dealers that they are dealing with. Do we not want to do something about the CIA? Are we not ashamed? Do we not feel that we have enough power to rein them in?

I will be back with my own amendment to deal with them on dope dealing.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Sanders amendment which would cut intelligence funding by 5 percent. Now, other agencies have been reduced. Do Members know that the State Department has had its budget cut 20 percent in the past 5 years? But we are going to give the intelligence department, and I use the word in quotes, an "increase." It is absolutely preposterous to even think about spending more on intelligence when the cold war is over.

I have heard colleagues say, well, this is a dangerous world. I agree. It is a dangerous world. This is a dangerous country where 10 million children have no health insurance. It is a dangerous country when gangs threaten citizens in the streets. It is a dangerous country where 3 people get shot in the capital city. Yet we have cut those programs. We have cut the programs which solved those problems, but we increase the budget for the Central Intelligence Agency. Of course I say we increase it, but how do I know? We do not even know exactly how much we spend because that has been a secret since it was started.

I would like to quote from the Constitution of the United States. It says, and I quote, "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." The CIA has simply exempted itself from this constitutional requirement. I wonder if that is constitutional to have a secret budget.

I can guess why the CIA might want to keep some of its activities in the dark, but unfortunately for them the news is out anyway. The Intelligence Oversight Board, a Presidential panel, has recently reported on some of the activities of the CIA. I have heard some of my colleagues mention them, the horrors of the Guatemalan incidents, the stuff in Haiti, the fact that we gave weapons to the Mujahedin in Afghanistan which are now turned on us in Bosnia. But I would like to ask whether we got value for the money we spent. Did we get value? That is a good question for us to ask the American people.

We have recently learned about a computer error during the Persian Gulf war. Well, that sounds bad, a computer error, but think of the horror of that computer error. It exposed 120,000 United States troops to sarin nerve gas, sarin nerve gas, the gas that killed so many in Japan. The CIA had known about Iraqi storage of these agents since 1985, but it did not alert the

United States military which subsequently blew up the bunker in 1991. They knew the exact, the CIA knew the exact coordinates but all this money we spent on them, the information was filed under a spelling error. So the military did not get the intelligence. All this intelligence we have paid for, did not get it. So 20,000 American servicemen and women were exposed to sarin gas. I do not think we get value for the money we spend and I think we spend too much of it.

Our intelligence apparatus is a cold war creation that now includes thirteen agencies, employs 150,000 people, and yet we are not allowed to talk about what it is spent on. We are not allowed to come down and tell the American people, that dollar you sent us for your Federal income tax which we are giving to the CIA, we are not going to tell you about it, even though the Constitution says we should.

So it is time to rein it in. It is time to make this agency live by the same rules we are asking of all others. I urge Members' support for the Sanders amendment. It is a support for fiscal responsibility and for sanity.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Sanders amendment.

First of all, I would say to my colleagues, I think Mr. GOSS is right. What we read in the newspapers is not necessarily correct. The number that has been bandied around here today is not necessarily correct.

Second, I think it is important to realize that the Central Intelligence Agency receives only a small fraction of the money that is spent on the intelligence effort. The overwhelming part of the intelligence budget is spent at the Department of Defense on defense-related activities. I would point out to my colleagues that if they go back and look at World War I, look at World War II, look at Desert Storm/Desert Shield, intelligence played a major role in our victory in those wars.

The second lesson I think it is important to remember is that after World War II, we cut back our military spending. We cut back on intelligence. Then we wound up in Korea and we wound up in a military mess. After the Vietnam war, we cut back on defense. We cut back on intelligence. What happened? We wound up weakening our military and we had to come back and restore it and spend a tremendous amount of effort, and when we did do that, we wound up having a very successful effort in Desert Storm/Desert Shield.

Again, in my judgment, the amount of money we are spending with 15 Members of the Congress that have reviewed this very carefully, going through it on a line item by line-item basis, I think is about right.

I oppose this amendment. I will also say as a senior member of the defense appropriations subcommittee that we are going to be within our 602(b) allocation when the appropriation bill comes to the floor. So I want to assure everyone that defense will be within our 602(b) allocation.

Now, let us get down to the specifics as much as we can. I urge everyone who has spoken today with all the passion, all the concern, please come up to the Intelligence Committee. We will see that you are briefed. We will see that you have an opportunity to look at these numbers and to see why we think that the authorization that is presented here is about right.

Having had some experience in the defense area, I want to tell my colleagues, I believe intelligence is a force multiplier. We have cut defense overall, and the intelligence budget is part of that, by over $100 billion between 1985 and 1995. Intelligence has not been cut as much as defense. But I will tell my colleagues this: It has been cut significantly, maybe not enough for some, but it has been cut significantly. For Members to stand up here and say intelligence has not been cut is simply inaccurate. It has been cut very significantly.

I will just tell my colleagues, I believe that the information that we get, if Members go back to Desert Storm/Desert Shield, we were able to do things there because of the intelligence-gathering success that we had that gave our soldiers a critical advantage. We were able to end that war rapidly, using a combination of air power and intelligence, and we did it rapidly and saved American lives.

I want to point out to my colleagues, this is serious business. This is serious business. I agree with my colleague who said if you can take this amendment from 10 to 5 percent in one afternoon, one has to question just how seriously it has been thought out. So I would argue that the intelligence that we get, especially for the military, is absolutely crucial. As we get better and better at this, through our national technical means, we are going to solve some of the problems we had in the gulf war. One was broad area search. General Schwarzkopf wanted to have a better idea of what the enemy was doing. With a combination of our satellites and our UAV's, we are going to be able in the future to let commanders know really what is going on behind enemy lines. That will be an enormous advantage. One of the problems we had there was finding the Scud launchers, and they could have devastated the 500,000 troops we had there if they used chemical and biological weapons.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if they had used chemical and biological weapons on the 500,000 American troops sitting out there in that desert, they could have done devastating damage. We could have taken huge casualties. It was lucky for us that those Scuds were not accurate. We cannot expect that to happen in the future.

With the improvements in intelligence, we are going to be able to target those Scud launchers which we had such a difficult time finding in the past, using Link 16 and other developments that come from our national technical means that will be fused into the cockpit of our advanced aircraft.

One of the things we have worked on for the last 20 years is to take advantage of these investments in intelligence to give our military people a significant advantage against any enemy. My hope and prayer is that this will lead to deterrence, that we will be able to prevent future wars because when they go up against the United States, they are going to know we have a very capable force and, No. 2, that that force has the best possible intelligence. That will save money and save American lives and prevent future wars.

Military strength and intelligence strength will help prevent conflict in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask the gentleman, he and I agree we should not be under this restriction but we are, he cannot give us the dollar figure. He said intelligence has already been cut. Could he tell us what the percentage cut was?

Mr. DICKS. Mr. Chairman, I cannot tell the gentleman that.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, he cannot tell me because the Iranians would find out.

Mr. DICKS. Mr. Chairman, I am going to vote for the Conyers amendment. I voted for it for the last several years, because I think we ought to have that number out there. I will tell the gentleman this, it is a significant cut.

Mr. FRANK of Massachusetts. I have a later amendment dealing with a cut, in case this one does not pass. Maybe we can have that number by then, what the percentage was of what it was cut.

Mr. DICKS. I will just tell the gentleman that when we look at the highwater mark and take it back down, it is a significant reduction.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 30 additional seconds.)

□ 1700

Mr. DICKS. Mr. Chairman, as I said, I will support the Conyers amendment when the gentleman from Michigan offers that amendment. I think the American people have a right to know.

One of the reasons I want it out there is because the number that is being bandied around here today is inaccurate. It is inaccurate. I would like to have the American people know what the truth is.

I would like to also have them know, frankly, what the CIA percentage of that is, because it is a lot different than what we have heard today on the floor.

Again to my colleagues, please come up to the Permanent Select Committee on Intelligence and get the real facts. I think it is embarrassing to have these numbers bandied around on this floor that are simply inaccurate.

Mr. STARK. Mr. Chairman, I rise in support of the Sanders amendment to H.R. 1775, the Intelligence Authorization Act of 1997.

The cold war is over. The specter of communism no longer lurks on the horizon. While we face new challenges in this new age, the need for clandestine activity has been severely lessened. I support the Sanders amendment to reduce the intelligence authorization by 10 percent.

While the exact level of appropriations is confidential, the New York Times reports that over $30 billion is spent to support the intelligence community. A 10-percent cut would place $3 billion back into deficit spending, or provide funds for many other more necessary activities.

Thirty billion dollars is more than twice the combined intelligence budgets of our supposed hostile nations—North Korea, Iraq, Iran, Syria, Libya, and Cuba. It is also more than the intelligence budgets of the United Kingdom, Australia, Germany, and Canada combined.

Within so many other pressing domestic priorities, can the taxpayers of this country afford $30 billion, or more for intelligence activity?

I urge my colleagues to join me in supporting the Sanders amendment to H.R. 1775.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS], as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 289, not voting 3, as follows:

[Roll No. 253]

AYES—142

Abercrombie
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Carson
Chabot
Chenoweth
Clay
Clayton
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Doggett
Duncan
Ensign
Eshoo
Evans
Farr
Fattah
Filner
Foglietta
Foley
Ford
Fox
Frank (MA)
Furse
Gephardt
Gonzalez
Green
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoekstra
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lewis (GA)
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Morella
Nadler
Neal
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Peterson (MN)
Petri
Porter
Poshard
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Schumer
Sensenbrenner
Serrano
Shays
Slaughter
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tierney
Torres
Towns
Traficant
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Yates

NOES—289

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clement
Coble
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Fazio
Flake
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Manton
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek
Menendez
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Cox
Edwards
Schiff

□ 1729

Messrs. RYUN, CRANE, BARTLETT of Maryland, and FLAKE changed their vote from "aye" to "no."

Messrs. MCDERMOTT, BARRETT of Wisconsin, ROYCE, BENTSEN, STRICKLAND, and MOAKLEY, Ms. HOOLEY of Oregon, and Ms. TAUSCHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD?

Mr. CONYERS. Yes, Mr. Chairman, it was.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 10, after line 15, insert the following new section:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1999 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GOSS. Mr. Chairman, in order to assist Members planning, which we are trying to do, I ask unanimous consent that debate on the Conyers amendment and all amendments thereto be limited to 40 minutes, equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. CONYERS. Mr. Chairman, reserving the right to object, I support a limitation for this reason: This is precisely the same amendment that was offered a year ago, and it received 176 votes. Although we have a lot of speakers, I think the lateness of the hour and the fact that this bill has been brought under the 5-minute rule requires that we accede to the chairman's request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] and the gentleman from Florida [Mr. GOSS] each will control 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is precisely the same one that was voted on last year that makes this modest proposal, that the aggregate amounts of all intelligence agencies be revealed in the President's budget and in the final appropriation for intelligence. It is a simple compilation, and I know some people did know this, of 14 different intelligence agencies in the military budget. It has been examined with great care by the Commission on the Role and Capabilities in the Intelligence Community, chaired by the Secretary, former Secretary of Defense Harold Brown, by Warren Rudman, and even the gentleman from Florida [Mr. GOSS] served with some distinction on this committee. They recommend this.

The Council on Foreign Relations recommends this. In last year's Senate bill, this provision was included. I apologize, it is not radical, it is not revolutionary, it is embarrassingly modest, the aggregate figure of 14 intelligence agencies.

The President of the United States has indicated that he would accede to this request. The ranking member of the Committee on National Security has supported us year after year, so we are only doing what other allies of ours do on this subject. England reveals their aggregate figure, Canada reveals their aggregate figure, Germany reveals their aggregate figure, Australia reveals their aggregate figure. We are moving in the same way that the Framers of the Constitution moved in 1790 and 1793 when they made public disclosure of their aggregate sum even though British spying and counterespionage was at a very intense level.

I urge that Members support the measure. I would like to point out for those who will be spared this argument of why you do not go up to the green room and look at the intelligence figures. First of all, there are 14 of them. This is why only four Members have done this. Second, you are then bound by the House rules of secrecy and who knows what you can or cannot say.

What we are saying is that for two reasons, we need this amendment very badly. One is that we must not undermine the legitimacy of the need for secrecy where it does exist. Second, unless we reveal the aggregate budget, we will not gain the support of the American people.

For those reasons, I urge that we please support this amendment when it comes to a vote.

Mr. Chairman, I rise today to offer a modest but long overdue proposal. My amendment would simply declassify the aggregate amount of the intelligence budget. Specifically, it would require the President to provide an unclassified statement of the bottom-line number of the current appropriated amount and the amount being requested. It would not disclose any operations. It would not reveal any agency budgets. It would simply provide the American taxpayers with information they are clearly entitled to.

The amendment is modeled after my bill, H.R. 753, the Intelligence Budget Accountability Act, a bill with 83 Democratic and Republican cosponsors. That bill, and the amendment I am offering today, seek to implement a key recommendation of a congressionally-mandated Commission on Intelligence Reform.

The Commission on the Roles and Capabilities of the United States Intelligence Community was chaired by former Secretary of Defense Harold Brown and former Republican Senator Warren Rudman. Dr. Brown, who is now at the Center for Strategic and International Studies, and Senator Rudman, who served on the Intelligence Committee, both endorsed the Intelligence Budget Accountability Act in a letter. Even a former Director of Central Intelligence, Stansfield Turner, wrote me a letter supporting my bill. I am submitting all these materials for the RECORD.

I would also like to point out that the gentleman from Florida who is the current chairman of the House Intelligence Committee sat on the Brown-Rudman Commission when it recommended disclosure of the intelligence budget. When the Commission's report came out, the White House publicly declared that "The President is persuaded that disclosure of the annual budget for intelligence should be made public, and that this can be done without any harm to intelligence activities." So my amendment is really a mainstream proposal, with the support of Republicans and Democrats in and out of government.

During my service as chairman of the Government Operations Committee, I became intimately familiar with mounds of classified information and with secrecy policy. I became convinced that too much secrecy is not only counterproductive to our democracy, but it also undermines the credibility of our legitimate secrets.

Another congressionally-mandated study, the Commission on Protecting and Reducing Government Secrecy made some of the same observations. This Commission was chaired by Senator DANIEL PATRICK MOYNIHAN, and the gentleman from Texas who served as the chair of the House Intelligence Committee last year. It observed in its report that "Secrecy exists to protect national security, not government officials and not agencies." It also noted that the expansion of the national security bureaucracy has far outpaced oversight by the public and the Congress.

It's time to stop blurring legitimate secrecy that serves our national defense with arbitrary secrecy that is used to avoid the debate on the balanced budget.

You will likely hear some of my colleagues today say that once we disclose the aggregate figure on the intelligence budget, we'll be starting down a slippery slope. This is absurd. The Defense Appropriations Committee in 1994 accidentally disclosed not only the total figure, but even an agency by agency breakdown. Three years later we're still waiting to hear how that harmed our national security.

You will also likely hear some say today that it is currently within the President's power to disclose the intelligence budget, and if he wants to he can. Talk about debating the chicken and the egg. That is precisely what this amendment would do anyway: require the President to submit an unclassified statement of the current appropriated amount and the current requested amount.

Finally, as a member of the Judiciary Committee, I would like to mention that the Constitution wanted all arms of the government to be fiscally accountable. Article I, section 9, clause 7 states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

I think if the Framers could disclose the aggregate figure of their secret expenditures after the Revolutionary War, then we sure can disclose such a sum after the cold war. I urge a "yes" vote on the amendment.

Mr. Chairman, I include the following:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Budget Accountability Act of 1997".

SEC. 2. PURPOSE.

It is the purpose of this Act to require the publication of the aggregate intelligence budget figure to provide a more thorough accounting of Government expenditures as required by article I, section 9, clause 7 of the Constitution.

SEC. 3. FINDINGS.

The Congress finds that—

(1) article I, section 9, clause 7 of the Constitution states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.";

(2) during the Cold War the United States did not provide to the American people a "regular Statement and Account of the . . . Expenditures" for intelligence activities;

(3) the failure to provide to the American people a statement of the total amount of expenditures on intelligence activities prevents them from participating in an informed, democratic decision concerning the appropriate level for such expenditures; and

(4) the Report of the Commission on the Roles and Capabilities of the United States Intelligence Community recommended the disclosure of "the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year".

SEC. 4. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(31) a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.".

ORIGINAL COSPONSORS

Pete Stark, Lynn Rivers, Luis Gutierrez, Maurice Hinchey, Sam Farr, David Bonior, Earl Blumenauer, George Miller (CA), Bob Filner, Peter DeFazio, Louise Slaughter, Ron Dellums, Nancy Pelosi, Jerrold Nadler, Jim Oberstar, Cynthia McKinney, Mel Watt (NC), Sidney Yates, Nita Lowey, John Olver, Anna Eshoo, Ed Pastor, Nydia Velazquez.

ADDITIONAL COSPONSORS

Norm Dicks, Barney Frank (MA), Bennie Thompson, Eleanor-Holmes Norton, Earl Pomeroy, Sheila Jackson-Lee, Bernie Sanders, Bobby Rush, Jim McGovern, Sander Levin, Lee Hamilton, Bill Luther, John Lewis (GA), Adam Smith (WA), Martin Meehan, Danny Davis (IL), Floyd Flake, Lane Evans, Elizabeth Furse, David Minge, Xavier Becerra, John Tierney, George Brown (CA), Neil Abercrombie, Chaka Fattah, Ron Kind, Debbie Stabenow, Maxine Waters, Diana DeGette, Carolyn Maloney (NY), Tom Allen, Vic Fazio, Ron Paul, Henry Gonzalez, Lucille Roybal-Allard, Tom Barrett (WI), Major Owens, Ted Strickland, William Delahunt, Rod Blagojevich, Carrie Meek, Jim Clyburn, Lynn Woolsey, Dennis Kucinich, William Coyne, Eddie Bernice Johnson, Ellen Tauscher, Chris Shays, Darlene Hooley, Esteban Torres, James Traficant, Charles Rangel, Robert Underwood, John Spratt, David Skaggs, James Maloney (CT), Donna Christian-Green, Joe Kennedy (MA), Alcee Hastings (FL), Julian Dixon (CA), Sam Gejdenson (CT).

HOUSE OF REPRESENTATIVES,
Washington, DC, March 31, 1997.

SUPPORT FISCAL ACCOUNTABILITY: COSPONSOR H.R. 753—THE INTELLIGENCE BUDGET ACCOUNTABILITY ACT

DEAR COLLEAGUE: I recently re-introduced the Intelligence Budget Accountability Act. This bill will make public the total appropriations for the current fiscal year and the total amount being requested for the new fiscal year. The intelligence budget includes funding for the CIA, the National Security Agency and other intelligence services. It also includes funding for the intelligence function of agencies such as the DEA and the FBI. If Congress is going to honestly deal with balancing the budget, it only makes sense that it at least acknowledge the tens of billions of dollars it spends on intelligence every year.

Keeping the intelligence budget secret is unnecessary after the demise of the cold war, unfair to American taxpayers, and inconsistent with the accountability requirements of the Constitution. The Constitution clearly states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." Half a century and hundreds of billions of dollars later, it is time that we begin meeting our obligation to inform the public how their tax dollars are spent.

Official public disclosure of the intelligence budget is long overdue. Last year's Congressionally mandated report to President Clinton by the Brown-Aspin Commission entitled "Preparing for the 21st Century: An Appraisal of U.S. Intelligence" recommended opening up the spy budget. It proposed that "at the beginning of each congressional budget cycle, the President or a designee disclose the total amount of money appropriated for intelligence activities for the current fiscal year . . . and the total amount being requested for the next fiscal year." The Senate Intelligence Committee unsuccessfully sought to implement this recommendation during last year's intelligence authorization process.

A copy of the bill is on the reverse. If you would like to co-sponsor or if you need more information please do not hesitate to contact Mr. Carl LeVan of my staff at 5-5126.

Sincerely,

JOHN CONYERS, Jr.,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 30, 1997.

FORMER DIRECTOR OF CENTRAL INTELLIGENCE STANSFIELD TURNER SUPPORTS MAKING THE INTELLIGENCE BUDGET TOTAL PUBLIC

DEAR COLLEAGUE: We are writing to bring a letter (on the reverse) to your attention from Admiral Stansfield Turner, the former Director of Central Intelligence, and to urge your support for the Intelligence Budget Accountability Act of 1997. This legislation would declassify the aggregate figure—just the bottom line number—of the intelligence budget for the current fiscal year and the amount requested for the next fiscal year.

The intelligence budget includes spending for the CIA and a dozen other agencies with an intelligence function. This figure has been classified by the executive branch since the birth of the modern national security establishment in 1947. We believe, like Admiral Turner, that this multibillion dollar budget can be made public without harm to the national security of the United States.

We hope you will join the growing bipartisan list of members who have decided to co-sponsor H.R. 753. If you have any questions, or would like to co-sponsor, please do not hesitate to call Mr. Carl LeVan in the office of Rep. Conyers at 5-5126.

Sincerely,

JOHN CONYERS, Jr.
LEE HAMILTON.
BILL LUTHER.
Members of Congress.

STANSFIELD TURNER,
February 7, 1997.

Hon. JOHN CONYERS, Jr.,
House of Representatives, Russell House Office Building, Washington, DC.

DEAR REPRESENTATIVE CONYERS: I am pleased that you are again introducing legislation to require the open publication of the aggregate intelligence budget figure.

It has been my opinion since shortly after becoming the Director of Central Intelligence in 1977 that there would be no harm to the country's security in releasing such a figure. I agree fully with the emphasis in the legislation on the importance of all government agencies being accountable to the public. While total accountability may not be feasible in the case of intelligence budget, just one aggregate figure certainly is.

I wish you every success.

Yours,

ADM. STANSFIELD TURNER,
U.S. Navy (retired).

HOUSE OF REPRESENTATIVES,
April 8, 1997.

COMMON SENSE BUDGET ACCOUNTABILITY—H.R. 753, THE INTELLIGENCE BUDGET ACCOUNTABILITY ACT

DEAR COLLEAGUE: I am writing to urge your support of H.R. 753, the Intelligence Budget Accountability Act and to bring a letter (on the reverse) from Taxpayers for Common $ense to your attention. This important legislation, introduced by Representative Conyers and twenty other Members of Congress, would simply declassify the aggregate figure of the intelligence budget.

The intelligence budget, which is widely believed to be over $30 billion a year, has been classified for fifty years. Now that the Cold War is over and the war on the deficit has begun, it is time for a fair accounting of our expenses. As Taxpayers for Common $ense point out in their letter, "the intelligence agencies, just like all other federal agencies, should be accountable to those who pay their bills—the taxpayers."

Unaccountable spending has been a demonstrated problem in the past with the intelligence agencies. For example, we learned in 1994 that the National Reconnaissance Office (NRO), which handles spy satellites, was building a luxurious $300 million complex with an extra fourteen acres. Then the public found out that the NRO had accumulated $4 billion in unspent funds, half of which it had simply lost track of. An unclassified bottom line number of the intelligence spending would help end the excessive secrecy that makes this kind of budget banditry possible.

Certainly if we are serious about balancing the budget, we should know at least in a general way where billions of dollars are spent. Our nation needs to be secure from foreign threats, but our budget process also must maintain a sense of integrity. An official acknowledgment of how much we spend on intelligence would help provide that integrity. H.R. 753 meets this criteria by requiring the current requested and appropriated amounts be unclassified.

If you have any questions or would like to cosponsor, please contact Tim Bromelkamp in the office of Representative Minge at 5-2331 or Carl LeVan in the office of Representative Conyers at 5-5126.

Sincerely,

DAVID MINGE,
Member of Congress.

TAXPAYERS FOR COMMON SENSE,
Washington, DC, March 17, 1997.

TAXPAYERS "NEED TO KNOW" WHERE THE INTELLIGENCE BUDGET GOES—COSPONSOR CONYERS BILL

DEAR REPRESENTATIVE: Taxpayers for Common $ense urge you to cosponsor H.R. 753, the Intelligence Budget Accountability Act. Sponsored by Rep. John Conyers, this bill would require that the aggregate intelligence budget figure be disclosed to the public. The intelligence agencies, just like all other federal agencies, should be accountable to those who pay their bills—the taxpayers.

Disclosing the intelligence agencies' aggregate budget figure does not threaten national security. In 1996, the Congressionally-mandated Brown-Aspin Commission declared that classifying the aggregate budget figure is not a matter of national security and the figure should be disclosed to the public. Both President Clinton and the Senate Intelligence Committee supported the Commission's conclusion. The Conyers bill would simply require that the total amounts requested and currently appropriated for intelligence activities should be unclassified.

The intelligence agencies should not be allowed to keep their multi-billion-dollar budget a secret. At a time when all federal programs are under increased scrutiny and must meticulously account for their spending, it is only fair that the overall level of spending on intelligence be available to the taxpayers. Taxpayers should know the amount spent on intelligence in order to make informed choices regarding the allocation of government funds.

In the military, secrets are shared only with those who "need to know." Taxpayers for Common $ense urges that this same standard be applied to the intelligence budget. Taxpayers pay the intelligence budget, and their support and trust is ultimately the strength of the intelligence services. We urge you to defend the taxpayers' "need to know" where their money goes by supporting the Conyers bill.

Sincerely,

JILL LANCELOT,
Legislative Director.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 22, 1997.

Hon. HAROLD BROWN,
Counselor, Center for Strategic and International Studies, Washington, DC
Hon. WARREN RUDMAN,
Paul Weiss Rifkind Wharton & Garrison, Washington, DC

DEAR DR. BROWN AND SENATOR RUDMAN: Last year the Commission on the Rules and Capabilities of the U.S. Intelligence Community, which you cochaired, submitted its report to the President and the Congress as mandated by the Fiscal Year 1995 Intelligence Authorization Act. One of the Commission's recommendations was the disclosure of the aggregate figure of the intelligence budget. The Intelligence Budget Accountability Act, which we all strongly support, would implement this key recommendation.

The intelligence budget has been classified by the Executive branch since 1947. The Church Committee, the Pike Committee and the Rockefeller Commission in the 1970's all suggested some level of disclosure. Your Commission specifically proposed that "at the beginning of each congressional budget cycle, the President or a designee disclose the total amount of money appropriated for intelligence activities for the current fiscal year and the total amount being requested for the next fiscal year." H.R. 753, a bipartisan bill with 80 cosponsors, is modeled after this recommendation and seeks to implement it precisely as proposed in the Report.

We believe that secrecy is important to effective intelligence, but it needs to be compatible with a democratic form of government. As the Commission pointed out, intelligence agencies need to be responsible "not only to the President, but to the elected representatives of the people, and, ultimately to the people themselves. They are funded by the American taxpayers." We agree with this observation and would like to hear your opinion of the proposed legislation which is enclosed.

Sincerely,

JOHN CONYERS, JR.
RONALD V. DELLUMS.
LEE HAMILTON.
CHRISTOPHER SHAYS.
Members of Congress.

CENTER FOR STRATEGIC &
INTERNATIONAL STUDIES,
Washington, DC, June 2, 1997

Hon. JOHN CONYERS, Jr.,
Hon. RONALD V. DELLUMS,
Hon. LEE HAMILTON,
Hon. CHRISTOPHER SHAYS,
House of Representatives,
Washington, DC.

GENTLEMEN: In response to your letter of May 22, I continue to subscribe to the statement that you quote from the report of the Commission on the Roles and Capabilities of the U.S. Intelligence Community, recommending disclosure of the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year. H.R. 753 appears to meet this criterion and therefore I believe it would accomplish the purpose of the Commission's recommendations. It is important, in my judgment, that no breakdown of the total into its components be made public. Senator Rudman joins me in this response.

Sincerely,

HAROLD BROWN.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary, a gentleman who is well versed on this issue.

Mr. HYDE. Mr. Chairman, with some but not a great deal of reluctance, I rise to oppose the amendment of my good friend from Michigan. Traditionally, the aggregate amount of funds spent to support our intelligence agencies has not been disseminated publicly. It is a classified amount. However, it is not unavailable to this House. There are six committees in Congress that have access to that number, three in the House, three in the other body: The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security. Those committees are set up to receive this information, they are cleared for top secret, and they have the ability to absorb it and to do with it whatever is necessary in our democratic process.

The classified records are available to be looked at. The gentleman from Michigan [Mr. CONYERS] objects to that because you are then bound by an oath of secrecy. Well, then do not go look at it, but you have got six committees in this Congress to get that information.

Why do we keep it secret? It is a mistake to think that the intelligence budgets of these agencies is a static thing. There are bumps. Sometimes it goes up, sometimes it goes down. What does that signify? It means we may be working on an expensive new weapons system, and that information ought not to be made available to those who wish us harm. There is no urgency, there is no need for this to be made public other than to tell the rest of the world or give them a hint as to what we are doing and perhaps even why we are doing it. The amount of money is overseen by six congressional committees bipartisanly. It is available to anybody who has a burning need to know by going and reviewing the classified annex. And so there is no need to violate what has traditionally been the case; that is, keep the aggregate amount confidential, keep it classified so that our adversaries, and believe me there are some out there, do not have an idea or a clue as to what we are working on.

With good wishes to my friend from Michigan, I just think his amendment is wrong and I hope it is defeated.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds, because the amicable nature of the ranking member and the chairman of the Committee on the Judiciary is very close, and I respect his learned judgment. But this time he is up against the Secretary of Defense, the former Secretary of the CIA. The gentleman from Florida [Mr. GOSS] was on this committee as well, the Committee on Foreign Relations in the other body, the framers of the Constitution and 176 of his colleagues.

Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS], the distinguished ranking member of the Permanent Select Committee on Intelligence.

Mr. DICKS. Mr. Chairman, absent a clear national security interest, information should not be classified. In fact, Executive Order 12,958, which governs classification, prohibits classifying information unless to do so is required to protect national security.

I do not think anybody can stand up here tonight and say that disclosing the number, disclosing this number, is going to do anything to harm national security. I do not believe a case can be made that the aggregate budget figure for intelligence meets that standard. The arguments that are made in favor of keeping the budget secret have little to do with the number in question and more to do with the potential damage that could occur if more information were released.

□ 1745

Some people are afraid that public release of the intelligence budget will lead to drastic cuts in intelligence spending. Not only is that an improper reason for classification, but I firmly believe we can defend the overall amount, as we just did, we spent on intelligence as well as we will defend the overall amount we spend on defense. Releasing the aggregate budget total changes business as usual, and some people are understandably uncomfortable with changing the practices of 50 years. But this is not a radical proposition. It is an idea that has been endorsed by two panels of experienced and knowledgeable experts serving on the Aspen Brown Commission and the Council on Foreign Relations.

The overall intelligence budget figure is a significant piece of information by which the American people can judge the operations of their Government. I believe we should tell the American people about how we are spending their hard-earned money. We tell them what the overall number for defense is; I do not see how we can then argue that we cannot tell them what the overall number for intelligence is, and frankly I think it would do a lot to clear up much of the confusion that we have heard today on the floor about what this number is because, as I said earlier, the number that we have heard is inaccurate, significantly inaccurate.

So I rise in strong support of the Conyers amendment. I remember our colleague, Congressman Glickman, who was chairman when we were in the majority, was the first chairman of this committee to strongly endorse this. I think it is time to do it, and I hope we can do it today on a bipartisan basis.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. LEWIS], subcommittee chairman.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I will be brief.

I just want to say to my friend, the gentleman from Washington [Mr. DICKS], who surprises me that he is for disclosing this amount of money, the truth is, of course, the aggregate figures do not tell us anything. They give us a rough idea, but the next step is who is getting what? If we want to know the aggregate, we want to know who is spending it and for what purpose. What is the National Reconnaissance Office spending? What is the CIA spending? What is the DIA spending? And we want to break it down so it means something. That is the next step. The aggregate figure does not really inform us.

But the gentleman and I know it is the opening wedge in a total lay it on the table strategy, what agency is spending how much money, for what systems, and for what covert activity and for what satellites, and what are we spending overseas? And it never ends.

And so that is why it ought to remain secret, in my opinion.

Mr. LEWIS of California. Mr. Chairman, I must say following the remarks of both the gentleman from Washington [Mr. DICKS] and the gentleman from Illinois [Mr. HYDE] I cannot help but be a bit disconcerted by that disconnect, for I am quite surprised at the position of the gentleman from Washington [Mr. DICKS] as well. In the short time, 4 years, that it has been my privilege to serve on this committee, I have become very, very impressed by the fact that America is pretty good at what they do. A combination of my service on the defense subcommittee of Appropriations and this committee tells me that America is more than just leading the world, we are the strength for the future of peace in the world, in no small part because of the work done by many of these agencies. But there is little doubt that those who suggest that the gross number means almost nothing, there is absolutely no doubt in my mind that underlying that is the balance. And it is not the people here in this room who necessarily want to know what may be all of the spending of some of our subagencies involved. It is the people who would be our enemies who would like to have that information.

Excellent work being done by the FBI as well as other agencies relative to controlling the impact of drugs in our society, a tremendous war developing there that will be very important to the future of our youth. Absolutely no question that the impact that we are beginning to have upon potential terrorists is very important as related to this work.

There are those who love to see what our satellites are all about, exactly what they mean and what we are spending. Indeed it is very important that we recognize that it is the people who largely wish America ill who like to have those kinds of details, and because of that I am supporting the chairman's position. I certainly would urge the ranking member to reconsider his position, for America's future is involved in the work that we are about in the Permanent Select Committee on Intelligence.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. DICKS], the frequently talked about ranking member.

Mr. DICKS. Mr. Chairman, I want to say to my friend from California, Mr. LEWIS, and my friend, the gentleman from Illinois, Mr. HYDE, who has served on this committee with great distinction, I still go back to Executive Order 12958 which governs classification. It prohibits classifying information unless to do so is required to protect national security.

Now I do not see how anybody can make a case that this number has anything to do with national security. It is the amount of money we spend on intelligence, but by disclosing it I do not see how we in any way endanger national security, and therefore we cannot classify it.

It is almost an open and shut case, and that is why I think the gentleman from Michigan [Mr. CONYERS] is correct in calling for this to be disclosed.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds because some may be surprised at the gentleman from Washington [Mr. DICKS] but I am not surprised at the gentleman from Illinois [Mr. HYDE]. Mr. HYDE said it makes hardly any difference what the aggregate amount would be. He is worried about what comes after that. Well, we are not legislating about after that, and he is quite right. It does not make any difference.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

I think this is, as the gentleman from Michigan has said, a debate we have had many times, and I tend to believe that not much has changed and the previous wisdom we have had that it is correct, that the matter should remain classified. I realize that the gentleman has quoted the Aspen Brown report, and in fact I did dissent from the vote on that. That was a consensus report. I argued for the position of keeping the matter classified. In that particular group of people, it was not seen that way. Not all of those people have had the same experience that those of us on the Senate committee have had, and there is a legitimate disagreement about this.

The other point I think is very important is that no good deed seems to go unpunished, no matter what we do around here. I would point out, and I am reading from the committee report, the committee has authorized additional resources in the fiscal year 1998 budget for CIA classification management, including declassification activities in support of Executive Order 12958.

Now I know that the gentleman from Massachusetts [Mr. FRANK] has a cutting amendment we are going to hear, and I know the gentleman from Vermont [Mr. SANDERS] had a cutting amendment. Well yes, we did put more money in this bill to get to the declassification question, and I certainly believe as part of the declassification question we ought to be examining the issue that the gentleman from Michigan [Mr. CONYERS] has raised. I think it is a very fair debate to ask and we should do it in a comprehensive way.

So I am totally prepared to say that as part of the initiative of the gentleman from Colorado [Mr. SKAGGS] a very valued member on our committee, to deal with declassification, that this should be part of that study. I just do not want at this point to create an initiative to go forward and say, well, we suddenly made a decision that really is of interest in the beltway, but not for the American people to suddenly declassify this matter. It will be of interest to those who have interests that are inimicable to the United States of America. They would dearly love to have this information. The gentleman from Illinois [Mr. HYDE] is right, it is a slippery slope.

Now I realize that there are some Members who serve on other committees who would love to know what a percentage of the NRO budget is so they can get their hand on a number and say, surely the interests of my committee match this and surely, therefore, we could take a little bit here and put a little bit there. But as the gentleman from Washington [Mr. DICKS] has said, under 602(b) we are still in line, and I think that is extremely important. So my colleagues can rest assured that there is not really any opportunity here, there is no pork here, this is all proper.

The other thing I have got to point out on this besides the slippery slope and the fact that there is not a clamor across this country to have this information, I hardly ever at a town meeting get asked, gee, exactly how much money is being spent on intelligence? Sometimes I get asked exactly what is intelligence doing, and there is this perception that it is all CIA, and as the gentleman from Washington [Mr. DICKS] has properly said earlier in this debate today, it is much, much more. The CIA is indeed a very minor part of it. I am very happy to say it is a minor part of it. I do not think I ought to say specifically what that minor part is though.

The other thing I have got to point out here, the President of the United States in fact can go ahead and release information. He has that ability. The President does not do that. The President has made the choice to keep the matter classified.

Before we go off and do something like this, I think it should be properly studied and have the proper input from our folks in the other part of Government, our sister branch of Government. After all, he is charged with the national security. It is a matter of the Constitution, it is a matter of his specific charge, and he can declassify when he chooses with a stroke of his pen. Every President since Harry Truman has decided to send us the bill with the number classified. I suspect there is a reason for that, and I suspect that we probably ought to take the President and his people into consideration before we go off in a new direction.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for the time.

Our distinguished friend from Illinois has really conceded the point. This proposal will not hurt national security. What will it do? It will enhance our responsibility to the American public for them to have as much information as possible about their government. And I think it is irrelevant whether we get asked at town meetings about this. I happen to, actually. And what does the American public learn? They have a sense of proportion: How much of our resources are we putting to this purpose? They have, I would concede, no particular need to know the details of particular sub-agencies. But it is a legitimate matter for them to have a sense in this large sense what their government is about in the intelligence field relative to other things that they spend their tax money for.

Really all that we have by way of argument against this proposal is the slippery slope argument. What does that really mean? It means that we do not trust future Congresses to exercise judgment about what will and what will not protect the national security of this country.

I think that is a highly rude position to take relative to our successors in these jobs. They will be able to figure this out. They will know whether or not further disclosures make any sense. I do not think that they will err in that judgment, and we can trust them to do so.

On the other hand, the default position always ought to be if this information is not going to damage national security, let us make it available to the public. The real national security issue here is the strength of the democracy and the willingness of the American people to trust a government that is leveling with them whenever it possibly can.

Mr. GOSS. Mr. Chairman, will the gentleman yield for a brief question?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the gentleman from Colorado if the gentleman will yield.

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I believe that the gentleman is exactly on the point that if it does no damage then there is no reason to keep it hidden. That is a very valid point. But it is a point that applies to several other pieces of information, which is exactly why the committee has provided at the gentleman's request, which I totally agree with, conceded to, applauded in committee, that we provide for a study on declassification.

Does the gentleman believe that this should be outside of the study of the declassification that we have provided for, committed funds for and I hope we will have the funds when we get through with this process to proceed with the study.

Mr. SKAGGS. If I can reclaim enough time to respond, I believe, as the gentleman knows, that funding is for looking at past classified information, things that have been sitting in the archives that need additional staffing in order to be able to be reviewed for declassification purposes. That is the real thrust of the funding that we put in the bill for declassification.

□ 1800

Mr. GOSS. Again, if the gentleman will continue to yield, I believe that the question of declassification includes the question of classification, because I think there is great abuse there, as the gentleman has heard me say. I believe this is comprehensive and should be treated as such.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts [Mr. JOHN TIERNEY].

Mr. TIERNEY. Mr. Chairman, I appreciate the efforts of my colleague, the gentleman from Michigan [Mr. CONYERS], and I voice my support for this amendment.

Let me just say that I do not think any of us are not mindful of the comments that are made by our colleagues on the other side of this issue, but the fact of the matter is that the American public are the people that have a burning need to know at least what the aggregate number is in this situation.

The time has come and it is long overdue for us to be able to have a debate with real numbers down here about real issues. We are in the midst of a debate right now in this country and in this House about the amount of money that we are going to be spending on programs, and in fact, with spending constraints on a number of programs, we are told the money just is not there.

The budget these days is a zero sum game. The fact of the matter is that if this is the case, we should have a disclosure so the American public can see what proportion of our budget we are spending on so-called intelligence matters. It ought to be known how many millions or billions of dollars in relation to the rest of our budget is being spent in this area at a time when we have schools that are in need of repair, when we have cities and communities that are in need of development, when we have infrastructure needs that are going unmet, roads, bridges, and airports left unbuilt, the restraint of growth and missing opportunities for job creation, when we have a debate over insuring half of our children and not insuring the other half, and when we continue to fail to debate the idea of having insurance available for all Americans.

The Constitution requires that we have a statement and account of receipts and expenditures for all the money. I think it is an absolute disgrace that we hide here behind secrecy and say that we cannot even tell the American public what the aggregate number is on so-called intelligence matters.

In fact, my colleague from across the aisle indicated that the President may well have authority to release these numbers. In fact, I would agree with the gentleman that he does; that in 1996 he said he favored doing just that. Now we see him waiting for us to move, and they are over there with others saying we are going to wait for him to move.

The American public wants somebody to move off the dime and tell us what those numbers are. He ought to do it, and if he is not going to do it we ought to do it, because simply there is no reason in the world to say that security is involved.

Mr. Chairman, we need to move on this matter. The public has a burning need to know.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the argument that the President can do it and has not done it but he approves of it is not a reason for us not to go ahead and do it. If the gentleman does not object if the President declassifies, then why do not we do it? We were only 30 votes away last year from doing it.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me.

Mr. Chairman, I rise in strong support of the Conyers amendment. In this post-cold-war era it is as important as ever that our Nation maintain an efficient, effective, and trustworthy intelligence apparatus. With national and economic security threats around the world, we must collect accurate information about the activities of countries and organizations that jeopardize our stability.

At the same time, at the end of the cold war we are now provided with the opportunity to be more forthcoming about the money and the resources we spend on intelligence gathering. The Director of the Central Intelligence Agency has already taken steps to make more public the activities of our intelligence agencies. The fact that the general level of intelligence spending is a poorly kept secret only strengthens the argument that it should be publicly disclosed.

As we attempt to balance the Federal budget, we are forced to make decisions about spending priorities. It is important that the American people know how much of their money proportionally is being spent to support the intelligence community, just as they need to know about how much money is spent on Medicare, transportation, and the arts.

I intend to vote for the Intelligence Authorization Act for 1998. I believe it properly funds the important intelligence-related activities of the United States. But I also believe that the American public deserves to know the aggregate amount we are authorizing for these activities. The Conyers amendment is a commonsense proposal that places no threat to our national security. I encourage my colleagues to support this amendment.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I oppose the Conyers amendment, which is intended to force the disclosure of the aggregate total of the intelligence community's budget. I think primarily I oppose it for basic reasons of common sense, that it does not make any sense to disclose this number and let people who would be our enemies know what it is.

But as Chairman GOSS has noted, there are several reasons to oppose it. For example, one could argue that disclosure of the aggregate number is the first step on a slippery slope toward total disclosure of very highly sensitive security information. Chairman GOSS has also made a very persuasive argument that the President already possesses the necessary legal authority, we have heard that discussed, to unilaterally disclose this information without seeking any approval of Congress.

But I would like to particularly address the assertion by some that disclosure is required by the statement and account clause of the Constitution; that is, article I, section 9, clause 7.

Professor Robert F. Turner of the University of Virginia School of Law testified before the Permanent Select Committee on Intelligence on the issue of, and this is his quote, "Secret funding and the 'statement and account' clause" in February 1994.

Professor Turner made a number of legal and historical observations on the statement and account clause which are quite pertinent to today's debate. He said, "The Founding Fathers did not view 'secrecy' as being incompatible with democratic government. One of the first measures adopted by the Constitutional Convention of 1787 was a secrecy rule—without which James Madison said there would have been no Constitution.

"Perhaps the first 'covert action' in which the United States was involved was a 1776 decision by France to secretly transfer 200,000 pounds worth of arms and ammunitions to the colonies for use in their struggle against King George. The offer was reported by secret messenger to Benjamin Franklin, chairman of the Committee of Secret Correspondence of the Continental Congress, and Robert Morris, the only members of the 5-man committee then in town. Given the sensitivity of the matter, they concluded—and here I quote—that 'it is our indispensable duty to keep it secret even from Congress.'

"They set forth several reasons for this decision, including this one—and again I quote—'We find by fatal experience that Congress consists of too many members to keep secrets.'

"It should not come as a surprise to learn that the first Congress in 1790 appropriated a substantial contingent account for the President to use in making foreign affairs and intelligence expenditures, and that Congress expressly exempted the President from any requirement to inform either Congress or the public how those funds were expended. This was the start of a long tradition of 'secret' expenditures."

I believe that Professor Turner has demonstrated in his work that the Founding Fathers did endorse the use of certain secret funds to support the new Nation's intelligence and foreign policy activities. I think Benjamin Franklin would agree that the disclosure of the aggregate funding amount for the intelligence community would indeed be penny-wise and pound-foolish.

I am going to ask at the appropriate time, though I realize it is not now since we are in the time for the amendments, to put Professor Turner's prepared statement on secret funding into the RECORD and when that time comes in the full House I will do so.

I again urge the defeat of the Conyers amendment. I ask that the Members of this body vote down the Conyers amendment. It is a dangerous precedent. We should not adopt it. We do have times and places for secrecy, and the intelligence community is one of those places where it is absolutely imperative.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

As a member of the Committee on Intelligence, I rise in support of the Conyers amendment. This amendment at heart is about accountability and the public's right to know. The amendment supports the underlying belief that the government of this country is and should be accountable to the people of the country.

In today's world there is no rational reason why the American public should be denied information about how much the United States Government is spending on intelligence activities. President Clinton recognized this fact when in April of 1996 he said that the bottom line for intelligence spending should be published. John Deutch, then Director of the Central Intelligence Agency, said that same month, "Disclosure of the annual amount appropriated for intelligence purposes will inform the public and will not in itself harm intelligence activities."

The continued classification of the total amount spent annually on intelligence activity is not only unnecessary, but it is also ridiculous. U.S. intelligence spending is considered by many to be one of Washington's worst-kept secrets. Estimates of intelligence spending appear with some regularity in the press. By continuing to refuse to release the amount publicly, Congress is only serving to fuel suspicions that the government is hiding something.

Those who support openness and accountability in government should support this effort to make our government accountable in one of the last bastions of secrecy, a secrecy that in today's world is unwarranted. In a democratic society citizens have a right to know what their tax dollars support.

In fact, inside the Beltway an estimate of intelligence spending is widely reported, but ordinary citizens are oddly denied this information. I urge my colleagues to support openness and to support the Conyers amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this just in: The reason maybe Chairman GOSS' people do not ever ask him about it, about this financing of the intelligence, is that they do not know that we are not being told. They may not even know that he is being told.

For my dear friend, the gentleman from Florida [Mr. McCOLLUM], again, with whom we have had great discussions about American history, in 1770 and 1773, in those 2 years the intelligence budgets were in the aggregate disclosed. If Members need a more recent time, check in 1994, when the Subcommittee on National Security of the Committee on Appropriations inadvertently released the whole blooming thing and nothing happened.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. ADAM SMITH].

Mr. ADAM SMITH of Washington. Mr. Chairman, I, too, rise in support of the Conyers amendment to disclose the aggregate budget of the Committee on Intelligence to the full public. I think the important thing to remember is the presumption should always be in favor of disclosure.

As I listened to the arguments against, I do not hear anything to rebut that presumption. I think the American public wants to know as much as possible about what we do back here. Part of the reason why this institution has the confidence problem it has with this country is they figure we are keeping stuff from them, that we do not trust them to know what is going on back here, and they feel left out of the process. There should be a strong presumption in letting them into as much of the process as is humanly possible.

If there is some special reason here why that cannot be done, fine. We can explain it and keep it secret. But no special reason has been offered during the course of this debate not to release the aggregate figure that we spend on intelligence in this country.

There have been some camel's nose under the tent arguments about how in the future we might authorize the release of something that would cause a problem, but that is not good enough. That does not rebut the presumption that this body should have to disclose whatever possible to the public. I urge support of the amendment.

Mr. CONYERS. Mr. Chairman, I am privileged to yield 30 seconds to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Chairman, we have an extraordinary event in the world. The entire world has virtually acquiesced to having one superpower. That has never happened in history. It has occurred because the world knows that for the most part our decisions are based on values and on respect for democracy.

Democracy begins at home. A revelation of the amount that we are spending on security is one of the building blocks of the consensus that our power relies upon. Otherwise, it will only be a matter of time, if we do not respect our values, before the rest of the world questions whether there should be one superpower.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Conyers amendment to declassify the size of the Intelligence Budget

There is simply no reason to keep the size of the Intelligence budget hidden.

Former CIA Directors, including John Deutch and Bob Gates, say that it would not harm National Security.

This amendment would not reveal what we spend on individual programs, only on intelligence as a whole.

Other countries, like Israel and Britain, already disclose their spending on intelligence.

It simply serves no purpose to keep the size of the intelligence budget a secret.

At a time when the rest of the Federal Budget is being cut, slashed, and squeezed, the American people ought to know how much of their tax dollars are going to intelligence programs.

By maintaining needless secrecy, we do nothing for American intelligence while keeping secrets from the American people.

Let's bring some sunshine to Government and some honesty to the American people support the Conyers amendment.

Mr. Chairman, It is unnecessary after the end of the cold war to keep the budget secret. Keeping general information like the budget classified undermines the credibility of other information which really needs to be secret.

If we really are serious about balancing the budget, how can we sign a secret, multi-billion dollar blank check every year, with such a minimal public discussion?

Since almost all intelligence spending is hidden in the defense budget, the American people are not only kept in the dark about intelligence spending, they are misled about the real amount of defense spending through false line-items in the defense budget. We need budget integrity.

Porter Goss, the current Chairman of the House Intelligence Committee was a member of the Brown-Aspin (later the Brown-Rudman) Commission that recommended disclosure of the aggregate figure of the intelligence budget. Why should his position change?

The intelligence budget is the worst-kept secret in Washington anyway. Each year it is disclosed dozens of times in the press with no harm done to "national security."

Keeping this budget officially secret while watching it discussed openly in the press adds to a cynicism that the American public has about its government. No-one wants to foster a pessimism that discourages participation in our democracy.

"The President is persuaded that disclosure of the annual total budget for intelligence activities should be made public and that this can be done without any harm to intelligence activities."

With an open intelligence budget, the Director of Central Intelligence and others would be able to better justify the funding it receives from Congress. (A counter-argument might be, for example, that the CIA will not be able to publicly defend its budget because may of its successes are secret.)

Only a handful of Members of Congress actually go look at the intelligence budget (as they are permitted to do). Declassifying the new budget request and the current fiscal year's appropriated amount for purposes of comparison would contribute to a more informed debate.

Releasing the intelligence budget would help make it conform to the ideals for the framers of the Constitution. The Constitution states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

In 1994, Defense Appropriations Subcommittee hearings disclosed almost a complete breakdown of the categories of intelligence spending, which added up to $28 billion. Three years later, we're still waiting to hear how this disclosure harmed "national security.

Similarly, the Brown-Aspin Commission Report recommended disclosure only of the aggregate intelligence budget and no further detail, then inadvertently specified the CIA's budget at $3.1 billion in a graph. (See attached article.)

The *Washington Post* reported that the National Reconnaissance Office, the intelligence agency which manages spy satellites reported a surplus of $3.8 billion that has accumulated over the years from unspent money and bad accounting practices! This is partly the result of a lack of open discussion about intelligence spending. (See attached article.)

While HUD, the Department of Commerce and [insert your favorite agency] are fighting for their life, isn't it only fair that the American people at least know how many of their tax dollars are going to intelligence?.

Taxpayers for Common Sense writes: "At a time when all federal programs are under increased scrutiny and must meticulously account for their spending, it is only fair that the overall level of spending on intelligence be available of the taxpayers. Taxpayers should know the amount spend on intelligence in order to make informed choices regarding the allocation of government funds."

Other democracies such as Israel, Britain, Australia and Canada disclose their intelligence budgets. (FYI: Israel spends less than a billion shekels on the Mossad and the Shin Bet combined.)

Larry Combest, the former Chairman of the Hose Intelligence Committee and last year's lone opponent of budget disclosure, was the vice-chair (with Senator MOYNIHAN) of the Commission on Protecting and Reducing Government Secrecy. While Commission's report, released in March of this year, did not deal directly with the intelligence budget, it noted:

"Secrecy exists to protect national security, not government officials and agencies" (page xxiii).

"[E]xpansion of the Government's national security bureaucracy since the end of World War II and the closed environment in which it has operated have outpaced attempts by Congress and the public to oversee that bureaucracy's activities" (page 49).

There are twelve ranking members who are so-sponsors of H.R. 753, ranging the ideological spectrum, including: Representatives JOHN CONYERS, NORM DICKS, JOHN SPRATT, LEE HAMILTON, GEORGE BROWN, RON DELLUMS, LANE EVANS, SAM GEJDENSON, HENRY GONZALEZ, GEORGE MILLER, JIM OBERSTAR, and CHARLES RANGEL.

□ 1815

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

May I point out that the arguments, the more we go over them each year, the more it becomes clear that there is very little objection to revealing the aggregate budget for the 14 intelligence agencies in our system. It is a practice that is followed by at least four of our allies that I know with no harm. It is like trying to get us to agree to a secret that is already open.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his initiative. To my friend who says this is a slippery slope, we can say what the number is and say, out of that we fund the CIA, the DIA, the NSA, NIMA, right down the line. We do not have to tell them what that second amount is. I think it would do a lot to help the American people understand how many different entities are funded by this budget and how much of it is in the Department of Defense. We have heard all kinds of misstatements here today on the floor. I think we look kind of foolish. Numbers are in the New York Times. They are not that far off. They are wrong but they are not that far off. In my judgment, it is time for us to let the American people know. I think the gentleman deserves to be commended for his initiative.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

The fact of the matter is that for us to say to the American people that they really do not need to know this or that nobody is asking me about it so we will keep it from them is the shallowest kind of presentation to make. We need to know the aggregate amount. I am confident for one that this body will not proceed down a slippery slope. I do not think this body, no matter what we do on this measure today, will further want to break this thing down.

I am not certain that I would support any further disclosure than the revelation of the aggregate amount.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I certainly agree with the gentleman. I would oppose going to the individual amounts, but I think the aggregate will help us with the American people.

Mr. GOSS. Mr. Chairman, I yield myself the balance of my time.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I just wanted to make a point that in the time for general leave, I am going to ask to have the Turner statement with regard to constitutionality inserted right after my remarks during this debate. I know this is not the formal place, but we seem to need to put a place marker in there. I thank the gentleman for yielding to me.

Mr. Chairman, I include the following for the RECORD:

SECRET FUNDING AND THE "STATEMENT AND ACCOUNT" CLAUSE: CONSTITUTIONAL AND POLICY IMPLICATIONS OF PUBLIC DISCLOSURE OF AN AGGREGATE BUDGET FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

(Prepared statement of Prof. Robert F. Turner)

INTRODUCTION

Mr. Chairman, it is a pleasure to be here this afternoon to provide testimony on the constitutional implications of authorizing and appropriating funds for intelligence operations without making the aggregate amount of those funds public. It is a particular pleasure to see you again, Mr. Chairman, whom I have not seen since our work together nearly a decade ago in getting the U.S. Institute of Peace off the ground. I am also pleased to join my old friend Dr. Lou Fisher—who has done landmark scholarship in these areas—and to have a chance to listen to Dr. George Carver, whose work has influenced my own thinking for more than two decades.

I understand that the Committee is considering a proposal that has been around in one form or other for many years to make public the aggregate sum of money appropriated for the various agencies of the Intelligence Community—money which has for nearly half a century been concealed, if public accounts are to be believed,[1] largely within the budget of the Department of Defense.

This practice was authorized by Public Law 81–110, the Central Intelligence Agency Act of 1949, section 5 of which authorizes the Agency to "receive from other Government agencies such sums as may be approved by the Bureau of the Budget [now OMB]" for the performance of authorized functions, and also authorizes "any other Government agency . . . to transfer to . . . the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations."[2] It is perhaps worth noting that this process was agreed to in 1949 by voice vote in the Senate and by a vote of 348 to 4 in the House—with only a single Member of either House speaking in opposition.[3]

Members of this Committee will know the current mechanics of this process far better than I do, but it is my understanding that the precise amounts authorized and appropriated for the Intelligence Community are normally known only to the two intelligence committees and select members of the appropriations committees. I am working from the understanding that all fund provided to the Intelligence Community from the federal treasury have, in fact, been appropriated by law and that the process itself is not contrary to any statute. Thus, the issue I am prepared to address is not whether Congress has agreed to the current funding process; but rather, whether that congressionally established process complies with the requirements of the Constitution.

I do not have a sense that the large majority of Americans are upset at the realization that our government keeps many facts concerning intelligence agencies and their work secret—indeed, I suspect a scientific poll would reveal that most Americans would share my own personal preference that such matters ought not to be made public if there is any reasonable likelihood their disclosure will compromise sensitive sources or methods or in any other manner undermine our security or benefit our nation's enemies.[4]

---

[1] Footnotes at the end of article.

This expectation is predicated upon the assumption that the current practice is consistent with the Constitution; for, if the question were worded "should the Constitution be obeyed," the answer would presumably also be a strong affirmative. So it seems to me that, in deciding whether to change the status quo, the Committee has a two-stage process to undertake:

First, you need to ascertain whether the Constitution requires the publication of the aggregate annual budget for intelligence and intelligence-related activities (or perhaps even a more detailed accounting of those appropriations); and, if the answer is yes, you need to make those figures public.

If the answer to the constitutional question is no, it would seem wise to undertake a thorough policy review to decide whether such figures should nevertheless be made public—and, if so under what constraints or guidelines.

While I understand that my role here this afternoon is to help you answer the first question, with your permission I will also comment briefly upon the broader policy issues.

THE CONSTITUTIONAL ISSUES

Article 1, Section 9, clause 7 of the Constitution provides:

> No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Many respected individuals and groups have concluded on the basis of this language that it is unconstitutional for the Congress not to publish at least the aggregate sum of appropriations for the Intelligence Community.[5] I shall address that issue, but with your permission I would propose to first place the issue in the context of the Founding Fathers' attitude toward secrecy in the areas of foreign intercourse and intelligence. I believe there is a great deal of misunderstanding on this point that may confuse this important debate.

SECRECY, DEMOCRACY, AND THE EARLY AMERICAN EXPERIENCE

There seems to be a common assumption that the Founding Fathers viewed secrecy in government as a terrible evil, a practice quite incompatible with democratic theory. While it is true that they believed that an informed public was essential to democratic government,[6] they were practical men who recognized that intelligence and national security matters often had to be kept secret—not only from the American people, but even from their elected representatives in Congress.

THE COMMITTEE OF SECRET CORRESPONDENCE

The obvious inability of legislative bodies to manage the details of foreign intercourse led the Continental Congress to establish a "Committee of Secret Correspondence" on 29 November 1775.[7] Two weeks later, the Committee dispatched Thomas Story as a secret messenger to France, Holland, and England, with instructions to make contact with a network of unofficial "secret agents" serving the United States in foreign capitals—people like Silas Deane in France and Arthur Lee in England.

After meeting with Lee, Story returned to America and gave this report to the Committee, as recorded in a memorandum dated 1 October 1776 found among the Committee's official papers:

"On my leaving London, Arthur Lee, Esq., requested me to inform the Committee of [Secret] Correspondence that he had had several conferences with the French Ambassador, who had communicated the same to the French court; that in consequence thereof the Duke de Vergennes had sent a gentleman to Mr. Lee, who informed him that the French Court could not think of entering into a war with England, but that they would assist America by sending from Holland this fall two hundred thousand pounds sterling worth of arms and ammunition to St. Eustatius, Martinico, or Cape François. That application was to be made to the Governours or Commandants of those places by inquiring for Monsieur Hortalez, and that on persons properly authorized applying, the above articles would be delivered to them."[8]

This may arguably have been the very first "covert operation" to which the United States was a party, and the secret offer of £200,000 worth of arms was welcome news in America. But it was also recognized as highly sensitive news, and for that reason Benjamin Franklin and the members of the small committee he chaired agreed without dissent that it could not be shared with their colleagues in the Congress. Their memorandum explains:

"The above intelligence was communicated to the subscribers [Franklin and Robert Morris], being the only two members of the Committee of Secret Correspondence now in the city, and our considering the nature and importance of it, we agree in opinion that it is our indispensable duty to keep it secret even from Congress, for the following reasons:

"First, Should it get to the ears of our enemies at New-York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us not only of those succours, but of others expected by the same route.

"Second, as the Court of France have taken measures to negotiate this loan of succour in the most cautious and secret manner, should we divulge it immediately, we may not only lose the present benefit, but also render that Court cautious of any further connection with such unguarded people, and prevent their granting other loans and assistance that we stand in need of, and have directed Mr. Deane to ask of them. For it appears from our intelligence they are not disposed to enter into an immediate war with Britain, although disposed to support us in our contest with them. We therefore think it our duty to cultivate their favourable disposition towards us, draw from them all the support we can, and in the end their private aid must assist to establish peace, or inevitably draw them in as parties to the war.

"Third, *We find by fatal experience that Congress consists of too many members to keep secrets*. . . . [Emphasis added.]"[9]

The memorandum contained the written endorsements of Richard Henry Lee and William Hooper, to whom it had been shown some days later, with the notation that Lee "concur[red] heartily" and Hooper "sincerely approve[d]" of its contents.[10]

JOHN JAY AND FEDERALIST NO. 64

One of the criticisms of American government under the Articles of Confederation was that all functions of government were entrusted to the Congress, which tended to micromanage military and diplomatic affairs and could not keep secrets. Robert R. Livingston agreed to serve as "Secretary of the United States of America for the Department of Foreign Affairs" in February 1782, but by the end of the year he had submitted his resignation in frustration. Nearly two years passed before John Jay was chosen his successor as the "agent" of Congress in diplomatic intercourse; and he, too, was quickly frustrated by such things as the demand of Congress to receive every proposal submitted by the Spanish Chargé during treaty negotiations.[11]

Jay was particularly frustrated by the demands by Congress—which, in the absence of any "executive" organ of government, had exclusive control over war, treaties, and other aspects of the nation's foreign intercourse—for access to confidential information and diplomatic letter. Professor Henry Wriston, in his classic 1929 study, Executive Agents in American Foreign Relations, explains:

> It is interesting, in connection with the submission of Lafayette's letters to Congress, to observe that Jay regarded this as a serious limitation upon the value of the correspondence. *Congress never could keep any matter strictly confidential; someone always babbled.* "The circumstances must undoubtedly be of a great restraint on those public and private characters from whom you would otherwise obtain useful hints and information. I for my part have long experienced the inconvenience of it, and in some instances very sensibly." [Emphasis added.][12]

These frustrations were widely shared, and Jay went on to play a key role both in explaining the Constitution as a co-author of the Federalist Papers and in interpreting it as the nation's first Chief Justice. He took on the issues of secrecy and intelligence squarely in Federalist essay number 64, explaining the benefits of entrusting matters requiring secrecy to the Executive while requiring the approval of two-thirds of the Senate before the President could ratify a completed treaty:

> There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives, and there doubtless are many of both descriptions, who would rely on the secrecy of the president, but who would not confide in that of the senate, and still less in that of a large popular assembly. The convention have done well therefore in so disposing of the power of making treaties, that although the president must in forming them act by the advice and consent of the senate, yet he will be able to manage the business of intelligence in such manner as prudence may suggest.[13]

Jay added, with an allusion to the shortcomings of the Articles of Confederation: "So often and so essentially have we heretofore suffered from the want of secrecy and dispatch, that the Constitution would have been inexcusably defective if no attention had been paid to those objects."[14]

WASHINGTON, THE SENATE, AND CONGRESSIONAL LEAKS

Further contemporary insight into the Founding Fathers' perception that Congress could not keep secrets is found in an informal note made by our first Secretary of State, Thomas Jefferson. Beginning during his service in this capacity, Jefferson made various "notes"—what he called "passing transactions"—to assist his memory. These he later combined into three volumes which we today know as The Anas. The following entry is instructive:

> April 9th, 1792. The President had wished to redeem our captives at Algiers, and to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower House

applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. . . . They said . . . that if the particular sum was voted by the Representatives, it would not be a secret. The President had no confidence in the secresy of the Senate, and did not choose to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. [Emphasis added.][15]

Mr. Chairman, this is an important, if largely forgotten, part of our history. However, in the interest of time, I will mention but one further example of the Founding Fathers' recognition of the value of secrecy: and what example could be more fitting than the Constitutional Convention itself.

THE FEDERAL CONVENTION OF 1787

On 29 May 1787, the fourth day of deliberation,[16] the Constitutional Convention adopted a series of rules as part of the Standing Orders of the House. Rules three through five provided:

That no copy be taken of any entry on the journal during the sitting of the House without the leave of the House.

That members only be permitted to inspect the journal.

That nothing spoken in the House be printed, or otherwise published, or communicated without leave.[17]

The great constitutional historian Clinton Rossiter has described this "so-called secrecy rule" as "the most critical decision of a procedural nature the Convention was ever to make," and notes that "in later years, Madison insisted that 'no Constitution would ever have been adopted by the convention if the debates had been public.'"[18] Indeed, at his insistence, Madison's own important Notes on the convention were not published until 1840, four years after his death and more than half a century after the convention had ended.[19]

Because the debates of the convention were held in secret, and Madison's Notes were thus not available to the people when they ratified the Constitution, such influential contemporary records as the Federalist Papers and state ratification convention debates probably deserve greater weight in interpreting the document as it was understood by the sovereign American people when it was ratified. Nevertheless, Madison's Notes do provide important details about the give-and-take that produced the constitutional text, and they are certainly worthy of study. The entire debate on this issue occupies approximately one page of the hundreds of pages devoted by Madison to the convention proceedings. It occurred only three days before the end of the debate, seemingly as an afterthought, on Friday, 14 September 1787:

Col. [George] Mason moved a clause requiring "that an Account of the public expenditures should be annually published" Mr. Gerry 2^{ded} the motion.

Mr. Gov^{r}. Morris urged that this w^{d}. be impossible in many cases.

Mr. King remarked, that the term expenditures went to every minute shilling. This would be impracticable. Cong^{s}. might indeed make a monthly publication, but it would be in such general statements as wou^{d} afford no satisfactory information.

Mr. Madison proposed to strike out "annually" from the motion & insert "from time to time," which would enjoin the duty of frequent publications and leave enough to the discretion of the Legislature. Require too much and the difficulty will beget a habit of doing nothing. The articles of Confederation require halfyearly publications on this subject. A punctual compliance being often impossible, the practice has ceased altogether.

Mr. Wilson 2^{ded} & supported the motion. Many operations of finance cannot be properly published at certain times.

Mr. Pinkney was in favor of the motion.

Mr. Fitzimmons. It is absolutely impossible to publish expenditures in the full extent of the term.

Mr. Sherman thought "from time to time" the best rule to be given.

"Annual" was struck out—& those words—inserted nem: con:

The motion of Col: Mason so amended was then agreed to nem: con: and added after—"appropriations by law" as follows—"And a regular statement and account of the receipts & expenditures of all public money shall be published from time to time."[20]

It is perhaps worth noting that the issue of "secrecy" had arisen earlier that same day with respect to publishing the journal of each House of Congress,[21] and the statements by Gouverneur Morris (annual publication would be "impossible in many cases"), Madison (on the need for legislative discretion), James Wilson ("Many operations of finance cannot be properly published at certain times")—and others who supported Madison's amendment—may have been made with this concern in mind.

That the need to protect certain secret expenditures was, in fact, a primary underlying rationale for the decision to give Congress discretion as to what expenditures could be made public, and when, becomes clearer from a reading of the debates in the state ratification conventions—especially in the Virginia Convention, where both Mason and Madison were present to revisit the original debate. Colonel Mason took a second bite at the apple during the Virginia Convention, arguing on 17 June 1788 that "the loose expression of 'publication from time to time,' was applicable to any time. It was equally applicable to monthly and septennial periods."[22] He then explained:

The reason urged in favor of this ambiguous expression, was, that there might be some mattes which might require secrecy.

In matters relative to military operations, and foreign negotiations, secrecy was necessary sometimes. But he did not conceive that the receipts and expenditures of the public money ought ever to be concealed. The people, he affirmed, had a right to know the expenditures of their money. But that this expression was so loose, it might be concealed forever from them, and might afford opportunities of misapplying the public money, and sheltering those who did it. He concluded it to be as exceptionable as any clause in so few words could be. [Emphasis added.][23]

As had been the case in Philadelphia, Mason lost this debate. But, by raising the issue again, this time in public debate, he made a useful contribution to our understanding of the "original intent" behind this clause. We now know that the reason Congress was given this discretion was to protect "matters which might require secrecy," that Mason acknowledged that secrecy was sometimes necessary in military and diplomatic matters, and that—even after he warned that this "ambiguous" language might allow Congress to keep some secret expenditures "concealed forever"—Mason's colleagues at the Virginia convention were not persuaded to strengthen the clause and deny Congress this discretion.

THE EARLY PRACTICE OF CONFIDENTIAL EXPENDITURES

Of particular value in trying to understand the original constitutional scheme are the acts of the First Congress, elected in early 1789. Two-thirds of its twenty-two senators and fifty-nine representatives had either been members of the Philadelphia Convention of 1787 or of state ratifying conventions, and only seven of them had opposed ratification. Therefore, their actions are entitled to special weight. As Chief Justice Marshall observed in 1821, in trying to determine the intent of the Founding Fathers "[g]reat weight has always been attached, and very rightly attached, to contemporaneous exposition."[24]

It is therefore noteworthy that the First Congress appropriated a "contingent fund" of $40,000—a considerable sum at the time[25]—for the President to use for special diplomatic agents and other sensitive foreign affairs needs. The statute expressly provided:

"The President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify."[26]

Note the language here—the President was not required to account to Congress "under injunction of secrecy" for sensitive expenditures, he was required simply to inform Congress of the sums expended so that the fund could be replenished as necessary. Congress was not to be told the details, as the Founding Fathers had learned first hand the harm that could be done by "leaks."

It is perhaps worth noting that the contingent account was not only replenished, within three years it was increased to the level of one million dollars—much of it reportedly was used for such expenditures as bribing foreign officials and ransoming hostages.[27]

In this era of Boland Amendments and massive appropriations bills packed with "conditions" it may be difficult to realize that the Founding Fathers envisioned something quite different; but it is important, from time to time, to remind ourselves of the original plan. In an 1804 letter to Secretary of the Treasury Albert Gallatin, President Thomas Jefferson summarized the practice during the nation's first fifteen years:

"The Constitution has made the Executive the organ for managing our intercourse with foreign nations. . . . The Executive being thus charged with the foreign intercourse, no law has undertaken to prescribe its specific duties. . . . [I]t has been the uniform opinion and practice that the whole foreign fund was placed by the Legislature on the footing of a contingent fund, in which they undertake no specifications, but leave the whole to the discretion of the president."[28]

When Jefferson used his contingent account to fund a paramilitary army of Greek and Arab mercenaries to invade Tripoli and pressure its Bey to surrender American hostages, no one seems to have complained that Congress was not informed in advance of the operation.[29] Jefferson's successor, James Madison—a man of some familiarity with the meaning of the Constitution and its "Statement and Account" clause—found that he needed additional funds to underwrite a covert action to gain control over disputed territory between Georgia and Spanish Florida in 1811, so he asked Congress to enact a "secret appropriation" of $100,000 for that purpose. The need for secrecy having passed, the secret appropriation was discretely made public years later, in 1818.[30]

The modern practice arguably dates back to 1941,[31] but official congressional sanction was provided by the Central Intelligence Act of 1949.[32] Over the years a variety of efforts have been made to change the practice, without success.[33] The political forces behind the current effort are considerable—but so much of the rhetoric is premised upon the need to "obey the Constitution" that it is difficult to gave the sentiment on policy grounds alone.

In reality, these constitutional concerns are ill founded. The record behind Article 1, Section 9, clause 7 of the Constitution—whether viewed on the basis of "original intent" or with the gloss of historic practice—clearly establishes that Congress is not required to publish either an aggregate figure of the money it makes available to the Intelligence Community or a more detailed accounting at this time. All of these sums, I gather, have been taken from the Treasury "in consequence of appropriations made by law"—and most apparently have been identified already in broad terms to the public as appropriations for purposes of national security or national defense.

James Mason, to be sure, objected to the argument that the need for "secrecy" required that Congress be left with discretion in this area; but in both the federal and state conventions he made his case and failed to carry the day. The First Congress appropriated a contingent fund for which the President did not even have to disclose his expenditures to Congress; and Madison himself—the "father" of our Constitution and the author of the successful amendment to the "Statement and Account" clause—sought and received a "secret appropriation" that was not revealed to the public for many years.

THE VIEW FROM THE FEDERAL JUDICIARY

Any remaining doubts which might exist should be put to rest by a review of the handling of this issue by federal courts. The issue came before the Supreme Court in United States v. Richardson,[34] but the Court found it unnecessary to reach the merits because the Complainant lacked standing. However, in the course of his majority opinion, Chief Justice Burger reasoned in a footnote:

"Although we need not reach or decide precisely what is meant by 'a regular Statement and Account,' it is clear that Congress has plenary power to exact any reporting and accounting it considers appropriate in the public interest. . . . While the available evidence is neither qualitatively nor quantitatively conclusive, *historical analysis of the genesis of cl. 7 suggests that it was intended to permit some degree of secrecy of governmental operations*. . . .

"Not controlling, but surely *not unimportant, are nearly two centuries of acceptance of a reading of cl. 7 as vesting in Congress plenary power* to spell out the details of precisely when and with what specificity Executive agencies must report the expenditures of appropriated funds and *to exempt certain secret activities from comprehensive public reporting*." [Emphasis added.][35]

Even more significant is the District of Columbia Circuit Court of Appeal's 1980 decision in Halperin v. Central Intelligence Agency,[36] a very useful case for which we are indebted to Mr. Stern's predecessor at the ACLU, my litigious friend Morton Halperin. Following the Supreme Court's holding in Richardson, the D.C. Circuit affirmed the District Court's summary judgment in favor of the CIA. But it went further, addressing the case on the merits, and holding in the alternative that "Congress and the President have discretion, not reviewable by the courts, to require secrecy for expenditures of the type involved in this case."[37]

The Halperin court engaged in a detailed review of Madison's Notes and the state convention debates, concluding that: "Madison's language strongly indicates that he believed that the Statement and Account Clause, following his amendment, would allow government authorities ample discretion to withhold some expenditure items which require secrecy."[38] While noting George Mason's argument that "he did not conceive that the receipts and expenditures of the public money ought ever to be concealed,"[39] the court concluded:

"But the Statement and Account Clause, as adopted and ratified, incorporates the view not of Mason, but rather of his opponents, who desired discretionary secrecy for the expenditures as well as the related operations. . . .

"Viewed as a whole, the debates in the Constitutional Convention and the Virginia ratifying convention convey a very strong impression that the Framers of the Statement and Account Clause intended it to allow discretion to Congress and the President to preserve secrecy for expenditures related to military operations and foreign negotiations. Opponents of the 'from time to time' provision, it is clear, spoke of precisely this effect from its enactment. We have no record of any statements from supporters of the Statement and Account Clause indicating an intent to require disclosure of such expenditures."[40]

Since the Supreme Court elected not to address the issue on the merits in Richardson, the Halperin case remains the authoritative judicial interpretation on this subject.

OPINION OF THE ATTORNEY GENERAL

Finally, Mr. Chairman, although I have not seen it, I understand that Attorney General Griffin Bell was asked by President Carter to consider this issue in depth and to prepare an opinion for the President. He concluding that the current Intelligence Community funding practices are not in conflict with the Constitution.[41]

ISSUE OF POLICY

Mr. Chairman, I believe that the text of the Constitution, the clear intentions of the Founding Fathers, and more than two centuries of consistent practice, support the conclusion that the current practice of concealing appropriations for intelligence activities in the budgets of other agencies is constitutional. As I have indicated, that conclusion has the support of the D.C. Circuit Court of Appeals, and, I am informed, of the Office of the Attorney General. I believe you may rest comfortably on this point, and the only reasons for departing from traditional disclosure practice would be of a policy nature. At this time I would like to turn briefly to some of those considerations.

A PRESUMPTION OF DISCLOSURE

Perhaps first of all, in a free society there ought to be a presumption in favor of openness and the diffusion of knowledge and information. This may reflect my parochial prejudices as a product of Mr. Jefferson's University, but I am reminded both of his caution against trying to remain "ignorant and free,"[42] and more directly his statement that the University of Virginia would be "based on the illimitable freedom of the human mind," and would not be "afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it."[43]

OVERCOMING THE PRESUMPTION

Having said that, I would argue that the most compelling arguments to overcome that presumption of openness are those legitimately based upon the security of the nation. As John Jay noted in Federalist No. 3, "Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first."[44] Similarly, the Supreme Court noted in Haig v. Agee that "it is 'obvious and unarguable' that no governmental interest is more compelling than the security of the Nation."[45]

COMITY AND DEFERENCE TO THE PRESIDENT

In addition, I urge you to recognize that the management of intelligence matters was recognized by the Founding Fathers to be at the core of the President's responsibilities; and, toward this end, I would urge you not to decide to disclose these figures if the President asks that they be kept confidential. To do otherwise would depart from two centuries of precedent. I don't know the preferences of the current Administration on this issue, but I urge you to give them the weight that comity among the branches would warrant.

BALANCING THE INTERESTS

Ultimately, if the President does not object, I would suggest that you apply a balancing test in reaching your decision. You are entertaining a motion to depart from a practice dating back in some respects to the earliest days of our country, and in others to the creation of the agencies you are charged with overseeing. The proponents of change ought to be expected to justify a departure from these well-established practices—and their constitutional arguments are unpersuasive.

Ask yourselves first, what real benefit to the American people or our system of government will likely result from disclosing the aggregate intelligence budget. How meaningful will this one figure be to our citizens? Presumably the sums are already disclosed under the broad "National Defense" budgetary category. Will any identifiable good be served by publicly identifying a portion of that larger sum as being earmarked for "intelligence and intelligence-related activities?" Would the result of these efforts not be, to borrow from the argument Rufus King made in objecting to a mandatory annual statements, "such general statements as would afford no satisfactory information."[46]

AN AGGREGATE FIGURE WILL NOT SATISFY THE CRITICS

You can be certain that releasing a single, aggregate figure will not satisfy those who are demanding meaningful information about the Intelligence Community. In 1974 a student note in the New York University Journal of International Law and Politics, for example, concluded that "Not only may the Constitution mandate the reporting of CIA expenditures to Congress as a whole, but it may even require publication of the CIA budget."[47] Similarly, a 1975 note in the Yale Law Journal argued that "Even a lump-sum appropriation and disclosure would prevent both Congress and the public from fixing or analyzing internal priorities within the CIA; it would also be impossible to determine if there has been waste, corruption, or spending prohibited by statute or by the Constitution."[48] The observation would seem sound, and once you start releasing details it will probably become more difficult to draw any bright lines. Ultimately, the very existence of a separate intelligence committee may be called into doubt as your colleagues and the critics demand more and more details and become frustrated with your inexplicably selective cooperation.

EXPOSING YOUR BUDGET TO "SHARK" ATTACKS

It strikes me that the most likely result of such a disclosure from the standpoint of the American taxpayer is that this large chunk of money will become highly vulnerable to attack as the budgetary belt is tightened. While Americans may overwhelmingly favor having an effective intelligence service and a strong defense establishment, when it comes down to your being pressured to cut jobs and benefits programs in your districts or taking a few million here and there from this gross "intelligence" account—money which will have little clearly identifiable short-term benefits to constituent groups—the intelligence budget is going to be placed at risk.

And then, I suspect, you are going to be asked to "justify" such a large budget—and you are either going to have to start "telling secrets" or you will face amendments to cut your aggregate budget by 2% here and 3% there so the money can go for health care, education, and other special interests that have far more extensive and effective PR operations than do the agencies you are charged with overseeing. I don't think any of us want to have the CIA or NSA "propagandizing" the American voters to pressure Congress for adequate funding; and because of that handicap I suggest that you have a special responsibility to the American people not to allow their intelligence services to be compromised in order to appease more politically powerful special interest groups.

Candidly, I don't see much in the way of identifiable benefits from disclosing the current aggregate Intelligence Community budget. Perhaps they are there—but the burden of proof ought to be placed upon those who are advocating the change.

INTELLIGENCE COMMUNITY BUDGET FIGURES OUGHT EVENTUALLY TO BE MADE PUBLIC

This is not to say, however, that these figures ought to remain perpetual secrets. On the contrary, I can think of no reason why the sums made available to the Central Intelligence Agency and other components of the Intelligence Community in the 1940s, 1950, and 1960s ought not be made public at this time (if that has not already been done). I don't know whether the delay ought to be three decades, two decades, or even less—but I would be inclined to defer to the judgment of the President and the DCI in making such a policy decision.

LIVES AND FREEDOM ARE AT STAKE

Finally, if you can identify genuine benefits to the American people of disclosing this information, you need to ask what harm might reasonably be foreseen to result from such a change—and to weight any such harm against the perceived benefits. Perhaps I am in the minority today, but I believe that when the security of the nation may be at stake we ought to act with a presumption of caution and secrecy. The fact that the rest of the world follows that practice is not proof of its wisdom—but it should give us justification to pause, at least briefly, before moving off in a radically new direction.

Some experts have argued what has been called the "conspicuous bump theory"—suggesting that a foreign intelligence service might be able to confirm the existence of an expensive new program or technology by spotting a change in the CIA or Intelligence Community budget. Former DCI William Colby—a man of great wisdom and integrity, who has decades of relevant experience on which to judge—has suggested that the introduction of the U-2 program produced just such a "bump" in our budget.[49]

I am not privy to the future plans of the Intelligence Community or the current details of its budget, and I can certainly not identify any particular development that might be compromised by publishing an aggregate figure—but I can certainly conceive of such a development. Indeed, I can conceive of a decision of such a development. Indeed, I can conceive of a decision by the United States to curtail intelligence spending dramatically—requiring the termination of programs in many Third World countries—and I can project that public release of figures showing a dramatic drop in funding might well lead a potentially hostile foreign leader to conclude that he no longer needed to abide by his NPT commitments because the Americans no longer had adequate resources to keep good track of his activities.

THE INTELLIGENCE "JIG-SAW PUZZLE"

The business of intelligence gathering is in many respects much like putting together a jig-saw puzzle. If you are looking at the United States, you certainly want to subscribe to the Congressional Record and Aviation Week & Space Technology, and also to attend scientific conferences and carefully review the latest Statistical Abstract and some of the thousands of other government publications that might reveal some of the many pieces to the puzzle. When you see areas where you are missing key pieces, perhaps you pay off a secretary, seduce a file clerk, break in to a hotel room while an international conference is in session to rifle a briefcase or two, and perhaps eavesdrop on a few million telephone calls. Much of your efforts are fruitless, but more and more of the puzzle falls into place as each week goes by. The ones that remain "critically important" are the ones you do not have.

That makes the counter-intelligence function a difficult one; because, without knowing what pieces of the puzzle one's adversaries have already acquired, it is virtually impossible to identify any size piece as being "vital" to U.S. security interests. And yet, quite possibly, almost any single piece of the puzzle could be the critical part that allows our enemies to break an important code and do us harm. Thus, the tradition has developed that the intelligence business ought, even in a democracy, be cloaked in a web of secrecy.

Over the years, this Committee and your Senate counterpart have taken testimony from a number of former DCIs and other experts asking what specific harm they could identify that would result from disclosing the aggregate intelligence budget. Many, if not most, of them, I gather, have said they could not point to clearly identifiable harm. Others have urged you not to make the figures public.

I wonder if it might have been useful to ask them another question. Ask them how much they would pay to have the annual aggregate intelligence budget figures for countries like the former Soviet Union, Cuba, Libya, Iran, Iraq, or North Korea. Would these figures be of interest to them? Might the trends in these figures over a decade or more be helpful to them? If they say "no," then I would be less concerned.

CONCLUSION

Mr. Chairman, let me close with the observation that this is an important issue. Other than making us feel good—a byproduct, perhaps, of the strange but all too prevalent belief that keeping secrets from our nation's enemies is somehow "un-American," "dirty," or even "evil"—I don't believe that publishing the aggregate intelligence budget is going to benefit very many Americans. It may make a few super hawks feel relieved that we are throwing enough money at the problem,[50] I suspect Oliver Stone and others who believe that the United States is an evil force in the world may buy a few extra cases of Malox, and some of your constituents may even accept the allegation that you will have somehow "saved the Constitution"[51] by passing such a disclosure requirement. But most Americans simply don't know enough about the Intelligence business, about how this money is actually being spent, to be able to evaluate a figure presumably in the tens of billions of dollars.

The most likely consequence of publishing an unsupported aggregate figure is that it will become a sitting duck for colleagues seeking accounts to cut in order to satisfy the demands of special interest constituent groups without further adding to the deficit. You will then be forced to choose between further breaking down the intelligence budget—and then being asked, at minimum, to provide public justification for any future increases—or watching the very important sum of money you are charged with overseeing ripped apart as some of your colleagues go on a feeding frenzy. Members of Congress who do not understand the important business of intelligence—and, equally importantly, who know that this large account can't be publicly defended without disclosing details that its champions will not wish to reveal to our nation's enemies—are likely to argue that their pet "pork" project can easily be funded by just taking a few hundred thousand dollars from this vast "intelligence" account—charging the DCI with finding a little more "fat" to trim from his presumably bloated bureaucracy. It could give a whole new meaning to the term "graymail"—defend your budget on the merits in public by compromising secrets, or watch large chunks of it vanish before your eyes.

The Intelligence Community could easily suffer the fate of the prized sausage the fabled German butcher is said to have left displayed unguarded on his counter while he swept out one afternoon. He returned to find that a tiny slice had been taken while he was away; but, noting its small size, he concluded it really didn't matter all that much. An hours later, when he returned from his storeroom, he found another piece was gone. This continued for several days. Each missing slice, after all, was quite modest in size and could hardly be said to have destroyed the value of the whole. Little by little, the prized sausage vanished. Pretty soon, only a small piece of string was left—and that wasn't worth fighting for either.

In a very real sense, the Intelligence Community budget is as defenseless as the sausage in the fable. We don't want the CIA "propagandizing" the public to pressure Congress for additional funds, and we know they can't discuss the important details of their work without harming their effectiveness even if they wanted to do so. They provide "services" to Americans of incalculable value, by helping to keep the world peaceful and identifying threats to our security sufficiently early that we can address them without having to expend the lives of our young men and women in uniform.

Thanks to our Intelligence Community, we learned about the existence of Soviet missiles in Cuba in 1962, and about dangerous nuclear weapons and ballistic missile threats from North Korea three decades later. Each of you could probably add numerous other examples, because you have been entrusted with special access to information that must be denied to the rest of us. But, when the sharks come, you will be precluded by your promise of secrecy from mentioning those examples in public debate. How can you possibly expect to convince your colleagues not to earmark a couple of hundred thousand dollars for a new public building to honor the beloved Tip O'Neil, a few million dollars for a powerful committee chairman's favorite hospital—perhaps to fund some promising AIDS research—or perhaps to pay for the unanticipated earthquake relief needs in Los Angeles?

It would not surprise me if some of your constituents would vote to shut down the entire Intelligence Community if the money saved could rescue one small child trapped in a well, to ease the suffering on a pediatric cancer ward, or to take a real "bite" out of crime. After all, the Cold War is over—and many Americans couldn't find North Korea on a map without great effort. One of the nice things about being outside the policy process is that most Americans don't have to worry about long-term strategic solvency or the risks that lurk around the corner in an increasingly complex and not yet safe world. They elected you to represent them in deciding how to allocate the nation's limited resources, and in this regard I would remind you of the famous 1774 speech to the Electors of Bristol, in which Edmund Burke observed: "Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

Because of your membership on this important Committee, you have a special duty—not only to the constituents in your individual districts, but to all of the American people—to oversee and pass judgment upon the work of the Intelligence Community. This system has worked well, in general, by having your colleagues rely upon you to make recommendations based upon the special information to which you are given access. Most of your colleagues hesitate to second-guess your judgments, because they know they lack your expertise. Simply gratuitously tossing out an aggregate budget sum—a figure presumably in the tens of billions of dollars—may well break some of the mystique that has helped guard these critically important funds from the sharks in the past.

As I have said, the potential consequences are great. Imagine the lives that might have been saved had we been able to prevent the Pearl Harbor surprise attack. Consider what might have happened had we not learned of the Soviet nuclear missiles in Cuba. How many more Americans might have died in the gulf during Operation Desert Storm had it not been for the information we were able to gain from our overhead platforms?

Information provided by the American Intelligence Community reportedly helped to convince the International Atomic Energy Agency that North Korea was violating its treaty commitments under the NPT—and that may allow us to avoid a nuclear confrontation in East Asia that could either engulf U.S. forces in South Korea or, in the alternative, provoke Japan to become a nuclear weapons State and undermine the Nuclear Non-Proliferation Treaty. As we meet here today, American intelligence assets are presumably monitoring the efforts by Libya to build new poison gas facilities that could fuel further terrorism and undermine our interests and the cause of peace in the coming years.

Mr. Chairman, the job which you and your colleagues on this Committee have accepted is not an easy one. Today, the American people are still rejoicing at the end of the Cold War. They are turning inward, looking for "peace dividends." But you have a greater responsibility than simply pandering to their short-term desires. You must decide what national resources ought to be allocated to the intelligence functions, and then you must try to protect those funds in a very competitive budget process.

If you err, and the nation is left unprotected, American soldiers may well pay with their lives for your frugality. The stakes in this game are high: they are measured in human lives and individual freedom. In this regard, you may wish to keep in mind that the American people are not very forgiving when their elected representatives fail in their duty to protect the nation's security—even when their actions are initially fully in accord with the public opinion polls. Few of the isolationists who tied President Roosevelt's hands in the 1930s in the name of "peace" and "neutrality" survived the elections following Pearl Harbor, an event which itself might have been prevented by a serious national intelligence collection effort.[52]

In the backlash to Watergate and Vietnam two decades ago, the American public turned against the Intelligence Community—egged on, I would add, by irresponsible charges from the Hill that the CIA had become a "rogue elephant."[53] Our elected representatives responded by cutting back on funding and reducing intelligence assets in several areas—in particular we reduced money for HUMINT in such "unimportant" areas as El Salvador. I need not emphasize that by 1981 that cutback had proven to be a costly mistake—both in terms of undermining our efforts to assist a neighbor resist an externally-supported Leninist insurgency and our campaign for important human rights objectives.

When Iranian militants seized American hostages in Tehran in 1979, the American people wanted quick action. Support for the CIA shot up dramatically in the polls. Some of the reductions that had been made in the mid-seventies seemed hard to explain, and the voters turned out an administration in Washington that had, for the most part, been very much in tune with the neo-isolationist sentiments of the Nation prior to the "wake up call" from the Ayatollah Khomeini

The Cold War is now over, but, if anything, the world is a far more complex reality than was the case when Moscow held the strings to many of its problem children. The existence of radical regimes like those in North Korea, Iraq, Iran, Libya, the Sudan—to name a few—combined with the growth of ultra nationalism in Eastern Europe, the growing threat of proliferation of weapons of mass destruction, and our own obvious vulnerability to international terrorism, make it more important than ever for us to have a strong and effective Intelligence Community. Human lives are at stake in the decisions you make—not only those of our soldiers, but also those of secretaries and office workers who may find themselves in situations like the World Trade Center bombing.

You invited me here to address the rather technical question of whether the Constitution requires the publication of an aggregate budget figure for the Intelligence Community. My answer is that it clearly does not—a view consistent with more than two centuries of established practice, and one shared by the federal judiciary and at least the Carter Administration's Justice Department. In contrast, it is worth noting that in 1977, when your colleagues in the Senate studied this issue and concluded that the aggregate budget should be released, they relied upon three law review articles (all written in the wake of Watergate and the emotions of the Church and Pike Committee investigations) in concluding that "the legal commentators outside the government who have studied this clause and publicly commented have concluded that it requires disclosure of at least an aggregate figure for intelligence activities."[54] What they did not disclose—and what most of the Senators quite probably did not realize—is that each of the three law review articles were nothing more than "Notes" written by law students.[55]

The Constitution clearly does not require you to release current aggregate appropriation figures for the intelligence community at this time. Whether to do so is entirely within the discretion of the Congress. That leaves you with the policy question of whether to publish such a figure for other reasons. For the reasons already stated, I urge you to consider the pros and cons of that issue very carefully before making a decision. I honestly believe it would prove to be a tragic mistake.

Thank you, Mr. Chairman. That concludes my statement.

FOOTNOTES

[1] Perhaps the most detailed public account I have seen to date is TIM WEINER, BLANK CHECK: THE PENTAGON'S BLACK BUDGET (1990).

[2] 50 U.S.C.A. §403 f (a).

[3] Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?*, 2 HAST. CONST. L. Q. 717, 731–32 (1975).

[4] I have not had time to search to see if such polls have been taken, but I recall that during the height of the Gulf War the polls showed overwhelming support for the restrictions placed by the military upon the press.

[5] The "Church Committee' concluded "that publication of the aggregate figure for national intelligence would begin to satisfy the Constitutional requirement and would not damage the national security." *Quoted in*, SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST 2 (95th Cong., 1st sess., Sen. Rep't 95-274 (1977). The "Rockefeller Commission" identified this as an issue warranting congressional consideration. COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES, REPORT TO THE PRESIDENT 81 (1975). There have also been several "Notes," written by law students, reaching this conclusion. See, *e.g.*, *Fiscal Oversight of the Central Intelligence Agency: Can Accountability and Confidentiality Coexist?*, 7 N.Y.U.J. INT'L L. & POLITICS 493-(1974); *The CIA's Secret Funding and the Constitution*, 84 YALE L. J. 608 (1975); and Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?*, 2 HAST. CONST. L. Q. 717 (1975).

[6] Presumably every school child is familiar with Jefferson's famous maxim that, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." 14 WRITINGS OF THOMAS JEFFERSON 384 (Mem ed. 1903). Only slightly less popular is Madison's warning that "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a tragedy; or, perhaps both. Knowledge will forever govern ignorance. And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives." 9 THE WRITINGS OF JAMES MADISON 103 (Gaillard Hunt, ed. 1910).

[7] 3 JOURNALS OF THE CONTINENTAL CONGRESS 392 (1904–14).

[8] "Verbal statement of Thomas Story to the Committee," 2 P. FORCE, AMERICAN ARCHIVES: A DOCUMENTARY HISTORY OF THE NORTH AMERICAN COLONIES, Fifth Series, 818–19 (1837–53). For reasons of readability, I have departed from the practice of italicizing most of the proper nouns followed in the original.

[9] *Id.* at 819.

[10] *Id.*

[11] An excellent discussion of this period is contained in HENRY MERRITT WRISTON, EXECUTIVE AGENTS IN AMERICAN FOREIGN RELATIONS 18–22 (1929).

[12] *Id.* at 23. The internal quotation is cited to a letter from Jay to Thomas Jefferson (then Minister to Paris) dated 24 April 1787.

[13] The FEDERALIST, No. 64 at 434–35 (Jacob E. Cooke, ed. 1961) (J. Jay) (emphasis added). Jay's contribution to understanding the Constitution in this essay can not be understated. Discussing Jay's subsequent role in explaining the meaning of the Constitution—and, specifically, this essay—University of Washington Professor Arthur Bestor (hardly a champion of strong executive power) has observed: "In this contribution to the *Federalist* Jay was of course examining the completed Constitution, not offering suggestions to those about to frame it. As an interpretation of the original intent of the document. Jay's essay is of the highest importance. *His diplomatic experience commencing* with his appointment as minister to Spain in 1779; followed by his participation, as one of the commissioners, in the negotiation of peace with Great Britain; and continuing, from 1784 on, with his service as Secretary of the United States for the department of Foreign Affairs—*fitted him better than anyone else to judge the intended effect of the new Constitution both on the actual process of negotiation and on the character of the relationship that would have to be maintained between executive and legislative authorities.*" Bestor, *Separation of Powers in the Domain of Foreign Affairs*, 4 SEATON HALL L. REV. 527, 532–33 (1974). Professor Gordon Baldwin concludes: "John Jay, an experienced attorney and diplomat, suggested that intelligence gathering arrangements are within the sole power of the President. In his view, they are a purely executive function linked to the treaty negotiation process, and the information so gained need not be reported to Congress." Gordon Baldwin, *Congressional Power to Demand Disclosure of Foreign Intelligence Agreements*, 3 BROOKLYN J. INT'L L. 1, 17 (1976).

[14] *Federalist* No. 64.

[15] THE COMPLETE ANAS OF THOMAS JEFFERSON 72–73 (Franklin B. Sawvel, ed. 1903). This document also appears in 1 THE WRITINGS OF THOMAS JEFFERSON 191 (Paul Ford, ed., 1892).

[16] The Convention was to begin on the second Monday in May (14 May), but a quorum did not arrive until the 25th.

[17] 1 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 15 (1966).

[18] CLINTON ROSSITER, 1787: THE GRAND CONVENTION 167 (1966).

[19] FARRAND, THE RECORDS OF THE FEDERAL CONVENTION, SUPRA note 17, at xv.

[20] James Madison, 2 "The Journal of the Constitutional Convention," in 4 THE WRITINGS OF JAMES MADISON 456–57 (Gaillard Hunt, ed. 1903). With only minor changes in punctuation and typography, this same debate appears in 2 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 at 618–19 (1966).

[21] 4 WRITINGS OF JAMES MADISON 449–50; 2 FARRAND, RECORDS OF THE FEDERAL CONVENTION 613.

[22] 3 FARRAND, RECORDS OF THE FEDERAL CONVENTION 326.

[23] *Id.*

[24] *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 418 (1821).

[25] Not being privy to the budgetary figures for the Central Intelligence Agency I can not say with certainty, but I suspect this 1790 appropriation provided the President with a larger portion of the federal budget than is today allocated to the CIA.

[26] Act of 1 July 1790, 1 Stat. 129 (1790).

[27] Ed Sayle, *The Historical Underpinnings of the U.S. Intelligence Community*, 1 INTERNATIONAL JOURNAL OF INTELLIGENCE AND COUNTERINTELLIGENCE 9 (1986).

[28] 11 THE WRITINGS OF THOMAS JEFFERSON 5, 9, 10 (Mem. ed. 1904). For a discussion of Jefferson's theory that the "executive power" clause of Article II, section 1, had vested in the President the entire business of external intercourse save for the expressed grants to Congress and the Senate (such as the power of the Senate to approve nominations and treaties, and the veto given Congress over a decision to initiate an offensive "war")—a view shared by Washington, Hamilton, Jay, Marshall, and others—see ROBERT F. TURNER, REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY 47–107 (1991).

[29] I discuss this incident in some detail in a forthcoming book.

[30] 3 Stat. 471 (1818).

[31] President Roosevelt appointed "Wild Bill" Donovan as "Coordinator of Information"—which led directly to the OSS and CIA—on 18 June of that year, and funding for the Manhattan Project apparently began around 9 October. *See* TIM WEINER, BLANK CHECK: THE PENTAGON'S BLACK BUDGET 19, 113 (1990).

[32] 63 Stat 208, Pub. L. 81-110, codified at 50 U.S.C.A. §403 et seq.

[33] The most noteworthy of these, perhaps, was the effort by the Senate Select Committee on Intelligence to change the practice in 1977. While a majority of the committee voted for that end, the dispute was apparently so heated that no one brought the measure to the floor.

[34] 418 U.S. 166 (1974).

[35] 418 U.S. at 178 n.11.

[36] 629 F.2d 144 (D.C. Cir. 1980). Another useful case from the same circuit is *Harrington* v. *Bush*, 553 F.2d. 190 (D.C. Cir. 1977), in which the court rejected on standing grounds a similar challenge brought by a Member of Congress, and in the process concluded with respect to the "regular Statement and Account" clause: "This clause is not self-defining and Congress has plenary power to give meaning to the provision. . . . Since Congressional power is plenary with respect to the definition of the appropriations process and reporting requirements, the legislature is free to establish exceptions to this general framework, as has been done with respect to the CIA." *Id.* at 194–95.

[37] 629 F.2d at 162.

[38] *Id.* at 155.

[39] *Id.*

[40] *Id.* at 156.

[41] Letter from President Carter to the Senate Select Committee on Intelligence, *quoted in* SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST at 6.

[42] *Quoted supra*, note 6.

[43] 15 THE WRITINGS OF THOMAS JEFFERSON 303 (Mem. ed. 1903).

[44] FEDERALIST NO. 3 at 13–14 (Jacob E. Cooke, ed. 1961) (emphasis in original).

[45] 453 U.S. 280 (1981).

[46] *See supra*, text accompanying note 20.

[47] *Fiscal Oversight of the Central Intelligence Agency: Can Accountability and Confidentiality Coexist?*, 7 N.Y.U. J. INT'L L. & POLITICS 493, 521 (1974).

[48] *The CIA's Secret Funding and the Constitution*, 84 YALE L. J. 608, 633 n.137 (1975). Keep in mind that the Church Committee said "publication of the aggregate figure . . . would *begin* to satisfy the Constitutional requirement . . . [emphasis added]." *See supra*, note 5.

[49] SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST 8.

[50] Without further details, no one will be able to make an intelligent judgment about the wisdom of the expenditures contained in the aggregate figure; and I predict that if you do release such a figure you will be forced to break it down further (at least by agency or category) within a few years.

[51] If your primary interest is in upholding the Constitution, I can suggest any of a number of measures Congress might take toward that end—such as repealing the 1973 War Powers Resolution, which even Senator George Mitchell admits is unconstitutional, or repealing some of the hundreds of new "legislative vetoes" that have been enacted after the 1983 Supreme Court decision (*INS. v. Chadha*) declaring such measures to be unconstitutional. *See, e.g.*, ROBERT F. TURNER, REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY (1991).

[52] *See, e.g.*, 95 CONG. REC. 1948 (1949) (remarks by Sen. Tydings), *cited in* Douglas P. Elliott, *Cloak and Ledger: Is CIA Funding Constitutional?*, 2 HAST. CONST. L.Q. 717, 729 (1975).

[53] To be sure, the Intelligence Community engaged in activities that most of us today would consider improper—but even Senator Church ultimately acknowledged that the "rogue elephant" metaphor he coined was inaccurate and the Community has been following instructions from the nation's elected political leaders.

[54] SENATE SELECT COMMITTEE ON INTELLIGENCE, REPORT ON WHETHER DISCLOSURE OF FUNDS FOR THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES IS IN THE PUBLIC INTEREST at 4 n.6.

[55] The student Notes in question are cited *supra*, note 5.

Mr. GOSS. Mr. Chairman, this is one of the situations where there is a lot of misinformation, a lot of perception, a lot of misperception frankly. There clearly is a slippery slope here, because the gentleman from Michigan's amendment talks about the annual statement of the total amount for intelligence expenditures. The problem with that is that if we give a number and we say these are intelligence expenditures, then we have to start defining what is intelligence. It is not exactly what other people think it is going to be. We will have to start paring out different programs and different functions to determine what we mean.

Are you talking about the amount we spend on national security? That should surely be a big number. It is required in the Constitution. That is something the Federal Government does. Are we talking about the intelligence function in national security? And if so, what does that number mean and what specifically does it include and what does it leave out? What is intelligence? Is the State Department gathering of information or reading Le Figaro, is that part of intelligence? Is that open source intelligence or not? You have to start making further descriptions and definitions. That is the slippery slope.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think this bill is intelligence. We are the ones that just authorized it. So that is pretty much what it is.

Mr. GOSS. Mr. Chairman, I quite agree. The gentlewoman from California said one of the worst kept secrets in Washington is the intelligence budget. One of the worst kept secrets in Washington is, what is the intelligence part of the intelligence budget? What is the intelligence part of the defense budget?

Some have said that we are hiding something from Americans. We are not trying to hide anything from Americans. We are trying to keep some secrets from our enemies. That is true. We are trying to do that. But I would point out to those who say we are trying to hide something from Americans, we have a representative form of government. This is democracy at its finest in the world. Those of us here represent those of us abroad in our land.

Those of us on the committee are charged with the responsibility of oversight. It was not always such good oversight. It is very good oversight now, and we are accountable. I would say we are hiding nothing from the Americans because there is no American that I would look at right in the eye and say, we are spending the money as wisely and as well as we can and as appropriately as we can. Fifteen men and women, good and true, making that decision about what our intelligence needs are at this time, I have no problem with that. I think that is entirely reasonable.

When I go beyond that and start talking about specifics, I start removing some of the confusion the enemy seize out there. I think confusion to our enemies is not a bad thing. It is somewhat Biblical, in fact. I think it has worked very well over in the past. I do not see the game. If it is accountability, the accountability is there. We already have it.

The final point of the gentlewoman from California, the President is somehow waiting for the signal; whoever made that statement, perhaps it was not the gentlewoman from California, let me tell my colleagues that it was President Clinton himself who classified the number when he sent his budget submission to Congress in March. It was not the Congress. We do not have the authority to classify anything. It is the executive branch that classifies things.

We are putting money in our bill to examine the question of declassification because we are properly concerned about it. That also in my view means abuse of classification. I know that takes place. So I would suggest the right way to deal with this is to go to the comprehensive study we have called for in our bill, that we have provided for in our bill, authorized funds for and I hope we will get those funds from the appropriators, and I believe we are and that we proceed in an orderly way. That way we protect national security. We provide for accountability. And we give the President and his people the opportunity to chime in on the debate.

Mr. Chairman, I urge a "no" vote on the Conyers amendment.

Mr. STARK. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 1775, the Intelligence Authorization Act of 1997.

There is no reason for the intelligence budget to be classified information. How can we justify a multibillion—or is it more—blank check every year without adequate oversight and minimum public discussion?

If this Congress is serious about balancing the budget, we should not throw money into an unaccountable hole. Since almost all of the intelligence spending is hidden within the defense budget, we are misled about the real amount of intelligence spending through false line items in the defense budget. We must have budget integrity.

The intelligence budget is routinely reported by the media without compromising national security. When the Government keeps this open secret clandestinely hidden, the American public grows increasingly cynical about their Government.

I believe that our intelligence community could better justify the funding they receive from Congress with a disclosed budget. In the same vein, the intelligence community could help to balance the budget by submitting their funding to the same scrutiny faced by domestic priorities.

This amendment is about accountability and the public's right to know. There is no reason to keep this information from a full and open debate.

I urge my colleagues to support the Conyers amendment.

Mr. FARR of California. Mr. Chairman, I rise today in support of the Conyers amendment to declassify the size of our Nation's intelligence budget.

It makes no sense to keep the size of our intelligence budget a secret. It would not threaten our national security. Several former Directors of the Central Intelligence Agency and the bipartisan Brown-Aspin Commission have agreed that disclosure of the aggregate intelligence budget would not reduce our Nation's security. In fact, many other countries disclose the amount they spend on intelligence, with no impact on their own nation's security.

But what such secrecy does do is keep our own citizens in the dark. At a time when so many programs are being drastically reduced in the name of deficit reduction, the American taxpayer isn't even told how much is being spent on intelligence programs.

I am a proud cosponsor of H.R. 753, the Intelligence Budget Accountability Act, which would declassify the aggregate intelligence budget. This is long overdue, and I urge adoption of the Conyers amendment to the Intelligence Authorization Act to accomplish this important goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 237, not voting 5, as follows:

[Roll No. 254]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Riggs
Rivers
Roemer
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey

NOES—237

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus

Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Bass
Edwards
Schiff
Towns
Yates

□ 1851

Mr. BOB SMITH of Oregon, Mr. BOB SCHAFFER of Colorado, and Mr. GILMAN changed their vote from "aye" to "no."

Mr. MANTON and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a brief statement to make about a matter in the bill; and then I believe the chairman will be asking unanimous consent to deal with the program for the rest of the evening. I just wanted Members to be alerted to that. I will be brief.

I just want to talk for a minute about something that is referenced in our report concerning the nonacoustic submarine warfare research program that is conducted by an office under the Assistant Secretary of Defense responsible for intelligence. It is generally referred to by the acronym ASAP, the Advanced Sensor Application Program.

It was created by Congress, and we have always insisted that it be managed independently of the Navy. We have recently learned that there is an effort underway by the Navy and elements within OSD to transfer this program to Navy management, in direct contravention of years of consistent guidance from Congress.

This came too late to be incorporated into our bill, but I want to the make Members aware of it. There is guidance regarding this program in our report. Most particularly, this language was drafted to repeat the congressional intent, and I quote, that "we have repeatedly addressed the need to maintain two separate independent but coordinated nonacoustic submarine warfare programs within the Department of Defense." And it goes on to state that, "ASAP is expected to continue investigating advanced technology in nonacoustical anti-submarine warfare."

Mr. Chairman, in my view, this is very important and precludes the Department from transferring this program to the Navy. I think that is the correct course. We have a great deal riding on maintaining the small insurance program in our nonacoustical anti-submarine warfare research programs.

Mr. GOSS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. McINNIS], having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1775), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I rise to make a unanimous consent request which I think will be of great interest to all Members, concerning what we expect to be the events of the next hour and a half or so.

I ask unanimous consent that during further consideration of H.R. 1775, pursuant to House Resolution 179, the Chairman of the Committee of the Whole may, (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the time for electronic voting on the first in any series of questions shall be a minimum of 15 minutes.

I further would like to explain my unanimous consent request, Mr. Chairman, by saying that my understanding and part of the unanimous consent request is that the remaining amendments, which I will outline, on H.R. 1775, my understanding, the Frank amendment and all amendments thereto would be considered for a total of 30 minutes, that would be 15 minutes a side; that the Waters amendment that has to do with the Los Angeles drug problem be limited to 60 minutes, that would be 30 minutes a side, and all amendments thereto, if that amendment is in fact in order, which I am not certain about at this time; and that the Waters Amendment No. 2 and all amendments thereto, which has to do with the Gulf war chemical warfare amendment, be limited to 60 minutes, 30 minutes a side.

That would, by my judgment, wrap up all of the amendments that we have provided, then to get back to the normal motions to recommit and closing out the bill in the normal way. I believe that if there is no opposition to our unanimous consent request, that would ensure Members until approximately 8:30, probably thereafter, before we would have the rolled votes; and that is my unanimous consent request.

I would be very happy to yield if there is a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DICKS. Mr. Speaker, reserving the right to object, is it my understanding that the chairman on the second amendment might have a substitute amendment?

Mr. GOSS. Mr. Speaker, if the gentleman will yield, if the gentleman is referring to the Waters second amendment, which is the one on the Gulf war chemical warfare problem, the gentleman is correct. There is a substitute amendment that will be offered and that, indeed, could extend the time out.

Mr. DICKS. Further reserving the right to object, Mr. Speaker, do we understand that we would roll the votes and we would have a 15-minute vote followed by two 5-minute votes if there were 3 votes requested? Is that the understanding?

Mr. GOSS. If the gentleman would yield further, my understanding is that the first vote in the series would have to be a 15-minute vote and all subsequent votes would be 5 minutes. It is hard for me to say how many there will be because there is a germaneness question on one of these; and my substitute I would not think would take very long.

I am told that there is confusion about whether my substitute is included in the 60 minutes that is set aside for Waters 2.

Mr. DICKS. Mr. Speaker, I thought it was 60 minutes with all amendments thereto.

Mr. GOSS. Mr. Speaker, if the gentleman would continue to yield, that is my understanding. I want to make sure that that is the understanding of the gentlewoman from California (Ms. Waters) also. In that case, there is no misunderstanding.

Mr. DICKS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Chair would clarify that the Gulf war amendment is amendment No. 6 by the gentlewoman from California [Ms. WATERS].

Mr. GOSS. I am sure the Speaker is correct on that.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1900

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore (Mr. McInnis). Pursuant to House Resolution 179 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1775.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. Thornberry in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 offered by the gentleman from Michigan [Mr. Conyers] had been disposed of.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT NO. 3 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to offer an amendment that was printed in the Record. I ask unanimous consent because I, relying on advice I was given earlier, thought that we were going to have amendments in order at any time. Therefore, I missed the specific time. I ask unanimous consent to offer an amendment which is covered by the time agreement articulated by the gentleman from Florida.

The CHAIRMAN. Is there objection to amending title I of the bill at this point?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. Frank of Massachusetts:

Page 6, after line 24, insert the following new section:

SEC. 105. REDUCTION IN FISCAL YEAR 1998 INTELLIGENCE BUDGET.

(a) Reduction.—The amount obligated for activities for which funds are authorized to be appropriated by this Act (including the classified Schedule of Authorizations referred to in section 102(a)) may not exceed—

(1) the amount that the bill H.R. 1775, as reported in the House of Representatives in the 105th Congress, authorizes for such activities for fiscal year 1998, reduced by

(2) the amount equal to 0.7 percent of such authorization.

(b) Exception.—The amounts appropriated pursuant to section 201 for the Central Intelligence Agency Retirement and Disability Fund may not be reduced by reason of subsection (a).

(c) Transfer and Reprogramming Authority.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the limitation required by subsection (a) by transferring amounts among accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Under a previous order of the House, the gentleman from Massachusetts [Mr. Frank] and a Member opposed, the gentleman from Florida [Mr. Goss], will each control 15 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume. I thank the chairman and ranking member for allowing me to offer this amendment, although because of the misinformation I missed the time.

We had a long debate about cutting this. We now have a shorter one because we have got a time agreement. The amendment I offer would reduce the authorization by 0.7 percent, seven-tenths of 1 percent. I cannot tell the Members how much that is in dollars because there might be a spy that knows algebra and if a spy knew algebra he could take 0.7, he could multiply, he could do some other things and he would know the total. I certainly would not want to violate the law by indicating the total. So in deference to the algebraic literate Iranians who may be lurking, I will tell any Member who comes to me privately what the dollar amount is. Let me say it is significant. Seven-tenths of 1 percent does not look like a lot, but we are not dealing here with the NEA or the CPB or low-income fuel assistance. We are here dealing with national security, which means it is serious money. So I will be glad to tell people how much we are talking about. I cannot tell it publicly because they are listening. What I am proposing to do is to reduce this to the amount the President requested.

We have had conversations about how the amount was reduced. Ten years ago, we faced a heavily nuclear armed Soviet Union. Fortunately, we no longer have that serious problem. Indeed, the greatest intelligence problem in Europe in the months and years ahead may be to keep track of just how many countries have joined NATO. We certainly have had a substantial reduction in the threat, and we have not had a remotely commensurate reduction in the spending.

I happen to believe that the administration has given in and asked for too much in the national security area, but I accept the judgment of the House, we are not going to make any substantial reduction of the sort I voted for. But I do not understand how we could vote to raise what the President has requested for this item. Because, remember, we are in the zero sum game situation of the budget deal, and every $10 or $100 or $200 million by which we raise what the President has asked for in this account, we must reduce somewhere else. We must reduce elsewhere in defense or we must reduce in transportation. Members here almost voted to increase transportation. So the question before us is, shall we at this point increase by a significant albeit unstatable sum what the President has asked for for intelligence, knowing that we do this at the cost of other important items?

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. Young], the distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. The proponent of the amendment is suggesting it is a small amount, it is only 0.7 percent, but what the gentleman assumes with this amendment is the members of the Permanent Select Committee on Intelligence did not pay attention to what was being done when this bill was being marked up. The truth of the matter is that under the chairmanship of the gentleman from Florida [Mr. Goss] and the leadership of the gentleman from Washington [Mr. Dicks], the ranking minority member, the members of this committee, and the staff looked at every item in this bill and looked at it closely to see where we needed to add or to see where we could save a few dollars to try to come in with as low a number as possible. I think we did a pretty good job. My job as chairman of the appropriations Subcommittee on National Security, the chairman's responsibility, and all the Members of this Congress, our responsibility to our Nation, to the people that we represent, is to keep the Nation secure, and that requires a very effective intelligence community to establish worldwide information that we need. And who needs it? Not only do people at the Pentagon, not only the people at the CIA but the soldiers in the field need it, the people that we send to battle need intelligence. Would it not be a shame to send somebody into combat and not provide them the necessary intelligence?

That is what we are trying to do, is to have an effective intelligence operation, to guarantee a commitment that I and many of my colleagues have made over the years that we are not going to be willing to send an American into a hostile situation unless we know we have done the best to provide him with the best training, with the best equipment, the best technology and the best intelligence, and knowledge of the situation. That is what we are doing here today. We are trying to guarantee that our soldiers and those responsible for our Nation's security have the intelligence, the knowledge that they need. We have done the very best we could to get as much for the money. I would say that the committee has done a good job, and I compliment the leadership of the committee. I would hope that the Members of the House would be willing to vote a strong no on this amendment as they did on the Sanders amendment earlier this evening.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes. I understand that the chairman, a hardworking diligent chairman of an appropriations subcommittee would argue that we never should change what his committee does. I understand that. I do not think, however, that we should treat every amendment to an appropriations or an authorization bill as a vote of confidence.

I have great confidence in the gentleman from Florida and the gentleman from Washington, but the argument of the gentleman from Florida is that once the committee has done the work, in fact, I do not know why we are here, let us just ratify what the committees do. He argues that my amendment would endanger the troops. Apparently General Shalikashvili did not think so. Secretary Cohen did not think so. The Director of the CIA did not think so, assuming we had one at the time. You are never sure over there.

The fact is that I am proposing what the administration asks for. As much as I agree that the committee did its work, I am unprepared to conclude that the administration and the National Security Council and the Secretary of Defense and all the others did not do their work. So we are not talking here about blind guesses. We are talking about choosing between the administration's figure and this figure.

Second, it is very clear that we could cut 0.7 percent without in any way endangering military intelligence. The intelligence agencies, the CIA in particular, went on a little job hunt after the Soviet Union collapsed. They were a little underemployed, I think. They have now become the source of economic intelligence. I believe we do better with the free market in terms of economic intelligence.

This amendment says the President will reduce after reporting to the committees, and I want to make one statement that I promised betrays no national security. We can cut 0.7 percent of this without in any way endangering military intelligence, tactical, strategic battlefield, global, et cetera. The CIA does a number of other things. It does some better than other intelligence agencies do.

The President and the national security advisers, I believe, cannot be accused of endangering the troops, and that is what this amendment would carry out.

Mr. GOSS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished chairman of the Committee on National Security.

Mr. SPENCE. I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 1775 specifically supports future military needs in terms of planning, operations, and force protection. Part of this support includes making sure that this Nation understands the nature of the threat that we face. For tomorrow's forces as well as the population at large, our major concern is the proliferation of weapons of mass destruction.

The intelligence community plays a vital role in detecting and monitoring the proliferation of weapons of mass destruction. Numerous intelligence sources, including imagery, signals and human intelligence, provide vital information to policymakers and military commanders who must determine ways to deter, prevent, halt or seize the transfer of weapons of mass destruction and associated technologies.

A recently released CIA report on foreign countries' acquisition of technology useful for the development or production of weapons of mass destruction highlights the national security threat posed by the spread of such weapons of mass destruction and technology. This report reveals the following, and I would like to take it one at a time.

Iran aggressively continues to acquire all types of weapons of mass destruction, technology and advanced conventional weapons. China and Russia have been primary sources for missile-related goods, while China and India supply the bulk of Iran's chemical weapons equipment.

During the last half of 1996, China was the most significant supplier of weapons of mass destruction related goods and technology to foreign countries, especially to Iran and Pakistan. China provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs and to their nuclear programs.

In the last half of 1996, Russia supplied a variety of ballistic missile-related goods to foreign countries, especially to Iran. Russia also was an important source for nuclear programs in Iran and to a lesser extent India and Pakistan.

The intelligence community must focus a great deal of effort on monitoring such activities. The fiscal year 1998 intelligence authorization bill will help the intelligence community in its nonproliferation efforts by encouraging investments in new technologies and encouraging the community to work together as a more flexible corporate whole.

Mr. Chairman, I do not believe that it is prudent to make indiscriminate cuts to intelligence programs that the oversight committees have carefully reviewed and recommended to this body.

□ 1915

Consequently I oppose the gentleman's amendment, and I encourage my colleagues to vote "no" as well.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI], a current member of the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Chairman, I was afraid the gentleman from Massachusetts was announcing my resignation from the committee without my knowledge. I thank the gentleman for yielding this time to me, and, yes, I do rise as a member of the House Permanent Select Committee on Intelligence in support of the gentleman's amendment. I think it is a commonsense amendment that is well-thought-out and worthy of the support of our colleagues.

As a member of the committee I with great reluctance voted against the Sanders amendment, which I think deserved this House's attention because it was a big cut, an across-the-board cut, not giving the discretion to the director or to the community to designate where that cut would come from. That was a 10-percent cut; this is a 0.7-percent cut, less than 1 percent.

Certainly, while every other aspect of this budget is subjected to the harsh scrutiny of fiscal responsibility, certainly there is 0.7 percent in the intelligence budget that can be cut, and that will be done, according to this amendment, by the intelligence community, by the director reporting to the committee and, of course, with the approval of the President of the United States, the No. 1 consumer of intelligence in our country, and this figure, the 0.7 percent reduction in the budget, represents the President's request.

Mr. Chairman, certainly we want the President to have all of the intelligence he needs to make the important and crucial decisions for our country, whether they relate to the proliferation of weapons of mass destruction or issues relating to our own military and their activities. So by giving the discretion to the Director of Central Intelligence, our colleague, the gentleman from Massachusetts [Mr. FRANK] says that this cut can be nonmilitary. Certainly there is 0.7 percent in nonmilitary spending, answering the challenge that one of our other colleagues made that this will hurt our troops in the field. I do not think that General Shalikashvili had that in mind when he supported the administration's request for this figure which I cannot mention, but that it is a 0.7 percent reduction.

As some of my colleagues have mentioned, we need information. Intelligence is information, but it is not raw data. It is information that is gathered and then has analysis performed upon it, and then when it is intelligence it is presented to its consumers, which are the military and policy makers in our country. And as I have said, our commander in chief, our President of the United States, is the biggest consumer of this intelligence information and the most important one. So why would the President be asking for an intelligence budget that was less than he needed?

I supported the Conyers amendment earlier to disclose the aggregate figure of the intelligence budget because I thought, I believed, that the intelligence community should make that figure known to the American people so that it can be accountable for that figure, only the aggregate figure. While every other, as I say, item in this budget has to answer and be accountable to the American people, why does not the intelligence community have to do that as well? Is it because it cannot, in order to resist a small cut of less than 1 percent, if the full figure were divulged, it would have to justify why it could not absorb a 0.7 percent decrease.

I think today we are making some mistakes here. We should be accountable to the American people by disclosing the aggregate figure. We rejected that. But certainly this body should be able to support the administration's request, the request of the leading consumer of intelligence in this country, the President of the United States, for his budget number, and I urge my colleagues to support the Frank amendment.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], a former member of the committee, a very valuable member of the House Committee on International Relations and the chairman of the North Atlantic Assembly Delegation of this body.

Mr. BEREUTER. Mr. Chairman, I oppose the Frank amendment. This is a case of data-free analysis. It is not based on an assessment of the work of the committee or the needs of the intelligence community. Now admittedly it is difficult for Members to make that kind of an assessment, but we give a special responsibility and privilege to Members of this House to serve 6, now 8 years on the Permanent Select Committee on Intelligence, to make the tough decisions, to make an assessment about what is appropriate. And we rotate them off the committee so they cannot become co-opted, so they are objective. Also I would point out that this is the recommendation of the intelligence authorization committee by unanimous vote.

Now some supporters of cuts in intelligence funding say that since the end of the cold war there is no longer the national security threat. Actually there is, but it is more diverse. The one that we face today is more complicated. Today's problems include terrorism, proliferation of weapons of mass destruction, instability, and the foreign intelligence threat which has not gone away.

Now in May of this year I had the privilege of leading a North Atlantic Assembly delegation to the Aviano NATO base in Italy, and I saw some dramatic improvements we are making which are going to help our tactical leaders on any future battlefield. There have been big changes since the Persian Gulf war. If we ever have to face combat again, in the Balkans or wherever, the kind of intelligence changes we are spending our money on now are going to be making a big, big difference on the safety and success of our troops and other military, naval, and air force personnel.

When I was on the committee I focused during the last 3 or 4 years on high-technology issues, and I would tell my colleagues that our intelligence expenditures in that area protects and serves well our military and our intelligence community. We must protect against the espionage or theft of advanced technologies that represent huge investments of our defense dollars. The files of the Intelligence Committee are replete with stories of how the intelligence community saved tens of millions of dollars for the defense acquisition community by protecting against our technological lead in military and intelligence matters.

I would also say that we cannot talk much about the security threats that we have solved, and about the terrorism threats that we have met. But, for example, we can talk about Ramsi Youssef, who was involved in the World Trade Center bombing. Without the intervention of the Intelligence Committee he successfully would have simultaneously bombed a number of planes crossing the Pacific. We were able to intervene there because of our intelligence capability to stop that threat and save not just hundreds of lives but probably thousands of lives.

So the intelligence protects against the intelligence theft of valuable proprietary investments. The committee has repeatedly encouraged us to adequately fund this area.

Let me say that what committee assessment has shown in budgetary and programmatic shortfalls. Clearly in the current budget environment the President of the committee cannot address all of the needs. What this budget represents is a good-faith effort by the Members we have given the responsibility for this whole House of Representatives to make an assessment about the kind of increases or modest adjustments in our intelligence budget meets the most critical needs. If the Frank amendment passes, funding for some modernization, for training and improved intelligence collection, and especially analysis, will be sacrificed. We are not going to lose it all for we are making progress, but there are dramatic improvements that can be made without this amount of additional money that the committee has recommended.

I urge my colleagues to support the recommendations of the Permanent Select Committee on Intelligence unanimously approved by this authorizing committee and approve them.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

The argument for committee infallibility continues to lack any persuasive effect. The gentleman said I am offering an amendment without analysis. I am offering the President's budget. I very much have to disagree that the President and the National Security Council and the Central Intelligence Agency and the Defense Intelligence Agency and the Joint Chiefs did no analysis. That simply is not worthy of consideration. The argument is that our committee, which we designated, is infallible, and the administration and all of the people involved in national security did no informational work here at all.

The gentleman mentioned that we need to protect private investment. Well, I would disagree that that is an absolute national security priority. I just voted in committee for the Export-Import Bank, to protect it, but the argument that we have got to in a secret budget fund economists and others to analyze economics and that once the committee has put its imprimatur on the figure it is unchallengeable is simply not sensible.

I do think we have a right to say given the priorities, given priorities in the environment and law enforcement on the streets and other things, all of which are hurting in this budget, we would rather not put an extra *x* hundred million dollars into economic analysis by the intelligence people. We may tell people that they can do their own security checking when they are investing. And no, I do not equate terrorism with economic investment, and I insist that the 0.7 percent can come out of areas that have zero, zero to do with physical security, zero to do with the military, zero to do with proliferation. They clearly are doing much more than 0.7 percent in a whole lot of other areas.

But I simply have to reject this notion that what the committee did must be accepted and we dismiss as somehow totally improvident and endangering our troops what the administration proposed.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished ranking member himself, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. I appreciate the gentleman's yielding this time to me, and without fear of disclosure here my good friend from Massachusetts [Mr. FRANK], and he and I voted together on disclosing the overall number, but he asked me a very important question. He asked me how much the intelligence budget has been cut in nominal terms and figuring inflation.

Now this does not violate any intelligence prohibitions. I want to tell my colleagues that between 1992 and 1997 in nominal terms the cut is 13.4 percent. In real terms, considering a 2-percent inflation rate, which is very, very low, the cut has been 21.4 percent. So I would point out to our colleagues we have cut this budget. We have also cut defense by about 40 percent.

Now I still believe that intelligence is a force multiplier. By being able to use these national technical means, being able to use UAV's, by getting this information to our commanders, we can save American lives, and I believe that we carefully went through this budget. We added some money, we cut some money, and Mr. YOUNG is here. We did the same thing over the last 2 days in the Appropriations Subcommittee on National Security. So we do not always agree with everything the President does. We see some areas, for example, in analysis where we think more needs to be done. We added money for that.

So I would urge the committee to stay with the recommendations of our bipartisan Permanent Select Committee on Intelligence. Fifteen members voted for this, and I think that the right thing to do is to stay with that recommendation, I would stress again when you consider inflation, we've cut this budget by 21.4 percent since 1992.

□ 1930

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] is recognized for 4 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Washington for his candor. He just said the committee, the infallible, highly respected committee, added money in analysis. So that means we can cut their additions without affecting technical means, without affecting battlefield intelligence. So we are fighting now over the sanctity of the economic and political analysis.

I submit to those of us who have seen this that we are not here endangering anybody's security. We are talking about the extent to which we get political judgments made and economic judgments made. That is what is at issue.

The gentleman said that the amount has been cut in nominal terms, in dollars, 13 percent. He also used a 21 percent real figure, but I have to tell the gentleman, as he knows, his Republican colleagues with whom he is allied on this measure do not accept that. We have people who say, none of this inflation stuff, a cut is a cut. So the argument that we cut by not meeting inflation, he should understand, is repudiated by the honest gentlemen on the other side.

They would certainly never claim that we give an inflation factor for defense and not for Medicare. These are people who repudiate the notion that we fail to keep Medicare up with inflation, you are cutting it, and the gentleman would not want to get them in trouble by arguing contrariwise here.

So then the question is, is it outrageous that we reduce in dollars 13 percent from 1992? The 1992 budget formulated in 1991 was still formulated at a time that was the height of the cold war. The Soviet Union was crumbling. We were not sure of that then.

I agree that terrorism is a problem, but terrorism is not a new problem. There was terrorism in 1982. There was terrorism in 1989; the bombing in Lebanon; terrible things have happened. Terrorism is not a new problem. Nuclear proliferation is not a new problem. India and Pakistan did not get their nuclear weapons a week ago. All those things were there, and we had the heavily armed Soviet Union and the Warsaw Pact. So I would submit that there has been a reduction in the physical threat the United States faces of greater than 13 percent.

I think the capacity of our enemies, particularly the Soviet Union, to damage us has been more than 13 percent. I think when the Warsaw Pact nations switched sides, when Poland, and Hungary, and the Czech Republic go from being our enemies, as we consider them to be in 1980's and early 1990's to being on our side, that is more than a 13 percent reduction in the real threat.

We have a difficult budget situation. We will be underfunding by most measures COPS on the streets. Yes, there are dangers to Americans, but there are dangers to most Americans more immediately, unfortunately, in their own communities from a handful of criminals who terrorize them. We have provided in the past the Federal money to help that. That competes with this.

Money for transportation safety competes with this. Money to clean up the environment, to undo Superfund, competes with this. Money to help poor elderly people heat their homes competes with this.

The question is not in the abstract, is it a good idea to have an extra couple of hundred million, $300 million, whatever, $150 million, I have to disguise it, million. The question is, do we increase the analysis capacity, the economic analysis capacity of the intelligence community over the recommendation of the administration, and take that money from other programs?

If Members vote against this amendment and they vote to give the intelligence community this extra analysis money, I hope Members will be good enough to make that clear when people come to them and say, I would like more money for NIH, more money for cancer research, for COPS on the streets. When Members say to them, I am sorry, I agree but I cannot afford it, have the grace to tell them that one of the reasons we cannot afford it is that we gave this money to the intelligence community over and above what was asked for, because that is what is at issue.

We are talking about a zero sum game. If Members vote to give more than was asked to the intelligence community, more than was asked by the enemies community and the President and his national security advisors, explain to people what we are taking that away from.

Mr. GOSS. Mr. Chairman, I yield 30 minutes to the distinguished ranking member, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the only thing I would want to maybe say to my friend, the gentleman from Massachusetts [Mr. FRANK], is that if we take the money away from the intelligence community, that money is not going to go to NIH, it is not going to go to Medicare or Medicaid. It is going to go to defense spending. That is where it is going to go. It is going to go to somewhere else in the defense budget, because under the 602(b), the defense budget is there. We do not take money from it and move it somewhere else. It is going to be either intelligence or something else in defense. We think that this is the right balance between the two.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment assumes that the Permanent Select Committee on Intelligence just simply plussed up the program funding without regard to the merits of the program, without due deliberation, and simply because we wanted to increase the numbers. That is not true. If we cut 0.7 percent, we do not get the President's budget. We added, we cut, we changed programs, we did all kinds of things. We are not at the President's budget. We are not at the President's program. There may be a number that is similar but we do not have a program that is similar.

We have a program that provides more security for Americans, American interests, whether they are here or abroad, than the President's program does because this House and our Founding Fathers in their divine wisdom created balance of power, oversight, and our opportunity to check and balance with each other. We have a better product as a result of this.

I am proud of our product and I think it is better than what I believe is not thoughtless, a well-intentioned, but an amendment that does come out without sufficient thought to what happens, because a disproportionate share of the gentleman's amendment will fall to important parts of the program; because we have to spend a very large part for architecture, which everybody knows. And 0.7 percent of architecture means one thing, and 0.7 percent of something else which is very small but vital means something else. I do not want to get in that position.

I think we have been extremely thoughtful, and I think that as the gentleman understands the classified documents that we have worked with, as well as the nonclassified, and goes through them all, he would have to come to the same conclusion.

Mr. Chairman, the Permanent Select Committee on Intelligence looked at all the programs we went into. I tried to explain that across-the-board cuts like this do not get into the kind of cost-benefit assessment we did on a program-by-program basis, which is what we do and what we certainly did, and the record will show.

I think to be totally honest, when we go across the board in a cut like this, basically, to be honest, I think an approach that goes to a 0.7-percent reduction gets us to a lack of critical examination and intellectual rigor. It just simply is a number, like 10 percent, 5 percent, 50 percent, or any other percent, it is a number. It is not an intellectual cost-benefit program by program, which is what we have done.

I think that the gentleman's amendment puts the authorization at the level of the President's request but it does not get the President's program, as I said. I want to congratulate the President because I think he made a pretty good effort. But I think we have done a value-added approach, which is what our job is, value-added, next branch of government. We did it.

Mr. Chairman, the other thing I have to say is that unanimously on the committee every Republican and every Democrat saw areas where funding was clearly inadequate for intelligence needs. We are short on some programs that I worry about. I think the ranking member would say the same.

We could have done much more. We would love to have done much more. The gentleman mentioned a 13-percent reduction. Boy, I would hate to be one of the casualties in that 13-percent area that I had to go to the parents and say, gee, we just picked a number and we reduced it, and unfortunately you were in the target zone; oh, gee, that is too bad. The fact of the matter is we could have done better. The fact of the matter is we did do better. Where we did better was in our bill.

Mr. Chairman, I think that it is fair to say that for the gentleman from Washington [Mr. DICKS] and myself, that we have made painful decisions to forego funding for some very important intelligence activities, but we both agree that we do not have all that we would like to have. I think we are down at the point now where my conscience says, any more and we are in deep trouble.

I have talked about the disproportionate problem because we do have fixed infrastructure, fixed overhead, as the gentleman well knows. We cannot accept reductions in our efforts to detect weapons proliferators, I am sure the gentleman would agree, locate terrorists, I am sure the gentleman would agree, determine nefarious activities from rogue states, and on and on. We just cannot give up anymore.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the previous order of the House, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. DICKS. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DICKS. Mr. Chairman, does that mean that the gentleman from Massachusetts [Mr. FRANK] has to re-request a recorded vote when we go back to vote on this at a later point?

The CHAIRMAN. The request for a recorded vote will be the pending business.

Mr. DICKS. I thank the Chair.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 6 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 6.

The Clerk read as follows:

Amendment No. 6 offered by Ms. WATERS:

Page 10, after line 15, insert the following new section:

SEC. 306. STUDY OF CIA INVOLVEMENT IN THE USE OF CHEMICAL WEAPONS IN THE PERSIAN GULF WAR.

Not later than August 15, 1999, the Inspector General of the Central Intelligence Agency shall conduct, and submit to Congress in both a classified and declassified form, a study concerning Central Intelligence Agency involvement (or knowledge thereof) of the use of chemical weapons by enemy forces against Armed Forces of the United States during the Persian Gulf War. Such study shall determine—

(1) Whether there is any complicity of Central Intelligence Agency agents, employees, or assets in the use of chemical weapons;

(2) whether there is any use of appropriated funds for such purposes; and

(3) the extent of involvement of other elements of the Intelligence Community of the United States or foreign intelligence agencies in the use of such weapons.

Ms. WATERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. GOSS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. GOSS. Reserving the right to object, Mr. Chairman, I want to be clear which amendment we are on, Mr. Chairman. I do not have the same numbering system. There are two amendments.

Ms. WATERS. If the gentleman will yield, it is amendment No. 6.

Mr. GOSS. The subject of this amendment is chemical weapons, chemical weapons in the Gulf?

Ms. WATERS. A study of the Central Intelligence Agency involved in the use of chemical weapons in the Persian Gulf war.

Mr. GOSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Under a previous order of the House, the time will be alloted, 30 minutes to the gentlewoman from California [Ms. WATERS], and 30 minutes to a Member opposed to the amendment.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

Ms. WATERS. I yield myself such time as I may consume, Mr. Chairman.

Mr. Chairman, I offer this amendment to establish a study of the Central Intelligence Agency, the CIA. This study is designed to explore the involvement and the use of chemical weapons in the Persian Gulf war. Specifically, this amendment requires the Inspector General of the Central Intelligence Agency to conduct a study and submit to Congress in both a classified and declassified form a report of its findings.

Mr. Chairman, I think it is important to expand a little bit on why I would want such a study. In order to do that, I would like to read information from the New York Times, May 6, 1997, the Tuesday late edition. It starts with the information concerning George J. Tenet, the fifth nominee for director of Central Intelligence in the last 4 years.

It states that he would be questioned by a Senate committee on that Tuesday, and the betting is, they said, that his nomination will be quickly approved by the panel and then promptly confirmed by the full Senate. The article goes on to explain what has been happening in trying to keep directors of the Central Intelligence Agency, and the turnover and the turmoil that this agency has been experiencing.

Mr. Chairman, they say, "This turmoil at the top of American intelligence has no parallel except in the Watergate era, when five men served in rapid succession as director of Central Intelligence from 1972 to 1977, years when the agency was devastated by a disclosure of its Cold War history of assassination plots, coups, and dirty tricks."

What is important about this article, however, is that it identifies much of the turmoil, much of the criticism, much of the faux pas, much of the problems that this agency has been experiencing. But this amendment today centers on what happened in Iraq. It talks about secret operations were exposed in Iraq, France, Japan, India, and Italy, but then it really targets in on the agency, the fact that the agency sat on evidence that chemical weapons had been present at the Iraq munitions dump blown up soon after the Persian Gulf war.

Members have heard references to this today, when they talk about the 20,000 soldiers that were exposed to sarin gas. Mr. Chairman, this is unacceptable. As Members know, I served on the Committee on Veterans' Affairs. I learned a lot in the period of time that I served on that committee.

□ 1945

I gained deep respect for the sacrifices that are made by families and members in our armed services. I also witnessed a lot of other things having served on that committee.

These loyal individuals who gave of themselves, most of whom were very proud to serve their country, many of them belonging to families where they had other family members who had served their country, had died serving their country in previous wars, many of them now ailing and sick and disabled, many of them fighting day and in and day out because they cannot get their claims adjudicated with their own government. I learned deep respect for the veterans of this country, having served, watched them come to the Congress of the United States oftentimes asking for assistance and not getting that assistance, many of them not being taken care of properly in the veterans hospitals around the Nation, but they continued to be very loyal, very committed, very patriotic.

And I learned something else: Members of this House could wax eloquently about their support of the Members who had served, our veterans, members of the armed services. They could say over and over again how much respect they had for them, how much they honored and cherished them and how we should do everything in our power to make their lives comfortable once they had served. But it is very interesting, when we look at what the Central Intelligence Agency did to them in Iraq, how they had information about the chemicals that were stored there and they did not share this information, they did not tell them they were at risk and they exposed these 20,000 individuals.

How can we be comfortable with this agency that has been identified over and over today as an agency with serious problems, with serious trouble, an agency that is too closely associated with trafficking in drugs, an agency that has relationships with some of the worst people in the world, murderers, drug dealers, terrorists, an agency that has broken down where we have members who are there to protect and serve, who are selling us out, identified in a most prominent way in all of the news media of this country? Knowing all of this we do not want to in any way touch them.

Why are we so afraid of the CIA? Why are we as public policymakers not willing to pull them in? Why are we not ready to rap their wrists?

I have heard Members on this floor talk about all of the agencies that have failed and how they want to cut them. I have heard many times about the poverty programs and how they have not worked and how they have been fraught with problems and troubles. Well, we have an agency that is embarrassing us, an agency where our allies are telling us, get them out of their country, an agency that has committed just about every ill and every sin that any intelligence group could commit. Do we want to cut them back a little bit? Five percent? No, we do not want to do that. Do we want to share information about the budget? Do we want to shine the spotlight on this agency in any way? No, we do not want to do that.

In this post-cold-war era, we are satisfied to continue to let them run rampant. But I do not think we ought to do that. I think if we do nothing else, if we do not care about the children and communities that are the victims of drugs having been brought into this country where we have identified CIA involvement, which will be in my next amendment, if we do not care about the terrorists, who we claim to want to get rid of in the world, being associated with our own intelligence community, if we do not care about the fact that the breakdown in the agency is causing too much strife and dissemination of information, do we not care enough about the veterans to send a message to them to say to them, yes, the CIA was wrong; no, you should not have been put at risk; no, they should not have withheld this information; yes, they should be punished for having done so; yes, we should do everything that we can to make sure it does not happen again?

This is not about a movie. This is not something somebody made up. This is not gossip or speculation. This is fact. The fact of the matter is 20,000 soldiers exposed to sarin gas, information withheld, information that the CIA simply could say, oh, yes, we forgot to tell you; yes, we apologize; no, we should not have done it. That is not enough. Thirty billion dollars being spent on an intelligence community, no real oversight, no real transparency, no real understanding by the public policymakers who come to this floor year in and year out and simply give their vote to the intelligence community, not knowing how it is spent and what they are doing.

I think it is about time we live up to the responsibilities that have been bestowed upon us as public policymakers. It is about time that we say, no agency is so big and so bad that it threatens us in ways that cause us not to be good public policymakers.

Yes, there is a need for intelligence. I am not naive. I do understand that we need intelligence. But I am saying to my colleagues, the CIA does not deserve our support. I am saying to my colleagues, on the Senate side, Senator MOYNIHAN has said, strike them from the budget. Get rid of them. Over here, a modest amount tried, just cut them by 5 percent. And we sit and hold our hands and get up and make excuses about why we cannot control the CIA, why we do not have a right to do the oversight that we must do, why they are different from every other agency that we deal with, why we do not want to know, why we want to keep our heads in the sand.

It is not right. We can do better than this. So I offer this amendment. It is a very modest amendment. This amendment would simply, again, establish a study of the Central Intelligence Agency and their involvement in the use of chemical weapons in the Persian Gulf war. This is a limit to design, to do that, and I would like to send a message to the veterans that we all honor and cherish, the ones that we love so much because of the sacrifices that they have made, the ones who may die from this exposure, the ones whose families may never be satisfied that their health needs will be taken care of. I would like us to send a message here this evening, if we have got the guts to do it, I would like for us to send a message that we care. And not only do we care, we are going to do something about it. It is time to get rid of the rhetoric and step up to the plate and put our actions where our mouths are in terms of loving the veterans and the soldiers that have given to us and do this modest, very modest amendment that would shed some light on what happened in the Persian Gulf War; why did it happen and how do we prevent it from ever happening again?

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. GOSS TO THE AMENDMENT NO. 6 OFFERED BY MS. WATERS

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss to the amendment No. 6 offered by Ms. Waters:

Strike all after "Sec. 306." and insert in lieu thereof the following:

"REVIEW OF THE PRESENCE OF CHEMICAL WEAPONS IN THE PERSIAN GULF THEATER

"The Inspector General of the Central Intelligence Agency shall conduct a review to determine what knowledge the Central Intelligence Agency had about the presence or use of chemical weapons in the Persian Gulf Theater during the course of the Persian Gulf War. The Inspector General shall submit a report of his findings to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, no later than August 15, 1998 in both classified and unclassified form. The unclassified form shall also be made available to the public."

The CHAIRMAN. The amendment is not separately debatable. Pursuant to the previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 30 minutes.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

I originally rose in opposition to the Waters amendment, but now I am rising in support of my substitute amendment.

I think it is very important that we understand here that this is not a new subject and that there are unclassified documents available to the public on Khamisiyah and what happened there. One is entitled Khamisiyah Historical Perspective on Related Intelligence of 9 April 1997. And the second, more to the point, is CIA Supports the U.S. Military During the Persian Gulf War of 16 June 1997, which deals very directly with the subject at hand. These are available for all Members and the public at large, any veterans or soldiers or military civilians or anybody who would be interested. It is a very important subject. I quite agree with that.

The gentlewoman has pointed to her love of veterans and soldiers, and I certainly admire that and I will also say that I agree with it. I have a great many veterans in my district. We have a very large veterans population, seems to grow larger every day, which is not surprising given the wonderful area where I live in southwest Florida.

I think it is very important, however, that we understand that this is not an issue that has been ignored. I would like very much, therefore, to explain a little bit further what my substitute amendment will do in addition to these reports that are already out.

The gentlewoman is seeking an IG report and we have designed an approach that would bring about a result, I think, while avoiding some of the pitfalls I see in going with the gentlewoman's original amendment.

The Intelligence Committee is obviously very concerned about the issue of chemical weapons exposure during the gulf war or any other time, and we have been closely monitoring the DCI efforts to examine this subject fully. Again, the committee was very pleased to see the April release of the unclassified report from the DCI, that would be director of the Central Intelligence Agency, related to the events at the Khamisiyah storage facility where Iraqi, and I underscore, Iraqi chemical weapons were stored and were subsequently destroyed by U.S. troops. And in that process it is apparent that some have suffered exposure to chemical weapons.

The question has to be asked. What happened? What went wrong? We tried to find out. Since this is the first I have heard from the gentlewoman on this subject but not the first I have heard on the subject, I am going to encourage her to read these reports. And I will make them available if she has not already.

From the report we know that there was a breakdown in analysis and communications between the intelligence community and the Department of Defense related to the knowledge of chemical weapons storage at this particular facility. There was a ground location problem involved and how it was referred to.

We also know that steps are already being taken by both the intelligence community and the defense to make sure that this does not happen again. Again it is addressed in these reports.

Our committee remains very vigilant about monitoring the progress of that effort and other efforts because we know the catastrophic consequences of mishandling or not knowing the maximum amount about chemical warfare and all its ramifications. The Waters amendment implies that the CIA or CIA employees were complicit, and I think that word was used in her amendment, in the use of chemical weapons against U.S. troops. That is an accusation that obviously disturbs me and any American very greatly and warrants immediate consideration.

The facts that I know are that intelligence and defense were never closer in their working relationship even though there were opportunities for things to go wrong as there are in any hostile combat situation or any peacetime situation, as we know. But former chairman of the Joint Chiefs of Staff, Colin Powell, is I think, a man well regarded and certainly was well regarded in accomplishments of his duties in these events stated, and I quote: No combat commander has ever had as full or complete a view of his adversary as did our field commander. Intelligence support to operation Desert Shield and Desert Storm was a success story.

I am not making that up. That is not a newspaper story. That is something that Colin Powell said.

Mr. Chairman, I note that there are many, many studies that have been or are being conducted, several under the watchful eye of the Presidential Commission on Gulf War Illness. This is entirely appropriate. This committee will continue its oversight responsibilities and continue to look at activities related to this issue that belong in the area of the intelligence community, as I have said we are doing, as witnessed by these reports.

□ 2000

I have said in my substitute that the gentlewoman's amendment calls on the CIA's Inspector General to conduct a review to determine what knowledge the Central Intelligence Agency had about the presence or the use of chemical weapons in the Persian Gulf theater during the course of the gulf war. This report would be submitted to the intelligence committees of the Congress, that would be both committees, no later than August 15, 1998 in both classified and unclassified form. And, frankly, I think it will happen much sooner because much of the work has already been done.

I believe the substitute will reach the goal the gentlewoman seems to have, the goal of getting as much information as possible about what we knew of the presence or use of chemical weapons during the gulf war without prejudging the outcome or implying complicity on the part of the men and women who work so hard on behalf of our national security.

I want to point that out. People are watching this debate. We are on C-SPAN. I know that it is for the benefit of the Members, but inevitably there are other observers who watch what goes on here, including the men and women of our intelligence community. I am sure that they feel a little bit let down when somebody implies that they may have been using or complicit in chemical warfare against American troops overseas.

I have trouble with that. I hope they do not believe that that is the feeling of the Permanent Select Committee on Intelligence because it is clearly not. I believe very strongly in oversight, the need for good discipline, a piercing look at what we are doing, calling it when we see it when there is a problem, not shrinking from that, but I certainly do not think we want to denigrate the men and women who are working so hard for our national security if it is not warranted. And in my case I have not seen any facts whatsoever to warrant it.

I hope the gentlewoman will support our approach, which is offered for our mutual interest of getting at the truth. And that is what we seek, the truth. I will urge my colleagues to support the substitute to the Waters amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to deal with the way in which the gentleman from Florida [Mr. GOSS] characterized the inquiry that I am seeking. I asked that a study be done to make determinations. I did not come to any conclusions about the involvement of the CIA. The idea of asking for the study is to make certain determinations, and I think that should be clear.

Further, allow me to share with the Members of this House that I believe that the gentleman from Florida and I are saying the same thing. It needs to be looked at. I brought this to the floor today because I intended very much to create a platform for a discussion about this issue. I am extremely concerned, even though the gentleman from Florida believes that I should know that some studying has been done, that just as I do not know other Members of this House do not know, the public does not know, and that we are left with the accounts that we have learned about. We have heard the CIA say, yes, we had the information and, yes, we should have revealed it. That much we know.

I think the gentleman from Florida and I and other Members of this House want to shed some light on this. We want more information. We want to be able to share with the American public everything that we know about what happened, and we want to be in a position to use whatever power we have to make sure it never happens again.

So I am pleased, Mr. Chairman, that I am joined and embraced, by way of this substitute amendment, because while it may be structured a little bit differently, I am pleased that it would get the information a little bit sooner than the way that I had structured the amendment. Either way, whether it is 1 year from now or 2 years from now, and for some reason it falls on my birthday, August 15, that is all right with me.

So let me just say that I think that having brought it here, it served a purpose. It got me what I wanted. It forced the discussion. It created the debate about something that never should be in the dark, and it got my colleagues on the other side of the aisle joining with me to have a study so that we can reveal everything that we know. And with that, that is all I ask. I am pleased to accept the substitute and I thank the gentleman from Florida for recognizing that it needed to be done.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in support of the substitute, and I appreciate the efforts of the gentlewoman from Los Angeles, who has been very interested in this subject. I think the language drafted by the chairman gets to what we all want to get to.

Let me just say that when this happened, I had some serious reservations about the studies that were done by the Defense Department, the work that was done by the CIA on this. I asked Mr. Deutch, when he was still the director of the Central Intelligence Agency, to have the Inspector General start a study.

So the chairman is right, the Inspector General has already engaged in this, and particularly about the destruction of chemical weapons at a storage site in Khamisiyah. I also asked them to look at the whole question of what did the CIA know, when did it know it, and what did it say to the Department of Defense and to the Army and to the other units that were there about their knowledge about what was stored at these various sites.

This is one of those situations where knowledge may not have been shared in a timely way, and there was destruction of some of these weapons, and I am not sure we still, even to this day, know exactly what all those weapons were. I am worried that this goes beyond just chemical weapons; that we may have had biological or other infectious agents that were released on our own people. And whether it was done by the Iraqis or it was done in our destroying these weapons, there are a lot of unanswered questions.

I think one of the big problems here is the Department of Defense did such a lousy job of investigating this thing initially that it created suspicion everywhere. We had all these veterans coming home with these various symptoms and it just did not add up, and the Department's continued denial after denial after denial, and then finally having to say, oh yes, we may have made a big mistake here and there may have been something that actually happened, is one of the reasons why there is such suspicion, not only on the part of Members of Congress but on the part of the American people, about what actually happened over there.

That is why I insisted with Mr. Deutch that the Inspector General, Fred Hintz, out at the CIA, would do the investigation. I did not want the CIA, in essence, investigating itself. I wanted the independent Inspector General of the CIA tasked for this.

So I think what this study does is expand upon that, and I think it does get the information that my colleague wants sooner by making the date August. I am certainly glad it is on her birthday. I hope the report is something that she will find joyous. And hopefully this is not a report we will all be embarrassed about, and I hope it is not.

The bottom line here is I think the chairman has crafted a good compromise. I would like to see us accept it and then move on to the next amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I simply want to rise first of all to support the substitute amendment. I think what the chairman of the committee has offered is a perfectly logical proposal, and that is that the Inspector General report, after a review, what knowledge the Central Intelligence Agency had about the presence of the use of chemical weapons in the Persian Gulf theater during the course of the war over there.

I am, however, very disturbed by the language that was in the underlying amendment, and I do want to point this out. I think it needs to be reiterated. There is not a shred of evidence that I know of, anywhere in my tenure in looking at this matter, and I have been involved as a member of the Permanent Select Committee on Intelligence looking into this matter for some time now, that would support the idea that we need a study, which the language of this original underlying amendment said, a study concerning the Central Intelligence Agency's involvement in the use of chemical weapons by enemy forces against armed forces of the United States during the Persian Gulf War.

The insinuation or the implication, not that they knew something about the chemical weapons or that they had some knowledge in the efforts that were going on over there to destroy those weapons, but that they, the CIA, was involved in some way supporting the use of those weapons, involved in the use of those weapons by our enemies, by our enemies, is outrageous in my opinion. And I do not appreciate the underlying premise here.

So I think the substitute is terribly important, and I am appreciative of the fact the gentlewoman is willing to accept the substitute because, as I said, there is no shred of evidence whatsoever anywhere that our intelligence community in any way aided or abetted the enemy, which the implication, whether she intended it or not, is there in the underlying amendment.

So I am very supportive of this substitute, I urge its adoption, and I wanted the RECORD to be very clear that our men and women, as far as I can determine, as long as the eye can see, operating for our intelligence community, have been honorable supporters of the American cause and patriots. Whether we agree with everything they do or do not do, certainly they have not been working for the enemy.

Ms. WATERS. Mr. Chairman, may I inquire of how much time I have remaining?

The CHAIRMAN. The gentlewoman from California [Ms. WATERS] has 10½ minutes remaining, and the gentleman from Florida [Mr. GOSS] has 21 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume, because I think it is important to point out that not only did I accept the gentleman from Florida's substitute amendment, but I also offered, prior to that acceptance, an explanation of the wording that the other gentleman from Florida [Mr. MCCOLLUM] now is trying to latch on to in order to in some way imply that I made accusations unfairly.

If I had not accepted the substitute, perhaps he could do that kind of spinning. But the fact that I accepted the substitute explains very clearly, and in a way that cannot be misunderstood, what I am doing and why I am doing it, and that I congratulated them for embracing me, I think, does away with that kind of specious argument.

Certainly it is honorable for Members of this House, elected by the people, to come to this floor and raise the questions, no matter how hard they are, no matter how unpopular they are, no matter how difficult they are. And oftentimes when that is done, it is misunderstood by people who do not have the guts or the nerve to do that themselves. And sometimes it is embarrassing to take this floor and kind of push and nudge people into doing what they should be doing anyway. I understand that. But there comes a time when we need to do that.

I chose this moment, at this time, on this legislation to make an issue of what had happened in the Persian Gulf. I chose at this time, at this moment to point out that 20,000 of our soldiers were at risk. No matter whether it was intended or not, it happened. I chose at this time to demand more information, to share with the public, to demand an investigation so that we could have in writing something that people could pick up and read and know where we are going and what we are doing. I chose to do that because I think that is my responsibility and I do feel strongly about this.

So we can spin it any way we want, we can define it any way we want, but I know what I have said and I know what I am doing and I am pleased that the gentleman has joined with me to do it, no matter how much he may not have liked the fact that I brought it, no matter how much the gentleman may not have liked the fact that I raised the kinds of questions that are oftentimes embarrassing. None of us like to think that we invest so much in our intelligence community to have those kinds of terrible costly mistakes.

Having said all of that, Mr. Chairman, the bottom line is we move forward with the substitute amendment that I have embraced. And, hopefully, this is a bipartisan concern, a bipartisan effort to do the right thing, to focus the attention on what happened there, get the answers that we can get and then move to make sure that it does not happen again.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Washington.

□ 2015

Mr. DICKS. Mr. Chairman, I think that we ought to accept what the gentlewoman from California [Ms. WATERS] has said here. She is willing to accept this compromise. I would like to see this be a bipartisan study supported on both sides of the aisle, and I would urge that we all yield back our time and have a vote and move forward.

Mr. GOSS. Mr. Chairman, we are prepared to yield back. We have no further speakers on this subject at this time, and as long as we understand that this satisfies the full unanimous-consent request we had for the 30 minutes on either side and includes my substitute amendment, and that is the issue we will be voting on first, we are prepared to yield back.

Ms. WATERS. Mr. Chairman, I am prepared to yield back my time. I thank the gentleman from Florida [Mr. GOSS] for joining with me in this very special and important effort.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS] to the amendment offered by the gentlewoman from California [Ms. WATERS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 7.

The Clerk read as follows:

Amendment No. 7 offered by Ms. WATERS:

Page 10, after line 15, insert the following new section:

SEC. 306. CLANDESTINE DRUG STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Clandestine Drug Study Commission" (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall—

(1) secure the expeditious disclosure of public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the Central Intelligence Agency or others on their behalf or associated with the Central Intelligence Agency;

(2) report on the steps necessary to eradicate any Central Intelligence Agency involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers; and

(3) recommend appropriate criminal sanctions for the involvement of Central Intelligence Agency employees involved in drug trafficking or the failure of such employees to report their superiors (or other appropriate supervisory officials) knowledge of drug smuggling into or within the United States.

(c) MEMBERSHIP.—The Commission shall be comprised of nine members appointed by the Attorney General of the United States for the life of the Commission. Members shall obtain a security clearance as a condition of appointment. Members may not be current or former officers or employees of the United States.

(d) COMPENSATION.—Members of the Commission shall serve without pay but shall each be entitled to receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM.—A majority of the Members of the Commission shall constitute a quorum.

(f) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by the members of the Commission.

(g) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is empowered to investigate by this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under

paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses). Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(j) CONTRACT AUTHORITY.—The Commission may enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission with any public agency or with any person.

(k) REPORT.—The Commission shall transmit a report to the President, Attorney General of the United States, and the Congress not later than three years after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(l) TERMINATION.—The Commission shall terminate on upon the submission of report pursuant to subsection (k).

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 to carry out this section.

Ms. WATERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] reserves a point of order against the amendment.

Under the previous order of the House, the gentlewoman from California [Ms. WATERS] will be recognized for 30 minutes in support of her amendment and a Member opposed will be recognized for 30 minutes.

The CHAIRMAN. The Chair recognizes the gentlewoman from California [Ms. WATERS].

MODIFICATION TO AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Ms. WATERS of California:

In subsection (h), strike paragraphs (2), (3), and (4), and strike "(1) IN GENERAL.—".

Strike subsection (i) and redesignate subsections (j), (k), (l), and (m) as subsections (i), (j), (k), and (l), respectively.

In subsection (k) (as so redesignated), strike "subsection (k)" and insert "subsection (j)".

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, I would like to know from the gentlewoman, if she can explain, is the modification designed to correct the germaneness problem with the underlying amendment?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Yes, it is, Mr. Chairman. I was advised that any reference to "immunity" would not be appropriate in this legislation, and it is designed to delete all references to "immunity" in this amendment.

Mr. McCOLLUM. And is it further my understanding from the gentlewoman, if I might continue the reservation, that the agreement would be that she would have the 1-hour time limit that we have agreed upon to apply to this? I believe that is the Chair's understanding of this, regardless of the modification, is that not correct, 30 minutes to a side? Or is it 15 to a side? What is the time limit, Mr. Chairman?

The CHAIRMAN. The Chair would inform the gentleman that under the previous order of the House, the gentlewoman from California [Ms. WATERS] is entitled to 30 minutes and a Member opposed thereto is entitled to 30 minutes.

Mr. McCOLLUM. And that would be applicable, Mr. Chairman, to this modification if the unanimous consent is agreed to?

The CHAIRMAN. The gentleman is correct.

Mr. McCOLLUM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from California [Ms. WATERS]?

There was no objection.

The CHAIRMAN. The amendment is modified.

Mr. McCOLLUM. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Florida withdraws his point of order.

The gentlewoman from California [Ms. WATERS] is recognized for 30 minutes.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment to establish a clandestine drug study commission. This commission would be composed of nine members appointed by the U.S. Attorney General and would be required to report on the following:

Report on the steps necessary to eradicate any CIA involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers.

No. 2, secure disclosure or the gathering of Government public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the CIA or others on their behalf or associated with the CIA.

In addition, my amendment would authorize funds to be appropriated in the amount of $750,000.

Mr. Chairman and Members, I am sure there are those both within this House and within the sound of my voice who would wonder why would we need such an amendment, why would I take this floor and talk about taking steps to make sure that the CIA is not involved in drugs or drug smuggling.

Mr. Chairman, I do this because over the past year I have learned more than I have ever wanted to know about the CIA and drugs. How did it get started? It got started with a revelation about drug smuggling and drug trafficking that ended up in South Central Los Angeles back in the 1980's.

Oh, there has been a lot of controversy about the report. Many are aware that the San Jose Mercury News revealed that there was a drug ring and the basic points of that report remain uncontested. There are some points in the report that are contested. For example, the report said that as a result of the drug trafficking, millions of dollars were funneled to the Contras from the sale of drugs, crack cocaine in particular.

The exception that was taken to that identification simply was an exception that said instead of saying millions of dollars, they should have said they estimated there were millions of dollars. I can accept that. I maintain there should not have been $1 from the sale of drugs to support the Contras.

But this revelation got me involved, and I have spent a lot of time looking at the CIA and the allegations of their involvement in drug trafficking in south central Los Angeles. It has taken me to many places, all the way to

Nicaragua, where I have gone up to a place called Grenada and interviewed a prisoner who is well known to have been connected with the Cali cartel and sold drugs both for the Sandanistas and the Contras.

Since my visit there, I made it known to the Inspector General, who is involved in an investigation, and the Inspector General further has sought out information from this individual. Even members of the House Permanent Select Committee on Intelligence fold followed me to Nicaragua and interviewed the same person that had been revealed to me.

But that is just a small part of the information that has come to me. As a result of my involvement, a lot of things have happened. The sheriff's department of the county of Los Angeles filed an extensive report about many of the allegations. The investigations continue.

The House Permanent Select Committee on Intelligence is involved. The Inspector General of the CIA, the Inspector General of the Justice Department, they are still doing interviews, and I do not know what is going to happen. Hopefully there will be a report. Hopefully there will be hearings. But I have learned enough to know that the CIA has come too close, rubbed shoulders with, and been involved in some ways that should make us all uncomfortable, with drug dealers.

Mr. Chairman, I have been involved for a long time and taken a closer look at the Central Intelligence Agency and these allegations that CIA operatives or assets have been involved in or had knowledge of drug trafficking in the United States. I mention South Central Los Angeles, but one need look no further than the current newspaper to find there are recent occasions of CIA involvement with drugs.

Let us look at Venezuela. Earlier this year, there was a general named Gen. Ramon Guillen Davila, Venezuela's former drug czar, who was indicted by Federal prosecutors in Miami for smuggling cocaine into the United States.

And according to the New York Times, uncontested by the CIA, this article that appeared as early as November 1993, they talked about the CIA and its so-called antidrug program in Venezuela and guess what? They concluded, and it is documented, that our CIA shipped a ton of nearly pure cocaine into the United States in 1990. That is a fact, uncontested.

When you unravel this story, you find that the CIA concocted some scheme to talk about the only way it could apprehend drug dealers was to get involved in shipping this cocaine and selling this cocaine. They went to the DEA to get their permission to do it, and the DEA turned them down flat and said they would not be involved in this scheme in any shape, form, or fashion.

But the CIA defied the DEA and they shipped this pure cocaine into the United States in 1990, and they have since acknowledged that they defied the laws of this government and allowed the drugs to be sold on the streets of the United States of America. I challenge anybody to tell me that it did not happen, because it is documented.

Now let me tell you what unnerves me about this. We spend a lot of money in this House, we spend a lot of money in this Government to apprehend drug dealers, to try to get rid of drug trafficking. We spend a lot of money on drug education and prevention. We even spend money on alternative crop development in countries that we want to get out of the business of raising the coca leaf. We spend billions of the taxpayers' dollars.

Knowing this and being involved in this struggle, it really unnerves me to find out that my own CIA brought cocaine into the United States and allowed it to get on the streets and be sold. Do you know what that means? We are representing communities where drugs are devastating our communities. People are becoming addicted. Oh, and it is not simply in inner cities, it is in rural communities, it is in suburbia, it is everything, everywhere. It is swallowing us up.

I do not know what kind of cockamamie scheme they could have cooked up to talk about this would help them to apprehend drug dealers by allowing drugs to be sold on the streets of the United States of America. How many more people became addicted? How many more people got involved in crime? How many more people became a part of the destruction that we all hate so much? I do not like it and I am not going to get off this business about who they are and what they do and their involvement with drugs until this body has the guts and the nerves to do something about it.

□ 2030

The joint CIA/Venezuela force was headed by General Davila and the ranking CIA officer, I am going to call the names, was Mark McFarlin, who worked with the antiguerrilla forces in El Salvador in the 1980's. Not one CIA official has ever been indicted or prosecuted for this abuse of authority. I will give it to my colleagues again. General Davila and Mark McFarlin. Look it up.

What happened? Why can we not ask the questions? Why are we not outraged that these drugs found their way into our cities?

Let me go a little bit further and talk about this alignment, this association, the CIA being involved, coming too close to people who traffic in drugs. In a March 8, 1997, Los Angeles Times article, it was reported that Lt. Col. Michel Francois, one of the CIA's Haitian agents, and I defy anybody to tell me he was not, a former army officer and a key leader in the military regime that ran Haiti between 1991 and 1994, he was indicted in Miami and charged with smuggling 33 tons of cocaine into the United States. The article detailed that Francois met face to face with the leaders of three Colombian cartels to arrange for drug shipments to pass through Haiti via a private airstrip that he helped to build and protect. The CIA was right there in Haiti while he was building this airstrip. He was trained by the CIA. Francois is the CIA's boy.

Lieutenant Colonel Francois was trained by the U.S. Army in military command training for foreign officers in Georgia. He was a senior member of the Service Intelligence Agency, a Haitian intelligence organization founded with the help of the CIA in 1986.

After the 1991 coup put Francois in power, the cocaine seizures in Haiti just plummeted to near zero. He could do whatever he wanted to do. He built a strip. He met with the cartels. All of this is in DEA reports. U.S. prosecutors have requested the extradition of Francois from Honduras, where he has been living under a grant of political asylum. When I tell my colleagues our own CIA is documented as having brought cocaine in, in the Venezuelan fiasco, and when I tell my colleagues that Francois is a creation of the CIA and that the apprehension of drugs and drug smuggling and trafficking went down once he took charge, I am accusing the CIA of being too close, of being too involved, for turning its head.

Mr. Chairman, let me just wrap up my comments by saying I have pointed out today on several occasions some of the problems with the Central Intelligence Agency. I have pointed out the fact that some of our allies and our friends around the world have been sending us this quiet but stern message. They are asking us to leave. I have talked about something that none of us are proud of, the fact that there is a breakdown in this agency and we have people that we pay to protect and serve literally endangering us all with the selling of information. I have pointed out that not only do we have all of this occurring, but that our own soldiers were put at risk because something is wrong in this CIA. I am disturbed that we could not get much support in trying to slap them on the wrist, cut the budget just a little bit, but I am convinced that the American people will join us in the struggle because this is a struggle and a battle that we are going to have to wage for a long time.

I am not accusing the Members who have taken this floor in efforts to protect the CIA. I understand. There are responsible Members of this House who really believe, despite the problems of the CIA, everything should be done to protect them, to make sure they have all the money they need to operate with, that somehow if we question them, we are going to put at risk their ability to gather the intelligence information we need.

We need to redefine the role of the CIA in this post-cold-war era. Who are they and what do they do? Someone pointed out to me today that in every aspect of our society, with the new technology we have been able to reduce personnel, we have been able to put in systems and processes to better manage information, we have been able to reduce cost, and many on the opposite side of the aisle have made these arguments time and time again as they have gone about cutting and redesigning and privatizing and all of those things that we hear about on the floor.

Why is it the CIA escapes any of this? Why has the new technology not caught up with the CIA? Why can we not shine the light in ways that we understand, where the money is going? Why can we not redesign the ways in which we relate to them and still respect some of the secrecy and privacy that is needed?

I say to my colleagues, today I have been afforded the opportunity to take this floor and talk about this issue in the hopes that we can focus, we can really put this on our radar screen and begin to raise questions and get the American public involved in raising questions. I hope that this debate will allow that.

I am under no illusions about everything that I want being embraced by the protectors of the CIA, right or wrong. But I know one thing: This platform that is afforded to me by the voters on this floor of Congress is an important tool to be used to create a discussion. I see my responsibility to create discussions that maybe others will not. I am not afraid of the CIA, I am not going to run from the CIA, I am not going to tuck my tail and duck my head and talk about their untouchables. This day we unveiled some of the problems, along with other Members who have taken this floor.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The CHAIRMAN. The gentleman from Florida [Mr. GOSS] is recognized for 30 minutes.

Mr. GOSS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from California [Mr. DIXON].

Mr. DIXON. I thank the chairman of the committee for yielding me this time.

Mr. Chairman, I rise in reluctant opposition to the Waters amendment, reluctant for several reasons. The gentlewoman from California [Ms. WATERS] is the chairman of our Congressional Black Caucus. She represents a community that I represent, Los Angeles County, cities in that community, but probably most importantly because I think we, both of us, as well as most Members of this House, are seeking accurate and truthful information as it relates to the CIA involvement in crack cocaine in Los Angeles, or any other community of this country, and any involvement it has had with members or assets of the community in either aiding or abetting or having knowledge of the CIA involvement in the distribution of drugs.

The reason I rise in opposition to it, this commission that is being offered here as an amendment suggests that the process that we have here is either not operating in good faith or is broken. As most of the Members know, the inspector generals of the CIA and the Justice Department are investigating this matter at this point in time. Both gentlemen have reputations for not only being independent but calling it like it is, and I doubt if anyone here feels that if they find some wrongdoing or some culpability on the part of the CIA that in fact they will not include it in their reports.

It has been my experience as a member of the Permanent Select Committee on Intelligence that no member of that committee is an apologist or tries to represent the interests of the CIA, but as the gentlewoman from California [Ms. WATERS] does, represents the interests of the citizens of this country. And so I stand here not as an apologist for the CIA, but with the same goal that the gentlewoman from California [Ms. WATERS] has, to get to the facts in this matter.

Mr. Chairman, we all know that facts that are suggested or alluded to in newspaper articles, there may be some truth to them, they may be entirely true, or they may be entirely untrue. But I think it is the responsibility of the House and the inspector generals to take the first cut at sorting out those facts.

The gentlewoman from California [Ms. WATERS] is right, that other than the publisher of the San Jose Mercury, no one has contested the points made in the article. No one has contested those points at this point in time because factually no one knows exactly what has occurred. This committee is about verifying facts in that report. I daresay we would be derelict if we came to the House on a bit-by-bit basis to either sanction what was in the article or criticize it, the point being that the investigations, if they are to go forward, will come to some conclusions about the validity of the arguments and the points made in the article.

As it relates to the CIA and drug trafficking, I can say that I think the CIA has made some terrible blunders in the past. I do not think that there is anyone here that would deny that. But the issue before us is whether or not they were either involved in trafficking by aiding and abetting, or knew of, had knowledge of, drug traffickers.

The reports that I have read thus far do not lead me to that conclusion at this point in time. Let me say that again: The reports that I have read thus far do not lead me to that conclusion at this point in time.

I have read the newspaper articles, I have read other materials and interviewed people, and at some point in time I may be joining the gentlewoman from California [Ms. WATERS] on this floor asking for some type of public commission. But now is not the time, I suggest to the members of this committee. Now is the time to let the structure of the Justice Department, the CIA inspector general and the House to move forward in an objective evaluation.

I am not naive enough to think whatever this committee finds and whatever the Inspector Generals find, that in fact there will be a consensus opinion. And if there is not a consensus opinion and there is fault to be found with either a lack of thoroughness or professionalism or even covering up, that would be the time to move forward with some commission. I have reservations about the composition of the commission and some of the structure, but I am sure that the gentlewoman from California [Ms. WATERS] and I at the appropriate time could work that out.

For example, there is a prohibition in here that any employee of the U.S. Government, past or present, could not be a member of that commission. I think that there are many people who have been employed by the U.S. Government who have expertise and abilities that could appropriately serve on the commission, and I would feel it is certainly insulting to say that anyone who has ever worked for Government could not be objective in this issue.

As it relates to the issue of people who have been assets of the CIA, whether they be in Venezuela or Haiti, there is no doubt that some of the assets should never have been employed by the CIA. There is no doubt that some of them have been involved in drug trafficking. But that is like saying some Member of Congress being arrested for drugs, that the Congress of the United States is responsible for it.

□ 2045

Let us sort through the facts without emotion. Then let people come forward and criticize the report, scrub it, examine it, and then at that point in time I may be joining the gentlewoman from California [Ms. WATERS] on some outside citizens panel to review that material and to carry the investigation forward, but now is not the time.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentlewoman from California [Ms. WATERS] has 12½ minutes remaining, and the gentleman from Florida [Mr. GOSS] has 16 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I hold the gentleman from California [Mr. DIXON] in the highest esteem and respect, and I have worked with him, and we do share this area of Los Angeles where the drug trafficking took place, where the CIA is alleged to have been deeply involved in trafficking in drugs and the profits of which, some of them, went to fund the contras, the contras having been created by the CIA. That was their body, and the FDN, the army of the contras, was a creation of the CIA's.

And I am working to get to the bottom of this, but my commission that I am asking for is not only about that. This is more generic, and it encompasses the question of drug trafficking, period, by the CIA.

And I would like to raise a question of the gentleman from California [Mr. DIXON] so that I can help make a determination about his representations regarding the investigations that are going on and the possibility that he may join me, depending on what he has discovered or they discovered as a result of the House intelligence investigation.

Has the gentleman's committee investigated the Venezuelan dope dealing of the CIA where I have in no uncertain terms identified on the floor of Congress the fact that they were responsible for tons of cocaine coming into the United States that got sold on the streets of America? Has the gentleman done anything about that? Has he looked at that?

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. DIXON. Mr Chairman, yes, there has been testimony before the committee. There has not been a thorough investigation, but there has been testimony before the committee by the CIA.

The CIA, as I recall their testimony, one, denied that they ever approved it because they recognized that in fact it would be hard to trace once it got into the United States and also DEA rejected it.

It is true that this man was an operative in form at some point in time with the CIA, but they deny ever having approved or sanctioned this activity, and this activity, according to them, was taken on independently by the general.

Ms. WATERS. May I ask of the gentleman whether or not there has been any report on it, and since this exposure was given to this in the New York Times, we have not seen a response of any kind, we have not seen the work of the gentleman's committee answering this in any way.

Mr. Chairman, we cannot have the New York Times or any other newspaper documenting and court records documenting trafficking in cocaine by the CIA and CIA operatives, and we just sit mum and not tell the American public anything.

So is there a report on this in any way? If there is no report, would the gentleman be willing to issue some kind of report between him and the chairman? Could the gentleman from California make some representation about what he will be willing to do, given we know this information about drug trafficking by the CIA?

Mr. DIXON. Yes. The staff informs me that in fact there has been a report to the House Permanent Select Committee on Intelligence by the inspector general, and I am sure with certain permission that the gentlewoman from California could review that report. But I will indicate to her since she has raised it and created the inference that the CIA was involved, I feel duty obligated to go forward and look at this once again.

Ms. WATERS. Mr. Chairman, yes, let me be clear about this one, and I do not go this far even in the South L.A. one. I am accusing the CIA on this one based on the information that I have of having been responsible for tons of cocaine coming into the United States that got sold on the streets of America. That is an accusation that I am making clear, simple, and without any reservations.

So what I am saying to the gentleman:

It is not enough for me to see the report. What can we do to share this information with the American public? Is there anything that can be done to shed some light on this?

Mr. DIXON. If the gentlewoman will continue to yield, first of all I think that it would be good for her to read the report.

Ms. WATERS. I will do that.

Mr. DIXON. So that the CIA's perspective on this is there, and perhaps the committee chairman or others, since this issue has been raised that the report can be scrubbed and that some materials could be released; but I do think, Mr. Chairman, that we have a responsibility with the charge made just on the floor that the CIA was responsible for the Venezuelan drug transaction, to either refute or make some statement about this based upon an investigation in the materials that we have already collected. I think that is a very serious allegation.

Mr. GOSS. Mr. Chairman, will the gentlewoman yield to me?

Ms. WATERS. I yield to the gentleman from Florida.

Mr. GOSS. As far as I am concerned, if the gentlewoman has some new information that is additional or supplemental or complementary to any of the previous work that has been done on this, that she would bring it to the committee's attention, that we will obviously attend to it forthwith. My understanding is that there has been some work done on this; I do not know the exact status, because we are dealing with somewhat of a new subject that is just a little bit off the record here of what I thought we were talking about, but I am certainly willing, as we have been all along the way on this, with the gentlewoman, with the gentleman from California [Mr. DIXON], and as seen with the gentlewoman from California [Ms. MILLENDER-MCDONALD] earlier in our colloquy.

Ms. WATERS. Mr. Chairman, I do not want to be snowed, I do not want to be patronized, I do not want to be talked to in that way. I have asked. I have made an accusation on the floor of Congress about the CIA and the Venezuelan drug deal, and I am asking the gentleman based on the information that he has, is there any way that he can shed some light or share this information with the American public?

I want to know.

Mr. GOSS. If the gentlewoman will continue to yield, the gentlewoman is referring, I think, to events that transpired before I was privileged to be on this committee, and that is why, since I had no forewarning that that was going to be a subject today, I am simply not prepared to give her any specific information.

I am certainly welcome to assure that we will attend to her request to see if there is anything into it, as we would with any Member who brings forward that type of a serious allegation.

Ms. WATERS. Could the gentleman be a little bit clearer about what it is he is committing to? The gentleman said he would attend to it. Could the gentleman tell me how he can satisfy the concerns that I have raised, and I am not being facetious at this point, but I have made a specific charge, and I am asking the gentleman, even though he was not the Chair, the records did not leave with the last Chair; I want to know what can the gentleman do to shed some light on this information?

Mr. DIXON. If the gentlewoman will yield and if I could suggest to the gentleman from Florida [Mr. GOSS], one, that a lot of this evidentiary material will come out in the trial. As I understand, he is on trial in Florida. Second, I do think, Mr. Chairman, we have an obligation to go back and look at the inspector general's report, and, as I recall it, it did not in any way involve the CIA and the transportation or distribution of the drugs that the gentleman is being charged with.

But this is a very serious accusation that the gentlewoman from California [Ms. WATERS] is making, and I want to emphasize it. She is alleging that the CIA was involved with the Venezuelan general in bringing drugs into the country. I assume that means either aiding, abetting, or being a sponsor of those drugs.

Ms. WATERS. That is right.

Mr. DIXON. And I think that we have a responsibility to, once again, go back and look at this case, notwithstanding the prosecution that is going on in Florida and notwithstanding what the inspector general has said.

Ms. WATERS. And also would the gentleman add to this discussion whether or not the former drug czar who worked with the CIA is going to be extradited for this case? Is there an extradition problem?

Mr. GOSS. If the gentlewoman will yield to me, I presume these questions are being directed to me.

Ms. WATERS. The gentleman from Florida or anybody else who can answer that.

Mr. GOSS. Let me clearly tell the gentlewoman that I have tremendous respect for the gentleman from California [Mr. DIXON], and I think Mr. DIXON has said exactly the right thing.

The specific facts that the gentlewoman is basing her allegation on, I would like to know what they are. I will then deal with those facts, and I will advise the gentlewoman of relevant information, and the gentleman from California [Mr. DIXON] will be part of that process, as he has been, because he has been doing stellar service for our committee on this matter in Los Angeles because it is clearly part of his representation.

Ms. WATERS. The gentleman from California [Mr. DIXON] said that he felt a responsibility to answer my charge. What the gentleman from Florida is saying is if I can bring him more information——

Mr. GOSS. No, I am saying, if the gentlewoman will continue to yield, I will be very happy to join Mr. DIXON in responding as exactly as he has done. But it would be helpful to me to know all of the details of what the gentlewoman knows.

I take very seriously, living in Florida, which is not unlike the problem in California, of drug smuggling and the impact we see on our streets. We have a problem. We are not insensitive to this, I assure my colleague, and I assure her that there are unfolding events every minute in the war on drugs, every minute, and the intelligence part of that we are attending to. We are committing dollars, and we hope we have the gentlewoman's support for our budget for those dollars.

Ms. WATERS. Oh, no. I have been to every budget committee, every appropriations committee where there are appropriations for drugs to talk about the Black Caucus' No. 1 priority of eradicating drugs in this Nation. It is not only our No. 1 priority, we have come, we have testified before the committees, we have supported the drug czar, we have supported the President's budget, we have even asked for more money, and we have come up with ways by which to work closer with the drug czar on this issue.

So we are serious about this, but let me just say this:

Given my friend and my colleague's representations, along with the gentleman from Florida, about feeling a responsibility to respond to the very serious accusation that I have made here today, I accept that as not only a representation for himself, but for him and others, and the committee; and even though we are clear that my bringing forth new information is not a condition for his moving forward, if I have or can locate new information, I will be happy to work with the gentleman on it. But I do expect that this commitment on the House of the floor that has been made about shedding light per the gentleman from California [Mr. DIXON] and supported by the gentleman from Florida [Mr. GOSS] is something that we can rely on.

So let me just say this:

My colleague whom I have worked with not just since I came to Congress 6 years ago, but about 30 years now, having served with him in the State of California in the assembly and prior to that when I managed campaigns and all of that, I accept——

The CHAIRMAN. All time of the gentlewoman from California [Ms. WATERS] has expired.

Mr. GOSS. Mr. Chairman, I am very happy to yield 1 more minute to the gentlewoman from California to wrap up.

Ms. WATERS. I thought when the gentleman heard the word "accept" he would be generous, and I thank him very much.

I accept his representations that these investigations are going on now, and I know that. And I do think that perhaps it is a little premature, and maybe that is something we will do after if, in fact, we do not believe that the information is credible, the work has been good, or we learn more about it.

□ 2100

I do think that that would be the correct order of things. Today provided us with the opportunity to shed more light, to get something moving. I accept that he rejects, he does not accept, my amendment. He believes the commission is premature. He will work with me. I will work with the gentleman, I will work with the other gentlemen, and everyone else.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Are there further amendments to title III of the bill?

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting "(a)" after "SEC. 5.";

(3) by striking "and" at the end of paragraph (5), as so redesignated;

(4) by striking the period at the end of paragraph (6), as so redesignated, and inserting "; and";

(5) by inserting after paragraph (6) the following new paragraph:

"(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years that are not otherwise authorized pursuant to section 8 of this Act."; and

(6) by inserting at the end the following new subsection:

"(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for (A) the entire lease, or (B) the first 12 months of the lease and the Government's estimated termination liability.

"(2) In the case of any such lease entered into under clause (B) of paragraph (1)—

"(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

"(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs in respect of such lease shall remain available until the costs associated with termination of such lease are paid;

"(C) funds available for termination liability shall remain available to satisfy rental obligations in respect of such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability in that subsequent year; and

"(D) annual funds made available in any fiscal year may be used to make payments on such lease for a maximum of 12 months beginning any time during the fiscal year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to multiyear leases entered into pursuant to section 5 of the Central Intelligence Agency Act of 1949, as amended by subsection (a), on or after October 1, 1997.

SEC. 402. CIA CENTRAL SERVICES PROGRAM.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"CENTRAL SERVICES PROGRAM

"SEC. 21. (a) ESTABLISHMENT.—The Director may—

"(1) establish a program to provide the central services described in subsection (b)(2); and

"(2) make transfers to and expenditures from the working capital fund established under subsection (b)(1).

"(b) ESTABLISHMENT AND PURPOSES OF CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a central services working capital fund. The Fund shall be available until expended for the purposes described in paragraph (2), subject to subsection (j).

"(2) The purposes of the Fund are to pay for equipment, salaries, maintenance, operation and other expenses for such services as the Director, subject to paragraph (3), determines to be central services that are appropriate and advantageous to provide to the Agency or to other Federal agencies on a reimbursable basis.

"(3) The determination and provision of central services by the Director of Central Intelligence under paragraph (2) shall be subject to the prior approval of the Director of the Office of Management and Budget.

"(c) ASSETS IN FUND.—The Fund shall consist of money and assets, as follows:

"(1) Amounts appropriated to the Fund for its initial monetary capitalization.

"(2) Appropriations available to the Agency under law for the purpose of supplementing the Fund.

"(3) Such inventories, equipment, and other assets, including inventories and equipment on order, pertaining to the services to be carried on by the central services program.

"(4) Such other funds as the Director is authorized to transfer to the Fund.

"(d) LIMITATIONS.—(1) The total value of orders for services described in subsection (b)(2) from the central services program at any time shall not exceed an annual amount approved in advance by the Director of the Office of Management and Budget.

"(2) No goods or services may be provided to any non-Federal entity by the central services program.

"(e) REIMBURSEMENTS TO FUND.—Notwithstanding any other provision of law, the Fund shall be—

"(1) reimbursed, or credited with advance payments, from applicable appropriations and funds of the Agency, other Intelligence Community agencies, or other Federal agencies, for the central services performed by the central services program, at rates that will recover the full cost of operations paid for from the Fund, including accrual of annual leave, workers' compensation, depreciation of capitalized plant and equipment, and amortization of automated data processing software; and

"(2) if applicable credited with the receipts from sale or exchange of property, including any real property, or in payment for loss or damage to property, held by the central services program as assets of the Fund.

"(f) RETENTION OF PORTION OF FUND INCOME.—(1) The Director may impose a fee for central services provided from the Fund. The fee for any item or service provided under the central services program may not exceed four percent of the cost of such item or service.

"(2) As needed for the continued self-sustaining operation of the Fund, an amount not to exceed four percent of the net receipts of the Fund in fiscal year 1998 and each fiscal year thereafter may be retained, subject to subsection (j), for the acquisition of capital equipment and for the improvement and implementation of the Agency's information management systems (including financial management, payroll, and personnel information systems). Any proposed use of the retained income in fiscal years 1998, 1999, and 2000, shall only be made with the approval of the Director of the Office of Management and Budget and after notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) Not later than 30 days after the close of each fiscal year, amounts in excess of the amount retained under paragraph (2) shall be transferred to the United States Treasury.

"(g) AUDIT.—(1) The Inspector General of the Central Intelligence Agency shall conduct and complete an audit of the Fund within three months after the close of each fiscal year. The Director of the Office of Management and Budget shall determine the form and content of the audit, which shall include at least an itemized accounting of the central services provided, the cost of each service, the total receipts received, the agencies or departments serviced, and the amount returned to the United States Treasury.

"(2) Not later than 30 days after the completion of the audit, the Inspector General shall submit a copy of the audit to the Director of the Office of Management and Budget, the Director of Central Intelligence, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'central services program' means the program established under subsection (a); and

"(2) the term 'Fund' means the central services working capital fund established under subsection (b)(1).

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for the purposes specified in subsection (b)(2).

"(j) TERMINATION.—(1) The Fund shall terminate on March 31, 2000, unless otherwise reauthorized by an Act of Congress prior to that date.

"(2) Subject to paragraph (1) and after providing notice to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the Director of Central Intelligence and the Director of the Office of Management and Budget—

"(A) may terminate the central services program and the Fund at any time; and

"(B) upon any such termination, shall provide for dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such Fund, as may be necessary.".

SEC. 403. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "powers only within Agency installations," and all that follows through the end, and inserting the following: "powers—

"(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound and in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet; and

"(B) within any other Agency installation and in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any such installation and extending outward 500 feet."; and

(3) by adding at the end the following new paragraphs:

"(2) The performance of functions and exercise of powers under paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that their performance of such functions and exercise of such powers is reasonable to protect against physical attack or threats of attack upon the Agency installations, property, or employees.

"(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency or of any other Federal police or Federal protective service.

"(4) The rules and regulations enforced by such personnel shall be the rules and regulations promulgated by the Director and shall only be applicable to the areas referred to in paragraph (1).

"(5) On December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Agency.".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) AUTHORITY FOR NEW BACHELOR'S DEGREE.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§2161. Joint Military Intelligence College: academic degrees

"Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

"(1) The degree of Master of Science of Strategic Intelligence (MSSI).

"(2) The degree of Bachelor of Science in Intelligence (BSI).".

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: academic degrees.".

SEC. 502. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) EXTENSION, REORGANIZATION, AND CONSOLIDATION OF AUTHORITIES.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

"(a) PROHIBITION.—Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following (or any colorable imitation thereof):

"(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

"(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

"(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

"(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.".

(b) Transfer of Enforcement Authority.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting "Authority To Enjoin Violations.—" after "(b)".

(c) Repeal of Reorganized Provisions.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) Clerical Amendments.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

"424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

"425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.".

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

SEC. 503. EXTENSION OF AUTHORITY FOR ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.

Effective October 1, 1997, section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out "fiscal years 1996 and 1997" and inserting in lieu thereof "fiscal years 1998 and 1999".

TITLE VI—MISCELLANEOUS COMMUNITY PROGRAM ADJUSTMENTS

SEC. 601. COORDINATION OF ARMED FORCES INFORMATION SECURITY PROGRAMS.

(a) Program Execution Coordination.—The Secretary of a military department or the head of a defense agency may not obligate or expend funds for any information security program of that military department without the concurrence of the Director of the National Security Agency.

(b) Effective Date.—This section takes effect on October 1, 1997.

SEC. 602. AUTHORITY OF EXECUTIVE AGENT OF INTEGRATED BROADCAST SERVICE.

All amounts appropriated for any fiscal year for intelligence information data broadcast systems may be obligated or expended by an intelligence element of the Department of Defense only with the concurrence of the official in the Department of Defense designated as the executive agent of the Integrated Broadcast Service.

SEC. 603. PREDATOR UNMANNED AERIAL VEHICLE.

(a) Transfer of Functions.—Effective October 1, 1997, the functions described in subsection (b) with respect to the Predator Unmanned Aerial Vehicle are transferred to the Secretary of the Air Force.

(b) Functions To Be Transferred.—Subsection (a) applies to those functions performed as of June 1, 1997, by the organization within the Department of Defense known as the Unmanned Aerial Joint Program Office with respect to the Predator Unmanned Aerial Vehicle.

(c) Transfer of Funds.—Effective October 1, 1997, all unexpended funds appropriated for the Predator Unmanned Aerial Vehicle that are within the Defense-Wide Program Element number 0305205D are transferred to Air Force Program Element number 0305154F.

SEC. 604. U–2 SENSOR PROGRAM.

(a) Requirement for Minimum Number of Aircraft.—The Secretary of Defense shall ensure—

(1) that not less than 11 U–2 reconnaissance aircraft are equipped with RAS–1 sensor suites; and

(2) that each such aircraft that is so equipped is maintained in a manner necessary to counter available threat technologies until the aircraft is retired or until a successor sensor suite is developed and fielded.

(b) Effective Date.—Subsection (a) takes effect on October 1, 1997.

SEC. 605. REQUIREMENTS RELATING TO CONGRESSIONAL BUDGET JUSTIFICATION BOOKS.

(a) In General.—The congressional budget justification books for any element of the intelligence community submitted to Congress in support of the budget of the President for any fiscal year shall include, at a minimum, the following:

(1) For each program for which appropriations are requested for that element of the intelligence community in that budget—

(A) specification of the program, including the program element number for the program;

(B) the specific dollar amount requested for the program;

(C) the appropriation account within which funding for the program is placed;

(D) the budget line item that applies to the program;

(E) specification of whether the program is a research and development program or otherwise involves research and development;

(F) identification of the total cost for the program; and

(G) information relating to all direct and associated costs in each appropriations account for the program.

(2) A detailed accounting of all reprogramming or reallocation actions and the status of those actions at the time of submission of those materials.

(3) Information relating to any unallocated cuts or taxes.

(b) Definitions.—For purposes of this section:

(1) The term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) The term "congressional budget justification books" means the budget justification materials submitted to Congress for any fiscal year in support of the budget for that fiscal year for any element of the intelligence community (as contained in the budget of the President submitted to Congress for that fiscal year pursuant to section 1105 of title 31, United States Code).

(c) Effective Date.—Subsection (a) shall take effect with respect to fiscal year 1999.

SEC. 606. COORDINATION OF AIR FORCE JOINT SIGINT PROGRAM OFFICE ACTIVITIES WITH OTHER MILITARY DEPARTMENTS.

(a) Contracts.—The Secretary of the Air Force, acting through the Air Force Joint Airborne Signals Intelligence Program Office, may not modify, amend, or alter a JSAF program contract without coordinating with the Secretary of any other military department that would be affected by the modification, amendment, alteration.

(b) New Developments Affecting Operational Military Requirements.—(1) The Secretary of the Air Force, acting through the Air Force Joint Airborne Signals Intelligence Program Office, may not enter into a contract described in paragraph (2) without coordinating with the Secretary of the military department concerned.

(2) Paragraph (1) applies to a contract for development relating to a JSAF program that may directly affect the operational requirements of one of the Armed Forces (other than the Air Force) for the satisfaction of intelligence requirements.

(c) JSAF Program Defined.—For purposes of this section, the term "JSAF program" means a program within the Joint Signals Intelligence Avionics Family of programs administered by the Air Force Joint Airborne Signals Intelligence Program Office.

(d) Effective Date.—This section takes effect on October 1, 1997.

SEC. 607. DISCONTINUATION OF THE DEFENSE SPACE RECONNAISSANCE PROGRAM.

Not later than October 1, 1999, the Secretary of Defense shall—

(1) discontinue the Defense Space Reconnaissance Program (a program within the Joint Military Intelligence Program); and

(2) close the organization within the Department of Defense known as the Defense Space Program Office (the management office for that program).

SEC. 608. TERMINATION OF DEFENSE AIRBORNE RECONNAISSANCE OFFICE.

(a) Termination of Office.—The organization within the Department of Defense known as the Defense Airborne Reconnaissance Office is terminated. No funds available for the Department of Defense may be used for the operation of that Office after the date specified in subsection (d).

(b) Transfer of Functions.—(1) Subject to paragraphs (3) and (4), the Secretary of Defense shall transfer to the Defense Intelligence Agency those functions performed on the day before the date of the enactment this Act by the Defense Airborne Reconnaissance Office that are specified in paragraph (2).

(2) The functions transferred by the Secretary to the Defense Intelligence Agency under paragraph (1) shall include functions of the Defense Airborne Reconnaissance Office relating to its responsibilities for management oversight and coordination of defense airborne reconnaissance capabilities (other than any responsibilities for acquisition of systems).

(3) The Secretary shall determine which specific functions are appropriate for transfer under paragraph (1). In making that determination, the Secretary shall ensure that responsibility for individual airborne reconnaissance programs with respect to program management, for research, development, test, and evaluation, for acquisition, and for operations and related line management remain with the respective Secretaries of the military departments.

(4) Any function transferred to the Defense Intelligence Agency under this subsection is subject to the authority, direction, and control of the Secretary of Defense.

(c) Report.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees named in paragraph (2) a report containing the Secretary's plan for terminating the Defense Airborne Reconnaissance Office and transferring the functions of that office.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on National Security of the House of Representatives.

(d) Effective Date.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

The CHAIRMAN. Are there further amendments to the committee amendment in the nature of a substitute?

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on the amendment on which further proceedings were postponed: amendment No. 3 offered by the gentleman from Massachusetts Mr. FRANK].

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 238, not voting 14, as follows:

[Roll No. 255]

AYES—182

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Doggett
Dooley
Doyle
Duncan
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Largent
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Ramstad
Rangel
Riggs
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schumer
Sensenbrenner
Serrano
Shays
Skaggs
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey

NOES—238

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riley
Rogan
Rogers
Ros-Lehtinen
Ryun
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Berman
Collins
Edwards
Fattah
Johnson, Sam
Manton
McDade
Oxley
Reyes
Schiff
Slaughter
Towns
Wexler
Yates

☐ 2120

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mr. McDade against.

Messrs. FOLEY, WATTS of Oklahoma, and STEARNS changed their vote from "aye" to "no."

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. PAUL, SPRATT, JEFFERSON, HALL of Texas, and STENHOLM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments to the bill, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 179, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1775, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1775, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A TALE OF TWO WOMEN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GIBBONS. Mr. Speaker, I rise today to share with my colleagues a letter I received from a constituent of mine from Sparks, NV. This letter tells a story of two women. The first, and author of this letter, works 60 hours or more a week in hopes of saving enough money to get married and have children. The second woman, her cousin, has three children and has been receiving welfare for 13 years. The closing paragraph of her letter sums up the state of things better than I have ever heard. She writes, "Yes, the liberals take good care of people like my cousin who were smarter than I by deciding to have children, not get married and not go to work so that the Federal Government would take care of her and her children. I was the stupid one, who worked hard and waited to get married before having children. Now my taxes and hard work help pay for my cousin to enjoy her life."

The Republican tax reduction will help restore common sense and accountability to the process and lift the burden off the shoulders of the hard-working, tax-paying men and women of America.

JULY 1, 1997.

Congressman JIM GIBBONS,
Reno, NV.

DEAR CONGRESSMAN GIBBONS: I thought you might enjoy reading about how Clinton and the liberals have proved they are pro family.

This is a tale of two women.

One is 37 years old and has worked since she was 14 years old busing tables at a Holiday Inn. The other woman is 30 and has never had a regular job in her life but she has received welfare assistance since she was 17.

The 37 year old recently got married for the first time, became a first time home buyer and has no children. The 30 year old has never been married, lives with her current boyfriend and has three children.

The 37 year old owns a car that is 10 years old and only seats two people. Her husband has a 9 year old pick up truck which also only seats two. They would like to purchase a moderately priced used four door car to carry children that they plan to have. The 30 year old recently bought a new Toyota Camry.

The 37 year old and her husband now pay more taxes since they got married and the 30 year old pays no taxes.

When the 30 year old and her husband have children they will not qualify for the proposed $500 tax credit per child because they make a little more than $75,000 per year on a combined income and are considered rich. The 30 year old will receive a $500 per child tax credit even though she does not pay taxes.

The 37 year old recently took a second job at $6.75/hour and her husband works as much overtime as he can to help pay off debt associated with buying the new house so she can afford a new car and have children. The 37 year old woman works 60+ hours a week and sees her husband 1 day a week and in passing during the rest of the week. The 30 year old has lots of free time, as her mother and sisters take turns baby-sitting the three children, while she goes out with her friends and spends time with her boyfriend.

When the 30 year old loses her welfare, she plans to take a job but her child care will be paid for by the government. The 37 year old will have to quit her job to take care of children, when she has them, because child care will eat up most of her salary so she has decided it would be better to stay home.

The 37 year old is myself and the 30 year old is my cousin who had her first child at 17 because her older sister had a child and received more attention.

I make $28,500 per year as a marketing coordinator for an engineering firm. I have worked hard all my adult life and put myself through college. My husband's base salary is about $36,000 per year as a postal worker (for 16 years) but he works a lot of overtime and averages about $47,000 per year. We bring home about $48,000 per year. We both have some money withheld for retirement. When we did our taxes last year we discovered that we are considered to be wealthy (because of our combined incomes) and should therefore pay more taxes.

We were penalized for working hard and getting married.

Now we find that we cannot afford to have children. If we have children, I will probably have to quit my job to take care of them because day care would cost about $7,800 per year for one child and I don't have relatives nearby who could care for them and I don't qualify for assistance by the federal government to help pay for day care.

But I guess quitting my job would be okay because I would then qualify for the $500 per child tax credit because our family income would be under $75,000 per year. Of course we wouldn't have a car that we would all fit in. But at least the child would be safe in the front seat of both vehicles since they don't have air bags.

My husband would have to give up his 401K because we would need that extra income too. But that would be okay since we will now have the federal government to take care of us when we get old.

So now, we will be penalized for having children.

Yes, Clinton and his liberals take good care of people like my cousin who was smarter than I by deciding to have children, not get married and not work so the federal government would take care of her and her children.

I was the stupid one, who worked hard and waited to get married before having children.

Now my taxes and hard work help pay for my cousin to enjoy her life.

Yes, Clinton is pro family.

Sincerely,

SHELLEY READ,
Sparks, Nevada.

□ 2130

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NORTH AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise at this moment to talk about something that is near and dear to the hearts of many Americans, and that is the North American Free Trade Agreement, otherwise known as NAFTA.

When the United States enters into trade agreements, the objective should be to advance the standard of living for working families in our country and abroad.

Just like the average family in Illinois' 7th Congressional District who are impacted by this trade agreement whether they like it or not, my hope is for them. They want what we all want, to provide to the best of their ability for their loved ones.

My hope is for the people in the district, so that they can obtain a living wage, a wage that allows workers to lead a dignified life while working in a safe and healthy environment, an environment that respects their needs as a worker. Their struggles and desires are not so different from mine and my colleagues. They want to put clothes on their children's back, they want to put food on the table, have access to reliable transportation, live in adequate housing, and afford child care for their children. Their issues need to be taken account of and they want to be an active part of the debate.

I hope for a trade agreement that will help to broaden our economy, help eradicate poverty, while bringing jobs and a decent quality of life to all of those involved. However, based upon recent reports, NAFTA, the trade agreement and trade model, has not met its promises. Therefore, I believe that any standard of trade, based on the NAFTA model, will further threaten the standard of living for working families, not only in the United States but in other countries as well.

The growing trade deficit with Canada and Mexico since NAFTA was passed is well-known. As this trade deficit has developed, thousands of United States jobs have been lost.

"Free traders" often state that those opposed to NAFTA need to get on with the times, often asserting that we are opposed to this treaty out of fear for the future. I pronounce that this is just simply not the truth. As a matter of fact, those individuals and unions who are opposed to NAFTA do so as a result of their great desire to create a different kind of future, a future that says that the standard of living in this country ought to be spread throughout the world, a future that says we do not believe that further reducing the standard of living in Third World developing countries is the way for America to rise.

So, Mr. Speaker, I would hope that this country would object, reject, extricate itself from the concept that America can advance by allowing its businesses and industries to flow away seeking a different kind of labor pool, seeking a labor pool that is willing to work because of the difficulties that it has had, that is willing to work by undercutting and undermining the standard of living that the American society has become accustomed to.

We need to make sure that people all over the world can subscribe to the idea that they ought to be paid for the work which they provide; that is, they ought to be paid a livable wage that affords them the opportunity to seek the very best of what the world has to offer.

I am grateful for the opportunity to share these thoughts and ideas with my colleagues and the American people and suggest that NAFTA is not good for America.

TAX RELIEF TO THE MIDDLE CLASS IS MORE IMPORTANT THAN EVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, what if we were to go on a 6-month diet to lose 30 pounds and we got to the 4th month and we had already lost 28 pounds? Would we quit exercising and quit dieting because we were so far ahead of schedule? We had not reached our goal yet but we were way ahead of the game.

The United States Congress and the American people are in that situation right now with deficit reduction. An article today in The Washington Post shows that the deficit, the projected deficit may go down to $45 billion, which is way lower than the expectation. Now, what this means is that Congress and the American people may not have to wait until the year 2002 to see a balanced budget. We may see it a lot sooner, even potentially as soon as next year.

So how do we react? Well, all over America people will be very pleased to hear this. But how do certain big-government liberal types in Washington react? Hey, we are ahead of schedule; that means we can relax and we do not have to cut so many programs and we can spend more money. We can have more pork back home. It is very good news to some of them.

I would say to my colleagues that, if we change from the path of having fiscal responsibility and lower spending, then we will get back into the hole that we are just now digging out of. A balanced budget to the folks back home is not about numbers, it is about opportunities, it is about lower interest rates. Lower interest rates on a home mortgage of $75,000 over a 30-year period means we would pay $37,000 less. On a $15,000 car loan, lower interest rates means that we would pay about $900 less. It means that college education is more affordable because student loans are lower. Also, Mr. Speaker, it means taxes are lower because we do not have to spend so much on deficit spending.

Now, the Republican plan to lower and give middle class tax relief is very simple. Under that, 76 percent, and I have a chart, Mr. Speaker, but 76 percent of the tax relief goes to people, households, making below $75,000 a year. This is what a middle class tax cut is all about.

Now, a lot of folks say, well, this tax cut only benefits the rich. Well, that is true if the definition of rich is people who make below $75,000. And incidentally, the interesting way the Clinton administration and some of the liberals get there is by playing games with paychecks, by adding to it, for example, the rental value of a house. So if a person makes $45,000 a year, under the Democrat liberal formula that individual is making over $75,000 a year, so they can say this tax cut does not apply to them.

I would say this. If we go try to get a loan or buy a house based on the numbers the President tells us we are making, it will not work.

Ninety percent of this tax relief goes to families and to education. I am from Georgia. We have the HOPE scholarship. The HOPE scholarship is for students who make a B or above in State schools, and they have their tuition paid for. The national HOPE scholarship is not as generous as the Georgia HOPE scholarship, but it is still very good, because if students and children want to compete in the world today, they have to have a college education. The Republican plan makes college education more affordable.

Tax relief at this time is proper. Why is tax relief important? Because the more money Americans have in their pocket, because the Government is taking less out of it, the more shoes they will buy, the more clothes they will buy, the more shirts, the more cars, and so forth. And when Americans do that, small businesses respond by expanding. When businesses expand, more jobs are created. When more jobs are created, more people go to work, less people are on welfare, and more people are paying taxes.

Is tax relief consistent with deficit reduction? Absolutely. It certainly is, Mr. Speaker, and that is why we need it. Because the easiest way to balance the budget is to have economic growth.

COMMEMORATION OF THE LIBERATION OF GUAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I take the opportunity to come to the floor to just simply commemorate an event that is very important to the people of Guam, and that is the liberation of Guam from the hands of the Japanese during World War II.

The actual liberation of Guam occurred on July 21, 1944, with the landing of troops from the Third Marine Division and the First Marine Provisional Brigade and the 77th Army Infantry. We paid tribute to this event yesterday at Arlington National Cemetery with about 200 people from the local Guam community as well as various officials from the Federal Government. We laid a wreath at the Tomb of the Unknowns, and joining with me in laying this wreath was General Krulak, the Commandant of the Marine Corps.

Of course, this is entirely appropriate because it is in fact the Marines who were the shock troops of the landing which occurred 53 years ago on Guam. Among the Marines that landed on Guam on that day were Capt. Louis Wilson, who won the Congressional Medal of Honor and who, unfortunately, could not be with us yesterday, but he won the Congressional Medal of Honor on Guam. Captain Wilson later went on to be Commandant of the Marine Corps.

Also, last year, in commemorating this event, someone who joined in commemorating this event with us was former Alabama Senator Howell Heflin, who was wounded on Guam on July 21, 1944.

The island of Guam was devastated by this conflagration, and the men in uniform, as liberators from the sea, deserve our gratitude and certainly the gratitude from the people of Guam for a job well done and for the honor of a sacred mission that was fully completed.

But there were also liberators from within. There were also the people of Guam who suffered and who sacrificed and endured much hardship while awaiting their deliverance, but displaying all the while their courage and their capacity for survival, their ingenuity and their indomitable spirit.

There are many dates in this month, in July, which testify to the intensity of the emotions of the Chamorro people and the endurance of the Japanese occupation. On July 12, the date in 1944, some 9 days before the arrival of the

American troops, the Japanese ordered a massive roundup of all civilians and had a forced march into the interior of the island.

□ 2145

July 12 is also the date on which four men were beheaded, including Father Duenas, in a place called Tai. Father Duenas was beheaded for his continual insistence and protestations to the Japanese authorities that his people be treated fairly. And the same day that the Japanese decided to round up the entire population of some 20,000 Chamorro civilians and force them into camps into the interior of the island, was the day that they also beheaded Father Duenas.

On July 15 there was the massacre of some 16 villagers on the southern end of the island in the caves of Tinta Malesso, and July 16 the massacre of 30 other villagers at Faha, which is also in the village of Malesso. And on July 20, one day before the arrival of the Americans, the brave actions of some young men who were armed only with one rifle and several homemade spears under the leadership of Tonko Ayes of Malesso, overcame a squad of Japanese soldiers in Malesso in fear of their lives.

So as we reflect upon this, certainly for the people of Guam there were numerous other beheadings, executions and beatings, but the people of Guam persevered because of their faith in the American flag and belief in their abilities. Today we pay respect to those who liberated Guam in 1944, from within, from without, from the sea and from the hills. The people who came from places like Kansas and Florida and North Carolina, but certainly also people that came from the interior of Guam, we honor all of you.

It is important to remember that Guam was the only American territory which was occupied during World War II with civilians in it, and is in fact the only American territory occupied since the war of 1812.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I want to commend the gentleman from Guam [Mr. UNDERWOOD] on the special order that he is conducting here this evening. When I visited some of the battlefields in Guam and saw the activities and learned of the heroic activities of the Guamanian people, I was moved and impressed.

I think we have not given the Guamanians the recognition they really deserve, so I appreciate the gentleman's offer on behalf of his constituency tonight.

FAMILY ECONOMIC INCOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, about a month ago, when we were leading up to the debate that we had and the successful passage of the tax reform bill, the treasury department kicked off a major debate in this country by releasing some statistics, suggesting that the congressional tax relief bills were tilted toward the rich. In other words, the tax relief bill that we were passing was going to give larger tax breaks to the rich than it was to the middle class.

And, of course, Secretary Rubin made a big point that we were not doing enough to take care of the less well off. As we began to look into it, and this is not new news anymore, but as we began to look into the situation, we found out that one of the things Secretary Rubin did was to fail to report his findings in a fashion that the American people could understand.

And I guess I would have to conclude that Secretary Rubin did that on purpose. Because instead of talking about family income in a way that we would all normally talk about it, either in someone's annual salary as it is reported, when somebody comes home and they are sitting around the family dinner table and their little boy or girl says to dad, "How much do we make?" and dad says, "Well, my salary is $40,000," or "My salary is $55,000," or whatever it is, we all understand that. Or we can also understand that when we fill out our income tax form each year, we get some deductions and we get down to what we really pay taxes on under the current tax code. That is called adjusted gross income. The American people and I and everybody else can understand what that is.

But Secretary Rubin computed family income by using a term called family economic income. That means he took the gross salary that everybody made, not adjusted gross income, but the total amount, and added in a number of other income factors to that which Americans do not normally relate to as income to their family.

For example, let us say a family makes $60,000 and let us say they live in a house that is worth $150,000. Well, the economic rental income of that house, now remember they have a mortgage and they are paying the mortgage and they are paying their taxes on the house, but if it is worth $150,000 and the rental value of that house if it were on the market for rent would be maybe $1,200 a month, Secretary Rubin took $1,200 a month and multiplied it by 12 and said, OK, let us see, that is $12,000 plus another $2,400, that is $14,400 a year that the family has in family economic income. So you take the salary level that the family earns, say it is $60,000, and add $14,400 to it and that is part of family economic income.

And if you are like most people have some kind of retirement plan, the buildup of money in the retirement plan also became part of family economic income. And so, as was pointed out by the gentleman from Georgia [Mr. KINGSTON] just a few minutes ago, a family that had an income of $50,000 or $60,000 could look at Secretary Rubin's charts and find out that they make $85,000 or $90,000 a year, when, in fact, nothing could be further from the truth.

Now this was done I think as a way to skew the numbers to make it look like the Republican tax plan actually gave bigger tax breaks to people who were more well off than they did to people who were less well off. So when we began to analyze this, we used the more normal numbers that would be used by most anyone who is thinking about how much families make, and this chart depicts what we found when we looked at how the tax code the new tax plan will affect taxpayers in various economic groups.

For example, here is the lowest 20 percent of taxpayers on this end and the highest 20 percent of taxpayers on the other end. Now, 63 percent of the American people, under the current tax code, 63 percent are in the highest tax bracket, the highest 20 percent. And under the new tax plan, guess what, there is no change whatsoever in that number, continues to say that 63 percent of the people are still in the top tax bracket.

I will just conclude, Mr. Speaker, by saying, as we move on down, we see very clearly that there is no change whatsoever in any of the numbers as it relates to people who pay taxes and how much they pay under the new tax plan, it is the same identical amount as the old.

ARMY CORPS OF ENGINEERS REFUSES TO CONDUCT STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, as I walked over to the Capitol tonight and saw the lights on the dome, I felt, as I always feel as I look at this magnificent structure, I felt a deep appreciation for the opportunity to serve in this place and I felt a deep responsibility to my constituents who have sent me here. To represent the people of southern Ohio I consider a sacred responsibility.

I come to the floor again tonight to talk about a little village in my district located on the Ohio River in Lawrence County, OH, a little village called Chesapeake, OH, a place where people for years have decided to build their homes and their lives on the banks of the beautiful Ohio River because they love the river, they love the environment, they love the community.

A few months ago, a large barge towing company applied to the Army Corps of Engineers for a permit to build a large fleeting facility directly across the river from Chesapeake, OH. Now, I recognize the fact that the Ohio River is a river of great commerce and that we need to utilize it to its fullest to provide jobs and transportation for coal and products. I am not against a fleeting facility, and I am not against this particular company's location of a fleeting facility along the Ohio River.

I simply object to the fact that this facility would be permitted to be located directly across the river from Chesapeake, OH. It would greatly diminish the property values of my constituents. I believe it would provide additional safety problems, air and water pollution, perhaps soil erosion.

The Congressman before me requested that the Army Corps of Engineers require that an environmental impact statement be made and conducted before such a permit was granted. After I came to this office, I requested the Army Corps of Engineers to conduct an environmental impact study leading to an environmental impact statement.

Such a study would require the corps to look at a range of issues, certainly the commercial aspects of the permit, but also factors like quality of life, air, water and soil issues, recreational problems that may be encountered as a result of such a facility, and property values.

The corps steadfastly refused to conduct such a study. I would say that the citizens of this country would not have been required to pay for such a study, that would have been the responsibility of the corporation, a large, wealthy corporation that was asking for the permit.

Why did the corps refuse to conduct a study? I think it is because such a study would have revealed factors which would have made it nearly impossible for them to have legitimately issued a permit. Some 2,000 of my constituents signed petitions directed to the Corps of Engineers asking them for the study.

Two Members of Congress requested such a study. And yet the Army Corps of Engineers put the well-being of a large corporation above the well-being of my constituents, of hundreds, even thousands, of the citizens who live in the vicinity of Chesapeake, Ohio. The company claimed that they would create 30 jobs. They were certainly not able to convince me, nor were they able to say with surety that these would be 30 new jobs rather than simply a consolidation of existing jobs. I am not against fleeting operations.

I am not against the barge and towing industry. In fact, I strongly and enthusiastically support the commercial use of the Ohio River. We need it to provide jobs and transport for our goods. The question is should this facility have been located directly across the river from an established community. I think any reasonable consideration of the facts would lead to the conclusion that this was an unwise decision.

The truth is that the Army Corps of Engineers ignored the representative of the people, it ignored the petitions of the people, and it decided that the well-being and the interests of a single large corporation should take priority and precedence over the well-being and the safety of hundreds, even thousands, of my constituents.

What the Army Corps has done is wrong. Their policies and procedures need to be evaluated. I ask my constituents to continue the fight, and I ask my colleagues in this body for their assistance in righting this terrible wrong.

☐ 2200

The SPEAKER pro tempore (Mr. CHRISTENSEN). Under a previous order of the House, the gentleman from California [Mr. HERGER] is recognized for 5 minutes.

[Mr. HERGER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRESIDENT'S TAX CUT PROPOSALS BENEFIT TYPICAL AMERICAN FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it has been noted that many of us have come repeatedly to the floor of the House in trying to explain to the American people this whole debate on tax cuts. There have been an extensive amount of rhetoric, allegations of welfare deadbeats getting tax cuts, allegations that those who really work and really pay taxes would benefit under the Republican plan, but yet where are the facts?

This is so important an issue that I think, Mr. Speaker, we should continue to come and come and come so that those individuals who pay our salaries can fully appreciate the intensity of this debate, but the realism of this debate.

Just a few speakers ago, there was someone standing with a very pretty chart trying to discern between the Secretary of the Treasury's analysis and the Republican analysis. Let me, however, share with my colleagues words from the Congressional Research Service, the Library of Congress. Many of us go to libraries. We recognize that libraries have a myriad of resources. Most of all, libraries do not try to convince us of anything. They give the pros and the cons. They give the fiction and the nonfiction.

In this report, the CRS service has made a very simple analysis. No one has paid them to make a statement in favor of one versus another. But it simply says estimates by the Treasury Office of Tax Analysis suggest that these tax cuts will favor high-income individuals while certain estimates taken from the analysis of the Joint Committee on Taxation indicate the cuts will favor the middle class.

What does the CRS say? The CRS says that the Office of Tax Analysis, that is in the Secretary of the Treasury's Office, provides a more comprehensive measure, more consistent with how economists would measure the bill's benefits to individuals in different income classes. Therefore, as compared to the Joint Committee on Taxation used by Republicans, the OTA, as assessed by an independent body, is the more accurate assessment of how these funds will be distributed, and the Secretary of the Treasury clearly says the high-income, over $100,000 individuals, of which we have no animosity toward, will be the beneficiaries of the Republican tax plan, not hardworking and continually working middle-class and poor Americans. The OTA measure of income is the more accurate measure of economic income because it is more comprehensive, again from the Library of Congress.

If we simply look at the President's plan in contrast, if we consider a family of four who makes $40,000, the father is a carpenter and makes $25,000 and the mother makes $15,000 working in a local department store. They have two kids, a son that is a freshman in high school, and a college student at a community college where tuition is $1,200. The President's tax proposal will benefit this family in at least two ways. The tax credit for $500 plus a HOPE scholarship of $1,100. In total they will receive a $1,600 tax cut. But they make under $50,000. But they work every day. No, they are not on welfare, they are not deadbeats.

Here is another situation. Consider a family of four with two children living in a medium sized southern city. The father is a rookie police officer. How many of us applaud those men and women in the blue that put their life to line making $23,000, a year and the mother is taking off a few years from working because she has a small, growing family.

Federal tax situation before any child tax credit: income taxes owed, $675 before the earned income tax credit that the Democrats want to ensure continues; payroll taxes, the employee's share, $1,760; excise taxes, $354; Federal out-of-pocket taxes owed before EITC, $2,789; employer share of payroll taxes, $1,760; Federal taxes before the EITC, that is the earned income tax credit, $4,549. Benefit that they would get from the earned income tax credit, $1,668, the same tax credit that the Republicans want to cut out.

The child tax credit for the family of a rookie police officer making $23,000, President Clinton's proposal, $767; the House bill, they would get zero; the Senate bill, zero.

What do we say to this working family with a mother who is caring for children? Do we say that they do not deserve fairness? This tax bill is important, Mr. Speaker, but the most important thing is for the American people to understand who is on their side and who can understand that than those who look in their pocket and find zero? Mr. Speaker, I hope this debate will be continued.

TRIBUTE TO LT. COL. DONNA K. DOUGHERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, for myself and for the House delegation to the North Atlantic Assembly, I rise today to recognize Lt. Col. Donna K. Daugherty for her distinguished and exemplary service to the U.S. Air Force and this great Nation and her lengthy tenure as the Deputy Chief of the Air Force House Liaison Office from February 29, 1991, to July 3, 1997.

In this capacity, Colonel Daugherty truly has excelled in providing the House of Representatives with outstanding service and unselfish commitment above and beyond the call of duty. She quickly established a solid reputation with both Members and staff and continued to build onto those strong relationships during her time in the liaison office. Her keen wit, good judgment, genial personality, and intelligence have helped her represent the Air Force and the Department of Defense in outstanding fashion.

For the past 6 years, her assistance was routinely sought by members of the Committee on National Security and their staff to arrange briefings on a wide variety of national security issues. Throughout her work, Kim's sound judgment and keen sense of national priorities are attributes or talents that have greatly benefited Congress and the U.S. Air Force.

In the challenging arena of assisting Members of Congress in international travel, she was of outstanding assistance in planning, organizing and executing assigned congressional delegation trips to locations all over the world. Actually, she assisted in the planning and executions of 35 CODEL's to 41 different countries involving 143 current and former Members of Congress.

As the chairman of the House delegation to the North Atlantic Assembly, this Member has been assisted by her on several North Atlantic Assembly trips, and her sound performance was always stellar. It certainly has been this Member's pleasure to have worked and traveled with Lt. Col. Kim Daugherty. She has served with great distinction and has earned our respect and gratitude for her many contributions to our Nation's defense and assistance to the U.S. House of Representatives.

Mr. Speaker, this Member confidently speaks for the many colleagues who know Colonel Kim Dougherty when a fond farewell is extended to her along with sincere best wishes and continued success to her and her family as she moves on to the National War College.

Mr. Speaker, the House can be thankful, however, that Colonel Dougherty will be returning to the Legislative Liaison Office next year. We look forward to working with her in the future.

NEW EPA RULES THREATEN ECONOMIC REVITALIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, as I have in the past several weeks, I come to the floor of the House again asking my colleagues to give some consideration to becoming cosponsors to a bill that I have done with the gentleman from Michigan [Mr. UPTON], a Republican from Michigan, and the gentleman from Virginia [Mr. BOUCHER], a Democrat. It is a bipartisan effort to try to say to the Environmental Protection Agency that we in the United States of America, we the people, are working toward cleaning up our air. We have done a tremendous job of cleaning up the air of this Nation. Industries have spent hundreds of millions of dollars. Workers have done their part. Automobile owners have done their part. We have gone to catalytic converters and unleaded gasoline. I will tell my colleagues, coming from southwestern Pennsylvania in an area that was once referred to as "hell with the lid off" that we in fact have made tremendous strides in cleaning the air and even according to Carol Browner, Director of the EPA, we will continue to do that.

But now comes the Director of the EPA and now comes the President of the United States refusing to talk to those of us who are from their own party, the Democratic Party, refusing to even acknowledge our letters when we say to them that you are threatening the very livelihood of the people of our district. You are threatening the economic revitalization that has been decades in coming by changing the target at the midway point in the race.

The President, at the suggestion of Ms. Browner, at EPA is going to change two standards, that dealing with soot or fine particulate matter, and that dealing with ozone, or smog. There is no reason to do that. By their own admission, we are making progress. By their own admission, particularly when dealing with fine particulate matter, there are only 50 monitors in this entire country which will deal with what is known as PM–2.5. That is something about 1/28th the width of a human hair.

Why are we doing this, Mr. Speaker? Why are we changing the rules and regulations for industry? The governors certainly do not want it. They have encouraged this President, who was a Governor, not to make this change at this time, many Governors.

State legislators have urged us. The burden will fall on them. The Mayors Conference overwhelmingly suggested to this President, do not change the rules, the burden will fall on us. We are the ones that will have to come up with methods of complying. We are the people who will have to say, no building permits if you want to expand your industry, no building permit if you want to bring a new industry into this region. We are the people who have to make the decision. It is not the EPA, it is not Carol Browner.

It is going to be something that is mandated, new standards, by the Federal Government, that according to the scientists who testified before our Committee on Commerce, the Committee on Science and other committees on both sides of the Hill, that there is no bright line which defines an improvement in human health. So why are we spending billions of dollars, costing millions of people their jobs, costing the economic recovery of this Nation at a time when we have no definitive reason to believe that there will be a positive impact?

And the President has said, wait a minute, take a look at our compliance. We are going to set these standards down but, with a wink and a nod, you do not have to obey them for years to come.

Why institute them? Why institute them? And if you do not have to comply, then why do we have them? And it is not the Federal Government that is going to force you to comply; it is those same local elected officials, the mayors, the county commissioners, the State elected officials, the Governors who are going to have to say, if my district all of a sudden, these hundreds of counties across this Nation, are going to be out of compliance, then we have to begin the process of setting up the standards. We will be the people that will have to make the decisions as to whether or not we issue building permits, whether we allow industry to expand, what we do about centralized emissions testing of our vehicles, and on and on and on.

So you are right, Mr. President. With a wink and a nod, you can say we are going to keep the environmentalists happy by seeming to make more stringent laws, but with a wink and a nod to our friends in labor, to our friends in industry, we will say, "But you don't have to obey those rules."

You cannot have it both ways. We in southwestern Pennsylvania have lost 155,000 jobs. We are beginning to come back. We are beginning to see a new investment by companies that want to come back to people with a good work ethic and want to create employment. We do not want that to be undone, and so we have introduced H.R. 1984. It will stop the EPA. It is a common sense bill. In the meantime, we will authorize money to study the problem, to build the PM–2.5 monitors and to take us forward with good science.

TAX RELIEF FOR MIDDLE CLASS WORKING FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I want to talk a little bit tonight about tax relief, and particularly tax relief for middle class working families. All of us were home for about 10 days in our districts and most of us had a chance to meet with folks in community events. I was at Spam Jam in Austin, Minnesota, where we celebrate the world's greatest lunch meat. I was at 6 parades in my district. I got a chance to talk to a lot of people. What they told me was pretty simple. I think they are generally pleased with what we are doing in terms of balancing the budget, but frankly they do want some tax relief, they want it to be fair, they want it to be part of a balanced budget plan, they would like us to save Medicare.

I am happy to report tonight, Mr. Speaker, that we are doing exactly that. I want to talk a little bit about the differences in the debate that the American people are being subjected to about whether or not this tax relief plan that we are offering to the American people is fair.

□ 2215

And I would suggest that there is a big difference in the debate, and the debate is between real and potential, real and potential. In fact, if you listen carefully to the debate, we are going to talk about real tax relief, they are going to talk about potential tax relief. They are going to talk about potential income, we are going to talk about real income.

And I do not fault completely our current Secretary of the Treasury, Mr. Rubin. He was not the first to come up with a concept of imputed income.

Now what is imputed income? And earlier we had one of our colleagues from Texas talk about a family that made $40,000. Now someone, if we had been able to, and sometimes it is rude to interrupt people and ask them to yield, but is that real income or is that imputed income? Because imputed income, as the gentleman from New Jersey [Mr. SAXTON] said earlier, includes potential rent that you could get from the house that you currently live in.

As a matter of fact, David Brinkley a couple of years ago opined about this issue. Imputed income is income that you might have had but did not. It is potential income.

For example, the example has been used several times about the young fire-fighter or the young policeman who earns $25,000 or $35,000 a year. Well, if he lives in his own home and could have rented his home out, actually then his real income might have been $40,000 or $45,000. If he has a vested interest in a pension plan, that would be part of his imputed income.

So if we are going to calculate people's income using imputed income, let us calculate the taxes.

But the real fact of the matter is that if you look at this chart that earlier was presented, nothing really changes with the tax bill in terms of who is going to pay the taxes. What this chart shows is that under the current tax formula the top 20 percent of taxpayers pay 63 percent of all the taxes paid in the United States. Under the new tax formula that we are proposing from the House, the top 20 percent will still pay 63 percent.

Now we are going to have this debate, and they are going to use imputed income, we are going to use real income. They are going to use potential taxes, we are going to use real taxes.

We should not even have this argument, and we are not going to ask the American people just to trust us and do not trust them. Trust yourself. And what I am going to invite people to do is to calculate the tax cut for themselves, and this is available now, I think, on the World Wide Web. We are going to make these worksheets available so people can calculate their own tax relief.

This is a very simple little work sheet: Number of children in your family under the age of 17; under our tax relief, the first year, 1998, you multiply times 400, and the second year and years after, you multiply it times 500. If you have two children it is worth $800 next year and $1,000 the year after. If you have a capital gain, if you earn more than $41,200, you multiply times 8 percent. If you have income, household income, of less than $41,200, you multiply times 5 percent. That is what you are going to save. And finally, if you have youngsters who are in their first 2 years of college, you multiply times a $1,500 credit.

Do the calculations yourself, but I can tell you this: If you are an average family in my district earning $32,500 a year with 2½ children, in fact let us just say 2 children, it is worth over $1,000 to that family.

Now that is real money that they can spend themselves or they can save for their own future.

So do not take our word for it, do the calculations yourself, and these are real tax cuts for real people, not potential tax cuts for potential income.

Finally let me just say there are additional benefits in this tax relief package, and you have choices as to whether you want to take the credit on higher education costs or you can take a $10,000 deduction depending on your situation. Penalty-free withdrawals from your IRA's for college expenses, exclusion of capital gains on a home up to $500,000; this is real tax relief for real families, not potential tax relief based on potential income.

REPUBLICAN TAX PROPOSALS PRIMARILY BENEFIT THE WEALTHY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for one-half the time remaining before midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, as you note this evening, some of my colleagues on the other side of the aisle, some of my Republican colleagues, made reference to Treasury Secretary Rubin's report which was released over last weekend that illustrated very clearly how the Republican proposals primarily benefit wealthy individuals. In addition, Secretary Rubin expressed serious concern regarding the potential for the Republican tax cuts to explode the deficit, and I just wanted to mention this report again because I think it is significant. It says that only 38 percent of the tax cuts would be for middle-class families under the Republican House proposal while 55 percent of the tax cuts would go to the affluent.

Now President Clinton's tax cuts are more targeted to the middle class. Eighty-three percent of the tax cuts under his proposal would be targeted to the middle class, and only 10 percent would be targeted to the wealthy.

Now we are hearing all these statements from the Republicans about how these Treasury numbers are inaccurate, the Republican plan does give more money to the middle class. Unfortunately, these Republican arguments are without basis and they basically ring hollow. It is the Treasury numbers that examine the full 10 years of this balanced-budget agreement in their calculations. What the Republicans do is they only look at the few years in the agreement that they think favor them and then skew their numbers to make it seem that they are helping the middle class, and in fact they are not.

One of my colleagues, the gentlewoman from Texas [Ms. JACKSON LEE] mentioned the Congressional Research Service report which was issued on July 2, just last week, and this is a nonpartisan analysis. And what that report stated was that the Treasury office's numbers, the Treasury Office of Tax Analysis, and I quote, "provides a more comprehensive measure more consistent with how economists would measure the bill's benefits to individuals in different income classes." They go on to state the OTA, the Treasury analysis, is a better representation of the permanent distribution.

So this Republican argument is baseless because the facts back the Democrats' argument. The Democratic tax plan primarily benefits the middle class, and the Republican scheme primarily benefits the wealthy.

I just wanted to use an illustration now, if I could, under the Republican tax scheme to show how a typical family is not really helped, and I use as an example here, as you can see on the chart, of Joe and Betty who do not fare well under this Republican proposal. Basically Joe cannot figure out why the CEO of his company is getting a $24,000 tax break under the GOP plan while he gets almost nothing. Joe's wife, Betty, works part-time and worries that she will get a pay cut and possibly lose her pension under the GOP plan because her boss may turn her into an independent contractor.

One of the things that the Republicans do not tell you is not only that the Republican plan does not provide much in the way of tax cuts to the middle class, but they also have these little provisions in the bill that change the definition of workers and their rights and whether or not they get minimum wage. And one of the things they do is to turn a lot of people into independent contractors, so they may lose a lot of the benefits that they now have.

Now Joe and Betty again, they have a daughter Susie who is headed for a community college in a few years, and she would likely face $750 in tuition costs under the Republican plan compared to the zero tuition under the Democratic alternative, because we are a lot more generous in what we do to help families pay for higher education.

Finally, little Joe Junior in this family of four and his sister would not receive a child tax credit under the Republican plan, even though both parents work and pay taxes.

Now meanwhile we have got this CEO here of the company where Joe and Betty work, and just to give you an illustration, Joe found out that they have a memo from their accountant that they project that this CEO was going to get a $24,000 windfall of extra income due to the Republican tax breaks. In addition, the CEO is thinking about how turning low-wage women employees like Betty into independent contractors is going to mean big bucks for the company and could mean a raise for him under the GOP bill. Of course Mr. CEO's gains are the country's losses because the Republican tax scheme will cause the deficit to explode.

I have a number of my colleagues here tonight that I would like to yield some time to to talk about what is going on here, but the bottom line is that the GOP plan is giving most of the tax breaks to wealthy individuals. The Democratic plan is aimed towards the working class, towards the middle class. That is what the Treasury report shows, and no amount of rhetoric on the other side of the aisle is going to change the facts as they exist.

I would like to yield now to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I think the examples the gentleman gives are exactly right. Those examples do show that the benefits of the Republican tax cut plan go very much to wealthier Americans and that the Democratic alternative, those benefits, the President's plan, go to working middle class American families.

Now we have heard a lot of information tonight, and I want to go over some of that information. Two of the previous speakers referred to the Clinton Treasury Department numbers, and I want to talk about these numbers a little bit. One of them said Secretary Rubin developed these numbers, but the last speaker, the gentleman from Minnesota on the other side, was more accurate. He said, "I do not fault Secretary Rubin, he was not the first to use those numbers."

That is right. He was not the first. They were used in the Bush administration. For all of this talk of imputed rental income, this way of measuring the economic impact of tax cuts on families has been used for some period of time. It was used during the Bush Administration, it was used during the Reagan Administration.

In fact, those numbers, this approach was first developed by William Simon, Secretary of the Treasury, 1977. The Treasury Department has been using this analysis for 20 years. It was not developed recently, it was not developed to have anything to do with the Republican plan in this Congress or the Democratic plan. Twenty years the numbers have been used.

So why? Let us ask ourselves why all this talk of imputed income? Why all this confusing rhetoric?

Well, I submit the answer is very simple because of another chart that was put up earlier tonight by the gentleman from Georgia, and that chart said 76 percent of the benefits go to people earning less than $75,000 a year. But if that were true, I say to my colleague from New Jersey, he would vote for that bill, I would vote for that bill, all the Democrats would stand up and vote for that bill. It is not true.

Let us take an example. Let us suppose you have a family earning $30,000 to $40,000 a year in wages and salaries, and let us suppose they also have $100,000 in interest, in dividends, in investment income. How is that family categorized under the Joint Committee on Taxation numbers, the numbers relied on by the Republican side? They call that family a $30,000 to $40,000 family because they say all of their investment income is irrelevant, all of their interest income is irrelevant, all of their dividend income is irrelevant. We are just going to look at their wages and salaries.

That is how they do the math. It is completely bogus. The fact is when the gentleman from Minnesota stood up and said one side is talking about imputed income and one side is talking about real income, what he neglected to say was that real income just included wages and salaries, not dividends, not interest, not investment income. In other words they take all of the wealthy, many of the wealthy, and call the middle class, call them middle-income families, and it is not true.

So the question is who wins and who loses under the various plans. And let us for a moment forget about how we described family income. Let us just look at the middle 60 percent in family income. Let us take those at the bottom 20 percent in family income and set them to one side, and let us take those at the top 20 percent in income, set them to one side. Let us look at the 60 percent in the middle.

Well, under the President's plan, under the Democratic plan, 67 percent of the benefits of that tax cut go to those families, middle income working Americans, 67 percent of the benefit goes to them.

□ 2230

What about the House bill that was passed over our objection? Thirty-two percent of the benefit of the Republican House bill goes to those working families, 32 percent, less than half of the benefit that flows to middle America under the Clinton tax cut plan.

On the Senate side they do slightly better. Thirty-four percent of the benefits of the tax cut go to that 60 percent of Americans in the middle. Those are the cold, hard facts. That is why we have stood up as Democrats and said, if we are going to have a tax cut in this country, and we are, and we support a tax cut of the same size as those on the Republican side, but we are saying the benefit of this tax cut has got to go to working Americans, to middle-income Americans.

Mr. Speaker, I have just one other point I would like to make. I think we have to decide, is this tax cut bill fair. That is the first issue. The truth is the Democratic plan is fair and the Republican plan is not.

The second question is this: Is this plan fiscally responsible? What the House Republicans have done is they have indexed capital gains to inflation. They have backloaded IRAs. The effect of those two decisions is to explode the deficit in the outyears. After you get past 15 years, that second 10 years, this bill becomes fiscally irresponsible.

Today in the Washington Post there was a report that we now have driven the deficit, the annual deficit in this country, down to $45 billion; from $280 billion when the Clinton administration started, down to $45 billion. Almost all of that is the result of the 1993 tax cut bill, for which not one Republican voted.

The work has been done. We have balanced the budget. This is the wrong time to enact policies that explode the deficit in the outyear. The Republican tax cut plan is not fiscally responsible. It explodes the deficit. It is not fair to middle-income working Americans. We need to stand up for the Clinton plan, stand up for the Democratic alternative tax cut plan that passed this House, and I look forward to working with the gentleman from New Jersey [Mr. PALLONE] toward that end.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I think one of the points the gentleman is making that we need to stress over and over again is, when I was making reference before to this Congressional Research Service report that basically says that the Treasury Department report is the accurate one, and defies what the Republicans were saying tonight, what this Congressional Research Service report primarily is saying is that the Republicans are in effect pulling the wool over our eyes, because they are looking at how this tax cut is distributed under the 5-year plan rather than the 10-year plan. That is what we have to look at really, is the 10-year plan, because that is where these tax cuts are generated primarily to wealthy Americans in the latter part of that 10 years.

They are the ones who are really being tricky about this on the Republican side by not looking at the broader picture and at this plan over the 10 years. It is particularly true with capital gains and with IRA's, because those are the things where the benefits really increase at the latter end of that 10-year period. That is where wealthy people get most of the benefits and the average person does not. I think the gentleman is making a very good point.

Mr. Speaker, I yield to the gentleman from Arkansas [Mr. SNYDER].

Mr. SNYDER. Mr. Speaker, I thank the gentleman for yielding to me. I agree with the gentleman from Maine. This is not a question of is there going to be a tax cut. There is going to be a tax cut, it is going to be the same amount of money. The issue is what is the best tax cut for working middle-class Americans.

Of course, being from Arkansas, I am concerned about working middle-class Arkansans. There has been a lot of discussion about who is going to benefit the most under this plan. Every responsible analysis I have seen, looking at this plan in its totality over the next 10 years, clearly states that the President's plan and the Democrats' plan most helps working middle-class families.

Over the weekend I was really pretty outraged by some of the statements in the press made by Republican leaders in this country that somehow we Democrats advocating for working middle-class families were trying to turn a tax cut bill into a welfare bill. I would like to talk about real folks here for a minute.

I have a constituent who was kind enough to share with me her paycheck stub; you know, that thing that you get at the end of the month and it just gets your heart to beating fast when you realize how much money went to the government. We all go through this every week or every month.

This top portion is her particular paycheck stub. She and her family make about $14,000 to $15,000 a year, not a lot of money these days, but I have made it before; it is what a lot of us make when we are first starting out. This family has 2 children. One of our colleagues on the other side of the aisle earlier had a little chart about how to calculate the family tax savings, I believe was the way the chart was titled. He said just take the number of children and multiply it times two, by either the $400 or $500. You take this family here with two children and multiply it times two, and you come out with a $1,000 tax cut.

Under the Republican bill that passed out of this House with no votes or very few Democratic votes, this family does not qualify for that tax cut, so that chart was inaccurate. Why is that? It is because under the Republican tax bill that was passed, they do not consider the taxes that you pay that are called payroll taxes, those taxes that say, sometimes it says FICA, sometimes it says Social Security or Medicare, but their tax bill says no, those are not really taxes. We did not consider those taxes during the campaign when we were talking about folks who play by the rules and pay taxes. We did not mean this family, we meant the families we were thinking about.

So this family on that chart does not qualify for that tax cut. It is not advocating a welfare program for me to stand up for Arkansans who are in this situation and say this family and these kids also deserve a tax cut.

Another issue that came up a few minutes ago by one of our colleagues across the aisle, again going to the family tax savings chart, again talking about the second calculation you make is the number of kids in the first 2 years of college, and you multiply that times $1,500, that number of kids.

That all sounds good, but that is not what happens under the Republican tax bill, and both the Democrat version and the President's version are an improvement. Why does that not work? In Arkansas, and I know I am going to show my parochial interest, we have a lot of 2-year colleges: Foothill Technical Institute in Searcy County, Arkansas, and in White County, Pulaski Technical College in North Little Rock; I have several of them around the State that have tuitions, annual tuitions and fees of less than $1,500 a year.

Now, under the President's plan and the Democratic House version, if the tuition is $1,000, this family, those kids, say we have two kids in that college in the first 2 years, two times a $1,000, that is $2,000. If you did the Republican version, it is a 50 percent credit, so you are taking $1,000 tuition, two kids, $2,000, and 50 percent is $1,000. They only get half the credit.

If we say, well, that is okay, they can go to more expensive schools, but we are trying to stand up for working middle class families that may not have the resources to send their kids to more expensive schools. These are the schools that we work very hard in Arkansas for the last several years to develop a two-year college system. I know they are the schools the President has cared about when he came up with the HOPE scholarship program. It is just not fair that these families have to be left out of the full tax relief because they choose or are forced to send their children to less expensive schools.

Mr. Speaker, finally, if I might make a comment about the estate tax relief, I know for some of us that is less important than for others. In Arkansas we have a lot of farms. We also have a lot of small business folks. In estate tax relief, the ability to be able to pass the small business or farm on to your kids without being at risk of having to sell a portion to pay estate taxes is important to a significant number of Arkansans.

Under the Democratic versions of estate tax relief, for folks with small businesses and farms the relief is immediate. So if a person, as soon as the bill was signed into law if a person were to die, their family would be able to benefit from the full estate tax relief. Under the Republican version, it does not kick in until the year 2007.

So to my friends my friends in Arkansas who have small businesses or farms, if the Republican version becomes law, all I can tell them as their tax adviser is do not die any time soon if you want full relief.

I appreciate the opportunity, I would say to the gentleman from New Jersey [Mr. PALLONE] to share my concerns about the Republican bill. I think we as Democrats have an obligation to stand up for working middle class families throughout this country, and by doing that we are not advocating welfare, we are only advocating what just about every candidate in America promised in the last election: tax relief for working middle class Americans, all of them, not just the chosen few.

Mr. PALLONE. I appreciate the gentleman's comments, Mr. Speaker. When he was talking before about the payroll tax, what the Republicans are trying to do is to just look at the Federal income tax and say, unless you are paying a certain amount in Federal income tax you should not get any tax relief. The gentleman pointed out very vividly how payroll taxes for many people, working people, are even a bigger chunk of what they have to pay to the Federal Government than the income tax.

When we think about other taxes, I know in New Jersey, for example, we have one of the highest property tax rates in the country. People are paying a tremendous amount of property tax. Why is it that all these other taxes, whether they be Federal, State, local, whatever they are, cannot be considered? People are paying them to the government.

I do not think we should really make a distinction whether or not it is income, payroll, State, local, whatever it is. It is still taxes that you have to pay. People need relief. Plus the thing that really bothers me is that when this balanced budget agreement was struck between the President and Congress it was made quite clear by the President that the tax relief had to go to middle-income people and primarily to working people. Now the Republicans are basically breaking the deal, the way I see it.

Mr. SNYDER. Mr. Speaker, this issue of payroll taxes is particularly important. Before I was elected to Congress I am one of the people in the last 15 years that has been considered self-employed. Again going back to small business folks, farmers are often for tax purposes self-employed, as are shop operators, gas stations, the mom and pop stores self-employed.

They can all tell us, they pay almost double the payroll tax, so this is a big concern to them when they hear that this Republican bill, the one that passed out of the House that the Republicans want signed into law, that they may not get the relief, that is of great concern to self-employed people.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank my colleague, the gentleman from New Jersey [Mr. PALLONE], and it is a pleasure to join with my colleagues tonight.

I would just say that I think it is important to really refute the misinformation that is being given out by our colleagues on the other side of the aisle. When we talk about who was getting shortchanged, the critical question is who is going to benefit from the tax cuts. It is the Democratic view that working middle class families ought to have the bulk of that benefit.

Our colleagues on the other side of the aisle would say that they are doing that, but in fact if we examine their proposals, as some have done here tonight, we will find that working middle class families come up short. They get shortchanged on education, education initiatives, on the HOPE scholarship. They do not get any benefit for the third or fourth year of colleges, for a working family to be able to send their kids to college.

So we cannot, one, make the principle of education a universal for 14 years, rather than 12, which would be a bold, new idea, to make education universal for 14 years in this country.

Second, if you are a junior or senior, you do not get the advantage of any assistance at all.

They would shortchange those families who are working, who they claim are getting an earned income tax, and they somehow have lost the definition of what earned income is, because only if you earn an income are you eligible for the tax credit, and only if you pay taxes. My colleagues here tonight have described the payroll tax.

Third, whether it is estate tax or capital gains, it is targeted to middle class families. They are the families who are getting shortchanged. We have to ask ourselves, why they are get shortchanged in this equation, and who benefits? I think I want to point out just one area, and the contrast of why working middle class families are getting the short end of the stick from the Republican tax cut proposal, which is because, in just this one area, of the alternative minimum tax.

The alternative minimum tax was put into place in order for the richest corporations in this country to be able to have to pay taxes, the way everybody else does. It was done in 1986. It has been working fine all these years, though I will say in the last session of this Congress that the Republicans wanted to repeal and eliminate the alternative minimum tax, which would provide a $34 billion windfall to the richest corporations in this country.

So they lost that battle in the last go-round, but they have come back again this time to try it again. The public was outraged in the last Congress that they would do this, so that Joe and Betty, Dick and Jane, we are paying taxes every year, but the Boeings, the Exxons, so forth, would have to pay zero in taxes. So they have tried it again this time.

Why we see this shortchanging of working families here is because what they would like to try to do is one more time to try to scale back on the alternative minimum tax, so that it is not $34 billion windfall to the richest corporations in this country, but at the outset it is $22 billion, with ultimately the notion that you phase out the alternative minimum tax.

□ 2245

Once again, to provide the richest corporations in this country with the opportunity to pay no tax, where you will say to that struggling family that wants to send their youngster to a community college, and I have a lot of community colleges in the State of Connecticut where the tuition is $1,800, but you cannot have $1,500 because we cannot afford to do that.

We will only give you 900 because what we want to do with the balance of that money is to make sure that the Boeings and the Exxons can pay zero in taxes in this Nation. That is what this is about.

I will tell you, the American public is not being fooled, because 61 percent of Americans believe that the Republican Congress is out of touch with the American people. According to Newsweek magazine, that is before, at the 61 percent, it is before middle-class voters even learned that the GOP wants to give a big chunk of their tax cut to Donald Trump. That is a quote from the Newsweek article, not something that I made up, not something that a Democrat has made up but a third party that says this is the direction they want to go.

I will make one more comment because I think it is relevant to make. It is that family that is making the $23,000 a year, again in an article in the Wall Street Journal, certainly not a liberal Democratic newspaper, where it says the Republican tax-cut dog will not hunt. That is because a police officer in Speaker GINGRICH's district, paid $23,000 a year, family, has two kids, gets $1,668 in the earned income tax credit, offsets it, $675 in Federal taxes and yields a check for $993. The family pays $1,760 in payroll taxes. His family out of pocket, even after the earned income tax credit, would have to pay at least $1,100 in taxes. Mr. GINGRICH and company "apparently believe giving that young police officer and his family the child credit is welfare."

On the other hand, what the tax cut proposal on the Republican side would provide is for Mr. Bill Gates, richest man probably in the world when he gets his capital gains and his estate tax reduction and even a new IRA provision that would let him take a $4,000 tax break for educational expenses for his kids, and a $23,000-a-year rookie cop would be denied a tax credit for his kids.

What this tax bill is about is values. It is about priorities. It is what this Nation is about. The Republican tax program is not for working middle-class families in this country. The

Democratic proposal, the President's proposal, is for working middle-class families. I am proud to join my colleagues tonight in this special order.

Mr. PALLONE. What we are hearing is Republican tax breaks are going to big business, special interests, wealthy families and all at the same time limiting tax cuts for education and families with children. It is just incredible.

I yield to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I have been listening. This morning also we were listening to our colleagues across the aisle talk about in their 1-minute speeches, one by one come up and complain about the Democrats engaging in class warfare.

Our budget agreement that we voted on earlier this year called for $825 billion in tax cuts. Each party came up with a plan to distribute those tax cuts. The President presented a plan that would place our priority on giving those tax cuts to families to help them support their children, pay for college, and to provide for retirement. I proudly voted for that package, which I believed was a responsible way to cut taxes while we were making significant spending cuts along the way.

Our colleagues across the aisle created their own blueprint also for the distribution of these taxes. According to the office of tax analysis, as the gentleman has already spoken of a few minutes ago, this Republican plan would give two-thirds of the tax breaks, two-thirds to the wealthiest one-fifth of American wage earners.

By comparison, the President's plan would provide two-thirds of the tax breaks to the middle 60 percent of American wage earners. And they have the temerity to accuse Democrats of class warfare. If this is war, then let us examine who each side is fighting for.

The Republicans want to repeal the alternative minimum tax, as we heard also a few minutes ago, thereby helping the largest and most profitable corporations avoid paying income taxes. The Republicans accuse Democrats of class warfare.

Mr. Speaker, I told the people in the ninth district in Texas that if they elected me to Congress, I would fight for working families and not for special interests. I see an America today where our stock exchange continues to shatter records, but middle-class families still struggle to make ends meet.

I see those families and I want to help them. I cannot help but wonder if our colleagues across the aisle do not see those struggling families at all or if they are simply blinded to their needs. The priorities of the two political parties are crystal clear on this issue. I am proud to stand beside the families in Galveston, Texas, Beaumont, Texas, in Baytown, Texas who will use these tax breaks to improve their day-to-day lives.

If the Republicans want to call this class warfare, that is just fine. This is a battle of our national principles.

Mr. Speaker, I am proud to stand with the gentleman and our Democratic colleagues who are here tonight. I am proud to fight for tax relief for working families.

Mr. PALLONE. Mr. Speaker, I wanted to say quickly to the gentleman, and I think we all realize that we are not in the business of redistributing wealth, the bottom line is the economy is really good. Wealthy people, wealthy corporations are benefiting from it. You mentioned the stock market. We read these statistics every day.

All we are really saying is, this was the promise that was made when this balanced budget agreement was signed, is that we only have a limited pot of money. This tax relief should go primarily to working families. That is where the Republicans have broken the deal on this balanced budget agreement. It is just not fair.

Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for this special order and allowing us to talk about the presidential tax proposal because it is absolutely crucial what comes out of this tax vote. It is absolutely crucial to our children and to our Nation. We know it. That is why we are here tonight in the middle of the night making sure that our public knows this.

What is the key to the President's proposal and why is it so much better than the proposal that the Republican majority put forth? Well, it is pretty simple. Our plan provides more tax relief for middle-income Americans. It is that simple. If you want to provide a huge April bonus to the very richest in the Nation, it is clear that the Republican bill will make that happen. If you want to explode the deficit in the coming years, then the Republican plan is actually the best choice.

If you want to go back to the good old days when huge profitable corporations paid no taxes, then the Republican bill is the one. That is what we are talking about tonight. But if you want to ensure that the bulk of the tax cuts go to the middle-income American and if you want to make sure that we provide our kids with a real tax break for education, then the President's plan is it.

After all, the Republican bill gives only a third of its tax breaks to middle-income individuals. We have said that tonight many times and in many ways. But the Democratic alternative provides more than two-thirds to the middle class.

Let me tell you something else that is absolutely urgent for all of us to understand. The Democratic bill gives our kids the tax breaks that they need to get ahead in school and get ahead in life. Almost every Member of Congress acknowledges on a bipartisan basis the importance of education. So why, why then does the Republican majority skimp on the key education tax breaks proposed by the President? Why does it break the deal that we reached on a bipartisan basis earlier this year?

Just listen to the differences between the two proposals. We have said them tonight. I am going to say them again. The President's plan provides a much larger tax credit for the first 2 years of college. The President's plan provides a significant new credit for lifelong learning.

Unlike the congressional plan, the President's plan covers all students, including part-time students, graduate students and workers who are improving their job skills. It makes student loan interest tax deductible once again. It provides tax incentives for the construction or rehabilitation of schools in distressed areas. It provides tax incentives for the private sector to donate much needed computer equipment for schools, something we all know we desperately need to prepare our kids for the jobs of the future.

It creates terrific Kidsave accounts that allow parents to make tax-free withdrawals for higher education costs. And let us look at the numbers for education. When you add it all up, the President's plan contains $45 billion for different education initiatives, while the bill we passed in the House, the majority's plan, the Republican plan, provides only 31 billion.

Now, I am a true believer that the best way we can move our Nation forward is by providing quality education and training to every person in this country. After all, when we strengthen education, we prepare our young people for jobs that pay a livable wage, jobs where they will be paying taxes. We prevent families from relying on welfare. We reduce crime and we reduce violence and we increase respect for our health, our environment and respect for each other. I am a true believer that our families need help with the costs of higher education and all education.

After all, the annual cost of a public college education increased from 9 percent of a typical family's income in 1979 to 14 percent in 1994. Middle-income families are struggling to pay these costs, and they deserve some real assistance.

But we cannot do this by talk alone. No, we can stand here every night and talk about taxes. But we have to get behind proposals that really make a difference for our kids. The President's plan is the one that does this. The difference between the President's proposals and those of the Republican majority are so significant that they could truly mean the difference between success and failure for our kids, the difference between economic success and failure in the coming years.

I have two words for those on the other side of the aisle who think that it is okay to pass a tax plan that provides most of its help to corporations and the super-rich and, too, to those who believe it is okay to pay lip service to education without getting behind the tax proposals that will give us the best education system in the world. Those two words are "get real".

The American people are crying out for real tax relief. They are crying out for real education benefits. They do not want us to abandon the bipartisan budget plan. They want us to live up to it. And that is what the President's plan does. It gives middle-income families what they need and deserve: lower tax bills and a big boost in their education.

We still have a chance to make a real difference in the lives of local families. Let us get 100 percent behind the President's plan. We will all reap the long-term rewards for our kids and our Nation. I thank the gentleman for the opportunity.

Mr. PALLONE. I want to thank the gentlewoman for stressing the education tax cuts and the ways to improve on the access to education, because again we are talking about very limited resources here in the context of this balanced budget plan. It certainly makes so much sense to spend that money on ways to provide access to higher education and relieve the burden, if you will, on families that are trying to put their kids through college rather than spend it on some of the other things that the Republicans have proposed. It just makes sense in terms of investing in our future. I want to thank the gentlewoman.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. Listening to this debate reminds me of Victor Hugo, who once said that there is always more misery among the lower classes than there is humanity in the higher. It seems to me that the Republican tax bill further promotes the misery and suffering of the lower class and illuminates the inhumanity of the higher.

It is true that the Republican tax bill takes from the poor and gives to the rich. This bill embodies the very essence of the Robinhood concept. Only it is Robinhood in reverse; take from the poor and give to the rich. I agree with those who suggest that this bill is bad for America.

□ 2300

The Republican tax cuts make the wealthy wealthier and the poor poorer.

The New York Times said of this cut that the Republican tax scheme unfairly benefits the top 5 percent of income earners by providing them with over 50 percent of the tax cuts. It showers tax cuts on the Nation's wealthiest families. It actually shortchanges the citizen, as we have heard, who wants to go to a community college.

I believe that it is clear that the Democratic plan rewards the working class while the Republican plan rewards the wealthy. I stand for those who stand with the working people of America. I agree with those who believe that we should start where the people are and move from there. I thank the gentleman for the opportunity to be here with him.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I think we have made the point quite clearly tonight that Democrats are not talking class warfare. What we are saying is with the limited amount of resources in the tax cuts that are available under this balanced budget plan, it certainly makes sense to provide the tax cuts in ways that are going to help the average family, the working family and invest in the future so that there are opportunities, whether it is education or whatever it happens to be.

It makes no sense to just shower most of these tax cuts on wealthy individuals or big business, because it will just not help the country in the long run. So I appreciate the gentleman's comments.

Mr. Speaker, I yield to my colleague from Michigan.

Mr. STUPAK. Mr. Speaker, I want to thank the gentleman for yielding. I was in my office catching up on some mail and signing some letters, and I listened to the speakers in the previous special order and the beginning of this special order, and I was so pleased to see so many of our Democratic freshmen here, the gentleman from Arkansas [Mr. SNYDER], the gentleman from Illinois [Mr. DAVIS], the gentleman from Texas [Mr. LAMPSON], and the gentleman from Maine [Mr. ALLEN] joining with us here.

Something is sort of lost in this whole debate here. I remember when I came in in 1993 with the gentlewoman from California [Ms. WOOLSEY], our concern then was the budget deficit and how big it was. It was $293 billion. I remember that first year, our first year here in Congress, still unsure of what had to be done and procedures of the House, but we were very concerned about reducing the deficit. It was about $289, $293 billion.

We came up with the world's largest deficit reduction plan. Our friends on the other side of the aisle would like to call it other things, but it was the largest deficit reduction plan. I remember being in this Chamber on a very long August night trying to get that package through; and we pushed it through, strictly Democratic votes, and we did it by one vote. It went to the Senate and they passed it eventually by one vote. In fact, the Vice President broke the tie.

We promised in 1993 we would lower that deficit, and we were at $293 billion when we came in. And 4½ years later we are down to, now the latest prediction is we will be at $45 billion on September 30 when we close this fiscal year. How did we get there? It was because the Democrats came together with a Democratic President, and we did a tough vote. We lost some Members over that and we are now in the minority, but it was the right thing to do for the country.

I think the thing that is lost in this whole debate is how did we get from $293 billion on the verge of balancing the budget? I think that has often been lost. And we as Democrats should take credit for standing up, taking the tough vote. I remember all the predictions: We will throw this country into complete chaos, economic depression, massive unemployment, there would be rioting in the streets. And the economy has gone crazy. It has given business a shot in this administration, a shot of confidence in the U.S. Congress that we knew what we were doing; that we are finally going to get this deficit under control.

And we have done it. I think in this whole debate we have to remind ourselves how did we get to the verge of balancing the budget. And many of us, while we may have voted for the President's plan to give a tax break, many of us feel strongly that we should finish the job. In less than 12 months we could finally balance this budget and then give the tax breaks.

I may have only been here 5 years, but I know in the U.S. Congress tomorrow never comes. We are always worried about today. And we are spending money with these tax breaks that we do not have. But we are predicting a robust economy for the next few years. So if we are going to do tax breaks, they must be so specifically focused because, again, the gentlewoman from California knows that when we came here in 1993, what was it, the rich were getting richer, the poor were getting poorer, and we in the middle class were getting squeezed.

So even with the bill put forth by the Democratic Party, it is a very targeted bill, targeted to help those people who need the help, not give away the money, not spend money we do not have. We have done it over 5 years with a very controlled fiscal policy. We must continue it and it must continue in any kind of tax breaks.

Now, if I can go to the First Congressional District of Michigan, which I proudly represent, that is the north half of Michigan, I will tell my colleagues the median family income in my district is $27,482. In my poorest county, Keweenaw County, it is $18,459. That is the median income. And these are the folks we are trying to help. My State, the State average is $36,562. Again, my congressional district, the average is $27,482. So there is a big difference. I have a very rural, sparsely populated district.

So take a person or family income of $27,000, or let us be realistic here, a working mother, a mother with two children, who probably has an annual salary of $17,000 or $18,000. She receives $2,316 from the earned income tax credit last year, $2,300. Remember, that was in the deficit reduction package we did. We helped out those who needed help; $2,300 she receives.

Under the Democratic bill that we passed earlier, she would get $600 from the child credit for 1998, 1999 and 2000, in addition, to her earned income credit. So she would get about $3,000. This is a mother, two children, trying to work and stay off welfare. So we are going to give her approximately $2,900.

Under the Republican bill, what would she get? Nothing. Nothing. In fact, she loses money because they take money away under the earned income tax credit because she already has an earned income tax credit. The $600 she would have received, they take away. The poor get poorer and the rich get richer. We in the middle class get squeezed.

How about a community college student? We were talking about education, the gentleman from Illinois and others did. Let us take a college student who completes his first year of college. Tuition in my district is about $1,400 a year. Parents making $75,000 a year; under the Democrat bill, his parents would have received for that first year of college tuition about $1,100 in tax credit for his community college. He would be eligible for 20 percent tax credit for tuition costs in his 3d and 4th year.

Under the Republican bill, what do they receive for sending their son to community college for $1,400 a year annual tuition? He would receive $800, not the 1,100 we would give, and the third and fourth year they get nothing. There is nothing there. What do they do for the 3d and 4th year if they want to get a 4-year degree?

So these proposals we speak of, the tax breaks, have to be very targeted, very specific, and be real to the people we represent. That is what I think the Democrat plan does. We do not want to see the rich get richer but we hope they would help us out.

We took the tough votes, and I just wish that we would just finish balancing the budget and if there is money left over, give some tax breaks. But if we are going to give these tax breaks, then let us make sure the folks who need the helping hand, not a handout but a helping hand, get a little help. We are a rich country, we are doing well, the economy is doing well. Can we not help out the folks who need a little extra?

These figures about median family income, that is my district. I have the top half of Michigan, 43 percent of Michigan. It is a large State with a median income of only $27,000. That is what we are talking about. These are not folks who have all kinds of stocks in the stock market, do not have to worry about capital gains tax or estate taxes over $600,000. That is just not the folks I represent. And I would hope those are the folks we help out instead of the rich getting richer and the poor getting poorer and the middle class getting squeezed.

Again, as I say, I was down writing and signing some letters and I could not help reminding myself that 1993 was pretty bleak around here. We took the tough votes and we are on the verge of balancing. Let us balance this budget and worry about the tax breaks later, but if we are going to do it, let us be very specific for the middle class.

I thank the gentleman from New Jersey for all his hard work in this area, and the rest of my colleagues joining me here tonight, and I enjoyed the opportunity to discuss this tax package and where we have been and where we are now.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Michigan for those remarks and really bringing home how this Republican proposal impacts the average American and why the Democratic alternative is so much better.

I will end with this. I want to thank all my colleagues for participating in the special order tonight and really urge that my Republican colleagues will come along to the Democratic alternative and support it. It is not too late. We are in the process of doing the budget reconciliation now and certainly hopefully we can come together on a tax package that benefits the average working American.

TAX CUTS

The SPEAKER pro tempore (Mr. CHRISTENSEN). Under the Speaker's announced policy of January 7, 1997, the gentleman from Mississippi [Mr. PARKER] is recognized for the remaining time before midnight as the designee of the majority leader.

Mr. PARKER. Mr. Speaker, I appreciate the opportunity to be able to come before the House and discuss some issues of importance, and I must tell my colleagues that I have enjoyed listening to my colleagues over the last hour talk about their view of the tax situation that we have in this country and what their views are as far as cutting taxes.

I appreciate the fact that they are now in a position and their party is in a position where they are supporting tax cuts. That means a lot to me. That is very different than what we had experienced in the past. But I also think that it is very important that people understand exactly what we are talking about as far as the tax cuts that the Republicans are presenting.

Now, my intention tonight is to talk about the death tax and the repeal of the death tax, but for all my friends on the other side of the aisle who are discussing tax breaks and how they feel they should be done, it is very important that we talk about the facts about the taxes. They are all honorable people. They believe strongly in their views, and I can appreciate that, but let us talk seriously about what is exactly happening.

I have to tell my colleagues that I think the average American in this country understands that people who pay income taxes should get a tax cut if we are going to have tax cuts. Now, there has been a lot of talk about this class warfare thing. And I heard some of my colleagues say we do not want class warfare, we do not want to create any types of problems as far as the different socioeconomic classes in this country.

Even though they do not intend to do that, that is exactly what they are doing when they start playing this game as far as taxes. Because what they do not say is this: In 1972 we had a Republican President by the name of Richard Nixon, who began a program called reverse income tax. It has since been renamed EITC, the earned income tax credit. It was a wealth redistribution program, which was an odd thing for a Republican to do, but Richard Nixon was not a strong conservative; he was somewhat liberal in a lot of areas. So he determined that he would have and present a program that was referred to as reverse income tax.

What they did was they took individuals who were at the poverty level and that paid no income tax and returned money to them that they had not paid. That is EITC. Those people who are getting EITC, they were getting it then and they are still getting it today. That was 25 years ago. They are still getting the earned income tax credit. People who do not pay income tax are receiving a check from the Federal Government for taxes they never paid, and they get that money every year at tax time.

Now, I am not going to argue that point. Even though I am not a fan of EITC, I will not argue that point. But we have watched the Federal Government take money from people for no reason. We have seen the Federal Government take money and waste it, trillions of dollars. Those individuals have worked and earned that money and they have sent it to Washington. And now we have Members of the other party, Members across the aisle who are saying, hey, what we want to do is we want to give even more money to those that do not pay income tax.

Well, I think the average American in this country believes that if they pay income tax, it is time for them to get a break. It is time for the Federal Government to realize that they have been paying the bill; that they have been paying income tax for years and they have not gotten a break. It has been 16 years since they have gotten any type of break in their income tax.

So let us be clear about what we are talking about. We are talking about individuals who pay income tax getting a tax break.

□ 2315

We are not talking about individuals who do not pay income tax. They are still going to receive their EITC, and people need to realize that. We need to move away from this point of saying we want the working poor to get a tax break. The individuals that members of the other party are talking about do not pay income tax. They already receiving EITC, reverse income tax.

We are talking about the people in this country who take money out of their pocket every week, out of their children's hands, out of the needs of their families, and they are sending it to Washington. It is time for them to get a break.

Let me address one other thing that I heard tonight about the alternative minimum tax. We in this country have screamed, and yes, especially the liberals, they have screamed and yelled for years about businesses in our country not reinvesting. They have talked about businesses not putting money back into their own companies to buy new equipment, to modernize, to become more efficient, to create goods and products that they can sell, and because of that we have seen our industry base in this nation deteriorate. Now I have heard tell, all of this, I have heard some of the people in the last aisle were talking about how terrible it is for the AMT, the alternative minimum tax.

Understand what the chairman of the Committee on Ways and Means did. He removed, in his bill he removed that part of alternative minimum tax which dealt with depreciation. What that said was this, and if you are in business you understand this but those that are not in business do not.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, is the gentleman from Mississippi [Mr. PARKER] suggesting that most liberals in fact work for government, therefore, have not the slightest clue what it is like to be in the business world? Is that what the gentleman is suggesting?

Mr. PARKER. Mr. Speaker, I suggest that most people in this country do not understand business.

Mr. KINGSTON. Well, if the gentleman would continue to yield, I would suggest that most of the government employees do not understand what the small businesses that provide most of the jobs in America are up against each day because of increased Government bureaucracy and regulations, and they do not understand why businesses might need a more favorable tax code in order to create more jobs for working people.

Mr. PARKER. Let me tell my colleague, the gentleman from Georgia [Mr. KINGSTON], an interesting thing. The change in the depreciation on the alternative minimum tax, let me tell him what it means.

If you have got a business and you reinvest in equipment, you have a depreciation which is not a gift from the Government, but the Government allows you to reinvest and you subtract, over the life of that equipment you subtract the amount of cost that you have invested so that you can provide more jobs, so that you can produce more products, so that you become more productive.

The amazing thing about it is that with the alternative minimum tax on the depreciation side, what has happened through the years is that even though you get this depreciation, you are in a situation where you lose that depreciation by paying a minimum tax even though you are investing in your business.

Now what I find fascinating is you cannot have it both ways. The liberals in this country do not realize, or even if they realize they do not want to talk about the situation in which we find ourselves where companies are penalized for investing in their companies. If they invest in their companies, they are going to have to pay an alternative minimum tax. So what they do is, in order to come out ahead, they do not invest in their company and therefore they do not get the depreciation. They may pay the alternative minimum tax but they are not penalized.

Mr. KINGSTON. If the gentleman would yield, and, therefore, they create less jobs.

Mr. PARKER. And they create less jobs, and also businesses wind up leaving this country because they cannot make it in the environment in which they find themselves.

Mr. KINGSTON. But this tax relief plan is about the middle class and creating jobs, and what we have is, a lot of liberals are against that and therefore they are against job creation.

Mr. PARKER. Exactly. Now what I wanted to talk about tonight and why we have all joined together is talking about the death tax, which I think is the most un-American tax that our Government has ever put on the American people. Understand, prior to 1916 the Federal Government had never used the death tax unless we were at war, and they used it because our exports were not as great, we did not have taxes that we could collect.

So from a standpoint from national security, we used a death tax in order to get enough money in order to fight a war and remain free. That occurred until after the turn of this century in 1916. At that point we instigated a death tax which was very small, and it has increased over a period of time and it is now at a level of 55 percent at the top level.

It does exactly what the President of the United States has said he does not want to do. The President of the United States, the Honorable Bill Clinton, has said over and over again, we do not want to have people who play by the rules, who get up every morning and go to work, who work hard, to be penalized. We want them to be treated fair. I agree with him.

But what we have done as a Congress through the years is that we take people, and they are frugal, they save, they do without the luxuries, and they turn around and when they die, the Federal Government comes and says, "We want what you have saved. We want to take what you have done your own self, by the sweat of your brow, we want it now. We do not want you to be able it pass it to your children."

Mr. RILEY. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Alabama.

Mr. RILEY. I thank my good friend, the gentleman from Mississippi [Mr. PARKER] for yielding.

Mr. Speaker, it is interesting that as a small businessman for the last 32 years, one of the reasons I ran for this office is I am absolutely convinced that if there is going to be job creation in this country, it is going to have to come from small business.

When we listen to what the other side said tonight, the way they portrayed this tax cut, it would lead us to believe that they really do not believe that most of the jobs that are created in this country come from small businesses. When we look at the larger corporations and they are continually downsizing, if we are going to maintain this growth we have got to do something to stimulate these small businesses.

For 32 years I ran several businesses, and I believe I understand what most small business people are going through today. One of the things that I am absolutely convinced of, we have to have a return on capital, we have to reward risk taking, and I think that is what we are beginning to see on this side of the aisle.

There are so many things out there that completely complicate and retard the growth of most small businesses in this country. Until we return to the philosophy that says we are going to encourage entrepreneurship, until we return to that philosophy that says we will reward the person that goes out and takes a risk, I do not believe that we will ever have the growth that we need in this country.

Whether it is the alternative minimum tax, whether it is the tax rate or the death tax, the three combine to become a deterrent, and that deterrent I think is spreading across this country today.

I listened last week to a story that was told in the well about a man who for 35 years got up every morning, went to work, paid his taxes. He worked hard. He raised a family. He played by the rules. After 35 years he wanted to take a break, so he sold his business and paid 28 percent capital gains tax at the latter part of the year. A few months later he found out that he had a brain tumor. A few months after that he passed away.

And after paying 28 percent, his family ended up paying an additional 55 percent to the government. So within a period of almost 9 months, 35 years of work was reduced to approximately 20 percent that his family had to retain.

Mr. PARKER. Mr. Speaker, would the gentleman yield?

Mr. RILEY. I yield to the gentleman.

Mr. PARKER. Mr. Speaker, that is one point that people do not understand. See, people in this country could have a severe problem and they do not even know they have got it. I listened to people a while ago in other special orders. They believe what they say and they talk about capital gains being for the wealthy. But I am going to tell my colleagues what is interesting. Do the people in this country understand what capital gains is? I think a lot of them do not.

I will give an example. Take somebody, and let us say they are 25, country people, and they go out and build them a house, and say they build this house for $25,000 and they keep that house for 30 years. Now that house over a period of 30 years has appreciated in value, and let us say it gets up to $100,000 by today's numbers. Now that is not an unheard-of figure. In parts of the country it would be more than that.

But my question is, they started out with an initial investment of $25,000. Now they got a house that is worth $100,000 and they are proud of. They paid for it and had a small note on it. But when they sell that house, do they realize that they have to pay capital gains?

The real question is, would they agree with me that the Federal Government does not deserve one-third of the increase in the house? They started off with the $25,000 investment and now the house is $100,000. If they sell that house, does the Federal Government deserve a check for one-third of $75,000? Do they deserve a check for $25,000?

Well, my personal view is that the Federal Government does not deserve that. My point is that the Government created inflation, which increased the value of the house and it deflated dollars. But does the government deserve that check?

I am going to tell my colleagues, you can take some mighty liberal people in this country and ask them that question and they will tell you in a heartbeat, "I do not think the Federal Government deserves that." That is what we are talking about when we talk about capital gains. It can hit home mighty quickly.

And in the business, a lot of people have small businesses and they have no concept of how the Federal Government is going to evaluate that property when they die. They can have severe economic consequences of the cost whenever that death occurs and not even know they have a financial problem.

Mr. RILEY. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Alabama.

Mr. RILEY. Mr. Speaker, there is one other primary point that needs to be made. I believe that we are taking a segment of our society out of the market, out of being risk takers. A person over 50 years of age today that makes an investment that will pay back over the next 15 to 20 years, if he is already in this 55 percent tax bracket, what incentive is there for him to go out and risk 100 percent of his capital on a venture that may or may not come to fruition? What incentive is there for him, if the most that he will possibly leave his children is 20 or 25 or 30 percent, but he has the possibility of losing 100 percent?

I think that we are taking a segment of our society who want to remain productive, who want to remain active, I think we are removing them from being the entrepreneurs that I think this country has to have.

Mr. PARKER. I agree with the gentleman.

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. PARKER. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Speaker, I appreciate the gentleman getting the time and doing this special order on taxes. I have been meaning to come over and have not been able to participate in one of these.

I am just so pleased that we are finally passing bipartisan tax relief for the American people. And the position that is a bipartisan position on this bill, as anybody could tell who looked at the vote, is the affirmative position in favor of this tax relief. We are going to end up passing this tax bill coming out of conference with support from both parties.

I believe the President is going to sign it, and I think we are going to pass this bill because the American people need it and deserve it. I would like to say what I think about this measure because I think it is one of the best things we are going to do in this Congress.

We look at the trend of the last generation before the 1994 election, and I think this is what the American people were so angry about in 1990 and 1992 and 1994. It was a trend where Washington sucked the money and resources and the power away from the American people to here, and then used it often to uproot their most basic values and traditions.

□ 2330

You know the Bible says where your treasure is, that is where your heart will be also, and it was clear that the regime that used to run this place, the treasure they wanted in Washington, because that is where their heart was. And look what it did to the tax burden of the American people.

I mean my parents started out in the early 1950s. The average American family in the early 1950s was paying about 2½ percent of their income in Federal taxes, 2½ percent. Today that same average family in my district earning in the mid-$40,000s pay about 25 percent total of their income in Federal taxes. If they were paying at 1970 levels, that family earning $45,000 a year today would have $4,000 a year more in disposable income.

And then we got the naysayers and the quibblers. No matter what tax bill we come up with, tax cut bill, they do not like it because they basically do not want to cut the taxes for the American people.

Now the heart and center of this bill, and I wish it could be more, and I wish we could do across-the-board tax relief for everybody. Bob Dole lost the last election, so we cannot do that. But the President has agreed to something that I think is a substantial step forward, and the heart and center of this bill is a $500-per-child tax credit.

And I hope the American people understand what we are talking about is $500 off the bottom line of your taxes for every child you have got. You got three children, it is $1,500 less in your Federal taxes.

So if you are again in that family paying, earning in the mid-forties, and in Federal income taxes you are paying 7, $8,000, this amounts to about a 15-percent income tax cut for you. It is very, very substantial.

And the other side argues, people who do not like this thing, they got to come up with some reason to oppose it, and they do not want to come out and say we are opposed to tax cuts so they say, well, your tax relief is for the wealthy. It is for everybody but the very wealthy. I cannot understand how they even say that. The very wealthy do not get it. Everybody else gets it, and they do not want to get it, and if you are earning above a certain income level, what is it, $75,000 in the bill, you do not get the $500-per-child tax credit.

Mr. PARKER. I think it is fascinating that the very wealthy in this country, they hire their lawyers, they have their tax accountants, and I must tell you they do not pay a lot of taxes because they go through all kind of things in order to get around it. It is the middle-class income taxpayer that is burdened. He is the one, she is the one, that is going to work every day and having to pay the taxes. It is not the very wealthy. The very wealthy, they are going to take care of themselves. Just like the estate side, the very wealthy corporations, they do not worry about this. There are ways around a lot of this when you are large enough. The small business person, the small farmer, those are the individuals that are having the real problem.

Mr. TALENT. Mr. Speaker, as my colleagues know, I chair the Committee on Small Business, and I am taking up a lot of your time, and I appreciate your indulgence, but I did want to talk briefly about the death tax because we have held hearings on this in the Committee on Small Business, and the gentleman is absolutely correct. The large publicly-held corporations, they do not care about the death tax. It is the small family business, people who have done, as you were saying before so eloquently, who have done what we want them to do. They have worked, they have saved, they invested. They do not go out to eat a lot, they do not take a lot of trips. They have started a family business. And something like 60 percent of family businesses in this country are seriously adversely affected by the death tax. Many of them have to liquidate in order to pay the death tax.

There was a lady who testified at a hearing we held in St. Louis, my district, on this issue, and that woman almost broke down in tears describing what she and her brother were trying to do to save their family business from the IRS, the business their father had built up and worked his whole life to preserve and passed on to them. And then the government, swooping in and trying to grab it from them.

And I would say to the gentleman, what happens to the employees of the family business when the business has to liquidate or sell out to a big company in order to pay the estate tax? Who gets laid off? It is the employees.

It is a tax that makes no sense. We are writing this bill to do something about it. I wish we could do more than we are doing. The gentleman is doing a service in having this special order, and I really appreciate your yielding some time to me because this is a good bill, I believe we are going to pass this bill. It is a bill the American people have needed and wanted for a long time, and again it is a question of where is your faith.

I mean if you want the resources of the country to go to Washington, you are going to be opposed to this bill, and that is the reason for this rear guard desperate action fought against every tax-cut bill we come up with because these people want to preserve the power and resources and size and scope of the Federal Government. But I do not think they are going to win in this one. I think we are going to get it and the——

Mr. PARKER. Let me tell you one thing. I have watched the liberals talk about how much they love tax cuts now. Now they control the House over the last 16 years. They had a lot of opportunities. We could have had tax cuts, and believe me, conservatives, the Democrats and Republicans would have voted for it in a heart beat.

But you know, none of those proposals ever got through committee, never got through subcommittee, never got through the Committee on Rules, never got to the floor, so it is somewhat disingenuous for them to stand up and talk about how much they love tax cuts when they had plenty of time to do it. They just did not quite do it.

Mr. KINGSTON. If the gentleman would yield, if you will remember, the President ran on the platform in 1992 of a middle-class tax cut, and although he had a Democrat Senate and Congress, not one bill was introduced to give middle-class tax relief. However, reaching across the aisle, reaching over the hard left and the Democrat Party, he has found a partner to work with. In a bipartisan basis we have a middle-class tax cut, and if you will look at this chart, 76 percent of the tax relief goes to people and households making below $75,000. That is the vast area right here.

Now what is not shown on this chart is that if you are making $200,000, 1.2 percent of the tax relief goes to you. The majority of it clearly goes to hard middle-class working families. I know the gentleman from Michigan——

Mr. HOEKSTRA. Just been fascinated listening. I think there are a number of things that I would like to build off that some of you have talked about.

No. 1, I think we want to personalize this. What does it actually mean to the average family? You are talking about the families with three children, $1,500 more per year. That is $30 per week in an increase in take-home pay with a per-child tax credit, $30 per week, not gross, where the Federal Government comes in and takes their share again, $30 per week increase in take-home pay.

And we talk about the death tax and the reduction in the capital gains tax. We are talking about creating an economy that will create more jobs. More jobs, more opportunity, greater investment, greater investment which will enable our workers to be working in the highest value-added jobs in the world, and when they are adding more value than any other workers in the world, it will enable them to continue to be the highest-paid workers in the world so that they can maintain the highest standard of living.

We are going to kick off a project, we just got approval yesterday, which we call the American Worker at a Crossroads, which is going to examine these issues on a longer-term basis. What kinds of things in addition to the kinds of tax cuts that we are proposing, and we are going to pass this month; what other kinds of things do we need to do as we take a look at labor law? As we take a look at the billions of dollars that we spend on job training? Are we getting the kind of impact, are we creating the economy, are we creating the necessary framework to make sure that after the year 2000 our economy is still going to be the envy of the rest of the world?

Today we work under and we have an economy, we have a work force, we have an employee management labor relations model that is based on decades-old labor law. Is that still the best framework to rein in our workers? Or are there better ways to do that? Are there new opportunities with a different kind of work force, the different kinds of jobs that they are engaging in, the high-tech? So that is going to be a project that we will begin that will build on these tax changes.

Tax changes create the environment to encourage investment. Changes in labor law, changes in Federal spending will enable us to better equip our workers to be the best and the most talented workers in the world. We combine those two things, and we can ensure a great economy for our kids and for our future. That is what it is about.

Mr. PARKER. I must tell the gentleman the best social program in the world that has ever been invented is a good job, and one of the problems we have got in this country: When we penalize companies, when we penalize small business so that they cannot provide those jobs, we are hurting every worker in this Nation, because once you hurt one, it spreads like a disease, it hurts everybody; because if you are penalizing one small business out there, you can bet your bottom dollar that other small businesses are hurting too.

Now you know we talk about the tax load that we have in this country. Right now we pay between 38 and 40 cents out of every dollar that every worker in this country makes on average for Federal, State and local taxes. Now when you add the regulations, onerous regulation, that the Federal Government has put on a lot of these companies, you can add another 10 to 12 percent on top of that.

So all of a sudden people are taking home 50 cents out of every dollar they make. Now that is sad in and of itself, but we have turned this thing around. I feel very good about what we, as the Republican Party, have done and the direction that this country is now going. I mean we even have the liberals talking about tax cuts. I find that fascinating. I do not believe that some of them believe what they are saying, but

I like the fact that they are saying it. Whether they mean it or not is fine. I do not really care. What I want, I want to get the tax cuts there.

I have listened to people tonight talk about the tax increase, the largest tax increase in the history of this country in 1993 as being what turned us around. Now I am glad they want to take credit, and I will be glad to give them some credit for stuff if they want it, and I do not care, I do not care who gets the credit. But let us not forget that we are the ones that cut out over 280 programs in the last Congress. I mean we stopped it. Let us not forget that we saved $53 billion in money that would have been spent if it had not been for us over the last year.

So we have got a low figure out there, and it is decreasing all the time as far as the deficit. But the business community in this country, the small business community in this country which creates the jobs, is now having confidence in the Congress in knowing that we are moving in the right direction and we are going to continue to move in the right direction.

Mr. RILEY. If the gentleman will yield, I think you are exactly right. During the past week when I was at home, I had several town meetings, and the one thing people in my district do understand is that as families we are moving in the right direction.

You know, a lot of the tax policies we talk about and a lot of the depreciations is complicated, and they do not understand, but the one thing they do understand today is that we are talking about tax cuts, not tax increases. It is a very easy concept when you can talk to a worker and say if you got two children, next year you will have a thousand dollars more in your pocket than you did this year. That is a concept that I think our side of the aisle can take a tremendous amount of pride in.

And as my friend from Georgia indicated a minute ago, for anyone to say that this bill is for the rich or big business, how they do that and look at this chart where it is a proven fact that 76 percent of all of the tax cuts are going to the people who deserve it and who absolutely probably need it more than anyone else in this country. The person who is working two jobs and three jobs, doing whatever it takes, that is the people that we have to get this tax cut for.

Mr. KINGSTON. If the gentleman is finished with his point, I wanted to add on that a little bit, because one of the disappointing things is that the President and many of the liberals want to actually give the $500-per-child tax credit to folks who do not pay taxes.

Mr. PARKER. If the gentleman will yield.

Mr. KINGSTON. It is confusing to me, too.

Mr. PARKER. Now they pay taxes. Now they pay FICA taxes, they pay Social Security taxes, but they do not pay income tax. And what the President is proposing is that he wants to give an income tax break to people who do not pay income taxes.

Now that is very important because income taxes, if you are going to give an income tax break, you should give a break to people who pay income taxes. They are already receiving, for those people that the President is talking about, he is talking about individuals who get EITC, the earned income tax credit. They are already getting a tax refund for taxes they have not paid.

I am not arguing that point, and I do not think we should argue that point. It is in the law, it has been there for 25 years. The point is that we want to give people who pay income taxes and every person by the way who pays income taxes in this country, they know who they are. I do not have to go and point them out.

□ 2345

That individual, he knows on April 15 when he has written, he or she has written that check, they know that they have paid income taxes to the Federal Government. They know when they look at that check stub when they have paid withholding taxes to the Federal Government. It is not hard to decipher who these individuals are. Those are the people we are trying to give an income tax break to. So that point needs to be made over and over again, so people can understand it.

Mr. KINGSTON. The gentleman is correct. Let me do what the gentleman from Michigan [Mr. HOEKSTRA] has suggested and put a face on this. Here is a single woman, and I am going to call her Mrs. Smith, this is a real person in my district who has a 14-year-old and a 16-year-old child.

Under the Republican plan, she will get a $1,000 tax credit. Under the Clinton proposal she will get zero, because children over 12 years old do not get a tax credit, or their parents are not entitled. But instead, that $1,000 of income tax credit that she would be receiving goes to somebody who is not paying income tax; who in many cases is somebody whose children are getting WIC benefits, the nutritional program; possibly getting Medicaid; free health insurance; possibly getting food stamps, in addition to what they are getting; and probably qualifying for any number of college education scholarships, which are very, very important.

But the point is, and the gentleman has said this, that for the poor there are a lot of benefits already. Our tax plan does not transfer any benefit plan from the poor to give to the rich whatsoever. But instead, the President is proposing to take from single mothers child tax credits, single working mother child tax credits, and giving it to people who are not working.

Under the Republican plan, 41 million children and their parents will get tax relief. Under the Clinton plan, only 30 million children will get tax relief. That is a huge difference for America's middle class working families.

Mr. PARKER. Mr. Speaker, let me mention one thing, because we tend in this country over and over again to downcast the IRS. It is an easy thing to do, I guess even in Biblical times the people did not think very highly of the tax collector. But in this country there are certain things that we need to understand.

Mr. KINGSTON. Mr. Speaker, on that point, I think it was Jesus who amazed the people by saying Nicodemus, the tax collector, would not be in fact going to hell after all. That was the first time that concept was introduced biblically, I believe.

Mr. PARKER. The point that I want to make is that I feel sorry sometimes for IRS employees. They are not doing what they invent. We as a Congress mandate to the IRS what they will do and how they will work. It is our fault as a legislative body that we do not correct the problems, and that we do not put the IRS into a situation where they can be more user-friendly, and that they can do their job better.

We are the ones that tell the IRS when a person dies, you will go and you will collect the death tax. We are the ones who go in and tell them, you will go into this business and you will do certain things. You will padlock the door in a certain way. We do that.

So I think I want to make sure that all the IRS employees in this country realize that there are some of us in this body who realize it is our fault and not theirs on conducting their business. We need to accept the responsibility, and we need to change their orders so that they can do their job in a much more efficient way.

Mr. TALENT. Mr. Speaker, the gentleman makes a good point. The IRS has been responding to the signals that its political masters for a generation were sending it. I think what the IRS is guilty of is not understanding that the political masters have changed now, and the signals are changing. They need to change as well. We no longer want them to ratchet every possible dollar they can get out of the American people, regardless of how fair or unfair the tactic may be.

I wanted to make one other comment. I agree completely with the comments of my friend, the gentleman from Georgia, about the relative merits of the tax plan. I do think it is unfortunate that we have to argue over who gets what tax relief here. I just want to point out the reason is because this tax bill is not as big as we all wanted it to be. It was not as big. It is not as big as the tax bill we had in the Contract With America. It is not because the President did not want it that big. He did not want as much tax relief for the American people, so now we have to argue over who gets what.

But we have less of a tax bill, and we have it so we can support a Government growing, even under this plan, and it is a good plan and I support it, but a Government growing at over 4 percent a year, at twice the rate of inflation. If we had cut the Government back to the rate of inflation, we would have more than enough money to provide tax relief for the American people, for all of these people.

Mr. PARKER. If the gentleman will continue to yield, Mr. Speaker, the one thing, I have to look positively at what is going on. Even though the tax cuts that we are giving are not as great as they should be, I think they are kind of like popcorn. You just cannot eat just a little.

When the American people just get a touch of what it is like for the Federal Government to get their hand out of their pocket just a little bit and they are able to keep more of their money, they will want more. I think it will feed on itself.

Mr. HOEKSTRA. If the gentleman will continue to yield, Mr. Speaker, I think it is important for the American people to recognize the story that was in the Washington Post today. We are in a position to be able to provide tax cuts because of the restraints that we have put on spending over the last few years. The economy is good, revenues are growing.

We may be in a position to get to a surplus budget much earlier than what we thought. Then we will be able to start having some additional wonderful debates here about what do we do with the surplus. I think we will be arguing about are we going to use it to pay back the money in the trust funds, the money we have borrowed out of the trust funds? Are we going to be able to give additional tax breaks?

I do not think any of us are going to be here arguing that we should use it for increased Federal spending, but how are we going to get it back to the American people, how are we going to pay ourselves, get ourselves out of debt, and how are we going to give this money back to the American people from where it came originally?

So this tax package is in a context of continuing to make progress in getting to a surplus budget. We have a lot of things moving in the right direction.

Mr. PARKER. To my friend who sits on the Committee on the Budget, does he remember when we had Chairman Alan Greenspan, Chairman of the Federal Reserve, who came before our committee? One thing that he said which had struck me, and it has stayed with me over years now, he said the American people have not experienced the benefits of a surplus economy since World War II.

I think it is significant that we have not had a surplus economy since we instituted a death tax and the income tax and everything, all the other taxes there. But that is what the American people need to be looking for, for their children, their grandchildren, for themselves in the outyears, is having the benefits of a surplus economy, where our economy, which is so strong, so mighty, it is the most mighty economy that has ever been on the face of the Earth, and I must tell the Members, it is very difficult to destroy, because we have had politicians in this country for decades that have done everything in their power to destroy it, and they have not done it. They have not been able to. It is that powerful.

But if we allow that surplus economy to work and do what it is supposed to do, and we release the ingenuity and the innovation of small business, if we just release that power and let people have the freedom to do what only entrepreneurs can do, people will receive benefits from that for generations to come. We will change the face of this Nation.

Mr. RILEY. Mr. Speaker, if the gentleman will continue to yield, I think it does one other thing. I think this tax package, probably as much as anything, sends a message that if you work hard, you will be rewarded. I think that is what this country was founded on. That is what made us the greatest country in the world, is that we need to do everything we can to increase incentives.

I think that is what it does. It sends a message to the American people once and for all that we are going to continue, and as the gentleman said a moment ago, we will have a debate hopefully within the next few months or the next year on how we are going to take some of this extra money that could go to a variety of different programs, and I hope one of the things we do is continue this path of cutting taxes, whether it is death taxes or income taxes, whatever, because the more we use these tax cuts as an incentive, I think the more it stimulates our economy. In all reality, that is what is going to drive this economy for the next few years.

□ 2355

Mr. HOEKSTRA. Mr. Speaker, I think it is interesting. I have two of my colleagues who came here in January 1993, the three of us came here. What we were faced with was raising taxes, growing rapidly the size of government, nationalizing health care, no concern about the deficit, deficits in the $200 to $300 billion range as far as we could see. It is really amazing.

I think if we would reflect back to where we thought, I still remember walking about across the street saying, how can we be part of this? Four and a half years later we are getting close to a surplus. We are cutting taxes. This is a sea change. As my colleague said, this is like popcorn. We are debating the right issues.

This is not enough right now, but we have a much different debate than what we had in 1993.

Mr. TALENT. Mr. Speaker, the perspective is totally different. The last budget agreement, the budget plan, big increase in taxes, big new burst of domestic spending, deficits as far as the eye could see, passed on a totally partisan basis.

Now we have a bipartisan budget agreement with tax relief, a plausible plan to balance the budget. We may do it sooner than we are expecting to do it, with real tax relief for the American people and restraint on domestic spending, a total sea change.

There are the naysayers here, the old establishment type Members who are not going gently into that good night. They are the "I want tax relief but" Members. I want tax relief but not this plan. I want tax relief, but it does not give enough to this. I want tax relief but not now, or I want tax relief but I want it to end after 5 years.

I just want to say, Mr. Speaker, I hope everybody needs to be aware, when they hear that "I want tax relief but," make sure your wallet is still in your pocket. What they are trying to do is to keep that money for the Federal Government.

Mr. PARKER. There are the liberals in this body, Mr. Speaker, who will do anything in their power to make this a class battle. They get their power from turning class against class. We know who they are. We know the games that they are playing. Makes for great sound bites. Tax break for the wealthy. Capital gains for the wealthy.

I hear this over and over again, but I have a lot of confidence in the American people. The American people, you can fool them sometimes, but I am going to say, they get enough of it. They have had 40 years of sitting through this thing, of watching it, of being hit by it, of having to pay the bills.

They are basically sick and tired of being sick and tired. They want it changed.

Mr. KINGSTON. Mr. Speaker, my friend from Missouri is about to kill me if I do not correct my earlier statement, that it was Zacchaeus and not Nicodemas, Luke, chapter 19. I stand corrected.

I want to also say to the gentleman from Michigan, when we came here it was socialized medicine. It was the largest tax increase in history. It was expansion of the Hatch Act. It was motor voter. Everything was big government, big government this. We have stopped the ball from rolling to the left. We have stopped the onward intrusion of the big government.

Have we stopped it as abruptly as we would like to? No. But we are moving in that direction. We believe this tax relief bill is the first and very, very significant step in returning to the American middle class people money that is theirs, that the government should not be taking from them.

Mr. PARKER. Let me close by saying, I want to thank my colleagues the gentleman from Missouri [Mr. TALENT], the gentleman from Georgia [Mr. KINGSTON], the gentleman from Michigan [Mr. HOEKSTRA], and the gentleman from Alabama [Mr. RILEY] for participating in this special order.

We will do another special order next Wednesday night. It is important that the American people understand what we are doing in a very rational and a very logical way, because the American people, when they understand, they will agree. In their hearts they know that we are doing the right thing, but they hear so much verbiage. They hear so much rhetoric. They hear so much hyperbole that sometimes they sit back and go, who can we believe.

They have heard so much junk through the years from Washington that they do not know who to believe. We are giving that information. I thank the gentlemen for participating. I am looking forward to having another special order next Wednesday night and being able to bring more facts to the American people and to our colleagues so they understand exactly what we are doing.

□ 2358

PROVIDING FOR CONSIDERATION OF H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–174) on the resolution (H. Res. 181), providing for consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EDWARDS (at the request of Mr. GEPHARDT) for Tuesday, July 8 and today, on account of the birth of a baby boy.

Mr. MANTON (at the request of Mr. GEPHARDT) after 7 p.m. tonight, on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) after 8 p.m. tonight and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and to include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, on July 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) and to include extraneous matter:)

Mrs. MALONEY of New York.
Mr. VISCLOSKY.
Mr. KUCINICH.
Ms. DEGETTE.
Mr. HAMILTON.
Mr. GEJDENSON.
Ms. HARMAN.
Mr. TOWNS.
Mr. DAVIS of Florida.
Mrs. MEEK of Florida.
Mr. SCHUMER.
Mr. KANJORSKI.
Mr. RUSH.
Mr. FARR of California.
Mr. KLECZKA.
Mr. ACKERMAN.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. GALLEGLY.
Mr. BEREUTER.
Mr. GILMAN.
Mr. DAVIS of Virginia.
Mr. NEY.
Mrs. EMERSON.
Ms. ROS-LEHTINEN.
Mr. WATTS of Oklahoma.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. RIGGS.
Mr. SANFORD.
Mr. GILLMOR.
Ms. FURSE.
Mr. SMITH of Texas.
Mr. CLYBURN.
Mr. SCARBOROUGH.
Mr. SNOWBARGER.
Mr. PACKARD.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, July 10, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 OF rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4115. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Upper Florida Marketing Area; Suspension of Certain Provisions of the Order [DA–97–03] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4116. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1997–98 Marketing Year [Docket No. FV–96–985–4 FR] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4117. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Papaya, Carambola, and Litchi from Hawaii [Docket No. 95–069–2] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4118. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Gypsy Moth Generally Infested Areas [Docket No. 97–038–2] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4119. A letter from the Administrator, Department of Agriculture, transmitting the Department's rule—Sugar Loan Program Crop Year Definition and Loan Availability Period (Commodity Credit Corporation) [Workplan Number 96–046] (RIN: 0560–AE94) received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4120. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to impose user fees for the inspection of livestock, meat, poultry, and products thereof, and egg products; to the Committee on Agriculture.

4121. A communication from the President of the United States, transmitting amendments to the FY 1998 appropriations requests for the Department of Energy (DOE) and the Army Corps of Engineers, pursuant to 31 U.S.C. 1106(b); (H. Doc. No. 105–102); to the Committee on Appropriations and ordered to be printed.

4122. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program for Fiscal Year 1995, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on National Security.

4123. A letter from the Secretary of Defense, transmitting the National Defense Stockpile Requirements Report for 1997, pursuant to 50 U.S.C. 98h–5; to the Committee on National Security.

4124. A letter from the Secretary of Defense, transmitting a report entitled "Plan for Health Care Coverage for Children with Medical Conditions Caused by Parental Exposure to Chemical Munitions While Serving as Members of the Armed Forces"; to the Committee on National Security.

4125. A letter from the Secretary of Defense, transmitting a report describing the feasibility of increasing the number of persons enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Programs who are pursuing a course of study in dentistry; to the Committee on National Security.

4126. A letter from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Thrift Depositor Protection Oversight Board for the calendar year 1996, pursuant to Public Law 101–73, section 511(a) (103 Stat. 404); to the Committee on Banking and Financial Services.

4127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Four Local Air Pollution Control Districts [CA014–0035; FRL–5850–4] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4128. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(l) Program of Delegation; Indiana [IN 74–3; FRL–5854–4] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4129. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permits Program and Approval of Delegation of Section 112(l); State of Iowa [FRL–5855–1] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4130. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon [Docket # OR–1–0001; FRL–5852–3] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4131. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Motor Vehicle Inspection and Maintenance Program [TX–55–1–7335; FRL–5856–3] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4132. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Massachusetts [MA–7197a; FRL–5847–1] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4133. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program [MA014–01–7195; A–1–FRL–5847–2] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4134. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wyoming: Final Determination of Adequacy of the State's Municipal Solid Waste Permit Program [FRL–5857–1] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4135. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Illinois [IL117–1a; FRL–5857–3] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4136. A letter from the Director, Defense Security Assistance Agency, transmitting notification that the Department of Defense has completed delivery of defense articles, services, and training on the attached list to Rwanda, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

4137. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 97–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4138. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

4139. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to Public Law 102–138, section 181 (105 Stat. 682); to the Committee on International Relations.

4140. A letter from the Director for Morale, Welfare and Recreation Support Activity, Department of the Navy, transmitting the annual report of the Retirement Plan for Civilian Employees of the United States Marine Corps Morale, Welfare and Recreation Activities, the Morale, Welfare and Recreation Support Activity, and Miscellaneous Nonappropriated Fund Instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4141. A letter from the Chairman, National Transportation Safety Board, transmitting the FY 1996 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

4142. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4143. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Annual Quotas [Docket No. 970401075–7141–02; I.D. 121296A] (RIN: 0648–AJ69) received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4144. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Definitions for the Categories of Persons Prohibited From Receiving Firearms [T.D. ATF–391; Ref: Notice No. 839] (RIN: 1512–AB41) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4145. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 1212–AA86) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4146. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Minimum Income Annuity (RIN: 2900–AI83) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4147. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Servicemen's and Veterans' Group Life Insurance (RIN: 2900–AI73) July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4148. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Time for Reporting Transfers to Foreign Entities Under Sections 1491 Through 1494 [Notice 97–42] received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4149. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1997 Marginal Production Rates [Notice 97–38] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4150. A letter from the Board Members, Railroad Retirement Board, transmitting the 1997 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

4151. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 20th Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 321f–1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 181. Resolution providing for consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–174). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. MALONEY of New York (for herself, Mr. Gonzalez, Mr. Metcalf, Mr. Ney, and Ms. Carson):

H.R. 2119. A bill to amend the Federal Reserve Act to expand the opportunity for private enterprise to compete with the Board of Governors of the Federal Reserve System in the transportation of paper checks; to the Committee on Banking and Financial Services.

By Mr. DeFAZIO (for himself, Ms. DeGette, Mr. Franks of New Jersey, Mr. Frank of Massachusetts, Mr. Shays, Mr. Blumenauer, and Mr. Smith of Oregon):

H.R. 2120. A bill to amend the Communications Act of 1934 to strengthen and expand the procedures for preventing the slamming of interstate telephone service subscribers, and for other purposes; to the Committee on Commerce.

By Mr. CARDIN (for himself, Mr. Hoyer, and Ms. Pelosi):

H.R. 2121. A bill to restrict foreign assistance for countries providing sanctuary to indicted war criminals who are sought for prosecution before the International Criminal Tribunal for the Former Yugoslavia; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mrs. Roukema, Ms. Dunn of Washington, Mr. Frost, Mr. Oxley, Mr. Brady, Mr. Pallone, Mr. Saxton, Mr. LoBiondo, Mr. Frelinghuysen, Mr. Pappas, and Mr. Smith of New Jersey):

H.R. 2122. A bill to amend title 18, United States Code, to increase penalties for certain offenses where the victim is a child; to the Committee on the Judiciary.

By Mr. HOLDEN:

H.R. 2123. A bill to amend title 28, United States Code, to transfer Schuylkill County, PA, from the Eastern Judicial District of Pennsylvania to the Middle Judicial District of Pennsylvania; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky (for himself, Mr. Pitts, Mr. Christensen, Mr. Herger, Mr. Manzullo, Mr. Miller of Florida, Mr. Largent, Mr. Souder, Mr. Weldon of Florida, Mrs. Chenoweth, Mr. Paul, Mr. Coburn, Mr. Hoekstra, Mr. McIntosh, Mr. Hutchinson, Mr. Norwood, Mr. Snowbarger, Mr. Whitfield, Mr. Pickering, Mr. Hostettler, Mr. Blunt, Mr. Crapo, Mr. Graham, and Mr. Riley):

H.R. 2124. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. LoBIONDO:

H.R. 2125. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Resources.

By Mr. RIGGS:

H.R. 2126. A bill to authorize the Secretary of Agriculture to include in a special use permit with regard to Humboldt Nursery a provision allowing the permittee to use Government-owned farming and related equipment at the nursery; to the Committee on Agriculture.

H.R. 2127. A bill to reduce costs and improve efficiency of Forest Service operations by contracting out certain tasks related to the planning and implementation of programs and projects in the National Forest System; to the Committee on Agriculture.

By Mr. STEARNS:

H.R. 2128. A bill to permit Medicare-eligible retired members of the Armed Forces and their Medicare-eligible dependents to enroll in the Federal Employees Health Benefits Program; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2129. A bill to designate the U.S. Post Office located at 150 North 3d Street in Steubenville, OH, as the "Douglas Applegate Post Office"; to the Committee on Government Reform and Oversight.

By Ms. WATERS (for herself, Mr. Ackerman, Mr. Boucher, Ms. Brown of Florida, Ms. Christian-Green, Ms. Carson, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Ms. DeGette, Mr. Dellums, Mr. Engel, Mr. Evans, Mr. Faleomavaega, Mr. Fazio of California, Mr. Filner, Mr. Frost, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hilliard, Ms. Jackson-Lee, Ms. Eddie Bernice Johnson of Texas, Mr. Kildee, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Lowey, Mrs. Maloney of New York, Mr. McDermott, Ms. McKinney, Mrs. Mink of Hawaii, Mrs. Morella, Ms. Norton, Mr. Payne, Ms. Pelosi, Ms. Rivers, Ms. Roybal-Allard, Mr. Rush, Mr. Sanders, Ms. Slaughter, Mr. Stokes, Mr. Thompson, Mr. Towns, Mr. Underwood, Mr. Watt of North Carolina, Mr. Clay, Mr. Clement, Mr. Dixon, Ms. Eshoo, Mr. Fattah, Mr. Flake, Mr. Ford, Ms. Kilpatrick, Mrs. Kennelly of Connecticut, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. Owens, Mr. Pastor, Mr. Romero-Barcelo, Mr. Scott, Mr. Serrano, Ms. Velázquez, Mr. Weygand, Ms. Woolsey, Mr. Waxman, Mr. Wynn, Mr. Barrett of Wisconsin, Mr. Capps, Mr. Delahunt, Mr. Sherman, Mr. Green, Mrs. Roukema, Mr. Jefferson, and Mr. Matsui):

H.R. 2130. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Commerce.

By Mr. WEYGAND:

H.R. 2131. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that teachers receive technology training; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Ms. Brown of Florida, Mr. Brown of California, Mr. Cramer, Mr. Hastings of Florida, Mr. Miller of Florida, Mr. Diaz-Balart, Mr. Weldon of Florida, Mrs. Meek of Florida, Mr. McCollum, Mr. Rogan, Mr. Foley, Mr. Davis of Florida, and Mrs. Thurman):

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that the National Aeronautics and Space Administration should be commended for successfully carrying out the Mars Pathfinder Mission, and that the United States should continue to act as the leader in space exploration into the 21st century; to the Committee on Science.

By Mrs. MALONEY of New York (for herself, Mr. Gilman, Mr. Wexler, Ms. Ros-Lehtinen, Mr. Gejdenson, and Mr. Frost):

H. Con. Res. 112. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. Smith of New Jersey, and Mr. Hastert):

H. Con. Res. 113. Concurrent resolution expressing the sense of Congress about the Food and Drug Administration proposal to designate the use of chlorofluorocarbons in metered-dose inhalers as nonessential; to the Committee on Commerce.

By Mr. KENNEDY of Massachusetts (for himself, Mr. King of New York, Mr. Manton, Mrs. McCarthy of New York, Mr. McGovern, Mr. Menendez, and Mr. Gilman):

H. Res. 182. Resolution expressing the sense of the House of Representatives regarding marches in Northern Ireland; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

147. The SPEAKER presented a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 17 requesting that the President, the Congress, and the Secretary of Defense of the United States research the causes and symptoms of Gulf War Syndrome and provide adequate funding for care of veterans suffering from it; jointly to the Committees on National Security and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. Olver, Mr. Gibbons, Mr. Kennedy of Massachusetts, Mr. Kind of Wisconsin, Mr. Whitfield, Ms. DeLauro, Mr. Bartlett of Maryland, and Mr. Sandlin.

H.R. 122: Mr. BARTON of Texas.

H.R. 208: Mr. DELLUMS.

H.R. 209: Mr. JEFFERSON, Ms. JACKSON-LEE, Mr. SMITH of New Jersey, and Mr. ENGLISH of Pennsylvania.

H.R. 347: Mr. TAYLOR of North Carolina.

H.R. 367: Mr. FALEOMAVAEGA and Mr. HALL of Ohio.

H.R. 418: Mr. JEFFERSON and Mr. SCHUMER.

H.R. 453: Mr. FILNER, Mr. MCNULTY, Mr. EVANS, Mr. ROTHMAN, Mr. FAWELL, Mr. WYNN, Mr. DEUTSCH, Mr. FOGLIETTA, and Mr. KLINK.

H.R. 521: Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, and Mr. CLEMENT.

H.R. 551: Mr. FOLEY.

H.R. 586: Mr. HORN.

H.R. 594: Mr. NEAL of Massachusetts, Mr. STARK, and Mr. FOGLIETTA.

H.R. 614: Mr. SNYDER.

H.R. 622: Mr. DICKEY and Mr. GIBBONS.

H.R. 630: Mr. MATSUI, Mr. LANTOS, and Ms. PELOSI.

H.R. 641: Mr. PAXON, Mr. MCCRERY, and Mr. SAM JOHNSON.

H.R. 674: Mr. WATKINS.

H.R. 695: Mr. GUTKNECHT, Mr. HAYWORTH, Mr. BUNNING Mr. SUNUNU, Mr. SCARBOROUGH, Mr. NEUMANN, Mr. SANFORD, and Mr. NORWOOD.

H.R. 696: Mr. OLVER, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. GUTIERREZ, and Mr. BROWN of California.

H.R. 715: Mr. WELDON of Pennsylvania.

H.R. 716: Mr. JONES and Mr. LAHOOD.

H.R. 755: Mr. JONES and Mr. BILBRAY.

H.R. 777: Mrs. MEEK of Florida, Mr. COSTELLO, Mr. RUSH, Mr. ENGEL, Mr. SERRANO, Mr. NEAL of Massachusetts, and Mr. MCINTOSH.

H.R. 789: Mr. THUNE and Mr. WHITFIELD.

H.R. 815: Mr. LARGENT, Mr. TALENT, Mr. LAMPSON, and Mr. DEAL of Georgia.

H.R. 875: Mr. ACKERMAN.

H.R. 877: Mrs. THURMAN, Mr. ABERCROMBIE, Mr. JEFFERSON, and Mr. GIBBONS.

H.R. 880: Mr. DOOLITTLE, Mr. MORAN of Kansas, Mr. JONES, Mrs. EMERSON, and Mr. HULSHOF.

H.R. 901: Mr. LAHOOD, Mr. RILEY, Mr. SHIMKUS, Mr. PAUL, and Mr. EHRLICH.

H.R. 953: Mr. ENGEL.

H.R. 981: Mrs. MORELLA and Mr. STARK.

H.R. 991: Mr. BLAGOJEVICH and Mr. FORBES.

H.R. 993: Mr. LIVINGSTON and Mr. SHADEGG.

H.R. 1018: Mrs. MORELLA and Mr. FILNER.

H.R. 1038: Mr. NADLER.

H.R. 1054: Mr. GORDON, Mr. MCKEON, Mr. KLUG, and Mr. GEJDENSON.

H.R. 1069: Mr. ROEMER and Mr. SCHUMER.

H.R. 1070: Mr. ROEMER and Mr. SCHUMER.

H.R. 1134: Mr. ROGERS, Mr. LUCAS of Oklahoma, Mr. FLAKE, Mr. BURTON of Indiana, Mr. CAMP, and Mr. PRICE of North Carolina.

H.R. 1138: Mr. NORWOOD.

H.R. 1147: Mr. LEWIS of Kentucky.

H.R. 1151: Mr. GILCHREST, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. PAYNE, Mr. ANDREWS, Mr. UNDERWOOD, Mr. PETERSON of Pennsylvania, Mr. FOX of Pennsylvania, Ms. MCKINNEY, Mr. HOYER, Mr. RODRIGUEZ, and Mr. DAVIS of Illinois.

H.R. 1176: Mr. PICKETT, Mr. FRANK of Massachusetts, and Mr. BROWN of California.

H.R. 1202: Mr. DEUTSCH, Ms. ESHOO, and Mr. OLVER.

H.R. 1215: Mr. NADLER, Mr. BECERRA, Mr. LEVIN, Mr. CONDIT, Mr. HORN, and Mr. TORRES.

H.R. 1298: Mr. FRANKS of New Jersey.

H.R. 1346: Mr. FOX of Pennsylvania and Mr. GREENWOOD.

H.R. 1348: Mr. GIBBONS.

H.R. 1350: Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, Ms. LOFGREN, Mr. MILLER of Florida, and Mr. STENHOLM.

H.R. 1356: Ms. CARSON.

H.R. 1357: Mr. FOX of Pennsylvania.

H.R. 1362: Mr. JEFFERSON, Mr. BONO, Mr. DELLUMS, Mr. NORWOOD, Mr. HASTINGS of Florida, Mr. CAMP, Mr. GONZALEZ, and Mr. CAPPS.

H.R. 1375: Mr. POMEROY, Mr. STOKES, Ms. CARSON, and Mr. HUTCHINSON.

H.R. 1398: Mr. JONES.

H.R. 1428: Mr. EVERETT.

H.R. 1450: Ms. DELAURO.

H.R. 1458: Mr. GRAHAM.

H.R. 1480: Mr. SNYDER.

H.R. 1524: Mr. BERRY, Ms. FURSE, and Mr. SPRATT.

H.R. 1541: Mr. BARRETT of Wisconsin.

H.R. 1596: Mr. PICKETT.

H.R. 1614: Mr. DOOLEY of California, Mr. LOBIONDO, Ms. STABENOW, and Ms. DEGETTE.

H.R. 1623: Mr. THORNBERRY.

H.R. 1648: Mr. LARGENT.

H.R. 1679: Ms. DEGETTE.

H.R. 1685: Mr. SISISKY, Mr. GOODE, Mr. MORAN of Virginia, Ms. CARSON, Mr. MILLER of California, Mrs. LOWEY, Mr. HAYWORTH, Mr. DOOLITTLE, Mr. EVANS, Mr. FARR of California, Mr. COX of California, Mr. TALENT, Mr. RILEY, Ms. LOFGREN, Mr. FILNER, Ms. SANCHEZ, and Mr. DELAY.

H.R. 1719: Mr. MCINTOSH.

H.R. 1732: Mrs. MALONEY of New York and Mr. PICKETT.

H.R. 1754: Mr. GIBBONS, Mr. MATON, and Mrs. EMERSON.

H.R. 1763: Mr. FORBES, Mr. FRANKS of New Jersey, Mr. DELLUMS, and Ms. HOOLEY of Oregon.

H.R. 1814: Mrs. MALONEY of New York.

H.R. 1835: Mr. GIBBONS.

H.R. 1858: Mr. MANTON.

H.R. 1863: Mr. PITTS, Mr. HOBSON, Mr. SMITH of Michigan, Mr. HASTINGS of Washington, Mr. LATHAM, and Mr. SOUDER.

H.R. 1876: Mrs. MINK of Hawaii.

H.R. 1903: Mrs. TAUSCHER.

H.R. 1908: Mr. LAMPSON.

H.R. 1951: Ms. ESHOO, Mr. STARK, Mr. DELAHUNT, Ms. JACKSON-LEE, and Ms. KILPATRICK.

H.R. 1955: Mr. SOUDER and Mr. DOYLE.

H.R. 1965: Ms. PRYCE of Ohio and Mr. GIBBONS.

H.R. 2003: Mr. MORAN of Virginia, Mr. COBURN, and Ms. MCCARTHY of Missouri.

H.R. 2023: Mr. KLECZKA.

H.R. 2029: Mr. SNOWBARGER.

H.R. 2038: Mr. PETERSON of Pennsylvania, Mr. BRYANT, Mr. BOYD, Mr. CUNNINGHAM, and Mr. GOODE.

H.R. 2040: Mr. KNOLLENBERG, Mr. KENNEDY of Massachusetts, Mr. SMITH of New Jersey, and Mr. GIBBONS.

H.R. 2070: Mr. STRICKLAND.

H.R. 2090: Mr. WELDON of Pennsylvania, Mr. NADLER, Ms. PELOSI, Mr. SCHUMER, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. DOYLE, and Mr. SERRANO.

H.R. 2112: Mrs. MORELLA and Mr. LOBIONDO.

H.J. Res. 26: Mrs. FOWLER.

H.J. Res. 65: Ms. KAPTUR.

H. Con. Res. 55: Mr. DOOLEY of California, Mr. COOK, Mr. DOOLITTLE, and Mr. FRELINGHUYSEN.

H. Con. Res. 80: Mr. RAHALL, Mr. DELLUMS, Mr. LAMPSON, Mr. MALONEY of Connecticut, Mr. HILLIARD, Mr. OLVER, Mr. BARTLETT of Maryland, Mr. PAYNE, Mr. ADERHOLT, Mr. GEJDENSON, Mr. REGULA, Ms. LOFGREN, and Mr. RILEY.

H. Con. Res. 106: Mr. HASTINGS of Florida, Mr. TOWNS, Mr. HINCHEY, and Ms. DEGETTE.

H. Con. Res. 107: Mr. WALSH and Mr. BORSKI.

H. Con. Res. 109: Mr. SERRANO, Mr. PAPPAS, Mr. LARGENT, Mr. HASTINGS of Florida, Mr. ROGAN, Mr. DIXON, Mr. WAMP, Mrs. CUBIN, Mr. PASTOR, Ms. DELAURO, Mr. LAZIO of New York, Mr. BARCIA of Michigan, Mr. WATTS of Oklahoma, Ms. DANNER, Mr. MCDERMOTT, Mr. HILL, and Mr. FROST.

H. Res. 15: Mrs. KELLY.

H. Res. 139: Mrs. EMERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1060: Mrs. MALONEY of New York.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1775

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 8: Page 10, after line 15, insert the following new section:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be eligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2107

OFFERED BY: MR. COBURN

AMENDMENT NO. 2: Page 89, after line 15, insert the following new section:

SEC. 325. (a) None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

H.R. 2107

Offered By: Mr. Gutierrez

Amendment No. 3: Page 89, after line 15, insert the following new section:

Sec. 325. The amount appropriated for Management of Lands and Resources by the Bureau of Land Management is reduced by $4,652,000, with not more than $1,000,000 of the remaining amount to be available for Land Resources Forestry Management, and with $2,100,000 of the savings from that reduction added as an increase to the amount appropriated for Energy Conservation by the Department of Energy, including an additional $700,000 for Urban Heat Island Research, an additional $1,000,000 for Highly Reflective Surfaces programs in public schools, and an additional $400,000 for Highly Reflective Surfaces programs in general.

H.R. 2107

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 4: Page 45, line 6, strike "$187,644,000" and insert "$98,144,000".

Page 76, line 13, strike "$10,000,000" and insert "$99,500,000".

H.R. 2107

Offered By: Mr. Klug

Amendment No. 5: Page 58, line 18, after the dollar amount, insert the following: "(increased by $292,000,000)".

H.R. 2107

Offered By: Mr. Mica

Amendment No. 6: Page 14, line 23, after the first dollar amount, insert "(increased by $2,000,000)".

Page 59, line 10, after the dollar amount, insert "(reduced by $2,000,000)".

H.R. 2107

Offered By: Mr. Porter

Amendment No. 7: Page 46, line 20, after the dollar amount insert "(reduced by $41,500,000)".

Page 46, line 126 after the dollar amount, insert "(reduced by $1)".

H.R. 2107

Offered By: Mr. Riggs

Amendment No. 8: Page 16, line 22, insert the following new item:

PRIORITY FEDERAL LAND ACQUISITION

(INCLUDING TRANSFER OF FUNDS)

For the acquisition of identified lands and interests in lands, at the purchase price specified, in the Headwaters Forest Agreement of September 28, 1996, $250,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, except that such amount may not be obligated until (1) the agreement under which such amount will be obligated has been completed; and (2) legislation has been enacted that authorizes the Federal Government to provide economic assistance to Humboldt County, California, for the loss of tax revenues and other related costs incurred by the county in the implementation of the Headwaters Forest Agreements.

H.R. 2107

Offered By: Mr. Riggs

Amendment No. 9: Page 18, after line 3, insert the following new designated paragraph:

No funds may be obligated in any fiscal year from the Land and Water Conservation Fund for the acquisition of identified lands and interests in lands as specified in the Headwaters Forest Agreement of September 28, 1996, until—

(1) the agreement under which such funds will be obligated has been completed; and

(2) legislation has been enacted that—

(A) authorizes the Federal Government to provide economic assistance to Humboldt County, California, for the loss of tax revenues and other related costs incurred by the county in the implementation of the Headwaters Forest Agreement; or

(B) appropriates amounts for such economic assistance.

H.R. 2107

Offered By: Mr. Royce

Amendment No. 10: Page 59, line 10, strike "$312,153,000" and insert "$291,139,000".

H.R. 2107

Offered By: Mr. Sanders

Amendment No. 11: Page 5, line 4, after the dollar amount, insert the following: "(increased by $19,000,000)".

Page 59, line 10, after the dollar amount, insert the following: "(reduced by $47,500,000)".

H.R. 2107

Offered By: Mr. Sanders

Amendment No. 12: Page 60, line 3, after the dollar amount, insert the following: "(reduced by $11,085,000)".

Page 60, line 20, after the dollar amount, insert the following: "(increased by $11,085,000)".

Page 60, line 25, after the dollar amount, insert the following: "(increased by $11,085,000)".

Page 61, line 6, after the dollar amount, insert the following: "(increased by $11,085,000)".

H.R. 2107

Offered By: Mr. Stupak

Amendment No. 13: Page 44, after line 25, insert the following:

Sec. 115. (a) Section 6 of the Act entitled "An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes", approved October 15, 1966 (16 U.S.C. 460s–5), is amended—

(1) in subsection (b)(1) by striking "including a scenic shoreline drive" and inserting "including appropriate improvements to Alger County Road H–58"; and

(2) by adding at the end the following new subsection:

"(c) A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.".

(b) Of amounts available under this Act for construction, improvements, repair or replacement of physical facilities of the National Park Service, $9,000,000 shall be available only for making improvements to Alger County Road H–58 pursuant to the amendments made by subsection (a).

H.R. 2107

Offered By: Mr. Young of Alaska

Amendment No. 14: Page 89, after line 15, insert the following new section:

Sec. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.

EXTENSIONS OF REMARKS

A TRIBUTE TO SOUTH CAROLINA'S WATERMELON FARMERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to South Carolina's watermelon farmers who planted more than 11,000 acres of watermelons this year. Yesterday, each Member of Congress should have received watermelons grown at the farm of Jim Williams of Lodge, SC. These watermelons were picked on Sunday and driven overnight by Clinton and Wade Murdaugh to be delivered to both the House and the Senate on Monday morning.

We take great pride in our watermelons in South Carolina. We like to call them Mother Nature's perfect candy; they're sweet, succulent, nutritious and even fat-free. South Carolina farmers lead the way in the production of watermelons. My State was a pioneer in the use of black plastic and irrigation to expand the watermelon growing season. By covering the earth in spring with black plastic, farmers can not only speed the melons' growth by raising soil temperatures, but also prevent weed growth.

So, as we all enjoy this summer treat, I would like to thank all the folks in South Carolina who brought us these watermelons: Jim Williams of Williams Farm in Lodge, SC; Les Tindal, our State agriculture commissioner; Martin Eubanks and Minta Wade of the South Carolina Department of Agriculture; Randy Cockrell and the South Carolina Watermelon Association; Bennie Hughes and the South Carolina Watermelon Board; and also Senator HOLLINGS, Representative SPRATT and their staffs who helped to deliver the melons. They have all worked very hard to share a taste of South Carolina with my colleagues here in Washington and I thank them.

DEMOCRATS USE SKEWED FIGURES TO CHALLENGE TAX-CUT PROPOSAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial which appeared in the Omaha World Herald on June 20, 1997. This editorial is of particular interest because it notes the fraudulent basis for the argument used by Democrats opposing the Taxpayer Relief Act.

DEMOCRATS USE SKEWED FIGURES TO CHALLENGE TAX-CUT PROPOSAL

Democrats who don't like the House-approved tax-cut proposal that is now before the Senate ought to challenge it on its merits instead of putting out a fraudulent class-warfare argument.

The Clinton administration and congressional Democrats who oppose the Republican-sponsored plan argue that the proposed net tax cut of $85 billion over five years ($135 billion in cuts and $50 billion in tax increases) is targeted to favor the rich. They rely on a report from President Clinton's Treasury Department asserting that two-thirds of the benefits would go to people in the nation's top 20 percent of earners.

Treasury officials reached that conclusion by inflating the definition of income like a toy balloon. It included things such as "imputed rental value." That means the sharp-pencil pushers at Treasury have calculated how much a homeowner could rent his home for and added that figure onto his income. They also included the increased value of retirement funds, pension contributions and employer-funded life and health insurance.

Those are not what most middle-class people would call "income." Such ridiculous additions skew the economic profile of the middle-class taxpayer. But they enable Treasury officials to ratchet millions of people up into phony levels of wealth and then claim that the middle class is being overlooked in the tax-cut package.

The Joint Committee on Taxation sees it differently. Using a definition of income more like that of the IRS, the committee found that people earning from $20,000 to $75,000 a year would receive 71 percent of the proposed tax savings in the GOP plan. The percentage jumps to 88 if the range is expanded to $100,000. Only 7 percent of the proposed tax cuts would go to people earning more than $100,000 a year.

Based on a reasonable definition of income, the Republican tax-cut proposal is focused on the middle class. But Democrats insist that the GOP is intent on stiffing the middle class in order to take care of high rollers.

In a battle of credibility on tax policy, the Joint Committee on Taxation demolishes the Clinton administration's Treasury Department. We are inclined to believe the committee when it says 1) Treasury is unfairly inflating income figures to push middle-class families into upper income levels, and 2) the majority of GOP-proposed tax relief is directed to the middle class.

TRIBUTE TO JOSEPH MINDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues.

Each city or town has a person who is dedicated to improving the community and making it a better and more enjoyable place for people to live, work, and raise their family. Joseph Minder has been this person for the city of Martins Ferry, OH.

Throughout his career, Mr. Minder has worked tirelessly for the city of Martins Ferry. He served as recreation director for over 9 years, service and safety director for over 13 years, and as an administrative assistant until his retirement. He continued to serve the city, and the people who have made Martins Ferry their home, as a volunteer as well. Joseph Minder was a member and often chairman of such events as the Betty Zane Frontier Days, the Strawberry Festival, and he also worked to bring fireworks to Martins Ferry for Independence Day.

Mr. Minder's greatest accomplishment was overseeing the new, state-of-the-art waterplant in Martins Ferry. This plant just went on line in May. Again, Mr. Minder's hard work and determination benefited the people of Martins Ferry, OH.

Joseph Minder's service and commitment to Martins Ferry are commendable, and Mr. Minder's work is deserving of the thanks and praise of the people of his community. I ask my colleagues to join me today in thanking Mr. Minder, and wishing him luck and success in his retirement.

IN HONOR OF FATHER JOHN PROTOPAPAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Father John Protopapas on his retirement from Annunciation Greek Orthodox Church in Cleveland, OH, after 30 years of service, guidance, and friendship.

John Protopapas was born in the village of Pano-Zodnia, Cyprus in 1927. His grandfather was the Protopresbyter of his village, and his father was the psalti. Following family tradition, John Protopapas was destined to serve the church. In 1949, an uncle sponsored him to enter the United States. He enrolled in the Greek Orthodox Theological Seminary in Brookline, MA. After graduating in 1952, he attended Andover Newton Theological School earning the degrees of bachelor of divinity and master of sacred theology, majoring in pastoral clinical psychology.

In June 1955, he married Catherine Lianides and was ordained. The couple spent 10 years in Bangor, ME, at St. George Church. During this time, their three children, Christopher James, Paula Joanne, and Mira Lynn, were born. After brief assignments to the Holy Dormition Church in Oakmont-Verona, PA, and Kimisis Tis Theotokou in Alliquippa, PA, Father Protopapas was assigned to Cleveland's Annunciation Greek Orthodox Church on July 15, 1967. The community has enjoyed his selfless leadership in spirituality, education, and culture ever since.

Father Protopapas is a prominent humanitarian. As a result of his sponsorship, several

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

patients from Greece have traveled to local hospitals to receive open-heart surgery. He was appointed honorary mayor of Cleveland in 1989 for his important work in the progress of the city. Among the many other honors he has received throughout his life, Father Protopapas currently holds the positions of member of the Diocesan Council, chairman of the Diocesan Greek Education Committee, and chairman and secretary of the Diocesan Ecclesiastical Court in Ohio.

When he is not working to enhance the spiritual, cultural, and civic life of the community, Father Protopapas is an avid gardener. His plants and flowers, as well as his parishioners and the community as a whole, have certainly flourished under his care. My fellow colleagues, please join me recognizing the lifetime achievements of Father John Protopapas as his friends and family celebrate his prestigious career on July 26, 1997.

TRIBUTE TO ABE FRIEDMAN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Ms. DEGETTE. Mr. Speaker, the Denver Police and Fire Widows have asked me to please pay tribute to Mr. Abe Friedman of Jamaica, NY and it is a great honor to have the ability to do so. It is not possible to reiterate all the good, kind, and charitable acts Abe Friedman has provided these women over the years. We all innately understand the terrible circumstances that revolve around losing one's loved one. While no one can give back the husbands these women lost, Mr. Friedman has gone above and beyond the call of duty to give these women the comfort and respect they so rightfully deserve. To the widows of the Denver Police and Fire Departments, his unending concern for their happiness is one of the most endearing memories of those years they lovingly spent as a member of a police or fire family.

On Sunday, May 18, 1997, these women assembled as guests of Mr. Friedman to celebrate the Seventh Annual Spring Extravaganza to celebrate Mother's Day. He spent the day toasting and honoring the many years each widow served as an integral part of a police or fire department family. This simple act was truly a sign of deep consideration for these women and was greatly appreciated by all in attendance.

The Denver Police and Fire Widows are hopeful that this CONGRESSIONAL RECORD reading, in a small way, may convey to Abe Friedman their sincere and unending admiration. They are forever grateful for his many acts of thoughtfulness, attentiveness, and kindness which Abe Friedman has bestowed upon them simply with his friendship.

IN HONOR OF THE ANNANDALE CHRISTIAN COMMUNITY FOR ACTION

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I know my colleagues join me in celebrating the 30th anniversary of the Annandale Christian Community for Action, a group which provides a safety net for needy families and individuals in my district through volunteer social action programs. ACCA is a model provider of child care for low- and moderate-income families and their array of volunteer programs in emergency assistance in transportation services is unparalleled in northern Virginia.

Thirty years ago, the Higher Horizons Day Care Center learned that 13 of the children enrolled would have to be ejected because the income of their working parents was slightly greater than the set poverty standard. Fred and Emily Ruffing, members of St. Michael's Catholic Church, which had organized Higher Horizons saw this impending crisis as a focal point for organizing Annandale's Christian community. In late February of that year, Fred met with Annandale clergy and lay people form the local congregations to explain what was needed. On March 13, 1967, at Peace Lutheran Church, about three dozen members of the local church community gathered and ACCA was born. Responding to the demonstrated need for more day care facilities, particularly ones open to minority children, January 1968 marked the opening of the ACCA Day Care Center at John Calvin Presbyterian Church. This center still serves today as an outstanding model for other similar facilities in the provision of quality care and education for nearly 200 children.

ACCA programs are operated almost entirely by hundreds of volunteers and financed primarily through donations from its 25 member churches, individuals, and groups. These programs include emergency food and monetary assistance for such basic necessities such as rent, utilities, and medical expenses. Additionally, ACCA has developed programs that provide individuals with transportation to medical and therapy appointments, collection and delivery of used furniture, college scholarships for students with special challenges, and repairs and provision of shelter to homeless families.

ACCA Inc. is governed by a board of directors comprised of official representatives from its 25 member churches. All functions, including those of officers, committee chairperson, and service providers, remain carried out by volunteers. From the beginning, ACCA has had successful continuing partnerships, not only with its member churches, but also with Fairfax County and the private sector. Drawing on its large pool of volunteers, ACCA also collaborates with Christmas-in-April, Meals on Wheels, and two local shelters. Both the Fairfax County Board of Supervisors and the Virginia General Assembly have passed resolutions commending ACCA for leadership and continuity of effort in carrying out community social action programs.

Throughout 1997, ACCA's board and member churches are celebrating both the remarkable achievements of the small, dedicated group of local citizens who began ACCA in 1967 and the growth and flexibility of ACCA's programs over three decades in meeting the needs of this dynamic suburban area. I know my colleagues will join me in applauding ACCA for continuously carrying out successful community social action programs for three decades. It is a model worthy of emulation by others, nationwide, in meeting the challenges of immigration, poverty, and welfare reform.

TRIBUTE TO STEVE FAKAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to recognize the bravery and courage of Regional Security Officer Steve Fakan. Steve is a native of Vermilion, OH, which is in my district and was recently honored by the Secretary of State Madeline Albright.

Steve exhibited exceptional personal bravery and perseverance by saving the lives of trapped American journalists caught in raging gun battles between rival factions during the renewed fighting in Monrovia, Liberia, in May 1996.

On May 14, 1996, the Regional Security Officer [RSO] office received a frantic call for help from eight journalists staying at the Mamba Point Hotel. Factional fighting raged around the hotel and the journalists feared for their lives as out-of-control fighters savagely ransacked the area only a few hundred meters from the Embassy. They requested urgent help in getting to the Embassy, as conditions continued to deteriorate.

Diplomatic Security [DS] agents RSO Steve Fakan and TDY RSO Tony Deibler quickly assessed the potentially lethal situation and devised a strategy to rescue the beleaguered journalists.

Using the nearest Embassy gate to the hotel as an exit, Steve and Tony traversed by foot over 300 meters of treacherous open field to the hotel by using alternate covering patterns for each other. Their every movement was closely eyed by snipers perched in nearby buildings.

After reaching the hotel safely, they quickly briefed the journalists on their escape plan. Countless bullets ricocheted off the pavement and nearby buildings as the group made its way back to the embassy. The two agents both realized that they were being tracked by snipers.

As the reporters used the appropriate cover maneuvers, taught to them by the DS agents, to make it back to the Embassy, Tony spotted a sniper aiming his weapon at Steve. Without hesitation, Tony quickly sighted in the sniper with his scoped weapon, causing him to hold his fire and take his finger off the trigger.

The eight journalists, dragging cameras and equipment, made it safely to Embassy compound, thanks to the expertise of the two DS agents. The exhausted, but grateful group of journalists rained enthusiastic praise on the exceptional courage exhibited by their rescuers.

These two men are outstanding examples of the best that DS has to offer, and the American people can be proud that Diplomatic Security has public servants like Tony and Steve to protect our interests overseas.

TRIBUTE TO JUSTIN LEONARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a truly remarkable young man, Justin Leonard. I had the pleasure of meeting and playing with Justin in the Pro-Am 1997 Kemper Open on June 4. The team on which Justin and I played included Bill Schatz of Chagrin Falls, OH, Spencer Rankin of Green Brook, NJ, and William Zanoni of Glenview, IL. We finished third in the tournament, and several days later, Justin went on to win the Kemper Open.

Justin, like Tiger Woods, Robert Damron, and many other young golfers, is redefining the game of golf and making it more appealing to members of his generation. In just 3 years as a professional on the PGA Tour, Justin has amassed performances and wins in some difficult and prestigious tournaments. In addition to the 1997 Kemper Open, Justin's tour victories and accomplishments have included a win in the 1996 Buick Open, a fifth place finish at the 1996 PGA Championship, sixth at the 1997 Masters Tournament, fifth at the 1997 Saint Jude Classic, and third at last week's 1997 Western Open in Lemont, IL. Fellow golfer and PGA pro, Tom Kite has said of him, "I have never seen a player his age so polished."

Justin's amateur record is just as stellar as his professional accomplishments. In 1992, he won the U.S. Amateur Championship and in 1994, while at the University of Texas, he became the NCAA Champion. Justin has also been a member of national teams such as the 1992 U.S. World Amateur, the 1993 Walker Cup, and the 1996 President's Cup.

I am proud to say that Justin is a resident professional golfer at South Carolina's Kiawah Island Resort in Charleston, one of the counties I am proud to represent in this body. He is truly an asset to my home State of South Carolina and a role model for the youth of our Nation.

Mr. Speaker, I proudly associate myself with Tom Kite's description of Justin Leonard and ask that the Members of the House of Representatives join me in saluting Mr. Leonard for his outstanding accomplishments and wishing him well in his future endeavors.

ODYSSEY OF THE MIND TEAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues.

I am proud to join the city of Shadyside, OH, in congratulating the Shadyside Odyssey of the Mind Classics team in taking top honors at the world competition. This eighth grade team captured the world crown in the "Can You Dig It?" division II category by performing a skit, song, and dance which presented them as an archeologist and people from ancient civilizations in order to interpret the Can You Dig It? problem. Team members included Laura Kaluger, Megan Landerholm, Jessica Melankao, Natasha Minwer, Mary Ostrander; Dave Runyon, with Lori and Marty Runyon, and Blanche Ostrander acted as coaches.

This Odyssey of the Mind team competed against 62 other teams in their Division to take the world title for the first time. The students and their coaches practiced diligently to prepare for this competition, and their hard work was rewarded with a well-deserved victory. I am proud of the students' successful performance as well as the support the community of Shadyside gave to the team by helping them raise money to cover the costs of the competition.

The members of the Shadyside Odyssey of the Mind team have set an example of academic excellence for other students to follow. Mr. Speaker, I ask my colleagues to join me today in congratulating the Shadyside Odyssey of the Mind team and recognizing their hard work and perseverance.

IN MEMORY OF ANDREW J. KOCERKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Andrew J. Kocerka, a union man, a family man, and a great American from Cleveland, OH.

Mr. Kocerka devoted his life to the cause of the common person. He spent much of his life defending working people. His commitment to the plight of ordinary individuals is reflected in his dedication to the United Auto Workers, of which he became president of local no. 1045. He will be much loved and remembered by the members of that organization.

Mr. Kocerka is survived by sister Helen Skvarch, and brothers Jack and George, as well as many nieces and nephews.

THE BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 2, 1997 into the CONGRESSIONAL RECORD.

MAJOR BUDGET VOTES

Last week the House passed two major budget bills—one to reduce spending in order to balance the budget and the other to provide tax relief for Americans. Many hurdles lie ahead for both, as differences with the Senate and President need to be worked out. But the House action at least moves the process forward as we continue our effort to finally balance the federal budget.

BACKGROUND

The overall package was based on the May 2 budget agreement between President Clinton and congressional leaders which outlined a plan to balance the budget over the next five years as well as provide some tax cuts.

Balancing the budget would be a major accomplishment. For the past several years, deficit politics have dominated the congressional agenda. Finally balancing the budget would show that the federal government can get its fiscal house in order and it would help the economy in a variety of ways: lowering interest rates and the trade deficit, while boosting savings and economic growth.

Major progress has already been made in reducing the budget deficit. The 1993 deficit reduction package, which I supported, has helped reduce it from a record $290 billion in 1992 to around $60 billion this year. The May budget agreement would finish the task and produce a balanced budget by 2002. Yet that agreement was only a broad outline. The specifics were worked out by various congressional committees, and that is what we voted on last week.

BUDGET RECONCILIATION

Most of the savings needed to balance the budget would come from the budget reconciliation bill making changes in various entitlement programs. Changes in Medicare represent the bulk of the bill's savings—$115 billion out of a total of $140 billion. The Medicare savings come largely from reducing payments to hospitals and other health providers and from opening the health insurance program to greater competition. Other changes in the House bill deal with Medicaid payments to hospitals and federal retirement plans.

With my support, this bill passed by a solid margin. It is by no means a perfect package. But I strongly believe in balancing the budget—particularly through spending reductions rather than tax increases—and this was the main bill for achieving those savings. The changes were much more modest than those proposed in recent years; the Medicare savings were well below half of the $270 billion in cutbacks Speaker Gingrich tried to get through last Congress. The Medicare savings are projected to keep the program solvent over the next 10 years, and they have been supported by key older persons' groups.

MAJORITY TAX CUT

The second major vote last week was on the Republican tax cut bill. It contained $133 billion in tax cuts over five years, offset by $48 billion in tax increases, for a net tax cut of $85 billion. It would provide a $500 per child tax credit, give new tax credits for education costs, expand penalty-free withdrawals from IRAs, reduce capital gains taxes, and gradually raise to $1 million the amount exempt from federal estate taxes. To increase revenues it would expand existing taxes on airline tickets.

Although this bill had several good features, I opposed it. Its benefits were tilted far too much to the wealthy. According to Treasury Department estimates, the wealthiest 20% of Americans would get almost 70% of the tax cuts when fully phased in. In addition, the costs of the tax cuts increase sharply in the outyears, seriously undermining our effort to have a balanced budget. The various tax cuts were designed to have modest costs between now and 2002—$85 billion—but they would double over the next five years and then explode to an additional $650-700 billion over the next 10 years. That means we could balance the budget in the year 2002 but then run large deficits after that. We need to balance the budget and keep it balanced.

MINORITY TAX CUT

The alternative tax cut plan proposed by the Democrats would provide greater tax breaks for education. It would retain the $500 per child tax credit, but limit it to families making less than $75,000, rather than $110,000 under the Majority bill. It also targets the capital gains and estate tax cuts to small businesses, family farms, and homeowners. Most of the tax cuts in this plan would benefit middle-income Americans.

This was the toughest vote of the three for me, but I supported this plan. Unfortunately it was defeated and the other version passed. My preference is not to have a tax cut at this time: It is quite possible that all of the spending cuts won't materialize to give us a balanced budget, and balancing the budget is a higher priority than cutting taxes. We shouldn't be paying for a tax cut by borrowing more money. However, the debate has moved beyond that, and the question before us was what kind of tax cuts are preferable.

The Democratic package was the better of the two. It was much less expensive in the outyears, better targeted to the middle class, and it provided significant tax relief for families and their education expenses. Education is a key investment in our young people's future, but it currently is one of the least favored areas in the tax code.

so overall I voted for this tax cut package in order to move the process along, with the hope of improving it as it moves through the next stages of the legislative process. Improvements in the bill can yet be made in a joint House-Senate conference committee by targeting more of the cuts to moderate-income families; reducing its outyear costs; simplifying it so we don't greatly increase the complexity of the tax code; and providing that if for some reason we won't be reaching a balanced budget by 2002, then some of the tax cuts should be trimmed back.

In short, I support a balanced budget plan. Although tax cuts should not be our top priority, the issue today is not whether to cut taxes, but who gets the tax cuts. My view is that the Republican bill disproportionately benefits the rich. We need to better target tax cuts to moderate-income families and capital gains and estate tax reductions to small businesses and family farms. I have been most uneasy about the pattern of this and the previous Congress to cut programs for the poor and provide tax cuts for the rich. That is the wrong legacy to leave, and the wrong way to balance the budget.

DR. CARIDAD PEREZ: EDUCATOR AND HUMANITARIAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Dr. Caridad Perez for all of the stellar and selfless years of work that she has dedicated to south Florida's children. As an educator by occupation, I have known Dr. Perez for many years and have seen the positive outcome of all of her efforts.

After arriving in the United States upon fleeing the Castro regime, Dr. Perez wasted no time in dedicating herself to doing what she does best, educating children. Twenty-eight years ago she founded Edison Private School, starting with only one student. Today, Edison Private School has many alumni who went on to pursue different careers and are now successful members of south Florida's community.

In addition to running Edison Private School, Dr. Perez has made a great name for herself in the business community. She is the president of three different corporations; a real estate company and a business geared toward school transportation, in addition to her school. For her great success in the business world, she was recognized as Businesswoman of the Year by the U.S. Chamber of Commerce in 1993.

Perhaps one of Dr. Perez's greatest achievements has been her work and dedication toward helping children through UNICEF. She serves as the honorary chairman and member at large of the Greater Miami Committee For UNICEF.

I applaud Dr. Perez for her determination to get ahead, her discipline to persevere and her selfless dedication to those children who are in need of a leader and savior.

PERSONAL EXPLANATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GEJDENSON. Mr. Speaker, on July 8, 1997, I attended the NATO Summit as one of four Members of the House of Representatives in the American delegation. As a result, I missed several rollcall votes. Had I been present, I would have voted as follows:

Rollcall No. 246, H.R. 849—"yea"; rollcall No. 247, Senate Joint Resolution 29—"yea"; rollcall No. 248, H.R. 1658—"yea"; and rollcall No. 250, H.R. 2016—"yea."

STAND DOWN '97

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GALLEGLY. Mr. Speaker, today I would like to pay tribute to an extraordinary group of people dedicated to an honorable cause, our veterans. Each year for the past 5 years, Stand Down, a comprehensive program designed to help homeless veterans reenter mainstream society, offers a 3-day program to provide the services necessary to help veterans achieve this assimilation. This year, Stand Down '97 will be held July 25–27 in Ventura, CA.

Stand Down provides a wide range of services to homeless veterans including medical and legal assistance, employment counseling, mental health services, financial counseling, personal hygiene, substance abuse counseling, AIDS stress and information on exposure to agent orange. The veterans also receive donated shoes, clothing, shelter, food and are treated to performances by the USO.

Since the program began in 1993, over 700 veterans have been assisted in Ventura County through the tireless efforts of volunteers and the executive committee. I would like to take the opportunity to commend the organizers of this program. They are: Clair Hope, Sharon Dwyer, Judge John Dobroth, Jim Grunnert, Jean Farley, Mary Fielder, Todd Howeth, Dwayne Dammeyer, J. Rogers Myers, Kevin Sheahan, Kathy Swaim, Bob Reeves, Rick Brandeberg, Stephen K. Davis, Robert Guillen, Hal Nachenberg, Dr. Philip Loring, Patricia Knight, Evelyn Burge, Betty Zamost, Patrick Zarate, Colleen Kelly, Joseph Narkevitz, Robert Reed, Aubrey Towler, Mike McKelroy, Earl Dunavan, Volney Dunavan, Dr. Bob Delzell, Bill Schmidt, Mike Silkwood, Bob Adams, Dr. Cal Farmer, Jeannette Villanueva-Walker, Sonja Musgrove, Madeline Lee, Sue Duffy, Charles Lowrance, Marie Williams, Nancy Joseph, Gene Ogden, and Francisco Gamboa.

I offer my sincere thanks and congratulations to each of the volunteers and executive committee members. Their commitment to our veterans is a tremendous contribution to our community and a much needed helping hand to our veterans.

A SALUTE TO SOME UNSUNG HEROS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KLUG. Mr. Speaker, my fellow colleagues: I would like to call your attention to a great service rendered to this country by the men who served as civilian weather observers with the U.S. Weather Bureau's North Atlantic Patrol during the Second World War. These men significantly impacted the success of D-Day, and many other battles of World War II, and yet, they have never been given the public appreciation they so richly deserve.

One of my constituents, Mr. Ray McCool, told me of these men, serving in the North Atlantic Weather Patrol aboard Coast Guard vessels, who obtained and transmitted essential weather data to Washington, DC. As a result, they made possible the preparation of weather maps used throughout the war. In fact, their long-range forecasts provided vital information needed to plan the D-Day invasion. Their knowledge and talents made an enormous difference in the success of the overall mission and ultimately in an allied victory.

Their service was not without danger and sacrifice. Under the Geneva Convention articles of War, the rules for treating military prisoners did not apply to civilians. Therefore capture by the enemy most likely meant being treated as a spy and shot. To prevent this, they were outfitted in Coast Guard uniforms, carried as chief petty officers and enlisted into the service as "U.S. Coast Guard Temporary Reserves."

If capture by the enemy wasn't worry enough, they had the high seas and enemy ships to face. A typical mission took these men out to sea for 4 to 6 weeks at a time where they dealt with hurricanes and attacks from depth charges, U-boats, and German submarines.

To date, the United States has never fully recognized the invaluable job these civilian weather observers performed.

Today, let the record show we salute these unsung heroes and acknowledge their service to our Nation. Further, in order to show our proper recognition, I am recommending that each local veteran's office present a U.S. flag to the family of a deceased member of this elite ensemble of men. In the face of danger and against the odds, these men stood tall and answered our country's call to freedom, and for that the United States of America is forever grateful.

TRIBUTE TO KFMO RADIO OF PARK HILLS, MO

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to KFMO Radio of Park Hills, MO. A friend to the Eighth Congressional District, KFMO recently celebrated its 50th anniversary.

The first radio station in Park Hills, KFMO began serving the folks of Park Hills, MO, on July 4, 1947. At that time, the radio station was owned by Hirsch Broadcasting Corp.

From the time of the forty's when radio was king through today, KFMO remains one of the most vibrant and energetic stations in the area. KFMO is part of the Parklands Information System and carries extensive news coverage throughout the day. With the Parkland Today Show, the senior's lunch menu, obits, and tons of local news, folk in St. Francois County know that if it is happening locally, it's happening on KFMO.

In 1992, KFMO was acquired and is currently owned by Hirsch Broadcasting Co. Under the leadership of President M. L. Steinmetz and Larry D. Joseph, vice president/general manager, M.K.S. Broadcasting also own and operates B104 FM radio which is also in Park Hills.

Mr. Speaker, with so many people in so many different areas dependent upon the folks at KFMO for their information, I am pleased to wish them a happy 50th anniversary. I salute their commitment to the community and I ask my colleagues to join me in wishing the folks at KFMO all the best for another 50 years of success and service.

THE SUPREME COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 9, 1997, into the CONGRESSIONAL RECORD.

THE SUPREME COURT

The U.S. Supreme Court recently completed its 1996–1997 term with a flurry of landmark opinions on a wide range of issues, including assisted suicide, religious freedom and the Brady gun law. This term of the Court showed the extraordinary role and power of the Supreme Court in redesigning the institutions of our government and in allocating power among them. With unusual assertiveness and confidence, the Court struck down three federal laws in a single day and sided against the White House on cases involving Paula Jones and Whitewater.

The Court, particularly its conservative majority, has strongly-held views about the structure of our constitutional form of government, and is not afraid to exercise judicial authority to that end. Restraining federal power is one overarching theme in the Court's decisions this term. The Court struck several blows for states' rights at the expense of Congress, limited claims of immunity by the White House, and even acted to curtain federal judicial authority in certain matters.

The Court continues to be narrowly divided on many issues. Seventeen cases were decided by 5–to–4 votes. The conservative justices—Rehnquist, Scalia, Thomas, O'Connor, and Kennedy—voted together on many of the key decisions, including the decision overturning the Brady gun law. But this term lacked the rancorous debate of previous years, and the Court was surprisingly united on several important cases, including the two decisions rejecting a constitutional right to assisted suicide.

What follows is a summary of the major decisions this term:

ASSISTED SUICIDE

In perhaps the most anticipated decisions of the term, the Court rejected claims that there was a constitutional right to assisted suicide. The Court held that the states may bar or allow assisted suicide as they choose. Currently, only one state, Oregon, allows assisted suicide. The decision was also significant in that the Court declined to involve itself in a difficult social issue, deferring instead to state legislatures.

FEDERAL-STATE RELATIONS

The Court also addressed fundamental questions about the distribution of power between states and the federal government. The conservative majority has acted in recent years to curb the reach of federal authority, particularly when it may intrude on state powers. In 1995, for example, the Court overturned a federal law banning gun possession within 1000 feet of a school.

The Court struck two more blows for states' rights this term. First, the Court invalidated provisions of the Brady gun law which required local law enforcement officials to conduct background checks on prospective handgun purchasers. The Court said that Congress cannot "dragoon" state and local officials into administering or enforcing a federal regulatory program. The effect of the decision will likely be limited because most states, including Indiana, also require background checks, and because the Brady law's five-day waiting period for gun purchases remains intact. Second, the Court invalidated the Religious Freedom Act which aimed to protect religious practices from government interference. The Court ruled that Congress has the authority to enforce constitutional rights, but not, as in this case, to make a substantive change in the meaning of the Constitution. The Court stressed that it, and not Congress, has that responsibility. The decision makes it easier for state and local authorities to pass laws of general applicability, such as zoning restrictions, even if those laws have the incidental effect of burdening a religious practice.

PRESIDENTIAL POWER

The Court decided several important cases relating to Presidential power. First, the Court unanimously rejected the President's request for delay in the Paula Jones lawsuit until he leaves office. The civil suit involving alleged sexual harassment while the President was Governor of Arkansas must now go forward. Second, the Court refused to consider a White House claim that attorney-client privilege attached to notes taken by White House lawyers during conversations with Hillary Clinton about the Whitewater matter. The White House has now turned over the notes to Whitewater prosecutor Ken Starr. Third, and in a partial victory for the President, the Court rejected a challenge to the line-item veto law, which gives the President authority to strike certain provisions from spending and tax measures. The Court said that the members of Congress who brought the suit did not have "standing" to sue, which means that the Court will not address the merits of the claim until the President actually exercises the line-item veto.

FREE SPEECH RIGHTS

The Court handed down important decisions relating to the First Amendment. First, the Court invalidated a federal law which made it a crime to knowingly send or display indecent material over the Internet, where children can see it. The Court unanimously said that the law would suppress too much speech among Internet users. Second, the Court permitted public schoolteachers to provide remedial help to students at parochial schools. The Court had previously held that public funds could not be spent in this way without violating the separation between church and state.

CRIMINAL LAW

The Court upheld a Kansas law which permits states to confine certain violent sex offenders in mental hospitals after they have served their criminal sentences. The Court also made it easier for police to conduct car searches during routine traffic stops.

CONCLUSION

The Court's major decisions this term aim to restrain the exercise of federal power, particularly by Congress. For a Court that often preaches judicial restraint, it did not hesitate to exercise extraordinary judicial power. The practical effect of the Court's decisions on future congressional action, however, is uncertain. The states and the public continue to look to Washington for guidance, money, and leadership on many issues, including health care, environmental protection and law enforcement. Congress, I suspect, will continue to pass laws which impose some burdens on the states, perhaps as a condition of receiving federal funding or in some other manner consistent with the recent Court decisions. But, in doing so, Congress will know that the Court is a strong proponent of states' rights and is scrutinizing its every move.

DEFENSE INDUSTRY INITIATIVE ON BUSINESS ETHICS AND CONDUCT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SMITH of Texas. Mr. Speaker, I rise today to congratulate the Defense Industry Initiative on Business Ethics and Conduct for its 11 years of active effort in creating high standards of business ethics, business conduct, and compliance in the defense industry. I know that many Members of the House are not familiar with this unique effort, known as the DII.

The DII was created in 1986 as an outgrowth of the work of the President's Blue Ribbon Commission on Defense Management, known as the Packard Commission. At that time, a number of leading defense contractors drafted a set of DII principles. These principles obligated signatory companies to have written codes of conduct, to distribute the codes to all of their employees, to have ethics training programs which made certain that employees understood the codes, to have a hotline or ombudsman system, to have systems to make voluntary disclosures of violations of law or regulation to the Government, to attend annual best practices forums, and to participate in a public accountability process.

The group of signatory companies has grown over these 11 years to 48 companies, including virtually all of the largest defense contractors. Frankly, I would think that all of our 100 largest defense contractors, at least, should be willing to sign up publicly to the Defense Industry Initiative Principles. And I call upon those companies that are among this group which, for whatever reason, are not presently signatories to sign this statement in order to pledge themselves to the Defense Department and to the public as being committed to these ideals.

Recently, the DII conducted its 12th Best Practices Forum. This session was held on June 5 and 6 in Washington, DC and included some 160 representatives of the signatory companies and 40 senior Government officials. The program was a state-of-the-art exploration of best practices in corporate ethics and compliance programs.

It is my understanding that the Defense Industry Initiative is the only industry ethics initiative of its type. We have certainly seen any number of other industries which have had sufficient ethical problems that they should consider something equivalent. But it gives me a great source of comfort to know that the industry which is charged with supplying the defense articles that support our national security has set a leadership example in this area.

I would close by saying that all the evidence available to me suggests that the participation of these 48 companies has had a very positive impact on their levels of compliance, as well as in the tone of the relationship with the Government. I am certain that we all remember back to the events that gave rise to the creation of the Packard Commission—things such as high price spare parts or improper labor charging. I understand the Government audits show that among these DII signatory companies the level of such problems has dropped dramatically. Moreover, I believe that this effort has forged a true partnership in the best sense of the word between Government officials responsible for procurement and those in industry who design, develop, and manufacture the items necessary for our national defense.

In order to fully recognize the contribution that has been made and the excellent work that has been done, I would like to place into the CONGRESSIONAL RECORD a list of those companies which are signatories to the DII. All of these defense contractors are to be congratulated for the leadership they have shown and the accomplishments to date. I am certain that we can count on them to continue this fine work in the future. And I hope that we can count on other defense contractors to become part of this important effort.

DEFENSE INDUSTRY INITIATIVE

SIGNATORY COMPANIES

Allfast Fastening Systems, Inc.
Alliant Techsystems Inc.
Allied-Signal Inc.
AT&T
BDM International, Inc.
The Boeing Company
Calspan SRL Corporation
CFM International, Inc.
The CNA Corporation
Computer Sciences Corporation
Day, Zimmerman & Hawthorne Corporation
Day & Zimmermann, Inc.
DynCorp
ESCO Electronics Company
FMC Corporation
Frequency Electronics, Inc.
GDE Systems, Inc.
General Dynamics Corporation
General Electric Company
Harris Corporation
Hewlett-Packard Company
Honeywell Inc.
Hughes Electronics Corporation
IBM Corporation
ITT Industries, Inc.
Lockheed Martin Corporation
McDonnell Douglas Corporation
Northrop Grumman Corporation
Olin Corporation
Parker Hannifin Corporation
Primex Technologies, Inc.
Raytheon Company
Rockwell International Corporation
Rohr, Inc.
Science Applications International Corporation
Stewart & Stevenson
Sundstrand Corporation
Technical Products Group (TPG) Inc./Marion Composites Division
Teledyne, Inc.
Texas Instruments Incorporated
Textron, Inc.
Thiokol Corporation
Trident Data Systems
TRW Inc.
UNISYS Corporation
United Technologies Corporation
Westinghouse Electric Corporation
Williams International Corporation

IN MEMORY OF ROBERT E. COURTNEY, JR.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to note with great sorrow the passing of Robert E. Courtney, Jr., a great friend of Connecticut and all her citizens.

For decades Mr. Courtney worked as an attorney in Connecticut. Working in the insurance liability field, he was so well respected by his colleagues that he was named a member of the American College of Trial Lawyers.

Previously, Mr. Courtney worked as an attorney for the Federal Bureau of Investigation. This was during the Second World War. Living in New York at this time, he met his first wife, Dorothy Kane Courtney. They moved to Connecticut, and spent 40 years together raising their children through good times and bad. In 1976, they tragically lost their son Philip to an illness. After Mr. Courtney suffered the sad passing of his first wife, he was blessed to marry his second wife, Dorothy Scanlon Courtney, with whom he happily spent his last 10 years. Of course, we were all saddened last winter when Dorothy Scanlon Courtney suddenly passed away.

Mr. Courtney was fond of golfing, and he derived great satisfaction and joy from being on the links of his country club in West Hartford. It is also well-known that Mr. Courtney bestowed great threads of legal wisdom on many members of his profession. He was greatly respected in legal circles for his advice and counsel, generously giving his time to attorneys young and old who sought his help.

If a man's success could be measured by the children he raised, then Mr. Courtney must truly be recognized as a giant among men. I have had the pleasure of knowing four of his sons, and they are all successful, community oriented men, three of whom chose to follow their father's footsteps and serve at the bar. In particular, I have had the great pleasure of knowing Joe, a nationally known and respected former State legislator who began his career as an intern in my office when I was a State legislator. It has been my honor to call him a good friend.

His sons blessed him with eight grandchildren, and they brought tremendous joy to him over the years.

Yesterday, Mr. Courtney was laid to rest near his home in Connecticut. He will be missed by his family, his friends, his colleagues, and a grateful State.

TRIBUTE TO MAJ. GEN. C. "DEAN" SANGALIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate Maj. Gen. C. "Dean" Sangalis on his receipt of the 1997 Navy Award. Today, Dean will be presented with this award at the Radisson Hotel at Star Plaza in Merrillville, IN, where there will be a testimonial luncheon featuring time-honored military customs and traditions. The Navy Award is bestowed upon individuals who have demonstrated outstanding achievements, dedication, and years of honorable service to their God, country, branch of service, and community.

Throughout his life, Dean Sangalis has served as an exceptional example of a good American. As a U.S. Marine and World War II veteran, Dean has demonstrated the enduring qualities of loyalty, honor, and service to our country. In 1946, at age 19, Dean enlisted in the U.S. Marine Corps and, shortly thereafter, served with the 1st Service Battalion, 1st Marine Division, in Tientsen, China, and the 1st Marine Provisional Brigade on the island of Guam. He completed his initial tour of duty in April 1948, as a member of the All Navy Olympic Wrestling Team at the U.S. Naval Academy in Annapolis, MD. Dean was again called to active duty in June 1952, and began his rise up the ranks in September of that year when he was commissioned a second lieutenant. While on active duty, Dean served as a platoon commander of I Company, 3d Battalion, 9th Marines in Japan, and I Company, 3d Battalion, 7th Marines, 1st Marine Division in Korea. He completed his tour of duty with the Marine Detachment, Great Lakes, IL.

Dean Sangalis further excelled during his 30 years of service as a Marine reservist. Some of his accomplishments in this capacity included serving as commanding officer in various companies and fulfilling high-level administrative responsibilities. During Dean's assignment as commanding officer of the 2d Battalion, 24th Marines, the battalion was awarded the General Harry Schmidt Trophy as the most outstanding infantry battalion in 1971. Dean also served as: director of the Marine Corps Reserve Support Center in Kansas City, MO; assistant division commander, 4th Marine Division, New Orleans, LA; and commanding general, 2d Marine Amphibious Brigade. Dean was promoted to major general on May 18, 1985, and received his last designated assignment as commanding general, Marine Corps Base, Camp Lejeune, NC, in 1986. Maj. Gen. Sangalis joined the retired reserves on December 1, 1987.

In addition to his outstanding military career, Dean Sangalis secured a successful professional career within the insurance industry. From 1959 to 1992, Dean was district agent for Northwestern Life Insurance Co., specializing in a variety of areas within the field. While with Northwestern Life, Dean has served as a member of several prominent professional organizations, and has received numerous honors, including the 1975 State of Indiana Underwriter of the Year Award.

Over the years, Dean Sangalis has also devoted countless hours to many volunteer agencies in Indiana's First Congressional District. Dean has served as chairman of the American Cancer Society, fundraiser for the YMCA, and a member of the board of directors for the Boys and Girls Clubs of Northwest Indiana. He is also a member of the Merrillville Rotary Club and the Schererville Chamber of Commerce. Currently, Dean is on the fundraising committee of Trade Winds Rehabilitation Center. In recognition of Dean's outstanding volunteer leadership, the Northwestern Mutual matching gifts plan for agents and employees will present him with a $5,000 check for the Northwest Indiana Boys and Girls Club later this month.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Maj. Gen. C. Dean Sangalis on his receipt of the 1997 Navy Award. Dean's wife, Velda, their children, Callista, Theodore, Vanessa, and Christopher, and five grandchildren can be proud of his accomplishments. His strong devotion to country, and service to his community, truly embody the spirit of volunteerism.

THE MARCH OF THE LIVING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, on behalf of Congresswoman NITA LOWEY and myself, I rise to call the attention of my colleagues to an important program that I am proud to say is based in my New York City district—The March of the Living. I also want to commend all of those who have participated in the March of the Living program.

The March of the Living is a yearly journey in which thousands of Jewish teenagers gather from around the world in Eastern Europe and in Israel. During this unforgettable trip, these young people learn first hand about two 20th-century events that changed history forever—the Holocaust and the creation of the State of Israel.

Since its creation, the March of the Living program has continued to influence the more than 20,000 students who have participated. The students visit concentration camps in various countries and see the crematoria, gas chambers, and personal belongings that remain. Not only is the March of the Living a reminder of what happened, but is also a way for students to celebrate the strength of the human spirit.

In Poland, march participants tour cities where there had been vibrant Jewish communities before World War II, including Warsaw, Krakow, and Lublin. After seeing communities where Jewish life flourished, the teens are taken to the death camps where these lives were destroyed. On Holocaust Memorial Day, the same day that Members of Congress gather in the Capitol Rotunda to honor the memory of those murdered in this genocide, the teens participate in a march from Auschwitz to Birkenau. I believe that this March of the Living—young people retracing the steps of countless innocent victims who marched to their deaths—is one of the most creative and meaningful Holocaust remembrance programs ever enacted.

After witnessing the horrors of the Holocaust, the teenagers travel to Israel, where they visit the magnificent and vibrant Jewish homeland. Created out of the ashes of the Holocaust, the State of Israel stands as a great triumph, not only for the Jewish people, but for the cherished ideals of democracy, compassion, and enlightenment.

The March of the Living has proven to be an effective way of teaching our next generation of leaders lessons of the past. The students return profoundly changed, prompting further work in Jewish related areas.

It is these students who will keep the memory of this tragedy alive, and prevent such an event from ever happening again. I hope that this program will continue to thrive and to commemorate the suffering and eventual triumph of the Israeli people.

I would also like to applaud the Austrian Government for becoming involved in this program by allowing March of Living participants to visit the country on May 19 of this year. Austria's efforts to assist in teaching the lessons of the Holocaust is a beautiful way to combat former Austrian President Kurt Waldheim's tragic denial of his participation in war crimes.

With an aging Holocaust survivor population, we need to educate our young people about what happened to millions of Jews during World War II. The great philosopher George Santayana taught us that "those who do not remember the past are condemned to repeat it." I commend the March of the Living on its important work.

Mr. Ernest Goldblum, a philanthropist, who served in the United States Navy, and whose parents perished in the Holocaust, developed the program with the Austrian Government with the assistance of the Austrian president, Dr. Thomas Klestil, and the former Federal Chancellor, Frank Vranitzky, as well as Dr. Desiree Schweitzer, diplomat, and Helmuth Tuerk, Austrian ambassador, and Dr. Leon Zelman of the Jewish Welcome Service, Vienna, who organized the entire program for the 60 participants who were invited by the Austrian Government.

And it is hoped, Mr. Speaker, that the Austrian Government will continue this effort on a larger scale next year for Yom Hashoah, Holocaust Remembrance Day.

PERSONAL EXPLANATION

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SANFORD. Mr. Speaker, my plane was unavoidably detained and I missed rollcall votes Nos. 246 and 247 on Tuesday afternoon. Had I been here for the vote, I would have supported both bills.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SHERMAN. Mr. Speaker, on rollcall votes Nos. 246, 247, 248, and 249 on July 8, I was unavoidably detained due to airplane mechanical difficulties. Had I been present I would have voted "aye" on these votes.

TRIBUTE TO MAJ. GEN. JAMES L. HOBSON, JR.

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man who has dedicated 32 years of his life to protecting the people of this great Nation and ensuring the American way of life. This gentleman has distinguished himself as a community leader, a dedicated family man, and a decorated officer in the U.S. Air Force. The man I speak about today is Maj. Gen. James L. Hobson, Jr., commander of the Air Force Special Operations Command at Hurlburt Field, FL.

I could praise General Hobson for his numerous missions he flew over South Vietnam in his MC–130 aircraft at the height of the Vietnam war. I could mention the numerous students that General Hobson turned into expert pilots. Or I could applaud his decorations including the Distinguished Service Medal and the Mackay Trophy or his meritorious flight during Operation Urgent Fury over the island of Grenada. But I'm sure General Hobson would say that those accomplishments were just part of his duty.

Mr. Speaker, these accomplishments only begin to describe the caliber of a man like General Hobson. Ralph Waldo Emerson once said that what people say about you behind your back is the true measure of your character. The words said about General Hobson behind his back include: honest, loyal, dedicated, courageous, honorable, hard working, and a true gentleman. From the time he entered officer training school at Lackland AFB in 1965 until today, when he retires as a distinguished major general, James Hobson has shown a standard of excellence and dedication to duty that made him stand out as a man of intellect, skill, and integrity.

General Hobson's dedication to his country serves as a model in the lives of the hundreds of Air Force officers and enlisted personnel he has trained, supervised, and encouraged. The legacy General Hobson leaves behind at AFSOC, Hurlburt Field, will remain an inspiration to the men and women that were fortunate enough to serve under his command.

Now, General Hobson will be retiring, returning to the wife and children that he loves, making up for the lost hours that a distinguished career in the Air Force requires of its best and brightest

---

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 10, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

9:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
Business meeting, to mark up proposed legislation making appropriations for the Departments of Commerce, Justice, State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1998.
S–146, Capitol

JULY 15

9:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
Business meeting, to mark up an original bill making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1998.
SD–138

10:00 a.m.
Appropriations
Transportation Subcommittee
Business meeting, to mark up an original bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 1998.
SD–116

Banking, Housing, and Urban Affairs
Financial Institutions and Regulatory Relief Subcommittee
Housing Opportunity and Community Development Subcommittee
To resume hearings on problems surrounding the mortgage origination process and the implementation of the Real Estate Settlement Procedures Act and the Truth in Lending Act.
SD–538

Foreign Relations
To hold hearings on the nominations of A. Peter Burleigh, of California, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, David J. Scheffer, of Virginia, to be Ambassador at Large for War Crimes Issues, Richard Sklar, of California, to be Representative of the United States to the United Nations for U.N. Management and Reform, with the Rank of Ambassador, and Linda Jane Zack Tarr Whelan, of Virginia, for the rank of Ambassador during her tenure of service as United States Representative to the Commission on the Status of Women of the Economic and Social Council of the United Nations.
SD–419

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of James Franklin Collins, of Illinois, to be Ambassador to the Russian Federation, Marc Grossman, of Virginia, to be Assistant Secretary of State for European and Canadian Affairs, John Christian Kornblum, of Michigan, to be Ambassador to the Federal Republic of Germany, and Stephen R. Sestanovich, of the District of Columbia, as Ambassador at Large and Special Adviser to the Secretary of State for the New Independent States.
SD–419

4:00 p.m.
Foreign Relations
To hold hearings on the nomination of Gordon D. Giffin, of Georgia, to be Ambassador to Canada.
SD–419

JULY 16

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the importance of alternative fuels in addressing future national security concerns, focusing on agriculture's vulnerability to energy price volatility, the contribution of home-grown renewable alternative fuels, and the role of new technologies in making agriculture more energy efficient while increasing yields.
SR–332

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

9:30 a.m.
Rules and Administration
To resume a briefing on the status of the investigation into the contested U.S. Senate election held in Louisiana in November 1996.
SR–301

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the District of Columbia Department of Corrections and the Metropolitan Police Department.
SD–192

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SR–325

Judiciary
To hold hearings to review the Global Tobacco settlement.
SH–216

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on S. 539, to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws.
SD–226

JULY 17

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Patrick A. Shea, of Utah, to be Director of the Bureau of Land Management, and Robert G. Stanton, of Virginia, to be Director of the National Park Service, both of the Department of the Interior, and Kneeland C. Youngblood, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation.

SD–366

10:00 a.m.

Environment and Public Works

To resume hearings to examine issues relating to climate change.

SD–406

Foreign Relations

Business meeting, to mark up S. Res. 98, expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United National Framework Convention on Climate Change, a proposed concurrent resolution expressing the sense of the Congress that the OAS–CIAV Mission in Nicaragua is to be congratulated for its defense of human rights, promotion of peaceful conflict resolution, and contribution to the development of freedom and democracy in Nicaragua, and to consider the Agreement with Hong Kong for the Surrender of Fugitive Offenders (Treaty Doc. 105-3), and pending nominations.

SD–419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

2:00 p.m.

Judiciary

Immigration Subcommittee

To hold hearings on proposals to extend the Visa Waiver Pilot Program, including S. 290, to establish a visa waiver pilot program for national of Korea who are traveling in tour groups to the United States.

SD–226

Labor and Human Resources

To hold hearings to examine the quality of child care.

SD–430

JULY 22

9:00 a.m.

Energy and Natural Resources

To hold hearings to review the Department of the Interior's handling of the Ward Valley land conveyance, S. 964, proposed Ward Valley Land Transfer Act, and related matters.

SD–366

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

Labor and Human Resources

To hold hearings to examine women's health issues.

SD–430

JULY 23

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

JULY 24

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

2:00 p.m.

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Institutes of Health, Department of Health and Human Services.

SD–430

JULY 29

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104-127) on price and income volatility, and the properrole of the Federal government to manage volatility and protect the integrity of agricultural markets.

SR–332

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

JULY 30

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

JULY 31

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.

SR–332

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SR–325

SENATE—*Thursday, July 10, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for this moment of quiet in which we can reaffirm who we are, whose we are and why we are here. Once again we commit ourselves to You as Sovereign Lord of our lives and our Nation. Our ultimate goal is to please and serve You. You have called us to be servant-leaders who glorify You in seeking to know and to do Your will in the unfolding of Your vision for America.

We spread out before you the specific decisions that must be made today. We claim Your presence all through the day. Guide our thinking and our speaking. May our convictions be based on undeniable truth which has been refined by You.

Bless the women and men of this Senate as they work together to find the best solutions to the problem before our Nation. Help them to draw on the supernatural resources of Your spirit. Give them divine wisdom, penetrating discernment, and indomitable courage.

When the day draws to a close may our deepest joy be that we received Your best for us and worked together for what is best for our Nation. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COCHRAN of Mississippi, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, this morning the Senate will resume consideration of S. 936, the defense authorization bill, and begin 90 minutes of debate on the Grams second-degree amendment to the Cochran amendment regarding supercomputer export controls. At approximately 11 a.m. the Senate will vote on or in relation to the Grams amendment, to be followed by a vote on or in relation to the Cochran amendment. Following that, the Senate will continue consideration of amendments to the defense authorization bill with rollcall votes occurring throughout the day.

As the majority leader announced last night, the scheduled cloture vote will be postponed temporarily today, and an assessment will be made later today of the progress being made on the defense bill. With the cooperation of all Members, that cloture vote may not be necessary if good progress is made on the bill.

It is the intention of the majority leader that action on the defense authorization bill be completed this week. Senators should anticipate a busy session today that will extend into the evening. Work is anticipated as well on Friday, if necessary, to finish this important legislation. That announcement is made by me at the request of the majority leader for the information of all Senators.

Mr. President, as contained in this announcement, there is now 90 minutes that is available on the Grams amendment. If the Chair wants to make the announcement, I will yield the floor temporarily for that.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran/Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams amendment No. 422 (to amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 668, to require the Secretary of Defense to transfer $400,000,000 to the Secretary of Veterans Affairs to provide funds for veterans' health care and other purposes.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl modified amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Dodd amendment No. 762, to establish a plan to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness.

Dodd amendment No. 763, to express the sense of the Congress in gratitude to Governor Chris Patten for his efforts to develop democracy in Hong Kong.

Reid amendment No. 772, to authorize the Secretary of Defense to make available $2,000,000 for the development and deployment of counter-landmine technologies.

Levin amendment No. 778, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The able Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I just want to tell the Senators that we are going to finish this bill this week. If they want their amendments adopted, they better come in and have them considered and debated and acted on. We do not want any further delays. And we want to get time agreements, too. No use to spend hours and hours on one amendment. We ought to get a very limited time on each amendment so we can finish this bill. That is very important. I want Senators to know that we expect to proceed along that line.

AMENDMENT NO. 422

The PRESIDING OFFICER. The Senate will now resume consideration of Grams amendment No. 422 on which there shall be 90 minutes for debate equally divided.

Who yields time?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Who controls time under the order?

The PRESIDING OFFICER. The Senator from Mississippi controls 45 minutes and the Senator from Minnesota controls 45 minutes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, to refresh the memory of Senators about this amendment that is now the pending business, at an early stage in the consideration of this authorization bill I offered an amendment for myself and on behalf of the distinguished Senator from Illinois [Mr. DURBIN] to modify the administration's existing policy relating to the export by U.S. companies of supercomputers in the global marketplace.

The reason this amendment was considered important for the consideration of the Senate on this bill is that it, first of all, involves exporting technology that no other country in the world has. Unlike many of our arms sales, defense equipment or technology sales around the world, whether to friendly allies or those who may not be so friendly, computer technology has evolved here in the United States to the point that we have the corner on the market. No one can compete with us in many areas of supercomputer technology. The Japanese have developed an impressive capacity in this area as well.

But one thing has come to our attention in the subcommittee that I chair on Governmental Affairs, the Subcommittee on International Security, Proliferation and Federal Services. We have had a series of hearings that began the first month of this year. We have had at least one hearing every month. And we have explored one aspect of weapons proliferation.

It was at a hearing that we had recently on the exporting of technology that we learned that the United States was a proliferator of weapons technology that was threatening the security of the United States, and putting at risk United States servicemen, servicewomen, other interests, and other assets and interests throughout the world, because we were giving countries like Russia and China and others the capacity to improve the lethality, the accuracy, and the capabilities of nuclear weapons systems through the exporting of technology that they were using to simulate tests, which they would not otherwise be able to do, and to upgrade the quality and accuracy of their missile delivery systems and weapons systems.

This does not make good sense. Japan's export control policy is more restrictive than our policy. The President came into office after a campaign which involved a lot of discussion about changes in the world security situation. We all rejoiced in the past two administrations when so much progress was made in terms of reducing the threat to the security of the United States because of the changes going on in the Soviet Union and Eastern Europe.

The fact is, that we were able to relax somewhat when those weapons systems were no longer targeted at us. But the fact remains that there is a tremendous potential threat, not only in Russia but some of the other states of the former Soviet Union for the development at some future date of an attitude that may put our security relationship at greater risk than it is today. And so we do have an interest in refraining from doing those things ourselves that end up unwittingly or carelessly investing in others the capability to develop modern, more lethal, and more dangerous weapons systems that could threaten our security interests.

One other aspect of this is that part of our hearings have been involving the sale of weapons systems by countries like Russia and China. We had a whole series of witnesses come before our committee talking about this as a problem now, selling missiles, for example, to Iran, selling nuclear weapons technology to countries like India and Pakistan and others.

But we see emerging around the world a new capacity on the part of many of these countries that we do not trust at all to have those kinds of systems that can inflict great damage, destroy assets that we have, and people, troops that we have in the Middle East or in South Korea, sailors who are on ships around the world who are now vulnerable to cruise missiles in the Mediterranean that we never had to worry about before because of this proliferation of missiles and technologies and weapons systems.

So that is the big issue here. So that is why we have suggested that the administration's new policy—when they came into office they said we are going to open up and take the controls off of our exports so we can take advantage of the new security situation around the world, let our businesses enjoy a more relaxed atmosphere. That is all fine. But what we have learned in the last 18 months of this new policy—it was put into place in October 1995—the new policy has resulted in supercomputers coming into the possession of the Chinese Academy of Sciences which has a component that is involved in the modernization of the Chinese nuclear weapons program and systems. They now have seven supercomputers that came from the United States that they are using, they potentially are using, to develop a more modern weapons capability in nuclear weapons.

The Russian chief of atomic energy boasted recently that his operation, the group of people he has under his control in his laboratories—Chelyabinsk 20 and Arzamas 16—these are locations where they do work on nuclear weapons systems in Russia that they now have a supercomputer capability previously unknown, compliments of the United States.

This is a sad state of affairs because of a policy that is much more relaxed now. And I want to describe the details of it. That is why we have these 90 minutes reserved here so Senators will understand how serious a threat this is and what it means in practical terms.

We have seen the administration develop this new policy that identifies countries in categories. They call it a four-tier system.

Tier 1 countries are our best friends, NATO Allies. There are no restrictions. Tier 2 are those countries where it is more lenient still. Tier 3 and Tier 4. Tier 4, there is a complete embargo on the exporting of computer technology of all capability. You cannot sell computers under our new system to these Tier 4 countries. They are Iran, Libya, North Korea, Cuba, a couple of others.

Tier 3 are those countries where, depending upon the capability of the computer, there are restrictions. There are no restrictions for the PCs, the personal computers, no restrictions. But when you get up into these high-end computer systems there are restrictions, you have to get an export license from the Department of Commerce. And the way you decide whether you need a license or not is to decide if the end use of the computer is going to be for a military purpose or a civilian purpose or if the user is a military entity or a civilian entity.

The problem with the administration's policy is the Commerce Department does not tell our exporters whether the end use or the user is military or civilian. They leave it up to our exporter to find that out for themselves. That is the problem. That is what this amendment is about. We are trying to change one part of this policy to require the Federal Government to approve the sale—in the case of these countries in Tier 3, China, Russia, and a number of others—where the potential for use of this technology for military purposes has become so apparent and real.

Now, I am not suggesting that our computer companies are carelessly and negligently and wholesale selling these high-end computers, these advanced computers, without careful analysis of who their customers are. Some of them are making a very conscientious effort to ensure that. But what they cannot do and they do not have the capacity to decide, that in the reality of this new situation there are front companies being developed—in the case of China, for example, in Hong Kong and maybe other places, as well, and I cannot discuss all of this because some of it is classified—but there are companies that have been established, whether by governments or government-related industries, who are able now to purchase U.S. computers because they are a civilian company, and then turn around and sell it to a company that is affiliated with one of these governments. That is what has happened, apparently.

So do we want to continue to leave to the capabilities of a computer exporter the responsibility of making these determinations, by understanding what is a front company and what is not? They do not have the resource to do that. Our intelligence community, however, and the resources of our Federal Government are much more nearly able to make this kind of determination.

Under Secretary Reinsch at Commerce talked about this policy at hearings in our committee, and you could tell that Commerce realized that changes had to be made in the way they were monitoring and supervising and implementing this new policy. After our hearing, they started making changes. They started putting out a list, for example, of entities around the world that they think are suspicious enough or they have evidence enough so they can say you cannot tell this entity or that entity in these Tier 3 countries because we know that puts at risk the potential use of this technology for nuclear weapons purpose or other weapons of mass destruction purpose. So they are making some changes. The fact is they left a lot of things off the list, they left a lot of entities off the list that we know in the past have purchased or wound up having these technologies.

So it creates a situation where a change needs to be made right now. This is the change that we think is best. We are pleased to have the cosponsorship on this amendment of distinguished leaders in the area of proliferation here in the Senate. Senator THURMOND, who is chairman of the Armed Services Committee, supports our amendment. Senator WARNER supports our amendment. Senator GLENN, who has previously served as chairman of this proliferation subcommittee and chairman of the full Committee on Governmental Affairs, and been a leader in this effort his entire career in the Senate, and he announced yesterday—and put a statement in the RECORD, which we invite Senators to look at—that he is supporting this amendment. Senator DURBIN of Illinois was in the hearing and has taken an active role in trying to understand and deal with this emerging problem. It has emerged full-blown into one of the most serious threats to our Nation's security, and it has been done because of the way this policy has played out and the way the problem has increased. So we think that Senators ought to look carefully at this.

Let me just say this chart tries to explain how a small area of the computer industry and the hardware that are involved are affected by this amendment. The diagonal lines here that say Chelyabinsk-70 and Arzamas-16 are nuclear weapon labs in the Soviet Union, and the Chinese Academy of Sciences that we know wound up with United States computers that can be used now throughout China for the purpose of developing new modern weapons of mass destruction. This represents numbers of total computers, 6.34 percent of the total U.S. computer export markets affected, and targeted only those computers going to those Tier 3 countries with lethality or capability of 2,000 MTOPS to 7,000 MTOPS. These are millions of theoretical operations per second. That is how you measure the capability or speed of computation of computers. That is the way the Commerce Department has broken this down and divided up these up so that they reflect the capabilities of these computers. A PC has a capability of 250 MTOPS. We are talking about advanced computers, very expensive, and, of course, the computer industry is competing with each other to make these sales.

This is another point: If you were running a big computer company—IBM, Cray computer, whatever the names are—you do not want to have to go to the Secretary of Commerce and tell them you are thinking about making a sale or you have a customer on your screen that you think you can sell a big, heavy-duty, new, modern, expensive computer to, you do not want to tell anybody about it. If you are a salesman, you do not want that word out on the street. You do not want somebody at Commerce looking into it and asking a bunch of questions of you. You would like to go in and make the sale. If the customer is ready to buy your computer, you want to go in, sign the deal, and make the sale. Of course, you have a responsibility under the new policy to satisfy yourself about who the end user is, what the end-use purpose is, and so you hurry to get that done. No matter how conscientious you are, you might not do as good a job with that, particularly if you have a competitor who is trying to make the same sale.

So we are in a situation where the competition of the U.S. market and economic system is working against our interests in protecting our national security and maybe taking a little bit more time and understanding what the potential is for this sale in terms of coming back at us in a new, advanced missile that has capabilities never before possible because of U.S. computer manufacturers selling in these markets to the countries that have the money to buy them. You are talking about the big countries. I am particularly concerned about Russia and China, specifically. We are developing, we hope, better relationships with both countries. We are working to improve our relationships around the world, make this a more stable, safer, peaceful world. That effort has to continue.

What we are doing today, in calling it to the attention of the Senate today, is not at all designed to sour or make that process more difficult, but we have to recognize that this is still a dangerous relationship in many respects. These are the countries that have the greatest capability in the world today, and past attitudes among some in those countries that do not have our interests at heart, do not have our security uppermost in their mind, who may be capable of diverting some of these technologies for uses such as the development of new generations of weapons of mass destruction which not only they but some of their friends end up with in the due course of business.

I have gotten calls and we have had visits from some in the computer industry saying this amendment is not necessary; it is not necessary to put this in the law. Why don't we just change the policy? Well, we can't change the policy. We are the Congress. The executive branch makes policies. They issue regulations.

One of the Senators asked me in a formal colloquy yesterday why we needed to put this in a bill. Well, it is the only way that Congress has available to it to participate in the policymaking process in helping to do our part to ensure that our Nation's security is protected. We cannot issue a regulation, we cannot modify a policy other than doing it the way we are doing it right now.

Now, the Senator from Minnesota, who is my good friend, has an alternative. He wants to do things other than change the policy. He wants to ask GAO to investigate it. We are already having GAO investigate this and gather more information. We are continuing to discuss with GAO other areas where we might get information that will be more helpful to the Congress in understanding what our options are. He suggests that Commerce ought to publish a list of prohibited purchasers. That list is good for as long as the ink is drying, but no further. What if a change occurs and they have not gotten a new list out with modifications, and you see nobody is on the list with the name of a company that you have been contacted by and you make the sale or you try to make the sale, and you decide this is a civilian company. There was nobody in uniform who came to see you, so your assumption is that it is a civilian. Well, the names change, these identities change, the purposes of companies change, the contacts and relationships of companies, particularly in this part of the world we are talking about, can change.

So you are going to invite them to start changing things. If they see they are on the list, they will probably dissolve their corporation if their purpose was to be a front for the People's Liberation Army, and some of these companies are. How is an innocent U.S. exporter to know? You cannot have all these agents and assets to detect this kind of thing on the payroll of the company. But the U.S. Government has resources, and they have a better opportunity to make these determinations.

What we are simply saying is—not as the Senator from Minnesota wants us to do, which is nothing. His amendment just absolutely guts the effort to change the policy. It says there will be no change in policy as we are suggesting here. There will be no change. We will leave it up to the Commerce Department to improve its policy by making a list, and we will ask the GAO to look into this more. That is not good enough. I am hoping the Senate will vote down the Grams amendment and support the Cochran-Durbin amendment.

The cosponsors, I hope Senators will consider, who are on this bill right now, and I do not have a last count, but we are well into the double digits. Around 20 Senators have cosponsored this amendment. It is a strong statement of support for change that is needed now to protect our Nation's security. If we fool around and argue about this and are mealymouthed and don't want to hurt anybody's feelings or scare any of the computer companies, they don't want to get Congress to agree on any sale and they want to use their best efforts—I am not suggesting they don't, but they don't have the capacity, they don't have the expertise, they don't have the reach, the broad reach of the U.S. Government and its intelligence community to make these determinations.

So for these few computers with MTOPS between 2,000 and 7,000, for these few countries in tier 3, we are suggesting that any sale has to be first approved by the Commerce Department to ensure that the end use is civilian and that the end user is civilian and not military. That is all this is. Every other computer sale and administration policy can continue without any new restraint whatever.

I am hopeful the Senate will review this situation carefully, Mr. President.

I reserve the balance of my time.

Mr. GRAMS. Mr. President, I rise to continue the debate this morning on the Grams-Boxer amendment to the Cochran-Durbin amendment. I urge my colleagues today to support what I believe is a very reasonable compromise to a very controversial issue.

Mr. President, I ask unanimous consent that Senators D'AMATO, BOND, GREGG, and FEINSTEIN be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I understand that there is a lot of concern in this body about United States computer sales being diverted for military use to either China or Russia. None of us wants that to occur. But we have to consider whether the Cochran amendment solves the problem. I believe that it does not.

The Cochran amendment would require export licenses for all midlevel computers. Now, these are not supercomputers, these are not high-end computers. You are going to hear that term, but they are not supercomputers. These are midlevel computers, and they are shipped to China, Russia, Israel, and 47 other countries. We talk about the Third Tier countries. They involve 51 nations, like Russia, China, India, Pakistan, Saudi Arabia, Israel, Romania, and the Baltic States. Some of our future NATO Allies could also be involved. Mr. President, export licenses do not solve end-user problems. These are diversions that would not have been caught during the export license procedure. Export licenses do require end-user certification, but if the end user chooses to ignore the agreement, or if the computer is stolen, that possibility will not be evident in the licensing process. In my judgment, the current system works.

Just yesterday, Secretary of Defense Bill Cohen sent us a letter opposing the Cochran amendment. He said the current law and system can deal with unauthorized exports and diversions. This is from the department that has been very conservative on all export decontrol matters. Secretary Cohen further states that we should focus our controls on technology that can make a national security difference, not that which is widely available around the world and is obsolete.

Yes, Mr. President, there have been three diversions, but that was out of 1,400 sales. But, no, this is not the right way to address those problems. The right way is to force the administration to publish as many military end users as possible and then to work with the industry to identify all military end users. We have been able to identify diversions through our capable intelligence sources. Mr. President, there is no evidence that there are dozens of computers out there used by military end users. It is just not there.

Further, I don't believe that the industry irresponsibly ignores available information about military end users. They have too much at stake. A company which violates export control laws takes a very big risk. The penalties are prohibition of all exports for 20 years or more, 10 years in prison, and up to a $5,000 fine for each violation. This doesn't include the blemish that would remain on the company's reputation or the great difficulty that company would have in the future seeking an export license. No company, Mr. President, can afford that risk.

What we would be doing here this morning is handing this midlevel computer business over to the Japanese and other allies. Now, again, I want to emphasize that these are midlevel computers, they are not supercomputers. Next year, they will be the kind of systems that we will be able to have in our offices here in the Senate, or what you could find in a small company or in a doctor's office. These are not the computers that are sought after for nuclear weapons production or design. Again, we are looking at midlevel computers, between 2,000 and 7,000 MTOPS, which are widely available around the world.

Supercomputers, which are sought after for weapons design, start at the 20,000 MTOPS level and go all the way up to 650,000 this year, and they will go beyond the 1 million MTOPS level next year. By the way, China already produces a computer at 13,000 MTOPS. No other country considers these computers to be anything but generally available and will step in to take over the business that the Cochran amendment will hand to them. The question is, is that what we want?

Also, anyone can purchase upgrades, by the way, to raise a PC, a current PC, above the 2,000 MTOPS level. We can't control the box. We can't control the chips around the world that can be put in it. We can't control the upgrades. There is no way to control these low-level PC's under the 2,000 MTOPS threshold, again, since they are available in nearly every country in the world.

Further, the chips that make up these computers are also available and produced around the world. They were decontrolled during the Bush administration. Our chip producers have markets throughout the world, and they need to maintain them to remain competitive. Chip producers cannot control who receives their end product.

Also, how do you prohibit a foreign national from using a computer even above the 7,000 level here in the United States and taking the results back, or faxing it back?

Our friend Jack Kemp has written to us also this week stating that the Cochran amendment would "establish a policy that is destined to fail and would hurt American computer manufacturers without protecting our national security. The American high-technology sector is critical to the future of this country and must be protected from overly intrusive Government restrictions."

I wish there was something we could do to effectively control some of these exports, but it is just not possible at these lower levels. We cannot convince our allies to reverse 2 years of their own decontrol. In fact, Europe has tabled a decontrol proposal at 10,000 MTOPS, which proves that they have no intention of even respecting our 7,000 level. We cannot pull all the PC's and upgrades off the retail shelves, and we cannot close our borders to prevent all foreign nationals from entering this country and using our computers.

We must concentrate our resources on keeping computers above the 7,000 level from reaching military end users; that's for sure. But I fear that an increased license burden in the administration would steer resources away from efforts to locate diversions and investigate them.

Now, Mr. President, in an earlier statement, I also countered a claim that an export license requirement would not slow down these computer sales. I have heard that someone made the comment that an export license would take 10 days. Well, anyone who knows how the licensing process works knows that it can take many, many months to obtain one. This will only earn our industry a reputation as an unreliable supplier, and it will cost us sales and it will cost us many, many U.S. jobs. The administration admits that a computer license application averages 107 days to reach a decision. I have seen it take far longer. Even 107 days, by the way, is enough to convince the end user to go out and seek a buyer in another country.

Since so many of the Tier 3 countries are emerging markets, we need to be in there early to maintain a foothold for future sales. When we hear about the 6.3 percent of sales to Tier 3 countries, that is misleading. It is in an area where the market is expanding rapidly. If we leave our companies out of those markets, they will not be there to compete in the future. They will not be there to provide sales and jobs for the United States.

Another argument I have heard is that there is no foreign availability over 3,500 MTOPS. Well, last year, NEC of Japan tried to sell a supercomputer to the United States Government at a level between 30,000 and 50,000 MTOPS. They match our speeds all the way to the top.

Mr. President, I believe that all of us are proud of our computer industry, that our industry remains the state of the art in so many areas, particularly in the levels above 7,000. We have made progress to facilitate exports without compromising our national security, progress which began back in the Reagan and Bush administrations, but here is an effort today to reverse all of that progress.

Our industry has to survive on exports, and it has to pursue commercial business with these 50 countries to remain competitive. All computer sales over the 7,000 MTOPS level do require license now. We have not sold any computers above that level. And, again, the 7,000 MTOPS are not supercomputers—they are not—they are midlevel computers. We have not sold any computers above that level to Tier 3 countries; nor do our allies, to my knowledge. However, we should not restrict the sales of these midlevel and, again, generally available computers to commercial end users. We should simply maintain the current licensing requirement for the questionable end users. I firmly believe that there will be improved cooperation between the Government and industry on end-user information, particularly those for Russia and China.

Now, I also commend the Commerce Department for starting to publish information on end users and to examine all sales that are made to the Tier 3 countries within these computer speeds.

The Grams-Boxer amendment requests the GAO to determine whether these sales affect our national security. That is very important. It will look into the issue of foreign availability. It will also require the publication of a military end-user list, and it requires Commerce to improve its assistance to the industry on identifying those military end users.

There will be some that vote today solely to express their dissatisfaction with China's alleged military sales to our adversaries. Let me remind you once again that there is no evidence that U.S. computers were involved in any of those cases. I also urge you to look at the merits of this issue. Pure and simple, the Cochran amendment would hand the sales of midlevel computers over to the Japanese and the Europeans at the expense of an industry that we have sought to protect and to promote and an industry that we are proud of.

As chairman of the International Finance Subcommittee of Banking, the committee that has jurisdiction over this issue, I strongly, this morning, urge my colleagues to vote for my substitute and let us continue this debate in the normal manner, through committee consideration. At the same time, the administration should step up its efforts to express to the Chinese and the Russians our grave concerns regarding efforts to divert commercial sales to military end users without knowledge of the United States seller.

Mr. President, I appreciate the efforts of my colleague from Mississippi to address these diversions. I want to work with him in my role as chairman of the subcommittee of jurisdiction to ensure that the current system does work or on how we can improve it once we have better information regarding the extent of the problem.

I urge the support of my colleagues for the Grams-Boxer substitute as a compromise to this very, very controversial issue. Thank you very much.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, I am a cosponsor with the Senator from Mississippi, and he has allotted the remaining time to me for this debate.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. There is a quotation attributed to Vladimir Lenin. I am not sure he said it, but it has been repeated often enough that it is possible he did. It is illustrative of the challenge we face in this debate. It is reported that Lenin said: "A capitalist will sell you the rope that you use to hang him."

The suggestion from this founder of communism was that countries like the United States with a passion for capitalism and sales will occasionally get too overheated and end up selling the very product that can be used against him. Lenin's quotation goes back almost 80 years; yet, it is apropos of the debate today in 1997. We are talking about the sale of a supercomputer to a country that can use it against us. How should we take care to prevent that from happening? What safeguards should we establish?

You have read in the newspapers over the last few years the sad commentary of people entrusted at the highest levels of Government in the United States with classified and secret information, with access to technology, who have literally betrayed the United States and have sold that information to one of our adversaries. Ultimately, many of them have been caught and prosecuted and have served time, as they should, for betraying their Nation and giving away something very critical to the defense of this country to one of our adversaries.

At the basis of this debate is this same question: Are we giving away, through sales, a precious resource that can be used against us? Are we handing over a capability to a country that may not have the same interest or the best interest of the United States at heart?

That is why Senator COCHRAN and I have offered this amendment. Let me say at the outset for those who are critical of the amendment, we are not saying that the United States cannot make sales of these supercomputers to any country, Tier 1, 2, or 3; but we are saying, if you are going to sell these supercomputers to one group of countries that we want to take care do not misuse them, then please come to the Government, come to the Department of Commerce and make certain that the party buying the computer in that country, whether it is China, Russia, or another Tier 3 country, is an end user or party that will use it for peaceful purposes.

Is that some outrageous suggestion—that before we sell this great capability, this supercomputer capability, to some entity in China or Russia that we take care not to sell it to the wrong person? I think most Americans would say, "Why would we have a Government, if you aren't going to do something that basic to protect us?" Is there reason to be concerned about this?

Think about what we are selling. One supercomputer that was sold to Russia increased their computer capability 10 times. We took our genius, our technology, put it up for sale, and they bought it. And with that purchase they not only bought the technology, they bought a new capability—I am sorry to report capability which can be used for negative reasons, for reasons inconsistent with American policy, and as easily for peaceful reasons.

Some have said, "Don't do the Cochran-Durbin amendment. It just involves too many sales. It would restrict too many supercomputer sales."

Senator COCHRAN made this point. When you look at the sales to Tier 3 countries, which are the only countries affected by this amendment, there were 91 sales in the 15 months of new trade policy by the Clinton administration; 6.3 percent of the computers in question are at issue here. Is that too much to ask? That when we start to sell 6.3 percent of our computer sales to certain countries, we say, "Pause. Hold back. Let's review and make sure that the entity buying them in the other country is a peaceful entity, that in fact it won't be used against the United States."

We have sold 47 supercomputers to China, another 20 to Hong Kong, and many to Russia as well. What have we learned about these sales?

I am sorry to report that four silicon graphic machines that were sold to Russia are now being used at Russia's nuclear weapons labs; one silicon graphics machine in the Chinese Academy of Sciences, which on its face sounds harmless but it is a key part of China's nuclear weapons complex; one Sun Microsystems machine we sold, we learned last week, is now running in a Chinese military facility after being diverted from Hong Kong.

What Senator COCHRAN and I are saying is, is it worth our effort and time to take care not to let these computers fall into the wrong hands? But, if you listen to the voices of business and the supercomputer industry, you would think that our suggestion was to stop sales of supercomputers. But it is not. In fact, it wouldn't affect 93 percent of the sales already, and for the other 6.3 percent all we are asking is for time for review.

We received a letter in opposition to our amendment from the Secretary of Commerce, a man whom I admire very much. But I would have to say to the Department of Commerce and to the Department of Defense that it is not unreasonable for us to ask you to set up a mechanism to make sure these computers don't end up in the wrong hands.

I have received a publication from the U.S. Chamber of Commerce. Not surprisingly they don't want any restrictions on this trade. They want U.S. companies to be able to sell whenever and to whomever they choose, and they don't want the restriction of the Cochran-Durbin amendment. But I would say to my colleagues that it is a little disingenuous for them to argue that if we do not allow the sale of supercomputers which can be misused against the United States that we endanger American jobs. There is something larger at stake than American jobs. What is at stake here is American security. I would think that every worker in the computer industry or outside would want to make certain that, No. 1, we provide for the common defense. If I recall, that is part of a document that all of us consider to be illustrative of the goals of America.

Let's address this issue about whether or not the Cochran-Durbin amendment in going after the 2,000 MTOPS model is talking about a garden variety of PC's which people can pick up at the corner computer store and are today available in Senate offices. As one of my colleagues said, it is a common thing that shouldn't be restricted. From what we are told 10,000 MTOPS is not common to them. The computers that are being sold right now are at a level of 200 MTOPS or 250 MTOPS. And even assuming that this industry, which is burgeoning and increasing its capability dramatically, should continue to increase the capability of these computers, Senator COCHRAN and I estimate that it will be more than 4 years before they all reach the end of the MTOPS stage. At least until that time shouldn't we take care, be cautious, and be concerned about the danger of selling this capability? I think we should. I think it is a serious mistake for us to assume that if we do not sell these computers to our potential enemies some other country will.

When we asked the Department of Commerce and the Department of Defense this question they said, "Well, the only country likely to step in, if the United States doesn't sell the computers, is Japan." Incidentally, Japan has more restrictive export controls than the United States. So I wonder if we are really thinking very seriously about the potential ramifications.

It is very shortsighted to celebrate the sale of a computer to a country overseas, to celebrate the jobs that are created, and to ignore the reality that that computer may give a potential enemy capability—capability to manufacture, capability to test through computers nuclear weaponry, chemical weaponry, and biological weaponry. All of these things I think should be of great concern to all of us.

With all due respect to my colleague, the Senator from Minnesota, I would say that his amendment does little to address the core problem here. To call for a study? Well, we have been at this for 15 months. If you want to know what has happened, we can give you the statistics. We can tell you what has occurred in terms of the sales actually made to China, to Russia, and through Hong Kong back to China. We know things have happened that we never wanted to happen. The idea that we can somehow evaluate this and then let those know who are interested really strikes me as a very weak approach.

Let me just say that the bottom line is that I know industry is in the business of selling. I think our Government and the Senate should be in the interest of not only encouraging sales but encouraging responsible sales.

When Senator COCHRAN and I come forward and say that for 6.3 percent of computers we want to make certain there is a review, that the end users cannot use that technology against us, I think that is a reasonable request.

I sat through the hearing. I wish some of my colleagues who oppose this amendment could have sat through it as well. I think they would have come away with the same impression that I did. The current liberal trade policy of supercomputers is going to create a situation which could one day come back and haunt America. We are giving to those in China, Russia, and other countries capabilities which we have worked hard to create and capabilities which unfortunately they may misuse.

We spend so much time in this body discussing the proliferation of weapons. We watch every move that the People's Republic of China makes for fear that they are proliferating these weapons around the world. We have classified and unclassified briefings on the subject. And when it comes to the sale of hardware and technology, we step aside and say it is another story. It is not. It is the same story. It is the same concern, and should be expressed as such.

I hope my colleagues will take a hard look at this. It is not often that I break with the Clinton administration on foreign policy. But I think Senator COCHRAN is right. I think this policy should be subject to thorough review, and I think his amendment, which I am happy to cosponsor, is a step in the direction to make sure that we don't turn loose to the world supercomputer technology and one day come to regret it.

I reserve the remainder of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMS. I yield time to my colleague from California who is also a cosponsor of the amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you, very much.

Mr. President, will you tell me when I have used 10 minutes? Then I will wrap it up because I know the Senator from Missouri is waiting. We are very proud that he is here to speak in behalf of the Grams-Boxer amendment. I am also proud to say that Senator DASCHLE, the Democratic leader has endorsed the Grams-Boxer amendment.

Mr. President, my colleague from Illinois started off his argument by quoting Lenin. He said Lenin said that "The capitalist will sell you the rope that you need to hang him." I never agreed with Lenin, and I don't agree now.

But, in addition, I really do believe that the Cochran amendment, as drafted, amounts to us hanging ourselves. What do I mean by this? I do not believe the Cochran amendment does anything to protect our national security. Rather, it harms it, I believe, a very substantial way, our international competitiveness in an industry that is leading America into prosperous times.

This is a view that is shared by Defense Secretary William Cohen, by Commerce Secretary William Daley, and our National Security Adviser, Sandy Berger. This bipartisan team has told us very directly that the Cochran amendment is harmful. I truly hope our colleagues will take a deep breath, step back and review these letters.

Mr. President, I ask unanimous consent that letters from the Secretary of Defense, the Secretary of Commerce, and the National Security Adviser be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, July 9, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER. I am writing to express my opposition to the Cochran-Durbin and Spence-Dellums amendments to the Fiscal Year 1998 Defense Authorization Act regarding supercomputer export controls.

While I understand the concerns that motivated these amendments, I believe they are unnecessary and would undermine the flexibility that we need to adapt to changing security requirements and technology trends. I am a strong advocate for effective export controls. To be most effective, we must focus our limited export control resources on the export of goods and technologies that can make a significant difference for national security and nonproliferation reasons. Therefore, in order to best serve our security interests, we need to maintain a system that allows us to adjust our controls when technology advances and when technology becomes widely available. Putting specific control levels into statute is not an appropriate means to meet these often fast-changing challenges.

We have a system and adequate authority under current law that can deal appropriately with unauthorized exports and diversions. In this regard, the Administration is aggressively and intensively addressing recently reported unauthorized computer shipments to Russia and China, using the full range of law enforcement and diplomatic tools available.

We remain committed to working with Congress to address these important matters in a manner that maintains the flexibility we need to preserve our security interests.

Sincerely,

BILL COHEN.

THE WHITE HOUSE,
Washington,

Hon. TRENT LOTT,
The Senate,
Washington, D.C.

DEAR TRENT: I want to convey the Administration's strong opposition to Cochran-Durbin and Spence-Dellums floor amendments to the FY 1998 Defense Authorization Act concerning export licensing requirements for high performance computers.

First, we believe it is a mistake to set these export control limits in concrete by mandating them in statute, particularly in view of the rapid growth in computing power available worldwide. The amendment drastically undercuts our flexibility to adjust controls to keep pace with technological change—an extraordinarily rapid pace in the highly competitive area of computers—and with our ongoing evaluations of evolving security requirements.

Second, there is no need to legislate a revision to this policy. There are adequate administrative and enforcement means under current law to address problems that arise with U.S. computer exports. For example, with regard to the reported unauthorized computer shipments to Russia, both the Departments of Commerce and Justice are intensively investigating the shipments, and we are actively addressing the issue through diplomatic means. We also are issuing additional administrative guidance to U.S. exporters regarding impermissible end-users of proliferation concern. The Department of Commerce is reviewing all computer exports above 2,000 MTOPS (Millions of Theoretical Operations per Second) made since January 1996, including those countries in Tier Three such as China, India, and Israel. If problems are identified with any of these shipments, we have the legal and administrative means to address them and I can assure you we will use that authority.

The Administration remains willing to work with the appropriate committees of the Congress to address concerns regarding export controls.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

THE SECRETARY OF COMMERCE,
Washington, DC, July 8, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: I am writing to urge you to oppose the amendment to the Defense Authorization Act for 1998 authored by Senator Cochran concerning exports of high performance computers and support instead the alternative proposed by Senator Grams, which would provide an objective assessment of the effect of computer sales on our national security. The Administration opposes the Cochran amendment because it reflects a fundamental misunderstanding of the role of computer technology in the global marketplace and will seriously hurt the competitiveness of the computer industry without enhancing our national security.

The Cochran amendment seeks to roll back the President's decision in 1995 to permit the export of computers with a performance capability of 2,000 to 7,000 Million Theoretical Operators Per Second (MTOPS) to civilian end users in 50 countries, including China, Russia, India, Israel, and Pakistan, without advance approval from the government. The amendment would require individual government approval for each such export. (The President's policy currently requires individual approval for all exports of computers with a performance capability above 7,000 MTOPS to all end-users in those countries, as well as for all exports or re-exports with a CTP greater than 2,000 MTOPS to military and proliferation end-users in Computer Tier 3 countries as defined in part 744 of the Export Administration Regulations.)

The President's decision was based on an extensive government review of advancements in computer technology and of our national security requirements that concluded (1) that computers with capabilities in this range would become widely available between 1995 and mid-1997, and (2) that critical defense applications that justified export controls were clustered at levels above 7,000 MTOPS. Information we have acquired since the decision supports those conclusions and suggests that, if anything, its forecast of foreign availability of these computers was conservative. The amendment would lock us into an export control policy that is already outdated and which could only be changed by legislation.

The Cochran amendment's proposed control levels are outdated because of the rapid pace of development of computer technology and the widespread availability of the semiconductors that run these machines. In late 1995, single processors with a performance capability between 400 and 600 MTOPS were available, while today such processors are commercially available at over 1000 MTOPS. At the beginning of the Clinton Administration, machines performing at over 195 MTOPS were defined as "supercomputers." Today, many desktop PCs exceed that level. These computers are not controlled for export and are manufactured in many countries throughout the world. It is relatively simple to upgrade existing machines to higher levels by adding processors. In addition, connecting lower level PCs that are not controlled for export—known as "distributed parallel processing"—can permit them to function with the capability of a single larger machine.

Attempting to stop the spread of computers to selected countries at the Cochran amendment levels would be exceptionally difficult and not the best use of our nonproliferation resources. We can control proliferation of weapons of mass destruction more effectively by concentrating our resources on "choke point" goods and technologies—those items without which a weapon cannot be built or delivered. Those items, by virtue of their specialized use, often have a limited number of producers and can be effectively controlled through multilateral agreements. Such items also can be controlled through unilateral action if necessary.

At the same time, I want to make clear that the Department of Commerce takes violations of our export control law and regulations very seriously and is prosecuting them aggressively. We have sufficient authority in current law to do that and are also taking a number of steps to help industry better meet its responsibilities. The Bureau of Export Administration (BXA) is reviewing all computer exports in the 2,000–7,000 MTOPS category; where there are concerns, BXA has initiated investigations; where investigations show that a U.S. law may have been broken, BXA has promptly referred the matter to a U.S. Attorney's office for prosecution; BXA has published the names of organizations and other entities involved in activities of proliferation concern (such as nuclear proliferation) to whom dual use exports will require a license; and BXA is re-doubling efforts to educate companies on their obligations to know their customers.

I hope you will vote against the Cochran amendment and for the Grams substitute. If you have questions about the technology or our policy, I would be delighted to arrange a briefing for you.

Sincerely,

WILLIAM M. DALEY.

Mrs. BOXER. Mr. President, let me share with my colleagues part of the letter the Secretary of Defense has written in opposition to the Cochran-Durbin amendment and the Spence-Dellums amendment. Secretary Cohen says, "I believe they are unnecessary and would undermine the flexibility that we need to adapt to the changing security requirements and technology trends." He goes on to say, "We have a system and adequate authority under current law that can deal appropriately with unauthorized exports and diversions."

The Secretary of Commerce is very strong on this point. He says the Cochran amendment's proposed control levels are outdated because of the rapid pace of development of computer technology, and the widespread availability of the semiconductors required to run those machines.

From the National Security Adviser, Samuel Berger, we hear this. "We [referring to the Administration] believe it is a mistake to set these export control limits in concrete by mandating amendment of statutes, particularly in view of the rapid growth in computing power available worldwide."

He continues, "[the Cochran amendment] drastically undercuts our flexibility to adjust controls to keep pace with technological change * * *."

I think what we see here in this debate is the bipartisan effort here to ask our colleagues in the Senate to really look at the Cochran amendment and to realize that it will really simply hurt us.

It reminds me of someone who wakes up in the morning feeling great, everything is going well, and then they just knock themselves in the face, knock themselves out. For what reason? There is absolutely no reason.

There is no reason to put these controls back on these midlevel computers. The current policy that is in place did not occur in a vacuum. The decision to decontrol was based on the collective wisdom and judgment of the Department of Commerce, the Department of Defense, the State Department, intelligence agencies, and the Arms Control and Disarmament Agency. And the decision to decontrol the chips, that run the computers, was made by the Bush administration. Why were those decisions made? They were made because computers in the 2,000 through 7,000 MTOPS ranges are midlevel computers that are widely available. They are not supercomputers.

Let me repeat this because I know there is a lot of confusion on this issue. Computers in the 2,000 MTOPS through 7,000 MTOPS range are not supercomputers. In fact, many computer servers will top the 2,000 MTOPS threshold next year.

A server is the central computer in an office, and it holds information which all of the other computers in the office can access. It is expected that next year a number of law firms, distribution centers, dentist's offices, doctor's offices, car dealers, police departments, and even congressional offices will be using servers at the 2,000 MTOPS level. Yet, if the Cochran-Durbin amendment were adopted, we would reimpose export controls on computers that we may be using right here in the Senate next year.

Technology is advancing, as Secretary Cohen noted. It is being developed and is moving forward at a very rapid pace, not only in this country, but in other countries as well. We cannot stop it, nor can we slow it down.

So it seems to me, Mr. President, our export policy should move forward, to keep pace with technology rather than move backward. By reimposing export controls on midlevel computers, as called for in the Cochran amendment, we would in fact, however, be moving backward. Moving backward, Mr. President, without a clear national security rationale for so doing. That is not coming from Senator BOXER or Senator GRAMS or Senator BOND. It is coming from Secretary of Defense William Cohen. It is coming from Samuel Berger, the National Security Adviser.

Our goal as policymakers should be to establish export policies which are efficient, effective and competitive while also ensuring that our national security objectives are maintained. Current law achieves that objective.

Does this mean we should allow companies to sell any computer at any level to any country notwithstanding our national security interests? Of course not. Our national security interests are paramount. They are paramount. Our export policies absolutely must ensure that our foreign policy and security objectives, particularly as they relate to nonproliferation and counterterrorism, are maintained.

The Cochran-Durbin amendment, however, restricts our export competitiveness without furthering our national security objectives. Let me explain why the Cochran-Durbin amendment will not further our national security objectives.

First, the independent study conducted in 1995 concluded that exports of computers in the 2,000 to 7,000 range, destined for civilian use, posed no national security risk. The Cochran amendment, however, would severely restrict the sale of these computers to foreign commercial users because, as my colleague Senator GRAMS has so clearly stated, it takes an average of 107 days for the appropriate agencies—Commerce, Defense, State, and others—to issue export licenses on these mid-level computers. to buy a midlevel computer if you were a person who went into the store in, let us say, a city in Israel; that is one of the Tier 3 countries that would be impacted here.

Let me pose a question, and I think anyone can answer it. If you were a businessman in, let us say, Israel, that is one of the Tier 3 countries that would be impacted under the Cochran amendment, and wanted to purchase a computer from a United States manufacturer, but you were told that the United States manufacturer from whom you wanted to purchase the computer would have to wait an average of 107 days to get an export license to ship the computer, would you purchase that computer from the United States manufacturer, or would you opt to purchase a similar computer from a Japanese manufacturer? Clearly, the answer is that you would purchase from the Japanese manufacturer and not the American manufacturer.

Now, if there was any national security reason for this, I would be standing here arguing for it. But I do not see what national security objective is furthered when an Israeli dentist cannot go buy a computer for his office. I frankly do not see it. Second, we also know that sophisticated advanced nuclear weaponry design is not conducted on midlevel computers in the 2,000 through 7,000 range. And again, as my colleague Senator GRAMS, has clearly stated, the computers are just boxes. It is the chip inside the computer which makes the difference, and those chips were decontrolled under the Bush administration.

Third, and I alluded to this earlier, we know the Japanese make these computers. We also know companies in France, Taiwan, the United Kingdom, and Germany all manufacture computers in the 2,000 through 7,000 MTOPS range.

And how about this? China is producing computers at the 13,000 MTOPS level, far above the level which the Cochran amendment seeks to control.

So what are we doing here? We are hurting one of the most robust and important industries in our country, and there is no reason to do it. We cannot control the uncontrollable. If we were the only ones in the world that made these computers, this debate would be worth having, but we are not.

The PRESIDING OFFICER. The Chair will inform the Senator from California that she has now consumed 10 minutes.

Mrs. BOXER. I thank the Chair. Will you tell me when I have used 3 more minutes and then I will yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. So we cannot turn back the hands of time. All of those countries make these computers already.

We are hurting ourselves for no rational purpose.

Finally, in analyzing this issue, I think it is also important to consider whether we as Senators have the expertise to determine what makes a supercomputer. I really believe we do not have that expertise among us. The Secretary of Defense has all of that expertise at his disposal. The National Security Adviser has all of that expertise at his disposal. The Secretary of Commerce has all of that expertise at his disposal. And each opposes the Cochran amendment. So I do not think that any of us, individually or collectively, possess the knowledge to make that kind of determination. I think the fact that we have Senators referring to a 2,000 MTOPS computer as supercomputer evidences that fact. We know that 2,000 MTOP computers are not supercomputers because the experts have concluded otherwise.

So I hope that my colleagues will join the Democratic leader and will join us and vote for the Grams-Boxer amendment. I think we should study this issue further and defer to the Secretary of Defense and to the intelligence agencies. I think that would set us on the appropriate course.

I thank my colleague for his generosity, and I yield back to him.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I thank my colleague from California for that excellent statement, and I appreciate her support on this amendment as well.

Mr. President, I would like to now yield time to the Senator from Missouri [Mr. BOND] for whatever time he may consume.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of the amendment.

As a former chairman of the Banking Subcommittee on International Finance, it is a pleasure to rise in support of the amendment offered by the current chair of that subcommittee and the current ranking member. We spent a lot of time in the International Finance Subcommittee trying to figure out what export controls work and what controls do not work.

Let me tell you something, Mr. President. The one thing that we have learned is we do not spend enough time in dealing with the truly cutting-edge technology, the major supercomputers that need to be controlled. And why? Because we spend too much time on things that are readily available in Radio Shack in the United States or similar stores throughout the world. Why are we wasting our time trying to control something that any attaché from an Embassy can walk into a store here in the United States and pick up and send home or can be found in a store in almost any major city in the world.

Two years ago, the Clinton administration put to an end the requirement that a U.S. exporter of computer technology attain a Commerce Department license prior to selling computer equipment with a capacity greater than 2,000 MTOPS to any Third Tier nation—2,000. We need to keep these numbers in mind and, unfortunately, there are a lot of numbers going to be thrown around. We are talking about the range of 2,000 to 7,000.

Now, the administration arrived at this decision at the conclusion of a detailed study by a professor at Stanford University conducted in association with the Department of Defense and the Department of Commerce. These parties concluded that the marginal benefit to national security cannot justify requiring U.S. exporters of technology at this level to be licensed for sale to nonmilitary users. Acting on the conclusions of this very credible source and with the concurrence of the Defense and Commerce Departments, the administration rolled back the regulatory requirement that the first-degree amendment of the distinguished Senators from Mississippi and Illinois would seek to reimpose. In spite of my great respect for my esteemed colleagues from Mississippi and Illinois, let me say that rolling back the decontrols is unwise and misdirected policy, and I hope that our colleagues will join us in supporting the second-degree amendment.

The policy of the legislative change in the first-degree amendment quite simply cannot be policed, it cannot be enforced, it is ineffective, and it does little to contribute to our national security. I might add, "harsh letter to follow." I think if you would take those four points—it cannot be policed, it cannot be enforced, it is ineffective, and does not contribute to our national security—it does harm our economic competitiveness. It does take away jobs from Americans.

The question here is about computer technology, but it is also about computer chips. Dozens of computer chips with a typical capacity of 650 MTOPS are available commercially all over the world—650 MTOPS. I happened to stop by the candy desk, and I picked up four pieces of candy. Each one of these could hold a computer chip wrapped in a couple of layers of protective shipping material. Four 650 MTOPS chips would give you the capacity of 2,600 MTOPS—600 MTOPS above the level. If these were four computer chips, that would give you more computing power than the minimum amount to be licensed in sales under this first-degree amendment. I am told that anyone with the know-how, basic electronic know-how, can fashion these chips together in a computer with capacity that is far greater than that which would be regulated under this amendment.

I cite this example to show that it is nearly impossible to prevent the transport of certain technology particularly when it can be carried out of the country in somebody's pocket. It is simply fruitless to attempt to control technology at this level through export control measures.

Now, the proponents and my friend from Illinois have talked about sales of supercomputers to our adversaries. If that is what we were talking about, if we were talking truly about supercomputers, I would be on their side because I do not think we ought to be selling supercomputers. Supercomputers that do military work these days are 20,000 MTOPS to 650,000 MTOPS. They are talking about computers 10 times, 10 times the range that would be covered by this regulation.

Now, the Senator from Illinois said that the servers we have in our offices are about 200 to 250 MTOPS. I just checked with the computer center, and the Pentium server that we have in our office to do such sophisticated things as handle the mail and try to get the split infinitives out of the letters my staff prepares for me and handle memoranda and keep the books in our office is a 1,500 MTOPS computer. That server is 1,500, just under the level that would be regulated. And we do the high-technology stuff like keep the mail and send e-mail messages. I have even learned how to use it. That is how simple it is.

With little benefit to national security, the first-degree amendment's proponents are preparing to deliver a serious blow to the American computer industry. With very little to show for it, the advocates of this amendment are advocating the subjection of the entire computer industry to a cumbersome bureaucratic process and a significant regulatory burden. Our competitors certainly will not be joining us in this effort. To the contrary. When they have concluded their celebration and breaking open the champagne bottles to celebrate their capture of this market, they will use this opportunity to leave our manufacturers in the dust. While perhaps our most dynamic industry is forced to comply with added regulatory obstacles, our competitors will be selling to our country's former customers.

This amendment, Mr. President, is a blow because it is not regulating the sale of supercomputers. The technology we fear will be employed to upgrade weapons systems. The amendment actually regulates the sale of technology on the level of an office server or an office workstation, a tremendous market for our manufacturers. In a short period of time, this amendment will be regulating personal computers and we will be doing it by legislation that will have to be changed. You know how quickly we change things around here. Not that quickly.

Many levels of technology far below that which pose national security risks will be subjected to this policy. Leadership in the computer industry is incredibly important to the prosperity of this country. We cannot afford to foreclose those markets. The disadvantage to our producers on the world market cannot be understated. The potential loss of U.S. jobs cannot be underestimated. And the risk to our leadership in the industry should not be jeopardized in this manner.

I do not take lightly the reports of technology being diverted to unauthorized military users. This is a serious matter that requires our attention. That is why it is important to study the 1995 decontrol and evaluate its effectiveness. I believe that we will find that it was unlikely that these transfers could have been prevented and that they are an inevitable byproduct of the world market. But, should it be concluded that decontrol is a threat, corrective measures can and should be taken in a prompt fashion. They can be taken administratively. However, to backtrack today with a legislative enactment would be a mistaken rush to judgment and risks placing our companies at a significant competitive disadvantage.

It has already been pointed out, and I believe the Senator from California has offered into the RECORD the opposition of the Department of Commerce, the Department of Defense, the administration, and several of my colleagues. I note just one provision in the letter from our former colleague, the former Senator from Maine now the Secretary of Defense, Bill Cohen. He says in that letter:

> I am a strong advocate for effective export controls. To be most effective, we must focus our limited export control resources on the export of goods and technologies that can make a significant difference for national security and nonproliferation reasons.

Mr. President, that is the gist of this whole thing. We should not be focusing our efforts on things that are readily available commercially. I agree with the Secretary of Defense that we ought to concentrate our efforts on the true supercomputers and make sure that those, not office workstations, are kept out of the hands of potential adversaries.

We need to be selling to countries like Israel workstations and office things, personal computers, that would, if the first-degree amendment were adopted, be subject to a lengthy licensing process.

Mr. President, I urge my colleagues to support the second-degree amendment of the chairman of the subcommittee, my friend from Minnesota. I thank the Chair and I yield the floor.

Mrs. FEINSTEIN. Mr. President I rise today in opposition to the Cochran/Durbin amendment to the Defense Authorization bill. The amendment would bar the sale of many types of computers, denying export opportunities for American firms, shifting high-technology sales to international competitors and flooding the Commerce Department with export applications for routine computer sales.

Rather than impose new restrictions, the Senate should adopt a substitute amendment, offered by Senator ROD GRAMS of Minnesota and my California colleague BARBARA BOXER. The Grams/Boxer substitute would:

Require the Commerce Department to improve its licensing process and provide more information to exporters, assisting exporters to identify suspicious potential purchasers and avoid questionable sales.

Require the General Accounting Office to study the impact of proposed export restrictions and the impact of foreign availability of computers on U.S. exports.

Rather than restrict a broad range of computer exports, the Grams/Boxer substitute amendment will help the administration and exporters distinguish between the potentially damaging sales that place us at risk and the routine computer sales.

EXPORT CONTROLS MUST APPLY TO THE RIGHT COMPUTERS

Since the 1940's, the United States has controlled the export of dual-use technology, advanced technology which has both defense and nondefense applications. These restrictions are appropriate, because we all want to keep critical military technology out of the hands of potentially hostile militaries.

However, technology advances rapidly. What was called a supercomputer only a few years ago, represents only routine computing power today. We cannot lock up U.S. exports and deny the administration the necessary flexibility to respond to evolving technology and worldwide competition.

In 1993, the administration conducted a thorough review, involving the Departments of State, Defense, and Commerce, intelligence agencies and the Arms Control and Disarmament Agency. The resulting U.S. policy permits the export of computers capable of 2,000 to 7,000 million theoretical operations per second [MTOPS] for Tier 3 countries. Among the more than 50 tier 3 countries are the countries of the former Soviet Union, Israel, Saudi Arabia, India, and China.

Export restrictions must be based on an objective review of a computer's computing power and the computing needs of the potential computer application. As Defense Secretary Cohen stated, "we need to maintain a system that allows us to adjust our controls when technology advances and when technology becomes widely available. Putting specific control levels into state is not an appropriate means to meet these often fast-changing challenges."

THE COCHRAN/DURBIN AMENDMENT IS OVERBROAD

The Cochran/Durbin amendment would prohibit the export of computer of 2,000 to 7,000 MTOPS from being exported to any Tier 3 country without an export license. The amendment is overbroad and will deny sales for U.S. companies and undermine our long-term national security needs.

The amendment will restrict the sale and export of ordinary work stations and computers, not just supercomputers. Many low-level work stations currently exceed the 2,000 MTOPS level, and are found in offices, ranging from law firms to auto dealerships, across the country. By 1998, personal computers will exceed the 2,000 MTOPS level and would be subject to the amendment's licensing requirement. At a time when many have urged the complete abolition of the Commerce Department, the Cochran amendment will trigger a flood of export applications for new categories of common computers.

THE RESTRICTIONS WILL NOT INCREASE NATIONAL SECURITY

The proposed amendment will not enhance U.S. national security. In 1995, the administration's review concluded computers of 2,000 to 7,000 MTOPS were widely available throughout the world and no longer considered to be a critical choke point for technologies used in the design, testing, or production of weapons of mass destruction.

However, if U.S. firms are denied the sales, manufacturers in other countries are prepared to fill the void. Computers in the 2,000 to 7,000 MTOPS range are manufactured in Japan, as well as 4 European companies. China reportedly produces a 13,000 MTOPS computer, while Russia and India also already produce computers more powerful than those the amendment would seek to control. The proposed restrictions will not keep technology out of the hands of countries posing national security concerns. The proposed restriction will be ineffective, denying many legitimate transactions for valid purposes, while allowing military testing proceeds through other means.

EXPORTERS NEED MORE INFORMATION

Under current law, the manufacturers of computers are caught because the Commerce Department cannot release the name or circumstances when an export license application is rejected. The notice of the rejection of a license is only provided to the individual exporting applicant.

As a result, when a U.S. exporter's application is rejected, the suspicious purchaser is encouraged to pursue alternative sellers and provide false information to support the sale. If potential U.S. exporter could receive more information, potential sales to suspicious purchasers could be detected earlier.

CONCLUSION

I urge my colleagues to reject the Cochran amendment. The amendment will impose unnecessary restrictions on routine computer exports and undermine our national security in the long-run by shifting more sales to international competitors, many with weak or no export control laws at all.

Rather than impose new restrictions, the administration should provide more information to potential exporters to assist in the identification of suspicious potential purchasers.

The Grams/Boxer substitute will offer the appropriate incentives, while providing the administration with the authority to distinguish between sales that jeopardize national security and those that do not. While the administration needs flexibility to focus attention and resources on priority export applications, the Cochran amendment will divert attention and resources away from high-priority areas, truly placing our national security at risk. The Cochran amendment should be rejected.

Mr. KERREY. Mr. President, I rise today in support of the Grams second-degree amendment. Today, America leads the world in the development and production of high performance computers and our commercial interests in promoting exports of these machines is strong. To restrict the export of computers at the level set by the Cochran amendment would unnecessarily hurt our companies without promoting our national security.

I, like all other Senators, am concerned about how the export of advanced technology affects our national security. Recent press stories have made it all too clear that potential adversaries wish to acquire American technology to assist their military efforts. In addressing this issue, however, policymakers must strike a balance between the interests of American companies and what is required to ensure our national security. This is never an easy task and is made more difficult with the rapid ace of development in the computer industry. We need to be diligent in our efforts to try and match our policies to what is occurring in that industry.

Supercomputers are integral to the development of advanced weapons development. Therefore, our policy which restricts the export of the most powerful computers is necessary and warranted. However, the performance level of the computers that the Cochran amendment seeks to control does not reach the extreme speeds of true supercomputers. The Cochran amendment imposes controls on computers operating at 2,000 to 7,000 million theoretical operations per second [MTOPS].

Today, a computer that operates at 2,000 MTOPS is considered a mid-level workstation. The next generation of chips may allow Senators to have machines capable of that speed on their own desks by the end of next year. High performance computers start at 10,000 MTOPS and go up to 1,000,000 MTOPS. Supercomputers are machines that operate above 20,000 MTOPS and require validated export licenses under the current policy.

In 1995, an extensive Government review of computer technology determined that critical defense applications required machines that operated above the 7,000 MTOPS level. Further, it was determined that machines that operate below the 7,000 MTOPS level would soon become widely available from foreign suppliers. The administration then proposed its current policy, which has strong restrictions on the sale of computers that operate above the 7,000 MTOPS and lesser restrictions on machines that operate below that level. This decision was reviewed and approved by the Defense Department, the State Department, ACDA, and the intelligence agencies. Information gathered by our intelligence community since that decision was made support keeping the export policy in its current form.

Today, companies in Germany, Italy, France, India, Japan, and Poland are selling computers that operate in the 2,000 to 7,000 MTOPS level. And the performance level of the computers foreign companies produce continues to grow. Even if availability of these machines were a legitimate risk to national security, which it is not, restrictions on American companies seeking to export computers in this range would have little or no effect on the ability of foreign militaries to acquire this technology.

Further, simply placing license requirements on the sale of these computers would place American companies at an unfair disadvantage. We all know that sales of technology or any commodity depend on the speed of delivery. Foreign customers will not wait a week for an American company to receive a license if another vendor can deliver the same quality machine tomorrow.

Critics of the current policy believe its implementation has allowed computers to be diverted to illegitimate end users. The Commerce Department has not informed companies what foreign customers should or should not receive this type of computers and places the burden on the companies to acquire this information. However, how well a policy is implemented does not necessarily reflect on the prudence of the policy. If there have been problems in how our current export policy is implemented, recent changes made by the administration and measures imposed by the Grams amendment should help fix them.

I agree with Senator GRAMS that we should continue to evaluate our computer export policy and how foreign availability affects U.S. exports. We should also make it easier for companies to know which foreign companies, militaries, and nuclear end users should not receive our technology. I believe the current policy has been set at a level which both promotes American commercial interests and helps protect our national security. I urge my colleagues to join me in supporting the Grams amendment.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. How much time remains on both sides, Mr. President?

The PRESIDING OFFICER. The Chair will advise the Senator from Mississippi that 8 minutes 53 seconds remain under his control of time, and 9 minutes 42 seconds remain under the control of the time of the Senator from Minnesota.

Mr. COCHRAN. Mr. President, does the distinguished Senator from South Carolina wish time on the amendment?

Mr. THURMOND. Mr. President, on behalf of Senator COCHRAN, I ask unanimous consent that the Senator from Maine, SUSAN COLLINS, be added as a cosponsor of the Cochran amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the Armed Services Committee for his contribution to the understanding of this issue and for his cosponsorship personally of the amendment and his announcement that the distinguished Senator from Maine, Senator COLLINS, is now a cosponsor of the amendment. This indicates that we have a broad base of cosponsors for the Cochran amendment, which means, if you are for the Cochran amendment, you would vote against the Grams and Boxer substitute for the Cochran amendment, because their amendment undermines the effort to impose a change in the current policy to require simply that our Department of Commerce approve sales of computer technology and computers by U.S. firms to overseas customers that have a computing capability of between 2,000 MTOPS and 7,000 MTOPS, if they are certain kinds of countries called Tier 3 countries, to ensure that they are not military users or that the computers will not be put to a military use.

The problem with the current policy is that the Department of Commerce is leaving it up to the U.S. exporters to make this determination now. Some have gotten into trouble because some, will be doing it by legislation that will have to be changed. You know how quickly we change things around here. Not that quickly.

Many levels of technology far below that which pose national security risks will be subjected to this policy. Leadership in the computer industry is incredibly important to the prosperity of this country. We cannot afford to foreclose those markets. The disadvantage to our producers on the world market cannot be understated. The potential loss of U.S. jobs cannot be underestimated. And the risk to our leadership in the industry should not be jeopardized in this manner.

I do not take lightly the reports of technology being diverted to unauthorized military users. This is a serious matter that requires our attention. That is why it is important to study the 1995 decontrol and evaluate its effectiveness. I believe that we will find that it was unlikely that these transfers could have been prevented and that they are an inevitable byproduct of the world market. But, should it be concluded that decontrol is a threat, corrective measures can and should be taken in a prompt fashion. They can be taken administratively. However, to backtrack today with a legislative enactment would be a mistaken rush to judgment and risks placing our companies at a significant competitive disadvantage.

It has already been pointed out, and I believe the Senator from California has offered into the RECORD the opposition of the Department of Commerce, the Department of Defense, the administration, and several of my colleagues. I note just one provision in the letter from our former colleague, the former Senator from Maine now the Secretary of Defense, Bill Cohen. He says in that letter:

> I am a strong advocate for effective export controls. To be most effective, we must focus our limited export control resources on the export of goods and technologies that can make a significant difference for national security and nonproliferation reasons.

Mr. President, that is the gist of this whole thing. We should not be focusing our efforts on things that are readily available commercially. I agree with the Secretary of Defense that we ought to concentrate our efforts on the true supercomputers and make sure that those, not office workstations, are kept out of the hands of potential adversaries.

We need to be selling to countries like Israel workstations and office things, personal computers, that would, if the first-degree amendment were adopted, be subject to a lengthy licensing process.

Mr. President, I urge my colleagues to support the second-degree amendment of the chairman of the subcommittee, my friend from Minnesota. I thank the Chair and I yield the floor.

Mrs. FEINSTEIN. Mr. President I rise today in opposition to the Cochran/Durbin amendment to the Defense Authorization bill. The amendment would bar the sale of many types of computers, denying export opportunities for American firms, shifting high-technology sales to international competitors and flooding the Commerce Department with export applications for routine computer sales.

Rather than impose new restrictions, the Senate should adopt a substitute amendment, offered by Senator ROD GRAMS of Minnesota and my California colleague BARBARA BOXER. The Grams/Boxer substitute would:

Require the Commerce Department to improve its licensing process and provide more information to exporters, assisting exporters to identify suspicious potential purchasers and avoid questionable sales.

Require the General Accounting Office to study the impact of proposed export restrictions and the impact of foreign availability of computers on U.S. exports.

Rather than restrict a broad range of computer exports, the Grams/Boxer substitute amendment will help the administration and exporters distinguish between the potentially damaging sales that place us at risk and the routine computer sales.

EXPORT CONTROLS MUST APPLY TO THE RIGHT COMPUTERS

Since the 1940's, the United States has controlled the export of dual-use technology, advanced technology which has both defense and nondefense applications. These restrictions are appropriate, because we all want to keep critical military technology out of the hands of potentially hostile militaries.

However, technology advances rapidly. What was called a supercomputer only a few years ago, represents only routine computing power today. We cannot lock up U.S. exports and deny the administration the necessary flexibility to respond to evolving technology and worldwide competition.

In 1993, the administration conducted a thorough review, involving the Departments of State, Defense, and Commerce, intelligence agencies and the Arms Control and Disarmament Agency. The resulting U.S. policy permits the export of computers capable of 2,000 to 7,000 million theoretical operations per second [MTOPS] for Tier 3 countries. Among the more than 50 tier 3 countries are the countries of the former Soviet Union, Israel, Saudi Arabia, India, and China.

Export restrictions must be based on an objective review of a computer's computing power and the computing needs of the potential computer application. As Defense Secretary Cohen stated, "we need to maintain a system that allows us to adjust our controls when technology advances and when technology becomes widely available. Putting specific control levels into state is not an appropriate means to meet these often fast-changing challenges."

THE COCHRAN/DURBIN AMENDMENT IS OVERBROAD

The Cochran/Durbin amendment would prohibit the export of computer of 2,000 to 7,000 MTOPS from being exported to any Tier 3 country without an export license. The amendment is overbroad and will deny sales for U.S. companies and undermine our long-term national security needs.

The amendment will restrict the sale and export of ordinary work stations and computers, not just supercomputers. Many low-level work stations currently exceed the 2,000 MTOPS level, and are found in offices, ranging from law firms to auto dealerships, across the country. By 1998, personal computers will exceed the 2,000 MTOPS level and would be subject to the amendment's licensing requirement. At a time when many have urged the complete abolition of the Commerce Department, the Cochran amendment will trigger a flood of export applications for new categories of common computers.

THE RESTRICTIONS WILL NOT INCREASE NATIONAL SECURITY

The proposed amendment will not enhance U.S. national security. In 1995, the administration's review concluded computers of 2,000 to 7,000 MTOPS were widely available throughout the world and no longer considered to be a critical choke point for technologies used in the design, testing, or production of weapons of mass destruction.

However, if U.S. firms are denied the sales, manufacturers in other countries are prepared to fill the void. Computers in the 2,000 to 7,000 MTOPS range are manufactured in Japan, as well as 4 European companies. China reportedly produces a 13,000 MTOPS computer, while Russia and India also already produce computers more powerful than those the amendment would seek to control. The proposed restrictions will not keep technology out of the hands of countries posing national security concerns. The proposed restriction will be ineffective, denying many legitimate transactions for valid purposes, while allowing military testing proceeds through other means.

EXPORTERS NEED MORE INFORMATION

Under current law, the manufacturers of computers are caught because the Commerce Department cannot release the name or circumstances when an export license application is rejected. The notice of the rejection of a license is only provided to the individual exporting applicant.

As a result, when a U.S. exporter's application is rejected, the suspicious purchaser is encouraged to pursue alternative sellers and provide false information to support the sale. If potential U.S. exporter could receive more information, potential sales to suspicious purchasers could be detected earlier.

CONCLUSION

I urge my colleagues to reject the Cochran amendment. The amendment will impose unnecessary restrictions on routine computer exports and undermine our national security in the long-run by shifting more sales to international competitors, many with weak or no export control laws at all.

Rather than impose new restrictions, the administration should provide more information to potential exporters to assist in the identification of suspicious potential purchasers.

The Grams/Boxer substitute will offer the appropriate incentives, while providing the administration with the authority to distinguish between sales that jeopardize national security and those that do not. While the administration needs flexibility to focus attention and resources on priority export applications, the Cochran amendment will divert attention and resources away from high-priority areas, truly placing our national security at risk. The Cochran amendment should be rejected.

Mr. KERREY. Mr. President, I rise today in support of the Grams second-degree amendment. Today, America leads the world in the development and production of high performance computers and our commercial interests in promoting exports of these machines is strong. To restrict the export of computers at the level set by the Cochran amendment would unnecessarily hurt our companies without promoting our national security.

I, like all other Senators, am concerned about how the export of advanced technology affects our national security. Recent press stories have made it all too clear that potential adversaries wish to acquire American technology to assist their military efforts. In addressing this issue, however, policymakers must strike a balance between the interests of American companies and what is required to ensure our national security. This is never an easy task and is made more difficult with the rapid ace of development in the computer industry. We need to be diligent in our efforts to try and match our policies to what is occurring in that industry.

Supercomputers are integral to the development of advanced weapons development. Therefore, our policy which restricts the export of the most powerful computers is necessary and warranted. However, the performance level of the computers that the Cochran amendment seeks to control does not reach the extreme speeds of true supercomputers. The Cochran amendment imposes controls on computers operating at 2,000 to 7,000 million theoretical operations per second [MTOPS].

Today, a computer that operates at 2,000 MTOPS is considered a mid-level workstation. The next generation of chips may allow Senators to have machines capable of that speed on their own desks by the end of next year. High performance computers start at 10,000 MTOPS and go up to 1,000,000 MTOPS. Supercomputers are machines that operate above 20,000 MTOPS and require validated export licenses under the current policy.

In 1995, an extensive Government review of computer technology determined that critical defense applications required machines that operated above the 7,000 MTOPS level. Further, it was determined that machines that operate below the 7,000 MTOPS level would soon become widely available from foreign suppliers. The administration then proposed its current policy, which has strong restrictions on the sale of computers that operate above the 7,000 MTOPS and lesser restrictions on machines that operate below that level. This decision was reviewed and approved by the Defense Department, the State Department, ACDA, and the intelligence agencies. Information gathered by our intelligence community since that decision was made support keeping the export policy in its current form.

Today, companies in Germany, Italy, France, India, Japan, and Poland are selling computers that operate in the 2,000 to 7,000 MTOPS level. And the performance level of the computers foreign companies produce continues to grow. Even if availability of these machines were a legitimate risk to national security, which it is not, restrictions on American companies seeking to export computers in this range would have little or no effect on the ability of foreign militaries to acquire this technology.

Further, simply placing license requirements on the sale of these computers would place American companies at an unfair disadvantage. We all know that sales of technology or any commodity depend on the speed of delivery. Foreign customers will not wait a week for an American company to receive a license if another vendor can deliver the same quality machine tomorrow.

Critics of the current policy believe its implementation has allowed computers to be diverted to illegitimate end users. The Commerce Department has not informed companies what foreign customers should or should not receive this type of computers and places the burden on the companies to acquire this information. However, how well a policy is implemented does not necessarily reflect on the prudence of the policy. If there have been problems in how our current export policy is implemented, recent changes made by the administration and measures imposed by the Grams amendment should help fix them.

I agree with Senator GRAMS that we should continue to evaluate our computer export policy and how foreign availability affects U.S. exports. We should also make it easier for companies to know which foreign companies, militaries, and nuclear end users should not receive our technology. I believe the current policy has been set at a level which both promotes American commercial interests and helps protect our national security. I urge my colleagues to join me in supporting the Grams amendment.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. How much time remains on both sides, Mr. President?

The PRESIDING OFFICER. The Chair will advise the Senator from Mississippi that 8 minutes 53 seconds remain under his control of time, and 9 minutes 42 seconds remain under the control of the time of the Senator from Minnesota.

Mr. COCHRAN. Mr. President, does the distinguished Senator from South Carolina wish time on the amendment?

Mr. THURMOND. Mr. President, on behalf of Senator COCHRAN, I ask unanimous consent that the Senator from Maine, SUSAN COLLINS, be added as a cosponsor of the Cochran amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the Armed Services Committee for his contribution to the understanding of this issue and for his cosponsorship personally of the amendment and his announcement that the distinguished Senator from Maine, Senator COLLINS, is now a cosponsor of the amendment. This indicates that we have a broad base of cosponsors for the Cochran amendment, which means, if you are for the Cochran amendment, you would vote against the Grams and Boxer substitute for the Cochran amendment, because their amendment undermines the effort to impose a change in the current policy to require simply that our Department of Commerce approve sales of computer technology and computers by U.S. firms to overseas customers that have a computing capability of between 2,000 MTOPS and 7,000 MTOPS, if they are certain kinds of countries called Tier 3 countries, to ensure that they are not military users or that the computers will not be put to a military use.

The problem with the current policy is that the Department of Commerce is leaving it up to the U.S. exporters to make this determination now. Some have gotten into trouble because some, like Silicon Graphics in California, are now under a grand jury investigation because of sales made to questionable users in violation of the current policy. The question is whether they knew or should have known that the end use was going to be military or the end user was going to be military; whether they exercised that degree of diligence required by the current policy.

Do we want to continue that kind of policy that puts at risk all of our computer companies when engaged in these international sales? I say no. It is time to put the onus, not on the computer company trying to make a sale abroad, but on the Department of Commerce, which has the responsibility of administering its own policies. But they are shifting their burden to the exporter, away from the Government, and this is causing difficulty. It has resulted in seven very sophisticated, high-end supercomputers being used now by the Chinese Academy of Sciences, an arm of which is involved in the modernization of the Chinese nuclear weapon program and capabilities. In Russia, the chairman of the equivalent to the Atomic Energy Commission there, boasted that they now have a supercomputer with a potential previously unknown, because of U.S. technology exports to Russia. That is the entity that modernizes and maintains the nuclear weapons of Russia.

What we are unwittingly doing by carrying forward and going forward with this policy with no change, which is what the Grams amendment basically suggests, it says make a list, tell everybody who they should not sell to—you cannot do that. You cannot possibly make a list and put down all the fronts for the People's Liberation Army or others who might be involved in either developing new weapons of mass destruction or exporting the technology for these weapons: North Korea, Iran, other countries and nation-states that we know now are developing more and more sophisticated and lethal weapons of mass destruction capability, with delivery systems. We know that is going on.

Here we are providing the technology to do simulations that they cannot do now without our technology. They cannot buy this. They cannot buy this from any other country except the United States. And we are leaving it up to U.S. exporters, saying our policy depends upon the good intentions and the capabilities of our U.S. civilian companies to determine these end uses and end users, who they are, what they are going to do with the technology, whether or not they are going to transship it to some other entity.

There are facts on the record, as a result of hearings held in our subcommittee that has been looking at proliferation issues all year, that are overwhelming and completely persuasive on this point. This policy ought to be changed. The only way Congress can influence change is by adopting a change, by doing so in this amendment. We cannot issue a regulation. We cannot make an administrative policy change here in the Senate. We can ask them to do it. We have already done that and it has not resulted in the change that is necessary. It is simply if you were a suspicious end user, we want the Department of Commerce to certify that it is OK to make that sale.

The Senator from California correctly discusses whether or not some of our closest allies are going to be adversely affected by this amendment. Israel has been purchasing computer technology under existing policy with licenses from the Department of Commerce. That is going to continue. That is not going to change. There is not going to be any slowdown in the process if someone is a trusted ally or friend. We don't even require licenses for our NATO allies. They are Tier 1 countries. But the Tier 3 countries—that includes China, Russia, and a lot of other countries—do have to have the approval of the Department of Commerce under our amendment if the computer capability is within a certain range.

These are not PC's. The Senator from Missouri, and my dear friend, suggests that this is like the PC's on our desk, at our workstations in our offices. He is talking about the Pentium server, that is the network, the hardware for the entire network. I know he did not mean to misrepresent it, but you have to understand what he's talking about. He has acted like an attaché walks into Radio Shack and buys one of these computers that has an MTOPS speed and capability that would be described in this amendment. That is not true. You cannot do that.

First of all, an attaché could not afford it. These are expensive. The fact is, we are talking about only 6.34 percent of the total supercomputer sales that would be affected by this amendment. Mr. President, 95 percent of all of the sales have been approved within 30 days that do require licenses. The Senator from Minnesota said it is over 100 days you had to wait to get approval. That is not borne out by the facts, by the testimony before our subcommittee by the people at the Department of Commerce.

So I am hopeful that Senators will think carefully about what we are trying to do. I know the computer companies are putting a lot of pressure on, sending everybody messages and phone calls and the rest. I would not want to have to go through another process. But we are talking about only such a small part of the market, a small part of those manufactured workstations and other large pieces of hardware that have the potential to be used to upgrade lethal weapons systems and missile systems to make them more accurate, to make them more lethal, to make them competitive with the U.S. arsenal that is designed to protect us. And we are going to put at risk our own system of national defense? We can't do that.

Mr. President, I urge Senators to vote against the Grams-Boxer amendment and then vote for the Cochran-Durbin amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota.

Mr. GRAMS. Mr. President, I inquire how much time is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 9 minutes 42 seconds remaining, the Senator from Mississippi has 25 seconds.

Mr. GRAMS. Mr. President, I want to make one brief comment before I ask to yield time to my colleague from New York.

I want to say our friend and colleague from Mississippi has a well-intended amendment, but it is aimed at the wrong level. These are not supercomputers, as they continue to try to say. These are midlevel computers. If you are talking supercomputer, a low-end supercomputer starts at 20,000 MTOPS and goes now to 650,000, and next year it will be over a million; so these are not supercomputers.

Mr. President, I now would like to yield up to 7 minutes to my friend from New York.

The PRESIDING OFFICER. The Senator from New York is recognized to speak for up to 7 minutes.

Mr. D'AMATO. Mr. President, let me first say there are very few colleagues for whom I have greater respect and who are more knowledgeable in the areas of national security than the distinguished senior Senator from Mississippi, Senator COCHRAN. Indeed, he raises a very valid and natural concern that we have with respect to nuclear proliferation and the ability to enhance systems by way of the computer, the supercomputer in particular, and the need for proper balance in terms of export controls. That has been something which the Banking Committee has had jurisdiction over and has grappled with over the years. So, while I am sympathetic to the concerns that are raised, I just have to think that the issues of computer sales to foreign countries, as Senator COCHRAN has made clear to the Senate, is one that is so important that it really deserves much more analysis and much more debate than can be allowed for this floor amendment.

Indeed, as the chairman of the Banking Committee's International Finance Subcommittee, I believe that Senator GRAMS has offered an amendment that is worthy of our support, because what it would do, it would allow the entire Senate to ascertain, by way of the kind of comprehensive analysis that we need by the General Accounting Office as it relates to what security needs may be open at the present time, what concerns are related to the sales of the high MTOPS computers to Tier 3 countries and what impact they may or may not have on this legislation that has been proposed.

I think Senator GRAMS' amendment is the proper way to proceed, to give us an opportunity, not to just dive in after 45 minutes or 1 hour's worth of debate. We need the careful scrutiny, the careful study, to ascertain is there an availability of these computers to such an extent that this really becomes a meaningless impediment to our own trade? Will there be other countries in Europe and other areas that will rush to fill the vacuum? That is what I have been told. That may not be correct, but let's ascertain, let's find out. That is what Senator GRAMS' second-degree amendment would accomplish.

It seems to me that makes sense. It would require the Commerce Committee to publish a list of questionable military and nuclear end users, with certain exceptions when sources and methods would be jeopardized. That is what we have to know.

Let me depart just for a moment, if I might. If we want to do something as it relates to nuclear proliferation, let's say to some of those countries who are looking to get most-favored-nation trading status, or continue it, that you cannot be exporting—when we know they are exporting—the kind of missile systems and delivery systems which China is today exporting.

That becomes something of a controversy. Let's find out how many of my colleagues are going to be willing to stand up to the business interests who look the other way and don't look at our national security interests or don't look at the abuse of human rights and the crackdown on religious freedoms that take place now or the forced sterilization of people. That is what is going on in China. They present, Mr. President, a very real and clear and present danger to the security of the world and to world peace by exporting to Iran and to other countries delivery systems and all kinds of enhancement of weapons systems which will endanger world peace.

If we really want to do something, let's take that up, but to simply come forward at this point in time without the proper kind of analysis—again, Senator GRAMS should be commended because his second-degree amendment would say, "OK, let's make a detailed analysis," and not come down on the floor and raise this. I think this is what we have to do.

So not only on a jurisdictional basis would I have problems supporting the Cochran amendment, but basically on the basis of fact. I don't think we should just raise jurisdiction and say, "That's within my committee, and, therefore, I want it to come through my committee." I sometimes get upset about that. If it is good legislation, so what if it didn't come through the committee process properly, particularly when we are talking about matters of national security. So I don't just raise that, but it does need the kind of careful thought, careful analysis that Senator GRAMS' amendment calls for.

For that reason, I hope that we support overwhelmingly this cautious approach to making analysis of whether or not the export of the MTOPS to Tier 3 countries should go through another process with Government bureaucrats analyzing and never coming to a decision. I think that would be a mistake.

Again, let's take a look at China: $50 billion surplus in trade, and yet she does what she wants, and she claims she wants friendship with us. I think on the altar of the almighty dollar, we just continue business as usual. I am more concerned about saying to them, "You can't be our friend on one hand, you can't be enjoying a $50 billion trade surplus with us and then have a half a billion dollar industry that your generals are running," and we say, "Oh, no, don't rock the boat."

Do we really want to stop nuclear proliferation? Do we want to stop the export of deadly weapons systems? Let's do it when we have some clout, and we do have some clout. But I am afraid we will succumb to those who say, "Oh, we can't do this, we'll lose a lot of jobs here in this country if we stand up to that kind of activity."

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I yield another minute to my colleague from California and coauthor of this amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I want to say to my colleague, it has been a pleasure working with him and his staff. I think that what we are offering here is a very wise alternative to an unwise policy. I am looking at the Tier 3 countries, and my colleague from Mississippi said there is no difference in what will happen to Israel under this amendment than under current law. It isn't true. Tier 3 includes Israel, Romania, who wants to join NATO, Latvia, and other countries. If a business wanted to buy a computer that fell in the 2,000 to 7,000 MTOPS range, which we have already established is mid-level computer, and we are going to have them right here in the Congress next year, then that business would have to wait an average of 107 days.

Mr. President, this Cochran amendment is kind of a "Back to the Future" amendment. It might have some application if it was offered many years ago, but it doesn't have any application now. I think the Grams-Boxer amendment, which has so much support from Secretary Cohen, from Sandy Berger, from Secretary Daley, from so many Senators on both sides of the aisle, I think that is the appropriate course to take. I really hope that our colleagues have listened, and I hope that the Grams-Boxer amendment prevails. I yield back to my colleague.

Mr. GRAMS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 55 seconds, and the Senator from Mississippi has 25 seconds.

Mr. GRAMS. Mr. President, in wrapping up the debate this morning, I want to, again, say that I believe the controls we have in place are working. We are taking a step backward if we approve the Cochran-Durbin amendment. The rest of the world is moving forward very fast. Anybody who has bought a computer in the last 2 years knows that technology has already passed them, and they have to look at a new system. But between the 2,000 and the 7,000 MTOPS level, computers are going to become so commonplace that any commercial industry or any office in this country will be able to buy them next year. These are well intended controls but, again, as I say, placed on the wrong levels. These are not supercomputers. These are not computers that countries would be looking for military end use. These are computers that are more for business and office use. I believe that putting any kind of restrictions or recontrolling these would be a step backward in our efforts to provide jobs and assistance.

Mr. President, I yield back the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, at the outset of the debate, I made a speech that lasted about 20 minutes. It is in the RECORD, so I am not going to make it again. I will try to make it in 25 seconds.

We are limiting export controls in a very small area of lethal computer technology. Please vote against the Grams-Boxer weakening amendment and support the Cochran-Durbin-Thurmond-Glenn amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the second-degree amendment No. 422. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 27, as follows:

Rollcall Vote No. 166 Leg.]

YEAS—72

Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Conrad
Craig
D'Amato
Daschle
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchison
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Thomas
Torricelli
Warner
Wellstone
Wyden

NAYS—27

Abraham
Burns
Coats
Cochran
Collins
Coverdell
DeWine
Dodd
Durbin
Feingold
Ford
Glenn
Hutchinson
Inhofe
Inouye
Kyl
Lott
Lugar
Mack
Roberts
Sessions
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond

NOT VOTING—1

Mikulski

The amendment (No. 422) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. FORD. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 420, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to Cochran amendment numbered 420, as amended.

The amendment (No. 420), as amended, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. THURMOND. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that at 1:15 p.m. Senator MURRAY be recognized and that debate on the Murray amendment No. 593 be limited to 45 minutes, to be equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I further ask unanimous consent that no amendments be in order to the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I thank the Chair.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 1000 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 668

Mr. WELLSTONE. Mr. President, I call up amendment 668.

The PRESIDING OFFICER. The Senator has that right. The amendment numbered 668 is now the pending question.

Mr. WELLSTONE. Mr. President, I offer this amendment on behalf of myself and Senator HARKIN.

Mr. President, let me begin by asking unanimous consent that letters from the Disabled American Veterans, the Paralyzed Veterans of America, and the Vietnam Veterans of America be printed in the RECORD in support of this amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DISABLED AMERICAN VETERANS,
Washington, DC, July 9, 1997.

Hon. PAUL DAVID WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the more than one million members of the Disabled American veterans (DAV), I express our strong support for your efforts to provide funding to enable Brookhaven National Laboratory to conduct internal dose reconstruction of veterans exposed to ionizing radiation (atomic veterans) and to transfer some $400 million to the Department of veterans Affairs (VA) budget for health care.

The DAV believes that $16.959 billion is inadequate—by at least $600 million—to enable VA to provide quality and timely health care to veterans. Your amendment would greatly enhance VA's ability to provide adequate health care to our Nation's sick and disable veterans.

Additionally, according to the VA, very few atomic veterans or their survivors have been successful in establishing that the veteran's disability, recognized as a "radiogenic disease," is the result of the veteran's exposure to ionizing radiation in service. The main reason for the high failure rate is due to the current, inadequate and inaccurate method of reconstructing dose estimates which routinely indicate minimal radiation exposure.

Senator Wellstone, your amendment would ensure that America's atomic veterans will have available to them Fission Tracking Analysis, a more accurate method of dose reconstruction. Surely, fairness and equity in the adjudication of atomic veterans' claims is the very least that our Nation owes to these brave veterans who were used to advance our country's knowledge of the effects of ionizing radiation, unbeknownst to them.

Again, you have the full support of the more than one million members of the DAV in your efforts to ensure that the VA has adequate funding to care for America's sick and disabled veterans and to ensure that atomic veterans are provided with accurate internal dose reconstruction to support their claims.

Sincerely,

DAVID W. GORMAN,
Executive Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, July 9, 1997.

Hon. PAUL DAVID WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the members of Paralyzed Veterans of America, please accept our full support for your efforts to increase needed funding for health care benefits and services provided by the Department of Veterans Affairs (VA).

As you well know, the proposed FY 1998 VA budget calls for unprecedented reductions in current and proposed appropriations for the health care system. The actual appropriation request freezes VA discretionary funding at a level far below current levels. The only relief given to VA over that period of time comes from a very uncertain plan allowing VA to keep fees and reimbursements from private insurance companies to help cover increasing health care costs. Even with this budget gimmick, VA hospitals will remain seriously under funded next year and in future years under the proposal.

Again, we appreciate your efforts to correct this serious funding shortfall, and urge all members of the Senate to support your amendment.

Sincerely yours,

GORDON H. MANSFIELD,
Executive Director.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, July 9, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of Vietnam Veterans of America (VVA), I want to thank you for your efforts to secure additional funding for veterans medical care. VVA is pleased to support your amendment to the DOD Authorization bill which would transfer $400 million to VA medical care.

As you know, the veterans community remains very concerned about the impacts of discretionary spending cuts on VA medical care and benefits processing. Both programs are in a state of major transition, implementing significant reforms and procedural improvements which will—in time—create enhanced efficiencies. The Senate and House budget reconciliation bills, as well as the appropriation bill moving through the House right now and soon to be considered in the Senate, are placing veterans health care in jeopardy by depending upon VA's ability to collect insurance monies for over $600 million over VA's FY 1998 health care budget. This is a very tenuous plan, as the program is untested and the targeted amount seems overly optimistic.

As it currently stands, VA's FY 1998 budget offers the veterans community no guarantee that the national commitment to provide care to our disabled and low-income veterans will be honored. Again, VVA appreciates your strong advocacy for veterans programs and urges the Senate to adopt your amendment. Veterans benefits, after all, are an ongoing cost of our national defense.

Sincerely,

GEORGE C. DUGGINS,
National President.

Mr. WELLSTONE. Mr. President, these letters are extremely important. They are from three very fine veterans organizations: The DAV, the PVA, and the Vietnam Veterans of America. The reason they are concerned, and, for that matter, all of the veterans community is concerned, is that in the budget resolution what we ended up putting into effect was a cut in veterans health care benefits.

Mr. President, the portion of those cuts that directly affect veterans health care is $400 million. What this amendment does is simply authorize the Secretary of Defense the ability to be able to transfer this $400 million into the veterans health care.

Mr. President, let me just say to colleagues that this is a huge issue. I am positive that if my colleagues, Democrats and Republicans alike, get a chance to talk with the veterans organizations and veterans communities in their States, they will find out that people are really indignant about this because it was never clear—I don't think it was clear to any of us—that, in fact, we were voting for actual cuts, actual cuts in veterans health care.

What this amendment does, it says, look, we have $2.6 billion in the Pentagon budget more than the Pentagon asked for; we can at least take a portion of this. And please remember, all this amendment does is give the Secretary of Defense the discretion or the authority to be able to transfer it. It is not a mandate. It seems very appropriate.

Mr. President, it seems like this amendment that Senator HARKIN and I have introduced is eminently reasonable because if you think about it, one of the huge concerns in the Veterans' Committee is very much linked to national defense. We are talking about men and women who have served our country. As we look at veterans health care and we project to the future, we want to make sure we do not end up sacrificing the quality of care for veterans.

I know what I hear back in the State of Minnesota, first and foremost, we have now an increasing number of gulf war veterans who are in need of help. This is yet an additional challenge for the VA. This is an additional challenge for our country to get the care to these people.

Mr. President, this amendment, again, just authorizes the Secretary of Defense to make this transfer of funding. These veterans were all about serving our country in defense of our country. If there ever was an opportunity to restore this funding for veterans health care, it is now. This Congress, whether it is this afternoon, or whether it is next week, or whether it is next month, is going to have to restore this funding. I don't think there was one Senator that was clear, when we passed this budget resolution, that we were actually directing $400 million of cuts in veterans health care.

I will just tell you that more and more and more of the gulf war veterans are going to be stepping forward in your States, in our States, and they are going to be saying: We don't know what happened to us, but we do know that before we went and served, we could run 2 miles and we felt good, and now we can't walk a half mile, and we don't know what happened to us.

Over and over again, we are seeing report after report that makes it crystal clear that the gulf war veterans have every reason in the world to be indignant about not getting information that they need to get from our Government and, more important, about their need to receive some care. So what in the world are we doing cutting $400 million in the veterans health care budget?

In addition, Mr. President, let me simply point out that above and beyond the gulf war veterans, we have a situation where our veterans population is aging. More and more of our veterans are living to be 65 years of age and over. More and more of our veterans are living to be 85 years of age and over. And this is an additional strain.

So, Mr. President, I want to point out that, at the very time that veterans are showing up at VA hospitals in greater numbers, with increasing health care costs generally and prospects for greater medical costs specifically, at the very time that we have that going on, we have a cut in this budget resolution.

So, what we are saying in this amendment—and I will defer to my colleague from Iowa in a moment—we are saying, look, we have an excess $2.6 billion. It is more than the Pentagon asked for. We have a cut in veterans health care in the budget resolution to the tune of $400 million. It is clear it is going to have very negative consequences for veterans. The veterans community in our Nation—I have just three letters, from the PVA, DAV, and Vietnam veterans, and they are saying: You can't do that. What about those of us who are struggling with posttraumatic stress syndrome? What about the Persian Gulf veterans? More and more are asking: What happened to us? More and more of those veterans are asking for adequate care. What about the ever-increasing aging population among veterans at the very time there is going to be more of a strain? At the very time that we have more of a challenge, you have cut $400 million.

This is an opportunity to come through for the veterans community. I hope it will happen today. I hope we get a very strong vote today. I say this to all my colleagues. One way or another, we are going to have to restore this funding. This amendment, if you just think about the wording, just provides the Secretary of Defense with the authorization to transfer some of this funding to VA health care—$400 million—and it makes eminently good sense because, after all, these veterans who come and seek health care within our VA health care system were the very men and women who served our country in defense of our country.

Mr. President, how much time do we have left?

The PRESIDING OFFICER. There is no time agreement.

Mr. GREGG addressed the Chair.

Mr. WELLSTONE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. WELLSTONE. Are we now debating this amendment?

Mr. GREGG. Mr. President, if the Senator from Minnesota will yield for a question, I simply have about 3 minutes I would like to talk, and it has nothing to do with this amendment.

Mr. WELLSTONE. Mr. President, I would rather not yield the floor at the moment. But if my colleague wants to speak—do we have other Senators on the floor who want to speak on this amendment? My colleague from Iowa wants to speak on the amendment. If Senators want to cover other topics for a short period of time, I would be more than willing to defer to them. We want to try to make our case here before the vote. Can I ask my colleagues whether they are interested in debating this amendment?

Mr. GRAMM. Mr. President, I want to speak about 10 minutes on the Levin amendment. I would certainly be willing to allow the Senator to maintain his right to the floor, but this is unusual procedure. The Senator doesn't have a right to control the floor. He has a right to speak, but he doesn't have a right to control the flow of debate for others. I am willing to accommodate him, but this is an unusual procedure. Being the accommodating person that I am, I am willing to do it. At some point, we might have to ask if the Senator is through speaking and let somebody else speak.

Mr. WELLSTONE. Mr. President, my amendment is pending now, I say to my colleague from Texas. The Levin amendment is not pending. I have not yielded the floor yet, but I would be more than willing——

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that he can yield to his friend from Iowa for a question.

Mr. HARKIN. Mr. President, I suggest that we follow the normal rules. If the Senator wants to speak, we can go back and forth. That would be fine with this Senator.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senator from New Hampshire be allowed to speak and the Senator from Texas for 10 minutes and then that be followed by the Senator from Iowa.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

WARWICK MILLS OF NEW HAMPSHIRE WEAVED THE AIR BAG TO PROTECT THE PATHFINDER ON MARS

Mr. GREGG. Mr. President, I rise on a matter that is not related specifically to this bill, although it has to do with the issue of national defense and technology, and that is the issue of our probe which is now on the planet Mars. What an exceptional thing it is, as we watch the TV pictures come back as they analyze the rocks of Mars and determine that this planet is a fascinating place. We set history and we can investigate the universe.

All of this is possible because of a product made in New Hampshire. I wanted to congratulate the Warwick Mills of New Ipswich, NH, a small company started in 1888. NASA decided they wanted to land this probe on Mars, and they had to go to the Warwick Mills to be able to do it. It is one of the few places in this world that still weaves in the old-fashioned way. They were able to put together this fabric. This is a picture of the probe on Mars and the fabric that allowed the probe to set down on Mars without being damaged, and it allows it now to wander around the planet Mars and learn about the history of that extraordinary planet and to further the knowledge of man dramatically.

So from a little mill in New Ipswich, NH, started in 1888, using old-fashioned weaving machines, we sent the material to Mars. So on behalf of the State of New Hampshire, I congratulate this little firm that is doing such an extraordinary job to advance the knowledge of America and the world.

I yield back my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, in response to what our colleague from New Hampshire has stated, it is a testament of the genius of small business that this wasn't a big scientific lab somewhere, this wasn't NASA with all of its billions; this was a small, independent business. I think we can all rejoice in that.

Mr. GREGG. I think the Senator from Texas has probably been to Ipswich and may have visited this small plant. We appreciate his interest. I thank the Senator.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 778

Mr. GRAMM. Mr. President, we have a pending amendment, the Levin amendment, which I am strongly opposed to. Let me just basically state what I would like to do. I would like to set the issue in perspective. I am now working with the Federal Prison Industries to see if there might be a second-degree amendment they could support. I intend to try to work with Senator LEVIN and his staff to see if something can be worked out. But I am strongly opposed to this.

Let me begin with Alexis de Tocqueville and work up to the Levin amendment. When Alexis de Tocqueville came to America, he came to America to study American prisons. He ended up writing a book about democracy in America, which turned out to be the greatest chronicle ever written of our great country. But one of the things Alexis de Tocqueville wrote in his other book about prisons was that we had the model prison system on the planet because we had a mandatory work requirement. As a result, prisoners all over America worked, generally, 12, 14, 16 hours a day. De Tocqueville noted that they worked hard, but that it probably made life bearable, and that it would have been worse had they sat idle in prisons.

In fact, Mr. President, we had the model prison industry in the world until the Great Depression. During the Great Depression, we ended up in a period of great economic unenlightenment, passing a series of bills that destroyed the greatest prison industry that the world has ever known. We passed the Hawes-Cooper bill in 1929, we passed the Sumners-Ashherst bill in 1935, and we passed the Walsh-Healey bill in 1936. Here is what these bills said. They said that nothing produced by prison labor can be transported across State lines without losing the protections otherwise afforded interstate commerce. They said nothing produced by prison labor can be transported across State lines to be sold in the marketplace, and they limited the use of prison labor. In other words, if you haven't figured it out yet, these three bills criminalized prison labor in America.

As a result, today, we have the absurd situation that we have 1.1 million people in State and Federal prisons, almost all of them young men in the peak work period of their life and because of special interests—business and labor, I might add—we are forcing the American taxpayer to pay $22,000 a year to let someone sit idle in air conditioning watching color television in prison, while American workers break their backs working to pay to keep these people in prison.

Now, the only thing under Federal law that we can ask the Federal prisoners to do is to make things to sell to the Federal Government. They can't produce things to sell in the marketplace. We spend more to keep somebody in prison than we would sending them to Harvard University. That is not even counting the cost of building the prison. Now, the Senator from Michigan would say that we are going to come in and disrupt the system whereby we force prisoners to work, to make furniture for the Government, or to make other things for the Defense Department.

Now, if our colleague was really talking about procurement reform, I would be a supporter. If this were a normal debate about price competition, then I would have no objection to his amendment. But our colleague, with all the talk about competition, is not talking about removing restrictions that would let goods produced by prisoners be sold on the open market. What he is proposing is that we disrupt the Federal Prison Industries as they currently exist.

Now, let me review for you, if I may very quickly, how the Federal Prison Industries system works. How the Federal Prison Industries works is basically that the Government goes out and gets bids on goods and establishes a market price, a fair procurement price. Then they have to go to the Federal Prison Industries and on the basis of an established price they have to give the prison system the right to produce these goods.

Might I note that Federal Prison Industries has a procedure where, if the Defense Department or any other part of Government is not satisfied with the work they do, or with the price, they can appeal for a waiver.

Let me read to you from a letter that is signed by the Assistant Attorney General who oversees the Federal Prisoner Work Program.

> Federal Prison Industries does not abuse its mandatory source status. If a customer feels that Federal Prison Industries cannot meet its delivery, price, or technical requirements, the customer may request [the customer is the Government] a waiver of the mandatory sourcing.

Let me give you a concrete example because it is relevant to the Senator's amendment.

If Federal prisoners are working to produce desks for the Government, and the Government is not satisfied with the price or with the quality, they can ask for a waiver so they don't have to buy the desk made by prison labor.

Here are the facts. These waivers are processed quickly. It is an average of 4 days between the time the waiver is requested and when it is granted, or denied, and in 1996 Federal Prison Industries approved 90 percent of the requested waivers by Federal agencies.

Mr. President, granted, this is not a price competitive system. If this were any other procedure, the Senator's amendment would make perfectly good sense. Let's have competitive bidding. Let's have it at the lowest possible price.

But we have 1.1 million people in State and Federal prisons. Because of the power of organized labor and special interest business who are more worried about their profits and their benefits than they are about the taxpayer, we are in the absurd position that we have 1.1 million people in prison, all prime working age males, for all practical purposes, and they can't produce anything of value and sell it on the world market to help defray the cost of keeping them in prison. So the taxpayers pay $22,000 a year just to keep them in prison, not counting the cost of building the prison. The only work we are getting out of these people under this absurd situation is that we can force them to work through a work program to produce things like furniture for the Federal Government.

The Senator comes along, and says, "Let's eliminate that system, and let's have price competition." Well, the problem, as we all know, is that the money that is going to the prisoners is going to do things like pay for victims restitution, and court-ordered fines. This is the only productive employment we have for people in Federal prisons. This isn't a procurement issue. It is a criminal justice issue.

We ought not to be dealing with this provision on this bill. Let me read for you from the same letter about what we know about people who work in prison versus those who do not work in prison.

> Findings demonstrate that inmates who work in Federal Prison Industries in comparison to similar inmates who do not have Federal prison industry experience have better institutional adjustment and after release are significantly more likely to be employed and significantly less likely to commit another crime.

Also, as this letter, which I will put in the RECORD, demonstrates over and over again, this is a law enforcement and security issue. If we have all of these young males in prison, locked up, sitting idle, it is a powder keg ready to explode. The only productive source we have to put them to work, believing in the old Franklin adage, "Idle hands are the devil's workshop," is making goods for the Government.

If the Senator wants to try to refine the system, and work with Federal Prison Industries, I am willing to work to see if we can do a study and look. How competitive is the price? Could the system be improved? But the idea that we are going to destroy the last vestiges of work in prison for some individual special interest for private manufacturers of furniture, or private manufacturers of anything, simply neglects the fact that prison labor is an important part of running a prison. It is the important part of preserving order. It is the important part of vocational training. It is the important part of rehabilitation.

It is dangerous to have 1.1 million young men sitting in prison with nothing to do. It is also breaking the back of American workers to pay for it.

What we ought to be debating is not the Senator's amendment to kill what is left of the work requirement. What we ought to be debating is repealing these three Depression-era laws and putting 1.1 million prisoners to work, work them 10 hours a day, 6 days a week, and make them to go to school at night. That is what we ought to be doing. In fact, when I was chairman of the Commerce, State, Justice appropriations subcommittee, we passed a bill in the Senate to do exactly that. And then when all of the special interests got geared up it died in conference and never became law.

So I think that this is a very dangerous amendment. This is something that ought to be dealt with by the Judiciary Committee. This is a criminal justice issue. If you want to argue this is a procurement issue, I can't argue against the Senator. If we were simply talking about procurement competitive bidding, it is obviously the way to go. But we have 1.1 million people in prison. They don't have anything to do. And to the extent that we can put them to work making desks or other furniture for the Federal Government, we are at least putting them to work. We are maintaining order in our prisons. We are saving money. We are paying money for victims restitution. We are paying money for court-ordered fines.

So to act as if this is just another procurement issue, clearly it is not. Every time these people go to work, we have to count the tools when they leave to be sure they are not taking something that can become a weapon. We basically run it without much capital because we want to use as many people as we can because we are not able to have them produce things to sell on the market. We have elaborate procedures that we have to go through to see that they don't compete with private industry and to minimize their impact. All of these things drive up costs.

But the point is when you have 1.1 million people in prison, State and Federal, even if it is a very inefficient system by which you have them work, you still benefit by having them work. They still benefit by working.

So I think this is a very important issue and I would like to ask to have the opportunity to see if we can work something out.

I have a new letter that just came over a minute ago from the Assistant Director of Industries, Education and Vocational Training in the Federal Bureau of Prisons. I ask unanimous consent that it be printed in the RECORD.

Here is what it says, talking about the Levin amendment. "* * * it would have a devastating effect on Federal Prison Industries, Inc. and on the ability of the Federal Prison Industries to support the mission of the Federal Bureau of Prisons."

I concur with that judgment. I would like to have this put in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
Washington, DC, July 10, 1997.

Hon. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I have reviewed the attached draft language, which I understand was introduced last night by Senator Levin as an amendment to the Defense Authorization bill.

This language is virtually identical in its effect to language previously proposed by Senator Levin (S. 339). For reasons previously explained in a letter from Assistant Attorney General Andrew Fois to Senator Thurmond, it would have a devastating effect on Federal Prison Industries, Inc. (FPI) and on the ability of FPI to support the mission of the Federal Bureau of Prisons.

Sincerely,

STEVE SCHWALB,
Assistant Director,
Industries, Education and Vocational Training.

Mr. GRAMM. Mr. President, I am not arguing that having real full-blown price competition would not make sense under virtually any other circumstance. But when we have literally a captive labor force at the State and Federal level of 1.1 million people, it would be absolutely suicidal from a societal point of view to limit the last work that these people are allowed to do in the name of price competition when, in fact, if we wanted to have price competition—in fact, let me say I would support the Senator's amendment, if he would add to it that we would repeal all of the provisions that limit the ability that we have and that the States have in selling things produced by prisoners. If we could allow prisoners to sell things on the open market subject to the restrictions that they not sell it locally and that they not glut the market, with that as a second-degree amendment, I would support this amendment. Because if we didn't depend solely on Government work to work prisoners, then I would see a broader extension for competition.

But this is the only thing that Congress allows these people to do. What we are doing is just creating a hothouse for criminal behavior. These people sit idly in prison with nothing to do because our laws prevent them from working and then they get out and they commit more crimes. They impose havoc and death on our society, and then we put them back into prison.

So, if I sound that I am emotional about this issue, I am. This is a very, very serious issue.

So I would like to have a chance to work with the Senator. I would like to see if we could work out a second-degree amendment. But I intend to resist this amendment. If we can't work something out, we are going to have to have cloture on this amendment. Those are my rights as a Senator. Those are the rules of the Senate. And I intend to stand by my rights and abide by the rules of the Senate on this issue.

It is a very important issue. I am not sure that Members have thought this thing through or know really anything about our problems with Federal prison labor and State prison labor. But fortunately, having been Justice Subcommittee chairman when I was on the Appropriations Committee, I know it all too well. I am adamantly opposed to this amendment.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, talk about emotions. We ought to share the emotions of the business people who can't compete, who aren't allowed to compete on products that are being bought by the Federal Government—their Government using taxpayers' money paying more for products, created in a prison by prisoners, rather than by people outside of prison, who are not allowed to compete because of the monopoly which is given to Federal Prison Industries.

You talk about raw emotions. Try a Vietnam vet who is trying to sustain a small business who isn't permitted to sell his product to the Government at a much cheaper rate than the Government is paying with Federal Prison Industries. You want to talk about raw emotions. Put yourself in the position of the small business person.

Listen to this one from Access Products from Colorado Springs. They couldn't bid on an Air Force contract for toner cartridges because the FBI exercised its right to take the contract on a sole source basis.

This is a letter from a small business person in Colorado.

> Federal Prison Industries bid on this item, and I was told that the award had to be given to Federal Prison Industries. Federal Prison Industries won the award at $45 per unit. My company's bid was $22 per unit. The way I see it the government just over-spent my tax dollars to the tune of $1,978. Do you seriously believe that this type of procurement is cost effective? I lost business, my tax dollars were misused because of unfair procurement practices mandated by Federal regulation. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition with the full support of Federal regulation.

Do you want to talk about emotions? My good friend from Texas: How about the Vietnam vet trying to run a furniture business? This is what he testified to in front of the House. "Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran twice wounded fighting for our country effectively destroying and bankrupting that hero's business which the Veterans Administration suggested that they enter?"

My good friend from Texas usually believes in competition. I have heard him on this floor as eloquently as anyone talking about competition. That is all we are talking about here. We are only talking about allowing people to compete to sell at the lowest price.

We are not trying to say that Federal Prison Industries should not be able to compete on products that are sold to the Federal Government. Of course, they should. But should not the small businessperson paying the taxes be allowed to compete?

We talk about emotions on this floor and feeling emotional about a subject. Put yourself in the position of the small businessperson whose price is lower. Despite the fact that prisoners' wages run from 23 cents an hour to $1.15 an hour, despite the fact that Federal Prison Industries pays no income taxes, no need to provide health or retirement benefits to workers, a private businessperson still, in many cases, is able to produce that product more cheaply and is told: Sorry, it's got to go to Federal Prison Industries. He's a clothing producer; he's a textile producer; he's a product producer, and he is told Federal Prison Industries has the monopoly. They have exerted their right to prevent you from coming in at a lower price. There is an established price, and even though you can beat it, private businessperson, sorry.

With all of the advantages, the price advantages that Federal Prison Industries has—cheap labor, no medical cost, no income taxes—if they can't beat a commercial price for a product, then the taxpayer should not make up the difference.

Now, this is a very fundamental issue. Of course, prisoners should work. But if they cannot with all those advantages produce a product more cheaply than the commercial world can produce it, they ought to be looking at other products. They ought to be looking at things which we import and are sold to the Government. There they will not be unfairly displacing American businesses and American workers who can produce something more cheaply than can Federal Prison Industries.

Now, that is what this issue is about, and I want to make sure that we all focus on this. This is an issue of where a business can provide the product more cheaply. This is not an amendment which says that where an American business can supply a product, Federal Prison Industries should not be allowed to supply it to the Government. That is not this amendment. This is simply an amendment which says where the commercial provider can offer a product to the Government, its Government, our Government at a cheaper price than Federal Prison Industries, Federal Prison Industries should not be able to determine that its product at a higher price must be bought by the Federal Government.

Now, we are talking a lot of bucks here. The Defense Department is the biggest purchaser. This is what Master Chief Petty Officer Hagan stated when he was—he is from the Navy—testifying in front of the House National Security Committee. This is his testimony about the Federal Prison Industries monopoly on Government contracts and how that monopoly has undermined the Navy's ability to improve living conditions for sailors.

How is that for emotions? Are our sailors entitled to the best that can be bought at the cheapest price? Or are we going to say that because Federal Prison Industries hasn't figured out what they can produce which is now imported or what they can produce which now has a higher cost—and the recycling business is a wonderful example of that—because Federal Prison Industries has not figured out what can be produced which does not in a noncompetitive way displace American businesses and American labor, that is OK.

It is not OK.

This is what the Navy witness said.

> Speaking frankly, the FPI product is inferior, costs more, and takes longer to procure. FPI has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other services need your support to change this law.

We are here on a defense bill. This is what the Navy representative testifying in front of the House said.

> The Navy and other services need your support to change this law and have FPI compete with private sector furniture manufacturers under GSA contracts. Without this change, we will not be serving sailors or taxpayers in the most effective and efficient way.

We have had estimates now on the cost to the taxpayers that results from this monopoly where Government agencies are forced to buy products at higher than the lowest bid. The Deputy Commander of Defense Logistics wrote in May 1996 that Federal Prison Industries had a 42 percent delinquency rate in its clothing and textile deliveries compared to a 6 percent delinquency rate for commercial industry.

Now, for this record of poor performance—that is just the performance statistics: 42 percent delinquency on Federal Prison Industries versus 6 in the private sector—for this record of poor performance, Federal Prison Industries charged prices that were an average of 13 percent higher than commercial prices. And 5 years earlier, the Department of Defense inspector general reached the same conclusion, reporting that Federal Prison Industries contracts were more expensive than contracts for comparable commercial products by an average of 15 percent.

Since the Department of Defense bought about $150 million last year from Federal Prison Industries, this overpricing is costing a lot of money, and that is the issue here.

Now, the good Senator from Texas is correct, that this bill does not address a problem that he sees. He would like to see Federal Prison Industries be able to use prison labor at from 23 cents an hour to $1.15 an hour with no medical benefits and no income tax, he would like to see products produced by Federal prison labor out in the commercial market, and he calls people that do not want to deal with that greedy. I do not, any more than I think it is wrong to tell China that if they want to produce products with prison labor, they are not going to be able to use those products to displace American workers and American businesses. I do not think that is wrong.

We have a fundamental difference on that issue. And he is sure right. This bill does not reverse those laws because once you did that, you would have businesses in this country going bankrupt in huge numbers because they would have to be dealing with 23-cents-an-hour prison labor. And we have decided as a people that that is not fair to American business. It is not fair to American business either that even though they can sell a product at a cheaper price to an American Government agency, it will not be allowed to do so where Federal Prison Industries has established a monopoly and asserted that monopoly for that item. It can sell more cheaply and the odds are pretty good the product will be better. The agency will want to buy it, but it is told, sorry, you can't buy at less and frequently a better product because Federal Prison Industries has decided to assert a monopoly in that area.

There are areas where Federal Prison Industries can move. They have been urged to do so. We have had meeting after meeting, forum after forum, summit after summit with Federal Prison Industries. Of course, you want to keep people in prison busy, but you have to keep them busy in a way that is not unfairly and anticompetitively dealing with American businesses.

And, by the way, that is why the Chamber of Commerce and the National Federation of Independent Businesses and the National Association of Manufacturers support this amendment. And that is why it has such strong bipartisan support, cosponsored by Senators ABRAHAM, ROBB, HELMS, KEMPTHORNE, DASCHLE, and BURNS. It has bipartisan support because this is a procurement issue. It is a competition issue. It is a fundamental, commonsense, fairness issue that an American business ought to be allowed to compete with Federal Prison Industries for sales to its own Government.

If a commercial product is costing more than the prison product, that may not be fair, but that is not touched by this amendment. This amendment only goes to the cases where the commercial product is cheaper than the Federal Prison Industries product.

Mr. President, it is time for the mandatory sourcing rule of Federal Prison Industries, this monopoly that they assert, although their products are more costly, to be changed. There is no better bill to change it on than a defense bill since the Defense Department is the biggest object of that monopoly. The testimony before the House committee is clear that our service personnel are not being given the products that they deserve—best quality, cheapest price—because of an artificial monopoly which is allowed to exist.

It is not supposed to be this way, by the way. The theory of this monopoly would be that if Federal Prison Industries can come in cheaper than a commercial product, then it would be allowed to do so because of the work which we want our prisoners to be engaged in. But it is being abused. It is being abused. And when Federal Prison Industries asserts that monopoly in cases where its prices, despite all of its advantages, are higher than the commercial world, then they should not be allowed to continue to deal with the business world and the workers of America in that way.

Just this morning my staff received a telephone call from an acquisition official at an agency that I am not going to name because I do not want to get them in any trouble, but following last night's debate this acquisition official asked when this Federal Prison Industries amendment was likely to be enacted. Of course, we do not know whether it will be enacted. But the official explained that their agency was in the process of making a substantial purchase of office furniture and was told that it would have to buy it from Federal Prison Industries. They requested a waiver from Federal Prison Industries. That request has been denied. The agency in question has had a history of problems with Federal Prison Industries, the official said. "Quality, price, delivery, timing, you name it." And when my staff explained that we do not know whether the amendment would be enacted, much less when it would be enacted, the official stated, "Well, we would probably be willing to wait a few months because we certainly don't want to get stuck with their stuff."

Now, the good Senator talked about waivers, and that is fine. But we ought to use the marketplace. He has frequently said, and I agree with him, at least in most circumstances, that we ought to look to the commercial world to provide us the best products at the cheapest prices. We make an exception with prisoners because if they can produce a product, even though it is cheaper, we say it is important that we keep people working and we will allow that product, providing it is at least no more expensive than the commercial product, we will then—that was the intent—allow that product to be the one which is bought by our Government.

And there is even some unfairness in that if you are in the business trying to compete with that cheap labor. But what this amendment does is simply say where the commercial product, despite all of those advantages of 23 and 40 and 50 cents an hour and a dollar an hour labor and none of the benefits and no income tax, despite all those benefits, when an American business can produce a product more cheaply than Federal Prison Industries, then surely it is unfair, anticompetitive for that product to have to be bought from Federal Prison Industries.

Mr. President, I thank the Chair, and I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Texas.

Mr. GRAMM. I will withhold.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the amendment offered by my friend, Senator LEVIN, would devastate the function of the Federal Prison Industries, Inc., known as FPI.

FPI is the Bureau of Prisons' most important inmate program. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus it is essential to the security of Federal correctional institutions, the communities in which they are located, and the safety of Federal correctional staff and inmates.

FPI has no other outlet for its products than Federal agencies. The constraints within which FPI operates, cause it to be less efficient than it private sector counterparts. Private sector companies strive to obtain the most modern, efficient equipment to minimize the labor component of their manufacturing costs. FPI, on the other hand must keep its manufacturing process as labor intensive as possible in order to employ the maximum number of inmates.

Since FPI operates its factories in secure correctional environments, it faces additional constraints that limit its efficiency. For example, every tool must be checked out at the beginning of the day, checked in before lunch, checked out again in the afternoon, and checked in at the end of the day. The costs associated with civilian supervision and numerous measures necessary to maintain the security of the prison add substantially to the cost of production.

It should be noted that the average Federal inmate has an eighth grade education, is 37 years old, is serving a 10-year sentence for a drug-related offense, and has never held a steady job. According to a recent study by an independent firm, the overall productivity rate of an inmate with a background like this is approximately one-fourth that of a civilian worker.

FPI must have some method of offsetting these inefficiencies if it is expected to acquire a reasonable share of Government contracts and remain self-sufficient. The offsetting advantage that Congress has provided is the mandatory sourcing requirements in section 4124 of title 18, United States

Code. This section requires that Federal agencies purchase products made by FPI as long as those products meet customer needs for quality, price, and timeliness of delivery. If the product is not currently manufactured by FPI, or if the FPI is not competitive in quality, price or timeliness, Federal Prison Industries will grant a waiver to allow the Federal agency to purchase the product from private sector suppliers.

The Federal Prison Industries preference in title 18 is essential if this program is to prevent inmate idleness on a large scale. Increasing Inmate idleness will risk unrest affecting the safety of prison security personnel and the surrounding communities.

I urge my colleagues to reject the Levin amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to respond to Senator LEVIN's point. I think he gave a great argument for price competition, but we are not talking about price competition. Our dear colleague invokes the name of business people and what they want. But let me remind anybody who is objectively considering this debate, when I brought to the floor of the Senate legislation to repeal three Depression-era laws that force us to idle 1,100,000 prisoners who ought to be working 10 hours a day, 6 days a week, to help pay the $20 billion cost of keeping them in prison, American business and American labor were up in arms. They were up in arms because they do not want prisoners to work.

I can tell you taxpayers want them to work. These special interest groups that represent business and the union bosses in Washington, DC, are against it, but the working people who are paying $20 billion a year in taxes to keep people in prison want these prisoners to work. If we held a national referendum on this issue, I believe by a 10-to-1 margin, Americans would say put these 1,100,000 basically young men to work, have them produce things, do it in a way that you don't glut the local market, do it to displace imports, do it to make component parts, but put them to work to help pay the cost of keeping them in jail and to acquire skills they can use when they get out.

So I would be, No. 1, more convinced by our colleague from Michigan that these businesses are interested in competition if they weren't the same people who were up here saying don't let prisoners produce anything to sell in the marketplace. They don't want to compete. They have already stopped competition. What they are trying to do is stop the last prison inmate work being done in America, and this cannot be allowed to happen.

In terms of displacing imports, if you try to that, as I did, you find that it is prohibited by law and treaty. As remarkable as it sounds to working Americans, it is criminal to make prisoners work to produce anything of value which can be sold in the marketplace. In the Depression, Congress passed a law that idled millions—well, it idled hundreds of thousands of prisoners then. It now idles 1,100,000 prisoners. I would be a strong supporter of a provision that sought to identify industries with high import penetration and allow prisoners to make those products. But I would virtually guarantee that the same people who are for this amendment would oppose that amendment. Because basically, there is strong opposition among groups that feel they might lose something to making people in prison work. It is very narrow in its perspective, it is very shortsighted, but it clearly is out there.

As far as making prisoners work at 22 cents an hour, we are using the profits from this industry to pay victims' restitution, to pay court-ordered fines, and I think we have a right to make prisoners work. We are paying, after all, their room and board. We are paying $22,000 a year at the Federal level, not even counting building the prisons. I would make them work for nothing, 10 hours a day, 6 days a week if that is what it came down to. Actually it's more efficient to have a little incentive pay and have them volunteer to work.

Let me go back to the central point of debate here, and let me read from the Office of Legislative Affairs of the Justice Department, Assistant Attorney General:

> The Federal Prison Industry is the Bureau of Prisons' most important, efficient and cost-effective tool for managing inmates. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus, it is essential to the security of Federal prisons and the communities in which they are located, and is essential to the safety of Bureau of Prison staffs and inmates.

When we are talking about people and how they are affected, let me give you some statistics. In the State of South Carolina—our distinguished chairman here is from the State of South Carolina—for those prisoners who have worked in prison industry, the probability that when they get out they are going to commit a crime again and end up back in prison is 2 percent. For those who have not worked in prison industry it is 35 percent.

In the State of Florida the recidivism rate, people coming back to prison who have worked in prison industries, is 11 percent; it is 26.7 percent for people who have not worked in prison, not acquired a work ethic, not acquired any skills. In Wisconsin it is 11 percent for people that worked in prison industries, it is 22 percent for those who did not. In Kentucky 36 percent come back to prison versus 65 percent who do not work in Federal Prison Industries.

So, if we are talking about price competition let's have it. Let's amend this amendment and say that we are going to let prison labor work in any area, say, that has at least a 30-percent import penetration. That would include automobiles, it would include a lot of industries. And let's put 1.1 million people to work and let's set a goal: Within 10 years they are going to pay the full cost of being in prison by working. Let's turn our prisons into industrial parks. Let's have it so that industries are lining up to hire people when they are getting out of prison. That's what America needs. That's what we ought to be doing.

Every year, I have a dear colleague who offers an amendment barring trade with countries that use prison labor. And every year I wonder why we can't make our prisoners work. They would benefit from it. We would benefit from it. But what we are talking about here is killing off the last vestige of prison labor. We don't let them produce anything that can be sold, we simply let them work and produce things for the Government.

There is a variance between what our colleague says and at least what the Federal Prison Industries report in their published data. One of the things that I intend to do is offer a second-degree amendment to have a study, so we actually know the facts. But here is what they say:

> During fiscal year 1996 [the most recent year where we have complete data] Federal Prison Industries received more than $446 million worth of waiver requests.

These are from agencies which did not want to buy things from prisons. They wanted a waiver to go out and buy it in the private sector of the economy.

> Ninety-two percent of these proposed waivers were granted, resulting in $410 million reallocation of Federal prison business to the private sector.

The law clearly says that prison industries have to meet quality requirements, have to meet the price set by the Government as a competitive price. If there is a problem there, let's fix it. But we cannot claim we are for competition when we don't let prisoners, as a matter of law, produce something of value and sell it on the public market. I just simply say when, in South Carolina, making prisoners work contributes to a dramatic drop from 35 percent who go back to prison to 2 percent going back to prison, I think it is worth something making these people work. If we have them work and we pay victims' restitution, is that not of some value? If they acquire skills, is that not of some value?

So, I would just like to conclude by saying what a great tragedy it is that here we are debating ending prison labor rather than debating expanding it. Component parts that are now made all around the world ought to be made in Federal and State prisons. We ought to be working these people 10 hours a day, providing them a little incentive pay so they can get little extras and using the rest of the money to pay for victim restitution, court ordered fines and to help pay the $20 billion a year the taxpayers are paying to keep people in prison. But, instead, we are debating a proposal to end prison labor for all practical purposes by taking away their Government business.

When you are dealing with prisoners, as the Senator from South Carolina said, it is a completely different structure because you have to supervise what they are doing, you have security requirements, and as a matter of principle, the prison industry has to be operated inefficiently because we have hundreds of provisions that limit their ability to do anything, to be in any way competitive with the private sector.

We require them to use the lowest technology, because we have far more workers than we have work, because of law that prevents people from working. So they are using, basically, hand labor because we are trying to work as many as we can. We could fix this by repealing existing laws.

I would like to propound a parliamentary inquiry. Would it be in order for me to submit an amendment to the Levin amendment?

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Minnesota [Mr. WELLSTONE].

Mr. GRAMM. Mr. President, I ask unanimous consent to set aside that amendment temporarily so that I might offer a second-degree amendment to the Levin amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 794 TO AMENDMENT NO. 778

Mr. GRAMM. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 794 to amendment No. 778.

Mr. GRAMM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all in amendment No. 778 and insert in lieu thereof the following:
>
> "The Department of Defense and Federal Prison Industries shall conduct jointly a study of existing procurement procedure regulations, and statutes which now govern procurement transactions between the Department of Defense and Federal Prison Industries.
>
> "A report describing the findings of the study and containing recommendations on the means to improve the efficiency and reduce the costs of such transactions shall be submitted to the U.S. Senate Committee on Armed Services no later than 180 days after the date of enactment of this act."

Mr. GRAMM. Mr. President, what this amendment does, very simply, is it mandates that the Federal Prison Industries, jointly with the Department of Defense, conduct a study of our whole procurement system, as it relates to Federal Prison Industries and the Defense Department, to look at how competitive the system is, how we can make it more competitive, how we can make it more efficient and, basically, ascertain the facts.

If we listen to Senator LEVIN, prisons are noncompetitive, producing low-quality material at inflated prices. But yet, when we look at data provided by the Justice Department, in 92 percent of the cases where people have said we don't want to buy this product, they have granted the waiver to bypass Federal Prison Industries and buy in the private sector.

Somewhere there is a disconnect over the facts. I always try to teach my children to argue about principles and theory, don't argue about facts. I don't know what the facts are. I know what the Bureau of Prisons says. I know what Senator LEVIN says. I have great respect for both, but they don't quite agree. One of the things the study would do is to allow us to look at it, to acquire information and to try to bring together all of the factors that we have to decide here.

This is a tough issue. Let me say to Senator LEVIN that I don't think there is a Member of the Senate who has a stronger record in supporting competition, privatization, and price competitiveness than I. Maybe there is, but I don't think so.

This is a criminal justice issue. It is not as if we have 1.1 million people here who can go off and do something else. We have them locked up in prison, and they are sitting there idle costing us $22,000 a year apiece to keep in prison. If we can have them work and get some value out of it in victim's restitution, in training, any assistance we get in paying for their incarceration, I view that as God's work and something that I want to do.

Obviously, in any argument, there is another side to it, and the other side here is the people who would rather have the business that prisoners are doing. But I simply remind my colleagues, and we probably have overdebated this issue, but I remind my colleagues that we have 1.1 million people in prison. We are spending billions of dollars to keep them there, and because of our existing laws, they are basically in idleness.

This is a dangerous situation, and I think when you are dealing with this kind of situation, you can't simply say we are not going to let them compete in any other area but we are going to make them compete for Government business. Government work is all they are allowed under law to do.

So if we are going to change this, we better understand what we are doing, because I would hate to see a situation where, in South Carolina, people who are working in prison, only 2 percent of them come back to prison when they get out; 35 percent of them come back to prison who don't work. When we are talking about compassion and concern, remember these people who are coming back to prison are people who have killed people and robbed people and molested people. I think this is a very important issue. I think my amendment allows us to get the facts and make a rational decision. I hope my colleagues will support this amendment. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Senator from Texas made a number of points, and one of them particularly I want to comment on. He said, "If there is a problem of the price not being competitive, then let's adjust it." That is this amendment. That is exactly what this amendment does. There is a problem, and the problem is that even when the price of the prison product is more than the commercial product, that is, noncompetitive, nonetheless, Federal Prison Industries can direct the purchase.

So the problem, which was identified with the "if" word by my friend from Texas, is the problem which this amendment addresses. I don't know why any of us need a study on the principle involved here. The principle involved is a pretty direct, simple principle. If the commercial product is cheaper than the prison-made product, then don't stick the taxpayers with the extra cost and don't cause the private business person out of prison the loss of that sale. That is the principle. If that is true 10 percent of the time or 15 percent of the time or 5 percent of the time, it is the same principle. And that is the principle we will be voting on: Whether or not we want to have a study to see how often the principle is violated, or whether or not we want to vote for the principle, and it is the principle which is driving this amendment.

I have a letter from a citizen of Texas:

> I am writing in regards to reforming Federal Prison Industries and ending its mandatory source status. I am a business person and a resident of San Antonio, TX. Not only do I reside in the heart of Texas, but also in the heart of military bases. It is virtually impossible for me to make a living due to the mandatory status implemented by the Federal Prison Industries. I urge you to support and follow Senator CARL LEVIN and his legislation that would allow businesses to compete with FPI for Federal contracts.

Those are the keywords. You can put them in bright lights: "Allow them to compete." That is the principle.

She goes on:

> Today, we are prohibited from doing so. If a product is made by a Federal prison, then Federal agencies are forced to buy that product. It would also help Government agencies by allowing them to compare price and quality from a broader array of sources.

That is the principle. Mr. President, our good friend from Texas said that he is sure the American people, by at least a vote of 10 to 1, would want our prisoners to work. I think it is much more than that. I hope it would be 100 to 1. But I think it would be 1,000 to 1 that people want our Government to buy the products at the best price. That is the discipline of the marketplace. That is what a free enterprise economy should be about.

Do we make an exception to that rule when it comes to certain products that are made by slave labor in other countries? Yes. Have we made an exception for saying it is unfair to American business that prison-made products in America should not compete in the commercial world? When the Senator from Texas says that he would like to turn prisons into industrial parks, is that fair to Americans who are not in prison who need more than 20 or 30 or 40 cents an hour to survive? Is that really fair? I don't think so, and this amendment, he is surely right, does not reverse the prohibition on that. But all this amendment does is to allow the private sector to compete when its price is lower.

It is not going to destroy or devastate the Federal Prison Industries. It is going to force them to be producing things where they can do it price competitively with all the advantages they have, and there are many things that they can sell to the Government which fall in that category. There are areas of recycling where we do not now recycle because the cost of labor is so high it does not pay to recycle. Prison labor is a very good source of potential labor for that.

There are things that Government buys that are important—and I emphasize that the Government buys that are important—where prison labor would not be displacing American businesses and where, indeed, it would make good sense and would be fair for those products to be produced and bought by the U.S. Government.

All we are doing is implementing the very principle which the Senator from Texas said: "If there's a problem now with prices not being competitive, let's adjust it." That is this amendment. That is all we are doing, we are adjusting it. We are saying, let American Government agencies buy products from American businesses when they can do so more cheaply than the product that they are now being forced to buy too often by the Federal Prison Industries.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 795

(Purpose: To authorize the Secretaries of the military departments to settle and pay claims by members of the Armed Forces for loss of personal property due to flooding in the Red River Basin)

Mr. CONRAD. I thank the Chair. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. There is currently pending a first- and second-degree amendment.

Mr. CONRAD. Mr. President, I ask unanimous consent to set aside the amendments that are currently pending so the amendment that I am offering can be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from North Dakota [Mr. CONRAD], for himself, Mr. DORGAN, Mr. WELLSTONE, Mr. JOHNSON, and Mr. DASCHLE, proposes an amendment numbered 795.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of title X, add the following:
>
> **SEC. . CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.**
>
> (a) FINDINGS.—Congress makes the following findings:
>
> (1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.
>
> (2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.
>
> (3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.
>
> (4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.
>
> (5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.
>
> (6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.
>
> (b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

Mr. CONRAD. Mr. President, the amendment that I am offering today is intended to prevent unintended discrimination against personnel at the Grand Forks Air Force Base as the Air Force provides compensation for damages suffered by personnel as a result of this spring's unprecedented flooding.

I am joined in this amendment by Senators DORGAN, WELLSTONE, JOHNSON, and DASCHLE. This is an amendment that has been requested by the U.S. Air Force, specifically by Air Force Secretary Sheila Widnall; General Fogleman, the Chief of Staff of the Air Force; and Gen. Walter Kross, the commander in chief of the U.S. Transportation Command.

By way of background, Mr. President, North Dakota and Minnesota, as the distinguished occupant of the chair knows well, have suffered from one of the worst winters and spring in our history. The flood that caused the evacuation of both Grand Forks and East Grand Forks was a 500-year flood and caused literally billions of dollars of damage.

This picture shows some of the remnants of what we dealt with in that devastating flood. As I have indicated before, if you went up and down the streets of Grand Forks and East Grand Forks immediately after the flood, what you saw was stacks and stacks of everybody's personal property. All of the carpeting, all of the clothing, all of the draperies and appliances, whether it was washers or dryers or refrigerators, they were all out on the curb. You could see what everybody had, because of this devastating flood.

In the midst of the flood, of course, we also had this incredible fire break out in downtown Grand Forks. Here you can see a picture of some military personnel helping out as the firefighters fought this devastating fire and, of course, the flood simultaneously. This last picture shows one of the neighborhoods just a few blocks from where the fire hit, and you can see these cars and trucks inundated with water in a neighborhood that was especially hard hit.

Well, Mr. President, the point is, we suffered one of the worst floods ever, worst in 500 years.

In the face of this, there was great assistance from Air Force base personnel. And they themselves experienced great devastation. Those that did not live on the base, who were forced to live off base because of a housing shortage on the base, are now faced with a Catch-22, because current law allows the Defense Department to provide compensation for personal property losses of up to $100,000 as long as the housing that those Air Force personnel were occupying are Government owned.

Unfortunately, about 700 families lived in housing that was off the base in the area most devastated but do not live in Government-owned housing.

And their personal property losses can be dealt with by other Government programs, but to the extent they do not cover them, these people are left in the remarkable situation of not being covered. The people on the base, where frankly there was not flooding, they are covered. But the people who are off base who did experience enormous losses are not covered.

That is why the top Air Force personnel have asked that we offer this amendment and that we ask our colleagues to pass it so that military personnel are not discriminated against in this very odd way.

Mr. President, I say, many of these individuals who were helping to fight the flood and helping to fight the fire were doing it when their own homes were being destroyed. This was truly an act of courage and heroism by these Air Force personnel. And now they find themselves in a circumstance in which those that were on base, they can be helped by an existing Federal program, but those who are off base in the area that was actually hit by the devastating floods cannot be helped. That does not make sense. It is not fair. And we have a chance to correct it.

The amendment that I have offered today will, No. 1, waive the discriminatory provision for the purposes of the recent disaster. No. 2, it does not require any new money. I want to make that point very clear. This can be accommodated, according to the Air Force, out of existing programs. And there is sufficient money there to address this circumstance. It does not require any new money.

The Air Force put the potential liability at $4 million—not billion. We often talk on the floor here of billions of dollars. But this is a very small item, $4 million. And it would be consistent with earlier actions taken by the Congress after Hurricane Andrew in 1992 on behalf of Homestead Air Force Base personnel living off the base.

I again would like to emphasize that this provision has been explicitly requested by General Kross, the Commander in Chief of the U.S. Transportation Command; it has also been requested by General Fogleman, the Chief of Staff of the U.S. Air Force, and by the Air Force Secretary, Secretary Widnall.

I hope that my colleagues will see fit to approve this amendment. It is a relatively minor matter in the scheme of things around here. But it will make a significant difference in the lives of these Air Force personnel who were really courageous and heroic in the face of these disasters, and they deserve to be covered just as those who were on base are already covered.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I just have one question to my dear friend from North Dakota.

Is it the intention of this amendment that if the person who was victimized by the flood or fire had personal insurance, that that personal insurance be first exhausted and then any Federal FEMA benefits or other benefits then be next exhausted prior to the kicking in of this particular language that the Senator is offering?

Mr. CONRAD. I am happy to respond to my colleague from Michigan.

It is my understanding that the way this program works, first of all, all personal insurance benefits have to be exhausted, then all other Federal program benefits have to be exhausted, that is, if there is any eligibility for FEMA benefits, those have to be exhausted before this program is available to be administered by the Air Force.

As I say, that is my understanding of how the program works. I think that is a reasonable way for it to work because obviously we do not want to be expending Federal dollars where private insurance covers the loss or where other Federal programs cover the loss.

The concern that the Air Force has had is they face circumstances here in both North Dakota and Minnesota, by the way, where Air Force base personnel were forced to live off base because of a housing shortage on the base. And those personnel were subjected to this devastating series of circumstances, some of them in North Dakota, some of them in Minnesota. And the Air Force would very much like to be able to compensate them for personal property losses over and above what the insurance will cover, over and above what other Federal programs will cover.

Mr. LEVIN. I thank the Senator for his amendment.

I know that Senator CLELAND, were he here—he is the ranking member of our subcommittee—would be supporting this amendment, as do I. I think however there will be some debate on this amendment. But from the perspective of at least this Member, it is a good amendment, an equitable amendment. It uses the same program that applies to people who are on base to those who are off base, almost all of whom were assigned to that base.

Mr. CONRAD. I want to, if I can, thank my colleague from Michigan, to say then that this is consistent with what we did after Hurricane Andrew with respect to Homestead Air Force Base personnel, and that the top Air Force officials have been in frequent contact with me on this matter. They think it is a matter of equitable treatment for their forces and that it is important that we take this action.

I very much hope that my colleagues will see fit to honor the call of our top Air Force leadership and pass this amendment.

I thank the Chair. And I thank my colleague from Michigan.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope that if we do adopt this amendment that the Defense Department would look within it the two precedents in terms of establishing a general policy situation such as this. It seems to me that the precedent cited by the Senator from North Dakota is in point, and that this would be an additional precedent, if passed, for adopting a general policy in situations such as this for persons who are assigned to a base but who live off base to be given the same kind of coverage as persons who are on base.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, again, on this side there is support for the Senator's amendment. And I know of no opposition on this side. I hope this amendment will be adopted.

Mr. THURMOND. Mr. President, we have agreed to accept it.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 795) was agreed to.

Mr. CONRAD. Mr. President, I thank my colleagues. I especially want to thank the ranking member, Senator LEVIN, from Michigan for his assistance. And I also thank very much the chairman of our committee, Senator THURMOND of South Carolina. I thank them both for their support.

I think this is a matter of equity for our Armed Forces personnel. I know they will very much appreciate this assistance.

Mr. LEVIN. Mr. President, I move to reconsider the vote on that amendment.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 593

(Purpose: To repeal the restriction on use of Department of Defense facilities for abortions)

Mrs. MURRAY. Mr. President, I call up amendment No. 593 and ask to proceed under the previous agreement.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mr. ROBB, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. WYDEN, proposes an amendment numbered 593.

Mrs. MURRAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) RESTRICTION OF USE OF FUNDS.—".

Mrs. MURRAY. I am offering this amendment on behalf of myself, Senator SNOWE, Senator KENNEDY, Senator LAUTENBERG, Senator ROBB, and Senator WYDEN.

Mr. President, this bipartisan amendment simply strikes the existing ban on privately funded abortions in overseas military hospitals for military personnel and dependents. For the information of my colleagues, it is identical to the amendment that I offered last Congress which was adopted by the Senate.

Mr. President, it is extremely amazing to me that today a woman who volunteers to serve our country and is stationed overseas surrenders her ability to receive a safe and legal abortion without unnecessary and intrusive obstacles.

Not only are female military personnel denied this basic reproductive health service, but so are dependents of military personnel.

Mr. President, I know that my colleagues share my concerns regarding current allegations of sexual harassment against women in the military. We all agree this is intolerable and cannot and will not be accepted. We are all committed to protecting women from sexual harassment or discrimination while serving in the military. We all recognize that serving one's country does not mean sacrificing one's civil and constitutional rights.

While the military may have a separate code of conduct, basic civil rights are afforded all military personnel. It is important for me to stress this to my colleagues. No Senator would come to the floor to support any legislation that eliminated constitutional guarantees for military personnel. However, that is exactly what happens today unless we lift the current ban on access to safe and legal abortion services for military personnel serving overseas.

In 1993, the ban on privately funded abortion services for military personnel and independents was lifted, restoring basic health care protection to all women serving overseas. Unfortunately, in the 1996 Department of Defense Authorization Act, this ban was reinstated. I was at a loss then and I still am today as to what the justification is for this ban.

I have heard supporters of the ban talk about the use of Federal funds to provide abortion-related services. Mr. President, this argument is weak at best. My amendment would require that personal funds be used. The cost to the patient to provide abortion services far exceed the cost of the procedure itself.

Mr. President, without my amendment, we subject women to undue hardships when they serve overseas. If a woman serving overseas cannot obtain a legal and safe abortion at her own expense, she must request leave from her commanding officer to fly back to the United States for this procedure. We should be outraged at the cost to the military for transporting her back to the United States and for the leave time that must be granted. Why is it better to pay for these costs than simply to have the woman pay for the procedure at her own expense at a safe U.S. military hospital?

Based on this fact, the argument that it costs Federal tax dollars to provide abortion-related services to military personnel cannot be the issue. Today, it takes more tax dollars to provide a safe and legal abortion for military personnel than it would under my amendment. If anyone is concerned about Federal tax dollars funding abortion, they should support my amendment, as it would require the woman to pay for the procedure with private funds where she is stationed rather than flying her home to the United States.

Supporters of the ban may also claim that military medical personnel should not be trained to perform or counsel on abortion-related services. I remind my colleagues, however, current law provides coverage for abortions in the case of rape, incest, or to protect the life of the woman. Doctors must now be trained, regardless of what happens here today.

Let me respond as well to statements that insist that this amendment would require any doctor to perform an elective abortion, regardless of their own personal objections. This amendment does not change or impact current DOD policy which clearly spells out that health care providers who, as a matter of conscience or moral principle, do not wish to perform elective abortions, shall not be required to do so. The DOD policy and the conscience clause enforced by all four branches of the service have worked. There have been no reported cases of a military doctor being forced to perform an elective abortion despite their moral or ethical objections.

Mr. President, like all of our service personnel, women in the military deserve our utmost respect, honor, and gratitude. They certainly do not deserve to be told that they must check their constitutional rights at the door when they are stationed overseas. This amendment protects their precious rights and ensures their safe access to quality medical services.

Like all military personnel, women should be guaranteed access to quality and safe medical services. The current ban on abortion services at DOD facilities could force women to seek unsafe, back-alley abortions in a foreign country. Without adequate care, an abortion can be life-threatening or permanently disabling.

Mr. President, we often have Members come to the floor to advocate for women's health issues. I remind my colleagues that forcing a woman to delay an abortion could further jeopardize her health. Every week a woman has to wait increases the health risks. It is simply wrong to jeopardize the health and well-being of our military personnel.

I urge my colleagues to support the Murray-Snowe amendment and to give every woman in the military the same rights, the same rights, that are afforded every other American woman. This is our chance to show women in the military and dependents serving overseas that we do care and that we appreciate their contributions to protecting our national security.

I reserve the balance of my time.

Mr. COATS. Mr. President, I yield whatever time the Senator from Idaho desires.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the Senator from Indiana.

Mr. President, I am the new chairman of the Military Personnel Subcommittee, and in the 12 months I have served in that capacity I have learned the subcommittee itself cuts a wide swath on all the issues that we deal with. This subcommittee resolves issues that are at the forefront of our national debate. We cope with the issues of values taught to our young people who volunteer for the armed services. We deal with the issues involving gender-based training, sexual harassment in the workplace, drug and alcohol abuse, and now, as a result of this amendment before the Senate, the very sensitive issue of abortion.

I make it very clear at the outset what this issue in this particular amendment is not about. It is not about whether you are pro-life or pro-choice. This amendment is about where those abortions may be performed and whether they are paid for at Federal Government expense. This amendment would repeal the prohibition on using Department of Defense facilities for abortions and allow prepaid abortions to be performed in these taxpayer-funded facilities and by Federal medical personnel at these facilities.

The sponsors of this amendment argue that without this amendment, women in the Armed Forces stationed overseas may find it difficult to have access to a safe abortion. As a result, this interferes with their constitutional right to an abortion, so they contend.

I want to acknowledge that women who are in the Armed Forces and are stationed overseas in countries where abortion is not legal, are faced with complex emotional and difficult decisions. I note for the record, however, that a woman with a pregnancy who is in the armed services who is overseas and that pregnancy is medically life-threatening or the result of rape or incest, under current policy, can receive an abortion at a U.S. military hospital.

So the issue before the Senate is, what is the right abortion policy that our military hospitals should follow in cases where the life of the mother is not at stake or rape and incest is not involved?

After reading last year's debate and listening to the debate today, I offer these observations. While women in this country still have a constitutional right to have abortions, our national policy as a result of the Hyde amendment is that taxpayers should not be required to pay for abortions except in the circumstance where the life of the mother is at risk or in instances of rape and incest. In other words, except in rare instances, Federal funds should not pay for abortions.

But there is no getting around the fact that the Department of Defense military hospitals are paid with 100 percent taxpayer dollars. The medical facility is paid for with taxpayer money. The doctors and the nurses are Federal employees, paid with taxpayer dollars. So is the equipment, the overhead, the operating rooms, et cetera.

Even though the pending amendment contemplates that women will be allowed to use personal funds to pay for an abortion, there is no getting around the fact that taxpayer dollars could still directly or indirectly pay for an abortion. So this amendment, if adopted, could lead to situations where taxpayers are paying for abortions, which is contrary to our national policy as outlined in the Hyde amendment. That is inconsistent with our national policy and with my personal belief, and therefore I oppose the pending amendment for those reasons.

Mr. President, like so many issues this subcommittee handles, this one is one of the sensitive ones. I want to commend the Senator from Indiana, who had been the chairman of the Subcommittee on Military Personnel for a number of years, who has dealt in a sensitive fashion with this issue in the past. I appreciate the approach that he has taken. I look forward to his comments as he gives us insight on this particular issue.

I yield the floor.

Mr. COATS. Mr. President, I yield myself a couple of minutes.

I appreciate the comments from my colleague from Idaho, chairman of the Personnel Subcommittee. This is not an easy issue to deal with. We have dealt with it on numerous occasions here on the Senate floor. We are attempting to maintain a consistent Federal policy relative to abortion. That policy, known as the Hyde amendment, essentially says that taxpayers' money should not be used against the wishes of taxpayers for elective abortions except in some very, very limited circumstances. Separation of that has been accepted on a consensus, at least a majority, basis now for a couple of decades. We are trying to maintain that. We do not want to make an exception in this instance because we do not think an exception needs to be made.

There has been no demonstration that women who find themselves with unwanted pregnancies in the military are denied the right to have an abortion. They have that right. They can exercise that right. We are simply saying we do not think we should compel the American taxpayer to pay for it. That is something that has been the subject of debate and discussion ever since I've been in Congress and even before that. By a majority vote, time after time after time, upheld by this Congress, we have disallowed the use of Federal funds for abortions except in cases where the life of the mother is threatened or in cases of rape or incest. We are trying to maintain that standard, consistent throughout all Federal agencies, including the military.

In one sense, really, in a very real sense, this is a solution, this amendment offered by the Senator from Washington is a solution in search of a problem. We simply have not had any problems with allowing women to obtain abortions at the place of station if it is allowable in that country, and if it is not allowable in that country overseas, to find military transport, not at their cost, but military transport back to any place in the United States that they choose for the performance of that particular abortion.

In doing so, we allow the woman to exercise—even though it is not a right, I agree—a right guaranteed by the Supreme Court at this particular time, and she is not denied the opportunity to have an abortion. The question before the Senate is, will we maintain a consistent policy that says that taxpayers' money should not be used if it goes against their moral beliefs, their religious beliefs? Taxpayers' money should not be used for the performance of elective abortions except in very limited circumstances.

I yield back, reserving the time.

Mrs. MURRAY. Mr. President, I yield such time as she may consume to my cosponsor, the Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I want to thank the Senator from Washington for taking the initiative and leadership in offering this amendment to the DOD authorization bill because it is a very important issue. I remind this body that we voted to repeal this ban on abortions in military hospitals overseas last year, and I hope my colleagues would do the same again this year.

Mr. President, year after year, debate after debate, Congress revisits the issues concerning women's reproductive freedoms by seeking to restrict, limit, and eliminate a woman's right to choose. This ban on abortions in overseas military hospitals, reinstated last year, represents just more of the same.

I point out that these efforts to turn back the clock on women's reproductive rights will never erase the fact that the highest Court in the land reaffirmed, time after time, in decision after decision, a woman's fundamental right to a safe and legal abortion.

This whole issue of banning abortions in overseas military hospitals represents another frontal assault on a woman's right to choose. It also represents a frontal assault on a woman's dignity. This ban denies a woman's right to choose for female military personnel and their dependents. It denies those women, who have voluntarily decided to serve their country in the Armed Forces, a safe and legal medical procedure. Because they were assigned to duty in other countries, it denies them equal protection under the law. What kind of reward is that for a woman who has made a decision to serve her country but denying her the rights that are guaranteed to her under the Constitution?

It certainly didn't occur to me that women's constitutional rights were territorial. It certainly didn't occur to me that American women, when they go abroad serving our country, are leaving their constitutional rights behind. Between 1979 and 1988, women could use their own personal funds to pay for the medical care that they needed. And in 1988, we know that the Reagan administration announced a new policy prohibiting the performance of any abortions at military hospitals—even if that procedure was paid for by a woman's personal funds.

In January 1993, President Clinton issued an Executive order removing that prohibition. But the point is that that Executive order did not change existing law in prohibiting the use of Federal funds to pay for that procedure. That is the issue here today. The issue isn't whether or not we are going to use Federal funds for abortions in overseas military hospitals; it is a question of whether or not a woman is entitled to have access to a safe, legal, and constitutional medical procedure with the use of her own personal funds.

Removing this ban doesn't require medical providers to perform abortions. All three branches of Government have a conscience clause. It would not require medical personnel to perform that procedure if they have moral, religious, or ethical objections to doing so, and that is reasonable. But the ban prohibiting women from having access to the right to choose with her own personal funds is creating a level of substandard care.

What kind of choice does a woman have who is serving her country overseas? What are her choices? To fly back to the United States? Well, we know the cost involved, let alone whether or not she would have the time in order to do so. She could possibly endanger her own health by seeking care in some of the foreign hospitals, whose quality of care cannot compare to ours. That is why we have our own separate medical facilities on military installations abroad. That is the whole point: to ensure that our military personnel have the best quality care available that they are entitled to and indeed that they deserve. Or we could require a woman to fly to another country to receive care. But the bottom line is that what we are imposing on a woman who serves in the military are some very dangerous and stark choices.

Mr. President, the Supreme Court, in 1992, in a case called Planned Parenthood versus Casey, said that the Government regulation of abortion may not constitute an undue burden on the right to choose. An undue burden is defined as having the "purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion." When you consider the hurdles that a military woman seeking abortion faces—lengthy travel, serious delay, high cost to fly home, or elsewhere, substandard medical care and options—there is no doubt that this ban unconstitutionally places an undue burden on a woman's right to choose; but, most important, prohibiting women from using their own funds to obtain abortion services at overseas military hospitals endangers their health. That is the jeopardy in which we are placing women, because in being stationed overseas there are often areas where local facilities are inadequate or provide substandard care and just do not meet the standards that our medical facilities do. That is the purpose of having them there.

So this isn't a question of funding, it's a question of fairness, it's a question of whether or not the Government is going to dictate the kind of care a woman and her family will have access to if they are serving abroad in the military. It is not an issue of pro-life versus pro-choice; it's a question of whether or not we are going to create a disparate and discriminatory policy when it comes to a woman using her own personal funds. That is what this debate is all about.

It is an unprecedented intrusion on the part of Government to say how an individual can spend their private funds when it comes to a legal, constitutional medical procedure.

The amendment that is offered by the Senator from Washington will ensure and, indeed, safeguard us from creating a two-tiered system in this country—one for a woman who reside in the United States and serves in the military and another for those women who choose to serve their country in the Armed Forces overseas. I hope that this body will reject the ban that is included in the DOD authorization and accept the amendment that has been offered here today by Senator MURRAY, because failure to do otherwise is punitive for American women and for their families. I hope that we will follow the example that we established in the last Congress by voting to repeal the ban.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I support Senator MURRAY's amendment to repeal the provision of current law that prohibits a woman in the armed services from using her own funds to pay for an abortion in an overseas U.S. military facility. I support this amendment for several reasons.

First, under several Supreme Court decisions, a woman clearly has a right to choose. A woman does not give up that right or it is not obliterated because she serves in the U.S. military or is married to a U.S. servicemember.

Second, women based in the United States and using a military facility in this country are not prohibited from using their own funds to pay for an abortion. Barring the use of U.S. military facilities overseas creates a double standard for military women and an undue hardship on women servicemembers stationed overseas.

Third, women may not have ready access to private facilities in other countries. Abortion is illegal in some foreign countries, like the Philippines. A woman stationed in that country or the spouse of a servicemember would need to fly to the United States or to another country—at her own expense—to obtain an abortion. Most servicemembers cannot easily bear the expense of jetting off to Switzerland for medical treatment.

Fourth, if women do not have access to military facilities or to private facilities in the country where they are stationed, they could endanger their own health by the time it takes to get to a facility in another country or by being forced to get treatment by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, desperate women resort to unsafe and life-threatening methods. If it were your wife, or your daughter, would you want her in the hands of an untrained, unknown person on the back streets of Manila or Cordoba, Argentina? Or would you prefer that she be treated by a trained physician in a U.S. military facility?

These women would have to put themselves at great risk by the obstacles involved, by the possibility of using an untrained, unlicensed person and sometimes by a lack of knowledge of the seriousness of their condition.

People who serve our country agree to put their lives at risk to defend their country. They do not agree to put their health at risk with unknown medical facilities that may not meet U.S. standards. With this ban, we are asking these women to risk their lives doublefold.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a conscience clause that permits medical personnel to choose not to perform the procedure. What we are talking about today is providing equal access to U.S. military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

Abortion is legal for American women. To deny American military women access to medical treatment they can trust is wrong. I urge my colleagues to vote for this amendment.

Mr. KENNEDY. Mr. President, I strongly urge the Senate to support the amendment offered by Senator MURRAY. This provision would take the long overdue step of repealing the current ban on privately funded abortions at U.S. military facilities abroad. This measure will ensure that women in the Armed Forces serving overseas can exercise their constitutionally guaranteed right to choose safe abortion services.

This is an issue of fairness to the women who make significant sacrifices to serve the Nation. They are assigned to military bases around the world to protect our freedoms, and they serve with great distinction. But when they get there, they are denied access to the kind of medical care available to all women in the United States. Military women should be able to depend on their base hospitals for all their medical services. This amendment gives them access to the same range and quality of health care services that they could obtain in the United States.

It is not fair for Congress to force women who serve the Nation overseas to face the choice of accepting medical care that may be below the quality they can obtain in the United States, or else returning to the United States for care in a nonmilitary facility. Without a sufficient level of care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden for us to impose on the Nation's servicewomen.

Congress has a responsibility to provide safe options in these situations. Opponents of this amendment are exposing servicewomen to substantial risks of infection, illness, infertility, and even death. The amendment does not ask that these procedures be paid for with Federal funds. It simply asks that the appropriate care be made available. It is the only responsible thing to do.

In addition to the health risks of the current policy, there is a significant financial penalty on servicewomen and their families who have arrived at the difficult conclusion to seek an abortion. The cost of returning to the United States from far-off bases in other parts of the world to obtain adequate health care can often involve significant financial hardship for young enlisted women. Yet, this is a cost that servicewomen based in the United States do not have to bear, since nonmilitary facilities are readily available.

If our military personnel do not have the financial means to travel privately to the United States for an abortion, they will face significant delays waiting for military transportation. The health risks increase each week, and if the delays in military flights are long, the women may well be forced to rely on questionable medical facilities in their host countries. As a practical matter, women in uniform are being denied their constitutionally protected right to choose.

A women's decision on abortion is a very difficult and extremely personal one. It is unfair to increase the burden on the women who proudly serve our country overseas.

Every woman in America has a constitutionally guaranteed right to choose to terminate her pregnancy. It is time for Congress to stop denying this right to military women serving abroad. It is time for Congress to stop treating these women as second-class citizens. I urge the Senate to support the Murray amendment and end this flagrant injustice under current law.

Ms. MOSELEY-BRAUN. Mr. President, I join my colleagues Senators MURRAY and SNOWE in sponsoring this amendment to allow women serving in the U.S. military overseas and dependents of U.S. military personnel serving overseas to obtain privately funded abortions at overseas military hospitals.

Women serving overseas are fighting to protect democracy and freedom. These women should not be denied the basic, constitutionally protected rights enjoyed by women in the United States. One of those rights is the right to make decisions regarding one's personal reproductive health.

This amendment repeals a ban that was put in place during the 104th Congress. That ban unnecessarily endangers the health of U.S. servicewomen and the dependents of service personnel overseas, and creates an additional and unnecessary hazard to military service for women in this country. This is unconscionable.

It is important to remember that many of these women are not in countries with first rate medical care. The U.S. military has a presence in many countries where hospitals are woefully inadequate. In addition, in some of these countries women do not have the right to choose to terminate a pregnancy and so legal, safe abortions are not an option.

Under this amendment, no doctor has to perform an abortion if he or she has a moral, ethical, or religious objection. That is a choice, however, for the doctor to make, not for the U.S. Government. After all, in our country the right to choose family planning and pregnancy termination services is constitutionally protected.

The Department of Defense would not be required to pay for any abortion services provided in overseas military hospitals. This amendment would require that private funds be used to pay for the services.

The basic facts are that this amendment protects the life and health of U.S. servicewomen and the dependents of military service personnel stationed overseas. Quality medical care, commensurate with that provided in the United States, where possible, is not too much for our Armed Forces to expect and to receive.

I thank my colleagues, Senator MURRAY and Senator SNOWE, for offering this amendment and for taking leadership in trying to preserve basic constitutional rights of our service personnel overseas. I urge my colleagues to support the Murray-Snowe amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, how much time is available?

The PRESIDING OFFICER. The Senator from Indiana has 19 minutes remaining. The Senator from Washington has 11 minutes remaining.

Mr. COATS. I yield to the Senator from Arkansas such time as he may consume.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I thank the Senator from Indiana for his leadership on this issue and for yielding his time.

I rise today in strong opposition to the Murray amendment. During the Reagan and Bush administrations, abortions were prohibited at overseas Department of Defense medical treatment facilities, except in the cases of rape, incest, or if the mother's life should be in danger. In 1993, just 2 days after taking office, President Clinton issued an Executive order to the Secretary of Defense that reversed this previous ban on abortions, which had been supported, which was reflective of our national priorities and our national policy of not using taxpayers' funds to provide abortions.

So the President, President Clinton, issued that Executive order reversing the previous ban. This attempt to legislate by Executive order was soon met with fierce resistance, not only by Members of Congress who were greatly concerned about this reversal of position, but by the military's own doctors.

After the administration's reversal, there were a number of articles that appeared, but two specifically from major media outlets challenging the President's Executive order. "The Pentagon confirmed, all 44 military doctors in Europe have decided against doing the procedure on moral and religious grounds." I think that is a tribute to our military doctors and a reflection of their own moral concerns about this practice and their support for the traditional position that had been in place for many years.

Additionally, one Air Force commander stated that all 10 obstetricians under his command expressed an "unwillingness on a personal or moral basis" to perform abortions and, furthermore, that he was not surprised at the doctors' response.

Military treatment centers—which are, always have been, and should be dedicated to healing and nurturing life—should not be forced to facilitate the taking of the most innocent of human life: the child in the womb.

We have a policy that has worked. It is a policy that is supported by our military doctors. It is a policy that is reflective of the position that we have held as a Nation, even during this era in which Roe versus Wade has sustained a woman's right to choose abortion—that policy that we will not ask Americans who morally and religiously object to the practice of abortion to subsidize that practice with their tax dollars. This is a law that has worked; it is a law that is effective.

I ask my colleagues to join me in opposing the Murray amendment and sustaining our existing policy and existing law, consistent with what we as a Nation have held and what our current policy is. I thank the Senator from Indiana.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, will the Senator from Washington yield 5 minutes to the Senator from Michigan?

Mr. MURKOWSKI. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I support the Murray amendment for a number of reasons. Before I get to them, let me just say that I think all of us recognize that the issue of abortion can stir so many emotions so quickly that it is important for us to understand what any amendment before us does and what it does not do. It is important to really focus on both. What does it do and what doesn't it do?

This amendment would allow a woman seeking an abortion to pay for it from her own funds at a military hospital overseas. That is what it does. There has been a prohibition on this use of military hospitals since the 1996 Defense Authorization Act was enacted. This amendment would repeal that prohibition. In doing so, the amendment would allow a woman serving in our Armed Forces overseas who chooses to have an abortion to have that abortion performed in a modern American medical facility by well-trained doctors who have volunteered for that duty, provided that all costs and fees associated with the abortion are paid in advance, using private funds.

This amendment would give the female service members stationed overseas the same access to the high standards of medical hygiene, technology, and medical care that is enjoyed by other female service members stationed in the United States under the same standards of medical care enjoyed by the women of America who have not chosen to serve their country in the military. And to establish that equitable access this amendment would permit the Department of Defense to reinstate a policy that existed prior to 1988 which was reinstated by the President in 1993 but was prohibited by Congress in 1996. Under that policy that would be reinstated should this amendment become law, as I believe it should, military women stationed overseas, as well as adult female dependents of male or female service members living overseas, would be able to exercise their right to have access to a safe abortion procedure without being put at risk by having to rely on the medical facilities available on the local economy which may not be up to the same high standards found in American hospitals. That is a constitutional right that we are talking about here. Many would disagree that it should be, and I think we should respect that.

There is disagreement over this issue as to whether or not that right which would be protected by this amendment should be protected by the Constitution. Surely people who are of good faith disagree on that question. But it is a constitutional right. Women who exercise that right would be required to pay the full cost for an abortion near their duty station by well-trained doctors who have volunteered for such work.

What does the amendment not do? It does not provide the taxpayer dollars to pay for the abortion because the woman must pay the full cost. The Defense Department would be required to compute that. I don't think that really is the issue here, although it has been raised. The words "taxpayers funds" have been raised here. I don't think that is really the issue. Because I think if the opponents of this amendment were satisfied that there is no even indirect cost which would not be paid for that their opposition would end. And it is the intent of the amendment, if it is law, that the full cost be paid by the woman in advance and the responsibility is on the Defense Department to compute those costs.

So, again I repeat. I don't think that is really the issue. The real issue is the underlying issue of whether or not an abortion, even if paid for fully by the woman, should be performed in a hospital overseas.

Another thing the amendment does not do is require military doctors to perform abortions nor allow their careers to be affected if they choose not to perform abortions. It protects the right of doctors in the military not to perform abortions and protects their careers, if they choose not to perform an abortion.

The amendment does not provide free abortions in military hospitals. The current prohibition on the use of Federal funds for abortion remains in effect. It is an important point. There is a prohibition on the use of Federal funds on abortions which remains in effect under this amendment. All costs associated with an abortion would be the responsibility of the patient.

Mr. President, this amendment would avoid placing women who serve our country overseas in an inequitable position relative to women who have chosen not to serve our Nation, and I hope this amendment is adopted.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, how much time is available on this side?

The PRESIDING OFFICER. The Senator from Indiana has 15 minutes and 38 seconds remaining. The Senator from Washington has 4 minutes and 36 seconds remaining.

Mr. COATS. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, let me address some of the questions that have been raised here.

First, on the question of denial of constitutional right, that is not an issue. Whether we agree that a woman ought to have a constitutional right to an abortion or disagree, that is not the issue here because no woman is being denied her constitutional right, whether that woman is in the military or not, or whether that woman is in the military serving in the United States or in the military serving overseas. That right is not taken away from that woman.

So the issue here that will be debated, and has been debated, and will be debated in the future over a constitutional right to an abortion is not the issue that we are debating today. The issue that we are debating today is whether that abortion that is sought by a military woman ought to be performed in the military hospital.

The proponents of the amendment say that we can avoid the Federal prohibition against use of Federal taxpayer dollars if the woman herself pays for the abortion. But that ignores the fact that the military hospital was constructed with Federal funds, is equipped with Federal funds, that the salaries of the doctors and the nurses and the staff in that hospital are paid 100 percent with Federal funds, and that it will be an accounting nightmare as identified by the Department of Defense to try to separate out the two.

But again let me go back to what is more fundamental. That is this inequality of treatment. There is no inequality of treatment. A woman today who serves in the military in the United States can only get an abortion in a military hospital if the life of the mother is in jeopardy, or the pregnancy is the result of rape or incest. That same standard applies to women in the military serving overseas. So the standard is exactly the same.

If the woman serves in the military and is based in the United States and does not fall under the category of exception, that woman, of course, could get an abortion at a nonmilitary hospital in the United States. If a woman is serving overseas and seeks an abortion and it doesn't fall within the exception, she also can receive an abortion, either in a hospital in the country in which she is serving, or, if that country has a prohibition against an abortion, she can take a military transport at no additional cost back to the States, to Great Britain, or to some other country at which an abortion is performed.

It is a legitimate question to raise as to whether or not that woman is being denied access to a hospital. Say she is serving in the military in a country that by law prohibits abortions and, therefore, a hospital is not available to that woman. Does the military in any way deny that woman the opportunity to have an abortion at some other place?

I specifically inquired of the Department of Defense as to what was the answer. Their reply to me in a letter from the Assistant Secretary of Defense is that there have been no military people to their knowledge that have requested an abortion that has not been provided the opportunity to have an abortion, that has not been provided military transport to have that abortion at a place where that abortion is legally performed.

I asked the question. Has the department had any difficulty in implementing the policy that abortions can only be performed in military hospitals in cases of rape, incest, or life of the mother?

Their answer: "No. We have had no difficulty on that."

Have any formal complaints been filed concerning this policy?

"No. No formal complaints have been filed."

Have any legal challenges been instituted concerning the policy?

"No." Again, have any members or their dependents been denied access to an abortion as a result of this policy?"

The answer again was no.

Have any members or dependents been denied access to military transport for the purpose of procuring an abortion?

The answer was no.

Then I asked the question relative to the mixing of taxpayer funds, doctor salaries, nurse salaries, equipment purchased with taxpayers' funds, and they said it would be impossible to separate all of that out. It would be an accounting nightmare.

So what we have here is simply a proposal by the Senator from Washington that addresses a problem that does not exist. The Senator from Washington would have a legitimate point, if there was a problem that existed. But no women are being denied constitutional rights to have an abortion. There is no unequal treatment. There is not any treatment available to a woman serving in the military in the United States in a military hospital that is any different from a woman serving overseas. The only difference is that if they happen to be serving in a country which prohibits abortion in that country, they have to go out of the country to have the abortion. But the military has never had a case where they have denied military transport—not commercial transport paid for by the military personnel but military transport available for that person for the purpose of securing abortion.

So there is no problem. There is no constitutional problem. There is no equal access problem. There is no denial of constitutional rights. And there is no case presented to us out of difficulty in this particular instance on this particular problem.

So that while the amendment may be well intended by the Senator from Washington it is clearly a solution in search of a problem. I understand the philosophical difference that exists between Members of the Senate relative to abortion. That is a debate that we have had before. We will have it again. But it doesn't apply to this in this particular instance.

The President clearly in 1993 shortly after he took office was philosophically advancing his position relative to abortion. I happen to disagree with that position. The President has the right to hold his position. Those of us who oppose it obviously have the right to hold ours, and we debate that. But this amendment doesn't go to that debate. It doesn't go to that issue.

For that reason, I hope the Senate will reject the Murray amendment.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. COATS. I would be happy to yield to the Senator from Idaho.

Mr. KEMPTHORNE. I ask the Senator from Indiana: Is it accurate to state that our national policy as embodied in the Hyde amendment in essence states that we will not use Federal taxpayer money for abortion except in the case of rape, incest, or the life of the mother?

Mr. COATS. That is our national policy as adopted by this Congress and signed into law.

Mr. KEMPTHORNE. Is it also accurate to state that in 1980 there was a Supreme Court case which I believe was called Harris versus McRae in which the Supreme Court upheld the constitutionality of the Hyde amendment?

Mr. COATS. That is also correct. The Supreme Court has upheld the constitutionality of the Hyde amendment, and the Hyde amendment has been adopted time after time and reasserted time after time by the Congress on a bipartisan basis and signed by Presidents of both parties.

Mr. KEMPTHORNE. Therefore, based upon that action by Congress, by the executive branch as affirmed by the judicial branch, the Supreme Court, we are bound by a national policy that we not use Federal money except in those cases that I cited.

Mr. COATS. That is correct.

Mr. KEMPTHORNE. The Senator also referenced the DOD in their own analysis where they said it would be an accounting nightmare to go through to determine the true cost of having an abortion performed in a U.S. medical facility when the facility is 100 percent taxpayer funded. All of the personnel are paid for by the taxpayers, and all of the equipment.

Is that accurate?

Mr. COATS. That is accurate.

Mr. KEMPTHORNE. Is it also then, as we follow this, accurate to say that in order to deal with the effect of that that there is provision for a female member of the military service, in the event she chooses to have an abortion that she can have access to military transportation so that she can go to a facility of her choice and exercise her constitutional right?

Mr. COATS. That is correct. Any military personnel has access to military transport on a space-available basis. The DOD has never had an instance where a woman who is seeking access on a space-available basis on military transport has been denied that because the purpose of her transport was for an abortion.

Mr. KEMPTHORNE. This is probably not necessary. But in the event there was a problem with space available but that the situation was life-threatening to the woman, would she not be allowed to have a procedure done at a U.S. military hospital overseas where she is?

Mr. COATS. Absolutely. She would be.

Mr. KEMPTHORNE. I thank the Senator.

Mr. COATS. Mr. President, I reserve the remainder of my time.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Let me make this very clear again. Today, if a woman serving overseas—whether she is in Bosnia or Saudi Arabia—would like to have health services, she would have to go through a commanding officer and request permission to come home to the United States to have that procedure take place, and at the taxpayers' expense they would fly her home. Under my amendment she would be allowed to use her own money to pay for abortion-related services in a military hospital overseas.

I think that is a reasonable request for those women that we ask to serve in a country far away from home.

Mr. President, I yield 3 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank my colleague from Washington for yielding and for her leadership, and I thank our ranking member, Senator LEVIN, for his very strong statement in behalf of women in the military.

Mr. President, my colleague from Indiana says this is about philosophy, but I could not disagree with him more. This is about how we treat our military personnel who happen to be women.

Now, my colleague from Idaho says taxpayer money should not be used in any abortion and therefore this policy ought to be kept. The fact is the women, who have the right to choose under American law, would make that choice and pay the bill, including the overhead, at the military hospital.

Mr. President, it is very hard to ever repay our men and women in the military for the sacrifices they make every single day. They have no idea at what moment they are going to be called upon to put their very life on the line. Their families live in fear that that could happen any moment, whether they are stationed in Bosnia, as many are now, whether they are stationed in Saudi Arabia, as many are now.

How would you like to be a female stationed in one of those countries, knowing what their attitude is and their philosophy is about a woman's right to choose, and be forced into one of those hospitals? Oh, you can get on a plane in an as-available situation. What if it is not available? What if it means you have to take a tremendous amount of leave time and that complicates your life? This is a decision a woman makes—perhaps my colleagues are unaware, if a woman decides to exercise her right to choose, this is not a light decision. This is something she has come to grips with, and it is her right in this country until they have the votes to overturn it, and I hope I never see that day in the Senate.

So, Mr. President, we can never repay the men and women in the military, so what do we do in this policy since this Congress changed hands and a President's policy was overturned? This is how we repay the women in the military? We tell them that we will not allow them their constitutional right to choose a safe, legal abortion in a military hospital even if they pay every single cent for their procedure.

Now, we know that no level of pay could adequately compensate our men and women in the military. There is no price you can put on the patriotism that is involved.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator's time has expired.

Mrs. BOXER. Let us not slap the women in the military. Let us support the Murray-Snowe amendment.

Mr. COATS. Mr. President, may I inquire of the time remaining.

The PRESIDING OFFICER. The Senator from Indiana has 5 minutes 26 seconds, the Senator from Washington has 47 seconds.

Mr. COATS. Mr. President, let me just address a question that has been raised by the Senator from California. I think the Senator misunderstood what I said or perhaps I did not say it right. I said that while there is a philosophical debate among Members of Congress as to the constitutional right of a woman to have an abortion, I said we have debated that at other times and we will debate it at other times in the future. But what I thought I had said is that that is not what is at issue here. There are no constitutional rights of any woman being denied under this current policy and so that is not at issue here. Perhaps my remarks were misunderstood.

Second, let me just say that this is not a policy that divides necessarily Republicans and Democrats. Congress changing hands had nothing to do with the change in this policy. The policy was changed by the President of the United States. This Congress has consistently voted, whether it was led by Democrats or led by Republicans, to uphold the Hyde amendment which prohibited the use of taxpayers' dollars except in cases of life of the mother, rape and incest. That has gained support from Republicans, gained support from Democrats. When the Democrats were in charge of this Senate, that policy was enforced. And when the Republicans were in charge of the Congress, that policy was enforced. So it really is not something that necessarily drives a stake, a lane down between Republicans and Democrats.

Then the question raised by the Senator from Washington about the cost of military transport. Military transport is available to women on a space-available basis. Those who have had the privilege of serving in the military, as I and others have, realize the military is constantly flying planes back and forth not only to the United States but various bases within the theater of operations.

If you are in Korea, there are flights on a regular basis and a voluminous number between the various bases in Asia. If you are in Europe, the same takes place. Women who cannot have an abortion because they are stationed in a country that prohibits that abortion have easy access not all the way back to the United States—there if they choose—but easy access to countries in Europe where we have other bases or other countries where they can go to get that abortion.

So what we are saying here today has nothing to do with a woman's right to an abortion. It has everything to do with whether or not we will uphold, consistently support a policy and uphold a policy that says we cannot and should not force taxpayers who have a moral or religious basis to oppose abortion, to use their tax dollars to pay for those abortions.

That is what is at issue here. We are simply trying to uphold the standard that this Congress has adopted that is currently law, law which, by the way, despite his own personal feelings, was signed into law by the President of the United States.

There are no instances of any woman in the military who has been denied access to an abortion. So let us make sure that we understand the nature of this amendment, the nature of the issue that is before us and what we are voting on.

Those who come down to this floor and vote on the basis that a woman's right to an abortion is being denied have not understood the nature of the current policy. I urge Members to uphold the Hyde language which allows abortions for life of the mother, rape or incest, to uphold the current Department of Defense policy which gives women the access to abortions if they serve overseas but cannot have it performed in that country. But let us not open up military hospitals that are constructed with Federal funds and equipped with Federal funds, let us not open up military hospitals whose doctors and nurses are paid with taxpayer funds. Let us maintain the current policy. It makes sense. It does not deny women opportunity to have an abortion if they want that abortion.

We can have the debate about the constitutionality of abortion or what restrictions we ought to put on those abortions as we have had on partial-birth abortion and as we will have in the future, but that is not what is at issue today. I urge rejection of the amendment of the Senator from Washington.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Let me just end this debate by reiterating for my colleagues that today a woman who seeks reproductive health services has to ask her commanding officer and be flown home at taxpayer expense on one of our transports in order to receive reproductive health services. Under my amendment, she will be able to pay for it at her own cost in a safe military hospital overseas. The bottom line is this is about the basic rights of those women whom we are asking to serve in remote locations to protect this democracy and fight for our country and for other countries overseas to be given the right to reproductive health care services.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 593 offered by the Senator from Washington. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Gorton
Graham

Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Mikulski

The amendment (No. 593) was rejected.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was rejected, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah. The Senator will suspend. The Senate will please come to order.

AMENDMENT NO. 794, AS MODIFIED

Mr. HATCH. Mr. President, I send a modification to the desk on behalf of Senator GRAMM of Texas and myself.

Mr. WELLSTONE. Point of inquiry. Did we have an order of amendments we had agreed to?

Mr. LEVIN. I wonder if the Senator from Utah will clarify that, is that an amendment to the pending second-degree amendment?

Mr. HATCH. This is a modification of the amendment to the Levin amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. HARKIN. Reserving the right to object. Mr. President, what is the order? I thought the order of business was the Wellstone amendment.

The PRESIDING OFFICER. The pending second-degree amendment is the amendment of the Senator from Texas, Senator GRAMM, to the Levin amendment. The Senator from Utah sent up a modification to the Gramm second-degree amendment to the Levin amendment. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Strike all in amendment numbered 778 and insert in lieu thereof the following:

"The Department of Defense and Federal Prison Industries shall conduct jointly a study of existing procurement procedures regulations, and statutes which now govern procurement transactions between the Department of Defense and Federal Prison Industries.

"A report describing the findings of the study and containing recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the U.S. Senate committees on Armed Services and the Judiciary no later than 180 days after the date of enactment of this act."

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be 1 hour for debate on the Wellstone amendment No. 668 equally divided in the usual form, and following that debate time, the amendment be laid aside and the Senate resume consideration of the Gramm amendment No. 794, with 30 minutes for debate equally divided in the usual form.

I further ask unanimous consent that following that debate, the amendment be temporarily set aside and Senator BOXER then be recognized to offer an amendment regarding executive compensation, with a time limitation of 1 hour and 20 minutes equally divided in the usual form.

I further ask unanimous consent that following that debate, Senator BINGAMAN be recognized to offer an amendment regarding space-based laser.

I further ask unanimous consent that there be 2 minutes equally divided in the usual form prior to each vote ordered in the stacked sequence and that at 6 p.m. today, the Senate proceed to vote on, or in relation to, the Wellstone amendment No. 668, to be followed by a vote on, or in relation to, the Gramm amendment No. 794, to be followed by a vote on, or in relation to, the Levin amendment No. 778, as amended, if amended, to be followed by a vote on, or in relation to, the Boxer amendment regarding compensation.

Finally, Mr. President, I ask unanimous consent that no second-degree amendments be in order to any of the above-mentioned amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 668, AS MODIFIED

Mr. WELLSTONE. I thank the Chair. I think we are now on our amendment. I believe it is No. 668. Mr. President, I am going to just take 5 minutes. I am proud to be joined by my colleague from Iowa, Senator HARKIN.

I ask unanimous consent that Senator DASCHLE and Senator KERRY from Massachusetts be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I, again, want to stress support from three organizations that have had a chance to really take a look at this. I think there is broad support from the veterans community—I really hope that we will get a strong vote for this amendment—from the Disabled American Veterans, from the Vietnam Veterans of America, and from the Paralyzed Veterans of America. Earlier I asked unanimous consent that letters of their support be printed in the RECORD.

What we do here is we just simply give the Secretary of Defense discretion authority to transfer $400 million to the VA to restore VA funding for health care. This was cut in the budget resolution.

Again, I want to make it real clear to my colleagues that I don't think any of us really understood that we were going to have these kind of deep cuts in the VA health care budget. I want to, in a couple of minutes, make the point that we are not just talking about abstract numbers and statistics, we are talking about people's lives. In particular, I want to talk about what the VA health care system is dealing with.

First of all, the Persian Gulf veterans. When we had testimony in the Veterans' Committee, it was very, very important that when General Schwarzkopf came in, one of the points he made was one commitment we can make to the gulf war veterans, I say to my colleague from Iowa, is to make sure we do the research as to what happened to them, and, second of all, we make sure that those veterans get the health care that they need.

Mr. President, this has everything in the world to do with defense. They were there supporting our country, and, in addition, let me point out that the Department of Defense, I think if there was any one agency in Government that would be more than willing to transfer a little bit of funding to make sure those veterans get health care, it certainly would be the Department of Defense and the Secretary of Defense.

So it is a mild amendment. It does not ask for much. It just simply says we shouldn't have cut this $400 million. I want to make it real clear on the Senate floor, that if we don't win today—and I hope we will—my colleague and I are, one way or another, absolutely committed to restoring this funding.

You can be talking about the gulf war veterans, you can be talking about the Vietnam veterans, you can be talking about post-traumatic stress syndrome, you can be talking about World War II and Korean war veterans who are now older and need the care as well. Mr. President, by the year 2000, one out of every three veterans is going to be 65 years of age or older, and 63 percent of all American males over the age of 65 will be veterans. These are the demographics.

So there is nothing more important we can do than to make sure that we live up to our contract to provide these veterans with the support that they need.

What is going to happen if we don't restore the funds? This is my conclusion. It is a simple argument we are making. If we don't restore the $400 million this year, what is going to happen is we are going to accelerate closure of inpatient care, we are going to offer fewer ambulatory services, we are going to reduce long-term care, and we are going to treat fewer veterans. That is what is going to happen. That is wrong. If we want to help veterans, this is an opportunity to do so.

We all love to be in the parades, we all speak at the veterans' gatherings, we all say it is a sacred contract, we all say that we support veterans. Well, Mr. President, we cut $400 million, and my colleagues can ask any veteran in any of your States, and they didn't know about it.

Now is the time to rectify this mistake. Now is the time to take a small amount of money, $400 million, out of $2.6 billion more than the Pentagon asked for and at least give the Secretary of Defense the authority to transfer this funding. I am sure this will happen if we vote for it, and I hope that we get a very strong vote.

This amendment is a justice amendment. We should not be cutting health care services for veterans. The demand is increasing for that care, and we ought to, as U.S. Senators, Democrats and Republicans alike, respond to veterans, we ought to support veterans, and the right thing to do is to vote for this amendment.

I yield the floor, and I thank my colleague from Iowa for all of his support.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I yield to the Senator from Iowa the remainder of our time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator from Minnesota. How much time do I have, Mr. President?

The PRESIDING OFFICER. Twenty-four minutes and forty-eight seconds.

Mr. HARKIN. Mr. President, I appreciate my colleague, my friend from Minnesota for offering this amendment. I join with him, as he said, in offering it.

He has laid out the case for veterans. We have shortchanged them. I heard someone ask earlier: "This is the defense bill, this is defense authorization. Later on there will be a veterans bill we can deal with. We deal with veterans later. Why does it belong here?"

It belongs here because, Mr. President, I submit you cannot defend this country unless we first defend our veterans, and that is what the Senator from Minnesota is saying in this amendment. He is right, we have given the Pentagon $2.6 billion more than they even asked for and, at the same time, turned around and cut our veterans health care program by $400 million. What kind of signal does that send to our young men and women in uniform today about their prospects in the future for having their health care needs taken care of if, in fact, they should find themselves in an enclave like those veterans found in Vietnam or the gulf war or Korea or World War II.

Mr. President, there may be those who say if we take this $400 million out of defense, it is going to really hurt our readiness; we can't afford to cut our defense budget for something like this. I would like to take some time to refute that argument and to say, in fact, the military budget that we have today is far too bloated to meet the threats or potential threats that confront our country at this time.

No one disputes that the cold war is over, but some in this body would like to continue funding the Department of Defense as if it never ended. I know the world is still a dangerous place, but we must ask ourselves, is our current defense budget justified by the dangers faced by the United States? I don't believe they are justified.

The fact is, military spending is so high that it can be lowered without endangering national security. Even with the elimination of the Soviet Union, defense spending is still much larger than cold war spending levels. And what is all this money for? What enemy are we going to fight? Is it Cuba who spends less than 1 percent on its military budget? Or Libya, Iraq, Iran or North Korea or Syria? Or are we just going to spend $268 billion next year simply to have a large military? So let's look at some of the figures and take a comparison.

U.S. military spending right now is three times—and look at this chart—our U.S. military spending. Here is the pie chart showing in billions of dollars the amount of money spent by various countries on defense. The United States spends three times more than China, India, Pakistan, Russia, and Vietnam all combined. It is more than double all of our NATO Allies combined. It is larger than the military budgets of the countries with the seven largest standing armies. Most important, the United States will spend nearly twice what all of our potential enemies spend on defense all combined. So if you add up all of our potential enemies, we will spend twice what they will spend on defense, all of them combined.

Some have pointed out we should continue high levels of military spending because we don't know what our potential enemies are. A threat could come from anywhere. Let's assume this is true, for argument's sake. Let's break the world down by countries then, and see what we are talking about in terms of potential threats.

Let us break it down by continents. What if every nation on the most powerful continent besides North America ganged up on the United States? By this, I mean all of Europe. Let us say that all of Europe—Germany and France and Spain and Great Britain and Italy and all these countries that are our friends—what if they all ganged up on us? Very remote, but if they did, we still outspend this potential threat by a great deal, by almost $60 billion. You might say that is ridiculous, in Europe we have our allies, they are in NATO. They are not going to attack us. OK.

What if every power in Africa joined in? Here is Africa down here, remote possibility, but they are only spending about $14 billion a year.

In fact, if you add up all the military expenses of all of Europe, Africa, and South America, combined—let us say that all of the countries of Europe, South America, and Africa all combined together to attack us—we still spend more in defense than all of those three continents all put together.

So I ask again, why are we spending so much money? This is the world. We are spending more than all of these continents all put together.

There is another aspect to our defense. As it stands right now, such a large portion of our discretionary budget goes for defense that we are actually endangering our national security. Our citizens are threatened, the life and health of our country is threatened. Every extra dollar we spend on defense that we do not need to is a dollar less for education, for putting police on the streets, for stopping the drug epidemic, and feeding hungry children.

In fact, the amount of discretionary funding spent on defense totals over 50 percent of the discretionary budget. That means that the portion of the total budget that we actually decide on where it goes overwhelmingly goes for defense. For every dollar that we spend out of this body, over 50 cents goes to defense—not education, not health care, not breakfast feeding for kids in schools, not for flood victims, but for the military.

Here again is a pie chart. Look at it. This is our discretionary dollar that we spend. So 51.5 cents for military; all the rest for everything else. Justice gets 4 cents; housing assistance gets 3 cents; health gets 4.8 cents, transportation 2.7 cents. You wonder why our highways are going to pot and with potholes? You wonder why our railroads are deficient?

Here is energy, less than 1 penny; education, 6 cents; 51.5 cents for the military. Six cents on education. You wonder why our schools are crumbling? You wonder why we are not getting the best possible teachers? Well, we are only spending that much money in education.

Natural resources and environment, 4 cents.

So I think this really graphically shows where our money goes. Over half for defense; less than half for everything else that goes to make us a strong nation.

Some who argue for increased defense spending point out the defense spending has gone down from 1985. I heard that argument early today. A Senator on the floor said, "Oh, my gosh, the defense budget has been cut by something like 30 percent since 1985." OK. Why do you use 1985? Why do we start with 1985, when 1985 was the peak of military spending, the buildup during the Reagan years? So, yes, you can measure it from 1985.

Why don't we measure it from 1980? Let us take the height of the cold war, 1980, when we faced the Soviet Union. Well, our spending today is just about the same, actually maybe just a little bit more than it was in 1980. Yes, we have come down from 1985. But I submit, Mr. President, those who say that we have cut our defense spending are using an arbitrary point. They are using the point at which we had the highest military spending since the war. I say what we ought to use is a baseline like 1980 or 1970. And if we look at those base years, we get a much different level.

So why are we comparing today's spending levels to 1985? The world today is not the world of 1980 or 1985 or 1990. We should be discussing the defense budget in terms of today's threats, that is, unless we plan to take the United States Army and our defense back in time to 1985 and have them fight the Soviet Union. But we will not do that because there is no Soviet Union.

Why does it matter so much what we spent in 1985 when the Soviet Union was a threat? We should look at today's threats and potential threats, match our spending to meet them, not the threats of 1985.

Aside from all that, the Wellstone amendment seeks, as we know, to shift $400 million out of $268 billion. We are saying, take $400 million, shift it over to veterans health care. As the Senator pointed out, we have $2.6 billion more than what the Pentagon asked for. Will we really harm our readiness if we take $400 million out for veterans health? I submit not. Why are we giving the Defense Department more money when they cannot even keep track of the money they have already spent and they are wasting billions on buying equipment they do not need?

Mr. President, in February of this year, I released a General Accounting Office report requested by myself, Congressman DEFAZIO, Senator DURBIN, and Congresswoman MALONEY. This study revealed that over half of the Department of Defense inventory of procured items is overstock; in other words, waste. Of the $67 billion of goods in DOD warehouses, the GAO estimates that $41 billion is unneeded. What do you mean by unneeded? By unneeded, this means the military would never need or use the items even during wartime. Let me repeat that. Of the $67 billion in goods in DOD warehouses, GAO estimated that $41 billion is unneeded even in wartime.

That is not all. Again, here is the inventory. This is what this chart shows. Total inventory is $67 billion. About $41 billion, or 61 percent, of it is in excess of what is needed for operational requirements or for reserve requirements. The needed inventory is about $25.8 billion. So we have all this waste out there that we do not need, and yet you would think it would end. But, it never seems to end. It just continues going on and on and on.

The GAO identified more than $1.1 billion worth of goods—11,000 different items—for which there is a 100-year supply. Imagine that. Do we expect our Army to fight with something 100 years from now that was built today? Bring back the horse cavalry. Maybe that is what today's Army needs, what we used 100 years ago. So 100 years, with 11,000 different items, totaling $1.1 billion.

But that is not all. The GAO also uncovered millions of dollars in DOD inventory items for which there is more than a 20-year supply. Yet, the Pentagon continues to buy more. The justification by the Pentagon for not canceling many of these orders actually border on the bizarre. Some were not canceled because termination "was not cost-effective" for any purchase less than $10,000.

Other items are automatically ordered without review or regard to need. The computer just keeps ordering them. As a result, we do not just have warehouses of waste, I call them arsenals of bureaucracy. What we have is Sergeant Bilko manning the warehouse, Beetle Bailey running procurement, and Gomer Pyle checking the list twice.

This photo here shows just one item that was uncovered called a direct linear valve used on a hydraulic pump used on aircraft carriers. The Pentagon has more than a 20-year supply on this item. Although only 8 of those in stock were needed, an additional 66 were on order in 1995. Only 8 were needed, but an additional 66 were ordered.

Again, we asked why the Navy did not cancel the order. Well, they said, termination was not "cost-effective for any purchase less than $10,000." So if it costs less than $10,000, it is cheaper for the taxpayers to buy it. Please, someone, make sense of that for me. If it costs less than $10,000, keep buying it, keep stocking it because it costs more to cancel it. Try selling that to your constituents back home.

Here is another one. This is a circuit board, aircraft circuit board. In 1995, 10 were on order. The only problem was that the Navy had 27 of these, but only 2 were needed for operational and wartime reserve.

That is not the last of it. This is a 1972 state-of-the-art electronic item. So we asked, why did they keep ordering them? Well, according to the item manager, the Navy supply system computer automatically ordered the item and no one bothered to review the order. But not to worry. After the 10 new assemblies of these circuit boards—at more than $1,000 each—were delivered in May, they were automatically routed for disposal. What does that mean? They ordered them; they came in; someone stamped them, shoved them out the backdoor to throw away.

So do not tell me that taking $400 million for veterans health care is going to somehow hurt our readiness or hurt our ability to defend this country from any threats that exist today or any potential threats in the foreseeable future.

But what this $400 million will mean is that those veterans who put themselves in harm's way, who were there to sacrifice life and limb for their country, who were in the gulf war or in Haiti or in Bosnia, Vietnam, Korea, World War II, or even peacetime—I do not mean just to focus on our veterans who were in wartime. What is that saying? It is not just those who are in battle, but those who support those in battle, our peacetime army, our peacetime military.

My brother was a SAC pilot in the Strategic Air Command for 5 years carrying nuclear weapons. None were ever dropped, but this was our front line of defense. This is what kept the Soviet bear in check. So these, too, these veterans also have to be responded to in terms of their health care needs.

So I am talking about all veterans, not just those who have been in actual war but those who were willing, if the orders came, to fight and to perhaps die for their country.

I believe we have an absolute obligation to support our troops not only in time of battle but also at home when the battle ends. I believe we have a special obligation to those in our Armed Forces who were disabled in the service of our country. Veterans programs too often suffer inadequate funding and misguided policies.

As Senator WELLSTONE pointed out, our veterans population is aging rapidly, and the hospital system is stretched to its limits. The proposed cuts to the VA budget, which is already inadequate for the medical needs of veterans, is an unacceptable way to try to balance the budget. These cuts will have a drastic and severe effect on the health of our Nation's veterans, especially those veterans who were disabled in the service of our country.

So what our amendment seeks to do is to alleviate these unfair cuts in the veterans discretionary funding by transferring $400 million from the Department of Defense budget to VA. We can do it. The money is there. If the Department of Defense will just cut down a little bit on their waste and inefficiencies, if we will begin to gear our thinking towards the threats of today and tomorrow instead of what the world was like 10 and 20 years ago, if we do that, there is plenty of money in the defense budget to make sure that we meet our obligation to our veterans.

I do not think this Senate should do anything less than that. This amendment should be adopted overwhelmingly to send a strong signal not only to our veterans but to those who are serving today that when their time of need comes and they need health care through the veterans system, that this country will stand behind them when they are veterans just as it stands behind them when they are serving in active duty.

Mr. President, I yield the floor.

How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 5 minutes 27 seconds.

Who yields time?

Mr. THURMOND. Mr. President, I rise today to oppose the amendments offered by Senator WELLSTONE and any other amendment which lowers defense spending below the level set in the budget agreement. We have a budget agreement with the administration that we should not disregard—an agreement that was widely supported by this body and the administration—and frankly, Mr. President, this agreement itself may not provide enough funding for defense.

Mr. President, our military forces are beginning to show the stress of constrained budget and too many deployments. Funding for modernization and quality of life initiatives is continually diverted to fund current operations with promises to fix the modernization problem in the future. This is no longer acceptable. It should not be acceptable to any of the Members of this body.

The Department of Defense is continuing their downsizing. This year's defense budget request represents lowest percent of our GDP in the last 57 years. Force levels have shrunk from 2.1 million service members at the end of the cold war to 1.4 million today. Annual spending in the Department of Defense has decreased in the last 10 years from $375 to $250 billion in inflation adjusted dollars. Even at the level of funding proposed in the budget agreement, the Quadrennial Defense Review is recommending force structure reductions up to 130,000 military personnel as well as reductions in key modernization programs.

Mr. President, I believe that a mismatch is developing between strategy and actual force capability. GAO and CBO have both given estimates to the underfunding of the modernization accounts. The budget agreement does not fully fund defense. It does represent what funds are available. Funding defense at the levels proposed by these amendments will have serious impacts on the readiness and quality of life of our service personnel.

Command Sergeants Major Alley, U.S. Forces Command, has summed it pretty well when he stated.

> Our soldiers do not ask for much. What they do ask for is stability in deployments, adequate housing, quality-of-life programs, and adequate compensation.

Mr. President, if this body allows these amendments or other amendments to lower defense spending below what was agreed to—I repeat, was agreed to—in the budget agreement, we will be responsible for the impacts on the readiness of our forces, we will increase the tempo of our operating forces, and we will not be able to provide the quality of life programs, our service members deserve.

I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I move to table the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1003 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 794, AS MODIFIED

Mr. HATCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The regular order is the Gramm amendment.

Mr. HATCH. Thank you, Mr. President.

Mr. President, I rise to speak again in opposition to the Levin amendment, and in support of the Gramm second degree amendment. The Levin amendment, if enacted, would cripple Federal Prison Industries, by essentially eliminating the only market for its products. FPI is not permitted to compete for sales in the private market. It may only sell to the Federal Government, and then only if it can meet price, quality, and delivery requirements. I do not believe that Senator LEVIN is suggesting that we change the law and allow FPI to compete for business in the general market place. Yet, if we effectively eliminate the Government market for FPI goods, and FPI cannot sell its products to the public, who will its customers be?

Those advocating elimination of the FPI's Government procurement preference suggest that their goal is only a level playing field, and complain the FPI wages ensure unfair competition. Yet, they do not mention the tremendous costs and inefficiencies inherent in operating a manufacturing operation behind bars. FPI endures security and work force challenges few private plant managers can even imagine.

FPI puts 100 percent of its revenues back into the private sector. Thousands of private sector jobs depend on supplying FPI with materials and services. My colleagues should ask themselves, if FPI is forced to close its factories, what will replace those private sector jobs?

FPI is also an essential prison management and rehabilitation tool. Any corrections officer will tell you, the most dangerous inmate is the idle inmate. Idleness breeds frustration, and provides ample time to plan mischief—a volatile combination. Yet, despite the references to the costs imposed by FPI by my colleagues who support this amendment, I have heard no one suggest how the taxpayers will pay for the new prison programs and the additional prison guards that might be needed if FPI factories are forced to close.

Either we want Federal inmates to work, or we do not. I believe that we do want inmates to work, and therefor I must oppose this amendment. I say to my colleagues, if you believe in maintaining good order and discipline in prisons, or if you believe in the rehabilitation of inmates when possible, you should be opposed to this amendment.

The Gramm amendment provides a better approach, by requiring a study and report to Congress on FPI and FPI's market needs and impact. As Chairman of the Judiciary Committee, I have a strong interest in this issue. I would note that my colleagues who support the Levin amendment have not approached me about addressing this issue in the committee.

Congress should consider this issue carefully before effectively eliminating a prison program that has served the Nation well for 60 years. This is particularly the case, as my friend from Texas has pointed out, that Congress allows no other market for prison-made goods and services. If we are going to consider eliminating the government sales preference, I believe it appropriate for us to also consider permitting prison goods to be sold on the open market as well.

However, even then they may not be competitive because of the differences of efficiency between those who are about a quarter as much productive as the private sector workers are.

Prison security and prisoner rehabilitation are too important matters to risk hurried action based on emotion. I urge my colleagues to reject the Levin proposal and adopt the Gramm substitute amendment.

Mr. President, this is an important issue. I hope our colleagues will pay attention to it. I would hate to see what would happen to our prisons if we didn't have this privilege of helping these people to do meaningful work and have the opportunity of selling their goods and services that will be from a quality and price standpoint and delivery standpoint competitive with the private sector.

Mr. President, I reserve the remainder of our time.

I understand the distinguished Senator from Texas will be here later. I would like him to have the remaining part of the time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes in support of my amendment which is cosponsored by Senators ABRAHAM, ROBB, HELMS, KEMPTHORNE, DASCHLE, and BURNS.

The issue really is the opportunity to sell goods and services. That is, indeed, the issue. The question is whether or not the private sector ought to have the opportunity to sell its goods and services when its price is better than the price of Federal Prison Industries. That is the issue.

The national performance review had as one of its reforms in procurement that we should require Federal Prison Industries to compete commercially for Federal agency business. That is what we are talking about—whether they ought to have a monopoly so that even though their goods are higher in price, Federal Prison Industries is able to say that an agency must buy their product. That wasn't the intent of the Federal Prison Industries law. The intent was that they are supposed to be competitive. They have all kinds of advantages.

The labor prices in prisons, needless to say, range from something like 23 cents an hour to $1.15 an hour. They don't pay income tax, no medical benefits, no retirement, and no benefits, obviously. So they have tremendous economic advantage to begin with. Nonetheless, with all of those advantages, what we have said is, if they can produce something more cheaply than the private sector, that the Federal agencies ought to be able to buy that product, and they should. What this amendment simply says is that if the private sector, despite all of the advantages that Federal Prison Industries has in terms of cheap labor—no income tax, no medical costs, and so forth charged to the product —if, despite all of that, a business can produce a product more cheaply that it ought to be able to sell that product to its Government.

So the issue is exactly the opportunity to sell goods. But it is the opportunity for business people in the private sector to sell goods to their Government. The frustration level is very high here. We get letters from people—veterans who write us, who say, "Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam vet twice wounded fighting for the country effectively destroying and bankrupting that hero's business which the Veterans' Administration suggested he enter?"

This is a man who can't bid. He is not allowed to bid on a product his own Government is buying.

Here is a letter that comes in from Colorado from Access Products of Colorado. The award in this case went to Federal Prison Industries, although the charge to the Air Force was $45 for this particular unit. This private sector guy was offering it at $22 per unit. So the taxpayers are paying twice as much, and he is not allowed to sell a product that he makes on the outside to his Air Force.

The private sector is very deeply involved in my amendment, and very strongly supportive of it. The NFIB strongly supports it. The chamber of commerce strongly supports the Levin-Abraham amendment. The National Association of Manufacturers strongly support this amendment. The reason they support it is because of the principle that it embodies—the principle of competition. That principle is that people who are in business struggling to make a living wanting to sell to their Government ought to at least be allowed to bid competitively against Federal Prison Industries which has tremendous advantage and does frequently underbid the private sector because of those advantages in terms of labor costs and all the other advantages they have.

That frequently happens, that their prices are much lower than the private sector because of all those advantages. But when the private sector is able to produce a product, be it clothing or furniture, or whatever, more cheaply than Federal Prison Industries, it ought to be allowed to sell to its Government. And that is why this issue is so important to the private sector.

My time is up. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, while I am on my feet, let me just yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. I wish to introduce a letter from a coalition called the Competition in Contracting Act Coalition. I want to read this letter because it is short and it states our case, I think, very well.

The coalition is made up of 28 organizations, 204 businesses that support the Levin-Abraham amendment relative to the mandatory source status of Prison Industries. And this is what the letter goes on to say:

> Your legislation would allow businesses to compete with the FPI for Federal contracts. Today they are prohibited from doing so. If a product is made in a Federal prison and Federal agencies are forced to buy that product, the only way around the requirement is for an agency to seek a waiver from FPI . . . Your bill would implement a recommendation of the National Performance Review which stated that our Government should "take away the Federal Prison Industries status as a mandatory source of Federal supply and require it to compete commercially for Federal agencies' business."
>
> This solution would help manufacturers by eliminating the barrier to competition and allowing the bid process to take place. It would help Government agencies by allowing them to compare price and quality from a broad array of sources.

I ask unanimous consent, Mr. President, if this letter is not already made part of the RECORD, it be made part of the RECORD, including the list of 204 businesses that are part of this coalition that come, I think, from just about every one of our States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE COMPETITION IN
CONTRACTING ACT COALITION,
Washington, DC, June 19, 1997.

Hon. CARL LEVIN,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR LEVIN: Our national coalition of 28 organizations and 204 businesses is known as the Competition in Contracting Act Coalition. We are in full support of your effort to reform Federal Prison Industries, Inc. (FPI) by ending its mandatory source status.

Your legislation, S. 339, would allow businesses to compete with FPI for federal contracts. Today, they are prohibited from doing so. If a product is made in a federal prison, then federal agencies are forced to buy that product. The only way around the requirement is for an agency to seek a waiver from FPI, also known as UNICOR.

S. 339 would implement a recommendation of the National Performance Review which stated that our government should "Take away the Federal Prison Industries' status as a mandatory source of federal supplies and require it to compete commercially for federal agencies' business." This solution would help manufacturers by eliminating the barrier to competition and allowing the bid process to take place. It would help government agencies by allowing them to compare price and quality from a broad array of sources.

The damage being done to our private sector economy by federal prison factories is getting worse every year. Attached is a copy of our coalition membership list, all of whom support your effort to save private sector jobs and bring fairness to companies trying to work with the federal government.

Sincerely,

BRAD MILLER,
Manager of Government Affairs, BIFMA International and Contact Person, Competition in Contracting Act Coalition.

MEMBERS AS OF JUNE 19, 1997

Abbey Business Interiors, Fresno, California.

Abear Construction Ltdc Co., Albuquerque, New Mexico.

ABCO Office Furniture, Florence, Alabama.

Access Products, Colorado Springs, Colorado.

Adden Furniture, Inc., Alexandria, Virginia.

ADM International, Inc., Chicago, Illinois.

AGI, High Point, North Carolina.

Alexander Patterson Group, Inc., Dayton, Ohio.

All Makes Office Equipment Company, Omaha, Nebraska.

American Apparel Manufacturer's Association, Arlington, Virginia.

American Furniture Manufacturer's Association, High Point, North Carolina.

American Seating company, Grand Rapids, Michigan.

American Society of Interior Designers, Washington, D.C.

American Traffic Safety Services Association, Fredericksburg, Virginia.

American Space Planners, Inc., Baltimore, Maryland.

ANADAC, Arlington, Virginia.

Apex Office Supply & Deskin, Inc., Oak Ridge, Tennessee.

Architectural Woodwork Institute, Reston, Virginia.

Arkwright Mills, Spartanburg, South Carolina.

ASC Office Furniture, Alexandria, Virginia.

Aspects, Inc., Redlands, California.

Automation Products, Inc., Newport News, Virginia.

Batty & Hoyt, Inc., Rochester, New York.

Bayer Corporation, Pittsburgh, Pennsylvania.

Bernhardt Contract, Lenoir, North Carolina.

Bevis Furniture, Florence, Alabama.

BIFMA International, Grand Rapids, Michigan.

BKM Total Office, San Diego, California.

BKM Total Office of Texas, Dallas, Texas.

Blount Associates, Laguna Beach, California.

Boring Business Equipment, Lakeland, Florida.

BPI, Inc., Kent, Washington.

Brenner Tours, Hopkins, Michigan.

Brent Industries, Inc., Brent, Alabama.

Bristol Industries, Inc., Mentone, California.

The Buckstaff Company, Oshkosh, Wisconsin.

Business Accessories/Colecraft, Lancaster, New York.

Business Coalition for Fair Competition, Annandale, Virginia.

Business Environments, Albuquerque, New Mexico.

Business Interiors, Inc., Denver, Colorado.

Business Products Industry Association, Alexandria, Virginia.

Business Resource Group, San Antonio, Texas.

Business & Associations for a Strong Economy, Lansing, Michigan.

California Business Interiors, Sante Fe Springs, California.

Carolina Business Furniture, Archdale, North Carolina.

Capitol Furniture Distributing Company, Fort Lauderdale, Florida.

Jack Cartwright, Inc., High Point, North Carolina.

CDM Contract Furnishings, Inc., Austin Texas.

Cedar Crest Banquet Centre, Marshall, Michigan.

Centercore Group, Plainfield, New Jersey.

Coalition for Government Procurement, Washington, D.C.

CONCO, Inc., Louisville, Kentucky.

Contract Interiors, Columbia, South Carolina.

Comfortage Industries, Gurnee, Illinois.

Computing Technology Industry Association, Lombard, Illinois.

Contemporary Galleries of WV, Charleston, West Virginia.

Contract Marketing Group, Inc., Chicago, Illinois.

Country Manor Real Estate & Rentals, Onondacia, Michigan.

Creative Apparel, Associates, Belmont, Maine.

Creative Office Pavilion, Boston, Massachusetts.

Creative Office Seating, Philadelphia, Pennsylvania.

CYSI, Washington, D.C.

Danco Resource Group, Grand Rapids, Michigan.

Dehler Mfg. Co. Inc., Chicago, Illinois.

Delta Graphic, Inc., Chester, Virginia.

Direct Contract Associates, Inc., Springfield, Virginia.

EAC Integrated Furniture Solutions, St. Louis, Missouri.

Economy Office Furniture, Fresno, California.

Eckadams, Ewing, New Jersey.

Executive Office Concepts, Compton, California.

FHB Byde Company, East Lansing, Michigan.

Facilities Plus, Inc., Cincinnati, Ohio.

Fixtures Furniture, Kansas City, Missouri

Flex-Y-Plan Industries, Inc., Fairview, Pennsylvania.

Foldcraft Co., Kenyon, Minnesota.

Furniture Group Industries, Inc., Fridley, Minnesota.

Furniture Source, Hendersonville, Tennessee.

Future Media Products, Inc., Orlando, Florida.

G & T Industries, Inc., Grand Rapids, Michigan.

G/M Business Interiors, San Bernardino, California.

Garrett Container Systems, Inc., Accident, Maryland.

Gasser Chair Co., Inc., Youngstown, Ohio.

General Engineering Service, Inc., Forest Park, Georgia.

GF Office Furniture, Ltd., Canfield, Ohio.

Girsberger Office Seating, Smithfield, North Carolina.

Global Industries, Inc., Marlton, New Jersey.

Glotzbach & Co., Manassas, Virginia.

The Glove Corporation, Alexandria, Indiana.

Goodmans, Inc., Phoenix, Arizona.

Grand Rapids Area Chamber of Commerce, Grand Rapids, Michigan.

Grand Rapids Area Furniture Manufacturers Association, Grand Rapids, Michigan.

Gregson Furniture, Liberty, North Carolina.

The Gunlocke Company, Wayland, New York.

Hard Copy Recycling, Longmont, Colorado.

Harter, Chicago, Illinois.

Haworth, Inc., Holland, Michigan.

Herman Miller, Inc., Zeeland, Michigan.

Holga, Inc., Van Nuys, California.

Hon Industries, Inc., Muscatine, Iowa.

Horace Small Apparel Company, Nashville, Tennessee.

Horn & Associates, Chicago, Illinois.

Howe Furniture Corporation, Trumbull, Connecticut.

Indiana Furniture Industries, Jasper, Indiana.

Industrial Fabrics Association International, Washington, D.C.

Industrial Safety Equipment Association, Arlington, Virginia.

Innospace, Inc., Arlington, Virginia.

Integra, Inc., Walworth, Wisconsin.

Interior Design Services, Inc., St. Petersburg, Florida.

Interior Dynamics, Troy, Michigan.

Interior Elements, Inc., Columbia, Maryland.

Interior Marketing Group, Belair, Maryland.

Interior Showplace, Honolulu, Hawaii.

International Hand Protection Association, Bethesda, Maryland.

International Interior Design Association, Chicago, Illinois.

Interstate Companies of Louisiana, Baton Rouge, Louisiana.

Inwood Office Furniture, Jasper, Indiana.

Ivan Allen Company, Huntsville, Alabama.

JG/ALMA, High Point, North Carolina.

Jopco, Inc., Jasper, Indiana.

Jones Vision Center, East Lansing, Michigan.

Keystate, Inc., Johnstown, Pennsylvania.

Kd Office Works, Hudson, New York.

Kimball International, Inc., Jasper, Indiana.

Kitchen Cabinet Manufacturers Association, Reston, Virginia.
Knoll, Inc., Pittsburgh, Pennsylvania.
Lancaster Office Equipment & Supplies, Lancaster, Pennsylvania.
Laser Junction, Inc., Grand Junction, Colorado.
Laser Point, Denver, Colorado.
Laser Re-Nu, Inc., Phoenix, Arizona.
Lazertronix, Inc., Englewood, Colorado.
La-Z-Boy, Inc., Monroe, Michigan.
Leather-Link, Inc., High Point, North Carolina.
Leathercraft, Inc., Conover, North Carolina.
Liberia Mfg. Corp., Abbotsford, Wisconsin.
Loth MBI, Cincinnati, Ohio.
Management Association for Private Photogrammetric Surveyors, Reston, Virginia.
Marvin J. Perry & Associates, Kensington, Maryland.
Mid-Michigan Stamps and Signs, Lansing, Michigan.
Machabee Office Environments, Las Vegas, Nevada.
Magna Design, Inc., Lynnwood, Washington.
Marco Co., Temecula, California.
Mark V Office Furniture Co., Philadelphia, Pennsylvania.
The Marvel Group, Chicago, Illinois.
Maryland Business Interiors, Beltsville, Maryland.
McAllister Office Pavilion, Calabasas Park, California.
McCormack Design, McLean, Virginia.
McLain Group, Lanham, Maryland.
McNichol Associates, Stevensville, Maryland.
Midwest Office Environments, Inc., Topeka, Kansas.
Meier and Associates, Murrieta, California.
Meyer and Lundahl Manufacturing, Pine, Arizona.
MVR (Military Veterans-Retired), Savannah, Georgia.
NATCO, Inc., Lanham, Maryland.
National Association of Manufacturers, Washington, D.C.
National Association of Uniform Manufacturers and Distributors, New York, New York.
Nello Wall Systems, Jessup, Maryland.
New Life Toner, Inc., San Antonio, Texas.
North West Woolen Mills, Woonsocket, Rhode Island.
Novikoff, Inc., Fort Worth, Texas.
Nucraft Furniture Co., Comstock Park, Michigan.
Office Concepts, Oklahoma City, Oklahoma.
Office Interiors America, Omaha, Nebraska.
Office Interiors Plus, Lancaster, California.
Office Pavilion, Washington, D.C.
Office Pavilion/Contract Furnishers of Hawaii, Honolulu, Hawaii.
Office Plus of Lake County, Waukegan, Illinois.
Omni International Inc, Vernon, Alabama.
Omnifics Inc, Alexandria, Virginia.
O'Brien Partition Co Inc, Kansas City, Missouri.
O'Sullivan Industries, Lamar, Missouri.
Panel Concepts Inc, Santa Ana, California.
Parker & Anderson, Manassas, Virginia.
The Pender Company, Abilene, Texas.
Performance Textiles Inc, Greensboro, North Carolina.
Power Plus Inc, Ormond Beach, Florida.
Progressive Technologies of America Inc, Chantilly, Virginia.
Propper International Inc, St. Louis, Missouri.
Quarters Furniture Manufacturer's Association, Columbia, Maryland.
R&R Uniforms, Nashville, Tennessee.
Rainbow Ink Jet LLC, Louisville, Colorado.
RCS Millwork Inc, Ankeny, Iowa.
Recycled Computer Cartridges, Loveland, Colorado.
Reesmar Sales & Millwork Corp, Hialeah, Florida.
Rosemount Office Systems, Lakeville, Minnesota.
Ryba's International, Hunt Valley, Maryland.
Salina Planing Mill Inc, Salina, Kansas.
Scott Rice of Kansas City Inc, Kansas City, Missouri.
Servicemax, Westminster, Colorado.
Sevea Staves, Clifton, Virginia.
Shelton Keller Group, Austin, Texas.
Small Business Association of Michigan, Lansing, Michigan.
Small Business Legislative Council, Washington, D.C.
Source International, Shrewsbury, Massachusetts.
Southwest Contract Sales, Eddy, Texas.
Star Fitness Center, Marshall, Michigan.
Steelcase Inc, Grand Rapids, Michigan.
Superior Recharge Systems Inc, Dallas, Texas.
Sweeper Metal Fabricators Corporation, Drumright, Oklahoma.
Syspro, Colorado Springs, Colorado.
3P5 Inc, Littleton, Colorado.
Tab Products Co, Palo Alto, California.
Technique Mfg. Inc, Hutchinson, Kansas.
Texas Association of Cartridge Remanufacturers (TACR), San Antonio, Texas.
TMI Systems Design Corp, Dickinson, North Dakota.
TR Manufacturing Inc, Lancaster, New York.
The Townsend Group, Lafayette, California.
Thomasville Office Furniture, Thomasville, Georgia.
Thosani Inc, West Berlin, New Jersey.
Transwall Corporation, West Chester, Pennsylvania.
Trendway Corporation, Holland, Michigan.
Trussbilt Inc, New Brighton, Minnesota.
Tulsa Office Furnishings, Tulsa, Oklahoma.
Tuohy Furniture Corporation, Chatfield, Minnesota.
UDI Corp, Springfield, Massachusetts.
U.S. Armor Corp, Santa Fe Springs, California.
U.S. Chamber of Commerce, Washington, D.C.
U.S. Hispanic Chamber of Commerce, Washington, D.C.
Valley Forge Flag Company Inc, Womelsdorf, Pennsylvania.
Vecta, Grand Prairie, Texas.
Versteel, Jasper, Indiana.
Vogel Peterson, Garden Grove, California.
Walsh Bros. Office Equipment, Phoenix, Arizona.
Washington Textile Environmental Council Gig Harbor, Washington.
Waters Corporation, Melbourne, Florida.
We Wood Co, New Providence, New Jersey.
Western Government Supply, San Francisco, California.
Westin-Nielsen Corporation, St. Paul, Minnesota.
Wiley Office Equipment Company, Springfield, Illinois.
William H. Prentice Inc, Buffalo, New York.
Word Data Furniture Systems Inc, Gaithersburg, Maryland.
Wyandot Seating, Bucyrus, Ohio.
Yorktowne Team Sports, Cockeysville, Maryland.

Mr. LEVIN. Finally, Mr. President, I want to just make reference to two examples, two Federal agencies that believe the current system is totally inefficient and wasteful.

First, the Veterans Administration has sought the repeal of the mandatory preference on several occasions because Federal Prison Industries pricing for textiles, furniture and other products is routinely higher. The VA officials estimate that the repeal of the preference will save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

Mr. President, the estimate that we have received based on testimony from the deputy director of Defense Logistics in a 1996 letter to the House of Representatives is that Federal Prison Industries has a 42-percent delinquency rate. This is the deputy commander of the Defense Logistics Agency. He says that FPI has a 42-percent delinquency rate compared to a 6-percent delinquency rate for commercial industry—7 times the delinquency rate. And for that record of poor performance, Federal Prison Industries prices were an average of 13 percent higher than commercial prices.

I yield 1 additional minute to complete my statement here, Mr. President.

Some years earlier, the DOD inspector general had made a similar assessment and reached a conclusion that FPI contracts were more expensive than contracts for comparable commercial products by an average of 15 percent.

So here you have the Defense Logistics Agency in 1996 saying that the prices were 13 percent higher than commercial prices. The DOD inspector general a few years earlier in a study said comparable commercial prices are 15 percent cheaper than Federal Prison Industries.

We are not suggesting in any way that Federal Prison Industries not be allowed to compete. Quite the opposite. It is fine that they compete, and it is fine that people are working. But it is also fine that people work on the outside and they should not lose their jobs on the outside when they can produce something more cheaply with all the advantages that people have on the inside in terms of cheap labor. If people working on the outside can produce a product more cheaply, for heaven's sake, it seems to me fundamental fairness is that the person not in prison be allowed to sell to his own Government a product that he can produce more cheaply than can be produced inside of that prison.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAMM. Mr. President, we have heard an interesting debate here about competition when there is no competition. I would like to remind my colleagues that prior to the Great Depression, we had the model prison labor system in America. Prior to the Great Depression, prisoners in America worked 10 hours a day 7 days a week. They paid for substantial parts of their incarceration by working. They produced goods and services that were sold, and people from all over the world came to look at our prison system to try to model theirs after it.

In the Great Depression, special interest groups took control of this issue and in three bills, the Hawes-Cooper Act of 1929, the Sumners-Ashurst Act of 1935, and the Walsh-Healey Act of 1936, we, No. 1, removed the interstate commerce protections for prison-made goods; No. 2, made illegal the interstate transportation of goods produced by prison labor; and, finally, we prohibited the use of inmate labor. In other words, in the Great Depression we criminalized prison labor in America. As a result, we have the absurd situation that today we have 1,100,000 prisoners, State and Federal, most of whom are young men, physically vigorous, on whom we are spending $22,000 a year to keep, those who are in the Federal penitentiary, in the Federal penitentiary, and yet it is illegal for us to require them to work when the average taxpayer pays $200 a year for the cost of keeping them in prison.

All these people who are talking about competition are the very people who oppose letting us have a system where prison labor works to produce something of value that can be sold to pay for their cost of incarceration. In fact, so much have we limited prison labor in America that the only thing Federal prisoners are allowed to do is to produce goods to sell to the Government, and, as a result, hundreds of thousands of them sit idle watching color television in air-conditioning while the back of working men and women in America is broken in paying for them to be in prison.

We have an amendment that comes along now and says the only work requirement we have is producing things for the Government and let us end it. All of this business about competition would be believable if there were a proposal here to let prison labor compete in the marketplace, but that has already been eliminated. This is a final effort to end prison labor in America.

Let me touch on a few of these issues. First of all, there is a big dispute about the facts here, a big dispute about the facts, which is why I have offered a second-degree amendment. If we listen to Senator LEVIN, we get the idea that everybody is unhappy with the products produced by prison labor, that they are noncompetitive in price, and that everybody would like to have an alternative.

The facts are that during fiscal year 1996, Federal Prison Industries received more than $446 million in waiver requests. These are Government agencies that say we do not want to use prisonmade goods. We want to go into the private sector. Of those requests, 92 percent or $410 million were granted, and those contracts went into the private sector. And the average amount of time that it took to get those requests approved was 4 days.

So something is wrong here. Either these figures from the Bureau of Prisons are wrong or Senator LEVIN is wrong. The problem is I have great confidence in both, and what I have done is offer an amendment to get the facts, to do a study that would involve the Bureau of Prisons and their work program and the Defense Department so that we can know exactly what the facts are.

Here is how the system works. The current system works in that the Government uses prison labor where the Government agrees on the price and where Government is given the ability to not use prison labor by applying for a waiver, and in 92 percent of the cases that waiver was granted.

What do we do with the money that comes from prison labor?

One of the things we do is we pay for victim restitution. By making prisoners work, we earn money that goes to victim restitution.

I ask unanimous consent that a letter opposing the Levin amendment from the National Victims Center be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL VICTIM CENTER
Arlington, VA, July 10, 1997.

Senator PHIL GRAMM,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMM: On behalf of the National Victim Center and the 40 million Americans victimized by crime each year, I write to express our strong opposition to Senator Carl Levin's amendment (S. Amdt. No. 778) to be offered to S. 936, the defense authorization bill, concerning purchases from federal prison industries.

This amendment raises a panoply of concerns at both the federal and state levels, and will literally take away desperately needed funds for victims of crime who are trying to piece their lives back together in the aftermath of violence.

At the state level, many states require a percentage of money deposited into inmate accounts—including inmate earnings from prison industries—to be collected to support statewide funds for crime victim assistance programs as well as to satisfy court-ordered restitution for victims. For example, in California, during fiscal 1995–1996, the state Prison Industry Authority (PIA) deducted 20% of the inmate wages and transfers (or the balance of victim restitution orders or court-ordered fines, whichever was less) to pay for crime victim assistance programs and restitution orders. The total PIA payroll for inmates during that year was $6.4 million 20% of which was authorized to be swept up by the State of California to assist crime victims. To take away those desperately needed victim assistance funds is a slap in the face of the already wounded.

At the federal level, we are deeply concerned that the Levin amendment would thwart the Federal Bureau of Prisons' (BOP) efforts to collect an estimated $4–5 million from prison industries each year, funds that are directly deposited to the Crime Victims Fund, money that funds thousands of victim services programs across the country, as well as used to satisfy victim restitution orders.

We also have strong concerns that removing the federal prison industries (sole-source) procurement requirement will lead to increased prison idleness, affecting security issues in prison and for all us. The Levin amendment, by introducing competitive bidding into the procurement process, will not increase prison work, but it will reduce prison work. The amendment poses too great a risk that prison industries will be unable to compete effectively. If the prison industries cannot compete, corrections systems will have less money coming into the prisons to fund expansion or additional prison programs including prison industries, leading to prison idleness and increased security risks.

Our concerns are shared by Aileen Adams, Director of Office for Victims of Crime; Larry Meachum, Director of the Corrections Office, Office of Justice Programs, Department of Justice; and Dr. Kathleen Hawk, Director, Federal Bureau of Prisons.

We strongly urge you to stand up for victims of crime and oppose the Levin Senate Amendment No. 778 to the defense authorization bill.

Sincerely yours,

DAVID BEATTY,
Director of Public Policy.

Mr. GRAMM. Let me read two paragraphs from this letter.

> On behalf of the National Victims Center and the 40 million Americans victimized by crime each year, I write to express our strong opposition to Senator CARL LEVIN's amendment . . .
>
> This amendment . . . will literally take away desperately needed funds for victims of crime who are trying to piece their lives back together in the aftermath of violence.

In other words, the money earned by having prisoners work we are using in part to compensate victims. And the National Victims Center is opposed to the Levin amendment because they are concerned about the loss of restitution.

Let me also remind my colleagues that working prisoners is critically important, and let me read you a couple of sentences from a letter we received from the Assistant Attorney General.

> Federal Prison Industries is the Bureau of Prisons' most important, efficient and cost-effective tool for managing inmates. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus, it is essential to the security of Federal prisons and the communities in which they are located and is essential to the safety of the Bureau of Prisons' staff and inmates.

They go on to say that the findings are overwhelming that where we make prisoners work and where they acquire skills in working, the probability that they will get out of prison and go back and commit other crimes falls dramatically.

I went through these numbers earlier today, but let me do it again. In the State of South Carolina, ably represented by the chairman of the Armed Services Committee, those prisoners who participate in work in prison industries have a probability of recommitting crimes that put them back in prison of 2 percent. Those who do not work in prison industries have a probability of ending up back in prison of 35 percent. Those numbers in Florida are an 11 percent recidivism rate, that is, probability of ending up back in prison again after they get out, for those who work in prison industries; 27 percent for those who do not. In Wisconsin, it is 11 percent versus 22 percent; in Kentucky, it is 36 versus 65 percent.

So, basically, this is not an issue of procurement efficiency. This is an issue of whether or not we are going to end the last vestige of prison labor in America. We ought to be debating opening up to allow prison labor to produce component parts, to manufacture items that we are currently importing, to produce things without glutting local markets and driving down prices.

We ought to have a goal of putting prisoners to work 10 hours a day, 6 days a week, with a goal of having them fund at least half of their cost of incarceration. That is what we ought to be debating. In fact, 2 years ago, we did debate it when I, as chairman of the subcommittee with jurisdiction over the appropriations for prisons, tried to make that change. And yet the same special interest groups, labor unions, and manufacturers, who today want to kill the last vestige of prison labor, said, "no," let the average taxpayer spend $200 a year keeping people in prison but don't let the inmates work and produce anything of value and sell it.

I think this is a ridiculous position to be in. I think it hurts our criminal justice system. I think it increases recidivism, where people get out of prison and they don't have the discipline of having worked, they don't have any skills, and they go out and recommit crimes.

So, what the Levin amendment would do is say let's stop prison labor so there is then nothing left of a system that once had virtually every person in prison working. I think this is a bad amendment. I have offered a second-degree amendment to get the facts, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COATS). Who yields time? The Senator from Michigan has 5 minutes 8 seconds.

Mr. LEVIN. I yield the 5 minutes 8 seconds to my dear colleague.

Mr. ABRAHAM. May I ask how much time is left on the other side?

The PRESIDING OFFICER. The Senator from Texas has exactly 1 minute remaining.

The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I want to be very explicit about both my position on the issue of prisoners working as well as what the intent of this amendment is that I am a cosponsor of. First of all, I believe prisoners should work. I am not for a no-work policy. I support many of the ideas that are embraced by the Senator from Texas in his previous efforts to expand the type of work that prisoners do.

Second, this amendment is not a prisoners-don't-work amendment. The only conditions where prisoners stop working would be if the Federal Prison Industries are operating at an uncompetitively high level of price for the products that they produce. If that is true, then what it means is that the taxpayers are subsidizing the work of the Federal Prison Industries by allowing that operation to basically function at an above-market cost.

If that is true, then the Senator from Texas should be on our side with respect to this amendment because it would mean that not only are the taxpayers paying for the costs of running prisons and the incarceration, it would mean they are also paying extra for these products that are manufactured in the prisons. They are paying both through the front door and through the back door. If our goal here is to not have the taxpayers continue to subsidize at such a significant level the efforts and activities of those in prison, it would seem to me the direction we are seeking to move makes a lot of sense because it will drive down the cost to the taxpayers of the goods and services produced by the Federal Prison Industries or by others who would compete with them. In fact, if we are going to go ahead and subsidize the work done in the prisons, at least we ought to take a step of subsidizing work that doesn't compete with that performed already by people in the private sector in this country.

All we are asking for with this amendment is a level playing field to allow manufacturers to compete with the Federal Prison Industries for Government contracts. I think it would be incongruous for us to go in a direction in which we would continue to subsidize, through taxpayer moneys, products that are overpriced. It just does not make sense. We talk here all the time about trying to save money. This is one way that we would, I think, generate the kind of lower cost of Government that we all profess to support.

My point is very simple. I am not opposed to the broad concepts that the Senator from Texas has outlined. I am very comfortable with them. I think prisoners should work. I think we should find ways to make the industries in the prisons focus on areas that do not compete with the private sector in our States. But what really is very hard for me to explain to my constituents is why they should send their tax dollars to Washington to then be spent in support of the Federal Prison Industries to buy the goods and the services of the prison industries, to then put them out of jobs. That seems to me to be the least sensible course for us to take.

So I strongly support this amendment. I have no trouble with the notion of getting more facts, but I think that really is just an effort to delay this.

I think we may have another speaker here, so I am going to yield the floor. I appreciate the efforts of those who are pressing for the Levin amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, Senator KEMPTHORNE has the remainder of our time. How much is that?

The PRESIDING OFFICER. The Senator from Idaho will have 1 minute 20 seconds.

Mr. KEMPTHORNE. Mr. President, I listened to the very good remarks of the Senator from Texas and I agree wholeheartedly with the Senator from Texas when he says we ought to open up Prison Industries to further opportunities. I will join the Senator from Texas in seeking every opportunity to do that, because prisoners should be working.

These prisoners that he referenced should not be sitting in the air-conditioned cells watching color TV all day with three square meals and everything else given to them while they are giving nothing back as far as contributing to society. So we should have these opportunities.

But the key word that is left out is competition. They ought to do it competitively. There is no reason in the world why we should have these jobs being done in the prisons and the product produced that then has to be subsidized. I think we have the intelligence within our prison management that we can have them produce that product but it can still be competitive in the marketplace. I know that is something the Senator from Texas understands, is good competition.

So I support the amendment offered by Senators LEVIN and ABRAHAM, and will support them, but will also look for those opportunities with the Senator from Texas to find ways of expanding Prison Industries so we can have more jobs among prisoners.

I yield the floor.

The PRESIDING OFFICER. All time under the control of the Senator from Michigan has expired. The Senator from Texas has 1 minute remaining.

Mr. GRAMM. Mr. President, let me first say I appreciate our colleague from Idaho. I don't doubt what he says is true. But as a person who has now fought for 13 years to change laws that prohibit prison labor, let me assure you that special interest groups in America are not about to let that happen. What we are about to do here in the name of good government is to end what little prison labor we have left.

It is true that it is inefficient to work prisoners. It is also true that we pay them virtually nothing. But with the money they get by working, they are able to pay restitution to victims, we are able to recoup some of our costs, and the bottom line is, whether we like it or we don't like it, we have 1,100,000 people in prison who basically have nothing to do because we have made it illegal for them to work. What this amendment is going to do is destroy the last Federal system where we are able to work prisoners in America. We hear all these horror stories, but the plain truth is the law requires that prisons do this competitively. We have a system where you can ask for waivers if you don't want to buy from prisons, and 92 percent of those waivers are granted.

What we are seeing here is not any protest from the Defense Department. We are seeing those who want to end this system so that they can expand their businesses. Those are good and noble objectives, but we want to work prisoners and we want to have restitution to people who are victims of crime. So I urge my colleagues to vote down this amendment.

The PRESIDING OFFICER. All time has expired on this amendment.

Under the previous unanimous consent agreement, the amendment will be temporarily set aside. The Senator from California, Senator BOXER, will be recognized to offer an amendment regarding the effect of executive compensation. The time is 1 hour 20 minutes equally divided in the usual form.

Mr. LEVIN. I wonder if the Senator from California will yield for a unanimous-consent request?

Mrs. BOXER. Yes.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Michael Franken, a legislative fellow in Senator KENNEDY's office, be granted the privilege of the floor during the remainder of the consideration of the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

Mr. KEMPTHORNE. Mr. President, if the Senator will withhold, I then ask unanimous consent that I be allowed to speak for up to 4 minutes.

Mrs. BOXER. I have no objection.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 644

Mr. KEMPTHORNE. Mr. President, I would just like to draw attention to something I think is very significant that happened last night among this body. That is, by a voice vote this Senate of the United States has continued to correct something in history that should have been corrected long ago.

As you know, in January of this year, seven Americans were recognized for their heroic efforts in World War II, but it had been 50 years before the Government acknowledged those heroic deeds and 50 years for those individuals to have to wait until they were given the Congressional Medal of Honor.

Senator CRAIG and I attended the White House ceremony in January of this year, where the names of those seven were announced. I say the names because they were not all there. In fact, the only living individual that was there was Vernon Baker, of St. Maries, ID, who was a lieutenant at the time in World War II.

The effort that we undertook yesterday, which was significant and which is cosponsored by Senators CRAIG, TORRICELLI, THOMAS, and ENZI, provides Lt. Vernon Baker and the surviving spouse and/or children of S. Sgt. Edward A. Carter, Jr. and Maj. Charles L. Thomas with the financial benefits normally given to recipients of the Congressional Medal of Honor. The other Medal of Honor recipients, S. Sgt. Ruben Rivers, 1st Lt. John R. Fox, Pfc. Willy F. James, Jr., and Pvt. George Watson were all killed in action performing acts of heroism and had no surviving family members.

All seven of these Americans, these seven who for 50 years the Government did not acknowledge their heroic acts by bestowing upon them the Congressional Medal of Honor, were African-Americans. No African-American had received the Congressional Medal of Honor in World War II. That has now been rectified; rightfully so.

At the ceremony, as they called the names of those individuals that had been killed in action, I remember what effect it had upon me that there was no living relative there to receive the award in their behalf. Then I realized, for those who were killed in action, many were so young, teenagers—each performing that act where he sacrificed his life—they didn't have time to be married and they certainly didn't have time, therefore, to have a family, raise a family. They sacrificed not only their own lives for their Nation, but they sacrificed the potential of a family for this Nation.

Mr. Vernon Baker is just a tremendous individual. To meet him is an honor. He is one of the most genuine people you will ever meet. His actions on the mountains of Italy taking strategic positions, repeatedly risking his life to save the lives of others, is really the essence of what this is all about. So, the amendment that we passed last night again simply states that those individuals will receive the stipend that goes to Congressional Medal of Honor winners after they retire from the military service. The history of World War II was not complete, and it was not correct, until these heroes were rightfully honored and the next step taken of providing them what they have earned through their bravery and the blood that they gave to this Nation.

That has now been corrected. History can now be complete and correct in this regard as to World War II.

Mr. President, I thank the Chair and I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Idaho leaves, I want to thank him for the leadership which he showed in bringing this amendment to the floor. It was the right thing to do. It was a sensitive thing to do, and as chairman of our Personnel Subcommittee where he does such tremendous work on the Armed Services Committee, he has shown these qualities in many, many ways before and will as long as he is in the Senate.

I think we are all in his debt for bringing to our attention the fact that these particular heroes had not been recognized in this way until last night, and it was because of Senator KEMPTHORNE's efforts that that recognition so long deserved was finally given. I know I am speaking for all the Members in this body in thanking him for that leadership.

Mr. KEMPTHORNE. I thank the Senator from Michigan for those kind remarks.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you. I was very pleased to yield to my friend from Idaho, and I appreciate his remarks.

AMENDMENT NO. 636

(Purpose: To amend title 10, United States Code, to make reimbursement of contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts and other contracts)

Mrs. BOXER. Mr. President, I call up amendment No. 636.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 636.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 804, and insert in lieu thereof the following:

SEC. 804. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF DEFENSE CONTRACTOR PERSONNEL PROHIBITED.

(a) EXCESSIVE COMPENSATION AS NOT ALLOWABLE AS CONTRACT COSTS.—Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation paid with respect to the services of any one individual, to the extent that the total amount of the compensation paid in a fiscal year exceeds the rate of pay provided by law for the President.".

(b) DEFINITIONS.—Subsection (l) of such section is amended by adding at the end the following:

"(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

"(P) Costs of compensation paid with respect to the services of any one individual, to the extent that the total amount of the compensation paid in a fiscal year exceeds the rate of pay provided by law for the President.".

(2) Such section is further amended by adding at the end the following:

"(m) OTHER DEFINITIONS.—In this section:

"(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am offering an amendment today, and I am very proud it is coauthored by the two Senators from Iowa, Senator GRASSLEY and Senator HARKIN. This amendment, I think, is a good-government amendment. It is, in many ways, a reform amendment, and it not only applies to the Defense Department but it would apply Governmentwide.

What we do is permanently cap taxpayer-funded compensation, in other words, taxpayers' funds that go to pay the salaries of contractors, at the same amount as the salary of the President of the United States.

I want to repeat that. Right now, because of loopholes in past amendments we have brought before the Senate, executives and companies who contract with this Government have no limit on what they can get from the Government. So taxpayers are funding salaries of $500,000 a year, $800,000 a year, $1 million a year. As a matter of fact, we have one report of one company which spread around $33 million in compensation to its executives.

This amendment will ensure that taxpayers are no longer forced to foot the bill for exorbitant salaries of contractor executives.

It is important to understand what the bill does not do. Our amendment does not limit the salaries of contractor executives. It only limits the taxpayer portion of their salaries. So if there is a contractor executive, whether it is defense or anywhere else in the Federal Government, who is contracting with the Federal Government, we are saying in 1 year, the maximum pay they can get from Federal taxpayers is equal to that pay of the President of the United States, or $200,000. But if they have business from the private sector and they want to pay their executive any level, that is fine with us. We are just saying no more than $200,000 a year for a contractor executive.

Our amendment has been endorsed by Taxpayers for Common Sense, and today I placed a letter on the desks of Senators. I want to read from it.

The letter goes to all Senators, and it says:

> Support the Boxer-Grassley-Harkin amendment. Taxpayers for Common Sense supports the Boxer-Grassley-Harkin amendment to the DOD authorization bill to limit taxpayer reimbursement for defense contractors executive compensation. Passage of this amendment would provide a consistent and uniform standard to defense contractors on executive compensation. Since Fiscal Year '95, the issue of executive pay has seen much legislative action. In '95, Congress limited the reimbursable compensation on some contracts. The DOD Appropriations Act of Fiscal Year '96 limited some compensation but only for the final third of the fiscal year.

And so what they say to us in this letter is that the GAO report revealed that one contractor paid its top executives more than $33 million in compensation over the $250,000 limit because there were loopholes within the legislation.

> Taxpayers for Common Sense urges all Members of the Senate to support the Boxer-Grassley-Harkin amendment to limit this compensation. It is a step toward fiscal responsibility.

Mr. President, we certainly know that one of our proudest accomplishments as a Congress is bringing down this Federal deficit, and we do it in many ways. One of the ways we have done it, frankly, is that we have been pretty tough on Federal pay. We have wonderful men and women working for the Federal Government, and many of them, doing the work of private sector executives and private sector workers, get much less. They love their jobs, they work hard, and they have had to make some sacrifices. But somehow, it seems to me, we ought to ask those who contract with the Federal Government to make a little sacrifice. Frankly, I don't think it is bad to get the same pay as the President of the United States. I think that is pretty good pay, and that is what the Boxer-Grassley-Harkin amendment does.

So Congress has, in fact, scrutinized this issue before. We have been outraged about it before, but we haven't resolved this problem. We keep passing limited caps, and they are not working. We took them as first good steps, but they were sporadic. We suspected their effectiveness would be very limited, and the GAO report confirmed our worst fears.

We already talked about one major contractor who paid its top executives more than $33 million over the then $250,000 limit. The GAO concluded that that particular billing was allowable because the 1995 cap had so many loopholes. In fact, less than 1 percent of all contracts were covered by the 1995 caps. It seems to me, as we look back on what we did, it sounded good, but it didn't work, and we tried to control executive pay for these contractors, but we didn't succeed. We believe that the Boxer-Grassley-Harkin amendment will close that loophole very, very clearly, and that is why we received support from Taxpayers for Common Sense. We need a clear and consistent uniform standard on executive compensation, and that is exactly what our amendment would do.

I commend the Senate Armed Services Committee for its good-faith effort to address this issue in the DOD authorization bill. The committee acknowledged that the current system doesn't work, and it wisely rejected an administration compensation proposal that would continue to permit millions of dollars for executive pay. However, I suggest that the committee's approach, while moving in the right direction, doesn't go far enough.

The committee proposal would limit reimbursable compensation to the medium level of pay for all senior executives at large public companies. I don't think we should tie the pay of executives who get paid by taxpayers to the pay of executives who get paid in the private sector. Where is the common sense on that? I think we are going to hear arguments such as, "Well, these Federal contractors are not Federal employees; after all, they could go to a private sector company." Fine, so could Federal employees. That is no argument. This is about taxpayer money, Mr. President. This is about fiscal discipline. This is about trying to balance the budget and not doing it on the backs of just one group of people. This isn't right. The sacrifices have to be shared.

So the committee proposal sets what they call reasonable executive compensation through a formula based on the salaries of other wealthy private sector executives. I just think that is a faulty approach, and it is business as usual.

It makes more sense to use public sector salaries, Federal Government salaries to set the compensation from taxpayers. After all, for their work on Government projects, contractors become, in effect, Government employees, and I can't imagine how we could rationalize paying them more than the President of the United States.

A second problem with the committee proposal is that it is limited to the five highest ranking executives of each contractor. First, it has a level of pay that is way more—way more—than the President of the United States and, second, it places no limits on the other senior executives, just five in each contractor. So there are ways to get around it.

Under the committee bill, a high ranking executive could continue to bill multimillion-dollar salaries and bonuses to the taxpayer if he or she was not named as one of the five most senior at the company. You can see that game being played.

Our amendment is simple, it is clear. It says in one fiscal year, taxpayers can't pay a salary higher to the contractor than it pays to the President of the United States. I think that is a pretty good linkage for these contractors to be hooked to the salary of the President of the United States.

Again, we don't limit the total an executive can make, only the total they can make from taxpayers. If there are two sides to their business and they are working for taxpayers and they have other projects, they can get paid whatever the company decides to pay them, but not the portion from the taxpayers.

I am very proud to be working with my friend, Senator GRASSLEY. When I was in the House and he came over to the Senate, he and I teamed up on many occasions on procurement reform. We worked together on spare parts that were costing a fortune, those days of the $7,000 coffee pots and the $400 hammers and the $600 toilet seats. We worked very hard on those issues. We worked very hard to stamp out taxpayer fraud.

So it is just with great joy that I work with him, again, on this. I think it is a good, solid amendment. We are proud of the support we are getting. I yield as much time as he might consume to my friend, the Senator from Iowa [Senator GRASSLEY].

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank you very much. I ask if the Presiding Officer would remind me when I have used 20 minutes so I don't use too much time.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a member of my staff, Mr. Charles H. Murphy, be granted privilege of the floor during consideration of this defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I am proud to cosponsor this amendment with my friend from California, Senator BOXER. Over the years, as she has already indicated, we have worked together as a watchdog of the Pentagon, and being a watchdog of that agency is not an easy job. Whether Republicans or Democrats are running this place, it is always tough when we tangle with the Pentagon. It is not a very popular thing to do.

Senator BOXER has always been a reliable person to fight to get the most bang for the taxpayers' dollars in defense. And I compliment her on that.

In today's political environment, reliable defense reform allies are hard to come by. They are somewhat of an endangered species today compared to 10 years ago. Organizations like the Center for Strategic and Budget Assessments used to support our cause. Not anymore. That organization is now bankrolled by the industry and by the Defense Department itself. So we are kind of teaming up with less outside support than we have had in the past. But we still have the same challenges to meet, and we are going to meet those.

So I am happy to once again team up with Senator BOXER, this time on a specific provision, very targeted, very easy to understand, but one that is very important that we accomplish. That is the executive compensation issue. We worked together on this in years past. And I am glad to do it. We have also my colleague from Iowa, Senator HARKIN, as a cosponsor. I am glad to have him on board as well. So this is very much a team effort.

Mr. President, there are four separate executive compensation caps in law today.

I have a table that provides details on each of these caps.

I ask unanimous consent that that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RELEVANT DOD COMPENSATION CAPS PROVIDED IN LAW

Fiscal year	Act	Cap	type contract	Compensation	FAR/DFARS reference
1995	Approp.	$250,000	DOD	Undefined (applied to total)	DFARS 231.205–6 (a)(2)(i)(A).
1996	Approp.	$250,000	DOD	Undefined (applied to total)	DFARS 231.205–6 (a)(2)(i)(B).
1997	Approp.	$250,000	DOD	Undefined (applied to wages + elective deferrals)	DFARS 231.205–6 (a)(2)(ii).
1997	Auth.	$250,000	DOD and civilian	Wages + elective deferrals	DFARS 231.205–6 (p)[1] FAC 90–45.

[1] FY97 FAR interim rule applies to top 5 senior officers.

Mr. GRASSLEY. The Armed Services Committee is trying very hard in this legislation to blow the lid right off the caps with section 804 of the bill. The committee wants to reach deeper into the taxpayers' pockets by doing this. I do not understand why, and I want to know why. What is the basis for the decision? I know during this debate we are going to find that out. I know sincere people on the other side of the aisle are going to tell us the justification for it, but I want to tell my colleagues why I think the legislation is wrong.

Because before we give executives a pay raise, we should know how much public money they get in the first place. That is where this debate should begin. That is taking us right back to square one. We cannot figure out where we need to go until we know where we are. And we do not know where we are on this subject of executive pay.

The committee made the decision to lift the caps and, I think, without the facts. The committee needs to answer a key question. How much is the Department of Defense paying industry executives today? The committee does not have the answer to that question.

Back in January, Senator BOXER and I tried to get that answer. We asked the General Accounting Office to answer three questions. How much is the Pentagon paying the top 50 industry executives today? How well are the caps working?

I ask unanimous consent that our letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 28, 1997.

Mr. JAMES F. HINCHMAN,
Acting Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. HINCHMAN: We are writing to request specific information on executive compensation provided under Department of Defense (DOD) contracts.

On April 28, 1995, we asked the Inspector General, Ms. Eleanor Hill, for specific information on payments to Lockheed-Martin executives following the merger of these two industry giants. We wanted to know exactly how much each executive would get under the merger deal. Finally, on June 14, 1996, after repeated requests and the passage of over a year's time, we received a partial but unsatisfactory response to our question. It does not provide the specifics we requested.

A copy of her response is attached for your information.

We have two concerns about Ms. Hill's response.

First, she reports that Lockheed Martin Corporation maintains that individual compensation data is "confidential proprietary and management sensitive," and she agrees. We agree that a company's internal pay structure should be treated as sensitive, propriety information—if that is company policy. However, when money is drawn from the U.S. Treasury to pay certain industry executives, those payments should not be drawn under that protective cover. A private company should never be allowed to take public money specifically earmarked for executive pay and stamp it "proprietary." If these individuals are on the public payroll, then the citizens of this country have a right to know how much of their tax money each one is receiving.

Second, we were also told that the $16.3 million paid to the Martin Marietta executives was not salary. These are retirement benefits. We were told that their salaries were paid out of another "DOD pool of money." How many pools of money does DOD have for the corporate executives? We need to know. We need a complete and accurate accounting that tells us exactly how the department goes about paying these executives all this money.

Toward that end, we ask that you tell us exactly how much the department paid to the top 50 defense industry executives during calendar year 1996.

For each executive, we ask for the full name, title and employer, and the total compensation received from DOD, including salary, bonuses, and other incentives and benefits, from all sources. If commercial or foreign military sales dollars are involved, those should also be reflected in the requested totals.

An interim response is requested by March 1, 1997.

Your cooperation in this matter would be appreciated.

Sincerely,

Charles E. Grassley,
U.S. Senator.
Barbara Boxer,
U.S. Senator.

Mr. GRASSLEY. We need the answers to these questions, and the answers are not easy to get. We got some answers in June, but not the answers that we expected, Mr. President. The General Accounting Office reports the caps are having "no significant effect on limiting executive compensation."

The General Accounting Office did take a close look at one company, McDonnell Douglas. The top executives at McDonnell Douglas got $33 million over and above the $250,000 cap that is in law. That is, of course, all from the U.S. Treasury and all for 1 year. Only $313,000 of the McDonnell Douglas executive pay—that is less than 1 percent—was blocked or affected by the cap.

I ask unanimous consent that that General Accounting Office report be printed in the Record so my colleagues can read it for themselves and not just take my word for it.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. General Accounting Office
Washington, DC, July 8, 1997.

Hon. Barbara Boxer,
Hon. Charles E. Grassley,
Hon. Tom Harkin,
U.S. Senate.

Subject: Impact of legislative compensation caps on DOD contracts.

In response to your request, we have developed information on the extent to which legislative caps have affected executive compensation allowable under Department of Defense (DOD) contracts. Specifically, we obtained compensation costs from the Defense Contract Audit Agency (DCAA) for McDonnell Douglas Corporation for 1995, the latest year of a completed DCAA incurred cost audit. We also obtained from DCAA nine other contractors' estimates of the impact of legislative compensation caps on their companies. On June 3, 1997, we briefed your staff on the results of our work. This report summarizes the information provided at that briefing.

BACKGROUND

The Congress has placed various limitations on the amount of compensation costs that may be allowed on defense contracts.

The fiscal year 1995 DOD Appropriations Act (P.L. 103-335) provided that "After April 15, 1995, none of the funds provided in this act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year."

The fiscal year 1996 DOD Appropriations Act (P.L. 104-61) provided that, "None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $200,000 per year after July 1, 1996 . . ."

The fiscal year 1997 DOD Appropriations Act (P.L. 104-208) provided that, "None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year."[1]

RESULTS IN BRIEF

The information we collected on McDonnell Douglas Corporation and nine other contractors indicated that the compensation cap imposed on DOD contractors for fiscal year 1995, had no significant effect on limiting executive compensation charged to defense contracts for 1995. For McDonnell Douglas Corporation, which had about $33.7 million in executive compensation in excess of $250,000, only about $313,000, or less than 1 percent, is estimated to be limited by the fiscal year 1995 compensation cap. Estimates by the nine other defense contractors of excess compensation costs subject to the fiscal year 1995 compensation cap range from 0.14 to 3 percent. The limited impact of the legislative compensation cap was primarily due to the short period the cap was in effect during 1995 (5½ months) and the small amount of costs associated with new contracts entered into during this period using fiscal year 1995 appropriations.

For some of the same reasons, the amount of executive compensation charged to defense contracts in fiscal year 1996 will not be significantly affected, although the amount determined to be unallowable will increase because both the fiscal year 1995 and 1996 limitations were in effect. McDonnell Douglas Corporation estimates that only about 3 percent of 1996 executive compensation in excess of the cap will be subject to the fiscal year 1995 and 1996 compensation caps. Aggregated data on the effect of the 1997 cap was not available at the time of our review. Enclosure I contains more information on our findings.

AGENCY COMMENTS AND OUR EVALUATION

DOD provided written comments on a draft of this report. DOD took no exception to the information provided in the report regarding the allowable cost impact of the statutory compensation caps. However, it commented on the substantial administrative burden imposed on both DOD personnel and defense contractors by the inconsistencies between the four different compensation caps enacted by the Congress over the past 3 years.

The nature and extent of the administrative burden was not the focus of our review. However, DOD identifies a pertinent issue. Generally speaking, it seems reasonable that more consistent treatment of compensation caps could ease implementation problems. DOD's comments are provided in enclosure II.

We are providing copies of this correspondence to the Secretary of Defense, the Director of the Office of Management and Budget, and other appropriate congressional committees and members. We will also make copies available to others on request.

Please contact me at (202) 512-4587 if you or your staff have any questions concerning this briefing report. Major contributors to this report are Charles W. Thompson and Robert D. Spence.

David E. Cooper,
Associate Director,
Defense Acquisitions Issues.

PERCENT OF MDC EXCESS COMPENSATION COVERED BY CAP IN FISCAL YEAR 1995

	Total compensation in excess of $250,000	DCAA and contractor estimates of amounts in excess of $250,000 subject to FY 1995 compensation cap	Percent subject to cap
Headquarters office	$13,365,275	[1] $178,855	1.34
Headquarters and component offices	33,748,375	[2] 313,090	[3] 0.93

[1] Defense Contract Audit Agency (DCAA) recommended this amount based on the results of its audit.

[2] MDC components voluntarily removed this amount from overhead cost submittals (subject to DCAA audit).

[3] MDC estimates the percentage for 1996 to be less than 3 percent.

MDC 1995 compensation for top five executives

Executive[1]	*Amount*[2]
1	$4,012,833
2	3,920,559
3	2,383,974
4	2,303,713
5	2,238,966
Total	14,860,045

[1] Because these amounts differ from Securities and Exchange Commission filings, MDC requested that the names of the executives not be disclosed.

[2] These amounts represent compensation as defined by the FAR and differ from compensation reported in Securities and Exchange Commission filings.

---

[1] A statutory compensation limitation was also imposed by the Fiscal Year 1997 National Defense Authorization Act (P.L. 104-201) on both DOD and civilian government agencies, but this limitation affected fewer executives than that imposed by the Fiscal Year 1997 DOD Appropriations Act.

Other contractor estimates of excess compensation covered by cap in 1995

Contractor	*Percent of excess compensation subject to cap*
A	0.33
B	1.50
C	3.00
D	0.14
E	2.00
F	0.67
G	1.67
H	1.20
I	2.00

MDC ALLOCATION OF COMPENSATION TO COMPONENTS—TOP FIVE EXECUTIVES

Executive	Total compensation for application of compensation cap	Total compensation >$250,000	Amounts allocated to components with DOD contracts
1	$4,012,833	$3,762,833	$2,713,308
2	3,920,559	3,670,559	2,646,773
3	2,383,974	2,133,974	2,046,481
4	2,303,713	2,053,713	1,833,604
5	2,238,966	1,988,966	33,216
Total	14,860,045	13,610,045	9,273,382

Mr. GRASSLEY. One of the General Accounting Office tables shows how much the Department of Defense paid the top executives at McDonnell Douglas. The Department of Defense paid them a total of $9,273,382. The top executive got $2,713,308. And I have the chart here so that you can see that the cap is $250,000. We have the executive that I just referred to as executive No. 1, because obviously we are not here to embarrass anybody. It is proprietary information. The name does not matter, but the point is, executive No. 1 got paid $2.7 million; executive No. 2 got paid $2,646,773; the third executive got paid $2,046,481; and the fourth executive got paid $1,833,604—all when there is a cap of $250,000.

So that cap was designed to limit the size of the Department of Defense paycheck that was sent to McDonnell Douglas for executive pay, and yet we find the cap did not work.

Now, every citizen would like to get a paycheck like this from Uncle Sam. This chart shows so obviously I do not even need to say it that the existing caps are not working very well.

In fact, you would have to say they are leaking like a sieve. They are riddled with loopholes the size you can drive a Mack truck through. Maybe they were not meant to be that way. Maybe this was just a big game that somebody is playing with the taxpayers. But we should not be playing these games. And if these caps are not going to work, they should not be in the law. That is what the committee would rather have. I say they ought to be in the law, and I say they ought to work. If the caps are being busted with regularity, we are here to fix them, and that is what the Boxer-Grassley-Harkin amendment is all about.

Is the problem unique with McDonnell Douglas or are the caps leaking everywhere? We do not know. The Department of Defense does not know. The committee does not know. And, of course, to the taxpayers of this country, that is just not acceptable. It happens to be the same old story. The Department of Defense is paying bills for services rendered, but it does not know what the services cost.

How could the Department of Defense watchdog the caps if it does not know what each executive gets? There are a lot of questions, and there are no answers.

Mr. President, the Department of Defense has a responsibility to the taxpayers to answer four questions that I am going to bring out. First, how much does it pay out each year for executive compensation? Secondly, how many executives receive those payments? What are their names? And how much does each one get?

I asked the Department of Defense these questions on June 20, 1997. The Department of Defense response came back 4 days later, June 21 of this year. And guess what the answer is? The Department of Defense does not collect that kind of information. The Department of Defense does not have it.

I ask unanimous consent to have printed in the RECORD those letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 20, 1997.

Mr. LAWRENCE P. UHLFELDER,
Assistant Director for Policy and Plans, Defense Contract Audit Agency, Fort Belvoir, VA.

DEAR MR. UHLFELDER: I am writing to follow up on a question my staff raised with you this morning regarding executive compensation.

In order to prepare for the upcoming debate on the defense authorization bill, I would like to know how much the Department of Defense pays out each year to defense industry to cover the costs of executive compensation. What is the total estimated annual cost of those payments? How many executives would be covered by such payments? How many companies would receive those payments? Is this information readily available, or is it very difficult to obtain? If so, why? A ballpark estimate will be acceptable—if that's the best you can do on short notice.

A response to these questions is requested by June 24, 1997.

Your cooperation in this matter would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

DEFENSE CONTRACT AUDIT AGENCY,
Fort Belvoir, VA, June 24, 1997.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC

DEAR SENATOR GRASSLEY: In your June 20, 1997 letter to me you asked the following questions:

How much does the Department of Defense (DoD) pay out each year to the defense industry to cover the costs of executive compensation?

What is the total estimated annual cost of those payments?

How many executives are covered by such payments?

How many companies receive those payments?

Defense Contract Audit Agency (DCAA) does not accumulate statistics on the overall compensation paid to DoD contractor executives or on any other individual element of overhead because such statistics are unnecessary to determine cost allowability under the Federal Acquisition Regulation (FAR). The FAR specifies that certain types of compensation costs are expressly unallowable; e.g., stock options, stock appreciation rights, and golden parachutes. These unallowable types of compensation are never paid by DoD and are not considered in judging reasonableness of compensation levels. The FAR criteria for evaluating reasonableness of executive compensation follows:

"Among others, factors which may be relevant include general conformity with the compensation practices of other firms of the same size, the compensation practices of other firms in the same industry, the compensation practices of firms in the same geographic area, *the compensation practices of firms engaged in predominantly non-Government work*, and the cost of comparable services obtainable from outside sources. The appropriate factors for evaluating the reasonableness of compensation depend on the degree to which those factors are representative of the labor market for the job being evaluated. *The relative significance of factors will vary according to circumstances.*" (Emphasis added.)

Since the determination of the reasonableness of compensation costs requires a case-by-case assessment of many factors, it would serve no useful purpose to routinely gather DoD-wide data. Accumulating DoD-wide statistics would be time-consuming and expensive because the precise dollar reimbursement for each contractor is dependent upon many company specific factors including:

The percentage of government business at each contractor segment.

The mix of contract types (fixed price, cost-type, flexibly priced) at each segment.

The status of contracts (e.g., salaries allocated to contracts which have costs exceeding a ceiling price would not be reimbursed).

The varying number of personnel that might be considered "executives" by each contractor.

The value of contracts subject to the compensation caps included in recent DoD Appropriation and Authorization Acts.

Another key reason for not routinely gathering DoD-wide compensation data is the FAR specifically requires comparison of compensation levels of firms engaged in predominately non-government work. DCAA uses commercial compensation surveys that include companies engaged in non-government work. Attached are letters to Dr. Steven Kelman, Administrator, Office of Federal Procurement Policy and Mr. Peter Levine, Counsel, Senate Armed Services Committee, that show various average and median executive compensation levels based on a commercial survey.

In sum, the routine gathering of DoD-wide compensation statistics would be costly and not add value to the audit process. Because we do not gather this data, we are unable to answer your questions on such short notice. If you or your staff have any additional questions, please call me at (703) 767–3280.

Sincerely,

LAWRENCE P. UHLFELDER,
Assistant Director,
Policy and Plans.

Mr. GRASSLEY. Mr. President, maybe the Department of Defense does not want to know the answer. The size of those paychecks might be embarrassing to the Department. Then again, maybe the Department of Defense does know. I suspect that they do know. I think there is a secret list hidden in someone's safe over at the Pentagon somewhere with this information.

I have an audit report that tells me that the Department of Defense may know. This is a Defense Contracting Audit Agency report entitled "Audit of Corporate Offices, Overhead Expenses 1995." Here it is. It is dated March 31 of this year.

Now, Mr. President, I would like to place this report in the RECORD, but I have been warned that it may contain proprietary company information so I am not going to do that. It tells me exactly who is on the Department of Defense payroll at McDonnell Douglas and how much each person gets.

There must be reports like this on other companies as well. Taken together, all these reports would give us the information that we need. These executives are on the public payroll. They take public money. The public should know who they are and how much they get. A company has no right to take public money earmarked for executive pay and stamp it "proprietary and confidential."

Strictly, that is Pentagon baloney. That is something that if somebody here on the Senate floor tries to justify, then it becomes Senate baloney as far as I am concerned. The Congress has the responsibility to obtain that information.

There are two ways to get it. We could put a provision in the bill. It would call for a one-time report.

I have an amendment, No. 603, that would get that information we need, or the committee, hopefully, is interested in this information, letting the Sun shine in. Where the Sun shines in on Government business, there is never going to be any mold, Mr. President. As an oversight responsibility for the taxpayers, I hope that the committee would be interested in requesting that information, not by my amendment, but simply a letter sent to the Department of Defense to get that information. I would hope that the committee would be willing to send such a letter. Then the committee would hopefully be willing to share this information to the taxpayers of this country.

I do not think that we should lift that cap without this information. The bill lifts that cap. If the caps are not working, then we should plug the leaks. And, of course, the Grassley-Boxer-Harkin legislation plugs those leaks so that you do not have a situation like this, a cap at $250,000 meant to restrict pay, but you have one executive with $2.7 million, a second executive with $2.6 million, a third executive with $2.0 million, and a fourth executive with $1.8 million.

So I think we have made a case, first of all, that what we have done has not worked. What we are going to do now should work. And the Boxer-Grassley amendment does that.

I yield the floor and reserve the balance of the time for our side.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Mr. President, I am controlling the time for the majority on this.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I yield myself such time as I may consume.

Let me just say first in response to the Senator from Iowa's comments about the compensation levels of certain executives, No. 1, the Grassley previous amendment only applied to cost-type contracts; it did not apply to fixed-price contracts. When you negotiate a contract and say, here is the price we are going to pay you, it is a fixed price, and you produce the product for this price, we do not really care who you pay or how much you pay, just as long as you give us the product at this price. So they can pay their executives anything out of that as long as they deliver the product as per the price.

Also these companies that have been listed by the Senator from Iowa, many have very large and substantial commercial entities who are not limited at all to what they pay their executives on that. So to suggest that there is some error here, some problem here, I just do not think is accurate. I think it is accurate to suggest that this approach does not work and is wrong, and I will go through as to why I believe it is. But to suggest that there is something funny going on here, I think is simply not accurate.

Let me first start by saying what the Subcommittee on Acquisition and Technology did when it was presented with this issue. Last year, in the authorization bill, we requested the administration to come up with a suggestion on how to deal with this issue because the Congress every year seems to deal with this issue of setting levels of caps on compensation for, quote, "executives."

The administration came back with a suggestion. The suggestion had four parts. No. 1 was to limit the reimbursement of senior executive salaries to the median salary of executives in companies of similar size. Now, what does that mean? They take the large corporations and they figure out—they take the median salary of the large corporations, then the medium size and the small, and they have different compensation levels. The problem with that is that the committee saw that for some corporations, the large ones, the average median compensation was $4 million. To set a cost cap at $4 million does not appear to be much of a cost cap, even to this Member who does not particularly agree with the Senator from Iowa on compensation levels.

So we decided to go back and relook at that. They did do some things that we adopted. No. 1, they defined executive compensation, which had not been done before, and we have adopted that definition in the committee's mark. I believe the Grassley-Boxer or Boxer-Grassley amendment adopted that definition of compensation. So on that we agree.

We also disagree on the people that it should apply to. The administration has suggested just the top five most highly paid executives of the contractors should be limited here. The Boxer-Grassley amendment covers everybody. I will explain later why I think that is a problem.

Senator LIEBERMAN and I, the ranking member on the subcommittee, worked on what we thought was a compromise, something that was workable and took care of the concerns that I will enumerate in a few minutes. The compromise was to take the median salary of all companies who have sales over $50 million. So if you have sales over $50 million and you take the median salary from those executives, we came with a figure of $340,000. So $340,000 would be the cap under ours. Now the administration opposes this cap. The administration believes this is too low. Now, what Senator BOXER and Senator GRASSLEY are suggesting is even going below what the administration believes is too low. But we believe this is a reasonable level to go.

Now, why? Let me just explain what I believe is sort of the reality of what this amendment is. This is a huge antismall business amendment. Why? As you saw from Senator GRASSLEY's chart, the big corporations do not have any problem paying their executives, particularly ones that are diversified, because they have price-type contracts, they have commercial business, so they can pay their executives from a variety of sources. The folks that really get nailed by this are the small businesses who do primarily defense work. They are the ones whose compensation is effectively capped at the level we set here.

You say, what is the big deal? The big deal is these small businesses are in a very competitive industry and, yes, they are competing for high-priced talent, not just in managerial, and we limit it to managerial, the top five executives—but they compete even more fervently. Remember, what are we moving to in the Defense Department?

We want high technology. We are drawing down our defense. We hope to be investing more and more into high technology. We want our vendors to be more efficient, more high technology.

I will read from the Information Technology Association, what they suggest this amendment will do to, I believe, small contractors in particular, and I will quote from a July 2 letter from the Information Technology Association of America to the Chairman, STROM THURMOND.

> It will limit the government's ability to contract for personnel with specialty technology skills. A recently completed Information Technology Association of America study found that there are approximately 190,000 unfilled technology positions nationwide, with almost 20,000 unfilled positions just in the Washington metropolitan area. The shortage is even more acute for people with cutting edge skills who command far more than $200,000 in wage and benefits in the marketplace.

What I am suggesting here that this amendment will do is it will not hurt McDonnell Douglas, it will not hurt Boeing, it will hurt the local organization in your community, the small business who is competing for defense contracting work, trying to get the best technology available, the highly skilled people who are in very competitive prices, and they will not be able to employ them. They will not be able to keep them. I am surprised some of the big businesses do not love this, that they are not supporting the Grassley-Boxer amendment. This is a boon to big business because it lets them cherry pick all these skilled people to employ them at their business because the small contractors simply cannot do it under this amendment.

Now we improve things a little bit. We allow them to go up to $340,000. You hear $200,000 is the salary of the President. Well, $200,000 is about one-quarter what a shortstop hitting .190 for the Baltimore Orioles makes. If we are going to compare worth here, who is more important to the future of our country—someone who will redesign the air traffic control system in this country to make it safer and use the high technology and the skills they have, or someone hitting .190 for the Pirates? I think the answer is pretty clear. But on this floor, they are saying that guy hitting .190, we can pay him anything we want, but the guy who has high technology skills, the guy who has the skills that can add to the national security of this country, we cannot have. They will go off to Hollywood and make movies. That is where they go. They go to Hollywood and they make action pictures instead of redesigning systems to make our Nation more secure for the future.

This is an unwise piece of legislation. This really does strike at the core of what the future is for our country. I will be honest. I frankly do not care if the CEO's of some companies do not make a lot of money. What I do care about is that we have the scientific expertise employed in the defense industry to move our country forward, to stay ahead. This amendment will hurt national security. This amendment will limit our ability to get the best and the brightest into the defense industry and keep them there, particularly for the small entrepreneurial companies and the small companies that get involved in the defense industry. So this hurts national security. It devastates small business' ability to compete. Just for those two reasons alone we should be against this amendment.

I hope we do not get blinded by what appears to be populist. It looks populist to say we should only pay certain people who get paid from the Government a certain amount of money, except for the fact that when you do that, you lose good people and you hurt small business, both of which are vital to the national security of this country.

I reserve the balance of my time.

Mrs. BOXER. Mr. President, it was interesting to see the Senator from Pennsylvania get very emotional about the fact that we would—Senator GRASSLEY and I and Senator HARKIN—limit the taxpayer payments to individual executives who are Federal contractors to the pay of the President of the United States.

First of all, I am not sure he understands our amendment. We only limit the taxpayer portion of their pay. If they work in the private sector, that is up to the shareholders to determine, No. 1.

No. 2, the Senator from Pennsylvania says, "My God, if we cannot get these executives into these defense firms, these high-paid executives, our national security is at stake. We better pay them more, much more than the President of the United States." Let me just say, what about the Chairman of the Joint Chiefs of Staff? He is a Federal employee. I do not hear people coming in here and recommending that his pay be raised. What about the person who is the head of the FAA? What about the air traffic controllers?

We have people in the Federal Government who risk life and limb, but we are here today hearing the committee defend executives in fancy offices in big firms who contract with the Federal Government.

I ask the Senator from Iowa a question.

Mr. SANTORUM. Will the Senator yield?

Mrs. BOXER. I am happy to yield on the time of the Senator from Pennsylvania.

Mr. SANTORUM. I am happy to take it off my time.

Does your amendment limit the cap just to executives?

Mrs. BOXER. Executive pay.

Mr. SANTORUM. Your amendment limits it just to executives?

Mrs. BOXER. It is any contractor.

Mr. SANTORUM. It does not limit just to executives?

Mrs. BOXER. Let me just say, since it is a $200,000 cap, it is hard to imagine line workers making that much, but it affects anyone who is working for the Federal Government as a contractor.

Mr. SANTORUM. Again I ask the question, does it apply to people who are scientists, who, as the Information Technology Association of America said, people with highly technical skills? Do they apply to this cap?

Mrs. BOXER. Anyone who contracts with the Federal Government—let me finish—would be limited——

Mr. SANTORUM. The answer is yes.

Mrs. BOXER. Limited to receive in 1 year the amount that the President of the United States receives from taxpayers, but it could be unlimited if they have private sector work. We do not take on their entire pay. That is up to the shareholders of the company.

Mr. SANTORUM. Is the Senator aware there are many businesses that contract with defense and other Government agencies that do primarily, almost exclusively, Government work? Are you aware that there are many companies involved that do that?

Mrs. BOXER. I say to my colleague, I have visited companies all over California, many of whom do nearly 90 percent of their work with the Federal Government, but that is their option, just as it is the option of someone who works for the Federal Government to work for the private sector.

Mr. SANTORUM. You then accept the fact that by limiting the compensation to everybody, particularly those firms that do 90 or even more percentage of their work with the Federal Government, you in effect put a salary cap on everybody at that firm, even the scientists, who they have to go out and compete for?

Mrs. BOXER. We are capping the amount of Federal taxpayer payments to one individual, to that of the President of the United States, that is correct.

Mr. SANTORUM. The answer is yes.

I yield the floor.

Mrs. BOXER. Mr. President, on my time, I ask the Senator from Iowa a question.

As my friend noted in his opening statement, the GAO did a study and this study was astounding.

I ask unanimous consent to have this printed in the RECORD, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GAO/MDC 1995 COMPENSATION FOR TOP FIVE EXECUTIVES

Executive[1]	Amount[2]
1	$4,012,833

GAO/MDC 1995 COMPENSATION FOR TOP FIVE EXECUTIVES—Continued

Executive[1]	Amount[2]
2	3,920,559
3	2,383,974
4	2,303,713
5	2,238,966
Total	14,860,045

[1] Because these amounts differ from Securities and Exchange Commission filings, MDC requested that the names of the executives not be disclosed.

[2] These amounts represent compensation as defined by the FAR and differ from compensation reported in Securities and Exchange Commission filings.

Mrs. BOXER. We thought we put a cap in place, I say to my friend, and yet we know in one company, executive No. 1—and we will not identify that individual—in one defense company, earned $4 million in 1 year, nearly all from taxpayers. Executive No. 2, $3.9 million, executive No. 3, $2.3 million, executive No. 4, $2.3 million, executive No. 5, $2.2 million, for a total among those five executives of $14.8 million.

I ask my friend from Iowa how he thinks the people in Iowa would react when they learn that 1 executive got over $4 million in one calendar year, in a year when, by the way, there were layoffs in that company; if he could answer that. And also talk to me, if he would, about the committee's proposal which they say would limit pay to $350,000—if the Senator agrees with that.

If he could give me the reaction and then his opinion on the committee's plan.

Mr. GRASSLEY. First of all, my constituents would expect that if there is a cap in the law of the most that we will pay out of the Federal Treasury to an executive of a major defense corporation, they would expect that salary limit to be adhered to. Not as this chart demonstrates—$250,000 cap, you end up with $2.7 million, $2.6 million, $2 million and $1.8 million, and you gave figures for another corporation that are higher than this. They would expect that cap to work.

It is obvious that it is not working. If it is obvious it is not working, the very committee that put the cap in place, they would expect that oversight committee to fulfill its constitutional responsibility and make sure that the law is abided by.

Also, your question gives me an opportunity to point out to our friend from Pennsylvania, when he raised the question of this amount of money, that we could expect executives to make this amount of money.

The point is this is just a portion of their salary that comes out of taxpayers' dollars. He raised that question, and I want to clarify that the $2.7 million, $2.6 million, $2 million, and $1.8 million is just that portion of that executive salary out of tax money, out of Defense Department money. As he indicated, they could get paid more, they get that out of other sources of income for the corporation. The point is this is just money from the taxpayers.

Lastly, my constituents raised the same questions as your constituents might raise that it is a more moral and ethical issue here of the extent to which we are having executives get big salaries and people that are working and producing for that corporation on the assembly line or someplace else, that there is a gigantic spread that has developed within corporate America between what the blue-collar worker might be getting paid or other lower paid professional people versus what the executive is getting. I think there is a legitimate question raised whether or not that is a justified gap. I think this emphasizes that there is that gap over a long period of time. Executives getting big pay raises and people lower down are just hardly keeping up with inflation.

Mrs. BOXER. I say to my friend, he makes a very important point. I am troubled by the committee suggesting that their new policy would cap pay at $350,000. I understand that my colleague has a chart which shows different analyses of that, because I greatly question it. Last year, we thought we were capping it at $250,000, and people got $4 million. I wonder if my friend can share with us that chart, which shows opinions other than the committee's opinion on where these caps will actually fall—not at $350,000, but more into the millions.

Mr. GRASSLEY. Well, this chart refers to the figure that has been given to us as the cap that might be effectively in place as a result of section 804, $340,000.

In a practical world of paying executives, we have three estimates, and these are very recent estimates from various publications just this spring. The Wall Street Journal, for instance, had an average salary of corporate executives of $1.5 million. The Forbes publication had an average salary in their survey of $1.9 million. Business Week had an average salary of $2.3 million. This would be total compensation.

Mr. President, I ask unanimous consent that the CRS memo be printed in the RECORD.

There being no objection, the memo was ordered to be printed in the RECORD, as follows:

[Transmittal from the Congressional Research Service, Library of Congress, June 20, 1997]

To: Hon. Charles Grassley.
Attn: Charles Murphy.
From: Pat Ayers, Business Team, Congressional Reference Division, Tel: 7–7492.
Re: Average Pay Statistics.

To summarize our telephone conversation of this morning, we are unaware of any federal statistics which compile data on corporate executive compensation by size of the business establishment. There are several private organizations which do survey the larger public corporations for executive compensation data, including surveys by Business Week, Forbes, and Fortune, which cover 800 to 1,000 of the largest firms in the U.S. There is also no one set definition of what constitutes a "small business", another impediment.

We have enclosed a brief CRS report which provides data contrasting executive compensation with average worker pay, which may give some insight. To update these figures, for 1996 the median annual earnings for CEOs was $1,471,250 (Wall St. Journal-April 19, 1997), $1.9 million (Forbes-May 19, 1997) and $2.3 million (Business Week-April 27, 1997.) Median annual earnings for full-time wage and salary workers in the private nonfarm sector for 1996 is $24,500 (BLS-Employment & Earnings: January 1997.)

We also searched our various news databases and did not find any "estimates" offered. The National Federation of Independent Business stated that they did not collect such data from their membership.

Mr. GRASSLEY. It would be unrelated to the issue we have before us of the defense industry, but it does tell me that the figure that the committee feels will somehow be a cap for this year—and we want to remember that it is suggested that this cap is going to go up from year to year—that it is not going to be a very effective way of controlling money leaving the Defense Department to the executives, as the committee has intended. I think they are going to find this just as ineffective as the cap that has been in the law, as I have demonstrated in a previous chart that I have.

Mrs. BOXER. Mr. President, I would like to say to my friend that I really appreciate his coming up with those charts because taxpayers thought a year ago that all this was taken care of. They honestly thought a $250,000 cap would work. Now we see executives making $2 million, $3 million, $4 million, as if we didn't have a budget crisis around this place. It is unreal.

Now we are told that the new committee policy will lead to a $350,000 cap by some fancy magic computation. I think what the Senator from Iowa has shown us is a warning here. We don't want to come back next year with more of these charts that say to our friends: You miscalculated it and executives are getting $2 million a year from taxpayers. This is wrong.

So I want to, again, thank my colleague very much for coauthoring this amendment. I retain the remainder of my time.

Mr. WARNER addressed the Chair.

Mr. SANTORUM. Mr. President, I yield such time as the Senator from Virginia may need.

Mr. WARNER. Mr. President, I will just use 2 minutes for the purpose of posing a question. I pose the question to the sponsors of this amendment.

First, having worked on the committee some 18 years, this is an issue that has been visited and revisited very carefully through the years. I am not here to criticize, but I assure you that the Armed Services Committee reviews this matter with great care each year. But the benefit to the American defense system is for a lot of small, independent private-sector companies to come to the marketplace and offer what is known as their best practices. I feel that this is going to be a disincentive. I am sure my distinguished colleague from Pennsylvania, the chairman of the subcommittee, is going to touch on this. I ask this question of you because I am going to ask it of him. Would this not be a disincentive and thereby deprive the Department of Defense, and the overall American defense system, of some of the best technology and best management practices being offered?

Mr. GRASSLEY. For myself, I will answer that question very shortly this way. First of all, we are only talking about the portion that is going to come from the taxpayers. Second, we in no way in our amendment limit executive salaries for corporations. In fact, it is none of our business to do that. That is a market decision. We want that to be a market decision, and nothing in our amendment keeps that from happening.

The point is, how much should be paid out of the Treasury and how much should be paid out of other income? That is a stockholders versus CEO business relationship that we will not infringe upon. Our amendment does not; we don't intend to. Both of us would say it would be wrong for us to do that.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I yield myself such time as I may need. I want to respond very briefly. The Senator from Iowa says it is a market decision on how much people should be compensated. They use the term "executive compensation." This is not a limitation on that; it is a limitation on anyone's compensation. They do not designate certain executives, as we do in our underlying bill. We designate the top five executives. They limit it to every person in the company, including maybe that guy who sits in the cubical and doesn't come out very much and drinks a lot of coffee, who makes the place run because he has all the ideas. He may not be the executive, but he is the brains behind all the research going on in that company. They limit him, too. Let's understand that.

They said it is a market decision. Well, it is only a market decision as to what you pay your people if you have other markets, because if you are just in the defense market and have cost-type contracts, the decision is made by the Senator from Iowa, not by the company, because the Senator from Iowa will say, if your company does defense work and you have cost-type contracts, you can only get paid this amount, no matter whether everybody else—those brilliant technologists—get paid a lot more somewhere else, like in Hollywood, which is where they will go. It is not a market decision. It is in some cases, but not always, and those are the cases I am most worried about.

The Senator from California is suggesting that I was concerned about how much executives got paid. I said during my statement, and I will repeat it, that I don't care how much executives get paid. I care about keeping the best and brightest, particularly the people with the technology and the skills, those needed skills, to work in the sector that does work particularly for national security.

When we limit compensation—at least that is what is being suggested—to those individuals who are out there on the leading edge of technology and we drive them out of the Government procurement area—particularly in the area of national security—we have hurt the national security of this country. I know it wasn't deliberately intended to do that, but that is exactly what this does. I would, in fact, change the name. I think our underlying bill is an executive compensation amendment or provision. The Boxer-GRASSLEY amendment is a scientist compensation limitation amendment. Let's call it what it is because it doesn't just limit executives. In particular, it gets scientists compensation who work for defense contractors or for contractors in the national security area. That is a very serious decision this Senate is going to make today as to whether we are going to go out and drive the leading-edge technology people in this country out of national security issues and put them—maybe there is a motive here, to send them out to California to work for the movie industry. Maybe that is what is involved. I say that tongue-in-cheek, but that is exactly what will happen, and that is not right. That is not in the best interest of this country.

As the Senator from Iowa points out so eloquently, these caps on executives for the big companies don't work. Why? Well, quite aside from any claim of fraud or not telling us the real numbers is that a lot of the contracts that these corporations have are not cost-type contracts. They are fixed-price contracts. So the executives can get paid anything they want on fixed-price contracts, because as long as they deliver the item being procured at a certain price, they can pay anybody in the organization anything, and they do. That is OK as long as they give it to us for what we agreed to pay them for it.

So to suggest that somehow this cap works on lowering the compensation of high-priced executives in big corporations, it doesn't work; it will never work. We will come back every year with these charts because we don't do all cost-type contracts, nor should we. In fact, it goes against one of the things we have been pushing for in reform of our acquisition in defense. Instead of just looking at low cost, we look at best value. We look at the best value for the taxpayer—not just cost, but value. And so what I think we are going to increasingly see is that this amendment is, in a sense, irrelevant for the large companies, but incredibly relevant for the small defense contractors who are leading-edge, doing leading-edge technology, many of whom are in California, I might add, and some of whom are in Pennsylvania, I am proud to say. But we are going to lose those people—the best and the brightest in the science fields—to industries other than national security, and that would be the crime if this amendment would succeed.

I yield to the chairman for such time as he may consume.

Mr. THURMOND. Mr. President, I yield myself such time as I may require.

Mr. President, I rise in opposition to the amendment offered by my good friends, Senator BOXER and Senator GRASSLEY.

Mr. President, I acknowledge that some executive salaries are exorbitant, but section 804 of our defense bill is a sound middle ground on the very controversial issue of payment of executive compensation under cost-type contracts with Federal agencies, including the Department of Defense. The section in our bill recognizes that the industries supplying goods and services to the Federal Government do not do so in isolation from the rest of the economy. They must compete with similar companies in the private sector for the limited pool of the most qualified technical and management people. Salaries for such people are not determined by a Government agency; they are set in the marketplace. Section 804 would provide a framework for ensuring that we can bring the best private sector talent to bear to support our national defense.

At the same time, section 804 would not permit the Federal Government to reimburse exorbitant salaries or other forms of compensation. The maximum allowable limit for executive compensation covered under this provision would not exceed $340,000, according to the Defense Contract Audit Agency, based on surveys conducted in 1995. In fact, the administration opposes section 804 because it provides too great a limitation on compensation, in their view. The administration wants to pay more, but we limit this to $340,000 in our defense bill.

Mr. President, section 804 is a sound means to settle executive compensation issues once and for all. It protects the interests of the taxpayer, both in the limits it places on reimbursement under cost-type contracts and by recognizing the relationship between compensation practices in the industries supporting defense and those in the commercial sector. I urge the rejection of Boxer-Grassley amendment.

We feel that our defense provision here covers it adequately and is in the best interest of the Government.

Mr. SANTORUM. I yield the Senator from Virginia whatever time he needs.

Mr. WARNER. Mr. President, I will take 3 or 4 minutes to pose questions to the Senator. It seems like here in the legislative bodies, whether it is tax, capital gains, or anything else, we are out to penalize a certain class of individuals who, by and large, have worked hard all their life, beginning in the educational system, to equip themselves with the knowledge, through a series of degrees, to take on the responsibilities of leading our corporate structure.

Whether they are scientists or financial managers, or whether they are just entrepreneurs, they make sacrifices often to start these businesses with their personal funds working long hours and giving up vacations.

So here we go again. But I would like to just sort of sketch a profile of a company that, say, is doing $100 million worth of business, and, say, 80 percent of it is pure private sector—nothing to do with Uncle Sam. But Uncle Sam would like to have a piece of the brain trust in this company, and, therefore, it comes around and the contract is theirs. In the first place, say that CEO is making $500,000 a year; well deserved. If he gets caught up in the indirect costs he is banged into the Boxer-Grassley cap, is he not?

Mr. SANTORUM. That is correct. The amount of money that will be allocated to defense contracts would limit his salary to a percentage which would be probably below what he would be paid otherwise.

Mr. WARNER. Then he will sit down. And he has to decide. "Do I apply my brain power?" Suppose he somehow is able to draw a firewall in the company, and the CEO and a lot of the other top people stay out of the contract. Does that not deprive the government of the benefit of the experience and the brain trust at the top salaries?

Mr. SANTORUM. What would happen is a couple of things. According to the Grassley amendment, it is my understanding they would be roped in no matter whether they did any work or not. They would be covered under this because their company is. It doesn't limit it just to people involved in defense contracts. It is anybody in the country.

That is No. 1.

No. 2, it would shift the cost of paying those salaries away from the defense contract to the private sector, which would make them less competitive out there in the private commercial sector, which would then probably say, Look, we can't be as competitive out there in the private sector. We are just going to walk away from this defense contract.

Mr. WARNER. One word: Disincentive.

Mr. SANTORUM. That is correct.

Mr. WARNER. Therefore, the board of directors and the CEO of this company are going to say, We are doing fine with 80 percent private sector. Too bad, national security. You are on your own. Of course, I recognize in most instances for patriotic reasons they will step into it. But nevertheless I think this is the wrong approach.

I say that with a great deal of empathy for my distinguished colleague with whom I have worked these many years. He is sort of a watchdog. I commend him for such innovation. But I suggest that our committee has done its work, and I strongly urge the Senate to back the solution to this problem as devised by our distinguished colleague from Pennsylvania for the Armed Services Committee.

I thank the Senator.

Mr. SANTORUM. I would agree with the Senator from Virginia. The Senator from Iowa has been a dogged—I don't mean to use metaphor—dogged in his watchdog of the Federal Treasury. But he is chasing——

Mr. WARNER. If the Senator will yield, he is our inspector general.

Mr. SANTORUM. He is chasing the wrong—in this case, the dog is chasing the wrong person. What you end up chasing is chasing very skilled technical people and very highly competent managers of people out of the business who want to be more and more competitive.

Again, I chair the subcommittee on Acquisition and Technology. My real concern here in the committee is the technological advances. What we are hearing in the testimony is more and more we will have to go out into the commercial sector and get the technology that is being put together in the commercial sector to bring that into the defense area at a lower cost that is more efficient and more effective. If we limit the compensation, we are just simply not going to get those commercial entities involved in the defense industry. That is a real crime. We are giving up resources and talent and capability by limiting it, as we are here, to a salary of one-quarter of what a shortstop of the Pittsburgh Pirates makes who bats—actually the shortstop is batting over .200, but not much over .200 right now. That is not right. And I think it is counterproductive for national security.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield such time as I may require.

Mrs. BOXER. Mr. President, parliamentary inquiry: Can I ask how much time the Senator from Pennsylvania has remaining and the Senator from California has remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 11 minutes and 41 seconds. The Senator from California has 5 minutes and 25 seconds.

Mrs. BOXER. I will be happy to withhold.

Mr. SANTORUM. I yield to the Senator from South Carolina such time as he may consume.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend Senator SANTORUM, the able chairman of the subcommittee that handled this matter, for all the good work he did on that subcommittee.

I also wish to commend the able Senator from Virginia for his explanatory remarks on this subject.

I think this matter is so clear that no other conclusion could be reached than the position taken by the able chairman of the subcommittee, Senator SANTORUM, and the able Senator from Virginia, and others who have taken that position.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, sometimes I feel like Alice in Wonderland. And this is one of those moments.

The Senator from Virginia says this is an innovative idea—the amendment by myself and the Senator from Iowa. Mr. President, this is the same idea that this body voted for unanimously 2 years ago except we set a cap at $250,000. Now we set it at the level of the pay of the President of the United States. So this isn't innovation. This is tightening the loophole.

Every Member of this body went along with this notion of capping the amount that taxpayers would pay in 1 fiscal year to a Federal contractor from taxpayer funds. They want to get millions of dollars from the private sector. God bless them. But we believe it is the appropriate thing to do when you look after the taxpayers' purse to put a reasonable limit.

I wish that I had heard the same passion that I heard today from the Senator from Pennsylvania when we debated the minimum wage.

I will tell you. The Senator from Pennsylvania says, what about a new firm starting out and they know they can only make $200,000 a year rather than the Federal Government? Wouldn't that inhibit them? I think for a new firm starting out that is not a bad salary. Maybe in Pennsylvania $200,000 a year isn't a lot of money, but where I come from it is a lot of money. And we don't limit what people can make outside of the Federal Government.

Then the Senator from Pennsylvania says he doesn't care what executives get. He doesn't care. Well, he should care, if five executives in one company pull down $4 million, $3 million, $2 million, $2 million, $2 million respectively in 1 year when we thought we had a $250,000 cap in place.

So I would ask my friend from Iowa if he would like to sum up because we are getting to the end of this debate. I don't quite understand why our proposal is being looked at as something brand new when in fact we thought the $250,000 cap was in place, and now what we are all trying to do is tighten down the hatches and make sure people do not take advantage of taxpayers, and we are treating this as if we have come up with some new idea. If he would care to comment on that and perhaps close the debate, I would be happy to yield him any remaining time.

Mr. GRASSLEY. Mr. President, I think that is what is at stake here with the debate on our amendment as well as the debate on what has actually been taking place when there has been a cap in the law for the last year or so, and that is that the caps aren't working. But also the principle of a cap has been the policy of this Congress for a long period of time. We want to continue that policy. We want that to be an effective policy. We want a committee that is charged with the oversight responsibility for a law that this body passes to make sure that that policy is followed to a "t" by the Defense Department. We see all of that at issue here in our amendment. This isn't just an issue of $200,000 versus $250,000 or a new suggested limit of $340,000. It is the integrity of this body making public policy on defense, and is the Congress of the United States going to be followed by the agency executing our laws?

We are finding out that Congress wants a cap. We are finding out even on a reconsideration of that law that the Armed Services Committee argues for a cap. We want it to be an effective cap. There might be an argument about $200,000 versus $340,000. I will buy either limit. But what I want is a limit that is enforced. I want the committee to know how much money we are paying out.

We are told that they don't even know. They ought to know where the taxpayer dollars are going, the names of the people receiving them, and how much is going out.

That is the issue with this amendment as much as whether it is $200,000, $250,000, or $340,000. Let's get this principle established firmly by voting for this amendment, and let's see that the cap is enforced.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I have sympathy for what the Senator from Iowa is saying. The fact of the matter is the amendment doesn't accomplish what he wants to accomplish. We will be back here next year, if the Senator's amendment passes, with the same because all the Senator's amendment does is limit cost-type contracts. It does not limit those contracts in which we purchase things from contractors for a fixed price. We tell them when we purchase it for a fixed price, You can pay whoever you want. You can pay whatever you want for the material. You can pay the executives anything as long as you deliver the product at this price. So they allocate some substantial portion or what looks like at least some portion of these contract dollars. That is perfectly legal.

If the Senator wants to say that we should not do any fixed-price contracts, come with an amendment that says that. If he comes with amendment that says we don't limit fixed contracts —I don't think he would support it, but the Senator from California supports it—then we can deal with this issue. But if all you are going to deal with is one type of contract which is cost, then go out and show compensation levels that include moneys from fixed-pricing contracts. That is what they have done.

So for all of the passion—and I believe in the passion of the Senator from Iowa, and the Senator from California—it doesn't solve the problem; at least what they perceive as the problem. What I perceive as the problem with their amendment is it does hurt since technology and the highly competent people we need to be in the national security area. And, frankly, not just national security but in all areas of Government, if we can get them.

As I mentioned before, wouldn't it be nice if we had a more modern upgraded air traffic control system? And we have the ability to pay scientists the amount of money in contracts to be able to design those. Under this amendment we could not get the best and the brightest to do that.

So what this executive compensation amendment really effectively does is limit the amount of money that we can pay people in the high-technology field, the scientists and the information specialists that we need to move the national security front forward.

So for that reason alone it should be soundly defeated. We cannot afford, as we draw down defense, as we reduce our troop levels, as we continue to rely more and more not only on high-tech—which is certainly something we rely more upon, high technology but on commercial technology and commercial contracts—contracts with commercial organizations who will steer clear of Government contracts, if they are going to be limited in how much they can reimburse their scientists and other personnel through their technology that they are sharing, because if they limit it they have to pass that cost on to their private sector clients which makes them uncompetitive. So they will choose not to compete in the defense area. So we lose valuable commercial technology.

So we are not only losing the scientists. We are losing the opportunity in the commercial area. We are creating a disincentive for people to be involved. And, even with all of that, if we adopt the amendment, it wouldn't work. So it accomplishes all those negative things, and the one positive thing they choose to accomplish it does not accomplish because it does not limit anybody's salary except those small businesses that have primarily cost-type contracts. Those small businesses, 80, 90 percent of the contractors that have principally cost-type contracts, they get nailed by this amendment. All the big guys it does not bother. It nails the small companies and their ability to compete, to get compensated for the technology that they are inventing in many cases and to get good people to work in those businesses in towns all across America.

This is a dangerous amendment for national security. It is an amendment that I hope is overwhelmingly rejected. It is an amendment that I know the Senator from Connecticut, the ranking member, opposes and I know the ranking member on the full committee, Senator LEVIN, opposes. They support the underlying committee decision which, I would add, is opposed by the White House because they believe our cap is too low.

I know that this amendment has passed in the past, and the Senator from California said it was passed overwhelmingly, but I would implore that the Senate come to its senses in this case and realize its impact.

I now yield the remaining part of my time to the Senator, the ranking member, from Connecticut, Mr. LIEBERMAN.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I was concerned that my friend and colleague from Pennsylvania, the chairman of the subcommittee, thought I was missing in action on a controversial matter. I apologize. I was involved in a Government Affairs campaign finance investigation.

I stand solidly and strongly with the chairman of our subcommittee. It is my privilege to be his ranking Democratic member in fashioning the proposal on compensation of executive salary which is in the DOD Authorization Act before us. We compromised and, as I believe I just heard the Senator from Pennsylvania say, we specifically rejected a proposal from the administration that would have permitted reimbursement of salaries as high as $4 million a year for some senior executives in the largest corporations.

To tell you the truth, they had a plausible argument in terms of getting the best people to do the job for our defense needs, but it was, we thought, an untenable argument so we came up with this modest increase in the cap.

The cap is rationally based. In fact, in some ways it is tighter than any of the limitations in law today for the simple reason that, unlike those limitations, our provision would apply to all costs charged on all defense and nondefense contracts regardless of when the contracts may have been entered.

The flexibility provided by our approach, which is to say to base the limitation on a median private sector salary, is likely to be particularly important to small companies that rely on Department of Defense business. Unlike the larger and diversified companies that can eat the larger executive salaries, many smaller businesses, particularly the high-technology businesses that are the source of so much growth around our country, are not in a position to pay their executives what the market requires and absorb or, to use the phrase I used before, "eat" any unreimbursed amounts. If the cap that we set is too low, some of these businesses are going to have difficulty attracting and retaining qualified personnel.

Mr. President, the proposed amendment, which would lower the cap to $200,000, is, in my opinion, not necessary to protect the taxpayers from excessive executive salaries. If a contractor pays an executive, for instance, the $4 million a year that might have been allowed under the Pentagon proposal, the provision in the underlying bill would disallow $3,660,000 of that salary. The proposed amendment would save an additional $140,000. That is a difference of less than 4 percent, and the cost of it in terms of lost opportunity is much larger.

What we will lose by going after that additional amount is far more significant than the amount of money that will be gained. We are going to lose the flexibility for small businesses that are dependent on Government contracts to pay what the market requires to attract the skilled professionals that they need to provide the quality products and services that we need to maintain our national security. We risk driving such experts out of companies that work for the Government and reducing the expertise available to our Government, the Pentagon and other Federal agencies, and, most important I believe, we risk driving some small businesses that are highly reliant on such experts out of doing business with the Government at all.

Mr. President, the amendment before us, of course, is an easy amendment to vote for. We can say we took a whack at high salaries of executives of companies. What I am suggesting is the difference between the amendment and the underlying bill is minimal and the consequences for a lot of people, for a lot of companies, for a lot of areas of our country where those companies exist, for our Government itself in obtaining the highest quality, most cost-efficient products is much, much greater.

So it is not an easy vote. But, of course, that is not why the Senate is here. This is the right vote. I urge my colleagues to reject this amendment and stand by the very reasonable proposal in the underlying bill.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I have 12 seconds; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. OK.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the cap in the committee bill is so full of loopholes, it is not going to work, just like the last one did not. People brought down $4 million from Federal taxpayers in 1 year.

Support the Boxer-Grassley amendment. Let us do what we said we would do 2 years ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute 13 seconds.

Mr. SANTORUM. How much time?

The PRESIDING OFFICER. A minute and 12 seconds.

Mr. SANTORUM. I cannot be any more eloquent than the Senator from Connecticut in defending this position. I urge the Members to look at this issue and to stay away from this populist appeal and look at the impact, as the Senator from Connecticut said, on small business and on high-technology firms that desperately need to get out there and compete in the marketplace.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to offer an amendment.

AMENDMENT NO. 799

(Purpose: To increase the funding for Navy and Air Force flying hours, and to offset the increase by reducing the amount authorized to be appropriated for the Space-Based Laser program in excess of the amount requested by the President)

Mr. BINGAMAN. Mr. President, I thank the Chair. I understand we are going to have some votes at 6 o'clock. So I will take a few minutes here to explain the amendment that I am offering. Senator DORGAN also wishes to speak in favor of the amendment. I believe the Senator from New Hampshire, Senator SMITH, wishes to speak in opposition to it and maybe some others on both sides.

Let me start by describing what the issue is. The administration has requested $29 million in this next fiscal year for the space-based laser program which is operated under the Ballistic Missile Defense Office. This is the same funding request level as we have had for the past 2 years. It is the same level that is planned for each of the next several years. This essentially is money to continue the research and development part of this program, which the administration supports, which I support. But the bill which has come to the Senate floor, which the committee has passed out, adds an additional $118 million in this next fiscal year for a total of about $148 million. The amendment that we are offering here will bring the funding level back to what the administration requested. That is $29 million. It shifts the $118 million that the committee added to this space-based laser program to increase the flying hours for the Air Force and the Navy both, $59 million for the Air Force and $59 million for the Navy.

Mr. President, with that short description, let me send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 799.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle A of title X, add the following:

SEC. 1009. INCREASED AMOUNTS FOR AIR FORCE AND NAVY FLYING HOURS.

(A) INCREASE.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated under section 301(2) is hereby increased by $59,000,000, and the amount authorized under section 301(4) is hereby increased by $59,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated to be appropriated under section 201(4) is hereby decreased by $118,000,000.

Mr. BINGAMAN. Mr. President, as I indicated, the bill that we have before us adds $118 million to what is called the space-based laser readiness demonstrator program. That funding level represents 5 years' worth of the planned space-based laser funding—planned by the Pentagon. In order to sustain the program at this increased level, which the committee has reported here, would require an additional expenditure of somewhere between $200 million and $300 million a year, which is more than 10 times what is planned for future budgets.

Mr. President, let me try to demonstrate the difference that I am talking about with this chart.

This chart tries to lay out between now and the year 2005 the current rate—which is in green here on this chart—the current rate of funding, cumulative funding, that is requested for this space-based laser activity by the

Pentagon, and the yellow in this chart is what the committee would propose to begin adding.

Now, we do not do all of that. This is a 1-year defense authorization bill. We just add $118 million to the $29 million that the Pentagon requested the first year. But if you take the best figures that have been given us and say we are going to have an additional $200 million a year added, so you put the cumulative amount there, you can see that the total amount by the year 2005 is a very substantial figure.

The larger context for considering this space-based laser program involves four basic questions. Let me briefly go through each of those. First of all, what is a space-based laser? People need to understand something about that, and I will try to explain it. Second, how would a space-based laser fit into the U.S. plan for a national missile defense? Third, is there a threat that warrants or justifies developing and deploying a space-based laser? And finally, No. 4, would it be affordable for us to do so? Would it be cost effective for us to do so?

Let me try to explain first what a space-based laser is and then answer each of these other questions.

Mr. President, the space-based laser, which is the subject of this amendment, is technology that was born in the early days of the Strategic Defense Initiative, SDI. For those who have followed this set of issues over the last decade or so, they will remember the star wars proposals that we debated on the floor. The crown jewel of that star wars program was the space-based laser. It held out the promise of tens of satellites constantly orbiting the Earth ready to zap the hundreds upon hundreds of Soviet nuclear ballistic missiles that were launched from land and sea both.

The idea behind the space-based laser is that we would orbit a group of perhaps 20 or perhaps more very large satellites. Each satellite would be in the range of 80,000 pounds and each of them would be equipped with a chemical laser on the satellite. The chemical laser would produce a beam of very high-energy laser light that would then be focused very carefully with a very huge mirror so that the laser beam could be focused on missiles when they were first launched. That was the idea of getting up in space, so that you could zap a missile when they first launched it. You didn't have to wait until the missile actually came near your territory.

This would require having equipment on the satellite capable of detecting and tracking and pointing the laser at a relatively small object some 1,300 kilometers away over a long enough period of time to permit the laser energy to destroy the missile.

The satellites are so large, the satellites contemplated in this program of space-based lasers are so large and so heavy, we would have to design and build an entire new series of heavy space-launch vehicles with enough lifting power to get one of these huge payloads, 40 tons, into space—80,000 pounds, 40 tons. There is today no rocket, there is no space-launch vehicle currently in our inventory that can boost such a large payload into space. The cost of building such a booster would represent a significant part of the cost of any space-based laser system. The space-based laser readiness demonstrator which we would fund or begin to fund with the $118 million provided in the bill is meant to demonstrate that the many technologies that are required in order to accomplish what I have just described can be met and overcome. The demonstrator would be a reduced size system with all the necessary technology and parts to make all the components work together at the same time.

This would presumably cost several billion dollars to find out the answers to these questions. The money does not exist anywhere in the Pentagon's budget plan for this coming year or the next 5 years, or the out years even after that. So, clearly that money would have to come from other defense programs.

I should point out that this chart, which takes us through the year 2005, does not get us to actual deployment, or development even of a space-based laser. This only gets us to the development of this demonstrator, which I think, as I indicated, is a half-size replica of what we would actually be talking about developing at some future date.

The second question I mentioned, which needs to be dealt with, is, how does this space-based laser fit into our National Missile Defense Program? The United States is developing a National Missile Defense System to defend against a small Third World nation ICBM program, an intercontinental ballistic missile program that has not emerged yet and is not, in fact, expected to emerge for another 15 years. But we are developing that program. The National Missile Defense Program is designed to be compliant with the ABM Treaty, although it remains to be seen whether we might need to change or propose changes or withdraw from that treaty at some time in the future.

There is no U.S. plan to deploy a space-based laser system, and we know of no justification today for doing so. That is why the Pentagon has asked merely to continue with research and development funding in this area.

Furthermore, the cost of deploying such a system would be enormous. The existing National Missile Defense System Program involves developing a ground-based missile interceptor capability which is very different from a space-based laser. The ground-based defense system just had its development cost increased from $2.3 to $4.6 billion. The administration requested that increase.

Our committee is proposing that the Senate go along with that increase. We are adding $474 million to this year's defense bill in order to do that, and nothing in our amendment that I am talking about here would affect that at all. But the cost to deploy the National Missile Defense System last year was pegged at about $10 billion. When you add to that the space and missile tracking system, you get another $5-or-so billion. So we are already planning on paying something in the order of $17 billion for the limited National Missile Defense System that is designed to stop a handful of rogue missiles coming into this country. As I said before, we have no plan, however, to pay the additional tens of billions of dollars to actually develop and deploy a space-based laser.

The third question that I cited when I began my comments is, is there a threat that this country faces to our national security, a threat that would justify developing and deploying the space-based laser? The National Missile Defense System that we are developing today that I just described is meant to defend against a handful of these ICBM's that might be launched at some future date by some rogue nation, if they develop the capability to do that. According to the administration, there is no significant ballistic missile threat being faced by the United States today.

North Korea is the only nation considered to be actively trying to develop such a missile. But the North Korean economy is in terrible shape. Their own military, according to the best information we have, is going hungry in some cases. The Defense Intelligence Agency publicly stated that their country is—I believe they used the phrase "probably terminal." Neither Russian nor Chinese strategic missiles are considered a threat today because neither nation has a plausible reason to attack the United States. And, of course, we maintain an overwhelming nuclear deterrent capability, which we should maintain.

The United States and Russia have detargeted their ICBM's and their SLBM's, which means that no accidental launch could be expected from either territory toward the other country. So this is not a threat situation that requires a space-based laser. This is not a threat situation that requires rapid and expensive development of this so-called readiness demonstrator, as this accelerated program is referred to.

The final issue I wanted to mention is the issue of cost. Is the space-based laser either affordable or cost effective? Last year's Defend America Act, as proposed but not as enacted, included a requirement for space-based lasers. That was a primary factor that led the Congressional Budget Office to estimate the cost of the system at up to $60 billion to procure and up to an additional $120 billion to operate it over the next 30 years.

The Department of Defense stated recently that CBO's cost estimates may have been too low and that the cost of building and launching a space-based laser system is almost certainly higher than those figures. One reason for the high cost, as I mentioned in describing a space-based laser, is the cost of launching the heavy laser systems into space. We need a heavy-lift booster that does not exist today. It would be very expensive to develop. The cost of such a system is totally outside the realm of the current budget or the planned defense budgets. This would not be affordable, and it is not likely that it is cost effective against the limited emerging ballistic missile threat. The current program is designed to handle any foreseeable limited ballistic missile attack from a rogue nation.

The Department of Defense has recently doubled the cost estimate for the development program, as I mentioned, and there is no plan to deploy even that ground-based missile interceptor system today unless and until a real threat emerges. If such a deployment is warranted, obviously we will have to spend substantially more. But none of the deployment funds are planned in any future defense budget even for the ground-based missile defense system, the missile interceptor system that I described.

DOD has no plans to fund the space-based laser program at the much higher levels that are proposed in this defense bill. DOD clearly has higher priorities. We need to protect those higher priorities and not pass a bill here which commits us or which starts us down the road toward spending money on programs that the Department of Defense has not requested.

The bottom line is that we are nowhere near deploying a space-based laser. There is no need for us to do so. The administration already has a very expensive National Missile Defense Development Program underway. And unless this amendment that we are offering here this evening is adopted, the Senate will be putting five times as much money into the space-based laser program as the administration has requested in 1998, and we will be starting down the road to developing a demonstrator and eventually a space-based laser program that will be hugely expensive and of very marginal value to our national security.

So I urge my colleagues to support the amendment. At this point, I yield the floor. I suggest the absence of a quorum, if there is nobody else wishing to speak at this point.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me just add a couple of items that I overlooked, since we have just another couple of minutes here before the vote occurs.

As I indicated in describing the amendment, we are suggesting that the $118 million which we are trying to delete from the bill for the space-based laser program be, instead, transferred over for Air Force and Navy flying hours. The reason I have offered that suggestion is a letter from the Secretary of Defense to Senator LEVIN, and I am sure Senator THURMOND also received a copy of it. The letter is dated the 23d of May. Former Senator Cohen, now Secretary Cohen, stated in this letter:

> In addition to adjustments reflective of the Quadrennial Defense Review, I recommend a fact-of-life adjustment concerning flying hour costs. The Navy and the Air Force are both experiencing greater costs per flying hour than anticipated in their budgets. We are currently analyzing the causes of this increase, but the preliminary indications are that the increase is caused by greater spare parts requirements per flying hour than were experienced in the past. We estimate the impact of these increases to be $350 million for the Navy and $200 million for the Air Force.

So he has requested that we add the total of $550 million to the combined flying hours for the Air Force and the Navy. This amendment adds $59 million to the Air Force and $59 million to the Navy. Obviously, it does not meet the entire requirement as stated by the Secretary of Defense, but it moves us in the right direction.

So I do think this is a better use of the funds. It is a use that the Pentagon itself and the Secretary of Defense have indicated they support. For that reason, that is what we are suggesting be done with the funds.

Mr. President, let me also, before I yield the floor again, ask unanimous consent that Senator DORGAN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I rise in support of the amendment offered by my friend from New Mexico, Senator BINGAMAN, which would cut the $118 million added to the bill for the space-based laser [SBL] program.

As my colleagues are aware, I have long supported development of a national missile defense system to protect our Nation from the threat of a limited accidental or unauthorized ICBM launch from an established nuclear power, and from the threat of attack from a rogue state, such as North Korea, Libya, and Iraq. To ensure that our NMD program makes good fiscal and national security sense, I believe that the system we develop must meet the common sense criteria of affordability, compatibility with our arms control treaties, and utilization of existing technology. These key tests provide a reliable guide for developing an affordable, responsible, and reliable means of countering the limited threat we will face early in the next century.

Although sometime in the next century we may do the NMD and theater missile defense missions from space, I do not believe that this is the time to invest $118 million in the SBL. This money would be much better spent if invested in promising missile defense systems we are very close to having today, such as the Minuteman-based NMD option, and the Airborne Laser TMD program of the U.S. Air Force.

I also do not believe we need to start a funding stream that would obligate us to spend more than $1 billion over the next 7 years to field only a single SBL demonstrator satellite. With the Minuteman and ABL systems becoming available, there is simply no reason to put us on a slippery slope toward an unnecessary operational SBL deployment that will surely cost tens of billions of dollars.

In addition to failing the affordability test, pressing forward with the SBL today represents a clear threat to arms control. As my colleagues may be aware, the ABM Treaty explicitly prohibits space-based missile defense systems, and the Russians have stated clearly their belief that development of such a capability by the United States would lead to a renewed arms race.

It is true that the $118 million in question would go toward development of a demonstrator SBL satellite, and that the ABM Treaty permits development of missile defense systems that would not be treaty compliant if operationally deployed. Nevertheless, development of such a capability would logically increase the likelihood of deployment of space weapons before they are necessary or wise. In light of the near-term, treaty-friendly NMD and TMD capability offered by the Minuteman and ABL systems, we would needlessly be putting our Nation on course to violate the ABM Treaty and re-ignite the arms race.

Finally, Mr. President, aggressive SBL development today fails the third key test I outlined earlier—utilization of existing technology. Although the SBL would leverage research done on the ABL, the SBL is still new, untested technology. We know much more about how lasers perform in our atmosphere than in space. We have also never deployed weapons in space.

Because of these considerations, we could expect costs to grow, testing and deployment schedules to slip, and reliability to be highly questionable. I hope my colleagues would agree that the ABL is a much better investment in laser-based missile defense systems. It will provide the same boost-phase intercept capability as the SBL nearer-term, at a lower cost, and without endangering our arms control agreements.

Before closing, Mr. President, I would also note on the subject of technology that even if we were to construct an SBL capability, its satellites would be too massive for any existing U.S. booster rocket to loft into orbit. The one American rocket that could have gotten the job done—the Saturn V that sent the Apollo astronauts to the Moon—was retired over two decades ago. As it stands, the only alternative to investing millions or billions more in a new heavy booster would be using Russian's Proton rocket. The fact that the SBL represents a clear threat to the ABM Treaty leads me to believe that our Russian friends would be far from eager to help us in this regard.

Mr. President, the SBL is a fascinating technology, and I commend the committee for their interest in what could several decades from now be the right answer to our missile defense needs. However, this is not the time for the SBL. The Minuteman and ABL systems are not only near-term, but meet the commonsense criteria of affordability, compatibility with our arms control agreements, and utilization of existing technology to an extent the SBL simply cannot. For this reason, I support the Bingaman amendment striking funding for the SBL, and urge my colleagues to support its adoption.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

AMENDMENT NO. 668, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided on debate preceding the motion to table the Senator's amendment. Does the Senator wish to proceed under that order?

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. WELLSTONE. Inquiry, Mr. President. Is it 2 minutes time equally divided?

The PRESIDING OFFICER. The Senator is correct. The Chair is corrected. The Senator is recognized for 1 minute.

Mr. WELLSTONE. Mr. President, this amendment, which I offered on behalf of myself, Senator HARKIN, Senator DASCHLE, and Senator KERRY of Massachusetts, is very simple and straightforward. It simply would authorize the Secretary of Defense to be able to transfer $400 million to veterans health care.

In the budget resolution, we cut $400 million out of the health care budget of veterans. We have more Persian Gulf veterans who are seeking care. We have more and more veterans who are living to be 65 and living to be 85. We have veterans who are struggling with PTSD. This is a huge mistake. We should not be doing this. This gives us an opportunity to really be there for veterans.

There are three wonderful letters from Paralyzed Veterans of America, Vietnam Veterans of America, and Disabled Veterans of America, all of which strongly support this amendment. I hope we will have a good, strong vote. I hope we will win on this. I say to colleagues, one way or the other, we have to restore these cuts in veterans health care.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, if this body allows these amendments, or other amendments, to lower defense spending below what was agreed to in the budget agreement, we will be responsible for the impact on the readiness of our forces. We will increase the tempo of our operating forces and will not be able to provide the quality-of-life programs our service members deserve.

Mr. President, there are all kinds of amendments here that take money away from defense and give it to other things. Why don't they find some other way to do it and not take it away from defense. Defense needs every dollar that we have here, and I oppose the amendment.

The PRESIDING OFFICER. The Senator has 15 seconds.

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion to lay on the table amendment No. 668, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—58

Abraham
Allard
Brownback
Bryan
Burns
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Glenn
Gorton
Graham
Gramm
Ashcroft
Bennett
Grams
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Bond
Breaux
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bumpers
Byrd
Campbell
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Grassley
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Reed
Reid
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Mikulski

The motion to lay on the table the amendment (No. 668) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent that the following sequenced votes be limited to 10 minutes in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 794, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided on Gramm amendment No. 794. The yeas and nays have been ordered, and the vote will follow.

Who yields time?

Mr. GRAMM. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Chair was in error. The yeas and nays have not been ordered.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Two minutes of debate will be equally divided.

The Senator from Texas.

Mr. GRAMM. Mr. President, we have 1,100,000 people in prison. We have passed laws in Congress banning them from working to sell anything in the private sector. The last place we can force them to work in is to produce goods to be sold to the Government.

The Levin amendment will end prison labor in America. It is violently opposed by the National Victims Center because the money we get from working prisoners goes to compensate victims.

I yield the remainder of my time to the chairman of the Judiciary Committee.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This is a very serious amendment. What the Gramm amendment does is it provides for a study in the procurement program.

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. The Chair cannot hear the Senator from Utah.

The Senator from Utah.

Mr. HATCH. The only hope we have to rehabilitate these prisoners is to get them to work. The only work they do is Federal Prison Industries work. Basically, they can only sell their products to a Federal procurement program, and they have to be products of quality and products of price and products of distribution that work. So if we take this away from them, we take away one of the most important aspects of rehabilitation of criminals. So I hope people will vote for the Gramm amendment and vote down the Levin amendment.

The PRESIDING OFFICER. Time has expired for the proponents. The Senator from Michigan.

Mr. LEVIN. Mr. President, we obviously want people in prison to work, but we also want people who are out of prison to have an opportunity to compete. The current Federal Prison Industries approach will not permit people to compete even when their prices are lower than the Federal Prison Industries price. That is not fair to all the small businesses in this country. Hundreds of them have banded together in a Competition in Contracting Act Coalition. Small businesses in all of our States just want the right to compete when their prices are lower.

I yield the remainder of my time to Senator ABRAHAM.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

This amendment that Senator LEVIN and myself, Senator KEMPTHORNE and others offered will not end work in prisons. It will not prevent prisoners from, through rehabilitation, learning skills. It just levels the playing field to allow private companies to compete with prison labor for these contracts that are now exclusively given to Federal Prison Industries offered at a significant cost to the taxpayers from what would exist if we had a level playing field in competition. The taxpayers should not have to pay extra for these materials and products supplied through Federal Prison Industries.

The PRESIDING OFFICER. All time having expired, the question now is on agreeing to the Gramm amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—62

Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
DeWine
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Gramm
Grams
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Leahy
Lott
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Wyden

NAYS—37

Abraham
Allard
Baucus
Boxer
Breaux
Bryan
Bumpers
D'Amato
Daschle
Dodd
Enzi
Faircloth
Ford
Frist
Glenn
Gorton
Grassley
Helms
Inouye
Kempthorne
Kerry
Lautenberg
Levin
Lieberman
Lugar
Moseley-Braun
Moynihan
Reed
Reid
Robb
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Warner
Wellstone

NOT VOTING—1

Mikulski

The amendment (No. 794), as modified, was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 778, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the Levin amendment, as amended.

The amendment (No. 778), as amended, was agreed to.

The PRESIDING OFFICER. The question is now on the Boxer amendment No. 636. Under the previous order, there are 2 minutes equally divided.

Mr. THURMOND. Mr. President, I move to table the Boxer amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, before we begin the last vote, after consultation with the Democratic leader, I have a unanimous-consent request I would like to make. If we can get this agreed to, we would have this remaining 10-minute vote and then we would go on to debate on the amendments we have identified, with the votes to occur in the morning on these issues at 9:45.

So I ask unanimous consent that, following the stacked votes, Senator BINGAMAN be recognized to modify his amendment No. 799, and that there be 30 minutes of debate, equally divided in the usual form, and that no second-degree amendments be in order and, following the expiration or yielding back of time, a vote occur on or in relation to the Bingaman amendment at 9:45 on Friday.

Mr. BINGAMAN. Mr. President, reserving the right to object, can I just clarify something? If we can have that half hour of debate beginning at 9:15 tomorrow right before the vote, that would be ideal.

Mr. LOTT. Part of what we are trying to do is to get an agreement to have debates tonight so we can have votes in the morning at 9:30 or 9:45. I thought there was a need just to have a vote at 9:45. Our intent is to finish the defense authorization bill tomorrow. In order to do that—we understand that, other than the three amendments we may get agreement on tonight, there may be three amendments or so tomorrow. We are going to try to identify those and get time agreements and have the votes so that we can, hopefully, get out of here by 12:30 tomorrow.

So if the Senator would be willing, we could have the debate tonight and then if you want to, in the morning, come in at 9:30 and have 15 minutes more of the time equally divided, in addition to the 30 minutes tonight, and have the vote at 9:45 because of other considerations, I think that would be a good arrangement.

Mr. BINGAMAN. That would be fine if we could have 15 minutes tomorrow morning before the vote, equally divided.

Mr. LOTT. I understand.

Mr. WARNER. Reserving the right to object. The distinguished Senator from Texas and the Senator from Virginia have an amendment relating to our policy in Bosnia—the United States policy in Bosnia—particularly with respect to the mission of capturing alleged war criminals. I would like to have the opportunity to have that debated at whatever time is convenient for the managers of the bill.

Mr. LOTT. Mr. President, I was going to get the agreement on the Bingaman amendment and then we would go on through some other information here.

Mr. WARNER. I withdraw that.

Mr. LOTT. We would like to have debate on three identifiable amendments tonight, with three votes occurring in the morning, stacked, at 9:45. This can be one of those three that we would like to have debated tonight and voted on first thing in the morning.

Mr. KYL. Mr. President, may I ask the majority leader this question? I simply want to withdraw two amendments and substitute versions that have been cleared on both sides. I wonder if I might do that before the Bingaman amendment is discussed this evening.

Mr. LOTT. Mr. President, let's get the unanimous-consent request, and I believe the Senator could do it right at that point before we go to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Let me clarify what it is, since it has been changed.

The request is that we have 30 minutes of debate tonight after the stacked votes on the Bingaman amendment, that there be no second-degree amendments in order, that when we come in at 9:30, we will have 15 minutes, equally divided, on the Bingaman amendment, with the vote beginning at or about 9:45. So that is the first part of the request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that the amendment by Senator WARNER and Senator HUTCHISON be next in order tonight. How much time will be needed?

Mr. WARNER. Thirty minutes a side.

Mr. LOTT. With 30 minutes, equally divided, on that——

Mr. LEVIN. Mr. President, reserving the right to object, we have not seen that amendment yet, as far as I can tell from staff. Before we can agree to that time limit, we would like to see the amendment. We thought you were referring to a different amendment relative to Bosnia that we think may be able to be worked out without a rollcall; we are not sure. If this is a different amendment, we would like to see it.

Mr. LOTT. I will revise it to this extent. Next would be the Warner-Hutchison amendment. We won't lock in a time agreement now, but it would be the second vote in order stacked in the morning at 9:45.

Mr. LEVIN. Well, that amounts to a time limit. May we see that amendment before the UC is propounded?

Mr. WARNER. Of course, it can be examined. I suggest that the Senator from Michigan might agree to the UC, with the understanding that it would be reopened if you took the initiative.

Mr. LEVIN. We would like to see the amendment.

Mr. LOTT. Mr. President, I see the Senator from Wisconsin in the Chamber. I understood he had an amendment he might like to offer. We don't know what the disposition would be, but I ask unanimous consent that the third amendment to come up be the Feingold amendment on or in relation to Bosnia, and any vote thereon, if needed, would be at 9:45 in the stacked sequence, also.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I understand that there may be as many as four or five additional issues to be resolved on this bill. I encourage all Members who have amendments that they really are serious about identify those to the managers of the legislation tonight, and any votes ordered on those will be stacked. We will try to get a unanimous-consent agreement on the time on those remaining amendments when we come in, in the morning.

So there will be no further votes this evening, with the first votes to begin tomorrow morning at 9:45. We really need the Senators' cooperation so we can complete this legislation. I thank the Senator from South Dakota for his assistance in this effort.

Mr. DASCHLE. Mr. President, if I could just encourage our colleagues on this side of the aisle. We have a number of amendments that may not require rollcalls, but there are two or three that will. I would like very much to be able to work out time agreements tonight on those, so we can announce them tomorrow.

There is a desire on the part of both sides, I think, to try to finish at the target time of about noon tomorrow. So we have to work very carefully on these remaining amendments and get time agreements that will accommodate that schedule. So if you have a rollcall, let's try to work out the time agreement tonight before we leave.

Mr. WARNER. Mr. President, further reserving the right to object——

Mr. LOTT. I don't think the request was made. I yield to the Senator from Virginia.

Mr. WARNER. I ask the leadership to address the following. On the amendment relating to Bosnia by the distinguished Senator from Wisconsin, I would like to reserve the right to have the second-degree amendment.

Mr. LOTT. Certainly; we did not prohibit that. You would have that right. I would like to ask our colleagues on both sides of the aisle to be very cautious about amendments we do at this time with regard to Bosnia. Our troops are there on the ground. I had the occasion, with a bipartisan delegation, to be there last week. We have some very sensitive circumstances that have evolved there just in the last 24 hours. I don't even know what the amendments are, but I hope we will use the maximum amount of discretion in what we do in this area right now. Please be very careful what you do on Bosnia on this bill. I realize there may be some merits to them. I know the Senators will be very careful, and I urge them to do so.

Mr. SARBANES. Will the majority leader yield on that point?

Mr. LOTT. Yes, I would be happy to.

Mr. SARBANES. Mr. President, I want to support the statement of the majority leader. I don't know what is in these Bosnia amendments, but this is obviously always a difficult and sensitive issue. You know, we are locking in now procedure to try to produce this bill, which I am supportive of. I don't think we ought to put into that mix perhaps acting precipitously on a very complicated issue. I think the majority leader has made a very strong point.

Mr. LOTT. We are going to get a chance to look at the amendments. The Senator from Wisconsin, I believe, is going to talk to the managers of the bill. But without prejudicing anybody's position, I just wanted to add an admonition.

Mr. STEVENS. If the Senator will yield, did the leader say we must bring forth the amendment tonight and file it or something? Did I misunderstand?

Mr. LOTT. If you have an amendment you really would like to have considered, particularly if it may require a vote, we would really like to know about that amendment and then get an agreement on some time limit in the morning if at all possible.

Mr. STEVENS. We don't have to file them tonight?

Mr. LOTT. I assume you would have already filed it probably, but you don't have to. We are not looking for amendments, by the way. We are discouraging them, I might say to the Senator.

Mr. STEVENS. Well, I might have a few.

Mr. LOTT. I see that you have your bright tie on tonight. Maybe tomorrow you will feel differently.

Mr. LEVIN. I wonder if it would be wise to attempt to get an agreement that amendments that will be offered will be filed tonight.

Mr. LOTT. The Senator from South Dakota and I have found that when we do that, it tends to invite amendments. We are not urging or inviting amendments.

Mr. LEVIN. For the reason stated, I withdraw my suggestion.

Mr. LOTT. I yield the floor so we can begin the vote.

AMENDMENT NO. 636

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I would like to divide my time with the Senator from Iowa, Senator GRASSLEY.

My colleagues, last year corporate executives got paid millions of dollars each from taxpayers. One got $4 million, according to a scandalous GAO report—all this, while we thought we had a cap in place. It didn't work, and the Boxer-Grassley bill fixes it. That is why we have strong support from people who want to see reform. I yield to my colleague and hope he will support us.

Mr. GRASSLEY. Mr. President, the issue here is whether or not we are going to stand by and let the Pentagon thumb its nose at the U.S. Senate. We have had salary caps for the last 3 years. The Defense Department has found a way, by $33 million, just with McDonnell Douglas getting over that salary cap. We need an effective salary cap. We haven't had one. This will guarantee an effective salary cap so that the Pentagon will have to execute the laws the way Congress intended.

The PRESIDING OFFICER. The time of the proponents of the amendment has expired.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, Senator LIEBERMAN, who is on the subcommittee, looked at this issue and asked the administration last year to come up with a proposal. They came up with a cap of $4 million. We didn't think that was particularly salable on the floor of the U.S. Senate. So we came up with a different calculation that put the cap at $340,000. That is the median salary of the executives of companies that have sales of over $50 million.

What this amendment does is lower that cap to $200,000, and in so doing it applies to not just executives but scientists—people who are in demand, who are going to be taken away from high-technology firms and national defense and are going to other places where they can make a lot more money because they are going to be capped under this amendment.

This is a bad amendment. It is going to hurt national security. It also hurts small businesses, because those are the businesses that are primarily defense businesses that are not going to have the opportunity to compensate their employees from other sources like commercial entities.

I encourage a strong no vote on this.

I yield the remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. All time has expired.

Mr. LIEBERMAN. I agree with the Senator.

Mr. THURMOND. Mr. President, I move to table the Boxer amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina to lay on the table the amendment of the Senator from California. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—83

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—16

Akaka
Biden
Boxer
Durbin
Feingold
Grassley
Harkin
Hutchison
Jeffords
Johnson
Kennedy
Leahy
Moseley-Braun
Reed
Wellstone
Wyden

NOT VOTING—1

Mikulski

The motion to lay on the table the amendment (No. 636) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay it on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. COVERDELL. Mr. President, on the last vote, rollcall vote No. 170, I ask unanimous consent to change my vote. I voted "no" and meant to vote "aye." This will in no way change the outcome of the vote. I mistakenly thought it was an up or down instead of tabling.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. LOTT. Mr. President, what is the pending business now?

The PRESIDING OFFICER. The Bingaman amendment numbered 799.

Mr. LOTT. Mr. President, I wish to speak on that amendment, but I will withhold while Senator KYL asks for a unanimous consent request.

Mr. KYL. I appreciate that.

AMENDMENT NO. 605, AS MODIFIED AND AMENDMENT NO. 607, AS MODIFIED FURTHER

Mr. KYL. Mr. President, I ask unanimous consent to withdraw amendments numbered 605 and 607 and substitute for them versions of amendments 605 and 607 which have been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments are so modified.

The amendment (No. 605), as modified, is as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to]

ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban''.

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being ``advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command'', to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including ``considering safety, security, and control issues for existing weapons''. The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) Policy.—

(1) In general.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) Nuclear weapons stockpile.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) Sense of Congress.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) Advice and Opinions Regarding Nuclear Weapons Stockpile.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) Expression of Individual Views.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) Definitions.—

(1) Representative of the President.—The term ``representative of the President'' means the following:

(A) Any official of the Department of Defense, the Department of Energy, or the Office of Management and Budget who is appointed by the President.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(2) Nuclear weapons laboratory.—The term ``nuclear weapons laboratory'' means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

The amendment (No. 607), as modified further, is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) Limitation.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the President submits to Congress a written certification under subsection (b).

(b) Presidential Certification.—A certification under this subsection is either of the following certifications:

(1) A certification that—

(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

(2) A certification that the national security interests of the United States could be undermined by a United States policy not to carry out chemical weapons destruction activities under the Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this or any other Act for fiscal year 1998.

(c) Definitions.—In this section:

(1) The term ``Bilateral Destruction Agreement'' means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term ``Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term ``Cooperative Threat Reduction program'' means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term ``Wyoming Memorandum of Understanding'' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

AMENDMENT NO. 799

Mr. LOTT. If I could be recognized to speak on this amendment.

Does the Senator from New Mexico wish to modify his amendment? I would like to make sure I am speaking on the amendment that is before the body before I speak on this amendment.

Mr. BINGAMAN. Mr. President, yes, I do intend to modify the amendment, so that it strikes $118 million that was added by the committee for the space-based laser, and I will delete the portion of the earlier amendment that I offered which allocated those funds to the Air Force and the Navy flying hours.

Mr. LOTT. If I could ask the Senator to respond to this question: Would that knock out the entire funding for the space-based laser?

Mr. BINGAMAN. Mr. President, that does not. It leaves the funding at the level the administration requested, which is $29 million, but it would delete the initial $118 million that was added by the committee.

Mr. LOTT. So in the bill now there is about $145 million?

Mr. BINGAMAN. Mr. President, $148 million in the bill at the present time, and this gets it back to the administration requested level of $49.

Mr. LOTT. Mr. President, just so the Members will understand fully what the Senator from New Mexico is doing, his amendment, as I understand it, would knock out $118 million, leaving only $28.8 million to be available for the space-based laser program.

I rise to offer my support for this space-based laser and to oppose the amendment to strike funding of this important program. Clearly, one of the most serious threats facing us today is that of ballistic missiles. As rogue nations or terrorist organizations have the ability to develop more sophisticated means to deploy weapons of mass destruction, it is incumbent upon us, then, to develop the wherewithal to render those threats ineffective. Increasing funding for other programs, as the Senator originally intended, by taking it out of the space-based laser would have been a mistake, and I think to have this kind of cutback down to only $28 million reduces our ability to really develop the sophistication and the degree of the development of the program that we have the capability to reach.

It is time that we actually do something on this now. We have talked about it, we have had funding, we have had progress made, there has been real development capability reached, yet we continue to sort of shove it off and say, "Someday. Right now this threat is not serious enough." I maintain it is very serious.

We currently have no effective defense to counter the ballistic missile threat, particularly in the early launch phases when defensive measures are the most effective. I think the American people would be alarmed if they had an opportunity to stop and think about this, the fact that we have not developed this effective defense to this threat.

Space-based laser offers potentially one of the most effective solutions to this threat, utilizing relatively mature technologies for boost phase missile defense because we have been working on this, because we have expended funds in this area. So not only does this capability provide an effective protective blanket, but it also serves as a strong deterrent against the launch in the first place, as the boost phase interceptor ensures a destroyed missile falls within the short range of the launch site. So that is a very important factor. It would be a deterrent to launching in the first place, if you knew it might, as a matter of fact, land generally in the area or in the country that fired such a missile.

This inherent capability offers the initial and most effective defense against ballistic missiles. Coupled with terminal and midcourse defenses that we are now procuring, it provides an architecture that is robust to a wide variety of threats.

Moreover, the program is achievable, it is achievable, within current technical and political constraints. The program received a very positive endorsement from the Ballistic Missile Defense Office Independent Review Team which has assessed the program as low risk and capable of achieving a 2005 launch goal, yet it is fully compliant with the ABM Treaty. It in no way commits to us an operational system, but it is absolutely essential to the research and development efforts that preserve our option for such a program in the future.

Space-based laser is clearly the future national missile defense system of choice. It affords us the opportunity to protect the Nation, our military forces and our allies against the ever-growing threat for ballistic missile-deployed weapons of mass destruction. In fact, I think it is the greatest threat that we face today in the world. We cannot ignore it. We should not delay taking actions any further.

The early boost phase negation potential that spaced-based lasers can provide is essential. It is a critical component of our future national defense. We must ensure that the space-based option is carried forward with vigor and a sense of priority. If we cut it down to only $28 million, or something short of $29 million, we are not going to be able to go forward with this mature program in a vigorous way in one that gives it priority.

By the way, the people we have running this program now are very good and they are doing a good job. They have gotten the Secretary of Defense's attention to this program. So as this technology matures, I think it is clear that we now are at the point where we should build a demonstrator and show that, in fact, it will work.

I thank the Senator from New Hampshire for the work he has done on this, both in the committee and on the floor. Senator SMITH is prepared to debate this issue further. Without his efforts, without his attention, this program would not be where it is today and we would not be able to go forward with it in the way we need to now.

I strongly urge my colleagues to oppose the amendment to cut the bulk of the funding for the space laser program.

Mr. President, I thank the chairman again for his support in this area. This is something we clearly should be doing. I hope the amendment will be defeated.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Robert Simon, who is detailed to my staff from the Department of Energy, be permitted privileges of the floor for the duration of the debate and during any votes occurring on that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 799, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send a modified version of the amendment to the desk and ask that it be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 799), as modified, is as follows:

At the end of subtitle A of title X, add the following:

SEC. 1009. DECREASED AMOUNTS FOR SPACE BASED LASER PROGRAM.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 201(4) for the space based laser program shall be reduced by $118,000,000, and not more than $28,800,000 shall be available for the space based laser program.

AMENDMENT NO. 647

(Purpose: (Relating to the participation of the national security activities of the Department of Energy in the Hispanic Outreach Initiative of the Department)

Mr. BINGAMAN. Mr. President, I ask unanimous consent it be in order for me to offer an amendment numbered 647. I think it has been cleared on both sides. I will describe it once the clerk has reported the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 647.

Mr. BINGAMAN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 458, between lines 3 and 4, insert the following:

SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVITIES IN HISPANIC OUTREACH INITIATIVE OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall take appropriate actions, including the allocation of funds, to ensure the participation of the national security activities of the Department of Energy in the Hispanic Outreach Initiative of the Department of Energy.

Mr. BINGAMAN. Mr. President, this amendment authorizes the Secretary of Energy to ensure full participation of the Department of Energy in the very successful Hispanic Outreach Program that that department has had.

In September 1995, the Secretary of Energy announced a strategic plan to address the needs, talents and capabilities of the nation's Hispanic community.

This strategic plan calls for the Department to take effective steps to further the participation of DOE in educational programs, particularly in the fields of science and technology that serve Hispanic students.

In fiscal year 1996 the DOE set a goal of $20 million for funding Hispanic Service Educational Institutions and Initiatives. This level of investment provides significant dividends to the Hispanic community as well as to the Department of Energy.

Other programs are included within the Hispanic Outreach Initiative to encourage improved investment, training, and placement for Hispanic population in business using the internet and the Hispanic Radio Network.

As a result of such initiatives, Hispanic employment at the Department of Energy has increased at all grade levels during the past four years.

The amendment I am offering today directs the Secretary of Energy to ensure that all components of the Department participate fully in this initiative in order to achieve the widest possible impact.

I urge my colleagues to vote in favor of this amendment as an effective means to benefit the taxpayer and improve opportunities for the Hispanic community.

I believe we can take action on the amendment at this point. I know of no Senator that wishes to speak in opposition.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 647) was agreed to.

Mr. DURBIN. Mr. President, I ask we lay aside the pending business and consider amendment 657.

Mr. SMITH of New Hampshire. I object. I wish to speak on the amendment that is before the Senate.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire. Reserving the right to object, if the Senator wishes to speak for a couple of minutes on another matter, I ask unanimous consent that the Senator's time does not come out of the time allocated for this amendment.

The PRESIDING OFFICER. It would not.

Mr. SMITH of New Hampshire. I have no objection.

AMENDMENT NO. 657

(Purpose: To provide for increased burdensharing by United States allies)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 657.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. DEFENSE BURDENSHARING.

(a) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(b) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (a) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation fees or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation, consistent with the terms of such agreement.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (a);

(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(d) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

Mr. DURBIN. Mr. President, this amendment has been reviewed by both sides. Senator THURMOND, as chairman of the committee, and Senator LEVIN, as the ranking minority member, have accepted this amendment. It relates to the issue of burdensharing. It is an amendment which would not withdraw any troops, but would ask that our allies assume greater responsibility in helping to defray the expenses of the American troops which have been positioned overseas.

The amendment, I think, accurately reflects the postcold-war environment and the budget challenges which we face.

I yield back the balance of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 657) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. LEVIN. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 799, AS MODIFIED

Mr. SMITH of New Hampshire. Mr. President how much time remains on our side on this amendment?

The PRESIDING OFFICER. Nine minutes and 30 seconds.

Mr. SMITH of New Hampshire. Mr. President, I rise to oppose the Bingaman amendment which would cut funding for the space-based laser program—not just cuts it, it devastates the program.

In its markup of the DOD authorization bill, the committee increased the funding for the program by $118 million. During the committee's markup, the Senator from New Mexico did offer an amendment to delete the increase. This was defeated in committee on a bipartisan basis. It was not a party-line vote. It is my sincere hope, Mr. President, that the Senate will follow suit as the committee did and defeat this amendment today or tomorrow when we vote.

Mr. President, let me explain why additional funds are needed for this very important program. The President's budget request included only $30 million for the space-based laser. This is insufficient funding for the program to continue making the technical progress that it has been making.

The Department of Defense is currently considering ways to increase this level of funding in the outyears, but there is a major deficit now for the Fiscal Year 1998. This program, the space-based laser, is the last remaining space-based laser missile defense left. The last one. If we allow the program to die, then we will have wasted well over $1 billion in investment, literally wasted. We will not see the fruits of that investment and we will have given up the option of deploying the most effective national and theater boost phase missile defense system known to man.

The space-based laser program has been one of the best managed programs in the history of our ballistic missile defense efforts. It is not always the case that we can stand here and say that a program has been well managed. For over 10 years it has continued to make remarkable technical progress while remaining on schedule and within cost. How many other programs in DOD, or, indeed, in the U.S. Government, can we say that about? Not too many.

Mr. President, could I have order?

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, if we do not allow the space-based laser program to proceed, we are going to erode the Defense Department's expertise in laser technology. There are other laser programs in DOD. The SBL, the space-based laser, represents a significant proportion of DOD's corporate knowledge about lasers and all of DOD's knowledge about space-based lasers. All this knowledge, all of this technology will simply be thrown out the window if we gut this program.

This program has strong bipartisan support. It has had it for over many years. The Armed Services Committee has increased funding for this program in each of the last two fiscal years. In fiscal year 1997, for example, the committee recommended and the Congress and the President approved an increase of $70 million. DOD acknowledges that the additional funding is necessary if the program is to continue making the technical progress that it is making.

Therefore, the bill before the Senate today, the bill in its current form, the DOD bill, includes an increase of $118 million for that program. This amendment offered by the Senator from New Mexico will take that $118 billion out and basically stop the program in process.

I must say, every year, year after year, in all the 7 years that I have been on the Armed Services Committee here in the Senate, somebody comes out and tries to cut this program. Every year I am standing up here defending it, trying to make people aware of the importance of this program.

Let me explain why this specific funding level was chosen. The SBL program will complete its current development phase this year. The next logical step for a space-based laser is to develop and launch a technology readiness demonstrator. This is, in fact, the recommendation of an independent review team, the IRT, that was established by the director of the ballistic missile defense organization earlier this year to study the future of the SBL program.

The IRT recommended proceeding with a space demonstrator in fiscal year 1998 that could be launched in the year 2005. The funding increase in the pending bill is the same amount as that recommended by BMDO, Ballistic Missile Defense Office's independent review team—no more, no less. Such an SBL technology demonstrator would be compliant with the ABM Treaty. For those who are concerned about that, it is treaty compliant. And both Secretary of Defense Cohen and officials from the National Security Council have confirmed that an SBL readiness demonstrator would be treaty compliant as long as it is not an operational system prototype.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Additionally, the Department of Defense compliance review group has previously reviewed the SBL readiness demonstrator and deemed such a program compliant with the ABM Treaty. So the Air Force and BMDO have signed a memorandum of agreement to proceed with the SBL program. The Air Force and BMDO endorsed the development of an SBL readiness demonstrator and have done the preliminary work on how to proceed with such a program, and the Air Force has said if such a program proceeds, they will establish this program management office at the Philips lab at Kirkland Air Force base in New Mexico.

The bottom line is, a readiness demonstrator is the next logical step for SBL. It doesn't commit the United States to deployment or development of an operational SBL system, but it preserves the option for that decision after the year 2005. If the Bingaman amendment were to be agreed to, this option would be precluded and we would be left with a space-based laser program lacking focus and lacking any logical direction. It is one of those situations where if we do take the focus and take the direction away, it makes all the money we have spent in the past, all the $1 billion, wasted, down the drain, when we are now on the threshold of being able to see it all come to fruition and see the space-based laser program take its proper place in the defense arsenal of the United States.

So I urge my colleagues tomorrow, when we vote, to oppose this amendment as we have done year after year after year, to oppose the amendment of the Senator from New Mexico and defeat the amendment, and allow the space-based laser program to continue.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that at 9 a.m. on Friday, Senator FEINGOLD be recognized to offer an amendment, re: Air Force jets, and there be 30 minutes for debate, 20 minutes under the control of Senator FEINGOLD, 10 minutes under the control of Senator THURMOND, and no amendments be in order to the Feingold amendment. My understanding is it has been cleared on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. At 9:30 a.m., the Senate will resume the Bingaman amendment, with 15 minutes remaining for debate and a vote occurring at 9:45 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is my understanding the distinguished Senator from Arizona and the distinguished Senator from Massachusetts will engage in a debate on a matter that is related to the underlying measure.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, a number of us will be proceeding, momentarily, on an amendment with respect to Cambodia. I am just waiting for the language to arrive.

Mr. President, I understand, under parliamentary procedure, the time is controlled?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. Mr. President, how much time——

Mr. McCAIN. I believe the parliamentary situation is an amendment by Senator WARNER and Senator HUTCHISON. Could I ask for the parliamentary situation, Mr. President?

The PRESIDING OFFICER. We are on the Bingaman amendment.

Mr. WARNER. Mr. President, I think we would then lay that aside.

The PRESIDING OFFICER. There are 14 minutes for Senator BINGAMAN and 1 minute, 49 seconds in opposition.

Mr. WARNER. Mr. President, parliamentary inquiry. Under the previous unanimous consent request just propounded by the Senator from Virginia on behalf of the distinguished leader, Mr. LOTT, and the chairman, Mr. THURMOND, I would have thought that would have handled this situation. Am I incorrect?

The PRESIDING OFFICER. That does handle the situation in the morning, but we still have this time remaining tonight.

Mr. KERRY. Mr. President, is it appropriate at this point—I ask unanimous consent that we temporarily set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Parliamentary inquiry. That then preserves that amount of time left to each side tonight, is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, are we now open to amendment?

The PRESIDING OFFICER. Yes, we are.

Mr. KERRY. I understand there is no controlled time at this point.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 800

Mr. KERRY. Mr. President, as I mentioned, Senator HAGEL, Senator BOB KERREY, Senator CHUCK ROBB, Senator MAX CLELAND, Senator JOHN MCCAIN and myself are joining together to introduce a resolution with respect to Cambodia. At this point, I will yield the floor. Senator MCCAIN will lead off.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. The Senator from Massachusetts will shortly be introducing a amendment. That amendment very briefly, condemns what has happened in Cambodia. It calls for the United States to take action, including cutting off any assistance that is being provided to Cambodia. It calls on ASEAN nations in the region to cooperate in taking every step that is possible to restore democracy and a rule of law in Cambodia.

Mr. President, as I said, the Senator from Massachusetts will be shortly sending that sense-of-the-Senate amendment to the desk. For the sake of time, I would like to comment on it at this time because, as the Senator from Massachusetts mentioned, there are four others besides the Senator from Massachusetts and I who want to speak on this issue. I will be relatively brief.

A terrible thing has happened in a country that deserves far, far better; a country that has been put through, in the opinion of many, the worst genocide in this century; a country that had a large percentage, some estimate as high as 20 to 30 percent of its population executed by the infamous Khmer Rouge led by Pol Pot. I need not remind my colleagues that at great expense, some $3 billion, the United Nations, with the full cooperation and efforts of the United States, was able to conduct what was judged to be a free and fair election in Cambodia. The result of that election was a democratically elected government which had two co-prime ministers: Mr. Hun Sen and Prince Ranariddh, the son of Prince Norodom Sihanouk.

Mr. President, I give this background because those of us who were involved in that effort had high hopes, high hopes 4 years ago after that election, which was conducted by and supervised by many nations throughout the world. Now a terrible tragedy has again befallen Cambodia. Hun Sen, using the philosophy that unfortunately he has adhered to for some time that power is the flower that blossoms from the barrel of a gun, has begun killing people, imprisoning people, and has taken over the government of the country.

I grieve for the people of Cambodia. I grieve for those very gentle Khmer people who deserve far, far better than they are getting today.

Should the United States send the military into Cambodia? Obviously not. Should the United States advocate some military action? I don't think that's possible. But I believe that the United States of America must bring every possible pressure to bear on Cambodia to restore, as soon as possible, democracy and the rule of law. We have every right to expect our neighbors and friends in the region to lead as well as follow the United States in this effort.

Mr. President, if we allow this to happen, it is a tremendous setback for democracy and freedom, not only in that tragic little country but for the entire region. If Hun Sen is able to get away with this unpunished and if this situation goes unrectified, then I fear for other areas of the world, including Burma, including others where democracy has a very tenuous hold.

Mr. President, I am proud to join with Senator HAGEL, Senator KERREY of Nebraska, as well as Senator KERRY of Massachusetts, Senator CLELAND, and Senator ROBB, in decrying this situation and urging that all steps be taken to rectify it, because all of us have the commonality of service in Vietnam, its neighbor. I believe if there is any potency to our remarks, I hope that it is because of our collective view, on both sides of the aisle, that urges us and impels us to come forward and speak in this emotional and strong fashion.

Mr. President, yesterday I addressed the situation in Cambodia. I focused my remarks on the tragedy befallen a strife-torn country that saw the flickering light of democracy suddenly and violently extinguished. Today, I join with a number of my colleagues to introduce a resolution expressing the sense of Congress that the violence must stop, that the United States should call an emergency meeting of the United Nations Security Council to consider all options to restore the peace, to work with the Association of Southeast Asian Nations to restore the rule of law, to suspend financial assistance to the Government of Cambodia, and to urge other donor nations to do likewise.

Congress and the administration must not minimize the gravity of the situation in Cambodia. One of the century's most horrific chapters took place less than 20 years ago in a nation once known for tranquility. The end of Cambodia's holocaust did not bring peace; it brought 12 years of civil war. The culmination of an exhaustive diplomatic effort was the 1991 Paris Accord and the 1993 election that installed the coalition that governed until 2 days ago.

The coup d'etat instigated by Second Prime Minister Hun Sen has seriously set back the cause of peace and freedom in Cambodia. The deliberate and brutal campaign to locate and imprison or execute members of FUNCINPEC loyal to ousted First Prime Minister Prince Ranarridh illuminates all too well the nature of a regime dominated by Hun Sen. A forceful and feared individual, Hun Sen will respond only if the message is conveyed in the strongest terms that the international community, led, if necessary, by the United States, will accept nothing less than the cessation of violence and the initiation of serious negotiations aimed at restoring a democratic form of government.

The Cambodian people demonstrated by their overwhelming response to the 1993 elections that they truly desire to live under the rule of law. They left no doubt that they understand and appreciate democracy. They deserve better than to see an elected government removed by force and replaced by the very regime that harshly ruled for years until the 1991 peace accord. We introduce this amendment because the time to act is now. The administration must respond in the strongest terms to the coup d'etat and resulting violence. Congress as an institution must go on record as strenuously opposing the recent developments in Cambodia. We must let the world know that we stand as one in our conviction to see democracy restored in Cambodia.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I, too, rise to support the amendment that will be offered shortly by the distinguished Senator from Massachusetts [Senator KERRY]. First of all, we must, here in this Senate, be alert to the risk to lives of Americans in Phnom Penh, Cambodia. That is the first order of business of this resolution. We have lives at risk there. An Ambassador and his family's lives are at risk.

Second, though, what we are saying here is, now is not the time to quit in Cambodia.

For all the reasons cited by Senator McCAIN of Arizona, all the reasons that he has cited about the terrible suffering that has gone on in Cambodia for the last 30 years, in addition to that, we have a toehold of democracy there. The rule of law is at stake. An agreement was signed in Paris in 1991, and an election with 90 percent of the population voting in 1993, we have a great success possible in Cambodia, and now is not the time for us to say, "Well, it's Cambodia, it's a long ways away, it is not important." It is important.

America needs to go to the Security Council of the United Nations and say that we want to consider all options to make certain that the rule of law and democracy survive inside Cambodia.

We need to do the same thing with our allies in ASEAN to make certain that the rule of law and democracy survive. We need to send with this resolution a strong message to the people of Cambodia that we are not going to back out, we are not going to walk away, we are not going to give up, that we believe that democracy can survive in Cambodia, that the rule of law can be preserved in Cambodia and that the United States of America is prepared to lead the international community in ensuring that effort.

We have come a long ways in Cambodia. Only in the U.S. Congress is it possible for us to say we want to change something in the world and then take action and have it happen. That is what happened in Cambodia with this agreement at a time in 1991 when almost nobody thought it was possible, and then the election in 1993 that even fewer thought was possible.

There is a lot at stake here for the United States of America. As we talk to China about democracy, we do not want them to say, "Look what happened in Cambodia," or Vietnam similarly. We are a Nation that has been successful because we have been a defender of democracy and the rule of law, and we have to defend that principle inside the nation of Cambodia.

I am pleased to join with the distinguished Senator from Massachusetts [Senator KERRY], and others who are cosponsoring this resolution. It is a terribly important resolution, and I am hopeful and believe, in fact, that the administration will take it seriously and will act upon it. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleagues, the Senator from Arizona and the Senator from Nebraska, and I see the Senator from Georgia is here, and he will speak momentarily. And the junior Senator from Nebraska, Senator HAGEL is also here.

Mr. President, each of us invested a portion of our youth in Southeast Asia, and each of us are now investing a considerable amount of our concern as U.S. Senators of both parties with events as they continue in Southeast Asia. All of us remain convinced that this is a region that is vital to our international security interests. It is an area where we have a great deal at stake, and nowhere more so, really, than in Cambodia.

As everybody knows, as a matter of history, the United States played a critical role in the 1970's in events in Cambodia. And ever since then, the Cambodian people have been reaping the harvest of much of what has gone on in the region as a whole—the invasion by Vietnam, the influence of China and, most important, the terrible, terrible acts of the Khmer Rouge, the "killing fields" as we came to know them in this country.

It is ironic that at the very moment when the Khmer Rouge is at its weakest in recent years, when Pol Pot appears to be a prisoner and when the leadership has defected, when the army, as a whole, has decided to come into the system, that the system is now itself in convulsions and rejecting the process that so many people in the international community have invested so much in over the last years.

More than $2 billion has been invested in Cambodia by the international community. We have put shy of $200 million into Cambodia, but we have invested enormously in the notion that democracy can work in a region where it is important to prove that democracy can work. It is very important to all of us in the U.S. Senate and to the United Nations to guarantee that we are not now going to stand by and watch or refuse to be engaged or to take sufficient diplomatic steps to, once again, summon the energy of the world to try to help restore in this critical moment the rule of law and democracy in Cambodia.

The amendment that we offer sets forth a set of specific steps that we think should be taken by the administration and others in order to try to guarantee that we do restore peace and democracy to Cambodia.

Those steps are, first of all, that the parties should immediately cease the use of violence in Cambodia; second, that the United States should take all immediate necessary steps to ensure the safety of Americans in Cambodia; third, that the United States should call an emergency meeting of the United Nations Security Council to consider all options that are available to us in order to restore peace in Cambodia; fourth, that the United States and ASEAN together should try to take all steps necessary to restore democracy and the rule of law in Cambodia; fifth, that United States assistance to the Government of Cambodia should remain suspended until violence ends the democratically elected government is restored to power, and necessary steps have been taken to ensure that the elections scheduled for 1998 are going to be held; and finally, that the United States should take all necessary steps to encourage other donor nations to stop their assistance as part of a multinational effort.

Mr. President, I have traveled to Cambodia on a number of different occasions, together with Senator SMITH when we were doing the work of the POW-MIA Committee, and I have traveled other than on those journeys. I met at great length with Prime Minister Hun Sen, perhaps for a longer period of time and on more occasions than anyone in the Senate, and I can say to my colleagues that he is a tough and hard bargainer and, clearly, a survivor of the wars of that region. But he is an intelligent person who, ultimately, I believe, will be committed to the restoration of the fundamentals of the process that we invested in in Paris. It would be my hope and plea that Second Prime Minister Hun Sen would respect all of the investment of outside nations and all of the energies of those nations over the years in order to try to sustain the extraordinarily important effort that we have engaged in to try to provide democracy for this region.

In 1993, 90 percent of the eligible voters of Cambodia went to the polls and expressed their wish to have an elected government, and that elected government has now been rejected by violence in the last few days. There is no other word to use but to use the word "coup." I know our Government has hesitated to do that, but for the last 3 days, that is what has existed. Certainly, one would hope that will not be what remains there, and there is time yet to prove to the world that this was not a successful coup if the international community undertakes an emergency momentary effort to restore order and the long-term capacity of the Cambodian People's Party and FUNCINPEC to cooperate with each other as well as with incipient new parties that want to express their political views in a democratic Cambodia.

But what is clear, Mr. President, is that absent massive, urgent diplomatic energy expended by the United States and by those countries that have already invested so much, this moment could slip by, and the great tragedy would be that as the Khmer Rouge have come out of the jungle, as Cambodia has been accepted into ASEAN, as we have suddenly extended most-favored-nation status, as it has moved into this new economic acceptance and new era of possibilities, it will have reverted, by some inexorable and unexplainable force, to the very violence that characterized it for so long.

That doesn't have to happen, and this amendment is an effort to guarantee that it will not happen. So my hope is that the thrust of this effort will be heard, not just in Cambodia, but in the United Nations and in our own State Department and among those nations that have already committed so much energy. We cannot and we must not allow these events to go unattended. It is my hope this expression of our views will act as a catalyst to prevent that from happening.

I understand that my colleagues also would like to speak.

Mr. President, I send the amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. MCCAIN, Mr. KERREY, Mr. ROBB, Mr. HAGEL, Mr. CLELAND and Mr. BIDEN, proposes an amendment numbered 800.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC.

(a) FINDINGS.—The Congress finds that:

(1) during the 1970s and 1980s Cambodia was wracked by political conflict, war and violence, including genocide perpetrated by the Khmer Rouge from 1975 to 1979;

(2) the 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict set the stage for a process of political accommodation and national reconciliation among Cambodia's warring parties;

(3) the international community engaged in a massive, more than $2 billion effort to ensure peace, democracy and prosperity in Cambodia following the Paris Accords;

(4) the Cambodian people clearly demonstrated their support for democracy when 90 percent of eligible Cambodian voters participated in UN-sponsored elections in 1993;

(5) since the 1993 elections, Cambodia has made economic progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

(6) tensions within the ruling Cambodian coalition have erupted into violence in recent months as both parties solicit support from former Khmer Rouge elements, which had been increasingly marginalized in Cambodian politics;

(7) in March, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on political demonstrators supportive of the Funcinpec and the Khmer Nation Party;

(8) during June fighting erupted in Phnom Penh between forces loyal to First Prime Minister Prince Ranariddh and second Prime Minister Hun Sen;

(9) on July 5, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent coup d'etat;

(10) forces loyal to Hun Sen have executed former Interior Minister Ho Sok, and targeted other political opponents loyal to Prince Ranariddh;

(11) democracy and stability in Cambodia are threatened by the continued use of violence to resolve political tensions;

(12) the Administration has suspended assistance for one month in response to the deteriorating situation in Cambodia;

(13) the Association of Southeast Asian Nations has decided to delay indefinitely Cambodian membership.

(b) Sense of Congress—It is the sense of Congress that:

(1) the parties should immediately cease the use of violence in Cambodia;

(2) the United States should take all necessary steps to ensure the safety of American citizens in Cambodia;

(3) the United States should call an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(4) the United States and ASEAN should work together to take immediate steps to restore democracy and the rule of law in Cambodia;

(5) U.S. assistance to the government of Cambodia should remain suspended until violence ends, the democratically elected government is restored to power, and the necessary steps have been taken to ensure that the elections scheduled for 1998 take place;

(6) the United States should take all necessary steps to encourage other donor nations to suspend assistance as part of a multinational effort

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I support the amendment offered by the distinguished Senator from Massachusetts. The United States is the leader of the free world. As the world's foremost democracy, it is our duty to take the lead in support of democratic efforts around the world. This amendment expresses the sense of the Senate that the United States should work with the U.N. Security Council and the ASEAN nations in an effort to return Cambodia to the path towards democracy that it was on.

The First Prime Minister of Cambodia, Prince Norodom Ranariddh, has asked the U.N. Security Council for help. Cambodian Co-Premier Hun Sen seized power on Saturday. In light of the terrible tragedies the Cambodian people have seen over the past several decades, it would be a complete shame to allow outstanding progress toward democracy to be destroyed in one weekend of violence.

It is very important to restore the constitutional government to Cambodia. Cambodia is scheduled to have elections in May of 1998. It is fear of the democratic process which I believe has led to this coup. Opponents of the coup have already been killed. We cannot allow democracy to fail to take root in this nation. The United States must take the lead in this matter.

I urge, in the strongest terms, the Senate adopt this amendment. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I am pleased to join the other five Senators who are the original cosponsors of this particular amendment/sense-of-the-Senate resolution. I join in the gravity that they have already expressed and underlined about the situation that exists now in Cambodia. All of us have spent time in the region. Many of us have spent time in Cambodia dealing with the principal figures that are involved in this particular incident. I myself have visited Phnom Penh on a number of occasions. I have met in Cambodia with First Prime Minister Ranariddh, as well as Co- or Second Prime Minister Hun Sen on a number of occasions there and on at least one occasion here. I am familiar with the difficulties. I watched the process evolve. I observed the time period when the United Nations forces were there helping to try to restore a semblance of stability and to try to develop some respect for the rule of law. We saw elections. Ninety percent of the people in Cambodia voted in those elections. We know the difficulties that existed from the very outset.

As my colleagues who fought in Vietnam have already suggested, we have a clash of leadership. Co-Premier Hun Sen is a strong and forceful leader. All of us who have met with him understand that. This, in effect, internationally is an appeal for him to understand that the United States cannot abide the conduct that he has been associated with or that has been carried out in his name in the last few days. We cannot stand by and allow additional genocide, additional violence, which is beyond the rule of law, to be condoned.

I happened to be the sponsor of a resolution several years ago that provided for the collection of information that would be essential to any international tribunal that may deal with the atrocities that were committed by the Khmer Rouge in that terrible period under the leadership of Pol Pot and others who were involved in that particular period of genocide in Cambodia. Much progress has been made on that front.

Much progress was being made in terms of understanding in Cambodia for the rule of law and some essential elements of peace. All of this represents a setback. It is essential, as this resolution suggests, that the United States exercise its leadership, working with ASEAN, getting ASEAN to get involved as it is at least demonstrating some initial signs of doing even though it is not a military organization, and the international community to speak with one voice and say to those who would purport to represent the violent approach to taking and seizing power that is not obtained through the ballot, that the international community will not support you.

That is what this resolution that the six of us who fought in Vietnam are saying to our Government, please take a leadership role in mobilizing the international community to send a very strong message to Hun Sen and those who follow his lead and send a message to the rest of the international community to fall behind the progress that has already been made in Cambodia and not to step back with the actions that have been taken in the last few days.

We want to tell Hun Sen and others who might follow that lead that not only we cannot support that, we are going to be actively opposing that and hope that the rule of law and some degree of political pluralism and respect for the principles of peace and democracy could be restored.

With that, Mr. President, recognizing the presence on the floor of my colleague from Nebraska, the junior Senator, Senator HAGEL, and in joining with Senator McCAIN from Arizona, Senator KERRY from Massachusetts, Senator KERREY from Nebraska, and Senator CLELAND from Georgia, I am pleased to support this particular amendment in the form of a sense-of-the-Senate resolution. I ask all of our colleagues to do likewise.

With that, Mr. President, I yield the floor.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERRY. Mr. President. Could I just ask my colleague's indulgence for one moment?

Mr. HAGEL. Yes.

Mr. KERRY. I ask unanimous consent that Senator HELMS be added as a cosponsor. I believe you have Senator BIDEN on there as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise this evening to support and cosponsor the amendment that has been brought to the floor by my distinguished friend and colleague from Massachusetts, representing the six Vietnam veterans serving in the U.S. Senate with our view of what has happened in Cambodia as well as now the distinguished Senator from North Carolina, the chairman of the Senate Foreign Relations Committee. And I hope that all of our colleagues join in supporting this resolution.

I echo, Mr. President, and very much support what my colleagues have said tonight about the tragedy that has befallen Cambodia. I would only add, Mr. President, that at a time in our world when we are reaching out to secure more freedom for peoples around the world, secure more stability, that we have talked about and will debate in detail NATO expansion, and we are currently involved in Bosnia, we must not forget the other corners of the globe. Certainly what we as a free country, the leader of the free world, have invested in Cambodia, in that part of the world, is very important.

This is a serious matter, Mr. President. It is serious not just for Cambodia, but it is serious for that part of the world because instability in that part of the world leads to great tragedy. We know that firsthand, some of us in this body. It is very important. It is essential that the leadership of this Nation be brought foursquare. We enlist the ASEAN nations and other nations to support our efforts to be able to lead Cambodia back to a time when there is the rule of law and there is security and there is stability.

Hopefully, this resolution presented tonight will be a good beginning. I add as well, Mr. President, the administration has taken action today. The ASEAN nations have taken action. But we need more.

I only add this as a summary statement to what we are doing this evening. It is critical, as we enter this new century, that all that has been invested in southeast Asia in blood and treasure, not just Americans, but our friends from Australia, South Korea, all over that area, to make sure that we do not slip back into a morass of tyranny and lose progress that we have so diligently fought for over the years.

Mr. President, I very much hope that all of our colleagues will strongly support this resolution.

I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today to condemn the coup that occurred in Cambodia this past Sunday.

I want to put special emphasis on the word "coup" because the United States State Department has been reluctant to use this term to describe the events in Phnom Penh. The facts, however, leave no doubt.

On Sunday, troops loyal to Hun Sen, Cambodia's second prime minister, attacked the forces of Prince Norodom Ranariddh, Cambodia's first prime minister and leader of the royalist party known as FUNCINPEC. According to news reports, Hun Sen's army is currently rounding up political opponents. Already, at least one senior royalist official has been executed. As an added insult to the Cambodian people, Hun Sen's forces have been looting shops in the capital.

I am sure my colleagues will agree that Hun Sen's use of military force to oust his rivals and take sole control of Cambodia's government is, by definition, a coup d'etat.

Hun Sen is a man who has always preferred the gun over the ballot. In 1993, his party was defeated by the royalists in the United Nations-sponsored elections. Nearly 90 percent of eligible voters participated in that historic event. Even though he lost the election, Hun Sen threatened to restart Cambodia's civil war unless he was named as a second prime minister alongside Prince Ranariddh. In an effort to avoid further bloodshed, the U.N. agreed to let the two factions govern together.

After uneasily sharing power for 4 years, this clumsy coalition finally began to unravel this year. On March 30, 20 people were murdered in Phnom Penh when gunmen fired grenades into a peaceful opposition rally. Investigations have linked Hun Sen's troops to this cowardly attack. The political violence in Cambodia has only grown worse in the weeks since that tragic event.

The only good news to emerge from Cambodia in recent weeks was the capture of Pol Pot, the genocidal leader of the Khmer Rouge. The ruler of Cambodia between 1975 and 1979, Pol Pot is responsible for the deaths of as many as one million people. This notorious war criminal was taken prisoner by Khmer Rouge defectors who indicated a willingness to turn him over to the government. Hun Sen's takeover, however, may jeopardize efforts to have Pol Pot brought to Phnom Pehn and eventually extradited to an international tribunal.

Mr. President, I ask unanimous consent that an editorial from the July 9 edition of the Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CALLING A COUP A COUP

To many Americans, the latest combat in Cambodia's capital may seem like inexplicable infighting among equally tainted political factions. It's not. It's basically a coup d'etat.

Cambodia's tragic history leads some diplomats and others to consider hopeless the cause of democracy there. Certainly the Southeast Asian nation has had more than its share of seemingly mortal blows—above all the unspeakable Khmer Rough genocide. And none of Cambodia's factions is untainted by the bloody past. Yet few observers considered democracy hopeless in 1993, when an astonishing 89 percent of voters went to the polls despite threats of violence and actual attacks. A United Nations-led transition was hailed as a model for democracy-building.

Almost from the start, though, those courageous voters did not get the international support they needed. Hun Sen, the Vietnamese-installed ruler from 1979 to 1993, and his People's Party unexpectedly lost the election, despite a campaign of intimidation against other parties. Yet, again through coercion and threat of force, he was permitted to muscle into the government as co-prime minister, essentially negating the election results.

Since then, the United States and its allies have given Cambodia substantial amounts of aid. But they have not conditioned it on further democratization, such as the establishment of independent courts, election commission and other institutions. There was little protest when Hun Sen's party began forcing independent voices out of the government, refusing to register new political parties and otherwise moving to reimpose one-party ruler.

This weekend military forces loyal to Hun Sen attacked and, at least in the capital, defeated forces loyal to the other co-prime minister, Prince Norodom Ranariddh, who has fled to Paris. Now Hun Sen's troops are said to be rounding up political enemies; at lease one senior offical from the losing side is reported to have been executed. In the countryside, a civil war may be resuming.

Yesterday U.S. officials properly condemned Hun Sen's use of force, while still declining to label it a coup—becasue then the law would require a cutoff of aid. The international community needs to do more. Before all hope is lost of getting Cambodia democratization back on tract, the United States as well as Cambodia's neighbor in ASEAN should make clear that they will not recognize a government installed by coup d'etat, that they will not keep giving aid to an illegitimate regime and that they won't accept any phony elections organized in an effort to pretty up the coup. Anything less is a disservice to these 89 percent.

Mr. FEINGOLD. Mr. President, the editorial, "Calling a Coup a Coup," argues that the United States and the international community should condemn Hun Sen's actions as a coup and halt aid to his government.

Mr. President, I agree. I believe the administration should officially recognize Hun Sen's actions as a coup. This is the right policy. While nobody wants to increase the suffering of the Cambodian people, the United States cannot legitimize Hun Sen's actions by maintaining the current flow of aid and development assistance.

As we all know, the United Nations spent over $2 billion in 1993 to bring peace and democracy to Cambodia. We made a large investment, but an important one. Now, even though this long-suffering nation appears to be slipping back into a civil war, we should not conclude that the efforts of the United States and the international community have been in vain. In 1993, Cambodia's citizens overwhelmingly rejected tyranny, and they will do so again.

U.S. support for democracy, though, will seem shallow if we do not take action against the use of violence. Like the military dictators of Burma, the Hun Sen regime too should be subject to the toughest sanctions. The United States must do all it can to insure that Hun Sen does not become the next Cambodian dictator.

Mr. KERRY. Mr. President, I do not believe there is any further debate on the amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend Senator KERRY and the other sponsors of this amendment. They have served this Nation with tremendous courage in so many ways. And again they serve the Nation tonight and the world tonight by bringing to our attention, for our action as they propose, the situation in Cambodia.

I just want to simply say that not only does this Senator support them, but I believe that I am speaking for every Senator in this body that we feel strongly that not only have these Senators given so much in the past, but again they are reflecting the best of this democracy in speaking out against what is happening now in Cambodia. I just simply want to thank them and say how much this Senator supports their work, how much we appreciate the dedication and the values of this Nation reflected in this resolution.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wish to associate myself with the remarks of my distinguished colleague from Michigan. The Senate is indeed fortunate to have these three men who have proven themselves on the field of combat and who now bring that same wealth of experience to bear on this critical issue.

In many respects, in the Senate, because of just simply the times, the demographics, fewer and fewer in number have served in uniform in farflung areas of the world to gain that first-hand experience which is so vital to bring to bear on critical issues of this kind.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KERRY. I ask unanimous consent that the Senator from California, Senator FEINSTEIN, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. If there is no further debate, I suggest we now move to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 800) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, parliamentary inquiry.

Under the previous order, my understanding is that the Senator from Wisconsin will be recognized.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Let me also associate myself with the remarks by the Senator from Michigan and the Senator from Virginia about the resolution that we just passed regarding Cambodia.

Let me also say just how grateful I am, and I know all Members of this body are, for the extremely distinguished service of the Senators in that group in the war in Vietnam.

Let me also associate myself with regard to the situation in Cambodia. I have placed my own brief statement in the RECORD with the hope that we can get back on the road to democracy and progress in Cambodia. I am honored to have been here to hear their remarks with regard to that issue.

In that regard, Mr. President, and in regard to a current situation where American men and women are serving overseas in the Bosnia situation, I am prepared to offer an amendment.

Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

AMENDMENT NO. 759

(Purpose: To limit the use of funds for deployment of ground forces of the Armed Forces in Bosnia and Herzegovina after June 30, 1998, or a date fixed by statute, whichever is later)

Mr. FEINGOLD. I call up my amendment, Mr. President, No. 759, which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 759.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF FUNDS FOR DEPLOYMENT OF GROUND FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—Funds appropriated or otherwise made available for the Department of Defense may not be obligated for the deployment of any ground elements of the Armed Forces of the United States in Bosnia and Herzegovina after the later of—

(1) June 30, 1998; or

(2) a date that is specified for such purpose (pursuant to a request of the President or otherwise) in a law enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) to the support of—

(A) members of the Armed Forces of the United States deployed in Bosnia and Herzegovina in a number that is sufficient only to protect United States diplomatic facilities in that country as of the date of the enactment of this Act; and

(B) noncombat personnel of the Armed Forces of the United States deployed in Bosnia and Herzegovina only to advise commanders of forces engaged in North Atlantic Treaty Organization peacekeeping operations in that country; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

Mr. FEINGOLD. Mr. President, I rise today to offer an amendment to S. 936, the Department of Defense authorization bill for fiscal year 1998. This amendment simply would prohibit the use of funds within the bill for the deployment of any ground forces in Bosnia-Herzegovina after June 30, 1998.

As we all know that is the date that the President has said now United States troops would be out of Bosnia. My amendment would simply codify this goal. This amendment would allow appropriate exceptions, however, for Armed Forces personnel deployed in Bosnia to protect United States diplomatic facilities or noncombat personnel to advise NATO commanders. It would also not affect the President's constitutional authority to protect the lives of American citizens.

Mr. President, this is similar to an amendment I introduced in May to the supplemental appropriations bill. That amendment, which applied only to the approximately $1.5 billion worth of "emergency" appropriations included in that bill, prohibited the use of fiscal year 1997 funds after the date of December 30, 1997. In order to accommodate the views of several other Members of this body, I did agree to accept an amendment by the Senator from Texas, Senator HUTCHISON, that changed that date to June 30, 1998.

I was pleased that on that occasion the Senate unanimously chose to accept the modified version of my amendment on that bill. Although it was eventually dropped in the conference committee, I was pleased that the conferees included language in their report expressing the concern of the Congress regarding the Bosnia deployment and requiring the President to provide regular reports to Congress on the deployment itself as well as on the cumulative costs stemming from various United States efforts associated with Bosnia.

So here today, Mr. President, we now have an opportunity again to go on record regarding the continuation of the Bosnian operation beyond next June.

I have held strong reservations about United States troop deployment in Bosnia ever since it was announced in 1995. These doubts were so strong that I ended up being the only Democrat in the Congress to vote against deployment of United States men and women to support the Dayton accord.

It was a hard vote, but I voted no because I felt that the administration's promises to bring our men and women home after just 1 year were simply not plausible. Now, here we are in July of 1997—nearly 2 years later—our troops are still in Bosnia, and it is already clear that at a minimum we will remain there at least until the middle of 1998.

Mr. President, my concerns about our involvement in Bosnia have not changed since that first "no" vote.

I will be the first to acknowledge, though, that the international intervention in Bosnia has had some positive benefits. The Dayton accord and the deployment of the NATO-led implementation force, IFOR, put an end to the bloodshed of the 3-year Bosnian war. In this sense, Mr. President, the IFOR mission in Bosnia was a success.

There also can be no argument about the bravery and professionalism of the United States personnel who served in IFOR and are still in Bosnia as a part of the stabilization force, SFOR. Amazingly, there have been virtually no casualties even though there have been as many as 27,700 United States troops in the theater at one time. These men and women work through harsh conditions in a complex and often unstable environment. Although there have been passionate debates about whether our military should stay in Bosnia, admiration for the outstanding performance of our troops has been unanimous.

Mr. President, my problem is with the seemingly endless duration of this mission.

When in late 1995, the President first announced he would be sending United States forces to Europe to participate in the IFOR mission, he promised the Congress and the American people that the IFOR mission would be over within 1 year. This promise was reiterated by the President on several occasions and continually backed up by senior American military and diplomatic officials in public statements and in testimony before Congress. I think we all understood that promise. I think we all understood that promise to mean that our military men and women would be withdrawn from the region by December 1996, or at least very shortly thereafter.

But in November 1996 the President announced that he would extend the U.S. mission for an additional 18 months, through June 1998, for participation in the NATO force now known as SFOR. Mr. President, despite this new acronym, SFOR really represents nothing more than an extension of the original IFOR mandate, albeit somewhat more limited in scope.

Mr. President, I am afraid that there is still no clear end to our mission. The main factions in Bosnia are not making progress toward creating a viable nation that can survive without the presence of the international force. Although the IFOR and SFOR deployment has certainly halted the widescale fighting, there has been little progress on the political front. According to a May report by the General Accounting Office, the united governments Parliamentary Assembly has met just once and has yet to pass any legislation. The unified Council of Ministers has no authority, no funding, and no office space.

So long as SFOR maintains an indefinite commitment to serve as referee in Bosnia, I don't think we can expect any movement by the three Bosnian factions to build the institutions that will be needed, once the NATO force pulls out. So unless we set a deadline for our involvement to end, Mr. President, I believe there will be little to no incentive for the three sides to create a lasting political solution to the conflict.

Mr. President, Bosnia's problems are still immense. Authoritarian rulers from all sides are hampering democracy. Many refugees are still unable to turn to their homes, and acts of ethnic violence occur on a daily basis. In short, Mr. President, there will never be a good time to pull out of Bosnia. If we stay in Bosnia until the Croats and Serbs and Bosnians learn to live together, then we may never leave.

At the heart of the conflict is the fact that the strategic political goals of the warring factions remain unchanged. There are many observers who believe that the presence of the U.S. troops alone, instead of helping in some way, actually serves to harden rather than soften ethnic tensions in the area. The longer the Muslim refugees are prevented from returning to their homes the more determined they are to fight for their right to do so. At the same time, the Serbs are thwarting resettlement efforts and ignoring indictments from the War Crimes Tribunal against their own leadership. I believe that the open-endedness of this mission is helping to keep the warring parties from truly fulfilling their commitments under the Dayton accord.

Mr. President, I have a second concern, as well. It really is the crux of this amendment. It relates to the bill that the United States taxpayer is expected to bear to support this Bosnia operation. The Congress and the American people, Mr. President, were originally told the Bosnia mission would cost the U.S. taxpayers approximately $2 billion. Sometime in 1996 that estimate was revised to $3 billion. Then, subsequent to the President's November announcement extending the deadline for troop withdrawal, we learned that the cost estimate had been revised upward again, and really revised upward to a staggering $6.5 billion after the initial figure of $2 billion had been used. Six months later now, the May 1997 GAO report estimates this mission will cost $7.7 billion for military and civilian support for fiscal years 1996 through 1998.

Mr. President, this latest figure is nearly four times as great as the administration's original estimate. To put this in perspective, the United States, over the course of 30 months in Bosnia, expects to spend an amount equivalent to over just half of the entire foreign operations budget for the current fiscal year for the whole world.

Mr. President, as I said during the debate over the supplemental appropriations bill, what we now have with United States involvement in the Bosnia operation is not mission creep, it has become dollars creep for the U.S. Congress and for the American people. At the very time we are straining so hard to eliminate the Federal deficit, we need to plug up the ever-enlarging hole in the Treasury through which funds continue to pour into the Bosnia operation.

Mr. President, by setting a hard date, by prohibiting the use of funds after June 30, 1998, my amendment establishes an end date for the deployment of ground troops in Bosnia. This is the only hope we have to plug this hole in the Treasury.

Mr. President, by establishing an end date for the funding of the deployment of U.S. troops, my amendment, I hope, serves the dual purpose of preventing both mission creep and dollars creep in the Bosnia situation.

I yield the floor.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 802 TO AMENDMENT NO. 759

(Purpose: To substitute an expression of the sense of Congress regarding a follow-on force for Bosnia and Herzegovina)

Mr. LEVIN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

Mr. WARNER. Mr. President, parliamentary inquiry. What rights does the Senator from Virginia, acting for the majority, have with respect to not having this accepted? I object to this being accepted.

Mr. LEVIN. The Senator from Michigan will not be pressing for the disposition of this amendment tonight, following my conversation with my friend from Virginia.

Mr. WARNER. That does not preclude, subsequent to sending it to the desk, an objection being interposed by the majority or any other Senator.

Mr. LEVIN. Anybody could move to table this or vote no on this, because I am not going to be pressing for disposition of this tonight, and if there are other amendments to dispose of tonight, we will have to set aside this second-degree amendment.

Mr. WARNER. Will the Chair kindly respond to the question?

The PRESIDING OFFICER. The amendment will not be disposed of until all debate has concluded on the amendment this evening.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, and Mr. MCCAIN, proposes an amendment numbered 802 to Amendment No. 759.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 1075. SENSE OF CONGRESS REGARDING A FOLLOW-ON FORCE FOR BOSNIA AND HERZEGOVINA.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in a neighboring country; and

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina.

Mr. LEVIN. Mr. President, the Senator from Wisconsin has offered an amendment, which has as its purpose sending a very clear sign to our friends in Europe, our allies, to the administration, and to the people of America that it is our intention that our forces be out of Bosnia by the middle of next year. And I happen to share that goal. I think it is important that if we are going to be credible militarily, that when we have a mission and we set an end point for that mission, as we have, and particularly where the military side of that mission has now been accomplished—the military side—that for our military to be credible, we should live up to the mission's shape, the mission's description.

Now, part of this mission—and it was stated when these troops were sent in—was that they would complete their mission by the middle of next year, and they were given certain other tasks and, militarily, those tasks have been assigned. The civilian side of the Dayton accords have not been fulfilled, surely. And it is my clear belief that the civilian side of the Dayton accords are not going to be completed by the middle of next year. There are going to be many years before those civilian goals in Dayton can be achieved.

It is my own personal belief that there is going to need to be a follow-on force in Bosnia if the gains which have been made are not going to be lost. There have been some significant gains. I also believe that the Europeans should take a greater responsibility for that follow-on force, and they should know now that it is the intention of the Congress that a follow-on force, which is likely to be necessary, or may be necessary, is going to be one that will not have American ground combat troops.

That is goal 1 of this second-degree amendment. It is to state the sense of the Congress that American forces leave Bosnia by the middle of next year, as planned, as scheduled, as part of the mission.

But there is another part to the second-degree amendment. That part is a reference to the Europeans, as providing a follow-on force, if necessary, through something called the European Security and Defense Initiative, which is an initiative inside of NATO, using NATO's assets, which has been approved by NATO, but which is connected to the western European Union. It is an effort to get greater European initiative in European affairs. It is a way of saying we will support the Europeans in taking that initiative through the use of NATO assets, but without having Americans in the lead everywhere that NATO operates.

It is something the Europeans have said they want many, many times. It is their initiative inside NATO. It has been approved by NATO. NATO, in January 1994, gave its full support to the development of a European Security and Defense Initiative to strengthen the European pillar of the alliance, and in order to allow our European allies to take greater responsibility for the common security in their common defense. It was designed to enable, as I said, the western European Union to carry out operations using NATO assets and capabilities. That is the other part of this sense-of-the-Senate resolution.

So I want to commend the Senator from Wisconsin, and many others in this body, who want to keep us to the mission statement, the mission goal, part of which is that our troops would be removed by the middle of next year. Again, I emphasize the military part of the Dayton accords have been completed. Our military has done a spectacular job. We should be supporting our military, and we are. This second-degree amendment avoids the excessive statement that is made when one says there is going to be a cutoff in funding, but at the same time sends a strong message that it is Congress' intent that there not be United States forces on the ground in Bosnia after next year. It gives a little greater flexibility.

A funding cutoff, under these circumstances, when our military is there now, successfully, is too blunt an instrument. It is just too inflexible an instrument. It will take away bargaining power that currently exists both with our allies and with some of the negative regressive forces inside of Bosnia. We are going to have plenty of time to act to cut off funds, should that be necessary and should the circumstances dictate. But we should not commit ourselves a year in advance to cutting off funds when there is sufficient time at a later time to do so.

So this second-degree amendment sends a strong message, which is the intent of the Senator from Wisconsin—an intent that I happen to share—but it does so without either undermining the morale of our troops, or without harming our chances for further progress in Bosnia.

So, Mr. President, I basically have reached a number of conclusions that are reflected in this amendment, which is cosponsored by Senator REED of Rhode Island and Senator MCCAIN of Arizona. These are the conclusions that I believe are accurate, based on a lot of personal visits to Bosnia and a lot of study.

One, there is an absence of war in Bosnia, and that situation is likely to remain as long as there is an outside armed force in Bosnia.

Two, the civilian implementation of the Dayton accords is lagging far behind military implementation.

Three, central governing institutions are developing in Bosnia, but there is a long way to go. The Bosnian Serbs have not yet decided even that it is in their best interest to cooperate.

Four, reconciliation among the Bosnian factions has barely begun.

Fifth, the central role played by the United States has reinvigorated the NATO alliance and re-established America's leadership.

Six, the United States should continue its leadership role and remain involved in Bosnia.

Seven, our European NATO allies have sought to become less reliant on the United States, and mechanisms including the European security and defense initiative are being developed to allow them to play a larger role.

Next, either a Western European-led force, with its core made up of the forces of our European NATO alliance, or a NATO-led force, without a U.S. ground combat presence, should be ready to provide a follow-on force if an armed outside force is necessary to keep the peace in Bosnia after SFOR completes its mission in June of 1998.

Mr. President, that is the thrust of this amendment. It is aimed at making a strong statement in terms of congressional intent, but it is also aimed at avoiding too blunt or too inflexible an instrument a year in advance of when the American troops should be removed from Bosnia.

AMENDMENT NO. 802, AS MODIFIED

Mr. President, I send a technical modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 802), as modified, is as follows:

Strike all after "SEC." and insert in lieu thereof the following:

SEC. 1075. SENSE OF CONGRESS REGARDING A FOLLOW-ON FORCE FOR BOSNIA AND HERZEGOVINA.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina.

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina.

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in a neighboring country; and

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina.

Mr. LEVIN. Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I find myself in something of an awkward position. I will address it in greater detail momentarily because I have been opposed to the utilization of our ground troops in this region of the world, namely Bosnia, for many years. I have so spoken and I have voted that way. Only once was I faced with a vote that had I not supported it would have been construed as not supporting the troops, did I cast a vote which could be construed, in any way, as supporting the use of ground forces in this region. But at this time I am acting on behalf of the distinguished majority leader and the chairman of the Armed Services Committee, and in that capacity I send to the desk an amendment in the second degree in the nature of a perfecting amendment.

The PRESIDING OFFICER. The Senator from Michigan sent an amendment to the desk which was a modifying amendment, and it became a perfecting amendment. Consequently another second-degree perfecting amendment is not in order at this time.

Mr. WARNER. Very well, Mr. President. We will see what we can do to untangle this situation in the morning.

So, for the moment I will just speak to the amendment offered by the distinguished Senator from Wisconsin and the second-degree amendment of my good friend and colleague, the distinguished ranking member of the Armed Services Committee, the Senator from Michigan.

My concern is as follows. It is twofold.

One, there is a long history of the President exercising his role as Commander in Chief and the Congress exercising its role primarily through the power of the purse. And for the 18 years I have been privileged to serve in this body I have participated in many, many debates on this issue. Now we are confronted with the fact that the American taxpayers have invested up to $7 billion, I am told, in this conflict in this very troubled part of the world, a part of the world in which historically troubles have existed from almost the beginning of mankind. I have always been of the opinion that it can never be settled. I have made many trips to this region. As a matter of fact, I was the first Member of the U.S. Senate to go into Sarajevo—my recollection is about 3½ years ago. I have been back on a number of trips with other colleagues. And the underlying problem of these people in terms of their ethnic conflicts and religious conflicts is just beyond me to comprehend. I have seen ravages of this war firsthand both on people and property. But I am going to put that to one side for the moment.

Two things concern me: one, the President has the right as Commander in Chief to give the orders to the troops to go in, and really we authorize as the Congress to give him every right to decide when those troops are to be withdrawn. I fully recognize that in this debate. Particularly over the last 6 or 7 months there have been many signals from the administration that this general timeframe of June 1998 is when the ground elements are to be pulled out.

Indeed, when the Secretaries of State and Defense appeared before the Senate Armed Services Committee, I think one of the first times, if not the first time in history, my recollection is that I asked the question that prompted the answer from Secretary Cohen that he stood firmly behind the policy to pull the ground elements out in June of 1998.

It has been interesting to observe since that time the posturing, particularly by the Secretary of State, and to some degree by the President, in my judgment, trying to distance themselves from that statement by our former colleague, and, indeed, my good friend of many years, the current Secretary of Defense.

I anticipate that the President and his Cabinet officials and others will soon come to the Congress to try and explore the common ground in which we can recognize that the President under his constitutional powers should be given the maximum latitude in deciding when to bring troops, whether it is ground, air, or otherwise, out of the situation into which they have been deployed.

I footnote my remarks again by saying I voted against it. I was opposed to it. I do not think today, or yesterday, or, indeed, I don't think I will ever be convinced that this part of the world is in the vital national security interests of the United States. But nevertheless the President has the power under the Constitution as to when to deploy. I think that power also is the power to determine when to extract. And I am one that wants to give the maximum latitude to any President to exercise rightfully his constitutional powers.

I also recognize that we have, as I said, invested upwards of $7 billion.

I want to ask my good friend when he returns here momentarily, could not such a statement as we are debating tonight—although it is the sense of the Senate, sometimes those communications as they cross the ocean are misinterpreted or not fully understood. And how can we have asked the American taxpayers, even though I and others voted against, to have contributed this extraordinary sum of money? And, indeed, this sum of money has been taken from the procurement accounts, from the readiness account, and the R&D accounts. It has literally starved the defense budget. And those effects are being felt today.

Nevertheless, how can we jeopardize that investment with stating that no matter what happens—this says, "United States ground forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998." It doesn't really have any contingencies. Just today we learned that elements of the NATO forces went in to try to capture war criminals. I have great concern—perhaps next week after I receive a briefing, and hopefully so will other Senators—on exactly what was the change of policy. What was intended to be done? Here we are, Mr. President. We are looking at a rapidly changing situation. If we are going to allow the NATO forces to go out after some 50 war criminals—these were low-level in terms of the hierarchy—I think in a geographic location where certainly it is less troublesome to have a military operation get them than many of the others, the principal ones.

But my point is this is a changing situation. And to say that June 1998 all ground forces must be withdrawn, in my judgment, is unwise from a constitutional standpoint. And I question whether or not we have acted in good faith with the American people to say now we are going to put that arbitrary limitation on our President.

Then I ask of my colleagues—and I hope that they take the floor and perhaps ponder my questions. And I will direct them in a moment. Our allies have said, "You pull out, we are pulling out the next day. You pull out, we will pull out." So this is going to trigger a precipitous withdrawal of those forces which have basically secured this situation. So that there has been a situation of comparative peace now for some considerable time.

So I would like to ask first of my distinguished colleague from Michigan, what is likely to be the allied reaction to a sense-of-the-Senate resolution by the Congress of the United States that we think these troops—no matter what the situation—that maybe our ground forces should be withdrawn no later than June of 1998?

Mr. LEVIN. I think they would see it in two ways.

First, I think they would see that we are supporting the administration which has stated its position that our troops would be out of there. The administration position is that our troops will be out by the middle of next year. So I think they would see the Senate as going on record as supporting that position of the administration. So they would see some unity in that respect.

But they also, I think, would see in this second-degree resolution something which is very important. This amendment says that the Europeans and we in NATO talked about greater European initiative. We have now put one in place, and it is being implemented as we speak.

I checked with General Shalikashvili and I have checked with our leadership in Europe. This European security and defense initiative in NATO adopted by NATO with our support to give the Europeans—not only give them assets to carry out greater European initiatives but to encourage European initiatives. And this is what this amendment also does. It says we support the administration's position that these troops be out. We are going to let you know a year in advance. We are not going to have the funds cut off. It is too inflexible. It is too rigid. That is not part of this sense-of-the-Congress resolution. They will see that as avoiding that kind of inflexibility and rigidity because a lot of things can change possibly.

On the other hand, it is important that we send that signal that we let the Europeans know that that is our plan, and that is our intention, and that is the administration policy.

I have visited a number of European capitals, and I have heard the same things which my good friend from Virginia has heard about a number of Europeans saying, "We are pulling out if you pull out." But I have also heard European leadership say maybe there is a way—maybe there is a way that, if the United States plays a more supporting role but not necessarily troops there on the ground, but a more supporting role in some other form that maybe, maybe, it is possible that a follow-on force made up of European forces can stay there. Just the way the British today took that initiative with our help, and at some risk, as we know. There were some casualties.

So a follow-on force could show that kind of greater European initiative with our support, but without our ground forces being on the ground.

So I think there are a couple of messages that are involved in the second-degree amendment. And it has the kind of balance which I know my good friend from Virginia is struggling to do which is not to pull the rug out from under, not to have an absolute funding cutoff, but, on the other hand, expressing some clear message that the policy under current plans of having our troops leave in the middle of next year as scheduled is something that we intend at this time to happen.

Mr. WARNER. Mr. President, I value the views of my good friend. We have served together side by side for the 18 years that we have been here together. We made many trips together. As a matter of fact, Mr. President, the chairman of the Armed Services Committee entrusted us with doing the official report for the committee as it related to Somalia.

The Senator spoke of the NATO forces today who tried to apprehend—I think in one instance did apprehend one, and a second alleged criminal was killed. I am all in favor of somehow capturing these criminals. But I want to visit it another day at another time about how that is to be done. Because I, drawing on the lessons of Somalia, which the Senator and I experienced and wrote about in some detail, I am very concerned when the United States in this type of situation is involved in nation building and going into situations like this; but another day; another time.

But I come back to the Senator's statement about the Dayton accords. That was a historic achievement. It really was. As a matter of fact, I was pleased to see the Armed Services Committee and the Senate back the rapid promotion of one of our members, General Clark, to the position of NATO Commander. He was deputy to Ambassador Holbrooke throughout that period. And true, that framework, no matter how we valued it, is not being accepted today by the parties and really enforced in the manner we had anticipated, and certainly not on the timetable.

If we send a message that we are going home June of 1998, what does that do to induce them to finish it? I think it could be just the reverse. Those opposed to following through on the accords will dig in and will say, "Wait them out. Wait them out. Let them go, and then we can take this situation perhaps into our own hands." Who would come into the vacuum?

What nations, what troops, what forces could come into that vacuum at that time?

It seems to me that it is not right in the first place to go in there with these ground forces. But that is history. Now the American taxpayers and our brave servicepersons have gone over there and have taken a great deal of personal risk. And they have made the Dayton accords as it relates to the security policy work.

To jeopardize that whole thing, put it up for failure, it just to me is a very risky and unwise course of action. As I look through the amendment, which I forwarded, and now regrettably the tree is completed, I hope tomorrow morning in the dawn of a new day we can work it out so those on our side who hold views possibly which are parallel in many respects to the distinguished Senator from Michigan and the Senator from Wisconsin can sit down and work out a common position which can be reviewed by the Senate and voted on by the Senate. In all likelihood, this Senator would vote against it, but that is not a controlling fact.

But I would be interested in the Senator's view on the Dayton accords. The Senator said that they were not being fulfilled. How does this policy, in the Senator's judgment, prompt a greater degree of compliance?

Mr. LEVIN. The amendment which I have introduced along with Senator REED and Senator MCCAIN states that it is likely there is going to be a need for a follow-on force for the very reasons the Senator from Virginia states. The Dayton accords civilian goals have not been achieved, and I do not see any prospect that they will be achieved by the middle of next year. I do not see any realistic prospect that we are going to see a million plus refugees resettled, war criminals captured, all the new arrangements, civilian arrangements that have been magnificently provided for in the Dayton accords achieved by the middle of next year.

I just do not see that happening. But I do not want to see an open-ended commitment of American troops. I think we undermine the credibility of the use of military force when we set a date, as we have; set military missions, which we have; see those missions achieved, which they have been, the military mission achieved, which they have been, and still leave our military there. That turns them into a police force for which I do not think they should be used. I think for the credibility of military forces, if you have a mission, if it is clear, achieve it and leave.

Well, we had a clear mission militarily. It has been achieved. We have a date for departure, and I think under current circumstances we ought to say it is our intention that we are going to depart as planned. But to have a funding cutoff, it seems to me, goes too far. It is too rigid, too inflexible, too far in advance.

How do you balance those goals? How do we send a signal to the Europeans that, look, we probably are going to need a follow-on force on the civilian side and you folks have indicated your willingness to take greater initiative in your own backyard. We are willing to help. But we also have a mission which has been accomplished there militarily. We are militarily spread all over this world. We have to have some kind of end points to military missions which have succeeded, and that is the balance which is set forth in this second-degree amendment—to end the open-ended commitment and to, I think, make credible the use of military force by setting a clear mission, seeing it achieved and then departing as scheduled.

So it is somewhat different from the good Senator from Wisconsin, but I have to tell you that the direction he is moving in, sending some kind of a signal a year in advance, I think is very helpful, providing it is accompanied with this awareness of the likelihood of the need for a follow-on force and our willingness to be supportive of it while we are not with combat forces there on the ground. That is the balance in this second-degree amendment, avoiding some of the concerns, I think, or meeting some of the concerns at least, that the Senator from Virginia has discussed about not wanting to pull the rug out from under in an inflexible, rigid way but nonetheless saying to our European friends: Folks, it is time for you to take some greater initiative. We will be there to help, but it is time for you to show some leadership as well.

Mr. WARNER. Mr. President, if I could address another point here. Let us look at section (4):

> The United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force including command, control, intelligence, logistics, and, if necessary, a ready reserve force in a neighboring country.

Is that ready reserve force ground troops? I think it is.

Mr. LEVIN. It could be.

Mr. WARNER. What do we gain by simply picking them up out of their present positions and moving them 50 miles across the border or whatever the distance may be? What do we gain? It is pure symbolism. And then they rush back at a telephone call?

Mr. LEVIN. There are two things that are gained. First of all—this suggestion, by the way, is General Shalikashvili's. I put a lot of stock in the kind of suggestions he makes. It can very well be a smaller force, and it is less of a target. American troops, as I think the Senator from Virginia would acknowledge, have been the target of choice too often. Not having American troops there as targets, it seems to me, would be a plus. Having a smaller number nearby makes them less of a target and, on the other hand, does provide some deterrence as well as accomplish some significant cost savings. So there are both cost savings involved as well as reducing the risks and the threat to American forces.

Mr. WARNER. Well, Mr. President, the Senator says they are a target, and I share that with the Senator, and I am concerned now as a consequence of this mission to capture the war criminals that there is probably going to be a heightened alert and a heightened degree of risk.

So the Senator seems to think that if they are moved some distance across a border into another country—I do not doubt that there would be diminished personal risk to those troops. What does that say to the troops that are left back there from other European nations? The United States has withdrawn to a safe haven, yet we are left out here to take the risk.

I somehow find this all incongruous. I really do, Mr. President. If we are a part of NATO, we are going to pull our share, and that is financially, it is in terms of risk, it is in every other way. That is the way NATO was set up. We are proud to be the leader of NATO. We have as the senior officer, an American officer as the commanding general of NATO forces, and yet you are going to say we will now have a policy when there is a risk, our people are going to a safe haven some distance away in another land and let the chaps and ladies or whatever the composition of that force may be stay in harm's way in Bosnia. I find this all very difficult.

Mr. LEVIN. If the Senator will yield just on that point.

Mr. WARNER. Yes.

Mr. LEVIN. NATO has adopted a policy where the Europeans will take greater initiative without American presence. It is called the European Security and Defense Initiative. It was adopted in January of 1994. It is a NATO policy.

So, yes, we are a big part of NATO, and we do more than our fair share. I know the Senator would agree with that. We do more than carry our load, and we have more than enough of our personnel around the world at risk. It is time that the Europeans in their own neighborhood take on a greater share of the risk. This is a way of achieving that balance. But it is a NATO initiative. This European Security and Defense Initiative is a NATO initiative, approved by NATO. That is what is referred to in the second-degree amendment.

Mr. WARNER. Well, Mr. President, if there are others who wish to speak, I will be happy to yield the floor. But I want to return—I am familiar with the European Security Defense Initiative, and I am not so sure that I am here tonight prepared to go into all the ramifications. But we are the leader of

NATO, and I think if there is going to be a pattern where we do not get involved and share the risk, I question how long we can retain that leadership role.

I seem to be in opposition to a number of things. I am not in favor of the expansion of NATO. It seems to me that the actions taken in Madrid are not in the best interests in the long term of NATO.

I have gone back and read the debates. Remember 10, 12, 14 years ago when there were tremendous debates in the Chamber of the Senate: Bring them home—debates before we arrived led by the very able majority leader, the Democratic leader of the Senate, the distinguished Mike Mansfield of Montana—bring them home; NATO has finished its mission.

There may be a degree to which our tinkering with NATO and changing it in concept could begin to undermine American public support, and I think that would be a terrible loss—NATO, the greatest alliance in the history of mankind, the most effective, the alliance that fulfilled its goals, exceeding every expectation of those who laid down the original charter. Indeed, NATO should be credited, rightfully, for such victories as we attained during the cold war period for the demise of the Soviet Union. NATO was instrumental. We will debate that another day. I see other Senators wishing to speak, so for the moment I will yield the floor, Mr. President.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. I rise to support the second-degree amendment offered by the Senator from Michigan on my behalf and on behalf of Senator McCain.

I, too, compliment the Senator from Wisconsin for his amendment. One of the great frustrations in watching this policy evolve concerning Bosnia is that I fear we are wasting precious time in taking concrete steps so that we can effectively depart that country in June of 1998. The Senator's amendment has focused this debate and, I hope, gives further impetus to efforts by the administration to take these steps so that the withdrawal of our troops in June of 1998 will be a reality and not a situation where we are victims of a fait accompli and must stay longer.

Like my colleague from Michigan, I share the Senator's goal. I believe that we should withdraw our troops by June of 1998. As the Senator from Wisconsin said, there are no good times to leave. In a tumultuous situation like Bosnia, with ethnic rivalries, with violence, with a history of centuries of violence, there are no good times to leave, but we must leave because, as my colleague from Virginia has pointed out, we have already spent $7 billion, and after June 30, 1998, the cost does not go to zero. The costs continue to accumulate. These costs are not just in terms of appropriations for our military forces. They are also in terms of the stress and strain placed on our military forces. There is discussion about mission creep, but I think the first symptom emerging from Bosnia is mission exhaustion as our troops will be forced to be rotated back to that country from their positions in Germany and outside of Bosnia.

So for all of these reasons and more, I believe that we should have the requirement to return our troops to their home stations by June of 1998. I just believe that the Feingold amendment is the wrong approach to this situation. It would impose severe conditions on this announced departure date by cutting off funding for the deployment of any ground elements of the Armed Forces except guards at our diplomatic facilities and noncombatant advisers to NATO forces, and this arbitrary restriction could play havoc with our mission and with our troops' ability to carry out that mission.

As one consequence, if this provision would pass, it could immediately begin to demoralize our troops. Even though we have set as our objective our departure by June of 1998, passage of this bill cutting off funds would, I think, send a signal that we are not only requesting them to leave but in some respects abandoning them in their operations. I think that is the wrong signal.

I know, as the Senator from Wisconsin pointed out, that he, too, shares with me the esteem that we have for the performance of these remarkable soldiers in this operation.

Second, I believe that this amendment would weaken the resolve of our NATO colleagues to participate in this mission. I know it has been said on this floor this evening that the Europeans have declared, if you go, we will go. But if we pass this amendment today, any possibility of constructive dialog and engagement to encourage them to stay beyond June will, I think, be totally lost, and that would be a severe gesture.

I believe we have to keep this active dialog alive with our European colleagues, and with this amendment tonight, the Feingold amendment, we could very well cut off such dialog. In addition, the Feingold amendment contemplates leaving in place a few Embassy guards and some advisers to NATO. First, if we do construct a follow-on force and if that force is not NATO, this legislation could technically preclude any assistance to a follow-on force, and in that respect I think we are doing ourselves a great disservice, hampering the flexibility of the administration to construct a follow-on force, a constructive military posture in Bosnia after June of 1998.

Furthermore, I believe there is a possibility that those forces left behind, Embassy guards or noncombatant advisers, would be placed in a very frustrating position.

We are going through a situation where we have significant combat power in-country, with robust rules of engagement, suddenly to a position where American troops are merely, in a way, passive bodyguards for our own military personnel. Their safety could be jeopardized. And, in addition, they would be in the frustrating position of perhaps standing by helplessly when civilians, which we previously protected, could fall victim to the ethnic rivalries which we know exist in that country.

I think also one of the detriments and deficiencies in the amendment is it obscures what I think should be the focus of the debate today. We all agree June of 1998 is the appropriate departure date. What we should be debating today on this floor is what steps we must take beginning today to ensure that we can safely and appropriately withdraw our troops by June of 1998. I believe there are several steps that must be taken.

Like my colleague from Michigan, I believe we should constitute a follow-on force, but a follow-on force that is not composed of American ground troops. As the Senator from Michigan pointed out, we have the capability through NATO, or through the European security defense identity which would use NATO assets, to provide this follow-on force.

Indeed, I think we have to remind Europeans of their brave words back in 1992 in Lisbon when the leaders of the European nations declared that assisting the people of former Yugoslavia in their quest for peace was a test of their ability to establish and maintain peace and security on the Continent of Europe. It is not inappropriate—in fact, I think it is most appropriate—that this situation be returned primarily to the European forces after the intervention of NATO successfully to suppress violence and give them a second chance, give them a second chance to maintain the peace and stability in that region.

As we all know, for many years it was a primarily European-led United Nations force, United Nations-protected force that operated within Bosnia. That force was inadequate, but I believe with the intervention of NATO, with the steps we have already taken, a European force could, in fact, and should, in fact, carry out this follow-on mission. I also believe that to augment the European force within the former Yugoslavia, we should, in fact, create a residual force in a nearby country or in the Adriatic, which could respond in a crisis to the legitimate requirements for assistance for this force.

In doing those two things, I believe we would, in fact, create a follow-on capability that would preserve the gains we have made in the former Yugoslavia. I believe it is also very important that our administration speak with a very clear voice and a single voice about our intention to depart in June of 1998. It is frustrating when the Secretary of Defense clearly states that deadline, but his words are sometimes confused by ambiguous statements from other leaders of our National Government. I believe we should have one voice, and that one voice should declare that we are leaving in June of 1998.

While we go about our military preparations to depart, we have to address the concerns of economic development, and we can do that in a way which favors those parties within the former Yugoslavia, within Bosnia, who are trying to assist in an evolution to a democratic, peaceful society. If we do these things—reconstitute a follow-on force, provide for a residual American force outside of the country that can assist the follow-on force, and begin to support the economic and political development of the people of Bosnia—then I believe that when June of 1998 arrives we can and will successfully remove our forces. But the challenge we face today is not to arbitrarily cut off and terminate funding at this juncture. The challenge we face is to use the intervening months that we have to fashion a policy which will allow us to leave peacefully from the former Yugoslavia, and leave it in a condition where there is hope that the gains we made will be sustained and will be permanent within that country.

As a result, I urge my colleagues to support the second-degree amendment and, in doing so, not only send a signal that we are serious about our departure, a signal that will be sent to the capitals of Europe and to the capitals of the former Yugoslavia that we will be serious about our departure date, but we will not be arbitrary and inflexible. And that, in the interim, we will build a structure of peace and security that will carry on the efforts that were so magnificently undertaken and continue today by our military forces in the former Yugoslavia.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Michigan for his commitment to this issue and his leadership in this debate and very clear explanation of the situation. I will not oppose the second-degree amendment that he and the Senator from Rhode Island and the Senator from Arizona have proposed. I also wish to compliment the Senator from Rhode Island on his comments, which I think were very appropriate with regard, especially, to the issue of making it absolutely clear throughout all aspects of our Government that it really is our intention to be out of this situation in terms of our ground troops by the end of June 1998.

As Senator LEVIN has described, his second-degree amendment expresses the sense of the Congress that United States ground troops should not participate in a follow-on force in Bosnia and Herzegovina after June of 1998. Of course, I heartily agree with that premise. I believe we have to have a firm end date to our mission in Bosnia. Without it, many of us have said it here on the floor tonight, the mission absolutely risks continuing for who knows how long. There simply is no sign or clue as to when our involvement would end.

Of course, I would have preferred my own hard mandate in my own amendment, which would have cut the purse strings of the Bosnia mission after June 30, 1998. This would have absolutely ensured that United States ground troops would be out of Bosnia by that date. But I am willing to not oppose the change offered by the Senator from Michigan because not only is there more support for the amendment in this form, but because it, again, puts the U.S. Senate on record with respect to its concern about the Bosnia mission.

I am particularly pleased that the Levin amendment includes language urging the President to inform our European allies of this expression of the sense of Congress. This may well be the most important point. It is pretty clear that our allies in the region, our NATO partners, have become dependent on the active participation of the United States in this peacekeeping operation. If I were them, I would not want to do it alone either. But it is my view that if President Clinton lets our allies know immediately and with all candor that U.S. troops will not participate in the mission after next June, then they will begin to think creatively about what our next steps should be in the region.

If the President does not send that message, then our allies and partners will have every reason to believe that the United States will, of course, remain in Bosnia after that date, as we have done already with regard to a number of other deadlines. Why do I say that? Because the last time we had a deadline for completing the peacekeeping mission, the December 1996 end date for IFOR, the administration was only too quick to let it slip with just a few months left to go on our initial 1-year commitment, the mission got rebaptized as SFOR, and U.S. ground troops were stuck there for what is going to be at least an additional 18 months.

I am aware of the concerns that have been expressed by people like Secretary Albright, Chairman Shalikashvili and Secretary Cohen. In her June 27, 1997 letter to the Senate leadership, Secretary Albright wrote that if legislation mandating a cutoff were to pass, it would "send exactly the wrong signal to our allies, to the signatories to the Dayton Accords, and to the American people about what American leadership in the world should mean."

Mr. President, I don't understand this statement. I don't understand this statement in light of the fact that the United States is already on record for wanting to end the military mission on June 30, 1998. How can people be so concerned about the statement sending a signal about that date when that is exactly the signal that the President of the United States has sent?

By telling our European allies about the planned withdrawal date, as the Levin second-degree specifically calls upon the President to do, we can make it clear that our leadership role is there but that our leadership role has limits. In the event of a follow-on force in the region, the Levin amendment suggests that the United States may decide to provide support in the form of command and control, intelligence, logistics and, if necessary, a ready reserve force. I believe this kind of support is more appropriate than the deployment of our men and women to Bosnia.

I am also aware that the Senator from Michigan and the Senator from Oklahoma, Mr. INHOFE, had made an agreement during the Armed Services Committee markup of the bill to resist the temptation to offer Bosnia language in this bill. The issue of when and where we deploy our troops is a tough, emotional and controversial one for all of us. Because of that, I know that the members of the Armed Services Committee would all like to see a longer, more thoughtful debate on Bosnia at some point.

I, too, would like the Congress to have the opportunity to engage in a more extensive debate on the issue. But I also believe, as we consider this legislation, we cannot ignore the Bosnia issue in the very bill that authorizes the activities of the Defense Department. So, in light of the initial hesitation of the Armed Services Committee, I am particularly pleased that Senator LEVIN and I have been able to work together on this issue. I think it is vitally important that in a bill as important as this one, the Senate go on record regarding our mission in Bosnia.

Let me just conclude by saying if, in fact, we are able to pass my amendment, as amended by the Levin amendment, it will mean that both the House and the Senate will be on record on this DOD bill calling for termination of the Bosnia mission no later than June 1998. This should guarantee that this issue will not simply disappear in conference.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I rise today in strong support of the FY98 Defense Authorization bill reported by the Armed Services Committee. This is an excellent piece of legislation, and I want to commend the distinguished Chairman of the Committee, Senator THURMOND, for his tireless efforts to formulate a balanced, constructive defense bill.

Mr. President, the bill before us would add $2.6 billion to the President's budget request for national defense. While I strongly support this increase, I want to emphasize that it will not address all of the deficiencies resulting from the Administration's underfunded defense program. In fact, even with this increase, defense spending in FY98 will be $3.3 billion below this year in real terms. However, in the current budget environment, this $2.6 billion increase was all that we were able to achieve.

As we did last year, the Armed Services Committee spent a good deal of time evaluating our national security requirements and establishing a set of firm priorities to guide our consideration of defense programs for FY98. These priorities included, among other things: ensuring national security and the status of the United States as the preeminent military power; protecting the readiness of our Armed Forces; enhancing the quality of life of military personnel and their families; ensuring U.S. military superiority by continuing to fund a more robust, progressive modernization program for the future; accelerating the development and deployment of missile defense systems; and preserving the shipbuilding and submarine industrial bases.

Mr. President, as I said, the Armed Services Committee established these priorities to guide our investment strategy in the FY98 authorization bill. I am pleased to report that the bill before us embodies these priorities and corrects a number of serious deficiencies contained in the Administration budget request.

For the benefit of my colleagues, I would like to highlight some of the important measures contained in this bill.

The authorization bill reported by the Armed Services Committee: provides a 2.8 percent pay raise for military personnel; increases by $41.5 million spending on research and development for counterproliferation, chemical and biological defense, and counter-terrorism programs; increases readiness funding by more than $1 billion in areas such as ammunition procurement, flying hours, force protection, cold weather gear, barracks renovation, and depot maintenance; adds $653 million for reserve force modernization programs; adds $720 million for an additional Arleigh Burke class destroyer; approves the Navy's proposed teaming arrangement for design and production of the New Attack Submarine; authorizes $345 million to accelerate the advance procurement and construction of the next nuclear aircraft carrier; and adds $90 million to procure an additional V-22 aircraft in FY98.

Mr. President, as Chairman of the Strategic Forces Subcommittee, I also want to take this opportunity to outline for my colleagues some of the important initiatives dealing with missile defense, nuclear forces, and Department of Energy programs.

As my colleagues know, Secretary Cohen conducted an extensive analysis of all defense programs, including missile defense, as part of the Quadrennial Defense Review. This analysis confirmed what many of us have long argued—that the Administration's National Missile Defense program is grossly underfunded. In fact, Secretary Cohen determined that the NMD program was underfunded by some $2.3 billion over the future years defense plan, and by a total of $474 million in FY98 alone.

This shortfall of $474 million for National Missile Defense in FY98 proved to be a very big challenge for the Committee to address in its deliberations. And I would be remiss if I did not say to my colleagues that it caused us to have to make some very difficult decisions as we weighed the merits and affordability of many requested programs.

However, I believe that we formulated a very responsible and forward looking package of initiatives in the Strategic Subcommittee. These initiatives include: increasing funding for the Navy Upper Tier program by $80 million; adding $15 million for the Arrow interoperability program; providing an increase of $118 million for the space based laser program; adding $50 million for the Clementine 2 microsatellite program; authorizing $80 million for the kinetic energy anti-satellite program; increasing funding for cruise missile defense programs by $32 million; prohibiting the retirement of certain strategic nuclear delivery systems in FY98 unless the START 2 Treaty enters force; providing $4 billion for weapons activities to maintain the reliability and safety of the enduring nuclear arsenal; and including $5.1 billion for defense environmental restoration and waste management activities.

The bill also includes a provision requiring the Director of Central Intelligence to establish a cadre of experts within the Intelligence Community to work POW/MIA issues. The President has directed that a Special National Intelligence Estimate be prepared on the POW/MIA issue; however, there are no intelligence experts on these issues currently remaining in the Intelligence Community. This provision does not affect POW/MIA policy or relations with Vietnam. It merely provides the Director of Central Intelligence with total descretion to establish an Intelligence Cell within the community.

Mr. President, these are but a few of the many important initiatives included in this bill. In a more general sense, I want to also offer some observations concerning the current state of our Armed Forces and the course that President Clinton has charted for defense in his second term.

As my colleagues know, I have been critical of the Clinton Administration's penchant for involving our military forces in unorthodox, non-traditional operations. Without question, these peacekeeping and humanitarian relief operations are bankrupting the defense budget and undermining the readiness of America's Armed Forces.

I have also been critical of the so-called Bottom Up Review that was conducted by the Clinton Administration four years ago to guide its defense program. Whether they admit it publicly or not, everyone realizes that this was nothing but a budget driven exercise to tailor our defense forces and strategy to meet a pre-established defense spending level.

I had hoped that in its second term, the Clinton Administration would take a more honest and objective approach to defense programming, and base our national security policy on the threat rather than on budget requirements. Unfortunately, it appears this was wishful thinking.

The Quadrennial Defense Review that was recently released falls into the same trap as the Bottom Up Review. Rather than identifying the threats confronting our security and formulating the force structure, end strength and strategy necessary to counter these threats, the QDR establishes a baseline for defense spending and tailors our defense program to fit that baseline.

I want to make clear that I do not impugn the motives or patriotism of those who worked very hard in the Pentagon to formulate the QDR. They were doing the best they could to balance requirements and resources. But the truth is that the resources they were provided were inadequate to fund the requirements. As a result, the QDR fails to correct the deficiencies of the Bottom Up Review and it fails to provide a credible, threat based strategy for our defense program.

Mr. President, it is also worth mentioning that the days of the so-called "peace dividend" and the days of Congressional windfalls for defense are over. In the past 3 years, Congress has added approximately $20 billion to the requested level for defense. But with the recently negotiated budget deal, Congress and the Administration are now locked into agreed-upon defense numbers. There will be no windfall in future years.

In fact, any spending additions requested by members will have to be offset with commensurate spending reductions. From here on out, it will be a zero sum game. I hope my colleagues understand this situation because it will have a very profound effect on the Committee's ability to accommodate member interest requests in the future. We have cut defense to the bone. There is no real growth programmed in the future; only further reductions. We have made our bed, now we must lie in it.

I want to end with a somber warning for my colleagues. It is very simple and straightforward. Contingency operations are bankrupting our defense budget. If we do not reign in the Clinton Administration and curtail its continuing commitments of U.S. military forces for non-military and humanitarian purposes, there will be no money to recapitalize our Armed Forces. There will be no money to purchase DDG–51's, or F–22's, or F/A–18's, or Joint Strike Fighters, or Comanche helicopters, or V–22's, or satellites, or ground vehicles.

If we continue to allow our Armed Forces to be used as a "911" emergency force for the United Nations, we will lose our combat readiness, and deplete our investment accounts.

The Bosnia example is a particularly instructive, and particularly disturbing, example of this trend. When President Clinton first committed troops to Bosnia, he assured Congress that the scope of the operation would be limited and the cost of operation would be $1.6 billion. Yet, here we are today, with the price tag of the Bosnia operation having climbed to $7.3 billion and the Secretary of State talking about keeping troops in Bosnia beyond the June 1998 deadline, yet again.

Mr. President, the Administration has asked for two additional rounds of Base Closures, arguing that these closures will enable us to save a few billion dollars. Under the most optimistic forecasts these closures will not even pay for the Bosnia mission. How on Earth can we justify putting America's communities through yet another two rounds of chaos, confusion, anxiety and economic disruption in order to pay the tab for a mission that a majority of them do not support? We have already had four rounds of base closures in seven years. Where does it end?

Let me be frank. I absolutely oppose additional base closures at this time. In 1995, President Clinton completely destroyed the credibility of the Base Closure process by injecting subjective politics into an otherwise objective process. There was no question what the President's motivation was—pure electoral politics. But in the quest to gain more electoral votes, the President disrupted a very fragile consensus. That consensus, in support of shared sacrifice through and objective, transparent process, is now gone. And it is President Clinton who bears responsibility for that.

I would hasten to add, however, that even if we were to ignore the politicization of the Base Closure process, the arguments in favor of more closures are specious. It has yet to be demonstrated that we have saved a single penny on the four previous rounds of closures. In fact, we continue to spend exorbitant amounts to close, realign, and remediate bases. While the Department assures us that we will save vast sums of money one day, that day doesn't seem to be anywhere in the near future. We are spending a lot more right now to close bases than we are recouping in operations and maintenance savings.

Unless and until the President can convince Congress and the American people that politics have been eliminated from the process, and that previous closures are demonstrably producing savings, I will not support additional base closures. Undoubtedly, this issue will be debated further on the floor and conference, and I look forward to playing an active role in these discussions.

Mr. President, I want to close by again thanking the distinguished Chairman of the Armed Services Committee for his outstanding leadership in formulating this bill. I know there has been a great deal of praise heaped upon the senior Senator from South Carolina recently in connection with his record for service in the Senate. It is richly deserved. He is a man of utmost integrity and a tremendous inspiration to all of us who aspire to have a lasting impact on this institution. I am proud to serve with him on the Armed Services Committee, and pleased to support this legislation.

I thank the Chair, and yield the floor.

U.S. AIR FORCE REENTRY VEHICLE APPLICATIONS PROGRAM

Ms. SNOWE. Mr. President, the United States Air Force Reentry Vehicle Applications Program has been providing critical technologies required for the manufacture of reentry vehicles and components. Of special note is the meaningful program with both the prime and the sub-tier suppliers for the Mark 21 reentry vehicle. Funding for this program has advanced reentry vehicle technologies while sustaining the critical industrial base required to develop such technologies.

Mr. SMITH of New Hampshire. Mr. President, I would like to join my colleague, Senator SNOWE, in recognizing the work that has been ongoing in the Air Force Reentry Vehicle Applications Program. As is the case of any technology program, procurement decisions require careful analysis of lifecycle costs and performance tradeoffs to ensure that military requirements are met with the funding constraints that face the Department of Defense.

Ms. SNOWE. Mr. President, I fully agree with my colleague, Senator SMITH, and most strongly agree with his view on the Reentry Vehicle Application Program. Unfortunately, quantitative data to support such cost and performance tradeoffs are not always readily available. This information is especially important as the Congress considers funding for this and other programs. I am concerned that sufficient emphasis is not being placed on this critical program to sustain the technology base to conduct advance material studies which will sustain key technical staff, as well as fabrication capabilities and technologies.

Mr. SMITH of New Hampshire. Mr. President, I too am concerned that these technologies be advanced, and suggest that a review of the technology base of supplier for both the materials and the components, such as the carbon/carbon nosetips presently used on the Mark 21 reentry vehicle, be conducted.

Ms. SNOWE. Thank you, Mr. President, and I thank my colleague from New Hampshire, Senator SMITH; for joining me in discussing this issue. I urge the conferees for the Fiscal Year 1998 National Defense Bill to further consider this subject.

SEXUAL HARASSMENT ACCOUNTABILITY

Ms. SNOWE. Mr. President, this body has few greater responsibilities than maintaining the effectiveness and accountability of our Nation's Armed Forces. This is one of the reasons that reports of widespread sexual harassment in our Nation's military deeply concerns us all. With Department of Defense statistics showing that sexual harassment is prevalent throughout the Armed Forces—we must do more than pay lip service to the problem. Mr. President, we must act.

Today, with a full understanding that the time has come for serious action that is responsible and constructive, a provision that I authored was added to the 1998 defense authorization bill that will place us on the road to solving the crisis of sexual harassment. The legislation attacks the root of the problem—the lack of accountability when it comes to reporting and investigating incidents of sexual harassment.

The Department of Defense conducted a survey in 1988 and found that 64 percent of women reported that they had experienced one or more incidents of sexual harassment in the 12 months preceding the survey. The Defense Department conducted another study in 1995 and found that the figure had only improved to 55 percent. I feel very strongly, Mr. President, that this is not progress. When I look at those statistics, I am shocked.

On top of this, I have read in DOD statements that many cases of sexual harassment go unreported. In the 1995 Defense Department survey, only 24 percent of the victims chose to report their sexual harassment experiences. Is this the kind of environment to which we should subject our people? These numbers tell me that women essentially stand a 50–50 chance of being harassed. This cannot and should not be tolerated. Add to that the fact that over three-fourths of our people do not feel they can report the harassment that occurs and you have a very negative set of circumstances. How can you maintain good order and discipline in such an environment? This situation demands accountability. And it requires action to erase any perception that sexual harassment is tolerated in today's Armed Forces. Today, military members do not believe they can report sexual harassment and have their claims taken seriously.

During Armed Services Committee markup of the defense authorization bill, I offered an amendment that requires the unit commander to report each and every sexual harassment incident to their next senior officer within 72 hours. Once reported, the unit commander appoints an investigating officer to investigate the complaint of sexual harassment. The unit commander has 14 days to report back to their commander with the results of the investigation. If the unit commander cannot complete the investigation within 14 days, that commander must report the interim results, every 14 days, until the investigation has been completed.

Today when an incident is reported to a unit commander, the commander is not required to report the incident until a preliminary investigation recommends disciplinary action. This gives the unit commander tremendous latitude as to how the case is handled. In most instances this is a not a problem. But look what we saw at Aberdeen. We saw a company commander who was a bad apple and no bells or whistles to alert his superiors that there was a problem. Under the provisions of the national defense authorization bill each incident is immediately brought to the attention of a more senior officer. The most distinct advantage of this provision is that the decibel level of the problem rises by elevating the matter to the highest echelons of the services.

The provision also requires that the senior officers who receive these reports of sexual harassment forward all the complaints they receive and the results of the investigations of those complaints to their respective Service Secretary by January 31 of each year, elevating the problem another notch within the military to the authors of the services' zero tolerance policies where they can be scrutinized. The Service Secretaries are then required to forward this information to the Secretary of Defense who in turn must report the information to Congress.

Mr. President, this provision was unanimously approved by the Armed Services Committee and will put us on the road to help end sexual harassment in our military. We owe the men and women who serve our Nation an environment that includes accountability, good order, and discipline. But we also owe this to our Nation, which relies on our military to defend our great country and its interests.

CARBONIZABLE RAYON FIBER

Mr. FRIST. Mr. President, I rise today to bring my colleagues' attention to an issue affecting American jobs and national security issues. The Department of Defense uses approximately 500,000 pounds of carbonizable rayon fiber per year in its many missile programs as a solid rocket fuel. The sole domestic supplier of carbonizable rayon fiber is the North American Corporation in Elizabethton, Tennessee.

It is my fear that if the Department of Defense does not plan for the long-term viability of its domestic supplier of carbonizable rayon the North American Corp. will simply go out of business and put 400 people out of work.

Mr. SANTORUM. Could I interrupt the Senator from Tennessee and ask where the Department of Defense would turn for carbonizable rayon fiber in the future?

Mr. FRIST. If the North American Corp. goes out of business it is my understanding that the Department of Defense would be forced to depend on less reliable foreign suppliers, probably in Mexico or Asia. Further, it is my understanding that there is a lengthy and expensive process to qualify new suppliers that can take at least 3 years and possibly cost millions of dollars.

Mr. SANTORUM. It is my understanding that the Department of Defense has procured its identified requirement for this material.

Mr. FRIST. That is correct, but as you know it is always difficult to adequately identify future requirements as the lifecycle of our many current programs is extended and especially in consideration of the emerging technologies where carbonizable rayon fiber could be applied.

Mr. SANTORUM. It seems to me that the Senator from Tennessee has raised several important concerns. The Department of Defense clearly has a responsibility to fully review each of its programs using carbonizable rayon fiber and make certain it has planned for future needs before allowing the Nation's only domestic supplier to go out of business.

Mr. FRIST. Thank you, Mr. President, and I thank my colleague for joining me in discussing this important issue. I enjoin the conferees for the fiscal year 1998 national defense authorization bill to further consider this subject.

COMMISSION ON GENDER INTEGRATION IN THE MILITARY

Mr. BYRD. Mr. President, the recent scandals and confusion concerning gender relations in our armed forces demonstrate a clear need to review the experiences, practices, regulations and laws regarding these matters as soon as possible. The nation has been treated to a range of incidents and official responses, from the cases of abuse of authority at the Aberdeen training facility and other military bases in the nation, to the controversy over the treatment of Air Force First Lieutenant Kelly Flinn, and that of flag officers in the different services. A comprehensive independent review is needed on the full range of these issues, and I am pleased that the Armed Service Committee adopted a proposal of mine, which was co-authored by Senators KEMPTHORNE and CLELAND, of the personnel subcommittee, and supported by the full Committee, to establish an independent commission to work on this matter.

The commission proposal is included as Section 552 of the bill. In summary, the provision establishes an 11 member commission to study issues related to gender integration. All of the commission's members would be appointed by the Senate. They would be chosen from among private citizens with knowledge of these matters—at least two from academia, at least four former military members, and at least two members of the reserve components. The duties of the Commission include (a) reviewing the current practices of the Armed Forces, as well as relevant studies and private sector training concepts regarding gender-integrated training; (2) reviewing the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the armed forces; (3) assessing the extent to which those laws, regulations and policies have been applied consistently throughout the Armed Forces without regard to service, grade, or rank of the individuals involved; (4) providing an independent assessment of the reports of the various bodies that the Secretary of Defense has established to look into these matters; and (5) examining the experiences, policies and practices of the armed forces of other industrialized nations regarding gender-integrated training. An initial report of the Commission is due on April 15, 1998, and a final report by September 16, 1998, with findings and any legislative and other recommendations the Commission deems necessary. These dates were selected to allow the second session of this Congress time to act, if it wishes, on any recommendations that the Commission might provide.

Mr. President, clearly we are in the middle of a national debate on gender relations and on general conduct in the services, and the work of this independent commission to review the main issues which have arisen seems urgent, and I hope will be of use to the Senate and to the nation. I also hope that all of us will keep our eye on the goal of producing the most effective, combat-ready, disciplined and tough fighting force that the nation can field.

I believe that effectiveness, discipline, unit cohesion and morale must not ever take a second place to any other goal, since the premier responsibility of the military is the national security of our nation.

I again thank the committee for its strong support of my proposal, and I hope that the commission can be put into place as soon as possible after the Congress has completed its work on this bill and it has been signed into law.

Mr. DASCHLE. Mr. President, I would like to thank Senator THURMOND, the chairman of the Senate Armed Services Committee, Senator LEVIN, the ranking member of the committee, and our other colleagues who serve on the panel for their hard work and the bipartisan approach they took to the fiscal year 1998 Department of Defense (DOD) Authorization bill. Although I am generally pleased with the committee's work, there are several provisions in the defense bill of great concern to me.

I am particularly disturbed by the committee's initial decision to cut the Cooperative Threat Reduction [CTR] Program as well as the Department of Energy's [DOE] Materials Protection Control and Accounting [MPC&A] Program and the International Nuclear Safety Program by a total of $135 million from the Administration's budget request. Together, these three programs are essential to U.S. non-proliferation efforts and are critical to protecting the United States from weapons of mass destruction. These vital programs help Russia and other former Soviet Republics destroy nuclear, chemical and other weapons of mass destruction. In addition, they assist Russia in developing and deploying security measures to safeguard their remaining nuclear materials. Moreover, they help make much-needed improvements to Soviet-designed nuclear powerplants in Russia and the New Independent States.

Senators LUGAR and BINGAMAN offered an amendment that will rectify what I think was a very shortsighted decision. Specifically, the amendment will restore $60 million to the CTR Program, $25 million to the MPC&A Program, and $50 million to the International Nuclear Safety Program. These programs have long received bipartisan support, and I am pleased the Senate adopted the Lugar-Bingaman amendment last night. Although many Members have already discussed the CTR Program, the MPC&A Program, and the International Nuclear Safety Program in detail, I would like to explain why I strongly believe each should be fully funded.

The CTR Program, which is also known as the Nunn-Lugar program for its chief sponsors in the Senate, was established in 1991 in an effort to reduce the threat to the United States from weapons of mass destruction. I believe the authors of this important legislation rightly concluded that the spread of these weapons represents the greatest threat to U.S. national security in the post-cold war era. Through this program, the United States has provided much-needed assistance to Russia and other former Soviet republics to destroy nuclear, chemical, and other weapons. In addition, the CTR Program has helped establish verifiable safeguards against proliferation of these weapons and fissile materials and to facilitate demilitarization of defense industries and defense conversion activities in the former Soviet Union.

Since its inception, the CTR Program has significantly helped reduce the threat to the United States from weapons of mass destruction. With this program's assistance, Belarus, Ukraine and Kazakstan became nonnuclear states, and approximately 3,400 strategic warheads have been withdrawn from those three New Independent States to Russia. In addition, more than 1,500 nuclear warheads have been deactivated, and approximately 930 deployed launchers and bombers in Russia, Belarus, Ukraine and Kazakstan have been destroyed.

Despite the CTR Program's many accomplishments, more weapons of mass destruction have yet to be destroyed, and more needs to be done to further reduce the threat to the United States from these weapons. The President has requested $382 million for the CTR Program in fiscal year 1998. This funding will be used for a number of programs, all designed to eliminate the threat Russian nuclear weapons pose to the United States.

For example, $78 million will support the Russian elimination of ICBM's, silo launchers, Submarine Launched Ballistic Missile [SLBM] launchers and bombers and $77 million will be used to assist the Ukraine eliminate SS–19 ICBM's, silos and launch control facilities. Seven million dollars will provide safe and secure storage containers for fissile materials from dismantled nuclear weapons. Thirty-six million dollars will be used to provide comprehensive security enhancements for nuclear weapons storage sites in Russia. And $55 million will help design and build a chemical weapons destruction facility in Russia. Full funding is critical to U.S. plans to continue implementing these initiatives. Before the Lugar-Bingaman amendment was accepted, however, the fiscal year 1998 DOD Authorization bill had called for the CTR Program to be cut by $60 million in fiscal year 1998.

The Department of Energy's [DOE] Materials Protection Control and Accounting Program is a similarly worthy program. It assists Russia, the New Independent States, and the Baltic States in their efforts to strengthen materials protection, control, and accountability of materials used in nuclear weapons. To date, DOE has helped establish 18 sites in Russia, the New Independent States, and the Baltic states to safeguard plutonium and uranium weapons material. Moreover, agreements are in place to enhance the safety and security at over 30 additional sites. This program is critical to U.S. efforts to prevent the theft of weapons-usable fissile materials, plutonium and highly enriched uranium.

Although DOE has already helped secure hundreds of tons of nuclear weapons materials, the overwhelming majority of material is still poorly secured. Consequently, the administration is requesting that the MPC&A Program be increased by $25 million in fiscal year 1998. This funding request is necessary for U.S. plans to continue implementing this program. Before the Lugar-Bingaman amendment was accepted, however, the fiscal year 1998 Defense Authorization bill had called for the MPC&A Program to continue to be funded only at fiscal year 1997 levels.

The administration's budget request also includes $50 million for the International Nuclear Safety Program. This program, which is also operated by DOE, helps to make improvements to Soviet-designed nuclear powerplants in Russia and the New Independent States. By helping these countries implement desperately needed safety measures, this program helps reduce the risk of another Chernobyl nuclear power reactor disaster. Again, full funding is critical to U.S. plans to continue implementing these initiatives. Again, before the Lugar-Bingaman amendment was accepted, the fiscal year 1998 Defense Authorization bill would have prevented the Pentagon from providing any funds to the International Nuclear Safety Program in fiscal year 1998.

The fiscal year 1998 DOD Authorization bill before the Senate provides $268.2 billion in budget authority for the DOD and the national security programs at DOE. This is $2.6 billion beyond the level the President initially requested. In addition, the bill includes $3.6 billion for ballistic missile defense purposes and more than $5 billion for weapons systems not originally requested by the Pentagon. Considering those facts, it is inconceivable to me that the Senate would cut the CTR Program, the MPC&A Program and the International Safety Program by $135 million.

Mr. President, these three programs are critical to our efforts to protect the United States from weapons of mass destruction. Unlike ballistic missile defense, the CTR Program, the MPC&A Program and the International Safety Program have already produced results and caused the destruction of Russian nuclear weapons. Simply put, they make our world safer. I am pleased that the Senate adopted the Lugar-Bingaman amendment last night, and I commend my colleagues on the Senate Armed Services Committee for rectifying what would have been a tragic mistake.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the time has come now that the distinguished ranking member and myself clear what amendments are cleared on both sides. Then I am prepared to proceed to wrap up, and we can close the Senate down.

Mr. President, I suggest the absence of a quorum. I hope this quorum will not exceed 2 to 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT CALL FOR RESTORATION OF DEMOCRACY IN CAMBODIA

Mr. BIDEN. Mr. President, I rise to express my deep concern about the brutal subversion of democracy underway in Cambodia. I urge the administration to condemn the action for what it is: A bloody coup d'etat perpetrated by co-Prime Minister Hun Sen and his Cambodian People's Party.

The administration today announced it was suspending for 30 days all assistance provided to the Cambodian Government. All such assistance, including loans provided by the World Bank and other international financial institutions, should remain suspended until the democratically elected Government of Cambodia is restored.

Programs implemented through nongovernmental organizations—efforts supporting the rule of law, public health, prosthetics for mine victims, et cetera—should be reviewed to determine which ones can continue in light of recent events.

I applaud the decision taken by the Association of Southeast Asian Nations [ASEAN] to delay Cambodia's membership in that organization. Cambodia's neighbors are under no illusions that Cambodia today is prepared to be a responsible member of the international community.

BACKGROUND

A few weeks ago, Cambodia seemed poised to close the book on a bloody chapter of its history by bringing the genocidal Khmer Rouge Leader Pol Pot to justice. But now Hun Sen threatens to plunge the country back into darkness and civil war.

Dozens of people have been killed. There are reports of mass arrests and looting in the Capital of Phnom Penh. Prince Ranariddh's supporters have been expelled from the legislative assembly. Interior Minister, and Ranariddh loyalist, Ho Sok reportedly has been executed while in the custody of government troops.

For the long-suffering people of Cambodia—victims of "the killing fields"—Hun Sen's unconstitutional action is a painful blow to their quest for democracy, reconciliation, and national reconstruction. That quest seemed achievable in October 1991 when—after 12 years of civil war—Cambodia's warring factions and all of the foreign parties who had played a role in the Cambodian conflict signed the Paris peace accords. Vietnam withdrew its army from Cambodia and the United Nations established the U.N. Transitional Authority for Cambodia [UNTAC].

UNTAC's primary goal was to oversee the creation of a democratic, internationally recognized government in Phnom Penh. UNTAC was the largest, most comprehensive, and most expensive peacekeeping operation in the history of the United Nations. More than 12,000 troops, 4,000 civil police, and 20,000 civilian workers and volunteers from more than 50 countries poured into Cambodia.

UNTAC supervised the return of more than 400,000 refugees from Thailand and the registration of 5 million eligible voters. The operation cost more than $1.7 billion, with an additional $2 billion pledged by international donors to fund reconstruction of the war-torn country.

In May 1993, Cambodia experienced its first free and fair multiparty election. Despite terrorist threats from the Khmer Rouge—who refused to participate in the election and shelled some polling places—90 percent of registered voters came to the polls.

The incredible turnout was a testimony to the enthusiasm of the Cambodian people for democracy and their desire for peace.

Prince Ranariddh's party won those elections. Hun Sen's party came in second. But when Hun Sen disputed the results and threatened to plunge the country back into civil war, King Sihanouk, with the blessing of the international community, fashioned a compromise.

A coalition government was established, with Prince Ranariddh and Hun Sen serving as co-Prime Ministers. They jointly administered Cambodia until Hun Sen's coup d'etat last weekend.

The coalition was never an easy one. In recent months, relations between the two Prime Ministers had become increasingly strained as both began jockeying for position in the runup to national elections scheduled for 1998.

The disintegration of the Khmer Rouge actually exacerbated the tension between the two major parties, as each sought the political and military support of the breakaway Khmer Rouge elements.

Now the tensions have flared into open conflict. The question for the friends of democracy in Cambodia is how to respond.

Our first priority must be to ensure the safety of more than 1,000 American citizens—including our diplomatic and military personnel.

Our very able Ambassador in Phnom Penh, Ken Quinn, has acted with courage and professionalism to provide a safe haven for Americans and to assist those seeking to leave the country. Thailand has been enormously helpful by providing aircraft to transport Americans and other foreigners out of Cambodia, and I want to express my personal thanks to the Royal Thai Government and the people of Thailand for their asssistance.

RESTORING DEMOCRACY

Mr. President, I fear that putting Cambodia back on the democratic path will prove difficult. The international community is not likely to fund a second UNTAC. The future of Cambodia is largely in the hands of the Cambodian people.

But the world must not turn its back on Cambodia.

At a time when pluralism and democracy are generally expanding in Asia, we should not condone the unconstitutional use of force to oust a legitimately elected government. As the world knows from recent history, political instability in Cambodia threatens the peace and security of all of Southeast Asia.

It is in the interest of the United States and all of our friends and allies in the region to seek a peaceful resolution of the conflict consistent with the spirit of the Paris peace accords. As my colleague, Senator MCCAIN urged this body yesterday, we must remain engaged and stand ready to do our part.

The tragic political violence occurring today in Cambodia is proof that one election does not make a democracy. In many respects, it is the second election—the peaceful transfer of power from one administration to the next—that is the miracle of democratic governance.

In the United States, we have the opportunity to experience that miracle every 4 years. In Cambodia, the second election, scheduled for 1998, is in jeopardy. The quest of the Cambodian people is endangered.

I urge Hun Sen to abandon the path of violence and subordinate his own ambitions to the will of the Cambodian people and their dream of peace. I hope and pray that Hun Sen and Prince Ranariddh will heed King Sihanouk's call and find a way to settle their differences through the ballot box rather than the barrel of a gun.

NOMINATION OF ERIC H. HOLDER JR. TO BE DEPUTY ATTORNEY GENERAL

Mr. LEAHY. Mr. President, it was with concerted effort that Senator HATCH and I worked to ensure that Eric Holder was reported by the Judiciary Committee and ready for Senate confirmation to the important position of Deputy Attorney General of the United States before the Senate adjourned 2 weeks ago. The President's nomination of Mr. Holder to the second highest position at the Department of Justice was reported to the Senate without a single dissent on June 24. This nomination could and should have been approved by the Senate before it adjourned for the last extended recess. It is strongly supported by Senator HATCH, the chairman of the Judiciary Committee.

There was and is no Democratic hold on this nomination. The delay on the Republican side in considering this nomination remains unexplained.

Eric Holder has proven his dedication to effective law enforcement. As a former prosecutor myself, I appreciate Mr. Holder's distinguished career in law enforcement.

Shortly after his graduation from Columbia Law School, Mr. Holder joined the Department of Justice as part of the Attorney General's Honors Program. He was assigned to the newly formed Public Integrity Section in 1976, where he worked for 12 years investigating and prosecuting corruption.

While at the Public Integrity Section, Mr. Holder participated in a number of prosecutions and appeals involving such defendants as the State treasurer of Florida, a former Ambassador to the Dominican Republic, a local judge in Philadelphia, an assistant U.S. attorney in New York City, an FBI agent, and a capo in an organized crime family. He received a number of awards for outstanding performance and special achievement from the Department of Justice.

In 1988, President Reagan nominated and the Senate confirmed Mr. Holder to be an Associate Judge of the Superior Court of the District of Columbia, where he served for the next 5 years. In his 5 years on the bench, Judge Holder presided over hundreds of criminal trials.

In 1993, President Clinton nominated and the Senate confirmed Eric Holder to the important post of U.S. Attorney for the District of Columbia. As U.S. attorney for one of the largest U.S. Attorney's offices in the Nation, Mr. Holder has supervised 300 lawyers involved in criminal, civil and appellate cases. He has functioned as both the local district attorney and the Federal prosecutor.

He has been active in community affairs. For more than a decade, he has been a member of Concerned Black Men, an organization seeking to help young people in the District of Columbia. He is involved in a number of the group's activities, including the Efficacy Program and the pregnancy prevention effort. He has participated in the D.C. Street Law Program and is active in the See Forever Foundation and the National Foundation for Teaching Entrepreneurship. He is cochair of Project PACT to reduce youth violence and has been instrumental in the U.S. attorney's office's outreach efforts to the D.C. community.

In 1994, he received the Pioneer Award from the National Black Prosecutors Association. In 1995, his contributions were recognized when he received awards from the District of Columbia Bar Association, the Greater Washington Urban League, the American Jewish Congress, and Phi Beta Sigma fraternity. Last year, he received awards from the D.C. Chapter of the National Organization of Black Law Enforcement Executives, George Washington University, Columbia College, the Federation of Citizens Associations of the District of Columbia, Omega Psi Phi fraternity, the Brotherhood of Shiloh Men, McDonald's, and the Asian Pacific Bar Association.

I urge the Republican leadership to move forward without further delay and confirm the nomination of Eric Holder to be Deputy Attorney General.

JUDICIAL VACANCIES

Mr. LEAHY. Mr. President, I last spoke to the Senate about the crisis being created by our failure to move forward expeditiously to fill longstanding judicial vacancies on June 26, the day before we left on our most recent recess. I pointed out then that we had the opportunity literally to double judicial confirmations for the year from 5 to 10 by taking up and approving the five judicial nominees on the Senate Executive Calendar. In spite of the noncontroversial nature of these nominees and their likely confirmation, the Republican leadership refused to consider them.

As the Senate returns from another extended recess we enter July having found time to confirm only 6 Federal judges of the 39 nominees the President has sent to us. That remains a confirmation rate of less than one judge per month. We continue to fall farther and farther behind the pace established by Senator Dole and Senator HATCH in the last Congress. By this time 2 years ago, Senator HATCH had held six confirmation hearings involving 26 judicial nominees and the Senate had proceeded to confirm 26 Federal judges by the end of June—during one of the busiest periods ever, during the first 100 days of the Republicans' "Contract with America."

I have spoken often about the crisis being created by the 100 vacancies that are being perpetuated on the Federal courts around the country, as has the Chief Justice of the United States. At the rate that we are currently going more and more vacancies are continuing to mount over longer and longer times to the detriment of greater numbers of Americans and the national cause of prompt justice.

There are four highly-qualified judicial nominees on the Senate calendar, another five district court nominees who were the subject of a confirmation hearing on June 25 but who have yet to receive attention from the Judiciary Committee, and another 24 nominees for whom the committee has yet to schedule a hearing or consideration.

That judges were held hostage to the resolution of other nomination disputes was a shame. I had urged the Republican leadership not to use the judiciary as a political pressure point or to involve the judiciary in disagreement over other matters, but they chose to act otherwise.

I would hope that the Senate would move to confirm these four additional judges on its calendar without further delay this week. Three of them had their confirmation hearing back in early May and have been on the Senate calendar without action for more than 6 weeks. The other had a confirmation hearing back in March, and was reported for a second time almost 1 month ago.

The Republican leadership chose to single out only one judicial nominee for a unanimous consent request and approval before the most recent recess. Over the break I took the trouble to review the record on that nominee to see whether it held a clue regarding why that particular nominee, as opposed to the other qualified nominees, had been singled out for special attention.

Nominated by the President on February 12 of this year, Alan Gold is set to fill a vacancy that was created on the District Court for the Southern District of Florida on November 30, 1996, when Judge Gonzalez took senior status. His is the only vacancy remaining on that Court and it has existed for less than 7 months. He was included in a confirmation hearing on May 7 and reported by the Judiciary Committee 2 weeks later.

As I have said before, it should not take more than 4 months to consider a judicial nominee and the Gold nomination and its treatment should serve as the standard by which we measure the Senate's treatment of other nominees. Although it should represent the normal process, it is the exception this year.

He has a commendable background but so do the other nominees for judicial appointment. In reviewing the file, I see that Judge Gold was rated well qualified by the ABA. Given Senator HATCH's speech condemning the influence of the ABA and its ratings in our confirmation process, I doubt that explains his prompt confirmation. Eric Clay was also rated well qualified for his Sixth Circuit nomination and he was held back on the calendar. William Fletcher, James Beatty, Margaret McKeown, Marjorie Rendell, Richard Lazzara, Margaret Morrow and others have likewise received the ABA's highest rating and have not seen their nominations expedited.

In reviewing his confirmation hearing and the answers to the written questions that followed, I see that he singled out for criticism the case of Griswold versus Connecticut, which affirmed a privacy right guaranteed by the Constitution, and listed as the book that has most influenced his view of the law "The Tempting of America" by Robert Bork. My fear is that this confirmation reflects a litmus test being imposed by the Republican majority and that is why they singled out this nomination for expedited treatment. I hope that is not so.

I hope that nominees are not being forced to swear allegiance to Robert Bork instead of the Constitution of the United States in order to be confirmed. I hope that a nominee can uphold the important privacy rights that the Supreme Court has recognized to be constitutionally based and still be confirmed. I would like to believe that there is a neutral, alternative explanation for the treatment of this nomination relative to the others and that no Senator is imposing an ideological litmus test on judicial nominations.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 9, 1997, the Federal debt stood at $5,359,038,067,462.61. (Five trillion, three hundred fifty-nine billion, thirty-eight million, sixty-seven thousand, four hundred sixty-two dollars and sixty-one cents)

One year ago, July 9, 1996, the Federal debt stood at $5,151,107,000,000. (Five trillion, one hundred fifty-one billion, one hundred seven million)

Five years ago, July 9, 1992, the Federal debt stood at $3,972,301,000,000. (Three trillion, nine hundred seventy-two billion, three hundred one million)

Ten years ago, July 9, 1987, the Federal debt stood at $2,320,130,000,000. (Two trillion, three hundred twenty billion, one hundred thirty million)

Fifteen years ago, July 9, 1982, the Federal debt stood at $1,077,779,000,000 (One trillion, seventy-seven billion, seven hundred seventy-nine million) which reflects a debt increase of more than $4 trillion—$4,281,259,067,462.61 (Four trillion, two hundred eighty-one billion, two hundred fifty-nine million, sixty-seven thousand, four hundred sixty-two dollars and sixty-one cents) during the past 15 years.

HONORING THE LANCASTERS ON THEIR 37TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Janice and Bill Lancaster of Grandview, MO, who on July 23, 1997, will celebrate their 37th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Lancasters' commitment to the principles and values of their marriage deserves to be saluted and recognized.

RETIREMENT OF BRIGADIER GENERAL DAVID "BULL" E. BAKER, USAF

Mr. McCAIN. Mr. President, "Patriot" is a word best grasped through example: a life lived or service rendered in defense of our country's interests and values. I rise today to recognize an Air Force officer whose service to this nation offers us a splendid example of patriotism.

Brigadier General David "Bull" E. Baker will soon retire from the U.S. Air Force. Duty and sacrifice have been the standards of an exemplary career that has bridged our Nation's most recent conflicts. Bull Baker flew for his country in the skies over Southeast Asia, northern Europe and Iraq. Over Cambodia his OV–2A was shot down and he was held a prisoner of war by the Viet Cong. In February 1973, General Baker became the only United States Air Force prisoner repatriated from Cambodia.

By all accounts, Bull Baker is an exceptional pilot. He was one of the first F–15 Eagle pilots as well as the flight commander for the Air Force's first female jet pilots. During Operation Desert Storm, General Baker flew 21 combat missions in the F–15E Strike Eagle.

This experience as a pilot and a commander has helped him excel in his current position. As the National Reconnaissance Office's Deputy Director for Military Support, General Baker ensures that our intelligence satellites are there to support military commanders. Some 4,000 flying hours and the force of his personality have proven far more formidable than any bureaucratic obstacle, and he has been able to provide our warfighters a unilateral advantage through timely, critical intelligence. Our military forces' ability to successfully execute complex, simultaneous operations from Bosnia, to the Middle East, and to the west coast of Africa is a testament to General Baker's ability and dedication.

In Bull Baker's career and accomplishments, a word overshadows a thousand pictures. He has placed integrity first, offered service before self, and excelled in all he was called to do. I ask my colleagues to join me in recognizing a patriot.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:58 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 858. An act to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities.

At 4 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2014) to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: For consideration of the House bill, and the Senate amendment, and modifications committee to conference: Mr. KASICH, Mr. ARCHER, Mr.

CRANE, Mr. THOMAS, Mr. ARMEY, Mr. DELAY, Mr. MCDERMOTT, Mr. RANGEL, Mr. STARK, and Mr. MATSUI.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 702 and 704 of the Senate amendment, modifications committee to conference: Mr. SHUSTER, Ms. MOLINARI, and Mr. OBERSTAR.

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 713–14, 717, 879, 1302, 1304–5, and 1311 of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, and Mr. PAYNE.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2015) to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. KASICH, Mr. HOBSON, Mr. ARMEY, Mr. DELAY, Mr. HASTERT, Mr. SPRATT, Mr. BONIOR, and Mr. FAZIO.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Mr. SMITH of Oregon, Mr. GOODLATTE, and Mr. STENHOLM.

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. LEACH, Mr. LAZIO, and Mr. GONZALEZ.

As additional conferees from the Committee on Commerce, for consideration of subtitles A–C of title III of the House bill, and title IV of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER of Colorado, and Mr. DINGELL.

As additional conferees from the Committee on Commerce, for consideration of subtitle D of title III of the House bill, and subtitle A of title III of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. TAUZIN, and Mr. DINGELL.

As additional conferees from the Committee on Commerce, for consideration of subtitles E and F of title III, titles IV and X of the House bill, and divisions 1 and 2 of title V of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, and Mr. DINGELL.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitle A of title V and subtitle A of title IX of the House bill, and chapter 2 of division 3 of title V of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. TALENT, and Mr. CLAY.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitles B and C of title V of the House bill, and title VII of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. MCKEON, and Mr. KILDEE.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitle D of title V of the House bill, and chapter 7 of division 4 of title V of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. FAWELL, and Mr. PAYNE.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title VI of the House bill, and subtitle A of title VI of the Senate amendment, and modifications committed to conference: Mr. BURTON, Mr. MICA, and Mr. WAXMAN.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of title VII of the House bill, and subtitle B of title III and subtitle B of title VI of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. GILCHREST, and Mr. OBERSTAR.

As additional conferees from the Committee on Veterans Affairs, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Mr. STUMP, Mr. SMITH of New Jersey, and Mr. EVANS.

As additional conferees from the Committee on Ways and Means, for consideration of subtitle A of title V and title IX of the House bill, and divisions 3 and 4 of title V of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. SHAW, Mr. CAMP, Mr. RANGEL, and Mr. LEVIN.

As additional conferees from the Committee on Ways and Means, for consideration of titles IV and X of the House bill, and division 1 of title V of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, and Mr. STARK.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 858. An act to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2435. A communication from the Lieutenant General, USA Director, Defense Security Assistance Agency, Department of Defense, transmitting, pursuant to law, a report relative to disaster relief in Rwanda; to the Committee on Foreign Relations.

EC–2436. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a proposed license for defense equipment under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–2437. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a proposed license for the export of defense articles under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–2438. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a proposed Manufacturing License Agreement with a Romanian company; to the Committee on Foreign Relations.

EC–2439. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a proposed license for the export of defense articles to Germany; to the Committee on Foreign Relations.

EC–2440. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a proposed Manufacturing License Agreement to the United Kingdom; to the Committee on Foreign Relations.

EC–2441. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit for the period from January 1, 1996 through December 31, 1996; to the Committee on the Judiciary.

EC–2442. A communication from the Director, Executive Office for U.S. Trustees, U.S. Department of Justice, transmitting, pursuant to law, a report of a rule entitled "Qualifications and Standards for Standing Trustees", received on July 1, 1997; to the Committee on the Judiciary.

EC–2443. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–2444. A communication from the Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting, pursuant to law, the Office of Justice Programs Annual Report for Fiscal Year 1996; to the Committee on the Judiciary.

EC–2445. A communication from the Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting, a draft of proposed legislation entitled "Victims' Rights Act of 1997; to the Committee on the Judiciary.

EC–2446. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Child Support Recovery Amendments Act of 1997"; to the Committee on the Judiciary.

EC–2447. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule entitled "Collection of Past-Due Support by Administrative Offset", received on June 2, 1997; to the Committee on Finance.

EC–2448. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to trades rules, received on July 1, 1997; to the Committee on Finance.

EC–2449. A communication from the President of the United States, transmitting, pursuant to law, a report relative to emigration laws; to the Committee on Finance.

EC–2450. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to applicable percentage, received on July 8, 1997; to the Committee on Finance.

EC–2451. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to the applicable percentage for oil and gas produced, received on July 8, 1997; to the Committee on Finance.

EC–2452. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to reference price, received on July 8, 1997; to the Committee on Finance.

EC–2453. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the strategic plan under the Government Performance and Results Act for calendar year 1997; to the Committee on Finance.

EC–2454. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to reporting transfers, received on July 8, 1997; to the Committee on Finance.

EC–2455. A communication from the Acting Commissioner of Social Security, transmitting, a draft of proposed legislation to institute a ticket system; to the Committee on Finance.

EC–2456. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to Papaya, Carambola, and Litchi from Hawaii, received on July 8, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2457. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to the Gypsy Moth, received on July 8, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2458. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to spearmint oil, received on July 8, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2459. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to upper Florida marketing, received on July 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2460. A communication from the Administrator, Farm Service Agency, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to the sugar loan program, received on July 8, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2461. A communication from the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to potatoes grown in Washington, received on July 8, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2462. A communication from the Secretary, U.S. Department of Agriculture, transmitting, a draft of proposed legislation relative to fees for inspection; to the Committee on Agriculture, Nutrition, and Forestry

EC–2463. A communication from the Secretary of Defense, transmitting, opposition to the Cochran-Durbin and Spence-Dellums amendments; to the Committee on Armed Services.

EC–2464. A communication from the Secretary of Defense, transmitting, opposition to restraint of the Cooperative Threat Reduction program; to the Committee on Armed Services.

EC–2465. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the railroad retirement system under the Railroad Retirement Act; to the Committee on Labor and Human Resources.

EC–2466. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule relative to monetary penalties for inflation (RIN 1212–AA86), received on July 8, 1997; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–166. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Finance.

RESOLUTION

Whereas, the Veterans Health Administration (VHA) is the largest integrated health care provider in the United States, with more than 200,000 employees and an annual budget of over $16,000,000,000; and

Whereas, the VHA is under scrutiny by the President and the Congress of the United States to become a more cost-efficient health care delivery system; and

Whereas, as a group, VHA patients are older, sicker and poorer than persons using private health care facilities; and

Whereas, Medicare is not presently reimbursable to the VHA; and

Whereas, providing for Medicare reimbursement for health care services at a VHA facility would offer veterans more options and reduce the amount of other Federal funding utilized by the system; and

Whereas, United States Representative Bob Stump of Arizona has introduced House Resolution 1362 which would establish a demonstration project to provide for Medicare reimbursement for health care services provided to certain Medicare-eligible veterans in selected facilities of the Department of Veterans Affairs; and

Whereas, Pennsylvania has the fifth largest veteran population in the United States and would be a statistically significant choice for a demonstration program; and

Whereas, Veterans Integrated Service Network Number Four (VISN 4) includes all of the Veterans Administration Medical Centers in Pennsylvania and two Veterans Administration Medical Centers in states contiguous to Pennsylvania; therefore be it

Resolved, That the Senate of Pennsylvania memorialize Congress to select VISN 4 to participate in the demonstration project provided for in House Resolution 1362 and to participate in all demonstration programs for Medicare-eligible veterans; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–167. A resolution adopted by the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Finance.

RESOLUTION

Whereas, the Federal Unified Gift and Estate Tax generates a minimal amount of Federal revenue, especially considering the high cost of collection and compliance, and has been shown to decrease those Federal revenues from what they might otherwise have been; and

Whereas, this "death tax" has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, this "death tax" causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation, thereby depriving state and local governments of an important ongoing source of revenue; and

Whereas, critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of the community through relocation or liquidation; and

Whereas, local and state schools, churches and numerous charitable activities would greatly benefit from the increased employment and continued family business leadership; therefore be it

Resolved (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania urge the Congress of the United States to immediately review the Federal Unified Gift and Estate Tax and to act either to repeal the law, or to give special exemptions to family owned farms and businesses, or to raise the unified credit against the Gift and Estate Taxes, or to defer estate tax payments over a period of time; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the Treasury of the United States and to each member of Congress from Pennsylvania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1004. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–44).

S. 1005. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–45).

By Mr. STEVENS, from the Committee on Appropriations:

Special report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–46).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY, from the Select Committee on Intelligence:

George John Tenet, of Maryland, to be Director of Central Intelligence.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Anthony W. Ishii, of California, to be United States District Judge for the Eastern District of California.

Henry Harold Kennedy, Jr., of the District of Columbia, to be United States District Judge for the District of Columbia.

Katharine Sweeney Hayden, of New Jersey, to be United States District Judge for the District of New Jersey.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1000. A bill to designate the United States courthouse at 500 State Avenue in Kansas City, Kansas, as the "Robert J. Dole United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. SMITH of New Hampshire (for himself and Mr. GREGG):

S. 1001. A bill to amend title 31, United States Code, to address the failure to appropriate sufficient funds to make full payments in lieu of taxes under chapter 69, of that title by exempting certain users of the National Forest System from fees imposed in connection with the use; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. FAIRCLOTH, Mr. SESSIONS, Mr. HUTCHINSON, Mr. DEWINE, Mr. COATS, Mr. ASHCROFT, Mr. COVERDELL, Mr. SMITH of New Hampshire, Mr. NICKLES, and Mr. HELMS):

S. 1002. A bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. D'AMATO, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mr. GRAHAM, Mr. HAGEL, Mr. STEVENS, Mr. THURMOND, and Mr. FAIRCLOTH):

S. 1003. A bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI:

S. 1004. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. STEVENS:

S. 1005. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1006. A bill to authorize appropriations for the expansion of the columbarium of the National Memorial Cemetery of the Pacific; to the Committee on Veterans Affairs.

By Mr. CHAFEE (by request):

S. 1007. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reduce the costs of disaster relief and emergency assistance, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Con. Res. 38. A concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1000. A bill to designate the United States courthouse at 500 State Avenue in Kansas City, KS, as the "Robert J. Dole United States Courthouse"; to the Committee on Environment and Public Works.

ROBERT J. DOLE UNITED STATES COURTHOUSE

Mr. ROBERTS. Mr. President, I have the great pleasure of introducing legislation, along with my colleague, Senator BROWNBACK, to name the U.S. Courthouse at 500 State Avenue in Kansas City, KS, as the Robert J. Dole U.S. Courthouse. I think all of our colleagues know that although our esteemed former colleague has received scores of honors, I am pleased to lead the Kansas congressional delegation in naming this courthouse after Bob because it reflects his common sense and honest work in the U.S. Senate not only nationally but also in regard to Kansas.

Senator Dole's career on behalf of the State of Kansas is well-known—State Representative, Russell County attorney, Congressman of Kansas' big First Congressional District from 1961 to 1969, and Senator from 1969 to 1996. When Senator Dole stepped down from the Senate last year as Kansas' great senior Senator and longest-serving Republican majority leader, he showed determination and courage in his all-out effort to win the 1996 Presidential election.

Although being majority leader cast Senator Dole as a national political figure, forcing him to tackle every single issue before the Congress, he never stopped his tireless work on behalf of Kansans in all 105 counties. There was no inside the beltway for Bob Dole; it was inside the Sunflower State. If you travel into any Kansas community, be it Wichita or Wakeeney and ask a resident about Bob Dole, they will easily recall his care about their concerns. Kansans will tell you of getting the Social Security check delivered quicker or inserting some provision in legislation for a public works project that made a lot of sense and was a taxpayer investment. Whenever national disasters struck, Kansas Senator Dole also alerted the appropriate Federal disaster relief officials and personally tried to alleviate the emotional and the physical damage from tornadoes, droughts and floods.

Throughout Kansas, Senator Dole was always available. He listened and learned from farmers, soccer moms, businessmen, and children. The issues were as diverse as Kansas itself— economic development needs of our State urban areas like Kansas City, or a farmer's desire for higher grain prices and safer roads for drivers and transportation.

Mr. President, the Federal courthouse at 500 State Avenue in Kansas City, KS, is an example of Senator Dole's leadership in Kansas. He, with the support of a bipartisan group of local elected officials and community leaders, succeeded in keeping the courthouse in downtown Kansas City, KS. Now, this Federal presence has served to revitalize the neighborhoods. In fact, on Tuesday, another key component of his interest in Kansas City, KS, to this development effort was started through the groundbreaking of the new Federal building across the street from the courthouse to house the EPA region VII offices.

This was very typical of Bob Dole. He reached out to local Democrats, Republicans, and Independents. No matter that Senator Dole was a Republican, Kansas City, KS, and Wyandotte County Democrats deeply appreciated his efforts not only on the Federal courthouse but on other matters such as the Federal response to the flood of 1993.

Realizing that the former Federal courthouse would be vacated for the new courthouse and would become excess Federal property, Senator Dole worked with local officials and the GSA to ensure that the former courthouse would be transferred to Wyandotte County so they could use it for additional judicial space. This saved Wyandotte County and the taxpayer a great deal of money.

This U.S. courthouse represents the State of Kansas' efficient use of land and labor. The building was designed in a contemporary judicial style and is intended to be a model for future Federal court buildings. As part of this style, cost savings features were used such as precast concrete instead of a natural stone facade, combined with energy efficient double-glazed aluminum frame windows. It is clear that Senator Dole's perseverance to reduce our Federal spending was applied in this courthouse. This design reduced costs and increased efficiency unlike other Federal courthouses that have Cadillac courtrooms and exceeded their budgets.

Mr. President, this Federal courthouse has 165,000 square feet of office space. I am proud to let my colleagues know that its budget was $40,868,000. But the finished cost was $34 million. That is right, a Federal project was actually finished for less than its budget, $6.7 million to be exact. While the primary role for this building is for the Federal judicial process, other agencies such as the U.S. Marshal, the Peace Corps and Congressman VINCE SNOWBARGER, also utilize this office space in the courthouse.

Mr. President, Senator BROWNBACK joins me in asking that the Environmental and Public Works Committee act expeditiously on this bill before the August recess.

I ask unanimous consent to have the bill printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT J. DOLE UNITED STATES COURTHOUSE

The United States courthouse at 500 State Avenue in Kansas City, Kansas, shall be known and designated as the "Robert J. Dole United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert J. Dole United States Courthouse".

Mr. THURMOND. Mr. President, I thank the able Senator from Kansas. The name of the courthouse for Bob Dole is purely a Kansas matter, but I just want to say that no finer person in the United States deserves a courthouse or any other building named for him than Bob Dole. He is a great American. He has rendered this country great service. He was an outstanding leader here in the Senate for many years. We are all proud of him and we will be delighted to have a courthouse named for him.

By Mr. SMITH of New Hampshire (for himself and Mr. GREGG):

S. 1001. A bill to amend title 31, United States Code, to address the failure to appropriate sufficient funds to make full payments in lieu of taxes under chapter 69, of that title by exempting certain users of the National Forest System from fees imposed in connection with the use; to the Committee on Agriculture, Nutrition, and Forestry.

THE LOCAL FOREST USER FAIRNESS ACT

Mr. SMITH of New Hampshire. Mr. President, I take the floor today to introduce the Local Forest User Fairness Act with my colleague Senator GREGG. This legislation would allow residents of counties where U.S. Forest Service land is situated to recreate in the forest without paying a user fee. The introduction of this bill was prompted by the recent institution of recreational user fees in certain national forests across the country, one of those being the White Mountain National Forest in New Hampshire.

While I am not opposed to user fees per se, I do have some concerns in this instance because of the potential for double taxation and inequitable treatment for local residents. Those areas where the Federal Government owns much of the land suffer from a diminished property tax base to fund schools and other necessary social needs. To address this inequity, Congress passed the Payments in Lieu of Taxes, or PILT, program in 1976 which partially reimburses local units of government for their loss of property tax revenue due to the U.S. Forest Service's ownership of local land. Unfortunately, this program has not been fully funded for a number of years.

This bill provides that until the PILT program is fully funded to its authorized level, local residents recreating in the forest would be exempt from paying user fees. In New Hampshire, this would apply to all residents of Coos, Grafton, and Carroll Counties. For these areas, the shortfall in PILT payments for fiscal year 1996 was nearly $250,000, providing only 68 percent of what was owed to them. Because of this shortfall, county and municipal governments are forced to find much needed revenue elsewhere, including increased property taxes. It is simply unfair to charge these communities with using the White Mountains when they are already subsidizing the forest.

I believe the Local Forest User Fairness Act provides for a reasonable, fair way of dealing with this inequity. Our proposed exemption would not be necessary, of course, if the Federal Government were to fully fund the PILT program and provide adequate funding for Forest Service management—initiatives that I strongly support.

In conclusion, Mr. President, I want to commend my other New Hampshire colleague, Congressman BASS, for developing and introducing this legislation in the House. Together, I hope we can establish a more equitable situation for our constituents who live, work, and play in or near our national forests. I now ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Forest User Fairness Act".

SEC. 2. LOCAL EXEMPTIONS FROM FOREST SERVICE USER FEES DUE TO LESS THAN FULL FUNDING OF PAYMENTS IN LIEU OF TAXES.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government provides payments in lieu of taxes under chapter 69 of title 31, United States Code, to compensate units of general local government whose tax base is diminished by Federal ownership of lands, including Federal lands in the National Forest System administered by the Forest Service;

(2) amounts appropriated to provide payments in lieu of taxes under that chapter have been significantly less than the amounts necessary to comply fully with the payment formulas contained in that chapter; and

(3) by failing to fully fund payments in lieu of taxes to units of general local government whose jurisdictions contain Federal lands, including National Forest System lands, the Federal Government is increasing the tax burden on local property owners.

(b) NATIONAL FOREST USER FEE EXEMPTION.—Section 6906 of title 31, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "Necessary"; and

(2) by adding at the end the following:

"(b) LOCAL EXEMPTIONS FROM USER FEES DUE TO INSUFFICIENT APPROPRIATIONS.—

"(1) IN GENERAL.—Unless sufficient funds are appropriated for a fiscal year to provide full payments under this chapter to each unit of general local government eligible for the payments, persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any recreational user fees imposed by the Secretary of Agriculture for access to units of the National Forest System that lie, in whole or in part, within the boundaries.

"(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method for identifying and exempting persons covered by this subsection from the user fees.".

By Mr. GRASSLEY (for himself, Mr. D'AMATO, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mr. GRAHAM, Mr. HAGEL, Mr. STEVENS, Mr. THURMOND, and Mr. FAIRCLOTH):

S. 1003. A bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1997

Mr. GRASSLEY. Mr. President, we must be sure that we are taking the necessary steps to protect the citizens of our nation by preventing drug traffickers, organized crime and terrorist groups from obtaining the profits of their illegal activities. Much has been done and said about the movement of illegal drugs into the United States or terrorists acts against our country. But the opposite side of the business—getting the profits from drug sales and other illegal enterprises out of the country and back into the hands of the criminal organizations—does not get as much publicity and is just as important.

In an effort to strike another blow to drug traffickers and criminals who prey on our citizens by their ill-gotten gains, today I, in conjunction with Senator D'AMATO, am introducing companion legislation to H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1997. This legislation will authorize the Secretary of the Treasury, in consultation with the Attorney General and other relevant agencies, to coordinate and implement a national strategy to address the exploitation of our Nation's payment systems to facilitate money laundering and related financial crimes. The strategy will enhance and expand the Secretary's authority to ascertain criminal activity directed at our Nation's financial systems, determine the threat posed to the integrity of such systems, and develop regulatory and law enforcement initiatives to respond. The bill will hit the criminals where they feel it the most—in their pocketbooks. By implementing a strategy on a national level, hundreds of communities across our country will no longer be held hostage by these criminal enterprises.

As we know, money laundering involves disguising financial assets so they can be used without detection of the illegal activity that produced them. Through money laundering, the criminal transforms the monetary proceeds derived from the criminal activity into funds with an apparently legal source. Money laundering provides the resources from drug dealers, terrorists, arms dealers, and other criminals to operate and expand their criminal enterprises. Today, experts estimate that money laundering has grown into a $500 billion problem worldwide.

A significant component of this strategy will involve defining specific criminal activity affecting geographic areas, payment systems and financial institutions, that are considered to have a high potential to be abused by criminal organizations. These high risk money laundering zones will then be targeted for specific action, whether it is specific law enforcement operations, preventative efforts to insulate entire payment systems, or industry sectors from being exploited by criminal elements. This legislation will help provide assistance to localities for example, state and local prosecutors and law enforcement officials in the form of federal financial crimes grants to any area designated as a "High Risk Money Laundering Zone."

I would also like to thank my colleagues, Senators DIANNE FEINSTEIN, TED STEVENS, TIM HUTCHINSON, BOB GRAHAM, CHUCK HAGEL, and LAUCH FAIRCLOTH, for joining in cosponsoring this bi-partisan legislation. Working together, we need to tighten up our financial control capabilities to prevent criminal enterprises from abusing our financial and banking systems. I hope this legislation will be the beginning of a serious effort by Congress to impact the growing threat of money laundering not only to our Nation, but worldwide.

Mr. President, I ask unanimous consent that I have a copy of my legislation printed in the RECORD.

Mr. President, I would like to add Senator STROM THURMOND as cosponsor of that legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Money Laundering and Financial Crimes Strategy Act of 1997".

SEC. 2. MONEY LAUNDERING AND RELATED FINANCIAL CRIMES.

(a) IN GENERAL.—Chapter 53 of title 31, United States Code is amended by adding at the end the following new subchapter:

"Subchapter III—Money Laundering and Related Financial Crimes

"SEC. 5341. DEFINITIONS.

"For purposes of this subchapter, the following definitions shall apply:

"(1) DEPARTMENT OF THE TREASURY LAW ENFORCEMENT ORGANIZATIONS.—The term 'Department of the Treasury law enforcement organizations' has the meaning given to such term in section 9703(p)(1).

"(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime' means an offense under this subchapter, chapter II of title I of Public Law 91–508 (12 U.S.C. 1951, et seq.; commonly referred to as the 'Bank Secrecy Act'), or section 1956, 1957, or 1960 of title 18 or any related Federal, State, or local criminal offense.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(4) STRATEGY.—The term 'Strategy' means the National Strategy for Combating Money Laundering and Related Financial Crimes developed in accordance with section 5342.

"SEC. 5342. NATIONAL MONEY LAUNDERING AND RELATED FINANCIAL CRIMES STRATEGY.

"(a) DEVELOPMENT AND SUBMISSION TO CONGRESS.—

"(1) DEVELOPMENT.—The President, acting through the Secretary, shall coordinate and develop a National Strategy for Combating Money Laundering and Related Financial Crimes (hereafter in this section referred to as the 'Strategy').

"(2) SUBMISSION TO CONGRESS.—On February 1 of fiscal years 1999 through 2003, the Secretary shall submit the Strategy to Congress in written form, in accordance with this subchapter.

"(3) SEPARATE PRESENTATION OF CLASSIFIED MATERIAL.—Any part of the Strategy that involves information which is properly classified under criteria established by Executive order shall be submitted to Congress separately.

"(4) CONTENTS.—Each Strategy submitted under paragraph (2) shall include—

"(A) comprehensive, research-based, quantifiable goals for reducing money laundering and related financial crime in the United States;

"(B) 3-year budget projections for program and budget priorities to implement the Strategy;

"(C) a review of State and local strategies to control money laundering and other financial crimes to ensure that the United States pursues well-coordinated and effective money laundering and other financial crime controls at all levels of Government;

"(D) a description of existing operational initiatives to improve detection of money laundering and related financial crimes;

"(E) a description of the actions taken by the Secretary to achieve an enhanced partnership between the private financial sector and law enforcement agencies, as required under subsection (b)(3);

"(F) a description of—

"(i) cooperative efforts between the Federal Government and State and local officials, including State and local prosecutors and other law enforcement officials; and

"(ii) cooperative efforts among the several States and between State and local officials, including State and local prosecutors and other law enforcement officials, for financial crimes control which could be utilized or should be encouraged;

"(G) a complete assessment of how the proposed budget is intended to implement the Strategy, and whether the funding levels contained in the proposed budget are sufficient to implement the Strategy;

"(H) the level of compatibility of automated information systems, including the ease of access of the Federal Government and State and local governments to timely, accurate, and complete information;

"(I) a list of persons or officers consulted by the Secretary pursuant to subsection (c); and

"(J) any other information necessary for the purpose of developing and analyzing data in order to ascertain financial crime trends.

"(b) DEVELOPMENT OF STRATEGY.—The Strategy shall address any area that the

President, acting through the Secretary, considers appropriate, including the following:

"(1) Goals, objectives, and priorities.—Comprehensive, research-based goals, objectives, and priorities for reducing money laundering and related financial crime in the United States.

"(2) Prevention.—Coordination of regulatory and other efforts to prevent the exploitation of financial systems in the United States for money laundering and related financial crimes, including a requirement that the Secretary shall—

"(A) regularly review enforcement efforts under this subchapter and other provisions of law and, when appropriate, modify existing regulations or prescribe new regulations for purposes of preventing such criminal activity; and

"(B) coordinate prevention efforts and other enforcement action with the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, the Federal Trade Commission, other Federal banking agencies, and the National Credit Union Administration Board.

"(3) Enhancement of role of private financial sector in prevention.—The Secretary shall pursue an enhanced partnership between the private financial sector and law enforcement agencies with regard to the prevention and detection of money laundering and related financial crimes, including providing incentives to strengthen internal controls and to adopt on an industrywide basis more effective policies.

"(4) Designated areas.—A description of geographical areas designated as 'high-risk money laundering and related financial crime areas' in accordance with section 5343.

"(5) Data regarding trends in money laundering and related financial crimes.—The need for additional information necessary for the purpose of developing and analyzing data in order to ascertain financial crime trends.

"(6) Improved communications systems.—The compatibility of automated information and facilitating access of the Federal Government and State and local governments to timely, accurate, and complete information, and what steps may be necessary to improve such access.

"(c) Consultations.—In developing the Strategy, the Secretary shall consult with—

"(1) law enforcement organizations of the Department of the Treasury involved in the detection, prevention, and suppression of money laundering and related financial crimes;

"(2) the Attorney General;

"(3) the Board of Governors of the Federal Reserve System, the National Credit Union Administration Board, and other Federal banking agencies;

"(4) State and local officials, including State and local prosecutors;

"(5) the Securities and Exchange Commission;

"(6) the Commodities and Futures Trading Commission;

"(7) to the extent appropriate, State and local officials responsible for financial institution and financial market regulation;

"(8) any other State or local government authority, to the extent appropriate;

"(9) any other Federal Government authority or instrumentality, to the extent appropriate; and

"(10) representatives of the private financial services sector, to the extent appropriate.

"SEC. 5343. HIGH-RISK MONEY LAUNDERING AND RELATED FINANCIAL CRIME AREAS.

"(a) Findings and Purpose.—

"(1) Findings.—The Congress finds that—

"(A) money laundering and related financial crimes frequently appear to be concentrated in particular geographic areas, financial systems, industry sectors, or financial institutions; and

"(B) while the Secretary has the responsibility to act with regard to Federal offenses committed in a particular locality or are directed at a single institution, because modern financial systems and institutions are interconnected to a great degree, money laundering and other related financial crimes are likely to have local, State, national, and international effects wherever they are committed.

"(2) Purpose and objective.—The purpose of this section is to provide a mechanism for designating any area where money laundering or a related financial crime appears to be occurring at a higher than average rate, such that—

"(A) a comprehensive approach to the problem of such crime in such area can be developed, in cooperation with State and local law enforcement agencies, which utilizes the authority of the Secretary to prevent such activity; or

"(B) the area can be targeted for law enforcement action.

"(b) Element of National Strategy.—The designation of certain areas as areas in which money laundering and related financial crimes are extensive or present a substantial risk shall be an element of the Strategy developed pursuant to section 5342.

"(c) Designation of Areas.—

"(1) Designation by secretary.—The Secretary, after taking into consideration the factors specified in subsection (d), shall designate any geographical area, industry, sector, or institution in the United States in which money laundering and related financial crimes are extensive or present a substantial risk as a 'high-risk money laundering and related financial crimes area'.

"(2) Specific initiatives.—Any head of a department, bureau, or law enforcement agency, including any State or local prosecutor, involved in the detection, prevention, and suppression of money laundering and related financial crimes and any State or local official or prosecutor may submit a written request for the designation of any area as a high-risk money laundering and related financial crimes area.

"(3) Case-by-case determination.—In addition to the factors specified in subsection (d), a designation of any area under this subsection shall be made on the basis of a determination by the Secretary that the particular area, industry, sector, or institution is being victimized by, or is particularly vulnerable to, money laundering and related financial crimes.

"(d) Factors.—In designating an area as a high-risk money laundering and related financial crimes area under this section, the Secretary shall, to the extent appropriate, take into account—

"(1) the population of the area;

"(2) the number of bank and nonbank financial institution transactions that originate in such area or involve institutions located in such area;

"(3) the number of stock or commodities transactions that originate in such area or involve institutions located in such area;

"(4) whether the area is a key transportation hub with any international ports or airports or an extensive highway system;

"(5) whether the area is an international center for banking or commerce;

"(6) the extent to which financial crimes and financial crime-related activities in such area are having a harmful impact in other areas of the country;

"(7) the number or nature of requests for information or analytical assistance that—

"(A) are made to the analytical component of the Department of the Treasury; and

"(B) originate from law enforcement or regulatory authorities located in such area, or involve institutions or businesses located in such area or residents of such area;

"(8) whether the area is or has been the subject of active money laundering investigations;

"(9) the volume or nature of suspicious activity reports originating in the area;

"(10) the volume or nature of currency transaction reports or reports of cross-border movements of currency or monetary instruments originating in the area;

"(11) whether, and how often, the area has been the subject of a geographical targeting order under section 5326 before being considered for such designation;

"(12) observed changes in trends and patterns of money laundering activity;

"(13) unusual patterns, anomalies, growth, or other changes in the volume or nature of core economic statistics or indicators;

"(14) statistics or indicators of unusual or unexplained volumes of cash transactions;

"(15) unusual patterns, anomalies, or changes in the volume or nature of transactions conducted through financial institutions operating within or outside the United States;

"(16) the extent to which State and local governments and State and local law enforcement agencies have committed resources to respond to the financial crime problem in the area and the degree to which the commitment of such resources reflects a determination by such government and agencies to address the problem aggressively;

"(17) the extent to which a significant increase in the allocation of Federal resources to combat financial crimes in such area is necessary to provide an adequate State and local response to financial crimes and financial crime-related activities in such area; and

"(18) such other factors as the Secretary considers relevant.

"SEC. 5344. ASSISTANCE FOR FIGHTING MONEY LAUNDERING AND RELATED FINANCIAL CRIMES.

"(a) Grant Program Authorized.—

"(1) In general.—After the end of the 1-year period beginning on the date on which the first Strategy is submitted to the Congress in accordance with section 5342, the Secretary may review, select, and award grants in accordance with this subchapter from among applications submitted under paragraph (2) to State or local law enforcement agencies and prosecutors in an area designated as a high-risk money laundering and related financial crimes area under section 5343. Such grants shall be used to provide funding necessary to investigate and prosecute money laundering and related financial crimes in those areas.

"(2) Application process.—The Secretary shall award grants under this subchapter upon receipt of written application, in accordance with such terms and procedures as the Secretary may establish.

"(3) Special preference.—In awarding grants under this subsection, special preference shall be given to applicants that represent collaborative efforts of 2 or more

State and local law enforcement agencies or prosecutors who have a history of Federal, State, and local cooperative law enforcement and prosecutorial efforts in responding to such criminal activity.

"(b) OTHER ASSISTANCE AUTHORIZED.—Notwithstanding whether a grant is awarded in an area designated as a high-risk money laundering and related financial crimes area, the Secretary may, in any such area—

"(1) recommend increases in Federal assistance that the Secretary determines are necessary to combat financial crimes in such areas; and

"(2) establish joint cooperative efforts and coordinate enforcement activities among Federal law enforcement organizations involved in the detection, prevention, and suppression of money laundering and related financial crimes and State and local law enforcement agencies with respect to financial crimes in such area.

"SEC. 5345. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subchapter, subject to an appropriations Act—

"(1) $5,000,000 for fiscal year 1999;

"(2) $7,500,000 for fiscal year 2000;

"(3) $10,000,000 for fiscal year 2001;

"(4) $12,500,000 for fiscal year 2002; and

"(5) $15,000,000 for fiscal year 2003.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 53 of title 31, United States Code, is amended by adding at the end the following items relating to the subchapter added by subsection (a) of this section:

"SUBCHAPTER III—MONEY LAUNDERING AND RELATED FINANCIAL CRIMES

"Sec. 5341. Definitions.
"Sec. 5342. National money laundering and related financial crimes strategy.
"Sec. 5343. High-risk money laundering and related financial crime areas.
"Sec. 5344. Assistance for fighting money laundering and related financial crimes.
"Sec. 5345. Authorization of appropriations.".

SEC. 3. BUDGETS FOR LAW ENFORCEMENT ACTIVITIES RELATING TO MONEY LAUNDERING AND RELATED FINANCIAL CRIMES.

Section 1105 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(h) TREATMENT OF FUNDING.—The Director of the Office of Management and Budget shall establish the funding for law enforcement activities with respect to money laundering and related financial crimes for each applicable department or agency as a separate object class in each budget annually submitted to the Congress under this section.".

SEC. 4. REPORT AND RECOMMENDATIONS.

Before the end of the 5-year period beginning on the date on which the first National Strategy for Combating Money Laundering and Related Financial Crimes is submitted to the Congress pursuant to section 5342 of title 31, United States Code (as added by this Act), the Secretary of the Treasury shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the effectiveness of and the need for the designation of areas, under section 5343 of title 31, United States Code (as added by this Act), as high-risk money laundering and related financial crime areas, together with such recommendations for legislation as the Secretary of the Treasury may determine to be appropriate to carry out the purposes of that section.

Mr. D'AMATO. Mr. President, today, I am proud to sponsor a bill which attacks drug traffickers by making it harder for these criminals to profit from their illegal windfalls. We have long known of the terrible price our communities pay because of drug abuse; the dashed hopes and dreams and the shattered lives of millions of Americans. The Congress, and the Administration, have a responsibility to do everything we can to restore those dreams and rebuild these communities.

Drug kingpins and cartels are destroying our neighborhoods and poisoning our children. Unless we put an immediate stop to this criminal behavior, drug lords will continue to penetrate our schools and families.

Mr. President, through money laundering, drug traffickers are able to take their blood money and launder it clean. These ill-gotten gains are then filtered throughout our economy. Money laundering sustains drug and arms dealers, as well as terrorists and other criminals searching for a way to prolong their illegal enterprises. Tax evasions, and trade and insurance fraud are the related byproducts of money laundering.

Money laundering robs our Nation's financial institutions of their most valuable asset—their integrity. By abusing the Nation's financial institutions, the launderers increase their wealth and power often by purchasing land and buildings with these illicit funds. So it soon becomes impossible to distinguish drug money from wealth earned by hard working taxpayers.

Day in, day out, the drug lords relentlessly peddle their products of death and misery for huge profits. While our police are hampered by their inability to effectively target large cash transactions. This bill sends the message that "enough is enough." It hands our law enforcement agencies the tools to hit the criminals where it hurts—in the pocketbook.

Mr. President, the bill has three major provisions:

First, It requires the Treasury Secretary to create a national money laundering strategy and report to Congress.

Second, It allows the Secretary to designate "high risk zones" where money laundering is concentrated.

Third, The high risk zones will be eligible for law enforcement assistance and technical assistance and antimoney laundering grants.

This bill is not based on hypotheticals—it was not drafted out of thin air—it is based on hands-on experience of what has worked for our drug enforcement agencies. We have learned that the most effective method of fighting this problem is for law enforcement agencies to work together. That is why we have called for a national strategy. And that is why the bill directs the Secretary to give special preference to law enforcement or prosecutorial agencies that coordinate activities when awarding grants to combat money laundering.

This approach has proven successful in a recent New York undercover operation known as "El Dorado". This joint law enforcement effort used a Treasury Department tool known as a GTO-Geographic Targeting Order. Under the GTO, designated money remitters were required to report detailed information about all cash transfers to Columbia over $750. The results of Operation "El Dorado" were phenomenal:

Cash transfers by three major remitters plummeted from $67 million to $2 million;

The overall number of transactions by those same remitters dropped 95 percent and the dollar amount dropped 97 percent;

There has been $30 million in currency seizures, three arrests and one conviction.

Most importantly, Operation "El Dorado" disrupted the profit flow from the United State to the drug cartels.

Operation El Dorado was a huge success—but it was limited by the nature of the GTO itself—it is a temporary legal device. We need to stop these criminals forever!

Our experience in New York demonstrates that only a comprehensive and cooperative solution will achieve results. We must take decisive and immediate steps to stop this insidious cancer from rotting away at our country's legitimate economy and financial system. This bill would essentially put in place a permanent GTO in high risk areas.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1006. A bill to authorize appropriations for the expansion of the columbarium of the National Memorial Cemetery of the Pacific; to the Committee on Veterans Affairs.

EXPANSION OF THE NATIONAL MEMORIAL CEMETERY OF THE PACIFIC

Mr. AKAKA. Mr. President, I am today introducing a bill which allows for the expansion of the National Memorial Cemetery of the Pacific, commonly referred to as Punchbowl. I am pleased that my colleague, the senior Senator from Hawaii, Senator INOUYE has joined me as a sponsor of this measure.

This is a very simple bill. It authorizes $1.5 million for the construction of an additional columbarium at the National Memorial Cemetery of the Pacific.

The cemetery is nearing its capacity and is only open to interment of cremains. It is estimated by the year

2002, Punchbowl will no longer be open for any burials. However, while the national cemetery will be closed to burials, Hawaii will begin to experience 5 years of the greatest expected burial needs for our World War II veterans.

Currently, 26,000 World War II veterans reside in Hawaii. Based on present columbarium usage at Punchbowl, the Department of Veterans Affairs expects 20 percent of these veterans to chose cremation and inurnment at the National Memorial Cemetery of the Pacific.

The number of Hawaii veterans wishing to be interred at Punchbowl does not include veterans who reside outside of Hawaii who would like to be buried at this facility. Every year, we have veterans who choose to return to Hawaii to be buried with their comrades.

The bill I am introducing today will allow Punchbowl to accommodate 5,000 additional veterans and their spouses. This small expansion will allow our Nation's veterans, particularly those who served their country in World War II, to be buried in National Memorial Cemetery of the Pacific.

I urge my colleagues to support this fair and reasonable request on behalf of our Nation's veterans.

By Mr. CHAFEE (by request):

S. 1007. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reduce the costs of disaster relief and emergency assistance, and for other purposes; to the Committee on Environment and Public Works.

THE DISASTER STREAMLINING AND COSTS REDUCTION ACT OF 1997

Mr. CHAFEE. Mr President, in my capacity as chairman of the Committee on Environment and Public Works, I introduce today the Disaster Streamlining and Costs Reduction Act of 1997, on behalf of the administration. This bill amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act with the goal of reducing the costs of disaster relief and emergency assistance provided by the Federal Emergency Management Agency [FEMA].

This legislation was submitted to the Senate on June 30, 1997, by FEMA Director James L. Witt. Submission of the bill fulfills, albeit late, a directive included in the FY 1997 VA, HUD and Independent Agencies Appropriations Act.

In that act, the distinguished Appropriations Subcommittee chairman, Senator BOND, and his ranking member, Senator MIKULSKI, directed FEMA to propose methods of reducing the skyrocketing costs of Federal disaster relief aid. I commend Senators BOND, MIKULSKI and other Appropriations Committee members for their initiative.

As my colleagues are well aware, the Stafford Act is designed to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from disasters. In recent years, this assistance has grown increasingly expensive and has resulted in the reduction of annual funding levels for other Government programs which must compete directly with it.

I believe that the cause for the dramatic increase in disaster spending is at least two-fold. First, we are witnessing a period when more and more of our population is being affected by natural and man-made disasters. This might be due to what some say is an increase in the frequency of violent storms—coupled with the fact that a growing proportion of our citizens reside in coastal and riverine regions, causing them to be more vulnerable to floods.

Second, it is apparent that implementation of the Stafford Act could be conducted in a more fiscally sound manner. Are too many facilities or entities eligible for Federal disaster assistance? Is there mismanagement of grant moneys? Is there too much red tape at FEMA? These are the questions that have been asked.

This legislation purports to address both of these broad items believed by many to have contributed to increased disaster spending. To lessen risk to populations and structures, the administration's bill establishes new hazard mitigation authorities. The bill also reduces the number of public and private nonprofit facilities eligible for aid. Finally, the bill includes various management reforms to streamline the delivery of emergency assistance.

I have given this legislation a preliminary review and find that much in it makes a great deal of sense. Other elements may be problematic. But this is just the first step. This proposal will receive careful scrutiny in the Committee on Environment and Public Works and most likely will be modified several times after we have had a chance to receive input from the States and from disaster relief experts from across the country.

This is a serious issue involving the lives and property of millions of Americans. It also involves billions of taxpayer dollars. While the Congress must address these FEMA cost issues swiftly, we must also preserve the central mission of the Stafford Act. Toward that end, I look forward to conducting hearings on this bill in the Committee on Environment and Public Works.

With the help of Senator BOND, who is also a member of the Environment and Public Works Committee, Senator INHOFE, who chairs the relevant subcommittee, and other members, I am confident that we will be able to produce effective reform legislation in timely fashion. I also look forward to working closely with Director Witt and the administration and commend them for their proposal.

With that, Mr. President, I send the bill to the desk and ask that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1007

Be it enacted by the senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Streamlining and Costs Reduction Act of 1997."

SEC. 2. DEFINITIONS.

(a) Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5122, is amended by striking paragraphs (8) and (9) and inserting new paragraphs (8) and (9) as follows:

"(8) "Public facility" means the following facilities owned by a State or local government:

"(a)(1) Any sewage treatment and collection, water supply and distribution, or airport facility;

"(2) Any non-Federal-aid street, road, or highway;

"(3) Any other public building, structure, or system that is essential to life, health, education or safety; or

"(4) Parks other than those defined in paragraph (b)(5) of this section.

"(b) The term "public facility" does not include the following facilities owned by a State or local government:

"(1) Flood control, navigation, irrigation, reclamation, or watershed development structure or systems;

"(2) Electric utilities;

"(3) Building contents;

"(4) Cultural objects;

"(5) Trees and other natural features that are located within parks and recreational areas, as well as on the grounds of other publicly-owned property;

"(6) Parks, recreational areas, marinas, golf courses, stadiums, arenas or other similar facilities, which generate any portion of their operational revenue through user fees, rents, admission charges, or similar fees; and

"(7) Beaches.

"(9) 'Private nonprofit facility' means private nonprofit educational, emergency, medical, rehabilitational, utilities other than electric utilities, and custodial care facilities.

"(b) The term 'private nonprofit facility' does not include the following facilities owned by a private nonprofit entity:

"(1) Building contents;

"(2) Cultural objects;

"(3) Trees and other natural features that are located within parks and recreational areas, as well as on the grounds of other private nonprofit property; and

"(4) Beaches."

(b) Section 102 is amended further by adding the following definitions at the end of the section:

"(10) 'Director' means the Director of the Federal Emergency Management Agency.

"(11) 'Hazard mitigation' or 'mitigation' means programs and actions to reduce the risk or impact of hazards in order to reduce loss of life and injury, damage or destruction of property from a disaster.

"(12) 'Incentives' means measures to induce action by State and local governments, individuals and other private interests to minimize or reduce the loss of life and property from disasters, including increased or reduced disaster assistance cost sharing, and such other measures as the President or Director may establish by regulation.”

SEC. 3. PRE-DISASTER HAZARD MITIGATION.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121 et seq., is amended by inserting new section 203 as follows:

“§ 203. Pre-Disaster Hazard Mitigation

“(a) The Director is authorized to establish a pre-disaster mitigation program to assist State and local governments to reduce injuries and loss of life, and to reduce damage or destruction of property from disaster before disasters occur; and is authorized to use incentives, disincentives, and other mitigation measures to reduce the cost of disasters to Federal, State and local governments, particularly damages to public facilities, and to the private sector.

“(b) The Director is authorized to make pre-disaster mitigation grants of not less than 75 percent of the cost of hazard mitigation measures to States and local governments and to eligible private nonprofit organizations to carry out the purposes of this section. The pre-disaster mitigation program established by this section shall not duplicate or replace assistance available to States and local governments and eligible nonprofit organizations under authorities and programs administered by other Federal departments or agencies.

“(c) The Director shall establish by rules and regulations the standards, incentives and criteria applicable to grants made under the authority of this section, including:

“(1) incentives for measures that reduce the risk of injuries and loss of life and reduce damages and destruction of property from disasters and that exceed the minimum standards, and criteria established by the Director under this section;

“(2) incentives for establishing disaster assistance programs, trust funds, or other measures that enhance the ability of individuals, property owners, and States and local governments to finance, reimburse, or compensate for losses suffered from disasters;

“(3) procedures for the identification and evaluation of natural hazards that threaten the State or community;

“(4) measures to reduce injuries and loss of life and to reduce damages and destruction of property from disasters;

“(5) adoption and enforcement of laws, construction codes and other codes, community-wide land-use and other ordinances and bylaws, and regulations to minimize or mitigate the effects of disasters; and

“(6) such other mitigation measures as the President or the Director may adopt by regulation.

“(d) To carry out the pre-disaster mitigation program authorized in subsection (a), the Director shall establish a National Pre-Disaster Mitigation Fund (Fund) which shall be an account separate from any other accounts or funds and shall be available, without fiscal year limitation, for grants and other incentives to States and local governments and to nonprofit organizations to implement mitigation measures under standards and criteria established by the Director.

“(e) There are authorized to be appropriated to the Fund established by subsection (d) of this section such sums as may be necessary to implement this section.

“(f) The Director shall take into account the following when establishing priorities for pre-disaster mitigation grant applications:

“(1) the level and repetitive nature of the risks to be mitigated;

“(2) demonstrated State or local government commitment to reduce damages from future disasters;

“(3) official commitment by the State or local government that non-Federal financial commitments are available for the mitigation measures to be undertaken;

“(4) certification that mitigation projects involving public facilities will meet or exceed the mitigation criteria and standards established by the Director in this section;

“(5) assurances that the mitigation projects are not then the subject matter of litigation before any Federal, State or local court or administrative agency; and

“(6) assurances that the mitigation projects will be completed expeditiously, in a time period mutually agreed by the Director and the applicant.”

“(g) The Director shall review periodically the standards, criteria, and incentives established for mitigation under this chapter, shall evaluate performance results of those standards, criteria, and incentives, and shall make appropriate changes, as necessary, to enhance the effectiveness of pre0disaster and post-disaster mitigation measures.”

SEC. 4. MANAGEMENT EXPENSES.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121 et seq., is amended by adding a new section 322, as follows: “Sec. 322. Management expenses. Notwithstanding the provisions of any other law or administrative rule or guidance, for purposes of this chapter, the President shall establish management cost rates for grantees and subgrantees by rule. The President shall review the management cost rates every three years. All payments for management costs shall be in lieu of any indirect costs, administrative expenses, or any other expense not directly chargeable to a specific project under a major disaster (subchapter IV), emergency (subchapter V0, or an emergency preparedness activity or measure (subchapters II and VI).”

SEC. 5. HAZARD MITIGATION.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5170c, is amended as follows—

(a) In subsection (a), insert “(1)” between “(a)” and “IN GENERAL.”;

(b) in the first sentence of subsection (a), strike “up to” after “contribute”, and insert “not less than”;

(c) Insert new subsection (a)(2) as follows:

“(2) INCENTIVES.—The President may provide by regulation incentives for Federal shares of assistance up to 90 percent for mitigation measures under this section for applicants that, at a minimum, have implemented the standards, incentives and criteria established by the Director under section 203(c) in advance of major disasters declared by the President under this Act.”

SEC. 6. FEDERAL COST SHARE.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121 et seq., is amended as follows:

(a) in section 201(d), 42 U.S.C. 5131(d), strike “50 percent”, and insert “75 percent”;

(b) in section 407(d), 42 U.S.C. 5173(d), strike “shall not be less than”, and insert “shall not exceed”;

(c) in section 611(f)(2), 42 U.S.C. 5196(f)(2), strike “one-half”, and insert “three-quarters”;

(d) in section 611(j)(3), 42 U.S.C. 5196(j)(3), strike paragraph 93) in its entirety and insert “The Director may contribute up to 75 percent of the cost of organizational equipment.”;

(e) in section 611(j)(5), 42 U.S.C. 5196(j)(5), strike the first sentence of paragraph (5), and insert “The Director may contribute up to 75 percent of the eligible costs for projects under this section.”;

(f) in section 613(a), 42 U.S.C. 5196b(a), strike “one-half”, and insert “three-quarters”; and

(g) in section 614, 42 U.S.C. 519c, strike all after “matches”, and insert “provides 25 percent of the cost of such facilities.”.

SEC. 7. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.

Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5172, is amended as follows—

(a) Paragraph (2) of subsection (a) is amended to read as follows:

“(2) to a person who owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of such facility and for management expenses incurred by such person, *Provided* That, no contributions shall be made unless the owner or operator of the facility, has applied first for a Small Business Administration disaster loan (15 U.S.C. 636(b)) and (A) has been determined to be ineligible for such a loan, or (B) has obtained a loan in the maximum amount that the Small Business Administration determines it is eligible.”

(b) Subsection (b) is repealed, and new subsection (b) is inserted as follows:

“(b) COST SHARING.—(1) GENERAL RULE.—The President is authorized to provide assistance under this section of not less than 75 percent of the net eligible costs of repair, restoration, reconstruction, or replacement activities which are carried out under this section. The President is authorized to provide assistance under this section up to 90 percent of the net eligible costs of repair, restoration, reconstruction, or replacement activities that are carried out in the aftermath of major disasters which cause catastrophic losses.

“(2) INCREASED FEDERAL COST SHARE.—The President may provide assistance under this section up to 90% of the net eligible costs of repair, restoration, reconstruction, or replacement activities that are carried out under this section for those States or local governments that have implemented hazard mitigation measures in advance of major disasters declared by the President under this Act and that, at minimum, have implemented the standards, incentives and criteria established by the Director under section 203(c) in advance of major disasters declared by the President under this Act.”

“(3) DECREASED FEDERAL COST SHARE.—The President may reduce assistance under this section to amounts less than 75% but not less than 50%, of the net eligible costs of repair, restoration, reconstruction, or replacement activities that are carried out under this section for those States and local governments that are unable or unwilling to take appropriate steps promptly and efficiently to complete the processing of claims for assistance under this section.”

(c) Subsection (c) is repealed, and new subsection (c) is inserted as follows:

“(c) LARGE IN-LIEU CONTRIBUTIONS.—

“(1)(A) FOR PUBLIC FACILITIES.—In any case where a State or local government determines that the public welfare would not be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by such State or local government, it may elect to receive, in lieu of a contribution under subsection (a)(1), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

"(B) Funds contributed under this subsection may be used to repair, restore, or expand other eligible public facilities, to construct eligible new facilities, or to fund hazard mitigation measures which the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

"(2)(A) FOR PRIVATE NONPROFIT FACILITIES.—In any case where a person who owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing such facility, such person may elect to receive, in lieu of a contribution under subsection (a)(2), a contribution of 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of management expenses.

"(B) Funds contributed under this subsection may be used to repair, restore, or expand other eligible private nonprofit facilities owned or operated by the applicant, to construct eligible new private nonprofit facilities to be owned or operated by the applicant, or to fund hazard mitigation measures that such private nonprofit organization determines to be necessary to meet a need for its services and functions in the area affected by the major disaster."

(d) Subsection (e) of section 406 is amended to read as follows—

"(e)(1) For the purposes of this section, the estimate of the cost of repairing, restoring, reconstruction, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed immediately before the major disaster and in conformity with the applicable codes, specifications, and standards in effect at the time of the major disaster declaration (including floodplain management and hazard mitigation criteria required by the President or by the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) shall be treated as the net eligible cost of such repair, restoration, reconstruction, or replacement.

(2) Within 18 months of enactment of this section, the President shall, through the Director of the Federal Emergency Management Agency, convene an expert panel, including representation from the construction industry, and shall develop cost-estimating procedures consistent with industry practices.

(e) REPEAL.—Subsection (f) of section 406 is repealed.

SEC. 8. FEDERAL FINANCIAL ASSISTANCE.

(a) Sections 408 and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 USC 5174, are hereby repealed.

(b) New section 408 is added as follows—

"SEC. 408. FEDERAL FINANCIAL ASSISTANCE.

"The President may provide financial assistance and, if necessary, direct services, to disaster victims who, as a direct result of a major disaster, have necessary expenses and serious needs for housing, personal property, medical and dental or funeral expenses, transportation costs, and other needs. The President shall administer the program authorized by this section, and shall promulgate rules and regulations to carry out its provisions (which shall include criteria, standards, and procedures for determining eligibility for assistance).

"No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster. Such limit shall be adjusted annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor. The types of assistance that may be provided under this section are as follows—

"(a) HOUSING NEEDS.—The President may provide financial or other assistance to individuals or families to respond to disaster-related housing needs of those who are displaced from their pre-disaster primary residences, or whose pre-disaster residences are rendered uninhabitable as a result of damage caused by a major disaster. Individuals and households who have no pre-disaster residence shall not be provided housing assistance under this section. The most appropriate forms of housing assistance to be provided to disaster victims shall be determined in the President's discretion based upon considerations of cost effectiveness, convenience to disaster victims, and such other factors as the President may deem appropriate. One or more forms of housing assistance may be made available, based on the suitability and availability of the types of assistance to meet the disaster victims' verified needs in the particular disaster situation.

"(1) Housing assistance may be provided to individuals or households to rent alternate housing accommodations or existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings. The President may also directly provide such housing units, acquired by purchase or lease, to individuals or households who, because of lack of available housing resources, would be unable to make use of the assistance provided under this section. Direct assistance shall continue for no longer than 18 months after the President's major disaster declaration, unless the President determines that it would be in the public interest to extend this period due to extraordinary circumstances. After 18 months the President may charge fair market rent for the accommodation being provided. The amount of grant assistance shall be based on the fair market rent for the accommodation being furnished plus the cost of any transportation, utility hook-ups, or unit installation not being directly provided by the President.

"(2) Housing assistance may be provided to repair owner-occupied private residences, utilities, and residential infrastructure (such as private access routes) damaged by a major disaster to habitable condition where such assistance cannot be provided by voluntary agency assistance, insurance proceeds, or through disaster loan benefits from the Small Business Administration.

"(b) CERTAIN PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in remote locations (primarily insular areas outside the continental United States) in cases where no alternative housing resources are available; where the types of temporary housing assistance enumerated above are unavailable, infeasible, or not cost-effective; and where such needs cannot be met by voluntary agency assistance, insurance proceeds, or disaster loan benefits from the Small Business Administration.

"(c) SITES.—Any readily fabricated dwelling provided under this section shall whenever possible be located on a site complete with utilities, and is provided by the disaster victim, or the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster. Readily fabricated dwellings may be located on sites provided by the President if the President determines that such sites would be more economical or accessible.

"(d) DISPOSITION OF UNITS.—Notwithstanding any other provision of law, housing units purchased by the President for the purposes of housing disaster victims may be: "(1) Sold directly to individuals or households who are occupants of temporary housing units if such individuals and households need permanent housing. Such sales shall be accomplished at prices that are fair and equitable, as determined by the President. Notwithstanding any other provision of law, the proceeds of sales shall be deposited into the appropriate Disaster Relief Fund account. The President may use the services of the General Services Administration to accomplish the sale.

"(2) If not disposed of under paragraph (d)(1) of this section temporary housing units may be resold in the private market. Temporary housing units may also be sold, transferred, donated, or otherwise made available directly to States, other governmental entities, and voluntary organizations for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies, *Provided* That as a condition of such sale, transfer or donation to States, other governmental agencies, or voluntary organizations a covenant to comply with the nondiscrimination provisions of section 308 is agreed to. The State, other governmental agency, or voluntary organization must also agree to obtain and maintain hazard and flood insurance on the transferred housing unit.

"(e) OTHER NEEDS.—The President is authorized to provide financial assistance to individuals or households adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses, where such individuals or households are unable to meet such needs through insurance proceeds or voluntary agency assistance. Financial assistance may also be authorized to address personal property needs, transportation expenses, and other necessary expenses or serious needs resulting from the major disaster where such expenses and needs cannot be met through insurance proceeds, voluntary agency assistance, or through loan assistance from the Small Business Administration."

(c) Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 502(a)(6), is amended by deleting "temporary housing".

SEC. 9 REPEAL.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5184, is repealed.

SEC. 10. REPEAL.

Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5189, is repealed.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 387

At the request of Mr. HATCH, the name of the Senator from Rhode Island

[Mr. REED] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 464

At the request of Mrs. MURRAY, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 464, a bill to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 644

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 644, A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 912

At the request of Mr. BOND, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted.

SENATE RESOLUTION 106

At the request of Mr. ROBB, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Resolution 106, A resolution to commemorate the 20th anniversary of the Presidential Management Intern Program.

AMENDMENT NO. 420

At the request of Mr. THURMOND the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of amendment No. 420 proposed to S. 936, anAn original bill to authorize appropriations for fiscal year 1998 for military ativities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. GRAMS the names of the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. BOND], the Senator from New Hampshire [Mr. GREGG], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mrs. BOXER her name was added as a cosponsor of amendment No. 422 proposed to S. 936, supra.

AMENDMENT NO. 593

At the request of Mr. WYDEN his name was added as a cosponsor of amendment No. 593 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 668

At the request of Mr. WELLSTONE the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of amendment No. 668 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 38—RELATIVE TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 38

Whereas, China resumed sovereignty over Hong Kong on July 1, 1997;

Whereas, in the Joint Declaration of the United Kingdom and the People's Republic of China, a legally binding document in all its parts and the highest form of commitment between sovereign states, the People's Republic of China pledged that after its resumption of sovereignty over Hong Kong, "The current social and economic systems in Hong Kong will remain unchanged, and so will the life-style. Rights and freedoms, including those of the person, of speech, of the press, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and religious belief will be ensured by law in the Hong Kong Special Administrative Region";

Whereas, the People's Republic of China further pledged in the Joint Declaration that the policies of the "* * * Joint Declaration will be stipulated in a Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, by the National People's Congress of the People's Republic of China, and they will remain unchanged for 50 years";

Whereas, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, as adopted on April 4, 1990 by the Seventh National People's Congress of the People's Republic of China, prescribes the systems to be practiced in the Hong Kong Special Administrative Region after China's resumption of sovereignty;

Whereas, according to Article 2 of the Basic Law, "The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication";

Whereas, according to Article 5 of the Basic Law, "The socialist system and policies [of the People's Republic of China] shall not be practiced in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years";

Whereas, according to Article 27 of the Basic Law, "Hong Kong residents shall have freedom of speech, of the press and publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike";

Whereas, according to Article 32 of the Basic Law, "Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public";

Whereas, according to Article 34 of the Basic Law, "Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities";

Whereas, according to Article 39 of the Basic Law, "The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region";

Whereas, President Jiang Zemin of China, in his statement of July 1, 1997, at the ceremony in Hong Kong marking the establishment of the Hong Kong Special Administrative Region said, "* * * Hong Kong will enjoy a high degree of autonomy as provided for by the Basic Law, which includes the executive, legislative and independent judicial power, including that of final adjudication";

Whereas, President Jiang further said that the Hong Kong Special Administrative Region has the "ultimate aim of electing the Chief Executive and the Legislative Council by universal suffrage";

Whereas, President Jiang further said that "No central department or locality [of the People's Republic of China] may or will be allowed to interfere in the affairs which, under the Basic Law, should be administered by the Hong Kong Special Administrative Region on its own";

Whereas, President Jiang further said that "the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international covenants as applied to Hong Kong shall remain in force to be implemented through the laws of Hong Kong's regional legislation";

Whereas, President Jiang further said that adherence to these principles "serves Hong Kong, serves the [People's Republic of China] and serves the entire nation as well. Therefore there is no reason whatsoever to change them. Here I want to reaffirm that 'one country, two systems, Hong Kong administering Hong Kong' and 'a high degree of autonomy' will remain unchanged for 50 years";

Whereas, President Jiang, in another statement of July 1, 1997, at a rally in Beijing marking the establishment of the Hong Kong Special Administrative Region, said that the People's Republic of China "will unswervingly carry out the principles of 'one country, two systems', 'Hong Kong people administering Hong Kong' and 'high degree of autonomy', and make sure that the previous socio-economic system and way of life of Hong Kong remain unchanged and that laws previously in force will remain basically unchanged. We will firmly support the Hong Kong SAR in its exercise of the functions and powers bestowed on it by the basic law and the Hong Kong SAR Government in its administration in accordance with law.";

Now, therefore, be it *Resolved by the Senate (the House of Representatives concurring)*, that

(1) President Jiang Zemin's statements constitute a welcome reaffirmation of the obligations of the People's Republic of China under the Joint Declaration and the basic law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically; and

(2) China's fulfillment of these obligations under the terms of the Joint Declaration of the United Kingdom and the People's Republic of China and the Basic Law constitute a crucial test of Beijing's ability to play a responsible global role.

Mr. ROTH, Mr. President, I rise today to submit a sense of the Congress Resolution on the obligations of the People's Republic of China under the Joint Declaration and the basic law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong Special Administrative Region [SAR] is elected democratically.

On July 1, 1997, Hong Kong returned peacefully to Chinese sovereignty under terms of the Joint Declaration of the United Kingdom and the People's Republic of China and the Basic Law of the Hong Kong SAR. Among other provisions, those two documents commit the People's Republic of China to maintain the current social and economic systems of Hong Kong and the rights, freedoms, and lifestyles of the people of Hong Kong.

China's willingness to abide by the terms of those two documents constitutes a crucial test of Beijing's ability to play a responsible global role. In two important and welcome statements on July 1—one in Hong Kong and one in Beijing—President Jiang Zemin reiterated China's commitment to abide by those terms.

What this concurrent resolution does is list some key provisions of the Joint Declaration and the Basic Law guaranteeing Hong Kong's freedoms and President Jiang's statements reaffirming Beijing's commitments to respect those provisions, and go on to point out that China's willingness to live up to its commitments will be a crucial test of Beijing's ability to play a responsible global role.

Because of the importance of Hong Kong's reversion, I urge all my colleagues to join me in making passage of this concurrent resolution possible.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

COATS AMENDMENT NO. 789

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill, S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Beginning with line 3, strike out all through the end of the amendment and insert in lieu thereof the following:

(a) LIMITATIONS.—(1) Of the funds authorized to be appropriated under section 201(3) for engineering manufacturing and development under the F–22 aircraft program, not more than $1,651,000,000 may be obligated before the Secretary of Defense submits the two analyses required under subsection (b).

(2) So much of the funds referred to in subsection (a) that exceed $1,651,000,000 may be obligated (after compliance with the requirements of subsection (b)) only in accordance with subsection (c).

(b) ANALYSES REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees two analyses by the Cost Analysis Improvement Group of the Office of the Secretary, as follows:

(1) An analysis of the extent to which joint Air Force and contractor cost reduction initiatives for the F–22 aircraft program alter the analysis of costs of the program that has been previously prepared by that group.

(2) An analysis of the likelihood that the joint initiatives referred to in paragraph (1) will result in production improvements sufficient to produce the F–22 aircraft at a unit flyaway price of not more than $72,000,000.

(c) INCREMENTAL RELEASE OF FUNDS UPON COMPLETION OF PHASES.—(1) When a phase described in paragraph (2) has been successfully completed, the Under Secretary of Defense for Acquisition and Technology shall submit a certification of the successful completion of the phase to the congressional defense committees. After the certification is submitted, one-third of the amount that is subject to the limitation in subsection (a)(2) may be obligated for the F–22 aircraft program.

(2) For purposes of paragraph (1), the phases are as follows:

(A) Phase I, which shall consist of validation of the following by use of engine test data and aircraft design analysis:

(i) Combat radius, subsonic, supersonic, and subsonic mission radius.

(ii) Maneuverability at 0.9 mach at 30,000 feet altitude.

(iii) Supercruise capability at Vmax, optimal altitude at military power.

(iv) Acceleration from 0.8 mach to 1.5 mach at 30,000 feet altitude.

(B) Phase II, which shall consist of the following:

(i) Completion of the final review of production readiness.

(ii) Final production plans and production automation systems in place.

(iii) Establishment of policies and procedures for analysis of the factory industrial modernization improvement plan.

(C) Phase III, which shall consist of completion of validation and demonstration of engine full flight release.

THURMOND AMENDMENT NO. 790

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Beginning with line 3, strike out all through the end of the amendment and insert in lieu thereof the following:

(a) LIMITATIONS.—(1) Of the funds authorized to be appropriated under section 201(3) for engineering, manufacturing and development under the F–22 aircraft program, not more than $1,651,000,000 may be obligated before the Secretary of Defense submits the two analyses required under subsection (b).

(2) So much of the funds referred to in subsection (a) that exceed $1,651,000,000 may be obligated (after compliance with the requirements of subsection (b)) only in accordance with subsection (c).

(b) ANALYSES REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees two analyses by the Cost Analysis Improvement Group of the Office of the Secretary, as follows:

(1) An analysis of the extent to which joint Air Force and contractor cost reduction initiatives for the F–22 aircraft program alter the analysis of costs of the program that has been previously prepared by that group.

(2) An analysis of the likelihood that the joint initiatives referred to in paragraph (1) will result in production improvements sufficient to produce the F–22 aircraft at a unit flyaway price of not more than $72,000,000.

(e) INCREMENTAL RELEASE OF FUNDS UPON COMPLETION OF PHASES.—(1) When a phase described in paragraph (2) has been successfully completed, the Under Secretary of Defense for Acquisition and Technology shall submit a certification of the successful completion of the phase to the congressional defense committees. After the certification is submitted, one-third of the amount that is subject to the limitation in subsection (a)(2) may be obligated for the F–22 aircraft program.

(2) For purposes of paragraph (1), the phases are as follows:

(A) Phase I, which shall consist of validation of the following by use of engine test data and aircraft design analysis:

(i) Combat radius, subsonic, supersonic, and subsonic mission radius.

(ii) Maneuverability at 0.9 mach at 30,000 feet altitude.

(iii) Supercruise capability at Vmax, optimal altitude at military power.

(iv) Acceleration from 0.8 mach to 1.5 mach at 30,000 feet altitude.

(B) Phase II, which shall consist of the following:

(i) Completion of the final review of production readiness.

(ii) Final production plans and production automation systems in place.

(iii) Establishment of policies and procedures for analysis of the factory industrial modernization improvement plan.

(C) Phase III, which shall consist of completion of validation and demonstration of engine full flight release.

CLELAND AMENDMENTS NOS. 791–792

(Ordered to lie on the table.)

Mr. CLELAND submitted two amendments intended to be proposed by him to amendment No. 715 proposed by Mr. COVERDELL to the bill, S. 936, supra; as follows:

AMENDMENT NO. 791

Strike out lines 3 and 4 and insert in lieu thereof the following:

SEC. 310A. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

AMENDMENT NO. 792

Strike out lines 1 and 2.

CLELAND (AND COVERDELL) AMENDMENT NO. 793

(Ordered to lie on the table.)

Mr. CLELAND (for himself and Mr. COVERDELL) submitted an amendment to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 369. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

GRAMM AMENDMENT NO. 794

(Ordered to lie on the table.)

Mr. GRAMM proposed an amendment to amendment No. 779 proposed by Mr. LEVIN to the bill, S. 936, supra; as follows:

Strike all in amendment No. 778 and insert in lieu thereof the following:

"The Department of Defense and Federal Prison Industries shall conduct jointly a study of existing procurement procedure regulations, and statutes which now govern procurement transactions between the Department of Defense and Federal Prison Industries.

"A report describing the findings of the study and containing recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the U.S. Senate Committee on Armed Services no later than 180 days after the date of enactment of this act."

CONRAD (AND OTHERS) AMENDMENT NO. 795

Mr. CONRAD (for himself, Mr. DORGAN, Mr. WELLSTONE, Mr. JOHNSON, and Mr. DASCHLE) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title X, add the following:

SEC. . CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

(a) FINDINGS.—Congress makes the following findings:

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

DODD (AND OTHERS) AMENDMENT NO. 796

(Ordered to lie on the table.)

Mr. DODD (for himself, Mr. BREAUX, and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. REDRESS FOR THE OCCUPATION OF INSTALLATIONS IN BERMUDA BY THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States occupied approximately one-tenth of the land in Bermuda for more than 50 years.

(2) The presence of the Armed Forces in Bermuda contributed to the national security of the United States during World War II and through the Cold War.

(3) The Armed Forces occupied installations in Bermuda under the 1941 Leased Bases Agreement which specified that the United States not make rental payments for the use of the installations.

(4) On September 1, 1995, the Armed Forces relinquished control of the installations in Bermuda that were occupied by the Armed Forces under that agreement.

(5) Both before and after the withdrawal of the Armed Forces from Bermuda, Bermuda authorities identified a number of problems associated with the occupation of installations in Bermuda by the Armed Forces, including the presence of asbestos at such installations, the presence of soil and groundwater pollution associated with the disposal of industrial waste and sewage, the presence of fuel, storage tanks, and pipelines, and the presence of other hazardous materials.

(b) REVIEW OF EFFECTS OF OCCUPATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the problems associated with—

(1) the occupation of military installations in Bermuda by the Armed Forces of the United States; and

(2) the withdrawal of the Armed Forces from such installations in 1995.

(c) AUTHORITY TO PROVIDE HUMANITARIAN OR CIVIC ASSISTANCE.—The Secretary may, at the direction of the President in cooperation with the Bermuda authorities, provide humanitarian or civic assistance to Bermuda under section 401 of title 10, United States Code, or provide humanitarian assistance to Bermuda under section 2551 of such title, in order to redress the damage to public facilities in Bermuda that resulted from the occupation of such facilities by the Armed Forces of the United States.

THURMOND AMENDMENT NO. 797

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Beginning on page 2, strike out line 11 and all that follows through "(d)" on page 4, line 12, and insert in lieu thereof the following:

Senate. Subject to subsection (b), the appointment shall be made from among officers of the regular Army or officers of the regular Air Force.

"(b) ROTATION OF OFFICE.—An officer of the Army may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air Force, and an officer of the Air Force may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years.

"(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general and shall not be counted for the purposes of the limitations in sections 525 and 526 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502(c) of title 10, United States Code, is amended by inserting ", and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(c)

THURMOND AMENDMENT NO. 798

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to amendment No. 764 proposed by Mr. Stevens to the bill, S. 936, supra; as follows:

Beginning on page 2, strike out line 11 and all that follows through page 3, line 19, and insert in lieu thereof the following:

Senate. Subject to subsection (b), the appointment shall be made from among officers of the regular Army or officers of the regular Air Force.

"(b) Rotation of Office.—An officer of the Army may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air Force, and an officer of the Air Force may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) Term of Office.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years.

"(d) Grade.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general and shall not be counted for the purposes of the limitations in sections 525 and 526 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) Member of Joint Chiefs of Staff.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau.".

(c) Adjustment of Responsibilities of Chief of the National Guard Bureau.—(1) Section 10502 of title 10, United States Code, is amended by inserting ", and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 1998.

BINGAMAN (AND DORGAN) AMENDMENT NO. 799

Mr. BINGAMAN (for himself and Mr. Dorgan) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1009. INCREASED AMOUNTS FOR AIR FORCE AND NAVY FLYING HOURS.

(a) Increase.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated under section 301(2) is hereby increased by $59,000,000, and the amount authorized under section 301(4) is hereby increased by $59,000,000.

(b) Decrease.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 201(4) is hereby decreased by $118,000,000.

KERRY (AND OTHERS) AMENDMENT NO. 800

Mr. KERRY (for himself, Mr. McCain, Mr. Kerrey, Mr. Robb, Mr. Hagel, Mr. Cleland, Mr. Biden, Mr. Helms, and Mrs. Feinstein) proposed an amendment to the bill S. 936, supra; as follows:

At the appropriate place in the bill, add the following new section:

Sec. . (a) Findings.—The Congress finds that—

(1) during the 1970s and 1980s Cambodia was wracked by political conflict, war and violence, including genocide perpetrated by the Khmer Rouge from 1975 to 1979;

(2) the 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict set the stage for a process of political accommodation and national reconciliation among Cambodia's warring parties;

(3) the international community engaged in a massive, more than $2 billion effort to ensure peace, democracy and prosperity in Cambodia following the Paris Accords;

(4) the Cambodian people clearly demonstrated their support for democracy when 90 percent of eligible Cambodian voters participated in UN-sponsored elections in 1993;

(5) since the 1993 elections, Cambodia has made economic progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

(6) tensions within the ruling Cambodian coalition have erupted into violence in recent months as both parties solicit support from former Khmer Rouge elements, which had been increasingly marginalized in Cambodian politics;

(7) in March, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on political demonstrators supportive of the Funcinpec and the Khmer Nation Party;

(8) during June fighting erupted in Phnom Penh between forces loyal to First Prime Minister Prince Ranariddh and second Prime Minister Hun Sen;

(9) on July 5, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent coup d'etat;

(10) forces loyal to Hun Sen have executed former Interior Minister Ho Sok, and targeted other political opponents loyal to Prince Ranariddh;

(11) democracy and stability in Cambodia are threatened by the continued use of violence to resolve political tensions;

(12) the Administration has suspended assistance for one month in response to the deteriorating situation in Cambodia;

(13) the Association of Southeast Asian Nations has decided to delay indefinitely Cambodian membership.

(b) Sense of Congress—It is the sense of Congress that—

(1) the parties should immediately cease the use of violence in Cambodia;

(2) the United States should take all necessary steps to ensure the safety of American citizens in Cambodia;

(3) the United States should call an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(4) the United States and ASEAN should work together to take immediate steps to restore democracy and the rule of law in Cambodia;

(5) U.S. assistance to the government of Cambodia should remain suspended until violence ends, the democratically elected government is restored to power, and the necessary steps have been taken to ensure that the elections scheduled for 1998 take place;

(6) the United States should take all necessary steps to encourage other donor nations to suspend assistance as part of a multilateral effort

---

COATS (AND OTHERS)—AMENDMENT NO. 801

(Ordered to lie on the table.)

Mr. COATS (for himself, Mr. Breaux, Mr. Smith of Oregon, and Mr. Brownback) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) Findings.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The United States has ensured that the process of enlarging NATO will continue after the first round of invitations were issued this July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and their meeting the guidelines for prospective NATO membership.

(5) In furthering NATO's purpose and objective of promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon their satisfaction of all relevant membership criteria.

(b) Sense of the Senate.—It is the sense of the Senate that NATO should be commended for having committed to review the enlargement process at its next summit in 1999 and for singling out the positive developments in Romania and Slovenia toward democracy and the rule of law.

LEVIN (AND OTHERS) AMENDMENT NO. 802

Mr. LEVIN (for himself, Mr. Reed, and Mr. McCain) proposed an amendment to amendment No. 759 proposed by Mr. Feingold to the bill, S. 936, supra; as follows:

Strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 1075. SENSE OF CONGRESS REGARDING A FOLLOW-ON FORCE FOR BOSNIA AND HERZEGOVINA.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in a neighboring country; and

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Forestry, Conservation, and Rural Revitalization will hold a hearing on Thursday, July 17, 1997, at 2:30 p.m., in SR–328A to receive testimony regarding the State and Private Forestry Programs and the Northern Forestry Stewardship Act.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, July 22, 1997, at 9:30 a.m., in SR–328A to receive testimony from Environmental Protection Agency Administrator Carol Browner regarding the implementation of the newly proposed clean air regulations.

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 17, 1997, at 2 p.m., in room DS–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 895, to designate the reservoir created by Trinity Dam in the Central Valley Project, CA, as "Trinity Lake"; S. 931, to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center; and, S. 871, to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 24, 1997, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System, and to examine the criteria used to determine national significance.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, July 30, 1997, at 2 p.m., in room DS–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the management and operations of concession programs within the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 10, for purposes of conducting a joint oversight hearing with the House Committee on Resources which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on the final draft of the Tongass Land Management Plan as the first step in the congressional review process provided by the 1996 amendments to the Regulatory Flexibility Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 10, for purposes of conducting a Subcommittee on National Parks, Historic Preservation, and Recreation hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, July 10, 9:30 a.m., hearing room SD–406, on climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 10, 1997, at 10 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, July 10, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 1997, at 2 p.m., in room 562 of the Dirksen Senate Building to conduct an oversight hearing on the administration's proposal to restructure Indian gaming fee assessments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, July 10, 1997, at 9:30 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Employment and Training be authorized to meet for a hearing on vocational rehabilitation during the session of the Senate on Thursday, July 10, 1997, at 9:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 10, 1997, to conduct an oversight hearing on financial institutions and the year 2000 problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety be authorized to meet for a hearing on occupational safety and health administration during the session of the Senate on Thursday, July 10, 1997, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 10, 1997, at 4:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TOO SLOW

• Mr. MOYNIHAN. Mr. President, the headline on the front page of the Business Section in today's Washington Post reads "Government Said To Move Too Slowly on Year 2000 Computer Problem." Mr. President, slowly at best.

The Federal Government has been outright dilatory in addressing this problem. There are three stages in the process: assessment, renovation, and implementation—the third stage takes the longest. According to the OMB report released today, of the 4,500 mission critical computer systems in the Federal Government, 6 percent have been implemented, 17 percent have been renovated, and only 65 percent of the systems have even been assessed. A spokesman for the GIGA firm of Cambridge MA, that specializes in this issue, said: "They're not on a time schedule that looks like it's going to be doable." I need not remind my colleagues that the clock is ticking.

Be assured that in the year 2000, we will be blamed if we have not addressed the problem. And rightly so. Cosponsored by six other Senators, my bill, S. 22, will create a commission to see that the problem is fixed and increase the lagging private sector awareness of this crisis.

I ask that the text of the Washington Post article be printed in the RECORD.

The article follows:

GOVERNMENT SAID TO MOVE TOO SLOWLY ON YEAR 2000 COMPUTER PROBLEM

(By Rajiv Chandrasekaran)

The federal government could face a partial computer crash in the year 2000 because it is moving too slowly to fix its machines so they will understand dates that don't begin with "19," according to a growing number of technology specialists.

Of the nearly 4,500 "mission-critical" computer systems the government needs to repair—which include those that handle defense, air traffic control and income tax functions—only 6 percent have been fixed, according to an Office of Management and Budget report that will be released at a House subcommittee hearing today.

About 35 percent of those computers needing repairs have not even undergone a systems analysis, the first and simplest step in the renovation process, the report said.

"They're not on a time schedule that looks like it's going to be doable," said Ann K. Coffou, a research director at Giga Information Group, a Cambridge, Mass., industry research firm that specializes in so-called year 2000 issues. "They're suffering from 'analysis paralysis.' There's too much work to be done . . . and at this point in the game, it's very, very distressing."

Most large computer systems use a two-digit dating system that assumes 1 and 9 are the first two digits of the year. Without specialized reprogramming, the systems will think the year 2000—or 00—is 1900, a glitch that is expected to make most of them go haywire unless the problem is fixed.

For the government, the year 2000 problem could result in computers that come to a sudden halt and others that generate erroneous data, such as wrong Medicare checks or tax bills, computer experts say. In a worst-case scenario, computers that control military defense systems or sensitive communications between federal agencies could be rendered inoperable, some specialists warn.

Thomas D. Oleson, a year 2000 computer analyst at International Data Corp., a consulting firm in Framingham, Mass., characterized the government's situation as "way behind the eight ball." Fixing the government's computers on time, he said, "is nearing the point of impossibility."

Oleson and other industry analysts expect the federal computer systems that handle the government's most critical functions to be fixed before the Dec. 31, 1999, deadline. But many other systems, including some that perform significant tasks for federal employees and ordinary people, could still be in the electronic repair shop in 2000, they warn.

"It's become increasingly clear that agencies are not going to be able to correct everything before the year 2000," said Joel C. Willemssen, the director of information resources management at the General Accounting Office, the watchdog arm of Congress. "We're going to have to start making priorities among all the systems we view as critical."

The specialists said it is too early to identify specific systems that might not be reprogrammed in time, but they said those would become clearer later this year as agencies begin focusing their efforts.

In its report, which was produced at the behest of a congressional committee, the OMB maintains that the progress of federal agencies is generally on schedule and that the agencies "have made a good start in addressing the year 2000 problem."

Of the 7,649 computer systems in the executive branch other than the Social Security Administration, 21 percent—or 1,598—already comply with year 2000 requirements. An additional 9 percent will be fully replaced and 8 percent will be scrapped, the report said.

At Social Security, long hailed as the federal agency that has been most attentive to year 2000 problems, 71 percent of its systems don't need to be fixed. Of those that do need repairing, half have been fixed, the report said.

The report estimates the cost of renovating computers throughout the government at $2.8 billion, a $500 million increase from an estimate released by the OMB in February. OMB officials said yesterday that figure is expected to cross the $3 billion mark and could eventually grow to as much as $5 billion.

"There's still a lot of work to be done, but I think we're on track," said Sally Katzen, OMB's director of information and regulatory affairs, who has been spearheading the government's year 2000 efforts.

The report identifies the Agriculture, Education, Justice and Transportation departments as those that have about half their systems or more left to analyze. No department, except for Interior and Veterans Affairs, has more than 25 percent of its systems renovated.

At the Department of Housing and Urban Development, which has 206 computer systems, 115 need to be repaired. Although the department is halfway through analyzing those 115 systems, it has only renovated 2 percent of them, the report said.

At the Defense Department, which has almost 4,000 systems, by far the most of any government agency, more than 2,700 of them need to be fixed. The agency is only 23 percent done with renovating the systems, and only 8 percent of them actually have been tested and are considered fully fixed, according to the document.

The government's progress is expected to come under fire from members of the House Science Committee and the Government Reform and Oversight Committee, which are holding a joint hearing into the matter today, congressional aides said. In addition to questioning the pace of repair work, committee leaders will criticize several agencies' schedules for repairs, which call for finishing work in November and December 1999.

"They haven't left themselves with a margin for error in case something goes wrong," said Rep. Constance A. Morella (R-Md.), chairwoman of the Science Committee's technology subcommittee.

Committee members also will probe whether any government agencies are now buying software that is not year 2000 compliant, aides said.

STATE OF REPAIR—STATUS OF MISSION-CRITICAL SYSTEMS BEING REPAIRED AT SELECTED AGENCIES

Agency	Number of systems	Assessment percent complete	Renovation percent complete	Implementation percent complete
Agriculture	469	41	0	0
Commerce	162	75	7	5
Defense	2,752	64	23	8
Education	7	30	0	0
HUD	115	50	2	2
Justice	118	52	2	0
DOT	132	50	10	0
NASA	211	75	2	1
All federal agencies	4,493	65	17	6

Source: Office of Management and Budget.●

TRIBUTE TO THE STUDENTS OF HEMPFIELD HIGH SCHOOL

● Mr. SANTORUM. Mr. President, I rise today to commend some students from Landisville, PA, for their outstanding effort in the We the People. . . . The Citizens and the Constitution national finals.

In this competition, 20 students from Hempfield High School participated in a simulated congressional hearing. Testifying as constitutional experts, they argued points of law before a panel of judges. By all accounts, they demonstrated a remarkable understanding of the American constitutional government.

Mr. President, I ask my colleagues to join me in congratulating Paul Brewer, Lauren Charles, Benjamin Coons, Andrew Fergusson, Michael Hollinger, Noah Hunt, Derrick Karimi, Rebecca Kinsey, Benjamin Kornfield, Nathaniel Kraft, Rachel Moore, Derick Mundey, Elizabeth Myers, Megan Newcomer, Alison Miebanck, Jessica Petocz, Stella Reno, Melissa Sanders, David Stairs, and Brandon Zeigler, and their teacher Elaine Savukas for their outstanding performance. I urge these young people to use the knowledge they acquired from this experience to continue upholding the principles that have made this country great.●

CHILDREN'S DENTAL HEALTH

● Mr. HARKIN. Mr. President, Disraeli once described the youth of a nation as, the trustees of posterity. I interpret that to mean that the future promise of any country can be directly measured by the present prospects of its young people. Whatever we invest today in promoting and protecting our youth will bring a high return in the future.

For that reason, I am pleased that the Senate has taken some first steps to address the growing problem of uninsured children.

I have to say I am still astounded by the fact that this great Nation could allow 10 million children to go without health insurance. Just think about it. At a time when the economy is sound and unemployment is at a 23-year low, one in seven of America's children lack a basic protection that every one of us enjoys.

Uninsured children are less likely to be fully immunized against preventable illnesses, or to receive care for chronic conditions and injuries. And usually whatever care they receive takes place in a hospital emergency room—one of the most expensive settings possible.

As we consider how best to extend health insurance coverage to this important segment of the population, I want to call my colleagues' attention to one aspect of this problem that is often overlooked. I am speaking about the oral health of children.

For some reason, many of us often fail to realize that oral health is an integral part of a person's overall health. Tooth decay and serious infections are just some of the chronic health problems that can result when oral health is ignored. At the same time, there is a strong relationship between oral health and other medical conditions that manifest symptoms in the mouth. Regular dental check-ups, or example, provide an early warning system for diabetes, certain forms of cancer, and immune disorders like AIDS.

According to the U.S. Public Health Service, dental and oral diseases may well be the most prevalent—and preventable—conditions affecting children. And while we have seen improvement overall, certain groups of children continue to suffer more than their share of oral health problems, primarily because of their limited access to oral health services. Poor children—usually minority, migrant, and many in rural communities—are the ones most seriously affected.

You might ask "doesn't Medicaid help these children?" It should, if they happen to be eligible. But while Medicaid accounts for about 80 percent of public funds spent for oral health, only about 1 percent of Medicaid funds are spent on dental care. And as we have heard, many of the uninsured children are in working poor families that are just above the Medicaid cut-off for eligibility. These children have no protection whatsoever.

The sad irony is that dental care embodies the very qualities that make for a good health care system. Unlike medical coverage, which is triggered by illness, dental coverage emphasizes prevention. How important is that? According to the National Institute of Dental Research, every dollar spent on preventive dental care saves $4 in treatment costs.

And dental coverage favors primary care over more expensive specialized treatment. Regular checkups mean your local dentist can catch and treat problems before they require a specialist.

One recent study found that persons with dental coverage are almost twice as likely to visit a dentist, and more than 70 percent of those covered by insurance have annual checkups and receive preventive care.

All of which is to say, dental coverage for children is not only good social policy; it is good economic policy as well.

If we truly want to extend basic health protection to our children, I urge my colleagues to include dental health coverage in any final legislation we send to the President.●

TRIBUTE TO PAUL STAUDENMAIER

● Mr. WELLSTONE. Mr. President, I rise to pay tribute to Paul D. Staudenmaier, executive director of the Boys and Girls Club of Duluth, MN. On September 13, 1997, he will retire with over 21 years of dedicated service.

Paul's career with the Boys Clubs began in Chicago over 46 years ago. In his teens, he was headed for a gang fight, when a member of the Chicago Boys Club urged him to come to the area club. He started as a games room worker at the former Harper Chicago Boys Club on the south side of Chicago and progressed through many different positions in the Chicago area clubs. He was program director at the Woodlawn Boys Club, unit director at the Lathrop Boys Club on the north side, and unit director at the Valentine Boys Club in the old neighborhood of the late Mayor Richard J. Daley.

Paul received his masters degree in education administration with the help of a Boys Club Scholarship from New York University. He also served in the army in the Korean conflict, married Fran, his wife, and had four sons.

In 1977, when Paul became executive director of the Boys Club of Duluth, the club was floundering and needed strong leadership. The club had less than $500 in the bank, and over $4,000 in unpaid bills. Housed in an old church building, it also needed a new boiler. Through the generous efforts of the United Way of Duluth, Paul secured a new boiler and from then on, changes occurred for the better.

By 1980 the club was changing to have memberships for boys and girls. It took 10 years before the national organization gave the recognition to become the Boys and Girls Clubs of America. Paul's many contributions have included helping to form the Help a Boy and Help A Girl scholarship which has been a very successful program. In 1982, he formed the Mighty-Mites for 4- to 5-year old children, a summer program for working mothers and in 1984, the Summer Fun Bunch for children, ages 6 to 12 years old. In 1985, he started the Operating Endowment Fund which is now the Boys and Girls Club of Duluth Foundation with assets of over $400,000.

One of the highlights of Paul's career came in 1992 when a joint partnership was formed with the Duluth school district at the Lincoln Park School, located just a few blocks from the club. The Lincoln Park neighborhood has a ratio of 70 to 80 percent of single parent families and now has become a youth and family center that serves approximately 800 youth.

It offers community swimming and gym classes for parents and children, and has a computer center for use after school hours for youth and parents, and offers many other youth and family programs. The program at the Lincoln School has been so successful that the existing club will be converted into a full service teen center. Paul's ability to look ahead has helped the club to form a strategic planning committee. One of its goals is to work with the local school district to form more joint ventures at other schools in other areas of the city.

Paul Staudenmaier's contributions over the years are impressive and noteworthy, and it is an honor for me to pay tribute to this remarkable and dedicated man. As family, friends, and colleagues gather to honor Paul on September 13, 1997, I join them in conveying my heartiest congratulations.

It is a privilege for me to join in honoring his distinguished career of service to others. As you celebrate this milestone, all the best on this occasion and I extend my warmest wishes to Paul for a well-deserved retirement, filled with continued good health and happiness.●

IN MEMORY OF COACH JAMES G. LILLY

● Mr. ROCKEFELLER. Mr. President, I rise to take a moment to pay tribute to a very special West Virginian, Coach James G. Lilly of Oak Hill, who recently passed away after coaching the Oak Hill Red Devils for 27 years.

Coach Lilly was a dedicated high school basketball coach and a true humanitarian. He retired in 1989 ranking third on the State's all-time high school winning list, with a career record of 591–291. Coach Lilly led the Oak Hill Red Devils to two class AAA State championships in 1984 and 1989, and his Red Devils were runners-up in the 1969 and 1986 tournaments.

However, there was much more to this three-time coach of the year than just winning basketball games. Jim Lilly tirelessly worked to fulfill many of his players' human needs. He gave generously of himself, looking out for his players in the southern coalfields of West Virginia.

Coach Lilly became a father figure to hundreds of young teens throughout his 38-year career. "He knew that certain kids needed certain things, a little extra food or maybe an extra dollar . . . he looked out for you and he was very giving . . . my dad died when I was 9 and he was the most pivotal older male in my life," said Sam Calloway, a former player and now coach.

He was a man of dignity, a man of class, a man of compassion, and he will be deeply missed by the community and coaching profession. Lilly's dignity was not only displayed through his life, but through his players' lives. In six State tournament appearances, the Oak Hill Red Devils won five sportsmanship trophies in the eighties. "Sportsmanship was a direct reflection of the coach," said Calloway, "and when we were on the floor, we represented him."

His contemporaries had an even greater respect for his coaching genius. He was devoted to the game and devoted to the kids he worked with. Coach Lilly demanded a standard of excellence that is unsurpassed in West Virginia's coaching ranks.

Coach James G. Lilly reminded all of us about the importance of sportsmanship. He was dedicated to the game, but more importantly, he was dedicated to the young athletes. His death is certainly a loss to West Virginia. He will long be remembered.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–15

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 10, 1997, by the President of the United States:

Extradition Treaty with Spain (Treaty Document No. 105–15).

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Third Supplementary Extradition Treaty Between the United States of America and the Kingdom of Spain, signed at Madrid on March 12, 1996 (the "Treaty").

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty are consistent with United States extradition policy.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 10, 1997.*

EXECUTIVE SESSION

NOMINATION OF GEORGE JOHN TENET, OF MARYLAND, TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination reported from the Intelligence Committee: George Tenet, to be Director of Central Intelligence.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

George John Tenet, of Maryland, to be Director of Central Intelligence.

Mr. SHELBY. Mr. President, I am pleased to inform my colleagues that today the Select Committee on Intelligence unanimously voted to favorably report the nomination of Mr. George J. Tenet to be the next Director of Central Intelligence.

Although the committee held hearings in May, shortly after receiving the nomination from the President, the committee postponed final action pending the conclusion of a preliminary investigation by the Department of Justice.

The Attorney General was required to make a determination of whether to recommend the appointment of an independent counsel to investigate allegations involving Mr. Tenet's financial holdings and disclosure.

Today, the committee was officially notified that the Attorney General had concluded that no further investigation was warranted and that she would not seek appointment of an independent counsel.

The Vice Chairman, Senator KERREY, and I promptly convened a meeting of the committee and voted to favorably report the nomination to the full Senate. This prompt action by the committee, once the Justice Department investigation was completed, reflects the strong support Mr. Tenet has among the members of the committee.

Mr. Tenet faces some daunting challenges as he prepares to officially assume the responsibilities of the Director of Central Intelligence.

He must successfully guide the intelligence community toward new and far more difficult missions. He must ensure that the quality and integrity of his people remains high.

He must provide thorough and unbiased analysis to this Nation's policymakers and he must keep, as he has pledged, the Congress fully and currently informed of all intelligence activities.

The latter point is very important, Mr. President, because the intelligence community, and specifically the Central Intelligence Agency, has not enjoyed a great deal of public support in recent years.

It will be Mr. Tenet's responsibility to restore the public confidence in his organization, and he can do that by remaining faithful to the values of this Nation and by ensuring that the people's representatives are kept fully appraised of all the community's activities.

The intelligence community is rich with outstanding Americans, many of whom risk their lives to protect the security of this Nation. These people place a great deal of trust in their leadership and it is up to Mr. Tenet to honor that trust. The committee believes that he will.

Mr. President, it is with pleasure that I recommend, as chairman of the Select Committee on Intelligence, that the Senate unanimously approve the nomination of George John Tenet to the next Director of Central Intelligence.

Mr. KERREY. Mr. President, I rise to urge my colleagues to confirm the President's nominee, George J. Tenet, to be Director of Central Intelligence. He served as Deputy Director from May 1995 until January of this year, he has served as acting Director since that time, and he has already proven to be a highly competent, knowledgeable, capable leader of our Intelligence Community.

As many of my colleagues know, Mr. Tenet's nomination has been before the Intelligence Committee since April. In hearings and in written responses for the record, Mr. Tenet answered all the committee's questions to the Committee's satisfaction. My sense is Mr. Tenet has enjoyed the unanimous support of the Committee since April. However, the Committee chose not to report this nomination to the Senate until completion of an investigation of Mr. Tenet by the Attorney General under the Independent Counsel Reauthorization Act of 1994. The investigation was initiated April 23, 1997, and the completed report of investigation was filed with the United States Court of Appeals for the District of Columbia on July 7, 1997. The Committee has been informed that the Attorney General "determined that there are no reasonable grounds to believe that further investigation is warranted. She is not seeking the appointment of an independent counsel." Having received this report, the Committee voted today to favorably report the nomination. The vote was unanimous.

The Attorney General's investigation was triggered by anomalies in Mr. Tenet's financial reporting statement and biographical questionnaire. In my view these were minor and fully explicable anomalies. Given the high standards set in the Independent Counsel Act, the fact that the investigation has been closed without the appointment of an independent counsel suggests to me that the Attorney General shares my assessment did nothing wrong.

The necessity for the investigation created an unfortunate delay, as well as a burden for Mr. Tenet and members of his family. The delay caused by the investigation did not, from what I have seen, create a vacuum in leadership at the CIA. Even as the Acting Director, Mr. Tenet has provided steady direction to the Intelligence Community. Nonetheless, there is no substitute in government for the authority that comes with Senate confirmation, so I am most pleased the nomination can move forward and Mr. Tenet can be fully empowered.

As Chairman SHELBY and I told our colleagues during the recent debate on the Intelligence Authorization bill, the end of the Cold War did by no means mark a diminution in the importance of intelligence to our national security. Sound policy and sound strategy are illuminated by sound intelligence, by the sometimes small amount of secret information that gives full meaning to the masses of freely available information. As technology continues in its revolutionary cycles, victory in war is more than ever the result of the linkage of American valor with American intelligence and American precision weapons. So intelligence continues to be essential to our survival and our ability to lead in the world. One of Mr. Tenet's many tasks will be to convince the public that intelligence still matters, and that the public can count on the integrity, patriotism, and morality of those who serve the nation in the Intelligence Community. Mr. Tenet is well suited for this task—he is a highly effective communicator.

Another task for Mr. Tenet will be to lead those who are serving. The CIA and the other intelligence agencies include people who take risks for our country, as well as some of the smartest and most skilled analysts, scientists, and technicians in the country. They deserve leadership that fully challenges their talents, rewards their successes, maintains an environment of high integrity, enforces accountability, and adds to their pride in their profession. They also deserve leadership that will remain with them long enough to really make a difference. I believe George Tenet will provide that leadership, and I urge his confirmation.

Mr. WARNER. Mr. President, I am going to pause a minute to speak about this nomination. I was privileged to serve for 8 years on the Intelligence Committee, the last 2 years being the vice chairman. During that period of time, Mr. Tenet was one of the senior staff members on the committee. I gained a firsthand knowledge of this individual, not only of his professional capabilities, which are superb, but his character and his judgment.

I commend the President and all those who have worked to see that this fine American takes on this very, very important responsibility. I have confidence in him, and I am confident that he will represent our country very ably in this important post. I wish him, his lovely wife and his family well.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, JULY 11, 1997

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Friday, July 11. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately resume consideration of S. 936, the defense authorization bill, and the Senate immediately proceed to a Feingold amendment under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, tomorrow morning the Senate will resume consideration of the defense authorization bill and, at 9:45 a.m., proceed to a vote regarding the Bingaman amendment, re: space-based lasers. Following that vote, the Senate will resume consideration of the remaining amendments. Therefore, votes can be expected to occur throughout the day, up to and including final passage of the defense authorization bill.

I know the leader and, indeed, I am sure my distinguished ranking member, Senator LEVIN, and Senator DASCHLE, both leaders, are anxious to finish this bill by noon tomorrow. I am confident that Senator THURMOND will be here—he usually is—bright and early to start the day at 9 o'clock.

There is not a recitation of what is to happen between 9 and 9:30. Do you recall specifically? I think it would be helpful.

Mr. LEVIN. My understanding, from Senator FEINGOLD who has firsthand knowledge, is that from 9 to 9:30, the time is divided on the Feingold amendment: 20 minutes to Senator FEINGOLD; 10 minutes to Senator THURMOND.

Mr. FEINGOLD. Mr. President, that is correct.

Mr. WARNER. Fine. Mr. President, is that the amendment that has been the subject of discussion this evening?

Mr. FEINGOLD. No, that is a sense-of-the-Senate amendment concerning the Department of Defense jet fighters, a different matter.

Mr. WARNER. So that would be between the hours of 9 and 9:30, and then we will proceed as the order has been recited.

Mr. FEINGOLD. Correct.

Mr. WARNER. Mr. President, I thank the Senator from Wisconsin for his cooperation tonight and for his very strong debate. I regret I can't join him on this.

I thank my good friend and colleague, as always. We have been together on many missions. I thank staff, the Senate and the Presiding Officer.

ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:36 p.m., adjourned until Friday, July 11, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 1997:

DEPARTMENT OF COMMERCE

TERRY D. GARCIA, OF CALIFORNIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE DOUGLAS KENT HALL.

DEPARTMENT OF THE INTERIOR

KATHLEEN M. KARPAN, OF WYOMING, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE ROBERT JAY URAM, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate July 10, 1997:

CENTRAL INTELLIGENCE

GEORGE JOHN TENET, OF MARYLAND, TO BE DIRECTOR OF CENTRAL INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, July 10, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 1997.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we have received Your blessings, O God, so remind us that we have responsibilities to see that these good blessings find expression in our daily lives. We know that we have enjoyed the gifts of life and we pray that we will be faithful custodians of the resources of the land, so that those who follow us, our children and grandchildren, will enjoy the fruits of our labors and experience a noble heritage. May Your blessings, O God, be with us and all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. CHABOT] come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

CLINTON CLEAN AIR REGULATIONS WILL KILL JOBS AND COST BILLIONS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, while the Congress is working over the next couple of weeks to provide tax cuts for working American families, President Clinton is doing just the opposite. His endorsement recently of a radical EPA proposal, new, unproven air standards, will wreak havoc on those very taxpayers, draining their pocketbooks and threatening their livelihoods.

Rejecting sound scientific advice that the expected health benefits of new air standards would be minimal while the cost to the taxpayers would be astronomical, the President says he will go forward with the plan that will cost the taxpayers in my State of Ohio an estimated $2 to $3 billion per year and could affect as many as 1 million manufacturing jobs. What does President Clinton have to say to that? Well, he admits that the standards may be somewhat controversial.

Mr. Speaker, I want my children to grow up in a clean and healthy environment. I also want there to be jobs in Ohio for those children. In Ohio, we have been working very hard to make that possible. We do not need President Clinton's help to do it.

FRANCE SAYS NO TO AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. France once again says no to America. This time no money for NATO expansion. Unbelievable. President Chirac is an ingrate. Chirac should visit the cemetery at Normandy. Thousands of American soldiers died to liberate France from Nazi rule. Then the American taxpayers spent billions to rebuild France and all of Europe, and after all this France does nothing but complain.

First of all, they complain about NATO, then they refuse to allow American war planes to land on their way to Libya. Complain, complain, complain. Now they want us to pick up the tab for their cost of protecting Europe. Beam me up. I say Chirac and France should shove their complaints up their assets, and we should stop funding and paying for the liberation of France.

SALUTING GEN. CHARLES LINK ON HIS RETIREMENT FROM ACTIVE DUTY

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, one of the great privileges of serving on the Committee on National Security is the opportunity to meet and work with people who have dedicated their lives to their fellow Americans. Today General Fogleman, Chief of Staff of the Air Force, will preside over the retirement of one such person, Gen. Charles D. Link.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in `this typeface` indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

With his retirement from active duty, the military loses a true strategic, out-of-the-box thinker, a visionary, and a warrior. With his work on the Roles and Missions and the Quadrennial Defense Review, General Link has outlined the path the Air Force will follow for the next several years. This then is his legacy. But General Link is not to be one easily forgotten.

He has been an inspiration to the troops and a respected leader within the service. From his days as a 17-year-old enlisted person fixing jets to his days as the commandant of the Air War College, he has mastered and mentored the art of war from the air. In the last several years he has been rightfully acknowledged as the strongest and most articulate proponent of air power. An exemplary accomplishment and, as is his way, a magnificent example of a life well-lived.

Those who have taken up arms in the fight for and defense of this Nation are the ones that have delivered us our Constitution and the way of life that it has provided. Chuck Link is a shining example of this proud American spirit. I ask my colleagues to join me in wishing General Link a long and prosperous future as he ends his 40 years of military service to a free and prosperous United States of America.

NO RELIEF SEEN FROM REPUBLICAN TAX CUT PROPOSAL

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, thousands of young Americans across this country will get absolutely no relief from this Republican tax bill. No, all they will get is a tax increase. That is right. This bill imposes a new tax on educational opportunity, and it is wrong.

Universities across our country often provide incentives to talented graduate students as teaching or research assistants by reducing their tuition at the same time they offer services as teachers and researchers for the future of our higher education system. Currently this assistance is not taxed. But the Republicans propose to tax it, to tax educational opportunity, at the same time they provide one tax break after another for the rich and the famous.

Taxing educational opportunities penalizes the very people that we need to be helping. These are young people who are struggling to get by on $12,000 or $15,000, and suddenly they will face a very substantial tax increase. Let us reject the Republican tax hike on educational opportunity.

TIME FOR RELIEF FROM UNCLE SAM'S PERPETUAL TAX BITE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, what is the difference between Mike Tyson and Uncle Sam? The answer is not much, but keep your ear to the ground.

The amazing thing is that Big Mike got disqualified for taking too big a bite out of something he was not supposed to, but Uncle Sam bites you year after year, only there is no referee around to stop the foul play. Well, there is the IRS, but needless to say the IRS is not much help.

Mr. Speaker, Uncle Sam has been chomping on the pocketbooks of American taxpayers for a long time. A lot of taxpayers have been taking to bobbing and weaving away from the painful jaws of Uncle Sam to protect themselves from the massive tax bite. Taxpayers have been crying out for some relief for a long time, but Uncle Sam never seems to learn any lessons. He just wants to take a bigger bite out of our hides, and he does not care how much it hurts.

It is time to tell Uncle Sam "No mas!" and let the IRS know that Uncle Sam's tax biting days are over. It is time for some tax relief for American taxpayers.

DEMOCRATS UNITED IN SUPPORT OF TAX BREAKS FOR WORKING FAMILIES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Democrats are united in support of tax breaks for working families. At the end of last month, the President unveiled his alternative to the Republican tax scheme and the President's proposal provides significantly more relief for middle income families.

Mr. Speaker, it is clear to me who benefits with the Republican approach to cutting taxes. Their tax breaks focus on big business, special interests and wealthy families, while limiting tax cuts for education and families with children.

I just want to say I want to balance the budget and I want to give tax cuts back to the American people, but I want to do it in a manner that is fair to the middle class. The Republican plan falls extremely short of this goal, and I am going to continue to urge my Republican colleagues to abandon their sinking ship and support the Democratic tax alternative. The facts are on our side, and the American people are with us on this issue. They have woken up to what the Republicans are trying to do. The Republican leadership needs to wake up, also, and listen to their constituents on the tax issue.

IN OPPOSITION TO REPUBLICAN TAX PLAN

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the American people are sick and tired of being promised one thing and getting another. The Republican tax bill is a perfect example. The Republicans will try to tell you that they are providing tax relief to the middle class. This is only true if you think that making over $100,000 is middle class.

The fact is that most of the huge Republican tax break will go to the richest people in this country. The people who are really middle class, 60 percent of all families, will only get a third of the tax relief. The working poor will get nothing.

It gets worse. College students will be hit with new taxes as they struggle to get an education. Teachers are being told that they will face new taxes on their pensions. And Bill Gates, he will save millions. Is this fairness? Is this what American working families deserve?

WE ARE ALL EARS

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, lend me your ear. It looks as though the Democrats have been taking lessons from Mike Tyson. I say that because Uncle Sam's tax bite is too big and the American family is suffering.

Just take a look at this chart. The tax bite has progressively evolved into the Mike Tyson tax. Back in 1950 when my parents were starting out and trying to live the American dream, the tax bite was only 6 percent of their budget. Did you hear that, Mr. Speaker? Six percent of the family budget was sent to Washington, DC.

□ 1015

Well, trying to live the American dream has gotten a little bit harder over the years. The family budget has been turned on its ear. The tax bite today, which can only be called the Mike Tyson tax bite, is now 23 percent of the family budget. The Government has only, it is 23 percent, the Government has earmarked 23 percent of the family budget for Washington bureaucrats.

Let us throw the IRS out of the ring and declare victory for the American family. Let us give the American dream a fighting chance.

A TAX BILL THAT MEETS THE NEEDS OF WORKING FAMILIES

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, Democrats want tax cuts and tax relief for working taxpaying families. However Republicans in the Congress have passed tax bills that shortchange working families and instead shower tax breaks to the very wealthy.

A new Treasury Department analysis revealed that the Republican bill is light on relief for working families and heavy on tax breaks for the rich. According to the Treasury analysis, only a third of the tax breaks, only a third, go to the middle 60 percent of all families. Who is that? Families making between $17,000 and $93,000 a year.

By stark contrast, the Democratic alternative offers those same families 66 percent of all of the tax cut relief, and those are the working families in this country we want to help.

Republicans also skimp on the tax breaks for college students in their budget. Their bill only gives half of the $1,500 college tuition credit for the first 2 years, does virtually nothing for juniors and seniors.

Mr. Speaker, that is why Democrats continue to fight for working families. We are going to ensure a tax bill that meets the needs of working families in this country.

UNION SUMMER VIOLATES FEDERAL WAGE AND HOUR LAWS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Last year Mr. Speaker, the AFL–CIO offered approximately 1,000 3-week summer internship jobs to college students, who received a weekly stipend of $210 for their work. They called it the union summer. From press accounts it appeared that some of the students worked an average of 76 hours per week for an hourly rate of $2.76 per hour. This arrangement, if true, is a violation of the Federal wage and hour laws.

In October 1996, I requested the Department of Labor to investigate these alleged violations. The Department of Labor said they are looking into the matter, but after numerous letters and telephone calls over the last 8 months, the Department refuses to provide me with specific information about the case.

A new union summer program is under way right now in 1997, with thousands of college students participating around the country. The Department of Labor should do everything in its power to ensure that appropriate Federal wage and hour laws are fully enforced, regardless of the identity of the employer.

I am continuing to press the Department of Labor to promptly report on its investigation because I fear that similar transgressions, if left unchecked, could occur again with this union summer program this summer.

THE GIFT OF LIFE

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, 2 years ago, 2 years and 2 months ago today, I was told that I had 2 months to live. Fortunately on July 10, 1995, 2 years ago today, I underwent a successful liver transplant that saved my life. I was extremely lucky and fortunate that someone out there thought enough to give me the gift of life and donated their organs.

I have spoken on the floor many times, Mr. Speaker, about the importance of organ donation, but often people just do not think about organ donation until they are faced with a friend or a loved one that desperately needs a transplant, and I am no exception.

Mr. Speaker, today in the United States there are over 50,000 people waiting for an organ. Eight people a day will die because there just are not enough organs to go around, and that is why it is so critical that people are educated and made aware of the importance of organ donations and the second chance that it gives thousands of people every year.

Mr. Speaker, 2 years ago I received the gift of life, so please talk to the family, the loved ones, and give someone else the miracle, the gift of life, and become an organ donor.

AMERICAN TAXPAYERS FORCED TO PAY FOR TRANSPORTING NUCLEAR WASTE ACROSS THE COUNTRY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a new scheme is emerging. Under H.R. 1270, the Nuclear Waste Policy Act, American taxpayers will be forced to pay for the transportation of nuclear waste across this country. At a time when we are trying to reduce the burden on taxpayers, now they will be forced to pay huge sums for the construction of an expensive interim storage facility at Yucca Mountain, NV. And, Mr. Speaker, taxpayers will also be liable for the cost of cleanup of any accident that occurs during transportation, not the nuclear power industry.

A DOE contractor report concluded that if an accident were to occur in a rural area during transportation cleanup, costs to the taxpayers could range between $176 million to $19.4 billion. A cleanup in an urban area would cost considerably more, perhaps $9.5 billion just to raise and rebuild the most contaminated square mile.

This is a pivotal time in Congress when we are trying to balance the budget and give tax breaks to hardworking Americans. Why then would we want than to shoulder the burdens of H.R. 1270?

SUPPORT EDUCATION AND MIDDLE-CLASS TAX RELIEF

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise to call on my colleagues in this House and the negotiators on the tax bill to put support for educational opportunities and tax relief for middle-class families at the top of their priority list. As a former two-term State school chief, I know firsthand how important education is to our children's futures.

In this modern economy, high school diplomas are no longer enough to ensure workers can achieve economic success. We must support opportunities for lifelong learning. Education is a journey, not a destination.

Unfortunately, according to the Education Department, the Republicans' tax bill would shortchange 186,000 North Carolina students out of relief from educational expenses. In addition, the tax bill the House passed would actually raise taxes on some college students and penalize retired teachers, and that is absolutely wrong.

Today, college students from across this country are rallying here at the Capitol to protest tax policies that shortchange them. We must heed their call and pass meaningful tax relief for education.

Mr. Speaker, I call on this Congress to support educational opportunity for all of our children and meaningful tax relief to middle-class families.

A BRIGHT FUTURE FOR A FAMILY OF FIVE

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, I rise this morning to talk about legislation that is about to be completed out in Washington this month, and for a change it is good news. The legislation will balance the budget, restore Medicare, and lower taxes on American families. And as my colleagues know, when we get to this idea of lowering taxes I sometimes think the folks on the other side of the aisle have forgotten 1993. The discussion was not about lowering taxes. The discussion was about which taxes to raise and how high to raise them. Now we are to a point where we realize that curtailing the growth of Washington spending, how much money Washington takes out of the pockets of our American families, by curtailing that growth of Washington spending we can both balance the budget and lower taxes.

And what do we hear? We hear we want to give tax cuts to people who do not even pay income tax, and we are into this big argument about these tax cuts and who they are going to.

Mr. Speaker, I want to cut through all the Washington rhetoric and talk about a family of five that I see in church on Sunday morning. They have got two kids at home and one headed off to college. They do not understand all this Washington rhetoric and the Democrats beating up Republicans and vice versa, but they know for the two kids that are staying home they get $500 for each one of those children, and they know for the one that is headed off to college they are going to get $1,500.

They are not rich. They are the folks who get up every morning and go to work, and they are the backbone of this great Nation. A balanced budget, restored Medicare and lower taxes, that is a bright future for this country.

LOW-INCOME FAMILIES WANT THEIR KIDS TO HAVE A BRIGHTER FUTURE TOO

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Mr. Speaker, the Republicans say that they are for tax relief to help working Americans, but which Americans are they willing to help? The Republicans' tax plan gives two-thirds of their tax breaks to the top 20 percent of earners and absolutely nothing to the lowest 20 percent of American earners. The Republicans would help the rich get richer and leave crumbs to the working families who are struggling the hardest. The Republicans say that low-income working families do not deserve a tax break because they do not pay much in taxes. But in fact low-income working families pay more of their income in taxes than any other group. These working families pay payroll taxes, Social Security and Medicare taxes, and gas taxes. They pay property taxes on their homes, and in some States, sales tax even on the food for their tables. They want their kids to have a brighter future too. So let us give them a tax break too.

REPUBLICAN TAX BILL MOSTLY HANDOUTS TO THE WEALTHY

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, this morning we have heard a lot of 1-minutes on what the tax bill may do. Well, let me tell my colleagues what the American people believe. Recent public opinion surveys indicate that Americans have figured out that the Republican bill is mostly handouts for the wealthy. The Wall Street Journal/NBC poll released on June 26 revealed that Americans prefer the Democratic tax alternative to the GOP by a 2 to 1 margin, 60 to 31 percent. USA Today/CNN/Gallup poll released on July 1: 52 percent of Americans think the Republican tax plan favors the rich. Even the GOP pollsters are finding the same result.

According to Monday's Washington Times, a poll conducted by three Republican pollsters financed by the Republican Party found nearly half of those surveys, 48 percent, said they believe the proposed Republican tax plans are biased toward the wealthy. In yesterday's Houston Chronicle there was a great editorial cartoon that was also in the Atlanta Constitution. It had a multiple choice. Own a yacht? Own a private jet with eight seats or more? Have a wine cellar bigger than a football field? If the answer is yes, congratulations; that person qualifies for a middle-class tax cut under the Republican plan.

CAPITAL GAINS TAX RELIEF

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I rise today to talk about the importance of capital gains tax relief for Americans of all ages.

When I was home in eastern North Carolina for July 4, people, both young and old, expressed their appreciation that Congress has finally voted to give them a capital gains tax reduction. These people are not wealthy. They are just good hard-working Americans who are doing their best that they can to pay their bills and save for the future. Capital gains tax relief will help them buy a family home and save for their children's education. A break in this excessive tax will also help senior citizens who rely on their savings for their livelihood.

□ 1030

I thank my colleagues on both sides of the aisle who supported a reduction in the capital gains tax. I hope we can work together to continue to provide Americans with the tax relief they so rightly deserve.

TAX CUTS SHOULD BENEFIT THE WORKING MIDDLE CLASS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, when it comes to tax cuts the question is not whether Congress should pass a tax cut. Most Democrats and Republicans agree that we should. The question is, Where do we target the tax cuts?

Mr. Speaker, we ought to pass a tax cut that will primarily benefit working middle-class Americans struggling to pay their bills, send their kids to school, and save for their retirement. Let us put more money in the pockets of working families. They need it the most.

Under the Democrat tax bill, a working family would be entitled to a full $1,500 HOPE scholarship for college, a tax exclusion for employer-provided educational assistance, a $500 per child tax credit to help them raise their children, and a capital gains tax cut for the sale of a home.

Mr. Speaker, the median income in the United States is $32,264. The Democratic tax cut plan, which is aimed directly at this group, would give the greatest benefit to the most people.

TAX CUTS AND WORKING PEOPLE

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, the Republican philosophy with respect to working families is very simple. We believe that those people who work for a living, trying to support their families, ought to be able to keep more of the money that they earn. We do not believe they should be obligated to send a bigger and bigger piece of their paycheck back to Washington so politicians and bureaucrats can decide the best way to spend it. That is our legacy to the American people.

The legacy of our friends who continue to stand up day after day deriding tax cuts for the rich is entirely different. If they come to a town hall meeting in your neighborhood and talk about tax cuts for the rich, ask them who they mean by the rich. They are talking about working families earning $40,000 and $50,000 a year. There are a lot of rich people in this country that they want to take money from to send back here to Washington.

We Republicans are going to put that money back in the pockets of the families who earned it. That is our legacy. Their legacy, the last time they controlled this Chamber, was the largest tax increase in the history of the United States. We are content to let the people decide which is the better course.

REPUBLICAN TAX PLAN TO BENEFIT WALL STREET

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the Washington Post reported that the deficit will be $45 billion this year, and maybe balance next year. How did it happen? In the 1993 Democratic budget agreement the Democrats were right and Republicans were wrong. The

Democrats' 1993 budget set us on the road to a balanced budget without one Republican vote.

Thanks to Democrats, we can give the American people a tax cut and a balanced budget. The only question is, who will benefit. Republicans want to help Wall Street and the richest among us. Democrats want to help Main Street and working families.

Even U.S. News & World Report says Republicans want to help their wealthy friends. Let me quote: "The reality is closer to the Democrats' view. The best independent estimates of the bill are that about half the benefits of the Republicans' tax relief plan would go to the richest 10 percent."

Mr. Speaker, we must reject the Republican irresponsible tax break for Wall Street. Join Democrats and cut taxes for working Americans.

THE TAX PLAN AND RESPONSIBILITY

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, all this week we have heard a lot about the phony baloney Treasury analysis that manipulates and skews the numbers on this tax bill. All this week we have been hearing about how we need to give bigger government checks to people who do not pay income taxes because we need to wipe out all Social Security and Medicare taxes.

The people in South Dakota know one thing; that is, you cannot have something for nothing. There is no free lunch. If we want retirement and health care benefits, then we pay for them in Social Security and Medicare taxes. If Members want a culture that is free from responsibility, then the Democrat proposal makes sense. They tell people who pay no income taxes, we will give you a Government check. If you want a culture that takes responsibility for their own actions, then you want our plan. It is a plan that is pro-working American, it is pro-family, it is pro-middle class, it is pro-jobs, pro-investment. It is a plan that improves the quality of life for all Americans.

DEMOCRATS REPRESENT WORKING PEOPLE AND WORKING FAMILIES IN AMERICA

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, sometimes I feel sorry for the American people who have to sit and watch and listen to the rhetoric that comes from this Chamber. I believe the American people are troubled and sometimes ask themselves, who can we believe? Who can we believe, when people stand and give such contradictory conclusions?

The fact is, in 1993 this country was facing nearly $300 billion in annual deficits. This year, the deficit is likely to be less than $50 billion. That is because a Democratic President and a Democratic Congress did what needed to be done. That is why we can talk about a balanced budget today. That is why we can talk about giving the American people a tax cut.

We now know that there will be a tax cut. The argument that we have in this Chamber is what part of the American family community will benefit. My district has a median income of $22,000. My responsibility is to represent the working people and the working families in this country.

THE TREASURY DEPARTMENT MIGHT BE A GOOD PLACE FOR THE PRESIDENT TO CUT SOME SPENDING

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I would like to quote from a famous news anchor: "Finally, a few words about Federal taxes and what some of the great minds in the U.S. Treasury are thinking about.

"The Treasury likes to calculate American people's income on the ability to pay taxes, based not on how much money we have but on how much we might have, or could have had. For example, a family that owns a house and lives in it, the Treasury figures that if the family did not own the house and rented it from somebody else, the rent would be $500 a month, so it would add that amount—$6,000 a year—to the family's so-called imputed income. Imputed income is income you might have had but don't. They don't tax you on that amount. The IRS does not play this silly game. Instead, the Treasury calculates how much they could take away from us if they decided to.

"If that were the system, consider the possibility. How about being taxed on Ed McMahon's $10 million magazine lottery? You didn't win it, you say. But you could have.

"The Treasury must have something better to do. If not, there is a good place for Clinton to cut some spending." David Brinkley, ABC news, February 28, 1993.

THE REPUBLICAN PROPOSAL CONTAINS A GOOD MIDDLE-CLASS TAX CUT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, we need to talk about exactly who is paying for the cost of Government in Washington, DC, and what effect that will have after we pass our tax cut. We have heard a lot of talk about this being so-called tax cuts for the rich.

Mr. Speaker, this chart I have next to me is based on data from the Joint Economic Committee, and the data that they obtained from the Treasury Department. They break the American public into five categories. The lowest 20 percent of earners are now paying, in the yellow, 1 percent of the cost of big Government. After the tax package is passed they will continue to pay 1 percent of the cost of Government in Washington, DC.

The next 20 percent are currently paying 4 percent, and they will be paying, after this tax cut package, 4 percent.

I would like to draw the attention of my colleagues on the other side of the aisle to the upper 20 percent. They are now, today, in America, picking up 63 percent of the cost of Government in Washington. Guess what? After the Republican tax cut, they will continue to pay 63 percent of the cost of Government in Washington.

I appeal to my colleagues, this is a good middle class tax cut.

DEMOCRATS MUST COME TOGETHER TO DO THE RIGHT THING: PROVIDE TAX RELIEF FOR ALL WORKING AMERICANS

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, there seems to be an unsettling frustration and even a palpable consternation on the other side of the House. My Republican colleagues do not seem to be able to accept the fact that we Democrats support tax relief, and tax relief for all working Americans. I think it is a historic moment here in this House when people on both sides of the aisle can come to that consensus.

The problem or the issue or the dilemma, Mr. Speaker, is that Democrats seek to provide tax relief to all working Americans. I would agree that wealthy Americans deserve a tax cut. But do they deserve the bulk of the tax cut and the tax relief? The American people resoundingly reject that, I say to my Republican colleagues.

We are living in a time where 80 percent of all jobs in the next century will require some form of computer literacy. Seventy-five percent of all jobs will require some form of postsecondary education. I would appeal to my Republican colleagues that at this historic moment, as a new Member of Congress, let us forge a new beginning as we move into this next century. Let us find common ground for all working Americans.

One would think that they would have learned from the disaster aid relief bill that they were wrong. One would think they would learn from the Committee on Government Reform and Oversight with the gentleman from Indiana [Mr. BURTON] that they were wrong.

Do the right thing for the American people, provide tax relief for working Americans. Let Democrats come together and work on behalf of American families.

THE REPUBLICAN TAX PLAN PROVIDES NO BREAKS FOR THE RICH, JUST EQUAL TREATMENT

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, this is really a pretty simple debate we are in. Let me just refer to this chart once again. I want particularly the gentleman from Tennessee [Mr. FORD] who just spoke to understand this.

Mr. Speaker, this is a chart which shows who pays taxes in America and what the Republican plan will do to various categories of people who pay taxes. It is important to point out that in the top 40 percent of the taxpayers in America, those people pay 84 percent of all the money we have here to spend, I would say to the gentleman from Tennessee [Mr. FORD], the top 40 percent of the taxpayers in America pay 84 percent of all the money that comes to Washington to spend.

So when the Republican tax plan gets ready to change things, do we change things for that group? This chart shows we definitely do not. As a matter of fact, the top 20 percent today under the Clinton tax hike plan pay 63 percent of all the money that is paid to Washington, and under the Republican plan we do not change that at all. They still pay 63 percent.

The next 20 percent today under the Clinton tax hike plan pay 21 percent, and under the plan that we propose, they continue to pay 21 percent; no breaks for the rich, just equal treatment.

WHO WILL BENEFIT FROM THE PROPOSED TAX CUTS?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the issue is who benefits from the tax cut. Quite frankly, the Republicans' data distorts the effects of their bill. They only analyze the first 5 years of what is a 10-year plan.

That said, Democrats in fact have designed a tax proposal to give every working man and woman a shot at the American dream, and the right to quality education has always been an essential part of that dream.

Republicans decide to skimp on education tax breaks to pay for their tax breaks for the wealthy. The Republican plan provides only half of the $1,500 tuition credit for the first 2 years of college, does virtually nothing for college juniors and seniors, and actually raises taxes on some graduate students.

The Democratic proposal has offered an alternative that includes the full $500 HOPE credit for the first 2 years of college, plus a 20-percent tuition credit for subsequent years.

The American people are watching this budget debate and wondering, who is on my side? Sixty-one percent of them have concluded that the Republicans are out of touch with the people in this country. It is differences like the education issue that makes it clear. Republicans are on the side of the wealthiest Americans, Democrats are fighting for the middle class.

□ 1045

THE JOURNAL

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROGAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 49, answered "present" 1, not voting 20, as follows:

[Roll No. 256]

YEAS—364

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker

Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—49

Abercrombie
Bonior
Borski
Brown (CA)
Clay
Costello
Cunningham
DeFazio
English
Ensign
Fawell
Fazio
Filner
Fox
Gephardt
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Hutchinson
Kucinich
LaFalce
Lewis (GA)
LoBiondo
McDermott
Moran (KS)
Oberstar
Obey
Olver
Pallone
Pascrell
Pickett
Poshard
Ramstad
Rush
Sabo
Schaffer, Bob
Stupak
Taylor (MS)
Thompson
Tiahrt
Visclosky
Wamp
Waters
Weller

ANSWERED "PRESENT"—1

Gilchrest

NOT VOTING—20

Armey
Becerra
Crane
Diaz-Balart
Dixon
Edwards
Fattah
Foglietta
Jefferson
Manton
Markey
Moran (VA)
Peterson (MN)
Pombo
Riggs
Sanders
Schiff
Slaughter
Souder
Young (AK)

□ 1107

Mr. FOX of Pennsylvania changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 2015, BALANCED BUDGET ACT OF 1997

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2015) to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. SPRATT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2015 be instructed as follows:

(1) On the matters pertaining to increasing the age of eligibility for medicare, reject the provisions contained in section 5611 of the Senate amendment.

(2) On the matters pertaining to the minimum wage, worker protections, and civil rights—

(A) insist on paragraphs (2) and (3), and reject the remainder, of section 417(f) of the Social Security Act, as amended by sections 5006 and 9006 of the bill, as passed the House, and

(B) reject the provisions contained in sections 5004 and 9004 of the bill, as passed the House.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 30 minutes in support of his motion and the gentleman from Ohio [Mr. KASICH] is recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Briefly, as a matter of introduction to what this motion to instruct pertains, it is a double-barrel motion. On the one hand we say the Senate provisions that would raise the age of eligibility for Medicare from 65 to 67 were not part of our bipartisan budget agreement, were not essential to achieving the objectives we set for ourselves. Indeed we were able to do the $115 billion in Medicare cost reduction over a 5-year period of time with substantial consensus.

This particular portion of the bill was reported by the Committee on Ways and Means with a near unanimity, with as close to consensus as we can get in this House. It was unnecessary to do it and, furthermore, it raises more questions than it answers: What will this coverage cost for people from 65 to 67; will it be available; how much lead time should we give people to get ready for this unexpected adjustment?

So we would instruct the conferees to reject those Senate provisions.

Second, the House and the Senate both added other provisions outside the budget agreement unnecessary to it that would deny the basic protections of one of the fundamental laws of the land, the Federal Fair Labor Standards Act, to individuals coming off TANF, coming out of welfare into workfare, or participating in the welfare to work program. We think that is unwarranted and unnecessary, and we would say to the conferees excise, take out, those provisions as well and reject them as part of this bipartisan agreement so it can truly be called a bipartisan agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

First of all, these motions to instruct are kind of gimmicky, to be truthful. They are just designed for somebody to come to the House floor, lay out difficult positions that are hard to win in a debate and, basically, they do not have the force of law.

Now, let me just speak to the three of them. First of all, the first one is we should not raise the age of eligibility for Medicare recipients from 65 to 67.

□ 1115

In the House bill we did not do that. We said it ought to be 65. But let me make it clear to everybody who is in this Chamber, that if they think that when their children must be put into the workplace to work day and night to pay for our benefits, and they think that there is not a fundamental restructuring of the system in need, then are we doing injustice to the young people of this country.

The fact is, in Medicare and Social Security and in Medicaid, we are going to find ourselves in a position where the number of young people will be few in number and the number of people getting benefits, which will be us, are going to be great in number.

Mr. Speaker, our young children in this country deserve a chance, the same kind of chance our parents gave to us, and we know that there must be fundamental structural changes in the major entitlement programs because these programs are not sustainable. We put our children in a position that is untenable and unconscionable if we are not willing to meet the challenge of the baby boomer retirement and what it does to our children.

Now, I am not so sure that this House is capable, along with the Senate, of designing the real solutions that are going to be necessary, the structural changes that are going to be necessary in the area of Social Security, in the area of Medicare and in the area of Medicaid.

I will say this: I think this House has taken a large step forward in terms of designing changes in Medicare that are structural in nature, that are positive, that move us in the right direction. But I would hope that this House will reject in the future the rhetoric of 1995, where some of my colleagues on the other side of the aisle said that we were trying to damage the senior citizens in this country by our Medicare reforms, and they are the Medicare reforms that they are today accepting.

So for those people who want to stand and demagogue and scare the elderly, scare the children, we are going to stand against you, just like we did in 1995 and just like we did in 1996, and finally had you support our program on a bipartisan basis.

Now in the area of worker protection, the gentleman from Florida [Mr. SHAW] had a comment on that. In the area of worker protection, let me just make one other statement here to my colleagues on the other side. And I have some friends on the other side who understand my heart, and there are friends I have on the other side who risked a lot for things they believed in.

The bottom line on this is, the House is not prepared to move to changing the retirement date on Medicare this week, but we sure as heck better open our mind and open our heart to what we are going to need to do long-term for the future of the next generation. And we will not be stopped by demagoguery because the young people in this country will not permit the politicians in this House, who are going to be the beneficiaries of all the benefits, the young people are not going to stand for it; and there are going to be many of us who get the benefits who are not going to permit you to demagogue this on your own and be able to win the day.

In the area of worker protections, the third recommendation that my friend from South Carolina [Mr. SPRATT] recommends, which is that we do not prohibit or we do not discriminate in the area of sex or health or safety for our people who go to work, who are on welfare, the House intends to stand behind that position. We do not support discrimination in any form. We sign up to that.

In the other area regarding these workfare nonemployees, we obviously do not want to deny them their rights under antidiscrimination. But let me just suggest to all of my colleagues that we do not believe that all of the provisions like unemployment compensation ought to apply to workers who are on welfare, who are out there working to pay for the benefits they get from people who go to work every day.

Now we have had a struggle trying to define exactly how all these welfare workers should be treated, and I think we have made substantial progress in this House by guaranteeing that there would not be discrimination, that these workers would be in a safe environment, and the House intends to pursue that position in conference. At the end of the day I believe that we will guarantee the civil and human rights of every American. We are going to stand behind that.

So I am recommending to my side that we will accept the motion to instruct, but what I am troubled about is this idea that we should reject even the discussions about structural changes as they apply to the next generation.

Mr. STARK. Mr. Speaker, would the gentleman yield?

Mr. KASICH. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the distinguished chairman for yielding, and I want to agree with him, particularly as to the Medicare part. We are supporting the House position, and we have, and it has been a bipartisan exercise and has not been demagogued. I will talk more about it later.

And I agree that the long range program is what has not been addressed by either side, to our shame. We are getting to that. But for now, we have the high ground in the House and I am happy it hear that he is going to, because basically all we are asking is that we stick to the House position.

Mr. KASICH. Reclaiming my time, furthermore I want to compliment my friend from California for his work in the health subcommittee with the gentleman from California [Mr. THOMAS], the chairman, to try to fashion a bipartisan first step in Medicare. Maybe I should explain to the gentleman that he is very well aware of the beating that we took for our Medicare reforms which are now working their way into law.

Mr. STARK. If the gentleman would continue to yield, I think it was 25 short. But other than that, I am aware of it.

Mr. KASICH. But let me just suggest, though, that I am very pleased to hear the gentleman say that he recognizes that there is a next step. Because if we walk away from this problem of the baby boomers retiring, as the gentleman knows, we are not going to survive in America as we have known it.

I would like to say to the gentleman, and to the gentleman from South Carolina [Mr. SPRATT] and my friend from the State of Washington, that the Committee on the Budget intends to pursue a very aggressive examination of this big wave, the tidal wave that is coming. I expect to have Democrats participate in the settings that we create, the witnesses that we call in. Because the only way we are going to be able to deal with all this is to deal together, without having people standing in the well yelling and screaming and trying to scare the elderly in our country.

So we are going to vote for this motion to instruct, but I am very sensitive about the idea that we want to let people know everything is done, taken care of.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

The chairman of the Committee on the Budget is absolutely correct, this is frankly a theater. I am a little disappointed that the minority did not go after some really important stuff to try to protect in terms of a motion to instruct. Actually we do not need all the verbiage that is on the page.

The motion to instruct can be put in basically four words, that is, support the House positions. Now let us look at the irony. We are wasting time on the floor of the House of Representatives in talking about a motion to instruct which says "support the House positions."

I am here to tell my colleagues as chairman of the Subcommittee on Health, I did not work all those long hours to produce a 13 to zero vote, a unanimous support position in the Subcommittee on Health of the Committee on Ways and Means, to run over to the Senate and fold. I did not work hard to maintain the subcommittee's position on a 36 to 3 vote in the full Committee on Ways and Means to simply collapse in the face of the Senate. I do think it would be appropriate, since the Senate apparently feels fairly strongly on this issue, having voted on the floor of the Senate by better than two to one to include this, that we probably ought to listen to their arguments.

The gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, I think makes the cogent point, we are going to have to engage. Is this the appropriate time? Is this the appropriate arena? Probably not.

But my colleagues should watch because this motion to instruct should be a voice vote. There is no reason whatsoever to have a recorded vote on a position "support the House positions." So if the Democrats call for a recorded vote, it is a feeble opportunity on their part to try to catch someone who believes that we should not engage in these kinds of tactics so that a campaign position, if there is a recorded vote and they do not support this position, for them to put out a statement that the person who did not vote for this is in favor of increasing eligibility for Medicare from 65 to 67, shame on them.

Can they not come up with a real issue so that we can have a real discussion on substance, instead of putting together a package which is "support the House positions." The answer is, you bet we are going to support the House position. My challenge to them is to let it go on a voice vote and do not record the vote.

Mr. FAZIO of California. Mr. Speaker, would the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I wonder why the gentleman is concerned about a recorded vote on something everyone has just agreed to.

Mr. THOMAS. Reclaiming my time, all I am saying is if the gentleman did not understand the point, let us see whether or not there is a recorded vote.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Let me simply say there is nothing unreal, nothing gimmicky about the age eligibility for Medicare. It is a vital issue for millions of Americans. And there is nothing gimmicky, either, about whether or not those coming off welfare into the work force will have the protection of the Federal Fair Labor Standards Act which has been the fundamental law of the land for the better part of this century.

Mr. Speaker I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to agree with the gentleman from South Carolina [Mr. SPRATT]. I do not understand how the other side can say that we are wasting time or this is gimmickry. If they really believe that the age eligibility should not be raised from 65 to 67, let us vote on it.

We know that the other body has specifically said in their bill that they want to raise the age. American people, our seniors, are very concerned about that. We need to take a position on this. I have to say that I find it abhorrent that the Congress would even consider raising age eligibility for Medicare. At a time when we are trying to find solutions concerning our uninsured populations, raising the age eligibility to age 67 will only exacerbate the problem.

There are 4.5 million people between age 50 and 64 that are among the uninsured, for various reasons, and these numbers are growing every day. Some of these seniors lack access to employer-sponsored health benefits, while others are unable to afford expensive premiums and cost-sharing requirements.

Now we are telling them that they have to wait even longer before they become eligible for Medicare. We would be breaking our commitment to America's seniors by raising the age eligibility. It is not needed to balance the budget, nor is it necessary to maintain Medicare short-term solvency.

Some may argue that Social Security is already raising its age eligibility and that raising Medicare's would be consistent. But I would remind my colleagues that in Social Security seniors have the option to retire early and receive some of their benefits, while no similar option exists for Medicare.

Raising the age eligibility has had little discussion, no congressional hearings. I personally see the increase in age eligibility as a back-door approach to letting Medicare wither on the vine. That is a phrase that the Speaker, the gentleman from Georgia [Mr. GINGRICH] has often used; and I strongly oppose that its inclusion be a part of any final budget package. I strongly urge my colleagues to support this motion to instruct.

□ 1130

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, far from wasting our time on the floor today, we have accomplished seemingly two major improvements in a bill that is seriously flawed in many ways.

I hear the gentleman from Ohio [Mr. KASICH] and the gentleman from California [Mr. THOMAS] saying that they are going to support this motion. I hope that means that when we go to conference on this package of spending cuts, we will not entertain the increase in the age to be eligible for Medicare to the age of 67. It is very clear that in this country we have a major problem with many people in their fifties who have been downsized, let out of their job, where their health benefits were real and decent, and suffer because there is no bridge to retirement. We only make the gap broader for those people if they are not given at least the age of 65 to look forward to.

In addition, Mr. Speaker, it is unconscionable to say that people who are transitioning from welfare to work will not be covered by the same statutes that protect workers. To have a sexual harassment claim not to be viable, not to be of legal standing simply because someone is transitioning from welfare is unbelievable. I am very pleased the Republicans have agreed.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. The gentleman has argued the points. None of the points that the gentleman has argued are in the House package, so I guess the concern of the gentleman is that this conferee and other House conferees, having gone through the legislative process on this side, not putting any of that material in the bill would now somehow think that it makes sense. Is that the concern of the gentleman from California?

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from California.

Mr. FAZIO of California. I am particularly concerned about the version of this bill that will work a hardship on people coming off welfare into work.

Mr. THOMAS. Mr. Speaker, reclaiming my time, is he concerned about the conferees not holding the House position? Is that his concern?

Mr. FAZIO of California. I am concerned that this conference is going to engage in some fundamental changes not only in the Medicare law——

Mr. THOMAS. The question is, and I'll reclaim my time. If the gentleman wants to answer it, I'll give him another chance. If he chooses not to, that is fine. The question is, does the gentleman have confidence in the House conferees upholding the House position? Yes or no.

Mr. FAZIO of California. I am certainly hopeful that if we all vote to make sure that these onerous provisions are not included in the conference, that we will follow the position when we get to conference.

POINT OF ORDER

Mr. WAXMAN. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman will state his point.

Mr. WAXMAN. Mr. Speaker, I cannot understand how a gentleman can ask another gentleman a question and not give him a moment to answer it.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. KASICH. Mr. Speaker, how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] has 17½ minutes remaining. The gentleman from South Carolina [Mr. SPRATT] has 25 minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DeLAURO. Mr. Speaker, the fact is that we are not wasting time at all. There is a serious threat to seniors' health care in this country. There is a health care crisis in our country. Too many Americans do not have access to quality health care that they need.

Quite honestly, Democrats have fought to expand coverage for 10 million American children who do not have health care coverage. Yet Republicans backed away from their promise to insure just half of these children.

Now with the specter of moving the age limit from 65 to 67 for seniors with regard to Medicare, we are looking at no coverage of people zero to 67 in this country. We are moving backward in terms of providing health care for people in this country. Instead of trying to find ways to make sure that seniors have security of health care coverage in their retirement, it would appear that the Government is backing away from that promise that they would be there for them at age 65.

Seniors have worked hard all of their lives, they paid their dues, they planned their retirement with the knowledge that they would be able to depend on Medicare when they turned 65 years of age to help to pay their medical bills.

Let us vote on the motion to instruct. Let us work to help expand health care coverage for seniors.

Mr. SPRATT. Mr. Speaker, I yield 11 minutes to the gentleman from California [Mr. STARK] and ask unanimous consent that he be allowed to yield portions of that time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. STARK. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and I yield myself 2½ minutes.

Mr. Speaker, insofar as the Medicare provisions in this bill are concerned, it is a matter of record that we have had strong bipartisan cooperation and agreement in the House. My remarks today are designed to amplify the problems in the Senate bill and for whatever other effect we may have is to give us a stronger hand in dealing with the Senate in conference, which indeed has been a tradition of motions to instruct for many years.

A vote by this House representing the strong feelings that we have in support of our bill is an aid in negotiating and to show that we have the support of the American people. The Senate has basically taken a silk purse and turned it into a sow's ear. We find this morning a poll of the Washington Post that says 64 percent of the people oppose extending the wait for Medicare to age 67.

The AARP bulletin, which I now get, Mr. Speaker, says that the Medicare measure takes the wrong turn. That is in relationship to the Senate bill. The Senate also allows doctors to bill patients more, or extra. It allows doctors to force patients to give up Medicare if they want certain specialty care from these doctors. It cuts payments to the Nation's safety net hospitals by 20 percent. It increases home health care cost in the Nation's frailest and sickest by $760 a year.

I hope that the conference committee will stand firm and fix these provisions, and I pledge to work with the gentleman from California [Mr. THOMAS] and the gentleman from Ohio [Mr. KASICH] to see that we do prevail over the Senate, for these provisions will do harm to the Medicare system. There are ways in which we can change Medicare and make it more solvent. I would like to work with them. I believe that raising the age limit without a plan to protect the people from 65 to 67 is the wrong way to go, and I think we can work to fix that in the years ahead.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentleman for yielding. First of all, I want to thank him for the cooperative effort in producing this House product and we will continue to make sure that the House product survives in conference. I will commit to the gentleman that we will do everything we can to deliver the product.

It is just a shame that we wind up with a political charade. If it is a voice vote, I understand the gentleman's and the others' concern. If it is a recorded vote, it is clear that these are political shenanigans.

Mr. STARK. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the House has passed a bill, the Senate has passed a different bill. There will be a conference. The Republican leaders today have said to us that when they go into conference, they are going to try to hold the House position, but they are going to have to move toward the Senate to get an agreement. The chairman of the Committee on the Budget said we have got to be aware that structural changes are going to come down the line at some point, and he is not for this change this week.

The point is that we know what the House Republicans were for in Medicare in the last Congress. They wanted structural changes that would have ended the Medicare program as we know it and would have put a lot of elderly people into the lowest priced HMO that would survive profitably by denying them care.

I cannot understand why we are hearing that the gentleman from California [Mr. THOMAS] would object to a recorded vote. If he really thinks it is a bad idea to change the age limit, he ought to be willing to vote with us to reject that idea when they go into conference.

The Senate reconciliation bill contains a number of ill-conceived provisions relating to Medicare. They increase the burdens on beneficiaries with home health copayments. They have further balanced billing beyond what now exists in the law. They have premiums increase dramatically for higher income people in a very complicated and unworkable way. If you combine the income testing of the premium along with the MSA option, which is in the House bill, it raises the specter of fragmenting the risk pool of the program. That sounds technical, but the effect on moderate-income Medicare beneficiaries who are older and sicker is not going to be some theoretical one. It will be real and it will ultimately hurt many of them.

The issue before us and the focus is the Senate voted to change the Medicare age from 65 to 67. We want to say "no" to that provision. It is irresponsible. It is a proposal where there has been no examination of the effects it will have or who it will hurt, and we know already we have a problem with many people waiting for Medicare coverage who have no health insurance coverage. Let us not widen this gap into which many people will fall. We are talking about people who are often downsized, which is the euphemism, out of jobs when they are older, but they are not old enough for Medicare. They are not old enough for Social Security. Under Social Security they at least can come in and get a reduced benefit rather than go without any income. But if we say to them, you have got to wait until you are 67 to get any health care coverage and they happen to be sick, disabled but not disabled enough to get covered as a disabled person, they are not going to find a health insurance coverage insurer that will cover them because of preexisting conditions. We must vote to reject the Senate provisions.

The Senate reconciliation bill contains a number of ill-conceived provisions relating to Medicare. Burdens on beneficiaries are increased with home health copayments, protections against balanced billing are removed in some cases, and premiums are increased dramatically for higher income people in a very complicated and unworkable way.

Combining income-testing the premium, along with the MSA option included in both the House and Senate bills, raises the specter of fragmenting the risk pool of the program. That sounds technical—but the effect on moderate-income Medicare beneficiaries who are older and sicker is not going to be some theoretical one—it will be real, and it will ultimately hurt them.

But I want to focus particularly on the provision in the Senate bill that raises the age of eligibility of Medicare from 65 to 67. This is a change that is totally irresponsible. It is being proposed with no examination of the effects it will have or who it will hurt.

It is flat out bad policy.

We already have a problem in this country with people who find themselves out of the work force at a time when they are getting older, but aren't yet eligible for Medicare. They face a truly terrible situation: frequently they simply cannot find any sort of affordable insurance coverage.

This problem is so serious that we have frequently recognized over the last several years that something needs to be done to extend medical benefits to this population.

Instead, this proposal goes in the opposite direction: It takes people at the very time they are most likely to begin to face health problems, at the very time that getting affordable private coverage is most difficult—and we delay their eligibility for Medicare.

A lot of people out of the work force in their early sixties aren't wealthy or healthy people: they are people in poorer health, or with some disability not quite serious enough to qualify them as disabled, or people that their employers have decided to downsize out and replace with younger workers. This would add to their problems by delaying their eligibility for health coverage.

Unlike Social Security, where people can at least elect a reduced benefit if they need it before the age when full coverage begins—there is no partial coverage for health benefits.

Medicare just won't be there.

This is a change that we should vigorously oppose. House conferees should not accept it.

People who need Medicare, who can't wait 2 more years until they are 67, deserve the support of every Member of this House in opposing this change.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], chairman of the Subcommittee on Health and the Environment of the Committee on Ways and Means.

Mr. THOMAS. I thank the gentleman for yielding me this time.

Mr. Speaker, I am really pleased that the gentleman from California [Mr. WAXMAN] pretty well laid out the game plan here. He talked about the structural changes that the Republicans made in the balanced budget amendment in terms of Medicare changes. Most of those frankly are in this bill. They were voted on unanimously in subcommittee. The point that the gentleman was making on the structural age change from 65 to 67 was not in our program. It was not in the plan.

If you are going to offer a motion to instruct which is not theater, the gentleman from California then went on to discuss the medical savings account provision and a number of other provisions. If you want a contest, you want to lock in positions that are important, that are of substance, that should have been your motion to instruct. Something of substance would have been worth this debate.

The gentleman says we should have a recorded vote on the motion to instruct. The gentleman well knows the motion to instruct carries exactly the same weight whether it is passed by a voice vote or by a recorded vote. It is obvious in the debate that they want to make points not included in the motion to instruct.

The motion to instruct is theater, and the recorded vote that will be insisted on by my colleagues on the other side of the aisle is theater as well. Welcome to the grand theater of the absurd.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, when the gentleman on the other side of the aisle says what we are doing as we try to speak for our constituents is a charade and that this is theater, I am reminded of Shakespeare who says "thou dost protest too much."

We have got a responsibility in this Chamber to speak up for our constituents and that is what we are going to do. We should be expanding health care opportunities for the most vulnerable among us, the old and the young, and not reducing those opportunities. How many millions of our mothers and fathers, grandparents, aunts and uncles will be without health insurance because of the Senate's action?

☐ 1145

For many Americans who work with their hands in grueling jobs, I am talking about steel workers, carpenters, machinists, road builders, it is simply not physically possible for many of these workers to work beyond 65 years of age. We cannot afford to let them languish without health insurance.

I think of my niece, Beverly, a mother who has four children and who works as a pipefitter. Beverly cannot work beyond 65 years of age, I think. I am worried about Beverly and all the other hard-working Americans who could face the age of 65 and know that they have no guarantee of health insurance. That is what we are talking about. That is why it is important.

My colleague can call it absurd, my colleague can call it theater, but it is important business that we are talking about today.

Mr. KASICH. Mr. Speaker, I yield myself 2½ minutes.

Let me just suggest that I do not have the Senate proposal in front of me, but I believe that the people who would be the most affected by the raise from 65 to 67 are us because it is phased in over a long period of time.

Now I am just going to suggest that if we think that in order to help the children we have to bankrupt mom, that is clearly, that view is clearly held by somebody who does not know much about the current system. At the same time, in order to help mom it does not mean we have to bankrupt her adult son.

Now if we want to hear emotional appeals about the struggle that people have as they become senior citizens, we have to be sensitive to it. I think we got a good bill to do that. But to only take into consideration us, the baby boomers who would be primarily affected by this, and for me to say that I got to eat and that my children should just go to work and work 80 hours a week to pay taxes to support me is unconscionable.

The simple fact of the matter is this country must avoid a generational war, and it is up to us to have the decency, it is up to us to have the restraint, it is up to us to be the leaders that will prevent a generational war in this country by putting the good of the country first and not pitting one age group against another. And if it is going to happen, we are going to go to war.

And I am going to tell my colleagues the young people in this country are going to win that war, and we do not need to have it, we need to avoid it. We have enough divisions in our country. We have enough anger and enough hatred and enough prejudice in our country without us to be creating it.

I believe it is possible in a sensitive way to be able to make the structural changes in this country that will not bankrupt mom while at the same time giving her adult children and grandchildren a chance, and in order to give the adult children and the grandchildren a chance does not mean that we got to dump it all out.

What has happened in our country is simple. The young people, working young people with kids in this country have been put up against the wall, and mom and dad will be the first ones to say we ought to restore balance between the generations, and that is what Republicans and Democrats ought to strive for.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I knew from the beginning of the session that there would be a series of attempts through the back door, if my colleagues will, to substantially revise, in fact to gut the work provisions in the welfare bill that we passed last year on a bipartisan basis, and that the President signed and that is working in the United States of America and reducing welfare caseloads around the country, getting people off dependency and to work. And there have been a series of attempts to do that in committee, on the Senate floor, and now unfortunately in this motion to instruct.

Now, Mr. Speaker, the motion to instruct contains, I think, a good provision telling us that we should not, at this time anyway, increase the retirement age for Medicare from 65 to 67. I support that, and I am going to support the motion to instruct for that reason. But attached to it is one of those backdoor attacks on the work provisions in the welfare bill.

The whole point of the work provisions that we passed last year was to require work in exchange for welfare benefits and therefore to make work attractive vis-a-vis welfare, so that we would encourage people to get work skills and to get off welfare and into work, and it is working. All around the country caseloads are going down, people are going off of dependency into sufficiency, into self-sufficiency, and it is working because we have decreased the attractiveness of welfare vis-a-vis work.

Now there are many people in this House who will not oppose that openly. They will all stand up and say "We are for welfare reform." But then they introduce measures which would have the effect of gutting that by in effect turning workfare into a vast expansion of the welfare bureaucracy without changing any of the incentives that lead people to dependency. That is the effect of the work provisions that were attached to the Senate bill. Here is what they would do, in a nutshell:

Let us suppose somebody goes on community service. They have to work under the new bill, they cannot get a job, so they go into community service, they are doing some kind of paperwork job in a clerk's office; OK.

If the Senate provision prevails, they will be getting at least a minimum wage plus food stamps, plus Medicaid, plus housing, plus access to 70 other Federal welfare programs; plus, if the Senate has its way, the right to get the earned income tax credit, the right to file worker's compensation. FICA taxes will be deducted. It will be some kind of a super employee status, and they will be working right next to somebody who is just getting that same minimum wage and is not getting any of those other things, and the reason is they never went on welfare.

So we will take a provision, the purpose of which was to make welfare less attractive than work, and will turn it around and make it more attractive than work, exactly the kind of welfare reform, quote, unquote, that was attempted in the 1980's and did not work and will not work now.

Mr. Speaker, we are helping for the first time poor people and their children. We are getting them off of welfare checks and onto paychecks. It is working. Let us not turn the clock back on that.

I am going to vote for the motion to instruct. I like the provision on Medicare. I think my colleague is right. I think we ought to make a statement to the Senate. Let us work together in conference on these other provisions. The House has reasonable protections for people in community service. We do require the payment of the minimum wage. We have protections against sex discrimination. We have protections to make sure they work in a safe environment. But let us not load up the work requirements to the point that they are unaffordable to the State and that they make actual work unattractive vis-a-vis welfare.

I hope I can work with my colleagues in achieving that in conference. I think the motion to instruct in that respect is a step in the wrong direction. I am going to support it anyway, but let us talk about it in conference. Let us not gut the work provisions in a welfare bill that is working so well.

Mr. STARK. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman from California [Mr. STARK] for yielding me this time, and really thank the gentleman from South Carolina [Mr. SPRATT] and Mr. STARK for bringing forward this motion to instruct our conferees to support the House position.

I would like to talk primarily on the Medicare provisions because we worked long and hard in this House to bring out a bipartisan bill on Medicare. The other body, in raising the eligibility from 65 to 67, have brought forward a major change in policy in Medicare without any public hearings on this side, without really thinking out what that policy would mean. We have provisions in our bill that set up a commission to look at the long-term solvency of Medicare, but by increasing the age from 65 to 67 we have not thought out how these individuals are going to receive health benefits.

Are we expecting the employer-provided health benefits to cover? If so, then we have one of the largest new mandates on the private sector with no idea how it is going to be funded. Do we expect our seniors 65 and 66 to pick up this cost, the extra five 5, 6, $7,000 a year? Can they afford it recently retired? I doubt it. Do we expect our seniors to go without any insurance coverage, to increase the number of uninsured?

These are questions that must be answered first before we increase the eligibility age for Medicare.

I urge my colleagues to support this motion to make it clear to our conferees to maintain the 65-year-old eligibility for Medicare. Let us make sure that we protect the solvency of Medicare as we have in the House provisions. I urge my colleagues to support the motion.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to urge the Members to support the motion to instruct the conferees to prevent us from prematurely raising the age from 65 to 67 to qualify for Medicare.

Mr. Speaker, a few years ago a young President came to Washington, DC. He wanted to make sure everybody had health care. We all know what happened. We could not agree on a plan, and so we got no plan.

Last year we began again to move in that direction. The Kennedy-Kassebaum, anyone with preexisting conditions could get health care.

This year all we talk about is how do we get more kids covered with health care.

Now I look and see, what are we doing? We only have one area, one group of people who have universal health care. When someone becomes 65, take a sigh of relief. They have got Medicare. Why on one hand are we trying to cover more people and then, lo and behold, on the other side saying, "You that have it, we're going to take away, you're going to have to wait 2 years longer."

I think this is folly. The bill before us provides for a study. We should wait for that study and not act prematurely.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the Senate's recent vote to raise Medicare's eligibility age from 65 to 67. Millions of seniors know they are being pushed toward an early retirement. If this provision were accepted today, 4 million seniors would no longer be eligible for Medicare and 200,000 would have no insurance at all. This ill-advised change will create gaps in health care coverage, gaps which could be covered only by expensive private insurance, which would further jeopardize seniors' retirement security or force seniors to forgo needed health care. The number of uninsured seniors would soon rise to almost 2 million.

Ultimately American families will be called upon to sacrifice the health of their parents or grandparents. That is where the real intragenerational financial challenge will be faced, in family budgets. Such hasty changes in Medicare will reduce public confidence in a program which has provided solid health care and security for tens of millions of Americans. We should protect Medicare, not weaken it with a proposal to increase the Medicare eligible age.

Mr. STARK. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from California is recognized for 1 minute.

Mr. STARK. Mr. Speaker, I close by suggesting that I am pleased that my colleagues will be supporting this motion to instruct on a bipartisan basis. Send a strong message to the Senate about our feelings.

But I want to warn my colleagues about the future. Any attempt to make Medicare a two-income-level plan, indeed to make it a welfare plan, could put the seniors in the same fate as second class Americans that we will be debating in the next 10 or 20 minutes, because once we allow any Medicare beneficiaries to become in any way suggested that they are welfare beneficiaries, we will see by the attitude that this House directs toward them what could be the sad fate of seniors.

□ 1200

So think about it. We must keep Medicare as a broad program in which all seniors participate, and as we change it, and we must do that, we must make sure that it does not become a two-class program, because Members will see the dangers in the future debate on this issue.

Mr. Speaker, I thank the distinguished chair of the Committee on the Budget and the ranking member and the chairman of the subcommittee for their courtesy.

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to allocate 12 minutes, 6 minutes to the gentleman from Missouri [Mr. CLAY] and 6 minutes to the gentleman from Michigan [Mr. LEVIN], and ask that they be able to allocate and yield portions of their time to other Members.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of this motion. The Republican gentleman from California said that this motion is unnecessary because it is supporting the House position. That is untrue. The House-passed version of the budget reconciliation bill is destined to make second-class citizens out of those going from welfare to work. It establishes a class of workers who will be denied protections against age, sex, and racial discrimination.

The welfare workers will in fact be doing the same jobs as that performed by other workers. The House bill denies these workers the enforcement and remedial protections of the Fair Labor Standards Act. What have poor people done to deserve such cynical treatment by the Republican majority?

The pending motion instructs the conferees to reject the outrageous attack on people trying to escape the ravages of poverty and welfare. It also instructs the conferees to recognize that workfare recipients are worthy of the same dignity and equal protection afforded other workers.

The motion instructs conferees to accept the House language concerning sexual harassment and occupational health provisions. It instructs them to reject the sham grievance procedure under which victims of sexual harassment can only seek redress from the very agencies that employ them. Mr.

Speaker, this is contrary to what the gentleman from Missouri on the other side said. It is a sham procedure. There is no protection for them.

The House grievance procedure also fails to provide any means by which welfare workers may effectively refuse to work in dangerous and hazardous conditions. Under the House bill, these workers can be forced to work in toxic waste sites.

Mr. Speaker, the pending motion is very simple: Preserve the promise we have made regarding Medicare eligibility, protect workfare participants like we protect other workers, and make sure these protections are backed up by credible due process and effective remedies for redress.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California asked why we wanted a recorded vote. The reason is because there are several parts of this motion to instruct. One of them relates to Medicare and the age parameters, but another part relates to whether people who move from welfare to work should be treated as first-class citizens and should be covered by FLSA.

When Members vote, whoever does, for this motion to instruct, they are essentially saying, we reject the House position that takes people who are moving from welfare to work out from under the minimum wage and other protections of FLSA. That is what Members are doing when they vote, if they do, for the motion to instruct.

We want everybody on record on this because it is very important. Contrary to what the other gentleman from Missouri said, this is an effort to implement the welfare bill. This is to make sure, as people move from welfare to work, who are workers, that they be treated as workers and not as second-class citizens.

The history of this is the following, quickly: The original Committee on Ways and Means proposal in the House would exempt all of the people who are under TANF from protection of minimum wage and other protections, health and safety and others, under the Fair Labor Standards Act. We protested.

So then what was finally done was to say even if they would be classified as employees, they would still not be considered as protected under the Fair Labor Standards Act, but let us be sure they have minimum wage and, unlike the original House Republican proposal, we will not allow the State to deduct medical care, child care, or housing assistance. But they still do not have the protections under Federal law if they are not paid the minimum wage. They still do not have protections against sexual harassment.

Let me just ask, as someone moves from welfare to work, as they should, why should they not have protection against sexual harassment? No, this is not a question of making welfare less attractive. This is an issue of treating people who move from welfare to work as workers. It is carrying out the basic premise of welfare reform, and that is the dignity and integrity of work. That is what this is all about.

We won only part of this fight in the committee. We want to win the rest of this fight today on the floor of the House in the motion to instruct. Let there be no mistake about it, that is our purpose, to implement welfare reform. The excuse was States would not be able to implement the participation requirements if we put people under FLSA. But Members put them, the majority, under some form of minimum wage, which would be the main barrier to States, and everybody acknowledges they are going to be able to meet these participation requirements in the next several years.

Then the argument was, well, we are going to create bookwork. My answer to that is, Mr. Speaker, I do not want to create unnecessary bookwork, but I want to make sure that people who move from welfare to work, which I very much favor, are treated, as is the promise of welfare reform, as first-class citizens of the United States of America.

Mr. Speaker, I urge support for the motion to instruct on this record rollcall.

Mr. Speaker, I reserve the balance of my time.

Mr. HOBSON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding me this time, Mr. Speaker.

Mr. Speaker, I guess we should start out the argument in this particular phase of where we are today as "been there, done that." As a minority party, we have been there, we have done that. Now I think it is a question of whether or not we are going to record a vote. Of course we are going to record a vote. We have been there, we have done that, too.

What do we do? We try to get this thing couched in a way that could cause some embarrassment to the majority. We have been there, we have done that. So let us get rid of the question of whether or not they are acting unfairly, because we have been there and we have done that.

I would like to take a close look at the motion that is before us. The first item talks about, oh, we are not going to raise the retirement age as far as receiving Medicare until age 67. The first generation that is going to have to wait until the age of 67 are those born in 1960, so let us not talk about senior citizens, because we are not. They are totally unaffected. Even people in my age category are unaffected by what the Senate is going to do.

Are we going to support the House position? Of course we are. So we get by that one.

Then I want to go down to the third one. The third one reads that the motion insists on the House provisions that prohibits sex discrimination in all work activities and assures health and safety protection for all participants. Are we going to support the House position? Of course we are. We wrote it. We negotiated it.

I might tell my Democrat friends that they had input in it, and we received some of their input, and together we wrote some of these provisions. Are they going to support that? Of course they are. Are we going to support that? Of course we are, because we put it in the bill.

But let us take a look at the second provision in the motion to instruct. That says that the motion rejects language in the House bill that treats certain TANF participants as nonemployees, therefore denying them protection under the Federal antidiscrimination laws: the Fair Labor Standards Act, OSHA, and other workers' protection.

Let us take a close look at that. Let us look at existing law, the welfare bill that was signed into law by the President on August 22, 1996. That has a provision, a nondiscrimination provision, including, and I am reading directly from the legislation right now, "The following provisions of law shall apply to any program or activity which receives funds provided under this part."

Now what applies? We heard somebody talk about discrimination on race. We heard another Speaker say they can discriminate on age. Let us see what is in the law right now that we do not change, that we simply make this a part of.

The Age Discrimination Act of 1975, that applies to the people receiving these benefits. Section 504 of the Rehabilitation Act of 1973, that applies to people receiving benefits and having to work for their benefits under this bill. The Americans with Disabilities Act of 1990, it applies. We do not take that away. Title VI of the Civil Rights Act of 1964, that applies. It is in the bill. Read the law. Read the law for once and quit posturing.

Then what we do is that we go back and we add to those antidiscrimination provisions. We have a provision as to health and safety. We have another provision as to sex discrimination. I am reading right from it. It says, "In addition to the protections provided under the provisions of law specified in section" so and so, "an individual may not be discriminated against with regard to participation in work activities by reason of gender." That is in here. Read it. That is in the House bill.

I think it is important that we look and see how far we have come. We have taken the provisions and the safety provisions that are presently in the existing welfare bill and we build upon them. We build upon them, to be sure that workers have more rights.

Now, the question is, is there a remedy? Yes, we provide in here that the States have to set up a remedy. Now, with regard to the Civil Rights Act and other Federal laws that I just made reference to, their remedy is just as it always has been and it is for any worker, whether it be through the courts or a complaint to the Federal Government. But we set up a provision that requires the States to set up a remedy with regard to some of these other provisions if people are discriminated against.

Mr. Speaker, these are important things to realize. I would like to point to one other provision that was something that was very, very heavily supported by the Democrats. That is a provision that could be, could be seen as discrimination. We cannot displace an existing worker with somebody who is on welfare. That is something that I think Members want in the bill. Is that discrimination? Yes, I would say that is discrimination. If we cannot fill that position and let somebody go because you are going to fill it with somebody coming off of welfare, that is, but I think my Democrat friends would insist upon that, and it makes sense. We went along with it. So I think what we have to do, and I would say here in closing that I have no problem with the motion to instruct. Is it a political document? Of course it is. Does it have any effect of law? Does it bind the negotiators? No, it does not. Does it do any harm? No, it does not. Am I going to vote for it? Of course I am going to vote for it. There is nothing in here that is inconsistent with my responsibility as a conferee, and I intend to support it.

□ 1215

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, it is an interesting refutation we just heard. What we heard is that with respect to people who are struggling to get off of welfare, the Republicans are prepared to take care of old disabled people. We thought they would do that anyway.

But the fact of the matter is for the workers under this legislation that they have sent to conference, those workers who are struggling to get off of welfare, who have taken the direction of this Congress, they are second-class citizens with respect to the protections that other workers receive. That is a matter of the law in the bill that we have sent to the conference committee.

That is true with respect to sexual harassment. That is true with respect to the minimum wage. That is true with respect to worker protections under OSHA. We have to ask ourselves, why is it the Republicans are so hell bent, so hell bent on punishing working people?

Earlier we saw that they wanted to deny them the minimum wage. Then they wrote a tax bill that showered the benefits onto the wealthy. Now we see, to balance the budget, they have decided that people who go on welfare should not be given the same benefits as other people they are working alongside of in the workplace.

It simply is not fair. It is inequity, and it is simply un-American with respect to the treatment of working people. Working people deserve better and that is why we are going to ask for a vote on the motion to instruct.

Mr. HOBSON. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I would like to read directly from the House bill. Health and safety standards, that is OSHA, established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in a work activity.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I say to my friend from Florida, look, there is a reference to health and safety that was put in after we protested. But there is no Federal protection of that right.

Why should people be treated as second class citizens as they move from welfare to work? Why should they not have the same protections as other people, the full dignity and integrity of work? In the list he read earlier, there is no protection against sexual harassment or against employment discrimination. So they are trying in a sense to finesse the issue on the majority side.

We have been able to move this along but not to the point where people who work are first class citizens whether they are on welfare or not.

Our basic premise is this: People who work, surely those who move from welfare to work, as I believe they should, and I supported the welfare bill, should have the same protections as all other employees. If they are employees under FLSA, they are employees. And you have been trying to cut this in pieces.

What we are saying is, let us keep it whole. That is what people in this country deserve. That is the intent of the law.

This motion to instruct says, follow FLSA as it applies to all employees.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, the Republican tax-and-spend bills that we are debating here this afternoon help the biggest and reward the richest and the biggest corporations, and they punish America's working families. My colleagues across the aisle know it, and the American people know it.

This Republican spending bill turns hardworking Americans into, as my colleagues have just said on the floor, second class citizens. This bill contains provisions that permit and even encourage employers to deny basic rights and protections to hardworking Americans doing an honest day's work, provisions that say that it is OK to deny some Americans safe working conditions, provisions that say that it is OK to deny some Americans their right under the Family and Medical Leave Act, denying them the right to choose their jobs, making sure that they do not have to deal with the choice between the job that they need and the family they love, provisions that say that it is OK to deny some Americans protection from sexual harassment.

This bill says that some Americans are less than equal, that they do not deserve the same rights as other Americans, that it is OK to create a subclass of citizens. That is not just a slippery slope, it is a jagged cliff.

If all Americans do not share the same rights, then none of us have them. Think about a mother who is working to support her children. This spending bill permits, it even encourages her boss to ignore the most basic safety rule. It allows him to sexually harass her without fear of punishment. Who would put their sister, their daughter, their mother in such a demeaning, compromising situation without any recourse? The Republicans want to write this into law.

This Republican spending bill does very little to protect children's health. Every day in America 3,300 children lose their health insurance. In the bipartisan budget agreement, Republicans promised to cover half of America's 10 million uninsured children. This bill abandons that promise. It abandons these children. Under this bill, only about 500,000 children will get health care, and even that figure is in dispute.

To make matters worse, this bill shortchanges funding for children's hospitals. This Republican spending bill is an attack against the American principles of fairness and opportunity. This Republican spending bill is an attack on our rights. This Republican spending bill is an attack against American working families, as is the bill that we will discuss in a little while that deals with the tax reconciliation, helping the rich at the expense of working Americans.

I urge my colleagues to vote for the motion to instruct so we do not have to have a subclass of American citizens and so that we can ensure that our citizens are protected in health care.

Mr. HOBSON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me the time. This whole discussion has sort of an Alice in Wonderland quality about it. We are talking as though hard working American citizens are being denied basic rights of employment.

These are welfare recipients. These are people who have been on welfare for 2 years and did not get a job after 2 years, as the welfare reform requires. So they are doing 20 hours a week of public service. They are getting $8.50 to $9 an hour in cash and noncash welfare benefits without working for it, and they are providing 20 hours a week of public service because they did not get a job as the law requires.

Now they want to require, in addition, they get minimum wages on top of that. For that, they get all the protections of the Fair Labor Standards Act, so they could possibly maybe get unemployment benefits, too, when they quit the job, and all the other benefits that accrue to people who go out and work for a living, find a job and support their family the way the rest of America does.

It is dishonest, it seems to me, or at least misleading to try and convince America that these are hardworking people just trying to raise their families when in fact they are welfare recipients, getting $8.50 to $9 an hour in benefits from the taxpayers already, who now want to be paid for public service because they refuse to go to work.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. HOBSON. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, as we come to the closure of the debate on this, I would like to not only compliment the chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], but also the gentleman from South Carolina who, together with the Republicans and his Democrats, sought out a lot of middle ground in working this process through to bring the House bill to the floor.

The provisions complained of in the motion to instruct are harmless. It accepts the House provision in the first and the last provision within the motion to instruct. The second provision is written in such a way, I think, to mislead people that the House provision was blind to the protections that workers would have.

I would encourage all Members on this side of the aisle to go ahead and support the motion. It does no harm to the House position. I think, as a matter of fact, my interpretation of it is in very strong support of the House position, and that is where the conferees should start out and hopefully end up on a lot of these provisions.

I do want to make it very clear, however, to Members listening to the debate that what we are talking about when we talk about some of these things that might be missing such as unemployment compensation, FICA, some of these other provisions that are the only benefits that these people are not receiving, when they go into the private sector, they will receive full benefits.

There is no discrimination against people when they become employees when coming off of welfare. As a matter of fact, we do everything we can to get them out there in a permanent job in the private sector where they receive all the benefits.

This is not a question of class warfare, class distinction, or taking away the rights of the American workers. They are fully protected as they should be protected. We are talking only about the provision when they are doing public service jobs so that they do not lose their benefits. That is what is important.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

We bring this motion to instruct conferees because we are in the minority. This is a way we have, one of the few devices we have to register our views on things that are important.

There is no question about it. Medicare age eligibility is fundamentally important. We want to register the House position on that.

Second, it is fundamentally important to us also to say that everybody, every American, because of his status as an American, is entitled to the fundamental protection of the laws of the land, which is what the Federal Labor Standards Act is.

The simple way to accomplish that is to say that you are a worker within the definition of the Federal Fair Labor Standards Act, except to the extent that this protection does not apply. That is what we are seeking here, to give them the broad protection of the law that has been the law of the land for more than 50 years. I was pleased to hear that my colleagues, the other side of the aisle, will be supporting this motion to instruct, and I assure the Chair that when the time comes we will be asking for a record vote because this is a matter of importance, both of these issues, on which we want to register the views of the House as we go into this conference.

Mr. STENHOLM. Mr. Speaker, I rise in support of this motion, but I bring a somewhat different perspective to this debate. I find myself in agreement with much of what has been said by my Republican colleagues about the need to deal with both of these issues. I agree with the substance of both proposals addressed in this motion.

A gradual increase in the eligibility age for Medicare must be part of a serious effort to reform entitlement programs to preserve them for future generations. I think most of us recognize that the budget agreement is a very humble first step in dealing with the long-term needs of the major entitlements. Bringing the eligibility age of Medicare in line with Social Security is a fair and reasonable reform that would have a tremendous long-term benefit for the Medicare Program. However, I do agree that it is reasonable for this issue to be considered in the context of overall Medicare reform where we can consider the various ramifications of this change on retirees, employers, the health system, and so forth.

With regard to the second provision, I am concerned that a well-intentioned effort to protect welfare recipients will harm the very people that we are trying to protect. Many States have instituted community service and work experience programs as a safety net for welfare recipients who do not have the skills or experience to obtain private sector employment before they lose eligibility for cash assistance. Community service jobs often provide experience for these individuals then to be hired by private employers. If we apply all labor laws to community service programs, many States who sincerely want to help welfare recipients will find it too cumbersome and complex to operate a community service program, leaving welfare recipients with no source of income when they lose eligibility for cash assistance. States that rely on nonprofit organizations to provide community service jobs for welfare recipients will have a hard time continuing these programs because very few nonprofit organizations are willing to accept the legal obligations and liabilities associated with being classified as an employer. I don't believe that any of us want to eliminate this portion of the welfare safety net, but that will be the consequence if we do not take action on this issue.

However, I support this motion because I question the ability to adequately deal with these issues within budget reconciliation. These are very controversial and complex issues that should be reviewed and debated on their own merits. I believe that both of these issues would receive strong support in Congress if they were considered separately.

As someone who is very interested in taking constructive action on both of these matters, I am concerned that the politically charged context of the budget agreement will prevent a serious discussion of these issues. Allowing these matters to be consumed by the rhetoric in the budget debate will make it much more difficult to make any real progress on either issue. For this reason, I would encourage all Members who want to deal with these issues in a constructive manner instead of allowing them to be exploited for political purposes to vote for this motion.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPRATT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 14, not voting 6, as follows:

[Roll No. 257]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—14

Barr
Barton
Campbell
Ehrlich
Fowler
Johnson, Sam
Kolbe
Porter
Riggs
Rohrabacher
Sanford
Scarborough
Shadegg
Shays

NOT VOTING—6

Armey
Burton
Markey
Schiff
Skaggs
Slaughter

□ 1248

Messrs. ROHRABACHER, PORTER, SHAYS, RIGGS, BARR of Georgia, BARTON of Texas, and Mrs. FOWLER changed their vote from "yea" to "nay".

Ms. DEGETTE and Mr. BLUNT changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. KASICH, HOBSON, ARMEY, DELAY, HASTERT, SPRATT, BONIOR, and FAZIO of California.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Oregon, GOODLATTE, and STENHOLM.

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title II of the Senate amendment, and modifications committed to conference: Messrs. LEACH, LAZIO of New York, and GONZALEZ.

As additional conferees from the Committee on Commerce, for consideration of subtitles A–C of title III of the House bill, and title IV of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, DAN SCHAEFER of Colorado, and DINGELL.

As additional conferees from the Committee on Commerce, for consideration of subtitle D of title III of the House bill, and subtitle A of title III of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, TAUZIN, and DINGELL.

As additional conferees from the Committee on Commerce, for consideration of subtitles E and F of title III, titles IV and X of the House bill, and divisions 1 and 2 of title V of the Senate amendment, and modifications committed to conference: Messrs. BLILEY, BILIRAKIS, and DINGELL.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitle A of title V and subtitle A of title IX of the House bill, and chapter 2 of division 3 of title V of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, TALENT, and CLAY.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitles B and C of title V of the House bill, and title VII of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, MCKEON, and KILDEE.

As additional conferees from the Committee on Education and the Workforce, for consideration of subtitle D of title V of the House bill, and chapter 7 of division 4 of title V of the Senate amendment, and modifications committed to conference: Messrs. GOODLING, FAWELL, and PAYNE.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title VI of the House bill, and subtitle A of title VI of the Senate amendment, and modifications committed to conference: Messrs. BURTON of Indiana, MICA, and WAXMAN.

As additional conferees from the Committee on Transporation and Infrastructure, for consideration of title VII of the House bill, and subtitle B of title III and subtitle B of title VI of the Senate amendment, and modifications committed to conference: Messrs. SHUSTER, GILCHREST, OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. STUMP, SMITH of New Jersey, and EVANS.

As additional conferees from the Committee on Ways and Means, for consideration of subtitle A of title V and title IX of the House bill, and divisions 3 and 4 of title V of the Senate amendment, and modifications committed to conference: Messrs. ARCHER, SHAW, CAMP, RANGEL, and LEVIN.

As additional conferees from the Committee on Ways and Means, for consideration of titles IV and X of the House bill, and division 1 of title V of the Senate amendment, and modifications committed to conference: Messrs. ARCHER, THOMAS, and STARK.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2014, TAXPAYER RELIEF ACT OF 1997

Mr. KASICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2014) to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to instruct the conferees.

The Clerk read as follows:

Mr. RANGEL moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2014, be instructed to work in a bipartisan fashion to provide fair and equitable tax relief to working families and avoid large and growing out-year revenue costs. In doing so, the conferees shall, within the scope of the conference,—

1. Recede from their insistence on the provision of the House bill that provides for indexing of capital assets,

2. Support tax relief that provides a family credit commonly referred to as the $500-per-child credit, to working families, who pay Federal taxes,

3. Support tax provisions designed to assist working families in meeting the costs of college education and those provisions shall—

a. Include a HOPE Scholarship credit for the first 2 years of postsecondary education consistent with the objectives of the HOPE Scholarship credit proposed by the President so that students attending low-cost community colleges are not disadvantaged,

b. Include tax benefits for families paying tuition costs for the second 2 years of postsecondary education out of wages and salary income, and

c. Not include the provisions of the House bill that impose new taxes on graduate students receiving tuition waivers.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXVIII, the gentleman from New York [Mr. RANGEL] and the gentleman from Ohio [Mr. KASICH] each will control 30 minutes.

The Chair recognizes the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

My colleagues, my motion is to move that the managers on the part of the House conference be instructed to work in a bipartisan fashion in order to avoid this historic piece of legislation from being vetoed by the President of the United States.

No one can challenge that our President has gone through great lengths to achieve what is hoped to be a bipartisan agreement as relates to the budget and as relates to taxes. There are sharp disagreements on both sides of the aisle as to how this should be done, and the President has made it abundantly clear that the House bill and the Senate bill, in its present form, would be subject to a veto.

It seems to me, however, I think that some of the things that we can ask those that are in conference to look at is to question, where both sides agree that we are seeking to give middle-income tax relief, that calling people who do not make much money but do have tax liability as being welfare recipients, this would not be the climate in which to create a bipartisan agreement.

When the President and this Congress says it wants to give assistance to middle-class working people, I do not really believe that Republicans or Democrats have the right to set the income level that says that these people deserve or not deserve the child credit.

The second thing is that we did not come into this agreement in order to fix capital gains. It may be a passion with some, but the President has made it abundantly clear that indexing is not a part of what he thinks should be in this bill. It would seem to me, if we want a bill rather than a confrontation, that we should consider removing this obstacle in the bill so that the President can pass it.

And last, I think that some support should be given to the executive as he maps out and assumes the responsibility for an education opportunity. All of us recognize that more emphasis is being placed today on our jails, on police, and on penitentiaries than it is on kids and to prepare them for college, to make sure that they are productive, to give them the hopes and the dreams and the jobs that are necessary so that we can move our country forward.

The President feels very strongly about this, and I would encourage the conferees to try to work with the President to make certain that the educational mandates that he has there would allow him to be able to sign the bill.

□ 1300

I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the committee, for confiding with me his willingness to be flexible and me just going to conference, I think, would already display the flexibility that I have in trying to reach agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. KASICH. Mr. Speaker, I yield myself 4½ minutes. I would just like to talk about a concern I have in the nature of this debate. I think it was Abraham Lincoln who said that you never can build up a poor man by tearing down a rich man.

The interesting thing is I see us, particularly officials within the administration, beginning to engage in a debate to try to rekindle the flames of class warfare. One of the things that has been confusing to me in this debate is if we take a look at the tax bill that we have before us, we have, Mr. Speaker, the big bulk of this tax bill relating to the child tax credit, $500 for every child under the age of 17 whose income levels are under $100,000. That is a very costly provision in the tax bill. It eats up a whole lot of the amount of money that is available under the tax cut program.

Another provision in the tax bill is the education credits, which I strongly support and I frankly want to commend the administration for making a priority. Obviously, it is very difficult for mothers and fathers to educate their children. While we need to work on those reasons why college education grows at rates far beyond the rate of inflation, it is also necessary that moms and dads have a chance to educate their kids. And anything that we can do to begin to relieve the stress of time, the time burdens on moms and dads and families in this society is very positive. That is another thing that applies, of course, to the middle class.

We have the family tax credit, and we also have the education credit. Then when we talk about the issue of capital gains, I think it is fair to say that there are many people who are middle-income folks who have sat on their homes, their farms, and their investments for a long period of time who do not believe they ought to be punished for taking a risk and who really believe that over time they should not be paying taxes on inflation, which is what this indexing provision is all about.

Mr. Speaker, let me also suggest, though, that I think we have a serious problem in our country with the growing difference between the rich and the rest of Americans. There are a lot of things that have to be done to resolve that problem, including education. But beyond that, part of the reason why our workers have wages that are not advancing is because frankly they have not had the tools to compete and win. Our savings rate, our investment rate is very low. If we expect the members of the All-Star team, Mark McGwire, to stand up at the plate and try to hit a home run with a Little League bat, I do not think he is going to be very successful. But if we are interested in having McGwire have that big major league bat and Americans have major league investments and major league equipment, it is necessary to provide incentives for people of means to take risks. It is not confusing in our society for people who have means to not take risks if there is no incentive. I not only believe the capital gains tax cut will apply to middle-income people, it will apply to people of means. But to punish and beat them down is going to mean that they harbor their money and the people we are very concerned about, which are middle-income workers who are spending more time working and getting less gain for it, they need to be given the tools. Part of the way in which they get the tools is through an investment strategy and a Tax Code strategy that provides reasons for people to invest their resources so that our workers can compete and win.

I think this is a problem that we have got in the country that needs to be addressed. I think this tax bill is, by and large, a fair tax bill. Let me just suggest again, as we were fighting about trying to fight off the notion of a generational war of dividing Americans, the idea that we should engage in a class warfare in this country and try to convince one group of Americans that the reason they do not have is because somebody else ripped them off is the last thing we need in our country. We need healing. We need unity.

I think when we take a look at this bill, when we look at the child tax credit and when we take a look at the education credit, it is very hard to argue that this program is skewed toward the wealthiest of Americans. But at the same time let us not beat people down who have had the bypasses and spent time away from their family to provide jobs for Americans just like my mom and dad.

Mr. Speaker, I ask unanimous consent to yield the balance of my time for purposes of distribution to the gentleman from Illinois [Mr. CRANE].

The SPEAKER pro tempore Mr. GILLMOR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise in support of the motion to instruct conferees on H.R. 2014 and in opposition to the increase in airline taxes, especially as it affects travel to the Virgin Islands.

Mr. Speaker, I rise today, during the debate on the motion to go to conference on H.R. 2014, to voice my strong objection to those provisions of the Revenue Reconciliation Act of 1997 that would increase the taxes on airline passengers.

If these taxes become law, they will place a heavy burden on American citizens going to and from the Virgin Islands and hurt businesses in the territory. These provisions are particularly hard to accept because they will, for the first time, place an unprecedented excise tax on international travel.

The economy of the Virgin Islands is presently trying to recover from one devastating hurricane after another. Tourism is the largest segment of our economy. In the past year, nearly 500,000 primarily mainland U.S. residents visited the Virgin Islands by air.

The imposition of these new taxes, which at a minimum would mean an additional $31 per round trip ticket to the islands, could have a severe negative impact on our local economy.

Mr. Speaker, I thought this was the Congress of no new taxes. Apparently, I was wrong.

Don't pay for the new capital gains tax cuts my making it too expensive for average middle-class families to fly to the U.S. Virgin Islands for a much needed vacation and undermine our already fragile economy. I urge my colleagues to reject this new tax increase.

Mr. CARDIN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I want to thank the gentleman from New York [Mr. RANGEL] for the motion to instruct because it points out one of the most important differences between the Republican tax bills and the Democratic position. That is, we want a tax bill but we want one that is fair, that provides tax relief to the people who need tax relief.

Both parties profess a desire to help middle-income taxpayers. We differ on the definition of what is middle income. That is understandable. But if we take the middle-income taxpayers, those that are between 20 percent of the income and 80 percent, so we eliminate those at the bottom quintile and the top quintile and then find where the tax relief is going, there is no dispute that under the Democrat position, over two-thirds of the tax relief will go to those that are in the middle income.

Mr. MCDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, if what the gentleman says is true, why when the Republicans show us graphs does it always look like their bill gives all the benefit to the middle class, when he says that in fact they give it mostly to people at the top? How do they do that with the graphs?

Mr. CARDIN. I appreciate the gentleman asking me that question. What the Republicans are doing in making their presentation is that they are using 5-year numbers. They are not using the data that reflects the total implementation of the tax changes. Therefore, the indexing of the capital gains is not reflected, which basically will help wealthier individuals. The backloaded IRA's are not included in their recommendation. Again, that will help basically higher income people.

The estate tax provisions that are implemented over a long period of time, if we use the tax provisions that they recommend as fully implemented, less than one-third of the tax relief goes to those between 20 percent and 80 percent, the middle-income taxpayer.

Mr. MCDERMOTT. The issue is at full implementation. They never talk about what happens way out, 10 years or beyond. That is really what the gentleman is saying, is it not?

Mr. CARDIN. The gentleman is correct. When we look at the tax proposals when fully implemented, under the Republican bill less than one-third of the tax relief goes to those that are of middle income, no matter what definition we use for middle income.

Mr. MCDERMOTT. There is another issue that they keep raising with us, and that is that the rich people pay most of the taxes so why should they not get most of the benefit? That makes some sense, I guess, in some way, but when I go to my district, people say, well, it is the people at the bottom who need the benefit, not the people at the top. Where is the fairness? How does that work?

Mr. CARDIN. The gentleman raises a very good point. The truth is that our Tax Code is slightly progressive. That is, those in the upper incomes pay a slightly higher percentage of their income in taxes. But the people who are hurting, the people who are having a difficult time paying their grocery bills, the people who are having a difficult time sending their kids to college are not those in the upper 1 percent of our income bracket. If we want to provide relief to those who really need it, it is the middle-income taxpayer that is hurting and needs some relief.

Mr. STARK. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding. Picking up on the questioning of the gentleman from Washington, it would be my understanding that we were unable to find the funds to, say, give a working-class family any relief in either bill because if you get $1 million in capital gain, it is my understanding you would save $80,000. That is 80,000 bucks to somebody who is making $1 million in capital gain. The person who is working as a teamster or a carpenter and, say, has no children is getting nothing, zip. That $80,000 as that capital, if you postpone selling that and the stock went up and up and up, that $80,000 would increase over time, and 5 and 10 years from now, the person working at $45,000 has still got nothing out of this bill.

Mr. CARDIN. The gentleman is correct. That is why under the Republican bill, the top 1 percent in income receive almost 19 percent of the benefits for the reason that the gentleman has pointed out. The large gains in capital, et cetera, are going to be the wealthiest who are going to get the benefit of it.

Mr. McDERMOTT. If the gentleman will yield further, putting in mind for me is the story I read in one of the major newspapers about the family of four living in a southern city, the father is a rookie policeman, makes $23,000 a year. Some people have been saying that the people that we want to give this child tax credit, that this is like giving welfare to them. This is a rookie policeman making $23,000. Under the Republican plan, he would get nothing. Under the President's plan he gets $767. I cannot understand how we cannot raise the issue of fairness, because it does not seem to me to call a policeman who is making $23,000 a welfare recipient because he is going to get an income credit, or a tax credit on the basis of his children. That to me is not a welfare person. That is a working person. I find that extraordinarily unfair.

Mr. CARDIN. The gentleman makes a very interesting point. It is interesting that that person actually pays over $2,700 in taxes and, if we put in the employer's share of FICA, pays over $4,500 in taxes. Under the Republican bill, that family would receive not a dime under the child credit.

Mr. McDERMOTT. Because they say he is not paying taxes. Are they not deliberately misleading people by saying he is not paying taxes when they mean he is not paying income taxes? He is paying FICA taxes. Those are Federal taxes.

Mr. CARDIN. The gentleman is correct. In fact, that person actually is paying some income taxes, paying about $600 in income taxes but they are paying FICA taxes and other taxes, that for many American families, the FICA tax is the largest amount of taxes that they pay. They need help. They are trying to raise their family. They are playing according to the rules. They are working 40 hours a week trying to support their family, in many cases even working second jobs. Under the Republican bill, they would be out of the child credit. It makes no sense, it is certainly not fair. I appreciate the gentleman bringing that to our attention.

We could give many, many more examples. A family with $50,000 of income, one child going to an average 2-year community college full-time, under the bill passed by this House, that family would get a $600 credit. Under the Democratic proposal, it is $1,100. On and on. That is why the motion to instruct the conferees as presented is a matter of fairness. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I have appreciated listening to some of the discussion on the other side of the aisle, notwithstanding the fact I think they misunderstand what the real source of the problem is. There was an interesting article that Milton Friedman recently wrote in the Wall Street Journal where he was pointing out the parallels in terms of average per capita income in this country versus that of Hong Kong, tiny little Hong Kong with 6 million people and the United States with 260 million and all the resources we have available here. In that article, he pointed out that, to be sure, our average annual income rates exceed those of Hong Kong. But if Hong Kong continues to function as it has, that is going to end in about 2 more years because of the astronomical growth there.

□ 1315

The main distinction he made in his article was that their average per capita or payment of taxes, rather, as a percentage of GDP is 15 percent; ours averages 50 percent already in this country, and we are long overdue for significant tax relief, and put that money to work.

In addition to that, another distressing thing is to hear some of the figures quoted on the other side of the aisle coming from the Department of Treasury. Treasury is unbiased in making its submissions?

We have the Joint Committee on Taxation, which is a nonpartisan organization that did the analysis of the economic impact of the tax figures that we were working with in committee, and the Joint Committee on Taxation showed that in contrast to what the Democrats were touting at the time we passed the bill out of committee that our tax bill would give 93 percent of the tax relief to people making under $100,000 a year, and roughly 72 percent of that tax relief goes to people making under $75,000 a year. And by contrast, the figures that our distinguished ranking minority member held up representing what their proposal would do, it only gave 70 percent of that relief to people making under $100,000 a year, and that was based on Treasury figures, biased figures, if my colleagues will. I submit to my colleagues the Joint Committee on Taxation is a better reference source for making an analysis of these things.

Let me touch upon one other issue though, and that has to do with the objections we have heard from the administration and from some of our colleagues on the other side of the aisle about indexation, preserving indexation that is provided now for capital gains.

I fought for indexation of the Tax Code for over 25 years in this body, and I did not originate the idea, I got it from Milton Friedman, the distinguished economic scholar who formerly taught at the University of Chicago. And as Friedman explained back there a generation ago, absent indexation, what we are doing is permitting the Government to raise taxes in a subtle and undetectable way, and they do that by destroying the integrity of this piece of paper.

They say up here this note is legal tender, good for all debts, public and private. If we have a steady erosion of the integrity of that piece of paper, what we are experiencing over time is a progressive tax increase. And in 1981, mercifully we got incorporated in that monumental Tax Reform Act of that time, indexation of most of our Code so that people did not keep getting ratcheted into higher brackets with no improvement in their earning power, but rather the destruction of the integrity in the purchasing power of that piece of paper.

Now I tell my colleagues some people are extremely sensitive about this issue, and those are people that trace their roots in German history back to that period when their government totally destroyed the integrity of those pieces of paper over there.

When I taught history back 30 years ago, I used to have in my wallet a 50 mark note that was printed in Germany in 1914, about that size, fine quality paper, fine engraving, the ratio was about 4 to 1. And then I showed those kids a little piece of paper that size, printed just 9 years later. They did not even bother to print it on both sides. It was a 500 million mark note, and no German would have bent over to pick one of those out of the gutter.

Mr. Speaker, they had totally destroyed the integrity of their currency, and in the process they taxed their people out of existence, wiped out all of their savings, all of their investments, all their insurance, everything, and we all know the history that followed: that man with a charismatic appeal coming down the pike on his white horse, promising hope and salvation.

Mr. Speaker, we cannot blame the Germans in that state of desperation for falling for that appeal, but the fact of the matter is even though he was featured on the cover of Time magazine in the mid-1930's as Man of the

Year—and why? Because he had restored a sound currency, he built the autobahn and he put them all in VW's. We all know the rest of that story.

Mr. Speaker, I am telling my colleagues that indexation of that Tax Code is the only way we can protect individual citizens against this very clever, but very insidious means of imposing increased taxes on individuals without them realizing it.

Keep in mind that in 1970 President Nixon took us off the gold standard, and he did because the world price of gold had at that point jumped to about $45 an ounce, and this piece of paper was redeemable still at $35 an ounce. One could turn their paper in and get gold in return.

Gold today is $350 an ounce, and that is a commentary on the insidious erosion of the integrity of this piece of paper that has gone on as a result of inflation through the years, a hidden tax, if my colleagues will, and that is why it is absolutely essential that we preserve indexation of capital gains that is long overdue so that those people who were doing the things we were all counseled to do as kids, and that is to not blow it all at the end of the week on instant gratification, put something away for that proverbial rainy day. Do that, and get hammered repeatedly under our stupid absurd Tax Code, but this is especially true with investments that are made in the capital gains that are realized.

So if we want to enjoy a reduction in capital gains taxes, than guarantee that it stays in place, and we guarantee it stays in place by indexing that into the future.

Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Speaker, I thank the gentleman for yielding me time to talk about this issue, basically the refundability of our child tax credit. That is a fancy word to mean that somebody gets something from the Government that they do not send in the first place. It is a negative income tax. We already have that in the form of the earned income credit. It is a very generous credit. One can get up to about $3,400 a year back from the Government without paying any income taxes. That is a good program because it encourages people to work rather than rely on cash welfare programs.

So I think all of us agree that the earned income credit is a valuable program, but it is already in place, and in fact we increased it in 1993. We made it more generous in an effort to help people who were making those low wages have a livable wage, a livable income for their families. That is in place.

What we are trying to do in this tax bill is give a break to those middle-class families that do pay income taxes. This is an income tax cut, so it does not make any sense for us to be here on the floor today talking about not an income tax cut, but basically an increase in what is essentially a welfare program, the earned income credit.

And that is what my friends on the other side are doing, trying to confuse the issue. We already have the welfare program in place. The earned income credit; I like it, I support it, but that is not what this bill is all about. This bill is about giving middle-class folks in this country who work hard and pay income taxes a break. Do not be confused.

So I would say to my good friends, "If you want to increase the earned income credit, let's talk about it. If you want to give a break in Social Security taxes, let's talk about it; or in Medicare taxes, let's talk about it. But you know very well if we do those things, there are consequences with respect to those programs."

I would also point out that if my colleagues want to talk about relief from payroll taxes such as Social Security taxes and Medicare taxes, they ought to know that those folks in our society who are at the lower end of the income scale and pay those payroll taxes are paying for very specific programs that they will benefit from, and in fact those programs and the tax system supporting those programs are very progressive. That is to say, those folks at the lower end of the income scale will get back in benefits much, much more than they ever pay in payroll taxes.

Mr. CARDIN. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN] a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, first of all let me respond to my friend from Louisiana. The way the President has shaped this, this is the question:

Should people who are paying income tax and/or payroll tax receive the child credit?

And essentially what my colleague is saying is the child credit should not go to people who are paying payroll taxes. Why? Because it is for a specific purpose.

I think taxes are for specific purposes, and we are willing to take this issue to the country. It is not welfare to say to somebody who has a couple of kids, who is paying net payroll taxes, we are going to give you a child credit. A lot of these people are middle-income taxpayers.

Now let me say a word about this 10-year versus 5-year analysis. The Joint Committee on Taxation has refused to give a 10-year analysis period. Why? For two reasons. A 10-year analysis will change the distribution and will show that increasingly from the fourth, fifth year on, more and more of the tax cut goes to very wealthy families. So they will not show, they do not come up with it.

Second, it will show, as the years go on, there is a greater danger of blowing a hole in the deficit.

So essentially the refusal of the Joint Committee on Taxation to come up with a 10-year versus a 5-year analysis is kind of a coverup, and it makes the figures of the gentleman from Illinois [Mr. CRANE] essentially half fact at best. This is a 10-year budget agreement. We need a 10-year analysis. Where is it?

Mr. Speaker, where is the gentleman's 10-year analysis? He does not have one.

So the gentleman can repeat his half fact, and at best it is a half fact, forever, and it is nothing more than a half fact.

The gentleman from New York [Mr. RANGEL] and I wrote to Mr. Keys yesterday. He said in an article, we will service Democrats equally with Republicans. We do not have an answer, and now I guess we are told it is going to be a number of weeks away. The CRS has said the Treasury Department analysis is more reliable than that of the Joint Committee on Taxation.

Republicans, come up with a 10-year analysis.

Mr. CRANE. Mr. Speaker, I yield myself 30 seconds to respond to my colleague across the aisle.

Show me any projection out over 10 years, whether it is Treasury, CBO, Joint Committee on Taxation, that is on target.

What I said before, though, was the Joint Committee on Taxation at least is comprised of bipartisan membership in contrast to Treasury.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. LEVIN] to respond.

Mr. LEVIN. Mr. Speaker, I thank my friend for yielding this time to me.

So now, now the answer from the majority is we will not come up with a 10-year analysis because they are not reliable, even though this is a 10-year budget agreement. No, the reason the majority will not come up with a 10-year analysis is because the second 5 years show the maldistribution and show that they blow a hole in the deficit.

So I say again to the Joint Committee on Taxation, "Show your bipartisanship, give us a 10-year analysis right away."

□ 1330

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a distinguished member of the Committee on Ways and Means.

Mrs. KENNELLY of Connecticut. Mr. Speaker, as I look at this motion to instruct conferees and read down the list, I see what could be a very, very fine bill for us to pass and have the conferees write and that could get a majority on both sides of the aisle.

No. 1, created from insistence on the provision of the House bill that provides for indexing of capital gains, this sounds like a sensible idea. However, we cannot afford to do it down the line. Too many people have sacrificed their hard-earned dollars to pay taxes to find out that we finally balanced the budget, and then down the line 5, 6, 7, 8 years from now, that deficit goes right back up. It is not fair, it is not right, and we should not do it.

I read down and I see about education. Every one of us in this House can agree that, if this country is going to compete, we have to educate our young people and all people, because jobs are changing. The HOPE scholarship, people like the HOPE scholarship. President Clinton campaigned on the HOPE scholarship. The people liked it so much they returned him to the White House. We should have that. We should have the whole HOPE scholarship, not 50 percent of it, in the bill that is written by the conferees.

Include tax benefits for families paying tuition costs for the second 2 years of post-secondary education. Mr. Speaker, this is something I know about. The bill before us or the bill that has passed has a savings account that you can put money in, and then down the line you can have that in place for tuition, for anybody.

But what happens here as you enter into the second 2 years, there is nobody who is paying, just earning wages, living, taking care of their families, and they get nothing. If you are on salary and you cannot afford to save, and my husband and I had four children that we put through 4 years of college and graduate school, not taking loans. Let me tell the Members, we really had to work to do it. We could not save those years. Those years we were trying to buy a house. So I really hope that is put in there.

And they should not include a provision in the House bill that imposes taxes on graduate students. Do we not know anything? Graduate students, we need them if we are going to compete in this world. Take this motion to instruct, conferees, do something about it, and we will all vote for it.

Mr. CARDIN. Mr. Speaker, I yield 2½ minutes to the gentleman from Tennessee [Mr. TANNER], a distinguished member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I thank my friend, the gentleman from Maryland, for yielding time to me.

Mr. Speaker, I want to talk about the outyear deficit that is in the current plan passed by the House last week. We have a promise of a vote for an enforcement mechanism to translate the idea of a balanced budget to reality that we have been promised to vote on by July 24. I certainly hope it passes when it comes up, but if it does not, let us talk about where we are today in the House-passed plan.

The indexing of capital gains basically will put the revenue side of our Nation's budget on automatic pilot after the year 2002. If we learned anything about entitlement programs, we learned that beyond 1970, the early 1970's until today, we have had the entitlement programs on automatic pilot. That is the spending side. Our enforcement mechanism that I mentioned earlier will attempt to get our arms around the spending side of this equation as soon as possible under this deal. We know we have to do it.

Can Members imagine that in 1963 every dollar that came to Washington, DC was obligated, about 30 cents of that was obligated for mandatory spending, either interest on the debt or other entitlement spending, and 70 percent was available for us to make public policy with? If we do nothing about the spending side entitlements in the 21st century, that ratio will be reversed. Over 70 cents of every dollar that comes to this town will be obligated.

It does not take a rocket scientist to figure out that it then becomes impossible to cut out of the 28 percent that includes our Nation's defense enough money to keep up with the escalating cost of the 72 percent that is represented by interest and entitlements.

Here in the House-passed plan we are going to exacerbate that problem by putting on automatic pilot the revenue side, when we are trying to stop that on the spending side. This is not good public policy. This motion to recommit would remedy that shortcoming, that failure in the House-passed plan.

I would say this, while we are here in public office as stewards of this great land, I can think of no legacy that would make our forefathers less proud of us than to leave a broke America to those who come. We owe $5.4 trillion. We must not continue public policy statements that put on automatic pilot these programs.

Mr. CRANE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would simply like to remind my distinguished colleague that it is the lack of discipline in this body and the body across the Chamber here, of the Capitol Building, that is responsible for that escalation of spending beyond control.

We have increased taxes dramatically. In fact, just in the decade of the 1980's we doubled total revenues from $500 billion to $1 trillion, and yet our national debt combined to escalate astronomically because of the lack of discipline here. I would urge colleagues to keep that in mind.

Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding the time to me. Mr. Speaker, I also want to comment on the remarks of my colleague on the Committee on Ways and Means, who I have great respect for, and his eloquence in terms of having us control the spending side.

But I rise to oppose this motion to instruct because the second provision, which says that they would like to provide the focused per child tax credit to people who are not paying taxes, that would make that credit a refundable credit. The only way we could do that is to make it a cash payment.

I think people should understand that is a huge source of fraud and noncompliance. When I visit the middle part of Michigan and have town meetings, people are always talking to me about the fraud in these programs, and how can we get at that.

In April of 1997 the IRS released a study that said the EITC, which is a refundable credit, had an error and fraud rate of 21 percent. So that meant of the $28 billion in 1998, nearly $6 billion was due to error and fraud, according to the Clinton administration's IRS. That is completely and totally unacceptable.

We have heard a lot of rhetoric about how much help is enough. All EITC recipients already receive public assistance which is unavailable to middle-income taxpayers. For example, a family of four with one worker and two children who earns $18,000 a year receives an EITC of $2,555 and has a total income and FICA due of $199. A family, the same family of four that had an income of $24,000, would have an EITC of $1,292, a total income and FICA taxes due of $2,380. A middle-income family of $50,000 would receive no EIC, would have a total income tax of $11,505.

Mr. Speaker, I would like to be able to help every taxpayer and every individual more, but we really need to bring some help to these middle-income taxpayers. And just as a note, under the Clinton administration proposal, at $60,000 of income a family of four would have a tax liability over $14,000 and they would see their $500 per child tax credit begin to be phased out or lost under that proposal.

So I think we have no alternative but to oppose this motion to instruct, because what it does is make this $500 credit refundable. There is so much fraud in the refundable credit system we have seen already with the EIC, and Americans are saying, please, do something about the fraud; do not create another fraudulent program.

Mr. CARDIN. Mr. Speaker, I yield 15 seconds to the gentleman from Tennessee [Mr. TANNER], my friend, to respond to the comments made by the gentleman from Illinois.

Mr. TANNER. Mr. Speaker, I just would like to reiterate that the gentleman from Illinois emphasizes a point I am making. Spending did go up in the 1980's because of the automatic pilot that was put on the entitlement programs in the early 1970's. It is rising faster than we can cut domestic discretionary and other spending. We are going to do the same thing on the revenue side. It is a mistake.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BECERRA], a distinguished member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank my colleague, the gentleman from Maryland, for yielding time to me.

Mr. NEAL of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding to me, and I also wanted to thank the gentleman from Maryland [Mr. CARDIN] for this opportunity.

I want to clarify a couple of issues here. Perhaps the gentleman could help me seek that clarity. There have been many changes that appear to have been made to the President's education package. These changes to me appear to be detrimental to low- and moderate-income students and seem to benefit those in the higher income brackets. Do not the Republicans provide a reduced HOPE credit for the first 2 years in college in the case of students attending a low-cost institution?

Mr. BECERRA. That is correct, Mr. Speaker. If the gentleman looks at it closely, for a student who attends a low-cost public college with tuition somewhere around $1,000, under our plan, under the Democratic plan presented by the President, that HOPE credit would be $1,500. But under the Republican plan we have passed out of the House, the credit would only be $750. This change would particularly hurt students from low- and moderate-income families, those working class families that typically attend those junior colleges that do not cost all that much.

I am as concerned, as anyone else on this floor should be concerned, about helping working families pay for all 4 years of college. Is the gentleman aware of any tax incentives that the Republican proposal has for families paying tuition expenses for the last 2 years of college out of their salary or wage incomes?

Mr. NEAL of Massachusetts. No, it is my understanding that families will receive tax incentives provided by the Republican proposal for families paying tuition costs out of dividends and interest. There are no income limitations on the tax incentives provided by the Republicans.

Mr. BECERRA. The President's education proposal, supported by the Democrats, would have provided tax benefits for working families paying those tuition costs out of salary or wage income, but do not those proposals have income limitations?

Mr. NEAL of Massachusetts. Yes, they do. The proposals were not available to families with incomes in excess of $100,000, and they began to phase out at incomes over $80,000. Families with incomes over $100,000 paying tuition costs out of dividend and interest income are one of the few categories of taxpayers to receive more benefits under the Republican approach than under the Democratic approach.

Mr. BECERRA. We are talking about higher education here. Graduate education, which is postsecondary education at the highest level, where we have our chemists, our scientists, our teachers coming out of our schools, that is extremely important as well. I am concerned that there are some provisions in this bill that would detrimentally affect graduate students, those who have already got the undergraduate degree and now are trying to get that graduate degree to be the scientists and chemists and inventors of the future.

Can the gentleman explain it? There is a particular provision that is harmful to those graduate students. Can the gentleman explain that to us?

Mr. NEAL of Massachusetts. Mr. Speaker, I am glad the gentleman raised that. I used to teach these courses. Under current law, graduate students, teachers, assistants, or researchers are not taxed on the amount of tuition waivers granted by the institution. The House bill would repeal this exemption and these students would have to pay taxes on the amount of those tuition waivers.

Mr. BECERRA. It is my understanding, and it has been a while since I was in college as a graduate student as well, that these graduate students, we are talking not about so much the business school and law school and medical school graduates, but the folks studying science and chemistry and mathematics, that they average about $10,000 to $15,000 in income. How much of a tax does this bill impose on those types of students?

Mr. NEAL of Massachusetts. Their bill, the Republican bill, would treat as taxable income the tuition reduction of these students, and this could be as much as $25,000. It would result in an average tax increase on graduate students of $4,000. It is hard to believe we are taxing hard-working students who are serving the future needs of the Nation.

In Massachusetts alone we have numerous graduate students who are making technological advances, and we should not reward their efforts with a tax increase.

Mr. BECERRA. I have taken a look at the tax bill as best I can find. The tax that is being imposed on students who earn, say, $10,000 or $12,000 is not going to help provide other opportunities for other people going to college, it is there to help pay for the cost of these tax breaks that mostly well-to-do Americans are going to be receiving.

How does that strike the gentleman?

Mr. NEAL of Massachusetts. That is true. And on the House bill, it simply does not include permanent extension of employer-provided education either. We live in an atmosphere now and at a time when people are going to have to be continually called upon to upgrade their skills. There is nothing in the House bill that supports lifelong learning. Maybe the gentleman could explain to me the absence of this exclusion.

Mr. BECERRA. By not providing for that tax credit for employers that try to provide education to some of their employees, what we are doing is saying if an employer has decided that it would be good for that employee to get further trained, that no longer can the employer say to that employee, you can now get that training and we will both receive the benefits of a tax credit by having had you better educated.

☐ 1345

Now the IRS will have to decide if there is any tax credit to be had by the employer or the employee.

Mr. NEAL of Massachusetts. Mr. Speaker, that was very helpful. I thank the gentleman very much.

Mr. CRANE. Mr. Speaker, I yield myself 30 seconds.

With respect to item 3(c) relating to graduate teaching assistance with respect to tuition waivers, it is expected that the conferees will clarify that no change in current law will apply to tuition remissions for graduate students. There was no intention on the part of the House to change the treatment of graduate students.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, let me begin my brief remarks by commending the gentleman from Illinois [Mr. CRANE] and other members of the Committee on Ways and Means for trying to keep what I would define as a good balance between various groups of taxpayers in this bill.

The colloquy that we just heard, Mr. Speaker, is just a continuation, and I might say a very good continuation, of the debate that was started by Secretary Rubin 10 days or so ago, when we began to try to point out that the Republican proposal, which this motion seeks to change, benefits the more wealthy taxpayers in this country, which is simply not true.

As a matter of fact, the balance that I spoke about just a minute ago, which the gentleman from Illinois [Mr. CRANE] and the gentleman from Texas [Mr. ARCHER] and others on the Committee on Ways and Means have been so careful to try and maintain, is exactly the same balance that the Democrats voted for in 1993 and that Bill Clinton signed into law, the same balance among various groups of taxpayers.

This chart will help me to explain what I mean.

This chart shows in 20 percent jumps five groups of taxpayers ranging from the 20 percent lowest group of taxpayers to the 20 percent highest group of taxpayers. Under the bill that was voted for by all of you in 1993 and subsequently signed into law by President Clinton, 1 percent of the taxes that are paid in this country are paid by the lowest 20 percent of the taxpayers.

Conversely, 63 percent of the taxes that are paid in this country, as shown by the red line at the far end of the chart, 63 percent of the taxes that are paid by all taxpayers are paid by the highest 20 percent. And as you note, coming from right to left, this way, 21 percent are paid by under the current tax system by the second 20 percent down, if you will, and 11 percent and 4 percent and back to the 1 percent.

Now, the balance that I speak of that is so important in the Republican proposal maintains exactly the same ratios as demonstrated by the yellow bars at the far end. Still under this proposal, 63 percent of the total taxes that are paid, I want my friends to understand this, are still paid by the highest quintile or the highest 20 percent.

Likewise, 21 percent of the total taxes that are paid are paid by the fourth quintile or the step down one notch, 20 percent. That is those taxpayers between 60, who are between the 60 and 80 percent mark. So this is very important.

What this motion seeks to do is to change this balance rather dramatically, as Secretary Rubin tried to do 10 days or so ago before our debate when we passed the Republican proposal, and the colloquy that we just heard also seeks to disrupt the ratios that all of you supported in 1993.

I frankly, Mr. Speaker, have a hard time understanding why if it was good in 1993, why it would be bad under the Republican proposal that passed this House just a few days ago.

I thank the gentleman for yielding me the time, and I hope that this helps to clear up this matter somewhat.

Mr. CARDIN. Mr. Speaker, I yield myself 15 seconds to respond. I have not run into too many people that are in the upper 5 or 10 percent that are complaining that they cannot support their children going to college or that they need the child credit. The people at the highest incomes are paying about 21, 22 percent of their income in taxes; middle-income people paying about 19, 20 percent. The people who need the relief are the people in the middle income.

Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, just a quick response to the gentleman from New Jersey. I have a quote here from the Boston Globe on June 19 of this year in which it suggests, "'and graduate students include future doctors, lawyers and engineers,' he said. 'We do not think it is appropriate to give people who are on the verge of becoming society's highest paid workers tax benefits that are not available to others.'"

The University of Massachusetts Medical School is at the other end of my district.

Mr. CRANE. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I would respond to the gentleman by saying that the chart that I just showed demonstrates full well that 84 percent of the taxes that are paid in this country are currently paid by people who are in the 60 to 100 percent number of people who pay taxes. That is the highest incomes. So that 84 percent of the total taxes that are paid in this country under the Republican proposal are likewise paid by that same upper income group.

Mr. CARDIN. Mr. Speaker, I ask for the time that remains on both sides?

The SPEAKER pro tempore [Mr. GILLMOR]. The gentleman from Maryland [Mr. CARDIN] has 6¼ minutes remaining, and the gentleman from Illinois [Mr. CRANE] has 7 minutes remaining.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, the Revenue Reconciliation Act contains a very destructive provision that would destroy employment relations in our country and eliminate key economic benefits essential to working families.

I am speaking of the independent contractors proliferation clause. This provision would reward employers for reclassifying their employees as independent contractors. It would let employers avoid paying Social Security taxes and overtime pay. Workers who are classified as independent contractors would lose health insurance, lose jointly-funded pensions, lose family medical leave, lose workers' compensation and lose unemployment benefits.

Millions of American workers would be exploited and an American tradition of respect for workers would be lost as well. This radical change in worker classification will enable the companies which can reassign workers to independent contractor status a competitive advantage over socially responsible companies. This will reduce American workers, rob them of their benefits, harm the American family and steal from the U.S. Treasury. It is financially and morally bankrupt and it should be defeated.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me the time. I do not have any charts today or pictures or graphics. I want to talk about real people, Mr. Speaker.

Real people want tax relief. Real people want to target tax cuts to families who get up every morning and go to work and pay their bills. Real people want to target tax cuts to students so they can pay for the college or vocational training, and real people want to target tax cuts for farm families and small business owners.

These Republican tax cuts are like those aliens in Roswell, NM. Real people will never see them. It is just wrong to have two-thirds of the tax cuts go to families earning $100,000 or more. The bulk of the tax cuts should go to the hardworking middle-income real families in America.

The original bipartisan balanced budget agreement called for the $1,500 tax credit for college tuition. Let me give you a real-people example. The student at Northeast Wisconsin Technical College currently pays $1,600 in tuition. Under the Republican tax bill, he or she would save half the amount. Under the bipartisan tax plan, the student would save the full $1,500. It is real savings for real people.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise as one of the 27 Democrats that voted in favor of this bill, but voted for it because, first, I believe my constituents back home in Indiana, whether they want to send their kids to college or they are a farmer or they have worked hard on a business, they deserve a tax cut. But it needs to be fair. It needs to be paid for, and it should not have hidden taxes in it.

I rise in support of this motion to instruct for one reason, because it gets the indexing out. The indexing provision in the last 5 years costs $14 billion.

Second, this motion to instruct will provide tax relief to the $25,000-a-year plant worker or policeman who pays FICA taxes. They get a child tax credit.

Third, this motion to instruct removes the hidden tax on graduate students that are receiving tuition waivers. If you are for tax fairness, if you are for fiscal responsibility, if you are for delivering taxes in educational areas for people across this country, vote for the motion to instruct.

Mr. CARDIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the motion to instruct, a commonsense plan and a commonsense tax bill.

Mr. Speaker, I would like to urge my colleagues to vote in favor of the motion to instruct the conferees on the Reconciliation Tax Act. The Conferees should be urged to provide fair and equitable tax relief to working families, support a child credit and education tax benefits for working families, and oppose indexing of capital gains. A new Treasury Department analysis reveals that the Republic bill is light on relief for working families, and heavy on tax breaks for the rich. According to the Treasury Department analysis, only a third of the tax breaks in the Republican plan go to the middle 60 percent of all families—that's families making between $17,000 and $93,000 a year. By stark contrast, the Democratic alternative gives two-thirds of the tax breaks to the same middle 60 percent.

The Republican plan skimps on the tax breaks for college students in their budget. The Republican tax bill provides only half of the $1,500 tuition credit for the first 2 years of college, does virtually nothing for juniors and seniors, and raises taxes on some graduate students. In stark contrast, President Clinton and congressional Democrats have offered an alternative that includes the full $1,500 HOPE credit for the first 2 years of college, plus a 20-percent tuition credit for any subsequent years.

A Wall Street Journal/NBC poll released on June 26 revealed that Americans prefer the Democratic tax alternative to the GOP plan by a 2-to-1 margin, 60 percent to 31 percent. A USA Today/CNN/Gallup poll released on July 1 found that 52 percent of Americans think the Republican tax plan favors the rich. Based on these numbers, I urge my colleagues to vote in favor of the motion to instruct.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Let me reiterate one point that I made before. It has to do with indexation of the Tax Code. Indexation of the Tax Code was one of the most profound, fair, and proper things that we did in our Tax Code when we did it back in 1981. It eliminated that subtle, disguised means of steadily imposing increasing taxes on all working Americans unbeknown to them. It was a clever gimmick. Whoever thought it up, we have to give the guy credit because people did not seem to catch on to that for a generation. But indexation of capital gains is something that is essential to guarantee that we are not going to reverse what we are trying to do with this package, and that is to provide tax relief 5 years out. You reverse that and you vote for the elimination of indexing of capital gains, what you are calling for is an increase in taxes that you are trying to produce at that time. You want to start raising taxes again.

Many of you, I am sure, were not here in 1980, but on the other hand I am sure you all have a vivid recollection of Jimmy Carter's last year, what the inflation rate was in that single year, 14.6-percent. It could happen again. That was a 14.6 percent increase in taxes on all Americans through this hidden, devious means of inflation of our currency.

I would urge all of our colleagues to support and preserve and protect indexation of our entire Tax Code.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 3¼ minutes.

Mr. BONIOR. Mr. Speaker, we worked very hard to bring the Reagan-Bush deficits down to a 20-year low. In 1992, when Bill Clinton was elected to the U.S. Presidency, he inherited a deficit of $290 billion a year. In 1993, without one Republican supporting our budget deficit proposal, in the House or the Senate, all being supported by the Democrats, we have brought that deficit down, year-after-year, from 290 to 255 to 203 to 164 to, in 1997, $45 billion and next year it will be balanced. That was the balanced budget proposal that got this country back in balance.

What this tax proposal that we are debating today will do will shoot these numbers off this chart, back up to the range of not $300 billion but as the Center for Budget Priorities estimated, $650 to $700 billion because of the issue that the gentleman from Illinois just touched on, indexing of capital gains.

This Republican tax bill is an ugly attack on America's working families. It is a big bonanza for big corporations and the wealthy. It is a bad deal for everyone else. It is a bad deal for teachers, for nurses, for plumbers, for secretaries, and every other working person who is going to have to pick up the tab when this starts to skyrocket again.

□ 1400

American working families deserve tax relief. We need to cut their taxes and we can do it while balancing the budget, but this Republican tax bill is nothing. There is nothing in it for working families.

If we take the case of a rookie police officer in the Speaker's own district in Georgia, he and his wife are trying to raise two young children, they have a household income of $23,000, they pay thousands of dollars, thousands of dollars in Federal taxes. Under the Republican bill, this family will get zero tax relief. Not a single dollar. This police officer, a family man who puts his life on the line every day, gets absolutely nothing.

Under this same Republican tax plan, the millionaire who spends his day on his yacht talking to his stock broker on his cell phone will get a tax cut on capital gains. He will get an estate tax cut. If he owns a corporation, there is a $22 billion giveaway on the corporate minimum tax. He may even qualify for that special tax loophole to benefit 1,000 wealthy investors that somehow slipped into this bill, a tax break that will cost all of us about $9 billion.

Under this Republican tax bill the millionaire gets thousands of dollars in tax breaks, while the working people, the police officer, the teacher, the secretary, the plumber, the manufacturing worker get absolutely nothing. And this Republican giveaway to the wealthy is going to bust the deficit wide open again and put us into the same situation we inherited with Reagan and Bush.

Now, some of my Republican colleagues have the gall to say that an income tax cut for young working families would constitute welfare. In fact, one conservative columnist wrote the other day that the proposed cuts are welfare benefits to inspire breeding. That is an insult to every working family, that is wrong, this motion to instruct needs to be passed and I urge my colleagues to support it today.

Ms. SANCHEZ. Mr. Speaker, I rise today in support of tax relief for millions of hard-working Americans.

It is time to give every American their first tax cut in 16 years. It is our job to ensure that all Americans receive the benefits promised from this tax bill.

Fortunately, this plan does provide tax relief for young families who are worried about the future educational needs of their children.

While this is a good first step toward helping families and students there is still much more to be done.

I am a fiscal conservative. That is why I voted for the taxpayer relief bill. But being fiscally conservative does not mean that working class Americans should be left out of these tax cuts. We can do better to ensure a fair distribution.

We have seen many fancy charts and graphs in this debate but what really matters is what the American people see in the bottom line on their 1040 next April.

Working class Americans carried the burden of financing the cold war. Working class Americans carried the burden of financing oppressive Federal deficits of the last decade. Working class Americans deserve a return on their investment. Working class Americans deserve the bulk of this tax cut.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York [Mr. RANGEL].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARDIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 199, nays 233, not voting 2, as follows:

[Roll No. 258]

YEAS—199

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—2

Schiff
Slaughter

☐ 1422

Messrs. SHUSTER, GRAHAM, DEAL of Georgia, BARRETT of Nebraska, CHRISTENSEN, NUSSLE, AND RIGGS changed their vote from "yea" to "nay."

Mr. SCHUMER and Mr. ORTIZ changed their vote from "nay" to "yea".

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the Chair appoints the following conferees:

For consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. KASICH, ARCHER, CRANE, THOMAS, ARMEY, DELAY, MCDERMOTT, RANGEL, STARK, and MATSUI.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 702 and 704 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Ms. MOLINARI, and Mr. OBERSTAR.

As additional conferees from the Committee on Education and the Workforce, for consideration of sections 713–14, 717, 879, 1302, 1304–5, and 1311 of the Senate amendment, and modifications committed to conference: Messrs: GOODLING, FAWELL, and PAYNE.

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 181 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 181

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with ": *Provided*" on page 46, line 25, through "part 121" on page 47, line 6; and page 76, line 10, through line 13. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendments printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

REQUEST TO AMEND HOUSE RESOLUTION 181

Mr. SOLOMON. Mr. Speaker, I would respectfully ask unanimous consent that the amendment to House Resolution 181 that I have placed at the desk be considered as adopted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

Page 2, line 14, after "line 6;" insert "beginning with ': Provided' on page 61, line 22 through 'Reserve' on page 62, line 4;".

□ 1430

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentleman from New York?

Mr. YATES. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 181 is an open rule. It provides for consideration of H.R. 2107, the Department of Interior and related agencies appropriations bill for fiscal year 1998. The rule provides an open amending process, allowing any Member of this House to offer cutting amendments or offsetting amendments, including limitation amendments normally allowed under an open rule. No additional restrictions are written into this rule. This is the open amendment process. It also offers an acceptable compromise for many Members on the contentious issue of funding the National Endowment for the Arts.

The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations. The rule also provides necessary waivers to allow the bill to be considered on the House floor here today. The rule waives section 306 of the Budget Act, which prohibits matters within the jurisdiction of the Committee on the Budget in a measure not reported by that committee, against consideration of the bill.

The Committee on Rules understands this waiver to be technical in nature and that it does not constitute a substantive violation of the Budget Act. Otherwise we would not be giving the waiver here today.

The rule also provides certain waivers of points of order against the bill itself with certain exceptions as specified in the text of the rule. Members have copies on the desks in front of them.

Specifically, the rule waives clause 2, prohibiting unauthorized and legislative provisions in an appropriations bill, and also clause 6, prohibiting reappropriations, of House rule XXI against the bill, except as noted in this rule.

The first items in the bill left exposed to points of order for lack of authorization or legislating on an appropriations bill are two provisions relating to Forest Service credit issued for purchasers of timber for the construction of roads, and a limitation on the availability of timber purchaser road construction credits to small businesses. These provisions were objected to by the chairmen of the authorizing committees, the Committee on Agriculture and the Committee on Resources.

The second item in the bill left exposed to a point of order for lack of authorization is a $10 million appropriation for necessary expenses of the National Endowment for the Arts.

Mr. Speaker, the exposure of this agency to a point of order in this rule bears further explanation. As I mentioned earlier, clause 2 of House rule XXI prohibits unauthorized appropriations and legislation on an appropriations bill. Those are the rules of the House.

General appropriations bills are privileged on this House floor. However, the Committee on Appropriations in modern practice has sought special rules from the Committee on Rules which provide for consideration of bills and waive appropriate points of order. Mr. Speaker, in the 104th Congress the Republican leadership established a protocol relating to waivers of unauthored programs or legislative language in general appropriations bills. Under this protocol, the Committee on Rules would provide the necessary waivers to enable the bill to come to the floor if the authorizing committee chairmen did not object to them. If the authorizing chairmen object to the waivers, then under the leadership's protocol, the Committee on Rules would leave the specific language in question exposed to a point of order on the floor.

We attempted to do that a few minutes ago, before the gentleman from Illinois [Mr. YATES], the ranking member, objected, because it was inadvertently protected for the Strategic Petroleum Reserve, which if we had received the letter in a timely manner from the Commerce Department, we would have certainly left that measure exposed, as we have others like the NEA.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I would tell the gentleman I would not have objected to his amendment had he included as well protection for the National Endowment for the Arts.

Mr. SOLOMON. Again there is absolutely nothing I would not do for the gentleman from Illinois [Mr. YATES]. The gentleman is the most respected member of this body. I think we all agree to that on both sides of the aisle. But let me explain why.

Mr. Speaker, yesterday, the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce, wrote to the Committee on Rules and recommended that the National Endowment for the Arts not be allowed to continue without an authorization from his committee and, hence, that the $10 million in the bill for the NEA be exposed to a point of order. We are again honoring the protocol, and we are honoring the request of that committee chairman of that very important committee.

Mr. Speaker, the House has grappled with the issue of funding arts programs for many years now, and this year is no exception. The NEA, as we know it, is likely to be stricken from the bill by a point of order. As a matter of fact, it will be, we are told.

After that occurrence, the rule provides that it shall be in order to consider an amendment offered by the gentleman from Michigan [Mr. EHLERS] which represents a different approach to Federal arts funding. This amendment contains a block grant art proposal which provides a total of $80 million, 40 percent of which is dedicated to state art commissions in the individual States and 60 percent to local school boards for school-based art activities. In other words, we give 40 percent of this $80 million to the local school districts in Members' congressional districts so that they can develop the art programs as they see fit and not as some bureaucrat here in Washington sees fit.

Mr. Speaker, the House should explore various alternatives to address the Federal commitment to the arts. I have long believed that rather than take the money from the taxpayers, perhaps we should just pass the hat around at the next Academy Awards presentation. The amount that we collected at that award might double last year's NEA budget. Certainly those people can afford it with their tens of millions of dollars in salaries and their earnings.

Mr. Speaker, the Committee on Rules believes this compromise of exposing NEA to a point of order to respect the committee system while allowing a vote on the approach of the gentleman from Michigan [Mr. EHLERS] to Federal arts assistance is a fair and workable accommodation for all parties involved.

Mr. Speaker, if I might continue to describe the rule, it also makes in order two additional amendments, one by the gentleman from Florida [Mr. WELDON] relating to the Canaveral National Seashore and the deficit reduction lockbox amendment offered by the gentleman from Idaho [Mr. CRAPO]. These amendments are debatable for 10 and 20 minutes respectively, are equally divided between a proponent and an opponent and are not subject to further amendment. The rule also waives all points of order against the amendments.

Finally, Mr. Speaker, this rule waives clause 2(e) of rule XXI, which prohibits nonemergency amendments to be offered to a bill containing an emergency designation under the Budget Act against amendments to the bill.

The rule also includes one motion to recommit, with or without instructions, for the minority.

Having finished describing this important rule, I might emphasize the importance of supporting the lockbox amendment made in order by this rule. There are many Members on the other side of the aisle, I think they call themselves the Blue Dogs, and they all have asked for this amendment to be made in order, along with the gentleman from Idaho [Mr. CRAPO] and Republicans on this side. This amendment is made in order for them.

The Crapo amendment will make the budget process more user friendly for Members who wish to offer spending cut amendments on the floor of the House and the Senate. When a spending cut amendment is adopted, savings from that amendment will be credited to deficit reduction and not left hanging there to be used for other spending purposes.

This amendment is identical to the bill that was reported by the Committee on Rules during the last Congress and passed this House under an open rule on September 13, 1995, by a bipartisan vote of 364 to 59. We would expect that same vote today; as a matter of fact, an even stronger vote since a new Congress has been seated since that time and most of those are fiscally conservative Members. Similar lockbox language was also adopted by the House on two other occasions attached to bills like this, appropriations bills.

Mr. Speaker, with such vast support for the amendment during the last Congress, it follows that it should once again be included with these funding bills.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, for yielding me the customary one-half hour, and I yield myself such time as I may consume.

Mr. Speaker, at the outset, I want to be perfectly clear that the rule we are considering today will kill for all times the National Endowment for the Arts. My Republican colleagues might say that they are creating a smaller substitute program, which is like throwing an 11-foot rope down a 12-foot well to rescue someone. The fact remains, Mr. Speaker, with this rule, they are killing Federal support for the arts.

Mr. Speaker, there is not a congressional district in the entire country that has not benefited from the NEA. Even the district of my good friend, the gentleman from New York [Mr. SOLOMON] got eight National Endowment for the Arts grants in fiscal year 1994, including the Crandall Library in Glens Falls, which put on folk and traditional art programs; the UNIMA-USA Theater in Hyde Park; arts awareness in Lexington, NY, which put on visual arts programs, and the Mettawee Theater Company in Salem; and Music for Salem.

I recognize that in the past, there have been some bad decisions on the part of the NEA but their number was small, and today it is zero. According to the Atlanta Journal-Constitution, less than four ten-thousandths of NEA funds have been misdirected. Again, Mr. Speaker, less than four ten-thousandths of NEA funds have been misdirected. But even since then, Jane Alexander and her NEA staff have taken extraordinary steps to ensure that offensive programs are not funded.

Mr. Speaker, artists supported by the National Endowment for the Arts have gone on to win Pulitzer Prizes, National Book Awards, Emmys, and Tonys. In fact, the man who wrote the play "Driving Miss Daisy," Alfred Uhry, says that his play, and I quote, "never would have gotten out of the garage if not for the support of the National Endowment for the Arts."

□ 1445

Yet the Republican leadership wants to add this program to the increasing pile of popular Federal programs that they have already eliminated.

Now I might add, Mr. Speaker, the National Endowment for the Arts is already operating under enormous cuts. Two years ago my Republican colleagues cut it by 39 percent. Today the total NEA budget amounts, and I wish the Members would listen, the total NEA budget today amounts to one one-thousandth of 1 percent, one one-thousandth of 1 percent of the entire Federal budget. In other words, Mr. Speaker, it is not much.

So, Mr. Speaker, this debate really is not about money, it is about philosophy. It is about ending arts experience for millions of Americans, all for the sake of taking a political stand.

Mr. Speaker, enough is enough. Art in all of its forms touches our souls in ways that just cannot be measured in political points, and despite the huge cuts the arts endowment still manages to bring Shakespeare to the inner cities, classical music to the Midwest and ballet to the suburbs. It improves children's basic skills, it improves their math ability, raises their SAT scores and enriches their lives, and the Republican leadership has no business taking that away.

President John Adams once said:

"I must study politics and war so that my sons may have the liberty to study mathematics and philosophy in order to give their children the right to study painting, poetry and music."

Mr. Speaker, John Adams was right.

To my colleagues who by their support of this rule decide that we do not need the NEA, let me say that since the National Endowment for the Arts was created in 1966 there has been an explosion of community arts across the entire country. Thanks to the NEA, Mr. Speaker, we have eight times more nonprofit theaters, thanks to the NEA we have seven times more dance companies, and thanks to the NEA we have four times more orchestras and opera companies. Without the National Endowment for the Arts only people in big cities like Boston, Los Angeles, New York, and Houston would be able to enjoy the arts, but thanks to the NEA people all over the country of all ages now experience the joys of art.

And these art experiences, Mr. Speaker, do more than just bring people joy or educate our children. American culture exports raise thousands upon thousands of dollars a year. Every dollar that the National Endowment for the Arts provides attracts an average of $12 from other sources. The nonprofit arts industry represents 6 percent of our gross national product. According to the Ohio Hamilton Journal News, it is as big an industry as construction.

Mr. Speaker, the arts are most definitely in our national interest. The excuse that this represents a singular unauthorized appropriation is not entirely true. There are 13 unauthorized appropriations in this bill, all of which got waivers, all except the National Endowment for the Arts.

Mr. Speaker, there is not a State in this country that does not benefit from the National Endowment for the Arts. These are wonderful programs, and it would be a shame to see them suffer. Anyone who has gone to a children's festival, anyone who has experienced a small dance troop, anyone who has enjoyed folk art or seen the benefits of art-based literacy programs should join me in keeping this program alive. Although we cannot measure the dollar benefits of art programs, school lunches, health care for poor children or home heating assistance, there is no reason to eliminate them.

I urge my colleagues to join me in protecting the National Endowment by opposing this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my good friend, the gentleman from Massachusetts [Mr. MOAKLEY] quoted John Adams. As my colleagues know, over the Fourth of July I had the opportunity to respond to the President's Fourth of July message, and in my message to the American people I said:

"The Founding Fathers designed a government with limited defined powers, but that idea has been turned on its head," I said, "because instead of the government doing only what the Constitution allows it to do, it does whatever the Constitution does not forbid it to do."

And let me tell my colleagues something: What our Founding Fathers could not even comprehend is the idea of paying more in taxes than they do for food and shelter. Do my colleagues know that? They could not even begin to comprehend the idea of the American people working 6 months out of the year just to pay for the cost of government. Our Founding Fathers would have rolled over in their graves if they saw what has been happening here.

And, yes, we have over the last 3 years, we have eliminated 270 programs and bureaus and agencies and bureaucrats to bring this budget into balance. That is what this is all about today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER], a very valuable Member of this body, a member of the Committee on Rules, vice-chairman of the Committee on Rules, to expound on that thought a little bit.

Mr. DREIER. Mr. Speaker, I thank my friend from Glens Falls, the distinguished chairman of the committee, for yielding this time to me. This has obviously been an extraordinarily contentious debate, and I have to say first that to see the gentleman from Massachusetts [Mr. MOAKLEY] stand here and make his very eloquent arguments on the second anniversary of his liver transplant is a very important statement to this House, and I appreciate the fact that he has stepped forward.

But now having said that, I have got to say that I completely disagree with virtually everything the gentleman from Massachusetts said. The fact is John Adams did envisage the time when we would see that third generation from politics and war to mathematics and philosophy to music and poetry. He envisaged the idea of young people in future generations being able to participate in the arts.

Mr. Speaker, I feel very strongly about that. My father passed away this spring, and he had been chairman and president of the opera company in Kansas City, MO, and he was very involved, and he and I had many arguments about that. My dear friend, the gentleman from Illinois [Mr. YATES] and I have discussed this before: My dad wanted me to be a strong supporter of the National Endowment for the Arts, but I told him that as we looked at establishing priorities it is very important for us to realize that there is Government subsidization of the arts because we provide a tax deduction for people to make these contributions.

The gentleman from New York [Mr. SOLOMON] mentioned the fact that many of my constituents could in fact participate by contributing to the arts. Many large corporations have called for continued support for the National Endowment for the Arts. But I think we should do everything we can to encourage them to participate through even greater philanthropy.

And I have to say that having supported the Crane amendment myself in the past, this compromise is going to allow those local communities to enjoy Shakespeare, poetry, other very, very important arts because 40 percent of this funding will be going to State arts commissions and 60 percent to local school districts as we look at this compromise. And during that period of time, if this can in fact become law, and obviously there is a big question about that based on what might happen in the other body and down on the other end on Pennsylvania Avenue, but if we were to put this package into place, it seems to me that we could continue down this road of encouraging more and more people to contribute.

The arts are very, very important, and I am very proud that my family has spent many years as supporters of the arts. But it seems to me that, as we look at our priorities here, to claim that the sky is going to fall if the National Endowment for the Arts is not maintained exactly as it is today is a ludicrous argument because they are going to continue, the Government will continue to support them through providing opportunities for tax deductions to be out there, and I hope very much that we can move ahead with this balanced compromise approach.

Support this rule, and let us move ahead with the bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the gentleman from New York just said that this is about saving taxpayers money. That is not what it is about at all.

Just last week, I would point out, this House voted for enough B-2 bombers, which the Pentagon did not want, to pay for the National Endowment for the Arts for 108 years.

In my judgment this rule, Mr. Speaker, is a sham and a fraud. It is a cynical abuse of power to prevent Members of both parties from voting to save the National Endowment for the Arts. That is all it is.

The rule prevents the gentleman from Illinois [Mr. YATES] from offering a simple amendment to restore funding for the NEA on the grounds that it is not authorized, and then it allows an amendment which is 28 pages long which, in essence, is a complete and total rewrite of the NEA: No hearings, no public comment and not produced by any committee that I know. It is not a legislative product; it is a political product. It is a device which was designed by the committee simply to allow Congress to assassinate the NEA behind the smokescreen of this substitute amendment. It is a procedural power play to prevent Members of both parties who went up in the Committee on Rules yesterday asking for the simple right to vote to continue the NEA as is. And it ought to be turned down because it is a smokescreen.

Mr. Speaker, it is a sham substitute. It provides block grants to State agencies, but the agencies who are supposed to receive that money have themselves said they do not want this arrangement. They have said:

> State art agencies rely upon Federal leadership in funding and identifying and addressing cultural needs that are truly national. We need a partner agency at the Federal level to play a leadership role in working with our organizations and agencies.

It also provides a tiny bit of funding to each school district in the country, probably about $500 per school. That is an amount so small that we have been urged by our Republican friends on the Subcommittee on Labor, Health and Human Services, and Education to eliminate a number of programs because those provide such small grants that they are not worth having.

Let us not kid ourselves. If we want to save the NEA, there is only one way to do it. It is not to buy into this phony smokescreen of a substitute amendment. It is purely and simply to vote "no" on this rule, take this back to the Committee on Rules, put the Yates amendment in order. That is the least destructive thing to do; it is the most fair-minded thing to do. If we were going to have the Ehlers amendment before us, at the very least we ought to have the Yates amendment before us also so that people can choose between conflicting substitutes.

I urge people not to be taken in by this sham power play. Vote "no" on the rule.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. REGULA], one of the hard-working members of the Committee on Appropriations. He is the chairman of the

Appropriations Subcommittee on Interior.

Mr. REGULA. Mr. Speaker, I hope all of my colleagues will vote for the rule. This will allow us to debate a bill of great significance. I think sometimes it ought to be called the enhanced quality of life bill rather than the Interior bill, because everything that we do in this bill literally enhances the quality of life for our people. It is the future.

For example, the greatest single source of recreation in this Nation, and it cuts across all spectrums of society, is the national forests, the parks, the fish and wildlife refuges, the BLM lands. These resources are not only a source of recreation, but also a source of education, because many schools take their young people to fish and wildlife facilities, to the national forests, as part of an education process.

□ 1500

So that enhances the quality of life for all 260 million Americans. Likewise, this bill deals with our energy future.

Just this past week I talked to a young lady in my family, who is 14½. She cannot wait to get her driver's license. She is looking forward to getting out into the workaday world sometime and owning an automobile. We need to be concerned about energy, because energy means jobs, energy means growth in our economy, energy means a quality of life that people can get in their automobile and travel at a reasonable cost. We are blessed in this Nation with relatively cheap energy.

We heard a lot about the tax bill in the recent debate. Of course, energy is very much a part of that, because the key to a balanced budget is growth, growth in the economy. To have growth you have to have energy at a modest cost. It is vital. We spent not only lives but a lot of money in Desert Storm to protect energy sources. This bill supports a lot of research to provide the technologies to assist with meeting our goals of an improved environment and a growing economy as we look forward to the future into the next century. It truly is a bridge to a better quality of life in the century ahead.

It also deals with other things. One of the subjects that is under discussion is the National Endowment for the Arts. Mr. Speaker, I would not begin to denigrate the NEA. I think they have done some excellent work. We had a symphony group that went out to the schools in my district. If Members watched the concert on the Mall on July 4 when they ran the tag lines, we noticed there was support by the NEA. I think it was a great thing. PBS said it is the most watched program they have. I could go on with others.

But likewise I would point out that perhaps the most graphic piece of artwork in this city is at the Holocaust Museum, what is called Remember the Children. There are the little plates, ceramics, that have incorporated the artwork of children from all across this Nation as to what the Holocaust means to them. That was done without an NEA grant. Let me mention also, if we take the passageway from here to the Cannon Building, we see the artwork from schools across the country. Many of us participate in that arts program. There is no NEA grant, they did it without an NEA grant.

What do we do in this bill? We provide that $80 million, that is $100 million that we have provided over each of the last 2 years minus the administrative costs, because we are going to send it back to the communities. We are going to send it back to the State arts agencies. The arts agencies in my State get a budget from the legislature that they increase every year. Why? Because they have had a very successful administration. They actually get three times as much from the Ohio Arts Agency than they do from here. We want to give them some additional help, because they are out there on the ground.

Last, it provides for sending money back to the schools, back to the children, where we really teach arts education, where we really teach an appreciation of the cultural heritage of this Nation.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS], the minority whip of the Democratic Party.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today on behalf of the artists, the writers, the actors, the musicians, the schoolchildren, and the thousands upon thousands of people in Georgia and around the Nation who benefit from the National Endowment for the Arts. I rise on behalf of all of these people to plead with all of my colleagues, Democrats and Republicans, to defeat this rule, this rule which abolished the National Endowment for the Arts without so much as a vote.

It was President Lyndon JOHNSON who said:

> Art is a Nation's most precious heritage, for it is in our works of art that we reveal to ourselves and to others the inner vision which guides us as a Nation. And where there is no vision, the people will perish.

We cannot and we should not and we must not abandon the role of the Federal Government in supporting the arts. Bombs, not books; planes, but not poems; missiles, but not music: Is this the legacy we will leave for our children? I say no, and the American people say no. There is a role for our government to play in supporting the arts, and that role is through the National Endowment for the Arts.

This rule abolishes the NEA. It does not even permit a vote. This rule is a travesty. It is an insult to our democracy. Mr. Speaker, let us defeat this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the poet Shelley once wrote that the greatest force for moral good was imagination. God knows, our children and the people of America, but especially our children, need all of the imagination they can get to face the challenges of the future. Yet, the rule before us today serves to stifle imagination and stifle debate by eliminating the National Endowment for the Arts without even the formality of a vote.

Mr. Speaker, the music and the arts are their own excuse for being, but they also help our children learn to gain confidence, to reduce barriers to communication, and to enrich the lives of the American people.

Despite a 32-year history of the NEA of bringing the arts to communities all across America, to almost every congressional district, funding over 100,000 grants, and despite the overwhelming support of the American people, and despite the economic benefits pointed out by the gentleman from Massachusetts [Mr. MOAKLEY], the rule today eliminates the NEA without even the formality of a vote.

I urge my colleagues to vote against this uncivil rule and uncivilizing rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, at the outset I certainly want to commend the gentleman, our colleague, the gentleman from Ohio [Mr. REGULA] for the fine work he has done on this Interior appropriations bill. I regret that his subcommittee has been put in this untenable position. I understand that the emotions are running very high on both sides of this issue.

But although the gentleman from Illinois [Mr. YATES] and I and many others of us went before the committee yesterday and asked for democracy, that is all we asked for, we sought protection for an up-or-down vote on this very important issue, and what did we get? We got a rule that is rigged for a legislative procedure that deprives the body of an up-or-down vote on this issue.

Mr. Speaker, I must tell the Members that therefore, I must, regretfully, oppose this rule. We should allow a vote on the Yates amendment with the waiver. This would give us adequate funding for the coming year, and this is very important, Mr. Speaker, not a rule that permits an unexamined block grant, so-called block grant, to substitute for the authorization process of the authorization committee. I am a member of that committee, and we should have a deliberate, proper, intelligent procedure in the committee which is consistent with a world-class democracy. That is the American way.

Mr. Speaker, I rise in opposition to this rule—fully understanding that it is difficult to oppose a so-called open rule.

Mr. Speaker, at the outset I want to commend the gentleman from Ohio [Mr. REGULA] for his fine work on this Interior appropriations bill. And I regret that his subcommittee has been put in this untenable position. However, I nevertheless must rise this afternoon in opposition to this rule and in support of the National Endowment for the Arts.

I understand that emotions run high on this very sensitive issue. Some people, probably a majority in this House, feel that support for the arts is a cause worth fighting for and that the NEA is a worthwhile endeavor. I also understand that there are those in this House that want to eliminate all Federal support for the arts.

I disagree with them but recognize their right to their position.

So Mr. YATES and I, and many of our colleagues, went to the Rules Committee yesterday and asked for democracy. We sought protection for a simple up-or-down vote on the Yates amendment to restore funding to the NEA.

And what did we get in this rule? A rigged legislative procedure that deprives this body of a vote—up or down—on this issue.

I understand that the NEA has not been authorized in years. I submit that is not the fault of the supporters of the NEA. As a member of the authorizing committee, I would be happy to vote for a properly structured bill that reforms, restructures, and preserves the NEA.

So we asked for the routine waivers for Mr. YATES' amendment, something that is done all the time around here, and incidently, the same protections granted to Mr. EHLERS' block grant amendment. We were simply asking the Rules Committee to allow the democratic process—that's democratic with a lower-case "d"—to work.

Frankly, Mr. Speaker, if the NEA amendment is offered and defeated, I can live with that. Because the process has been allowed to work. The principle of majority rule should have been recognized.

That's the American way.

But the House should have the right to work its will on this issue after a complete and open debate.

While I am here, allow me to address the Ehlers-Hunter block grant approach.

I applaud these well-intentioned efforts. However, I submit that this is not the time and the Interior appropriations bill is not the place to undertake a complete overhaul of our arts funding process.

We simply do not have the time to fully analyze these new proposals. Indeed, this is a job for the authorizing committee—the Education and Workforce Committee.

Mr. Speaker, you know my position on the NEA. I have worked for years to reform, strengthen, and protect the NEA.

Since its formation over 30 years ago, the National Endowment of the Arts has provided the public side of a very valuable public-private partnership to foster the arts. The people in this room represent the private side of that partnership.

Since the NEA's birth, the number of community orchestras has grown from 22 to 422. The number of professional dance companies has risen from 37 to 300. Community orchestras have jumped from 58 to over 1,000.

The NEA has provided the critical support which allowed production of such American classics as the original "Driving Miss Daisy," "The Great White Hope," and a "Chorus Line." The NEA has brought us the television programs "Live from the Lincoln Center" and "American Playhouse."

All told, over 11,000 artists have received fellowships from the endowment. They've won dozens upon dozens of Pulitzer Prizes, MacArthur Awards, and National Book Club Awards.

The arts have been found to be an important part of a child's development. Exposure to the arts nourishes imagination and creativity. It develops collaborative and teamwork skills, in addition to flexible thinking and an appreciation for diversity.

A University of California study has shown that after 6 months of piano lessons, preschoolers demonstrated significant improvement in the types of reasoning required to excel in math and science.

It has been the NEA's role to leverage—not replace—the private funding that is so necessary to allow this type of growth and achievement to occur.

Aside from the creative benefits of the arts industry to the community are the financial benefits to the community. The nonprofit arts industry generates $36.8 billion annually in economic activity, supports 1.3 million jobs, and produces $790 million in local government revenue and $1.2 billion in State revenue.

So why then is the NEA under fire?

I think everyone in this room would agree: A balanced budget is a laudable goal. The NEA, like every other agency of the Federal Government including the Pentagon and NASA, should contribute to that effort. However, the reduction should be proportionate and fair and even-handed.

But there has been nothing even-handed and fair about the proposals to eliminate the NEA. And that's what I have been fighting for several years now to both reform and renew the NEA.

Funding for the NEA stood at $165 million 2 years ago. This year it stands at $99 million. If the NEA's opponents win this round this year, funding will be down to the $10 million range for the sole purpose of shutting it down.

So I must oppose this rule. We should allow a vote on the Yates amendment—with the waiver. This would give us adequate funding for the coming year—thereby giving the authorizing committee the time to reform and renew the NEA in a proper, deliberate, and intelligent manner that is consistent with a world-class democracy.

That, my colleagues, is the American way. Oppose the rule. Support the arts.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, I rarely speak from the well of the House, and I even more rarely speak about a procedural issue, but in this case I feel I must. This is a bad rule and it should be defeated. If we stand for anything, we stand for openness.

Frankly, that is why I am here, to be able to use this voting card, to be able to express my opinion. We are going to be prevented from doing that. It is the heart of this Congress, it is the heart of the forum, where we express our feelings as Republicans and Democrats. This rule suppresses that discussion. If the NEA cannot stand on its own and stand the test of debate, it should go down, but let us have a vote on it.

I am a Republican, I am a proud Republican, and we Republicans, when we assumed leadership in the House, promised we would not shut off debate on critical issues. We preach this. Now let us practice it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise to object in the strongest possible terms to this rule. The action of the House leadership to deny a vote on the floor of the House on whether to retain or to abolish the National Endowment for the Arts is unconscionable and is an act of cowardice. It is an insult to democracy and a great disservice to the American public. The rule specifically targets the NEA for extinction. It waives points of order against every other amendment but one. Why? Because they are not confident they have the votes to defeat the NEA in a fair and open vote.

The rule is a cynical attempt to prevent the elected representatives of the American people from even voting for or against abolishing a major Government agency. Instead, the rule permits the Ehlers amendment, which is nothing but a snare and a delusion. That amendment would abolish the NEA and instead distribute $600, on average, to every school district for the arts, $600 to all school districts. To what use could they put that?

What is really at stake is the availability of art to the American people across the country. Before the NEA there were 58 orchestras in the country. Today there are more than 1,000. Before the NEA there were 37 professional dance companies. Now there are 300. Before the NEA, there were 1 million people who attended the theater each year. Today more than 55 million attend.

Do we want to go back to that era, when art was available only in large cities, and only to those who could afford large sums of money? That is what is at stake. Vote against this rule. Do not be deluded.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I hope that those artistic surgeon's hands that saved the gentleman's liver are the ones that got some training from the NEA.

Mr. Speaker, I rise in opposition to this rule, because the Committee on Rules has failed to allow this House to vote for the continued funding of the National Endowment for the Arts. Instead, it gives us the Ehlers amendment, and I urge all my colleagues to read that amendment, because it first abolishes the National Endowment for the Arts. This is a bad idea. Members might ask why, why is it bad for America?

It is bad for the schools, it is bad for our communities, and most of all, it is bad for business, so bad that the presidents and CEO's of America's largest corporations have written the Speaker asking him to sustain the funding for the arts. Companies likes Pepsi-Cola, Dean Witter, Procter & Gamble, B.F. Goodrich, Chase Manhattan Bank have joined 70 other Fortune 500 companies in requesting the support of the NEA. Why? Because the structure of the NEA serves as a clearinghouse for giving grant money.

Most importantly, creativity is America's greatest gift. Preserve creativity, preserve the NEA.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, this is a very sad time for me as a Republican Member of this House, because for 40 years when the Republicans were in the minority we made it clear that we would not do things this way. We would always have the sunshine and daylight allow us to bring an issue up on the floor and have an up-or-down vote. That is what should happen for the National Endowment for the Arts. This critical program has done so much good. It is the Republican Congress, the 104th Congress, that clamped down on the atrocities that had come to symbolize unfairly this agency.

We need to move forward. There have been 121 instances in the last Congress where we appropriated unauthorized programs, and there is no reason why this program and the Yates amendment could not have a vote. I would suggest to my colleagues that we need an up-or-down vote on the NEA. Absent that, I regret that we are going to have to vote against the rule. That is something I truly regret having to do.

On the so-called compromise, if Members love the Department of Education and they love the Department of the Interior, they are going to love sending $80 million more through that bureaucracy, which is not sensitive to the arts in America.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

□ 1515

Mr. MENENDEZ. Mr. Speaker, the Committee on Rules abuses the rights of Members by not allowing an amendment supported by Republicans and Democrats alike to keep the National Endowment for the Arts alive. That is undemocratic, and the President will veto it if it comes to him in that way.

I know the value of the arts to my communities in New Jersey, in Jersey City, Hoboken, Newark. They have revitalized downtown businesses, attracting conferences, conventions, increased tourism, new business, boosting the value of commercial and residential real estate.

They are a powerful, positive economic ripple effect in our communities. To eliminate that funding hurts our communities. They are important for the education of our children. They move beyond math and science to something equally important, imagination and creativity, allowing students to interpret their community and the world around them. And the arts are a bridge to cross-cultural understanding, bringing us together as a nation. The NEA brings the richness of our people to the poorest in our communities. So vote no on the rule. Vote to save the arts and vote to preserve our rights as Members in this House.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this is not about the merits of the NEA. We already know that a majority of the House supports the NEA and if we had a vote it would pass. It is about the process. It is a continuing pattern in this Congress and in the last Congress. In the last Congress we saw when a majority of the Congress wanted to keep the Government open, the majority would not allow the vote. We saw in this Congress when a majority of the Congress wanted to end the debacle with the flood disaster in the Midwest, the majority in the Congress would not allow a vote.

We saw in the B–2, and I voted for the B–2, that the majority in this Congress tried to strip the amendment and caused us to wait 10 hours to consider that bill. We are going to do the same thing today because no matter what happens with this rule, the NEA will get funded because that is the will of the majority, the real majority of the House and not the ruling majority.

Just this week in Mexico, last Sunday, we saw the ruling party allowed free and fair elections and respected the will of the people, but the majority party of this House does not respect the majority will of the House itself. What a shame that is. Defeat the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise on behalf of the children. I rise against the attack on the NEA because it is summarily unacceptable.

SOS: The Fourth of July will have to be canceled in Washington, DC, for the NEA sponsored last week, the NEA sponsored last week the Fourth of July celebration for this Nation. How unfortunate that the Yates amendment and other amendments to restore NEA funding in the Committee on Rules were not allowed.

Quality of life issues: Less than 0.6 percent of the Federal budget is spent on our children and the arts. Representing most of the arts community in Houston, let me say to you that this is a ridiculous trampling on the arts, the culture and the history of this Nation. What a tragedy that this Nation does not recognize what the real quality of life is all about. We are going to win this. We are not going to see the clocks turned back. We are going to stand up for the children so they know what art is about, they know their culture and they know their history. We are going to stand up and make sure this rule is defeated.

I ask my colleagues to join me. Bring up the quality of life and let us keep the Fourth of July celebrated in the United States of America.

Mr. Speaker; I speak in order to express my vehement intent to oppose this rule for H.R. 2107—the Department of the Interior and related agencies appropriations bill of 1968. The related agency that this rule seeks to eliminate is the National Endowment for the Arts.

The current funding level of $10 million appropriated in H.R. 2107 for the NEA is summarily unacceptable and needed to be changed. My amendment restored funding for the NEA to $99.5 million.

The difference between my amendment and the amendment of my colleague, Representative YATES, was that my restoration was offset by a reduction in the Forest Service—forest and rangeland research appropriation; while his restoration was offset by using the strategic petroleum reserve.

I am outraged that the Rules Committee has decided to stop the democratic process by not allowing the Congress to do its job. The Rules Committee had decided to use Gestapo maneuvering in not allowing the House of Representatives to vote on such an important issue as preserving an important part of American culture through the arts.

How is it that the chairman of the Rules Committee can completely stop the democratic process. Why are we all here? The Rules Committee was never used to stop the democratic process. Under the dictator type leadership of the Republicans, the democratic process is not taking place.

If the House of Representatives to hold its title as the people's House, then Democrats and Republicans should work together in openness and fairness. But that is simply not the case. The Republican majority of the House has the power to decide which legislation will be brought to the floor and what will be voted on. However, under the Republican dictatorship of the Rules Committee, the full House is completely stopped from voting on important legislation of the American people.

I am outraged at where this debate on funding for the NEA is heading. The opponents of funding for the NEA are quick to trot out the occasional bad choices made by the NEA. However, it is important to highlight and inform the American public of the vast majority of activities funded by the NEA.

In Houston, TX, the Alley Theater is an excellent representation of the value of the NEA and the arts in Texas. The Alley Theater is family oriented with over 200,000 persons attending productions annually. To quote Paul Tetreault, the managing director of the Alley Theater in Houston, "the NEA has given meaning support to the Alley and its audiences for many years." However, this year, the Alley was denied funding for a production as a result of reduced budgets. He states that, "it was a great surprise and disappointment to see that support interrupted at a time when the Alley is realizing its greatest artistic achievements." Mr. Tetreault goes on to say that, "many other deserving theaters, museums, dance and opera companies have been even more deeply affected by having their grant requests denied. Their losses, like that of the Alley's, will have a collateral effect on the quality of life in the communities they serve, to the detriment of arts education, commerce, and tourism."

Mr. Speaker, that is what this debate is about. The quality of life for Americans and their families and children throughout this country. This is not about the few bad choices made by the NEA in the past. This is about the ability of children and families to view productions of plays and musicals; the ability of children and families to experience art and art education; the ability of a child to travel across town to an outdoor play with his father and mother and share in a meaningful family outing where the love of a family can be shared; where a community can come together in place; where the quality of life for residents in a city can be improved by an arts event that both educates and entertains.

What is the need to summarily eliminate an area of the Federal Government that is working. Funding for the NEA represents less than six-ten-thousandths—0.0006 percent—of the entire Federal budget. With that six-ten-thousandths percent—0.0006 percent, the NEA is still the largest single source of funding for the nonprofit arts in the United States. This investment of the U.S. Government is an investment in the quality of life for families and children. It spawns investment and giving to the arts by the American people, private and corporate donors. However, increased demands on all sectors of private giving have recently presented corporate and individual donors with tough choices. How can we expect private donations to the arts to increase, when we do not keep our commitment to the NEA. This is the time that the Federal Government should be making an investment in the NEA; not closing it.

Who are we really hurting if we do not fund and support the arts. We are hurting middle class and poor America. Seven point five—7.5 percent—of funding for the NEA goes directly to projects in under-served communities. Through access and outreach related grants, the NEA has helped to make the arts accessible to millions of Americans who could not otherwise afford them. What does that mean? It means that children in poor communities will not have access to plays, musicals, stage productions, and arts education that serve to increase the quality of life and overall educational value of American children. We are hurting the very people that we are sent here to help. We are hurting families who are trying to raise their children to respect the community. Mr. Speaker, we are hurting America.

Most grants of the NEA help support community outreach projects, free and touring concerns, and educational initiatives that make our major institutions accessible to all Americans. How many children will not hear the sweet and magnificent sounds of the symphony and orchestra because of this bill. How many families that cannot afford to by tickets to the symphony will be left out of valuable and quality appreciation of the performing arts.

Cutting funding for the NEA will not only negatively affect cities, but it will also negatively affect rural, small town communities. NEA grants serve communities in both urban and rural areas. In most small towns across the country, traveling tours, exhibits, and concerts are the major exposure to the live performing arts that children receive. The small town and rural communities cannot afford to support a full symphony, orchestra, or museum.

Funding for the NEA is not a Republicans versus Democrats issue. There are even Republicans that support level funding for the NEA. It is not a conservative versus liberal issue. Funding for the NEA is a cultural issue. Important cultural, educational, and artistic programs are funded by the NEA. Business leaders, educators, cities, States, and even law enforcement officials support funding for the NEA. After schools arts programs keep kids off the streets. We have all heard the phrase "an idle mind is the devil's workshop." If we are able to reach kids and take them off of the streets via an after school arts program, then why don't we. Funding for the NEA exposes inner city minority children to Hamlet and the Othello.

The Cultural Arts Council of Houston/Harris County receives funding from the NEA. They have over 115 members that receive funding from them. These organizations would be dramatically hurt by the destablization of funding due to cuts in the NEA.

The NEA stimulates local and national economies and helps to create jobs. It is estimated that nationally, the NEA generates $37 billion in economic activity and returns $3.4 billion in Federal income taxes to the U.S. Treasury each year. The estimated impact to the Houston community because of funding cuts to the NEA was a negative $1.5 million across all manners of organizations both great and small. Houston's diversity of institutions makes it a great city. We do not believe in elitism. Cultural diversity is keen. If funding for the NEA is drastically cut, then the negative impact in Houston will be devastating, estimating that it will cost the city over $3 million in economic gains.

The Houston Ballet is internationally known. C.C. Conner, the managing director of the Houston Ballet expressed that, "private support cannot replace the role of the Government cultural funding." He states that, "funding from the NEA has played a significant role in Houston Ballet's growth from a small regional company to what is today, according to many dance critics, one of the premier dance companies in the United States * * * however, one can safely say that Texas' citizens and taxpayers are losing jobs and income as a result of NEA cutbacks."

The NEA makes the arts accessible to all Americans. There is no doubt that a people and culture without a preservation of the arts in history are doomed. I urge my colleagues to oppose this dictatorial rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS] a very valuable member of the Committee on Rules and chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Glens Falls, NY, for yielding me the time and I rise in support of this mainly open rule.

Mr. Speaker, the Interior appropriations bill, which is what this is, provides important funding to protect our natural resources for future generations, including our children. The underlying bill is an excellent example of doing more with less.

We are going to save money by focusing our limited resource in priority areas. Even though this bill spends $100 million less than last year's appropriation, it still provides important funding increases for our national parks, the National Forest System, and the National Wilderness Refuges, which many Americans and American children use.

Especially important for my home State of Florida, this is a vehicle for the crucial Everglades restoration funds. These funds permit us to meet the Federal commitment in our ongoing effort to restore and preserve for future generations, especially our children, the unique river of grass.

Another important provision is the extension of the Outer Continental Shelf oil and gas exploration moratorium, which protects Florida's fragile coastline from oil slicks and pollution. Each year for the last 13 years Congress has passed this moratorium, and I am pleased that the committee has once again seen fit to include this commonsense measure. So many people enjoy our beaches and shores, including, of course, all Americans, many visitors, and especially our children.

As always, there are some issues in this bill that remain controversial and probably always will be. But the gentleman from Ohio [Mr. REGULA] has done an outstanding job balancing the very diverse views of this body.

This rule likewise reflects a genuine workable compromise. I think it is a good process. I think the rule is a good rule, and I think it is a good bill.

If the NEA is the only way to culture in America, then we have got a problem. This rule provides for us to look at other ways to get public money, tax dollars, to the public for the purpose of the arts. Those who suggest the sky is falling on the arts if the NEA is cut back or curtailed do not understand that there are many ways and many aspects to the arts. I believe that the block grant opportunity is one we should examine, and will under this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I rise against the rule and in support of one of America's greatest treasures, the National Endowment for the Arts.

My colleagues, who want to slash the NEA budget, say it is elitist and controversial. Some claim that eliminating the NEA will help cut the deficit. But their numbers do not add up. The NEA budget represents only 0.01 percent of the Federal budget. That translates into 35 cents a person, little more than the cost of one postage stamp. In fact the NEA actually brings in money. The arts generate $36 billion in revenue and pay $3.4 billion in Federal income taxes.

In New York State, the NEA is a boon to the economy. The arts employ approximately 174,000 New Yorkers and attract millions of tourists annually, producing an estimated $13 billion in revenue. Without the NEA, local theater and educational groups that introduce children to the arts will be forced to dim their lights. That would be a serious loss to this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, this rule needs to be defeated because if it passes, the National Endowment for the Arts and all the great work that it does will be defeated.

During our hearing on the Subcommittee on Interior of the Committee on Appropriations, we heard from a young lady by the name of Denyce Graves. She grew up just a very few miles from here, right next to the Kennedy Center, but the Kennedy Center could have been a world away. She never had the money to go to the Kennedy Center.

But because of an NEA grant, there was a community opera production that she went to when she was a teenager. She was inspired by it. She went on to devote her career to being an opera singer. She now plays Carmen at the Met. That may not seem important to the Members of this body, but I know it is important to millions of young families and children around the country who would like that similar opportunity and will not have that opportunity if it is only the elitist organizations that are funded. NEA works on behalf of the real people of America. Give their talent an opportunity to express itself. We are all richer because of it.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. Pryce], a very distinguished member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me the time. I rise in strong support of this fair rule. This is about the NEA, but it is only a small part of this legislation. This appropriations bill is also about preserving our Nation's rich heritage, our natural resources like our national forests and parks; our human resources, like improving native American education and the many museums and cultural centers all around the country.

This bill is about keeping our history and heritage alive for people of all ages and all walks of life to see and to enjoy. What we do today in this bill will not just preserve our past for the record books, it will also enable us to educate our children and grandchildren about who we are and where we came from and the events that shaped our Nation's history. By caring for these precious resources, we honor the legacy of our land and the struggles and the accomplishments of those who came before us.

Mr. Speaker, summer is a time when many of our constituents pack up the family and head off to vacation, maybe to the Nation's Capital to take advantage of the diverse cultural institutions that Washington has to offer. I am pleased to note that the bill provides priority funding for the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center and the National Holocaust Museum.

Mr. Speaker, the Committee on Rules worked very hard to find a way to resolve the controversies surrounding the funding for the National Endowment for the Arts. This has been a difficult emotional issue for Members on both sides of the debate, and many thoughtful arguments have been made for why the NEA should or should not continue as it is today. I believe this rule offers a very fair approach to debating the question of whether the Federal Government should be engaged in promoting the arts in America and to what degree.

This rule permits the House to debate an amendment which will transform the current NEA to a block grant program funded at $80 million, to be administered by the States. This may not be the preferred option for those who strongly support the NEA, but in my view it is an honest, good faith attempt to resolve this difficult situation and to maintain an appropriate Federal commitment to promoting the arts and the culture in American society.

Mr. Speaker, in closing let me say that I deeply appreciate the hard work of my colleague, the gentleman from Ohio [Mr. REGULA].

We all recognize the tight constraints of the Federal budget and the contentiousness of many of these issues. He has crafted a bill that balances good government choices with a paramount need to restore, preserve, and protect our Nation's natural and cultural resources. This is a responsible bill. And under this rule we will have a chance for an open debate. I urge my colleagues in the strongest possible terms to vote for this fair and open rule and to support the Interior appropriations bill that it supports.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, we look back over history and we see that the great civilizations are not remembered for the wars that they fought. They are not remembered for the people that they killed in those wars.

The great civilizations of history are remembered for the arts that they provided for their people: music, art, sculpture, and literature. But throughout those ages, it was not always easy for those who advocated the arts. There were always those in government who wanted to prevent the arts from progressing.

When Rodin developed the great sculpture of the Burghers of Calais, they would not pay him for that. Michelangelo was thrown in jail. The impressionists were prevented from presenting their art. So all through history we had those who have objected to the arts.

I may be soon visiting Rome. When I go to Rome and I go to La Scala or I go to the National Gallery in Naples or I go to the Pitti Palace or the Uffizi, allow me to say to those Italians that we, the greatest Nation in the world, also preserve and support the arts. Vote no on this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I had the honor of serving on the Subcommittee on Interior for 21 years, both under the chairmanship of the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA]. To me this is one of the saddest days that I can remember.

I believe that the National Endowment for the Arts deserves the support of the Congress and of the American people. I believe that if we go back to 1964 and we see the Endowment created and we look at the growth in funding from the private sector, it matches the growth of our Federal support for the endowment.

□ 1530

I believe that over 100,000 grants have been made and less than 50 have been controversial. When we think of the arts, we think of controversy. I think that is an incredible record.

I urge my colleagues today to support the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Illinois [Mr. YATES]. Let us defeat this rule. Let us send them back to the Committee on Rules and come out here with an amendment that allows us to vote up or down on the NEA. This block grant thing is nothing but a fraud, in my opinion.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Speaker, I rise in fierce opposition to the rule. In my district in California the National Endowment for the Arts has supported such valuable programs as the Children's Creative Project, the Santa Barbara Museum of Art, Cal Poly Arts, the Santa Barbara Symphony Orchestra, UC Santa Barbara Arts and Lectures, Cuesta College Public Events, and the list goes on and on.

The National Endowment for the Arts also contributes to the economy of California. Funding for NEA is only a mere 0.001 percent of our Nation's $1.7 trillion dollar Federal budget, but this seed money snowballs when private and nonprofit sectors see the government's endorsement and then add to it.

Small amounts of public arts support leverages immense amounts of outside funding, which have the net result of creating more jobs, greater profits, and more taxes. The work of NEA can be justified simply on the basis of what it does to advance the arts, but it also contributes to the vitality as well as to the economy of our communities. It is a positive, positive national force. Let us defeat the rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. CRANE], a distinguished member of the Committee on Ways and Means.

Unfortunately, we only have 1 minute we can allocate to him, but he deserves it.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time, and I will try to compress a lot in 1 minute.

One of the things that struck my mind is there was $10 million provided for of continued funding for NEA, and with their 20 percent overhead costs, that leaves $8 million for distribution. That $8 million for distribution I think we can probably raise out of the pockets at least of those colleagues here who are such staunch supporters of the NEA.

One of the things that concerns me about it is the maldistribution of NEA funds. The majority of those funds go to D.C., New York, and L.A. My district is significantly larger than D.C. in population. We got $5,000. But Washington, DC, got double what my whole State of Illinois got.

It is a good old boy network. It is time to terminate that and depend upon the voluntary contributions totaling $9.5 billion a year out of the pockets voluntarily of citizens.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that that good old boy network my friend just referred to is run by a woman.

Mr. Speaker, I would like to inquire of the time remaining.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from Massachusetts [Mr. MOAKLEY] has 5 minutes remaining and the gentleman from New York [Mr. SOLOMON] has 6 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I rise in strong support of the National Endowment for the Arts. Maine is a small State but there the NEA has helped us achieve innovative arts programming.

As a former president of the Portland Stage Co., I have seen firsthand how a very small amount of Federal funding helps to support local efforts. It spurs the local economy. In Portland, for example, over 150,000 people a year visit the Children's Museum, and while there they eat in our restaurants, they shop in our stores and they revitalize our economy.

In rural Maine, small amounts of NEA funds help musical, theatrical, and other performing groups brighten our communities.

Leslie Abrams, one of Maine's best comediennes, put it well: "A world without art is gray, lifeless, dull. The musicians, the actors, the dancers, the sculptors, the composers, the painters, the photographers, the choreographers, the writers and, yes, even the comediennes like myself, are there to bring color and joyful noise to the world. We help others find what is universal in our experience."

Support the NEA. Vote against this rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DUKE CUNNINGHAM], a very valuable Member of this body.

Mr. CUNNINGHAM. Mr. Speaker, if we want to save the arts and save the arts for children, $80 million goes to all States, not the majority to New York or my State of California. There was a Republican compromise back in 1995. As the chairman of the subcommittee, along with the majority leader, we brought moderate Republicans, conservatives, in an agreement to save the arts for 3 years. Give them $99 million, let them establish their own endowment, their own endowment, and take it off of taxpayers.

Twenty million dollars in administrative fees, the rest of it going to New York and California, very little to many of the States, we decided to get rid of that. Let us put the money down to the States, down to the children, and take it out of the liberal hands of the NEA.

What this rule does is eliminate the organization, not the arts. If we want our rhetoric to go where it is and save the arts, let us put the money down there. When we talk about policy, when the Democrats were in the majority they eliminated this amendment on an up or down vote because they knew it would pass, that the money would get to the children, not to the liberal NEA itself.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I am a little bit troubled by this. I would say to my good friend that this rule is absolutely a gag rule.

Now, we have had some examples in the Committee on Appropriations about some of the abuses in the NEA. Certainly we do not like the abuses that have occurred in this NEA. But let me remind my colleagues of this: There are abuses that occur in all programs. We do not close down our military academies simply because we have had scandals. In the Naval Academy, all the academies, we have had scandals.

We have funded on this floor over $20 billion for a B–1 bomber, which I supported, that has never flown a mission and took no part in the Persian Gulf. It has never flown a mission. We do not stop building airplanes.

One of the greatest things for my kids, when they were going to school in this little country school, was when the local symphony from Charlotte or Raleigh or someplace would come and do a skit for them. They were absolutely enraptured by it.

This is a good program. We want to weed out the bad things but, in my view, this rule is absolutely a gag rule to keep us from doing what is the democratic way in this House. Vote down this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself 2 minutes.

We have heard a lot about a gag rule on this floor today. Let us be perfectly clear. This rule is an open rule. Any Member can stand up here and offer any amendment under an open rule that is allowed under the rules of this House. That is clear.

Several years ago I wrote a book, "Before Its Time," which dealt with balancing the Federal budget. In that, dealing with the arts, I said then the central question is whether or not the Federal Government should be subsidizing art and humanities, and went on to say, "As George Will points out, we had the poetry of Walt Whitman and the paintings of Grandma Moses"—from my district—"without this kind of aid."

I went on to say that, "While it may be true that reducing funding would result in fewer of these activities, private funding can and should be able to fill the gap. In fact, subsidies account for a mere fraction of what the actual amount spent on the arts is. In 1990, Americans donated nearly $8 billion to the arts, culture, and the humanities. The commitment to the arts goes far beyond the NEA."

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. YATES], a dear friend, a fellow who has done so much for the NEA, and whose amendment should be made in order but it is not.

Mr. YATES. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, as we have heard in this debate, the fundamental question that is involved is the one that we had with respect to the Crane amendment. This is a vote to determine whether or not we kill the NEA. This is a vote that will deprive me of the opportunity of offering an amendment that will allow the House to determine the question as to whether funds should be allowed to keep NEA in operation.

One point should be made, Mr. Speaker. If this rule is approved, it is inevitable that NEA will be stricken from the bill on a point of order and nobody will be allowed to offer an amendment with respect to NEA.

One point is indisputable. If this rule goes down, this rule will come back with only one change, the opportunity to offer an amendment for NEA. That is all that will be required. Therefore, if we are for the National Endowment for the Arts, as I know many of my friends on the Republican side are, then we must vote against this rule. It is that simple.

More than that, if we think that Members of the House should be allowed to vote on this question and not be required to accept it as an imprimatur from the Committee on Rules, we should vote against this rule.

The gentleman from California, Mr. DAVID DREIER, my good friend, talked about the fact that if NEA is killed, we will have the same kind of an arts community throughout the country. Mr. Speaker, nothing is further from the truth. NEA brings the arts to every American community, not just to the big cities.

Oh, we will have the big cities with their arts, as they always have. We will have Chicago and New York and we will have Houston and Los Angeles. All of them will have the same kinds of wonderful arts companies that they have had. But the cities, small cities like Jessup, IA, or Gilpin, GA, populations of 2,500, will not be able to get the benefits of the arts.

I should read to my colleagues, and I do not know whether I will have enough time, but I want to point out there was a witness who appeared before our committee from Jessup, IA, who pointed out what a grant to that small farm community meant to the people who were there. When they heard that they were going to have a quartet come to Jessup, IA, the local furniture store supplied the beds, another family would sacrifice a TV.

I would refer my colleagues to page 3 of the hearings for 1994 if they want to see what happened to this small community which had this grant. It was a wonderful, wonderful experience for which it would be deprived in the future if the arts go down. I hope we will vote down this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to just say that out of respect for the gentleman from Illinois, we let him go a little beyond his time. We hope our colleagues will allow the majority leader to do the same.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], our distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from New York for yielding me this time.

Let me begin by extending my compliments to the gentleman from New York [Mr. SOLOMON] and the gentleman from Massachusetts [Mr. MOAKLEY] and the other members of what I might dare characterize as the long suffering Committee on Rules for completing their work again late, last night to bring this rule to the floor today.

I would also like to give my compliments to the chairman of the Interior appropriations bill, the gentleman from Ohio [Mr. REGULA], a fine gentleman and a decent and honorable man respected by the whole body.

And my particular compliments to my good friend, the gentleman from Illinois [Mr. YATES].

☐ 1545

Mr. YATES and I have labored over this issue throughout all the years I have been here, and he, even years before I came; and I have found him in every instance to be a gentleman, a compassionate, a concerned, a sharing and a caring man, stubbornly holding to his point of view, but I appreciated him then and I appreciate him now.

Mr. Speaker, every year, in every summer that I have been in Congress, we have dealt with the Interior appropriations bill, and in each of these times the debate has been, more than anything else, about the National Endowment for the Arts.

In some respects I think that has been unfortunate because of all the good things that are covered in this bill that too often get overlooked. The National Endowment for the Arts has always been, in this case, bigger than life. It has always been a very small fraction of the total spending of the bill, in this case less than $100 million in a $14 billion bill.

The National Endowment for the Arts is small with respect to the extent to which the Nation supports the arts, $100 million or less as over and against the $10 billion that the American people put out. It is certainly small relative to the people's business, which is a $1.6 trillion budget that will be brought into balance as we complete all of this year's work.

What makes it so big? What makes it so big? It is made big by the concerted, well-funded, well-motivated efforts of the art elite in America, who want the focus to be not on whether or not there will be funding over the arts, but whether or not they will be in control of the funding of the arts.

This rule, I said, makes in order the Interior appropriations bill, which has within it $10 million for support of the arts from the Federal Government; $10 million not protected by an exception to the rules of the House. The rule also makes in order an amendment that would give $80 million to support for the arts if passed.

So what we find here is people who mobilize their efforts to protect their control over $10 million as opposed to having local control over $80 million. My colleagues do not think this is about control? My colleagues do not think this is about power? My colleagues do not want to confess it is about an elite that says let us keep the money in our arts community centers across the country and within our control so we can decide what is art and what is not art?

That is precisely what it is about. Should we, in fact, have the good people of Iowa decide for themselves at the local level what they would support, or should they send off an application to a board of art censors in the East who know better what is or is not art suitable for the people in Iowa? Should we have the local control? Should we have a fair disbursement of the money so everybody in this Nation on a per capita basis gets a fair share of the art? Or should we have it sent to the arts centers like Soho in New York City?

Should we make it more possible for more children to have more Crayolas in their hands by virtue of local control where they can do art, or should we have already privileged artists and privileged troops and privileged organizations in our major cities have additional money that supports the already rich budgets they have?

This is not about whether or not there is Federal funding for the arts supported by the Congress. This is about whether or not the Congress will let that funding be controlled and disbursed by an elite group or whether it will be controlled and disbursed by the local community.

If my colleagues want more funding for the arts than what is in the bill, if they want fair distribution of the funding for the arts that is in the bill, if they want local communities to determine for themselves what is or is not art that they would like to see in their communities from this bill, vote "yes" for this rule and make this in order.

If, on the other hand, they want to perpetuate a system of art censorship held in the hands of a group of elite activists sponsored by the Federal Government of the United States for the express purpose of deciding this is or this is not art, then vote for control, vote against freedom, vote against fairness, vote for the status quo, and they can have that.

If my colleagues truly, in their heart, can reach down and say it is fair to continue the National Endowment for the Arts, which has been the single most visible and deplorable black eye on the arts in America that I have seen in my lifetime, as opposed to what real people and their real communities did to celebrate the arts, music, classics in their own communities for 200 years before there was a National Endowment for the Arts, I say vote for this rule, vote for freedom, vote for the children, vote for the parents, and vote against elite control of art in America.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members have 5 five legislative days in which to revise and extend their remarks on House Resolution 181.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I rise today to express my strong opposition to this rule that would set the terms of the debate for the fiscal year 1998 Interior appropriations bill. I must oppose this rule because it is a gag rule—it denies those of us in the House who support continued funding for the National Endowment for the Arts the opportunity to make our case, and instead makes in order an NEA-killing amendment.

The bill as reported by the Appropriations Committee reduces funding for the NEA to $10 million from the current year's funding level of $99.5 million. And that's on top of a 40 percent cut already inflicted on the NEA 2 years ago. I understand that Members of the Republican leadership have been spearheading the effort to eliminate the NEA—reminiscent of a Republican-led effort to get rid of Big Bird a few years ago—and that's why we have this rule before us. What I fail to understand is why.

The NEA plays an extremely important role in educating our children about art and promoting the arts. Not only is this a worthwhile endeavor in and of itself—the arts enrich our lives and are an integral part of our culture—but the arts also contribute to a vibrant economy all across our country. In fact, to those who say the NEA is a waste of taxpayers money or a luxury we can't afford in era of tight budgets, I say the NEA is a wise investment. While the NEA comprises only a tiny fraction of the total Federal budget—approximately 1/1000th—for this small investment millions of nonfederal dollars are matched to further promote the arts, and the arts return more than $3 billion to the Federal treasury in arts-related commerce.

Through the NEA, the arts are supported in every State, reaching people in small towns and rural areas who otherwise may have no opportunity to enjoy music, dance, or theater. Eliminating the NEA and replacing it with a new bureaucracy that would be required to administer this untested unproven block grant system would jeopardize those opportunities and would end the Endowment's grants for lifelong learning programs such as those that serve our Nation's adults, senior citizens, and disabled citizens. Access to the arts that young people and adults now enjoy through public radio and television and touring cultural programs would be canceled.

Therefore, Mr. Speaker, I urge my colleagues to reject this rule. Let us stand with the U.S. Conference of Mayors and the National Association of Counties who believe there is a Federal role in the arts and with the National Assembly of State Arts Agencies which opposes block granting all Federal arts dollars. Let us stand up for nurturing our children and our country's cultural heritage. This rule is wrong, it is antidemocratic, and it should be defeated.

Mrs. KELLY. Mr. Speaker, I rise today in strong opposition to this rule. This rule can work to ruin the livelihoods of numerous splendid artists in my district; halt the regeneration of the city of Peekskill, village of Cold Spring and several other struggling communities; and to deny many of my constituents theater, dance, opera, painting, and other artistic mediums.

This shortsighted decision to severely cripple our Nation's preservation of culture will haunt us in the near future. All of us like to think of the United States of America as a civilized country, but how civilized is a country that abandons their commitment to the arts. How civilized is a country that does not prioritized art and culture as the inevitable measurement of our society? When we look for signs of early and ancient man, where do we find it? In the arts that ancient cultures left behind.

Absent the argument of whether or not the NEA should continue, there is a yet a bigger concern being debated here—Democracy. This rule denies this Chamber a straight up and down vote on funding the NEA. It allows an attempt to reach compromise by block granting arts funds without any hearings. This amendment, while supposedly sympathetic to the arts, operates on the premise of eliminating the NEA—a premise with which I cannot agree.

Henry Wadsworth Longfellow wrote that:

"Art is the child of Nature; yes,
Her darling child, in whom we trace
The features of the mother's face,
Her aspect and her attitude."

That quote leads me to ask one question. What kind of mother are we then if we devalue the arts? Allow a vote on NEA funding. Defeat this rule.

Mr. MANTON. Mr. Speaker, I rise in opposition to this unfair and damaging rule. The future of the National Endowment for the Arts lies to the balance. The important programs funded through the NEA play an integral part in our communities and schools, in turn, having a tremendous positive impact on the future of our children and society as a whole. As a member of the Congressional Arts Caucus, I take a special interest in protecting the future of the NEA.

The NEA plays a crucial role in providing the tools necessary to enhance the arts programs of our Nation. Without it, access to museums, theaters, festivals, and other celebrations of the arts would be greatly limited. We cannot allow this to happen.

The arts play a vital role in education and enhance our communities. By promoting art programs in our schools, we create more well-rounded, self-confident students who excel in their studies. Art programs benefit our communities by bringing together a wide range of cultural activities for all our citizens while also strengthening local economies.

New York City is home to numerous museums, theaters, and dance groups who rely on funding from the NEA. These attractions draw millions of tourists each year to our city, generating billions of dollars for the New York City economy while creating thousands of jobs for its residents. In my District of Queens, numerous art programs rely on funding from the NEA. I was proud to have 12 cultural groups from my district benefit from the NEA during fiscal year 1997. If their funding were discontinued, it would have a devastating effect on their future and the Queens community.

Mr. Speaker, it would be a tragic mistake to destroy the National Endowment for the Arts. The positive influences it has had on our schools and communities are numerous and far-reaching. I urge my colleagues to vote against this unfair rule and save the future of the National Endowments for the Arts.

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the rule, and to express my disappointment that the whole House will not have the opportunity to decide the fate of the National Endowment for the Arts [NEA].

The arguments in favor of limited funding for the NEA are hollow and without merit.

Government support for the arts is not a program for the elite.

Eliminating the endowment will do almost nothing to reduce the deficit.

The private sector cannot and will not provide sufficient funding to make up this loss.

Let me tell you the many reasons that most Americans believe in government support for the arts:

The arts stimulate economic growth. For every dollar the NEA invests in communities, there is a 20-fold return in jobs services, and contracts.

The arts invest in our communities. The arts develop in our citizens a sense of community, and contribute to the livability for families in that community.

The arts are basic to a thorough education. Student achievement and test scores in academic subjects can improve when the arts are used to assist learning in mathematics, social studies, creative writing, and communication skills.

I invite anyone who thinks the NEA is not needed to visit the Puppet Company Playhouse in Glen Echo Park, just a few miles from the Capitol.

It's a 200 seat theater created out of a portion of an historic ballroom at Glen Echo Park. The audience is usually made up of children accompanied by their families and teachers, representing the cultural and economic diversity of Maryland, Virginia, and the District of Columbia. An NEA grant allows the Puppet Co. to keep the ticket prices low so that many young families can attend the performances. The associates who run the company work hard for modest salaries in the true spirit of keeping their company nonprofit.

I think most taxpayers would be pleased to know that they support such a worthwhile project.

Mr. Speaker, our legislative agenda could have far-reaching implications for the cultural vitality of our Nation. Therefore, I cannot support this rule.

Art is how we remember. It is important, even vital, that we support and encourage the promotion of the arts so that the rich and cultural story of our past can be made available to future generations.

Ms. SLAUGHTER. Mr. Speaker, I regret that I will not be present for this important debate, due to a death in my family. However, I strongly oppose this rule because it fails to waive points of order on the section of the bill that provides funding for the National Endowment for the Arts. Waiving points of order on this section would protect the Appropriations Committee's work, and allow the issue of Federal funding for the arts to reach the House floor.

Numerous Members from both sides of the aisle testified yesterday before the Rules Committee in favor of allowing a straight up or down vote on the National Endowment for the Arts [NEA] on the House floor. But instead, the Rules Committee decided to deny the Members of this body an opportunity to vote on this issue, which affects millions of people across the country.

Our Federal investment in the NEA is an investment in our children's educational development and in our Nation's economic growth. The $99.5 million we invest in the NEA yields a return of $3.4 billion to the Federal Treasury. I know of no other investment we make that yields so great a return.

Studies have shown that investments in arts education yields other dividends as well. For example, we now know that playing the piano helps students better learn math and science. It is "penny wise and pound foolish" for us to sacrifice the investment in arts education that we have been making in our children and our communities—particularly without an up-or-down vote by this democratic Congress.

As a majoritarian body, the House has an obligation to ensure that members of Congress have the opportunity to determine the future of the NEA by voting on it, rather than being blocked by a procedural issue. The NEA has played an essential role in our society for over 30 years. It is simply unfair to make any decision affecting its continuation—and in turn affecting the millions of citizens who benefit from NEA-funded programs—without the benefit of a vote by the entire House of Representatives.

This is not a parochial issue. All Members of this House recently received a letter from Americans United to Save the Arts and Humanities, an organization of business leaders, expressing their strong support for the NEA. The CEO of the Xerox Corp., the chairman and CEO of Sun America, Inc., the chairman and CEO of the Sara Lee Corp., and over 100 other business leaders endorsed continued Federal funding for the NEA as well as the National Endowment for the Humanities [NEH]. As their letter explained, "The NEA and the NEH have each been valuable components in creating a healthy business climate. We value employees with a solid education in the arts and humanities. * * * Exposure to an arts education produces workers with such skills as analysis, synthesis, evaluation and critical judgement—key elements to success in today's competitive global economy." The letter went on to say, "We recognize the tight constraints of the Federal budget. However, it is evident that there is a clear parallel between the Federal investment in culture and the willingness of corporations, foundations and individuals to support cultural activity." Business leaders know how important the NEA's contribution to the arts is to the success of our Nation in the global economy.

The Rules Committee's failure to protect the NEA against points of order is simply a ruse to prevent a majority of House Members from exercising their will on this issue. Arguments that the NEA should not be funded because it is unauthorized are disingenuous. As we all know, a lack of authorization never prevents this body from appropriating funds for any program, unless opponents of that funding need a handy excuse. In fact, a Congressional Budget Office report from January 1997 states, "The CBO is unaware of any case in which appropriations have not been provided for a program solely because its authorization has expired." In fiscal year 1997, this House passed appropriations for 121 programs which were unauthorized. Obviously, authorization is not an absolute requirement, but one that the majority applies selectively.

The Ehlers/Hunter amendment to retain funding for the arts in the form of State block grants is an unacceptable substitute. Federal leadership and funding play the essential role in the effort to make arts available in every community to every citizen. The State arts agencies rely upon Federal leadership and direct funding of national initiatives to attract private, corporate, and foundation support to the arts, especially from funders who can be encouraged to provide matching support on a regional or national basis. The National Assembly of State Arts Agencies [NASAA], which represents the State and special jurisdictional government arts agencies of the United States, strongly opposes block grants to States.

Under a block grant system, there would be great difficulty in creating a fair formula for allocating arts funding among the States. In addition, NEA grants that go to one district often benefit numerous other communities and States. This is particularly true in the case of exhibits or performance groups that travel to various locations. Block grants would eliminate the incentive that currently exists under our system of direct Federal funding to give money to fund arts programs with interstate benefits.

The full House of Representatives deserves the opportunity to vote on the NEA, not on block grants which are unacceptable to the State arts agencies, to our constituents, and to most Members of Congress.

For these reasons, I urge my colleagues to defeat the rule on the Interior appropriations bill.

Ms. ESHOO. Mr. Speaker, I rise today in opposition to the rule for the Interior appropriations bill because it doesn't waive points of order on funding for the National Endowment for the Arts.

Unless this rule is defeated, the House will never have a straight up or down vote on funding for this vitally important agency—a vote that NEA supporters would clearly win.

A majority of the House is ready to offer the American people a full chorus of beautiful art, but opponents want them to settle for someone singing solo in the shower.

I support the NEA because it's a solid financial investment, helping to generate $3.4 billion in Federal income taxes.

I support the NEA because it's a solid educational investment, lifting America to new levels of cultural endeavors and bettering our nation immeasurably.

And I support the NEA because it's a solid investment in America's cultural heritage, bringing art to communities throughout the United States.

Mr. Speaker, I urge my colleagues to support the arts and the NEA by voting to defeat the rule before us.

Mr. ENGEL. Mr. Speaker, I rise today to oppose the rule and support the National Endowment for the Arts. The NEA is a great investment for the American people and, quite frankly, I think that our time would be better spent debating an issue other than a program which costs each American a grand total of 38 cents a year.

I would like to specifically highlight one of these propaganda newsletters that came to my office denouncing the NEA as "offensive" and "elitist". Imagine my surprise when I saw that one of these objectionable grants was Dances for Wave Hill a program which is held in my district.

Most of the Members of this body may not be familiar with Wave Hill but the residents of the Bronx are proud of this facility which encompasses 28 acres of gardens and woodlands overlooking the Hudson River. Dances for Wave Hill is a series of outdoor performances produced by Dancing in the Streets, a group specifically founded with the intention of introducing dance to new audiences.

You might wonder what is so objectionable about the program. Strangely enough, some groups are angry that there is no subway stop in the garden so they have labeled Dances for Wave Hill as an elitist program.

It is time we took a good look at the campaign of misinformation which has been aimed at the NEA. The funding for the NEA is money well spent and I urge all of my colleagues to defeat the rule.

Mr. LEWIS of Georgia. Mr. Speaker, as the House considers legislation which does not allow a fair and open debate, and vote, on the National Endowment for the Arts, I urge my colleagues to consider the words of Elliott Levitas, writer, attorney, former member of the Georgia House of Representatives and former United States Congressman representing the Fourth Congressional District of Georgia:

CULTURAL WAR RAGES IN AMERICA—ALL GREAT CIVILIZATIONS OF THE PAST HAVE PROVIDED PUBLIC SUPPORT FOR THE ARTS

(By Elliott Levitas)

Proposals in Congress to abolish the relatively minuscule public funding for the arts, humanities and noncommercial public TV and radio lie at the heart of a cultural war raging in America.

In the face of charges of elitism, budget deficits and controversial subject matter, the real issue is whether there is a vital role for government to seed and supplement the private sector in promoting, preserving and transmitting American culture.

Every great civilization has provided public support for its arts and culture. Whether it was Egyptian, Babylonian, Greek, Roman, Spanish, French, British or whatever, these towering forebears of our culture all provided essential support for their artists, writers, thinkers, architects and dramatists, in addition to funds made available through private sponsorship by patrons.

The great art traditions of China, Japan, India and the ancient civilizations of Central and South America, all derived support and encouragement from the governments. .

Societies which did not provide this institutionalized support did not attain the heights of great artistic creativity, nor pass it on. We look at the Visigoths, the Huns, the Tartars and other societies long forgotten because they did not do so.

Do we believe our American cultures, which enrich the spiritual life of our people, should be cultivated? If so, history teaches us that there is an essential role for government, albeit small. Whom do we wish to emulate, the Visigoths or the Greeks?

The suggestion that budget deficits can be fought by eliminating cultural funding is a blatant fraud on an anxious and credulous public. The total amount of budget support for the National Endowment for the Arts is less than .009 percent of governmental expenditures. To eliminate that amount does not even meet the test of "every little bit helps."

Should the arts share across-the-board budget reductions? Yes. Eliminate the arts funding? No.

Indeed, if we apply the "cost-benefit" test, the small cost returns great benefit to cultural creativity.

No, this issue is not budget deficits, but cultural war. Groups of modern-day "know-nothings," advocates of thought control and would-be cultural dictators would just as soon see the richness of American culture disappear with a new Dark Age. Their fear of cultural diversity and their demand for uniformity of mind is what the cultural war is all about.

Nor is elitism a serious argument. Government support for American culture not only reflects Shakespeare, Beethoven and Picasso, but also provides for Howard Fenster, folk music, cowboy poets, Native American crafts and jazz. The issue of elitism is phony.

Even though in recent years the endowments have vastly expanded the audiences in the countryside, it has never been a mass audience, even among the Romans and Greeks. But the few have usually preserved the gifts of culture for the many. Those few, who may be more numerous than some politicians believe, can distill and pass on the essence of our national cultural treasures.

If we want to avoid the errors of the past and benefit from its achievement, let us follow the path that all great civilizations traveled. Let our government continue its small, but essential, role in providing the seed to ensure that our diverse American cultures will continue to find greatness and will be there for future generations as they enrich our lives today.

Let us follow the Greeks and not the Visigoths.

Mr. CUMMINGS. Mr. Speaker, I rise today in opposition to the rule and to advocate on behalf of full funding for the National Endowment for the Arts (NEA).

Mr. Chairman, the arts are the heart of our Nation and the NEA is the heart of the arts. Today, there are those who would rip out the heart of the artistic community.

Current funding for the The National Endowment for the Arts is certainly a modest effort. It accounts for less than 1/1000 of 1% of our Federal budget.

The impact of this small program is immeasurable. Today, more Americans have access to the arts than ever before.

Each year, the Arts Endowment opens the door to the arts for millions of school children, including many at-risk youth.

The few isolated cases of controversial art work are not an accurate representation of the thousands of grants the NEA gives out each year.

Must we burn the entire orchard if there are a few apples that are not to our liking?

Join me to help lend a voice to the painters and the sculptors, the singers and the musicians and the actors—the artists of this country.

Esteemed colleagues, I urge you to join me in opposing this rule.

Mrs. TAUSCHER. Mr. Speaker, I rise today in opposition to this rule, and in opposition to H.R. 2107 without the changes necessary to bring it into accordance with the Budget agreement worked out between the White House and Congressional Republicans. I will not support a measure that goes back on the promises made to the American people to protect our remaining open spaces through the Land and Water Conservation Fund or protect our limited assistance to the arts through the National Endowment.

As a proud member of the Blue Dog Coalition, I have focused on balancing the Federal budget while protecting our national priorities, including the environment, the arts, and humanities. As we have seen, many of our colleagues claim that we cannot justify continuing to fund the Endowments for social and fiscal reasons. Yet it is specifically for these reasons that we must continue support. Despite a 40% cut in funding over the past two years, the NEA continues to make a great investment in the economic growth in every community in America. The nonprofit arts industry alone generates $37 billion annually in economic activity, supports over 1.3 million jobs and returns $3.4 billion to the Federal Government in income taxes. That is a huge return on a small investment.

When this economic gain of the arts and humanities is added to the educational benefits, the increase in quality of life that they provide, and the public support for the Endowments, it is obvious that we must continue to fund the arts. Each year, more people attend performing arts events than all professional sports events combined. The study of the arts and humanities helps students think critically and creatively, while working across traditional disciplines—skills that workers need to progress into the twenty-first century. Also, the Endowments preserve America's heritage by funding libraries, museums, folk festivals, theaters, arts centers, and dance studios which draw families and businesses to participate in the cultural life of their communities. Ultimately, the NEA economically brings diverse people together and builds bridges of understanding.

I urge you to join me in creating a more productive America by supporting the National Endowments. Vote no on the rule; support the NEA. Thank you and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 216, not voting 2, as follows:

[Roll No. 259]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder

Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—216

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—2

Schiff
Slaughter

☐ 1610

Mr. ABERCROMBIE and Mr. RAHALL changed their vote from "yea" to "nay."

Mr. McHUGH changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CAMP). Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2107.

☐ 1613

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

☐ 1615

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] each will control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had a spirited debate on the rule. I think for those that are watching from the gallery it has to be quite evident, and those that are watching on C–SPAN, that this is a democracy, that each person who is a Member here representing 600,000 people has an opportunity to be heard and present a point of view. But, after we have had these discussions, we go forward.

I hope that as we take this bill forward that each Member will look at it on its merits, determine as we deal with the amendments what is in the best interests of the 260 million people we represent.

This truly is a quality-of-life bill because much of what we do in this bill touches the lives of Americans, and I want to say at the outset I hope that in our dealing with this legislation that it will have the same great spirit of cooperation that I have had with the gentleman from Illinois [Mr. YATES] over the years that we have served on this committee. He has been a partner, as I was to him in the years we have worked together, and he has been a great individual to work with, and, most importantly, to call my friend. And while occasionally we would have a difference, in every instance what we did reflected what we felt was in the best interests of this Nation.

This bill represents important accomplishments on a lot of common objectives. Much of what is in here, the gentleman from Illinois [Mr. YATES] and I have supported not only this year but in years past, and I think on balance, over the years, we have developed legislation that has been productive for this Nation.

The bill totals $13.1 billion. It is a few million dollars less than last year. But essentially it goes forward with the programs that are important to the people and that is to enhance the quality of life in these United States. The bill provides significant funding for all the agencies under our jurisdiction, but I think basically we have tried to accomplish a couple of critical objectives.

One is to meet a backlog in maintenance. We have had the Secretary of the Interior and Agriculture and the directors of the land management agencies and many others, testify about the enormous backlog of problems that need to be addressed in our parks, in our forests, in our fish and wildlife facilities, in the Bureau of Land Management.

Here we see a chart that outlines the enormous maintenance needs. I think it is very important that we make every effort to address that in legislation, and we have done so, and we have done this as a team effort, both with myself and the gentleman from Illinois [Mr. YATES]. This includes things like the Smithsonian, $250 million that needs to be spent there for maintenance; the Fish and Wildlife Service, $536 million, and my colleagues can see all the different agencies. But we have done it in a fiscally sound and an environmentally responsible way. Much of this maintenance is important to the protection of the environment in this Nation.

For example, in the Everglades we have fully funded the administration's request for the restoration of the Everglades. This is something that is important to all people, and certainly it is a team effort because the State of Florida is making a very strenuous effort. They have financially the help in bringing the Everglades back to what they have been in the past, to be a very important part of our Nation's ecosystem, a very important part of our Nation's environment.

We have continued and enhanced the recreation fee demonstration for the land management agencies. This started 2 years ago. Prior to that time, fees that were collected in the Park Service, the forests, the Fish and Wildlife Service, went to the Treasury and consequently there was no incentive to do so. Last year, with the support of this body, we gave authority to the various agencies to collect fees, but the important difference was they got to keep them, and this has been a very successful program.

We have had support not only from the agencies, but the public. They like the idea that if they pay a few dollars to enter a park, that the money is going to stay there and not be sent to the U.S. Treasury.

The program is working out very well. This year we have added a new change, and that is that fees that were under the old program, collected prior to the inception of the new program, still went to the Treasury. We changed that. So now a hundred percent of what is collected at the agencies like the parks and forests and so on will be kept in that service. Eighty percent will stay right where it is collected, and I think this will help a great deal. For example, in the national parks it is estimated that in 3 years it will amount to $400 million.

Now we have encouraged the agencies in the language of the bill to use this money to address some of the maintenance problems that I have outlined here.

We began last year an emphasis on forest health because that is important; the suppression of disease, forest fuel reduction, vegetation management, wildlife habitat and watershed improvements. The testimony in our committee was clearly in support of the enhancement of the forest health program, a couple hundred million acres, a vast resource and asset of this Nation, and we have addressed that problem in many ways throughout this bill.

Fire management has been given priority. We see it on our televisions, the forest fires, and of course to avoid this problem we have to manage the forests carefully.

We have required the Forest Service to operate under a multiple-use mandate. That means forestlands are available for grazing, for mineral exploration. The multiple-use mandate covers, as I mentioned, grazing, mineral exploration.

It is an interesting thing that this bill is $13 billion, but the activities that are funded in this bill generate $9 billion in receipts. So we only have a net cost of $4 billion, and those are resources that belong to all the people that are being developed in the mineral exploration, offshore oil, many different sources that are part of producing $9 billion for the Treasury of the United States and for the people.

I visited the Angeles National Forest just outside of Los Angeles, and to see families out there, who are in part of a city of something like 20 million people, have an opportunity to recreate outdoors. The kids can see a deer, can see other forms of wildlife, perhaps drop a line in the creek and fish. One of the beauties of the national forests is that they are available for the multiple use, and if my colleagues go to a place like Angeles National Forest, right on the edge of this city, they will realize how important this is. And this is true all across the country; Allegheny National Forest in Pennsylvania and many others that are available for people to use.

Now we are going to have an amendment to cut the Forest Service road program. We will talk more about that at the time, but let me say to Members that are listening or watching this, do not be too quick to commit on that. I think there are some very compelling reasons to not vote for this cutting amendment because it goes to our ability to rebuild and maintain existing roads. It is a very important environmental use of these funds. We have been very careful in the way that we have allocated resources to the Forest Service, and the dollars that are there are important for particularly the recreation user. Something like 77 percent of the roads are used for recreation. And when individuals and families go out on these roads, we need to ensure that they are safe, that they are comfortable, that they can get access to the facilities. There are 18,000 different recreational facilities in the national forest, and people need access to those facilities.

The bill provides for the construction of very limited new timber roads, less than 2 miles to be exact, not very much. Ninety-five percent of the appropriated construction dollars for roads go for safety, for environmental improvements to existing roads and to close roads.

☐ 1630

We obliterate, wipe out, more roads than would be built. We are trying to make the roads that are there usable to the public for the many multipurposes.

I would point out that the forests have tripled the visitor days of the Park Service, three times as much, because people can participate on a wide variety of activities on forest lands. The forests are a family recreation facility, so a steelworker in Johnstown, PA, can load up the family on his 2 weeks' vacation, go to Allegheny National Forest, know when he follows a road that the bridge is going to be safe, that the road is going to be safe, that his camper is not going to go over the side of the hill and that he is going to enjoy that experience, as 87 million other Americans are doing each year. Mr. Chairman, I hope Members will look at this amendment with caution and carefully consider these points.

We have over 121,000 miles of hiking trails in the national forests. Money in the roads budget also maintains those trails so people are safe, so people can enjoy them. Again, I would urge all Members to look carefully before they take away this ability to carefully manage our forests, to provide the recreation user, the people of this Nation, a good experience, before we do something that will inhibit people's ability to use this land, which belongs to all 260 million Americans.

Much of the roads budget is for maintenance. We want to ensure that these roads are safe, and things like guardrails are just one example. We recognize that there is a greater interest in maintaining the forest for recreation purposes. Ten years ago, in fact, less than that, in 1990, in this bill, we provided for over 11 billion board feet of timber harvest. The bill today is a little over 3 billion board feet. We have had a reduction of 66 percent, from 11 to 3.8 billion, because we are trying to balance the timber program and other multipurpose uses of these lands.

I would also point out, because of the practices, and they started under the leadership of the gentleman from Illinois [Mr. YATES] of maintaining forest health, that we are growing each year in the national forest 17 billion board feet. So we have a net gain of 14 billion. We are growing 14 billion more board feet than we are cutting. I think that is good management. That is what we have tried to do.

Mr. Chairman, I want to talk a little bit about energy, because right now energy prices are relatively low. I was in Europe not long ago, and when we see prices there of $4 or $5 a gallon, we really appreciate what it is in the United States to be able to pull up to a pump and get gasoline for maybe $1.20 a gallon. But we need to be diligent and vigilant in continuing energy research and in continuing to manage our energy resources wisely. Energy, as I mentioned in the debate on the rule, is vital to a nation. Just think about it. Clothing is just one example. A lot of it comes out of a barrel of oil, but that is a small item. Think about how our industries are impacted.

I remember some of the Members were here in the late 1970's when we had petroleum shortages, and how jobs were lost, how schools had to close down. We do not want that to happen again. Therefore, it is important that we manage our energy resources carefully. We fund the research. We do not do this carelessly. Our energy research programs require matching funds from the private sector. If we are going to have a technological development program, we want the private sector to contribute their fair share, because that means that they believe in what we are doing.

As a result of this research, we are getting new energy sources. I think, looking down the road, this becomes very important for this Nation. For us to have the kind of growth that will get that deficit down to zero, we have to have available a lot of energy. That means that we need to continue the R&D in our programs.

We have an enormous supply of coal. I know there will be some who oppose and we have rescinded, in this bill, $100 million of clean coal money, but we also keep what is required to fulfill our contractual obligations to those who have committed to participate on a 50–50 matching basis, or even a greater private share. The average has been 60 private, 40 public to develop clean coal technology.

What does it mean? It means that this technology will be sold not only in the United States but all around the world. We hear a lot about China these days. China today is burning more coal than the United States, and we burn a lot in this country. The electricity that lights this Chamber is coming from a pound of coal or a ton of coal, but in spite of the amount that we use, China is using more coal today than we are. Therefore, as we develop the clean coal technology we can sell this to China, because they are developing also an environmental movement.

Likewise I would point out that we have an interest in this, because if they do not develop and use this kind of technology, those emissions are going into the atmosphere and will have an impact on all of us.

I think what we are trying to do in this bill, to encourage research in alternate fuels, and the use of coal in a clean burning way, and the Department of Energy tells us that by 2010 we will have technologies that will allow us to burn coal that emits 10 times less sulfur and nitrogen than is allowed under the current law, that is twice as efficient as conventional power plants, and emits less than half as much carbon dioxide.

For example, this bill provides for research into low emission boilers. What does that mean? It means that the boilers that will be developed, and this is all in partnership with the private sector, will be far more efficient than the ones we use today in our utility industry. That means we can burn the coal in a clean way, and at the same time have a high degree of efficiency.

The programs leverage a lot of support from the private sector.

I want to mention a little bit about the Bureau of Indian Affairs. I know this does not have a wide range of interest, but the Bureau of Indian Affairs is vitally important to the over 2 million American Indians. We have a responsibility, a treaty responsibility and a responsibility as a nation that cares, to do what is right by the native Americans. We increase the tribal priority allocation by $76 million over last year. Why is that important? Because this promotes and encourages local control. We are trying to encourage the Indian tribes to become self-sufficient, to develop their own economy, to provide ways in which they help themselves in education, in jobs, and become part of the American dream. So we say to the tribes who manage their own affairs, we are going to give you more money to make your own priority judgments as to what is important to the people that you represent.

We have had the debate on the NEA. I do not think we need to talk anymore about that. I would just say to all Members, this is a good bill. We have been very fair in what we have done on projects. We had 2,000 requests from all of the Members, from literally, I suppose, almost every Member, 2,000 different items that were requested by our colleagues to be put in the bill. We have done a lot of these. We have done as many as we could. We have done them on a totally nonpartisan basis. I did not count, but I suspect if we added up the administration's requests plus the requests from our friends in the minority, we have funded more of those than we have on the majority side.

We valued projects on their merits and not as to the source of the request. We wanted to make sure that we did what was fair and what was good for this Nation, what was good for the people; trails, for example, in the Continental Divide out in the Western part of the country, and I could go on and on in pointing out some of the very constructive projects that have been funded in this bill that will, again, as I mentioned earlier, enhance the quality of life of the people of this Nation.

I hope all Members will take some time to study the bill and understand what we have tried to achieve. We have tried to achieve better management, we have tried to achieve things that will be good for this Nation that make a lot of sense in terms of expending taxpayer dollars.

For the record I would like to note two technical corrections to the report as follows: on page 67 and page 74 of the committee report—House Report 105–163, insert the word "International" before "Arid Lands Consortium" and on page 37 of the committee report—House Report 105–163, the committee bill funding level in the table for "cultural programs" should be $18,699,000 and the language on page 38 of the report for "Cultural programs" should say "The Committee has provided an additional $135,000 for uncontrollable expenses."

Mr. Chairman, I include for the RECORD a table detailing the various accounts.

The table referred to is as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2107)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	575,664,000	587,495,000	581,591,000	+5,927,000	-5,904,000
Wildland fire management	352,042,000	280,103,000	280,103,000	-71,939,000	
Central hazardous materials fund	12,000,000	14,900,000	12,000,000		-2,900,000
Construction	4,333,000	3,154,000	3,254,000	-1,079,000	+100,000
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000		+12,000,000
Land acquisition	10,410,000	9,900,000	12,000,000	+1,590,000	+2,100,000
Oregon and California grant lands	103,015,000	101,406,000	101,406,000	-1,609,000	
Range improvements (indefinite)	9,113,000	7,510,000	9,113,000		+1,603,000
Service charges, deposits, and forfeitures (indefinite)	7,966,000	7,966,000	7,966,000		
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000		
Total, Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	-67,110,000	+6,999,000
United States Fish and Wildlife Service					
Resource management	526,047,000	561,614,000	591,042,000	+64,995,000	+29,428,000
Construction	59,256,000	35,921,000	40,256,000	-19,000,000	+4,335,000
Natural resource damage assessment fund	4,000,000	4,628,000	4,128,000	+128,000	-500,000
Land acquisition	44,479,000	44,560,000	53,000,000	+8,521,000	+8,440,000
Cooperative endangered species conservation fund	14,085,000	14,000,000	14,000,000	-85,000	
National wildlife refuge fund	10,779,000	10,000,000	10,000,000	-779,000	
Rewards and operations	1,000,000	1,000,000	1,000,000		
North American wetlands conservation fund	9,750,000	15,000,000	10,500,000	+750,000	-4,500,000
Rhinoceros and tiger conservation fund	400,000	400,000	400,000		
Wildlife conservation and appreciation fund	800,000	800,000	800,000		
Total, United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	+54,530,000	+37,203,000
National Park Service					
Operation of the national park system	1,154,611,000	1,220,325,000	1,232,325,000	+77,714,000	+12,000,000
National recreation and preservation	37,976,000	42,063,000	43,934,000	+5,958,000	+1,871,000
Historic preservation fund	36,612,000	45,612,000	40,412,000	+3,800,000	-5,200,000
Construction	182,744,000	150,000,000	148,391,000	-34,353,000	-1,609,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000		
Land acquisition and state assistance	53,915,000	70,900,000	129,000,000	+75,085,000	+58,100,000
Everglades restoration fund		100,000,000			-100,000,000
Total, National Park Service (net)	1,435,858,000	1,598,900,000	1,564,062,000	+128,204,000	-34,838,000
United States Geological Survey					
Surveys, investigations, and research	740,051,000	745,388,000	755,795,000	+15,744,000	+10,407,000
Minerals Management Service					
Royalty and offshore minerals management	156,955,000	157,922,000	139,621,000	-17,334,000	-18,301,000
Oil spill research	6,440,000	6,118,000	6,118,000	-322,000	
Total, Minerals Management Service	163,395,000	164,040,000	145,739,000	-17,656,000	-18,301,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	94,172,000	93,209,000	94,937,000	+765,000	+1,728,000
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000		
Subtotal	94,672,000	93,709,000	95,437,000	+765,000	+1,728,000
Abandoned mine reclamation fund (definite, trust fund)	177,085,000	177,348,000	179,624,000	+2,539,000	+2,276,000
Total, Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	+3,304,000	+4,004,000
Bureau of Indian Affairs					
Operation of Indian programs	1,443,502,000	1,542,305,000	1,526,815,000	+83,313,000	-15,490,000
Construction	100,531,000	125,118,000	110,751,000	+10,220,000	-14,367,000
Indian land and water claim settlements and miscellaneous payments to Indians	69,241,000	59,352,000	41,352,000	-27,889,000	-18,000,000
Indian guaranteed loan program account	5,000,000	5,004,000	5,000,000		-4,000
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)		
Total, Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	+65,644,000	-47,861,000
Departmental Offices					
Insular Affairs:					
Assistance to Territories	37,468,000	39,494,000	40,494,000	+3,026,000	+1,000,000
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000		
Subtotal, Assistance to Territories	65,188,000	67,214,000	68,214,000	+3,026,000	+1,000,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2107)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Compact of Free Association	10,038,000	8,445,000	8,445,000	-1,593,000	
Mandatory payments	13,500,000	12,000,000	12,000,000	-1,500,000	
Subtotal, Compact of Free Association	23,538,000	20,445,000	20,445,000	-3,093,000	
Total, Insular Affairs	88,726,000	87,659,000	88,659,000	-67,000	+1,000,000
Departmental management	58,286,000	58,286,000	58,286,000		
Office of the Solicitor	35,443,000	35,443,000	35,443,000		
Office of Inspector General	24,439,000	24,500,000	24,439,000		-61,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000		
Office of Special Trustee for American Indians	32,126,000	39,337,000	32,126,000		-7,211,000
Total, Departmental Offices	240,020,000	246,225,000	239,953,000	-67,000	-6,272,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,335,599,000	6,566,851,000	6,518,192,000	+182,593,000	-48,659,000
Appropriations	(6,365,599,000)	(6,596,851,000)	(6,548,192,000)	(+182,593,000)	(-48,659,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)		
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)		
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	179,786,000	179,781,000	187,644,000	+7,858,000	+7,863,000
State and private forestry	155,461,000	156,408,000	157,922,000	+2,461,000	+1,514,000
National forest system	1,278,176,000	1,325,672,000	1,364,480,000	+86,304,000	+38,808,000
Wildland fire management	1,080,016,000	514,311,000	599,715,000	-480,301,000	+85,404,000
Reconstruction and construction	180,184,000	146,084,000	160,122,000	-20,062,000	+14,038,000
Land acquisition	40,575,000	41,057,000	45,000,000	+4,425,000	+3,943,000
Acquisition of lands for national forests special acts	1,069,000	1,069,000	1,069,000		
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000		
Range betterment fund (indefinite)	3,995,000	3,811,000	3,811,000	-184,000	
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000		
Midewin national tallgrass prairie restoration fund		100,000	100,000	+100,000	
Cooperative work, Forest Service			128,000,000	+128,000,000	+128,000,000
Total, Forest Service	2,919,564,000	2,368,595,000	2,648,165,000	-271,399,000	+279,570,000
DEPARTMENT OF ENERGY					
Clean coal technology:					
Rescission	-140,000,000	-153,000,000	-100,000,000	+40,000,000	+53,000,000
Deferral		-133,000,000			+133,000,000
Subtotal	-140,000,000	-286,000,000	-100,000,000	+40,000,000	+186,000,000
Fossil energy research and development	364,704,000	346,408,000	312,153,000	-52,551,000	-34,255,000
Alternative fuels production (indefinite)	-4,000,000	-1,500,000	-1,500,000	+2,500,000	
Naval petroleum and oil shale reserves	143,786,000	117,000,000	115,000,000	-28,786,000	-2,000,000
Energy conservation	569,762,000	707,700,000	636,766,000	+67,004,000	-70,934,000
Economic regulation	2,725,000	2,725,000	2,725,000		
Strategic petroleum reserve	-11,000,000	209,000,000		+11,000,000	-209,000,000
(By transfer)	(220,000,000)		(209,000,000)	(-11,000,000)	(+209,000,000)
Energy Information Administration	66,120,000	62,800,000	66,800,000	+680,000	+4,000,000
Total, Department of Energy:					
New budget (obligational) authority (net)	992,097,000	1,158,133,000	1,031,944,000	+39,847,000	-126,189,000
Appropriations	(1,132,097,000)	(1,444,133,000)	(1,131,944,000)	(-153,000)	(-312,189,000)
Rescission	(-140,000,000)	(-153,000,000)	(-100,000,000)	(+40,000,000)	(+53,000,000)
Deferral		(-133,000,000)			(+133,000,000)
(By transfer)	(220,000,000)		(209,000,000)	(-11,000,000)	(+209,000,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,806,269,000	1,835,465,000	1,829,008,000	+22,739,000	-6,457,000
Indian health facilities	247,731,000	286,535,000	257,310,000	+9,579,000	-29,225,000
Total, Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	+32,318,000	-35,682,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	61,000,000			-61,000,000	
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	19,345,000	19,345,000	18,345,000	-1,000,000	-1,000,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,500,000	5,500,000	3,000,000	-2,500,000	-2,500,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2107)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Smithsonian Institution					
Salaries and expenses	318,492,000	334,557,000	334,557,000	+16,065,000	
Construction and improvements, National Zoological Park	3,850,000	3,850,000	3,850,000		
Repair and restoration of buildings	39,000,000	32,000,000	50,000,000	+11,000,000	+18,000,000
Construction	10,000,000	58,000,000		-10,000,000	-58,000,000
Total, Smithsonian Institution	371,342,000	428,407,000	388,407,000	+17,065,000	-40,000,000
National Gallery of Art					
Salaries and expenses	54,281,000	53,899,000	55,837,000	+1,556,000	+1,938,000
Repair, restoration and renovation of buildings	5,942,000	5,942,000	6,442,000	+500,000	+500,000
Total, National Gallery of Art	60,223,000	59,841,000	62,279,000	+2,056,000	+2,438,000
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	12,475,000	11,375,000	11,375,000	-1,100,000	
Construction	12,400,000	9,000,000	9,000,000	-3,400,000	
Total, John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	-4,500,000	
Woodrow Wilson International Center for Scholars					
Salaries and expenses	5,840,000	5,840,000	1,000,000	-4,840,000	-4,840,000
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	82,734,000	119,240,000	10,000,000	-72,734,000	-109,240,000
Matching grants	16,760,000	16,760,000		-16,760,000	-16,760,000
Total, National Endowment for the Arts	99,494,000	136,000,000	10,000,000	-89,494,000	-126,000,000
National Endowment for the Humanities					
Grants and administration	96,100,000	118,250,000	96,100,000		-22,150,000
Matching grants	13,900,000	17,750,000	13,900,000		-3,850,000
Total, National Endowment for the Humanities	110,000,000	136,000,000	110,000,000		-26,000,000
Institute of Museum and Library Services/ Office of Museum Services					
Grants and administration	22,000,000	26,000,000	23,390,000	+1,390,000	-2,610,000
Total, National Foundation on the Arts and the Humanities	231,494,000	298,000,000	143,390,000	-88,104,000	-154,610,000
Commission of Fine Arts					
Salaries and expenses	867,000	867,000	907,000	+40,000	+40,000
National Capital Arts and Cultural Affairs					
Grants	6,000,000	6,000,000	6,000,000		
Advisory Council on Historic Preservation					
Salaries and expenses	2,500,000	2,745,000	2,700,000	+200,000	-45,000
National Capital Planning Commission					
Salaries and expenses	5,390,000	5,740,000	5,700,000	+310,000	-40,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	500,000			-500,000	
United States Holocaust Memorial Council					
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000		
Total, title II, related agencies:					
New budget (obligational) authority (net)	6,792,244,000	6,533,095,000	6,450,237,000	-342,007,000	-82,858,000
Appropriations	(6,932,244,000)	(6,819,095,000)	(6,550,237,000)	(-382,007,000)	(-268,858,000)
Rescission	(-140,000,000)	(-153,000,000)	(-100,000,000)	(+40,000,000)	(+53,000,000)
(By transfer)	(220,000,000)		(209,000,000)	(-11,000,000)	(+209,000,000)
TITLE III - EMERGENCY APPROPRIATIONS					
Emergency appropriations (P.L 105-18)	386,592,000			-386,592,000	
Grand total:					
New budget (obligational) authority (net)	13,514,435,000	13,099,946,000	12,968,429,000	-546,006,000	-131,517,000
Appropriations	(13,297,843,000)	(13,415,946,000)	(13,098,429,000)	(-199,414,000)	(-317,517,000)
Emergency appropriations	(386,592,000)			(-386,592,000)	
Rescissions	(-170,000,000)	(-183,000,000)	(-130,000,000)	(+40,000,000)	(+53,000,000)
(Limitation on guaranteed loans)	(34,615,000)	(34,615,000)	(34,615,000)		
(By transfer)	(220,000,000)		(209,000,000)	(-11,000,000)	(+209,000,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998 (H.R. 2107)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,195,648,000	1,121,539,000	1,128,538,000	-67,110,000	+6,999,000
United States Fish and Wildlife Service	670,596,000	687,923,000	725,126,000	+54,530,000	+37,203,000
National Park Service	1,435,858,000	1,598,900,000	1,564,062,000	+128,204,000	-34,838,000
United States Geological Survey	740,051,000	745,388,000	755,795,000	+15,744,000	+10,407,000
Minerals Management Service	163,395,000	164,040,000	145,739,000	-17,656,000	-18,301,000
Office of Surface Mining Reclamation and Enforcement	271,757,000	271,057,000	275,061,000	+3,304,000	+4,004,000
Bureau of Indian Affairs	1,618,274,000	1,731,779,000	1,683,918,000	+65,644,000	-47,861,000
Departmental Offices	240,020,000	246,225,000	239,953,000	-67,000	-6,272,000
Total, Title I - Department of the Interior	6,335,599,000	6,566,851,000	6,518,192,000	+182,593,000	-48,659,000
TITLE II - RELATED AGENCIES					
Forest Service	2,919,564,000	2,368,595,000	2,648,165,000	-271,399,000	+279,570,000
Department of Energy	992,097,000	1,158,133,000	1,031,944,000	+39,847,000	-126,189,000
Indian Health Service	2,054,000,000	2,122,000,000	2,086,318,000	+32,318,000	-35,682,000
Indian Education	61,000,000			-61,000,000	
Office of Navajo and Hopi Indian Relocation	19,345,000	19,345,000	18,345,000	-1,000,000	-1,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	3,000,000	-2,500,000	-2,500,000
Smithsonian Institution	371,342,000	428,407,000	388,407,000	+17,065,000	-40,000,000
National Gallery of Art	60,223,000	59,841,000	62,279,000	+2,056,000	+2,438,000
John F. Kennedy Center for the Performing Arts	24,875,000	20,375,000	20,375,000	-4,500,000	
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	1,000,000	-4,840,000	-4,840,000
National Endowment for the Arts	99,494,000	136,000,000	10,000,000	-89,494,000	-126,000,000
National Endowment for the Humanities	110,000,000	136,000,000	110,000,000		-26,000,000
Institute of Museum Services	22,000,000	26,000,000	23,390,000	+1,390,000	-2,610,000
Commission of Fine Arts	867,000	867,000	907,000	+40,000	+40,000
National Capital Arts and Cultural Affairs	6,000,000	6,000,000	6,000,000		
Advisory Council on Historic Preservation	2,500,000	2,745,000	2,700,000	+200,000	-45,000
National Capital Planning Commission	5,390,000	5,740,000	5,700,000	+310,000	-40,000
Franklin Delano Roosevelt Memorial Commission	500,000			-500,000	
Holocaust Memorial Council	31,707,000	31,707,000	31,707,000		
Total, Title II - Related Agencies	6,792,244,000	6,533,095,000	6,450,237,000	-342,007,000	-82,858,000
TITLE III - EMERGENCY APPROPRIATIONS					
Emergency appropriations (P.L 105-18)	386,592,000			-386,592,000	
Grand total	13,514,435,000	13,099,946,000	12,968,429,000	-546,006,000	-131,517,000

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to substitute, I was always a substitute, it seems like, for the gentleman from Illinois [Mr. YATES], and to talk a little bit about this Interior appropriations bill.

Mr. Chairman, I certainly want everyone here to know that I have enjoyed the 21 years that I have had an opportunity to work with the gentleman from Ohio, [Mr. RALPH REGULA], who is the new chairman on this committee and has served for many years, and worked under the gentleman from Illinois, [Mr. SID YATES] when he was chairman. We have a very good bipartisan committee that tries to work together on these important natural resource issues.

Obviously, many on our side today are quite unhappy about the fact that we did not or will not get an opportunity to have an up-or-down vote on the National Endowment for the Arts, but we had a vote on the rule. We lost by one vote. Now we are going to consider this bill.

I also believe that there is a lot of good that comes out of this bill. The Interior appropriations bill provides funding for the National Park Service. It does provide funding and has in the past for the National Endowment for the Arts and Humanities, for the Forest Service, for the Bureau of Indian Affairs, for the Bureau of Mines, for many of the energy conservation programs and alternative energy programs of the Department of Energy. So this is a very positive piece of legislation.

It also provides funding, as I mentioned, for the Indian tribes in this country. We do have a trust responsibility to those tribes. It is a serious responsibility. We also fund the Fish and Wildlife Service.

Of course, we have had debates on this floor over the Endangered Species Act. I would say to my colleagues here, there is probably not a congressional district in America that has been more affected by the Endangered Species Act than the Sixth District in the State of Washington. I have seen the harvest on our forests there go down by about 95 percent, maybe 98 percent, because of the requirements of protection for the spotted owl and the marbled murrelet.

The President's forest plan is in place in the Northwest. We have received funding under this plan to try and do something about watershed restoration, watershed analysis, ecosystem protection and management. All of that comes out of the Interior appropriations bill.

I want Members to know that I think that we have an outstanding chairman and an outstanding ranking member in the gentleman from Illinois [Mr. YATES], and an excellent staff that has done a lot of very good and positive work on this legislation.

One of the issues that will come up today is the question of forest roads. This is a very controversial issue. Last year we had a major debate on this issue on the floor of the House of Representatives. I want to tell my colleagues, I feel that I did not do as good a job on this issue last year as I needed to. We won, we prevailed, but I do not think I explained it as well as I should have explained it. I worked up a little chart here and I would like my colleagues to see it. It is a small chart. I think they will understand what it is.

This program here lays out the Forest Road Program that we have for the country. Of that, of the money that is being spent this year on the Forest Road Program, there will be 2,000 miles of road reconstruction. This is going out and fixing up existing roads so they do not cause environmental problems, so that they do not cave in, so there is not siltation. They have to replace the culverts. They have to fix these roads.

Then, there are only 480 miles, this is under purchase or credit, only 480 miles of new roads being built, and most of those roads are short roads into areas where there has already been timber harvesting.

□ 1645

I will bet no one in this place knows this number, 90 percent of the roads, 90 percent of what is happening on the roads is for recreational purposes. People go in and this is the access point to go into our wilderness areas, to go into our lakes, to go into our camping areas. It is recreation. And these roads are very, very important for that purpose.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think it is appropriate at this time, I want to read a statement from Secretary Glickman; the Forest Service is in his jurisdiction. It fits in with what the gentleman is saying.

A letter from the Secretary to me today says:

> However, the $41.5 million reduction the amendment proposes goes too far in eliminating important construction and reconstruction efforts that provide public safety and environmental benefits.

Mr. DICKS. Another point, Mr. Chairman, if we do not have roads, if we have got forest fires out there, we have got to be able to get the men and women who fight these forest fires into those woods. And the road program is much less dense than it is on the BLM lands, much less dense than it is on private lands.

This is done very carefully. This is not being done by James Watt. This is being done by the Clinton-Gore-Babbitt-Glickman administration. Jim Lyons, former staff member here on the Committee on Agriculture, is in charge of the Forest Service program. He is a committed environmentalist. He has said that the amendment that will be offered by Mr. KENNEDY and the gentleman from Illinois, [Mr. PORTER] goes too far. It will cut into the reconstruction of roads. It will cause environmental damage, and it will require 400 to 500 people in the Forest Service to be laid off. It is a meat-ax approach to dealing with this problem.

Then, of course, we have some small amount of roads that are built with appropriated funds, 165 miles of reconstruction. This is going out and fixing up those roads again, and only 8 miles with appropriated funds are used for new construction. And, in fact, down here at the bottom, we have the obliteration of roads; 1,500 miles of roads in those Forest Service lands are being taken out, the ones that are no longer necessary, and they are being taken out and replaced.

To my friends and colleagues who think that we are doing too much in terms of timber harvesting, let me show them what is happening in this country in terms of harvesting of timber off the Federal timberlands. This is the miles of roads. This is the historical Federal Road Program. And we used to do, here was 8,870 miles. That was in 1985. Then we went down to 6,545 miles. Here it is, in 1995, we are down to 2,868 miles. We are down to 2,652 miles, of which only 18 percent are new construction.

What has happened on timber sales in this country, we used to do 10 billion board feet off the Federal timberlands. This year the administration budget request is for 3.7 billion board feet. That is over the entire country. If the Kennedy–Porter amendment is adopted, that will be reduced down to 1.7 billion board feet.

What does that mean? That means what we have done in essence is create a shortage, a shortage of timber, a shortage of lumber. What that means is when people go out to build a house or build an apartment, the cost of that goes up. That is why the home builders have been urging the Congress to at least do the 3.7 billion in the Clinton administration budget, but not to cut it back to 1.7, which is the effect of this amendment.

So this is a very major issue. I hope Members will be not stampeded. I know that the environmental community is making this their No. 1 priority. But please listen to the members on the committee who have had some experience, who know something about it, who know a little bit about this issue.

I want Members to know that we have cut back about as far as I think we should cut back in terms of timber harvesting. As I said, in my forest at the Olympic National Forest in the State of Washington, we have gone from 250 million board feet down to 10 million. This is all done by thinning sales now. So we have taken a huge cut. But to kill the road program in my judgment is a terrible mistake.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman for yielding to me.

He talked about the billions of board feet that we are going to lose in terms of timber production. That means also hundreds of thousands of logging families who are going to have no wherewithal to pay their mortgages, send their kids to college, and do all the other things that we like to do in America as part of the American dream. This will be a devastating blow to a lot of working folks in this country.

Mr. DICKS. Mr. Chairman, the other point is, we have to import about 30 percent of our saw wood timber today from Canada. And what that means is they are going out and harvesting like crazy up in Canada to supply the American market, because we are not harvesting at historic levels off of our Federal lands.

I think, frankly, we had to make some reductions in timber harvesting. I am not opposed to that. What I am opposed to is that we have it down now to a level that I think is clearly sustainable, and we are going to have this amendment today that will even take it down further, which is going to drive up the price of lumber. And it is not well thought out. It cuts into road reconstruction money in the name of cutting out money for new roads, and it just misrepresents the facts.

I have never seen, in my entire career, and I have seen a lot of distortions in my entire career up here, believe me, but this one, what this amendment says it does and what it actually does, there is more distance between this and anything I have seen. It is not right. I think a lot of Members here have been misled, and if they actually knew the facts they would be voting against this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding to me.

He has just made a very lucid, factually substantiated statement, the best I have heard in years on this floor about the issues involved in this question of timber harvesting and the relationship with the road program. The gentleman represents a great saw timber area of the country.

In my district, we have pulp wood principally and we do not have the big saw timber trees, but it is as important a yield for our forests, for the pulp and paper industry and the particle board industry, as the saw timber is for the lumber and homeowner and home building sector of our economy.

Something I think is very important to understand, we are talking about a sustainable yield, a renewable resource in forestry. We are also talking about roads that are used for other purposes than for timber harvesting. There are all sorts of recreational activities that take place on these roads, and they never get, those other uses rarely get charged for the cost of the road construction that is always attributed to timber harvesting.

I know in the forests in my district and in northern Wisconsin and in the upper peninsula of Michigan that we now have an above-cost operation; that is, the cost of the road is more than amply paid back simply by the cost and the value of the timber harvesting. And there are all these recreational benefits that follow upon the road program.

Mr. DICKS. Mr. Chairman, the gentleman is absolutely correct. Ninety percent of the utilization of these roads is for recreational purposes. I am sure the gentleman knows in the forests of Minnesota the same thing that I know in the Olympic Peninsula. This is where the people go to recreate, they go to the lake, they go to the wilderness, they go camping, hiking, they go hunting, fishing. They use this road system. This is not an evil, terrible thing.

What is evil, what is terrible, what is environmentally dangerous is not to sustain those roads. What is misunderstood here today is that most of the money that is being taken out, most of that money would be used for road reconstruction to fix up problem roads and make them safer so that they do not wind up blowing out and going into the stream, and replacing culverts so that salmon can get back up and reproduce. That is a big part of the cut that is in this budget today.

Mr. OBERSTAR. Mr. Chairman, the gentleman has stated the case exceedingly well. And I just say that those who are advocating this amendment do not have in mind the roads and their utility or their significance. They really want to get at the timber harvesting program. I think we have a fair balance of sustainable yield management on the national forests of this country. We ought not to cut it or gut it by means of this amendment.

Mr. DICKS. Mr. Chairman, I would point out to the gentleman, out in region 6, used to be the No. 1 timber producing area in the Nation, we have gone from about 4½ billion board feet down to about less than 1 billion board feet, an 80 percent reduction, an 80 percent reduction. Hundreds of mills have gone out of business.

All we are saying is, can we not have a little balance here? Let us remember that this program provides recreation and opportunities that are different, and it is not just timber harvesting. I am asking my friends, many from across the country, look at the facts here, look at what Secretary Glickman said. Do not just be swept up because you are being pressured by certain groups. I just ask for a fair evaluation of the facts. Give us that. Look at it and hopefully we will have the right vote.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, along with what the gentleman said, another point is, here is a 2 by 4. Seven years ago it was 22 cents a foot. Today it is 44 cents a foot. What does that translate into? Two thousand dollars to $3,000 more for a frame house, and that means that young people will have an additional burden when they want to seek that first home, because the forest cut has been so reduced. This saw foot comes out, a lot of it, from our national forests.

Mr. DICKS. That is why the home builders have made this one of their most important issues. They are very concerned about what the gentleman, the chairman has pointed out. We have created this shortage. When we create a shortage, we drive up the price. And so we are trying to do this fairly. We are trying to do it on a sustainable basis. We are trying to make sure that the money is used for demolition and for fixing up troubled roads. But with this amendment, we are going to take away a huge part of the money that is there to fix up troubled, environmentally dangerous roads, and this is just because I am afraid the people who are offering this amendment do not serve on this committee and do not talk to the Forest Service and do not understand the complete implications of what they are doing. Their intent may be pure but what happens is not.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. NETHERCUTT], a very distinguished and productive member of our subcommittee.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me the time.

I certainly want to congratulate him for a very hard effort, well-deserved applause in connection with this bill and certainly to the gentleman from Illinois [Mr. YATES] and the gentleman from Washington [Mr. DICKS] who worked very hard on this bill as well. And the staff. I think we too many times overlook how hardworking the staff is to try to put this all together and get it to the floor and keep track of it all.

I am a member of this subcommittee, Mr. Chairman. I am delighted to be part of it because it has been a pleasure to work on this bill. It protects our natural resources. Even though it is funded below last year's level, it keeps our Nation on track to achieve a balanced budget. So this was a difficult effort trying to put the numbers together, even though they are below last year's, to meet the priorities of our Nation and protect the environment but also protect our natural resources.

So we were able to increase a number of programs in this bill that needed increase. I want to call particular attention to a few of the highlights of the bill as they affect my region of the Pacific Northwest.

The National Park Service is an important agency to many Americans. It is going to receive a $78 million increase in funding, making it the third straight year that this committee has increased park operations.

The chairman also included a provision that allows parks and refuges and forests which participate in the recreational fee demonstration program to keep 100 percent of the fees, not to send them back here to Washington but to keep them in the location in which they will do the most good. This is going to benefit Lake Roosevelt National Recreation Area in my district. It is a new fee demonstration participant. We are going to keep a lot of those fees and use them to improve really the commercial activities and the maintenance activities that are necessary within the park itself.

We are going to also achieve a tremendous backlog maintenance problem in our parks, and that program will assist in that regard.

The native American programs in this bill are increased. The tribal priority allocation which was mentioned by the chairman is increased by $76 million. This funding goes directly to the tribes, directly affects my district in the Pacific Northwest and it bypasses the Bureau of Indian Affairs, and I think that is a good approach.

I am concerned that this bill does not meet the President's request in the area of Indian health because Indian health care's inflation is well above the normal inflationary rate, and for too long the native American population has been a low priority for the administration and the Congress and their health needs. I hope the other body will increase this funding level.

What I want to say, too, most importantly, following up on the debate that we have just had here and the discussion regarding our national forests and public lands, over the last 3 years we have spent an unsustainable $2.3 billion fighting fires on our national forest lands.

□ 1700

That is unacceptable, but that is due, in my judgment, to the fact that we have diseased forests and we have unmanaged forests. That is unacceptable. Should be to all Americans.

As a result of this, we have seriously addressed in this bill the issue of improving forest health. Disease suppression, forest fuel reduction, vegetation management, watershed improvements, research, and reforestation are all increased. This is a good environmental bill.

With regard to the timber road issue that is coming up, I urge my colleagues do not be persuaded by some outside group that is going to score this bill on an environmental basis and be pushed into making the wrong judgment. Study the facts. This timber road reduction provision that is coming up is going to hurt the small operator. It will not hurt the big operator. It will hurt the small operator. And that will do damage to the forest health and the multiple use concept in our national forest.

Remember that about 80 million visitors go into the national forests and use the forest roads that are currently in place. And we are obliterating forest roads by a ratio of 4 to 1. Four times as many are obliterated as those that are built.

So Members should be very careful about this bill and look very carefully at this amendment because it is a red herring and we should not be persuaded by it.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, as a member of the Subcommittee on Interior of the Committee on Appropriations, I want to express my appreciation to the hard work and leadership of its chairman, the gentleman from Ohio [Mr. REGULA], and also to the very distinguished ranking member. Serving on this subcommittee, one gains an even greater appreciation for the great loss that this body will experience when the gentleman from Illinois [Mr. YATES] retires. So I thank him for his leadership.

I also want to recognize the professionalism of the staff on this bill. Debbie Weatherley, Loretta Beaumont, Chris Topik, Joel Kaplan and Angie Perry. Barbara Wainman, the chairman's personal assistant, Curt Dodd, and of course Del Davis, who has to assume a Herculean load, given the fact that the minority staff are so few in number with so many responsibilities.

Mr. Chairman, as the chairman has said, this is clearly one of the most important subcommittees in the entire Congress. We have some very controversial issues, though, and we are going to spend most of our time on those controversial issues. But it should be expressed that there are some very fine things in this bill. For example, $136 million increase for the Everglades; a $78 million increase for the national parks; $42 million more for operating the Fish and Wildlife Service.

There are a great many needs within those organizations. I will not take the time to go into them, but we are addressing those needs. There is a $16 million increase for natural resource science research by the U.S. Geological Service. These things go unmentioned because we focus exclusively on the controversial issues.

Thirty-one million in program increases go to native Americans. Very much deserved. The Indian Health Service will bring more Indian health care to communities. In fact, we are providing modular dental units on reservations where dental services are sorely lacking.

But, of course, there are some deficiencies in this bill, at least in my opinion, and in the opinion of the ranking minority member. Weatherization assistance is an example. I wish we could do more in the way of weatherization assistance because we decrease it by over $30 million.

The automobile fuel cell research, I think, has a great deal of potential, which may not be realized because we are cutting back on that almost entirely. That has potential for meeting the clean air standards.

But most importantly we are going to focus on the NEA and it needs to be focused on. It should be restored to its existing level of $99 million.

The value of the logging subsidy to private timber companies is over $250 million a year. The taxpayer foots this bill to build roads in forest areas 87 percent of which would otherwise be uneconomical. They've built 378,000 miles of road. Fifty percent more road than in nonforest service lands roads that cause landslides, erosion and siltation of our streams. The National Endowment for the Arts deserves to be funded. Private timber companies don't.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], a distinguished member of the Committee on Resources.

Mr. HANSEN. Mr. Chairman, it is interesting now that we have come into this interesting bill, which the gentleman from Ohio [Mr. REGULA] has done some super work on, and a lot of people, the gentleman from Illinois [Mr. YATES], have worked very hard on this particular piece of legislation. I think it is interesting that most of us who campaigned on the idea that we do not want any tax increases, we are against tax increases, if anything we are going to balance the budget this time, yet we seem to come up with an amendment that is pending that is called the Kennedy-Porter amendment which, in effect, is going to raise taxes indirectly on every American.

How is it going to do that? Well, one thing, those of us who come from the West, I hope people realize that last year there were more fires in our public lands across America than any time in history, and that cost over $1.2 billion to fight them.

I am a member of the Committee on National Security and we have requests from the Forest Service, BLM, and every firefighter: Give us some of those old airplanes; we want to convert them to tankers because we have to go in and fight those fires.

So they are going to save $41,000, according to this amendment. At the same time we are going to spend billions and billions of dollars and we are going to decimate the West. There goes those beautiful forests. The folks from the East who fly over them and say, look at that green carpet, it is gorgeous, it is beautiful, I love it. And yet when we want to go in and kill the pine beetle, which is taking them out, no, here comes these same environmental groups saying, oh no, you cannot do that, and they put injunctions on it.

Now, the professional foresters came in before the committee I chaired for a few years and they say, if we do not kill the pine beetle by taking that section out, they will kill every tree in here. And if they kill every tree, that beautiful green forest becomes toothpicks. And then they say and we will have a sure bet that we will have a fire. And then they say we will have a sure bet we will have a flood. And then they say it will take Mother Nature 200 years to bring it back to the way it was.

So why did we not just go in there when we had the opportunity and take care of that infestation of pine beetles? Now, because we could not go in there and do that, we now have what we call a fuel load. So now we have a fuel load in America heavier than we have ever had. Why do we have the fuel load? Because we cannot go in, we do not have the roads, and we cannot thin the forests. We cannot take down all these down fuels.

So what do we have? We have fires. And we can count on it. The best people in America are saying that we will have more fires in America this year than we have ever had. So we are going to spend billions of dollars fighting the fires when we could have the roads that the people could go in.

What about these young people that want to build homes? The gentleman from Ohio talked about the increase. I remember in 1967 when I built a home for me and my wife and my family that I thought was wonderful, and I looked at the 2 by 4's and they were 83 cents apiece. I bought some 2 by 4's the other day and they were $4 apiece. Now, there goes the cost up.

Keep in mind what we will do with this amendment from PORTER and KENNEDY. First, we are going to raise the taxes of Americans rather substantially; second, all the people who use the roads will not be able to use them, and 90 percent of it is used for recreation and, third, we will burn the West.

So let it burn, my colleagues, and vote for this amendment they have here; do not let it burn and vote against the amendment.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the committee.

Mrs. LOWEY. Mr. Chairman, I, too, would like to express my great respect for our chairman, the gentleman from Ohio, [Mr. REGULA] and our outstanding leader, the gentleman from Illinois [Mr. YATES]. And although he fought vigorously to defeat the rule, which would have given us an opportunity to support the National Endowment for the Arts, we lost, and I would like to direct my remarks to the Ehlers-Hunter amendment regarding the National Endowment for the Arts.

Mr. Chairman, in a nation of such wealth and cultural diversity, it is a tragic commentary on our priorities that we are here today debating the elimination of the National Endowment for the Arts, an agency that spends less than 40 cents per American each year. One of the standards by which we judge a civilized society is the support it provides for the arts. In comparison to other industrialized nations, the United States falls woefully behind in this area, even with a fully funded NEA.

But let us be honest, my colleagues. This is not a fight over money. The Republican leadership wants to eliminate the NEA because they are concerned about artistic expression in a free society. This battle is not about defending the values of mainstream America, this is about pandering to Pat Robertson and the Christian Coalition. The Republican assault on the arts, on cultural expression itself, is an outrage and it must be defeated.

Polls overwhelmingly show that the American public supports Federal funding for the arts because students, artists, teachers, musicians, orchestras, theaters, dance companies across the country benefit from the NEA. For many Americans, whether they live in the suburbs, our cities, or our rural areas, the NEA is critical in making the arts affordable and accessible.

If those reasons are not compelling enough for some, let us just talk dollars and cents. Because for every $1 the NEA spends, it generates more than 11 times that in private donations and economic activity. That is a huge economic return on the Government's investment, and we certainly do not need to be from New York to see the impact of the arts on a region's economy.

Instead of debating this issue on the merits, the NEA opponents delight in telling sensational stories about objectional projects. Let us be very clear on the facts. Out of more than 112,000 NEA funded grants over the past 32 years, only 45 were controversial. That is less than 0.04 percent of all grants.

Moreover, under the very able leadership of Jane Alexander, the NEA has restructured the grant process to ensure the mistakes of the past cannot be repeated. I urge my colleagues to defeat the Ehlers-Hunter amendment and preserve the NEA.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise to request a colloquy with the gentleman from Ohio [Mr. REGULA] regarding the status of ongoing restoration work at the Independence National Historical Park in Philadelphia.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am pleased to address the gentleman from Pennsylvania's concerns about this important work. And I might add also that if the gentleman saw the chart of backlogged maintenance, this is a classic example of how we have neglected to maintain an extremely valuable resource of this Nation.

Mr. FOGLIETTA. Mr. Chairman, reclaiming my time, Independence Park has been known to have been undergoing a significant utilities restoration project. Several years back I walked through the halls of Congress with a corroded pipe because the sprinkler system in Independence Hall was completely inoperable. A fire could have destroyed that national treasure in 20 minutes.

The chairman then, the gentleman from Illinois [Mr. YATES], and the corresponding chairman in the other body came to my rescue and provided the money for emergency assistance. I appreciated that and I appreciate the subcommittee's provision of $4.3 million on the project to preserve Independence Hall and the other historic buildings surrounding it. This is generous, and I thank the chairman, but I am concerned because the administration had requested $6.3 million for this project. I understand these funds are absolutely required to implement the park's master plan for the next century.

This country has existed for two centuries because of what happened in this park and Independence Hall. I am hoping that we can work together in conference on this funding so that this project can proceed on schedule.

Mr. REGULA. Mr. Chairman, if the gentleman will continue to yield, I understand the gentleman's concerns and I share them. Let me assure him that the committee strongly supports this construction work.

As the gentleman knows, this committee has provided more than $40 million over the past several years to take care of the critical maintenance needs of Independence Hall.

☐ 1715

Mr. REGULA. Unfortunately, the Parks Service has a backlog. As I mentioned earlier, the Senate allocation is higher than the House number. Were the Senate to fund this project, and if other high priority needs for construction are met, then I would certainly give a lot of consideration to supporting increased funding for this project. It is a very important piece of work, and I am very strongly in favor of taking care of it. This is one of our Nation's great cherished monuments.

Mr. FOGLIETTA. Mr. Chairman, if the gentleman would yield, it is also the heart of my district.

Mr. REGULA. It is across the street, as I understand it.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI], a member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in great respect for the gentleman from Ohio [Mr. REGULA], the distinguished chairman of the subcommittee. I appreciate his fine work in bringing this legislation to the floor. And I join my colleagues in expressing great esteem for our colleague, the gentleman from Illinois [Mr. YATES], for the great tradition that he has brought to this Congress of support for the arts and support for preserving our national and natural heritage as well. It is indeed an honor for every one of us who serves in this body to call him "colleague."

So it is with regret that I rise to oppose an amendment that will come up later, the Ehlers amendment, and hope it will not be part of this legislation at the end of the day.

As I am fond of saying in this Chamber, there are so many fig leaves around here that it is beginning to look like the Garden of Eden. Today's fig leaf is the Ehlers amendment, which is supposed to give cover to those who voted to eliminate the National Endowment for the Arts, but alas, it is a transparent fig leaf.

It is interesting to me that, in the course of the Committee on Rules debate and debate on the floor, our Republican colleagues said that we had to eliminate the $99 million in funding for the NEA because we need to reduce the deficit. Now, hiding behind the transparent fig leaf, the Republicans say that we can vote for $80 million through the Ehlers amendment. It is clear that this is not about reducing the deficit, it is about content restriction; it is about conformity instead of creativity.

The gentleman from Texas [Mr. ARMEY], the distinguished majority leader, when he spoke earlier, said that the Ehlers amendment would put more Crayolas in our children's hands. Yes, and that is just about it. The Ehlers amendment would amount to about $1 per child for the arts.

Do we not want more for America's children? I am certain the gentleman from Texas [Mr. ARMEY] wants more for his new grandson, who was born yesterday. I am pleased to welcome him to the grandparent's club, the best club there is. Let us hope that our grandchildren can express themselves freely. In order for that to happen, we should reject the Ehlers amendment and bring back the NEA.

I urge my colleagues to oppose the Ehlers amendment.

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] has 2½ minutes remaining. The gentleman from Ohio [Mr. REGULA] has 2 minutes remaining.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Chairman, I agree with my colleagues that there are many positive features in this bill. But I am particularly sensitive to its cultural institutional components, and here the bill deserves a mixed review.

I am pleased that funding for the National Endowment for the Humanities is being sustained, not in abundance, but at current levels. On the other hand, I lament what is happening to the National Endowment for the Arts.

What is most troubling about this, in my judgment, is that we here in the Congress have taken on the role of art critics who can make judgments about what is good or what is bad art, and the electorate has not asked us to do that.

I am also extremely bothered by the large, devastating cuts to the Wilson Center down the street. The Wilson Center has done distinguished work. It would be extremely short-sighted if we were to destroy this very excellent research center.

Mr. Chairman, my first contact with Congress came more than a decade ago when I testified on behalf of the arts and the humanities, and I gave my testimony to the committee directed by the gentleman from Illinois [Mr. YATES], who is now my colleague.

The gentleman from Illinois [Mr. YATES] has given years of distinguished service in supporting our national cultural institutions, and I want to say that I am so honored to be working at his side.

Mr. REGULA. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from Ohio [Ms. PRYCE], a very distinguished member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Chairman, I thank my good friend, the gentleman from Ohio [Mr. REGULA], for yielding me the time, and I rise in opposition to the Porter-Kennedy amendment.

This amendment eliminates funding allocated to the forest road program. But this program builds, improves, and maintains forest roads. Those who support the amendment argue that the forest road program provides a subsidy. I respectfully disagree.

I would like to take this opportunity to commend to my colleagues this piece of literature prepared by Price Waterhouse that says "the forest roads program does not contain a subsidy for timber purchasers and provides an efficient and effective mechanism for financing road construction and reconstruction."

These roads are an important tool used to manage the resources in our national forests. Just last August, a staffer of mine spent 14 days fighting wildfires in Oregon. It was the forest roads that provided him and other firefighters with their sole access over land to the safety of their fire camp 6 miles away. Without such roads, access over land would have been next to impossible, causing a great loss of both time and energy.

But it is not just access for our wildland firefighters that is important, these roads also provide access for our resource managers and foresters, hunters, fishermen, and those who just want to take a walk in the woods.

I urge Members to look past the political rhetoric that many groups would have them believe. If you support promoting forest health and sound environmental stewardship, I urge you to support the forest roads program and defeat the amendment.

Mr. DICKS. Mr. Chairman, I yield the remaining time to the gentleman from Illinois [Mr. YATES], the distinguished ranking minority member.

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I want to pay my tribute to the gentleman from Ohio [Mr. REGULA]. He and I worked on this bill for many, many years. He knows it thoroughly. And, for the most part, I think that this bill reflects good judgment on his part.

In view of the fact that the bill and the rule have killed NEA, I will not support the bill. In many respects it is a good bill. It provides additional funds for building our parks, our natural resources, but it devastates almost equally important cultural programs.

I mentioned what it had done to the National Endowment for the Arts. And although it gives its approval to appropriations for the National Endowment for the Humanities, it kills the Woodrow Wilson Center, which I think has done good work over the years, and it suspends work on the Museum for the American Indian. We have been waiting year after year after year for a museum to pay tribute to the great people who first inhabited this country.

So, Mr. Chairman, again I pay my tribute to the gentleman from Ohio]Mr. REGULA]. I look forward to working with the Senate to add some improvements to the bill, particularly in the cultural aspects of it; and I hope that the gentleman from Ohio [Mr. REGULA] will work with me in that respect.

Mr. REGULA. Mr. Chairman, I will use my last minute to announce what I have been advised, and that is that the leadership advises that they would like to work to between 10 and 12 tonight. The objective would be to finish by 2 p.m. tomorrow, and I think we can easily do that if we work until that time tonight.

We will probably roll votes until about 7 p.m., and then after we have done that group, we will roll again for a couple hours. So this, I think, will give the Members an idea of what the rest of the evening will be like as far as schedule and what we could anticipate for tomorrow.

Mr. Chairman, I just close by saying this is a good bill. I hope all of our colleagues will look at it carefully as we go through the various amendments and then on final passage.

Mr. ENSIGN. Mr. Chairman, I rise in support of the Sanders amendment to H.R. 2107. This amendment would increase funding for the payments in lieu of taxes [PILT] by $19 million. These payments are absolutely vital to our counties that have a decreased tax base due to federally owned land located within the county boundaries.

These payments help defray the costs of law enforcement, fire prevention, search and rescue and infrastructure needs in those counties that must provide these essential services, yet do not have the revenue stream normally provided by private property tax collection.

Coming from a State where 87 percent of the land is federally owned, you can imagine how strapped our rural counties are when it comes to providing these essential public services. The PILT Program was established to address the fact that the Federal Government does not pay taxes on its own land. Unfortunately, PILT payments have never approximated the revenue the local governments would otherwise generate through private property taxes.

I appreciate the gentleman from Vermont offering this amendment and I urge my colleagues to support it.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise today to express my strong disappointment in the fact that the majority members of the Appropriations Committee refused to include, in the bill we are discussing today, the $700 million that was included in the bipartisan, 5-year balanced budget agreement for Federal land acquisition.

Over $300 million of the $700 million was slated to go to the Land and Water Conservation Fund [LWCF], the Federal trust fund, established to purchase private lands for outdoor recreation or for preservation for future generations.

Last month, when we learned that this money might not be included in the bill, I joined 22 of my colleagues on the Resources Committee in sending a letter to Chairman REGULA to remind him that the LWCF is currently owed about $11 billion which has accumulated because money meant for the fund has been directed for other uses, like balancing the Federal budget.

This misdirection of LWCF funds has created a tremendous backlog of purchases of threatened land designed to protect the public health and the environment.

I was overjoyed, Mr. Chairman, when I heard that the balanced budget agreement had provided an additional $700 million for Federal land acquisitions.

This additional funding would have meant the possibility that funding could finally be realized to begin acquiring land at the Salt River National Park and Historical Preserve, on the island of St. Croix in my district, the Virgin Islands.

Salt River National Park was authorized in 1992, creating an approximately 1,000 acre park offering a unique combination of biologically significant flora and fauna. Salt River is also best known as the only documented site where Christopher Columbus landed in what is now the United States.

Tragically, since its authorization, there has not been any Federal land acquisitions at Salt River. This is a concern because a major hotel development had been proposed for the mouth of the Salt River Bay, including the area of the Columbus landing site.

While the development permits for this project have been denied by the courts, the current owner of the property believes that an opportunity still exists to sell the property and re-initiate the hotel project. It is essential, in order to preserve this magnificent area, for LWCF funds to be appropriated for the Park Service to acquire key private tracts of land at Salt River.

I urge my colleagues to continue to insist that the previously allocated $700 million be made available to address the threats faced at Salt River, as well as, for the other hundreds of priority Federal land acquisition and local recreation projects across the country.

Mr. VENTO. Mr. Chairman, I rise in opposition to the Interior appropriations bill in its current form. It shortchanges the Land and Water Conservation Fund [LWCF]. It shuts down the National Endowment for the Arts. And it is packed with irresponsible government subsidies such as the timber roads credit and special breaks for clean coal technology. Thankfully, we have some opportunities today to fix some of these problems and send the President legislation he can sign.

My colleague from California [Mr. MILLER] plans upon offering an important amendment that will restore the commitments the leadership made to the President on funding for the Land and Water Conservation Fund [LWCF]. This amendment will provide for two critically important land exchanges: the New World Mine in Montana and Headwaters Forest in California. Some of my colleagues oppose these purchases, and I respect but disagree with their views. But that is not the point. The point is that this provision was part of the budget deal that this Congress agreed to with the President. There are a lot of aspects of this budget agreement with which I'm not in agreement with, but I, along with more than 300 of my colleagues, supported the budget agreement when it passed on this floor. As Members supported the budget deal the Congress/Clinton compromise, it is only reasonable to uphold the key provisions of the same. Specifically the commitment to increase the LWCF by some $700 million, that is the Miller amendment that will be offered in good faith and in accord with the budget agreement.

Similarly, the bill in its current form shuts down the National Endowment of the Arts. A number of our colleagues insist on making inflammatory, and I'm sad to say inaccurate, statements about the NEA and its priorities. The fact remains that most of the money we spend on the arts goes to providing cultural experiences for children in communities across the Nation who would not otherwise enjoy such opportunity or experiences. The President, furthermore, has indicated that he will veto this bill if Congress does not restore funding for the NEA.

Instead of more endless, partisan bickering, this House should continue funding the NEA at previous levels. This would have been a compromise. While I and a number of my colleagues would like to strengthen our commitment to the arts, I recognize that this is currently not likely. So I am willing to face reality and move forward with the legislative program for our Nation. I would have hoped that those who disagree would at some point be willing to do the same.

In addition to these important amendments, we will debate an amendment to eliminate the special subsidy program for timber roads in our National Forests. I am not sure how many of my colleagues are aware of the fact that this bill includes $40 million so that the Federal Government can reimburse timber companies for their road construction costs, road graded so that the same entities can harvest the timber. That is $40 million less of tax dollars that we can spend on educating our kids, cleaning up the environment, providing heat assistance for the elderly, and any number of other worthy and important activities serving our communities.

You will hear many claims that, according to Price Waterhouse, these millions of dollars do not amount to a subsidy. Please bear in mind that this Price Waterhouse analysis was the result of a timber industry funded study, frankly the results don't seem surprising. I'm underwhelmed by such industry produced fodder. Beware of a special interest financed study that supports the special interest access to the Federal taxpayer pocketbook. We should end this fiscally and environmentally unsound program today by voting for the Porter-Kennedy amendment.

Like just about all of the legislation we consider in this House, this is a true question of priorities. I believe and I have long believed that we can effectively manage our National Parks and Forests, that we can preserve funding for the arts and humanities and that we can deal fairly with members of Native American Tribes while we at the same time spend money responsibly and eliminate programs and unwarranted subsidies that have failed their goal or that enrich special interests. We should use this Interior appropriation legislation to achieve such goal. Indeed, there are those that wish to preserve the subsidy program for logging roads, there are those who wish to preserve the so-called Clean Coal Technology Program, and there are those who want the Federal Government to extinguish the commitment to the arts. I disagree, these actions run counter to sound policy and are not supported by the American public.

I have always viewed the Interior appropriations bill as an opportunity for Congress to both protect the environment and save taxpayer dollars—what has become recognized as the Green Scissors approach—and this year is no different. We should pass the Miller amendment, preserve our commitment to the arts, pass the Porter-Kennedy amendment, and pass the Klug-Miller-Foley amendment. Then we'll send the President a bill that he can sign and show the American people that sometimes, when given the opportunity, Congress is capable of real change and can do our decisionmaking task fairly, efficiently, and above all competently.

Mr. UNDERWOOD. I know that today's debate on the fiscal year 1998 Interior Appropriations will largely focus on funding for the arts and humanities, but I would like to take a moment to highlight several provisions included in the bill which I am very pleased to support.

As you may know, citizens of the freely associated states of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, can freely migrate to Guam under the provisions of the Compact of Free Association between the United States and these nations. Appropriations to reimburse Guam for the impact of the Compact are authorized under Public Law 99–239. In the Omnibus Appropriations Act of fiscal year 1997 [P.L. 104–134], 6 years of partial reimbursement for Guam was included for the social and educational costs of this migration. I am pleased that H.R. 2107 again includes $4.58 million as partial reimbursement to Guam. I would like to thank Chairman REGULA and Ranking Member YATES for their leadership on this issue and for working to fulfill this important Federal obligation.

H.R. 2107 also includes an additional $1 million for brown tree snake eradication research as requested by the administration. This funding is vital for the efforts to control this non-indigenous species which has decimated Guam's indigenous bird species and is the cause of countless power outages throughout the island. I thank Chairman Regula and his staff for their willingness to take a serious look at this problem and understand the ongoing and potential impact of this uncontrolled non-indigenous species.

I am also pleased that technical assistance to the territories has been increased by $1 million to approach a more adequate level and has remained separate and distinct from funding to control the brown tree snake. I look forward to continuing to work with my colleagues and the other body to see that all of these important provisions remain intact.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise to note a matter which is of great concern to myself and the members of the Commerce Committee on both sides of the aisle. H.R. 2017, contains language which would allow the sale of approximately 10 million barrels of oil from the Strategic Petroleum Reserve.

The legislative language in H.R. 2017 changes existing law regarding the drawdown of the SPR, and violates House Rule 21 which prohibits legislating in an appropriations bill. Yesterday, we asked the Rules Committee to issue a rule which did not waive points of order against this language. Unfortunately, because of some miscommunications, the rule waived the point of order and an objection was made to the unanimous-consent request to modify the rule.

Thus, Mr. Chairman, I am disappointed that the point of order which would lie against this provision was waived. However, I have spoken with Mr. REGULA and Mr. SOLOMON about this and I understand they will work with me to see that this language is removed at conference.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Amendments printed in House Report 105–174 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, are debatable for the time specified, equally divided and controlled by the proponent and an opponent, are not subject to an amendment, and are not subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $581,591,000, to remain available until expended, of which $2,043,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $1,500,000 shall be available in fiscal year 1998 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, $27,300,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $581,591,000; and in addition, not to exceed $5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, $280,103,000, to remain available until expended, of which not to exceed $5,025,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of a colloquy with my friend, the gentleman from Ohio [Mr. REGULA].

As the gateway for more than 12 million immigrants between 1892 and 1954, Ellis Island holds a unique place in our Nation's history. More than 90 million Americans trace their roots to Ellis Island, and 1½ million visitors from around the world tour the island every year.

Unfortunately, some parts of the island are not receiving the attention they deserve, and last month the National Trust for Historic Preservation included the south side of Ellis Island on its annual list of the 11 most endangered historic places in the United States.

The south side of Ellis Island consists of more than two dozen buildings that served as hospital wards during the first part of this century. These buildings have great historical significance. In fact, the cure for pink eye was discovered there.

Due to years of weather-related damage, however, the hospital complex is seriously decayed. Roofs are caved in, walls are crumbling, and in some buildings stalactites of lime hang from the ceiling. These buildings are literally falling apart, and allowing them to decay beyond repair would be a national disgrace.

I am very pleased that the gentleman from Ohio [Mr. REGULA] has included report language in the bill at my request that directs the Park Service to come up with an immediate plan to stabilize these buildings. I also want to reiterate my hope that, working with the Senate, we may be able to find a small amount of money in the bill to begin basic emergency repairs in the future.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for her interest and efforts. Ellis Island truly is a national treasure that has desperate needs for construction repairs.

Unfortunately, the Park Service construction budget is severely constrained by its overwhelming backlog of critical maintenance projects, $570 million, as our chart showed, which consists of serious public health and safety issues.

Should the Senate provide funds for the project, and if the other priority construction needs are met, I will give serious consideration to supporting the project. It is a good project and deserves support. I look forward to working with the gentlewoman from New York [Mrs. LOWEY] to ensure the project's successful completion.

Mrs. LOWEY. I thank the gentleman. We really owe it to the memory of our ancestors and for the benefit of future generations to preserve these buildings. I am very appreciative of the chairman's support for getting us on the path to do just that.

□ 1730

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. section 9601 et seq.), $12,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this time to, if I could, participate in a colloquy with the gentleman from Ohio [Mr. REGULA] if that would be in order.

Mr. Chairman, there seems to be a lot of confusion surrounding, at least in my mind, the funding level for the automotive fuel cell research and development program within the Energy Conservation Program. First, I want to clarify the funding level for the advanced automotive technology program. It is my understanding that the committee recommended more money for the advanced automotive technology program this year than was appropriated in the years 1996 and 1997.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Ohio.

Mr. REGULA. The gentleman is correct. The comparable program was funded at $104,640,000 in fiscal year 1997 and the committee recommendation for fiscal year 1998 is $104,796,000. This represents an increase of $156,000. It is an increase of over $4 million above the 1996 level.

Mr. KNOLLENBERG. I thank the gentleman for that. Although the total amount for the advance automotive technology program received an increased recommendation from the committee over the past 2 years, I have heard from the Department of Energy that the fuel cell program has received a significant reduction in funding, perhaps as much as $10 million.

Mr. REGULA. If the gentleman will yield further, the department is not correct. It is true that the committee has recommended a slight reduction from last year's appropriation to the fuel cell program due to the difficult choices we have had to make in trying to balance the budget.

Mr. KNOLLENBERG. It is further my understanding, Mr. Chairman, that the Department of Energy approved grants within the fuel cell program and that these grants have had an impact on the market value of the companies that have been designated as grantees. A part of my confusion is how these grants could have been approved by the DOE, the Department of Energy, if the funding for these grants were dependent on future appropriations. I also am not clear whether the grant recipients can receive a portion of their grant even when the amount appropriated is not enough to fund all the department's approved grants.

Mr. Chairman, I understand there is some good research being conducted within this program, including some research in my home State of Michigan, but the gentleman can see there still appears to me a lot of confusion surrounding the issue. I am asking the gentleman today to work with me to clarify some of this confusion surrounding the funding level for the automotive fuel cell program.

Mr. REGULA. I would be glad to work with the gentleman from Michigan to help clarify any confusion he or others may have regarding the automotive fuel cell program.

Mr. KNOLLENBERG. I appreciate that from the gentleman, and I thank the gentleman for joining me in the colloquy.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to request a colloquy with the gentleman from Ohio [Mr. REGULA] regarding the fate of ongoing restoration work at the Fort McHenry National Monument and Historic Shrine in Baltimore.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Ohio.

Mr. REGULA. I am pleased to address the gentleman from Maryland's concerns about this important work.

Mr. CARDIN. Mr. Chairman, I am concerned that the bill does not provide the $1.8 million needed by the Park Service for high priority construction work to complete the restoration of Fort McHenry. Last year Congress appropriated $800,000 for the work on the fort. This was part of a $2.6 million project designed to preserve the birthplace of our National Anthem. To date significant work has been undertaken to repair and repoint the fort's main exterior brick walls, dating back to the War of 1812. Additional funding is needed to complete preservation of underground bombproof rooms, powder magazines and Civil War period defense works at the site.

I am concerned that the action of the committee threatens the timely and efficient completion of the necessary work. Finding sources of historically compatible bricks and artisans skilled at this restoration work has been difficult, but the project is now underway and we should complete it.

Mr. REGULA. I understand the gentleman's concerns. Let me assure him that despite our decision not to include construction funding for Fort McHenry, the committee strongly supports this work. Unfortunately, the National Park Service has a $5.6 billion construction and repair backlog, $575 million of which deals with the critical maintenance needs regarding public health and safety issues.

Mr. CARDIN. I understand the pressures the committee is under this year and particularly that the Park Service's fiscal year 1998 construction budget included two extremely high cost projects, but the Fort McHenry project is also a priority and is in danger of being cut off in the middle. The Senate allocation is more generous than the House numbers. Should the Senate provide funds for this project, can I ask the gentleman to support the funding construction at Fort McHenry?

Mr. REGULA. Fort McHenry is one of this Nation's great historic treasures. Were the Senate bill to fund this project and if the other high priority needs for construction are met, then I would give serious consideration to supporting the project. It is an important project and deserves funding. I look forward to working closely with the gentleman from Maryland to ensure the successful completion of this construction in a timely and efficient manner.

Mr. CARDIN. I thank the gentleman.

Mr. RAHALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the subcommittee in a colloquy, but before I do I want to commend the chairman and the subcommittee for placing a moratorium on the acceptance and processing of mining claim patent applications made under the Mining Law of 1872. By the continuation of this moratorium, I think the subcommittee expresses the view of the majority of the Members of this body, if given the opportunity, they would vote for a comprehensive reform of the Mining Law of 1872.

While I do commend the Committee on Appropriations for continuing this patent moratorium, I think it is important that we be up front in recognizing that this provision is only a Band-Aid that will not staunch the hemorrhaging of the public's mineral wealth under the Mining Law of 1872. Radical surgery is what is required. I hope that one day we will get around to doing that.

Mr. Chairman, the committee bill provides $4.5 million for grants to the eight heritage areas designated by the Omnibus Parks Act signed into law last year. Of this amount, three heritage areas are to receive the maximum amount allowed under that law, $1 million each, because the committee has determined they are further advanced. That leaves $1.5 million for the remaining five heritage areas.

Is it the committee's intent for the National Park Service to distribute this funding roughly evenly among those five heritage areas, with no area receiving less than $200,000?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Ohio.

Mr. REGULA. That would be the intent of the committee.

Mr. RAHALL. I thank the distinguished gentleman from Ohio and commend him for his work on this bill as well as the gentleman from Washington [Mr. DICKS], the ranking minority member.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

I also want to thank the gentleman from Ohio for engaging in this colloquy with me regarding the heritage areas, an initiative that I know he and the members of the committee have long supported and supported very strongly.

I would like to speak particularly of the Blackstone River Valley National Heritage Corridor in my State of Rhode Island as well as the bordering State of Massachusetts. This is one of the real examples of State partnership between Massachusetts and Rhode Island that we have. I also want to commend the gentleman from Massachusetts [Mr. McGOVERN] and the gentleman from Massachusetts [Mr. NEAL] as well for their long work on this issue.

Mr. NEAL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. I thank the gentleman from Rhode Island for yielding. I want to thank the gentleman from Ohio [Mr. REGULA] for the manner over the years in which he has treated the Blackstone funding priorities. It has been very encouraging and he has been more than generous with his time as well as his support of this project. I know that since I represent the town of Blackstone that this really commemorates a remarkable part of the manufacturing history of America. I am delighted with his pronouncement today that he will support us on the Senate side when this legislation goes to conference.

Mr. KENNEDY of Rhode Island. I thank the gentleman from Massachusetts [Mr. NEAL]. This is a real example of us working together on a bi-State issue, but one that pulls us all together because of the nature of the heritage corridor.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. I want to thank the gentleman from Rhode Island for yielding to me, and I want to associate myself with his remarks as well as the remarks of the gentleman from Massachusetts [Mr. NEAL]. The Blackstone River Valley National Heritage Corridor is a crown jewel of the National Park Service and showcases our natural resources while preserving the history of that area. I want to also express my deep gratitude to the gentleman from Ohio [Mr. REGULA]. We genuinely appreciate his consideration of our comments regarding this subject, which is of tremendous importance to not only Rhode Island but Massachusetts, where I am from. I appreciate it.

Mr. KENNEDY of Rhode Island. I want to thank both my colleagues from Massachusetts.

Mr. Chairman, I realize the difficult choices the chairman and the members of the committee are faced with, but I want to discuss with the gentleman the fact that this bill provides no construction funds in fiscal year 1998 for the Blackstone Corridor.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Ohio.

Mr. REGULA. I understand the gentleman's concerns. I would point out that the Blackstone River Valley Heritage Project is one of the flagships of our national program. It has set a standard. Let me assure the gentleman that our decision had nothing to do with the committee's support for the Blackstone Corridor. The National Park Service has a $5.6 billion backlog of major priority construction projects; $575 million of that deals with critical backlog maintenance, needs such as failed water systems, broken sewer lines, deteriorating utilities, unsafe dams and other major health and safety projects. I might add, as I said in the opening statement, we are very sensitive about the backlog maintenance problems.

Mr. KENNEDY of Rhode Island. I appreciate the gentleman's position and I know the committee's support for the Blackstone Valley River Heritage Corridor. I know the chairman's sensitivity to the notion of passing the bill last year as we did during the last Congress and putting some of the construction funds in place, but then it is sort of analogous to building a house but not putting the furniture in it. We do not want to jeopardize this project by not following through on our commitment to it as we did through the authorization bill last year.

Should the Senate allocation in this year's bill be more generous than the House number and should the Senate provide the funds for this project, can I ask the gentleman as chairman and the members of his committee to consider supporting this project once again as he has done in the past?

Mr. REGULA. I would advise the gentleman were the Senate to fund this project for fiscal year 1998 and if the other priority needs for construction are met, I very much hope that we can provide the construction funding for the Blackstone Heritage Area. It is a good project and it deserves strong support. I do look forward to working closely with the gentleman from Rhode Island and the other two gentlemen that spoke to ensure the ongoing success of this project.

Mr. KENNEDY of Rhode Island. We certainly appreciate the chairman's consideration and look forward to working with him for the success of this project, which means a great boon to our area in northern Rhode Island and Massachusetts as well, which has seen a great growth in jobs as a result of this wonderful model project in this country of what a heritage corridor can do for the economy of a given region. I want to thank the chairman for his work on this.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,254,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended, (31 U.S.C. 6901-07), $113,500,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

AMENDMENT NO. 11 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SANDERS:

Page 5, line 4, after the dollar amount, insert the following: "(increased by $19,000,000)".

Page 59, line 10, after the dollar amount, insert the following: "(reduced by $47,500,000)".

Mr. SANDERS. Mr. Chairman, this bipartisan amendment which is being introduced by the gentleman from New Hampshire [Mr. BASS] and myself does two important things that most Members of this body agree with.

First, it deals with the very serious problem of underfunded mandates, of forcing citizens in close to 2,000 counties in all 50 States to pay more in local property taxes than they should be paying because the Federal Government has fallen very far behind in its payment in lieu of taxes on federally owned lands. This amendment addresses this problem by increasing payments in lieu of taxes by $19 million, from $113.5 million to $132.5 million.

Mr. Chairman, I should add here that this amount is exactly the amount authorized for fiscal year 1995, when Congress passed the reauthorization for PILT in 1994. In other words, this amendment provides what the Congress promised cities and towns all over this country 3 years ago that we should be doing. We made a commitment, we should honor that commitment, and that is what this amendment does.

Mr. Chairman, the PILT program was established to address the fact that the Federal Government does not pay taxes on its own land.

□ 1745

These Federal lands can include national forests, national parks, fish and wildlife refuges, and land owned by the Bureau of Land Management. Like property taxes, PILT payments are used to pay the school budgets, law enforcement, and other municipal expenses. Communities all over this country are upset by the lack of fairness that they are receiving from the Federal Government, which is why this amendment is endorsed by the National Association of Counties.

Mr. Chairman, despite an increase that was granted 3 years ago in the PILT authorization levels, the actual appropriations have been kept nearly level, resulting in a revenue shortfall to local communities in real terms. For fiscal year 1997, for example, local governments will receive only 60 to 70 percent of the payment level which was set in the authorization. This amendment would begin to address this unfunded mandate by increasing the payment in lieu of taxes program to where it was in real terms 10 years ago.

The formula by which payments in lieu of taxes are made is a complicated one, and each property is treated somewhat differently, but on average, on average, if this amendment passes, each local government would see a 17-percent increase in PILT money, and that is a significant advantage to thousands of communities all over this country.

Mr. Chairman, we have heard a great deal of discussion recently about evolution and our concerns for local communities and local government. It is high time that the Federal Government accepted its responsibility to do right by local communities.

Mr. Chairman, the $47.5 million that we are using for these purposes, in other words, deficit reduction and increasing PILT payments to local communities all over America, would be transferred from the Fossil Energy Research and Development Program. According to the report of the fiscal year 1997 budget resolution which passed the House last year, the Republican resolution, and let me quote from that, and I quote:

> The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development which industry has ample incentive to undertake. Some of this activity is simply corporate welfare for the oil, gas and utility industries. Much of it duplicates what the industry is already doing. Some has gone to fund technologies in which the market has low interest.

Mr. Chairman, these are not my words. These are the words from the report of the fiscal year 1997 budget resolution produced by the leadership of the Republican party. But obviously it is not only Republicans or conservatives who feel this way; progressives agree. Public Citizen has this to say about the Fossil Energy Research and Development Program, and I quote:

> Fossil energy programs have received over $15 billion in Federal funding since 1974. The fossil energy industry is prosperous and mature, and it is not deserving of a continuing large share of taxpayer support.

Mr. Chairman, the bottom line is, progressives and conservatives support this concept. I would urge Members from both sides of the aisle to vote for it.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Vermont.

Mr. Chairman, I know the PILT Program is popular, but we have to make priority judgments. We have to decide what best serves the interests of the people of this Nation.

What we have done in the fossil program is look at it very carefully, and we have reduced it over the past couple of years by 30 percent, and we want to avoid cutting any more.

I think this term "corporate welfare" is used very carelessly, because we have established a policy that we do not fund these energy research projects unless the private sector puts in a substantial share of funding. These are very important partnerships.

And I want to point out one other thing. We made a policy in the fossil research program that once the technology is developed, the Government is out of it. We do not spend any money on commercialization. Once it is proven that a low emission boiler works, then it is up to the private sector to take over from there.

I simply say that to point out that we have tried to make these programs very efficient. We have restructured the programs so that we are not committed to large costly demonstration projects.

But my colleagues have to remember that this country relies on fossil fuels for the majority of its energy requirements and will continue to do so for the foreseeable future. That is coal, oil, and natural gas. This is what makes this Nation great; this is what drives this economy.

I think one of the great advantages our Nation has over our European competitors is low-cost energy. It is reflected in the fact that we have a 4 percent growth in the economy. In 1997, we hope that the deficit will be down under $50 billion. But to do that we have to keep research in fossil fuels, we have to ensure that in the future we are going to have the advanced technologies that will allow us to use our fossil energy sources in a very efficient and environmentally sensitive way.

Of course some of the critics contend that we should put more money into alternative energy sources and abandon research on traditional energy, the energy resources that fuel our economy, but I think that does not make sense given the realities of today's economy and the importance of fossil fuel.

I think that a lot of this research is designed to reduce the environmental impact of the use of fossil fuels because realistically that is going to be our energy source for as far as the eye can see. And if we want to leave for future generations the opportunity to have the same quality of life that we have had, we have to ensure that we can use fossil fuel in an energy-efficient way and that we can use it in an environmentally safe way.

What does that add up to? It adds up to research which improves the technologies, which develops new fossil fuel technologies which reduce emissions, which use energy more efficiently, and it creates jobs at the same time we explore the alternative energy sources.

We have done that in this bill, and I think it would be a serious mistake in terms of this Nation's economy to take money out of this fossil research program. It will cost $47.5 million from research to provide $19 million more for PILT. It would be nice to give these additional credits to local counties. We have done that while trying to stay within our allocation. But to cut our fossil energy research program would be very shortsighted in the long haul, and for that reason I have to strenuously object to this amendment.

Mr. Chairman, I hope that the Members will support us in defeating this amendment.

Mr. STUPAK. Mr. Chairman, I rise in strong support of the Sanders-Bass amendment which would restore much deserved funding to the PILT Program. PILT Program, payment in lieu of taxes.

Each year thousands of counties across this Nation lose out on millions of dollars in property tax revenue simply because the Federal Government owns the property. While the PILT Program was established to compensate for this fact, it is woefully underfunded. Since it was adopted in 1976, the PILT Program has neither kept pace with its authorized funding levels, nor with the true costs of providing services in support of the Federal lands.

We have repeatedly tried year after year to increase PILT payments, and unfortunately there is never any money for the PILT payments. And, as I said, it has not kept pace with the funding levels, the authorization levels, and that is why there is strong support of the Sanders-Bass amendment.

But if my colleagues take a look at it from an equity point of view, local governments have a right to be compensated for untaxable land which is owned by the Federal Government within their jurisdiction, for providing services to Federal employees, their families, and to the users of the public lands. PILT funds are used by these communities for important programs such as education, law enforcement, emergency search and rescue, fire and emergency medical services, solid waste management, road maintenance, and other health and human services.

In my district, Mr. Chairman, there are many counties where the Federal Government is the largest land owner, and our school districts cannot even bond to build a new school because most of the land is encumbered by the Federal Government and is nontaxable. Therefore we do not even have a tax base to put forth a school system and to maintain a school system.

Therefore I urge my colleagues to cast a vote for equity by voting in favor of the Sanders-Bass amendment.

Mr. Chairman, I yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Michigan for yielding the balance of his time to me, and I hate to disagree with my good friend, the gentleman from Ohio [Mr. REGULA] especially since we are going to do a colloquy in a few moments. But bottom line is the program that we are talking about here is corporate welfare. That is what the Fossil Energy Research and Development Program is, and that is not just my opinion. I remind the Members that it was the 1997 budget resolution of the Republican party which said, and I want to repeat this:

> The Department of Energy has spent billions of dollars on research and development since the oil crisis of 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development which industry has ample incentive to undertake. Some of this activity is simply corporate welfare for the oil, gas and utility industry.

Mr. Chairman, let me quote from the Congressional Budget Office:

> In the area of fossil research and development, commercial firms already spend a great deal of money to develop new technologies. The major new technologies for enhanced oil recovery, for example, have come from private industry, not DOE.

Mr. Chairman, this is an important point to make, and I want the Members to hear this:

> Among the beneficiaries of the petroleum research and development program are some of the largest multinational energy conglomerates in the world, including: Exxon, Chevron, Conoco, Texaco, Amoco, Phillips Petroleum, ARCO and Shell.

When kids around the country cannot get an education because this land is their land, the public land is not paying taxes, payment in lieu of taxes, should these major multinational corporations be the industries that we are subsidizing? I think not.

Mr. Chairman, this project, the fossil energy program, is being targeted as one of the dirty dozen corporate subsidies by the Stop Corporate Welfare Coalition, which includes National Taxpayers Union, Taxpayers For Common Sense, USPIRG, and Citizens Against Government Waste.

Mr. Chairman, this concept is supported by progressives and conservatives and people in between. Let us stop subsidizing large multinational corporations who do not need taxpayers' money. Let us help local communities all over America get the payments in lieu of taxes that they need.

Mr. BASS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment before the committee this evening, and I want to certainly thank the chairman of the Subcommittee on Interior for having crafted a bill that has created more headaches than I would ever want to have in a given week.

The question here really is, as he puts it, a question of priorities. There are over 2,000 counties in this country in 49 States, the gentleman from Vermont [Mr. SANDERS] said 50 States, that suffer as a result of chronic underfunding of the payment in lieu of taxes system in this country. The amendment that my colleagues have before them today will contribute not only to the PILT issue but also the deficit reduction.

Now, as other speakers have mentioned this evening, communities with significant Federal lands cannot collect the same kinds of property taxes as communities can that do not have Federal lands, and as has been mentioned before, the Federal Government moved to create a system whereby payments will be made in lieu of property taxes, but these authorizations and these commitments have been chronically underfunded.

□ 1800

In fact, today the Federal Government only pays a little more than 60 percent of what they are obligated to pay. What is the result of this? The result is that we have for communities in the affected areas a Hobson's choice. Either they can disproportionately increase taxes in order to meet their funding obligations, or they can provide fewer services: education, fire, and other services that are so necessary for communities.

I would not be standing before the Members today concerned with this amendment if it was not for the fact that this is a question of equity and fairness. We are talking about adding $19 million to the $132.5 million, which would bring the funding level up to what it was supposed to have been in fiscal year 1995, when I entered Congress.

Mr. SUNUNU. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, I would just like to rise in support of this amendment and thank my colleague the gentleman from New Hampshire [Mr. BASS] and the gentleman from Vermont [Mr. SANDERS] for the excellent work they have done with the amendment.

I would just like to take a moment to underscore the important point the gentleman has made, that this is about inequity, it is about meeting our commitments, meeting the commitments that were made when Congress authorized the Payment In Lieu of Tax system. These are cities and towns that have national forests within their borders, and they are obligated at times for services, not just those of schools or municipal services that so many cities and towns have, but oftentimes services that take place in the boundaries of the national forest: rescue services, fire services.

The burdens that we place on them is one that we need to recognize. We need to recognize that the PILT has failed to live up to the obligations that were originally made, and that by putting that forward, $19 million to make up some of this difference, we move with a system that is fairer, one that helps us meet our commitments, and one that provides a lot of these towns with property tax relief, because so many of them rely on their property base for the taxes that they use to pay for municipal services.

So while I would like to commend the chairman for his work in putting together this bill, I would like to lend my support to the gentleman from New Hampshire and the gentleman from Vermont, and encourage my colleagues to support this amendment.

Mr. BASS. Mr. Chairman, I thank my colleague.

Reclaiming my time, Mr. Chairman, I would point out that if we were to fully fund the PILT program in fiscal year 1998, we would have an obligation of $224 million. We are talking about $132.5 million, so we are certainly not asking for everything that is really due.

I just want to conclude by saying that this is a bipartisan amendment. Any time the gentleman from Vermont [Mr. SANDERS] and I are producing an amendment together, Members can be sure it is bipartisan. It is an issue of fairness, an issue of giving what is due the towns, giving the towns what they are due. It is not full funding, as I said a minute ago, but Mr. Chairman, it is a step in the right direction.

If Members support equity, if they support help to communities that need assistance in funding for critical services in areas where there are Federal lands, please support the Sanders-Bass amendment.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment. The gentleman from Vermont [Mr. SANDERS] is attempting to increase funding for Payment In Lieu of Taxes, which is not necessarily a bad initiative, but he seeks to do so in a very reckless manner. The fossil energy program is one of the least understood and most important at the Department of Energy, supporting important cost-shared research and development activities to make energy resources we use the most cleaner and cheaper.

This also enhances our energy security as these resources are our most abundant domestic sources of energy. The Energy Information Agency has predicted that we will continue to rely on these resources and these sources of energy for over 85 percent of our energy needs well into the 21st century.

Additionally, any commitments the United States makes in the area of global climate change will necessitate that we find ways of reducing emissions without crippling our economy. Thus, it is vital that we maintain this modest commitment to cleaner and more efficient energy.

Over the last several years fossil energy has undergone significant downsizing, roughly 10 percent each year. Now is not the time to seek additional savings from this program. This R&D work is conducted throughout the United States by a wide range of small and large companies. This amendment calls for an across-the-board cut, which in no way takes into account the needs of specific programs.

Mr. Chairman, I urge the defeat of this amendment.

Mr. OBERSTAR. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, in Minnesota if a private citizen fails to pay his or her property tax bill within 7 years, they lose their property. The Federal Government is 20 years behind in keeping up with its payments to the counties of northern Minnesota and elsewhere around this country under the terms of the Payment In Lieu of Taxes legislation.

Twenty-five years ago, as a staff member for my predecessor, John Blatnik, who served in this body, I helped write the language that became the Payment In Lieu of Taxes law that is in place today. As a Member, I have worked to keep it in place, to expand it, to update it. But it has not kept pace with the needs of the counties in which these great Federal landholdings are located, and it has not kept pace, by any means, with inflation.

These are lands held in public trust for all Americans to enjoy, and they do come from all over the United States to enjoy the land of northern Minnesota, the boundary waters, canoe area, the Voyageurs National Park, Superior National Forest, I can go on with several others, and I will not name them.

But who is stuck with the bill? When the accident happens on the highway between Duluth and Grand Portage, MN, up in Cook County, it is the Cook County sheriff's department that has to come to scrape the bodies off the highway. It is the Cook County hospital that has to stay open 24 hours a day to accommodate them, in a little county of 3,600 people, 94 percent of the land in public ownership, most of it Federal, and they do not have the resources. How can 6 percent of the land sustain the total needs of that area and all the tourists who come from all over America to enjoy this land, and then they say, well, take care of our health needs, take care of our safety needs, take care of our requirements, law enforcement requirements, while we are in your midst?

All of America holds these lands in trust, and all of America should help pay the bill. We have not kept pace with the needs. That is what this amendment simply does.

It is unfortunate, I say to my colleague from Pennsylvania, that it comes out of a project or out of a resource or a fund that benefits a resource in his district. That is the budget economy we are dealing with. I also happen to have iron ore mining and manganese deposits in my district, and the research conducted by the Bureau of Mines was terminated. The Bureau of Mines was eliminated under this budget economy of ours. That is unfortunate.

But this is an obligation of all Americans to those who live in the area where we took land and said we are going to hold it in public trust.

Let us take St. Louis County. We could put the whole State of Massachusetts into St. Louis County; not all of the people, but the geography. Some people might say, that is a good thing; not the folks in northern Minnesota, however. That is how big this county is, 3,000 miles of county roads that have to be maintained on this little county budget.

All we are saying is increase, increase the funding under this Federal program to help this county take care of search and rescue, law enforcement costs, lost hikers who are out there in the Superior National Forest who need help. Someone has a fishhook in their eye in the Boundary Waters canoe area, they have to be treated in the Cook County Hospital, or in the Cook Hospital in St. Louis County.

Sanitary enforcement, planning and zoning, health services, groundwater, surface water, all of those are needs that the county has to attend to, and they do not have the resources to deal with it. All we are saying is help them keep pace.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, let me pick up on a point that the gentleman has made. In 1980 in real dollars PILT payments were $180 million. Today they are $113 million. It is the communities and the children and the citizens of those communities who are suffering. I just wanted to reiterate that point.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for that elaboration.

We are simply making an appeal for fairness, those of us who represent areas with large land jurisdictions in Federal holdings, for justice, decency, and respect for the people who are holding, who are the custodians of these lands held in public trust for all Americans. Help them pay the bill. Vote for the Sanders-Bass-Oberstar amendment.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by thanking our chairman, the gentleman from Ohio, Mr. Ralph Regula, for the outstanding work he has done on this major piece of legislation and involvement in working with all of us. We commend him for that.

Mr. Chairman, this amendment increases payments in lieu of taxes funding for counties and schools by $19 million, to $132 million for fiscal year 1998, while at the same time reducing the Federal deficit by $29 million. More than 20 years ago this Congress recognized a serious inequity existed in areas containing a high percentage of Federal property. Since the Federal Government does not pay taxes on its own property, these areas were left without any source of funding to provide for local schools and county services.

In 1976, we attempted to correct this inequity and provided funding in the form of payments in lieu of taxes, or PILT payments. However, since providing these payments, this Congress has failed to fully fund the PILT Program. Each year 1,789 communities in each of the 50 States lose needed Federal payments due to the failure of the Federal Government to appropriately compensate these communities for lost property tax revenue on federally owned lands. The Sanders-Bass amendment corrects this shortcoming, and provides an increase of $1.86 million of necessary funding for the communities in my own State of California.

To put this amount into perspective, many of the areas that will receive this funding were recently under water when the midwinter storms caused severe flooding. In January, the State of California suffered approximately $1.8 billion in damage. Each of the 10 counties in my district were declared a natural disaster area. The $1.86 million in PILT payments is sorely needed to rebuild after this serious disaster.

There are other reasons, however, to support this amendment. This money goes directly to local schools and rural counties who can least afford a loss of funding. In one California county, recent funding losses have forced the school district to completely cut out extracurricular activities, including sports and field trips, food service for one of its elementary schools, library services, two-thirds of its transportation services, all fine art programs, teacher training courses, a school nurse program, and all capital expenditures.

If these same cuts had been made in urban and inner city areas, lawsuits would have been filed and service levels would undoubtedly have been necessarily restored.

Mr. Chairman, today we heard a lot of discussion over the need for Medicare and the need to provide medical services for our elderly residents. Before any of our citizens can receive Medicare or Medicaid assistance they first must be able to have roads to travel on to get to the hospitals, ambulances to carry them in when needed, and hospitals to go to. By underfunding our rural counties, we have forced these counties to cut back on county services. These county services include road maintenance, ambulance service, search and rescue, law enforcement, snowplowing, bridge maintenance, hospitals, and all local ground support for maintenance of Federal lands.

If the county services were to go away, the Federal Government would not have an infrastructure in place to service its public lands. When visitors get lost on public lands, it is the county search and rescue that comes to their aid. When visitors to public lands need police protection, that need is filled by county services.

Mr. Chairman, I support the Sanders-Bass amendment because it gives necessary assistance to counties otherwise left without a source of funding. I urge my colleagues to vote for public schools and county services by supporting this amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we are engaged in a comparison of the size of the counties that we represent, I would like to enter my entry in the contest. My good friend, the gentleman from California, [Mr. Jerry Lewis], and I represent San Bernardino County, which is larger in size than the States of Pennsylvania, New Jersey, Maryland, Delaware, and Massachusetts combined.

□ 1815

Both of us, while we support the PILT program, oppose the offset provision that is contained in this amendment offered by my good friend, the gentleman from Vermont [Mr. Sanders].

May I stress that while the support for this amendment deservedly is bipartisan, the opposition is also bipartisan. I would like to make that very clear.

Let me say in case there is any doubt about it that my very large county is probably about 75 percent owned by the Federal Government, and we benefit as much from PILT payments as any other county in the United States, probably considerably more because we are the largest county in the United States. And if there was any way that we could provide adequate funding for this program, other than taking it out of research programs which I have been supporting for the last 30 years, I would be very happy to support this amendment.

But I want to make it clear that the target for funding the PILT program is not a proper target. If there is any question about the value of energy research and specifically fossil energy research to this country, we ought to dispel it. This country has had a flourishing, developing, expanding economy because we conducted research on energy technologies of all kinds, beginning with the atomic energy program in World War II, and I have been involved, of course, with that program which preceded the creation of the Department of Energy.

Now, what can we say that would elevate the priority for energy research? I have tried to defend these research programs over the years in every way that I could. I think all of you know that according to most economists, half of the economic growth in this country, the increase in gross national product, stems from investments that we make in research. We make it in solar energy research; we make it in fuel cell research. We make it in all kinds of research. And we support a multitude of research programs.

Why pick on these research programs which collectively generate the growth in the U.S. economy and make us the world's leader in order to support something which deserves support but does not deserve support at the expense of what creates the growth for this country? It creates the jobs that we are training people in the schools for and does all of these other things.

I think that there is a failure to recognize the importance of these investments. I want to stress them in every way that I can.

Now, I also do not like, and I hope I do not offend anybody by making this statement, to argue support for this on the grounds that this research is corporate welfare.

Many of my colleagues have heard me debate our dear departed friend, Bob Walker, who I think coined this phrase because he objected to most forms of applied research that involved cooperation between the Government and the private sector. That is what this fossil energy research does. Bob used to decry any of these kinds of programs because he would say they are corporate subsidies. They are corporate welfare.

I happen to know a lot about corporate welfare. The biggest corporate welfare program in the world was the oil depletion allowance, which provided a very large subsidy to a very profitable industry over very many years until we woke up to the fact that it really was corporate welfare and we eliminated it.

These programs of cost-shared research, in which the role of the Federal Government is frequently only 5 or 10 percent, leverage the most important investments by the private sector that can be made.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, we should be proud of the fact that these shared research programs exemplified by the fossil energy research programs have contributed as much as they have. Have they all been successful? No. Over the last 25 years, I could give my colleagues a long list of those which did not produce and which were canceled, sometimes without being completed. Much of our nuclear program could be criticized. We have got nuclear plants around the country that were built but never used. My good friend, the gentleman from Washington [Mr. DICKS] has some in his area. But do we regret the fact that we spent money to develop the world's best nuclear power system? No. The nature of research is that you get some winners and you make a few losers once in a while. But if you do not continue to make the investments, you will never make progress.

I will stand in every case where an offset is made from energy research to support a worthy program and oppose it, much as I would like to support the worthy program. We are cutting at the lifeblood of this country's future when we begin to take out the funds for this offset from research programs of any kind.

Mr. CANNON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to begin by expressing appreciation to the gentleman from Ohio [Mr. REGULA] for the fine legislation that is before us, but would like to say a few words in support of the Bass-Sanders amendment and give an example from my own district.

Last fall, as many of my colleagues know, President Clinton, with a few quick words and the stroke of a pen, created the massive Grand Staircase-Escalante National Monument in southern Utah. Contained within the 1.7 million acre monument are two counties in Utah, Kane and Garfield Counties. Thousands of tourists are now flocking to this area because it has been advertised in virtually every travel magazine in the country and the burden of those tourists falls squarely upon the 10,000 residents of those two counties.

These small counties have excruciatingly small tax bases. Garfield County, for instance, is 98 percent owned by the Federal Government. Yet every local resident must now pay for the costs of law enforcement, search and rescue, trash pickup, and other services incurred by tourists to the monument. That is fundamentally unfair.

Since we as Americans own the land, the Federal Government, not the residents of Kane County or Garfield County, should pay those bills.

This amendment is an important incremental step toward placing more of the costs of Federal lands where they belong, on the Federal Government. I encourage my colleagues to vote yes on the Sanders-Bass amendment.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I understand the concern they have for PILT.

Let me point out to my colleagues that we put in $12 million more than was requested by the President in his budget. We recognize how important this is to those who have Federal lands, and for that reason we increased the PILT program $12 million over what the President requested.

But, as the gentleman from California [Mr. BROWN] pointed out, our fossil energy research and development is also an important program. And we have, over the years, developed synergically advanced technology, as has been stated many times. We can burn coal more cleanly and efficiently because of the fossil energy research effort. For every barrel of oil we produced, we have left two in the ground. And we have invested millions of dollars under the leadership of the gentleman from California [Mr. BROWN] in developing technologies to recover these resources.

The reason we have cheap fuel in this country, the reason our economy is the strongest in the world, is in part because we have readily available energy resources and that is the result of the things that we have done in the past in fossil research, a result of the committee, the Committee on Science, having the vision to authorize these programs.

We have another problem. That is, we are phasing down contracts, but we have contractual obligations. If we take $47 million out of the fossil research program, we are going to breach contracts. We are going to have lawsuits against this government.

We have already reduced the fossil program 30 percent. So let me say, and I endorse what the gentleman from California [Mr. BROWN] said, PILT payments are, but this is not the place to take the money because we want to keep those jobs, we want to keep this economy strong. We will not get to a balanced budget unless we have growth in the economy. Energy is the lifeblood of this Nation. It is critical to continue to develop these advanced technologies to lead us to the 21st century.

And let me say, too, in our fossil research programs, we have insisted on cost-share participation from the private sector. This is not a giveaway. And one of the reasons these programs have been so successful is because the private sector gets involved with their own money.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I was remiss in not thanking the chairman and recognizing the chairman for his efforts to increase the funding of PILT. I really do appreciate the initiative.

This is not a comment in any way on the gentleman's custodianship of that extraordinarily difficult budget which he has to administer. These are very difficult choices. We understand that. We understand the need for research. We have spent millions of dollars on those research projects for fossil fuel over the years. I compliment the chairman on the job he has done. It is just that we feel that we need to go further.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I understand what the gentleman is saying. As I pointed out in the general debate, this bill is less than last year, not much but it is less and, therefore, we simply cannot do all the good things we would like to do. But I think the fossil research programs are vital. These are contractual relationships. The government, the United States Government has a responsibility to complete these contracts because the private sector has invested its money, and to suddenly pull the rug out from under them would be not only unfair but could be very costly in lawsuits.

Far more important, if this Nation is to continue to grow, to have jobs, to have opportunities, to continue to be a world leader, we need to develop the fossil energy resources so we can use them in an environmentally safe way, we can use them at a low cost to our economy; and certainly we have a proposal from the EPA to decrease, in effect, the levels of particulate matter. That, again, emphasizes how important research on fossil energy is to the future of this Nation.

If we are to meet these new more stringent standards on air quality, we have to continue the fossil research programs. As the gentleman from California [Mr. BROWN] pointed out, I do not quarrel with the PILT program. That is why we increased it $12 million over the President's budget request. But I think to take money out of the fossil program would be a serious mistake in terms of the future of this Nation.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. REGULA] for the outstanding work that he has done on this budget. I applaud his efforts. We just disagree on this issue.

This is the bottom line. It is not complicated. You have heard it from conservatives and progressives, Democrats, Republicans and Independents. This is tripartitism. The issue is that we have 1,700 communities throughout the United States of America in 50 States who are not receiving fair compensation from the Federal Government.

In fact, in 1980, in real dollars, they were receiving then $180 million in PILT payments. Today it is $113 million, significant reduction in PILT payments.

In terms of the fossil energy research and development program, what we have got to ask ourselves is whether or not we should be subsidizing Exxon, Chevron, Conoco, Texaco, Amoco, Phillips Petroleum, ARCO and Shell. These are profitable multinational corporations. I frankly do not think they need these subsidies. I would simply point out that opposition to the fossil research program is widespread from conservatives, from progressives. It was targeted as one of the quote unquote dirty dozen corporate subsidies by the Stop Corporate Welfare Coalition which includes the National Taxpayers Union, not necessarily a progressive organization, I do not get a terribly high rating from them, Taxpayers for Common Sense, USPIRG, Citizens Against Government Waste.

The choice is clear. Do we stand up for the kids who are not getting adequate education throughout this country because of lack of Federal payments, or do we stand with some companies that really do not need the subsidies. I would urge a "yes" vote for the Sanders-Bass amendment.

□ 1830

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

Mr. MICA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations, in a brief colloquy.

I first want to take a moment to thank the gentleman from Ohio and his staff and the ranking member and the staff of the minority for the tremendous effort they have put forth in bringing this legislation to the floor. I realize the many challenges that they have and the many needs that we have throughout the Department of the Interior and the demands on Interior appropriations.

Mr. Chairman, I was going to offer an amendment to increase funding for the National Park Service for a project in my district known as Seminole Rest, a historic site renovation project at Canaveral National Seashore in east central Florida. Although I will not offer that amendment, I strongly support efforts to develop this site in a manner which preserves both its resources while making them available for public enjoyment.

Mr. Chairman, it is my hope and understanding that the gentleman will work with me and the National Park Service and the Department of the Interior to help preserve and develop this project, Seminole Rest at Canaveral National Seashore.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Florida for his comments and I would be pleased to work the gentleman and with the National Park Service to find appropriate means to address the problems at Seminole Rest.

Mr. MICA. Mr. Chairman, reclaiming my time, I thank the chairman and I will be submitting a more lengthy statement, a complete statement, for the RECORD.

Mr. Chairman, I rise today to express my concern that we may miss an opportunity to save a resource of great significance to both my State of Florida and our Nation—Seminole Rest, which is located at the Canaveral National Seashore. This 26-acre site sits on the edge of Mosquito Lagoon in one of the last pristine environmental preserves along the East Coast of the United States. On this property are located three cultural resources; a shell midden known as Snyder Mound as well as two historic buildings; the Instone House and the Caretaker's House.

Seminole Rest holds archaeological resources which reflect periodic occupation over a period of about 2000 years. In fact, Snyder Mound is one of the most significant and unique Indian middens in the United States. This midden contains the remains of shellfish and other refuse discarded by prehistoric Indians who inhabited the site as early as 800 AD and may represent as much as 700 years of prehistoric occupation. The two historic houses are significant for their design and integrity, and have been located on the property since before 1890. On March 19, 1997, Seminole Rest was listed on the National Register of Historic Places.

I strongly believe we should be acting to develop Seminole Rest in a manner which preserves its resources while making them available for public enjoyment. Additional property north and south of Seminole Rest should be acquired both to act as a protective buffer and to provide for an interpretive display—one which would trace the history of the Indians who once lived on the site. Further space exists for marine life exhibits, limited public boat-launching facilities and boat tours from Seminole Rest to Canaveral National Seashore.

Unfortunately, Mr. Chairman, despite the obvious archaeological and historical significance of this tremendous resource, Seminole Rest today lies in a state of abandonment and deterioration. Despite the obvious potential of Seminole Rest, the two houses on its property are in desperate need of repairs and restoration. And with many other shell middens lost over the years to erosion and construction, Snyder Mound is one of the last sites of its kind and may be lost as well. However, I am concerned that the appropriations bill before us today lacks the critical funding which would permit the National Park Service to act to save this resource.

Today I had intended to offer an amendment to provide an additional $2 million to the National Park Service for operation and maintenance so that it might act to save Seminole Rest. I will instead withdraw my amendment and have agreed to work with both my distinguished colleague, Chairman REGULA, and with the National Park Service to ensure that we preserve and develop Seminole Rest as a national and historic resource.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $12,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of California:

Page 5, after line 15, insert:

PRIORITY FEDERAL LAND ACQUISITIONS AND EXCHANGES

To carry out priority Federal land exchange agreements and priority Federal land acquisitions by the National Park Service, United States Fish and Wildlife Service, Bureau of Land Management, and the United States Forest Service, up to $700,000,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which not to exceed $65,000,000 is for the acquisition of identified lands and interests in lands and for other purposes to carry out the Agreement of August 12, 1996, to acquire interests to protect and preserve Yellowstone National Park, and not to exceed $250,000,000 is for the acquisition of identified lands and interests in lands, at the purchase price specified, in the September 28, 1996, Headwaters Forest Agreement.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, I thank the chairman for his reservation of his point of order.

The purpose of this amendment which I am offering is to try to reinsert into this bill, the legislation that is before us, the $700 million, for the Land and Water Conservation Fund for the acquisitions that were discussed within the Committee on the Budget and within the budget agreement agreed to between the leadership of both Houses and the President of the United States.

The Land and Water Conservation Fund, as most Members understand, was intended by Congress to provide the resources to protect, enhance, and expand our Nation's parks, wildlife refuges, public lands and forests. The trust fund has accumulated some $12 billion and is growing at the rate of nearly $1 billion a year.

So when the conferees to the budget agreement provided for priority land acquisitions of some $700 million, they were not being fiscally irresponsible at all. What they were trying to do is to get this Congress to meet its obligation to the people of this country to make sure that the legacy of this country with respect to the greatest of our natural resource assets, our parks, our refuges, our wilderness areas and those areas yet waiting to be acquired is preserved.

Two of the most important to me in this fiscal cycle is that which is to deal with the buyout of the New World Mine, which was a mining development which was providing the threat to Yellowstone National Park above the Clark's Fork River. I think the administration and the mining company came to a wise agreement not to go forward but certainly they were entitled to compensation.

The other is in the Headwaters Forest in northern California, where we have one of the last remaining stands of old growth forests, of redwood trees, that clearly the Nation has made a decision they would like to preserve. Certainly the people of California recognize that these forests say a great deal about the heritage of this country and the importance of those forests to the American people.

Again, negotiations have been entered into, including the State of California, the Federal Government, this administration, Members of Congress to try to come to an agreement for the purchase price. This $700 million would allow these two purchases to go forward and also providing additional money for other purchases and priority projects within the agreement.

Mr. Chairman, I appreciate that some people who perhaps do not know as much about the priorities and the needs of the Park Service got involved in suggesting to the committee maybe where this money should have been spent, and they would have been better off not doing that. But I am also terribly afraid that we will lose the opportunity to have this money be used for this purpose should this bill pass without this amendment to it, and we will lose the opportunity both for the acquisition of the Headwaters and of the New World Mine and the backlog.

It is interesting, as we told Members we were going to offer this amendment, a great many Members have called our office saying could they be included. That is not our purpose in offering this amendment. That is a proper question for the Committee on Appropriations.

Let me just say, and then I will be glad to yield, that I offer this amendment in the spirit of many of the Members who are on the floor today with deep concern about our natural resources. That is not to in any way minimize the struggle and the work product of this committee, because this committee has been handed a menu of desires by Members of Congress on an urgent basis and the committee simply does not have enough money to meet all those needs. So I say that because I think this committee has done an outstanding job. I just would hate to lose the opportunity that this money within the budget agreement provides us.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate first of all the chairman's leniency here, and I want to compliment my friend from California for bringing this issue up.

Our committee struggled with this issue. A decision was made not to put the money in at this point. I happen to believe, and I hope that by the time this bill is done that we will have the $700 million then.

I had a chance to visit northern California, the redwoods myself, just a few days ago during the recess. I wanted to see this Headwaters area. And I think it is absolutely essential that we move forward. Others are more expert on the Yellowstone issue.

I know our chairman had concerns about the backlog of maintenance and other things and, hopefully, we can work out something in the conference committee on this issue if the gentleman's amendment is stricken. I regret that it will be, I think it will be, but I think bringing up this issue is very, very important. I hope at the end of the day we are able to acquire these properties and make the progress which I know the gentleman and many of us would like to see accomplished in this Congress.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I thank the gentleman very much for his remarks, and again I hope that people understand the spirit in which this amendment was offered.

I appreciate the chairman reserving his point of order rather than making it at the outset so we would have an opportunity to discuss a matter which is obviously very, very important to those of us in California, but I think also to many of our colleagues, as we struggle to provide for the backlog of acquisitions and maintenance and repair to the public resources in this country.

I want to again commend the chairman. I wish I could have stood up and had a colloquy with the gentleman, because everyone was doing so well in these colloquies, but, unfortunately, I only had an amendment so it has not worked out quite as well as I wanted it to. But I appreciate the gentleman's reservation and allowing me the time to offer this amendment.

The CHAIRMAN. Does the gentleman from Ohio [Mr. REGULA] still reserve his point of order?

Mr. REGULA. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, I move to strike the requisite number of words.

I thank the gentleman for his comments and I understand his concerns. With respect to the $700 million that was negotiated, I do not think anyone in this room was part of that negotiation, but the $700 million, wherever it came from, is restricted to land acquisition.

The problem I have with this is that we are looking at this backlog of unmet maintenance needs of $14 billion. We look at construction projects, and we have heard of them today. Frankly, Indian facilities are a tragedy. What we have let happen to schools and hospitals on Indian reservations is a disgrace. There are so many unmet needs. And today, when the United States already owns nearly 30 percent of the Federal land, I do not think it makes good sense prioritywise to commit another $700 million to the purchase of enormous additional acreage. Before we start buying more, let us take care of what we have.

Most people do not realize that almost one-third of the United States is

Federal land. And on those lands and on these facilities we have this $14 billion in unmet needs, $14 billion of neglect. To go out and buy land, I think, would be a great mistake in judgment and in establishing priorities, which we have to do on this bill.

Now, I would point out to the gentleman from California, he mentioned the New World Mine and the Headwaters Forest, but there is no environmental impact statement at the moment, there is no current appraisal, there is no habitat conservation plan, there has not been a hearing in our committee and there is no comprehensive oversight.

The President told us earlier this year that they did not need us. They did not need the Committee on Appropriations; they were going to handle this under FLPMA by exchanging lands and giving the owner of Headwaters a building in Los Angeles and so on. Then, suddenly, they discover they need money.

Let me point out again that prioritywise we have a lot of other things: failing sewer systems at Yellowstone and Glacier, unsafe access routes at Cape Cod, at Eisenhower, at Shenandoah, leaky roofs at the native American schools in Oklahoma, Maine, and Arizona, condemned kitchens, inoperative plumbing in Washington and Arizona in detention facilities, fire hazards, deteriorated dams and levees, endangering habitat and public recreation, erosion of water control structures, 100 abandoned mine shafts and the list goes on, all a great danger to the people of this Nation.

Prioritywise, to spend $700 million, adding to the 30 percent of America we already own would be a serious mistake in the face of all these needs that face us.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. MILLER of California. Perhaps the gentleman would like to exercise a point of order.

Seriously, Mr. Chairman, let me say to the gentleman that I think he is making a terribly important and valid point and that is why I alluded to, in my remarks, that I wished when the deal was cut they had spent some time with people who had spent most of their legislative life dealing with these issues and a better package could have been put together.

The gentleman from Washington [Mr. DICKS] suggested there may be an opportunity over the life of this bill to get some of this money included, and I would hope it would be. I also hope it would be included with the full input of the Committee on Appropriations so that we can go to where the priorities are. I would say that there is a lot at stake both with respect to the New World Mine and the Headwaters.

I would also just say that the United States recently won a very important court case that said that we owned the lands that were contested off the coast of Alaska, and it is about $1.5 billion. I have introduced legislation. I would hope this committee would take a look at whether or not that money could be put into restoration and the backlog that has so troubled the chairman and the rest of us. Because the gentleman's priorities are exactly right, but somehow we have to find the money to deal on both fronts, both with acquisitions and with the standard of care we owe the American people with the current resources.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, as I understand the problem here, under the Land and Water Conservation Fund legislation, we do not have an authorization to do backlog projects with that money.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, the distinguished gentleman is in a position on the authorization committee to help us solve that problem. That would be, I think, a good change, and we could have a balance between new acquisitions and taking care of the backlog. I think that would be a very good outcome here.

□ 1845

I know it is one the chairman, I think, thinks is the right direction to go.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin [Mr. OBEY], the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Ohio for yielding.

I simply would like to say that I think the amendment of the gentleman from California is a constructive amendment because it both attempts to target some of the high priority items that ought to be purchased and, second, it does not attempt to put this committee in an illegitimate straitjacket, as did the Committee on the Budget in its gratuitous determination of exactly what amount would be provided.

Under the Committee on the Budget, under the rules that they would want enforced, it would be permissible and within budget rules if we produced $700 million in acquisition, but it would be against the rules as exceeding the budget amounts if we provided $690 million. That is ludicrous on its face.

I think the gentleman's amendment, by saying up to $700 million, brings it back within the legitimate approach of the appropriations process, and at the same time it tries to meet some high-priority needs of the country with respect to Yellowstone and the California lands in question. I, for one, think the amendment would be adopted if the rules of this House made any sense and if the House itself made any sense on this bill.

Mr. REGULA. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

(By unanimous consent Mr. Regula was allowed to proceed for an additional 2 minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the distinguished chairman for yielding. I am going to submit my full statement for the RECORD, because the gentleman from California [Mr. MILLER] covered, in presenting his amendment, many of the concerns that I have.

But I do want to commend the gentleman from Ohio (Mr. Regula), the distinguished chairman, for his leadership on this committee. We are very fortunate to have him there. And he is quite correct, there were representations made about the Headwaters, that some kind of exchange could be made through a full presentation to the subcommittee on the Headwaters.

The need for funds for Headwaters was not presented to him. But we do now have an agreement, concluded after exhaustive negotiations between major timber districts and the Federal Government, to acquire the important land in the Headwaters Forest. As the chairman knows, this is an extremely vital part of our northern California forest ecosystem that protects endangered species and their habitat. It is a long-awaited goal that is now before us, that will be lost without action now. We do not want to risk this great, unique wonder of nature, because once lost, it is lost forever.

I would also say that in addition to my own area that I am interested in, I think the New World Mine property is an important acquisition because it would threaten Yellowstone National Park if we could not do that.

But, as I say, the gentleman is quite correct, he was not appropriately approached for this appropriation because at the time another remedy was being sought. Those remedies have been exhausted. We do have an agreement now which I hope, further along in the process, as the gentleman from Washington [Mr. DICKS] and the gentleman from

California [Mr. MILLER] said, that we will have a chance to revisit this.

I once again thank the gentleman for the way he does protect our natural resources and listens to our concerns.

Mr. Chairman, I rise in support of the Miller amendment to provide increased funding for the Land and Water Conservation Fund.

The fund has been dormant for far too long while the backlog of environmentally sensitive lands has increased to a critical stage.

The budget agreement provided $700 million for the land acquisitions under the fund and yet the committee chose not to include this amount of funding.

We have waited for years to address the enormous backlog that exists, as well as to act on new priorities that will be opportunities lost without this funding.

For instance, there is now an agreement, concluded after exhaustive negotiations, between major timber interests and the Federal Government to acquire important lands in the Headwaters Forest. This is an extremely vital part of our northern California forest ecosystem that protects endangered species and their habitats. It is a long-waited goal that is now before us and will be lost without action now.

In addition to this important acquisition, the New World Mine property that would threaten Yellowstone National Park is a priority acquisition. We cannot measure the value of this natural treasure—one of the crown jewels and original parks in our national system.

We had an agreement; the money is there—why should we hesitate to address these compelling needs. Why should we risk the future of these great, unique wonders of nature? Once lost, they are lost forever.

I urge my colleagues to support the Miller amendment. Thank you.

Mr. REGULA. Mr. Chairman, reclaiming my time, just let me make a final comment. I would hope that the committee, in which the ranking post is held by the gentleman from California [Mr. MILLER], would examine some of these issues in the interim between now and conference.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act, as amended.

The Committee on Appropriations filed a revised subcommittee allocation for fiscal year 1998 on June 24, 1997, House Report 105–151. This amendment would provide a new budget authority in excess of the subcommittee allocation and is not permitted under section 302(f) of the act.

In addition, Mr. Chairman, section 205 of the budget resolution only makes the $700 million available for land acquisition if it is in a reported bill from the Committee on Appropriations. The budget resolution does not apply to floor amendments.

Mr. Chairman, I ask that the amendment be ruled out of order.

The CHAIRMAN. Does the gentleman from California [Mr. MILLER] wish to be heard on the point of order?

Mr. MILLER of California. Unfortunately, Mr. Chairman, I think I have to concede that the gentleman from Ohio [Mr. REGULA] is correct. I wish the rule had been written otherwise. But, in fact, the gentleman is correct.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. FARR of California. Mr. Chairman, I rise today in strong support to the amendment offered by the gentleman from California [Mr. MILLER]. This amendment will raise the funding level for the land and water conservation fund to a level consistent with the budget resolution that 333 of our colleagues supported. The budget agreement authorized these funds as an addition to the 602(b) allocations, so it wouldn't take money from other programs. The Appropriations Committee failed to include these funds in this bill. It seems contradictory to me that we will spend all of this time debating an amendment that was already agreed to overwhelmingly by this body.

The land and water conservation fund serves as a primary vehicle for land acquisition to protect the natural, historic, cultural, and outdoor recreational resources that must be guarded and preserved so that they may be passed on to future generations. President Theodore Roosevelt said "The Nation behaves well if it treats the natural resources as assets, which it must turn over to the next generation increased, and not impaired in value."

There is not a congressional district in the country that has not benefited from the parks, recreation facilities, wildlife areas made possible by this fund. For years Congress has denied allocating all of the money that is available to the land and water conservation fund from the revenues received from oil and gas leasing on the outer continental shelf. Last year, Congress only spent $138 million of the almost $900 million that was collected. This year the appropriators approved an additional $100 million but it is still less than one-third of the money available this year and only a trivial amount of the more than $10 billion of the accumulated unappropriated balance.

Mr. Chairman, it is time that we use this money as it was intended. The Miller amendment must pass for two important reasons: first, it keeps us from violating the budget resolution and second, it is a positive step forward in the mission of the land and water conservation fund to protect our resources and promote recreation.

AMENDMENT NO. 1 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment and I ask unanimous consent to amend part of the bill that has been previously read for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 Offered by Mr. GUTIERREZ: Page 2, line 13, strike "$581,591,000" and insert in lieu thereof "$576,939,000".

Page 60, line 20, strike "$636,766,000" and insert in lieu thereof "$638,866,000".

The CHAIRMAN. The gentleman from Illinois [Mr. GUTIERREZ] is recognized for 5 minutes in support of his amendment.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer an amendment that I have had scored by the Congressional Budget Office, and they have determined that this amendment will save taxpayers $4 million in outlays this year. I ask that I be authorized to present this amendment at this time.

I want to thank the chairman, the gentleman from Ohio [Mr. REGULA], and the ranking member, in whose stead the gentleman from Washington [Mr. DICKS] was here for us instead of the gentleman from Illinois [Mr. YATES], for permitting me the presentation of my amendment to the Interior appropriations bill.

I believe that the amendment before us offers the Members of the House an outstanding opportunity to save taxpayers' dollars, to reduce the deficit. My amendment gives an opportunity to eliminate some government waste and inefficiency in favor of deficit reduction and modest funding for programs that promote local community solutions to energy conservation.

My amendment would reduce funding for the Bureau of Land Management's Public Domain Forestry Program from the committee recommendation of $5.652 to $1 million for the fiscal year 1998. This amendment would also increase by $2.1 million dollars the appropriation for energy conservation programs.

Specifically, and I wanted the legislative history to reflect my intention, this funding would be allocated to the Department of Energy's urban heat island research and highly reflective surfaces program. Those programs would provide technical and scientific assistance to local communities to assist with planning and implementation of measures to reduce energy costs for cooling in public commercial and residential buildings.

At the 10 demonstrations sites already established by DOE, every dollar in Federal funding has been matched by $7 or more by local and State governments, utilities, business groups, and nongovernmental institutions. Nationally, the cost benefits of implementing energy conservation measures such as hide reflective surfaces program are estimated to reach $4 billion a year. However, we cannot attain these savings unless we dedicate more money to research.

These cost-effective benefits stand in clear contrast to BLM forestry. The BLM forestry program has been found to consistently operate at a significant loss to American taxpayers. Rather than being an economically self-sufficient program, as required by Federal law, the BLM forestry program fails to offset even the cost of administering the program. In fact, the more money the agency has devoted to this program, the more taxpayer dollars have been wasted and lost.

Based on data collected by a nonprofit public employee organization, the program stands to lose more than $30 million during the next 5 years. For this reason, Taxpayers for Common Sense and the Concord Coalition support eliminating funding for BLM forestry.

In addition to the economic and budgetary reasons for eliminating the program, experts believe it is threatening the unique transitional forests that exist in many regions around our nation. Disregard for to the National Environmental Protection Act has also been well documented in the administration of this program.

As we work to balance the Federal budget, I feel well should not devote our precious resources to inefficient programs. This is a simple amendment that accomplishes three goals. We devote $2.5 million to deficit reduction. We increase funding by $2.1 million for energy conservation. We bring under control a wrongful and environmentally damaging program.

I urge my colleagues to support this amendment and work with me to reduce the deficit, eliminate waste, and increase savings for future generations.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume. I rise in opposition to the amendment.

Mr. Chairman, the committee does support urban heat island research in the fiscal year 1998 budget at a $700,000 level. And would I point out that the Department has proposed a cool communities concept since 1995, and the committee has directed the Department to pursue the program within the context of urban heat island research, which I think you are interested in. The concept of planting trees and painting surfaces light colors in urban communities to cut down on heat problems and create cool communities is a useful concept, but it is not something that I think requires a multimillion-dollar program in the Department of Energy.

I have to point out also that the offset here for this proposed amendment is to eliminate $4.6 million out of the total of $5.6 million in the Bureau of Land Management for the Public Domain Forestry Program. Obviously this is a very important program, and this amendment would terminate the Bureau of Land Management's ability to preserve forests on 48 million acres of forest land. This amendment would devastate local communities that depend on timber and vegetative products from the BLM forest lands, and would result in the loss of hundreds of timber-related jobs.

BLM would be unable to deliver critical services to local communities, including wildfire control efforts, and prescribed fire planning and control. BLM would be unable to undertake projects to reduce susceptibility to fire, to address overstocking in woodlands and commercial forest areas, and to do forestry stocking. Over $3.5 million would be lost in BLM timber receipts. Because of this amendment, 40,000 permits that are issued for the sale of vegetative products would not be issued, resulting in again an annual loss of $300,000.

Obviously, I understand the interest of the gentleman from Illinois [Mr. GUTIERREZ] in this. But to take $4.6 million out of a budget of only $5.6 million for the BLM forestry program would be a serious mistake.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment proposed by my friend the gentleman from Illinois [Mr. GUTIERREZ]. I do believe the chairman has made a compelling case here about why this cut to the public domain program would be devastating to the BLM and to those communities that rely on it. I just regret that the gentleman did not have a better source, but have I to be in opposition to this amendment.

Mr. REGULA. Mr. Chairman, reclaiming my time, I urge the defeat of the amendment. I hope the gentleman from Illinois [Mr. GUTIERREZ] will work with the Department of Energy in the urban heat island research programs, but it would be a great mistake of judgment to tamper with the BLM forestry program. I urge defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield myself the balance of my time.

No. 1, just in case the time runs out, Mr. Chairman, I want to thank the chairman for not raising a point of order and allowing me to offer this amendment, so I want to use my time first to get that out of the way.

Second, I would like to say that, look, the "green scissors coalition" have found this program environmentally and fiscally unsound. Let us face it, it helps a lot of large, huge timber companies who are going to continue to chop down timber regardless of those $5.6 million. One of those companies alone that used this program estimated their gross last year was $1.6 billion. We are not talking about small ma and pa operations where this money is used. They are rather large companies which use this money.

So rather than allow huge companies to chop down trees on the clean, we should finally ax a government program that wastes our precious natural resources by chopping down those trees in an environmentally dangerous fashion that they will do, and with our taxpayers' dollars. They really do not need the subsidy. We can use it, obviously, in our inner cities throughout the Nation.

And there are 10 programs, and it is good, and the chairman is absolutely right, there is money, $700,000. But really we got 10 programs and some of the money. There was more money before for these programs. There is less money today and I just wanted it see if we could get some more money, so I proposed this amendment.

I know that we have agreed to a voice vote, Mr. Chairman, on this, and so I thank the chairman once again for allowing me the opportunity to present this amendment.

□ 1900

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

I would only point out that these are small, very small companies that do this forestry program in conjunction with the BLM. These are not large companies. It is obvious by the amount of money involved here.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. I would point out to the gentleman from Illinois that according to the Forest Service data, this is true for BLM, 95 percent of all timber sales in 1996 were purchased by small timber companies. In contrast, large timber companies purchased only 5 percent of these timber sales. There is a perception out there that this is going to the big boys, but they are not involved. It is the small companies that are involved.

Mr. REGULA. Mr. Chairman, reclaiming my time, I commend the gentleman from Chicago for his concern for his community, and I hope he will work with the Department of Energy to address his problem. I have to oppose this because of the impact it would have on the BLM forestry program.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Just to add one quick word, it is not who is purchasing, it is who is selling the timber.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GUTIERREZ].

The amendment was rejected.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the provision in this bill which allocates $8.5 million for the acquisition of Sterling Forest lands in southeastern New York State.

As my colleagues may recall, during the 104th Congress, we approved and the President signed into law the Omnibus Parks bill of 1996. That act dealt with numerous important public land issues. I was most gratified that the act included language protecting Sterling Forest, an 18,000-acre parcel of environmentally sensitive and an historically important piece of land in my congressional district in Orange County, NY.

More importantly with the help of the gentleman from Ohio [Mr. REGULA], $9 million was appropriated during the last Congress as a first installment for the purchase of Sterling Forest. The agreement to purchase Sterling Forest not only represents a commitment by both the Governors of New York State and the State of New Jersey to protect our region's sensitive lands, but it is also a model which can be replicated for future public land purchases. Not only have Federal funds been committed to the purchase of Sterling Forest, but both New York and New Jersey have committed $10 million each for its purchase and the private sector has also committed a significant amount for this worthy endeavor.

Accordingly, I commend the subcommittee for its efforts in preserving these lands, and I urge my colleagues to support this important provision.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to use this opportunity, if I might, to enter into a colloquy with the gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee. I want to thank the gentleman for his support over the years for the Marsh-Billings National Historic Park in Woodstock, VT. This park, scheduled to open in 1998, is very important to Vermont and to others interested in sustainable agriculture.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. I would be very pleased to participate in a colloquy with the gentleman from Vermont concerning this new unit of the Park Service.

Mr. SANDERS. Mr. Chairman, with the gentleman's assistance, last year Congress provided some initial funding for the park, and I am pleased that the fiscal year 1998 bill fully meets the park's needs for its operating costs. However, the bill does not provide the construction funds needed to refurbish the park's historic Carriage House.

Mr. REGULA. The gentleman from Vermont raises an important issue. The construction budget for the Park Service is severely constrained. We have to address the critical backlog of unmet maintenance. I mentioned this before. We have a huge amount of that. Because of our backlog of unmet maintenance needs, we have had to delay new construction and new construction at new units in order to help maintain and fix what we already have.

Mr. SANDERS. While I appreciate the very tough decisions faced by the committee, construction funds are critical for the Marsh-Billings Park. The funds are needed to construct new restrooms, visitor orientation space, staff offices, and an art storage facility. Without these improvements the park will not be able to provide basic visitor, museum and administrative services.

The Senate allocation is more generous than the House number. Should the Senate provide funds for this project, can I ask the gentleman to consider supporting this construction project?

Mr. REGULA. Were the Senate bill to fund this project and if the other priority needs for construction are met, I will give serious consideration to the support of the project. It is a good project and deserves strong support. I do look forward to working closely with the gentleman from Vermont to ensure the successful completion of the project.

Mr. SANDERS. I thank the gentleman for the help that he has given us in the past, and I look forward to working with him in the future.

Mrs. CUBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment that I am offering will address a very serious concern that I have with the discharge of sewage that has contaminated one of the most recognized and loved landmarks in this country. That is the Old Faithful area in Yellowstone National Park.

As my colleagues know, Mr. Chairman, Yellowstone is the Nation's first national park. The spectacular beauty and the awesome splendor of this area bring millions of visitors to the park every year. It saddens me to think that this outstanding heritage of natural beauty is falling into terrible disrepair, and drastic measures are needed to stop this now. Though legislation was established to include Yellowstone National Park in a pilot fee program that certainly will help the park complete some of the backlog of maintenance, there are some repairs that need to begin immediately.

Congress has increased funding for the National Park Service 69 percent over the last 7 years. During that same time, Yellowstone's funding has increased only about 20 percent, which has barely kept up with unfunded mandates and the rate of inflation. What has happened is that the infrastructure in Yellowstone has been severely neglected.

In August of this year, I had the opportunity to make an extensive tour of the park. During that time I learned a great deal about the needs of Yellowstone and the unfortunate decay which has occurred to its infrastructure. Miles of roads along with buildings, water systems are in dire need of not only repair but replacement.

My amendment will authorize $5 million to be dedicated to the replacement of the Old Faithful wastewater treatment facility. No example of degradation on the Yellowstone infrastructure is more glaring than the degradation of the sewer system at Old Faithful. The Old Faithful plant was built over 60 years ago, in 1930. Then it was redone, refurbished in 1974, and it has not been touched since then. It is in very bad disarray.

Right now there is substantial use of that facility in the winter months. When the park was built, it was not designed for winter use. As a point of information, one of the 4 sewers at Norris Campground has already failed and the other 3 can fail at any point. Unfortunately, the sewer system at Old Faithful is in the same condition. It is right now polluting the water with sewage from the restrooms.

The Wyoming Department of Environmental Quality inspected this facility last year and found a number of immediate problems, and they are faced with the possibility of closing the Old Faithful area. This is extremely alarming, knowing that the surrounding streams are being contaminated with discharge from this plant.

The National Park Service has established an internal system of setting funding priorities in the parks. What they do is whatever projects they can fund fully, that is what they fund. That has helped the small parks, but it has truly hurt the larger parks like Yellowstone and Yosemite, because the repairs are very expensive and so they are put off. As a matter of fact, there is no line item construction funds for Yellowstone in either 1998 or in 1999.

Mr. Chairman, this year Yellowstone is celebrating its 125th anniversary. In 1872, President Ulysses S. Grant signed a monumental piece of legislation that was the start of one of the very best ideas in America. That is our National Park System. Today let us assure the American people that they will be able to continue to enjoy one of the most popular attractions in the National Park System when they vest Yellowstone National Park this year and in the years to come.

Mr. Chairman, I respectfully ask my colleagues to support this much needed amendment so that the problem at the Old Faithful wastewater treatment facility may be addressed immediately.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

It is my understanding, Mr. Chairman, that the gentlewoman from Wyoming intends to withdraw the amendment or perhaps not offer it. We have discussed the importance of this project. I think she makes a very powerful case, and I have been assured by the National Park Service that it is a priority to address the problems she has outlined and it will be in the President's budget in the near future.

Yellowstone is one of the crown jewels of the National Park System, and this is one of the unmet maintenance needs here and elsewhere in the National Park Service that I am very committed to addressing with the scarce resources that we have. I think she makes a perfect case for what I have talked about in the backlog of unmet maintenance. This is a classic example. We did provide $1.6 million in additional funds for operations in Yellowstone because these parks are getting great pressures from public usage. I hope the fee program will also greatly help Yellowstone.

The parks get to return fee revenue now, and I know that that will be something that they can use to address the very problems the gentlewoman has outlined. As I mentioned earlier, the gentlewoman makes a strong case for what we keep talking about, the need to address backlogged maintenance. We are very sensitive to the problem.

Mrs. CUBIN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentlewoman from Wyoming.

Mrs. CUBIN. Mr. Chairman, with that assurance, then I feel I do not need to offer the amendment at the appropriate time in the process.

Mr. REGULA. I thank the gentlewoman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $101,406,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICES

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, $591,042,000, to remain available until September 30, 1999, of which $11,612,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the National Communities Conservation Planning (NCCP) program and shall remain available until expended, and of which not to exceed $5,190,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973, as amended.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $40,256,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public law 101–337; $4,128,000, to remain available until expended: *Provided*, That under this heading in Public Law 104–134, strike "in fiscal year 1996 and thereafter" in the proviso and insert "heretofore and hereafter", and before the phrase, "or properties shall be utilized" in such proviso, insert ", to remain available until expended,".

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $53,000,000, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $14,000,000, for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,000,000.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York: In title I in the item relating to "Department of the Interior—U.S. Fish and Wildlife Service—National Wildlife Refuge Fund", after the dollar amount insert "(reduced by $500,000)".

In title I in the item relating to "Department of the Interior—National Park Service—Construction", after the first dollar amount, insert "(increased by $500,000)".

Mrs. MALONEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer this amendment on behalf of the gentlewoman from New York [Ms. SLAUGHTER] who has been called away due to a death in her family.

The amendment would designate $500,000 for critically needed repairs and restoration at the historic Susan B. Anthony home in Rochester, NY. The Susan B. Anthony House witnessed some of the most important moments of the women's rights movement. As Anthony's residence for her entire adult life, the house was the site of many visits and planning meetings between Ms. Anthony and her fellow activists, including abolitionist Frederick Douglass. This is also the place where Ms. Anthony was arrested for voting in 1872.

The Susan B. Anthony House is a vital part of our Nation's heritage. It is part of a complex of sites in upstate New York in and around Seneca Falls, NY, that include the Women's Rights National Historical Park and the National Women's Hall of Fame, celebrating the history of the women's rights movement.

Next year we will celebrate the 150th anniversary of the first women's rights convention in Seneca Falls. In terms of the women's movement, the women's rights convention in Seneca Falls is considered the most important single event making the struggle for women's rights possible. Just 2 weeks ago, we held a ceremony here in Congress moving a statue of two of the organizers of that convention as well as Susan B. Anthony herself into the Capitol rotunda. These women are finally taking their rightful place as important leaders in our Nation's history.

□ 1915

Next year many leaders in our Nation will come together for this historical anniversary for a year's worth of events on women's history, rights and suffrage. Celebrate 98 will educate and inspire the State of New York and our entire Nation with the story of the women's rights struggle.

What is important to realize and put into context is that the Susan B. Anthony House is not only a national historic landmark but a critical part of our Nation's history. It is not only a museum of Miss Anthony's pictures and papers, along with her trademark wire-rimmed glasses and Quaker shawl, but hundreds of pictures and papers and documents of her sister suffragettes.

Mr. Chairman, there is no national museum of women's history in the United States. The Susan B. Anthony House has filled that void by collecting the history of the women's movement and preserving it as best they could with volunteer labor and donations for the past 47 years.

Today time, weather, and Band-Aid repairs have taken their toll on this house. The Susan B. Anthony House recently launched a major initiative to finance a complete renovation and restoration of the property. In addition to needed repairs and maintenance, this project will begin the hard task of restoring the house to its appearance during Miss Anthony's lifetime.

Both the house itself and the collection pose special challenges. Many of the papers are fragile, and special preservation measures must be taken if they are to survive for the benefit of future generations. No complete catalog has ever been made of the collection.

This amendment would provide a modest one-time investment of $500,000 toward the Susan B. Anthony House restoration project. These funds would be used toward an historic structures report for the site and some basic physical repairs to the house. The historic structures report is a mandatory document for all national historic landmarks and provides a sort of baseline for repairs. This report will set the parameters for restoring the property to its appearance during Miss Anthony's lifetime.

The $500,000 provided by this amendment is only a first step toward restoring the house. The vast majority of the funds needed will be supplied through private donors and contributors. This amount is a modest contribution by the Federal Government to express our support for this vitally important piece of our Nation's history.

This amendment is the very least our Government can do to show the importance of the Susan B. Anthony House and the women's rights movement in our history. The amendment would offset this $500,000 by deducting the same amount from the U.S. Fish and Wildlife Service's wildlife and refuge account. The amendment represents only 1.7 percent of the $29 million increase granted by the committee over the administration's request for this account. It is a minuscule 0.18 percent of the account's total appropriation of $274 million.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. MALONEY] has expired.

(By unanimous consent, Mrs. MALONEY of New York was allowed to proceed for 1 additional minute.)

Mrs. MALONEY of New York. Mr. Chairman, the committee noted that this generous increase was to be used toward preparations for the National Wildlife Refuge System's 100th anniversary in the year 2003. Therefore it only seems appropriate to use some of this funding, considering that the Susan B. Anthony House will be a major attraction during the 150th anniversary of the first women's rights convention in Seneca Falls next year. Surely if we can prepare for the Wildlife Refuge System's centennial 5 years away, we can provide some small amount of money in commemoration of women's rights.

Would we let Mount Vernon or Monticello fall to pieces? Certainly not. Susan B. Anthony was a pioneer for women's rights including the right to vote, to own property, and to participate as equal partners in our democracy and our society. Susan B. Anthony revolutionized the lives of half our Nation's population. Surely she deserves no less than our full support. This amendment does not attempt to provide full support, but merely a token for the restoring renovation.

I really would like to ask for a recorded vote on this.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York.

I want to say, first of all, we extend our sympathy to the gentlewoman from New York [Ms. SLAUGHTER] on the death of her sister, and I think I speak for all the Members in that respect. I appreciate the gentlewoman from New York [Mrs. MALONEY] handling this matter for her.

Mr. Chairman, we have over a million structures on the National Register of historic places, and all of them have a very deserved place in this Nation's history. But we have a backlog of $500 million in refuges maintenance which this amendment would further exacerbate.

Mr. Chairman, this project is not within a unit of the National Park system, and what we have tried to do here in this bill is take care of what we have rather than starting new programs. The Park Service has advised us, in fact, that they cannot even spend these funds without specific legislative language authorizing the project. And as I pointed out earlier, we have a $14 billion backlog of maintenance projects. I will not recite all of those again, but even in the Fish and Wildlife Service we are faced with a $500 million backlog. And if we were to adopt this amendment, we would offset it by decreasing Fish and Wildlife Service resource management by an equal amount of $500,000, and with the backlog that exists in these facilities it would be a very unjustified policy decision to make this action.

We had almost a hundred Members of Congress write to the committee in support of increased funding for the refuge system, and we could not answer a lot of those, we could not respond to a lot of those simply because we do not have enough money. So I think, as a matter of policy, it simply does not fit to take $500,000 out of the Fish and Wildlife Service to do this, particularly in light of the fact that it is not a unit of the National Park Service and in light of the fact that we have the millions of designated historic structures that have similar needs.

Mr. Chairman, I respect the fact that Susan B. Anthony played an enormously important role in this Nation's history, but nevertheless I think it would be an unwise policy to invade the funds that we now have for Fish and Wildlife Service resource management, and in light of this I regrettably have to urge the Members to vote no on this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I ask unanimous consent to strike the last word to respond.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Chairman, I certainly appreciate the chairman's concerns for the underlying budget restraints, but I wanted to point out that before us today and included in the budget are two national historic landmarks which are already in the bill, and given the pressing point that the gentlewoman from New York [Ms. SLAUGHTER] has made over and over again, that there is no national women's museum in this country and that the Susan B. Anthony home has served as such a museum in gathering the materials, the history of the women's movement of the country, it is certainly deserving, and I appreciate the gentleman's concerns, but I certainly wanted to point out that Ohio and Maryland have two items in the bill, and we were hoping that given the fact of two historical landmarks in the bill, that the gentleman would consider this additional historic landmark given the fact that there is no women's museum in this country.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I understand what the gentlewoman is saying, but I would point out that the two that she refers to, one is a President of the United States, and the State is putting in a lot of money. What we are putting in is a small amount. The other is a project of the gentleman from Maryland [Mr. HOYER], and again the State of Maryland is putting in a lot of money.

I do not think there has been any indication here that there is any money being proposed by the State or any other entity to support this, that the total cost that is being proposed would be Federal, and I think perhaps the gentlewoman from New York [Ms. SLAUGHTER] would like in the future to find some matching funds that would make this kind of a project more attractive.

Mr. Chairman, I would still urge a vote of "no" on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. MALONEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,000,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $10,500,000, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $400,000, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 108 passenger motor vehicles, of which 92 are for replacement only (including 57 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this bill: *Provided further*, That the Secretary may sell land and interests in land, other than water rights, acquired in conformance with subsections 206(a) and 207(c) of Public Law 101–816, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund and used exclusively for the purposes of such subsections, without regard to the limitation on the distribution of benefits in subsection 206(f)(2) of such law.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $2,500,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,232,325,000, of which $12,800,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201, Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for,

$43,934,000, of which $4,500,000 is for grants to Heritage areas in accordance with Titles I–VI and VIII–IX, Division II of Public Law 104–333 and is to remain available until September 30, 1999.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $40,412,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 1999.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities $148,391,000, to remain available until expended: *Provided*, That $500,000 for the Rutherford B. Hayes Home and $600,000 for the Sotterly Plantation House shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470A.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1998 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $129,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress: *Provided further*, That of the funds provided herein, $8,500,000 is available for acquisition of the Sterling Forest.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 396 passenger motor vehicles, of which 302 shall be for replacement only, including not to exceed 315 for police-type use, 13 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332 and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $755,795,000 of which $66,231,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $147,794,000 shall be available until September 30, 1999 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.: *Provided further*, That the USGS may contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to section 41 U.S.C. 5, for the temporary or intermittent services of science students or recent graduates, who shall be considered employees for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $139,621,000, of which not less than $70,874,000 shall be available for royalty management activities; and an amount not to exceed $65,000,000 for activities within the Outer Continental Shelf (OCS) Lands Program, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1999: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $94,937,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1998: *Provided*, That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1998 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $179,624,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $5,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 1998: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, $1,526,815,000, to remain available until September 30, 1999 except as otherwise provided herein, of which not to exceed $93,825,000 shall be for welfare assistance payments and not to exceed $105,829,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1998, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed $374,290,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1998, and shall remain available until September 30, 1999; and of which not to exceed $59,775,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvements and the Navajo-Hopi Settlement Program: *Provided*, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements and for unmet welfare assistance costs: *Provided further*, That funds made available to tribes and tribal organizations through contracts, compact agreements, or grants obligated during fiscal years 1998 and 1999, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than two years may be reprogrammed to two year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1998, may be transferred during fiscal year 1999 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1999: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1998: *Provided further*, That funds made available in this or any other Act for expenditure through September 30, 1999 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996: *Provided further*, That no funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995: *Provided further*, That beginning in fiscal year 1998 and thereafter and notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively: *Provided further*, That the Cibecue Community School may use prior year school operations funds for the construction of a new high school facility which is in compliance with 25 U.S.C. 2005(a) provided that any additional construction costs for replacement of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $110,751,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That for fiscal year 1998, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $41,352,000, to remain available until expended; of which $40,500,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, 102–575, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $852,000 shall be available pursuant to Public Laws 99–264 and 100–580: *Provided*, That the Secretary is directed to sell land and interests in land, other than water rights, acquired in conformance with section 2 of the Truckee River Water Quality Settlement Agreement, the receipts of which shall be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, and be available for the purposes of section 2 of such Agreement, without regard to the limitation on the distribution of benefits in the second sentence of paragraph 206(f)(2) of Public Law 101–618.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

Departmental Offices

Insular Affairs

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $68,214,000, of which (1) $64,365,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,849,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,445,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

Departmental Management

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $58,286,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,200,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

Office of the Solicitor

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $35,443,000.

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,439,000.

National Indian Gaming Commission

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

Office of Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $32,126,000, to remain available until expended for trust funds management: *Provided*, That funds for trust management improvements may be transferred to the Bureau of Indian Affairs: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1998, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss.

Administrative Provisions

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to "Wildland Fire Management" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the Eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 112. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(a) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States, or

(b) deposited only into accounts that are insured by an agency or instrumentality of the United States.

SEC. 113. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal government shall be subject to the repayment provisions of 5 U.S.C. 5595(i) (2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) Benefits under this section shall be available to Helium Operations employees who are or will be involuntarily separated before October 1, 2002 because of the cessation of helium production and sales and other related activities.

SEC. 114. None of the funds in this or previous appropriations Acts may be used to establish a new regional office in the United States Fish and Wildlife Service without the advance approval of the House and Senate Committees on Appropriations.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $187,644,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, Territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $157,922,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for forest planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest and Rangeland Research," "State and Private Forestry," "National Forest System," "Wildland Fire Management," "Reconstruction and Construction," and "Land Acquisition," $1,364,480,000, to remain available until expended, which shall include 50 per centum of all monies received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That up to $10,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over National Forest System lands, $599,715,000 to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

☐ 1930

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 181, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 11 offered by the gentleman from Vermont [Mr. SANDERS]; and the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 181, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the second amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 199, noes 230, not voting 5, as follows:

[Roll No. 260]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bereuter
Berry
Bilbray
Bishop
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boyd
Brown (FL)
Brown (OH)
Bryant
Burr
Camp
Campbell
Canady
Cannon
Capps
Carson
Chabot
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Collins
Condit
Conyers
Cox
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
Dellums
Deutsch
Dickey
Doolittle
Duncan
Ehrlich
Emerson
Ensign
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foley
Ford
Fowler
Furse
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goss
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hoekstra
Hooley
Horn
Houghton
Hulshof
Hutchinson
Jackson (IL)
Jefferson
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klug
Kolbe
Kucinich
LaFalce
Lantos
Latham
LaTourette
Leach
Lewis (KY)
LoBiondo
Luther
Maloney (NY)
Manton
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKinney
McNulty
Meek
Menendez
Metcalf
Millender-
McDonald
Miller (FL)
Minge
Moran (KS)
Morella
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Portman
Rahall
Ramstad
Rangel
Riggs
Rivers
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Salmon
Sanders
Scarborough
Schaffer, Bob
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Skelton
Smith (MI)
Smith (OR)
Smith, Adam
Snyder
Spratt
Stearns
Strickland
Stump
Stupak
Sununu
Tanner
Taylor (MS)
Thomas
Thompson
Thune
Torres
Towns
Traficant
Turner
Velázquez
Waters
Watt (NC)
Weldon (FL)
Weller
Wexler
Weygand
Scott
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stark
Stenholm
Stokes
Talent
Tauscher
Tauzin
Taylor (NC)
Thornberry
Thurman
Tiahrt
Tierney
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (PA)
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—230

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Berman
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Borski
Brady
Brown (CA)
Bunning
Burton
Buyer
Callahan
Calvert
Cardin
Castle
Chambliss
Clement
Coburn
Combest
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Cummings
Davis (VA)
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Engel
English
Etheridge
Everett
Ewing
Fattah
Fawell
Foglietta
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefner
Hilleary
Hinojosa
Hobson
Holden
Hostettler
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kildee
Kim
King (NY)
Klink
Knollenberg
LaHood
Lampson
Largent
Lazio
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCrery
McDade
McDermott
McGovern
McHale
McIntosh
McKeon
Meehan
Mica
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal
Ney
Northup
Ortiz
Oxley
Packard
Pallone
Paxon
Pease
Pelosi
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer

NOT VOTING—5

Boucher
Harman
Schiff
Slaughter
Yates

☐ 1957

Ms. STABENOW, Mr. COYNE, Ms. PELOSI, Mr. MATSUI, Mr. REYES, Ms. WOOLSEY, and Messrs. STARK, NADLER, ENGEL, and Mrs. LOWEY changed their vote from "aye" to "no."

Messrs. BARRETT of Wisconsin, NUSSLE, SALMON, CRAPO, NETHERCUTT, DICKEY, CHRISTENSEN, McINNIS, Mrs. KENNELLY of Connecticut, and Messrs. CHABOT, CAPPS, HULSHOF, FORD, RUSH, HEFLEY, CUNNINGHAM, LATHAM, GALLEGLY, COLLINS, NORWOOD, and PICKERING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Mrs. MALONEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 351, not voting 6, as follows:

[Roll No. 261]

AYES—77

Abercrombie
Ackerman
Andrews
Bass
Becerra
Bentsen
Berry
Blagojevich
Bonior
Brown (CA)
Carson
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Diaz-Balart
Edwards
Engel
Eshoo
Farr
Fawell
Fazio
Filner
Frost
Gejdenson
Gephardt
Gilman
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kennelly
Kucinich
LaFalce
Leach
Lipinski
Lowey
Maloney (CT)
Maloney (NY)
Manton
McNulty
Millender-
McDonald

Mink
Moakley
Morella
Nadler
Olver
Owens
Payne
Rangel
Ros-Lehtinen
Roybal-Allard
Rush
Sanders
Schumer
Scott
Serrano
Sherman
Smith, Adam
Souder
Stabenow
Thurman
Towns
Velázquez
Vento
Waters
Waxman

NOES—351

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Boucher
Dooley
Harman
Schiff
Slaughter
Yates

□ 2007

Mr. SALMON changed his vote from "aye" to "no."

Mr. GUTIERREZ and Mrs. KENNELLY of Connecticut changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. SOLOMON asked and was given permission to speak out of order.)

RULES COMMITTEE PROCEDURE REGARDING AMENDMENTS TO LEGISLATION TO BE CONSIDERED DURING WEEK OF JULY 14, 1997

Mr. SOLOMON. Mr. Chairman, in making the two announcements, let me also announce that we do not expect any votes between now and about 10 o'clock. There will only be one more amendment, and perhaps an amendment thereto, so that there is no reason for Members to stand around here talking if they do not want to for the next hour and a half.

Mr. Chairman, the Committee on Rules is planning to meet during the week of July 14 to grant a rule for consideration of the foreign operations appropriation bill for fiscal year 1998. The bill was ordered reported by the Committee on Appropriations on July 9 and will be filed tomorrow, July 11. The bill is scheduled for floor action on Wednesday, July 16. That is next Wednesday.

The Committee on Rules may grant a rule which would require the amendments be preprinted in the CONGRESSIONAL RECORD. In this case amendments to be preprinted would need to be signed by the Member and submitted at the Speaker's table.

Mr. Chairman, because of the tight schedule on appropriation matters, the Committee on Rules plans to meet Monday at 5 p.m., that is this coming Monday, on the appropriation bills for veterans and HUD for fiscal year 1998. It is scheduled for floor consideration on Tuesday, July 15. The bill has been ordered reported by the Committee on Appropriations and the report is expected to be filed tomorrow.

The Committee on Rules is contemplating an open rule for this legislation. If Members have amendments to the bill, and they comply with House rules, there is no need to submit the amendments or to testify before the Committee on Rules. Members should use the Office of Legislative Counsel to draft their amendments. Again, it is not necessary to submit amendments to the Committee on Rules or to testify as long as the amendments comply with House rules.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, could the distinguished chairman of the Committee on Rules or any of the Republican leadership tell us what we are going to be doing for the rest of the evening at this point?

Mr. SOLOMON. Well, reclaiming my time, I can tell the gentleman that there is an amendment about to be offered by the gentleman from Colorado [Mr. SKAGGS] that will not take but a few minutes.

Mr. DICKS. If the gentleman will continue to yield, perhaps the chairman can enlighten us about what the plan is for the rest of the evening.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Ohio [Mr. REGULA] to explain that to the gentleman.

Mr. REGULA. Mr. Chairman, it is my understanding that we will go to the Porter amendment and all amendments thereto, and prior to that the gentleman from Colorado [Mr. SKAGGS] has an amendment which I am going to accept.

After we finish with the gentleman from Colorado we are going to go to the gentleman from Illinois [Mr. PORTER]. I would assume that that is probably going to take a considerable amount of time and that would be all we would get done tonight.

Mr. DICKS. Does the gentleman intend to vote on the Kennedy-Porter amendment tonight?

Mr. REGULA. I would hope so, yes. I would like to finish it tonight.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, I will continue to yield to the gentleman to explain what might happen on the next vote on the Porter amendment. Will the Committee stay in Committee and continue to vote and then roll votes over until tomorrow? What is the intention of the chairman?

Mr. REGULA. We are going to try to do that, depending on how much time the Porter amendment takes. The goal is to get far enough along that we can finish by 2 p.m. tomorrow. So we want to keep moving. And any votes after the Porter amendment we will roll over.

Mr. MOAKLEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts, my good friend, the ranking member of the Committee on Rules.

Mr. MOAKLEY. The gentleman from New York alluded to a bill before the Committee on Rules on Monday on veterans. I thought there might be some chance that we may hear that Friday.

Mr. SOLOMON. Reclaiming my time, Mr. Chairman, I would say to the gentleman that that is all up to the Subcommittee on VA, HUD and Independent Agencies. If they can file their report tonight, I would be more than glad to meet tomorrow to save the Committee on Rules members from having to come back here Monday when there are not going to be any votes until Tuesday at 5 o'clock.

Mr. MOAKLEY. That is what I am referring to.

Mr. SOLOMON. I would ask my good friend to use his persuasion and get it done.

Mr. MOAKLEY. I used my persuasion on the Interior rule and nothing happened.

Mr. SOLOMON. I would suggest the gentleman persevere.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Skaggs:

Page 46, line 14, strike "$599,715,000" and in lieu thereof insert "$591,715,000".

Page 58, line 18, strike "$100,000,000" and in lieu thereof insert "$101,000,000".

Page 59, line 10, strike "$312,153,000" and in lieu thereof insert "$313,153,000".

Page 60, line 20, strike "$636,766,000" and in lieu thereof insert "$644,766,000".

Page 60, line 25, strike "$149,845,000" and in lieu thereof insert "$153,845,000".

Page 61, line 6, strike "$120,845,000" and in lieu thereof insert "$123,845,000".

Page 61, line 7, strike "$29,000,000" and in lieu thereof insert "$30,000,000".

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Is there objection to consideration of this amendment at this time in the bill en bloc?

There was no objection.

Mr. SKAGGS. Mr. Chairman, this amendment would increase the bill's funding for energy conservation and efficiency programs by $8 million. These additional funds would be used for several important R&D programs at the Department of Energy, for State energy programs, and for weatherization. It also makes a small adjustment in the division of funds among some of the fossil energy programs.

I appreciate very much the willingness of the gentleman from Ohio, the chairman of our subcommittee, to work to develop this amendment, which he has indicated he would accept, and should, therefore, not be controversial.

As the chairman knows, I wish that we could go further than is provided in this amendment and to provide greater increases in these important efficiency and conservation programs, but we were unable to find the offsets to do that. In adopting this amendment, it will make a definite improvement in the bill. I hope we may be able to go a bit farther as the other body considers this legislation.

□ 2015

I urge adoption of the amendment.

Mr. Chairman, this amendment would increase the bill's funding for energy conservation and efficiency by $8 million. These additional funds will be used for several important research and development programs of the Department of Energy, for State energy programs, and for the weatherization program. It also makes a small adjustment in the division of funds for the fossil energy programs.

I greatly appreciate the willingness of the subcommittee chairman, the gentleman from Ohio, to work with me to develop an amendment that he will accept and that therefore should not be controversial.

As Chairman REGULA knows, this amendment does not go as far as I would have liked. I think these programs should receive an even greater increase in funds. But the amendment is a compromise, and just as it does not do all that I would have wanted, it goes further than would the bill as reported. So, adopting this amendment will make a definite improvement over the bill as reported, and I hope it will set the stage for further improvements when we get to a conference with the other body.

I urge the adoption of the amendment.

This amendment adds $8 million in budget authority to the energy conservation accounts. Of that total, $3 million is for the weatherization program; $1 million is for the State energy program; and the rest is allocated as follows:

Building equipment and materials will be increased by a total of $3 million. Of that total—

$250,000 will go to research in developing gas-fired heat pumps for heating and cooling residences and smaller commercial buildings ("Hi-cool Heat Pump program");

$1 million will go to the lighting programs, to support a variety of research programs including work on improved light fixtures, advanced lamp technologies, improved lighting controls, more sophisticated light distribution systems, and possibly work along lines suggested by the Hybrid Lighting Partnership;

$1 million will be for cooperative efforts between DOE and industries such as the manufactured-housing companies and utility firms to increase the adoption of efficiency measures in the marketplace—efforts that have been part of the "Energy Star" program, but that don't include other aspects of that program such as the training of retail personnel;

$150,000 will be to expand efforts to develop practical "superinsulation" materials, by working with insulation manufacturers; and

$600,000 will be for research projects concerning windows and glazing, including advanced window coating, electrochromic "smart" windows, and other new technologies that can produce great energy savings.

Three programs in the industry sector will receive a total increase of $1 million. Of that—

$300,000 will be for Industrial Assessment Centers, university-based centers that provide no-cost energy and environmental audits to help small and medium-sized businesses;

$300,000 will be for the "Motor Challenge" program, under which industry-government partnerships promote a systems approach in selecting, operating, and managing efficient electric motor systems; and

$400,000 will be for the "NICE-cubed" program, which provides competitively-selected grants to state-industry partnerships aimed at encouraging deployment of energy-efficient technologies and to demonstrate technologies that can improve energy efficiency, reduce waste, and save money.

Finally, the amendment will make a modest increase ($1 million) in funding for the consolidated fuel cell program, part of the fossil energy research and development activities of the Department of Energy.

The amendment is fully offset. The increases in the energy conservation accounts are offset by a reduction in the advance funding for forest service firefighting activities, and the increase for the fuel cell program is offset by an additional rescission from the clean coal program. These offsets will not have an adverse effect on these activities.

Mr. Chairman, I yield to my colleague, the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Chairman, I support the Skaggs amendment.

Mr. Chairman, I rise in strong support of the Skaggs amendment which provides a much needed increase in funding for energy conservation programs. Included in the amendment is an additional $600,000 for the windows and glazing program. This program provides funding for a promising new technology with enormous energy savings potential for the commercial windows market.

It is my expectation that this funding increase will be used to further the development of plasma enhanced chemical vapor deposition [PECVD] techniques for electrochromic technologies. This technology provides a flexible means of controlling the amount of light and heat that passes through a glass or plastic surface. Such a capability would provide Americans, and indeed much of the world, with a premier energy saving opportunity in building construction. The Department of Energy has estimated that placing this technology on all commercial buildings in the United States would produce savings equivalent to the amount of oil that travels through the Alaska pipeline each year.

In recognition of the importance of this technology, my home State of Florida has provided $1.2 million in State funds to the University of South Florida which is utilizing a license associated with technology developed by the National Renewable Energy Laboratory in Colorado. I believe the additional funds for the windows and glazing program will be available to assist with this excellent example of a public-private partnership.

Mr. Chairman, I want to thank Congressman SKAGGS for his hard work on this amendment and Chairman REGULA for his willingness to accept it. I believe it is a common sense amendment which will enhance our nation's important energy conservation programs and allow the United States to remain at the forefront of major new conservation technologies.

Mr. SKAGGS. Mr. Chairman, reclaiming my time briefly, I also wanted, if I could, to ask the chairman to engage with me briefly. I believe he has received a copy or has received a letter from the Secretary of Energy. I have a copy which I would like to put in the RECORD at this point. It is, I think, a very helpful indication of the administration's willingness to work with the chairman in some areas of concern to the subcommittee in the building program in particular.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Ohio [Mr. REGULA] relative to the Secretary's letter and my amendment.

Mr. REGULA. Mr. Chairman, we have examined the amendment. We appreciate the fact that the gentleman from Colorado [Mr. SKAGGS] is willing to work out a compromise on this, and in view of that, we are prepared to accept the amendment.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, let me also inquire of the chairman, I wanted to put Secretary Peña's correspondence to the chairman in the RECORD at this time.

As I mentioned a minute ago, I expect that the chairman finds this a very forthcoming expression of intended cooperation and accommodation by the administration in some areas that were of concern to the chairman in this particular part of the bill, and I just wanted to ask the gentleman's consent on that point.

Mr. REGULA. Mr. Chairman, if the gentleman would yield further, we have no objection to putting the letter in the RECORD at this point.

The letter referred to follows:

THE SECRETARY OF ENERGY,
Washington, DC, July 10, 1997.

Hon. RALPH REGULA,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your interest in helping us reshape the energy conservation programs of the Department of Energy and your continued support for the objectives of these programs. I know that we share the view that investments to increase the productivity of energy use are critical for finding ways to meet environmental goals, to increase American energy security, and to ensure continued economic growth.

I know that the House Committee on Appropriations has expressed concerns about the management of programs designed to improve the energy efficiency of buildings. While the Department's programs in this area have been highly successful in the past, I share your concern that they need a careful review. I agree with your observation that the programs should be focused around a set of objectives that are both clear and easily explained. These programs must be developed in close cooperation with the business and other groups who must be our partners in this work. Their support for our programs is vital to our success.

We are working to redesign our programs and will give the views expressed in the FY 98 House Interior Appropriations Committee report very serious consideration. Later this year I will provide you with a strategic plan that responds to the Committee's request; I want to assure you that it will receive my personal attention. Given the importance of energy efficiency—and the opportunities for improving the energy efficiency of buildings, in particular—it is essential that the federal government's RD&D program be well-focused and adequately supported.

I look forward to discussing this matter with you in more detail in the near future.

Sincerely,

FEDERICO PEÑA.

Mr. FOX of Pennsylvania. Mr. Chairman, as my colleagues know, I have been a strenuous supporter of funding for the Low-Income Weatherization Assistance Program and the State Energy Conservation Program funded through the Department of Energy accounts in the Interior appropriations bill. I have offered amendments in prior years to increase funding for these programs and I continue to support strong increases for these programs that go to the heart of the Federal Government's cooperation in community-based solutions to the needs of the people in our boroughs, townships, and counties.

I want to thank Mr. SKAGGS for working with us in supporting increased funding for these important programs. Today's amendment increases Weatherization by $3 million to $124 million in fiscal year 1998 and increases the State Energy Program by $1 million to $30 million. Even though the amendment is small, it begins to move in the right direction. The Appropriations Committee had supported flat funding with no inflation increase.

I also want to commend Chairman REGULA and his staff for his work on this very difficult appropriations bill. It is important to stress, however, that these two programs have taken the brunt of the cuts in the Department of Energy conservation accounts since fiscal year 1995, when Weatherization was funded at a level of $226 million and the State grants received $53 million. These cuts of almost 50 percent have affected people in every congressional district. Weatherization helps low-income Americans through the installation of insulation and otherwise improving the energy efficiency of homes. On average, these improvements save these poor households over $200 a year in energy costs. That makes a huge difference. The State Energy Program provides leveraging of funds to conduct energy improvements in schools and hospitals so that more money can go into education and health care. This program reaches into small business and homes to reduce energy costs and apply innovative technologies to solve our energy challenges.

These programs are still grossly underfunded. I want to stress to my colleagues that I hope we can increase these funding levels in conference. I will carefully observe our actions and I look forward to working with Chairman REGULA in balancing important interests, but providing critical resources to aid people in need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. Skaggs].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RECONSTRUCTION AND CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $160,122,000, to remain available until expended for construction, reconstruction and acquisition of buildings and other facilities, and for construction, reconstruction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That purchaser road credit will be limited to those companies that meet the Small Business Administration definition of small business as defined in title 13, Code of Federal Regulations, part 121.

POINT OF ORDER

Mr. SMITH of Oregon. Mr. Chairman, I raise a point of order against the legislative provision beginning with "provided further" on page 47, line 2, through "part 121" on line 6. This language violates clause 2 of House rule XXI, which prohibits a provision containing legislative language in a general appropriation bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The Chair is prepared to rule. The second of the unprotected provisos under the heading "reconstruction and construction," by restricting the availability of the purchaser road credit to a specified class of companies, includes legislation in violation of clause 2(b) of rule XXI.

Therefore, the point of order is sustained and the language is stricken from the bill.

Are there any further points of order against the language read?

AMENDMENT NO. 7 OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER:

Page 46, line 20, after the dollar amount insert "(reduced by $41,500,000)".

Page 46, line 126 after the dollar amount, insert "(reduced by $1)".

Mr. PORTER. Mr. Chairman, I hate to offer any amendment to the bill of the gentleman from Ohio [Mr. REGULA]. There is no one in the House for whom I have more respect and admiration, and I assure my friend and all of our colleagues from the West and so-called timber districts that my difference with him and with them is one only of policy.

The amendment that I offer, together with the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from Florida [Mr. MILLER], the gentleman from Ohio [Mr. KASICH], the gentlewoman from Oregon [Ms. FURSE], the gentleman from Delaware [Mr. CASTLE], the gentleman from Utah [Mr. COOK], the gentleman from Wisconsin [Mr. KLUG], the gentlewoman from Maryland [Mrs. MORELLA], and the gentleman from California [Mr. ROYCE] will put an end to the use of taxpayer subsidies for the construction of logging roads in our national forests. It will reduce the $89.5 million road construction and reconstruction account by $41.5 million. This amendment will eliminate the funds for the construction and reconstruction of timber roads and eliminate the funds used to administer the purchaser road credit program. As estimated by the CBO, the amendment will directly save taxpayers $42 million.

Mr. Chairman, this amendment will not affect recreation and general purpose roads, and it will not reduce the money for maintenance and road obliteration, which is funded through a separate account. Under this amendment, if timber companies want to build logging roads with their own money, they can; and there is $5.9 million left in the account for the Forest Service to inspect and oversee their work.

Under the present system, logging companies receive incentives to build roads but the taxpayers are left with future maintenance costs. A majority of the timber roads in our national forests were constructed through the purchaser road credit program.

The credit that is issued by the Forest Service is for an estimate of the cost of the road that, according to the GAO, includes a 15-percent profit margin. Mr. Chairman, that is a direct subsidy, and it is one that is often greater than the profit margin than the timber company can expect on the whole sale. Further, the estimate and the actual costs are never compared. That may be a further indirect subsidy.

Bottom line, there is no accountability for the estimate and credit offered by the Forest Service.

To argue that the purchaser road credit program does not offer a subsidy is absolutely absurd. If there was no subsidy, Mr. Chairman, the timber companies would not care if it is eliminated; and, very obviously, they do. The fact that the Price Waterhouse study says otherwise is refuted by the fact that it was paid for by the American Forest and Paper Association.

Mr. Chairman, the Forest Service is a land management agency. It was not created to be in the business of building roads. The two other land management agencies, the Bureau of Land Management and the Bureau of Indian Affairs, do not subsidize the construction and reconstruction of timber roads on their lands. Neither should the Forest Service.

The timber companies build a lot of roads under the Bureau of Land Management and Bureau of Indian Affairs, but none of them are subsidized.

I appreciate the efforts of the chairman of the subcommittee to improve the forest road program by limiting the number of roads that can be constructed in our national forests.

My colleagues will hear in the debate that only 8 miles of roads will be allowed to be built by the Forest Service. That is by the Forest Service, Mr. Chairman, and does not take into account the purchaser road credit program. Factoring in the roads under this program, the total is 302 miles of new subsidized timber roads at a cost to the taxpayer of $41.5 million.

Under this amendment, the roads can still be built, the logging can still take place, but the timber companies will have to pay for the cost of building the roads needed for the timber harvests. That is the way almost every for-profit company in America works in our economy, Mr. Chairman; they pay their own costs of doing business. That is called free enterprise.

Mr. Chairman, we already have 380,000 miles of roads in our national forests, enough to encircle the planet more than 15 times, 1.6 miles of road for every square mile of national forest. Do we really need more subsidized roads?

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in support of the Porter amendment.

First I want to say to my good friend, the gentleman from the State of Washington [Mr. DICKS], that I thought that when the House got rid of B–1 Bob that it might be the last we have seen of someone in that particular line of work. But we have got B–2 Norman to replace him, who has become the Paul Bunyan of our national forests.

The House of Representatives voted less than 2 weeks ago on a spending cut package to balance the Federal budget. Wrapped in those proposals were billions of dollars of reductions in the country's transportation budget, money needed to pave our highways and fill our potholes, money needed so that hard-working families can get to work on time, so that economic goods can be efficiently shipped to the marketplace, and so that the parents can get their kids to schools safely.

Yet today we are considering an Interior appropriations bill that contains millions of dollars to subsidize the construction of logging roads in our national forests so that wealthy timber companies can haul off even higher profits. Not enough money to fix our national highways, but plenty to spare for big profitable timber companies like Weyerhaeuser, Georgia Pacific, and International Paper.

American taxpayers will no longer stand for such corporate welfare schemes. Paul Bunyan and his blue ox Babe never needed a pocketful of Federal cash to do their job. But if we listen to the cries of the timber interests, their industry would go down the river if they were pulled away from the subsidy trough.

My colleagues would think that if we were going to allow private timber companies to come in and remove Federal assets from our forests for their own profit, at the very least these companies would have to pay for the roads that are needed to get to that timber. What is next? Paying for gasoline for the corporate jets? The American taxpayers already paid for 380,000 miles of roads that crisscross our national forests, which is more than eight times the size of the U.S. Interstate Highway System.

I am joined by my colleagues today to say, enough is enough, we do not need any new taxpayer subsidized logging roads. If new roads for logging purposes are warranted, practical and profitable, why should not these corporate giants build their own roads?

The amendment I offer today with my colleague from Illinois [Mr. PORTER] will end the practice of taxpayer subsidies for the construction of these new logging roads. We cut $41.5 million out of the construction and reconstruction component of the Forest Service roads budget.

Our amendment only affects the construction and reconstruction of logging roads themselves. It does not touch funds for recreation or general purpose roads or trail construction, nor does it affect the budget for the maintenance of the existing infrastructure.

The Forest Service fiscal year 1998 budget notes show how they would use the $41.5 million for timber roads. They want to spend roughly $10 million to build 1.3 miles of new timber roads and 38.1 miles of reconstructed timber roads. The remaining $31.5 million was slated for use, in the staff report, for the designing and engineering of timber roads under the purchaser credit program.

This program gives trees to timber companies in exchange for their cost to build the roads, another taxpayer giveaway that must end. This amendment leaves intact the $5.9 million the Forest Service requested to inspect and oversee the work when timber companies build roads under purchaser credit.

We still want the Forest Service to inspect and oversee their work. We just no longer want to reimburse timber companies for the cost of these roads. The savings we get from this amendment will be applied for deficit reduction.

We must stand up against the special interests and reverse this wasteful and environmentally damaging spending. The environment suffers because building these new roads in our national forest system has had a devastating impact on direct habitat loss, water quality, and wildlife populations.

□ 2030

Road construction, particularly on steep unstable slopes dramatically increases the risk of landsliding, erosion, and siltation of the streams. Such damage requires us to be more than idle observers.

Some points I would like to reiterate about this amendment.

The amendment will cut only money from the budget that would be used to build logging roads. We have never touched the funds that are needed to repair or maintain roads in the existing national forest infrastructure. There is $85 million in this bill under the entirely separate section entitled "Infrastructure Management" that is used for road maintenance. We do not touch the funds for building the general purpose or recreation roads or the construction of trails.

This money plain and simple is a direct handover to the lumber companies for going in and harvesting trees. All we say is if you want to go in and cut down the trees, pay for the roads yourself, and do not look to the Federal taxpayer for the subsidy.

AMENDMENT OFFERED BY MR. DICKS TO THE AMENDMENT OFFERED BY MR. PORTER

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS to the amendment offered by Mr. PORTER:

On line 2 of the Porter amendment strike the figure $41,500,000, and insert $5,600,000.

On line 4 of the Porter amendment strike the figure $1 and insert $25,000,000.

Mr. DICKS. Mr. Chairman, I have been listening to my colleagues today, many of which feel that the Kennedy-Porter amendment goes too far, that it makes too deep a cut in the timber purchaser credit program. It also makes a very severe cut in appropriated funds, most of which are being used for reconstruction of timber roads. Only 8 miles of new roads are being constructed under appropriated funds.

What I am offering here is a compromise. This will allow us to go forward and do the reconstruction, and it will also provide half of the money for timber purchaser credit.

By the way, most of the timber sales, over 75 percent of the timber sales, go to small businesses. These are not going to the elite. Most of them have gotten out of the business, at least in the Northwest, because they export off their private lands and they get very little if any Federal timber.

My colleagues have to understand what has happened in the timber area. We used to do about 10 to 12 billion board feet nationally each year. This year we have come down, and this is the history here, and in recent years we have come down to about 3.7 billion board feet. We have cut in third the timber program in this country.

What happens when we do that? What happens when we create this shortage? First of all we import. Over 30 percent of the softwood that comes in today comes in from Canada. They are up there cutting like mad to meet the U.S. market requirement. The other thing that happens is it forces up the price of lumber. We have got a letter here from the homebuilders saying that the average house has gone up about $2,800 per house because of increased lumber prices. So consumers have paid something like $2.8 billion more than they would have had to pay for their new houses over the last several years.

I ask tonight for some common sense, for some compromise. This is an amendment that will not devastate these programs. By the way, in case somebody did not understand, one cannot go in and do timber harvesting without roads. Ninety percent of the roads we have are used for recreational purposes. They are used for fire suppression. They are used to get people out into those great recreational areas. The Forest Service lands provide more recreational opportunity than our National Park System. That is something that is not well understood by some easterners, and if the gentleman from Massachusetts ever wants to come out, I will be glad to take him around and show him a few of the roads. But, seriously, these roads are very important in terms of the transportation system. I want to also point out the density of roads on the Forest Service lands are much lower than either BLM lands or in Forest Service lands.

The problem with what the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Illinois [Mr. PORTER] have come up with is that they want to cut $41.5 million out of appropriated funds for timber roads. Most of that money, almost all of that money, I think $40 million of that money, would be used for reconstruction. Reconstruction means going out and fixing up roads that have problems and doing it so that you can put in culverts, you can fix the roads so if you have a big storm, they do not break apart and wind up blowing out and winding up in the salmon streams. That is why I have changed that part of their amendment to go to $5.6 million which is the administration's budget request. I think we then fix that part of the amendment. Then we preserve some of the money for purchaser credit so that the smaller companies out there can still use this program, which is important for them because they have a hard time. If they do not have this, they are going to have to finance the roadwork themselves, and some of these smaller companies have a difficult time doing that.

We have a way of fixing that with the purchaser elect program which will then allow the Forest Service to do some of this for them. There are two groups that are going to get really hurt by this amendment and doing away with timber purchaser credit. One is the counties. They are going to lose 25 percent of what they got before. Those Members who have been worried about PILT, counties get hurt here.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 4 additional minutes.)

Mr. DICKS. Mr. Chairman, the counties get hurt and the small businesses who have used this program. That is why instead of eliminating it as the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Illinois [Mr. PORTER] do, I have kept it in at $25 million.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman yielding.

Mr. Chairman, I would love to go camping with the gentleman from Washington sometime, but this issue has nothing to do with recreational roads.

Mr. DICKS. Of course it does.

Mr. KENNEDY of Massachusetts. If the gentleman will just yield to me for a brief moment to answer some of the questions that he has brought up.

First and foremost, we specifically outline in the language in this amendment that would prevent any cut in funding for recreational road purposes, first. Second, the gentleman says that the cost of lumber will go up. Only 4 percent of the lumber in this country comes totally from our national forests. We have got 389,000 miles of forest, and we have only got 1.3 miles worth of new roads.

Mr. DICKS. Mr. Chairman, reclaiming my time, first of all, all these roads are used by people for recreational purposes.

Mr. KENNEDY of Massachusetts. Absolutely.

Mr. DICKS. All of them are used. When we do reconstruction on those roads, it is to keep those roads available for recreational purposes. The gentleman is taking out a big part of that money.

I am surprised that we even have, and I think it is 5 percent, by the way. Look at what we have done to timber harvesting in this country. We have taken it down to here. I know that someone will not rest until it is probably below this line. That is simply not right because we have a responsibility. We can manage these forests on a sustainable basis. This is not James Watt running this place down there. It is Jim Lyons who used to be on the staff here of the Committee on Agriculture, it is Dan Glickman, it is ALBERT GORE, it is Bill Clinton, it is Bruce Babbitt. These are the people that are managing these forests.

All I want to say is that these people are managing this properly. They have also said that the Kennedy-Porter amendment goes too far. We have a letter here today and let me just read a couple of salient paragraphs:

"Small timber business purchasers would be adversely affected because of potential financial troubles they may encounter as they operate timber sales if the purchaser credit program is eliminated. Accordingly, the administration urges Congress to allow the Forest Service to do the purchaser election. The administration also supports reducing the construction of new roads on national forests as reflected in its budget. However, the $41.5 million reduction the amendment proposes goes too far in eliminating important construction and reconstruction efforts that provide public safety and environmental benefits."

The administration opposes the Kennedy-Porter amendment because it simply goes too far. This is a decent compromise.

Mr. KENNEDY of Massachusetts. If the gentleman will yield further, I would like to point out that I too got a letter from the Secretary after I received the letter that he sent to me at the gentleman's request, I got a letter from him later this afternoon indicating to me that he has no idea of what it was that the gentleman had talked to him about.

Mr. DICKS. No, no. Dan Glickman is a longtime member of the Committee on Agriculture.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I continue to yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. In clarifying the letter that I sent you this afternoon, the administration supports reducing the construction of new roads within the national forest system primarily for the environmental reasons and because of the extensive cost to maintain the road system that already exists.

In fact the President's budget proposes to eliminate the purchaser road credit program, which the gentleman just refunded in his amendment.

Mr. DICKS. By 50 percent.

Mr. KENNEDY of Massachusetts. The President opposes your amendment.

Mr. DICKS. I never said the administration supported my amendment.

Mr. KENNEDY of Massachusetts. But the gentleman certainly said Mr. Glickman supported his amendment.

Mrs. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH. I think the amendment of the gentleman from Washington [Mr. DICKS] is interesting, but I have some questions.

One is that on the purchaser road credits because of the volume of timber sales in the Reagan and Bush administration, then they dropped off sharply in the Clinton administration, large businesses as well as small businesses are carrying these purchaser road credits as assets on their books. If the purchaser road credits are eliminated in any form, that would be a taking of assets. Can the gentleman reassure me that in his amendment that would not occur?

Mr. DICKS. If my amendment is adopted, of course, we will keep the program going. Even if it is not, I am confident that there is nothing in the Kennedy-Porter amendment that retroactively takes away anybody's right.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I would like to assure the gentlewoman that there is nothing in my amendment and I do not believe anything in either amendment that would adversely affect prior timber purchaser credits. We would certainly work to put language in at some point to make sure that that is a clear understanding. We will work with the chairman and the administration to make sure that is taken care of.

Mrs. CHENOWETH. I thank the gentleman from Washington [Mr. DICKS] because I do believe it could conceivably take away those credits. I would appreciate language that would make sure that did not happen.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. I think the point that is lost here, too, is that taking out this money which takes away the ability to reconstruct roads means we are going to have environmental problems. What this gentleman is proposing is a good environmental vote because it preserves the necessary money to reconstruct these roads in a way that not only can the public use them but we will avoid siltation, we will avoid a lot of problems that would result in an environmental degradation.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has again expired.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the gentleman from Washington have 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. DEFAZIO. Mr. Chairman, reserving the right to object, I am not a member of the committee. I wish to speak on this. How can I be assured, since I am not a member of the committee, and I do not know how many members of the committee are going to rise, that I will be allocated any time during that hour? There are many other members on both sides of the issue who wish to speak.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. Further reserving the right to object, I yield to the gentleman from Washington.

Mr. DICKS. Is the gentleman saying that it is an hour on the Dicks amendment?

Mr. REGULA. If the gentleman will yield, it is a total of 1 hour on the Porter and the Dicks.

Mr. DICKS. Mr. Chairman, I would object. I think that is too short a time frame. I think there are a lot of Members who want to speak on this and I am just afraid we will not be able to take care of everybody who wants to speak.

Mr. REGULA. Mr. Chairman, let me revise the unanimous-consent request to close all debate on this amendment and all amendments thereto in 1½ hours and, of course, that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. KENNEDY of Massachusetts. Mr. Chairman, reserving the right to object, I have to clarify this issue with the Chair for a brief moment. If we limit the total debate to 1½ hours, how do we separate the amount of time that would be dedicated to the Dicks amendment versus the underlying Porter amendment?

☐ 2045

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we do not attempt to separate them. We will roll the votes. There will be a vote on the Dicks substitute, and then there will be a vote on Porter-Kennedy.

Mr. KENNEDY of Massachusetts. So the entire debate will then center around the Dicks substitute?

The CHAIRMAN. The Chair would announce it would be the Chair's intention to divide the time, if the unanimous-consent agreement is reached, as follows: 45 minutes to be controlled by the gentleman from Ohio [Mr. REGULA], 22½ minutes to be controlled by each of the proponents of the amendments on the floor, that being the gentleman from Illinois [Mr. PORTER] and the gentleman from Washington [Mr. DICKS].

Mr. DICKS. What about my amendment, Mr. Chairman?

I think we have to object. I think it is too short. I think we are not ready yet.

The CHAIRMAN. Is there objection?

Mr. DICKS. I object.

Mr. REGULA. Mr. Chairman, I have a unanimous-consent request pending.

The CHAIRMAN. There has been an objection.

Does the gentleman from Ohio [Mr. REGULA] seek recognition?

Mr. REGULA. Mr. Chairman, let us start over.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1½ hours and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. PORTER. Reserving the right to object, Mr. Chairman, the Chair announced that the allocation of time would basically be skewed toward opponents of the Porter amendment and proponents of the Dicks amendment. I would ask the gentleman from Ohio if he would change his unanimous-consent request to request that all debate on both amendments be concluded by 10:30 p.m. and that half of the time be controlled by the gentleman from Ohio [Mr. REGULA] and half the time be controlled by myself.

Mr. OBEY. If the gentleman will yield under his reservation, Mr. Chairman, I am very interested in trying to obtain a time limitation. I have been trying to do that working with the majority party for the last 45 minutes, but I do not think it is an especially sweet deal when all of the time is controlled by that side of the aisle.

Mr. REGULA. Mr. Chairman, I withdraw my unanimous-consent request, and we will try to work it out.

The CHAIRMAN. The request is withdrawn.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to discuss for a minute real purchaser credits because again this is one of the situations in which we have been debating where myth seems to override fact. And let me try to bring back to what is actually at stake here with respect to real purchaser credits which have been, they have been accused of being the handmaiden of the rich. It is the process that has been accused of being a subsidy, and let me explain exactly what happens:

If I am a timber purchaser and the Forest Service has a sale, the Forest Service identifies the amount of money for the road. When I bid the timber contract, I determine by my own assessment what the road is worth. If the road is in my estimation, in the estimation of the Forest Service, too expensive, I bid less on the timber. If I think I can build a road for the amount of money that is explained through the engineering process in the Forest Service, or less, than I bid more for the timber. So I adjust my timber bid depending upon my assessment of the road allocation determined by the Forest Service and by the engineering process.

When I am through the road is a wash. I do not bid the road to make money on trying to get the timber contract. So when it is all over, there is no advantage to me in the road process. However it is an advantage if I am a small business man because some way I am given a credit for the expense of the road in more timber.

That is the size of it. There is not a subsidy around it; there never has been.

Now do not press me. Look, I am from the west, I am from a timber country. My gosh, I am probably kidding my colleagues. But my colleagues all know Price-Waterhouse. My colleagues all know that they are a very successful auditing company in the United States. Price-Waterhouse has examined this issue. Price-Waterhouse says this is not a subsidy, Price-Waterhouse says this is not a bonus to any big timber companies, and therefore I suggest that a third party witness says and disputes, disputes the thought that this is some sort of subsidy and therefore some sort of corporate pork. It is not.

Mr. Chairman, this issue is not an environmental issue, and it is not even a budget issue. This is a question of the management of forests.

Now let us assume that we eliminate all of the appropriated money, as has been suggested. When we eliminate all the appropriated money, we eliminate the engineering process in America.

Now those of my colleagues who want to shut down the operation of every timber program in America, they are right, they are right. Go with the gentleman from Massachusetts [Mr. KENNEDY]. You betcha; that is what is done.

If my colleagues believe in the management of forests for the protection of everything we want to protect, the endangered species, the water quality and quantity, the stream bank programs, the wildlife, and when I am finished I will yield, then my colleagues have to realize that we have to have roads for the protection not only of the structure of the forests, but what about wild fires? What about recreation? What about all the opportunities that we all enjoy in the forests? Eliminated.

If we eliminate, by the same token, the forest or the timber credit program, we have eliminated small business. Seventy-five percent of all contracts in the forests are given to small business, 75 percent. One of the reasons that they are still in business is simply because of the road credit program because, yes, they can collect their money earlier, they do not have to wait until the end of the program, they do not have to wait 3 years. Sometimes these contracts are out 3 years. They can assume timber in exchange for the cost, the cost of the road. Not profit, the cost. Therefore, my colleagues, this is not, should not be couched in the terms that we have heard.

So supporting any program that has appropriated funds for engineering, supporting any program that protects someone, road purchaser credits is essential to the health of the timber industry in the west.

Please understand this is the issue.

Mr. REGULA. Mr. Chairman, I want to make a unanimous-consent request, and I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I do not care who makes the unanimous-consent request. I think there is bipartisan agreement on the committee at least.

Mr. REGULA. That is the request I am going to make.

Mr. OBEY. And I think we ought to just proceed with the request, so why does the gentleman from Ohio not go ahead?

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on the Porter amendment and all amendments thereto close in 80 minutes, the time to be allocated as follows: 20 minutes to the gentleman from Washington [Mr. DICKS], 20 minutes to the gentleman from Massachusetts [Mr. KENNEDY], 20 minutes to the gentleman from Illinois [Mr. PORTER] and 20 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. RIGGS. Reserving the right to object, Mr. Chairman, I just would like to ask the distinguished subcommittee chairman, since there are a number of us waiting here for the opportunity to participate in this debate who represent districts that are home to Federal forest lands and which are directly impacted by the proposed amendments when we would have an opportunity to speak under the proposed unanimous-consent agreement limiting time for debate on those 2 amendments or any subsequent amendments thereto.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. Further reserving the right to object, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, obviously we would have 40 minutes between myself and the gentleman from Washington [Mr. DICKS] and he could assign some time and I could.

Now, if my colleague does not think 40 minutes is enough, he can object to the unanimous-consent request. We are simply trying to expedite this, and it would amount to probably about 2 minutes per speaker.

Mr. OBEY. Mr. Chairman, would the gentleman yield under his reservation?

Mr. RIGGS. I yield to the distinguished ranking member, the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me just suggest that it is my hunch that there will be enough time for everybody who wants to to speak provided that people who want to speak simply let the four floor managers know who they are so that they can allocate time to everybody without squeezing people out. The problem they have is that at this time of night people come out of the woodwork and the fellows managing the time do not have any idea who wants to speak.

I mean I cannot imagine in 80 minutes that we will not have enough time for everybody to participate. I have got forest lands in my district. I do not need to talk. I will simply be happy to give that time to somebody else. I just want to get this thing done in a reasonable time before people start losing their tempers.

The CHAIRMAN. Does the gentleman from California [Mr. RIGGS] insist on his objection?

Mr. RIGGS. I reserve the right to object, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California insist upon his reservation of objection?

Mr. RIGGS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the debate, as I understand it now, will be for 80 minutes, 20 minutes controlled by the gentleman from Washington [Mr. DICKS], 20 by the gentleman from Massachusetts [Mr. KENNEDY], 20 by the gentleman from Illinois [Mr. PORTER] and 20 by myself, and then after the 80 minutes of debate, then they will be intermingled. We will take votes on the Dicks substitute, and following that there will be a vote on Porter-Kennedy.

Then I want to announce to the Members that once that is completed it would be the intention of the Chair to continue to take amendments with no further votes tonight. We will go to Line 7, Page 76 and stop just before the NEA issue, and the committee at that point will rise. So we would have two more votes tonight at the end of the 80-minute period in which we debate the Kennedy-Porter and the Dicks substitute.

Mr. Chairman, I want to make it clear there will be no action on the NEA issue tonight. We are going to stop just prior to reaching that point in the bill, which is Page 76, Line 7.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I am having difficulty still hearing what the gentleman has said. I just want to make sure. There will be which other amendments then debated tonight after these two? The Klug? Royce?

Mr. REGULA. Mr. Chairman, any amendment will be in order that a Member might wish to offer until we reach Line 7, Page 76. If there were any votes ordered, they will be rolled over.

Mr. OBEY. All of the votes will be rolled?

Mr. REGULA. That is correct, there will be no votes after Porter-Kennedy and Dicks.

Mr. OBEY. One additional question.

It is essential that we not be in the committee marking up the transportation bill tomorrow when the NEA vote comes to the floor. Do we have an assurance that that double duty will not occur?

Mr. REGULA. Mr. Chairman, I am advised by staff that the leadership of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON] is trying to work this problem out to avoid the very thing the gentleman from Wisconsin described.

Mr. OBEY. My point is I want assurances that the debate on NEA will not occur while we are in full committee marking up because we cannot be in two places at the same time and everyone feels very strongly about that.

□ 2100

Mr. REGULA. That is my intention that that will not happen; that is, the debate, if there is any committee markup ongoing at that time. Let me assure the gentleman that we are not going to debate the NEA issue while the full committee is in markup.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I would like to respond to a couple of points made by the gentleman from Washington [Mr. DICKS].

First of all, this issue that everybody, all of the recreational users, are using these roads. In fact, the GAO has stated that 70 percent of all Forest Service roads are designated as closed to vehicular traffic or for rough, high clearance vehicles. These logging roads are built for and used primarily by logging companies, and are generally inaccessible to vehicles driven by most Americans. I spent a lot of time in the national forests in my State, and I will tell Members that recreational users do not use these logging roads.

Second, with respect to the thought that housing sales will drastically increase if we cut this program, the truth is only 4 percent of all timber activity in the United States occurs in our national forests, and yet there are 377,000 miles of roads crisscrossing these areas. This is eight times the length of the highway system, and it seems incredibly disproportionate to be building these roads, as well as incredibly unlikely that housing costs will go up if we simply stop this program.

Finally, Mr. Chairman, I think it is important for me to add my two cents as a westerner, because I know exactly the damage that timber roads can do to the environment and to the health of our forest ecosystems, as well as the wasting of the taxpayers' money.

When we do this kind of clear-cutting in western forests, we wreak havoc on wildlife and we decimate mountainsides for floods. We have seen a lot of this in Idaho with the recent flood damage, and the fact that a lot of the mudslides have been caused by timber roads in our national forests. It is ecologically wrong and it is a financial drain on our budget. We should simply vote against the Dicks amendment. It does not cut enough. We should vote for the Kennedy-Porter amendment.

Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Illinois [Mr. PORTER] for raising these important issue.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to respond to a few comments by my friends, the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Illinois [Mr. PORTER], both of whom I have great respect for. I am from the West. I am from the east side of the State of Washington, where we have small timber companies. The idea of big timber companies is foreign to us. We have small timber companies, two and three and five and ten people who really rely on the timber purchaser credit program. It is not for big companies, it is for the small operator.

I think it is instructive for all of us to think about the fact that, with all due respect to the sponsors of this amendment, in my judgment, in my opinion, in my education, there is not one of them that has the kind of forest lands and the kind of timber communities and the kind of people that I do in my district, so it is easy to sit in Chicago or New York or Massachusetts and say I am going to take care of you out West, and talk about special interests.

Let me tell the Members who the special interests are in this case. They are the people who are driving these fine gentlemen and the sponsors of this amendment to a no harvest-no cut policy on Federal lands. That is not only damaging to Federal property, it is damaging to the recreational interests.

People who go and use these Federal lands and forest areas, they use the roads to get there. It is absolutely inaccurate to say that special interests on our side are trying to protect this program. My special interests are the little guy. That is who is being hurt by this. My special interests are the recreational people who want to go into the forest and use it on a weekend, and they use a timber road to get there.

I want Members to know, let us put this into perspective. There is a special interest driving the sponsors of this amendment. They want a no cut policy on Federal lands and they want to put my region out of work. They want to hurt my little people. I am not going to stand for it.

Mr. PORTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida [Mr. DAN MILLER], a sponsor of the amendment and a member of the committee.

Mr. MILLER of Florida. Mr. Chairman, I stand up here to a certain degree reluctantly, being a strong supporter of this particular amendment, because I am a member of the subcommittee with the chairman, the gentleman from Ohio [Mr. REGULA], and I have no greater admiration for anyone than I have for the gentleman, especially with the hard work he has done to bring this bill to the floor today.

So many of my colleagues and friends who I vote with most of the time are on the other side of the issue. But this is an issue that if one is a fiscal conservative and one also loves the environment, it is a natural amendment to vote for.

Mr. Chairman, let us get the facts straight here. First of all, we have heard the number of miles we are talking about, 380,000 miles. That is 15 times around the world. That is a lot of miles to be built in the national forests to start with.

Mr. Chairman, the amount of logs that are taken out of the national forests is a very small amount of the total number of logs in the United States. It only represents 4 to 5 percent of the total amount of commercial logging in the United States. So we are not talking about devastating the entire logging industry of the United States.

Mr. Chairman, there are two major reasons I believe we should be supporting the amendment; first, as a fiscal conservative, it is an issue of money. GAO did a study here about a year or so ago talking about the money. It costs us hundreds of millions of dollars every year to run this program. In 1995 it was a $234 million net cost. It was $278 million in 1995, and it was $455 million back in 1994.

So the total cost of the timber harvesting business is costing the Federal taxpayers money. Why should the Federal taxpayers be subsidizing this program? That is what it is, is corporate welfare, when it has a subsidy. It is a net cost. The GAO said that.

Mr. Chairman, the other issue we talked about is the environment. It does affect the environment, especially when we combine logs, logging, with the roads. I am not opposed to logging in the national forests. My environmental friends may not agree with me on that issue, but I believe it is sustainable, logging in the national forests.

But there are some environmental impacts we have to be concerned with, because when we cut the trees and make the logs it allows more water to flow down the mountainside into the streams, taking all the silt that builds up in there and the rocks and such, and it has caused damage to streams out West, so there are some environmental impacts that we have to be concerned with.

If Members are fiscal conservatives, if they believe in smaller government, if they want to reduce the size and scope of the Government, this is a good amendment.

Let me conclude with a couple of quotes from some editorials, lots of editorials around the country. One is from my area of Florida and Tampa. This is a conservative newspaper, by the way. Their editorial says, "This issue," talking about logging, "should unite both conservatives who want to cut to Big Government and environmentalists who want to stop the destruction of America's woodlands." It says, "The issue for Congress should be easy. Washington shouldn't spend taxpayers' money to despoil public resources."

From USA Today yesterday, let me read one paragraph. "Fact is, the road-building subsidy is an anachronism, a fossil from the last century when Federal policy was aimed not at managing resources but rather enhancing economic development and westward expansion. Well, times change. The railroads now stretch from sea to sea. The land has been tamed. Let the timber industry pay its own way, or at least pay for its own roads."

Mr. Chairman, I include for the RECORD three newspaper articles:

[From the New York Times, May 23, 1997]

QUIET ROADS BRINGING THUNDERING PROTESTS—CONGRESS TO BATTLE OVER WHO PAYS TO GET TO NATIONAL FOREST TREES

(By Carey Goldberg)

COEUR D'ALENE, ID.—They are only pretty little forest roads after all, the kind that inspired Robert Frost, the kind that bring memories of bumping happily over canopied ruts on a bike. Or family outings jouncing by car past lacy walls of birches to a beloved pond or hunting ground.

But in the current battle over logging in the country's national forests, woodland roads have nowhere near so innocent a mien.

Logging roads are increasingly blamed for contributing to landslides, floods like those threatening parts of Idaho, and changes in rivers and streams like those that have devastated fish stocks in rivers and lakes around this town in the Coeur d'Arlene (pronounced kur da LANE) National Forest.

The cost of building roads is also increasingly cited as the reason that many national forests lose money on lumber sales. And the dirt roads so web the country's woods, with more than 380,000 miles nationwide—enough to circle the globe nearly 15 times—that here in Idaho, one square mile of forest can be riddled by as many as 20 miles of roads.

"We're concerned about the road network we have and the fact that it's two and a half times the size of the national highway system, which is amazing," said Jim Lyons, the Agriculture Department Under Secretary who oversees the Forest Service. "Our No. 1 water quality problem in the National Forest System is roads.

The opposition to logging roads has reached the point, some national conservation groups say, that they expect it to spark one of the biggest environmental fight in Congress this session.

"This is going to be a pretty big showdown," said Marty Hayden, senior policy analyst for the Sierra Club Legal Defense Fund, of a proposed amendment that would slash money for the roads.

The amendment, offered by Representative Joseph P. Kennedy 2d, a Massachusetts Democrat and John Edward Porter, an Illinois Republican, would prevent the Forest Service from using taxpayer money to build roads in national forest. The measure has support from both environmentally inclined lawmakers and fiscal conservatives who oppose corporate subsidies, joined in an alliance known as the Green Scissors.

The timber industry and its allies are fighting the measure, saying that construction of the roads has dropped significantly—to 483 miles in 1996, at a cost of $74.3 million from 1.311 miles in 1991, at a cost of $1.409 million.

The American Forest and Paper Association, an industry group in Washington, D.C., also challenges the assertion that the Government has been misspending money for logging roads. Frank Stewart, the groups spokesman, said a recent Price-Waterhouse report commissioned by the association found "that, no, this is an efficient and effective way to fund road reconstruction" in national forests.

The Forest Service has obliterated more than 18,000 miles of roads in the last six years while just 4,575 miles of roads were constructed, the Price-Waterhouse report noted.

The Clinton Administration is taking something of a middle position, Mr. Lyons said, requesting only a small amount for new roads in comparison to what it is asking for maintaining, reconstructing and obliterating logging roads in the national forests.

But the Administration is also, for the first time, pushing for the abolition of the program under which timber companies subtract the cost of road-building from the price they pay for the trees they log in national forests, called the purchaser credit plan.

As the road fight plays out in Congress, environmentalists here in the Idaho Panhandle and in eastern Washington, where national forests are some of the most heavily roaded in the country, say they will be watching with the trepidation that stems from a first-hand knowledge of the damage roads can do.

"The roads have largely destroyed the Coeur d'Alene River here; the river has died a death of a thousand cuts," said John Osborn, founder of the Inland Empire Public Lands Council, a forest conservation group. In Spokane, Wash. "This is the worst case of watershed damage in the National Forest System."

Roads damage ecosystems in several ways, scientists say, and when heavy road-building is combined with cutting all the timber in an area, known as clear-cutting, the result is a one-two punch.

Trees absorb water. When they have been cut, more water flows down slopes like those that dominate the Coeur d'Alene National Forest.

When roads wash out, the scientists say, they dump rocks and soil on lower slopes and into streambeds; even when they remain intact, roads act as channels for water and contribute further to the erosion of lands and streams. The overall effect is that the streams and rivers fill with silt, the scientists say, and the shallower waters mean ruined fish habitats and more flooding.

"It took only one-half the water in 1996 to cause the same damage as the floods in 1974 because the river flooded so much more easily," said Barry Rosenberg of the Inland Empire Public Lands Council.

Roads reduce the complement of fish species in an area, said Chip Corsi, a biologist at the Idaho Fish and Game Department. Researchers have found that as little as 1.7 miles of roads per square mile of forest have that effect. Mr. Corsi said, adding, "And here we have from 4 to 10 to 15 to up to 20 miles of road per square mile—so it's extreme."

He added that roads can also hurt some forms of wildlife by opening their areas of the forest to other species, whether noxious weeds or human beings.

But the greatest damage roads do, Mr. Corsi and others said, is to watersheds, and warnings to that effect have been coming from scientists and environmentalists for decades. The heavy flooding in the Northwest in 1996—including landslides that cost several lives—focused particular attention on the perils of forest roads.

Last June, the proposal by Representatives Kennedy and Porter that the Government stop reimbursing the timber companies for road construction lost by just one vote in the House. The new head of the Forest Service, Michael Dombeck, said when he was appointed in February that the national forests' roadless areas should be preserved.

The construction of roads in the national forests has already shrunk significantly. Mr. Lyons said that under the Forest Service's current proposed budget, it would build only 8 miles of new roads and timber purchasers would build an additional 300 miles, of which 132.6 miles would be in currently roadless areas. More than 2,000 miles of road would be reconstructed.

Even that is too much for environmentalists, who argue that the money should be spent on repairing old roads to minimize the damage they cause.

According to calculations by Public Employees for Environmental Responsibility, a whistle-blower group of Federal, state and local workers in resource management, the Forest Service loses millions of dollars each year on timber sales; in extreme cases, the group says, road building can cost the agency $1,000 for just $100 worth of timber. But the cost of building roads and the price of timber vary tremendously.

In areas like the North Fork of the Coeur d'Alene River here, state employees worry that there is not even enough money in the budget to maintain the roads that exist, let alone to obliterate them.

Viewed from the air, the forest is so ringed and edged and swirled with roads that in places it looks patterned in paisley. It is because of areas like this that the discussion in Congress is expected to be so charged.

"Part of the problem," Mr. Lyons said, "is trying to sit down and explain to people what you need in terms of road maintenance and reconstruction and obliteration to protect the resource—to deal with salmon habitat and things that matter in the Northwest. There is this perception all the money we request for roads goes into building new roads."

[From USA Today, July 9, 1997]

TIMBER! LET SUBSIDIES FALL

Congress this week will try again to end the ridiculous practice of paying loggers millions to build roads.

More than 100 years ago, in 1891, Congress created the National Forest Reserve as a means of protecting the nation's woodlands and increasingly muddied watersheds from the scouring clear-cuts inflicted by the 19th century timber industry.

Like many good resource-management ideas in those bad old robber-baron days, the protections didn't last long. In 1897, Congress voted to permit logging in the reserves, and the ensuing swarm of timber industry payouts and subsidies continues to finagle taxpayer dollars today. Among the most egregious: a program through which taxpayers spend millions of dollars a year to build roads that logging companies use to harvest cut-rate federal timber.

There is much to complain about when it comes to timber sales, which routinely cost the Treasury hundreds of millions of dollars a year. But the issue at hand is far narrower. For the second year running, a bipartisan congressional alliance of environmentalists and budget hawks will try Thursday to end the road-building subsidy, valued this year at $41 million in direct costs. Last year's effort failed on a tie vote.

More power to them. The program survives on spurious rationales.

Supporters say the roads open the forest to recreation. But have you ever tried driving on one? When they are passable at all, they usually lead to vast fields of deadwood and slash, hardly places that invite picnicking or other pleasures. Moreover, the roads contribute to runoff that ruins fishing streams. Or isn't fishing a recreation?

And it's not as though we don't have enough roads already. The national forests are latticed by 377,000 miles of roads, almost nine times the length of the interstate highway system. In some places, there may be 20 miles of road per square mile of forest, as dense as some cities.

Does the road-building subsidy have economic importance? Hard to see how. The national forests account for only about 4% of the nation's timber production, hardly enough to affect prices or jobs. Other factors are far more influential. Between 1950 and 1994, the timber harvest increased by 64%, while employment in the wood and paper industries fell 4%.

Fact is, the road-building subsidy is an anachronism, a fossil from the last century when federal policy was aimed not at managing resources but rather enhancing economic development and westward expansion. Well, times change. The railroads now stretch from sea to sea. The land has been tamed. Let the timber industry pay its own way, or at least for its own roads.

WHY WASTE MONEY ON LOGGING ROADS?

Washington spends about $30 million a year subsidizing the construction of logging roads in national forests. These roads cause erosion, pollute creeks and deface the wilderness. They are blamed for landslides that occurred during the flooding in the Northwest last year.

As U.S. Rep. Elizabeth Furse, an Oregon Democrat who is working with both Republicans and Democrats to get rid of the subsidies, says, "First we pay to build them. Then every time there is a flood, the public has to pay for it again."

The House of Representatives is scheduled this week to review a proposal to cut or eliminate the subsidies. President Clinton favors eliminating the expense.

This issue should unite both conservatives who want to cut Big Government and environmentalists who want to stop the destruction of America's woodlands.

The timber industry defends the expense, saying the roads also allow for greater recreational use of the forests. That's so much sawdust.

There already are more than 380,000 miles of logging roads carved through the forests. This is eight times the length of the interstate highway system.

Hunters, hikers and others do not lack for access to the national forests. Outdoors enthusiasts would much prefer clean creeks and pristine forests to more roads and additional erosion.

The issue for Congress should be easy. Washington shouldn't spend taxpayers' money to despoil public resources.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 15 seconds. I want to respond to the gentleman from Washington [Mr. NETHERCUTT], who indicated this is a program which supports small businesses. The truth of the matter is that out of the 12,000 companies, only 33 of them are small businesses, and they represent 4 percent of the total road building program in our national forests in this country.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DeFAZIO. Mr. Chairman, we have too many miles of forest roads. There is absolutely no question, 380,000 miles is too much. But thousands of miles, though, one cannot just walk away from too many miles of road and from poorly constructed roads. We have thousands of miles of roads in need of maintenance.

Unfortunately, the Forest Service often calls that reconstruction. If you take a 6-inch culvert and replace it with a 12 because it is blocked, that is not maintenance, that is reconstruction. That would be virtually eliminated by the Kennedy–Porter amendment.

The Dicks amendment takes the appropriated funds down to the level requested by the Clinton-Gore administration for construction-reconstruction. I can guarantee the Members most of that budget, virtually all of that budget, is going to be used for reconstruction of roads, which is environmentally benign. Some of it will even be used for removal.

I had hoped to come to the floor to add funds to maintenance and add funds to removal, but it is not allowed under the bizarre rules under which we consider appropriations bills at this point.

There is a $440 million backlog, everybody admits to that, for maintenance. But they are saying, we are just cutting construction and reconstruction. No, you are not just cutting construction and reconstruction. Much of that backlog is reconstruction, and reconstruction is maintenance to the rest of us in the world, but not to the pointy heads down at the Forest Service. We need to get that work done.

Reducing purchaser credits by one-half, which the gentleman from Washington, Mr. NORM DICKS, does with this amendment, by 50 percent according to the Clinton administration, I checked with them on this, will eliminate all new road building, including any roads into roadless areas, under the purchaser credit program. That is the way they would use that reduction.

What will the other $25 million go to? It will go to maintenance, which the Forest Service calls reconstruction. It will go to Aufderheide Drive, the most heavily used recreational road in my district in the Willamette National Forest. It will go to other critical roads that have been identified in the President's forest plan as needing immediate removal, reconstruction, repair, or upgrading, because they present dangers to watersheds and fish. That is what this is all about.

It is well-intentioned on the part of these gentlemen, and I do not want to subsidize the industry. No one can accuse me of that. So what, the gentleman from Washington, Mr. NORM DICKS, is proposing will eliminate the roads into the roadless areas, it will eliminate the new road construction under purchaser credits. If you buy into the argument by eliminating these monies, you do that. You cannot have the language in the bill. That is not allowed. And it will put enough money back into the construction and reconstruction program to do what the Clinton administration wants to do, to reconstruct problem roads across western Oregon, Washington, the western United States, that they have identified are in need of immediate upgrade, immediate maintenance, and they unfortunately call reconstruction.

What we really need is to have a debate where we make a more rational forest policy in this country and a more rational roads policy at the Forest Service, in the authorization committees, and bring that to the floor to the debate, as opposed to what we are doing here tonight, because we cannot get at the real problem.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH], chairman of the authorization subcommittee.

Mrs. CHENOWETH. Mr. Chairman, the 1998 appropriations bill will fund the reconstruction of 160 miles of damaged Forest Service roads. Through the purchaser credits program an additional 2,000 miles of roads will be reconstructed. Reconstruction will protect riparian systems, provide access for forest health projects, and wildfire prevention. The Kennedy-Porter amendment will eliminate these programs, including reconstruction, which will lead to an overall demise of the resource.

By effectively eliminating the roads program, the Kennedy-Porter amendment will seal the fate of thousands of small timber companies and businesses that depend upon the Forest Road Program.

Mr. Chairman, I find two very interesting common threads running with the sponsors of the Porter-Kennedy amendment. None of the sponsors that are from the Republican side, anyway, and I do not believe the gentleman from Massachusetts [Mr. KENNEDY], have any forest roads in their district. They do not serve on any of the natural resources subcommittees.

Furthermore, I find it interesting, these same individuals will debate strenuously for a subsidy to the NEA, $99.5 million last year. They debated strenuously for a subsidy for people's pleasure. Yet, we find them all excited about road credits, which are not a subsidy. I know these are intelligent people, and I know they understand the difference between subsidies and road credits. There are no direct subsidies going from the Federal Government to timber companies.

Furthermore, I want to make it clear that in 1996, small business brought 75 percent of the U.S. timber, 75 percent. It is not the great big timber companies. The gentleman from Washington [Mr. NETHERCUTT] was absolutely right.

I want to ask the sponsor of this amendment, if it will not affect the lives of his constituents, it will affect the lives of mine. I ask him to explain to the children who live in Elk City and Grangeville, ID, and the children of other timber-dependent communities throughout the country how they will make up the funding they count on for their schools that come out of timber sales.

I ask him to tell the sawmill owner in Bonners Ferry, ID, how he can now afford to purchase a timber sale to keep his mill operating. The Kennedy-Porter amendment will effectively shut down the national forests. If we pass this amendment today, our hands are tied. Fighting wildfires and addressing forest health problems will be nearly impossible.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the Kennedy amendment, and am opposed to the amendment of my good friend, the gentleman from Washington [Mr. DICKS], my classmate.

Mr. Chairman, I think that our colleague and friend, the chairman of the subcommittee, raised the question before. He said if you have too many roads already and you cannot maintain them, then why are we going to build more?

□ 2115

That is really what this big fight is all about, because we are falling behind. We have the 380,000 miles of roads. We cannot maintain them. And we get studies that come back that look at the economic aspects, but they do not look at any of the physical aspects, the nontangible aspects in terms of what is happening with these roads in terms of fragmentation, in terms of erosion.

All these issues we have been talking about are being compounded by a program that is basically out of control. This does not cut down timber sales. The BLM, the BIA, the State programs do not rely upon the type of program that the Forest Service has instituted that has built all these roads. And the fact is that most of these roads, 80 percent of them have nothing to do with or little to do with recreation. In fact, if that were the case, we could not have recreated any of these forests before the roads were built. We know that is not accurate.

When we talk about small business, the definition of small business is 500 employees or more in these forest industries Road Credit Program. You say this is a small business program. Of the 13,000 companies involved, only about 30, 35 of them do not qualify for the purchase or credits. What this is is we are setting up a bank account. We are borrowing out the money, and we are not even checking what is happening in terms of what the consequence of the road building results.

The consequences are turning out to be a program that is out of control, that is heavily subsidized. I admit that this particular procedure is a blunt instrument in terms of dealing with this issue. We should deal with it much more surgically. But that is not the choice we have in terms of this rule or what is presented today in this chamber.

The choice we have tonight is to vote up an amendment that will in fact eliminate or stop this particular wasteful subsidized program, not stop timber cutting, saying you are going to do it the way the BLM does it, you are going to do it the way the States do it. It will continue timber cutting but on a business basis not on the basis of Federal Government subsidy but on the basis of business economics the market place not the Federal dole.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Utah

[Mr. HANSEN] chairman of the Subcommittee on National Parks and Public Lands.

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I chaired this committee on the Forest Service for a while, had a lot to do with it. I think the gentleman from Washington [Mr. NETHERCUTT] came up with some very good things. These folks say that there is no recreation. It is obvious where they are coming from. I have spent my life in the outback in Idaho, Wyoming, Utah, that area. I was a guide at one time. I think I understand it very well.

Let me just say, they are used for recreation, about 90 percent. All these roads that are going to be built, they are going to have people who hunt, fish, camp, watch birds, and they are going to be on it. What I worry about is so-called Joe Sixpack, which a lot of us may fall into that category. I worry about the guy that does not have the opportunity to go out on that land, take his camper, take his kids, put up a tent and enjoy it for a little bit.

We are saying to him, you cannot do this anymore. A guy I really worry about a lot and I know you folks in the East probably do not watch what goes on in the West, but do my colleagues know what is going to happen this year?

Let me tell you something. I do not have to be a prophet to say this. It just happens to be the gospel truth. We are going to have fires like you have never seen before. We have got all of this water that came out. Now it has stopped. Now up come these things. Guess what is going to happen? Last year we had more fires than we have ever had.

As one of the senior members of the Committee on National Security, I am always amazed how all these people want to buy all these old airplanes and put them back together. Guess what those fires cost us last year? $1.2 billion.

When you talk to the firefighters they say, but there are no roads to get in. Fine, do it on helicopters that cost $500 an hour. Jump out of those things and get yourself killed. That is all right.

Are we worried about those people? I sure am. I think they are very important. I worry a lot about the people who run stock in that area. I worry about the people, the young people of America.

I built the house I lived in in 1968. I paid 83 cents for a 2-by-4. Now they are around $4 apiece. Let us see what that means to the price.

So in a way, if you are a fiscal conservative, you will vote against the Kennedy bill and you will vote for the gentleman from Washington [Mr. DICKS], my good friend, on this particular bill.

Carrying that on, if you want to see the cost of this thing go up, if you want a tax increase, vote for Porter-Kennedy. You will get a tax increase, I will promise you that.

If you want to hold taxes down, do not do it. These folks in a way are saying, let us give a tax increase to America. Let us burn the West, and that is what they are saying. Go ahead and laugh. That just happens to be the gospel truth.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 35 seconds.

I just want to point out that the truth of the matter is that this bill has nothing to do with taxes. Whenever there is an issue that Members feel they are going to lose, they say it is going to mean taxes. This time we are going to hear that we will create fires.

The only thing this legislation does is stop new roads for the exclusive purposes of building those roads for logging. All the funds remain in this bill that are contained for the purposes of recreational roads and for fire prevention or other forest management purposes.

All the funds remain in this bill for recreation, fire prevention and any other purpose other than logging roads.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, this is not about raising taxes. It is not often that we have an opportunity to enhance environmental protection, reduce the deficit and end corporate tax subsidies in one single vote. But that is exactly what this amendment offers us today.

For years the Forest Service has provided taxpayer-funded subsidies to timber companies to construct nearly 400,000 miles of logging roads through our national forests. These subsidies not only provide a handout to the timber industry for costs they should be paying on their own, they also underwrite activities that take a serious toll on our forests' fragile ecology. These are the habitats for a diverse array of fish and wildlife, including many threatened and endangered species. Logging roads fragment habitats, increase erosion and siltation into rivers and streams.

As for the expense to taxpayers, the General Accounting Office estimates that between 1992 and 1994, the logging road program cost the Treasury more than $245 million. And just for a point of reference, that is almost three times the cost of the entire budget for the National Endowment for the Arts.

This amendment is plain common sense. Trout Unlimited, hardly a bastion of environmental extremism, is among the many groups supporting this measure. Let us be very clear. This amendment will not prohibit timber companies from building new logging roads. It simply says, do so at your own expense; go build them but pay for it at your own expense, not with taxpayer dollars. Do not expect the taxpayers to give you a handout. Is that not what welfare reform is all about? The Forest Service's logging road construction program epitomizes the kind of wasteful, environmentally destructive corporate welfare program that we have a duty, a responsibility, to terminate as we move toward a balanced budget.

My colleagues, for all those who want to move towards a balanced budget, I urge support of this bipartisan amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, this debate is not about corporate welfare and it is not about the Federal budget. It is about proper land management of our forests, our land. If you owned a piece of land, would you let someone else come in and build a road on your piece of land and let them control where that road was, what the quality of the road was going to be, and whether the road was going to be permanent or temporary and receded? Absolutely not. That is what this debate is about. It is not about corporate welfare. It is about who manages that decision.

I talked to professional foresters today about this issue. They make it very clear, that the purchase road credit program allows them to manage these decisions. I listened just a few minutes ago to one of my colleagues come to the floor and say, if you are a fiscal conservative or if you are an environmentalist, you will support the Porter-Kennedy amendment. The absolute opposite is true. If you are a fiscal conservative, you would understand that there is no subsidy here.

The timber companies do not keep the roads. We keep the roads. Recreationalists use the roads. And our professional forest managers need to design where those roads go, the quality of the road and whether it is a permanent or a temporary road. It is not also about the environment. If we allow the timber companies to build the road with their own money, they will bulldoze the cheapest, quickest road they can get in and do as much environmental damage as may happen. If we design the road through the purchase credit program, then we can protect the environment.

This is a debate full of red herrings. It is a debate that misses the point. The fundamental issue here is that the Forest Service should be designing these roads and we should be forcing timber companies to pay for them. The current Forest Service credit program does that. If we abandon this program, the forest timber companies will bid, will estimate the cost of the roads at the highest possible figure. They will reduce their bid for the timber by that amount of money. The net effect will be less money to the Federal Treasury. It is not about reducing a corporate subsidy because there is no corporate subsidy.

The fact is right now the bid price includes the cost of building the road. I urge my colleagues to vote against the Porter-Kennedy amendment.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Porter-Kennedy amendment to promote fiscal responsibility and protect our natural resources. I think it is clear that the American people want us to get our fiscal house in order. And it is equally clear that they want us to protect the environment. The Porter-Kennedy amendment accomplishes both of these goals by eliminating an unwise Federal subsidy which benefits large corporations and harms our national forests.

I do not oppose timbering on public lands. I understand the importance of accessibility to timber sales. But we already have 380,000 miles of roads in our national forests. That is eight times the size of our interstate highway system. And most of those roads can be used only by timber companies and are not suited for recreational use.

It is time that American citizens stopped subsidizing the construction of more logging roads.

It is important to note that this amendment does not affect, let me stress, this amendment does not affect the funding of the Forest Service for the maintenance of existing roads, nor does it hamper the construction of recreational or general purpose roads.

It simply says that if a timber company needs to build another road to reach another timber sale, the company, not the American taxpayer, should pay for it.

I think that makes perfect sense. So, too, do the Citizens Against Government Waste. So, too, do the Taxpayers for Common Sense and the Wilderness Society and the U.S. Public Interest Research Group. The list goes on and on.

Support U.S. taxpayers and the environment. Support the Kennedy-Porter amendment.

Mr. DICKS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I thank the gentleman for yielding me the time.

To my good friends from Illinois and Massachusetts sponsoring this amendment, I think it is well-intentioned, but they do not know the difference between a skidder and a knuckle boom.

□ 2130

I must tell my colleagues that I do not care for the Dicks amendment a whole lot. I am going to support it simply because it is better than the amendment of the gentleman from Massachusetts, because this gentleman's amendment is devastating.

We do not have to have roads in national forests. All we have to do is allow people an easement to go in, cut the timber and come out. I would agree that it would be a subsidy if that logging company or that logger took the road with him. But he does not keep the road, he leaves it there for the Federal Government to have.

I must tell my colleagues that that road is not just any road. In the private sector they go in and they build temporary roads. And those temporary roads, they do not last. They are temporary. But I must also tell my colleagues that the roads that the Federal Government requires, the Forest Service says it must be built to these certain specifications. They are interstates without blacktop. They have got drainage, concrete, culverts. Everything we would ever want on a road, they have it.

Why would we ever expect a timber company or a logger to go in on that property and build to the specifications that the Federal Government demanded and then turn around and say, "By the way, you have invested in that; you cannot take any credit whatsoever." It is ludicrous.

There is one other point that is even more ludicrous. My home county, Franklin County, MS, Meadville, 490 people, all good people, 70 percent of the county is national forest. Homochitto National Forest. They tell me in my home county that, if the amendment of the gentleman from Massachusetts passes, that we are going to cut revenue in timber sales by 40 percent. What does that do?

I ask the supporters of this amendment, I would like to find out from them, what will they say to the schoolchildren that will be devastated by the loss of revenue that we use to educate those children. The money that the Federal Government is going to keep them from having because the county is owned basically by the Federal Government. What will we do?

It is a sad representation that this amendment will do anything good for our economy.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to show the gentleman from Mississippi his idea of an interstate highway. This is in fact the real truth about what happens on these logging roads.

These logging roads are built by the American taxpayer. The companies, in fact, get a huge subsidy from the American taxpayer. And the American taxpayer is then forced to maintain these roads. It is a terrible subsidy. It should stop. And we are talking about 8 miles worth of roads in this amendment. Eight miles.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Porter-Kennedy amendment because eliminating the logging road subsidy will stop those sales that lose the most money and are the most environmentally harmful.

Logging road construction, particularly on steep, unstable slopes, dramatically increases the risk of landslides, erosion and siltation into streams. And this picture demonstrates what I am talking about. After the winter storms in the last 2 years in the Pacific Northwest, the Forest Service found in Idaho that 70 percent of the 422 landslides were associated with these Forest Service logging roads.

Over two-thirds of the roads built in our national forests are logging roads constructed primarily to access timber sales. There is no good reason why the Forest Service should be in the business of constructing these roads on behalf of the timber companies. The Forest Service should follow the lead of the Bureau of Indian Affairs and the Bureau of Land Management and require the timber companies to build their own roads at their own cost. These companies can figure out where it is economical to build a road and make a timber sale and where it is not.

By building these roads for these companies, the Forest Service facilitates logging in many areas that would not otherwise be profitable. Last year 87 percent of the logging operations in our national forests lost money for the Forest Service. Why? Because we are building roads for timber companies to log in areas that should never have been logged and are not economical.

As a result of this backward policy, making our national forests into a logging highway, we now have 378,000 miles of road crisscrossing the acres of forest not designated as wilderness. Our forests contain enough road to circle the globe 14 times over. Imagine that. That is equivalent to one and a half miles of road per square mile of land. It is 50 percent more road than in non-Forest Service land.

This amendment is not going to stop roads from being built in our national forests, but it will stop taxpayers from footing the bill for timber roads. Support the amendment.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentlewoman from the State of Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I rise in opposition to the Porter amendment and in favor of the Dicks substitute.

I want to talk on a couple of points I have heard here today. The first one is that there is no subsidy for the timber roads in this legislation. As the gentlewoman from Ohio told us earlier, according to a recent economic analysis released by Price Waterhouse: "The forest roads program does not contain a subsidy for timber purchases; it provides an efficient and effective mechanism for financing road construction and reconstruction."

These roads are primarily used in the national forest system for recreation, Mr. Chairman. Ninety-seven percent of the road system in any given national forest is used for recreational purposes by the public. I do not think that is a subsidy. They are used by folks who want to go up and see the wildlife, or by the disabled, for years by my family when we did hiking in the North Cascades and never would have gotten into that territory without access to these timber roads.

Second, Mr. Chairman, it is very important that we consider the rural counties that are located next to these national forests. They receive 25 percent of the gross receipts from timber sales in lieu of property taxes on Federal lands. They cannot tax Federal land property, so it is important for us to be supported by the Government in our rural school districts.

In my State, loss of funding would place an unbearable burden on rural school districts because of the number of acres of Federal land in our State that cannot be taxed. We are talking $28.2 million for schools and roads, 76 percent of the timber receipts in my State, because of the impact of Federal regulation.

I stand in opposition, Mr. Chairman, and urge my colleagues to vote against the Porter-Kennedy and in favor of the Dicks amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, my perspective on this is a little different from most of these folks that have been up here tonight. I come from the Southeast, but my district is the second largest timber producing district in the country. And whether one is in the Southeast or the Northwest, the issue is the same when it comes to proper forest management. In order to have proper forest management, we have to have control of burning and we have to have the removal of dead and diseased trees.

In order to get those dead and diseased trees and to control burning, we have to have access to those forests. Without the construction of roads, we do not have that access. It is a very, very simple issue.

Once those roads are constructed, they are not only used for removal of these trees and controlled burning, they are used by hikers, by campers, by bird watchers, by hunters, by fishermen; all folks ought to have access to public lands.

If this amendment passes, every single Member of this House will have constituents that are negatively affected. I urge a no vote on the Kennedy-Porter amendment.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to give my strong support to the Porter-Kennedy amendment.

It is really a win-win situation. First of all, the Forest Service will save over half the amount it annually spends on the construction and reconstruction of roads. It will spend $41.5 million instead of $89.5 million.

Second, almost no timber industry jobs will be lost, since only 4 percent of all timber comes from our national forests and many of the construction workers will still be hired if the logging company wants to build a road.

And the riparian ecology would be left unchanged for future generations.

Of course, I believe that environmental concerns are of paramount importance, and this amendment preserves the environment. However, economics makes passage of this amendment essential.

I believe that Paul Roberts summarized the economic impact in his sobering Harper's magazine article, "The Federal Chainsaw Massacre," when he wrote, "According to government and independent auditors, once realistic accounting methods are applied, most Federal forests actually lose money."

Why then do Members continue to hear from timber interests in support of this Federal subsidy? Well, it seems to me there is a simple explanation. Would we not want to have government pay if it is willing to do so?

What we need to ask is, is this subsidy beneficial to the public? Is it profitable? Do we believe that it is the duty of government? To all of these I think the answer is no.

I do not oppose logging but I do oppose unnecessary and wasteful subsidies. Timber users should pay the same fair costs for their product as they would in the 96 percent of private lands available for logging.

In 1992–94 the GAO found that, while timber sales in our national forests returned $302 million to the Treasury, taxpayers spent $1.298 billion in administrative costs; a net loss of $995 million.

This amendment will also reduce the number of timber sales that lose money. It is highly unlikely that a logging company would be willing to accept the risk of constructing a road for sale where it is going to cost more to access, log and transport the trees than would be recouped at current free market timber values.

I hope this House will join me in supporting this very reasonable and important amendment.

Mr. NETHERCUTT. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I join with many of my colleagues who tonight have spoken in opposition to the Kennedy-Porter amendment.

This is not an issue of corporate subsidy or corporate welfare. As the Price Waterhouse study has shown, with or without the purchaser road credit, the net receipts to the Federal Government from this program will not change. And the administration has affirmed that.

Many of the points I wanted to make tonight have already been made, and I think it is important that someone from the Northeast have an opportunity to speak on this side who would not otherwise have an opportunity because of the limited time we have and, therefore, I yield the remainder of my time to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I thank my colleague from Idaho.

I want to say a couple of things. First of all, from my perspective, from the perspective of a businessman, this amendment is nothing but a pig in a poke. The fact of the matter is logs do not fly. They will not sprout wings and fly out of the forests, and somebody will have to pay for these logging roads.

Now, contracts for timber are let exactly the same way a contract would be let to build a building or parking lot or anything else. There is a sale price and cost of sales, and then there is a back charge or credit the cost, especially of capital improvements, into the sale price.

These roads are going to get built, unless we plan to end timber harvest completely in this country, which would be a terrible idea. We will not end up saving money, because the bids will have to be lowered in order to cover this capital expense.

So let us defeat this amendment and get on with the business of approving this Interior appropriations.

Mr. NETHERCUTT. Mr. Chairman, what is the relative time left in the debate?

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] has 11 minutes remaining, the gentleman from Washington [Mr. DICKS] has 10¾ minutes remaining, the gentleman from Illinois [Mr. PORTER] has 11½ minutes remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 10½ minutes remaining.

Mr. NETHERCUTT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

□ 2145

Mr. RIGGS. Mr. Chairman, I want to thank the gentleman for yielding to me.

I just want to tell my colleagues that I think we went through this debate about a year ago, that this debate really has a deja vu view quality. To quote Yogi Berra, "It feels like deja vu all over again."

We seem to talk right past one another on this one particular issue.

There is this enormous continental divide that somehow separates us from ever reaching any kind of middle ground on this particular issue. I just find it fascinating and, yes, distressing that people, representatives, well-intentioned in this body, who represent largely urban districts, whether they be in Massachusetts, Illinois, New York, Florida, Northern Virginia, Maryland, wherever it might be, apparently have no understanding nor any appreciation for the concerns of us that represent these districts that are home to timber-dependent communities.

Now, make no mistake about it, this is bad policy. These are public roads that provide public access to Federal forest lands for a variety of purposes. And I thought we wanted to encourage the idea of multiple use of Federal forest lands. It is going to further reduce PILT payments, payments in lieu of taxes, to local communities and local schools. It is going to worsen forest health and exacerbate the fire damage on Federal forest lands.

I would just quote to my colleagues from a letter from the 225,000 members of the International Association of Fire Fighters, who say that "the forest roads program and the purchaser road credit program are essential to providing safe passage for fire fighters and protecting our national forests and surrounding communities from catastrophic wildfires." We urge our colleagues to oppose the Kennedy amendment and any other efforts to reduce funding for forest roads construction and maintenance.

The International Association of Fire Fighters are joined by several other important national labor organizations in opposing this amendment, including the United Paperworkers International Union, the Association of Western Pulp and Paperworkers, and the United Brotherhood of Carpenters and Joiners of America.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to the Kennedy-Porter amendment. This amendment would have a devastating impact on the health of our national forests, jobs, small businesses, recreation, education, local government.

In a letter from the Society of American Foresters, one of the oldest conservation organizations in the world and which is widely respected as the leader in forestry science, they state that the Kennedy-Porter amendment would have a negative impact on forest health. The letter states, and I quote:

> Forest roads are the single most important infrastructure component that supports natural resources professionals in the maintenance of healthy forest ecosystems.

In addition, the Kennedy-Porter amendment would have a devastating impact on jobs and small businesses across the country. According to the Forest Service, timber harvesting annually supports over 64,000 jobs, which results in over $337 million in Federal income tax revenues. Small businesses purchase two-thirds of the timber harvested in national forests.

Contrary to what supporters say of the Kennedy-Porter amendment or as they have tried to portray, 97 percent of forest roads are open for recreational use. That means for everyone from hunters to fishers, mountain bikers, snowmobilers, hikers, and most importantly, of course, fire fighters. All benefit from forest roads.

Finally, supporters claim that this forest program is a subsidy. This is blatantly false. As has been repeatedly said tonight, the Price Waterhouse report concludes that the road program is not a subsidy.

Mr. Chairman, the Kennedy-Porter amendment is well intended but complete ill-advised. Those of us who depend upon the forest for our living in northern Michigan, we know. I urge all Members here to oppose this amendment and cast a vote in favor of local government, forest health, small businesses, recreation, education and jobs.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I add an additional 3 minutes to the time of the gentlewoman from Oregon [Ms. FURSE].

The CHAIRMAN. The gentlewoman from Oregon is recognized for 5 minutes.

Ms. FURSE. Mr. Chairman, I would like to talk a little bit about some of the things I have heard today. I am a sponsor of this amendment and, obviously, I rise in strong support of the Porter-Kennedy amendment. It would end taxpayer subsidies for the construction of logging roads in our national forests. People said it is not a subsidy? USA Today says it is a subsidy. The Washington Post says it is a subsidy.

I have heard a great amount of talk about the recreational needs and how people who are recreating would use these roads and why they would oppose this amendment. However, I wanted to point out who does support this amendment: Trout Unlimited. They recreate; Steelhead Committee of the Federation of Fly Fishers; the Northwest Sports Fishing Association; the Association of Northwest Steelheaders; Idaho Rivers United; Puget Sound Gill Netters; Washington Trout. They support this amendment because they know that this amendment is good for recreaters.

My region has been plagued by catastrophic floods that triggered hundreds of mud slides. Study after study found that the majority of these slides were associated with logging roads and the clear cuts they accessed.

Mud slides also cause job loss. They destroy the habitat of our imperiled salmon runs. These fisheries once provided more than 60,000 jobs and revenues to my region annually. But the runs have gone belly up because, amongst other things, we have very destructive road-building activity.

According to the National Marine Fisheries, and I quote, "Road construction has been a primary source of salmonid habitat decline." And the American Fisheries Society, the professional society of fishery scientists reports, "Only rarely can roads be built that have no negative effects on streams."

So that is why the sports and commercial fishery interests support this amendment, the same groups that I have spoken of before, the Pacific Coast Federation of Fishermen's Associations. That is the largest group of commercial fishers in the West.

Again, let us look at recreational use of roads. Seventy percent of logging roads are closed to vehicles that are not high vehicles, 70 percent, so the recreational use is not there. It is limited to logging.

This amendment allows logging roads to be built. Want to repeat that. This amendment allows logging roads to be built. What it does not allow is for the taxpayer to pay so that a company can go in, take public timber, take the profit, and we pay for the roads.

Do we pay just once? No. The taxpayer pays three times for these roads. The taxpayer pays to build the road, the subsidy. The taxpayer pays to maintain the road, another subsidy. And then the taxpayer comes along and pays for the flood damage. Do the timber companies pay for the flood damage? No. The taxpayer pays for the flood damage. We already have 380,000 miles of road in our national forests.

So I say that for the sake of fishers, for the sake of the fish, for the sake of the taxpayer, for the sake of the environment, I say it is time to stop the subsidy.

And I would like to comment, at the end, by telling my colleagues that I am in an area which has lots of timber companies. I have heard from not one timber company that has said they cannot afford to build a road. If they are not telling us that, if they are willing to go in and build a road, it is the cost of doing business. We do not build a road inside a company and say, "Gee, in order for you to do business, we are going to build you a road within your company headquarters."

So let us stop the subsidy. Let us listen to the thousands and thousands of our constituents who have said, "We are sick of paying subsidies to companies who can well afford to pay them." Let us listen to the user groups. Let us listen to the fishers. Let us listen to the recreational users. Let us say, let us save some money. Let us stop subsidizing. Let us, in fact, give the taxpayer a break. Let us support the environment. Let us stop the subsidy. Let us support the Porter-Kennedy amendment.

Mr. NETHERCUTT. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado, Mr. BOB SCHAFFER.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I thank the gentleman for yielding.

The real problem here is that the Federal Government owns an awful lot of land. All of us conservatives and those who have kind of a libertarian perspective on government need to deal with that. The real issue is that the Government owns so much land.

Now we are not going to resolve that debate here tonight. But given the fact that the Federal Government owns so much land, the next question is, since we are part of that Government, since we are, in fact, Members of Congress who preside over that body, that entity, how do we manage properly the land that we own?

These issues are not big issues for private land owners. They manage their forests properly. In my county back in Colorado, the county I live in, 70 percent of the land in my county is owned by the Government. Seventy percent. These are critical issues for us.

Now think about that. I think those of my colleagues who are proposing this amendment might really understand this if the Federal Government thought about taking over and occupying more of their State. But this seems to be an issue that is of great concern out in the West.

Now what about those forest areas and those lands where the timber sale may not cover the cost of roads? Those are rare occasions, but they do occur. But I would submit that we still need to be concerned about logging those areas, for the following reason: The timber industry and timber harvest is an integral part to sound forest management.

Let me show my colleagues what happens when you do not properly manage a forest. Now the gentleman over here showed a black-and-white picture of something he believed to be a hazard. This is a color picture. This picture is in color. It just looks black-and-white because there is no life left here. Everything is dead.

This is what happens when you do not get in and thin a forest. The trees get crowded. They compete with one another for water. They get stressed. The bugs and disease move in. The trees die. They become brittle. They will catch on fire, and it burns to the ground and there is nothing left there for anybody, no wildlife, no valuable timber, no recreation, nothing. It is going to rain here and all of it is going to wash into the river and kill the fish.

Mr. KENNEDY of Massachusetts. Mr. Chairman, how much time does each side have, please?

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] has 8¾ minutes, the gentleman from Massachusetts [Mr. KENNEDY] has 7½ minutes, The gentleman from Ohio [Mr. REGULA] has 7 minutes, and the gentleman from Illinois [Mr. PORTER] has 9½ minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, the gentleman from Illinois [Mr. PORTER] and the gentleman from Massachusetts [Mr. KENNEDY].

This amendment would help protect the last frontier of our national forest. The United States does not need this wood. In fact, in 1995 timber companies exported the equivalent of 500,000 logging truck loads of logs to foreign countries. These companies were bypassing American jobs by exporting the wood raw.

Our national forests represent a major portion of the last remaining untouched forest in our country. If we cannot completely protect this small remaining percentage of our forests from the chain saws, the least we can do is prevent the American taxpayers from having to pay some of the bills for that logging.

Let us remember that these American treasures belong to all the American people, not the timber industry or foreign countries. End this wasteful handout.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation, a noted expert on these matters.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding.

I rise in opposition to the Porter amendment and in support of the Dicks amendment, and might add that my colleague from across the water in northern Wisconsin [Mr. OBEY] joins me in that position.

We sure heard a lot of hyperbole and imagery tonight. Paul Bunyan, you left out his ox Babe, and corporate giants. Let me introduce my colleagues to Tony Vukelich, logger from northern Minnesota, 3 or 4 pulp cutters, maybe 10 or 15 in his little sawmill. Let me introduce my colleagues to Howard Hedstrom up in the Gunflint Trail up in northeastern Minnesota in a small sawmill, and about 10 or 15 loggers. Let me introduce my colleagues to Toivo Maki, a Finnish pulp cutter from northern Minnesota. I do not think their income, their gross revenue, is $100,000.

□ 2200

We are talking about small operators, heart and soul of northern Minnesota, the heart and soul of rural America, people who try to make an honest living in the woods.

A logger has to bid on these sales that are offered by the U.S. Forest Service and has to include in the bid the price of the road that he has to build. That road is there available for snowmobilers in the wintertime and for the hikers and the campers and for the people going out fishing, all sorts of recreational uses on that road. They do not get charged for it. But it is there for everybody's use. We used to call them tote roads in northern Minnesota.

The annual allowable cut in our two forests of the Chippewa and the Superior is way down to about half of what it was. Yet we are still cutting timber that was harvested on sales that was harvested first in the 1930's and then in the 1960's and now it is being harvested in the 1990's. This is a renewable resource. This is not an issue between corporate giants and little guys. This is silk stocking urban environmentalists against us rural hicks from the sticks, and I am fed up with it.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, I find it very frustrating this evening, it is the first time I have heard this debate personally. I come from rural Pennsylvania, where the Allegheny National Forest is in my district, 520,000 acres. I happen to know the person that runs the forest, manages the forest. He talked this morning with the man that does the contracts. I know the design engineer that designs the roads. I understand how the system works. The gentlemen may not like the system, but what they are doing is not the way to fix it.

The Porter-Kennedy amendment is like an MX missile on rural Pennsylvania's economy and our rural road system. It is devastating. It will harm parts, and even more so in the west, that have 15 and 20 percent unemployment. We have a group of urban legislators who in my view of listening to all of their testimony know very little about this issue and how it really works. I mean that sincerely.

We are playing with the rural economy of this country and the parts of the country that are most struggling economically. We are really cutting $91 million out of rural road maintenance when we take $50 million out of the credit program and $41 million out of the maintenance program because that is what the majority of it is used for. We are trying to change policy through the appropriations process.

It is unfortunate that we have an urban group who does not understand the rural economy and are trying to devastate it in behalf of the people who do not want to cut timber in this country. It is not a fiscal issue. If it was a fiscal issue, we would be talking about cutting Amtrak, which has $783 million. That is a subsidy. We would be talking about $4.3 billion that we spend for mass transit. That is a subsidy. And $91 million, if you want to call it a subsidy, it is for rural America, it is for roads that campers use, that tourists use, the hikers use, the fishermen use.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman for the patience that he and his staff have demonstrated in helping work through some of these issues, because these issues, Mr. Chairman, are complex. I think the American people who have listened to the debate so far this evening may be a little confused. Earlier in the evening I had one of my new colleagues confess that he was confused and in fact last year I confessed that since there were two votes, I actually ended up voting on both sides of this issue. I voted because I was attempting to determine what was in fact in the best interests of the areas that I represent but, most importantly, what would make the most difference in terms of the environment of our forests.

I hope that this debate will spark a serious analysis and real action on the problems related to roads in our national forests. For people who care deeply about the environment and look beyond the rhetoric, it is sometimes hard to know the best way to protect that environment.

In part, this confusion evidenced this evening shows why we should not attempt to legislate or set policy via the appropriations process. It is the blunt instrument that people have referenced. While the passage of this amendment may in fact slow or stop some roadwork, it will not achieve what some advocates claim. It will not stop logging roads, and it is not clear how much, if any, money this will save.

What we need to do is focus on policy solutions that make sense for the environment and the economy. We do need, in fact, additional protections for roadless areas. We do need to use our resources more carefully. We do need to reduce the number of road miles and their impact on our national forests while we adequately maintain roads to avoid degradation of stream and wildlife habitat. We need to take this opportunity to bring the Forest Service, the administration, the industry and environmental advocates together to develop a plan that meets everybody's needs. This vote is a signal for Congress to provide the leadership and guidance to provide a road policy.

Congress needs to provide leadership and guidance through the legislative process. I would like to work with my colleagues involved in this debate to help move that effort forward to create sound road policy in the next year—a policy that improves the environment and saves money—a policy that can be understood—and, importantly, a policy that allows us to monitor our progress toward an environmentally sound National Forest System.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, many of the speakers in opposition to this amendment are from the West. The only thing west about West Virginia is its name, but we have got national forests and we have got loggers and we have got timber people and we have got folks working in the woods, too, 20,000 of them, and, no, they are not all working in the national forest doing logging. There are going to be thousands more that are in the national forests who are the hunters, people who want to go fishing, people on recreation, people going hiking, a wide range of people.

How do you get into the national forest? Unless you have got some real desire to go see the primeval forest you go in on a road, you go in on a road to fight the fire, for recreation, for forest management. Yes, you go in on a road for logging. And yes, loggers pay for those roads. They pay to build them. It is reflected in the bid for the property.

Some people say, "Well, they don't pay to maintain them." They do not use them after they build them. They leave a road there that many others use. Loggers are the only ones who actually pay to build the roads into the forests in the first place. Price Waterhouse analyzes this and says there is no subsidy here. There is no subsidy because they are actually paying for the road that they build and that later many others will use, many others that need access to these forests.

I guess I am really concerned about this debate, because I think it misses the point altogether, that in rural areas this is not a subsidy, it is a way of life. It is an important way for our economies to grow and that indeed there is no subsidy here, that thousands indeed across the country, indeed millions of people derive benefit from these roads that never have anything to do with logging.

I would urge the House to accept the Dicks amendment and to reject a perhaps well-intentioned but ill-founded Kennedy-Porter amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today to express my views on the Porter-Kennedy amendment.

I have come to Congress to find solutions, to find ways to use the legislative process to help us resolve our differences. I know firsthand that forest issues can be extremely divisive. To be honest, I am very frustrated with the polarized options we are being asked to consider today. We need to work to find commonsense solutions, that balance conservation concerns with the tremendous need for road reconstruction and maintenance.

What I find most troubling is that we do not have the means to maintain the massive road network that we have created. According to the U.S. Forest Service, this Nation has a forest road maintenance backlog of $440 million. In my district alone, it is a $20 million backlog. When we fail to maintain necessary road and decommissioned roads which have long been out of use, we create serious environmental hazards and threats to public safety. There is simply no sense in allocating scarce dollars to construct the new roads when we need to be repairing and reconstructing existing roads.

While I plan to vote for the Porter-Kennedy amendment, I want to make it very clear that I do not think this amendment is the ultimate solution to our forest road dilemmas. I am supportive of the amendment's emphasis on not spending Federal Government moneys on new road construction. I think that eliminating purchaser road credits is a move in the right direction.

The Bureau of Land Management timber purchasers have never used the purchaser road credits and have been able to build roads and access timber in an affordable and efficient manner. Forest Service purchasers should do the same. However, I find it disturbing that this amendment takes funding away from forest road reconstruction. In the forests in my district, reconstruction funds go to flood repair in damaged areas and roads that are badly in need of maintenance.

While I commend this amendment for defunding new roads, I think that this amendment does not, take, as broad a view of the problems confronting our forests as it should.

What we really need is comprehensive forest legislation which takes funds earmarked for new road construction and puts that money into road maintenance.

I plan to do everything I can in the coming days to make sure our existing roads are safe and I hope my colleagues will join me in this effort.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as a member of the committee on resources and a cosponsor of this amendment, I am pleased that tonight in a single vote this Congress can both protect the taxpayers pocketbook and do something to enhance our precious natural resources. With this bipartisan amendment, we seek to end yet another form of corporate welfare, in this case essentially food stamps for timber companies.

The roads that are being constructed at public expense in our national forests are of course too rough for most people to drive a car over, but in many ways they are very similar to the tollways near you. Tolls are charged for these timber roads across our forests. It is just that the taxpayer is the one who has to pay the tolls while corporate timber interests get a free ride at taxpayer expense. As we continue to try to balance the Federal budget, this is exactly the kind of corporate welfare we need to get rid of.

I voted last year to end certain types of welfare to individuals, and it is time to apply the same reasoning to corporate interests. Groups as diverse as the Sierra Club and the National Taxpayers Union agree that this is the type of taxpayer financed corporate freebie that we need to eliminate.

This amendment does not prevent private logging companies from building roads at their own expense. If a company is allowed to log, they can build whatever roads they need. The only difference would be that the timber companies, the people who benefit from the roads, will pay for it, not the taxpayer. If these roads do not make economic sense for the timber companies, then why in the world should the taxpayers of America be asked to pay for them?

We have over 379,000 miles of roads in our national forests, almost 9 times the mileage of the national highway system. If we need to build one more mile, let the logging companies pay for it themselves. This is not a small amount. It is $91 million of waste that ought to be eliminated as we balance the Federal budget.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

Mr. Chairman, the proponents of the Kennedy-Porter amendment make it sound very simple. If it sounds too good to be true, it probably is. The fact of the matter is that the Federal Government gets paid for the timber. I think we all know that the agenda by those who oppose logging is to eliminate all timber sales on Federal lands. If that happens, the Federal Government gets no revenue. Let CBO score that. Plus you will have killed a part of an industry that is predominantly small businesses.

When we talk about some parts of the country, I can tell my colleagues for a fact that the people who are in the logging business in South Dakota are small businesses. Small logging businesses will be out of business. Furthermore, it is the local governments who will suffer. Sixteen percent of the land in South Dakota is Federal lands. That is 16 percent that is off the tax rolls. Timber sales help offset that loss of tax revenue.

The proponents think they are helping the taxpayer. They are just sticking it to the taxpayer in another way, because all we are simply doing here is having a taxpayer pay the Government but they are paying it in a different government pocket.

The taxpayer is supposed to feel good about this amendment. I think the only people who benefit from this, it looks like to me, and are the only ones who are going to come out ahead in this are the special interests who are trying to kill the logging industry.

□ 2215

I think that we need to defeat the Porter-Kennedy amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG], one the sponsors of the amendment.

Mr. KLUG. Mr. Chairman, I thank my colleague from Illinois for yielding this time to me.

Let me just ask one simple question in this room. If there is no subsidy involved in this program, why are they fighting so hard to preserve it? And if there is no implication whatsoever if we eliminate it, then they should not be fighting to eliminate it. That is the bottom line in this whole debate. And let us make the very point that the Dicks amendment, which is before us as well, essentially cuts the savings in the Porter amendment in half.

So, if one person is trying to save double and we cut it in half, then obviously there is somehow money involved in this program in the first place, and that is the simple mistake.

Now my friend from South Dakota made the point to say that essentially the mission of many of us who are in support of the Porter amendment is to eliminate timber sales in national forests. That is simply not true. My fundamental point of view is not to eliminate timber sales, but it is to make money on timber sales in national forests, which it seems to me a very fundamental Republican principle.

Mr. Chairman, there are 380,000 miles of roads in the national forest system, and three-quarters of them are closed to the American public at large. Three-quarters of them are essentially exclusively for the use of the timber industry.

Again, I have got no objections if the timber industry harvests in those forests, I have no objections if the timber industry builds more roads. There is nothing in this amendment that says they cannot build as many roads as they want. What it simply says is the roads will not be built with a subsidy in for the taxpayers.

I understand it is not dollars they are getting; instead they are getting trees. But trees have value; when they sell them they make money on them. So it is a barter system which is, frankly, even older than money.

And finally let me make the point again we have been criticized continually this evening, saying, "If you eliminate this, there won't be money left for a number of Forest Service opportunities and programs that are needed." That is not true. There is money still left after this rescission for firefighting roads, for road maintenance, to build more roads to be available to tourism and the recreational industry, and additionally there is $5.9 million left in this program specifically to oversee the construction of new roads by the timber companies.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to speak out tonight on behalf of the loggers and the small sawmill owners in my district in east Texas, who just about an hour ago made it back to the house and probably are on the front porch right now trying to work on their chain saws and get ready for tomorrow. Those folks would certainly disagree with the Washington Post if the Washington Post said that the road credit is a subsidy.

The truth of the matter is that we, in order to protect the national forests, require higher quality of roads in areas of the forest or logs than are required in the private sector; and to offset that increased cost of building the kind of roads we want in our national forests to protect the public interests, we offer a road credit. That is to say the road that is built there by the loggers is going to be a road that lasts for many, many years.

Mr. Chairman, I can assure any of my colleagues who have ever been on a track of land that was logged in the private sector that I know that the roads that are built in the private sector do not last 15 or 20 years.

So it is a good program, it is environmentally sound, and it does not cost the taxpayer one cent because we, as taxpayers, are getting a quality road, and the taxpayers are getting every benefit that was intended for them to get in the road credit program. It is not a subsidy. It is good environmental policy, it protects the national forests, and it allows the Forest Service to control the type of road that is built.

Secondly, this Kennedy amendment is environmentally unsound because it cuts $42 million out of road maintenance in the national forest. If my colleagues believe in the environment, they want those bar ditches and those culverts to be maintained, they want that erosion controlled. That is what the $42 million is all about; that is why it is there. The amendment of the gentleman from Washington [Mr. DICKS] returns this bill to the administration's proposal that cuts only $5.6 million.

Mr. Chairman, I urge my colleagues to support the Dicks amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Porter-Kennedy amendment.

Mr. Chairman, the Porter-Kennedy amendment is a commonsense amendment. Unlike the National Endowment for the Arts which benefits many—and was recklessly eliminated in this bill, this timber subsidy benefits very few. The U.S. Forest Service cannot even maintain the existing roads reporting in March that it had a $440 million backlog of road maintenance needs. Why should new logging roads, giving a subsidy to private companies, when there is no money available to maintain the ones already there? This makes little sense and spends taxpayers dollars foolishly without a measurable benefit.

Besides being unnecessarily expensive because of the steep slopes and rough terrain, these new logging roads will hurt our national forests which already have extensive road systems which result in road density that brings about a decline in many species in our wildlife population.

Vote Common Sense. Vote for our environment—vote for the Porter-Kennedy amendment.

Mr. Chairman, I rise in support of the Porter-Kennedy amendment to H.R. 2107, the Interior Appropriations Act of 1998. This important measure would prevent the further destruction of our Nation's Federal forest and especially the few old growth forest which remain on public land.

The Porter-Kennedy amendment to H.R. 2107 would reduce by $42 million the Forest Service's $160 million in the funding for reconstruction and construction. The amendment also reduces the bill's limitation—from $50 million to $1—on the Forest Service's Purchaser Credit Program. Both changes are intended to eliminate support for the construction of new logging roads into roadless areas. Under the Purchaser Credit Program, timber companies may build roads into national forest for logging purposes, and, in return, receive up to $50 million in credits against the amount they owe the Federal Government for timber sales.

The stewardship of our Nation's Federal lands should and must be of the greatest priority of this Congress—it is a public trust which we cannot fail.

This amendment would protect Federal lands from the destruction created by logging roads which harm the forest environment by degrading and polluting nearby streams, dividing wildlife habitats into small fragments, and allowing the spread of exotic plants and animal species.

A thousand communities depend on national forest watersheds for clean water supplies which are threatened by silt and runoff from lands with road construction.

Road into national forest degrade forest even before any trees are cut. They cause erosion and sedimentation—and massive mudslides—are inescapable byproducts of roadbuilding in steep terrain. In Idaho, for example 70 percent of last year's 422 mudslides were associated with national forest roads.

This amendment would not affect funding for building recreation and general purpose roads which are funded separately. The Porter-Kennedy amendment would allow routine road maintenance for necessary upkeep and repair of roads which includes timber, recreation and general purpose roads.

According to the Forest Service there are over 380,000 miles of forest roads in the existing road system that are in need of repair. There is a backlog of maintenance on the 232,000 miles with a cost $440 million.

The Interior appropriations bill will retain $85 million for maintenance of existing roads.

I would like to urge my colleagues to join me in support of the Porter-Kennedy amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise in support of the Kennedy-Porter amendment, in opposition to the Dicks amendment, and I do so not to engage in a lot of the rhetoric and whether or not there is, in fact, a subsidy that is being provided to the timber industry; I rise in support of this amendment because I think that if we are going to be trying to refashion government in the manner in which we are sending the appropriate signals to the timber industry, that this is an approach to take.

What we are talking about now is how do we design a system so that we have more market forces coming to bear? I do not think there is going to be an overall change in the level of revenue which the Federal Government is going to achieve, because I, quite frankly, agree with some of the opponents' amendments in that the bids that timber companies are going to be offering for these tracts of timber are actually going to be lower. But what is going to change by accepting Kennedy-Porter is that we are no longer going to be insulating the determination in terms of what is going to be the cost for building a road from the market forces. We are no longer going to be, in effect, having a cost-based reimbursement, and that is what is important.

We are now going to be putting in place a more market-based mechanism which is going to ensure that the timber companies which are bidding on these tracts of land are going to have a financial incentive to build these roads in the most cost-effective manner, and that is what is in the taxpayers' interest. Unfortunately, while some of the rhetoric is based upon what is going to generate, whether or not it is a subsidy or not, my interest in supporting Kennedy-Porter is how can we put in place a system which is going to ensure that the market forces are going to ensure that taxpayers are going to be getting the greatest return on their investment.

And that, I think, is the most compelling reason, and why those who are most interested in ensuring that taxpayers of this country are getting the greatest return on their investment should support the Kennedy-Porter amendment, and I urge my colleagues to support it.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], one of the major sponsors of this amendment. I wish I had more time to give him.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding this time to me.

As my colleagues know, in the narrow scope of an appropriation bill and the accompanying rules, the substitute, which I stand in support of, works out a good compromise.

No. 1, the Porter-Kennedy amendment eliminates a very important maintenance account, maintenance for fire, maintenance for recreational purposes. This restores it but does not increase it except for to the President's level, No. 1.

No. 2, it puts in $25 million, reducing the amount for purchase credits by half. Now $25 million, and listen to this, listen to this very carefully, is less than the NEA allocations for California and New York. That is what it is; yes, very, very important for small timber purchases. What this money will do is if there are two roads, but they need to build a third road to get to the trees, what happens is when the logger builds that road, the money also goes to the first and second road, and so three roads are maintained by, as our jobs, as are the forests.

Vote for the substitute; it is a very good compromise.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I am appalled by the incredible misinformation that we are hearing this evening.

I represent a district in northern California that is probably one of the most productive tree-growing areas in the world, and we have eight national forests in our district. I would like to state a few facts and compare it with policy, if I could.

As the gentleman from Ohio [Mr. REGULA] pointed out earlier, this is a 2-by-4. This very 2-by-4 we could buy for 22 cents in 1989. Now this builds homes in each of our districts, those of my colleagues who have homes in the big cities that are out trying to support the Kennedy amendment now. In 1997 this same 2-by-4 sells for 44 cents, double the price. Double the price it was.

Now let us go through some facts. We have heard a number of points that were mentioned tonight. One was that only 5 percent of the timber comes off Federal land. Well, guess what? Here is a fact: 50 percent of all soft wood grown in the United States today is grown on

Federal land, but because of present policy we have the doubling of wood price.

Oppose the Kennedy amendment.

Mr. PORTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I too rise in strong support of the Porter-Kennedy amendment.

When I came to Washington after the election in 1992, one of my goals was to work to eliminate unnecessary and wasteful government programs, and I believe many of my colleagues, if not most of them, came here with this very same goal.

Well, today presents to us a golden opportunity. I am a cosponsor of the Porter-Kennedy amendment to eliminate logging roads subsidies because of a very simple reason. Federal construction of logging roads is a wasteful, unnecessary program that is a bad deal for the taxpayers and the environment. It is such a bad deal that a unique coalition has formed in support of this amendment. Republicans and Democrats from across the entire political spectrum have joined forces in support of this reasonable amendment.

Let me make something very clear. I do support responsible logging in our national forests, but saying that does not mean I support asking the American taxpayers to spend millions and millions each year so that big-profit timber companies do not have to pay for their own roads.

Mr. Chairman, this amendment will not affect recreation or general purpose roads for fire safety or affect jobs. But what it will affect is the American people's confidence in this Congress' ability to cut wasteful Federal spending as we work to balance the budget and make the tough decisions on which programs receive Federal funding and which should not. It makes good sense to target subsidy programs that waste taxpayer dollars and harm the environment.

I ask my colleagues to support the bipartisan timber roads amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there has been a lot of rhetoric that we have heard on this floor over the course of the last couple of hours. I have heard this amendment accused of fire, I have heard it accused of taxes, I have heard it accused of running up the cost of 2-by-4's, I have heard it accused of floods. The only thing left is pestilence, and I am sure in the next few minutes we will hear that, too.

But the truth of the matter is that for those that say some guy from Massachusetts does not know a lot about the forest, they may be right, but I did take the time yesterday to meet with the National Forest Service. I met with them for a couple of hours in my office to try to understand exactly what this amendment would do and exactly what the program that is in place currently does.

□ 2230

Mr. Chairman, this amendment, this amendment in no way cuts this country's capability of fighting fires. It in no way cuts this country's ability to build recreational roads. It in no way cuts this country's ability to build trails. It in no way cuts the maintenance of existing roads. It in no way cuts roads needed for forest health.

Anyone who has stood up on the House floor in the last couple of hours and made a speech saying that that is what the Porter-Kennedy amendment does is just plain wrong. They have not read it. That is not what this amendment does.

All it does is say that for the funds that are going to be utilized for the sole purposes of building roads for the purposes of harvesting timber, they cannot get a subsidy from the people of this country. If a lumber company wants to go build those roads and harvest those trees, we say, have at it. Just pay for the roads yourself. You do not need a taxpayer subsidy to go out and pay for the roads.

People that say that the purchaser credit program does not require a subsidy, of course it does. Instead of paying them in dollars, we pay them in trees. That is what this is all about. If the program did not need a subsidy, why are we dealing with it in an appropriations bill? The program does not pay for itself. This program costs the American taxpayer over $1 billion a year; that is, $1 billion over 3 years. That is the GAO report.

The gentleman from Washington [Mr. DICKS] is going to stand up there and tell us how many trees we have not cut down. I do not know how many of those are in the Alaskan wilderness, but I will tell Members one thing, the truth of the matter is if we want to harvest trees, we cannot do this solely by going after national Forest Service roads. We only cut 4 percent of the trees from the national forest.

Support the Porter-Kennedy amendment and defeat the Dicks amendment.

Mr. REGULA. Mr. Chairman, I yield 1½ minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, the one thing I have learned this evening is how little the proponents of the Porter amendment understand about timber sales. What people have to understand is that when the Federal Government sells timber, in some instances it is necessary to construct a road and in other instances it is necessary to reconstruct an existing road in order to provide access to the timber.

The standing practice is that the Forest Service will either construct the road, or allow credit against the timber sale for the cost of the construction. Why is that not a subsidy? It is not a subsidy because the timber sale anticipates or takes into consideration access. Therefore, the Government receives a higher price for the timber because access is provided. If the bidder had to provide that access, then the bid price would simply be lower.

The problem with all this for me and my folks in Montana is that by eliminating the prepaid credit, it is going to hurt local governments. The reason for that is that 25 percent of the proceeds of the timber sales, including the road credits, is given to local governments. It goes to counties and it goes to school districts. This amendment, pure and simple, will take $10 million out of the budgets of local governments. It is important to understand that in recent years there have been dramatic reductions in the timber harvest on these Federal lands. The result has been large reductions in payments to these communities already. The reduction in harvest has been accompanied with plant layoffs.

So at a time when there are fewer jobs, high unemployment, considerable disruptions in these communities, the authors of this amendment want to make the problem in those communities worse. By lowering the value of timber and therefore reducing the revenues from these timber sales, they will destroy these communities. Please oppose this amendment.

Mr. DICKS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I rise tonight in opposition to the Kennedy-Porter amendment, and ask Members to vote for the Dicks-Kingston-Hansen amendment.

Our amendment basically does this. It is a compromise. Instead of cutting $50 million out of timber purchaser credit, our amendment would only cut $25 million. Instead of cutting $41.5 million out of appropriated funds for timber roads, we would only cut $5.6 million, which takes it back to the administration's budget request.

Look at what happened here in timber sales in our country. In the 1980's, we were up at around 12 billion board feet. Now we are down to 3.7 billion board feet. What has that done? That has driven up the cost of timber. It has made our homes more expensive. If we are going to have access even to the 3.7 billion board feet we have to have some additional new roads. That is where the Kennedy amendment really does hurts us.

Second, recreation. Let me just read the Members what these roads are all about: Access for over 300 million visitor days of recreation use a year, access to over 121,000 miles of trail, access to more than 34 million acres of designated wilderness, access to 19 national recreation areas, access to over 18,000 recreation facilities, access to about 7,000 miles of scenic byways, access to 50 major visitors centers, and major ski resorts.

So I am telling the Members that this amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Illinois [Mr. PORTER] will have a devastating effect. It will reduce the timber harvest by 3.7, down to about 1.7. It will probably cost us somewhere between $200 million and $300 million in revenue lost to the Treasury.

So please vote for the Dixon amendment and against the Porter-Kennedy amendment.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard a lot of Chicken Little this evening, but believe me, the sky is not falling. We have heard from the gentleman from Georgia and many others that we are going to be cutting out the maintenance of roads and the obliteration of roads. That is simply not true. We have heard that the recreation roads are going to be cut. Not true. It does not affect them at all. Fire control, not true. It does not affect them at all.

We have heard from the gentleman from Oregon that land management and the engineering process is going to be undermined. Not true. There is $5.9 million remaining in the account for management and oversight by the Forest Service. We have heard that this amendment involves $89.5 million. It does not, it is $41.5 million. It is a subsidy. If it is not a subsidy, why are the Members worried about it? Obviously it is a subsidy.

Finally, let me say also that the question of small businesses was raised. The chairman protected this entire account for only small business, and a point of order was offered and sustained to put Weyerhauser and Georgia-Pacific back in the subsidy.

No, this is about subsidizing the timber companies, and believe me, Mr. Chairman, it is time that they simply have to pay their own way in a free enterprise society. This amendment is quintessentially Republican. Seven of the nine sponsors of the amendment are Republican. We believe in free markets and competition, not in captive markets and subsidies.

Mr. Chairman, the Bureau of Land Management does not work this way. The Bureau of Indian Affairs does not work this way. It is time we let the free market system dictate timber sales in our national forests as well.

Mr. Chairman, we have reformed welfare, we have reformed agriculture in this Congress and in the previous one. Now is the time to reform and eliminate subsidies of this type. They are an anachronism. I urge Members to support the Porter amendment and oppose the Dicks amendment.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say to all of the Members who are watching us on C-SPAN and coming over here to vote, the right vote is to vote for the amendment of the gentleman from Washington [Mr. DICKS]. Why do I say that? Let me quote from the Secretary of Agriculture, one of our former colleagues, who understands it, who is responsible for the management of our forests.

Secretary Glickman says in his letter, "However, the $41.5 million reduction the amendment proposes," that is the Porter-Kennedy amendment, "goes too far in eliminating important construction and reconstruction efforts that provide public safety and environmental benefits." It says it all. It says it all.

If Members care about people, if they care about the 76 million people that take their families to the national forests for recreation, if they care about their safety, if they care about the environment, Members will vote for the Dicks amendment, because it does not go too far, as does the Porter amendment.

Mrs. EMERSON. Mr. Chairman, I rise in strong opposition to the Kennedy-Porter amendment, which would undermine the health of our national forests and effectively shut them down to recreation, industry, and sportsmen. This amendment is completely contrary to the wise and effective management of our national forests. The International Association of Firefighters says that the programs targeted by the Kennedy/Porter amendment are "essential to providing safe passage for firefighters and protecting our national forest and surrounding communities from catastrophic wildfires."

One of the most misunderstood aspects of the forest roads program is how the money is actually spent. The fact of the matter is that new road construction accounts for a very small portion of the funding. In fact, the forest service intends to build only 8 miles of new roads in the entire 190 million acre national forest system, and just 1 mile of this is a timber road. The essential point here is that almost all of the road construction funds provided to our 122 national forests goes for reconstruction of existing roads.

I would also like to address the issue of how county governments and local communities would be affected by the Kennedy/Porter amendment. Each year, 25 percent of all revenues collected by national forests are returned to the States where those national forests are located. This is money that pays for bedrock community projects, such as public schools and county roads. In addition, counties also receive payments in lieu of taxes [PILT], which can supplement school and roads funding or go toward other important community needs. In many of the counties in my district, this can mean more than $100,000 annually. In fact, the residents of Oregon County in my district would stand to lose as much as $140,000 were the Kennedy/Porter amendment to pass.

The damaging effects of this amendment are made even more evident when you consider the loss in jobs and economic activity. The timber industry in the State of Missouri accounts for approximately 20,000 jobs and $3 billion dollars in economic activity. These are family owned businesses, hard-working folks. Their work is an important part of our local economy and a key element in the wise management of our national forests.

Finally, let us make no mistake about the special interests and the real agenda of this amendment. Its chief proponent is the Sierra Club, which is bent on halting all logging in our national forests. If the Sierra Club had its way, the lives and livelihoods of good people would be disregarded in favor of its own extremist agenda. I urge a strong "no" vote on this amendment.

Ms. PRYCE of Ohio. I am not a Westerner and I have no vested interest in this issue. But last year when this was debated I looked at it closely.

Mr. Chairman, I rise again in opposition to the amendment. Last year, we witnessed a devastating fire season with more than six million acres burned by catastrophic wildfire. While fire is an important part of mother nature's cycle, these un-natural, slow-moving, hot-burning fires are the by-product of dense fuel loading in our forests, which often kills healthy trees and sterilizes the soil from future growth.

The timber forest road program, which this amendment seeks to reduce, provides important access for our wildlife firefighters in their effort to protect our natural resources. A member of my staff understands this fact first-hand, having spent two weeks last summer fighting fires in the Umatilla National Forest in eastern Oregon. The forest roads provided their sole access over land to get to the fire and, more importantly, a safe means to evacuate personnel when the fire got out of control.

But, it's not just access for our wildlife firefighters that is important. These roads also provide important access for resource managers, foresters, hunters, fishermen, campers, hikers, and yes, even those who just want to take a walk in the woods.

Mr. Chairman, I urge my colleagues to look past the political rhetoric that many groups would have them believe. If you support promoting long-term forest health and sound environmental stewardship, I urge you to support the forest roads program and defeat this amendment.

The CHAIRMAN. All time has expired.

Under the unanimous-consent agreement, the question is on the amendment offered by the gentleman from Washington [Mr. DICKS] to the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 209, not voting 14, as follows:

[Roll No. 262]

AYES—211

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, E. B.
Jones
Kaptur
Kim
King (NY)
Kingston
Klink
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rodriguez
Rogers
Ryun
Salmon
Sandlin
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wynn
Young (AK)
Young (FL)

NOES—209

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bentsen
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Ehlers
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Porter
Portman
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Skaggs
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wolf
Woolsey

NOT VOTING—14

Becerra
Berman
Boucher
Clement
Fowler
Martinez
Molinari
Pryce (OH)
Ros-Lehtinen
Sanchez
Schiff
Shuster
Slaughter
Yates

☐ 2257

Mr. GREEN and Mrs. MALONEY of New York changed their vote from "aye" to "no."

Messrs. CRAPO, BONILLA, and NEY changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Chairman, on rollcall No. 262, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Chairman, I was unavoidably detained on rollcall vote No. 262, the Dicks amendment. Had I been present, I would have voted "no."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 179, not voting 9, as follows:

[Roll No. 263]

AYES—246

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Bentsen
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chabot
Christensen
Clay
Clayton
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hoekstra
Hooley
Horn
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Neumann
Ney
Northup
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Skaggs
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thornberry
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wolf
Woolsey
Wynn
Young (FL)

NOES—179

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Graham
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kaptur
King (NY)
Klink
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Mascara
McCrery
McDade
McInnis
McIntosh
McIntyre
McKeon
Mica
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Norwood
Nussle
Oberstar
Oxley
Packard
Parker
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Rogers
Ros-Lehtinen
Ryun
Sandlin
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Sisisky
Skeen
Skelton
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Tiahrt
Traficant
Turner
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wise
Young (AK)

NOT VOTING—9

Becerra
Berman
Boucher
Clement
Martinez
Schiff
Shuster
Slaughter
Yates

☐ 2315

Mr. SUNUNU and Mr. REYES changed their vote from "aye" to "no."

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to advise the Members that there will be no more votes tonight. We are going to have two more amendments, one by the gentleman from Wisconsin [Mr. KLUG] on the clean coal, and possibly another energy.

But any votes that will be called for will be rolled over until tomorrow. I would reiterate that it is our goal to finish by 2 o'clock tomorrow, and we will try to get time agreements if necessary to meet that target.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $45,000,000, to be derived from the Land and Water conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

Mr. RIGGS. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Ohio [Mr. REGULA], the distinguished subcommittee chairman.

Mr. Chairman, on September 28th last year representatives of the Federal Government, representatives of the State of California government, and the Pacific Lumber Co. headquartered in Humboldt County, California, signed an agreement providing for the Federal acquisition of 75,000 acres of timberland in Humboldt County, in my congressional district.

This land includes 3,000 acres known as the Headwaters Forest, which is the largest privately-owned old-growth redwood forest in the world. This is an un-entered tract of redwood timberland that is zoned for timber production. It is the highest and best use of the land.

The funds for the Headwaters agreement would come from a combination of State and Federal accounts. The Federal share of the total acquisition cost is $250 million. The budget agreement, as I think the distinguished subcommittee chairman knows, between the Congress and the White House anticipates a $700 million increase in the Land and Water Conservation Fund for priority Federal land acquisitions and land exchanges.

Of this, I believe it is understood that $250 million would be earmarked for the completion of the Headwaters Forest agreement. However, none of these funds were included in the fiscal year 1998 Interior appropriations bill before us on the floor at this time.

I am a signatory to the Headwaters Forest agreement, but I have always been concerned about the impact that agreement could have on Humboldt County. My district, as the chairman probably knows, is home to all or part of four Federal forests as well as the national redwood park and the State redwood parks. Unemployment is high and the local economy is suffering as a result of the current restrictions on timber harvesting on both private and public lands.

With the removal of the Headwaters Forest from private ownership, the transfer of the Headwaters Forest and the 7,500 acres of forest land from private ownership to public ownership, Humboldt County stands to lose potential millions of dollars in future tax revenues.

Mr. Chairman, I did submit to the committee several proposals that would let the Headwaters Forest agreement go forward while providing economic mitigation for Humboldt County. I had intended to offer an amendment prohibiting the Land and Water Conservation Fund to be used to acquire the Headwaters until two conditions have been met.

First, all of the terms and conditions of the Headwaters Forest agreement itself must by satisfied or fulfilled by the parties to that agreement. Second, legislation must be enacted or an appropriation approved providing economic assistance to Humboldt County, California, to mitigate the loss of tax revenues incurred because of the Headwaters Forest agreement and, again, the transfer of this land from private to public ownership.

Mr. Chairman, section 205 of the joint House-Senate budget resolution, again negotiated between the Congress and the White House, includes the money for the Land and Water Conservation Fund and, as I mentioned earlier, $250 million for the Federal Government to acquire this timberland in question.

Again, I reiterate my concerns, Mr. Chairman, about the potential impact of this agreement and this land acquisition on Humboldt County, and bring to your attention the fact that Humboldt County again stands to lose potentially millions of dollars in future tax revenues.

I am seeking your assurance, Mr. Chairman, that any money for the acquisition of the Headwaters Forest agreement through the Land and Water Conservation Fund or through the fiscal year 1998 Interior appropriations bill will not be approved, will not be appropriated unless there is adequate mitigation for Humboldt County.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from California has repeatedly made his concerns for Humboldt County, California, known to me.

I fully understand how important an issue this is to the gentleman from California [Mr. RIGGS] and the people of Humboldt County.

The $700 million was not included in the bill reported from the committee. However, it is possible that the Senate will include all or part of these funds. I assure the gentleman from California [Mr. RIGGS] that I will raise his concerns for the need of economic mitigation for Humboldt County if the funds are an issue with the House-Senate conference on the Interior appropriations bill.

Mr. RIGGS. Mr. Chairman, reclaiming my time, I would like to thank the gentleman for his attention to this very important matter and point out to him that I am eager to work with him and the other House-Senate conferees on this particular issue, not only to secure the funding for the Headwaters Forest acquisition but also the equally important funding to provide economic assistance to Humboldt County to compensate for the loss of future tax revenues.

Again, I appreciate the assurance of the chairman that he will work with me and his fellow House-Senate conferees to resolve this issue of economic mitigation for Humboldt County. Given that assurance, I will not offer my amendment later today or tomorrow.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MIDEWIN NATIONAL TALLGRASS PRAIRIE RESTORATION FUND

All funds collected for admission, occupancy, and use of the Midewin National Tallgrass Prairie, and the salvage value proceeds from sale of any facilities and improvements pursuant to sections 2915 (d) and (e) of Public Law 104-106, are hereby appropriated and made available until expended for the necessary expenses of restoring and administering the Midewin National Tallgrass Prairie in accordance with section 2915(f) of the Act.

COOPERATIVE WORK, FOREST SERVICE

For restoring the balances borrowed for previous years firefighting, $128,000,000, to remain available until expended: *Provided*, That the appropriation shall be merged with and made a part of the designated fund authorized by Public Law 71-319, as amended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 159 passenger motor vehicles of which 22 will be used primarily for law enforcement purposes and of which 156 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be advanced to the Wildland Fire Management appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this bill.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the report accompanying this bill.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of the law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to $2,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $500,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a recipient of Federal financial assistance for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, up to $2,000,000 of the funds available to the Forest Service shall be available for matching funds, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a recipient of Federal financial assistance for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Reconstruction and Construction" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds available to the Forest Service may be used for retrofitting the Commanding Officer's Building (S–2), to accommodate the relocation of the Forest Supervisor's Office for the San Bernardino National Forest: *Provided*, That funds for the move must come from funds otherwise available to Region 5: *Provided further*, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided in subsection (c) shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $100,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

AMENDMENT NO. 5 OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. Klug: Page 58, line 18, after the dollar amount, insert the following: "(increased by $292,000,000)".

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The time will be 15 minutes for the gentleman from Ohio [Mr. REGULA] and 15 minutes for the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

What we have before us tonight, Mr. Chairman, is I think a very clear debate over the subject of corporate welfare, corporate in the sense that the money we are talking about this evening to do coal research benefits a number of major corporations across the country and across the world, corporations like Alcoa, worth $2.5 billion, or GE, $70 billion, and welfare in the sense that we have been subsidizing research for an industry to essentially make leaps forward in industrial technology since the 1930's.

□ 2330

In fact we have been funding coal programs since Franklin Roosevelt was President. We have to ask ourselves after 60 years if the program has not paid back dividends to this point, why do we have any reasonable expectation that it will pay back dividends in the future, either in the near future or in the long-term future whatsoever?

The program is fundamentally unnecessary because financial incentives already exist for private industry to develop cleaner burning coal technologies under the 1990 Clean Air Act Amendments. The 1991 General Accounting Office report concluded that the program has been plagued by chronic cost overruns and scheduling problems, it funds technologies already commercially developed, those unlikely to be used because they fail to reduce emissions as much as existing technologies and many in fact within the industry have already been developed without any kind of Federal assistance or Federal financing.

In fact at this point, Mr. Chairman, we have already spent $2.75 billion on clean air technology research, nearly $3 billion aimed at large multinational corporations and at this point the government has recovered only $400,000 on its investment. While recognizing the need for Federal assistance with high risk research, the Department of Energy testified before Congress that these type of demonstration projects are not the wisest use of taxpayer dollars, and I could not agree more.

The other thing, Mr. Chairman, to point out is the fact that this program has been absolutely overrun with abuses and failures since the beginning. Since the first projects were initiated 10 years ago, there were 51 initial projects included in essentially 5 rounds of proposals and competition. Fifteen have been withdrawn, 6 are still in the books, never to get to the construction stage, one of the project sponsors has already been forced into bankruptcy, and one of the projects is now on its fifth site in 10 years unable to find any kind of financial backing for the technology. I think any of my colleagues who look at this objectively as well as a number of outside groups like Citizens against Government Waste, Friends of the Earth, Taxpayers for Common Sense, the National Taxpayers Union, Citizens for a Sound Economy, the Competitive Enterprise Institute, all fundamentally recognize that this is a corporate welfare program that has to be eliminated if we are ever going to get this Nation's books in order and if we are ever to end up actually running in the black.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN], ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, first of all, let me commend the committee for the excellent job that it has done with regard to the legislation before us. I think they have been moderate in proposing cuts in the various programs that required cuts and they have maintained those programs which have the prospect of providing lasting improvements in the efficiency of our fossil energy economy in future years.

I think it is well that we should understand that despite all of the efforts that we have made in supporting research in alternative forms of energy other than fossil, we are still going to be highly dependent upon fossil energy for as far as we can determine into the future. It is by far our largest reserve of energy, and we are going to have to use it.

Much of the program that is being attacked by this amendment supports research that will provide for the utilization of this huge resource in more efficient ways; that is, it will produce more energy more efficiently and it will also provide that this energy meets the environmental standards which we have set for this country.

The fact of the matter is we very badly need this continued research. As I remarked in earlier remarks today, it seems a long time ago now, in opposing another effort to cut into energy research in order to support other worthy programs, energy research and energy in this country, the ability to use energy efficiently and to develop new energy sources is the backbone of our economic growth. We recognize that there are limits on how much of this we can do. The committee, as the chairman has pointed out, has taken steps to make very large rescissions in many of these fossil energy programs. But the criticism that is being made of the programs that remain are largely unwarranted.

I and one of my colleagues have made this point over and over again, that we need to complete these programs. They will be terminated in the relatively near future, but we need the results that we will obtain from them. The attacks made on them, that they represent corporate welfare to large corporations, is simply not the case. Most of these programs are operated by small and medium sized organizations.

I urge a "no" vote on this amendment. The program is working well. The committee is supervising it closely.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume to make a couple of quick points.

What we have just heard is the fundamental argument we always get on any science program, that we cannot cancel it because they just started it and there might be potential, or we cannot cancel it because they have invested so much money they might as well finish the project to see if it pays dividends.

There is never an optimal point to terminate a science project according to many people in this Chamber, but I will say fundamentally that if the program is going to be terminated in the near future, we might as well save the money today.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, as a new member of the Subcommittee on Interior, it is two amendments in a row that I stand up in disagreement with my chairman. My chairman is one of the great Members of this body and it is with a certain amount of reluctance that I do that, but as someone who has been a fiscal conservative and opposed to corporate welfare since I came here, this is a classic case of corporate welfare.

What we are talking about doing is saving the American people $292 million, $292 million that our taxpayers have to send to Washington for us to pay back and give to large corporations to build power plants. What this program is about, starting back in 1986, was to test the new technology on power plants. There were approximately 45 projects around the United States that received millions of dollars. In fact, over $2 billion has been spent on this program to date.

What we are talking about doing is saying, wait a minute, wisely we decided to stop creating these new projects back in 1993, but there are still some projects in the design phase. We can stop them now. That is how we can save the $292 million. We do not need these programs. One of the programs that is being talked about is in bankruptcy right now. Another one is on its fifth location and cannot even find a site. Another one DOE says they may cancel because the sponsor could not guarantee the technology would survive. Another program is on a second site location because the initial backers decided the technology was not economically viable. That was a $183 million program. I think our taxpayers in this country deserve to keep their own money rather than taking $292 million and sending it back for these projects.

I support basic research as a responsibility of the Federal Government. I am a strong supporter of NIH. I think the National Science Foundation is an appropriate place for basic research. But this is applied research. This is building power plants to provide energy power. This program was created back in 1986. The Clean Air Act changed the rules back in 1990. That is the reason we do not need this right now.

This has the strong support of fiscal conservative organizations, supported by the Citizens Against Government Waste, the Taxpayers for Common Sense, Citizens for a Sound Economy, the National Taxpayers Union, Americans for Tax Reform, and the Competitive Enterprise Institute. It has got wide support by the conservative organizations because this is an effort to save money.

It is misnamed by calling it clean coal. It is clean coal in name only because the environmental community supports this amendment, because what the environmental community is saying, coal is not the best type of energy source we have. We have organizations like the Sierra Club supporting this amendment. This is a program that I think has outlived its usefulness. We have a chance to save the American taxpayers money. It is corporate welfare, and I think it is time that we end it.

Mr. Chairman, I urge support for the Klug amendment.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin. This amendment claims to save money while helping clean up our environment. What we have in fact here, Mr. Chairman, is a case of false advertising. Will this amendment save taxpayers money? The simplistic view is yes, but the truth of the matter is that it will end up costing more than it purports to save.

The clean coal technology program is comprised of a number of cooperative agreements between government and industry. These agreements are legally binding contracts. Maybe some Members do not understand what a contract is, but the Federal Government is going to remain liable for its share of these agreements regardless of what action we take here in this bill. So if we pass this amendment, not only will we likely end up paying for the cost of the programs, but we are going to saddle the American taxpayer with the cost of the Federal Government defending itself against litigation.

Let us look at whether this amendment really does much for environmental protection. It is all well and good to support R&D in areas such as solar and biomass, which is something I have fought for, but it is not realistic to expect that these options will be a significant segment of our energy supply for the foreseeable future.

The Energy Information Agency in its examination of trends in the energy sector has determined that in the year 2010, 88 percent of our energy is going to come from fossil resources. Consider this while taking into account the likelihood that the United States is going to commit to emissions reduction targets later this year in Kyoto.

How are we going to meet these limits? The answer is through technological innovation in areas where emission reductions can be realized. Since coal is our most abundant domestic resource, it makes sense to try and develop methods to burn it cleaner. The type of large-scale efforts we need to do are too risky for the private sector to assume on their own. That is why Congress came up with the Clean Coal Technology Program to meet this challenge, to find ways to make use of a secure and plentiful energy resource in a clean and efficient manner.

The clean coal program is exploring methods that have made burning coal as clean as natural gas and are sound investments. Clean coal technologies can cut acid rain emissions by 98 percent, fly ash emissions by 99 percent and CO_2 emissions by over 40 percent. Obviously, continuing with this effort is the better environmental alternative and cutting it would be shortsighted.

Let us look further at some of the arguments put forward by the proponents of this amendment. They criticize the Clean Coal Technology Program because some of the projects have failed. Of course some of the projects are going to fail. These are high risk endeavors. That is why the government is involved, to leverage an investment that the private sector would not otherwise make. If their success were guaranteed, there would be no need for government participation. Keep in mind, when a project fails, the industrial partner also does not profit.

Mr. Chairman, I urge defeat of this amendment.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

If I could for a moment quote from a study that was done by the Department of Energy in 1985 at part of the time this program was first being considered. It says:

> Given the size and availability of U.S. coal reserves, the security of the domestic coal supply and the comparative economics of coal as a fuel, free market forces are operating to select and commercialize the most efficient and environmentally effective clean coal technologies. Federal subsidies could alter these market forces and adversely affect the development of competing technologies both within and outside the coal industry.

In other words, if there are innovations to be made in the coal industry, they are much more likely to be made without the Federal Government's involvement.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ROYCE] to further support that point.

□ 2345

Mr. ROYCE. Mr. Chairman, I rise in support of this amendment.

The clean coal technology program is unnecessary. Financial incentives already exist for private industry to develop cleaner burning technologies; the recipients of these funds represent several corporations that do have billions of dollars in revenues a year; and, lastly, even the Department of Energy has stated that demonstration projects such as those supported by the clean coal technology program are not, quote, "the proper place or certainly in these fiscally constrained times the wisest place for Federal funding." This is from the Department of Energy.

The clean coal program has a history of waste and mismanagement. According to a General Accounting Office Report, almost half of the program's ongoing projects have exceeded their budgets, fallen behind schedule or scaled back their scope. If the program proceeds as planned, taxpayers will hand out a total of $2.3 billion to the private coal industry and receive little in return. According to the General Accounting Office and the Department of Energy, it is unlikely that we will ever be able to recover taxpayers' investment in clean coal projects.

Join with me and Citizens Against Government Waste in ending this unnecessary program and take a step towards balancing the budget. Vote "yes" on this amendment offered by the gentleman from Wisconsin [Mr. KLUG].

Mr. REGULA. Mr. Chairman, I yield myself 30 seconds, and I would point out that the GAO report of 1994, the most recent report, and I quote, "the program has shown that the government and the private sector can work together effectively to develop and demonstrate new technologies. The lessons learned from DOE's experience with the program should be useful for similar programs in which costs are shared."

Mr. Chairman, I yield 15 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply note that I am going to vote for this amendment because it does not do nothing to nobody. The outlay savings from this amendment are exactly zero. This money is never going to be spent, it is there simply as a cushion against contractual obligations, and so vote for it because this budget authority reduction will result in not one dollar of outlay savings.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I represent southern Illinois which is part of the Illinois coal basin, and it is part of the coal that we have in this country, 300 years of coal supply in this country to supply energy needs for America. The problem is much of it is high sulfur coal; we cannot sell it.

The Clean Air Act cost us nearly 15,000 jobs in the Illinois coal basin alone when it was passed, and I guess the question that I would ask of our colleagues is where do we think that we are going to go in the future for supplying the energy needs of this country? We have barely 30 years of proven oil and gas reserves left in the entire world right now, we are decommissioning our nuclear power plants all over this country, and that is going to rapidly expand as their life runs out. We are kidding ourselves if we think we are going to go to solar or wind or some of the other things.

Mr. Chairman, coal is the single greatest energy supply we have, and we simply have to find a way to clean it with either pre- or post-combustion technology so that we can use it to supply the energy needs of this country, and that is what the clean coal technology program has done for us.

Already more than $9 billion in sales of advanced U.S. technology in the United States and overseas can be traced back to the achievements of the clean coal technology program. One-quarter of the coal-fired capacity in the United States now uses technology pioneered in this program. Twenty-five percent, 25 percent of all of the coal-fired capacity, again I repeat, in this country uses technology pioneered in this program, accounting for almost $1 billion in domestic sales, and by the year 2000 this will have increased to 75 percent.

Let us vote against this amendment, keep our technology afoot, clean our coal up, save our jobs.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Let me point out a few facts to rebut points made by my colleague from Illinois. This is what the Congressional Budget Office has to say about this argument:

Since the passage of the Clean Air Act amendments of 1990 the private sector has faced a clear legislative mandate for lowering coal emissions. Electric utilities and large industrial users of coal now have a clear economic motive for selecting among current practices and new technologies the lowest cost option for reducing emissions.

In other words, the passage of the Clean Air Act has led ultimately to the cleanup as private industries have used their own brain power to develop innovative technologies. It is not the DOE clean coal program which that same congressional office report argues has, in fact, been a waste of money because there has been very little payback scientifically, and there has been very little payback in terms of commercial technology.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise tonight in strong opposition to the amendment offered by my friend from Wisconsin [Mr. KLUG] which seeks to rescind an additional $292 million from the clean coal technology program.

I recognize that these are tough budgetary times. Therefore, we must prioritize, and I believe that one of our priorities should be to reduce our dependence on foreign oil.

Coal is the largest domestic source of energy produced in the United States. Current estimates demonstrate a 250-to-300-year coal resource base in the United States. We have more coal than the rest of the world has recoverable oil. Think about that, more coal than the rest of the world has in recoverable oil. Therefore, it is important that we invest in the research and development that will allow Americans to continue benefiting from this abundant, secure, and affordable fuel source without compromising the environment.

I am proud to represent an area in Pennsylvania that sits on the largest anthracite coal deposit in the country. Anthracite is considered the cleanest burning solid fuel on the commercial market today. With continued research of anthracite coal, the potential of the United States becoming energy self-sufficient in an environmentally friendly manner is enhanced.

The clean coal technology program is important for several reasons: cleaning up the environment by burning waste coal. In my home County of Schuylkill alone there is an excess of 1 billion, with a B, billion, tons of waste coal that has accumulated over the years.

Reducing emissions of nitrogen oxides and air toxics.

Developing cleaner, more efficient power systems.

Sponsoring promising technologies that are too risky for private industry to undertake alone.

Providing a model for future government-industry technology partnerships.

And providing tremendous job opportunities in this country, not in the Middle East.

Coal research and development will provide huge benefits for the Nation and pay for itself many times over through taxes flowing back to the Treasury from expanded economic activity. Let us not curtail the research that will help us achieve energy self-sufficiency in this country.

This amendment presents a clear choice between investing in the future or just giving up and remaining dependent on foreign oil. I urge a "no" vote on my friend's amendment.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to close at this point in the hopes that we can get out of here a little bit earlier this evening. I want to essentially take a look at three arguments in support of continuing to fund clean coal and then three arguments that I think will instead argue for the continued rescission of this program and to knock it down to zero.

First of all, we heard my colleague from Illinois argue that clean coal technology was supposed to reduce acid rain. The fact is according to the Department of Energy and according to the Congressional Budget Office EPA regulations, the Clean Air Act passed by this Congress, is the primary cause of improvements in air quality and contained incentives to further control emissions. We are going to set targets and let private industry reach those targets through its own set of innovations, not by technology developed by the Government and essentially set down.

Now again the idea of the clean coal technology program argument No. 2 is that it was going to result in commercial technologies. Let me reemphasize that we have invested $3½ billion and at this point only had $400,000 come back to the Department of Energy. Any company that was running that kind of return on its investment would long ago be out of business, and frankly this program should have long ago been out of business.

The other argument is that it supports the coal industry and that somehow without this research the coal industry could not exist, and the fact of the matter is the coal industry has done very well over the years, but more and more technology, frankly, is shifting to natural gas. There is more use in natural gas, there are more applications of natural gas, it burns cleaner, it sells for cheaper prices, and when the marketplace essentially has these targets out there that industry is supposed to hit, it hits those targets, but it does through again through industry innovation as folks shift to clean, natural gas away from coal and some of the coal problems.

And again one of the fundamental arguments we have been beating on tonight, and I will say it one more time, this is corporate welfare. This money is going to Alcoa, a $2½ billion company; Daimler Benz, $12 billion; GE, $70 billion. If there is research to be done, clearly these corporations can afford to do it themselves. It is unlikely that this program in any form and fashion is going to be able to generate profits that are going to go back to the Federal Government or go back to the Department of Energy period.

It has not worked in terms of cleaning the air; other government programs have done that. It has not resulted in wide scale commercial technologies. In fact the marketplace has already moved in other directions. And it is industry, quite frankly, and it is welfare, quite frankly, that those large multinational corporations can afford to do on their own.

I urge my colleagues when they return in the morning to vote for the Klug-Miller-Foley-Royce amendment.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio is recognized for 4 minutes.

Mr. REGULA. Mr. Chairman, Corporate Welfare has taken a real beating tonight, and the truth of the matter is that that term is badly abused. This is not corporate welfare, this is people welfare. This program is designed to help the people of this Nation.

How does it help them? It provides an ability to burn a resource where we have 250 years of supply. It means they can have low cost fuel for their lights, for their appliances; more and more we use electricity. It means they can have jobs because the costs of energy will be competitive for our industries.

Does it work? It certainly does. As was pointed out earlier, one quarter of the coal fired capacity in the United States now uses technology pioneered in the clean coal program.

Do people believe in it? The private sector has committed 60 percent of the cost of this program. This says very clearly that they believe that it is an efficient and a very effective program, and there is very few programs that have a 60 percent private/ 40 percent public cost share of an experimental nature.

Does it help us otherwise? Sales of clean coal technology already exceed $9 billion both here and abroad.

What does it mean? China, as I mentioned earlier in the evening, is consuming even more coal then the United States and with the growth of their economy that will probably double. The market for clean coal technology is enormous and will help our balance of payments, it will create jobs for Americans, it will help to clean up the environment worldwide. Other nations are concerned about their emissions because they do go into the atmosphere that ultimately all of us breathe.

This program is a success.

Now we have been practical about it. In this bill we rescind $100 million of clean coal technology because a couple of programs that were on line decided that they did not want to go forward.

□ 0000

Mr. Chairman, we have been trying to manage this with good judgment in a very responsible way. But speaking of responsibility, I would point out that there are contracts pending that will require a commitment of this available funding to meet the fact that the private sector is willing to go forward on other types of technology.

This is a successful program. It is a good program. It means jobs for the future. It means clean air. It means energy independence. We do not have to send a team of soldiers to protect coal that is in the United States of America. We do not have to build underground facilities to store it. It is there. Clean coal technology will enable us to use this source of energy to improve the quality of life and maintain our economic leadership in the world.

Mr. Chairman, I strongly urge a "no" vote on this amendment.

The CHAIRMAN. All time has expired.

Pursuant to the unanimous-consent agreement, the question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KLUG. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $312,153,000, to remain available until expended: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

AMENDMENT OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROYCE: Page 59, line 10, insert after the dollar amount "(reduced by $21,014,000)".

Mr. ROYCE. Mr. Chairman, my amendment simply cuts funding appropriated above the administration's request for five fossil energy research and development programs, programs earmarked for coal, natural gas, and the oil industries, programs that have been discussed at some length tonight.

Mr. Chairman, I believe none of these programs merit Federal funding. U.S. private industry does not need these programs, period, but my amendment at least saves the American taxpayer some $21 million, about 7 percent of the total spending, for the many fossil energy research programs contained in the appropriations bill.

This savings is why this amendment is endorsed by Citizens Against Government Waste, the Competitive Enterprise Institute, the National Taxpayers' Union, and Americans for Tax Reform, among several other organizations.

Why do American corporations not need these programs? Let me refer to a report done by the Congressional Budget Office that looks at the Department of Energy's fossil fuel programs. It reports, and I quote from that report, "The major new technologies for enhanced oil recovery have come from private industry, not the Department of Energy." The Energy Department says, "This has little in the way of commercial applications to show for its investment."

The fact that technological innovation and new commercial applications is found in the private sector, not the government, comes as no surprise. A Brookings Institute study found that Federal energy R&D has been an abject failure. It reported, "The overriding lesson is that the goal of economic efficiency is so severely constrained by political forces that an effective, coherent national commercial R&D program has never been put in place."

As we have heard tonight, the 1997 budget resolution reached a similar finding about DOE energy R&D programs. No, these corporate research subsidies, and subsidies is what they are, going to large corporations, some of the largest multinationals in the world, as a matter of fact, is not the direction we should be going.

We praise the American economy for being the most productive economy in the world. I will tell Members one thing, our economy was not built on government subsidies like the one this amendment modestly cuts, and those economies in the world that are built on subsidies, think of the European countries, those are economies that are hurting.

Mr. Chairman, let me close with this argument. I want to make the point that tonight we have heard a lot about the importance of research to our economy. We have heard a lot about the importance of energy to our economy. No one doubts this. It is obvious, but that does not mean that every DOE research program deserves immunity. These five programs certainly do not.

I ask Members to consider that these five programs targeted by this amendment are administered by the Department of Energy. That alone should give Members of this body pause. We have been hearing about waste and inefficiency in the DOE for years now. Many Members in this body as well as former Energy secretaries have supported abolishing the Energy Department.

They are right, the Department of Energy was founded in 1976 on a dubious idea; that this country needs a national energy policy coordinated by Washington. It has since grown into a multi-billion dollar bureaucracy with numerous wasteful missions. We do not have a national energy policy today, thankfully. By the way, the price of gas at the pump is at an historic low. This is due to market forces, not government research programs. But we are stuck with the DOE and its many wasteful programs.

The Department of Energy itself has not asked us to spend this money. It does not request these funds. Yet, we are going to go ahead and spend it anyway? What kind of sense does that make? There is no reason to plus up these subsidies. I urge my colleagues, even those who support government-supported fossil fuel programs, to support this fiscally responsible amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have been responsible. We have reduced the research programs by 30 percent over the past few years, but we have tried to keep the good ones. Does anyone believe we did not send soldiers to Saudi Arabia and Desert Storm to not protect an energy source that is overseas? Of course we did. We spent billions of dollars doing it.

That illustrates how important fossil fuel sources are to this Nation, and makes a very powerful case to continue research programs that will do a number of things; that will allow us to use fossil fuels in a more efficient way, to get more Btus that are useful in the energy stream of this Nation. Fossil fuel is going to be the choice that we have to depend on for many, many years to come. These programs are designed to make our use of fossil sources more efficient.

Obviously, the private sector believes in them because they put up a good part of the money to do the research. As I said earlier, we do not fund commercialization. We have carefully guarded against any programs that get beyond the development of technology. But we think it is very important for the future of this Nation to ensure that we have adequate energy sources from fossil sources, that we use these energy sources in an effective way so we do not deprive future generations of the same quality of life we have had, and to use these sources in a way that will keep us competitive in the world marketplace.

Mr. Chairman, I think at this point it would be a serious mistake to violate contracts that are already in place, to stop programs that are shown to have potential in midstream, and to cut at this juncture would not be a good management on the part of our fossil program.

Mr. Chairman, I have to say to all of the Members that we as a committee have been very careful in determining what programs work and what do not, and to make sure that we manage the taxpayers' money efficiently on behalf of their future in the fossil energy resource programs. I strongly urge a no vote on this amendment. Let us keep these programs going so we can ensure that we have energy independence as a Nation in the future, and we can insure that those who follow us will have the same quality of life and opportunities that result from having an adequate supply of fossil-generated energy.

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. ROYCE]. This is one of many amendments that foolishly looks for savings in energy security, an area of great importance to our national security.

Our economic well-being depends on a secure and reliable energy supply. The Energy Information Agency has predicted that for the foreseeable future, we will be getting over 85 percent of our energy from fossil sources. So if Members are looking to adjust the Federal investment in R&D in this area, then Members had better understand the ramifications of what they are trying to do.

The Royce amendment is a textbook example of how not to interfere with a program. After hearing hours and hours of testimony, the Subcommittee on Interior of the Committee on Appropriations decided to alter the administration's budget. Some programs were increased in order to more effectively meet their missions. In order to pay for these increases, the Committee on the Interior has acted responsibly by finding offsets for these cuts.

The Royce amendment takes a simplistic approach to deficit reduction. It simply looks at any line item which the Committee on Interior increased, ignores the fact that the plus-ups were offset, and eliminates the increase. So the point of this amendment is to cut any program that the committee determined to be of the highest priority.

Let us look at the programs it cuts: The low emission boiler system, a cleaner-burning, high-efficiency technology that is moving into its final stage of development. This is exactly the type of technology our country is going to need to meet the requirements of the Clean Air Act and international emission reduction requirements.

This stage requires the construction of an actual plant, an undertaking that requires more funding than did the planning and design phase of earlier years. The committee recognized this, found an offset, and provided the necessary funding.

The Royce amendment also cuts research on particulate matter monitoring. Any Member who is concerned about the Clean Air Act compliance should care about this. Our current monitoring capability is insufficient, and an effective understanding of our air quality situation requires an improved monitoring expertise.

The committee recognized this as a high priority area, but once again, this amendment seeks to ignore the priorities of those who best understand these programs. Mr. Chairman, in this era, where we must emphasize domestic solutions to the challenge of meeting our ever-increasing energy needs, the Royce amendment is a decisive step backwards. I urge its defeat.

Mr. KLUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, briefly, I rise in support of the Royce amendment. Let me, if I can, put this in context. Again, we hear from opponents of the amendment that sense that somehow if we go back to the levels originally requested by the administration, that energy research in this country stops in its tracks. But the Department of Energy spends $3.2 billion a year on a variety of applied and basic research projects. This amendment simply says, in 5 areas where we have done fossil research for 60 years, and again, we have told welfare recipients they have to be off the dole for 2 years, but these research programs can go on for 60 years, and in five very specific programs we simply roll back $21 million back to what the administration requested. I think it is very clear the Department of Energy still has a lot of money to spend on programs it wants to fund, but I think we ought to let the Department of Energy, the experts, set the parameters.

I think, first of all, we need to keep in mind in this entire debate that I think private industry is much better, much better suited to identify and target technologies that are commercially viable than DOE. According to our own Congressional Budget Office, listen to this, "The major new technologies for advanced oil recovery, for example, have come from private industry, not from DOE. In other instances, DOE continues to develop technologies in which the market clearly has no interest."

So the bottom line is we have thousands of dollars in excess government subsidies flowing to programs that have delivered very little results; frankly, in this case, in the Committee on Appropriations, more money than the Department of Energy wants to fund technology that, frankly, has already been the subject of billions of dollars in Federal grants.

I urge my colleagues to support the Royce amendment, and to put an end to corporate welfare as we know it.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Royce amendment. While this may be only $21 million, every million dollars counts. What we are only talking about is going back to what the Department of Energy requested in this particular appropriation process.

Mr. Chairman, when I first got elected and campaigned back in 1992, I had a basic question I kept saying, and I have been asking it every year for the past 4 years I have been here. It is, is this a Federal responsibility? Do we really have to have the Federal Government doing this program?

□ 0015

I am not convinced this is one. This is why it is called corporate welfare. The private sector can do that. We have a lot of strengths in the private sector. We have a lot of belief in the private sector. While we have made great progress along the past couple years in the spending on this particular appropriations subcommittee, this is one that, do we really need to keep spending this money? Why cannot the private sector?

I go along with the gentleman from California [Mr. ROYCE] and the gentleman from Wisconsin [Mr. KLUG], and I think this is an appropriate way to cut spending and to get some more sensibility back into the total amount of money spent at the Department of Energy.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are several aspects of this debate which trouble me a little bit. I think we have all paid tribute to the work that the Committee on Appropriations has done in examining these programs and making recommendations which will protect the public interest and give us the most value for the taxpayers' dollars that are being spent here.

I am also informed that we are not above the President's request in these items, that we are below the President's request so we are not loading this up excessively.

But the thing that really troubles me is that the subject matter of this debate has been before the committee, which I have the pleasure to serve on, the Committee on Science, the authorizing committee, over the years. We have conducted extensive research on these programs. We have tried to monitor the Defense Department. We have not found any department, including the Energy Department, we have not found any department, including energy, which is free from mistakes. And we make an honest effort to correct those wherever it is possible to do so. We think we have a sound program here which is in the best interest of this country.

I have a sense, however, that those who are arguing against these programs have certain fundamental ideological objections to the government participating in these. They do not like the idea that this country can benefit from a partnership between the government and the business community of this country.

This for a long time produced an atmosphere in which the government and industry were fighting each other. We have worked very hard to overcome that, to find ways in which government could play a role, the private sector could play a role, appropriate to each, and in most cases this means that we cooperate in developing the basic research.

The private sector then carries that research on through applications and commercialization. This is what we are trying to achieve. It is a delicate balance. We admit that it is a delicate balance. But there are some Members who persist in insisting that this is government subsidy or government welfare. I see some nods coming from my good friend on the other side. I deny that this is the case.

Those countries which pose the greatest threat to our economy are those which have achieved the most effective balance and cooperation between government and industry. There is nothing perfect in these arrangements. They have to be constantly scrutinized. There has to be a sense of really what is in the best interest by people who have an understanding of the problems that face the Nation and the problems that face the private sector in achieving solutions to those problems.

I guarantee Members that there is not a corporation in this country that will invest money in a program in which there is no payoff for 10 years. There is just no incentive for them to do so. They would prefer to muck up the environment or do whatever else is necessary to avoid spending money that does not have a payoff within 10 years.

This is that area in which cooperation is essential. We have to leverage the interest of the private sector. We have to provide an incentive for them to spend their money in the hopes of making a profit and moving forward into a commercially viable activity. That is the whole thrust of this program.

There are those here on this floor who deny that that is a proper role for government. I think we need to face this realistically. We can nitpick the particular projects. We can do anything we want. It will be easy to find cases in which we misjudge, both the industry and the government misjudged what the results might be. But in the long run, what we are doing is basically aimed at preserving our energy independence in this country, producing a viable, growing, healthy economy and providing for the welfare of our children and our children's children and the future. I think that after the scrutiny that we have given these programs over the years, we are approaching an understanding of what that proper balance is.

I think it is contained, as closely as we can get, in the report that the subcommittee has made here. I commend the chairman and the members of that committee for the hard work and the analysis that they have put into this.

I can assure my colleagues that we have done the same thing in the Committee on Science for a large number of years, and it is my fond belief, my strong belief that this is the only way this country is going to succeed in maintaining its economic priority in the world before us.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in total support of the Royce amendment to bring some sanity to the spending of taxpayer dollars when it comes to shelling out taxpayers' dollars to huge corporations that make billions of dollars worth of profit.

I would, first of all, like to say that I have deep admiration for the speaker who just presented his case before us. The gentleman from California [Mr. BROWN] had been the distinguished chairman of the Committee on Science for many years. He is the ranking member now. But over the years he was fair to every Republican that ever worked on the Committee on Science, and he is an honest and fair man. And what we have here is an honest and fair disagreement as to a basic philosophy of what government should do and what government should not do.

What we have here is the gentleman from California [Mr. ROYCE] who stands for a philosophy, a more conservative free enterprise philosophy, versus the gentleman from California [Mr. BROWN] who has presented more of a philosophy of government intervention in the name of benefit to the community and to the country as a whole.

I think this is an honest disagreement. I think it is. I respect the opinion of the gentleman from California [Mr. BROWN], and I respect his motivation.

Let me say I believe that he is wrong. I believe the philosophy that he is talking about has been an utter failure over and over and over again. The partnership between powerful government and powerful interest groups like big business and big labor has never worked for the benefit of the average person. Instead these partnerships have tended to freeze out the little guy, have tended to use the taxpayers' money for the benefit wealthy interests and the taxpayers end up footing the bill for all of this.

This is no different. What we are arguing about tonight is a $21 million add-on that goes beyond what the Department of Energy has requested from the Congress. That is $21 million extra from what has been requested from the Department of Energy. I even question some of the projects the Department of Energy has proposed.

But here we are just talking about, should the Federal Government rush into relationships with companies that they themselves can afford the research and development of the new products or of the new technologies that are being discussed?

My friend from Pennsylvania discussed boiler technology. Why should we, for example, support millions of dollars for boiler technology so that some company can make a big profit on it? Why should we do that, when other companies and other people in our society are investing in wind technology for energy, they are investing in solar technology?

I just had a conversation with a company that has invested, unlike what the gentleman from California [Mr. BROWN] has suggested, invested millions of dollars over two decades, not just one decade but two decades, to come up with new solar technology. We are undercutting the entrepreneurs in our society who know best by shoveling government money, scarce government money to people who we, as politicians, think they should succeed as compared to other people in the private sector who are investing their own money, other people who may have just as good a chance of succeeding in developing technology.

Quite often we know that the money is going for people who are developing technology who have special connections politically. My friend from Pennsylvania comes from a coal-burning State or a coal-producing State. Is there any question he is looking out for his constituents? He should. But this is not the way to make decisions that will be in the best interest of the people in the long run, especially of the people of the United States of America.

In France they have tried this, where you have a partnership between big business and big government. What they have is they have massive unemployment in France that would never be acceptable in the United States. In Japan, Japan has gone through an economic catastrophe in the last few years. Why is that? It is because you have government planning the economy and so when things go wrong, it is not just one company that has miscalculated, it is an entire industrial plan that has gone wrong.

We should run away as far as possible from this idea that there should be a partnership between government and the private sector. Although I will say that it is motivated, those who advocate this plan, they have the best of motivations, the best of motivations. They want what is right for America.

I do not think it is going to take us in the right direction. It has not taken

France in the right direction, did not take Japan in the right direction. I will tell my colleagues, it certainly did not take the socialist countries in the right direction. The socialist countries that were all basically one big industrial plan failed in a big way.

So I would ask support of the Royce amendment and a tough stand for the taxpayers.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment, and I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by gentleman from California [Mr. ROYCE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from California [Mr. ROYCE] will be postponed.

The Clerk will read.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 76, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There is no objection.

The text of the remainder of the bill through page 76, line 7 is as follows:

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1997, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $115,000,000, and such sums as are necessary to operate Naval Petroleum Reserve Numbered 1 between May 16, 1998 and September 30, 1998, to remain available until expended: *Provided*, That notwithstanding any other provision of law, revenues received from use and operation of Naval Petroleum Reserve Numbered 1 in excess of $163,000,000 shall be used to offset the costs of operating Naval Petroleum Reserve Numbered 1 between May 16, 1998 and September 30, 1998: *Provided further*, That revenues retained pursuant to the first proviso under this head in Public Law 102-381 (106 Stat. 1404) shall be immediately transferred to the General Fund of the Treasury: *Provided further*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1998.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $636,766,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1998 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That $149,845,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: $120,845,000 for weatherization assistance grants and $29,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,725,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $209,000,000, to remain available until expended, of which $209,000,000 shall be repaid from the "SPR Operating Fund" from amounts made available from the sale of oil from the Reserve: *Provided*, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell in fiscal year 1998 $209,000,000 worth of oil from the Strategic Petroleum Reserve: *Provided further*, That the proceeds from the sale shall be deposited into the "SPR Operating Fund", and shall, upon receipt, be transferred to the Strategic Petroleum Reserve account for operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1998 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $66,800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary is authorized to accept funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in Federal facilities and operations by the use of privately financed, energy saving performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation, and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law 102-496 (42 U.S.C. 8287).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,829,008,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $359,348,000 for contract medical care shall remain available for obligation until September 30, 1999: *Provided further*, That of the funds provided, not less than $11,889,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, compacts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1999: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $257,310,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That funds received from any source, including tribal contractors and compactors for previously transferred functions which tribal contractors and compactors no longer wish to retain, for services, goods, or training and technical assistance, shall be retained by the Indian Health Service and shall remain available until expended by the Indian Health Service: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $18,345,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56, Part A), $3,000,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $334,557,000, of which not to exceed $32,718,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise,

$3,850,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $50,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $55,837,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,442,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $11,375,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For necessary expenses of the Woodrow Wilson International Center for Scholars, $1,000,000.

The CHAIRMAN. Are there further amendments to the bill from pages 59, line 14, through page 76, line 7?

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

□ 0028

HOUR OF MEETING ON FRIDAY, JULY 11, 1997

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. today.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

TAX CUTS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, I think it is very disingenuous when our friends from the other side of the aisle say they want tax cuts. First of all, I think Republicans are making a mistake because what is happening now is the liberals spend 10 percent of their time on developing policy and 90 percent on spinning it. Republicans spend 90 percent on developing policy but only spend 10 percent on spinning it. So there is a great deal of misunderstanding out there.

Mr. Speaker, I will include as part of my remarks Jim Glassman's article in yesterday's Washington Post that spells out some of the differences between the Republicans and the Democrats.

I would like to simply conclude that we have a tax system that punishes our businesses to the extent that they have to move out of this country. The cost of labor is 10 to 12 percent of the cost of producing an item. The taxes run up to 39 percent in this country. We need to be looking at the kind of tax policy that is going to expand the economy.

[From the Washington Post, July 8, 1997]

THEN THERE'S PLAN B

(By James K. Glassman)

The new Labor government of Tony Blair last week passed its first budget, and the main feature was a tax cut that gives British businesses the lowest rates in the industrialized West. "The central purpose," said Chancellor of the Exchequer Gordon Brown, "is to insure that Britain is equipped to rise to the challenge of the new and fast-changing global economy."

Contrast those sophisticated sentiments with what President Clinton was doing at the same time in Washington—making noises that he'll veto an extremely modest tax-relief bill if it doesn't meet his own specifications. Clinton may be just bluffing, but he's taking delight in fanning the flames of class warfare just as Britain's Socialists are eschewing such nonsense.

But what if the president does veto the bill that emerges from a House-Senate conference? Then, Republican leaders—notably, Speaker Newt Gingrich—should tell him, in the immortal words of Clint Eastwood, "Go ahead. Make my day."

They should make it clear that if Clinton rejects the puny cuts in the current bills (amounting to one percent of projected tax revenues over the next five years), then the budget deal is off forever, and Plan B will swing into effect. I'll describe Plan B below, but, first, let's look at what divides the antagonists:

Child credit. Under GOP bills, families that earn less than $110,000 will be able to knock $400 to $500 per child off their final tax bills. The median two-earner family (making $53,000 a year) with three kids would see taxes fall from $5,100 to $3,600—a huge cut. Clinton wants the credit to apply as well to many families that don't make enough to pay income taxes, and he starts phasing out the break for couples making $60,000.

Capital gains. Under the House and Senate bills, the top rate would fall from 28 percent to 20 percent on the sale of assets such as stocks and bonds. Clinton wants a 30 percent "exclusion" from ordinary income, which means that, for top earners, the rate would fall to just 27.7 percent—a nose-thumbing mockery. The House wouldn't tax profits boosted by inflation.

Democratic critics of the GOP plan say that it reduces taxes more for those with high incomes than those with low. Maybe so, but it's nearly impossible for a cut in income taxes to do anything else. That's because low-income Americans pay little or nothing.

The figures are astonishing. According to the IRS, the top 5 percent of earners pay 47 percent of the nation's income taxes. The top 10 percent pay 59 percent, and the bottom 50 percent of earners pay only a 5 percent share.

Apparently unaware of such numbers, the Democratic Policy Committee recently sent an outraged fax to talk-radio hosts around the country: "Under the current GOP proposals, the top 1 percent of Americans would receive more benefits than the combined bottom 60 percent in tax cuts."

But the IRS reports that the top one percent of Americans pay 29 percent of the nation's income tax bill; the bottom 60 percent pay just 9 percent. So, to be fair, the top one percent should get triple the cuts of the bottom 60 percent.

Teh resourceful administration has a way to give tax cuts to people who don't owe taxes. It wants to send checks—welfare benefits to inspire breeding—to millions of families that don't qualify for tax breaks because their income tax bills amount to zero.

Will Republican leaders compromise with the White House before going to conference? If they do, they should be laughed out of office. Economic consultant Jude Wanniski told clients last week that the president's "tax proposal is clearly at the level of fun and games, with Clinton trying to steal Newt's underwear after talking him out of his outer garments in the 104th Congress."

What happens if Gingrich stands firm and Clinton issues his veto? That triggers what I call Plan B:

(1) The budget deal negotiated in good faith in May is null and void. (2) In its place, Congress passes a stripped-down spending plan for the federal government with none of the president's $30 billion-plus in new and expanded programs. (3) Congress passes a backup resolution that sets spending at 1997 levels for departments covered by any appropriations bills the president vetoes.

Finally, (4) Medicare won't be touched. Instead, reductions needed for a balanced budget by 2002—or, preferably, sooner—will come from cuts in spending growth and postponement of tax relief. Congress will then get down to the real work of reforming entitlements and the tax code, not the silly hodgepodge of the current budget.

Tax relief, 1997-style, wouldn't be a great loss. (The lack of capital gains cuts could trigger a stock market crash, but shares would likely recover.) Indeed, in many ways, the tax bills are abominable. They further complicate the code and include Clinton's latest steps to nationalize health care and establish new education subsidies for a favored few, plus breaks for consumers of hard apple cider, for speedboaters, Oklahoma oil-well owners, sellers of archery products and whaling captains.

These payoffs to interest groups—including the religious right, which is backing the child credits—are just business as usual for tax writers. They're also a serious detour from the road to a far more sensible goal, a flat-rate income tax, which, according to a poll last month for Fox News, has the support of 57 percent of Americans and the opposition of just 27 percent.

As it stands, the GOP tax plan is barely acceptable. If the president insists on any changes, he'll tip the balance. Like Eastwood, I'm half-hoping he does.

FREEDOM FROM RELIGIOUS PERSECUTION ACT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I have a bill which about 80 Members have cosponsored on both sides of the aisle, called the Freedom From Religious Persecution Act. It is H.R. 1685. Now that the MFN debate has gone, I will now ask Members from both sides to join us.

This is not a trade bill. This is a bill which would, among other things, create a new White House position, the director of Office of Religious Persecution Monitoring, who would do a country-by-country report every year on the different persecutions.

Mr. Speaker, there is more persecution of people of faith taking place today than any other time in history of our country.

It is H.R. 1658, and I would ask Members on both sides to cosponsor the bill so we can pass it before 100,000 churches of all denominations have a prayer service some time in the month of November to pray for the persecuted church around the world.

WOLF-SPECTER "FREEDOM FROM RELIGIOUS PERSECUTION ACT"

CREATES NEW WHITE HOUSE POSITION—DIRECTOR OF THE OFFICE OF RELIGIOUS PERSECUTION MONITORING

The Director would issue an annual report assessing whether Category 1 or Category 2 religious persecution exists in a country.

Sanctions—Sanctions would be automatic upon a positive finding by the Director. They would be waivable by the President, subject to a detailed written explanation to Congress and a 45-day notice of the intent to waive.

1. Degree of religious persecution

Category One Activity—Religious persecution is ongoing and widespread and includes killing, rape, imprisonment, abduction, torture, enslavement or forced mass resettlement. Persecution is carried out by the government or with the government's support.

Category Two Activity—Religious persecution, as defined above, that is not carried out with government support but where the government fails to take serious and sustained efforts to eliminate the persecution.

2. Imposition of sanctions

Immediate Sanctions—The bill would ban all exports to foreign government entities that directly carry out acts of religious persecution. There would also be a ban on all goods, products and services that are being used or intended for use directly to facilitate religious persecution. These sanctions would take effect immediately upon identification of the relevant entities and products. Products and entities banned under this legislation are to be defined as narrowly as is practical.

Sanctions Subject to Findings—Additional sanctions would also take effect after either 90 days (Category One activity) or 1 year (Category Two activity).

U.S. Assistance—The U.S. would cut off all non-humanitarian aid to the persecuting country.

Multilateral Assistance—U.S. representatives would be instructed to vote against any multilateral development banks loans to the offending country and to take all necessary steps to ensure that such loans are not forthcoming.

WTO Membership—In deciding whether to support a country's membership in the World Trade Organization, the President would be instructed to consider a significant factor whether a country had engaged in religious persecution.

Visa Ban—Ban on visas individuals who carry out, order or oversee religious persecution.

Asylum for Persecuted Religious Minorities—Asylum proceedings would be improved to ensure expedited, priority consideration for victims of religious persecution.

Full Asylum Hearing—Amends "credible fear" standard in asylum proceedings to ensure asylum applicants from persecuted communities in Category 1 and 2 countries receive a full asylum hearing.

Priority Status—Provides refugees from persecuted communities in Category 1 and 2 countries priority processing status equal to that given to all groups of "special humanitarian concern" to the United States.

Training—Requires asylum officers and refugee claims adjudicators to undergo training on the nature, severity and location of religious persecution.

Sudan Sanctions—The legislation includes immediate sanctions against Sudan, a country where * * *.

THE REPUBLICAN TAX BILL IS BAD FOR EDUCATION

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McGOVERN. Mr. Speaker, if the United States is to be the economic superpower in the 21st century, then Congress must make education its No. 1 priority. Any tax bill that passes this Congress must expand educational opportunity for working families.

Unfortunately, the tax bill that passed the House recently fails that test. The Republican tax bill fails to provide the full HOPE scholarship requested by the President, and it does virtually nothing for students in their third and fourth year in college.

Furthermore, the Republican tax bill contains provisions to actually raise taxes on students, faculty, and staff in higher education institutions. It is both cynical and dishonest for Congress to claim to be committed to tax relief while raising taxes on those hard-working members of our academic community.

Democrats have offered a tax alternative that includes the full $500 HOPE scholarship, and provides significant tax relief for college students in their junior and senior years. I urge my Republican colleagues to remove the anti-education measures in their tax bill. Let us give tax relief to hard-working families struggling to send their kids to college.

Mr. Speaker, I include for the RECORD a letter I sent to President Clinton yesterday urging his continued support for initiatives to expand educational opportunities for working families:

The material referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1997.

WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT, I would like to express again my support for the leadership you have demonstrated this year on education initiatives. Education, however, is once again under attack: this time in the form of H.R. 2014, the so-called Taxpayer Relief Act, that has been approved by the House of Representatives and is now facing negotiations in a House-Senate Conference Committee on the budget reconciliation and tax bills. Mr. President, your leadership is needed again to prevent our students, faculty, and higher education institutions from unfairly becoming targets of tax increases. Specifically, I urge you to:

Support the provision in the Senate version of the tax bill to retain the tax-exempt status of the TIAA-CREF retirement program. Revoking the tax exemption for the pension system of TIAA-CREF, granted by the IRS in 1920, would cause irreparable harm to the employees, higher education institutions, and the Massachusetts and New England education and research community as a whole. The Senate has recognized this fact and has not included this provision in its tax bill. TIAA-CREF's pension assets are exclusively and irrevocably used for the benefit of its pension participants. And unlike the reserves of other insurance companies, TIAA's pension reserves can be used for no other purpose than to support participants' retirement benefits. TIAA is already subject to taxes, imposed in 1986, on its non-pension insurance business. The net effect of revoking TIAA-CREF's tax exemption after seventy-five years would be to significantly reduce the earnings of current employee's retirement accumulation as well as the pension income of retired employees. By imposing this unprecedented tax, the House measure would not only undermine the recruitment and retention of men and women in teaching professions and assault the financial security of higher education employees' retirement, it would summarily undercut your efforts, Mr. President, to improve educational opportunities for all of America's youth. On behalf of the current and retired employees of New England's 260 tax-exempt colleges and universities, I urge you to use your special offices to guarantee the continuation of the tax exempt status of TIAA-CREF'S pension program.

In a similar contrast between the House and Senate tax bills, I urge you to use your good offices to retain Section 117(d) of the tax code so that graduate students engaged in teaching and research would continue to receive tuition waivers that would exclude this income from federal taxes. The tuition waiver for graduate teaching and research assistance is what makes graduate school a financially viable opportunity for many students. The effect of the House provision to transform this tuition assistance into taxable income will no doubt be to drive out of graduate school and away from careers in research and teaching many of our most promising young Americans, especially those of modest means and middle income families. The changes proposed in the House version of the tax bills would make graduate school unaffordable to millions of Americans throughout the next decade, require dramatic increases in college costs so that institutions might increase the pay to graduate teaching and research assistants, and cause dramatic cut-backs in America's university research programs precisely at the moment when the nation as a whole is attempting to become more competitive internationally. Mr. President, the House proposal runs contrary to the goals you have established for our nation and I urge you to oppose it and to support the Senate bill's retention of section 117(d) of the IRS tax code.

This same subsection also ensures that the children of employees of higher education institutions might also receive tuition waivers. This provision has allowed the children of faculty and staff—from the families of janitors, food service workers, administrative staff and modestly paid faculty—to live out their parents' dreams and attain a college education. Mr. President, please fight on behalf of these families' hopes and aspirations.

I want you to know, Mr. President, that I am a strong supporter of your efforts to save the HOPE Scholarship tax credit, to allow the interest on student loans to be tax deductible, and to permanently extend Section 127 of the tax code on employer provided education assistance not just to undergraduate students, but to graduate students as well, where it is most needed.

I assure you, Mr. President, that I will also convey these concerns directly to the House and Senate conferees, but it will need your leadership and commitment to ensure that our higher education community do not suffer under the terms of these congressional tax bills.

Thank you for your attention to these requests. I look forward to working with you on this fight for America's future.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANTON (at the request of Mr. GEPHARDT) for today before 1 p.m. on account of medical reasons.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOYLE) and to include extraneous matter:)

Mr. ACKERMAN.
Mr. SANDERS.
Mr. MANTON.
Mr. KUCINICH.
Mr. EVANS.
Mr. MCGOVERN.
Mr. SKELTON.
Mr. VISCLOSKY.
Mr. HILLIARD.
Mr. VENTO.
Mr. FRANK of Massachusetts.
Mr. BARCIA.
Ms. HARMAN.
Mr. SMITH of Washington.
Mr. DAVIS of Florida.
Mr. KANJORSKI.
Mr. KILDEE.
Ms. WOOLSEY.
Mr. FILNER.

(The following Members (at the request of Mr. ROYCE) and to include extraneous matter:)

Mr. SHUSTER.
Mr. LOBIONDO.
Mr. GILMAN.
Mr. PORTMAN.
Mr. FOX of Pennsylvania.
Mr. SOLOMON.
Mr. BOB SCHAFFER of Colorado.
Mr. EVERETT.
Mr. PORTER.
Mr. BEREUTER.
Mr. COLLINS.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes a.m.), under its previous order, the House adjourned until today, Friday, July 11, 1997, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4152. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation; Hawaii [Docket No. 97-063-1] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4153. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerances for Emergency Exemptions [OPP-300515; FRL-5731-3] (RIN: 2070-AB78) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4154. A letter from the Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps program in the Department for Fiscal Year 1996, pursuant to 16 U.S.C. 1705; to the Committee on Agriculture.

4155. A letter from the Secretary of Defense, transmitting a report on the evaluation of TRICARE; to the Committee on National Security.

4156. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Year 1997–1998 for a Rehabilitation Research and Training Center, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4157. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Notice of Final Funding Priorities for Fiscal Years 1997–1998 for a Rehabilitation Research and Training Center, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4158. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Number under the Paperwork Reduction Act; National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins [AD-FRL-5858-1] (RIN: 2060-AD-56 and RIN: 2060-AE-37) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4160. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—General Conformity Rule [DE030-1008a; FRL-5856-1] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4161. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal

Restrictions Phase III—Emergency Extension of the K088 National Capacity Variance [EPA#-530-Z-96-P33F-FFFFF; FRL-5857-7] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4162. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Revisions to the Mississippi State Implementation Plan (SIP) [MS21-1-9718a; MS22-1-9719a: FRL-5857-5] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4163. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Minnesota; Correction [MN43-02-7268; FRL-5855-8] received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC-73-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4165. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Germany (Transmittal No. DTC-72-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4166. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled "Fiscal Year 1996 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform and Oversight.

4167. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List [I.D. 97-013] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4168. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmopheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 070397A] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4169. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 961107312-7021-02; I.D. 070197C] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4170. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 070397B] received July 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4171. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 1996, pursuant to Public Law 88-449, section 10(b) (78 Stat. 498); to the Committee on the Judiciary.

4172. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Ayres Corporation S2R Series Airplanes (Federal Aviation Administration) [Docket No. 97-CE-44-AD; Amdt. 39-10071; AD 97-13-11] (RIN: 2120-AA64) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4173. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes (Federal Aviation Administration) [Docket No. 97-CE-35-AD; Amdt. 39-10070; AD 97-12-06] (RIN: 2120-AA64) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4174. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche E Meccaniche Model Piaggio P-180 Airplanes (Federal Aviation Administration) [Docket No. 96-CE-62-AD; Amdt. 39-10072: AD 97-14-14] (RIN: 2120-AA64) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4175. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2A and BN-2A Mk 111 Series Airplanes (Federal Aviation Administration) [Docket No. 96-CE-24-AD; Amdt. 39-10058; AD 97-14-01] (RIN: 2120-AA64) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4176. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1997 (Health Care Financing Administration) [BPD-889-NC] (RIN: 0938-AH88) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE (for himself and Mr. Matsui):

H.R. 2132. A bill to extend nondiscriminatory treatment—most-favored-nation treatment—to the products of the Lao People's Democratic Republic, and for other purposes; to the Committee on Ways and Means.

H.R. 2133. A bill to authorize the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of Mongolia; to the Committee on Ways and Means.

By Mr. McCOLLUM:

H.R. 2134. A bill to amend the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. Waxman, Mr. Hansen, Mr. Meehan, Mr. Brown of California, Mr. Brown of Ohio, Mr. Capps, Ms. DeGette, Mr. Dellums, Mr. Hinchey, Mr. Kind of Wisconsin, Mr. Lewis of Georgia, Mr. Luther, Mr. Miller of California, Mr. Olver, Ms. Pelosi, and Ms. Woolsey):

H.R. 2135. A bill to make exports of tobacco products and the advertising of tobacco products abroad subject to the restrictions on labeling and advertising applicable to tobacco products in the United States, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself and Mr. Gibbons):

H.R. 2136. A bill to direct the Secretary of the Interior to convey, at fair market value, certain properties in Clark County, NV, to persons who purchased adjacent properties in good faith reliance on land surveys that were subsequently determined to be inaccurate; to the Committee on Resources.

By Mr. FOX of Pennsylvania:

H.R. 2137. A bill to require the review of all Federal departments and agencies and their programs, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. Pastor, and Mr. Gallegly):

H.R. 2138. A bill to amend the Federal Water Pollution Control Act to provide for the use of biological monitoring and whole effluent toxicity tests in connection with publicly owned treatment works, municipal separate storm sewer systems, and municipal combined sewer overflows, including control facilities, and other wet weather control facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Wisconsin:

H.R. 2139. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture.

By Mr. KLINK (for himself, Mr. Fox of Pennsylvania, Mr. Kildee, Mr. English of Pennsylvania, Mr. Mascara, Ms. DeLauro, Ms. Woolsey, Mr. Andrews, Mr. Doyle, Mr. Holden, and Mr. Coyne):

H.R. 2140. A bill to amend the Higher Education Act of 1965 to improve accountability and reform certain programs; to the Committee on Education and the Workforce.

By Mr. McCOLLUM (for himself, Mr. Shaw, and Mr. Spence):

H.R. 2141. A bill to provide for a judicial remedy for U.S. persons injured as a result of violations by foreign states of their arbitral obligations under international law; to the Committee on the Judiciary.

By Mr. McNULTY:

H.R. 2142. A bill to amend title 38, United States Code, to extend eligibility to receive dependency and indemnity compensation to veterans' surviving spouses whose subsequent marriages have terminated; to the Committee on Veterans' Affairs.

By Mr. MILLER of California:

H.R. 2143. A bill to provide that certain escrowed oil and gas revenues be available for improving National Park System visitor facilities, and for other purposes; to the Committee on Resources.

By Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 2144. A bill to authorize appropriations for the expansion of the columbarium of the National Memorial Cemetery of the Pacific; to the Committee on Veterans' Affairs.

By Mr. PICKERING:

H.R. 2145. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase such maximum loan amounts with inflation; to the Committee on Agriculture.

H.R. 2146. A bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building"; to the Committee on Government Reform and Oversight.

By Mrs. LINDA SMITH of Washington (for herself, Mr. SANFORD, and Mr. WAMP):

H.R. 2147. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money by political parties and to require annual written authorization for the use of amounts withheld from an individual's wages or salary for political activities, and for other purposes; to the Committee on House Oversight.

By Mr. SPENCE (for himself and Mr. SISISKY):

H.R. 2148. A bill to suspend temporarily the duty of certain other single viscose rayon yarn; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 2149. A bill to enhance the conservation and protection of the Boundary Waters Canoe Area Wilderness; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Mr. YATES, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. PAYNE, Mr. UNDERWOOD, Mr. BROWN of California, Mr. MILLER of California, Ms. WATERS, Mr. MCNULTY, Mr. PASTOR, and Ms. DANNER):

H. Con. Res. 114. Concurrent resolution expressing the sense of the Congress concerning the world-wide trafficking of women and girls, whereby women and girls are coerced, abducted, or deceived into migrating within or across national borders, and particularly the trafficking of Burmese women and girls in Thailand for the purposes of forced prostitution; to the Committee on International Relations.

By Mr. RANGEL:

H. Res. 183. Resolution honoring the life of Betty Shabazz; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

148. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 130 calling upon the members of the United States Congress to rebuke the current policy of the U.S. Department of Defense regarding the return of excess lands in Guam to its original landowners, and to express the outrage of the people of Guam over this unjust policy; to the Committee on National Security.

149. Also, a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 94 requesting Congressman Robert A. Underwood to desist from introducing a measure to amend the Organic Act of Guam before Congress relative to the Office of the Governor and Lieutenant Governor; to the Committee on Resources.

150. Also, a memorial of the General Assembly of the Commonwealth of Massachusetts, relative to Resolutions memorializing the Congress of the United States to include the town of Bellingham, Massachusetts within the Blackstone River Valley National Heritage Corridor; to the Committee on Resources.

151. Also, a memorial of the General Assembly of the Commonwealth of Massachusetts, relative to Resolutions memorializing the Congress of the United States to include the towns of Charlton, Dudley, Oxford, Southbridge, Sturbridge, and Webster within the Quinebaug and Shetucket Rivers Valley National Heritage Corridor; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCNULTY introduced a bill (H.R. 2150) for the relief of Mrs. Lorraine Barde; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. HALL of Texas.

H.R. 81: Mr. BUYER.

H.R. 96: Mr. LAZIO of New York.

H.R. 113: Mr. PORTMAN.

H.R. 145: Mrs. MCCARTHY of New York, Ms. NORTON, Mr. CONDIT, and Mr. SMITH of New Jersey.

H.R. 203: Mr. DELLUMS and Mr. LUCAS of Oklahoma.

H.R. 216: Mr. BERRY.

H.R. 230: Mr. DAVIS of Florida.

H.R. 306: Mr. ROEMER, Mr. GILCHREST, Mr. CLEMENT, and Mr. VENTO.

H.R. 404: Mr. MATSUI, Mr. CONDIT, Mr. GREEN, and Mr. SESSIONS.

H.R. 438: Mr. GOODLATTE, Mr. KLECZKA, and Mr. FRANK of Massachusetts.

H.R. 475: Mr. JENKINS and Mr. CRAMER.

H.R. 505: Mr. DOYLE.

H.R. 586: Mrs. NORTHUP.

H.R. 630: Mr. DOOLITTLE.

H.R. 633: Mr. WOLF.

H.R. 676: Ms. MCKINNEY and Mrs. MINK of Hawaii.

H.R. 681: Ms. SANCHEZ.

H.R. 695: Ms. PRYCE of Ohio, Mr. LEWIS of Kentucky, Mr. KASICH, Mr. ARCHER, Mr. HANSEN, Mr. HERGER, Mr. RILEY, Mr. HILL, Mr. TAUZIN, Mr. MORAN of Kansas, Mr. BURR of North Carolina, Mr. BLUMENAUER, Mr. POMEROY, Mr. RIGGS, and Mr. KINGSTON.

H.R. 758: Mr. BARTLETT of Maryland, Mr. PARKER, and Mr. WAMP.

H.R. 805: Mr. KIM.

H.R. 859: Mr. CAMPBELL.

H.R. 900: Ms. BROWN of Florida.

H.R. 901: Mr. NUSSLE and Mr. HOEKSTRA.

H.R. 906: Mr. EWING, Mr. GILLMOR, Mr. BLILEY, Mr. DELLUMS, and Mr. GORDON.

H.R. 953: Mr. HINCHEY.

H.R. 979: Mr. PRICE of North Carolina, Mr. CLEMENT, Mr. GUTKNECHT, Mr. KLUG, Ms. MCCARTHY of Missouri, and Mr. OBERSTAR.

H.R. 1002: Mr. BROWN of California.

H.R. 1009: Mr. PICKETT and Mr. KIM.

H.R. 1054: Mr. LARGENT and Mr. ENGEL.

H.R. 1063: Mr. WATTS of Oklahoma, Mr. MICA, and Mr. LUCAS of Oklahoma.

H.R. 1114: Mr. BENTSEN.

H.R. 1120: Mr. FAZIO of California.

H.R. 1124: Mr. GRAHAM.

H.R. 1126: Mr. HUNTER and Mr. PETERSON of Pennsylvania.

H.R. 1180: Mr. LOBIONDO.

H.R. 1231: Mr. HINCHEY.

H.R. 1281: Mr. MORAN of Virginia.

H.R. 1296: Mr. MCGOVERN.

H.R. 1329: Mrs. MORELLA, and Mr. FILNER.

H.R. 1355: Mr. GRAHAM and Mr. FATTAH.

H.R. 1371: Ms. LOFGREN, Mr. BONO, Mr. TIAHRT, Mr. ETHERIDE, and Mr. SOUDER.

H.R. 1390: Mr. LEVIN.

H.R. 1515: Mr. WHITFIELD, Mr. BUNNING of Kentucky, and Mr. JONES.

H.R. 1518: Mr. MCHUGH.

H.R. 1524: Mr. GIBBONS, Mr. HAYWORTH, and Ms. PRYCE of Ohio.

H.R. 1531: Mr. ROTHMAN and Mr. WATTS of Oklahoma.

H.R. 1542: Mr. COLLINS.

H.R. 1573: Mr. VENTO and Mr. SYNDER.

H.R. 1609: Mr. SAXTON.

H.R. 1631: Mr. GOODLING and Mr. STUPAK.

H.R. 1670: Mr. MCGOVERN.

H.R. 1711: Mr. UPTON.

H.R. 1748: Mr. SANDERS and Mr. CAMPBELL.

H.R. 1764: Mr. GIBBONS.

H.R. 1773: Mr. FALEOMAVAEGA.

H.R. 1787: Mr. GUTIERREZ, Mr. SANDERS, Mr. SHAYS, Mr. ACKERMAN, and Ms. DEGETTE.

H.R. 1788: Mr. SCHUMER and Mr. ACKERMAN.

H.R. 1802: Mr. TORRES and Mr. DOOLITTLE.

H.R. 1836: Mr. SESSIONS, Mr. SHAYS, and Mr. CUMMINGS.

H.R. 1839: Mr. SKEEN.

H.R. 1842: Mr. CRAPO.

H.R. 1854: Ms. STABENOW, Mr. GREEN, and Mr. COSTELLO.

H.R. 1904: Mr. EVANS, Mr. STRICKLAND, Mr. LIPINSKI, and Mr. PETERSON of Minnesota.

H.R. 1908: Mr. BEREUTER.

H.R. 1917: Mrs. CUBIN.

H.R. 1951: Mr. REYES, Mr. MARTINEZ, Mr. ABERCROMBIE, Mr. CLAY, Mr. RUSH, Mr. BLUMENAUER, Ms. MCKINNEY, Mr. FRANK of Massachusetts, Mr. TIERNEY, and Mr. DAVIS of Illinois.

H.R. 1955: Mr. NORWOOD.

H.R. 1993: Mr. GREEN and Mr. GONZALEZ.

H.R. 2005: Mr. LAZIO of New York and Mr. FOX of Pennsylvania.

H.R. 2006: Mrs. JOHNSON of Connecticut.

H.R. 2007: Mr. STENHOLM.

H.R. 2022: Mr. OXLEY, Mr. UNDERWOOD, Mr. KLECZKA, Mr. GOODLATTE, and Ms. LOFGREN.

H.R. 2064: Mr. FALEOMAVAEGA.

H.R. 2092: Mr. BURTON of Indiana.

H.R. 2101: Ms. DUNN of Washington and Mr. HUTCHINSON.

H.R. 2120: Mr. GREEN.

H.R. 2122: Ms. LOFGREN.

H. Con. Res. 12: Mr. MEEHAN.

H. Con. Res. 13: Mr. SERRANO.

H. Con. Res. 38: Mr. CUMMINGS, Mr. KING of New York, Mr. GEJDENSON, and Mr. DAVIS of Virginia.

H. Con. Res. 65: Mr. PALLONE, Mr. NETHERCUTT, Mr. VENTO, and Mr. LEVIN.

H. Con. Res. 80: Ms. NORTON, Mrs. THURMAN, Mr. EVERETT, Mr. FOLEY, and Mr. MCHUGH.

H. Con. Res. 107: Mr. DICKEY and Mr. ABERCROMBIE.

H. Con. Res. 109: Mrs. MORELLA, Mr. HOSTETTLER, Mr. SCHUMER, Mr. BLUNT, Mr. TALENT, Mr. MCINNIS, Mr. SPRATT, and Mr. SENSENBRENNER.

H. Res. 16: Mr. GUTKNECHT.

H. Res. 37: Mr. DREIER, Mr. MANZULLO, Mr. DIXON, Mr. BOSWELL, Mr. MCGOVERN, Mr. HINCHEY, Mr. HEFNER, Mr. SAWYER, Mr. MURTHA, Mr. KENNEDY of Rhode Island, Mr. WEYGAND, Mr. HINOJOSA, Mr. KLECZKA, and Mr. TORRES.

H. Res. 122: Mr. METCALF.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2107

OFFERED BY: MR. STUPAK

AMENDMENT NO. 15: Page 89, after line 15, insert the following:

SEC. 325. None of the funds made available by this Act may be used for the eviction of any person from real property in Sleeping Bear Dunes National Lakeshore that the person was authorized, on July 10, 1997, to occupy under a lease by the Department of the Interior or a special use permit issued by the Department of the Interior.

EXTENSIONS OF REMARKS

PRESERVING PATIENT ACCESS TO METERED DOSE INHALERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SMITH of New Jersey. Mr. Speaker, today Mr. CLIFF STEARNS, my good friend from Florida, and I are introducing legislation aimed at helping those who suffer from respiratory conditions, particularly children with asthma, and preserve their access to medicines they rely upon to breath—metered dose inhalers (MDI's).

Our legislation calls upon the Food and Drug Administration [FDA] and the Environmental Protection Agency [EPA] to delay their plans to remove chlorofluorocarbon-based MDIs from the marketplace before 2005. The resolution implores the EDA to continue to allow these critically important medicines to remain on the market while environmentally safe alternatives are developed and manufactured.

As many of you know, nearly 30 million Americans suffer from respiratory diseases of one kind or another, including asthma, chronic obstructive pulmonary disease [COPD], and cystic fibrosis. When the symptoms of these diseases strike, patients reach for the safe, effective, and proven medication delivery systems that have kept them alive for years—metered dose inhalers. Quite literally, metered dose inhalers enable patients to breathe freely and often mean the difference between life and death.

These inhalers are generally powered by chlorofluorocarbon [CFC] propellants. Under the 1987 Montreal Protocol, CFC's are to be phased out globally because of the damage they are believed to cause to the ozone layer. I believe it is important to point out, however, that the signatories to this Protocol explicitly recognized that certain uses of CFC's—such as MDI's—pose relatively small environmental risk yet generate tremendous health and safety benefits, and consequently, MDIs were given a temporary Essential-Use exemption from the treaty.

Despite this global exemption and the internationally recognized health benefits of MDI's, the U.S. FDA has unilaterally decided to accelerate the phase-out of CFC containing metered dose inhalers. Under the proposed framework, CFC containing inhalers—used safely and regularly by millions of asthmatic children, adults, and senior citizens—would be banned and consumers would be forced to purchase alternative products, even if there was but a single alternative on the market. I believe that this proposal is outrageous and totally unwarranted at this time.

Although pharmaceutical companies are working diligently to develop CFC-free MDI's, the FDA proposal will force patients to abandon their existing medications and could place them at the mercy of a single supplier in certain cases. This is fatally flawed in two important respects: first, each patient is unique and responds differently to asthma medication—even to the same medication—so the one-size-fits-all approach that FDA is pursuing will harm many of these patients; and second, consumers will be charged higher prices due to the lack of competition in alternative MDI products.

Mr. Speaker, it is a well known fact that asthma is currently the No. 1 reason for school absences, and that roughly 5,000 Americans die each year from asthma-related complications. Furthermore, for millions of asthma sufferers, the single most important part of successful treatment is maintaining a steady medication routine. disrupting this routine, which is a certain byproduct of the FDA's proposal, will needlessly put the lives and health of our children and senior citizens at risk.

I am also dismayed that the FDA, by seeking to ban CFC MDI's even when only a single alternative MDI is on the market, is making the erroneous assumption that all significant patient subpopulations—such as children and the elderly—will be equally served by the alternative product. This assumption is not only incorrect, but it violates the FDA's very own procedures and rules. All products that wish to obtain a pediatric indication must be reviewed separately by the FDA to determine whether the effect of a drug on children is the same as an adult. Yet, in its zeal to phase out CFC products before the United States is even required to do so, the FDA is trampling on this principle.

An additionally egregious aspect of the FDA's proposed rule is that it is an answer in search of a problem. The United States is in absolutely no danger of missing the Montreal Protocol's compliance deadline (2005) for completely eliminating CFC's, and there is no need to abruptly ban MDI's that have been widely and safely used for years.

Furthermore, the amount of CFC's used in metered dose inhalers is so small—less than 0.025 kg per inhaler—that the marginal environmental improvement in the ozone layer that would result from the FDA plan would be virtually undetectable.

To put these amounts into perspective, consider that in 1996, transitional stockpiles of CFC's for use in air conditioners and refrigeration equipment totaled between 36,000 and 72,000 tons. The total production of CFC's used for MDI's that year was only 2,600 tons, and MDI's are responsible for less than 1 percent of the risk to the ozone layer, as measured by atmospheric chlorine levels.

In addition, while the United States and developing countries must eliminate all CFC's by 2005, developing nations can continue to produce CFC's until 2010. Unless the FDA drastically modifies or delays its plan, asthma patients in the United States will have their dependable and effective medications taken away from them while consumers in China and Inodonesia continue to use CFC's in hair spray and cosmetics.

It seems incomprehensible that anybody could support a proposal that secures negligible environmental benefits at a very steep cost to human lives and health. Notwithstanding, the FDA continues to move forward with its plan despite overwhelmingly negative public comments. I understand that the magnitude of the public reaction to the FDA's advance notice was among the greatest—in terms of the numbers of letters received—in recent history. This is even more remarkable considering that the ban on metered dose inhalers has received very little media coverage.

In conclusion, Mr. Speaker, let me say there is no doubt that pharmaceutical companies should be encouraged by the FDA to develop, test, and bring alternative products to market before 2005. However, it is absurd and downright dangerous to put asthma patients—including children whose very lives depend on adhering to familiar medical routines—at risk by pulling effective and safe products from our shelves in order to meet a self-imposed standard. There is absolutely no reason to disrupt the lives of asthma and cystic fibrosis patients in the manner FDA has proposed. That is why I have joined my friend Congressman STEARNS in introducing this resolution today.

The alternative approach that we suggest to the FDA is very straightforward: allow the existing products—proven safe and effective over years of use—to be used until 2005, and encourage the development and use of alternative [CFC-free] metered dose inhalers so that asthma patients can gradually become accustomed to the different medications without undue disruptions and risks. Rather than forcing patients to switch medications suddenly and involuntarily, our approach would allow environmentally safe products to flourish and attain widespread acceptance.

I call upon my colleagues on both sides of the aisle to reject the FDA's cold turkey policy—Australia has already rejected that strategy. The United States can achieve its goal of zeroing out CFR production in 2005 without the heavy-handed, one-size-fits-all approach that the FDA has proposed. The children and senior citizens who depend on metered dose inhalers to breathe and live normal lives surely deserve better than that.

TRIBUTE TO JACKIE O'CONNOR DOLLAR

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. RIGGS. Mr. Speaker, I rise today to commend the activities of Jackie O'Connor

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dollar, the director of the Head Start Program in Napa and Solano Counties, which I represent. Last week, Jackie was presented with the Head Start-Johnson & Johnson Excellence in Management Award for her outstanding work on behalf of Napa and Solano Counties' children.

In September 1995, the Napa and Solano County Head Start programs were consolidated into one. Although this merger increased her area of responsibility by 400 percent, Jackie handled the change in stride and went ahead with her plans to begin new programs in the Heat Start classroom.

One of her most notable accomplishments is the implementation of an inclusive school project in which preschool children with severe disabilities are integrated with regular classroom students. By working closely with the county education offices and unified school districts, 90 students who would have normally attended classes for severely mentally and physically disabled children were, for the first time, to join mainstream classes.

I have personally visited the sites that Jackie has set up and have been impressed time and again with her hard work and commitment to the education of children with special needs.

Programs like Head Start work because of people like Jackie O'Connor Dollar. Her hard work, innovation, and accomplishments on behalf of northern California's children should be held up as a model for others.

* * *

TRIBUTE TO PETER C. CAMPANELLI, PSY.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, Mr. Peter Campanelli provides vital clinical services to individuals afflicted with mental illness. In his capacity as president and chief executive officer for the Institute for Community Living, Inc. [ICL], he is confronted with a difficult task.

He has organized and directed a private not-for-profit corporation for the purpose of development and operation of community residences for the mentally ill within the catchment areas of two large State psychiatric hospitals. ICL currently provides approximately 560 residential beds within various levels of care. Truly, Dr. Campanelli provides vital services to a constituency desperate for health and social services.

Dr. Campanelli's career of commitment and dedication is exemplary. He combines his passion with pragmatism. Additionally, he passes on the breadth and depth of his experience through the process of teaching in the university environment. It is my distinct pleasure to introduce him to my House colleagues.

TRIBUTE TO THE REVEREND WILLIE T. BARROW WELLNESS MEDICAL CENTER

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. RUSH. Mr. Speaker, I rise to honor the Reverend Willie T. Barrow Wellness Medical Center of the Doctor's Hospital of Hyde Park that is being dedicated today in Chicago, IL. Originally founded in 1916 as the Illinois Central Railroad Hospital, the Doctor's Hospital of Hyde Park proudly serves more than 7,000 patients a month with a range of comprehensive community health services. And today, the hospital officially names The Wellness Center in honor of an electrifying community and spiritual leader, Dr. Willie T. Barrow, chairwoman of Operation PUSH.

The dedication of the Reverend Willie T. Barrow Wellness Medical Center marks a victory for residents of the first congressional district and the south side of Chicago. As the health care industry grows more complex and costly, and community hospitals are shuttered, it is vital that poor and working people, the very young and the very old, continue to have access to quality, preventive health care. And in a community where the infant mortality rate soars above 20, this is critical.

The hospital and the center are models of what community health care should be. Open 7 days a week, the hospital serves all in need. People without insurance, walk-ins, the homeless—all walk through the doors and receive quality care by a hard-working, well-trained staff.

The hospital and center are truly committed to the community. When the Hyde Park Community Hospital faced financial difficulties a few years ago, the leadership and perseverance of Dr. James H. Desnick assured that the hospital remained in the community, preserving more than 500 jobs and preserving health care services for residents.

Today, Dr. Desnick and the community officially name the Wellness Center in honor of Rev. Willie T. Barrow. Reverend Barrow exemplifies dedication in her life's work. As chairwoman of Operation PUSH, a founder of the Coalition of Labor Union Women, copastor of Mount Vernon Church of God in Chicago, and a long-time resident of the south shore community, Reverend Barrow truly serves the people. And in Chicago, she will be long remembered for her tireless work to elect Harold Washington, Chicago's first African-American mayor. Her commitment to human rights, civil rights, women's rights, and workers' rights inspires people across the Nation and across the globe.

As Congressman of the first congressional district, I send my heartiest congratulations to Dr. Desnick, the hospital board, the Community Advisory Board, and the 700 staff members, on the occasion of the dedication of the Reverend Willie T. Barrow Wellness Medical Center.

I am honored to represent the district that is home to the Reverend Willie T. Barrow Wellness Medical Center and to my good friend, Rev. Willie T. Barrow. And I pledge to continue my fight both in Congress and the city of Chicago to protect the survival of health programs like the center that promise to be a model for comprehensive community health care for people in need.

I am proud to offer these words of congratulations.

* * *

TRIBUTE TO LOLETA, CA, ON ITS CENTENNIAL

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. RIGGS. Mr. Speaker, I rise to celebrate the centennial of the beautiful community of Loleta in Humboldt County, CA, which I am privileged to represent.

I visited Loleta, which overlooks the picturesque Eel River Valley, just 2 weeks ago. The origin of its name is credited to the Wiyot Indians of the valley as a name for a pleasant landmark. In this case, we are told, a quiet slough.

A.J. Doolittle made a map of Humboldt County in 1860, and it was adopted by the Humboldt County Board of Supervisors. There was no Loleta then, nor much of anything else. But from the gentle slope of the last of the foothills now occupied by today's Loleta, the map shows a nearby road from Dungan's Ferry, past W.J. Wing's, W. Ellery's, T.H. Foss', to L.H. Hawk's, en route to J.A. Sawyer's on Table Bluff.

An old Humboldt County Great Register for 1888 indicates Samuel Swauger, a 59-year-old native of Pennsylvania, ranched on what is now Loleta and registered to vote the previous year.

The late historian M.A. Parry, who wrote his masters thesis at Humboldt State University on Loleta, said Eel River & Eureka Railroad built Swauger's Station, now Loleta, in 1886. "From 1884 to 1886 the station amounted to no more than an uncovered loading platform standing beside a short length of track," he wrote. In 1898, as traffic increased, a new and larger depot was constructed. Swauger Station had been on the old structure, while "Loleta" appeared on the new.

Parry had this to say about the name of Swauger and Loleta: "In 1897, a faction of the community not satisfied with the name of the town, settled on 'Loleta' as what they wanted in place of 'Swauger's Station.' The word was of Indian origin and was said to mean 'pleasant place.' Actually it was three Indian words, 'Lo-le-tah,' meaning, 'pleasant place at the end of the water.' Loleta was just that; a pleasant place at the end of Hawk's Slough which no longer extends so far inland."

By adopting Loleta as the town name, the community did no more than adopt the name the community's Indians had used for years. The name became official in February 1897 when Will Perrott filed a map with the county recorder entitled "Loleta—Amended Map of Swauger's." The railroad company and the post office followed suit the following year.

And now, beautiful Loleta, famous for its fine dairy farms and livestock ranches, prepares for the centennial celebration. I congratulate Robert Laffranchi, president of the

Loleta Chamber of Commerce, and all the people of Loleta for what I'm sure will be a wonderful day of festivities.

TRIBUTE TO YASHPAL ARYA, M.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Dr. Yashpal Arya. Dr. Arya is chief of gastroenterology/endoscopy at Wyckoff Heights Medical Center. He has worked at Wyckoff since 1976.

Born in India, and medically trained in his homeland, Dr. Arya has established an impressive portfolio of professional achievements. He is a member of numerous committees and organizations, including the American College of Gastroenterology, the New York State Medical Society, and the Queens Medical Society. Additionally, he has been the recipient of the Isadore Caputo Memorial Award from Wyckoff Medical Center, and the Teaching Excellence Award from Wyckoff Medical Center.

I am pleased to recognize the contributions of Dr. Arya, and wish him continued success in the medical profession. The community of Brooklyn is fortunate to have a medical practitioner with Dr. Arya's background and commitment working at Wyckoff Heights Medical Center.

NATIONAL GUARD HONORED

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. DAVIS of Florida. Mr. Speaker, the brave men and women of the National Guard were honored at the world premier of Charles Gabriele's "National Guardian's March" presented in Venice, FL, on May 19, 1997, at a concert of the Venice Concert Band directed by Bill Millner. The National Guard in recent years served in Desert Shield and Desert Storm, and in Florida in the aftermath of Hurricane Andrew and Hurricane Opal.

During the concert, U.S. Army Brig. Gen. Steven Solomon, Commander of the 83d Troop Command, presented the Venice Concert Band and Professor Gabriele each with a framed Certificate of Appreciation "for exceptional service to the National Guard." Gabriele is noted worldwide for his classical compositions and patriotic marches, such as "Korea Veterans March," which was performed by the U.S. Army Band for the dedication of the Korean War Memorial in Washington, DC. Also during the program, Sarasota County Commission Chairman Robert Anderson presented the Venice Concert Band and Dr. Gabriele with commendations; and city of Venice Vice Mayor David Farley, Councilmen Earl Midlam, Burt Brown, and Virginia Warren presented them with commendations and a flag of the city of Venice.

Members of the band who performed in the historic premier of the "National Guardian's March" were: Renee Arata, Marilyn Bay, Jan Bonds, Henry Busche, Russell Byron, Fred Capitelli, Harold Chase, Rogers Cumming, Carmelo Cuscina, Vicki Elmore, Mary Ann Farrell, Jay Fish, Judson, Vincent Gigliotti, Harry Gilmore, Les Gowan, Ed Gremp, Charles Heidorn, Willie Jacus, Bob Kaltenbaugh, David Leath, Carl Linden, Mary Lipton, Julie Mahler, Robert McMullen, Les McRea, Alex Meldrum, Bill Meyer, Rex Morse, Shirley Morse, Mary Mullen, George Olisar, Stanley Ovaitt, Fred Ploch, Marilyn Sexton, Jane Sibole, Larry Shields, Ken Sotherlund, Bob Spangle, Missy Thornley, Connie Timm, Michael Torino, Basil Wanshula, Agnes Warfield, Roger Wolfe, and Don Yasso.

Mr. Speaker, I ask that my colleagues join me in applauding this well-deserved tribute to the National Guard.

TRIBUTE TO FRANK LONARDO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend Mr. Frank Lonardo for his vast contributions on behalf of organized labor. Mr. Lonardo is a 40-year veteran of the International Longshoremen's Association, AFL–CIO. He is the president of ILA 1814 and was reelected International General Organizer at ILA's 1995 convention.

To his credit, Mr. Lonardo has worked his way through the ILA organization. He started working on the docks of Brooklyn as a teenager and throughout his career has served in a number of capacities, including assistant treasurer of the Brooklyn Longshore Credit Union, and as assistant to the president of Local 1814.

Among his other duties, he has served on the executive board of the New York City Central Labor Council and is a trustee of the New York Maritime Ports Council of the Maritime Trades Department. Frank and his wife Patricia are the parents of four children, Jeanine, Frank Jr., Joseph, and Alicia.

COMMEMORATING INDIA'S 50TH ANNIVERSARY OF INDEPENDENCE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. SCHUMER. Mr. Speaker, I rise today and ask my colleagues to join with me today in commemorating the upcoming 50th anniversary of Indian independence.

On August 15, 1947, India gained its freedom from British colonial rule and became an independent nation. The Indian peoples struggle for democracy mirrored very much our Nations' own experience. We share a kinship because we believed, then and now, in the same principals and notions of democracy for our citizens. India's great national leader, Mahatma Gandhi, studied American thinkers, such as Emerson and Thoreau, for their ideas, inspiration, and courage to press on with the struggle for democracy. And leaders in America looked to his example of nonviolence in guiding our Nation during its most turbulent civil rights period.

On August 15, 1997, we celebrate half a century of democracy in India which has developed into the largest democracy in the non-Western world. This populous democracy is home to 950 million people and represents a true multiethnic state where 18 major languages and over 100 dialects are spoken. Let us celebrate their commitment to human rights, the rule of law and the principals of peace, and the successful transition of power in that country's most recent parliamentary elections. It is clear to me, as it should be to all here today, India's democratic institutions remain quite strong and we can look forward to many more years of democratic growth and independence.

TRIBUTE TO CHARLES E. SIMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, I would like to recognize Mr. Charles E. Simpson for his consistent and competent efforts in the field of corporate reorganizations, divestitures, and workouts.

Presently, Mr. Simpson is in charge of bankruptcy/creditors' rights department of the firm of Windels, Marx, Davies and Ives in New York City. During his professional career, Charles has developed an impressive track record on behalf of clients such as Bancorp, Pantry Pride, Central Railroad, Braniff, Vanguard Oil & Service, and a host of other companies.

Mr. Simpson is a member of numerous boards, including the Brooklyn Red Cross. He served in the U.S. Army, attended Harvard Law School, and received his undergraduate degree from Pepperdine University. I am pleased to highlight Mr. Simpson for his tireless and persistent endeavors.

ALMOR WEST AND PIONEER PARK SCHOOLS EARN AWARD

HON. J.C. WATTS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, recently the Department of Education announced the selection of elementary and middle schools which were awarded the prestigious Blue Ribbon School Award. I am proud to announce that two schools from Lawton, OK, have been recognized.

I am delighted to congratulate Pioneer Park Elementary School and Almor West Elementary School on this great achievement.

These schools display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. Blue Ribbon School status is awarded to schools which have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to parental involvement; and evidence that the school helps all students achieve high standards.

This is an honor that is vigorously sought by thousands of schools across the Nation. We are so very proud of the students and teachers, the parents and administrators, and all at Pioneer Park and Almor West Elementary Schools who have been selected for this distinguished recognition.

TRIBUTE TO DECOSTA HEADLEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, it is my pleasure and privilege to honor Mr. DeCosta Headley for his contributions in the community of Brooklyn. Mr. Headley is the founder of the Rosetta Gaston United Democratic Club and a dynamic player in the political and economic affairs of the communities of Brownsville and east New York.

DeCosta was raised in Brownsville and east New York, and has been instrumental in providing college scholarships for youth, jobs for community residents, and full services for senior citizens.

As an entrepreneur, Mr. Headley is the president of Diversified Flintlock Corp., a general contracting company. His company has built numerous medical centers, low-income affordable housing units, and has just recently completed a senior citizen housing unit of Berean Missionary Baptist Church in Brooklyn's east New York neighborhood, and a branch of the Carver Federal Savings Bank in Harlem.

DeCosta has been widely recognized for his civil, political, and corporate endeavors. I am pleased to commend his efforts and recognize his vast contributions.

TRIBUTE TO OFFICER WILLIAM COLEMAN COOK AND OFFICER ROBERT VARGAS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to join with our community on July 11, 1997 to pay tribute to two of Dade County's finest, Officer William Coleman Cook and Officer Robert Vargas, who sacrificed their lives in the line of duty.

When he responded to a domestic disturbance on Wednesday May 16, 1979, 25-year-old Officer William Coleman Cook was already a 6-year veteran of the Metro-Dade Police Department. Officer Cook was shot and killed in the process of apprehending a U.S. Army deserter who had shot his wife, another woman, and critically wounded two other Metro-Dade officers.

Officer Robert Vargas had just celebrated his 28th birthday on February 4, 1997 when he was assigned to a robbery task force as part of Dade County's Operation Clean Sweep. On February 7, he responded to a call for assistance from fellow officers in pursuit of fleeing robbery suspects. While en route to assist his colleagues, Officer Vargas collided with two vehicles as he attempted to avoid a wheelchair bound individual along the way. His car was struck head-on by another vehicle, and he died instantly on the scene.

Officers William Cook and Robert Vargas represent the best and the noblest of our Dade County Police Department. They put their lives on the line on behalf of our community and risked their own safety. Their ultimate sacrifice truly exemplifies the willingness and readiness with which they served and protected us—above and beyond the call of duty.

The dedication and commitment to duty shown by Officer Cook and Officer Vargas is a great legacy they have forever bequeathed to our community. We owe a debt of gratitude to them and the loved ones they left behind.

Public servants to the very core, Officers Cook and Vargas truly epitomize the genuine bravery and heroism of which the great soldier, Gen. Douglas McArthur, spoke when he said, "They only are fit to live—those who are not afraid to die."

TRIBUTE TO ANTHONY WATSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Anthony Watson for his outstanding contributions to the health care community. Mr. Watson is the president and chief executive officer of the Health Insurance Plan of Greater New York [HIP], one of the largest health maintenance organizations [HMO's] and the largest HMO in the northeastern United States.

HIP is celebrating its 50th anniversary and Anthony Watson has played a pivotal role for HIP since 1985. Anthony has almost 20 years of experience in major public health agencies. He was formerly the supervising public health adviser at the Centers for Disease Control [CDC], the former deputy director of the New York City Comprehensive Health Planning Agency, in addition to having served as an instructor in health planning at the Herbert J. Lehman College of the City University of New York. Anthony has received numerous accolades and awards. He serves on various boards.

Mr. Watson resides in New York City with his wife, Desiree, and their two children, Alayja and Sheridan.

A TRIBUTE TO DAVID MAYER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to an outstanding individual, David Mayer of Franklin, WI. On July 5, 1997, David was honored by the Franklin Civic Celebrations Commission with a moving recognition ceremony highlighting his many years of dedicated service to his community.

David was born in the town of Franklin in the fall of 1918. For many years he was a partner with his brothers in a business founded by his father, Robert Mayer. He is a World War II veteran who has raised four children with his wife, Doris.

David was first elected as a Franklin supervisor in 1948 following the retirement of his father. He was responsible for many of the early accomplishments in the growing community. The town's first fire truck was brought to Franklin with David's help. That same truck was in Franklin's Fourth of July Parade this year.

David was a vital part of Franklin's city incorporation in the mid-1950's, going house to house to collect signatures from supporters of the incorporation. In the city's first election on October 2, 1956, he was elected as an alderman, and for the next 40 years he would serve under 7 mayors until his retirement in 1993.

As an alderman, David was active on many boards and commissions. He served as the council president and was also a member of the 4th of July Commission, the board of public works, and the library board. David was also an active member of the Franklin Historical Society.

I am proud to say that I know David Mayer. He has always been a man of integrity, warmth, and sincerity. Congratulations, David, on this ceremony. You truly deserve it.

TRIBUTE TO BRIAN DOUGLAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, Brian Douglas of Cablevision of New York City has been a vital contributor in the field of telecommunications. As the public affairs manager for Cablevision he is responsible for government relations, community affairs, and public relations.

His duties include administration of the company's franchisee requirement with the city of New York, dealing with elected officials, educational outreach, and responding to the public and the press.

Brian has been employed by Cablevision since 1988 and is formerly a sales representative for Time Warner's Brooklyn Queens Division. He holds a B.A. in television and radio from Brooklyn College and graduate degree in mass communications from Drake University. Brian is also a member of the National Association of Minorities in Communications

[NAMIC]. I am pleased to commend Brian for his numerous contributions and to introduce him to my House colleagues.

IN RECOGNITION OF DR. MINA SARA BARRETT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the students and faculty of SUNY College at Old Westbury, NY, as they honor Mina Barrett for outstanding professional and public service. Dr. Barrett was born in New York City in 1948 and at a very early age established her academic credentials. She was an honor student at Oceanside High School and received her graduate and undergraduate degrees at the State University of New York at Stony Brook in the field of psychology.

In 1975, Dr. Barrett came to SUNY College at Old Westbury and became one of the founders of the Psychology Department. Rising to the position of associate professor, Dr. Barrett immediately became active on a variety of academic committees. Yet to the great benefit of both the academic and general communities of the greater New York metropolitan area, Dr. Barrett embarked upon a course of community service that would serve as a model for effective community activism.

Recognized for her deep understanding of the human mind, Dr. Barrett was appointed as a Red Cross Disaster mental health psychologist and became codirector of the Nassau County Chapter of the Red Cross for mental health. It was in 1994 that she was called upon by the city of Los Angeles to serve in an assisting office in the city's tragic earthquake. For her service rendered to the city of Los Angeles she received the Henri Dunant Humanitarian Award. Her services were again utilized by the residents of Long Island in 1994 during the east end fires for which she received a service citation. During the tragic crash of TWA flight 800, she served as coordinator of mental health, rescue and relief working 18 hours a day training and directing health teams.

Mr. Speaker, Dr. Barrett's activities in human relations and women's issues have given her an international reputation. I ask my colleagues to join with me and rise to salute Dr. Mina Barrett for her devotion and for all she has done to enhance our world.

TRIBUTE TO JOHN L. EDMONDS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, it is my pleasure to highlight the accomplishments of Mr. John L. Edmonds, a prominent real estate developer in New York City. Mr. Edmonds and the Edmonds Group specializes in the development and rehabilitation of housing units for low- and moderate-income families.

It is the dream of every American family to own their own home. The Edmonds Group has been directly responsible for making home ownership a reality for many families in New York. The group utilizes a combination of sources to achieve home ownership, including Federal funds, HUD tax credits, and State and local loan guarantees.

As the largest minority developer in the city of New York, Mr. Edmonds has recently developed five low-income housing projects in Manhattan. Despite fierce competition, the Edmonds Group has been able to prosper and has a 100 percent completion rate of projects it has undertaken in New York City.

ODYSSEY OF THE MIND WORLD FINALS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PACKARD. Mr. Speaker, today, I come before you to recognize a few very special and talented young people from my district. On Wednesday June 6, the opening ceremonies for the Odyssey of the Mind world finals were held at the University of Maryland. This competition challenges the intelligence, creativity, and team work of those participating. Competitors came from all over the world to be a part of this wonderful event.

Among those who placed were 13 young men and women from the 48th Congressional District of California. Palmquist Elementary School in Oceanside and Aliso Viejo Middle School in Aliso Viejo won top honors. Both schools won first place in the Odyssey of the Mind State competition and earned their way to the world competition this summer.

It is refreshing to see programs like Odyssey of the Mind, that challenge the young people of this country to get involved. These men and women hold the key to the future of America. It is encouraging to see their young minds at work, bettering themselves and this country with each new challenge they take on.

I congratulate each of these young people for their accomplishment. With that in mind, I would like to close with the Odyssey of the Mind's pledge: "Let me be a seeker of knowledge, let me travel uncharted paths, and let me use my creativity to make the world a better place in which to live." This is a motto we could all live by.

TRIBUTE TO SETH EDWARDS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, I rise today to recognize Mr. Seth Edwards for his valuable contributions in the banking industry. Mr. Edwards is a vice president in Chase Manhattan Bank's Community Development Group, and is the manager for Chase's community affairs in Brooklyn.

During his 28 years of service with Chase, he has performed a variety of duties at international posts in Greece, the Middle East, Canada, and the Dominican Republic.

Seth was born in Oklahoma and grew up in Liberia, West Africa. He graduated magna cum laude from the University of Liberia with degrees of anthropology and sociology. He joined Chase after a year of graduate study in France, and a tour of duty in South Vietnam with the United States Army. He is presently on the board of the HOPE Program and on the business advisory council of community school district 13. I am pleased to acknowledge Seth Edwards' contributions.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1997

Mr. SNOWBARGER. Mr. Speaker, during the past several months, I have listened carefully to the residents of the third district who took the time to contact me about renewal of most-favored-nation status for the People's Republic of China.

To those who passionately oppose renewing MFN because of China's treatment of dissidents, let me say that we agree on everything but the solution. I have heard from many of my constituents that China's human rights record is an abomination—and I agree. Many have pointed out that China's repression of Christians and members of other faiths is an outrageous assault on the most basic of human liberties—and I agree. Others have suggested that the Chinese Government's policy of forced abortions and sterilizations cries out for condemnation from every civilized country—and I agree. Still others have expressed grave concern about China's involvement in the proliferation of weapons of mass destruction—and I agree.

We disagree on one point. I do not accept the notion that the United States can effectively deal with human rights abuses in China by raising taxes on Americans. And that is what this issue is about.

I have enormous respect for those, like Dr. James Dobson, who point to the need to address China's human rights violations. However, I also note that others whose moral vision I hold in equally high esteem, such as Dr. Billy Graham and many Christian missionaries in China itself, argue just as passionately against disengagement with China. The persecution of Christians and other religious minorities in China is appalling. Yet those that preach the gospel in China say that if America were to revoke MFN Christians would face even greater persecution.

It seems to me the key test of the effectiveness of any sanction, such as withholding MFN, is whether the sanction is likely to produce the desired effect. Does anyone believe that a government that is willing to commit heinous crimes against its own people will be moved to reform its system as a result of a sanction aimed more at Americans than at China? Clearly, there is legitimate difference of opinion on how best to support those who suffer under the Chinese Government's oppression. I would hope that those who differ on the means would not vilify each other when they share the same ends.

I have co-sponsored a bill that would target tough sanctions at the elements of the Chinese Government that are responsible for atrocities against their own people and threats to our country. Under this proposed bill, the Chinese companies responsible for the illegal importation of AK–47's into California would be prohibited from exporting to the U.S. and the Federal Government would be required to publish a list of all companies affiliated with the Chinese People's Liberation Army [PLA]. It would prohibit the granting of U.S. visas to Chinese government officials involved in the Tiananmen massacre. The United States would be required to reduce assistance to organizations that support China's so-called family planning program and to vote against all loans to China from international organizations to which we belong. Finally, the President would be required to encourage our allies to join us in these sanctions.

Many Members of Congress—on both sides of this issue—have taken stands for their beliefs. It would have been easy to voice my outrage at China's transgressions by voting against renewal of MFN, regardless of whether doing so would have any impact on China's behavior.

But I believe I owe it to my constituents to base my vote on the merits of the issue, not on the politics. My vote is based on what revocation of MFN would do to Americans. First, we should understand that most-favored-nation status is the normal trade treatment we extend to nearly every country in the world. In fact, there are only six countries that the United States does not extend MFN to: Cuba, Laos, Vietnam, Afghanistan, North Korea, and what's left of Yugoslavia. Even Iran, Iraq, and Lybia, on which the United States has imposed a total embargo on trade, technically have most-favord-nation status.

Revoking MFN means that imports from that country are subject to dramatically higher taxes—taxes that are paid not by China, but by American companies and passed on to American consumers. A cut-off of MFN would increase the average tariff on Chinese imports from about 6 percent more than 44 percent, resulting in $27 to $29 billion in higher costs to American consumers. The shoes Kansas families buy would jump in price from $11 to possibly $20 to $25. This is the kind of sudden price increase that can blow a big hole in a family's budget

I did not come to Congress to raise taxes—even import taxes—on American citizens, especially not a 74-percent increase.

Moreover, China would likely retaliate against a loss of MFN status by restricting U.S. exports to and investment in China. Hong Kong and Taiwan would also be especially hurt: Hong Kong would lose at least 61,000 jobs.

But more important would be the effect on my Kansas constituents. One out of every seven Boeing 737's built in Wichita is sold to China and subcontractors in the Kansas City area would lose jobs if this trade were interrupted. China always has the option of buying Airbus; Boeing cannot so easily sell its airplanes somewhere else. And if Boeing can't sell its planes, many of my constituents will lose their jobs. And, of course, China is also a prime customer of Kansas farmers.

There is also the question of what China would do to make up for the loss of hard currency that removal of MFN would cause. What else does China make that finds an international market? Arms—and technology that can be used for producing weapons of mass destruction. If China were to increase these sales, our security interests would be directly threatened.

I do not intend to defend the Clinton administration's policy—if indeed it even has one—toward China. In fact, the many allegations involving illicit Chinese involvement in the American political system and how that involvement might be related to administration policy toward China has been a major concern of mine about the renewal of MFN. This administration's reluctance to address the potential security threat that China's military buildup could pose to the United States in the future has contributed greatly to the public's unease about trade relations with China.

But I do not agree with those who believe this vote represents appeasement of an obviously hostile power. Unlike the case of the Soviet Union in the late 1940's, I do not see evidence that the Chinese Government has resolved to proceed with an aggressive military strategy to achieve their goals. What is certain is that our allies, both in East Asia and Europe, will not treat China as a military treat.

Americans—especially farmers in Kansas and elsewhere—learned a painful lesson during the Carter administration about the futility of unilateral sanctions. Since clearly the United States cannot at this time—especially under the present administration—rally the rest of the world into an anti-China coalition, any move by the United States to isolate China would instead isolate us.

I was frequently asked during my campaign last year about my position on this difficult issue. I responded then that I favored MFN not for China's sake, but for America's. Having weighed carefully the substantial evidence on both sides, I continue to believe that it is in this country's interest, and in the interest of the moral principles we represent, to maintain a normal trading relationship with China.

TRIBUTE TO MORTI HIRSCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

Mr. TOWNS. Mr. Speaker, I want to recognize Mr. Morti Hirsch, a long-time resident of Brooklyn, for his outstanding civic contributions. Morti is the owner of Active Fire Sprinkler Corp., the largest fire sprinkler company in Brooklyn. His company employees several hundred Brooklynites.

A professional engineer, Morti Hirsch is affiliated with the American Society of Sanitary Engineers, of which he is a past president. He has also been the past president of the New York Fire Sprinklers Contractors Association. Active in many professional arenas, Mr. Hirsch also founded the Brooklyn Navy Yard for Foreign Business, of which 200 small- and medium-size companies are members.

Mr. Hirsch was born in Brownsville, Brooklyn, where he has lived for over half of his life. For the past 27 years he has worked at the Brooklyn Navy Yard and is the father of three children, Eve, Joseph, and Ann. I am pleased to acknowledge the contributions of Mr. Morti Hirsch.

BALANCED BUDGET ACT OF 1997

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1997

Mr. SANDLIN. Mr. Speaker, today the House of Representatives passed the Budget Reconciliation Spending Act, H.R. 2015, a bill to reduce spending programs. I voted to protect seniors, children, low income workers, and Texas. While I strongly support the goal of the legislation to balance the Federal budget, and while I voted for the balanced budget agreement of 1997, I could not support this legislation.

I support Medicare reform to extend the solvency of the Medicare Program. However, this bill cuts Medicare by $115 billion and still only extends the program for only 8 years, not the 10 years called for in the budget agreement. The proposed changes saddle health care providers with over $100 billion of the cuts, potentially leading to a deterioration in the quality of care. In addition to these cuts, Medicare premiums for the average beneficiary would rise by over $15 per month, placing an unbearable burden on many seniors vulnerable to rising costs.

In addition to higher premiums for Medicare beneficiaries, this bill also hits another senior group by cutting veterans' benefits. The legislation reduces veterans' benefit cost of living adjustment [COLA] by rounding down and by limiting future increases.

We have created laws to protect workers from abuse in our society. However, the Budget Reconciliation Spending Act specifically exempts from these laws workers who are trying to leave the welfare rolls for jobs. These workers would be denied worker protections against discrimination and sexual harassment and not allowed time off for family and medical leave to be with their families in times of need. We should be giving these workers more reasons to find a good job, not giving them more reasons to stay on welfare.

Workers in my district would be further harmed by this legislation because of provisions to privatize food stamp and Medicaid eligibility. Aside from concerns regarding a profit-seeking company determining the Medicaid eligibility of an impoverished family, this provision would jeopardize the jobs of State employees everywhere. These people work hard at their jobs, do an excellent job, and do not deserve to lose their jobs in order to reach a questionable goal.

Finally, the State of Texas bears a disproportionate share of Medicaid savings under the House reconciliation proposal regarding disproportionate share hospital [DSH] payments. Texas alone represents over 13 percent of the cuts to the DSH program, and will have DSH payments cut by 40 percent in the year 2002. Texas has the third largest Medicaid population in the country and is disproportionately affected by legal and illegal immigrant populations. DSH payments to Texas are used to serve the uninsured population, especially in rural areas. Many people in this population, with no other options for health care, could be denied basic health care services if this provision is included.

I want to see a balanced budget. I have made a pledge to the people of east Texas to work for a balanced budget. Unfortunately, I cannot support a balanced budget that balances the budget on the backs of seniors, children, workers, and Texas health care funds. This bill is bad for the American working families, bad for the American economy, and bad for America. I urge my colleagues on the conference committee to compromise on a bill that benefits working Americans instead of one that harms them.

THE BOROUGH OF PHILIPSBURG—200 YEARS OF HISTORY AND SPIRIT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. SHUSTER. Mr. Speaker, I rise today in recognition of the 200th anniversary of the founding of one of the great boroughs in my congressional district, the borough of Philipsburg in Centre County, PA.

Philipsburg is located in the Moshannon Valley, a region rich in history and spirit. The area was a dense wilderness in 1794 when two Englishmen, one by the name of Henry Philips, decided to settle on a tract of land in a mountainous region beside Moshannon Creek. The only road into town was a footpath, a far cry from modern Philipsburg's transportation network. In 1797, Philips and his partner attracted the first 12 settlers by offering them each a house lot in town and 4 acres of land. These 12 individuals faced a formidable task in carving out a settlement from the thick forest. Nevertheless, by winter of that same year, sings of civilization appeared in the form of cabins and mills, and the first use of the word "Philipsburg" appeared in the daybook of the Philips' store. Over the next 67 years, the settlement matured into a thriving community, finally being incorporated as the town of Philipsburg by petition on November 29, 1864.

Although the face of Philipsburg has changed in its evolution, its most basic tenets have not. Since its formation, Philipsburg has been a growth-oriented community well-known for its residents' strong work ethic and sense of family values. Residents truly appreciate the value of an honest day's work and take great pride in their efforts. These characteristics make the town and the Moshannon Valley as a whole very attractive to business and industry. Indeed, the success and expansion of several local businesses offers testimony to the caliber of the work force. The fact that several national corporations have chosen Philipsburg as home also reflects their overall confidence in the region.

Nevertheless, there is more to a community than its history and development. For some, the most important component of a community is its character, especially for those individuals seeking an exception quality of life. True to form, Philipsburg does not disappoint in this category either. The beauty and serenity of the surrounding hills truly make it an ideal place to live. Each season distinctly enhances the town's natural beauty, whether it be the colorful fall foliage of the peaceful blanket of winter's snow. Recreation and other activities abound within the area. Festivals, parades, church suppers, and youth sports are embraced by the community as a whole and evoke a sense of hometown atmosphere to native residents and newcomers alike. Visitors are not viewed as strangers as is so often the case today, but treated as family.

Mr. Speaker, I am indeed privileged to serve such an idyllic and distinguished community. I urge you and all of our colleagues to join me in wishing the citizens of Philipsburg a very happy 200th anniversary with positive outlook for another 200 years of continued growth and prosperity.

AMITY PRESBYTERIAN CHURCH CELEBRATES ITS 200TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in recognition of the Amity Presbyterian Church's 200th anniversary. It has served the spiritual needs of the people of the Warwick township in Orange County, NY for 200 years, and God willing, it will serve the people for many more years to come.

The Amity Presbyterian Church has grown as America has grown. It was organized when our Nation was just 21 years old under the name of the Presbyterian Society of Amity. At the time of the organization, John Adams was President, and our Nation was in its first year without the father of our country, George Washington. As our Nation grew so has the church. The Amity Presbyterian Church has been there during our Nation's moments of triumph, and during our darkest times. For 200 years, the Amity church has heard the prayers, and problems of Americans. It still stands, much like our Nation, strong, proud, and glorious.

The Amity church moved into its present building just after the conclusion of the War Between the States, and was remodeled in 1931. The church is presently undergoing a renovation, which started in 1994, which will hopefully restore it to its former glory.

Mr. Speaker, I invite our colleagues to join with me in extending our congratulations to the congregants of the Amity Presbyterian Church as they celebrate this significant milestone.

TRIBUTE TO ROBERT (BUTCH) BEMMES

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PORTMAN. Mr. Speaker, I would like to acknowledge to many outstanding contributions of a good friend and constituent, Robert (Butch) Bemmes, who is retiring as a member of the city council of Reading, OH, on July 15, 1997.

A lifelong resident of Reading, Butch Bemmes has spent years giving back to his community. He is a carpenter by trade and owned the Butch Bemmes and Sons Construction Co. He volunteered for years with the Valley Youth Organization, coaching Little League baseball. For 30 years, he volunteered by carrying down markers at Reading High School football games. This year, he personally collected donations to purchase a wheelchair lift for Veterans Stadium in Reading to allow the disabled to enjoy the Friday night football action. He also served as president of the Reading athletic boosters during the 1970's.

Butch has also been active in public service. He served two teams on the Reading city council, where he served as chairman of the recreation committee; chairman of the zoning, planning and environment committee; and a member of the laws and contracts committee. He also served as Reading's city representative to the Ohio-Kentucky-Indiana Regional Council of Governments, city representative for the Mill Creek Watershed committee and liaison for council and the school board committee.

Even with all these accomplishments, his first love has always been his family. Butch and his wife, Paula, raised nine children to whom they are devoted. And their family now includes 26 grandchildren and 3 great-grandchildren.

Mr. Speaker, throughout his life, Butch Bemmes has worked to make his city and his country a better place to live. I salute his many contributions and wish him well.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999, for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes:

Mr. LoBIONDO. Mr. Chairman, I rise alongside my colleagues from the Coast Guard and Maritime Transportation Subcommittee in strong support of the amendment to H.R. 1119 offered by my good friend, Mr. FRELINGHUYSEN.

Mr. Chairman, the Delaware Bay, which stretches across the width of the second district, is a high-traffic area for tankers transiting to and from Philadelphia. From Cape May Point, watching the tankers on the horizon, I am reminded that a disaster like the *Exxon Valdez* spill could happen again at any time—so I am thankful for the much-needed safeguards put in motion by the Oil Pollution Act of 1990 [OPA 90]

The double hull provisions in OPA 90 were created expressly for the purpose of preventing another disaster like the *Valdez spill.* Anyone who doubts the wisdom of these requirements should visit the bayside communities in the second district. It would be plain to see the amount of wildlife and coastal vegetation that would be affected by a spill is too staggering to comprehend. Commercial and recreational fishermen who rely on the Delaware Bay would face certain losses as well.

That is why I strongly object to shippers attempting to remeasure or reduce their vessels' gross tonnage in order to evade the double hull requirements. Each year that owners or operators extend the life of older vessels only increases the chance of a disastrous hull breach. Mr. Chairman, we can close this loophole in OPA 90 now, or agonize over why we did not after the next spill occurs.

While I am a strong supporter of American cabotage, and believe that international shipping is vital to the commerce of the United States, we cannot have shippers abusing the law. Mr. FRELINGHUYSEN'S amendment is a commonsense improvement, and I urge its support to all my colleagues.

TAXPAYER RELIEF ACT OF 1997

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2014) to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998:

Mr. SANDLIN. Mr. Chairman, east Texans are overburdened by taxes. They work hard and take home too little of their paycheck. I understand that the deficits of the 1980's have limited the amount of tax relief we can offer to the people, but I feel strongly that we must offer what we can. Families need help covering the expenses of raising their children. They need help paying for the expenses of higher education. They need to be able to keep more of the money they earn from their long term investments. And they need to be able to pass family farm or a family business to their children without having to sell it to pay taxes when they pass away.

East Texans need tax relief, and that is why I voted for H.R. 2014, the Taxpayer Relief Act. No legislation is without flaws, and I hope to see a slightly different bill when it comes back from conference committee. Tax relief should be directed toward working middle class families—the backbone of our Nation—and I am concerned that the current bill gives too great a tax break to those with higher incomes at the expense of hard working families. However, this bill is an important step in reducing the tax burden of the people in east Texas.

The budget agreement crafted by Congress in 1993 put us on a path for tax relief. Our deficits have fallen significantly over the past 4 years, and it is now time to reward the people for shouldering their share of the load. Today, we passed legislation to give families $500 for each child they are raising, to offer tax breaks on tuition for students in higher education, to reduce the capital gains tax, and to increase the exemption for the estate tax.

As I said, this bill is far from perfect. For example, the legislation does not adequately protect worker's rights and fails to immediately raise the estate tax exemption. The exemption, now $600,000, would increase to $1 million with this bill, but not until 2007. Many families in east Texas who own farms or small businesses could end up losing significant portions of their family property waiting for this provision to be implemented. The exemption should be $1 million now, not 10 years from now.

I voted for this bill in spite of its imperfections which must be corrected in conference committee. I voted for this bill because I want tax relief for working families in east Texas. Over the next several weeks, I will be working with my colleagues to improve the bill so that we offer tax relief in a fair and equal manner; today, however, I am proud to say that I voted to save the taxpayers $85 billion in taxes over the next 5 years.

BLENHEIM CELEBRATES 200 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. SOLOMON. Mr. Speaker, the true character of America was shaped, not in its largest cities, but in countless small towns and villages.

The spirit of pride, patriotism, and voluntarism is alive and well in these smaller communities, where everybody knows and cares about everybody. I'd like to say a few words this morning about one such community, one of my favorites.

The town of Blenheim was the largest of six towns formed in Schoharie County on March 17, 1797. Its most famous landmark is the Blenheim Covered Bridge, the longest single span wooden covered bridge in the world and a national registered landmark. The town's most famous son was Hezekiah Dickerman, who built a large tannery after moving there in the 1840's.

Another famous figure was Capt. Jacob Hager, who, along with his brothers fought in the Revolutionary War and had several encounters with the Iroquois Indians in the Schoharie Valley. Some of the present-day Hagers still live on part of the original Hager property.

The town of Blenheim is also home to Lansing Manor, home of Judge John Lansing's daughter and her husband. Lansing played a role in developing our Bill of Rights. The Lansing Manor is currently home to the New York State Power Authority Visitors' Center.

The town still has a one-room school house which has been reopened as a museum. Every year, third and fourth graders visit the school to learn about the Revolutionary War heroes who came to Blenheim to lease land on the Blenheim patent. The museum is also used for collecting, preserving, interpreting, and promoting interest in the art, history, and culture of the town of Blenheim and surrounding area.

In the period immediately after the Revolutionary War, the area was primarily agricultural. The town of Blenheim has adjusted to the modern era, but not at the expense of its small-town charm, which present-day residents have been careful to preserve.

On Saturday, July 12, the town of Blenheim will celebrate its 200th birthday. The celebration will feature the New York State champion fiddler and many exhibits on the theme of the Revolutionary War.

Mr. Speaker, let us today express our own birthday wishes to this most American of small towns, and wish her and all her residents best wishes in the future. Better yet, Mr. Speaker, come up and visit the town of Blenheim some time for a good glimpse of what made this Nation great.

HONORING NORMAN L. GEISSLER

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor a heroic and selfless man, Mr. Norman Geissler. Mr. Geissler is a valuable citizen in the Elkins Park, Montgomery County community, and a keystone of the Commonwealth of Pennsylvania.

Mr. Geissler devoted most of his life in service to the people of Montgomery County. Starting at the age of 18, Mr. Geissler progressed through the ranks and became a chief figure in the fire-fighting force of Pennsylvania. His positive leadership and heroism make him a role model in the eyes of both the citizens of Pennsylvania and its most elite firefighters.

Mr. Geissler grew up in Abington Township. In 1946, shortly after his 18th birthday, he joined his father's fire company and he soon advanced to assistant chief. In 1950, he joined Elkins Park Fire Company in Cheltenham Township and became the chief engineer and secretary of the active crew.

Advancing yet again in 1957, Mr. Geissler became the secretary of the Montgomery County Fireman's Association. This role was especially significant because he followed in his father's footsteps, and he remained in this leadership rank for 26 years.

In 1970, Mr. Geissler advanced to the president of the Fireman's Association of the State of Pennsylvania and in 1971 he chaired their convention in Erie.

Elected president of the Keystone State Fire Chiefs in 1987, Mr. Geissler continued to put forth effort and dedication to his duty for the next 2 years. On February 24, 1985, he was inducted into the Chapel of Four Chaplain and given their award for heroism. Mr. Geissler was also honored with the prestigious James A. Miller Award for Meritorious Service at the Firemen's Association convention, the highest award given by this eminent association.

Mr. Geissler holds several highly ranked leadership positions. He is the parliamentarian emeritus of the Firemen's Association, as well as the parliamentarian of the Montgomery County Firemen's Association and their representative to the Firemen's Legislative Federation. In addition, he is the chairman of the by-laws-committee for the Keystone Fire Chiefs.

Mr. Geissler received his 50-year award in March 1990 by the Elkins Park Fire Co. at their annual banquet. Paul Ditzel, a renowned historian of the fire service, gave special recognition to Mr. Geissler in his book, "A New Look at the Old Firehouse."

In addition to well deservingly receiving all of these awards and prestigious positions, Mr. Geissler is a dedicated fireman in practice. The most exemplary incident occurred on April 21, 1963. Mr. Geissler heroically rescued Sharon, Laurie, and Paul Newman from suffocation from a fire in the kitchen. Despite the potential danger to himself, Mr. Geissler entered the dwelling, crawled to the second floor, gathered the children, and carried them downstairs. In recognition of this life-threatening and heroic act, the commission awarded him a well-deserved bronze medal and $500 award.

The fact that Mr. Geissler progressed all the way through these prestigious positions and the multitude of well-deserving awards illustrates his dedication to his job as well as to his State. Not only do his neighbors think highly of him, but across Pennsylvania he is thought of as a man with integrity, heroism, and extreme loyalty to the Commonwealth.

In addition, Mr. Geissler is devoted to the many fire-fighting organizations of which he has been a part or a leader. His genuine heroism, desire and ability to improve, and dedication to task combines to provide him as a positive leader, ideal role model, and keystone in the fire-fighting force of the Commonwealth of Pennsylvania.

As Mr. Geissler and his family have just celebrated his 75th birthday, I extend to him my personal warm wishes and ask that the Congress of the United States honor him for a lifetime of devotion to his family, his community, and his Nation.

NO TAXATION WITHOUT RESPIRATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, taxes on inheritance ought to be abolished, and the sooner the better.

In Congress, we are moving toward our goal of eliminating the tax on property and savings when inherited by descendants.

Even though total elimination of the tax may take several years, we have already approved a measure to protect more Americans from the ravages of inheritance taxes.

The tax, often called the death tax, currently attacks individual estates of more than $600,000, and twice that for couples. I'm working hard in Congress to raise the threshold to $1 million then index that figure for inflation thereafter.

The death tax is wrong, plain wrong. It comes at the wrong time and hurts the wrong people. It breaks up family farms and small family businesses. It robs families of the fruits of their labor and the earnings of their investments.

For the Government, there is little value in the death tax since it brings in only a sliver of the Nation's revenues. Yet, it's very expensive to administer.

The only people helped by the death tax are lawyers, accountants, and IRS tax agents. For example, the Center for the Study of Taxation found compliance and enforcement costs total 65 cents for every dollar collected.

Every IRS field office maintains a separate death tax unit to deal with 380 pages of rules and laws associated with the tax. Federal courts are now backlogged with 10,000 estate-tax cases.

Although led by Republicans, our death tax relief proposals enjoy bipartisan support. Finally, Congress is realizing that a pro-family, pro-agriculture, pro-business tax policy entails death tax relief.

Taxing people after they die just doesn't seem fair. As I've often stated on the floor of the House, "no taxation without respiration."

ON PHILIP ALBERT PLANTNER'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Philip Plantner of North Olmsted, OH, who will be honored on August 10, 1997 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: Lifesaving; First Aid; Citizenship in the Community; Citizenship in the Nation; Citizenship in the World; Personal Management of Time and Money; Family Life; Environmental Science; and, Camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Philip for his achievement.

STATE APPROVING AGENCIES—50 YEARS OF DEDICATED SERVICE TO VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. EVANS. Mr. Speaker, I am pleased to announce that July 1997 marks the 50th anniversary of State approving agencies [SAA's] and their representative organization, the National Association of State Approving Agencies [NASAA]. With the enactment of the Servicemen's Readjustment Act of 1944 and the subsequent implementation of the World War II GI bill, Congress recognized that each State has a right, and responsibility, to monitor the quality of education within its borders. Congress also acknowledged the Federal Government's responsibility to ensure that the readjustment benefits provided by our grateful Nation to our veterans effectively assist in the adjustment to civilian life following military service. Accordingly, Congress established a triangular alliance that has been uniquely successful. Within this three-sided partnership, the SAA approves education and training programs; the Department of Veterans' Affairs administers veterans' education programs; and the institutions and their approved programs provide the training for our veterans—be it educational, professional, or vocational.

The philosophy of State approving agency [SAA] personnel can best be described in the Creed of NASAA that was written in 1960 and still stands today—

> We believe the veterans' education and training program is an important aspect of a free, democratic society, deserving of the rights and benefits bestowed by the Congress of the United States.
>
> We believe the security of the country to be vested in the young men and women in our armed forces—that they are the guardians of our people.
>
> We believe such sacrifice on their part can and should be offset with opportunities for education and training and other necessary adjustments to help them to a better life for themselves, their families and their communities.
>
> We believe that as the Approving Agencies for the education and training programs, we are the working partner of the veteran.
>
> We believe most firmly in the future of this partnership—in its ability to grow and prosper in the pursuit of its acknowledged goal—and we believe that goal to be the proper utilization of the natural abilities of the veterans.
>
> We believe that belonging to this partnership we are charged with certain responsibilities and that among these are:
>
> maintaining a working knowledge of local and national conditions, methods and problems,
>
> providing the trained personnel necessary in giving prompt and efficient service,
>
> being always ready and willing to offer guidance on problems, and
>
> being always ready and willing to offer guidance on problems, and
>
> maintaining high standards to insure each veteran of the best possible training.
>
> We believe, finally, that belonging to this partnership is a trust, a trust to be constantly exercised by being at one time a good

citizen, a conscientious worker, and by making ours the best program possible—and, if we do this, we believe we will have accomplished our purpose.

The contributions of NASAA and its individual member SAA's have been tremendous. SAA personnel have not only worked to ensure the integrity and the success of the various GI bills, but also have been instrumental in the creation and refinement of the programs. They were at the table during discussions about how best to serve the education and training needs of returning Korean war veterans, Vietnam veterans, Desert Storm veterans, and all the others who have served our country through military service. Of special note, SAA's worked side by side with our former colleague and chairman of the Committee on Veterans' Affairs, the Honorable G.V. "Sonny" Montgomery, to ensure that the Montgomery GI bill would provide the broadest possible education and training opportunities. With their assistance, we were able to expand the Montgomery GI bill to include apprenticeship and other on-the-job training; vocational/technical training, graduate school, and flight training programs. All of this, Mr. Speaker, has been for the purpose of ensuring that our Nation's veterans are never forgotten or disadvantaged because they took time out of their lives to serve their country.

Before closing, Mr. Speaker, I want to compliment NASAA and the member SAA's on the outstanding job that they do in protecting the best interests of those who are serving or have served their country. The world of education and training is changing at lightning speeds. The many new fields of knowledge and the new and innovative ways to deliver instruction have received the immediate and thoughtful attention of SAA personnel because they work diligently to stay in the forefront of education and training. The SAA national training curriculum ensures internal and interstate consistency and a high level of professionalism. A new reporting system provides a common data base of shared information. Additionally, SAA's actively engage in outreach to encourage usage of the MGIB by veterans.

In short, NASAA is a progressive organization whose membership works hard—and succeeds—in their efforts to ensure that the education and training programs available to our veterans are the very best that can be offered.

ST. JOHN THE EVANGELIST SCHOOL IN ST. JOHN, IN, CELEBRATES ITS SESQUICENTENNIAL CELEBRATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate St. John the Evangelist School, in Saint John, IN, on the completion of its recent sesquicentennial celebration.

St. John the Evangelist School is a parochial elementary school under the jurisdiction of the Catholic Diocese of Gary. Upon its founding in 1846 by the Brothers and Sisters of the Holy Cross from Notre Dame, IN, St. John the Evangelist was the first school opened within the town of Saint John. With the beginning of the Civil War, the parochial school was closed, and was reopened after the war as a public school. In 1903, the school returned to its Catholic origin and was in use until the building of the present school in 1969. Due to increased enrollment, a second floor addition was built in 1988. St. John the Evangelist has a current enrollment of 351 students.

The Saint John community began commemorating the 150th anniversary of St. John the Evangelist School on Friday, April 18, 1997, with an all-day celebration, entitled "150 Years of Quality Catholic Education." The day's events, which took place in the school gymnasium, included a prayer service, a giant birthday cake, and a program put together by the St. John the Evangelist students. The student program depicted the theme "Eras of Education" with costumed, musical presentations of past decades. Eighth-graders in turn-of-the century garb portrayed the construction of the Panama Canal, a malaria outbreak, and such inventions as the airplane, toaster, and Model T. Ford. Each class within the school researched an assigned era and similarly presented their interpretations. School Principal, Sister Angela Mellady, commented that the students learned a great deal about American history, as well as the heritage of their school, while planning the event.

Some celebration activities which will take place throughout the year, include the wearing of St. John the Evangelist birthday celebration shirts each Friday in place of the student uniform, and an appreciation luncheon for local businessmen who have supported the school throughout the years. The anniversary celebration will close with a 150th birthday reunion this coming Saturday, July 12, 1997. Approximately 1,000 St. John the Evangelist alumni have been invited to the reunion, where past experiences and memories will be shared.

Mr. Speaker, I would like to once again extend my most heartfelt congratulations to St. John the Evangelist School on achieving its sesquicentennial anniversary. Everyone involved in the school's growth and success over the years should be commended, as the values and quality instruction provided to students have undoubtedly served as a cornerstone of education in the Saint John, IN community.

TRIBUTE TO MR. VIRGIL KOECHNER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. SKELTON. Mr. Speaker, today I pay tribute to a distinguished gentleman from the Fourth Congressional District of Missouri, Virgil Koechner. He recently retired after more than 44 years of dedicated service for the Southwestern Bell Telephone Company.

Mr. Koechner, from California, MO, served for 5 years in the United States Navy before beginning work for Southwestern Bell in 1952. He was not only an employee of Southwestern Bell, but was also elected local president of the Communications Workers of America for 32 consecutive years. In retirement, Mr. Koechner plans to stay active in the labor movement.

Mr. Koechner and his wife Mary Jane have been long time friends of mine. It is dedicated people like Virgil Koechner who are the heart and soul of what makes this country great. I know that other Members of this body join me in congratulating Virgil Koechner on his retirement and wish him the very best in the days ahead.

FARMERS CELEBRATE NEW FREEDOM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BEREUTER. Mr. Speaker, last year Congress passed a farm bill which provided farmers with the freedom they need to respond to market forces and more effectively compete in the global marketplace. This legislation represents a very fundamental departure from previous farm policy and allows much greater flexibility in planting decisions. Farmers have responded favorably to this new independence which places the decisions where they belong—with the farmers, not the Federal Government. This Member would like to commend to his colleagues the following editorial from the July 4, 1997, edition of the Lincoln Journal-Star, which highlights the positive changes brought about by the 1996 farm bill.

By the way, this editorial viewpoint represents a turnaround in views by this Lincoln newspaper—apparently based upon the results obtained.

[From the Lincoln Journal Star, July 4, 1997]

FARMERS GET MORE FREEDOM, WHICH WILL BENEFIT EVERYONE

This Fourth of July, many farmers are celebrating their newfound independence.

In a front-page story in the Journal Star this week, Associated Press writer Robyn Tysver drew this telling image:

"'Free at last. Free at last,'" Minden farmer LaMoine Smith warbled one morning from the field on his cellular phone."

The celebration is because this year, for the first time in decades, farmers are free to plant what they want, thanks to the Freedom to Farm Act. No more government restrictions. No more trips to the Farm Service Agency in town to submit a farm plan. No more certification of acres.

The Journal Star joins in the celebration. Putting decision-making in the hands of the farmers will, in the long run, benefit them and the taxpayers who have been subsidizing them. The change puts incentives before farmers to become better business managers. There are rewards to stay on the cutting edge.

The picture of farmer Smith in the field cheering on his cellular phone is an accurate one, for city folk who have lost contact with agriculture. Farming ain't like the reruns of "Green Acres.' Farming today is cellular phones, commodity prices by computer modem, fertilization by Global Position System and more.

The farmers who learn to use those hi-tech tools most efficiently will be the ones reaping the greatest rewards under the new system. Under the new system, there are real decisions to be made. The best decision-makers are the ones who will prosper.

In the initial year of the Freedom to Farm Act, there have been some changes in planting patterns, but farmers generally were cautious.

Because land no longer must remain idle under government regulation, farmers put more into production. For example, the number of acres planted in corn went up by 600,000 in comparison with last year.

Other responses were more directly market-driven. This spring, soybeans were at $8.50 a bushel, prompting Nebraska farmers to plant 650,000 acres more than last year.

There was also a little experimentation. Farmers in Kansas planted 12,000 acres of cotton. Farmers in Mississippi planted 550,000 acres of corn.

It's easy to celebrate this year, we acknowledge, because for now farmers have the best of both worlds. They have both freedom and a safety net, because the farm payments still exist. The payments will be reduced gradually over a seven-year period. This year, farmers still have a fallback if they made the wrong decisions last spring.

By 2002, when price-support guarantees are scheduled to end, there will no longer be a safety net. Freedom has its price.

Even now, support for the Freedom to Farm Act is far from universal. A majority of farmers favor it, but there is a minority who were happy with old regulations and the comfort they brought.

Their ranks could grow if the weather puts bumper crops of soybeans and corn on the markets this fall, which would depress prices.

Farmers might have more freedom this Fourth of July, but not from worrying about the weather. Some things never change.

PETER M. WEBER—A DISTINGUISHED RECORD OF SERVICE TO THE CITY AND PEOPLE OF ROLLING HILLS ESTATES

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Councilman Peter M. Weber for 23 distinguished years of service to the city of Rolling Hills Estates and to the citizens of the 36th Congressional District.

No Councilmember in the history of Rolling Hills Estates has served the City Council for more years than Peter Weber. He has served six 4-year terms as councilman, including 5 1-year terms as mayor. Marked by his affection for and dedication to preserving the city's unique character, he stood behind the critical decisions that have preserved its rural atmosphere and fostered its financial strength. To provide for the city quality recreation, Councilman Weber lobbied in favor of bringing the city stables under Rolling Hills Estates management. Also during his tenure, the annual Tracy Austin Tournament was brought under the auspices of the city's Park and Recreation Commission. Further improving the scenic qualities of the city, both Ernie Howlett and Highridge Parks were developed. In addition to parks, Peter Weber successfully prioritized the establishment of nature preserves. During his tenure, George F. Canyon and the Chandler Preserve were acquired and dedicated as open space in perpetuity, and the George F. Canyon Nature Center was conceptualized and subsequently opened to the public. These assets of Rolling Hills Estates remind us of the dedication and vision Councilman Weber had for the community, and they should be sources of great pride for Peter Weber.

Councilman Weber was instrumental in the creation of the Peninsula Emergency Response Team [PERT], an information-gathering network to assist the Sheriff's department in times of civil unrest or natural disaster. As mayor, Peter Weber helped to establish the city's Economic Development Commission to enhance the city's commercial area. These agencies will help to ensure the future safety, success, and stability of Rolling Hills Estates.

Peter Weber will always hold a place in the hearts of the citizens of Rolling Hills Estates. I am proud to join them in extending sincere admiration and appreciation to Peter and his family.

"INVENTORS OF THE YEAR"

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PORTER. Mr. Speaker, our Nation's efforts against AIDS have taken a major step forward with the development of a new class of antiretroviral drugs known as protease inhibitors. One of the corporate leaders in this field is Abbott Laboratories, which is headquartered in my district.

Recently, some of the scientists at Abbott responsible for this pharmacological breakthrough were named "Inventors of the Year" by the Intellectual Property Law Association, and the National Intellectual Property Owners Association. They are Dale J. Kempf, Ph.D., Daniel W. Norbeck, Ph.D., Hing L. Sham, Ph.D., and Chen Zhao, Ph.D. I join with these organizations in strongly commending their efforts.

The Abbott protease inhibitor, NORVIR, was approved by the Food and Drug Administration in March 1996 in one of the fastest pharmaceutical approvals ever issued by that agency. This drug, like other protease inhibitors, prevents the human immunodeficiency virus [HIV] protease enzyme from carrying out its essential tasks during viral maturation and reproduction. For this reason, protease inhibitors have been found to provide significant anti-viral activity when used with other anti-HIV drugs in combinations known as cocktails.

Since their introduction, numerous studies have demonstrated that protease inhibitors, in combination with other drugs, were able to reduce the level of circulating HIV to less than currently detectable concentrations in some patients. There is also hope that the emergence of drug resistant HIV strains will be more hindered with protease inhibitor treatment as compared to the level of inhibition known to occur with older drugs. Both the scientific and popular press have hailed the development of protease inhibitors as one of the most important scientific breakthroughs of the decade.

Mr. Speaker, it is in this context that I rise to recognize these national heroes for their very significant contributions to our Nation's war against the disease known as AIDS.

PATHFINDER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial supporting the Pathfinder mission which appeared in the Lincoln Journal Star on July 7, 1997.

[From the Lincoln Journal Star, July 7, 1997]

PATHFINDER MISSION EXAMPLE OF FEDERAL FUNDS WELL SPENT

The Web site operated by the National Aeronautics and Space Administration is logging as many as 40 million hits a day as the six-wheeled Sojourner rover explores the surface of Mars.

There's a bit of irony in the statistic.

Many of the cybersurfers hitting the site are using computers with more brains than the rover itself. Sojourner has a mere 8,500 transistors in its brain, compared with millions in the Pentium models. The vehicle's designers were on a tight budget.

Spending for the U.S. interplanetary space program in the 1990s contrasts sharply with the Viking missions of the 1970s. Those missions cost $3 billion in today's dollars. The Mars Pathfinder mission's cost is pegged at $266 million.

It's money well spent.

Humanity has an inherent need to push into the unknown. It's biologically wired into our makeup. Evidence abounds, from the migration of humans across the Bering land bridge into North America to the curiosity of children exploring a new campground.

Humans have been fascinated with Mars since Cro-Magnon tribes watched the movement of the night sky's only red object. When the medieval invention of telescopes revealed lines on the planet's surface, theories sprang that they were a system of canals.

Today, the fascination with extraterrestrial matters borders on the obsessive. The popular television show" File" is based on a premise that aliens are among us; last summer's megahit movie "Independence Day" was about an alien invasion. Roswell, N.M., has turned into a tourist destination because of rumors that aliens landed there 50 years ago.

The question is not whether humans will spend money because of their fascination with space. They already are plunking down dollars for books, movies and travel about the subject.

Spending tax dollars in pursuit of facts on the subject is a far better use of society's resources. The imagination of authors and filmmakers are diverting entertainment. At a deeper level, however, people want scientific fact, not unsubstantiated storytelling.

When man landed on the moon in 1969, the popularity of the space program and NASA was at an all-time high. From that high point, public support declined. NASA's reputation plummeted because of the Challenger explosion. Pressure built to reduce the program's bloated expenses.

The low-budget, unpiloted Pathfinder mission is the result. When Daniel S. Goldstein was appointed NASA director in 1992, he approved a low-cost plan developed by Donna L. Shirley, who now heads the Mars exploration program at NASA's Jet Propulsion Laboratory in Pasadena, Calif.

Shirley has been a proponent of finding low-cost ways to explore Mars since the 1980s, when she headed a panel that said if the dream of exploration were to become a reality, ways had to be found to do it on the cheap.

Now her dreams are being realized. They are dreams shared universally by people across the globe. Finally, there may be answers to questions that have existed since prehistoric humans watched the red planet dance across the night sky.

Funding the Pathfinder mission to Mars is a worthwhile use of tax dollars.

TRIBUTE TO HEADQUARTERS AND HEADQUARTERS COMPANY, 926TH ENGINEER GROUP, USAR

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. EVERETT. Mr. Speaker, I am proud to bring to the attention of the House, the accomplishments of a fine group of dedicated citizens that serve in both a military and civilian capacity in this great Nation. I am pleased to inform you that the Headquarters and Headquarters Company 926th Engineer Group, U.S. Army Reserve [USAR], Montgomery, AL, received the company size unit award for the training year, 1996. The group was presented the award at the ROA National Convention in Kansas City on June 21, 1997.

The Headquarters and Headquarters Company, 926th Engineer Group was selected from hundreds of Army Reserve companies across America, based on stringent criteria of readiness, training, drill attendance, and personnel strength. The 926th Engineer Group has conducted, in a superior manner, a meaningful and effective training program throughout the training year. They have demonstrated to the highest degree, the ability to accomplish their wartime mission.

As a member of the Committee on National Security, promoting strong national defense, I wish to congratulate Cap. Joseph K. Roberts, company commander, and all the members of the Headquarters and Headquarters Company, 926th Engineer Group from my congressional district for their achievements and adherence to the highest standards.

HOUSE OF REPRESENTATIVES—*Friday, July 11, 1997*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. SNOWBARGER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *July 11, 1997.*
>
> I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.
>
> NEWT GINGRICH,
> *Speaker of the House of Representatives.*

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful as individuals and as a people that we live without the threat of war and without the threat of conquest and we are at peace. O gracious God, as we express our gratitude for the security we enjoy, we remember those men and women of our Armed Forces who in peace or war protect the welfare of all citizens. May they see in their mission as peacemakers a ministry to the people of our land and may Your blessing, O God, that is new every morning be with them and their families now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain twelve 1-minutes on each side.

TRIBUTE TO PEGGY YOUNG

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I rise to pay tribute to my good friend Peggy Young, who is retiring tonight as the museum director at the Museum of Aviation in Warner Robins, GA.

When Peggy retires this evening, she will leave as her legacy an aviation museum that ranks as the second largest in the Air Force, a far cry from its humble beginnings only 15 years ago with no building, two aircraft, and only $20 in the bank.

Under Peggy's leadership, the Museum of Aviation has grown into a world-class museum complex that covers 43 acres, has over 85 aircraft on display, and hosts nearly a half million families, historians, and aviation enthusiasts each year.

As Peggy says good-bye tonight to the museum she literally helped build from the ground up, she leaves behind a living testament to her personal character and professional abilities.

Congratulations to Peggy, and her husband Bob, on a job well done. Thanks for your contribution to your community, your State, and your country.

IN OPPOSITION TO THE REPUBLICAN TAX PLAN

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the Republican leader's newest motto is "Listen, learn and lead," and in a way the Republicans are following that motto.

They are listening to millionaires and powerful corporations who want huge tax breaks. They are learning how to provide clever tax loopholes to their rich friends, and they are leading this country down a road that will allow tax giveaways for the rich while working families struggle.

Mr. Speaker, the Democrats want to provide real tax relief for working families. Under the Republican bill, 15 million working families, working families, will get no tax relief. Democrats want to help those families. Under the Republican bill, college students will be hit with new taxes. Democrats want to make college more affordable.

Mr. Speaker, I propose today a new motto for the Republican leader: Listen, learn, and let the Democrats lead.

TRIBUTE TO TOM CLOSSER

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Mr. Speaker, several weeks ago we lost a great individual in Tom Closser. He was a good friend of mine who served the people of eastern Ohio admirably and effectively for years, and he will be greatly missed.

Tom was born in Yorkville, OH, in 1937. He moved down the river to Marietta in 1969. Since then he worked to improve the entire Appalachian region in Ohio. He was president of the Eastern Ohio Development Alliance and a trustee of the Appalachian Development Corp.

He is survived by his wife Loretta Closser, who he married in 1965, two daughters, Cynthia and Leslie, a sister, a cousin, and a granddaughter Lauren.

My heartfelt sympathy and condolences go out to everyone who knew and loved Thomas Closser. He worked for the people every single day to improve their lives. He will be truly missed, Mr. Speaker, by all of us in eastern Ohio.

REPUBLICAN TAX BILL SHOWERS BENEFITS ON THE RICH

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is already starting. The Wall Street Journal this morning tells the wealthy what to do. Ready, get set, here is how to profit from your big cut in capital gains. What the Journal describes is how the rich can manipulate

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their income so they avoid paying the same tax rate that wage earning Americans pay every day of their life; how the rich can pay a 20-percent rate while those who are getting a paycheck every day pay a 28-percent rate on their income; how they can manipulate their stock dividends so as not to pay ordinary tax on their dividend income; how to avoid paying estate taxes even though the estate taxes are going to be reduced.

What the Republican bill does is shower these benefits on the wealthy of America while denying hard-working families even the right to the child tax credit. What they are saying to millions of working families who get up every morning, go to work, they work hard they just do not make a lot of money, that they are not going to share the benefits of this tax bill with those families because they have given too much to the wealthy and there is just not enough left over for wage earners in America.

CLINTON CONSIDERS TEACHERS AMONG THE RICH

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Clinton White House and people like the gentleman who just spoke have criticized Congress' tax cut plans as unfair because they say that the richest 20 percent of the country will get most of the tax relief. Most Americans think of the rich as people like Bill Gates and Michael Jordan. In Clinton's plan it only takes a family income of $56,000 per year to be in the top 20 percent of the earners, or the rich.

According to the 1996 census, millions of working families who would never consider themselves rich by any measure are in Clinton's top 20 percent: 2.4 million elementary and school teachers, over half; 1.7 million union members, one out of every 10; 8.1 million Federal, State and local government workers; 120,000 editors and reporters, almost half; 4.2 million mechanics, repairmen, construction workers have family incomes considered rich by the standards of the gentleman that just spoke here.

These are precisely the people who deserve the bulk of the tax cuts. Congress wants to make sure they receive those cuts. It is time for Bill Clinton and his cohorts in the Congress to stop misleading the American people.

GUILTY, GUILTY, GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when the IRS takes the taxpayer into civil court, the taxpayer is considered guilty, guilty, guilty. Unbelievable in America, where you are innocent until proven guilty. Not with the IRS. You are guilty, guilty, guilty.

And the IRS says, even though 97 percent of the American people want the burden of proof changes in a civil tax case, they say "no," it will cost too much money, Congress.

Let me submit here, if we applied the IRS thinking to the Constitution, the IRS would throw out the Bill of Rights. I think it is time to tell the IRS, "Audit this." Cosponsor H.R. 367; take our government back. Taxpayers shall be innocent. If the IRS takes them to court, they should have the facts to do so.

AMERICANS SHOULD LOOK AT THE RECORD

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, every single morning we are treated to a litany of speeches from the other side talking about Republican plans to cut taxes as being a tax cut for the rich, and I sometimes think that people mistake volume for sincerity because when we look at the record of what a Democrat Congress versus a Republican Congress has done, it is clear who is on the side of working families.

For 40 years they controlled this Chamber. When they took over, American families' tax rates were about 10 percent. When they left a few years ago, we had the highest taxes in the history of America. And in one Congress, this Republican Congress has repeatedly passed tax cuts for working families.

Who are the rich that they keep talking about? They are talking about teachers and truck drivers and foundry workers. When we look at the record as to who really stands for expanding the welfare state, we know it is the other side. We are the side that believes in expanding people's checkbooks, expanding their take-home money.

THE PRESIDENT'S EDUCATION TAX PROPOSAL WILL HELP WORKING FAMILIES

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I am a little outnumbered on our side. We will have to get reinforcements.

Mr. Speaker, I am proud to stand up and say that I disagree with the one-minutes from the other side because you do not need to be a Harvard Law School or business graduate to know what is happening in the Republican tax bill, but let me talk about how important the educational tax cuts are in both the President's plan and also in the Democratic alternative.

There are a lot of people in this country who are middle-class, who make $30,000 a year, and yet their kids are not eligible for Pell Grants. But the President's plan and also the Democratic plan, with the educational tax cuts proposal, would help those people make sure that the next generation has the opportunity to go to college. We are not talking about wealthy folks. We are talking about average working folks who go to work every day, maybe a school teacher who makes $30,000 a year, with two children at home having to go to college. That is what we are talking about, and that is why the Republican plan is so wrong. Hopefully, the conference committee will correct this.

WHO BENEFITS FROM THE TAX RELIEF PACKAGE?

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, much of the debate over this tax relief package has been about the question of who benefits. Leaving aside the obvious point that all Americans benefit from a growing economy, I would like to draw your attention to this chart.

This chart uses official statistics from the Joint Committee on Taxation. I would ask the other side to admit that, yes, the Joint Committee on Taxation is bipartisan. This chart scores the tax relief over the next 5 years. This chart shows that 76 percent of the tax relief goes to middle-class taxpayers, those earning incomes between $20,000 a year and $75,000 a year.

I would like to repeat that fact. Scored by the official bipartisan committee in Congress to judge these questions, 76 percent of the tax relief goes to middle-class taxpayers, in this case defined as those who earn between $20,000 and $75,000 a year.

I ask liberals on the other side to show me where the Joint Committee on Taxation numbers are wrong. Show me how these numbers are in any way misleading. Who will step forward?

FAMILY ECONOMIC INCOME

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, ever wonder what the Family Economic Income of the President is? Let us see. The President's salary is about $200,000 a year. But then the Treasury Department's calculates his income is actually a lot more than that, even if it is not.

□ 0945

For example, they say we need to add something called imputed rental income to real income. Imputed rental income is income we would get if we rented out the house that we own.

Now normally the Treasury Department would add something like $10,000 to the President's income for renting out the White House and carrying that as income, but the Treasury Department officials are not so sure what to do now since they know that the Lincoln bedroom can be rented out for over $400,000 a year, so they are really not sure how to score it.

And then they have other problems as well. They have not a clue as to how much to score the President's Whitewater property for imputed income purposes, and then there is the huge question mark about how much foreign money should go under unreported and underreported income category.

I guess the Treasury Department needs to take another look at this family income economic income.

MIDDLE-CLASS FAMILIES DESERVE THE CHILD TAX CREDIT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the prior gentleman asked about challenging the information from the Joint Committee on Taxation. The fact of the matter is, very plainly, is that the Joint Committee on Taxation analysis only analyzes the first 5 years of a 10-year program that the Republicans have put together. Their tax cuts for the wealthy are phased in so that their analysis is only that first 5 years, and then they hide their tax cuts for the wealthy in the later years.

I rise today to respond to inaccurate claims by my Republican colleagues that Americans receiving the earned income tax credit are on welfare. Let me tell my colleagues the story of a young police officer from Georgia, just starting out, $23,000 a year.

Mr. Speaker, this is a man who protects our kids, patrols our streets, risks his life every single day to keep our communities safe, yet the Republicans say that he is not worthy of their child tax credit simply because he and his family do not make a lot of money. They actually accuse him and his family of being on welfare. Shame on them.

This is a man who goes to work every day, who pays taxes, whether it is Federal taxes or payroll taxes. All he knows is there is less money in his pocket.

Let us focus this tax proposal on working middle-class families in this country, not the wealthy.

GET RICH QUICK—CALL THE TREASURY DEPARTMENT

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, when the Democrats refer to this mythical tax cut for the rich, I wonder if they have ever thought about running infomercials. Better than the typical "get rich quick" scheme, all one has to do is dial the Treasury Department at 202-622-0120 and they too can have the Democrats declare that they are rich and undertaxed overnight.

That number, again, 202-622-0120. Treasury operators are standing by. Tell them the income, and, presto, they will double it. If someone thinks they are only making $45,000 a year, think again. The Treasury Department says it looks like $75,000 to them.

Cannot qualify for that new credit card? Cannot afford a night in the Lincoln bedroom? No problem. The secret is in an obscure Treasury Department manipulation called family economic income. That is right, family economic income. It is like being in a higher tax bracket but without all the extra income.

Do not delay, this get rich quick offer ends soon, and it is brought to us by the same people who make the currency. Act now, the Treasury Department is standing by at 202-622-0120.

DEMOCRATS WOULD TURN TAX CUTS INTO A WELFARE PROGRAM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Mr. Speaker, I have not been listening to Rush Limbaugh this week, but I can only guess how much fun he is having making fun of the other side right now. I am not sure if we could make up anything more ridiculous than what I have been hearing from the left. Only liberal Democrats can possibly turn tax cuts into another welfare program. I guess Rush really does not have to work that hard to get new material. There is always another liberal outrage just around the corner.

Here they are complaining that people who pay no Federal income tax, big goose egg on the old 1040, Mr. Speaker, complaining that these people are somehow getting cheated because they cannot get welfare money from a tax cut.

Mr. Speaker, this is the mother of all welfare schemes, and if this is what the "New Democrat" is all about, then give me back the old ones.

Can the President be serious that he wants working people to be stuck with a couple of billion dollars more welfare payments? Well, this is truly a bizarre way of increasing welfare spending.

TAX RELIEF FOR HARD-WORKING AMERICANS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I have been listening to this and did not intend to speak on this particular subject.

Talk about class warfare, 50 percent of American workers pay more FICA than they do income tax, that big goose egg on the 1040 of which the gentleman speaks, 50 percent. But they are not Republican types because they are not making over $50,000 or $60,000 or $75,000 like all of us are. Everybody in this Chamber, are we not big deals?

But let me tell my colleagues about my three kids working and paying more FICA, and let me tell them something if they do not think these people need relief, trying to get a house and buy a car and do what we want them to do. Hard-working Americans, not our crowd, not the big bucks guys that my Republican colleagues want to give the big tax cuts to that bust the budget in the second 10 years and do exactly what they did in 1981, create $4.5 trillion dollars of new debt for working Americans to pay.

Yes, we want to give relief to hard-working Americans who pay taxes.

LET US RID THE WORLD OF LANDMINES

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I am hopeful to talk about something that is not quite as partisan this morning. As chairman of the Subcommittee on Benefits I rise this morning to talk to our colleagues about the devastating effect of landmines. Throughout the world hundreds of innocent civilians are maimed and killed each week by landmines, and I wonder if our colleagues know that at the current time there are over 110 million landmines buried in the earth. We also know that landmines have wounded almost 300 UN and NATO troops in Bosnia alone. It is obvious that these weapons extract a terrible toll on all humanity.

Fortunately the United States has an opportunity to ban these menacing weapons. Later this year over 95 countries from around the world will meet in Ottawa, Canada to sign a treaty banning these landmines forever. In the United States we believe all of us have the greatest economic, military, and moral influence of any Nation on Earth, and it is imperative we make a commitment to get rid of these landmines.

That is why the gentleman from Illinois [Mr. EVANS] and I, along with over 160 of our colleagues from both sides of the aisle, have asked the President to join that Ottawa treaty. Our legislation has the backing of the Catholic church's Conference of Bishops, the

Vietnam Veterans Foundation, and Gen. Norman Schwarzkopf. We ask our colleagues to join us in this important matter.

EVERYONE IN AMERICA IS RICH ACCORDING TO THE LIBERALS

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, as my colleagues know, liberals have a funny way of figuring out who is wealthy. They say that 21.2 million Americans make more than $75,000 a year. But the Census Bureau says only 11 million people earn that much. So who are we going to believe?

Well, here is how liberals come up with numbers. They are not looking at take home pay, they are not looking at how much money is available at the end of the month to pay bills, they are adding all the things they take out of one's paycheck. Here is what they are adding, considering part of one's income:

First, one's adjusted gross income; the money taken out of the paycheck for IRA and Keogh deductions, the money taken out of the check for social security, the money taken out of the check for pensions, the money taken out of the check for life insurance. They are even adding the money one pays in rent every month.

Now I do not know about my colleagues, but the last time I wrote out a rent check it felt more like an expense than income.

Now add all these things up, and everyone in America is rich, and that is funny because most people in America do not feel very rich after they pay bills every month. That is why we Republicans are working to give working Americans, not rich Americans, tax cuts, their first tax cuts in 16 years.

WE SHOULD NOT CHARGE GRADUATE STUDENTS TAXES ON MONEY THEY DO NOT EARN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, we are hearing some creative accounting on the other side. They are saying American families who earn $25,000 a year do not pay taxes so they should not get a child tax credit.

They do pay taxes, and they should be entitled to a credit; a rookie cop, a beginning teacher.

But let us talk about real creative stuff on their side. They want to tax people who do not have earnings. Graduate students would have to pay taxes on their tuition waivers under a little provision they stuck into this bill.

Now if someone were a graduate student, they would give you a stipend of $300 or $400 a month, but they get a $5,000 relief from their tuition. The Republicans are saying, "You should pay taxes on that $5,000 you don't get." Now what kind of opportunity is that?

This is such a bad idea that the last time this provision of law expired, I sponsored legislation to fix this problem, and even Ronald Reagan agreed that we should not charge graduate students taxes on money they do not earn. But the Republicans have stuck it in this bill to help pay for tax cuts for corporations and for the wealthy. That is outrageous.

GOVERNMENT'S POWER TO TAKE AWAY OUR DREAMS HAS GROWN TOO GREAT

(Ms. DUNN asked and was given permission to address the House for 1 minute.)

Ms. DUNN. Mr. Speaker, few issues are more closely linked to the idea of freedom than taxation. America is a land of opportunity, but it can only be so if people are free from a government that stands in the way of individuals pursuing their own dreams. Families who came to America as immigrants earlier in this century may have arrived penniless, but they knew that through hard work in our country the sky was the limit. They knew that to be true because their friends and others who had come before them had proved that America really was a country where the sky was the limit.

Mr. Speaker, people came to America to escape the limits on their freedom at home, whether religious, economic, or political, and they came to pursue their dreams, but when Government takes more and more of the fruits of one's labor it becomes more and more difficult to pursue those dreams.

Quite simply, Government's power to take away from dreams has grown too great. It is time now to cut back on Government's power, it is time to cut back on taxes, it is time to bring back the opportunity that we know in this country of ours called America.

WHY AMERICANS FAVOR THE DEMOCRATIC ALTERNATIVE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute.)

Mr. MENENDEZ. Mr. Speaker, the Democrats want tax cuts for working taxpaying families. A lot of smoke is being created here to say, well, who is really saying the truth? Well, let us look at the Congressional Research Service report made by the nonpartisan Library of Congress, by the specialists on the economics end of policy, that says the Office of Treasury provides a more comprehensive measure, more consistent with how economists would measure the bill's benefits to individuals in different income classes. What they conclude is that using measures that are more consistent with conventional economic analysis the permanent provisions of the bill the Office of Treasury estimates indicate that by any distributional measure; that means who gets what, the tax cuts under the Republican plan favor higher income individuals in the House and Senate bills with the effects more pronounced in the House bill.

Mr. Speaker, that is why Americans throughout the country favor the democratic alternative. They understand it is for working taxpaying families.

THE MIKE TYSON TAX BITE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, lend me your ear.

Uncle Sam's tax bite has gotten so overbearing that not even Mike Tyson could defend himself. Taxpayers everywhere are so outraged that some are calling it the Mike Tyson tax bite. Hard-bitten taxpayers who call up the IRS to complain sure do get an earful.

Mr. Speaker, I think it is time for taxpayers to bite back. Uncle Sam's relentless drive to take an ever greater bite out of the family budget is an insult to taxpayers everywhere who want to pay their fair share but think that Mike Tyson tactics are over the line.

Uncle Sam's tax bite is more than just irritating. It is downright offensive to the spirit of fair play.

It is time to put a stop to Uncle Sam's ear-isistible urge to rip off a huge chunk from the family paycheck. Taxpayers and Congress should not allow such barbaric behavior to continue. It is time for the taxpayers to stand up and declare, "No mas." It is time for tax relief for working Americans.

□ 1000

TAX FAIRNESS FOR WORKING FAMILIES

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I, too, want to talk about taxes, but I want to talk about it in a little different way. I want to talk about tax fairness, because that is what this debate is really all about.

The Republican tax plan gives 60 percent of the benefits in tax cuts to the richest 5 percent of Americans. We think that is wrong. We think working families, working Americans, ought to get the lion's share of the tax benefits.

If Members look at the Republican plan, we will find something very interesting. They are willing to give a child tax credit of $500 per child for families making over $100,000 a year, but when we say we have a police officer who makes $25,000 a year, or perhaps a clerk that makes $30,000 a year, they say, no, they get the earned income tax credit so they should not get a child tax credit.

That does not make sense. They have tax breaks for dinners, lunches, for travel, corporate welfare for building roads, corporate welfare for attending trade shows overseas; there are lots of tax breaks for the wealthy. That is OK. But now, today, we have an opportunity to have tax fairness for working families. That is what we ought to do.

A TRIBUTE TO NASA

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I rise this morning to praise the men and women of NASA, and to applaud the vision and leadership of NASA Administrator Dan Golden.

The landing of the Pathfinder explorer on Mars and the subsequent exploration by the Sojourner rover, named after that great American hero, Sojourner Truth, demonstrates that the United States is the global leader in science, technology, and space exploration. It is especially fitting, Mr. Speaker, that the United States is making one of its most substantial achievements in space at the same time that President Clinton is expanding NATO, our most successful military alliance in contemporary history.

In 1960, at the height of the cold war, President Kennedy challenged the Nation to send a man to the Moon by the end of the decade. Spurred by strategic competition with the Soviet Union, we met that challenge. Today, however, Mr. Speaker, the cold war is over, but the challenge to inspire our people in the national interest still exists today.

If we expect to build on the successes of the Pathfinder mission and to make NATO a success well into the 21st century, we must recommit ourselves to educating our people, educating our young people, and educating those who are going off to college. A national commitment to education will enable us to produce the scientists, engineers, astronauts, and diplomats that will ensure our national security and make future space exploration a reality.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107.

□ 1003

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 10, 1997, the bill had been read through page 76, line 7.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the schedule, at least as we see it for the rest of the day, would be we will have two 15-minute votes immediately. One will be on the Klug-Miller-Foley amendment, and the second will be on the Royce amendment, and then we will go on to the balance of the bill. Our goal is to finish by 2 o'clock today, and I think if we can get some time limit agreements on the balance of the amendments, we will be able to do that and finish the bill.

Other than that, following the two 15-minute votes there will not be a Journal vote, but following the two 15-minute votes we will then move to the Ehlers amendment. I believe there is 1 hour of time for that, and then we will try to keep moving, and as I said before, get this completed by 2 o'clock today.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 181, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Wisconsin [Mr. KLUG]; and the amendment offered by the gentleman from California [Mr. ROYCE].

AMENDMENT NO. 5 OFFERED BY MR. KLUG

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG:

Page 58, line 18, after the dollar amount, insert the following: "(increased by $292,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 243, not voting 18, as follows:

[Roll No. 264]

AYES—173

Allen
Andrews
Archer
Armey
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bilbray
Blagojevich
Blumenauer
Blunt
Brown (FL)
Brown (OH)
Bryant
Burr
Camp
Campbell
Cannon
Capps
Carson
Castle
Chabot
Christensen
Coble
Collins
Condit
Cooksey
Cox
Davis (FL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Ehlers
Ehrlich
Ensign
Eshoo
Fawell
Filner
Foley
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gordon
Goss
Granger
Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hinchey
Hoekstra
Hooley
Horn
Hulshof
Inglis
Johnson (CT)
Johnson (WI)
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kind (WI)
Kingston
Kleczka
Klug
Lantos
Latham
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Markey
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Neumann
Nussle
Obey
Olver
Owens
Pallone
Pappas
Paul
Paxon
Peterson (MN)
Petri
Pitts
Porter
Portman
Quinn
Ramstad
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Thornberry
Thune
Tiahrt
Tierney
Towns
Upton
Velázquez
Vento
Waxman
Weldon (FL)
Wexler
Weygand
White
Woolsey

NOES—243

Abercrombie
Ackerman
Aderholt
Bachus
Baesler
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brown (CA)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Fattah
Fazio
Flake
Foglietta
Forbes
Ford
Fox
Frost
Gallegly
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hefner

Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McHale
McHugh
McIntosh
Meek
Metcalf
Mica
Millender-McDonald
Mink
Moakley
Mollohan
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Parker
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Spratt
Stenholm
Stokes
Strickland
Stupak
Tauzin
Taylor (MS)
Thomas
Thompson
Thurman
Torres
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—18

Berman
Boehlert
Bonior
Boucher
Brady
Chenoweth
Doolittle
Farr
Hansen
Hostettler
Minge
Molinari
Pelosi
Riggs
Schiff
Slaughter
Weldon (PA)
Young (AK)

□ 1026

Mr. McHALE, Ms. MILLENDER-McDONALD, and Messrs. PETERSON of Pennsylvania, McDADE, SCOTT, and LIVINGSTON changed their vote from "aye" to "no."

Messrs. PAXON, STUMP, MORAN of Virginia, GIBBONS, McNULTY, HINCHEY, STEARNS, Mrs. FOWLER, and Messrs. MORAN of Kansas, SAXTON, and INGLIS of South Carolina changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Chairman, I was unavoidably detained on rollcall No. 264. Had I been present, I would have voted "aye."

The amendment offered by Representatives KLUG, MILLER, and FOLEY to increase by $292 million the bill's rescission of $100 million from the Energy Department's Clean Coal Technology Program [CCTP] is one I agree with wholeheartedly.

This program has been plagued by a history of waste and mismanagement. A 1991 U.S. General Accounting Office [GAO] report discovered that a large portion of projects had either been terminated within a few years of being unfunded, experienced substantial schedule delays, or exceeded their budgets. In addition, the same GAO report found that "DOE selected some projects that are demonstrating technologies that might have been commercialized without federal assistance."

During an era of supposed fiscal responsibility, this program illuminates inefficiencies of the past.

AMENDMENT OFFERED BY MR. ROYCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. ROYCE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYCE:

Page 59, line 10, insert after the dollar amount "(reduced by $21,014,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 246, not voting 13, as follows:

[Roll No. 265]

AYES—175

Allen
Andrews
Armey
Bachus
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Becerra
Berry
Bilbray
Blagojevich
Blumenauer
Blunt
Boswell
Bryant
Campbell
Canady
Cannon
Carson
Castle
Chabot
Christensen
Coble
Collins
Condit
Cox
Crane
Danner
Davis (FL)
Deal
DeFazio
DeGette
Dellums
Deutsch
Dickey
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Fawell
Filner
Foley
Fowler
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Goode
Goodlatte
Goodling
Goss
Gutknecht
Harman
Hastings (FL)
Hayworth
Hefley
Hinchey
Hoekstra
Hooley
Horn
Hulshof
Hunter
Hutchinson
Inglis
Johnson (WI)
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kind (WI)
Kingston
Kleczka
Klug
LaFalce
Latham
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Manzullo
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Menendez
Metcalf
Miller (CA)
Miller (FL)
Minge
Moran (KS)
Morella
Nadler
Neal
Neumann
Norwood
Nussle
Obey
Olver
Owens
Pallone
Paul
Paxon
Peterson (MN)
Petri
Pitts
Porter
Portman
Quinn
Radanovich
Ramstad
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Souder
Stabenow
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Thune
Tiahrt
Tierney
Torres
Upton
Velázquez
Vento
Waxman
Weldon (FL)
Wexler
Weygand
White
Woolsey

NOES—246

Abercrombie
Ackerman
Aderholt
Archer
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
English
Etheridge
Evans
Everett
Ewing
Fattah
Fazio
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frost
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Houghton
Hoyer
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McDermott
McHale
McInnis
McKeon
Meek
Mica
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Spence
Spratt
Stenholm
Stokes
Strickland
Stupak
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Towns
Traficant
Turner
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weller
Whitfield

Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—13

Berman
Bonior
Boucher
Doolittle
Farr
Hansen
Hostettler
Molinari
Riggs
Schiff
Slaughter
Weldon (PA)
Young (AK)

☐ 1043

Mr. TORRES changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No.'s 264 and 265, I was unable to be present to vote due to a personal family commitment off of Capitol Hill. Had I been present, I would have voted “aye” on both matters.

☐ 1045

The CHAIRMAN. If there are no further amendments at this point, the Clerk will read.

The Clerk read as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses of the National Endowment for the Arts, $10,000,000.

POINT OF ORDER

Mr. CRANE. Mr. Chairman, I rise for a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. CRANE. Mr. Chairman, I make a point of order that the language contained on page 76, lines 10 through 13, constitutes an unauthorized appropriation in violation of clause 2 of House rule XXI.

Mr. Chairman, the language I have specified is an appropriation of $10 million for necessary expenses of the National Endowment for the Arts. Authorization in law for the National Endowment for the Arts expired in fiscal year 1993.

Mr. Chairman, specifically, clause 2(a) of House rule XXI states, “No appropriation shall be reported in a general appropriation bill for any expenditure not previously authorized by law.”

Mr. Chairman, since the National Endowment for the Arts is clearly not authorized in law, and the bill includes an appropriation of funds for this agency, I make a point of order that the language is in obvious violation of clause 2 of rule XXI.

Mr. YATES. Mr. Chairman, I request that the gentleman from Illinois [Mr. CRANE] withhold his point of order to permit me to make a statement.

The CHAIRMAN. The gentleman from Illinois may be heard on his point of order.

Mr. YATES. Mr. Chairman, I wondered whether he would defer his point of order.

The CHAIRMAN. Will the gentleman from Illinois [Mr. CRANE] reserve the point of order only to permit the gentleman from Illinois [Mr. YATES] to strike the last word?

Mr. CRANE. Yes, I will do that, Mr. Chairman.

Mr. YATES. Mr. Chairman, I thank the gentleman from Illinois [Mr. CRANE] for permitting me to discuss the amendment and to hold off the point of order.

I dare to think of offering an amendment in view of what happened on the floor yesterday, in view of the remarkable closeness of the vote, which our side thought we had won, I dare to hope that perhaps some of my colleagues on the other side may, including the gentleman from Illinois [Mr. CRANE], might want to give the Members of the House a chance to vote on NEA to see whether or not the House would again sustain his position in opposition to the point of order.

Would it be as close as the vote on the rule? I would be willing to bet that the vote on NEA itself would support NEA by at least 50 votes. If my memory serves me correctly, that was the difference the last time my colleague rose to kill NEA.

Is it possible that my colleague, the gentleman from Illinois [Mr. CRANE], might withdraw his point of order to give us this opportunity to let the Members of the House vote on the subject? What does he think?

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I respectfully like the approach of the gentleman from Illinois [Mr. YATES] to this issue, and I know he has fought valiantly through the years. But, as I indicated, these are the rules of the House; and as a result of that, I still adhere to the point of order that I made, Mr. Chairman.

Mr. YATES. Reclaiming my time, Mr. Chairman, the gentleman from Illinois [Mr. CRANE] is absolutely correct. They are the rules of the House. I was hoping that perhaps he would overlook the strict version of the rules of the House and give us the opportunity to have our vote on NEA.

Under the circumstances, Mr. Chairman, I have no alternative except to concede the point of order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Illinois [Mr. CRANE] insist on his point of order?

Mr. CRANE. I do insist on my point of order, Mr. Chairman.

The CHAIRMAN. Is there any other Member that wishes to be heard on the point of order?

The Chair is prepared to rule. In reviewing section 11(c) of the National Foundation on the Arts and Humanities Act of 1965, codified in title 20, section 960, of the United States Code, the Chair finds that the authorization for the National Endowment for the Arts has lapsed with fiscal year 1993.

The provision contains an unauthorized appropriation, and the point of order is sustained. Accordingly, the paragraph is stricken from the bill.

AMENDMENT OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. EHLERS:

Page 76, after line 13, insert the following:

SUPPORT FOR THE ARTS

FINANCIAL ASSISTANCE TO STATES AND LOCAL EDUCATION AGENCIES TO SUPPORT THE ARTS

For the necessary expenses to carry out section 202, $80,000,000. Each amount otherwise appropriated in this Act (other than in this paragraph) is hereby reduced by 0.62 percent.

GENERAL PROVISIONS

TERMINATION OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 201. (a) REPEALERS.—Sections 5, 5A, and 6 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 954, 955) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) DECLARATION OF PURPOSE.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

(A) in paragraphs (1) and (6) by striking “arts and the”,

(B) in paragraphs (2) and (5) by striking “and the arts”,

(C) in paragraphs (4), (5), and (9) by striking “the arts and”,

(D) in paragraph (7) by striking “the practice of art and”,

(E) by striking paragraph (11), and

(F) in paragraph (12) by striking “the Arts and” and redesignating such paragraph as paragraph (11).

(2) DEFINITIONS.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

(A) by striking subsections (b), (c), and (f), and

(B) in subsection (d)—

(i) by striking “to foster American artistic creativity, to commission works of art,”,

(ii) in paragraph (1)—

(I) by striking “the National Council on the Arts or”, and

(II) by striking “, as the case may be,”,

(iii) in paragraph (2)—

(I) by striking “sections 5(l) and” and inserting “section”,

(II) in subparagraph (A) by striking “artistic or”, and

(III) in subparagraph (B)—

(aa) by striking “the National Council on the Arts and”, and

(bb) by striking “, as the case may be,”, and

(iv) by striking “(d)” and inserting “(b)”, and

(C) by redesignating subsections (e) and (g) as subsections (c) and (d), respectively.

(3) ESTABLISHMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES.—Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

(A) in subsection (a)—

(i) by striking “the Arts and” each place it appears, and

(ii) by striking “a National Endowment for the Arts,”,

(B) in subsection (b) by striking “and the arts”, and

(C) in the heading of such section by striking "THE ARTS AND".

(4) Federal Council on the Arts and the Humanities.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—

(A) in subsection (a) by striking "the Arts and",

(B) in subsection (b) by striking "the Chairperson of the National Endowment for the Arts,",

(C) in subsection (c)—

(i) in paragraph (1) by striking "the Chairperson of the National Endowment for the Arts and",

(ii) in paragraph (3)—

(I) by striking "the National Endowment for the Arts", and

(II) by striking "Humanities," and inserting "Humanities", and

(iii) in paragraphs (6) and (7) by striking "the arts and".

(5) Administrative functions.—Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking "in them",

(II) by striking "the Chairperson of the National Endowment for the Arts and", and

(III) by striking ", in carrying out their respective functions,",

(ii) by striking "of an Endowment" each place it appears,

(iii) in paragraph (2)—

(I) by striking "of that Endowment" the first place it appears and inserting "the National Endowment for the Humanities",

(II) by striking "sections 6(f) and" and inserting "section", and

(III) by striking "sections 5(c) and" and inserting "section", and

(iv) in paragraph (3) by striking "Chairperson's functions, define their duties, and supervise their activities" and inserting "functions, define the activities, and supervise the activities of the Chairperson",

(B) in subsection (b)—

(i) by striking paragraphs (1), (2), and (3), and

(ii) in paragraph (4)—

(I) by striking "one of its Endowments and received by the Chairperson of an Endowment" and inserting "the National Endowment for the Humanities and received by the Chairperson of that Endowment", and

(II) by striking "(4)",

(C) by striking subsection (c),

(D) in subsection (d)—

(i) by striking "Chairperson of the National Endowment for the Arts and the", and

(ii) by striking "each" the first place it appears,

(E) in subsection (e)—

(i) by striking "National Council on the Arts and the", and

(ii) by striking ", respectively,", and

(F) in subsection (f)—

(i) in paragraph (1)—

(I) by striking "Chairperson of the National Endowment for the Arts and the", and

(II) by striking "sections 5(c) and" and inserting "section",

(ii) in paragraph (2)(A)—

(I) by striking "either of the Endowments" and inserting "National Endowment for the Humanities", and

(II) by striking "involved", and

(iii) in paragraph (3)—

(I) by striking "that provided such financial assistance" each place it appears, and

(II) in subparagraph (C) by striking "the National Endowment for the Arts or".

(c) Authorization of Appropriations.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 960) is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraphs (A) and (C), and

(ii) in subparagraph (B) by striking "(B)",

(B) in subsection (a)(2)—

(i) by striking subparagraph (A), and

(ii) in subparagraph (B)—

(I) by striking "(B)", and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively,

(C) in subsection (a)(3)—

(i) by striking subparagraph (A),

(ii) by redesignating subparagraph (B) as subparagraph (A),

(iii) by striking subparagraph (C), and

(iv) in subparagraph (D)—

(I) by striking "(D)" and inserting "(B)", and

(II) by striking "and subparagraph (B)",

(D) in subsection (a)(4)—

(i) by striking "Chairperson of the National Endowment for the Arts and the",

(ii) by striking ", as the case may be,", and

(iii) by striking "section 5(e), section 5(l)(2), section 7(f)," and inserting "section 7(f)",

(E) in subsection (c)—

(i) by striking paragraph (1), and

(ii) in paragraph (2) by striking "(2)",

(F) in subsection (d)—

(i) by striking paragraph (1), and

(ii) in paragraph (2) by striking "(2)", and

(G) by striking subsection (f).

(d) Transition Provisions.—

(1) Transfer of property.—On the effective date of the amendments made by this section, all property donated, bequeathed, or devised to the National Endowment for the Arts and held by such Endowment on such date is hereby transferred to the National Endowment for the Humanities.

(2) Termination of operations.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of the National Endowment for the Arts and the National Council on the Arts. Except as provided in paragraph (1), the Director shall provide for the transfer or other disposition of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with implementing the authorities terminated by the amendments made by this section.

(e) Conforming Amendments to Other Laws.

(1) Poet laureate consultant.—Section 601 of Arts, Humanities, and Museums Amendments of 1985 (2 U.S.C. 177) is amended by striking subsection (c).

(2) Executive schedule pay rate.—Title 5 of the United States Code is amended in section 5314 by striking the item relating to the Chairman of the National Endowment for the Arts.

(3) Inspector General Act of 1978.—Subsection (a)(2) of the first section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G(a)(2)) is amended by striking "the National Endowment for the Arts".

(4) Delta Region Preservation Commission.—Section 907(a) of National Parks and Recreation Act of 1978 (16 U.S.C. 230f(a)) is amended—

(A) by striking paragraph (7),

(B) in the first paragraph (8) by striking the period at the end and inserting "; and", and

(C) by redesignating the first paragraph (8) as paragraph (7).

(5) National teacher academies.—Section 514(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1103c(b)(4)) is amended by striking "and the National Endowment for the Humanities".

(6) Jacob K. Javits Fellowship Program.—Section 932(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(3)) is amended by striking "the National Endowment for the Arts,".

(7) Graduate assistance in areas of national need.—Section 943(b) of the Higher Education Act of 1965 (20 U.S.C. 1134n(b)) is amended by striking "National Endowments for the Arts and the Humanities" and inserting "National Endowment for the Humanities".

(8) American Folklife Center.—Section 4(b) of the American Folklife Preservation Act (20 U.S.C. 2103(b)) is amended—

(A) by striking paragraph (5), and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(9) Japan-United States Friendship Commission.—Section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended—

(A) in paragraph (3) by adding "and" at the end, and

(B) by redesignating paragraph (5) as paragraph (4).

(10) Standards and systems for outdoor advertising Signs.—Section 131(q)(1) of title 23, United States Code, is amended by striking "including the National Endowment for the Arts,".

(11) International Culture and Trade Center Commission.—Section 7(c)(1) of Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(A) by striking subparagraph (I), and

(B) by redesignating subparagraph (J) as subparagraph (I).

(12) Livable cities.—The Livable Cities Act of 1978 (42 U.S.C. 8143 et seq.) is amended—

(A) in section 804—

(i) in paragraph (4) by inserting "and" at the end,

(ii) by striking paragraphs (5) and (7), and

(iii) in paragraph (6)—

(I) by striking "; and" at the end and inserting a period, and

(II) by redesignating such paragraph as paragraph (5), and

(B) in section 805—

(i) in subsection (a)—

(I) by striking ", in consultation with the Chairman,", and

(II) in paragraph (3) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary",

(ii) in subsection (b) by striking "and the Chairman shall establish jointly" and inserting "shall establish",

(iii) in subsection (c) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary",

(iv) in subsection (d)—

(I) by striking "consult with the Chairman and", and

(II) by striking "jointly by the Secretary and the Chairman" and inserting "by the Secretary", and

(v) in subsection (e) by striking ", in cooperation with the Chairman,".

(13) Conversion of railroad passenger provisions.—Title 49 of the United States Code is amended—

(A) in section 5562 by striking subsection (c),

(B) in section 5563(a)(4)—

(i) in subparagraph (A) by adding "or" at the end,

(ii) by striking subparagraph (B), and

(iii) by redesignating subparagraph (C) as subparagraph (B),

(C) in section 5564(c)(1)(C) by striking "or the Chairman of the National Endowment for the Arts", and

(D) in section 5565(c)(1)(B) by striking "or the Chairman of the National Endowment for the Arts".

(14) Educational Research, Development, Dissemination and Improvement Act of 1994.—Title IX of Public Law 103-227 (20 U.S.C. 6001 et seq.) is amended—

(A) in section 921(j)—

(i) by striking paragraph (5), and

(ii) by redesignating paragraphs (6), (7) and (8) as paragraphs (5), (6), and (7), respectively, and

(B) in section 931(h)(3)—

(i) by striking subparagraph (H), and

(ii) by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs(H), (I), (J), and (K), respectively.

(15) Elementary and Secondary Education Act of 1965.—The Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Public Law 103-382), is amended—

(A) in section 2101(b) by striking "the National Endowment for the Arts,",

(B) in section 2205(c)(1)(D) by striking "the National Endowment for the Arts," and inserting "and",

(C) in section 2208(d)(1)(H)(v)—

(i) by inserting "and" after "Services," the 2nd place it appears, and

(ii) by striking ", and the National Endowment for the Arts",

(D) in section 2209(b)(1)(C)(vi) by striking "the National Endowment for the Arts,",

(E) in section 3121(c)(2) by striking "the National Endowment for the Arts,",

(F) in section 10401—

(i) in subsection (d)(6) by striking "the National Endowment for the Arts,", and

(ii) in subsection (e)(2) by striking "the National Endowment for the Arts,",

(G) in section 10411(a)—

(i) by striking paragraph (2), and

(ii) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively,

(H) in section 10412(b)—

(i) in paragraph (2) by striking "the Chairman of the National Endowment for the Arts,", and

(ii) in paragraph (7) by striking ", the Chairman of the National Endowment for the Arts",

(I) in section 10414(a)(2)(B)—

(i) in clause (i) by inserting "and" at the end,

(ii) by striking clause (ii), and

(iii) by redesignating clause (iii) as clause (ii).

(16) Delta Region Heritage; New Orleans Jazz Commission.—Public Law 103-433 (108 Stat. 4515) is amended—

(A) in section 1104(b) by striking "the Chairman of the National Endowment for the Arts,", and

(B) in section 1207(b)(6) by striking "and one member from recommendations submitted by the Chairman of the National Endowment of the Arts,".

(f) Effective Date.—This section shall take effect on October 1, 1997.

FEDERAL FINANCIAL ASSISTANCE TO THE STATES AND LOCAL EDUCATION AGENCIES TO SUPPORT THE ARTS

Sec. 202. (a) Short Title.—This section may be cited as the "Art for Kids Act".

(b) Grants to States.—From funds allotted under subsection (e)(2), the Secretary of Education may make grants to eligible States to support the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States through—

(1) projects and productions which have substantial national or international artistic and cultural significance;

(2) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit;

(3) projects and productions that will encourage and assist artists to work in residence at an educational or cultural institution;

(4) projects and productions which have substantial artistic and cultural significance;

(5) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;

(6) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

(7) programs for the arts at the local level; and

(8) projects that enhance managerial and organizational skills and capabilities.

(c) Grants to Local Education Agencies.—From funds allotted under subsection (e)(1), the Secretary of Education may make grants to eligible local education agencies to carry out activities relating to the arts for the benefit of children.

(d) Eligibility.—To be eligible to receive a grant under this section in any fiscal year, a State or local education agency shall submit an application for such grants at such time as shall be specified by the Secretary and accompany such application with a plan that the Secretary finds—

(1) in the case of a State applicant, designates or provides for the establishment of a State agency (hereinafter in this section referred to as the "State agency") as the sole agency for the administration of the State plan;

(2) provides that funds paid to the State or the local education agency under this section will be expended solely on projects, productions, and activities approved by the State agency or the local education agency, as the case may be, described in subsection (b) or (c), respectively;

(3) provides that such projects, productions, and activities will be carried out—

(A) in public, private, or public charter schools;

(B) on government property;

(C) in government-owned or community art museums; or

(D) in government-owned or community theaters;

(4) provides that the State agency or the local education agency, as the case may be, will make such reports, in such form and containing such information, as the Secretary may from time to time require, including a description of the progress made toward achieving the goals of the plan involved;

(5) provides—

(A) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

(B) a summary of such recommendations and the State agency's response to such recommendations;

(6) contains—

(A) a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this section;

(B) in the case of a State applicant, for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State agency are available to all people and communities in the State; and

(C) a description of projects and productions receiving financial assistance under this section that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under subparagraph (B);

(7) an assurance that no part of a grant received under this section will be used for any project, production, or activity that is obscene or contains sexually explicit conduct;

(8) an assurance that no part of a grant received under this section will be used to provide financial assistance to any applicant who in the then preceding 5-year period had artistic control of, or contributed significant financial support for any project, production, or activity that was obscene or contained sexually explicit conduct; and

(9) an assurance that such funds will be used to supplement, and not to supplant, non-Federal funds.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

(e) Allotment of Funds.—

(1) 60 percent of the funds appropriated for any fiscal year to carry out this section shall be allotted by the Secretary among local education agencies based on the population of children who are not less than 5 years of age, and not more than 17 years of age, residing in the geographical area under the jurisdiction of such agencies.

(2) 37 percent of the funds appropriated for any fiscal year to carry out this section shall be allotted by the Secretary among the States as follows:

(A) If the amount appropriated for a fiscal year does not exceed $11,200,000, then the each State shall receive an equal share of such amount.

(B) If the amount appropriated for a fiscal year does exceed $11,200,000, then—

(i) the each State shall receive $200,000; and

(ii) the amount remaining after making the allotment required by clause (i) shall be allocated among the States based on population.

(f) Maintenance of Effort.—

(1) States.—If in any fiscal year the amount of non-Federal funds expended by a State to carry out activities relating to the arts is less that the amount of such funds so expended in the preceding fiscal year by such State, then the amount such State would be eligible to receive under this section but for the operation of this paragraph shall be reduced by 3 times the percentage reduction of such non-Federal funds.

(2) Local Education Agencies.—(A) Except as provided in subparagraph (B), if in any fiscal year the amount of non-Federal funds expended by a local education agency to carry out activities relating to the arts is less than 90 percent the amount of such funds so expended in the preceding fiscal year by such agency, then such agency shall

be ineligible to receive a grant under this section for each fiscal year in 5-year period beginning after the fiscal year in which the reduction occurs.

(B) If throughout any period of 5 consecutive fiscal years the aggregate amount of non-Federal funds expended by a local education agency to carry out activities relating to the arts is less than 80 percent the amount of such funds so expended in the 5-year period ending immediately before such period of 5 consecutive fiscal years, then such agency shall be ineligible to receive a grant under this section for each fiscal year in 5-year period beginning immediately after such period of 5 consecutive fiscal years during which the reduction occurs.

(g) COMPLIANCE.—Whenever the Secretary, after reasonable notice and opportunity for hearing, finds that—

(1) a State agency or local education agency is not complying substantially with terms and conditions of its plan approved under this section; or

(2) any funds granted to a State agency or local education agency under this section have been diverted from the purposes for which they were allotted or paid;

the Secretary shall immediately notify the Secretary of the Treasury and the State agency or local education agency with respect to which such finding was made that no further grants will be made under this section to such agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until such agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(h) GUIDELINES.—The Secretary shall issue guidelines that facilitate compliance with this section.

(i) DEFINITIONS.—For purposes of this section—

(1) the term "arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, television, radio, film, video, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, all those traditional arts practiced by the diverse peoples of this country, and the study and application of the arts to the human environment;

(2) the term "sexually explicit conduct" has the meaning given it in section 2256 of title 18, United States Code;

(3) the term "local education agency" has the meaning given it in section 14101 of the Elementary and Secondary Education Act of 1965;

(4) the term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, film, video tape and sound recordings, and any other activities involving the execution or rendition of the arts;

(5) the term "project" means programs organized to carry out this section, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts, and includes, where appropriate, rental or purchase of facilities, purchase or rental of land, and acquisition of equipment, and includes the renovation of facilities if (i) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000;

(6) the term "Secretary" means the Secretary of Education; and

(7) the term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands of the United States.

(i) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Education shall submit annually to the Congress a report describing the extent to which recipients of grants made under subsections (b) and (c) comply with the requirements of this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for fiscal year 1998.

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Michigan [Mr. EHLERS] and a Member opposed the gentleman from Illinois [Mr. YATES] each will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is an attempt to mediate or to end a long-standing dispute in the House of Representatives regarding funding of the arts. As my colleagues well know, every year we have a battle about the NEA and the manner in which it disburses Federal funding. This year for the first time it appears definite that the House will not approve funding for the NEA, as we just observed.

This amendment is an effort to separate the issue into two aspects. One is the funding of the arts. The second is the method of distributing the funding for the arts. The purpose of my amendment is to avoid the battles we have had in the past about the NEA and the manner in which they distributed their funds by developing a new distribution system and yet maintain the funding of the arts that we have had during the past year.

The amount of money we are arguing about is relatively small in the sense of the amount per citizen. Last year we funded the arts in this Nation to the tune of 38 cents per capita. The bill that is before us had great difficulty reaching the floor. As we all know, the rule passed by only one vote. And yet the entire debate appeared to focus on the arts and the funding for the arts.

I happen to support the arts. I also support funding for the arts. In fact, I support Federal funding for the arts when it is handled appropriately.

This amendment will provide appropriate funding for the arts. The NEA has proved to be a lightning rod. It has attracted all types of criticism because they have, upon occasion, given money for art which is profane, or obscene, or vulgar, or sacrilegious, or sometimes all four.

The amendment avoids this problem by recognizing that there are not enough votes in this body, as it is presently constituted, to support the continuation of the NEA, and simply says we will recognize the fact that the NEA cannot pass the House of Representatives but it is very important to continue the funding.

This amendment has other advantages over past methods of distributing funding. One of my goals was to achieve equity. Currently we have approximately $229,000 contributed by every Member's district toward the operation of the NEA and the funding of the arts. Of that amount, most districts do not get anywhere near that kind of money back.

In fact, 25 percent of the arts funding distributed in programs by the NEA went to one State. Let me say that again. One-fourth of all arts programs funding went to one State. That is hardly what one would consider equitable funding. I refuse to believe that one-fourth of the worthy artists in this country all reside in one State.

The amount we are advocating is $80 million, which is even less than last year. It is 31 cents per capita. So if any citizen should happen to write one of my colleagues and object to the Federal funding of the arts, they are spending more on their stamp than they spend on support of the arts. I think that helps put this in perspective.

This is not, however, a reduction from last year, even though it is almost a $20 million reduction in total funding. It simply gets rid of $20 million in overhead and internal operations of the NEA which we will not be perpetuating.

The amendment is somewhat vague about the precise guidelines to be followed in distributing the funds, and that was done deliberately because, at the request of the authorizing committee, they wish to prepare an authorization bill. And we have a gentleman's agreement that the actions of the authorizing committee will, in fact, guide the deliberations of the House members of the conference once this bill reaches the conference committee.

Now, I am concerned, because this effort emphasizes funding for the arts and equitable distribution for the funding of the arts, and I have been told that some of the Members on this body on the other side of the aisle plan to vote against this amendment because it does not continue the NEA.

I urge Members on the other side of the aisle not to listen to that argument. I happen to believe funding the arts is more important than the existence of the NEA. I think it is much preferable to send a bill from this House containing $80 million to fund the arts and provide some continuation of funding than to send a bill across to the other side of the rotunda which has zero dollars appropriated for the funding of the arts.

So I urge my colleagues on both sides of the aisle to support this bill. This is a new approach that will provide block grants to the States. It will provide as much funding for the arts commissions for their own general distributional purposes as they had last year in every State, or, perhaps, in many cases more. Approximately 26 of the 50 States will get more money this time because we will not have one-fourth going to one State.

Furthermore, it provides additional money for arts education in the schools, and I believe that is very, very important. First of all, it is proven that arts education at an early age helps in brain development and helps students do better in other fields. But, in addition to that, I believe that proper arts education will help develop greater arts appreciation in this Nation and will ensure healthy continuation of the arts in the future.

So Mr. Chairman, I urge that this amendment be adopted, that we not get wrapped up in the details of the distribution mechanism. We can certainly work that out through the authorizing committee as we go to conference. But this, I believe, is a worthy amendment which will continue funding for the arts even though the NEA will no longer exist as the House bill passes.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield myself 1½ minutes, and I want to request the attention of the gentleman from Michigan [Mr. EHLERS].

I asked NEA how much money is being allocated to the States; and I was told that by statute 35 percent of the program funds are being allocated to the States, but that in practice 37 percent of their program funds. I was told also that under their interpretation the amount that my colleague would make available would be less for each State than the amount they currently get.

I thought the gentleman from Michigan [Mr. EHLERS] ought to know that so that he might have the opportunity of verifying it with NEA, as well.

Mr. EHLERS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Chairman, I am aware of those figures. First of all, I think two comments must be made. They are per-State figures. They also include roughly $2 million which is designated for arts education. We are designating far more than that for arts education. I did not include that in the title.

Mr. Chairman, if the gentleman would continue to yield, the other fact that they distributed I think is very misleading. They do not include, in the total being distributed to the States, the arts funding that we are distributing, and it makes it look like every State is getting less money. That is simply not true.

Mr. YATES. Mr. Chairman, reclaiming my time, the point I was trying to make is that there is not a great discrepancy between the amount that the States are currently getting under the NEA programs and the amount that I understand the gentleman proposes to make available under his amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the Ehlers amendment because it is designed to gut the NEA.

The National Association of State Arts Agencies, which is the organization that represents the State arts agencies that would get these block grants, is strongly opposed to the Ehlers amendment because they know that it will not help them provide quality programs to young people.

□ 1100

These arts agencies benefit from NEA's experience and their leadership in creating partnerships with schools and universities across the country. They cannot do that on their own and certainly not with the small amount of money they would get from the Ehlers proposal.

Think about this. Under the Ehlers proposal, each school board would get about $3,000, or $1 per child. That is not going to work. It is almost laughable. No wonder that they oppose it.

Further, this amendment requires the Department of Education to create a new bureaucracy to administer the program. DOE does not have any competitive grant programs by subject area now. NEA has the staff expertise. DOE does not.

Let us not pretend that a vote for the Ehlers amendment represents a commitment to arts in this country. These State art agencies rely upon Federal leadership and direct funding of national initiatives to attract private, corporate, and foundation support, especially from funders who can be encouraged to provide matching support. That is why the major corporations have already told us they will not fill this vacuum.

But right now we are getting about $12 in nonfederal funding for every dollar that the NEA provides. That is what is working. It is seed money. It will not be seed money under this proposal.

Mr. Chairman, I strongly urge my colleagues to defeat this amendment, because this amendment is not what the State art agencies want and it is certainly not what our country needs.

Mr. EHLERS. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman for his excellent amendment and just to answer a few of the questions that have been raised. First, why have we had this incredible debate over the last number of years?

It is not whether or not we spend the money, but in essence it has been who spends the money. We have had people in the NEA here in Washington, for whatever reason, who have disbursed money in a way that has embarrassed this House. We have had the horror stories of people handing out $10 bills to illegal aliens on the international border on the basis that that is an art project that shows the contribution of illegal aliens to the U.S. economy. We have had the desecration of the crucifix, these famous cases where absolute obscenity has been funded with U.S. taxpayer dollars, and the taxpayers do not like that.

This amendment does exactly the right thing. It eliminates the NEA, and that is the problem, the people who spend the money. But it does spend some money in a way that we all agree money should be spent, and that is that it gives it to kids. It sends money, most of the money, to the art classes in our grade schools, grammar schools and high schools throughout this country.

Pictures like this one, this was a picture from the district of the gentleman from California [Mr. THOMAS] done by Christopher Suniga from North High School in his district. This represents, and we all see, the great representation and manifestation of the talent of our kids when we walk the hallway from the Cannon Building over here to the Capitol to vote. We see wonderful art. We see all these budding artists who are being taught great art in their classes.

We have had art classes in schools for hundreds of years in this country. What this money will do is go to those kids, go to those classes. If the gentleman says, "Well, a dollar a student isn't going to do any good," I say it is going to do a lot more than handing out $10 bills to illegal aliens at the international border as some kind of a fuzzy-headed art project. We are not going to give the money to aging hippies anymore to desecrate the crucifix or do other strange things. We are going to give it to our kids, our 10 and 12 and 14 and 16-year-old kids who have talent, who want to develop that talent.

Lastly, it is going to give it to the kids on a per capita basis. That means, I say to my great friends from New York who have gotten 25 percent of the money over the years, all the States are going to get an equal amount of money based on their population, based on the number of kids they have who need to develop this talent.

This is a great amendment. It eliminates the NEA, and it funds art where we really should fund it, and that is with our children. I thank the gentleman for offering this amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES], who over the years has been such a strong defender of the National Endowment for the Arts, for yielding me this time.

Mr. Chairman, I want to say to my friends on both sides of the aisle, do not be fooled by the Ehlers amendment. The intent, as the gentleman from California just stated, is to eliminate the NEA and to try to give cover to a few Members in providing money to State arts councils and back to the schools. The State arts councils say, "We don't want the money. We think this is a mistake. Killing the Endowment, our partner, is a mistake."

I must tell Members that over the years, and I have served on this committee for 21 years and I have watched the NEA, we have made some improvements. The gentleman from Ohio [Mr. REGULA], when he was the ranking member, insisted on language. I worked with him on that language to make certain that we got quality funding by the NEA. Out of 100,000 grants, 50 have been controversial. When it comes to the arts, that is not a big deal.

I want to say to my Republican friends, many of which have joined with the gentleman from New York [Mr. LAZIO] in signing a letter to the leadership on this issue, this is our test vote. This is our opportunity to say whether we are for the Endowment or whether we are against the Endowment. I think a showing defeating the Ehlers amendment is the right thing to do. Then we can move on and deal with the National Endowment for the Humanities.

The Endowment has worked well. I can tell my colleagues from the State of Washington's perspective, in 1977 we received 3 challenge grants. It had more to do with developing the arts in Washington State and in Seattle than any other thing. The work over the years with the Endowment has been good and positive. Jane Alexander has been an outstanding leader at the National Endowment for the Arts.

Again, this is a bad amendment. It is nothing but a cover for those people who want to have it both ways. I hope the House will reject it and let us go on and move forward.

Mr. EHLERS. Mr. Chairman, first of all I would simply respond, those who know me well know I do not try to fool anyone and this amendment is not intended to fool anyone.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the authorizing committee.

Mr. GOODLING. Mr. Chairman, as chairman of the authorizing committee with jurisdiction over NEA, I would like to make a few comments about my understanding of the future of NEA.

At the outset, I would note that over the years, nothing associated with the NEA has ever been easy. There are always competing factions with strong views. In fact, because of these strongly held views, 1993 was the last year the NEA was authorized and for the past few years it has been continued on a year-to-year basis only by virtue of the appropriations process. In 1995, my committee did vote out, with some bipartisan help, an authorization to phase it out over a 3-year period. However, the leadership did not see fit to bring that to the floor of the House.

Now we have before us a rule which would allow the Ehlers amendment, block grant amendment, which is authorizing legislation to be attached to the appropriations bill. I would have preferred that they wait before moving authorizing legislation on this bill. However, it is my understanding that the authorizing committee will be permitted to work its will, according to the majority leader and the chairman of the appropriations Subcommittee on Interior.

Here is my understanding of how it will happen. Assuming the Ehlers amendment is adopted and goes to conference, the Committee on Education and the Workforce will work its will through the normal authorizing process in developing an arts-related bill over the next several weeks. It is my hope that the bill will be promptly reported from the committee prior to the end of September before the conference is held, and we will fill in all the details as far as what the bill will do.

Thereafter, the bill would be made available to the Interior conferees as a clear statement of the authorizing committee's views on the future of NEA. My understanding is the chairman of the Subcommittee on Interior will ensure that the authorizing committee's bill becomes the official position of the House in conference.

I do want to point out that I had a letter some months ago from Ms. Alexander, concerned that one of my subcommittees was doing a witch-hunt. I assured her that would not happen. However, I asked her to do what I did. We appreciate in my area the money we get for the York Symphony Orchestra, a very small amount but we appreciate what we get. However, I asked her to do what I did. I looked at "Watermelon Woman" in its entirety, I looked at "Sex Is" in its entirety, and I asked her to do the same and then report back to me and tell me what it is I missed, because I am sure I must have missed something, there must have been some reason for tax dollars to be used for those two films. As yet, I have not had a response.

I have long believed that the normal protocol of deferring to the authorizing committee is the way to handle these matters. With the understanding I have with the subcommittee chair and with our leadership, I will support the action that is being taken today.

Mr. YATES. Mr. Chairman, I yield myself 30 seconds in order to ask the gentleman a question. Do I understand the gentleman correctly that if the Ehlers amendment passes, he will then activate his committee in order to pass an arts bill?

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. The gentleman is correct.

Mr. YATES. Suppose Ehlers does not pass. Would the gentleman nevertheless activate his committee?

Mr. GOODLING. We probably will run out of time, because it will not become an emergency.

Mr. YATES. In other words, the activating of the gentleman's committee will depend upon passage of the Ehlers amendment?

Mr. GOODLING. The gentleman is correct.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, we have the chance today to uphold a long and a proud Federal commitment to culture and to humanity in the United States. But we can only maintain strong national support for the arts by rejecting block grants and restoring funding for the National Endowment for the Arts.

NEA opponents might make my colleagues think that the NEA budget is colossal, but NEA funds are 0.01 percent of the budget, a tiny amount of money. Eliminating the NEA would not balance our budget, but it would bankrupt an essential element of our Nation's culture and artistic heritage. In fact, Mr. Chairman, it turns us back to the Dark Ages.

Providing a small amount of money for the arts through the NEA is a catalyst for local, State, and private arts support. It ensures that small communities as well as large can enjoy American treasures in literature, painting, film, and the theater.

A small amount of NEA seed money has helped Connecticut's arts thrive. We saw the results this summer and last summer with performers from around the world who came to New Haven for the Second Annual International Festival of Arts and Ideas. The nonprofit arts employed more than 17,000 people in Connecticut and generated more than $1 billion for the State's economy in 1 year.

The NEA ensures that the arts are enjoyed not only by the affluent in large cities but by the less well off in small towns. National grants are efficient. They allow exhibits and performers to travel to places. Even a small community that cannot afford a symphony can still enjoy a traveling orchestra's music.

NEA grants have had a positive effect across this Nation. One example: 3 grants benefited 140 small communities in all parts of this country. A grant to the Spanish Repertory Theater in New York enabled the company to tour Ohio, Pennsylvania, Colorado, Illinois, Texas, New Jersey, Connecticut, Massachusetts, and Wisconsin. If funds are block granted to the States, these kinds of traveling exhibits will be much harder to fund and to coordinate. The National Assembly of State Arts Agencies opposes block grants. Let us not return to the Dark Ages.

Mr. EHLERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, as a strong supporter of the arts, I want to add my voice to the others raised in support of the Ehlers-Hunter amendment. While this amendment would eliminate the NEA, it would not eliminate Federal funding for the arts. Instead, it would block grant Federal arts funds to allow communities, not bureaucrats in Washington, DC, to decide what kinds of projects are appropriate for funding in their areas. In light of the many questionable projects funded by the NEA in recent years, I think this is a very appropriate solution.

Under this proposal, more money will be provided for arts education in schools so that students will have access to art, whether it be going to a symphony or having an artist visit their school. In many of my rural communities, they just do not have the resources to provide these kinds of opportunities for their young students. This amendment addresses that situation and will be very beneficial to the youth of America, because the arts expand the mind and heart, they stimulate creativity and they encourage creative self-expression.

Mr. Chairman, I encourage support of the Ehlers-Hunter amendment.

□ 1115

Mr. YATES. Mr. Chairman, I yield myself 30 seconds.

Again I return to the statement by the gentleman from Pennsylvania, the chairman of the Committee on Education and the Workforce. If I understand him correctly, he finds fault with the Ehlers amendment because he proposes, if the Ehlers amendment is successful and passes, he is going to call his committee in order to pass a bill that is more appropriate that he can turn over to the conferees, rather than the Ehlers amendment itself. If the Ehlers amendment fails, he said, he will not have to do that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, yesterday the Republican leadership voted to kill the National Endowment for the Arts, and today unfortunately they are dancing on its grave.

With all due respect to my colleague from Michigan, this amendment is not a compromise, it is a sham. It will not undo the damage that will be inflicted on communities across the Nation by eliminating the NEA.

We do not need a new bureaucracy at the Department of Education, a new distribution system to support the arts. The NEA, particularly under the leadership of Jane Alexander, already has the expertise and a proven record of getting the job done.

Let me remind my colleagues that out of more than 112,000 NEA-funded grants over the past 32 years, only 45 are controversial. That is less than four one-hundredths of 1 percent of all grants. Let us not throw the baby out with the bath water simply because a few grants years ago were controversial.

As I mentioned yesterday, this battle is not about defending the values of mainstream America. This is about pandering to Pat Robertson and the Christian Coalition. The assault on the arts, on cultural expression itself, is an outrage, and it must be defeated.

One of the standards by which we judge a civilized society is the support it provides for the arts. In comparison to other industrialized nations, the United States falls woefully behind in this area, even with a fully funded NEA.

But let us be honest. This is not a fight over money. The leadership wants to eliminate the NEA because they are afraid of artistic expression in a free society. Polls overwhelmingly show that the American public supports Federal funding for the arts because students, artists, musicians, teachers, orchestras, theaters, dance companies across the country benefit from the NEA support. For many Americans, whether they live in the suburbs or cities or rural areas, the NEA is critical in making the arts affordable and accessible.

Mr. Chairman, I urge my colleagues to defeat the Ehlers-Hunter amendment. Preserve the NEA.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply point out that if we had a better distribution mechanism that was not so controversial, we would probably have much more money to distribute to the arts than we do now.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague for yielding this time. As chairman of the oversight committee that has responsibility for the National Endowment for the Arts, we have done oversight work, and the reason I am supporting my colleague's amendment today is because I believe it addresses the worst abuses that we have uncovered in the National Endowment for the Arts. It does not address them all, but it addresses the worst ones.

What are they? As this amendment does, it takes away the $20 million in administrative overhead that the National Endowment spends each and every year, $20 million to distribute an additional $80 million. That is an unreasonable cost.

Where does the money go? The National Endowment for the Arts, as an example, has spent $21,000 per employee on a computer system. Not bad. The disappointing thing is that computer system still is not up and running and does not even do e-mail.

The second abuse that this program deals with is the distribution of funds. I do not think this House would ever develop a program from scratch that would ensure that 143 congressional districts get no money directly from the program. We would never develop a program that sends 25 percent of the funds to one State. This amendment assures that we will equitably distribute funds throughout the country.

And the third thing that this amendment does is it moves decisionmaking for the local arts programs to where those decisions can be best made, where they will be supported by the local community, where they will be supported by the American public, moving decisionmaking for arts projects back to the State level, and the money, the additional funds, are moved into arts education for our kids.

This is a great program, this is a good amendment, it does not go exactly where we need to go, but it moves the program in the right direction and handles the worst abuses for an ineffective bureaucracy.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, the amendment before us is not even a serious legislative effort. It is very clear what is going on here is simply "Operation Cover Your Tail." We have had a lot of people in this House who promised to vote for funding the arts, but yesterday they chose to assassinate the arts behind the cover of the Ehlers amendment.

Mr. Chairman, this is a smokescreen amendment, and I think the comments of the Chair of the Committee on Education and the Workforce indicate just how unreal this proposal is as an alternative. What he really indicated by his remarks is that this is just a time filler. It is a device by which to kill the National Endowment for the Arts, and then they figure out later how they are going to explain it to the folks back home and come up with some other scheme to cover what they have done.

What he said in response to the comments of the gentleman from Illinois [Mr. YATES] is, "Well, if this amendment passes, then what we'll do is, we'll pull our committee together and we will really then figure out what it is we really want to do, and then we will send it on to the conferees." When he was asked would he do that same thing if the Ehlers amendment is not adopted, he said no.

That indicates that this Ehlers amendment is nothing but a device by which you accomplish the assassination of the National Endowment for the Arts. That is all it is, and it just seems to me that that is not what a majority of Members in both parties in this House want to do.

Now I have served, when I first came to the Congress I served, on this subcommittee as one of my first assignments. I remember for years the wonderful bipartisan support that we had for the Endowment. People now complain about a couple of the grants that the Endowment was involved in because they say that they produced art that is not consistent with American values. There is no question about that, and I agree with that. But they have had about a 99 or 97 percent success rate.

Mr. Chairman, I would like to meet the Member of Congress who has that high a performance by any standard, no matter who would determine that standard.

Let us be very clear about it. The arts community is against the Ehlers amendment. The State arts agencies who would receive a very large share of the funds under this amendment do not want this amendment. And the idea that we are going to turn this over as an orphan program to the Department of Education, which at least a third of my colleagues on that side of the aisle have been trying to abolish, indicates just what a slapdash operation this really is.

So it seems to me if my colleagues are serious, if they want to cast a vote that will keep continued pressure on to resurrect a meaningful arts program, they will vote this down and they will insist that the committee in conference resurrect the National Endowment.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply observe this amendment is definitely not a smokescreen. I have never smoked in my life.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I commend the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES]. Over the years they have done a valiant job with this budget. I happen to have a hundred percent record of arts support. I voted against the rule yesterday. I think the National Endowment was not treated fairly in the rule, and that is why I voted against this.

Now those of us who believe that the Federal Government has a role in the arts, the Ehlers proposal is the one thing we have to show that this House cares for Federal support of the arts. Let us forget about some of the administrative machinery right now. I think the gentleman from Michigan [Mr. EHLERS] is on the right track. That does not mean we have every dot dotted and every I dotted and so forth.

It is wrong to deny this House a vote, and this is the chance to vote and show our support for the arts. This is the one opportunity we will have on this bill going into negotiations with the Senate. They might well succeed in having the NEA continued, and I would support that. But I think we have to go in with support of the Federal Government for the arts.

The gentleman from Michigan [Mr. EHLERS] formerly has 30 percent of those funds going to the State arts councils. I am quite familiar with the California State Arts Council which does an outstanding job. Sixty percent would be going to public schools. Only 3 percent on administration, not 20 percent.

This proposal does not pretend to be perfect. I think universities with outreach efforts in inner cities and public schools need to be supported.

Revenue sharing that we had in this country between 1973 and 1983 worked. Who did not like it? The Washington lobbyists. Who did not like it? The staff on the Hill and people that had been here too long on the Hill.

This program will work. Give it a chance. Vote for the Ehlers proposal. Vote for Federal support of the arts.

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

I have the greatest respect for my friend, the gentleman from California [Mr. HORN], but I should like to point out to him that in the years I have been in the Congress and in the number of times that I have been in conferences with the Senate, I have gone through those conferences with bills that had no appropriations on programs from the House and appropriations that came from the Senate that had to be reconciled, and I suspect that the Senate will approve an appropriation for NEA.

Mr. Chairman, I think that we would be better off going to the Senate with a vote like we had yesterday on NEA, 217 to 216, showing that the House still wanted to have NEA rather than clouding the issue with an amendment like the Ehlers amendment.

Nevertheless I respect the position the gentleman has taken.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I would be the last person in this bill to defend the obscene art that is the controversy about the funding. But to me, I am a bit troubled; I am still smarting from the vote yesterday on the rule.

The gentleman here, who I served with for 22 years, and there is not a finer man that has ever served in this body than the gentleman from Illinois, [Mr. SID YATES], a man of integrity who has had many awards from the arts community, and the Committee on Rules waived points of order. This is legislation on an appropriation; make no mistake about that. They waived the points of order to allow this amendment to come up. They denied the gentleman from Illinois [Mr. YATES] the same courtesy to offer his amendment up or down on NEA funding.

□ 1130

This is wrong. My friend, the gentleman from Ohio [Mr. REGULA], who I served with on the Subcommittee on Military Construction for many, many years, and we have saved this country a million dollars in funds for our military and quality of life, but to make a rule to where they waive the points of order to allow an amendment such as this, and they deny a man who has been in this House for many, many years, a man of integrity, it is just not right.

Let me make one other point. All the abuses that have been in the grants and what has taken place, let me just kind of draw an analogy here. I serve on the Committee on National Security. We had some scandals in our academies, in the Naval Academy, in West Point and the others. We do not close the schools down. We try to correct them, which is what we have done in this area.

We have tremendous cost overruns on weapons systems. We do not quit spending money for defense. We try to fix it. We do not try to kill it in a roundabout way and allow an unfair rule on this House floor to responsible Members that have given their lives in service to their countrymen here on this floor. That is not democracy.

Mr. Chairman, this is not right. I would like to ask the gentleman from Michigan [Mr. EHLERS], if I could, on most of these amendments that come up that call for block grants, they pass out literature that says how much each district in the country will get. Do Members have such a printout that we could have, where I will know how much these block grants we will get in the Eighth District in North Carolina, or statewide, under block grants? Or have Members gone that far in analyzing the block grants?

Mr. EHLERS. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding. Yes, I do have a chart here. I have not distributed it. It is not by district, because we do not know how the State agencies or how the State art commissions would distribute on a per district basis, but I do have a breakdown by State of how much would be given to each State for the use of their arts commission to distribute and how much would be given for their schools to distribute.

Mr. HEFNER. Reclaiming my time, Mr. Chairman, I would just make this final point. Living in rural North Carolina, my kids were in grade school, and nothing pleased them any more than when the symphony or a portion of the symphony from Charlotte or someplace came and performed at their school.

It was the highlight of their day and the highlight of their week when they could participate in something that they would not be able to participate in otherwise. To me this is just an absolute tragedy when we did not allow a vote, an up-and-down vote for my friend, the gentleman from Illinois [Mr. YATES].

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply observe that under the NEA 25 percent of the funding went to one State. There was a lot of talk about the NEA, about distributing funds to the little people. Our program does a lot better job at distributing funds to the little people than the NEA has done.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Chairman, as we look for alternatives today, I want to commend the gentleman from Michigan, Mr. EHLERS, and the gentleman from California, Mr. DUNCAN HUNTER. My freshmen colleague the gentleman from Kansas, Mr. JERRY MORAN, a couple of months ago began to mention this concept to me as a concept that he thought would work.

We are looking to new and better ways to do things. Clearly Members are not going to privatize or turn back to the States the obligation to defend the country, so we have to look for different ways to solve problems, management problems in the Defense Department.

We are talking about an agency that spends 20 percent of its money just to administer its programs, and according to their own inspector general's report, as of March 31, 1996, 63 percent of the project costs were not reconcilable to the accounting records, 79 percent had inadequate documentation, 53 percent failed to engage independent auditors, even though their grant requirement absolutely required that.

We are not debating today whether or not to spend money on the arts. The key here is not about spending money on the arts. We are for the first time really significantly debating where is the better place to make this decision. Should this decision be made in Washington, or can this decision be made better in the States?

We got an opportunity to look to the States. The State art councils have done a good job distributing the State money. Thirty percent of the NEA-distributed money has gone to six cities in America. In the Seventh District of Missouri that I represent, of the money distributed by the NEA, even though our proportionate share would be a quarter of a million dollars, we get back $5,000. The State arts councils are going to do a better job in distributing this money. They are going to do a better job administratively in spending it.

I urge support of this amendment, Mr. Chairman.

Mr. YATES. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this amendment is nothing but a smokescreen to hide the actions taken by the House leadership to prevent the vote on the amendment offered by the gentleman from Illinois [Mr. YATES] to restore funding to the NEA. This amendment was cooked up in the middle of the night. It has not been considered by any committee nor had the benefit of any public hearing. It would effectively waste the $80 million it appropriates with virtually no benefit to the arts.

For 30 years, Mr. Chairman, the NEA has brought art and culture to those who would not otherwise have access do it. Before the NEA there were 58 orchestras in the country. Today there are more than 1,000. Before the NEA there were 37 professional dance companies. Now there are 300. Before the NEA, only 1 million people went to the theater in this country every year. Today more than 55 million do. Without the NEA, we will revert to the old situation where the arts were not accessible to most people in this country.

But this amendment eliminates the NEA. It would instead distribute $600 or $1,000 to every school district. $600 for an entire school district? What use could they make of that? The amendment is so restrictive, there is no guarantee, no assurance it would continue our support for symphonies, operas, concerts in the park, local Shakespeare festivals and touring dance and theater groups that benefit entire communities, not only schoolchildren. Even the State arts agencies that would directly receive 30 percent of the block grants strongly oppose the amendment.

The amendment does not recognize the purpose of a national arts agency, and therefore it tends to set up a distribution system that sounds fair but in reality is completely unworkable.

The amendment will eliminate funding for the traveling theater and dance groups that visit small towns and communities all across the Nation, because if States control these funds they will have no incentive to support theater or dance groups that travel to other States outside their borders.

And the amendment will distribute an equal portion of Federal money to every region. But we all know this makes no sense. Mr. Chairman, should New York City get the same amount of money for wheat subsidies as towns in Kansas and Iowa, even though we grow no wheat in New York City? Of course not. Some regions have more wheat farmers and others have more artists, and Federal funds should be distributed accordingly.

In the end, wheat subsidies help consumers nationwide, and NEA grants bring excellent art produced by the country's finest artists to people all over the country.

I hope it is very clear that the amendment is a fraud, designed only to create a political fig leaf for those whose constituents will not appreciate their votes yesterday to kill the NEA.

Do not be deceived. Vote against this amendment, and wait for the Senate and the President to rescue the arts in this country from the folly of this House.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the Ehlers-Hunter amendment eliminating the NEA and block granting funding and giving control to the local school boards. I urge my colleagues to vote in opposition to the Ehlers-Hunter measure. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to the Ehlers-Hunter NEA amendment. Though I support the efforts of both of my distinguished colleagues in trying to formulate a workable compromise that would fund the arts, I believe it is too little and too late.

I strongly support the vital need to continue funding for the National Endowment for the Arts, and it is distressing that this amendment terminates this important agency.

Over the past 30 years, our quality of life has been improved by the National Endowment for the Arts. Support for the arts acknowledges our Nation's commitment to freedom of expression, one of the basic principles upon which our Nation is founded. Cutting funding for the arts will deny citizens this essential freedom, and detract from the quality of life in our Nation.

The President's Committee on the Arts and Humanities released the report entitled Creative America, which makes several recommendations about the need to strengthen support for cultural in our country. It applauds our American spirit, and observes that an energetic cultural life contributes to a strong democracy. This report not only highlights our Nation's unique tradition of philanthropy, but also mentions that the baby-boomer generation, and new American corporations, are not fulfilling this standard of giving. It saddens me that something as important as the arts, which has been so integral to our American heritage, is being cast aside by our younger generations as something of little value.

By block granting funding for the arts and fragmenting the NEA, our Nation would be the first among cultured nations to eliminate the arts from our Nation's priorities. As chairman of the International Relations Committee, I recognize the importance of the arts on an international level, in helping to foster a common appreciation of history and culture that are so essential to humanity. If we eliminate the NEA we will be erasing an essential part of our culture.

Moreover, this measure which block grants funding for the arts, places most of the authority for distribution of art funding to local school boards, virtually eliminating a significant Federal role.

Accordingly, I urge my colleagues to vote no on the Ehlers-Hunter amendment and instead work with our colleagues in the conference to provide full funding for the NEA.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I rise in opposition to the Ehlers-Hunter amendment. I am deeply offended by the subterfuge which it represents as a backdoor way of putting money into the Department of Education, frequently the target of the majority side of the aisle.

What offends me more than that, however, is that we stand here every day preaching the rule of law, where we insist that for Americans, that there is an even application of the rule of law and that it ought to be abided by.

This House has rules that ought to be abided by, and the rule says that you cannot authorize on an appropriation bill. On that basis they have ruled out of order the ranking member's amendment to restore funding. Well, that is fine. If they are going to enforce the rule of law and apply that to the gentleman's amendment, that is fine.

But on the other hand, through a manipulation of the rules of this House, they have allowed an amendment to come forth which does not even belong in this appropriation bill. It goes to another committee on appropriations. It has to do with funding of the Department of Education.

If Members do not believe me, they should remind themselves about the words of the chairman of the Committee on Economic and Educational Opportunities, who said on the floor of this House that if the Ehlers amendment passed his committee will be put to work to write the legislation.

Mr. Chairman, if that is not back door subterfuge, I do not know what is. If we have problems in explaining what we do to our constituents, I hope Members can go back to their constituents and explain what we are doing today.

The annihilation of the National Endowment for the Arts is a very, very serious act, prompted by a few objections to maybe less than 50 art programs or projects among millions. If we are offended by these things, make the rules tougher, but do not do away with the symbol of national support for the idea of creativity, which is the essence of free expression protected by our Constitution.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply remark that the rules of the House provide that a waiver protecting from a point of order applies only if the chairman of the authorization committee authorizes it. That is what happened in this case. So the rules of the House were followed.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, on behalf of the rural States in mid-America, I speak in favor of the Ehlers-Hunter amendment for a number of reasons. First, the status quo funding of the NEA results not in art education, but in art arrogance. Do we really need a centralized, federalized ministry on the arts to tell the people of America what is good and what is not good art, what does and does not deserve funding?

Second, the present philosophy of the NEA does not accomplish its original mission of providing art education to underserved areas; not the big cities, but underserved areas. Rather, Washington control results in mismanagement and a lack of common sense in art funding.

The Ehlers amendment gets the money to the State art agencies, which do a good job, and it also for the first time provides funding for art programs in schools. I urge my colleagues to support a commonsense approach to arts by voting for art education and not art arrogance.

Mr. YATES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take issue with my friend, the gentleman from Michigan [Mr. EHLERS] when he said that they observed the rules of the House when the chairman of the Committee on Education and the Workforce gave his consent. I gathered the impression that the chairman of the Committee on Education and the Workforce did not give his consent. He came down in the well of the House and said that if the gentleman's amendment passes, he is going to put his committee to work to pass a bill that means something, and then turn it over to the conferees.

What happened, of course, was that the Committee on Rules waived all points of order with respect to the gentleman's amendment, which included the rule that required the approval of the chairman of the legislative committee. That is what happened in this particular case.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I do not question the good faith effort of our colleague, the gentleman from Michigan [Mr. EHLERS], but I do have to say I rise in strong opposition to this proposal. This is no way to run a railroad, and it is certainly no way to legislate. This is not the time nor is the appropriations Subcommittee on the Interior bill the place to undertake a complete overhaul of our arts funding process. This is a job for the authorization committee, the Committee on Education and the Workforce.

Mr. Chairman, I speak with some authority on this because I have been a member of that committee, and also a leader for years in reforming the NEA, so I think I have some understanding of what is involved here.

□ 1145

Regardless of my commitment to the NEA, the point here today is that we are about to establish an entirely new program that we know next to nothing about. There are a lot of questions here. I do not have time too go into all of them, but I have a list of questions here that are not answered. And some of the answers that are not in the legislation, proposed legislation, are said to be for the committee report.

Is that any way to legislate? That is ridiculous. But without going into all of the questions, aside from real serious questions about how the funding formula is distributed, I want to ask my colleagues at least two questions:

Will the bill be written in the conference if the committee of jurisdiction, as the chairman has said, does not act? Are we handing that over to a conference committee? I doubt it.

What will it mean in terms of the conference committee in the Senate having worked its will on the NEA? Will it undermine that effort? There are questions on both sides of this issue.

To my Republican colleagues, particularly those who have sworn allegiance to eliminating the U.S. Department of Education, is not anyone here concerned that this proposal creates a new bureaucracy in the Department of Education?

Those are but two of about 10 important questions that are left unanswered in this procedure.

Mr. Chairman, I include for the RECORD the list of questions to which I referred:

ADDITION TO STATEMENTS—QUESTIONS ABOUT EHLERS

Mr. Yates cannot offer his amendment because the NEA has not been reauthorized by the Education Committee since 1993. Should we be approving here a 28-page amendment that substitutes for the Committee's authorization process?

Has anyone seen the formula for distribution? If not, when will we see it? Before conference? Before final passage? Before enactment?

Will the bill be written in conference if the committee of jurisdiction doesn't act?

Do we know how this will affect each State?

Many of my Republican colleagues have sworn allegiance to the cause of eliminating the U.S. Department of Education. Isn't anyone concerned that in this proposal we are handing a new $80 million bureaucracy to DOE?

What experience does the DOE have in operating an arts program?

There are about 16,000 local school boards across the Nation. Under Ehlers, each one would get about $3,000 each. It seems to me that the paperwork involved in this program will cost each district more than $3,000. Is it worth it?

The Ehlers amendment contains a 3 percent funding figure for administrative costs? Whose administrative costs? Will the States get any of this? If not, why is this not one of those famous "unfunded mandates" we so strongly oppose in this House?

I recommend a "no" vote on Ehlers.

Mr. EHLERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, Government support of the arts has created access to the arts for millions of Americans and has provided tremendous economic and educational benefits to our Nation.

Just as the Department of Education embodies our belief that mastering a disciplined body of knowledge is essential to exercising freedom with responsibility, so the NEA embodies our national commitment to the arts and our recognition that creativity is absolutely essential to an entrepreneurial economy in a visionary democracy.

It is no surprise that students who have 4 more years of art education have SAT scores that are significantly higher than those that do not. Further, arts moneys have been the most successful economic development program in our great cities.

I rise at this time in support of the Ehlers amendment because it significantly restores funding for the arts while the underlying bill slashes funding 90 percent. It also recognizes that there is a need for a Federal role in funding the arts.

The Ehlers amendment is therefore better than the underlying bill. However, it is dangerous to make significant changes in any Government agency without hearings and this amendment has some serious problems. It eliminates any significant Federal role in supporting unique museums, theaters, symphonies, and dance troops that are institutions of national significance and value. Also, by sending the education dollars directly to the schools, it destroys the powerful partnerships that have emerged and been developed between the great museums like Hartford's Wadsworth Atheneum and local schools. These partnerships provide a totally different and higher order of arts experience to our children than could any public school arts department.

Mr. Chairman, this amendment sends the House into conference, and this is where I disagree respectfully with my colleague, the gentleman from Illinois [Mr. YATES]. It sends the House bill into conference with far more dollars in it than the base bill and a clear message of support for a Federal role. In conference I would hope the NEA structures prevail and this bill goes to hearing as part of the reauthorization process.

Government support of the arts at the Federal, State, and local levels has created access to the arts for millions of Americans, and has provided tremendous economic and educational benefits to our Nation. Funding from the National Endowment of the Arts [NEA] directly or indirectly supports thousands of programs that bring the arts to urban and rural communities, with local decisionmakers selecting cultural activities of importance to their communities. NEA-supported arts education programs open the doors of museums and symphonies to thousands of students and bring unique arts experiences into the classrooms.

Just as the Department of Education embodies our belief that mastering a disciplined body of knowledge is essential to exercising freedom with responsibility, so the NEA embodies our national commitment to the arts, and our recognition that creativity is absolutely essential to an entrepreneurial economy and a visionary democracy.

It is no surprise that students who have 4 or more years of art education have SAT scores that are significantly higher than those who do not. Direct and indirect funding from the NEA is essential to continuing and developing quality art education that will build the skilled minds and hands needed to shape our future.

The economic impact of the arts is significant and especially dramatic in our great cities, large and small. Of all the urban economic development programs, arts funding has proven to be among the most important of our great cities. An investment equal to 38 cents per American, one one-hundredth of 1 percent of our total Federal budget, stimulates 18 times that amount from other sources. Nationally, nonprofit arts generate $37 billion in economic activity, support 1.3 million jobs, and return $3.4 billion in Federal income taxes. The arts are good business.

I rise in support of the Ehlers amendment because it restores significant funding for the arts and recognizes the Federal responsibility to fund the arts, while the underlying bill slashes funding by 90 percent. The Ehlers amendment, therefore, is better than the alternative—which provides virtually no funding at all. However, it is dangerous to make significant changes in any government agency without hearings and this amendment has some serious weaknesses. It eliminates any significant Federal role in supporting the unique museums, theaters, symphonies, and dance companies that are institutions of national significance and value. Also, by sending the education funding directly to the schools, it destroys the powerful partnerships between great museums like Hartford's Wadsworth Atheneum and local partner schools. These partnerships provide totally different and higher order arts experiences to our children than could be provided by school arts departments alone.

Public Law 89–209, the law establishing the NEA, states: "It is necessary and appropriate for the federal government to help create and sustain not only a climate encouraging freedom of thought, imagination and inquiry, but also the material conditions facilitating the release of this creative talent." I take that responsibility very seriously.

The arts are an integral part of our society and our economy. The American people recognize the importance of the arts. Seventy-nine precent of them support a government role in funding the arts. This amendment sends the House bill into conference with more dollars than the base bill and clear support for a Federal role in arts funding. In conference we should retain current the NEA structures and send this thoughtful amendment to hearing as part of the reauthorization process.

Mr. YATES. Mr. Chairman, I yield myself 1 minute to repeat what I said with respect to the gentleman from California [Mr. HORN]. I think that if we went into conference with the Ehlers amendment, we would be in a very weak position because the Senate, I am sure, will put an appropriate amount of money in the bill. And it all depends on what my good friend, the gentleman from Ohio [Mr. REGULA], and I are able to come up with in our negotiations with the Senate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, we have not been able to reauthorize the NEA legislation either under Democratic leadership or Republican leadership. It is my hope that the conference committee will take the old language, and then we could go into the authorizing process this year and bring together some of the interests of conservatives who have opposed NEA but many of whom do not oppose some Federal funding of the arts in our Nation and really think through how do we get a reauthorization that meets the needs of all of us. But that is a separate issue. I think in the conference committee we could go forward.

Mr. YATES. Mr. Chairman, I respectfully suggest the vote yesterday indicated that conservatives who are opposed to it would have been outvoted, had we had a chance to vote on NEA.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to this amendment. I rise in opposition because if something is not broken, then there is no need to mend it. There is no need to fix it. The fact of the matter is the NEA has, for a number of years, developed tremendous outreach to the arts community all over America. Everybody involved in the arts, they know. Everybody involved in the arts, they are a part of. They know where the programs are. They know where the funds need to go. They know the kind of activities that need to take place. I believe, again, if it is not broke, do not fix it. I commend my colleague from Illinois for having been a longtime guardian of these programs. I stand with him and say, if it is not broke, do not fix it.

Mr. Chairman, I rise in objection to the Ehlers amendment. Under the Ehlers amendment, the NEA would be eliminated as we know it. The Ehlers amendment would appropriate $80 million in Federal funds to be allocated as block grants. Under this proposal, 97 percent of the money is to go directly to State arts councils and local school boards for only school-based arts education programs.

Beyond monetary terms, this shift of 60 percent of the funds allocated entirely toward schools, which serve primarily k–12 needs are the funds that support institutions that promote lifelong learning, such as museums, dance companies, theaters, outreach programs, community-based programs, and folks arts are lost. These arts and humanities programs that Americans have grown to know and love over the years no longer will be funded.

This proposal means that a majority of Federal arts funding would not be available for cultural organizations and some of their programs. Important programs that enrich the lives of many across this Nation. Although the State Arts Council may receive slightly more money, they cannot possibly compensate for this loss. The 7th Congressional District of Illinois which I represent would lose over $1.8 million overall based on fiscal year 1997 appropriations. This is bad for Chicago, but more important it is bad for America. I say it is bad for America because Americans come to Chicago.

There are numerous organizations that would be hurt by this proposal in my district, fine institutions that people across this Nation enjoy—such as the Art Institute of Chicago, the Chicago Artist's Coalition, the Chicago Dance Arts Coalition, Inc., Hubbard Street Dance Chicago, Illinois Arts Council, Lyric Opera of Chicago, Museum of Contemporary Art, Urban Gateways, and the YMCA's USA Literature Special projects would no longer receive their much-needed NEA funds.

I join with my constituents, the State arts agencies and the mayors across our great Nation that reflect the view of millions in my opposition to the Ehlers amendment that greatly hinders our Nation's commitment to the arts.

Mr. EHLERS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, most of us here in this body and citizens across the country were offended with some of the arts that were funded by the NEA in years past. We had a fellow colleague, Paul Henry, who led the successful fight to stop much of that abuse of taxpayer money several years ago. I am delighted that the gentleman from Michigan [Mr. EHLERS], his successor, has followed that same trail.

Because we did not have an authorization, money could and was struck for the NEA. That is a simple tact under the rules of the House. The Ehlers amendment is a step in the right direction for allowing the funding for the arts. No, the Ehlers amendment is not music to everyone's ears. It does not fund symphonies and a number of worthwhile organizations, museums that today are funded. I know that there are a number of things that we need to correct in the future with those things in mind.

But today we need to adopt the Ehlers amendment and we need to let the Committee on Education and the Workforce reauthorize this very valuable program for the future. The bottom line here is that we would rather have something than nothing, and the Ehlers amendment is a good step in the right direction. I would urge my colleagues to support this measure.

The CHAIRMAN. The Chair would advise that the gentleman from Michigan [Mr. EHLERS] has 6¼ minutes remaining, and the gentleman from Illinois [Mr. YATES] has 2½ minutes remaining and the right to close.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I rise in support of the arts but in strong opposition to the Ehlers amendment which at its best is an untested way of handling arts funding. The NEA is indeed a lightening rod. It has some basic good ideas. I give them a lot of credit for that.

But this concept is less than 24 hours old at this point. It has not been tested across the country. Virtually nobody really understands what is in it. In addition, it is a travesty that we are not in this body voting on NEA funding, which every single Member knows would be reinstated to the exact amount it got last year if we were given that opportunity, because of legislative process and procedures that has been avoided. The bottom line is that most groups in this country that I have been in touch with through fax, by telephone call, whatever, are in opposition to this amendment. That goes all the way from the Conference of Mayors to arts groups in general to business leaders to State arts agencies, all of whom are saying this is not the way to proceed.

So it is a dilemma for those of us who support the arts. I oppose the Ehlers amendment. I believe that we must move ahead with good arts funding by the Senate and by the White House.

Mr. EHLERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I was not going to speak but I am sitting in my office choking on the rhetoric that I am hearing on what a great contribution the NEA is to the arts. I have been in the arts for 30 years. That has been my occupation. I know of no one in 30 years in the arts that has been assisted by the NEA. I do not see where the NEA is this amazing contribution to mankind and has brought all these artists forward.

Furthermore, there is no equity as far as how artists are selected or chosen. There is no system. There is no equity. And I would not qualify and many of my colleagues that are artists, successful artists, would not qualify today. So finally we have a system, the Ehlers amendment, that would at least have a fairness as far as qualifying or as far as assisting artists, and we are denying that and we are giving it to a group. I wish Congress would stop thinking that they are experts on everything. They certainly are not experts on art and they do not know what they are talking about when they talk about the NEA.

Mr. YATES. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, despite a few mistakes, the National Endowment for the Arts has worked and continues to work remarkably well. It provides funds on the basis of excellence, not merely population. That is not an elitism, that is the time-honored conservative principle of giving money where it will be used most effectively. Under the Ehlers plan, the distribution of funds on population, every single State except one, every single State except one loses money.

The discretionary grants are gone and the 37 percent distribution formula means every State loses money. The only place that came out on the plus side of the ledger is when you distribute money for students and then you give them 90 cents apiece to buy crayons and construction paper. Support the NEA.

Mr. EHLERS. Mr. Chairman, I yield myself 15 seconds for a brief response.

My good friend, the gentleman from New York, just made a statement that every State loses. He is undoubtedly basing that on the NEA flier that I mentioned earlier on, which was distributed and simply gave inaccurate information. States do not lose. They in fact do gain.

PARLIAMENTARY INQUIRY

Mr. BOEHLERT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOEHLERT. Mr. Chairman, the gentleman has suggested I gave inaccurate information to the House. The gentleman has suggested that the gentleman in the well has given inaccurate information to the House. I would like the opportunity to correct that statement. How do I get time to do that?

The CHAIRMAN. The gentleman from Michigan may yield time as he sees fit.

Mr. EHLERS. Mr. Chairman, I yield 15 seconds for a response to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, under the population aid formula, 37 percent distribution of funds, every State except Florida loses money because we eliminate all discretionary spending.

Where you gain money, and it is marginal, is under the student aid distribution formula, and that is about 90 cents a student, which will allow them to buy crayons and construction paper.

Mr. EHLERS. Mr. Chairman, rather than continue that mini-debate, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in support of the Ehlers amendment. We have had problems with the NEA because a few artists want to extend beyond what is acceptable with public funds.

We have had great success with the State arts councils. I want to give them the funds they need to continue. There is a legitimate matter of debate about the use of public funds for art, but I believe that in a great civilization there has always been the use of public funds to support the arts. America is such a great civilization.

I ask my colleagues to set aside their concerns and to help us move to a substantial situation of providing assistance to our State arts councils. Perhaps too much is allocated to the schools at the expense of the State arts councils, but this Ehlers amendment is a valid effort. I think it is important that we move in this direction. It is the solution in the long term.

The national level will always be contentious. It is time to get the money to the State arts councils. They have done an extraordinary job in deciding how to spend their funds. I urge Members to support the Ehlers amendment to expedite this process to the final solution.

The Ehlers amendments would replace the National Endowment for the Arts (NEA) with a block grant program to the State art councils and public school districts.

This Member has always been in favor of public funding for the arts. Every great civilization has always had public support of the arts. America is a great civilization and we should continue small but reasonable Federal funding in this area.

This Member has great confidence in the State arts councils. For example, there is no doubt that the Nebraska Arts Council will make the right decisions regarding use of Federal funds.

As we all know, the controversy surrounding the NEA is largely the result of inappropriate funding decisions regarding pornographic or obscene projects which have been the subject of strenuous objections by many Members of Congress, including this Member. Because of the strong public opposition to the NEA, the best way to ensure continued Federal support of the arts is to send the money to the State art councils and public schools for distribution. A vote for the Ehlers amendment is a vote to support the arts.

In closing Mr. Chairman, this Member urges his colleagues to support the arts by voting "aye" on the Ehlers amendment.

□ 1200

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

I would simply reiterate the choice before us is very clear at this point. This amendment, in spite of the accusations made against it, is not a smoke screen, it is not trying to fool anyone. It is a simple attempt at providing continued Federal funding for the arts, given the fact that the House at this moment in time is not prepared to continue the NEA.

So the issue is clear. Do we want to send a bill to the Senate that has no NEA and no arts funding, or do we want to send a bill to the Senate that has no NEA but does have continued arts funding?

The choice to me is very clear. Let us continue the Federal support for the arts. Let us continue to provide funding for the arts through the various State agencies that are available, through the arts education programs at various States and that school districts have. I believe it will be a more equitable distribution than we have had. It certainly will be far less controversial, and I believe it will be beneficial for the arts, for the people of this Nation who are interested in the arts, and it will be beneficial for the students who will be learning about the arts. I think it is a win-win situation.

I urge all Members of this body to forget partisan differences, to forget the arguments about the NEA and say at this point in time the best thing we can do is pass this amendment and send this bill to the Senate with continued funding for the arts, and we will there, in conference, resolve the issues about the future of the NEA. So I urge all Members of this body, regardless of partisan differences, to vote for this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House of Representatives.

Mr. GINGRICH. Mr. Chairman, I thank my friend for yielding me this time.

Let me just say I think the direction that the Ehlers amendment is taking us is the right direction. Clearly, this is a new approach and a new way of funding the arts at the Federal level. It indicates our commitment to making sure that at local levels, local communities and the States have resources for funding.

I wanted to say to my good friend from New York that I would certainly urge, in conference, the chairman, the gentleman from Ohio [Mr. REGULA], who has been working in this direction for several years, to work with him and anyone else to make sure that States actually do have full funds. There is no question about whose list is right, whose list is wrong. Our goal is to get funding to the States to have a mechanism for the States to be able to help fund the arts in an appropriate way under local leadership.

This is the only point I would make to our friends who are arguing so passionately for the endowment to the arts: If one talks to the gentleman from Pennsylvania [Mr. GOODLING], who I think is a very reasonable and a very responsible person, he will advise that as recently as this year he tried to get information out of the NEA, defending certain films that they had granted, that he could not defend. He could not defend why taxpayers were paying for them. He could not understand what was the point of certain types of gratuitous pornography and gratuitous violence in a way that made no sense. Yet we want to find a way, with local communities, with local input, with local involvement, to fund the arts.

So I think for those who care about the arts as opposed to the National Endowment, this is actually going to take most of the argument, most of the controversy, most of the irritation out of the system and allow us to focus, instead, on how do we help the local symphony, how do we help the local ballet, how do we help the local art museum, and to do it in a way which allows us to build support for the arts rather than engage in arguments over controversy.

I think it is an important step in the right direction. I commend the gentleman from Michigan for his leadership and the gentleman from Ohio for having organized it, and I believe this is the best way to have funding for the arts at the local level, where it matters, so that local communities can have the kinds of involvement and input they should have.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the most distinguished gentleman for yielding me this time, and I rise in opposition to the Republican assault on creativity in America and urge my colleagues to vote against the Ehlers amendment.

Mr. Chairman, I rise in opposition to the Ehlers amendment. The past 24 hours have been sad and disappointing ones for the House of Representatives, because the Republican leadership has refused to allow the Ehlers amendment of our distinguished ranking member, Representative SIDNEY YATES. The regular order of the House will call for the ranking member to have an amendment made in order on a subject on which he has standing. No one in the country has more standing on the arts than SID YATES—a champion indeed. We are all privileged to call him colleague.

Yesterday, Mr. ARMEY said that the Ehlers amendment would put Crayolas in the hands of our children. Yes Crayolas and that's about all. The Ehlers amendment would translate into less than $1 per child. That's for a small box of crayons with no burnt siena and azure blue.

The Rep leadership has shown its true colors on this Ehlers amendment. In the debate on the NEA they claim they need to reduce the deficit. Today they are spending that money on the Ehlers amendment. This is about content restruction not deficit reduction. The Ehlers amendment is a transparent figleaf to give cover to those Representatives who voted against arts in America.

I urge my colleagues to reject this hoax and reject the Ehlers amendment.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Ehlers amendment.

Mr. YATES. Mr. Chairman, again I find myself differing from my friend, the gentleman from Michigan [Mr. EHLERS]. He made the statement that the House did not propose to approve NEA. Now, that was never made clear, I suggest to the gentleman. The vote on the rule yesterday was certainly not an open and shut and clean vote on NEA.

I suggested to the House today that if they gave the opportunity to this House for me to offer my amendment to reinstate NEA and give it some money to operate, I would be willing to bet, a substantial sum, in view of yesterday's very, very close vote, that the House would have supported NEA. We never had that opportunity to pass upon that question.

I want to close by saying that even the chairman of the Committee on Education and the Workforce [Mr. GOODLING], refused to accept the Ehlers amendment. He said clearly, in response to the question that I asked him, that if the Ehlers amendment passed, he would unite his committee and pass legislation to correct the defects that are in the legislation so he could have a bill that he could give the conferees between the House and the Senate as representing the House side.

So, obviously, this Ehlers amendment is in the nature of a figleaf. It does make available some of the money for art, but not in a way that is effective and certainly not in the way that art has been distributed over the years so effectively by the National Endowment for the Arts.

Mr. Chairman, I urge my colleagues to vote down the Ehlers amendment.

Mr. FARR of California. Mr. Chairman, I rise in support of the arts and against the Ehlers amendment which would abolish the NEA and provide insufficient and ineffective block grants to the States.

The Ehlers amendment would eliminate the National Endowment for the Arts. This is a move that even State arts agencies oppose. Why adopt an amendment that even the very organizations purported to benefit think it is a bad idea?

NEA funding, on the other hand, allows artists and presenters to bring the arts directly to students and the community at large.

I did some math on Mr. EHLERS' amendment. Assuming all States get an equal share of this funding, and each school district gets an equal share within the State, each California school district will receive $961 per school district.

Even if a school district consisted of only one elementary, middle, and high school, $961 would barely purchase a set of colored pencils for each student.

Thankfully, common sense prevailed and the Ehlers amendment failed.

Mr. LEVIN. Mr. Chairman, I rise in opposition to the Ehlers amendment. This amendment would eliminate the National Endowment for the Arts and is opposed by the very State art councils it purports to help.

In all candor, the Ehlers amendment is something of a smoke screen. We should be having a straight, up-or-down vote on the NEA, and we would have had one if the leadership of the House had not blocked the Yates amendment from even being debated by a procedural slight of hand. Whatever you think about the NEA—whether or not you support Federal funding for the arts—everyone should agree that we should have a fair, up-or-down vote on the issue. The Yates amendment would have given Members the option of restoring funding for the National Endowment for the Arts. It is unfortunate that the House won't have the opportunity to debate it.

The spending priorities of this Congress continue to amaze me. Just the other week, this House of Representatives voted to purchase nine additional B–2 bombers that the Secretary of Defense and the Joint Chiefs of Staff have told Congress repeatedly that they do not want or need. These planes will cost $13.6 billion dollars to build and an additional $13.2 billion to operate and maintain.

What a difference 2 weeks make. Today the House is considering legislation that eliminates funding for the National Endowment for the Arts. Apparently, the House leadership has determined that, after spending billions of dollars for B–2 bombers the Pentagon says it doesn't need, there isn't any money left to support the arts in the United States. For all the extreme and inaccurate rhetoric coming from the other side about the expense and utility of the Arts Endowment, the truth is that the NEA represents just one-hundredth of 1 percent of the Federal budget. Put another way, the NEA costs each American less than 38 cents a year: That's three dimes, one nickel and three pennies.

So what are our constituents getting for their 38 cents? Since the NEA was created 32 years ago, the number of arts organizations has dramatically increased. When the NEA was established, there were only 56 nonprofit theaters in America; today there are over 400. The number of orchestras have quadruped in number to over 200. Opera companies have grown from 27 to nearly 100. Our country's modest investment in the NEA helps support folk festivals, community theater, free lawn concerts, arts exhibitions in public libraries, and chamber music in rural areas. The NEA helps to bring the arts to millions of school children. Just last week, millions of Americans saw the broadcast of the Fourth of July concert on the Mall by the National Symphony. The NEA helped make that possible.

The Endowment also serves as a catalyst for private investment in the arts. Every dollar awarded by the NEA attracts $12 from State and local art agencies, corporations and other private sources. Indeed, the non-for-profit arts generate $37 billion in economic activity and support more than a million jobs. On the community level, the art activities supported by the NEA simulate local economies, promote tourism, and make our communities better places to live.

Elimination of the NEA would not mean the elimination of the arts in America. What it would mean is that the arts could become inaccessible to many Americans. The arts should not be just for the well-to-do.

Opponents of the Arts endowment insist on rehashing old arguments against a few controversial grants awarded by the NEA over the last three decades. The fact of the matter is that only a handful of the more than 112,000 grants awarded since the NEA's founding have proven to be controversial, and most of these grants were awarded years ago before Congress and the NEA took steps to curb funding to objectionable projects. Yet the opponents of the NEA would throw the baby out with the bath water.

Had the leadership permitted us to debate it, the Yates amendment would have given Members the choice of restoring the NEA's funding at last year's level. I would point out that the Yates amendment was deficit-neutral since it contained offsetting spending reductions in other programs.

Mr. Chairman, the NEA is the country's largest single supporter of the arts in America. Other nations, far less wealthy than the United States, do much more to support the arts in their countries. Let's not eliminate the little the Federal Government does do to make the arts accessible to every American.

I urge my colleagues to reject the Ehlers amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Ehlers amendment and ask unanimous consent to revise and extend my remarks.

Much of the controversy over the National endowment for the Arts [NEA] stems from a very small number of artistic projects funded by the NEA which some people find in poor taste or morally objectionable. In fact, only 45 out of the 112,000 NEA grants awarded over more than 32 years have been controversial. Further, "taste" and "moral objection" are highly subjective yardsticks by which to measure the arts, and I certainly do not take issue with those subjective judgments.

I do, however, take issue with the conclusions such people draw that, because they object to the work a few artists have produced with NEA funding, the whole program should be terminated. Make no mistake—that is what will happen if the Ehlers amendment is adopted. This proposal for a block grant to States will diminish the national stature of the arts; it will substitute the judgment of one level of government for another; it is no guarantee the States' judgment will be any better than that of the NEA; and, in the long run, it will mean diminished funding and the ultimate termination of support for public funding for the arts.

In my congressional district, over my entire service in the Congress, I have never heard an objection to a local arts initiative supported by the NEA. Quite the contrary, those funds are highly prized and put to very good use to stimulate initiatives in small communities, which would not have been possible without those very modest Federal NEA funds. A few examples from this past year will suffice to make the point: Little Falls received $7,500 for the St. Francis Music Center; Pequot Lakes Children's Theater Company received $22,000 for the production of a new work, "A Mark Twain Storybook," scheduled for an extended tour during the 1996–97 season; the public television station in Duluth received a $40,000 grant to broadcast "Headwaters," an acclaimed public TV series; and the College of St. Scholastica's Arts Midwest group received a grant for $131,000 for a performing arts tour by the college's arts group.

In the Middle Ages and the Renaissance Era, it was the doges of Italy, the archdukes of Austria, the kings and queens and other nobility throughout Europe, and a few individual wealthy patrons who supported the arts. In our post-monarchy world of democracy and egalitarian governments, it has been the Fortune 500 corporations and wealthy philanthropic industrialists who supported the arts, until the election of President John F. Kennedy. He recognized that a nation that rightly invests in the infrastructure, military readiness, education, and adventure in space should also invest in the enrichment of the human spirit by supporting the arts, and he launched the National Endowment for the Arts and its companion program, the National Endowment for the Humanities.

If your community happens to be fortunate enough to have Fortune 500 mega-corporations in its midst, or a philanthropic foundation with a commitment to the arts, children's theater, community music centers, the local symphony orchestra, and other similar expressions of the spirit, the arts may well be adequately nurtured. But if your community happens to be rural, remote, and devoid of multimillionaire philanthropies, then the arts and artists will either perish, if they exist, or never take root at all for lack of funding.

President Kennedy said: "A nation devoid of the arts has nothing to look backward at with pride, nor to look forward to with hope." The NEA has, for people in many small communities and their artists, been a source of both pride and hope. Do not vote to extinguish either hope or the NEA.

Ms. HARMAN. Mr. Chairman, I would like to express my strong disappointment that the rule for debate of the Interior appropriations bill blocked an open and fair vote on funding for the National Endowment for the Arts.

I support the NEA, as do a majority of my constituents and, according to poll after poll, a majority of Americans. NEA-funded activities have permitted public school students in San Pedro, Venice, and Torrance the opportunity to participate in improvisational theater sponsored by a touring performing arts and musical company. They have enjoyed special education operatic performances. They city of Venice has hosted numerous performing arts events, arts displays, and multi-media activities. And, a grant to the LA Theater Works Program in my district enabled a set of five American stage plays taped for radio to be donated to 500 underserved libraries throughout the country. Events, programs, and gifts such as these foster creativity and an appreciation of our rich and diverse cultural and artistic heritage.

Mr. Chairman, private funds alone will not permit the continuation of activities like these should Congress eliminate the National Endowment for the Arts. And, while I certainly understand the necessity of restructuring and reforming the NEA, elimination is not reform. As mandated in past Congresses, the NEA has worked tirelessly to ensure that local decision makers are given the ability to fund the programs needed and requested by their communities. The proposal to transfer arts funding to State agencies will only waste precious dollars in creating 50 new bureaucracies to administer a program effectively run now by the NEA. States and cities tell us they are concerned that other funding sources they currently enjoy in support of their arts programs will dry up.

The House should be allowed to debate the future of this agency openly and fully and to vote. Regrettably, it won't. I oppose this rule which sanctions tyranny of the minority, and the ideologically driven policy it seeks to implement.

Mr. FAWELL. Mr. Chairman, I rise in support of the Ehlers amendment. I have long been a supporter of the arts in America. Although I did vote in favor of the rule yesterday, which allowed for arts block grants as a substitute for NEA funds, I did so in strong recognition of the importance of arts and as a method of continuing dialog between arts supporters and opponents.

I do however, have concerns that the Ehlers compromise does not adequately recognize the importance of the Federal arts presence, and that it does not adequately fund or allow States to fund traveling art projects and other activities which had been funded by NEA program grants.

Many of these grants, such as the Glen Ellen Children's Chorus, the Chicago Youth Symphony Orchestra, and the American Western Composers Midwest Chapter have done an excellent job of providing arts education and enrichment throughout the State of Illinois, and I ask unanimous consent to include in the Record a complete list of the outstanding arts organizations funded by NEA program grants in Illinois.

The amendment, although not a perfect compromise does continue arts funding in America. I support its affirmation of the State and local arts agencies funded by State arts councils. Indeed, its recognition of the importance of arts education is also well intended. I therefore urge support of the amendment.

While saying this, I also urge the House and Senate conferees to strongly consider the importance of the Federal arts programs ongoing in the United States as they evaluate arts programs either within or outside of the National Endowment for the Arts structure.

I appreciate the effort that has gone into this proposal and this bill, and I urge support of the Ehlers amendment, and the importance of arts in America.

NEA Dollars Fund Illinois Arts

In addition to the block grant made to the Illinois Arts Council, the NEA directly funded the following groups in Illinois this year.

American Library Association (for the "Writers Live at the Library" Program)

American Women Composers Midwest Chapter (to support American Women Composer 15th Anniversary Gala Opening Concert)

Art Institute of Chicago (to support "Cinema in a Chinese Sphere: Before and After 1997" & to support the traveling exhibition "Art and Archaeology of Ancient West Mexico")

Arts Matter (for production of support materials for Gallery 37)

Chicago Children's Choir (to support increase in programming for children)

Chicago Children's Theatre, Inc. (to support production of "A Woman of Truth," a one-act play celebrating the life of Sojourner Truth)

Chicago New Art Association (to support the exhibition review section of the New Art Examiner)

Chicago Public Art Group (to establish a cash reserve)

Chicago Theatre Group, Inc. (to support Goodman Theatre's Student Subscription Series)

Chicago Youth Symphony Orchestra (to support in-school outreach project called "Music Pathways")

Chinese Music Society (to support a series of lectures and educational concerts of Chinese music)

City Lit Theatre Company (to support collaborative program with high school students & to develop and present an original theatre/jazz performance piece based on John Clellon Holmes's novel, "The Horn")

City of Chicago, Illinois (to support collaborations between the Chicago Coalition of Community Cultural Centers and the Chicago Department of Cultural Affairs)

Columbia College (to support Dance Center presentations, including "Celebrate Africa/Celebrate Chicago," the Festival of Solo Artists, and the Festival of European Premieres)

Court Theatre Fund (for presentation of "The Iphigenia Cycle")

ETA Creative Arts Foundation (to support "The Voice: Celebrating Divas of the African World")

Facets-Multimedia, Incorporated (to support 1997 Chicago International Children's Film Festival)

Free Street Theatre (to support "TeenStreet," a jobs program offered to low-income, inner city teenagers, involving creative writing and theater performance)

Glen Ellyn Children's Chorus (for educational outreach programs)

Guild Complex (to support "Poets Across the Generations," a series of 6 readings)

Hubbard Street Dance Chicago (to create new works)

Illinois Alliance for Arts Education (to support expansion of the ARTSMART program into Quad Cities, Springfield, Rockford, Peoria, Champagne/Urbana, and Decatur)

Illinois State University (to support development of website for the independent literary presses and writers' conferences)

Jazz Institute of Chicago, Inc. (to support musician fees for 1997 Chicago Jazz Festival)

Little City Foundation (for exhibition of artwork created by people with developmental disabilities)

Lookingglass Theatre Company (to support world premiere of the play, "My Life in Pop: A Theatrical Essay on Popular Music in Context")

Lyric Opera Center for American Artists (to support world premier of "Between Two Worlds")

Lyric Opera of Chicago (to support world premier of the opera, "Amistad")

Merit Music Program, Inc. (for augmentation of existing endowment)

Mostly Music, Inc. (to support the beginning of 3 year retrospective of 20th Century American Chamber Music)

Muntu Dance Theater (for commissioning of Jawole Jo Zoller to choreograph "Roots n Blues")

National Council of Young Men's Christian Associations of the USA (to support expansion of the National Readings Tour of the National Writer's Voice Project)

Orchestral Association (for scholarships for members of Civic Orchestra of Chicago & to support a month-long residency devoted exclusively to the performance of new, modern, and contemporary music, directed by Principal Guest Conductor Pierre Boulez)

Quad City Arts, Inc. (to support Visiting Artist Series)

Randolph Street Gallery, Inc. (to support "Trance," a multi-disciplinary project exploring the role of race and ethnicity in America)

Ravinia (to support student artist jazz camp scholarships and Jazz in the Schools Mentor Program with Chicago Public Schools)

Renaissance Society at the University of Chicago (to support exhibition of African-American artist Kerry James Marshall)

Review of Contemporary Fiction, Inc. (for recovery and publication of out of print works of fiction by Dalkey Archive Press)

Shakespeare Repertory (to support live musicians for Shakespeare productions)

Sutherland Community Arts Initiative (for 1997 JAAZ Festival)

University of Illinois at Urbana-Champaign (to support the 1997–1998 New Visions series performances)

Victory Gardens Theater (to support development of new plays)

Remember in your letter to specifically mention any of the above programs that you attended and enjoyed.

In addition to state and local programs, NEA funds support public radio and television programs which reach millions of listeners and viewers nationally. In your letter, please refer to any such programs that you listen to or watch.

Mr. SCHUMER. Mr. Chairman. I rise in support of full funding for the National Endowment for the Arts.

The NEA is a precious gift to all Americans, and we should be lauding, not killing it.

The NEA is responsible for teaching art and music to children in our schools. It brings exhibits to small towns and cities in America—places which cannot afford, or do not have the market to support a touring dance group or play.

And it is partly responsible for allowing some of America's greatest artists to get their start. Who knows where the next Stephen Spielberg, Maya Angelou, or Leonard Bernstein will come from?

As a New Yorker, I am proud that the NEA helps make our museums and galleries among the greatest in the world. I am proud that people from across the country and around the globe come to New York City to hear our operas, see our plays, listen to our symphonies, and enjoy the creativity that abounds.

The NEA is an integral part of what makes New York great. And it gives those who otherwise would not receive funding a chance to succeed—a chance to be great.

And NEA is an important economic tool for New York. Some areas of the country depend upon soy beans—and they get generous farm subsidies. Other areas depend upon the defense industry—and they get huge contracts. New York depends upon creativity. We get a very small stipend from the NEA to help struggling artists, struggling galleries, and struggling art schools.

There are those on the right who seek to stifle the creativity of artists—those who fear freedom of expression. I would argue that Government censorship is a greater fear.

When police start coming into the homes of Oklahoma families to confiscate copies of The "Tin Drum", all Americans should be alarmed. When political leaders demand that "Schindler's List" be barred from television, we should take pause.

That is why I rise in support of NEA, and in support of painters, sculptors, playwrights, musicians, authors, teachers, lithographers, photographers, and all those who make this world a more beautiful and interesting place.

Let's make this tiny investment to help others achieve greatness.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in fervent opposition to the amendment offered by Representative EHLERS and Representative HUNTER to H.R. 2107—the Interior appropriations for fiscal year 1998. I oppose this amendment because it summarily terminates the National Endowment for the Arts [NEA].

Under the Ehlers amendment, only $80 million will be granted to the States for arts funding. This will be done in block grants to the States. Thirty-seven percent, or $29.6 million, will be granted directly to State art commission; 60 percent, or $48 million, will be granted directly to local school boards to fund school-based art activities in the form of arts education block grants; and 3 percent, or $2.4 million, will be allocated for administrative costs.

The 3 percent allocation to the States will amount to nothing more than a burden on the States to administer another Federal Program. There are many questions that must be answered regarding this new plan. Will this 3 percent allocation be sufficient to administer a brand new program to all of the 50 States. This amounts to $2.4 million allocated to administer arts funding to each of the 50 States for distribution of moneys to the numerous school districts in the United States as well as the many art commissions of the 50 States. Is this really possible?

Government bureaucrats, whether State, Federal or local, should not be involved in deciding what art is worthy of funding. Under the NEA, panels of private citizens make decisions in a three-step process.

First, panels comprised of citizens from every geographic, ethnic and minority, and artistic and cultural background representing views of the general public make the initial decisions of accepting applications. This allows for those who are best qualified to make artistic decisions to do so.

Second, the chosen applications are then reviewed by the National Council on the Arts. This Council consists of 26 private citizens who are nominated by the President. They are each confirmed by the Senate to 6-year terms.

Third, the applications are then forwarded to the Chairman of the Council for a final review and decision. Mr. Speaker this is the way that decisions for the arts should be done; by the people. The citizens of the NEA are experts in their fields of art and culture.

There is no doubt that an investment in the NEA is an exemplary investment in the culture of American people. The NEA costs each American a grand total of 38 cents per year. With this incredible investment, the NEA enhances the quality of life for Americans through a diverse and breathtaking array of cultural activities from the best in theater, touring dance companies, folk festivals, music concerts, museums and orchestras. This vast array of arts entertainment is extended to our Nation's schools where millions of students and children benefit each year.

That is why this amendment offered by Representative EHLERS is unnecessary and duplicitous. It seeks to do what the NEA is already doing. Representative EHLERS' amendment allocates 60 percent of the block grants proposed for the States, or $48 million to be targeted for school-based arts activities. However, the NEA already funds arts projects where students greatly benefit.

Representative EHLERS' amendment seeks to allocate 37 percent or $29.6 million of his proposed block grants to the States, to be targeted for State art commissions. However, this is already being done. In Houston, for 1997, no less than 13 reputable arts organizations received much needed NEA funding. These organizations are: Houston Grand Opera Association; Menil Foundation; Museum of Fine Arts, Houston; Contemporary Arts Association of Houston; Cultural Arts Council of Houston; Da Camera Society of Texas; The Ensemble Theater; Project Row Houses; University of Houston-University Park Location; Rice University; and Writers in the Schools.

These grants to the organizations and schools are vital for creation and presentation, planning and stabilization, as well as education and access.

The beauty of these grants from the NEA is that they cover a myriad of cultural and ethnic representations of art. From The Ensemble

Theater which showcases African-American artists to the University of Houston and Rice University which each train young artists, the NEA is making a marked difference in the quality of life for all different cultures represented in America.

Mr. CASTLE. Mr. Chairman, I believe the arts and humanities are important to the cultural life and diversity of our country—to people of all ages, to people in our inner cities, in our suburbs, and in our rural communities—and support efforts to promote the arts and humanities because of what they make possible in Delaware.

For example, funding for the NEA and the National Endowment for the Humanities [NEH] helps the Delaware Division of the Arts and the Delaware Humanities Forum provide grants for many community and school activities, productions, and initiatives. In addition, the NEA provides direct funding to the Delaware Symphony Orchestra, the Delaware Theatre Company, and OperaDelaware. Americans of all ages, race, and income levels can benefit from the educational and cultural opportunities of the arts and humanities, fostered through the NEA and the NEH. Our State agency does tremendous work in enabling the arts to flourish in our State—in the schools and throughout our rural communities.

I would have liked Members of the House to have had the opportunity to cast an up-or-down vote on funding for the NEA. Unfortunately, the rule crafted did not permit a fair and open debate on this important issue. And the only amendment permitted was one that would eliminate the NEA and instead provide $80 million in funding to States and schools for arts programs.

While I do think the block grant concept is one that deserves consideration and further review, I am opposing the amendment offered by Representative EHLERS of Michigan because I think it is a late and harried attempt to partially address the situation while still killing the NEA. I would support holding congressional hearings on his proposal and learning more about how it would work. At this point, we have no idea what the impact would be on States' arts agencies; how specifically the funding formulas for distributing grants to both the States and the schools would work; whether it would warrant a new bureaucracy within the Department of Education to administer these grants to both the States and the schools; whether or not underserved communities would benefit from these grants; whether lifelong learning programs and programs benefiting older Americans would continue; and a variety of other questions and concerns.

Because this amendment, while offered with good intentions by VERN EHLERS, is poorly understood, should not have been the only alternative, was offered as a quick fix to a spending bill, and was terribly manipulated from a procedural point of view, I opposed the rule to bring this bill forward and must at this time oppose the Ehlers amendment.

Ms. STABENOW. Mr. Chairman, I rise today to express my strong support for continued funding for the National Endowment for the Arts. The NEA broadens public access to the arts for all Americans.

The latest Lou Harris poll indicates that 79 percent of the American public favors a governmental role in funding the arts. Furthermore, 86 percent of adult Americans participated in the arts last year. Federal funding for the arts is a good investment because the arts contribute to our society both financially and educationally.

Financially, the NEA is a great investment in the economic growth of communities. The nonprofit arts community generates $36.8 billion annually in economic activity, supports 1.3 million jobs and returns $3.4 billion to the Federal Government in income taxes.

Federal funding for the arts is critical to leveraging private funding. NEA requires grant recipients to match all Federal grants up to 4 to 1. It is also important to note that the NEA's budget represents less than one one-hundredth of 1 percent of the Federal budget. In fiscal year 1997, we spent $99.4 million on the NEA, and almost twice that, $176.2 million, on military bands.

Society benefits from this small investment particularly when art is part of a comprehensive educational program. Recognizing this, NEA Chairwoman Jane Alexander has made arts education her top priority. Each year, the Arts Endowment opens creative doors to millions of school children, including at-risk youth. Participation in the arts improves overall student learning, instills self-esteem and discipline, and provides creative outlets for self-expression. The arts also help prepare America's future high-technology workforce by helping students develop problem-solving and reasoning skills, hone communication ability, and expand creativity—all important career skills for the 21st century.

Students who study the arts outperform nonarts students on the SAT, according to reports by the College Entrance Examination Board. In 1995, SAT takers with course work in music performance scored 51 points higher on the math portion than students with no course work or experience in the arts. Scores for those with course work in music appreciation were 61 points higher on verbal and 46 points higher on the math portion. And longer arts study means even higher SAT scores: in 1995, those who had studied the arts 4 or more years scored 59 points higher and 44 points higher on the verbal and math portions respectively than students with no course work.

Exposing children to the arts is more important now that we know how crucial the first 3 years of a child's life are to full mental and emotional development. Even at the very beginning of life, children respond to music and visual stimuli. The NEA increases opportunities for parents and teachers to share art with children who may not otherwise have such opportunities.

In Michigan, the NEA supports apprenticeships, mentoring programs, and in-school performances. These programs enrich the cultural fabric of our community. Mr. Speaker, I urge my colleagues to support the continuation of the National Endowment for the Arts.

Mr. DINGELL. Mr. Chairman, for less than 38 cents a year, each American supports a program which benefits our country culturally, educationally, and economically. Since its creation over 30 years ago by President Johnson, the National Endowment for the Arts has more than proven its value. Today, I would like to stress the importance of the NEA, and urge that my colleagues vote to save it.

Balancing the budget is a goal that we all share, and we are on the right road to achieving that goal. We have all worked hard, as has President Clinton, to bring more fiscal order to our house by eliminating unnecessary programs and wasteful bureaucracy. Earlier this week, the Washington Post reported, as did newspapers across the country, that even without cutting additional governmental programs, our budget could well be balanced by 1998.

Mr. Chairman, at a time when we struggle to balance the Federal budget many of my colleagues have targeted the NEA as a program which could, and should, be eliminated. However, even if the NEA was eliminated, it would do little to balance our budget, as the NEA accounts for less than one-hundredth of 1 percent of the budget. We spend more on military bands each year than on the NEA. Furthermore, a $99 million Federal investment in the NEA yielded a $3.4 billion return to the Treasury in taxes from the arts.

Another oft-mentioned misperception is that NEA funds are used to sponsor controversial programs that Americans find distasteful. The majority of these claims are distorted, overblown, or misunderstood. While it is true that some clearly distasteful projects were funded in the past, it is also true that the rules as to which programs can be funded have been changed to eliminate funding for controversial projects.

The NEA was created to enrich cultural lives in all corners of America. The arts have always flourished in our Nation's biggest cities, but not so in may of our rural areas, less affluent areas, and smaller communities; the NEA has changed this. Without the NEA, Michigan communities such as Muskegon, Ada, Tecumseh, Flint, Ypsilanti, Dearborn, Temperance, and Monroe would not be able to offer the quality arts programs that they can today; these programs make a difference. In Michigan's 16th District, the Henry Ford Museum and Greenfield Village, the University of Michigan-Dearborn, numerous youth and community programs could lose all Federal funding.

Mr. Chairman, arts exposure and education is of great importance to our children and our future. Statistics don't lie. Students with 4 years of arts education score, on the average, 35 points higher on the Scholastic Aptitude Test. Arts help students excel in math, science, reading, and all areas requiring critical thinking.

Finally, Americans enjoy the arts and support the NEA; 79 percent support funding for arts programs.

When looking at the NEA, I urge my fellow colleagues to think about the budget, think about the importance of our culture, think about our children, think about our future, and reject narrow thinking. Join with me today to save the NEA.

Mr. SANDERS. Mr. Chairman, I rise today in adamant support of continued funding of the National Endowment for the Arts. As we work through the budget process, deciding to build weapons of destruction, and spend unknown billions on the intelligence community, we must maintain spending for the arts and humanities.

Arts and humanities are a critical part of what civilized life is about, and I have very serious disagreements with those who want to increase funding for B–2 bombers and cut back on cultural programs for all Americans at the same time. Each B–2 bomber costs at least $1.5 billion, 15 times more than the entire funding for the NEA. This Congress must decide whether we will continue to increase the destructive capability of this Nation without regard to creative and artistic expression.

The NEA helps enhance the lives of the children and adults by supporting organizations which encourage individuals to cultivate their creative energies. Further, public funding of the arts allows many more people the chance to attend exhibits and performances, not just those who can afford expensive theater tickets. NEA is not pork for the rich and elite. It is crucial funding that brings art to people, schools, and communities that otherwise would not be able to afford them.

Arts teach our children understanding, self-expression, cooperation and self-discipline, and tell the story of a nation. Today's children should be inspired by music and theater and creative art, rather than desensitized to violence on television by a Congress that sends a message to the young people of this country that bombs and bullets are a higher priority than painting and singing.

In my State of Vermont, NEA funding has supported symphony concerts in rural underserved communities. NEA dollars have assisted in community-based artist-in-residence programs and a collection of the work and biographies and self-taught artists in northern rural Vermont. The NEA is a major funder of the Vermont Council on the Arts, an organization that brings the arts and festivals to communities across the State. NEA moneys have funded many other projects in Vermont that otherwise would not have been possible.

The elimination of the NEA would decimate funding for the arts across the country. We would likely witness a domino effect wherein local and State governments redirect their spending priorities in reaction to changes in Federal spending. private support cannot possibly replace the role of Federal dollars in arts funding. From 1992 to 1995, there was a $270 million decline in real dollars in private giving to the arts. Small and rural communities are even more at risk, since they receive far fewer private dollars toward the arts. The elimination of the NEA is contrary to the public will. Recent polls show that 79 percent of the American public favors a governmental role in funding the arts.

Every year the nonprofit arts community creates nearly $37 billion in economic activity in this country and 1.3 million American jobs. For every dollar the NEA invests in communities, there is a twenty-fold return in jobs, services, and contracts.

The arts are an important part of the foundation of every healthy democracy. The NEA brings the arts to communities all across the country regardless of geographic location or level of income.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. EHLERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 271, not voting 9, as follows:

[Roll No. 266]

AYES—155

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Boyd
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Cook
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hill
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Hyde
Jenkins
Johnson (CT)
Kim
Klug
Knollenberg
LaHood
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
McCollum
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Sanford
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Spence
Sununu
Tanner
Taylor (NC)
Thomas
Thune
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bono
Borski
Boswell
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Serrano
Shadegg
Sherman
Shuster
Sisisky
Skaggs
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tauscher
Tauzin
Taylor (MS)
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Berman
Bonior
Boucher
Doolittle
Farr
Hansen
Molinari
Schiff
Slaughter

☐ 1225

Messrs. PAYNE, CANNON, and COX of California, and Mrs. EMERSON and Mrs. KENNELLY of Connecticut changed their vote from "aye" to "no."

Mr. CRAPO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $96,100,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Beginning on page 76, strike line 14 and all that follows through line 10 on page 77.

The CHAIRMAN. Is there objection to the consideration of the Chabot amendment en bloc?

Mr. YATES. Mr. Chairman, if I understand correctly, there is only one amendment. What is the en bloc?

The CHAIRMAN. The amendment by the gentleman from Ohio addresses two consecutive paragraphs, which would require unanimous consent for consideration simultaneously.

Mr. YATES. Mr. Chairman, I have no objection.

The CHAIRMAN. Hearing no objection, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes in support of his amendment.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

□ 1230

Mr. CHABOT. Mr. Chairman, my amendment is simple and straightforward. It strikes all funding to the National Endowment for the Humanities, and it saves the American taxpayers $110 million.

Members will recall that it was a former chairman of the National Endowment for the Humanities, the NEH, Lynn Cheney, who was head of that organization for about 7 years, from 1986 to 1993, who concluded that the NEH indeed does more harm than good and should be closed down once and for all.

My amendment does just that. There are many problems with the NEH. First, it is an agency that historically has squandered millions of tax dollars on silly projects that benefit few, if any, hardworking taxpayers. Second, it has come to breed a form of arrogance that only a true culture bureaucrat, as George Will would call them, could concoct. We have debated this issue before, so I will not recite the laundry list of questionable projects funded for the benefit of the cultural and academic elite at the expense of the average taxpayers. I will not dwell on Sheldon Hackney's national conversation kit, which ostensibly would teach us all how to talk to one another, all for the mere $1.7 million to teach Americans how to talk.

I will not dwell too much on the NEH's highly controversial national standards for teaching history in our school systems or any of the other questionable projects deemed worthy of our tax dollars by a handful of Washington bureaucrats. The NEH record is there for all to see. That is why when I offered a similar amendment to the fiscal year 1996 Interior appropriations bill, it was endorsed by groups like the National Taxpayers Union, Citizens Against Government Waste, Citizens for a Sound Economy, Americans for Tax Reform, and those same organizations, as well as the National Tax Limitation Committee, Capital Watch, Frontiers of Freedom, the Competitive Enterprise Institute and others, are supporting it again this year.

Mr. Chairman, whenever I am called on to discuss the National Endowment for the Humanities, I cannot help but recall a letter that I once received from the top NEH bureaucrat in my State of Ohio. He told me, and it was a letter, so I cannot tell Members whether he had a straight face at the time he sent it or not. He said, "if there were no NEH, the public intellectual life of Ohio would shrink considerably." He really said that.

I can tell Members I spend quite a lot of time with the people of Ohio, and I have a little bit more faith in their intellectual abilities than do the NEH bureaucrats. I am pretty certain that without the NEH the people of Ohio would do quite well. In fact, I know they would do just fine. I am reasonably sure that very few of those taxpayers, save a handful of NEH functionaries and beneficiaries, would even notice the difference. Mr. Chairman, I think that most of us know that the NEH benefits the very few at the expense of all working Americans.

It is unfair that those taxpayers should shoulder the burden. A yes for this particular amendment I believe is a vote for the taxpayer. A no vote signifies support for the status quo, and another $110 million tax for the culture bureaucrats to do with basically what they want.

I know there are many, many things that one can point out that the NEH arguably has done a good job at, some programs that have benefited some people. On the other hand, there have been an awful lot of abuses. More importantly, it basically is a matter of one's philosophy.

I happen to think that these things which are funded by the NEH, where some of them may be worthy, they should be privately funded, they should be locally funded, but they should not be funded by the Federal Government. These dollars should not be taken out of the pockets of hardworking taxpayers in this country and given basically to academic elites to do with what they want.

They have programs where we have summer institutes and seminars, where they junket elite academics in places such as Hawaii, which I am sure is a very nice place, and Germany and all around the world to essentially take a vacation, pay them thousands of dollars to do that. I think these dollars ought to stay in the pockets of the hardworking American citizens. I do not think that we ought to give these dollars to academic elites.

Again, I am sure there are many Members who will say they do this, they preserve books, they do other things. All those things are fine. It is a matter of should Federal tax dollars go for these things. I would argue no, they should be funded privately, locally, and not with the money of the hardworking taxpayers of this country.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thought that after the effort of the gentleman from Ohio [Mr. CHABOT] last year that perhaps we were not going to encounter the same kind of opposition from him that we now experience. I cannot understand how a nice person such as the gentleman from Ohio can offer a destructive amendment of this kind. How can a Member of the House be against an organization whose primary purpose is preserving and protecting the history of the United States and in teaching that history to our children? Is there any reason in our budget for the reduction of this very essential part of our culture?

The House has just signed and approved a $268 billion authorization for our war machine. The money that is in this bill for the humanities is part of our peace machine. We have wars, we have people who have to be trained to try to stop wars and to make agreements before wars or after wars, and humanities makes a major contribution in that respect.

It has special projects to preserve history. It has a project to preserve the Nation's major newspapers so that they do not crumble into bits. They have projects to save the Nation's most important books which are burning up because they are being destroyed. It is helping to finance the leading universities in the country and their libraries in order to protect 20 million books which are now threatened with utter destruction by the fragmentation and yellowing of their pages.

What do we gain with this amendment? Yes, we will gain $110 million for the taxpayer, but the losses will be enormous. The losses of the opportunities to teachers to improve their methods of teaching history, the opportunities of learning to teach philosophy, the opportunities of learning all of the social sciences that are so essential to the well-being of a democracy. Those will be lost.

I hope that the Members of the House will look at this amendment very carefully and that they will conclude with me that the work of the National Endowment for the Humanities is necessary to preserve and to foster the social fabric of our country and vote down this amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. VENTO. I want to concur with the view of the gentleman from Illinois.

Mr. Chairman, I was unable to speak on the last amendment that failed, and I am pleased that it did fail. I think that the National Endowment for the Arts and the National Endowment for the Humanities really represent a symbol of the preservation of the creative genius of us as Americans, as a part of our culture, as a part of the fostering of creativity. It is enormously important as an export product. Look at what we are doing in terms of the flourishing of ideas and free thought. I suppose that some of it becomes controversial, but if I look at John Stuart Mill or I look at others that have written in philosophy and religion, I am certain at times that their views were controversial, but that is the nature of this particular endeavor in the humanities and in the arts. It is coming to grips with issues that very often are not popular or may even be unpopular. This is an enormous reservoir in protection of the creativity which is the genius of this country, the pluralism of this country, one of our great strengths, the fact that these two entities at the Federal level have been so successful. Yes, there have been issues that are controversial.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. VENTO. I think that if we look at the programs like the Poet in Residence in Olivia, MN, that goes to the grade schools, these are not the Robert Frosts of the world but they are people that are endeavoring in the arts and have basically given their life in terms of teaching, of helping and in fostering this creativity which is a great economic and I say a great strength in terms of who we are as an American people. To bring these amendments to the floor and to treat them and to point out the criticisms, yes, there will be criticisms wherever that occurs, but I think we have a great opportunity here to keep these programs in place. They are good programs, they are supported by the public, and they are really touching the quintessential fabric of what our Nation and what our people are about. I thank the gentleman for yielding and for his opposition.

Mr. YATES. I thank the gentleman for his very substantial contribution in opposition to the amendment.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Chabot amendment. The National Endowment for the Humanities funds programs promoting history, English, literature, foreign languages, sociology, anthropology and comparative literature. The NEH provides grants to colleges and universities, to museums and libraries in all 50 States, and the State humanities councils reach out to increase our citizens' understanding of history and culture.

Mr. Chairman, the humanities are critical to our society. They teach us who we were, who we are, and what we might become for a cost of only 42 cents per American. NEH is the largest single source of support for research and scholarships in the humanities in the United States. It also funds preservation of millions of historically and culturally important books that are in need of being preserved.

Despite our low funding allocation in Florida, my State has reaped a substantial benefit from NEH grants, which have been used for projects as diverse as helping to restore libraries that were ruined during Hurricane Andrew to leveraging over $2 million in local and State contributions just this year.

□ 1245

As the past president of the Florida Humanities Council, I am keenly aware of the importance of NEH funds and the negative impact of eliminating such funding. I urge my fellow Members to vote against this amendment and maintain the Committee on Appropriations' funding level.

Mr. BOSWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against this amendment and to second the things I have just heard from the last couple of speakers. It seems like that we forget in this time and age, when we are working so hard, to be sure and bring up equal opportunity to everybody, the electronic age and fiber optic networks and all these things, and then we decide to take a program that enhances and reaches out to everybody and start picking it apart. And I am a little bit appalled that this would take place.

So I rise opposed to my colleague's amendment to eliminate the funding for the National Endowment for the Humanities. This, modest by most government standards, program over the past 20 years has been able to provide literally opportunities for thousands of teachers through its training seminars and other programs, and these teachers have in turn been able to touch the lives of millions of our children.

The NEH supports scholarly research, education, public programs in the humanities through grants to individuals, institutions, and organizations for projects and programs. NEH provides many small grants for speakers and purchasing books for reading discussion groups. It reaches across the land in sparse and low-populated areas, poor areas, provides opportunities for people to have an equal opportunity to have part of those things being discussed so well. In Iowa many of these small grants are barely over $1,000 each, but it touches a lot of lives.

A vote for this amendment is a vote to remain in the past. Our country depends on our teachers' ability to train our young people to continually look forward. So let us move to the light, not to the darkness. Do not support this amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. CHABOT] to eliminate funding for the National Endowment for the Humanities, NEH. I had hoped that all of our Members might have had an opportunity earlier this year to attend a gathering here on Capitol Hill when all the citizen and staff leadership of the humanities councils, the State humanities councils from around the country, had their meeting here. Their guest speaker was Stephen Ambrose, the author of the recently acclaimed book "Undaunted Courage."

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, also a distinguished former alumni of the University of Wisconsin.

Mr. BEREUTER. Reclaiming my time, Mr. Chairman, I am aware of that, and he is an exceptional graduate and has claims, I think, down in Tulane as well.

This Member is most familiar with the National Endowment for the Humanities through the activities of the Nebraska Humanities Council which consistently provides high quality humanities programming at very little cost to citizens of all walks of life in my State. It is not a program for the elite. Since 1973 they have funded programs in more than 200 different communities in all of Nebraska's 93 counties, reaching more communities each year. Some of those counties have fewer than 500 residents and are especially appreciative of this assistance. Surely the same type of examples that I am going to use could be cited for every State.

Now this is in direct contrast to what the gentleman from Ohio has indicated. That is to say, for example, in Nebraska, and I believe in most States, or maybe all, many, many of our taxpayers are beneficiaries of NEH funding. This is absolutely not an elitist program.

The Nebraska Humanities Council has been especially effective at reaching residents in the First Congressional

District of Nebraska. This Member's district encompasses Lincoln with its colleges and museums as well as the small cities and villages whose primary formal educational assets are their libraries and their consolidated public and religious schools.

For example, the council has developed a humanities resource center with a large speakers bureau, exhibits, films and videos that enable the smallest communities to benefit from the cultural resources of Nebraska's metropolitan areas and metropolitan areas from elsewhere in the Great Plains. The speakers bureau has been particularly helpful to Nebraska schools as they comply with the new requirement for multicultural education. Of course, the Humanities Council does not charge the schools for this valuable educational service.

In closing, Mr. Chairman, for these and many other reasons this Member urges the defeat of the Chabot amendment. The National Endowment for the Humanities is a highly appropriate use of a modest amount of public funds in a great and diverse country like the United States of America.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in support of the Chabot amendment, and here is why.

As my colleagues know, we are kind of getting involved in what policy should be or, I guess, what is good and what makes sense and so forth. But we should remember that just because something is a good program does not mean that it should not be recognized and supported locally as a good program, as opposed to Washington has to do everything because if we do not do it, it means we do not love humanity or people or little children or sex and gender studies or some of the other valuable projects the NEH gets involved in. But just imagine this, Mr Chairman:

If a person were on a diet, if they were on a 6-month diet to lose 30 pounds, and they got to the fourth month and they had lost 28 pounds, would they stop dieting? As my colleagues know, this person is ahead of their time schedule, they had not reached their goal yet. Would they quit exercising and start eating ice cream again and say, "Hey, look"?

The situation that we are in right now is similar to that fiscally, Mr. Chairman. We have reduced the deficit greatly. The Wall Street Journal said yesterday we may have the deficit projection as low as $45 billion, and I want Members of the House to think about this: If we can get within $45 billion of balancing the budget, is it not incumbent on us as Members of Congress to do everything we can to go ahead and push toward that zero, to reach the goal? If we were on the diet, reach it in 4 months instead of 6 months?

As my colleagues know, this money, this appropriation for NEH, it is within the budget. But that does not mean it is good. That does not mean that everything about the budget is perfect.

What is in here that is so necessary? I think we should look at this question: Are our projects necessary for the Federal Government? Not just are they nice and are they pleasant, and does it make us feel intellectual or cultural or whatever.

And I know there are Members who do feel cultural when they see that $400,000 went to Doran Ross at UCLA for, quote, "The Art of Being Kuna: The Expressive Culture of the San Blas Islands, Panama," $400,000. Not many constituents in my district make that kind of money.

Or how about this one: $108,000 to Howard Kushner of San Diego State University for "The History of Tourette's Syndrome."

How about this? A grant of $135,000 to Edward English of the University of Notre Dame for "Sex and Gender in the Middle Ages." Boy, a burning issue in my district. This is from the year 1150 to 1450, for those of my colleagues who are interested in getting a copy of it. I do not know if it will apply, but it was a good old 5-week summer junket for 24 college students.

How about this one? A grant of $201,000 to Laurie Kahn-Leavitt of Filmmakers Collaborative for "A Midwife's Tale: Discovering the World of Martha Ballard." Now has anybody read that? I mean all those defenders of NEH, tell me, was Martha Ballard's story a good one? I missed it.

As my colleagues know, my kids are dying to see "Jurassic Park" or the sequel, "Lost World", but we have not seen Martha Ballard. A grant of $201,000; again, not many people in my district are making money like that.

Or how about this: $34,500 to Carol Maier of Kent State for "Delirium and Destiny." Well, that is a good one.

What happened to private initiatives? What happened to spending State or local money if it is so important?

As my colleagues know, we are not really arguing here if NEH is good or bad. What we are really saying: Is it necessary, is it necessary to borrow children's money to pay for such projects? I submit, Mr. Chairman, it is not necessary to have this program, and as long as we are $5.4 trillion in debt we should be able to ask ourselves this question:

If this was coming out of my pocketbook, if it was coming out of my wallet, would I spend the money this way, or am I just doing it because it is taxpayers' money?

I would say to the Members of the House, If you can say yes, this is how I would, in fact, spend my money, than certainly they want to vote against the Chabot amendment. But if they are doing it just because somebody else is paying for it, think about the $5 trillion debt, think about the children who will be inheriting so much of this debt and vote for the Chabot amendment. And join, in doing that, the National Taxpayer's Union, the Citizens Against Government Waste, Citizens for A Sound Economy, Americans for Tax Reform, the Competitive Enterprise Institute, Frontiers of Freedom, National Tax Limitation Committee and Capitol Watch.

Below are a few examples of how the NEH is wasting tax dollars. When the average salary in America is approximately $20,000 a year, does it really make sense that the taxpayers are giving:

$150,000 to Jacquelynn Baas at UC Berkely for "Interpretive Programs for 'Face of the Gods: Art and Altars of the African Diaspora' ";

$400,000 to Doral H. Ross at UCLA for "The Art of Being Kuna: The Expressive Culture of the San Blas Islands, Panama";

$108,000 to Howard I. Kushner of San Diego State University for "History of Tourette's Syndrome";

$140,000 to Devon G. Pena of Colorado College for "Upper Rio Grande Hispano Farms: A Cultural and Natural History of Land Ethics in Transition, 1850–1994";

$135,000 to Edward D. English of the University of Notre Dame for "Sex and Gender in the Middle Ages, 1150–1450," supporting a five-week summer institute for 24 college teachers;

$201,000 to Laurie Kahn-Leavitt of Filmmakers Collaborative for "A Midwife's Tale: Discovering the World of Martha Ballard" to support production of a test reel for a feature length documentary film on the life and world of 18th-century midwife Martha Ballard;

$34,000 to Mary Ann Smart of SUNY research Foundation/Stony Brook Main Campus for "Representations of Gender and Sexuality in Opera," "to support a conference to examine new ways to understand the cultural context of opera texts and music, focusing on how new musicological work on gender can be applied to the study of opera";

$210,742 to Charles V. Blatz of the University of Toledo for "Humanities 2000: A Multi-Year Collaboration to Strengthen the Humanities Foundations";

$34,500 to Carol Maier of Kent State University for "Delirium and Destiny"; and

$114,000 to Catholic University to support the preparation of a database of indices for the Gregorian chants found in ten major manuscripts, to be disseminated on diskettes and on the Internet?

Among many, many other such projects, remember, too, that:

The American history standards released by the NEH have been widely criticized as very flawed. Former NEH chairman Lynne Cheney has publicly disavowed the project. Indeed, she recently called for an end to federal funding for the NEH altogether.

Current NEH head Sheldon Hackney is spending $1.7 million to promote a "national conversation." Over the objections of his own National Council, Hackney pushed through a "national conversation" television program.

"Do you really think voters in your home state will understand why these programs were killed?" the NEH lobby asks in its most recent ad. A better question might be, why were the programs funded by the federal government in the first place? They are worthy programs, surely, but why do they need federal tax dollars at this time of massive deficits?

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I could not help but rise, having attended "Midwife's Tale" with Martha Ballard, and it was done in Maine, and it was done through a grant through the National Endowment for the Humanities. It was a story about a midwife working in rural Maine in the early 1800's. It was a story of women working and women's roles in a part of Maine and a part of this country that had never been told before, and without that grant and without that research would never have been known. I attended that film to a packed hall, and it was in northern Maine.

My district is the most rural district east of the Mississippi. There are 32 rural health clinics in my district. My district borders Canada, New Hampshire, and the rock-bound coast, and without the support from the National Endowment for the Humanities we would not have been able to see performances like this. We would not be able to get the arts and humanities involved and we would not have been able to have that involvement.

One of the greatest studies that has been accomplished has shown us that students involved in arts and humanities programs, and this is through testing, have been able to improve their SAT scores by 50 and 60 points. Arts and humanities is not an appetizer, it is part of the main course. The more that we understand, like in a diet that was referred to earlier as balanced nutrition, nothing in excess and everything in moderation, it is how we ought to look at arts and humanities. It is a lot more important.

This weekend is the birthday of Andrew Wyeth. He is going to be 80. It is going to be celebrated at the Farnsworth Museum in Maine, and how fitting to have a discussion here in the national Congress as to how unimportant arts and humanities are, and being able to pick on particular projects that are being done in particular areas without really knowing what those projects did.

The arts and humanities are going to allow a hundred small towns in Maine under the century project to do oral history projects. Some of the great histories in minds over time have told us that if we can take the culture of a previous generation and be able to mix it with the next generation, that that is the product of success.

So I think our strength comes from our culture. It is our glue that holds our communities together, and if the National Endowment for the Arts and the National Endowment for the Humanities are going to provide the glue that is going to hold our families, communities and counties and States together and help to do that, then those are the things that we ought to be encouraging.

It seems to me that the money that is being spent in proportion to the national Federal budget is very minuscule for the impact that it is making because these are matching grants. They require contributions at the local, private, State level to be matched. Those are the kinds of the things that we want to nurture.

Mr. Chairman, I would think that a party that is interested in family values and community values and in bringing people together and in breaking down those barriers would be very much supportive of these kinds of efforts. So this is a program that has a proven track record, one we ought to support.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do rise in opposition to the Chabot amendment. I would point out initially that the amount of money that we are talking about here in the funding, the $110 million, is a reduction from a substantially higher amount, closer to $200 million, which has been done as a reasonable step in conserving the taxpayers' money.

□ 1300

I am a strong supporter of what we have been able to do with the National Endowment for the Humanities. The Delaware Humanities Forum is an organization which funds the humanities in Delaware. It receives nearly 90 percent of its money from the NEH.

I was in Bridgeville, DE. Let me explain where Bridgeville, DE, is. If anyone has their senses about them, they are going to go through it on the way to Rehoboth, DE. That is how you get there, you go right through, on your way there. It is a lovely farming community in Sussex County, DE.

I was there on October 18 of last year with most of the elected officials locally and in the State of Delaware. It might have had something to do with the fact that the election was a couple weeks later, too. It was for the world premier of this movie, "If You Lived Here You Would Be Home Now," which is a slogan they use and which other towns use.

It is a film about the life and work of a painter whose name is Jack Lewis. Jack Lewis came to Bridgeville, DE, as part of a work project many, many years ago, in the thirties. He is 82 years old now. This is an incredible film. It was shown in the high school gymnasium; 700 people showed up to see this film because of their pride in Jack Lewis. They had to have a second showing, and I understand that was almost sold out as well later in that particular evening.

Mr. Chairman, the movie is interesting. I will read what it says on the back of the container for it. It says:

> In Bridgeville, Delaware, a town known mostly for the amount of scrapple, apples, and chickens it produces, New Deal artist Jack Lewis has integrated his art and murals into the lives of its citizens, and empowered these working people to express themselves on their own. By following how this artist has touched the lives of people who would not normally be exposed to art, the film explores larger issues about the role of the artist in society, public funding for culture, and cultural elitism, all from the perspective of a small town.

I can tell the Members that the people of that town, to a man or woman in that audience, embraced that movie as they have embraced this artist who has taught the children, has taught the disabled, has taught the disenfranchised young people that had no place to go, has been in our prisons, has done so much for Delaware. It has been shown all over the State of Delaware. We have tried to get it, and may still do it, on public television.

A review in the Washington Post said that perhaps there is a lesson in that story there about learning to love what is all around you, which is how Bridgeville has come to love art; it is everywhere you look. Because of Lewis, it has seeped into the lives of the barbers, dry cleaners, firefighters, undertakers.

This was $50,000 that was put in by the Delaware Humanities Forum, which they say gets its money from the National Endowment for the Humanities to help make this film which has pleased so many people in my State, and in my judgment could please people around the country if they had a chance to see it.

In short, Mr. Chairman, like everything else there is some risk, and there are some things that perhaps should not be funded, but the bottom line is so many wonderful things have happened through the National Endowment for the Humanities.

I would strongly urge every single person on the Republican and Democratic side of the aisle to reject this amendment, to realize that we have already made sufficient cuts, and to realize that if we manage the National Endowment for the Humanities well, it can do a wonderful job in teaching us so much about our history and all the other things that other speakers have spoken to.

I strongly embrace the National Endowment for the Humanities funding as put forward by the committee, and I would urge everybody to oppose the Chabot amendment.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have to rise today in opposition to the amendment. I do so from a background in the humanities. In fact, as I mentioned yesterday, my first exposure to Congress was when I chaired the California Council for the Humanities and was national president of the Federation of

State Humanities Councils, and I had the privilege at that time to meet the committee that was chaired at that time by my congressman, the gentleman from Illinois, Mr. SIDNEY YATES.

I think I am here because of the background that I have had with the humanities. I have profound respect for the work that has gone on under the sponsorship of the National Endowment for the Humanities. I have to say that I resent the accusation that the work of NEH is conducted primarily by and for the benefit of academic elites and bureaucrats.

My own background is in the University of California, and I have sometimes been described as an academic elite, but the situation with NEH is that they stand as the one clear agency in the country that is dedicated to overcoming that kind of gap.

Most of the programs that NEH sponsors have a very definite and required public dimension. I am thinking of all the programs we have watched on public television. I think of the programs for young scholars, some of whom are academically certified, some of whom are not yet but have shown unusual promise. Scholars all over the country have had their careers boosted, and energized by support from the National Endowment for the Humanities.

I would like to call attention to two specific projects that NEH has funded and supports that have had profound ramifications around the country. I think first of all of the State programs. The gentleman from Nebraska [Mr. BEREUTER] mentioned the great work of the Nebraska Council on the Humanities. The same is true for the one in California, and all of the States have these public programs that bring people together.

The NEH lifelong education. Education does not end at the age of 22, at the end of a college career, but should be lifelong, and it is the NEH that has been chiefly responsible for energizing lifelong education in this country.

Second, I would like to point out that 50,000 schoolteachers, have participated in the summer seminar program that has been sponsored by the National Endowment for the Humanities. Think of the reverberations from that. Fifty thousand schoolteachers, hard-working men and women, not making any money on this, giving up their summertime to come and work with a scholar in order to perfect their skills and to perfect their teaching ability. Then they go back home. Think of the ramifications of that in the classroom and how many students are touched by the work that has happened in those seminars.

Mr. Chairman, I want to say that I think that a nation should be judged on how it relates to its intellectual heritage. That is really what is at stake here. I stand in very strong opposition to the amendment, because I am a full-scale believer in the work of the National Endowment for the Humanities.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Chabot amendment and in very strong support of the National Endowment for the Humanities. The National Endowment for the Humanities supports long-term collaborative projects of national significance that could not be funded by any single State or single institution.

For instance, the NEA funded the Ken Burns series, "The Civil War," "Roots," "Baseball." Think of the number of Americans whose understanding of our history was enlarged by those series, but in addition, they also increased tourism at our national battlefields and other Civil War sites by one-third. The Civil War series created real dollars to real communities, because Americans were more knowledgeable about their own history. The NEH funds projects like the Brittle Books project, to preserve the manuscripts that record our early history but were printed on paper that is disintegrating. Those national treasures must be preserved with national dollars. That is not a project that any State or any institution could undertake.

In addition, the NEH leverages millions and millions of dollars to enable local and State organizations to better educate their people and better preserve their history. In Connecticut alone, challenge grants from the NEH have leveraged $1 billion. Many, many have benefited: little towns, small cities, children, schools, adults, and town libraries.

In Bristol, CT, the American Clock and Watch Museum was able to put on a presentation of the Origins of the American Industrial Revolution in Connecticut. Clock-making, enriched our understanding of that small city's role in a very important industry. The New England Carousel Museum is another Bristol beneficiary along with all who tour that gem of a museum. Falls Village and Canaan got money to help plan the Depot Museum in Heritage Park.

This will go not only to help those small towns in Connecticut bring their history into focus and display it in a way that others can understand, but also to create a tourist attraction that will broaden their economic base and better support their people, thus enriching the knowledge and understanding of the people of that corner and all who pass through it, while strengthening its economy.

In Farmington, CT, NEH money has helped us uncover the history of the Farmington Canal, preserve that canal, and educate people about it. Those are the kinds of projects that no individual small town can support and be responsible for entirely, but that are of not only local and State significance, but also of national significance.

In Litchfield, preservation of the Nation's first law school is something that we all should care about, we all should be interested in. Certainly the local community is interested and the State has been as well, but critical NEH dollars have helped us succeed with that project. I could go on and on with projects, and examples of educational series that our art museums have been able to offer because of the NEH grants, but my point is clear NEH affects the lives of every one of us in small towns and very rural communities and throughout America.

It also does things like sponsoring seminars for teachers, enabling them in the summer to work with outstanding scholars, and deepen their understanding of the subject matter they are responsible for teaching to our young people.

Recently the Carnegie Foundation completed a study that showed that there was a direct correlation between children's achievement in our public schools and the depth of subject matter expertise of their teachers. So this kind of effort to give teachers the opportunity to work with outstanding scholars in their area has a direct effect on the achievement of our children in our public schools.

Over 3 million Americans have taken part in NEA-sponsored reading and discussion programs in libraries in all 50 States over the last 16 years. Lifelong learning makes a nation strong, creates understanding and spirit that not only enriches individuals but whole communities and the fabric of our society.

Mr. Chairman, I urge opposition to the amendment and support of the National Endowment for the Humanities.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have gone through a number of pieces of legislation here today, and the sum total of what we are doing seems to say, bring on the darkness; that if we came out of the dark ages and went into the renaissance, if we put this Congress in charge, they would try to shut down thinking.

The idea that a great country can be sustained while there is no central government playing a critical role in thinking and in education, in preservation, that is an idea that other countries have tried. If Members go to them, they would not want to stay there.

Everybody understands there ought to be some balance in what we do in government. If we can give the head of Microsoft a $6 billion or $9 billion tax savings, driven by the Members on the other side of the aisle, it seems we can take a few of those pennies back to make sure that the intellectual matter that has built this country is preserved.

Mr. Chairman, this book is now preserved. It is by Melville. Without the preservation funds, when you turn or crease the page, it comes apart. So our choice is simple. This country has prospered because we tried to make sure that the broadest base of our citizenry had access to information, to knowledge, to science. The question is, Are we going to cut one activity that is critical in many aspects to get at the small communities?

It is almost like the Post Office; if you live in New York City or Boston, you do not need us. What you produce helps the rest of us, often, but the critical mass, to have an arts program or what have you, saving books, that will occur at the great institutions in the large cities. But for those of us who represent average people in smaller communities, what these programs provide is the enlightenment. It is an opportunity to build a society with a broad recognition of what is out there in the world.

I would venture to say when we talk about trade balance, when we talk about a competitive country, there is nothing more important than what we are fighting about here today.

Reject this amendment. Members should understand their responsibility as national legislators, building a future for this country. Do not turn back to the darkness and end the enlightenment.

□ 1315

(Mr. REGULA asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE SCHEDULE

Mr. REGULA. Mr. Chairman, I rise to advise the Members what we plan to do is have a vote on the Chabot amendment. That will be all we will do for the rest of the day. We will rise immediately after the completion of that vote. So this will enable those that are planning for airplanes and so on, there will be one more vote and then we will rise.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this amendment that is being brought to the House is an example of Members who understand the cost of everything and the value of nothing.

I just heard a prior speaker, a few speeches ago, lecture us about the $100 million-plus a year that this endowment costs the taxpayer. It is true. It does. But the same gentleman who spoke voted last week to require this country to buy nine B–2 bombers that the Pentagon did not want. Each one of those B–2 bombers cost $1.2 billion. This Congress chose, over the advice of the Pentagon, to buy nine of those. The cost of those nine B–2 bombers would fund this account for the next 99 years. So who is kidding whom?

This is not about whether taxpayers' money is going to be saved or not. This issue is whether or not we are going to make a small investment to preserve the best of American heritage and to help us to the best of our ability to rise above the lesser aspects of our natures.

That is what the humanities are all about. Let me explain what the National Endowment for the Humanities does. It provides exhibits. It helps libraries all over the country to preserve some of their prize possessions. If you ask any historian what is the greatest historical loss to mankind's base of knowledge in the history of the world, they will say it was the loss of the Egyptian library at Alexandria. We lost all of the treasures, all of the institutional memory of that ancient age. And it took humanity literally hundreds of years to begin to reaccumulate that knowledge and that understanding.

This endowment helps to preserve books. It helps to preserve documents. It helps to preserve archival material. It helps to preserve historical newspapers. It has produced films which have won Peabody awards, Emmys, you name it. It does not serve the cultural elite of this country. The cultural and economic elite of this country, any time it wants, has access to this kind of material. They have got the bucks to pay for it. They have the leisure time to experience it. And they have the family history that makes children sensitive to it.

It is the average family in this country that does not live in a city which has a great university, it does not live in a city with one of the outstanding libraries in the country. Members of Congress take for granted the fact we can go down to the National Archives, see the great documents of our history. We think nothing of that. Most Americans would give their eyeteeth to have that opportunity.

It is the small towns, it is the people of average means, it is the people of average life experience who most need the benefits that this appropriation produces.

Yet we are told we cannot afford that. We are told that by one of the same Members who stood on the floor or stood on the floor of the Committee on Appropriations just 3 days ago and argued that we ought to continue subsidizing tobacco.

I ask my colleagues, what is a better investment in American tax dollars? There is very little doubt in my mind. Has the Endowment occasionally been embarrassed by an idiotic use of one of their grants? Yes, they have. Have you ever been embarrassed? Has any Member of Congress ever been embarrassed by an idiotic act that we ourselves have committed or an act of our staff? Of course we have.

I wish any Member of this House had a batting average as good as the National Endowment for the Arts or the Humanities. We make as many mistakes in a day as they make in a year. Members can vote any way they want.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, those of you who know me know that I often quote my favorite poet, Archie the Cockroach. It is not my religious bible, but it is my philosophical bible.

I want to read my colleagues something that Archie wrote a long time ago: He wrote it about the movies, but you can just as easily say it in reference to the arts or the humanities. He said this:

> They are instinctively trying to preserve for the public some kind of stuff that wins an audience away from the often sordid surface of existence. They may do it badly. They may do it obviously. They may do it crudely. But they do have a hunch that what the millions want is to be shown that there is something possible to the human race besides the dull repetition of the triviality which is often the routine of common existence. And every now and then they blunder into doing something with just a touch of the universal.

Now, to me that is what the Endowment for the Arts and the Endowment for the Humanities is all about. I would just suggest that if Members want to save money, I can show them 50 line items in appropriation bills that I will serve the American public. This is a tiny little amount, but it is crucial to seeing to it that we can spread the basic foundations of our society and western values as broadly as possible in this society. Is it done error free? Of course not, because everyone is human. But I say that the routine of common existence would be just a little less rich without the services that this appropriation provides, and this Congress would be out of its head to pass this amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many colleagues on both sides have stood up and said that maybe it is just a little bit of money. National Endowment for the Arts, which I did not get a chance to speak on in the last amendment, it is only a little bit of money, $100 million a year. I swore that if I ever spoke that a million dollars was a little bit of money, that I would leave this body, because it is a lot of money and I think we need to take that into account.

There are Members here and they have the right to that opinion that government can do things better. I think Charlie the Cockroach, whatever his name, would feel better if he had the right to control his own destiny instead of other people controlling it. That $110 million a year for the NEA and $100 million for the NEH adds up to a lot of dollars. Let us take a 10-year period.

When the gentleman from Wisconsin talked about the real future and the light of the future, I think the real light of this great country was born on individualism, from people creating their own destiny, not Federal Government. If we look at what the NEH does, have they done some good things? Sure, I am sure they do. And the NEA, have they done good things? Yes.

But when we take a look at what the real light is, is it giving back taxpaying Americans dollars instead of sending it to Washington? You have to borrow the money. That $200 million a year, you have to borrow that money to be able to spend it and then make people think that you are giving them a good deal.

I submit that it is not a good deal, Mr. Chairman. We have people in San Diego, in my area like U.S.S. Grant Sharp, Adm. Grant Sharp, four-star admiral, we have Wally Schirra, an astronaut. I would love the humanities to come in and talk about their history. But we do that with PBS and private funds. The Government does not have to do that.

The gentleman from Maine that talked about this great program in Maine that they have. If it is so important to Maine, I have never seen it. Joe Sixpack in my State or county has never seen it. Let people from Maine, if it is so important, support it. Why should Joe Sixpack from all the other districts fund this?

There are some great individual programs. The gentleman talked about the B–2, a controversial issue. I would submit to take a look, is there a need for the B–2? Is there a mission in the future for it? I say yes. And if not, what would you do, spend another $12 billion just on the R&D that goes on with what the new B–2 is or whatever replaces it? That is going to cost more in those dollars.

I would submit that the gentleman from Wisconsin has not sat over the top of Hanoi like I have and watched two B–52's go down in flames, with the horror of watching those men die because they were flying in 40-year-old airplanes. Yes, there is an issue. I think the perspective is different.

But the perspective of the American people is not to have the Federal Government do it. It is awful hard to outspend a liberal. We will give a figure to balance the budget and you will give a higher figure. Then you will say we are cutting, whether it is Medicare, Medicaid, education and the environment or these programs, and look how wonderful they are.

The President wants a $3 billion literacy program. Mr. Chairman, we have 14 literacy programs in the Federal Government. What is wrong with paying for one and fully funding it and getting rid of the bureaucracies and getting rid of the bureaucracy of the NEA and funding down the arts where parents and children and schools can make those decisions? No, they want the Federal Government.

If you take a look at whether it is health care controlled by the Federal Government, whether it is education controlled by the Federal Government, or history standards controlled by the Federal Government in which they had more study about Madonna and McCarthyism than they did the Magna Carta, or whether it is private control of private property. No, I am not talking about the Federal Government. I am talking about the Communist Manifesto written by Karl Marx and Engels about control of everything that goes on in River City, in Washington, DC, and by Government.

I think it is time, Mr. Chairman, that we change those things. Yes, the cockroach would be much happier if he had the destiny of his own life to live instead of people that borrow money here that do not have to pay it back, they do not, even the people they spend it on do not have to pay it back. Americans have to pay it back.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment to abolish the National Endowment for the Humanities. This House seems intent on doing an interesting day's work. First let us destroy our support for the arts, that is in the morning; and in the afternoon let us destroy the humanities.

That is a good day's work. The humanities are critical to any free and democratic society. The study of history, the study of philosophy, literature, religion, how are people supposed to make intelligent decisions and govern ourselves if we do not support the study of history and philosophy and literature and religion? The purpose of the National Endowment for the Humanities is to promote this, to promote research in education and the preservation of knowledge, to promote the preservation of our cultural heritage. This House is willing to spend, we are this year appropriating somewhere in the neighborhood of $270 billion to the Department of Defense for our physical defense.

One can think, as I do, that that is a little too much, but no one will quibble that we should spend a lot of money for our physical defense.

□ 1330

But the NEH, the National Endowment for the Humanities, and the National Endowment for the Arts, that is money spent for our cultural and civil defense, for our cultural heritage, so that we have a country that is worth in every sense defending.

The NEH funds professional development for teachers to preserve our heritage for the next generation. Fifty thousand teachers have benefited from its summer seminars, and they have reached in turn 7½ million students.

NEH grants are being used to fund multimedia database programs on the Supreme Court, the Civil War and the philosophies and civilizations of ancient Greece and Rome, from which we learn so much.

The endowment provides national leadership for efforts to digitize and make more accessible such important texts and documents as the Dead Sea Scrolls, ancient Egyptian papyrus fragments and the works of Shakespeare. The endowment has preserved 750,000 brittle books and 55 million pages of American newspapers.

It is crucial to our efforts to preserve the writings and ideas of American culture. In fact, the NEH is crucial to efforts to preserve the writings of American Presidents, including those of George Washington, Thomas Jefferson, and Dwight Eisenhower.

I hear the gentleman from California saying we do not need the NEH to do this; let people spend their own money to do it. Who would preserve our cultural heritage? Who would spend the money to physically treat books, physically and chemically treat books so that their pages do not fall apart with age, books that are 50, 100, and 200 years old? The private sector will not do it. Government has to do it because it is essential that it be done to preserve our heritage. But the private sector will not do that.

Do we want to eliminate funding for a program whose primary purpose is to preserve American history and culture? We have cut funding for this substantially. Two years ago the funding was $172 million, about .01 percent of the budget. The current fiscal year it is being slashed to $110 million, but that is not enough. They argue it must be eliminated.

To argue that this is too large an investment to preserve our cultural heritage is absurd. As was mentioned before, we voted for nine B–2 bombers in the current budget that the Pentagon says it does not need to defend us. One B–2 bomber, the cost of it, could fund the NEH for a dozen years.

The NEA has made mistakes on grants, the NEH has made mistakes on grants. Sure. But that is the real motive for eliminating them. But that makes about as much sense as saying that people have cheated on Medicare, some insurance companies have overbilled the Government, some doctors have overbilled the Government, so let us eliminate Medicare. No, let us have better protections.

The decisions that we make on spending are reflective of what kind of a country it is we want. Do we want a Nation that values learning, that rewards curiosity, that devotes resources to learning about the past so that we know how to seek a better future? If that is the kind of Nation we want, it is crucial we continue our commitment to the National Endowment for the Humanities.

Mr. Chairman, I urge my colleagues not to compound the damage we did this morning on the NEA. Reject this amendment to eliminate the NEH. Let us not be totally shameful today.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am from Ohio, and I think Ohio has a stake in this debate because it is my colleague from Ohio who would like to eliminate the National Endowment for the Humanities.

The charge has been made that this is an endowment which supports the cultural elite. Now, it is true that the city of Cincinnati, OH, is one of the great cities in this country. It is a city where the arts are valued and the humanities are valued and where many wealthy people contribute to both.

However, I represent a different part of Ohio. My part of Ohio is a part of Ohio where the largest city is only 25,000 in number. In my part of Ohio the median family income is $22,000 a year. My part of Ohio needs the National Endowment for the Humanities. I can say that in my district alone, since 1970, the National Endowment for the Humanities has contributed nearly $80,000, but that has been used to leverage almost $350,000.

In my small counties numerous worthy projects depend upon funding from the National Endowment for the Humanities. In Athens County, WOUB radio, Ohio University; the telecommunications center at Ohio University; in Clinton County, Wilmington College benefits, as well as does the local library; in Gallia County, the University of Rio Grande and the French Art Colony; in Jackson County, the local library; in Meigs County, the Pioneer and Historical Society benefits from the National Endowment for the Humanities; in Ross County, the Ross County Public Library and the Ross County Historical Society; in Scioto County, my home county, the Southern Ohio Museum and Cultural Center benefits; Shawnee State University, which is Ohio's newest and smallest State university, benefits from the National Endowment for the Humanities; in Vinton County, which is Ohio's smallest and poorest county, the local library benefits; in Warren County, the county library; in Washington County, Marietta College and the local library. On and on and on.

These are not cultural elites. These are citizens in small communities in one of the most historic and beautiful parts of our Nation who need the National Endowment for the Humanities in order to continue very worthy programs.

Mr. Chairman, I would ask my colleague from Ohio to reconsider, to reconsider this misguided attempt to eliminate the National Endowment for the Humanities.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the National Endowment for the Humanities was established more than three decades ago because, in the words of the Columbus, OH, Dispatch, democracy demands wisdom and vision in its citizens.

Now, the more responsible amendment that we should be debating today would be one that would restore the $40 million to this budget that was cut in this bill from the President's request or the $14 million cut from last year's funding level. That is what we should be doing, and we could have compelling arguments to do that and, I would think, win on that debate. But, instead, here we have to defend a program that has justified itself for 30 years, that has made a difference in almost every community across the country.

In Alexandria, VA, right across the Potomac River, 150 years ago Alexandria was part of Washington, DC, but there was a vote to retrocede. Because the African-American citizens could not vote, that vote won, and Alexandria went on to become one of the principal slave capitals of the South. For the next 150 years there was a struggle that required the highest levels of courage and character and leadership on the part of our African-American citizens to transform our community and that of northern Virginia and the Washington metropolitan area. They had to risk beatings, they had to risk persecution and oppression when they would go in and integrate libraries, integrate the school system, the stores, the drugstores; and over a long history, they succeeded.

Now, why is that relevant to this discussion? Because it is the National Endowment for the Humanities that is bringing that history alive to the children of our school system, black and white alike, and throughout the Washington metropolitan area.

Now, it took years for the citizens of our community to meet the exacting standards of the National Endowment for the Humanities. But once they met them, then we were able to draw upon substantial sums of other money to make history come alive, to enable our schoolchildren to realize the strong shoulders on which they stand today. That is what inspires leadership, that is what keeps our country a great country, that understanding of history, that understanding of the kind of character and courage that gave us the foundation upon which we progress.

NEH has proven itself in the same way that the principles of this country have proven themselves. But it is integral to sustaining our principles as a democratic free country that believes in free speech, that believes in education, that believes in inclusiveness of all of our citizens.

NEH needs to be expanded, not cut back, but certainly the least we can do for our country and its people is to defeat this amendment today.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the full 5 minutes but I do rise in opposition to the Chabot amendment. I urge our colleagues to defeat it and to defeat it resoundingly.

In the earlier debate we talked about the importance of the arts, of music to our country. If the arts and music touch the heart of our country, certainly the humanities enhance the soul of our great country.

The National Endowment for the Humanities supports scholarly research, education and public programs in the humanities. The NEH preserves our national heritage by helping to keep our historical record intact. It builds citizenship by providing a way for citizens to study and understand principles and practices of American democracy. It strengthens our communities through State councils and local grants.

"No, the marketplace," as Ken Burns said in his recent article, "will not produce the good works of the endowments." He said further, "It is my sincere belief that anything that threatens these institutions weakens our country."

I hope that my colleagues, when they vote, will vote to strengthen our country. In his article, Ken Burns, and I want to quote because I think it would be interesting to Members, also said, "Without a doubt, my film series on the Civil War or Baseball could not have been made without the endowment. It not only provided one of the largest grants, thereby attracting other donators, but some of its grants to archival institutions made possible the restoration of historical photographs we used," he said, "to tell our story."

He further said, and I will close with these remarks, "Early on, Thomas Jefferson and the other founding fathers knew that the pursuit of happiness did not mean a hedonistic search for pleasure in the marketplace but an active involvement of the mind in the higher aspects of human endeavor; namely, education, music, the arts and history."

I urge my colleagues, Mr. Chairman, in the spirit of our Founding Father Thomas Jefferson, to support the humanities and vote no on the very destructive Chabot amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my distinguished colleague, and in so doing I would like to applaud the comments of the two previous speakers, the gentleman from northern Virginia and the gentlewoman from California, for their eloquent remarks in defense of their position opposing this amendment.

Mr. Chairman, I would make a few observations. First of all, while I stand in vehement opposition to the amendment offered by my distinguished colleague, I think in one sense he has done this body a great service, and that is to provide an opportunity for many of my colleagues to march into the well of this House and to inform other Members of Congress and the American people of all of the vital services provided by the Endowment for the Humanities, and to do so with great eloquence and great precision.

Second, I would like to make this observation. A couple of weeks ago the Committee on National Security brought the military budget for this fiscal year to the floor of the U.S. Congress. In my capacity as ranking member of that committee I tried to point out, on more than one occasion, that one of our significant vital national security interests, Mr. Chairman, is a well trained, well educated, well informed citizenry that is capable of engaging the economic, cultural, and civic affairs of our Nation.

I would argue with my distinguished colleague that this amendment striking all of the funds for the National Endowment for the Humanities strikes at the heart of a vital national security interest of this Nation, and that is to have an informed, vitalized, intelligent, capable citizenry in this country.

□ 1345

One of the previous speakers, arguing in defense of this amendment, challenged some of the activities of the National Endowment of the Humanities because it opened us up to ideas. Only an ignorant society, Mr. Chairman, would run from ideas.

What makes us brilliant, what makes us capable is that we expose our youth and our children to the magnificence and wonder of great ideas. The day that we begin to censure ideas and to censure thought is the day that we go back into the 19th century and do not walk into the 21st century.

Mr. Chairman, one of the greatest things that we have is our children; and one of our greatest contributions to our children is a contribution to their education, allowing them to function and to cope in a society, in a world that is rapidly changing, growing with increasing complexity and increasing challenges.

I would suggest, with those observations, Mr. Chairman, that all of my colleagues on both sides of the aisle reject this amendment and say to our people, young and old alike, across the myriad of perspectives in this country, that we would not strike at a very important, vital national security interest of this country, and that is the education and the information that needs to flow to the people of this country.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I strongly oppose the amendment of my colleague, the gentleman from Ohio [Mr. CHABOT], and I want to tell this Congress why we should focus our attention on doing just the opposite. We should focus our attention on trying to centralize the amount of moneys we are going to give to the humanities.

I have heard many arguments this morning, Mr. Chairman. Many of them seek to sort of disperse the power and the money for the humanities. That is a wrong approach, Mr. Chairman. What it does is it proliferates weakness.

My colleagues say they want to give it in block grants to the States? That is one proposal, to give States a block grant. It does not make sense, in that there would be no centralized entity to focus, to leverage, to try to get the most of the small amount of Federal money that they are now dispensing.

First of all, if someone in this House is against an idea, it does not make sense to try and kill that idea through appropriations, because through appropriations we have never looked into the rationale of this program. We really do not know exactly what they do.

We do know that many of the things that they do are very, very good and some of the things that the National Endowment purports to help this country with are not good. That is so with all of our programs.

Our beloved leader and ranking member has tried very hard for about 25 or 30 years to build the arts and humanities in this country; and, with one fell swoop, we are going to wipe out both of these efforts. It does not make sense. What they are doing is dissipating the amount of moneys we have already put into this area, and now they are going to say they are not good, they are not good enough for our scrutiny, so we are going to wipe them out.

First of all, how is any school system or any other entity in this country going to be able to leverage the moneys that the Federal Government has put into the humanities or that it purports to put in there? There is no one agency in this country that can leverage that money as much as they have done it.

So they strengthen our communities and, most of all, they seek to maintain a historical perspective, Mr. Chairman. And we must, we must maintain that historical perspective. If we do not, we cannot keep the legacy of this country going, and it must be kept going. We must continue to remember what has been done in this country.

Mr. Chairman, I would just like to ask a question: Whether or not when we disburse this money to every different entity or agency that we can find, just to get it away from the National Endowment for the Humanities, they are going to leverage in different ways, they are going to have a diverse kind of programming. We do not really know what we are going to get, a mishmash.

So, in closing, Mr. Chairman, we can stimulate local economies through the National Endowment. It forces the people who are teaching. Are we going to have 59 or 60 ways of teaching? The National Endowment for the Humanities has brought in all of these people who are offering or trying to do something in the area of the humanities and giving them a series of forums and workshops to teach them ways to do this.

I beg of this House, Mr. Chairman, to defeat this amendment, because it is one that will kill the humanities movement in this country.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment. I was back in my office listening to the debate, and I really felt that I would not forgive myself if I did not come to the floor and add my voice to those who were saying that this is not an amendment that this House should vote for.

I think this is a basic philosophical difference. Some of my colleagues, well-intentioned, have the attitude that any government is bad, that the Federal Government is bad, that somehow or other government and programs of government are inherently evil.

I do not come from that perspective. We are one great Nation. We are 50 States, but we are one great Nation. And, certainly, the National Endowment for the Humanities teaches us that we are one great Nation, we have so much in common, that there is so much to preserve, that there is so much that we need as a Nation to bring us closer together.

The National Endowment for the Humanities does that. It is the largest source of support for the humanities nationwide. Federal support is vital in order for the infrastructure of humanities to continue to exist.

The next largest source of giving for humanities is the Mellon Foundation, which gives about $30 million annually, compared to $110 million for the NEH.

Government is important when the private sector cannot do the kinds of things that we need it to do. The NEH, to me, is public and private partnership working at its best. It gives grants that stimulate various humanities projects. Without these grants, without the seed money, these projects would never come to fruition.

We are one great Nation. We are a great country. We have a Federal Government. The Federal Government should be doing the kinds of things, in my opinion, that the National Endowment for the Humanities does.

Now projects like collecting and editing the papers of the Nation's Presidents, Washington, Jefferson, Grant, Eisenhower, would more than likely stop production, many would close down all together if the NEH was abolished.

NEH funding is often the lifeblood of support for such large, complex research undertakings. A half million American school children would be deprived of the benefits of being taught by the thousands of humanities teachers who each year refresh their knowledge and understanding of humanities in our great Nation by attending NEH-sponsored summer seminars and institutes.

The NEH, as my colleagues have said, is a good buy. The cost to each American is only 42 cents a year, which is one one-hundredth of 1 percent of the Federal budget. The activities of the State humanities councils all across America would probably close, most would go out of business, if this amendment were to pass.

Some of my colleagues might say, "Well, so what? If it cannot be sustained by the private sector, let it close." But I think this is a very, very shortsighted attitude. If things can be sustained by the private sector, then they well ought to be. But, again, if we can have this public-private partnership that works, why would we not want to reward success?

This is a program that has been working. It has not been a failure. Where there are Government programs that have been failures, we should eliminate them. When there is too much fat in the budget, we should cut the fat. But when there is a program that is working, like the National Endowment for the Humanities, we ought to be strengthening these programs, not cutting their legs out from under them.

Access to humanities programming would be closed off to millions of Americans in rural areas who are less well off. I represent an urban area, and we would probably have these things continuing, but people in rural areas would not be able to do that. Without NEH, who else would have provided the vital seed money to nurture a landmark event in our Nation's cultural life like the Library of America series? Those of us who are familiar with that series know how important and vital it is and what a vital role the NEH played in that.

So let me just say, in summation, that I think that this amendment is a very, very shortsighted amendment. Again, where there is fat in the budget, we ought to cut it out. Where the private sector can fill in, then Government ought not to do it. But when we have a public-private partnership that works, this kind of funding works, this Congress ought to be saying thank you and we ought to be strengthening it and nurturing it and, yes, even adding additional dollars to it, rather than trying to cut it out.

I do not come from the philosophy that Government is inherently bad or evil. I think we need Government. We do not need too much Government, but we do not need too little Government either. And where Government provides vital resources such as the NEH, those resources should be supported by this Congress, not have the legs cut out from under them.

(Mr. REGULA asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. REGULA. Mr. Chairman, I rise to advise the Members that we will conclude debate on this today but will roll the vote until next Tuesday, so that those Members that have airplanes to catch, there will be no more votes today. We will just go on until the debate is concluded, and at that point we will roll the vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman from Texas must yield to the gentleman from Illinois for the parliamentary inquiry.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, did I understand the chairman to say that there would be speaking as long as Members wanted to speak? Is that only on this amendment or on other amendments?

Mr. REGULA. Mr. Chairman, if the gentlewoman will yield, this amendment only. When the debate on this amendment is concluded, we will roll the vote and rise.

Mr. YATES. I thank the gentleman.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to ask one question. I have just been told that one Member of the leadership of the gentleman from Ohio [Mr. REGULA] has indicated that if this bill goes down on final passage, that all Democratic projects are going to be stripped out of the bill. I would like to know if that kind of blackmail is going on on the part of his leadership or not.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I know absolutely nothing about that, and I think that is misinformation. There has been nothing of that type by way of information or discussion transmitted to me. It is totally news to me.

Mr. OBEY. I would certainly take the gentleman at his word. I would simply ask that he check with his own Whip's office to make certain that that is not the case. If the majority party wants to really blow up this place, that is a good way to do it; and I do not think it would be very smart to try it.

□ 1400

Mr. REGULA. If the gentlewoman will continue to yield, I think that the gentleman knows me well enough to know that that is not the way we approach things. He can see that in the way the bill is constructed. It is very bipartisan.

Mr. OBEY. If the gentlewoman will continue to yield, I know that is the way the gentleman approaches things, but as he knows sometimes things are decided above our pay grade, and I think we need to know whether we are operating in the atmosphere of reasonableness or of sharks.

Ms. JACKSON-LEE of Texas. Would the Chair please provide me the amount of time I have remaining?

The CHAIRMAN. The gentlewoman from Texas has 4 minutes remaining of her 5 minutes.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for an additional 1 minute.)

The CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect my colleagues who have had a great deal of concern with both the National Endowment for the Arts and with the National Endowment for the Humanities. I know that many have done it out of an earnestness of what they believe the values of this Nation should be. But even though with respect for their position, I cannot accept it.

Just as I thought the amendments dealing with the elimination of the National Endowment for the Arts were foolish and foolhardy, both the amendment to eliminate and the amendment that did not pass that would have in essence eliminated under the Ehlers amendment the NEA, this amendment, the National Endowment for the Humanities, to eliminate it is similarly foolish and foolhardy.

Might I share with Members as a youngster growing up in America how important it was as the learning process unfolded before me to understand that I was not alone with respect to my history. I was not alone as an African-American in this Nation without history or roots. Although the educational system as I was growing up was not as detailed and as clear about the richness of African-American history, I am very proud today to say that many research projects that have been funded by the National Endowment for the Humanities have given depth to the rich and diverse culture of this Nation.

It has given depth to the very rich Indian American culture, the culture of the original natives of this great land. It has funded projects so that our schoolchildren could understand the value of American Indian history. It also has responded to the emerging Hispanic culture and in its research funding grants has seen the value of training teachers who understand multi-culturalism.

Tears came to my eyes in 1977 when an account by Alex Haley that was then fictionalized into a movie called "Roots" began to unfold for all of America what the slave history was about and the subsequent history of the 1800's, and then the entrenchment of this divide in this Nation, but yet the joys that came about.

I, too, celebrated in that fiction, fiction as it was put to story in a movie, but yet as it was told in truth in Alex Haley's book "Roots." It was exciting for those of us who had finished most of our education because, sad to say, in the 1950's and 1960's, there was little diverse history taught in our schools. But the National Endowment for the Humanities, independent and free as it is, with public dollars, when this country began to accept the multiplicity of its very diverse culture, began to train teachers to teach those of us who wanted to learn about the richness of this history.

He is now telling us that he would cut off the opportunity for my children and grandchildren to be able to believe in a Nation that is so diverse. How many of us fully understood, even as it was told, the Civil War story? But yet the NEH had enough courage to support the Burns' effort in this Civil War story that so many of us looked at on PBS, the Public Broadcasting System.

Likewise, the NEH supported a documentary history of the emancipation from 1861 to 1867. It included the fact that we in Texas only knew of that emancipation in 1865, two years after the emancipation in 1863. But it had to be an independent body that helped all of the Nation understand what emancipation meant.

And so I am saddened that we have this divide and that we would use the issue of arts and the issue of the humanities as a wedge issue and a budget-cutting issue when in fact, as I have said before, a people who continue to trample on its arts, its culture and its history are doomed to perish.

I believe that this amendment will bring about a perishing of the rich cultural diversity and the long and rich history that this Nation is developing. Vote down this amendment and support the National Endowment for the Humanities.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words in order to engage in a colloquy on an unrelated matter with the gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I appreciate this opportunity to engage the gentleman from Ohio in a colloquy to receive his views and to receive and understand the subcommittee's views on the nature of the matching requirements that will apply to the completion of the Lewis and Clark Trail Interpretive Center in Nebraska. It is my understanding that the matching requirements for the additional fiscal year 1998 appropriations for the center, plus the previously appropriated $391,000 in total can be matched by cash, materials, and services. While it is my understanding that a substantial cash contribution will be required, it is further my understanding that such materials, services and activities in non-cash contributions could include contributed architectural and engineering plans or planning activities, construction materials, landscape planning and plant materials, survey activities, utilities installation and/or relevant new artwork creations.

Mr. Chairman, is my understanding of the nature and the anticipated matching contributions for the center correct?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Ohio.

Mr. REGULA. As the gentleman knows, I have held all these types of interpretive centers to strict cost-share requirements including substantial cash. That is because we have so many requests and we try to stretch our dollars. However, the other services the gentleman detailed are also acceptable as a portion of the matching contribution necessary to meet the subcommittee's requirements.

Mr. BEREUTER. Mr. Chairman, I thank the distinguished chairman of the subcommittee for his statement, patience, assistance and good will, and I also thank his staff for similar reasons.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to prolong this discussion nor this debate. But I think one of the reasons that so many people have spoken on this particular issue is because of the depth of their feelings with reference to how effective the National Endowment for the Humanities has been. In my own city, the city of Chicago, a city that is the essence of diversity, a city that has ethnic enclaves all over its landscape, through this kind of programming people have been able to come together to interact, to explore, to take hard, good looks, to be involved in things like Imagine Chicago, to be involved in programs at the Newberry Library or to be involved in finding out how other groups actually live and function in this great Nation that we call the United States of America.

I would think that any diminution of these activities would go against the grain, because one of the things I have learned is that in order to make democracy real, there is a need to understand how the other fellow thinks, how the other person feels, even the opportunity to walk in his or her footsteps and shoes. I would stand with all of those who have suggested that this program, and for the money that is expended on it, is worth its weight in gold, because it provides the golden opportunity for Americans to truly learn about each other and the contributions that we have all made. I join with those who are in opposition and say let us keep America interacting rather than shutting Americans away from each other.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have always understood that the most important obligation that each of us as a private citizen in America has is to somehow translate the history of this country and to make sure that the children that come in the future have a full and knowledgeable understanding of the history of this Nation and what makes it great, what makes it operate, and who the people are in the length and breadth of this land.

In order for the people of this House who represent this Nation to fulfill that solemn obligation, to extend who we are to the future, this Congress 30 years ago decided that we had to have a National Foundation for the Humanities in order to make sure that the history of this Nation and our understanding of it as it began and as it grew and as it is today and as we would like it to be in the future has the awesome support and foundation in a national kind of responsibility, and that is why the Endowment was created.

Each of us represents about 600,000 or 700,000 persons. We cannot begin to really express each and every person within our constituency, though that is our obligation. And so as we come to the House to meet our challenges, to extend the security of this Nation through education, we look to the National Endowment for the Humanities to help us in this endeavor.

And so at this moment in our debate, to kill this national organization seems to me to not understand why it was created in the first place. It is to take each of us, 435 Members of Congress, each from diverse backgrounds, each from very different districts. Most of us cannot comprehend the districts that some Members represent. But surely we are the product of our district, our education, our cultural experience, our academic training and so forth and we come here with the responsibility to represent that constituency. But in this House, we know that we have far greater responsibilities than our own district. We have to represent the Nation. This Nation has a huge responsibility, and, that is, to unite this diverse entity called America and to understand it and to make sure that those things that are important, that began it continue on, to motivate our young people, to carry forth the noble traditions and principles of this democracy. If we simply let the States and the school systems and the private entities decide what is important for us as a Nation on an individual basis in our cities and in our school systems and in our States, we will lose that very important influence of the national unity of this country.

This is America, the United States of 50 States and territories. It is our obligation as the Federal Congress to understand our responsibility. That is exactly what the National Endowment for the Humanities is, to bring forth that rich history of our country, to understand the diversity of this Nation, to pull all these diverse people together, and to let us march down into history as one people with the fundamental principles of Americanism and freedom and liberty and all the things that are important for the future of this world into the essence and spirit of America. That is what the National Endowment for the Humanities stands for. To destruct it and to say, well, private sectors and the individual States can carry this forward, they cannot. Because no individual private foundation, no individual State can represent the spirit of America in the way that it must be represented if we are to be one country and one nation.

□ 1415

So I plead with those who seek to destruct this organization to understand what they are doing. It is not just to save money, it is not to try to express some conservative belief that less government is better government. It is a failure to understand our individual citizen responsibility that we represent the United States and that we have a fundamental responsibility to carry forward to the future the history, the understanding, the diversity, the culture, what makes us a special people in this universe.

I ask my colleagues not to support this amendment.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank my colleague from Ohio for the work that has gone into this bill; I thank my colleague from Cincinnati for his effort that has gone into this amendment. I do not agree with it, but I must say that there have been few amendments brought in recent weeks that have provoked a more constructive dialog on this floor than this one. It has invoked the deepest sense of what it means to be an American.

As my colleagues know, 4 months ago this body in its common judgment decided to abandon this Capitol to go away to a small place in Hershey, PA to talk about those things that bind us together. We talked about the things that were important to us as Americans representing 260 million Americans in all of our diversity. We came together and listened to David McCullough, the noted historian, who in his moving keynote address invoked the words of Daniel Boorstin, another noted historian and a former Librarian of Congress, when he suggested that one cannot grow a garden by planting cut flowers. His point was that we need to understand the genesis of where we come from in order to have a flourishing garden. He was suggesting that we need to know where we have been in order to have a sense of where we are going.

We have been in this place before. We have been in a time when this body and this Nation, locked in a time of change, has been at intellectual war with itself. And yet we have known that we can grow beyond that and to conduct this conflict of ideas in a way that is civil and it makes some sense to the Nation.

A hundred years ago in 1892, Benjamin Harrison and Grover Cleveland conducted a campaign one of the most lackluster campaigns in the Nation's history at a time when it may have been more important to understand what the causes of history were at that time. They, like many of us, found themselves in a time when political leaders knew more than they dared to say and who worried more than they dared to show. It was a time when the illustrious Committee of Ten came forward to make recommendations to this Nation to bring about healing in a time of change, and the Subcommittee on History, which included even Woodrow Wilson relatively early in his career, argued that the importance of history, just as Boorstin and McCullough suggested, was at the heart of what it took to be Americans.

Today, we face the same kind of demands. The Bradley Commission on History, a decade ago, articulated the same kinds of things when they suggested, as we need to derive from the National Endowment for the Humanities, the importance of developing a shared sense of humanity, to understand ourselves and others, to understand how we resemble and differ from one another, to question stereotypes of ourselves and others, to discern the difference between fact and conjecture, to grasp the complexity of historical cause, to distrust the simple answer and the dismissive explanation, to respect particularity and avoid false analogy, to recognize the abuse of historical lessons, and to understand that ignorance of the past may make us prisoners of it, to recognize that not all problems have solutions, to be prepared for the irrational, the accidental, in human affairs, and to grasp the power of ideas and character in history.

Perhaps no one said it better than did Justice Oliver Wendell Holmes who in addressing the graduating class of the Harvard Law School in the 1880s suggested that perhaps the greatest service that one can do in a democracy is to see the future as far as one may, to feel the force behind every detail, to try to hammer out products that are sound and come back to seek to make them first rate, and to let the results speak for themselves. No more cogent articulation of the importance of understanding where we have been and where we are going has been put before the Nation.

The work that has gone into this bill is enormously important. I look at the kind of effort that has gone into the national heritage corridors, living examples of our history, understanding the forces that bound us together a century and a century and a half ago and that are every bit as important to us today. In concrete terms they represent what the National Endowment for the Humanities represents in conceptual terms, our living history embodied in the work that we do today.

I thank the chairman for the work that has led to this bill. I thank my colleague, the gentleman from Ohio, for provoking this debate, and I thank all my colleagues for listening to it.

Mr. BLUMENAUER. Mr. Chairman, if we eliminate the Federal commitment to the arts by eliminating or severely reducing the National Endowment for the Arts, I believe we do a great disservice to the American people. Likewise, if we eliminate our commitment to the Humanities, we do a great disservice to our entire democracy.

Investments in our cultural institutions, like the NEA and NEH, are investments in the livability of our communities. For just 38 cents per year per American, NEA-supported programs help enhance the quality of life for Americans in every community in this country. For just 68 cents per year per American, NEH-supported programs to preserve our heritage by keeping our historical records intact and building citizenship by providing citizens to study and understand principles and practices of American democracy. In fact, Congress established the NEH because "Democracy demands wisdom and vision in its citizens."

But the NEA and NEH do not perform this important function alone—the Nation's cultural support system is a complex structure pieced together from many different sources, including earned income, private donations, corporate donations, and government grants. The cultural heritage of our communities rely upon all those sources to remain whole—including the Federal commitment. It's the partnership formed by all these entities, from private investors, to cities, States, and the Federal Government, that makes the system work.

Adequately funding the National Endowment for the Arts, in particular, is absolutely critical to the State of Oregon, which has suffered in recent years from cutbacks at the State and local levels. Portland and other cities in Oregon have managed to make this work by using public funds to leverage as much private investment as possible. Portland arts groups manage to attain about 68 percent of their financial resources from the box office, which is higher than the national average of 50 percent. Portland companies have stepped up to the plate—doubling their investment between 1990 and 1995. The public investment, particularly the investment from the NEA, is absolutely critical to preserving these opportunities.

Why is it important to preserve these cultural investments? A commitment to culture pays many dividends—dividends that promote our economic development and our understanding of the world around us. Economically, an investment in culture as helped promotes tourism. People flock to cities that support the arts and humanities, benefiting hotels, convention centers, restaurants, and countless other businesses related to entertainment and tourism. In fact, the nonprofit arts industry generates $36.8 billion annually in economic activity, supports 1.3 million jobs, and returns $3.4 billion to the Federal Government in income taxes and an additional $1.2 billion in State and local tax revenue.

An investment in culture also helps previously disenfranchised groups gain access to new cultural experiences. The NEA, for example, provides fun and educational arts programs for children that help students and teachers develop arts, environment, and urban planning curricula. Public funds, like those from the NEA, are also critical to keeping ticket prices low, giving lower income individuals and seniors the opportunity to attend cultural events. If ticket prices reflected the entire cost of the event, cultural events would by necessity be denied many of our citizens, especially the young and elderly.

We won't be able to balance the budget by eliminating spending on our Nation's cultural heritage—and if we do so, we will lose much more as a society and a nation than we would ever gain in deficit reduction. This approach is shortsighted and doesn't recognize the long-term economic and social benefits an investment in culture convey to our communities and the Nation as a whole.

The President's Committee on the Arts and Humanities recently rleased a report that could help focus our priorities for American cultural resources, if we listen to their recommendations—restoring Federal funding for cultural activities; enhancing the ability of the Endowments to attract and accept gifts; and ensuring that our Tax Code helps encourage charitable contributions.

We have the tools, infrastructure and innovative spirit in place to make communities across the Nation more livable through cultural opportunities. What we need to promote is a national commitment to improving the livability of our communities by investing in culture. We can develop and promote that national commitment through the NEA and the NEH.

Ms. DELAURO. Mr. Chairman, if a civilization is judged by its culture, Republicans have gone a long way toward destroying America with their actions in the past 2 days. Yesterday the GOP voted to eliminate the National Endowment for the Arts, which makes theater, symphonies, and art programs available to Americans across the Nation.

Today, Republicans are trying to eliminate the National Endowment for the Humanities, which plays a vital role in advancing the educational and cultural health of our Nation, and in preserving the landmarks of our history. The NEH has made possible a wide range of activities to improve the quality of education and indeed, the very quality of life in communities throughout the country.

Let me tell you about just one of the projects that could not have happened without the help of the NEH. The Yale-New Haven Teacher's Institute brings public school teachers from New Haven together with faculty from Yale University and gives them the opportunity for in-depth study of a variety of subjects. It gives teachers the opportunity to bring new materials back to their students in the public schools of New Haven and add to their curriculum.

This project is seen as a model for collaborative efforts of universities and public schools to improve education throughout the United States. Yet it may not have happened without a $750,000 challenge grant from the NEH—which spurred a fundraising drive of $3 million in private funds to permanently endow this development program.

The NEH and NEA make up just a tiny portion of our budget—and that investment pays off in so many ways, spurring jobs and private investment and preserving our heritage for generations to come. Who knows how many children have had their interest sparked in a whole new subject thanks to an NEH sponsored program. Don't put out that spark. Don't destroy our heritage. Vote against destroying the NEH.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Ohio [Mr. CHABOT] will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2107), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, July 11, 1997, to file a privileged report on a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT MONDAY, JULY 14, 1997, FILE REPORT ON DEPARTMENT OF AGRICULTURE, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Monday, July 14, 1997 to file a privileged report on a bill making appropriations for the Department of Agriculture, Food and Drug Administration and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT MONDAY, JULY 14, 1997 TO FILE REPORT ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Monday, July, 14, 1997 to file a privileged report on the bill making appropriations for Foreign Operations, Export Financing and related programs for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, July 11, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 40003 of Public Law 105-18, I hereby appoint the following individuals to the National Commission on the Cost of Higher Education:

Dr. Blanche Touhill, St. Louis, Missouri.
Dr. Walter Massey, Atlanta, Georgia.

Yours very truly,
RICHARD A. GEPHARDT.

ADJOURNMENT TO MONDAY, JULY 14, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 3 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HOUR OF MEETING ON TUESDAY, JULY 15, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, July 14, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, July 15, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce:

To the Congress of the United States:

It is my pleasure to transmit the Annual Report of the National Endowment for the Arts for 1996.

One measure of a great nation is the vitality of its culture, the dedication of its people to nurturing a climate where creativity can flourish. By supporting our museums and theaters, our dance companies and symphony orchestras, our writers and our artists, the National Endowment for the Arts provides such a climate. Look through this report and you will find many reasons to be proud of our Nation's cultural life at the end of the 20th century and what it portends for Americans and the world in the years ahead.

Despite cutbacks in its budget, the Endowment was able to fund thousands of projects all across America—a museum in Sitka, Alaska; a dance company in Miami, Florida; a production of a Eugene O'Neill play in New York City; a Whistler exhibition in Chicago; and artists in schools in all 50 States. Millions of Americans were able to see plays, hear concerts, and participate in the arts in their hometowns, thanks to the work of this small agency.

As we set our priorities for the coming years, let's not forget the vital role the National Endowment for the Arts must continue to play in our national life. The Endowment shows the world that we take pride in American culture here and abroad. It is a beacon, not only of creativity, but of freedom. And let us keep that lamp brightly burning now and for all time.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

COUNCIL OF THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1998 BUDGET REQUEST ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with section 202(c)(5)(C)(ii) of the Financial Responsibility and Management Assistance Act of 1995 ("the FRMA Act"), I am transmitting the Council of the District of Columbia's "Fiscal Year 1998 Budget Request Act of 1997."

The Council's proposed Fiscal Year 1998 Budget was disapproved by the Financial Responsibility and Management Assistance Authority (the "Authority") on June 12. Under the FRMA Act, if the Authority disapproves the Council's financial plan and budget, the Mayor must submit that budget to the President to be transmitted to the Congress. My transmittal of the District Council's budget, as required by law, does not represent an endorsement of its contents. The budget also does not reflect the effect of my proposed Fiscal Year 1998 District of Columbia revitalization plan.

The Authority is required to transmit separately to the Mayor, the Council, the President, and the Congress a financial plan and budget. The Authority sent its financial plan and budget to the Congress on June 15.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

□ 1430

STUDY ON OPERATION AND EFFECT OF THE NORTH AMERICAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. CHABOT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

I am pleased to transmit the Study on the Operation and Effect of the North American Free Trade Agreement (NAFTA), as required by section 512 of the NAFTA Implementation Act (Public Law 103-182; 107 Stat. 2155; 19 U.S.C. 3462). The Congress and the Administration are right to be proud of this historic agreement. This report provides solid evidence that NAFTA has already proved its worth to the United States during the 3 years it has been in effect. We can look forward to realizing NAFTA's full benefits in the years ahead.

NAFTA has also contributed to the prosperity and stability of our closest neighbors and two of our most important trading partners. NAFTA aided Mexico's rapid recovery from a severe economic recession, even as that country carried forward a democratic transformation of historic proportions.

NAFTA is an integral part of a broader growth strategy that has produced the strongest U.S. economy in a generation. This strategy rests on three mutually supportive pillars: deficit reduction, investing in our people through education and training, and opening foreign markets to allow America to compete in the global economy. The success of that strategy can be seen in the strength of the American economy, which continues to experience strong investment, low unemployment, healthy job creation, and subdued inflation.

Export growth has been central to America's economic expansion. NAFTA, together with the Uruguay Round Agreement, the Information Technology Agreement, the WTO Telecommunications Agreement, 22 sectoral trade agreements with Japan, and over 170 other trade agreements, has contributed to overall U.S. real export growth of 37 percent since 1993. Exports have contributed nearly one-third of our economic growth—and have grown three times faster than overall income.

Workers, business executives, small business owners, and farmers across American have contributed to the resurgence in American competitiveness. The ability and determination of working people across America to rise to the challenges of rapidly changing technologies and global economic competition is a great source of strength for this Nation.

Cooperation between the Administration and the Congress on a bipartisan basis has been critical in our efforts to reduce the deficit, to conclude trade agreements that level the global playing field for America, to secure peace and prosperity along America's borders, and to help prepare all Americans to benefit from expanded economic opportunities. I hope we can continue working together to advance these vital goals in the years to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HERGER] is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, this week marks a monumental breakthrough for resolving conflict over forest management in our national forests. By passing the Quincy Library Group Forest Recovery and Economic Stability Act of 1997, we sent a message to America that local compromise and community consensus is the new way of doing business on environmental issues. For more than 15 years environmentalists and members of the forest products industry have waged war over managing western forests.

In 1993, Bill Coates, Plumas County supervisor from Quincy, CA, took up the challenge of breaking the gridlock over forest management. He did so by arranging a meeting with environmental attorney Michael Jackson and Sierra Pacific Industries forester Tom Nelson. They met in the library because they knew they wouldn't yell at each other. QLG is now a coalition of 41 local environmentalists, forest products industry representatives, public officials, and concerned citizens who meet each month at the Quincy Library to discuss ways to improve local forest health. This program has been endorsed by local environmental organizations including the Plumas Audubon Society, the Friends of the Plumas Wilderness, the Sierra Nevada Alliance, and the Shasta-Tehama Bioregional Council. At the heart of their discussions is the overriding threat that fire will destroy the forests before any action can be taken. Nationwide, last year more than 5.8 million acres burned with total fire suppression costs close to $1 billion. The group turned to the best science available, including the recently released Sierra Nevada ecosystem project [SNEP] report which defines, among other things, the elements of a healthy forest. H.R. 858 takes the first vital step toward conflict resolution of environmental issues across the Nation by implementing the QLG proposal as a 5-year pilot project on three of northern California's national forests.

This legislation passed with a recorded vote of 429 to 1. It is fitting that a plan born from consensus would, in the end, pass the House of Representatives with a strong consensus vote. The QLG plan represents an entirely new approach to managing our Federal forests. We now have a local group bringing local solutions to Washington instead of Washington forcing solutions on local communities. I want to thank everyone who played a part in making this happen. This could never have happened without all 41 members of the Quincy Library Group; especially Bill Coates, Tom Nelson, Michael B. Jackson, and Linda Blum. This is truly their legislation. I want to salute them and their efforts. This is the way government should function. I also want to thank DON YOUNG, HELEN CHENOWETH, DAVID DREIER, BOB SMITH, Speaker GINGRICH, TOM DELAY and the entire leadership, JIM SAXTON, WAYNE GILCHREST, TOM CAMPBELL, SHERRY BOEHLERT, VIC FAZIO, PETER DEFAZIO, GEORGE MILLER, and every one of the 429 Members of Congress who supported this legislation. I would also like to thank the committee staff whose understanding and dedication brought this legislation to fruition.

Particularly I would like to thank Duane Gibson, Bill Simmons, Anne Heissenbuttle, Lloyd Jones, Liz Megginson, Dave Tenny and from my own staff John Magill, Fran Peace, Rich Nolan, Steve Thompson, Dallas Scholes, Dave Meurer, Dave Oleander, Mike Digiordano, Patsy Atkins, Kathy Summers, Donna Burton, Lemoine Sharpe, Ron Shinn, Katy-Duke Chamberlin, Annette Gatten, Lisa Strohman, and George Morris. This is a great victory. We have finally shown that compromise and bipartisan effort does pay off. Again, thank you for your support and for helping us save the environment in northern California. I hope this bill will move expeditiously through the Senate and eventually be signed into law. I would also encourage that we take the momentum from this bill and use our new-found ability to compromise in a way that makes this Congress a success for America.

THE AGENDA OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I took out this 5-minute special order to hopefully bring some perspective to some of the things that were said here in the House this week.

Mr. Speaker, it has been said over and over again that the agenda for the majority party, at least, in the House over the past several weeks has been threefold; one, to move toward a balanced budget; two, to reduce the tax burden on the American people; and three, to save Medicare.

I would like to talk about the first two of those three issues for just a couple of minutes, as I said, to try to bring some perspective to this week's debate. I recently read an article that was written, an op ed piece, by an individual that I know who is quite famous in the economic world. His name is Milton Friedman. He is a fellow at the Hoover Institute. He wrote about the economy of this country and, because of what has happened, is in the process of happening in Hong Kong, compared our economy with the economy and the historical perspective of Hong Kong.

He noted in his article that the economy of the United States on a per capita basis used to be seven times larger than the economy of Hong Kong. In other words, for every man, woman, and child in this country, we had seven times more economic power than an individual in Hong Kong.

Over the years since as we have moved through history the two countries have actually come much closer together, because today on a per capita basis we are no longer seven times bigger than the Hong Kong economy. As a matter of fact, we are almost the same; a difference of just 7 percent. In other words, our total economy on a per capita basis is just 7 percent larger than Hong Kong's. In other words, we have come from a situation like this to a situation on a per capita basis where we are almost the same.

The majority party here recognizes that the kind of growth that we would like to see economically is, in a sense, demonstrated by Milton Friedman's remarks in his article, because we would like to see our economy continue to grow, and for individuals to prosper as they once did. That is exactly why we think it is very important to balance the budget and to reduce taxes.

Mr. Speaker, a lot was said around here this week about reducing taxes. We believe that it should be done in an extremely fair way. That is why, as this chart to my left shows, 76 percent of the tax relief that the Republican party has presented to the American people and in fact passed goes to people who make less than $75,000 a year. They are the workhorses in our economy. They are the families who sit around the dinner table each night and talk about the day's activities. They are the families that also plan for their tomorrows.

We wanted those people to have the benefit of the tax cuts. That is why we did it in a very balanced way, as the next chart also demonstrates. This shows American taxpayers from the lowest income 20 percent, through the highest income 20 percent. We tried to balance our tax cuts so we would not change the distribution of who pays how much in terms of the total tax load that is sent here to Washington, DC.

Mr. Speaker, under the current tax plan as it exists today, 63 percent of the total dollars that are sent here are paid by the highest 20 percent. That is way over on the other end there, demonstrated by the red bar. The yellow bar shows that under the Republican tax plan, 63 percent will still continue to be paid by the highest 20 percent.

The same is true of the next percent, the percentage between 60 percent and 80 percent. Under the current tax plan passed in 1993 by the Democrats and Bill Clinton, 21 percent of the total tax load is paid by that quintile, as we call it, and under the Republican tax plan, 21 percent will be paid by that same quintile. The same is true of people who are in the third quintile, in the second quintile, and in the very lowest quintile, which does not change either.

So as we move toward a smaller Government, as we move toward a less expensive Government, as we move toward an economy that is what it used to be, we believe it should be done in a balanced and fair way. That is what my friends on the other side of the aisle have been disagreeing with throughout this week.

EXPRESSING APPRECIATION TO NORM THOMPSON, ITS EMPLOYEES AND ASSOCIATES, FOR THEIR CONTRIBUTION AND EFFORTS TO HELP WEST VIRGINIA FLOOD VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, during today's long and sometimes contentious debate we often look for good news. I am happy to say that as the legislative day draws to a close, I have good news to report to the House of Representatives, good news and also some thanks to offer; thanks to the company Norm Thompson, a well-known national mail order business whose corporate distribution center is in Kearneysville, WV, relatively close to Washington, DC, about an hour and a half's drive from here in Jefferson County, because week after next Norm Thompson is going to make an $800,000 donation to a West Virginia charity to assist flood victims.

That $800,000 donation is going to take the form of 44,000 units of men and women's clothing and footwear to be distributed to flood victims throughout our State of West Virginia. Norm Thompson will partner in this endeavor with Roadway Express, and they will transport the merchandise free of charge from the Norm Thompson distribution center in Kearneysville to Charleston, WV, on the other side of the State, for distribution by the West Virginia Commission for National and Community Services.

Mr. Speaker, this is an extremely important gift and effort by Norm Thompson. Five times within the last year and a half West Virginia has been torn by major floods. I have one county in my congressional district, Randolph County, that has four times in the last year and a half been declared a Federal disaster area. We had four floods in 1996, and then again in February of 1997 a flood that tore through 16 counties, including many of our most populous areas.

So this effort by Norm Thompson and the hundreds of men and women who work for this corporation, headquartered in Oregon, but with its major warehouse distribution center in West Virginia, this effort will assist thousands of West Virginians as they recover and begin to rebuild their lives.

I think it is important to note that the chairman, John Emrick of Norm Thompson, said the donation is the first of many planned, noting the number of floods that West Virginia had had, and also saying, it is important to match our donation to the immediate needs of helping flood victims get back on their feet again. They are donating this to the West Virginia Commission for National and Community Services, a nonprofit corporation. They will in turn distribute this across the State.

Norm Thompson is a relatively new member of our corporate community in West Virginia, a very valued one, but already employing hundreds of West Virginians. I know, having met personally with the CEO and the other top management, as well as many of the employees, I know how excited we are in West Virginia to have them as a corporate citizen.

I want to thank Norm Thompson and its many employees and associates for making this gift possible, and for their obvious commitment to West Virginia; not only for doing good business, but for being a good citizen, corporate and otherwise. I know that thousands of West Virginians as well thank Norm Thompson for this extremely generous gesture. We look forward to working with them in the future.

We thank them for recognizing needs that are present and we are excited about the opportunities that Norm Thompson offers, not only, as I say, in business, but also in being a member of our corporate community.

DEMOCRATS AND REPUBLICANS SHOULD USE THE SAME NUMBERS TO COMPUTE THE BENEFITS OF THEIR RESPECTIVE TAX RELIEF PLANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about tax relief, tax relief which, in my opinion, and I think in the opinion and view of the vast majority of American families, is long overdue.

We were talking earlier with some of my colleagues about college commencement addresses. Some of us are asked to give a commencement address during the late spring and early summer of the year, and most of us do not remember who the commencement speaker was at our own commencement, particularly our college commencement.

I am one of the few who probably does remember, because the director of the United States Census was there to give our commencement address when I was in college. It was interesting to look back about what it was like growing up then, and the difference then. I was a baby boomer. I was born in 1951.

The Speaker that spoke at our commencement address, the director of the United States Census, told us on that day that there were more kids born in 1951 than in any other year. I represent the peak of the baby boomers. I remember, we were talking about what it was like to grow up in the 1950s.

One of the important things when we talk about taxes is to remind ourselves of how much has changed since I was growing up and since the baby boomers were growing up, because when I was a child I was fortunate enough, my father worked in a factory, I am a blue collar guy, and my folks were able to raise three boys on one paycheck. Part of the reason they could do that, Mr. Speaker, was because the largest single payment they made was their house payment.

Today, unfortunately, the average family pays more in taxes than they do for food, clothing, and shelter combined. Let me say that again, because I do not know if most people really, I think they know that down in their bones, but I do not know if they have really internalized what that all means. But the average family in America today spends more for taxes than they do for food, clothing, and shelter combined. So this Congress has been working very hard to balance the budget, to save Medicare, and to provide tax relief to working families.

We are having a rather interesting debate here the last several weeks over who would really benefit from these tax cuts. Frankly, I think we need to spend some time talking about how relatively intelligent people can reach entirely different conclusions about who benefits most from this tax relief.

I would like to talk a little bit today about our tax plan, our method of coming to these conclusions, how we actually do the arithmetic to come to some of these conclusions, and compare it to exactly how our friends on the left are doing the calculations. We are talking about real income for real families and real tax relief.

What some of our friends on the left are using is imputed income, potential taxes, and potential tax relief. I think if we could all use the same set of numbers, whether we are going to use one set or the other, if we use just the same set; if we want to use their set of numbers let us go ahead and do the calculations that way, and then let us do the calculations our way, and let the public decide for themselves who is right, who is telling the truth, and whose tax relief will benefit them the most.

Let us go through what the tax relief package that the House has passed and sent to conference is. First of all, the centerpiece of our tax relief package is a $500 per child tax credit. A lot of people get confused between the tax credit and a tax deduction. A credit is money that you get to keep. If you pay taxes you get a credit. That is money that will be yours at the end of the process. So this is a credit. It starts out at $400 next year, and it would go to $500 ever year thereafter. Generally now the President agrees with this formula.

There is also nearly $35 billion in post-secondary education incentives. Again, as a baby boomer, and I have one who just graduated from high school, I have one in college and one who is just starting into high school, and I can understand more than anybody the high cost of higher education. I think a lot of families that have children my age understand how difficult and how expensive it is to send kids on to post-secondary education. I think that is a great benefit to working families.

There is broad-based capital gains tax relief. Again, what we want to do is make it easier for families to save and invest for themselves. This is where sometimes our friends on the left get a little upset, because they say, well, this is tax cuts for the rich.

□ 1445

The truth of the matter is there would be some wealthy people who would benefit from it. I will get down in a later chart to show you just how much benefit the Congressional Budget Office and the Joint Committee on Taxation say there really is for that group of people. Cutting capital gains is not about helping the wealthy. It is about helping middle-class families become wealthy because the only way that you can save and invest for your future is if you in fact put some of that money away. What we want to do is make it easier for people to do that. Unfortunately, what Washington has done for the last number of years is they have operated under a sort of an unwritten rule that no good deed goes unpunished.

If you work you get punished. If you save you get punished. If you invest you get punished. What we are trying to do is reverse some of those perverse incentives.

We also want to make it easier for people to use IRA's and to withdraw from those IRA's for educational expenses. There is also a significant reduction in the death tax. This is a tax that is particularly onerous to people who own a farm, who own a small business. They would like to leave that farm or that small business to their families.

So those are the cornerstones of the tax relief package that passed the House and is currently in conference committee. I would like to talk a little bit about what this tax relief package means and how the various points actually are scored and who benefits.

According to the Committee on Ways and Means, and I think these numbers have been scored both by the Congressional Budget Office as well as the Joint Committee on Taxation, which are the official scorekeepers on matters like this, this package is aimed directly at Americans in the middle-income brackets.

In fact, we say, and I think we can prove that over 75 percent of the benefit in this tax plan goes to families earning less than $75,000. I want to talk about real earnings because that is also one of the problems we have in this debate because we are talking about real earnings, real taxes, real tax relief for real families. We will get into that in just a few minutes.

The way this thing has been scored and, if you break it out, those families under $20,000 a year will benefit to the tune of about $5.5 billion in this tax relief package. Those between $20,000 and $75,000 will get about $83.5 billion worth of tax relief in this package. Families earning between $75,000 and $100,000 will get about $19 billion worth of the benefits, and those earning between $100,000 and $200,000 would benefit to the tune of $6.7 billion, and those earning over $200,000 would only get $1.4 billion worth of savings under this plan.

As I said earlier, over 75 percent of the tax relief in this package goes to families earning less than $75,000. I am not saying that. That is what the Joint Committee on Taxation has said. So why do we hear so often from our friends on the left that this tax package is designed to benefit those that they call rich?

Part of the reason I think is they use something that is called imputed income or family economic income. Let me try to explain how that works. This all started a number of years ago; I think the Treasury Department even under the Bush administration was trying to figure out a way to calculate family income in a different way. Why they do this, I have no idea. I want to read a quote from someone most of you who are watching and most of my colleagues that are here, watching back in their offices will recognize. I will do this first. I will read the quote, and then I will tell you who it is from.

"Finally, a few words about Federal taxes and what some of the great minds at the U.S. Treasury are thinking about. The Treasury likes to calculate the American people's ability to pay taxes based not on how much money we have but on how much we might have or could have had. For example, a family that owns a house and lives in it, the Treasury figures if the family didn't own the house and rented it from somebody else, the rent would be $500 a month. So they would add that amount, $6,000 a year, to the family's so-called imputed income. Imputed income is income you might have had but do not. They don't tax you on that amount. The IRS doesn't play this silly game. Instead, the Treasury calculates how much they could take away from us if they decided to. If that were the system, consider the possibilities. How about being taxed on Ed McMahon's $10 million magazine lottery? You didn't win it, you say, but you could have. The Treasury Department must have something better to do. If not, there is a good place for Clinton to do some spending cuts."

Now, that is what David Brinkley said on "This Week With David Brinkley" on February 28, 1993. And as our friend Ronald Reagan would say, former President Ronald Reagan, there they go again. We are starting to use imputed income or family economic income to calculate how many people are wealthy. That is why the difference between what the Census says and what the Treasury Department says are so is so different. The Census Department says there are about 11 million American families that are above $100,000 in income. The Treasury Department says that number is 22 million. Americans sitting at home wonder how in the world could two Federal agencies come to such incredibly different answers.

The reason is, and the answer is, family economic income or imputed income that David Brinkley talked about.

Now, some of the people have said, again you have probably heard it on the House floor, again, tax cuts for the rich. But as the chairman of the Joint Economic Committee, the Joint Committee on Taxation has said, currently if you divide the population of the United States, all of the taxpayers into five groups of 20 percent each, the lowest 20 percent right now of the economic group in the United States pay 1 percent of all the taxes paid in America. After this tax relief is calculated, they will still pay only 1 percent of all the taxes paid.

The second quintile currently pay 4 percent of all the taxes paid in the United States and after this tax relief goes into effect, they will still pay 4 percent.

The third quintile, it is 11 percent. It remains 11 percent. The fourth quintile, 21 and 21, and finally that top 20 percent of income earners, the top 20 percent of taxpayers in the United States currently pay 63 percent of all the taxes paid in America.

The interesting thing is, according to these calculations done by the Joint Committee on Taxation, if this tax cut plan that passed the House were to go into effect signed by the President, there would be no change. The top 20 percent would still pay 63 percent of all the taxes paid in America.

I think it is important, and I will come back to this chart in a minute, I want to talk about this whole notion of imputed income. If you take that calculation, if you take a family, in fact we did a quick calculation of a family in my district. If you put that all together, and you can take a typical family and let us call them the Joneses who live in my district that earn approximately $32,500 per year. The Jones' mom works, dad works. They have a youngster that is in high school and they have one who is just entering college. They make $32,500 a year. That is what they really make. But if you use this imputed income, you literally can take that family from $32,500 a year and you can easily get that over $50,000 a year. That is not money that they have. That is money that they might have if they sold all their interest in their IRA's, if they converted their pension funds to cash, if they rented their house, if they had a sale lease back on their house and could get the rent on their house somehow back to them; it is a convoluted way to go.

The interesting thing is, if you take that to its logical conclusion, you literally could raise that family into a much higher tax bracket. So if our friends on the left want to use imputed income to calculate people's income and push more people into the wealthy brackets, we are doing some calculations to find out what would they pay in terms of taxes under their tax plan with imputed income.

The answer is, over half of the families in America, if you used their calculations and their imputed income statistics, over half the families in the United States of America would actually see a tax increase under the Democrat tax plan.

That is interesting, is it not? That is a side of the story that has not been told.

The other side of the story is, and we have tried to mention this, but if you use imputed income to do those calculations, the only people in the United States of America who may be guaranteed under their plan to get a tax cut are people who pay no taxes.

Mr. Speaker, I submit that that is not my definition of fairness. I doubt if it is the definition of fairness that most Americans have.

Mr. Speaker, I know that there is a lot in this business, there is a lot of using statistics and so forth to justify a particular point of view. I do not expect the American people necessarily to believe me. In fact I think the American people are cynical and they should be cynical because politicians down through the years have not always told the truth, the whole truth and nothing but the truth. But I would encourage people to calculate the tax cut for themselves.

Any of you who would like to get a copy of this worksheet, there is one on a Worldwide Web page so that people can actually, through their computer, do their calculations themselves. If you do not have access to a Worldwide Web page, if you do not have access to the computer and the Web, we will actually mail one out to you. If people call us or write we will send them a worksheet so they can calculate it for themselves. They can decide for themselves how much the tax relief is worth to their family.

It is a fairly simple calculation. First of all, how many children do you have in your family that are under the age of 17? You fill in the blank. In 1998, you multiply that times $400. In every year thereafter you multiply it times $500. That is how much you will get to keep of your tax money.

Line 2, amount of capital gains. If you have a capital gains, if you have a gain, if you have sold a stock or a bond, if you have income, if your family income is more than $41,200, you multiply that times 8 percent because that is going to be your savings under the plan that passed the House.

If your family income is less than $41,200 per year, you multiply that times 5 percent. That is the capital gains tax relief and that is how much you will get to keep with this plan.

Finally, how many children do you have in their first 2 years of either college or vocational school? Those children are worth $1,500 in tax credits to you.

We have done some calculations for different families in our district and the differences range anywhere from obviously, one child that is under 17, it is worth $400 next year, but for the average family in my district, this calculation works out to over $1,000 a year that that family will get to keep and spend on their family to invest and save for their future.

That is what this tax relief is about. That is why I think it is important for America. In the end, one of the goals is to make certain that we have a strong economy on into the next century.

We have been very fortunate; 2 years ago this Congress when we passed our budget resolution, we said that in fiscal year 1997, I am going back 2 years, in 1995, this Congress said that we would spend no more than $1,624 billion dollars in the fiscal year 1997.

The good news is, we are actually going to spend this year $1,622 billion. So for the first time in my memory, the Congress is actually going to end up spending less than it said it was going to spend just 2 years ago.

The news gets even better because in that same time frame, because the economy has been stronger, there is more consumer confidence, there is more confidence in the business community, the economy has been much stronger than anyone would have predicted just 2 years ago; as a result of that, we have produced an additional over $100 billion in revenue to the Federal Treasury. We have spent less. We have taken in more and as a result, we projected just 2 years ago the Federal Government would have a deficit this year of over $174 billion. The truth is, according to our estimates, it would be about $70 billion. There was a published report earlier this week that shows that the deficit could be as low as $50 billion or even less. That is good news. We want to make certain that that keeps going in that direction and by offering some tax relief, by allowing families to keep more, to spend more, to save more of their money, we in fact can keep this strong economy, we think, long into the future. One of the other benefits of a strong economy is that we are moving families off welfare rolls and onto payrolls.

I think one of the greatest accomplishments of the 104th Congress was the welfare reform that we passed that requires work, that requires personal responsibility and gives the States an awful lot more latitude in how they can work to encourage people getting off the welfare rolls and onto payrolls. The good news is since that welfare reform plan passed, and the President talked about this a couple of weeks ago in his Saturday radio broadcast, the good news is there are 1,023,000 fewer families who are trapped in the welfare cycle, that have moved off welfare and onto payrolls; 1,023,000 fewer families are on welfare today than just 1 year ago.

□ 1500

That is a huge benefit to all of us. And I have said before that the real goal of welfare reform was not about saving money, even though we will save money to the Federal Government, to the State governments and everyone else, but the real goal was not about saving money. The real goal was about saving people. It was about saving families. And most importantly it was about saving children from one more generation of dependency and despair. And that is really what the welfare system was about.

But if we are to keep the strong economy growing, we are going to have to encourage more investment, we are going to have to encourage more saving, and we are going to have to allow families to keep and save and spend and invest more of their own money.

I just want to talk briefly, too, about the progress we are making, because sometimes it is easy to forget in the heat of the battle. If we look at all of the red bars here, that is how much we said that the budget would be out of balance in each of the next 7 years. When we passed our original 7-year budget plan in 1995, we said that the deficit, for example, this year, would be $174 billion. Right now it looks like it will be less than $70 billion; it could be less than $50 billion.

Now, when we update this, we will probably change these numbers slightly. But the good news is if we look at the blue bars in each of the years, we are clearly now running well ahead of schedule and, frankly, I think if we can keep the economy going at anywhere near the economic growth rate that we have today, we will balance the budget not by the year 2002, but, in fact, we will balance the budget probably by the year 2000 or maybe even earlier.

And when we get to that point, what we have to really talk about, in fact we need to begin that debate today, and I congratulate my colleague, the gentleman from Wisconsin Mr. MARK NEUMANN, who has offered the National Debt Repayment Act, because I think that should be our next goal. It is not just about balancing the budget. It has to be about paying off that $5.3 trillion worth of debt we have accrued and will fall on the shoulders of our children and our grandchildren.

Frankly, if we are willing to exercise the fiscal discipline that this Congress has been willing to discipline itself to over the last several years, not only could we balance the budget ahead of schedule, but I think we can begin the process of actually paying off the national debt. I think that that is a goal that is worth fighting for, I think it is a goal that the American people can understand, and I think they will recognize we can ultimately set a goal and stay on that course of actually paying off that debt so that we do not have to pay over $200 billion a year in just interest on that debt.

And I tell an awful lot of people back in my district when I give speeches that if we actually do all the calculations, we find that all of the personal income taxes, all of the personal income taxes, collected west of the Mississippi River, now goes to pay the interest on the national debt. That is a very scary statistic. The tragedy is, before we got to Congress in 1994, the elections of 1994, that line was moving further west every single year. Now we are at least beginning to push that line backward.

And I think we should have a goal of actually paying off that debt. Because I think there is nothing better that we could leave our kids than a debt-free future. So I encourage my colleagues from both sides of the aisle to join us in that great effort.

I would hope they would cosponsor the legislation of the gentleman from Wisconsin, the National Debt Repayment Act, because what it does is, very simply, it says as we begin to reach a surplus in the Treasury, which we think we can no later than 2002. But, frankly, we think if things continue to go anywhere near where we are right now, it could actually be before that, but when we have reached that goal and disciplined ourselves to restrict the growth in spending at 1 percent less than the growth in revenues, and that does not require draconian cuts, we will still see spending at the Federal level growing faster than the inflation rate, but it will not be growing as fast as it has in the past.

So if we slow the rate of growth in spending and get control of entitlements, we cannot only balance the budget, but we can pay off the national debt and, at the same time, take a third of those surpluses and apply them to additional tax relief so that American families can keep and spend more of their own money.

Mr. Speaker, I know a lot of my Republican colleagues are headed for airplanes and it is a getaway day, and we are all eager to get home, but I want to close by saying that I am very proud of the work that is being done in this Congress. I know that sometimes the American people see some of the debates and some of the arguments here on the House floor and they sometimes miss the big picture. But the big picture is that before 1994 the United States and this Congress was headed in the wrong direction. We were spending more than we took in.

In fact, from 1975 to 1995, for every dollar that Washington took in, it spent $1.22. Today, now, we are still not quite to a balanced budget, we are still spending more than we take in, but we are down to $1.04.

If we stay on the path we have set over the last several years, we will get to that balanced budget ahead of schedule, we will do it under goal, and we are going to allow families to keep more of what they spend and earn. Because for 40 years Washington had it wrong. For 40 years Washington believed that Washington knew best; that somehow they could spend money smarter than American families; that a Federal department of housing was better than a family department of housing; that a Federal department of human services was better than a family department of human services.

Now, there are still legitimate needs of the Federal Government, and there are still people who are dependent on the Federal Government, and we are not talking about pulling the rug out from under people. But we are talking about people getting a little gentle nudge so that we reinforce some of those time-tested principles, things like faith, family, work, thrift, and personal responsibility. Those are the things I think Americans want us to underscore, but for too long under the liberal agenda what we did was we undermined those values.

The good news is I think the tide is turning. The tide is clearly turning. We are on our way to a balanced budget, we are saving Medicare, and for the first time in 16 years we are going to allow families to keep and save and invest and spend more of their own money. That is the direction I think the American people want us to go, that is the direction we are going, and with the help of the American people, we are going to win that fight.

SAVE TIAA-CREF; STOP TAX HIKES ON THE ACADEMIC COMMUNITY

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, the Teachers Insurance Annuity Association-College Retirement Equities Fund, which has been dubbed TIAA-CREF for short, provides retirement benefits exclusively for employees of U.S. colleges, universities, independent schools, and other nonprofit educational and research organizations. Nearly 2 million current and retired employees at over 6,000 institutions nationwide are served by TIAA-CREF. Participating institutions contribute amounts on behalf of their employees where they are invested in self-directed, tax-exempt accounts. Upon retirement, the amounts accumulated are used to purchase annuities to provide lifetime income. Like other pensions and annuities, distributions to retirees are taxed as ordinary income when received.

Now, I do not know how many of my colleagues are aware of this fact, but the House Republican tax bill would repeal, would repeal the tax-exempt status of TIAA-CREF's pension program. TIAA-CREF would then be treated for Federal tax purposes just like stock life insurance companies. While this change would raise about $1.2 billion in revenue over 10 years, it would have a major impact on the operations of TIAA-CREF's pension program.

Revoking the tax exemption for the pension system of TIAA-CREF, granted by the IRS in 1920, would cause irreparable harm to higher education institutions, their employees, and the education and research community as a whole.

The Senate Finance Committee has recognized this fact and has not included this provision in their version of the tax bill.

This measure in the House Republican tax bill will impact virtually every public and independent college, university, and education research organization in the country, including 260 tax-exempt colleges and universities in New England, 16 of which are in my own Third Congressional District of Massachusetts. The next effect of revoking TIAA-CREF's tax exemption after 75 years would be to significantly reduce the earnings of current employees' retirement accumulation as well as the pension income of retired employees. In effect, this measure would increase taxes on the individuals served by TIAA-CREF by up to $1.5 billion and would reduce pension benefits by 3 to 5 percent. This would cut pension income for retired educators by $30 to $50 each month. Over a typical 25-year payout period, a retiree would lose as much as $15,000. In Massachusetts alone, 106,542 individuals would be affected by this provision.

Mr. Speaker, this assault on our Nation's academic community is a scandal. There is no rational justification for such an attack on the financial and retirement security of working families who make up our academic and research community. With neither hearings nor public comment, this provision was slipped into the House Republican tax bill, and it is an outrage.

Pension trusts for other American workers are entirely exempt from the kind of taxation embodied in the House Republican tax bill, and TIAA-CREF's not-for-profit pension operations are essentially equivalent to those of a multiemployer pension trust.

Unlike for-profit commercial insurance companies, TIAA-CREF's pension assets are exclusively used for the benefit of pension participants. Its pension reserves can be used for no other purpose than to support participants' retirement benefits. In addition, since 1986, TIAA's nonpension insurance business is already subject to taxes.

TIAA-CREF has been widely lauded as a model of pension portability. Not only does it provide the advantages of a fully funded, fully portable retirement plan, TIAA-CREF provides benefits in the form of a lifetime annuity. Some would argue that public policy should encourage this type of pension model, not penalize it.

TIAA-CREF provides pensions to those who dedicate themselves to education, despite the relatively modest salaries available in the field. By imposing this unprecedented tax, the House Republican tax bill would not only undermine the recruitment and retention of men and women in teaching professions, but would significantly undercut efforts by the Congress and by the President to improve educational quality and opportunities for America's young people.

I have expressed my concern over this measure in the House tax bill to President Clinton and to the House and Senate conferees. If education is truly to be America's priority as we head into the 21st century, then we must support, not undermine, the economic security of our hard-working and modestly rewarded academic and research workers.

There are many other taxes affecting students, faculty, and academic staff in the House Republican tax bill that concern me very deeply, and I have also brought these to the attention of the President and the House and Senate conferees. I hope these education taxes can be remedied in the conference.

It is both cynical and dishonest for Congress to claim to be committed to tax relief while raising taxes on the hard-working members of our academic community.

I call upon my colleagues to support efforts to remove these ill-advised and ill-considered provisions from the tax bill in the conference. I want to commend and salute the gentlewoman from Maryland [Mrs. MORELLA], who has circulated a letter to her House colleagues on TIAA-CREF and other education tax issues. I hope most of my colleagues will join in that effort.

Mr. Speaker, I submit for the RECORD an article from the July 8 edition of the Boston Globe.

[From the Boston Globe, July 8, 1997]

GOP Unleashes a Sneak Attack on Teachers' Pensions

(By Robert Kuttner)

The Republicans want to cut taxes for nearly everyone. But they've finally identified a group whose taxes they don't mind raising—retired teachers.

The House tax bill would repeal the tax exemption of the nation's largest pension plan—TIAA-CREF. The $195 billion nonprofit company manages pensions for most college teachers and retirees from other nonprofit organizations.

The surprise measure, unveiled at a June 9 press conference by Representative Bill Archer of Texas, chairman of the House Ways and Means Committee, and passed by the full House, was never the subject of hearings. It would levy $1.2 to 1.5 billion in taxes on TIAA-CREF over 10 years, thereby reducing pension income for members by an estimated 3 to 5 percent.

Why TIAA-CREF? There are several theories. For one thing, college professors are a bunch of pointy-headed liberals. Their unions tend to support Democrats. The House bill targets two other tax benefits for educators. It would end the tax-free status of tuition scholarships for graduate students and for children of professors.

More concretely, key staffers to Archer don't like TIAA-CREF, which has been tax-exempt since 1918. In the 1986 tax reform bill, which required some nonprofits to pay some tax, Congress voted to tax profits on the life insurance that TIAA-CREF sells but to retain the tax-exemption on its core activity annuity plans for teachers.

However, Ken Kies, chief of staff to the congressional Joint Tax Committee and a key Archer adviser, has long believed that TIAA-CREF should be taxed like a commercial company.

Other likely culprits are TIAA-CREF's for-profit rivals. A Houston commercial insurance outfit based in Archer's home town, the Variable Annuity Life Insurance Co., competes directly with TIAA-CREF. VALIC's chairman recently told a trade paper that ending TIAA-CREF's tax exemption was "long overdue."

VALIC's corporate parent, the American General Group, is an Archer campaign contributor and gave $115,000 in soft money to the Republican National Committee. More broadly, the organized right has lately mounted an attack on large nonprofit institutions, painting them as unfair competitors to tax-paying entrepreneurs.

The irony is that TIAA-CREF efficiently serves a goal that has long eluded most working Americans and policy makers—fully portable pensions. Roughly half of US workers are in some pension plan (the fraction is dropping). But pension contributions are lost if a worker frequently changes jobs.

A 1974 reform, the Employee Retirement Income Security Act—ERISA—requires that workers' pension credits be vested (locked in) once they have five years of credit with an employer. But ERISA does not make pensions fully portable.

TIAA-CREF was created precisely to solve this problem for educators and researchers. Teachers often have itinerant careers. Thanks to TIAA-CREF, educational institutions pay into a common pool so that all pension credits count. TIAA-CREF has long been a model for legislators seeking universally portable pensions.

The only other Americans with truly portable pensions are workers, mostly in construction trades, who participate in common pension plans jointly controlled by companies and unions under the Taft-Hartley act; and most state and local employees, who are typically members of an umbrella pension system within the civil service. But Archer is not proposing to tax the pension plans of construction workers and public employees.

The Senate tax bill has no TIAA-CREF provision, and it remains to be seen which version will prevail. The Clinton administration has not made the issue a priority.

There is one other smelly aspect of this affair. For a decade or so, after the Watergate reforms. Congress conducted most business in public. In the late 1970s, committee "mark up" sessions, where bills were drafted, were generally open.

Since the 1980s, a new custom has crept in. The committee chairman and senior staff simply write the bill in private. They unveil it all at once and count on party discipline to carry it through.

This secretly drafted bill is pretentiously called the "chairman's mark," a term redolent of bourbon, smoke-filled rooms, and raw power. The tax on TIAA–CREF materialized from nowhere in Archer's June 9 "chairman's mark."

It would be salutary not just to bury this sneak attack on teachers' pensions. Congress should write a rule that no measure can be approved by a committee for floor debate unless it was the subject of prior hearings. But don't hold your breath. Republicans are now the majority, and it's payback time.

THE PLIGHT OF DR. STANISLAW BURZYNSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, on May 28 of this year a Federal jury found Dr. Stanislaw Burzynski of Houston, TX, innocent of all charges stemming from an FDA inspired indictment and criminal investigation. We have heard of Dr. Burzynski in this Congress and also in the last Congress from his 400-plus cancer patients who brought their own plight as well as his plight to our attention.

The Government's conduct in this case was disturbing to me and to many of my colleagues in the House of Representatives. I know that the gentleman from Texas [Mr. BARTON] and other Members have raised the issue of Dr. Burzynski's case in past hearings of the Committee on Commerce.

It would appear that the Government's handling of this case placed cancer patients at jeopardy at one point, and the treatment of Dr. Burzynski by the Government was, at times, reprehensible. Taxpayer money and resources were badly utilized on two Federal trials.

I look forward to working with the gentleman from Texas [Mr. BARTON] and my other colleagues to get accountability from those involved in this situation. What happened, Mr. Speaker, to Dr. Burzynski and his patients should never be allowed to happen to any other doctor or any other patient. This is another reason why I support the Access to Medical Treatment Act, H.R. 746, which I have cosponsored with the gentleman from Oregon [Mr. DEFAZIO], so that Americans can have their legal right to pursue the medical treatment of their choice without fear that their Government will impede their access or, in certain cases, even jail their doctor.

I urge my colleagues to support this needed legislation. Perhaps with Dr. Burzynski's vindication, the FDA will now focus all of its attention and resources to work with his cancer patients and his drug discovery. I hope that is the outcome of this ill-fated and these two ill-fated trials.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, on July 16.

Mr. HERGER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and to include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous matter:)

Mr. PICKETT.
Mr. SANDLIN.
Mr. BLUMENAUER.
Mr. EVANS.
Mr. STOKES.
Mr. OBERSTAR.
Mr. BERRY.

(The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous matter:)

Mrs. KELLY.
Mr. SMITH of Michigan.
Mr. SOLOMON.
Mr. CASTLE.
Mr. BASS.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. BLUNT.
Mr. HEFLEY.
Mr. GINGRICH.
Ms. DELAURO.
Mr. MINGE.
Mr. BASS.
Mr. BERRY.
Mr. BLUMENAUER.
Mr. FARR of California.
Mr. LEVIN.
Mr. SOLOMON.
Mr. EVANS.
Mr. STOKES.
Mr. CASTLE.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 29. A joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

☐ 1515

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Monday, July 14, 1997, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4177. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Maritime Security Program (Maritime Administration) [Docket No. R–163] (RIN: 2133–AB24) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4178. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Driver's License Program and Controlled Substances and Alcohol Use and Testing; Conforming and Technical Amendments (Federal Highway Administration) (RIN: 2125–AE16) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualifications for Tankermen, and for Persons in Charge of

Transfers of Dangerous Liquids and Liquefied Gases (Coast Guard) [CGD 79-116] (RIN: 2115-AA03) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Charlestown Navy Yard Salute Gun Fire, Boston Inner Harbor, Boston, Massachusetts (Coast Guard) [CGD01-97-033] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4181. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: New Haven Harborfest Fireworks Display, New Haven, CT (Coast Guard) [CGD01-97-047] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4182. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Yampol Family Fireworks Display, Cove Neck, NY (Coast Guard) [CGD01-97-048] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4183. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Savannah, GA (Coast Guard) [COTP Savannah 97-004] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4184. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation; SeaFair's Blue Angels Air Show, Lake Washington, Seattle, WA (Coast Guard) [CGD13-97-012] (RIN: 2115-AA97) received July 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. H.R. 2158. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-175). Referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X Committee on Rules discharged from further consideration. H.R. 856 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN:

H.R. 2151. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2152. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class, and to amend titles XVIII and XIX of the Social Security Act to provide for coverage of annual screening mammography; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Ms. SLAUGHTER):

H.R. 2153. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of paramedic intercept services provided in support of public, volunteer, or nonprofit providers of ambulance services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida:

H.R. 2154. A bill to provide for food stamp eligibility for aliens who were receiving supplemental security income benefits on August 22, 1996, or aliens who are eligible for supplemental security income benefits; to the Committee on Agriculture.

By Mr. NEUMANN:

H.R. 2155. A bill to authorize continuation of a nationwide permit for discharges of dredged or fill materials into headwaters and isolated waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REGULA:

H.R. 2156. A bill to provide financial assistance, directly and through States, to support jointly with government entities, educational institutions, businesses, and nonprofit public and private entities, opportunities for the people of the United States to participate in the arts and the humanities; and to increase understanding and appreciation of the cultural heritage of the United States; to the Committee on Education and the Workforce.

By Mr. YATES:

H.R. 2157. A bill to amend the Internal Revenue Code of 1986 to encourage the use of public transportation systems by allowing individuals a credit against income tax for expenses paid to commute to and from work using public transportation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. TRAFICANT, Mr. DAVIS of Illinois, Mr. MCINTYRE, and Mr. ANDREWS.

H.R. 65: Mr. TALENT and Mr. SCHUMER.

H.R. 66: Mr. BONO and Mr. CONDIT.

H.R. 76: Mr. OBERSTAR.

H.R. 107: Mr. MALONEY of Connecticut, Mr. KLECZKA, and Mr. SERRANO.

H.R. 176: Mr. SAWYER.

H.R. 303: Mr. REYES and Mr. DEUTSCH.

H.R. 404: Ms. DEGETTE, Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. MALONEY of Connecticut, and Mr. DOOLEY of California.

H.R. 409: Mr. EVERETT, Ms. LOFGREN, Mr. UPTON, Ms. DUNN of Washington, Mr. WEYGAND, Mr. SCHIFF, Mr. SANDERS, Mr. LAZIO of New York, Mr. LOBIONDO, Mr. BONO, Mr. OBERSTAR, Mr. LEWIS of Kentucky, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. HASTINGS of Washington, Mr. ROGERS, Mr. BLUNT, Mr. MINGE, Mr. BAESLER, Mr. BUNNING of Kentucky, Mrs. NORTHRUP, Mr. COOKSEY, Mr. PAYNE, and Mr. NEUMANN.

H.R. 611: Mr. SCARBOROUGH.

H.R. 695: Mr. MILLER of California and Mr. DUNCAN.

H.R. 715: Mr. RIGGS.

H.R. 836: Mr. MORAN of Virginia, Mr. TIERNEY, and Mr. SNYDER.

H.R. 872: Ms. CHRISTIAN-GREEN, Mr. COOKSEY, Mr. GRAHAM, Mr. HOSTETTLER, Mr. LANTOS, Mr. MCKEON, Mr. ROGAN, Ms. SANCHEZ, and Mr. SHIMKUS.

H.R. 952: Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. PRICE of North Carolina, Mr. WEXLER, Mr. WAXMAN, Mr. PORTER, Mr. BLUMENAUER, Mr. ACKERMAN, and Mr. FILNER.

H.R. 964: Mr. CONDIT.

H.R. 977: Mrs. EMERSON, Mr. HINCHEY, and Mr. MCNULTY.

H.R. 983: Mr. MALONEY of Connecticut.

H.R. 988: Mrs. MYRICK and Mr. VENTO.

H.R. 991: Mr. GILMAN.

H.R. 1010: Mr. KLUG, Mr. CUNNINGHAM, Mr. BEREUTER, Mr. CAMPBELL, Mr. SCARBOROUGH, Mr. BOEHNER, Mr. BISHOP, and Mr. GIBBONS.

H.R. 1060: Mr. BASS, Mr. HEFLEY, Mr. LAMPSON, Mr. MCINTYRE, Mr. KILDEE, and Mr. GOODLATTE.

H.R. 1062: Mr. HERGER and Mr. BALLENGER.

H.R. 1114: Mr. SISISKY.

H.R. 1151: Mr. JOHNSON of Wisconsin, Mr. CLAY, Mr. CAPPS, and Mr. HORN.

H.R. 1165: Mr. MILLER of California and Mr. KIND of Wisconsin.

H.R. 1260: Mr. FORD.

H.R. 1270: Mrs. CHENOWETH, Mr. PITTS, Mrs. JOHNSON of Connecticut, Mr. FOLEY, Mr. SHAW, Mr. LEACH, Mr. BURTON of Indiana, Mr. TRAFICANT, and Mr. BATEMAN,

H.R. 1353: Mr. MALONEY of Connecticut.

H.R. 1373: Mr. GUTIERREZ.

H.R. 1398: Mrs. LINDA SMITH of Washington.

H.R. 1415: Mr. QUINN, Mr. CARDIN, Mr. HOLDEN, and Ms. FURSE.

H.R. 1426: Mr. GUTIERREZ, Mr. EVANS, and Mr. RUSH.

H.R. 1437: Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, and Ms. DEGETTE.

H.R. 1438: Mr. SMITH of New Jersey.

H.R. 1480: Mr. MALONEY of Connecticut.

H.R. 1507: Mr. JACKSON, Mr. KIND of Wisconsin, Mr. MATSUI, and Ms. DELAURO.

H.R. 1534: Mr. PAXON, Mr. BRADY, Mr. COLLINS, Mr. TRAFICANT, Mr. BLILEY, Mr. JENKINS, Mr. BISHOP, and Mr. BOEHNER.

H.R. 1578: Mr. WYNN, Mr. SCOTT and Mr. MORAN of Virginia.

H.R. 1579: Mr. WYNN, Mr. SCOTT and Mr. MORAN of Virginia.

H.R. 1580: Mr. FLAKE, Mr. HOUGHTON, Mr. SERRANO, Mrs. MALONEY of New York, Mr. SCHUMER, Mrs. LOWEY, Mr. LAZIO of New York, Mr. FORBES, Mr. NADLER, Mr. PAXON, and Mr. WALSH.

H.R. 1609: Mr. KENNEDY of Rhode Island and Mrs. ROUKEMA.

H.R. 1614: Ms. JACKSON-LEE, Mr. BOSWELL, and Mr. SERRANO.

H.R. 1619: Mr. CRAPO and Mr. GORDON.

H.R. 1679: Mr. BARTON of Texas.

H.R. 1715: Mr. RANGEL.

H.R. 1716: Ms. MILLENDER-MCDONALD.

H.R. 1763: Mr. BOUCHER.

H.R. 1766: Mr. GEJDENSON, Mr. BROWN of California, Mr. LAZIO of New York, Mr. TURNER, and Mr. BOYD.

H.R. 1773: Mr. HALL of Texas and Ms. WOOLSEY.

H.R. 1786: Mr. BEREUTER, Mr. FARR of California, Mr. MILLER of California, Ms. WOOLSEY, Mr. ABERCROMBIE, and Mr. GONZALEZ.

H.R. 1799: Mr. HOLDEN.

H.R. 1864: Mr. LUTHER.

H.R. 1909: Mr. ROYCE, Mr. DEAL of Georgia, Mr. HOSTETTLER, Mr. RYUN, Mr. GALLEGLY, Mr. ARCHER, Mr. PITTS, Mr. LINDER, Mr. DELAY, Mr. CALVERT, Mr. PAUL, and Mr. BRYANT.

H.R. 1946: Mr. MASCARA.

H.R. 1972: Ms. DUNN of Washington and Ms. CHRISTIAN-GREEN.

H.R. 1984: Mr. DINGELL, Mr. BLILEY, Mr. HOSTETTLER, Mr. LUCAS of Oklahoma, Mr. SESSIONS, Mr. GEKAS, Mr. SISISKY, and Mr. CHABOT.

H.R. 1993: Mr. EVANS.

H.R. 2122: Mr. BURR of North Carolina.

H.R. 2140: Mr. FLAKE and Mr. CUMMINGS.

H.J. Res. 71: Mr. SHERMAN and Mr. COLLINS.

H. Con. Res. 37: Mr. DIAZ-BALART, Mr. SOLOMON, Mr. JEFFERSON, Mr. METCALF, Mr. DOOLITTLE, and Mr. FLAKE.

H. Con. Res. 71: Mr. DAVIS of Illinois and Mr. MARTINEZ.

H. Con. Res. 80: Mr. STRICKLAND, Mr. MANTON, and Mr. ACKERMAN.

H. Con. Res. 107: Mr. ENGLISH of Pennsylvania, Mr. GORDON, Mr. FROST, Mr. HOBSON, and Mr. GILLMOR.

H. Con. Res. 109: Mr. BEREUTER, Mr. WAXMAN, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Nebraska, Mr. SABO, Mr. MALONEY of Connecticut, and Mr. DIAZ-BALART.

H. Res. 26: Mr. VENTO, Mr. SERRANO, Mr. FILNER, Mr. OLVER, Mr. HASTINGS of Florida, and Ms. WOOLSEY.

H. Res. 37: Mr. ALLEN, Mr. EVANS, Mr. SCOTT, Mr. WICKER, Mrs. TAUSCHER, and Mr. MALONEY of Connecticut.

H. Res. 139: Mr. ROYCE.

H. Res. 182: Mr. MOAKLEY, Mr. PAYNE, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. MEEHAN, Mr. WALSH, Mr. BORSKI, Mr. OLVER, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. LIPINSKI, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. MCNULTY, Mr. HINCHEY, Mr. DELAHUNT, and Mr. HOLDEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2158

OFFERED BY: MR. GREEN

AMENDMENT NO. 1: Before the period at the end of the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES" insert the following:

Provided, That, using amounts made available under this heading, the Secretary of Housing and Urban Development shall establish, within the field office of Department of Housing and Urban Development that is located in Houston, Texas, an Office of Community Planning and Development and an Office of the Inspector General and shall provide sufficient personnel for such offices

SENATE—*Friday, July 11, 1997*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our hearts are filled with gratitude. You have chosen to be our God and chosen each of us to know You. The most important election of life is Your divine election of us to be Your people. Thank You that we live in a land in which we have the freedom to enjoy living out this awesome calling. We are grateful for our heritage as "one Nation under God."

As this workweek comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, Your spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators, and all of us who work with them, a perfect blend of humility and hope so that we will know that You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Indiana, is recognized.

SCHEDULE

Mr. COATS. Mr. President, this morning the Senate will resume consideration of the defense authorization bill with Senator FEINGOLD being recognized to offer an amendment on Air Force tactical jets, with 30 minutes for debate.

I ask the Senator, is that 30 minutes equally divided between opponents and proponents of the amendment?

Mr. FEINGOLD. Mr. President, no, it is not. The agreement is 20 minutes on my side and 10 minutes on the other side.

Mr. COATS. For the information of Senators, Mr. President, the Feingold amendment will have 30 minutes of debate, with 20 minutes allocated to the Senator from Wisconsin and 10 minutes allocated to those opposing the amendment.

Following the debate on the Feingold amendment, the Senate will resume debate on the Bingaman amendment regarding space-based missiles, with 15 minutes of debate remaining on that amendment. A vote will occur on or in relation to the Bingaman amendment at approximately 9:45 a.m., this morning.

Following that vote, the Senate will resume consideration of the remaining amendments to the Defense authorization bill. Therefore, Senators can anticipate rollcall votes throughout the day up to and including final passage of the defense authorization bill.

As indicated last evening by the majority leader, the Senate will complete action on this bill today. And with the cooperation of all Members, the Senate will hopefully finish the Defense authorization bill early this afternoon.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coverdell (for Inhofe-Coverdell-Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl modified amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl modified amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Dodd amendment No. 762, to establish a plan to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness.

Dodd amendment No. 763, to express the sense of the Congress in gratitude to Governor Chris Patten for his efforts to develop democracy in Hong Kong.

Reid amendment No. 772, to authorize the Secretary of Defense to make available $2,000,000 for the development and deployment of counter-landmine technologies.

Bingaman modified amendment No. 799, to increase the funding for Navy and Air Force flying hours, and to offset the increase by reducing the amount authorized to be appropriated for the Space-Based Laser program in excess of the amount requested by the President.

Feingold amendment No. 759, to limit the use of funds for deployment of ground forces of the Armed Forces in Bosnia and Herzegovina after June 30, 1998, or a date fixed by statute, whichever is later.

Levin modified amendment No. 802 (to amendment No. 759), to express the sense of Congress regarding a follow-on force for Bosnia and Herzegovina.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized to offer an amendment relative to Air Force jets on which there shall be 30 minutes of debate.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President. I ask unanimous consent that Susanne Martinez, Andy Kutler, and Linda Rotblatt of my staff be granted privileges of the floor during further consideration of S. 936.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 677

(Purpose: To require the Secretary of Defense to select one of the three new tactical fighter aircraft programs to recommend for termination)

Mr. FEINGOLD. Mr. President, I now call up amendment No. 677, and ask unanimous consent that Senator KOHL, the senior Senator from Wisconsin, be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 677.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle E of title I, add the following:

SEC. 144. NEW TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter aircraft programs should be terminated if only two of such programs were to be funded. The report shall also contain an analysis of how the two remaining new tactical fighter aircraft programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable tactical fighter force structure that is capable of meeting projected threats well into the twenty-first century.

(b) COVERED AIRCRAFT PROGRAMS.—The three new tactical fighter aircraft programs referred to in subsection (a) are as follows:

(1) The F/A–18 E/F aircraft program.

(2) The F–22 aircraft program.

(3) The Joint Strike Fighter aircraft program.

Mr. FEINGOLD. Mr. President, I rise today to offer an amendment instructing the Pentagon to recommend the cancellation of one of the three aviation programs currently under development to modernize our tactical fighter force. Canceling one of these three programs would save American taxpayers tens of billions of dollars, and by all accounts still provide our Armed Forces with an effective yet affordable state-of-the-art tactical fighter fleet.

This amendment which I am offering on behalf of myself and the senior Senator from Wisconsin, Senator KOHL, focuses on the Pentagon's current acquisition strategy for three new tactical fighter programs: The Air Force's F–22, the Navy's F/A–18E/F, and the multiservice joint strike fighter.

DOD is currently planning on purchasing some 4,400 new fighters from these three programs at a total cost of at least $350 billion according to the Congressional Budget Office.

Numerous experts, including the CBO and the General Accounting Office have concluded that given our current fiscal constraints and likely future spending parameters, the current acquisition strategy is just plain unrealistic and unwise and untenable.

The recently released Quadrennial Defense Review, a collaborative effort by the Secretary of Defense and the Joint Chiefs of Staff and the individual services to reassess our strategic blueprints for our Armed Forces, as well as to review our inventories and projected needs, has recommended sharp reductions in two of these three jet fighter programs already, the F/A–18E/F and the F–22.

The QDR proposed recommendations are a promising step in the right direction. But the problem is that the QDR still clings to the assumption that somehow we can adequately control a program's cost by simply scaling it back, just having fewer of each of the three kinds of planes rather than taking the tough and more wise step of simply terminating one of them.

Mr. President, to understand just how serious this budget shortfall will be, we have to take a look back for a minute and look at the entire defense procurement budget comprised of a number of weapons systems and technology programs. But it is currently dominated by these three separate fighter programs.

First, the Navy's F/A–18E/F program.

All though the current C/D model of this airplane performed extraordinarily well—very well in the gulf war—and has the capability of achieving most of the Navy's requirements with some retrofitting, the Pentagon is currently still asking for 1,000 of these expensive E/F airplanes, with a cumulative program cost of about $89 billion, according to the GAO.

The second program is the Air Force's F–22, a stealthy fighter intended to provide air superiority but at an extraordinary cost. This aircraft, which one Navy official has referred to as gold-plated, will cost as much as $161 million per airplane making it the most expensive plane in our history. In all, the F–22 program, slated to provide 440 airplanes to the Air Force, will cost at least $70 billion.

The final one of the three fighters is truly still in its infancy. The joint strike fighter, expected to provide common, affordable 21st century strike aircraft for the Air Force, Navy, and Marine Corps, is actually still on the drawing boards with two major contractors dueling for what is expected to be at least—at least—Mr. President, a $219 billion contract for close to 3,000 airplanes.

Although the amendment I am offering today focuses on tactical fighters, I think to put this in context we should mention a few of the other programs on the Defense Department's wish list.

We have focused on these because these programs will also have to draw on a limited procurement budget over the next few years. And it just seems impossible that all of these programs can go forward without some changes. In fact, it is likely that many of these nontactical fighter programs will receive reduced funding in the coming years as a result of the drain on our limited procurement dollars, particularly due to going forward with all three of these jet fighters.

These programs include the $47 billion V–22 tilt-rotor aircraft being built primarily for the Marine Corps and Navy. There is the $25 billion Comanche reconnaissance and attack helicopter program for the Army. There is the Air Force's $18 billion request for 80 more C–17 cargo and transport airplanes.

Mr. President, in addition to these new aviation programs, we must also factor into account the costs of the necessary replacement of other aging aircraft, such as the KC–135 refueller, the C–5A, the F–117, and the Navy's EA–6B aircraft. These are all important air assets that must be replaced in the next few years, Mr. President.

That, Mr. President, is just the portion of the procurement budget related to aviation spending. The Navy, for example, is looking to increase the procurement of their surface ships, starting with another aircraft carrier, CVN–77, and 17 of the DDG–51 *Arleigh Burke* destroyers, as well as four new attack submarines.

In fiscal year 1999, the Navy would like to begin procurement of the new *San Antonio*-class amphibious landing ships for our Marine expeditionary forces.

Unless, Mr. President, we take immediate action to avert this train wreck, with respect to tactical fighter spending, there simply will not be enough procurement dollars to fund all of these additional aviation and shipping programs.

And a number of experts, Mr. President, in recent months, experts on military spending, have tried to warn the Department of Defense of this impending fiscal disaster.

CBO, GAO, Members of Congress on both sides of the aisle—even high-ranking Pentagon officials—have all forewarned the Defense Department that they will not receive the procurement funding level it has projected and will not be able to sustain these tactical fighter purchases at their planned acquisition levels.

Here, for example, is what the GAO says:

> DOD's aircraft investment strategy is a business as usual approach that is wasteful—adding billions of dollars to defense acquisition costs and delaying delivery of weapon systems to the operational forces.

GAO goes on to say:

> We found the DOD's aircraft procurement plans will reach unsustainable levels of the procurement budget if the procurement and the total DOD budgets do not increase.
>
> The aircraft procurement plans, if implemented as planned, will require drastic reprioritization of the procurement budget that will require significantly reducing the amount spent on other types of procurement (ships, tracked and wheeled vehicles, missiles, etc.)

Mr. President, I understand that many of my colleagues are either strong proponents or opponents of one or more of these individual fighter programs. That is why, Mr. President, my amendment is careful not to target any one specific program for termination. The language in this amendment merely states the obvious, that the Pentagon's procurement budget over the next several years will not be able to support three costly tactical fighter programs and that the Pentagon must start the process of making the tough decisions.

Let me read exactly what my amendment does. It says:

> Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter programs should be terminated if only two of such programs were to be funded.
>
> The report shall also contain an analysis of how the two remaining new tactical fighter programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable, tactical fighter force structure that is capable of meeting projected threats well into the 21st century.

That's it, Mr. President. My amendment merely requires the Pentagon to send us a report within 60 days with a recommendation for canceling one of these programs. It also requires the Pentagon to provide an analysis of how our current tactical fighter assets, including the F–15, the F–117, the F/A–18C/D and others might be utilized to continue to provide us with air superiority should one of the costly programs be canceled.

My amendment does not single out any one program. That is the Pentagon's responsibility. It does not cancel funding for one single fighter aircraft. It merely calls for a recommendation. Once that recommendation is made, it will be up to Congress to determine if we are going to follow through on that recommendation. It does not lock in the Congress.

That is what my amendment is about, Mr. President, making some tough decisions. We must have an acquisition strategy for tactical aviation that is affordable and tenable and consistent with the goal of Congress to achieve a Federal balanced budget in the coming years. My amendment is an attempt to force the Defense Department to understand the gravity of this situation. I hope we can get back to the path of fiscal responsibility in this area, as well, as we have sought so hard to do in so many other areas.

I reserve the balance of my time, and I yield the floor.

Mr. COATS. Mr. President, I wonder if I could inquire of the Senator from Wisconsin if he has any additional speakers?

Mr. FEINGOLD. Mr. President, not that I know of.

I reserve the balance of my time.

Mr. COATS. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes and 52 seconds.

Mr. COATS. Mr. President, let me yield myself 4 minutes, and then advise me when that 4 minutes is up.

First of all, I want to tell the Senator from Wisconsin that those of us on the Armed Services Committee understand and, in fact, have raised many of the same questions that he has raised. These are legitimate questions to raise in terms of where we are going with our tactical air for the future, what the cost is going to be, what the need is, assessment and so forth. In fact, as chairman of the Airland Forces Subcommittee of the Armed Services Committee, we held two hearings wherein we brought experts from the Department of Defense and outside the Department of Defense to come in and answer some of the very questions—in fact, all of the very questions—that the Senator from Wisconsin proposes here this morning.

Because we share that concern, we know that unless we can intelligently decide on how we budget for the future, if we concentrate too much effort in the tactical air modernization category, we will be shorting other categories, because it looks like we are going to, for some time in the future, have a pretty fixed cost in terms of what we are spending for defense.

Many of the questions that were asked by the Senator from Wisconsin were posited to those who came before our committee, and we have had personal discussions with the Secretary of Defense, Secretary of the Air Force, Secretary of the Navy, and others on this very question.

As the Senator stated, the Department has just concluded a major study called the Quadrennial Defense Review, and as a result of that, the Secretary of Defense, former Senator Cohen, now Secretary Cohen, recommended very significant changes to the tactical air. He called for a significant reduction in the amount of F–22 buys, from 448 planes to 339. Even more, for the F–18E/F, from 1,000 to 548—about a 50 percent reduction, and then a significant reduction and decrease of the joint strike fighter.

Now, in addition to that, the Secretary acknowledged that a process that was initiated by Senator LIEBERMAN and myself, with the support of Senator MCCAIN and then-Senator Cohen and others, acknowledged that we are waiting for the review of the National Defense Panel, which is an outside group of experts which will give us a separate assessment from the Department of Defense in terms of this question and a number of other questions. It is a look into the future in terms of what we need, all throughout our defense posture and structure, but particularly in relationship to our tactical air needs.

This report for the National Defense Panel will be forthcoming around December 15, and the committee awaits that with great anticipation. We are working hand in hand with the Secretary of Defense, with the Department of Defense, the Joint Chiefs, with the National Defense Panel, through the committee efforts, to try to address the very questions that the Senator from Wisconsin raised.

The reason why we object to this particular amendment at this particular time is that if we do a short-term study on the termination, recommending the termination of one of three programs, we place any one of those three in jeopardy. It may be that the National Defense Panel, the Secretary of Defense, the future analysis will conclude a different kind of a mix or moving forward with a different balance in order to achieve the cost savings.

If we go forward and precipitously cancel one of those programs, we put one of our services in great jeopardy. If we cancel F–22 on a short-term analysis, we leave the Air Force naked in terms of providing for tactical air defenses for the future. If we cancel F/A–18E/F, we leave the Navy—who made a decision not to go forward immediately—we leave them, as we are retiring F–14's, without carrier capability with the F/A–18E/F. If we cancel joint strike fighters, we leave the Marine Corps totally without resources for the future because they are betting their whole future on JSF's.

It would be an egregious mistake at this time to, within a 60-day period of time, require the Secretary to do something that they have spent months and months and months of analysis on, then requiring additional months of analysis to come up with that conclusion.

I yield 3 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished friend from Indiana.

I rise to express my opposition to the Feingold amendment. I understand, as the Senator from Indiana does, the need to deal with the fiscal problems the Department of Defense will face in coming years. We are all very much aware of those, and we know that choices have to be made. We know we have to operate within a budget.

Mr. President, the Department of Defense has just completed its Quadrennial Defense Review. Not all of us like what the QDR had to say, but it was a strategy-based plan and decision for the future. This fall and early this winter, as the Senator from Indiana has just pointed out, the National Defense Panel will come out with another review of the Department's future. Just how many strategic essays does the sponsor of this amendment want? We can run around and order more studies conducted. Somehow, conducting studies makes thin soup. We can continue to put more of a paperwork burden on the Department of Defense, but that does not change the need for us to stay within the budget that has already been adopted by this Congress, to put us on a path to balance the budget by the year 2002, or sooner, I hope. We know those numbers. We know the maximum we can allot, and another study does not change the obligation of Congress to make tough choices based on what the Department of Defense has told us.

The Armed Services Committee has held hearings. They have asked these questions. I say for my friends that the Defense Appropriations Subcommittee has also held hearings. We have also gone over all of these items and asked these questions. The sponsor and other Members are interested in where we stand and what the best thinking of the Department of Defense is today. I invite them to review the testimony that has been presented at those hearings and also to review the recommendations of the National Defense Panel.

Technology moves on. We need to provide our military personnel with the finest equipment available in the present, as well as in the short- and long-term future. Technology is not cheap. But it does save lives. It protects our freedom; it protects our national security and international peace. These goals are worthy objectives. It is worth the cost. If some in this body do not believe it is worth the cost, I strongly disagree with them, and I will fight them on that.

We are currently in the process of procuring the Navy's No. 1 priority. It happens to be tactical aircraft for its carrier fleet. This is a fleet which the Armed Services Committee, and I predict the full Senate, will shortly show its support by advancing $345 million in this bill in order to bring the ship online and to do it faster and cheaper. This is a commitment to naval aviation. We need the carriers and the airplanes on the deck. Enough strategic studies. Let's get on with the program.

I appreciate the time. I urge my colleagues to defeat this amendment.

Mr. FEINGOLD. Mr. President, let me again remind the body that this does not require the termination of any one of the three jet fighters. It asks for a recommendation from the Department of Defense within 60 days as to which of the three should be terminated, if that became fiscally necessary.

Second, it is simply not the view of everyone who knows a lot about this subject that this would jeopardize our national security or the defense capability of our Armed Forces. Take a look at the GAO reports, the CBO reports, the analysis of a number of military experts—that is just not the case. I hope the folks who have urged me to look at the hearing testimony which I and my staff have looked at with regard to the merits of these airplanes, would give the same kind of attention to the analysis, fiscal analysis and other analysis of others who we often rely on to give us advice about the effectiveness and cost efficiency of various programs, including the GAO and the CBO, as well as military experts.

Look, I don't think anyone thinks these are not good planes. These are great planes that are being proposed. I went down and spent part of a morning seeing the wonderful E/F planes, but what we see here is a credit card mentality that somehow we can just have it all. There is no real plan here to make sure that we don't end up trying to have all of these things and, as a result, not end up being able to truly pay for the ones we most need.

One of the arguments that came out of the QDR that was cited by the Senator from Indiana is that there are ideas about bringing down the cost of each of these by reducing the number of E/F's, reducing the number of F–22's, and reducing the number of joint strike fighters. It is suggested significant savings can be achieved by reducing the size and scope of the fighter programs. I certainly do not question the motives of those who say that. But the idea we can maintain all three of these fighter programs is simply inconsistent with balancing the Federal budgets.

Two months ago, the Senate Armed Services Committee received testimony from CBO with respect to proposals to merely reduce, as has been suggested by QDR, rather than cancel these tactical fighter programs. In that testimony, CBO explained how the Air Force had proposed last year to buy 124 F–22's over the 1998 to 2003 period. This year, the Air Force has revised that estimate and proposed purchasing just 70 F–22's during the 5-year period. That is a reduction in terms of numbers of over 40 percent of the number of airplanes. But despite buying 54 fewer airplanes and reducing the buy by over 40 percent, CBO noted this, and I think it is very significant, that the funding level for this buy remained almost the same, at about $20.4 billion now compared with $21.5 billion in last year's estimate. Why? Unit cost. If you don't build more airplanes up to a high level, then you don't get the benefit of the reduced cost. You end up paying almost the same for much fewer airplanes.

CBO pointed out that is a savings of about $1.1 billion, despite buying 54 fewer planes. In other words, we reduced the F–22 buy by over 42 fewer airplanes, but saved only about 5 percent of the funding.

I ask my colleagues to consider the Pentagon's track record and the countless aviation programs that have promised so much in terms of cost savings and have delivered so little in terms of cost savings. In fact, the GAO estimates that the Pentagon's projections with respect to aircraft procurement typically have cost overruns of 20 to 40 percent.

Clearly, that is not enough—and this may even exacerbate our budget problems—to simply propose reducing any one of these three planes without eliminating one.

Time and time again, the Pentagon has promised an aviation program, promising large quantities of new aircraft at a given price, only to continually scale back the size of such program until we are receiving small quantities of aircraft but paying huge sums of money for those.

The B–2 is a tremendous example. In 1986, the Reagan administration told us we were going to get 132 B–2's at a cost of $441 million per airplane. In 1990, the Bush administration revised this number and said, let's only have 75 B–2's, but at a cost of $864 million per airplane.

Of course, by late 1996, we were on track to buy 20 B–2's at a cost of roughly $2.3 billion per copy. This isn't saving money. Over the course of a decade, Mr. President, we received less than one-sixth of the number of airplanes originally proposed, and we paid more than five times the original price quoted per airplane.

Of the three tactical fighter programs identified in my amendment, the two programs currently under production, the F–22 and E/F, have already experienced this sort of program instability. In 1986, the Air Force originally proposed we buy 750 F–22's. That number was reduced to 648 in 1991, 440 in 1996, and now, in 1997, the QDR proposes purchasing just 339 of these aircraft.

Likewise, the Pentagon claims that the Navy and Marine Corps originally intended to purchase 1,300 Super Hornets. In 1992, with the Marine Corps dropout, this figure went to 1,000, and now the QDR is recommending this number be dropped to as low as 548 of these airplanes.

Again, we are buying fewer and fewer of these airplanes and we are paying more and more for them. That is precisely, Mr. President, why merely reducing the quantities of the tactical fighters, just reducing the numbers, will not avert the fiscal train wreck that is certain to occur if we continue to fund all three of these programs.

That is why GAO has called this "business as usual," and that is what it is. It completely shirks responsibility for how we are possibly going to afford all three of these programs 5 years from now.

I hope my colleagues will not follow this road to fiscal irresponsibility and instead will support my amendment that simply says: Have the Pentagon tell us, within 60 days, which of these planes you can most do without, how they would go forward without one of these planes, and give us guidance on this so we can make the best decision here. Mr. President, we cannot afford these three fighters, and we have to make a decision at some point in the future about it.

I reserve the remainder of my time.

Mr. COATS. Mr. President, I inquire how much time remains on each side.

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes 4 seconds. The Senator from Indiana has 2 minutes.

Mr. COATS. I ask the Senator from Wisconsin if he has any additional speakers. If so, we can let them go ahead and we can both wrap up.

Mr. FEINGOLD. Mr. President, I have no additional speakers.

Mr. COATS. Mr. President, my understanding is that we have 2 minutes left.

The PRESIDING OFFICER. That is correct.

Mr. COATS. Mr. President, let me try to wrap up quickly in 2 minutes here for those Senators who are listening.

The Senator from Wisconsin says that essentially makes the argument that a decision has to be made now regarding the future of tactical air purchases that will provide air defense security for the United States for 15 to 20 years in the future. He said we need a recommendation. He said we need a recommendation now as to what that decision ought to be. He says we are trying to have it all.

Those arguments are based on the situation as it existed before the Quadrennial Defense Review. The QDR was reported and the Secretary of Defense, former Senator Cohen, certified that changes needed to be made along the lines of what the Senator was stating, except instead of saying "cancel one," the Secretary said we need to dramatically reduce the amount. The threat isn't such that we need the same amount as we formerly had. That is going to save a very significant amount of money. But a balanced approach allows us to address the needs of Marine tactical air, Navy tactical air and Air Force tactical air.

If you go forward and cancel one of those, one of those services is going to be left naked, without adequate tactical air. So the balanced approach that dramatically reduces the number of F–18's, the number of F–22's, and the joint strike fighter number, is the approach they want to take.

Second, the final decision hasn't been made. The QDR report is 4 years. The panel will look out into the future and give us more information on that decision. Secretary Cohen has only been there 6 months; give him time to work the process. We are aware of this problem. As chairman of the Air-Land Committee, we have held hearings. We deny that we have put severe cost caps on the F–22. So we have already taken that action.

So I urge our Members to support the efforts of the committee in recognizing the problem and going forward and addressing it, but not in the draconian way the Senator from Wisconsin advocated.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am just a little puzzled as to how the term "draconian" can be applied to my amendment. What does my amendment actually call for? The Defense Department, on this issue—or at least the advocates—seem so nervous about talking about this problem that we can't afford these three airplanes that they are referring to an amendment as "draconian," which only asks the Defense Department to give us their opinion, tell us what they think. If you had to give up one of these three airplanes, which one would it be and how would you proceed?

I would understand if this was a ridiculous question and why ask it of them. But it isn't. The GAO has said that the E/F is a good airplane, but it is not that much better than the C/D, and it is going to cost $17 billion more. There are others who are really questioning whether this is a good idea. How can it possibly be termed "draconian" to simply ask the Defense Department to give us their opinion? It doesn't require a decision.

If the crisis that the Senator from Indiana and I both agree may be coming has to be dealt with later, this is the kind of information that would be useful for us to have. We are not required to act on it. The Defense Department is not required to change their mind. How can this be described as draconian? What troubles me about that characterization is, what are we afraid of here as Members of Congress? Openly discussing the fact that there are some questions about whether we can afford this and whether we really need all three of these planes?

This is really a business-as-usual attitude. The Defense Department will be better off and this country will be better off if it starts to join in the fiscal responsibility that all of us have been calling for. So I am very concerned that the Members of the Senate, who will vote on this soon, know that all this does is ask for a report within 60 days. It is asking for an advisory opinion from the Defense Department: If we had to cut one of these three planes, which one would it be? What possible harm would that be? I ask my colleagues to support this and help us solve what we all agree is an impending problem with regard to fiscal spending. How much time do I have?

The PRESIDING OFFICER. There are 30 seconds.

Mr. FEINGOLD. Has all time expired except for that 30 seconds?

The PRESIDING OFFICER. Yes.

Mr. FEINGOLD. I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 799, AS MODIFIED

The PRESIDING OFFICER. The question now recurs on amendment No. 799. There are 15 minutes for debate, evenly divided.

Who seeks time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the Senator from New Mexico, Senator BINGAMAN. My hope is that we will approve this amendment and save the $118 million that has been added to this bill for something called the space-based laser program. In supporting the Senator from New Mexico, I want to point out to my colleagues that the Ballistic Missile Defense Organization has reported to the Defense Appropriations Subcommittee, "There is no validated military requirement for space-based laser."

I will read that again because I think it is critically important. The Ballistic Missile Defense Organization has reported to the appropriations subcommittee, "There is no validated military requirement for space-based laser."

Yet, $118 million is added to this authorization bill for the space-based laser program. Last year, the Congressional Budget Office reported that the cost of deploying 20 space-based lasers, starting in the year 2006, would be $24.6 billion. According to Defense Week, however, the Pentagon's Program Analysis and Evaluation Office estimates the cost of the space-based laser at closer to $45 billion. Neither estimate includes the annual cost of replacing the space-based laser satellites. The Congressional Budget Office pegged those expenses at $1.6 billion per year.

The question is, do we need it and can we afford it? That is a question we ought to ask about almost everything, I suppose. Do we need it and can we afford it? In answer to the first question—do we need it at this point?—it seems to me that the answer is no.

The experts themselves tell us we don't need it, and the adding of $118 million continues the incessant desire by the Congress, over many, many years, to throw money at this program. And $100 billion has been spent on national missile defense in over four decades. The question is, what have we gotten for the $100 billion? What would $100 billion have done invested in other areas of our country or spent for other purposes? Then, what have we gotten for our $100 billion invested in national missile defense?

In North Dakota, we have the remnants of what was the free world's only antiballistic missile program. It was opened after the Nation spent billions and billions of dollars on it. Then we mothballed it within 30 days of its being declared operational.

America's taxpayers have a right to question and wonder whether this is a wise use of their money? If I felt this program was a critical element of what is necessary for this country's defense, I would be here supporting it. But the Pentagon doesn't feel it is a critically important program, necessary for our country's defense. That is why they didn't ask for the $118 million. That is why the $118 million is now being added here in the authorization bill.

The Senator from New Mexico asks that we take this $118 million out of this bill. I support the Senator from New Mexico on the question of, do we need it and can we afford it? The answer is no on both counts. It is not just an answer that I give; it is an answer that comes from military officials themselves who say there is no validated military requirement for the space-based laser.

Mr. President, I hope that when we vote on this amendment, those who wish to save money, those who wish to stop spending money that we don't have on things we don't need will decide that we will approve the amendment offered by the Senator from New Mexico and cut the $118 million for this program, which has been added to this program in this defense authorization bill.

Mr. President, I thank the Senator from New Mexico for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

It would be awful difficult to try to express my beliefs on this in 2 minutes. I would only say that this euphoria that we seem to enjoy around here that there is no threat is one that is of more concern to me than anything else we talk about.

When you say, can we afford it, I often wonder can we afford not to do it. The whole argument that has been made on this space-based amendment by the distinguished Senator from New Mexico has been that right now there is nothing targeted at the United States. And I know the President has said in his State of the Union Message that there is nothing targeted at the United States for the first time in contemporary history when in fact we do not have any way of knowing that.

I suggest you might remember the hearings on Anthony Lake when he was trying to become the Director of Central Intelligence. We made a very conclusive point that right now there is no way of telling. There is no verification. I would suggest you remember what Gen. John Shalikashvili said. He said there is no verification process. Then he went on to say, "But I can tell you we don't have missiles pointed at Russia."

That is really comforting, isn't it, to think it is just kind of a gentleman's agreement that you do not aim at us and we will not aim at you. But let us assume that we could verify today or at the beginning of this debate that there is nothing aimed at the United States. It can be retargeted in a matter of minutes.

I would like to quote from Gen. Igor Sergeyev, the commander in chief of the Russian Strategic Forces. He said, "Missiles can be retargeted and launched from this war room mostly in a matter of minutes."

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment by the Senator from New Mexico to reduce funding for the space-based laser program. The space-based laser program is one of the most important technology development programs in the Department of Defense. It could provide for global boost phase defense against all types of ballistic missiles from short-range tactical missiles to long-range strategic missiles.

It would be shortsighted for the United States to constantly abandon this development effort at a time when the long-range missile threat is growing. The space-based laser program is the only future oriented program remaining at the Ballistic Missile Defense Organization. With the exception of space-based laser, BMDO is focused almost exclusively on near-term development and deployment efforts.

This is an unbalanced approach which mortgages our future for near-term capability, and in my view we should have a more balanced approach, one which continues to invest in high payoff future systems while deploying near-term capability.

Mr. President, the space-based laser program has been one of the best managed programs in the history of the Department of Defense. Unfortunately, the department has only requested $30 million for this important program in fiscal year 1998. The Armed Services Committee did the responsible thing by adding additional funds to ensure that this program continues to make technical progress. It would be highly irresponsible to cut this funding at this time.

I strongly urge my colleagues to oppose the amendment by the Senator from New Mexico.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes 19 seconds.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong opposition to the Bingaman amendment. It would cut funding that is necessary for the space-based laser program. This program is making tremendous technical progress. DOD acknowledges that additional funds are required for this purpose and is working to identify those additional funds in the outyears.

This has been one of the best managed programs in the history of U.S. ballistic missile defense efforts. You cannot often say that, that the program is on budget, on time, reliable, and even under severe funding constraints it has continued to make remarkable technical progress. It offers the best hope for the future of providing highly effective global boost phase defense against ballistic missiles of all ranges.

There was an independent review team appointed by the directer of BMDO to study the future of the SBL Program that has recommended that this program transition to the development of a space technology demonstrator for launch in the year 2005. And the funding contained in this bill supports the recommendation. It does not violate the ABM Treaty, for those who may be concerned. It keeps our options open to deploy this system.

I get very concerned, Mr. President, when year after year—and this the seventh straight year—there has been opposition expressed on the floor in spite of the full support of the committee on this program. This is a tremendously important program, and I think my colleagues need to understand that there is an expansion of the number of countries possessing ballistic missiles, not only nuclear but chemical and biological. These warheads present a serious challenge to the security of the United States. They are all over the world—North Korea, Iran, Iraq, just to name a few—China. They threaten our troops and they threaten our cities, and to take away a technology that can protect those cities, protect those troops in the field is outrageous. It is outrageous. It is immoral. I do not understand the intensity of the effort to do this year after year after year.

As the number of countries with these ballistic missiles continues to increase and as the range of those missiles increases, the expansion in the number of targets to defend will dramatically increase. With this technology, we are able to get these missiles in their boost phase and make the debris from those missiles fall back on the aggressor or the firer of the missile.

That is what this technology is all about. That is why it is so important, Mr. President. And to come down here year after year, time after time, and arbitrarily try to kill a program that has been on budget, on time, supported by the defense people and protecting our troops, protecting our cities is flat out irresponsible. There is absolutely no justification for it anywhere.

I urge my colleagues to look very, very carefully at what they are doing here because if this vote were to prevail and this amendment were to be passed, it would do serious damage to our security and, frankly, put our cities at risk, our bases at risk and our troops at risk throughout the world.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BINGAMAN. Mr. President, first I would like unanimous consent to add Senator MOSELEY-BRAUN as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first just clarify what we are about here. The amendment that Senator DORGAN and Senator MOSELEY-BRAUN and I have offered is not an amendment to cut out the funding that the administration has requested in this area. It is to support the funding that the administration is requesting in this area. The administration in its budget said that it wanted $28.8 million in the space-based laser program this year, and that is exactly what we are proposing.

Now, at the committee level and the subcommittee level an additional $118 million, or essentially five times as much funding, was added to the request of the administration. What we are trying to do is say let us go with what the Pentagon requested. That is not an unreasonable position.

Last evening, Senator LOTT spoke in opposition to our amendment, and he said clearly in his view the space-based laser was, and I think this is an exact quote, "the national missile defense option of choice."

That is just flat wrong. The Pentagon has made it very clear that their option of choice is the ground-based interceptor which we are funding through the National Missile Defense Program in this budget. In fact, we are funding it at twice the level that the administration had earlier requested. Instead of the plan of spending $2.3 billion over the next 5 years, we are going to spend $4.6 billion on that.

I support that, and our amendment does nothing to interfere with that. So the option of choice is the ground-based program which we have already agreed to go ahead and fund.

The real question here is where is the money coming from? If we are going to do this space-based laser, where is the money coming from? We would think it totally irresponsible for the administration to come in with this kind of request in 1998 if they could not tell us what they were going to do in future years to follow on in building this so-called demonstrator. But we think nothing of just adding it ourselves and saying, well, we will worry later about how we are going to fund this thing. So that is the issue.

The PRESIDING OFFICER. All time has expired.

Mr. BINGAMAN. Mr. President, I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Missouri [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Mikulski

The amendment (No. 799), as modified, was rejected.

(Ms. COLLINS assumed the chair.)

Mr. THURMOND. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 677

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 677 offered by Senator FEINGOLD. The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD. Madam President, is there supposed to be an explanation of this amendment?

The PRESIDING OFFICER. There was no time allowed for further debate on the amendment.

Mr. BYRD. Madam President, I ask unanimous consent that there be 4 minutes equally divided for purposes of explanation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senate will be in order.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

The Senate will be in order.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Madam President.

This amendment asks that the Defense Department, within 60 days, issues a report to tell us which of the three planned jet fighters should be terminated because of the obvious problem that we don't have enough money in the procurement budget to have all three of these—the F–22 of the Air Force, the F–18E/F of the Navy, or the joint strike fighter that is being planned as a commonality plane for three branches of our armed services.

The GAO, CBO, many military experts, and others agree that it is not possible for us to afford all three of these, and it is also not an answer, as the QDR suggests, to simply reduce each of the three, because the problem is that the unit cost of each plane is so high that at the lower number of planes that are produced, you don't get the savings. This is what happened with the B–2 bomber.

We are facing a train wreck with regard to this, and we need some guidance from the Defense Department about which of the three should go, if that is what we have to do in order to continue to balance the budget.

Thank you, Madam President.

The PRESIDING OFFICER. Who yields time?

Mr. COATS addressed the Chair.

The Senator from Indiana is recognized.

Mr. COATS. Madam President, the Senator from Wisconsin has raised legitimate questions about the cost of future tactical air purchases. The Senate Armed Services Committee has raised these questions repeatedly with the Department of Defense, holding hearings, and received a great deal of testimony. The Secretary of Defense, former Senator Bill Cohen, has recommended a balanced approach by dramatically reducing the number of planes purchased for each of the three categories—F–18E/F, joint strike fighter, and the F–22.

No final decision has been made. The committee has put severe cost constraints on engineering, manufacturing and development for the F–22. We are working on this problem. We have a national defense panel that will report to us in December. To make a precipitous decision, or even a precipitous recommendation, of canceling one of those programs puts one, either the joint strike fighter, F–22, or F–18E/F, in jeopardy. It leaves the services in jeopardy. If you cancel one, you either leave the Navy, Marines, or Air Force naked without tactical air capability they need for the future.

I don't think now is the time to take this approach. I think we will be making these decisions over the next several months, but we need to rely on the Secretary and others and the bipartisan recommendation of the Armed Services Committee before moving on this. So I recommend a vote against the Feingold amendment.

The PRESIDING OFFICER. All time has expired. The question now is on agreeing to amendment No. 677 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from Louisiana [Ms. LANDRIEU] are necessarily absent.

The result was announced—yeas 19, nays 79, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—19

Boxer
Bryan
Bumpers
Byrd
Durbin
Feingold
Grassley
Harkin
Johnson
Kerrey
Kohl
Lautenberg
Leahy
Moseley-Braun
Reid
Rockefeller
Torricelli
Wellstone
Wyden

NAYS—79

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kennedy
Kerry
Kyl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Landrieu
Mikulski

The amendment (No. 677) was rejected.

Mr. THURMOND. Madam President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 803

(Purpose: To enable the County of Los Alamos, New Mexico to function without annual assistance payments under the Atomic Energy Communities Act of 1955 through economic development with additional positive impact to the Pueblo of San Indefonso)

Mr. DOMENICI. Madam President, I have an amendment that I will send to the desk that has been agreed to on both sides. Senator BINGAMAN is my cosponsor. It relates to the County of Los Alamos, NM.

I send the unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, and Mr. BINGAMAN proposes an amendment numbered 803.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall—

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a),

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate Congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress; and

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title,

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than ten years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

Mr. DOMENICI. Madam President, since the 1950's, the Department of Energy and its predecessors have made assistance payments to the county of Los Alamos, NM. Under the Atomic Energy Act of 1955, this was accomplished in recognition of the dependence of the community on the Atomic Energy Commission's, and later the DOE's, facilities. Their facilities, worth in the hundreds of millions of dollars, paid no taxes to this community. Now only Los Alamos County and schools receive any assistance, and all other communities are off assistance, many via buyouts.

It is very difficult for Los Alamos to reach self-sufficiency and to continue into the next century as a viable community unless something is done about the fact that there is no longer any land within the city and county of Los Alamos that can be developed, for the excess land is all in the hands of the Department of Energy.

Last year, we agreed to end assistance to Los Alamos County through an agreement that coupled a very moderate buyout amount with transfer of excess land to the city. The land considered for transfer now is under the control of the DOE and cannot be used by the city until ownership is transferred.

This amendment will eventually return land to the county that can be used for normal county growth and to the Pueblo of San Ildefonso that has strong historic claims to portions of the land. The amendment also carefully prescribes a study of other claims for these lands that are now largely part of this county but still under the control of the Department of Energy. The Secretary of Energy is chartered to conduct a record search of all legal claims and to use every reasonable effort to determine whether there are any claims to these pieces of property considered for transfer.

It ends assistance payments to Los Alamos and provides for the future growth of Los Alamos by enabling opportunities for economic diversity. Ultimately, we believe this is in the best interests of the Federal Government and the many thousands of people that live in northern New Mexico. Without this amendment, we continue to have a land-locked city, without opportunity for economic development. And in that environment, there is also no room for housing projects, which leads to some of the highest housing costs in America. Without this amendment, assistance payments would have to continue. This amendment starts the forces of change that allow us to stop the assistance payments.

In summary, Madam President, this amendment is critical to complete the mandate of the last Congress to stop assistance payments to the county of Los Alamos, NM, under the auspices of the Atomic Energy Community Act of 1955.

The Atomic Energy Community Act of 1955 enabled assistance payments for communities impacted by the presence of major atomic energy facilities. These facilities were primarily located in remote areas, to address the security concerns accompanying their missions and none were more remote than the site at Los Alamos. Assistance payments to maintain community services were required in recognition of the nearly complete dependence of these cities on the then-AEC facilities that did not pay local taxes.

Over the ensuing years, most of these communities moved to either attain economic self-sufficiency or were close enough to self-sufficiency that they could accept various buyout provisions to enable their self-sufficiency. As they attained economic self-sufficiency, their assistance payments could stop. But, Los Alamos remained the exception, partly because it had virtually no land suitable for development for any commercial opportunities—virtually all usable land in the county was under the control of the Department of Energy.

Last year, we developed an agreement to end the assistance payments to Los Alamos County. That agreement coupled a buyout payment of $22.6 million that we appropriated last year along with provision of land to the county to enable commercial and residential development. It was essential to couple both the payment and the land together. Without the land with its potential for economic and housing development, a far larger payout amount would have been essential for the county to achieve self-sufficiency.

This amendment directs the Department of Energy to evaluate the land under its control to determine what can be released without impacting the national security mission of the Laboratory. Now, some of that land will not be appropriate for economic or housing development, but does represent lands that were part of the San Ildefonso Pueblo at the time of the Manhattan Project. Many sacred sites of the San Ildefonso Pueblo are located on that property. During the Manhattan Project, those San Ildefonso lands became part of Los Alamos County, but no compensation was ever provided to San Ildefonso Pueblo. This current evaluation of DOE's land requirements provides an ideal opportunity to return to the Pueblo some of that land that they previously used.

Our amendment recognizes that other parties have raised claims to some of these lands. Most of these claims result from homesteaded lands that were condemned when the Manhattan Project began, and compensation to the owners should have been provided at that time—but that must be carefully researched. The Department of Energy and the Corps of Engineers have been evaluating the legal basis for these claims over the past months, but this amendment asks that they go still further to provide every reasonable opportunity for these claimants to substantiate their claims. And the amendment precludes transfer of any land for which the U.S. Government does not hold clear title.

This amendment then enables Congress to finish the agreement with Los Alamos County, by coupling land for commercial and residential development to the payout funds. It provides for return of lands to San Ildefonso Pueblo for which no compensation was provided. It further provides for a careful process to evaluate the legality of any outstanding claims on this land. And finally, through this amendment, Congress no longer will be asked to provide assistance payments to the county of Los Alamos.

Madam President, I conclude by saying that there are many people in and around New Mexico that had previously owned lands in Los Alamos that were purchased during the Manhattan Project's location there.

This amendment says, as to the land that may be conveyed, that if there are claimants, their claims will be evaluated and perhaps in some way resolved.

I am delighted to have worked on that. I think it is very important to everybody in our State to know that will occur.

I yield the floor.

Mr. BINGAMAN. Madam President, I am pleased to be a co-sponsor of Senator DOMENICI's amendment to establish a framework for a final settlement of the assistance payments to the county of Los Alamos under the Atomic Energy Community Act of 1955. As Senator DOMENICI has pointed out, the Congress has already implemented the first part of a two-step process to end these payments and to provide the County with the ability to develop a commercial tax base—last year the Congress appropriated $22.6 million buyout payment for the county. This amendment implements the second part of the agreement, by transferring excess land from Los Alamos National Laboratory to the county for purposes of economic development. This development will mean jobs for northern New Mexicans and improved economic self-sufficiency for the county.

In crafting the language being offered today, Senator DOMENICI and I have worked to address the concerns of a number of parties in New Mexico who have expressed interest in any land transfer involving the Los Alamos National Laboratory.

The language will ensure that land needed for national security purposes will be retained by the Department.

The language ensures that an environmental review of any transfer will take place, and that land in need of environmental remediation prior to transfer is cleaned up.

The San Ildefonso Pueblo, which was originally supposed to receive lands that subsequently were withdrawn for the use of the Department of Energy, will participate in the process and have some of these lands returned, including sites that are sacred to the Pueblo.

Finally, the language addresses the interests of the Homesteaders Association of the Los Alamos Plateau, which represents former owners and descendants of former owners of land that was condemned by the Federal Government for the Manhattan Project. The homesteaders are now researching their claims to the land that was condemned in the 1940's, and have asked for assistance from the Department of Energy in documenting their case. The language that we are considering today requires the Department of Energy to take several actions with respect to these claims.

First, after the list of parcels of lands that are to be considered for transfer is drawn up, the Department is to submit a report to Congress with the result of a title search on those parcels.

Second, the Department is also required to provide Congress with an analysis of any claims of former owners, or their heirs and assigns, to such parcels.

Third, during the year after passage of this act, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Department, in the past, has provided assistance to other groups and communities to enable them to fully exercise their rights to participate in departmental decisions affecting their vital interests. It is our intention that, within the bounds of reasonableness and appropriateness, the Department provide assistance to the homesteaders, as well.

Finally, the language states, in two places, that the Department is only to transfer land to which the Government has clear title. If a former owner has a valid legal claim to a parcel, this land transfer amendment provides the Department with no new authority to extinguish that claim. In such a case, the Department must report back to Congress on the claim and remove the affected parcel from consideration for transfer under this section, unless the Department and the former owner or the descendants of the former owner arrive at a mutually agreeable settlement of the claim.

I believe that this amendment strikes the appropriate balance between the interests of Los Alamos County and the San Ildefonso Pueblo in having access to lands that are no longer needed by the Department and that are not in dispute, and the interests of the former owners of lands on the Los Alamos plateau in having their legal claims fairly examined and respected. I urge my colleagues to accept this amendment.

Mr. THURMOND. Madam President, the amendment is cleared on this side.

Mr. LEVIN. Madam President, the amendment is supported on this side, as well. We support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 803) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. DOMENICI. I move to lay it on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Madam President, I ask unanimous consent Michael Prendergast, a congressional fellow on Senator GRAHAM's staff, be granted privileges of the floor during consideration of debate on this.

AMENDMENT NO. 764

(Purpose: To establish the position of Senior Representative of the National Guard Bureau as a member of the Joint Chiefs of Staff)

Mr. STEVENS. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself, Mr. WYDEN, Mr. TORRICELLI, Mr. SMITH of Oregon, Mr. SHELBY, Mr. SARBANES, Mr. REID, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. LEAHY, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. INOUYE, Mr. HOLLINGS, Mr. FORD, Mrs. FEINSTEIN, Mr. ENZI, Mr. DOMENICI, Mr. DEWINE, Mr. D'AMATO, Mr CONRAD, Mr. COCHRAN, Mr. BYRD, Mr. BURNS, Mr. BUMPERS, Mr. BRYAN, Mr. BREAUX, Mr. BOND, Mr. BINGAMAN, Mr. AKAKA, Mr. BENNETT, and Mr. FRIST, proposes an amendment numbered 764.

Mr. STEVENS. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IX, add the following:

SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) ESTABLISHMENT.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

"§ 10509. Senior Representative of the National Guard Bureau

"(a) APPOINTMENT.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advise and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

"(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

"(b) ROTATION OF OFFICE.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) MEMBER OF JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau.".

"(c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502 of title 10, United States Code, is amended by inserting "'and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) EFFECTIVE DATE.—The amendments made by this secitn shall take effect on January 1, 1998.

Mr. STEVENS. Madam President, today, I offer this amendment for myself and currently 46 Members of the Senate. This amendment will change the status of the Chief of the National Guard. Our amendment promotes the Chief of the National Guard Bureau to a 4-star general and will include that position as a member of the Joint Chiefs of Staff. Now, the Joint Chiefs are the senior leadership within our military. This position for the Guard would rotate between the Army National Guard and the Air National Guard.

I know this will become controversial with the members of the Armed Services Committee and members of the committee here in the Senate.

Madam President, I ask unanimous consent Senators GREGG, ROBERTS, CAMPBELL, MCCONNELL, FAIRCLOTH, BOXER, MURRAY, CRAIG, BAUCUS, HUTCHISON, DASCHLE, DORGAN, SESSIONS, LAUTENBERG, and any other Senator who wishes to become sponsor, be listed as original cosponsors of this amendment.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the basis of this amendment is our belief that members of the National Guard are an essential part of our national security team. They are active participants now in the full spectrum of operations from the very smallest contingencies to the major actions we have been involved in. Theater wars, such as the Persian Gulf, no major military operation can be successful today without the National Guard.

There are now 474,673 men and women in the National Guard. They are approximately 20 percent of our total Armed Forces and they represent participants from all 50 States and the 4 territories. These guardsmen truly embody our forefather's vision of the American citizen soldier. Guardsmen in uniform come in contact with the members of their community on a daily basis. As part of their community they attend their church, they serve on the PTA, they are actively involved in community and regional and State activities, they have civilian jobs in their communities. But they are citizen soldiers and they report for duty immediately.

As a matter of fact, in my State, we now have an Air National Guard refueling unit that serves as the refueling unit for the whole Pacific theater. It is a National Guard unit. It is now fulfilling the complete functions of its predecessor, which was an active duty unit.

Many Americans form their impressions about our people in military, particularly those in uniform, from their contact with members of the Guard. As we continue to downsize the active forces, I believe it is critical we maintain this strong communities-based military presence in every community. That citizen soldier is our link to the future, as far as support of military activities in this country, Mr. President.

Mr. President, I have served now for many years on the Defense Appropriations Committee. One of my great privileges was to serve with Senator John Stennis who, at that time, was chairman of the Armed Services Committee and chairman of the Appropriations Committee. That can't happen again under our changed rules in the Senate.

But in those days, we talked very long and often about the National Guard and the way we might integrate the National Guard into the active forces so that they would get, during peacetime, the type of exposure they need to be very proficient and efficient members of our team when we are at war. We pioneered the concept of sending to Europe, to NATO, and to our forces in Europe, guardsmen who actively performed the roles of our military in that theater, even though they were National Guardsmen on temporary duty. That is a few years back now, but that proved to be very cost-effective, Mr. President. At a cost of about 25 percent, we can maintain a person who is able and ready to perform military duties as a guardsman, compared to the active duty force. I am not saying they can ever replace them; that is not the idea. But the purpose of our amendment is to assure that there is recognition now of the role, on a constant basis, of the citizen soldier in the formulation of military policy in this Nation.

The National Guard is not consulted now on a regular basis on major force structure decisions, or on matters concerning resource allocation and priorities. During the Quadrennial Defense Review, it is my judgment that the National Guard was not fully considered, as far as the deliberations concerning defense strategy, force readiness, and the allocation of funding. There were important decisions made concerning the future of the Guard within the military structure, without the Guard having any participant there.

I think the Guard represents such a significant portion of our forces that the rank now held by the highest member in the National Guard, a three-star general, should become a four-star general, and that person representing, at times, the Army National Guard, and at other names the Air National Guard, rotating, as I said, should have a seat at the table where the decisions are made that vitally affect the future of the participants in the National Guard.

Now, these Joint Chiefs—and I have a high regard for them —are the senior military advisers to the President, and they are the decisionmaking body of military strategy, as far as our system is concerned. Within the Department of Defense, they speak for those in uniform. But the National Guard, who constitutes 20 percent of our total military and one-fifth of the people who could be called into any crisis to come forward and participate in the defense of our Nation, are not represented at that table.

It is my strong view that they should be part of that Joint Chiefs of Staff. The National Guard Bureau has no access to the chain of command directly to that staff, or to the Secretary of Defense, or to the Chairman of the Joint Chiefs. I believe our amendment would correct that situation. And if it is not corrected, it could impair our future readiness and the survival of the Guard itself.

Now, I want to state very clearly, I know that Secretary Cohen, who is not only a great Secretary, but he is a personal friend, and General Shalikashvili, Chairman of the Joint Chiefs of Staff, are not particularly pleased with this suggestion. Their counsel, I am sure, will come to the Congress with regard to this. But I remember that at the time we suggested that the Guard start performing regular duty functions, the Secretary and Chairman of the Joint Chiefs were opposed to that, too. Yet, when it came to the Persian Gulf, Mr. President, when we had to send our forces there to restrain the forces of Saddam Hussein, the call was answered by almost 75,000 National Guardsmen. Almost, as I understand it, about 25 percent of the thousands and thousands that were on active duty there were National Guardsmen.

Now, it is high time, I believe, that the Guard forces who were called upon to serve our Nation have their interests fully considered on a day-to-day basis when the decisions are made that affect their future. That is what this amendment is all about.

I believe this is an amendment that must become law. It will take some time to work it out. I am not saying this will happen overnight. But I do believe it is our role, as members of the Appropriations Committee, to raise this issue. A cost-effective military for this country in the 21st century requires the participation of the National Guard.

We are constantly faced with decisions to reduce our force structure. The way to increase our force structure is to bring more citizen soldiers into the Department of Defense structure now. We will do that if they realize that we are going to emphasize their participation, we are going to emphasize their role, and we are going to do that by having a member of the Joint Chiefs be a representative of the National Guard of the United States. I consider this to be one of the major changes that must be made in the realignment of our forces and the command of our forces in this country. And I am hopeful that others will speak very forcefully on it. I might add, Mr. President, I see that the cochairmen of the National Guard Caucus are here. I am delighted that they support this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me thank my good friend from Alaska. As he says, this will not be an easy decision, but he is not one that backs off when he thinks it is right. So, Mr. President, as cochairman of the Senate National Guard Caucus, I rise to ask my colleagues to support the amendment of the senior Senator from Alaska, elevating the National Guard Bureau to a four-star general and including that position as a member of the Joint Chiefs of Staff.

Just a few weeks ago, I pointed out to my colleagues the Army's refusal to consult with the leadership of the National Guard Bureau or the leadership of the Army Guard during the consideration of the QDR. When asked about this oversight by the press, the Army spokesman responded, "There is an Army Reserve colonel and a Guard colonel here in our offices. They get to weigh in on the issues."

You do not need extensive knowledge of military affairs to realize that a colonel does not pull much weight against a group of active duty Army generals protecting their turf. Mr. President, there is no excuse for the poor working relationship between the active Army and the Army National Guard. However, I believe the leadership of the active Army does not consider members of the Army National Guard as soldiers on equal footing. Instead, they treat the men and women of the Army National Guard with indifference. The active duty generals seem to forget that the men and women of the Army Guard have undergone the same—I repeat, the same—training as their counterparts. The situation is even more ridiculous when you consider that 50 percent of the entire Army National Guard are men and women coming off active duty with the Army.

I also believe that, if this amendment becomes law, there would not be a constant need for offsite agreements between the Army and the National Guard. Just recently, I was briefed by the Army on the latest offsite meeting between the Army and the Guard—an off-site meeting that was held after it was brought to Secretary Cohen's attention by Senator BOND and I that the Guard had been left out of the QDR process. In that briefing, I was told the Army and the Guard had reached an agreement. But I pointed out to the Vice Chief of Staff of the Army, who briefed me, "I have little faith in the outcome of such an agreement when the Army still hasn't lived up to the 1993 off-site agreement." Of course, that point may be moot, as I now have been informed that the Chief of Staff of the Army is unhappy with the agreement and, to date, has refused to sign off.

So, Mr. President, this kind of runaround is exactly why we need Senator STEVENS' amendment. The Army National Guard currently—I want my colleagues to listen to this—provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, 25 percent of the Army's combat supply units, while receiving—guess what?—only 2 percent of the Department of Defense budget. Now, let me repeat that. The Army National Guard currently provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, and 25 percent of the Army's combat supply units, while receiving only 2 percent of the Department of Defense budget.

You will hear from some of our colleagues that the Army National Guard divisions have no fighting missions. They will be telling the truth, but they won't be telling all the truth. That is because the active duty Army leadership has simply refused to give the Guard a war fighting mission. They have refused to do so despite the fact that the active Army's attrition rate—get this—is 36 percent. About half of those are joining the National Guard. They have been trained. The attrition rate in the Army Guard is somewhere around 15 percent. The question my colleagues should be asking is, How many active duty Army divisions are at full strength versus the Army Guard divisions?

So, Mr. President, this amendment will ensure that the National Guard and all its attendant forces will have a voice in the Department of Defense's senior decisionmaking process when it comes to defense strategy, force readiness, and allocation of resources. In the end, I hope that when my colleagues hear arguments like, "there are two colonels here in our offices that weigh in on issues," they will remember that their simply being in the room isn't enough. You have to have a seat at the table and a voice that carries some weight. That is exactly what this amendment we have before us today does.

So I hope my colleagues will support the amendment and help us pull up a chair for the National Guard Bureau and give them a voice that can be heard loud and clear at the Defense Department's decisionmaking table.

I want to underscore one other thing. Already 47 Senators have cosponsored this amendment, and many more will come on board. I hope that we understand that the overwhelming sentiment of this body is to support Senator STEVENS' amendment.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very proud to join my cochair of the National Guard Caucus, the distinguished Senator from Kentucky, in support of a very long overdue and very important provision offered by the chairman of our Defense Appropriations Subcommittee and the full committee.

I am pleased to be a cosponsor of this measure to elevate the Chief of the National Guard Bureau to a rank of four-star general and to give that general a seat at the table as a member of the Joint Chiefs of Staff.

As has already been pointed out, the National Guard has been increasingly called upon to perform overseas deployments and other operational tasks in its role as a national defense component. The National Guard is unique from all other services in that it has a State-oriented mission as well as a national mission. The National Guard maintains a force of over 350,000 soldiers and airmen and women, fully 20 percent of our total fighting force. It is a force greater, almost double that of another military component already represented on the JCS.

The current administrative chain of command for the National Guard at the highest levels is confusing, to say the least. Component Air Force personnel of the National Guard, who are integrated into the Air Force structure in an enlightened and seamless way, fall under the umbrella of the Chief of the Guard Bureau, specifically to address the unique requirements faced by the National Guard personnel, but the Chief of the National Guard Bureau is responsible to the Chief of the Army.

By placing the Chief of the Guard Bureau on the Joint Chiefs of Staff, this convoluted chain of command will be rationalized. By placing the Chief of the Guard Bureau on the JCS, the unique characteristics of the Guard will receive their just due.

As former Governors, my cochairman and I recognize as much as anyone can the truly vital State mission that the Guard provides. I have come to know and appreciate what the Guard must do in its civilian mission and its State militia role. This is a unique mission, unlike any of the missions of the other branches of the service, and for this reason as well it commends a seat at the table with the Joint Chiefs of Staff for the head of the Guard Bureau.

My colleagues from Alaska and Kentucky have already pointed out how the Guard gets short shrift when major decisions are made. We have a couple of colonels in the room when the generals are making the decision. That does not carry a lot of weight. We have seen time and time again where agreements are reached, supposedly taking account of and recognizing the role the Guard plays, only to have the higher-ups, those people who have a membership on the Joint Chiefs of Staff, overturn or ignore those agreements.

The President, who is advised by the Joint Chiefs of Staff, gets, in my view, a biased view, and as a result the Office of the President traditionally has habitually disregarded the legitimate procurement needs of the Guard, and the recommendations that come to us from the President do not reflect what we in this body have continually recognized as the important role of the Guard. Rather than having us try to fight that battle every time, it makes sense, in my view, to have a four-star general as head of the Guard and have that person represented on the Joint Chiefs of Staff. This will force the Defense Department to recognize the needs and the unique mission of the Guard in its budget requests and incorporate them into its financial plans as well as incorporating the Guard in its utilization plans. This action will go a long way to making sure that we have a fully integrated and effectively utilized civilian militia as we meet the changing needs with tight budgets for the future.

As well, there are those of my colleagues who have had concerns about the politicization of National Guard requirements and resources. The administration has yet to recognize the legitimate procurement needs of the National Guard. Not once has one penny been requested for the National Guard's procurement requirements. The Department of Defense has relied upon the largess of the Congress to support it. So, to my colleagues who will use the argument in the coming days during discussions on the Defense authorization and appropriation bills, that "the Pentagon has not even asked for so many dollars," the Pentagon, doesn't do the asking, it is the President, and he has seen fit to disregard habitually, the legitimate procurement needs of the Guard. By having the

Guard represented on the JCS, the Defense Department will be forced to recognize these needs in its budget and incorporate them into its financial plan. And this action will relieve a lot of that politicization we keep hearing about.

This amendment will not increase the size of the National Guard, nor increase the administrative staffs. The rules and requirements met by the other Joint Chiefs will have to be met by the National Guard Chief.

This is an amendment whose time has come. It is forward thinking, it recognizes the changing world situation and the subsequent change to our Nation's military force structure and requirements. It is an important step in the right direction of modernizing the military paradigms we have lived with through the cold war and goes a long way to addressing QDR concerns for the direction of our Nation's military force.

I say again, I urge Members who have not yet cosponsored it—and there are only 53 left—to join us in cosponsoring this measure because this is an idea whose time has come.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the matter that is before us is of importance, and I know we all want to continue the discussion on our defense authorization bill, but there is another matter that is also under consideration as we are meeting here this morning, and that is the reconciliation, the proposal to bring together those elements of the House and Senate bills that will relate to the economy and relate to child health, education, Medicare, and other matters that really define where we are going as a country over the period of the next 5 years. And as we are getting into that particular issue, I want to address one other item that is not unrelated to that and is related to the issues of fairness in our economy and fairness in our society. I will speak briefly to that and then introduce legislation and yield the floor.

Mr. STEVENS. Mr. President, a point of order. Will the Senator yield for a point of order?

Mr. KENNEDY. I yield for a point of order.

Mr. STEVENS. Mr. President, I have great respect for the Senator from Massachusetts. I would like to finish our amendment. It is my understanding that the rule established by the late Senator Pastore prevents introduction or speaking of nongermane matters during this period of consideration of this bill.

I would like to finish this amendment. It is going to be accepted, I might say to the Senator from Massachusetts. I would like to finish the business. Will the Senator permit us to finish at this time so I would not have to make that point of order?

Mr. KENNEDY. As I understand, the Pastore rule goes for a 2-hour period from the time we come in, which would be another 6 minutes, I guess. I am glad to accommodate if you think it is not going to go further. I would like to be able to speak. I will speak 5 minutes.

Mr. STEVENS. I withdraw it.

The PRESIDING OFFICER. The Pastore rule will be in order until 12:04.

Mr. STEVENS. I withdraw the point of order. The Senator is not going to take long.

Mr. KENNEDY. I will ask to speak for 5 minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 1009 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I thank the Senator from Alaska.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The able Senator from South Carolina.

Mr. THURMOND. Mr. President, I am very concerned about this amendment. I realize that the amendment has nearly 50 cosponsors. I have been in the Senate long enough to know that any provision with that many cosponsors will pass. However, that does not make the amendment advisable or good government.

While the amendment is very attractive from a political perspective, it is not good policy. The amendment would create a new position, the Senior Representative of the National Guard. The incumbent of this position would be a four-star general and would be a member of the Joint Chiefs of Staff.

The amendment does not eliminate the current three-star Chief of the National Guard Bureau nor does it shift any of the duties and responsibilities of the Chief of the National Guard Bureau to the newly created Senior Representative of the National Guard. This is pure and simple an additional layer of bureaucracy. A new four-star position is created but the incumbent is not a commander. He has no directive authority over any forces. The National Guard is under the control of the Governors during peacetime and under the control of the war fighting CINC's during wartime. This new Senior Representative has no real function.

This position was not created as the result of studies and analysis. There have not been any hearings to determine whether such a position will actually meet any need or to identify any military requirement for an additional general. This Senior Representative does not enhance the representation of the Reserve forces. He is a National Guardsman and would only concentrate on National Guard issues. I suspect creating such a position will do more to disrupt jointness than to enhance it.

Currently in the statute, the Chief of the National Guard reports directly to the Secretary of Defense and serves as the principal adviser to the Secretaries of the Army and the Air Force. The Chief of the National Guard Bureau is authorized to coordinate directly with the Chairman of the Joint Chiefs.

Giving the Senior Representative of the National Guard membership in the Joint Chiefs is contrary to the tenets of Goldwater-Nichols which we worked so hard to develop and enact in 1986. In Goldwater-Nichols we established the membership of the Joint Chiefs of Staff as the Chairman and the four Service Chiefs. The Vice-Chairman was not made a member of the Joint Chiefs until 1992. This reflects the extensive study and analysis conducted by the JCS, the Department of Defense and the Congress before increasing the size of the Joint Chiefs. This Senior Representative position has not been vetted by anyone. I hope the Senator from Alaska would agree to let the Armed Services Committee hold hearings on this idea and determine whether and how to best meet the need the amendment is trying to address.

In closing, Mr. President, I know this amendment will be adopted by the Senate. I want my colleagues to know that they are making national security policy by passing a politically appealing proposal. I prefer principle over politics.

Mr. President, I ask unanimous consent that a letter addressed to me by the Secretary of Defense, William Cohen, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,
Washington, DC, July 10, 1997.

Hon. STROM THURMOND,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate continues consideration of the FY 1998 National Defense Authorization Bill, I want to express my strong opposition, which is shared by the Chairman and the Joint Chiefs of Staff, to legislation that would make the Chief of the National Guard Bureau (NGB) a four star general and a member of the Joint Chiefs of Staff.

The Army National Guard, the Air National Guard, and the Army, Navy, Air Force, and Marine Corps Reserves are full partners in the first line of defense of the United States of America. Under the Total Force Policy, they are fully represented in the deliberations of the Joint Chiefs of Staff by their respective Service Chiefs. Moreover, the Total Force Policy—which prescribes fully integrated active and reserve forces—is also central to the National Military Strategy.

Placing the Chief of the National Guard Bureau on the Joint Chiefs of Staff would not accomplish the proposed legislation's objective of fuller representation of the six reserve components of the four Services. In addition, such a step would run counter to the direction set for the Joint Chiefs by the Goldwater-Nichols Act.

The National Guard is a critical and highly valued part of our national defense. I am committed to achieving even greater unity among the various components of the Armed Forces. I am concerned that creating this additional four star position on the Joint Chiefs of Staff would be divisive and counterproductive to the goal of greater unity.

I will continue to examine the representation of the various service components and the allocation of resources to ensure equality and fairness in accordance with the needs of our national defense. I strongly request your support to maintain the existing JCS structure and the current representation of the Reserve Components in the JCS by their respective Service Chiefs.

Sincerely,

BILL COHEN.

Mr. THURMOND. Mr. President, we agree to accept the amendment on this side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to note my concerns with this amendment, which has close to 50 cosponsors. It would establish the position of Senior Representative of the National Guard Bureau and would add that position as the seventh member of the Joint Chiefs of Staff.

Mr. President, the composition of the Joint Chiefs of Staff is a very serious matter. The Joint Chiefs function as an advisory body to the Secretary of Defense, the National Security Council, and the President. Changes in the composition or functions of the Joint Chiefs should only be effected after long and careful consideration.

Mr. President, of all the issues we considered during the committee process that led up to reporting the landmark Goldwater-Nichols bill to the Senate, one issue was more contentious than any other and took more committee time than all others. That issue was the establishment of the position of the Vice Chairman of the Joint Chiefs of Staff. The committee eventually decided to create that position by a one-vote margin. Moreover, although the committee decided to create the position, it decided not to make the Vice Chairman a member of the Joint Chiefs of Staff. As a matter of fact, the Vice Chairman was not made a member of the Joint Chiefs of Staff until 1992, some 6 years after the position was created. In contrast, the Stevens amendment would add a new member to the Joint Chiefs of Staff, and the Armed Services Committee has not held one hearing on the matter. I would also note that Secretary Cohen and General Shalikashvili oppose this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 764) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. On behalf of Senator DODD, I ask unanimous consent to add Senator HELMS as a cosponsor to amendment No. 763.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that David Todd, of the staff of the current Presiding Officer, be granted access to the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, what is the business before the Senate?

AMENDMENT NO. 802

The PRESIDING OFFICER. The pending question is on amendment No 802 offered by the Senator from Michigan and others.

Mr. BIDEN. Mr. President, I would like to speak in a generic sense to this issue and then briefly to the amendment, if the managers do not mind my doing that at this moment.

Mr. President, we are going to have several amendments that call for cutting off of funds, that call for withdrawal of American forces from Bosnia by a date certain, and so on, amendments like the amendment No. 759 of the Senator from Wisconsin and the substitute amendment No. 802 of the Senator from Michigan. I understand this may be a work in progress here, since I know there are very bright people of all our staffs sitting down right now trying to figure out whether or not we can cobble together a reasonable compromise in this area. That is why I am not going to speak to the detail of any amendment, but I would like to speak to the issue because the issue does not change regardless of how the amendment is crafted.

In reviewing the history of our policy in Bosnia, I feel like an odd variant of a worker on a decision tree who, instead of taking the best choice available to him, was forced to take the second best one in almost every instance where he had a choice to make. It's like that old joke, you know, from Yogi Berra, "When you come to a fork in the road, take it."

Forks in the road that we have been presented with have usually involved two bad choices. For most of the duration of the conflict in the former Yugoslavia, over the last 4 years I have found myself taking a minority position and sometimes being a minority of one or two or three here in the Senate. As early as September 1992, on the floor of the Senate, I called for lifting of the immoral and illegal arms embargo against Bosnia. I also called for conducting airstrikes against the genocidal Serbian aggressors.

I went to Bosnia during that period, came back, wrote a lengthy report, which was characterized as "lift and strike," and engaged the President on that policy. We had significant debates here on the floor of the Senate about whether or not that policy was a sound one. I was told by very knowledgeable people on the floor of the Senate that, "Obviously, airstrikes didn't work," and, "What was I talking about?" and, "The Serbs would just be more emboldened," all of which turned out to be dead wrong—dead, flat wrong. Three years and a quarter of a million dead later, we finally conducted airstrikes, which led to the Dayton accords and lifting of the arms embargo.

What is done is done, Mr. President. After Dayton, we committed our troops to a multinational peace implementation force. But I remind my colleagues that had we followed the lift-and-strike policy when first advocated, we would not have needed to send American troops to Bosnia, either in IFOR or in SFOR. But now our forces are there.

So, to review the bidding, my original preference was lift and strike. There were European forces on the ground. We would lift the embargo, use our air power to supplement those ground forces that were there, and therefore, there would be no need to have American forces there. But we ended up with a situation that was the next best, but still not good. We waited. We dillied around for 3 years and then finally conducted airstrikes. We finally got the Dayton accords. Since we were now part of the deal, we had to provide ground forces as well. So that was the second-best alternative. Going back to that decision tree I spoke of, we took a route over here that was better than not being on the tree, but it was not what it should have been in the first place.

So I find myself in the strange position of having argued, initially, 4 years ago, 5 years ago, that there was no need for American ground troops in Bosnia, to now being on the floor defending the presence of our ground troops there. But again I want to emphasize that we made the wrong decision at the outset. We finally made the right decision 3 years later, but by that time we had fewer options once we made the right decision.

Now our forces are there, and they have been the principal reason for the successes that have been achieved by SFOR. Although many of the provisions of the Dayton peace accords remain to be carried out, absolutely nothing would have been accomplished had it not been for the job that SFOR has done, and its predecessor, IFOR. These men and women from NATO member states and many non-NATO states, led by an American contingent, have successfully separated the warring factions, the Muslims, the Serbs, and the Croats, and have ended at least temporarily the blatant, planned genocide of the Muslims by the Serbs and the direct, immediate involvement of the country of Serbia, led by a war criminal named Milosevic. They have succeeded in putting a substantial amount of heavy weaponry in storage sites. And the carnage—though not the damage—in Bosnia has stopped.

Yet much remains to be accomplished. There are still incidents of beatings and house burnings, which are inexcusable and must be halted. Most refugees are still not able to return to their homes. And if their homes lie in territory controlled by another of the three main religious groups, in almost every instance they have not been able to return. Most of the indicted war criminals remain at large.

I have been very critical of the British conduct in Bosnia, but let me say publicly that I compliment them for doing yesterday what all of SFOR should be doing with indicted war criminals.

These are people who engaged in genocide, and they should be taken to court, an international tribunal, which exists. If they resist, all force necessary should be used to apprehend them.

Yesterday the British SFOR troops acted. One indicted Bosnian Serb war criminal was taken into custody. Another who resisted was shot and killed. So, hurrah for the British. I hope we are emboldened enough to act in the same way. So, again, most of the war criminals still remain at large, institutions of government, both at the national level and in the Muslim-Croat federation, need to be fleshed out and developed, notwithstanding the progress we have made.

So now, once again I find myself in the minority. I think it was a mistake for the Clinton administration to have set a deadline of the end of June 1998 for the withdrawal of American ground forces from Bosnia, before we were sure that all the tasks enumerated in the Dayton accords will have been accomplished.

Moreover, as I have repeatedly said over the last half year, I think our West European allies, particularly Great Britain and France, are making a serious mistake by not accepting our offer of United States air, sea, communications, and intelligence assets, plus an American ready reserve force, as they say, over the horizon, in Hungary or Italy, if they would keep their ground forces in Bosnia when ours withdraw.

I recently attended the NATO summit meeting in Madrid with President Clinton and my colleague, BILL ROTH and several others. At that meeting I suggested exactly that course of action. I hope the administration will push our European allies very hard on that point.

But, once again I find myself in the minority, suggesting that it was a bad idea to set a date of withdrawal once we had put troops on the ground. It would be even worse idea if we mandated that they leave or cut off funds. And it would be a still worse idea, if we do withdraw, if the Europeans withdraw. As I have stated repeatedly over the last half year, I think our European allies, particularly France and Great Britain, would be making a major mistake.

Our allies talk ceaselessly in Brussels about a European security and defense identity and a European pillar within NATO, but when they get a chance to put their troops where their mouths are, they somehow change their tune.

Now, once more, we face a Hobson's choice. I wish we had not set a date certain for withdrawal from Bosnia. I want the Europeans to play the military role to which they declare they aspire. But I do not want to give hope to the sordid opponents of Dayton, like Milosevic and Tudjman, who would like to carve up Bosnia after international troops leave. So, I am reluctantly forced, in Mr. Hobson's terms, to take the horse nearest the door; that is to give the Clinton administration the freedom of action to come up with a better plan within the next 12 months.

Could all the Bosnian horrors of ethnic cleansing, rape camps, and shelling of innocent civilians and children reemerge? You bet they could. In fact, if the international force withdraws before the tasks enumerated in Dayton have been accomplished, you can be sure they all will return—ethnic cleansing, rape camps, shelling of innocent women and children. By locking us into a specific withdrawal date without providing a viable alternative, we will guarantee that all we have accomplished in Bosnia will quickly fall apart and that what remains to be accomplished will never get off the drawing board. It will guarantee that a tinhorn dictator like Milosevic in Serbia, and an authoritarian thug like Tudjman in Croatia, will be able to proceed with their ill-conceived plans to torpedo Dayton and do what they have intended all along—since 1992, I have been saying this—to carve up Bosnia and Herzegovina, with part going to Serbia and the rest to Croatia.

We have accomplished a great deal in Bosnia and Herzegovina. We have made a commitment to the people of that tragic land and to our allies, and to other cooperating partners in SFOR. Largely, though, because of congressional pressure, it is not an open-ended commitment. Some of my colleagues suspect that the President will come back to us with a request for another extension of funding for our troop commitment to SFOR. Fine. If he does, we will have a thorough debate and then decide whether or not to support his request. But to say now, as is being contemplated by some, that we should cut off any funds in the future, to say that now we will dictate what the outcome will be a year from now, is the ultimate in stupidity, in my view. We are micromanaging. We are sending every wrong message we possibly can throughout Bosnia and the rest of Europe.

What do we accomplish by doing that? Well, we accomplish, I guess, satisfying ourselves and telling people we are withdrawing troops. We have the authority to do that if the President does not withdraw troops by the end of June of next year. That is the operative date.

So let's give the President an opportunity to jawbone with our European colleagues, to come up with a follow-on plan for what will occur after we withdraw our ground forces from Bosnia a year from now. But let's not do it now. Again, my friend from Michigan is trying very hard to come up with a proposal that basically says the same thing: look, Europeans, stay. We get out but we provide support.

That is a reasonable approach. But, again, let's not, further on this decision tree, make another bad choice that leads us down the road further to less opportunity and fewer options for peace and security in Europe.

As I said, I just had the great honor of being in Madrid, Spain, with the leaders of more than 16 European nations. I was playing what was very much a bit role, along for the ride, but there. I find it somewhat ironic that at the very moment some of us are supporting the enlargement of NATO to spread the zone of stability eastward within Europe so we do not end up in a circumstance like we did between World War I and World War II, when several smaller states unable to be part of the West were forced to seek their own bilateral military arrangements and their own attempts to provide their collective security—we, on the floor of the U.S. Senate, are contemplating voting to increase the instability in the most insecure part of Europe.

To conclude, my hope is that we will not lock the President into a policy straitjacket while the situation remains so unstable. To those who have a philosophic disagreement with me that we should not be involved, that Bosnia is not so important, I say to them: you are not giving up any option, by opposing an attempt to determine the outcome a year before it is required, because there will be American forces there for the next year unless there is a foolhardy amendment that suggests we withdraw all American forces right now from SFOR.

Mr. President, I thank my colleagues for their time, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support what the distinguished Senator from Wisconsin is trying to do, because I think it is most important that the U.S. Senate speak at this very crucial time to say, let's set a mission, let's set a timetable, let's be very clear with our allies about what that is going to be and, Mr. President, let's keep our word. Let's keep our word when we say this is our mission, this is our role, this is our responsibility, we are going to be there for you and we are going to leave June 30, 1998.

The chronology is very clear. We have been trying to help the people of the former Yugoslavia for years. Many of us believed that they had the right to have a fair fight, but they didn't have a fair fight because part of that country was held to an arms embargo that did not allow them to fight for their lives, their families, their land and their sovereignty. We put amendment upon amendment on the floor to give those people a chance to have a fair fight: Lift the arms embargo on the Muslims, let them have a fair fight. But we could never adopt that—actually, we did adopt it, but we could never get the attention of the President.

In 1995, we saw the horror of horrors, the massacre at Srebrenica 2 years ago where we believe, and are not even sure yet how many, but we believe as many as 10,000 Bosnians were systematically murdered.

At the end of 1995, we sent in troops to keep the warring parties apart and try to have a peace which was put together at Dayton. We said that we would be there for a year at the end of 1995. At the end of 1996, the President said that it would be June 1998, and the Secretary of Defense was very clear that we would set the mission and we would set the timetable.

What the distinguished Senator from Wisconsin is now trying to do is say, once again, we expect that timetable to be fair warning to everyone of what our intentions are. I think it is very necessary for the Senate to speak on this, Mr. President, because we are seeing an alarming mission creep happening in that country as we speak.

I think our allies in NATO have every right to go forward with the missions which they have laid out. The mission of the United States has been made very clear, that if a war criminal is there in front of us, of course, we would capture that person. But we committed, and it has been said as late as this week by both General Joulwan and Wes Clark, who is the incoming head of NATO, that our mission would not be to go out and capture the war criminals, not because we don't think they should be captured—of course they should—and the responsibility under Dayton for that is with the parties, it is with the Bosnian Government. I think we should do everything we can to help provide a framework for the capturing of these people, but American troops should not be part of that kind of effort, because we are the targets. We are the superpower. I want us to be helpful, to bring peace to Bosnia, and I want those people who committed those atrocities to be brought to justice. It is unthinkable that within the last 2 years we would have seen the kind of atrocities that were perpetrated by those indicted at The Hague who were representing the Bosnian Serbs. So I want those people to be captured. I think it is important that they be brought to justice.

But, Mr. President, if we are going to be part of any such operation, it is incumbent on this administration to come back to Congress and change the mission rather than having a mission creep, such as we saw in Somalia where we were not aware that we had changed the mission from feeding starving children to capturing a warlord, and it cost us 18 Rangers, because we are different. Our people who came back from Somalia said that when our troops would go with others down the streets of Somalia, the people would not be hostile to the Turkish troops, they would not be hostile to other troops, but when the Americans came forward, the hostilities would erupt.

We are a major superpower in the world. We are the only superpower probably that has a history of not being aggressive toward trying to take over other governments. We want to be a beacon for what is good in the world. So I think it is important that we are helpful to our allies without being in every firefight. I hope that we can set a standard and a mission that will uphold those principles, that we are the beacon of the world for what is good. I hope we can come to a bipartisan agreement that will assure that our mission is clear. That is why I hope that we can work with the Senator from Wisconsin, Senator FEINGOLD, in his mission to be very clear in speaking as a United States Senate that we are going to keep our word in Bosnia, that we want to help the people there, we want to help them build their infrastructure, we want them to have new factories, we want them to have a peace that is based on economic security. I think the money that we are spending there is very important and perhaps if we are clear in our mission and our timetable, we will be able to show that economic stability will produce a lasting peace, perhaps better than just keeping warring parties apart.

I think we have to be very careful as we move forward. I think we have to be clear in our mission, and we have to keep our word. We have to do what we say we are going to do, and our mission has been reiterated by our Department of Defense and our military leaders. I don't want the Senate to go forward without speaking on this issue. I hope that we can work with Senator FEINGOLD, Senator WARNER, Senator MCCAIN, Senator LEVIN, Senator THURMOND, Senator INHOFE, and myself to make sure that our mission is clear and our timetable is set.

Senator LOTT, our majority leader, has been very clear with all of our allies and with us and to the press that the June 30, 1998, timetable is real, and if we don't speak forcefully, then by inches, we could change a mission that would be dangerous to our troops and, most important, dangerous to the steps we have taken in the Dayton peace accords, because if we have a flareup because of a change in mission, it could result in tearing down everything we have done so far in that country. It could decimate the Dayton peace accords if we allow a mission creep to go forward, a timetable to get fuzzy that we have not approved and have been clear that is what the United States commitment is.

I hope that we will come to terms on Senator FEINGOLD's amendment. I hope that we will come to terms on the mission that are very clear with regard to war criminals and what our role will be, such as the amendment that Senator WARNER and I and others are working on with the help from Senator LOTT and Senator MCCAIN, Senator INHOFE.

It is very clear that when a superpower speaks, our allies, as well as our adversaries, should be able to count on our word being good. Our word on when we will leave Bosnia should be good. It is June 30, 1998. The President has said so; the Secretary of Defense has said so.

So let's make sure we support that and we do everything to prepare that country for peace. Ratcheting up the hostilities is a perilous course. I hope this Senate will speak for America so that we can remain the beacon of the superpower that does not have a personal interest but wants the world to do what is right. That is our mission, and I hope the Senate will speak.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree wholeheartedly with the distinguished junior Senator from Texas. I would like, for a moment, to put this in historic perspective, because it was Senator HUTCHISON and I who had a resolution of disapproval in November 1995. We lost that by four votes. I remember so well why we lost that by four votes. We lost it because there were several Members who said, "Well, the President and the Secretary of Defense have promised that we are going to be out of Bosnia in 12 months, that will be Christmas of 1996." So a few of them said, "I guess that it's all right to go over if we can accomplish whatever mission we thought we were going to accomplish by that time."

In preparation for that, I went over to Bosnia in the northeast sector. I can remember so well going into the Tuzla area when no Americans were up there, no Americans had been up there, and those who would go ahead to see what we were getting into had not been there yet. I talked with General Haukland from Norway who was in charge of the northeast sector for the United Nations in Bosnia. That was the area we were assuming responsibility for.

When I told them we were going to be out in 12 months, they all started laughing. They said we were not going to be out in 12 months. He said, "You must mean 12 years." That is the situation we are in now. It is like putting your hand in water and leaving it in there for 12 months, taking it out and nothing has changed, it is the same as it was.

We have made that commitment. We went in there and didn't come out as we promised. This was not just a projection by saying by December 1996, things should be done and we should be out. It wasn't that at all. The President said we will be out. In fact, I have statements from our Senate Armed Services Committee where the Secretary of Defense said it is an absolute. General Shalikashvili said it was an absolute, we will be out of Bosnia by Christmas 1996. Now we are debating about whether to be out, not in 12 months, but 2½ years after this thing started.

The one thing that the distinguished Senator from Delaware did not mention is, what are our national security interests that we are there for? It would be nice, it would be wonderful, and it would be compassionate of us if we had the money and the resources to go around the world and go to Ethiopia and go to all these places where they would like to have our help, but we do not have those resources.

Now, the problem we have is this. We have a political problem—I recognize that—that anyone who is opposed to getting out on June 30, 1998, is going to say, "If we pull out, they're going to start fighting again." You know what? They are right. But the same argument could be used, Mr. President, if it is 10 years from now. So how long is this commitment going to go on?

You know what they said in November 1995? They said the cost is going to be between $1.5 billion and $2 billion. Now it is passing through $6.5 billion. Where is the money going to come from? The money is going to come from the defense budget, a defense budget that right now, while our distinguished chairman of the Senate Armed Services Committee has put together a very good authorization bill that we have to pass, it is still inadequate, still does not adequately arm America for the threats that face us out there.

People who say the cold war is over and there is no threat anymore, I can assure you the threat is much greater than it was then during the cold war when we could identify who the enemy was and our intelligence knew something about that enemy.

So here we are now making a commitment. And how long is it going to take? I can tell you right now, if we do not adhere to the June 30, 1998 deadline, we are not going to get out until something very bad happens. I suspect that we would still be in Somalia today if it were not for the fact that 18 of our Rangers were brutally murdered and their nude corpses dragged through the streets in Mogadishu. I do not want that to happen anywhere in the streets of Bosnia.

So it was not long ago I was in Brussels. I found there were many Members of Congress that were going around whispering to our NATO allies, "Don't worry about it. We won't leave at that time." That is the most dangerous thing we could do at this time. We need to draw that line and say we are going to be out by that time.

We made a mistake. We should have been out by December 1996, as we promised, as the President promised, as the Secretary of Defense promised, as we promised the American people. We have to keep the promise this time and make it June 30. What we do in terms of a commitment for June 30, 1998, right now I am not real sure. But I can tell you right now, with every fiber of my being I will fight to make sure that our troops are home after June 30 of 1998.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

INVESTIGATING MILITARY CRASHES

Mr. WYDEN. I ask unanimous consent to speak for 15 minutes on an amendment that I offer today with my colleague, Senator GORDON SMITH, dealing with the tragic crash last November of a C–130 Oregon Air Force Reserve plane.

It is our understanding that the amendment has been cleared with the managers on both sides of the aisle and will be included in a package that will be offered later today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, and colleagues, last November our Nation was shocked by the terrible news that an Air Force Reserve C–130 had crashed off the California coast, killing 10 Oregon reservists. All of the people of our State grieved and rallied to the support of the surviving family members, providing what comfort could be offered at a time of tragedy.

Mr. President, when these tragedies occur, the first question must be: What can be done for the families of the victims, and how can it be possible to make sure that these tragedies do not happen in the future to the sons and daughters of other Americans?

What we found in our situation is that the Air Force, when they stepped in, was able to offer only limited assistance to the families. The families had extreme difficulty in learning even the most basic facts about the crash and about the subsequent investigation.

How would you feel if anxiously awaiting the news you were to first learn important details from television news stories? This is what happened in our home State of Oregon. And it is completely unacceptable.

What our amendment does, Mr. President, is really two things.

It directs the Federal Government to look into the question of using a different notification process for informing the families in these tragedies.

As a member of the aviation committee here in the Senate, I have seen that there have been improvements in terms of dealing with these tragedies on the civilian side. And I believe it is time to bring more accountability, more compassion, and more openness in terms of how the families are notified in the instance of tragedies such as the C–130 that took the lives of our constituents.

So the first part of our amendment directs the Federal Government to looking into using the process used on the civilian side with respect to these crashes such as we had in Oregon.

The second part of our amendment directs the Federal Government to look into the way investigations of these accidents are followed up on.

Right now, there is a dual-track system. There is one top secret investigation of a crash that cannot be seen. There is another separate investigation for public dissemination. And I am of the view that given what has come to light about the C–130 in the last few weeks, that this dual-track investigation, this dual-track process is eroding public confidence in our system of handling these inquiries.

I believe that it is time to look at this in a comprehensive way, to lift the cloak of secrecy with respect to these investigations, unless it involves national security.

Under the second part of the amendment that Senator SMITH and I offer together here today, there would be an effort to look into ending the dual-track system. Right now, the dual-track system, given all that has come to light about similar problems in the last few weeks, in my view erodes public confidence, and it is time for the Federal Government to look at a different kind of system and, in my view, lift the cloak of secrecy unless an investigation does involve national security.

Mr. President, I want to thank the managers of the legislation, particularly the chairman of the committee, Senator THURMOND, and the ranking Democrat, Senator LEVIN. They have been extremely helpful to Senator SMITH and I in going forward on this matter. The people of our State are grieving about this, and they want answers. We thank them.

I yield the remainder of my time to Senator SMITH, who has been working with me on this. We have pursued this every step of the way on a bipartisan basis. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Thank you, Mr. President.

I thank Senator WYDEN for his remarks and diligence on this issue.

Mr. President, on November 27, 1996, as Senator WYDEN has related, a Portland-based HC–130 airplane of the 304th Rescue Squadron, with the call sign of "King 56," crashed off the coast of California, killing 10 of 11 people on board.

I read the account of this tragedy, as related by the sole survivor of this accident, T. Sgt. Robert Vogel, and I was both moved and proud knowing that under extreme stress and knowing of their peril, this Oregon-based crew performed exactly as trained, and followed procedures and worked together until the very end.

Almost 8 months has passed since this accident, and still the Department of Defense officials are unsure of the cause of the accident. Never learning the cause of this accident and the risk of having a similar accident occurring to another C–130 crew is simply unacceptable to Senator WYDEN and myself. That is why we have asked experts from the National Transportation Safety Board to perform an additional review of the accident investigation and the accident procedures conducted by the Air Force. This review is still in progress.

Although the cause of the accident is unknown, what we have learned is that there were very unfortunate shortcomings in the way the Department of Defense dealt with the families of the "King 56" crash victims.

The shortcomings relate both to the way the Department manages accident investigations and the way the Department performs casualty notifications. That is what this amendment by Senator WYDEN and myself has intended to address. We are simply asking the Department to evaluate its procedures against models used by the Federal Aviation Administration and to report to Congress whether these procedures would be beneficial and should be adopted also for military use.

I thank Senator WYDEN again for our work together in trying to correct the shortcomings in the Department of Defense accident process and to do a better job assisting the families generally, but specifically those families associated with "King 56."

I urge the Air Force to continue to question this accident so that none of us in any State has to experience a similar tragedy as Oregon has. Our volunteer men and women in the Armed Services deserve no less.

Thank you, Mr. President.

I yield back the balance of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. While the two Senators from Oregon are on the floor, let me commend them for their amendment and for their sensitivity to families that have to face tragedy which is reflected in this amendment. Senators WYDEN and SMITH are to be strongly commended and, I hope, supported in this amendment. I think we are doing everything we can to try to clear that amendment and see that it is, in fact, adopted, as it deservedly should be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the present amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 804

(Purpose: To cap the cost of the F–22 fighter production program)

Mr. BUMPERS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 804.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is ordered.

The amendment is as follows:

At the end of line 21 on page 32, insert the following new subsection:

( ) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F–22 production program may not exceed $43,000,000,000.

Mr. BUMPERS. Mr. President, this is an amendment that Senator COATS and I have been talking to other Senators about. I think it is agreed to by both sides now.

It simply says, regarding the F–22 fighter plane, the day before yesterday the Air Force said they would build the F–22 fighter, 339 planes, for $43 billion. We have spent so far a little over $18 billion in research and development of that plane.

Senator COATS, in the Armed Services Committee, got a provision put in that $18 billion—they have not spent that much yet but that is what is anticipated to be spent on research and development. Senator COATS put an amendment in the bill to make that a cap, $18 billion. This amendment would put a $43 billion cap on the production of 339 airplanes.

As I say, that simply says exactly what the Air Force says it would take to do it. I think it is a very healthy amendment. I think it is one that serves the taxpayers well, will serve us well and the contractors well. It is a commitment they are making and we are simply codifying that in this bill.

I yield the floor.

Mr. COATS. Mr. President, as the Senator from Arkansas has mentioned, we have been discussing this not only with each other but with other Members who have an interest in this particular subject. We think it makes a lot of sense on our side.

The Air Force has specified in testimony before us and in a public statement that they believe, with the adjustments that Senator Cohen has made and the QDR has made in terms of the total number of planes to be built, they can meet the cost projection. It makes a great deal of sense, I think, for the Congress to say we encourage you very, very strongly—in fact, we will put language in to give that encouragement—to meet that cost.

If we are going to have a viable tactical modernization program in the future, given the realities of the budget that we have to deal with our entire defense structure, we have to set realistic cost caps on how much we will spend. If we don't do that, we will run into problems that we have run into before, as in B–2 and other modernization programs, and we jeopardize the entire tactical air modernization program as well as funding for other aspects of our national security.

I think this makes perfect sense because we have something here that simply ratifies what the Air Force has said they can already do. They have assessed this. They said they can do it. They are working with a contractor to work out an agreement to do this. We are saying, "Amen. This is what you need to do and we will urge you and support you in this effort."

I commend the Senator from Arkansas for his amendment. We have worked together, and I believe there is agreement across the aisle that we ought to go forward with this. I think we should do just that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 804) was agreed to.

Mr. COATS. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished chairman, Mr. THURMOND, and I, and the distinguished ranking member, together with others, have been working to resolve a draft that I hope will be an amendment in the second degree to the underlying amendment by the distinguished Senator from Wisconsin, which, as I understand it, from the distinguished ranking member, is now acceptable in form and, therefore, I will entertain the remarks of the distinguished ranking member.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 802, AS MODIFIED FURTHER

Mr. LEVIN. Mr. President, I send a modification of my second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment, and the amendment is so modified.

The amendment (No. 802), as modified further, is as follows:

SEC. . SENSE OF THE SENATE REGARDING A FOLLOW-ON FORCE FOR BOSNIA

The Senate finds the following:

(1) U.S. military forces were deployed to Bosnia as members of the North Atlantic Treaty Organization (NATO) Implementation Forces (IFOR) to implement the military aspects of the Dayton Agreement.

(2) The military aspects of the Dayton Agreement were being successfully implemented.

(3) Following the recommendation of the Secretary General of the North Atlantic Treaty Organization on December 11, 1996, to extend the presence of NATO forces in Bosnia until June 1998 so that progress could be achieved in implementing the civil aspects of the Dayton Agreement, the President announced his decision to extend the presence of United Stats forces in Bosnia to participate in the NATO Stabilization Force (SFOR) until June 1998.

(4) The cost of U.S. participation in operations in Bosnia from 1992 through June 1998 is estimated to exceed $7 billion.

(5) The President and the Secretary of Defense have stated that United States forces are to be withdrawn from Bosnia by June 1998.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) The President should consult with the Congress with respect to any support to be provided to a Western European Union-led, or NATO-led follow-on force in Bosnia after June 1998.

Mr. LEVIN. Mr. President, this amendment is offered on behalf of myself, Senators REED, MCCAIN, THURMOND, BYRD, and INHOFE.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President——

Mr. WARNER. Mr. President, if I might interject, perhaps it could be voted on and then the Senator can make his remarks.

Mr. LEVIN. I would be happy to have the amendment adopted first.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 802), as modified further, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, this amendment has the same language as the original second-degree amendment in almost all respects but a few relatively minor ones. It is a sense-of-the-Congress resolution. It is not a funding cutoff. It is a sense-of-the-Congress resolution that our ground forces should be out of Bosnia in June 1998. It has the same language as last night relative to the possible support for a European follow-on force, either through the European Security and Defense Identity, which is part of NATO, or in some other kind of a NATO-led force, but without the participation of the U.S. ground combat forces.

It adds a provision at the end that the President should consult with the Congress with respect to any support to be provided to such a Western European Union-led or NATO-led follow-on force in Bosnia after June 1998. And then there are some findings in front that are factual findings before the sense-of-the-Congress language that is the heart of last night's and this second-degree amendment.

Mr. President, very briefly, we should send a message that our troops on the ground in Bosnia will be out by next June. That is the policy of the administration. We should support that mission description. We should do so in a way that will not undermine the goals of Dayton, or undermine the flexibility of our commanders in the field. The funding cutoff was too rigid, too inflexible, and too far in advance. So this approach was adopted.

General Shalikashvili and Secretary Cohen sent us a letter on July 9 that, in two sentences, reflects the spirit and heart of my second-degree amendment.

Part of that letter reads as follows: "We remain committed to a June 1998 withdrawal date." That is Secretary Cohen and General Shalikashvili speaking. The next line also is reflected in this sense-of-the-Congress resolution: "However, we strongly oppose a statutorily mandated withdrawal of the United States forces from the NATO-led Stabilization Force by that date or, indeed, any specific date." It points out that, our forces must be able to proceed with a minimum risk to U.S. personnel: legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety.

I ask unanimous consent that the entire letter from General Shalikashvili and Secretary Cohen be printed into the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 9, 1997.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: Eighteen months ago the bloodiest conflict Europe had seen since World War II raged in Bosnia. With United States leadership, the Parties to that conflict agreed in December 1995 to cease hostilities. Today, NATO is helping to maintain this U.S.-brokered peace, a peace that provides a secure environment for political reconciliation and economic reconstruction. The four-year long cycle of violence has been broken, the warring factions have been separated and an enforceable boundary between them has been established. These successes have reinvigorated the NATO Alliance and have reestablished America's leadership.

Notwithstanding these successes, legislation setting a fixed date for withdrawal of U.S. forces is expected to be considered by the Senate. We urge the Senate to reject this legislation and we request your support. We remain committed to a June 1998 withdrawal date. However, we strongly oppose a statutorily mandated withdrawal of the United States forces from the NATO-led Stabilization Force (SFOR) by that date or, indeed, any specific date. A fixed withdrawal date will constrict U.S. commander's flexibility, encourage our opponents and undermine the important psychological advantage U.S. troops enjoy. Our forces must be able to proceed with a minimum of risk to U.S. personnel; legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety. Finally, legislative action of this nature on a matter of European security could very well undermine the cohesion of the NATO Alliance.

We are committed to full consultation with the Congress on our deployment in Bosnia. We urge the Senate to reject attempts to legislate any mandatory date for withdrawal from Bosnia.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
WILLIAM S. COHEN,
Secretary of Defense.

Mr. LEVIN. Finally, Mr. President, I want to thank Senator FEINGOLD, whose initiative it was that put us on the path to making a statement to sending a message about congressional intent, which this amendment reflects. Even though there is no funding cutoff, as I believe there should not be, there should be a strong statement as to what congressional intent is at this time and under these circumstances. And this second-degree amendment that I offered last night, and have slightly modified again, which has now been adopted, is a bipartisan amendment; it always has been.

Senator MCCAIN has been active in this. Senator REED from Rhode Island, my first cosponsor, has been a very, very strong active person in the debate of this issue. I want to also express my particular gratitude to Senator REED of Rhode Island for his constant involvement and participation and help in drafting this language.

With that, I thank Senator WARNER, as always, for his work in trying to bring people together. My good chairman, Senator THURMOND, as always, is helpful in trying to resolve these issues. And the two leaders have been very active as well.

With that, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his remarks.

I was simply acting on behalf of the distinguished chairman in putting this matter together and reconciling the differences. But I wish the RECORD to reflect that the Senator from Virginia, on the voice vote, voted in the negative.

Mr. President, I have consistently opposed the deployment of United States ground troops to Bosnia. In December 1995, prior to the initial deployment of U.S. ground troops, I voted against the deployment on three separate occasions. I have stated repeatedly that, in my view, there is no vital United States national security interest at stake in Bosnia that justifies putting United States ground troops in harm's way.

Having said that, I do not believe that the Bosnia amendments that we are voting on this afternoon are the right way to send the message to the administration that we do not support its Bosnia policy.

As a general matter, I do not believe it is a good idea to set deadlines for a military operation. I have criticized the administration for setting Bosnia deadlines, and I do not believe the Congress should now validate that approach.

I also feel very strongly that it is the President's constitutional right and duty to decide when U.S. troops should be deployed on a military operation, and when those troops should be withdrawn.

Although I do not support the President's Bosnia policy, and I remain of the opinion that that part of the world is not in the United States vital national interest, we have made a $7 billion dollar investment in Bosnia. A precipitous withdrawal could jeopardize that investment.

Mr. President, last evening I had the opportunity to engage in a colloquy with the Senator from Michigan on this issue. I wanted to take this opportunity this afternoon to further explain the reasons for my votes on these Bosnia amendments.

I urge other Senators who are anxious to speak, if we could be brief. I believe I am authorized to say on behalf of the distinguished chairman of the committee and the majority leader, indeed, the ranking member, that we are very close to final passage. It is our hope and expectation with the resolution of one matter, which the leadership of the Senate is now addressing, that we might be able to proceed to final passage within maybe 30 minutes.

The PRESIDING OFFICER. Who seeks time?

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, very briefly, I commend the Senator from Michigan and the Senator from Virginia and my colleagues who have proposed the second-degree amendment. I also commend the Senator from Wisconsin, Senator FEINGOLD, for focusing our attention on this very critical issue.

The danger for an immediate cutoff of funds, I think, is threefold.

First, essentially demoralizing our troops. It would be very difficult for them to understand that we have cut off funds now for an operation that is extending into June 1998. In effect, it would be like the difference between knowing that your lease expires in June 1998 and getting the eviction notice. Cutting off of funds is very close to being evicted. I don't think our troops will understand that.

Second, it would paralyze our efforts to construct a follow-on force by our European allies, a force that would not contain American troops but a force that would be necessary to maintain the peace in Bosnia. If we were to announce today a cutoff of funds, I believe we would have no chance to construct this follow-on force by our European allies.

Finally, I think we embolden those force elements who are resisting within Bosnia. This would be the message, that we are leaving, categorically, that there will be nothing to replace it, and that idea can only lead to further violence.

So I believe the best approach is the one that has been adopted in the second-degree amendment. And that is to, once again, reiterate our strong commitment to a withdrawal date by June 1998, but to give the time—and also to give the impetus—to develop a follow-on force, a non-American follow-on force, and support that force, and to continue to build on the structure of peace that is emerging today and that we hope will continue in the former Yugoslavia.

I commend again all of my colleagues who are working on this effort.

I yield my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thank you.

Mr. President, I am very pleased that the proponents of the modified Bosnia amendment have managed to work out a compromise, and I think, in fact, the changes that were made on the modification strengthened the second-degree amendment, made it stronger and tough, which, I think, is very appropriate here.

While my original amendment would have prohibited the use of funds for the deployment of ground troops in Bosnia, I was willing to accept the sense-of-the-Congress language because I think it is vitally important that the Congress send a signal about our views on this mission during consideration of this bill, the Department of Defense authorization bill.

I introduced this amendment in the first place because I felt it was critical that we debate this issue at this time. Frankly, I think it would have been somewhat irresponsible not to have any debate about the Bosnian involvement in the context of the Department of Defense authorization bill.

As I indicate by my underlying amendment, I would greatly prefer a hard statutory requirement that the administration stick to its stated end date of June 30, 1998. That is, in fact, what the other body did. That is what the House has already done. The House voted 278 to 148 to limit the use of funds after that date. The House version and the modification to my amendment speak to the same goal. The Congress wants to see this mission end. Our main differences lay in the mechanism to achieve that goal. But when these two versions get to conference later this year, the conferees will have to resolve these differences.

Mr. President, it is my hope that the conference will include the strongest possible language with regard to this issue. We have taken an important step today toward terminating the Bosnian mission and bringing home our men and women.

I am delighted to have the support from so many Members on both sides of the aisle for my efforts in this area. I want to especially thank the Senators from Michigan and Rhode Island for their work, and the strong and consistent support of the Senator from Texas, Senator HUTCHISON, who has been working with me on this important matter all along.

Thank you, Mr. President.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to commend the Senator from Wisconsin for his courage in pursuing this matter. I want to thank the Senators from Michigan, from Arizona, from South Carolina, from Rhode Island, and from Oklahoma who are working on this to make sure that we have something that everyone can support. I think it is a very strong message to the administration that sets out the concerns of the Senate. I think with what the House did on this issue, it is going to be very clear that Congress expects a June 30 exit date for the United States. I think, certainly, if something occurs, that we should be able to discuss after that time, but I think if we plan from today, we are giving plenty of notice to everyone what our intentions are.

I think the most important issue that we must address in the next year is the issue that was promised to Senator Dole and Senator McCAIN by the President. That is that there would be arming and training of the police force, of the Bosnians, so that they would be able to have a sense of order in their country when the NATO forces would withdraw. I am concerned that that training and arming is not taking place, and that we may come upon the June 30 deadline for our exit and they won't be fully supplied with policemen and with the armed services that will be able to keep the peace. We have a year to correct that. I hope that the administration will make sure that our word is kept, that we would have a good solid police force that would be able to keep the peace in Bosnia after June 30, 1998.

But I think the sense of the Senate provides for other options, other alternatives, as we have stated in the sense of the Senate, that if, in fact, it is not finally a peaceful situation, that the United States could leave and perhaps a NATO force without the United States could stay. And we are going to be there in a support role. We have always been there in a support role for peacekeeping.

But I think we must keep our word. The Senate has spoken. The House has spoken, and now is the time for the administration to hear the message and get along with the business of getting an exit strategy, putting these people in control of their government, giving them the training that they need to be able to sustain that peace themselves.

I appreciate very much the very bipartisan support for this sense of the Senate. I hope that the administration will hear our words and begin the strategy for the June 1998 exit of U.S. troops.

Thank you, Mr. President.

Mr. BYRD. Mr. President, one of the most difficult and intractable problems facing the United States and the North Atlantic Treaty Organization [NATO] is the civil war in the Republic of Bosnia and Herzegovina. In recent years, we have witnessed mass murder and genocide on a scale not seen in Europe since the Holocaust. We have also been concerned that this conflict could spill over into neighboring countries, which would force NATO to intervene under much worse circumstances.

The U.S. provided the crucial leadership to negotiate the Dayton peace accords, which called for NATO forces to separate the warring factions, and for democratic elections to be held, as a basis for a permanent peace in Bosnia. As a result of our efforts, fighting has ended, and the first tentative steps towards peace have been taken.

We have just started down this path to peace, however, after more than five years of war. Our early efforts have not erased the memories of concentration camps and mass murder. Building democratic institutions in such an environment is fraught with road blocks. It is easy for the foes of peace to beat the drum beat of war, and plunge Bosnia back into a renewed cycle of fighting and genocide.

The United States has clearly stated our intention to withdraw in June of 1998. The Administration is fully aware that a long-term and open-minded commitment will not be supported by Congress.

Nonetheless, if the amendment offered by Senator FEINGOLD were adopted by the Senate, it would send a loud and unmistakable signal to the worst elements of the Bosnian factions to begin to prepare for war. Senator Feingold's amendment would terminate funding for U.S. participation in Bosnia on June 30, 1998, with no discussion of what would follow in the vacuum left after our withdrawal. Indeed, a Senate vote in favor of Senator Feingold's amendment would make it more difficult for the best elements in Bosnia—those who legitimately desire to work for peace—to continue to advance their efforts. The pressures to prepare for war will likely overtake and silence any factions which wish to work for a peaceful resolution of the conflict. At the present time, the various factions have eleven more months to hold elections and prepare for the gradual end of the direct involvement of NATO troops. These efforts will, for all intents and purposes, rapidly come to an end if the Senate openly votes to completely get out of Bosnia on June 30, 1998.

The second degree amendment offered by Senator LEVIN, of which I am a cosponsor, recognizes that it is likely that a NATO follow-on force will have to remain in Bosnia after June 1998, while stating that U.S. ground combat forces should not participate in such a force. This involves the replacement of U.S. ground combat forces with those of our European partners in NATO. The Administration should exercise very strenuous efforts to convince our allies to take up the ground combat role by next June. It calls upon the President to urge our European allies to step up to the plate, and undertake preparations for a Western European Union-led or NATO-led force, to assume responsibility for the ground situation in Bosnia after June 1998. The second degree amendments supports a U.S. provision of needed American command and control, intelligence, and logistics support for such a follow-on NATO operation. This will allow NATO to continue to build democratic institutions within Bosnia to continue, and hopefully prevent an arbitrary return to bloodshed and war. It is a wiser course and one which provides a logical conclusion to U.S. efforts in the region.

Mrs. FEINSTEIN. Mr. President, I appreciate the concerns of my colleagues on this issue. I think we all agree that there are few more important foreign policy issues facing the United States then ensuring that the Bosnian peace process succeeds.

I am pleased with the effort has been made by Senators on both sides of this issue to see that we did not need to vote on a cut-off of funds for our ground forces in Bosnia.

However, it is precisely because I want to see the peace process succeed that I feel that I must nevertheless voice my concerns about this amendment.

It is my belief that our presence in Bosnia must be one without any preconditions as to time. We must stay long enough to make sure that the job we started gets done, and gets done right.

Any effort to set a date to cut off funds, as Senator FEINGOLD proposed in his amendment, or which suggests a firm date for the withdrawal of all U.S. ground combat troops, as Senator LEVIN's second degree amendment to Senator FEINGOLD's amendment does, telegraphs U.S. policy to those who would oppose us, and to those who oppose the implementation of the Dayton Accords.

I do not think that there is a single Member of this Chamber that does not wish that 1 year had been sufficient time for the Dayton Accords to be implemented, and that U.S. troops were not still needed in the Balkans.

But the simple fact of the matter is that there are aspects of the Dayton Accords which have not yet been fully implemented—aspects which require a little more time if they are going to have a chance to take root.

Earlier this year voter registration began for the municipal elections scheduled for Bosnia this September. True, I wish that conditions existed to hold these elections last year when they were originally planned. But those conditions did not exist then; they do now.

What sort of signal will we send to those who support peace and democracy in Bosnia if, even as they are preparing for municipal elections, we are telling them that the troops who safeguard the peace process and democracy are on the way out?

Bosnian President Alija Izetbegovic and his Party of Democratic Action have formed a coalition with a number of opposition parties to seek broad-minded support in the municipal elections. This amendment will cut his legs out from under him, and give strength to those who would like to see Bosnia destroyed.

This fall Serbia will hold a presidential election. It will be a difficult campaign for Milosevic's opponents, but not an impossible one. That Milosevic's grip on power might be lessened would have been inconceivable a year ago. It is not inconceivable now.

But setting a date for cutting off funds for U.S. forces or for the withdrawal of all U.S. ground combat troops without giving the President flexibility will all but guarantee Milosevic's re-election.

I do not believe that supporters of this amendment intend it as a boost to Milosevic's campaign, but that is exactly what it will do.

Right now in the Republika Srpska there is a power struggle going on between President Plavsic and pro-Karadzic hardliners based in Pale.

How this struggle will play out, and whether the more moderate supporters of President Plavsic can retain control, or whether the pro-Karadzic forces will seize control of the Republic Srpska has profound implications for the future of peace and stability in the Balkans.

The pro-Karadzic forces, the Pale hardliners, the war criminals, have adopted a wait it out strategy. They think that the United States will be withdrawing next year without any follow-on force to SFOR. If they just bide their time, they believe, come next summer they will be able to overturn Dayton and destroy any hope for Bosnia.

This amendment will tell them that they have won.

I do not think that giving support to the Pale hardliners is the intent of the supporters of this amendment, but that is exactly what this amendment does.

It will tell them that they are right; all they have to do is wait, and that the United States will leave without fully implementing Dayton, without following through on our commitment to create a secure and stable Bosnia.

After we have done so much we cannot abandon Bosnia now.

It is true there are still unsettled issues with refugees, with reconstruction, and with indicted war criminals in the former Yugoslavia. And again, I would not argue that we did not want or hope that these matters would have been taken care of by now.

But having said that, setting a date for a troop pullout will not help us to resettle refugees, to speed economic reconstruction, or to apprehend indicted war criminals.

Instead, it will send a message to refugees that they cannot hope to be safely resettled; to those trying to rebuild their businesses that they should not bother; and to war criminals that they only have to remain in hiding a little bit longer, and then they will be free to commit their ghastly crimes once again.

The continued presence of U.S. forces is critical in keeping the peace process on track. And the fact of the matter is that the United States-led peacekeeping force is the glue that holds peace process in the former Yugoslavia together.

Those who suggest we set a date certain for a troop pullout argue that we have already spent a lot of money pursuing peace in the Balkans, and that to continue to stay will cost us even more.

But to set a date to pull out now will all but guarantee that the peace process will break down, and that all that we have invested in Bosnia in the past year and a half will be wasted.

Establishing a date certain for a United States pullout will set in motion a clock whereby the forces of nationalism and ethnic hatred in the former Yugoslavia will begin to plan for renewed war.

And, if war breaks out again in the Balkans and spreads elsewhere in the region, it will be far more costly for the U.S. to have to intervene once again than if we retain the flexibility to maintain our presence.

Those who suggest we need to set a date for a United States pullout from Bosnia also argue that without this clear end-date there is danger of mission creep, and of Bosnia becoming a quagmire.

Just the opposite. Anyone who has paid attention to what has happened with the NATO peacekeeping force in Bosnia for the past year and a half can only come to one conclusion: SFOR has a clear mandate. There has been no mission creep and there is not going to be any mission creep.

In fact, concern for the safety of our troops would dictate that we allow the military to continue with planning based on their current mission and deployment, and to pull out on a schedule dictated by the military facts on the ground without having the Senate dangerously compromise their position by telegraphing our plans and intentions.

In addition, this abrupt U.S. departure will almost certainly doom any effort to create some follow-on force or mechanism to insure the peace process continues. Again, I wish it were not the case. I wish that our European allies would act in a more decisive way without United States having to take the lead—but we are dealing with reality here.

I fully support the spirit of Senator LEVIN's amendment: I too believe that Europe should take greater responsibility for Europe, and that a SFOR follow-on force led by Europe in the context of the European Security and Defense Identity should be the next phase of peacekeeping in Bosnia.

But if the United States precipitously pulls out of Bosnia our European NATO allies may be unable to lead a follow-on force. What if United States ground combat troops are required in Bosnia until August 1, 1998, or even December 1, 1998, to effect a smooth, safe, transition?

Indeed, under the dynamic set in motion by this amendment, if Europe wanted to lead such a follow-on mission in Bosnia with United States support it would be reasonable of them to question whether or not we would be there to support them.

Do we really want to set a precedent here of giving our friends and allies reason to question whether the United States will be there to support them when they need our assistance? To send that sort of message would have tremendous implications—and none of them good—for U.S. interests throughout the globe.

It is my hope, and I think that of many of my colleagues, that a European-led follow-on force to SFOR will take the lead in maintaining the peace in Bosnia come next June. But that follow-on force may require some United States military support and assistance, on the ground, in Bosnia.

This amendment, by preventing the United States from supporting our European allies, will destroy any chance that such a European-led force could come into being.

Both the President and the Secretary of Defense have suggested that United States forces will be able to pull out of Bosnia by June 30, 1998. There is no reason to doubt their word or intention.

But, as my colleagues surely know, the unexpected may occur. There may be good reason to keep some or even a substantial United States force in Bosnia past next June. Or, there may be reason to pull our forces out sooner. The bottom line here is that we cannot and should not put our military in a disadvantageous position by setting a date certain for a pull out.

It is my belief that if we continue to work the peace process, and give the President the discretion that, as Commander in Chief, he deserves, by the time United States forces prepare to leave Bosnia and Herzegovina, the peace process will have been given sufficient time to develop deep, sustainable, roots.

To adopt this amendment will risk killing the peace process and all but condemns Bosnia to further bloodshed.

Again, I would like to extend my appreciation to my colleagues on all sides of this issue who have worked hard to find a compromise. Nevertheless, I feel that I must I oppose this amendment and would urge my colleagues to oppose it as well.

Mr. BIDEN. Mr. President, I would like to state for the record that although I voted for the Levin substitute amendment, I did so as one of the second choices that I described in my statement earlier today.

The Levin substitute amendment, in my opinion, was an improvement over the Feingold amendment in that rather than cutting off funds for United States ground forces in Bosnia after June 30, 1998, it puts our NATO European Allies on notice that we expect them to provide the post-SFOR ground forces, while we provide command and control, intelligence, logistics, and if necessary a ready reserve force in the region.

My first choice, as I said earlier, would have been to give President Clinton freedom of movement for the next 12 months to carry out the unfulfilled portions of the Dayton accords and to negotiate appropriate international security arrangements for Bosnia and Herzegovina after June 30, 1998.

I thank the Chair and yield the floor.

AMENDMENT NO. 759, AS AMENDED

The PRESIDING OFFICER. The Chair would observe that amendment 759, as amended, has not been agreed to.

Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 759), as amended, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, what is the pending amendment, if I could ask?

The PRESIDING OFFICER. The pending amendment is the REED amendment No. 772.

Mr. LEVIN. Mr. President, I ask unanimous consent to set aside the pending amendment temporarily.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 805

(Purpose: To achieve savings in the cost of the CVN–77 nuclear aircraft carrier program)

Mr. LEVIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 805.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 122, add the following:

(c) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN–77 nuclear aircraft carrier and manage the program so that the CVN–77 may be acquired for an amount not to exceed $4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The mounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decrease in costs attributtal to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN–77 aircraft carrier, as compared to the technology built into the baseline design of the CVN–76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

Mr. LEVIN. Mr. President, my amendment would establish a cost cap on the cost of the next nuclear aircraft carrier, and ensure that we achieve the savings that we expect from beginning to fund the ship next year, which is a number of years earlier than planned.

Mr. President, the committee bill authorizes $345 million in fiscal year 1998 to begin incrementally funding construction of the next *Nimitz* class nuclear aircraft carrier, CVN–77, based on claims of cost savings by the shipbuilder. The Committee did not adopt safeguards to ensure that the taxpayers actually receive the savings on which this unusual action is based. Those are the safeguards which are contained in this amendment.

Let me just review the bidding. The Navy budget projects a total cost of $5.2 billion for CVN–77, funded normally—that is, with advance procurement of $695 million in fiscal year 2000 and the remaining $4.5 billion of full funding in fiscal year 2002.

The shipbuilder—Newport News Shipbuilding—has come forward with a proposal to save $600 million by having the Government provide funding for CVN–77 earlier than the Navy budget proposes it. This claim has been repeated over the last 2 months in a highly visible media campaign.

The shipbuilder claims that we could buy the CVN–77 under their alternative for $4.6 billion—a savings of $600 million —if we provide incremental funding over the next 5 years, starting with $345 million in fiscal year 1998.

I have been very skeptical in the past of providing phased or incremental funding for defense programs. The normal method of funding major defense procurement programs is to provide full funding in one lump sum in the year in which the program is started, with the exception of certain limited long-lead items which are funded through advance procurement. As a general rule, incrementally funding major weapons programs reduces visibility over total program costs, and can lead to a "buy in" situation in which it becomes more difficult to control total program costs and future cost growth.

Mr. President, I believe that we should try to achieve savings in Defense modernization wherever we can, particularly savings of the magnitude of $600 million. Meeting our modernization goals for the military services over the next 10 years within a stable defense budget is going to be a significant challenge. We need to look for innovative ways to save money, and this approach to funding the CVN–77 looks like something we should do if—and this is the critical if—we really save money. At the same time, I feel strongly that we must protect the interests of the taxpayer, if we are to take full advantage of the opportunity for savings.

It will disadvantage the tax payer if we incrementally fund CVN–77 without the assurances that the reason for doing it—saving dollars—is in fact achieved.

That's why we should adopt this amendment putting a ceiling on the total cost of this ship that is in line with what the shipbuilder promised.

If we don't, we will be in a terrible bargaining position.

The amendment puts a limit on the total cost of the next carrier, using the cost cap language that was developed for the *Seawolf* submarine as a model. The amendment: establishes a cost cap of $4.6 billion for CVN–77, $600 million below the Navy's budget estimate fully funding this ship in the usual manner; it excludes outfitting and post delivery costs; and it adjusts the cost cap automatically to reflect changes in inflation or costs attributable to compliance with changes in Federal, State, or local laws.

This amendment adds three important additional provisions:

It includes a proviso that allows the Navy to change the cost cap for the ship based on changes in costs that are incurred by inserting new technology—compared to the previous carrier, CVN–76.

It includes a proviso that allows the Navy to change the cost cap for the ship if the funding is changed in later fiscal years from the plan on which the shipbuilder based his proposed savings.

And it includes an annual reporting requirement on changes in the end cost of the CVN–77, so there will be visibility into the technology improvement program that will allow the Navy to demonstrate how technology insertion is causing any substantive changes in the end cost of the ship.

My bottom line is that, despite my overall concerns about incremental or phased funding, I am willing to support this funding approach for the next aircraft carrier, because I believe we can achieve the savings under the phased funding approach. We must, however, have a vehicle to guarantee that the Government will achieve the promised savings, which is the driving argument for phased funding.

Mr. President, this amendment will help guarantee those savings, while providing room to adjust the price of CVN–77 for the legitimate factors indicated.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, the Chief of Naval Operations has described the smart buy proposal as a proposal which has great merit. Both the Navy and the Rand Corp. have verified that the savings claimed by the contractor under this plan can indeed be achieved.

However, these savings will not be achieved unless the funding profile outlined in the smart buy proposal is carried out, as follows: fiscal year 1998, $345 million; fiscal year 1999, $170 million; fiscal year 2000, $875 million; fiscal year 2001, $135 million; and fiscal year 192002, $3,075 million. Therefore, the Levin amendment before us is based on the strong expectation that the administration will provide funding in its annual budget submissions to fully fund CVN–77 in accordance with the smart buy proposal, and that the Congress will support those budget submissions with annual appropriations.

Without a firm commitment to this program by the Navy—as evidenced by including funding for this program in the SCN account for each year from fiscal years 1999 to 2002—the $600 million in savings to the American taxpayer could well be lost. We expect the Navy to follow through on its commitment and to achieve the savings it has represented to be possible.

Likewise, I know my colleague agrees with me that the savings cannot be achieved if the Congress does not authorize and appropriate the amounts set forth in the smart buy proposal. Although the amendment before us contains a mechanism to deal with the failure of the Navy to provide the appropriate funding, there is nothing to address problems caused if a future Congress fails to provide adequate funding for this program. If at some point the Congress does not provide the necessary funding, we will have to revisit the limitation contained in this amendment and adjust it accordingly. Does the Senator agree that this is the course we will follow?

Mr. LEVIN. I agree with the Senator from Virginia. The $600 million savings that we all expect to achieve are based upon the funding profile set forth in the smart buy proposal. I will work with the Senator from Virginia to ensure that we maintain that funding profile and achieve these savings, and I expect the Navy to do the same.

If for any reason the Navy fails to include the funding profile in its budget request, the amendment that we are offering provides a specific remedy: the funding limitation would remain in place, but would be adjusted to address the impact of the changed funding profile. Paragraph (2)(E) of the amendment specifies that the limitation will be revised to reflect any adjustments needed to accommodate a change in funding. Would the Senator from Virginia agree that this is the effect of this amendment?

Mr. WARNER. I am in complete agreement with the Senator from Michigan.

Mr. President, this is a matter on which my distinguished colleague and I have worked for some time. I do not feel that it is necessary to place these financial constraints, because this contract, unlike others, has built-in checks and balances. Nevertheless, we have reconciled our differences, and to that extent I will go ahead and accept his amendment.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 805) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are working—the chairman, the ranking member, and others. I anticipate momentarily a statement from two other Senators that could well be the last items other than the adoption of a series of agreed-upon amendments. Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. WARNER. Mr. President, at this time the distinguished Senator from Massachusetts, together with Senator SMITH of New Hampshire, will address the Senate on another matter.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the order at this point?

The PRESIDING OFFICER. The Senator needs consent to call up his amendment.

AMENDMENT NO. 680, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to call up amendment No. 680.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to modify the amendment at this time, and I send such a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment will be so modified.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 680, as modified.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 680), as modified, is as follows:

Beginning on page 336, line 20, strike all after "SEC. 1067." through "(50 U.S.C. 401a)." on line 3 of page 338 and insert in lieu thereof the following:

POW/MIA INTELLIGENCE ANALYSIS

(a) The Director of Central Intelligence in consultation with the Secretary of Defense, shall provide analytical support on POW/MIA matters to all Departments and agencies of the Federal Government involved in such matters. The Secretary of Defense shall ensure that all intelligence regarding POW/MIA matters is taken into full account in the analysis of POW/MIA cases by DPMO.

Mr. KERRY. Mr. President, this is a modification mutually arrived at together with Senator SMITH of New Hampshire and Senator MCCAIN in an effort to try to improve the intelligence-gathering process with respect to POW/MIA matters, and I thank Senator SMITH of New Hampshire for his cooperation and Senator MCCAIN. I think we have strengthened the ability of the process to guarantee that intelligence is going to be properly and fully vetted in the process but at the same time be able to continue the cooperative effort that we have achieved over these last years in that process.

I think the compromise we have arrived at is a thoughtful one and an appropriate one with respect to the best intelligence gathering and control. So I think we have served the process well. I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I appreciate the help of the Senator from Massachusetts on this matter. We have reached agreement. The intent here is to see to it that those who are collecting intelligence on POW/MIA matters both now and in the future would have the opportunity to vet that through the intelligence community, and we have accomplished that with the compromise language, and we accept that language on this side.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we had here a problem between the Intelligence Committee and the Armed Services Committee. It was resolved through intense negotiations in the last few minutes. I thank Senator SMITH of New Hampshire, who we all know is the leader on this issue. His commitment to getting a full resolution not only in the past but in the case of conflicts in the future is well known. I thank Senator KERRY for his willingness, obviously, to move forward and comprise.

Again, I thank Senator SMITH of New Hampshire because I believe that this achieves the goal that he sought and at the same time allows us to come to an agreement here without further acrimony or dissent on this issue.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to compliment the distinguished Senator from Arizona, Senator SMITH of New Hampshire, and Senator KERRY and urge we proceed to finish this off.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I do not think there is any further debate. We are ready to proceed to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 680), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COOPERATIVE THREAT REDUCTION FUNDS FOR CHEMICAL WEAPONS DESTRUCTION

Mr. KYL. Mr. President, I urge my colleagues to support an amendment I have offered to the national Defense authorization for fiscal year 1998 that sets conditions for continued United States assistance to Russia for the purpose of chemical weapons [CW] dismantlement and destruction. I offer this amendment because I am disturbed that—despite the fact that the United States has already provided $150 million in CW destruction aid to Russia through the Cooperative Threat Reduction [CTR] Program—we appear no closer today than when we started this endeavor to meeting our core objective of eliminating Russia's offensive chemical weapons capability.

Instead, Russia has to date failed to demonstrate a commitment—either political or financial—to destroying its chemical weapons capability. Russia has not lived up to CW agreements it has signed. It has failed to implement obligations undertaken in the 1990 Bilateral Destruction Agreement [BDA], which calls for United States verification of the destruction of Russian chemical stocks. And Russia is not working with us to resolve outstanding compliance issues associated with the 1989 bilateral Wyoming Memorandum of Understanding, which requires both sides to fully and accurately account for their respective chemical weapons stockpile. Moreover, Russian ratification of the Chemical Weapons Convention [CWC] remains a distant prospect, despite the fact that one of the principal arguments made in favor of United States ratification was that it would induce the Russians to do the same.

In the meantime, Mr. President, as we continue to pour into Russia more and more chemical weapons destruction aid, the Russians continue to pour more and more rubles into developing ever more deadly chemical weapons. According to press reports, Russia has developed three new nerve agents made from chemicals—used for industrial and agricultural purposes—which are not covered by the CWC. This development program has been confirmed by a prominent Russian scientist who was jailed for revealing Moscow's continuation of covert chemical weapons production. In addition, Russia continues to modernize its strategic offensive forces. According to a recent Hoover Institution study, Russian spending on research and development for strategic weapons has increased sixfold in the last 3 years. They are developing an upgraded mobile ICBM; working on miniaturized nuclear warheads; building a new class of SLBM-carrying submarines; and constructing enormous underground command and control bunkers to protect against a nuclear attack by the United States.

In light of these ongoing strategic and chemical modernization efforts, it is more than reasonable, Mr. President, to question seriously Russian claims that they do not have the financial wherewithal to destroy their chemical weapons stockpile. It seems to me that United States assistance to Russia for CW destruction has, in fact, had the perverse effect of underwriting Russia's offensive chemical program. Moreover, the practice of providing unconditioned funding reduces, if not eliminates, any incentive for Russia to set aside its own resources for matching United States funds. I would note that, while the United States has authorized $150 million for the purpose of destroying Russian chemical weapons and nearly half of that has been obligated, Russia has committed only $24 million for destruction of its own CW stocks, but has failed to obligate or spend any of this money.

My proposed amendment conditions fiscal year 1998 United States assistance to Russia for CW destruction—totaling $55 million—to Russia's living up to existing agreements concerning destruction and dismantlement of its chemical weapons capability. The amendment closely parallels the approach taken in the fiscal year 1996 National Defense Authorization, when both Houses of Congress agreed to fence—but not cut—Nunn-Lugar funds for CW-related activities until the President certified certain conditions were met. It is also very similar to a provision contained in the Chemical and Biological Weapons Threat Reduction Act of 1997, S. 495, which the Senate approved in April of this year. The intent is to reassure the Russians that—if they are serious about getting rid of their chemical weapons—we are fully prepared to offer them financial assistance to do so. However, the amendment is intended to make equally clear that the United States Congress does not intend for the American taxpayer to subsidize a continuing Russian offensive chemical weapons capability.

Specifically, the amendment requires the President to certify that three conditions are met before Cooperative Threat Reduction funds for CW destruction may be released:

First, that the Russians are making reasonable progress toward implementation of the 1990 Bilateral Destruction Agreement [BDA];

Second, that the United States has made substantial progress toward resolution, to its satisfaction, of outstanding compliance issues related to the Wyoming MOU and BDA; and

Third, that Russia has fully and accurately declared all information regarding its chemical weapons programs.

If the President cannot certify that these conditions are met, the proposed amendment does provide an alternative for releasing funds. In such a case, the President must however certify that "the national security interests of the United States could be undermined" by not carrying out the CW destruction activities provided for in the CTR Program.

Mr. President, it was my original hope to go beyond what we agreed in S. 495, and to send an even stronger message to the Russians that a mutually beneficial bilateral relationship requires both parties to demonstrate a firm commitment to live up to agreements already undertaken and to work together toward common goals. I am disturbed that, since enactment of S. 495, the CWC has entered into force without Russian participation, Russia has failed to renounce its offensive chemical warfare program, the Russian Duma has refused to allocate any new funds for CW destruction, and we have not reached any agreement under the CTR Program to cap our own contribution to this endeavor. Nevertheless, I am satisfied that this amendment sends a signal to the Russians and, if enacted into law, I encourage the President and senior administration officials to use this amendment for maximum leverage to induce the Russians to once and for all forswear a offensive chemical weapons capability.

LAND CONVEYANCE AT FORT DIX

Mr. TORRICELLI. Mr. President, countless thousands of American soldiers received their basic training at Fort Dix Army Base in my home State of New Jersey. However, the 1988 BRAC reassigned the basic-training mission of Fort Dix into a much more limited training role for our reserve forces.

The economic impact in the surrounding communities was devastating. Local merchants whose business depended upon business generated by the Army personnel at Fort Dix suddenly saw their consumer base gone along with 3,500 jobs and countless others in the subsequent years.

With funding assistance from the Federal Government and the Burlington County Department of Economic Development, a new master plan was drafted to reduce the area's reliance on the military and begin development of a downtown shopping area as well as new housing facilities.

While the community struggles to rebuild, the majority of the land formerly occupied by Fort Dix has been moth-balled and sits idle. For years, the community has been negotiating with the Army to acquire a 35-acre plot of land owned at Fort Dix owned by the Federal Government for use in the downtown development.

I am pleased that this transfer now enjoys the support of the Army and that an amendment to transfer this 35 acres to the Borough of Wrightstown along with an additional 5 acres to the New Hanover Board of Education for an expected expansion of the school was included in H.R. 1119 that recently passed the House of Representatives.

I had planned to offer a similar amendment to this legislation but after consultations with subcommittee chairman INHOFE and ranking member ROBB I have decided to withdraw the amendment and would instead like to engage in a colloquy with my distinguished colleagues.

Mr. President, I know you are familiar with this issue and are sympathetic to the plight faced by communities like Wrightsborough who have experienced significant economic difficulties in the wake of base closures. I am confident that based on my conversations with you that when this legislation goes to conference you and Senator ROBB will give every consideration to the merits of this issue and the amendment adopted by the House.

Mr. INHOFE. Thank you, Senator TORRICELLI, for bringing this issue to the attention of the subcommittee. I am sympathetic to the plight of so many of our communities which have had to essentially re-build in the wake of base closings and you have my assurance and that of this subcommittee that we will give every consideration of this proposed conveyance when it is discussed in the conference.

Mr. ROBB. I, too, would like to thank the Senator from New Jersey for bringing this issue to our attention and assure you that the subcommittee will review this issue in conference in the context of our policy of not interfering with the BRAC disposal process and that it will receive the consideration it deserves when it is discussed in conference.

Mr. TORRICELLI. I would again like to thank Chairman INHOFE and Ranking Member ROBB for their attention to this important issue.

SECTION 824

Mr. KENNEDY. I would like to clarify the intent underlying section 824 of the Defense Authorization Act. Section 824 does not in any way affect or address the issue of the Executive authority that the President may have to carry out empowerment contracting programs or other similar programs that make use of benchmarks and other incentives to support various categories of business.

Mr. SANTORUM. I agree with your understanding. You accurately describe my view of the intent of section 824.

Mr. LIEBERMAN. I concur. That is my understanding as well.

Mr. KENNEDY. I thank the Senators for their cooperation.

ESOP

Mr. ROBB. Mr. President, I recently learned of a dispute between the Department of Defense and a number of contractors regarding the allowability of cost of employee stock ownership plans, known as ESOP's.

According to the contractors. DOD has retroactively changed its interpretation of the relevant accounting in a manner that will cost contractors millions of dollars and could drive some of them out of business completely. The contractors also say that DOD has improperly applied the standards of a proposed rule even after that proposed rule has been withdrawn.

I am concerned about the effect this could have on these companies and the employee's retirement plans which could be jeopardized by this action.

I had intended to attach an amendment to prohibit DOD from applying the terms of the withdrawn rule but because that matter is currently in litigation I will instead withhold that amendment and work this out in conference. In discussions with the Senator from Michigan, Senator LEVIN, he expressed concerns about the equity of any retroactive application as well.

Mr. WARNER. I share my colleague's concern about this issue and the possible impact it could have on employee stock owned companies. I understand the need to protect the viability of our ESOP companies and their employees, and will continue to work with them and the Department of Defense to resolve this issue.

Mr. LEVIN. The Senator is correct. I certainly share his concern about any action by DOD to retroactively apply a new standard, or to apply the terms of a rule that has been withdrawn.

However, the Department of Defense disputes the contractor's position, and says that the issue is currently in litigation. I understand that the House has included a provision addressing this issue in their version of the bill, and I don't think we should lock this in until we have an opportunity to hear out both the contractor and the Department.

I would be happy to work with Senator ROBB on this issue, and if it turns out that the Department has retroactively applied a new standard, I will fully support the Senator from Virginia.

Mr. SANTORUM. I share the concerns expressed by Senator ROBB and have asked the Defense Contract Audit Agency to give me a detailed explanation of their current position on this dispute.

Mr. ROBB. I thank my colleague from Virginia, the Senator from Michigan, and the Senator from Pennsylvania. I will not offer the amendment at this time, and I look forward to working with them in conference.

PROPOSED EXPANSION OF USUHS

Mr. FEINGOLD. Mr. President, I was disappointed to read language in the committee report accompanying the fiscal year 1998 Defense authorization bill which called upon the Uniformed Services University of the Health Sciences [USUHS] to propose the construction of an additional building on the USUHS campus. While I fully appreciate such language is not binding, the provision is a clear invitation to the controversial school to expand the physical plant of a program which many already consider to be costly.

More particularly, the provision is inconsistent with the view of a number of Members of Senate and the other body that USUHS not only should not be expanded, but instead should be terminated. That view is shared by others as well. The Department of Defense has proposed phasing out this school, and proposals to close the school have also been offered by the Congressional Budget Office [CBO], the Grace Commission, and the National Performance Review.

Mr. President, USUHS is the most expensive source of physicians for our military, according to CBO costing 4 to 10 times as much as other sources and supplying only a tiny fraction of the needs of the Pentagon for new physicians—less than 12 percent in 1994.

Expanding the physical plant of a program that is already 4 to 10 times as expensive as alternative sources of physicians for our military makes no sense, and is inconsistent with both the increasing pressure on the Defense Department's budget and our efforts to balance the budget.

Mr. President, I urge the Department of Defense to carefully review the nonbinding language included in the report accompanying the fiscal year 1998 Department of Defense authorization legislation before it moves to expand a school that cannot justify its current cost to taxpayers.

LAND CONVEYANCE PROVISIONS

Mr. LAUTENBERG. I would like to ask the senior Senator from South Carolina, and chairman of the Armed Services Committee, Senator THURMOND, and the senior Senator from Michigan, and ranking minority member of the Armed Services Committee, Senator LEVIN, to clarify the committee's position on land conveyance provisions in the Defense authorization Bill.

It is my understanding that the chairman and ranking member oppose special legislation for the conveyance, at other than fair market value, of any properties, facilities, or installations which have been closed or realigned under the jurisdiction of the Base Closure and Realignment Commission [BRAC] if such legislation would interfere with the statutory disposal process for BRAC properties. Thus, the committee has not included any such conveyances in the fiscal year 1998 Defense authorization bill.

Further, it is my understanding that the Senate conferees to the fiscal year 1998 Department of Defense authorization bill will oppose any conveyances of properties, facilities, or installations closed or realigned in the BRAC process if those conveyances would interfere with the BRAC disposal process contained in current law.

Mr. THURMOND. The senior Senator from New Jersey's understandings are correct.

Mr. LEVIN. I concur with the chairman.

Mr. LAUTENBERG. As the chairman and ranking member are aware, I have requested that the committee include provisions to facilitate conveyances to two New Jersey communities in the fiscal year 1998 Department of Defense authorization bill. However, I have been told that since my requests concern properties closed under the BRAC which are already in the midst of the statutory closure process, the committee could not support these requests.

Accordingly, if any provisions for conveyances of properties, facilities, or installations closed or realigned by BRAC that would intervene in the statutory BRAC disposal process are included in the conference agreement to the Defense authorization bill, I request that provisions also be included to convey the Naval Reserve Center in Perth Amboy, NJ, to the city of Perth Amboy, for economic development purposes, and the Nike Battery 80 family housing site, East Hanover Township, NJ, to the township council of East Hanover, for low and moderate income housing.

Mr. THURMOND. As the Senator knows, the outcome of conference cannot be forecast. As chairman it is my goal to support the Senate position and provide the Nation the best possible defense bill.

Mr. LEVIN. I appreciate the Senator from New Jersey's concern and it is the committee's understanding that the outcome of the current disposal process which is already underway for the two properties the Senator mentioned is likely to be consistent with the outcomes that the Senator's amendments would have provided.

Mr. LAUTENBERG. I appreciate the Senators' recognition of the importance of these conveyances to the economic well-being of these New Jersey communities, and thank the Senators for their agreement to my request.

TWRS PRIVATIZATION FUNDING

Mr. GORTON. Mr. President, I would like to engage in a colloquy with the Senator from New Hampshire [Mr. SMITH], the chairman of the Strategic Forces Subcommittee, which has jurisdiction over the title 31 provisions on the Department of Energy programs.

Mr. SMITH. If the Senator will yield, I would be pleased to engage in a colloquy.

Mr. GORTON. I thank the Senator. I was prepared to offer a floor amendment to this bill, S. 936, to address a very critical program at the Department of Energy site at Hanford. As the chairman is aware, a major and costly cleanup effort is underway at that site as a result of its contributions to the cold war achievements. Part of the cleanup effort will address the highest threat to human health, at the site, the 177 underground storage tanks that not only hold hazardous waste, but high and low levels of radioactive wastes. The Hanford tank waste remediation system project, known as TWRS, is the most critical and costly element in the cleanup of the Hanford site. Those underground tanks contain at-risk nuclear wastes, which have already leaked into the environment. Adequately addressing this situation is absolutely essential, and is in fact codified in the Tri-Party Agreement entered into by the DOE, EPA, and Washington State. Regardless of the method of contracting selected, the time line required in that agreement must be met.

Currently, DOE is employing an innovative contracting approach to dealing with the remediation of those tank wastes called privatization. DOE embarked on privatization to attract outside financial resources to finance the final design, construction and operation of cleanup projects, which would in turn allow their scarce budget resources to be used to accelerate other cleanup actions. The Department also wanted to take advantage of a commercial approach that has shown in the private sector not only to save dollars, but to reduce the time required to accomplish the task.

Section 3104 of the bill authorizes $275 million for DOE environmental management privatized projects, including $147 million for TWRS at Hanford. This funding is critical to demonstrate to the privatization contractors the Department's financial commitment to proceed with privatization. Without sufficient funds being reserved, the privatization contractors—which plan to put up their capital to develop the cleanup project—and the contractors' investors have little assurance that TWRS or other privatization contracts will be fully funded.

While I am concerned that the committee's authorization is not high enough to preclude some out-year BA spikes for the privatization program, I will forgo offering an amendment to increase this year's funding with the understanding that the committee recognizes the need to provide at a minimum $147 million in budget authorization for TWRS to send the correct signal to the contractors and financial community.

Do I have the assurance of the Senator that he will stand fast on the Senate position of $147 million for TWRS in the upcoming conference with the House?

Mr. SMITH. If the Senator will yield, yes I will vigorously defend in the conference the Senate position of providing at least $147 million for TWRS.

Mr. GORTON. Even if we secure the full $147 million in conference, as I hope we do, the fiscal year 1998 authorization is significantly less than the administration request. Does the failure to authorize TWRS funding at the administration's request level in any way suggest that Congress is backing away from the TWRS privatization project?

Mr. SMITH. If the Senator will yield further, the fact that we did not authorize TWRS at the level initially recommended by the administration in no way should be viewed as prejudicial. We believe the authorization of $147 million, coupled with the $170 million already appropriated in fiscal year 1997 is sufficient for the TWRS project to proceed with absolutely no delay in the schedule or change in the intended work scope. The TWRS project will have $371 million in authorized funds available if the committee mark becomes law. Given anticipated spending rates for both contractor teams, the TWRS project will end fiscal year 1998 with a surplus of $207 million. We believe this authorization level sends the proper signal to the contractor and the investor communities that Congress is committed to cleaning up Hanford's tank farm.

Mr. GORTON. Does the committee and the chairman further understand that the $147 million provided in fiscal year 1998 represents a very minimum amount given the overall work intended, and the need to bank some budget authority to avoid significantly larger budget authority requirements in later years?

Mr. SMITH. Yes, and I can assure the Senator that this committee will take a close look at the TWRS project next year, and if the issues and reporting requirements identified in section 3131 are addressed by DOE, and hopefully they will be, we will provide the budget authority necessary for the continuation of the project.

Mr. GORTON. Finally, section 3131, particularly subsection (b), suggests that the authorization amount for privatization projects as defined in section 3104 cannot be used for new contractual obligations until DOE provides a report setting forth a number of basic cost, construction, and savings related provisions. Yet, in the context of the TWRS project, contracts are already in place with two contractors. Each contract contains two parts: a part A in which the contractors will provide deliverables to support the construction and operation of a TWRS facility, and a part B in which DOE, assuming part A deliverables are acceptable, authorizes the contractor, or contractors, to proceed with the permitting and construction of a waste processing facility. Since two Hanford tank waste remediation systems' contracts have already been awarded, and any followon work for part B would be considered an exercised option, I want to be clear that these provisions in section 3131 do not constitute an abrogation or termination of the current contracts in existence.

Mr. SMITH. If the Senator will yield further, that is correct. It is not the intent to abrogate or terminate the existing contracts. However, it is the intent of the provision that any future privatization contracts or contract renewals or options exercised pursuant to an existing contract funded under section 3104 must be preceded by a detailed DOE report to Congress as called for in section 3131(b) of the bill. With respect to the TWRS contract, the section 3131 limitations and notice and wait requirement are applicable to the authorization to proceed with phase 1B. We are in no way attempting to slow down work on the Hanford tank farm cleanup. We are, in fact, trying to ensure a stable funding environment for such projects in order that they can move forward expeditiously.

Mr. GORTON. I thank the Senator for his clarification on these points. I also appreciate his assurance to support $147 million in TWRS in conference and his demonstrated commitment to the environmental management privatization concept. I yield the floor.

GULF WAR VETERANS' HEALTH

Mr. BYRD. Mr. President, I support the amendment offered by my colleague from Connecticut, Senator DODD, and I am asking that I be included as a cosponsor. This amendment addresses some of the lessons to be learned from the Persian Gulf War in relation to the health of U.S. military personnel who served in that operation, many of whom are suffering from what has come to be called Persian Gulf War Illness, or Gulf War Syndrome.

This amendment requires the Department of Defense (DoD) and the Department of Veterans Affairs (VA) to assess the needs of, and prepare plans to provide effective health care to, veterans of the Persian Gulf War and their dependents. It also directs the DoD and VA to consider the health care needs of reservists and former members of the military who suffer from Persian Gulf War Illness and who have fallen through the cracks of the military and veterans health care systems. If ultimately implemented, this plan, which is due by March 1, 1998, would be a significant improvement over the existing tragic situation faced by many Gulf War veterans and their families. This is the responsible way to deal with this issue, rather than leaving these families to struggle individually to deal with the effects of the invisible wounds suffered in the service of our Nation. I have spoken previously about a soldier struggling to provide health care for his child, fighting to cope with the child's severe deformities and health conditions that may have resulted from his exposure to toxins during the Gulf War, and about service members who have left the military because of their declining health and who cannot get medical insurance because of health conditions they believe are the direct result of their service.

A special concern that has arisen from our Gulf War experience concerns the use of new and investigational drugs and vaccines to protect our military personnel from the deadly effects of chemical and biological weapons. My colleague from West Virginia, Senator ROCKEFELLER, has taken a particular interest in this matter, and I commend him for his vigilance in looking after the interests of our military personnel in this regard. This amendment contains a provision to modify the U.S. Code to require notice to all service personnel whenever new or experimental drugs are being administered. It also requires the Secretary of Defense to ensure that all service members' medical records accurately document the administration of these drugs, so that possible involvement in future post-war illnesses can be better studied.

In addition to looking at ways to deal with the health after-effects of the Gulf War, this amendment also implements other lessons learned from health problems arising from that conflict. It requires the Secretary of Defense to establish a system to better monitor the health of military personnel before deploying them to future operations overseas, and to maintain those records more efficiently. This will correct deficiencies noted from the Gulf War experience. The amendment also requires a plan to better track the daily movements and locations of units and individuals during future military operations. We have seen how important this is, given the difficulty that DoD has had over the past year in identifying those units that were in the vicinity of the Khamisiyah ammunition depot when U.S. forces destroyed it after the Gulf War, possibly releasing toxic chemical nerve and blister agents into the atmosphere. In admitting this incident, DoD officials first said only a small number of troops were in the immediate area, but, over time, the number of units has continued to grow, and the number of individuals affected has climbed to over 27,000. The number is expected to continue to grow as more information becomes available. Mr. President, these delays only add to the concerns of our veterans, and only continue to delay the effective medical treatment of affected soldiers.

Also in preparation for future wars in which chemical and biological weapons might be employed, this amendment requires a plan to deploy a specialized chemical and biological detection unit with military forces sent into those dangerous situations. In the Persian Gulf War, some 14,000 chemical alarms were set out and DoD witnesses have testified that the alarms sounded an average of three times a day, for a total of some 1.7 million alarms. Yet, most were dismissed as false alarms or battery tests. That is not information designed to instill confidence in these alarms, to say the least. A specialized unit could provide more reliable detection and confirmation of the threats faced by our forces.

On the medical front, this amendment calls for a review of the effectiveness of medical research initiatives regarding Gulf War illness, as well as a recommendation on the adequacy of federal funding for this issue. Last year, I offered an amendment, which was adopted, that provided $10 million for independent scientific research into the possible role of low levels of chemical warfare agents in Gulf War illnesses and their impact on the children of Gulf War veterans. This was a field of inquiry that had not been previously addressed by the Department of Defense or by the VA, and I am pleased that the DoD has moved quickly to award those funds to peer-reviewed research programs. I hope that these studies will provide answers in an expeditious manner, so that any findings might be rapidly put to use in providing effective treatment for our Persian Gulf veterans. It will be helpful to have an assessment of whether our efforts to date to help these soldiers and their families have been sufficient.

Finally, this amendment initiates a program of cooperative DoD-VA clinical trials to assess the effectiveness of medical treatment protocols for Persian Gulf veterans suffering from ill-defined or undiagnosed conditions.

Mr. President, these are useful provisions that will continue to place a much needed focus on the lingering and serious health concerns remaining from the Persian Gulf War. The slow and half-hearted efforts of the Department of Defense to address the health concerns of Persian Gulf veterans over the last six years has fed the cynicism that is spreading throughout our military, causing soldiers to lose confidence and faith in the system that is supposed to support them, and which they are expected to obey without question. That cynicism is a dark and spreading cancer that must be caught and corrected early, before the system is weakened beyond repair. This amendment is a step in that direction, and I am pleased to cosponsor it. I thank my colleague, Senator DODD, for his efforts.

CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM

Mr. CLELAND. Mr. President, I wanted to express my support for the amendment offered by the Chairman of the Senate Armed Services Committee which would extend a chiropractic health care demonstration program currently underway by the Department of Defense.

Congress authorized for fiscal year 1995 a demonstration program to evaluate the feasibility and desirability of furnishing chiropractic care for the military health service system. The demonstration was intended to be carried out over a 3-year period. Under the program, major military treatment facilities were permitted to contract for chiropractic health care. I would add that this follows in the wake of congressional support for allowing chiropractors to be commissioned in the armed services. This amendment extends the demonstration program for 2 more years and would expand it to at least three additional military treatment facilities.

I believe we should expand the range of health care options available to soldiers, not restrict them. A few years ago, the distinguished minority leader, Senator DASCHLE, noted on the Senate floor that the United States has traditionally kept alternative forms of medicine on the fringes of society. He went on to note that, while we must protect patients from harmful treatment, we should allow them to choose the method and practitioner they prefer, especially when evidence indicates that a group of practitioners provides high quality, cost-effective care.

While I am not a doctor, I do believe that chiropractic health care presents an important health care option for our soldiers, especially given the types of health problems associated with the rigorous physical activity that our soldiers routinely engage in. Lower back pain is a frequent ailment that many soldiers understandably suffer from time to time. Many beneficiaries of the military health care system support the option to seek chiropractic treatment. I believe we should support that option.

The demonstration program will allow the Department of Defense to gather the necessary information to determine the impact and desirability of chiropractic care. I believe this is an important step toward assuring that we fully meet the health care needs of our men and women in uniform. They support the option of using chiropractic care. Let's gather the necessary information in order to make an informed decision on the matter. I am pleased that the Senate has adopted this amendment.

Mr. KOHL. Mr. President, I would like to speak for a few minutes about the importance of this bill and the profound responsibility which we have in determining our Nation's defense budget.

I am a cosponsor of a tactical fighter amendment which will be proposed later today by my distinguished colleague from Wisconsin. Senator FEINGOLD's amendment, which calls upon the Department of Defense to focus on strategic needs rather than special interests, represents an intelligent and responsible approach to protecting the security of our Nation. It is only the first step in what should be a revolution in our thinking about defense planning and spending.

Mr. President, some people believe that the revolution in military affairs is only a technological revolution: developing cutting-edge technology to preserve our military dominance into the future. In order to be successful, however, a revolution must impact strategy as well as technology.

While we, as a country, lead the world in defense technology, we are not making similar progress in our thinking about defense. While our technologies may be sleek, our defense complex is not. As a result, we spend far more than we need to in order to remain the world's superpower.

Many people say that we can't cut corners when it comes to national security. I agree. But that doesn't mean that we can't cut costs. In recent weeks we have stood on this floor and cut costs in Medicare and debated all too limited funding for education. Are we saying that we can we afford to cut corners with our children? Our parents? Of course not. We are saying that we have to cut costs—not corners.

I think we all want the same thing: to do the best for our country. And that means protecting our children, our parents, and the security of our Nation. It also means making wise financial decisions regarding all of our priorities. Without a sound economy, our children, our parents, and the security of our country are at risk.

Mr. President, I think we can be proud of what Congress has done this year in support of a balanced budget. Still, within that balanced budget we are not doing enough to challenge old-style thinking. In particular, I want to draw our attention to the fact that, when every other spending area is up for debate and in most cases adjusting to budget cuts, the defense budget seems to be untouchable.

In fact, both the Senate and the House plan to give the Administration $2.6 billion more than it requested for defense spending. Why?

Mr. President, it is impossible to have rational debate about defense spending issues because there is a majority in this body that hears the words "cut defense" and then does not listen to anything else.

Now, I realize that we have a bipartisan budget agreement this year—an agreement that takes us toward a balanced budget. Out of respect for that hard won compromise, I will not introduce any amendments to cut defense spending at this time. However, I urge us, as a Congress and as a Nation, to set aside our special interests and old-style thinking, and to look at defense spending just as we approach every other issue of importance to our Nation's future.

Let's not give the military things they don't need and, in some cases, haven't asked for. And let's be realistic and smart about what it takes to defend our national interests.

Do we really need 18 Trident submarines? If we retired just two of the older Tridents, we would still have the most powerful submarine fleet in the world—by far.

Similarly, there is an honest debate among experts about the ideal number of aircraft carriers. Many believe that we could hold the fleet down to 10 carriers and have more than enough to defend our global interests. Either of these plans would save billions of dollars over the next few years. Why isn't this debate going on in the Senate?

I could tell you that, if we gave up those Tridents or carriers, we could fund education or prevent crime or reduce the deficit. That's true. And all of those initiatives could use more funding. But that is not the only argument I want to make today. Yes, I believe we should spend more on kids. But even if we already had every dollar we needed for education, we still should spend our defense dollars wisely. I do not believe that we are doing that today.

I urge all of my colleagues to join me in an honest debate about our defense needs. If we don't start examining the defense budget more closely, it will remain a sacred cow to which we are beholden rather than a tool which we use to further the best interests of our country.

Mr. GLENN. Mr. President, I rise to make a few comments concerning S. 936, the fiscal year 1998 national defense authorization bill.

I worked this year with my colleague from Indiana, Senator COATS, on the Subcommittee on Airland Forces. This was our first year as chairman and ranking member on the subcommittee and I am pleased that we were able to work together very cooperatively.

It was in the spirit of bipartisanship that we reviewed the administration's budget request, the services' so-called wish lists, the testimony of our witnesses and our colleagues' requests for funding of various programs. In our first meeting, we agreed that we would adopt criteria for assessing funding requests, not unlike the criteria Senator MCCAIN and I established in the area of military construction several years ago.

Section 1059 of the bill expresses the sense of the Senate that, in considering providing additional funding for the Reserve Component equipment, the Senate look to whether there is a Joint Requirements Oversight Council validated requirement for the equipment, that the equipment is in the Reserve Component's modernization plan and is in the Defense Department's Future Years Defense Program, that the equipment is consistent with the employment and use of the Reserve Component, that the equipment is necessary for the national security of the country, and that additional funds could be obligated in the upcoming fiscal year. Section 1059 expresses the sense of the Senate that these criteria be met to the maximum extent practicable. I appreciate my colleagues' willingness to apply these standards to our funding decisions, so that we can work to make sure we are buying things that we truly need.

In accordance with the recent report of the Quadrennial Defense Review, the bill also adds about $150 million in funding for the Army's Force XXI ["21"], a "digitization" program that I agree has a great deal of potential. I am a strong supporter of the Army's efforts and I certainly agree that digitization of the battlefield offers tremendously enhanced situational awareness.

My concern as we embark on this multibillion-dollar effort is that, in our enthusiasm to exploit these technologies to our advantage, we should not ignore the vulnerabilities to which these systems could already succumb.

We need to red team this technology—by this, I mean, we need to put ourselves in our adversaries' shoes and think about what our enemies would do to capitalize on our reliance on digitization. Would they jam us, would they spoof us, could they bring the whole system down? I believe that we need to be just as enthusiastic about testing potential vulnerabilities of digitization, because we can bet that our potential adversaries will be trying to undo us.

So, we are requiring a report on digitization and I am pleased that, at my request, the report will also outline the Army's plans to address jamming vulnerabilities and to use electronic countermeasures. I will be looking forward to that report, Mr. President.

I'd also like to take a moment to discuss one of the most difficult areas in the budget request: funding for tactical aviation programs. The Air Force, Navy and Marine Corps will all be modernizing their fighter forces over the course of the next two decades. The good news is the services will field the most modern and the most lethal aircraft in the world, the bad news is that these programs will be extraordinarily expensive.

Over the life of the F-22, the F/A-18 E/F and the Joint Strike Fighter programs, we can expect to spend several hundreds of billions of dollars in procurement alone, never mind operations and support costs. Some thought that maybe the QDR would make dramatic changes to these programs, but the QDR essentially revalidated the requirements for these programs with relatively small changes in the number of aircraft to be purchased in the out years—and it is still unclear to me when, or even whether, those cuts in the number of aircraft we will buy are going to generate any meaningful savings.

Making decisions on the enormous funding requests associated with these programs would be challenging enough alone, Mr. President, but when they are put in the context of the overall DOD budget and what just about everyone acknowledges is a sizable funding shortfall in future procurement accounts makes this task all the more daunting.

The Subcommittee on Airland Forces had several very good hearings on these programs. We had service witnesses, OSD witnesses, CBO, and contractors present testimony on our requirements and our progress in these programs both from a technical risk and a cost standpoint.

I have been very concerned that we not repeat mistakes made in the past, where Congress was left in the dark and we ended up with an unacceptably expensive program like the B-2 program. I'll be very candid, Mr. President, I have some strong reservations about what is currently happening in the F-22 program. The program is experiencing a $2 billion overrun in the research and development program, with a risk that there may be sizeable cost growth in the procurement program as well.

The Air Force and the contractor assure us that they can absorb these overruns by restructuring the program and by taking out some preproduction verification aircraft. Some argue that this approach increases concurrency in the program, while the Air Force argues that by slowing down the engineering and manufacturing development phase of the program that they will be able to reduce overall concurrency. I think the jury is still out on that Mr. President, and that we are going to have to watch this program very carefully.

Reasonable minds are going to disagree on what the best approach is to addressing this problem. I am afraid that I must disagree with the committee's approach on F-22. The bill before us cuts $500 million out of the program—20 percent of this year's request. I just don't see how taking such a big cut out of the program can address the cost overrun. There's no connection between the two as far as I can tell, and worse than that, I'm concerned that cutting the program will only serve to increase the technical risk.

I don't want my colleagues to misunderstand me. I agree that we need to be vigilant in our oversight of the F-22 program and we need to make sure that adequate controls are in place so that we don't end up with runaway costs. But, I think a better way to deal with the situation is to fence the money—put up hurdles that the Air Force must clear before it can have all of the money that's been requested. Once those hurdles have been cleared, the Air Force can move forward with the program as planned. Under the committee bill, even if the Air Force meets every program requirement, they will still be $500 million short at the end of the year—it seems more punitive than remedial, Mr. President.

There are some other parts of the bill to which I am adamantly opposed. First, I take strong exception to the section included in the general provisions which would prevent the General Accounting Office [GAO] from conducting any self-initiated audits, under its basic legislative authority, until all other outstanding congressional requests have been completed.

This language amends title 31 of the United States Code and is an unwarranted and unjustified intrusion into the jurisdiction of the Committee on Governmental Affairs. It represents a major policy shift in the operation and authority of GAO. One which this committee adopted without any consultation or input from the Governmental Affairs Committee.

The Governmental Affairs Committee held an oversight hearing on GAO last Congress. There were several Members on each side of the aisle at that time who served on both committees. I don't recall any Member raising this as an issue or discussing problems regarding GAO's self-initiated audits to light.

Moreover, the committee, under my chairmanship, contracted with the National Academy of Public Administration [NAPA] to comprehensively review GAO's management and operations. The NAPA study did not identify any problems related to GAO's conduct under their basic legislative authority, nor did it make any recommendations for our consideration on this issue. In fact, quite the contrary. Some analysts thought GAO should perform more, not less, self-initiated audits. In their view, GAO was often subject to rather parochial and narrow Member requests which only drained GAO's time and resources. I would note that GAO currently conducts 80 percent of its work in response to Member requests. A few years ago, it was far more evenly split.

Since 1921, the Comptroller General has had broad authority to evaluate programs and investigate on his own initiative all matters relating to the receipt, disbursement, and use of public money. Self-initiated authority has provided GAO the flexibility to pursue critical issues that auditors and investigators uncover in the course of their work. It is essential to the maintenance of generally accepted standards of independence and impartiality. Any restriction of this authority would be akin to us muzzling the auditor. The effect of this provision would be that, for example, work could not proceed on the next set of high risk list reports until all Member requests—just think if a Member requested GAO to examine alien abductions—not only had been staffed, but had been completed. On large jobs, it may take well over a year to do the work.

I know from my long service on the Governmental Affairs Committee that Members often disagree with GAO's conclusions on a particular report. That has happened to me more than once. But if we demand objectivity, and I think all of us do, then we must give GAO the independence and authority they need to do the job. We want them to be able to investigate mismanagement or fraud wherever it exists.

I regret that this committee did not see fit to consult with GAO's authorizing committee before slipping this provision in a massive bill at the last moment. I know that I, during my chairmanship of the Governmental Affairs Committee, would at least have consulted with the Armed Services Committee if we were going to act on legislation affecting title 10.

For these reasons, I will do all I can to strike this provision from this bill and I would hope my colleagues on both committees would join with me.

The committee's bill contains five land conveyance provisions—including one that was added at literally the last minute of the markup—and in their current form I am opposed to each of them. These conveyances are as follows:

Section 2813, Land Conveyance Hawthorne Army Ammunition Depot, Mineral County NV. This provision would authorize the Secretary of the Army to convey, at no cost, 33 acres of real property currently used as Army housing to Mineral County Nevada.

Section 2815, Land Conveyance, Topsham Annex Naval Air Station, Brunswick, ME. This provision would authorize the Secretary of the Navy to convey, at no cost to the Maine School Administrative District No. 75, 40 acres or real property including improvements to the property.

Section 2816, Land Conveyance Naval Weapons Industrial Reserve Plant No. 464 Oyster Bay, NY. This provision would authorize the Secretary of the Navy to convey at no cost 110 acres of real property, including equipment, fixtures, special tools, and test equipment all of which comprise the Naval Industrial Reserve Plant No. 464 to the County of Nassau, NY.

Section 2817, Land Conveyance Charleston Family Housing Complex, Bangor, ME. This provision would authorize the Secretary of the Air Force to convey at no cost 20 acres of real property currently used as Air Force housing to the city of Bangor, ME.

Section 2818, Land Conveyance Ellsworth Air Force Base, SD. This provision would authorize the Secretary of the Air Force to convey at no cost 5 parcels of land totalling more than 290 acres to the Greater Box Elder Area Economic Development Corporation in Box Elder, SD. Each of the five parcels of land contains military housing units.

I am extremely disappointed that the committee has discontinued a process to evaluate land conveyances which started when I was chairman of the Readiness Subcommittee, and which was continued by Senator MCCAIN when he was chairman. This informal process sought to ensure that taxpayer's interests were partially protected, by conducting an expedited 30-day screen conducted by the General Services Administration for other Federal interest of each proposed conveyance. Because these land conveyance provisions waive the Federal Property and Administrative Services Act, the committee cannot assure taxpayers that the Federal Government is not seeking to acquire property that is similar to what the legislative provisions are giving away.

Now, Mr. President, some have suggested that screening this property for Federal interest is just a bureaucratic procedure that delays the productive use of property which the Member in his or her judgement believes to be the best interest of his or her constituents. Others have suggested that this process is a waste of time because the expedited screening policy implemented by Senator MCCAIN and myself never resulted in property being flagged for other Federal use.

I would like to address each of these points.

First, Federal screening is the law of the land. If Congress, and the Armed Services Committee in particular, believe that it is no longer necessary, the appropriate action is to amend the Federal Property and Administrative Services Act. It also appears that the intent of several of these conveyances is to get around the McKinney Act which Congress passed to address the needs of the homeless. I think it should be made clear that the McKinney Act has by and large been successful in providing housing to the homeless. If the proponents of these conveyances disagree, they should seek to amend McKinney rather than continually waive it.

Now let me explain why Federal screening of excess property makes sense. I refer to a chart provided by the General Services Administration entitled, "Recent Examples of Excess Real Property Screened by GSA with Federal Agencies and Subsequently Transferred to other Federal Agencies for Continued Federal Use."

Mr. President this chart shows why Federal screening of excess property saves taxpayer dollars. The chart lists five examples, including two from the Department of Defense, where excess property from one agency was transferred to another Federal agency as a result of the screening process. The total value of property in these five examples is almost $36 million. What this means Mr. President, is that the screening process saved Federal taxpayers $36 million dollars because the receiving agencies were able to utilize property which the holding agency no longer needed.

Now I would ask the chairman or ranking member of the Readiness Subcommittee whether he can tell me if there is any Federal interest in the property which the committee proposes to give away?

I would further ask my friends what harm they see in ensuring that taxpayer's interests are minimally protected by requiring a Federal screen before allowing these conveyances to go forward? Would my colleague consider accepting an amendment for each of the conveyances I have identified that would require a satisfactory Federal screen as a condition of the conveyance?

It seems to me that there is the potential with these land conveyances for the taxpayer to lose twice. Once because another Federal agency may have a need for this property. And a second time because we are authorizing the military to give away the property instead of trying to seek a fair market value for it.

In the past, when I was chairman of the Readiness Subcommittee we asked the General Services Administration to provide a preliminary estimate of the value of the property which the committee was proposing to give away. I would note that each of the five conveyances included in the committee's bill would convey the property for no consideration. I think, at a minimum, we should at least have a ball park estimate of how much money the Government is losing with these provisions.

I would expect that my colleagues who speak of the importance of balancing the budget and are so-called deficit hawks would be interested in the result of GSA's valuation of these properties.

To conclude I have asked the GSA to conduct a 30-day screen for each property, and make an estimate, to the extent possible, of the value of each proposed conveyance. I will make this information available to my colleagues as soon as I have it.

In addition, I am strongly opposed to the committee's action in raising the budget for the space-based laser by $118 million. Deployment of this dubious star wars holdover would violate the ABM Treaty, cost an exorbitant amount, and not address any real current or anticipated near-term threat to our security. I have similar concerns about the $80 million that the committee is recommending for the antisatellite [ASAT] program.

The committee can find $118 for the space based laser and $80 million for ASAT, but is slashing $135 million from one of our most valuable national security programs, the Cooperative Threat Reduction Program. The proposal to cut $25 million from the Energy Department's Materials Protection, Control and Accounting [MPC&A] Program, another $50 million from the Department's international nuclear safety program, and $60 million from the CTR program itself—are to me extremely ill-advised. I strongly support the efforts by Senator BINGAMAN to restore and to increase funds for the MPC&A Program and the Initiatives for Proliferation Prevention Program.

Perhaps most extraordinary of all was the committee's agreement to increase the National Missile Defense Program by a whopping $474 million without even first requiring a detailed explanation of how these funds would be spent. The committee's action offers strong evidence of a double standard at work in the current Congress, in which social and environmental programs are being slashed and subjected to congressional micromanagement, while a massive and provocative defense program escapes close congressional scrutiny. The committee is giving all the appearance here of handing the NMD Program a blank check, at the same time another bill, S. 7, would force the President to deploy a NMD system by the year 2003. I regard these actions both as poor defense policy and poor management of the public's funds.

Finally, I regret that the committee has acceded to the Department's request to cut end strength further. I understand the rationale that is used to support continued end strength reductions, i.e., to cut end strength in order to generate cash savings that can help pay for modernization programs, and I agree completely that our servicemembers deserve to have the best and most modern equipment available. However, I do not agree with the approach that we reduce the size of the force to pay for it.

We are using the military for peacetime operations as much today as at any time during the cold war. I believe that if we want to continue to deploy a superb and ready force, we cannot cut the size of the force year after year and operate at the same optempo. Even if modernization programs can reduce the manpower needed to conduct wartime or peacetime operations in the long term, in the near term, we still need people to carry out our important worldwide commitments.

I am concerned that we are rapidly falling below the manning levels necessary to either conduct our peacetime operations or credibly maintain a combat force capable of carrying out two nearly simultaneous major regional contingencies. Unfortunately, I do not believe it is possible to build a consensus in the Congress to maintain the appropriate size force, which I believe to be about 1.6 million active duty, when the Defense Department, itself, argues that it does not need these personnel and views the savings from end strength reductions as a relatively easy way to fund its weapons programs.

Mrs. FEINSTEIN. Mr. President, I rise in support of the DOD authorization bill for fiscal year 1998. This is a responsible bill that recognizes the national security threats we face, and properly funds the operations and modernization accounts needed to support the finest military in the world.

Over the past year, we have been constantly reminded that our military must be able to respond to a variety of threats all over the globe. The United States is unlike any other country in that we can identify important national interests in every region on the Earth, and our military must have the right equipment, training and resources to protect those interests. Our Armed Forces must be prepared for a variety of missions, from peacekeeping, humanitarian, and peace enforcement operations to rapid, full scale deployment.

This authorization bill recognizes the missions and roles our Armed Forces will face and provides an appropriate level of funding. While the fiscal year 1998 DOD authorization bill is nearly $3 billion higher than the President's budget request, it keeps total defense spending $3.3 billion below last year's inflation adjusted level. Although some of my colleagues may think this a negligible reduction, this is the 13th year in a row where the U.S. defense budget is less than it was the year before.

I believe this bill takes a significant step forward regarding DOD's depot maintenance policy. It maintains the public/private competition for depot maintenance workloads at Kelly and McClellan Air Force Bases which can save future taxpayer dollars. If the competitions for these workloads are won by the private sector, hundreds of millions of dollars in savings could be realized by avoiding the costs of new military construction, movement of the workload, and retraining workers at the remaining Air Logistics Centers. Privatization of non-core depot maintenance workloads is supported by Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, Dr. John White, Deputy Secretary of Defense, the Aerospace Industries Association, Business Executives for National Security, and the U.S. Chamber of Commerce. Public/private competition is a good idea, and I am pleased this bill recognizes its value.

This bill also moves to address the critical readiness issues by authorizing more than $77 billion in near-term readiness funding. This includes an increase of more than $1 billion for high priority programs such as ammunition procurement, flying hours, cold weather gear, and barracks renovation.

This year's defense bill also recognizes the needs of our men and women in uniform. I believe the committee wisely includes additional military construction projects, adopts a single, price-based housing allowance based on a national index for housing costs, and a 2.8 percent pay raise to better our uniformed military's standard of living.

I applaud the adoption of Senator STEVENS' amendment, to which I was an original cosponsor, to create a position on the Joint Chiefs of Staff for a four-star general to represent the National Guard Bureau. The National Guard is a vital part of our armed services, serving in times of crisis both at home and abroad. A four-star general will give the National Guard, which now comprise 55 percent of our ground forces, equal consideration and input at the real decision making levels in the Department of Defense.

I do not, however, support all the extra funds that were added to this bill. I felt it important to support of Senator BINGAMAN's amendment to cut $118 million from the Space Based Laser Program. I believe that a national missile defense is a laudable goal. There is, however, no immediate or even mid-term threat to U.S. security that suggests the need for the immediate development of this space based national missile defense system. Only Russia and China have nuclear-armed ICBM's that can reach the United States and China has no more than a dozen or so of these weapons. There is consensus within the national security and intelligence communities that it is very unlikely that additional countries can or will build ICBM's within the next two decades.

I will continue to strongly support the funding of critical theater missile defense systems and a national missile defense system that meet projected threats and achieve an affordable ballistic missile defense. Under this scenario, should threats to the United States begin to materialize, we will have sufficient lead-time to respond to those threats, and dedicate higher funding levels to develop and deploy a national missile defense system.

I also supported the Wellstone amendment to offset cuts in the veterans' health care budget by allowing the Secretary of Defense to transfer up to $400 million from DOD funds. I believe it is imperative that we support our veterans who have fought to guarantee us our freedom. The planned cuts in the VA will certainly have an effect on the availability and quality of health care and other essential services that are available to our veterans. I believe it would be only fair to give the Secretary of Defense the ability to transfer the funds which would offset the VA cuts, especially when this bill authorizes $2.6 billion more than the President's request.

Finally, Mr. President, I believe the Senate has acted wisely in requiring a comprehensive study of the base closure process before any further base realignment and closure rounds can occur. As the senior senator from California, I have seen firsthand how cumbersome and nightmarish the BRAC process has been. Communities continue to struggle with the base reuse process. In addition, environmental cleanup of closed bases is proceeding much slower and at much greater cost than expected. Finally, there are no reliable figures to show how much the Department of Defense has saved in the prior BRAC rounds, much less reliable estimates for savings in future rounds. I will not vote for further base closure rounds until these problems are resolved.

Mr. THOMPSON. Mr. President, I seek to withdraw an amendment I have filed to the fiscal year 1998 Defense authorization bill because I see that pressing ahead with this amendment at this time would only delay passage of this important legislation. Before I formally withdraw my amendment, however, I wish to inform my colleagues about the circumstances which prompted me to introduce this measure—circumstances which continue today.

A basic unfairness exists within the current regulations for membership in the National Guard. This inconsistency arbitrarily penalizes some patriotic Americans who serve their country well. It also hinders the ability of some National Guard units to attract and retain the most qualified individuals, thereby undermining the effectiveness of those units.

This situation was brought to my attention because of a constituent of mine, Robert Echols, of Nashville. Mr. Echols, a Federal district court judge in the Sixth Judicial Circuit in Tennessee, is also a colonel in the Tennessee National Guard where he has served with distinction for 27 years. In September 1995, Colonel Echols was recommended for promotion to the rank of brigadier general.

Although Colonel Echols' promotion was supported by the chief judge of the sixth judicial district, the Tennessee National Guard, and the National Guard Bureau here in Washington, to date his promotion has been delayed. The Assistant Secretary of the Army for Manpower and Reserve Affairs has cited a regulation limiting Guard service by certain Federal officials to explain this delay. Further exacerbating the unfairness to Colonel Echols is the fact that this regulation is inconsistently applied. Other Federal officials who should fall within the scope of the regulation serve in the Guard unhindered.

I have been working with the Pentagon since early this year to rectify this unfair situation. Thus far, no solution has been found. Indeed, the Pentagon has been unwilling to reconsider Colonel Echols' circumstance. They have also opposed my amendment to this legislation.

I offered my amendment in an attempt to address the specific situation of district court judges serving in the National Guard. Considering that the chief of the sixth circuit has written that Mr. Echols' Guard service does not hinder his ability to serve as a judge, it is clear to me that civil servants in this category should be considered for National Guard service on a case-by-case basis. That is what my amendment would have done.

Nevertheless, it has become clear to me that pressing forward in this fashion at this time will only delay passage of the critical Defense authorization bill, probably without rectifying the underlying problem. I will, therefore, withdraw the amendment at this time. I do intend, however, to continue working to find a solution to this unfair situation which penalizes Americans seeking to serve their country and undermines the effectiveness of National Guard units.

Mr. LUGAR. Mr. President, as the fiscal year 1998 Defense authorization bill moves to conference to resolve differences between the Senate and House versions of the bill, I am hopeful the conferees will give careful consideration to the Senate provision addressing the issue of the disposal of the U.S. chemical weapons stockpile. This provision requires an additional report to Congress by the Secretary of Defense on options available to the Department of Defense for the disposal of chemical weapons and agents.

Since 1985, Congress has directed the Army to conduct a number of studies and evaluations of our Nation's chemical weapons stockpile in order to determine the safest and most effective method of disposal. Regardless of the destruction timetables set forth in the recently ratified Chemical Weapons Convention, U.S. chemical agents and munitions must be disposed of by 2004 as a matter of national policy.

Determining a safe and cost effective method for disposal of our Nation's chemical weapons stockpile is an issue of concern to many communities and citizens located near the Army's eight CW storage sites. In my home State more than 1,000 1-ton containers of bulk VX nerve agent are stored at the Newport Army Chemical Activity, Newport, IN.

At the direction of Congress, the Army examined a range of disposal options and methods and involved significant public participation in the review process. The Army also considered the recommendations contained in an independent report on certain alternative technologies prepared by the National Academy of Sciences at the request of Congress.

On December 6, 1996, the Army recommended that the Department of Defense utilize a neutralization process for disposal of bulk chemical agents stored at Aberdeen Proving Ground, MD, and Newport, IN. On January 17, 1997, the Department of Defense authorized the Army to proceed with the necessary activities to pilot test two neutralization-based processes for the destruction of chemical agents stored at Aberdeen and Newport.

As the conference meets to resolve differences between the House and Senate-passed versions of the fiscal year 1998 defense authorization bill, I am hopeful conferees will be mindful of the important progress made by Congress and the Army since 1986 to address this issue.

Mr. WARNER. Mr. President, on behalf of the distinguished chairman, we are prepared to exchange a package of routine amendments which have been agreed to by the chairman, Mr. THURMOND, and the distinguished ranking member, Mr. LEVIN, and as far as this Senator knows that is the last item prior to final passage.

Mr. LOTT. Mr. President, it sounds to me as if good progress has been made here, and we are about ready to come to final passage on this very important legislation. I think it is a monumental achievement to be able to move a Department of Defense authorization bill in the way this has been moved and in the time it has been moved.

Therefore, after this vote, then, it will be the last vote of today. Following the disposition of the DOD authorization bill, the Senate will proceed to executive session to consider the nomination of Joel Klein to be an Assistant Attorney General. I expect some debate at the very minimum on that nomination today. The Senate will begin the DOD appropriations bill at 12 noon on Monday and at 3 p.m. on Monday conduct a cloture vote on the Klein nomination. Therefore, the next rollcall vote will occur at 5 p.m. on Monday. I encourage all Members who intend to amend the DOD appropriations bill to be prepared to offer their amendments on Monday. We hope to complete that bill by the close of business or afternoon Tuesday. This will be the final vote this week until Monday.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, as soon as this is worked out, I will not hold up the vote, but I just want to commend everyone for getting this very important bill through the Senate. The distinguished committee chairman, Senator THURMOND, our wonderful President pro tempore, has worked hardest to make sure that we have the armed services authorization with the policies in place that we need to provide for the strong national defense of this country. I commend him and his ranking member, Senator LEVIN, and all of those on the committee who have tried to make sure that we are using our tax dollars in an efficient way but with the foremost goal of providing the security of our country and for the support of the troops both in training, quality of life, and the technology that we need to make sure that our troops are the safest they can be when they are in the field and that they have the best equipment of any troops in the world, so that when they are called on to fight for the security of our Nation, they will be able to do the job.

I commend the committee and I commend its leaders.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I do not intend to talk any longer than necessary, until we get a signal that we are ready to go to final passage. I don't want to hold anything up. I know a lot of people have planes to catch and commitments to make, and are very anxious to finalize this bill as quickly as possible. But, in that we were in a quorum call and not quite there yet, let me just take this opportunity to say how profoundly disappointed I am that we were not able to do anything to move toward additional base closings.

I doubt there is a Member in this body that doesn't understand that we have too much capacity. We had a force structure designed to address the cold war. The threats have changed, the force structure has been reduced, but the base infrastructure has not been reduced accordingly. As a consequence, with a fixed top budget line, that means we have to spread our resources around in areas that are not essential and sacrifice areas that are essential.

We do not begin to have the amount of money needed to modernize our forces. We have been talking about this for years and we keep postponing that. The quality of life for our soldiers, particularly in housing, has suffered. The state of our military housing is deplorable. Nearly two-thirds of current military housing is substandard and substandard by military standards, which is even below civilian standards. I am ashamed at what we ask people who commit to serve this country to live in; how we ask them to live. I have toured and visited those barracks, those homes. As former chairman of the personnel subcommittee, I made it a point to visit many bases both here and abroad. The state of our military housing is deplorable.

We cannot begin to shift enough funds there if we can't find the funds to shift. One of the ways proposed to address that is additional rounds of base closings. I know they are painful. None of us want to close bases in our States. I have had to participate in two base closings in our State and we only had two bases. But the people of Indiana supported that because they felt it was necessary, we did have excess capacity. And it was done in a fair manner. It was not easy. It was not painless. But it was necessary.

The argument that we have heard here on the floor that we don't know what the cost is going to be is a ludicrous argument. If you take that to its logical conclusion, we ought to be doubling the number of bases because it is going to save us money, because if cutting bases costs money it just makes sense that adding bases, new bases, would save money.

Every industry in America has had to adjust to the global changes that are taking place in business and become more productive. They have had to do more with less. So whether it's auto companies or electronics manufacturers or whatever, they have had to close excess capacity. Does that mean people get laid off? Yes. Transferred? Yes. Does it mean that communities are impacted? Yes. But for the institution to be viable for the future, it is a necessary step. Otherwise everybody gets hurt. Yet we refuse to do that here. I am just disappointed that we could not at least put some process—not even defining the process—but some process that would move us toward reducing this infrastructure and addressing the long-term problem that we have.

We might not get the savings in 3 years. It might not directly offset in the 5-year budget plan. But we know it is going to accrue positively for the Department of Defense at some point in the future; that maintaining these bases is simply going to continue to drain money from essential functions, to put pressure on pay, to put pressure on health care for the military members and their dependents, to put pressure on housing, quality of life, modernization and everything else.

Mr. President, we are moving toward finalizing this bill. It looks like an agreement is reached and I will yield the floor. We can talk about this more at another time.

Several Senators addressed Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the fiscal year 1998 Defense budget request sent over by the administration continues to reflect the low priority given to our men and women serving in the armed services. For the third straight year, the administration has inadequately funded the national security interest of this Nation, particularly in the modernization accounts. Congress added $2.6 billion in funding to the administration's request in order to provide the resources necessary to execute required national tasking. Additionally, the committee refocused the administration's budget request, adding over $5.2 billion to the procurement and research and development modernization accounts.

Service Chiefs requested that any potential additional funding be devoted toward key modernization accounts, as reflected in the respective services unfunded priority lists. Unfortunately, the bills proposed by the Senate Armed Services Committee and the House National Security Committee include a plethora of programs not requested by the Defense Department, virtually ignoring the request of the Pentagon and impeding the military's ability to channel resources where they are most needed. In my opinion, this bill contains in excess of $4.9 billion in questionable add-ons and expenditures that do little to contribute to our national security. Similarly, the House defense bill contains over $5.5 billion in objectionable defense adds.

Mr. President, the following highlight some of the more egregious projects:

The military construction and family housing accounts received unrequested plus-ups for low-priority U.S. based projects totaling over $772.0 million, including over $262.5 million for the National Guard and Reserves. This MILCON plus-up represents over $100 million more than was added to the 1997 Defense budget request. However, unlike last year, the committee has not had the luxury of adding nearly $13 billion to the overall budget request. The MILCON plus-up includes over $85 million for the construction of nine readiness and reserve centers for the Guard and Reserve at the same time that National Guard and Reserve end-strength is being cut by over 54,000 personnel.

The procurement account includes the unrequested funding of $343.3 million for six C–130 aircraft. General Fogleman testified before the committee that the Air Force had too many C–130 aircraft, in fact, he called it "An embarrassment of riches." The House bill includes $331 million to keep the B–2 line open. The Chief of Naval Operations, No. 1 priority on his unfunded priority list was the addition of four F/A–18E/F aircraft. This request, his No. 1 priority, was overlooked by both committees.

The Senate bill includes $2.6 billion for procurement of four new attack submarines and proposes a teaming arrangement which effectively eliminates competition among shipyards. The American taxpayer will soon find itself funding submarines less capable by design than the *Seawolf,* and without the benefit of economic common sense which competition and free market principles would provide the cost will approach that of the *Seawolf.*

The bill includes unrequested plus-ups in excess of $42 million for automotive and combat vehicle technology research, including research on vehicle composites, electric drives, and battery recharging.

Included are plus-ups to medical research and development projects totaling over $26.5 million for retinal display research, freeze dried blood, and human factors engineering, among others.

Funding of approximately $17 million for unrequested research into the next generation Internet. I believe Bill Gates and Steve Jobs are capable of continuing the computer revolution without additional funding from DOD.

Mr. President, in summary, I am sure there are many programs on my list which may be good programs. I am sure that they benefit certain States, however, with military training exercises continuing to be cut, backlogs in aircraft and ship maintenance, flying hour shortfalls, military health care underfunded by $600 million, and 11,787 servicemembers reportedly on food stamps, I believe we need to forgo, in General Fogleman's terms, the "Embarrassment of riches".

Overall, I believe the committee has produced a fine defense bill, and I voted in favor of reporting it out of committee. It is imperative that we maintain the additional $2.6 billion added to the administration's request and I support the redirection of funds to the modernization accounts. However, the allocation of some of those funds to unnecessary spending still warrants concern, and I urge my colleagues to look carefully at these add-ons.

I ask unanimous consent two tables of objectionable programs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Objectionable programs in the fiscal year 1998 Senate Armed Services defense bill

[In millions of dollars]

PROCUREMENT	
Army: C–XX Medium-Range Aircraft (5)	23.0
Navy:	
SSN–21 (SEAWOLF)	153.4
New Attack Submarine	2,600.0
Advance Procurement for TAGS–65	75.2
Other Propellers and Shafts	38.3
Amphibious Raid Equipment	1.6
Air Force:	
C–130J Logistics	48.0
WC–130J (3)	177.0
Logistic Support for WC–130J	29.7
EC–130J	70.5
C–130J (2)	95.8
National Guard and Reserve Equipment	653.0
RESEARCH AND DEVELOPMENT	
Army:	
University and Industry Research Centers	2.3
Combat Vehicle and Automotive Technology	4.0
Medical Advanced Technology	4.6
Combat Vehicle and Automotive Advanced Technology	9.0
DoD High Energy Laser Test Facility	10.0
Army Research Institute	3.6
National Automotive Center	4.0
Plasma Energy Pyrolysis System	8.7
Radford Environmental Development and Mgmt. Program	6.0
Naval Surface Warfare Center (ID) and Industry R&D	1.75
Intravenous Membrane Oxygenator Technology	1.0
Navy:	
Oceanographic and Atmospheric Technology	16.0
Medical Development	2.5
Industrial Preparedness	50.0
National Oceanographic Partnership Program	16.0
Freeze-Dried Blood Research Project	2.5
Air Force:	
Phillips Lab Exploratory Development	15.0
High Frequency Active Auroral Research Program	11.0
Defensewide:	
Electronic Commerce Resource Centers	3.0
Management Headquarters (Auxiliary Forces)	5.8
Advanced Lithography	22.0
OPERATION AND MAINTENANCE	
Center for Excellence in Disaster Management and Humanitarian Assistance (Hawaii)	5.0

Objectionable programs in the fiscal year 1998 Senate Armed Services defense bill—Continued

[In millions of dollars]

MISCELLANEOUS	
Center for the Study of the Chinese Military National Defense University (NDU)	5.0
Senate procurement, RDT&E, and miscellaneous, total	4,172.0
Senate Milcon and Family Housing	772.9
Total Senate Questionable Spending	4,944.9

Objectionable Programs in the fiscal year 1998 House National Security defense bill

[In millions of dollars]

PROCUREMENT	
Army:	
C–12 Passenger Jets (modifications)	6.0
Automatic Data Processing Equipment	13.0
Navy:	
SSN–21 (SEAWOLF)	153.4
New Attack Submarine	2,600.0
KC–135 Tankers Re-Engining (3)	179.7
TAGS Oceanographic Ship (1)	75.2
LCAC SLEP	17.3
Fast Patrol Craft (modifications)	20.0
Sonobuoys (those not on "wish list")	13.5
Marine Corps: Fuel Storage Tanks	2.0
Air Force:	
B–2A Spirit Bomber	331.2
EC–130J (1)	49.9
C–130J (5)	293.0
AGM–65 Maverick Missile (no missiles procured; keep production line warm)	11.0
Weather Observation/Forecasting Program	4.0
Defense-Wide:	
Automated Document Conversion System	30.0
BMD National Laboratory Program	50.0
University-Based research Center to Oversee DoE Defense Projects	5.0
National Guard and Reserved: Total Reserved and Guard Equipment Add	700.3
RESEARCH AND DEVELOPMENT	
Army:	
Passive Camera Technology	5.0
Combat Vehicle & Automotive Technology	11.0
Field Battery Recharging Capability	5.0
Battery Manufacturing Technology	3.0
Combat Vehicle Composites	2.0
Combat Vehicle Electric Drive	1.0
Combat Vehicle Improvement Programs	20.1
Electromechanic & Hypervelocity Research	1.9
Projectile Detection & Cueing	2.5
Computer-Based Land Management Model	4.9
BEST	4.0
VREMT	3.5
Scram Jet Development	8.0
Tactical Internet C3 Protection	2.0
Electrorheological Fluids Recoil	5.0
Human Factors Engineering Technology	5.1
Eye Research, Retinal Display Technology	5.0
Life Support For Trauma & Transport	6.0
End Item Industrial Preparedness Activities	15.0
Navy:	
Freeze Dried Blood	2.5
Medical Mobile Monitor	4.0
Proton Exchange Membrane Fuel Cells	1.8
Carbonate Fuel Cells	3.5
Surface/Aerospace Surveillance And Weapons Technology Free Electron Laser	10.0
Surface/Aerospace Surveillance and Weapons Technology Free Electron Laser	10.0
AN/SPS–48E Air Search Radar at Naval Engineering Center	6.0
Air Force:	
Phillips Lab Exploratory Development	6.0
Protein-based Ultra-High Density Memory	3.0
ALR–69M Radar Warning Receiver	[1]14.0
Space Plane	15.0
Space Scorpius	15.0
Solar Thermionics Orbital Transfer Vehicle	20.0
Atmospheric Interceptor Technology	25.0
Eglin Air Force Base Instrumentation Improvements	14.8
Defense-Wide:	
Next Generation Internet	15.0
Wide Bandgap Semiconductors	10.0
Computing Systems and Communications Reuse Technology	4.5
Flat Panel Display Dual Use Initiative	23.0
3-D Microelectronics Technology Initiative	7.5
Environmentally Safe Energetic Materials Research	3.0
Advanced Lithography Technologies Program	21.0
MARITECH	4.0
Joint Robotics Teleoperation Capability Program	10.0
OPERATION AND MAINTENANCE	
Center for excellence in Disaster Management and Humanitarian Assistance (Hawaii)	5.0
MISCELLANEOUS	
Center for the Study of Chinese Military National Defense University (NDU)	5.0
PILOT PROGRAM	
Plasma Arc Melter System Pilot Program	4.0
TITLE XXXVI	
Maritime Administration Authorization of Appropriations	109.0
Procurement, RDT&E, and miscellaneous total	4,917.0
Milcon and Family Housing	733.6
Total House questionable spending	5,650.6

[1] Denote programs for National Guard or Reserve.

Mr. McCAIN. Mr. President, I want to just for 10 seconds thank my friend from Indiana, the most knowledgeable member of the Armed Services Committee on personnel issues, and his advocacy for what is right about this base closing issue. It is important and critical. I think most of my colleagues will understand the argument he just made because we are going to pay for this in a big way if we don't reverse the vote that was taken most recently. I yield.

AMENDMENT NO. 423, WITHDRAWN

Mr. INHOFE. Mr. President, I ask unanimous consent to withdraw my amendment No. 423.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 423) was withdrawn.

Mr. WARNER. I am pleased to say on behalf of Senator THURMOND, the ranking member and I, are now ready to take up a series of amendments which have been agreed to by both sides. Following the adoption of these amendments, I know of no reason why we cannot go to final passage.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 666, WITHDRAWN

Mr. LEVIN. Mr. President, I ask unanimous consent that amendment No. 666, an amendment of Senator WELLSTONE, be withdrawn at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 666) was withdrawn.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENTS AGREED TO EN BLOC

Mr. THURMOND. Mr. President, I send a package of amendments to the desk and ask consent that these amendments be considered as read and agreed to en bloc; the motion to reconsider be laid upon the table en bloc, and finally, that any statement relating to any of the amendments appear at this point in the RECORD. These amendments are cleared amendments and have been agreed to by both sides of the aisle.

Mr. LEVIN. No objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were considered and agreed to en bloc, as follows:

AMENDMENT NO. 594, AS MODIFIED

(Purpose: To consolidate and strengthen restrictions on the use of human test subjects in biological and chemical weapons research)

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON USE OF HUMANS AS EXPERIMENTAL SUBJECTS IN BIOLOGICAL AND CHEMICAL WEAPONS RESEARCH.

(a) PROHIBITED ACTIVITIES.—No officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) otherwise conduct any testing of biological or chemical agents on human subjects.

(b) Inapplicability to Certain Actions.—The prohibition in subsection (a) does not apply to any action carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, research, or other activity.

(2) Any purpose that is directly related to protection against toxic chemicals and to protection against chemical or biological weapons.

(3) Any military purpose of the United States that is not connected with the use of a chemical weapon and is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(4) Any law enforcement purpose, including any domestic riot control purpose and any imposition of capital punishment.

(c) Biological Agent Defined.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(d) Report and Certification.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following:

"(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with a detailed justification for the testing, a detailed explanation of the purposes of the testing, the chemical or biological agents tested, and the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.".

(e) Repeal of Duplicative, Superseded, and Executed Laws.—Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520) is repealed.

Mr. WYDEN. Mr. President, I wish to thank the managers of the Department of Defense authorization bill and the committees for their assistance and support of my amendment.

Earlier this year, the Senate ratified the Chemical Weapons Convention. This historic treaty puts into U.S. law a clear prohibition on the testing, production, and stockpiling of an entire class of terrible weapons of mass destruction, and we are now part of the international institutions which will enforce the treaty worldwide.

Even with this clear ban, constituents have written me concerned that, without their consent, human test subjects are used to research chemical and biological weapons agents, or that the Government, with the consent of local elected officials and Congress, may conduct experiments on civilian populations. Very often, these concerns are based on reading existing provisions in the United States Code that appear to permit it. The provision in question, contained in title 50, United States Code, Chapter 32, Section 1520, is a relic of the cold war, and my amendment strikes it.

Further, to make it clear that such testing is no longer permitted, this amendment spells out a clear, easily understood prohibition of the use of human test subjects in chemical and biological weapons research. To prevent confusion, this amendment spells out the distinction between weapons testing and such peaceful medical research such as the search for a cure for AIDS or developing vaccines for deadly diseases. But to make sure that even this peaceful research is not misused, my amendments adds a new reporting requirement for the Pentagon to describe in detail every year exactly what sort of medical and peaceful research is conducted and requires the Department of Defense to certify that full informed consent was obtained in advance from anybody participating in this research. Congress, and most importantly, the public must have the best possible information about these programs.

A provision that, on the surface, appears to permit testing of chemical weapons on civilian populations has no place in U.S. law, and I thank my colleagues for joining me in striking it.

AMENDMENT NO. 595 AS MODIFIED

(Purpose: Reports on procedures for providing information and assistance to families of victims of Department of Defense aviation accidents)

At the end of subtitle D of title X, add the following:

SEC. 1041. REPORT ON DEPARTMENT OF DEFENSE FAMILY NOTIFICATION AND ASSISTANCE PROCEDURES IN CASES OF MILITARY AVIATION ACCIDENTS.

(a) Findings.—Congress makes the following findings:

(1) There is a need for the Department of Defense to improve significantly the family notification procedures of the department that are applicable in cases of Armed Forces personnel casualties and Department of Defense civilian personnel casualties resulting from military aviation accidents.

(2) This need was demonstrated in the aftermath of the tragic crash of a C–130 aircraft off the coast of Northern California that killed 10 Reserves from Oregon on November 22, 1996.

(3) The experience of the members of the families of those Reserves has left the family members with a general perception that the existing Department of Defense procedures for notifications regarding casualties and related matters did not meet the concerns and needs of the families.

(4) It is imperative that Department of Defense representatives involved in family notifications regarding casualties have the qualifications and experience to provide meaningful information on accident investigations and effective grief counseling.

(5) Military families deserve the best possible care, attention, and information, especially at a time of tragic personal loss.

(6) Although the Department of Defense provides much needed logistical support, including transportation and care of remains, survivor counseling, and other benefits in cases of tragedies like the crash of the C–130 aircraft on November 22, 1996, the support may be insufficient to meet the immediate emotional and personal needs of family members affected by such tragedies.

(7) It is important that the flow of information to surviving family members be accurate and timely, and be provided to family members in advance of media reports, and, therefore, that the Department of Defense give a high priority, to the extent practicable, to providing the family members with all relevant information on an accident as soon as it becomes available, consistent with the national security interests of the United States, and to allowing the family members full access to any public hearings or public meetings about the accident.

(8) Improved procedures for civilian family notification that have been adopted by the Federal Aviation Administration and National Transportation Safety Board might serve as a useful model for reforms to Department of Defense procedures.

(b) Reports by Secretary of Defense.—(1) Not later than December 1, 1997, the Secretary of Defense shall submit to Congress a report on the advisability of establishing a process for conducting a single, public investigation of each Department of Defense aviation accident that is similar to the accident investigation process of the National Transportation Safety Board. The report shall include—

(A) a discussion of whether adoption of the accident investigation process of the National Transportation Safety Board by the Department of Defense would result in benefits that include the satisfaction of needs of members of families of victims of the accident, increased aviation safety, and improved maintenance of aircraft;

(B) a determination of whether the Department of Defense should adopt that accident investigation process; and

(C) any justification for the current practice of the Department of Defense of conducting separate accident and safety investigations.

(2) Not later than April 2, 1998, the Secretary of Defense shall submit to Congress a report on assistance provided by the Department of Defense to families of casualties among Armed Forces and civilian personnel of the department. The report shall include—

(A) a discussion of the adequacy and effectiveness of the family notification procedures of the Department of Defense, including the procedures of the military departments; and

(B) a description of the assistance provided to members of the families of such personnel.

(c) Report by Department of Defense Inspector General.—(1) Not later than December 1, 1997, the Inspector General of the Department of Defense shall review the procedures of the Federal Aviation Administration and the National Transportation Safety Board for providing information and assistance to members of families of casualties of nonmilitary aviation accidents, and submit a report on the review to Congress. The report shall include a discussion of the following matters:

(A) Designation of an experienced nonprofit organization to provide assistance for satisfying needs of families of accident victims.

(B) An assessment of the system and procedures for providing families with information on accidents and accident investigations.

(C) Protection of members of families from unwanted solicitations relating to the accident.

(D) A recommendation regarding whether the procedures or similar procedures should be adopted by the Department of Defense, and if the recommendation is not to adopt the procedures, a detailed justification for the recommendation.

(d) UNCLASSIFIED FORM OF REPORTS.—The reports under subsections (b) and (c) shall be submitted in unclassified form.

AMENDMENT NO. 598, AS MODIFIED

(Purpose: To add a subtitle relating to Persian Gulf war illnesses)

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The Secretary of Defense shall submit to Congress not later than March 15, * * * a plan to ensure that the results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location or locations to improve future access to the records. The report shall include a schedule for implementation of the plan within 2 years of enactment.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas.".

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND ENVIRONMENTAL HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and environmental hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF DRUGS UNAPPROVED FOR THEIR INTENDED USAGE.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive a drug unapproved for its intended use, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical care providers who administer a drug unapproved for its intended use or who are likely to treat members who receive such a drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the drug is first administered to the member, if practicable, but in no case later than 30 days after the drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the unapproved drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered has not been approved for its intended usage.

"(2) The reasons why the unapproved drug is being administered.

"(3) Information regarding the possible side effects of the unapproved drug, including any known side effects possible as a result of the interaction of the drug with other drugs or treatments being administered to the members receiving the drug.

"(4) Such other information that, as a condition for authorizing the use of the unapproved drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of drugs unapproved for their intended usage.".

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

AMENDMENT NO. 626

At the appropriate place in the bill, add the following:

SEC. . LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including:

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees, and

(2) not withstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.); the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

Mr. HELMS. Mr. President, this amendment will help address the critical educational needs of the children of the fine soldiers and airmen serving at Fort Bragg and Pope Air Force Base in North Carolina.

Across America, many communities surrounding major military installations are at a great disadvantage by having large numbers of military-connected schoolchildren, yet they receive nowhere near adequate impact aid. Harnett County in North Carolina is one of them. Harnett County is a relatively rural, agricultural county; that has experienced tremendous growth in its military-connected student population during the last decade.

Many soldiers stationed at Fort Bragg, and airmen assigned to Pope Air Force Base, have found a home in Harnett County because of its peaceful quality of life, its proximity to the bases and many other desirable aspects. According to one housing developer, 98 percent of the families buying in his community are military families. Harnett County has welcomed these newcomers but, in so doing, has struggled for the past several years to provide the basic services required to accommodate this burgeoning population.

Mr. President, Harnett County's schools have been especially impacted by this influx of military dependents. Recent years have seen thousands of students added to the rolls of Harnett County's school system. This growth has resulted in severe overcrowding in Harnett County schools. Many children have been forced to attend classes in temporary facilities, such as cafeterias, gymnasiums, auditorium stages, libraries, and trailers. In some schools, students must wait in line up to an hour even to use the bathroom.

Mr. President, projections indicate that Harnett County taxpayers will have to spend $87,000,000 for new schools within the next decade merely to keep up with this growth. As a rural county, Harnett has little industry or commercial development that can be used to generate significant tax dollars for school construction. The county simply does not have nearly enough resources to build more schools to serve these military dependents without substantial assistance.

The Federal Government has an obvious obligation to provide for the education of military dependents. Because of the nature of military service which requires frequent moves and reassignments, military families seldom have an opportunity to establish strong roots in a community or to become active in local schools. The Federal Government has a duty to ensure that these parents, who are prepared to risk their lives and go to war in 18 hours to serve our country, need not worry about the quality of education afforded their children.

For almost 50 years, Federal law has addressed the costs incurred by local communities in the education of military dependents through the payment of impact aid. These payments are designed to alleviate local government's inability to raise revenue for schools in the customary manner of raising property taxes since they are constitutionally prohibited from taxing installation property. These payments are not intended to benefit the local governments, but are intended to insure that service-members' children are not treated as second-class citizens and thereby disadvantaged by their parents' devotion to their country.

Nevertheless, the responsibility for making these payments has been removed from the Department of Defense and placed upon the Department of Education over the years. In so doing, the Federal Government has steadily reduced its payments to local educational agencies that serve these children. Despite rhetoric in support of education to the contrary, the President's own budget punishes these children by proposing a reduction of $72 million or 10 percent below the fiscal year 1997 level. I have always believed that the Federal Government has a limited role in education, but clearly, it has a role when its actions place a direct negative economic impact upon a community, such as Harnett County.

Some may argue that we owe no obligation to communities surrounding military bases. They may say that because communities now compete to retain military bases that our duties are mitigated. Our duty is owed to the service member, not the community. Besides, every community surrounding a military installation does not share equally in the economic benefit of having the installation closeby. For example, Harnett is the only county in the Fort Bragg impact area that suffers an economic loss due to its being adjacent to Fort Bragg. According to the latest statistics, Harnett County loses at least $122,000 per year because of Fort Bragg.

Adding to the education funding crisis, Fort Bragg purchased an additional 7,000 acres in the county last year. That purchase nearly doubled the amount of land the Federal Government owns in Harnett. This purchase caused Harnett County to permanently lose an additional $24,000 in annual tax revenues. The projected fiscal year 1997 impact aid payment to Harnett County is only $37,712. Compare that to the $278,177 that the county would receive if impact aid basic support payments were fully funded.

During the past few years, I have worked closely with concerned Harnett County leaders, including the school board and county commissioners, Army officials at Fort Bragg and here at the Pentagon, literally spending hundreds of hours working to try to address these critical Army needs. If I may quote from a March 9, 1995, letter by then Fort Bragg commanding general, Lt. Gen. Henry Shelton to Secretary of the Army Togo West:

> I sympathize with counties that have to educate our children, especially those, like Harnett County, that have recently experienced a substantial increase in the number of students from military families. I am concerned that the U.S. Department of Education is providing less impact aid for some military family members than for others, and that this disparity in impact aid might adversely affect the quality of education that some of our military family members are receiving. We should be providing the same high level of assistance for every child. Education is a key component of quality of life. For this reason, we should make every effort to ensure that all of our military family members receive a quality education regardless of where they live.

General Shelton, of whom I am extremely proud, is now a four-star general in charge of the military's special operations command, went on to say to Secretary West "[my staff] offered to assist Harnett County * * * [and] discussed the possibility of conveying to Harnett County parcels of land for the construction of schools."

General Shelton's commitment to the well-being of his troops has been continued by his successor as commanding general, Lt. Gen. John Keane, who is and has been working closely with civilian leaders such as Mike Walker, Assistant Secretary of the Army for Installations, Logistics and Environment. They have determined that two outparcels that the Army owns are not required for future Army use. Mr. President, as a result of this decision, both General Keane and Secretary Walker sent letters to me a day or so ago, supporting the conveyance of two small parcels of land to Harnett county for educational and economic development purposes. I ask unanimous consent that these two letters dated July 9, 1997, be printed in the RECORD at this point, following which I shall continue my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Fort Bragg, NC, July 9, 1997.

Hon. JESSE A. HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This letter details my recollection of the discussions I and other Army representatives had with you leading up to the Army's recent acquisition of the former Rockefeller property commonly known as "Overhills."

It was discussed that, along with the main property of approximately 11,000 acres vitally needed by Fort Bragg for military training, there were also two noncontiguous outparcels totaling about 300 acres. These outparcels were of limited training value due to their small size and location, each surrounded by private property. I do not believe their inclusion in the purchase materially affected the overall cost of Overhills. Rockefeller representatives simply wanted to sell all the property together to one buyer.

In the discussions, there was also agreement to support any subsequent legislation intended to declare the outparcels excess property and transfer them to the county in which they are located. I continue to support such a transfer.

Sincerely,

JOHN M. KEANE,
Lieutenant General,
U.S. Army, Commanding Officer.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, July 9, 1997.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: As you know, the Army recently acquired approximately 11,000 acres in order to help alleviate the overall shortfall in training lands at Fort Bragg. The property included two outparcels of land (Tract No. 404–1, containing approximately 137 acres, and Tract No. 402–2, containing approximately 157 acres), noncontiguous to the installation and noncontiguous to each other. The Army has determined that these properties will not be used for training or other purposes due to their size, configuration, and location. These parcels did not contribute significantly to acquisition costs and are not required for future Army use.

I hope this information is helpful for your purposes.

Sincerely,

ROBERT M. WALKER,
Assistant Secretary of the Army, (Installations, Logistics & Environment).

Mr. HELMS. The map shows that neither of these small parcels of land is contiguous to the primary training areas at Fort Bragg—known as the Northern Training Area and Overhills property; they are also noncontiguous to each other. These properties are open farmland, surrounded by private property, without the foliage and terrain that Army units stationed at Fort Bragg require for operational training.

Mr. President, local leaders and Army officials had planned for the Army to provide a long-term lease for the construction of three schools—an elementary school, a junior high school, and a high school on land lying along N.C. 87 which crosses the recently acquired Overhills property. Over the last several months, they mutually agreed to forego that arrangement because of concerns that placement of schools in that area would impose restrictions on training and negatively impact the habitat of the red-cockaded woodpecker. Together, they agreed that the ideal location for these new schools was on the open tracts the Army had previously identified as being available for conveyance to the county.

Last year, North Carolina voters approved a bond referendum for the construction of new schools. I am told that to use those funds, the county must own the land. Therefore, a long-term lease by the Army on these parcels would not be useful to the county or the Army. It is critical that parcel No. 404–2 be transferred now since Harnett County plans to break ground on construction later this year in an attempt to finally catch-up with the increasing demand for education imposed by the children of military personnel. This amendment further authorizes the Secretary of the Army to sell parcel No. 404–1 at fair market value.

Mr. President, North Carolinians are proud of the several great military installations within our borders. For more than 50 years, North Carolinians have been especially proud of Fort Bragg, home of the U.S. Army's elite XVIII Airborne Corps, the 82d Airborne Division, and our Special Operations Forces. These units and other units stationed at Fort Bragg are on the front line of our Nation's defense; standing ready to deploy anywhere, any time, to preserve freedom in the world.

Just 2 days ago, we were reminded once again about the price of liberty. Eight soldiers at Fort Bragg were tragically lost when their Blackhawk helicopter crashed. The victims have been identified and their families notified but the cause of the crash is still being investigated.

Those who have served in the military understand the sense of family and community that exists among those, particularly those who have volunteered to put themselves in harm's way, for the benefit of their fellow-citizens. These courageous and selfless Americans use the instruments of war to secure our peace and prosperity. Each of these brave Americans experiences a feeling of loss when one of their own is lost. The North Carolinians who live around Fort Bragg share that sense of loss. Those citizens and the Fort Bragg family have embraced the families of the lost soldiers and are doing all they can to comfort them at this tragic time.

I spent four nonheroic years in the Navy during World War II. I have always had great affection and respect for the soldiers and defense support personnel who devote their lives to the defense of our country. I will do anything in my power to ensure that they are provided everything they need to do their jobs.

This includes not merely providing an adequate training area, equipment and hardware; but also the quality of life and peace of mind to enable each soldier to focus on his mission, accomplish it, and return home safely. Unmistakably essential to that quality of life is the proper education of their children.

Listen again to the words of General Shelton, "[e]ducation is a key component of quality of life. For this reason, we should make every effort to ensure that all of our military family members receive a quality education regardless of where they live."

Mr. President, a vote against this amendment is a vote against the Army's senior civilian and military leaders charged with responsibility for the readiness and well-being of these fine men and women at Fort Bragg.

A vote against this amendment is a vote against their children who depend upon us to help educate them so that they too can serve their country when they grow to adulthood.

Mr. President, I do hope Senators will support this amendment which takes a small step toward addressing the educational needs of the children of our Nation's finest soldiers. It's the right thing to do and I am confident that Senators will agree.

AMENDMENT NO. 628

(Purpose: To require a report on options for the disposal of chemical weapons and agents)

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

AMENDMENT NO. 638

(Purpose: To authorize appropriations for the Greenville Road Improvement Project, Livermore, CA)

At the appropriate place in the bill, insert the following: "Of the funds authorized to be appropriated by this Act to the Department of Energy, $3,500,000 are authorized to be appropriated for fiscal year 1998, and $3,800,000 are authorized to be appropriated for fiscal year 1999, for improvements to Greenville Road in Livermore, California".

AMENDMENT NO. 659

(Purpose: To provide for funding of the NATO Joint Surveillance/Target Attack Radar System)

At the end of subtitle E of title I, add the following:

SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) FUNDING.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export control Act is pending, as determined by the Secretary of Defense.

(c) MODIFICATION OF AIR FORCE AIRCRAFT.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

AMENDMENT NO. 669, AS MODIFIED

(Purpose: To provide $500,000 for the bioassay testing of veterans exposed to ionizing radiation during military service)

On page 46, between lines 6 and 7, insert the following:

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $300,000 shall be available for testing described in subsection (b) in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

(c) COLLECTION OF SAMPLES.—The appropriate department or agency shall collect the required bioassay samples, at the request of a veteran who participated in the U.S. atmospheric nuclear testing or the occupation of Hiroshima and Nagasaki, Japan, and forward them to Brookhaven National Laboratory, under the appropriate Chair of custody.

AMENDMENT NO. 671, AS MODIFIED

(Purpose: To require a study concerning the provision of certain comparative information to TRICARE beneficiaries)

At the appropriate place, insert the following;

SEC. . STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to the appropriate committees of Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) BENEFITS.—The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional fee-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) PREMIUMS.—The net monthly premium, if any, under the entity.

(3) SERVICE AREA.—The service area of the entity.

(4) QUALITY AND PERFORMANCE.—To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous 2 years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by an out-of-network health care provider.

(5) SUPPLEMENTAL BENEFITS OPTIONS.—Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians.

AMENDMENT NO. 681

Add at the appropriate point in the bill the following:

SEC. . AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENT.—For the purposes of this section, the term "European air defense agreements" means

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

AMENDMENT NO. 707

(Purpose: To designate the Y–12 plant in Oak Ridge as the National Prototype Center)

At the appropriate place, insert:

SEC. . DESIGNATING THE Y-12 PLANT IN OAK RIDGE, TENNESSEE AS THE NATIONAL PROTOTYPE CENTER.

The Y-12 plant in Oak Ridge, Tennessee is designated as the National Prototype Center. Other executive agencies are encouraged to utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

Mr. THOMPSON. Mr. President, I want to thank the chairman of the Armed Services Committee, Senator STROM THURMOND, and the other members of the committee for supporting my amendment, which will designate the Y–12 plant in Oak Ridge, TN as a "National Prototype Center."

Mr. President, for the first time in nearly half a century, the United States is neither designing nor producing any new nuclear weapons. The size of the U.S. nuclear stockpile is shrinking, and the size of the nuclear weapons complex is shrinking along with it. That is appropriate.

However, as we reduce the physical size of our nuclear weapons complex, we must not allow the unique experience and expertise that have developed at the nuclear weapons production plants to simply disappear. Instead, we should use these unique resources to further enhance our national security and economic competitiveness.

The Y–12 plant in Oak Ridge has played a critical role in our nuclear weapons complex since 1943. Every weapon in the current U.S. nuclear stockpile contains some part that was manufactured at Y–12. In the course of fulfilling this critical mission, Y–12 and its workforce have developed applied manufacturing expertise that is unsurpassed anywhere in this country. This makes Y–12 perfectly suited to become a National Prototype Center.

Prototypes provide the first concrete test of a product after the initial research and development have been performed. Businesses and the military use prototyping to test their designs and to anticipate and prevent problems later in the production cycle.

However, circumstances in the 1990's have made prototyping more difficult for both the military and industry. The threats facing our military today are fundamentally different from those we faced during the Cold War, and the defense budget has shrunk as well. This means that the military must now produce defense systems in relatively small volumes—sometimes as small as one. Commercial industries are facing some of the same challenges, as they strive to produce smaller numbers of more customized products. These trends have made prototyping even more important, but they have also made it prohibitively expensive in many cases.

I believe that we will benefit as a nation if we find a way to preserve these important prototyping capabilities, and I believe the solution lies with Y-12. Y–12 has already helped to develop numerous prototypes for the Department of Defense, NASA, and others, from components for the Seawolf submarine's propulsion system to a new and more advanced type of pencil lead. Designating Y–12 as a National Prototype Center will highlight Y–12's ability to rapidly transform complex hardware designs into precision prototypes through the use of advanced manufacturing techniques. It will also allow customers to take advantage of the resources of a world-class national laboratory—the Oak Ridge National Laboratory—which is located in close proximity to the Y–12 plant.

Mr. President, this National Prototype Center will not only enhance our national security by preserving vital weapons manufacturing expertise, it will also enhance our economic security by helping to solve tough problems for U.S. industries so that they can get their products to the global marketplace more quickly. And it will be cost-effective.

The American taxpayers have already invested billions of dollars in the equipment and expertise that reside at Y–12. It makes little sense for that investment to be duplicated by other Federal agencies or U.S. industries. At a time when cost control is a major consideration in developing new weapons systems and commercial products, it makes sense instead for others to take advantage of existing state-of-the-art facilities at Y–12. My amendment would allow them to do just that, and I thank my colleagues for supporting it.

AMENDMENT NO. 714, AS MODIFIED

(Purpose: To require the Secretary of Defense to conduct an explosive munitions demilitarization demonstration program)

At the end of subtitle D of title II, add the following:

SEC. 235 DEMONSTRATION PROGRAM ON EXPLOSIVES DEMILITARIZATION TECHNOLOGY.

(a) PROGRAM REQUIRED.—During fiscal year 1998, the Secretary of Defense may conduct an alternative technology explosive munitions demilitarization demonstration program in accordance with this section.

(b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—Under the demonstration program, the Secretary shall demonstrate the use of existing, commercially available blast chamber technology for incineration of explosive munitions as an alternative to the open burning, open pit detonation of such munitions.

(c) The Secretary shall use competitive procedures in selecting participants for the demonstration program described in subsection (b). In addition the Secretary shall include a cost benefit analysis of this technology generally for explosives munitions destruction.

(d) ASSESSMENT.—The Secretary shall assess the relative benefits of the blast chamber technology and the open burning, open pit detonation process with respect to the levels of emissions and noise resulting from use of the respective processes.

(e) REPORT.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit a report on the results of the demonstration program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include the Secretary's assessment under subsection (c).

(e) FUNDING.—(1) Of the amount authorized to be appropriated under section 201(4), $6,000,000 is available for the demonstration program under this section.

(2) The amount provided under section 201(4) is hereby increased by $6,000,000 for the explosives demilitization technology program (PE 63104D).

(3) The amount provided under section 101(5) for special equipment for user testing is hereby decreased by $6,000,000.

Mr. SESSIONS. Mr. President this amendment would authorize an increase of $6 million to the budget request for the Explosive Demilitarization Technology program (PE 63104D) to conduct a demonstration program at Anniston Army Depot. This is a much needed demonstration of current commercial off-the shelf blast chamber technology as an acceptable alternative to open burning/open pit detonation (OB/OD) by reducing significantly emissions and noise caused by OB/OD. The demonstration has nation-wide application if successful and is in keeping with the military's program of continuing technology evaluation of demilitarization methods for existing conventional ammunition as described in the Joint Demilitarization Study, September 1995, page II-4-14, a study prepared for the Director, Environmental and Life Sciences, Defense Research and Engineering, Office of the Secretary of Defense.

Mr. President annually we spend millions of dollars on the production of new munitions of all types. At the other end of the pipeline however is the vexing problem of disposing of outdated munitions of all types. The enormity of the problem for this Nation is this: The stocks managed by the Army, DOD's Manager for Conventional Ammunition (MCA), currently stored in 26 States totals approximately 449,308 tons of material and costs over $12 million annually to store according to a DOD 1995 Joint Demilitarization Study. More serious however is the fact that the study predicts an additional 730,420 tons will be generated into that stockpile by the end of fiscal year 2001.

Let me state again the magnitude of the problem for the Nation: through the end of fiscal year 2001, over 1.2 million tons of material will pass through or reside in the military conventional ammunition account. This is enough ammunition to exceed 2800 earth covered magazines and will cost over $1.2 billion to destroy if we assume that it costs approximately $120 million to destroy 107,000 tons of material using fiscal year 1995 projections. The technology in the COTS blast chamber has the potential of mitigating local environmental concerns; the potential of increasing destruction throughput; and is capable of destroying in a safe and environmentally sound manner greater than 98 percent of the explosives the DOD stores utilizing particular bag house technology at locations in America, Europe, and the Pacific.

Alabama stores in excess of 22,437 tons of material ranking us fifth in size of stockpile. Environmental considerations are of paramount importance to me and to a balanced national level demilitarized program. I think DOD, the Army, and the Joint Ordnance Commanders Group, Demilitarization and Disposal Subgroup, are playing a major role in ensuring that our various storage sites, to include Anniston Army Depot, are in compliance with Federal, State, and local regulations. Likewise, I think the DOD is also quite sensitive to public opinion. While better cost-efficient ways must be found to destroy this increasing amount of material, we must take advantage now of new technologies in the R&D stage to compliment the current OB/OD method of destruction, with the view that not in the too distant future those technologies will not only replace aging organic demilitarization facilities, but close the chapter on the risky OB/OD method before the environmental challenges close the book for us.

The JOCG cited three environmental challenges in a study to be considered in life cycle management of the demilitarization program. They are: permitting facilities; disposal of residuals; and, cleanup. With new technologies the effects of each can be mitigated and give local communities new hope that their environment will no longer be fouled by OB/OD.

Mr. President, on June 19 Anniston Army Depot received permission from the State of Alabama to proceed with the construction of its chemical weapons disposal facility. This is an emotionally charged issue, but one we are assured will be managed every step of the way with safety of the operation and concern for the community as its highest priorities. Previous plants in our country are proving that this can be done. However, conventional ammunition destruction lags behind, in my opinion, on both counts. For this reason I strongly believe that a demonstration program at Anniston involving COTS blast chamber technology begins the long awaited opportunity to rid North Alabama of another type of munition material, that only grows more unstable with time and will furnish the date upon which the JOCG can make full-scale development decision for other locations in the country.

Today, TOW missiles rounds, currently in storage, are experiencing storage problems and must be dealt with as a higher destruction priority over older missiles. Storage quantities for TOW missiles reaches nearly 400,000 rounds. I cannot conceive that OB/O, in Alabama or anywhere else in the Nation, is the most efficient and most responsible method of destruction for these missiles. Other methodologies must be utilized and they must be demonstrated now.

Mr. President, the COTS blast chamber I am recommending for this demonstration program is totally enclosed, constructed of steel and consists of a hydraulic chamber door, exhaust fan and over-pressure controls. The chamber is large enough to accommodate the TOW missiles I described. Noise measurements of 0.5 percent of what is allowable by the Occupational Safety and Health Administration are cited by the manufacturer. Emission controls for exhaust rates and temperatures are also controlled. The chamber will work with Anniston's current Subpart X permits, and according to the manufacturer the blast chamber is 80 percent cleaner than OB/OD. These are pluses for any community in our country.

Mr. President, our environment will not wait; the munitions will not wait, and the people should not have to wait for the slow wheels of government. Let us begin moving now, by bringing this demonstration program on line in fiscal year 1998 and see if we as a country cannot benefit from a simple technology that can get the job done.

AMENDMENT NO. 752, AS MODIFIED

(Purpose: To provide for the assignment of an officer in the grade of O-7 or above to the position of defense attache in France)

At the end of subtitle F of title V, add the following:

SEC. 557. GRADE OF DEFENSE ATTACHE IN FRANCE.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall take actions appropriate to ensure that each officer selected for assignment to the position of defense attache in France is an officer who holds, or is promotable to, the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

AMENDMENT NO. 729, AS MODIFIED

(Purpose: To require the concurrence of the Secretary of State for providing Department of Defense support for counter-drug activities of Peru and Colombia, and to limit the authority to provide such support pending a plan for a riverine counter-drug program)

On page 276, between lines 13 and 14, insert the following:

(c) CONCURRENCE OF SECRETARY OF STATE REQUIRED.—Subsection (a) of such section, as amended by subsection (a), is further amended by inserting ", with the concurrence of the Secretary of State." after "Secretary of Defense may".

On page 276, line 19, insert ", with the concurrence of the Secretary of State." after "Secretary of Defense may".

On page 278, line 20, strike out "paragraph (2)" and insert in lieu thereof "paragraph (3)".

On page 280, line 24, strike out "(2)", and insert in lieu thereof the following:

(2) The Secretary may not obligate or expend funds to provide a government with support under this section until the Secretary of Defense, together with the Secretary of State, has developed a riverine counter-drug plan (including the resources to be contributed by each such agency, and the manner in which such resources will be utilized, under the plan) and submitted the plan to the committees referred to in paragraph (3). The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

(3) * * *

AMENDMENT NO. 743

(Purpose: To establish and authorize the issuance of the Cold War service medal)

At the end of subtitle D of title V, add the following:

SEC. . 535. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

§1131. Cold War service medal

"(a) MEDAL REQUIRED.—The Secretary concerned shall issue the Cold War service medal to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member of an armed force during the Cold War;

"(B) completed the initial term of enlistment;

"(C) after the expiration of the initial term of enlistment, reenlisted in an armed force for an additional term or was appointed as a commissioned officer or warrant officer in an armed force; and

"(D) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant officer in an armed force during the Cold War;

"(B) completed the initial service obligation as an officer;

"(C) served in the armed forces after completing the initial service obligation; and

"(D) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any one person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person referred to in subsection (b) dies before being issued the Cold War service medal, the medal may be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) DEFINITIONS.—In this section, the term 'Cold War' means the period beginning on August 15, 1974, and terminating at the end of December 21, 1991.".

(b) CLERICAL AMENDMENTS.--The table of sections at the beginning of such chapter is amended by adding at the end the following:

"Sec. 1131. Cold War service medal.".

AMENDMENT NO. 761

(Purpose: To enable the Los Alamos, New Mexico Schools to function without annual assistance payments under the Atomic Energy Communities Act of 1955 through alternative funding sources with additional positive impact to areas close to Los Alamos National Laboratory)

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act. $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the "Foundation").

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

Mr. DOMENICI. Mr. President, this amendment is critical to recognize the mandate of the last Congress to stop assistance payments to the School District of Los Alamos, NM. under the auspices of the Atomic Energy Community Act of 1955. It enables the high quality of education in northern New Mexico required to attract the staff of the Los Alamos National Laboratory—the staff that enables the laboratory to fulfill its Federal missions. And it recognizes that many school districts in the vicinity of the laboratory are now contributing to the educational programs required by the laboratory's staff and that these districts must offer suitably challenging educational programs.

The Atomic Energy Community Act of 1955 enabled assistance payments for communities and school districts impacted by the presence of major atomic energy facilities. These facilities were primarily located in remote areas, to address the security concerns accompanying their missions. Assistance payments were required in recognition of the nearly complete dependence of these cities on AEC facilities that did not pay local taxes. It was also in recognition that the quality of the schools available in these communities played a critical role in the recruitment and retention of personnel at these remote sites. And in those early days, most of the laboratory staff lived in Los Alamos.

Over the years, most of these atomic energy communities moved to either attain economic self-sufficiency or were close enough to self-sufficiency that they could accept buyout provisions to enable their self-sufficiency.

Of school districts, only Los Alamos still needed these payments. In last year's Energy and Water Appropriations Act, we noted that fiscal year 1997 would be the last payment to the Los Alamos schools under the Atomic Energy Community Act of 1955. The Department was directed to develop other approaches for continued funding needs.

The amendment we consider here today represents a critical step in providing required resources for the Los Alamos schools. It implements the plan developed by the Department to fulfill the congressional mandate. It recognizes that the personnel required at Los Alamos are now resident in many communities, not only Los Alamos, in the remote areas of northern New Mexico. The requirement to provide educational programs that will aid in recruitment and retention for the staff of Los Alamos National Laboratory is still present, but many school districts now house the workers for the laboratory—not only Los Alamos. Those districts also need enriched programs to accomplish their contribution to the laboratory's Federal mission. In response to the congressional mandate, the Department developed the concept of an educational foundation in northern New Mexico, that can supply educational enrichment funding to these school districts.

This amendment authorizes funding to start this foundation and specifies that only interest from the initial Federal investment will be used for educational enrichment programs. The Department intends to fund this foundation, pending appropriations, over a period of about 5 years, during which time it will build the foundation's funding to a level to supply appropriate levels of enrichment funding to those districts impacting laboratory workers.

The amendment is an important step in stopping further funding under the Atomic Energy Community Act of 1955 and fulfills the mandate of the previous Congress.

Mr. BINGAMAN. Mr. President, section 3161(c) of the fiscal year 1996 National Defense Authorization Act called for the Department of Energy to examine the need for continued funding of the Los Alamos School District and to make recommendations to the Congress. If the Department's recommendation indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions needed to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.

The amendment that I am offering today, with my colleague the senior Senator from New Mexico, is the result of this planning process, involving the Los Alamos National Laboratory, the Department of Energy, and the Los Alamos school board, and takes a major step toward downsizing the Department's contribution to the Los Alamos School District.

The amendment provides for a Federal payment in fiscal year 1998 of $5 million to a foundation that will support educational excellence in the schools serving the children of Los Alamos employees. This Federal payment will be matched by a contribution by the University of California—out of its contract fee for managing and operating Los Alamos National Laboratory—and by private fundraising in the State. The amendment further provides that the interest earned on any Federal payment will remain with the foundation, instead of reverting to the U.S. Treasury, as would be the case absent a special provision to the contrary. In our discussions with the majority members of the Senate Armed Services Committee on this amendment, we have agreed that future payments to the foundation from the Department will be in order, so that the corpus of the endowment is sufficient to sustain excellence in the school system, but that more analysis is required to arrive at an overall figure for such additional support. This is the first step toward bringing to a close the annual payment to the school district.

It is important to recognize that the Los Alamos School District is subject to a number of special conditions that makes the development of alternative funding sources difficult.

The State of New Mexico funds its public schools under an equalization formula. Thus, the Los Alamos School District is not funded from local property taxes directly, but from a Statewide fund into which all such property taxes go. This factor represents an important constraint on the ability of the community to tax itself to enhance its school system. As part of the agreement that resulted in this legislative proposal, the school board has agreed to seek special legislation in New Mexico that would allow it to raise revenues to supplement the State-mediated funding.

Because of its geographic isolation and lack of developable land, Los Alamos is one of the highest-cost-of-living communities in New Mexico, with a cost of living 40 percent higher than the State average and 23 percent higher than the average for all of the United States. Thus, even though Los Alamos receives the same State funding as other comparably sized school districts, in Los Alamos the dollars do not go as far.

Setting up an educational foundation to help shoulder the burden that the Department has been carrying makes good sense. Further, the Los Alamos School District has committed to a number of actions that will further decrease the need for Department of Energy support in the future. It will increase fees to students for various activities, implement energy efficiency measures, and reduce administrative costs. Already, this year the Los Alamos School District has reduced its spending by roughly $900,00 through such measures, and it will continue to examine contracts and functions in the future in order to reduce costs.

The Department of Energy and the Congress have always recognized that the quality of the local school system is a significant factor is many relocation decisions involving personnel whom Los Alamos National Laboratory would like to attract and retain. The national interest in maintaining the strength of the laboratory translates into a need to have a mechanism that will produce a superior school system in the communities which are home to the technical employees of the laboratory. This proposal is a major step toward doing that at reduced cost to the Government, and I urge its adoption.

AMENDMENT NO. 763, AS MODIFIED

(Purpose: To congratulate Governor Christopher Patten of Hong Kong)

At the appropriate place in the bill at the following new section:

SEC. . (A) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eight British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure, and the political climate was positive and stable;

(6) Chris Patten's legacy to Hong Kong is the expansion of democracy in Hong Kong's legislative council and a tireless devotion to the rights, freedoms and welfare of Hong Kong's people.

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(B) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

AMENDMENT NO. 806

(Purpose: To authorize contracting for procurements of capital assets before funds are available in working-capital funds for such procurements)

At the end of subtitle E of title III, add the following:

SEC. 369. CONTRACTING FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF FUNDS IN THE WORKING-CAPITAL FUND FINANCING THE PROCUREMENT.

Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(l)(1) A contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) A minor construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

AMENDMENT NO. 807

(Purpose: To delete the authority to convey the B-17 aircraft under section 1070 without consideration)

On page 341, line 18, strike out ", without consideration,".

On page 341, at the end of line 23, add the following: "The Secretary of the Air Force shall determine the appropriate amount of consideration that is comparable to the value of the aircraft.".

Mr. DEWINE. Mr. President, I want to take a moment to comment on the proposed technical amendment I have offered to section 1070 of S. 936, the fiscal year 1998 Department of Defense authorization bill. Specifically, section 1070 would grant the Secretary of the Air Force the authority to convey to the Planes of Fame Museum in Chino, CA, a B-17 aircraft known as the "Picadilly Lilly." It is my understanding that the aircraft is in need of repairs, and the museum would be willing to do the necessary work on the B-17 provided the museum had clear title to the aircraft.

Technically, it is my understanding that the aircraft is historical property under the administration of the U.S. Air Force Museum, which is located at Wright-Patterson Air Force Base in Dayton, OH. It is also my understanding that the Air Force Museum has been attempting to work out an agreement with the Planes of Fame Museum that would allow for the latter facility to take the B-17 in exchange for other historical property. I am told the Air Force Museum is prepared to continue to work in good faith with the Planes of Fame Museum to arrive at an exchange that is mutually beneficial.

The technical change I am offering simply is designed to ensure that if the Secretary of the Air Force exercises the discretion provided in section 1070, the Secretary determine appropriate compensation in exchange for the B-17. The provision, as amended, now would provide the Secretary with the authority to convey the aircraft, after determining an appropriate level of compensation, and securing other conditions of conveyance. I certainly hope that the Secretary of the Air Force and the Air Force Museum will work together with the Planes of Fame Museum to reach an agreement that is in the best interests of all parties.

Mr. President, let me close by thanking my distinguished friend from Virginia, Mr. WARNER; the chairman of the Armed Services Committee, Mr. THURMOND; and their staffs for their assistance with this amendment.

AMENDMENT NO. 808

(Purpose: To establish at the Naval Undersea Warfare Center a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector)

On page 353, between lines 7 and 8, insert the following:

SEC. 1107. HIGHER EDUCATION PILOT PROGRAM FOR THE NAVAL UNDERSEA WARFARE CENTER.

(a) Establishment.—The Secretary of the Navy may establish under the Naval Undersea Warfare Center (hereafter in this section referred to as the "Center") and the Acquisition Center for Excellence of the Navy jointly a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector.

(b) Purpose.—The purpose of the pilot program is to make available to employees of the Center and employees of the Naval Sea Systems Command a curriculum of graduate-level higher education that—

(1) is designed to prepare the employees effectively to meet the challenges of administering Federal Government contracting and other business relationships between the Federal Government and businesses in the private sector in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures (including governmental organizations, policies, and procedures recommended in the National Performance Review); and

(2) leads to award of a graduate degree.

(c) Partnership With Institution of Higher Education.—(1) The Secretary may enter into an agreement with an institution of higher education to assist the Center with the development of the curriculum, to offer courses and provide instruction and materials to the extent provided for in the agreement, to provide any other assistance in support of the pilot program that is provided for in the agreement, and to award a graduate degree under the pilot program.

(2) An institution of higher education is eligible to enter into an agreement under paragraph (1) if the institution has an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) Curriculum.—The curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include—

(A) courses that are typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) courses for meeting educational qualification requirements for certification as an acquisition program manager.

(e) Distance Learning Option.—The pilot program may include policies and procedures for offering distance learning instruction by means of telecommunications correspondence, or other methods for off-site receipt of instruction.

(f) Period for Pilot Program.—The Secretary shall carry out the pilot program during fiscal years 1998 through 2002.

(g) Report.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the Secretary's assessment of the value of the program for meeting the purpose of the program and the desirability of permanently establishing a similar program for all of the Department of Defense.

(h) Institution of Higher Education Defined.—In this section, the term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(i) Authorization of Appropriations.—(1) Funds are authorized to be appropriated for the Navy for the pilot program for fiscal year 1998 in the total amount of $2,500,000. The amount authorized to be appropriated for the pilot program is in addition to other amounts authorized by other provisions of this Act to be appropriated for the Navy for fiscal year 1998.

(2) The amount authorized to be appropriated by section 421 is hereby reduced by $2,500,000.

AMENDMENT NO. 809

(Purpose: To provide funds for the operation for Fort Chaffee, Arkansas)

At the appropriate place in the bill, add the following: "of the amount authorized for O&M, Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas."

AMENDMENT NO. 810

(Purpose To authorize $12,000,000 to be set aside for contracted training flight services)

At the end of subtitle E of title III, add the following:

SEC. 369. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

Mr. CLELAND. Mr. President, the Contracted Training Flight Services Program was instituted 10 years ago because the Air Force and Air National Guard determined that civilian companies could provide a high level of electronic warfare training at a much lower price than the military itself.

The track record of this program has indeed shown that civilians can provide this training at a significantly lower price. The mathematics are clear. This program serves a vital training need: modern sophisticated, and high quality electronic countermeasures training. It is far cheaper to provide this training using cheaper-to-operate commercial jet aircraft than our military fighters.

The Senate Armed Services Committee has a history of supporting this program and believes that it has resulted in significant savings to the Air Force and Air National Guard. I am pleased that Senator COVERDELL join me in offering this amendment, and I urge its adoption.

AMENDMENT NO. 811

(Purpose: To ensure the President and Congress receive unencumbered advice from the directors of the national laboratories, the members of the Nuclear Weapons Council, and the commander of the United States Strategic Command regarding the safety, security, and reliability of the United States nuclear weapons stockpile)

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) Findings.—Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons

issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) DEFINITIONS.—

(1) REPRESENTATIVE OF THE PRESIDENT.—The term "representative of the President" means the following:

(A) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

AMENDMENT NO. 812

(Purpose: To authorize a land conveyance, Hancock Field, Syracuse, New York)

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If at the time of the conveyance authorized by paragraph (1) the property is under the jurisdiction of the Administrator of General Services, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. D'AMATO. Mr. President, I rise today to cointroduce legislation with Senator MOYNIHAN that would greatly assist economic development in Syracuse, NY. This legislation concerns Hancock Field in Syracuse. There are two parcels of land there that the Air Force Base Conversion Agency intends to dispose of, and would be of great value to the Hancock Field Development Corp. In this amendment, we ask that these parcels of land be conveyed to the corporation so that they may use the land to further economic development in the region and increase jobs.

The first parcel of land was formerly the base housing management area. It is at a strategic spot on Performance Drive because it is needed to complete a major access way to the industrial airpark. The second parcel is 15 acres at the center of the airpark which is currently the site of the 152d Air Control Group, which is moving to a new location very soon. This parcel is owned by the Federal Government and will be declared surplus and disposed of through the traditional GSA property disposal process, rather than the BRAC disposal process.

These small actions will have a big effect on the redevelopment at Hancock. I am very pleased that this amendment has been agreed to. I would also like to thank Chairman THURMOND and Senator LEVIN, the ranking member on the Armed Services Committee. Their leadership in getting this important legislation passed was very instrumental.

AMENDMENT NO. 813

(Purpose: To authorize a land conveyance, Havre Air Force Station, Montana, and Havre Training Site, Montana)

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (I) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district, access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) Reversion.—If the Secretary determines at any time that the property conveyed pursuant to this section which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest in and to such property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) Description of Property.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. BAUCUS. Mr. President, I am pleased to offer an amendment to the Department of Defense authorization measure providing for the conveyance of the Havre Air Force Station and Training Site in northcentral Montana to the Bear Paw Development Corp.

These two facilities comprise over 90 acres of real property. Seventy-seven buildings are located on the property, including 45 single family homes. The U.S. Air Force deactivated these facilities in 1993 although it has maintained the facilities since that time.

Members of the Bear Paw Development Corp. include Hill, Blaine, Liberty, and Chouteau Counties, the cities of Havre, Chinook, Harlem, and Fort Benton, the town of Chester and the Fort Belknap and Rocky Boy's Tribal Governments. It was officially recognized by the U.S. Economic Development Administration in 1968 and has received similar recognition from the State of Montana as well.

Bear Paw Development provides a variety of community and economic development services to its members including helping local governments plan for infrastructure improvements and secure needed financing. It also provides training and technical assistance to businesses through the Small Business Development Center and the Montana Microbusiness Program.

My amendment provides that Bear Paw will convey the single family homes as well as several other buildings to the Box Elder School District adjacent to the Rocky Boy's Reservation and the Hays/Lodgepole School District on the Fort Belknap Reservation. Both school districts will use the buildings for classrooms and school facilities.

In addition the Human Resource Development Council in Havre will receive eight homes which it will use to house the homeless.

The real property and remaining structures will be utilized by Bear Paw for local economic development projects.

Mr. President, this conveyance results in several important benefits: Relieving the Air Force and taxpayers of the responsibility of preserving deactivated facilities, helping local school districts provide adequate and safe school facilities for their students, and promoting economic stability and growth in northcentral Montana. Truly all parties will benefit from this transfer.

Thank you for your consideration.

AMENDMENT NO. 814

(Purpose: To authorize the production of tritium in commercial facilities)

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d). The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for

the production of tritium for defense-related uses in a facility licensed under section 103 of this Act."

AMENDMENT NO. 815

(Purpose: To require the screening of real property authorized or required to be conveyed by the Department of Defense)

On page 397, between lines 11 and 12, insert the following:

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) Requirement.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

§2697. Screening of certain real property before conveyance

"(a) Requirement.—(1) Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services determines that the property is surplus property to the United States in accordance with the Federal Property and Administrative Service Act of 1949.

"(2) The Administrator shall complete the screening required for purposes of paragraph (1) not later than 30 days after the date of enactment of the provision authorizing or requiring the conveyance of the real property concerned.

"(3)(A) As part of the screening of real property under this subsection, the Administrator shall determine the fair market value of the property, including any improvements thereon.

"(B) In the case of real property determined to be surplus, the Administrator shall submit to Congress a statement of the fair market, value of the property, including any improvements thereon, not later than 30 days after the completion of the screening.

"(b) Excepted Authority.—Subsection (a) shall not apply to real property authorized or required to be disposed of under the following provisions of law:

"(1) Section 2687 of this title.

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(c) Limitation on Modification or Waiver.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

"(A) specifically refers to this section; and

"(B) specifically states that such provision of law modifies or supersedes the provisions of subsection (a).".

"(2) The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following:

"2697. Screening of certain real property before conveyance.".

"(b) Applicability.—Section 2697 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1996.

Mr. GLENN. Mr. President, I am pleased the committee has adopted an amendment Senator McCain and I have offered which requires the General Services Administration to conduct a Federal screening of property conveyed by the Department of Defense. This amendment also requires that GSA provide Congress with a statement of value for any real property which is conveyed by the Department of Defense.

This provision will codify a process which started when I was chairman of the Readiness Subcommittee, and which was continued by Senator McCain when he was chairman. I congratulate and thank Senator Inhofe and Senator Robb for accepting this amendment. In previous years, this informal process sought to ensure that taxpayer's interests were partially protected, by conducting an expedited 30-day screen conducted by the General Services Administration for other Federal interest of each proposed land conveyance in the defense authorization bill. Because these land conveyance provisions implicitly waive the Federal Property and Administrative Services Act, the committee cannot assure taxpayers that the Federal Government is not seeking to acquire property that is similar to what the legislative provisions are giving away.

Now, Mr. President, some have suggested that screening this property for Federal interest is just a bureaucratic procedure that delays the productive use of property which the member in his or her judgment believes to be the best interest of his or her constituents. Others have suggested that this process is a waste of time because the expedited screening policy implemented by Senator MCCAIN and myself never resulted in property being flagged for other Federal use.

I would like to address each of these points.

First, Federal screening is the law of the land. If Congress, and the Armed Services Committee in particular, believe that it is no longer necessary, the appropriate action is to amend the Federal Property and Administrative Services Act.

Now let me explain why Federal screening of excess property makes sense. I ask unanimous consent to insert in the RECORD, at the conclusion of my remarks, a chart provided by the General Services Administration entitled, "Recent Examples of Excess Real Property Screened by GSA with Federal Agencies and Subsequently Transferred to other Federal Agencies for Continued Federal Use."

Mr. President, this chart shows why Federal screening of excess property saves taxpayer dollars. The chart lists five examples, including two from the Department of Defense, where excess property from one agency was transferred to another Federal agency as a result of the screening process. The total value of property in these five examples is almost $36 million. What this means, Mr. President, is that the screening process saved Federal taxpayers $36 million because the receiving agencies were able to utilize property which the holding agency no longer needed.

I would expect that my colleagues who speak of the importance of balancing the budget and are so-called deficit hawks would be interested in the result of GSA's valuation of these properties.

So to conclude, I am pleased that the committee has accepted this amendment. As a result I do not intend to offer the amendment I have filed on the individual land conveyance provisions. I look forward to working with my colleagues to ensure that this provision is retained in conference.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

RECENT EXAMPLES OF EXCESS REAL PROPERTY SCREENED BY GSA WITH FEDERAL AGENCIES AND SUBSEQUENTLY TRANSFERRED TO OTHER FEDERAL AGENCIES FOR CONTINUED FEDERAL USE [1]

Holding agency	Property name	Acres	Receiving agency	Value
Air Force	Pease Air Force Base, New Hampshire	1,054	Fish and Wildlife	$24,000,000
National Institute of Health	Triangle Park, North Carolina	132	EPA	6,600,000
Navy	Brooklyn Navy Yard, New York	5.7	Bureau of Prisons	4,000,000
GSA	Curtis Bay Storage, Maryland	12	Corps of Engineers	900,000
GSA (reverter)	Wellesley Island, New York	5	Border Patrol	240,000

[1] Federal screening requires minimal property information from the Holding agency and can be conducted many months prior to an excess action.

AMENDMENT NO. 816

(Purpose: To make available $15,000,000 for the DOD/VA Cooperative Research Program)

On page 15, line 22, strike out "$2,918,730,000" and insert in lieu thereof "$2,903,730,000".

On page 30, line 14, strike out "$10,072,347,000" and insert in lieu thereof "$10,087,347,000".

On page 46, between lines 6 and 7, insert the following:

SEC. 220. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $15,000,000 shall be available for the DOD/VA Cooperative Research Program. The Secretary of Defense shall be the executive agent for the funds authorized under this section.

• Mr. ROCKEFELLER. Mr. President, this amendment seeks to further a valuable, mutually beneficial affiliation between the Department of Defense and the Department of Veterans' Affairs by authorizing a $15 million increase for the DOD/VA Cooperative Research Program. This program encourages health-related research which benefits both veterans and active duty military personnel. In fact, fostering this collaborative relationship was the original intent of the DOD appropriation, back when this program began in 1987. It has been funded every year since then. Funding for this amendment is made available from the Army procurement, specifically, special equipment for user testing.

Each year, the DOD/VA Cooperative Research Program begins with jointly selected, specific research topics, and the Departments, working together, come up with priorities for research areas and the appropriate funding levels. The VA and DOD jointly designate representatives to oversee the entire process. The result is research which provides a strong, direct link between DOD and VA investigators to pursue research of mutual interest, and facilitates research that follows the natural course of disease or injury in individuals, first as active duty military personnel, and then as veterans.

I am cosponsoring this amendment with Senator DURBIN and Senator SPECTER who also believe that the joint research program reaps tremendous benefits. I thank the distinguished junior Senator from Pennsylvania for his willingness to reach agreement on this amendment.

In fiscal year 1997, DOD and VA agreed to spend the funds provided for this program on such areas as a new Environmental Epidemiology Research Center and studies on combat casualty care including bone healing, blood replacement, skin repair, vascular repair, and spinal cord injury. Last year's program also yielded expanded research on prostate cancer and emerging pathogens.

In addition, I am particularly encouraged by a new research program on psychiatric disease and post-traumatic stress disorder targeted at identifying risk profiles for soldiers who might have a higher probability of developing PTSD. This PTSD-prevention program will be developing methods to screen potential combat-ready soldiers for PTSD. As the ranking member of the Committee on Veterans' Affairs, I have witnessed the devastating effects of PTSD on the lives of former military personnel, and I am enormously encouraged by research which may prevent the onset of PTSD.

Because of the collaborative nature of the joint program, this amendment does not specify research areas for focus. Rather, it leaves that decision with the Departments. Given the number of unanswered questions surrounding the illnesses and health problems of gulf war veterans, however, I am optimistic the DOD and VA will want to pursue more research in this area to help identify effective treatments and recognize the battlefield risks that our troops face in today's warfare. This research would not only address the current health problems of gulf war veterans, it will also help identify prevention measures for future deployments. As the nature of war changes, the modern military must cope with threats that include environmental hazards and possible biological or chemical warfare, as well as the more traditional hazards of combat. Research is needed to ensure that we are ready to meet these new risks.•

Mr. SPECTER. Mr. President, I am pleased to join with my colleagues from West Virginia and Illinois in offering an amendment which would authorize continued funding for the successful program of medical research conducted jointly by the Departments of Defense and Veterans Affairs.

This important and cost-effective program began in 1987 and has been funded at approximately $20 million per year every year since then.

This research partnership is built on the concept of joint DOD-VA policy making, scientific review, and research performance. Research efforts are targeted at areas of mutual DOD-VA concern such as mutations in microorganisms that become known pathogens and are encountered by soldiers in foreign environments, trauma and wound healing, and stress-related chronic illnesses including PTSD and the possible effect of stress on undiagnosed symptoms experienced by Persian Gulf War veterans.

The Department of Defense and Veterans Affairs are joined by their common responsibilities to the men and women who are first service members, but subsequently become veterans. In the DOD-VA Cooperative Research program each Department brings unique strengths to the table to advance their joint missions and commitments. Perhaps that is why DOD's Dr. Anna Johnson-Winegar, Director, Environmental and Life Sciences, has been quoted as saying "Our investigators are very enthusiastic about participating in these joint initiatives."

Mr. President, both the Departments of Defense and Veterans Affairs will benefit from the approval of this amendment. Even more importantly, the men and women who now wear the uniforms of our Armed Forces and who will one day become veterans will reap the benefits of the medical research authorized by this amendment.

Mr. DURBIN. Mr. President, I applaud the authorization of $15 million for the DOD–VA Cooperative Research Program. Authorization of these funds will guarantee the continuation of this laudable research effort.

The DOD–VA Cooperative Research Program supports important research that contributes significantly to the health missions of both DOD and the Department of Veterans Affairs [VA]. Since 1987, the VA medical and prosthetics research appropriation has been supplemented by funds transferred to VA under a cooperative agreement with DOD. The DOD-VA research program has become a truly collaborative effort and one that is mutually beneficial to both DOD and VA. The work performed under this program addresses conditions affecting both active duty personnel and veterans, such as post-traumatic stress disorder, the consequences of exposure to environmental hazards, wound repair, brain and spinal cord injury, and skin and vascular repair. No other program supports this type of mission-relevant cooperative research.

I expect that with this funding, areas of mutual interest to DOD and VA in the fields of medical and psychological research will continue. Specifically, this funding encourages innovative endeavors in accordance with the five jointly established programs: the DOD–VA environmental epidemiology research center; research on psychological diseases and post-traumatic stress disorder; cardiovascular fitness; research in prostate cancer and emerging pathogens; and casualty care enhancement.

It is imperative for the health and well-being of our veterans and active-duty military personnel that Congress continue to fund this important initiative by authorizing $15 million for the DOD–VA Cooperative Research Program. This is the least that we can do in recognition of the invaluable service rendered by our veterans and military personnel.

AMENDMENT NO. 817

(Purpose: To express the sense of the Senate that the process of enlarging the North Atlantic Treaty Organization should be a continuous process)

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The United States has assured that the process of enlarging NATO will continue after the first round of invitations in July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should be commended—

(1) for having committed to review the process of enlarging NATO at the next NATO summit in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

Mr. COATS. Mr. President, this week, Heads of State and Government of the member countries of the North Atlantic Alliance met in Madrid and agreed to expand of NATO by inviting the Czech Republic, Hungary, and Poland to begin accession talks with NATO. These central European countries were always considered the likely first nations to be invited to join since the collapse of the Soviet Union and the emergency of democracy in these countries.

Since the end of Soviet hegemony in Central and Eastern Europe, these countries have strived to break free from the oppressive burden of State controlled economies and one party governments with great success. I applaud the advances which these nations have made.

There are other nations which deserve recognition for their enormous accomplishments. While their successes have been more recent, they nonetheless have demonstrated a commitment in a positive direction which should be acknowledged and encouraged. Both Romania and Slovenia present a tremendous case for NATO enlargement. While the administration has determined not to pursue their accession at this time, I believe that these nations have made significant strides which certainly recommend them for NATO membership in the near term.

The Senate has supported the concept of expanding NATO for those emerging democracies of Central and Eastern Europe, which have struggled and successfully shaken the yoke of their former communist systems. In October 1996, Congress voted overwhelmingly by 81 to 16 to approve the NATO Facilitation Act. This bill provides valuable resources to assist these nations in making essential changes to their defense structure in order to help prepare them for NATO membership.

Last month in the State Department bill, the Senate included Romania, the Baltics, and Bulgaria as eligible for this assistance. This positive step reflects the progress in democracy-building and economic development being undertaken in these nations. I believe that more needs to be done to encourage these new democracies along the positive path they are following. They need firm commitments and a clear understanding that NATO is not off limits to them.

The amendment I am proposing, along with Senator BREAUX, Senator BROWNBACK, and Senator GORDON SMITH, is a sense of Senate that NATO strongly signal other Central and Eastern European nations that enlargement process will not end with these first three nations. The communiqué from the NATO Madrid Summit states that:

> The Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership, and as NATO determines that inclusion of these nations would serve the overall political and strategic interests of the Alliance and that the inclusion would enhance overall European security and stability.

There should be invitations extended to other nations that meet the criteria for membership at the NATO summit associated with the 50th anniversary of the North Atlantic Treaty in April 1999. It is important for the United States and NATO to continue to clearly demonstrate the intention to continue to enlarge NATO based on the progress of these emerging democracies. By so doing, NATO sends an unmistakable message to other central European countries that they will have an opportunity to become a part of NATO as they continue to strengthen democratic institutions, pursue free market economies, and modernize their military in support of NATO objectives.

I believe that Romania presents a particularly strong case for future membership. Last November, the people of Romania voted overwhelmingly to elect Emil Constantinescu as their new President. His election demonstrated that Romanians wanted to firmly put the communist era—which had dominated Romania's Government and economy—behind them. In voting to oust Ion Iliescu in favor of Constantinescu, they rejected state socialism, stagnant economies, corrupt government practices in search of a revitalized economy, a new political openness and reconciliation, and a prowestern posture. With Constantinescu they got a reform-committed President and a parliament to match. The process of change in Romania is now firmly in place.

Romania's new Government has initiated price liberalization and privatization. They are enacting laws to encourage greater foreign investment, a step which was desperately needed. The President has been clear from the start that economic reform would be difficult but the Romanian people have continued to support his policies. The international financial institution's recognize Romania's positive ecomomic steps and have reward them accordingly. In April the International Monetary Fund announced a loan of $430 million to Romania and the World Bank loans of up to $530 million.

In addition, Romania has put aside historic differences with its neighbors. They have produced political agreements with Hungary and Ukraine to reconcile border disputes and resolve ethnic tensions. Indeed, President, Constantinescu has showed a tremendous effort to reach out to the Hungarian ethnic minorities in Romania by bringing Hungarians into the government.

As a military alliance, NATO needs to take seriously the commitment of prospective members to contribute to NATO's collective security. Romania has also shown the commitment needed to bring its military to modern standards. They have expressed a willingness to take on the responsibilities and costs associated with NATO membership. Romania was the first nation to join the Partnership for Peace program and have participated in missions in Bosnia and Albania as well as other peacekeeping missions. They understand that NATO is not a one-way security arrangement. Romania fully intends to contribute effectively to the security and stability of the alliance. They are already increasing their defense budget and their military is firmly under civilian control. They are incorporating new training procedures to conform with NATO standards. In addition, Romania is well on its way to meeting the considerable interoperability objectives established by NATO.

I believe also that Romania's geographical location would serve NATO's strategic considerations as well. Romania's membership would be an important asset in strengthening NATO's southern flank and provide a key geostrategic position at the Black Sea.

Mr. President, I urge adoption of this amendment as a commitment to continue the process of a NATO enlargement.

AMENDMENT NO. 818

(Purpose: To provide for research, development, test, and evaluation of Multitechnology Integration in Mixed-Mode Electronics)

On page 46, between lines 6 and 7, insert the following:

SEC. 220. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $7,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATION OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $7,000,000.

(2) The amount authorized to be appropriated under section 101(5) and available for special equipment for user testing is reduced by $7,000,000.

Mr. FAIRCLOTH. Mr. President, this amendment authorizes appropriations of $7,000,000 for a project called multitechnology integration in mixed-mode electronics. It is a project that will help give the United States a military advantage over our potential adversaries because it will support the development of technologies far superior to the off-the-shelf technologies that are becoming available to all nations on the global markets.

As technologies are developed and commercialized, they become more standardized, mass produced, and widely available. We need to move beyond this cycle and find unique ways to integrate technologies into products that offer superior performance and are not available off-the-shelf.

This appropriation increase is offset by a reduction in the Army's procurement appropriation for purchasing special equipment for user testing.

I urge my colleagues to support this amendment.

AMENDMENT NO. 819

(Purpose: To authorize a multiyear contract for the Family of Medium Tactical Vehicles (FMTV))

At the end of subtitle B of title I, add the following:

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordeance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of our years and include an option to extend the contract for one additional year.

Mr. THURMOND. Mr. President, this amendment would authorize the Secretary of the Army to enter into a multiyear procurement contract for the family of medium tactical vehicles [FMTV]. This authority is significant for the following reasons:

First, the Army fleet of aging trucks, the backbone for our premier land force, has reached the end of its useful life and new trucks are required to support the heavy demand we place on these vehicles.

Second, the Army will complete acquisition of the first round of new FMTV trucks through an existing multiyear in 1998. The soldiers in the field love these new trucks. They are reliable, capable, and are easily maintained. We must continue to field these trucks to our soldiers as quickly as possible.

Third, the multiyear authority will be exercised within the current budget and will result in 9.5 percent savings over the life of the multiyear or $122.3 million. This means that the Army will be able to field more trucks than would otherwise be possible with current budget constraints.

Mr. President, I strongly support the fielding of these trucks and believe that this multiyear will make the best use of available resources and will help our soldiers. I strongly urge my colleagues to support the amendment.

I ask unanimous consent a description of the background on the FMTV be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAMILY OF MEDIUM TACTICAL VEHICLES [FMTV] MULTI-YEAR

Sponsor: Senator Thurmond.

Amendment: Add a provision authorizing a multiyear program for FMTV.

Background: The FMTV program has, after a somewhat rocky start, provided extremely high quality medium trucks to replace the aging truck fleet throughout the Army. The old 2.5 ton and 5 ton trucks that one sees in pictures from the Vietnam era through some present day operations are in many cases older than the soldiers driving them. The Army will conclude its first multiyear program for the FMTV in mid-1998 (fiscal year). To date, the Army has procured approximately 10,000 of these new trucks out of a requirement for 85,400. The committee did not recommend a multiyear provision for 1998 as the Army failed to adequately fund the program (with resources necessary to maintain production) and the follow-on assumption that this failure does not demonstrate steady fiscal support for this important piece of equipment.

Arguments to support a multiyear provision: Much needed truck that needs to be fielded expeditiously to replace a very old and costly fleet. Soldiers love the new trucks and they are performing well.

Any action that would reduce the cost of this program must be considered favorably.

The Army did request additional funding on its "wish list" for the FMTV (thereby demonstrating support and commitment to the program).

Authorizing a multiyear will result in a 9.5 percent cost savings (over the four year life of the multiyear) or $122.3 million dollars.

Arguments Against the Multiyear Provision: The Army failed to adequately fund this program in 1998 and result would have been a break in production (2-4 months). [Note—The committee added $44 million to resolve this problem] This does not demonstrate support for funding required for a program for which they request a multiyear authority.

Recommendation: Support the multiyear provision.

AMENDMENT NO. 820

(Purpose: To require the Secretary of the Air Force to conduct a cost and operation effectiveness analysis regarding ALR radar warning receivers)

At the end of subtitle D of title I, add the following:

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) Cost and Operation Effectiveness Analysis.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56M radar warning receiver.

(b) Submission to Congress.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

AMENDMENT NO. 821

(Purpose: To provide $5,000,000 for a facial recognition technology program)

On page 46, between lines 6 and 7, insert the following:

SEC. 220. FACIAL RECOGNITION TECHNOLOGY PROGRAM.

(a) Availability of Funds.—(1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(4) is hereby increased by $5,000,000.

(2) Funds available under the section referred to in paragraph (1) as a result of the increase in the authorization of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competition procedures in selecting participants for the program.

(b) Offset.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by $5,000,000.

Mr. KENNEDY. Mr. President, my amendment would authorize an additional $5 million for the DOD's Counter-Terrorism Technical Support Program, to fund the development of facial recognition access control technology. FRAC technology is an innovative means of positively identifying individuals, either singularly or in a crowd, for a range of security purposes. The Eigenface method of facial recognition is the core technology of a new system that quickly recognizes and identifies a person by capturing his or her face on a quickly scanning camera. This new biometric identification method computes in each face a characteristic set of component images, or Eigenfaces, which can be used to positively identify an individual.

This rapid-scanning capability is superior to traditional ID cards, authorization keypads, palm readers, and most retinal scanners. Unlike conventional systems, it can scan a crowd and pick out individual faces, rather than require individuals to position themselves before a scanner. It is perfect for use at airports, border crossings, or wherever large numbers of people pass through for entry and time-consuming identification procedures are not practical. This technology will support the counter-terrorism effort the Congress established last year, addressing one of the most pressing national security threats we face.

Mr. SMITH. I want to commend the Senator from Massachusetts for this very useful amendment. Facial recognition is a critical tool in securing sensitive areas and safeguarding military and civilian personnel. It will improve our ability to control access to critical facilities and at our borders. I am glad to cosponsor this amendment.

Mr. KENNEDY. I would like to thank the Senator from New Hampshire for his support of this important funding. The technology is inexpensive, well-understood, and uses off-the-shelf-equipment. The Defense Department, the Federal Aviation Administration, and the Department of Justice have all acknowledged the potential benefit of Eigenface identification systems for their security needs. I am grateful for your support of the important provision.

I also want to mention that the source of the offset for this funding increase is $5 million provided for travel and transportation of personnel in the Army's Research, Development, Test, and Evaluation account. This reduction brings the account down to the same level provided in fiscal year 1997. All of the other services have requested and been provided the same level of funding for this function in fiscal year 1998 as they were provided in fiscal year 1997.

Mr. THURMOND. Mr. President, I believe that this amendment will help fill an important gap in our defense capability. I support this additional $5 million for facial recognition technology.

Mr. LEVIN. I join Senators Kennedy, Smith, and Thurmond in their support of this innovative technology. It will have a dual role as an access control device and for protecting the United States from the ever-increasing threat of terrorism.

AMENDMENT NO. 822

(Purpose: To require a report on the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997)

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON HELSINKI JOINT STATEMENT.

(A) Requirement.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki joint statement on future reductions in nuclear forces. The report shall address the U.S. approach (including verification implications) to implementing the Helsinki joint statement, in particular, as it relates to: lower aggregate levels of strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads; deactivation of strategic nuclear delivery vehicles; measures relating to nuclear long-range sea—launched cruise missiles and tactical nuclear systems; and issues related to transparency in nuclear materials.

(b) Definitions.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters of Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

Mr. DASCHLE. Mr. President, I want to express my support for a very important amendment offered by Senator Bingaman, a key member of the Senate Armed Services Committee.

The bill before us is a critical one. It authorizes $269 billion for the military activities of this country—everything from the pay for the men and women who so capably serve this country to the aircraft, tanks and ships they operate to the housing in which they reside. This single bill provides for all of this. The members of the committee are to be commended for their excellent work.

Despite the numerous critical issues this bill does address, there is one crucial area that the Senator from New Mexico and I think requires further attention—the status of our efforts with the Russians to implement the START II agreement and, as importantly, design meaningful and verifiable measures to take us beyond the constraints of START II.

Mr. President, many in this body on both sides of the aisle believe that reducing the number of existing nuclear weapons and controlling their spread to other countries represents the gravest challenge to our national security. START II called for a limit of 3,500 deployed warheads by 2003. At the Helsinki summit earlier this year, Presidents Clinton and Yeltsin agreed to reduce this ceiling to 2,000 to 2,500 by the end of 2007. In addition, they concurred on the need for exchanges of information about total United States and Russian stockpiles of strategic warheads and about the elimination of excess warheads. Finally, they agreed to negotiate confidence-building "transparency" arrangements such as on-site inspections.

These are all worthwhile measures and, in this Senator's opinion, very timely. The Pentagon has already indicated it can protect this nation's interests and deter would-be aggressors with significantly fewer weapons than would be permitted under START II. I agree with this assessment. Therefore, like Presidents Clinton and Yeltsin, Senator BINGAMAN and I think it's appropriate to explore doing much more than called for in START II.

That is the purpose of our amendment. We ask the President to submit a report to Congress describing how the United States plans to implement the Helsinki accords. The decisions reached at Helsinki will have far-reaching implications for both the United States and Russia. We hope that with this report, the administration will analyze the consequences of their announced path as well as describe any other additional approaches that merit further inquiry.

Despite the fact that the cold war ended nearly a decade ago, the United States and the Russians still maintain thousands of nuclear weapons poised to be launched within seconds of receiving notice to do so. None of these weapons are on bombers. The United States decided years ago that it no longer needed to keep bombers on such a high alert status. However, we and the Russians each maintain roughly 3,000 weapons on ballistic missiles ready to go at the push of a button. With this amendment, we hope the administration will consider whether keeping such large numbers of weapons in such a high alert status remains in our national interest. As stated in a recent editorial by Senator Nunn and Bruce Blair, "It is time to rethink the unthinkable. The United States and Russia should cast off the mental shackles of deterrence and make our nuclear relationship more compatible with our political relationship." The authors go on to state we can accomplish this by first reducing the number of weapons we have poised to launch at a moment's notice. This report would address this important question as well as the other central elements contained in the Helsinki agreement.

Mr. President, with this amendment, we are asking the administration to examine the case made by Senator Nunn, Gen. Lee Butler, and many others. Although we are requesting just a study of this issue, it is a study that could eventually lead us to a safer, more secure world. I believe this is the time, and this is the bill, for the Senate to express its desire to explore this course.

AMENDMENT NO. 823

(Purpose: To state the sense of the Senate relating to the utilization of savings derived from the base closure process)

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. SENSE OF SENATE ON UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section ______ should be made available to the Department of Defense solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

Ms. SNOWE. Mr. President, this amendment will address concerns that we have discussed here on the floor regarding the Base Realignment and Closure [BRAC] process.

Before the Congress ever considers to authorize future BRAC commissions—a process which I strongly oppose, we should take a more detailed look at whether those elusive savings from infrastructure reductions will ever be achieved. That is what I accomplish by the amendment which I offer today.

Mr. President, I have consistently asked what has happened to savings from the past four BRAC actions. The Pentagon estimated savings from the four previous base closing rounds to reach $57 billion over a 20-year period with annualized savings of $5.6 billion per year starting in 2001. In its April 1995 report, the GAO estimate for such savings projects the savings at less than half these numbers. GAO estimates that the 20-year savings may be $17.3 billion, with annual recurring savings possibly reaching $1.8 billion.

Mr. President, GAO conducted further analysis and issued a following report in a April 1996. In this report, GAO found that the total amount of actual savings that may be estimated from BRAC actions is uncertain for several reasons. One of which is that DOD accounting systems do not provide adequate information or isolate their impact from that of other DOD initiatives.

Despite the fact that DOD has complied with legislative requirements for submitting annual cost and savings estimates, the GAO further states that the estimates' usefulness is limited because the estimates are not budget quality, and that the inclusion of the estimates of reduced personnel costs by all the services are not uniform and further, the GAO determined that certain community assistance costs were excluded.

In one example, GAO identified the fact that DOD BRAC cost estimates excluded more than $781 million in economic assistance to local communities as well as other costs.

Mr. President, in its December 1996 report, CBO stated that it was unable to confirm or assess DOD's estimates of cost savings because the DOD is unable to report actual spending and savings from BRAC actions.

So now Mr. President, we have the Pentagon, the GAO, and CBO with differing estimates on what has actually happened and what is supposed to happen as a result of the four previous BRAC rounds. There is no consensus on the numbers—and that is a significant problem. It seems everybody has a different number on the issue, and there are numerous inconsistencies on the estimates of what the savings are supposed to be. And the Congress has been assured that starting in the year 2001, the savings may in fact be realized. I question that assurance Mr. President, because I do not think we know what they will be. But what we do know now, is that any savings from the past four base closure rounds have yet to be realized.

Mr. President, the intent of DOD to streamline its infrastructure cost is not lost on us. We must recognize that the need to fill the projected $17 billion gap between projected procurement funding and the procurement funding objective of $60 billion. Mr. President, throughout this year's DOD authorization process, the Congress has heard testimony from the Secretary of Defense, the Chairman of the Joint Chiefs, the respective service chiefs and service secretaries, and to a person, each has testified on the importance of modernizing our military forces for the 21st century. But Mr. President, that just is not happening.

Mr. President, the projections for national defense outlays decrease 34.4 percent over the period from 1990 to 2002. We have all seen the downward pressure on defense spending. Yet the future years defense plan [FYDP] calls for a 40-percent increase in the military's modernization budget within the confines of an overall defense budget that will more likely be flat at best. We have seen procurement funding plummet from $54 billion in 1990 to today's level of just over $42 billion.

The U.S. military has undergone a significant transformation in the post-cold-war period. Specifically, from 1989 to 1997, DOD reduced total active duty end strength by 32 percent, with further reductions to 36 percent by 2003 as a result of the QDR. After the completion of four previous base closure rounds, the world-wide base structure will have been reduced by 26 percent, and domestic facilities will have been reduced by 21 percent. In more tangible numbers 97 of 495 major bases, as well as hundreds of smaller facilities and housing areas, and the realignment of many other bases and facilities has already been accomplished by this process.

However, we are chasing elusive infrastructure savings, and there is no straight line corollary between the size of our forces and the infrastructure required to meet two nearly simultaneous major regional conflicts. DOD has even admitted to GAO investigators that they do not have accounting systems in place to isolate the impact of specific initiatives, such as BRAC.

The amendment which I offer states that it is the sense of the Senate that the savings through previous BRAC actions which are estimated by the Department of Defense be made available to the Department solely for the purpose of modernization of new weapons systems.

Mr. President, I am offering this amendment so that the Congress will send a very clear message to this administration. The Congress recognizes the limited resources that are available to the Department of Defense, and that we have to insure that these dollars are invested wisely. Not only so our military forces can meet the commitments of today, but also so our military forces will be prepared to meet the challenges of the 21st century, and continued to be the most capable military force in the world.

Mr. President, we must send a very clear message that the past base closure process which has been so devastating to many local communities will actually result in savings that can be invested in our force modernization.

Mr. President, that is what my amendment accomplishes, and I urge my colleagues to support it.

AMENDMENT NO. 824

(Purpose: To conform limits for Department of Energy General Plant Projects to recommendations from the Department contained in a Congressionally mandated report on the subject)

On page 425, line 12, strike "$2,000,000" and insert "$5,000,000".

On page 425, line 17, strike "$2,000,000" and insert "$5,000,000".

On page 429, line 6, strike "$2,000,000" and insert "$5,000,000".

AMENDMENT NO. 825

(Purpose: To provide for a pilot program relating to use of proceeds from the disposal or utilization of certain Department of Energy assets for activities funded by the defense Environmental Restoration and Waste Management account)

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) PURPOSE.—The purpose of this section is encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of activities funded by the defense Environmental Restoration and Waste Management account.

(b) CREDITING OF PROCEEDS.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(3) If after amounts from proceeds are retained under paragraph (1) a balance of the proceeds remains, the Secretary shall—

(A) credit to the defense Environmental Restoration and Waste Management account an amount equal to 50 percent of the balance of the proceeds; and

(B) cover over into the Treasury as miscellaneous receipts an amount equal to 50 percent of the balance of the proceeds.

(c) COVERED TRANSACTIONS.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina.

(2) The sale of precious metals under the jurisdiction of the Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington and under the jurisdiction of the Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site and under the jurisdiction of the Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Environmental Technology Site, Colorado and under the jurisdiction of the Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee and under the jurisdiction of the Environmental Management Program.

(d) AVAILABILITY OF AMOUNTS.—To the extent provided in advance in appropriations Acts, the Secretary may use amounts credited to the defense Environmental Restoration and Waste Management account under subsection (b)(3)(A) for any purposes for which funds in that account are available.

(e) APPLICABILITY OF DISPOSAL AUTHORITY.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(f) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the amounts credited by the Secretary under subsection (b)(3)(A) during the preceding fiscal year.

AMENDMENT NO. 826

(Purpose: To require the Secretary of Defense to assess and report on the Cuban threat to United States national security)

At the end of subtitle D of title X, add the following:

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those action of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain—

(1) a discussion of the result of the review, including an assessment of the contingency plans; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

AMENDMENT NO. 827

(Purpose: To require a report on fire protection and hazardous materials protection at Fort Meade, Maryland)

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers on Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

AMENDMENT NO. 828

(Purpose: To authorize the Secretary of the Army to enter into an agreement to provide police, fire protection, and other services at property formerly associated with Red River Army Depot, Texas)

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

AMENDMENT NO. 829

(Purpose: To propose a substitute for section 1040, relating to GAO reports)

Strike out section 1040, and insert in lieu thereof the following:

SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

Mr. MCCAIN. Mr. President, I am offering an amendment to delete section 1040 from the bill and replace it with an annual reporting requirement.

Let me take just a moment to express my concerns with some activities of the General Accounting Office over the years. Starting with the Persian Gulf war, when the GAO sent auditors to the battlefield to inspect Apache helicopters, I have been concerned about the GAO's self-initiated activities, particularly in the areas under the jurisdiction of the Armed Services Committee. In the past several years, the GAO has undertaken increasing numbers of self-initiated audits while relegating congressionally mandated activities to a lower priority.

Because of this inappropriate prioritization, the committee included a provision in the fiscal year 1998 Defense authorization bill that would require the Comptroller General of the United States to certify to Congress that all audits, evaluations, other reviews, and reports requested by Congress or required by law are complete prior to the initiation of any audits, evaluations, other reviews, and reports that are not required by Congress. I sponsored this provision because I believe it would make the GAO, a legislative branch agency, far more responsive to the needs of the Congress.

I understand there are a number of concerns regarding this provision. One concern is that this provision would effectively prevent the GAO from performing any valuable, self-initiated jobs that could save billions of dollars. I find this extremely hard to believe. With 535 Members of Congress, from different backgrounds and with varied interests, it is hard to imagine a situation where the GAO could not find a congressional sponsor for an audit which would save billions of dollars.

Another concern is that this provision is not in the jurisdiction of the Armed Services Committee. Mr. President, it is because the GAO continues to perform a number of self-initiated jobs relating to issues under the jurisdiction of the Armed Services Committee, while the requests of committee members are either canceled or remain unfinished, that the committee decided to take action.

A third concern questions the necessity of such a provision. We have been told that only 20 percent of the GAO's work is self-initiated. First of all, I have concerns regarding the GAO's definition of what is self-initiated and what is requested by Congress. I understand that if a staff member expresses some interest in an issue, an audit may be initiated as a request of the Senator for whom that staff member works. I personally believe a signed request letter from a Member of Congress should be required before an audit can be considered a congressional request. Furthermore, I have concerns that these numbers do not provide a complete picture. Although only 20 percent of GAO's total workload may be self-initiated, a far larger percentage of the work within a particular division may be self-initiated. For example, I understand that as of June 16, 1997, 50 percent of the work being performed by the National Security and International Affairs Division was self-initiated.

I am also troubled by what appears to be the pursuit of personal agendas by GAO personnel that permeates much of their work. Many of GAO's reports provide only one side of a story rather than the whole picture. Just as we require witnesses in a court of law to tell the truth, the whole truth, and nothing but the truth, we should require no less from the GAO. If we in Congress take the work of the GAO seriously, and use it in our efforts to make well-informed decisions that serve the best interests of the American taxpayer, than GAO should be expected to provide the entire picture rather than one side that serves the interests of a specific group.

Mr. President, despite my concerns and the GAO's demonstrated lack of responsiveness, I have decided to amend my original language at the personal request of Senators THOMPSON and GLENN. As the chair and ranking member of the Governmental Affairs Committee, I am sure that they will do all they can to ensure that the work of the GAO is more responsive and complete. However, if for some reason the GAO continues to demonstrate a disregard for the needs of the Congress, I intend to reintroduce the original language and rein in the rogue activities of the GAO.

AMENDMENT NO. 830

(Purpose: To propose a substitute to section 363)

In lieu of the matter proposed to be stricken, insert the following:

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) Congressional Notification.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§2014. administrative actions adversely affecting military training or other readiness activities

"(a) Congressional Notification.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time the shall transmit a copy of the notification to the President.

"(b) Notification To Be Prompt.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action

"(c) Consultation Between Secretary and Head of Executive Agency.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the impacts of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) Moratorium.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) Effect of Lack of Agreement.—(1) In the event the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

"(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) Limitation on Delegation of Authority.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) Definition.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) Clerical Amendment.—The table of sections of the beginning of such chapter is amended by adding at the end the following:.

"2014. Administrative actions adversely affecting military training or other readiness activities.".

Mr. SMITH of New Hampshire. Mr. President, as a cosponsor of the amendment offered by Senator Chafee, I would like to explain why I believe that this amendment not only protects public health and the environment, but will also ensure that we will maintain a strong national defense.

As my colleagues on the Armed Services Committee are aware, the original motivation of section 363 of the National Defense Authorization Act, as reported, grew out of a series of executive agency actions in the various regions of the country that needlessly limited or stopped ongoing training activities. In those instances, long-scheduled training and readiness efforts of active duty, reserve and national guard forces were stopped in their tracks, because of the rash and unjustified actions of overzealous Federal bureaucrats.

Although the action taken by these low-level functionaries was within their powers, and met applicable public safety, welfare, and environmental statues, the timing and nature of the actions taken were neither justified nor appropriate given the lack of actual and immediate implications to human health and the environment. As a result of these highly unjustified actions, troops who had to travel hundreds and sometimes thousands of miles, at considerable cost to the taxpayers, were unable to conduct these critical training and readiness missions.

The purpose of the original language offered in committee, would have allowed the Secretary of Defense to impose a 30-day moratorium on the application of administrative or enforcement actions that could have a significant adverse effect on military readiness or training activities. Although appreciating the justification for the language, there were some, including Senator Chafee, who were concerned about the impact that this language would have on existing public welfare, safety, and environmental statutes. In order to address this concern, Senator Chafee and I, along with members of the Armed Services Committee were able to fashion the compromise language that we are offering today, that will strike the proper balance in these situations.

Under this language, if the Secretary of Defense discovers that an official of an Executive agency is proposing to take, or has taken an administration action that will result in a significant adverse effect on the training or readiness activities of the armed forces, the Secretary shall submit a written notification to the head of that agency, which will trigger a mandatory consultation between those two officials. In addition, the Secretary's notification will trigger an immediate moratorium on the application of the administrative action until 5 days after the notification, or until the head of the Executive agency and the Secretary are able to agree on an appropriate course of action, whichever is sooner. If the two officials are unable to agree on a course of action, then the ultimate decision will be elevated to the President.

One significant concern over the committee reported language was that a 30-day moratorium was too stringent and could frustrate efforts to avoid immediate, actual, and irreparable damage to human health and the environment. Subsection (D)(2) of this amendment provides that the head of the Executive agency can waive the moratorium if a determination is made that the delay in the administrative action or proposed administrative action will pose an actual threat of imminent and substantial endangerment to public health and the environment. This language will not only strike an important balance between national defense and public welfare concerns, but it will also avoid a replication of past events undertaken by low-level bureaucrats. If the military training activity will pose an actual threat of imminent and substantial endangerment to public health and the environment, that decision will have to be taken by the head of the Executive agency. We believe that actions such as this, which will have a significant impact on our national security, should be taken by the top decision maker at the agency, who is in a better position to understand the full complexities of this decision, rather than some low-level government employee.

I want to make one thing clear about this waiver however. The head of the

Executive agency must meet a higher threshold of use of this provision than the tired and over-litigated test for the words imminent and substantial. The use of the words "actual threat" doesn't mean just a "possible threat" or a "potential threat." Instead, it means that if the training or readiness activity is undertaken that it is "highly likely" or "near certain" that there will be an actual threat to public health and the environment.

We must protect public health and the environment and we must ensure our national defense. When these issues come into conflict, we must take special efforts to balance these issues. Decisions of this nature should be made at the highest levels of our government, and because of this language, they will.

I believe this is a very important amendment, and I appreciate the support of my colleagues for its adoption.

AMENDMENT NO. 831

(Purpose: To recognize the Center for Hemispheric Defense Studies as an institution of the National Defense University)

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) Institution of the National Defense University.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) the Center for Hemispheric Defense Studies.".

(b) Civilian Faculty Members.—Section 1595 of title 10, United States Code, is amended by adding at the end the following:

"(g) Application to Director and Deputy Director at Center for Hemispheric Defense Studies.—In the case of the Center for Hemispheric Defense Studies, this section also applies with respect to the Director and the Deputy Director.".

AMENDMENT NO. 832

(Purpose: To authorize additional environmental restoration projects for the Department of Energy and to modify the amount authorized for certain other environmental restoration projects of the Department)

On page 18, between lines 15 and 16, insert the following:

SEC. 110. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, the aggregate amount of funds available for Department of Defense. Army procurement Advisory & Assistance Services shall be reduced by $30,000,000.

On page 415, line 11, strike out "$1,748,073,000" and insert in lieu thereof "$1,741,373,000."

On page 417, line 16, strike out "$252,881,000" and insert in lieu thereof "$237,881,000".

On page 423, line 7, strike out "$215,000,000" and insert in lieu thereof "$264,700,000".

On page 423, line 10, strike out "$29,000,000" and insert in lieu thereof "$21,000,000".

On page 423, between lines 17 and 18, insert the following:

Project 98–PVT– , waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98–PVT– , Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

On page 423, line 19, strike out "$109,000,000" and insert in lieu thereof "$147,000,000."

Mrs. MURRAY. Mr. President, last Monday I introduced an amendment that could have helped ensure this bill is not vetoed by President Clinton because it violates the bipartisan budget agreement. Today, we have reached agreement on that amendment—but it does not go nearly far enough.

Let me lay out what this defense authorization bill does in very large terms. This bill adds $5.1 billion to the Pentagon's request. It does this by moving $2.4 billion from defense-related activities of the Energy Department to the Defense Department—primarily in procurement and R&D. The two Energy programs hardest hit are privatization of cleanup efforts and forward funding of asset acquisition.

My amendment sought to restore some of the privatization money because we have a huge problem at the Hanford Reservation that could be solved with this new funding. We have 177-million-gallon tanks filled with chemical and high-level radioactive waste located near the Columbia River. The environmental devastation at Hanford and other former defense nuclear sites is truly mind-numbing. We must clean up the mess we have made. Privatization offers us an opportunity to do that and reduce costs and increase efficiency.

My amendment sought to restore $300 million of the $1 billion the President sought in this one-time shot in the arm of the environmental management program. Instead, I was successful in securing only $59.7 million, making the amount this bill funds only $274.7 million. This is a tremendous shortfall and could result in the Federal Government missing legally enforceable cleanup milestones.

Mr. President, the House defense authorization bill is even worse—funding the entire privatization program at only $70 million. Our Senate conferees must insist we keep the entire amount we have in this bill. Senator Gorton and I have the commitment of Sen. Thurmond that the conferees will do that.

On the appropriations front, I was able to secure an extra $43 million yesterday in the Senate energy and water development appropriations bill. The privatization account increased from $300 million to $343 million. Again, the House is rumored to be far, far lower—and the appropriation's conferees will have a difficult job ahead to keep even these greatly diminished funds.

We made a huge mess at Hanford while we were fighting and winning the cold war. Now we must pay the debt the Federal Government owes to these cold warrior communities. And this bill takes a small step—but just doesn't do the job. However, I do want to thank the committee for accepting my amendment and I look forward to working with the chairman and ranking member to ensure these numbers remain in the bill this Congress sends to the President.

Mr. GORTON. Mr. President, I want to express my strong support for this amendment offered by my colleague from Washington State, Senator Murray, and me which would increase budget authority for the Department of Energy's Environmental Management Program by $50 million.

It is absolutely essential that the Senate provide as high a level of funding for the Department's privatization program as possible. Like Senator Murray, I am particularly interested in this program because of the tank waste remediation system [TWRS] privatization program at Hanford. The Hanford Nuclear Reservation houses over 55 million gallons of hazardous nuclear and chemical wastes in 177 underground storage tanks located near the Columbia River. The TWRS program was established to manage, retrieve, treat, and immobilize and dispose of these wastes in a safe and cost effective manner.

Under the TWRS program, the contractors are responsible for demonstrating the technical and business viability of using privatized facilities to treat and immobilize Hanford tank wastes; define and maintain required levels of nuclear, radiological, and occupational safety; maintain environmental protection and compliance; and reduce costs and remediation time.

Under the privatization program, a contractor can recover the resources it has invested only through the delivery of acceptable services paid for by the DOE on a fixed-unit-price basis. The underlying intent is to transfer the primary share of the financial, performance and operational responsibility for the treatment effort from the government to the private contractor.

TWRS and similar privatization efforts if done correctly and with proper oversight will allow for significant cost savings and represent an opportunity to use private-sector means and innovative technologies to accelerate cleanup. Without TWRS privatization, it is unlikely we can meet the long-term cleanup compliance milestones at Hanford. If TWRS privatization is not pursued, the project will need to be funded from the base environmental management account which will necessitate cuts elsewhere in the DOE cleanup program—not only at Hanford but at sites throughout the country.

In order for the privatization concept to work, enough funds must be provided in budget authority to send the appropriate signal to Wall Street and the investment community that Congress is committed to this project. Funding TWRS at a level as close to the President's budget request is vitally important to the success of this program. Increasing funding for this program by $50 million would bring total funding for privatization to $265 million—the same figure that we appropriated on the Appropriations Committee yesterday. I urge support for this amendment.

AMENDMENT NO. 833

(Purpose: To authorize the Secretary of Defense to grant a blanket waiver of the applicability of certain domestic source requirements to foreign country so as not to impede cooperative projects or reciprocal procurements of defense items with such country)

At the end of subtitle A of title VIII, add the following:

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(i) WAVIER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.".

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if those option prices are adjusted for any reason other than the application of a waiver granted under subsection (i) of section 2534 of title 10, United States Code (as added by paragraph (1)).

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting "FOR PARTICULAR PROCUREMENTS" after "WAIVER AUTHORITY".

Mr. McCAIN. Mr. President, I offer this amendment because of the Department of the Navy's narrow interpretation of the Department of Defense's April 1997 "Determination and Waiver" which was a first step for the Department in breaking down unproductive and egregious barriers for free trade.

This is a simple and straight-forward amendment which waives certain defense items with respect to a foreign country if the Secretary of Defense determines that country would impede cooperative programs entered into the foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined it would impede the reciprocal procurement of defense items in that foreign country and that foreign country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items in that country. This amendment would apply to all contracts entered into on or after the date of enactment, including any option for the procurement of items under a contract that are entered into before the date of enactment if those option prices are adjusted for any other reason.

I have spoken of this issue before in this Chamber and the potential impact on our bilateral trade relations with our allies because of our policy toward "Buy America". From a philosophical point of view, I oppose these type of protectionist trade policies because I believe free trade is an important component of improved relations among all nations and a key to major U.S. economic growth.

From a practical standpoint, adherence to "Buy America" restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from long-standing international trading partners. While I fully understand the arguments by some to maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products which are widely available from many U.S. companies, that is, pumps produced by no less than 25 U.S. companies. I believe that competition and open markets among our allies on a reciprocal basis provide the best equipment at the best price for U.S. and allied militaries alike.

There are many examples of trade imbalances resulting from unnecessary "Buy America" restrictions. Let me cite one case in point. Between 1991 and 1994, the Netherlands purchased $508 million in defense equipment from U.S. companies, including air-refueling planes, Chinook helicopters, Apache helicopters, F–16 fighter equipment, missiles, combat radios, and training equipment. During the same period, the United States purchased only $40 million of Dutch-made military equipment. In recent meetings, the Defense Ministers of the United Kingdom and Sweden have apprised me of similar situations. In every meeting, they tell me how difficult it is becoming to persuade their Governments to buy American defense products, because of our protectionist policies and the growing "Buy European" sentiment.

Mr. President, it is my sincere hope that this amendment will end once and for all the anticompetitive, antifree trade practices that encumber our Government.

AMENDMENT NO. 834

(Purpose: To convert the one-time report on aircraft inventory to an annual report)

Strike out section 1037, and insert in lieu thereof the following:

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(A) REQUIREMENT.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

§ 483. Report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budgets to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

"(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Report on aircraft inventory.".

"(b) FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report under section 483 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

"(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

AMENDMENT NO. 835

(Purpose: To require the Secretary of Defense to prescribe regulations restricting the quantity of alcoholic beverages that is available through Department of Defense sources for the use of Department of Defense personnel overseas)

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations relates to the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas and such regulation shall be accompanied with elimination of barriers to export of U.S. made beverages currently placed by other countries.

AMENDMENT NO. 836

SEC. . REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR CERTAIN RESISTORS AND CAPACITORS.

(a) REPORT REQUIRED.—Not later than May 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) assessing the level of dependence on foreign sources for procurement of certain resistors and capacitors and projecting the level of such dependence that is likely to obtain after the implementation of relevant tariff reductions required by the Information Technology Agreement; and

(2) recommending appropriate changes, if any, in defense procurement or other federal policies on the basis of the national security implications of such actual or projected foreign dependence.

(b) DEFINITION.—For purposes of this section, the term "certain resistors and capacitors" shall mean—

(1) fixed resistors,
(2) wirewound resistors,
(3) film resistors,
(4) solid tantalum capacitors,
(5) multi-layer ceramic capacitors, and
(6) wet tantalum capacitors.

Mr. DASCHLE. Mr. President, I am pleased to offer an amendment on behalf of Senators BINGAMAN, HOLLINGS, HAGEL, and KERREY, and myself that would help clarify the implications of a recent trade agreement for an industry of vital importance to our defense industrial base. The amendment would direct the Pentagon to perform a study assessing whether dependence on foreign sources for certain resistors and capacitors is likely to increase to the point of raising national security concerns as a result of the tariff reductions scheduled to take effect pursuant to the Information Technology Agreement (ITA).

The ITA was signed last December in Singapore and will phase in zero-tariff treatment for semiconductors, telecommunications equipment, computers, software, and other electronics products in North America, the European Union, Australia, Japan, and many other countries in the Asia-Pacific region. Domestic producers of resistors and capacitors have expressed concern to many Senators that the elimination of the 6 percent duty on resistors and 9.4 percent duty on capacitors would seriously undermine the vitality, and perhaps viability, of their operations. The Pentagon is a major purchaser of these products. For this reason, the industry's concerns warrant a more thorough investigation of the implications of the tariff reductions for national security than has occurred to date.

One of the manufacturing facilities affected by the Information Technology Agreement is Dale Electronics, which is located in Yankton, SD. The Dale plant employs about 400 people and manufactures resistors, inductors, and magnetics. Like my colleagues who have cosponsored this amendment, who also represent major facilities constituting an important part of our defense industrial base, I would like to know more about how the tariff changes underway will affect defense preparedness. No doubt, the estimated 20,000 people working in the passive electronics industry would also appreciate having the benefit of this information.

I would like to express my appreciation to the distinguished manager of the bill, Senator THURMOND, for working with me and my colleagues on this issue. I know that he shares our interest in bringing to light facts necessary for the Federal Government to make informed decisions about important aspects of our defense industrial base.

Mr. THURMOND. Mr. President, just before final action here, I want to take this opportunity to thank all the Republicans and all the Democrats for the fine cooperation they have given through the consideration of this bill. The Congress can pass no more important bill than this defense authorization legislation. It means our very protection. It is important to the Nation and I am so pleased that we are able, now, to go forward and pass this bill promptly.

Mr. President, I ask for third reading of the bill.

EN BLOC AMENDMENTS NOS. 753 AS MODIFIED, 607 AS MODIFIED, 605 AS MODIFIED, 762, 763, 772

The PRESIDING OFFICER. The Chair understands that all the pending amendments were agreed to en bloc.

Amendments Nos. 753 as modified, 607 as modified, 605 as modified, 762, 763, 772 were agreed to en bloc.)

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I congratulate Senator THURMOND and all the Republican subcommittee chairs, the Democrats on our side, ranking members, our staffs, and thank the rest of our colleagues for their understanding.

Mr. THURMOND. Mr. President, I wish to thank the able ranking member, Senator LEVIN, for the fine job he has done on this bill. I wish to thank also the subcommittee chairmen who have done such a good job here, and all others who have participated here and helped us bring this bill to conclusion.

Now, Mr. President, we have had third reading of the bill, as I understand it?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. The bill having been read a third time, I urge passage of the bill. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—4

Feingold
Harkin
Kohl
Wellstone

NOT VOTING—2

Mikulski
Rockefeller

The bill (S. 936), as amended, was passed.

[The text of S. 936, as amended and passed, can be found at the end of the Senate proceedings in today's RECORD.]

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that S. 936, as amended, be printed as passed. I further ask unanimous consent that Senate Report No. 105–29, the report of the Committee on Armed Services on S. 924, be deemed to be the report of the committee accompanying S. 936, the bill just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, with respect to H.R. 1119, the House-passed version of the National Defense Authorization Act for fiscal year 1998, I ask unanimous consent that the Senate proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 936, as passed, be substituted in lieu thereof; that the bill be advanced to third reading and passed; and the title of S. 936 be substituted for the title of H.R. 1119; that the Senate insist on its amendments to the bill and the title and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1119), as amended, was deemed read the third time and passed.

The title was amended so as to read:

> A bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

There being no objection, the Presiding Officer (Mr. HAGEL) appointed Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND conferees on the part of the Senate.

Mr. THURMOND. Mr. President. I ask unanimous consent with respect to S. 936 as just passed by the Senate that, if the Senate receives a message with respect to this bill from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees and the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in closing, I want to take this opportunity to thank the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, for their fine cooperation throughout the consideration of this bill. And, Mr. President, I want to take this opportunity to thank Mr. Brownlee of the majority staff and Mr. Lyles on the minority staff, and finally the superb work of the fine floor staff that has been so helpful. They have all rendered yeoman service in the consideration and passage of this bill.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me again congratulate Senator THURMOND for the tremendous work that he put into this bill and the success of this bill. The strong vote that it got —I believe 94 votes—in the U.S. Senate is a real tribute, I think, to the work that Senator THURMOND, as our chairman, has put in on this bill. I congratulate him for it.

I also want to thank all the members of the committee for their work. Again, our staffs, David Lyles of our staff on this side and Les Brownlee on the Republican side, our Republican and Democratic leaders, the majority leader, and the Democratic leader were extremely helpful, and they again made it possible for us to complete this bill, I think, in very good order and with very great speed. To the members of our floor staff, thanks to all of them for making it possible for us to move with such great dispatch on a very complicated bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I wish to again thank Senator LEVIN for his fine cooperation and all that he did to promote this bill. He did a magnificent job.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I, too, would like to compliment the Senator from South Carolina, Senator THURMOND, for his leadership, as well as Senator LEVIN, for moving this bill through, and in addition to that, Senator LOTT and Senator DASCHLE.

This bill had great potential for not only taking all this week, but all of next week. I compliment the leaders for making this happen, to get this bill completed, as the majority leader announced at the beginning of the week that we were going to finish this on Friday before we adjourned. And we did. I think that is very important.

I also think that the vote is very positive. To have 94 votes for final passage on a defense bill I think is very positive indeed.

EXECUTIVE SESSION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the nomination of Joel Klein to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOEL I. KLEIN OF THE DISTRICT OF COLUMBIA TO BE AN ASSISTANT ATTORNEY GENERAL

The assistant legislative clerk read the nomination of Joel I. Klein of the District of Columbia to be an Assistant Attorney General.

CLOTURE MOTION

Mr. NICKLES. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 104, the nomination of Joel I. Klein to be Assistant Attorney General:
>
> Trent Lott, Orrin Hatch, Kay Bailey Hutchison, John McCain, Olympia Snowe, Dan Coats, Pat Roberts, Rod Grams, R.F. Bennett, Thad Cochran, Jim Inhofe, Sam Brownback, W. V. Roth, Chuck Hagel, J. Warner, Larry E. Craig.

Mr. NICKLES. Mr. President, I further ask unanimous consent that the cloture vote occur at 6 p.m., on Monday, July 14, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I further ask unanimous consent that if cloture is invoked, there be 3 hours remaining for debate, with 2 hours under the control of Senators HOLLINGS, DORGAN, and KERREY of Nebraska, and 1 hour under the control of Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today on behalf of Mr. Joel Klein, who has been nominated for the position of Assistant Attorney General of the Antitrust Division of the Department of Justice. Mr. Klein was reported out of the Judiciary Committee unanimously on May 5. As his record and testimony reflect, Joel Klein is a fine nominee for this position, and I am pleased that his nomination has finally been brought before the full Senate today. He has my strong support and, I believe, the strong support of every member of the Judiciary Committee.

Now, I believe Mr. Klein is as fine a lawyer as any nominee who has come before this committee. He graduated magna cum laude from Harvard Law School before clerking for Chief Judge David Brazelon of the D.C. Circuit and then Supreme Court Justice Lewis Powell. Mr. Klein went on to practice public interest law and later formed his own law firm, in which he developed an outstanding reputation as an appellate lawyer arguing—and winning—many important cases before the U.S. Supreme Court. For the past 2 years, Mr. Klein has ably served as Principal Deputy in the Justice Department's Antitrust Division, and for the past several months he has been the Acting Assistant Attorney General for the Antitrust Division.

It is clear, both from his speeches and his enforcement decisions, that Mr. Klein is well within the mainstream of antitrust law and doctrine and will be a stabilizing influence at the Antitrust Division of the Justice Department. While no one doubts his willingness to take vigorous enforcement actions when appropriate, it is a credit to Mr. Klein that the U.S. Chamber of Commerce and the National Association of Manufacturers and other business associations have written in strong support of his nomination to lead the Antitrust Division. They believe he will be good for American business. And I think they are right.

At the same time, Mr. Klein has demonstrated a sense of direction and a vision for the Antitrust Division, which is important in a leader. He is committed to enforcing our Nation's antitrust laws in order to uphold our cherished free enterprise system and protect consumers from cartels and other anticompetitive conduct. So, I am certain that Mr. Klein will also be very good for consumers.

Antitrust doctrine has had its ups and downs over the years—although we may not all agree on which times were which. At this point, however, I am hopeful that antitrust is entering a more mature and more stable period. Although antitrust analysis is fact-intensive and will always contain gray areas, I hope Mr. Klein will work to help make antitrust doctrine as clear and predictable as possible so that companies know what is permitted and what the Antitrust Division will challenge. This will help businesses compete vigorously without the worry and chilling effects that result from uncertainty. I suggest that the Division's goal should be to avoid burdens on lawful business activities while appropriately enforcing the law against those who clearly violate it.

Finally, I would like to add that personally I have been very impressed with Mr. Klein. He strikes me as a person of strong integrity, as a highly competent and talented lawyer who is well-suited to lead the Antitrust Division. While I expect we may not always agree on every issue, I believe that Mr. Klein's skills and expertise and his personal integrity will be a service to the Department of Justice, to antitrust policymakers, and to the health of competition in our economy. I look forward to working with him in the coming years.

In what appears to be a last-ditch effort to scuttle Mr. Klein's nomination, there are some who have now floated an allegation that the nominee's participation in a particular merger decision was somehow improper. Upon examination, let me say that it appears to me that these reports are wholly unfounded and provide no basis whatsoever for questioning Mr. Klein's conduct. I understand that, with respect to the matter at issue, Mr. Klein consulted with the proper ethics officials and was assured that his participation raised no conflict of interest or even the appearance thereof. Based on what we know, this judgment appears sound, and I am confident that the nominee has conducted himself appropriately. I hope that nobody in this body will use this extraneous, ill-founded notion as an eleventh hour basis for opposing Mr. Klein's nomination. I am confident, having worked with him over the years, knowing him personally as well as I do, having watched him in action, having seen him make decisions, and having seen him apply the law, that Mr. Klein is a man of high integrity, and I urge my colleagues to cast their votes in his favor.

I might add that some will suggest that Mr. Klein is misapplying the Telecommunications Act and has taken questionable positions on particular mergers. I will refrain here from passing judgment on any particular decision and from engaging in a detailed debate on telecommunications antitrust policy. I fully recognize that there are some very, very important issues at stake here, especially in light of a number of ambiguities left in the wake of the telecommunications law. I also recognize that there have been some controversial mergers in this area, and yet other potentially landmark mergers which have not yet come to pass.

In short, telecommunications competition and antitrust policy is one of the most important, yet somewhat unsettled, policy areas affecting our emerging, transforming economy. The looming policy decisions to be made in this area cannot be ignored. Indeed, I plan to have the Judiciary Committee and/or our Antitrust Subcommittee fully explore these issues.

But I believe it is neither fair nor wise to hold a nominee hostage because of such concerns, especially one as competent and decent as Joel Klein. In my view, sound public policy is best served by bringing this nominee up for a vote, permitting the Justice Department to proceed with a confirmed chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies.

I hope that all Senators, and especially those of the President's own party, will permit the administration's nominee to be voted on.

Finally, let me just say this: I believe that the President deserves a great deal of credit for picking Joel Klein as one of his chief nominations for this year. There are times when I disagree with the President, but I have to say when he does a good job and when he does nominate good people, as he has in these areas in the past in some of the areas of law, in particular, and I cite with particularity some people at Justice, the Director of the FBI and so many other law enforcement aspects of our Government, then I will support the President.

I will do what I can to show support for him and to encourage him to continue to pick the highest quality people for these positions. I am confident that Joel Klein is of the highest quality. I am confident that he is one of the finest lawyers in this country in this field and I feel absolutely confident that he will do one of the best jobs in history at the Antitrust Division. Anything less than that, I would be disappointed in. I believe he will. He is a fine man. I hope this body will support him.

I hope when we have the cloture vote on Monday we will invoke cloture and have the debate, allow anybody to say what they want to, but then hopefully vote Mr. Klein up for this position so he can fully embrace this position and fulfill it and do what needs to be done. That is all I will say today.

I know my colleagues on the other side may have some comments. I yield the floor.

Mr. HOLLINGS. Mr. President, the Telecommunications Act of 1996 was an historic achievement of bipartisan consensus. The act was intended to promote competition in every sector of the communications industry, including the broadcast, cable, wireless, long distance, local telephone, manufacturing, pay telephone, electronic publishing, cable equipment, and direct broadcast satellite industries. At the time of its passage, the law had the support of the Clinton administration and almost every sector of the communications industry.

Mr. President, the Telecommunications Act was the result of many years of debate in the Congress. In 1991, I authored legislation to allow the Regional Bell Operating Companies

[RBOC's] into manufacturing. That bill passed the Senate by almost two-thirds of the Senate, but the House could not pass it. In 1993 I introduced S. 1822 which was a comprehensive effort to update the Communications Act of 1934. Again, we tried to pass the legislation, but at each stage, one industry blocked the other. As a result, communications policy was set by the courts, not by Congress and not by the Federal Communications Commission [FCC], the expert agency.

It is now almost 18 months after the historic law was passed and critics are already hailing it as a failure because of recent mergers and the apparent lack of competition. In actuality we will not know the impact of the law for years to come. Yet a critical factor that will determine its success has more to do with how the law is being enforced than what the statutory language says.

First, it is important to note that many of the decisions we made were based on the commitment that the respective industries were going to compete against each other. Telephone companies were going to enter the cable television market. The cable industry was going to enter the local telephone service market. And long distance companies would enter the local telephone service market.

Now, 18 months later, we're seeing more of the opposite. But I am not ready to simply blame the industry for deciding not to compete. Everyone knows that it's more natural for monopolies to defend their market share than to willingly give it up. Furthermore, competition can only occur if the new competitors are provided the legal and economic opportunity to compete for market share. Thus, the success of the law depends upon its implementation and oversight.

One major element of the implementation is the rules adopted by the FCC. The FCC has been working nonstop for the past 18 months to adopt rules to implement the law. I have some concerns about how the FCC has interpreted certain provisions, and I have been working with the FCC on those issues. One problem, though, has been that the rules themselves are not in effect because these same companies that pledged competition have instead sought consolidation and litigation.

An example of why vigorous enforcement of the act is necessary is reflected in the difficulty new entrants are experiencing in trying to enter the local telephone market. Financial reports today detail MCI's problems that it faces in trying to break into the local telephone market. MCI will record approximately $800 million in losses this year—almost double its expected loss. AT&T also wrote to the FCC outlining the need for greater enforcement of the act if new entrants are to be successful in trying to enter the local market.

Three of the FCC's major rulemakings are now tied up in the courts. The interconnection rules have been stayed by the Eighth Circuit Court of Appeals since last fall. The universal service rules and access charge rules also were recently challenged in the courts. The list goes on with a number of other proceedings being tied up in the courts. The most outrageous example thus far is last week's announcement that SBC, the Bell Telephone Co. for the Southwestern United States, is challenging the constitutionality of the statute itself—18 months later!

It is important to note that SBC already has merged with Pacific Bell and almost merged with AT&T. At the same time SBC was trying to merge with AT&T, it was seeking to enter the long distance market to supposedly compete with AT&T. SBC was denied in its initial request to enter the long distance market, so instead of challenging the FCC decision, SBC simply decided to seek continued protection from the courts. The irony, of course; is that for 10 years, the telecommunications industry argued that the courts should not administer communications policy.

With all this litigation going on, it's no wonder the media believes the law was a failure. I think it's time we focused more on why there appears to be more consolidation than competition. Also, I think the Congress needs to be more attentive to whether the administration's nominees support the policies advocated by the administration during consideration of the legislation.

Let there be no doubt that much of the competition provisions were combined with a transition to greater deregulation. In exchange for less regulation, there had to be competition to protect consumers. That is not happening. Competition and deregulation were all we heard on the floor of the Senate, but all we're now seeing is consolidation and deregulation without the competition. It doesn't appear that some in the administration today share the same views about competition as the administration did in 1995 when the law was being debated.

Because the litigation strategy of some incumbents appears to have prevented competitors from entering the various markets, the Antitrust Division at the Department of Justice is now tasked with a far greater role than anyone envisioned. But the nominee before us today has made certain statements and taken certain actions in his acting capacity that concern me greatly. His actions raise further concern with the direction of the administration's policies with respect to its interpretation of the Telecommunications Act of 1996. I believe that these issues need clarification before Mr. Klein's nomination should be brought to a vote in the Senate.

Whether or not robust competition develops in the local telephone service market depends upon the administration's commitment to vigorous enforcement of the act. Unfortunately, while serving as Acting Chief of the Antitrust Division, Mr. Klein has explicitly contradicted specific statutory mandates and conference report directions that the Congress, working with the White House, fought against all odds to have added to the Telecommunications Act of 1996. Several Members have asked Mr. Klein, Attorney General Reno, and the White House about these concerns and have asked them to demonstrate that the Antitrust Division will follow the explicit meaning of the Telecommunications Act. So far, there has not been a satisfactory response to our concerns.

Mr. President, with respect to my colleague in discussing the character of Mr. Klein, there is no question about Mr. Klein being of the highest character and integrity.

But what really occurs, Mr. President, and I have had to respond to a lot of calls from good friends, it was not his character but his ability, even though he is a smart lawyer, to administer the law as written.

There is no question in my mind that, of course, you have those who believe in weak antitrust. We went through that in the Reagan years. I have been the chairman of the State, Justice, Commerce Subcommittee of appropriations for the Antitrust Division, and during those particular years the Reagan administration cared less whether we had antitrust. To the credit of the distinguished wife of our distinguished Senator from New Mexico, Anne Bingaman, came in there and we really beefed up the department, and we even brought to task none other than Bill Gates of the computer world. So when you can do that you know you have a good antitrust head in power.

When I saw this particular gentleman take over it gave me misgivings. Right to the point, as the newspaper said, from the very beginning when I put my hold on this particular nomination, I said I would be glad to discuss it that afternoon, I was not going to politic it around, I have other work to do. But as a matter of conscience, I thought I ought to bring these things to the attention of my colleagues.

There is no better place to look at the nominee than this particular New York Times editorial entitled "A Weak Antitrust Nominee." I ask unanimous consent to have this printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 11, 1997]

A WEAK ANTITRUST NOMINEE

The next head of the Justice Department's antitrust division will have a lot to say about whether the 1996 Telecommunications

> Act breaks the monopoly chokehold that Bell companies exert over local phone customers. He will rule on mergers among telecommunications companies and advise the Federal Communications Commission on applications by Bell companies to enter long-distance markets. Thus it is disheartening and disqualifying that President Clinton's nominee, Joel Klein, is scheduled to come up for confirmation today in the Senate with a record that suggests he might knuckle under to the powerful Bell companies and the politicians who do their bidding.
>
> Senators Bob Kerrey, Ernest Hollings and Byron Dorgan have threatened to block the vote today and put off until next week a final determination of Mr. Klein's fate. But the Administration would do its own telecommunications policy a favor by withdrawing the nomination and finding a stronger, more aggressive successor.
>
> Mr. Klein, who has been serving as the Government's acting Assistant Attorney General for Antitrust, demonstrated his inclinations when he overrode objections of some of his staff and approved unconditionally the merger of Bell Atlantic and Nynex. That merger will remove Bell Atlantic as a potential competitor for Nynex's many dissatisfied customers. Mr. Klein refused even to impose conditions that would have made it easier for state and Federal regulators to pry open Nynex's markets to rivals such as AT&T.
>
> Worse, Mr. Klein sent a letter to Chairman Conrad Burns of the Senate communications subcommittee, who runs political interference for the Bell companies, that committed the antitrust division to pro-Bell positions in defiance of the 1996 act.
>
> That act invites the Bell companies to provide long-distance service, but only if the Bells first open their systems to rivals that want to compete for local customers. Yet in the letter to Mr. Burns, Mr. Klein explicitly rejected Congress's interpretation of requirements to be imposed on the Bells in favor of his own, weaker standard.
>
> In a subsequent submission to the Federal Communications Commission, Mr. Klein further weakened a requirement that before the Bells enter long-distance service they face a competitor that is serious enough to build its own switches and wires. Mr. Klein has also upset some senators by seeming to minimize the importance, provided in the 1996 Telecommunications Act, of Justice's advice to the F.C.C. on applications by Bell companies to enter long distance.
>
> True, Mr. Klein has blocked applications by two Bell companies, SBC and Ameritech, to offer long-distance service before they had opened their local markets to competition. But by pandering to Mr. Burns, he has created strong doubts that he can provide aggressive antitrust leadership.

Mr. HOLLINGS. And there is no better way to bring this right to the focus of concern.

Let me refer, without having to put the entire article of the Wall Street Journal from this morning into the Record, a headline, Mr. President, that "MCI Widens Local Market Loss Estimate." The very first sentence,

> MCI communications corporation is calling for tougher regulatory action to break the competitive advantages enjoyed by the regional Bell telephone companies and the local phone markets,

and they said its losses from entering that business could total $800 million this year, more than double its original estimate. And then the article continues.

The point is, it is very difficult to break into a monopoly and it is very difficult to get a monopoly to give up marketshare. That has been quite obvious, working in telecommunications since I have been here, 30 years, that this is the keenest, most competitive, most take-advantage crowd you have ever seen. We are bogged down right now into the courts. All the promises about going into each other's businesses to compete have been forestalled, and mergers on course and everything else of that kind, so in writing this legislation we had a back and forth with the best of Washington lawyers on all sides, on every word, coaching us, more or less, for the last 4 years, until February of this last year, when we passed the bill.

For that 4-year period, we got into the requirements—we call it a checklist—that the regional Bell operating companies had to comply with to open up their markets before they could get into long distance, ipso facto, allow them into long distance, with the monopoly control of whoever is going to receive the call locally, and you have a monopolistic situation and they will run a touchdown and the long distance companies and all competition will be extinguished. So we had a debate over every particular facet.

One particular requirement is labeled here in section 271 of the particular act and it is referred to in the actual conference report on page 33 in the report language, section 271. Let me read it so it is intelligently understood here:

> . . . the Bell operating company is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange services . . . [as defined in section 347(A)] to residential and business subscribers.

For the unattuned, the emphasis should be to "residential and business subscribers."

We wanted to have a facilities-based competitor operating there before that particular Bell company could take off into the long distance competition. There is no question in my mind that the distinguished gentleman under consideration, Mr. Joel Klein, understood this.

He made a talk on March 11 at the Willard Inter-Continental Hotel here in Washington to the Glasser Legalworks Seminar, and the seminar was entitled "Competitive Policy In Communications Industries: New Antitrust Approaches."

On page 9 of that particular talk, I quote Mr. Klein himself.

> Now, let me add a few words about how we will apply this standard to RBOC applications under Section 271 of the Act. Our preference, though we recognize that it may not always occur, is to see actual, broad-based—i.e., business and residential—entry into a local market.

And it goes on and on explaining.

When my friend from Montana, the chairman of the Subcommittee on Communications on the Committee of Commerce here in the U.S. Senate, Senator Conrad Burns saw that, he wrote a letter to Mr. Klein. I am sorry I do not have my hand immediately on that letter itself, but he listed a series of questions in his letter to the Acting Assistant Attorney General, and the Acting Assistant Attorney General, Joel Klein on May 20, answered the letter.

I ask unanimous consent, so it will be understood, in fairness to everybody, the entire letter and the enclosure be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of Justice,
Antitrust Division,
Washington, DC, May 20, 1997.

Hon. Conrad Burns,
U.S. Senate, Washington, DC.

Dear Senator Burns: Thank you for your letter of May 15, 1997. I welcome the opportunity to respond to your questions and look forward to working with you and the Subcommittee on Communications in implementing the Telecommunications Act of 1996.

Before responding to each of your specific questions. I thought it might be helpful if I made a few general observations. To begin with, I wholeheartedly agree with your statement that "the basic point of the Telecommunications Act is that regulators should stand aside and let market forces work once fair competition is possible." I want to assure you that the Department of Justice shares that view. The sooner market forces can fully displace regulatory efforts, the better the Nation's consumers will be.

Second, we welcome the prospect of letting the Bell Operating Companies (BOCs) into long distance service. Additional entry into that business, under appropriate circumstances, will enhance competition and will thereby further longstanding goals of the Department of Justice.

Third, the standard that we are applying under the Act is, I believe, a competition standard, designed to ensure that the local market is open to competitive entry; it is not a metric test, and it does not require that a BOC lose any particular portion of market share before the Justice Department will support its entry into in-region long-distance. On the contrary, I agree with your point that "local telephone competition may be slow in coming to rural states for reasons having nothing to do with BOCs' steps to satisfy the checklist." If competition is slow in coming to a rural state because of the independent business decisions by potential competitors, and not because of any BOC actions or non-actions that unreasonably impair competition, the Department would support in-region long-distance entry. If my speech conveyed any other impression—i.e., that we were seeking to use the metric or market-share test that Congress rejected during the legislative process culminating in the 1996 Act—I regret the confusion.

Let me amplify this point by setting forth my understanding of the statutory requirements under section 271. The three basic requirements are that a petitioning BOC must:

(1) satisfy either Track A or Track B's entry requirements; (2) satisfy the 14-point checklist; and (3) satisfy the "separate subsidiary" requirements of section 272. Beyond that, and in addition to these requirements, the FCC must find that "the requested authorization is consistent with the public interest, convenience, and necessity." 47 U.S.C. §271(d)(3)(C). In making its decision, the FCC must give "substantial weight to the Attorney General's evaluation." §271(d)(2)(A). The Attorney General, in turn, is required to evaluate the application "using any standard the Attorney General considers appropriate." §271(d)(2)(A) (emphasis supplied). It was in the context of this specific statutory language—i.e., "any standard"—that I said in my speech that Congress had given the Department a "broad swath" in terms of its ability to evaluate section 271 applications. At the same time, I clearly share your view that any standard we use should be a competition standard. I have also made clear my view that we should explain our standard before any BOC filed a 271 application so that we would not be seen as playing a game of "gotcha," whereby we would "change the rules of the game" after an applicant had filed with the FCC.

In order to accomplish these goals, almost immediately after I became Acting Assistant Attorney General last October, I asked all BOCs as well as any other interested party, to give me their views of an appropriate competition standard under Section 271 and to answer several questions that would help the Department to formulate its position in that regard. Based on the comments the Department received, we developed the standard that I announced in my March 11 speech.

In formulating this standard, I specifically rejected using the suggestion in the Conference Report that the Department analyze BOC applications employing the standard used in the AT&T consent decree—objecting to BOC in-region long-distance entry unless "there is no substantial possibility that the BOC or its affiliates could use its monopoly power to impede competition in the market such company seeks to enter." H.R. Conf. Rep. 104-458, at 148 (1996). That standard, which had barred BOC entry into long distance since their divestiture from AT&T, struck me as insufficiently sensitive to the market conditions, and I was concerned that it would bar BOC entry even where it would be competitively warranted.

On the other hand, the Department's standard examines whether a BOC's systems are sufficiently developed so that a new entrant into its market can have confidence that, when it signs up a new customer, that customer will be switched effectively and will get service from the new carrier. Our general preference is to see these systems operate in practice. Once we are confident that this transitioning will work effectively, we will be able to conclude that the local market is open to competition. By the same token, we also realize, as I indicated earlier, that in some areas—particularly rural States—it is certainly possible that due to the business decisions of particular companies, there may be no new entrants for local service, A BOC should not be excluded from in-region long-distance entry in such cases.

I believe that the standard we adopted is fair, balanced, and reasonable. Most important, I believe it is consistent with Congress's intent in the 1996 Act and that, if it is implemented fairly, it will maximize the benefits to the American public across the board—in local markets, long-distance markets, and with respect to one-stop shopping. As you so well put it in your letter, "once fair competition is possible"—and that's what our standard is designed to test—then "regulators should stand aside and let market forces work." That is a pro-market, antitrust view, and I can assure you that the Division will work to implement it.

I have responded to your specific questions in the Attachment to this letter. I look forward to talking with you regarding these and other telecommunications issues.

Sincerely,

JOEL I. KLEIN,
Acting Assistant Attorney General.

Enclosure.

QUESTIONS AND ANSWERS

1. In your speech you used the following terms—"real" and "broad-based competition," "actual, broad-based entry," "true broad-based entry," "tangible entry," "large-scale entry," and entry on a "large-scale basis." What do those terms mean to the Department?

By referring to "real," "actual, broad-based" entry and similar terms, I intended to express the Department of Justice's general preference (though not mandatory requirement) to see actual entry by competing carriers that are selling both business and residential telephone service on more than a non-trivial basis (though not in any specific numbers). Such entry provides both (1) meaningful evidence that the Bell Operating Company (BOC) has taken the necessary steps to open its local market and (2) an opportunity to measure the performance of the BOC in making available the statutorily required services and facilities. The Department, however, does not view such entry as a necessary precondition to BOC long distance entry. Rather, we intend to look for such entry where we would expect it to occur and, if it is not occurring, to investigate why that is the case. Thus, in my March 11 speech to which you refer, I stated that "[o]ur preference, though we recognize that it may not always occur, is to see actual, broad-based i.e., business and residential—entry into a local market."

2. How many residential customers have to be served by a competitor to meet the Department's entry test?

The Department's approach to whether the FCC should grant a particular application by a BOC to enter into in-region long-distance service does not turn on any numerical threshold for the amount of residential customers that must be served by a competitor before a BOCC meets the threshold for entry into in-region long-distance service. If a significant number (though not necessarily a large percentage) of residential customers are being served in a particular state, it is likely that the BOC has taken appropriate steps to open that state to local competition. At the same time, it is not necessarily the case that, if no residential customers are being served by a competitor of the BOC, the BOC has not taken the appropriate steps to open up a state to local competition. As the Department stated in its FCC filing in the SBC Oklahoma matter, "if the absence or limited nature of local entry appears to result from potential competitors' choices not to enter—either for strategic reasons relating to the Section 271 process, or simply because of decisions to invest elsewhere that do not arise from the BOC's compliance failures or barriers to entry in the state—this should not defeat long distance entry by a BOC which has done its part to open the market."

3. How many business customers have to be served by a competitor to meet the Department's entry test?

The Department's approach to whether the FCC should grant a particular application by a BOC to enter into in-region long-distance service does not turn on any numerical threshold for the amount of business customers that must be served by a competitor for a BOC to receive a recommendation from the Department in favor of its entry into in-region long-distance service. If a significant number (though not necessarily a large percentage) of business customers are being served in a particular state, it is likely that the BOC has taken appropriate steps to open that state to local competition. At the same time, it is not necessarily the case that, if no business customers are being served by a competitor of the BOC, the BOC has not taken the appropriate steps to open up a state to local competition. As the Department stated in its FCC filing in the SBC Oklahoma matter, "if the absence or limited nature of local entry appears to result from potential competitors' choices not to enter—either for strategic reasons relating to the Section 271 process, or simply because of decisions to invest elsewhere that do not arise from the BOC's compliance failures or barriers to entry in the state—this should not defeat long distance entry by a BOC which has done its part to open the market."

4. Does there have to be more than one competitor in the local exchange market to meet the Department's entry test?

No. Although it is likely that there will be more than one competitor in many local exchange markets, in certain (most likely rural) markets, it is possible that such entry will not be forthcoming in the foreseeable future. If, in such circumstances, the absence of entry does not reflect a BOC's failure to help open the market to competition, the Department would support long distance entry by the BOC.

5. Does a BOC have to face competition from AT&T, MCI or Sprint to meet the department's entry test?

No. There is no single competitor, or combination of competitors, that is required to compete with any particular BOC in order for the Department to support its entry into in-region long-distance. For example, our analysis of SBC's application in Oklahoma focused on the efforts of Brooks Fiber to enter the local market in Oklahoma. At no point did we suggest that the application was deficient because none of the three major interexchange carriers had entered Oklahoma.

6. How do you reconcile Congress' rejection of a metric test for BOC entry into the long distance market with your statement that "successful full-scale entry" is necessary in order for the Department to "believe the local market is open to competition?"

In my judgment, the Department's entry standard is consistent with Congress's decision to reject a metric test. We do not require any shift in the level of market share as a condition of entry. Rather, we think that the openness of a local market can be best assessed by the discretionary judgment of the FCC, relying in part on the Department of Justice's competitive assessment, and based on the evaluation of the particular circumstances in an individual state. While this inquiry may involve an assessment of actual competition, it does not focus on any metric or market share.

7. You have used the metaphor that the Department "want(s) to make sure that gas actually can flow through the pipeline" before allowing interLATA entry. How many orders for resold services must be processed by a BOC in order to satisfy this standard?

The Department does not require any particular number of orders to be processed as a precondition to receiving our support for a Section 271 application. Our inquiry seeks to determine, whether the systems offered by the BOC to its competitors will hold up, as a practical matter. This is very important to new entrants trying to compete for customers, but it is also not always easy to effectuate because of real-world technical impediments which, in our experience, have cropped up often. For example, in California, the orders for resold services by competitors, when placed on a non-trivial scale, led to a serious backlog in PacBell's wholesale operations. This problem, in turn, created a real impediment to entry by new competitors, whose customers and potential customers became very concerned.

8. How many orders for unbundled network elements must be processed by a BOC to satisfy this standard?

The Department does not require any particular use of unbundled loops as a precondition to receiving our support for a Section 271 application. Unbundled loops should be available, as both a practical and legal matter, for use by competitors without running into problems that will retard competitive entry.

9. How much market share must a BOC lose to its competitors to demonstrate that "gas can flow through the pipeline?"

The "gas in the pipeline" metaphor does not reflect any intention to measure the market share of competitors or any shift in share to entrants, or to require any minimum shift in share. In fact, our SBC evaluation notes that we are willing to use alternate measures other than actual commercial usage as proof that the "pipeline can carry gas." For example, if the same systems are in place in different states, the use of those systems in other states can be a useful indicator of whether or not competitors will be able to receive what they need from the BOC. Similarly, in some cases, we expect that comprehensive testing—carrier to carrier, internal and/or independent auditing—may be able to demonstrate that a BOC's support systems will enable entrants to compete effectively.

10. FCC Chairman Reed Hundt testified on March 12, 1997, before the Senate Commerce Committee that a BOC that satisfied the checklist but did not have an actual competitor in its market would meet the entry standard. Do you agree with Chairman Hundt?

My answer would depend on the specific circumstances presented by a given application. Under the Department's approach, it is possible that a BOC satisfying the checklist, but not facing an actual competitor, could merit entry into in-region long-distance service under Section 271. The most critical factor, as I have indicated, is whether the BOC has taken the necessary steps to allow competition in its market. If there are no competitors in a particular state because of market conditions—rather than because of artificial impediments to entry—we would support BOC entry into long distance in that state.

11. If the Department opposes a BOC interLATA application, do you believe the FCC should reject the application? If so, wouldn't that give the Department's recommendation "preclusive effect", something that the Act specifically prohibited?

We believe the FCC should give our analysis substantial weight, which is the specific statutory requirement adopted by Congress in the Telecommunications Act of 1996. The FCC, however, is not required to follow our recommendation blindly or reflexively and should certainly consider the statutory framework and the comments of others in making its ultimate decision.

12. You have also stated that the checklist, the facilities-based requirement, the separate subsidiary requirement and the option of "Track B" (the statement of terms and conditions) are all "necessary, through not sufficient, to support entry". What more must a BOC demonstrate to obtain the Department's support?

The Department views the FCC's public interest determination, which is expressly included in Section 271(d)(3)(C), as a fourth requirement. We view this determination as reflecting Congress' decision to condition BOC entry into long distance on a discretionary judgment by the FCC, based in part on the Department of Justice's competitive assessment, that a particular applicant will best serve the interests of affected consumers in maximizing telecommunication competition in all markets.

13. Do you believe that Track B can be used only if no one has requested interconnection under Track A?

No. For Track A to apply, a potential facilities-based carrier (be it predmoninantly or exclusively facilities based) must request access to a checklist item. If no such carrier requests such access, the BOC is free to proceed to apply for long distance entry under Track B. Moreover, even if a potential facilities-based carrier does request access to a checklist item, the BOC still may utilize Track B if "the only provider or providers making such a request have (i) failed to negotiate in good faith as required by Section 252, or (ii) violated the terms of an agreement approved under Section 252 by a provider's failure to comply, within a reasonable period of time, with the implementation schedule contained in an agreement." 47 U.S.C. §271(c)(1)(B).

14. Can a BOC rely on Track B if it has received interconnection requests from potential competitors, but faces no "competing provider" which is actually providing telephone exchange service to residential and business customers predominantly over its own facilities?

As our evaluation of SBC's Section 271 application explains in greater detail, a "competing provider" need not be operational as of the date of its request to initially qualify as a "competing provider" for purposes of determining the application of Track A. See SBC Evaluation at 13–17. We believe this view comports with the language and purpose of the statute and is expressly supported by the Conference Report, which states that Track B serves only to ensure that a BOC is not "effectively prevented from seeking entry into the interLATA services market simply because no facilities-based competitor that meets the criteria set out in [Track A] has sought to enter the market." H.R. Conf. Rep. 104–458, at 148 (1996) (emphasis supplied). Even so, a BOC's application may still be considered under Track B if "the only provider or providers making an interconnection request have (i) failed to negotiate in good faith as required by Section 252, or (ii) violated the terms of an agreement approved under Section 252 by a provider's failure to comply, within a reasonable period of time, with the implementation schedule contained in an agreement." 47 U.S.C. §271(c)(1)(B).

15. What if the requesting interconnectors under Track A do not ask for, or wish to pay for, all of the items in the checklist? Can the BOC satisfy the entry test by supplementing their interconnection agreements with a filing under Track B to cover at least all remaining items in the checklist?

As explained in greater detail in our SBC filing, the basic view of the Department is that "[a] BOC is providing an item, for purposes of checklist compliance, if the item is available both as a legal and practical matter, whether or not competitors have chosen to use it." SBC Evaluation at 23 (emphasis supplied). Accordingly, under certain circumstances—i.e., where there are checklist items that have not been requested by any Track A qualifying provider—a firm offer to provide an item through a sufficiently clear provision in a statement of generally available terms, coupled with the requisite showing of practical availability, would suffice to constitute "providing" that item for purposes of checklist compliance.

Mr. HOLLINGS. I refer by emphasis that he says on question one: "In your speech"—Senator BURNS is referring to the speech made by Mr. Klein—"In your speech you used the following terms—'real' and 'broad-based competition', 'actual, broad-based entry', 'true broad-based entry', 'tangible entry', 'large-scale entry', and entry on a 'large-scale basis'. What do those terms mean to the Department?"

The rest is right there, but by way of emphasis, let me quote Mr. Klein in response: "Thus, in my March 11 speech to which you refer, I stated that '[o]ur preference, though we recognize it may not always occur, is to see actual, broad-based * * * business and residential—entry into a local market.'"

Now, Mr. President, it is very interesting because these communications lawyers, and I ought to know, because if you work with them over the years you begin to learn. What should interest anybody looking at qualifications of this particular nominee, he puts in italics "[o]ur preference, though we recognize it may not always occur"—and thereupon, you could not believe it, Mr. President, you could not believe it, our Mr. Klein had the unmitigated gall, in response to his italic to file an opinion here, an addendum to the evaluation of the Department, the U.S. Department of Justice in the matter of the application of SBC Communications, Inc., docket 97–121. When? The day after that letter was sent, and here is what he says—because you get the hint in the letter but you get the fact in this addendum.

Let me quote:

> The statute requires that both business and residential subscribers be served by a competing provider, and that such provider must be exclusively or predominantly facilities-based. It does not, however, require that each class of customers (i.e., business and residential) must be served over a facilities-based competitor's own facilities. To the contrary, Congress expressly provided that the competitor may be providing services "predominantly" over its own facilities "in combination with the resale of" BOC services. . . . Thus, it does not matter whether

the competitor reaches one class of customers—e.g., residential—only through resale, provided that the competitor's local exchange services as a whole are provided "predominantly" over its own facilities.

Now, Mr. President, you have section 271, that particular provision turned right on its head. I have no better authority, Mr. President, not if this particular Senator's opinion is of any value, and I might say that no one Senator wrote the Telecommunication Act of 1996, but immodestly, if there is one that had more involvement than anybody else, it was me. I had put out a bill S. 1822; Senator Pressler put out his bill, S. 652. We changed it around back to S. 1822. Everyone knows that. Look at the finished documents. I worked around the clock, and I worked with Chairman BLILEY, the Republican chairman on the House side. Here in a letter of June 20, 1997, to the Honorable Reed Hundt by Chairman BLILEY, Chairman of the FCC.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 20, 1997.

Hon. REED HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN HUNDT: I recently read with interest and dismay the Department of Justice's additional comments regarding SBC Communications Inc.'s (SBC's) application to provide in-region, interLATA services in the State of Oklahoma. The Department therein clarified its views on section 271(c)(1)(A) of the Communications Act, as amended. As the primary author of this provision, I feel compelled to inform you that the Department misread the statute's plain language. As you rule on SBC's application and future BOC applications, you should not overlook the clear meaning of section 271 or its legislative history.

The Department argued that a BOC should be allowed to enter the in-region, interLATA market under "Track A" (i.e., section 271(c)(1)(A)) if a competing service provider offers facilities-based services to business customers and resale services to residential customers, so long as the combined provision of both services is predominantly over the competing service provider's facilities. In other words, the Department wrongly takes the view that section 271(c)(1)(A) is satisfied if a competitor is serving either residential or business customers over its own facilities.

Section 271(c)(1)(A), however, clearly requires a different interpretation. To quote the statute, a competing service provider must offer telephone exchange service to "residential and business subscribers . . . either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities." Track A is thus satisfied if—and only if—a BOC faces facilities-based competition in both residential and business markets. Neither the statute nor its legislative history permits any other interpretation; I know this because I drafted both texts.

In the end, the Department's recent misinterpretation of section 271 reinforces a point I frequently made during Congressional debate over the Telecommunications Act of 1996: the Department of Justice does not have the expertise to make important telecommunications policy decisions. The FCC, by contrast, does have the necessary expertise, which explains why Congress gave you and your colleagues—and no one else—the ultimate authority to make important decisions, such as the decision to interpret section 271. I remind you that the Department's role in this matter is a consultative one, and should be treated as such.

Let me conclude by noting that, while this letter focuses exclusively on Department's interpretation of section 271(c)(1)(A), it should not be construed to mean that the balance of the Department's comments were either consistent or inconsistent with Congressional intent.

Sincerely,

TOM BLILEY,
Chairman.

(Mr. HUTCHINSON assumed the chair.)

Mr. HOLLINGS. Mr. President, I see another Senator wishing to talk. But, Mr. President, there it is. Here we have a Deputy Attorney General nominee that is not going to carry out President Clinton's policy, nor the language of the statute.

I ask unanimous consent to have printed in the RECORD a letter from President Clinton to me on October 26, 1995.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, October 26, 1995.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR FRITZ: I enjoyed our telephone conversation today regarding the upcoming conference on the telecommunications reform bill and would like to follow-up on your request regarding the specific issues of concern to me in the proposed legislation.

As I said in our discussion, I am committed to promoting competition in every aspect of the telecommunications and information industries. I believe that the legislation should protect and promote diversity of ownership and opinions in the mass media, should protect consumers from unjustified rate increases for cable and telephone services, and, in particular, should include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition.

Earlier this year, my Administration provided comments on S. 652 and H.R. 1555 as passed. I remain concerned that neither bill provides a meaningful role for the Department of Justice in safeguarding competition before local telephone companies enter new markets. I continue to be concerned that the bills allow too much concentration within the mass media and in individual markets, which could reduce the diversity of news and information available to the public. I also believe that the provisions allowing mergers of cable and telephone companies are overly broad. In addition, I oppose deregulating cable programming services and equipment rates before cable operators face real competition. I remain committed, as well, to the other concerns contained in those earlier statements on the two bills.

I applaud the Senate and the House for including provisions requiring all new televisions to contain technology that will allow parents to block out programs with violent or objectionable content. I strongly support retention in the final bill of the Snowe-Rockefeller provision that will ensure that schools, libraries and hospitals have access to advanced telecommunications services.

I look forward to working with you and your colleagues during the conference to produce legislation that effectively addresses these concerns.

Sincerely,

BILL CLINTON.

Mr. HOLLINGS. He writes:

Dear Fritz: I enjoyed our telephone conversation today regarding the upcoming conference on the telecommunications reform bill and would like to follow up on your request regarding the specific issues of concern to me as proposed legislation.

I am reading just part of it now.

As I said in our discussion, I am committed to promoting competition in every aspect of the telecommunications and information industries. I believe that the legislation should protect and promote diversity of ownership and opinions in the mass media, should protect consumers from unjustified rate increases for cable and telephone services, and in particular, should include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition.

Now, Mr. President, that is why we wrote 271 the way we wrote it. That is why we wrote it that way. There isn't any question, as the chairman has said, this is bipartisan. This isn't because some Senator is enraged or upset or something else like that. I have been here long enough to get enraged or upset. I have seen a lot of good ones go through and several bad ones.

I thought having participated on the ground and worked for 4 years in getting this formative act that was voted on by 95 U.S. Senators—they voted on this particular language when it passed this particular body. They understand not only that this isn't just a singular mistake, we have the proposition of the gentleman, Mr. Klein, also coming forward and disregarding entirely, gratuitously, and summarily throwing out the VIII(c) test, which I will have time to refer to on here later on.

My point here is that we really worked hard to get participation. There were those who didn't want the antitrust provision. They wanted one-stop shopping at the Federal Communications Commission. We worked hard to make sure that this was done right. We realized many times that they don't have antitrust lawyers like Reed Hundt, who is now the Chairman and understands the law, and you necessarily don't have antitrust lawyers coming in as members and commissioners at the Federal Communications Commission. So to give emphasis to opening up the market for free and open competition, we put in the antitrust provisions in there for its opinion to be provided to the Federal Communications Commission. We worked hard to provide it. We worked diligently on the VIII(c) test, which was Judge Greene's test for over 12 years now in the breakup of AT&T, and every one of the Bell Operating Companies attested to that particular language. And here comes the particular nominee casting aside, in a gratuitous fashion, that requirement, on the one hand, and changing over the statute just on a letter from a Senator, on the other hand.

When you have that kind of weak nominee, you have thwarted the intent of the Congress and the President of the United States and the Telecommunications Act of 1996.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, as the chairman of the Antitrust, Business Rights and Competition Subcommittee of the Senate Judiciary Committee, I rise today to urge my colleagues to support the nomination of Joel Klein as Assistant Attorney General for the Antitrust Division.

Mr. President, the head of the Antitrust Division, obviously, plays a critical role in assuring that our antitrust laws are enforced wisely and vigorously. The importance of that role really cannot be overstated. Strong enforcement of antitrust laws is necessary to foster and to protect competition. As we all know, competition is good business, it gives businesses increased incentives to innovate, either by creating new products and services, finding ways to improve existing products, or by lowering costs. That type of innovation is good for both business and for consumers.

Maintaining the competitive foundation of the American economy has always been a difficult task. And as our economy grows and changes, it's only getting more difficult. We often discuss globalization of the economy as allowing more and more American companies the opportunity to compete in the international marketplace and, because of that, they have flourished in this international environment. In order to build on this success, it is essential that we apply the antitrust laws in order to protect our companies from unfair, anticompetitive actions on the part of foreign businesses and foreign governments.

In my view, Mr. President, Joel Klein is qualified to lead our efforts toward that stronger, more efficient antitrust enforcement. Mr. Klein is a superbly qualified attorney, with a great deal of substantive knowledge regarding both the jurisprudence and the enforcement of the antitrust laws. He has shown his abilities over the last few months in his capacity as the Acting Assistant Attorney General. He has shown this by leading the Antitrust Division through a series of very complex, difficult analyses, particularly in the area of telecommunications.

As we all know, telecommunications issues have become very important and, many times, quite controversial. Now, some have expressed concerns regarding Mr. Klein's interpretation of section 271 of the Telecommunications Act in a way that some believe will make it too easy for the Regional Bell Operating Companies, or the RBOC's, to enter the long distance market. However, Mr. President, in both instances where the Antitrust Division has been called upon to evaluate an RBOC application to enter the long distance market, the Antitrust Division has recommended against the RBOC. In other words, Mr. President, some people believe that Mr. Klein has been too hard on the RBOC's. The ironic thing about this debate is that when you really analyze it, you will see that Mr. Klein has received criticism from both sides of these issues.

Now, Mr. President, these decisions involve complex factual, complex legal, and complex economic analyses. Yes, each decision has angered some of the parties involved, but I believe Mr. Klein has done his job in a responsible and principled way. I may not agree with every decision made by the Antitrust Division, but what is important, I believe, is whether or not the nominee has interpreted the law responsibly and fairly. Interpreting a complex matter, such as the Telecommunications Act, is certainly not easy. I expect Mr. Klein's decisions will not please everyone. They certainly will not please everyone, given that it seems everyone has their own interpretation of this law. In fact, I think he should be praised for his willingness to take on these important and controversial issues. Rather than skirt controversy, Mr. Klein has done his job as best he can. I believe it is time that the U.S. Senate does its job. I believe that we need to discuss Mr. Klein's qualifications and the merits of this particular matter, and then I believe we need to vote on this confirmation.

Mr. President, we cannot continue to move forward in this area of antitrust enforcement without the sort of calm, principled leadership that Joel Klein will provide. America will need an Assistant Attorney General with a strong understanding of antitrust doctrine and the willingness and ability to enforce the laws in an aggressive but evenhanded manner. I believe, Mr. President, that it is vitally important that the competitive foundation of our economy be maintained, and that the antitrust laws must be enforced and must be enforced fairly. Joel Klein, I believe, shares these goals, and I believe that he has proven he has the expertise and the ability to put those goals into practice. I believe, therefore, Mr. President, we should confirm his nomination without further delay.

Mr. President, as we have already heard on this floor, there is going to be a vigorous debate about this nominee. Each Senator has to exercise his or her constitutional obligations. Each one of us has to decide whether we will vote "yes" or vote "no." I merely ask, however, that we do vote, that after a good, thorough, and vigorous debate, we bring this matter to a close. Quite frankly, this administration has had some problems, for whatever reason, in filling some of the key positions at Justice. They are slowly beginning to take care of that matter. I believe that in the Senate we have an obligation—now that we have the nomination in front of us—to proceed, and to proceed without unnecessary and undue delay.

Frankly, it is not helpful to have a vacancy in one of the key positions. Mr. Klein has, for some months, been the acting head of the Antitrust Division. I believe that he has carried out his duties well, as I have already said, in that particular job. But it is not helpful and it is not good for this nomination to continue to be pending, and it is not good for him to continue to be in the position of the acting head of the Antitrust Division.

So, as we have this debate—and it will be a good debate; I am sure it will go on for some time—I merely urge my colleagues to bring this matter at some point to a vote in the near future so that we can move on with the business of antitrust in this country.

I thank the Chair.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, no one in this country at any time should ever have a problem sleeping as long as there is an opportunity to talk about antitrust issues. It is for many some of the most boring, lifeless set of issues available to discuss anywhere in public politics. Antitrust enforcement—what on Earth is it?

When I came to Washington, DC, I threatened to put the picture of the 1,000 lawyers who are hired in our Government for antitrust enforcement purposes on the cartons of milk in grocery stores because I felt that these 1,000 lawyers hired by our Government for antitrust enforcement had surely vanished. I knew that we were paying 1,000 of them. But it was clear to me there was no antitrust enforcement, so they must have vanished.

So it is a decade and half later and we are now talking about antitrust issues again. And the discussion today is with confirming a nomination to head the Antitrust Division at the Department of Justice.

This is, while boring for many people, an important question because we have what is called a free market system in our country. A free market system only works to the extent that you have referees who are willing to intervene in circumstances where people try to rig the market and where there is not open competition and where there is monopoly pricing in circumstances where the market is not free. In many cases, that is the same as stealing.

You go back to the beginning of the century and you will find examples in a range of industries—petroleum, natural gas, a whole range of industries, railroads—in which there were monopolies and trusts. They were stealing from the American public. We put in place a number of things to deal with that.

One, we prosecuted some people and threw some people in jail.

Second, we put in place certain legislation which said that if the free market is going to be free, then let's make sure there are some referees to keep it free. That is the whole issue of antitrust enforcement.

Today the issue is, shall a Mr. Joel Klein from the Justice Department, who is now acting in this role as Assistant Attorney General for Antitrust Enforcement, be confirmed by the Senate? President Clinton sent his name down here and asked for confirmation. And I am standing here to say that Mr. Klein, by all accounts, has a distinguished career.

I met with Mr. Klein yesterday. He is a very likable fellow who has much to commend him. But I believe it is not the time to proceed to this nomination because a number of very important questions remain unanswered. The Senator from South Carolina mentioned some of them.

We had an enormous fight on the floor of the Senate about the Telecommunications Act. For the first time in 60 years, we reformed the telecommunications laws in this country. One of the fights we had on that legislation was about what the role of the Justice Department with respect to whether or not there is competition with local phone service providers so that the Bell system can be freed then to go to compete against long distance companies. When is there effective competition locally that would free the Bells to compete in the long distance system? We said let's have an important role for the Justice Department in that area. We specifically talked about the test for that role, what is called the 8(c) test.

Now we have a person who is down at the Justice Department and writes a letter to a colleague of ours when questioned about all of these issues, and he says, "Well, I specifically reject the so-called 8(c) test," in terms of how the Justice Department will evaluate the kinds of activities that are involved in whether or sufficient competitive market place conditions exist before a Bell company can enter the long distance market.

There are a range of issues that we want to have answered. I have written to the President and Senator KERREY has written to the Attorney General. We have received no responses at this point. We would like responses to a series of questions about positions taken by this nominee.

I am not standing here suggesting that Mr. Klein is unworthy. I am saying at this point that the questions, which are very serious questions, have not yet been answered. We have asked them, but they have not yet been answered.

In light of that, I don't think any name should proceed until we receive answers to very important questions.

The Bell Atlantic-NYNEX merger was approved by Mr. Klein. Why was that approved without conditions? We had some abbreviated discussion of that yesterday. But I think we need more information about that. Why was that not approved with some conditions? We had the opportunity to establish conditions. How does this decision relate to the stated objective that the Department of Justice is really concerned about promoting competition?

I would like more information about the Justice Department's interpretation of facilities-based competition, which is a standard that we discussed at some length in the Telecommunications Act. Why? I would like to ask and like to get some additional answers.

Does the nominee before us specifically reject the so-called 8(c) standard outright when Congress specifically recommended that standard for evaluating the issues of competition? And where does the nominee stand on the issue of media concentration?

It is very hard to see that a telecommunications bill, which by its nature was to promote more competition, is moving in the direction of being successful when we have, instead of more competition, more concentration. We have behemoth organizations marrying up and two becoming one or four becoming two and two becoming one. So, by definition, you have less competition. We have more and more galloping concentration in the telecommunications industry—television, radio, and all the rest of it. And, yet, I would like to know, where does the Justice Department and where does this nominee stand on the issue of concentration?

Is that alarming, or do we have people who want to shake the pom-poms to become cheerleaders for it, as Mr. Baxter did when he was at the Department of Justice? There wasn't any merger that wasn't big enough for him. It didn't matter. The bigger, the better. That is not the role of the Department of Justice and antitrust enforcement, in my judgment.

I am here to say that this is premature. This nomination should not be considered until we have received sufficient answers to some of these questions.

Again, let me reemphasize. I am not standing here today to say that Mr. Klein is not someone without distinguished credentials. I have met him. I kind of like him. But there are a number of questions unresolved, and those questions should be resolved. The Senate should insist that they be resolved before we move this nomination forward.

So I will speak at some length on Monday. The Senator from Nebraska, Senator KERREY, Senator HOLLINGS, and I believe, will also speak and explain the kinds of answers we are awaiting from the administration, from both the President and the Attorney General, before we proceed on this nomination.

We have every right in this nomination process to say that before this nomination proceeds, there are certain questions we think the American people deserve an answer to. I intend to ask them not only today but on Monday, and we hope perhaps before this process is complete, that the Attorney General might respond or the White House might respond to the questions that have been put to them about some of the things that have been written, some of the things that have been spoken and said, and some of the decisions that have been made by the Acting Assistant Attorney General in the Antitrust Division.

Mr. President, I will speak at greater length on this subject on Monday. I yield the floor.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I have come to the floor to talk about the nomination of Joel Klein to be the head of the Antitrust Division of the Department of Justice.

I have had the opportunity on a couple of occasions to meet and to talk with Mr. Klein, and I like him personally and I admire his career and what he has done as an individual.

However, I have serious reservations about his capacity to serve in this position. He has been nominated. I appreciate and respect the President's confidence in him. But it is with deepest sincerity that I say, although I would like to support his nomination for high office and hope that by the time the Senate votes on this nomination I can support him, at this time I believe that his nomination requires much more deliberation. I am especially troubled by many of the administration's telecommunications policies and especially in this case Mr. Klein's interpretation of the 1996 Telecommunications Act.

I have asked Attorney General Reno by letter to clarify the policy Mr. Klein will be required to implement should Mr. Klein be confirmed. In 1995, when this bill was being debated, I led, unfortunately, at times a filibuster in the Chamber when this bill was being discussed because I wanted the Department of Justice to have a role in determining whether or not there was competition before other entities were going to be allowed to expand their services. The Telecommunications Act should work, but it will only work if we have an unrelenting dedication on the part of all Government agencies, the FCC and the Antitrust Division of the Department of Justice, their unrelenting attention and dedication to making certain we have competition.

Mr. President, just recently, I met with Joel Klein. I like him and admire him. It is the second time I have had a chance to visit with him since he was nominated by the President to serve as the Assistant Attorney General for Antitrust. It is with the deepest sincerity, that I say that I would like to support his nomination for this high office. I hope that by the time the Senate votes on this nomination that I can support him.

At this time, however, I believe that this nomination requires considered deliberation. I am deeply troubled by the administration's telecommunications policies and Mr. Klein's interpretation of the Telecommunications Act of 1996. I have asked the Attorney General to clarify the policy Mr. Klein will be required to implement should he be confirmed.

My colleagues know that in 1995, I led a filibuster against the Senate Commerce Committee version of the Telecommunications Act to assure that the American people were fully aware of the monumental decisions being made by the Senate. I believed then, as I do now, that only an unrelenting dedication to competition and universal service by the Congress and the executive branch could make that legislation beneficial to consumers.

For days, with the support of the Clinton administration, my colleagues and I fought to assure that the law would embrace real competition and universal service. If it did not, it would simply be one more piece of legislation for the big, the powerful, and moneyed interests.

On the Senate floor we were successful in making the commitment to vigorously pursue competition central to the decision to end the court supervised Modified Final Judgement [MFJ] which controlled the activities of the seven Baby Bells and AT&T following the breakup of the Bell System.

The bottom line, Mr. President, was that the American people did not ask for the Telecommunications Act. I do not recall one Nebraskan complain to me that telephone service was too expensive or that their service was poor. For most Americans, when asked about their phone service, they might quote Andy Griffth from the old AT&T commercial, and say "rings true, and not a lick of trouble * * *."

While there was satisfaction for most residential consumers, there were a host of new technologies and opportunities to bring the benefits of the information revolution to all Americans which the monopoly organization of the telecommunications marketplace was stifling. Every day of the status quo represented a lost opportunity for American homes, schools, and economic development.

There were proposals to invest Government funds in building the utopian information superhighway, there were regulatory initiatives to prod monopolies to invest in the future.

The pathway chosen to bring advanced services, lower prices, and more choices to consumers was to fundamentally change the economics of telecommunications services from a regulated monopoly to a competitive market. The price for opening all markets to competition, however, was an obligation by all telecommunications carriers to contribute to the support of universal service.

The vision of telecommunications reform was that competition would spur investment, innovation, and choice and universal service support would assure that no American would be left behind.

It was and is a grand vision. One which if properly implemented can energize the economy, enhance productivity, build wealth, enhance freedom, and revolutionize the way Americans work, learn, and relax.

A significant part of the battle on the Telecommunications Act centered on the appropriate role for the Department of Justice in telecommunications policy. The first draft of the Telecommunications Act, written by Senator PRESSLER on behalf of the Republicans on the Senate Commerce Committee had no role for the Department of Justice and did not even explicitly reserve the Department's preexisting antitrust powers.

As passed by the Senate Commerce Committee and the full Senate, the Department's antitrust authority had been preserved and the Department was given an advisory role in the FCC's decision to allow the Regional Bell Operating Companies, RBOCs, to enter the long-distance market within their own regions.

To strengthen the bill Senators DORGAN, LEAHY, THURMOND, and I proposed amendments to strengthen the role of the Department of Justice.

I believed and continue to believe that the Department of Justice using its powers under the antitrust laws and the new law would and should be the bulwark against the abuse of monopoly power. I was confident that the Department of Justice would steadfastly be on the side of the consumer and fight for a vision of telecommunications competition which served the interests of all Americans.

I opposed the Senate passed bill, because it did not have a strong enough role for the Department of Justice.

I voted for the conference agreement in large part, because the role of the Department had been strengthened. Specifically, the bill as enacted, gave the Department's opinion on Bell entry into long distance "substantial weight," and eliminated the ability of the Federal Communications Commission to approve a merger of telephone companies which bypassed antitrust review.

Mr. President, the effort to protect and enhance the role of the Department of Justice was a hard fought fight. President Clinton, even threatened a veto of the bill if it had a weak role for the Department.

Having fought and won the legislative battle, I am particularly concerned about recent comments made by Acting Assistant Attorney General Klein regarding the Department of Justice's role in facilitating competition under the Telecommunications Act of 1996.

In response to questions by the chairman of the Senate Communications Subcommittee, Mr. Klein said that he "specifically rejected using the suggestion in the Conference Report that the Department analyze Bell Operating Company (BOC) applications employing the standard used in the AT&T consent decree". This standard, known as the 8(c) test would reject BOC entry into in-region long distance unless "there is no substantial possibility that the BOC or its affiliates could use its monopoly power to impede competition in the market such company seeks to enter."

While the Telecommunications Act gave the Attorney General the authority to choose any standard she sees fit to evaluate Bell entry into in-region service, I have asked the Attorney General to clarify the Department's policy on this matter. I am hopeful that a clarification from the Attorney General can put Mr. Klein's comments into a fuller and more appropriate context.

I certainly hope that Mr. Klein's statement does not mean that a Bell Operating Co. should be allowed to enter the in-region long distance market even if there is a "substantial possibility that the BOC or its affiliates could use monopoly power to impede competition."

In fairness to Mr. Klein, he put forward an alternate test known as the "irretrievably open to competition test." Unfortunately, it is placed in a context, which at least implies that the 8(c) test is too tough on Bell Operating Companies.

During the consideration of the Telecommunications Act, President Clinton wrote in a letter to Members of Congress that the Telecommunications Act should "include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition * * *" I hope that Mr. Klein and the Attorney General can set this record straight as to the administration's policy.

Mr. Klein also wrote to Chairman Burns that "we think that the openness of a local market can be best assessed by the discretionary authority of the FCC, relying in part on the department of Justice's competitive assessment, and based on the evaluation of the particular circumstances in an individual state."

Mr. President, I fought hard to include DOJ in the process of determining when Bell Operating Companies enter in region long distance markets because of the legal and economic expertise of the Antitrust Division. It would be tragic if the Department abdicate its role in this area.

The Federal Communications Commission [FCC] is not the only agency equipped to make decisions about the openness of markets. A market cannot be competitive if it is not open. The Department's responsibility under the act and the Nation's antitrust laws is most serious and should be aggressively pursued by the Antitrust Division.

Although the ultimate decision lies with the FCC, the Department must accept its important role as the expert in competition and market power and adopt a meaningful entry standard based on procompetitive principles. I am not yet convinced that the Department has done that.

To me, what is most important is that the Attorney General put forward a test which Mr. Klein will implement which is unrelenting in its commitment to competition.

The Kerrey test of competition would be as simple as do customers have a choice? If the answer is no, you do not have competition.

The ideal open telecommunications market would allow an entrepreneur, new to the market to offer bundled services to the home. To do that there must be full access to the local exchange carrier at fair prices. If it takes a legion of lawyers, lobbyists, and investment bankers to even offer a new service to a customer of a monopolist, you do not have an open market.

On a separate but equally important competition issue, I remain very concerned about recent mergers between large telecommunications providers. The decision by the Department of Justice to approve the Bell Atlantic/NYNEX merger without any conditions is troubling.

Reports of AT&T's efforts to bring two BOC's back into it's fold should give everyone pause. A year ago, such action would have been laughable. I feel strongly that the Bell Atlantic merger approval, personally supervised by Mr. Klein sent exactly the wrong message to the market. I fear that this merger will lead to a new round of large telecommunications mergers which could greatly reduce any chance for the swift adoption of a vibrant, competitive telecommunications market.

Competitive entry could be frozen while real and potential competitors court, woo, and marry each other. As to unions between the progeny of the former Bell System, I believe that it is generally not a good idea for family members to wed!

One thing is certain, Congress did not intend to replace the urge to compete with the urge to merge.

While the FCC and the States struggle with implementation of the new telecommunications law, it is important to remember that a key part of that legislation did not rely on regulation, it relied on the marketplace. The idea was to unleash pent up competitive forces among and between telecommunications companies. Mega mergers between telecommunications titans quell these market forces for increased investment, lower rates, and improved service.

I can accept an honest disagreement on competitive impact of the Bell Atlantic/NYNEX merger. I want the head of the Antitrust Division to follow the law, even if it provokes my ire. It is in honest disagreement that we can examine the effectiveness of the law. If the law needs to be changed, let's change it.

Beyond that, there are elements of the Bell Atlantic/NYNEX decision which are deeply troubling to me. Those concerns could be relieved if I were convinced that the competitive concerns received full, open, and deliberate consideration and that efforts were made to mitigate the loss of actual and potential competition. Most importantly, this merger should not be a precedent for a no holds barred approach to telecommunications combinations.

The history of telecommunications service in America is at a critical point. At risk is a lifeline service important to every citizen of this Nation. The Department's commitment to using its full authority to promote competition is important to achieving an environment where consumers come first and entrepreneurs are encouraged to challenge the status quo.

The bold vision of the Telecommunications Act is a promise yet unfilled. The man or woman who executes the responsibilities of this office will have a profound effect on every American, and not only in telephone service.

Our antitrust laws form the keystone of our market economy. They stand between every American and the tyranny of raw, unbridled economic power. The person entrusted with the enforcement of those laws must have an unwavering commitment to a marketplace built on full, fair, and open competition.

As the Senate fully considers this nomination, I am willing to be convinced that Joel Klein is that person.

Mr. President, the need for competition is the overriding imperative of this Telecommunications Act. I am not in business as a monopoly. My business is such that customers come in. If they do not like what I am serving them, do not like the price, they go elsewhere, and as a consequence of that we pay very close attention to the customer. And those customers right now who are buying local services, especially residential service at the local level, they still have two choices: Take it or leave it.

That is not competition. I do not come to the floor here criticizing the regional Bell operating companies or AT&T or any other long distance providers. I am just very much aware, if I am a monopoly, I do very much business if I have to compete, if I have to satisfy my customers' desires, demands for high quality and a reasonable and fair price.

There is a businessman in Nebraska who owns many things, and one of the things he owns is newspapers. I once asked him how he managed to make money in the newspaper business, and he said to me, well, it's real simple; he takes advantage of two of America's most endearing and enduring institutions, monopoly and nepotism.

Mr. President, with the Telecommunications Act need to ensure that the monopolies face competition, they come to us, the RBOC's and AT&T and the other carriers are all coming to us saying they want to compete. What they need to make sure happens is that there is competition, that you get rigorous and vigorous competition at the local level.

In addition to that, though it is not the role of Antitrust at Justice, it is the role of the FCC to make certain that on the table we have before us those things that the market will not get done.

There are some things that competition will not get done for us. There is a need to make certain we have real service. There is a need to make certain that areas that are remote are getting good service. There is a need to make certain people with lower incomes are going to get universal service. There are all sorts of things the market will not get done, and we have to put them on the table. I think we have an easier time surfacing those things and debating those things than we do in making certain that at the local level we have competition.

As I said, Mr. President, it is not an easy thing to accept that competition if you are in business right now and you are a monopoly. It is easy to talk about it, but it is not easy to do it. There is a lot of pressure on Justice and FCC to make decisions and determinations that are anticompetitive under the veil and cloak of competitive language.

I am very much concerned, not by his actions, but by some statements and a particular letter he wrote in response to a concern of a Member of this body about a speech that Mr. Klein had given. The letter, in my judgment, gives away the authority that this Senate and the House of Representatives, when we finally passed the Telecommunications Act of 1996, gave the Department of Justice.

Mr. Klein appeared to me, in this letter, to give away the authority that this law gives the Department of Justice. I, for one, need to hear from the Attorney General saying that she believes that the Department of Justice has this authority and she intends to make certain that Antitrust exercises that authority before I am going to be willing to vote for Mr. Klein.

It is a difficult job being head of Antitrust. As far as I am concerned, the Antitrust Division of the Department of Justice creates a lot of jobs because they insist on competition. I believe you get more jobs in a competitive environment, not less. I believe competition determines in a much better way who is being successful in giving the customer what they want and, as a consequence, much more likely in the long term to create jobs than if we allow entities to perform vertically monopoly, or near monopoly, control over the marketplace, and, in that kind of environment, to be able to basically say, as I indicated earlier, to the customer, "Take it or leave it; I don't care whether you like the price, whether you like the service; I am saying to you, you have to take it or leave it."

This is one of the most difficult things we have ever gone through, going from a monopoly to a competitive environment. It is going to be wrenching and difficult for rural areas and for private sector companies that have to adjust their hiring policies, have to adjust their personnel policies, have to adjust their marketing policies. I know that this kind of change is going to force the private sector, the monopoly private sector, to go through substantial change. But it is the intent of this legislation that they go through that change. It is only if we have a competitive environment, again, acknowledging there are some things the market will not do for rural areas, and we have to make sure, in order to achieve universal service, that we identify those things upfront or it will not happen.

But acknowledging and setting aside those things, it is terribly important for the consumers to take advantage of the benefits of what the Telecommunications Act of 1996 allows. It is vitally important that both the FCC and Antitrust at Justice insist on a competitive environment in order for that to happen.

I regret at this stage in the game having to say I do not support Mr. Klein. As I indicated, my view can be changed, depending upon what the Attorney General says in response to a letter I have sent to her. My hope is she will indicate she intends to make certain that Antitrust, whoever is confirmed, will carry out the intent of the law as debated fully on this floor and as enacted both by the Senate and the House of Representatives.

It would be my hope to be able to vote for Mr. Klein. At this stage in the game, I will not. At this stage in the game, I hope this body deliberates a good deal of time upon not just Mr. Klein, but what is going to happen if Antitrust and Justice doesn't enforce the law, what is going to happen to consumers of this country if we don't get a competitive environment.

The only reason we had benefit in the long distance environment with reduced price and increased quality was the presence of competition. In the absence of that, the consumers of this country are going to come back to us and say that that law wasn't very darn good.

All of us who voted for that act have a lot at stake. All of us who voted for the Telecommunications Act of 1996 have a lot at stake, and the job that Mr. Klein does, or whoever it is at Antitrust and all the Commissioners who are going to be nominated over at FCC, as well, all need to take a lot of time in deliberating over what those individuals are going to do before we vote to confirm them as a consequence of the impact that they are going to have, not just upon us, but especially upon the consumers, upon whom all of us, at the end of the day, depend.

Mr. President, I look forward to having an opportunity later to come down, and I most especially look forward to not only yielding the floor, but listening to the majority leader. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The majority leader.

LEGISLATIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING LARRY DOBY

Mr. DEWINE. Mr. President, this past Tuesday night, the eyes of the Nation and a good part of the world were focused on Cleveland and the playing of the All Star Game. This was an All Star Game that had, I think, particular significance. This, of course, is the 50th anniversary of Jackie Robinson's entrance into major league baseball, when the so-called color line was actually finally broken.

It was appropriate that the honorary captain of the American League was Larry Doby. It was also appropriate that the other honorary captain was Frank Robinson. Frank Robinson, of course, who played when I was a young boy for the Cincinnati Reds, played very well, and then went on later to be the first African American manager in the American League for Cleveland.

Mr. President, on July 5, 1947—50 years ago—Larry Doby became the first African-American to play in the American League. Earlier that year, of course, Jackie Robinson was the first person to be signed and to play for the Brooklyn Dodgers—the first African American to play in the major leagues—and Larry Doby was the first African American to play in the American League.

Earlier this year, we as a nation paid tribute to Jackie Robinson for the courage and for the integrity showed in breaking baseball's color barrier.

I think it is only right, Mr. President, to hail today on the Senate floor the quiet courage of a man who did the same thing just 3 months later in the American League. Bill Veeck of the Cleveland Indians saw that Larry Doby was leading the Negro National League with a .458 batting average and 13 home runs. Veeck and Doby then made a historic decision, a decision that amounted to an act of faith in America's future. They decided that the opposition to Jackie Robinson's entry into the Major Leagues was a throwback, a vestige of the past, and that racial tolerance was the wave of the future. It was a brave choice and a tough choice, but, of course, it was the right choice. Larry Doby said later that Bill Veeck "didn't see color. To me, he was in every sense colorblind, and I always knew he was there for me."

Mr. President, that was a very characteristically generous and gracious statement by Larry Doby because it was Larry Doby himself, after all, who had to be brave out on the playing field. Larry Doby had to be brave in a time of segregation and other terrible indignities inflicted on African-Americans. He showed the courage that was needed 50 years ago, and all Americans today ought to be grateful for his example.

Again, here is another quote from Larry Doby. "Kids are our future, and we hope baseball has given them some idea of what it is to live together and how we can get along, whether you be black or white."

Mr. President, the accomplishments of Larry Doby on the baseball diamond are well known. In 1948, his first full season in the Major Leagues, he led the Indians to victory in the World Series, batting .318 and hitting a game-winning home run. He was named to the All Star team every single year from 1949 to 1955. In 1952, Larry Doby led the American League in home runs and in runs scored. Two years later, in 1954, he led the league in home runs and in RBI's. He left the Indians in 1956 to play for the Chicago White Sox and later for the Detroit Tigers. Larry Doby retired in 1959 but returned to baseball in 1978 to manage the White Sox, becoming only the second African-American manager in the history of the major leagues. The first, as I stated, of course, as we know, was the great Frank Robinson, who managed the Cleveland Indians from 1975 to 1977.

Mr. President, as I have said, Larry Doby's contribution to baseball is well known. That is why he was chosen to serve as honorary captain of this year's American League team at the All Star Game this past Tuesday night. But when everyone at Jacobs Field rose Tuesday night at the All Star Game to honor this great American, we thanked him even more for his message of reconciliation and racial brotherhood.

I have a copy of the Cleveland Plain Dealer article from July 6, 1947. This article described Larry Doby's first game as a Cleveland Indian. The headline reads, "Doby Shows Strong Arm as He Works at Second Base."

I submit, Mr. President, that Larry Doby showed a lot more than that on that now distant July day. Larry Doby showed what America could and what America should be. So on behalf of people of the State of Ohio and on behalf of all Americans, I rise today in the Senate to say thank you to Larry Doby and to pay tribute to this very fine gentleman.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX PLAN DIFFERENCES

Mr. GORTON. Mr. President, the House of Representatives and the Senate recently passed tax relief plans that will help every American at every stage of life. They are obviously not the solution to all of our problems, but they are a first step in the right direction.

These carefully crafted tax relief packages will not only make an immediate difference in the monthly budgets of middle-class families but will also encourage the risk taking that will raise the future standard of living for us, for our children, and for our grandchildren. They will accomplish both goals by giving tax credits to people who pay taxes and who bear the cost of raising the next generation and by reducing taxes on saving and investing.

Why do we need tax relief now? Consider the following: total taxes, Federal, State, and local combined, take up almost one-third of the U.S. economy. That means that for every 8 hours of work the average taxpayer spends almost 3 hours of work to pay the tax collector rather than bringing it home to meet family needs.

Following our lead, President Clinton has offered a tax relief plan of his own. We congratulate him on continuing to move in our direction, agreeing to tax credits not just for young kids but for teenagers, too, and also for giving families some relief from the death tax. But our plan and the President's still have some big differences. Most importantly, we strongly believe that his plan sells the middle class short. We think he has a much too narrow definition of middle class, one that includes as rich too many families that most people would see as solidly middle class.

In particular, we think the President's plan has a strange bias against families with working moms. He is much too quick to put families with working mothers in the rich category just because they need two incomes to make ends meet, to pay their taxes, and to stay on top of their bills.

For example, let us say dad's a teacher and makes $40,000. Everyone knows he is not rich. Now let us say mom's also working and she makes $30,000, money that goes to help raise their three kids, pay their taxes, and save for retirement. Almost everyone would still say this family is not rich. But the President is well out of the mainstream on this issue. His plan says that because mom works, this family is no longer middle class; that it somehow became rich and does not deserve full tax credits for its kids.

We strongly disagree. Our plans, which got the support of two-thirds of Senate Democrats as well as Republicans, do not punish families with working moms. These families work hard, play by the rules, and struggle to make ends meet. They are overtaxed and they deserve tax relief. If the President will not let them get a full share of lower taxes, if he thinks they only deserve a portion of the tax cuts others will get, then he ought to get out of the tax-cutting business. People who pay full-time taxes should not get part-time tax relief. Our tax plans live by this code. They would give this family up to $1,100 more than the President's plan would.

Is this situation unusual? Definitely not. In 1995, the typical married couple with two or more kids in which both parents worked full time earned almost $61,000. This typical family should be making about $70,000 next year, assuming economic growth keeps going. Remarkably, this income level already disqualifies them for two-thirds of the President's tax credits for children, and that is just for being the typical family with two or more kids and two hard-working parents.

This crucial point warrants repeating. Under the President's plan, the typical married couple with two or more kids and both parents working full time would not qualify for full tax credits. Why? Because the President thinks they are rich.

The ultimate shape of this long-sought balanced budget agreement and tax relief package is targeted to be finalized before the August recess. I hope that we can take our case to the American public and sway the White House with the merits of our argument. Families where both parents work to make ends meet hardly fit anyone's definition of rich. More accurately, these families are representative of the effort it takes to keep a roof over their heads, food on the table and the bills paid, especially the hefty bill they are obligated to pay to Uncle Sam. On this key issue, the President clearly is in the wrong. These families are not rich. They are middle class and they deserve a full share of tax relief.

Under the bipartisan congressional plans, that is exactly what they will get.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENDING NOMINATIONS

Mr. LEAHY. Mr. President, I noted yesterday my concern that the Senate is failing to proceed to confirm the four judicial nominees and the nominee to be Deputy Attorney General of the United States. The Republican leader had indicated that today he intended to take up the nomination of Mr. Holder to be the Deputy Attorney General, the second highest ranking official in the Department of Justice. Now it appears that the Republican leadership has decided not to proceed to that nomination but to hold it hostage to the confirmation of the Acting Assistant Attorney General for Antitrust.

I urge the majority leader to abandon this brinkmanship. There is no need to tie up a noncontroversial and consensus nominee for the important position of Deputy Attorney General. In my view we could have proceeded to that matter before the last recess. In any event, there clearly is no justification for tying confirmation of the Deputy to any other nominee.

Likewise, I again urge the Republican leadership to proceed to consideration of the four judicial nominees favorably reported by the Judiciary Committee over the last 7 weeks. Yesterday, we succeeded in reporting three additional judicial nominees. I would hope that we could proceed to their confirmations early next week. Confirming those seven nominations pending on the executive calendar would literally double our production for the first 6 months of this session.

We are still confirming judges at a rate of less than one judge per month. Twenty-three judicial nominees remain pending before the Judiciary Committee, some have been bottled up in committee for as long as 27 months.

HONORING THE RIGGS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mr. and Mrs. Vernon Riggs of Saint Ann, MO, who on July 13, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Riggs' commitment to the principles and values of their marriage deserves to be saluted and recognized.

WISHES DO COME TRUE FOR KIDS

Mr. BYRD. Mr. President, a newspaper article entitled "Wishes do come true for Kids" appeared in the Saturday, June 21, 1997, edition of the Washington Times. The article relates the story of a charitable foundation—Kids, Inc.—which was established in 1982. The foundation has helped gravely ill youngsters in 17 states find some measure of happiness in their last days by financing a special vacation with their family members, or meeting a celebrity, or attending a circus, or participating in a group outing such as a VIP tour of the U.S. Capitol.

The article also tells about the moving force behind this very worthwhile volunteer organization—retired Army Colonel John G. Campbell of Burke, Virginia.

I am not surprised to read of Colonel Campbell's efforts to help some of our most vulnerable citizens. I have known Colonel Campbell for many years. He accompanied me on a congressional delegation to China and on several trips to dedicate military facilities in the state of West Virginia. He has served the country in uniform and as a staff member of the U.S. Senate. I have always found Colonel Campbell to be a man of competence, compassion, and Christian conscience. I thank and commend him for his efforts on behalf of the children who have benefited from Kids, Inc., and wish him and his wife, Jan, well.

Mr. President, I ask unanimous consent that the article about Colonel Campbell and his work on behalf of seriously ill children be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 21, 1997]

WISHES DO COME TRUE FOR KIDS

(By Patrick Butters)

To be perfectly callous, most people wonder whether giving cash and precious time to charity actually goes to the poor folks who need it most—or whether it just sinks into the black hole of "administrative costs."

With Kids Inc., a good answer would be to look around its small office in Burke. Ensconced behind a heavy, nondescript door in an office complex on Old Keene Mill Road, the nonprofit group's results can be seen on its walls.

Photos show smiling and sometimes laughing children, most of them gravely ill. Since 1982, Kids has helped such unfortunate youngsters in 17 states find a few moments or a few days of happiness through special requests, such as visiting Disney World or meeting wrestler Hulk Hogan, actor Michael J. Fox or a member of the Washington Redskins. Children have gone on such group outings as VIP tours of the U.S. Capitol.

"There are no fancy ads, no fancy offices, no glossy publications and no fund-raising firms. It is small and has direct impact," says Frank Norton, who volunteers with his wife, Carol.

"This is neighborhood. These are folks you may not know but you could know. They may be your nextdoor neighbor or your cousin."

The head neighbor of all this is retired Army Col. John G. Campbell, president of the nonprofit group. Not surprisingly, his consulting firm has donated office space to Kids.

He's a tall, handsome Texan with an endearing drawl, a killer grin and a disarming demeanor. At Kids events, he's everywhere at once, announcing the next guest or simply rounding up metal folding chairs for the artist he's enlisted to draw pictures of the children. Col. Campbell's stunning wife, Jan, who is Kids secretary/treasurer, and the rest of the volunteer army work the huge crowd.

"A brilliant, brave soldier with a touch of bravado," says Sen. John Warner, Virginia Republican, of Col Campbell, with whom he has worked for many years on Capitol Hill.

Yet Col. Campbell takes great pains to point out that this is an all-volunteer organization. What little overhead there is pays for a certified public accountant and for operating licenses. Kids could not survive on just John Campbell, and he knows it.

"While most of the news you read is bad news, there are a great deal of good things going on," he says. "People are willing—and eager—to help if they know it's going directly to a worthy cause."

The first child Kids helped was 8-year-old Andrew Bley, who suffered from a brain tumor. The boy went to the same church as Col. Campbell, a Burke resident, who at the time was a well-connected Army liaison officer to the U.S. Senate. He and several others met with then-Rep. Earl Hutto, Florida Democrat, and Frank Borman, then-chairman of Eastern Airlines, whom Col. Campbell knew while on the faculty of West Point. They pooled their resources and sent Andrew and his family to Walt Disney World "for what was really their first real, great family vacation."

"The family's resources were exhausted—which, by the way, is frequently the case in all of these things," Col. Campbell says. Andrew was "a brave, cheerful kid who fought until the end and died," says Col. Campbell, his voice ebbing.

The boy, as they say, did not die in vain. The trip created a lasting impression on the volunteers.

"It was so rewarding for those of us who participated in it, we thought, 'Gee, we ought to try and do this on some sort of organized basis.'" Col. Campbell says.

A framed check dated Dec. 28, 1983, on the wall of Col. Campbell's office is signed by Mr. Warner for $250. This marked the first actual donation, opening the bank account the day Kids officially went into business.

The orders came in immediately. Some children wanted—and got—events such as being onstage with Bill Cosby or trips to Ocean City or the circus. (One child even went fishing in Alaska.)

Others received items such as a new wheelchair, an automatic page turner, art lessons, home computer, a canopied bed or a pneumowrap, which helped a 16-year-old boy with Duchenne's muscular dystrophy breathe more easily. One heartbreaker wanted an Easter dress and matching bonnet. Another just wanted a Barbie doll.

Some of the other requests weren't so simple, but were attainable. A little boy spent a few nights on the aircraft carrier USS Saratoga and sat in the cockpit of a jet. ("They made him an honorary member of the squadron and gave him a leather jacket," says Col. Campbell.) Kids has also taken children on elephant rides, trips to the FBI's target range and up in the air in a hot air balloon.

The first year, 1982, Kids helped seven children. The numbers doubled the next year, and last year the organization helped 60 children.

The Kids brochure stresses that the families of the patients are involved as much as possible. "Generally in these situations the family is wiped out," Col. Campbell, "but in the end we do what the child wants to do."

This message pervades conversations with participants. In the pauses, it's evident that childhood illness is very democratic, within and without.

"It affects the entire family," says retired Army Col. Frank Norton, a member of Kids'

28-member advisory board. "It's not just the child suffering. The other children in the family watch their parents have to put all their money, time and energy into this one child, and they may not have time to do other things with the other children. Kids is a way to help the entire process, and I think they have been successful in a wonderfully low-key way."

While Kids' heart is in the right place, it does not—and cannot—accept everybody. There are 10 specific requirements. One is that children must be recommended by a social worker or other health care professional. Another specifies that children be 16 or younger, though Kids can be flexible on this point.

As it is with any well-oiled charitable machine, once word gets out about its success there seems to be more people in need than there is money. Kids raises its funds through events—such as the annual Kids Celebrity Tennis Party and the Kids Hot Air Balloon Rally, golf tournaments, art auctions, movie premieres and car shows.

Depite the complexity of such operations, the events themselves come off pretty casually. The children, sometimes wearing crisp, colorful Kids T-shirts and ball caps to shield their shaved heads from the sun, show up with their parents and brothers and sisters. The picnics are filled with games and food, and the volunteers seem to have as much fun laughing and playing as do the families.

"In terms of the parents, they are profiles in courage," says Mr. Warner. "They want to do everything they can to bring some happiness into that child's life. And then you see in the child's face equal or even greater courage. They may have some knowledge of their terminal nature and yet they retain that youthful vigor."

Connections are crucial for a nonprofit in this town, and Col. Campbell makes no bones about using his to keep Kids afloat. On the wall is a framed 1992 excerpt from the Congressional Record, which contained Mr. Warner's remarks about the value of Kids. He and his Senate pals Strom Thurmond, Alfonse D'Amato, Pete Domenici and Trent Lott are on the Kids board of advisers, as are Reps. W.G. Hefner and Bob Livingston and former Sen. J. Bennett Johnston.

Mr. Warner has been a mainstay at many Kids events, as has Mr. Thurmond. Former Sen. Bob Dole even took time from his presidential race last year to show up at a Kids event at the Capitol. There must be something going on here, because sick children can't vote.

"I think this organization achieves its goal," Mr. Warner says. "A moment, even though fleeting, of happiness for both parents and child."

Kids can be reached at 703/455-KIDS, fax 703/440-9208, or write 9300-D Old Keene Mill Rd., Burke, Va. 22015.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE STUDY ON THE OPERATION AND EFFECT OF THE NORTH AMERICAN FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am pleased to transmit the Study on the Operation and Effect of the North American Free Trade Agreement (NAFTA), as required by section 512 of the NAFTA Implementation Act (Public Law 103-182; 107 Stat. 2155; 19 U.S.C. 3462). The Congress and the Administration are right to be proud of this historic agreement. This report provides solid evidence that NAFTA has already proved its worth to the United States during the 3 years it has been in effect. We can look forward to realizing NAFTA's full benefits in the years ahead.

NAFTA has also contributed to the prosperity and stability of our closest neighbors and two of our most important trading partners. NAFTA aided Mexico's rapid recovery from a severe economic recession, even as that country carried forward a democratic transformation of historic proportions.

NAFTA is an integral part of a broader growth strategy that has produced the strongest U.S. economy in a generation. This strategy rests on three mutually supportive pillars: deficit reduction, investing in our people through education and training, and opening foreign markets to allow America to compete in the global economy. The success of that strategy can be seen in the strength of the American economy, which continues to experience strong investment, low unemployment, healthy job creation, and subdued inflation.

Export growth has been central to America's economic expansion. NAFTA, together with the Uruguay Round Agreement, the Information Technology Agreement, the WTO Telecommunications Agreement, 22 sectoral trade agreements with Japan, and over 170 other trade agreements, has contributed to overall U.S. real export growth of 37 percent since 1993. Exports have contributed nearly one-third of our economic growth—and have grown three times faster than overall income.

Workers, business executives, small business owners, and farmers across America have contributed to the resurgence in American competitiveness. The ability and determination of working people across America to rise to the challenges of rapidly changing technologies and global economic competition is a great source of strength for this Nation.

Cooperation between the Administration and the Congress on a bipartisan basis has been critical in our efforts to reduce the deficit, to conclude trade agreements that level the global playing field for America, to secure peace and prosperity along America's borders, and to help prepare all Americans to benefit from expanded economic opportunities. I hope we can continue working together to advance these vital goals in the years to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

REPORT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1998 BUDGET REQUEST ACT OF 1997—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompany report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 202(c)(5)(C)(ii) of the Financial Responsibility and Management Assistance Act of 1995 ("the FRMA Act"), I am transmitting the Council of the District of Columbia's "Fiscal Year 1998 Budget Request Act of 1997."

The Council's proposed Fiscal Year 1998 Budget was disapproved by the Financial Responsibility and Management Assistance Authority (the "Authority") on June 12. Under the FRMA Act, if the Authority disapproves the Council's financial plan and budget, the Mayor must submit that budget to the President to be transmitted to the Congress. My transmittal of the District Council's budget, as required by law, does not represent an endorsement of its contents. The budget also does not reflect the effect of my proposed Fiscal Year 1998 District of Columbia revitalization plan.

The Authority is required to transmit separately to the Mayor, the Council, the President, and the Congress a financial plan and budget. The Authority sent its financial plan and budget to the Congress on June 15.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

It is my pleasure to transmit the Annual Report of the National Endowment for the Arts for 1996.

One measure of a great nation is the vitality of its culture, the dedication of its people to nurturing a climate where creativity can flourish. By supporting our museums and theaters, our dance companies and symphony orchestras, our writers and our artists, the National Endowment for the Arts provides such a climate. Look through this report and you will find many reasons to be proud of our Nation's cultural life at the end of the 20th century and what it portends for Americans and the world in the years ahead.

Despite cutbacks in its budget, the Endowment was able to fund thousands of projects all across America—a museum in Sitka, Alaska; a dance company in Miami, Florida; a production of a Eugene O'Neill play in New York City; a Whistler exhibition in Chicago; and artists in schools in all 50 States. Millions of Americans were able to see plays, hear concerts, and participate in the arts in their hometowns, thanks to the work of this small agency.

As we set our priorities for the coming years, let's not forget the vital role the National Endowment for the Arts must continue to play in our national life. The Endowment shows the world that we take pride in American culture here and abroad. It is a beacon, not only of creativity, but of freedom. And let us keep that lamp brightly burning now and for all time.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 11, 1997.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2467. A communication from the Acting Director, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior, transmitting, pursuant to law, a rule entitled "Virginia Abandoned Mine Land Reclamation Plan", received on June 27, 1997; to the Committee on Energy and Natural Resources.

EC–2468. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, U.S. Department of the Interior, transmitting, pursuant to law, a notice of a refund under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC–2469. A communication from the President and Chief Executive Officer, U.S. Enrichment Corporation, transmitting, a draft of proposed legislation relative to the Atomic Vapor Laser Isotope Separation program; to the Committee on Energy and Natural Resources.

EC–2470. A communication from the Congressional Review Coordinator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to the Mediterranean Fruit Fly, received on July 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2471. A communication from the Congressional Review Coordinator, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of a rule relative to tuberculosis in cattle and bison, received on July 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2472. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, a rule relative to allocation of assets in single-employer plans, received on July 10, 1997; to the Committee on Labor and Human Resources.

EC–2473. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule relative to Reorganization, Renumbering, and Reinvention of Regulations, received on June 26, 1997; to the Committee on Labor and Human Resources.

EC–2474. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to recissions and deferrals dated July 1, 1997; referred jointly, pursuant to order of January 30, 1975, as modified by order of April, 11, 1986; to the Committees on Appropriations, the Budget, Agriculture, Nutrition, and Forestry, Armed Services, Banking, Housing and Urban Affairs, Energy and Natural Resources, Finance, Foreign Relations, Governmental Affairs, and the Judiciary.

EC–2475. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Information Administration's Annual Report to Congress for calendar year 1996 under the Federal Energy Administration Act; to the Committee on Energy and Natural Resources.

EC–2476. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules relative to emissions standards, received on July 10, 1997; to the Committee on Environment and Public Works.

EC–2477. A communication from the Secretary of Defense, transmitting, pursuant to law, a report for the six-month period ending March 31, 1997 under the Inspector General Act; to the Committee on Governmental Affairs.

EC–2478. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on July 11, 1997; to the Committee on Governmental Affairs.

EC–2479. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the report under the Inspector General Act for the period of fiscal year 1996; to the Committee on Governmental Affairs.

EC–2480. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996, to March 31, 1997; to the Committee on Governmental Affairs.

EC–2481. A communication from the Director, U.S. Office of Personnel Management, transmitting, pursuant to law, approval of two personnel management demonstration projects relative to improving laboratories; to the Committee on Governmental Affairs.

EC–2482. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule relative to firearm possession, received on June 26, 1997; to the Committee on Finance.

EC–2483. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a determination relative to the assistance in Haiti; to the Committee on Appropriations.

EC–2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–168. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the House of Representatives is becoming increasingly concerned that the tropical rain forests are being destroyed at a rate of between 13.5 million and 55 million acres a year; and

Whereas, it is feared that further destruction will lead to the elimination of hundreds of thousands of species of plants and animals; and

Whereas, rain forests are an important source of medicinal plants, and approximately 121 prescription drugs are derived from plants which have their origins in rain forests; and

Whereas, rain forests are storehouses of evolutionary achievement and are increasingly invaluable to humankind in our search for the mysteries of life; and

Whereas, rain forests play a major role in the way the sun's heat is distributed around the globe, and any disturbance could produce climatic choas; and

Whereas, it is imperative that something be done before the damage to the rain forests is irreversible: Therefore be it

Resolved, That the House of Representatives memorialize the President and Congress to take whatever steps are necessary to protect the rain forests from further destruction; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–169. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the North Atlantic Treaty Organization has proven itself to be a stabilizing factor in Europe. Through a wide variety of programs and the channels of communications it has opened, NATO has helped to secure the peace, economic development, and cooperation among its member nations and other countries; and

Whereas, Poland, a free and democratic nation with a long and proud history, enjoys numerous ties with NATO member nations. The Republic of Poland is committed to the preservation of freedom and the strengthening of democracy. This nation's well-being as a sovereign country has long been dependent upon the overall stability of central Europe; and

Whereas, the people of Poland wish to exercise their responsibilities within NATO. This country desires to become part of NATO's mission to prevent the excesses of nationalism; and

Whereas, the United States is dedicated to maintaining its friendship with Poland, a country that is pivotal to the continued stability of this area of the world; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include the Republic of Poland; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–170. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Governmental Affairs.

HOUSE JOINT RESOLUTION 97–1027

Whereas, the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", Public Law 104–193, herein referred to as the "Act", was passed by the United States House of Representatives on July 18, 1996, and the United States Senate on July 23, 1996, and signed into law by President Clinton on August 22, 1996; and

Whereas, Article III of such Act addresses the several states' obligation to provide child support enforcement services and mandates that the states adopt certain procedures for the location of an obligor and the establishment, modification, and enforcement of a child support obligation against such obligor; and

Whereas, the members of the Sixty-first General Assembly recognize the importance of assuring financial support for minor and dependent children; however, the General Assembly finds that those procedures specified in the Act include such far-reaching measures as the following:

(1) The necessity to implement the "Uniform Interstate Family Support Act", as approved by the American Bar Association and as amended by the National Conference of Commissioners on Uniform State Laws, which uniform act allows for the direct registration of foreign support orders and the activation of income-withholding procedures across state lines without any prior verification, certification, or other authentication that the child support order or the income-withholding form is accurate or valid and without a requirement that notice of such withholding be provided to the alleged obligor by any specified means or method, such as by first-class mail or personal service, to assure that the individual receives proper notice prior to the income-withholding;

(2) Liens to arise by operation of law against real and personal property for amounts of overdue support that are owed by a noncustodial parent who resides or owns property in the state, without the ability to determine if a lien exists on certain property;

(3) The obligation of the state to accord full faith and credit to such liens arising by operation of law in any other state, which results in inadequate notice and the inability of purchasers to have knowledge or notice of such liens;

(4) A duty placed upon employers to report all newly hired employees, whether or not the employee has a child support obligation, to a state directory of new hires within a restricted period of time after the employer hires the employee;

(5) The requirement that social security numbers be recorded when a person applies for a professional license, a commercial driver's license, an occupational license, or a marriage license, when a person is subject to a divorce decree, a support order, or a paternity determination or acknowledgment, or when an individual dies, whether or not the person has an obligation to pay child support;

(6) A requirement that the child support enforcement agency enter into agreements with financial institutions doing business in the state in order to develop, operate, and coordinate an unprecedented and invasive data match system for the sharing of account holder information with the child support enforcement agency in order to facilitate the potential matching of delinquent obligors and bank account holders;

(7) Procedures by which the state child support enforcement agency may subpoena financial or other information needed to establish, modify, or enforce a support order and to impose penalties for failure to respond to such a subpoena and procedures by which to access information contained in certain records, including the records of public utilities and cable television companies pursuant to an administrative subpoena; and

(8) Procedures interfering with the states' right to determine when a jury trial is to be authorized; and

Whereas, the Act mandates numerous, unnecessary requirements upon the several states that epitomize the continuing trend of intrusion by government into people's personal lives; and

Whereas, the Act offends the notion of notice and opportunity to be heard guaranteed to the people by the Due Process Clauses of the 5th and 14th Amendments to the Constitution of the United States; and

Whereas, the Act offends the 10th Amendment to the Constitution of the United States, which provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, the Act imposes upon the several states further insufficiently funded mandates in relation to the costly development of procedures by which to implement the requirements set forth in the Act in order to preserve the receipt of federal funds under Title IV–D of the "Social Security Act", as amended, and other provisions of the Act: Now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the Sixty-first General Assembly, urge the Congress of the United States to amend or repeal those specific provisions of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" set forth in this Resolution that place undue burden and expense upon the several states, that violate provisions of the Constitution of the United States, that impose insufficiently funded mandates upon the states in the establishment, modification, and enforcement of child support obligations, or that unjustifiably intrude into the personal lives of the law-abiding citizens of the United States of America; be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state legislature, and Colorado's Congressional delegation.

POM–171. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary.

CONCURRENT RESOLUTION NO. 257

Whereas, the State of Hawaii is one of the nine states that comprise the United States (U.S.) Ninth Circuit Court of Appeals that also includes Guam and the Northern Mariana Islands; and

Whereas, the U.S. Ninth Circuit Court of Appeals consists of a twenty-eight judge bench with approximately ten vacancies as of Spring, 1997; and

Whereas, the State of Hawaii has not had full-time, active representation on this important federal bench since the retirement to senior status of the Honorable Herbert Y. C. Choy in 1984; and

Whereas, a judgeship for the State of Hawaii has been denied throughout the last three presidential administrations; and

Whereas, the State of Hawaii is one of only two states in the Union without full-time, active representation on its respective federal circuits; and

Whereas, the federal circuit courts, according to U.S. Senator Diane Feinstein of California, "have been structured to draw upon the legal traditions of several states" in order to "preserve the federalizing function of the courts of appeals"; and

Whereas, the ideals expressed by Senator Feinstein cannot possibly be attained in the U.S. Ninth Circuit if the State of Hawaii has no circuit judge to give voice to our "legal traditions"; and

Whereas, the U.S. Ninth Circuit Court of Appeals receives approximately six percent of its workload from the State of Hawaii, including cases involving the Native Hawaiian Sovereignty vote, mandatory lease to fee condominium conversion, Native Hawaiian land claims, and the Waikiki vending ordinances, among many others: Now, therefore, be it

Resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, the House of Representatives concurring, That the President of the United States and the United States Senate are respectfully requested to work diligently and appropriately to award the State of Hawaii a full and equal measure of judicial representation on the United States Ninth Circuit Court of Appeals by appointing and confirming a qualified resident of the State of Hawaii to any presently existing vacant Ninth Circuit judgeship; and be it further

Resolved That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Governor of the State of Hawaii, the members of the Hawaii Congressional Delegation, and the Honorable Orrin Hatch, Chairman of the United States Senate Judiciary Committee.

POM-172. A joint resolution adopted by the General Assembly of the State of Tennessee; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 41

Whereas, in 1976, the United States Supreme Court ruled to allow the several states to impose the death penalty as punishment for certain crimes; and

Whereas, Tennessee has had a constitutional death penalty statute since 1977; and

Whereas, during the last twenty years, Tennessee has not carried out a single death penalty sentence, in part because of lengthy habeas corpus proceedings by death row inmates and the inaction of the federal court system; and

Whereas, most recently, the Honorable John T. Nixon, U.S. District Court Judge for the Middle District of Tennessee, has overturned the capital convictions of four (4) of Tennessee's most heinous convicted killers; and

Whereas, in overturning these four (4) convictions, Judge Nixon has continued a pattern of judicial conduct that raises an issue as to his bias against capital punishment; and

Whereas, during his tenure on the U.S. District Court for the Middle District of Tennessee, Judge Nixon has continually delayed ruling on capital cases before his court; and

Whereas, he has also repeatedly reversed the convictions and/or sentences of many capital cases which were tried and adjudicated years ago, making it difficult for such cases to be retried; and

Whereas, the State of Tennessee Attorney General has even filed a petition for writ of mandamus against Judge Nixon to expedite a death penalty matter in a particular case that languished in his court: Now, therefore, be it

Resolved by the Senate of the one-hundredth General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby memorializes the House of Representatives and Senate of the U.S. Congress to consider amending the United States Constitution to remove Federal Judges for "dereliction of duty", and not just "high crimes and misdemeanors", in order to ensure that judges act with due dispatch and care in carrying out their duties on appeals of capital cases and other habeas corpus matters, and writs of mandamus, be it further

Resolved, That this General Assembly hereby memorializes the House of Representatives of the United States Congress to thoroughly and timely investigate whether ground exist to impeach John T. Nixon, Judge for the United States District Court for the Middle District of Tennessee, in accordance with the United States Constitution, and if such grounds exist, then to initiate proceedings to impeach Judge John T. Nixon in accordance with the United States Constitution, be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit certified copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S Senate, the Clerk of the U.S. Supreme Court, and to each member of the Tennessee delegation to the U.S. Congress.

POM-173. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 6

Whereas, the Las Vegas Valley has in recent years experienced a tremendous increase in population and growth in the number of businesses and residential homes in the area; and

Whereas, the Federal Government presently manages public land located within the Las Vegas Valley; and

Whereas, a sale or other transfer of some or all of that public land would facilitate community expansion and growth in the Las Vegas Valley; and

Whereas, because public lands managed by the Federal Government in Nevada are not taxable, a sale or transfer of those lands into state or private ownership would provide additional land subject to taxation in the State of Nevada; and

Whereas, although the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley would be beneficial to the State of Nevada and its residents, such transfers may adversely affect sparsely populated and rural counties in Nevada by increasing the amount of land managed by the Federal Government in those counties, thereby reducing the amount of land in those counties that is privately owned or owned by the State of Nevada or a local government; and

Whereas, during the 105th session of Congress, Representative John Ensign introduced the Southern Nevada Public Land Management Act of 1997 (H.R. No. 449), which, if enacted, would direct the Secretary of the Interior to dispose of certain Federal lands in the Las Vegas Valley and authorize the State of Nevada to elect to obtain the lands for public purposes: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby expresses its support for the Southern Nevada Public Land Management Act of 1997 and for the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-174. A joint resolution adopted by the General Assembly of the State of Colorado relative to the proposed "American Land Sovereignty Protection Act"; to the Committee on Energy and Natural Resources.

Whereas, the United Nations has designated sixty-seven sites in the United States as "World Heritage Sites" or "Biosphere Reserves", which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas, section 3 of Article IV of the United States Constitution provides that the United States Congress shall make all needed rules and regulations governing lands belonging to the United States; and

Whereas, many of the United Nations designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas, some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from Congress; and

Whereas, these international designations, as presently handled, are an open invitation to the international community to interfere in domestic land use decisions; and

Whereas, local citizens and public officials usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas, the President and Executive Branch of the United States have, by Executive Order and other agreements, implemented these designations without the approval of Congress; and

Whereas, actions by the President in applying international agreements to lands owned by the United States may circumvent Congress; and

Whereas, in the 105th Congress, Congressman Don Young introduced HR-901, entitled the "American Land Sovereignty Act", to protect American public and private lands from jurisdictional encroachments by certain United Nations programs, and such resolution has been referred to the Resource Committee with 77 cosponsors; Now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That the State of Colorado supports this legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate as soon as possible during the 105th Congressional session; be it further

Resolved, That copies of this Resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Congressional delegation from Colorado.

POM-175. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 97-1038

Whereas, in 1976, the United States Congress enacted the Payment in Lieu of Taxes (PILT) program administered by the United States Bureau of Land Management to compensate local governments for the tax-exempt nature of and the costs associated with the presence of federal lands; and

Whereas, counties have historically and traditionally shared in the benefits of economic activities on public lands through statutory formulas that guarantee a percentage of all gross receipts to be returned to the counties where the activity occurs; and

Whereas, shared natural resource payments to counties from economic activities such as timber sales, mineral leasing, and grazing are absolutely vital to the financial stability of county government; and

Whereas, counties utilize shared receipts to provide vital services through long-standing intergovernmental agreements with the federal government; and

Whereas, the United States Congress considered and passed legislation in 1994 known as S. 455, which adjusted the PILT program by increasing the authorization level to reflect full value as enacted in 1976; and

Whereas, in 1995, Congress increased the authorization for PILT to double the previous $100 million level gradually over several years in order to make up for inflation, making a full appropriation for fiscal year 1999 of $190 million rather than the $101.5 million Interior Secretary Babbitt is asking for; and

Whereas, the United States Secretary of the Interior, Bruce Babbitt, announced that the Clinton Administration's budget proposal calls for a $12 million cut in PILT funding that dramatically impacts western states; and

Whereas, the money cut from the PILT program will apparently be used to help pay for the management of the new Escalante Monument in Utah, which was established by President Clinton without the usual environmental and public hearing process; and

Whereas, an 11 percent reduction of Colorado's $8 million share of the PILT payments would mean that approximately $900,000 per year would be taken from Colorado counties to contribute to the Escalante Monument project; and

Whereas, cutting money from the PILT program violates the original agreement between the federal government and our nation's counties: Now, therefore, be it,

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That we, the members of the General Assembly, support full funding of the federal PILT program as authorized by the passage of S. 455 in 1994 and urge the Colorado Congressional Delegation to advocate for the full funding level; be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the United States Secretary of Interior, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Colorado Congressional Delegation.

POM–176. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

RESOLUTION NO. 12

Whereas the Tongass National Forest has been chosen by the Clinton Administration to provide Christmas trees to decorate the nation's Capitol and congressional offices; and

Whereas the grace and beauty of Alaska's native tree species are well suited for such a distinct purpose; and

Whereas Alaskans are a generous people, and their State's resources a tremendous asset that if carefully managed by the people most closely affected can be the backbone of a strong economy; and

Whereas trees harvested for the economic benefit of the people of the Tongass are subject to full public comment and environmental review; and

Whereas, under normal conditions, the Alaska Legislature would regard the opportunity to provide federal offices with Christmas trees from our national forest as the highest compliment and honor; and

Whereas conditions are not normal, as one of Alaska's two pulp mills and the state's largest sawmill have shut down while Alaska's remaining pulp mill has announced it will close in March at a cost of thousands of jobs; and

Whereas, even with the recent signing of a three-year contract to supply wood to Southeast Alaska's two largest sawmills, consistent supply remains a concern for their continued existence; and

Whereas over 60 percent of Southeast Alaska's timber-related jobs have been eliminated since 1990; and

Whereas the Clinton Administration has ignored the efforts of the Alaska congressional delegation and the Alaska State Legislature to secure the livelihoods of the workers, their families, and the timber dependent communities of Southeast Alaska; and

Whereas the Alaska State Legislature deems it inappropriate to harvest trees for decorative purposes, and ask Southeast Alaskans to incur the cost, while Southeast Alaska timber jobs are being extinguished, depressing the area's economy; and

Whereas what should be an honor is instead an affront as it carries the message that careful harvesting of our trees is acceptable to decorate the nation's Capitol and the halls of Congress, yet not acceptable to provide jobs for the people of Southeast Alaska; be it

Resolved, That the Alaska State Legislature recognizes harvesting of Alaska's trees to provide pleasure for those far removed is symbolic of a failed national policy which has cost Southeast Alaska communities thousands of year-round, family supporting jobs and caused untold personal suffering; and be it further

Resolved, That the Alaska Legislature opposes the harvesting of Christmas trees for the nation's Capitol and other federal and congressional offices from the Tongass National Forest and urges that it not be done without full public comment and a comprehensive Environmental Impact Statement; and be it further

Resolved, That the Alaska State Legislature requests the Clinton Administration to find another source for the 1998 White House Christmas tree festivities in light of the social and economic hardship forced upon the unemployed timber workers, their families, and the timber dependent communities of the Tongass.

POM–177. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 11

Whereas, by section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. Sec. 932), enacted in 1866, the right of way was granted for the construction of highways over public lands not reserved for other public uses; and

Whereas, the placement of that section in an act primarily devoted to the encouragement of mining upon the public lands suggests that an important purpose of the grant was to provide access to mining claims, but its operation was extended by section 17 of the Placer Law of 1870, which also affected other patents, pre-emptions and homesteads, so that the right of access was extended broadly to private property; and

Whereas, when section 8 of chapter 262 of the Statutes of 1866 was repealed in 1976 by section 706 of Public Law 94–579, section 701 of Public Law 94–579 also provided: "Nothing in this Act * * * shall be construed as terminating any valid * * * right-of-way [sic], or other land use right or authorization existing on the date of approval of this Act"; and

Whereas, this legislature in its 67th Session enacted Assembly Bill No. 176 and Senate Bill No. 235 and adopted Senate Joint Resolution No. 12, which recognized the acceptance of rights of way across public land by private use as accessory roads, dispensed with public maintenance but declared all such roads open to public use, and urged the Federal Government to recognize the rights so acquired: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature, speaking on behalf of all its residents, calls upon the Congress of the United States to continue to ensure the permanent rights existing in those roads over public land that serve private property; and be it further

Resolved, That the Nevada Legislature hereby urges the Secretary of the Interior to allow for the identification of rights of way over public land in the State of Nevada through an administrative process; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Secretary of the Interior; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Ms. MOSELEY-BRAUN, Mr. JOHNSON, and Mr. WELLSTONE):

S. 1008. A bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates; to the Committee on Finance.

By Mr. KENNEDY:

S. 1009. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1010. A bill to suspend the rate of duty with respect to certain chemicals; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. MOSELEY-BRAUN, Mr. JOHNSON and Mr. WELLSTONE):

S. 1008. A bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates; to the Committee on Finance.

EXCISE TAX LEGISLATION

Mr. DURBIN. Mr. President, today I am introducing legislation that would extend the current excise tax incentive for ethanol use. I am pleased to be joined by Senators MOSELEY-BRAUN, JOHNSON, and WELLSTONE in this important effort.

We are moving forward with this extension today for several reasons. Last month the Senate included extension language in the reconciliation bill. I believe this sends a strong signal that ethanol enjoys wide, bipartisan support on this side of the Capitol. Based on that action, now is the appropriate time to pursue extension through any and all avenues. Reconciliation is one avenue. Reauthorization of the Intermodal Surface Transportation and Efficiency Act [ISTEA], the vehicle used in this legislation, is another. We would prefer that it be done sooner in the reconciliation bill, rather than later in the ISTEA reauthorization. But we want to make it clear that, one way or another, we will not rest until this extension becomes law.

I stand in strong support of the Senate's reconciliation language that would extend the program through 2007. I commend my colleagues, Senators GRASSLEY and MOSELEY-BRAUN for their tireless efforts to include an extension in the Senate language. And, I urge Senate conferees to hold fast to that position.

Despite strong support in the Senate, the House Ways and Means Committee voted last month to cut, cap, and kill this important program. Even with a moderation of the Committee language in the House and the action by the Senate, the House Committee action has caused considerable uncertainty about the future of the ethanol program which will no doubt affect the growth of this renewable fuel program.

The ethanol program has been an excellent example of a program that works. At a time when we are laboring to enact a balanced budget, I believe that programs, like ethanol, that pay for themselves and provide important benefits should be maintained rather than summarily eliminated.

Ethanol's benefits are well documented—it strengthens the economy, improves the environment, and decreases our dependence on foreign oil. A recent study conducted by the Midwest Governors' Conference concluded that the ethanol program produces a net savings to the Federal budget of more than $3.6 billion, adds over $450 million to State tax receipts each year, increases total U.S. employment by 195,200 jobs, and boosts net farm income by more than $4.5 billion annually. The Federal Government gains $1.30 for each gallon of ethanol sold in America—more than double the 54-cent-per-gallon cost of the incentive.

The increased use of ethanol helps offset the greenhouse gas emissions that result from the burning of fossil fuels. Ethanol-blended fuels reduce emissions of carbon monoxide, nitrogen oxides, and air toxics. Also, ethanol reduces the demand for imported gasoline and imported oxygenates by more than 90,000 barrels per day.

Clearly, ethanol is not a favorite of many of the big oil companies. But just as clearly, ethanol use is good for America. Each gallon of ethanol production capacity not built due to uncertainty about ethanol's tax status represents a loss of revenue to the U.S. Treasury as well as to our Nation's farmers. If investors are scared away because of legislative attacks on ethanol, the taxpayer loses.

That is why we are introducing legislation to reaffirm and extend our national commitment to this domestic, agriculture-based, renewable fuel program. We need to give this important sector of our economy the stability that will allow it to keep expanding. We need a solid, long-term commitment to help ensure that the demand for home-grown ethanol continues.

It is a critical time for ethanol. Instead of debating how to cut, cap, and kill the ethanol program as a number of legislators on the other side of the Capitol have done, supporters, whether from rural or urban areas, should be discussing the most appropriate way to extend the program. A program that works.

Mr. President, I invite my colleagues to join me in cosponsoring this legislation to send a signal that Congress will keep its commitment to renewable alcohol fuels.

By Mr. KENNEDY:

S. 1009. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Labor and Human Resources.

LEGISLATION TO RAISE THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, today, we renew the battle for a fair minimum wage. Last year, after an unacceptable lag of 5 years, Congress enacted legislation to raise the minimum wage, which had shamefully been allowed to fall below acceptable levels and was no longer a living wage for the 10 million Americans who rely on it for their income.

We all remember the battle in the last Congress. For over 18 months, Republican Senators, newly in the majority, stalled action on any increase. The irresponsibility and unfairness of that obstruction became increasingly obvious, and the opponents became increasingly nervous about their position. Public support for a fair increase in the minimum wage finally became overwhelming. As the 1996 elections came closer, the obstructionists surrendered—and a fair two-step increase was signed into law by President Clinton last August. Under that legislation, the minimum wage rose from $4.25 an hour to $4.75 an hour on October 1, 1996, and it will rise to $5.15 an hour on September 1 this year.

Current law stops there. No further increases will take effect unless Congress acts again. It is time for us to do so now, in order to guarantee that further fair increases take place in the years ahead.

Today, therefore, I am introducing legislation to provide increases of 50 cents an hour in each of the next 3 years and increases of 30 cents an hour in each of the following 2 years—to $5.65 an hour on September 1, 1998, to $6.15 an hour on September 1, 1999, to $6.65 an hour on September 1, 2000, to $6.95 an hour on September 1, 2001, and to $7.25 an hour on September 1, 2002.

At a time when Congress is making many other decisions on taxing and spending over the next 5 years, it is entirely appropriate that we act on the minimum wage over the 5-year budget period, too.

The increases I am proposing are based on a simple principle. Intense Republican opposition to raising the minimum wage during the 8 years of the Reagan administration, and periodic opposition during the past 7 years, have left the real value of the minimum wage far below the levels it had in the previous 40 years. The bill introduced today will restore the purchasing power of the minimum wage to the level it had when the Reagan administration came to power.

The experience with the 50-cent increase that went into effect for the minimum wage last October refutes the doomsday predictions that opponents have always raised whenever Congress considers a fair increase. A study released today by the Economic Policy Institute sums up the experience of the past 9 months. As the title of the study states, "The Sky Hasn't Fallen" because of the increase.

The study documents several clear facts about last year's increase: It raised wages for 4 million workers; 66 percent of these are adults, and 58 percent are women.

Some 40 percent of the increase went to families in the bottom 20 percent of the income scale, whose earnings average $14,000 a year; 55 percent of the increase went to families in the bottom 40 percent of the income scale, who earn $30,000 a year or less.

Contrary to opponents' claims, the increase did not primarily go to teenagers in part-time jobs after school.

There was no significant effect on employment of adults, minorities, teenagers or anyone else. The crocodile tears shed for these groups by opponents of the minimum wage have no basis in fact.

The bottom line is clear. Employment does not go down because the minimum wage goes up. The overall conditions of the economy determine the levels of employment for all sectors of the work force. Reasonable increases in the minimum wage have no significant effect on these levels.

Even the Wall Street Journal threw in the towel, and it did so soon after the increase last October took effect. An article published on November 20, 1996 was headlined "Fears Over Raising the Minimum Wage Appear Unfounded." And the facts since then have amply verified that statement.

Raising the minimum wage was the right thing for Congress to do last year, and it's the right thing for Congress to do this year. No one who works for a living should have to live in poverty. Everyone who works for a living deserves a living wage. I urge the Senate and the House to act expeditiously on the legislation I am introducing today.

Mr. President, I ask unanimous Consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1009

Be it enacted by the Senate and House of Representatives in the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Family Fair Minimum Wage Act of 1997".

SEC. 2. MINIMUM WAGE INCREASE.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section not less than

"(A) $5.65 an hour during the year beginning on September 1, 1998;

"(B) $6.15 an hour during the year beginning on September 1, 1999;

"(C) $6.65 an hour during the year beginning on September 1, 2000;

"(D) $6.95 an hour during the year beginning on September 1, 2001; and

"(E) $7.25 an hour during the year beginning on September 1, 2002.

By Mr. THURMOND:

S. 1010. A bill to suspend the rate of duty with respect to certain chemicals; to the Committee on Finance.

DUTY SUSPENSION WITH RESPECT TO CERTAIN CHEMICALS

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties on two chemicals used in the manufacturing of pharmaceuticals, ultraviolet protection products, and fragrances. Currently, these chemicals are imported into the United States.

The first chemical, benzyl alcohol, is used to produce esters. In 1996, this product was listed in the pharmaceutical category and carried a duty free status which has been overturned.

The second chemical, benzophenone, is primarily used to produce pharmaceuticals, ultraviolet protection products, and fragrances. Currently, no domestic producer of this product exists. Therefore, suspending the duties on this item would not adversely affect domestic industries.

Mr. President, suspending the duty on these chemicals will benefit the consumers by stabilizing the costs of the end products. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY SUSPENSIONS.

(a) IN GENERAL.—The Harmonized Tariff Schedule of the United States is amended—

(1) in subheading 2906.11.00 (relating to dl menthol), by striking "2.1%" and inserting "Free"; and

(2) in subheading 2906.21.00 (relating to benzyl alcohol), by striking "5.9%" and inserting "Free".

(b) EFFECTIVE DATE.—The Amendments made by this section shall apply to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Rhode Island [Mr. REED], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 202

At the request of Mr. LOTT, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 328

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska [Mr. HAGEL], the Senator from Oregon [Mr. SMITH], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 349

At the request of Mrs. BOXER, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 349, a bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 364

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 943

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the names of the Senator from Nevada [Mr. REID] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

SENATE RESOLUTION 106

At the request of Mr. ROBB, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 106, a resolution to commemorate the 20th anniversary of the Presidential Management Intern Program.

AMENDMENT NO. 595

At the request of Mr. WYDEN the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of amendment No. 595 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 638

At the request of Mrs. BOXER the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of amendment No. 638 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 677

At the request of Mr. FEINGOLD the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of amendment No. 677 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 762

At the request of Mr. DODD the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of amendment No. 762 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 763

At the request of Mr. DODD the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of amendment No. 763 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. MCCAIN his name was added as a cosponsor of amendment No. 763 proposed to S. 936, supra.

AMENDMENT NO. 764

At the request of Mr. STEVENS the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Kansas [Mr. ROBERTS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Kentucky [Mr. MCCONNELL], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from California [Mrs. BOXER], the Senator from Washington [Mrs. MURRAY], the Senator from Idaho [Mr. CRAIG], the Senator from Montana [Mr. BAUCUS], the Senator from Texas [Mrs. HUTCHISON], the Senator from South Dakota [Mr. DASCHLE], the Senator from North Dakota [Mr. DORGAN], the Senator from Alabama [Mr. SESSIONS], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Florida [Mr. MACK] were added as cosponsors of amendment No. 764 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. ROTH his name was added as a cosponsor of amendment No. 764 proposed to S. 936, supra.

AMENDMENT NO. 799

At the request of Mr. BINGAMAN the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of amendment No. 799 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 802

At the request of Mr. LEVIN the names of the Senator from South Carolina [Mr. THURMOND], the Senator from West Virginia [Mr. BYRD], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of amendment No. 802 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

DOMENICI (AND BINGAMAN) AMENDMENT NO. 803

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. . FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within 10 years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States Government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the Government has clear title,

submit to the appropriate congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than 10 years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

BUMPERS AMENDMENT NO. 804

Mr. BUMPERS proposed an amendment to the bill, S. 936, supra; as follows:

At the end of line 21 on page 32, insert the following new subsection:

( ) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F-22 production program may not exceed $43,000,000,000.

LEVIN AMENDMENT NO. 805

Mr. LEVIN proposed an amendment to the bill, S. 936, supra; as follows:

At the end of section 122, add the following:

(c) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN-77 nuclear aircraft carrier and manage the program so that the CVN-77 may be acquired for an amount not to exceed $4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The amounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN-77 aircraft carrier, as compared to the technology built into the baseline design of the CVN-76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 1105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

THURMOND AMENDMENT NO. 806

Mr. THURMOND proposed an amendment to the bill, S. 936; as follows:

At the end of subtitle E of title III, add the following:

SEC. 369. CONTRACTING FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF FUNDS IN THE WORKING-CAPITAL FUND FINANCING THE PROCUREMENT.

Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(l)(1) A contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) A minor construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

DeWINE AMENDMENT NO. 807

Mr. DEWINE proposed an amendment to the bill, S. 936; as follows:

On page 341, line 18, strike out ", without consideration,".

On page 341, at the end of line 23, add the following: "The Secretary of the Air Force shall determine the appropriate amount of consideration that is comparable to the value of the aircraft.".

CHAFEE AMENDMENT NO. 808

Mr. THURMOND (for Mr. CHAFEE) proposed an amendment to the bill, S. 936, supra; as follows:

On page 353, between lines 7 and 8, insert the following:

SEC. 1107. HIGHER EDUCATION PILOT PROGRAM FOR THE NAVAL UNDERSEA WARFARE CENTER.

(a) ESTABLISHMENT. The Secretary of the Navy may establish under the Naval Undersea Warfare Center (hereafter in this section referred to as the "Center") and the Acquisition Center for Excellence of the Navy jointly a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector.

(b) PURPOSE.—The purpose of the pilot program is to make available to employees of the Center and employees of the Naval Sea Systems command a curriculum of graduate-level higher education that—

(1) is designed to prepare the employees effectively to meet the challenges of administering Federal Government contracting and other business relationships between the Federal Government and businesses in the private sector in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures recommended in the National Performance Review); and

(2) leads to award of a graduate degree.

(c) PARTNERSHIP WITH INSTITUTION OF HIGHER EDUCATION.—(1) The Secretary may enter into an agreement with an institution of higher education to assist the Center with the development of the curriculum, to offer courses and provide instruction and materials to the extent provided for in the agreement, to provide any other assistance in support of the pilot program that is provided for in the agreement, and to award a graduate degree under the pilot program.

(2) An institution of higher education is eligible to enter into an agreement under paragraph (1) if the institution has an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) CURRICULUM.—the curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include—

(A) courses that are typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) courses for meeting educational qualification requirements for certification as an acquisition program manager.

(e) DISTANCE LEARNING OPTION.—The pilot program may include policies and procedures for offering distance learning instruction by means of telecommunications, correspondence, or other methods for off-site receipt of instruction.

(f) PERIOD FOR PILOT PROGRAM.—The Secretary shall carry out the pilot program during fiscal years 1998 through 2002.

(g) REPORT.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the Secretary's assessment of the value of the program for meeting the purpose of the program and the desirability of permanently establishing as similar program for all of the Department of Defense.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Navy for the pilot program for fiscal year 1998 in the total amount of $2,500,000. The amount authorized to be appropriated for the pilot program is in addition to other amounts authorized by other provisions of this Act to be appropriated for the Navy for fiscal year 1998.

(2) The amount authorized to be appropriated by section 421 is hereby reduced by $2,500,000.

BUMPERS AMENDMENT NO. 809

Mr. THURMOND (for Mr. BUMPERS) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place in the bill, add the following: "of the amount authorized for O&M, Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas."

CLELAND AMENDMENT NO. 810

Mr. THURMOND (for Mr. CLELAND) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 369. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

KYL AMENDMENT NO. 811

Mr. THURMOND (for Mr. KYL) proposed an amendment to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note) requires the

Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) DEFINITIONS.—

(1) REPRESENTATIVE OF THE PRESIDENT.—The term "representative of the President" means the following:

(A) Any official of the Department of Defense, or the Department of Energy, who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 812

Mr. THURMOND (for Mr. MOYNIHAN, for himself and Mr. D'AMATO) proposed an amendment to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If at the time of the conveyance authorized by paragraph (1) the property is under the jurisdiction of the Administrator of General Services, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

BAUCUS AMENDMENT NO. 813

Mr. THURMOND (for Mr. BAUCUS) proposed an amendment to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applied to the following real property;

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation.—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation.—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district, access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation.—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest, in and to such property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

BINGAMAN (AND KYL) AMENDMENT NO. 814

Mr. THURMOND (for Mr. BINGAMAN, for himself and Mr. KYL) proposed an amendment to the bill, S. 936, supra; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d). The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for

the production of tritium for defense-related uses in a facility licensed under section 103 of this Act."

GLENN (AND McCAIN) AMENDMENT NO. 815

Mr. THURMOND (for Mr. GLENN, for himself and Mr. McCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 397, between lines 11 and 12, insert the following:

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

"§ 2697. Screening of certain real property before conveyance

"(a) REQUIREMENT.—(1) Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services determines that the property is surplus property to the United States in accordance with the Federal Property and Administrative Services Act of 1949.

"(2) The Administrator shall complete the screening required for purposes of paragraph (1) not later than 30 days after the date of enactment of the provision authorizing or requiring the conveyance of the real property concerned.

"(3)(A) As part of the screening of real property under this subsection, the Administrator shall determine the fair market value of the property, including any improvements thereon.

"(B) In the case of real property determined to be surplus, the Administrator shall submit to Congress a statement of the fair market value of the property, including any improvements thereon, not later than 30 days after the completion of the screening.

"(b) EXCEPTED AUTHORITY.—Subsection (a) shall not apply to real property authorized or required to be disposed of under the following provisions of law:

"(1) Section 2687 of this title.

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

"(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(c) LIMITATION OF MODIFICATION OR WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

"(A) specifically refers to this section; and

"(B) specifically states that such provision of law modifies or supersedes the provisions of subsection (a).".

(2) The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following:

"2607. Screening of certain real property before conveyance.".

"(b) APPLICABILITY.—Section 2697 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1996.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 816

Mr. THURMOND (for Mr. ROCKEFELLER, for himself, Mr. DURBIN, Mr. SPECTER, Mr. WELLSTONE, Mr. SANTORUM, Mr. JEFFORDS, and Mrs. MURRAY) proposed an amendment to the bill, S. 936, supra; as follows:

On page 15, line 22, strike out "$2,918,730,000" and insert in lieu thereof "$2,903,730,000".

On page 30, line 14, strike out "$10,072,347,000" and insert in lieu thereof "$10,087,347,000".

On page 46, between lines 6 and 7, insert the following:

SEC. 220. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $15,000,000 shall be available for the DOD/VA Cooperative Research Program. The Secretary of Defense shall be the executive agent for the funds authorized under this section.

COATS AMENDMENT NO. 817

Mr. THURMOND (for Mr. COATS) proposed an amendment to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The United States has assured that the process of enlarging NATO will continue after the first round of invitations in July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should be commended—

(1) for having committed to review the process of enlarging NATO at the next NATO summit in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

FAIRCLOTH AMENDMENT NO. 818

Mr. THURMOND (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $7,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $7,000,000.

(2) The amount authorized to be appropriated under section 101(5) and available for special equipment for user testing is reduced by $7,000,000.

THURMOND AMENDMENT NO. 819

Mr. THURMOND proposed an amendment to the bill, S. 936; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of four years and include an option to extend the contract for one additional year.

D'AMATO AMENDMENT NO. 820

Mr. THURMOND (for Mr. D'AMATO) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle D of title I, add the following:

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) COST AND OPERATION EFFECTIVENESS ANALYSIS.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56m radar warning receiver.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

KENNEDY AMENDMENT NO. 821

Mr. THURMOND (for Mr. KENNEDY) proposed an amendment to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. FACIAL RECOGNITION TECHNOLOGY PROGRAM.

(a) AVAILABILITY OF FUNDS.—(1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(4) is hereby increased by $5,000,000.

(2) Funds available under the section referred to in paragraph (1) as a result of the increase in the authorization of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competitive procedures in selecting participants for the program.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by $5,000,000.

BINGAMAN AMENDMENT NO. 822

Mr. THURMOND (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON HELSINKI JOINT STATEMENT.

(a) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki joint statement on future reductions in nuclear forces. The report shall address the U.S. approach (including verification implications) to implementing the Helsinki joint statement, in particular, as it relates to: lower aggregate levels of strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads; deactivation of strategic nuclear delivery vehicles measures relating to nuclear long-range sea-launched cruise missiles and tactical nuclear systems; and issues related to transparency in nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

SNOWE AMENDMENT NO. 823

Mr. THURMOND (for Ms. SNOWE) proposed an amendment to the bill, S. 936, supra; as follows:

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. SENSE OF SENATE ON UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section should be made available to the Department of Defense solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

BINGAMAN AMENDMENT NO. 824

Mr. THURMOND (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 425, line 12, strike "$2,000,000" and insert "$5,000,000".

On page 425, line 17, strike "$2,000,000" and insert "$5,000,000".

On page 429, line 6, strike "$2,000,000" and insert "$5,000,000".

THURMOND AMENDMENT NO. 825

Mr. THURMOND proposed an amendment to the bill, S. 936; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) PURPOSE.—The purpose of this section is encourage the Secretary of Energy to dispose of or otherwise utiliize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of activities funded by the defense Environmental Restoration and Waste Management account.

(b) CREDITING OF PROCEEDS.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(3) If after amounts from proceeds are retained under paragraph (1) a balance of the proceeds remains, the Secretary shall—

(A) credit to the defense Environmental Restoration and Waste Management account an amount equal to 50 percent of the balance of the proceeds; and

(B) cover over into the Treasury as miscellaneous receipts an amount equal to 50 percent of the balance of the proceeds.

(c) COVERED TRANSACTIONS.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina.

(2) The sale of precious metals under the jurisdiction of the Environmental Management Program

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, and under the jurisdiction of the Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site, and under the jurisdiction the Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Environmental Technology Site, Colorado, and under the jurisdiction of the Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee, and under jurisdiction of the Environmental Management Program.

(d) AVAILABILITY OF AMOUNTS.—To the extent provided in adance in appropriations Acts, the Secretary may use amounts credited to the Defense Environmental Restoration and Waste Management account under subsection (b)(3)(A) for any purposes for which funds in that account are available.

(e) APPLICABILITY OF DISPOSAL AUTHORITY.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(f) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the amounts credited by the Secretary under subsection (b)(3)(A) during the preceding fiscal year.

GRAHAM AMENDMENT NO. 826

Mr. THURMOND (for Mr. GRAHAM) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attached and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain—

(1) a discussion of the results of the review, including an assessment of the contingency plans; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States whole they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

SARBANES AMENDMENT NO. 827

Mr. THURMOND (for Mr. SARBANES) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers on Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

HUTCHISON (AND GRAMM) AMENDMENT NO. 828

Mr. THURMOND (for Mrs. HUTCHISON, for herself and Mr. GRAMM) proposed an amendment to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

McCAIN AMENDMENT NO. 829

Mr. THURMOND (for Mr. McCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 1040, and insert in lieu thereof the following:

SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

CHAFEE (AND OTHERS) AMENDMENT NO. 830

Mr. THURMOND (for Mr. CHAFEE for himself, Mr. KENNEDY, Ms. SNOWE, and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 936, supra; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) CONGRESSIONAL NOTIFICATION.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§ 2014. Administrative actions adversely affecting military training or other readiness activities

"(a) CONGRESSIONAL NOTIFICATION.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President.

"(b) NOTIFICATION TO BE PROMPT.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) CONSULTATION BETWEEN SECRETARY AND HEAD OF EXECUTIVE AGENCY.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the impacts of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) MORATORIUM.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) EFFECT OF LACK OF AGREEMENT.—(1) In the event the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

'(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) LIMITATION ON DELEGATION OF AUTHORITY.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) DEFINITION.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

"(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

GRAHAM AMENDMENT NO. 831

Mr. THURMOND (for Mr. GRAHAM) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

"(a) INSTITUTION OF THE NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) The Center for Hemispheric Defense Studies.".

"(b) CIVILIAN FACULTY MEMBERS.—Section 1595 of title 10, United States Code, is amended by adding at the end the following:

"(g) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT CENTER FOR HEMISPHERIC DEFENSE STUDIES.—In the case of the Center for Hemispheric Defense Studies, this section also applies with respect to the Director and the Deputy Director.".

MURRAY (AND OTHERS) AMENDMENT NO. 832

Mr. THURMOND (for Mrs. MURRAY, for herself, Mr. GLENN, and Mr. GORTON) proposed an amendment to the bill, S. 936, supra; as follows:

On page 18, between lines 15 and 16, insert the following:

SEC. 110. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, the aggregate amount of funds available for Department of Defense. Army procurement advisory and assistance services shall be reduced by $30,000,000.

On page 415, line 11, strike out "$1,748,073,000" and insert in lieu thereof "$1,741,373,000".

On page 417, line 16, strike out "$252,881,000" and insert in lieu thereof "$237,881,000".

On page 423, line 7, strike out "$215,000,000" and insert in lieu thereof "$264,700,000".

On page 423, line 10, strike out "$29,000,000" and insert in lieu thereof "$21,000,000".

On page 423, lines 17 and 18, insert the following:

Project 98–PVT– , waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98–PVT– , Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

On page 423, line 19, strike out "$109,000,000" and insert in lieu thereof "$147,000,000".

McCAIN AMENDMENT NO. 833

Mr. THURMOND (for Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(i) WAIVER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.".

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if those option prices are adjusted for any reason other than the application of a waiver granted under subsection (i) of section 2534 of title 10, United States Code (as added by paragraph (1)).

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting "FOR PARTICULAR PROCUREMENTS" after "WAIVER AUTHORITY".

COATS AMENDMENT NO. 834

Mr. THURMOND (for Mr. COATS) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 1037, and insert in lieu thereof the following:

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REQUIREMENT.(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budget to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Report on aircraft inventory.".

(b) FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report under section 483 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

BINGAMAN AMENDMENT NO. 835

Mr. THURMOND (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations relative to the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas and such regulation shall be accompanied with elimination of barriers to export of U.S. made beverages currently placed by other countries.

DASCHLE (AND OTHERS) AMENDMENT NO. 836

Mr. THURMOND (for Mr. DASCHLE, for himself, Mr. BINGAMAN, Mr. HOLLINGS, Mr. HAGEL, and Mr. KERREY) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place, insert:

SEC. . REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR CERTAIN RESISTORS AND CAPACITORS.

(a) REPORT REQUIRED.—Not later than May 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) assessing the level of dependence on foreign sources for procurement of certain resistors and capacitors and projecting the level of such dependence that is likely to obtain after the implementation of relevant tariff reductions required by the Information Technology Agreement; and

(2) recommending appropriate changes, if any, in defense procurement or other federal policies on the basis of the national security implications of such actual or projected foreign dependence.

(b) DEFINITION.—For purposes of this section, the term "certain resistors and capacitors" shall mean—

(1) fixed resistors,

(2) wirewound resistors,

(3) film resistors,

(4) solid tantulum capacitors,

(5) multi-layer ceramic capacitors, and

(6) wet tantulum capacitors.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a business meeting in SR-301, Russell Senate Office Building, on Wednesday, July 16, 1997, at 2:30 p.m. to consider the investigation into the contested Louisiana Senate election.

For further information concerning this meeting, please contact Bruce Kasold on the Rules Committee staff at 224-3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the nomination of Kathleen M. Karpan to be Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, will be considered at the hearing scheduled for Thursday, July 17, 1997 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. For further information, please call Camille Flint at (202) 224-5070.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a nominations hearing on Wednesday, July 23, 1997 at 9 p.m. in SR-328A to consider the nominations of Ms. Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Food Safety and Ms. Shirley Robinson Watkins, of Arkansas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Friday, July 11, 1997, at 9:30 a.m., in room S211 of the U.S. Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMEMORATING THE SECOND ANNIVERSARY OF THE FALL OF SREBRENICA

● Mrs. FEINSTEIN. Mr. President, today, July 11, marks the second anniversary of the fall of the so-called safe area of Srebrenica, one of the three eastern enclaves in Bosnia.

By most estimates, following the fall of Srebrenica over 8,000 Muslim refugees fleeing the Serb forces simply disappeared. Many of these refugees were old men, women, and children, killed in acts of inhuman cruelty.

Even today, 2 years later, the vast majority of these people are still unaccounted for.

Others from Srebrenica were luckier—forced to flee their homes as part of a brutal policy of ethnic cleansing.

I am still haunted by an image from a picture that I saw in the newspaper shortly after the fall of Srebrenica. It was a picture of a young woman, a refugee from Srebrenica, around 20 years old, who climbed a tree, tied a rope around her neck, and hung herself. A photographer captured her lifeless body as it hung from the tree.

Mr. President, I look at that picture and I think: What kind of nation are we if we can not see to it that the people who practiced rape, practiced genocide, practiced ethnic cleansing, are not brought to justice? We know who these people are. We know where they live.

The fact is, of the 74 war criminals indicted by the International War Crimes Tribunal at The Hague, only 9 have been apprehended.

Where is the conscience of the world?

I first wrote to the President about this issue on September 11 of last year, following a hearing of the Senate Foreign Relations Committee, at which administration witnesses provided testimony to the effect that there were no capable international or national institutions in Bosnia with both the authority and the ability to apprehend indicted war criminals.

The President responded to this letter that "although the peace will not be complete until indicted war criminals are brought to justice," IFOR would not hunt down war criminals, and that U.S. policy would be to "continue our efforts to press all parties to turn over indicted war criminals to the Tribunal."

In the months since then we have seen how willing the parties to Dayton have been to turn over indicted war criminals.

When the IFOR mandate ended and IFOR was replaced by SFOR, I took up this issue with Secretary Perry, writing him on December 4 last year—again, following a hearing of the Senate Foreign Relations Committee—that I believed that it was essential that the follow-on force have clear, unambiguous authority for apprehending war criminals or to provide more effective support to other authorities in carrying out this task.

I received a response from the Department of Defense on February 18 of this year that again stated that the administration shared my concern on the importance of this issue, but that no additional efforts to apprehend war criminals would be forthcoming.

I also took this question up with the other Democratic and Republican women of the Senate. The nine of us sent a letter to the President on March 3 of this year in which we requested that the President:

> . . . look at this problem as a top priority and indicate to us precisely how the international community might ensure the arrest and extradition to The Hague of those responsible for crimes against humanity.

The President responded to us on April 11. His letter stressed the role of the International Tribunal in "establishing accountability for war crimes and crimes against humanity . . ." The President also stated that:

> I share your sense of urgency and my Administration is committed to assisting the Tribunals in the apprehension and extradition of those indictees who remain at large. We are currently examining a variety of options in this regard.

Frankly, I found the President's response to be inadequate. And in mid-April I wrote to both the President and the Secretary General of the United Nations urging an aggressive stand to see that indicted war criminals are brought to justice.

As I stated in my April 21 letter to the President, it is my belief that:

> Unless the United States takes a position of aggressive leadership on this issue in the international community, we run the risk that future historians will conclude that the lessons of current U.S. foreign policy are that crimes against humanity, genocide, and the use of rape as an instrument of war are acceptable—and that those who perpetrate these crimes can do so with impunity.

We would, moreover, put at risk all the gains of the Dayton process if we do not bring these war criminals to justice.

The President responded to me on June 19, stating that, "My foreign policy team is examining several options to assist and enhance the ability of the Tribunal to bring indicted war criminals into custody."

Mr. President, I will ask that copies of those portions of this correspondence that I feel my colleagues will find most useful be printed in the RECORD at the end of my remarks.

Finally, to provide additional tools to the administration in the apprehension of war criminals, in May of this year Senator LAUTENBERG, LUGAR, LEAHY, D'AMATO, MIKULSKI, and myself introduced the War Crimes Prosecution Facilitation Act of 1997. This legislation, which has since been included in the committee-passed Senate Foreign Operation Appropriations bill, conditions United States financial assistance to the states and entities of the former Yugoslavia with their cooperation with the war crimes Tribunal.

Mr. President, I do not know what humiliations and deprivations this woman whose picture I saw in the paper suffered. Perhaps she saw a loved one killed. Perhaps she was raped. All I know is that she could take no more.

In the memory of this nameless young woman, and in the memory of the countless thousands of others who were killed, tortured, and raped, we must make sure that peace and justice are restored in Bosnia.

And the bottom line is that there can be no peace and justice in Bosnia without the prosecution of those who committed crimes against humanity.

What happened in Srebrenica was not unique to the war that tore the former Yugoslavia apart. In town after town, village after village, atrocities were committed by all sides in a brutal civil war.

Unlike the countless other villages and towns wiped off the map in the campaigns of ethnic cleansing, however, the fall of Srebrenica—and the brutal atrocities carried on while the international community stood passively by—at long last galvanized the international community to end the war and bloodshed in Bosnia. What we saw in Srebrenica shamed the international community to action, and led to the negotiation of the Dayton accords.

Today, 2 years after Srebrenica and a year-and-a-half since Dayton, should be a day to look back at our accomplishments of the past 2 years and say that we have upheld our vow of "never again."

Instead, it is a day when we must admit that we have not done enough to honor the memory of the young women whose photograph I referred to earlier, or the other victims of ethnic cleansing in the former Yugoslavia.

The horrors that tore Yugoslavia apart—the ethnic cleansing, the genocide, the rapes—have been well documented. The perpetrators of these horrors are well known. Yet only 9 of the 75 indicted war criminals in the former Yugoslavia have been apprehended and are in custody.

The rest remain at liberty, their whereabouts known, and many working in jobs with the police, government, and leading businesses in the former Yugoslavia. Many live and work within minutes of NATO camps manned by U.S. troops.

Despite its efforts to amass evidence, lead investigations, and issue indictments, at almost every turn the Tribunal has been stymied by the failure of the international community to apprehend indicted war criminals and bring them to justice.

Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. In Srebrenica, for example, one woman told of Serb soldiers, dressed as U.N. peacekeepers, who came in a factory where refugees were gathered and dragged away two girls aged 12 and 14 and a 23-year-old woman. After several hours the three returned. They were crying, naked, and bleeding. One said, "We are not girls anymore."

According to the U.N. Commission of Experts, the victims of rape in Bosnia included girls as young as 6 and women as old as 81. Many women and girls were subjected to gang rapes while being held in detention camps. And, tragically, for many of the women of ex-Yugoslavia rape was merely a prelude to further torture and then death.

I believe the use of rape as an instrument of genocide and ethnic cleansing is a war crime of the highest order. And the failure to assure that those who have been indicted for rape as a war crime are apprehended, extradited, and made to stand trial, does a grave injustice not just to the women of Srebrenica, but to women around the world.

The administration has asserted that rape as a war crime must not be allowed to stand and that the peace in this troubled area "will not be complete until indicted war criminals are brought to justice."

Ultimately, it would be a hollow and cynical gesture to claim outrage over rape as a war crime but then to act as if the issue is not important enough to merit the commitment or resources to see that those who committed these crimes are apprehend and prosecuted.

Our commitment to Bosnia, after all, is not just about Bosnia. It is also about the principles that guide us and our conduct in the world. It is about what we, as Americans, value.

Yesterday, with the arrest of one indicted war criminal by SFOR, and the death of another who resisted arrest, the international community took a long-delayed step in the right direction in seeing that the perpetrators of these crimes against humanity are brought to justice.

I hope that the actions of SFOR in Prejidor yesterday sends a clear signal to those indicted war criminals who remain at large that today, on the anniversary of the fall of Srebrenica, the international community is serious about bringing them to justice.

Although I believe that the capture of indicted war criminals is primarily the responsibility of the governments of the former Yugoslavia, yesterday's action illustrate the important role that SFOR has to play in this process as well.

The SFOR mandate clearly states that if SFOR patrols, including U.S. troops, encounter indicted war criminals and the tactical situation permits they are to arrest them and extradite them to The Hague.

But we have also heard stories of SFOR commanders telling their troops that if they encounter an indicted war criminal they should leave the area immediately and take no action.

I can think of no better way to honor the memory of Srebrenica then if today SFOR turns over a new leaf, and vows to pursue its mandate vigorously and to the maximum degree possible.

If indicted war criminals are not brought to justice, the international community will have betrayed the legacy of Nuremberg, the victims of the war that tore Yugoslavia apart, and women worldwide. This will also set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

In the aftermath of the Holocaust 50 years ago, the civilized world vowed that we would never again allow crimes against humanity to blacken our history.

In the aftermath of the tragedy of Srebrenica 2 years ago, we vowed that we would bring peace and justice to Bosnia.

Today, on the second anniversary of the fall of Srebrenica the international community must vow to redouble its commitment to take immediate strong action to see that the indicted war criminals are brought to justice.

If not, as I stated in my letter to the President on April 21, 1997, we run the risk that future historians will look back on current U.S. policy and conclude that the ethnic cleansing and the use of rape as an instrument of war is acceptable—and that those who perpetrate this crime can do so with impunity. This would be a tragic betrayal of our history, our principles, and the people of Srebrenica.

I ask that the correspondence to which I earlier referred be printed in the RECORD.

The correspondence follows:

U.S. SENATE,
Washington, DC, March 3, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the women of the United States Senate, welcome your recent statement that you believe that the establishment of a permanent international institution for the prosecution of those who have committed war crimes should be a high priority for the international community, and to express our concern that those indicted for genocide, systematic rape and other war crimes by the International Criminal Tribunal for the former Yugoslavia are apprehended and tried.

The Tribunal has clearly established that, for the first time in history, the organized, systematic rape of thousands of women was employed as an instrument of war, and that genocide was used to "ethnically cleanse" areas of conflict. These, we believe, are war crimes of the highest order.

Investigators have documented rapes of over 50,000 women and girls and the use of rape as a weapon in a brutal campaign of ethnic cleansing. The war that tore Bosnia apart is one more chapter in the reprehensible book of genocide.

Those who ordered and perpetuated these crimes must be brought to justice. The War Crimes Tribunal has publicly indicted 75 people, including 5 for genocide, but only 6 of the indicted suspects are in custody and many war criminals remain at large.

We understand your decision and concerns about the use of U.S. troops to apprehend indicted war criminals in the former Yugoslavia. Like you, we consider the safety of U.S. troops to be of the highest priority and would not support their security being compromised. We are sure that you will also agree that, to ensure the peace they have worked so hard to preserve does not dissolve as soon as they depart, it is critical that the international community take action to assure that war criminals not be allowed to continue to elude justice.

We, the women of the Senate, ask that you look at this problem as a top priority and indicate to us precisely how the international community might ensure the arrest and extradition to the Hague of those responsible for crimes against humanity. We believe that it is critically important that the United States aggressively exercise its leadership in the international community to ensure that the indicted are brought to justice.

We look forward to hearing your thinking and plans on this very important matter.

Sincerely,

Barbara Boxer, Dianne Feinstein, Mary L. Landrieu, Carol Moseley-Braun, Olympia J. Snow, Susan M. Collins, Kay Bailey Hutchison, Barbara A. Mikulski, Patty Murray.

U.S. SENATE,
Washington, DC, April 21, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT, Thank you for your letter of April 11 regarding the deep concern shared by the women of the Senate that only 7 of the 75 indicted war criminals in the former Yugoslavia have been arrested and extradited to The Hague to stand trial. Unfortunately, I was deeply disappointed with the substance of your response.

In our March 3 letter, the women of the Senate asked that you view this issue as a priority and that the United States provide leadership in ensuring that the international community take steps to secure the necessary trials. The essence of your response appears to be that the administration continues to examine "a variety of options."

As you may recall, in an October 10, 1996, letter you assured me that the administration "will continue to assist the War Crimes Tribunal and we will continue to look at all other possible ways to help detain and deliver war criminals to The Hague . . . the peace will not be complete until indicted war criminals are brought to justice."

In the seven months that have passed between your letter to me of October 10 and your letter of April 11, not one additional indicted war criminals has been arrested or extradited to The Hague, and the United States has undertaken no concrete steps to see that they are brought to justice.

The failure of U.S. leadership makes a mockery of the Tribunal's efforts, and continued procrastination and obstruction in bringing indicted war criminals to justice threaten to undermine both the Tribunals effectiveness and the Dayton peace process as well. Mr. President, justice delayed is justice denied.

If, as you stated to me in your letter last October 10, "We cannot tolerate genocide, ethnic cleansing and the use of rape as instruments of war," then it would appear that current U.S. policy regarding the apprehension of indicted war criminals in the former Yugoslavia is woefully inadequate. In fact, current U.S. policy not only allows those who perpetuated genocide, ethnic cleansing, and rape to remain at liberty, but, as a recent Human Rights Watch/Helsinki report notes, it allows them to occupy positions of authority in running police forces, towns, and businesses in former Yugoslavia.

The International War Crimes Tribunal for the former Yugoslavia has clearly established that, for the first time in history, the organized, systematic rape of thousands of women was employed as an instrument of war, and that genocide was used to "ethnically cleanse" areas of conflict during the tragic conflict in ex-Yugoslavia.

Between 1991 and 1993, the United Nations Commission of Experts documented 800 victims of rape by name, 1,673 who were referred to but not named, and 500 cases of rape with an unspecified number of victims. The youngest documented victim was 5 years old, the oldest 81. The Commission also noted that, due to the social stigma of rape, investigation and documentation were difficult, and estimates are that up to 50,000 women in ex-Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. The use of rape as an instrument of genocide and ethnic cleansing, I believe, are war crimes of the highest order. Those responsible must be apprehended and tried.

Acting under Chapter VII of the United Nations Charter, the Security Council established the ad hoc International Tribunal in 1993 to prosecute violations of international law in the territories of the former Yugoslavia. This Tribunal was an innovation that renewed the hope that, after the many conflicts during the past half-century in which international law was routinely flouted and justice was denied to the victims of crimes against humanity, the legacy of Nuremberg would be fulfilled.

Instead, the Tribunal has been stymied by the international community's failure to arrest war criminals. Today only seven of the seventy-five indicted individuals are in custody. The Office of the Prosecutor continues to amass evidence, lead investigations, conduct searches, issue indictments, and hold in absentia hearings. But the failure of the international community to take action to arrest those indicted and bring them to trial in The Hague puts at risk not only the credibility and effort of the Tribunal, but the concept of international law and justice as well.

The failure of the international community to take actions, moreover, has not been caused by any difficulty in locating the indicted war criminals, or, even, in many cases, any potential danger in making arrests.

In fact, it is my understanding that the whereabouts of over 40 of the 68 unextradited indicted war criminals are well known. Let me present several examples:

The camp commanders of the Omarska concentration camp, where systematic rape of Bosnian women was a regular part of a campaign of oppression, were working openly last year in the local police force in Prijedor in Republika Srpska. (Source: Coalition for International Justice (CIJ), *Washington Post)*

Zeljko Mejakic, the commander of the Omarska camp indicted for rape and crimes against humanity was the deputy commander of the Omarska police station for much of last year. (Source: *Boston Globe*)

Predrag Kostic, a camp guard at Omarska indicted for crimes against humanity, is frequently sighted at the "Express" restaurant in Prijedor (Source: CIJ, *New York Times*).

Radovan Karadzic, indicted for genocide following the Serb attack on Srebrenica and whose current home in Pale is well known, is building a house in Koljani (near Banja Luka) and, according to stories in the *Associated Press*, "makes little effort to conceal his daily movements." (Source: Human Rights Watch, AP)

Stevan Todorovic, indicted for a series of atrocities, lives in Donja Slatina, a three-minute drive away from Camp Colt—a 1,000-troop, U.S.-manned SFOR base. To commute to his job with Bosnian state security, Todorovic drives past the base on a road regularly traveled by NATO patrols. (Source: *Washington Post*)

Drago Josipovic, indicted for his role in the execution of Muslim civilians, is a chemical engineer at the local Vitezit explosives factory and lives in his family house in the village of Santici. (Source: CIJ)

Radovan Stankovic, a member of the Serb paramilitary unit Pero Elez, and who was in charge of a detention facility where women were regularly raped, works as a policeman in northwest Bosnia. According to a story in Reuters, his whereabouts are well-known to the International Police Task Force and U.N. officials. (Source: Reuters)

Blagoje Simic, who has been indicted for failing to halt the torture and abuse of Muslim and Croat civilians, continues to serve as municipal president in Bosanski Samac. Simic was quoted in a Boston Globe article as saying, "I'm not uncatchable. But I think that someone important still hasn't ordered those arrests to be done." Asked who that might be by the Globe reporter, Simic replied "President Clinton." (Source: Boston Globe)

These are but a handful of the indicted war criminals who have been regularly seen by credible journalists, representatives of nongovernmental organizations, and others throughout the former Yugoslavia. In fact, the U.S. State Department spokesperson commented on March 14 of this year that: "There are a number of indicted war criminals who live in Croatia who have not been turned over to the War Crimes Tribunal. And there are certain individuals that we're watching very closely. We've told the Croatian government that we know who these people are. They've been named by the tribunal as indicted war criminals. We know where they live."

It has become clear that neither Serb authorities within Republika Srpska in Bosnia and Herzegovina nor Croat authorities in the Federation are meeting their obligations to hand over indicted war criminals—and that the United States is doing very little to force them to meet these obligations.

Regular reports about the whereabouts of several indicted war criminals indicate that many lead remarkably open lives. Last fall the Coalition for International Justice published a comprehensive report on the whereabouts, jobs, and everyday habits of 37 of the indicted war criminals. Earlier this year, Human Rights Watch/Helsinki issued a report documenting that many of the people running the towns, police forces and businesses of the Serbian portion of Bosnia are the same people who orchestrated the horrors of ethnic cleansing. In case you have not had the opportunity to see them, I have attached copies of both these reports.

The United States, unfortunately, must bear a large share of the blame for the fact that indicted war criminals remain at large in the former Yugoslavia.

In the letter to my office last October 10, you stated that "IFOR will detain indicted war criminals and hand them over to the International Tribunal if they are encountered by IFOR personnel during the normal course of their duties and the tactical situation permits." (This mandate regarding war criminals, I understand, has been subsequently extended to SFOR.) Even if we rule out some of the reported war criminal sightings as false, it defies credulity to suggest that so many people in the former Yugoslavia except for SFOR have had regular contact with indicted war criminals.

The SFOR rules of engagement regarding war criminals appear to be interpreted so narrowly that it seems that an indicted war criminal would, in effect, have to actively seek out and surrender to SFOR if SFOR troops were to arrest them.

Indicted war criminals must be arrested and brought to trial if the Tribunal is to have meaning as the ultimate international arbiter of guilt or innocence in the commission of war crimes. If indicted war criminals are not brought to justice, the international community will have betrayed both the legacy of Nuremberg and the victims of the war that tore Yugoslavia apart. This failure will also set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

In addition, it is my firm belief that the continued presence of indicted war criminals in former Yugoslavia will set the stage for the renewal of violence, bloodshed, and civil war when SFOR departs next year. We will have sacrificed all the gains of the Dayton process because we will have chosen to compromise with war criminals.

I once again call upon you to take an aggressive stand to see that the indicted war criminals are brought to justice. Specifically, I encourage you to:

Examine the feasibility of the United States and SFOR taking a more active role to apprehend indicted war criminals still at large as well as cooperating more closely with the United Nations, the International Civilian Police Task Force, and civilian authorities in the former Yugoslavia on this issue;

Investigate appropriate additional sanctions, which can be enforced either unilaterally or through the United Nations system for the Republika Srpska and Croatia, unless and until they cooperate fully with the Tribunal;

Explore the necessity of any additional U.S. assistance to the International War Crimes Tribunal for the former Yugoslavia; and,

Move quickly to implement the permanent international body with the power, authority, and resources to investigate, apprehend, and bring war criminals to trial that you spoke of earlier this year.

I would also appreciate your clarification of the SFOR rules of engagement for detaining war criminals.

Mr. President, you have been called upon to serve the United States at a time of great international change and uncertainty. Unless the United States takes a position of aggressive leadership on this issue in the international community, we run the risk that future historians will conclude that the lessons of current U.S. foreign policy are that crimes against humanity, genocide, and the use of rape as an instrument of war are acceptable—and that those who perpetrate these crimes can do so with impunity. Mr. President, I know that you share my belief that leaving such a legacy would be unacceptable.

I look forward to hearing your thoughts and plans on this very important matter.

Sincerely yours,

DIANNE FEINSTEIN,
U.S. Senator.

THE WHITE HOUSE,
Washington, June 19, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR DIANNE: Thank you for writing again regarding indicted war criminals in the former Yugoslavia. I continue to share your concerns. My foreign policy team is examining several options to assist and enhance the ability of the Tribunal to bring indicted war criminals into custody.

We are increasing pressure on the parties by linking multilateral and bilateral economic assistance to their compliance with their obligation under the Dayton Accords to turn over indicted war criminals. In addition, we have begun working with the UN and its International Police Task Force (IPTF) in Bosnia to improve the performance of the IPTF in identifying indictees and their whereabouts.

We continue to work closely with the Tribunal, especially the Office of the Chief Prosecutor, by providing a wide range of assistance, including legal and investigative support. The United States also provides the Tribunal intelligence and information pursuant to Section 555 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1997. On May 2 we contributed $450,000 to the Tribunal's forensic exhumations program in the former Yugoslavia.

I have also nominated David Scheffer as Ambassador-at-Large for War Crimes Issues. If confirmed, Mr. Scheffer will coordinate our work in this area and focus on the tasks that are critical to the success of both the Yugoslav and Rwanda War Crimes Tribunals. Finally, knowing our mutual concern for this grave issue, I have asked Robert Gelbard, my Special Representative for Implementation of the Dayton Accords, to give you a confidential briefing as soon as possible on our specific plans to re-energize this critical component of the Dayton peace process.

Thanks again for your letter and your continuing support for our efforts to bring peace and justice to the people of the Balkans.

Sincerely,

Bill.

CO-SPONSORSHIP OF SENATE CONCURRENT RESOLUTION 29

• Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Concurrent Resolution 29. This resolution recommends the integration of Estonia, Latvia and Lithuania into the North Atlantic Treaty Organization.

Ever since the disintegration of the Soviet Union, there has been talk of expanding NATO membership to include countries of Central Europe and the former Baltic Republics. These Baltic countries are continually striving to transform their political and economic institutions in accordance with democratic ideals and free market principles. We have seen remarkable achievements in this respect, from countries that have endured many years of communist occupation.

I believe that expanding NATO to include Latvia, Lithuania, and Estonia would benefit bi-lateral trade and investment through a stable security environment. Furthermore, these countries have made great strides in the areas of human rights, civil liberties and the rule of law, and have also actively participated in the Partnership for Peace. They should be rewarded for these efforts. Most importantly however, enlargement of NATO to include these Baltic States would secure a principal gain of the cold war by strengthening new free markets and democracies in the region.

Latvia, Lithuania and Estonia are all working very hard to satisfy the prerequisites of entry into NATO. As such, I am supportive of all efforts to integrate them in the membership of that organization as soon as the process permits.•

COSPONSORSHIP OF SENATE CONCURRENT RESOLUTION 19

• Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Concurrent Resolution 19. This resolution recommends the return of, or compensation for, foreign properties that were wrongly confiscated in formerly Communist countries and by certain foreign financial institutions.

I join my colleagues on the Helsinki Commission in calling for restitution to the many victims who have suffered property losses at the hands of Communist and Fascist dictatorships. These victims had their property confiscated solely because of their religion, national or social origin, or expression of opposition to the regimes in power. In fact, many churches, synagogues, and mosques were destroyed and/or confiscated by these repressive regimes.

Private property ownership is one of the key hallmarks of a free society, as are the freedom to practice one's own religion, express one's own social or national traditions, and speak against one's government. Violation of these freedoms, and disrespect for these concepts, is a glaring signal that a country is ignoring democratic norms and violating international law.

Even more egregious is the fact that some financial institutions cooperated with these repressive regimes in converting to their own personal use those financial assets belonging to Holocaust victims, and their heirs and assigns. This is a clear violation of these institutions' fiduciary duty to their customers. We must not sit idly by while they enjoy their ill-gotten gains.

In this new and welcome period of transition for many of the formerly Communist countries in Central and Eastern Europe, it is my sincere hope that victims of confiscation will be sought out and compensated. Further, to expedite the compensation process, I fully support the elimination of any citizenship or residency requirement in order for those victims to make property claims.•

TRIBUTE TO LARRY DOBY

Mr. LAUTENBERG. Mr. President, 50 years ago this week, a young 22-year-old rookie named Larry Doby took the baseball field for the first time as a Cleveland Indian. Although Larry did not make a hit during that first at bat, he did something more: he made history. On that day, July 5, 1947, Larry Doby became the first African-American to play in the American League. I have had the great privilege of knowing Larry since our days growing up together in the streets of Paterson, NJ. I have developed a deep admiration for him. I ask that the text of an article that appeared recently in the Washington Post that captures Larry's character be printed in the Record.

The article follows:

[From the Washington Post, July 8, 1997]

Neither a Myth Nor a Legend—Larry Doby Crossed Baseball's Color Barrier After Robinson

(By David Maraniss)

There is only one person alive who knows what it was like to be a black ballplayer integrating the white world of the major leagues during the historic summer of 1947. If you are young or only a casual follower of baseball, perhaps you have not heard of him.

Larry Doby is 72 years old now, and his calm manner seems out of style in this unsporting age of self-obsession. He is neither a celebrity nor the stuff of myth, simply a quiet hero with an incomparable story to tell.

This season, as the national pastime commemorates the 50th anniversary of the breaking of the color line, the attention has focused inevitably on the first black player of the modern era, Jackie Robinson, who shines alone in baseball history as the symbol of pride against prejudice. But Doby was there, too, blazing his own trail later that same year. He was brought up by the Cleveland Indians on July 5, 1947, three months after Robinson broke in with the Brooklyn Dodgers. Some of the strange and awful things that happened to No. 42 in the National League happened to No. 14 in the American League as well.

"I think I'm ahead of a lot of people because I don't hate and I'm not bitter," Doby says softly now. He has spent a lifetime "turning negatives into positives," but he is also sharp and direct in pointing out what he considers to be myths surrounding the events of a half-century ago.

Jackie Robinson in death has gone the way of most American martyrs, transformed from an outsider struggling against the prevailing culture into a legend embraced by it. In the retelling of his legend it sometimes sounds as though most people always loved him. Doby knows better. He was there and he remembers. After that first season, he and Robinson barnstormed the country with Negro leagues all-stars. They rarely discussed their common experience in white baseball ("no need to, we both knew what the situation was"), but a few times late at night they stayed up naming the players in each league who were giving them problems because they were black.

It was a long list.

"Many people in this world live on lies. Know what amazes me today?" Doby asks, his deep voice rising with the first rush of emotion. "How many friends Jackie Robinson had 50 years ago! All of a sudden everyone is his best friend. Wait a minute. Give me a break, will you. I knew those people who were his friends. I knew those people who were not his friends: Some of them are still alive. I know. And Jack, he's in heaven, and I bet he turns over a lot of times when he hears certain things or sees certain things or reads certain things where these people say they were his friends."

Playing and traveling in the big leagues that year was a grindingly lonely job for the two young black men. Which leads to Doby's second shattered myth: the notion that Robinson, by coming first, could somehow smooth the way for him.

"Did Jackie Robinson make it easier for me?" Doby laughs at his own question, which he says is the one he hears most often. "I'm not saying people are stupid, but it's one of the stupidest questions that's ever been asked. Think about it. We're talking about 11 weeks. Nineteen forty-seven. Now it's 50 years later and you still have hidden racism, educated racist people. How could you change that in 11 weeks? Jackie probably would have loved to have changed it in 11 weeks. I know he would have loved to have been able to say, 'the hotels are open, the restaurants are open, your teammates are going to welcome you.' But no. No. No way. No way."

THE EMBRACE

There was no transition for Larry Doby, no year of grooming in the minors up in Montreal like Robinson had. One day he was playing second base for the Newark Eagles of the Negro leagues, and two days later he was in Chicago, pinch-hitting for the Cleveland Indians in the seventh inning of a game against the White Sox. "We're in this together, kid," Bill Veeck, the Indians' owner, had told him at the signing, and that was enough for Doby. He trusted Veeck, then and always.

Doby was only 22 years old, and his life to that point had been relatively free of the uglier strains of American racism. At East Side High in Paterson, N.J., he had been a four-sport star on integrated teams. He remembers being subjected to a racist insult only once, during a football game, and he responded by whirling past the foul-mouthed defensive back to haul in a touchdown pass. That shut the guy up. In the Navy on the South Pacific atoll of Ulithi during World War II, he had taken batting practice with Mickey Vernon of the Washington Senators and found him to be extremely friendly and encouraging. Vernon later sent him a dozen Louisville Slugger bats and put in a good word for him with the Washington club.

Wishful thinking. It would be another decade before the Senators broke their lily-white policy, but Veeck, who had both an innate empathy for life's underdogs and a showman's readiness to try anything new, was eager to integrate his Indians as soon as possible. Doby was not the best black player (that honor still belonged to old Josh Gibson), but he was young and talented. Through the Fourth of July with the Newark club in 1947, he was batting .414 with a league-leading 14 homers.

His Newark teammates gave him a farewell present, a kit with comb, brush and shaving cream, but there was no celebration when he took off to join the Indians. "We looked at it as an important step as far as history was concerned, but it was not the type of thing you would celebrate in terms of justice for all, because you were going to a segregated situation," Doby says. "Maybe someone smarter than me would be happy about that, but I wasn't. You know you're going into a situation where it's not going to be comfortable. That's what you're leaving. What you're leaving is comfortable because you are with your teammates all the time, you sleep in the same hotel, you eat in the same restaurants, you ride in the same car."

When Doby was introduced to the Cleveland players that afternoon of July 5 a half-century ago, most of them stood mute and expressionless, essentially ignoring his existence. There were a few exceptions. Second baseman Joe Gordon told him to grab his glove and warmed up with him before the game, a practice they continued throughout the year. Catcher Jim Hegan showed he cared by asking him how he was doing. And one of the coaches, Bill McKechnie, looked after him. "He was like Veeck, but there every day on the road—nice man," Doby recalls.

But there was no roommate for him on the road, no one in whom he could confide. In every city except New York and Boston, he stayed in a black hotel apart from the rest of the team. Equally troubling for him, he rarely got the chance to play. After starting one game at first base, he looked at the lineup card the next day and was not there. Same thing the rest of the year. The manager, Lou Boudreau, never said a word to him about why he was on the bench. He was used as a pinch hitter, and could not adjust to the role. He finished the year with only five hits and no home runs in 32 at-bats over 29 games.

After the last game of the season, he was sitting at his locker, wondering if that was the end of the experiment, when McKechnie came over to him and asked whether he had ever played the outfield. No, Doby said, always infield, in high school, college at Long Island University for a year, Negro leagues, the streets, wherever. "Well," Doby recall McKechnie telling him, "Joe Gordon is the second baseman and he's going to be here a while. When you go home this winter get a book and learn how to play the outfield."

He bought a book by Tommy Henrich, the Yankees outfielder, and studied the finer points of playing outfield: what to do on liners hit straight at you (take your first step back, never forward), throwing to the right bases, hitting the cutoff man. He started the next season in right, and within a few weeks was over in center, where he developed into an offensive and defensive star, a key figure on the fearsome Indians teams from the late 1940s to mid-1950s. With Doby driving in more than 100 runs four times and tracking down everything in center, the Indians won the World Series against the Boston Braves in 1948, and lost to the Giants in 1954 after winning a league-record 111 games during the regular season.

It was during the '48 season that Doby set several firsts. After batting over .300 during the regular season, he became the first African American to play on a championship club and the first to hit a home run in the World Series. His blast won the fourth game that fall against the Braves. In the locker room celebration afterward, a wire service photographer took a picture that was sent out across the nation showing something that had never been seen before: a white baseball player, pitcher Steve Gromek, hugging the black player, Doby, who had won the game for him.

Doby says he will never forget that embrace. "That made me feel good because it was not a thing of, should I or should I not, not a thing of black or white. It was a thing where human beings were showing emotion. When you have that kind of thing it makes you feel better, makes you feel like, with all those obstacles and negatives you went through, there is someone who had feelings inside for you as a person and not based on color."

It was a rare situation that went easier for the black person than his white friend. Gromek received hate mail and questions from his neighbors when he went home. What are you doing hugging a black man like that? Hey, was his response, Doby won the game for me!

But the world did not embrace Doby as warmly as Gromek had. In St. Louis one day, McKechnie restrained him from climbing into the stands to go after a heckler who had been shouting racist epithets at him the whole game. His anger erupted one other time in 1948, when he slid into second base and an opposing infielder spit in his face. "I didn't expect to be spit on if I'm sliding into second base, but it happened. I just thank God there was an umpire there named Bill Summers, a nice man, who kind of walked in between us when I was ready to move on this fella. Maybe I wouldn't be sitting here talking if that hadn't happened. They wanted to find anyway they could go get you out of the league."

Al Smith, a left fielder who joined the Indians in 1953 and became Doby's roommate and close friend, said there was one other way opposing teams would go after black players.

Whenever Al Rosen or some other Indian hit a home run, the pitcher would wait until Doby came up, then throw at him. "They wouldn't knock the player who hit the home run down, they'd knock Doby down."

Common practice in those days, says Doby—he and Minnie Minoso, a Cuban-born outfielder who was an all-star seven years despite not becoming a regular in the major leagues until age 28, and Roy Campanella, a three-time NL most valuable player after playing for the Baltimore Elite Giants of the Negro leagues, were hit by pitches 10 times more often than Ted Williams, Stan Musial and Joe DiMaggio.

"You don't think people would do it simply because of race," Doby says. "But what was it? Did they knock us down because we were good hitters? How you gonna explain DiMaggio, Williams and Musial? Were they good hitters? So you see, you can't be naive about this kind of situation."

But there was one setting where Doby and the other blacks on the Indians' team felt completely protected—when teammate Early Wynn was on the mound. "Whenever Early pitched we didn't have any problems getting knocked down. Early, he would start at the top of the opposing lineup and go right down to the bottom. They threw at me, he'd throw at them."

The segregation of that era offered one ironically comforting side effect to Doby. Black fans in the late 1940s were directed out to the cheap seats, the bleachers in left and center and right. They were a long way from the action, but very close to Doby. "When people say, 'You played well in Washington,' well, I had a motivation factor there. I had cheerleaders there at Griffith Stadium. I didn't have to worry about name-calling. You got cheers from those people when you walked out onto the field. They'd let you know they appreciated you were there. Give you a little clap when you go out there, and if you hit a home run, they'd acknowledge the fact, tip their hat."

BACK TO CLEVELAND

At the All-Star Game at Jacobs Field in Cleveland on Tuesday, all of baseball will finally tip its hat to Lawrence Eugene Doby. Finally, he will emerge from the enormous shadow of the man he followed and revered, Jackie Robinson. The American League, for which he works as an executive in New York, has named him honorary captain of its team, and he has been selected to throw out the first pitch. The prospect of standing on the field in front of a sellout crowd to be honored has led Doby to think about what has changed since he broke in with the Indians 50 years ago.

"A lot of people are complaining that baseball hasn't come along fast enough. And there is much more work to be done," Doby says. "But if you look at baseball, we came in 1947, before Brown versus the Board of Education [the 1954 Supreme Court decision integrating public schools], before anyone wrote a civil rights bill saying give them the same opportunities everyone else has. So whatever you want to criticize baseball about—it certainly needs more opportunities for black managers, black general managers, black umpires—remember that if this country was as far advanced as baseball it would be in much better shape."

Doby rises from his chair and walks around his den, taking another look at history. Here is a picture of him at the first of seven straight all-star games to which he was selected. He is posed on the dugout steps with three other black players. "There's Camp and Newk [pitcher Don Newcombe] and Jackie," he says. "I'm the only American Leaguer, fighting those Dodgers."

Nearby is the picture of "Doby's Great Catch," taken in Cleveland in a game against Washington on July 20, 1954. "What a catch," he says softly, sounding modest even in praise, as though it was someone else who climbed that fence to make the play.

And in the corner is a picture of the football team at Paterson's East Side High back in the early 1940s. One black player in the crowd—the split end. "I was always the one guy," he says, looking at the image of his younger self. Sometimes he was overshadowed or all but forgotten, and in the history books it says he came second, but Larry Doby is right. He always was the one guy.•

RECOGNITION OF JEAN SKONHOVD, STEPHANIE BROCKHOUSE, LEANN PRUSA AND TOM BERG'S ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Sioux Valley Hospital nurses, Jean Skonhovd, Stephanie Brockhouse, Leann Prusa, and Tom Berg, in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for three weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

In the midst of this crisis, Jean Skonhovd, Stephanie Brockhouse, Leann Prusa, and Tom Berg scrambled to travel to Grand Forks and help the victims of the disaster. Not thinking of themselves, these nurses from Sioux Valley Hospital rearranged their personal lives to volunteer their expertise to assist others. Their skill and professionalism shone through as they admirably performed their jobs in chaotic circumstances. Their ability to perform emergency services in these trying times deserves our respect and admiration.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of these nurses from Sioux Valley Hospital illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. Jean Skonhovd, Stephanie Brockhouse, Leann Prusa, and Tom Berg of Sioux Valley Hospital illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

THANK YOU FOR STAFF WORK ON DISASTER RELIEF BILL

• Mr. DORGAN. Mr. President, now that the disaster relief money is flowing to disaster victims, I would just like to take a moment to thank some special people for their hard work in passing the disaster relief law several weeks ago.

First, I would like to thank my colleagues here in the U.S. Senate for their help in passing the disaster relief legislation, which is already helping people back in my home State of North Dakota. I know it was a grueling process and a difficult time for many of you, but I want you all to know that your efforts have already proven to be worth it. On behalf of the people of North Dakota, I want to thank you for your help.

Legislation like the disaster relief bill is only possible when there is a bipartisan effort, not only among senators but among their staffs as well. You know, I often wonder if the people who watch us on C-SPAN or who read about the Senate in the newspaper fully understand just how important our staffs are to the work we do here. So, while our staffs often work out of the spotlight, I'd like to put the spotlight on some truly special individuals whose work on the disaster relief bill represents public service at its finest.

First, I'd like to thank Steve Cortese, the majority staff director for the Senate Appropriations Committee, and Jim English, the Committee's minority staff director. Like most things, good legislation doesn't just happen—it takes hard work to write the language, negotiate painstaking compromises, and make the literally hundreds of difficult decisions legislation like the disaster bill requires. I'm grateful that when the people of the upper Midwest needed the help, these positions of great responsibility were held by such gifted and thoughtful public servants as Steve Cortese and Jim English.

I would also like to thank Mary Hawkins, who led my office's effort on the bill. Her vast experience in Congress was constantly on display throughout the effort to pass this legislation. A legislative expert and a good negotiator, Mary's contribution was inestimable.

Finally, I would also like to thank Doug Norell, my legislative director, who brought a combination of knowledge of Congress and knowledge of North Dakota to the table in this process, in addition to a dedication to do the right thing for our State and a willingness to work as hard as it took to get it done.

Dedicated men and women on both sides of the aisle helped make this badly needed disaster relief legislation a reality, and North Dakota is very grateful.•

THE ST. ALBANS CENTENNIAL

• Mr. LEAHY. Mr, President, the city of St. Albans, VT, this year celebrates its centennial, and thousands of citizens turned out on July 5 to mark the occasion in a festive and flawless celebration blessed by Vermont's glorious July weather.

There was a grand parade organized by the St. Albans Rotary Club. There was music. There were recollections and mementos of the city's rich history. And there was a community photograph.

In an article about the centennial published in the Burlington Free Press, reporter Richard Cowperthwait captured the festivities and the sense of history that all Vermonters share. Included in the article is this apt observation from St. Albans Mayor Peter DesLauriers: "We've gone through the life and death of our railroad; we've gone through fires; we've gone through all of these things and today—right now—I think we're literally on the top of the heap here."

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the Burlington Free Press, July 6, 1997]

ST. ALBANS CELEBRATES 100 YEARS

(By Richard Cowparthwait)

ST. ALBANS.—The Main Street banner said it all Saturday; "Celebrate St. Albans."

That is just what thousands did on a resplendent day that marked the city's centennial. Activities ranged from an hour-long parade, ethnic festival and community photograph to fireworks at nearby St. Albans Bay.

"I don't know how they could ever top this," St. Albans resident Madonna Vernal said. "It's a beautiful place."

During the past century, the city has seen its ups and downs. It has evolved from a booming railroad hub to a depressed area with double-digit unemployment to a once-again-lively county seat with a rising economy.

"It's a very proud day for the City of Albans," Police Chief David Demag said. "This event was very impressive. It was very much hometown USA."

City officials, residents and visitors from as far away as Belgium pointed to the success of the day and the beauty of downtown

Taylor Park. It is situated in the midst of the St. Albans Historic District, between turn-of-the century brick buildings on Main Street and the imposing churches, Franklin Superior Courthouse and St. Albans Historical Society museum building on Church Street.

"I'm impressed by the buildings" as well as by the friendliness of the people, said Myriam Van Dooren, a Belgian who is visiting friends in Fairfield.

Mayor Peter DesLauriers said the city's centennial homecoming celebration came off without a hitch on a day that had abundant sunshine and temperatures in the 70s. The pleasant conditions contrasted sharply with Friday's unsettled weather that did not stop a crowd estimated at more than 500 from turning out on Taylor Park for seven hours of musical entertainment.

DesLauriers said the city of about 7,600 has persevered through trying times since its first mayor and aldermen were elected March 2, 1997—109 years after the town of St. Albans was organized.

"We've gone through the life and death of our railroad; we've gone through fires; we've gone through all of these things and today—right now—I think we're literally on the top of the heap here, "DesLauriers said.

"The morning parade, which was organized by the St. Albans Rotary Club, was the signature event of the centennial. There were about 30 floats with St. Albans' history on display. They ranged from legendary local musician Sterling Weed driving a horse-drawn wagon to a depiction of the Oct 19, 1864, Civil War raid that put St. Albans on the map.

Following the parade, a crowd gathered near the intersection of Main and Bank streets for a community photograph by local photographer Leonard Parent.

"I wish we could do this more often, not just once every 100 years," City Council member James Pelkey said.●

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–18, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education: William D. Hansen, of Virginia; Frances M. Norris, of Virginia; and William E. Troutt, of Tennessee.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–18, appoints the following individuals to the National Commission on the Cost of Higher Education: Robert V. Burns, of South Dakota; and Clare M. Cotton, of Massachusetts.

NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 95, S. 231.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 231) to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 231) was deemed read the third time and passed, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cave and Karst Research Institute Act of 1997".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to further the science of speleology;

(2) to centralize and standardize speleological information;

(3) to foster interdisciplinary cooperation in cave and karst research programs;

(4) to promote public education;

(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

(6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary"), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the "Institute").

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101–578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person; or

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

EXTENDING LEGISLATIVE AUTHORITY TO ESTABLISH MEMORIAL HONORING GEORGE MASON

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 96, S. 423.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 423) to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 423) was deemed read the third time and passed, as follows:

S. 423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.

The legislative authority for the Board of Regents of Gunston Hall to establish a commemorative work (as defined by section 2 of the Commemorative Works Act (40 U.S.C. 1002)) shall expire August 10, 2000, notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)).

JIMMY CARTER NATIONAL HISTORIC SITE AND PRESERVATION DISTRICT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 97, S. 669.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 669) to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 669) was deemed read the third time and passed, as follows:

S. 669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF PLAINS RAILROAD DEPOT.

Section 1(c)(2) of the Act entitled "An Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes", approved December 23, 1987 (16 U.S.C. 161 note; 101 Stat. 1435), is amended by striking ", the Plains Railroad Depot (described in subsection (b)(2)(B)),".

EXTENDING LEGISLATIVE AUTHORITY FOR CONSTRUCTION OF NATIONAL PEACE GARDEN MEMORIAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 98, S. 731.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 731) to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 731) was deemed read the third time and passed, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10(b) of Public Law 99-652 and section 1(a) of Public Law 103-321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

TEMPORARILY WAIVING MEDICAID ENROLLMENT COMPOSITION RULE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2018, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2018) to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2018) was deemed read the third time and passed.

ORDERS FOR MONDAY, JULY 14, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, July 14. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate begin consideration of the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, on Monday, the Senate will debate the DOD appropriations bill. I urge all Senators who have amendments to be present on Monday to offer their amendments. I know the distinguished Presiding Officer is very anxious to get this legislation up and the amendments will be considered and disposed of so we can complete action on this bill as early as possible on Tuesday.

Under a previous order, at 6 p.m., the Senate will proceed to executive session to conduct a cloture vote on the nomination of Joel Klein, to be an Assistant Attorney General. Therefore, the next rollcall vote will occur at 6 p.m. on Monday, July 14.

Following that vote, the Senate will resume consideration of amendments to the DOD appropriations bill. Senators should be aware that next week, the Senate hopes to complete action on four major appropriations bills. That would be perhaps a record if we could complete four, but I think we can do that. If we can get through the Department of Defense appropriations bill at a reasonable hour on Tuesday, we hope to go to energy and water appropriations, and we are hopeful we can maybe take up foreign operations and legislative. In some order, we will work on those bills next week.

We will expect to be in session and have votes throughout the day and perhaps into the night next week, because we are committed to completing all the appropriations bills, if at all possible, before the end of the fiscal year. I have a commitment from the Democratic leader to work with us in that effort, and we have the support of the administration to complete action on these appropriations bills. There is no need for these bills to be amended endlessly. There is no need for us to delay action on them. We already reached agreement on the overall number, and I know that the committee chairman, Mr. STEVENS, from Alaska, is going to be very diligent in his work. These are going to be good bills when they come out of the committee, and there is no need for 100 amendments per bill. I ask my colleagues for their cooperation.

ADJOURNMENT UNTIL MONDAY, JULY 14, 1997

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:10 p.m., adjourned until Monday, July 14, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 11, 1997:

DEPARTMENT OF THE TREASURY

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE DAVID A. LIPTON.

DEPARTMENT OF AGRICULTURE

AUGUST SCHUMACHER, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE EUGENE MOOS.

SHIRLEY ROBINSON WATKINS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE ELLEN WEINBERGER HAAS.

FEDERAL RESERVE SYSTEM

EDWARD M. GRAMLICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1994, VICE JANET L. YELLEN, RESIGNED.

ROGER WALTON FERGUSON, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1986, VICE LAWRENCE B. LINDSEY, RESIGNED.

DEPARTMENT OF JUSTICE

THOMAS E. SCOTT, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS VICE KENDALL BRINDLEY, COFFEY, RESIGNED.

S. 936, AS AMENDED AND PASSED

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1998".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee Program.
Sec. 110. Reduction in authorizations of appropriations.

Subtitle B—Army Programs

Sec. 111. Army helicopter modernization plan.
Sec. 112. Multiyear procurement authority for AH–64D Longbow Apache fire control radar.
Sec. 113. Multiyear procurement authority for family of medium tactical vehicles.

Subtitle C—Navy Programs

Sec. 121. New Attack Submarine program.
Sec. 122. Nuclear aircraft carrier program.
Sec. 123. Exception to cost limitation for Seawolf submarine program.
Sec. 124. Airborne self-protection jammer program.

Subtitle D—Air Force Programs

Sec. 131. B–2 bomber aircraft program.
Sec. 132. ALR radar warning receivers.

Subtitle E—Other Matters

Sec. 141. Prohibition on use of funds for acquisition or alteration of private drydocks.
Sec. 142. Replacement of engines on aircraft derived from Boeing 707 aircraft.
Sec. 143. Exception to requirement for a particular determination for sales of manufactured articles or services of Army industrial facilities outside the United States.
Sec. 144. NATO Joint Surveillance/Target Attack Radar System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Joint Strike Fighter program.
Sec. 212. F–22 aircraft program.
Sec. 213. High Altitude Endurance Unmanned Vehicle Program.
Sec. 214. Advanced Anti-Radiation Guided Missile Program.
Sec. 215. Federally funded research and development centers.
Sec. 216. Goal for dual-use science and technology projects.
Sec. 217. Transfers of authorizations for counterproliferation support program.
Sec. 218. Kinetic energy tactical anti-satellite technology program.
Sec. 219. Clementine 2 micro-satellite development program.
Sec. 220. Bioassay testing of veterans exposed to ionizing radiation during military service.
Sec. 221. DOD/VA Cooperative Research Program.
Sec. 222. Multitechnology integration in mixed-mode electronics.
Sec. 223. Facial recognition technology program.

Subtitle C—Ballistic Missile Defense Programs

Sec. 225. National Missile Defense Program.
Sec. 226. Reversal of decision to transfer procurement funds from the Ballistic Missile Defense Organization.

Subtitle D—Other Matters

Sec. 231. Manufacturing technology program.
Sec. 232. Use of major range and test facility installations by commercial entities.
Sec. 233. Eligibility for the Defense experimental program to stimulate competitive research.
Sec. 234. Restructuring of National Oceanographic Partnership Program organizations.
Sec. 235. Demonstration program on explosives demilitarization technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working-capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Fisher House Trust Funds.
Sec. 306. Funds for operation of Fort Chaffee, Arkansas.

Subtitle B—Depot-Level Activities

Sec. 311. Percentage limitation on performance of depot-level maintenance of materiel.
Sec. 312. Centers of Industrial and Technical Excellence.
Sec. 313. Clarification of prohibition on management of depot employees by constraints on personnel levels.
Sec. 314. Annual report on depot-level maintenance and repair.
Sec. 315. Report on allocation of core logistics activities among Department of Defense facilities and private sector facilities.
Sec. 316. Review of use of temporary duty assignments for ship repair and maintenance.
Sec. 317. Repeal of a conditional repeal of certain depot-level maintenance and repair laws and a related reporting requirement.
Sec. 318. Extension of authority for naval shipyards and aviation depots to engage in defense-related production and services.
Sec. 319. Realignment of performance of ground communication-electronic workload.

Subtitle C—Environmental Provisions

Sec. 331. Clarification of authority relating to storage and disposal of nondefense toxic and hazardous materials on Department of Defense property.
Sec. 332. Annual report on payments and activities in response to fines and penalties assessed under environmental laws.
Sec. 333. Annual report on environmental activities of the Department of Defense overseas.
Sec. 334. Membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 335. Additional information on agreements for agency services in support of environmental technology certification.
Sec. 336. Risk assessments under the Defense Environmental Restoration Program.
Sec. 337. Recovery and sharing of costs of environmental restoration at Department of Defense sites.
Sec. 338. Pilot program for the sale of air pollution emission reduction incentives.
Sec. 339. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.
Sec. 340. Procurement of recycled copier paper.
Sec. 341. Report on options for the diposal of chemical weapons and agents.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 351. Funding sources for construction and improvement of commissary store facilities.
Sec. 352. Integration of military exchange services.

Subtitle E—Other Matters

Sec. 361. Advance billings for working-capital funds.
Sec. 362. Center for Excellence in Disaster Management and Humanitarian Assistance.
Sec. 363. Administrative actions adversely affecting military training or other readiness activities.
Sec. 364. Financial assistance to support additional duties assigned to Army National Guard.
Sec. 365. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.
Sec. 366. Inventory management.
Sec. 367. Warranty claims recovery pilot program.
Sec. 368. Adjustment and diversification assistance to enhance increased performance of military family support services by private sector sources.
Sec. 369. Multitechnology automated reader card demonstration program.
Sec. 370. Contracting for procurement of capital assets in advance of availability of funds in the working-capital fund financing the procurement.
Sec. 371. Contracted training flight services.

Subtitle F—Sikes Act Improvement

Sec. 381. Short title; references.
Sec. 382. Preparation of integrated natural resources management plans.
Sec. 383. Review for preparation of integrated natural resources management plans.
Sec. 384. Transfer of wildlife conservation fees from closed military installations.

Sec. 385. Annual reviews and reports.
Sec. 386. Cooperative agreements.
Sec. 387. Federal enforcement.
Sec. 388. Natural resource management services.
Sec. 389. Definitions.
Sec. 390. Repeal.
Sec. 391. Technical amendments.
Sec. 392. Authorizations of appropriations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Permanent end strength levels to support two major regional contingencies.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. Addition to end strengths for military technicians.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

Sec. 501. Officers excluded from consideration by promotion board.
Sec. 502. Increase in the maximum number of officers allowed to be frocked to the grade of O-6.
Sec. 503. Availability of Navy chaplains on retired list or of retirement age to serve as Chief or Deputy Chief of Chaplains of the Navy.
Sec. 504. Period of recall service of certain retirees.
Sec. 505. Increased years of commissioned sevice for mandatory retirement of regular generals and admirals above major general and rear admiral.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Termination of Ready Reserve Mobilization Income Insurance Program.
Sec. 512. Discharge or retirement of Reserve officers in an inactive status.
Sec. 513. Retention of military technicians in grade of brigadier general after mandatory separation date.
Sec. 514. Federal status of service by National Guard members as honor guards at funerals of veterans.

Subtitle C—Education and Training Programs

Sec. 521. Service academies foreign exchange study program.
Sec. 522. Programs of higher education of the Community College of the Air Force.
Sec. 523. Preservation of entitlement to educational assistance of members of the Selected Reserve serving on active duty in support of a contingency operation.
Sec. 524. Repeal of certain staffing and safety requirements for the Army Ranger Training Brigade.
Sec. 525. Flexibility in management of Junior Reserve Officers' Training Corps.

Subtitle D—Decorations and Awards

Sec. 531. Clarification of eligibility of members of Ready Reserve for award of service medal for heroism.
Sec. 532. Waiver of time limitations for award of certain decorations to specified persons.
Sec. 533. One-year extension of period for receipt of recommendations for decorations and awards for certain military intelligence personnel.
Sec. 534. Eligibility of certain World War II military organizations for award of unit decorations.
Sec. 535. Retroactivity of Medal of Honor special pension.
Sec. 536. Cold War service medal.

Subtitle E—Military Personnel Voting Rights

Sec. 541. Short title.
Sec. 542. Guarantee of residency.
Sec. 543. State responsibility to guarantee military voting rights.

Subtitle F—Other Matters

Sec. 551. Sense of Congress regarding study of matters relating to gender equity in the Armed Forces.
Sec. 552. Commission on Gender Integration in the Military.
Sec. 553. Sexual harassment investigations and reports.
Sec. 554. Requirement for exemplary conduct by commanding officers and other authorities.
Sec. 555. Participation of Department of Defense personnel in management of non-Federal entities.
Sec. 556. Technical correction to cross reference in ROPMA provision relating to position vacancy promotion.
Sec. 557. Grade of defense attache in France.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

Sec. 601. Military pay raise for fiscal year 1998.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

Sec. 611. Revised entitlement and rates.
Sec. 612. Transitional basic allowance for subsistence.
Sec. 613. Effective date and termination of transitional authority.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

Sec. 616. Entitlement to basic allowance for housing.
Sec. 617. Rates of basic allowance for housing.
Sec. 618. Dislocation allowance.
Sec. 619. Family separation and station allowances.
Sec. 620. Other conforming amendments.
Sec. 621. Clerical amendment.
Sec. 622. Effective date.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

Sec. 626. Revision of authority to adjust compensation necessitated by reform of subsistence and housing allowances.
Sec. 627. Deadline for payment of Ready Reserve muster duty allowance.

Subtitle C—Bonuses and Special and Incentive Pays

Sec. 631. One-year extension of certain bonuses and special pay authorities for Reserve forces.
Sec. 632. One-year extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 633. One-year extension of authorities relating to payment of other bonuses and special pays.
Sec. 634. Increased amounts for aviation career incentive pay.
Sec. 635. Aviation continuation pay.
Sec. 636. Eligibility of dental officers for the multiyear retention bonus provided for medical officers.
Sec. 637. Increased special pay for dental officers.
Sec. 638. Modification of Selected Reserve reenlistment bonus authority.
Sec. 639. Modification of authority to pay bonuses for enlistments by prior service personnel in critical skills in the Selected Reserve.
Sec. 640. Increased special pay and bonuses for nuclear qualified officers.
Sec. 641. Authority to pay bonuses in lieu of special pay for enlisted members extending duty at designated locations overseas.
Sec. 642. Reserve affiliation agreement bonus for the Coast Guard.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Sec. 651. One-year opportunity to discontinue participation in Survivor Benefit Plan.
Sec. 652. Time for changing survivor benefit coverage from former spouse to spouse.
Sec. 653. Paid-up coverage under Survivor Benefit Plan.
Sec. 654. Annuities for certain military surviving spouses.

Subtitle E—Other Matters

Sec. 661. Eligibility of Reserves for benefits for illness, injury, or death incurred or aggravated in line of duty.
Sec. 662. Travel and transportation allowances for dependents before approval of a member's court-martial sentence.
Sec. 663. Eligibility of members of the uniformed services for reimbursement of adoption expenses.
Sec. 664. Subsistence of members of the Armed Forces above the poverty level.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

Sec. 701. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.
Sec. 702. Payment for emergency health care overseas for military and civilian personnel of the On-Site Inspection Agency.
Sec. 703. Disclosures of cautionary information on prescription medications.
Sec. 704. Health care services for certain Reserves who served in Southwest Asia during the Persian Gulf War.
Sec. 705. Collection of dental insurance premiums.
Sec. 706. Dental insurance plan coverage for retirees of uniformed service in the Public Health Service and NOAA.
Sec. 707. Prosthetic devices for dependents.
Sec. 708. Sense of Congress regarding quality health care for retirees.
Sec. 709. Chiropractic Health Care Demonstration program.
Sec. 710. Authority for agreement for use of medical resource facility, Alamagordo, New Mexico.

Sec. 711. Study concerning the provision of comparative information.

Subtitle B—Uniformed Services Treatment Facilities

Sec. 731. Implementation of designated provider agreements for uniformed services treatment facilities.
Sec. 732. Limitation on total payments.
Sec. 733. Continued acquisition of reduced-cost drugs.

Subtitle C—Persian Gulf Illnesses

Sec. 751. Definitions.
Sec. 752 Plan for health care services for Persian Gulf veterans
Sec. 753. Improved medical tracking system for members deployed overseas in contingency or combat operations.
Sec. 754. Report on plans to track location of members in a theater of operations.
Sec. 755. Report on plans to improve detection and monitoring of chemical, biological, and environmental hazards in a theater of operations.
Sec. 756. Notice of use of drugs unapproved for their intended usage.
Sec. 757. Report on effectiveness of research efforts regarding Gulf War illnesses.
Sec. 758. Persian Gulf illness clinical trials program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Streamlined approval requirements for contracts under international agreements.
Sec. 802. Restriction on undefinitized contract actions.
Sec. 803. Expansion of authority to cross fiscal years to all severable service contracts not exceeding a year.
Sec. 804. Limitation on allowability of compensation for certain contractor personnel.
Sec. 805. Increased price limitation on purchases of right-hand drive vehicles.
Sec. 806. Conversion of defense capability preservation authority to Navy shipbuilding capability preservation authority.
Sec. 807. Elimination of certification requirement for grants.
Sec. 808. Repeal of limitation on adjustment of shipbuilding contracts.
Sec. 809. Blanket waiver of certain domestic source requirements for foreign countries with certain cooperative or reciprocal relationships with the United States.

Subtitle B—Contract Provisions

Sec. 811. Contractor guarantees of major systems.
Sec. 812. Vesting of title in the United States under contracts paid under progress payment arrangements or similar arrangements.

Subtitle C—Acquisition Assistance Programs

Sec. 821. Procurement technical assistance programs.
Sec. 822. One-year extension of Pilot Mentor-Protege Program.
Sec. 823. Test program for negotiation of comprehensive subcontracting plans.
Sec. 824. Price preference for small and disadvantaged businesses.

Subtitle D—Administrative Provisions

Sec. 831. Retention of expired funds during the pendency of contract litigation.
Sec. 832. Protection of certain information from disclosure.
Sec. 833. Content of limited selected acquisition reports.
Sec. 834. Unit cost reports.
Sec. 835. Central Department of Defense point of contact for contracting information.

Subtitle E—Other Matters

Sec. 841. Defense business combinations.
Sec. 842. Lease of nonexcess property of Defense Agencies.
Sec. 843. Promotion rate for officers in an Acquisition Corps.
Sec. 844. Use of electronic commerce in Federal procurement.
Sec. 845. Conformance of policy on performance based management of civilian acquisition programs with policy established for defense acquisition programs.
Sec. 846. Modification of process requirements for the solutions-based contacting pilot program.
Sec. 847. Two-year extension of applicability of fulfillment standards for defense acquisition workforce training requirements.
Sec. 848. Department of Defense and Federal Prison Industries joint study.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Principal duty of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
Sec. 902. Professional military education schools.
Sec. 903. Use of CINC Initiative Fund for force protection.
Sec. 904. Transfer of TIARA programs.
Sec. 905. Senior Representative of the National Guard Bureau.
Sec. 906. Center for Hemispheric Defense Studies.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authority for obligation of certain unauthorized fiscal year 1997 defense appropriations.
Sec. 1003. Authorization of prior emergency supplemental appropriations for fiscal year 1997.
Sec. 1004. Increased transfer authority for fiscal year 1996 authorizations.
Sec. 1005. Biennial financial management strategic plan.
Sec. 1006. Revision of authority for Fisher House Trust Funds.
Sec. 1007. Availability of certain fiscal year 1991 funds for payment of contract claim.
Sec. 1008. Estimates and requests for procurement and military construction for the reserve components.
Sec. 1009. Cooperative threat reduction programs and related Department of Energy programs.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Long-term charter of vessel for surveillance towed array sensor program.
Sec. 1012. Procedures for sale of vessels stricken from the Naval Vessel Register.
Sec. 1013. Transfers of naval vessels to certain foreign countries.

Subtitle C—Counter-Drug Activities

Sec. 1021. Authority to provide additional support for counter-drug activities of Mexico.
Sec. 1022. Authority to provide additional support for counter-drug activities of Peru and Colombia.

Subtitle D—Reports and Studies

Sec. 1031. Repeal of reporting requirements.
Sec. 1032. Common measurement of operations tempos and personnel tempos.
Sec. 1033. Report on overseas deployment.
Sec. 1034. Report on military readiness requirements of the Armed Forces.
Sec. 1035. Assessment of cyclical readiness posture of the Armed Forces.
Sec. 1036. Overseas infrastructure requirements.
Sec. 1037. Report on aircraft inventory.
Sec. 1038. Disposal of excess materials.
Sec. 1039. Review of former spouse protections.
Sec. 1040. Additional matters for annual report on activities of the General Accounting Office.
Sec. 1041. Eye safety at small arms firing ranges.
Sec. 1042. Report on policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents.
Sec. 1043. Report on policies and practices relating to the protection of members of the Armed Forces abroad from terrorist attack.
Sec. 1044. Report on Department of Defense family notification and assistance procedures in cases of military aviation accidents.
Sec. 1045. Report on Helsinski Joint Statement.
Sec. 1046. Assessment of the Cuban threat to United States national security.
Sec. 1047. Fire protection and hazardous materials protection at Fort Meade, Maryland.
Sec. 1048. Report to Congress assessing dependence on foreign sources for certain resistors and capacitors.

Subtitle E—Other Matters

Sec. 1051. Psychotherapist-patient privilege in the Military Rules of Evidence.
Sec. 1052. National Guard Civilian Youth Opportunities Pilot Program.
Sec. 1053. Protection of Armed Forces personnel during peace operations.
Sec. 1054. Limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1055. Acceptance and use of landing fees for use of overseas military airfields by civil aircraft.
Sec. 1056. One-year extension of international nonproliferation initiative.
Sec. 1057. Arms control implementation and assistance for facilities subject to inspection under the Chemical Weapons Convention.
Sec. 1058. Sense of Senate regarding the relationship between environmental laws and United States obligations under the Chemical Weapons Convention.
Sec. 1059. Sense of Congress regarding funding for reserve component modernization not requested in the annual budget request.

Sec. 1060. Authority of Secretary of Defense to settle claims relating to pay, allowances, and other benefits
Sec. 1061. Coordination of access of commanders and deployed units to intelligence collected and analyzed by the intelligence community.
Sec. 1062. Protection of imagery, imagery intelligence, and geospatial information and data.
Sec. 1063. Protection of air safety information voluntarily provided by a charter air carrier.
Sec. 1064. Sustainment and operation of Global Positioning System.
Sec. 1065. Law enforcement authority for special agents of the Defense Criminal Investigative Service.
Sec. 1066. Repeal of requirement for continued operation of the Naval Academy dairy farm.
Sec. 1067. POW/MIA intelligence analysis.
Sec. 1068. Protection of employees from retaliation for certain disclosures of classified information.
Sec. 1069. Applicability of certain pay authorities to members of the Commission on Servicemembers and Veterans Transition Assistance.
Sec. 1070. Transfer of B–17 aircraft to museum.
Sec. 1071. Five-year extension of aviation insurance program.
Sec. 1072. Treatment of military flight operations.
Sec. 1073. Naturalization of foreign nationals who served honorably in the Armed Forces of the United States.
Sec. 1074. Designation of Bob Hope as honorary veteran.
Sec. 1075. Criminal prohibition on the distribution of certain information relating to explosives, destructive devices, and weapons of mass destruction.
Sec. 1076. Prohibition on provision of burial benefits to individuals convicted of Federal capital offenses.
Sec. 1077. National POW/MIA Recognition Day.
Sec. 1078. Donation of excess Army chapel property to churches damaged or destroyed by arson or other acts of terrorism.
Sec. 1079. Report on the command selection process for District Engineers of the Army Corps of Engineers.
Sec. 1080. GAO study on certain computers.
Sec. 1081. Claims by members of the Armed Forces for loss of personal property due to flooding in the Red River Basin.
Sec. 1082. Defense burdensharing.
Sec. 1083. Sense of the Senate regarding a follow-on force for Bosnia.
Sec. 1084. Advice to the President and Congress regarding the safety, security, and reliability of United States nuclear weapons stockpile.
Sec. 1085. Limitation on use of cooperative threat reduction funds for destruction of chemical weapons.
Sec. 1086. Restrictions on use of humans as experimental subjects in biological and chemical weapons research.
Sec. 1087. Sense of the Senate regarding expansion of the North Atlantic Treaty Organization.
Sec. 1088. Security, fire protection, and other services at property formerly associated with Red River Army Depot, Texas.
Sec. 1089. Authority of the Secretary of Defense concerning disposal of assets under cooperative agreements on air defense in Central Europe.
Sec. 1090. Restrictions on quantities of alcoholic beverages available for personnel overseas through Department of Defense sources.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Use of prohibited constraints to manage Department of Defense personnel.
Sec. 1102. Employment of civilian faculty at the Marine Corps University.
Sec. 1103. Extension and revision of voluntary separation incentive pay authority.
Sec. 1104. Repeal of deadline for placement consideration of involuntarily separated military reserve technicians.
Sec. 1105. Rate of pay of Department of Defense overseas teacher upon transfer to General Schedule position.
Sec. 1106. Naturalization of employees of the George C. Marshall European Center for Security Studies.
Sec. 1107. Garnishment and involuntary allotment.
Sec. 1108. Higher education pilot program for the Naval Undersea Warfare Center.

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

Sec. 1201. Recognition and grant of Federal charter.
Sec. 1202. Powers.
Sec. 1203. Purposes.
Sec. 1204. Service of process.
Sec. 1205. Membership.
Sec. 1206. Board of directors.
Sec. 1207. Officers.
Sec. 1208. Restrictions.
Sec. 1209. Liability.
Sec. 1210. Maintenance and inspection of books and records.
Sec. 1211. Audit of financial transactions.
Sec. 1212. Annual report.
Sec. 1213. Reservation of right to alter, amend, or repeal charter.
Sec. 1214. Tax-exempt status required as condition of charter.
Sec. 1215. Termination.
Sec. 1216. Definition of State.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Authority to use certain prior year funds to construct a heliport at Fort Irwin, California.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization of military construction project at Pascagoula Naval Station, Mississippi, for which funds have been appropriated.
Sec. 2206. Increase in authorization for military construction projects at Roosevelt Roads Naval Station, Puerto Rico.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of military construction project at McConnell Air Force Base, Kansas, for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military housing planning and design.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Clarification of authority relating to fiscal year 1997 project at Naval Station, Pearl Harbor, Hawaii.
Sec. 2407. Authority to use prior year funds to carry out certain Defense Agency military construction projects.
Sec. 2408. Modification of authority to carry out fiscal year 1995 projects.
Sec. 2409. Availability of funds for fiscal year 1995 project relating to relocatable over-the-horizon radar, Naval Station Roosevelt Roads, Puerto Rico.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authorization of Army National Guard construction project, aviation support facility, Hilo, Hawaii, for which funds have been appropriated.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1995 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1994 projects.
Sec. 2704. Extension of authorization of fiscal year 1993 project.
Sec. 2705. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2706. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in ceiling for minor land acquisition projects.

Sec. 2802. Sale of utility systems of the military departments.
Sec. 2803. Administrative expenses for certain real property transactions.
Sec. 2804. Use of financial incentives for energy savings and water cost savings.
Sec. 2805. Screening of real property to be conveyed by the Department of Defense.

Subtitle B—Land Conveyances

Sec. 2811. Modification of authority for disposal of certain real property, Fort Belvoir, Virginia.
Sec. 2812. Correction of land conveyance authority, Army Reserve Center, Anderson, South Carolina.
Sec. 2813. Land conveyance, Hawthorne Army Ammunition Depot, Mineral County, Nevada.
Sec. 2814. Long-term lease of property, Naples, Italy.
Sec. 2815. Land conveyance, Topsham Annex, Naval Air Station, Brunswick, Maine.
Sec. 2816. Land conveyance, Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.
Sec. 2817. Land conveyance, Charleston Family Housing Complex, Bangor, Maine.
Sec. 2818. Land conveyance, Ellsworth Air Force Base, South Dakota.
Sec. 2819. Modification of land conveyance authority, Rocky Mountain Arsenal, Colorado.
Sec. 2820. Land conveyance, Army Reserve Center, Greensboro, Alabama.
Sec. 2821. Land conveyance, Hancock Field, Syracuse, New York.
Sec. 2822. Land conveyance, Havre Air Force Station, Montana, and Havre Training Site, Montana.
Sec. 2823. Land conveyance, Fort Bragg, North Carolina.

Subtitle C—Other Matters

Sec. 2831. Disposition of proceeds of sale of Air Force Plant No. 78, Brigham City, Utah.
Sec. 2832. Report on closure and realignment of military bases.
Sec. 2833. Sense of Senate on utilization of savings derived from base closure process.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense environmental management privatization.
Sec. 3105. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Defense environmental management privatization projects.
Sec. 3132. International cooperative stockpile stewardship programs.
Sec. 3133. Modernization of enduring nuclear weapons complex.
Sec. 3134. Tritium production.
Sec. 3135. Processing, treatment, and disposition of spent nuclear fuel rods and other legacy nuclear materials at the Savannah River Site.
Sec. 3136. Limitations on use of funds for laboratory directed research and development purposes.
Sec. 3137. Permanent authority for transfers of defense environmental management funds.
Sec. 3138. Report on remediation under the Formerly Utilized Sites Remedial Action Program.
Sec. 3139. Tritium production in commercial facilities.
Sec. 3140. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets.

Subtitle D—Other Matters

Sec. 3151. Administration of certain Department of Energy activities.
Sec. 3152. Modification and extension of authority relating to appointment of certain scientific, engineering, and technical personnel.
Sec. 3153. Annual report on plan and program for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3154. Submittal of biennial waste management reports.
Sec. 3155. Repeal of obsolete reporting requirements.
Sec. 3156. Commission on safeguarding and security of nuclear weapons and materials at Department of Energy facilities.
Sec. 3157. Modification of authority on commission on maintaining United States nuclear weapons expertise.
Sec. 3158. Land transfer, Bandelier National Monument.
Sec. 3159. Participation of national security activities in Hispanic outreach initiative of the Department of Energy.
Sec. 3160. Final settlement of Department of Energy community assistance payments to Los Alamos County under auspices of Atomic Energy Community Act of 1955.
Sec. 3161. Designating the Y-12 plant in Oak Ridge, Tennessee as the National Prototype Center.
Sec. 3162. Northern New Mexico educational foundation.
Sec. 3163. To authorize appropriations for the Greenville Road Improvement Project, Livermore, California.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.
Sec. 3303. Authority to dispose of certain materials in National Defense Stockpile.
Sec. 3304. Return of surplus platinum from the Department of the Treasury.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.
Sec. 3402. Leasing of certain oil shale reserves.
Sec. 3403. Repeal of requirement to assign Navy officers to Office of Naval Petroleum and Oil Shale Reserves.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures only in accordance with treaties.

Subtitle B—Facilitation of Panama Canal Transition

Sec. 3511. Short title; references.
Sec. 3512. Definitions relating to Canal transition.

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

Sec. 3521. Authority for the Administrator of the Commission to accept appointment as the Administrator of the Panama Canal Authority.
Sec. 3522. Post-Canal transfer personnel authorities.
Sec. 3523. Enhanced authority of Commission to establish compensation of Commission officers and employees.
Sec. 3524. Travel, transportation, and subsistence expenses for Commission personnel no longer subject to Federal Travel Regulation.
Sec. 3525. Enhanced recruitment and retention authorities.
Sec. 3526. Transition separation incentive payments.
Sec. 3527. Labor-management relations.
Sec. 3528. Availability of Panama Canal Revolving Fund for severance pay for certain employees separated by Panama Canal Authority after Canal Transfer Date.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

Sec. 3541. Establishment of procurement system and board of contract appeals.
Sec. 3542. Transactions with the Panama Canal Authority.
Sec. 3543. Time limitations on filing of claims for damages.
Sec. 3544. Tolls for small vessels.
Sec. 3545. Date of actuarial evaluation of FECA liability.
Sec. 3546. Appointment of notaries public.
Sec. 3547. Commercial services.
Sec. 3548. Transfer from President to Commission of certain regulatory functions relating to employment classification appeals.
Sec. 3549. Enhanced printing authority.
Sec. 3550. Technical and conforming amendments.

TITLE XXXVI—MISCELLANEOUS PROVISIONS

Sec. 3601. Commending Mexico on free and fair elections.
Sec. 3602. Sense of Congress regarding Cambodia.

Sec. 3603. Congratulating Governor Christopher Patten of Hong Kong.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Army as follows:

(1) For aircraft, $1,394,459,000.

(2) For missiles, $1,223,851,000.

(3) For weapons and tracked combat vehicles, $1,179,107,000.

(4) For ammunition, $1,043,202,000.

(5) For other procurement, $2,903,730,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Navy as follows:

(1) For aircraft, $6,482,265,000.

(2) For weapons, including missiles and torpedoes, $1,200,393,000.

(3) For shipbuilding and conversion, $8,593,358,000.

(4) For ammunition for the Navy and Marine Corps, $369,797,000.

(5) For other procurement, $3,177,700,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Marine Corps in the amount of $554,806,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Air Force as follows:

(1) For aircraft, $6,048,915,000.

(2) For missiles, $2,411,241,000.

(3) For ammunition, $420,784,000.

(4) For other procurement, $6,798,453,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1998 for Defense-wide procurement in the amount of $1,749,285,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $100,000,000.

(2) For the Air National Guard, $186,300,000.

(3) For the Army Reserve, $40,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $246,700,000.

(6) For the Marine Corps Reserve, $40,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1998 for procurement for the Inspector General of the Department of Defense in the amount of $1,800,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is are hereby authorized to be appropriated for fiscal year 1998 the amount of $614,700,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $274,068,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program established under section 2540 of title 10, United States Code, in the total amount of $1,231,000.

SEC. 110. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, the aggregate amount of funds available for Department of Defense, Army Procurement Advisory and Assistance Services shall be reduced by $30,000,000.

Subtitle B—Army Programs

SEC. 111. ARMY HELICOPTER MODERNIZATION PLAN.

(a) Limitation.—Not more than 25 percent of the amounts authorized to be appropriated pursuant to section 101(1), 105(1), or 105(3) for modifications or upgrades of helicopters may be obligated before the date that is 30 days after the Secretary of the Army submits to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter fleet.

(b) Content of Plan.—The plan required by subsection (a) shall, at a minimum, contain the following:

(1) A detailed assessment of the Army's present and future helicopter requirements and present and future helicopter inventory, including number of aircraft, age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to its individual types of aircraft, and the mix of active component aircraft and reserve component aircraft in the fleet.

(2) Estimates and analysis of requirements and funding proposed for procurement of new aircraft.

(3) An analysis of the requirements for and funding proposed for extended service plans or service life extension plans for fleet aircraft.

(4) A plan for retiring aircraft no longer required or capable of performing assigned functions, including a discussion of opportunities to eliminate older aircraft models and to focus future funding on current or future generation aircraft.

(5) The implications of the plan for the defense industrial base.

(c) Funding in Future-Years Defense Program.—The Secretary of the Army shall include in the plan required by subsection (a) a certification that the plan is to be funded in the future-years defense program submitted to Congress in 1998 pursuant to section 221(a) of title 10, United States Code.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-64D LONGBOW APACHE FIRE CONTROL RADAR.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of the AH-64D Longbow Apache fire control radar.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR FAMILY OF MEDIUM TACTICAL VEHICLES.

Beginning with the fiscal year 1998 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for the procurement of vehicles of the Family of Medium Tactical Vehicles. The contract may be for a term of four years and include an option to extend the contract for one additional year.

Subtitle C—Navy Programs

SEC. 121. NEW ATTACK SUBMARINE PROGRAM.

(a) Amounts Authorized From SCN Account.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $2,599,800,000 is available for the New Attack Submarine Program.

(b) Contract Authority.—(1) The Secretary of the Navy may enter into a contract for the procurement of four submarines under the New Attack Submarine program.

(2) Any contract entered into under paragraph (1)—

(A) shall, notwithstanding section 2304(k) of title 10, United States Code, be awarded to one of the two eligible shipbuilders as the prime contractor on the condition that the prime contractor enter into one or more subcontracts (under such prime contract) with the other of the two eligible shipbuilders as contemplated in the New Attack Submarine Team Agreement; and

(B) shall provide for—

(i) construction of the first submarine in fiscal year 1998; and

(ii) advance construction and advance procurement of materiel for the second, third, and fourth submarines in fiscal year 1998.

(3) The following shipbuilders are eligible for a contract under this subsection:

(A) The Electric Boat Corporation.

(B) The Newport News Shipbuilding and Drydock Company.

(4) In paragraph (2)(A), the term "New Attack Submarine Team Agreement" means the agreement known as the Team Agreement between Electric Boat Corporation and Newport News Shipbuilding and Drydock Company, dated February 25, 1997, that was submitted to Congress by the Secretary of the Navy on March 31, 1997.

(c) Limitation of Liability.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the New Attack Submarine program.

(d) Repeals of Superseded Provisions of Previous Defense Authorization Laws.—(1) Section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 206) is amended—

(A) in subsection (a)(1)(B)—

(i) in clause (i), by striking out ", which shall be built by Electric Boat Division"; and

(ii) in clause (ii), by striking out ", which shall be built by Newport News Shipbuilding"; and

(B) in subsection (b), by striking out paragraph (1).

(2) Section 121 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2441) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking out "to be built by Electric Boat Division"; and

(ii) in paragraph (1)(C), by striking out "to be built by Newport News Shipbuilding";

(B) in subsection (d), by striking out paragraph (2);

(C) in subsection (e), by striking out paragraph (1); and

(D) in subsection (g), by striking out "the committees specified in subsection (e)(1)" in paragraphs (3) and(4) and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(e) INAPPLICABILITY OF SUPERSEDED ASPECTS OF ATTACK SUBMARINE DEVELOPMENT PLAN.—The Secretary of Defense and the Secretary of the Navy are not required to carry out the portions of the program plan submitted under subsection (c) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 that are included in the plan pursuant to subparagraphs (A), (B), and (E) of paragraph (2) of such subsection.

SEC. 122. NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 1998, $345,000,000 is available for the procurement and construction of nuclear and nonnuclear components for the CVN–77 nuclear aircraft carrier program. The Secretary of the Navy is authorized to enter into a contract or contracts with the shipbuilder for the procurement and construction of such components.

(b) AMOUNTS AUTHORIZED FROM RDT&E ACCOUNT.—Of the amounts authorized to be appropriated by section 201(2) for fiscal year 1998, $35,000,000 is available for research, development, test, and evaluation of technologies that have potential for use in the CVN–77 nuclear aircraft carrier program.

(c) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN–77 nuclear aircraft carrier and manage the program so that the CVN–77 may be acquired for an amount not to exceed $4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The amounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN–77 aircraft carrier, as compared to the technology built into the baseline design of the CVN–76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 1105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211), there shall not be taken into account $745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN–23, SSN–24, and SSN–25 Seawolf class submarines, which have been canceled).

SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PROGRAM.

(a) LIMITATION ON RESUMPTION OF SERIAL PRODUCTION.—Serial production of the airborne self-protection jammer may not be resumed until the Director of Operational Test and Evaluation of the Department of Defense has certified in writing to Congress that—

(1) the capabilities of the airborne self-protection jammer exceed the capabilities of the integrated defensive electronics countermeasure system that is under development for use in F/A–18E/F aircraft;

(2) the units of the airborne self-protection jammer to be produced are to be used in F/A–18E/F aircraft; and

(3) the deficiencies in the airborne self-protection jammer noted by the Director before the date of the enactment of this Act have been eliminated.

(b) LIMITATION ON OBLIGATION OF FUNDS.—No funds authorized to be appropriated by this or any other Act may be obligated for serial production of the airborne self-protection jammer until the Secretary of Defense has certified in writing to Congress that funding is programmed for serial production of the airborne self-protection jammer in the future-years defense program.

Subtitle D—Air Force Programs

SEC. 131. B–2 BOMBER AIRCRAFT PROGRAM.

(a) PROHIBITION.—None of the funds authorized to be appropriated in this or any other Act may be used—

(1) to procure any additional B–2 bomber aircraft; or

(2) to maintain any part of the bomber industrial base solely for the purpose of preserving the option to procure additional B–2 bomber aircraft in the future.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to—

(1) any B–2 bomber aircraft that is covered by a contract for the production of that aircraft as of the date of the enactment of this Act; or

(2) any part of the bomber industrial base that is necessary for producing all B–2 bomber aircraft referred to in paragraph (1), but only for so long as is necessary to complete the production of such aircraft.

SEC. 132. ALR RADAR WARNING RECEIVERS.

(a) COST AND OPERATION EFFECTIVENESS ANALYSIS.—The Secretary of the Air Force shall conduct a cost and operation effectiveness analysis of upgrading the ALR69 radar warning receiver as compared with the further acquisition of the ALR56M radar warning receiver.

(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the cost and operation effectiveness analysis to the congressional defense committees not later than April 2, 1998.

Subtitle E—Other Matters

SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISITION OR ALTERATION OF PRIVATE DRYDOCKS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this or any other Act may be used, directly or indirectly, to purchase, lease, upgrade, or modify privately-owned drydocks.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DERIVED FROM BOEING 707 AIRCRAFT.

(a) ANALYSIS REQUIRED.—The Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an analysis of the requirements of the Department of Defense for replacing engines on the aircraft of the department that are derived from the Boeing 707 aircraft and the costs of meeting the requirements.

(b) CONTENT.—The analysis shall include the following:

(1) The number of aircraft described in subsection (a) that are in the inventory of the Department of Defense and the number of such aircraft that are projected to be in the inventory of the department in 5 years, in 10 years, and in 15 years.

(2) For each type of such aircraft, the estimated cost of operating the aircraft for each fiscal year after fiscal year 1997 and before fiscal year 2015, taking into account historical patterns of usage and projected support costs.

(3) For each type of such aircraft, the estimated costs and the benefits of replacing the engines on the aircraft, analyzed on the basis of the experience under the limited program for replacing the engines on RC–135 aircraft that was undertaken during fiscal years 1995, 1996, and 1997.

(4) The estimated total cost of replacing the engines pursuant to a program that provides for replacement of the engines on all of the aircraft of one type before undertaking the replacement of the engines on the aircraft of another type, with a higher priority being given in turn to each type of aircraft in which the replacement of the engines is expected to yield the anticipated benefits of replacement faster.

(5) Various plans for replacement of engines that the Under Secretary considers best on the basis of costs and benefits.

(c) SUBMISSION DEADLINE.—The Under Secretary shall submit the report under this section not later than March 1, 1998.

SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION FOR SALES OF MANUFACTURED ARTICLES OR SERVICES OF ARMY INDUSTRIAL FACILITIES OUTSIDE THE UNITED STATES.

Section 4543 of title 10, United States Code, is amended—

(1) in subsection (a)(5), by inserting ", except in the case of a sale described in subsection (b)," after "the Secretary of the Army determines";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) EXCEPTION TO REQUIREMENT FOR A PARTICULAR DETERMINATION.—A determination described in subsection (a)(5) is not necessary under the regulations in the case of—

"(1) a sale of articles to be incorporated into a weapon system being procured by the Department of Defense; or

"(2) a sale of services to be used in the manufacture of a weapon system being procured by the Department of Defense.".

SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) FUNDING.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export control Act is pending, as determined by the Secretary of Defense.

(c) MODIFICATION OF AIR FORCE AIRCRAFT.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,750,462,000.

(2) For the Navy, $7,812,972,000.

(3) For the Air Force, $14,302,264,000.

(4) For Defense-wide activities, $10,087,347,000, of which—

(A) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $31,384,000 is authorized for the Director of Operational Test and Evaluation.

(b) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining acitivity, the Secretary of Defense may utilize $2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

(2) An estimate of the costs, and an analysis of the costs and benefits, of producing the joint strike fighter variants in a sequence that provides for fielding of the naval variant of the aircraft first.

(3) A comparison of the costs and benefits of the various options for the sequence for fielding the variants of the joint strike fighter that the Secretary of Defense considers likely to be the options from among which a sequence for fielding is selected, including a discussion of the effects that selection of each such option would have on the costs and rates of production of the units of F/A–18E/F and F–22 aircraft that are in production when the Joint Strike Fighter Program proceeds into production.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 90 percent of the total amount authorized to be appropriated under this Act for the Joint Strike Fighter Program may be obligated until the date that is 30 days after the date on which the congressional defense committees receive the report required under this section.

(d) FISCAL YEAR 1998 BUDGET DEFINED.—In this section, the term "fiscal year 1999 budget request for the Department of Defense" means the budget estimates for the Department of Defense for fiscal year 1999 that were submitted to Congress by the Secretary of Defense in connection with the submission of the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code.

SEC. 212. F–22 AIRCRAFT PROGRAM.

(a) LIMITATION ON TOTAL COST OF ENGINEERING AND MANUFACTURING DEVELOPMENT.—The total amount obligated or expended for engineering and manufacturing development under the F–22 aircraft program may not exceed $18,688,000,000.

(b) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F–22 production program may not exceed $43,000,000,000.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the total amount authorized to be appropriated for the F–22 aircraft program for a fiscal year, not more than 90 percent of the amount may be obligated until the Comptroller General submits to Congress—

(1) the report required to be submitted in that fiscal year under subsection (c); and

(2) a certification that the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) ANNUAL GAO REVIEW.—(1) Not later than December 1 of each year, the Comptroller General shall review the F–22 aircraft program and submit to Congress a report on the results of the review. The Comptroller General shall also submit to Congress for each report a certification regarding whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(2) The report submitted on the program each year shall include the following:

(A) The extent to which engineering and manufacturing development under the program is meeting the goals established for engineering and manufacturing development under the program.

(B) The status of costs, testing, and modifications.

(C) The plan for engineering and manufacturing development (leading to production) under the program for the fiscal year that begins in the following year.

(D) A conclusion regarding whether the plan referred to in subparagraph (C) can be successfully carried out consistent with the limitation in subsection (a).

(E) A conclusion regarding whether engineering and manufacturing development (leading to production) under the program is likely to be completed at a total cost not in excess of the amount specified in subsection (a).

(3) The Comptroller General shall submit the first report under this subsection not later than December 1, 1997. No report is required under this subsection after engineering and manufacturing development under the program has been completed.

(e) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of the Air Force and the prime contractor under the F–22 aircraft program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to carry out the responsibilities under subsection (d).

SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.

(a) LIMITATION ON TOTAL COST OF ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION.—(1) The total amount obligated or expended for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program through fiscal year 2003 may not exceed $476,826,000.

(2) The total amount obligated or expended in fiscal year 1999, 2000, 2001, or 2002 for advanced concept technology demonstration under the High Altitude Endurance Unmanned Vehicle Program may not exceed the amount specified for that fiscal year, as follows:

(A) In fiscal year 1999, not more than $167,864,000.

(B) In fiscal year 2000, not more than $31,374,000.

(C) In fiscal year 2001, not more than $19,106,000.

(D) In fiscal year 2002, not more than $20,866,000.

(b) LIMITATION ON ACQUISITION.—No high altitude endurance unmanned vehicle may be acquired after the date of the enactment of this Act until 50 percent of the testing programmed in the test and evaluation master plan (as of such date) for the high altitude endurance unmanned vehicle has been completed.

(c) LIMITATION ON PROCEEDING.—The High Altitude Endurance Unmanned Vehicle Program may not proceed beyond advanced concept technology demonstration until the Comptroller General has certified to Congress that the high altitude endurance unmanned vehicles can be produced under the program at an average unit cost that does not exceed $10,000,000 (the so-called fly away price) in fiscal year 1994 constant dollars.

(d) GAO REVIEW.—(1) The Comptroller General shall review the High Altitude Endurance Unmanned Vehicle Program for purposes of making the certification under subsection (c).

(2) The Secretary of Defense and the prime contractors under the High Altitude Endurance Unmanned Vehicle Program shall provide the Comptroller General with such information on the program as the Comptroller considers necessary to make the determinations required for the certification under subsection (c).

SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE PROGRAM.

To the extent provided in appropriations Acts, the Secretary of the Navy may use not more than $25,000,000 of the amount appropriated for the Navy for fiscal year 1997 for research, development, test, evaluation for the Advanced Anti-Radiation Guided Missile Program in order to fund fiscal year 1998 research, development, test, and evaluation programs of the Navy that have a higher priority than such program.

SEC. 215. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) Limitation on Staff Years Funded.—Not more than 6,206 staff years of technical effort (staff years) may be funded for federally funded research and development centers out of the funds authorized to be appropriated for the Department of Defense for fiscal year 1998.

(b) Allocations Among Centers.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated (for funding as described in subsection (a)) to each defense federally funded research and development center for fiscal year 1998.

(2) After the submission of the report on allocation of staff years of technical effort under paragraph (1), the Secretary of Defense may not reallocate more than 5 percent of the staff years of technical effort allocated to a federally funded research and development center for fiscal year 1998 from that center to other federally funded research and development centers until 30 days after the date on which the Secretary has submitted a justification for the reallocation to the congressional defense committees.

(c) Fiscal Year 1999 Allocation.—(1) The Secretary of Defense shall submit to the congressional defense committees a report that specifies the number of staff years of technical effort that is to be allocated to each federally funded research and development center for fiscal year 1999 for funding out of the funds authorized to be appropriated for the Department of Defense for that fiscal year.

(2) The report shall be submitted at the same time that the President submits the budget for fiscal year 1999 to Congress under section 1105 of title 31, United States Code.

(c) Staff Year Defined.—In this section, the term "staff year of technical effort" means 1,810 hours of paid effort by direct and consultant labor performing professional-level technical work primarily in the fields of studies and analysis, system engineering and integration, systems planning, program and policy planning and analyses, and basic and applied research.

SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY PROJECTS.

(a) Goals.—(1) Subject to paragraph (3), it shall be the objective of the Secretary of each military department to obligate for dual-use projects in each fiscal year referred to in paragraph (2), out of the total amount authorized to be appropriated for such fiscal year for new projects initiated under the applied research programs of the military department, the percent of such amount that is specified for that fiscal year in paragraph (2).

(2) The objectives for fiscal years under paragraph (1) are as follows:

(A) For fiscal year 1998, 5 percent.

(B) For fiscal year 1999, 7 percent.

(C) For fiscal year 2000, 10 percent.

(3) The Secretary of Defense may establish for a military department for a fiscal year an objective different from the objective set forth in paragraph (2) if the Secretary—

(A) determines that compelling national security considerations require the establishment of the different objective; and

(2) notifies Congress of the determination and the reasons for the determination.

(b) Designation of Official for Dual-Use Programs.—(1) The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense to carry out responsibilities for dual-use programs under this subsection. The designated official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(2) The primary responsibilities of the designated official shall include developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that dual-use programs are initiated and administered effectively and that applicable commercial technologies are integrated into current and future military systems.

(3) In carrying out the responsibilities, the designated official shall ensure that—

(A) dual-use projects are consistent with the joint warfighting science and technology plan referred to in section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note); and

(B) the dual-use projects of the military departments and defense agencies of the Department of Defense are coordinated and avoid unnecessary duplication.

(c) Financial Commitment of Non-Federal Government Participants.—The total amount of funds provided by a military department for a dual-use project entered into by the Secretary of that department shall not exceed 50 percent of the total cost of the project. The Secretary may consider in-kind contributions by non-Federal participants for dual-use projects for the purpose of calculating the share of project costs that has been or is being undertaken by such participants only to the extent provided in regulations issued pursuant to section 2511(c)(2) of title 10, United States Code.

(d) Use of Competitive Procedures.—Funds obligated for a dual-use project may be counted toward meeting an objective under subsection (a) only if the funds are obligated for a contract, grant, cooperative agreement, or other transaction that was entered into through the use of competitive procedures.

(e) Report.—(1) Not later than January 31 of each of 1998, 1999, and 2000, the Secretary of Defense shall submit a report to the congressional defense committees on the progress made by the Department of Defense in meeting the objectives set forth in subsection (a) during the preceding fiscal year.

(2) The report for a fiscal year shall contain, at a minimum, the following:

(A) The aggregate value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research programs in the Department of Defense for that fiscal year.

(B) For each military department, the value of all contracts, grants, cooperative agreements, or other transactions entered into during the fiscal year for which funding is counted toward meeting an objective under this section, expressed in relationship to the total amount appropriated for the applied research program of the military department for that fiscal year.

(C) A summary of the cost-sharing arrangements in dual-use projects that were initiated during the fiscal year and are counted toward reaching an objective under this section.

(D) A description of the regulations, directives, or other procedures that have been issued by the Secretary of Defense or the Secretary of a military department to increase the percentage of the total value of the dual-use projects undertaken to meet or exceed an objective under this section.

(E) Any recommended legislation to facilitate achievement of objectives under this section.

(f) Repeal of Superseded Authority.—Section 203 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2451) is repealed.

(g) Definitions.—In this section:

(1) The term "applied research program" means a program of a military department which is funded under the 6.2 Research, Development, Test and Evaluation account of that department.

(2) The term "dual-use project" means a project under a program of a military department or a defense agency under which research or development of a dual-use technology is carried out and the costs of which are shared by the Department of Defense and non-Government entities.

SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) In General.—In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(b) Limitations.—(1) The total amount of authorizations transferred under the authority of this section may not exceed $50,000,000.

(2) The authority provided by this section to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect of Transfers on Accounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Congressional Notification.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 218. KINETIC ENERGY TACTICAL ANTI-SATELLITE TECHNOLOGY PROGRAM.

(a) Funding.—Of the funds authorized to be appropriated under section 201(4), $80,000,000 shall be available for the kinetic energy tactical anti-satellite technology program.

(b) Limitation.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 1998 for program element 65104D, relating to technical studies and analyses, may be obligated or expended until the funds specified in subsection (a) have been released to the program manager of the tactical kinetic energy anti-satellite technology program for implementation of that program.

SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) Funding.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-earth asteroid interception mission.

(b) Limitation.—Of the funds authorized to be appropriated pursuant to this Act in program element 64480F for the Global Positioning System Block IIF satellite system, not more than $35,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds appropriated pursuant to subsection (a) for the purpose specified in that subsection.

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) Nuclear Test Personnel Program.—Of the amount provided in section 201(4), $300,000 shall be available for testing described in subsection (b) in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) Covered Testing.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3)(A) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

(c) Collection of Samples.—The appropriate department or agency shall collect the required bioassay samples, at the request of a veteran who participated in the United States atmospheric nuclear testing or the occupation of Hiroshima and Nagasaki, Japan, and forward them to Brookhaven National Laboratory, under the appropriate chain of custody.

SEC. 221. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $15,000,000 shall be available for the DOD/VA Cooperative Research Program. The Secretary of Defense shall be the executive agent for the funds authorized under this section.

SEC. 222. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) Amount for Program.—Of the amount authorized to be appropriated under section 201(4), $7,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) Adjustments to Authorizations of Appropriations.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $7,000,000.

(2) The amount authorized to be appropriated under section 101(5) and available for special equipment for user testing is reduced by $7,000,000.

SEC. 223. FACIAL RECOGNITION TECHNOLOGY PROGRAM.

(a) Availability of Funds.—(1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(4) is hereby increased by $5,000,000.

(2) Funds available under the section referred to in paragraph (1) as a result of the increase in the authorization of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competitive procedures in selecting participants for the program.

(b) Offset.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by $5,000,000.

Subtitle C—Ballistic Missile Defense Programs

SEC. 225. NATIONAL MISSILE DEFENSE PROGRAM.

(a) Program Structure.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) Elements of NMD System.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) Ground-based radars.

(3) Space-based sensors.

(4) Battle management, command, control, and communications (BM/C3).

(c) Plan for NMD System Development and Deployment.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the development and deployment of a national missile defense system that could achieve initial operational capability in fiscal year 2003. The plan shall include the following matters:

(1) A detailed description of the system architecture selected for development.

(2) A discussion of the justification for the selection of that particular architecture.

(3) The Secretary's estimate of the amounts of the appropriations that would be necessary for research, development, test, evaluation, and for procurement for each of fiscal years 1999 through 2003 in order to achieve an initial operational capability of the system architecture in fiscal year 2003.

(4) For each activity necessary for the development and deployment of the national missile defense system architecture selected by the Secretary that would at some point conflict with the terms of the ABM Treaty, if any—

(A) a description of the activity;

(B) a description of the point at which the activity would conflict with the terms of the ABM Treaty;

(C) the legal analysis justifying the Secretary's determination regarding the point at which the activity would conflict with the terms of the ABM Treaty; and

(D) an estimate of the time at which such point would be reached in order to achieve a test of an integrated missile defense system in fiscal year 1999 and initial operational capability of such a system in fiscal year 2003.

(d) Funding for Fiscal Year 1998.—Of the funds authorized to be appropriated under section 201(4), $978,091,000 shall be available for the national missile defense program.

(e) ABM Treaty Defined.—In this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocol to that treaty, signed at Moscow on July 3, 1974.

SEC. 226. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) Transfers Required.—The Secretary of Defense shall—

(1) transfer to appropriations available to the Ballistic Missile Defense Organization for procurement for fiscal year 1998 the amounts that were transferred to accounts of the Army, Navy, Air Force, and Marine Corps pursuant to Program Budget Decision 224C3, signed by the Under Secretary of Defense (Comptroller) on December 23, 1996; and

(2) ensure that, in the future-years defense program, the procurement funding covered by that program budget decision is programmed for appropriations accounts of the Ballistic Missile Defense Organization rather than appropriations accounts of the Armed Forces.

(b) Relationship to Other Transfer Authority.—The transfer authority provided in subsection (a) is in addition to the transfer authority provided in section 1001.

Subtitle D—Other Matters

SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.

Section 2525(c)(2) of title 10, United States Code, is amended to read as follows:

"(2) In order to promote increased dissemination and use of manufacturing technology throughout the national defense technology and industrial base, the Secretary shall seek, to the maximum extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS BY COMMERCIAL ENTITIES.

(a) Extension of Authority.—Subsection (g) of section 2681 of title 10, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2001".

(b) Additional Reporting Requirement.—Subsection (h) of such section is amended—

(1) by striking out "Report.—" and inserting in lieu thereof "Reports.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than February 15, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.".

(c) Repeal of Reporting Requirements When Executed.—Effective on October 1, 1998, subsection (h) of such section is repealed.

SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by adding at the end the following:

"(f) State Defined.—In this section, the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM ORGANIZATIONS.

(a) National Ocean Research Leadership Council.—Section 7902 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out paragraphs (11), (14), (15), (16) and (17); and

(B) by redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(2) by striking out subsection (d); and

(3) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

(b) OCEAN RESEARCH ADVISORY PANEL.—(1) Section 7903(a) of such title is amended by striking out "government, academia, and industry" and inserting in lieu thereof "State governments, academia, and ocean industries".

(2) Section 282(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2473) is amended by striking out "January 1, 1997" and inserting in lieu thereof "January 1, 1998".

(c) CONFORMING AMENDMENTS.—Section 282 of the National Defense Authorization Act for Fiscal Year 1997 is amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall be effective as of September 23, 1996, as if included in section 282 of Public Law 104-201.

SEC. 235. DEMONSTRATION PROGRAM ON EXPLOSIVES DEMILITARIZATION TECHNOLOGY.

(a) PROGRAM REQUIRED.—During fiscal year 1998, the Secretary of Defense may conduct an alternative technology explosive munitions demilitarization demonstration program in accordance with this section.

(b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—Under the demonstration program, the Secretary shall demonstrate the use of existing, commercially available blast chamber technology for incineration of explosive munitions as an alternative to the open burning, open pit detonation of such munitions.

(c) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures in selecting participants for the demonstration program described in subsection (b).

(d) ASSESSMENT.—The Secretary shall assess the relative benefits of the blast chamber technology and the open burning, open pit detonation process with respect to the levels of emissions and noise resulting from use of the respective processes. In addition, the Secretary shall include a cost benefit analysis of this technology generally for explosives munitions destruction.

(e) REPORT.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit a report on the results of the demonstration program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include the Secretary's assessment under subsection (c).

(f) FUNDING.—(1) Of the amount authorized to be appropriated under section 201(4), $6,000,000 is available for the demonstration program under this section.

(2) The amount provided under section 201(4) is hereby increased by $6,000,000 for the explosives demilitarization technology program (PE 63104D).

(3) The amount provided under section 101(5) for special equipment for user testing is hereby decreased by $6,000,000.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $17,194,284,000.

(2) For the Navy, $21,681,330,000.

(3) For the Marine Corps, $2,379,445,000.

(4) For the Air Force, $18,861,685,000.

(5) For Defense-wide activities, $10,280,838,000.

(6) For the Army Reserve, $1,212,891,000.

(7) For the Naval Reserve, $834,711,000.

(8) For the Marine Corps Reserve, $110,366,000.

(9) For the Air Force Reserve, $1,631,200,000.

(10) For the Army National Guard, $2,288,932,000.

(11) For the Air National Guard, $3,004,282,000.

(12) For the Defense Inspector General, $136,580,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,952,000.

(14) For Environmental Restoration, Army, $350,337,000.

(15) For Environmental Restoration, Navy, $257,500,000.

(16) For Environmental Restoration, Air Force, $351,900,000.

(17) For Environmental Restoration, Defense-Wide, $25,900,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $188,300,000.

(19) For Overseas Contingency Operations, $1,467,500,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $660,882,000.

(21) For Medical Programs, Defense, $9,954,782,000.

(22) For Former Soviet Union Threat Reduction programs, $322,000,000.

(23) For Overseas Humanitarian Demining and CINC Initiative activities, $40,130,000.

(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.

SEC. 302. WORKING-CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital and revolving funds in amounts as follows:

(1) For the Defense Working-Capital Fund, $33,400,000.

(2) For the National Defense Sealift Fund, $516,126,000.

(3) For the Military Commissary Fund, $938,552,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1998 from the Armed Forces Retirement Home Trust Fund the sum of $79,977,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1998, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation and maintenance of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) The Fisher House Trust Fund, Department of the Army, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) The Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

SEC. 306. FUNDS FOR OPERATION OF FORT CHAFFEE, ARKANSAS.

Of the amount authorized for O&M, Army National Guard, $6,854,000 may be available for the operation of Fort Chaffee, Arkansas.

Subtitle B—Depot-Level Activities

SEC. 311. PERCENTAGE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) PERFORMANCE IN NON-GOVERNMENT FACILITIES.—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance of such workload in facilities other than Government-owned, Government-operated facilities.

"(2) In the administration of paragraph (1) for fiscal years ending before October 1, 1998, the percentage specified in that paragraph shall be deemed to be 40 percent.".

(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—Such section is further amended by inserting after subsection (a), as amended by subsection (a), the following:

"(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRIVATE PARTNERSHIP.—For the purposes of subsection (a), any performance of a depot-level maintenance and repair workload by a public-private partnership formed under section 2474(b) of this title shall be treated as performance of the workload in a Government-owned, Government-operated facility.".

SEC. 312. CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

(a) DESIGNATION AND PURPOSE.—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships

"(a) DESIGNATION.—(1) The Secretary of Defense shall designate each depot-level activity of the military departments and the

Defense Agencies (other than facilities recommended for closure or major realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)) as a Center of Industrial and Technical Excellence in the recognized core competencies of the activity.

"(2) The Secretary shall establish a policy to encourage the Secretary of each military department and the head of each Defense Agency to reengineer industrial processes and adopt best-business practices at their depot-level activities in connection with their core competency requirements, so as to serve as recognized leaders in their core competencies throughout the Department of Defense and in the national technology and industrial base (as defined in section 2491(1) of this title).

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment.

"(b) Public-Private Partnerships.—The Secretary of Defense shall enable Centers of Industrial and Technical Excellence to form public-private partnerships for the performance of depot-level maintenance and repair at such centers and shall encourage the use of such partnerships to maximize the utilization of the capacity at such Centers.

"(c) Additional Work.—The policy required under subsection (a) shall include measures to enable a private sector entity that enters into a partnership arrangement under subsection (b) or leases excess equipment and facilities at a Center of Industrial and Technical Excellence pursuant to section 2471 of this title to perform additional work at the Center, subject to the limitations outlined in subsection (b) of such section, outside of the types of work normally assigned to the Center.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2474. Centers of Industrial and Technical Excellence: designation; public-private partnerships.".

(b) Reporting Requirement.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report describing the policies established by the Secretary pursuant to section 2474 of title 10, United States Code (as added by subsection (a)), to carry out that section.

SEC. 313. CLARIFICATION OF PROHIBITION ON MANAGEMENT OF DEPOT EMPLOYEES BY CONSTRAINTS ON PERSONNEL LEVELS.

Section 2472(a) of title 10, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.".

SEC. 314. ANNUAL REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

"(e) Report.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

"(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads in Government-owned, Government-operated facilities; and

"(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads in facilities that are not owned and operated by the Federal Government.

"(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.".

SEC. 315. REPORT ON ALLOCATION OF CORE LOGISTICS ACTIVITIES AMONG DEPARTMENT OF DEFENSE FACILITIES AND PRIVATE SECTOR FACILITIES.

(a) Report.—Not later than May 31, 1998, the Secretary of Defense shall submit to Congress a report on the allocation among facilities of the Department of Defense and facilities in the private sector of the logistics activities that are necessary to maintain and repair the weapon systems and other military equipment identified by the Secretary, in consultation with the Joint Chiefs of Staff, as being necessary to enable the Armed Forces to conduct a strategic or major theater war.

(b) Elements.—The report under subsection (a) shall set forth the following:

(1) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned, Government-operated facilities, using personnel and equipment of the Department, as a result of the Secretary's determination that—

(A) the work involves unique or valuable workforce skills that should be maintained in the public sector in the national interest;

(B) the base of private sector sources having the capability to perform the workloads includes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment;

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexible response to surge requirements or other contingency situations, including changes in the mix or priority of previously scheduled workloads and reassignment of employees to different workloads without the requirement for additional contractual negotiations;

(G) private sector sources are less willing to assume responsibility for performing the workload as a result of the possibility of direct military or terrorist attack; or

(H) private sector sources cannot maintain continuity of workforce expertise as a result of high rates of employee turnover.

(2) The systems or equipment identified under subsection (a) that must be maintained and repaired in Government-owned facilities, whether Government operated or contractor-operated, as a result of the Secretary's determination that—

(A) the work involves facilities, technologies, or equipment that are unique and sufficiently valuable that the facilities, technologies, or equipment must be maintained in the public sector in the national interest;

(B) the private sector sources having the capability to perform the workloads have insufficient facilities, technology, or equipment to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

(ii) without a significant disruption or delay in the maintenance and repair of equipment; or

(C) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the facilities, technology, or equipment to perform the workloads.

(3) The systems or equipment identified under subsection (a) that may be maintained and repaired in private sector facilities.

(4) The approximate percentage of the total maintenance and repair workload of the Department of Defense necessary for the systems and equipment identified under subsection (a) that would be performed at Department of Defense facilities, and at private sector facilities, as a result of the determinations made for purposes of paragraphs (1), (2), and (3).

SEC. 316. REVIEW OF USE OF TEMPORARY DUTY ASSIGNMENTS FOR SHIP REPAIR AND MAINTENANCE.

(a) Findings.—Congress makes the following findings:

(1) In order to reduce the time that the crew of a naval vessel is away from the homeport of the vessel, the Navy seeks to perform ship repair and maintenance of the vessel at the homeport of the vessel whenever it takes six months or less to accomplish the work involved.

(2) At the same time, the Navy seeks to distribute ship repair and maintenance work among the Navy shipyards (known as to "level load") in order to more fully utilize personnel resources.

(3) During periods when a Navy shipyard is not utilized to its capacity, the Navy sometimes sends workers at the shipyard, on a temporary duty basis, to perform ship repairs and maintenance at a homeport not having a Navy shipyard.

(4) This practice is a more efficient use of civilian employees who might otherwise not be fully employed on work assigned to Navy shipyards.

(b) GAO Review and Report.—(1) The Comptroller General of the United States shall review the Navy's practice of using temporary duty assignments of personnel to perform ship maintenance and repair work at homeports not having Navy shipyards. The review shall include the following:

(A) An assessment of the rationale, conditions, and factors supporting the Navy's practice.

(B) A determination of whether the practice is cost-effective.

(C) The factors affecting future requirements for, and the adherence to, the practice, together with an assessment of the factors.

(2) Not later than May 1, 1998, the Comptroller General shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

SEC. 317. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR LAWS AND A RELATED REPORTING REQUIREMENT.

Section 311 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 247; 10 U.S.C. 2464 note) is amended by striking out subsections (f) and (g).

SEC. 318. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1998".

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

Subtitle C—Environmental Provisions

SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS ON DEPARTMENT OF DEFENSE PROPERTY.

(a) MATERIALS OF MEMBERS AND DEPENDENTS.—Subsection (a)(1) of section 2692 of title 10, United States Code, is amended by inserting "or by a member of the armed forces (or a dependent of a member) living on the installation" before the period at the end.

(b) STORAGE OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(8) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "by that private person of an industrial-type" and inserting in lieu thereof "of a"; and

(3) by striking out "; and" and inserting in lieu thereof ", including a space launch facility located on a Department of Defense installation or other land controlled by the United States and a Department of Defense facility for testing materiel or training personnel;".

(c) TREATMENT AND DISPOSAL OF MATERIALS CONNECTED WITH COMPATIBLE USE.—Subsection (b)(9) of such section is amended—

(1) by striking out "by a private person";

(2) by striking out "commercial use by that person of an industrial-type" and inserting in lieu thereof "use of a";

(3) by striking out "with that person" and inserting in lieu thereof "with the prospective user"; and

(4) in subparagraph (B), by striking out "for that person's" and inserting in lieu thereof "for the prospective user's".

(d) ADDITIONAL AUTHORITY.—Subsection (b) of such section is further amended—

(1) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(2) by adding at the end the following:

"(10) the storage of materials that will be used in connection with an activity of the Department of Defense or in connection with a service performed for the benefit of the Department of Defense or the disposal of materials that have been used in such connection.".

SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES IN RESPONSE TO FINES AND PENALTIES ASSESSED UNDER ENVIRONMENTAL LAWS.

(a) ANNUAL REPORTS.—Section 2706(b)(2) of title 10, United States Code, is amended by adding at the end the following:

"(H) A statement of the fines and penalties imposed or assessed against the Department of Defense under Federal, State, or local environmental law during the fiscal year preceding the fiscal year in which the report is submitted, which statement sets forth—

"(i) each Federal environmental statute under which a fine or penalty was imposed or assessed during the fiscal year;

"(ii) with respect to each such statute—

"(I) the aggregate amount of fines and penalties imposed or assessed during the fiscal year;

"(II) the aggregate amount of fines and penalties paid during the fiscal year;

"(III) the total amount required to meet commitments to environmental enforcement authorities under agreements entered into by the Department of Defense during the fiscal year for supplemental environmental projects agreed to in lieu of the payment of fines or penalties; and

"(IV) the number of fines and penalties imposed or assessed during the fiscal year that were—

"(aa) $10,000 or less;

"(bb) more than $10,000, but not more than $50,000;

"(cc) more than $50,000, but not more than $100,000; and

"(dd) more than $100,000; and

"(iii) with respect to each fine or penalty set forth under clause (ii)(IV)(dd)—

"(I) the installation or facility to which the fine or penalty applies; and

"(II) the agency that imposed or assessed the fine or penalty.".

(b) REPORT IN FISCAL YEAR 1998.—The statement submitted by the Secretary of Defense under subparagraph (H) of section 2706(b)(2) of title 10, United States Code, as added by subsection (a), in 1998 shall, to the maximum extent practicable, include the information required by that subparagraph for each of fiscal years 1994 through 1997.

SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES OF THE DEPARTMENT OF DEFENSE OVERSEAS.

Section 2706 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) REPORT ON ENVIRONMENTAL ACTIVITIES OVERSEAS.—(1) The Secretary of Defense shall submit to Congress each year, not later than 30 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the environmental activities of the Department of Defense overseas.

"(2) Each such report shall include the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply during such fiscal year with each requirement under a treaty, law, contract, or other agreement for environmental restoration or compliance activities.

"(B) A statement of the funds to be expended by the Department of Defense during such fiscal year in carrying out other activities relating to the environment overseas, including conferences, meetings, and studies for pilot programs and travel related to such activities.".

SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

(a) TERMS.—Section 2904(b)(4) of title 10, United States Code, is amended by striking out "three" and inserting in lieu thereof "not less than two or more than four".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments to the Strategic Environmental Research and Development Program Scientific Advisory Board made before, on, or after the date of enactment of this Act.

SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS FOR AGENCY SERVICES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

(a) ADDITIONAL INFORMATION.—Subsection (d) of section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483; 10 U.S.C. 2702 note) is amended by adding at the end the following:

"(5) A statement of the funding that will be required to meet commitments made to State and local governments under agreements entered into during the fiscal year preceding the fiscal year in which the report is submitted.

"(6) A description of any cost-sharing arrangement under any cooperative agreement entered into under this section.".

(b) GUIDELINES FOR REIMBURSEMENT AND COST-SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the guidelines established by the Secretary for reimbursement of State and local governments, and for cost-sharing between the Department of Defense, such governments, and vendors, under agreements entered into under such section 327.

SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) IN GENERAL.—In carrying out risk assessments as part of the evaluation of facilities of the Department of Defense for purposes of allocating funds and establishing priorities for environmental restoration projects at such facilities under the Defense

Environmental Restoration Program, the Secretary of Defense shall—

(1) utilize a risk assessment method that meets the requirements in subsection (b); and

(2) ensure the uniform and consistent utilization of the risk assessment method in all evaluations of facilities under the program.

(b) RISK ASSESSMENT METHOD.—The risk assessment method utilized under subsection (a) shall—

(1) take into account as a separate factor of risk—

(A) the extent to which the contamination level of a particular contaminant exceeds the permissible contamination level for the contaminant;

(B) the existence and extent of any population (including human populations and natural populations) potentially affected by the contaminant; and

(C) the existence and nature of any mechanism that would cause the population to be affected by the contaminant; and

(2) provide appropriately for the significance of any such factor in the final determination of risk.

(c) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM DEFINED.—In this section, the term "Defense Environmental Restoration Program" means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRONMENTAL RESTORATION AT DEPARTMENT OF DEFENSE SITES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations guidelines concerning the cost-recovery and cost-sharing activities of the military departments and defense agencies.

(2) COVERED MATTERS.—The guidelines prescribed under paragraph (1) shall—

(A) establish uniform requirements relating to cost-recovery and cost-sharing activities for the military departments and defense agencies;

(B) require the Secretaries of the military departments and the heads of the defense agencies to obtain all appropriate data regarding activities of contractors of the Department or other private parties responsible for environmental contamination at Department sites that is relevant for purposes of cost-recovery and cost-sharing activities;

(C) require the Secretaries of the military departments and the heads of the defense agencies to use consistent methods in estimating the costs of environmental restoration at sites under the jurisdiction of such departments and agencies for purposes of reports to Congress on such costs;

(D) require the Secretaries of the military departments to reduce the amounts requested for environmental restoration activities of such departments for a fiscal year by the amounts anticipated to be recovered in the preceding fiscal year as a result of cost-recovery and cost-sharing activities; and

(E) resolve any unresolved issues regarding the crediting of amounts recovered as a result of such activities under section 2703(d) of title 10, United States Code.

(b) IMPLEMENTATION OF GUIDELINES.—The Secretary shall take appropriate actions to ensure the implementation of the guidelines prescribed under subsection (a), including appropriate requirements to—

(1) identify contractors of the Department and other private parties responsible for environmental contamination at Department sites;

(2) review the activities of contractors of the Department and other private parties in order to identify negligence or other misconduct in such activities that would preclude Department indemnification for the costs of environmental restoration relating to such contamination or justify the recovery or sharing of costs associated with such restoration;

(3) obtain data as provided for under subsection (a)(2)(B); and

(4) pursue cost-recovery and cost-sharing activities where appropriate.

(c) DEFINITION.—In this section, the term "cost-recovery and-cost sharing activities" means activities concerning—

(1) the recovery of the costs of environmental restoration at Department sites from contractors of the Department and other private parties that contribute to environmental contamination at such sites; and

(2) the sharing of the costs of such restoration with such contractors and parties.

SEC. 338. PILOT PROGRAM FOR THE SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.

(a) AUTHORITY.—(1) The Secretary of Defense may, in consultation with the Administrator of General Services, carry out a pilot program to assess the feasibility and advisability of the sale of economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department.

(2) The Secretary may carry out the pilot program during the period beginning on October 1, 1997, and ending on September 30, 1999.

(b) INCENTIVES AVAILABLE FOR SALE.—(1) Under the pilot program, the Secretary may sell economic incentives for the reduction of emission of air pollutants attributable to a facility of a military department only if such incentives are not otherwise required for the activities or operations of the military department.

(2) The Secretary may not, under the pilot program, sell economic incentives attributable to the closure or realignment of a military installation under a base closure law.

(3) If the Secretary determines that additional sales of economic incentives are likely to result in amounts available for allocation under subsection (c)(2) in a fiscal year in excess of the limitation set forth in subparagraph (B) of that subsection, the Secretary shall not carry out such additional sales in that fiscal year.

(c) USE OF PROCEEDS.—(1) The proceeds of sale of economic incentives attributable to a facility of a military department shall be credited to the funds available to the facility for the costs of identifying, quantifying, or valuing economic incentives for the reduction of emission of air pollutants. The amount credited shall be equal to the cost incurred in identifying, quantifying, or valuing the economic incentives sold.

(2)(A)(i) If after crediting under paragraph (1) a balance remains, the amount of such balance shall be available to the Department of Defense for allocation by the Secretary to the military departments for programs, projects, and activities necessary for compliance with Federal environmental laws, including the purchase of economic incentives for the reduction of emission of air pollutants.

(ii) To the extent practicable, amounts allocated to the military departments under this subparagraph shall be made available to the facilities that generated the economic incentives providing the basis for the amounts.

(B) The total amount allocated under this paragraph in a fiscal year from sales of economic incentives may not equal or exceed $500,000.

(3) If after crediting under paragraph (1) a balance remains in excess of an amount equal to the limitation set forth in paragraph (2)(B), the amount of the excess shall be covered over into the Treasury as miscellaneous receipts.

(4) Funds credited under paragraph (1) or allocated under paragraph (2) shall be merged with the funds to which credited or allocated, as the case may be, and shall be available for the same purposes and for the same period as the funds with which merged.

(d) DEFINITIONS.—In this section:

(1) The term "base closure law" means the following:

(A) Section 2687 of title 10, United States Code.

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term "economic incentives for the reduction of emission of air pollutants" means any transferable economic incentives (including marketable permits and emission rights) necessary or appropriate to meet air quality requirements under the Clean Air Act (42 U.S.C. 7401 et seq.).

SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HYDROCARBON FUELS USED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program using existing technology to determine—

(1) the feasibility of tagging hydrocarbon fuels used by the Department of Defense for the purposes of analyzing and identifying such fuels;

(2) the deterrent effect of such tagging on the theft and misuse of fuels purchased by the Department; and

(3) the extent to which such tagging assists in determining the source of surface and underground pollution in locations having separate fuel storage facilities of the Department and of civilian companies.

(b) SYSTEM ELEMENTS.—The tagging system under the pilot program shall have the following characteristics:

(1) The tagging system does not harm the environment.

(2) Each chemical used in the tagging system is—

(A) approved for use under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(B) substantially similar to the fuel to which added, as determined in accordance with criteria established by the Environmental Protection Agency for the introduction of additives into hydrocarbon fuels.

(3) The tagging system permits a determination if a tag is present and a determination if the concentration of a tag has changed in order to facilitate identification of tagged fuels and detection of dilution of tagged fuels.

(4) The tagging system does not impair or degrade the suitability of tagged fuels for their intended use.

(c) REPORT.—Not later than 30 days after the completion of the pilot program, the Secretary shall submit to Congress a report setting forth the results of the pilot program and including any recommendations for legislation relating to the tagging of hydrocarbon fuels by the Department that the Secretary considers appropriate.

(d) Funding.—Of the amounts authorized to be appropriated under section 301(5) for operation and maintenance for defense-wide activities, not more than $5,000,000 shall be available for the pilot program.

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) Requirement.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) Exceptions.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) Certification of Inability To Meet Goal in 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

SEC. 341. REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) Requirement.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) Elements.—The report shall include the following—

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across State lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform Federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORE FACILITIES.

(a) Additional Funding Sources.—Section 2685 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Funds for Construction and Improvements.—Revenues received by the Department of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in subsections (c), (d), and (e):

"(1) Adjustments or surcharges authorized by subsection (a).

"(2) Sale of recyclable materials.

"(3) Sale of excess property.

"(4) License fees.

"(5) Royalties.

"(6) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.

"(7) Products offered for sale in commissaries under consignment with exchanges, as designated by the Secretary of Defense.".

SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERVICES.

(a) Integration Required.—The Secretaries of the military departments shall integrate the military exchange services, including the managing organizations of the military exchange services, not later than September 30, 2000.

(b) Submission of Plan to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the plan for achieving the integration required by subsection (a).

Subtitle E—Other Matters

SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL FUNDS.

(a) Restriction.—Section 2208 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k)(1) An advance billing of a customer for a working-capital fund is prohibited except as provided in paragraph (2).

"(2) An advance billing of a customer for a working-capital fund is authorized if—

"(A) the Secretary of Defense has submitted to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives a notification of the advance billing; and

"(B) in the case of an advance billing in an amount that exceeds $50,000,000, thirty days have elapsed since the date of the notification.

"(3) A notification of an advance billing of a customer for a working-capital fund that is submitted under paragraph (2) shall include the following:

"(A) The reasons for the advance billing.

"(B) An analysis of the effects of the advance billing on military readiness.

"(C) An analysis of the effects of the advance billing on the customer.

"(4) The Secretary of Defense may waive the applicability of this subsection—

"(A) during a period war or national emergency; or

"(B) to the extent that the Secretary determines necessary to support a contingency operation.

"(5) The Secretary of Defense shall submit to the committees referred to in paragraph (2) a report on advance billings for all working-capital funds whenever the aggregate amount of the advance billings for all working-capital funds not covered by a notification under that paragraph or a report previously submitted under this paragraph exceeds $50,000,000. The report shall be submitted not later than 30 days after the end of the month in which the aggregate amount first reaches $50,000,000. The report shall include, for each customer covered by the report, a discussion of the matters described in paragraph (3).

"(6) In this subsection:

"(A) The term 'advance billing', with respect to a working-capital fund, means a billing of a customer by the fund, or a requirement for a customer to reimburse or otherwise credit the fund, for the cost of goods or services provided (or for other expenses incurred) on behalf of the customer that is rendered or imposed before the customer receives the goods or before the services have been performed.

"(B) The term 'customer' means a requisitioning component or agency.".

(b) Reports on Advance Billings for the DBOF.—Section 2216a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking out "$100,000,000" and inserting in lieu thereof "$50,000,000"; and

(2) by adding at the end the following:

"(D) A report required under subparagraph (B)(ii) shall be submitted not later than 30 days after the end of the month in which the aggregate amount referred to in that subparagraph reaches the amount specified in that subparagraph.".

(c) Fiscal Year 1998 Limitation.—(1) The total amount of advance billings for Department of Defense working-capital funds and the Defense Business Operations Fund for fiscal year 1998 may not exceed $1,000,000,000.

(2) In paragraph (1), the term "advance billing", with respect to the working-capital funds of the Department of Defense and the Defense Business Operations Fund, has the same meaning as is provided with respect to working-capital funds in section 2208(k)(6) of title 10, United States Code (as amended by subsection (a)).

SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MANAGEMENT AND HUMANITARIAN ASSISTANCE.

(a) Establishment.—The Secretary of Defense may operate a Center for Excellence in Disaster Management and Humanitarian Assistance at Tripler Army Medical Center, Hawaii.

(b) Missions.—The Secretary of Defense shall specify the missions of the Center. The missions shall include the following:

(1) To provide and facilitate education, training, and research in civil-military operations, particularly operations that require international disaster management and humanitarian assistance and operations that require interagency coordination.

(2) To make available high-quality disaster management and humanitarian assistance in response to disasters.

(3) To provide and facilitate education, training, interagency coordination, and research on the following additional matters:

(A) Management of the consequences of nuclear, biological, and chemical events.

(B) Management of the consequences of terrorism.

(C) Appropriate roles for the reserve components in the management of such consequences and in disaster management and humanitarian assistance in response to natural disasters.

(D) Meeting requirements for information in connection with regional and global disasters, including use of advanced communications technology as a virtual library.

(E) Tropical medicine, particularly in relation to the medical readiness requirements of the Department of Defense.

(4) To develop a repository of disaster risk indicators for the Asia-Pacific region.

(c) Joint Operation With Educational Institution Authorized.—The Secretary may enter into an agreement with appropriate officials of an institution of higher education to provide for joint operation of the Center. Any such agreement shall provide for the institution to furnish necessary administrative services for the Center, including administration and allocation of funds.

(d) Acceptance of Funds.—(1) Except as provided in paragraph (2), the Secretary of Defense may, on behalf of the Center, accept funds for use to defray the costs of the Center or to enhance the operation of the Center from any agency of the Federal Government, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2)(A) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation, as the case may be, would compromise or appear to compromise—

(i) the ability of the Department of Defense, or any employee of the Department, to carry out any responsibility or duty of the Department in a fair and objective manner; or

(ii) the integrity of any program of the Department of Defense or of any official involved in such a program.

(B) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a foreign gift or donation would have a result described in subparagraph (A).

(3) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Center. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(e) Funding for Fiscal Year 1998.—Of the funds authorized to be appropriated under section 301, $5,000,000 shall be available for the Center for Excellence in Disaster Management and Humanitarian Assistance.

SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECTING MILITARY TRAINING OR OTHER READINESS ACTIVITIES.

(a) Congressional Notification.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following:

"§2014. Administrative actions adversely affecting military training or other readiness activities

"(a) Congressional Notification.—Whenever an official of an Executive agency takes or proposes to take an administrative action that, as determined by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff, affects training or any other readiness activity in a manner that has or would have a significant adverse effect on the military readiness of any of the armed forces or a critical component thereof, the Secretary shall submit a written notification of the action and each significant adverse effect to the head of the Executive agency taking or proposing to take the administrative action and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and, at the same time, shall transmit a copy of the notification to the President.

"(b) Notification To Be Prompt.—(1) Subject to paragraph (2), the Secretary shall submit a written notification of an administrative action or proposed administrative action required by subsection (a) as soon as the Secretary becomes aware of the action or proposed action.

"(2) The Secretary shall prescribe policies and procedures to ensure that the Secretary receives information on an administrative action or proposed administrative action described in subsection (a) promptly after Department of Defense personnel receive notice of such an action or proposed action.

"(c) Consultation Between Secretary and Head of Executive Agency.—Upon notification with respect to an administrative action or proposed administrative action under subsection (a), the head of the Executive agency concerned shall—

"(1) respond promptly to the Secretary; and

"(2) consistent with the urgency of the training or readiness activity involved and the provisions of law under which the administrative action or proposed administrative action is being taken, seek to reach an agreement with the Secretary on immediate actions to attain the objective of the administrative action or proposed administrative action in a manner which eliminates or mitigates the impacts of the administrative action or proposed administrative action upon the training or readiness activity.

"(d) Moratorium.—(1) Subject to paragraph (2), upon notification with respect to an administrative action or proposed administrative action under subsection (a), the administrative action or proposed administrative action shall cease to be effective with respect to the Department of Defense until the earlier of—

"(A) the end of the five-day period beginning on the date of the notification; or

"(B) the date of an agreement between the head of the Executive agency concerned and the Secretary as a result of the consultations under subsection (c).

"(2) Paragraph (1) shall not apply with respect to an administrative action or proposed administrative action if the head of the Executive agency concerned determines that the delay in enforcement of the administrative action or proposed administrative action will pose an actual threat of an imminent and substantial endangerment to public health or the environment.

"(e) Effect of Lack of Agreement.—(1) In the event the head of an Executive agency and the Secretary do not enter into an agreement under subsection (c)(2), the Secretary shall submit a written notification to the President who shall take final action on the matter.

"(2) Not later than 30 days after the date on which the President takes final action on a matter under paragraph (1), the President shall submit to the committees referred to in subsection (a) a notification of the action.

"(f) Limitation on Delegation of Authority.—The head of an Executive agency may not delegate any responsibility under this section.

"(g) Definition.—In this section, the term 'Executive agency' has the meaning given such term in section 105 of title 5 other than the General Accounting Office.".

(b) Clerical Amendment.—The table of sections of the beginning of such chapter is amended by adding at the end the following:

"2014. Administrative actions adversely affecting military training or other readiness activities.".

SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDITIONAL DUTIES ASSIGNED TO ARMY NATIONAL GUARD.

(a) Authority.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following:

"§113. Federal financial assistance for support of additional duties assigned to the Army National Guard

"(a) Authority.—The Secretary of the Army may provide financial assistance to a State to support activities carried out by the Army National Guard of the State in the performance of duties that the Secretary has assigned, with the consent of the Chief of the National Guard Bureau, to the Army National Guard of the State. The Secretary shall determine the amount of the assistance that is appropriate for the purpose.

"(b) Covered Activities.—Activities supported under this section may include only those activities that are carried out by the Army National Guard in the performance of responsibilities of the Secretary under paragraphs (6), (10), and (11) of section 3013(b) of title 10.

"(c) Disbursement Through National Guard Bureau.—The Secretary shall disburse any contribution under this section through the Chief of the National Guard Bureau.

"(d) Availability of Funds.—Funds appropriated for the Army for a fiscal year are available for providing financial assistance under this section in support of activities carried out by the Army National Guard during that fiscal year.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"113. Federal financial assistance for support of additional duties assigned to the Army National Guard.".

SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE AMMUNITION AND AMMUNITION COMPONENTS.

(a) Authority.—Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

"§4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components

"(a) Authority To Sell Outside DoD.—The Secretary of the Army may sell ammunition or ammunition components that are excess, obsolete, or unserviceable and have not been demilitarized to a person eligible under subsection (c) if—

"(1) the purchaser enters into an agreement, in advance, with the Secretary—

"(A) to demilitarize the ammunition or components; and

"(B) to reclaim, recycle, or reuse the component parts or materials; or

"(2) the Secretary, or an official of the Department of the Army designated by the Secretary, approves the use of the ammunition or components proposed by the purchaser as being consistent with the public interest.

"(b) METHOD OF SALE.—The Secretary shall use competitive procedures to sell ammunition and ammunition components under this section, except that the Secretary may negotiate a sale in any case in which the Secretary determines that there is only one potential buyer of the items being offered for sale.

"(c) ELIGIBLE PURCHASERS.—A purchaser of excess, obsolete, or unserviceable ammunition or ammunition components under this section shall be a licensed manufacturer (as defined in section 921(10) of title 18) that, as determined by the Secretary, has a capability to modify, reclaim, transport, and either store or sell the ammunition or ammunition components purchased.

"(d) HOLD HARMLESS AGREEMENT.—The Secretary shall require a purchaser of ammunition or ammunition components under this section to agree to hold harmless and indemnify the United States from any claim for damages for death, injury, or other loss resulting from a use of the ammunition or ammunition components, except in a case of willful misconduct or gross negligence of a representative of the United States.

"(e) VERIFICATION OF DEMILITARIZATION.—The Secretary shall establish procedures for ensuring that a purchaser of ammunition or ammunition components under this section demilitarizes the ammunition or ammunition components in accordance with any agreement to do so under subsection (a)(1). The procedures shall include on-site verification of demilitarization activities.

"(f) CONSIDERATION.—The Secretary may accept ammunition, ammunition components, or ammunition demilitarization services as consideration for ammunition or ammunition components sold under this section. The fair market value of any such consideration shall be equal to or exceed the fair market value or, if higher, the sale price of the ammunition or ammunition components sold.

"(g) DISPOSITION OF FUNDS.—Amounts received as proceeds of sale of ammunition or ammunition components under this section in any fiscal year shall—

"(1) be credited to an appropriation available for such fiscal year for the acquisition of ammunition or ammunition components or to an appropriation available for such fiscal year for the demilitarization of excess, obsolete, or unserviceable ammunition or ammunition components; and

"(2) shall be available for the same period and for the same purposes as the appropriation to which credited.

"(h) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the applicability of section 38 of the Arms Export Control Act (22 U.S.C. 2778) to sales of ammunition or ammunition components on the United States Munitions List.

"(i) DEFINITIONS.—In this section:

"(1) The term 'excess, obsolete, or unserviceable', with respect to ammunition or ammunition components, means that the ammunition or ammunition components are no longer necessary for war reserves or for support of training of the Army or production of ammunition or ammunition components.

"(2) The term 'demilitarize', with respect to ammunition or ammunition components—

"(A) means to destroy the military offensive or defensive advantages inherent in the ammunition or ammunition components; and

"(B) includes any mutilation, scrapping, melting, burning, or alteration that prevents the use of the ammunition or ammunition components for the military purposes for which the ammunition or ammunition components was designed or for a lethal purpose.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4687. Sale of excess, obsolete, or unserviceable ammunition and ammunition components.".

SEC. 366. INVENTORY MANAGEMENT.

(a) SCHEDULE FOR IMPLEMENTATION OF BEST INVENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.—(1) The Director of the Defense Logistics Agency shall develop and submit to Congress a schedule for implementing within the agency, for the supplies and equipment described in paragraph (2), inventory practices identified by the Director as being the best commercial inventory practices for such supplies and equipment consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than three years after date of the enactment of this Act.

(2) The inventory practices shall apply to the acquisition and distribution of medical supplies, subsistence supplies, clothing and textiles, commercially available electronics, construction supplies, and industrial supplies.

(3) For the purposes of this section, the term "best commercial inventory practice" includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

(b) TIME FOR SUBMISSION OF SCHEDULE TO CONGRESS.—The schedule required by this section shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 367. WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense may carry out a pilot program to use commercial sources of services to improve the collection of Department of Defense claims under aircraft engine warranties.

(b) CONTRACTS.—Exercising authority provided in section 3718 of title 31, United States Code, the Secretary of Defense may enter into contracts under the pilot program to provide for the following services:

(1) Collection services.

(2) Determination of amounts owed the Department of Defense for repair of aircraft engines for conditions covered by warranties.

(3) Identification and location of the sources of information that are relevant to collection of Department of Defense claims under aircraft engine warranties, including electronic data bases and document filing systems maintained by the Department of Defense or by the manufacturers and suppliers of the aircraft engines.

(4) Services to define the elements necessary for an effective training program to enhance and improve the performance of Department of Defense personnel in collecting and organizing documents and other information that are necessary for efficient filing, processing, and collection of Department of Defense claims under aircraft engine warranties.

(c) CONTRACTOR FEE.—Under authority provided in section 3718(d) of title 31, United States Code, a contract entered into under the pilot program shall provide for the contractor to be paid, out of the amount recovered by the contractor under program, such percentages of the amount recovered as the Secretary of Defense determines appropriate.

(d) RETENTION OF RECOVERED FUNDS.—Subject to any obligation to pay a fee under subsection (c), any amount collected for the Department of Defense under the pilot program for a repair of an aircraft engine for a condition covered by a warranty shall be credited to an appropriation available for repair of aircraft engines for the fiscal year in which collected and shall be available for the same purposes and same period as the appropriation to which credited.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) TERMINATION OF AUTHORITY.—The pilot program shall terminate at the end of September 30, 1999, and contracts entered into under this section shall terminate not later than that date.

(g) REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report on the pilot program. The report shall include the following:

(1) The number of contracts entered into under the program.

(2) The extent to which the services provided under the contracts resulted in financial benefits for the Federal Government.

(3) Any additional comments and recommendations that the Secretary considers appropriate regarding use of commercial sources of services for collection of Department of Defense claims under aircraft engine warranties.

SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE TO ENHANCE INCREASED PERFORMANCE OF MILITARY FAMILY SUPPORT SERVICES BY PRIVATE SECTOR SOURCES.

Section 2391(b)(5) of title 10, United States Code, is amended by adding at the end the following:

"(C) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government to enhance that government's capabilities to support efforts of the Department of Defense to privatize, contract for, or diversify the performance of military family support services in cases in which the capability of the department to provide such services is adversely affected by an action described in paragraph (1).".

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(b) Period of Program.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) Report.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(d) Funding.—(1) Of the amount authorized to be appropriated under section 301(1), $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(2) Of the amount authorized to be appropriated under section 301(1), the total amount available for cold weather clothing is decreased by $36,000,000.

SEC. 370. CONTRACTING FOR PROCUREMENT OF CAPITAL ASSETS IN ADVANCE OF AVAILABILITY OF FUNDS IN THE WORKING-CAPITAL FUND FINANCING THE PROCUREMENT.

Section 2208 of title 10, United States Code, is amended by adding at the end the following:

"(l)(1) A contract for the procurement of a capital asset financed by a working-capital fund may be awarded in advance of the availability of funds in the working-capital fund for the procurement.

"(2) Paragraph (1) applies to any of the following capital assets that have a development or acquisition cost of not less than $100,000:

"(A) A minor construction project under section 2805(c)(1) of this title.

"(B) Automatic data processing equipment or software.

"(C) Any other equipment.

"(D) Any other capital improvement.".

SEC. 371. CONTRACTED TRAINING FLIGHT SERVICES.

Of the amount authorized to be appropriated under section 301(4), $12,000,000 may be used for contracted training flight services.

Subtitle F—Sikes Act Improvement

SEC. 381. SHORT TITLE; REFERENCES.

(a) Short Title.—This subtitle may be cited as the "Sikes Act Improvement Act of 1997".

(b) References to Sikes Act.—In this subtitle, the term "Sikes Act" means the Act entitled "An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations", approved September 15, 1960 (commonly known as the "Sikes Act") (16 U.S.C. 670a et seq.).

SEC. 382. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) In General.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking subsection (a) and inserting the following:

"(a) Authority of Secretary of Defense.—

"(1) Program.—

"(A) In general.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

"(B) Integrated natural resources management plan.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

"(2) Cooperative preparation.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

"(3) Purposes of program.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

"(A) the conservation and rehabilitation of natural resources on military installations;

"(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

"(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

"(4) Effect on other law.—Nothing in this title—

"(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

"(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

"(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.".

(b) Conforming Amendments.—

(1) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(A) in subsection (b)(4), by striking "cooperative plan" each place it appears and inserting "integrated natural resources management plan";

(B) in subsection (c), in the matter preceding paragraph (1), by striking "a cooperative plan" and inserting "an integrated natural resources management plan";

(C) in subsection (d), in the matter preceding paragraph (1), by striking "cooperative plans" and inserting "integrated natural resources management plans"; and

(D) in subsection (e), by striking "Cooperative plans" and inserting "Integrated natural resources management plans".

(2) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking "a cooperative plan" and inserting "an integrated natural resources management plan".

(3) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by striking "a cooperative plan" and inserting "an integrated natural resources management plan".

(4) Section 106 of the Sikes Act (16 U.S.C. 670f) is amended—

(A) in subsection (a), by striking "cooperative plans" and inserting "integrated natural resources management plans"; and

(B) in subsection (c), by striking "cooperative plans" and inserting "integrated natural resources management plans".

(c) Required Elements of Plans.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking "(b) Each cooperative" and all that follows through the end of paragraph (1) and inserting the following:

"(b) Required Elements of Plans.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

"(1) shall, to the extent appropriate and applicable, provide for—

"(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

"(B) fish and wildlife habitat enhancement or modifications;

"(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

"(D) integration of, and consistency among, the various activities conducted under the plan;

"(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

"(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

"(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

"(H) enforcement of applicable natural resource laws (including regulations);

"(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

"(J) such other activities as the Secretary of the military department determines appropriate;";

(2) in paragraph (2), by adding "and" at the end;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking "collect the fees therefor," and inserting "collect, spend, administer, and account for fees for the permits,".

SEC. 383. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) Definitions.—In this section, the terms "military installation" and "United States" have the meanings provided in section 100 of the Sikes Act (as added by section 389).

(b) Review of Military Installations.—

(1) Review.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act (as amended by this subtitle) is appropriate; and

(B) submit to the Secretary of Defense a report on the determinations.

(2) Report to congress.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than 3 years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act (as amended by this subtitle); or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this subtitle.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).

SEC. 384. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 382(c)(4)) is amended by inserting before the period at the end the following: ", unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes".

SEC. 385. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following:

"(f) REVIEWS AND REPORTS.—

"(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

"(A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

"(B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

"(C) an assessment of the extent to which the plans comply with this title.

"(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

"(3) DEFINITION OF COMMITTEES.—In this subsection, the term 'committees' means—

"(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

"(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.".

SEC. 386. COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a), by striking "Secretary of Defense" and inserting "Secretary of a military department";

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

"(c) MULTIYEAR AGREEMENTS.—Funds made available to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in the fiscal year, regardless of the fact that the agreement extends for more than 1 fiscal year.".

SEC. 387. FEDERAL ENFORCEMENT.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 108; and

(2) by inserting after section 105 the following:

"SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

"All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.".

SEC. 388. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 387) the following:

"SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

"To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.".

SEC. 389. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before section 101 the following:

"SEC. 100. DEFINITIONS.

"In this title:

"(1) MILITARY INSTALLATION.—The term 'military installation'—

"(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

"(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

"(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means the 1 or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

"(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.".

SEC. 390. REPEAL.

Section 2 of Public Law 99–561 (16 U.S.C. 670a–1) is repealed.

SEC. 391. TECHNICAL AMENDMENTS.

(a) The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Sikes Act'.".

(b) The title heading for title I of the Sikes Act (16 U.S.C. prec. 670a) is amended by striking "MILITARY RESERVATIONS" and inserting "MILITARY INSTALLATIONS".

(c) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(1) in subsection (b)(3) (as redesignated by section 382(c)(4))—

(A) in subparagraph (A), by striking "the reservation" and inserting "the military installation"; and

(B) in subparagraph (B), by striking "the military reservation" and inserting "the military installation";

(2) in subsection (c)—

(A) in paragraph (1), by striking "a military reservation" and inserting "a military installation"; and

(B) in paragraph (2), by striking "the reservation" and inserting "the military installation"; and

(3) in subsection (e), by striking "the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)" and inserting "chapter 63 of title 31, United States Code".

(d) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking "military reservations" and inserting "military installations".

(e) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended—

(1) by striking "military reservations" and inserting "military installations"; and

(2) by striking "such reservations" and inserting "the installations".

SEC. 392. AUTHORIZATIONS OF APPROPRIATIONS.

(a) CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 387(1)) are each amended by striking "1983" and all that follows through "1993," and inserting "1998 through 2003,".

(b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking "the sum of $10,000,000" and all that follows through "to enable the Secretary of the Interior" and inserting "$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior"; and

(2) in subsection (b), by striking "the sum of $12,000,000" and all that follows through

"to enable the Secretary of Agriculture" and inserting "$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

(1) The Army, 485,000, of whom not more than 80,300 shall be officers.

(2) The Navy, 390,802, of whom not more than 55,695 shall be officers.

(3) The Marine Corps, 174,000, of whom not more than 17,978 shall be officers.

(4) The Air Force, 371,577, of whom not more than 72,732 shall be officers.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

(1) The Army National Guard of the United States, 361,516.

(2) The Army Reserve, 208,000.

(3) The Naval Reserve, 94,294.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 108,002.

(6) The Air Force Reserve, 73,542.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,310.

(2) The Army Reserve, 11,500.

(3) The Naval Reserve, 16,136.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,671.

(6) The Air Force Reserve, 963.

SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AIR NATIONAL GUARD.—In addition to the number of military technicians for the Air National Guard of the United States as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 100 military technicians are authorized for fiscal year 1998 for five Air National Guard C–130 aircraft units.

(b) AIR FORCE RESERVE.—In addition to the number of military technicians for the Air Force Reserve as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 21 military technicians are authorized for fiscal year 1998 for three Air Force Reserve C–130 aircraft units.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1998 a total of $69,244,962,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1998.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY PROMOTION BOARD.

(a) ACTIVE COMPONENT OFFICERS.—Section 619(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618 of this title".

(b) RESERVE COMPONENT OFFICERS.—Section 14301(c) of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) an officer whose name is on—

"(A) a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title; or

"(B) a list of names of officers recommended for promotion to that grade that is set forth in a report of such a board, while the report is pending action under section 618, 14110, or 14111 of this title;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to each selection board that is convened under section 611(a), 14101(a), or 14502 of title 10, United States Code, on or after such date.

SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFICERS ALLOWED TO BE FROCKED TO THE GRADE OF O–6.

Paragraph (2) of section 777(d) of title 10, United States Code, is amended to read as follows:

"(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed—

"(A) in the case of the grade of major, lieutenant colonel, lieutenant commander, or commander, 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year; and

"(B) in the case of the grade of colonel or captain, 2 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.".

SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED LIST OR OF RETIREMENT AGE TO SERVE AS CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF THE NAVY.

(a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—(1) Section 5142(b) of title 10, United States Code, is amended by striking out ", who are not on the retired list," in the second sentence.

(2) Section 5142a of such title is amended by striking out ", who is not on the retired list,".

(b) AUTHORITY TO DEFER RETIREMENT.—(1) Chapter 573 of title 10, United States Code, is amended by adding at the end the following new section:

"§6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age

"The Secretary of the Navy may defer the retirement under section 1251(a) of this title of an officer of the Chaplain Corps if during the period of the deferment the officer will be serving as the Chief of Chaplains or the Deputy Chief of Chaplains. A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.".

SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIREES.

(a) INAPPLICABILITY OF LIMITATION TO CERTAIN OFFICERS.—Section 688(e) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) In the administration of paragraph (1), the following officers shall not be counted:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 30, 1997, immediately after the amendment made by section 521(a) of Public Law 104–201 (110 Stat. 2515) takes effect.

SEC. 505. INCREASED YEARS OF COMMISSIONED SERVICE FOR MANDATORY RETIREMENT OF REGULAR GENERALS AND ADMIRALS ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) YEARS OF SERVICE.—Section 636 of title 10, United States Code, is amended—

(1) by striking out "Except" and inserting in lieu thereof "(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except

as provided in subsection (b) or (c) of this section and''; and

(2) by adding at the end the following:

''(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

''(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.''.

(b) SECTION HEADING.—The heading of such section is amended to read as follows:

''§636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)''.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of title 10, United States Code, is amended to read as follows:

''636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half).''.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. TERMINATION OF READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM.

(a) TERMINATION.—(1) Chapter 1214 of title 10, United States Code, is amended by adding at the end the following;

''§12533. Termination of program authority

''(a) BENEFITS NOT TO ACCRUE.—No benefits accrue under the insurance program for active duty performed on or after the program termination date.

''(b) SERVICE NOT INSURED.—The insurance program does not apply with respect to any order of a member of the Ready Reserve into covered service that becomes effective on or after the program termination date.

''(c) CESSATION OF ACTIVITIES.—No person may be enrolled, and no premium may be collected, under the insurance program on or after the program termination date.

''(d) PROGRAM TERMINATION DATE.—For the purposes of this section, the term 'program termination date' is the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''12533. Termination of program authority.''.

(b) PAYMENT OF BENEFITS.—The Secretary of Defense shall pay in full all benefits that have accrued to members of the Armed Forces under the Ready Reserve Mobilization Income Insurance Program before the date of the enactment of this Act. A refund of premiums to a beneficiary under subsection (c) may not reduce the benefits payable to the beneficiary under this subsection.

(c) REFUND OF PREMIUMS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall refund premiums paid under the Ready Reserve Mobilization Income Insurance Program to the persons who paid the premiums, as follows:

(1) In the case of a person for whom no payment of benefits has accrued under the program, all premiums.

(2) In the case of a person who has accrued benefits under the program, the premiums (including any portion of a premium) that the person has paid for periods (including any portion of a period) for which no benefits accrued to the person under the program.

(d) STUDY AND REPORT.—Not later than June 1, 1998, the Secretary of Defense shall—

(1) carry out a study to determine—

(A) the reasons for the fiscal deficiencies in the Ready Reserve Mobilization Income Insurance Program that make it necessary to appropriate $72,000,000 or more to pay benefits (including benefits in arrears) and other program costs; and

(B) whether there is a need for such a program; and

(2) submit to Congress a report containing—

(A) the Secretary's determinations; and

(B) if the Secretary determines that there is a need for a Ready Reserve mobilization income insurance program, the Secretary's recommendations for improving the program under chapter 1214 of title 10, United States Code.

SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFICERS IN AN INACTIVE STATUS.

Section 12683(b)(1) of title 10, United States Code, is amended to read as follows:

''(1) to—

''(A) a separation under section 12684, 14901, or 14907 of this title; or

''(B) a separation of a reserve officer in an inactive status in the Standby Reserve who is not qualified for transfer to the Retired Reserve or, if qualified, does not apply for transfer to the Retired Reserve;''.

SEC. 513. RETENTION OF MILITARY TECHNICIANS IN GRADE OF BRIGADIER GENERAL AFTER MANDATORY SEPARATION DATE.

(a) RETENTION TO AGE 60.—Section 14702(a) of title 10, United States Code, is amended—

(1) by striking out ''section 14506 or 14507'' and inserting in lie thereof ''section 14506, 14507, or 14508(a)''; and

(2) by striking out ''or colonel'' and inserting in lieu thereof ''colonel, or brigadier general''.

(b) RELATIONSHIP TO OTHER RETENTION AUTHORITY.—Section 14508(c) of such title is amended by adding at the end the following: ''For the purposes of the preceding sentence, a retention of a reserve officer under section 14702 of this title shall not be construed as being a retention of that officer under this subsection.''.

SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL GUARD MEMBERS AS HONOR GUARDS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 1 of title 32, United States Code, as amended by section 364, is further amended by adding at the end the following new section:

''§114. Honor guard functions at funerals for veterans

''Subject to such restrictions as may be prescribed by the Secretary concerned, the performance of honor guard functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of honor guard functions at funerals may not be considered to be a period of drill or training otherwise required.''.

(2) The table of sections at the beginning of such chapter, as amended by section 364, is further amended by adding at the end the following new item:

''114. Honor guard functions at funerals for veterans.''.

(b) FUNDING FOR FISCAL YEAR 1997.—Section 114 of title 32, United States Code, as added by subsection (a), does not authorize additional appropriations for fiscal year 1997. Any expenses of the National Guard that are incurred by reason of such section during fiscal year 1997 may be paid from existing appropriations available for the National Guard.

Subtitle C—Education and Training Programs

SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY PROGRAM.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4344 the following new section:

''§4345. Exchange program with foreign military academies

''(a) AGREEMENT AUTHORIZED.—The Secretary of the Army may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

''(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

''(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Academy and the foreign government provide cadets of the Academy with instruction at military academies of the foreign government.

''(B) That the number of cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

''(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

''(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

''(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

''(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

''(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

''(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 4344 of this title; and

"(B) the authorized strength of the cadets of the Academy under section 4342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4344 the following new item:

"4345. Exchange program with foreign military academies.".

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6957 the following new section:

"§ 6957a. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Naval Academy and the foreign government provide midshipmen of the Academy with instruction at military academies of the foreign government.

"(B) That the number of midshipmen of the Naval Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Naval Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Naval Academy to the same extent that the foreign government provides comparable support and services to midshipmen of the Naval Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 midshipmen of the Naval Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Naval Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Naval Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Naval Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Naval Academy under section 6957 of this title; and

"(B) the authorized strength of the midshipmen under section 6954 of this title.

"(2) Section 6957(c) of this title applies to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957 the following new item:

"6957a. Exchange program with foreign military academies.".

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9344 the following new section:

"§ 9345. Exchange program with foreign military academies

"(a) AGREEMENT AUTHORIZED.—The Secretary of the Air Force may enter into an agreement with an official of a foreign government authorized to act for that foreign government to carry out a military academy foreign exchange study program.

"(b) TERMS OF AGREEMENT.—(1) An agreement with a foreign government under this section shall provide for the following:

"(A) That, on an exchange basis, the Secretary provide students of military academies of the foreign government with instruction at the Air Force Academy and the foreign government provide Air Force Cadets of the Academy with instruction at military academies of the foreign government.

"(B) That the number of Air Force Cadets of the Academy provided instruction under the exchange program and the number of students of military academies of the foreign government provided instruction at the Academy under the exchange program during an academic year be equal.

"(C) That the duration of the period of exchange study for each student not exceed one academic semester (or an equivalent academic period of a host foreign military academy).

"(2) An agreement with a foreign government under this section may provide for the Secretary to provide a student of a military academy of the foreign government with quarters, subsistence, transportation, clothing, health care, and other services during the period of the student's exchange study at the Academy to the same extent that the foreign government provides comparable support and services to Air Force Cadets of the Academy during the period of the cadets' exchange study at a military academy of the foreign government.

"(c) MAXIMUM NUMBER.—Under the exchange program not more than a total of 24 Air Force Cadets of the Academy may be receiving instruction at military academies of foreign governments under the program at any time, and not more than a total of 24 students of military academies of foreign governments may be receiving instruction at the Academy at any time.

"(d) FOREIGN STUDENTS NOT TO RECEIVE PAY AND ALLOWANCES.—A student of a foreign military academy provided instruction at the Academy under the exchange program is not, by virtue of participation in the exchange program, entitled to the pay, allowances, and emoluments of a cadet appointed from the United States.

"(e) SPECIAL RULES FOR FOREIGN MILITARY ACADEMY STUDENTS.—(1) Foreign military academy students receiving instruction at the Academy under the exchange program are in addition to—

"(A) the number of persons from foreign countries who are receiving instruction at the Academy under section 9344 of this title; and

"(B) the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

"(2) Subsections (c) and (d) of section 9344 of this title apply to students of military academies of foreign governments while the students are participating in the exchange program under this section.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out the military academy foreign exchange study program under this section. The regulations may, subject to subsection (e)(2), include eligibility criteria and methods for selection of students to participate in the exchange program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9344 the following new item:

"9345. Exchange program with foreign military academies.".

SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) PROGRAMS FOR INSTRUCTORS AT AIR FORCE TRAINING SCHOOLS.—Section 9315 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "(b) Subject to subsection (c)" and inserting in lieu thereof "(b) CONFERMENT OF DEGREE.—(1) Subject to paragraph (2)";

(2) by redesignating subsection (c) as paragraph (2) and in such paragraph, as so redesignated—

(A) by striking out "(1) the" and inserting in lieu thereof "(A) the"; and

(B) by striking out "(2) the" and inserting in lieu thereof "(B) the";

(3) in subsection (a)—

(A) by inserting after "(a)" the following: "ESTABLISHMENT AND MISSION.—"; and

(B) in paragraph (1), by striking out "Air Force" and inserting in lieu thereof "armed forces described in subsection (b)"; and

(4) by inserting after subsection (a) the following new subsection (b):

"(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education referred to in subsection (a)(1):

"(1) An enlisted member of the Army, Navy, or Air Force who is serving as an instructor at an Air Force training school.

"(2) Any other enlisted member of the Air Force.".

(b) RETROACTIVE APPLICABILITY.—Subsection (b) of section 9315 of such title, as added by subsection (a)(4), shall apply with respect to programs of higher education of the Community College of the Air Force as of March 31, 1996.

SEC. 523. PRESERVATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF THE SELECTED RESERVE SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) PRESERVATION OF EDUCATIONAL ASSISTANCE.—Section 16131(c)(3)(B)(i) of title 10, United States Code, is amended by striking out ", in connection with the Persian Gulf War,".

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b)(4) of such title is amended—

(1) by striking out "(A)";

(2) by striking out ", during the Persian Gulf War,";

(3) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(4) by striking out "(B) For the purposes" and all that follows through "title 38.".

SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY REQUIREMENTS FOR THE ARMY RANGER TRAINING BRIGADE.

(a) IN GENERAL.—(1) Section 4303 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4303.

(b) REPEAL OF RELATED PROVISION.—Section 562 of Public Law 104-106 (110 Stat. 323) is repealed.

SEC. 525. FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"§2032. Responsibility of the Secretary of Defense

"(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

"(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidations of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

"(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2032. Responsibility of the Secretary of Defense.".

Subtitle D—Decorations and Awards

SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF READY RESERVE FOR AWARD OF SERVICE MEDAL FOR HEROISM.

(a) SOLDIER'S MEDAL.—Section 3750(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(b) NAVY AND MARINE CORPS MEDAL.—Section 6246 of such title is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) The authority in subsection (a) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

(c) AIRMAN'S MEDAL.—Section 8750(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.".

SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsections (b), (c), and (d), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR MEDAL.—Subsection (a) applies to the award of the Silver Star Medal as follows:

(1) To Joseph M. Moll, Jr. of Milford, New Jersey, for service during World War II.

(2) To Philip Yolinsky of Hollywood, Florida, for service during the Korean Conflict.

(c) NAVY AND MARINE CORPS MEDAL.—Subsection (a) applies to the award of the Navy and Marine Corps Medal to Gary A. Gruenwald of Damascus, Maryland, for service in Tunisia in October 1977.

(d) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT OF RECOMMENDATIONS FOR DECORATIONS AND AWARDS FOR CERTAIN MILITARY INTELLIGENCE PERSONNEL.

Section 523(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 311; 10 U.S.C. 1130 note) is amended by striking out "during the one-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "after February 9, 1996, and before February 10, 1998".

SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILITARY ORGANIZATIONS FOR AWARD OF UNIT DECORATIONS.

(a) AUTHORITY.—A unit decoration may be awarded for any unit or other organization of the Armed Forces of the United States, such as the Military Intelligence Service of the Army, that (1) supported the planning or execution of combat operations during World War II primarily through unit personnel who were attached to other units of the Armed Forces or of other allied armed forces, and (2) is not otherwise eligible for award of the decoration by reason of not usually having been deployed as a unit in support of such operations.

(b) TIME FOR SUBMISSION OF RECOMMENDATION.—Any recommendation for award of a unit decoration under subsection (a) shall be submitted to the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code), or to such other official as the Secretary concerned may designate, not later than 2 years after the date of the enactment of this Act.

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104-201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stirpes, in equal shares.

SEC. 536. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§1131. Cold War service medal

"(a) MEDAL REQUIRED.—The Secretary concerned shall issue the Cold War service medal to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) Eligible Persons.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member of an armed force during the Cold War;

"(B) completed the initial term of enlistment;

"(C) after the expiration of the initial term of enlistment, reenlisted in an armed force for an additional term or was appointed as a commissioned officer or warrant officer in an armed force; and

"(D) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant office in an armed force during the Cold War;

"(B) completed the initial service obligation as an officer;

"(C) served in the armed forces after completing the initial service obligation; and

"(D) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge.

"(c) One Award Authorized.—Not more than one Cold War service medal may be issued to any one person.

"(d) Issuance to Representative of Deceased.—If a person referred to in subsection (b) dies before being issued the Cold War service medal, the medal may be issued to the person's representative, as designated by the Secretary concerned.

"(e) Replacement.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) Uniform Regulations.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) Definitions.—In this section, the term 'Cold War' means the period beginning on August 15, 1974, and terminating at the end of December 21, 1991.".

(b) Clerical Amendments.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"Sec. 1131. Cold War service medal.".

Subtitle E—Military Personnel Voting Rights

SEC. 541. SHORT TITLE.

This subtitle may be cited as the "Military Voting Rights Act of 1997".

SEC. 542. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"Sec. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 543. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) Registration and Balloting.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) Elections for Federal Offices.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) Elections for State and Local Offices.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking out **"FOR FEDERAL OFFICE"**.

Subtitle F—Other Matters

SEC. 551. SENSE OF CONGRESS REGARDING STUDY OF MATTERS RELATING TO GENDER EQUITY IN THE ARMED FORCES.

(a) Findings.—Congress makes the following findings:

(1) In the all-volunteer force, women play an integral role in the Armed Forces.

(2) With increasing numbers of women in the Armed Forces, questions arise concerning inequalities, and perceived inequalities, between the treatment of men and women in the Armed Forces.

(b) Sense of Congress.—It is the sense of Congress that the Comptroller General should—

(1) conduct a study on any inequality, or perception of inequality, in the treatment of men and women in the Armed Forces that arises out of the statutes and regulations governing the Armed Forces; and

(2) submit to Congress a report on the study not later than one year after the date of enactment of this Act.

SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE MILITARY.

(a) Establishment.—There is established a commission to be known as the Commission on Gender Integration in the Military.

(b) Membership.—

(1) In general.—The commission shall be composed of 11 members appointed from among private citizens of the United States who have appropriate and diverse experiences, expertise, and historical perspectives on training, organizational, legal, management, military, and gender integration matters.

(2) Specific qualifications.—Of the 11 members, at least two shall be appointed from among persons who have superior academic credentials, at least four shall be appointed from among former members and retired members of the Armed Forces, and at least two shall be appointed from among members of the reserve components of the Armed Forces.

(c) Appointments.—

(1) Authority.—The President pro tempore of the Senate shall appoint the members in consultation with the chairman of the Committee on Armed Services, who shall recommend six persons for appointment, and the ranking member of the Committee on Armed Services, who shall recommend five persons for appointment. The appointments shall be made not later than 45 days after the date of the enactment of this Act.

(2) Period of appointment.—Members shall be appointed for the life of the commission.

(3) Vacancies.—A vacancy in the membership shall not affect the commission's powers, but shall be filled in the same manner as the original appointment.

(d) Meetings.—

(1) Initial meeting.—The Commission shall hold its first meeting not later than 30 days after the date on which all members have been appointed.

(2) When called.—The Commission shall meet upon the call of the chairman.

(3) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

(e) Chairman and Vice Chairman.—The Commission shall select a chairman and a vice chairman from among its members.

(f) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized, by the Commission, take any action which the Commission is authorized to take under this title.

(g) Duties.—The Commission shall—

(1) review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training;

(2) review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the armed forces and personal relationships between members of the armed forces and non-military personnel of the opposite sex;

(3) assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the armed force, grade, or rank of the individuals involved;

(4) provide an independent assessment of the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on adultery announced by the Secretary of Defense; and

(5) examine the experiences, policies, and practices of the armed forces of other industrialized nations regarding gender-integrated training.

(h) Reports.—

(1) Initial report.—Not later than April 15, 1998, the Commission shall submit to the Committee on Armed Services of the Senate an initial report setting forth the activities, findings, and recommendations of the Commission. The report shall include any recommendations for congressional action and administrative action that the Commission considers appropriate.

(2) Final report.—Not later than September 16, 1998, the Commission shall submit to the Committee on Armed Services a final report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for congressional action and administrative action that the Commission considers appropriate.

(i) Powers.—

(1) Hearings, et cetera.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties.

(2) Information from federal agencies.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties.

Upon the request of the chairman of the Commission, the head of a department or agency shall furnish the requested information expeditiously to the Commission.

(3) POSTAL SERVICES.— The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(j) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall, upon the request of the chairman of the Commission, furnish the Commission any administrative and support services that the Commission may require.

(k) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(2) TRAVEL ON MILITARY CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(3) TRAVEL EXPENSES.—The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) STAFF.—The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to three additional staff members as necessary to enable the Commission to perform its duties. The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the executive schedule under section 5316 of such title.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the chairman of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist in carrying out its duties. A detail of an employee shall be without interruption or loss of civil service status or privilege.

(6) TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(l) TERMINATION.—The Commission shall terminate 90 days after the date on which it submits the final report under subsection (h)(2).

(m) FUNDING.—

(1) FROM DEPARTMENT OF DEFENSE APPROPRIATIONS.—Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, out of funds appropriated for the Department of Defense, such amounts as the Commission may require to carry out its duties.

(2) PERIOD OF AVAILABILITY.—Funds made available to the Commission shall remain available, without fiscal year limitation, until the date on which the Commission terminates.

SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND REPORTS.

(a) INVESTIGATIONS.—Any commanding officer or officer in charge of a unit, vessel, facility, or area who receives from a member of the command or a civilian employee under the supervision of the officer a complaint alleging sexual harassment by a member of the Armed Forces or a civilian employee of the Department of Defense shall, to the extent practicable—

(1) within 72 hours after receipt of the complaint—

(A) forward the complaint or a detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(B) commence, or cause the commencement of, an investigation of the complaint; and

(C) advise the complainant of the commencement of the investigation;

(2) ensure that the investigation of the complaint is completed not later than 14 days after the investigation is commenced; and

(3) either—

(A) submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced; or

(B) submit a report on the progress made in completing the investigation to the next superior officer referred to in paragraph (1) within 20 days after the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation, to that next superior officer.

(b) REPORTS.—(1) Not later than January 1 of each of 1998 and 1999, each officer receiving any complaint forwarded in accordance with subsection (a) during the preceding year shall submit to the Secretary of the military department concerned a report on all such complaints and the investigations of such complaints (including the results of the investigations, in cases of investigations completed during such preceding year).

(2)(A) Not later than March 1 of each of 1998 and 1999, each Secretary receiving a report under paragraph (1) for a year shall submit to the Secretary of Defense a report on all such reports so received.

(B) Not later than the April 1 following receipt of a report for a year under subparagraph (A), the Secretary of Defense shall transmit to Congress all such reports received for the year under subparagraph (A) together with the Secretary's assessment of each such report.

(c) SEXUAL HARASSMENT DEFINED.—In this section, the term "sexual harassment" means—

(1) a form of sex discrimination that—

(A) involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

(ii) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

(iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; and

(B) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive;

(2) any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces or a civilian employee of the Department of Defense; and

(3) any deliberate or repeated unwelcome verbal comment, gesture, or physical contact of a sexual nature in the workplace by any member of the Armed Forces or civilian employee of the Department of Defense.

SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHER AUTHORITIES.

(a) ARMY.—(1) Chapter 345 of title 10, United States Code, is amended by adding at the end:

"§ 3583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Army, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"3583. Requirement of exemplary conduct.".

(b) AIR FORCE.—(1) Chapter 845 of title 10, United States Code, is amended by adding at the end the following:

"§ 8583. Requirement of exemplary conduct

"All commanding officers and others in authority in the Air Force are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"8583. Requirement of exemplary conduct.".

SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE PERSONNEL IN MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) AUTHORITY.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060a the following new section:

"§1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees

"(a) Authority To Permit Participation.—The Secretary concerned may authorize a member of the armed forces, a civilian officer or employee of the Department of Defense, or a civilian officer or civilian employee of the Coast Guard—

"(1) to serve as a director, officer, or trustee of a military welfare society or other entity described in subsection (c); or

"(2) to participate in any other capacity in the management of such a society or entity.

"(b) Compensation Prohibited.—Compensation may not be accepted for service or participation authorized under subsection (a).

"(c) Covered Entities.—This section applies with respect to the following entities:

"(1) Military welfare societies.—The following military welfare societies:

"(A) The Army Emergency Relief.

"(B) The Air Force Aid Society.

"(C) The Navy-Marine Corps Relief Society.

"(D) The Coast Guard Mutual Assistance.

"(2) Other entities.—Each of the following additional entities that is not operated for profit:

"(A) Any athletic conference, or other entity, that regulates and supports the athletics programs of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

"(B) Any entity that regulates international athletic competitions.

"(C) Any regional educational accrediting agency, or other entity, that accredits the academies referred to in subparagraph (A) or accredits any other school of the armed forces.

"(D) Any health care association, professional society, or other entity that regulates and supports standards and policies applicable to the provision of health care by or for the Department of Defense.

"(d) Secretary of Defense as Secretary Concerned.—In this section, the term 'Secretary concerned' includes the Secretary of Defense with respect to civilian officers and employees of the Department of Defense who are not officers or employees of a military department.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060a the following new item:

"1060b. Participation in management of non-Federal entities: members of the armed forces; civilian employees.".

SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE IN ROPMA PROVISION RELATING TO POSITION VACANCY PROMOTION.

Section 14317(d) of title 10, United States Code, is amended by striking out "section 14314" in the first sentence and inserting in lieu thereof "section 14315".

SEC. 557. GRADE OF DEFENSE ATTACHE IN FRANCE.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall take actions appropriate to ensure that each officer selected for assignment to the position of defense attache in France is an officer who holds, or is promotable to, the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(a) Waiver of Section 1009 Adjustment.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1998 shall not be made.

(b) Increase in Basic Pay.—Effective on January 1, 1998, the rates of basic pay of members of the uniformed services are increased by 2.8 percent.

Subtitle B—Subsistence, Housing, and Other Allowances

PART I—REFORM OF BASIC ALLOWANCE FOR SUBSISTENCE

SEC. 611. REVISED ENTITLEMENT AND RATES.

(a) Universal Entitlement to BAS Except During Basic Training.—

(1) In general.—Section 402 of title 37, United States Code, is amended by striking out subsections (b) and (c).

(2) Exception.—Subsection (a) of such section is amended by adding at the end the following: "However, an enlisted member is not entitled to the basic allowance for subsistence during basic training.".

(b) Rates Based on Food Costs.—Such section, as amended by subsection (a), is further amended by inserting after subsection (a) the following new subsection (b):

"(b) Rates of BAS.—(1) The monthly rate of basic allowance for subsistence in effect for an enlisted member for a year (beginning on January 1 of the year) shall be the amount that is halfway between the following amounts that are determined by the Secretary of Agriculture as of October 1 of the preceding year:

"(A) The amount equal to the monthly cost of a moderate-cost food plan for a male in the United States who is between 20 and 50 years of age.

"(B) The amount equal to the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age.

"(2) The monthly rate of basic allowance for subsistence in effect for an officer for a year (beginning on January 1 of the year) shall be the amount equal to the monthly rate of basic allowance for subsistence in effect for officers for the preceding year, increased by the same percentage by which the rate of basic allowance for subsistence for enlisted members for the preceding year is increased effective on such January 1.".

(c) Continuation of Advance Payment Authority.—Such section is further amended by inserting after subsection (b), as added by subsection (b) of this section, the following new subsection (c):

"(c) Advance Payment.—The allowance to an enlisted member may be paid in advance for a period of not more than three months.".

(d) Flexibility To Manage Demand for Dining and Messing Services.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) Policies on Use of Dining and Messing Facilities.—The Secretary of Defense, in consultation with the Secretaries concerned, shall prescribe policies regarding use of dining and field messing facilities of the uniformed services.".

(e) Regulations.—Such section is further amended by adding after subsection (e), as added by subsection (d) of this section, the following:

"(f) Regulations.—(1) The Secretary of Defense shall prescribe regulations for the administration of this section. Before prescribing the regulations, the Secretary shall consult with each Secretary concerned.

"(2) The regulations shall include the rates of basic allowance for subsistence.".

(f) Stylistic and Conforming Amendments.—

(1) Subsection headings.—Such section is amended—

(A) in subsection (a), by inserting "Entitlement.—" after "(a)"; and

(B) in subsection (d), by inserting "Coast Guard.—" after "(d)".

(2) Travel status exception to entitlement.—Section 404 of title 37, United States Code, is amended—

(A) by striking out subsection (g); and

(B) by redesignating subsections (h), (i), (j), and (k) as subsections (g), (h), (i), and (j), respectively.

SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSISTENCE.

(a) BAS Transition Period.—For the purposes of this section, the BAS transition period is the period beginning on the effective date of this part and ending on the date that this section ceases to be effective under section 613(b).

(b) Transitional Authority.—Notwithstanding section 402 of title 37, United States Code (as amended by section 611), during the BAS transition period—

(1) the basic allowance for subsistence shall not be paid under that section for that period;

(2) a member of the uniformed services is entitled to the basic allowance for subsistence only as provided in subsection (c);

(3) an enlisted member of the uniformed services may be paid a partial basic allowance for subsistence as provided in subsection (d); and

(4) the rates of the basic allowance for subsistence are those determined under subsection (e).

(c) Transitional Entitlement to BAS.—

(1) Enlisted members.—

(A) Types of entitlement.—An enlisted member is entitled to the basic allowance for subsistence, on a daily basis, of one of the following types—

(i) when rations in kind are not available;

(ii) when permission to mess separately is granted; and

(iii) when assigned to duty under emergency conditions where no messing facilities of the United States are available.

(B) Other entitlement circumstances.—An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from the member's designated post of duty other than field duty or sea duty (as defined in regulations prescribed by the Secretary of Defense). For purposes of the preceding sentence, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

(i) is an enlisted member serving his first tour of active duty;

(ii) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

(iii) is not actually traveling between stations pursuant to orders directing a change of station.

(C) Advance payment.—The allowance to an enlisted member, when authorized, may be paid in advance for a period of not more than three months.

(2) Officers.—An officer of a uniformed service who is entitled to basic pay is, at all

times, entitled to the basic allowances for subsistence. An aviation cadet of the Navy, Air Force, Marine Corps, or Coast Guard is entitled to the same basic allowance for subsistence as is provided for an officer of the Navy, Air Force, Marine Corps, or Coast Guard, respectively.

(d) Transitional Authority for Partial BAS.—

(1) Enlisted members furnished subsistence in kind.—The Secretary of Defense may provide in regulations for an enlisted member of a uniformed service to be paid a partial basic allowance for subsistence when—

(A) rations in kind are available to the member;

(B) the member is not granted permission to mess separately; or

(C) the member is assigned to duty under emergency conditions where messing facilities of the United States are available.

(2) Monthly payment.—Any partial basic allowance for subsistence authorized under paragraph (1) shall be paid on a monthly basis.

(e) Transitional Rates.—

(1) Full BAS for officers.—The rate of basic allowance for subsistence that is payable to officers of the uniformed services for a year shall be the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was payable to officers of the uniformed services for the preceding year.

(2) Full BAS for enlisted members.—The rate of basic allowance for subsistence that is payable to an enlisted member of the uniformed services for a year shall be the higher of—

(A) the amount that is equal to 101 percent of the rate of basic allowance for subsistence that was in effect for similarly situated enlisted members of the uniformed services for the preceding year; or

(B) the daily equivalent of what, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code (as added by section 611(b)).

(3) Partial BAS for enlisted members.—The rate of any partial basic allowance for subsistence paid under subsection (d) for a member for a year shall be equal to the lower of—

(A) the amount equal to the excess, if any, of—

(i) the amount equal to the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the preceding year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted), increased by the same percent by which the rates of basic pay for members of the uniformed services were increased for the year over those in effect for such preceding year, over

(ii) the amount equal to 101 percent of the monthly equivalent of the rate of basic allowance for subsistence that was in effect for the previous year for enlisted members of the uniformed services above grade E–1 (when permission to mess separately is granted); or

(B) the amount equal to the excess of—

(i) the amount that, except for subsection (b), would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code, over

(ii) the amount equal to the monthly equivalent of the value of a daily ration, as determined by the Under Secretary of Defense (Comptroller) as of October 1 of the preceding year.

SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSITIONAL AUTHORITY.

(a) Effective Date.—This part and the amendments made by section 611 shall take effect on January 1, 1998.

(b) Termination of Transitional Provisions.—Section 612 shall cease to be effective on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is granted), as determined under subsection (e)(2) of such section, equals or exceeds the amount that, except for subsection (b) of such section, would otherwise be the monthly rate of basic allowance for subsistence for enlisted members under section 402(b)(1) of title 37, United States Code.

PART II—REFORM OF HOUSING AND RELATED ALLOWANCES

SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUSING.

(a) Redesignation of BAQ.—Section 403 of title 37, United States Code, is amended by striking out "basic allowance for quarters" each place it appears, except in subsections (f) and (m), and inserting in lieu thereof "basic allowance for housing".

(b) Rates.—Subsection (a) of such section is amended by striking out "section 1009" and inserting in lieu thereof "section 403a".

(c) Temporary Housing Allowance While in Travel or Leave Status.—Subsection (f) of such section is amended to read as follows:

"(f) Temporary Housing Allowance While in Travel or Leave Status.—A member of a uniformed service who is in pay grade above E–4 (four or more years of service) or above is entitled to a temporary housing allowance (at a rate determined under section 403a of this title) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.".

(d) Determinations Necessary for Administering Authority for all Members.—Subsection (h) of such section is amended by striking out "enlisted" each place it appears.

(e) Entitlement of Members Not Entitled to Pay.—Subsection (i) of such section is amended by striking out "enlisted".

(f) Temporary Housing and Allowance for Survivors of Active Duty Members.—

(1) Continuation of occupancy.—Paragraph (1) of subsection (l) of such section is amended by striking out "in line of duty" and inserting in lieu thereof "on active duty".

(2) Allowance.—Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) The Secretary concerned may pay a basic allowance for housing (at the rate determined under section 403a of this title) to the dependents of a member of the uniformed services who dies while on active duty and whose dependents—

"(i) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of the member's death;

"(ii) are occupying such housing on a rental basis on such date; or

"(iii) vacate such housing sooner than 180 days after the date of the member's death.

"(B) The payment of the allowance under this subsection shall terminate 180 days after the date of the member's death.".

(g) Entitlement of Member Paying Child Support.—Subsection (m) of such section is amended to read as follows:

"(m) Members Paying Child Support.—(1) A member of a uniformed service with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

"(A) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(B) the member is in a pay grade above E–4, is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel.

"(2) A member of a uniformed service assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service who is not otherwise authorized a basic allowance for housing and who pays child support is entitled to the basic allowance for housing differential (at the rate applicable under section 403a of this title) to the members' pay grade except for months for which the amount payable for the child support is less than the rate of the differential. Payment of a basic allowance for housing differential does not affect any entitlement of the member to a partial allowance for quarters under subsection (o).".

(h) Replacement of VHA by Basic Allowance for Housing.—

(1) Members not accompanied by dependents outside CONUS.—Such section is further amended by adding at the end the following:

"(n) Members Not Accompanied by Dependents Outside CONUS.—(1) A member of a uniformed service with dependents who is assigned to an unaccompanied tour of duty outside the continental United States is eligible for a basic allowance for housing as provided in paragraph (2).

"(2)(A) For any period during which the dependents of a member referred to in paragraph (1) reside in the United States where, if the member were residing with them, the member would be entitled to receive a basic allowance for housing, the member is entitled to a basic allowance for housing at the rate applicable under section 403a of this title to the member's pay grade and the location of the residence of the member's dependents.

"(B) A member referred to in paragraph (1) may be paid a basic allowance for housing at the rate applicable under section 403a of this title to the members's pay grade and location.

"(3) Payment of a basic allowance for housing to a member under paragraph (2)(B) shall be in addition to any allowance or per diem to which the member otherwise may be entitled under this title.".

(2) Members not accompanied by dependents inside CONUS.—Paragraph (2) of section 403a(a) of title 37, United States Code, is transferred to the end of section 403 of such title and, as transferred, is amended—

(A) by striking out "(2)" and inserting in lieu thereof "(o) Members Not Accompanied by Dependents Inside CONUS.—";

(B) by striking out "variable housing allowance" each place it appears and inserting in lieu thereof "basic allowance for housing";

(C) by striking out "(under regulations prescribed under subsection (e))" in the matter following subparagraph (B) and inserting in lieu thereof "(under regulations prescribed by the Secretary of Defense)"; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(3) Repeal of VHA allowance.—Section 403a of title 37, United States Code, is repealed.

(i) Members Without Dependents.—Section 403 of such title, as amended by subsection (f), is further amended by adding at the end the following:

"(p) Partial Allowance for Members Without Dependents.—A member of a uniformed service without dependents who is not entitled to receive a basic allowance for housing under subsection (b) or (c) is entitled to a partial allowance for quarters determined under section 403a of this title.".

(j) Stylistic Amendments.—Section 403 of title 37, United States Code, as amended by this section, is further amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) General Entitlement.—(1)";

(2) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) Members Assigned to Quarters.—(1)";

(3) in subsection (c), by striking out "(c)(1)" and inserting in lieu thereof "(c) Ineligibility During Initial Field Duty or Sea Duty.—(1)";

(4) in subsection (d), by striking out "(d)(1)" and inserting in lieu thereof "(d) Prohibited Grounds for Denial.—(1)";

(5) in subsection (e), by inserting "Rental of Public Quarters.—" after "(e)";

(6) in subsection (g), by inserting "Aviation Cadets.—" after "(g)";

(7) in subsection (h), by inserting "Necessary Determinations.—" after "(h)";

(8) in subsection (i), by inserting "Entitlement of Member Not Entitled to Pay.—" after "(i)";

(9) in subsection (j), by striking out "(j)(1)" and inserting in lieu thereof "(j) Administrative Authority.—(1)";

(10) in subsection (k), by inserting "Parking Facilities Not Considered Quarters.—" after "(k)"; and

(11) in subsection (l), by striking out "(l)(1)" and inserting in lieu thereof "(l) Dependents of Members Dying on Active Duty.—(1)".

(k) Section Heading.—The heading of section 403 of title 37, United States Code, is amended to read as follows:

"§ 403. Basic allowance for housing: eligibility".

SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.

Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section 403a:

"§ 403a. Basic allowance for housing: rates

"(a) Rates Prescribed by Secretary of Defense.—The Secretary of Defense shall prescribe monthly rates of basic allowance for housing payable under section 403 of this title. The Secretary shall specify the rates, by pay grade and dependency status, for each geographic area defined in accordance with subsection (b).

"(b) Geographic Basis for Rates.—(1) The Secretary shall define the areas within the United States and the areas outside the United States for which rates of basic allowance for housing are separately specified.

"(2) For each area within the United States that is defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for civilians residents of that area whose relevant circumstances the Secretary considers as being comparable to those of members of the uniformed services.

"(3) For each area outside the United States defined under paragraph (1), the Secretary shall determine the costs of housing in that area that the Secretary considers adequate for members of the uniformed services.

"(c) Rates Within the United States.—(1) Subject to paragraph (2), the monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area within the United States shall be the amount equal to the excess of—

"(A) the monthly cost of housing determined applicable for members of that grade and dependency status for that area under subsection (b), over

"(B) the amount equal to 15 percent of the average of the monthly costs of housing determined applicable for members of the uniformed services of that grade and dependency status for all areas of the United States under subsection (b).

"(2) The rates of basic allowance for housing determined under paragraph (1) shall be reduced as necessary to comply with subsection (g).

"(d) Rates Outside the United States.—The monthly rate of basic allowance for housing for members of the uniformed services of a particular grade and dependency status for an area outside the United States shall be an amount appropriate for members of the uniformed services of that grade and dependency status for that area, as determined by the Secretary on the basis of the costs of housing in that area.

"(e) Adjustments When Rates of Basic Pay Increased.—The Secretary of Defense shall periodically redetermine the housing costs for areas under subsection (b) and adjust the rates of basic allowance for housing as appropriate on the basis of the redetermination of costs. The effective date of any adjustment in rates of basic allowance for housing for an area as a result of such a redetermination shall be the same date as the effective date of the next increase in rates of basic pay for members of the uniformed services after the redetermination.

"(f) Savings of Rate.—The rate of basic allowance for housing payable to a particular member for an area within the United States may not be reduced during a continuous period of eligibility of the member to receive a basic allowance for housing for that area by reason of—

"(1) a general reduction of rates of basic allowance for housing for members of the same grade and dependency status for the area taking effect during the period; or

"(2) a promotion of the member during the period.

"(g) Fiscal Year Limitation on Total Allowances Paid for Housing Inside the United States.—(1) The total amount that may be paid for a fiscal year for the basic allowance for housing for areas within the United States by authorized members of the uniformed services by section 403 of this title is the product of—

"(A) the total amount authorized to be paid for the allowance for such areas for the preceding fiscal year (as adjusted under paragraph (2)); and

"(B) the fraction—

"(i) the numerator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the preceding fiscal year; and

"(ii) the denominator of which is the average of the costs of housing determined by the Secretary under subsection (b)(2) for the areas of the United States for June of the fiscal year before the preceding fiscal year.

"(2) In making a determination under paragraph (1) for a fiscal year, the Secretary shall adjust the amount authorized to be paid for the preceding fiscal year for the basic allowance for housing to reflect changes (during the fiscal year for which the determination is made) in the number, grade distribution, and dependency status of members of the uniformed services entitled to the basic allowance for housing from the number of such members during such preceding fiscal year.

"(h) Members En Route Between Permanent Duty Stations.—The Secretary of Defense shall prescribe in regulations the rate of the temporary housing allowance to which a member is entitled under section 403(f) of this title while the member is in a travel or leave status between permanent duty stations.

"(i) Survivors of Members Dying on Active Duty.— The rate of the basic allowance for housing payable to dependents of a deceased member under section 403(l)(2) of this title shall be the rate that is payable for members of the same grade and dependency status as the deceased member for the area where the dependents are residing.

"(j) Members Paying Child Support.—(1) The basic allowance for housing differential to which a member is entitled under section 403(m)(2) of this title is the amount equal to the excess of—

"(A) the rate of the basic allowance for quarters (with dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on such date), over

"(B) the rate of the basic allowance for quarters (without dependents) for the member's pay grade, as such rate was in effect on December 31, 1997, under section 403 of this title (as such section was in effect on that date).

"(2) Whenever the rates of basic pay for members of the uniformed services are increased, the monthly amount of the basic allowance for housing differential shall be increased by the average percent increase in the rates of basic pay. The effective date of the increase shall be the same date as the effective date in the increase in the rates of basic pay.

"(k) Partial Allowance for Quarters.—The rate of the partial allowance for quarters to which a member without dependents is entitled under section 403(p) of this title is the partial rate of basic allowance for quarters for the member's pay grade as such partial rate was in effect on December 31, 1997, under section 1009(c)(2) of this title (as such section was in effect on such date).".

SEC. 618. DISLOCATION ALLOWANCE.

(a) Amount.—Section 407 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "equal to the basic allowance for quarters for two and one-half months as provided for the member's pay grade and dependency status in section 403 of this title" in the matter preceding paragraph (1) and inserting in lieu thereof "determined under subsection (g)";

(2) in subsection (b), by striking out "equal to the basic allowance for quarters for two months as provided for a member's pay grade and dependency status in section 403 of this title" and inserting in lieu thereof "determined under subsection (g)"; and

(3) by adding at the end the following:

"(g) Amount.—(1) The dislocation allowance payable to a member under subsection (a) shall be the amount equal to 160 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(2) The dislocation allowance payable to a member under subsection (b) shall be the amount equal to 130 percent of the monthly national average cost of housing determined for members of the same grade and dependency status as the member.

"(3) In this section, the term 'monthly national average cost of housing', with respect to members of a particular grade and dependency status, means the average of the monthly costs of housing that the Secretary determines adequate for members of that grade and dependency status for all areas in the United States under section 403a(b)(2) of this title.".

(b) STYLISTIC AMENDMENTS.—Such section is amended—

(1) in subsection (a), by inserting "FIRST ALLOWANCE.—" after "(a)";

(2) in subsection (b), by inserting "SECOND ALLOWANCE.—" after "(b)";

(3) in subsection (c), by inserting "ONE ALLOWANCE PER FISCAL YEAR.—" after "(c)";

(4) in subsection (d), by inserting "NO ENTITLEMENT FOR FIRST AND LAST MOVES.—" after "(d)";

(5) in subsection (e), by inserting "WHEN MEMBER WITH DEPENDENTS CONSIDERED MEMBER WITHOUT DEPENDENTS.—" after "(e)"; and

(6) in subsection (f), by inserting "PAYMENT IN ADVANCE.—" after "(f)".

SEC. 619. FAMILY SEPARATION AND STATION ALLOWANCES.

(a) FAMILY SEPARATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY FOR ALLOWANCE EQUAL TO BAQ.—Section 427 of title 37, United States Code, is amended by striking out subsection (a).

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(A) by striking out "(b) ADDITIONAL SEPARATION ALLOWANCE.—";

(B) by redesignating paragraphs (1), (2), (3), (4), and (5), as subsections (a), (b), (c), (d), and (e), respectively;

(C) in subsection (a), as so redesignated—

(i) by inserting "ENTITLEMENT.—" after "(a)";

(ii) by striking out ", including subsection (a),"; and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively;

(D) in subsection (b), as redesignated by paragraph (2)—

(i) by inserting "EFFECTIVE DATE FOR SEPARATION DUE TO CRUISE OR TEMPORARY DUTY.—" after "(b)";

(ii) by striking out "subsection by virtue of duty described in subparagraph (B) or (C) of paragraph (1)" and inserting in lieu thereof "section by virtue of duty described in paragraph (2) or (3) of subsection (a)";

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iv) in paragraph (2), as so redesignated—

(I) by striking out "subsection" and inserting in lieu thereof "section"; and

(II) by striking out "subparagraphs" and inserting in lieu thereof "paragraphs";

(E) in subsection (c), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHEN NO RESIDENCE OR HOUSEHOLD MAINTAINED FOR DEPENDENTS.—" after "(c)"; and

(ii) by striking out "subsection" and inserting in lieu thereof "section";

(F) in subsection (d), as redesignated by paragraph (2)—

(i) by inserting "EFFECT OF ELECTION OF UNACCOMPANIED TOUR.—" after "(d)"; and

(ii) by striking out "paragraph (1)(A) of this subsection" and inserting in lieu thereof "subsection (a)(1)"; and

(G) in subsection (e), as redesignated by paragraph (2)—

(i) by inserting "ENTITLEMENT WHILE DEPENDENT ENTITLED TO BASIC PAY.—" after "(e)"; and

(ii) by striking out "paragraph (1)(D)" each place it appears and inserting in lieu thereof "subsection (a)(4)".

(b) STATION ALLOWANCE.—

(1) REPEAL OF AUTHORITY.—Section 405 of title 37, United States Code, is amended by striking out subsection (b).

(2) CONFORMING AMENDMENT.—Such section is further amended by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 620. OTHER CONFORMING AMENDMENTS.

(a) DEFINITION OF REGULAR MILITARY COMPENSATION.—Section 101(25) of title 37, United States Code, is amended by striking out "basic allowance for quarters (including any variable housing allowance or station allowance)" and inserting in lieu thereof "basic allowance for housing.".

(b) ALLOWANCES WHILE PARTICIPATING IN INTERNATIONAL SPORTS.—Section 420(c) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(c) PAYMENTS TO MISSING PERSONS.—Section 551(3)(D) of such title is amended by striking out "quarters" and inserting in lieu thereof "housing".

(d) PAYMENT DATE.—Section 1014(a) of such title is amended by striking out "basic allowance for quarters" and inserting in lieu thereof "basic allowance for housing".

(e) OCCUPANCY OF SUBSTANDARD FAMILY HOUSING.—Section 2830(a) of title 10, United States Code, is amended by striking out "basic allowance for quarters" each place it appears and inserting in lieu thereof "basic allowance for housing".

SEC. 621. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by striking out the items relating to section 403 and 403a and inserting in lieu thereof the following:

"403. Basic allowance for housing: eligibility.

"403a. Basic allowance for housing: rates.".

SEC. 622. EFFECTIVE DATE.

This part and the amendments made by this part shall take effect on January 1, 1998.

PART III—OTHER AMENDMENTS RELATING TO ALLOWANCES

SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSATION NECESSITATED BY REFORM OF SUBSISTENCE AND HOUSING ALLOWANCES.

(a) CONFORMING REPEAL OF AUTHORITY RELATING TO BAS AND BAQ.—

(1) IN GENERAL.—Section 1009 of title 37, United States Code, is amended to read as follows:

"§ 1009. Adjustments of monthly basic pay

"(a) ADJUSTMENT REQUIRED.—Whenever the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5 is adjusted upward, the President shall immediately make an upward adjustment in the monthly basic pay authorized members of the uniformed services by section 203(a) of this title.

"(b) EFFECTIVENESS OF ADJUSTMENT.—An adjustment under this section shall—

"(1) have the force and effect of law; and

"(2) carry the same effective date as that applying to the compensation adjustments provided General Schedule employees.

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment under this section shall provide all eligible members with an increase in the monthly basic pay which is of the same percentage as the overall average percentage increase in the General Schedule rates of basic pay for civilian employees.

"(d) ALLOCATION OF INCREASE AMONG PAY GRADES AND YEARS-OF-SERVICE.—(1) Subject to paragraph (2), whenever the President determines such action to be in the best interest of the Government, he may allocate the overall percentage increase in the monthly basic pay under subsection (a) among such pay grade and years-of-service categories as he considers appropriate.

"(2) In making any allocation of an overall percentage increase in basic pay under paragraph (1)—

"(A) the amount of the increase in basic pay for any given pay grade and years-of-service category after any allocation made under this subsection may not be less than 75 percent of the amount of the increase in the monthly basic pay that would otherwise have been effective with respect to such pay grade and years-of-service category under subsection (c); and

"(B) the percentage increase in the monthly basic pay in the case of any member of the uniformed services with four years or less service may not exceed the overall percentage increase in the General Schedule rates of basic pay for civilian employees.

"(e) NOTICE OF ALLOCATIONS.—Whenever the President plans to exercise his authority under subsection (d) with respect to any anticipated increase in the monthly basic pay of members of the uniformed services, he shall advise Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase.

"(f) QUADRENNIAL ASSESSMENT OF ALLOCATIONS.—The allocations of increases made under this section shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008(b) of this title.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 19 of such title is amended to read as follows:

"1009. Adjustments of monthly basic pay.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1998.

SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking out "and shall" in the first sentence and all that follows in that sentence and inserting in lieu thereof a period and the following: "The allowance shall be paid to the member before, on, or after the date on which the muster duty is performed, but not later than 30 days after that date.".

Subtitle C—Bonuses and Special and Incentive Pays

SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS.—Section 302g(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—

Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(g) Prior Service Enlistment Bonus.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(b) Enlistment Bonuses for Critical Skills.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(c) Special Pay for Nuclear Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(d) Nuclear Career Accession Bonus.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1998" and inserting in lieu thereof "September 30, 1999".

(e) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1998" and inserting in lieu thereof "October 1, 1999".

SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER INCENTIVE PAY.

(a) Amounts.—The table in subsection (b)(1) of section 301a(b)(1) of title 37, United States Code, is amended—

(1) by inserting at the end of phase I of the table the following:

"Over 14 .... 840";

and

(2) by striking out phase II of the table and inserting in lieu thereof the following:

"Phase II

"Years of service as an officer:	"Monthly rate
"Over 22	$585
"Over 23	495
"Over 24	385
"Over 25	250".

(b) Effective Date and Applicability.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to months beginning on or after that date.

SEC. 635. AVIATION CONTINUATION PAY.

(a) Extension of Authority.—Subsection (a) of section 301b of title 37, United States Code, is amended by striking out "1998" and inserting in lieu thereof "2005".

(b) Bonus Amounts.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "$12,000" and inserting in lieu thereof "$25,000"; and

(2) in paragraph (2), by striking out "$6,000" and inserting in lieu thereof "$12,000".

(c) Definition of Aviation Specialty.—Subsection (j)(2) of such section is amended by inserting "specific" before "community".

(d) Content of Annual Report.—Subsection (i)(1) of such section is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking out the semicolon and "and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(e) Effective Dates and Applicability.—(1) Except as provided in paragraphs (1) and (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall take effect on October 1, 1997, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

(3) The amendment made by subsection (c) shall take effect as of October 1, 1996, and shall apply with respect to agreements accepted under subsection (a) of section 301b of title 37, United States Code, on or after that date.

SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE MULTIYEAR RETENTION BONUS PROVIDED FOR MEDICAL OFFICERS.

(a) Addition of Dental Officers.—Section 301d of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting "or dental" after "medical"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "or Dental Corps" after "Medical Corps"; and

(ii) by inserting "or dental" after "medical"; and

(B) in paragraph (3), by inserting "or dental" after "medical".

(b) Conforming Amendment and Related Clerical Amendment.—(1) The heading of such section is amended to read as follows:

"§ 301d. Multiyear retention bonus: medical and dental officers of the armed forces".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of title 37, United States Code, is amended to read as follows:

"301d. Multiyear retention bonus: medical and dental officers of the armed forces.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 301d of title 37, United States Code, on or after that date.

SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.

(a) Variable Special Pay for Officers Below Grade O–7.—Paragraph (2) of section 302b(a) of title 37, United States Code, is amended by striking out subparagraphs (C), (D), (E), and (F), and inserting in lieu thereof the following:

"(C) $4,000 per year, if the officer has at least six but less than 8 years of creditable service.

"(D) $12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

"(E) $10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(F) $9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(G) $8,000 per year, 18 or more years of creditable service.".

(b) Variable Special Pay for Officers Above Grade O–6.—Paragraph (3) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$7,000".

(c) Additional Special Pay.—Paragraph (4) of such section is amended—

(1) in subparagraph (B), by striking out "14" and inserting in lieu thereof "10"; and

(2) by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following:

"(C) $15,000 per year, if the officer has 10 or more years of creditable service.".

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 1997, and shall apply with respect to months beginning on or after that date.

SEC. 638. MODIFICATION OF SELECTED RESERVE REENLISTMENT BONUS AUTHORITY.

(a) Eligibility of Members With Up to 14 Years of Total Service.—Subsection (a) of section 308b of title 37, United States Code, is amended by striking out "ten years" in paragraph (1) and inserting in lieu thereof "14 years".

(b) Two-Bonus Authority for Consecutive 3-Year Enlistments.—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "Authority and Eligibility Requirements.—(1)" after "(a)";

(3) by striking out "a bonus as provided in subsection (b)" before the period at the end and inserting in lieu thereof "a bonus or bonuses in accordance with this section"; and

(4) by adding at the end the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later voluntary extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, as the case may be, the person satisfies the eligibility requirements set forth in paragraph (1) and the eligibility requirements for reenlisting or extending the enlistment; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) BONUS AMOUNTS.—Subsection (b) of such section is amended to read as follows:

"(b) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(d) DISBURSEMENT OF BONUS.—Subsection (c) of such section is amended to read as follows:

"(c) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(e) SUBSECTION HEADINGS.—Such section is further amended—

(1) in subsection (d), by inserting "REFUND FOR UNSATISFACTORY SERVICE.—" after "(d)";

(2) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(3) in subsection (f), by inserting "TERMINATION OF AUTHORITY.—" after "(f)".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES FOR ENLISTMENTS BY PRIOR SERVICE PERSONNEL IN CRITICAL SKILLS IN THE SELECTED RESERVE.

(a) REORGANIZATION OF SECTION.—Section 308i of title 37, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as paragraphs (2), (3), and (4), respectively, of subsection (d);

(2) by redesignating subsections (b), (c), (d), (h), and (i) as subsections (c), (e), (f), (g), and (h), respectively; and

(3) by redesignating paragraph (2) of subsection (a) as subsection (b) and in subsection (b), as so redesignated, by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively.

(b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-YEAR ENLISTMENTS.—Subsection (a) of such section is amended by inserting after paragraph (1) the following new paragraph (2):

"(2) If a person eligible to receive a bonus under this section by reason of an enlistment for a period of three years so elects on or before the date of the enlistment, the Secretary concerned may pay the person—

"(A) a bonus for that enlistment; and

"(B) an additional bonus for a later extension of the enlistment, or a subsequent consecutive enlistment, for a period of at least three years if—

"(i) on the date of the expiration of the enlistment for which the first bonus was paid, or the date on which, but for an extension of the enlistment, the enlistment would otherwise expire, the person satisfies the eligibility requirements set forth in subsection (b) and the eligibility requirements for reenlisting or extending the enlistment, as the case may be; and

"(ii) the extension of the enlistment or the subsequent consecutive enlistment, as the case may be, is in a critical military skill designated for such a bonus by the Secretary concerned.".

(c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO 14 YEARS OF PRIOR SERVICE.—Subsection (b) of such section, as redesignated by subsection (a)(3), is amended by striking out "10 years" and inserting in lieu thereof "14 years".

(d) BONUS AMOUNTS.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended to read as follows:

"(c) BONUS AMOUNTS.—(1) In the case of a member who enlists for a period of six years, the bonus to be paid under subsection (a) shall be a total amount not to exceed $5,000.

"(2) In the case of a member who enlists for a period of three years, the bonus to be paid under subsection (a) shall be as follows:

"(A) If the member does not make an election authorized under subsection (a)(2), the total amount of the bonus shall be an amount not to exceed $2,500.

"(B) If the member makes an election under subsection (a)(2) to be paid a bonus for the enlistment and an additional bonus for a later extension of the enlistment or for a subsequent consecutive enlistment—

"(i) the total amount of the first bonus shall be an amount not to exceed $2,000; and

"(ii) the total amount of the additional bonus shall be an amount not to exceed $2,500.".

(e) DISBURSEMENT OF BONUS.—Such section is amended by inserting after subsection (c), as redesignated by subsection (a)(2) and amended by subsection (d), the following new subsection (d):

"(d) DISBURSEMENT OF BONUS.—(1) Any bonus payable under this section shall be disbursed in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

"(2) Payment of any additional bonus under subsection (a)(2)(B) for an extension of an enlistment or a subsequent consecutive enlistment shall begin on or after the date referred to in clause (i) of that subsection.".

(f) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of such section is amended by striking out "paragraph (2) may be paid a bonus as prescribed in subsection (b)" and inserting in lieu thereof "subsection (b) may be paid a bonus or bonuses in accordance with this section".

(2) Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by striking out "may not be paid more than one bonus under this section and".

(3) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended—

(A) by inserting "REFUND FOR UNSATISFACTORY SERVICE.—(1)" after "(f)";

(B) in paragraphs (2) and (4), as redesignated by subsection (a)(1), by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)"; and

(C) in paragraph (3), as redesignated by subsection (a)(1)—

(i) by striking out "subsection (h)" and inserting in lieu thereof "subsection (g)"; and

(ii) by striking out "subsection (d)" and inserting in lieu thereof "paragraph (1)".

(g) SUBSECTION HEADINGS.—Such section, as amended by subsections (a) through (f), is further amended—

(1) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(2) in subsection (b), by inserting "ELIGIBILITY.—" after "(b)";

(3) in subsection (e), by inserting "LIMITATION.—" after "(e)";

(4) in subsection (g), by inserting "REGULATIONS.—" after "(g)"; and

(5) in subsection (h), by inserting "TERMINATION OF AUTHORITY.—" after "(h)".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997, and apply to enlistments in the Armed Forces on or after that date.

SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NUCLEAR QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$15,000".

(b) NUCLEAR CAREER ACCESSION BONUS.—Subsection (a)(1) of section 312b of title 37, United States Code, is amended by striking out "$8,000" and inserting in lieu thereof "$10,000".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out "$10,000" and inserting in lieu thereof "$12,000"; and

(2) in subsection (b)(1), by striking out "$4,500" and inserting in lieu thereof "$5,500".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1997.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under sections 312(a) and 312b(a), respectively, of title 37, United States Code, on or after the effective date of the amendments.

SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPECIAL PAY FOR ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.

(a) PAYMENT FLEXIBILITY.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "at a rate" and all that follows through "Secretary concerned";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) PAYMENT SCHEDULE AND RATES.—At the election of the Secretary concerned, the Secretary may pay the special pay to which a member is entitled under subsection (a)—

"(1) in monthly installments in an amount prescribed by the Secretary, but not to exceed $80 each; or

"(2) as an annual bonus in an amount prescribed by the Secretary, but not to exceed $2,000 per year.".

(b) PROHIBITION OF CONCURRENT RECEIPT WITH REST AND RECUPERATIVE ABSENCE OR TRANSPORTATION.—Subsection (c) of such section, as redesignated by subsection (a)(2), is amended—

(1) by inserting "CONCURRENT RECEIPT OF BENEFITS PROHIBITED.—(1)" after "(c)"; and

(2) by adding at the end the following:

"(2)(A) In the case of a member entitled to an annual bonus for a 12-month period under subsection (b)(2), the amount of the annual bonus shall be reduced by the percent determined by dividing 12 into the number of months in the period that the member is authorized rest and recuperative absence or transportation. For the purposes of the preceding sentence, a member shall be treated as having been authorized rest and recuperative absence or transportation for a full month if rest and recuperative absence or transportation is authorized for the member for any part of the month.

"(B) The Secretary concerned shall recoup by collection from a member any amount of an annual bonus paid under subsection (b)(2) to the member for a 12-month period that exceeds the amount of the bonus to which the member is entitled for the period by reason of an authorization of rest and recuperative absence or transportation for the member during that period that was not taken into account in computing the amount of the entitlement.".

(c) Repayment.—Such section is further amended by adding at the end the following:

"(d) Refund for Failure To Complete Tour of Duty.—(1) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall refund to the United States the unearned portion of the bonus. The unearned portion of the bonus is the amount by which the amount of the bonus paid to the member exceeds the amount determined by multiplying the amount of the bonus paid by the percent determined by dividing 12 into the number of full months during which the member performed the duty in the 12-month period.

"(2) The Secretary concerned may waive the obligation of a member to reimburse the United States under paragraph (1) if the Secretary determines that conditions and circumstances warrant the waiver.

"(e) Treatment of Reimbursement Obligations.—(1) An obligation to reimburse the United States imposed under subsection (c)(2)(B) or (d) is for all purposes a debt owed to the United States.

"(2) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt referred to in paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997.".

(d) Stylistic Amendment.—Subsection (a) of such section is amended by inserting "Authority.—" after "(a)".

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 1997, and apply to agreements accepted under section 314 of title 37, United States Code, on or after that date.

SEC. 642. RESERVE AFFILIATION AGREEMENT BONUS FOR THE COAST GUARD.

Section 308e of title 37, United States Code, is amended—

(1) in subsection (a), by striking out "Secretary of a military department" in the matter preceding paragraph (1) and inserting in lieu thereof "Secretary concerned"; and

(2) by adding at the end the following:

"(f) The authority in subsection (a) does not apply to the Secretary of Commerce and the Secretary of Health and Human Services.".

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PARTICIPATION IN SURVIVOR BENEFIT PLAN.

(a) Election To Discontinue Within One Year After Second Anniversary of Commencement of Payment of Retired Pay.—(1) Subchapter II of chapter 73 of title 10, United States Code, is amended by inserting after section 1448 the following:

"§1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay

"(a) Authority.—A participant in the Plan may, subject to the provisions of this section, elect to discontinue participation in the Plan at any time during the 1-year period beginning on the second anniversary of the date on which payment of retired pay to the participant commences.

"(b) Concurrence of Spouse.—(1) A married participant may not make an election under subsection (a) without the concurrence of the participant's spouse, except that the participant may make such an election without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned that one of the conditions described in section 1448(a)(3)(C) of this title exists.

"(2) The concurrence of a spouse under paragraph (1) shall be made in such written form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(c) Limitation on Election When Former Spouse Coverage in Effect.—The limitation set forth in section 1450(f)(2) of this title shall apply to an election to discontinue participation in the Plan under subsection (a).

"(d) Withdrawal of Election To Discontinue.—Section 1448(b)(1)(D) of this title shall apply to an election under subsection (a).

"(e) Consequences of Discontinuation.—Section 1448(b)(1)(E) of this title shall apply to an election under subsection (a).

"(f) Notice to Effected Beneficiaries.—The Secretary concerned shall notify any former spouse or other natural person previously designated under section 1448(b) of this title of any election to discontinue participation under subsection (a).

"(g) Effective Date of Election.—An election authorized under this section is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

"(h) Inapplicability of Irrevocability Provisions.—Paragraphs (4)(B) and (5)(C) of section 1448(a) of this title do not apply to prevent an election under subsection (a).".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1448 the following:

"1448a. Election to discontinue participation: one-year opportunity after second anniversary of commencement of payment of retired pay.".

(b) Transition Provision.—Notwithstanding the limitation on the time for making an election under section 1448a of title 10, United States Code (as added by subsection (a)), that is specified in subsection (a) of such section, a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of such title may make an election in accordance with that section within one year after the effective date of the section if the second anniversary of the commencement of payment of retired pay to the participant precedes that effective date.

(c) Effective Date.—Section 1448a of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COVERAGE FROM FORMER SPOUSE TO SPOUSE.

Section 1450(f)(1)(C) of title 10, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a change of election under this subsection to provide an annuity to a spouse instead of a former spouse may (subject to paragraph (2)) be made at any time without regard to the time limitation in section 1448(a)(5)(B) of this title.".

SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) Coverage Paid Up at 30 Years or Age 70.—(1) Coverage of a survivor of a member under the Plan shall be considered paid up as of the end of the earlier of—

"(A) the 360th month in which the member's retired pay has been reduced under this section; or

"(B) the month in which the member attains 70 years of age.

"(2) The retired pay of a member shall not be reduced under this section to provide coverage of a survivor under the Plan after the month when the coverage is considered paid up under paragraph (1).".

SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) Survivor Annuity.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—.

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92-425 (10 U.S.C. 1448 note).

(b) Amount of Annuity.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) Application Required.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "uniformed services" and "Secretary concerned" have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month that begins after the month in which this Act is enacted.

(f) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Subtitle E—Other Matters

SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR ILLNESS, INJURY, OR DEATH INCURRED OR AGGRAVATED IN LINE OF DUTY.

(a) PAY AND ALLOWANCES.—(1) Section 204 of title 37, United States Code, is amended—

(A) in subsection (g)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or"; and

(B) in subsection (h)(1)(D), by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 206(a)(3)(C) of such title is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(b) MEDICAL AND DENTAL CARE.—(1) Section 1074a(a)(3) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(2) Section 1076(a)(2) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B)(ii) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(C) who incurs or aggravates an injury, illness, or disease in the line of duty while serving on active duty under a call or order to active duty for a period of 30 days or less, if the call or order is modified to extend the period of active duty of the member to be more than 30 days.".

(c) ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.—(1) Section 1204(2) of title 10, United States Code, is amended to read as follows:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(2) Section 1206 of title 10, United States Code, is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) the disability is a result of an injury, illness, or disease incurred or aggravated—

"(A) in line of duty while performing active duty or inactive-duty training;

"(B) while traveling directly to or from the place at which such duty is performed; or

"(C) while remaining overnight, immediately before the commencement of inactive-duty training or between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence;".

(d) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2)(D) of title 10, United States Code, is amended by inserting after "while remaining overnight," the following: "immediately before the commencement of inactive-duty training or".

(e) CONFORMING AMENDMENTS AND RELATED CLERICAL AMENDMENTS.—(1) The heading of section 1204 of title 10, United States Code, is amended to read as follows:

"§1204. Members on active duty for 30 days or less or on inactive-duty training: retirement".

(2) The heading of section 1206 of such title is amended to read as follows:

"§1206. Members on active duty for 30 days or less or on inactive-duty training: separation".

(3) The table of sections at the beginning of chapter 61 of such title is amended—

(A) by striking out the item relating to section 1204 and inserting in lieu thereof the following:

"1204. Members on active duty for 30 days or less or on inactive-duty training: retirement.";

and

(B) by striking out the item relating to section 1206 and inserting in lieu thereof the following:

"1206. Members on active duty for 30 days or less or on inactive-duty training: separation.".

(f) PROSPECTIVE APPLICABILITY.—No benefit shall accrue under an amendment made by this section for any period before the date of the enactment of this Act.

SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS BEFORE APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h)(2)(C) of title 37, United States Code, is amended by inserting before the period at the end of the matter following clause (iii) the following: "or action on the sentence is pending under that section".

SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR REIMBURSEMENT OF ADOPTION EXPENSES.

(a) PUBLIC HEALTH SERVICE.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3(a) of the Act entitled "An Act to revise, codify, and enact into law, title 10 of the United States Code, entitled 'Armed Forces', and title 32 of the United States Code, entitled 'National Guard'", approved August 10, 1956 (33 U.S.C. 857a(a)), is amended by adding at the end the following:

"(16) Section 1052, Reimbursement for adoption expenses.".

(c) PROSPECTIVE APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to adoptions completed on or after such date.

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel than for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. WAIVER OF DEDUCTIBLES, COPAYMENTS, AND ANNUAL FEES FOR MEMBERS ASSIGNED TO CERTAIN DUTY LOCATIONS FAR FROM SOURCES OF CARE.

(a) AUTHORITY.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

"§1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care

"(a) AUTHORITY.—The administering Secretaries shall prescribe in regulations—

"(1) authority for members of the armed forces referred to in subsection (b) to receive care under the Civilian Health and Medical Program of the Uniformed Services; and

"(2) policies and procedures for waiving an obligation for such members to pay a deductible, copayment, or annual fee that would otherwise be applicable under that program for care provided to the members under the program.

"(b) ELIGIBILITY.—The regulations may be applied to a member of the uniformed services on active duty who—

"(1) is assigned to—

"(A) permanent duty as a recruiter;

"(B) permanent duty at an educational institution to instruct, administer a program of instruction, or provide administrative services in support of a program of instruction for the Reserve Officers' Training Corps;

"(C) permanent duty as a full-time adviser to a unit of a reserve component of the armed forces; or

"(D) any other permanent duty designated by the administering Secretary concerned for purposes of the regulations; and

"(2) pursuant to such assignment, resides at a location that is more than 50 miles, or one hour of driving time, from—

"(A) the nearest health care facility of the uniformed services adequate to provide the needed care under this chapter; and

"(B) the nearest source of the needed care that is available to the member under the TRICARE Prime plan.

"(c) PAYMENT OF COSTS.—Deductibles, copayments, and annual fees not payable by a member by reason of a waiver granted under the regulations shall be paid out of funds available to the Department of Defense for the defense health program.

"(d) DEFINITIONS.—In this section:

"(1) The term 'TRICARE Prime plan' means a plan under the TRICARE program that provides for voluntary enrollment for health care to be furnished in a manner similar to the manner in which health care is furnished by health maintenance organizations.

"(2) The term 'TRICARE program' means the managed health care program that is established by the Secretary of Defense under the authority of this chapter, principally section 1097 of this title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1107. Waiver of deductibles, copayments, and annual fees for members assigned to certain duty locations far from sources of care.".

SEC. 702. PAYMENT FOR EMERGENCY HEALTH CARE OVERSEAS FOR MILITARY AND CIVILIAN PERSONNEL OF THE ON-SITE INSPECTION AGENCY.

(a) PAYMENT OF COSTS.—The Secretary of Defense may pay the costs of any emergency health care that—

(1) is needed by a member of the Armed Forces, civilian employee of the Department of Defense, or civilian employee of a contractor while the person is performing temporary or permanent duty with the On-Site Inspection Agency outside the United States; and

(2) is furnished to such person during fiscal year 1998 by a source outside the United States.

(b) FUNDING.—Funds authorized to be appropriated for the expenses of the On-Site Inspection Agency for fiscal year 1998 by this Act shall be available to cover payments for emergency health care under subsection (a).

SEC. 703. DISCLOSURES OF CAUTIONARY INFORMATION ON PRESCRIPTION MEDICATIONS.

(a) REQUIREMENT FOR REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the administering Secretaries referred to in section 1073(3) of title 10, United States Code, shall prescribe regulations that require each source dispensing a prescription medication to a person under chapter 55 of such title to furnish to that person, with the medication, written cautionary information on the medication.

(b) INFORMATION TO BE DISCLOSED.—Information required to be disclosed about a medication under the regulations shall include appropriate cautions about usage of the medication, including possible side effects and potentially hazardous interactions with foods.

(c) FORM OF INFORMATION.—The regulations shall require that information be furnished in a form that, to the maximum extent practicable, is easily read and understood.

(d) COVERED SOURCES.—The regulations shall apply to the following:

(1) Pharmacies and any other dispensers of prescription medications in medical facilities of the uniformed services.

(2) Sources of prescription medications under any mail order pharmaceuticals program provided by any of the administering Secretaries under chapter 55 of title 10, United States Code.

(3) Pharmacies paid under the Civilian Health and Medical Program of the Uniformed Services (including the TRICARE program).

(4) Pharmacies, and any other pharmaceutical dispensers, of designated providers referred to in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2593; 10 U.S.C. 1073 note).

SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RESERVES WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) REQUIREMENT.—A member of the Armed Forces described in subsection (b) shall be entitled to medical and dental care under chapter 55 of title 10, United States Code, for a symptom or illness described in subsection (b)(2) to the same extent and under the same conditions (other than the requirement to be on active duty) as is a member of a uniformed service who is entitled under section 1074(a) of such title to medical and dental care under such chapter. The Secretary shall provide such care free of charge to the member.

(b) COVERED MEMBERS.—Subsection (a) applies to any member of a reserve component of the Armed Forces who—

(1) is a Persian Gulf veteran;

(2) registers a symptom or illness in the Persian Gulf War Veterans Health Surveillance System of the Department of Defense that is presumed under section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2805; 10 U.S.C. 1074 note) to be a result of such service; and

(3) is not otherwise entitled to medical and dental care under section 1074(a) of title 10, United States Code.

(c) DEFINITION.—In this section, the term "Persian Gulf veteran" has the same meaning as in section 721(i) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2807; 10 U.S.C. 1074 note).

SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.

(a) SELECTED RESERVE DENTAL INSURANCE.—Paragraph (3) of section 1076b(b) of title 10, United States Code, is amended to read as follows:

"(3) The Secretary of Defense shall establish procedures for the collection of the member's share of the premium for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, a member's share may be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.".

(b) RETIREE DENTAL INSURANCE.—Paragraph (2) of section 1076c(c) of title 10, United States Code, is amended by striking out "(2) The amount of the premiums" and inserting in lieu thereof "(2) The Secretary of Defense shall establish procedures for the collection of the premiums charged for coverage by the dental insurance plan. To the extent that the Secretary determines practicable, the premiums".

SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RETIREES OF UNIFORMED SERVICE IN THE PUBLIC HEALTH SERVICE AND NOAA.

(a) OFFICIALS RESPONSIBLE.—Subsection (a) of section 1076c of title 10, United States Code, is amended by striking out "Secretary of Defense" and inserting in lieu thereof "administering Secretaries".

(b) ELIGIBILITY.—Subsection (b)(1) of such section is amended by striking out "Armed Forces" and inserting in lieu thereof "uniformed services".

SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.

(a) EXPANDED AUTHORITY.—Section 1077(a) of title 10, United States Code, is amended by adding at the end the following:

"(15) Artificial limbs, voice prostheses, and artificial eyes.

"(16) Any prosthetic device not named in paragraph (15) that is determined under regulations prescribed by the Secretary of Defense to be necessary because of one or more significant impairments resulting from trauma, congenital anomaly, or disease.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (b) of such section is amended to read as follows:

"(2) Hearing aids, orthopedic footwear, and spectacles, except that such items may be sold, at the cost to the United States, to dependents outside the United States and at stations inside the United States where adequate civilian facilities are unavailable.".

SEC. 708. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States has incurred a moral obligation to provide health care to retirees from service in the Armed Forces;

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with health care for such retirees within two years after the date of the enactment of this Act.

SEC. 709. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other"

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "Committees on Armed Services of the Senate and" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of";

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of the program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B)."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Not later than May 1, 2000, the Secretary".

SEC. 710. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the "Hospital"), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

SEC. 711. STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to the appropriate committees of Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) BENEFITS.—The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional fee-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) PREMIUMS.—The net monthly premium, if any, under the entity.

(3) SERVICE AREA.—The service area of the entity.

(4) QUALITY AND PERFORMANCE.—To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous 2 years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by an out-of-network health care provider.

(5) SUPPLEMENTAL BENEFITS OPTIONS.—Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians.

Subtitle B—Uniformed Services Treatment Facilities

SEC. 731. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Commencement of Health Care Services Under Agreement.—Subsection (c) of section 722 of the National Defense Authorization Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) Temporary Continuation of Existing Participation Agreements.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

(c) Arbitration.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

"(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed.".

(d) Contracting Out of Primary Care Services.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: "Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contracted physicians or groups of physicians.".

(e) Uniform Benefit.—Section 723(b) of the National Defense Authorization Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: ", subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)", and

(2) in subsection (2), by inserting before the period at the end the following: ", or the effective date of agreements negotiated pursuant to section 722(c)(3)".

SEC. 732. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

SEC. 733. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) Continued Acquisition of Reduced-Cost Drugs.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for fiscal year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).".

Subtitle C—Persian Gulf Illnesses

SEC. 751. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) Plan Required.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) Content of Plan.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) Followup Treatment.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) Submission of Plan.—Not later than March 15, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 753. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) System Required.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas

"(a) System Required.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) Elements of System.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) Recordkeeping.—The Secretary of Defense shall submit to Congress not later than March 15, 1998, a plan to ensure that the results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location or locations to improve future access to the records. The report shall include a schedule for implementation of the plan completion within 2 years of enactment.

"(d) Quality Assurance.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas.".

SEC. 754. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 755. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND ENVIRONMENTAL HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and environmental hazards to which members of the Armed Forces may be exposed.

SEC. 756. NOTICE OF USE OF DRUGS UNAPPROVED FOR THEIR INTENDED USAGE.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§1107. Notice of use of investigational new drugs

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive a drug unapproved for its intended use, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical care providers who administer a drug unapproved for its intended use or who are likely to treat members who receive such a drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the drug is first administered to the member, if practicable, but in no case later than 30 days after the drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the unapproved drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered has not been approved for its intended usage.

"(2) The reasons why the unapproved drug is being administered.

"(3) Information regarding the possible side effects of the unapproved drug, including any known side effects possible as a result of the interaction of the drug with other drugs or treatments being administered to the members receiving the drug.

"(4) Such other information that, as a condition for authorizing the use of the unapproved drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1107. Notice of use of drugs unapproved for their intended usage.".

SEC. 757. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 758. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR CONTRACTS UNDER INTERNATIONAL AGREEMENTS.

Section 2304(f)(2)(E) of title 10, United States Code, is amended by striking out "and such document is approved by the competition advocate for the procuring activity".

SEC. 802. RESTRICTION ON UNDEFINITIZED CONTRACT ACTIONS.

(a) APPLICABILITY OF WAIVER AUTHORITY TO HUMANITARIAN OR PEACEKEEPING OPERATIONS.—Section 2326(b)(4) of title 10, United States Code, is amended to read as follows:

"(4) The head of an agency may waive the provisions of this subsection with respect to a contract of that agency if that head of an agency determines that the waiver is necessary in order to support any of the following operations:

"(A) A contingency operation.

"(B) A humanitarian or peacekeeping operation.".

(b) HUMANITARIAN OR PEACEKEEPING OPERATION DEFINED.—Section 2302(7) of such title is amended—

(1) by striking out "(7)(A)" and inserting in lieu thereof "(7)"; and

(2) by striking out "(B) In subparagraph (A), the" and inserting in lieu thereof "(8) The".

SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR.

(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

"§2410a. Severable service contracts for periods crossing fiscal years

"(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2410a. Severable service contracts for periods crossing fiscal years.".

SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSATION FOR CERTAIN CONTRACTOR PERSONNEL.

(a) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Subsection (l) of such section is amended by adding at the end the following:

"(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(5) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

"(P) Costs of compensation of senior executives of contractors for a fiscal year, to the extent that such compensation exceeds the benchmark compensation amount determined applicable for the fiscal year by the Administrator for Federal Procurement Policy under section 39 of the Office of Federal Procurement Policy Act (41 U.S.C. 435).".

(2) Such section is further amended by adding at the end the following:

"(m) OTHER DEFINITIONS.—In this section:

"(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

"(2) The term 'senior executive', with respect to a contractor, means—

"(A) the chief executive officer of the contractor or any individual acting in a similar capacity for the contractor;

"(B) the five most highly compensated employees in management positions of the contractor other than the chief executive officer; and

"(C) in the case of a contractor that has components managed by personnel who report on the operations of the components directly to officers of the contractor, the five most highly compensated individuals in management positions at each such component.".

(c) LEVELS OF COMPENSATION NOT ALLOWABLE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CONTRACTOR PERSONNEL NOT ALLOWABLE AS COSTS UNDER CERTAIN CONTRACTS.

"(a) DETERMINATION REQUIRED.—For purposes of section 2324(e)(1)(P) of title 10, United States Code, and section 306(e)(1)(P) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)), the Administrator shall review commercially available surveys of executive compensation and, on the basis of the results of the review, determine a benchmark compensation amount to apply for each fiscal year. In making determinations under this subsection the Administrator shall consult with the Director of the Defense Contract Audit Agency and such other officials of executive agencies as the Administrator considers appropriate.

"(b) BENCHMARK COMPENSATION AMOUNT.—The benchmark compensation amount applicable for a fiscal year is the median amount of the compensation provided for all senior executives of all benchmark corporations for the most recent year for which data is available at the time the determination under subsection (a) is made.

"(c) DEFINITIONS.—In this section:

"(1) The term 'compensation', for a year, means the total amount of wages, salary, bonuses and deferred compensation for the year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the year.

"(2) The term 'senior executive', with respect to a corporation, means—

"(A) the chief executive officer of the corporation or any individual acting in a similar capacity for the corporation;

"(B) the five most highly compensated employees in management positions of the corporation other than the chief executive officer; and

"(C) in the case of a corporation that has components managed by personnel who report on the operations of the components directly to officers of the corporation, the five most highly compensated individuals in management positions at each such component.

"(3) The term 'benchmark corporation', with respect to a year, means a publicly-owned United States corporation that has annual sales in excess of $50,000,000 for the year.

"(4) The term 'publicly-owned United States corporation' means a corporation organized under the laws of a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States the voting stock of which is publicly traded.".

(2) The table of sections in section 1(b) of such Act is amended by adding at the end the following:

"Sec. 39. Levels of compensation of certain contractor personnel not allowable as costs under certain contracts.".

(d) REGULATIONS.—Regulations implementing the amendments made by this section shall be published in the Federal Register not later than the effective date of the amendments under subsection (e).

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term "covered contract" has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES OF RIGHT-HAND DRIVE VEHICLES.

Section 2253(a)(2) of title 10, United States Code, is amended by striking out "$12,000" and inserting in lieu thereof "$30,000".

SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESERVATION AUTHORITY TO NAVY SHIPBUILDING CAPABILITY PRESERVATION AUTHORITY.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—Section 808 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393; 10 U.S.C. 2501) is amended—

(1) in subsection (a), by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy"; and

(2) in subsection (b)(2), by striking out "Secretary of Defense if the Secretary of Defense" and inserting in lieu thereof "Secretary of the Navy if the Secretary".

(b) NAME OF AGREEMENTS.—Subsection (a) of such section is amended—

(1) by striking out "DEFENSE CAPABILITY PRESERVATION AGREEMENT.—" and inserting in lieu thereof "SHIPBUILDING CAPABILITY PRESERVATION AGREEMENT.—"; and

(2) by striking out "'defense capability preservation agreement'" and inserting in lieu thereof "'shipbuilding capability preservation agreement'".

(c) SCOPE OF AUTHORITY.—(1) The first sentence of subsection (a) of such section is amended—

(A) by striking out "defense contractor" and inserting in lieu thereof "shipbuilder"; and

(B) by adding at the end the following "to the shipbuilder under a Navy contract for the construction of a ship".

(2) Subsection (b)(1)(A) of such section is amended by striking out "defense contract" and inserting in lieu thereof "contract for the construction of a ship for the Navy".

(d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT COSTS.—Subsection (b)(1)(C) of such section is amended—

(1) by striking out "in any year of" and inserting in lieu thereof "covered by"; and

(2) by striking out "that year" and inserting in lieu thereof "the period covered by the agreement".

(e) APPLICABILITY.—Such section is further amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) APPLICABILITY.—(1) An agreement entered into with a shipbuilder under subsection (a) shall apply to each of the following Navy contracts with the shipbuilder:

"(A) A contract that is in effect on the date on which the agreement is entered into.

"(B) A contract that is awarded during the term of the agreement.

"(2) In a shipbuilding capability preservation agreement applicable to a shipbuilder, the Secretary may agree to apply the cost reimbursement rules set forth in subsection (b) to allocations of indirect costs to private sector work performed by the shipbuilder only with respect to costs that the shipbuilder incurred on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 under a contract between the shipbuilder and a private sector customer of the shipbuilder that became effective on or after January 26, 1996.".

(f) IMPLEMENTATION AND REPORT.—Such section is further amended adding at the end the following:

"(d) IMPLEMENTATION.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of the Navy shall establish application procedures and procedures for expeditious consideration of shipbuilding capability preservation agreements as authorized by this section.

"(e) REPORT.—Not later than February 15, 1998, the Secretary of the Navy shall submit to the congressional defense committees a report on applications for shipbuilding capability preservation agreements. The report shall contain the number of the applications received, the number of the applications approved, and a discussion of the reasons for disapproval of any applications disapproved.".

(g) SECTION HEADING.—The heading for such section is amended by striking out "defense" and inserting in lieu thereof "certain".

SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "has certified to the granting agency that it will" and inserting in lieu thereof "agrees to"; and

(B) in paragraph (2), by striking out "certifies to the agency" and inserting in lieu thereof "agrees"; and

(2) in subsection (b)(1)—

(A) by striking out subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking out "such certification by failing to carry out".

SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF SHIPBUILDING CONTRACTS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2405.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to claims, requests for equitable adjustment, and demands for payment under shipbuilding contracts that have been or are submitted before, on, or after the date of the enactment of this Act.

(2) Section 2405 of title 10, United States Code, as in effect immediately before the date of the enactment of this Act, shall continue to apply to a contractor's claim, request for equitable adjustment, or demand for payment under a shipbuilding contract that was submitted before such date if—

(A) a contracting officer denied the claim, request, or demand, and the period for appealing the decision to a court or board under the Contract Disputes Act of 1978 expired before such date;

(B) a court or board of contract appeals considering the claim, request, or demand (including any appeal of a decision of a contracting officer to deny or dismiss the claim, request, or demand) denied the claim, request, or demand (or the appeal), and the action of the court or board became final and unappealable before such date; or

(C) the contractor released or releases the claim, request, or demand.

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

"(i) WAIVER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.".

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if those option prices are adjusted for any reason other than the application of a waiver granted under subsection (i) of section 2534 of title 10, United States Code (as added by paragraph (1)).

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting "FOR PARTICULAR PROCUREMENTS" after "WAIVER AUTHORITY".

Subtitle B—Contract Provisions

SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.

(a) REVISION OF REQUIREMENT.—Section 2403 of title 10, United States Code, is amended to read as follows:

"§ 2403. Major systems: contractor guarantees

"(a) GUARANTEE REQUIRED.—In any case in which the head of an agency determines that it is appropriate and cost effective to do so in entering into a contract for the production of a major system, the head of an agency shall, except as provided in subsection (b), require the prime contractor to provide the United States with a written guarantee that—

"(1) the item provided under the contract will conform to the design and manufacturing requirements specifically delineated in the production contract (or in any amendment to that contract);

"(2) the item provided under the contract will be free from all defects in materials and workmanship at the time it is delivered to the United States;

"(3) the item provided under the contract will conform to the essential performance requirements of the item as specifically delineated in the production contract (or in any amendment to that contract); and

"(4) if the item provided under the contract fails to meet a guarantee required under paragraph (1), (2), or (3), the contractor will, at the election of the Secretary of Defense or as otherwise provided in the contract—

"(A) promptly take such corrective action as may be necessary to correct the failure at no additional cost to the United States; or

"(B) pay costs reasonably incurred by the United States in taking such corrective action.

"(b) EXCEPTION.—The head of an agency may not require a prime contractor under subsection (a) to provide a guarantee for a major system, or for a component of a major system, that is furnished by the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'prime contractor' means a party that enters into an agreement directly with the United States to furnish part or all of a major system.

"(2) The term 'design and manufacturing requirements' means structural and engineering plans and manufacturing particulars, including precise measurements, tolerances, materials, and finished product tests for the major system being produced.

"(3) The term 'essential performance requirements', with respect to a major system, means the operating capabilities or maintenance and reliability characteristics of the system that are determined by the Secretary of Defense to be necessary for the system to fulfill the military requirement for which the system is designed.

"(4) The term 'component' means any constituent element of a major system.

"(5) The term 'head of an agency' has the meaning given that term in section 2302 of this title.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2403. Major systems: contractor guarantees.".

SEC. 812. VESTING OF TITLE IN THE UNITED STATES UNDER CONTRACTS PAID UNDER PROGRESS PAYMENT ARRANGEMENTS OR SIMILAR ARRANGEMENTS.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) VESTING OF TITLE IN THE UNITED STATES.—If a contract paid by a method authorized under subsection (a)(1) provides for title to property to vest in the United States, the title to the property shall vest in accordance with the terms of the contract, regardless of any security interest in the property that is asserted before or after the contract is entered into.".

Subtitle C—Acquisition Assistance Programs

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1998 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. ONE-YEAR EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out "1998" and inserting in lieu thereof "1999";

(2) in paragraph (2), by striking out "1999" and inserting in lieu thereof "2000"; and

(3) in paragraph (3), by striking out "1999" and inserting in lieu thereof "2000".

SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) CONTENT OF SUBCONTRACTING PLANS.—Subsection (b)(2) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended—

(1) by striking out "plan—" and inserting in lieu thereof "plan of a contractor—";

(2) by striking out subparagraph (A);

(3) by redesignating subparagraph (B) as subparagraph (A) and by striking out the period at the end of such subparagraph and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered into by the contractor as the subcontractor under a Department of Defense contract.".

(b) EXTENSION OF PROGRAM.—Subsection (e) of such section is amended by striking out "September 30, 1998" in the second sentence and inserting in lieu thereof "September 30, 2000.".

SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVANTAGED BUSINESSES.

Section 2323(e)(3) of title 10, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting ", except as provided in (B)," after "the head of an agency may" in the first sentence; and

(3) adding at the end the following:

"(B) The Secretary of Defense may not exercise the authority under subparagraph (A) to enter into a contract for a price exceeding fair market cost in any fiscal year following a fiscal year in which the Department of Defense attained the 5 percent goal required by subsection (a).".

Subtitle D—Administrative Provisions

SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410m. Retention of amounts collected from contractor during the pendency of contract dispute

"(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

"(1) any settlement of the claim by the parties;

"(2) any judgment rendered in the contractor's favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

"(3) any judgment rendered in the contractor's favor in an action on that claim in a court of the United States.

"(b) PERIOD OF AVAILABILITY.—(1) The period of availability of an amount under subsection (a), in connection with a claim—

"(A) expires 180 days after the expiration of the period for bringing an action on that claim in the United States Court of Federal Claims under section 10(a) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)) if, within that 180-day period—

"(i) no appeal on the claim is commenced at the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978; and

"(ii) no action on the claim is commenced in a court of the United States; or

"(B) if not expiring under subparagraph (A), expires—

"(i) in the case of a settlement of the claim, 180 days after the date of the settlement; or

"(ii) in the case of a judgment rendered on the claim in an appeal to the Armed Services Board of Contract Appeals under section 7 of the Contract Disputes Act of 1978 or an action in a court of the United States, 180 days after the date on which the judgment becomes final and not appealable.

"(2) While available under this section, an amount may be obligated or expended only for the purpose described in subsection (a).

"(3) Upon the expiration of the period of availability of an amount under paragraph (1), the amount shall be deposited in the Treasury as miscellaneous receipts.

"(c) REPORTING REQUIREMENT.—Each year, the Under Secretary of Defense (Comptroller) shall submit to Congress a report on the amounts, if any, that are available for obligation pursuant to this section. The report shall include, at a minimum, the following:

"(1) The total amount available for obligation.

"(2) The total amount collected from contractors during the year preceding the year in which the report is submitted.

"(3) The total amount disbursed in such preceding year and a description of the purpose for each disbursement.

"(4) The total amount returned to the Treasury in such preceding year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

"2410m. Retention of amounts collected from contractor during the pendency of contract dispute.".

SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.

Section 2371 of title 10, United States Code, is amended by inserting after subsection (h) the following:

"(i) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.

"(2)(A) Paragraph (1) applies to information described in subparagraph (B) that is in the records of the Department of Defense if the information was submitted to the department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement that includes a clause described in subsection (d) or another transaction authorized under subsection (a).

"(B) The information referred to in subparagraph (A) is the following:

"(i) A proposal, proposal abstract, and supporting documents.

"(ii) A business plan submitted on a confidential basis.

"(iii) Technical information submitted on a confidential basis.".

SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION REPORTS.

Section 2432(h)(2) of title 10, United States Code, is amended—

(1) by striking out subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

SEC. 834. UNIT COST REPORTS.

(a) IMMEDIATE REPORT REQUIRED ONLY FOR PREVIOUSLY UNREPORTED INCREASED COSTS.—Subsection (c) of section 2433 of title 10, United States Code, is amended by striking out "during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)" in the matter following paragraph (3).

(b) IMMEDIATE REPORT NOT REQUIRED FOR COST VARIANCES OR SCHEDULE VARIANCES OF MAJOR CONTRACTS.—Subsection (c) of such section is further amended—

(1) by inserting "or" at the end of paragraph (1);

(2) by striking out "or" at the end of paragraph (2); and

(3) by striking out paragraph (3).

(c) CONGRESSIONAL NOTIFICATION OF INCREASED COST NOT CONDITIONED ON DISCOVERY SINCE BEGINNING OF FISCAL YEAR.—Subsection (d)(3) of such section is amended by striking out "(for the first time since the beginning of the current fiscal year)" in the first sentence.

SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF CONTACT FOR CONTRACTING INFORMATION.

(a) DESIGNATION OF OFFICIAL.—The Under Secretary of Defense for Acquisition and Technology shall designate an official within the Office of the Under Secretary of Defense for Acquisition and Technology to serve as a central point of contact for persons seeking information described in subsection (b).

(b) AVAILABLE INFORMATION.—Upon request, the official designated under subsection (a) shall provide information on the following:

(1) How and where to submit unsolicited proposals for research, development, test, and evaluation or for furnishing property or services to the Department of Defense.

(2) Department of Defense solicitations for offers that are open for response and the procedures for responding to the solicitations.

(3) Procedures for being included on any list of approved suppliers used by the Department of Defense.

(c) AVAILABILITY OF INFORMATION.—The official designated under subsection (a) shall use a variety of means for making the information described in subsection (b) readily available to potential contractors for the Department of Defense. The means shall include the establishment of one or more toll-free automated telephone lines, posting of information about the services of the official on generally accessible computer communications networks, and advertising.

Subtitle E—Other Matters

SEC. 841. DEFENSE BUSINESS COMBINATIONS.

(a) EXTENSION OF REQUIREMENT FOR REPORTS ON PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 1821; 10 U.S.C. 2324 note) is amended by striking out "1995, 1996, and 1997" and inserting in lieu thereof "1997, 1998, and 1999".

(b) SECRETARY OF DEFENSE REPORTS.—Not later than March 1 in each of the years 1998, 1999, and 2000, the Secretary of Defense shall submit to the congressional defense committees a report on effects on competition resulting from any business combinations of major defense contractors that took place during the year preceding the year of the report. The report shall include, for each business combination reviewed by the Department pursuant to Department of Defense Directive 5000.62, the following:

(1) An assessment of any potentially adverse effects that the business combination could have on competition for Department of Defense contracts (including potential horizontal effects, vertical effects, and organizational conflicts of interest), the national technology and industrial base, or innovation in the defense industry.

(2) The actions taken to mitigate the potentially adverse effects.

(c) GAO REPORTS.—(1) Not later than December 1, 1997, the Comptroller General shall—

(A) in consultation with appropriate officials in the Department of Defense—

(i) identify major market areas adversely affected by business combinations of defense contractors since January 1, 1990; and

(ii) develop a methodology for determining the beneficial impact of business combinations of defense contractors on the prices paid on particular defense contracts; and

(B) submit to the congressional defense committees a report describing, for each major market area identified pursuant to subparagraph (A)(i), the changes in numbers of businesses competing for major defense contracts since January 1, 1990.

(2) Not later than December 1, 1998, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) Updated information on—

(i) restructuring costs of business combinations paid by the Department of Defense pursuant to certifications under section 818 of the National Defense Authorization Act for Fiscal Year 1995, and

(ii) savings realized by the Department of Defense as a result of the business combinations for which the payment of restructuring costs was so certified.

(B) An assessment of the beneficial impact of business combinations of defense contractors on the prices paid on a meaningful sample of defense contracts, determined in accordance with the methodology developed pursuant to paragraph (1)(A)(ii).

(C) Any recommendations that the Comptroller General considers appropriate.

(d) BUSINESS COMBINATION DEFINED.—In this section, the term "business combination" has the meaning given that term in section 818(f) of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2822; 10 U.S.C. 2324 note).

SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE AGENCIES.

(a) AUTHORITY.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2667 the following:

"§2667a. Leases: non-excess property of Defense Agencies

"(a) AUTHORITY.—Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

"(1) under the control of the Defense Agency;

"(2) not for the time needed for public use; and

"(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(b) LIMITATION, TERMS, AND CONDITIONS.—A lease under subsection (a)—

"(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

"(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

"(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(c) DISPOSITION OF MONEY RENT.—Money rentals received pursuant to leases entered into by the Director of a Defense Agency under subsection (a) shall be deposited in a special account in the Treasury established for such Defense Agency. Amounts in a Defense Agency's special account shall be available, to the extent provided in appropriations Acts, solely for the maintenance, repair, restoration, or replacement of the leased property.".

(b) CONFORMING AMENDMENT.—The heading of section 2667 of such title is amended to read as follows:

"§2667. Leases: non-excess property of military departments".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property of military departments.

"2667a. Leases: non-excess property of Defense Agencies.".

SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISITION CORPS.

(a) REVIEW OF ACQUISITION CORPS PROMOTION SELECTIONS.—Upon the approval of the President or his designee of the report of a selection board convened under section 611(a) of title 10, United States Code, which considered members of an Acquisition Corps of a military department for promotion to a grade above O–4, the Secretary of the military department shall submit a copy of the report to the Under Secretary of Defense for Acquisition and Technology for review.

(b) REPORTING REQUIREMENT.—Not later than January 31 of each year, the Under Secretary of Defense for Acquisition and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the Under Secretary's assessment of the extent to which each military department is complying with the requirement set forth in section 1731(b) of title 10, United States Code.

(c) TERMINATION OF REQUIREMENTS.—This section shall cease to be effective on October 1, 2000.

SEC. 844. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) POLICY.—Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is amended to read as follows:

"SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

"(a) IN GENERAL.—The head of each executive agency, after consulting with the Administrator, shall establish, maintain, and use, to the maximum extent that is practicable and cost-effective, procedures and processes that employ electronic commerce in the conduct and administration of its procurement system.

"(b) APPLICABLE STANDARDS.—In conducting electronic commerce, the head of an agency shall apply nationally and internationally recognized standards that broaden interoperability and ease the electronic interchange of information.

"(c) AGENCY PROCEDURES.—The head of each executive agency shall ensure that systems, technologies, procedures, and processes established pursuant to this section—

"(1) are implemented with uniformity throughout the agency, to the extent practicable;

"(2) facilitate access to Federal Government procurement opportunities, including opportunities for small business concerns, socially and economically disadvantaged small business concerns, and business concerns owned predominantly by women; and

"(3) ensure that any notice of agency requirements or agency solicitation for contract opportunities is provided in a form that allows convenient and universal user access through a single, government-wide point of entry.

"(d) IMPLEMENTATION.—The Administrator shall, in carrying out the requirements of this section—

"(1) issue policies to promote, to the maximum extent practicable, uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may require departures from uniform procedures and processes in appropriate cases, when warranted because of the agency mission;

"(2) ensure that the head of each executive agency complies with the requirements of subsection (c) with respect to the agency systems, technologies, procedures, and processes established pursuant to this section; and

"(3) consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

"(e) ELECTRONIC COMMERCE DEFINED.—For the purposes of this section, the term 'electronic commerce' means electronic techniques for accomplishing business transactions, including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfers, and electronic data interchange.".

(b) REPEAL OF REQUIREMENTS FOR IMPLEMENTATION OF FACNET CAPABILITY.—Section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) is repealed.

(c) REPEAL OF REQUIREMENT FOR GAO REPORT.—Section 9004 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 426a note) is repealed.

(d) REPEAL OF CONDITION FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) AMENDMENTS TO PROCUREMENT NOTICE REQUIREMENTS.—(1) Section 8(g)(1) of the Small Business Act (15 U.S.C. 637(g)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(2) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs

(B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(3) The amendments made by paragraphs (1) and (2) shall be implemented in a manner consistent with any applicable international agreements.

(f) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended—

(A) in subsection (c)(4)—

(i) by striking out "the Federal acquisition computer network ('FACNET')" and inserting in lieu thereof "the electronic commerce"; and

(ii) by striking out "(as added by section 9001)"; and

(B) in subsection (e)(9)(A), by striking out ", or by dissemination through FACNET,".

(2) Section 5401 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1501) is amended—

(A) in subsection (a)—

(i) by striking out "through the Federal Acquisition Computer Network (in this section referred to as 'FACNET')"; and

(ii) by striking out the last sentence;

(B) in subsection (b)—

(i) by striking out "ADDITIONAL FACNET FUNCTIONS.—" and all that follows through "(41 U.S.C. 426(b)), the FACNET architecture" and inserting in lieu thereof "FUNCTIONS.—(1) The system for providing on-line computer access"; and

(ii) in paragraph (2), by striking out "The FACNET architecture" and inserting in lieu there for "The system for providing on-line computer access";

(C) in subsection (c)(1), by striking out "the FACNET architecture" and inserting in lieu thereof "the system for providing on-line computer access"; and

(D) by striking out subsection (d).

(3)(A) Section 2302c of title 10, United States Code, is amended to read as follows:

"§ 2302c. Implementation of electronic commerce capability

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each agency named in paragraphs (1), (5) and (6) shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to implement the capability within the Department of Defense.

"(3) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an agency referred to in paragraph (1) shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each agency named in paragraph (5) or (6) of section 2303 of this title shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 2304(g)(4) of such title 10 is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(4)(A) Section 302C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252c) is amended to read as follows:

"SEC. 302C. IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each executive agency shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an executive agency shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each executive agency shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the executive agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 303(g)(5) of the Federal Property and Administrative Services Act (41 U.S.C. 253(g)(5)) is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(h) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) The repeal made by subsection (c) of this section shall take effect on the date of the enactment of this Act.

SEC. 845. CONFORMANCE OF POLICY ON PERFORMANCE BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED FOR DEFENSE ACQUISITION PROGRAMS.

(a) PERFORMANCE GOALS.—Section 313(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(a)) is amended to read as follows:

"(a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.".

(b) CONFORMING AMENDMENT TO REPORTING REQUIREMENT.—Section 6(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(k)) is amended by inserting "regarding major acquisitions that is" in the first sentence after "policy".

SEC. 846. MODIFICATION OF PROCESS REQUIREMENTS FOR THE SOLUTIONS-BASED CONTACTING PILOT PROGRAM.

(a) SOURCE SELECTION.—Paragraph (9) of section 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1492(c)) is amended—

(1) in subparagraph (A), by striking out ", and ranking of alternative sources," and inserting in lieu thereof "or sources,";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "(or a longer period, if approved by the Administrator)" after "30 to 60 days";

(B) in clause (i), by inserting "or sources" after "source"; and

(C) in clause (ii), by striking out "that source" and inserting in lieu thereof "the source whose offer is determined to be most advantageous to the Government"; and

(3) in subparagraph (C), by striking out "with alternative sources (in the order ranked)".

(b) TIME MANAGEMENT DISCIPLINE.—Paragraph (12) of such section is amended by inserting before the period at the end the following: ", except that the Administrator may approve the application of a longer standard period".

SEC. 847. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1999".

SEC. 848. DEPARTMENT OF DEFENSE AND FEDERAL PRISON INDUSTRIES JOINT STUDY.

(a) STUDY OF EXISTING PROCUREMENT PROCEDURES.—The Department of Defense and Federal Prison Industries shall conduct jointly a study of existing procurement procedures, regulations, and statutes which now govern procurement transactions between the Department of Defense and Federal Prison Industries.

(b) FINDINGS.—A report describing the findings of the study and containing recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the United States Senate Committees on Armed Services and the Judiciary no later than 180 days after the date of enactment of this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

Section 138(b)(4) of title 10, United States Code, is amended by striking out "of special operations activities (as defined in section 167(j) of this title) and" and inserting in lieu thereof "of the performance of the responsibilities of the commander of the special operations command under subsections (e)(4) and (f) of section 167 of this title and of".

SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) COMPONENT INSTITUTIONS OF THE NATIONAL DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following:

"§ 2165. National Defense University

"(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

"(b) COMPONENT INSTITUTIONS.—The university includes the following institutions:

"(1) The National War College.

"(2) The Industrial College of the Armed Forces.

"(3) The Armed Forces Staff College.

"(4) The Institute for National Strategic Studies.

"(5) The Information Resources Management College.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2165. National Defense University.".

(b) MARINE CORPS UNIVERSITY AS PROFESSIONAL MILITARY EDUCATION SCHOOL.—Subsection (d) of section 2162 of such title is amended to read as follows:

"(d) Professional Military Education Schools.—This section applies to the following professional military education schools:

"(1) The National Defense University.

"(2) The Army War College.

"(3) The College of Naval Warfare.

"(4) The Air War College.

"(5) The United States Army Command and General Staff College.

"(6) The College of Naval Command and Staff.

"(7) The Air Command and Staff College.

"(8) The Marine Corps University.".

(c) Repeal of Duplicative Definition.—Section 1595(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(1)"; and

(2) by striking out paragraph (2).

SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PROTECTION.

Section 166a(b) of title 10, United States Code, is amended by adding at the end the following:

"(9) Force protection.".

SEC. 904. TRANSFER OF TIARA PROGRAMS.

(a) Transfer of Functions.—The Secretary of Defense shall transfer—

(1) the responsibilities of the Tactical Intelligence and Related Activities (TIARA) aggregation for the conduct of programs referred to in subsection (b) to officials of elements of the military departments not in the intelligence community; and

(2) the funds available within the Tactical Intelligence and Related Activities aggregation for such programs to accounts of the military departments that are available for non-intelligence programs of the military departments.

(b) Covered Programs.—Subsection (a) applies to the following programs:

(1) Targeting or target acquisition programs, including the Joint Surveillance and Target Attack Radar System, and the Advanced Deployable System.

(2) Tactical Warning and Attack Assessment programs, including the Defense Support Program, the Space-Based Infrared Program, and early warning radars.

(3) Tactical communications systems, including the Joint Tactical Terminal.

(c) Intelligence Community Defined.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) Establishment.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

"§10509. Senior Representative of the National Guard Bureau

"(a) Appointment.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advice and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

"(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

"(b) Rotation of Office.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) Term of Office.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(d) Grade.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau.".

(b) Member of Joint Chiefs of Staff.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau.".

(c) Adjustment of Responsibilities of Chief of the National Guard Bureau.—(1) Section 10502 of title 10, United States Code, is amended by inserting ", and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting ", and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 1998.

SEC. 906. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) Institution of the National Defense University.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

"(6) The Center for Hemispheric Defense Studies.".

(b) Civilian Faculty Members.—Section 1595 of title 10, United States Code, is amended by adding at the end the following:

"(g) Application to Director and Deputy Director at Center for Hemispheric Defense Studies.—In the case of the Center for Hemispheric Defense Studies, this section also applies with respect to the Director and the Deputy Director.".

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1998 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,500,000,000.

(b) Limitations.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Notice to Congress.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1997 DEFENSE APPROPRIATIONS.

(a) Authority.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1997 defense appropriations.

(b) Covered Amounts.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1997 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1997 defense authorizations.

(c) Definitions.—For the purposes of this section:

(1) Fiscal year 1997 defense appropriations.—The term "fiscal year 1997 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1997 in the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208).

(2) Fiscal year 1997 defense authorizations.—The term "fiscal year 1997 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1997.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1997 in the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105-18).

SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL YEAR 1996 AUTHORIZATIONS.

Section 1001(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 414) is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$3,100,000,000".

SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC PLAN.

(a) Biennial Plan.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Biennial financial management strategic plan

"(a) Plan Required.—Not later than September 30 of each even-numbered year, the Secretary of Defense shall submit to Congress a strategic plan to improve the financial management within the Department of Defense. The strategic plan shall address all aspects of financial management within the Department of Defense, including the finance systems, accounting systems, and feeder systems that support financial functions.

"(b) Definitions.—In this section, the term 'feeder system' means an automated or manual system that provides input to a financial management or accounting system.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Biennial financial management strategic plan.".

(b) First Submission.—The Secretary of Defense shall submit the first financial management strategic plan under section 483 of title 10, United States Code (as added by subsection (a)), not later than September 30, 1998.

(c) Content of First Plan.—(1) At a minimum, the first financial management strategic plan shall include the following:

(A) The costs and benefits of integrating the finance and accounting systems of the Department of Defense, and the feasibility of doing so.

(B) Problems with the accuracy of data included in the finance systems, accounting systems, or feeder systems that support financial functions of the Department of Defense and the actions that can be taken to address the problems.

(C) Weaknesses in the internal controls of the systems and the actions that can be taken to address the weaknesses.

(D) Actions that can be taken to eliminate negative unliquidated obligations, unmatched disbursements, and in-transit disbursements, and to avoid such disbursements in the future.

(E) The status of the efforts being undertaken in the department to consolidate and eliminate—

(i) redundant or unneeded finance systems; and

(ii) redundant or unneeded accounting systems.

(F) The consolidation or elimination of redundant personnel systems, acquisition systems, asset accounting systems, time and attendance systems, and other feeder systems of the department.

(G) The integration of the feeder systems of the department with the finance and accounting systems of the department.

(H) Problems with the organization or performance of the Operating Locations and Service Centers of the Defense Finance and Accounting Service, and the actions that can be taken to address those problems.

(I) The costs and benefits of reorganizing the Operating Locations and Service Centers of the Defense Finance and Accounting Service according to function, and the feasibility of doing so.

(J) The costs and benefits of contracting for private sector performance of specific functions performed by the Defense Finance and Accounting Service, and the feasibility of doing so.

(K) The costs and benefits of increasing the use of electronic fund transfer as a method of payment, and the feasibility of doing so.

(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

(M) Any other changes in the financial management structure of the department or revisions of the department's financial processes and business practices that the Secretary of Defense considers necessary to improve financial management in the department.

(2) For the problems and actions identified in the plan, the Secretary shall include in the plan statements of objectives, performance measures, and schedules, and shall specify the individual and organizational responsibilities.

(3) In this subsection, the term "feeder system" has the meaning given the term in section 483(b) of title 10, United States Code, as added by subsection (a).

SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE TRUST FUNDS.

(a) Correction To Eliminate Use of Term Associated With Funding Authorities.—Section 2221(c) of title 10, United States Code, is amended by striking out "or maintenance" each place it appears.

(b) Corpus of Air Force Trust Fund.—Section 914(b) of Public Law 104–106 (110 Stat. 412) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary of the Air Force shall deposit in the Fisher House Trust Fund, Department of the Air Force, an amount that the Secretary determines appropriate to establish the corpus of the fund.".

SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991 FUNDS FOR PAYMENT OF CONTRACT CLAIM.

(a) Authority.—The Secretary of the Army may reimburse the fund provided by section 1304 of title 31, United States Code, out of funds appropriated for the Army for fiscal year 1991 for other procurement (BLIN 105125 (Special Programs)), for any judgment against the United States that is rendered in the case Appeal of McDonnell Douglas Company, Armed Services Board of Contract Appeals Number 48029.

(b) Conditions for Payment.—(1) Subject to paragraph (2), any reimbursement out of funds referred to in subsection (a) shall be made before October 1, 1998.

(2) No reimbursement out of funds referred to in subsection (a) may be made before the date that is 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a notification of the intent to make the reimbursement.

SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS.

(a) Detailed Presentation in Future-Years Defense Program.—Section 10543 of title 10, United States Code, is amended—

(1) by inserting "(a) In General.—" before "The Secretary of Defense"; and

(2) by adding at the end the following:

"(b) Associated Annexes.—The associated annexes of the future-years defense program shall specify, at the same level of detail as is set forth in the annexes for the active components, the amount requested for—

"(1) procurement of each item of equipment to be procured for each reserve component; and

"(2) each military construction project to be carried out for each reserve component, together with the location of the project.

"(c) Report.—(1) If the aggregate of the amounts specified in paragraphs (1) and (2) of subsection (b) for a fiscal year is less than the amount equal to 90 percent of the average authorized amount applicable for that fiscal year under paragraph (2), the Secretary of Defense shall submit to Congress a report specifying for each reserve component the additional items of equipment that would be procured, and the additional military construction projects that would be carried out, if that aggregate amount were an amount equal to such average authorized amount. The report shall be at the same level of detail as is required by subsection (b).

"(2) In this subsection, the term 'average authorized amount', with respect to a fiscal year, means the average of—

"(A) the aggregate of the amounts authorized to be appropriated for the preceding fiscal year for the procurement of items of equipment, and for military construction, for the reserve components; and

"(B) the aggregate of the amounts authorized to be appropriated for the fiscal year preceding the fiscal year referred to in subparagraph (A) for the procurement of items of equipment, and for military construction, for the reserve components.".

(b) Prohibition.—The level of detail provided for procurement and military construction in the future-years defense programs for fiscal years after fiscal year 1998 may not be less than the level of detail provided for procurement and military construction in the future-years defense program for fiscal year 1998.

SEC. 1009. COOPERATIVE THREAT REDUCTION PROGRAMS AND RELATED DEPARTMENT OF ENERGY PROGRAMS.

(a) Decrease in Authorization of Appropriations for Environmental Management Science Program.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3102(f) is hereby decreased by $40,000,000.

(b) Decrease in Authorization of Appropriations for Environment, Safety and Health, Defense.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(6) is hereby decreased by $19,000,000.

(c) Decrease in Authorization of Appropriations for Other Procurement, Navy.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 102(a)(5) is hereby decreased by $40,000,000.

(d) Decrease in Authorization of Appropriations for Operation and Maintenance, Defense-Wide.—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(5) is hereby decreased by $20,000,000.

(e) Increase in Authorization of Appropriations for Former Soviet Union Threat Reduction Programs.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(22) is hereby increased by $60,000,000.

(f) Increase in Authorization of Appropriations for Department of Energy for Other Defense Activities.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 3103 is hereby increased by $56,000,000.

(g) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR ARMS CONTROL.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(1)(B) is hereby increased by $25,000,000 (in addition to any increase under subsection (e) that is allocated to the authorization of appropriations under such section 3103(1)(B)).

(h) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR INTERNATIONAL NUCLEAR SAFETY PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs relating to international nuclear safety that are necessary for national security in the amount of $50,000,000.

(i) TRAINING FOR UNITED STATES BORDER SECURITY.—Section 1421 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2725; 50 U.S.C. 2331) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(4) training programs and assistance relating to the use of such equipment, materials, and technology and for the development of programs relating to such use.".

(j) INTERNATIONAL BORDER SECURITY THROUGH FISCAL YEAR 1999.—Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2726; 10 U.S.C. 2333(b)) is amended by adding at the end the following: "Amounts available under the proceeding sentence shall be available until September 30, 1999.".

(j) AUTHORITY TO VARY AMOUNTS AVAILABLE FOR COOPERATIVE THREAT REDUCTION PROGRAMS.—(1) Section 1502(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2732) is amended—

(A) in the subsection heading, by striking out "LIMITED"; and

(B) in the first sentence of paragraph (1), by striking out ", but not in excess of 115 percent of that amount".

(2) Section 1202(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 469) is amended—

(A) in the subsection heading, by striking out "LIMITED"; and

(B) in the first sentence of paragraph (1), by striking out ", but not in excess of 115 percent of that amount".

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEILLANCE TOWED ARRAY SENSOR PROGRAM.

The Secretary of the Navy is authorized to enter into a long-term charter, in accordance with section 2401 of title 10, United States Code, for a vessel to support the Surveillance Towed Array Sensor (SURTASS) Program through fiscal year 2004.

SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be sold under this section.

"(2) In such a case, the Secretary may—

"(A) sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after publicly advertising the sale of the vessel for a period of not less than 30 days; or

"(B) subject to paragraph (3), sell the vessel by competitive negotiation to the acceptable offeror who submits the offer that is most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).

"(3) Before entering into negotiations to sell a vessel under paragraph (2)(B), the Secretary shall publish notice of the intention to do so in the Commerce Business Daily sufficiently in advance of initiating the negotiations that all interested parties are given a reasonable opportunity to prepare and submit proposals. The Secretary shall afford an opportunity to participate in the negotiations to all acceptable offerors submitting proposals that the Secretary considers as having the potential to be the most advantageous to the United States (taking into account price and such other factors as the Secretary determines appropriate).".

SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) To the Government of Brazil, the submarine tender Holland (AS 32) of the Hunley class.

(2) To the Government of Chile, the oiler Isherwood (T-AO 191) of the Kaiser class.

(3) To the Government of Egypt:

(A) The following frigates of the Knox class:

(i) The Paul (FF 1080).

(ii) The Miller (FF 1091).

(iii) The Jesse L. Brown (FFT 1089).

(iv) The Moinester (FFT 1097).

(B) The following frigates of the Oliver Hazard Perry class:

(i) The Fahrion (FFG 22).

(ii) The Lewis B. Puller (FFG 23).

(4) To the Government of Israel, the tank landing ship Peoria (LST 1183) of the Newport class.

(5) To the Government of Malaysia, the tank landing ship Barbour County (LST 1195) of the Newport class.

(6) To the Government of Mexico, the frigate Roark (FF 1053) of the Knox class.

(7) To the Taipei Economic and Cultural Representative Office in the United States (the Taiwan instrumentality that is designated pursuant to section 10(a) of the Taiwan Relations Act), the following frigates of the Knox class:

(A) The Whipple (FF 1062).

(B) The Downes (FF 1070).

(8) To the Government of Thailand, the tank landing ship Schenectady (LST 1185) of the Newport class.

(b) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1031 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2637), is amended by striking out "fiscal year 1997" and inserting in lieu thereof "fiscal years 1997 and 1998".

(b) EXTENSION OF FUNDING AUTHORIZATION.—Subsection (d) of such section is amended by inserting "for fiscal years 1997 and 1998" after "shall be available".

(c) CONCURRENCE OF SECRETARY OF STATE REQUIRED.—Subsection (a) of such section, as amended by subsection (a), is further amended by inserting ", with the concurrence of the Secretary of State," after "Secretary of Defense may".

SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—Subject to subsection (f), during fiscal years 1998 through 2002, the Secretary of Defense may, with the concurrence of the Secretary of State, provide either or both of the governments named in subsection (b) with the support described in subsection (c) for the counter-drug activities of that government. The support provided to a government under the authority of this subsection shall be in addition to support provided to that government under any other provision of law.

(b) GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—The governments referred to in subsection (a) are as follows:

(1) The Government of Peru.

(2) The Government of Colombia.

(c) TYPES OF SUPPORT.—The authority under subsection (a) is limited to the provision of the following types of support:

(1) The transfer of nonlethal protective and utility personnel equipment.

(2) The transfer of the following nonlethal specialized equipment:

(A) Navigation equipment.

(B) Secure and nonsecure communications equipment.

(C) Photo equipment.

(D) Radar equipment.

(E) Night vision systems.

(F) Repair equipment and parts for equipment referred to in subparagraphs (A), (B), (C), (D), and (E).

(3) The transfer of nonlethal components, accessories, attachments, parts (including ground support equipment), firmware, and software for aircraft or patrol boats, and related repair equipment.

(4) The transfer of riverine patrol boats.

(5) The maintenance and repair of equipment of a government named in subsection (b) that is used for counter-narcotics activities.

(d) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) shall apply to the provision of support to a government under this section.

(e) FUNDING.—Of the amounts authorized to be appropriated for drug interdiction and counter-drug activities, not more than $30,000,000 shall be available in that fiscal year for the provision of support under this section.

(f) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide a government with support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) a written certification of the following:

(A) That the provision of support to that government under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of that government who have undergone background investigations by that government and have been approved by that government to perform counter-drug activities on the basis of the background investigations.

(C) That such government has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the government to receive the support has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of that government will grant United States Government personnel access to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel, under terms and conditions similar to the terms and conditions imposed with respect to such access under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(F) That the government to receive the support will provide security with respect to the equipment and materiel provided as support that is substantially the same degree of security that the United States Government would provide with respect to such equipment and materiel.

(G) That the government to receive the support will permit continuous observation and review by United States Government personnel of the use of the equipment and materiel provided as support under terms and conditions similar to the terms and conditions imposed with respect to such observation and review under section 505(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

(2) The Secretary may not obligate or expend funds to provide a government with support under this section until the Secretary of Defense, together with the Secretary of State, has developed a riverine counter-drug plan (including the resources to be contributed by each such agency, and the manner in which such resources will be utilized, under the plan) and submitted the plan to the committees referred to in paragraph (3). The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

(3) The committees referred to in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

Subtitle D—Reports and Studies

SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED BY TITLE 10.—

(1) ACHIEVEMENT OF COST, PERFORMANCE, AND SCHEDULE GOALS FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking out "and nonmajor" in the first sentence.

(2) CONVERSION OF CERTAIN HEATING SYSTEMS.—Section 2690(b) of title 10, United States Code, is amended by striking out "unless the Secretary—" and all that follows and inserting in lieu thereof the following: "unless the Secretary determines that the conversion (1) is required by the government of the country in which the facility is located, or (2) is cost effective over the life cycle of the facility.".

(3) AVAILABILITY OF SUITABLE ALTERNATIVE HOUSING.—Section 2823 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.—

(1) OVERSEAS BASING COSTS.—Section 8125 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–41; 10 U.S.C. 113 note) is amended—

(A) by striking out subsection (g); and

(B) in subsection (h), by striking out "subsections (f) and (g)" and inserting in lieu thereof "subsection (f)".

(2) STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1933; 10 U.S.C. 2431 note) is repealed.

(c) REPORTS REQUIRED BY OTHER LAW.—Section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended by striking out subsection (g), relating to the annual report on development of procurement regulations.

SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEMPOS AND PERSONNEL TEMPOS.

(a) MEANS FOR MEASUREMENT.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and to the maximum extent practicable, develop a common means of measuring the operations tempo (OPTEMPO) and the personnel tempo (PERSTEMPO) of each of the Armed Forces.

(b) PERSTEMPO MEASUREMENT.—The measurement of personnel tempo shall include a means of identifying the rate of deployment for individuals in addition to the rate of deployment for units.

SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the deployment overseas of personnel of the Armed Forces. The report shall describe the deployment as of June 30, 1996, and June 30, 1997.

(b) ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The number of personnel who were deployed overseas pursuant to a permanent duty assignment on each date specified in that subsection in aggregate and by country or ocean to which deployed.

(2) The number of personnel who were deployed overseas pursuant to a temporary duty assignment on each date, including—

(A) the number engaged in training with units of a single military department;

(B) the number engaged in United States military joint exercises; and

(C) the number engaged in training with allied units.

(3) The number of personnel deployed overseas on each date who were engaged in contingency operations (including peacekeeping or humanitarian assistance missions) or other activities.

SEC. 1034. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT FOR REPORT.—Not later than January 31, 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) PREPARATION BY JCS AND COMMANDERS OF UNIFIED COMMANDS.—The report required by subsection (a) shall be prepared jointly by the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, the commander of the Special Operations Command, and the commanders of the other unified commands.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario that is based on the following assumptions:

(1) That the Armed Forces of the United States must be capable of—

(A) fighting and winning, in concert with allies, two major theater wars nearly simultaneously; and

(B) deterring or defeating a strategic attack on the United States.

(2) That the forces available for deployment are the forces included in the force structure recommended in the Quadrennial Defense Review, including all other planned force enhancements.

(d) ASSESSMENT ELEMENTS.—(1) The report shall identify, by unit type, all major units of the active and reserve components of the Armed Forces and assess the readiness requirements of the units. Each identified unit shall be categorized within one of the following classifications:

(A) Forward-deployed and crisis response forces, or "Tier I" forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(i) Force units that are deployed in rotation at sea or on land outside the United States.

(ii) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(iii) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(B) Combat-ready follow-on forces, or "Tier II" forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(C) Combat-ready conflict resolution forces, or "Tier III" forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(D) All other active and reserve component force units which are not categorized within a classification described in subparagraph (A), (B), or (C).

(2) For the purposes of paragraph (1), the following units are major units:

(A) In the case of the Army or Marine Corps, a brigade and a battalion.

(B) In the case of the Navy, a squadron of aircraft, a ship, and a squadron of ships.

(C) In the case of the Air Force, a squadron of aircraft.

(e) Projection of Savings for Use for Modernization.—The report shall include a projection for fiscal years 1998 through 2003 of the amounts of the savings in operation and maintenance funding that—

(1) could be derived by each of the Armed Forces by placing as many units as is practicable into the lower readiness categories among the tiers; and

(2) could be made available for force modernization.

(f) Form of Report.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

(g) Planned Force Enhancement Defined.—In this section, the term "planned force enhancement", with respect to the force structure recommended in the Quadrennial Defense Review, means any future improvement in the capability of the force (including current strategic and future improvement in strategic lift capability) that is assumed in the development of the recommendation for the force structure set forth in the Quadrennial Defense Review.

SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POSTURE OF THE ARMED FORCES.

(a) Requirement.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the readiness posture of the Armed Forces described in subsection (b).

(2) The Secretary shall prepare the report required under paragraph (1) with the assistance of the Joint Chiefs of Staff. In providing such assistance, the Chairman of the Joint Chiefs of Staff shall consult with the Chief of the National Guard Bureau.

(b) Readiness Posture.—(1) The readiness posture to be covered by the report under subsection (a) is a readiness posture for units of the Armed Forces, or for designated units of the Armed Forces, that provides for a rotation of such units between a state of high readiness and a state of low readiness.

(2) As part of the evaluation of the readiness posture described in paragraph (1), the report shall address in particular a readiness posture that—

(A) establishes within the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war; and

(B) provides for an alternating rotation of such forces between a state of high readiness and a state of low readiness.

(3) The evaluation of the readiness posture described in paragraph (2) shall be based upon assumptions permitting comparison with the existing force structure as follows:

(A) That there are assembled from among the units of the Armed Forces two equivalent forces each structured so as to be capable of fighting and winning a major theater war.

(B) That each force referred to in subparagraph (A) includes—

(i) four active Army divisions, including one mechanized division, one armored division, one light infantry division, and one division combining airborne units and air assault units, and appropriate support and service support units for such divisions;

(ii) six divisions (or division equivalents) of the Army National Guard or the Army Reserve that are essentially equivalent in structure, and appropriate support and service support units for such divisions;

(iii) six aircraft carrier battle groups;

(iv) six active Air Force fighter wings (or fighter wing equivalents);

(v) four Air Force reserve fighter wings (or fighter wing equivalents); and

(vi) one active Marine Corps expeditionary force.

(C) That each force may be supplemented by critical units or units in short supply, including heavy bomber units, strategic lift units, and aerial reconnaissance units, that are not subject to the readiness rotation otherwise assumed for purposes of the evaluation or are subject to the rotation on a modified basis.

(D) That units of the Armed Forces not assigned to a force are available for operations other than those essential to fight and win a major theater war, including peace operations.

(E) That the state of readiness of each force alternates between a state of high readiness and a state of low readiness on a frequency determined by the Secretary (but not more often than once every 6 months) and with only one force at a given state of readiness at any one time.

(F) That, during the period of state of high readiness of a force, any operations or activities (including leave and education and training of personnel) that detract from the near-term wartime readiness of the force are temporary and their effects on such state of readiness minimized.

(G) That units are assigned overseas during the period of state of high readiness of the force to which the units are assigned primarily on a temporary duty basis.

(H) That, during the period of high readiness of a force, the operational war plans for the force incorporate the divisions (or division equivalents) of the Army Reserve or Army National Guard assigned to the force in a manner such that one such division (or division equivalent) is, on a rotating basis for such divisions (or division equivalents) during the period, maintained in a high state of readiness and dedicated as the first reserve combat division to be transferred overseas in the event of a major theater war.

(c) Report Elements.—The report under this section shall include the following elements for the readiness posture described in subsection (b)(2):

(1) An estimate of the range of cost savings achievable over the long term as a result of implementing the readiness posture, including—

(A) the savings achievable from reduced training levels and readiness levels during periods in which a force referred to in subsection (b)(3)(A) is in a state of low readiness; and

(B) the savings achievable from reductions in costs of infrastructure overseas as a result of reduced permanent change of station rotations.

(2) An assessment of the potential risks associated with a lower readiness status for units assigned to a force in a state of low readiness under the readiness posture, including the risks associated with the delayed availability of such units overseas in the event of two nearly simultaneous major theater wars.

(3) An assessment of the potential risks associated with requiring the forces under the readiness posture to fight a major war in any theater worldwide.

(4) An assessment of the modifications of the current force structure of the Armed Forces that are necessary to achieve the range of cost savings estimated under paragraph (1), including the extent of the diminishment, if any, of the military capabilities of the Armed Forces as a result of the modifications.

(5) An assessment whether or not the risks of diminished military capability associated with implementation of the readiness posture exceed the risks of diminished military capability associated with the modifications of the current force structure necessary to achieve cost savings equivalent to the best case for cost savings resulting from the implementation of the readiness posture.

(d) Form of Report.—The report under this section shall be submitted in unclassified form, but may contain a classified annex.

(e) Definitions.—In this section:

(1) The term "state of high readiness", in the case of a military force, means the capability to mobilize first-to-arrive units of the force within 18 hours and last-to-arrive units within 120 days of a particular event.

(2) The term "state of low readiness", in the case of a military force, means the capability to mobilize first-to-arrive units within 90 days and last-to-arrive units within 180 days of a particular event.

SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.

(a) Findings.—Congress makes the following findings:

(1) United States military forces have been withdrawn from the Philippines.

(2) United States military forces are to be withdrawn from Panama by 2000.

(3) There continues to be local opposition to the continued presence of United States military forces in Okinawa.

(4) The Quadrennial Defense Review lists "the loss of U.S. access to critical facilities and lines of communication in key regions" as one of the so-called "wild card" scenarios covered in the review.

(5) The National Defense Panel states that "U.S. forces' long-term access to forward bases, to include air bases, ports, and logistics facilities, cannot be assumed".

(b) Sense of Congress.—It is the sense of Congress that—

(1) the President should develop alternatives to the current arrangement for forward basing of the Armed Forces outside the United States, including alternatives to the existing infrastructure for forward basing of forces and alternatives to the existing international agreements that provide for basing of United States forces in foreign countries; and

(2) because the Pacific Rim continues to emerge as a region of significant economic and military importance to the United States, a continued presence of the Armed Forces in that region is vital to the capability of the United States to timely protect its interests in the region.

(c) Report Required.—Not later than March 31, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the overseas infrastructure requirements of the Armed Forces.

(d) CONTENT.—The report shall contain the following:

(1) The quantity and types of forces that the United States must station in each region of the world in order to support the current national military strategy of the United States.

(2) The quantity and types of forces that the United States will need to station in each region of the world in order to meet the expected or potential future threats to the national security interests of the United States.

(3) The requirements for access to, and use of, air space and ground maneuver areas in each such region for training for the quantity and types of forces identified for the region pursuant to paragraphs (1) and (2).

(4) A list of the international agreements, currently in force, that the United States has entered into with foreign countries regarding the basing of United States forces in those countries and the dates on which the agreements expire.

(5) A discussion of any anticipated political opposition or other opposition to the renewal of any of those international agreements.

(6) A discussion of future overseas basing requirements for United States forces, taking into account expected changes in national security strategy, national security environment, and weapons systems.

(7) The expected costs of maintaining the overseas infrastructure for foreign based forces of the United States, including the costs of constructing any new facilities that will be necessary overseas to meet emerging requirements relating to the national security interests of the United States.

(e) FORM OF REPORT.—The report may be submitted in a classified or unclassified form.

SEC. 1037. REPORT ON AIRCRAFT INVENTORY.

(a) REQUIREMENT.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"§ 483. Report on aircraft inventory

"(a) ANNUAL REPORT.—The Under Secretary of Defense (Comptroller) shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives each year a report on the aircraft in the inventory of the Department of Defense. The Under Secretary shall submit the report when the President submits the budget to Congress under section 1105(a) of title 31.

"(b) CONTENT.—The report shall set forth, in accordance with subsection (c), the following information:

"(1) The total number of aircraft in the inventory.

"(2) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, dedicated test aircraft, and other aircraft):

"(A) Primary aircraft.

"(B) Backup aircraft.

"(C) Attrition and reconstitution reserve aircraft.

"(3) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

"(A) Bailment aircraft.

"(B) Drone aircraft.

"(C) Aircraft for sale or other transfer to foreign governments.

"(D) Leased or loaned aircraft.

"(E) Aircraft for maintenance training.

"(F) Aircraft for reclamation.

"(G) Aircraft in storage.

"(4) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

"(c) DISPLAY OF INFORMATION.—The report shall specify the information required by subsection (b) separately for the active component of each armed force and for each reserve component of each armed force and, within the information set forth for each such component, shall specify the information separately for each type, model, and series of aircraft provided for in the future-years defense program submitted to Congress.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"483. Report on aircraft inventory.".

(b) FIRST REPORT.—The Under Secretary of Defense (Comptroller) shall submit the first report under section 483 of title 10, United States Code (as added by subsection (a)), not later than January 30, 1998.

(c) MODIFICATION OF BUDGET DATA EXHIBITS.—The Under Secretary of Defense (Comptroller) shall ensure that aircraft budget data exhibits of the Department of Defense that are submitted to Congress display total numbers of active aircraft where numbers of primary aircraft or primary authorized aircraft are displayed in those exhibits.

SEC. 1038. DISPOSAL OF EXCESS MATERIALS.

(a) REPORT.—Not later than January 31, 1998, the Secretary shall submit to Congress a report on the actions that have been taken or are planned to be taken within the Department of Defense to address problems with the sale or other disposal of excess materials.

(b) REQUIRED CONTENT.— At a minimum, the report shall address the following issues:

(1) Whether any change is needed in the process of coding military equipment for demilitarization during the acquisition process.

(2) Whether any change is needed to improve methods used for the demilitarization of specific types of military equipment.

(3) Whether any change is needed in the penalties that are applicable to Federal Government employees or contractor employees who fail to comply with rules or procedures applicable to the demilitarization of excess materials.

(4) Whether provision has been made for sufficient supervision and oversight of the demilitarization of excess materials by purchasers of the materials.

(5) Whether any additional controls are needed to prevent the inappropriate transfer of excess materials overseas.

(6) Whether the Department should—

(A) identify categories of materials that are particularly vulnerable to improper use; and

(B) provide for enhanced review of the sale or other disposal of such materials.

(7) Whether legislation is necessary to establish appropriate mechanisms, including repurchase, for the recovery of equipment that is sold or otherwise disposed of without appropriate action having been taken to demilitarize the equipment or to provide for demilitarization of the equipment.

SEC. 1039. REVIEW OF FORMER SPOUSE PROTECTIONS.

(a) REQUIREMENT.—The Secretary of Defense shall carry out a comprehensive review and comparison of—

(1) the protections and benefits afforded under Federal law to former spouses of members and former members of the uniformed services by reason of their status as former spouses of such personnel; and

(2) the protections and benefits afforded under Federal law to former spouses of employees and former employees of the Federal Government by reason of their status as former spouses of such personnel.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include the following:

(1) In the case of former spouses of members and former members of the uniformed services, the following:

(A) All provisions of law (principally those originally enacted in the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252)) that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of members and former members of the uniformed services in retired or retainer pay of members and former members; and

(ii) provide other benefits for former spouses of members and former members.

(B) The experience of the uniformed services in administering such provisions of law.

(C) The experience of former spouses and members and former members of the uniformed services in the administration of such provisions of law.

(2) In the case of former spouses of employees and former employees of the Federal Government, the following:

(A) All provisions of law that—

(i) establish, provide for the enforcement of, or otherwise protect interests of former spouses of employees and former employees of the Federal Government in annuities of employees and former employees under Federal employees' retirement systems; and

(ii) provide other benefits for former spouses of employees and former employees.

(B) The experience of the Office of Personnel Management and other agencies of the Federal Government in administering such provisions of law.

(C) The experience of former spouses and employees and former employees of the Federal Government in the administration of such provisions of law.

(c) SAMPLING AUTHORIZED.—The Secretary may use sampling in carrying out the review under this section.

(d) REPORT.—Not later than September 30, 1999, the Secretary shall submit a report on the results of the review and comparison to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include any recommendation for legislation that the Secretary considers appropriate.

SEC. 1040. ADDITIONAL MATTERS FOR ANNUAL REPORT ON ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

"(3) The report under subsection (a) shall also include a statement of the staff hours and estimated cost of work performed on audits, evaluations, investigations, and related work during each of the three fiscal years preceding the fiscal year in which the report is submitted, stated separately for each division of the General Accounting Office by category as follows:

"(A) A category for work requested by the chairman of a committee of Congress, the chairman of a subcommittee of such a committee, or any other member of Congress.

"(B) A category for work required by law to be performed by the Comptroller General.

"(C) A category for work initiated by the Comptroller General in the performance of the Comptroller General's general responsibilities.".

SEC. 1041. EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study required under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later than October 1, 1997, and is completed within six months after it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

SEC. 1042. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

SEC. 1043. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD FROM TERRORIST ATTACK.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dharhan is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE FAMILY NOTIFICATION AND ASSISTANCE PROCEDURES IN CASES OF MILITARY AVIATION ACCIDENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) There is a need for the Department of Defense to improve significantly the family notification procedures of the department that are applicable in cases of Armed Forces personnel casualties and Department of Defense civilian personnel casualties resulting from military aviation accidents.

(2) This need was demonstrated in the aftermath of the tragic crash of a C–130 aircraft off the coast of Northern California that killed 10 Reserves from Oregon on November 22, 1996.

(3) The experience of the members of the families of those Reserves has left the family members with a general perception that the existing Department of Defense procedures for notifications regarding casualties and related matters did not meet the concerns and needs of the families.

(4) It is imperative that Department of Defense representatives involved in family notifications regarding casualties have the qualifications and experience to provide meaningful information on accident investigations and effective grief counseling.

(5) Military families deserve the best possible care, attention, and information, especially at a time of tragic personal loss.

(6) Although the Department of Defense provides much needed logistical support, including transportation and care of remains, survivor counseling, and other benefits in cases of tragedies like the crash of the C–130 aircraft on November 22, 1996, the support may be insufficient to meet the immediate emotional and personal needs of family members affected by such tragedies.

(7) It is important that the flow of information to surviving family members be accurate and timely, and be provided to family members in advance of media reports, and, therefore, that the Department of Defense give a high priority, to the extent practicable, to providing the family members with all relevant information on an accident as soon as it becomes available, consistent with the national security interests of the United States, and to allowing the family members full access to any public hearings or public meetings about the accident.

(8) Improved procedures for civilian family notification that have been adopted by the Federal Aviation Administration and National Transportation Safety Board might serve as a useful model for reforms to Department of Defense procedures.

(b) REPORTS BY SECRETARY OF DEFENSE.—(1) Not later than December 1, 1997, the Secretary of Defense shall submit to Congress a report on the advisability of establishing a process for conducting a single, public investigation of each Department of Defense aviation accident that is similar to the accident investigation process of the National Transportation Safety Board. The report shall include—

(A) a discussion of whether adoption of the accident investigation process of the National Transportation Safety Board by the Department of Defense would result in benefits that include the satisfaction of needs of members of families of victims of the accident, increased aviation safety, and improved maintenance of aircraft;

(B) a determination of whether the Department of Defense should adopt that accident investigation process; and

(C) any justification for the current practice of the Department of Defense of conducting separate accident and safety investigations.

(2) Not later than April 2, 1998, the Secretary of Defense shall submit to Congress a report on assistance provided by the Department of Defense to families of casualties among Armed Forces and civilian personnel of the department. The report shall include—

(A) a discussion of the adequacy and effectiveness of the family notification procedures of the Department of Defense, including the procedures of the military departments; and

(B) a description of the assistance provided to members of the families of such personnel.

(c) REPORT BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL.—(1) Not later than December 1, 1997, the Inspector General of the Department of Defense shall review the procedures of the Federal Aviation Administration and the National Transportation Safety Board for providing information and assistance to members of families of casualties of nonmilitary aviation accidents, and submit a report on the review to Congress. The report shall include a discussion of the following matters:

(A) Designation of an experienced nonprofit organization to provide assistance for satisfying needs of families of accident victims.

(B) An assessment of the system and procedures for providing families with information on accidents and accident investigations.

(C) Protection of members of families from unwanted solicitations relating to the accident.

(D) A recommendation regarding whether the procedures or similar procedures should be adopted by the Department of Defense, and if the recommendation is not to adopt the procedures, a detailed justification for the recommendation.

(d) UNCLASSIFIED FORM OF REPORTS.—The reports under subsections (b) and (c) shall be submitted in unclassified form.

SEC. 1045. REPORT ON HELSINKI JOINT STATEMENT.

(a) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki Joint Statement on future reductions in nuclear forces. The report shall address the United States approach (including verification implications) to implementing the Helsinki Joint Statement, in particular, as it relates to: lower aggregate levels of strategic nuclear warheads; measures relating to the transparency of strategic nuclear warhead inventories and the destruction of strategic nuclear warheads; deactivation of strategic nuclear delivery vehicles; measures relating to nuclear long-range sea-launched cruise missiles and tactical nuclear systems; and issues related to transparency in nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term "Helsinki Joint Statement" means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term "START II TREATY" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

SEC. 1046. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MiG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) REVIEW AND REPORT.—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain—

(1) a discussion of the results of the review, including an assessment of the contingency plans; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—

(i) encouragement of migration crises; and

(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) CONSULTATION ON REVIEW AND ASSESSMENT.—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

SEC. 1047. FIRE PROTECTION AND HAZARDOUS MATERIALS PROTECTION AT FORT MEADE, MARYLAND.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a plan to address the requirements for fire protection services and hazardous materials protection services at Fort Meade, Maryland, including the National Security Agency at Fort Meade, as identified in the preparedness evaluation report of the Army Corps of Engineers on Fort Meade.

(b) ELEMENTS.—The plan shall include the following:

(1) A schedule for the implementation of the plan.

(2) A detailed list of funding options available to provide centrally located, modern facilities and equipment to meet current requirements for fire protection services and hazardous materials protection services at Fort Meade.

SEC. 1048. REPORT TO CONGRESS ASSESSING DEPENDENCE ON FOREIGN SOURCES FOR CERTAIN RESISTORS AND CAPACITORS.

(a) REPORT REQUIRED.—Not later than May 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) assessing the level of dependence on foreign sources for procurement of certain resistors and capacitors and projecting the level of such dependence that is likely to obtain after the implementation of relevant tariff reductions required by the Information Technology Agreement; and

(2) recommending appropriate changes, if any, in defense procurement or other Federal policies on the basis of the national security implications of such actual or projected foreign dependence.

(b) DEFINITION.—For purposes of this section, the term "certain resistors and capacitors" shall mean—

(1) fixed resistors,

(2) wirewound resistors,

(3) film resistors,

(4) solid tantalum capacitors,

(5) multi-layer ceramic capacitors, and

(6) wet tantalum capacitors.

Subtitle E—Other Matters

SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE MILITARY RULES OF EVIDENCE.

(a) REQUIREMENT FOR PROPOSED RULE.—The Secretary of Defense shall submit to the President, for consideration for promulgation under article 36 of the Uniform Code of Military Justice (10 U.S.C. 836), a recommended amendment to the Military Rules of Evidence that recognizes an evidentiary privilege regarding disclosure by a psychotherapist of confidential communications between a patient and the psychotherapist.

(b) APPLICABILITY OF PRIVILEGE.—The recommended amendment shall include a provision that applies the privilege to—

(1) patients who are not subject to the Uniform Code of Military Justice; and

(2) any patients subject to the Uniform Code of Military Justice that the Secretary determines it appropriate for the privilege to cover.

(c) SCOPE OF PRIVILEGE.—The evidentiary privilege recommended pursuant to subsection (a) shall be similar in scope to the psychotherapist-patient privilege recognized under Rule 501 of the Federal Rules of Evidence, subject to such exceptions and limitations as the Secretary determines appropriate on the bases of law, public policy, and military necessity.

(d) DEADLINE FOR RECOMMENDATION.—The Secretary shall submit the recommendation under subsection (a) on or before the later of the following dates:

(1) The date that is 90 days after the date of the enactment of this Act.

(2) January 1, 1998.

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF PILOT PROGRAM AUTHORITY FOR CURRENT NUMBER OF PROGRAMS.—Subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended—

(1) by striking out "During fiscal years 1993 through 1995" and inserting in lieu thereof "(1) During fiscal years 1993 through 1998"; and

(2) by adding at the end the following new paragraph:

"(2) In fiscal years after fiscal year 1995, the number of programs carried out under subsection (d) as part of the pilot program may not exceed the number of such programs as of September 30, 1995.".

(b) FISCAL RESTRICTIONS.—(1) Section 1091 of such Act is amended by striking out subsection (k) and inserting in lieu thereof the following:

"(k) FISCAL RESTRICTIONS.—(1) The Federal Government's share of the total cost of carrying out a program in a State as part of the pilot program in any fiscal year after fiscal year 1997 may not exceed 50 percent of that total cost.

"(2) The total amount expended for carrying out the program during a fiscal year may not exceed $20,000,000.".

(2) Subsection (d)(3) of such section is amended by inserting ", subject to subsection (k)(1)," after "provide funds".

(c) Conforming Repeal.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 355; 32 U.S.C. 501 note) is repealed.

SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL DURING PEACE OPERATIONS.

(a) Protection of Personnel.—

(1) In general.—The Secretary of Defense shall take appropriate actions to ensure that units of the Armed Forces (including Army units, Marine Corps units, Air Force units, and support units for such units) engaged in peace operations have adequate troop protection equipment for such operations.

(2) Specific actions.—In taking such actions, the Secretary shall—

(A) identify the additional troop protection equipment, if any, required to equip a division equivalent with adequate troop protection equipment for peace operations;

(B) establish procedures to facilitate the exchange of troop protection equipment among the units of the Armed Forces; and

(C) designate within the Department of Defense an individual responsible for—

(i) ensuring the proper allocation of troop protection equipment among the units of the Armed Forces engaged in peace operations; and

(ii) monitoring the availability, status or condition, and location of such equipment.

(b) Report.—Not later than March 1, 1998, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a).

(c) Troop Protection Equipment Defined.—In this section, the term "troop protection equipment" means the equipment required by units of the Armed Forces to defend against any hostile threat that is likely during a peace operation, including an attack by a hostile crowd, small arms fire, mines, and a terrorist bombing attack.

SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) Funding Limitation.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1998 for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

(1) 71 B–52H bomber aircraft.

(2) 18 Trident ballistic missile submarines.

(3) 500 Minuteman III intercontinental ballistic missiles.

(4) 50 Peacekeeper intercontinental ballistic missiles.

(b) Waiver Authority.—If the START II Treaty enters into force during fiscal year 1997 or fiscal year 1998, the Secretary of Defense may waive the application of the limitation under subsection (a) to the extent that the Secretary determines necessary in order to implement the treaty.

(c) Funding Limitation on Early Deactivation.—(1) If the limitation under subsection (a) ceases to apply by reason of a waiver under subsection (b), funds available to the Department of Defense may nevertheless not be obligated or expended during fiscal year 1998 to implement any agreement or understanding to undertake substantial early deactivation of a strategic nuclear delivery system specified in subsection (a) until 30 days after the date on which the President submits to Congress a report concerning such actions.

(2) For purposes of this subsection, a substantial early deactivation is an action during fiscal year 1998 to deactivate a substantial number of strategic nuclear delivery systems specified in subsection (a) by—

(A) removing nuclear warheads from those systems; or

(B) taking other steps to remove those systems from combat status.

(3) A report under this subsection shall include the following:

(A) The text of any understanding or agreement between the United States and the Russian Federation concerning substantial early deactivation of strategic nuclear delivery systems under the START II Treaty.

(B) The plan of the Department of Defense for implementing the agreement.

(C) An assessment of the Secretary of Defense of the adequacy of the provisions contained in the agreement for monitoring and verifying compliance of Russia with the terms of the agreement.

(D) A determination by the President as to whether the deactivations to occur under the agreement will be carried out in a symmetrical, reciprocal, or equivalent manner.

(E) An assessment by the President of the effect of the proposed early deactivation on the stability of the strategic balance and relative strategic nuclear capabilities of the United States and the Russian Federation at various stages during deactivation and upon completion.

(d) Contingency Plan for Sustainment of Systems.—(1) Not later then February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a plan for the sustainment beyond October 1, 1999, of United States strategic nuclear delivery systems and alternative Strategic Arms Reduction Treaty force structures in the event that a strategic arms reduction agreement subsequent to the Strategic Arms Reduction Treaty does not enter into force before 2004.

(2) The plan shall include a discussion of the following matters:

(A) The actions that are necessary to sustain the United States strategic nuclear delivery systems, distinguishing between the actions that are planned for and funded in the future-years defense program and the actions that are not planned for and funded in the future-years defense program.

(B) The funding necessary to implement the plan, indicating the extent to which the necessary funding is provided for in the future-years defense program and the extent to which the necessary funding is not provided for in the future-years defense program.

(e) START Treaties Defined.—In this section:

(1) The term "Strategic Arms Reduction Treaty" means the Treaty Between the United States of America and the United Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (START), signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(2) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR USE OF OVERSEAS MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) Authority.—Section 2350j of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) Payments for Civil Use of Military Airfields.—The authority under subsection (a) includes authority for the Secretary of a military department to accept payments of landing fees for use of a military airfield by civil aircraft that are prescribed pursuant to an agreement that is entered into with the government of the country in which the airfield is located. Payments received under this subsection in a fiscal year shall be credited to the appropriation that is available for the fiscal year for the operation and maintenance of the military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for the same period and purposes as the appropriation is available.".

(b) Conforming Amendments.—(1) Subsection (b) of such section is amended by striking out "Any" at the beginning of the second sentence and inserting in lieu thereof "Except as provided in subsection (f), any".

(2) Subsection (c) of such section is amended by striking out "Contributions" in the matter preceding paragraph (1), and inserting in lieu thereof "Except as provided in subsection (f), contributions".

SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) One-Year Extension.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5859a) is amended by striking out "1997" and inserting in lieu thereof "1998".

(b) Limitations on Amount of Assistance for Additional Fiscal Years.—Subsection (d)(3) of such section is amended by striking out "or $15,000,000 for fiscal year 1997" and inserting in lieu thereof "$15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998".

SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSISTANCE FOR FACILITIES SUBJECT TO INSPECTION UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) Assistance Authorized.—The On-Site Inspection Agency of the Department of Defense may provide technical assistance, on a reimbursable basis (in accordance with subsection (b)), to a facility that is subject to a routine or challenge inspection under the

Chemical Weapons Convention upon the request of the owner or operator of the facility.

(b) REIMBURSEMENT REQUIREMENT.—The United States National Authority shall reimburse the On-Site Inspection Agency for costs incurred by the agency in providing assistance under subsection (a).

(c) DEFINITIONS.—In this section:

(1) The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term "facility that is subject to a routine inspection" means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term "challenge inspection" means an inspection conducted under Article IX of the Convention.

(4) The term "United States National Authority" means the United States National Authority established or designated pursuant to Article VII, paragraph 4, of the Chemical Weapons Convention.

SEC. 1058. SENSE OF SENATE REGARDING THE RELATIONSHIP BETWEEN ENVIRONMENTAL LAWS AND UNITED STATES OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chemical Weapons Convention requires the destruction of the United States stockpile of lethal chemical agents and munitions within 10 years after the Convention's entry into force (or 2007).

(2) The President possesses substantial powers under existing law to ensure that the technologies necessary to destroy the stockpile are developed, that the facilities necessary to destroy the stockpile are constructed, and that Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President—

(1) should use the authority granted the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and

(2) while carrying out the United States obligations under the Convention, should encourage negotiations between appropriate Federal Government officials and officials of the State and local governments concerned to attempt to meet their concerns about the actions being taken to carry out those obligations.

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR RESERVE COMPONENT MODERNIZATION NOT REQUESTED IN THE ANNUAL BUDGET REQUEST.

(a) LIMITATION.—It is the sense of Congress that, to the maximum extent practicable, Congress should consider authorizing appropriations for reserve component modernization activities not included in the budget request of the Department of Defense for a fiscal year only if—

(1) there is a Joint Requirements Oversight Council validated requirement for the equipment;

(2) the equipment is included for reserve component modernization in the modernization plan of the military department concerned and is incorporated into the future-years defense program;

(3) the equipment is consistent with the use of reserve component forces;

(4) the equipment is necessary in the national security interests of the United States; and

(5) the funds can be obligated in the fiscal year.

(b) VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF STAFF.—It is further the sense of Congress that, in applying the criteria set forth in subsection (a), Congress should obtain the views of the Chairman of the Joint Chiefs of Staff, including views on whether funds for equipment not included in the budget request are appropriate for the employment of reserve component forces in Department of Defense warfighting plans.

SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO SETTLE CLAIMS RELATING TO PAY, ALLOWANCES, AND OTHER BENEFITS.

(a) AUTHORITY TO WAIVE TIME LIMITATIONS.—Paragraph (1) of section 3702(e) of title 31, United States Code, is amended by striking out "Comptroller General" and inserting in lieu thereof "Secretary of Defense".

(b) APPROPRIATION TO BE CHARGED.—Paragraph (2) of such section is amended by striking out "shall be subject to the availability of appropriations for payment of that particular claim" and inserting in lieu thereof "shall be made from an appropriation that is available, for the fiscal year in which the payment is made, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid".

SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS AND DEPLOYED UNITS TO INTELLIGENCE COLLECTED AND ANALYZED BY THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress makes the following findings:

(1) Coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces has proven to be inadequate.

(2) Procedures used to reconcile information among various intelligence community and Department of Defense data bases proved to be inadequate and, being inadequate, diminished the usefulness of that information and preclude commanders and planners within the Armed Forces from fully benefiting from key information that should have been available to them.

(3) Excessive compartmentalization of responsibilities and information within the Department of Defense and the other elements of the intelligence community resulted in inaccurate analysis of important intelligence material.

(4) Excessive restrictions on the distribution of information within the executive branch disadvantaged units of the Armed Forces that would have benefited most from the information.

(5) Procedures used in the Department of Defense to ensure that critical intelligence information is provided to the right combat units in a timely manner failed during the Persian Gulf War and, as a result, information about potential chemical weapons storage locations did not reach the units that eventually destroyed those storage areas.

(6) A recent, detailed review of the events leading to and following the destruction of chemical weapons by members of the Armed Forces at Khamisiyah, Iraq, during the Persian Gulf War has revealed a number of inadequacies in the way the Department of Defense and the other elements of the intelligence community handled, distributed, recorded, and stored intelligence information about the threat of exposure of United States forces to chemical weapons and the toxic agents in those weapons.

(7) The inadequacy of procedures for recording the receipt of, and reaction to, intelligence reports provided by the intelligence community to combat units of the Armed Forces during the Persian Gulf War has caused it to be impossible to analyze the failures in transmission of intelligence-related information on the location of chemical weapons at Khamisiyah, Iraq, that resulted in the demolition of chemical weapons by members of the Armed Forces unaware of the hazards to which they were exposed.

(b) REPORTING REQUIREMENT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report that identifies the specific actions that have been taken or are being taken to ensure that there is adequate coordination of operational intelligence support for the commanders of the combatant commands and deployed units of the Armed Forces.

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTELLIGENCE, AND GEOSPATIAL INFORMATION AND DATA.

(a) PROTECTION OF INFORMATION ON CAPABILITIES.—Paragraph (1)(B) of section 455(b) of title 10, United States Code, is amended by inserting ", or capabilities," after "methods".

(b) PRODUCTS PROTECTED.—(1) Paragraph (2) of such section is amended to read as follows:

"(2) In this subsection, the term 'geodetic product' means imagery, imagery intelligence, or geospatial information, as those terms are defined in section 467 of this title.".

(2) Section 467(4)(C) of title 10, United States Code, is amended to read as follows:

"(C) maps, charts, geodetic data, and related products.".

SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION VOLUNTARILY PROVIDED BY A CHARTER AIR CARRIER.

Section 2640 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) PROTECTION OF VOLUNTARILY SUBMITTED AIR SAFETY INFORMATION.—(1) Subject to paragraph (2), the appropriate official may deny a request made under any other provision of law for public disclosure of safety-related information that has been provided voluntarily by an air carrier to the Secretary of Defense for the purposes of this section, notwithstanding the provision of law under which the request is made.

"(2) The appropriate official may exercise authority to deny a request for disclosure of information under paragraph (1) if the official first determines that—

“(A) the disclosure of the information as requested would inhibit an air carrier from voluntarily disclosing, in the future, safety-related information for the purposes of this section or for other air safety purposes involving the Department of Defense or another Federal agency; and

“(B) the receipt of such information generally enhances the fulfillment of responsibilities under this section or other air safety responsibilities involving the Department of Defense or another Federal agency.

“(3) For the purposes of this section, the appropriate official for exercising authority under paragraph (1) is—

“(A) the Secretary of Defense, in the case of a request for disclosure of information that is directed to the Department of Defense; or

“(B) the head of another Federal agency, in the case of a request that is directed to that Federal agency regarding information described in paragraph (1) that the Federal agency has received from the Department of Defense.”.

SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL POSITIONING SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Global Positioning System, with its multiple uses, makes significant contributions to the attainment of the national security and foreign policy goals of the United States, the safety and efficiency of international transportation, and the economic growth, trade, and productivity of the United States.

(2) The infrastructure for the Global Positioning System, including both space and ground segments of the infrastructure, is vital to the effectiveness of United States and allied military forces and to the protection of the national security interests of the United States.

(3) In addition to having military uses, the Global Positioning System has essential civil, commercial, and scientific uses.

(4) Driven by the increasing demand of civil, commercial, and scientific users of the Global Positioning System—

(A) there has emerged in the United States a new commercial industry to provide Global Positioning System equipment and related services to the many and varied users of the system; and

(B) there have been rapid technical advancements in Global Positioning System equipment and services that have contributed significantly to reductions in the cost of the Global Positioning System and increases in the technical capabilities and availability of the system for military uses.

(5) It is in the national interest of the United States for the United States—

(A) to support continuation of the multiple-use character of the Global Positioning System;

(B) to promote broader acceptance and use of the Global Positioning System and the technological standards that facilitate expanded use of the system for civil purposes;

(C) to coordinate with other countries to ensure—

(i) efficient management of the electromagnetic spectrum utilized for the Global Positioning System; and

(ii) protection of that spectrum in order to prevent disruption of, and interference with, signals from the system; and

(D) to encourage open access in all international markets to the Global Positioning System and supporting equipment, services, and techniques.

(b) SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment of the Global Positioning System capabilities, and the operation of basic Global Positioning System services, that are beneficial for the national security interests of United States;

(2) develop appropriate measures for preventing hostile use of the Global Positioning System that make it unnecessary to use the selective availability feature of the system continuously and do not hinder the use of the Global Positioning System by the United States and its allies for military purposes; and

(3) ensure that United States military forces have the capability to use the Global Positioning System effectively despite hostile attempts to prevent the use of the system by such forces.

(c) SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.—The Secretary of Defense shall—

(1) provide for the sustainment and operation of basic Global Positioning System services for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees;

(2) provide for the sustainment and operation of basic Global Positioning System services in order to meet the performance requirements of the Federal Radionavigation Plan jointly issued by the Secretary of Defense and the Secretary of Transportation;

(3) coordinate with the Secretary of Transportation regarding the development and implementation by the Federal Government of augmentations to the basic Global Positioning System that achieve or enhance uses of the system in support of transportation;

(4) coordinate with the Secretary of Commerce, the United States Trade Representative, and other appropriate officials to facilitate the development of new and expanded civil uses for the Global Positioning System; and

(5) develop measures for preventing hostile use of the Global Positioning System in a particular area without hindering peaceful civil use of the system elsewhere.

(d) FEDERAL RADIONAVIGATION PLAN.—The Secretary of Defense and the Secretary of Transportation shall continue to prepare the Federal Radionavigation Plan every two years as originally provided for in the International Maritime Satellite Telecommunications Act (title V of the Communications Satellite Act of 1962; 47 U.S.C. 751 et seq.).

(e) INTERNATIONAL COOPERATION.—Congress urges the President to promote the security of the United States and its allies, the public safety, and commercial interests by—

(1) undertaking a coordinated effort within the executive branch to seek to establish the Global Positioning System, and augmentations to the system, as a worldwide resource;

(2) seeking to enter into international agreements to establish signal and service standards that protect the Global Positioning System from disruption and interference; and

(3) undertaking efforts to eliminate any barriers to, and other restrictions of foreign governments on, peaceful uses of the Global Positioning System.

(f) PROHIBITION OF SUPPORT OF FOREIGN SYSTEM.—None of the funds authorized to be appropriated under this Act may be used to support the operation and maintenance or enhancement of any satellite navigation system operated by a foreign country.

(g) REPORT.—(1) Not later than 30 days after the end of each even numbered fiscal year (beginning with fiscal year 1998), the Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations on the Senate and the Committees on National Security and on Appropriations of the House of Representatives a report on the Global Positioning System. The report shall include a discussion of the following matters:

(A) The operational status of the Global Positioning System.

(B) The capability of the system to satisfy effectively—

(i) the military requirements for the system that are current as of the date of the report; and

(ii) the performance requirements of the Federal Radionavigation Plan.

(C) The most recent determination by the President regarding continued use of the selective availability feature of the Global Positioning System and the expected date of any change or elimination of use of that feature.

(D) The status of cooperative activities undertaken by the United States with the governments of other countries concerning the capability of the Global Positioning System or any augmentation of the system to satisfy civil, commercial, scientific, and military requirements, including a discussion of the status and results of activities undertaken under any regional international agreement.

(E) Any progress made toward establishing the Global Positioning System as an international standard for consistency of navigational service.

(F) Any progress made toward protecting the Global Positioning System from disruption and interference.

(G) The effects of use of the Global Positioning System on national security, regional security, and the economic competitiveness of United States industry, including the Global Positioning System equipment and service industry and user industries.

(2) In preparing the parts of the report required under subparagraphs (D), (E), (F), and (G) of paragraph (1), the Secretary of Defense shall consult with the Secretary of Commerce, Secretary of Transportation, and Secretary of Labor.

(h) BASIC GLOBAL POSITIONING SYSTEM SERVICES DEFINED.—In this section, the term “basic global positioning system services” means the following components of the Global Positioning System that are operated and maintained by the Department of Defense:

(1) The constellation of satellites.

(2) The navigation payloads that produce the Global Positioning System signals.

(3) The ground stations, data links, and associated command and control facilities.

SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section:

“§ 1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority

“(a) AUTHORITY.—A special agent of the Defense Criminal Investigative Service designated under subsection (b) has the following authority:

“(1) To carry firearms.

“(2) To execute and serve any warrant or other process issued under the authority of the United States.

“(3) To make arrests without warrant for—

“(A) any offense against the United States committed in the agent's presence; or

"(B) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(b) Designation of Agents To Have Authority.—The Secretary of Defense may designate to have the authority provided under subsection (a) any special agent of the Defense Criminal Investigative Service whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of Defense.

"(c) Guidelines on Exercise of Authority.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Inspector General of the Department of Defense and approved by the Attorney General, and any other applicable guidelines prescribed by the Secretary of Defense or the Attorney General.".

(b) Conforming Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1585 the following:

"1585a. Special agents of the Defense Criminal Investigative Service: law enforcement authority.".

SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OPERATION OF THE NAVAL ACADEMY DAIRY FARM.

(a) Repeal.—Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90–110; 81 Stat. 309) is amended—

(1) by striking out subsection (a); and

(2) in subsection (b), by striking out "nor shall" and all that follows through "Act of Congress".

(b) Conforming Amendments.—(1) Section 6971(b)(5) of title 10, United States Code, is amended by inserting "(if any)" before the period at the end.

(2) Section 2105(b) of title 5, United States Code, is amended by inserting "(if any)" after "Academy dairy".

SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS.

The Director of Central Intelligence, in consultation with the Secretary of Defense, shall provide analytical support on POW/MIA matters to all departments and agencies of the Federal Government involved in such matters. The Secretary of Defense shall ensure that all intelligence regarding POW/MIA matters is taken into full account in the analysis of POW/MIA cases by DPMO.

SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIATION FOR CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) Disclosures to Officials Cleared for Access.—Section 2302(b) of title 5, United States Code, is amended—

(1) in paragraph (8)—

(A) by striking out "or" at the end of subparagraph (A);

(B) by inserting "or" at the end of subparagraph (B)(ii); and

(C) by adding at the end the following:

"(C) a disclosure by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs which the employee or applicant reasonably believes to provide direct and specific evidence of—

"(i) a violation of any law, rule, or regulation,

"(ii) gross mismanagement, a gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety, or

"(iii) a false statement to Congress on an issue of material fact,

if the disclosure is made to a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates, to any other Member of Congress who is authorized to receive information of the type disclosed, or to an employee of Congress who has the appropriate security clearance for access to the information disclosed;"; and

(2) by striking out the matter following paragraph (11).

(b) Dissemination of Information on New Protection.—Not later than 30 days after the date of the enactment of this Act, the President shall—

(1) take such action as is necessary to ensure that employees of the executive branch having access to classified information receive notice that the disclosure of such information to Congress is not prohibited by law, executive order, or regulation, and is not otherwise contrary to public policy when the information is disclosed under the circumstances described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)); and

(2) submit to Congress a report on the actions taken to carry out paragraph (1).

(c) Effective Date and Applicability.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to a taking, failing to take, or threat to take or fail to take a personnel action on or after such date because of a disclosure described in subparagraph (C) of section 2302(b)(8) of title 5, United States Code (as added by subsection (a)), that is made before, on, or after such date.

(d) Disclosures of Classified Information to Congress or the Department of Justice by Contractor Employees.—It is the sense of Congress that the Inspector General of the Department of Defense should continue to exercise the authority provided in section 2409 of title 10, United States Code, regarding reprisals for disclosures of classified information as well as reprisals for disclosures of unclassified information.

SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF THE COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE.

(a) Applicability.—Section 705(a) of the Veterans' Benefits Improvements Act of 1996 (Public Law 104–275; 110 Stat. 3349; 38 U.S.C. 545 note) is amended—

(1) by inserting "(1)" before "Each member"; and

(2) by adding at the end the following:

"(2)(A) A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to such membership.

"(B) A member of the Commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the Commission.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the provisions of section 705(a) of the Veterans' Benefits Improvements Act of 1996 to which such amendments relate.

SEC. 1070. TRANSFER OF B–17 AIRCRAFT TO MUSEUM.

(a) Authority.—The Secretary of the Air Force may convey to the Planes of Fame Museum, Chino, California (hereafter in this section referred to as the "museum"), all right, title, and interest of the United States in and to the B–17 aircraft known as the "Picadilly Lilly", an aircraft that has been in the possession of the museum since 1959. The Secretary of the Air Force shall determine the appropriate amount of consideration that is comparable to the value of the aircraft.

(b) Condition of Aircraft.—Before conveying ownership of the aircraft, the Secretary shall alter the aircraft as necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft in any other way before conveying the ownership.

(c) Condition for Conveyance.—A conveyance of ownership of the aircraft under this section shall be subject to the condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the advance approval of the Secretary of the Air Force.

(d) Reversion.—If the Secretary of the Air Force determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the advance approval of the Secretary, all right, title, and interest in and to the aircraft, including any repairs or alterations of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) Additional Terms and Conditions.—The Secretary of the Air Force may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) Clarification of Liability.—Notwithstanding any other provision of law, the United States shall not be liable for any death, injury, loss, or damages that result from any use of the aircraft conveyed under this section by any person other than the United States after the conveyance is complete.

SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE PROGRAM.

(a) Extension.—Section 44310 of title 49, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2002".

(b) Effective Date.—This section shall take effect as of September 30, 1997.

SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.

No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code.

SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO SERVED HONORABLY IN THE ARMED FORCES OF THE UNITED STATES.

(a) In General.—Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) in subsection (a)(1)—

(A) by inserting ", reenlistment, extension of enlistment," after "at the time of enlistment"; and

(B) by inserting "or on board a public vessel owned or operated by the United States for noncommercial service," after "United States, the Canal Zone, American Samoa, or Swains Island,"; and

(2) by adding at the end the following new subsection:

"(d) Waiver.—(1) For purposes of the naturalization of natives of the Philippines under section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note), notwithstanding any other provision of law—

"(A) the processing of applications for naturalization, filed in accordance with the provisions of Section 405 of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5039), including necessary interviews, may be conducted in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act; and

"(B) oaths of allegiance for applications under this subsection may be administered in the Philippines by employees of the Service designated pursuant to section 335(b) of this Act.

"(2) Paragraph (1) shall be effective only during the period beginning February 3, 1996, and ending at the end of February 2, 2006.".

(b) Effective Dates.—The amendments made by subsection (a)(1) shall be effective for all enlistments, reenlistments, extensions of enlistment, or inductions of persons occurring on or after January 1, 1990.

SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VETERAN.

(a) Findings.—Congress makes the following findings:

(1) The United States has never in its more than 200 years of existence conferred honorary veteran status on any person.

(2) Honorary veteran status is and should remain an extraordinary honor not lightly conferred nor frequently granted.

(3) It is fitting and proper to confer that status on Bob Hope.

(4) Bob Hope attempted to enlist in the Armed Forces to serve his country during World War II but was informed that the greatest service he could provide his country was as a civilian entertainer for the troops.

(5) Since then, Bob Hope has travelled to visit and entertain millions of members of the Armed Forces of the United States throughout World War II, the Korean Conflict, the Vietnam War, the Persian Gulf War, and the Cold War, in Europe, Africa, England, Wales, Ireland, Scotland, Sicily, the Aleutian Islands, Pearl Harbor, Kwajalein Island, Guam, Japan, Korea, Vietnam, Saudi Arabia, and many other locations.

(6) Bob Hope frequently elected to stage his shows in forward combat areas.

(7) Bob Hope richly deserves the more than 100 awards and citations that he has received from government, military, and civic groups.

(8) Those awards include the American Congressional Gold Medal, the Medal of Freedom, the People to People Award, the Peabody Award, the Jean Hersholdt Humanitarian Award, the Al Jolson Award of the Veterans of Foreign Wars, the Medal of Liberty, and the Distinguished Service Medals of each of the Armed Forces.

(9) Bob Hope has given unselfishly of himself for over half a century to be with American service members on foreign shores, has worked tirelessly to bring a spirit of humor and cheer to millions of military members during their loneliest moments, and has, thereby, extended to them for the American people a touch of home away from home.

(b) Honorary Designation.—The elected representatives of the American people, expressing the gratitude of the American people to Bob Hope for his years of unselfish service to the members of the Armed Forces of the United States, designate Bob Hope as an honorary veteran of the Armed Forces of the United States.

SEC. 1075. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) Unlawful Conduct.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(l) Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction.—

"(1) Definitions.—In this subsection—

"(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

"(B) the term 'explosive' has the same meaning as in section 844(j); and

"(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) Prohibition.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intention that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal criminal offense or a State or local criminal offense affecting interstate commerce.".

(b) Penalties.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates subsections" and inserting the following: "person who—

"(1) violations subsections";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) violates subsection (l)(2) of section 842 of this chapter, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(2) in subsection (j), by striking "and (i)" and inserting "(i), and (l)".

SEC. 1076. PROHIBITION ON PROVISION OF BURIAL BENEFITS TO INDIVIDUALS CONVICTED OF FEDERAL CAPITAL OFFENSES.

Notwithstanding any other provision of law, an individual convicted of a capital offense under Federal law shall not be entitled to the following:

(1) Interment or inurnment in Arlington National Cemetery, the Soldiers' and Airmen's National Cemetery, any cemetery in the National Cemetery System, or any other cemetery administered by the Secretary of a military department or by the Secretary of Veterans Affairs.

(2) Any other burial benefit under Federal law.

SEC. 1077. NATIONAL POW/MIA RECOGNITION DAY.

(a) Findings.—Congress makes the following findings:

(1) The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action.

(2) Many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships.

(3) As a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag.

(4) The American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

(b) Display of POW/MIA Flag.—The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations (as designated by the Secretary of Defense);

(2) Federal national cemeteries;

(3) the National Korean War Veterans Memorial;

(4) the National Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

(c) POW/MIA Flag Defined.—In this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized and designated by section 2 of Public Law 101–355 (104 Stat. 416).

(d) Regulations.—Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in subsection (b) shall prescribe any regulation necessary to carry out this section.

(e) Repeal of Provision Relating to Display of POW/MIA Flag.—Section 1084 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (36 U.S.C. 189 note, Public Law 102–190) is repealed.

SEC. 1078. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) Authority.—Notwithstanding any other provision of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) Property Covered.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels closed or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) Donees Not To Be Charged.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

SEC. 1079. REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) Findings.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) Report.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be of 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

SEC. 1080. GAO STUDY ON CERTAIN COMPUTERS.

(a) In General.—The Comptroller General of the United States shall conduct a study of the national security risks relating to the sale of computers with composite theoretical performance of between 2,000 and 7,000 million theoretical operations per second to end-users in Tier 3 countries. The study shall also analyze any foreign availability of computers described in the preceding sentence and the impact of such sales on United States exporters.

(b) Publication of End-User List.—The Secretary of Commerce shall publish in the Federal Register a list of military and nuclear end-users of the computers described in subsection (a), except any end-user with respect to whom there is an administrative finding that such publication would jeopardize the user's sources and methods.

(c) End-User Assistance to Exporters.—The Secretary of Commerce shall establish a procedure by which exporters may seek information on questionable end-users.

(d) Definition of Tier 3 Country.—For purposes of this section, the term "Tier 3 country" has the meaning given such term in section 740.7 of title 15, Code of Federal Regulations.

SEC. 1081. CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

(a) Findings.—Congress makes the following findings:

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) Authorization.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

SEC. 1082. DEFENSE BURDENSHARING.

(a) Efforts To Increase Allied Burdensharing.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(b) Authorities To Encourage Actions by United States Allies.—In seeking the actions described in subsection (a) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation fees or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation, consistent with the terms of such agreement.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(c) Report on Progress in Increasing Allied Burdensharing.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (a);

(2) all measures taken by the President, including those authorized in subsection (b), to achieve the actions described in subsection (a);

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(d) Report on National Security Bases for Forward Deployment and Burdensharing Relationships.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United

States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

SEC. 1083. SENSE OF THE SENATE REGARDING A FOLLOW-ON FORCE FOR BOSNIA.

(a) The Senate finds the following:

(1) United States military forces were deployed to Bosnia as members of the North Atlantic Treaty Organization (NATO) Implementation Forces (IFOR) to implement the military aspects of the Dayton Agreement.

(2) The military aspects of the Dayton Agreement were being successfully implemented.

(3) Following the recommendation of the Secretary General of the North Atlantic Treaty Organization on December 11, 1996, to extend the presence of NATO forces in Bosnia until June 1998 so that progress could be achieved in implementing the civil aspects of the Dayton Agreement, the President announced his decision to extend the presence of United States forces in Bosnia to participate in the NATO Stabilization Force (SFOR) until June 1998.

(4) The cost of United States participation in operations in Bosnia from 1992 through June 1998 is estimated to exceed $7,000,000,000.

(5) The President and the Secretary of Defense have stated that United States forces are to be withdrawn from Bosnia by June 1998.

(b) It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region;

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) the President should consult with the Congress with respect to any support to be provided to a Western European Union-led or NATO-led follow-on force in Bosnia after June 1998.

SEC. 1084. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 42 U.S.C. 2121 note) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 42 U.S.C. 2121 note) requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) Advice and Opinions Regarding Nuclear Weapons Stockpile.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) Expression of Individual Views.—A representative of the President may not take any action against, or otherwise constrain, a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command for presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) Definitions.—

(1) Representative of the President.—The term "representative of the President" means the following:

(A) Any official of the Department of Defense, the Department of Energy who is appointed by the President and confirmed by the Senate.

(B) Any member of the National Security Council.

(C) Any member of the Joint Chiefs of Staff.

(D) Any official of the Office of Management and Budget.

(2) Nuclear weapons laboratory.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

SEC. 1085. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) Limitation.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the President submits to Congress a written certification under subsection (b).

(b) Presidential Certification.—A certification under this subsection is either of the following certifications:

(1) A certification that—

(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

(2) A certification that the national security interests of the United States could be undermined by a United States policy not to carry out chemical weapons destruction activities under the Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this or any other Act for fiscal year 1998.

(c) Definitions.—In this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term "Cooperative Threat Reduction program" means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

SEC. 1086. RESTRICTIONS ON USE OF HUMANS AS EXPERIMENTAL SUBJECTS IN BIOLOGICAL AND CHEMICAL WEAPONS RESEARCH.

(a) Prohibited Activities.—No officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) otherwise conduct any testing of biological or chemical agents on human subjects.

(b) Inapplicability to Certain Actions.—The prohibition in subsection (a) does not apply to any action carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, research, or other activity.

(2) Any purpose that is directly related to protection against toxic chemicals and to protection against chemical or biological weapons.

(3) Any military purpose of the United States that is not connected with the use of a chemical weapon and is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(4) Any law enforcement purpose, including any domestic riot control purpose and any imposition of capital punishment.

(c) Biological Agent Defined.—In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(d) Report and Certification.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following:

"(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with a detailed justification for the testing, a detailed explanation of the purposes of the testing, the chemical or biological agents tested, and the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.".

(e) Repeal of Duplicative, Superseded, and Executed Laws.—Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520) is repealed.

SEC. 1087. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) Findings.—The Senate makes the following findings:

(1) The North Atlantic Treaty Organization (NATO) met on July 8 and 9, 1997, in Madrid, Spain, and issued invitations to the Czech Republic, Hungary, and Poland to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The United States has assured that the process of enlarging NATO will continue after the first round of invitations in July.

(4) Romania and Slovenia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective membership in NATO.

(5) In furthering the purpose and objective of NATO in promoting stability and well-being in the North Atlantic area, NATO should invite Romania, Slovenia, and any other democratic states of Central and Eastern Europe to accession negotiations to become NATO members as expeditiously as possible upon the satisfaction of all relevant membership criteria.

(b) Sense of the Senate.—It is the sense of the Senate that NATO should be commended—

(1) for having committed to review the process of enlarging NATO at the next NATO summit in 1999; and

(2) for singling out the positive developments toward democracy and rule of law in Romania and Slovenia.

SEC. 1088. SECURITY, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) Authority To Enter into Agreement.—(1) The Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides security services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines

that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement shall provide for reimbursing the Secretary for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

SEC. 1089. AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

SEC. 1090. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations relative to the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas and such regulations shall be accompanied with elimination of barriers to exports of United States made beverages currently placed by other countries.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE DEPARTMENT OF DEFENSE PERSONNEL.

Section 129 of title 10, United States Code, is amended by adding at the end the following:

"(f)(1) Not later than February 1 and August 1 of each year, the Secretary of each military department and the head of each Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representative a report on the management of the civilian workforce under the jurisdiction of that official.

"(2) Each report of an official under paragraph (1) shall contain the following:

"(A) The official's certification that the civilian workforce under the jurisdiction of the official is not subject to any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees, and that, during the six months preceding the date on which the report is due, such workforce has not been subject to any such constraint or limitation.

"(B) A description of how the civilian workforce is managed.

"(C) A detailed description of the analytical tools used to determine civilian workforce requirements during the six-month period referred to in subparagraph (A).".

SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE MARINE CORPS UNIVERSITY.

(a) EXPANDED AUTHORITY.—Subsections (a) and (c) of section 7478 of title 10, United States Code, are amended by striking out "the Marine Corps Command and Staff College" and inserting in lieu thereof "a school of the Marine Corps University".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members".

(2) The table of sections at the beginning of chapter 643 of such title is amended by striking out the item relating to section 7478 and inserting in lieu thereof the following new item:

"7478. Naval War College and Marine Corps University: civilian faculty members.".

SEC. 1103. EXTENSION AND REVISION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY.

(a) REMITTANCE TO CSRS FUND.—Section 5597 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) In addition to any other payment that it is required to make under subchapter III of chapter 83 or chapter 84 of this title, the Department of Defense shall remit to the Office of Personnel Management an amount equal to 15 percent of the final basic pay of each covered employee. The remittance shall be in place of any remittance with respect to the employee that is otherwise required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) Amounts remitted under paragraph (1) shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(3) For the purposes of this subsection—

"(A) the term 'covered employee' means an employee who is subject to subchapter III of chapter 83 or chapter 84 of this title and to whom a voluntary separation incentive has been paid under this section on the basis of a separation on or after October 1, 1997; and

"(B) the term 'final basic pay' has the meaning given such term in section 4(a)(2) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) EXTENSION OF AUTHORITY.—(1) Subsection (e) of such section is amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking out "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE OVERSEAS TEACHER UPON TRANSFER TO GENERAL SCHEDULE POSITION.

(a) PREVENTION OF EXCESSIVE INCREASES.—Section 5334(d) of title 5, United States Code, is amended by striking out "20 percent" and all that follows and inserting in lieu thereof "an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.".

(b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendment made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date determined under paragraph (1), the rate of pay determined under such section (as in effect on that day) shall not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service on or after that day.

SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) ELIGIBILITY WITHOUT PERMANENT RESIDENCE.—Subsection (a) of section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101–193; 103 Stat. 1709; 8 U.S.C. 1430 note) is amended to read as follows:

"(a) For purposes of subsection (c) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430), the George C. Marshall European Center for Security Studies, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of such subsection. Notwithstanding clauses (2) and (4) of such subsection and any other provision of title III of the Immigration and Nationality Act, neither prior admission to the United States for permanent residence nor presence in the United States at the time of naturalization is required as a condition for the naturalization (under the authority of such subsection) of a person employed by the Center.".

(b) REFERENCE CORRECTION.—The section heading of such section is amended to read as follows:

"REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES".

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.";

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

SEC. 1108. HIGHER EDUCATION PILOT PROGRAM FOR THE NAVAL UNDERSEA WARFARE CENTER.

(a) Establishment.—The Secretary of the Navy may establish under the Naval Undersea Warfare Center (hereafter in this section referred to as the "Center") and the Acquisition Center for Excellence of the Navy jointly a pilot program of higher education with respect to the administration of business relationships between the Federal Government and the private sector.

(b) Purpose.—The purpose of the pilot program is to make available to employees of the Center and employees of the Naval Sea Systems Command a curriculum of graduate-level higher education that—

(1) is designed to prepare the employees effectively to meet the challenges of administering Federal Government contracting and other business relationships between the Federal Government and businesses in the private sector in the context of constantly changing or newly emerging industries, technologies, governmental organizations, policies, and procedures (including governmental organizations, policies, and procedures recommended in the National Performance Review); and

(2) leads to award of a graduate degree.

(c) Partnership With Institution of Higher Education.—(1) The Secretary may enter into an agreement with an institution of higher education to assist the Center with the development of the curriculum, to offer courses and provide instruction and materials to the extent provided for in the agreement, to provide any other assistance in support of the pilot program that is provided for in the agreement, and to award a graduate degree under the pilot program.

(2) An institution of higher education is eligible to enter into an agreement under paragraph (1) if the institution has an established program of graduate-level education that is relevant to the purpose of the pilot program.

(d) Curriculum.—The curriculum offered under the pilot program shall—

(1) be designed specifically to achieve the purpose of the pilot program; and

(2) include—

(A) courses that are typically offered under curricula leading to award of the degree of Masters of Business Administration by institutions of higher education; and

(B) courses for meeting educational qualification requirements for certification as an acquisition program manager.

(e) Distance Learning Option.—The pilot program may include policies and procedures for offering distance learning instruction by means of telecommunications, correspondence, or other methods for off-site receipt of instruction.

(f) Period for Pilot Program.—The Secretary shall carry out the pilot program during fiscal years 1998 through 2002.

(g) Report.—Not later than 90 days after the termination of the pilot program, the Secretary shall submit to Congress a report on the pilot program. The report shall include the Secretary's assessment of the value of the program for meeting the purpose of the program and the desirability of permanently establishing a similar program for all of the Department of Defense.

(h) Institution of Higher Education Defined.—In this section, the term "institution of higher education" has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(i) Authorization of Appropriations.—(1) Funds are authorized to be appropriated for the Navy for the pilot program for fiscal year 1998 in the total amount of $2,500,000. The amount authorized to be appropriated for the pilot program is in addition to other amounts authorized by other provisions of this Act to be appropriated for the Navy for fiscal year 1998.

(2) The amount authorized to be appropriated by section 421 is hereby reduced by $2,500,000.

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) Income and Compensation.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) Loans.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) Issuance of Stock and Payment of Dividends.—The association may not issue any shares of stock or declare or pay any dividends.

(d) Disclaimer of Congressional or Federal Approval.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) Corporate Status.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) Corporate Function.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) Nondiscrimination.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) Books and Records of Account.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

"(79) Air Force Sergeants Association.".

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$27,000,000
Arizona	Fort Huachuca	$20,000,000
California	Naval Weapons Station, Concord	$23,000,000
Colorado	Fort Carson	$7,300,000
Georgia	Fort Gordon	$22,000,000
Hawaii	Schofield Barracks	$44,000,000
Indiana	Crane Army Ammunition Activity	$7,700,000
Kansas	Fort Leavenworth	$63,000,000
	Fort Riley	$25,800,000
Kentucky	Fort Campbell	$53,600,000
	Fort Knox	$7,200,000
North Carolina	Fort Bragg	$6,500,000
South Carolina	Naval Weapons Station, Charleston	$7,700,000
Texas	Fort Sam Houston	$16,000,000
Virginia	Charlottesville	$3,100,000
	Fort A.P. Hill	$5,400,000
	Fort Myer	$8,200,000
Washington	Fort Lewis	$33,000,000
CONUS Classified	Classified Location	$6,500,000
	Total:	$387,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Katterbach Kaserne, Ansbach	$22,000,000
	Kitzingen	$4,365,000
	Tompkins Barracks, Heidelberg	$8,800,000
	Rhine Ordnance Barracks, Military Support Group, Kaiserslautern	$6,000,000
Korea	Camp Casey	$5,100,000
	Camp Castle	$8,400,000
	Camp Humphreys	$32,000,000
	Camp Red Cloud	$23,600,000
	Camp Stanley	$7,000,000
Various Overseas	Various Locations	$37,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$174,265,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Fort Richardson	52 Units	$9,600,000
	Fort Wainwright	32 Units	$8,300,000
Florida	Miami	8 Units	$2,300,000
Hawaii	Schofield Barracks	132 Units	$26,600,000
Kentucky	Fort Campbell	Family housing improvements.	$8,500,000

Army: Family Housing—Continued

State	Installation or location	Purpose	Amount
Maryland	Fort Meade	56 Units	$7,900,000
New York	United States Military Academy, West Point	Whole neighborhood revitalization.	$5,400,000
North Carolina	Fort Bragg	174 Units	$20,150,000
Texas	Fort Bliss	91 Units	$12,900,000
	Fort Hood	130 Units	$18,800,000
		Total:	$120,450,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,665,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $44,800,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,951,478,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $360,500,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $174,265,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $6,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,512,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,915,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,143,286,000.

(6) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2763), $18,000,000.

(7) For the construction of the whole barracks complex renewal, Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2763), $22,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $26,500,000 (the balance of the amount authorized under section 2101(a) for the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas).

SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR FUNDS TO CONSTRUCT A HELIPORT AT FORT IRWIN, CALIFORNIA.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Army may carry out a project to construct a heliport at Fort Irwin, California, using the following amounts:

(1) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3029) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (108 Stat. 3027).

(2) Amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 524) for the military construction project at Fort Irwin authorized by section 2101(a) of that Act (110 Stat. 523).

(b) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for the project covered by that subsection by the later of the dates set forth in section 2701(a) of this Act, the authority in that subsection to use funds for the project shall expire on the later of such dates.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	$11,426,000
	Marine Corps Air Station, Yuma	$14,700,000
California	Marine Corps Air Station, Camp Pendleton	$14,020,000
	Marine Corps Air Station, Miramar	$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	$3,810,000
	Marine Corps Base, Camp Pendleton	$39,469,000
	Naval Air Facility, El Centro	$11,000,000
	Naval Air Station, North Island	$19,600,000
Connecticut	Naval Submarine Base, New London	$23,560,000
Florida	Naval Air Station, Jacksonville	$3,480,000
Hawaii	Honolulu (Fort DeRussy)	$9,500,000
	Marine Corps Air Station, Kaneohe Bay	$19,000,000
	Naval Computer and Telecommunications Area, Master Station, Eastern Pacific, Honolulu	$3,900,000
	Naval Station, Pearl Harbor	$25,000,000
Illinois	Naval Training Center, Great Lakes	$41,220,000
Mississippi	Navy Combat Battalion Construction Base, Gulfport	$22,440,000
North Carolina	Marine Corps Air Station, Cherry Point	$8,800,000
	Marine Corps Air Station, New River	$19,900,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Island	$3,200,000
Virginia	Fleet Combat Training Center, Dam Neck	$7,000,000
	Naval Air Station, Norfolk	$14,240,000
	Naval Air Station, Oceana	$28,000,000
	Naval Amphibious Base, Little Creek	$8,685,000
	Naval Station, Norfolk	$64,970,000
	Naval Surface Warfare Center, Dahlgren	$20,480,000
	Naval Weapons Station, Yorktown	$11,257,000
	Norfolk Naval Shipyard, Portsmouth	$9,500,000
Washington	Naval Air Station, Whidbey Island	$1,100,000
	Puget Sound Naval Shipyard, Bremerton	$4,400,000
	Total:	$481,257,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	$30,100,000
Guam	Naval Computer and Telecommunications Area, Master Station, Western Pacific	$4,050,000
Italy	Naval Air Station, Sigonella	$21,440,000
	Naval Support Activity, Naples	$8,200,000
United Kingdom	Joint Maritime Communications Center, Saint Mawgan	$2,330,000
	Total:	$65,920,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Air Station, Miramar	166 Units	$28,881,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	132 Units	$23,891,000
	Marine Corps Base, Camp Pendleton	171 Units	$22,518,000
	Naval Air Station, Lemoore	128 Units	$23,226,000
North Carolina	Marine Corps Base, Camp Lejeune	37 Units	$2,863,000
Texas	Naval Air Station, Corpus Christi	57 Units	$6,470,000
Washington	Naval Air Station, Whidbey Island	198 Units	$32,290,000
		Total:	$140,139,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $15,850,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,907,387,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $448,637,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $65,920,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,960,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,597,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $329,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $976,504,000.

(6) For construction of a large anachoic chamber facility at Patuxent River Naval Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $9,000,000.

(7) For construction of a bachelor enlisted quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766), $5,200,000.

(8) For construction of a bachelor enlisted quarters at Naval Station, Roosevelt Roads, Puerto Rico, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2767), $14,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $32,620,000 (the balance of the amount authorized under section 2101(a) for the replacement of the Berthing Pier at Naval Station, Norfolk, Virginia.

(c) ADJUSTMENT.—The total amount authorized to be appropriated under paragraph (5) of subsection (a) is the sum of the amounts authorized to be appropriated under such paragraph, reduced by $8,463,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2205. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT PASCAGOULA NAVAL STATION, MISSISSIPPI, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2766) is amended by striking out the item relating to Navy Project, Stennis Space Center, Mississippi, and inserting in lieu thereof the following:

Mississippi	Naval Station Pascagoula	$4,990,000
	Navy Project, Stennis Space Center	$7,960,000

(b) CONFORMING AMENDMENTS.—Section 2204(a) of such Act (110 Stat. 2769) is amended—

(1) in the matter preceding paragraph (1), by striking out "$2,213,731,000" and inserting in lieu thereof "$2,218,721,000"; and

(2) in paragraph (1), by striking out "$579,312,000" and inserting in lieu thereof "$584,302,000".

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "$23,600,000" and inserting in lieu thereof "$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "$14,100,000" and inserting in lieu thereof "$14,600,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$5,574,000
Alaska	Clear Air Force Station	$67,069,000
	Elmendorf Air Force Base	$6,100,000
	Eielson Air Force Base	$13,764,000
	Indian Mountain Long Range Radar Site	$1,991,000
California	Edwards Air Force Base	$2,887,000
	Vandenberg Air Force Base	$26,876,000
Colorado	Buckley Air National Guard Base	$6,718,000
	Falcon Air Force Station	$10,551,000
	Peterson Air Force Base	$4,081,000
	United States Air Force Academy	$15,229,000
Florida	Eglin Auxiliary Field 9	$6,470,000
	MacDill Air Force Base	$1,543,000
Georgia	Moody Air Force Base	$15,900,000
	Robins Air Force Base	$18,663,000
Hawaii	Bellows Air Force Station	$5,232,000
Idaho	Mountain Home Air Force Base	$30,669,000
Kansas	McConnell Air Force Base	$19,219,000
Louisiana	Barksdale Air Force Base	$19,410,000
Mississippi	Keesler Air Force Base	$30,855,000
Missouri	Whiteman Air Force Base	$17,419,000
Montana	Malmstrom Air Force Base	$4,500,000
Nebraska	Offutt Air Force Base	$6,900,000
Nevada	Nellis Air Force Base	$5,900,000
New Jersey	McGuire Air Force Base	$9,954,000
New Mexico	Cannon Air Force Base	$2,900,000
	Kirtland Air Force Base	$20,300,000
North Carolina	Pope Air Force Base	$8,356,000
North Dakota	Grand Forks Air Force Base	$8,560,000
	Minot Air Force Base	$5,200,000
Ohio	Wright-Patterson Air Force Base	$32,750,000
Oklahoma	Altus Air Force Base	$11,000,000
	Tinker Air Force Base	$9,655,000
	Vance Air Force Base	$7,700,000
South Carolina	Shaw Air Force Base	$6,072,000
South Dakota	Ellsworth Air Force Base	$6,600,000
Tennessee	Arnold Air Force Base	$10,750,000
Texas	Dyess Air Force Base	$10,000,000
	Randolph Air Force Base	$2,488,000
Utah	Hill Air Force Base	$6,470,000
Virginia	Langley Air Force Base	$4,031,000
Washington	Fairchild Air Force Base	$24,016,000
	McChord Air Force Base	$9,655,000
CONUS Classified	Classified Location	$6,175,000
	Total:	$546,152,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$18,500,000
Italy	Aviano Air Base	$15,220,000
Korea	Kunsan Air Base	$10,325,000
Portugal	Lajes Field, Azores	$4,800,000
United Kingdom	Royal Air Force, Lakenheath	$11,400,000
Overseas Classified	Classified Location	$29,100,000
	Total:	$89,345,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	51 units	$8,500,000
	Travis Air Force Base	70 units	$9,714,000
	Vandenberg Air Force Base	108 units	$17,100,000
Delaware	Dover Air Force Base	Ancillary Facility	$831,000
District of Columbia	Bolling Air Force Base	46 units	$5,100,000
Florida	MacDill Air Force Base	58 units	$10,000,000
	Tyndall Air Force Base	32 units	$4,200,000
Georgia	Robins Air Force Base	106 units	$12,000,000
Idaho	Mountain Home Air Force Base	60 units	$11,032,000
Kansas	McConnell Air Force Base	19 units	$2,951,000
Mississippi	Columbus Air Force Base	50 units	$6,200,000
	Keesler Air Force Base	40 units	$5,000,000
Montana	Malmstrom Air Force Base	956 units	$21,447,000
New Mexico	Kirtland Air Force Base	180 units	$20,900,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
North Dakota	Grand Forks Air Force Base	42 units	$7,936,000
South Carolina	Charleston Air Force Base	Improve family housing area.	$14,300,000
Texas	Dyess Air Force Base	70 units	$10,503,000
	Goodfellow Air Force Base	3 units	$500,000
	Lackland Air Force Base	50 units	$7,400,000
Wyoming	F.E. Warren Air Force Base	52 units	$6,853,000
		Total:	$182,467,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $13,021,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,799,181,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $546,152,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $89,345,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $51,080,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, planning improvement of military family housing and facilities, $297,683,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $23,858,000 (the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes).

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT MCCONNELL AIR FORCE BASE, KANSAS, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out "$19,130,000" in the amount column and inserting in lieu thereof "$25,830,000".

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,894,594,000" and inserting in lieu thereof "$1,901,294,000"; and

(2) in paragraph (1), by striking out "$603,834,000" and inserting in lieu thereof "$610,534,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Commissary Agency	Fort Lee, Virginia	$9,300,000
Defense Finance & Accounting Service	Naval Station, Pearl Harbor, Hawaii	$10,000,000
	Columbus Center, Ohio	$9,722,000
	Naval Air Station, Millington, Tennessee	$6,906,000
	Naval Station, Norfolk, Virginia	$12,800,000
Defense Intelligence Agency	Redstone Arsenal, Alabama	$32,700,000
	Bolling Air Force Base, District of Columbia	$7,000,000
Defense Logistics Agency	Elmendorf Air Force Base, Alaska	$21,700,000
	Naval Air Station, Jacksonville, Florida	$9,800,000
	Westover Air Reserve Base, Massachusetts	$4,700,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	$15,500,000
	Defense Distribution Depot—DDNV, Virginia	$16,656,000
	Defense Fuel Support Point, Craney Island, Virginia	$22,100,000
	Defense General Supply Center, Richmond, Virginia	$5,200,000
	Defense Fuel Support Center, Truax Field, Wisconsin	$4,500,000
	CONUS Various, CONUS Various	$11,275,000
Defense Medical Facility Office	Naval Station, San Diego, California	$2,100,000
	Naval Submarine Base, New London, Connecticut	$2,300,000
	Naval Air Station, Pensacola, Florida	$2,750,000
	Robins Air Force Base, Georgia	$19,000,000
	Fort Campbell, Kentucky	$13,600,000
	Fort Detrick, Maryland	$4,650,000
	McGuire Air Force Base, New Jersey	$35,217,000
	Holloman Air Force Base, New Mexico	$3,000,000
	Wright-Patterson Air Force Base, Ohio	$2,750,000
	Lackland Air Force Base, Texas	$3,000,000
	Hill Air Force Base, Utah	$3,100,000
	Marine Corps Combat Development Command, Quantico, Virginia	$19,000,000
	Naval Station, Everett, Washington	$7,500,000
National Security Agency	Fort Meade, Maryland	$29,800,000
Special Operations Command	Naval Amphibious Base, North Island, California	$7,400,000
	Eglin Auxiliary Field 3, Florida	$11,200,000
	Hurlburt Field, Florida	$2,450,000
	Fort Benning, Georgia	$9,814,000
	Hunter Army Air Field, Fort Stewart, Georgia	$2,500,000
	Naval Station, Pearl Harbor, Hawaii	$7,400,000
	Mississippi Army Ammunition Plant, Mississippi	$9,900,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Fort Bragg, North Carolina	$9,800,000
	Total:	$408,090,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization	Kwajalein Atoll	$4,565,000
Defense Logistics Agency	Defense Fuel Support Point, Anderson Air Force Base, Guam	$16,000,000
	Defense Fuel Supply Center, Moron Air Base, Spain	$14,400,000
	Total:	$34,965,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $4,950,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,778,531,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $408,090,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $34,965,000.

(3) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2587), $9,900,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $20,000,000.

(5) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408(2) of this Act, $57,427,000.

(6) For military construction projects at the Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (110 Stat. 535), $14,200,000.

(7) For military construction projects at Portsmouth Naval Hospital, Virginia authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $34,600,000.

(8) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,844,000.

(9) For unspecified minor construction projects under section 2805 of title 10, United States Code, $34,457,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,520,000.

(11) For energy conservation projects authorized by section 2404 of this Act, $25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $32,724,000, of which not more than $27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO FISCAL YEAR 1997 PROJECT AT NAVAL STATION, PEARL HARBOR, HAWAII.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775) is amended in the item relating to Special Operations Command, Naval Station, Ford Island, Pearl Harbor, Hawaii, in the installation or location column by striking out "Naval Station, Ford Island, Pearl Harbor, Hawaii" and inserting in lieu thereof "Naval Station, Pearl City Peninsula, Pearl Harbor, Hawaii".

SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO CARRY OUT CERTAIN DEFENSE AGENCY MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY TO USE FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), the Secretary of Defense may carry out the military construction projects referred to in subsection (b), in the amounts specified in that subsection, using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3042) for the military construction project authorized at McClellan Air Force Base, California, by section 2401 of that Act (108 Stat. 3041).

(b) COVERED PROJECTS.—Funds available under subsection (a) may be used for military construction projects as follows:

(1) Construction of an addition to the Aeromedical Clinic at Anderson Air Base, Guam, $3,700,000.

(2) Construction of an occupational health clinic facility at Tinker Air Force Base, Oklahoma, $6,500,000.

(c) LIMITATION ON AVAILABILITY.—Unless funds available under subsection (a) are obligated for a project referred to in subsection (b) by the later of the dates set forth in section 2701(a), the authority in subsection (a) to use such funds for the project shall expire on the later of such dates.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$115,000,000" in the amount column and inserting in lieu thereof "$134,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$186,000,000" in the amount column and inserting in lieu thereof "$187,000,000".

SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995 PROJECT RELATING TO RELOCATABLE OVER-THE-HORIZON RADAR, NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law and except as provided in subsection (b), funds appropriated under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE" in title VI of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2615) for the construction of a relocatable over-the-horizon radar at Naval Station Roosevelt Roads, Puerto Rico, shall be available for that purpose until the later of—

(1) October 1, 1998; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 1999.

(b) EXCEPTION.—Subsection (a) shall not apply to the use of funds covered by that subsection for the purpose specified in that subsection if such funds are obligated before the later of the dates specified in that subsection.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $152,600,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $165,345,000; and

(B) for the Army Reserve, $87,640,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,213,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $193,269,000; and

(B) for the Air Force Reserve, $34,580,000.

SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD CONSTRUCTION PROJECT, AVIATION SUPPORT FACILITY, HILO, HAWAII, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2780) is amended by striking out "$59,194,000" and inserting in lieu thereof "$65,094,000".

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
California	Fort Irwin	National Training Center Airfield Phase I.	$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Upgrade Power Plant	$4,000,000
	Indian Head Naval Surface Warfare Center	Denitrification/Acid Mixing Facility.	$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic	Bachelor Enlisted Quarters	$6,480,000
Washington	Naval Station, Everett	Housing Office	$780,000
CONUS Classified	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities.	$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Consolidated Support Center.	$10,400,000
	Los Angeles Air Force Station	Family Housing (50 units)	$8,962,000
North Carolina	Pope Air Force Base	Combat Control Team Facility.	$2,450,000
	Pope Air Force Base	Fire Training Facility	$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot	Carbon Filtration System	$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility.	$115,000,000
California	Defense Contract Management Area Office, El Segundo	Administrative Building	$5,100,000

Defense Agencies: Extension of 1995 Project Authorizations—Continued

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Facility.	$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop.	$3,910,000
	Camp Roberts	Combat Pistol Range	$952,000
Pennsylvania	Fort Indiantown Gap	Barracks	$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta	Training Center	$2,650,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2783), shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1993 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), the authorization for the project set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541) and section 2703 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2784), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), section 2703 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), and section 2704 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2785), shall remain in effect until October 1, 1998, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2706. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUISITION PROJECTS.

(a) INCREASE.—Section 2672 of title 10, United States Code, is amended by striking out "$200,000" each place it appears in subsection (a) and inserting in lieu thereof "$500,000".

(b) CONFORMING AMENDMENTS.—(1) The section heading for such section is amended by striking out "**$200,000**" and inserting in lieu thereof "**$500,000**".

(2) The table of sections at the beginning of chapter 159 of such title is amended in the item relating to section 2672 by striking out "$200,000" and inserting in lieu thereof "$500,000".

SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following:

"§2695. Sale of utility systems

"(a) AUTHORITY.—The Secretary of the military department concerned may convey all right, title, and interest of the United States, or any lesser estate thereof, in and to all or part of a utility system located on or adjacent to a military installation under the jurisdiction of the Secretary to a municipal utility, private utility, regional or district utility, or cooperative utility or other appropriate entity.

“(b) Selection of Purchaser.—If more than one utility or entity referred to in subsection (a) notifies the Secretary concerned of an interest in a conveyance under that subsection, the Secretary shall carry out the conveyance through the use of competitive procedures.

“(c) Consideration.—

“(1) In general.—The Secretary concerned shall accept as consideration for a conveyance under subsection (a) an amount equal to the fair market value (as determined by the Secretary) of the right, title, or interest conveyed.

“(2) Form of consideration.—Consideration under this subsection may take the form of—

“(A) a lump sum payment; or

“(B) a reduction in charges for utility services provided the military installation concerned by the utility or entity concerned.

“(3) Treatment of payments.—

“(A) Crediting.—A lump sum payment received under paragraph (2)(A) shall be credited, at the election of the Secretary—

“(i) to an appropriation of the military department concerned available for the procurement of the same utility services as are provided by the utility system conveyed under this section;

“(ii) to an appropriation of the military department available for carrying out energy savings projects or water conservation projects; or

“(iii) to an appropriation of the military department available for improvements to other utility systems on the installation concerned.

“(B) Availability.—Amounts so credited shall be merged with funds in the appropriation to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriation with which merged.

“(d) Inapplicability of Certain Contracting Requirements.—Sections 2461, 2467, and 2468 of this title shall not apply to the conveyance of a utility system under subsection (a).

“(e) Notice and Wait Requirement.—The Secretary concerned may not make a conveyance under subsection (a) until—

“(1) the Secretary submits to the Committees on Armed Services and Appropriations of the Senate and the Committees on National Security and Appropriations of the House of Representatives an economic analysis (based upon accepted life-cycle costing procedures) demonstrating that—

“(A) the long-term economic benefit of the conveyance to the United States exceeds the long-term economic cost of the conveyance to the United States; and

“(B) the conveyance will reduce the long-term costs of the United States for utility services provided by the utility system concerned; and

“(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

“(f) Additional Terms and Conditions.—The Secretary concerned may require such additional terms and conditions in connection with a conveyance under subsection (a) as such Secretary considers appropriate to protect the interests of the United States.

“(g) Utility System Defined.—For purposes of this section:

“(1) In general.—The term ‘utility system’ means the following:

“(A) A system for the generation and supply of electric power.

“(B) A system for the treatment or supply of water.

“(C) A system for the collection or treatment of wastewater.

“(D) A system for the generation and supply of steam, hot water, and chilled water.

“(E) A system for the supply of natural gas.

“(2) Inclusions.—The term ‘utility system’ includes the following:

“(A) Equipment, fixtures, structures, and other improvements utilized in connection with a system referred to in paragraph (1).

“(B) Easements and rights-of-ways associated with a system referred to in that paragraph.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2695. Sale of utility systems.”.

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL PROPERTY TRANSACTIONS.

(a) In General.—(1) Chapter 159 of title 10, United States Code, as amended by section 2802 of this Act, is further amended by adding at the end the following:

“§ 2696. Administrative expenses relating to certain real property transactions

“(a) Authority To Collect.—Upon entering into a transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may collect from the person or entity an amount equal to the administrative expenses incurred by the Secretary in entering into the transaction.

“(b) Covered Transactions.—Subsection (a) applies to the following transactions:

“(1) The exchange of real property.

“(2) The grant of an easement over, in, or upon real property of the United States.

“(3) The lease or license of real property of the United States.

“(c) Use of Amounts Collected.—Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which such expenses were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.”.

(2) The table of sections at the beginning of chapter 159 of such title, as so amended, is further amended by adding at the end the following:

“2696. Administrative expenses relating to certain real property transactions.”.

(b) Conforming Amendment.—Section 2667(d)(4) of such title is amended by striking out “to cover the administrative expenses of leasing for such purposes and”.

SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY SAVINGS AND WATER COST SAVINGS.

(a) In General.—Section 2865(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out “and financial incentives described in subsection (d)(2)”;

(2) in paragraph (2)—

(A) by striking out “section 2866(b)” in the matter preceding subparagraph (A) and inserting in lieu thereof “section 2866(b)(2)”; and

(B) by striking out “section 2866(b)” in subparagraph (A) and inserting in lieu thereof “section 2866(b)(2)”; and

(3) by adding at the end the following:

“(3)(A) Financial incentives received from gas or electric utilities under subsection (d)(2), and from utilities for water demand or conservation under section 2866(b)(1) of this title, shall be credited to an appropriation designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

“(B) The Secretary shall include in the annual report under subsection (f) the amounts of financial incentives credited under this paragraph during the year of the report and the purposes for which such amounts were utilized in that year.”.

(b) Conforming Amendment.—Section 2866(b) of such title is amended to read as follows:

“(b) Use of Financial Incentives and Water Cost Savings.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in paragraph (3) of section 2865(b) of this title.

“(2) Water cost savings realized under subsection (a)(3) shall be used as provided in paragraph (2) of that section.”.

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) Requirement.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

“§ 2697. Screening of certain real property before conveyance

“(a) Requirement.—(1) Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law unless the Administrator of General Services determines that the property is surplus property to the United States in accordance with the Federal Property and Administrative Services Act of 1949.

“(2) The Administrator shall complete the screening required for purposes of paragraph (1) not later than 30 days after the date of enactment of the provision authorizing or requiring the conveyance of the real property concerned.

“(3)(A) As part of the screening of real property under this subsection, the Administrator shall determine the fair market value of the property, including any improvements thereon.

“(B) In the case of real property determined to be surplus, the Administrator shall submit to Congress a statement of the fair market value of the property, including any improvements thereon, not later than 30 days after the completion of the screening.

“(b) Excepted Authority.—Subsection (a) shall not apply to real property authorized or required to be disposed of under the following provisions of law:

“(1) Section 2687 of this title.

“(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

“(3) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

“(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

“(5) Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).

"(c) LIMITATION ON MODIFICATION OR WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

"(A) specifically refers to this section; and

"(B) specifically states that such provision of law modifies or supersedes the provisions of subsection (a).".

(2) The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following:

"2697. Screening of certain real property before conveyance.".

(b) APPLICABILITY.—Section 2697 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1996.

Subtitle B—Land Conveyances

SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL OF CERTAIN REAL PROPERTY, FORT BELVOIR, VIRGINIA.

(a) REPEAL OF AUTHORITY TO CONVEY.—Section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658), as amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 568), is repealed.

(b) TREATMENT AS SURPLUS PROPERTY.—(1) Notwithstanding any other provision of law, the real property described in paragraph (2) shall be deemed to be surplus property for purposes of section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484).

(2) Paragraph (1) applies to a parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out "County of Anderson, South Carolina (in this section referred to as the 'County')" and inserting in lieu thereof "Board of Education, Anderson County, South Carolina (in this section referred to as the 'Board')".

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out "County" and inserting in lieu thereof "Board".

SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easement or right of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and any easement or right of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES, ITALY.

(a) AUTHORITY.—The Secretary of the Navy may acquire by long-term lease structures and real property relating to a regional hospital complex in Naples, Italy, that the Secretary determines to be necessary for purposes of the Naples Improvement Initiative.

(b) LEASE TERM.—Notwithstanding section 2675 of title 10, United States Code, the lease authorized by subsection (a) shall be for a term of not more than 20 years.

(c) EXPIRATION OF AUTHORITY.—The authority of the Secretary to enter into a lease under subsection (a) shall expire on September 30, 2002.

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Maine School Administrative District No. 75, Topsham, Maine (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Topsham Annex, Naval Air Station, Brunswick, Maine.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the District use the property conveyed for educational purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to this section is not being used for the purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with the improvements thereon, to the District.

(2) As consideration for the lease under this subsection, the District shall provide such security services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The District shall bear the cost of the survey.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 464, OYSTER BAY, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the County of Nassau, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 110 acres and comprising the Naval Weapons Industrial Reserve Plant No. 464, Oyster Bay, New York.

(2)(A) As part of the conveyance authorized in paragraph (1), the Secretary may convey to the County such improvements, equipment, fixtures, and other personal property (including special tooling equipment and special test equipment) located on the parcels as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the County to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels for purposes of the conveyance authorized by this paragraph.

(b) CONDITION OF CONVEYANCE.—The conveyance of the parcels authorized in subsection (a) shall be subject to the condition that the County—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic redevelopment purposes or such other public purposes as the County determines appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for such purposes.

(c) REVERSIONARY INTEREST.—If during the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a) the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, together with improvements thereon, to the County.

(2) As consideration for the lease under this subsection, the County shall provide such security services and fire protection services for the property covered by the lease, and carry out such maintenance work with respect to the property, as the Secretary shall specify in the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), and the lease, if any, under subsection (d), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY HOUSING COMPLEX, BANGOR, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 19.8 acres, including improvements thereon, located in Bangor, Maine, and known as the Charleston Family Housing Complex.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to facilitate the reuse of the real property, currently unoccupied, which the City proposes to use to provide housing opportunities for first-time home buyers.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City, if the City sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(1) the amount of sale of the property sold; or

(2) the fair market value of the property sold as determined without taking into account any improvements to such property by the City.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of the real property referred to in paragraph (1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) CONDITIONS OF CONVEYANCE.—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) REVERSIONARY INTEREST.—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2819. MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to the fair market value of the property (as determined jointly by the Administrator and the City).".

SEC. 2820. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2821. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

(2) If at the time of the conveyance authorized by paragraph (1) the property is under the jurisdiction of the Administrator of General Services, the Administrator shall make the conveyance.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the County use the property conveyed for economic development purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one barracks housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(4) That any property conveyed under subsection (a) that is not conveyed under this subsection be used for economic development purposes or housing purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section which is covered by the condition specified in subsection (b)(4) is not being used for the purposes specified in that subsection, all right, title, and interest in and to such property, including any improvements thereon, shall revert to the all revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condin with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including—

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees;

(2) notwithstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.) the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

Subtitle C—Other Matters

SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.

Notwithstanding the provisions of section 204(h)(2)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire amount deposited by the Administrator of General Services in the account in the Treasury under section 204 of that Act as a result of the sale of Air Force Plant No. 78, Brigham City, Utah, shall, to the extent provided in appropriations Acts, be available to the Secretary of the Air Force for maintenance and repair of facilities, or environmental restoration, at other industrial plants of the Air Force.

SEC. 2832. REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and constructing facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(f) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system

may be used to quantify costs and savings attributable to the 1995 base closure round.

SEC. 2833. SENSE OF SENATE ON UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to modernization of the Armed Forces.

(b) SENSE OF SENATE ON USE OF SAVINGS RESULTING FROM BASE CLOSURE PROCESS.—It is the sense of the Senate that the savings identified in the report under section 2832 should be made available to the Department of Defense solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and should be used by the Department solely for such purposes.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,726,900,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,243,100,000, to be allocated as follows:

(A) For operation and maintenance, $1,144,290,000.

(B) For the accelerated strategic computing initiative, $190,800,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $98,810,000, to be allocated as follows:

Project 97–D–102, Dual-Axis Radiographic Hydrodynamic facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $46,300,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,810,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,400,000.

Project 96–D–105, Contained Firing Facility addition, Lawrence Livermore National Laboratory, Livermore, California, $19,300,000.

(2) For inertial confinement fusion, $414,800,000, to be allocated as follows:

(A) For operation and maintenance, $217,000,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 96–D–111, National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California, $197,800,000.

(3) For technology transfer and education, $69,000,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,033,050,000, to be allocated as follows:

(1) For operation and maintenance, $1,861,465,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $171,585,000, to be allocated as follows:

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, $11,000,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 consolidation, Oak Ridge, Tennessee, $6,450,000.

Project 98–D–125, Tritium Extraction Facility, Savannah River Site, Aiken, South Carolina, $9,650,000.

Project 98–D–126, accelerator production of tritium, various locations, $67,865,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,200,000.

Project 97–D–124, steam plant wastewater treatment facility upgrade, Y–12 Plant, Oak Ridge, Tennessee, $1,900,000.

Project 96–D–122, sewage treatment quality upgrade, Pantex Plant, Amarillo, Texas, $6,900,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,700,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $12,600,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $1,400,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $2,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $2,100,000.

Project 92–D–126, replace emergency notification systems, various locations, $3,200,000.

Project 88–D–122, facilities capability assurance program, various locations, $18,920,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out weapons activities necessary for national security programs in the amount of $268,500,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,741,373,000.

(b) WASTE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,559,644,000, to be allocated as follows:

(1) For operation and maintenance, $1,478,876,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $80,768,000, to be allocated as follows:

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $13,961,000.

Project 96–D–408, waste management upgrades, various locations, $8,200,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $176,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Y–12 Plant, Oak Ridge, Tennessee, $3,800,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland, Washington, $2,500,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $1,219,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $15,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $17,520,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $5,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $1,042,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $11,250,000.

(c) TECHNOLOGY DEVELOPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $237,881,000.

(d) NUCLEAR MATERIAL AND FACILITY STABILIZATION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for nuclear material and facility stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,266,021,000, to be allocated as follows:

(1) For operation and maintenance, $1,181,114,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $84,907,000, to be allocated as follows:

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $8,136,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $18,000,000.

Project 97–D–451, B-Plant safety class ventilation upgrades, Richland, Washington, $2,000,000.

Project 97–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $5,600,000.

Project 97–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $4,200,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $16,744,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, $2,927,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $14,985,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, Aiken, South Carolina, $2,713,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, $602,000.

(e) POLICY AND MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $18,104,000.

(f) ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for environmental science and risk policy in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $40,000,000.

(g) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $373,251,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs necessary for national security in the amount of $1,582,981,000, to be allocated as follows:

(1) For verification and control technology, $458,200,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $210,000,000.

(B) For arms control, $214,600,000.

(C) For intelligence, $33,600,000.

(2) For nuclear safeguards and security, $47,200,000.

(3) For security investigations, $20,000,000.

(4) For emergency management, $27,700,000.

(5) For program direction, nonproliferation, and national security, $84,900,000.

(6) For environment, safety and health, defense, $54,000,000.

(7) For worker and community transition assistance:

(A) For assistance, $65,800,000.

(B) For program direction, $4,700,000.

(8) For fissile materials disposition:

(A) For operation and maintenance, $99,451,000.

(B) For program direction, $4,345,000.

(9) For naval reactors development, $683,000,000, to be allocated as follows:

(A) For program direction, $20,080,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $14,000,000, to be allocated as follows:

Project 98–D–200, site laboratory/facility upgrade, various locations, $5,700,000.

Project 97–D–201, advanced test reactor secondary coolant system refurbishment, Idaho National Engineering and Environmental Laboratory, Idaho, $4,100,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $1,100,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,100,000.

(10) For the Chernobyl shutdown initiative, $2,000,000.

(11) For nuclear technology research and development, $25,000,000.

(12) For nuclear security, $4,000,000.

(13) For the Office of Hearings and Appeals, $2,685,000.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 to carry out environmental management privatization projects in connection with national security programs in the amount of $274,700,000, to be allocated as follows:

Project 98–PVT–1, contact handled transuranic waste transportation, Carlsbad, New Mexico, $21,000,000.

Project 98–PVT–4, spent nuclear fuel dry storage, Idaho Falls, Idaho, $27,000,000.

Project 98–PVT–7, waste pits remedial action, Fernald, Ohio, $25,000,000.

Project 98–PVT–11, spent nuclear fuel transfer and storage, Savannah River, South Carolina, $25,000,000.

Project 98–PVT– , waste disposal, Oak Ridge, Tennessee, $5,000,000.

Project 98–PVT–_, Ohio silo 3 waste treatment, Fernald, Ohio, $6,700,000.

Project 97–PVT–1, tank waste remediation system phase 1, Hanford, Washington, $157,000,000.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this subsection to transfer authorizations may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design report for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by the title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, or 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

(a) LIMITATION ON CONTRACTS.—Funds authorized to be appropriated by section 3104 for a project referred to in that section are available for a contract under the project only if the contract—

(1) is awarded on a competitive basis;

(2) requires the contractor to construct or acquire any equipment or facilities required to carry out the contract before the commencement of the provision of goods or services under the contract;

(3) requires the contractor to bear any of the costs of the design, construction, acquisition, and operation of such equipment or facilities that arise before the commencement of the provision of goods or services under the contract; and

(4) provides for payment to the contractor under the contract only upon the meeting of performance objectives specified in the contract.

(b) NOTICE AND WAIT.—The Secretary of Energy may not enter into a contract or option to enter into a contract, or otherwise incur any contractual obligation, under a project authorized by section 3104 until 30 days after the date which the Secretary submits to the congressional defense committees a report with respect to the contract. The report shall set forth—

(1) the anticipated costs and fees of the Department under the contract, including the anticipated maximum amount of such costs and fees;

(2) any performance objectives specified in the contract;

(3) the anticipated dates of commencement and completion of the provision of goods or services under the contract;

(4) the allocation between the Department and the contractor of any financial, regulatory, or environmental obligations under the contract;

(5) any activities planned or anticipated to be required with respect to the project after completion of the contract;

(6) the site services or other support to be provided the contractor by the Department under the contract;

(7) the goods or services to be provided by the Department or contractor under the contract, including any additional obligations to be borne by the Department or contractor with respect to such goods or services;

(8) the schedule for the contract;

(9) the costs the Department would otherwise have incurred in obtaining the goods or services covered by the contract if the Department had not proposed to obtain the goods or services under this section;

(10) an estimate and justification of the cost savings, if any, to be realized through the contract, including the assumptions underlying the estimate;

(11) the effect of the contract on any ancillary schedules applicable to the facility concerned, including milestones in site compliance agreements; and

(12) the plans for maintaining financial and programmatic accountability for activities under the contract.

(c) COST VARIATIONS.—(1) The Secretary may not enter into a contract under a project referred to in paragraph (2), or incur additional obligations attributable to the capital portion of the cost of such a contract, whenever the current estimated cost of the project exceeds the amount of the estimated cost of the project as shown in the most recent budget justification data submitted to Congress.

(2) Paragraph (1) applies to an environmental management privatization project that is—

(A) authorized by section 3104; or

(B) carried out under section 3103 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2824).

(d) USE OF FUNDS FOR TERMINATION OF CONTRACT.—Not less than 15 days before the Secretary obligates funds available for a project authorized by section 3104 to terminate the contract or contracts under the project, the Secretary shall notify the congressional defense committees of the Secretary's intent to obligate the funds for that purpose.

(e) ANNUAL REPORT ON CONTRACTS.—Not later than February 28 of each year, the Secretary shall submit to the congressional defense committees a report on the activities, if any, carried out under each contract under a project authorized by section 3104 during the preceding year. The report shall include an update with respect to each such contract of the matters specified under subsection (b)(1) as of the date of the report.

(f) REPORT ON CONTRACTING WITHOUT SUFFICIENT APPROPRIATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report assessing whether, and under what circumstances, the Secretary could enter into contracts under defense environmental management privatization projects in the absence of sufficient appropriations to meet obligations under such contracts without thereby violating the provisions of section 1341 of title 31, United States Code.

SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP PROGRAMS.

(a) FUNDING PROHIBITION.—No funds authorized to be appropriated or otherwise available to the Department of Energy for fiscal year 1998 may be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

(1) Activities conducted between the United States and the United Kingdom.

(2) Activities conducted between the United States and France.

(3) Activities carried out under title III of this Act relating to cooperative threat reduction with states of the former Soviet Union.

SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $15,000,000 shall be available for carrying out the program described in section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note).

(b) LIMITATION ON AVAILABILITY.—None of the funds available under subsection (a) for carrying out the program referred to in that subsection may be obligated or expended until 30 days after the date of the receipt by Congress of the report required under subsection (c).

(c) REPORT ON ALLOCATION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the proposed allocation among specific Department of Energy sites of the funds available under subsection (a).

SEC. 3134. TRITIUM PRODUCTION.

(a) FUNDING.—Subject to subsection (c), of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $262,000,000 shall be available for activities related to tritium production.

(b) ACCELERATION OF TRITIUM PRODUCTION.—(1) Not later than June 30, 1998, the Secretary of Energy shall make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including in particular, the requirements for the so-called "upload hedge" component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department of Energy relating to the evaluation and demonstration of technologies under the accelerator program and the commercial light water reactor program.

(C) The potential liabilities and benefits of each potential technology for tritium production, including—

(i) regulatory and other barriers that might prevent the production of tritium using the technology by the production date referred to in subsection (a);

(ii) potential difficulties, if any, in licensing the technology;

(iii) the variability, if any, in tritium production rates using the technology; and

(iv) any other benefits (including scientific or research benefits or the generation of revenue) associated with the technology.

(c) REPORT.—If the Secretary determines that it is not possible to make the final decision by the date specified in subsection (b), the Secretary shall submit to the congressional defense committees on that date a report that explains in detail why the final decision cannot be made by that date.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—The Secretary may not obligate or expend any funds authorized to be appropriated or otherwise made available for the Department of Energy by this Act for the purpose of evaluating or utilizing any technology for the production of tritium other than a commercial light water reactor or an accelerator until the later of—

(1) July 30, 1998; or

(2) the date that is 30 days after the date on which the Secretary makes a final decision under subsection (b).

SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF SPENT NUCLEAR FUEL RODS AND OTHER LEGACY NUCLEAR MATERIALS AT THE SAVANNAH RIVER SITE.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3102(d), not more than $47,000,000 shall be available for the implementation of a program to accelerate the receipt, processing (including the H-canyon restart operations), reprocessing, separation, reduction, deactivation, stabilization, isolation, and interim storage of high level nuclear waste associated with Department of Energy spent fuel rods, foreign spent fuel rods, and other nuclear materials that are located at the Savannah River Site.

(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site and shall provide technical staff necessary to operate and maintain such facilities at that state of readiness.

SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PURPOSES.

(a) GENERAL LIMITATIONS.—(1) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for weapons activities may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities under such program or agreement support the national security mission of the Department of Energy.

(2) No funds authorized to be appropriated or otherwise made available to the Department of Energy in any fiscal year after fiscal year 1997 for environmental restoration, waste management, or nuclear materials and facilities stabilization may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the environmental restoration mission, waste management mission, or materials stabilization mission, as the case may be, of the Department of Energy.

(b) LIMITATION IN FISCAL YEAR 1998 PENDING SUBMITTAL OF ANNUAL REPORT.—Not more than 30 percent of the funds authorized to be appropriated or otherwise made available to the Department of Energy in fiscal year 1998 for laboratory directed research and development may be obligated or expended for such research and development until the Secretary of Energy submits to the congressional defense committees the report required by section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

(c) SUBMITTAL DATE FOR ANNUAL REPORT ON LABORATORY DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—Section 3136(b)(1) of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7257b(1)) is amended by striking out "The Secretary of Energy shall annually submit" and inserting in lieu thereof "Not later than February 1 each year, the Secretary of Energy shall submit".

(d) ASSESSMENT OF FUNDING LEVEL FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—The Secretary shall include in the report submitted under such section 3136(b)(1) in 1998 an assessment of the funding required to carry out laboratory directed research and development, including a recommendation for the percentage of the funds provided to Government-owned, contractor-operated laboratories for national security activities that should be made available for such research and development under section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832; 42 U.S.C. 7257a(c)).

(e) DEFINITION.—In this section, the term "laboratory directed research and development" has the meaning given that term in section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d)).

SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) PERMANENT AUTHORITY.—Section 3139 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2832) is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—Subsection (c) of that section is amended by striking out "The requirements of section 3121" and inserting in lieu thereof "No recurring limitation on reprogramming of Department of Energy funds contained in an annual authorization Act for national defense".

(c) DEFINITIONS.—Subsection (f)(1) of that section is amended by striking out "any of the following:" and all that follows and inserting in lieu thereof "any program or project of the Department of Energy relating to environmental restoration and waste management activities necessary for national security programs of the Department.".

(d) REPORT.—Subsection (g) of that section, as redesignated by subsection (a)(2), is amended—

(1) by striking out "September 1, 1997," and inserting in lieu thereof "November 1 each year";

(2) by inserting "during the preceding fiscal year" after "in subsection (b)"; and

(3) by striking out the second sentence.

(e) CONFORMING AMENDMENT.—The section heading of that section is amended by striking out "temporary authority relating to" and inserting in lieu thereof "authority for".

SEC. 3138. REPORT ON REMEDIATION UNDER THE FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.

Not later than March 1, 1998, the Secretary of Energy shall submit to Congress a report containing the following information regarding the Formerly Utilized Sites Remedial Action Program:

(1) How many Formerly Utilized Sites remain to be remediated, what portions of these remaining sites have completed remediation (including any offsite contamination), what portions of the sites remain to be remediated (including any offsite contamination), what types of contaminants are present at each site, and what are the projected timeframes for completing remediation at each site?

(2) What is the cost of the remaining response actions necessary to address actual or threatened releases of hazardous substances at each Formerly Utilized Site, including any contamination that is present beyond the perimeter of the facilities?

(3) For each site, how much it will cost to remediate the radioactive contamination, and how much will it cost to remediate the non-radioactive contamination?

(4) How many sites potentially involve private parties that could be held responsible for remediation costs, including remediation costs related to offsite contamination?

(5) What type of agreements under the Formerly Utilized Sites Remedial Action Program have been entered into with private parties to resolve the level of liability for remediation costs at these facilities, and to what extent have these agreements been tied to a distinction between radioactive and non-radioactive contamination present at these sites?

(6) What efforts have been undertaken by the Department to ensure that the settlement agreements entered into with private parties to resolve liability for remediation costs at these facilities have been consistent on a program wide basis?

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

"(d) The Secretary may—

"(A) demonstrate the feasibility of, and

"(B)(i) acquire facilities by lease or purchase, or

"(ii) enter into an agreement with an owner or operator of a facility, for

the production of tritium for defense-related uses in a facility licensed under section 103 of this Act.".

SEC. 3140. PILOT PROGRAM RELATING TO USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN DEPARTMENT OF ENERGY ASSETS.

(a) PURPOSE.—The purpose of this section is encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of activities funded by the defense Environmental Restoration and Waste Management account.

(b) CREDITING OF PROCEEDS.—(1) Notwithstanding section 3302 of title 31, United States Code, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(3) If after amounts from proceeds are retained under paragraph (1) a balance of the proceeds remains, the Secretary shall—

(A) credit to the defense Environmental Restoration and Waste Management account an amount equal to 50 percent of the balance of the proceeds; and

(B) cover over into the Treasury as miscellaneous receipts an amount equal to 50 percent of the balance of the proceeds.

(c) COVERED TRANSACTIONS.—Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina.

(2) The sale of precious metals under the jurisdiction of the Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington and under the jurisdiction of the Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site and under the jurisdiction of the Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Environmental Technology Site, Colorado and under the jurisdiction of the Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee and under the jurisdiction of the Environmental Management Program.

(d) AVAILABILITY OF AMOUNTS.—To the extent provided in advance in appropriations Acts, the Secretary may use amounts credited to the defense Environmental Restoration and Waste Management account under subsection (b)(3)(A) for any purposes for which funds in that account are available.

(e) APPLICABILITY OF DISPOSAL AUTHORITY.—Nothing in this section shall be construed to limit the application of sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j)) to the disposal of equipment and other personal property covered by this section.

(f) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the amounts credited by the Secretary under subsection (b)(3)(A) during the preceding fiscal year.

Subtitle D—Other Matters

SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF ENERGY ACTIVITIES.

(a) PROCEDURES FOR PRESCRIBING REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking out subsections (b) and (d);

(2) by redesignating subsections (c), (e), (f), and (g) as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (c), as so redesignated, by striking out "subsections (b), (c), and (d)" and inserting in lieu thereof "subsection (b)".

(b) ADVISORY COMMITTEES.—(1) Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended—

(A) by striking out "(a)"; and

(B) by striking out subsection (b).

(2) Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY RELATING TO APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) REPEAL OF REQUIREMENT FOR EPA STUDY.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3095; 42 U.S.C. 7231 note) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) EXTENSION OF AUTHORITY.—Paragraph (1) of subsection (c) of such section, as so redesignated, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 1999".

SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—(1) Not later than March 15, 1998, the Secretary of Energy shall submit to the congressional defense committees a plan and program for maintaining the warheads in the nuclear weapons stockpile (including stockpile stewardship, stockpile management, and program direction).

(2) Not later than March 15 of each year after 1998, the Secretary shall submit to the congressional defense committees an update of the plan and program submitted under paragraph (1) current as of the date of submittal of the updated plan and program.

(3) The plan and program, and each update of the plan and program, shall be consistent with the programmatic and technical requirements of the Nuclear Weapons Stockpile Memorandum current as of the date of submittal of the plan and program or update.

(b) ELEMENTS.—The plan and program, and each update of the plan and program, shall set forth the following:

(1) The numbers of warheads (including active and inactive warheads) for each type of warhead in the nuclear stockpile.

(2) The current age of each warhead type and any plans for stockpile life extensions and modifications or replacement of each warhead type.

(3) The process by which the Secretary is assessing the lifetime and requirements for life extension or replacement of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear stockpile.

(4) The process used in recertifying the safety, reliability, and performance of each warhead type (including active and inactive warheads) in the nuclear weapons stockpile.

(5) Any concerns which would affect the recertification of the safety, security, or reliability of warheads (including active and inactive warheads) in the nuclear stockpile.

(c) FORM.—The Secretary shall submit the plan and program, and each update of the plan and program, in unclassified form, but may include a classified annex.

SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT REPORTS.

Section 3153(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k(b)(2)(B)) is amended by striking out "odd-numbered year after 1995" and inserting in lieu thereof "odd-numbered year after 1997".

SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC ENERGY COMMISSION.—(1) Section 251 of the Atomic Energy Act of 1954 (42 U.S.C. 2016) is repealed.

(2) The table of sections at the beginning of that Act is amended by striking out the item relating to section 251.

(b) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

(c) ANNUAL UPDATE OF MASTER PLAN FOR NUCLEAR WEAPONS STOCKPILE.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121 note) is repealed.

(d) ANNUAL REPORT ON WEAPONS ACTIVITIES BUDGETS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

(e) ANNUAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

(1) by striking out subsections (d) and (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively; and

(3) in subsection (e), as so redesignated, by striking out "and the 60-day period referred to in subsection (e)(2)(A)(ii)".

(f) ANNUAL REPORT ON DEVELOPMENT OF TRITIUM PRODUCTION CAPACITY.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2639) is repealed.

(g) ANNUAL REPORT ON RESEARCH RELATING TO DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(h) QUARTERLY REPORT ON MAJOR DOE NATIONAL SECURITY PROGRAMS.—Section 3143 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a) is repealed.

(i) ANNUAL REPORT ON NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended by striking out subsection (e).

SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY OF NUCLEAR WEAPONS AND MATERIALS AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Safeguards and Security at Department of Energy Facilities (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of eight members appointed from among individuals in the public and private sectors who have significant experience in matters relating to the safeguarding and security of nuclear weapons and materials, as follows:

(i) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of the committee.

(ii) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of the committee.

(iii) Two shall be appointed by the chairman of the Committee on National Security of the House of Representatives, in consultation with the ranking member of the committee.

(iv) One shall be appointed by the ranking member of the Committee on National Security of the House of Representatives, in consultation with the chairman of the committee.

(v) Two shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission by the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman of the Committee on National Security of the House of Representatives, the ranking member of the committee on Armed Services of the Senate, and the ranking member of the Committee on National Security of the House of Representatives.

(D) Members shall be appointed not later than 60 days after the date of enactment of this Act.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall—

(A) conduct a review of the specifications in the document entitled "Design Threat Basis" relating to the safeguarding and security of nuclear weapons and materials in order to determine whether or not the specifications establish procedures adequate for the safeguarding and security of such weapons and materials at Department of Energy facilities; and

(B) determine whether or not the document takes into account all relevant guidelines for the safeguarding and security of such weapons and materials at such facilities, including Presidential Decision Directive 39, relating to United States policy on counterterrorism.

(2) In conducting the review, the Commission shall—

(A) visit various Department facilities, including the Rocky Flats Plant, Colorado, Los Alamos National Laboratory, New Mexico, the Savannah River Site, South Carolina, the Pantex Plant, Texas, Oak Ridge National Laboratory, Tennessee, and the Hanford Reservation, Washington, in order to assess the adequacy of safeguards and security with respect to nuclear weapons and materials at such facilities;

(B) evaluate the specific concerns with respect to the safeguarding and security of nuclear weapons and materials raised in the report of the Office of Safeguards and Security of the Department of Energy entitled "Status of Safeguards and Security for 1996"; and

(C) review applicable orders and other requirements governing the safeguarding and security of nuclear weapons and materials at Department facilities.

(d) REPORT.—(1) Not later than February 15, 1998, the Commission shall submit to the Secretary and to the congressional defense committees a report on the review conducted under subsection (c).

(2) The report may include—

(A) recommendations regarding any modifications of policy or procedures applicable to Department facilities that the Commission considers appropriate to provide adequate safeguards and security for nuclear weapons and materials at such facilities without impairing the mission of such facilities;

(B) recommendations for modifications in funding priorities necessary to ensure basic funding for the safeguarding and security of such weapons and materials at such facilities; and

(C) such other recommendations for additional legislation or administrative action as the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 53115 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil status or privilege.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more that $500,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) COMMENCEMENT OF ACTIVITIES.—Subsection (b)(1) of section 3162 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2844; 42 U.S.C. 2121 note) is amended—

(1) in subparagraph (C), by adding at the end the following new sentence: "The chairman may be designated once five members of the Commission have been appointed under subparagraph (A)."; and

(2) by adding at the end the following:

"(E) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under subparagraph (C).".

(b) DEADLINE FOR REPORT.—Subsection (d) of that section is amended by striking out "March 15, 1998," and inserting in lieu thereof "March 15, 1999,".

SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONUMENT.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of real property consisting of approximately 4.47 acres as depicted on the map entitled

“Boundary Map, Bandelier National Monument”, No. 315/80,051, dated March 1995.

(b) BOUNDARY MODIFICATION.—The boundary of the Bandelier National Monument established by Proclamation No. 1322 (16 U.S.C. 431 note) is modified to include the real property transferred under subsection (a).

(c) PUBLIC AVAILABILITY OF MAP.—The map described in subsection (a) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the office of the Superintendent of Bandelier National Monument.

(d) ADMINISTRATION.—The real property and interests in real property transferred under subsection (a) shall be—

(1) administered as part of Bandelier National Monument; and

(2) subject to all laws applicable to the Bandelier National Monument and all laws generally applicable to units of the National Park System.

SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVITIES IN HISPANIC OUTREACH INITIATIVE OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall take appropriate actions, including the allocation of funds, to ensure the participation of the national security activities of the Department of Energy in the Hispanic Outreach Initiative of the Department of Energy.

SEC. 3160. FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the Federal Government shall convey without consideration fee title to Government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall—

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within 10 years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a);

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States Government holds clear title;

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress; and

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title—

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the county and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than ten years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

SEC. 3161. DESIGNATING THE Y–12 PLANT IN OAK RIDGE, TENNESSEE AS THE NATIONAL PROTOTYPE CENTER.

The Y–12 plant in Oak Ridge, Tennessee is designated as the National Prototype Center. Other executive agencies are encouraged to utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

SEC. 3162. NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, $5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the “Foundation”).

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

SEC. 3163. TO AUTHORIZE APPROPRIATIONS FOR THE GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

Of the funds authorized to be appropriated by this Act to the Department of Energy, $3,500,000 are authorized to be appropriated for fiscal year 1998, and $3,800,000 are authorized to be appropriated for fiscal year 1999, for improvements to Greenville Road in Livermore, California.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1998, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term “National Defense Stockpile Transaction Fund” means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $9,222,000 by the end of fiscal year 1998;

(2) $134,840,000 by the end of fiscal year 2002; and

(3) $331,886,000 by the end of fiscal year 2007.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Berylium Copper Master Alloy	7,387 short tons
Chromium Metal	8,511 short tons
Cobalt	14,058,014 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	61,543 carats
Diamond, Dies	25,473 pieces
Diamond, Stone	3,047,900 carats
Germanium	28,200 kilograms

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Indium	14,248 troy ounces
Palladium	1,249,485 troy ounces
Platinum	442,641 troy ounces
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,751,364 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	34,831 short tons
Tungsten, Ores & Concentrate	76,358,235 pounds
Tungsten, Carbide	2,032,954 pounds
Tungsten, Metal Powder	1,899,283 pounds
Tungsten, Ferro	2,024,143 pounds

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DEPARTMENT OF THE TREASURY.

(a) RETURN OF PLATINUM TO STOCKPILE.—Subject to subsection (b), the Secretary of the Treasury, upon the request of the Secretary of Defense, shall return to the Secretary of Defense for sale or other disposition platinum of the National Defense Stockpile that has been loaned to the Department of the Treasury by the Secretary of Defense, acting as the stockpile manager. The quantity requested and transferred shall be any quantity that the Secretary of Defense determines appropriate for sale or other disposition.

(b) ALTERNATIVE TRANSFER OF FUNDS.—The Secretary of the Treasury, with the concurrence of the Secretary of Defense, may transfer to the Secretary of Defense funds in a total amount that is equal to the fair market value of any platinum requested under subsection (a) and not returned. A transfer of funds under this subsection shall be a substitute for a return of platinum under subsection (a). Upon a transfer of funds as a substitute for a return of platinum, the platinum shall cease to be part of the National Defense Stockpile. A transfer of funds under this subsection shall be charged to any appropriation for the Department of the Treasury and shall be credited to the National Defense Stockpile Transaction Fund.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. LEASING OF CERTAIN OIL SHALE RESERVES.

(a) REQUIREMENT TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserves Numbered 1, 2, and 3 to one or more private entities for the purpose of providing for the exploration of such reserves for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a) may include the sale or other disposition, at fair market value, of any well, gathering line, or related equipment owned by the United States that is located at the reserve and is suitable for use in the exploration, development, or production of petroleum on the reserve.

(d) DISPOSITION OF ROYALTIES AND OTHER PROCEEDS.—All royalties and other proceeds accruing to the United States from a lease under this section shall be disposed of in accordance with section 7433 of title 10, United States Code.

(e) INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.—The following provisions of chapter 641 of title 10, United States Code, do not apply to the leasing of a reserve under this section nor to a reserve while under a lease entered into under this section: section 7422(b), subsections (d), (e), (g), and (k) of section 7430, section 7431, and section 7438(c)(1).

(f) DEFINITIONS.—In this section:

(1) The term "Oil Shale Reserves Numbered 1, 2, and 3" means the oil shale reserves identified in section 7420(2) of title 10, United States Code, as Oil Shale Reserve Numbered 1, Oil Shale Reserve Numbered 2, and Oil Shale Reserve Numbered 3.

(2) The term "petroleum" has the meaning given such term in section 7420(3) of such title.

SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

Section 2 of Public Law 96–137 (42 U.S.C. 7156a) is repealed.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Expenditures From Revolving Fund

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1998".

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1998.

(b) LIMITATIONS.—For fiscal year 1998, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $85,000 for official reception and representation expenses, of which—

(1) not more than $23,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $12,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $50,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles, the purchase price of which shall not exceed $22,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Facilitation of Panama Canal Transition

SEC. 3511. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the "Panama Canal Transition Facilitation Act of 1997".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.

Section 3 (22 U.S.C. 3602) is amended by adding at the end the following new subsection:

"(d) For purposes of this Act:

"(1) The term 'Canal Transfer Date' means December 31, 1999, such date being the date specified in the Panama Canal Treaty of 1977 for the transfer of the Panama Canal from the United States of America to the Republic of Panama.

"(2) The term 'Panama Canal Authority' means the entity created by the Republic of Panama to succeed the Panama Canal Commission as of the Canal Transfer Date.".

PART I—TRANSITION MATTERS RELATING TO COMMISSION OFFICERS AND EMPLOYEES

SEC. 3521. AUTHORITY FOR THE ADMINISTRATOR OF THE COMMISSION TO ACCEPT APPOINTMENT AS THE ADMINISTRATOR OF THE PANAMA CANAL AUTHORITY.

(a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22 U.S.C. 3613) is amended by adding at the end the following new subsection:

"(c) The Congress consents, for purposes of the 8th clause of article I, section 9 of the Constitution of the United States, to the acceptance by the individual serving as Administrator of the Commission of appointment by the Republic of Panama to the position of Administrator of the Panama Canal Authority. Such consent is effective only if that individual, while serving in both such positions, serves as Administrator of the Panama Canal Authority without compensation, except for payments by the Republic of Panama of travel and entertainment expenses, including per diem payments.".

(b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST STATUTES.—Such section is further amended by adding at the end the following new subsections:

"(d) The Administrator, with respect to participation in any matter as Administrator of the Panama Canal Commission (whether such participation is before, on, or after the date of the enactment of the Panama Canal Transition Facilitation Act of

1997), shall not be subject to section 208 of title 18, United States Code, insofar as the matter relates to prospective employment as Administrator of the Panama Canal Authority.

"(e) If the Republic of Panama appoints as the Administrator of the Panama Canal Authority the individual serving as the Administrator of the Commission and if that individual accepts the appointment—

"(1) the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), shall not apply to that individual with respect to service as the Administrator of the Panama Canal Authority;

"(2) that individual, with respect to participation in any matter as the Administrator of the Panama Canal Commission, is not subject to section 208 of title 18, United States Code, insofar as the matter relates to service as, or performance of the duties of, the Administrator of the Panama Canal Authority; and

"(3) that individual, with respect to official acts performed as the Administrator of the Panama Canal Authority, is not subject to the following:

"(A) Sections 203 and 205 of title 18, United States Code.

"(B) Effective upon termination of the individual's appointment as Administrator of the Panama Canal Commission at noon on the Canal Transfer Date, section 207 of title 18, United States Code.

"(C) Sections 501(a) and 502(a)(4) of the Ethics in Government Act of 1978 (5 U.S.C. App.), with respect to compensation received for, and service in, the position of Administrator of the Panama Canal Authority.".

SEC. 3522. POST-CANAL TRANSFER PERSONNEL AUTHORITIES.

(a) WAIVER OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR COMMISSION PERSONNEL BECOMING EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Section 1112 (22 U.S.C. 3622) is amended by adding at the end the following new subsection:

"(e) Effective as of the Canal Transfer Date, section 207 of title 18, United States Code, shall not apply to an individual who is an officer or employee of the Panama Canal Authority, but only with respect to official acts of that individual as an officer or employee of the Authority and only in the case of an individual who was an officer or employee of the Commission and whose employment with the Commission was terminated at noon on the Canal Transfer Date.".

(b) CONSENT OF CONGRESS FOR ACCEPTANCE BY RESERVE AND RETIRED MEMBERS OF THE ARMED FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHORITY.—Such section is further amended by adding after subsection (e), as added by subsection (a), the following new subsection:

"(f)(1) The Congress consents to the following persons accepting civil employment (and compensation for that employment) with the Panama Canal Authority for which the consent of the Congress is required by the last paragraph of section 9 of article I of the Constitution of the United States, relating to acceptance of emoluments, offices, or titles from a foreign government:

"(A) Retired members of the uniformed services.

"(B) Members of a reserve component of the armed forces.

"(C) Members of the Commissioned Reserve Corps of the Public Health Service.

"(2) The consent of the Congress under paragraph (1) is effective without regard to subsection (b) of section 908 of title 37, United States Code (relating to approval required for employment of Reserve and retired members by foreign governments).".

SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ESTABLISH COMPENSATION OF COMMISSION OFFICERS AND EMPLOYEES.

(a) REPEAL OF LIMITATIONS ON COMMISSION AUTHORITY.—The following provisions are repealed:

(1) Section 1215 (22 U.S.C. 3655), relating to basic pay.

(2) Section 1219 (22 U.S.C. 3659), relating to salary protection upon conversion of pay rate.

(3) Section 1225 (22 U.S.C. 3665), relating to minimum level of pay and minimum annual increases.

(b) SAVINGS PROVISION.—Section 1202 (22 U.S.C. 3642) is amended by adding at the end the following new subsection:

"(c) In the case of an individual who is an officer or employee of the Commission on the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997 and who has not had a break in service with the Commission since that date, the rate of basic pay for that officer or employee on or after that date may not be less than the rate in effect for that officer or employee on the day before that date of enactment except—

"(1) as provided in a collective bargaining agreement;

"(2) as a result of an adverse action against the officer or employee; or

"(3) pursuant to a voluntary demotion.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 1216 (22 U.S.C. 3656) is amended by striking out "1215" and inserting in lieu thereof "1202".

(2) Section 1218 (22 U.S.C. 3658) is amended by striking out "1215" and "1217" and inserting in lieu thereof "1202" and "1217(a)", respectively.

SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE EXPENSES FOR COMMISSION PERSONNEL NO LONGER SUBJECT TO FEDERAL TRAVEL REGULATION.

(a) REPEAL OF APPLICABILITY OF TITLE 5 PROVISIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended by striking out subsections (a), (b), and (c).

(2) Section 1224 (22 U.S.C. 3664) is amended—

(A) by striking out paragraph (10); and

(B) by redesignating paragraphs (11) through (20) as paragraphs (10) through (19), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1210 is further amended—

(A) by redesignating subsection (d)(1) as subsection (a) and in that subsection striking out "paragraph (2)" and inserting in lieu thereof "subsection (b)"; and

(B) by redesignating subsection (d)(2) as subsection (b) and in that subsection—

(i) striking out "Notwithstanding paragraph (1), an" and inserting in lieu thereof "An"; and

(ii) striking out "referred to in paragraph (1)" and inserting in lieu thereof "who is a citizen of the Republic of Panama".

(2) The heading of such section is amended to read as follows:

"AIR TRANSPORTATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1999.

SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AUTHORITIES.

(a) RECRUITMENT, RELOCATION, AND RETENTION BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) in subsection (e) (as so redesignated), by striking out "for the same or similar work performed in the United States by individuals employed by the Government of the United States" and inserting in lieu thereof "of the individual to whom the compensation is paid"; and

(3) by inserting after subsection (b) the following new subsections:

"(c)(1) The Commission may pay a recruitment bonus to an individual who is newly appointed to a position with the Commission, or a relocation bonus to an employee of the Commission who must relocate to accept a position, if the Commission determines that the Commission would be likely, in the absence of such a bonus, to have difficulty in filling the position.

"(2) A recruitment or relocation bonus may be paid to an employee under this subsection only if the employee enters into an agreement with the Commission to complete a period of employment with the Commission established by the Commission. If the employee voluntarily fails to complete such period of employment or is separated from service in such employment as a result of an adverse action before the completion of such period, the employee shall repay the entire amount of the bonus received by the employee.

"(3) A relocation bonus under this subsection may be paid as a lump sum. A recruitment bonus under this subsection shall be paid on a pro rata basis over the period of employment covered by the agreement under paragraph (2). A bonus under this subsection may not be considered to be part of the basic pay of an employee.

"(d)(1) The Commission may pay a retention bonus to an employee of the Commission if the Commission determines that—

"(A) the employee has unusually high or unique qualifications and those qualifications make it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date, or the Commission otherwise has a special need for the services of the employee making it essential for the Commission to retain the employee for a period specified by the Commission ending not later than the Canal Transfer Date; and

"(B) the employee would be likely to leave employment with the Commission before the end of that period if the retention bonus is not paid.

"(2) A retention bonus under this subsection—

"(A) shall be in a fixed amount;

"(B) shall be paid on a pro rata basis (over the period specified by the Commission as essential for the retention of the employee), with such payments to be made at the same time and in the same manner as basic pay; and

"(C) may not be considered to be part of the basic pay of an employee.

"(3) A decision by the Commission to exercise or to not exercise the authority to pay a bonus under this subsection shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

(b) EDUCATIONAL SERVICES.—Section 1321(e)(2) (22 U.S.C. 3731(e)(2)) is amended by striking out "and persons" and inserting in lieu thereof ", to other Commission employees when determined by the Commission to be necessary for their recruitment or retention, and to other persons".

SEC. 3526. TRANSITION SEPARATION INCENTIVE PAYMENTS.

Chapter 2 of title I (22 U.S.C. 3641 et seq.) is amended by adding at the end of subchapter III the following new section:

"TRANSITION SEPARATION INCENTIVE PAYMENTS

"SEC. 1233. (a) In applying to the Commission and employees of the Commission the provisions of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383), relating to voluntary separation incentives for employees of certain Federal agencies (in this section referred to as 'section 663')—

"(1) the term 'employee' shall mean an employee of the Commission who has served in the Republic of Panama in a position with the Commission for a continuous period of at least three years immediately before the employee's separation under an appointment without time limitation and who is covered under the Civil Service Retirement System or the Federal Employees' Retirement System under subchapter III of chapter 83 or chapter 84, respectively, of title 5, United States Code, other than—

"(A) an employee described in any of subparagraphs (A) through (F) of subsection (a)(2) of section 663; or

"(B) an employee of the Commission who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 1217(c) of this Act or who, within the 12-month period preceding the date of separation, received a retention bonus under section 1217(d) of this Act;

"(2) the strategic plan under subsection (b) of section 663 shall include (in lieu of the matter specified in subsection (b)(2) of that section)—

"(A) the positions to be affected, identified by occupational category and grade level;

"(B) the number and amounts of separation incentive payments to be offered; and

"(C) a description of how such incentive payments will facilitate the successful transfer of the Panama Canal to the Republic of Panama;

"(3) a separation incentive payment under section 663 may be paid to a Commission employee only to the extent necessary to facilitate the successful transfer of the Panama Canal by the United States of America to the Republic of Panama as required by the Panama Canal Treaty of 1977;

"(4) such a payment—

"(A) may be in an amount determined by the Commission not to exceed $25,000; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of an eligible employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section or during the period beginning on October 1, 1998, and ending on December 31, 1998;

"(5) in the case of not more than 15 employees who (as determined by the Commission) are unwilling to work for the Panama Canal Authority after the Canal Transfer Date and who occupy critical positions for which (as determined by the Commission) at least two years of experience is necessary to ensure that seasoned managers are in place on and after the Canal Transfer Date, such a payment (notwithstanding paragraph (4))—

"(A) may be in an amount determined by the Commission not to exceed 50 percent of the basic pay of the employee; and

"(B) may be made (notwithstanding the limitation specified in subsection (c)(2)(D) of section 663) in the case of such an employee who voluntarily separates (whether by retirement or resignation) during the 90-day period beginning on the date of the enactment of this section; and

"(6) the provisions of subsection (f) of section 663 shall not apply.

"(b) A decision by the Commission to exercise or to not exercise the authority to pay a transition separation incentive under this section shall not be subject to review under any statutory procedure or any agency or negotiated grievance procedure except under any of the laws referred to in section 2302(d) of title 5, United States Code.".

SEC. 3527. LABOR-MANAGEMENT RELATIONS.

Section 1271 (22 U.S.C. 3701) is amended by adding at the end the following new subsection:

"(c)(1) This subsection applies to any matter that becomes the subject of collective bargaining between the Commission and the exclusive representative for any bargaining unit of employees of the Commission during the period beginning on the date of the enactment of this subsection and ending on the Canal Transfer Date.

"(2)(A) The resolution of impasses resulting from collective bargaining between the Commission and any such exclusive representative during that period shall be conducted in accordance with such procedures as may be mutually agreed upon between the Commission and the exclusive representative (without regard to any otherwise applicable provisions of chapter 71 of title 5, United States Code). Such mutually agreed upon procedures shall become effective upon transmittal by the Chairman of the Supervisory Board of the Commission to the Congress of notice of the agreement to use those procedures and a description of those procedures.

"(B) The Federal Services Impasses Panel shall not have jurisdiction to resolve any impasse between the Commission and any such exclusive representative in negotiations over a procedure for resolving impasses.

"(3) If the Commission and such an exclusive representative do not reach an agreement concerning a procedure for resolving impasses with respect to a bargaining unit and transmit notice of the agreement under paragraph (2) on or before July 1, 1998, the following shall be the procedure by which collective bargaining impasses between the Commission and the exclusive representative for that bargaining unit shall be resolved:

"(A) If bargaining efforts do not result in an agreement, the parties shall request the Federal Mediation and Conciliation Service to assist in achieving an agreement.

"(B) If an agreement is not reached within 45 days after the date on which either party requests the assistance of the Federal Mediation and Conciliation Service in writing (or within such shorter period as may be mutually agreed upon by the parties), the parties shall be considered to be at an impasse and shall request the Federal Services Impasses Panel of the Federal Labor Relations Authority to decide the impasse.

"(C) If the Federal Services Impasses Panel fails to issue a decision within 90 days after the date on which its services are requested (or within such shorter period as may be mutually agreed upon by the parties), the efforts of the Panel shall be terminated.

"(D) In such a case, the Chairman of the Panel (or another member in the absence of the Chairman) shall immediately determine the matter by a drawing (conducted in such manner as the Chairman (or, in the absence of the Chairman, such other member) determines appropriate) between the last offer of the Commission and the last offer of the exclusive representative, with the offer chosen through such drawing becoming the binding resolution of the matter.

"(4) In the case of a notice of agreement described in paragraph (2)(A) that is transmitted to the Congress as described in the second sentence of that paragraph after July 1, 1998, the impasse resolution procedures covered by that notice shall apply to any impasse between the Commission and the other party to the agreement that is unresolved on the date on which that notice is transmitted to the Congress.".

SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING FUND FOR SEVERANCE PAY FOR CERTAIN EMPLOYEES SEPARATED BY PANAMA CANAL AUTHORITY AFTER CANAL TRANSFER DATE.

(a) AVAILABILITY OF REVOLVING FUND.—Section 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the end the following new paragraph:

"(10) Payment to the Panama Canal Authority, not later than the Canal Transfer Date, of such amount as is computed by the Commission to be the future amount of severance pay to be paid by the Panama Canal Authority to employees whose employment with the Authority is terminated, to the extent that such severance pay is attributable to periods of service performed with the Commission before the Canal Transfer Date (and assuming for purposes of such computation that the Panama Canal Authority, in paying severance pay to terminated employees, will provide for crediting of periods of service with the Commission).".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking out "for—" in the matter preceding paragraph (1) and inserting in lieu thereof "for the following purposes:";

(2) by capitalizing the initial letter of the first word in each of paragraphs (1) through (9);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (7) and inserting in lieu thereof a period; and

(4) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period.

PART II—TRANSITION MATTERS RELATING TO OPERATION AND ADMINISTRATION OF CANAL

SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM AND BOARD OF CONTRACT APPEALS.

Title III of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after the title heading the following new chapter:

"CHAPTER 1—PROCUREMENT

"PROCUREMENT SYSTEM

"SEC. 3101. (a) PANAMA CANAL ACQUISITION REGULATION.—(1) The Commission shall establish by regulation a comprehensive procurement system. The regulation shall be known as the 'Panama Canal Acquisition Regulation' (in this section referred to as the 'Regulation') and shall provide for the procurement of goods and services by the Commission in a manner that—

"(A) applies the fundamental operating principles and procedures in the Federal Acquisition Regulation;

"(B) uses efficient commercial standards of practice; and

"(C) is suitable for adoption and uninterrupted use by the Republic of Panama after the Canal Transfer Date.

"(2) The Regulation shall contain provisions regarding the establishment of the Panama Canal Board of Contract Appeals described in section 3102.

"(b) SUPPLEMENT TO REGULATION.—The Commission shall develop a Supplement to the Regulation (in this section referred to as the 'Supplement') that identifies both the provisions of Federal law applicable to procurement of goods and services by the Commission and the provisions of Federal law waived by the Commission under subsection (c).

"(c) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Commission shall determine which provisions of Federal law should not apply to procurement by the Commission and may waive those laws for purposes of the Regulation and Supplement.

"(2) For purposes of paragraph (1), the Commission may not waive—

"(A) section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423);

"(B) the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), other than section 10(a) of such Act (41 U.S.C 609(a)); or

"(C) civil rights, environmental, or labor laws.

"(d) CONSULTATION WITH ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.—In establishing the Regulation and developing the Supplement, the Commission shall consult with the Administrator for Federal Procurement Policy.

"(e) EFFECTIVE DATE.—The Regulation and the Supplement shall take effect on the date of publication in the Federal Register, or January 1, 1999, whichever is earlier.

"PANAMA CANAL BOARD OF CONTRACT APPEALS

"SEC. 3102. (a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the Commission, shall establish a board of contract appeals, to be known as the Panama Canal Board of Contract Appeals, in accordance with section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607). Except as otherwise provided by this section, the Panama Canal Board of Contract Appeals (in this section referred to as the 'Board') shall be subject to the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.) in the same manner as any other agency board of contract appeals established under that Act.

"(2) The Board shall consist of three members. At least one member of the Board shall be licensed to practice law in the Republic of Panama. Individuals appointed to the Board shall take an oath of office, the form of which shall be prescribed by the Secretary of Defense.

"(b) EXCLUSIVE JURISDICTION TO DECIDE APPEALS.—Notwithstanding section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other provision of law, the Board shall have exclusive jurisdiction to decide an appeal from a decision of a contracting officer under section 8(d) of such Act (41 U.S.C. 607(d)).

"(c) EXCLUSIVE JURISDICTION TO DECIDE PROTESTS.—The Board shall decide protests submitted to it under this subsection by interested parties in accordance with subchapter V of title 31, United States Code. Notwithstanding section 3556 of that title, section 1491(b) of title 28, United States Code, and any other provision of law, the Board shall have exclusive jurisdiction to decide such protests. For purposes of this subsection—

"(1) except as provided in paragraph (2), each reference to the Comptroller General in sections 3551 through 3555 of title 31, United States Code, is deemed to be a reference to the Board;

"(2) the reference to the Comptroller General in section 3553(d)(3)(C)(ii) of such title is deemed to be a reference to both the Board and the Comptroller General;

"(3) the report required by paragraph (1) of section 3554(e) of such title shall be submitted to the Comptroller General as well as the committees listed in such paragraph;

"(4) the report required by paragraph (2) of such section shall be submitted to the Comptroller General as well as Congress; and

"(5) section 3556 of such title shall not apply to the Board, but nothing in this subsection shall affect the right of an interested party to file a protest with the appropriate contracting officer.

"(d) PROCEDURES.—The Board shall prescribe such procedures as may be necessary for the expeditious decision of appeals and protests under subsections (b) and (c).

"(e) COMMENCEMENT.—The Board shall begin to function as soon as it has been established and has prescribed procedures under subsection (d), but not later than January 1, 1999.

"(f) TRANSITION.—The Board shall have jurisdiction under subsection (b) and (c) over any appeals and protests filed on or after the date on which the Board begins to function. Any appeals and protests filed before such date shall remain before the forum in which they were filed.

"(g) OTHER FUNCTIONS.—The Board may perform functions similar to those described in this section for such other matters or activities of the Commission as the Commission may determine and in accordance with regulations prescribed by the Commission.".

SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AUTHORITY.

Section 1342 (22 U.S.C. 3752) is amended—

(1) by designating the text of the section as subsection (a); and

(2) by adding at the end the following new subsections:

"(b) The Commission may provide office space, equipment, supplies, personnel, and other in-kind services to the Panama Canal Authority on a nonreimbursable basis.

"(c) Any executive department or agency of the United States may, on a reimbursable basis, provide to the Panama Canal Authority materials, supplies, equipment, work, or services requested by the Panama Canal Authority, at such rates as may be agreed upon by that department or agency and the Panama Canal Authority.".

SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR DAMAGES.

(a) FILING OF ADMINISTRATIVE CLAIMS WITH COMMISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and 1412 (22 U.S.C. 3772) are each amended in the last sentence by striking out "within 2 years after" and all that follows through "of 1985," and inserting in lieu thereof "within one year after the date of the injury or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

(b) FILING OF JUDICIAL ACTIONS.—The penultimate sentence of section 1416 (22 U.S.C. 3776) is amended—

(1) by striking out "one year" the first place it appears and inserting in lieu thereof "180 days"; and

(2) by striking out "claim, or" and all that follows through "of 1985," and inserting in lieu thereof "claim or the date of the enactment of the Panama Canal Transition Facilitation Act of 1997,".

SEC. 3544. TOLLS FOR SMALL VESSELS.

Section 1602(a) (22 U.S.C. 3792(a)) is amended—

(1) in the first sentence, by striking out "supply ships, and yachts" and inserting in lieu thereof "and supply ships"; and

(2) by adding at the end the following new sentence: "Tolls for small vessels (including yachts), as defined by the Commission, may be set at rates determined by the Commission without regard to the preceding provisions of this subsection.".

SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LIABILITY.

Section 5(a) of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is amended by striking out "Upon the termination of the Panama Canal Commission" and inserting in lieu thereof "By March 31, 1998".

SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.

Section 1102a (22 U.S.C. 3612a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) The Commission may appoint any United States citizen to have the general powers of a notary public to perform, on behalf of Commission employees and their dependents outside the United States, any notarial act that a notary public is required or authorized to perform within the United States. Unless an earlier expiration is provided by the terms of the appointment, any such appointment shall expire three months after the Canal Transfer Date.

"(2) Every notarial act performed by a person acting as a notary under paragraph (1) shall be as valid, and of like force and effect within the United States, as if executed by or before a duly authorized and competent notary public in the United States.

"(3) The signature of any person acting as a notary under paragraph (1), when it appears with the title of that person's office, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

SEC. 3547. COMMERCIAL SERVICES.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

"(e) The Commission may conduct and promote commercial activities related to the management, operation, or maintenance of the Panama Canal. Any such commercial activity shall be carried out consistent with the Panama Canal Treaty of 1977 and related agreements.".

SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION OF CERTAIN REGULATORY FUNCTIONS RELATING TO EMPLOYMENT CLASSIFICATION APPEALS.

Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a), 3662(a)) are amended by striking out "President" and inserting in lieu thereof "Commission".

SEC. 3549. ENHANCED PRINTING AUTHORITY.

Section 1306 (22 U.S.C. 3714b) is amended by striking out "Section 501" and inserting in lieu thereof "Sections 501 through 517 and 1101 through 1123".

SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended—

(1) by striking out the item relating to section 1210 and inserting in lieu thereof the following:

"Sec. 1210. Air transportation.";

(2) by striking out the items relating to sections 1215, 1219, and 1225;

(3) by inserting after the item relating to section 1232 the following new item:

"Sec. 1233. Transition separation incentive payments.";

and

(4) by inserting after the item relating to the heading of title III the following:

"CHAPTER 1—PROCUREMENT

"Sec. 3101. Procurement system.

"Sec. 3102. Panama Canal Board of Contract Appeals.".

(b) AMENDMENT TO REFLECT PRIOR CHANGE IN COMPENSATION OF ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking out the following:

"Administrator of the Panama Canal Commission.".

(c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Section 5724(a)(3) of title 5, United States Code, is amended by striking out ", the Commonwealth of Puerto Rico," and all that follows through "Panama Canal Act of 1979" and inserting in lieu thereof "or the Commonwealth of Puerto Rico".

(2) Section 5724a(j) of such title is amended—

(A) by inserting "and" after "Northern Mariana Islands,"; and

(B) by striking out "United States, and" and all that follows through the period at the end and inserting in lieu thereof "United States.".

(3) The amendments made by this subsection shall take effect on January 1, 1999.

(d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

(1) Section 3(b) (22 U.S.C. 3602(b)) is amended by striking out "the Canal Zone Code" and all that follows through "other laws" and inserting in lieu thereof "laws of the United States and regulations issued pursuant to such laws".

(2)(A) The following provisions are each amended by striking out "the effective date of this Act" and inserting in lieu thereof "October 1, 1979": sections 3(b), 3(c), 1112(b), and 1321(c)(1).

(B) Section 1321(c)(2) is amended by striking out "such effective date" and inserting in lieu thereof "October 1, 1979".

(C) Section 1231(c)(3)(A) (22 U.S.C. 3671(c)(3)(A)) is amended by striking out "the day before the effective date of this Act" and inserting in lieu thereof "September 30, 1979".

(3) Section 1102a(h), as redesignated by section 3546(a)(1), is amended by striking out "section 1102B" and inserting in lieu thereof "section 1102b".

(4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2)) is amended by striking out "section 16 of the Act of August 1, 1956 (22 U.S.C. 2680a)," and inserting in lieu thereof "section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)".

(5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out "as last in effect before the effective date of section 3530 of the Panama Canal Act Amendments of 1996" and inserting in lieu thereof "as in effect on September 22, 1996".

(6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2)) is amended by striking out "retroactivity" and inserting in lieu thereof "retroactively".

(7) Section 1341(f) (22 U.S.C. 3751(f)) is amended by striking out "sections 1302(c)" and inserting in lieu thereof "sections 1302(b)".

TITLE XXXVI—MISCELLANEOUS PROVISIONS

SEC. 3601. COMMENDING MEXICO ON FREE AND FAIR ELECTIONS.

(a) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican States;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote;

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) since 1994, Mexican law has permitted international observers to be a part of the process;

(7) with 84 percent of the ballots counted, PRI candidates received 38 percent of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates received 52 percent of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President; and

(9) PAN members will now serve as governors in seven of Mexico's 31 States.

(b) It is the Sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his administration; and

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

SEC. 3602. SENSE OF CONGRESS REGARDING CAMBODIA.

(a) FINDINGS.—The Congress finds that—

(1) during the 1970's and 1980's Cambodia was wracked by political conflict, war and violence, including genocide perpetrated by the Khmer Rouge from 1975 to 1979;

(2) the 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict set the stage for a process of political accommodation and national reconciliation among Cambodia's warring parties;

(3) the international community engaged in a massive, more than $2,000,000,000 effort to ensure peace, democracy and prosperity in Cambodia following the Paris Accords;

(4) the Cambodian people clearly demonstrated their support for democracy when 90 percent of eligible Cambodian voters participated in United Nations-sponsored elections in 1993;

(5) since the 1993 elections, Cambodia has made economic progress, as evidenced by the decision last month of the Association of Southeast Asian Nations to extend membership to Cambodia;

(6) tensions within the ruling Cambodian coalition have erupted into violence in recent months as both parties solicit support from former Khmer Rouge elements, which had been increasingly marginalized in Cambodian politics;

(7) in March, 19 Cambodians were killed and more than 100 were wounded in a grenade attack on political demonstrators supportive of the Funcinpec and the Khmer Nation Party;

(8) during June fighting erupted in Phnom Penh between forces loyal to First Prime Minister Prince Ranariddh and second Prime Minister Hun Sen;

(9) on July 5, Second Prime Minister Hun Sen deposed the First Prime Minister in a violent coup d'etat;

(10) forces loyal to Hun Sen have executed former Interior Minister Ho Sok, and targeted other political opponents loyal to Prince Ranariddh;

(11) democracy and stability in Cambodia are threatened by the continued use of violence to resolve political tensions;

(12) the Administration has suspended assistance for one month in response to the deteriorating situation in Cambodia;

(13) the Association of Southeast Asian Nations has decided to delay indefinitely Cambodian membership.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the parties should immediately cease the use of violence in Cambodia;

(2) the United States should take all necessary steps to ensure the safety of American citizens in Cambodia;

(3) the United States should call an emergency meeting of the United Nations Security Council to consider all options to restore peace in Cambodia;

(4) the United States and ASEAN should work together to take immediate steps to restore democracy and the rule of law in Cambodia;

(5) United States assistance to the government of Cambodia should remain suspended until violence ends, the democratically elected government is restored to power, and the necessary steps have been taken to ensure that the elections scheduled for 1998 take place;

(6) the United States should take all necessary steps to encourage other donor nations to suspend assistance as part of a multilateral effort.

SEC. 3603. CONGRATULATING GOVERNOR CHRISTOPHER PATTEN OF HONG KONG.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) during his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30 percent in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) common crime declined during his tenure, and the political climate was positive and stable;

(6) Chris Patten's legacy to Hong Kong is the expansion of democracy in Hong Kong's legislative council and a tireless devotion to the rights, freedoms and welfare of Hong Kong's people; and

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) he deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

EXTENSIONS OF REMARKS

CONGRESSMAN KILDEE HONORS DR. MONIFA A. JUMANNE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated her life to educating our Nation's youth. On July 9, 1997, Dr. Monifa A. Jumanne was honored for her 10 years of dedicated service to the faculty, staff, and most importantly the students of Oakland University in Rochester, MI, as she prepares to leave her role as director of the Department of Special Programs.

A native of Detroit, MI, Dr. Jumanne received her bachelor's degree from Western Michigan University in 1965. She was the first in her family to achieve this goal. She returned to Detroit and received her master's degree in 1971 and her doctorate in 1994, both from Wayne State University in Detroit. Since 1965, Dr. Jumanne has made a positive impact on the lives of thousands of young people around the world in her roles of teacher, instructor, consultant, and administrator. She has worked in Michigan, Ohio, California, Kansas, and even Monrovia, Liberia. From 1973 to 1981, she traveled and taught throughout West Africa.

In 1987, Dr. Jumanne became director of Oakland University's Department of Student Support Services, later renamed the Department of Special Programs. As director, Dr. Jumanne administered the Academic Opportunity Program, a TRIO program funded by the U.S. Department of Education, which provides an opportunity for a quality college education to students who have been labeled "at-risk." For Dr. Jumanne this program holds a very special place in her heart for it provided her with the opportunity to provide counsel and encouragement to many students that came from similar backgrounds as she. Under Dr. Jumanne's leadership, 979 students have entered the program with at least 500 receiving undergraduate degrees. Her knowledge of and great success with the TRIO program led to her being appointed a trainer of new TRIO directors.

Dr. Monifa Jumanne has served in a number of important positions but the two most important are mentor and friend. Without Dr. Jumanne's resolve, strength, and love, many young adults may have never stepped foot on a college campus or received their degree at a commencement ceremony their heads held high and their hearts filled with a sense of accomplishment and pride. For her work to improve the quality of life for all people through education, we owe her a debt of gratitude.

Dr. Jumanne will certainly be missed at Oakland University but I know that her contributions to the community will never be forgotten. Mr. Speaker, as Dr. Jumanne begins her new position as assistant dean for Student and Community Life at the Interdenominational and Theological Center in Atlanta, GA, please join me in wishing her all the best.

THE BWCA WILDERNESS LEGACY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the BWCA Wilderness Legacy Act. This legislation provides further protections for the Boundary Waters Canoe Area Wilderness in northeastern Minnesota. This Forest Service wilderness area is the most popular, most widely used wilderness area in our entire National Wilderness System.

The National Government has always recognized the Boundary Waters Canoe Area Wilderness [BWCAW] as a special area and a unique national treasure. From the designation of the Superior National Forest by President Teddy Roosevelt, to the inclusion of the Boundary Waters Canoe Area in the original Wilderness Act by Senator Hubert Humphrey, the BWCAW has been singled out as an area worthy of special attention and preservation.

That special attention has been worthwhile for our Nation, for Minnesota, for northeastern Minnesotans, and for all those families who have used and enjoyed the BWCA Wilderness. The BWCAW is the most widely used of all our units within the National Wilderness System. While the BWCAW makes up only 1 percent of the total Wilderness System acreage, this alone accounts for over 10 percent of the use.

This level of use provided a real economic boost to northeastern Minnesota. According to U.S. Forest Service testimony before a Senate Energy and Natural Resources Subcommittee, the BWCAW and its users contribute nearly $30 million to the local economy each year.

Unfortunately, the popularity of the BWCAW has also necessitated reasoned and increased restrictions and protections for the resource, due to the fact that the BWCAW is such a highly fragile resource that cannot withstand the trauma of such overuse or abusive use. If the BWCAW is to be available for the enjoyment of our children and grandchildren, effective and responsible limits on the use of the resource and the intrusion of man must be firmly set in place.

The popularity and the competing uses of the BWCAW have engendered passionate views on this resource and its protection. Today's controversy and the inability to reach a complete consensus should not be surprising nor is it a new phenomena. The BWCAW has been the focus of some controversy throughout its history. Every effort at preserving the BWCAW for the enjoyment of future generations has been met by strong opposition. The designation in the 1920's of parts of the Superior National Forest as primitive and off limits to roads; President Truman's ban of flights over the BWCAW below 4,000 feet; and the designation of the area in the 1960's invoked disputes similar to those we see today. Even the decision in the 1977 Boundary Waters Canoe Area Wilderness Act to ban logging in the wilderness was hotly contested. Today these steps are accepted and viewed by most Minnesota as essential to preserving the wilderness.

Some have tried to portray today's debate over restoring trucks to two portages in the BWCAW as issues of access and broken promises. That is not the case. This is not a debate about access to motorized lakes because motorboats use and access are being accomplished and fully utilized in accord with the 1978 BWCAW Wilderness Act.

According to the Forest Service, the day use motor permits for Basswood in 1994 and 1995 were completely used—1,017 day use permits for the Newton-Pipestone entry point and 1,358 for Prairie Portage. For Trout Lake, 95 percent of the permits were used in 1994—539 out of 565 permits—with 81 percent used in 1995—456 out of 565 permits. It is important to note that each permit covers up to four boats. If one assumes an average of 2 boats per permit, nearly 5,000 motorboats entered Basswood Lake via the Newton-Pipestone and Prairie Portages each year under day use permits issued, while approximately 1,000 motorboats entered Trout Lake. As the Forest Service data demonstrates, even after the trucks were removed from the portages, access to Trout and Basswood was and is available. For individuals who do not want to or cannot portage their own boat, commercial portage services are available for Prairie Portage.

Six-thousand motorboats can't be wrong—a feasible, nonmotorized means of transporting boats across the portages exist and mechanized portages should not and need not be reintroduced into the BWCA.

This legislation, which I am introducing today, establishes for congressional consideration, an alternative policy path and future for the Boundary Waters Canoe Area Wilderness. It is a policy course that emphasizes protection of the wilderness and nonmotorized use over increased motor use. It is a policy course that, based on last year's debate, enjoys the support of a broad majority of Minnesotans.

The impact of the BWCA Wilderness Legacy Act is straightforward. This legislation proposes wilderness addition and protections for 7,400 new acres in the BWCAW. The bill closes to motorboat use Lac La Croix and Loon Lake on the western boundary of the BWCA. It also closes, effective January 1, 1999, all of Sea Gull Lake within the wilderness to motorboat use. Under the current law only a portion of Sea Gull Lake is to be closed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to motorboat use on that date, the remaining section of the lake currently is scheduled to remain open for motorboat use. Finally, the legislation prohibits the use of towboats within the entire BWCA wilderness.

I understand the strong feelings that all Minnesotans have regarding the BWCAW. Minnesotans and the Nation view the BWCAW as a national treasure. All of Minnesota has a stake in and a responsibility toward the future of the BWCAW. In Minnesota, such stewardship responsibilities are a serious matter. These Minnesotans, an overwhelming majority of the State, support policies that protect the BWCAW and ensure the this phenomenal resource is available for more than the instant gratification and pleasure of solely today's generation. These Minnesotans, in all statewide polls and in their letters and comments to me and other members of the State congressional delegation, have strongly voiced their views that this fragile resource should be preserved as an valuable wilderness legacy for today and tomorrow.

The BWCAW Wilderness Legacy Act sets in place the policy path to accomplish that goal and honor this Minnesota and national sentiment.

BWCA WILDERNESS LEGACY ACT

LEGISLATIVE SUMMARY

Section 1. Bill Title. The BWCA Wilderness Legacy Act.

Section 2. Congressional findings.

The BWCA offers a unique lakeland experience for present and future generations. The BWCA is an international, national and Minnesota treasure worthy of preservation as a wilderness area. Congress has supported the protection of the BWCA as a wilderness area. The BWCA is the most widely used wilderness unit in the entire wilderness system. A majority of Minnesotans support greater wilderness protection for the BWCAW. Further protection of the BWCA is necessary.

Section 3. Wilderness Additions.

Expands the BWCA Wilderness by 7,370 acres. The total wilderness area is increased from 1,087,000 to 1,094,370 acres. (Specific wilderness additions are listed below.)

Section 4. Motorized Use.

Closes all portions of Sea Gull Lake within the wilderness area to motorized use on January 1, 1999. Closes Lac La Croix and Leon Lake to motorized use on the date of enactment. Prohibits the use of towboats within the entire BWCA wilderness on January 1, 1998.

Section 5. Extends current prohibition on aircraft over the BWCA to wilderness additions.

WILDERNESS ADDITIONS—7370 ACRES

(1) Crocodile Lake Addition. (40 acres)—Far western tip currently outside border, though the vast majority of Crocodile Lake lies within the BWCAW. Crocodile lies just south of popular East Bearskin Lake.

(2) Dislocation Lake Addition. (340 acres)—Off the Gunflint Trail southwest of Lima Mountain, immediately north of the Ram Lake BWCA entry point #44. State and federal land only. Includes Dislocation and Sled Lakes just outside wilderness border.

(3) Ball Club Lake Addition. (800 acres)—Near Eagle Mountain, includes BWCA entry point 42. Includes (3) Ball Club Lake, Ball Club Creek, and Cleaver Lake leading into BWCA Wilderness.

(4) Lizz Lake Addition. (100 acres)—includes all of Lizz Lake which is currently half out of the wilderness. All federal land. On the popular and heavily used canoe route from Poplar Lake into wilderness; entry point 47.

(5) Meditation Lake Addition. (40 acres)—Located just southeast of Seagull. Eastern shore of lake outside BWCAW, western shore within; all federal shoreline. Connected by 20 rod portage to Seagull Lake.

(6) West Round Lake. (240 acres)—All federal land. Includes all of West Round Lake and Edith Lake on the popular canoe route from public landing on Round. Entry point 53.

(7) Bedew Lake Addition. (40 acres)—Just north of Rush Lake and south of Gunflint Trail. Lake currently half out of the wilderness.

(8) Nighthawk Lake Addition. (30 acres)—Nighthawk Lake lies SE of Swamp Lake near the Gunflint Trail. Nighthawk Lake is currently half in, half out of the wilderness.

(9) Camp Lake Addition. (50 acres)—This lake lies west of Newton Lake. The wilderness boundary currently cuts through the lake; most of the lake currently lies inside the wilderness. The addition includes nearly all federal land, with perhaps just a sliver of county land.

(10) Geraldine Lake Addition. (60 acres)—This lake lies half in and half out of the BWCAW, just west of the North arm of Burntside Lake. All federal land, in Sec. 4.

(11) Homer-Brule Addition. (2,880 acres)—North end of the RARE-II proposed addition. This addition includes all federal land except for a county 40 on Homer, a county 40 on Axe Lake, a state 40 on Juno (some already in BWCA), and the previously private lands (now all federal) on Sky Blue Waters Lodge site on Brule. Public landing on far east end of Homer Lake. Nesting site of rare Boreal Owl. Homer Lake currently half in, half out of BWCA Wilderness. Popular Canoe route, entry point 40.

(12) Ham Lake Addition. (600 acres)—Entirely federally owned land. Currently serves as BWCA entry point 51. Includes all of Ham Lake within wilderness, including four wilderness campsites on Ham.

(13) Star Lake Addition. (660 acres)—Opposite Homer Lake across road. All state and federal land; state owns southern bay.

(14) Stuart Portage Addition. (550 acres)—Protects entire Stuart River portage; appropriately three-quarters of a mile from the wilderness boundary to the trailhead.

(15) Mine-Dogleg-Chub Lakes Addition. (940 acres)—Includes all of these three lakes. Private land around Mine Lake (Ogelbay Norton) has since been purchased by the Forest Service through FY 92 LAWCON funds. Site of former Paulsen Mine, circa 1893. Protests east end of Kekekabic Trail.

TRIBUTE TO LT. COL. THOMAS F. JULICH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to publicly thank, and pay tribute to, a man who embodies the notion of public service. Lt. Col. Thomas F. Julich will leave his command as district engineer of the U.S. Army Corps of Engineers, Charleston District, in a ceremony tomorrow on the campus of the Citadel.

A 1976 graduate of the U.S. Military Academy, Lieutenant Colonel Julich earned a master of science degree in civil engineering from the University of Washington and is a registered professional engineer in the Commonwealth of Virginia. Military honors conferred upon Lieutenant Colonel Julich include the Meritorious Service Medal with one oakleaf cluster, Army Commendation Medal with two oakleaf clusters, and the Army Achievement Medal with one oakleaf cluster. In addition to his domestic assignments, Lieutenant Colonel Julich has served tours in Asia and Europe.

As a Member of Congress, I view my role as a voice for the many constituents I represent who have no other presence in Washington. In this role, I interact with officials at all levels of the executive branch, and I know that each of them are dedicated employees who truly wish to serve the public interest.

A very few of these public servants are remarkable in that their level of dedication and professionalism exemplify the very best in what I consider a noble calling. Lieutenant Colonel Julich certainly falls within this category. Time and time again, I have called upon him to provide information so that I may advocate for my congressional district and its residents. Each and every time, my request was met with the same pleasant, professional, and very capable response.

I am very pleased to say that I also got to know Lieutenant Colonel Julich as a person, not just a public servant. I admire his dedication and I respect his integrity. Lieutenant Colonel Julich will be moving to the office of the Assistant Chief of Staff for Installation Management at the Pentagon. All I can say is that the Pentagon's gain will be Charleston's loss.

LEGISLATION THAT MAKES SENSE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on July 4, 1997. This editorial brings attention to the positive effect of a law passed by the Nebraska Legislature in 1981 referred to as the "Good Samaritan" law which protects anyone donating food from civil lawsuits. Without passage of this law in my home State of Nebraska, thousands of pounds of food that now feeds needy individuals would instead be thrown out each and every day. This Member would also like to commend the many businesses in my home State that contribute their unsold and left-over food and also to commend the charitable organizations that ensure that the food is distributed to needy people.

[From the Omaha World-Herald, July 4, 1997]

LESS FOOD GOES TO WASTE IN OMAHA

More than one-fourth of the food produced in the United States goes to waste, according to an Agriculture Department study. But in Omaha, the picture is different.

Nationally, more than 96 billion pounds of food of all kinds was lost in 1995, the government study indicated. It spoiled in the home refrigerator. It became outdated or damaged in grocery stores. It was left over, unserved, at restaurants and wedding receptions, in company lunchrooms and fast-food places, taco stands and bagel shops across the country.

In Omaha, a gratifying amount of food isn't wasted. Thanks to the generosity of businesses and the determination of the community's charitable organizations, a lot of good, healthful food that might have been tossed out is feeding hundreds of homeless and needy people.

Paul Koch, executive director of Siena-Francis House, said his organization serves 205,000 meals a year on a food budget of less than $2,000. Most food is donated. Fast-food restaurants, donut shops, food stores, restaurants and large corporations all helped, he said.

The Open Door Mission also benefits from local generosity. Pastor Bob Timberlake said the mission serves 900 meals a day, more than 328,000 a year, and 95 percent of the food is donated. He said mission trucks go to Mutual of Omaha, where they pick up all the food not served in the company cafeteria. That provides 30 percent of the food the mission needs, he said.

Sixteen Kentucky Fried Chicken outlets give the chicken that was partially fried but not sold. ConAgra and Campbell's pass on extra or unneeded edibles. When Roberts Dairy trucks return from deliveries, their unsold dairy products are loaded directly into mission vans.

Food donations in Omaha are made easier by a far-sighted "Good Samaritan" law passed by the Nebraska Legislature in 1981 protecting anyone donating food from civil lawsuits.

The fact that the idea is working so well in Omaha is a credit to the city, a credit to charities that handle the food and a credit to good-hearted people.

EXPECTING NOTHING IN RETURN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BARCIA. Mr. Speaker, very rarely do you meet a person who is willing to sacrifice so much of himself for one cause. I am rising today to pay tribute to one of my constituents, Robert Elkowitz of Bay City, MI, who has selflessly given 30 years of service to his community, State, and Nation. Bob is retiring as commander of American Legion Post 18 after many years of dedicated service.

Bob began his journey by joining the Army as a medic during the Vietnam war. His medical unit not only cared for his fellow American soldiers, but also provided general health care and inoculations to Vietnamese children. He returned from Vietnam older and wiser with a firm commitment to his country. He credits his tour in Vietnam with creating the wholehearted and giving man he is today.

Mr. Elkowitz's dedication to others did not end once his feet touched American soil. After his discharge from the Army he joined the U.S. Naval Reserve as a medical corpsman for nearly 3 years. He then served in the Michigan Army National Guard, and became the unofficial director of social affairs. Bob organized parties and picnics for the entire unit to create a family within a family. Bob helped his fellow soldiers see that the entire unit could only function when they could rely on each other. By creating this family atmosphere, the unit did not just function, it thrived.

Bob is extremely proud of his service in the military and the National Guard. In fact, Mr. Elkowitz would not retire until his entire battalion was retired. He did not want his life's mission to end after his completion of service from the National Guard in August 1993. Bob joined American Legion Post 18 in June 1994, and was selected to serve as the commander. During his time in the American Legion, Bob dedicated himself to helping the Veterans in Need Program and organizing numerous functions to create the same family atmosphere he had in his battalion.

Vision is nothing without being a man of action, and Bob has that type of dedication to pursue his desires. Bob wanted to have the American Legion known throughout the community, and he fulfilled that desire. From the Bay River Band Concerts to the Bay City Independence Day Celebration Weekend you will see members of the American Legion. Bob and his successor are continuing to fulfill the dream to make the American Legion a vital local institution and community asset.

Bob is now at a crossroads in his life. After serving 3 consecutive years as the American Legion post commander, a post record, he now has more time to enjoy his family. He looks forward to ending his mission at a place which truly holds his heart, Bay City, and with people who mean everything to him, especially his grandchildren. I am sure that he will pass the same honor, integrity, courage, and zest for life he possesses on to future generations of the Elkowitz clan.

Mr. Speaker, if we want citizens who are absolutely driven by the concept of community and family, then we must continue to praise individuals like Robert Allen Elkowitz. I ask you and all of our colleagues to join me in wishing Bob Elkowitz the best of luck in all his future endeavors.

CONGRATULATIONS ON THE 225TH ANNIVERSARY OF THE TOWN OF NORTHBRIDGE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. McGOVERN. Mr. Speaker, I would like to take this opportunity to warmly congratulate the town of Northbridge, MA, as it celebrates its 225th anniversary.

Northbridge, a present day community of approximately 13,000 residents in the heart of the Blackstone River Valley National Heritage Corridor, was incorporated as a town on July 14, 1772. Comprised of the five villages of Whitinsville, Rockdale, Riverdale, Linwood, and Northbridge Centre, this great municipality has a rich history characterized by its pioneering leadership in the development of the traditional New England manufacturing industry. At the inception of the Industrial Revolution, capitalizing on its fertile geographic competitive advantage to develop burgeoning industries, cotton, brick, and textile mills emerged in Northbridge steadily replacing older saw and grist mills, and still remain today as vital economic assets. In particular, the Whitin Machine Works, built in 1847, long served as the industrial center of the Northbridge economy, employing hundreds of members of the community through the 1950's.

In addition, Northbridge is widely noted for its striking aesthetic beauty and ebullient civic pride. Its citizens have had a strong, storied commitment of service to both community and country. Residents of Northbridge have served in all military wars and conflicts dating back to the American Revolution. In particular, Rosaire "Ross" Rajotte' dual service is illustrative of the unwavering Northbridge commitment to the larger community of which it is a part. Remarkably, Ross Rajotte earned four Purple Hearts during World War II. He then returned home after the war to become a leader in municipal affairs, serving three times on the Board of Selectman, and as its chairman once, as well as helping establish both Northbridge's Conservation Commission and the Planning and Zoning Board of Appeals.

Mr. Speaker, it is with great pride and admiration that I commend Northbridge for its outstanding, prosperous, and distinctive civic character. I wish future generations of community members the very best in maintaining Northbridge's glowing testament of progress and citizenship.

WELCOME TO THE FORUM ACOREANO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this year I had a very useful and enjoyable meeting with an organization newly formed in Southeastern Massachusetts. The meeting took place in Fall River, and the group is the Forum Acoreano U.S.A. The Forum is composed of people who are concerned about issues that are of particular relevance to Azorean Americans, of which I am proud to say there are more in Southeastern Massachusetts than in any other part of the country. The officers of the organization—President Alfredo Alves, Vice President Maria Pinheiro, Secretary Manuel Estrella and Treasurer Arthur Tavares—and their colleagues are thoughtful well informed people who understand both the greatness of America, and the valuable contributions immigration makes to that. I look forward to working with this important organization in achieving the combination of economic growth and social justice which has been the hallmark of Americans at our best, and I ask that the very thoughtful letter that the Forum has addressed to myself and all of my colleagues be printed here. It is particularly relevant that this be printed at this time while conferees are deciding exactly what should be done to correct the serious errors Congress made last year in adopting legislation which so unfairly affected our immigrant population, and their families and friends.

FORUM ACOREANO U.S.A.,
Fall River, MA, June 24, 1997.

TO THE HONORABLE MEMBERS OF CONGRESS: We are a newly created organization formed to promote and give political voice to the concerns and interests of persons in the United States of Acorean origin. All of our members are immigrants of many years duration in the United States and we are saddened and deeply disturbed by legislation passed by Congress this past year which drastically alters the Immigration and Naturalization Act and which curtails disability and other benefits available to legal permanent residents of the United States.

Never before have we witnessed a Congress of the United States take such drastic measures as those passed into law in 1996. Never before have we witnessed the passage of legislation so purposefully aimed to undermine the most vulnerable and defenseless in our country: the aged, the afflicted, the infirmed, the physically disabled, the mentally incompetent, the dependent child, the disabled child, as well as the immigrant among us who has no power to vote.

We urge you to:

Return full disability and other benefits to disabled legal permanent residents;

Ensure that student exchange visitor programs can continue to run without mandated agency reimbursement;

Ensure special consideration regarding the English language requirement with respect with persons over the age of 65 who are applying for citizenship;

Preserve humanitarian relief from deportation for long-term permanent residents and others who have extensive family and community ties in the United States;

Hold public meetings to better know the needs and concerns of your constituents, prior to passage of legislation.

Please consider and remember during your legislative deliberations that when a long-term permanent resident is deported, we have personally witnessed the following:

United States citizen children who are minors have been compelled to accompany a deported parent in order to maintain the family unit;

A United States citizen child never has the same opportunities for education and economic well being in his or her parent's home land as he or she would have in the U.S.

Families have been irreparably broken up;

Youngsters have lost parents and great emotional harm has resulted;

Aged parents have lost the solace and company of a son or daughter who is deported and have no hope of seeing that child again;

Families have lost their major breadwinner and have been forced to turn to public benefits for relief;

We can not imagine why Congress would single out these vulnerable groups among us and tamper with their well being and their family unity. We wonder if the members of Congress spoke with their constituents before passage of such far reaching legislation We wonder if you remembered that we are a nation of immigrants and that it is our diversity which has made us strong?

If you doubt the contribution of immigrants to this country, we invite you to visit our communities in Massachusetts and Rhode Island. There you will see how we have transformed run-down urban neighborhoods in Fall River, New Bedford, Cambridge, Somerville, Peabody, and Taunton, as well as Providence, East Providence, Bristol, Tiverton, West Warwick into clean, safe, updated, family neighborhoods.

Even though some of us speak with an accent, and have names that may be hard to spell or pronounce, we are nonetheless, voters and tax payers, and we own businesses and property, we are also educators, public officials and public servants, as well as doctors and lawyers and, if you visit the factories in our communities you will see that we are the backbone of the work force. We are also the mothers, fathers, children, brothers, sisters, uncles, aunts and cousins of legal permanent residents who have been hurt by the recent legislation and as such, the laws have hurt us as well.

We urge you ladies and gentleman of Congress to remember the plight of the immigrant during the deliberations of the 105th Congress and to ameliorate the present legislation.

Respectfully submitted, Forum Acoreano—U.S.A. Board of Directors.

ALFREDO ALVES,
President.
MANUEL ESTRELLA,
Secretary.
MARIA PINHEIRO,
Vice President.
ARTHUR TAVARES,
Treasurer.

HONORING AMBASSADOR LILJEGREN OF SWEDEN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. HILLIARD. Mr. Speaker, I come before this body today to both bid good bye and to give special recognition to the accomplishments of Sweden's Ambassador to the United States, the Honorable Henrik Liljegren. He has proven himself to be a skillful and resourceful diplomat.

My colleagues will remember that Ambassador Liljegren arrived in the United States over 4½ years ago. Among his many accomplishments was his active involvement in 1993 of removing Soviet troops from the Baltic States of Europe. Many of you will also recall his work with the Clinton administration to help these Baltic States integrate into the West. He was successful in both of these endeavors. These efforts helped the United States and Sweden seize a narrow window of opportunity to enhance the national interests of both nations. Through his efforts in the Baltic States, working in coordination with the United States, Ambassador Liljegren helped President Clinton achieve one of his first foreign policy successes.

While Washington's official diplomatic community will truly miss Ambassador Liljegren, Washington society will also miss his charming wife, Nil. She is one of those rare flowers who is truly beautiful and intelligent.

As they both depart for the Ambassador's next assignment in Turkey, I would like to extend to him the very best wishes of the United States House of Representatives.

SOCIAL SECURITY FOR CURRENT AND FUTURE GENERATIONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. FILNER. Mr. Speaker, along with the vast majority of Americans, I strongly support the Social Security program and believe that we have a responsibility to make it financially secure for generations to come.

When I am in my congressional district, I see this highly successful program at work. More than 63,000 residents of my district receive a Social Security benefit every month. Social Security provides a guaranteed benefit to 99 percent of retirees in the United States. Social Security provides a secure base for senior citizens and allows their children to concentrate more financial resources on their own families.

However, we all realize that Social Security has a financing problem that we must address. The sooner we resolve it, the less drastic the solutions and the greater the lead time for people to adjust for their own retirement. I do want to point out, however, that we have time to discuss and decide on wise and prudent adjustments. In 1983, the Social Security trust fund would have been insolvent in 2 months if Congress had not acted. Today, we have 30 years to avoid a similar situation.

Radically altering the system is not warranted—the projected shortfall in the trust fund can be fixed with relatively minor changes to the system. Privatization and gambling with retirement income is not the answer. The Social Security Administration has been aware of the problem posed by the retirement of the baby boom generation for decades. Social Security has faced challenges in the past and can face this challenge of the future without dismantling the entire system.

As we search for solutions to Social Security's long-term problems, we should think about the features of the program that work. Foremost among them is the availability of benefits to all workers who earned them, regardless of income. Therefore, I agree with the Social Security Advisory Council that we should reject means testing. Tying benefits to need sends the wrong message to workers and beneficiaries—a signal that if they save for retirement, their Social Security, to which they are currently contributing, could be reduced or lost.

In addition, the program's progressive benefit formula already differentiates between those who are more highly compensated and those who are not. Lower wage workers currently receive a greater return on their payroll taxes than average and high earners. This practice works, but additional tilting away from those who earn more could punish productivity and create the impression that Social Security is somehow a welfare program. Nothing could be further from the truth.

On the other hand, privatization would tilt the Social Security program far away from lower wage workers, by introducing a huge element of uncertainty into the economy and into a retirees' monthly income. Therefore, we must reject this change. Social Security currently is the secure portion of a retirement portfolio. An individual's savings and investments now are the risk-taking segment. Privatizing makes Social Security and an individual's retirement income subject to the whims of the stock market and the skills, or lack thereof, of a person's financial advisor. In short, gambling with our seniors' future livelihoods is unacceptable.

With privatization, we would be placing all of our retirement eggs in one unstable basket—risking scrambling all of our retirement plans.

Proponents of privatization suggest that it will promote national savings, but shifting payroll taxes from the Social Security trust funds into individual accounts does not increase the national savings by one penny.

Misinformation regarding Social Security has been spread by powerful groups determined to turn the entire fate of America's retirees over to Wall Street. In contrast, making reasonable modifications to restore Social Security's long-term imbalance is a more sound and prudent course.

Let me repeat—we have time to fix the problems. Social Security has stood the test of time and has proven to be a fair and successful program. We do not need to rush into unknown waters with privatization and other radical proposals. Our seniors and future seniors deserve to have this body take a moderate and deliberative approach to altering a program that has served so many so well.

NATIONAL GUARD HONORED

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. DAVIS of Florida. Mr. Speaker, the brave men and women of the National Guard were honored at the world premier of Charles Gabriele's "National Guardian's March" presented in Venice, FL, on May 19, 1997 at a concert of the Venice Concert Band directed by Bill Millner. The National Guard in recent years served in Desert Shield and Desert Storm, and in Florida in the aftermath of Hurricane Andrew and Hurricane Opal.

During the concert, U.S. Army Brig. Gen. Steven Solomon, Commander of 83d Troop Command, presented the Venice Concert Band and Professor Gabriele each with a framed certificate of appreciation "for exceptional service to the Army National Guard." Gabriele is noted worldwide for his classical compositions and patriotic marches, such as "Korea Veterans March," which was performed by the U.S. Army Band for the dedication of the Korea War Memorial in Washington, DC. Also during the program Sarasota County Commission Chairman Robert Anderson presented the Venice Concert Band and Dr. Gabriele with commendations; and city of Venice Vice Mayor David Farley, Councilmen Earl Midlam, Burt Brown and Virginia Warren presented them with commendations and a flag of the city of Venice.

Members of the band who performed in the historic premier of the "National Guardian's March" were: Renee Arata, Marilyn Bay, Jan Bonds, Henry Busche, Russell Byron, Fred Capitelli, Harokl Chase, Rogers Cumming, Carmelo Cuscina, Vicki Elmore, Mary Ann Farrell, Jay Fish, Judson, Vincent Gigliotti, Harry Gilmore, Les Gowan, Ed Gremp, Charles Heidorn, Willie Jacus, Bob Kaltenbaugh, David Leath, Carl Linden, Mary Lipton, Julie Mahler, Robert McMullen, Les McRea, Alex Meldrum, Bill Meyer, Rex Morse, Shirley Morse, Mary Mullen, George Olisar, Stanley Ovaitt, Fred Ploch, Marilyn Sexton, Jane Sibole, Larry Shields, Ken Sotherlund, Bob Spangle, Missy Thornley, Connie Timm, Michael Torino, Basil Wanshula, Agnes Warfield, Roger Wolfe and Don Yasso.

Mr. Speaker, I ask that my colleagues join me in applauding this well-deserved tribute to the National Guard.

A MAN TO BE ADMIRED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who truly embodies the community spirit so valued by all Americans. A good friend to many of us, Robbie Callaway has enriched and enhanced the lives of countless children in his own community and across the Nation. His outstanding accomplishments, especially those with the Boys and Girls Clubs of America, and inspiring commitment to future generations should be recognized and appreciated.

After graduating from the University of Maryland in 1973, Robbie began his lifelong ambition to help disadvantaged children succeed in our challenging and ever-changing world. He first was a counselor at the Caithness Shelter Home, and later was appointed deputy director of the Boys and Girls Homes of Montgomery County, MD.

In 1991, Robbie became senior vice president for government relations for the Boys and Girls Clubs of America. Since Robbie's appointment on a national level, he has more than doubled the number of youths whom the Boys and Girls Clubs network serves. He also played a key role in obtaining funds from various Federal agencies, so much that the funds received by the national organization made a dramatic increase from $50,000 in 1991 to an astounding and well-deserved $36 million during 1996.

Not only has Robbie performed his job at the Boys and Girls Clubs of America with dedication and competence, he displayed instrumental precision in acquiring funds from various Federal agencies for other programs to aid children. His work and leadership for the construction and growth of the National Center for Missing and Exploited Children, and his current service as vice chairman of their board of directors is just one shining example of his efforts. His expertise continues to be vital to the success of this program.

Robbie has influenced a number of Federal laws which affect America's youth including the Juvenile Justice and Delinquency Prevention Act, the Child Protection Act, the Anti-Drug Abuse Act, the Runaway and Homeless Youth Act, the National and Community Service Act, and the Tax Reform Act.

Robbie has received numerous prestigious awards throughout his career. In 1987, he received the honorable award of Outstanding Service to President Reagan's Child Safety Partnership from the U.S. Department of Justice. In 1990, Robbie was honored with the FBI Director's Community Leadership Award. And in 1992, he went on to acquire the distinguished Ellis Island Medal of Honor.

Mr. Speaker, Robbie's accomplishments appear to be endless and in some ways they are. The youth of today will reap the rewards of his efforts as will future generations. If there is one thing we can recognize about Robbie Callaway is that he has made a difference in our society. I ask my colleagues to join me in commending Robbie Callaway, an outstanding individual, from whom we can all learn, and one who has helped to improve and enrich all of our lives.

TRIBUTE TO CAMELOT ELEMENTARY SCHOOL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. ADAM SMITH of Washington. Mr. Speaker, it gives me great pleasure to congratulate Camelot Elementary School in Auburn, WA, for their recent selection as a Blue Ribbon School. It is an honor to have this school in the Ninth Congressional District. Only 263 schools nationwide are awarded this honor. The Blue Ribbon School status is awarded to schools which have strong leadership; a clear vision, and sense of mission that is shared by all connected with the school; high-quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to parental involvement; and evidence that the school helps all students achieve high standards.

I commend the staff, students, and parents of Camelot Elementary School for their hard work in building an effective community for learning. The focus on literacy and assuring students obtain the essential skills needed for life is absolutely necessary and I am glad we have Camelot Elementary School as an example for how we need to work toward in educating our children.

TRIBUTE TO DR. JAMES B. POST

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay honor to a courageous young man from my district who persevered to overcome extraordinary circumstances in order to obtain his dream. Dr. James B. Post, a quadriplegic since age 14, recently received his medical degree from the Albert Einstein College of Medicine.

At age 14, a diving accident at a Boy Scout camp left Jim Post paralyzed from the neck down. He cannot move his legs and has only partial use of his arms, yet Jim went on to become an Eagle Scout and later attended King's College in Wilkes-Barre, PA. At King's, Jim studied premed and finished in the top 10 percent of his class.

I have known this young man and his family for many years, and I can attest to the strength of character he demonstrated during his extraordinary struggle not just to survive, but to excel. With the constant love and support of his family, Jim Post rose to meet challenges most teenagers without disabilities never face.

Mr. Speaker, while these accomplishments alone deserve praise, Jim continued to pursue his dream and applied to 10 medical schools. Each of the 10 schools refused him admission because of his disability. However, he did not give up, fighting on television and in the press, his story gained State and national attention and soon found many supporters. His battle for admission led to a State Senate investigation and a 1993 law barring Pennsylvania colleges from discriminating on the basis of disability.

After speaking with faculty at the Albert Einstein College of Medicine, Jim applied and was accepted on the condition he hire a physician's assistant to help examine patients. Along with this help and with his wife Saretha and son James by his side, Jim began the rigors of medical school undaunted.

Mr. Speaker, Jim Post, not only graduated from medical school, he was admitted to an honor society Alpha Omega Alpha which only admits students in the top 15 percent of the class who possess proper attitude and professionalism toward patients.

Currently, Jim is preparing to begin his internship at Lenox Hill Hospital in New York. He plans to specialize in either nephrology or endocrinology.

Mr. Speaker, Dr. James B. Post is a living testament to the triumph of the human spirit. It is with great pride and admiration that I bring the remarkable accomplishments of this courageous young man to the attention of my colleagues and add my best wishes for his continued success.

COMMENDING ROGER TILLES' LEADERSHIP ON THE NEA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to commend Mr. Roger Tilles on his insightful and provocative op-ed piece on the National Endowment for the Arts, which was recently published in the New York Times. Mr. Tilles, who is the former President of Temple Beth-el of Great Neck, has worked from the private sector to further the cultural enrichment of the Long Island community. With generous support from the Tilles family, Long Island University created the Tilles Center which has been vital in educating students about the arts, and bringing world class cultural exhibits and performances to Long Island. His following op-ed piece recognizes the unique partnership that exists between the private sector and the NEA. When voting on the NEA, we should look to Mr. Tilles' example, and recognize that public funding for the arts, and private sector philanthropy go hand in hand.

[From the New York Times, June 29, 1997]

TIME TO FIGHT TO SAVE THE N.E.A.

(By Roger Tilles)

As efforts are mounted to scrap the National Endowment for the Arts, there is no small irony that among the reasons why Long Island is now among the top 20 places to live in the nation is its quality of life, best reflected in the broad scope of cultural and performing arts programs that are now at serious risk.

In the global battle for economic investment, local corporations seeking to entice new industries, jobs and capital to our region offset our high taxes and congested highways by using the arts as an attractive inducement. And with the bicounty region now deeply dependent on tourism, some 25 million people who visit Long Island annually now seek out our 12 dance companies, 40 arts organizations, 46 museums, 80 music companies, 30 theater companies and countless art galleries.

Far more than the loss of artistic outlets, shutting down the N.E.A. would have a direct, profound and negative impact on Long Island's economy. Without the small stipend many of these artistic programs receive from the National Endowment for the Arts, the vast majority of these cultural attractions would whither and disappear.

The battle over the N.E.A. has its roots in the fierce partisan battles that have erupted in Congress over the last several years. Whether it is dollars earmarked for Ernie the Muppet or Ernie the Artist, N.E.A. support is now considered a political litmus by the Congressional leadership. It is as if a performance of Mozart, an exhibit of de Kooning or a performance of "Swan Lake" are now battlegrounds for the hearts and minds of the electorate. This is treacherous ground because, for those with a sense of history, there is a faint echo from a not so distant past when a fascist government used the arts to sanitize their murderous regime.

To prevent plans from moving ahead to dismantle the National Endowment of the Arts, Long Island, with its population of nearly three million people, is going to have to become far more millitant on behalf of the arts. It should not be unfamiliar territory. As we shifted public policy on issues relating to breast cancer and the environment, we need to take those lessons and apply them to this equally crucial task.

Our first step should be the mobilization of those individuals who have served in the past as potent financial and ideological supporters of either major political parties. It will be a powerful message indeed if both Republican and Democratic standard-bearers discover that their core constituencies are united behind a common theme—protection of the arts. We need to condition our support based on where public officials stand as it relates to the arts and their support for the National Endowment.

In addition, because of Long Island's financial depth, many of us are targeted by political action committees and campaigns far outside Long Island. We need to include the arts as part of our personal platform for contributions.

Elected officials from Maine to California need to know that their support of N.E.A. programs is a critical factor in our determination of whether they are worthy of our dollars. We also need to network with those cultural and performing arts organizations working in Congressional districts where opponents of the arts endowment are located so that our message is carried far beyond the Long Island Expressway. That can be accomplished by becoming more involved with the artistic organizations that currently exist in the bicounty region.

As the Long Island Congressional delegation once led the charge to fund locally built weapons systems that defeated our Cold War opponents, let them now use their debating skills to protect the performances, programs and exhibits that now nurture the human spirit and enhance our region's economic and social quality of life.

We need only demonstrate our personal leadership to insure that our elected officials pretend that Chopin is a weapons system and vote accordingly.

H.R. 849—CORRECTIONS DAY CALENDAR SUCCESS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PACKARD. Mr. Speaker, I rise today to commend this House for instituting a way Congress can quickly correct illogical and sometimes absurd quirks in our laws. Just this week, the Corrections Day Calendar was used to pass a bill I introduced, H.R. 849, that will save the taxpayers millions.

This past February, I was shocked to hear that because of a small loophole in the law, an illegal immigrant living in my own hometown was paid $12,000 in taxpayer dollars to move her home. I then discovered that potentially millions were being handed out in this same way across the country. Mr. Speaker, the folks back home were outraged. My office received literally hundreds of letters and phone calls. They demanded that this practice be stopped.

Because of the Corrections Day Calendar, my bill to close that loophole was able to bypass the long process of hearings that accompany legislation, and go virtually straight to the floor for a vote. After only a short discussion, H.R. 849 passed without any opposition, 399 to 0.

Mr. Speaker, my constituents are not satisfied with tough talk and no action. The folks in my district, much like folks all across the country, want to see results from Washington. Using the Corrections Day Calendar to pass H.R. 849 shows America that this Congress is serious about cleaning up our laws and saving the taxpayer's money.

THE FAMILY FARM CREDIT OPPORTUNITY ACT OF 1997

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Family Farm Credit Opportunity Act of 1997, a bill that will correct an inequity in the Farm Service Agency's [FSA]

Guaranteed Loan Program. Currently, this program has upper limits on the amounts that can be guaranteed by the FSA. Specifically, the two types of loans administered under this program—farm ownership loans and operating loans—have caps of $300,000 and $400,000, respectively. The farm ownership loan cap was adjusted to its current level in 1978, while the operating loan cap was last raised in 1984. At these times, farm ownership and operating costs could be adequately financed within both of these cap limits.

However, given today's larger and more capital-intensive farming operations, the limits must be raised in order to meet the needs of those seeking financing through the Guaranteed Loan Program. For example, in my home State of Mississippi, poultry is a growing industry. In the early 1980's a typical poultry house cost approximately $65,000. Today the same poultry house can cost up to $125,000. Also, more volume is necessary to compete on the world market. In fact, most banks will not finance a beginning poultry farm with less than four poultry houses. It is easy to see that a minimum of four poultry houses at a cost of $125,000 per house exceeds the farm ownership cap level of $300,000 in the Guaranteed Loan Program. This is just one example of how the upper limits on loans can take qualified applicants out of the market. This problem exists throughout the entire agricultural sector, not just the poultry industry.

To address this problem, I am introducing the Family Farm Credit Opportunity Act of 1997 which would raise the cap limits on both the farm ownership loan and the operating loan to $600,000. The poultry example displays how much agriculture has changed since the caps were last amended in 1978 and 1984. In fact, while the increase in the cap limits may seem substantial at first, neither increase reflects the increase in inflation. Shouldn't we at least keep up with inflation for a program that has served as a consistent vehicle of opportunity for the small family farmer? In today's budget-minded era, I believe we must find solutions that will not only correct problems that have been developing over the years, but also do them at a relatively low cost to the taxpayer with a long-term solution in mind. That is why my bill increases the cap limits to specific amounts, $600,000 for the coming year, but also includes a provision to index both caps for inflation beginning in year 2. This last provision will allow the caps to automatically adjust for inflation, which will provide a long-term fix to the problem and assure that the family farm does not outgrow the upper limits of the farm ownership loan or the operating loan over time. I would like to point out that my bill will not guarantee acceptance of applications submitted to the FSA. Farmers would still have to go through an application process, but if the individual is eligible and accepted he or she would have the opportunity to receive adequate financing through a farm ownership or operating loan. In order to preserve the family farm and continue America's tradition of promoting the family farmer, we must provide a mechanism which enables them to receive the funds necessary for ownership and operation of a farming business.

Congress appropriates money for the FSA Guaranteed Loan Program each year. Shouldn't we put this money to its best and most efficient use? Should we also be willing to step back and take a good look at what a family farmer in 1997 really is? Of course we should use these funds as efficiently as possible and in a way that positively affects our overall economy. As for the family farmer, they still exist and are successful, but they aren't the same as they were 19 years ago in 1978 or even in 1984. Why?

Well, let's take a look at some of the changes that have occurred over this period. First of all, markets have become global. Not only do our farmers have to compete with each other, but also farmers around the world in China, Japan, Russia, Canada, Mexico just to name a few. Technology and research have both been overwhelmingly successful in allowing us to increase our production with less land, enabling us to idle environmentally sensitive land that is less productive and therefore ensure that we never revert back to the "Dust Bowl" days of the 1930's. Capital intensive is a word that was not as common in the late 1970's and early 1980's as it is today. In fact, we cannot talk about agriculture today without mentioning how the industry has drastically shifted from a labor-intensive industry to an industry dominated by capital. Twenty years ago, who could have imagined that we would be using satellites to level our land or to tell us exactly where chemical application was needed? Who could have imagined that biotechnology would yield such complex seed developments? Who could have imagined that we would have the technology to so closely monitor the growth of our animals that we would have the ability to specifically and scientifically regulate diets in order to achieve faster growth with less fat? My point, Mr. Speaker is that agriculture has changed and so has the family farmer.

The Guaranteed Loan Program was designed to help the family farmer. In order to continue this goal, we must address the needs of today by providing the capital necessary to compete and be successful. The family farmer is a larger operator relative to 1978 standards. We need cap limits that reflect this change. If we truly want to help the family farmer, let's fix a program that has historically been successful in helping this critical sector of our country. Let us not stop the progress of our farmers. We should not deny any eligible person in our Nation the opportunity to own and operate a family farm in order to pursue their idea of the American dream. This legislation will help our farmers expand their opportunities, increase our markets, improve our competitiveness, and make possible those dreams.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OWNERSHIP LOANS; INDEXATION TO INFLATION

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended—

(1) by striking "$300,000" and inserting "$600,000 (increased, beginning with fiscal year 1998, by inflation percentage applicable to the fiscal year in which the loan is to be made or insured)"; and

(2) by adding at the end the following: "For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which (A) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the immediately preceding fiscal year, exceeds (B) the average of the Consumer Price Index (as so defined) for the 12-month period ending on August 31, 1996.".

SEC. 2. INCREASE IN MAXIMUM AMOUNT OF GUARANTEED FARM OPERATING LOANS; INDEXATION TO INFLATION.

Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended—

(1) by striking "$400,000" and inserting "$600,000 (increased, beginning with fiscal year 1998, by the inflation percentage applicable to the fiscal year in which the loan is to be made or insured"); and

(2) by adding at the end the following: "For purposes of this section, the inflation percentage applicable to a fiscal year is the percentage (if any) by which (A) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on August 31 of the immediately preceding fiscal year, exceeds (B) the average of the Consumer Price Index (as so defined) for the 12-month period ending on August 31, 1996.".

TRIBUTE TO PAUL CHOW

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Paul Chow. Mr. Chow is being honored by the Angel Island Association for his 25-year crusade leading the preservation and restoration of the Detention Barracks at Angel Island State Park.

In addition to helping prevent the demolition of the barracks, Mr. Chow founded the Asian-American Immigration Station Historical Advisory Committee to restore the barracks and protect the Asian history and poetry carved in the walls. He was also instrumental in the creation of a museum at the former Immigration Station on Angel Island.

In recognition of his accomplishments in the areas of historical, cultural and natural preservation, Mr. Chow was the recipient of the Phoenix Award, presented by the Society of American Travel Writers. He continues to volunteer his time to guide hundreds of people through the Immigration Station, relaying personal stories about the struggles of his own family during their time at the station as they became citizens.

Mr. Speaker, it is my great pleasure to pay tribute to Paul Chow. His dedication and success to preserve a piece of history is admirable. I wish Paul and his family the best.

ROSAIRE "ROSS" RAJOTTE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. McGOVERN. Mr. Speaker, I would like to take this opportunity to commend Rosaire

"Ross" Rajotte on a distinguished and storied dual commitment of service to both his country and the community of Northbridge, MA. Remarkably, Ross Rajotte earned four Purple Hearts during World War II. He then returned home after the war to become a leader in municipal affairs, serving three times on the board of selectman, and as its chairman once, as well as helping establish both Northbridge's conservation commission and the planning and zoning board of appeals. An activist by nature, Ross Rajotte must also be recognized for his impeccable commitment of service to his community, which has witnessed Ross attend an incredible 50 consecutive annual town meetings. Ross' genuine concern for others is truly a product of his community's similar desire to promote the public good.

Mr. Speaker, I insert into the RECORD two newspaper articles about Ross Rajotte, one from the Worcester Telegram and Gazette and one from the Northbridge Times, detailing Ross Rajotte's outstanding and distinguished service.

[From the Northbridge (MA) Times, May 15, 1997]

FIFTY IN A ROW—ROSS RAJOTTE STARTED ATTENDING TOWN MEETING IN 1947—AND HASN'T MISSED AN ANNUAL SINCE

(By Rod Lee)

Standing on the Whitinsville Town Common for middle schoolers' Civil War Monument Rededication Ceremony last Thursday morning, Rosaire J. "Ross" Rajotte was still sky-high from having attended his fiftieth consecutive Annual Town Meeting less than forty-eight hours earlier—an unprecedented mark at least within the Blackstone Valley and possibly throughout the Commonwealth and the nation.

Rajotte had reason to rejoice: not only did two of the three articles he submitted by petition for the warrant win voter approval on the floor of the Northbridge High School auditorium last Tuesday evening, he was also singled out for praise by Town Moderator Harold D. Gould Jr. and received legislative proclamations and standing ovations from fellow residents in recognition of his remarkable achievement. He is to Northbridge Town Meeting in terms of longevity what the fabled and now-retired runner Johnny Kelley is to the Boston Marathon.

Most persons in their mid-seventies like Rajotte, or approaching that age, and a few who have even passed it, admit they cannot fathom such stalwartness.

Even Whitinsville Attorney Joseph Jundanian, who will turn eighty-two in September, shakes his head in wonder when he contemplates Rajotte's record.

"I'm not that faithful," Jundanian said. "I started attending in the 1950's, but I haven't gone to every meeting. Ross, he's a living legend.

"I'm perhaps the oldest active public official in the state of Massachusetts because I was nominated for the Northbridge Housing Authority in 1956 and am still a member. I've had cause to be at Town Meeting on most occasions. But Ross is a very active person, and deserves a great deal of credit."

Another Town Meeting "old-timer," Jerry Bagdasarian, says that compared to Rajotte, "I'm a newcomer. I've been attending probably twenty years, no more than twenty-five. I was always more inolved in the national scene until my brother Peter told me what happens locally is more important. I give Ross a lot of credit."

Brunham P. Miller says he has been attending Town Meeting "since moving back to the area in 1957"—and so has racked up nearly forty appearances of his own. But Miller has missed several of those, one because he was ill and at least one other because he was away. He has known Rajotte a long time and admires his commitment.

"I served with Ross on the first Charter Commission," Miller said. "He was active then and still is. He's so dedicated and concerned about town government. What he believes in he believes in strongly, and he works hard to bring it about."

Robert McConnell, who serves as assistant town moderator and who's been a teller at Town Meeting for a number of years, said he began attending "sometime in the 60's" and says he considers it amazing "how loyal Ross has been all that time. When I was first on the Finance Committee," McConnell said, "I honestly didn't realize the man's good intentions. I thought he was a pest. I came to realize he has the best interests of the town at heart and whether you agree with him or not on an issue, he always treats you the same."

New Northbridge Town Manager William Williams, who attended his first Northbridge Town Meeting, said he has never met anyone quite like Rajotte.

"I have encountered people like him, but this is the first time I've met someone who brings such objectivity to their attendance, and not just a negativity. I've seen people who are veterans of Town Meetings, but usually they're 'Rogue's Gallery'-type characters."

"Two of my articles passed!" Rajotte beamed last Thursday, seemingly as pleased by this hoopla over his fiftieth. Article 26, which asked voters for the appropriation of $600.00 to print a large-book real estate and personal property valuation list, was approved. So too was the last article on the warrant, Article 30, which called for selectmen to ask members of Congress and the State Legislature to file bills not to allow public funds to be used to perform abortions. Article 28, seeking establishment of a five-member Consumer Advisory Board appointed by selectmen, was rejected.

One highlight of Spring Annual Town Meeting was approval by voters of a $11.3 million School Dept. budget that represents a 13.5 spending increase over FY '97—and $40,000 to fund consultant services towards determining a site for a new high school.

[From the Worcester (MA) Telegram and Gazette, May 6, 1997]

RAJOTTE HITS "TREMENDOUS" MILESTONE

(By Jim Bodor)

NORTHBRIDGE.—No one will ever call Rosaire J. "Ross" Rajotte a quitter.

During World War II, he was injured four times—earning four Purple Hearts—before he finally left the battlefield.

He caught a piece of shrapnel in his chest in Germany, a piece of mine in the head in France, and a bullet in the back of the neck in France.

But it wasn't until shrapnel ripped off part of his right foot in Germany that he was forced to end his tour of duty.

Back home in Northbridge, Rajotte's persistence has manifested itself on the town meeting floor.

Year after year, decade after decade, he has argued the pros and cons of every budget, zone change and land purchase to come before the town.

Tonight, Rajotte will attend his 50th consecutive annual town meeting, extending a local record that many believe will never be surpassed.

"There probably has never been a public official as devoted as Ross Rajotte," said Spaulding Aldrich, himself a town meeting veteran of about two decades. "Whether you agree or disagree with him, you have to respect him because he does it because he loves his town."

Rajotte's string of annual town meetings began in 1948, and was inspired by his service in the U.S. Army.

"When I was in the Army they used to talk to us about responsibility, and participating in your government," he said. "So I went when I got home and I liked it and I kept going."

Rajotte has been a member of the Board of Selectmen three times, serving as chairman once. He is credited with starting the town's first Conservation Commission and its first planning and zoning boards of appeals.

He has belonged to several veteran's committees, and has sponsored more than 100 articles at town meeting.

He also has filed countless bills with the state Legislature, on everything from prohibiting public funding of abortions, to mandating that dogs wear diapers in public.

"I never thought I would live this long to do all this," Rajotte said in his lilting French-Canadian accent, which is instantly recognizable to town meeting devotees. "I'll go as long as I can."

Numerous health problems have threatened Rajotte's streak in recent years. A pesky bout with pneumonia, for instance, put him in the hospital as recently as last week.

But his enthusiasm for town government is limitless. He once recruited two softball teams from a nearby ball field to reach a quorum at a town meeting. And he is the sponsor of three articles at this year's town meeting.

One calls for the town to reprint the list of property values in town; another calls for the creation of a consumer advisory commission to protect the elderly from scams; the third calls for the town to notify Congress that it opposes public funding of abortions.

Town Moderator Harold J. Gould, a veteran of 23 town meetings, said Rajotte's streak is particularly amazing at a time when interest in local government seems to be waning.

"Obviously it's a tribute to the individual and his interest in the town and town government," said Town Moderator Harold J. Gould. "To be able to hold a string together like that for 50 years is a tremendous thing."

ADDRESS BY AL HENRY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. COLLINS. Mr. Speaker, I rise to submit into the RECORD an address delivered to students of Newnan High School in Newnan, Georgia by Al Henry, who is a teacher at the school. This address was delivered May 19, 1997, by Mr. Henry on the occasion of the Academic Teams Reception for Newnan High School.

Having served in the United States Navy for 22 years, upon graduating from the U.S. Naval Academy in 1956, and having served in the education field for 16 years, Mr. Henry has come to understand the qualities that young men and women need to develop in order to become the leaders of tomorrow and to impact the lives of others. Among other points, he encourages individuals to make personal decisions of integrity by doing what is right in a world that often teaches our youngsters early on to do what is expedient. He teaches our youngsters that all professions have high ethical standards, and it is the duty of each individual to learn to follow them faithfully. Finally, his address urges individuals not to speak ill of others or to undermine the community with rumors and unverified stories. Rather, he urges them to respect one another by living and working with selfless humility.

ADDRESS BY AL HENRY TO ACADEMIC TEAMS RECEPTION NEWNAN HIGH SCHOOL—MAY 19, 1997

GUIDELINES FOR LIFE

Every student here tonight is a future leader of his generation—a person who can make a difference in the lives of others. Tonight I want to give you 10 pointers to guide you throughout your life. What qualifies me to give you pointers? I'm certainly not as smart as many of you, but I have lived longer, and have experienced much in my life, made mistakes and learned from those mistakes. So, perhaps, I am a little wiser.

1. Be a person of integrity

Always do what is right rather than worrying about your rights. Integrity heeds the quiet voice within, rather than the clamor without.

2. Lead by example

Set higher requirements for yourself than for those who work for you. The most precious and intangible quality of leadership is trust—the confidence that the one who leads will act in the best interest of those who follow—the assurance that they will serve the group without sacrificing the rights of the individual. The leader must also trust those in his charge to do their job.

3. Uphold high standards

Be responsible, accept your responsibility and know that you are accountable to others as well as to yourself for doing your job to the best of your abilities in accordance with the high standards of your profession—all professions have high ethical standards. Learn what those ethical standards are and follow them faithfully.

4. Strive for excellence without arrogance

While striving to uphold high standards, and thus seeking excellence, remember that excellence with a dose of humility conveys our respect for those around us; others will always recognize true excellence in action. Study art and the humanities. The maths and sciences alone are insufficient to a complete education. It is easy to be an arrogant scientist without the humanities. The humanities and the arts give us wisdom, not data. They inherently enlighten us without overloading us with information. The cognitive study of math and science must be combined with the effective study of arts and the humanities for the sake of humanity and humanness. Remember that the aim of education is the knowledge not of facts but of values.

5. Do your best

This is a minimum requirement in all endeavors. If it is worth doing, do it right and do it well.

6. Treat everyone with dignity and respect

The greatest asset of any organization is its people. Treat each other well, look after each other, take care of each other, and together you can achieve great things. Remember that respect begets respect and that teamwork and living in community with others is the healthiest form of competition because it requires cooperation. Our prisoners of war in Vietnam learned to put unity over self; they cared about each other and took care of each other and not one of them died because of loneliness in isolation as had been the case in the Korean War.

7. Tolerate honest mistakes from people who are doing their best

Not one of us will achieve true perfection, if we live to be a hundred; we all make mistakes. It is important to accept honest mistakes from those who are applying their talents and energies to the best of their ability. Have compassion and help people to overcome honest mistakes.

8. Seek the truth

Rumors and unverified stories undermine the bonds of community. Always seek the truth from those who are in a position to know. Also, seek the truth by resolving to be a life-long learner. We can never know all there is to know; however, we can learn something new every day.

9. Speak well of others

Gossip undermines our trust in each other. Gossip or speaking ill of others also demonstrates a genuine lack of respect for others in our community.

10. Keep a sense of humor

And be able to laugh at yourself. Being able to laugh at yourself increases the likelihood that, when you do achieve excellence, it will be without arrogance. The late Senator Sam Ervin said, "Humor endows us with the capacity to clarify the obscure, to simplify the complex, to deflate the pompous, to chastise the arrogant, to point to a moral, and to adorn a tale—it also makes our heavy burdens light."

These guidelines for life are not mine alone. They belong to all the midshipmen at the U.S. Naval Academy. But, they are free for your adoption. Be a person of integrity; trust others of high standards; strive for excellence without arrogance; have compassion; treat everyone with dignity and respect; seek the truth; speak well of others; do your best; and always keep a sense of humor.

Your parents, peers, teachers, and your friends expect these high standards of you. I know that you will give them no less.

THE BLAINE H. EATON POST OFFICE IN TAYLORSVILLE, MS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PICKERING. Mr. Speaker, I am pleased to introduce legislation designating the U.S. Post Office facility located in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building."

A native of Smith County, MS, Mr. Eaton attended Jones Junior College from 1932 to 1934 and was named "Alumni of the Year in 1984." He also attended the University of Mississippi and George Washington Law School.

He began his professional career as a farmer and cotton buyer from Anderson-Clayton Co. and in 1942, he became the first executive secretary to former U.S. Senator James O. Eastland, Democrat, of Mississippi. Mr. Eaton served our Nation in the U.S. Navy from 1944 to 1946. Upon returning home from the war, he was elected to serve in the Mississippi House of Representatives, and he effectively served the people of Smith County for 12 years. His leadership as chairman of the highway and highway finance committee resulted in the successful passage of the farm-to-market legislation that is still benefiting Mississippi today as the State aid road program. After leaving public office in 1958, Mr. Eaton became the manager of the Southern Pine Electric Power Association. His outstanding service and accomplishments were recognized by the National Rural Electric Cooperative Association with the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Although retiring from his professional career in 1982, Mr. Eaton remained active in community service and enriched the lives of many by volunteering his time and leadership abilities to such organizations as the Lion Club International, the Hiram Masonic Lodge, the Southeast Mississippi Livestock Association, and the Economic Development Foundation. He was also a loyal member of the First Baptist Church of Taylorsville where he taught Sunday school classes for 25 years.

With the death of Blaine Eaton in 1995, our State lost one of its finest citizens. Designating the Taylorsville Post Office as the "Blaine H. Eaton Post Office Building" will commemorate the public service of this extraordinary Mississippian who dedicated his life to the betterment of the community and State he loved so much.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the "Blaine H. Eaton Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Blaine H. Eaton Post Office Building".

CATEGORIC DENIALS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. GINGRICH. Mr. Speaker, I would like to submit into the CONGRESSIONAL RECORD the following article, "Categoric Denials," which appeared in the June 14, 1997 edition of Atlanta's Topside Loaf. This article describes the efforts of Project RACE, a national organization which advocates adding a multiracial category to legal forms at the State and Federal levels, including the 2000 U.S. census. Project RACE [Reclassify All Children Equally] has a web page which can be accessed at www.projectrace.mindspring.com.

Project RACE was founded by a constituent of mine from Roswell, GA, named Susan Graham. Susan is white and her husband is African-American. Their son Ryan has grown weary and frustrated from having to constantly choose between labeling himself as either "white" or "black" on legal and educational forms. "I feel very sad, because I can't choose. I am Both," Ryan recently testified before Congress.

Representative THOMAS PETRI has introduced a bill, H.R. 830, which would establish the legal right for individuals such as Ryan to accurately describe himself as "multiracial" on such forms. Ryan was officially labeled "black" on school forms and "white" on the 1990 U.S. census.

It is time to stop forcing Americans like Ryan to choose between different heritages. In addition to increasing accuracy, recognizing the multiethnic race would also likely lead to health benefits for these individuals, who are routinely excluded as samples in pharmaceutical tests.

I was very disappointed by the recent recommendation by a Federal task force to not add such a designation to the 2000 census form. In a technicolor world, the Clinton administration can only see in black and white. Like Tiger Woods, millions of Americans of mixed ancestry have moved beyond the Census Bureau's divisive and inaccurate racial labels. In the absence of Presidential leadership, it may be necessary to advance Congressman PETRI'S legislation to overturn this misguided decision and take a major step toward a country in which the only box to check reads, "American."

[From the Topside Loaf, June 14, 1997]

CATEGORIC DENIALS

(By Anthony Heffernan)

At the tender age of 12, Ryan Graham of Roswell knows exactly who he is and who he is not. He isn't black, he will tell tell you, nor is he white. He's both, he says. His dad is black and his mom is white. The problem is that Ryan, like many of the other 2 million or more multiracial children in America, is often pigeonholed as one race or the other—and sometimes forced to choose between the two.

It's a very old battle that has received new attention since 21-year-old Tiger Woods ascended into the hallowed halls of sports superstardom after winning the Masters Tournament in April. Woods was widely heralded as the first African-American to win the tournament. But the young golfer has refused to be labeled as black. Woods points out that he is in fact one-eighth American Indian, one-eighth Caucasian, one-quarter African-American, one-quarter Thai and one-quarter Chinese.

As a child struggling to define his race, Woods coined the term "Cabinasian;" Ryan simply prefers to be called "multiracial." Now, for the second time in his young life Ryan is asking the federal government to grant him that right.

Ryan and his mother, Susan Graham, President of the Roswell-based Project RACE (Reclassify All Children Equally), testified last month before a U.S. Senate subcommittee in Washington, D.C. The Grahams and others argue for a new multiracial category on all federal forms, including the 2000 U.S. Census. The 1990 Census afforded only five race classifications: American Indian or Alaska Native, Asian or Pacific Islander, black, white, or "other." (Hispanics were tallied under a separate "ethnic" category.)

Ryan told Congress that, when forms require him to choose between black or white, "I feel very sad, because I can't choose. I am both . . . Some forms include the term 'other,' but that makes me feel like a freak or a space alien. I want a classification that describes exactly what I am."

Ryan and his mother first traveled to Washington to make the request four years ago, only to see the issue buried in bureaucratic hearings. But the Office of Management and Budget is finally expected to issue a ruling on the issue this summer, bringing some kind of resolution to the battle Graham has fought for the past seven years.

It began when Ryan entered kindergarten. Graham vividly recalls the day she received a form from Ryan's north Fulton school, asking her to designate his race. When she noticed there was no multiracial category, she called the school to voice her concerns. Assured that she didn't have to complete the form, she sent it back blank. Later, she discovered Ryan's teacher had been told to fill out the form herself. The teacher had labeled him black.

At the same time, Graham was struggling to fill out her 1990 Census form. Again, she saw no "multiracial" category for her son and 2-year-old daughter. She called the U.S. Census Bureau and was advised that the children should take the race of their mother "because in cases like these," she was told, "we always know the race of the mother and not the father."

Graham bristles at the memory. "[They meant] that they always know who the mother is, and not the father. That was very insulting coming from our United States government."

The ruling also meant more confusion for her son, who was now labeled white on the census and black at school. "I realized that there was something very, very wrong with this picture," explains Graham, a writer whose articles about multiracial issues have appeared in the New York Daily News, the Chicago Tribune, and two anthologies about multiracial America.

From Graham's frustration was born Project RACE, a national organization which has successfully lobbied to have a multiracial category added to legal forms in seven states, including Georgia. If the category is added to federal forms, she recommends the following format: Under the "Race" category, people would be instructed to choose from five categories, including American Indian (or Alaska Native), Asian (or Pacific Islander), Black (or African American), Hispanic or White. Those who consider themselves multiracial would "check as many as apply." The form could be adapted to list Hispanics separately under "ethnicity," as on the last census.

Even if the Office of Management and Budget votes down the multiracial category; Graham says, supporters have drawn up a bill, H.R. 830, that would accomplish the same thing. But legislation, she notes, takes a long time. "We would rather the Clinton administration do the right thing and add the category," she explains.

But the multiracial movement has drawn the ire of some blacks and Hispanics, who argue that creating a multiracial category might decrease minority numbers, thus exposing them to greater discrimination and reducing their claim to government programs.

"If the issue was solely identity, then you would have a line, and everyone would write in whoever they are," says Eric Rodriguez, policy analyst for the National Council of La Raza, a Latino group based in Washington, D.C. "But the usefulness of collecting data in that manner is dubious. The broader [the categories] get, the more inaccurate your data gets. And these are the very tools that we use to fight discrimination and to work through anti-poverty programs."

Dr. Joseph Lowery, outgoing president of the Southern Christian Leadership Conference (SCLC), also criticizes the multiracial category in a written statement. He terms the category "too vague," noting "it could refer to a Norwegian/Aleutian."

Lowery likes the proposed multiracial category to the "coloured" category adopted by South Africans to describe their citizens of mixed races. Those labeled "coloured" were given broader rights than those deemed to be black—"which shoved blacks down another notch on the equity pole," Lowery says.

Graham scoffs at Lowery's apartheid comparison. Multiracial Americans, she says, would receive no special rights. People of multiple races have just as great a need to track discrimination in the work place and in schools as other minorities, Graham says.

But one of the most convincing arguments for tracking the multiracial population is the need to garner additional medical information on multiracial Americans.

Ramona Douglass, president of the Association of Multi-Ethnic Americans (AMEA), knows all too well what medical dangers the multiracial community faces. Douglass, part Italian American, part American Indian an part African American, was once almost given the wrong anesthesia before major surgery because doctors had incorrectly assumed that she suffered from sickle-cell anemia, a disease common among African Americans. As a result, Douglas was forced to call off the surgery.

Other medical issues revolve around a shortage of suitable bonemarrow donors for people of multiracial descent. And, according to Douglass, drug dosages can be affected by racial or ethnic combinations. Still, pharmaceutical companies typically do not include multiracial Americans in their tests.

"It's not just a feel-good issue," Douglass says of the drive to add a multiracial category. "There are, in fact, public health and medical concerns involved."

Julie Bolen, a Cobb County resident and co-chair of the Interracial Family Alliance in Atlanta, believes adding a multiracial category is also an important step in acknowledging the legitimacy of this fast-growing segment of the population. "It's not like it's some oddity that happens so infrequently that nobody knows what to call it," explains Bolen, who has two multiracial children, ages 16 and 20.

Bolen, from Oklahoma, recalls teachers trying to force her children to choose black or white "because of subsidized lunch programs and things like that. My son would refuse to, and he even walked out of class over it," she recalls. "Hopefully, that doesn't happen anymore. To even make such a big deal about it is, I think, real hurtful to kids."

Graham and Project RACE have made as sure as they can that it doesn't happen anymore—at least not in those seven states that now recognize the multiracial category. Not in Fulton county, either, where 835 children were able to call themselves multiracial on school forms last year. And not to Graham's own children—not anymore. And victories such as those, Graham says, are what makes it all worthwhile.

TAIWAN YIELDS MODEL FOR A FREE HONG KONG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. SOLOMON. Mr. Speaker, in light of the recent return of Hong Kong to the People's Republic of China I recommend to you the following article by Lee Teng-hui, which appeared in USA Today on Monday, June 30, 1997. I agree with him, the people of Hong Kong should look to Taiwan as a model to maintain democracy and encourage the Chinese mainland to do everything possible to head in that direction. This unique opportunity to expand democracy must be seized in order to ensure that the freedom, dignity, and humanity of all people is respected.

[From USA Today, June 30, 1997]

TAIWAN YIELDS MODEL FOR A FREE HONG KONG

(By Lee Teng-hui)

Today, the era of colonial rule will come to an end in Hong Kong. This is a proud event for all Chinese wherever they are, and offers a new opportunity for creating a democratic Chinese nation. We earnestly hope that the Beijing authorities will be able to maintain the prosperity and stability of Hong Kong, and will ensure that the people of Hong Kong continue to enjoy freedom, democracy and basic human rights. This is the only way to act in accord with the joint values and trends of mankind today, regional peace and development, and the common dignity and interests of all Chinese people.

Taiwan's experience offers reason for optimism.

A little more than one year ago, the Republic of China successfully held a direct presidential election on Taiwan, completing a crucial objective of our political reform. At the time, the concept of constitutional government stressed by Americans over two-hundred years ago kept coming to my mind: ". . . all Men are created equal, . . . they are endowed by their Creator with certain unalienable Rights, . . . among these are Life, Liberty and the Pursuit of Happiness . . . to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Government."

Indeed, with the joint effort of the entire populace and their government, the Republic of China has upheld the principle of popular sovereignty on Taiwan, and has succeeded in lifting martial law, liberalizing the formation of political parties, realizing the practice of free speech, re-electing all national parliamentarians who had been in office for a long time, and carrying out a direct presidential election. Through these endeavors, the Republic of China has undergone profound change, and has become a full-fledged democracy.

However, we cannot overlook the fact that still over 20 percent of the world's population, most of whom live on the Chinese mainland, have no way to enjoy these rights. The Chinese on both sides of the Taiwan Strait share the same cultural and racial heritage. Thus, there is no reason why we cannot jointly build a system of democracy and freedom, and fully exercise our God-given rights.

In 1979, before martial law was lifted in Taiwan, a number of protesters demonstrating against government censorship of their magazine were arrested and jailed in what became known as the Kaohsiung Incident. At the same time, the Chinese communist authorities arrested the human rights activist Wei Jingsheng. Today, many of those involved in the Kaohsiung Incident have redeemed themselves through the ballot box and have become important elected political leaders on Taiwan. However, Mr. Wei remains in jail. The marked differences in systems and values between the two sides are the fundamental reason why each of the two parts of the China we all want to see reunified one day still remain separate political entities.

Democracy has become a world trend, and is without doubt the greatest achievement of mankind this century. One reason civilization continues to progress is that we have the courage to realize our dreams, and we have the heart to care about each other and provide mutual support. We must continue to uphold this spirit and sentiment, so that democracy ultimately becomes the common way of life of all humanity. May people living in every corner of the global village enjoy democracy!

Thus, we cherish the young buds of democracy on the Chinese mainland. Certain forms of election in rural townships and villages have spread on the mainland in recent years. We are happy to see it succeed and call on the Chinese mainland authorities to show the courage and determination to boldly take the grand route to democracy. Join with us and bring democracy to all of Chinese society, seeking everlasting well-being and peace for the Chinese people!

Unquestionably, if Taiwan can achieve democracy, then Hong Kong should be able to maintain democracy, and there is no reason why the Chinese mainland cannot do everything possible to head in that direction. This is the true way to solve the China problem.

In the 21st century, mankind will certainly prove that "All roads lead to Democracy!"

TRIBUTE TO LT. GOV. HENRY E. HOWELL

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. PICKETT. Mr. Speaker, he was dubbed a radical, a political gadfly, even a liberal Democrat, but to others who knew him, former Virginia Lt. Gov. Henry E. Howell, who died July 7, 1997, was a political visionary and a champion for justice. Even his closest friends would say he was a man who marched to a different drummer. He backed up his convictions with hard work and a pesky ability to reverse inequitable political policies of long standing.

He thumbed his political nose at the established Democratic party at a time when it was not popular, even though it meant he would never achieve the political plum he so dearly coveted—the governorship of Virginia. Sticking to his convictions in the face of political adversity cost him the governorship. Henry Howell loved Virginia, its institutions, and its people. Many credit him with changing the face of the Commonwealth's politics during his six major campaigns for State office between 1969 and 1977. Former Gov. Colgate W. Darden, Jr. has been quoted as saying, "He stirred Virginia politics only like dynamite could have done in a pond," adding, "He gave greater impetus to mass voting in Virginia and stirred people more than anybody in my lifetime."

That was Henry Howell. He intended his work, not to destroy, but to improve the State and its government by making them accessible to all the people. He never allowed political differences, however, to taint his social or personal relationship with adversaries. His quick, warm, and winning smile served him both as a politician and a person.

Henry Howell leaves his indelible and pervasive mark on the political history of Virginia. Those who knew and loved him best will miss his mischievous smile, warm counsel, commonsense perspective, and keen political insight.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes:

Mr. SANDLIN. Mr. Chairman, I rise to compliment the Appropriations Military Construction Subcommittee for not funding additional rounds of the Base Realignment and Closure [BRAC] process. Several of my colleagues from Texas and I have been advocating zero-funding for BRAC and I am pleased the committee agrees with me.

The fact is, the last 4 rounds of the BRAC process have resulted in the closing of 97 defense installations in the United States. And yet today, we are still unable to fully assess the impact of the closures. We have not seen a report or complete assessment of how the closures affect military preparedness. We do not know the amount of actual savings, if any, generated from the closures. And yet we do know that we have spent a lot of money to close these bases. According to the Department of Defense, by the year 2000, we will have spent approximately $23 billion in cleanup and other costs associated with closing these bases.

Members, not funding additional rounds of BRAC makes sense. By not funding additional rounds of BRAC, we are saying "let's look before we leap." Congress does not need to continue to spend the taxpayer's money on BRAC until we know if we have actually saved money by closing these bases; how much of the taxpayer's money has been spent closing these bases; and how the closure of bases has affected our country's military preparedness. This bill will allow us to make those assessments in a responsible and effective manner.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. GILMAN. Mr. Speaker, I reluctantly rise in support of the rule to the Interior appropriations bill.

Though I am disappointed that the rule fails to protect an amendment for full NEA funding I must support the rule due to the Interior appropriations bill's inclusion of $8.5 million for Sterling Forest. I support continued funding for the NEA.

Funding for the arts has not only produced $3.4 billion in revenue, but supports local economies by way of increased sales in local establishments.

The arts are an integral part of education. Children with an arts background have shown increased ability in math, and a heightened capability for analytical and creative thinking. Funding for the National Endowment for the Arts has also created many literacy programs and children's educational activities.

In my own 20th District of New York, I understand the necessity of continued funding for the arts. The local theater and arts groups, orchestras, and dance troupes, will suffer greatly. These groups represent thousands of jobs that are supported by the arts.

Moreover, I strongly support the agreement between New York and the Sterling Forest Corp. designed to purchase Sterling Forest. This has been a long and hard battle for many years as Chairman Rugula and my New Jersey colleagues know.

I look forward to working with my colleagues in the House and Senate in fully funding the NEA during the House-Senate conference.

IN RECOGNITION OF THE LIFE AND ACCOMPLISHMENTS OF DR. CHARLES L. DRAKE

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. BASS. Mr. Speaker, as a 1974 graduate of Dartmouth College, it is with great sadness that I bring to the attention of the House the passing of Dr. Charles (Chuck) Drake on Tuesday, July 8, 1997. Let me convey my personal sympathies to his friends and family. Furthermore, I would like to submit to the RECORD the text of an obituary that appeared in the New York Times so that the American people can reflect upon the accomplishments of a great American and a true scholar.

[From the New York Times, July 11, 1997]

CHARLES L. DRAKE, 72, DINOSAUR-THEORY COMBATANT

(By Lawrence Van Gelder)

Dr. Charles L. Drake, emeritus professor of earth science at Dartmouth College and a leading advocate of the theory that it was volcanic eruptions that killed off the dinosaurs, died Tuesday at his home in Norwich, Vt. He was 72.

The cause was a heart attack, said his wife, Martha.

In a protracted, often rancorous debate, Drake stood opposed to the school of thought that attributed the disappearance of the dinosaurs to the impact of a large meteorite 65 million years ago. In this theory, the meteorite kicked up a worldwide pall of dust that blotted out the sun and killed off many plants and animals.

With Charles B. Officer, another Dartmouth geologist, Drake theorized that instead it was huge volcanic eruptions, spewing lava over 200,000 square miles of what is now India and disrupting the atmosphere with chlorine, sulfur dioxide and carbon dioxide, and that led to the end of the dinosaurs' 160-million-year reign on earth.

But Drake's prominence in his profession rested on far more than his role in the debate over the dinosaurs. His leadership among geologists, marked by an ability to bring together colleagues from various nations and disciplines, brought him to high positions in scientific organizations.

He served from 1990 to 1992 as a member of President George Bush's Council of Advisers on Science and Technology and was also a fellow of the American Association for the Advancement of Science; president of the 18th International Geological Congress, held in Washington in 1993; a president of the Geological Society of America and of the American Geophysical Union, and a member of committees of the National Academy of Sciences, the National Research Council and the National Advisory Committee on Oceans and Atmosphere.

At both Columbia University and Dartmouth, Drake became chairman of his department. While at Columbia, where he spent 16 years before joining the Dartmouth faculty in 1969, he conducted pioneering research on the geologic evolution of the continental margin of the Eastern United States.

Since 1970, he had conducted research at the reservoir at Lake Powell in Utah on the ecological effects of man's efforts to impound the otherwise wild Colorado River and manage water resources in an arid area.

The dinosaur dispute between the volcano theorists and the meteorite-impact theorists raged through the late 1970s and the 1980s, with the meteorite side led by Nobel laureate physicist Luis W. Alvarez; his son, Walter, a geologist, and their colleagues at the University of California at Berkeley.

Then, in 1994, a new theory combining the conflicting ideas was proposed: antipodal volcanism. In this theory, a speeding rock from outer space, exploding on impact with the force of millions of hydrogen bombs, would have blasted enormous shock waves through the earth. These shock waves would have coalesced at the antipode, the side of the planet opposite the impact crater, to fracture the ground, heat it and bring on volcanic outpourings.

In the new theory, then, both the meteorite and its volcanic repercussions in the opposite hemisphere would have contributed to the decline of the dinosaurs. But Drake never embraced that notion, his colleague Officer said Wednesday.

Charles Lum Drake was born on July 13, 1924, in Ridgewood, N.J. He received a bachelor's degree in geologic engineering from Princeton in 1948 and a doctorate in geology from Columbia in 1958. He began his teaching career in 1953 as a lecturer at Columbia, where he became a professor and, in 1967, chairman of the department of geology.

In 1969, he went to Dartmouth as a professor of geology. There he served at various times as chairman of the department, dean of graduate studies and associate dean of the faculty for sciences. He retied in 1994.

He is survived by his wife of 46 years, the former Martha Churchill; three daughters, Mary Layton, also of Norwich; Pace Mehling of Corinth, Vt., and Susannah Culhane of Manhattan; a brother, Thayer, of Avon, Conn., and four grandchildren.

AMERICA'S VETERANS URGE RESTRAINT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. EVANS. Mr. Speaker, the Veterans' Affairs Committee held a hearing this week on S. 923 and H.R. 2040, measures which would deny certain veterans' benefits to veterans convicted of certain capital crimes. Seven of the major veterans' service organizations testified as one voice, and I urge my colleagues to review their excellent statement which thoughtfully examines a very difficult and complex issue. Their testimony follows:

STATEMENT OF RICK SURRATT, DISABLED AMERICAN VETERANS BEFORE THE COMMITTEE ON VETERANS' AFFAIRS, JULY 9, 1997

I am pleased to present the collective views of the American Legion, AMVETS, the Blinded Veterans Association (BVA), the Disabled American Veterans (DAV), the Jewish War Veterans of the USA, the Paralyzed Veterans of America (PVA), the Veterans of Foreign Wars of the United States (VFW), and the Vietnam Veterans of America (VVA) on two bills to amend the law pertaining to benefits eligibility in the case of veterans committing capital crimes. The national veterans organizations comprising this group, which for the sake of convenience I will refer to as the "veterans group," have come together to speak as one, united voice because of the views and concerns they hold in common on the subject matter of these bills.

The veterans group appreciates your invitation to explain its position on whether and to what extent the commission of capital offenses by veterans should affect their, or their dependents,' benefit eligibility status. Without question, this raises a serious public policy question for our Nation's citizens. It is also certainly appropriate that the millions of veterans the group represents have a voice on this issue because, after all, these veterans are some of America's most patriotic and civic-mined citizens, and these matters, of course, also involve highly valued and honored rights veterans earned by virtue of their reviewed service to the Nation. On the other hand, because veterans are among our most responsible citizens, they must not and will not view their interests as veterans as separate from or in conflict with the greater interests of the Nation as a whole. However, as appropriate with many such difficult issues, they counsel a balancing between the immediate human desire for and the attractiveness of societal retribution for crimes and the countervailing rational concerns about the maintenance of stable measured, and equitable principles of law—and thus the best interests of our society as a whole—over the long-term. It is that sense of prudence and equity that guides the veterans group in their position of these bills.

The veterans group has no quarrel with a view that veterans are without privilege to disobey society's rules, and that, absent special circumstances, the consequences for crimes should be the same for veterans and nonveterans. fairness dictates that veterans be treated the same as other citizens on matters unrelated to their status as veterans per se, however. Thus, the veteran should not suffer greater or harsher penalties merely because he or she is a veteran than a similarly situated nonveteran. To impose greater punishment on the veteran goes beyond punishment on account of a crime to punishment on account of being a veteran. That is not to argue that we should continue to hold veterans who commit crimes in the same high esteem that we do veterans who conduct themselves properly. Thus, we do not have to bestow the same honors upon veterans who bring dishonor to themselves as we would upon veterans who continue to conduct themselves in an upright manner during their civilian lives following completion of military service.

Of concern to the veterans group here, however, is the treatment to be accorded veteran status once earned through satisfactory fulfillment of service to the Nation. Veteran status is a legal status which, as a practical matter, is realized through the special rights created for veterans to enjoy as a restitution for the sacrifices of military service. Almost without exception, this status, once accrued, is considered indefeasible. It is conferred by the completion and honorable character of the recipient's military service and is not conditioned upon subsequent conduct in civilian life. Logically, that is as it should be. Just as a former servicemember without honorable service should not be awarded veterans' rights on the basis of post-service accomplishments, no matter how commendable, conversely, veteran status should not be exposed to rescission as a result of civilian conduct following, or for other reasons unrelated to, the performance of military service. Veterans should be secure in the knowledge that their veteran status is vested and will not be held hostage to irrelevant, post-service factors. If veterans' rights are intended to remunerate for disabilities incurred, opportunities lost, extraordinary rigors suffered, or contributions made in connection with and during the time of military service, such rights should, like wages earned, not be withheld or recalled because of subsequent performance or unconnected actions or events, even when such actions or events are of a character that evoke very negative public sentiments. The special value of service to one's country and the integrity of veteran status would be defeated by departure from that tradition. Fidelity to this principle admits exceptions for only the most highly exceptional circumstances.

Currently, the law provides for forfeiture of veterans' rights only under circumstances of crimes against the government which jeopardize or seriously threaten our national security. Section 6104 of title 38, United States Code, provides that veterans shown to be guilty of mutiny, treason, or sabotage forfeit all future VA benefits, and section 6105 of title 38 similarly provides that veterans convicted of a variety of subversive activities forfeit VA benefits, including eligibility for burial in a national cemetery. These circumstances justify nullification of veterans' entitlements because individuals should not receive support from a government they actively seek to destroy.

This Committee now has before it S. 923 which the Senate passed recently. This bill would essentially void the veteran status of any veteran convicted of a Federal capital offense. Forfeiture would result from the commission of any Federal offense punishable by death (regardless of whether the death penalty was deemed warranted or actually imposed). Obviously, that would go well beyond the nature of the offenses which are now deemed to justify voidance of veteran status. While the veterans of this Nation understand and, indeed, share in the public indignation at such detestable acts, they believe that persons committing such crimes should be punished as criminals, not veterans. As noted previously, when the laws impose the criminal penalty and also void veteran status, they punish veterans both for the crime and because they are veterans. Unquestionably, persons committing capital offenses, as well as many lesser but also repulsive or unsavory crimes such as child molestation or even drunken driving, are justifiably not viewed very sympathetically by the public, but emotions should not obscure or overcome the more judicious considerations appropriate in these matters. An integral part of our national values and the qualities that set us apart from other nations is our refusal to compromise justice and fairness even for the most reprehensible within our society.

Therefore, in addition to opposing S. 923 because it operates to impose greater punishment on veterans merely because they are veterans, the veterans group also opposes it as a matter of principle inasmuch as it diminishes the intrinsic value of veteran status. This would be but one step in undermining the fortification of veteran status against the capricious overreactions of those who would revoke it in the name of any popular cause or crusade or would find it a convenient target against which they could direct their frustration. If enacted into law, this will make veterans more vulnerable to oblique attacks or indirect punishment for unrelated matters. Again, once veteran status is earned, it should be a protected and an irrevocable right, not to be taken away because of subsequent unrelated events, except for serious crimes against the nation. Preservation of the high esteem of veteran status promotes patriotic ideals and national unity, and is in the best interest of the Nation as a whole.

H.R. 2040, introduced by Committee Chairman Stump on behalf of himself, Mr. Evans, Mr. Skelton, Mr. Bachus, Mr. Everett, Mr. Filner, Mr. Quinn, Mr. Clyburn, and Mr. Stearns, would preclude burial in a federally funded cemetery for persons guilty of first-degree murder of certain Federal officials and law enforcement personnel in conjunction with the commission of certain other Federal crimes. This bill does not have the objectionable effects of S. 923.

H.R. 2040 would impose this bar by amending section 2402 of title 38, United States Code, to exclude from eligibility for burial in federally funded cemeteries those who have been convicted of, or are shown to have committed, the crimes specified. In addition to first-degree murder of Federal officers or employees as provided in section 1114 of title 18, United States Code, the persons excluded must have committed one of the following crimes: damage or destruction or attempted damage or destruction by fire or an explosive of Federal property, as provided under section 844(f) of title 18, United States Code; use of a weapon of mass destruction, as prohibited under section 2332a of title 18, United States Code; acts of terrorism, as prohibited under section 2332b of title 18, United States Code; use of chemical weapons, as prohibited under section 2332c of title 18, United States Code; providing material support to terrorists within the United States, as prohibited under section 2339A of title 18, United States Code; or providing material support or resources to foreign terrorists, as prohibited under section 2339B of title 18, United States Code. Such persons would be ineligible for burial in Arlington National Cemetery, any cemetery of the National Cemetery System, or any state cemetery for which a grant has been approved or provided under section 2408 of title 18, United States Code. This prohibition would apply to applications for burial or interment made on or after the date of enactment of the legislation.

While we do not wish to understate the gravity of capital offenses, the disqualifying crimes are of a character and magnitude to be distinguishable from the other numerous capital offenses generally. Moreover, the question of who should be permitted to be buried in our national cemeteries is different from the question of who should have rights as veterans generally. There are valid reasons to prevent persons committing these crimes from being buried in the places of honor set aside for our Nation's most gallant and beloved sons and daughters. First, such persons are themselves unworthy of the honor of burial in these hallowed shrines. Second, to permit persons of such depravity to be buried in the midst of those who fully deserve the honor and tribute, belittles that honor, mocks that tribute, and defeats the special purpose of these places of dignity and sanctity. The national and other federally funded veterans cemeteries serve as a lasting testimonial to this Nation's gratitude for the sacrifices of its veterans. Being an enduring symbol of the special honor our Nation reserves for its veterans to memorialize their bravery, patriotic deeds, and glory, the renown of these sanctuaries resides in the character of those buried there. It is therefore unfair to our other noble veterans to permit persons who have acted so dishonorably through the commission of such heinous crimes to be buried alongside of them.

H.R. 2040 appropriately responds to concerns that our veterans' cemeteries not be degraded by interment of persons who wear a badge of infamy. The class of persons barred by H.R. 2040 is very carefully tailored to exclude from eligibility those who commit the type of crimes warranting such action, and this bill does not include more reactive provisions and sweeping forfeiture that has inappropriate implications and disturbs the integrity of veterans status itself.

The veterans group does have some questions of a purely technical nature about H.R. 2040, however. To bar those who have not been convicted by a court due to unavailability for trial but who are nonetheless shown to have committed disqualifying crimes, H.R. 2040 provides for an administrative determination of ineligibility. Subparagraph (B) of the new subsection (b) excludes burial eligibility for "a person shown to the appropriate Secretary by clear and convincing evidence, after an opportunity for a hearing in such manner as such Secretary may prescribe, to have committed a crime described in both clauses (i) and (ii) of subparagraph (A) but has not been convicted of such crimes by reason of such person not being available for trial due to death, flight to avoid prosecution, or determination of insanity."

Although it presents no serious concern, the practical effect of subparagraph (B) in the case of unavailability for trial due to death or flight to avoid prosecution is questionable. If the person has not been tried due to death, he or she would either already be interred or inurned in a nongovernment cemetery or mausoleum, would already be interred or inurned in a federally funded cemetery covered by this bill, or might be in a mortuary. In the first instance, the question of interment in a veterans' cemetery would seem an unlikely one. In the second instance, if the person's crimes were not learned until after burial in a veterans' cemetery, for example, would disqualification under this section require disinterment, and if so, who would bear the costs of such disinterment? In the third instance, where the person was killed at the time of the crime and the body is awaiting burial, for example, the requirement of an administrative hearing might effectively bar burial regardless of the proper disposition of the issue if the bureaucracy moves at its usual speed. It is also unclear how the issue of eligibility would arise if the person is a live fugitive, unless this provision is to be interpreted as requiring a preemptive administrative determination, which would seem unnecessary given the possible eventualities that there may never be a request for burial of such person in a federally funded cemetery; that the person will be apprehended and tried, making this subparagraph inapplicable; or that the issue will arise upon the person's death, which of course then returns us to the questions about implementation in the case of a deceased person. (Recognizing that, in their proceedings, administrative tribunals do not apply the standard of proof beyond a reasonable doubt. The American Legion is nonetheless also concerned that the presumption of innocence is rebutted by less conclusive proof in the administrative proceedings under subparagraph (B) than in criminal trials.)

As written, subparagraph (B) applies to those who have not been "convicted" because of "not being available for trial." Thus, it would not, and should not, apply to persons tried and found not guilty by reason of insanity. For simple clarity and to ensure this causes no hesitation or possibility of misinterpretation by administrative personnel, the veterans group suggests that "determination of incompetence to stand trial" or language of similar import might be more appropriate.

It appears that there would be a right of appeal on any adverse determination with respect to burial in a national cemetery under section 2402. Under section 7104 of title 38, United States Code, the Board of Veterans' Appeals has jurisdiction to review any decision of the Secretary of Veterans Affairs on the provision of benefits in accordance with the Secretary's authority under section 511 of title 38. H.R. 2040 appears to leave unanswered the collateral question of the right of and process for administrative or judicial appeal from adverse determinations of the Secretary of the Army regarding Arlington National Cemetery, however. The Committee may wish to amend H.R. 2040 to resolve this question.

Other than these minor technical matters, H.R. 2040 appears to be carefully crafted to accomplish its goal of maintaining the stature of our veterans' cemeteries. The veterans group is especially appreciative of the sponsors' careful, wise, and thoughtful approach to this sensitive issue and urges this Committee to take the same approach and favor this bill over S. 923. The veterans group is also especially grateful for the Chairman's leadership on this matter and the advice he has given sponsors of other related bills.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1997

Mr. CUMMINGS. Mr. Speaker, I rise today in opposition to the rule and to advocate on behalf of full funding for the National Endowment for the Arts [NEA]. In creating the NEA in 1965, this institution wisely noted:

> An advanced civilization must not limit its efforts to science and technology alone but give full value and support to other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

Mr. Speaker, the arts are the heart of our Nation and the NEA is the heart of the arts.. Today, there are those who would rip out the heart of the artistic community.

Current funding for the National Endowment for the Arts is certainly a modest effort. It accounts for less than one one-hundredth of 1 percent of our Federal budget. We should already be embarrassed at the amount of public support for the arts. Each year Americans pay just 38 cents of their taxes to support the arts. In Canada and France, per capita support for the arts is $32.

But the impact of this small program is immeasurable. Today, more Americans have access to the arts than ever before. The NEA funds projects in small cities and rural areas where corporate and foundation dollars never reach. It is the NEA funds that attract other moneys in these otherwise neglected areas of our country.

Since its inception in 1965, the number of symphony orchestras has quadrupled, the number of theaters has increased eight times, and the number of dance companies has gone from 37 to over 250. Each year, the Arts Endowment opens the door to the arts for millions of schoolchildren, including many at-risk youth.

The arts make an extraordinary contribution to the lives of our citizens. Not only do they improve the quality of life, but they are also a significant industry and powerful force in the economic development of our cities, towns, and communities. They contribute far more to the economy than they receive in public funding. The not-for-profit arts create $37 billion in economic activity, $634 million in my home State of Maryland alone. This economic activity supports 1.3 million jobs nationwide. As a result, $3.4 billion—20 times the budget of the NEA—is returned to the Federal treasury through income taxes.

The few isolated cases of controversial art work are not an accurate representation of the thousands of grants the NEA gives out each year. Distorting the truth is a tactic that opponents of the Endowment must engage in because their view is contrary to public opinion. A recent Lou Harris poll indicates that 61 percent of Americans "would be willing to pay $5 more per year in taxes to support Federal Government efforts in the arts."

But the voice of the American people often falls on deaf ears here on Capitol Hill. A diversity of opinions, a marketplace of ideas—those are the ideals upon which this country was founded. Must we burn the entire orchard if there are a few apples that are not to our liking?

Join me to help lend a voice to the painters and the sculptors, the singers and the musicians and the actors—the artists of this country. Join me in saving the National Endowment for the Arts. Join me in saving the spirit of this Nation. Esteemed colleagues, I urge you to join me in opposing this rule.

THE BALTIC STATES ARE NOT FORMER SOVIET REPUBLICS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. SOLOMON. Mr. Speaker, NATO member countries met in Madrid earlier this week and announced support for a limited round of enlargement to include Poland, Hungary, and the Czech Republic. I was proud to participate in these historic events.

While I believe NATO's announcement should have rightfully included Estonia, Latvia, Lithuania, Romania, and Slovenia, I hope and trust NATO will take steps to enhance the security of countries not named and on a concrete mechanism for a second round of enlargement. Indeed, the U.S. delegation to the summit, led by President Clinton, was successful in inserting language into the final communiqué that clearly leaves the door open to further new members.

The Russian Government will no doubt marshal its forces to prevent any further enlargement. Over the last year, the Russian Government has repeatedly and vociferously indicated its opposition to NATO enlargement in principle. While it has toned down its general opposition to any first round of enlargement to Central Europe following the signing of the Founding Act, it has attempted to draw the line at any countries it considers former Soviet Republics. To those making the decisions in the Russian Government, former Soviet Republics include Estonia, Latvia, and Lithuania.

Yet, to take Russia's understanding of which countries are former Soviet Republics would be both wrong and historically inaccurate. Under international law and underscored by 50 years of United States nonrecognition policy toward the Baltic States, these countries were never Soviet Republics. Instead, these nations were forcibly occupied against their will for 50 years under the nefarious terms of the Nazi-Soviet Pact of 1939 and its secret protocols.

Mr. Speaker, I ask unanimous consent to place in the RECORD the text of the Nazi-Soviet Pact, which proves definitively that the Baltics became part of the Soviet Empire not voluntarily, but due to the evil machinations of the two worst dictatorships of this century.

NONAGGRESSION PACT BETWEEN GERMANY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the German Reich and the Government of the Union of Soviet Socialist Republics, led by the desire to consolidate peace between Germany and the USSR, and on the basis of the fundamental provisions of the Treaty of Neutrality signed in April 1926 between Germany and the USSR, have arrived at the following agreement.

ARTICLE I

Both parties to the treaty are obligated to refrain from any aggressive act and any attack on each other, either individually or jointly with other powers.

ARTICLE II

In the case that one of the parties to the treaty should become the object of belligerance on the part of a third power, the other party shall not support the third power in any way.

ARTICLE III

The Governments of both contracting parties shall in the future remain constantly in contact with each other in order to keep each other informed about their common interests.

ARTICLE IV

Neither of the two contracting parties shall participate in any power alignment aimed directly or indirectly at the other party.

ARTICLE V

In the case that disputes or conflicts should arise between the two contracting parties over questions of this or that kind, both paties shall settle these disputes or conflicts exclusively through a friendly exchange of opinion or, if need be, through the intermediary of an arbitration commission.

ARTICLE VI

The present treaty shall be valid for 10 years, subject to the proviso that unless one of the contracting parties terminates it one year before this period is up, the treaty will automatically continue in force for an additional five years.

ARTICLE VII

The present treaty shall be ratified within the shortest possible time. The documents of ratification shall be exchanged in Berlin. The treaty shall take effect immediately upon ratification.

Prepared in two versions, Russian and German.

Moscow, August 23, 1939.

VON RIBBENTROP.
(For the Government of the German Reich).
V. MOLOTOV,
(For the Government of the USSR).

SECRET SUPPLEMENTARY PROTOCOL

On the occasion of the ratification of the non-aggression pact between the German Reich and the Union of Soviet Socialist Republics, the delegates of both parties, undersigned below, held a highly confidential discussion concering delimitation of the spheres of interest of both parties in Eastern Europe. This discussion led to the following results:

1. In the case of territorial-political reorganization in the territories belonging to the Baltic States (Finland, Estonia, Latvia, and Lithuania), the northern boundary of Lithuania also forms the boundary of the spheres of interest of Germany and the USSR. The interests of Lithuania in the territory of Vilna are recognized in this connection.

2. In the event of a territorial-political reorganization of the areas belonging to the Polish nation, the spheres of interest of Germany and the USSR are approximately demarcated by the lines of the Narew, Vistula, and San Rivers.

The question as to whether bilateral interests make the maintenance of an independent Polish state seem desirable, and how this state would be demarcated, can only be determined definitively in the course of further political developments.

In each case both Governments will solve the question by amicable agreement.

3. As regards southeastern Europe, Soviet interest in Bessarabia is emphasized. The German side declares its complete lack of interest in these areas.6

4. This protocol will be treated as top secret by both sides.

VON RIBBENTROP,
(For the Government of the German Reich).
V. MOLOTOV,
(On the authority of the Government of the USSR).

(Blurred stamp in upper right-hand corner says: "Return to office of the Reich Foreign Minister")

SECRET SUPPLEMENTARY PROTOCOL

The undersigned delegates establish agreement between the Government of the German Reich and the Government of the USSR concerning the following matters:

The secret supplementary protocol signed on August 23, 1939 is amended at No. 1 in that the territory of Lithuania comes under the USSR sphere of interest, because on the other side the administrative district "Woywodschaft" of Lublin and parts of the administrative district of Warsaw come under the German sphere of influence (cf. map accompanying the boundary and friendship treaties ratified today). As soon as the Government of the USSR takes special measures to safeguard its interests on Lithuanian territory, the present German/Lithuanian border will be rectified in the interests of simple and natural delimitation, so that the territory of Lithuania lying southwest of the line drawn on the accompanying map will fall to Germany.

It is further established that the economic arrangements in force at the present time between Germany and Lithuania will be in no way damaged by the aforementioned measures being taken by the Soviet Union.

Moscow, September 28, 1939.

VON RIBBENTROP,
(For the Government of the German Reich).
V. MOLOTOV,
(On the authority of the Government of the USSR).

SECRET PROTOCOL

Graf von Schulenburg, the German Ambassador, acting for the Government of the German Reich, and the Chairman of the Council of People's Commissars of the USSR, W.M. Molotov, acting for the Government of the USSR, have agreed upon the following points:

1. The Government of the German Reich renounces its claims to the portion of the territory of Lithuania mentioned in the September 28, 1939 Secret Protocol and shown on the included map.

2. The Government of the Union of Soviet Socialist Republics is prepared to compensate the Government of the German Reich for the territory mentioned in Point 1 of this protocol by payment of the sum of 7,500,000 gold dollars=31 million 500 thousand reichsmarks to Germany.

Payment of the sum of 31.5 million reichsmarks will be accomplished by the USSR in the following way: one eighth, i.e., 3,937,500 reichsmarks, in shipments of nonferrous metal within three months of ratification of this treaty, and the remaining seven eighths, 27,562,500 reichsmarks, in gold by a deduction from the German payments in gold which the German side was to bring up by February 11, 1941. On the basis of the correspondence concerning the February 11, 1940 economic agreement between the German Reich and the Union of Soviet Socialist Republics in the second section of the agreement between the Chairman of the German Economic Delegation, Herr Schnurre and the People's Commissar for USSR Foreign Trade, Herr A.I. Mikoyan.

3. This protocol has been prepared in both German and Russian (two originals) and goes into effect upon being ratified.

Moscow, January 10, 1941.

ILLEGIBLE, PRESUMABLY "VON SCHULENBURG,"
(For the Government of the German Reich).
V. MOLOTOV,
(Acting for the Government of the USSR).

Mr. Speaker, from their occupation by Soviet tanks in 1940 until the United States recognized the governments of the Baltic States in 1991, the United States never recognized Soviet de jure control over these countries and maintained diplomatic relations with the Baltic governments through their representatives in Washington.

While this may seem an obvious history lesson, it is important that the United States Government make this distinction to its Russian counterparts and that we and our European allies not allow ourselves to compromise future enlargement based on a faulty understanding of history.

It is also important to note that Russian President Boris Yeltsin himself played a pivotal and commendable role in bringing about Russian recognition of Baltic independence by annulling the consequences of the brutal 1940 occupation of Lithuania in a treaty signed between Lithuania and Russia in 1991. By annulling the annexation, Russia itself has recognized that the Baltic States were never Soviet Republics but instead Soviet-occupied republics. Mr. Speaker, I also ask unanimous consent that excerpts from this treaty be placed in the RECORD at the conclusion of my remarks.

By treating the Baltic States as former Soviet Republics while refusing to recognize the historical wrong of a 50-year occupation, the Russian Government hopes to stop NATO enlargement after the first round. They hope to secure general agreement that the former Soviet Republics are distinctly in Russia's zone of interest.

Mr. Speaker, NATO should never agree to any Russian proposals that would exclude any country from exercising its sovereign right to request NATO membership.

TREATY BETWEEN THE REPUBLIC OF LITHUANIA AND THE RUSSIAN SOVIET FEDERATED SOCIALIST REPUBLIC ON THE BASIS FOR RELATIONS BETWEEN STATES

(Excerpts)

The Republic of Lithuania and the Russian Soviet Federated Republic, hereinafter called "the High Contracting Parties,"

Assigning to the past events and actions that hindered each High Contracting Party from fully and freely realizing its state sovereignty,

Being convinced that once the Union of Soviet Socialist Republics annuls the consequences of the 1940 annexation violating Lithuania's sovereignty, created will be additional conditions for mutual trust between the High Contracting Parties and their peoples, . . .

have agreed as follows:

ARTICLE 1

The High Contracting Parties recognize each other as full-fledged subjects of international law and as sovereign states. . . .

The High Contracting Parties pledge to refrain from the use of force and the threat of the use of force in their mutual relations, to refrain from interference in internal affairs, to respect sovereignty, territorial integrity and inviolability of borders in accordance with the principles of the Conference on Security and Cooperation in Europe. . . .

ARTICLE 2

The High Contracting Parties recognize each other's right to independently realize their sovereignty in the area of defense and security in ways they find acceptable, contributing to the process of disarmament and reduction of tension in Europe, as well as through systems of collective security. . . .

TRIBUTE TO CLARENCE R. WHEELER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. BLUNT. Mr. Speaker, I rise today to pay tribute to a civic leader and respected member of the southwest Missouri business community, Clarence R. Wheeler, of Springfield, MO.

Clarence was a devoted husband to Edna and his family was his priority. His presence will be missed by family, friends, the business community, and the entire region.

Mr. Wheeler was another example that the American dream continues to live. Starting in 1948, Mr. Wheeler took a vision, molded it with endless hours of hard work, and created the region's most successful chain of 38 supermarkets. The patrons to his Consumers Markets liked his innovative and forthright style that brought them top quality products at competitive prices. He was a strong moral leader of the region and for four decades his store reflected his belief in what was good for families.

His employees knew he had an open door policy and paid a fair wage; Clarence was a man of honesty and integrity who was a good listener to employees and customers alike.

Mr. Wheeler also gave back to the community with the spirit of a giver. He was a generous giver to charities like the Kitchen, the Missouri Baptist Home, Blood Center of the Ozarks, Southwest Baptist University, and the Good Samaritan Boy's Ranch. He was active in civic clubs, the local Chamber of Commerce, and his church.

His tough but fair approach won him praise from business associates who said "he had as much concern about the employees as he did the company and the company profits. We need more businessmen like him. The world would be a better place." Clarence Wheeler's peers in the business community, others who hoped to build their small business as he did, charities in the Ozarks and around the world, his family and friends benefited from his life and example.

IN HONOR OF MR. DON ROGERS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. BERRY. Mr. Speaker, I rise today to pay personal tribute to a man who was a mentor to me in my formative years as a pharmacist and small businessman; and a true friend in the years thereafter.

Mr. Don Rogers was the owner and operator of Don's West Markham Pharmacy in Little Rock, AR, the place where I worked as a pharmacist from 1965 to 1967. Don Rogers was one of the finest businessmen that I have ever known, and I can't imagine having had a better teacher on how to do business with honor, integrity, and Christian values.

He treated his customers and employees as individuals and friends with different needs to be respected. He listened to their concerns as if their problems were the only ones in the world that mattered at that moment, and when they left his store they felt better not only due to the prescriptions that he administered with loving care, but also because of the fine treatment that they received.

I was blessed to have him as an employer and friend at that age. He taught me the value of putting the customer first; of caring about their needs before and after they came to the store; and of the caring for the health of the community before short-term profit decisions. These are lessons that all of us in public service would do well to remember as we go about our responsibilities in this hallowed chamber. Indeed, the things that he taught me have stayed with me in all the days since I had the privilege of working with him.

Don Rogers passed away January 28, 1994, but his spirit still lives on in those who knew and loved him, and in those who did business in that pharmacy in Little Rock.

THE MARCHING SEASON IN NORTHERN IRELAND

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mrs. KELLY. Mr. Speaker, I rise today to speak out against the unfairness of Britain's decision to allow the Orange Order to march through Northern Ireland's Garvaghy Road area this past weekend. Thousands of residents were barricaded in their homes by 1,500 riot police and troops, which were reinforced by more than 100 armored cars. This choice was tragic, and today's headlines bear solemn witness to this fact.

This is the third year that British authorities have allowed the Orange Order to march through this predominantly Catholic neighborhood. In justifying this fatal decision, Northern Ireland Secretary Mo Mowlam said, "Had the Orange Order not been permitted to march through the Garvaghy Road Community, the Protestants would have committed widespread mayhem." The mere fact that Secretary Mowlam, admitted that by allowing the Protestants to march through the Garvaghy Road area was her least worst option, to me is quite disturbing. In fact, her decision led to severe rioting, and has made the Irish Peace process that much more difficult to achieve. Clearly, this march should not have been allowed to take place in the first place. All marches in the future should be cancelled, until Ireland can reach a peace agreement.

I call upon the British and Irish Governments to work together, and encourage all parties to resume their efforts toward a just and lasting peace. Violence, under any circumstance, is not the answer.

TRIBUTE TO ILC DOVER FOR THEIR CONTRIBUTION TO THE PATHFINDER MISSION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. CASTLE. Mr. Speaker, I proudly rise today to call your attention to a great contribution to science, technology, and progress made by the people of ILC Dover in Dover, DE. I offer my appreciation to the hard work and dedication of this company which developed the airbag system that allowed Pathfinder to land on Mars and reduced the cost of the Mars mission.

ILC's success in aerospace technology dates back to their development of the Extra Vehicular Activity spacesuits used for space walks during the Apollo missions. ILC Dover's reputation as a cost-effective engineering firm with its core technology of developing high-tech inflatable systems, made them a logical contractor to team with NASA's Jet Propulsion Laboratory. ILC designed, tested, and produced the material development used in this highly visible project.

ILC Dover has proved themselves a leader and model in the aerospace industry by providing technology in accordance with NASA's new focus: better, faster, cheaper. I am confident that ILC Dover will continue to provide innovative and cost-effective aerospace technology necessary to continue important missions such as Pathfinder in exploring our world. I applaud the people of ILC Dover and wish them continued success in their endeavors.

THE MUNICIPAL BIOLOGICAL MONITORING USE ACT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. HEFLEY. Mr. Speaker, I am pleased to join my colleague, Mr. PASTOR, in introducing H.R. 2138, the Municipal Biological Monitoring Use Act. The purpose of this legislation is to establish for the Environmental Protection Agency new criteria for biomonitoring or whole effluent toxicity tests at local government sewage treatment plants, also known as publicly owned treatment works, or POTW's.

Similar legislation applicable to POTW's was introduced in previous Congresses. In recent months, the EPA has also sought to apply WET test limitations to municipal separate storm sewer systems, combined sewer overflows and other wet weather discharges and control facilities. Therefore, this updated version of our bill is also applicable to these storm water-related discharges owned by local governments.

Enforcement of biomonitoring test failures is a concern of POTW's nationwide and particularly in the arid West because of the unique water quality characteristics of low flow and ephemeral streams located in that region.

The bill we introduce today would retain the use of biomonitoring tests as a management or screening tool for toxicity, while shifting fine and penalty liability for test failures to liability for failure to implement permit-required procedures for identifying and reducing the source of WET when detected.

BACKGROUND

The EPA regulates wastewater discharges from POTW's through the National Pollutant Discharge Elimination System, or NPDES, permit program. NPDES permits include narrative or numeric limitations on the discharge of specifically named chemicals. Treatment facilities for these named chemicals can be designed and built in order to assure compliance with such limitations before a violation occurs. Compliance is determined by conducting specific tests for these named chemicals.

NPDES permits may also include limits on the unspecified toxicity of the entire sewage plant effluent which is known as whole effluent toxicity. Compliance with these limitations is determined by the results of biomonitoring or whole effluent toxicity, or WET tests. The authority for biomonitoring tests was added to the Clean Water Act by the 1987 amendments. Since then, EPA has issued biomonitoring test methods, permit requirements, and enforcement policies for the use of WET tests as a monitoring requirement or as a permit effluent limitation at POTW's.

Biomonitoring or WET tests are conducted on treated plant effluent in laboratories using small aquatic species similar to shrimp or minnows. The death of these species or their failure to grow as expected in the laboratory is considered by EPA to be a test failure.

Where such tests are included in permits as effluent limits, these test failures are subject to administrative and civil penalties under the Clean Water Act of up to $25,000 per day of violation. Test failures also expose local governments to enforcement by third parties under the citizen suit provision of the act.

WET test failures can also trigger toxicity identification and reduction evaluations that include additional testing, thus exposing local governments to additional penalties if these additional tests also fail.

WET TEST ACCURACY CANNOT BE DETERMINED

The EPA recognizes that the accuracy of biomonitoring tests cannot be determined. An October 16, 1995, Federal Register preamble document issued by the agency in promulgating guidelines establishing test procedures for the analysis of pollutants determined that: "Accuracy of toxicity test results cannot be ascertained, only the precision of toxicity can be estimated." (EPA, Guidelines for Establishing Test Procedures for the Analysis of Pollutants, 40 CFR part 136, 60 FR 53535, October 16, 1995.)

While the agency cannot determine the accuracy of such tests, the EPA still requires local governments to certify that WET test results are "true, accurate and complete" in discharge monitoring reports required by NPDES permits. This is a true catch-22 requirement.

Laboratory biomonitoring tests are known to be highly variable in performance and results. Aquatic species used as test controls often died during test performance. False positive tests occur frequently. Yet test failures are the basis for assessing administrative and civil penalties to enforce permit limitations for WET.

The EPA also recognized that WET is episodic and usually results from unknown sources until they are detected and located through WET tests. These unknown sources can include synergistic effects of chemicals, household products such as cleaning fluids or pesticides and illegal discharges to sewer systems. Even a well-managed municipal pretreatment program for municipal users cannot assure against WET test failures.

POTW's are designed to control specific chemical pollutants. Treatment facilities are not designed, however, to control WET before detection by biomonitoring test failures because POTW's cannot be assured of knowing the specific nature of sewage influent discharged to the treatment plant. To guarantee against these test failures before they occur, local governments would have to build sewage treatment facilities using reverse osmosis, micorfiltration, carbon filtration, ion exchange or ozone at great expense to citizen rate payers.

The Clean Water Act and EPA regulations (40 CFR 122.44(d)(1)(iv)) require that toxicity be determined based on actual stream conditions. An EPA administrative law judge decision issued in October 1996 confirmed this interpretation in ruling:

> Although some form of WET monitoring may be legally permissible, there must be a reasonable basis to believe the permittee discharge could be or become acutely toxic. In addition, the proposed tests must be reasonably related to determining whether the discharge could lead to real world toxic effects. The CWA objective to prohibit the discharge of "toxic pollutants in toxic amounts" concerns toxicity in the receiving waters of the United States, not the laboratory tanks.

IN THE MATTER OF METROPOLITAN-DADE COUNTY, MIAMI-DADE WATER AND SEWER AUTHORITY

In practice however, NPDES permits often restrict species for WET tests to a limited, nationally recognized number which may not be representative of the stream-specific conditions to which local facilities discharge. This situation can result in false test results. The failure to allow the use of indigenous test species is a particular concern to POTW's discharging to ephemeral streams located in Western States where nationally uniform species could not survive in any case.

POTW's cannot be assured of knowing what substances are discharged to their plants, as can industrial dischargers. They are community systems with thousands or even millions of connections, absolute control over which is not feasible. Requiring POTW's to know the cause of WET failures so that the appropriate controls can be installed before test failures is fundamentally unfair because the local governments owning these plants do not have notice of what they must do to conform their behavior to the requirements of law.

There is less basis for making WET test failures subject to fines and penalties for storm water-related discharges because local governments are able to exercise even less control over such systems.

The EPA may say that WET test failures often are not enforced under the agency's exercise of administrative discretion. However, the opportunity for such enforcement remains particularly where an enforcement action is based on one or more permit violations. More importantly, the credibility of any legal requirement that is not built on the principal of fair notice is damaged whether enforcement occurs once or many times. Additionally, third party suits are not subject to the exercise of EPA review and discretion.

There is less basis for making WET test failures subject to fines and penalties for storm water-related discharges because local governments are able to exercise even less control over such systems.

The EPA may say that WET test failures often are not enforced under the agency's exercise of administrative discretion. However, the opportunity for such enforcement remains, especially as more permittees are faced for the first time with enforceable WET permit limits and where an enforcement action is based on one or more alleged permit violations. More importantly, any legal requirement that is not based on fair notice lacks credibility and undermines due process principles whether enforcement occurs once or many times. Additionally, third-party suits are not subject to the exercise of EPA review and discretion.

Procedures for locating and reducing the source toxicity can require accelerated testing which would expose local governments to additional penalty liability. Thus, the agency's insistence on making WET tests subject to penalties has become counterproductive to preventing toxicity.

Nothing in the Clean Water Act requires the EPA to make WET testing an enforceable permit limitation. As originally conceived, these tests should be used as a screening or management tool for detecting WET, rather than for enforcement purposes. Since the 1987 amendments, however, the EPA has persisted in making WET test failures violations of permit limitations even though these tests are technically unsound and fundamentally unfair for enforcement purposes.

It is for these reasons a legislative solution is necessary.

ALTERNATIVE LEGISLATIVE SOLUTION NEEDED

One legislative alternative would make WET testing a monitoring only permit requirement. Another alternative would shift the enforceability of WET permit requirements from WET test failures to local government failure to implement a tiered compliance process and schedule for locating and reducing the source of toxicity.

Our bill, H.R. 2138, adopts the second alternative and retains use of WET as an enforceable part of the Clean Water Act by:

Amending sections 303 and 402 of the Clean Water Act to prohibit the finding of a violation of the act in the case of a biomonitoring or WET test conducted at publicly owned treatment works, municipal separate storm sewer systems and municipal combined sewer overflows, including control facilities, and other wet weather control facilities;

Requiring that criteria for WET must employ an aquatic species that is indigenous to the type of waters, a species that is representative of such species or such other appropriate specie as will indicate the toxicity of the effluent in the specific receiving waters. Such criteria must take into account the natural biological variability of the species and must ensure that the accompanying test method accurately represents actual instream conditions, including conditions associated with dry and wet weather;

Authorizing NPDES permit terms, conditions or limitations to include enforceable procedures requiring further analysis, toxicity identification evaluation [TIE] or toxicity reduction evaluation [TRE] for WET where an NPDES permit authority determines that the discharge from the applicable facility causes, has the reasonable potential to cause or contributes to an instream excursion above a narrative or numeric criterion for WET. The bill would also direct that the NPDES permit must allow the permittee to discontinue such procedures, subject the future reinitiation of such procedures upon a showing by the permitting authority of changed conditions, if the source of such toxicity cannot, after thorough investigation, be identified; and requiring the use of such NPDES permit terms, conditions or limitations only upon determination that such terms, conditions or limitations are technically feasible, accurately represent toxicity associated with wet weather conditions and can materially assist in an identification evaluation or reduction evaluation of such toxicity.

WET testing should be used as a management tool to locate and reduce WET. The assessment of penalties for test failures or the potential for assessment has become a recognized disincentive for the use of WET tests including accelerated testing to local and reduce toxicity.

Our bill, H.R. 2138, would assure the use of these tests as tools to prevent pollution by respecting their technical limitations, eliminating penalties for test failures, preserving the enforceability of procedures to locate and reduce whole effluent toxicity when detected and thereby eliminate the disincentive for their use.

We urge your support and cosponsorship of this legislation.

H.R. 2138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Biological Monitoring Use Act".

SEC. 2. BIOLOGICAL MONITORING AT PUBLICLY OWNED TREATMENT WORKS, MUNICIPAL SEPARATE STORM SEWER SYSTEMS, AND MUNICIPAL COMBINED SEWER OVERFLOWS, INCLUDING CONTROL FACILITIES, AND OTHER WET WEATHER CONTROL FACILITIES.

(a) Biological Monitoring Criteria.—Section 303(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking the period at the end and inserting the following: ": *Provided*, That for publicly owned treatment works, municipal separate storm sewer systems, and municipal combined sewer overflows, including control facilities, and other wet weather control facilities, nothing in this Act shall be construed to authorize the use of water quality standards or permit effluent limitations which result in the finding of a violation upon failure of whole effluent toxicity tests or biological monitoring tests."; and

(B) by inserting after the third sentence the following: "Criteria for biological monitoring or whole effluent toxicity shall employ an aquatic species that is indigenous to the type of waters, a species that is representative of such species, or such other appropriate species as will indicate the toxicity of the effluent in the specific receiving waters. Such criteria shall take into account the natural biological variability of the species, and shall ensure that the accompanying test method accurately represents actual instream conditions, including conditions associated with dry and wet weather."; and

(2) by adding at the end the following:

"(C) Where the permitting authority determines that the discharge from a publicly owned treatment works, a municipal separate storm sewer system, or municipal combined sewer overflows, including control facilities, or other wet weather control facilities causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criterion for whole effluent toxicity, the permit may contain terms, conditions, or limitations requiring further analysis, identification evaluation, or reduction evaluation of such effluent toxicity. Such terms, conditions, or limitations meeting the requirements of this section may be utilized in conjunction with a municipal separate storm sewer system, or municipal combined sewer overflows, including control facilities, or other wet weather control facilities only upon a demonstration that such terms, conditions, or limitations are technically feasible, accurately represent toxicity associated with wet weather conditions, and can materially assist in an identification evaluation or reduction evaluation of such toxicity.".

(b) Information on Water Quality Criteria.—Section 304(a)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(8)) is amended by inserting ", consistent with subparagraphs (B) and (C) of section 303(c)(2)," after "publish".

(c) Use of Biological Monitoring or Whole Effluent Toxicity Testing at Publicly Owned Treatment Works, Municipal Separate Storm Sewer Systems, or Municipal Combined Sewer Overflows, Including Control Facilities, or Other Wet Weather Control Facilities.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(q) Use of Biological Monitoring or Whole Effluent Toxicity Testing at Publicly Owned Treatment Works, Municipal Separate Storm Sewer Systems, or Municipal Combined Sewer Overflows, Including Control Facilities, or Other Wet Weather Control Facilities.—

"(1) In general.—Where the Administrator determines that it is necessary in accordance with subparagraphs (B) and (C) of section 303(c)(2) to include biological monitoring, whole effluent toxicity testing, or assessment methods as a term, condition, or limitation in a permit issued to a publicly owned treatment works, a municipal separate storm sewer system, or a municipal combined sewer overflow, including a control facility, or other wet weather control facility pursuant to this section, such permit term, condition, or limitation shall be accordance with such subparagraphs.

"(2) Responding to test failures.—If a permit issued under this section contains terms, conditions, or limitations requiring biological monitoring or whole effluent toxicity testing designed to meet criteria for biological monitoring or whole effluent toxicity, the permit may establish procedures for further analysis, identification evaluation, or reduction evaluation of such toxicity. The permit shall allow the permitee to discontinue such procedures, subject to future reinitiation of such procedures upon a showing by the permitting authority of changed conditions, if the source of such toxicity cannot, after thorough investigation, be identified.

"(3) Test failure not a violation.—The failure of a biological monitoring test or a whole effluent toxicity test at a publicly owned treatment works, a municipal separate storm sewer system, or a municipal combined sewer overflow, including a control facility, or other wet weather control facility shall not result in a finding of a violation under this Act.".

MUHAMMAD ALI—"STILL THE GREATEST"

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

Mr. STOKES. Mr. Speaker, I recently read an inspiring article which appeared in the Washington Post's national weekly edition. The article is entitled, "Still the Greatest." In the article, David Maraniss, a staff writer for the Post, reminds us of the struggle, perseverance, and success of one of the world's greatest boxers—Muhammad Ali.

Muhammad Ali, the once Olympic boxing medal winner and past world's heavyweight champion, is considered by some to be the "Greatest of All Time." But, he has always been more than just an exceptional athlete. He was, and still is an exceptional man. Muhammad Ali, as Maraniss points out, "is universally recognized as a man who stood for what he believed in and paid the price and prevailed." As champion, Ali converted to the Islamic religious belief, took a stand against the Vietnam war, and donated time and money to charitable organizations. After his boxing career ended, he continued to spread goodwill and associate himself with worthy causes.

Today, Ali maintains his commitment to the funding of research for Parkinson's disease, a disease he himself was diagnosed with in the early 1980's. He travels frequently, doing good deeds, visiting schools, and campaigning against child abuse, as well as "promoting universal understanding and tolerance."

Mr. Speaker, this article shows the strength of the human spirit when coupled with the will to survive and drive to succeed. Muhammad Ali is an inspiration to all of us, young and old, rich or poor, athlete or spectator. He not only stands for what he believes in, but he also backs it up. Whether the fight was in the ring, with American policy, or with a debilitating disease, Muhammad Ali never backed down. It pleases me that Mr. Maraniss decided to pay tribute to the "Greatest of All Time." I take pride in sharing "Still the Greatest" with my colleagues and others across the Nation.

[From the Washington Post, June 16, 1997]

Still the Greatest—Muhammad Ali's Latest Comeback Has Made Him a Beloved Figure All Over the World

(By David Maraniss)

BERRIEN SPRINGS, MICH.—No words at first. The greeting comes from his eyes, then a handshake, light as a butterfly, followed by a gesture that says, "Follow me," He has just popped out the back door of his farmhouse wearing green pants and a light brown wool pullover with sunglasses tucked coolly into the mock turtleneck collar. He is carrying an old black briefcase. His hair is longer than usual and a bit uncombed. He starts walking toward his office, a converted barn on the lower end of the circular driveway.

He moves slowly, hunching slightly forward as he goes, never a stumble but sometimes seeming on the verge of one, as though his world slopes downhill. He opens the door and stand aside, following, not leading, on the way upstairs to his second-floor office. Halfway up, it becomes clear why. He sticks out a hand and catches his visitor's foot from behind. The old trip-up-the-stairs trick. Muhammad Ali loves tricks.

At the top of the stairs is the headquarters of GOAT. Another trick. It is the playfully ironic acronym for Greatest of All Time, Incorporated. Ali wants the world to know that he is just another goat, one living thing in this vast and miraculous universe. But also the greatest there ever was. He is 55, his mouth and body slowed by Parkinson's disease, yet still arguably the best known and most beloved figure in the world. Who else? The Pope? Nelson Mandela? Michael Jordan? Ali might win in a split decision.

Even the most dramatic lives move in cycles of loss and recovery. Last summer in Atlanta, when Ali stood alone in the spotlight, the world watching, his hands trembling, and lit the Olympic flame, he began another cycle, perhaps his ultimate comeback, as emotional as any he had staged in the ring against Joe Frazier or George Foreman. For 16 years he had been retired from boxing. During that time he had gone through periods of boredom and uncertainty. Not that he was passe, but the world tends to forget its old kings when new ones come around.

He kept going as best he could, his health deteriorating, spreading goodwill with his smiling eyes, trying to keep his name alive. Then, finally, his moment arrived again, first at the Olympics, then at the Academy Awards, where he bore silent witness to "When We Were Kings," the Oscar-winning documentary about his dramatic heavyweight championship fight in October 1974 against Foreman in what was then Zaire.

The shimmering house of movie stars seemed diminished, their egos preposterous, when Ali rose and stood before them. Yet some saw in that appearance a hint of the maudlin; poor Ali, enfeebled and paunchy, dragged out as another melodramatic Hollywood gimmick. Was he real or was he memory? What was left of him if he could no longer float and sting?

Quite a bit, it turns out, no sorrow and pity from the champ. He says he cherished his performances at the Olympics and Academy Awards more than anyone could know. Publicity is his lifeblood, more important to him than any medicine he is supposed to take. "Press keeps me alive, man," he says, with an honesty that softens the edge of his ego. "Press keeps me alive. Press and TV. The Olympics. Academy Awards. 'When We Were Kings.' Keeps me alive."

When the producers sent him a videotape of "When We Were Kings," he stuck it into his VCR at home and watched it day after day. At a recent autograph extravaganza in Las Vegas, he conducted his own poll by comparing his line to those for Jim Brown, Paul Hornung, Bobby Hull and Ernie Banks. Twice as long as any of them. Staying alive. And the biggest life-saver of all: that night in Atlanta last July, 36 years after he had first danced onto the world scene as the brash young Olympic champion Cassius Marcellus Clay.

Long after the torch scene was over, Ali would not let go. He went back to his suite with his wife, Lonnie, and a few close friends. They were tired, emotionally drained from the surprise, anxiety and thrill of the occasion, but Ali would not go to sleep. He was still holding the long white and gold torch, which he had kept as a prized memento. He cradled it in his arms, turning it over and over, just looking at it, not saying much, sitting in a big chair, smiling, hour after hour.

"I think the man was just awed. Just completely awed by the whole experience," Lonnie Ali recalls. "He was so excited. It took forever for him to go to bed, he was on such a high. He found it very hard to come back down to earth. There was just such a fabulous response. No one expected that. None of us did."

By the time he and Lonnie returned to their farmhouse here in southern Michigan, the mail was already backing up, flooding in at tenfold the previous pace. Letters from everywhere. The return of a trembling Ali had unloosed powerful feelings in people. They said they cried at his beauty and perseverance. They said he reminded them of what it means to stand up for something you believe in. Disabled people. Old '60's activists. Republicans. Black. White. Christian. Jewish. Muslim. A little boy from Germany, a boxing fan from England, a radiologist from Sudan, a secretary from Saudi Arabia—the multitudes thanked him for giving them hope.

When Ali reaches his office, he takes his customary chair against the side wall. There is work to be done, the room is overcrowded with mementos to be signed for charity, and his assistant, Kim Forburger, is waiting for him with a big blue felt pen. But Ali has something else in mind right now.

"Mmmmmmm. Watch this, man," he says. His voice sounds like the soft, slurred grumble-whisper of someone trying to clear his throat on the way out of a deep sleep. Conversing with him for the first time, one unavoidably has to say, "I'm sorry, what?" now and then, or simply pretend to understand him, but soon enough one adjusts, and it becomes obvious that Parkinson's has not slowed his brain, only his motor skills.

Ali walks toward the doorway and looks back with a smile.

"Oh, have you seen Muhammad levitate yet?" Forburger asks. She suddenly becomes the female assistant in a Vegas act. With a sweep of her hand, she says, "Come over here. Stand right behind him. Now watch his feet. Watch his feet."

Ali goes still and silent, meditating. His hands stop shaking. He seems to radiate something. A mystical aura? Ever so slowly, his feet rise from the floor, one inch, three inches, six inches. His hands are not touching anything. "Ehhhh. Pretty heavy, mmmm," he says. His visitor, familiar with the lore of Ali's levitations yet easily duped, watches slack-jawed as the champ floats in the air for several seconds.

Come over here, Ali motions. To the side. "Look," he said. He is not really levitating, of course. He has managed to balance himself perfectly, Parkinson's notwithstanding, all 250 pounds of him, on the tiptoes of his right foot, creating an optical illusion from behind that both of his feet have lifted off the ground.

The tricks have only just begun. He hauls out a huge gray plastic toolbox, opens it and peers inside. His hands now move with the delicacy of a surgeon selecting the correct instrument from his bag. For the next quarter-hour, he performs the simple, delightful tricks of an apprentice magician. Balls and coins appear and disappear, ropes change lengths, sticks turn colors. "Maaann! Maaann! Heavy!" he says.

Then he turns to slapstick. Close your eyes and open your hand. The champ places something soft and fuzzy in it. "Mmmm. Okay. Open."

A fuzzy toy mouse.

Ali beams at the startled reaction.

His voice becomes louder, higher, more animated. "Ehhh." he shrieks. "Kids go 'Ahhh! Ahhh!'"

Try it again. This time it's a cockroach.

And again. This time fake dog doo.

Ali closes his gray toolbox and puts it away, satisfied.

What is going on here? In part it is just Ali amusing himself with magic tricks that he has been doing over and over for many years for anyone who comes to see him. But he is also, as always, making a more profound point. He has transferred his old boxing skills and his poetry and his homespun philosophy to another realm, from words to magic. The world sees him now, lurching a bit, slurring some, getting old, trembling, and recalls that unspeakably great and gorgeous and garrulous young man that he once was. He understands that contrast. But, he is saying, nothing is as it appears. Life is always a matter of perception and deception.

Poets and philosophers contemplate this, and boxers know it intuitively (Ali ghost boxing before the Foreman fight "Come get me, sucker. I'm dancin'! I'm dancin'! No, I'm not here, I'm there! You're out, sucker!") back when he was Cassius Clay, he pretended that he was demented before fighting Sonny Liston because he had heard that the only cons who scared big bad Sonny in prison were the madmen. By acting crazy, he not only injected a dose of fear into Liston, he took some out of himself. Life is a trick.

The Islamic religion, to which Ali has adhered for more than 30 years, disapproves of magic tricks, but he has found his way around that problem, as always.

"When I . . . do a . . . trick," he says now. He seems more easily understandable. Is he speaking more clearly or has the ear adjusted to him?

"I . . . always . . . show . . . people . . . how . . . to . . . do . . . it."

He smiles.

"Show . . . people . . . how . . . easy . . . it . . . is . . . to . . . be . . . tricked."

Perception and deception. He has returned to his chair in the office, with his black briefcase on his lap. Slowly and carefully he opens it up . . . click . . . click . . . and looks inside as though he is examining its contents for the first time.

Tucked in the upper compartment is his passport. Parkinson's has not slowed his travels. He's at home no more than 90 days a year. Washington, D.C., Los Angeles, Louisville, Las Vegas in a week, doing good deeds. he visits schools, campaigns against child abuse, for more Parkinson's funding, for peace and tolerance. Everyone want to see the champ. Germany is clamoring for him. Its national television network just ran an hour-long documentary on him.

Next to the passport is a laminated trading card. He lifts it out and studies it. There's Ali next to Sugar Ray Robinson and Joe Louis.

"Two of the greatest fighters in the world," he says. He pauses. "Mmmmm. Both dead."

Ali think a lot about death. Aging and death and life after death. His philosophy is at once selfish and selfless. Publicity keeps him alive. He wants to stay alive so that he can make people happy and do good deeds. And "good deeds are the rent we pay for our house in heaven."

He is teaching our preaching now. A new poetry, slower, no rhymes, stream of consciousness, deeper meaning.

"Twice a month they call us to sign autographs
Make two hundred thousand a day.
Signing. Hundred dollars a picture
Long lines. Bring millions of dollars.
I'm not fighting no more
I'll sign for nothin'. Give it to charity.
Get the money, give it to the homeless
Give it to soup lines
If I see someone who needs some
Here's a hundred. Here's fifty
Soup vendor. Wino. Old woman with varicose veins.
Good deeds. Judgment.
I'm well pleased with you my son. Come into heaven.
That's eternal life. Maann! Maann!
Look at all the buildings in downtown New York.
People built them. They're dead.
Buildings still standing.
You don't own nothin'. Just a trustee.
Think about it. You die.
This life's a test. A test.
Trying to pass the test. I'm tryin'.
Warm bodies. Shake hands. Gone.
All dead now. President Kennedy.
Whatever color you are
No matter how much money you have
Politics. Sports. You're gonna die.
Sleep is the brother of death."

Ali closes his eyes. He starts snoring. Reopens his eyes.

"Turn over now. It's morning."

Back to the black briefcase.

Stacked in rows along the bottom are a collection of little leather books, five of them, in red and pink and green. It turns out they are Bibles. Why he needs five in a briefcase is not clear. What he does with them is part of the mystery of Muhammad Ali.

During the past several months, he and Lonnie and Thomas Hauser, author of his authorized biography, have made appearances around the country promoting the cause of universal understanding and tolerance. Ali and Hauser, Muslim and Jew, put together a little book titled "Healing" which they distribute at every stop. It contains quotations on tolerance from Cicero, Voltaire, Thoreau and Ali. The book was inspired by Ali's habit of combing through the Koran and other books and writing down phrases that he found moving. Hauser chose the title one day when he studied a series of words and notice A-L-I in the middle of H-E-A-L-I-N-G.

This crusade seems natural for ali now. In the '60s, when he shed the name Cassius Clay, which he dismissed as his slave name, and refused to be inducted into the military to fight in Vietnam, temorarily giving up his freedom and wealth and title in the process, he stood as what Hauser called "a symbol of divided America." Now his popularity transcends politics, race, country and religion. He is universally accepted as a man who stood up for what he believed in and paid the price and prevailed. He has endured enough intolerance to give the message deeper meaning. His shining eyes are the prize of peace.

Ali takes the little leather Bibles out of his briefcase and places them on the table beside him. He peers inside again and comes out with a stack of paper. Each page has a typed message. He hands over the first page. Could these be the quotations of tolerance and understanding he writes down each day?

Read it, Ali indicates, wordlessly, nodding his head.

"If God is all perfect his revelation must be perfect and accurate. Free from contradiction. . . . Since holy scripture is from God, it should be impossible to find mistakes and conflicting verses. If it doesn't, you can't trust it 100 percent. There are many conflicting verses in the Bible."

Ali smiles, gestures to take that piece of paper back, and hands over one page after another of contradictions he has found in the Bible. Some contradictions in numbers, some about what Jesus was purported to have said. "All in the Bible," Ali says, as he finally puts the stack of paper back in his briefcase. "Heavy." He points to a filing cabinet behind the desk, which is overflowing with similar papers. It turns out that this is one of his favorite intellectual pastimes, searching his little leather Bibles for thousands of contradictions of fact or interpretation that have been cited by Islamic scholars. There seems to be no malice in his hobby, though it is hardly what one might expect from a missionary of universal healing.

What is going on here? The question is later put to Lonnie Ali. She is his fourth wife, wholly devoted to his well-being, a smart, funny and gracious woman, a graduate of Vanderbilt University, who started cooking for him when he was getting sick, married him 12 years ago, and is serving more and more as his public voice. She knows that he is not perfect, but she also appreciates his larger meaning to the world. Muhammad, she says, is greater than his individual parts. He means so many things to so many people, and she is determined to preserve that, sometimes in spite of him. She has known him since she was 6 years old and growing up in Louisville in the house across the street from his mother, Odessa Clay.

Why is Ali doing this? She shrugs at the question. That, she says, "is part of the dichotomy that is Muhammad.

"Even when Muhammad was in the Nation of Islam where they considered whites devils he was putting little white kids on his lap and kissing them and loving them. Muhammad could really care less if a person is of another religion. But Muhammad found out that there are contradictions in the Bible and he's hooked on that. If he can get you to say, 'Oh, look, I never knew that,' then it's like he has accomplished a victory. Muhammad is a warrior. And he finds these little things to battle over."

There certainly seem to be more important battles now for Muhammad Ali. Perception and deception. How sick is he?

Ali began showing signs of trouble as far back as 1980, when he lost the heavyweight title in his 60th, and next to last fight, against Larry Holmes. He visited several medical experts over the next few years and finally Parkinsonism, a syndrome related to Parkinson's disease, was diagnosed. Parkinson's is a slowly progressive disease, suffered by an estimated 1.5 million Americans, that causes cells in the middle part of the brain to degenerate, reducing the production of the chemical dopamine and leading to tremors, slowness of movement, memory loss and other neurological symptoms. Its cause is unknown.

People who suffer from Parkinsonism have many of the same symptoms but in a milder and usually undegenerative form. Until recently, most of his doctors believed Ali had the syndrome, not the disease. Over the past 18 months that diagnosis has been changing and the belief now is that he might have the disease.

Some doctors who have examined Ali remain convinced that his ailment was brought on by the pounding he took in the ring, especially the brutal fights late in his career against Frazier, Foreman and Holmes. Mahlon DeLong, his Parkinson's physician at Emory University in Atlanta, and other experts argue, however, that Ali must have had a predisposition to the disease. They note that most "punch drunk" old fighters do not show signs of Parkinson's but more often suffer from something known as Martland syndrome, with intellectual deficits that Ali does not show.

His disorder, in any case, is not as debilitating as one might suspect from catching a brief glimpse of him. He is agile enough to dress himself each morning. He knots his ties perfectly. He lifts his legs to put on his socks. Laces his shoes. Slips on his Swiss Army watch. Feeds himself. Opens doors. Performs magic tricks. Reads his Bibles and Korans. Writes legibly. Talks on the telephone. Understands everything said to him and around him. Flips the remote on his television to watch CNN and Biography and the Discovery Channel.

"He doesn't need any help from me," Lonnie Ali says, meaning in the physical sense. "The only thing I may assist Muhammad with, because he is nearsighted and doesn't wear glasses, is shaving. He misses some spots." His main problem, she says, is that he shows little interest in keeping up with medical treatments.

"I can offer him all the care in the world," she says. "His doctors can give him all the care in the world. It is up to him. Muhammad tends to ignore it."

Ali is on the move now, heading down the steps and out onto the grounds of his 88-acre farm. it is an unexpected paradise at the end of the road in the middle of Middle America, between South Bend, Ind., and Benton Harbor, Mich. Once belonged to Al Capone, a mobster's hideaway. "Found . . . machine . . . guns," Ali says.

There is a gentle pond , a gazebo where he prays to Allah, a playground for the youngest of his nine children, 6-year-old Asaad, whom he and Lonnie adopted at birth; acres of sweet-blooming perennials, woods at he edge of the field, the St. Joe River rolling by, white picket fences and white and green barns.

On his way down the looping driveway, Ali cannot resist some playful sparring. His hands stop shaking as he bobs and weaves and dances backwards. His condition seems irrelevant, or at least that is the point he wants to make. Could knock you out in 10 seconds. His middle looks soft until it is felt: like steel.

At the turn in the driveway he reaches the far garage and his beige on brown Rolls-Royce Corniche sedan. He slowly eases himself into the driver's seat, then struggles out and onto his feet again, and starts fishing in his pants for the keys. He pulls out a set, examines them, picks a key, settles back into the car, tries to insert it into the ignition. Doesn't fit. He starts over again, pulling more sets of keys out of his deep pocket. Two sets. Three sets. Four sets. Which is it? None fit.

He gets out again and walks to the rear of the car and points to the license: Virginia plates with a '93 sticker. "Haven't driven it in four years," he says. He leaves the garage and walks toward the fence, where a black Ford pickup is parked. The seat is too close to the steering wheel for him, and he has a difficult time squeezing in. It takes him a few minutes, but now he is there, behind the wheel, and he has a key that fits and the engine starts and he motions to climb in. As the truck reaches the front entrance, Ali stops, waiting for the electronic gate to open. His eyes close. He starts snoring. He can fall asleep any time of day, his doctors say, but he often only pretends to, and people around him can never be sure if he is dozing or duping.

Only a trick this time. The gate opens. The black pickup goes flying up the road, free and swaying. He always loved to speed. In the old days he might take the wheel of the press bus at training camp and scare the daylights out of the boxing scribes. He is doing it again. What is going on here? No reason to fear. Muhammad Ali is heading out to see the world. He is hungry, and he knows what he wants: some love and affirmation and a quarter-pounder with mustard and onions at the local McDonald's.

The love is there the moment he pulls in the parking lot. Everyone wants an autograph, and he joyfully obliges. They call him champ and hero and pat his back and shake his hand and kiss him and smile at him and show him pictures and stare at him. They talk about how much he means to them. They say they will miss him if he moves, as he and Lonnie plan to do before the year is out, down to Louisville, his home town, where he is setting up a Muhammad Ali center. He smiles back with his eyes.

No need to feel sorry for the champ, he wants you to know. "My life is a party," he says softly, chewing his quarter-pounder.

"Every day. Imagine. Every day. Things are quiet here. Imagine how it must be when I go to New York. Harlem. Detroit. Philly. Walk into a gym. The streets. Look at me. Imagine what it's like."

After lunch, Ali returns to the farm and resumes a tour of the grounds. He comes to a barn and slides open the door and looks inside. There, in the dim darkness, is an extraordinary thing. Look up in the rafters. Trophies lining the hayloft beam, one bigger than the next. Gathering dust. And attached to the wall: a huge black-and-white blowup of the young Ali, gloved hands aloft in triumph, after one of his title matches with Frazier. He stares at his own image, the greatest of all time.

People often wonder about the past; how beautiful it would be if they realized the present. Ali turns and steps out of the barn. He slides the wooden door to the right. Is it closed? He notices an opening on the left. He slides it to the left. Now there is an opening on the right. He decides to leave it that way, a ray of light filtering in, and walks down the path to his home.

HOUSE OF REPRESENTATIVES—*Monday, July 14, 1997*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Sarah Taylor:

O God of light, Your word, a lamp unfailing, shall pierce the darkness of our earthbound way and show grace, Your plan for us unveiling, and guide our footsteps to the perfect day.

To all the world Your summons You are sending, through all the Earth, to every land and race, that myriad tongues, in one great anthem blending, may praise and celebrate Your gift of grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana [Mr. PEASE] come forward and lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE MORAL CASE FOR TAX CUTS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGRICH. Mr. Speaker, I wanted to start by talking about the moral case for tax cuts, because I think we don't talk often enough about why tax cuts matter and why we are attempting to not just balance the budget, but to balance the budget with a smaller Government so we can reduce taxes and offer tax relief for the American people.

We start with the premise that taxes are too high, that the Tax Code is too complicated, that it takes too much of the average American's time to earn the money to pay taxes, that it takes too much of the average American's time to fill out their tax forms, to keep the tax records, possibly to pay for an accountant or a tax attorney; and that the effect of our current very complicated Tax Code is to make life harder, particularly harder for small business men and business women who are particularly hard-hit by the complexities.

My older daughter, Kathy Lubbers, runs a little company called the Carolina Coffee Co. in Greensboro, NC, and she called me recently and said that they estimate that they have to have 7 days of sales just to pay their Federal, State, and local taxes, and that does not count the cost of redtape and the cost of filling out all the forms and keeping all the records.

So if we start with the notion that we are very committed to increasing the freedom of the American people, increasing the power that the American people have by allowing them to spend more time working for themselves and their families and less time working for the Government and working to fill out complicated tax forms, I think there is a strong moral case to be made.

I want to make it at three levels: Our role as parents and as children who might have older parents, our role as citizens in our local community, and our role in the economy in helping encourage economic growth. In all three areas, I believe one can make a moral case for reducing taxes to increase the ability of citizens to do their job as parents, as citizens, and as job creators.

Let us start with the role of parents. As recently as President Harry Truman's time, in 1998 dollars, the tax deduction per child was $7,500. So if one was married with two children, one had to actually have a $30,000 income before one paid any income tax. The program was designed to strengthen families and strengthen parents by giving them the take-home pay so that they could take care of their children.

One of the reasons we feel so strongly about the $500 per child tax credit and about the educational tax breaks that will help people get more education, is that these tax credits and tax breaks put more money in the hands of parents so that they can make decisions about the lives of their children.

It is a very simple choice. We believe that parents are better as providers for their children's future than are bureaucrats, and so we believe that there should be more resources in the parents' hands after taxes, whereas some of our friends believe in higher taxes with more money going to the bureaucracy. That is a very clear-cut choice of two very real differences in approaches.

Second, we believe in an America described by de Tocqueville in "Democracy in America," an America in which voluntarism, charities, private activities, play a major role in the lives of our communities. For example, I wear two pins, a Habitat for Humanity pin and an Earning by Learning pin. Both of those are charities that are engaged in helping the poor.

Earning by Learning helps poor children learn how to read, and Habitat for Humanity is a worldwide organization in 53 countries founded in America's Georgia, committed to the idea that if we help people build a home and we help grow their family, that they will be dramatically better off and be in a better position to lead a fuller life. They have to participate also, and in the Habitat model, the person who is going to be helped has to be worthy of being helped. They have to have worked, they have to have proven that they are trying, they have to be prepared to work 100 hours on somebody else's house and 300 hours on their own house, and they have to be prepared to take a 20-hour course on how to be a homeowner, so that they have truly earned the right to move into their Habitat house, and when they move in, they pay a mortgage, it is a no-interest mortgage, but for 20 years they pay every month, just like everybody else does, so that they truly have bought and earned their house. That creates dignity, independence, self-respect, and a sense that they are participating, and it is done by a private charity, which has been a great American contribution to how people organize themselves.

Well, if one has to spend all of one's time working at a second job to pay one's taxes, or as in many families, if the second member of the family has to go to work largely to pay the taxes, then that is time one cannot spend being a volunteer, that is time one cannot spend in a local charity, that is time one cannot spend helping people locally.

So we believe that high taxes, by both taking up one's income and taking up one's time, makes it harder for one to be involved in charitable work, harder for one to be involved as a volunteer, and harder for one to be involved in one's local community.

Third, not only do we believe lower taxes can make one a better parent and lower taxes can help one be a better volunteer, we believe that lower taxes

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

increase economic growth. We think the real engine of economic growth is small business.

Small business is not helped by big government and big bureaucracy. Small business is helped when local people are able to be involved in creating jobs, in going to one's local store or one's local business, and we believe that the smaller the government, the more after-tax take-home pay one has, the greater one's chance to be involved in a small business.

We think this is particularly important to emphasize economic growth through small business at a time when we have welfare reform, because the fact is that our proposal for welfare reform, which is to move people from poverty to prosperity by moving them from welfare to work, that that proposal is very, very important, because it creates an environment in which people can improve their lives by getting off of welfare and working. It requires if one is going to move from welfare to work that one has work to move to.

The largest provider of work in America is small businesses. Small businesses hire far more people than do large businesses. So if we truly want to create a better future for America, we want to increase the number of small businesses, and that is where people get hired, that is where jobs get created. Remember that companies like Microsoft may start very small, but those baby businesses can grow very rapidly into major creators of wealth and major creators of jobs for Americans.

So we want to have tax reduction, which encourages small business and which encourages people to feel comfortable in leaving a job in a corporation or in government to go out on their own, to be an entrepreneur, to create the next generation of jobs, and the next generation of opportunity.

□ 1515

We think that is another argument for cutting taxes, and in particular we are committed to trying to triple the number of black- and Hispanic-owned small businesses, because we think nothing would do more to improve the quality of life in minority communities than to have a dramatic expansion of the number of people who are out creating jobs, earning a living, meeting the marketplace, serving the customer and, therefore, coming to understand the realities of free enterprise.

In that setting, we believe that it is very, very important that we go through with this process that we are negotiating this week of cutting taxes and that we emphasize that the tax cuts be focused on people who pay taxes.

We do not think it is appropriate to have this begin to be primarily a bill which raises welfare payments to people who are not paying taxes. I think there is a very big difference here, and I want to emphasize this, we do not think it is appropriate for a tax cut bill to be used to increase money to people who are not paying taxes. That would be a welfare bill, and we are perfectly prepared to look at a welfare bill on its own merit. But a tax cut bill should be dedicated to cutting taxes for people who pay taxes, so the tax cut bill should be aimed at the taxpayers of America.

In particular, we think that when it has been 16 years since the last time we had a tax cut, that it is particularly appropriate that we have a tax cut on behalf of the taxpayers who, after all, have seen several tax increases in the last 16 years and have not had any tax relief.

Mr. Speaker, that is why we are committed to negotiating a tax cut bill that we believe will be helpful to working Americans, with a $500 per child tax cut, and will be helpful to Americans who are going to go to college or graduate school or vocational-technical school, with tax credits and tax deductions; and helpful to family farms and small businesses by cutting the tax on estate when you die; and it will be helpful to creating jobs, to savings and investment, by cutting the tax on capital gains, so we are encouraging people to invest in creating jobs for the future.

All of those steps we think are in the right direction and all of those steps relate to cutting taxes for taxpayers. But I think that is a very, very important thing to realize.

The President for some reason has sent up a proposal which would actually give some people more money than they pay in taxes. Now that is clearly not a tax cut. That is clearly, in fact, a very different situation.

I found it fascinating that last week they had three people that were down at the White House in a press conference about the earned income credit. All three of these folks already are getting money. One was getting $1,713 from the taxpayer. Another was getting $1,291 from the taxpayer. The third was getting $871 from the taxpayer.

Now, it seemed to us in that setting that it was inappropriate to talk about somebody who is already getting, as I said a minute ago, $1,700 from the taxpayers to now give them more money in a tax cut bill, because they are not paying taxes. In fact, two of the three people, they actually are paying zero taxes at this point in a situation where we felt that it was just not correct.

Conversely, we think that people who are paying income taxes and who have been working hard paying income taxes deserve a chance to have a tax break. We are generally talking about people who are not getting any government money. So on the one hand we have folks who are already getting a thousand or more dollars in the earned income credit. On the other hand, we are talking about people who are not getting any money, but who are paying the taxes, carrying the load in the income tax, and that is why we favor focusing on cutting the income tax for people who are paying income taxes.

But let me make one other point about the earned income credit, because I think it is the largest example of fraud and error in the Federal Government; at least the largest I know of. There was a report by the Internal Revenue Service, which administers it, that the earned income credit had a 26-percent error in 1994. Think of this number. The earned income credit which is a program where if Americans are of very low income, they file a report and the Government sends them a check. So it is pure cash.

The earned income credit, according to the Internal Revenue Service which administers it, in 1994 had a 26-percent-error rate. Now, they have since had a series of reforms and they have improved the program, so today it is their estimate that they have a 21-percent-error rate. This is the reformed version, 21 percent mistakes, either fraud or just plain error. That means that every fifth dollar, $1 out of every $5 in the earned income credit program, is either fraud or error. Now, can we ask the taxpayers of America to subsidize a program which is so badly run by the government that it is 21 percent error or fraud?

Mr. Speaker, to put it differently, the current estimate is that $4 billion a year of the earned income credit program is fraud or error. That is, literally, we are throwing away $4 billion a year. That is, over a 5-year period, over $20 billion in fraud and error just in the earned income credit program.

I had hoped that the President was going to send up a reform proposal to help us get the fraud rate down to what should be the acceptable level, which is 1 or 2 percent. But to suggest that in a program where we have 21 percent fraud and error that we should actually increase the amount of extra money we are sending strikes me as just plain wrong, and it is wrong for the taxpayer.

Why should the taxpayer have to pay higher taxes just to be in a position to transfer money to people in a program where $1 out of every $5 that is transferred is going either to somebody committing fraud; that is, they are claiming they should get more money than they should get, or someone who has simply made a mistake?

We think that the earned income credit program needs to be overhauled, reformed, and improved before there is any conversation about shipping more money to people who are currently getting money under that program. But, in addition, we think it is particularly wrong in a tax cut bill to be transferring money to people who are, in effect, getting welfare, when the focus of the tax cut bill should be in cutting taxes.

Let me make one final point about this year's tax cut. There is pretty good reason to believe that because we have been very firm in our position on cutting spending, and because we have been very firm in our position on moving to a balanced budget, that we have had much lower interest rates than people expected. And, as a result, we have had more economic growth, and the result has been that we have more revenue coming into the Government. The more the economy grows, the more people go to work, the more take-home pay there is, the better off people end up being.

In that setting, I think it is very important that we look forward to next year. Not just this year's tax cut, but next year. And I simply want to propose that if the economy continues to grow, and if the Government gets more revenue than the budget agreement calls for, that the first claim on that additional revenue is to return it to the American people who earned it. That is, we should have next year, in 1998, an additional tax cut proposal to further lower taxes, to give tax relief to the American people, and to begin to simplify the Tax Code so that it is easier for small businesses and easier for individuals to fill out their tax forms with fewer regulations, less redtape, and less paperwork.

Mr. Speaker, I believe if we start down that road, that we can have a very dramatic effect and we can begin to set up a pattern where the more the economy grows, the more we lower taxes, the more free time people have at home, the more time they can spend as parents, the more time they can spend as volunteers, and the more resources they have to invest in local small businesses to create even more jobs to then continue the same cycle.

So I hope we will complete this week, maybe by Friday or Saturday, the tax cut bill, the first tax cut in 16 years. I hope we will focus that tax cut bill on cutting taxes for taxpayers, and I hope that we will then be in a position to turn and begin to prepare for another tax cut and tax simplification bill starting next year to begin a series of annual tax cuts so that as the economy grows and jobs grow and take-home pay grows and revenue grows, we are then able every year to have one more step toward tax relief and tax simplification.

Mr. Speaker, I go back to the beginning. I think there is a moral case for cutting taxes that allows people to spend more time and resources as parents. It allows people to spend more time and more resources as volunteers in local charities. It allows people to spend more time and more resources helping create new jobs and new businesses. And for those three reasons, I think controlling the spending of the Government and returning money back home in tax cuts and having tax simplification and tax relief are morally correct for the country and will make America a better and a more prosperous society.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. LINDER] at 8 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–180) on the resolution (H. Res. 184) providing for consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE OFFICE OF THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Office of the Sergeant at Arms:

OFFICE OF THE SERGEANT AT ARMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 1997.
Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,
PATRICIA A. SCHAAP.

REVISED ALLOCATION OF ADDITIONAL BUDGET AUTHORITY AND OUTLAYS FOR SECTION 8 HOUSING ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, I hereby submit for printing in the CONGRESSIONAL RECORD a revised allocation for the House Committee on Appropriations to reflect $9,200,000,000 in additional new budget authority and $3,436,000,000 in additional outlays for section 8 housing assistance.

Sec. 203 of House Concurrent Resolution 84 requires that the chairman of the Committee on the Budget make an adjustment "* * * after the reporting of an appropriation measure * * * that includes an appropriation for the renewal of expiring contracts for tenant- and project-based housing assistance under section 8 of the United States Housing Act of 1937 * * * not to exceed $9,200,000,000 in budget authority and the appropriate amount of outlays."

The House Committee on Appropriations has reported H.R. 105–2158, a bill making appropriations for the Departments of Housing and Urban Development, Veterans Affairs, and related agencies for fiscal year 1998 which includes $9,200,000,000 in budget authority for section 8 housing renewals. Outlays are being increased by $3,436,000,000.

The adjustments are as follows:

COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

Discretionary	Curent allocation		Change		Revised allocation	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
General purpose	511,457	545,940	+9,200	+3,436	520,657	549,376
Violent crime reduction trust fund	5,500	3,592	....	....	5,500	3,592
Total	516,957	549,532	+9,200	+3,436	526,157	552,968

Aggregate levels for budget authority and outlays for fiscal year 1998 remain unchanged as follows:

[In millions of dollars]

Budget authority	$1,386,875
Outlays	1,371,848

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SOLOMON) to revise and extend his remarks and include extraneous material:)

Mr. KASICH.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PEASE) and to include extraneous matter:)

Mr. GEKAS.

Mr. STOKES.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. PORTMAN.

Mr. HOYER.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 15, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4185. A letter from the Architect of the Capitol, transmitting the report of all expenditures during the period October 1, 1996 through March 31, 1997, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

4186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

4187. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake and Davis Counties Ozone Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, Approval of Related Elements, Approval of Partial NOx RACT Exemption, and Approval of Weber County I/M Program [UT15-1-6775, UT12-2-6728, UT16-1-6776; FRL-5856-8] received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4188. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "Deposition of Air Pollutants to the Great Waters"; to the Committee on Commerce.

4189. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revision to Amend Part 32, Uniform System of Accounts for Class A and Class B Telephone Companies to Raise the Expense from $500 to $750 [CC Docket No. 95-60] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4190. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 97-24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Botswana (Transmittal No. DTC-82-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-54-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-85-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Saudi Arabia (Transmittal No. DTC-62-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Canada (Transmittal No. DTC-63-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4196. A communication from the President of the United States, transmitting a letter notifying Congress that on July 10, 1997, a Joint Task Force of approximately 550 U.S. military personnel from the U.S. Pacific Command began deploying to establish an intermediate staging base at Utapao Air Base, Thailand for possible emergency noncombatant evacuation operations in Cambodia; (H. Doc. No. 105—104); to the Committee on International Relations and ordered to be printed.

4197. A letter from the Regulatory Policy Official, National Archives and Records Administration, transmitting the Administration's final rule—Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives (RIN: 3095-AA55) received June 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4198. A letter from the Assistant General Counsel, United States Information Agency, transmitting the Agency's final rule—Exchange Visitor Program [22 CFR Part 514] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4199. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-99, "Washington Convention Center Authority Collective Bargaining Amendment Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4200. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-98, "General Public Assistance Program Termination Temporary Amendment Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4201. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-95, "Ivy City Yard Fixed Right-of-Way Mass Transit System Designation Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4202. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-97, "Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4203. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-100, "Business Improvement Districts Temporary Amendment Act of 1997" received July 11, 1997, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

4204. A letter from the Acting Commissioner, Social Security Administration, transmitting the Administration's draft 1997 strategic plan as required by Public Law 103-62; to the Committee on Government Reform and Oversight.

4205. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements and Shortraker/Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 961107312-7021-02; I.D. 070397E] received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4206. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP); Recreational Measures for the 1997 Summer Flounder Fishery [Docket No. 970318057-7158-02; I.D. 022097C] (RIN: 0648-AJ42) received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4207. A letter from the Attorney-Advisor, Department of the Treasury, transmitting the Department's final rule—Collection of Past-Due Support by Administrative Offset (Financial Management Service) (RIN: 1510–AA58) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Immigrants Under the Immigration and Nationality Act; Validity of Immigrant Visas (Bureau of Consular Affairs) [22 CFR Part 42] received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4209. A letter from the Acting Commissioner of Social Security, Social Security Administration, transmitting a draft of proposed legislation to direct the Commissioner of Social Security to institute a ticket system and advocacy program designed to facilitate opportunities to work for Americans with disabilities who would otherwise remain dependent upon disability benefits payable under the Social Security or Supplemental Security Income program; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CALLAHAN: Committee on Appropriations. H.R. 2159. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–176). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1853. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act; with an amendment (Rept. 105–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN: Committee on Appropriations. H.R. 2160. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–178). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 765. A bill to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore (Rept. 105–179). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 184. Resolution providing for consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–180). Referred to the House Calendar.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

152. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 41 memorializing the U.S. Congress to amend the United States Constitution to remove Federal Judges for "dereliction of duty" as well as high crimes and misdemeanors; to the Committee on the Judiciary.

153. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 17 requesting that the President, the Congress, and the Secretary of Defense of the United States research the causes and symptoms of Gulf War Syndrome and provide adequate funding for care of veterans suffering from it; jointly to the Committees on National Security and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. DREIER.

H.R. 12: Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Ms. LOFGREN, and Mr. WAXMAN.

H.R. 23: Ms. DELAURO.

H.R. 165: Mr. DEFAZIO.

H.R. 337: Mr. NADLER and Mr. LAMPSON.

H.R. 339: Mr. BONO.

H.R. 561: Mr. PAYNE.

H.R. 612: Mr. CLYBURN and Mr. STRICKLAND.

H.R. 630: Ms. WOOLSEY.

H.R. 727: Ms. DUNN of Washington.

H.R. 1126: Mr. SAXTON.

H.R. 1175: Ms. MILLENDER-MCDONALD.

H.R. 1349: Mr. WAXMAN.

H.R. 1698: Mr. RUSH, Mr. LEWIS of Georgia, Mr. TOWNS, and Mr. FROST.

H.R. 1719: Mr. METCALF and Mr. PETERSON of Pennsylvania.

H.R. 1749: Mr. BONIOR, Mr. FOGLIETTA, and Ms. WOOLSEY.

H.R. 1770: Mr. LIPINSKI and Mrs. THURMAN.

H.R. 1782: Mr. OLVER and Mr. STARK.

H.R. 1855: Mr. YOUNG of Alaska and Mr. MARKEY.

H.R. 1970: Mr. OWENS.

H.R. 2004: Ms. DEGETTE, Mr. LIPINSKI, and Mr. FALEOMAVAEGA.

H.R. 2020: Mr. JEFFERSON and Mr. YOUNG of Alaska.

H.R. 2029: Mr. HASTINGS of Washington.

H.R. 2094: Mr. FILNER.

H.R. 2121: Mr. STARK.

H. Con. Res. 55: Ms. PELOSI, Mr. STARK, and Mrs. JOHNSON of Connecticut.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2158

OFFERED BY: MR. BARR

AMENDMENT NO. 2. In the item relating to "TITLE III—INDEPENDENT AGENCIES—ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after third dollar amount, insert the following: "(reduced by $12,000,000) (increased by $12,000,000)".

H.R. 2158

OFFERED BY: MR. BARR

AMENDMENT NO. 3: In the item relating to "TITLE III—INDEPENDENT AGENCIES—ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", strike the period at the end and insert the following:

: *Provided further*, That, of the funds made available in this paragraph, $12,000,000 shall be available for carrying out section 314 of the Federal Water Pollution Control Act (33 U.S.C. 1324) and $88,000,000 shall be available for carrying out section 319 of such Act (33 U.S.C. 1329).

H.R. 2158

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 4: Page 76, and after line 17, insert:

SEC. 422. None of the funds made available in this Act may be used to implement clauses (ii) through (v) of section 761.93(a)(1) of title 40 of the Code of Federal Regulations (relating to the import of PCB's and PCB items at concentrations of 50 ppm or greater for disposal), or to authorize any person to import into the United States (pursuant to an exemption under Section 2605(e)(3)(B) of title 15 of the United States Code or otherwise) any PCB's or PCB items at concentrations of 50 ppm or greater for purposes of disposal or treatment.

H.R. 2158

OFFERED BY: MR. WISE

AMENDMENT NO. 5:

At the end of title III, insert the following:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Chemical Safety and Hazard Investigation Board, as authorized by section 112(r)(6) of the Clean Air Act, $3,000,000, which shall remain available until September 30, 1999, and shall be derived by transfer from amounts made available in the account for "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT".

H.R. 2159

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 1: In the item relating to "TITLE III—MILITARY ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", in the first paragraph, strike the second proviso.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. None of the funds appropriated in this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

SENATE—*Monday, July 14, 1997*

The Senate met at 12 noon, and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

The PRESIDING OFFICER. The guest Chaplain, the Rev. Paul E. Lavin, pastor, St. Joseph's Catholic Church, Washington, DC, will deliver the opening prayer.

PRAYER

The guest Chaplain, the Rev. Paul E. Lavin, offered the following prayer:

Let us join with native Americans and others as they honor Blessed Kateri Tekakwitha, and let us listen to the Word of the Lord from the Book of Sirach:

To the poor man extend your hand,
that your blessing may be complete;
Be generous to all the living,
and withhold not your kindness from the dead.
Avoid not those who weep,
but mourn with those who mourn;
Neglect not to visit the sick—
for those things you will be loved.—
Sirach 7:32–35.

Let us pray.

We praise You Lord for the light of creation; we praise You for the light You give us in Your law, in the prophets, and the wisdom of the Scriptures.

Lord send Your blessing on these servants of Yours, the Senate and their staffs. Help them work together in this time of need, help them to be faithful to the light You have given them, and let them faithfully serve You in their neighbor.

Glory and praise to You forever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ROBERTS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

I thought since it is going to be 100 degrees outside today I should wear my all-cotton outfit so it would be a little bit more comfortable inside the Chamber.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will begin consideration of the DOD appropriations bill. I urge all Senators who have amendments to notify the chairman and the ranking member. They are here, and they are ready to proceed with this very important legislation. So we need to know what amendments will be offered in order to make substantial progress today.

Under the previous order, at 6 o'clock this afternoon the Senate will proceed to executive session to conduct a cloture vote on the nomination of Joel Klein to be an Assistant Attorney General at the Justice Department. In accordance with the consent agreement, if cloture is invoked, there will be an additional 3 hours for debate on the nomination before the Senate votes on the nomination of Mr. Klein. That vote may occur tomorrow; therefore, following the cloture vote at 6 p.m., the Senate will resume the Department of Defense appropriations bill.

As previously announced, it is the hope that the Senate will complete action on three or possibly four major appropriations bills this week. Therefore, late sessions can be expected and votes should be anticipated throughout each day of the Senate this week. We hope to conclude the Department of Defense appropriations bill on Tuesday. We would like to then move to the energy and water appropriations bill. I believe next we would try to go to the foreign ops appropriations bill, and then perhaps Friday we would be ready to go to legislative appropriations.

In the interim, we also have a couple of bills that we may want to call up for consideration. One of them is a wildlife refuge bill reported overwhelmingly from the House of Representatives and held at the desk; and another one is having to do with dolphin legislation which has been reported from the Commerce Committee. We may look at an opportunity to begin consideration of that legislation on Friday of this week.

I thank my colleagues for their cooperation.

I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1005, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1005) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Who seeks time?

Mr. STEVENS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Appropriations Committee staff be granted floor privileges during the consideration of this bill, S. 1005, and also for a legislative fellow on detail to our committee: Steve Cortese, Dona Pate, Jay Kimmitt, Justin Weddle, Michelle Randolph, Mazie Mattson, Mary Marshall, Gary Reese, Susan Hogan, John Young, Sid Ashworth, Kelly Hartline, Charlie Houy, Emelie East, and Mike Morris.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. It includes the request for the minority.

Mr. President, we are now considering the Defense Appropriations Act for the fiscal year 1998. This is the first of the 1998 appropriations bills that will come before the Senate. I am pleased that we can commence this year's work with the focus on national security.

To date, the Appropriations Committee has reported three bills to the Senate; defense, foreign operations, and energy and water.

Tomorrow, our committee will report three additional bills; we believe the legislative branch; Treasury, general Government; and Commerce, State, Justice.

On Thursday, the committee will report the Transportation, Agriculture, military construction, and HUD–VA and NASA bills. That is our hope.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In all, if we can do that, the committee will have reported 12 of the 13 bills prior to the August recess. The District of Columbia bill will await action by the Governmental Affairs Committee on the administration's plan to change the Federal payment program for the District of Columbia.

I state at the outset that this schedule is possible because of the bipartisan approach that Senator ROBERT BYRD and I have developed as we have worked together not only now but over the years and the cooperation between our staffs on all these bills.

I urge the Senate to maintain that bipartisan approach to this appropriations process. We have sought and the leader has pledged to assist in obtaining floor time to move these bills to conference this month.

We will not be able to meet our October 1 deadline to complete action on these spending bills unless we move them expeditiously here on the floor and get them to a conference committee prior to the time we leave in August so that all of our and the staff work related to the conferences may be completed during that period and our staffs also have time to take some needed leave then, too.

This bill was reported by the Appropriations Committee to the Senate by a unanimous vote of 28 to 0. That again reflects the bipartisan approach that my colleague and friend, Senator INOUYE of Hawaii, and I have tried to maintain with regard to this subcommittee.

This bill is within the 602(b) allocation for the Defense Subcommittee. It provides $247 billion in spending authority for 1998. That is an increase of $3.25 billion over the President's request and $3.1 billion over the 1997 appropriations, but it is consistent with the allocation under the budget agreement which was reached with the President.

The 602(b) allocation for the Defense Subcommittee is $1.1 billion below that provided to the House subcommittee. Consistent with the budget agreement, our Appropriations Committee allocated a larger share of the defense 050 function for defense nuclear energy programs. That is under the energy and water bill chaired by the Senator from New Mexico [Mr. DOMENICI]. Those items are funded in the energy and water development bill that the Senate will consider immediately after this bill.

At the request of Senator INOUYE and myself, the Subcommittee on Defense Appropriations recommended a balanced bill to the full committee, and we believe that it addresses key funding needs for personnel, readiness, and modernization at the Department of Defense.

This bill and our report have been available to all Senators since Friday morning of last week. I will not describe the bill in detail but will touch on a few of the key items.

Our bill fully funds the authorized end strength for the military personnel for 1998, including the 2.8-percent pay raise. We have added $380 million for real property maintenance, with $100 million set aside for refurbishing Army barracks.

We have increased funding for the request for environmental restoration, particularly at formerly used defense sites. And $1.9 billion is provided for overseas contingency operations in Southwest Asia and Bosnia, and $261 million is added to correct a second consecutive failure by the Department of Defense to adequately fund military health care programs. We have adequately funded it to the extent that we have money to do so.

We have added $437 million to the budget request to meet the minimum spending needs of the Army National Guard. I want to take just a moment, Mr. President, to thank all of my colleagues who joined with Senator BOND, Senator FORD, Senator INOUYE, and myself to sponsor legislation last week to elevate the rank and status of the Chief of the National Guard.

The adoption of that legislation as an amendment to S. 936, the National Defense Authorization Act for fiscal year 1998, will help ensure that the National Guard's needs will be met during the formulation of the Department's budget and not solely by the intervention of Congress.

I am going to repeat that. It has taken the intervention of Congress each year to try to get the Guard the money it needs to perform its job. I believe this amendment will go a long way toward changing that status. I ask unanimous consent that the list of cosponsors for the National Guard amendment be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS FOR THE NATIONAL GUARD LEGISLATION

Senators Stevens, Inouye, Bond, Ford, Cochran, Domenici, McConnell, Burns, Shelby, and Gregg.

Senators Bennett, Campbell, Craig, Faircloth, Hutchinson, Byrd, Hollings, Leahy, Bumpers, and Lautenberg.

Senators Mikulski, Reid, Murray, Dorgan, Boxer, Wyden, Torricelli, Smith of Oregon, Sarbanes, and Murkowski.

Senators Landrieu, Johnson, Jeffords, Feinstein, Enzi, DeWine, D'Amato, Conrad, Bryan, and Breaux.

Senators Bingaman, Akaka, Frist, Roberts, Baucus, Daschle, Sessions, Roth, and Mack.

Mr. STEVENS. Senator INOUYE and I have listened closely to the priorities identified by the service chiefs in reviewing the modernization accounts. And $3.8 billion has been provided over the budget request to address aviation, shipbuilding, munitions, and support equipment needs in the procurement accounts.

Our bill includes an additional $616 million for research and development and includes an increase of $474 million for national missile defense and $175 million for additional breast cancer research.

The bill includes nearly $700 million for counterdrug missions, and includes funds for the Gulf States initiative, and authority for the National Guard to spend an additional $50 million for counterdrug missions during fiscal year 1998.

Consistent with the President's request, the bill provides $300 million for support of the defense missions undertaken by the Coast Guard.

The bill before the Senate reflects 11 hearings undertaken by this subcommittee since February, reviewing all aspects of our defense program. Additionally, many priorities identified in this bill reflect visits by Members to defense bases here at home and abroad.

This year we have taken three committee delegations overseas to evaluate how this money should be spent. In January we visited Israel, Egypt, Jordan, the Gaza, Kuwait, Morocco, Saudi Arabia, Hungary, Italy, and Bosnia.

In March, we met with senior Russian military leaders in Khabarosvk, Sakalin, and Vladivostok and held talks with senior officials of the North Korean Government in Pyongyang. We also visited South Korea prior to that visit.

Last month, we went to Brussels and met with the Secretary-General of NATO and senior United States commanders to better understand the situation in Bosnia and the potential costs to the United States taxpayer of NATO expansion.

Through these experiences, many of us have drawn a strong impression that we are spending too much overseas, Mr. President, with too little oversight by Congress of commitments made by our regional U.S. commanders whom we call the CINC's.

Senator INOUYE and I have discussed these concerns at length with the Secretary of Defense, Bill Cohen. In response to our efforts, DOD is taking steps to reduce forces in Southwest Asia and in the vicinity of Bosnia. Secretary Cohen informed us just prior to the markup of this bill in the full committee that the Department will reduce overseas Joint Chiefs of Staff exercises in 1998 and will reduce the size of joint and unified headquarters overseas.

As a result of these consultations, the committee adopted modest reductions to the budget for programs in these areas. We are indebted to Secretary Cohen for his cooperation with us. I will say I think this bill reflects the relationship he has developed not only with Senator INOUYE and myself but with all members of the Defense Subcommittee.

Beyond these operations, the committee has also pressed for greater financial oversight of the regional CINC operation. The Vice Chairman of the Joint Chiefs, Gen. Joe Ralston, has led this effort to increase financial limits and visibility on the deployment decisions that are made by the CINC's.

Mr. President, it is my judgment that no military officer has the unilateral right to commit U.S. forces and taxpayer dollars overseas without the approval of the Secretary of Defense, the President of the United States, and the concurrence of Congress, and, specifically, to spend money, it is required there be express appropriations of funds for that purpose. I am talking about increasing deployment overseas of U.S. forces and increasing and expending from taxpayer dollars by CINC operations.

This committee will not hesitate to reduce the funding available to the Department and severely limit the Department's spending and flexibility unless further progress is made in this area. I want to make certain we have no desire to interfere with the President's role as Commander in Chief, nor do we have difficulty with the role played by the Joint Chiefs of Staff.

But military officers in command in the field cannot obligate our Nation to long-term overseas expenditures or deployments—they have been doing so, Mr. President, and that must come to an end. That is what is increasing the defense budget. Decisions made in the field without proper knowledge being transmitted to Congress on the commitments that are being made abroad, long-term commitments—in one instance, we were told it was a 20- to 50-year deployment that construction was being planned on, and not one word had been said to Congress about a deployment of that length.

Mr. President, there are many other issues in the bill that I could speak about at this time. It is time for me to yield to my distinguished comanager of this bill, my good friend, the senior Senator from Hawaii, Senator INOUYE.

Mr. INOUYE. Mr. President, may I first thank my distinguished friend from Alaska for his very generous remarks.

Mr. President, I rise this day to offer my complete support for the fiscal year 1998 DOD appropriations bill. As noted by the chairman of this committee, this bill is well within the budget agreement. It is about $1.2 billion below the amount authorized last week by the Senate for these programs. I should point out to all of my colleagues that the chairman and I are hopeful we will not have to reconsider items that were debated and voted upon last week.

Let me assure my colleagues that we intend to modify this bill to conform to many of the changes that were approved by the Senate last week. We look forward to working with Members and their staffs over the next 24 hours to ensure that their views are heard.

Mr. President, I am pleased to report to my colleagues that this is a good bill. It is a product of a truly bipartisan process. As the chairman pointed out, this bill received unanimous support from members of the Appropriations Committee. For those of us who have had the privilege and great honor of serving in this body for many years, you will know that it is almost impossible to get unanimous support from the members of the Appropriations Committee.

Therefore, I wish to commend Chairman STEVENS and his capable staff in putting this bill together. It is a tough bill, but, Mr. President, it is a fair bill. It protects both the interests of the Nation and those of the individual Members of this body.

It is very clear that the top priority of this bill is supporting our troops, the men and women who are willing to stand in harm's way to safeguard the Nation. Our chairman, Chairman STEVENS, has pointed out in great detail the items that are found in this measure, and included in these items we find the procurement of many necessary weapons systems. Each of these recommendations, I believe, will help improve the capability of the Defense Department to protect and defend our Nation, and, most importantly, it will help to deter aggression against the United States and its interests.

Many of my colleagues have commented, why are we spending all this money? Mr. President, one may think that we are in the business of making war. But essentially and fundamentally, we are in the business of preventing war, and we have learned from experience, bloody experience, that the most effective way to prevent war is to be prepared for war, and to be prepared for war, we taxpayers will be called upon to spend some money. If given a choice of our citizens dying on the field or spending more money so that this can be prevented, I am certain all of us would go for the latter.

This bill also provides for programs which may not be directly defense in nature, but I think it somehow gives a fuller picture of the Congress of the United States. We have in this measure $175 million for breast cancer. I am certain most people realize that the women in the military, like women outside the service, may have to face this tragedy with breast cancer.

Though we are not directly responsible for the Coast Guard, as the chairman pointed out, we have $300 million included in this measure to support the Coast Guard. Mr. President, the Coast Guard is one of the great institutions and services that we do not hear enough about. They are out there 24 hours a day, saving lives. They are out there monitoring the seas in our behalf. But importantly, in times of war and peace, they carry out military missions. They carried out great missions in the gulf war, though you very seldom hear about them. We also have, Mr. President, in this measure, a sum of $48 million to maintain a program that our National Guard has been carrying on for troubled young people. It has been one of the most successful programs we have had in dealing with troubled teenagers.

We also have added nearly $40 million above the budget request for drug interdiction. We are in the business of using DOD assets for fighting drugs. We have $1.3 billion to restore the environment. The Department of Defense is a responsible citizen, a responsible neighbor. Let it not be forgotten, they, like all of us, are concerned about the environment.

So, Mr. President, may I once again advise my colleagues that this is a good bill. It is a tough bill, but it is a fair bill. The Defense Appropriations Subcommittee faced several challenges in fashioning this bill, including reducing funding by $1.2 billion below the amounts authorized. We wanted to spend the whole amount authorized, but the committee felt at this time in our history that expenditure was not necessary, and other defense-related needs were a higher priority. As a result, this is a tight bill. However, it satisfies the highest priority needs of the Defense Department while living within the constraints of the subcommittee's present allocation.

So, Mr. President, I urge all the Members of this Senate to support this measure. Once again, I thank my chairman, the great Senator from Alaska, for his generous words.

AMENDMENT NO. 837

(Purpose: To provide an additional $60 million for “Former Soviet Threat Reduction” activities for fiscal year 1998)

Mr. STEVENS. Mr. President, I have an amendment that I send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 837.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 5, strike the number “$2,431,741,000” and insert in lieu thereof “$2,411,741,000”;

On page 28, line number 9, strike the number “$2,865,800,000” and insert in lieu thereof “$2,832,800,000”;

On page 20, line number 12, strike the number “$322,200,000” and insert in lieu thereof “$382,200,000”.

Mr. STEVENS. Mr. President, this will restore $60 million to the Former Soviet Union Threat Reduction Program. We call it the Nunn-Lugar Program. It will fully fund the program. We had reduced $60 million in accordance with the Senate Armed Services

Committee's original reduction. During debate on the floor last week of the Armed Services bill, this item was increased. Since it is the only one that was really a substantial increase, we seek to have this adopted.

We have no jurisdiction over Department of Energy funds, and we have used different offsets to restore this $60 million, but we seek to have this amendment adopted because it is a major difference between the Armed Services bill and this bill represented by our committee.

Mr. INOUYE. Mr. President, I am pleased to say this matter has the concurrence on the minority.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 837) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I want to state to the Senate that while we have been told there are some possible amendments, I have not been informed of any Senator's intent, for sure, to offer an amendment. I do want to tell the Senate I intend to move to go to third reading if there are not amendments brought to us and offered for debate.

We have a very long program for appropriations this week and we hope to finish three, maybe four, maybe even five of the bills this week. If this bill is not going to be the subject of amendments today, we should know that soon. We are obligated to go to debate on the cloture motion at 6 o'clock, but we could, if the Senators would bring their amendments over here prior to that time, finish the debate on significant amendments and vote on them after the consideration of the cloture motion or as soon as the vote on cloture is over, and enable us to move to another appropriation tomorrow.

It is our hope that Senators will present their amendments now. It is hard to get people to listen, but I hope they will listen because I am going to move to go to third reading if we do not have substantive amendments presented here before that time comes.

Mr. INOUYE. If I may, Mr. President, I wish to most vigorously associate myself with the remarks of my chairman. He means what he says. If my colleagues do not have amendments ready, we are ready to go to third reading. This is an important measure and therefore it should not be held up. I hope our colleagues will respond to our chairman's request that amendments be brought up.

Mr. STEVENS. Mr. President, the two of us wish to emphasize to the Senate that this bill came out of our committee by unanimous vote. It has been a long time since that happened. But we have personally reviewed the requests from every Member of the Senate presented to our committee and we have done our best to allocate the moneys that were available. Not all of those requests were satisfied, I am sad to state. But under the circumstances, I do not expect substantial disagreement with this bill. But if there is any disagreement, we would like to know it now because we do intend to move forward to other bills, if we can. The energy and water bill is ready to come before the Senate as soon as this one is over.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. STEVENS. Madam President, I understand the distinguished Senator from West Virginia will have a statement to make. Following that statement I ask unanimous consent that the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The Senator from West Virginia is recognized.

JOE CAMEL'S DEMISE

Mr. BYRD. Madam President, on Friday, July 11, I read of the retirement of the giant advertising mogul, the macho, motorcycle-riding, man-beast, popularly known as Joe Camel.

Apparently old Joe is throwing in the towel and forever taking off his black, wrap-around shades to pack his hump and slip quietly off to the anthropomorphic rest home for flashy marketing tools. It is rumored that his bunk mates will be that patch-wearing, black-and-white spotted seller of Budweiser, Spuds McKenzie and Alex, the Golden Retriever who finally wore himself out retrieving bottles of Strohs beer from the refrigerator for his ever-demanding master.

I, for one, will not lament Joe's departure from the American advertising scene. Maybe R.J. Reynolds' decision to retire him from the murky business of luring impressionable young people to "light up" will influence other corporate giants like Budweiser to "kick the habit" and ask their famous monosyllable frogs to croak their last croak. Budweiser might even finally be moved to blow the whistle on the "Bud Bowl."

Our kids are faced with enough temptations through peer pressure, and because of the influence of a fast-paced, morally anemic society without the influence of cute and clever cartoon seducers such as Joe the Camel; the Budweiser frogs; football-helmeted, dancing beer bottles; or pomp and circumstance parading dogs, holding bourbon bottles instead of diplomas in their mouths.

All of these Madison Avenue devices, designed to project harmless or hip images to young impressionable minds, only serve to reenforce the lure of a sterile, pleasure-seeking existence which suggests no goals, but a good time on Saturday night.

I, for one, am delighted with the news of Joe Camel's departure and heartened by the fact that at least some in our attention-fractured, apathetic society have been outraged by the not-so-subliminal attempts to use children to fill up corporate coffers. There is a lesson here for those whose allegiance to profits outweighs any sense of moral obligation. It is, to paraphrase a famous quote, that those who ride the back of the tiger, or the camel for that matter, might just end up inside.

Madam President, I yield the floor.

RECESS

Mr. INOUYE. Madam President, I ask that the Senate stand in recess until 2 o'clock.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m. today.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, again, I will state to the Senate we are awaiting any amendments that may be offered to this bill, the Defense appropriations bill for 1998. And if we do not soon have one, we will take that as an indication that there are no amendments and move to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that further call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, what is the pending order of business?

The PRESIDING OFFICER. The pending order is S. 1005, the armed services appropriations bill.

AMENDMENT NO. 839

(Purpose: To correct the source of the funding provided in the bill for procurement of digital terrain systems for F-16 aircraft)

Mr. INOUYE. Madam President, I send an amendment to the desk in behalf of Senator MIKULSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Ms. MIKULSKI, proposes an amendment numbered 839.

Mr. INOUYE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 15, strike out "$6,375,847,000" and insert in lieu thereof "$6,390,847,000".

On page 33, line 16, strike out "$14,142,873,000" and insert in lieu thereof "$14,127,873,000".

Mr. INOUYE. Madam President, this amendment was considered by the Senate in the authorizing session. It was cleared by the Senate and I ask the Appropriations Committee to incorporate that in the bill. It has been cleared by both sides.

Mr. STEVENS. Madam President, this corrects the account in which this money was supposed to appear. There is no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 839) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 840

(Purpose: To provide $4,500,000 for an authorized joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions)

Mr. INOUYE. Madam President, I send an amendment to the desk on behalf of Mr. DODD of Connecticut and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. DODD, proposes an amendment numbered 840.

Mr. INOUYE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 25, after "1999" insert the following: ": *Provided*, That, of the amount appropriated under this heading, $4,500,000 is available for a joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions".

Mr. INOUYE. Madam President, this amendment was considered during the debate of the authorization bill and it provides $4.5 million for Persian Gulf illness treatment. It has been cleared by both sides, Madam President.

Mr. STEVENS. There is no objection to this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 840) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 841

(Purpose: To earmark $5.0 million from the funds appropriated for Research, Development, Test and Evaluation, Defense-Wide for a facial recognition technology program)

Mr. INOUYE. Madam President, I send an amendment to the desk for Mr. KENNEDY of Massachusetts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. KENNEDY, proposes an amendment numbered 841.

The amendment is as follows:

On page 34, before the period on line 3, add the following: ": *Provided*, That of the funds appropriated under this heading, $5,000,000 shall be available for a facial recognition techology program".

Mr. INOUYE. This amendment has been cleared by the authorizing committee. It has been cleared by both managers.

Mr. STEVENS. There is no objection to the Kennedy amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 841) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 842

(Purpose: To increase by $2,000,000 the amount appropriated for research, development, test, and evaluation, Defense, in order to provide for a joint service core research program to develop a prototype hybrid integrated sensor array for chemical and biological point detection)

Mr. STEVENS. Madam President, I send an amendment to the desk in behalf of Ms. SNOWE and Ms. COLLINS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Ms. SNOWE, for herself and Ms. COLLINS, proposes an amendment numbered 842.

The amendment is as follows:

On page 34, line 3 at the appropriate place insert the following: ": *Provided*, That, $2,000,000 shall be made available only for a joint service core research project to develop a prototype hybrid integrated sensor array for chemical and biological point detection."

Mr. STEVENS. Madam President, this amendment earmarks $2 million for a project that was inserted into the Defense authorization bill by amendment in this last week's consideration. We ask for its consideration.

Mr. INOUYE. No objection.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 842) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Mr. President, I want to thank the chairman of the Defense Appropriations Subcommittee, Senator STEVENS, and the ranking minority members, Senator INOUYE, for accepting this very crucial amendment which I have proudly cosponsored with Senator SNOWE.

With the recent proliferation of chemical weapons and the increasing uncertainty of rogue nations' ability to wage chemical and biological war, I strongly believe that this additional $2 million in funding is essential to properly address this very serious threat.

A joint service core research program will make possible the development of a prototype hybrid integrated sensor array for chemical and biological point detection for personnel use on the battlefield. While it is my hope that some day sensors of this type are not necessary, until such time, I will continue to ensure that our service men and women are not left unaware or unprotected.

Again, I extend my sincere thanks to Senator STEVENS and Senator INOUYE for supporting this critical amendment and I thank my fellow Maine colleague, Senator SNOWE, for her leadership on this matter as well.

AMENDMENT NO. 843

(Purpose: To earmark $6.0 million of the funds appropriated in Research, Development, Test and Evaluation, Defense-Wide for a conventional munitions demilitarization program)

Mr. STEVENS. Madam President, I send an amendment to the desk on behalf of Senator SESSIONS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SESSIONS, proposes an amendment numbered 843:

On page 34, before the period on line 3, add the following: ": *Provided*, That of the funds appropriated under this heading, $6,000,000 shall be available for a conventional munitions demilitarization demonstration program".

Mr. SESSIONS. Madam President, this amendment would appropriate an increase of $6 million to the budget request for the Explosive Demilitarization Technology Program [PE 63104D] to conduct a demonstration program at Anniston Army Depot. This is a much-needed demonstration of current commercial off-the-shelf blast chamber technology as an acceptable alternative to open burning/open pit detonation [OB/OD] by reducing significantly emissions and noise caused by OB/OD. The demonstration has nationwide application if successful and is in keeping with the military's program of continuing technology evaluation of demilitarization methods for existing conventional ammunition as described in the Joint Demilitarization Study, September 1995, page II-4-14, a study prepared for the Director, Environmental and Life Sciences, Defense Research and Engineering, Office of the Secretary of Defense.

Annually we spend millions of dollars on the production of new munitions of all types. At the other end of the pipeline however is the vexing problem of disposing of outdated munitions of all types. The enormity of the problem for this Nation is this: The stocks managed by the Army, DOD's Manager for Conventional Ammunition [MCA], currently stored in 26 States totals approximately 449,308 tons of material and costs over $12 million annually to store according to a DOD 1995 Joint Demilitarization Study. More serious however is the fact that the study predicts an additional 730,420 tons will be generated into that stockpile by the end of fiscal year 2001.

Let me state again the magnitude of the problem for the Nation: through the end of fiscal year 2001, over 1.2 million tons of material will pass through or reside in the military conventional ammunition account. This is enough ammunition to exceed 2,800 earth-covered magazines and will cost over $1.2 billion to destroy if we assume that it costs approximately $120 million to destroy 107,000 tons of material using fiscal year 1995 projections. The technology in the COTS blast chamber has the potential of mitigating local environmental concerns; the potential of increasing destruction throughput; and is capable of destroying in a safe and environmentally sound manner greater than 98 percent of the explosives the DOD stores utilizing particulate bag house technology at locations in America, Europe, and the Pacific.

Alabama stores in excess of 22,437 tons of material ranking us fifth in size of stockpile. Environmental considerations are of paramount importance to me and to a balanced national level demilitarized program. I think DOD, the Army, and the Joint Ordnance Commanders Group, Demilitarization and Disposal Subgroup, are playing a major role in ensuring that our various storage sites, to include Anniston Army Depot, are in compliance with Federal, State, and local regulations. Likewise, I think the DOD is also quite sensitive to public opinion. While better cost-efficient ways must be found to destroy this seemingly unlimited amount of material, we must take advantage now of new technologies in the R&D stage to compliment the current OM/OD method of destruction, with the view that not in the too distant future those technologies will not only replace aging organic demilitarization facilities, but close the chapter on the risky OB/OD method before the environmental challenges close the book for us.

The JOCG cited three environmental challenges in a study to be considered in life cycle management of the demilitarization program. They are: permitting facilities, disposal of residuals, and cleanup. With new technologies the effects of each can be mitigated and give local communities new hope that their environment will no longer be fouled by OB/OD.

On June 19 Anniston Army Depot received permission from the State of Alabama to proceed with the construction of its chemical weapons disposal facility. This is an emotionally charged issue, but one that will be managed every step of the way with safety of the operation and concern for the community as its highest priorities. Previous plants in our country are proving that this can be done. However, conventional ammunition destruction lags behind, in my opinion, on both counts. For this reason I strongly believe that a demonstration program at Anniston involving COTS blast chamber technology begins the long awaited opportunity to rid north Alabama of another type of munition material, that only grows more unstable with time and will furnish the data upon which the JOCG can make full-scale development decisions for other locations in the country.

Today, TOW missile rounds, currently in storage, are experiencing storage problems and must be dealt with as a higher destruction priority over older missiles. Storage quantities for TOW missiles reaches nearly 400,000 rounds. I cannot conceive that OB/O, in Alabama or anywhere else in the Nation, is the most efficient and most responsible method of destruction for these missiles. Other methodologies must be utilized and they must be demonstrated now.

The COTS blast chamber I am recommending for this demonstration program is totally enclosed, constructed of steel and consists of a hydraulic chamber door, exhaust fan and overpressure controls. The chamber is large enough to accommodate the TOW missiles I described above and allows the military additional flexibility in destroying some of those munitions even as the demonstration matures. Noise measurement of 0.5 percent of what is allowable by the Occupational Safety and Health Administration are cited by the manufacturer. Emission controls for exhaust rates and temperatures are also controlled. The chamber will work with Anniston's current Subpart X permits, and according to the manufacturer the blast chamber is 80 percent cleaner than OB/OD. These are pluses for any community in our country.

In sum, the people of this Nation should not have to wait for the perfect system to evolve when a very good system is currently on hand and available to demonstrate that it can do the job for which it was designed more efficiently. Our environment will not wait; the munitions will not wait, and the people should not have to wait for the slow wheels of government to find the perfect solution. Let us begin moving now, by bringing this demonstration program on line in fiscal year 1998 and see if we as a country cannot benefit from a simple technology that can get the job done.

Madam President, I would like to personally thank Senator STEVENS for his support and for including this important DOD appropriations bill.

Mr. STEVENS. Madam President, this amendment shifts $6 million to cover a demonstration project that was authorized by the Defense authorization bill pursuant to an amendment offered by Senator SESSIONS.

Mr. INOUYE. This has been cleared on the Democratic side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 843) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 844

(Purpose: To reduce to $1,000,000 the threshold amount for the applicability of the requirement for advance matching of Department of Defense disbursements to particular obligations)

Mr. STEVENS. Madam President, I send an amendment to the desk on behalf of Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRASSLEY, proposes an amendment numbered 844.

Mr. STEVENS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of title VIII, add the following:
>
> SEC. . Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended by striking out "$3,000,000" and inserting in lieu thereof "$1,000,000".

Mr. GRASSLEY. Madam President, I understand the committee is prepared to accept my amendment on Department of Defense [DOD] disbursements.

My amendment is simple and straightforward.

It says that each disbursement made by the DOD over $1 million must be matched with the correct obligation before payment is made.

It also says that this threshold must be met by June 30, 1998.

This is the next, logical step in a process that began with section 8137 of the fiscal year 1995 DOD Appropriations Act.

My amendment is fully consistent with the policy first adopted in 1994.

This policy has been developed under the leadership of my friend from Alaska, Senator STEVENS, and my friend from Hawaii, Senator INOUYE.

This policy has been incorporated in the last three appropriations bills—fiscal years 1995, 1996, and 1997.

The policy is embodied in section 8106 of the current law.

The current law says that all disbursements over $3 million must be prematched. That's down from $5 million the previous year.

What we are trying to do is gradually ratchet down the dollar thresholds. I think there is a general consensus for cranking down the thresholds. The DOD inspector general [IG], Ms. Eleanor Hill, has said we need to do it.

This is what she said in a letter to the committee Chairman:

> We agree with the plan to continue lowering the dollar threshold for prevalidation of all contract payments made by DOD.

Mr. Richard Keevey, Director of the Defense Finance and Accounting Service [DFAS] has said exactly the same thing but in stronger terms.

This is what Mr. Keevey said in testimony before the Governmental Affairs Committee on May 1:

> To prevent future problem disbursements, the department will require that every disbursement be prevalidated, that is, matched to an obligation before payment is made. . . . Our ultimate goal is to validate all disbursements to zero.

DOD has a plan for meeting the dollar thresholds set in law.

There is one small problem, however. The problem is at DOD's major contract payment center at Columbus, OH. DOD says the Columbus center cannot meet the $1 million threshold until June 1999. When we launched this policy back in 1994, DOD claimed it would be years before it could make the required matches.

Well, despite all the bureaucratic roadblocks, DOD found a way to get the job done. DOD is making the matches today.

Second, meeting the $1 million threshold should be no big deal.

With all of DOD's cutting edge technology, it should be a piece of cake. DFAS Columbus processes no more than 11,000 payments annually that exceed the $1 million threshold.

That's chicken feed, Madam President.

Banks, for example, routinely handle 500,000 account matching operations in a single day. So why can't DOD do it? DOD seems to be working hard to meet the dollar thresholds mandated by Congress. I feel like the momentum is in the right direction.

But recent GAO and IG audits clearly indicate we still have a long way to go. There's still much more work to be done.

My amendment will help to keep the pressure on. It will help the Department reach the ultimate goal: to validate every disbursement prior to payment.

Until we reach that goal, DOD's financial accounts will remain vulnerable to theft and abuse.

Madam President, I thank the chairman and ranking minority member for their leadership and support on this issue.

Mr. STEVENS. Madam President, Senator GRASSLEY and the Defense Comptroller, Mr. Hamre, have been negotiating concerning this subject. It will reduce the deviation ceiling and billing for the Department of Defense on June 30, 1998, to $1 million. It is being offered by me on behalf of Senator GRASSLEY with the understanding that the Department of Defense does concur in this amendment.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 844) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, that was the work product of our hotline so far. We are trying to work out amendments as they are received. Again, we urge that Members bring their amendments to the floor and notify us of their intention to do so. At this time, we only know of one amendment that is to be forthcoming. My understanding is that that Senator will present it soon. Meanwhile, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

RECESS

Mr. STEVENS. Mr. President, we are still awaiting the arrival of Senators who have indicated they may have amendments to offer.

I ask that the Senate stand in recess until 4 p.m.

There being no objection, the Senate, at 3:23 p.m., recessed until 4:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, I will shortly offer an amendment to this bill. It is an amendment that many of us are working on. We worked on it last week for the Defense authorization bill. It deals with Bosnia and exactly what our mission is in Bosnia, and the possibility that we are looking at a change to that mission without congressional consultation.

I want to step back and talk about U.S. foreign policy in general over the last 4 years since I have been a Member of the U.S. Senate.

What concerns me is the lack of focus and the lack of stability in our foreign policy that, unfortunately, creates a vacuum that can be filled by either our allies or our adversaries. Since the last 4 years have seen many missions with U.S. troops both under the U.N. umbrella and the NATO umbrella, I think it is important for us to take a step back and look at what happens when there is a vacuum.

As I have observed since President Clinton has been in office, it seems that someone is always wanting the United States to do more. Sometimes it is our allies asking us to send more aid, put more troops on the ground, go into police missions—missions to capture; not kill. If you look at the use of our troops over the last 4 years, we have, in fact, been drawn into conflicts sometimes not really even knowing why we were involved.

Starting with Somalia. Somalia was a U.N. mission. Our mission was to feed starving people and starving children in Somalia because we heard the reports coming back and saw the pictures of starving people. No one in the world could look at those pictures and not say we have to do something. So under the U.N. auspices, we did go to feed the starving people.

But then there was a mission creep—from feeding starving people to capturing a warlord, Aideed. Because we had a mission creep that Congress was not prepared for, we lost 18 Army Rangers without even realizing that the U.S. mission had changed. What was the result? The result is that Aideed outlasted the United States. There was not much of a change in Somalia. Yet, we lost 18 Army Rangers.

Then consider Haiti. Under the guise of installing a democratically elected President, United States forces in a U.N. mission invaded the island of Haiti. We spent $1 billion, American Defense dollars, dollars that we took from other Defense priorities, whether it was training or technology or new equipment.

Today we are seeing the unraveling of the democratically elected President and that regime in Haiti—$1 billion later.

Then we move to Bosnia. It seems that, since the day I walked onto the Senate floor in 1993, we have been trying to deal with the unrest, the war, and the atrocities in the former Yugoslavia. We started by trying to lift the arms embargo on one part of the population in the former Yugoslavia, because other elements of that population had arms. Some had gotten their arms even though there was an arms embargo. But the Muslim population received very few arms. Many of us in the Senate felt that if we could lift that arms embargo and let the Muslims have a fair fight, perhaps that war would have ended a lot sooner. But the President refused—refused—to provide the U.S. leadership needed to lift the U.N. arms embargo.

Then we saw in 1995 a massacre of Muslim men and boys. We think as many as 10,000 died in Srebrenica and other places. It was clear that the U.N. mission could not do what it was supposed to do, which was to keep some sort of peace in Bosnia. We reached the Dayton peace accords and NATO entered Bosnia. The United States was pushed into putting U.S. troops on the ground. I believe they were pushed to do it because there was a vacuum of leadership and our allies said the only way that we could show our interest and support of Bosnia and peace is to have troops on the ground. Many of us felt that there were other things that we could do besides putting our troops on the ground that would have been helpful to peace in Bosnia—including putting our money into helping the Bosnian people build an infrastructure and economic base that would have led, I think, to a better peace settlement than we are seeing right now. We are seeing a bubbling up of the hostilities in Bosnia despite the fact that our troops are there. We are seeing the bubbling up of hostilities because there is still no economic base. It is that economic base, I think, that would provide hope for the future.

But, instead, the President said we would put troops on the ground to keep the warring parties apart for 1 year—for 1 year. At the end of 1995, the President said we would be there for 1 year—until the end of 1996. As the end of that year approached, the President said we need to stay there—doing the same thing, not seeing much progress. He said it would be June 30, 1998 before we could withdraw. The Secretary of Defense, Bill Cohen, reiterated when he came into office in his Senate hearing that it would in fact be June 1998.

Just last week in the Senate took up a resolution to confirm that June 30, 1998 will be the end. We did so so all participants can count on it and they can start making plans for it, so that there won't be a vacuum that anyone else could fill with mandates for the United States. But the President has now said that he thinks it would be wrong for the Senate to confirm June 30, 1998 as the withdrawal date.

(Ms. COLLINS assumed the chair.)

Madam President, I think this is the beginning of another muddled message. The President says we are going to be out June 30, 1998. His Secretary of Defense-designate this year said we are going to be out June 30, 1998. Congress proposed for us to start planning for that eventuality by saying we are going to set that limit, it will be in the law, the funding will be cut off. And the President says, no, don't do that. So he must be leaving himself an option, which is a message to both our allies and any adversaries. That leaves room once again for someone else to come in and establish American policy for us.

Now, on top of all of this, we are hearing about a different mission in Bosnia. We hear our Secretary of State talking about capturing the war criminals, seeking the war criminals out.

Once again, I think we need to go back and look at the parameters of the mission very clearly. We must learn from what happened in Somalia. When there is mission creep that Congress does not approve, it is in effect putting our troops into a combat role that Congress has not sanctioned. That is what we are beginning to see in Bosnia. It was clearly stated in the Dayton accords that we hoped that the war criminals, the indicted war criminals, would be apprehended and that it would be done by the three parties to the agreement: the Bosnian Serbs, the Bosnian Muslims, and the Croats.

I want to read a series of statements that confirm what our mission is and what our mission isn't.

On July 3 of this year, State Department spokesman Nicholas Burns stated that a Bosnia Serb television report that NATO peacekeepers had been ordered to arrest Radovan Karadzic and Ratko Mladic on site was "absolutely and unequivocally false." In support of that position, the Supreme Allied Commander in Europe, Gen. George Joulwan, reaffirmed on Monday, July 7, last week, that the principal responsibility for apprehending war criminals lies with the parties themselves, meaning the Bosnian parties—in accordance with the Dayton accords.

On March 18 of this year, General Joulwan testified before the Senate Armed Services Committee that the military are not policemen.

"I think"—again quoting General Joulwan—"the proper responsibility rests on the parties, the Bosnian parties. That is what Dayton says. * * * If we are not careful, we will go down this slippery slope where the military will be put into hunting down war criminals. This is not within my mandate."

On July 9, last week, the prospective Supreme Allied Commander in Europe, Gen. Wesley Clark, during his confirmation hearing before the Senate Armed Services Committee, acknowledged his understanding of his predecessor's mandate and affirmed his intention to execute the policy in the same way as General Joulwan has.

On November 17 of last year the Secretary of Defense stated, in response to a specific question regarding the apprehension of war criminals in Bosnia, that "the mission is to provide a secure environment so that all of the other civil functions can go on. * * * It is not to perform apprehension functions."

On December 18 of last year, the Secretary of Defense reaffirmed that "the apprehension of war criminals was not an IFOR mission and it will not be an SFOR mission. Locating and arresting the criminals is a mission for a police force."

On March 3 of this year, the Secretary of Defense stated that the apprehension of war criminals was not a part of the mission. It is a police function. It is not a military-type mission.

Madam President, a change in United States and NATO policy regarding alleged war criminals in Bosnia could expose United States and NATO troops to direct combat action and ultimately do what none of us want, and that is jeopardize the peacekeeping progress to date.

United States and NATO forces have made progress in Bosnia. This could allow the situation to deteriorate to the conditions that existed before the NATO IFOR and SFOR missions were established.

Madam President, we cannot let mission creep hurt what we have done so far. We have spent 6 billion American taxpayer dollars on this mission. We have our soldiers on the ground in Bosnia right now. We cannot walk away from this mission prematurely, but we need to set the parameters of this mission and reiterate them. And the parameters are that our troops' work will be done June 30, 1998, and the mission remains the same unless the President comes back to Congress to change it. And that is: if we run across a war criminal, yes, we would apprehend that criminal. But when we say we are going to be part of a force that is going to go and seek out war criminals, war criminals that have armies still under their control, that is a very different mission. We are beginning to talk about a combat mission that we did not sign up for in the original IFOR and SFOR missions, which were very clear with Congress.

I have seen General Joulwan time after time get out his book that is underlined and earmarked. It is his mission statement, and he has stuck to the mission. If we are going to change the mission, we need to know it, and we need to provide the extra alertness that would be required for changing the mission. Congress should be consulted if we are going to go out and seek war criminals. And I would say to the Serbs that we are not doing that now. We are not doing that. And when I read statements by Serbs that were passed out at the recent funeral of a war criminal, typed in broken English and appearing in Serb-held areas in northeast Bosnia promising a "head for a head" and warning that "Somalia was too gentle for U.S. troops," I am sending a message: There is no change in the mission as far as U.S. troops go.

There should not be such a change without the full accord of Congress. Many of us in Congress did not want to use our troops in this way. All of us admire and respect our troops because they have done a wonderful job fulfilling their mission, but if we are going to change that mission, we must make that decision, and we must do it knowing what the risks are.

Madam President, what we should not do is permit mission creep, something that inches forward without our specific authorization and consultation, but which would put our troops into a different situation, a combat situation, a high alert situation, without understanding the full consequences of doing that.

So I am standing here today saying I hope all of the Senate will be able to agree on language which says that we want the war criminals at the Hague; these people who have been indicted, who have committed atrocities, should be brought to justice. But we cannot change the mission of American troops under NATO auspices without a full airing. We cannot put our troops in the position of being targets unless we go into a different state of high alert.

So I hope that we will stand together on this to say that we want to be part of a plan that determines how those criminals will be brought to justice. But right now, in the Dayton accords, it is provided that the parties, the Bosnian Serbs, the Muslims, and the Croats, will go after war criminals, as they should. It should be an international police force, but it is not a military mission as George Joulwan, as General Clark, and as our Secretaries of Defense have said for the last 2 years. And if we are going into a different kind of mission, we ask the President to come forward. Do not let this mission start creeping without our assent, without our consultation. It is the least we can do for the security of the United States, for the taxpayers of America, for our troops on the ground, and for the integrity of our word and our commitment.

Thank you, Madam President. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I am not sure what else can be said concerning the dilemma we find ourselves in right now. I think the distinguished junior Senator from Texas has really said it all.

It was just last week that we had our defense authorization bill up before this body. We talked at that time about the desirability of putting some type of amendment on to stop the funding for the Bosnia operation for any time after June 30, 1998. Of course, I think we decided that it wasn't going to work out that way because if that happened, it might jeopardize not just the bill but would probably have caused a filibuster, and we didn't want that. We wanted to keep it moving. We need to have our authorization bill. It is imperative to our Nation's defense that we have it.

So I think against the better judgment of several people we agreed to not have that position in. But that is the way it is going to have to be. I don't know any other way we are going to be able to bring our troops back. Clearly, the President has us over a political barrel right now because any time our troops get out of there—I don't care if it is tomorrow, if it is June 30, 1998, or if it is 10 years from now—the fighting will start again, and anyone with any common sense, with any knowledge of history, knows it has happened that way, and it is going to continue to happen that way. And so the question is do you do it sooner or later.

Those of us who were concerned about mission creep back when they made the decision to send troops over to Bosnia back in December of 1995, they were to be there for, of course, 1 year. They kept saying, "They will be home for Christmas December 1996." And all of us knew they would not be home for Christmas in December of 1996. It just didn't make any sense that that promise was made. So they went over there to provide safety for the corridors, to keep people from crossing over them, and supposedly that was going to take care of the problems that existed.

Well, this is not the first time in history that this has happened. Here it is now. We have made a commitment of 2½ years instead of 12 months. Now the President is trying to renege on that and go beyond to an undetermined period of time.

I can remember in history when we sent our Marines into Nicaragua in 1909, and that was supposed to be for a 6-month period in 1909 because there were some problems with the government down there and they felt our intervention would stabilize things, and we did have some national security interests at that time, not as great as they were in other parts of the world, but nevertheless we sent our troops in for that short period of time and they were still there 13 years later. In fact, they never really came back until 1933. That is 24 years.

As to Haiti, the Senator from Texas was talking about the fact that we still have troops in Haiti. People forget about that. We did not have any mission over there in the first place that was strategic to any of our problems in this country and yet we sent troops over to Haiti to supposedly try to clean up their government and run it better than they can run it. And now we have the same problems over there as we had before and we still have troops over there. We sent Marines to Haiti in 1915 and the same problems existed at that time. They were going to help with some of the stability there in Haiti and they stayed there until 1934.

So now we see that we are in the middle of a classic case of mission creep. We are enlarging the mission. We are exposing U.S. troops to a whole new set of risks, and it is all without the permission of the American people or the permission of the Senate, but they are going to do it.

Let's review for a minute the timeline in Bosnia. The President and administration officials pledged on numerous occasions in 1995 and 1996 that the United States military forces would be out of Bosnia by 1996 in the hearings that we had in the Senate Armed Services Committee. The Secretaries of Defense and the Secretary of State, the Chairman of the Joint Chiefs of Staff, John Shalikashvili, all of them said that the IFOR mission would be concluded in 1 year and that there were no plans to extend United States presence in Bosnia beyond a 1-year timeframe. And they kept repeating it.

I can remember, since I serve on the Senate Armed Services Committee, a meeting we had October 17, 1995, Madam President, and that was when General Shalikashvili said, and I am going to quote his words, not my words—this is General Shalikashvili, the Chairman of the Joint Chiefs of Staff. He said on October 17, 1995:

> From a military perspective, as I evaluated the tasks we wished this force to accomplish, it was my judgment that it in fact can be done in 12 months or less. Secondly, when tied to the equipping and training issue, it was my judgment that that, too, can be accomplished in less than a year. And so I felt it was important that we, therefore, set a target of one year and then bring the force back. In the absence of that, you just find yourself staying there, and that's how very often mission creep comes in. The force needs to be brought home and they need to resume normal training and be ready for other operations. And I just think one year—I saw no military justification for that force to stay longer than one year, and that is why that was my recommendation.

This is a guy who is supposed to be running the military, the Chairman of the Joint Chiefs of Staff.

I was over in Bosnia several times, but the last time I talked to Gen. Monte Miggs up in that northeast sector and it is his job—he is doing a great job, by the way, of trying to carry on some type of training during the time that those troops are stationed over there. You have two big problems that exist when you have, when you are leaving troops in an area. One is in the case we are in right now where we have just decimated the military budget, our defense budget, we are spending all of this money. I can remember standing on this floor in November 1995 when the President had made the statement that the cost of the deployment to Bosnia would be somewhere between $1.5 billion and $2 billion.

It is now going through $7.3 billion, and where does that money come from? It comes from readiness, it comes from modernization, it comes from force strength, and it comes from quality of life. That's the only four places it can come from.

Now we have an optempo rate, where our troops are being asked to do things that human beings really can't do. Instead of being deployed for the normal 115 to 120 days a year, in some cases it is twice that. And we keep hearing stories from the field that it is even worse, because with the depleted budget we are now having to cannibalize perfectly good F-15 engines, that's F-100 engines, to get spare parts to keep the ones running that are in planes right now. Of course, that is very labor intensive. So from the field we hear these guys are working, some of them, 15 and 16 hours a day. They cannot keep that up for a period of time.

But I think General Miggs up there, if there is ever anyone who can do it, up in the Brcko area, near the Posavina corridor, he is carrying on training. Of course, to carry on training and perform these humanitarian or peacekeeping or peacemaking missions, whatever they are supposed to be doing over there, it means longer and longer hours. So they are trying to do it. But there is not one general I have talked to who has not said that, if we should need our troops, if something should happen in North Korea at the same time something happened in Iran—not totally inconceivable—or Iraq or anyplace else, but if we were challenged in two regional fronts, we would have to take those people, withdraw them and retrain them, before we could send them into combat. So it's a real serious problem.

In that same Senate Armed Services Committee meeting of October 17, 1995, I might add, Secretary Bill Perry said:

> I cannot conceive of the circumstances which would motivate me to come back and ask an extension of that time.

This is an extension, he's talking about, beyond Christmas of 1996.

> . . . 12 months is sufficient to do the job we're describing. And I believe there is a great value, a great management value to putting a definite time scale on it and sticking to that time period.

Again, he said later, in December, this is 6 weeks later, he said:

> We believe the mission can be accomplished in 1 year, so we have built our plan based on that timeline. This schedule is realistic because the specific militarily tasks [which are changing all the time, and that's the justification they are making for leaving them over there] in the agreement can be completed in the first 6 months, and thereafter IFOR's role will be to maintain the climate of stability that will permit civil work to go forward. We expect these civil functions will be successfully initiated in 1 year. But, even if some of them are not, we must not be drawn into a posture of indefinite garrison.

Madam President, we are in a posture of indefinite garrison.

Look at this in yesterday's paper, "Clinton keeps door open to extending U.S. role in Bosnia."

Here's the problem we have. I was disturbed we had to go beyond 12 months. Now they say we will make it 2½ years and we will be out of there on June 30, 1998. I went over to the NATO meeting in Brussels and found we had Members of Congress, Members of the other body, who were walking around telling our NATO friends, whispering to them, "Don't worry, we won't leave you. We'll be there."

There is plenty of time, adequate time now to make this as the policy, which is the accepted policy, that is we are getting out on June 30, 1998. Because there is a lot of time between now and then.

I was watching the Senator from Texas and remembering what happened when we had a resolution of disapproval back in October 1995. Because we knew, once they went over there, it was going to be very difficult to bring them back. Sure enough, we lost that by four votes. It was interesting, because the main argument that was used by the other side was that our troops will be back in 12 months. So who can object to 12 months?

I heard Senator after Senator say to me, and say privately, "Well, I was going to support the resolution of disapproval and not send troops over there, not agree to that, but after all, the President has promised it will be 12 months. He's promised it would not exceed on the outside $2 billion."

I made a speech on the floor at that time and stated it would be closer to $8 billion. And sure enough, we are creeping through right now $7.3 billion. Looking back, I remember what I stated on the floor. And I will repeat that now, because I think it is appropriate now, 18 months later. This is quoting myself in the CONGRESSIONAL RECORD, December 13, 1995.

> My conviction that the administration's intention to put troops in harm's way in Bosnia is a huge mistake rests on three broad arguments. First and above all, the conflict in Bosnia imposes no real threat to vital American interests. Simply put there is nothing in Bosnia that Americans should die for.
>
> Second, the Dayton talks have produced a false peace, that is inherently unstable and politically doomed.

Here I was talking about the fact we go to Dayton and we have all these factions in there, supposedly coming to a peace agreement, but who wasn't at Dayton? Karadzic was not in Dayton, that's the Bosnian Serbs. Sure, Milosevic was there. That's Serbia. But that wasn't where the problem was. Those individuals who were creating the problem were not there. The Bosnian Serbs were not represented. Not only were they not represented, but none of the rogue elements were represented. We still had the mujahidin, the Arkan Tigers, the Black Swans, and the rest of them, who are still over there right now.

So you have a flawed meeting with a flawed attendance making an agreement that we cannot live with.

Finally, quoting from my statement on the floor on December 13, 1995:

> The Implementation Force [that's IFOR] plan is self-contradictory, and hopelessly optimistic and will expose our soldiers to unreasonable risk even as they diligently pursue its unrealistic objectives.

So, that is where we are today. I think, if you look and see what they agreed to and what was supposed to have happened in the first 12 months in the Dayton accords, they talked about "we were going to have the elections." They have not had the elections. They had flawed elections. They said, "The refugees would all be able to go home before 12 months." Guess what, the refugees haven't gone home and it's 18 months. We keep finding violations of arms agreements, in the 18 months into the 1-year agreement, and we can't pull out. I am very thankful we have not suffered precious casualties at this time, but I tell you, we predicted on the floor if we continue this mission creep we may not be so fortunate in the future.

I would conclude, Madam President, that we have a responsibility to be responsible. If this were a time when we didn't have the distinguished Senator from Alaska, the chairman of the Appropriations Committee, having a very difficult time coming up with the money to keep America strong enough to meet the minimum expectations of the American people, which we can't, that is to be able to defend America on two regional fronts—if that weren't the case, maybe we could afford to be sending troops around the world on humanitarian missions, on peacekeeping missions. But we can't afford to do that, Madam President.

So I conclude by saying we need to make it very clear that we are going to be out of there, and give a date certain that is still 12 months from now. There is still plenty of time for our allies to make time to make that happen. I have been agonizing with this concern.

This is not a partisan thing, by the way, Madam President. Because when we sent troops into Somalia, George Bush was President. That was in December. After he had been defeated but while he was still in office, we sent troops over there, if you'll remember, for a period of some 3 months to 6 months. Then, once President Clinton got in, he kept extending it. So we sent resolutions and resolutions, "We want to bring the troops back." Month after month, every month we sent resolutions, and the years started going by, and it was not until 18 of our rangers were brutally murdered and their naked corpses were dragged through the streets of Mogadishu before the American people got concerned enough to force the administration to bring the troops home from Somalia.

Madam President, I don't want that to happen in Bosnia. I don't want our troops to be dragged through the streets of Sarajevo or Tuzla or Brcko or any of the rest of them.

We have experienced mission creep. We are now in a situation where our troops are there for an indeterminate period of time. Now is the time to draw the line and say that June 30, 1998, is our time that our troops will be coming home. Are they going to be safe over there when that happens? No. If we brought them home tomorrow, there would still be fighting once our troops were out, or June 30, or 10 years from now.

Madam President, I yield the floor.

Mr. WARNER. Mr. President, I rise today as an original cosponsor of an amendment which expresses the sense of the Senate that: "The Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces."

From the beginning of the NATO mission in Bosnia, particularly the ground element—a mission which I have consistently opposed—the administration has been clear that U.S. forces would be used primarily to implement the military aspects of the Dayton accords, and assist in limited civilian missions at the discretion of the local IFOR or SFOR commander.

On the specific issue of apprehending war criminals, the administration has been unequivocal—NATO troops are not charged with hunting down war criminals. The specific, detailed mission statement is set forth in a classified document; therefore, I can only use as a resource statements made by administration officials on this issue. The following is a compilation of such statements:

Secretary Cohen, before the House National Security Committee, March 20, 1997, in response to a question from Congressman Lantos: "Why aren't we apprehending war criminals? Well, that's not the mission of SFOR."

Ken Bacon, DOD Spokesman, July 3, 1997, in response to a question about whether or not the administration was considering expanding the authority of NATO troops to arrest war criminals:

> There's been no change in our procedures. And those procedures are, first of all the Dayton accord makes it very clear that the formerly warring factions are responsible for turning in war criminals.
>
> And second, our job, because the collection and detention of war criminals is an act of law enforcement for law enforcement activities, our rules have been clear from the beginning, which is that if we encounter war criminals in the course of our patrols, we would detain them and turn them over to authorized law enforcement agencies. There's been no change in that rule.

Sandy Berger, National Security Adviser, July 10, 1997:

> Under SFOR's mission they may apprehend indicted war criminals encountered in the course of its duties and if the tactical situation permits. This was such a situation (British action on July 10) . . . SFOR concluded that they could detain these individuals. NATO political authorities agreed with that view. SFOR acted within its mission and mandate.

Background briefing by senior administration official, July 10, 1997.

> Rules of engagement and the authority of the SFOR forces permit the commander in a particular situation when he encounters or is encountering war criminals and believes that he has a tactical capacity to apprehend in a way that is not unduly risky to exercise that authority. That continues to be the authority.
>
> The authority here is to apprehend war criminals who are encountered by SFOR where the commander makes the tactical decision that he can do so.

From the above, it is clear that war criminals are to be apprehended only if IFOR or SFOR forces encountered these war criminals, and only if the local NATO commander determined that the tactical situation allowed his troops to safely apprehend the war criminals.

Now that understanding seems to be changing. We hear press reports of the Secretary of State urging for a more proactive role for our troops in hunting down war criminals in Bosnia. We also hear that the Secretary of Defense is opposing this policy change. What is the accurate situation?

Before it is too late, and the policy is changed, it is imperative for the Senate to express its judgment on this important issue.

I strongly support the apprehension of the indicted war criminals so that they may be brought to justice.

The policy of "how"—working with all of the member nations of SFOR—must be carefully coordinated. The current policy, as enunciated above by administration officials, if it is to be changed, such change should beforehand be the subject of the most careful consultation with the Congress.

In the case of Somalia, the Congress witnessed mission creep without taking any action to try to stop it. The results in that case were disastrous—18 dead, over 70 wounded.

We should have learned from history that the military is not an appropriate force for tracking down and arresting individuals. There is no question as to their capability—but how would that detract from their primary mission? What are the personal risks?

What will be the consequences of an expansion of the SFOR mission to include actively seeking out and apprehending indicted war criminals? While I share the hopes of all that the war criminals in Bosnia will be brought to justice, I question the wisdom of seeing the lives of United States or allied troops jeopardized in an effort to hunt and arrest these individuals. Both IFOR and now SFOR have been able to achieve a measure of success in Bosnia because they have been perceived as even-handed. That will all change if we use our troops to aggressively pursue indicted war criminals. Rightly or wrongly, we will been seen as taking sides. Our troops will become targets, the success they have achieved thus far will be jeopardized.

As I said earlier, I opposed the President's decision to send United States ground troops to Bosnia in December 1995. But that decision is behind us, and the American people have invested $7 billion into the operations in Bosnia. Precipitous action in this area could well put at risk that investment. As I stated last week, that investment could likewise be jeopardized by Congress forcing a specific withdrawal date. But these are separate issues.

Our request of the administration is simple. Do not allow a significant change in the mission of our troops in Bosnia without first coming to the Congress.

Mr. INOUYE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, last week, the Senate expressed in very clear terms its view that the United States' mission in Bosnia should be terminated by next June, which is the administration's stated deadline. This was not a position that was taken without public debate. In fact, the Senate debate regarding the Bosnia operation began last Thursday evening and continued well into Friday morning. A number of Senators were involved in the debate at various times during the consideration of the DOD bill. Quite frankly, Mr. President, as we well know, there were some Senators—including the Senator from Delaware [Mr. BIDEN] and the Senator from Virginia [Mr. WARNER]—who did express their disagreement with having a date certain for termination of U.S. ground troop deployment. Mr. President, they were clearly in the minority on this issue.

The Senate took this action regarding an end date as part of one of the most important pieces of defense related legislation—the Department of Defense authorization bill for fiscal year 1998. Mr. President, let me remind my colleagues what we did this past Friday. Indeed, one of the reasons that I pressed so hard to have a Bosnia-related provision added to that bill was because of the importance of having this debate on the DOD authorization itself.

Now, today, we have begun consideration of the other key defense bill—the Department of Defense appropriations bill. As in the authorization bill, I do not think we can let the fact that we currently have 8,000 of our troops in Bosnia go unnoticed during a debate on the Department of Defense appropriations.

Just 3 days ago, we passed an amendment to the defense authorization bill that clearly states the Senate's desire to have United States troops out of Bosnia no later than June 30, 1998. The resolution we passed was a modification of an amendment I had introduced that would have imposed a hard, statutory requirement that the administration stick to its announced pullout date of June 30, 1998. My original amendment was virtually identical to the one that passed the other body, the House, on a vote of 278–148 that literally cut off funding for the Bosnia mission after that June 30 date.

The message of the action, Mr. President, in both the House and the Senate is crystal clear: It is the overwhelming desire of the Congress that the administration pull our brave men and women out of Bosnia by June 30, 1998.

In light of these strong messages, Mr. President, I was somewhat disappointed in what I read in the papers over the weekend. Only 1 day after the Senate passed its resolution, President Clinton publicly stated what I am afraid the administration has been thinking all along—the possibility that the deployment of United States troops in Bosnia may well continue after the present mission expires. Let's not forget, this is already a major extension from the original date when it was supposed to terminate, which was approximately the end of December 1996.

The President said, "I believe the present operation will have run its course by then"—referring to the June deadline—"and we'll have to discuss what, if any, involvement the United States should have there." Meanwhile, the White House said that an international presence will be necessary in Bosnia for perhaps a considerable time past June 1998.

Now, Mr. President, I fear these statements send the wrong message. By making these remarks, the administration is hinting that the United States might be willing to sign on to a new mission once the mandate of the NATO-led stabilization force, or SFOR, has run out. Mr. President, I think it frighteningly opens the door for additional U.S. troop involvement after that time. Now, this is contrary to what Congress has said, that the U.S. troops should be on the way home next June, not starting a new mission. There should be no maybes about the continued involvement of U.S. ground troops past the clear deadline that has been set by the administration and endorsed by both Houses of Congress.

Mr. President, in 1995, President Clinton asked Congress to approve the deployment of United States troops to Bosnia, with an understanding. The understanding was that our military personnel would remain there for just 1 year. Well, as we all know, after the 1 year the original implementation force was turned into a stabilization force and renamed from IFOR to SFOR. It just kept on going. And as a result, the United States has kept 8,000 of our troops in the region under the premise that SFOR was somehow a completely new mission. But it obviously is not.

I also do not need to remind everyone, I hope, of the ballooning costs of the Bosnia mission. This is really quite startling to me. Despite original estimates in the $2 billion range, we are now committed to pay at least, Mr. President, $7.7 billion, and it is going up. When I first raised this issue this year on the supplemental bill, the figure I brought to the floor was $6.5 billion. Now it is already up to $7.7 billion a few short weeks later. Every time there is an assessment of the cost of this mission, the figure goes up another $1 billion or $2 billion.

After this weekend, I have a new fear that when the June deadline rolls around this mission will undergo another name change. Maybe the "stabilization" force will become the "coordination" force, or CFOR. Maybe it will become the "maintenance" force, or MFOR. Whatever the new acronym is, Mr. President, I am afraid the results will be the same—our ground troops will be asked to remain in Bosnia past June under the pretense of a new mission.

Now, I don't doubt for a minute, Mr. President, that United States goals in Bosnia are to maintain the peace and to help the three sides rebuild a united government. While our mission has succeeded in stopping the fighting, we are far behind in preparing for the day when Bosnians will once again have to rule themselves without the benefit of NATO troops. In a May study of the Bosnia mission, the GAO noted there has been little progress in creating a united police force, or on building a functioning parliament, or even setting up offices for a new Bosnian cabinet.

Mr. President, the best way to ensure that something never gets done is to constantly extend the deadline. If a teacher were to give his or her students a term paper assignment and tell them, "try to get it done by this year and, if that's not possible, maybe next year," you can bet that the students will not be rushing off to the library to get the work done. In a way, that is a little like what we are doing in Bosnia. We are saying, "try to comply with the Dayton accords by June, but if you can't, we'll stick around anyway." It is no wonder the various parties in Bosnia are not making much headway in rebuilding their civilian institutions, given that NATO and the United States seem committed, it appears, to policing this country indefinitely.

Similarly, I do not think that our European allies will take seriously their own responsibilities to the region unless they clearly understand American intentions. I think that's why the compromise resolution the Senate passed last week actually included language that the President should inform our partners in Europe in this exercise of the expression of this Congress—tell them that we are planning to leave by June 30, 1998. I think this is a very important part of the Senate's position on this issue.

The administration, our friends in Europe, and the parties to this conflict must all understand that this Congress does consider the June deadline a firm one. That is not to say that at the end of next June there will be no more American involvement in the region. That is not my position. I don't think that is the position of most Senators. As the Senate resolution indicates, Congress would be open to considering a different kind of supporting role in Bosnia. This could include activities such as airlift, logistics, intelligence, or equipment, for example. As long as such activities do not include the use of ground forces, and as long as the Congress is appropriately consulted, I too am open to considering the United States having such a supportive role for our allies. That is not inconsistent with the notion of making sure ground troops come home.

Mr. President, there are many who feel uncomfortable with Congress actually using its literal "power of the purse" to command a withdrawal of U.S. troops from a military deployment. During the debate last week, some Members who firmly support termination of the Bosnia deployment by the June target date did express concern about the mechanism—a hard funding cutoff—that I had originally proposed. However, I want to point out that the reason Members of Congress turn to these drastic remedies, the reason I proposed it in the first place, and the reason the House passed such a hard date overwhelmingly is precisely because not only the administration but also some leaders in Congress seem oblivious to the calls by other Members of Congress for ending the mission by the target date.

Given the statements we heard this weekend, Mr. President, it is even more imperative than ever that the conferees employ the strongest possible language regarding the June 30 pullout date when we get to the final version of the Defense authorization bill. I originally believed that a hard mandate—nearly 1 year in advance of that date—would give the administration more than enough time to prepare for and to implement an orderly withdrawal of U.S. ground forces.

Unlike the President's remarks, the message from the Congress has to leave no room for interpretation or ambiguity. We should not just say that our ground troops should be back home next year, if possible. I think we have to say, as we have done in both Houses—and we have to say this in the conference report—that our men and women should be out of Bosnia by June 30, 1998, period.

Mr. President, I yield the floor.

AMENDMENT NO. 846

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 846.

At an appropriate place in the bill, insert:

SEC. . FINDINGS.

The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary;

The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members;

The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization;

The United States has contributed more than $20,000,000,000 since 1952 for infrastructure and support of the Alliance;

In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance; and

In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

SEC. .

The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997; (1) the amounts necessary, by appropriation account, for all anticipated costs to the U.S., for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002, and; (2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

Mr. STEVENS. Mr. President, I apologize to the reading clerk for not having it drafted properly to start with. But I do ask that these changes be made so that the amendment is as read by the reading clerk.

It is an amendment that is a direction to the Department of Defense to provide the Congress with two specific reports.

First, the amounts necessary, by appropriations account, for all anticipated costs to the United States for the admission of three new members to the North Atlantic Treaty Organization, and that report to cover the current budget cycle of fiscal year 1998 through 2002.

Second, a report on any new commitments or obligations entered into or assumed by our Nation in association with the admission of these new members of the alliance, including—it is not limited to—but including deployment of U.S. personnel, the provisions of defense articles or equipment, training activities, and modification and construction of military facilities.

I am one who has still strong reservations about the determination to add new members to NATO. I am not opposed to NATO. I have been a firm supporter of NATO. On the other hand, we are doing some studies now on the history of the expansion of NATO and how United States participation in deployment of forces there has just constantly increased.

We, I think, need to know now what the obligation is that we have undertaken and really what will be the costs of this obligation in connection with the expansion of NATO. This really is, I think, a fairly restrictive list of things that we should have. But, clearly, we should have this information before we proceed with any consideration of ratification of any agreements that have been entered into by the United States in connection with this expansion of NATO.

It is, I think, one of the strange coincidences of history that NATO was entered into—and I will present the documentation on this later—with the firm assurance by the then Secretary of State Dean Atchison to the Senate that would be no obligation at all for the deployment of forces to Europe by virtue of the North Atlantic Treaty that was entered into by the United States at the very beginning of this organization, the NATO organization.

I want to be right upfront about it, that this information may convince Members to go one way or the other concerning the matters that will be presented to us later. But I don't know of anyone who could object to asking for this information for the use of the Congress, and particularly for the use of those of us who have the duty to find and allocate the money to maintain our national defense forces to assure the capability to defend this country.

I am pleased that my friend from Hawaii has cosponsored this amendment in that spirit. This is just seeking information. It will in no way inhibit the administration—either the Department of Defense or the President—in their current course. But I do, as I said, still maintain reservations about that course because of what I perceive to be the costs of that course and its impact on our future ability to maintain our own defense.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, as appropriators, I believe it is the only prudent process that we can follow to at least advise ourselves and our colleagues as to what can be reasonably and rationally anticipated if we are to take this important step.

When NATO was originally organized, I doubt if Members of Congress had any inkling of what the costs would be to the taxpayers of the United States. Whether you are for it or against it, I think it would be well that we enter into this new phase and very important phase with our eyes open.

Mr. STEVENS. Mr. President, it is not a small amount that is in the bill which is before us. As this amendment points out, there is almost $10 billion in the request of the President for U.S. military expenditures pursuant to the North Atlantic Treaty Organization obligations. I do believe that it is important for us to know to what extent that will be increased by virtue of the cost of action that is proposed due to the enlargement process as far as NATO is concerned.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be set aside so that we may proceed with the program already outlined by the leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JOEL KLEIN TO BE ASSISTANT ATTORNEY GENERAL IN CHARGE OF THE ANTITRUST DIVISION

Mr. KOHL. Mr. President, as the ranking Democrat on the Antitrust Subcommittee, let me tell you why I support Mr. Klein's nomination, why he is a good choice for the job, and why we ought to confirm him today.

First, Joel Klein is an accomplished lawyer with a distinguished career. He graduated from Columbia University and Harvard Law School, and clerked for the U.S. Court of Appeals here in Washington, then for Justice Powell. Just as importantly, he is the President's choice to head the Antitrust Division, and I believe that any President—Democrat or Republican—is entitled to a strong presumption in favor of his executive branch nominees.

Second, Joel Klein is a pragmatist, not an idealogue. His answers at his confirmation hearing suggest that he is not antibusiness, as some would claim the Antitrust Division was in the late 1970's, nor anticonsumer, as some argue the Division was during the 1980's. Instead, he will plot a middle course, I believe, that promotes free markets, fair competition, and consumer welfare.

The third reason we should confirm Joel Klein is because no one deserves to linger in this type of legislative limbo. Here in Congress, we need the input of a confirmed head of the Antitrust Division to give us the administration's views on a variety of important policy matters—defense consolidation, electricity deregulation, and telecommunications mergers, among others. We need someone who can speak with authority for the Division without a cloud hanging over his head.

More than that, without a confirmed leader, morale at the Antitrust Division is suffering. And given the pace at which the President has nominated and the Senate has confirmed appointees, if we fail to approve Mr. Klein, it will be at least a year before we confirm a replacement—maybe longer, and maybe never. So we need to act now; we can't afford to let the Antitrust Division continue to drift.

Finally, Mr. President, I have great respect for the Senator from South Carolina—as well as the Senators from Nebraska and North Dakota. They have been forceful advocates for consumers on telecommunications matters, and I have stood side by side with them in that fight. But we ought to give Mr. Klein our vote today, so he can have the chance to succeed or fail as a confirmed appointee. My hope and expectation is that in a few years—when we look back at Joel Klein's service as head of the Antitrust Division —his accomplishments will surprise his critics, please his supporters, and improve what is already the best free market economy in the world.

Mr. BAUCUS. Mr. President, I rise to express my support for the nomination of Joel Klein to be Assistant Attorney General for the Antitrust Division of the Department of Justice. And while I will vote to bring this nomination to the floor for a vote, I will outline my concerns for the Senate at this time.

Mr. President, a number of my colleagues have expressed their serious concern about this nominee. More importantly, they have detailed the responsibilities of this position. This position has a statutory responsibility to enforce the antitrust authority of the Department of Justice.

As my colleagues have eloquently stated, this is particularly important and timely in regard to the telecommunication reform regulations which are being promulgated to enforce the reforms enacted into law last year. While these reforms should bring great benefits to consumers across the country, the Department of Justice must play an active role to protect the interests of consumers against violations of antitrust authority.

This is also important in the meat packing industry. The mergers which this industry has experienced have left livestock producers at the mercy of precious few meat processors. Just five packers control this industry. Producers and consumers alike need to know that the Department of Justice is enforcing antitrust law.

There have also been a number of mergers in the railroad industry which have virtually eliminated competition in this transportation sector. For a State like Montana—a captive shipper—this is a problem. Montana farmers pay freight rates that are among the highest in the Nation. It generally is cheaper to ship grain from States east of Montana to the ports of Portland or Seattle, than it is for Montana producers. Without careful attention, I worry that this discrepancy could get worse, not letter.

Mr. President, I will be supporting this nomination. I have long relied on a very simple question to determine my support or opposition for a nominee for a Presidential appointment. Is the candidate qualified? In this case, I believe the President's choice is qualified and has no reason we should delay confirmation.

So I will be voting for this nominee. And, when he is confirmed, I will be watching the issues under the jurisdiction of the Antitrust Division very carefully.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOEL I. KLEIN, TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senate will now go into executive session.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 104, the nomination of Joel I. Klein, to be Assistant Attorney General:

Trent Lott, Orrin Hatch, Kay Bailey Hutchison, John McCain, Olympia Snowe, Dan Coats, Pat Roberts, Rod Grams, R.F. Bennett, Thad Cochran, Jim Inhofe, Sam Brownback, W.V. Roth, Chuck Hagel, J. Warner, Larry E. Craig.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Joel I. Klein of the District of Columbia, to be Assistant Attorney General, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. GRAMS], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Alabama [Mr. SESSIONS] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the

Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Oregon [Mr. WYDEN] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

The yeas and nays resulted—yeas 78, nays 11, as follows:

[Rollcall Vote No. 174 Ex.]

YEAS—78

Abraham
Allard
Ashcroft
Baucus
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
Daschle
DeWine
Domenici
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—11

Akaka
Byrd
Cleland
Conrad
Dorgan
Feingold
Harkin
Hollings
Kerrey
Lautenberg
Wellstone

NOT VOTING—11

Bennett
Biden
Burns
D'Amato
Dodd
Grams
Kennedy
Mikulski
Santorum
Sessions
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of unnecessary spending in the defense appropriations bill. I fully understand the pressure facing the chairman and ranking member of the committee, but I would be remiss in my responsibilities were I not to go on record for those items in the bill of truly questionable merit that appear to represent the usual practice of inserting programs primarily for parochial reasons.

The total value of these programs is about $5 billion, about twice as much as the Congress increased the President's overall defense budget request and, incidentally, about the same amount of wasteful spending added in the defense authorization bill. This amount does not include the $300 million transferred from the Defense Department to the Transportation Department for Coast Guard activities, a perennial provision in defense appropriations bills.

Let me review some examples of items included in the bill and report that are, in my view, wasteful, unnecessary and designed simply to serve personal interests.

The bill not only funds an oceanographic research ship not requested by the Defense Department, it throws in an extra $19.5 million for oceanographic and meteorological research. Are we to honestly believe the $209 million in the budget request for that function is inadequate for the next fiscal year? Of course, the over $200 million for C–130J aircraft—once again not requested and certainly not needed, as emphasized by the Air Force Chief of Staff—represents a particularly egregious waste of taxpayer money.

I wonder, Mr. President, if some day, some year we will stop buying C–130 aircraft. Many years ago, the Air Force said they didn't need any more C–130 aircraft. It is time—well, I say it every year. It gets a little ridiculous.

An especially troublesome expense, neither budgeted for nor estimated in any accompanying documentation provided by the Appropriations Committee, is the amount associated with the various "Buy America" provisions included in the bill. Such expenses include restricting to U.S. manufacturers procurement of shipboard anchor and mooring chain, carbon, alloy and armor steel plate, and ball and roller bearings. Consequently, there is an automatic and generally substantial unknown cost tied to this bill that will only become known as contracts are signed with American manufacturers despite the availability of less expensive products from our trading partners.

Lest anyone feel that I am unsympathetic to American manufacturers, I need only point out the protectionist measures our European allies and customers are considering in retaliation for the "Buy America" statutes included in the appropriations bills that are routinely passed by Congress. Britain, a major purchaser of American platforms and systems, is understandably tired of the one-way street we pursue in defense acquisitions. I am fully cognizant of the need to protect certain vital industries for national security reasons, but the items protected in this and other bills hardly qualify.

The costly and unnecessary practice of earmarking appropriations continues: $35 million for the Kaho'olawe Island Conveyance, Remediation and Environmental Restoration Fund; $250,000 for a pilot project to "facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards," provided the Jones Act restrictions are rigorously applied to the Hawaiian Islands; $5.4 million for establishment of a small business development center, which is to focus on agricultural programs in Pacific islands; $2.7 million to investigate new technologies in such areas as hyperspectral fluorescence imaging, work to be conducted at the Akamai project at Tripler Army Medical Center in Hawaii, with another $10 million earmarked that the Department will be expected to spend for these programs; $2.7 million of the oceanographic spending to which I referred earlier at the Naval Surface Warfare Center in south Florida; $6.9 million for upgrading air traffic control simulators at Keesler Air Force Base in Mississippi; and $8 million for continued activities at the Pacific Disaster Center.

Mr. President, that barely scratches the surface of what is in this bill: $3 million is earmarked for the Caribbean radiation early warning system, which is to be spent at the Center for Monitoring Research, which brings me to the issue of Congress' tendency to create new centers for the study of every conceivable subject, research virtually all of which is already performed elsewhere. The defense authorization bill passed last week included $5 million to establish a center for the study of the Chinese military. I can go to my office or the library and find numerous examples of competent studies on the Chinese military already available, whether from the Rand Corp., the American Enterprise Institute, or various studies published by scholars at various universities. The authorization bill also establishes a Center for Hemispheric Defense Studies for no apparent reason.

The practice of earmarking funds for centers knows no bounds. S. 1005 includes $7 million for the Center of Excellence for Research in Ocean Sciences, just in case there was any risk of funds being spent for a center of mediocrity for research in ocean sciences; $4 million for the Southern

Observatory for Astronomical Research; $4 million for the Center of Advanced Microstructure Devices; and on and on it goes. I do not doubt for one second that the sponsors of these programs can come before the Senate and offer an articulate and thoughtful defense of their pet projects. I do doubt very seriously whether any of these items properly belongs in the defense appropriations bill, especially during a period when vital accounts are regularly taxed to pay for ongoing and unforeseen contingencies, like Bosnia and Iraq.

Any time military equipment is prepared for shipment to and from deployment, it is inspected for damage and, in the case of equipment being returned to its home base, for foreign substances like dust that could contain bacteria alien to our country. Do we really need to earmark another $1 million to expand that research specifically for brown tree snakes, which, to the best of my knowledge, are located only in Guam? Yes, it is true that we base a large number of forces on that island. It is also true that the brown snake is a dangerous snake. I simply find it hard to believe that we need to spend any defense dollars on an issue for which plenty of information already exists and is readily available.

Mr. President, I have touched on the tip of the iceberg. There is plenty more I could point to were time available. I only look forward to the day when my trips to the floor to highlight wasteful and unnecessary spending are no longer necessary.

Mr. President, I ask unanimous consent that a list of objectionable add-ons in the Department of Defense appropriations bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Objectionable Add-ons in the Fiscal Year 1998 Department of Defense Appropriations Bill

Procurement (in millions)	
Army: C–XX	$23.0
Navy:	
SSN–21 *Seawolf*	153.4
NSSN	2,599.8
Special Project Aircraft	7.0
Oceanographic Ships (TAG–65)	73.0
LCAC Landing Craft	17.3
Environmental Support Equipment for Oceanography	6.0
T–45 Training Aircraft Earmarked for NAS Meridian	10.0
Port Security Unit Equipment	13.5
Air Force:	
C–17 (MYP)	418.5
WC–130 Aircraft	177.0
Small CVX (C–37)	6.0
Supply Assets Tracking System	5.0
Defense-Wide: Automatic Document Conversion System	20.0
Reserves and National Guard:	653.0
Including the following aircraft:	
C–9 Replacement aircraft	(40.0)
WC–130 Spares/Support Equipment	(29.7)
C–130J	(95.8)
EC–130	(70.5)
KC–135 Re-Engining	(52.0)
Research and Development (in millions)	
Army:	
Projectile detection and Cuing	$2.5
Shortstop Electronic Protection system	3.0
Solid-State Laser Dyes	4.0
Combat Vehicle and Automotive Technology:	
National Automotive Center	4.0
High-Output Diesel Engine Testing	1.0
HMMWV Engine rebuild Program	4.0
Alterntive Vehicle Propulsion System	5.0
Environmental Quality Technology:	
Radford Environmental Development Program	6.0
Plasma Energy Pyrolysis System	8.7
Environmental Compliance Projects (WETO)	8.8
Pacific Island Ecosystems	4.0
Establish Small Business Center	5.4
Bioremediation Science Center—for fragile Pacific Island Isolated Ecosystems	4.0
Resource Recovery Technology Center	4.0
Cold Regions Research Lab	1.0
Center for Geosciences Atmospheric Research	10.0
Medical Advanced Technology:	
Intravenous Membrane Oxygenator technology	1.0
MRE Nutrition Research	3.6
Mustard Gas Research	1.0
Breast Cancer Research	175.0
Prostate Diagnostic Imaging	5.0
Electronics and Electronic Devices:	
Rechargeable Coin Cells	0.5
AA Zinc Air Battery	1.3
Rechargeable Battery System	0.6
Reusable Alkaline Manganese Zinc	1.0
Virtual Retinal Display	2.0
Low Emissions Natural Gas Boiler Demo	2.0
Cold Regions Research Lab Repair	1.3
Management Headquarters—Akamai Project	26.5
Including:	
Hyperspectral Florecence Imaging	(2.7)
Theater Medical Infrastructure	(10.0)
Aerostat Development	10.0
Instrumental factory for Gears Program	4.0
Electronic Circuit Board Development Center	4.0
University and Industry Research Centers	7.3
Army Data Analysis Center	5.0
Battle Integration Center	22.0
DoD High Energy Laser Test Facility	15.0
Navy:	
Natural Gas Cooling Systems	2.5
PMRF Sensors	5.0
LASH Hyperspectral	12.0
Computer Technology:	
Second Source Carbon Fibers	2.0
Photomagnetic Material Research	0.35
Plasma Quench Technology	3.0
Advanced Material Intelligent Center	2.5
Defense Research Sciences:	
Marine Mammal Research Program	0.5
Oceanographic and Atmospheric Technology:	
Natl. Oceanographic Partnership Program	16.0
NCSW Test Facility	2.75
Asbestos Thermochemical Conversion Pilot Plant—Puget Sound Naval Shipyard	2.0
Freeze-Dried Blood Research	2.5
Photomagnetic Materials Research	0.35
Environmental Quality and Logistics Adv. Tech.:	
Permanent Fuel Cell	1.75
Visualization of Technical Info. Project	2.0
Smart Base	6.25
Industrial Preparedness:	
Mantech	50.0
Center for Integrated Manufacturing Studies	4.0
Exploratory Development:	
Oceanographic and Atmospheric Technology	18.75
Industrial Preparedness	54.0
Air Force:	
HAARP	5.0
Inorganic/Organic Optical Limiters	1.0
Armstrong Lab Exploratory Development	3.0
Phillips Lab Explatory Development	0.9
Defense-Wide:	
U.S.-Japan Management Training—University Research Initiatives	10.0
Pacific Disaster Center	8.0
Scorpius Support Technologies	10.0
Joint Theater Missile Defense:	
Advanced Research Center	7.0
Kauai Test Facility	5.0
Pacific Missile Range Facility upgrades	33.4
Center of Excellence for Rsh. In Ocean Sciences	7.0
Materials and Electronics Technology:	
Life Support Trauma and Transport	4.0
3–D Electronics	5.0
Cryogenic Electronics	6.0
Electric Vehicles	15.0
Climate Fuel Cell Program	5.0
Southern Observatory for Astronomical Research	4.0
HAARP	3.0
Advanced Electronics Technologies:	
Lithographic and Alternative Semiconductor Processing Techniques Ctr	23.0
Point Source X-Ray Lithography	3.0
Defense Techlink Rural Tech. Transfer	1.0
Center for Advanced Microstructures Devices	4.0
Defense Research Initiatives	14.0
Agile Port Demonstration	10.0
Electric Vehicles	15.0
High Performance Computing Modernization Prgm	25.0
Military Personnel (in millions)	
Air Force: Additional B–52 Force Structure	$4.5
Reserve and National Guard:	
C–130 Force Structure (Air Force Reserve)	1.4
C–130 Force Structure (Air National Guard)	4.0
Operations and Maintenance (in millions)	
Army:	
Roock Island arsenal Bridge	$5.0
North Star Borough Landfill	5.0
Saddle Road—Pohakuloa, Hawaii Training Area	3.0
Navy:	
Naval Meteorology and Oceanography Command	19.5
Pacific Missile Range Facility	15.0

Fallon Naval Air Station	3.2
Air Force:	
Civil Air Patrol	4.4
Spacetrack—Maui, Hawaii	1.4
Manufacturing Assistance Technology Program	2.0
B–52 Attrition Reserve Aircraft	42.4
Defense-Wide:	
Legacy	10.0
Repairs to Federally-Funded Schools	10.0
Exercise Northern Edge (PACCOM)	5.0
Partnership for Peace	44.2
Civil-Military Programs (Challenge)	32.0
National Guard:	
C–130 Force Structure	13.0
C–130 Operations	6.0

Other DOD Approps. (in millions)

Defense Health Program:	
Hepatitis A Vaccine	$25.0
Military Health Service System Info. Mgmt.	10.0
Uniformed Service Univ.-Health Sciences	13.0
Pacific Island Health Care Program	5.0
Brown Tree Snakes	1.0
Cancer Control Program—Charleston Navy Hospital	9.0
Army Research Institute	5.4
Military Nursing Research	5.0
Disaster Management Training—Tripler Army Medical Center	5.0
Health Care Cooperation between Military and Civilians—Holloman Air Force Base	7.0
Diagnostic Ctr. of Excellence for Breast Cancer & Prostrate Cancer—Ft. Drum	4.0

Related Agencies (in millions)

Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund	$35.0

General Provisions (in millions)

Shipbuilding Industrial Base Enhancement	$0.25

Mr. McCAIN. Mr. President, finally, I want to again thank the Senator from Alaska and the Senator from Hawaii for, as always, doing an outstanding and dedicated job in preparation of this very difficult and largest appropriations bill that we consider. We have had debate and discussion over my objections for many years. I am sure that will continue. But that debate and discussion has not been characterized by a lack of respect on my part for the outstanding job that both the Senator from Alaska and the Senator from Hawaii do.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I await, sometimes with trepidation, the annual report of my good friend from Arizona. I know of no one who spends more time, other than Senator INOUYE and I do, than the Senator from Arizona.

His comments are to the point. We do disagree on some of the issues. But I want the Senate to know once again we are grateful to him for the amount of time he puts into the bill. He has led, through his comments from year to year, changes that we have tried to make in subsequent bills to reflect his guidance. We again will examine this bill as we go to conference to make sure that we have done the best we can to accept his advice and counsel. But I deeply, truly am grateful to him for the time he takes on the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Alaska for his consideration of my remarks and the context in which they are intended. I appreciate the degree of cooperation he and the Senator from Hawaii have accorded me and my staff in the examination of the pending amendments. I am grateful for that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the floor situation right now? Is the bill open for amendments?

The PRESIDING OFFICER. A first-degree amendment is currently pending to the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that my amendment be put aside so we can consider the amendment of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 848

(Purpose: To prohibit the use of taxpayer funds to underwrite restructuring costs associated with a business merger)

Mr. HARKIN. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 848.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after July 15, 1997.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I will take just a few minutes here to describe my amendment and what it does. I appreciate the chairman's willingness to set aside his amendment to take up this one.

Mr. President, this is an amendment similar to one that I offered a year ago to get the Government out of the business of paying defense contractors for exercising their own best business judgment in merging together to form larger corporations, because that is what we are doing right now. Even though defense contractors want to merge—it is in their own best business interest to do so—taxpayers are coming in and subsidizing it.

This is new. We have never done this before. Prior to July 1993, the Department of Defense had a longstanding practice of not permitting defense contractors to charge restructuring costs to flexibly priced contracts that were transferred from one contractor to another as a result of a business combination.

That was the longstanding policy of DOD. The rationale for this practice was that DOD should not have to pay increased costs merely because one contractor is combining with another contractor. That statement comes right out of a recent GAO report.

But in July 1993, DOD changed its longstanding practice and uniformly began permitting defense contractors to charge restructuring costs to the taxpayers of this country.

How did this come about? Did it come about because Congress passed a law permitting it? No. Was there ever any debate on the Senate floor about it? None whatsoever. Was there ever one hearing held on it? No, there was not one hearing held on it.

What happened was that in 1993, then Undersecretary of Defense, Mr. John Deutch by name, was Undersecretary for Procurement. He decided, singlehandedly, to change the longstanding policy and made this change.

We raised the point at the time, I and others, that this was a change in the Federal Acquisition Regulations, [FAR]. To get a change like this in FAR, there was a process and procedure that one had to go through. It had to be published in the Federal Register. There had to be hearings on it. Congress had to act on it. None of that took place.

When we raised the point that regulations were not followed in changing the FAR, Mr. Deutch testified that in fact this was not a change in FAR, this was simply an explanation of existing law, that indeed the Department of Defense or any Federal agency had the authority to pay for the costs of mergers and acquisitions. So to get out from underneath violating the law, which I believe is what Mr. Deutch did at that time in terms of not going through the normal process, he then said, well, this really was not a change in FAR, it was simply an explanation of what was existing law.

That raised all kinds of questions, as I pointed out last year in the debate.

If this had been existing law for all these years, then it does not just affect the Department of Defense. It affects every agency of Government. That means that if hospitals merge, if they have Government contracts, can now come in and say, we want help for our mergers and acquisitions.

This could go back years and years. People could come back from 20 years ago and say, Oh, well, we didn't know that that was existing law, so now we need to be reimbursed for the mergers we made in the past.

So we are hung up on the twin horns of this sort of dilemma. On the one hand, if it was indeed a change in FAR, then Mr. Deutch and the Department of Defense did not go through proper procedures to accomplish that. If, on the other hand, it was not a change in FAR, then we have opened a Pandora's box for providing for taxpayer funding for any merger or combination for any company that has any Government contract.

But I want to point out this is the Department of Defense, DOD, funding bill. And, you know, some of my colleagues argue that we are tight for money in this bill. We tried last week to transfer some money out of DOD to pay for veterans. We were told we did not have enough money in DOD for that. Now we have a subsidy the likes of which we have never seen in this country. I call it the "money for nothing" subsidy because that is exactly what the taxpayers are getting.

Let us look at the mergers and acquisitions that we have had.

Just last week Lockheed Martin announced it would purchase Northrop Grumman for an estimated $11.6 billion. Well, besides a nice stock boost for Northrop Grumman, which closed up 21.12 cents on the stock market when the merger was announced, these merging companies are also eligible to receive millions of dollars from the American taxpayers just for doing what is in their own best business interest. So that is why I am offering this amendment, a commonsense amendment to prevent these large and profitable companies from receiving taxpayer subsidies simply for merging.

I am not saying they cannot merge. I am simply saying that the taxpayer should not fund it.

For the life of me, I cannot see the wisdom in paying these profitable companies for merging when they are doing it in their own best business interest, when they are making a lot of money on the stock market, and we are paying them with money that we just do not have. I thought we were trying to balance the budget.

Again, this is not money for any goods that we are going to receive at all. I just think that if these companies want to merge, fine—I know the Department of Defense has been urging them to merge for savings to the taxpayers, possible savings to the taxpayers. I do not know whether that is true or not. There may be some savings, but I do not think that has all been documented in terms of real savings. But even if there are savings to the taxpayers, the fact is, these companies are making a lot of money by merging. These companies would not merge if it was not in their best business interests to do so. There is no one at the Defense Department holding a hammer over their heads saying, Lockheed, you must merge with Northrop Grumman. There is no one holding a hammer over the head of Boeing saying, You must merge with McDonnell Douglas. They are doing it because it is increasing their profits, increasing their bottom line for their stockholders. Otherwise they would never do it.

These mergers, aside from making more money for the companies, are in fact decreasing the amount of competition that we have out there now for Government procurements. But now they say that, well, these mergers are going to save us money.

Let me read a couple of passages from a recent DOD inspector general report, dated June 28, 1996. On page 9—let me read it in its full context:

> Contractors' [meaning defense contractors] are submitting cost proposals for activities called concentration, transition, economic planning, and other terms that do not immediately suggest restructuring and make the cost issues difficult for the Government to review, administer, and resolve.

On page 10 of the same IG's report—this is still the DOD inspector general's report—they said that:

> One contractor's restructuring proposal projected savings over 10 years. But the contractor's projections are highly speculative since the volume of Government business is not guaranteed. The same contractor also proposed savings based on "synergies in the work force"—

How about that one?

> a term that is not defined in the existing procurement regulations, and is difficult at best to substantiate and evaluate.

Not my words, this is the DOD inspector general's words.

On page 16 the same IG report:

> Amortization based on the projection of extended savings can almost make a marginal acquisition appear attractive by spreading costs over a long period, and comparing them to the projected savings to determine savings. In all cases, amortization periods were selected for arbitrary reasons. . . .

According to a GAO study of one business combination, they said:

> The net cost reduction certified by DOD represents less than 15 percent of the savings projected to the DOD 2 years earlier when they sought support for the proposed partnership.

So DOD said, here is the proposed savings. GAO did the study of it and said the cost reduction was less than 15 percent of the proposed savings.

So, I believe, Mr. President, this practice is clearly an abuse of taxpayers' money. We never passed it in the Congress. I believe that if this had ever come up for a vote in the Senate to say that we are now going to pay for mergers and acquisitions for these companies who are going to make these huge profits, I do not think it ever would have passed.

If these companies are merging for business reasons, why do they need a handout from the taxpayers? If they are not being ordered to do so by the Government—and they certainly are not; encouraged, yes, not ordered to do so—but if they are good, the mergers will happen anyway, and the taxpayers will receive any savings without paying anything out.

I know that is the point that is going to be made. We know that we can see some savings being made by these mergers. Fine. That is a great savings for the taxpayer if that is happening. But there is no reason we should have to pay for these mergers, because the companies are making much higher profits, much more money than they were before.

So, therefore, we should not have to pay for them. Lawrence Korb, former Under Secretary of Defense, pointed out that defense contracting is still a profitable business. Over the past year, Lockheed Martin stock increased 48 percent in value, Northrop Grumman stock is up 50 percent, and McDonnell Douglas went up a whopping 80 percent last year. That is fine. That is good. But then why do we have to come in and give taxpayers' money to them to merge?

You do not have to take it from me but from a very conservative think tank, the Cato Institute, which said, "The costs associated by mergers should not be absorbed by Federal taxpayers. This is an egregious example of unwarranted corporate welfare in our budget."

Taxpayers for Common Sense said, "It is time for the Pentagon to drop this ridiculous money-for-nothing policy."

The Project on Government Oversight said, "The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars."

Mr. President, it is time for the Pentagon to drop this ridiculous money-for-nothing policy. This policy is unneeded, it allows inappropriate Government intervention in the economy, and is likely to cost more because it will limit competition.

Mr. President, the GAO recently pointed out that in the last round of mergers and acquisitions they found the following: One, GAO was unable to account for savings for the Federal Government due to DOD's subsidies for mergers; second, the GAO reported that the mergers have led to the layoff of 15,000 workers, with an additional 4,000 expected. GAO also offered no evidence that the subsidy had resulted in any savings that would not have been achieved without Federal payments.

There is another effect that we have not factored in here: 15,000 hard-working blue-color Americans lost their jobs, most of them good union people, making pretty good wages—15,000 of them out of work. I suppose they belong to unions like the machinists and a lot of other good unions, making good money. Fifteen thousand laid off because of these mergers and acquisitions. How many went on food stamps? How many drew unemployment compensation? That is another cost to the taxpayers that was not picked up by these merger and acquisition costs or factored into the studies.

Mr. John Deutch, in 1993, made a big mistake. We should not compound that mistake. Already, we have paid out $179 million to pay for mergers and acquisitions. There is pending right now on the books about $817 million that we can see. That is not counting the upcoming Boeing-McDonnell Douglas merger. How many more hundreds of millions of dollars will that add?

My amendment, Mr. President, says simply that all of those that we have—and I want to make sure the managers of the bill understand this—all of those with which we have contractual arrangements, obviously have to be paid. What my amendment says is that those that have not been contractually made, we will not pay for these mergers or acquisitions. So if we have made the contracts, I guess we have to live up to it. But my amendment says none in the future.

It is time to stop this ridiculous policy of paying highly profitable companies to do what is in their own best interests and which they would do anyway even if there were no Government subsidy.

I yield the floor.

Mr. STEVENS. Mr. President, I have discussed this matter with the distinguished Senator. I want to specifically call his attention to two sections that are in our bill that were in the bill the year before and the year before. One says:

> None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—
>
> (1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and
>
> (2) such bonus as part of restructuring costs associated with business combination.

Second, we have a provision in this bill on page 91 section 8090. "None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with business combination of the defense contractor that occurs after the date of enactment"—and it was in last year's bill, also; so it covers all of the mergers and consolidations that the Senator has mentioned—"unless:

> (1) the auditable savings for the Department of Defense resulting from restructuring will exceed the costs allowed by a factor of at least two to one, or
>
> (2) the savings for the Department of Defense resulting from restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department, and
>
> (3) the report required by section 818(e) of Public Law 103-337 be submitted to Congress in 1996 is submitted.

Now, what we have done in the past is we have said that if clearly there is a two-in-one savings resulting from the combination, the buildings can be paid associated with restructuring. If it is a situation where the savings and the costs are equal, then the Department can pay costs associated with restructuring where it finds that it is in the interests of the Department and the United States to have the consolidation because of its impact on our industrial base. That is the last part I want to mention to my friend.

We have reduced procurement costs by over 60 percent now of the Department of Defense. In so doing, we faced the problem of what happens to the industrial base. Many people have come to us and talked to us about this, come to the committee and talked to us about it. You have to maintain the industrial base that is necessary to provide this Nation with the systems that will be required in our defense. We have seen it in shipbuilding, in submarine building, in aircraft building, in tanks; we have seen it across the spectrum of procurement.

In order to do that, in some instances, there have been incentives to industry to consolidate in the past. In this time, however, in this go-round, there have been no incentives paid, there has been the right of the Department to pay a portion of the restructuring costs when they meet these two tests. If the savings projected are twice as much as the costs, then the Department may pay the costs.

I say to my friend, the problem of maintaining the industrial base is a very difficult one in a global economy. We are part of a global defense economy now, too. There are enormous entities in other nations that are competing with our people to provide new equipment, military equipment to nations throughout the world, that are able to purchase and maintain sophisticated new technology for their own defense.

Senator INOUYE and I have visited nations throughout the Pacific almost annually, and we have seen that. We have seen the desire for the acquisition of new high-performance aircraft for aircraft carriers, for submarines. We have seen that in terms of the purchase from the Soviet Union, some of the nations in the Persian Gulf.

The point I am making is, if we are to be able to maintain the capability that we must have to compete, if necessary, once again, in restructuring our own industrial base and making it possible to expand any of these systems, we have to maintain the minimum amount of industrial base necessary to do that. These restructurings that have taken place, in my judgment, have enhanced the ability of the United States to maintain an industrial base, primarily the ones that my friend is talking about in the field of aviation and that have happened just recently. Had those mergers, those consolidations not taken place, we would have seen the problem of the industrial basics exacerbated by some of those companies failing when they were under obligation to the United States to complete existing contracts.

These mergers and consolidations have enabled these companies to come together, and they will, in fact, fulfill existing contracts. There is still enough of a competitive structure within our Nation to assure competition for future contracts. I understand the Senator has a GAO report on this matter.

I think it is premature, really, to assess the impact of the laws we passed. By the way, there are other provisions in the authorization bill for the years past, and also in this year. I do not have the knowledge of every one of the items he mentioned on a personal basis, but I have the belief that the Department has before it a series of provisions that prohibit the reimbursement for the bonuses to start with. They are not part of this at all. They cannot be paid. But beyond that, there are limited cases when restructuring costs may be paid by the Department, either when the savings are 2-to-1 over the costs or where the Secretary finds it is at least equal savings to the costs, that those costs are in the interests of the Government in maintaining the industrial capacity to provide for our own defense.

I say to the Senator, I reluctantly have to again oppose his amendment and I will do so. I do not stand here to say that there have not been some excesses in American industry per se over the payment of bonuses and costs upon merger and consolidations, but I do think in terms of those that have taken place within the realm of industrial base and supplies to the Department of Defense we have acted in the past and we are maintaining again this year strict controls over what can be paid by the Department from taxpayers' funds as a result of costs resulting from such restructuring.

Mr. HARKIN. I appreciate my chairman's comments on this. I know that the law was changed last year; Commerce put these provisions in there.

Let me respond by saying that I think the GAO report points out that these are ephemeral, at best. It does say that you have to, if I could just have the chairman's attention, have the savings, the restructuring savings for DOD just has to be projected by at least 2-to-1.

Then here is what the GAO said about estimating these savings. It said:

> Restructuring savings, on the other hand, are not recorded in a contractor's accounting records. Therefore, neither the amount nor the nature of the savings can be determined by reviewing the accounting records. Consequently, savings have to be estimated. For example, Northrop-Grumman's estimated 5-year savings from closing the Grumman corporate headquarters of about $215 million, of which about $100 million represents the labor and fringe costs that would be avoided over the 5-year period by laying off approximately 250 workers. These savings are, therefore, an estimate of a cost avoidance over the 5 years, the cost of the additional people that would have been needed had the headquarters not been closed.
>
> The savings from restructuring activities we examined were generally in the form of such future cost avoidances. The initial estimate of restructuring savings is simple in concept because it makes the critical assumption that everything else, except for the restructuring, is the same after a business combination as before. Because things are never the same, it is difficult to precisely identify actual savings several years after the initial estimate is prepared.

Basically, what they are saying is, all of this money is fungible. I know the chairman says that we put a provision in there saying they can't use any of this money to pay bonuses. Fine. But they can go ahead and pay big bonuses and they can shift the cost over somewhere else, and we pay for closing an office and laying off 250 workers, which is a cost avoidance.

So this money is all fungible. The GAO says there is no accounting principle that they can look to to determine that. So these are projected savings, not actual.

I say to my friend from Alaska, the distinguished chairman, projected savings, well, I can tell you, any defense industry that is going to merge is going to show you that the savings to the taxpayers is much more than 2-to-1 over the amount of money we are going to give them for merging. That is an absolute because they are going to be able to show those kinds of savings. That is not the point. The point is, they are going to merge because it is in their best business interest to do so.

Last week, Northrop-Grumman stock went up $21.12 a share. That is a lot of money. The stockholders or shareholders are happy about this. They have the money to go ahead and merge. This is in their best business interest to do so. If the taxpayers get savings out of it, fine, I am all for it. We should get savings out of it. But why should we pay them to do something that they are going to do anyway? Let us get the savings. Let it be 2-to-1. I hope it is 3-to-1, or 4-to-1, or 5-to-1. But we don't have to give them this money to do it.

So that is in response to what the chairman just said. Yes, they have to project that the savings will exceed the allowed costs—that is the money we give them—by a factor of 2-to-1. Believe me, they are going to show that without any problem whatsoever. But if they can't, there is another loophole because if the projected savings to DOD exceeded the costs allowed, the secretary can determine if the business combination will result in the preservation of a critical capability. So there is another loophole if, in fact, they can't meet that test. Believe me they will meet that test.

My bottom line is still this: These defense contractors are merging because it is in their best business interest to do so. It is not in our best interest, I don't think—not all the time—because I think we are destroying a lot of competition that was out there. But there is no reason for the taxpayers to subsidize it. That is what this amendment does. It simply stops it.

I yield the floor.

Mr. INOUYE. Mr. President, I believe the measure before us has addressed this problem. The problem in issue is rather painful. On one hand, it is our intention, and the intention of our Department of Defense, to maintain and retain an industrial base. How do we maintain an industrial base if there are too many companies involved in one scope of work, adding to the cost of defense? We have found that by encouraging restructuring, they can bring about a definite reduction in costs—a reduction in costs to the taxpayers, a reduction in costs to the Department.

Mr. President, there is no question that when we do achieve cost reduction brought about by restructuring, men and women will find themselves without employment. And so we are faced with this predicament: Do we subsidize a company by paying large sums of money for services and products, knowing that it can be done less expensively, but since we don't want men and women to lose their jobs, we subsidize their company to maintain an overloaded work force?

We have decided that it would be in our national interest, in the interest of the Defense Department, and in the interest of the taxpayers that we bring down the cost of Government. We do have other programs—not in the defense bill, but in other accounts—such as labor, health and human services, Medicare, Medicaid, welfare to help, to the extent possible, those who may have become victims of restructuring. But we have, Mr. President—the chairman and I—the responsibility of presenting to the Senate a measure that we are confident would bring about the best service, the best product, at the least cost.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be no further debate on the Senator's amendment and that it not be subject to second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are awaiting the arrival of another Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday the Senate resume consideration of this bill, the DOD appropriations bill, and that the following be the only remaining amendments in order with relevant second-degree amendments in order:

First, there is a managers' package that we will offer;

There is a pending amendment, No. 846;

We have the Hutchison amendment on war criminals;

McCain amendment to strike section 8097;

The McCain amendment; we will call it the "Buy America" amendment;

The Dorgan amendment on flood relief;

A second Dorgan amendment on reengining authority;

A Feinstein amendment on land transfer;

A second amendment on NATO expansion cost cap;

Graham amendment, which I believe is cosponsored by Senator MACK, on electronic combat testing;

The Harkin amendment, which is the second pending amendment for which the yeas and nays were just ordered on, amendment 848;

Senator INOUYE may have a managers' amendment in addition to mine;

The Robb Marc card amendment;

And that, following the disposition of those amendments, S. 1005 then be read a third time, the Senate proceed to vote on the passage of the bill;

That further, when the Senate receives the House companion measure, the Senate immediately proceed to its consideration.

I further ask that all after the enacting clause be stricken, and the text of the Senate bill S. 1005 be inserted in lieu of the House-passed bill, the bill be read a third time, and passed.

I further ask that the Senate insist on its amendment and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that, other than those amendments that have now been qualified under this unanimous-consent agreement, no further amendments will be in order.

It will be our intention to try to move as quickly as possible once we are on the bill tomorrow morning at 11 o'clock to dispose of the amendments I have listed. And I would ask that all staff be notified that we shall seek time agreements on those amendments when they are called up.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 11, 1997, the Federal debt stood at $5,355,085,035,915.18. Five trillion, three hundred fifty-five billion, eighty-five million, thirty-five thousand, nine hundred fifteen dollars and eighteen cents.

Twenty-five years ago, July 11, 1972, the Federal debt stood at $429,654,000,000—four hundred twenty-nine billion, six hundred fifty-four million—which reflects a debt increase of nearly $5 trillion; $4,925,431,035,915.18—four trillion, nine hundred twenty-five billion, four hundred thirty-one million, thirty-five thousand, nine hundred fifteen dollars and eighteen cents—during the past 25 years.

CONGRATULATIONS TO VERA FAIRBANKS CELEBRATING HER 100th BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Vera Fairbanks of Blue Springs, MO, who will celebrate her 100th birthday on August 2, 1997. Vera is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Vera's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 100 years.

Vera's celebration of 100 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join her friends and relatives in wishing Vera health and happiness in the future.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 14, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1901. An act to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on January 14, 1997, during the adjournment of the Senate by the Acting President pro tempore (Mr. ROBERTS).

MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 40003 of Public Law 105–18, the minority leader appoints the following individuals to the National Commission on the Cost of Higher Education: Dr. Blanche Touhill of Missouri and Dr. Walter Massey of Georgia.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1997 he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

EC–2485. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–2486. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule entitled "Conditional Exemption from Terminology Section of the Care Labeling Rule" received on July 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2487. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC–2488. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–2489. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Abandonment and Discontinuance of Rail Lines and Rail Transportation" received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2490. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1997–1998" received on July 10, 1997; to the Committee on Labor and Human Resources.

EC–2491. A communication from the Director of the Office of Public/Private Initiatives, the Commercial Service of the U.S.A., International Trade Administration, transmitting, pursuant to law, a rule entitled "Federal Register Notice" (RIN0625–XX07) received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2492. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC–2493. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Present State of Knowledge of the Upper Atmosphere 1996: An Assessment Report"; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–178. A resolution adopted by Manistee County Board of Commissioners, Manistee Michigan relative to the English language; to the Committee on Governmental Affairs.

POM–179. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

House Joint Resolution 4

Whereas, on May 21, 1996 New Hampshire became the first state in the nation to enact electric utility restructuring legislation, which provides for competitive retail customer choice of electric generation suppliers for all customers in 1988: and

Whereas, the United States Congress and the Federal Energy Regulatory Commission (FERC) by statute and orders have laid the groundwork for retail competition, by prompting wholesale competition in electricity markets through the adoption of the Energy Policy Act of 1992 and the issuance of FERC Order No. 888 promoting open access transmission services; and

Whereas, there remain some impediments and ambiguities in federal law relative to states' promotion of retail competition in electricity markets and the restructuring of the electric utility industry, and ambiguities in the boundary between federal and state jurisdiction; and

Whereas, divestiture by vertically integrated electric utilities of their electric generation business and their electric transmission and distribution business into separate entities may be a desirable part of electric utility restructuring, some states may want to encourage or mandate such divestiture, and the spinning off of one business or the other to current shareholders may be a desirable method of implementing this goal; and

Whereas, New Hampshire has adopted an electric utility restructuring policy principle in law which states, "Increased competition in the electric industry should be implemented in a manner that supports and furthers the goals of environmental improvement," and which continues, "As generation becomes deregulated, innovative market-driven approaches are preferred to regulatory controls to reduce adverse environmental impacts," and

Whereas, FERC has indicated a clear desire that the United States Environmental Protection Agency implement appropriate environmental regulation to accompany electric utility restructuring; and

Whereas, the United States Congress is considering federal legislation to encourage and promote retail competition and customer choice in electricity supply markets; now, therefore, be it

Resolved, by the Senate and House of Representatives in General Court convened, That the general court of New Hampshire hereby urges the United States Congress, FERC, and other federal agencies to continue to cooperate with and support state efforts to restructure the electric utility industry and promote retail competition; and

That Congress and FERC should affirm state authority to order retail customer choice of electric generation suppliers including the authority to order filing of tariffs for the provision of retail transmission service by electric utilities under state jurisdiction and their affiliates, consistent with needs of retail customers as well as FERC's open access policies and comparability principles; and

That Congress should affirm that states have jurisdiction over all retail sales of electricity to end users within the state, so that states can require the imposition of nonbypassable distribution charges on all retail customers, even if there are no distribution facilities under state jurisdiction involved; and

That Congress should make clear state authority to order divestiture of generation assets by electric utilities that own distribution; and

That Congress should remove tax code obstacles and other barriers to electric utility restructuring, such as barriers to divestiture of generation assets by vertically integrated utilities or holding companies; and

That Congress should eliminate mandatory purchase requirements of the Public Utility Regulatory Policies Act of 1978 once all customers of a utility have the right to choose their own supplier of electricity; and

That Congress and the EPA should pursue policies, including amendments to the Clean Air Act, that promote market based systems which ensure continued and ongoing environmental improvement and reduction of air pollution emissions from electric power generation plants, and provide for fair competition among all generators; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the chairpersons of the committees of the United States Congress having jurisdiction over electric utility restructuring, and to each member of the New Hampshire congressional delegation.

POM–180. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Appropriations.

Senate Joint Resolution No. 53

Whereas, the integrity of Tennessee's infrastructure is dependent upon the continued support of the federal government and its funding mechanisms; and

Whereas, the Chickamauga Lock plays a significant role in the Tennessee Valley economy, serving as a getaway for the transporting of goods into and out of the Tennessee Valley; and

Whereas, located upstream from Chattanooga on the Tennessee River, the Chickamauga Lock is an integral part of the river's navigational system; and

Whereas, in recent years, the Chickamauga Lock has developed serious structural problems, which have caused it to deteriorate at a rapid pace, and, despite close monitoring by the Tennessee Valley Authority, the lock has now deteriorated to the point that repairs are ineffective; and

Whereas, TVA's final congressionally appropriated budget contains language prohibiting TVA from using 1997 funds for the new lock and from moving forward with detailed engineering and construction activities this fiscal year; and

Whereas, TVA estimates that, if left unchecked, the structural problems will cause the Lock to be closed to traffic by 2005, forcing the abandonment of over 350 miles of navigable waterway above Chattanooga; and

Whereas, closing the Chickamauga Lock would also result in the loss of several thousand jobs, an increase in the cost of alternative modes of transportation, a forfeiture of $25 million annually in transportation savings, and pose serious problems for water-dependent industries and burgeoning waterfront development projects; and

Whereas, it is incumbent upon the members of this legislative body to ensure the continued welfare of all Tennesseans and to maintain the state's prominent position as a leader in the Southeast's economic development; now, therefore, be it

Resolved by the Senate of the one-hundredth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby supports the construction of a new Chickamauga Lock and memorializes the Congress of the United States to proceed expeditiously with engineering studies and to fund the replacement of the Chickamauga Lock on the Tennessee River; be it further

Resolved, That copies of this resolution be transmitted to the President and Secretary of the United States Senate, the Speaker and the Clerk of the House of Representatives of the United States, and to each member of the Tennessee Congressional Delegation.

POM–181. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Appropriations.

House Concurrent Resolution No. 17

Whereas, men and women of the United States Armed Forces fought valiantly in the Persian Gulf in 1991 to protect the interests of their country; and

Whereas, more than 10,000 of these soldiers who fought for their country in the Persian Gulf are now suffering severe health problems believed to be a direct result of their service in the War and referred to as "Gulf War Syndrome," and by the end of 1993 the Secretary of Veterans Affairs had approved only 79 of 2,500 claims for disability compensation benefits from veterans whose symptoms have been attributed to Gulf War Syndrome; and

Whereas, the Department of Defense has recently acknowledged that United States soldiers were exposed to Iraqi chemical weapons during the War and nerve gas during a military operation after the War; and

Whereas, experts agree there should be more research into Gulf War Syndrome and its link to chemical agent exposure; now therefore be it

Resolved, That the General Assembly of the State of Ohio requests the Secretary of Defense to adequately research the cause and symptoms of Gulf War Syndrome and the President and Congress to adequately fund the care and relief of those veterans who have been exposed to the causes of the disease; and be it further

Resolved, That the Legislative Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States, to the Secretary of Defense of the United States, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM–182. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

Senate Joint Resolution No. 38

Whereas, the biggest water pollution problem facing this Commonwealth today is polluted water draining from abandoned coal mines; and

Whereas, over half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, this Commonwealth has over 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of Pennsylvania's 67 counties, more than any other state in the nation; and

Whereas, the Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, the Commonwealth now receives about $20 million a year from the Federal Government to do reclamation projects; and

Whereas, there is now a $1 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

Whereas, the Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

Whereas, making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, the Federal Office of Surface Mining, the United States Environmental Protection Agency and Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the Senate of Pennsylvania urge the President of the United States and Congress make the $1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe our abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress.

POM–183. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, The maintenance of a high quality road network is vital to the economic health of our state. As the home of the city that put America on wheels, we in Michigan appreciate this relationship instinctively. Roads of less than excellent quality impede commerce, discourage job formation, and diminish our quality of life. Road maintenance is simultaneously one of the least glamorous of tasks and one of the most important responsibilities that the state carries out; and

Whereas, We in Michigan levy a tax on the purchase of gasoline in order to repair and improve our system of roads and highways. As a tax on those who use the highways, it is one of our fairest means of raising revenue. Just as the states levy a tax on gasoline purchases, so too does the federal government. One consequence of the federal government's taxation of gasoline is the effective limit it places on states that need additional revenue for road repair. As maintenance costs rise and as cars become more fuel efficient, the ability of gasoline tax revenue to fund road work is diminished. In addition, increases in federal gasoline taxes effectively block states from raising state taxes on fuel due to the need to avoid too steep of an increase that might stifle economic growth; and

Whereas, If the federal government used its revenue from the federal gasoline tax to help states maintain their roads, this dual taxation might not be harmful in practice because the tax money would still repair our roads regardless of who collected the funds. Unfortunately, the 1993 federal gasoline tax increase of 4.3 cents per gallon has been devoted to deficit reduction. While deficit reduction is a valid and admirable goal, utilizing revenue from a source which should be ear-marked for road maintenance effectively deprives the states of an adequate means to repair and expand their roads; now, therefore be it

Resolved by the House of Representatives (the Senate concurring) That we memorialize the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–184. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 25

Whereas, the men and women who served our country in the Persian Gulf War suffered significant economic losses when they were mobilized into active duty from reserve status. Many of these individuals, especially the self-employed, faced great personal difficulties upon their return to civilian life. Some lost businesses, which caused others to lose jobs and wages as well; and

Whereas, in recognition of the economic hardship to reservists called to active duty, the Congress included in the 1996 Defense Authorization Act provisions for the Ready Reserve Mobilization Income Insurance Program (RRMIIP). This initiative allows members of the ready reserve not already on active duty the option of buying insurance to provide coverage for income lost when and if they are called to leave their jobs to serve the country; and

Whereas, since its establishment, the RRMIIP has been a frustrating experience. The reservists have been faced with confusion in signing up for the coverage. For those administering the program, administrative requirements have created a nightmare of paperwork, especially those mandating verification that those declining the program were indeed offered the opportunity to participate; and

Whereas, a glaring example of the problems with the RRMIIP is the question of when a person can sign up and if coverage can be changed. A sixty-day window for enrollment was opened October 1, 1996. Due to administrative complications, another window for enrollment was opened later. However, reservists from the initial sign-up period were not allowed to enhance their coverage, and

Whereas, it is unfair to prevent those who signed up for coverage during the initial enrollment period the option of increasing coverage when this opportunity is presented to others. This is certainly not the practice when enrollments for insurance are opened for employees in other governmental agencies or institutions. This worthwhile program needs to be improved to better serve our reservists and their families. Failure to provide these needed improvements is an affront to those who have put themselves in peril for our nation, as well as to everyone who values the sacrifices our military reservists make on behalf of every American; now, therefore, be it

Resolved, That the Congress of the United States appropriate sufficient funds to ensure that the obligation to current enrollees is satisfied; and be it further

Resolved by the House of Representatives, That we memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 39. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 1011. A bill for the relief of Marina Khalina and her son, Albert Miftakhov; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 1012. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of costumes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. LOTT, Mr. BURNS, and Ms. SNOWE):

S. 1013. A bill to provide for the guarantee of the payment of interest on loans to certain air carriers for the purchase of regional jet aircraft to improve air transportation to underserved markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1014. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New

Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1015. A bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

HOOD BAY LAND EXCHANGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to authorize and direct a land exchange which will greatly benefit the community of Sitka, AK. This bill will: ensure that an important water system now currently under an easement will be conveyed to the city of Sitka in order to provide its residents with an assured water supply into the future; provide for a spectacular inholding encompassing approximately 50 acres on Admiralty Island to be added to the Admiralty Island National Monument; extinguish a reversionary interest on land owned at Sitka by the Alaska Pulp Corp. In return for the extinguishment of the reversionary interest, the corporation will convey the 50-acre inholding on Admiralty Island to the Forest Service to be included in the monument, as well as the water system lands to the city of Sitka.

Mr. President, Admiralty Island is an area with outstanding conservation values. The land exchange authorized in the bill I am sponsoring will ensure that this private inholding is included in the monument and in the wilderness area as appropriate.

This exchange is supported by the city and borough of Sitka, and the city administrator has requested me to sponsor this legislation and expedite the exchange.

This exchange is truly in the best interests of all involved. The U.S. Government even comes out ahead on value. Recent appraisals for the various lands and interests exchanged show that the Admiralty Island land is valued at more than the reversionary interest which will be exchanged. As a condition of my legislation, the corporation is required to waive its right to any compensation for this difference in value.

In summary, as a result of this exchange the Admiralty Island Monument land ownership pattern will be consolidated, the city of Sitka will receive valuable lands in fee ownership on which parts of its water system are located, and the corporation will be free of a problematic reversionary interest in its property. As a bonus, the Federal Government realizes a net benefit in the value of the exchange. This is a sound deal in the best interests of all parties.

It is my hope that this legislation can pass this body and the Congress in the near future.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 1016. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Mr. LAUTENBERG. Mr. President, today I am introducing legislation reauthorizing the New Jersey Coastal Heritage Trail Route. The New Jersey Coastal Heritage Trail is the crown jewel of the Jersey Shore and my bill will provide the necessary funding to complete the trail and preserve it for future generations of New Jersey residents and visitors.

The Coastal Heritage Trail Route was first authorized in 1988 through Public Law 100–515, legislation authored by former Senator Bill Bradley. I was proud to cosponsor. The legislation allowed the Secretary of the Interior to design a vehicular route that would enable the public to appreciate, enjoy, and work to protect, the nationally significant natural and cultural sites along the New Jersey coastline and the Delaware Bay. When completed, the trail system will include five self-discovery theme trails which travel along the coast of New Jersey. The 275 miles of the trail which will travel through eight counties, will begin north in Perth Amboy, continue down the Atlantic Coast to Cape May in the south, and head northwest along the Delaware Bay shoreline to Deepwater. The trail will be accessible from the Garden State Parkway and Route 49, and well-marked routes will lead from the corridors to regional welcome centers which will include interpretative information.

The National Park Service, through a partnership with the State of New Jersey, the Pinelands Commission, and local communities, recorded nearly 400 sites and developed alternative concepts for trail protection and interpretation. These activities were documented in the "Resource Inventory and Study of Alternatives", released in November 1990. In April 1991, after public review and comment of this document, the Park Service established an overall trail concept.

The Maritime History Trail, which opened in 1993, celebrates and explores the coastal trade, defense of the Nation, and the fishing and ship building industries. Visitors to this trail can stop, for example, at the Belford Seafood Co-op, a cooperative commercial fishing operation located on the shores of Sandy Hook Bay. The community of Belford is over 200 years old and is reported to be the oldest fishing port on the east coast, with many third- and fourth-generation fishers.

The Coastal Habitats Trail, which opens this year, explores barrier islands, wetlands, estuaries, and other habitats from sandy beaches to maritime forests that provide homes to many plants and animals. Also opening this year is the Wildlife Migrations Trail, which explores places along the Atlantic Flyway, a critical nesting and feeding area for many species of birds. It also celebrates the habitat of the horseshoe crab along the Delaware Bay.

The Historic Settlements Trail explores historic communities whose economies were based on local natural resources such as the bog iron community at Allaire State Park, the cranberry and timber industry located at Double Trouble State Park, and the glassmaking communities in Cumberland and Salem Counties.

The Relaxation and Inspiration Trail will explore how people used their leisure time, and includes the religious retreats of Ocean Grove and Cape May's historic district and boardwalks, and visits the artists who were inspired by the Jersey shore.

Mr. President, the New Jersey Coastal Heritage Trail Route exemplifies how successful the National Park Service has been in forging partnerships with State and local governments, and private individuals and organizations. Since its beginning in 1988, the Park Service has received less than $1 million in Federal assistance. The authorizing legislation appropriately called upon the Park Service to match 50 percent with non-federal funds. The Park Service has gone well beyond that target, raising over $818,000 in non-federal funds. Yet in fiscal year 1998, the authorization ceiling of $1.25 million will have been reached. My bill would increase the authorization level for the trail to $4 million, and extend the authorization to the year 2004, which would give the Park Service the additional time it needs to complete the trail. This is a small investment, I believe, to preserve the richness of New Jersey's and the Nation's history.

The Coastal Heritage Trail Route has brought national recognition and stature to many of New Jersey's special places, and helps to contribute to New Jersey's second largest industry, tourism. I invite my colleagues to join me in support of this legislation which will ensure that many more of these gems of New Jersey and the Nation are understood, celebrated, and protected.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$1,000,000" and inserting "$4,000,000"; and

(2) in subsection (c), by striking "five" and inserting "10".

ADDITIONAL COSPONSORS

S. 775

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the names of the Senator from New York [Mr. D'AMATO], the Senator from North Dakota [Mr. CONRAD], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE RESOLUTION 106

At the request of Mr. ROBB, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 106, a resolution to commemorate the 20th anniversary of the Presidential Management Intern Program.

AMENDMENT NO. 830

At the request of Mr. KERRY his name was added as a cosponsor of Amendment No. 830 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1998

STEVENS AMENDMENT NO. 837

Mr. STEVENS proposed an amendment to the bill (S. 1005) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 30, line number 5, strike the number "$2,431,741,000" and insert in lieu thereof "$2,411,741,000";

On page 28, line number 9, strike the number "$2,865,800,000" and insert in lieu thereof "$2,832,800,000";

On page 20, line number 12, strike the number "$322,200,000" and insert in lieu thereof "382,200,000".

HUTCHISON (AND WARNER) AMENDMENT NO. 838

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 1005, supra; as follows:

At the appropriate point, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING MISSION CREEP IN BOSNIA.

(a) FINDINGS.—Congress finds the following:

(1) NATO forces have begun various military operations in Bosnia aimed at capturing other alleged war criminals, including the capture of a Bosnia Serb police chief in northwest Bosnia. In this altercation, at least one British soldier was injured.

(2) On July 3, State Department spokesman Nicholas Burns stated that a Bosnian Serb television report that NATO peacekeepers had been ordered to arrest Radovan Karadzic and Ratko Mladic on sight was "absolutely and unequivocally false."

(3) In support of that position, the Supreme Allied Commander in Europe, General George Joulwan, reaffirmed on Monday, July 7, that "the principal responsibility for [apprehending war criminals] lies with the (Bosnian) parties themselves."

(4) On March 18, 1997, General Joulwan testified before the Senate Armed Service Committee that "the military are not policemen. And I think, again, the proper responsibility rests on the parties. That is what Dayton says . . . [I]f we are not careful we will go down this slippery slope where the military will be put into hunting down war criminals. That is not within my mandate."

(5) On July 9, 1997, the prospective Supreme Allied Commander in Europe, General Wesley Clark, during his confirmation hearings before the Senate Armed Services Committee, acknowledged his understanding of his predecessor's mandate and affirmed his intention to execute the policy in the same way as General Joulwan has.

(6) On November 17, 1996, the Secretary of Defense stated in response to a specific question regarding the apprehension of war criminals in Bosnia that "the mission [in Bosnia] is to provide a secure environment so that all of the other civil functions can go on . . . It is not to perform [apprehension] functions."

(7) On December 18, 1996, the Secretary of Defense reaffirmed that the apprehension of war criminals "was not an IFOR mission, [and] it will not be an SFOR mission . . . [L]ocating and arresting the criminals is a mission for a police force."

(8) On March 3, 1997, the Secretary of Defense stated that "[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission."

(9) An expansion of the U.S. mission in Somalia (that expansion being an element of "nation-building") specifically being the mandate to hunt down and arrest specific individual(s), resulted in the deaths of 18 U.S. Special Forces in October 1993 and precipitated the subsequent withdrawal of all American forces without the primary mission having been accomplished.

(10) A change in U.S. and NATO policy regarding alleged war criminals in Bosnia could expose U.S. and NATO troops to direct combat action and ultimately jeopardize the peacekeeping progress, to date, of U.S. and NATO forces in Bosnia and could allow the situation to deteriorate to the conditions that existed before the NATO IFOR/SFOR mission was established.

(b) SENSE OF CONGRESS.—It is the sense of Congress that U.S. policy in Bosnia, as that relates to the use of our forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

MIKULSKI AMENDMENT NO. 839

Mr. INOUYE (for Ms. MIKULSKI) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 29, line 15, strike out "$6,375,947,000" and insert in lieu thereof "$6,390,847,000".

On page 33, line 16, strike out "$14,142,873,000" and insert in lieu thereof "$14,127,873,000".

DODD AMENDMENT NO. 840

Mr. INOUYE (for Mr. DODD) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 32, line 25, after "1999" insert the following: ": *Provided*, That, of the amount appropriated under this heading, $4,500,000 is available for a joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions".

KENNEDY AMENDMENT NO. 841

Mr. INOUYE (for Mr. KENNEDY) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 34, before the period on line 3, add the following: ": *Provided*, That of the funds appropriated under this heading, $5,000,000 shall be available for a facial recognition technology program".

SNOWE (AND COLLINS) AMENDMENT NO. 842

Mr. STEVENS (for Ms. SNOWE, for herself and Ms. COLLINS) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 34, line 3, at the appropriate place insert the following: ": *Provided*, That, $2,000,000 shall be made available only for a joint service core research project to develop a prototype hybrid integrated sensor array for chemical and biological point detection."

SESSIONS AMENDMENT NO. 843

Mr. STEVENS (for Mr. SESSIONS) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 34, before the period on line 3, add the following: ": *Provided*, That of the funds appropriated under this heading, $6,000,000 shall be available for a conventional munitions demilitarization demonstration program".

GRASSLEY AMENDMENT NO. 844

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. . Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended by striking out "$3,000,000" and inserting in lieu thereof "$1,000,000".

CONRAD (AND DORGAN) AMENDMENT NO. 845

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 1005, supra; as follows:

At the appropriate place, add the following:

SEC. . AIR FORCE AIRCRAFT ENGINE MODERNIZATION PROGRAM.

(a) ENGINE REPLACEMENT PROGRAM.—(1) The Secretary of the Air Force may carry out a program to replace existing engines on Air Force aircraft in active service with commercial aircraft engines. Any such replacement engine may only be an engine that is a commercial item described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(A)).

(2) An engine modernization program carried out under this section may include (in addition to other elements) any or all of the following elements:

(A) Integration of replacement engines and related equipment into existing aircraft and testing of the integrated engines and related equipment.

(B) Fabrication and installation of the replacement engines and related equipment.

(C) Acquisition of the replacement engines and related equipment by means of leasing under commercial terms and conditions, including commercial terms and conditions pertaining to indemnification.

(D) Acquistion of the logistical support for the replacement engines and related equipment.

(b) MULTIPLE CONTRACTS AUTHORIZED.—The Secretary may enter into more than one contract for the purposes of subsection (a).

(c) LEASE TERMS AND CONDITIONS.—(1) A contract for the lease of aircraft engines and related equipment under this section may be for a period not to exceed 30 years.

(2) Any contract for the lease of aircraft engines and related equipment under this section may provide for the termination liability of the United States under the contract. Any such termination liability shall be subject to a limitation in the contract that any obligation of the United States to pay the termination liability is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(3)(A) Any contract for the lease of aircraft engines and related equipment entered into under this section may provide for the United States to indemnify the lessor for any covered loss (except as provided in subparagraph (C)).

(B) A covered loss under this paragraph may, to the extent provided in the contract, include any loss, injury, or damage to the lessor, any employee of the lessor, or any third party, or to any property of the lessor or a third party, that arises out of, or is related to, the lease.

(C) Any such requirement for indemnification shall be subject to a limitation in the contract that any obligation of the United States to pay such indemnification is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(D) The United States shall not be required to indemnify a lessor, and a contract under this section may not obligate the United States to indemnify a lessor, for a loss, injury, or damage that is caused by willful misconduct of managerial personnel of the lessor or of the engine supplier.

(d) SOURCE OF FUNDS.—Notwithstanding any other provision of law (including any law regarding fiscal year limitations), payments under any such contract for a fiscal year may be made from funds appropriated for the Air Force for that fiscal year for operations and maintenance.

(e) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary of the Air Force may enter into contracts and incur obligations under this section without regard to the following provisions of law:

(1) The limitations on making and authorizing an obligation and involving the United States in a contract or obligation that are set forth in section 1341 of title 31, United States Code.

(2) The limitations on accepting voluntary services and employing personal services that are set forth in section 1342 of such title.

(3) The limitations on availability of funds that are set forth in section 1502 of such title.

(4) Any apportionment or other division of appropriations, any other administrative restriction, and any reporting requirement that, but for this paragraph, would otherwise apply to the contract or obligation under subchapter II of chapter 15 of such title.

(5) The limitations on contracting and purchasing that are set forth in section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)).

(f) BUDGETARY TREATMENT OF LEASES.—(1) The Secretary of Defense, the Secretary of the Air Force, and the Director of the Office of Management and Budget shall treat a contract for a lease entered into pursuant to this section as an operating lease for all purposes of the Federal budget without regard to any provision of law relating to the Federal budget, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and any regulation or directive (including any directive of the Office of Management and Budget) issued thereunder.

(2) The Secretary may enter into contracts under this section only to the extent, and in the amount, specifically provided in an Act enacted after the date of the enactment of this Act. A provision in an Act enacted after the date of the enactment of this Act that provides specific authority to enter into a contract under this section, subject to a specific maximum dollar amount, shall not be considered to be budget authority for any purpose, and appropriations provided in annual appropriations Acts for payments of United States obligations under such a contract as those payments become due shall be considered to be budget authority.

(g) PRIOR CONGRESSIONAL NOTIFICATION.—Before entering into a contract under this section, the Secretary shall notify the congressional defense committees and the Committees on the Budget of the Senate and House of Representatives of the Secretary's intent to enter into the contract and certify to those committees that such contract is in the national interest. The contract may then be entered into only after the end of the 30-day period beginning on the date of such notification and certification.

STEVENS (AND INOUYE) AMENDMENT NO. 846.

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill, S. 1005, supra; as follows:

At an appropriate place in the bill insert:

SEC. . FINDINGS.

The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary;

The President, on behalf of the United States endorsed an advocated the expansion of the North Atlantic Treaty Organization to include three additional members;

The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization;

The United States has contributed more than $20,000,000,000 since 1952 for infrastructure and support of the Alliance;

In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $449,000,000 has been requested by the President for expenditures in direct support of United States Participation in the Alliance; and

In appropriations Acts likely to be considered by the Senate for Fiscal year 1998, $9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

SEC. .

The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997; (1) the amounts necessary, by appropriation account, for all anticipated costs to the U.S., for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998,1999, 2000, 2001 and 2002, and; (2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

ROBB AMENDMENT NO. 847

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. Of the total amount appropriated under title IV for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

HARKIN AMENDMENT NO. 848

Mr. HARKIN proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after July 15, 1997.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, July 23, 1997, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to broadly examine three aspects of natural gas issues into the next century. Specifically, the committee will want to look at world energy supply and demand to 2015, what percentage of that will be filled by natural gas and how this could be impacted by other large scale energy projects, such as nuclear, that are being developed in Asia. Second would be to explore the role of Government in large scale gas projects in foreign countries, what type of assistance the U.S. companies competing for overseas projects receive from the U.S. Government and what can be done in the United States to make American gas more competitive worldwide. Third would be to examine the emerging technologies in gas field development that are making natural gas more economical to market.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224-6730.

ADDITIONAL STATEMENTS

EXPLANATION OF SELECTED VOTES ON SPENDING PORTION OF THE BALANCED BUDGET ACT OF 1997

• Mr. ABRAHAM. Mr. President, recently, the Senate considered historic changes to preserve Medicare for future generations. I think it is important to outline my views in detail on a few of the key votes cast regarding these issues.

I believe, as legislators, a chief concern must be protecting Medicare solvency for the long term. The Medicare Program is in a crisis situation. As reported in the most recent Medicare trustees report, the hospital insurance trust fund will be bankrupt by the year 2001. Hence, immediate action must be taken to save this vital program.

The change contained in the bill would bring Medicare's eligibility age in line with the Social Security's eligibility age and would do it over a long period of time. Importantly, the increased eligibility age does not begin to phase in until 2003 and then increases slowly over 24 years. In essence, this position will not be fully in place for 30 years. This means that the full 2-year increase would only apply to individuals currently 36 years old and younger.

This was, for me, a close question. However, as noted, this provision will not begin to be phased in for 6 years. For that reason—to launch a process that can lead to a positive, permanent solution—I voted in support, but with significant hesitations. If, in the next several years, my concerns can be alleviated, I will continue to support the proposal. If not, I will withdraw my support well in advance of 2003. Especially relevant will be the findings of the Medicare Reform Commission, created by this legislation, on how best to maintain the long-term solvency of this program. Specifically, will the Commission support an increase in the Medicare eligibility age? If the report rejects this idea I would withdraw my support. In addition, well before any change in age, we need to fully address how the health care needs of low-income seniors between the ages of 65 to 67, will be met once this provision is implemented. Failure to do so would also be grounds for rejecting the proposal. And finally, we must develop ways by which middle-income seniors will be able to purchase and maintain their insurance under such a provision. This may be through medical savings accounts or other means, but we must ensure that viable alternatives are available to all seniors. If, in the next 2 to 3 years, these concerns are not addressed, or the Medicare Commission disagrees with our actions, I will withdraw my support for increasing the eligibility age.

Another long-term reform proposal debated concerns the bill's plan to means test Medicare part B premiums. Currently, seniors pay 25 percent of their part B premium while the Federal Government pays 75 percent of their premium. The bill would require seniors with incomes starting at $50,000—for a single senior—to pay a larger percent of this premium, with seniors making $100,000 a year required to pay the entire portion of their premium—up to $2,160 a year. Senator KENNEDY offered an amendment to strike the means testing of premiums that was included in the Medicare bill. I supported the effort to strike this provision.

Unlike the eligibility age issue, the means testing proposal would have immediate effect. I was concerned that before such a fundamental change took place, the issue should be reviewed and the consequences closely examined. We have not had hearings on this issue and I believe that hearings and closer review are necessary before a change of this magnitude is made to the Medicare Program. Further, I do not believe we should consider a proposal such as means testing until we have other viable alternatives in place such as medical savings accounts, to give middle-income seniors a way to better afford their Medicare and health services. In my judgment, to immediately implement the proposal in the bill would unfairly pull the rug out from under middle-income seniors without adequate notice or the provision of a legitimate option. This isn't fair.

To me, a $50,000 income isn't wealthy. Moreover, many seniors who would have their premiums dramatically increased have carefully prepared and planned their retirements. Their incomes may already be committed to maintaining the mortgage and upkeep of a home, support of relatives, or saving for special nursing home care and so on. To change the rules this substantially and in the middle of the game, with no time for adjustment is wrong.•

HARRISVILLE ELEMENTARY SCHOOL, A 1997 NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE

• Mr. ROCKEFELLER. Mr. President, I would like to take this opportunity to recognize Harrisville Elementary School of Harrisville, WV. This fine public school was recently selected as a 1997 National Blue Ribbon School of Excellence by the U.S. Department of Education. It was 1 of 7 elementary schools in my State to receive this prestigious award, and 1 of 38 West Virginia schools that have been recognized since the National Blue Ribbon School Program began in 1982.

Schools are judged on curriculum, leadership, teaching environment, student performance on standardized tests, parent and community support, graduation rates and post graduation pursuits. Harrisville Elementary's goal is "to educate all students to their maximum abilities." Although 65 percent of the students are from low socioeconomic backgrounds, a high level of achievement is expected of all students. Along with Principal Marion Roby; teachers, support staff, parents, and community members work together to provide students with quality learning experiences. This dedication to student success and academic excellence is evident in the remarkable growth the students have achieved. Student total battery scores on the CTBS/4 test have increased from the 47th percentile to the 88th percentile.

Located in the north-central part of the State, Harrisville Elementary School was the first school in Ritchie County to have a networked computer lab where all students have daily scheduled class. The students also participate in STARS (Special Time with At-Risk Students) and take part in GATORS (Guiding Attitudes Toward Outstanding Responsible Students). These two staff designed programs promote life-long decisionmaking skills and build self esteem. The school piloted a comprehensive health program, Know Your Body, which was later adopted by the rest of the country. The school's staff is one of the best in the State with four Ritchie County Teachers of the Year, including the 1996 honoree.

As a National Blue Ribbon School, Harrisville Elementary School is a role model for other schools across the country on how teachers, administrators, parents and students can work togther to create an educational environment that helps children excel. Everyone in the Harrisville community should be proud of the notoriety that their local institution has achieved. It is my pleasure to publicly congratulate this school for its commitment to academic success. I know that this school will continue its good work and represent West Virginia proudly on a national level.●

OREGON STATE UNIVERSITY SUMMER AGRICULTURAL INSTITUTE

● Mr. SMITH of Oregon. Mr. President, it is with considerable pride I share with you today an educational program that is bringing hope and insight to students in Oregon. It is characterized by voluntarism, authentic educational programs, and community involvement. The program itself, and its individual parts, serves as a model for educational reforms throughout our Nation.

The Oregon State University Summer Agricultural Institute, which is currently in its 8th year, consists of teachers taking a week long course designed to enhance their understanding of agriculture in Oregon. After a day of initial study at the university, teachers are immersed in authentic, hands-on learning. They visit actual working farms and ranches, processing plants, forestry sites, and dairy farms. Additionally, each teacher spends 1 night with a family that owns and operates a farm or ranch. Teachers in the program also experience a day of role reversal as they become the students of boys and girls involved in Future Farmers of America. The teachers learn how relevant and meaningful learning takes place in the lives of these young people as they farm and raise animals.

Teachers must pay a small fee for the class but the overwhelming majority of costs are met through donations. These gifts of money, time, and resources by agricultural communities in Oregon provide the financial backbone of the program.

The institute ends with a dinner where teachers are given the opportunity to share their reflections on the week. During this evening it is common for teachers to share an increased sense of appreciation for agriculture. The advanced level of education possessed by farmers and ranchers, their commitment to responsible stewardship of the land, and their incredible work ethic leave the teachers not only impressed but touched. One teacher tearfully remarked, "Oregon's land is in good hands. Thank you."

Teachers leave the week with the necessary knowledge and motivation to develop meaningful curricula related to agriculture in Oregon. Lafona Jensen, the chairwoman of the program, Karen Stephenson, the coordinator of the program, and Dr. Lee Cole, the instructor of record, are individuals making a genuine difference in the lives of young people in Oregon.

I strongly encourage States with similar agricultural interests as Oregon to look closely at this program. The Oregon State University Summer Agricultural Institute is a model for communities desiring to design educational programs that promote authentic learning and an appreciation for the important role agriculture plays in our society.●

NATIONAL CHARACTER COUNTS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 80, Senate Resolution 63.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 63) proclaiming the week of October 19 through 25, 1997, as "National Character Counts Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 63) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 63

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our Nation and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, "Effective character education is based on core ethical values which form the foundation of democratic society.";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of October 19 through October 25, 1997, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

AUTHORIZATION TO CORRECT ERRORS IN ENGROSSMENT OF S. 936

Mr. STEVENS. Mr. President, on behalf of Senator THURMOND, I ask unanimous consent that the Secretary be authorized to correct errors in the engrossment of the act, S. 936, the Defense authorization bill for the fiscal year 1998, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material follows:

On page 487, after line 3, insert the following:

SEC. 1091. REVIEW OF EXISTING ENVIRONMENTAL CONSEQUENCES OF THE PRESENCE OF THE ARMED FORCES IN BERMUDA.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on any remaining environmental effects of the presence of the Armed Forces of the United States in Bermuda.

On page 569, strike out line 3 and all that follows through line 10 on page 570 and insert in lieu thereof the following:

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army may convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to one parcel of land, Tract No. 404-2, containing approximately 157 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational purposes.

(b) SALE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army may convey, at fair market value, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to one parcel of land, Tract No. 404-1, containing 137 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon.

(c) TERMS AND CONDITIONS.—The conveyance or sale by the United States under this section shall be subject to the following conditions to protect the interests of the United States:

(1) The County shall pay all costs associated with the conveyance or sale authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees.

(2) Notwithstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed or sold, and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(d) REVERSION.—If the Secretary determines at any time that the real property conveyed pursuant to subsection (a) is not being used for the purpose specified in that subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsections (a) and (b) shall be determined by a survey or surveys, the costs of which the County shall bear.

ORDERS FOR TUESDAY, JULY 15, 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Tuesday, July 15. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to a period of morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes with the following exceptions:

Senator MURKOWSKI, 15 minutes;

Senators HAGEL and CLELAND sharing 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I also ask unanimous consent that at 11 a.m. the Senate resume consideration of S. 1005, the Defense Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that from 12:30 p.m. until 2:15 p.m. the Senate recess for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, the leader asked that all Members be informed that tomorrow the Senate will be in a period of morning business until the hour of 11 a.m.

By previous consent, at 11 a.m. the Senate will resume consideration of S. 1005, the Department of Defense appropriations bill with only those amendments listed this evening under our unanimous-consent agreement being in order. Following the disposition of those amendments the Senate will proceed to a vote on final passage of the Department of Defense appropriations bill. Hopefully that will be by early afternoon. By consent, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons to meet. Following that recess, the Senate will hopefully begin consideration of the energy and water appropriations bill.

Senators should keep in mind that the Senate hopes to complete action on three to four major appropriations bills this week. Therefore, late sessions can be expected, and votes should be anticipated throughout each day of the Senate session. On behalf of the leadership, we thank our colleagues for the cooperation of the Senate today.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if my friend from Hawaii has no further business to raise, and if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment as under the previous order.

Thereupon, the Senate, at 7:43 p.m., adjourned until Tuesday, July 15, 1997, at 10 a.m.

EXTENSIONS OF REMARKS

A TRIBUTE TO BEV ROSS SNYDER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 1997

Mr. PORTMAN. Mr. Speaker, the month of July marks the official birthday of our Nation, and I would like to acknowledge the outstanding work of a patriotic American, Bev Ross Snyder of Owensville in Clermont County, OH.

Ms. Snyder is a descendant of Betsy Ross, who was credited with the creation of our national flag—the Stars and Stripes. She has been the driving force behind the "Glorifying Our Flag—Through Education" campaign—an effort to educate students about the history, importance, and use of our national emblem. As a result of her efforts, students in grades 3 through 12 in Clermont County have been encouraged to learn more about the flag and have participated in very competitive art and essay contests. And, she has been an outspoken advocate of legislation in the Ohio General Assembly to encourage school districts to educate students about the proper respect, use, and display of the flag.

Ms. Snyder is making her first visit to Washington this week. I commend her on her work, and encourage all Americans to take an active role in learning more about the national symbol of freedom—our flag.

* * *

YES, APOLOGIES WOULD BE IN ORDER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 1997

Mr. STOKES. Mr. Speaker, in an article that appeared recently in the Cleveland Plain Dealer, the question of whether or not the Government should issue an apology for slavery in the United States was answered with a heartfelt, personal response. The article is entitled, "Yes, Apologies Would Be In Order."

In the article, Afi-Odelia E. Scruggs, a columnist for the Plain Dealer, tells a touching story of tracing her family lineage back to a time when America allowed the slave trade to thrive. Through her experience, she illustrates why an apology for American slavery is so important to those who ancestors bore the burden of forced labor and dehumanization. Also, Scruggs recognizes that an official apology can help close that chapter of America's past many would like to forget, yet still lingers at the forefront of the memories of African-Americans today.

Mr. Speaker, in my opinion this writer has written one of the best articles I have read on this subject. I believe that it is crucial for those currently debating this issue to hear from both sides of the argument, and for that reason I would like to share this excellent article with my colleagues and others across the Nation.

YES, APOLOGIES WOULD BE IN ORDER

(By Afi-Adelia E. Scruggs)

For reasons I don't quite understand, I am intellectually and emotionally drawn to the antebellum period. Maybe it's because of my interest in genealogy. I've already written about finding my great-great-grandfather on a slave inventory.

But the connection grew stronger about five years ago, when I attended a traveling exhibit on slave life commissioned by the Museum of the Confederacy. The artifacts included a list of slaves from a South Carolina plantation. There, on the last line, I saw my own first name. Both experiences showed me how the past seeps into the present, how history can reveal itself with stunning immediacy.

Within the past week, the past has come alive again. This time, the catalyst is a possible presidential apology for slavery.

I would welcome it. The proposal has made me realize how much I need to hear it. I don't know whether I stand with the majority or the minority. I've seen a variety of reactions to the idea.

Some blacks, such as Baltimore Sun columnist Gregory Kane, shrug off the apology as a cynical political gesture. They say mere words will not lay 300 years of history to rest.

On the other hand, my colleague Joe Dirck points out that his family didn't have anything to do with slavery because the Dircks came to America shortly before the start of the Civil War.

I wouldn't expect an apology from the Dircks; that would be meaningless. I wouldn't expect an apology from the Kelly family of Williamson county, Tenn. They are descended from the man who owned my ancestors.

I talked to the Kellys years ago. My genealogical quest brought me to them; most blacks who track down their family history must inevitably knock on the slave owner's door.

Our conversation was cordial and brief. I was looking for information about Ed Scruggs' family, I told them, especially records of his plantation operation. If this sounds familiar, it is. "Roots" author Alex Haley made an identical request to the descendants of his family's masters.

Haley found a trove of information. But my call turned up nothing. I'd already traced Ed Scruggs as far back as possible, I was told. I could try the Williamson County court records. It seems Ed Scruggs' nine children were notorious for suing each other. We chuckled over that one. I got an invitation to call again if they could be of help. I haven't spoken to any of the Kellys since.

If the Kellys contacted me as a way of erasing the family's debt to history, I would be touched. If the Kellys wanted to talk about the part our ancestors played in this racial drama, I would agree. But I don't desire an apology from the Kellys, or any individual white person, because slavery wasn't a personal transgression.

It was a societal sin.

Slavery was an institution, a peculiar one that turned human beings into commodities. Because of that, people were treated no better than dogs, or horses, or any other piece of replaceable property. Slaves were sold, bartered, used as collateral for loans, and taxed as personal property.

Slaves were passed down as heirlooms and given as gifts. Five of my maternal ancestors, for example, were included in their mistress' dowery. When she married and moved to Tennessee, they left South Carolina with her. If fate hadn't intervened, in the guise of the Civil War, my name might be included today on someone's inventory list.

I need to hear an apology for such a dehumanizing system. I need to hear this country admit the corruption in a way of life that placed my ancestors in a trust fund for their master's children.

I need to hear President Clinton, as this country's leader, assure us all that Americans will never again be reduced to entries in an accounting ledger.

I need to hear all that, so that I can release my rage over the way my people were treated.

I must hear it so I can continue to forgive the society that allowed slavery to happen and resists acknowledging the depths of slavery's dehumanization.

And if an apology is given, I will accept.

* * *

THE DELETION OF HARRISBURG INTERNATIONAL AIRPORT FROM SUPERFUND

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 1997

Mr. GEKAS. Mr. Speaker, exactly 2 weeks ago, during the recent Fourth of July recess, at 2 p.m., on Monday, June 30, 1997, I participated in a brief ceremony which was the culmination of an effort that spanned nearly my entire career in the House of Representatives. That event was the removal, or deletion, of the Harrisburg International Airport from the U.S. Environmental Protection Agency's National Superfund List, the nationwide priority list of hazardous waste sites. Very few things in which I have participated during my tenure as the Member of Congress from the 17th District of Pennsylvania will have the stunning regional impact as the seemingly small and bureaucratic action of this Superfund list removal.

In addition to me, those participating in the deletion ceremony included Bradley L. Mallory, Pennsylvania's secretary of transportation; Elizabeth S. Voras, deputy secretary for aviation and rail freight [PADOT]; Timothy Fields, Acting Administrator for Solid Waste and Emergency Response for the U.S. Environmental Protection Agency; Maj. Joseph Hand, Deputy District Engineer, U.S. Army Corps of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Engineers, Baltimore District; M. Joel Bolstein, deputy secretary for special projects, Pennsylvania Department of Environmental Protection; and, many of those who toiled for years to accomplish this goal.

In 1983, hazardous contamination was discovered in the soil and groundwater on and around the land of the Harrisburg International Airport [HIA] forcing the inclusion of HIA on the Superfund list in June 1986. The HIA Superfund site included not only the airport, but also Penn State Capital Campus and adjacent industrial areas. And, for the next 14 years, I and my staff worked to achieve the end that is this deletion—the action that formally notes that the site has been cleaned of contaminants to EPA's satisfaction—and also to foster the beginning of a potentially huge increase in investments and jobs in the area. The removal of this land from the purview of the EPA umbrella opens the area, now free from the onerous legal and regulatory restraints which abound under Superfund, to massive business development.

Mr. Speaker, this site has become a Superfund "how to" example for formerly used defense sites [FUDS], one which we hope both the Department of Defense and EPA will replicate nationwide. The HIA effort yielded a model participant advisory panel which held monthly status/action meetings; it offered the concept of parceling out noncontaminated land for development, now an EPA standard guideline; and, it showed how a success oriented, versus regulation oriented, effort could cut redtape and yield faster and easier results. All in all, the people of central Pennsylvania can again be quite proud of how they have handled a major problem with a successful resolution.

At the end of these remarks I would like to enter into the RECORD three items related to the HIA Superfund deletion: the EPA Public Comment Notice for the deletion; the final statement of deletion signed by Secretary Mallory, Assistant Administrator Fields, Major Hand, Deputy Secretary Bolstein, and myself; and, the statement I made at the deletion event. Finally, Mr. Speaker, may I offer my thanks to all of those whose hard work have led to this moment: my staff, current and past; the MAC group, in particular Nick DiNaro of EPA; and the citizens who live in and around Harrisburg International Airport whose lives have been so long affected by this 14-year adventure.

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ANNOUNCES A PUBLIC COMMENT PERIOD FOR THE MIDDLETOWN AIR FIELD SITE, MIDDLETOWN, PA, ON A PROPOSAL TO: REMOVE THE SITE FROM THE SUPERFUND LIST

The public comment period will last 30 days from the published date of this announcement.

The cleanup of a former Air Force military base located in Middletown, PA has been determined to be completed by the U.S. Environmental Protection Agency (EPA). The Site has been on EPA's Superfund list since June 1986, after trichloroethylene was found in the Harrisburg International Airport water supply. The EPA is now proposing to remove the Middletown Air Field Superfund Site from its Superfund list since a health threat no longer exists. The property was initially established Camp George Gordon Meade by the Army on rolling farmland as a basic training camp in response to the Spanish-American War in July, 1898. In less than a year, the tent camp reverted to a pickle farm operated by H.J. Heinz, Company until May 15, 1917 when ground was broken for what eventually became known as the Olmsted Air Force Base in September 1947. Activities throughout the history of the Site included: warehousing and supply of parts, equipment, general supplies, petroleum, oil and lubricants (POL) for the Northeast Procurement District; complete aircraft overhaul including stripping, repainting, engine overhaul, reassembly, and equipment replacement; engine and aicraft testing; and

The Air Force runway and most of the Air Force industrial buildings (approximately 625 acres) are currently owned by the Pennsylvania Air National Guard and the Pennsylvania Department of Transportation (PADOT), which maintains and manages the Harrisburg International Airport (HIA). HIA conducts general airport operations and maintenance, and leases buildings to fixed base operators and industrial tenants. Operations performed by tenants at this Site include:

aircraft maintenance operations, aircraft paint stripping and repainting, and parts cleaning,

aircraft instrument overhaul and repair,

fabric dying,

machine shop operations,

typewriter ribbon inking and cartridge assembly.

Approximately 218 acres of former administrative and housing facilities north of Route 230 are owned by the Harrisburg Campus of the Pennsylvania State University. An additional 93 acres of former Air Force warehouse facilities just south of the Pennsylvania Turnpike (I-76) were sold to First Industrial Realty Trust, Inc. in 1995 by Fruehauf Industries, which still retains ownership of the North Base Landfill. Fruehauf was involved in the manufacturing of truck trailers with Site activities including welding, punching, fastening, foaming and painting.

Based on the results of site investigations, EPA has determined that:

No further action, except for institutional controls, is necessary to address soils at the Site.

On-going monitoring of surface water and sediment in the Susquehanna River is required. In addition, selected storm drains are also to be sampled and evaluated in five years. The sampling frequency may be modified by the Pennsylvania Department of Environmental Protection (PADEP) after one year.

On-going monitoring of the sentinel wells at the North Base Landfill Area is required. No other actions for this area are deemed necessary at this time.

No action is required for surface water or sediment in Meade Heights.

In the event that the HIA should cease or reduce the pumping of the production wells, PADEP will assess the potential for currently contained hazardous substances to migrate towards the Susquehanna River and may impose a sampling and review period (not to initially exceed 5 years), to assess whether any impact is occurring regarding the Susquehanna River. After the initial review, PADEP will again review the Site's status and determine if additional action is warranted.

Ground water use will be restricted in the event any new wells or modification of usage to existing wells are to be implemented at the Site. Ground water use at the Site will require a permit or approval by PADEP prior to use.

Based on the results of the supplemental study investigation (SSI) and BRA, no additional action, than that already required by the 1987 ROD and the 1990 ROD, as modified by the 1992 Explanation of Significant Differences (ESD), is required at the Site. It should also be noted that based upon the SSI, the objectives of the Harrisburg Airport Master Plan can be realized within the requirements of the "No Further Action" alternative by utilizing engineering and institutional controls.

All necessary design and construction activities have been approved by EPA and completed. EPA is proposing to remove the Middletown Air Field site from the Superfund list since no further actions, other than institutional controls and monitoring are required.

Documents relating to the investigation and cleanup leading to this proposed deletion are available for public review at: Middletown Public Library, 20 North Catherine Street, Middletown, PA 17057, (717) 944-6412 and U.S. EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107, (215) 566-3157.

For further information please contact: Nick Di Nardo, Remedial Project Manager, U.S. EPA Region III, (215) 566-3365 or (800) 553-2509; or William Hudson, Community Involvement Coordinator, U.S. EPA Region III, (215) 566-5532 or (800) 553-2509.

[From the Federal Register]

NATIONAL OIL AND HAZARDOUS SUBSTANCES CONTINGENCY PLAN; NATIONAL PRIORITIES LIST UPDATE

40 CFR PART 300

Agency: Environmental Protection Agency.

Action: Notice of Deletion of the Middletown Air Field site from the National Priorities List.

Summary: The Environmental Protection Agency (EPA) announces the deletion of the Middletown Air Field Superfund site in Middletown, Pennsylvania from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

Effective Date: June 30, 1997.

For further information contact: Nicholas J. DiNardo, Remedial Project Manager, U.S. Environmental Protection Agency, Regional III, (215) 566-3365.

Supplementary information: The site to be deleted from the NPL is: Middletown Air Field, Middletown, Pennsylvania.

A Notice of Intent to Delete for this site was published May 23, 1997 (53 CFR 30452). The closing date for comments on the Notice of Intent to Delete was June 23, 1997. EPA received no comments.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP state that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

LIST OF SUBJECTS IN 40 CFR PART 300

Hazardous Waste

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.C. 11735, 38 FR 21243.

APPENDIX B [AMENDED]

2. THE NPL Part 300; Appendix B, is amended a follows

Remove: Middletown Air Field, Middletown, Pennsylvania

TIMOTHY FIELDS, JR.,
ACTING ASSISTANT ADMINISTRATOR FOR
Solid Waste and Emergency Response.

This Notice of Deletion of the Middletown Air Field site from the National Priorities List is hereby concurred by:

HON. GEORGE W. GEKAS,
U.S. REPRESENTATIVE,
17th District, Pennsylvania.
BRADLEY L. MALLORY,
SECRETARY,
Pennsylvania Department of Transportation.
MAJ. JOSEPH T. HAND,
DEPUTY DISTRICT ENGINEER.
U.S. Army Corps of Engineers, Baltimore District.
M. JOEL BOLSTEIN,
DEPUTY SECRETARY FOR SPECIAL PROJECTS,
Pennsylvania Department of Environmental Protection.

STATEMENT OF CONGRESSMAN GEORGE W. GEKAS AT THE HIA DELETION CEREMONY ON JUNE 30, 1997

In 1898, the land on which we stand was irrevocably transformed when it became Camp George Gordon Meade of the United States Army in response to the needs of the ongoing Spanish-American War.

Now, nearly 100 years later, with the signing of this deletion agreement, this site will benefit from yet another major transformation: from an EPA Superfund site to a PA super-development site.

In the intervening century between these two monumental episodes, Olmsted Air Force Base, as the area became known, served as a pickle plant, and then as a major Air Force depot for engine overhauling. During WWII and the Korean War, Olmsted provided critical support for the Air Force. Employment at the base during the peak years topped 17,000. But, in 1964, in a force downsizing reminiscent of today, Olmsted Air Force Base began a three-year phaseout. The action was a devasting one, substantially reducing the size of the Middletown community. And 30 years ago tomorrow—July 1, 1967—the Commonwealth of Pennsylvania took ownership of the former Olmsted base.

But the community and the region did not give in when the Air Force gave up. In the intervening years, the once-thriving military base became an international airport, and civilian, not military production took over the vacant acreage. The site and region were moving towards major redevelopment, turning a brownfield site, desolate from neglect, into a job site, flush with entrepreneurial prospects poised to create thousands of new jobs. That is, until May, 1983.

In May, 1983, job creation's forward movement ceased when the discovery of volatile organic compound (VOC) contamination was found in supply wells in and around the Harrisburg International Airport, the now former Olmsted AFB. Through the Pennsylvania Department of Environmental Resources, testing revealed a broader scope of groundwater contamination than previously thought, extending to surrounding homes, the Sunset Golf Course, Lisa Lakes Trailer Park, and other areas.

With the assistance of the late Senator John Heinz, Senator Arlen Specter, then State Senator John Shumaker and State Representative Rudy Dininni, my office contacted and worked with DER, PA-DOT, the U.S. Air Force, the Environmental Protection Agency, and many others, to determine the course of action to be taken. In October of that year we requested of the EPA that the Harrisburg International Airport be included on the newly-passed National Priorities List for Hazardous Sites (NPL) which would qualify the area for funding through EPA's Superfund. Three years later, in June of 1986, HIA was added to the NPL, the Superfund list.

From 1986 through 1992, many meetings were held with the related local, state, and federal entities in an effort to determine the proper course of action for the cleanup and deletion of the site. A major step forward in the effort to create an effective cleanup policy was the formation of the Middletown Advisory Committee (MAC), made up of representatives from the affected parties. The MAC group began monthly meetings to work through the many problems associated with Superfund sites and devise solutions. The cleanup/deletion goal, shared by all parties, created an originality of thought that certainly benefited HIA, and we think was very useful to EPA at other sites as well.

While moving forward, the cleanup process was not without problems. And many of those problems related to money: the more cleanup done, the more it cost. And with other sites to contend, and the responsible party—the Air Force—was not a limitless source of funds. New funding, totaling over $9 million, had to be specifically appropriated for cleanup at HIA through the United States Congress. My office became the focal point for those appropriations requests.

Successes began to be tallied: by 1994 the cleanup of HIA was well underway; Sunset Golf Course was nearly finished. In 1996 the sale of a valuable parcel of uncontaminated land (but still located on the grounds of the former Olmsted AFB and thus the current Superfund site) on the Fruehauf Trailer Corporation property occurred, spurring growth and thousands of new jobs. And, by early 1997, the cleanup was all but finished, leaving little but regulatory requirements and paperwork.

Which brings us to today. To this ceremony about an end and a beginning.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 15, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 16

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the importance of alternative fuels in addressing future national security concerns, focusing on agriculture's vulnerability to energy price volatility, the contribution of home-grown renewable alternative fuels, and the role of new technologies in making agriculture more energy efficient while increasing yields.
SR-332

9:30 a.m.
Environment and Public Works
To hold hearings on the nomination of Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service, Department of the Interior.
SD-406

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the District of Columbia Department of Corrections and the Metropolitan Police Department.
SD-192

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH-216

Judiciary
To hold hearings to review the Global Tobacco settlement.
SD-226

2:00 p.m.
Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold hearings to examine the threat of drug cartels and narco-violence in the United States.
SD-419

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on S. 539, to exempt agreements relating to voluntary guidelines governing telecast material

from the applicability of the antitrust laws.

SD-226

2:30 p.m.

Rules and Administration

To resume a briefing on the status of the investigation into the contested U.S. Senate election held in Louisiana in November 1996.

SR-301

JULY 17

9:30 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold hearings on proposed legislation authorizing funds for the Export-Import Bank of the United States.

SD-538

Commerce, Science, and Transportation

To hold hearings on S. 625, to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, and to provide for more adequate and timely compensation for accident victims.

SR-253

Energy and Natural Resources

To hold hearings on the nominations of Patrick A. Shea, of Utah, to be Director of the Bureau of Land Management, and Robert G. Stanton, of Virginia, to be Director of the National Park Service, both of the Department of the Interior, Kneeland C. Youngblood, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation, and Kathleen M. Karpan, of Wyoming, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

SD-366

10:00 a.m.

Environment and Public Works

To resume hearings to examine issues relating to climate change.

SD-406

Foreign Relations

Business meeting, to mark up S. Res. 98, expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United National Framework Convention on Climate Change, a proposed concurrent resolution expressing the sense of the Congress that the OAS-CIAV Mission in Nicaragua is to be congratulated for its defense of human rights, promotion of peaceful conflict resolution, and contribution to the development of freedom and democracy in Nicaragua, and to consider the Agreement with Hong Kong for the Surrender of Fugitive Offenders (Treaty Doc. 105-3), and pending nominations.

SD-419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Judiciary

Business meeting, to resume markup of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime.

SD-226

2:00 p.m.

Appropriations

Business meeting, to mark up proposed legislation making appropriations for fiscal year 1998 for the Department of Agriculture, rural development, and related agencies, proposed legislation making appropriations for fiscal year 1998 for military construction programs, proposed legislation making appropriations for fiscal year 1998 for the Departments of Veterans Affairs and Housing and Urban Development and related agencies, and proposed legislation making appropriations for fiscal year 1998 for the Department of Transportation and related agencies.

SD-106

Banking, Housing, and Urban Affairs

Financial Institutions and Regulatory Relief Subcommittee

To hold oversight hearings on the implementation of the HUD Rebuilding and Loan Guaranty Program for financial institutions.

SD-538

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 895, to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake", S. 931, to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center, and S. 871, to establish the Oklahoma City National Memorial as a unit of the National Park System and to designate the Oklahoma City Memorial Trust.

SD-366

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the status of Bosnia non-compliance with the Dayton Accords.

SD-419

Judiciary

Immigration Subcommittee

To hold hearings on proposals to extend the Visa Waiver Pilot Program, including S. 290, to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

SD-226

Labor and Human Resources

To hold hearings to examine the quality of child care.

SD-430

2:30 p.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings on the implementation of the Northern Forestry Stewardship Act.

SR-332

JULY 18

10:00 a.m.

Appropriations

Interior Subcommittee

Business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.

SD-124

JULY 21

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine the Department of Defense compliance review process to determine whether theater missile defense and systems comply with treaty obligations.

SD-342

JULY 22

9:00 a.m.

Energy and Natural Resources

To hold hearings to review the Department of the Interior's handling of the Ward Valley land conveyance, S. 964, proposed Ward Valley Land Transfer Act, and related matters.

SD-366

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine certain clean air issues with regard to agriculture.

SR-332

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Labor and Human Resources

To hold hearings to examine women's health issues.

SD-430

2:30 p.m.

Appropriations

Business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies, and the Departments of Labor, Health and Human Services, and Education for the fiscal year ending September 30, 1998.

Room to be announced

JULY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Food Safety, and Shirley Robinson Watkins, of Arkansas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

SR-332

Veterans' Affairs

To hold hearings on pending legislation.

SR-418

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine natural gas issues, focusing on the world energy supply and demand to the year 2015, the role of government in large scale gas projects in foreign countries, and emerging technologies in gas field development that are making natural gas more economical to market.

SD-366

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

JULY 24

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on title IV.

SD-430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to review the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System, and to examine the criteria used to determine national significance.

SD-366

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Institutes of Health, Department of Health and Human Services.

SD-430

JULY 28

1:00 p.m.

Special on Aging

To hold hearings to examine the amount of fraud in the home health care system and ways to identify and deter fraud, waste and abuse in health care.

SD-562

JULY 29

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104-127) on price and income volatility, and the proper role of the Federal government to manage volatility and protect the integrity of agricultural markets.

SR-332

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on S. 268, to regulate flights over national parks.

SR-253

JULY 30

10:00 a.m.

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to review the management and operations of concession programs within the National Park System.

SD-366

JULY 31

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.

SR-332

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH-216

CANCELLATIONS

JULY 15

9:15 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

Business meeting, to mark up an original bill making appropriations for the Departments of Labor, Health and Human Services, and Education for the fiscal year ending September 30, 1998.

SD-192

JULY 16

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

SENATE—*Tuesday, July 15, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who has given us the gift of life, bless us this day in the work we will do. We praise You for work that can be done as an expression of worship of You. We bring the meaning of our faith to our work rather than making our work the ultimate meaning of our lives. With that perspective, we seek to do everything to Your glory. We pray for mental alertness, emotional stability, and physical strength to achieve excellence in all that we do. Thank You for Your companionship in tasks great and small. It is awesome to contemplate that You who are in control of the universe have placed us in charge of what You want us to accomplish.

Fill us with Your joy and make us cheerful people who make others happier because we are with them. Make us a blessing and not a burden, a lift and not a load, a delight and not a drag. It is great to be alive. Help us make a difference because of the difference You have made for us. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Alaska, is recognized.

Mr. MURKOWSKI. I thank the Chair and wish the President pro tempore a good morning and a good day.

Let me also welcome my good friend, the Senator from the State of Oregon. I wish him a good morning, and our staffs as well.

SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period of morning business until the hour of 11 a.m. By consent, at 11 a.m., the Senate will resume consideration of S. 1005, the Department of Defense appropriations bill, with only those amendments listed in last evening's unanimous-consent agreement being in order. Following the disposition of those amendments, the Senate will proceed to a vote on final passage of the Department of Defense appropriations bill, hopefully, by early afternoon.

Further, by previous consent, the Senate will recess from 12:30 to 2:15 p.m. for the weekly policy luncheons to meet. Following that recess, the Senate will complete action on the Department of Defense authorization bill, if not earlier disposed of, or will begin consideration of the energy and water appropriations bill.

The majority leader wishes to remind all Members that the Senate is working to complete action on three or four major appropriations bills this week. Therefore, late sessions can be expected and votes should be anticipated throughout each day of the Senate session.

On behalf of the majority leader, I thank our colleagues for their attention.

Mr. President, I am going to speak in morning business on the subject of the Land and Water Conservation Fund.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). If the Senator will withhold for 1 moment, under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each. The Senator from Alaska is recognized to speak for up to 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

LAND AND WATER CONSERVATION FUND

Mr. MURKOWSKI. Mr. President, I like to talk today about the stateside portion of the Land and Water Conservation Fund which doubles both the pleasure of those who use outdoor recreation facilities as well as the money. The stateside matching grant program of the Land and Water Conservation Fund basically provides two for the price of one, and I will explain that a little further. The Land and Water Conservation Fund grant program, or the LWCF as it is known, has had a substantial long-term effect on our overall attitudes and policies toward outdoor recreation. The land and water stateside program has truly a unique legacy in the history of American conservation and recreation.

When I say stateside program, I am talking about a State/Federal matching grant. What better way for the Federal Government to participate than matching local funds for public parks and recreation facilities. Local funds provide an opportunity for involvement and pride and responsibility by the communities at hand.

The first legacy of this kind is the notion basic to the Land and Water Conservation Fund Act that States must assume the leadership role as provider of recreation opportunities. It should not be left to an indifferent Federal Government headquartered in Washington, DC. It should start in the communities where the people recreate.

From a historic perspective, the Land and Water Conservation Fund has contributed significantly to outdoor recreation. Through fiscal year 1995, a total of 37,300 projects had been approved to support the acquisition of open space for park land and the development of outdoor recreation facilities. The Federal share of $3.2 billion has been matched by State and local contributions, for a total investment of over $6.5 billion in local park and recreation. So when you take Federal matching with the State matching, you get two for the price of one.

I think it also important to note from where the Federal share comes. It comes from OCS revenues; that is, offshore oil and gas revenues. As a consequence, for those who are very sensitive about OCS drilling, I should point out that the revenue stream to provide the matching grants for the Federal share for land and water conservation comes specifically from OCS. If we do not have offshore oil and gas exploration, we are not going to have the money to fund the Land and Water Conservation Fund. Last year, OCS revenues totaled over $3 billion.

I believe, with advanced technology, we can safely pursue OCS activities off our shores and also provide a revenue stream for recreation through the Land and Water Conservation Act. The facts should not be lost on this body, the realization of just where these funds come from.

Further, States have received over the years about 8,200 grants and counties some 4,800, while cities, towns, and other local agencies matched more than 24,000 grants. The facilities that the $6.5 billion investment has bought are those that are down your street, across your town, in the inner city, and virtually every nook and cranny of our country. The parks and facilities serve virtually every segment of the public. Millions of Americans have walked and jogged and picnicked, hiked, biked,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

fished, hunted, golfed, or played ball in at least one of these areas. These are the destination parks and facilities for families, campers, and hikers, areas where kids learn to play baseball, learn to swim, and really get an appreciation of nature. And those are the facilities in their neighborhoods and near their homes.

Further, the statewide program is unquestionably one of the most successful programs established by Congress. The Americans for our Heritage and Recreation Coalition, consisting of a number of groups which banded together to seek reliable funding sources, concluded that the Land and Water Conservation Fund is "arguably the most important environmental program of this century" and that a reliable source of funding should be restored.

I had the pleasure of recently addressing the Conference of Mayors in San Francisco. There were over 400 mayors there led by Mayor Daley of Chicago and Victor Ashe of Knoxville. They unanimously passed a resolution strongly urging the Congress and President to restore funding to the statewide LWCF program. The Western Governors Association passed a similar resolution. I ask unanimous consent that copies of both of these resolutions be printed in the RECORD for the benefit of my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

65TH ANNUAL CONFERENCE OF MAYORS, SAN FRANCISCO, JUNE 20–24

Adopted

LAND AND WATER CONSERVATION FUND

1. Whereas, the Land and Water Conservation Fund (LWCF) was established by Congress over thirty years ago to provide quality recreation for the American public; and

2. Whereas, in the past LWCF has provided federal matching assistance to states and their localities for acquiring land and developing quality public outdoor recreation facilities for the benefit of present and future generations of Americans; and

3. Whereas, the results of the program are evident in nearly every community in the nation through projects ranging from inner city playgrounds to suburban baseball fields to state natural areas; and

4. Whereas, over the past couple of years there has been no funding for state and local parks projects under LWCF despite availability of royalties from Outer Continental Shelf Oil and Gas payments pledged to the Fund; and

5. Whereas, it is the local park which is the most used and visited of any parks in our national parks system,

6. Now, therefore, be it *Resolved*, That the United States Conference of Mayors urges the President and Congress to recognize the outstanding legacy of the Land and Water Conservation Fund and the continuing unmet need for local public outdoor parks and recreation facilities by increasing the appropriations in the next fiscal year budget for the state and local grants portion of LWCF; and

7. Be it further *Resolved*, That the United States Conference of Mayors urges the President and Congress to strongly consider the parks and recreation needs of state and local governments at the same time it considers national park priorities as outlined in the 1997 budget agreement; and

8. Be it further *Resolved*, the United States Conference of Mayors reaffirms its support for the 1994 report by the National Park Service's Land and Water Conservation Fund Review Committee which recommended a 30 percent allocation of LWCF to local governments; and

9. Be it further *Resolved*, That a copy of this resolution be forwarded to the bipartisan leadership of Congress.

Project Cost: Unknown.

WESTERN GOVERNORS' ASSOCIATION, MEDORA, ND, JUNE 24, 1997

Policy Resolution 97–012

Sponsors: Governors Bush and Geringer.

Subject: Allocation of Land and Water Conservation Fund Appropriations.

A. BACKGROUND

1. In 1964, the President and Congress enacted one of the most successful and far-reaching pieces of conservation and recreation legislation in America's history, the Land and Water Conservation Fund.

2. The Act emphasizes a leadership role for the states in achieving a national outdoor recreation system which requires commitments to planning, establishment and expansion, and funding of projects on a coordinated basis at the local, state, and national level.

3. The Fund has provided more than $5.6 billion to acquire new federal park and recreation lands and has provided matching grants to state and local governments which have resulted in the establishment of over 27,000 basic recreation facilities in every state and territory of the nation (or 37,300 new or improved basic recreation facilities).

4. The Fund receives deposits from three sources:

a. Outer Continental Shelf (OCS) revenues derived from leasing oil and gas sites in coastal waters (approximately 90% of total deposits).

b. Sale of Federal surplus real properties.

c. A portion of Federal motorboat fuel taxes.

5. In 1995, a National Recreation & Park Society survey indicated that state and local recreation agencies needed $27.7 billion in capital investment for rehabilitation, land acquisition, and construction for the next five years. The survey additionally estimated that state and local agencies would have only half of these necessary funds.

6. These estimates indicate a long-term deficit of public recreation investment nationally.

7. In 1976, the Act was amended by:

a. raising the Appropriation ceiling from $600 million to $900 million; and

b. changing the allocation formula, which had given 40 percent to federal agencies, to read that "not less than 40 percent of any appropriation would go to Federal agencies."

8. While states received approximately sixty percent of the allocated grant money before 1976, during the last ten years they received, on average, only 7.5% of the allocated grant money from the LWCF.

During Fiscal Year 1996 and 1997, states received zero funding from the LWCF, despite a large increase in OCS revenues.

B. GOVERNORS' POLICY STATEMENT

1. A true partnership to "Build a Nationwide System of Parks" can only be achieved by increasing LWCF appropriations and by balancing the funding between federal, state and local agencies.

2. To rebuild this partnership and revive the true intent of the LWCF Act, Congress should increase LWCF appropriations and amend the LWCF to increase the percentage of LWCF funds allocated to the states to 50 percent.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. Western Governors' Association shall survey this resolution to the President of the United States, the Secretary of the Interior, western congressional delegations, and appropriate House and Senate committee chairmen and ranking minority members.

2. Western Governors' Association staff and Natural Resource Group shall continue to monitor and study this issue and recommend specific action items for the Governors.

Mr. MURKOWSKI. Mr. President, in campaigning for the Presidency of the United States, candidate Bill Clinton at the time stated:

> I will acquire new park lands and recreation areas with funds now available in the Federal Land and Water Conservation Fund to increase opportunities for hunting, fishing and other outdoor recreation activities.

Candidate Clinton said:

> I would increase funding for several programs. . . and reinvigorate the Land and Water Conservation Fund to make more funds available for the acquisition of public outdoor open spaces.

And he also said:

> I would also make funds available from the Land and Water Conservation Fund to help address critical infrastructure needs in State and local facilities.

Unfortunately, I guess our President has overlooked it or was kidding because if you look at the administration's proposal for the stateside funding for the Land and Water Conservation Act which would address the critical needs in State and local facilities, there is a large zero.

Secretary Babbitt, in May 1996, in an interview with the San Jose Mercury News, is credited with stating that he is working on a proposal to take the Land and Water Conservation Fund off budget, so a full $1 billion a year can be spent on the parks. Reportedly, the Secretary said that the effort would not occur until the next year, meaning that it would be contingent on President Clinton's reelection. Well, it is now next year. President Clinton has been reelected. The administration, however, has been silent vis-a-vis the proposal for the Land and Water Conservation Fund.

We have instead a proposal to use $315 million of the $700 million contained in the budget agreement for the purchase of the Headwaters Forest in California and a mine in Montana. We do not know an awful lot about the Headwaters Forest acquisition. We do know that the Headwaters Forest is 40 air miles from the nearest national forest. We know that access to the Headwaters Forest is extremely limited. We know that the agreement with the current landowner of the Headwaters Forest is contingent on a favorable ruling by the Internal Revenue Service. Getting a favorable ruling from the Internal Revenue Service is a herculean effort, and I am not sure that the IRS knows how to basically spell the word "favorable," but that is a subject for a statement for another day. The bottom line is that these projects have never ever been authorized by the appropriate committees of jurisdiction. No hearings, none whatsoever. No hearings have been held and no legislation has been introduced. This is from an administration that prides itself in the public process. Public process suggests legislation, suggests hearings, and action by the appropriate House and Senate committees. Neither of these have been proposed in the case of the acquisition of the area known as the Headwaters Forest in California or the area proposed for the mine purchase in Montana.

This is very much like the recent land grab in the State of Utah. There was a process ongoing where the committees were discussing the merits of withdrawing 1.6 million acres of public land in Utah and putting that land in wilderness. While these discussions were occurring, the administration saw fit to invoke the Antiquities Act and, overnight, basically put this 1.6 million acres in Utah into wilderness over the objections of the Utah congressional delegation and Utah's Governor. The President's action occurred without any hearings, without any public process. And, ironically, the announcement came not in Utah but in front of the Grand Canyon in Arizona.

Well, the media saw fit to not make an issue of it so not too many people in the United States reflected on the inconsistency between the President's promises and his actions.

But, again, this is what is proposed in the budget agreement: the purchase of the Headwaters Forest in California and a mine in Montana—no hearings, no public participation in the process, simply an outright purchase. This is not the purpose of the Land and Water Conservation Fund.

We do not know just what is their objection, relative to the procedure, but as the Senator who is chairman of the Energy and Natural Resources Committee, the fact that the administration is circumventing the public process is certainly, in my opinion, inappropriate.

What we do know is that the benefits derived from funding the stateside Land and Water Conservation Fund program are great. That is why we should take the $315 million and invest it in the State matching grant program because it will return over $630 million in benefits.

Roger Kennedy, former Director of the National Park Service, perhaps put it best when he said,

> Without a doubt, the Land and Water Conservation Fund ranks highest among the most successful and significant conservation/recreation movements ever experienced in these United States. This State-driven program has resulted in much needed and highly beneficial public outdoor recreation opportunities for the benefits of all the people. More accessible park and recreation facilities have become a reality.

and continue to become even a greater use and benefit to the Nation.

Mr. President, it is very difficult to compare the relative value of expanding a wildlife refuge, say, in the Florida Keys, with the addition of acreage to a unique urban park such as the Presidio in San Francisco. It is difficult to compare the value of supplementing Federal holdings in Glacier National Park with a purchase of land, say, next to Gettysburg National Battlefield. But those are the types of decisions that are faced day-in and day-out by the Congress in determining priorities for funding under the Land and Water Conservation Fund.

I, therefore, urge my colleagues on the Appropriations Committee and those in the Senate to provide funding for the stateside Land and Water Conservation Fund Grant Program. In the absence of these grants, I fear local park and recreation services will fail to meet the ever-growing demands of the American public and the Federal Government will be asked to fill the void. It is a role the Federal Government cannot and should not play. The answer to this dilemma is simply the stateside matching grant of the Land and Water Conservation Fund.

Mr. President, I have already noted the action taken by the mayors of the Conference of Mayors in San Francisco relative to support of this program because it is so significant relative to community involvement and community responsibility. I urge my colleagues to reflect on that, as well as, again, on the statement from the Western Governors Council in support of this program.

There is one other item I want to bring to the attention of my colleagues relative to action before this body. I ask unanimous consent, since no other Senator is seeking recognition, that I may speak for another 5 minutes on chemical weapons disposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHEMICAL WEAPONS DISPOSAL

Mr. MURKOWSKI. Mr. President, I intended to offer an amendment to the defense appropriations bill that would have stricken the language that made it impossible for the Department to study alternatives to the methods we currently employ for disposing of chemical weapons. During the consideration of the Defense authorization bill last week, I offered an amendment to provide for a study. This amendment was readily accepted by the floor managers and was included in the final bill which the Senate passed overwhelmingly last Friday. Depending on the conclusions of the study, the taxpayers of this country could save somewhere between $3 and $5 billion. This is real money. Perhaps they could save much more in the cost of disposing of these chemical weapons.

This was just a study. It did not mandate changes in the program at this time. It merely provided Congress with an opportunity to responsibly evaluate alternatives in the future. I think it is clear we need to take a fresh look at this program so we can responsibly evaluate whether safer and cheaper alternatives to the present system exist.

In 1985, the Congress directed the Army to destroy our stockpile of obsolete chemical weapons. These are the nerve gases and the various other agents that are so deadly. The Senate took action and reiterated this commitment by ratifying the Chemical Weapons Treaty earlier this year, and we are in the process of disposing of those weapons. But the present system, I suggest, is not working the way it should. The present system is increasingly expensive, and a timeline for completion of the program is increasingly uncertain.

If we look at the figures, according to the GAO, the program faces dramatically increasing costs. I am going to describe where these weapons are in a moment. The stockpile disposal program went from an initial estimate of $1.7 billion as the cost of disposing of these chemical weapons in 1985 to a current estimate of about $12.4 billion. So, as we begin to look at the cost of disposing of these weapons, why, the cost just simply goes out of sight. The nonstockpile program could cost an additional $15.1 billion and it is estimated now to take 40 years to complete.

We have these weapons stored in various locations around the country. Clearly, we want to dispose of the weapons. But now they are telling us it is going to take 40 years to dispose of them. It is a hole out there we are going to pour money into for 40 years. The estimate is a minimum cost of over $27.5 billion. But, remember, that is up from what the original estimate was in 1985 of $1.7 billion. So we go from $1.7 to $12.4 to $15.1 to $27.5. And now we are talking about 40 years.

These stockpiled munitions are, obviously, highly deadly. Their long-term viability is questionable. We simply cannot continue to postpone our responsibility to act on this program at this time. We have stockpiled munitions at nine sites, and here they are, Mr. President, with disposal facilities up and running at only two. The only two we have running are one out in the Hawaiian Islands, Johnston Atoll, out there, about 600 miles south of Hawaii, and recently, Tooele in Utah is up and running. These facilities are costing well over $1 billion in Tooele, and the Johnston Island site is somewhere around $1.3 billion or thereabouts.

It is interesting to note where we are. We are in Alabama, we are in Arkansas, we are in Colorado, we are in Maryland, we are in Kentucky, we are up here in Indiana, and, of course, we are in Umatilla, OR. Every State is sensitive, including the State of my friend, the Senator from Oregon. The reality is they want this removed from these various States where they exist. So the Department of Defense and the Pentagon and the appropriate committees have determined the best way to get rid of it is to build individual sites at each of the seven or eight—or actually potentially nine—sites, at a cost of over $1 billion, and, once the material is disposed of, that terminates the facility because it is not beneficial for anything else.

However, it is interesting to note a couple of facts. In the Johnston Atoll, most of the material that is being incinerated there and disposed of came from NATO. It came from Europe. It was shipped across the ocean. Some of it came from Guam. That facility is functioning. It is underway. There is a prohibition about it taking any more. I can understand the sensitivity of the delegation from Hawaii, but, again, as we look at this catch-22 that we are in, I am just wondering, is it necessary that we build six new plants? Or, can we somehow look at some other alternatives? Is there a way to incinerate this at sea? We have built incinerating barges and facilities before quite successfully. Is there an advanced technology? What the Senator from Alaska has proposed is a study, a study to see if there is another and more beneficial return for the taxpayers of this country for the disposal of this weaponry.

In Oregon we have the adjacent coastline. In Aberdeen—in several of these areas we are not too far from the water. But each is very concerned about shipping this material across another State to get it to a place where you can dispose of it. So we are in this round-robin here. Nobody wants the stuff. Everybody wants to get rid of it. Nobody wants it to cross their State line. Nobody wants to take any more. Nobody wants to accumulate it and reduce the cost. So we simply sit here and watch the costs go up to $27 billion, we watch the time extended to up to 40 years, and we are being irresponsible by not allowing a study.

That is what my amendment would have done. It would have been to allow a study. However, because there is a prohibition even against a study, the conference and/or the committee itself is refusing to accept my amendment, which I can understand, given the sensitivity. I can understand how the process works around here. But I think we need to highlight how irresponsible we are in just ducking this issue and hoping that it will be resolved on somebody else's watch.

We have stockpiled these munitions at nine sites. We cannot, by laws that we passed, transport these munitions. So, you know, the alternative is to build these sites at more than $1 billion each at the same time we continue to face permitting problems at every Federal site, every local level at the other seven sites, and a start date for construction seems to be extended on and on and on. The logic of the present disposal system really escapes me, and, as a consequence, I offered the amendment so we could take a rational look at what we are trying to accomplish with regard to this problem.

This again, Mr. President, is just a study. But in order to take a rational look at the program, it is imperative that all aspects of the program be considered so we can best evaluate how to proceed.

I hope the conferees on this bill will consider their responsibility and reconsider the Senate language which permits us an opportunity to take a second look. It does not demand that we do anything. It is not that we ship anything, not that we do not build these, it simply says, "Is there another, a better, a more efficient, cost-savings way?" I think there is. To suggest we are going to eliminate even the ability to take a look at this program, I think is terribly irresponsible on the part of those who bear the responsibility of addressing this, because this is just a study. What is the harm in looking at the problem?

I had proposed striking the prohibition against the study. We could always ask the inspector general for a study, and probably will. But I did want to take an opportunity to present before the Members the reality. This is something we cannot hide. We cannot overlook this. We have a responsibility to address it. We are spending huge amounts of money, and the public should recognize just what our alternatives are and face up to the fact that this was created as a consequence of decisions made in the national defense interests of our Nation. We created this terrible nerve gas. I have seen the canisters it is in. I have seen how they dispose of it at Johnston Island and the manner in which it is taken into chambers where the explosive charge is removed, the gas is incinerated in one chamber in a closed cycle and the explosive material is taken in another chamber and incinerated. This was the development prototype.

But, here we are today faced with the inability to even look at a better way of disposal because of the sensitivity of this issue and the concern, if you do a study and you find a better way, it might suggest you might have to move it, and, therefore, you would have to move it across another State, and they don't want that to happen. So leave it where it is, simply build the plants and get on with it and spend God knows how many billions of dollars in the process.

So, you might say the Senator from Alaska is a little sensitive to the prohibition to even allow a study and an evaluation of a better way to meet our obligations to dispose of our chemical weapons.

You might say, "What in the world is the Senator from Alaska doing in this area?" Under the responsibility as chairman of the Energy and Natural Resources Committee, I have spent an awful lot of time on the merits of moving high-level nuclear waste across the United States at various sites over an extended period of time. Hundreds and hundreds of shipments have moved safely without incident. I am suggesting that we have the technology to move this lethal material to a place to dispose of it that is appropriate, even perhaps in a self-contained facility offshore that could contain the physical process of disposal at a much less cost.

With that, Mr. President, I simply make an appeal to my colleagues to recognize the extent of our responsibility to successfully dispose of our chemical weapons that have accumulated over a long period of time in a manner that is most responsible to the taxpayers, as well as safe, by using American ingenuity and technology.

Seeing no other Member on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Mr. President, I ask unanimous consent that a member of my staff, Dan Senor, be granted floor privileges as I make the brief remarks I am about to embark on.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER AREAS IN MICHIGAN

Mr. ABRAHAM. Mr. President, on July 2, a series of high-wind storms raged through my State of Michigan. They struck in numerous communities ranging from Chesaning, a small city in Saginaw County, to Thetford and Vienna Townships in Genesee County to Holly, MI, and Oakland County, to parts of the city of Detroit to the small communities of Highland Park and Hamtramck in Wayne County, and then ultimately across to Lake St.

Clair passing through several of the communities on the east side of our State, including Grosse Pointe Farms and Grosse Pointe.

In their wake, they left enormous damage, destruction and the loss of human life. Already—and I give great compliment to both our State as well as our Federal emergency services—we have had great assistance in trying to address the problems left behind by this storm. The folks from FEMA, the Federal Emergency Management Agency, were quickly on the scene to give advice and counsel to our State authorities, and then to assess the damage for purposes of determining what Federal assistance might be provided.

Our own State government, under the leadership of John Engler, was quick to act through its emergency services to assist the various communities affected. And I am happy to report that by and large we have had a remarkable public response, not just through the government agencies, but also through the volunteer efforts of people in communities throughout our State who have risen to the challenge of addressing this serious disaster and crisis.

In the aftermath, we have moved forward in seeking the designation of a disaster area for a number of the communities that were struck by these storms. Just last Friday afternoon, the President declared parts of Wayne, Oakland, and Macomb Counties as disaster areas, as well as part of Saginaw County. And we are delighted by that news.

At the same time, I just yesterday morning visited an area that has not yet had such a designation made regarding it. That is the area outside of the city of Flint, MI, Thetford Township. And in visiting Thetford Township yesterday, I could not help but immediately conclude that we need to expand the designation of disaster areas to include this township and the neighboring township of Vienna Township in Genesee County.

According to the National Weather Service, three tornadoes hit this area during the storm. These communities are small. The population of Thetford Township is roughly 8,000 to 9,000 people. Almost all of them are in one form or another in the business of agriculture. Many of them are family farmers.

This township—approximately 36 square miles—is almost exclusively farmland north of the city of Flint. Just to put it in perspective what transpired there, one individual was killed, a variety of livestock were likewise lost, two huge steel power lines were down, feed bins were overturned, barns were obliterated, silos were decapitated.

I visited a number of these farms yesterday and was amazed that more people weren't hurt, because the devastation and damage was incredible. It looked, as I reported in my last remarks about the storms, like a Hollywood movie set, except this was not acting, this was real, and families affected were not actors and actresses, but real people in our State.

So I pledged yesterday that I would come back today and not only talk about this, but work to try to secure for these tiny communities the designation as disaster areas that has been afforded much larger communities throughout the State who likewise are deserving of such designation being affected by the storms.

Again, I want to thank the President. I want to thank FEMA for their rapid response to our requests last week. And I say that I do not think there is going to be any cost involved in expanding the designation to include Thetford and Vienna Townships, but the injuries and the damage done there are every bit as real and every bit as serious to those tiny communities as was the case in larger ones.

Interestingly, although wholly unconnected with my visit yesterday, in the Detroit Free Press a story about these communities ran entitled "Hardy Farmers Weather the Storm; Despite Damage, They're Rebounding." I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, July 14, 1997]

HARDY FARMERS WEATHER THE STORM—DESPITE DAMAGE, THEY'RE REBOUNDING

(By Bill McGraw)

THETFORD TOWNSHIP.—Don Rasmussen took refuge in a big cow barn on the dairy farm he manages when the sky turned black and the wind began to howl.

Parts of other buildings began blowing through the air. The rain fell sideways. The noise grew into a constant roar.

Then it really got crazy.

"The cows just freaked," Rasmussen recalled Friday, while a newborn calf nearby was taking its first steps. "All around me, they were stampeding. They aren't the most intelligent animals, and they had no idea what was happening. They just ran."

Rasmussen remained safe, both from the tornado and the stampeding Holsteins, and guided a reporter Friday around the battered farm near Clio in Genesee County.

Tornadoes don't usually hit big cities, so the impact of the July 2 storm on Detroit and its suburbs has dominated news coverage. But the National Weather Service identified three twisters in the rolling farmland outside Flint, and at least one passed through the 1,000-acres owned by Larry Niec. The result: six dead cows and heavy damage.

Because of storm damage estimated at $2.3 million to this and other sites in southern Michigan, the U.S. Department of Agriculture's Farm Service Agency last week asked that federal low-interest loans be made available to Michigan farmers like Niec. This assistance would be separate from the federal funds President Bill Clinton approved Friday.

Niec (pronounced NEESE), who looks younger than his 51 years, said: "We have insurance. It covers a lot, but not everything."

His farm looks like a giant worked it over with a sledgehammer.

"It's so sad," said Rasmussen, 47, who lives across the street from Niec's 300-cow dairy operation.

The gusts decapitated silos, obliterated barns, overturned heavy feed bins, toyed with a semi-trailer, scattered calf hutches and downed two huge steel towers that carry several power lines. The storm thoroughly spooked the cows, but Rasmussen said most of them appear to have returned to normal.

The winds spared some things, such as the manure lagoon and an old red barn. But there is so much damage that the insurance adjuster has yet to complete his estimate.

As the storm moved away, friends and relatives arrived to help round up the cows, calm them, take them to the milking parlor and ship the daily output of 1,750 gallons of milk.

Rasmussen and Niec are sanguine about the future.

Niec notes that the tornado damage, while spectacular, is no more harmful than the droughts, fluctuating milk prices and bad crops that have made dairy farming a tough way to earn a living.

When friends asked Niec how he stood the stress, he told them it isn't much different from any other day.

Said Niec: "We're going to suffer, but we know how to suffer."

Mr. ABRAHAM. Featured in the story is discussion of a gentleman named Larry Niec. Larry's 1,000-acre farm is depicted here with a caption that reads in part: "strewn with pieces of once-sturdy buildings, like his roofless dairy barn and severed silo. Six of his cows were killed during the storm."

Obviously, a very difficult time in the farm season for him and for his neighbors. And I do not want to read from the entire article now. It is included in the RECORD.

As I say, the devastation was incredible. Mr. Niec, of course, being a hardy soul, as depicted in the headline of the story, noted that the tornado damage, while spectacular, is no more harmful than the droughts, fluctuating milk prices, bad crops, and so on, which the farmers learn to live with in their day-in and day-out existence. When friends asked Larry how he stood the stress, he told them that it isn't much different from any other day. He said, "We're going to suffer, but we know how to suffer."

I met Larry yesterday and he, indeed, is somebody who will persevere. As I said, the cost and the damage is so considerable that we need some help for these folks as well. Of course, under the current system, they will be entitled to the assistance of the U.S. Department of Agriculture and through the Small Business Administration. But it is my fervent view that the communities of Thetford and Vienna Townships deserve to be designated, as some of the others have, as an official disaster, to receive a broader range of support that they deserve and should be available to them.

Without going into all of the details, I can only say, if you drive down any of the roads, whether it is Center Road or Genesee Road or Bray Road in Thetford Township, as I did yesterday, and you see the decapitated silos with huge chunks of cement strewn everywhere and trees in which semitruck trailers ended up after they were hurled into the air, and if you see the huge openings that have been driven through the fields and the forest lands, you know if this area doesn't qualify as a disaster area, I don't know what would, Mr. President.

The damage was not just of public property; it is to private property, also. Happily, it wasn't more serious, but definitely it deserves our attention. For that reason, today I will be writing our Governor, as well as the Federal Emergency Management Agency authorities, to ask that the designation be expanded to include this community. I hope they will respond as they have responded already. I wish to make it clear that I don't know of any reason not to, nor in any way am I criticizing actions today. We are moving piece by piece through the process. I hope they will respond to this as well and help us to make sure that these people—they may be small in numbers, as I say, but the people who live there are just as real as the folks in all the other communities. So I intend to work very hard to make sure all the relief possible is made available to them.

Mr. President, I thank you and yield the floor at this time.

CHATHAM STUDENTS EXCELL

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to recognize the impressive accomplishments of students at Chatham High School in Massachusetts. A team of these students excelled recently against other teams representing schools in all 50 States and the District of Columbia in the nationwide finals of the "We the People.* * * The Citizen and the Constitution" competition. This talented and knowledgeable group of students demonstrated their expertise on the Constitution and the Bill of Rights, and were recognized above other teams for their superior knowledge on this topic.

These issues are at the heart of our democracy and our constitutional system of government. It is gratifying that so many students across the country are learning about these issues at an early age.

The Bill of Rights, in particular, teaches important values about individual freedom and responsibility, and is the basis for our most precious liberties.

The students at Chatham High School deserve great credit for their achievement. I commend them for their skill and dedication. Massachusetts is so proud of them all—Heather Baker, Taylor Brown, Jonathan Buck, Lauren D'Elia, Hannah Farnham, Casey Jordan, Joshua Lamoureux, Jill Matteson, Nathan Miller, Allison Morris, Nalinee Murphy, Douglas Smith-Elion, Rebecca Spencer, and Joseph Thonus. Also, I commend the superb leadership of their teacher, Tom Flaherty.

CONGRATULATIONS TO CLARENCE VERNON WOODSIDE CELEBRATING HIS 100TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Clarence Vernon Woodside of Excelsior Springs, MO, who will celebrate his 100th birthday on August 11, 1997. Clarence is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Clarence's life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Clarence's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join his many friends and relatives in wishing Clarence health and happiness in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 14, 1997, the Federal debt stood at $5,355,393,906,769.08. (Five trillion, three hundred fifty-five billion, three hundred ninety-three million, nine hundred and six thousand, seven hundred and sixty-nine dollars and eight cents.)

Twenty-five years ago, July 14, 1972, the Federal debt stood at $430,417,000,000 (Four hundred thirty billion, four hundred and seventeen million dollars).

Fifteen years ago, July 14, 1982, the Federal debt stood at $1,079,571,000,000 (One trillion, seventy-nine billion, and five hundred and seventy-one million dollars).

Ten years ago, July 14, 1987, the Federal debt stood at $2,317,949,000,000 (Two trillion, three hundred and seventeen billion and nine hundred and forty-nine million dollars).

Five years ago, July 14, 1992, the Federal debt stood at $3,972,195,000,000 (Three trillion, nine hundred and seventy-two billion and one hundred and ninety-five million dollars) which reflects a debt increase of nearly $5 trillion—$4,924,976,906,769 (Four trillion, nine hundred twenty-four billion, nine hundred seventy-six million, nine hundred and six thousand, seven hundred and sixty-nine dollars) during the past 25 years.

RETURN THE EMERGING BUDGET SURPLUS TO THE TAXPAYER

Mr. ABRAHAM. Mr. President, I rise today to talk about the emerging budget surplus and what Congress should do about it. According to recent Congressional Budget Office and Office of Management and Budget estimates, the fiscal 1997 budget deficit could be smaller than $50 billion. The reason: Robust economic growth continues to boost tax receipts beyond projections. As a result, the deficit is declining rapidly and the budget could be balanced by the year 2000 or earlier.

Further, if the President signs a tax bill that includes a deep cut in the capital gains tax, a budget surplus could emerge next year. Economist Larry Kudlow predicts that cutting the top capital gains tax rate to 20 percent could produce a $90 billion revenue windfall next year, assuming only 15 percent of investors realize their stock market gains from 3 years ago.

The question we face is this: Should future budget surpluses—if they materialize—be used to retire the national debt, increase Government spending, or further reduce taxes?

Our colleague, Representative MARK NEUMANN of Wisconsin, has offered The National Debt Repayment Act which proposes to use budget surpluses primarily to retire the national debt. This legislation would earmark two-thirds of any surpluses to debt reduction and only one-third to tax reduction. The plan attempts to build budget surpluses in future years by limiting the growth of Government spending at 1 percentage point lower than the growth of tax revenues.

Although well-intentioned, the bill contains several problems. First, it would have the practical effect of locking-in high tax rates on the American people. Under the plan, Congress would have to maintain a tax burden that is higher than is necessary to pay for current Government spending. In fact, as economist Bruce Bartlett points out, "(the Neumann) plan actually implies a stiff tax increase. Revenues as a share of gross domestic product would rise from 19.9 percent next year to 20.8 percent in 2002," producing one of the highest tax burdens in U.S. history. Further, because the plan calls for revenue growth to outrace spending growth, Congress will have the perverse incentive to keep taxes high.

Second, the bill does nothing to reduce the size of the Federal Government. It is designed to generate budget surpluses, but does nothing about the actual levels of either Government spending or revenues. As long as tax revenues are growing, Government spending can grow too.

Third, the bill would preclude significant tax rate reductions and fundamental tax reforms in the future. In my view, any budget surplus would be far better spent by cutting taxes that are most burdensome and stifling to economic growth. Enacting pro-growth tax reforms and increasing the size of the economy would make it easier to carry the debt burden.

Fourth, in effect, the bill would keep taxes on Americans unnecessarily high primarily to retire debt held by foreign interests. According to the Treasury Department, foreign and international investors owned $1,199.1 billion of the total $3,451.7 billion in privately held public debt in 1997. In contrast, U.S. individuals owned only $355.4 billion. By my lights, we ought to use any budget surpluses to provide relief to American taxpayers before making advanced debt payments to foreign central bankers and other investors in China, Japan and Germany.

Overall, the bill is based on misconceptions of the true economic impact of the debt. According to most economists, the figure that really counts is not the total debt per se, but rather debt's size relative to the overall economy. As the Wall Street Journal recently noted, the debt as a share of GDP "was as high as 111 percent in 1946, after we'd run up a debt to defeat Hitler—a cause worth some debt." But because of the post-war economic boom—boosted in the 1960's by President John F. Kennedy's tax rate reductions—the debt fell back to 24 percent of GDP in 1974. The Journal goes on to note that the debt "rose again with the great inflation and spendthrift Congresses of the past two decades, but it stabilized at 50 percent of GDP in 1995 and is projected to decline slowly . . ."

Furthermore, the economic benefits of running budget surplus are not at all clear. It is worth nothing that Great Britain ran budget surpluses in 1988, 1989, and 1990 equivalent to 1.5 percent of GDP—equivalent to a U.S. surplus of $100 billion—yet British interest rates increased.

Mr. President, to ensure that we return higher-than-expected revenues to the taxpayer, I have introduced the Economic Growth Dividend Protection Act (S. 800). Under my bill, if tax revenues received by the Treasury in the next 5 years exceed those projected under the budget agreement, the revenues will be made available for tax cuts first. If the Congress fails to pass tax cuts, then the surplus is reserved for deficit reduction—not new Government spending.

In summary, Mr. President, we should reduce the burden of the national debt. But setting in stone today a policy to run huge budget surpluses well into the next century is a recipe for higher taxes and slower economic growth. In my view, the best way to reduce the debt burden is to run a balanced Federal budget with firm controls on Government spending and to cut taxes that hinder economic growth. In the event that Congress does cut tax rates and overhaul the tax system, we could then decide to use any resulting tax revenue surplus to pay down the debt.

I ask unanimous consent that several articles on this subject that appeared in the Wall Street Journal, Washington Post, and Washington Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 15, 1997]

WHY PAY OFF THE NATIONAL DEBT?

(By James K. Glassman)

A balanced federal budget is not even law, much less reality, but already a Republican congressman is proposing legislation to deal with the surpluses he thinks will follow.

A surplus happens when the government raises more than it spends. The last time was 1969, but we're getting closer. The deficit for the fiscal year that ends on Sept. 30 will be about $45 billion.

What to do with the extra revenues flowing into Washington? Rep. Mark Neumann (R-Wis.), in a plan that's been embraced by Speaker Newt Gingrich and become the hot fiscal topic of the summer in conservative circles, wants to use the money to pay off the national debt.

On its face, this sounds like a reasonable idea. It's actually dangerous and distracting. First, it just won't happen: If we start running surpluses, politicians will spend them. That's not just a guess. Just look at this year's budget. With pressure from a burgeoning deficit relaxed, Congress and the White House devised a budget in May that sharply increases the growth of spending.

But let's pretend that Congress and the president can muster the discipline to enforce the Neumann plan. If spending grows at 4 percent (which is, indeed, the rate in the new budget) and if revenues grow at 5 percent (they've been rising at 7 percent since 1992), then the entire national debt can be wiped out by the year 2026 if we use the excess cash to pay off Treasury bonds.

Isn't this an admirable goal? Not really. The federal debt, which is the total of all the deficits we've piled up over the years, isn't such a terrible thing—especially if it remains at current levels. Right now it's about 50 percent of our gross domestic product, but if we run balanced budgets through 2026, it will fall to less than 25 percent of GDP—or back to 1960's levels.

The argument about the evil of the federal debt is based on a fallacy, which is that it's a burden on future generations of Americans. This is what Neumann himself, a former math teacher and real estate developer, means when he says he wants children to "inherit a debt-free nation."

But this popular analysis misses half the equation. If we simply balance budgets, then today's $5.4 trillion debt will perpetually be on the Treasury's books. But that debt will be balanced by $5.4 trillion in assets. Roughly four-fifths of those assets—beautiful T-bonds—are held by Americans. Thus, our children won't merely inherit debt, they'll inherit bonds.

Neumann gripes about the $300 billion or so in interest on that debt. But this money, in fact, is one of the few benign federal spending programs. Private bondholders who earn interest are likely to invest that money more productively than Washington does.

And the interest earners aren't merely fat cats. A 1984 Treasury study concluded, "We find no basis for the belief that interest payments on the public debt lead to greater inequality in the distribution of income." Remember, the top 10 percent of Americans pay 59 percent of all income taxes, so, in a worst case, interest is being paid by the rich to the rich.

The point is that Americans, at the very same time, are both borrowers and lenders, as Francis X. Cavanaugh, a former Treasury Department official, explains in "The Truth About the National Debt." He also notes that Abraham Lincoln "may have been the only president to recognize both sides of the ledger."

In 1864, Lincoln told Congress, "The great advantage of citizens being creditors as well as debtors, with relation to the public debt, is obvious. Men can readily perceive that they cannot be much oppressed by a debt which they owe to themselves."

Lincoln was urging Congress to go into debt to pay military expenses. Debt, in other words, is simply a way to get the dollars to pay for what we want government to do. The other way is taxes.

Debt and taxes are simply matters of financing. The truly important public policy question is: What should government do? Fight a war against slavery and on behalf of union? Certainly. Fund railroads, corporate welfare and collective health care systems? I don't think so.

But Congress keeps spending more and more. Total spending will rise from $1.6 trillion in 1997 to $1.9 trillion in 2002—a rate well in excess of inflation.

Milton Friedman once said that he would rather have a $1 trillion budget that is way out of balance than a $2 trillion budget that is in balance. He's right. The true goal is to reduce government spending. The aim of balancing the budget (or running a surplus) is merely a tactic to secure the prize: a smaller government that takes fewer resources and limits fewer liberties.

Alas, Neumann, like so many Republicans, has been blinded by balanced-budget rhetoric and missed this true goal. Under his plan, for example, an incredible $33 billion out of the surplus would go to replenish the highway trust fund, which would mean more spending on pork. At a meeting last week, Gingrich argued for appeasing big-spending Republicans like the notorious Transportation Chairman Bud Shuster since they represent one leg of the GOP "three-legged stool."

It's a stool that ought to be knocked over. Believers in smaller government have a very simple job to do: Make it smaller. When that happens, Americans will be able to keep more of what they earn and the federal debt will simply wither away.

[From the Washington Times, July 2, 1997]

MISGUIDED STRATEGY TO TRIM DEBT

(By Bruce Bartlett)

Last week, columnist Robert Novak reported that House Speaker Newt Gingrich has "enthusiastically embraced" a proposal by freshman GOP Rep. Mark Neumann of Wisconsin to begin paying off the national debt. Upon hearing this news, Jack Kemp quickly shot a memo off to Mr. Gingrich strongly urging him not to endorse the Neumann plan, saying it would impose unnecessary austerity on American taxpayers. Instead of paying off the debt, we should cut taxes, Mr. Kemp said.

The basis of the Neumann plan is that revenues probably will rise faster than assumed in the budget agreement, providing budget surpluses in future years. Based on past experience, Mr. Neumann believes that revenues will rise closer to 6 percent per year.

rather than the 4 percent growth assumed in the budget agreement. If spending is no higher than projected by the agreement, this theoretically would provide a budget surplus of almost $200 billion by 2002.

Mr. Neumann believes that if a surplus emerges it should largely be used to retire public debt. His legislation would earmark two-thirds of any surpluses to debt reduction and only one-third to tax reduction. Furthermore, Mr. Neumann believes that by holding the growth of spending to 1 percent less than the growth of revenues, the entire national debt can be paid off by 2026. This, he says, would save a family of five $600 per month that they are now paying in taxes for interest on the debt.

In truth, Mr. Neumann's plan isn't so much a bad one as a misguided one. The likelihood of budget surpluses emerging under any revenue assumption is absurd. The money will all be spent long before any surplus arises. Moreover, his notion that Congress can simply pass a law that will hold spending to less than the growth of revenue is extraordinarily naive. We tried that with Gramm-Rudman, and the first time the spending cap began to pinch, Congress promptly repealed it.

Moreover, Mr. Neumann seems not to realize that his plan actually implies a stiff tax increase. Revenues as a share of gross domestic product would rise from 19.9 percent next year to 20.8 percent in 2002, using his numbers and the Congressional Budget Office's GDP forecast. Also, he made a mathematical error in computing the cost of interest on the debt. With net interest at $248 billion and a population of 268 million, the actual cost of interest for a family of five is $385 per month, not $600.

But the major problem with Mr. Neumann's proposal is a misconception about the burden of debt. Interest on the debt is no more a "burden" than the interest homeowners pay on their mortgages each month. To think otherwise is to believe that everyone who owns a home would be better off selling it and renting instead, just so they can be debt-free. The reason people don't do this is because they believe they are better off with the house and the debt.

Of course, taxes are higher than they would be if there were no debt. And if the debt could magically be extinguished it would certainly be worth doing so. But maintaining a higher tax burden than necessary to pay for current spending just to reduce the debt is a terrible misuse of tax revenue. The money would be far better spent eliminating the worst federal taxes, those that are hindering growth and making it harder to carry the debt.

In 1848, John Stuart Mill attacked a proposal similar to Mr. Neumann's in England. "I conceive that the increase of revenue should rather be disposed of by taking off taxes, than by liquidating debt," Mill wrote. Cutting taxes removes a real burden on people, reducing debt does not.

[From the Wall Street Journal, July 2, 1997]

INVINCIBLE IGNORANCE

Democrats who want to retake Congress have found the issue they've been looking for: It's the plan now being offered by Republican Mark Neumann of Wisconsin and supported by Speaker Newt Gingrich to run federal budget surpluses. If Republicans embrace this idea, Dick Gephardt will be Speaker in no time.

Now that Republicans can at least claim to have balanced the budget, if only in five years, they're looking for something else to do. You might think tax reform or securing pensions for the Baby Boomers would be in order. Mr. Neumann wants to do nothing so tangible. Instead he wants Republicans to stand for the abstraction of paying down the national debt by the year 2026, even if it means taxing Americans at higher rates than are needed to balance the federal books.

Both the economics and politics of this proposal make it nutty even by Beltway standards. Mr. Neumann is like many businessmen-turned-politicians who hold the mercantilist view that debt is the worst economic evil. Adam Smith pointed out the folly of this 200 years ago when he observed that the point of economics isn't to collect gold in a nation's vault; it is to improve the living standards of everyone.

Mr. Neumann would amass a modern-day gold hoard, which he imagines would accumulate to pay Social Security for Baby Boom retirees. This assumes politicians won't tap this surplus in the meantime, despite 70 years of recent political history. But even if the pols left the money alone, the government would in essence merely be using that surplus to buy back its own bonds. It wouldn't change Social Security's actuarial problem one iota.

When the Baby Boomers begin to retire in 2012, the government would still be faced with a choice of raising taxes, cutting Social Security benefits or reissuing bonds (i.e., reborrowing). Social Security benefits will always have to be paid out of payroll taxes at the time or with future borrowing. The best way to ensure higher tax revenues is to grow a bigger economy in the meantime, but Mr. Neumann would maintain higher tax rates that would reduce the economy's growth potential. Mr. Neumann's proposal assumes the federal government can create more wealth than private Americans.

In any event, he misjudges the history and menace of debt. Economists the economy, or GDP. This was as high as 111% in 1946, after we'd run up a debt to defeat Hitler—a cause worth some debt. But it gradually fell back down again as the economy expanded—to about 24% of GDP in 1974. It rose again with the great inflation and spendthrift Congresses of the past two decades, but it stabilized at 50% of GDP in 1995 and is projected to decline slowly if Congress shows any spending discipline.

Of course, Mr. Neumann also frets with other pols about having to pay $250 billion in interest each year on the national debt. But interest payments are the least destructive spending the federal government does. At least it doesn't subsidize lawsuits, dubious art or liberal lobbies.

The silver lining here, we suppose, is that this idea is so politically dumb it would never really happen. Democrats could campaign as balanced-budget liberals, proposing to spend the new tax revenues on health care and children. In response, Neumann Republicans would become the Debt Retirement Party. This is the castor-oil path that has ruined parties of the right in Europe and Canada. While Mr. Neumann does propose to return one-third of any year's surplus in tax relief, that message would be swamped by the two-thirds going into the national vault.

In sum, the Neumann plan would return Republicans to their historic role as "tax collector for the welfare state." That's what Mr. Gingrich once called Bob Dole, but with his support for Mr. Neumann (Budget Chairman John Kasich is also a co-sponsor) he owes Mr. Dole an apology. The Neumann plan puts Mr. Gingrich squarely in the Hoover-Ford-Bush austerity tradition of the GOP. The last Republican we heard such a proposal from was none other than George Bush's budget director, Dick Darman.

It's possible this New Darmanomics is a poll-driven continuation of the GOP's balanced-budget myopia. But it may also be a matter of simple ignorance. We can therefore hope that economically literate Republicans—Majority Leader Dick Armey, Senator Phil Gramm—will be able to educate their colleagues. Short of that, we recommended to Mr. Neumann and his allies Adam Smith's "Wealth of Nations," or for a shorter read, "Hamilton's Blessing" by John Steele Gordon. They might learn something.

* * * * *

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The Senate will resume consideration of S. 1005, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1005) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Stevens-Inouye Amendment No. 846, to require a report to Congress on all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to NATO.

Harkin Amendment No. 848, to prohibit the use of taxpayer funds to underwrite restructuring costs associated with a business merger.

AMENDMENT NO. 849

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. HUTCHISON, for herself, Mr. LOTT, Mr. LIEBERMAN, Mr. MCCAIN, Mr. WARNER, Mr. SMITH of Oregon, Mr. LUGAR, and Mr. LEVIN, proposes an amendment numbered 849.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Senate that—

(1) International efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) The Administration should consult closely with the Congress on all efforts to

bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) The Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicated war criminals, including any changes in the mission which could affect American forces.

Mr. STEVENS. Mr. President, this amendment has been cleared on both sides and is now acceptable to the managers of the bill. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 849) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 850

(Purpose: To make available funds for the payment of claims for loss and damage to personal property suffered by military personnel due to flooding in the Red River Basin)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. DORGAN, for himself, and Mr. CONRAD, proposes an amendment numbered 850.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Up to $4.5 million of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

Mr. CONRAD. Mr. President, I offer today with my colleague from North Dakota, Senator DORGAN, an amendment that would prevent unintended discrimination against Grand Forks AFB personnel as the Defense Department provides compensation for personal property losses incurred as a result of this spring's unprecedented flooding in the Red River Valley. This legislation has been requested by Air Force Secretary Sheila E. Widnall, Air Force Chief of Staff Gen. Ronald R. Fogleman, and the Commander in Chief of the U.S. Transportation Command, Gen. Walter Kross, with the support of Gen. Howell Estes, Commander in Chief of the U.S. Space Command.

As my colleagues are aware, last week I offered this amendment to the fiscal year 1998 Defense authorization bill with Senators DORGAN, WELLSTONE, JOHNSON, and DASCHLE. It was accepted by the Armed Services Committee, but I look forward to its inclusion in the fiscal year 1998 Defense appropriations bill before us as well. This will ensure that both defense measures passed by the Senate this year are in agreement that disaster relief must be provided to personnel on an equitable basis.

As I have discussed on the Senate floor on several occasions, Mr. President, this winter and spring were the most severe in my State's history, culminating in a 500-year flood. Damages to property stretched into the billions, and the disruption to families and the community was incalculable.

Confronted with a disaster of almost Biblical proportions, the able men and women of Grand Forks AFB helped fight the flood. They manned "sandbag central," helped evacuate the city of Grand Forks, and provided shelter, food, and comfort to thousands of flood refugees. Many Air Force officers and enlisted personnel worked tirelessly, even as their homes were washed away, resulting in almost total personal property losses.

Fortunately, current law allows the Defense Department to provide personal property compensation to personnel once personal insurance and any other Federal assistance has been exhausted. Separate compensation from the military is appropriate, Mr. President, in light of the fact that servicemembers, their families, and their property have been put in harm's way as a result of assignment orders. Those residing in Grand Forks AFB housing are currently able to benefit from this assistance.

Unfortunately, Mr. President, we have a catch 22 problem. The families that suffered the most—those living off-base in the city of Grand Forks because of on-base housing shortages—are getting no help. This is because existing law prevents "Federal agencies from paying claims for losses incident to service which occurs at residences not provided by the United States," to quote an Air Force analysis.

Mr. President, the men and women of Grand Forks AFB were there when their country needed them. The amendment I have offered here again today would ensure that their country does not allow them to endure unfair and unintended discrimination in their hour of need. It would waive the provision that prevents them from receiving assistance. This action would be consistent with earlier legislation passed in 1992 on behalf of Homestead AFB personnel living off-base who had suffered as a result of Hurricane Andrew.

On behalf of the more than 700 Air Force families living in the city of Grand Forks when the levees broke, I would like to extend my thanks again to the Senate and the able leadership of the Armed Services Committee for passing this amendment last week. Today, sincere thanks should also go to the distinguished leadership of the Defense Appropriations Subcommittee, to Chairman STEVENS and Senator INOUYE, for their willingness to work with Senator DORGAN and myself to bring the authorization and appropriations measures into agreement on this important matter.

Before closing, Mr. President, I would like to recognize again the exemplary work of everyone at Grand Forks AFB during this spring's flooding. In accepting thousands of flood refugees at the worst of the disaster, the base provided warm, safe housing for countless families. They also provided something else, something even more important—a sense of hope that has helped preserve Grand Forks' sense of community. At a time when nearly the entire city was submerged by the rising floodwaters and its most historic areas burned, the importance of this cannot be overstated.

Again, Mr. President, let me thank the committee and the Senate for their careful consideration of this amendment, which will ensure that all Air Force personnel in the flooded area are treated equitably. I look forward to its approval as part of the fiscal year 1998 Defense appropriations bill, retention in conference, and passage into law.

Mr. DORGAN. Mr. President, I rise to comment briefly on my flood relief amendment, which is now pending to the defense appropriations bill.

As my colleagues know, this spring the Red River Valley suffered its worst flooding in recorded history. Personnel at Grand Forks Air Force Base pitched in to fight the flooding that everyone knew would come—they helped operate "Sandbag Central" to enable volunteers to go to the front lines on the dikes.

When the water finally won, a 500-year flood emptied Grand Forks, ND, a city of 50,000 people, and sent 4,000 residents to the Grand Forks Air Force Base for shelter. Many of my colleagues saw on television the base hangar that was converted to a shelter and that provided refuge for those citizens.

What my colleagues may not know is that many of the base personnel who fought the flood for weeks were themselves victims of the flood when it came. Over 700 military personnel were forced to evacuate during this disaster. And 406 servicemembers have suffered losses to personal property, including 95 families whose homes were inside the diked area near the Red River and were extensively damaged.

However, without the flood relief authority my amendment would provide, these servicemembers will be victims of unintended discrimination.

If these servicemembers had lived on base, they would be eligible to file a claim with the Department of Defense for losses incident to service. The Air Force pays such claims pursuant to section 3721 of title 31 of the United States Code. But as the law now stands, military personnel living off base are not eligible to file such claims, even though they are stationed at Grand Forks Air Force Base as a result of their military service.

My amendment would simply permit the Air Force to reimburse these servicemembers for their losses despite the fact that they lived off base. It makes available up to $4.5 million of the funds already available to the Department of Defense for paying claims.

Let me assure my colleagues that this amendment supplements private insurance and benefits provided by the Federal Emergency Management Agency. Air Force claims practices and FEMA regulations prohibit duplicative benefits. Military members who have private insurance will be required to file claims against that insurance before the Air Force will pay claims under this amendment.

I understand that this amendment is acceptable to the Chairman, Senator STEVENS, and to the ranking member, Senator INOUYE. I thank them very much for their support of this amendment, and for the work of their staffs in clearing this amendment.

I look forward to this amendment's approval by the Senate, and I yield the floor.

Mr. STEVENS. Mr. President, this amendment is supported by the Department of the Air Force, and we are prepared to accept it.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 850) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, in the order pertaining to this bill that was agreed to last evening, there is a second Dorgan amendment that I am authorized to withdraw. I ask that it be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. STEVENS. Parliamentary inquiry. Is the amendment I have offered together with my friend from Hawaii, No. 846, still the pending amendment?

The PRESIDING OFFICER. The Chair would observe that the amendment pending before the body is amendment No. 848 offered by the Senator from Iowa.

Mr. STEVENS. Mr. President, is there also pending behind that 846?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 851

(Purpose: To set aside $36,000,000 of O&M funds for an authorized Navy program to demonstrate expanded use of multi-technology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore worked load/off load program)

Mr. STEVENS. I send an amendment to the desk on behalf of Senator ROBB of Virginia.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBB, proposes an amendment numbered 851.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 8099. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

Mr. STEVENS. Mr. President, last evening the Senator from Hawaii and I discussed this amendment with the Senator from Virginia. We are convinced that it will bring about savings of taxpayer funds and that it should be adopted at this time.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 851) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 846

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate my amendment No. 846.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, and Mr. INOUYE, proposes an amendment numbered 846.

Mr. STEVENS. Mr. President, I ask unanimous consent that the yeas and nays be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 846) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have now pending, under the orders agreed to last evening, the Feinstein amendment on land transfer, a Feinstein amendment on NATO expansion cost caps, the Graham amendment on electronic combat testing, the pending Harkin merger cost amendment No. 848, a managers' amendment from Senator INOUYE, and one for myself, which we will join together, and two McCain amendments, one dealing with foreign flag vessels, and one "Buy America" amendment.

I urge Members of the Senate to come and offer their amendments. We are asked by leadership to see if it is possible to finish this bill before the recess for the Tuesday meetings of both parties. The Senator from Hawaii and I are prepared to try to do that if Members would come and offer their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 852

(Purpose: To strike out section 8097)

Mr. McCAIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 852.

Strike out section 8097.

Mr. McCAIN. Mr. President, this amendment strikes section 8097 from the Defense appropriations bill in its entirety.

This provision has nothing to do with national security issues. It is purely and simply an example of pork-barrel spending that has nothing to do with defense.

The provision earmarks $250,000 for the maritime technology program. Do not be deceived by the amount of money. The $250,000 is the beginning of what could turn into a multimillion-dollar bailout for a cruise ship line and ships to be constructed in a certain shipyard.

The money would be used to establish a pilot project to transfer commercial cruise shipbuilding technology to U.S. shipyards—on its face it is an innocuous idea, even though it doesn't have a lot to do with national defense or anything—utilizing the experience of U.S. flag cruise ship operators, and protecting the operation of a foreign-built U.S. flag cruise ship and two newly constructed U.S. flag cruise ships around the Hawaiian Islands.

The last goal of the pilot project is, I suspect, the most important and most disturbing aspect of the program.

As I mentioned, this provision only earmarks $250,000. I also mentioned that money has nothing to do with defense.

The Maritech Program is a very limited program, and this $250,000 earmarked represents a large portion of available Maritech funds.

I suspect very strongly that this is not the end of the drain on defense dollars for this cruise ship program. I fully expect to see millions of dollars set aside to build these cruise ships and subsequent bills, whether it is the Commerce, State, Justice appropriations bill this year or in next year's defense appropriations bill.

If the past is any indicator, this is just the beginning of a multimillion-dollar waste of defense dollars.

Was the Commerce Committee asked to review this proposal? No.

Should the Commerce Committee have been asked to review this program? Yes.

This provision waives three established laws:

One, it bypasses the established process for reviewing the Jones Act, Passenger Service Vessel Act, and coastwise endorsement waivers.

Ordinarily, the Commerce Committee considers action on each requested waiver. This legislation did not come before the Commerce Committee and effectively waives these laws for an unidentified foreign-built cruise ship.

In my view, should the Commerce Committee approve this proposal as written? No.

Frankly, that is the precise reason this provision is in this bill and not in the Commerce Committee bill.

I wonder if anyone can tell me exactly how many cruise ship operators can meet the exact criteria spelled out in the provision of the bill.

I quote:

> $250,000 should be made available to assist with a pilot project that will facilitate the transfer of commercial cruise shipbuilding technology and expertise, and enable the operation of a U.S. flag foreign-built cruise ship and two newly constructed U.S. flag-ships.
>
> That a person (including a related person with respect to that person) within the meaning of 46 U.S.C. Section 801, may not operate a U.S. flag foreign-built cruise ship, or any other cruise ship, in coastwise trade between or among the islands of Hawaii, upon execution of the contract referred to in this section and continuing throughout the life expectancy . . . of a newly constructed U.S. flag cruise ship referred to in this section, unless the cruise ship is operated by a person that is . . . operating a cruise ship in coastwise trade between or among the islands of Hawaii on the date of enactment, except if any cruise ship constructed pursuant to this section operates in regular service other than between or among the islands of Hawaii.
>
> *Provided further*, That for purposes of this section, the term "cruise ship" means a vessel that is at least 10,000 gross tons . . . and the berth or stateroom accommodations for at least 275 passengers.

Mr. President, the list goes on and on.

This is really unacceptable. This is really unacceptable.

In my view, I understand there is only one cruise ship operator in Hawaii that can meet this criteria. Only one. And that operator is being handed a 30-year to 40-year monopoly for his existing business.

How many times has the U.S. Senate so blatantly set up a monopoly set aside for any individual or business? Why would we want to start now? On the very rare occasions that Congress has permitted a monopoly operation, such as Conrail, it was to ensure availability of adequate domestic transportation in the absence of any other possible viable alternative.

I personally know of no other monopoly operation other than the Conrail example.

Many of my colleagues in this Chamber profess to be concerned about the growing consolidation in the defense industry, expressing worry that overconsolidation will lead to monopolies in the defense industry.

I have long been a free trade advocate, and I believe in our existing review. Why wouldn't that same concern about unfair anticompetitive restrictions apply in this case? Why is this legislative monopoly necessary?

The current operator of this cruise ship operation in Hawaii has operated for many years without this legislative protection. He is protected from foreign competition under existing laws and does not need the protection of Congress to replace his existing ship with new ships.

What is the urgency of including this language in this defense appropriations bill, or, for that matter, in any other bill?

Mr. President, I am deeply disappointed that this provision was inserted in this bill. But it is not necessary. It wastes defense dollars, and it sets up an ill-considered monopoly for one single entity.

Mr. President, if this amendment is not stricken from the bill and it survives conference with the House, I would strongly recommend that the President of the United States, in the exercise of his line-item veto authority, eliminate this egregious example of pork-barrel spending.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, 40 years ago the United States shipping interests controlled the Mediterranean. Most of the cruise ships in the Mediterranean, if I may remind my colleagues, were made in the United States. They had crews of American sailors, and we carried passengers not only from the United States but all over the world.

At the same time, we also dominated and controlled the cruise ship industry in the Caribbean. The same is true in the Pacific. For that matter, 40 years ago the United States shipping interests sailed the seven seas and controlled the seven seas.

Today, we have one company that has one cruise ship. No shipyard has ever made a cruise ship since 1956. That is 40 years. For 40 years, our shipyards have not built a cruise ship. Today, we have one, an old ship.

And what is the situation? The fastest growing part of the tourist industry of the world is cruise ships. We see that on television every night, every 30 minutes on just about every channel—love boats, holiday boats, and most of the passengers are American. These cruise ships are built in foreign shipyards, and they are manned by foreign sailors.

It may interest you to know that just last week the Wall Street Journal reported that cruise ship workers on foreign flag vessels work between 16 to 18 hours a day and get paid by the cruise lines about $1.50 a day before tips—$1.50 a day before tips. That is their take-home pay because the cruise ship owner says, well, he has a free bunk; we give him three meals a day. This is gravy for him, $1.50 a day.

That is why we cannot compete with them. We insist that all of our ships maintain the highest health standards. Wage and hour provisions that apply here in the Nation's Capital will apply on cruise ships manned by Americans. The cruise ships operating in the Hawaiian waters today pay not minimum wage but union declared wages. They are much, much higher than union wage, and they get paid more than $1.50 an hour.

Many of us felt that the time had come to stop this, to reinvigorate the industry, and we came up with this plan. This plan reminds us of what happened to the United States in World War II—for that matter in World War I—the Korean conflict, and even in Vietnam. Since we do not have a fleet of troop carriers, we have always had to call upon private shipowners to come forth with their passenger vessels, convert them into troop carriers, and sail the seven seas.

Mr. President, as a young man of 18, I crossed the Pacific on a luxury cruise ship which was converted into a troop carrier. Going across the Atlantic, I am sorry to say, it was not a cruise ship; it was a tanker, but there were many other cruise ships in operation at that time.

This program, the Meritech Program, has been authorized. It has been operational. And up until now they have come up with plans on how to bring about the construction by private industry of passenger vessels that can be converted for defense purposes if the need should arise. This provision in this bill is to implement those plans.

I can assure you, if the Senator from Arizona wishes, we will put in clear language that says this ship will be built with private funds. I can assure one and all that if this will satisfy my friend from Arizona, I would like this language put in the appropriate place: "Provided further, that none of the funds provided in this or any other act may be obligated for the construction of vessels addressed by this section."

If it is appropriate, I ask that this provision be made part of the bill before us.

The PRESIDING OFFICER. The Chair will ask, does the Senator ask unanimous consent——

Mr. INOUYE. I ask unanimous consent.

The PRESIDING OFFICER. To place the appropriate language in the legislation?

Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, I just want to clarify, I understand that——

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. My reservation is as follows. My understanding is that the Senator from Alaska and the Senator from Hawaii are willing to modify the language of the bill that states that no Federal money will be spent for the construction of a cruise ship or the tooling up of a shipyard for that construction. If that is correct, then I appreciate the agreement of the Senator from Hawaii and the Senator from Alaska and we will make that change and propose that change shortly.

Is that the intent of the Senator from Hawaii?

Mr. INOUYE. That is the intent of the language. I believe the language is clear.

Mr. McCAIN. I ask unanimous consent to set aside my amendment at this time and we will revisit it when the language, modifying language is made up, and I will at that time make a motion to modify my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I have another amendment at the desk.

Mr. INOUYE. Mr. President, parliamentary inquiry. Does it mean that the McCain amendment is set aside?

The PRESIDING OFFICER. That is correct.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Is it the intention of the Senator from Hawaii under the UC agreement that his legislation has been modified under the previous UC request?

Mr. INOUYE. The Presiding Officer is correct.

The PRESIDING OFFICER. Then without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, there is a little bit of a parliamentary situation here. It is not clear to me whether the language of the legislation will be modified—and then I would ask unanimous consent to drop my amendment—or is it language that will be added to the amendment which would then be acceptable? I would ask the President as to what the parliamentary situation is.

The PRESIDING OFFICER. If the Senator will suspend for a moment.

If there is no objection, the unanimous consent request by the Senator from Hawaii will be considered as an amendment to the bill by the Senator from Alaska. Upon passage, then the Senator from Arizona could be recognized to withdraw his amendment.

AMENDMENT NO. 854

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 854.

The amendment is as follows:

At the appropriate place, insert: ": *Provided further*, That none of the funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 854) was agreed to.

AMENDMENT NO. 852, WITHDRAWN

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I ask unanimous consent to withdraw my amendment, the pending McCain amendment.

The PRESIDING OFFICER. Then the amendment No. 852 is withdrawn.

The amendment (No. 852) was withdrawn.

AMENDMENT NO. 853

(Purpose: To require the Secretary of Defense to waive limitations applicable to uses of funds for procurements from foreign sources as necessary to protect cooperative programs)

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have another amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 853.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 8099. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

Mr. McCAIN. Mr. President, this is a simple and straightforward amendment that simply levels the playing field between U.S. and foreign manufacturers. This amendment promotes U.S. products, not by enforcing restrictive barriers on open competition and free trade, but by promoting sound and beneficial economic principles.

This amendment waives restrictions on the procurement of certain defense items with respect to a foreign country if the Secretary of Defense determines they would impede cooperative programs entered into between a foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined it would impede the reciprocal procurement of defense items in that foreign country and that foreign country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items in that country. This amendment would apply to all contracts and subcontracts entered into on or after the date of enactment, including any option for the procurement of items that are entered into before the date of enactment if those option prices are adjusted for any other reason.

I have spoken of this issue before in this Chamber and the potential impact on our bilateral trade relations with our allies because of our policy toward Buy America. From a philosophical point of view, I oppose these type of protectionist trade policies because I believe free trade is an important component of improved relations among all nations and a key to major U.S. economic growth.

From a practical standpoint, adherence to Buy America restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from longstanding international trading partners. While I fully understand the arguments by some to maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products which are widely available from many U.S. companies, that is, pumps produced by no less than 25 U.S. companies. I believe that competition and open markets among our allies on a reciprocal basis provide the best equipment at the best price for U.S. and allied militaries alike.

There are many examples of trade imbalances resulting from unnecessary Buy America restrictions. Let me cite one case in point. Between 1991 and 1994, the Netherlands purchased $508 million in defense equipment from United States companies, including air-refueling planes, Chinook helicopters, Apache helicopters, F–16 fighter equipment, missiles, combat radios, and training equipment. During the same period, the United States purchased only $40 million of Dutch-made military equipment. In recent meetings, the Defense Ministers of the United Kingdom and Sweden have apprised me of similar situations. In every meeting, they tell me how difficult it is becoming to persuade their governments to buy American defense products, because of our protectionist policies and the growing Buy European sentiment.

Mr. President, it is my sincere hope that this amendment will end once and for all the anticompetitive, antifree trade practices that encumber our Government. I only look forward to the day when my trips to the floor to highlight Buy America provisions are no longer necessary.

Mr. President, I ask unanimous consent that an editorial by Secretary Weinberger and Dr. Schweizer that appeared in today's USA Today be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From USA Today, July 15, 1997]

PENTAGON LOPPING OFF MILITARY MUSCLE IN FAVOR OF PORK

(By Caspar W. Weinberger and Peter Schweizer)

In 1938, the British Royal Navy counted 308 ships on its active roster, and Great Britain ruled the waves. This massive armada required 11,270 admiralty officials and clerical staff for its management. Thirty years later, the British Navy was down to just 114 ships, a decline of more than 60%. However, the number of brass hats and administrators had increased to 33,574. At its peak, the British Navy required 37 desk sailors per ship. At its low point, 295.

C. Northcote Parkinson tracked these trends and proclaimed what eventually became known as one of Parkinson's famous laws: The number of subordinates increases at a fixed rate regardless of the amount of work produced. What was true for a declining Britain is applicable to present-day America. Fat in the military bureaucracy continues to expand at the expense of military muscle. Congressional action to limit further base closings last week and the recently released Quadrennial Defense Review does nothing to correct this dangerous reality. The Pentagon is putting the best possible light on further reductions of 60,000 active-duty troops, arguing that cuts are necessary in order to procure more advanced weapons. But choosing between force size and weaponry is a lose-lose situation. We need both large forces and advanced weapons to maintain our battlefield edge and minimize U.S. casualties. What we need to cut is fat.

Just how badly has our military "muscle" been affected? The stated policy of the United States is to be able to fight two wars at once. But as Professors Frederick Kagan and David Fautua of the United States Military Academy point out, we would have trouble fighting and winning one war today. Consider our victory in Desert Storm. The United States committed seven active Army divisions, three Marine Corps divisions and two additional combat brigades from other units to the ground war. Of the seven Army divisions, five were "heavy" units—mechanized and armor. We were able to build this force from a total of 18 Army divisions. Now we have but 10 Army divisions, and only six are "heavy." Many are already committed to other overseas assignments such as Korea and, therefore, would be unavailable for a regional conflict.

Since Desert Storm, defense spending has declined 24% in constant dollars, and manpower has been cut 27%. The Navy has lost 34% of its ships. Air Force tactical squadrons have been cut by 28%. Budget cuts also have led to a reduction in our overseas presence. By 2000, about 90% of our combat power will be based in the continental United States. Lack of funds means we may not even reach the battlefield. The Army's capability to deploy forces has dropped 44% and the Navy's support ships, critical for overseas operations, have been slashed 61% since 1991.

But budget cuts not only have led to force reductions. Existing units have been dramatically hurt by serious training deficiencies. At Camp Pendleton, Marines have trekked 17 miles to training ranges to conserve truck fuel and tires. Air Force personnel are now regularly deployed overseas well beyond the recommended 120-day maximum, causing serious psychological and training problems. Some tank crews have been forced to park their tanks and conduct training dismounted, walking around pretending to be tanks, in order to cut costs.

The great paradox is that this small and grossly underfunded military has been called on to increase its overseas operations. Our two post-Cold War commanders-in-chief—Presidents George Bush and Bill Clinton—have dispatched troops abroad more often than the United States did in the previous 20 years. The military has conducted expensive operations in Haiti, Rwanda, Liberia, Cuba, Panama, Southwest Asia, Iraq and Somalia. Rather than deal with this squeeze, the defense review calls for further reductions.

The military has already borne a disproportionate share of cuts and now accounts for less than 20% of the federal budget. Of the federal jobs lost since fiscal 1992, more than 89% have come from the Department of Defense. Rather than cutting forces as the defense review recommends, troop levels should be maintained at present levels. Savings should come from cuts in civilian personnel and nondefense programs, not out of the military's core competence of fighting wars. Today the Pentagon spends more than 40% of this budget on infrastructure, running cafeterias and day-care centers and paying accountants. The only portions of the budget that have grown since the end of the Cold War have been for the Defense Logistics Agency, which handles warehousing, inventory control and the transport of supplies, and the Defense Finance and Accounting Service, which manages payroll and budget. Many of these functions could be privatized. The Pentagon estimates privatization could save $14 billion. Others put the savings at $30 billion.

Reductions also could come from programs that have been foisted on the Pentagon that have nothing to do with defense. About $28 billion is being spent on environmental compliance and cleanup. Millions are going to a jobs program that updates the Bay Area Rapid Transit System. These programs may be worthwhile, but they shouldn't be funded with scarce defense resources.

The defense review fails to deal with the underlying resource problems that plagues the military. Let's prove Parkinson wrong by preserving our military capability and lopping off the fat.

Mr. McCAIN. Mr. President, I believe that this amendment is acceptable to the managers of S. 1005. I have discussed this with the Senators from Alaska and Hawaii and both staffs. Basically, as I said, it gives discretion to the Secretary of Defense as far as restrictive Buy America provisions are concerned. This amendment gives the Secretary of Defense the kind of latitude that is necessary in order to make sure that our national security and warfighting capability is protected.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. We find no objection to the amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It is my understanding this is quite similar to a provision that is already in the armed services bill. And under those circumstances we have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the question is on agreeing to the amendment.

The amendment (No. 853) was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Hawaii and the Senator from Alaska for their cooperation and assistance on both amendments.

I yield the floor.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Parliamentary inquiry. It is my understanding the Harkin amendment is ready to go to a vote at any time?

The PRESIDING OFFICER. That is the pending question before the Senate.

Mr. STEVENS. We still have three amendments that could be offered before the lunch hour, and that is the Feinstein amendments and the Graham amendment.

Mr. President, there is in the order a managers' package that enables me to offer an amendment. I do offer the amendment. It is the only item in this managers' package. It is the amendment of the Senator from Indiana [Mr. COATS].

AMENDMENT NO. 855

(Purpose: To set aside for the Information System Security Program $15,708,000 of the amount provided for the Army for other procurement)

Mr. STEVENS. Mr. President, I send the amendment to the desk for Mr. COATS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. COATS, proposes an amendment numbered 855.

The amendment is as follows:

On page 24, line 6, after "2000" insert the following: ": *Provided*, That, of the amount appropriated under this heading, $15,708,000 is available for the Information System Security Program, of which $5,500,000 is available for procurement of Airterm KY-100 devices".

Mr. STEVENS. Mr. President, this conforms this bill to an authorized account that was added to the authorization bill when it passed the Senate, and I urge its immediate adoption.

Mr. INOUYE. We concur.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 855) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I implore Senators FEINSTEIN and GRAHAM to offer their amendments. We are ready to proceed. I think we could finish the bill before the lunch hour. I see the Senator from Texas is on the floor, and I yield the floor to her in the hope she will yield the floor to the others if they arrive.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 849

Mrs. HUTCHISON. Mr. President, I assure the distinguished chairman, if the other two pending amendments' authors come to the floor, I will yield.

I wanted to speak about an amendment that has just been agreed to. The chairman offered the Hutchison-Lott-Lieberman-McCain-Warner amendment earlier. It is something we have been working on, actually, for the last few days, trying to come up with language that everyone could support. In fact, everyone has now agreed to support it, so it is a sense of the Senate with 100 percent approval of language that says we are very concerned about the situation in Bosnia, we are concerned about the indicted war criminals not being brought to justice. All of us are concerned about that, because, under the Dayton accords, the three parties to the agreement, the Bosnian Serbs, the Bosnian Muslims, and the Croats, were supposed to do that and it has not happened.

At the same time, our amendment states that the administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces. I think this is a very responsible statement for the Senate to make because it is very important if there is a change in mission with regard to the apprehension of war criminals and if American forces are going to be involved, that the Congress understand that fully because that is not our understanding today nor is it part of the Dayton accords.

So, having been burned in Somalia when there was mission creep without the complete accord of Congress, I think it is important that we learn from history and take the responsible role that Congress should take.

I am concerned that we do this in a very, very clear thinking, responsible way. I look at the Washington Times from this morning where the headline is, "Serbs Threaten End Of Dayton Pact." It has a quote from an ex-teacher—an ex-teacher. He says: "I used to wave to them, the NATO troops, and had my little daughter wave when they pass by. But now I told her to spit at them."

I think we have to understand that what we do has consequences. I hope NATO will carefully look at how we go about changing any kind of mission. Certainly we expect, in Congress, to have a role in that. But I also think it is important that we go back to the Dayton accords. The Dayton accords provide the three parties will apprehend war criminals. I hope that is what happens, because there were heinous crimes committed—heinous crimes. No civilized nation, no civilized person could look at what happened in Srebrenica—it was clearly an assassination of men and boys. It was ethnic cleansing. That's what it actually was. We ought to stand against that. We do stand against it.

But, let's make sure that as we go forward we do it in a measured, responsible way so what we do is helpful, that we keep the Dayton accords, and that we do not have mission creep with American troops that would put them in harm's way, or in a combat situation if they are not prepared—if we are not prepared—for that eventuality.

So I think we have taken a responsible step. I appreciate the work of the chairman. I appreciate the work of the Democrats and Republicans on this issue where we do want to speak with a unified voice. It is important that we do. That is what we have done today.

PASSENGER SAFETY MODIFICATIONS

Mr. GORTON. Mr. President, I want to commend the chairman and the committee for adding funds for passenger safety modifications for the Air Force. The committee's initiative is both timely and appropriate and recognizes the need to provide the most up-to-date available safety equipment to aircraft transporting our military personnel. I would like to clarify a point with the chairman. Mr. Chairman, is the $75 million added by the committee for aircraft passenger safety modifications to be sent on the acquisition of navigation and safety equipment to initiate phase II of the Defense Department's initiative to modify military passenger aircraft? Is it the intent of the committee that this additional funding be spent on the following equipment and technologies: enhanced Ground Proximity warning Systems [EGPWS] with a digital terrain data base, Traffic Alert and Collision Avoidance Systems [TCAS], predictive windshear radar, cockpit voice recorders, and flight data recorders?

Mr. STEVENS. The Senator is correct. The Air Force has indicated specifically that EGPWS and TCAS for selected aircraft are part of the phase II modifications. The Air Force also has unfunded requirements for flight data recorders and cockpit voice recorders. The committee appreciates the Senator's interest and leadership on this issue.

UH–60L BLACK HAWK IN THE NATIONAL GUARD

Mrs. FEINSTEIN. Mr. President, I would greatly appreciate it if my colleagues, the chairman of the appropriations Committee and the ranking member of the Defense Appropriations Subcommittee would join with me in a colloquy regarding the committee's support for a firefighting demonstrator kit for the UH–60L Black Hawk helicopter for the Army National Guard. It is my understanding that the Army National Guard needs and wants improved capability on its UH–60L Black Hawk helicopter to enable them to more effectively augment the firefighting capabilities of State and local government other Federal agencies.

To this end, the Army is pursuing a cooperative research and development agreement or CRADA with Sikorsky Aircraft to obtain this demonstrator aircraft. Once received, this modified Black Hawk will be used in a 3-month, National Guard, operational suitability test with the Los Angeles County Fire Department.

Mr. STEVENS. I am aware of this firefighting demonstration kit for the Black Hawk helicopter. I agree that this program should be treated as any other item of special interest in the National Guard and Reserve Miscellaneous Equipment account, and am happy to support the Senator regarding this issue.

Mr. INOUYE. I, too, am a strong supporter of this firefighting kit. California is especially hard hit, each year, by wildfires and I fully understand the great resources necessary to battle these fires. I am happy to join with the chairman of the committee in urging that this program be given high priority in the National Guard and Reserve miscellaneous equipment account.

Mrs. FEINSTEIN. I thank both the Chairman and the ranking member for their interest in this program and their support.

AMENDMENT NO. 856

(Purpose: To express the Sense of Congress regarding cost-sharing for NATO enlargement)

Mr. STEVENS. Mr. President, on behalf of Senator FEINSTEIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS], for Mrs. FEINSTEIN, proposes an amendment numbered 856:
>
> At the appropriate place, insert:
>
> **SEC. . SENSE OF CONGRESS.**
>
> It is the Sense of Congress that should the Senate ratify NATO enlargement, current proportional cost-sharing arrangements will remain in place and that the proportional cost of the U.S. share of the NATO common budget should not increase.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the Defense appropriations bill which expresses the Sense of Congress that U.S. payment for the cost of NATO enlargement is contingent on our NATO allies' willingness to pay their fair share of the costs of NATO enlargement as well.

I was concerned and surprised to read French President Chirac's statement last week that "France does not intend to raise its contribution to NATO because of the cost of enlargement."

Mr. President, we all know that NATO enlargement will cost money. And those costs must be borne fairly by all members.

If France or Germany or any other member of NATO is unwilling to pay its fair share, then this seems to me to be a faulty foundation for the expansion of NATO.

Indeed, as an article in the July 14–20 issue of Defense News stated:

> Its decision to admit new members threatens to tear the Western alliance asunder if the European allies fail to shoulder a larger proportion of NATO's future security costs, according to U.S. and European diplomats and analysts.

The purpose of this amendment is to make clear that the United States is willing to pay its share of the cost of NATO enlargement. No more. No less.

But this amendment also makes clear that if the Europeans are unwilling to pay their share of the costs, then the United States will not pay either.

The bottom line is that the costs should be fairly met and paid for by all Alliance members. The United States can not and should not pick up the share of European countries unwilling to do their part.

This amendment, I believe, sends a strong message to our European allies as we enter into the NATO enlargement process that if we are to enlarge the alliance it must be done fairly, and it must be done right.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I urge the adoption of the pending Feinstein amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

RESCINDING ACTION ON AMENDMENT 856

Mr. STEVENS. Mr. President, I find I acted prematurely. I ask the past action be rescinded and the Feinstein amendment remain the pending measure before the Senate.

The PRESIDING OFFICER. The Chair will take that under consideration.

Upon considering the request by the distinguished Senator from Alaska, without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in strong support of S. 1005, the Defense appropriations bill for fiscal year 1998. The pending bill provides $247.2 billion in total budget authority and $244.4 billion in total outlays for the Department of Defense. There are some major elements to this bill that are important programs for the Senate to review.

According to preliminary analysis from the Congressional Budget Office, the bill, as reported, is within the Defense Subcommittee's section 602(b) allocation and, thus, complies with the requirements of the Budget Act.

The bill is fully consistent with the bipartisan balanced budget agreement. Senators may have heard or read statements to the contrary, but I can assure them that the bill in no way transgresses the agreement. I can also assure Senators that any misunderstanding in the administration about this matter is in the process of being clarified.

The bill fully funds certain important initiatives that were requested by the President, including a 2.8 percent pay raise for all military personnel and the end strengths for all of the active and reserve military services. The bill also funds needed increases in each of the major accounts of the defense budget.

The Chairman of the Defense Subcommittee, Senator STEVENS, and the Subcommittee staff deserve the thanks of the Senate for their extremely skillful crafting of this bill. It makes the best possible use of the defense funds available and sustains our national defense posture consistent with the Defense Department's new roadmap, the Quadrennial Defense Review.

I strongly support this bill, and I urge its adoption.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 1005, DEFENSE APPROPRIATIONS, 1998—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, $ millions]

	Defense	Non-defense	Crime	Manda-tory	Total
Senate-reported bill:					
Budget authority	246,981	....	....	197	247,178
Outlays	244,202	7	....	197	244,406
Senate 602(b) allocation:					
Budget authority	246,988	....	....	197	247,185
Outlays	244,232	7	....	197	244,436
President's request:					
Budget authority	243,698	27	....	197	243,922
Outlays	243,409	31	....	197	243,637
House-passed bill:					
Budget authority	....	....	....	....	....
Outlays	....	....	....	....	....
SENATE-REPORTED BILL COMPARED TO:					
Senate 602(b) allocation:					
Budget authority	(7)	....	....	....	(7)
Outlays	(30)	....	....	....	(30)
President's request:					
Budget authority	3,283	(27)	....	....	3,256
Outlays	793	(24)	....	....	769
House-passed bill:					
Budget authority	246,981	....	....	197	247,178
Outlays	244,202	7	....	197	244,406

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PILOT PROGRAM TAGGING HYDROCARBON FUELS

Mrs. HUTCHISON. Mr. President, I would like to take a moment to enter a colloquy with the distinguished chairman of the Appropriations Committee, Senator STEVENS. As the chairman knows, title III, subtitle C, section 339 of the recently adopted Defense authorization bill provides for the Secretary of Defense to conduct a pilot program to determine if hydrocarbon fuels used by the Department of Defense can be tagged for analysis and identification. Mr. President, $5 million was authorized to conduct this program.

Mr. STEVENS. My distinguished colleague from Texas, Senator HUTCHISON, who ably serves on the Defense Appropriations Subcommittee, is correct.

Mrs. HUTCHISON. It is anticipated that this program will deter theft, aid in the investigation of fuel theft, and facilitate determining the source of surface and underground pollution in locations where the Department and civilian companies maintain separate fuel storage facilities.

Mr. STEVENS. The Senator is correct in her description of this program as approved by the authorizing committee and the full Senate.

Mrs. HUTCHISON. It is my understanding that this pilot program could also be funded through title IV of the pending bill, research, development, test, and evaluation, particularly the Defense-wide funding provisions.

Mr. STEVENS. Again, the Senator is correct on the likely source of funding for this pilot program.

Mrs. HUTCHISON. Mr. President, I look forward to learning the results of this pilot program and thank my distinguished chairman for his able assistance. I yield the floor.

VOTE ON AMENDMENT NO. 848

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair place before the Senate the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending question is the Harkin amendment No. 848. It is not necessary for the clerk to report the amendment.

Mr. STEVENS. I ask for the rollcall vote that was agreed to last evening take place now.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 848. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 83, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—15

Boxer
Bumpers
Byrd
Dorgan
Durbin
Feingold
Glenn
Grassley
Harkin
Kohl
Moynihan
Thompson
Torricelli
Wellstone
Wyden

NAYS—83

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Campbell
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Enzi
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Warner

NOT VOTING—2

Burns
Chafee

The amendment (No. 848) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that we continue for another 5 minutes on a matter of total agreement here and that we then have a vote on final passage on this bill at 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 857

(Purpose: To limit the use of funds to transfer more than 10 electro-magnetic test environment systems from Eglin Air Force Base, FL)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRAHAM, for himself and Mr. MACK, proposes an amendment numbered 857.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VIII, add the following:

SEC. 8099. (a) Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Elgin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

Mr. STEVENS. Mr. President, this amendment also has the cosponsorship of Senator MACK. It has our approval.

Mr. INOUYE. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 857) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 856, AS MODIFIED

Mr. STEVENS. Mr. President, I send a modification of amendment No. 856 to the desk.

This is a modification of an amendment by Senator FEINSTEIN that was previously adopted, and that action was rescinded.

The PRESIDING OFFICER. Amendment No. 856 is so modified.

The amendment (No. 856), as modified, is as follows:

At the appropriate place, insert:

"It is the Sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the U.S. share of the NATO common budget should not increase, and that if any NATO Member does not pay its share, the United States shall not either."

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. The amendment now has our approval. It is a sense-of-the-Senate amendment concerning payment of NATO costs.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 856), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 858

(Purpose: To express the sense of the Senate regarding DOD printing costs)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUMPERS, proposes an amendment numbered 858.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . FINDINGS.

(a) the Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;

(b) the documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts;

(c) printing in two or more colors generally increases costs;

(d) the Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant government printing expenses;

(e) the Government Printing and Binding Regulations published by the Joint Committee on Printing direct that, "... it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included."

(f) the Department of Defense publishes a large number of brochures, calendars, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect; and

(g) the Department of Defense could save resources for higher priority needs by reducing printing expenses:

Therefore, it is the sense of the Senate that:

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States.

(3) that the Department of Defense budget submission for FY 1999 should reflect the savings that will result from the stricter printing guidelines in (1) and (2).

The PRESIDING OFFICER. Is there further debate on the Bumpers amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 858) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that all of the amendments that were ordered to be called up, or had the right to be called up under order 108 entered into last night have now been disposed of. Is that the opinion of the Chair?

The PRESIDING OFFICER. It appears that the amendments on that list have been offered.

Mr. STEVENS. I know of no further amendments.

UNITED STATES MILITARY PRESENCE IN BERMUDA

Mr. DODD. Mr. President, last week I had worked out an amendment with the managers of the national defense authorization bill that provided for the Secretary of Defense to study and report on the status of environmental problems in Bermuda associated with the United States military presence on that island for more than 50 years. Senator INHOFE, the subcommittee chairman was particularly helpful in working with me.

Inadvertently that amendment was not included in the managers en bloc amendment package on Friday afternoon. However, I am very grateful to the chairman and ranking member of the Arms Services Committee that, by unanimous consent, they have agreed to include this amendment in the authorization bill.

Mr. President, for more than 50 years, United States military personnel were deployed to bases on the Island of Bermuda. In fact, United States bases occupied approximately one-tenth of Bermuda's land area. The 1941 Leased Bases Agreement formalized the conditions under which the United States military remained in Bermuda until 1995. The United States was not charged a penny in rent for its use of these properties during all of that period.

I know that the distinguished ranking member of the Defense Appropriations Subcommittee, Mr. INOUYE, is fully aware of the questions that have been raised related to the United States military presence in Bermuda. I would ask him whether he believes that this is something that the Secretary of Defense should look into?

Mr. INOUYE. Mr. President, I say to my distinguished colleague from Connecticut that I am aware of matters related to the bases in Bermuda. I know, for example, that the bases in Bermuda very effectively contributed to United States. national security during World War II and throughout the cold war. I am also aware that with changed world circumstances, it became clear during the 1990's, that it was no longer necessary for the U.S. military to continue to maintain bases there. And, on September 1, 1995, U.S. military forces formally withdrew from the island.

Certainly it seems very logicial for the Secretary of Defense to be asked to look into matters related to our presence there.

Mr. DODD. Mr President, I know that my distinguished colleague from Hawaii knows well that Bermuda is actually a tiny group of islands, 21 square miles in land area. Its environmental situation is unique in many respects—land is obviously scarce, fresh water resources are very limited, and storage capacity for hazardous waste disposal doesn't exist. It is also one of the most northerly coral reef areas, making the marine environment surrounding the island extremely fragile as well.

Mr. President, I call to the attention of my distinguished colleague from Hawaii that it would appear that the formerly United States occupied properties that have now reverted back to Bermudian authorities could pose a number of problems for that Government—problems that they are now seeking our help in ameliorating. These problems include soil and ground water pollution and asbestos hazards contained in now deserted U.S. military installations on the bases.

For example, most of the buildings on the bases will require demolition, if this property is to be useable again. That means that the hazardous asbestos must also be removed and appropriately stored. In addition, industrial wastes and raw sewage that were disposed of in Bassett's Cave over time will pose a threat to parts of the island's water system unless they are removed. Underground and above-ground petroleum storage tanks—many in poor condition—are leaking into surrounding soils and ground water. Left behind landfills are also causing environmental problems.

Mr. INOUYE. Mr. President, I say to my colleague from Connecticut that I believe that President Clinton, Vice President GORE, and others in this administration care deeply about environmental issues. Clearly the United States cannot resolve every environmental problem that exists in every part of the globe. However, under the circumstances, given the special relationship between the United States and Bermuda, it is particularly appropriate for the Secretary of Defense to study this problem and report back to the relevant committees. I will look forward to reading that report.

Mr. DODD. Mr. President, I thank my colleague from Hawaii for his interest in this matter. I too look forward to being kept informed about progress on this issue.

QDR IMPLEMENTATION

Mr. BENNETT. The Quadrennial Defense Review [QDR] outlined a direction for the Air Force to consolidate force structure and reduce manpower. Included in the QDR is a proposal to transfer one active duty fighter wing to the reserve forces. General Fogleman recently informed me that the Air Force was specifically exploring a number of options to accomplish this directive.

Because of the changes that may occur as the Department of Defense downsizes, I would expect the Air Force to alert Congress as important decisions are made, and will outline the rationale behind their conclusions. Is it the chairman's expectation that this will be the case?

Mr. STEVENS. The Senator raises a good point. I would expect the Air Force to inform Congress of major decisions, such as the one to which the Senator was referring. I would also expect the Air Force to be able to outline sound reasons for their actions.

Mr. BENNETT. Mr. Chairman, as the Air Force determines where fighter units will be located, these decisions will inevitably impact how our test and training ranges are utilized. Consequently, I believe it would also be reasonable for the Air Force to outline how changes in force structure will impact the use of test and training ranges.

Mr. STEVENS. I believe this is a reasonable request, and I expect the Air Force to outline impacts of test and training range utilization as a result of changes in force structure to the Congress.

DEPARTMENT OF DEFENSE LEGACY PROGRAM

Mr. LEAHY. Mr. President, Members of the Senate may have read in the papers a few weeks ago about the discovery of a Revolutionary War gunboat found in the waters of Lake Champlain, bordering my home State of Vermont. There, perfectly preserved in the cold, fresh, dark water, lying upright on the bottom, is a 54-foot gunboat, its mast still standing and its bow cannon in place.

This gunboat is one of eight led by Benedict Arnold against the British in the Battle of Valcour Island on October 11, 1776. Only four vessels survived the battle, but the British were forced to delay their invasion from Canada for an extra year, giving the Americans critical time to prepare defenses.

Mr. President, this historic find led the former curator of naval history at the Smithsonian's American History Museum, Mr. Philip Lundeberg, to say, "This could prove to be the most significant maritime discovery in American history in the last half century."

The exact location of the ship is a secret, and it will not be touched until maritime archeologists, working with the Navy and local authorities, develop a comprehensive management plan to preserve and protect this amazing discovery. The ship may be left as an underwater museum, or it may be feasible to raise and preserve it. We will not know until the management plan is completed.

In the bill before the Senate today, the Appropriations Committee funded a modest program called Legacy, which coordinates cultural resource management efforts among the four military services. I ask my friend from Alaska, will the Senator support my effort in conference with the other body to designate a small amount of Legacy funding to develop the management plan that will preserve and protect this important historical find?

Mr. STEVENS. This discovery is one of the great military history finds in memory, and I believe that we have an obligation to ensure that this ship is properly preserved. This type of discovery is why the committee created the Legacy Program in 1991, under the leadership of the senior Senator from Hawaii. I strongly support the proposal of the Senator from Vermont, and I am hopeful that his view will prevail in conference.

Mr. LEAHY. I thank the Senator for his consideration.

OPERATION AND MAINTENANCE ACCOUNT

Mr. SARBANES. Mr. President, I would like to engage the distinguished manager of this bill, Senator STEVENS, in a colloquy concerning the funding of the operation and maintenance account for the Department of the Army.

For some time, I have been concerned about the deteriorating conditions of the historic buildings at the Walter Reed Army Medical Center Annex at Forest Glen, MD. In response to my amendment to the National Defense Authorization Act last year, the Department of the Army recently submitted a Comprehensive Plan for the Basic Repair and Stabilization for the Historic District of the Forest Glen Annex. This plan identified the need for $9.8 million in fiscal 1998 to take care of the critical needs for stabilization of the historic buildings at the Forest Glen Annex.

I want to inquire whether there is sufficient funding within the Army's real property maintenance account to implement this plan.

Mr. STEVENS. Yes, the committee has provided additional funding in the amount of $87.5 million to address the funding shortfall in the Army's real property mainenance account. Recognizing that the Army has prioritized its real property maintenance shortfalls, I am confident that the Department will work with you to address your concerns regarding the Annex.

Mr. SARBANES. I thank the Senator.

Mr. BYRD. Mr. President, I support the recommendations of the defense subcommittee for the Department of Defense Appropriations measure for FY 1998. The $247.2 billion recommended for the programs under the jurisdiction of the Defense Subcommittee is within the subcommittee's allocation in both budget authority and outlays, and is $1.2 billion below the amount authorized by the Senate for these programs in the Authorization bill which was overwhelmingly approved by the Senate last week. The recommendations have been unanimously supported by all members of the Defense Subcommittee, an event which is noteworthy, and is a reflection on the judgment, experience and abilities of the distinguished leadership of the subcommittee, my friend, the Chairman, the Senator from Alaska, Mr. STEVENS, and the senior Senator from Hawaii, the distinguished ranking member, Mr. INOUYE.

The bill is noteworthy for the consensus that underlies it, and the Senate is fortunate to have these two senior Senators, with vast experience in defense matters, at the helm of our post-war defense spending. Central elements of American leadership in the post-cold-war world are the readiness, capabilities and further development of our military forces, present in all major regions of the world, exercising leadership in Europe, the Middle East, and the Pacific. While the agenda for

American leadership will change, and is changing, we have witnessed, several times in this century, the risk that abdicating such a leadership role can entail. The need for such leadership is a jointly held responsibility of the Administration and the Congress. It is clear that America is not retrenching radically from its commitments and its far-flung presence as a result of the end of the cold war, in some historical variance with the practice of our nation in times of peace in the past.

Mr. President, the quality of life and the need to attract excellent, motivated people for the armed forces is a critical ingredient of our long-term success in carrying out our commitments. I note that the Subcommittee has produced recommendations with a top priority of fully supporting our men and women in uniform, including funding for a 2.8 percent pay raise for military personnel.

Mr. President, this is a good bill, worthy of the strong support of the Senate. It is the product of a truly bipartisan process, and comes with the unanimous support of the members of the Appropriations Committee. I commend the leadership of that Committee, and the capable staff of Chairman STEVENS and Senator INOUYE in putting this bill together.

ALLOWABILITY OF ESOP COSTS

Mr. SPECTER. Mr. President, I would like to engage the distinguished Senator from Alaska in a brief colloquy, not just in his capacity as floor manager of the fiscal year 1998 Defense appropriations bill, but also as a leading proponent of the legislation that created employee stock ownership plans [ESOP's].

Mr. President, the Defense Contract Audit Agency [DCAA] is threatening the viability of ESOP defense contractors by applying different determinations of ESOP costs than the Internal Revenue Service and the Department of Labor. It is my understanding that Congress intended that ESOP cost issues be governed by the tax and pension laws and regulations administered by those offices, not DCAA. If this matter is not resolved when the defense appropriations conference committee meets, would the distinguished chairman be willing to try to assist in resolving it at that point?

Mr. STEVENS. Mr. President, I thank the distinguished Senator from Pennsylvania for recalling that I was an original sponsor of the legislation that encouraged companies to become employee-owned by establishing ESOP's. I will certainly try to do what I can to help solve the situation the Senator has described.

RESEARCH AND DEVELOPMENT

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging my good friend, the distinguished chairman of the Defense Appropriations Subcommittee and the distinguished ranking minority member, in a colloquy regarding support for evolving telemedicine technologies, research and development on an advanced double hull ship design and research and development of the helicopter vectored trust ducted propeller.

Mr. President, we all recognize the need to continue efforts to develop telemedicine services for our Armed Forces. I note in particular, efforts by institutions in the Northeast to design a telemedicine trauma/emergency medical services system to provide necessary diagnostic and treatment interventions and improve medical outcomes.

Advanced research and development for the Navy is vital to ensure force readiness and capability for our Navy well into the future. The Navy is currently facing a technical challenge in design and manufacture of very large and complex structural systems that have historically been made of traditional steel materials but are now incorporating the use of more advanced materials like non-magnetic steels. Currently, there is no comprehensive initiative in the Navy to develop the most promising application of these new materials—a nonmagnetic, stainless steel advanced double hull warship design. The marriage of the advanced double hull concept with nonmagnetic steels offers the potential to reduce acquisition costs and improve survivability. I support a development program for the stainless steel advanced double hull concept that combines numerical analysis techniques with large-scale representative testing.

Mr. President, in another area of military research and development, I point out the survivability and cost-effectiveness benefits from use of vectored ducted propeller helicopter technology. Research and development of this design will ensure that our Armed Forces are prepared for the next century. I look forward to working with my two colleagues during conference to address these programs.

Mr. STEVENS. Mr. President, I thank the distinguished Senator from Pennsylvania. These are three very important and valuable programs for the readiness and capability of our Armed Forces. I have long been a supporter of telemedicine initiatives and its application to military objectives. In addition, I recognize the need to continue research and development of advanced technology for hull and aircraft design. I believe these programs deserve a thorough review and look forward to working with the Senator from Pennsylvania in conference.

Mr. INOUYE. Mr. President, I also thank the distinguished Senator from Pennsylvania. Telemedicine, particularly those initiatives focused on emergency and trauma care are essential for the highest quality medical care for our troops. I too look forward to working with the Senator from Pennsylvania in conference.

PERSIAN GULF WAR ILLNESSES AMENDMENT

Mr. DODD. Mr. President, I rise to commend my colleagues, Senator STEVENS and Senator INOUYE, for their work on this appropriations bill and the bipartisan spirit in which it was crafted.

I wish to speak for a moment on the amendment I offered on Persian Gulf war illnesses that was accepted by the chairman and ranking member.

The amendment will provide $4.5 million for the Department of Defense and the Veterans Administration to determine what treatments are working for those who are afflicted with Persian Gulf war illnesses.

The reasonableness and necessity for action along these lines seem so obvious that many of my colleagues probably find it difficult to believe that such action has not already been taken. To allay their doubts, let me quote directly from a GAO report released just last month: "There is an absence of efforts to measure Gulf War veterans clinical progress. This leaves the government unable to promptly determine the quality and effectiveness of treatments currently being provided to Gulf War veterans."

That's not an angry Senator making unsupported allegations. That's the objective, nonpartisan view of the General Accounting Office.

Mr. President, at this point, it seems to me that we've left our ailing troops on the battlefield. Here we are, 6 years after the end of the Persian Gulf war and it takes an act of Congress to begin an effective examination of which treatments are most effective in caring for our veterans with Persian Gulf war illnesses.

While I am heartened by the fact that we're offering examinations to those who served in the Persian Gulf War, I feel it's important to take the next step to determine what happens after that initial examination. Often I hear stories of families being forced to look outside the government agencies to get the care and compensation their Persian Gulf war veterans deserve.

So those are the reasons that I offered the amendments to the Defense authorization bill and the Defense appropriations bill. Mr. President, nearly 700,000 men and women served in our Armed Forces in the Persian Gulf war. Five thousand of them were constituents of mine. Depending on what reports you read, as many as 10 percent of those who served are today ailing from some form or another of these Persian Gulf war illnesses. That's far too many to be left out on the battlefield. One ailing veteran forgotten by this country is too many. I expect to see some progress now on finding and employing effective treatments for those with Persian Gulf war illnesses.

Let me again express my gratitude to the Senator from Alaska and the Senator from Hawaii for approving of this funding and accepting the amendment. I'm sure they feel equally compelled by the issues raised here.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The rollcall vote will occur at 2:15.

RECESS

Mr. STEVENS. Mr. President, I now ask that we recess under the previous order.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question occurs on final passage of S. 1005, the Defense appropriations bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Campbell
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—4

Feingold
Harkin
Kohl
Wellstone

NOT VOTING—2

Burns
Chafee

The bill (S. 1005), as amended, was passed, as follows:

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,426,457,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,508,218,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,148,899,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,206,056,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,037,046,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,374,901,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $384,770,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $815,745,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,446,867,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,334,712,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $8,394,122,000;

Budget Activity 2, Mobilization, $566,444,000;

Budget Activity 3, Training and Recruiting, $3,280,148,000; and

Budget Activity 4, Administration and Servicewide Activities, $5,029,759,000:

Provided, That a reduction of $357,000,000 shall be made to the total of these budget activities; in all; $16,913,473,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,500,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $15,345,257,000, of which not less than $2,040,690,000 shall be obligated for ship depot maintenance;

Budget Activity 2, Mobilization, $1,226,985,000;

Budget Activity 3, Training and Recruiting, $1,681,931,000; and

Budget Activity 4, Administration and Servicewide Activities, $3,568,246,000:

Provided, That a reduction of $246,000,000 shall be made to the total of these budget activities; in all; $21,576,419,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, as follows:

Budget Activity 1, Operating Forces, $1,670,747,000;

Budget Activity 3, Training and Recruiting, $388,282,000; and

Budget Activity 4, Administration and Servicewide Activities, $278,506,000:

Provided, That a reduction of $9,000,000 shall be made to the total of these budget activities; in all; $2,328,535,000.

Operation and Maintenance, Air Force

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on her certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $9,877,438,000;

Budget Activity 2, Mobilization, $3,122,848,000;

Budget Activity 3, Training and Recruiting, $1,613,047,000; and

Budget Activity 4, Administration and Servicewide Activities, $4,210,052,000:

Provided, That a reduction of $231,000,000 shall be made to the total of these budget activities; in all; $18,592,385,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

Operation and Maintenance, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; and not to exceed $28,850,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $454,007,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account;

Budget Activity 2, Mobilization, $27,260,000;

Budget Activity 3, Training and Recruiting, $159,155,000;

Budget Activity 4, Administration and Servicewide Activities, $8,716,689,000; and

Budget Activity 5, Special Operations, $1,123,527,000:

Provided, That a reduction of $81,000,000 shall be made to the total of these budget activities; in all; $10,399,638,000.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,212,891,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $834,211,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $110,366,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,631,200,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,449,932,000: *Provided*, That not later than March 15, 1998, the Director of the Army National Guard shall provide a report to the congressional defense committees identifying the allocation, by installation and activity, of all base operations funds appropriated under this heading.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,010,282,000.

Overseas Contingency Operations Transfer Fund

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $1,889,000,000: *Provided*, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

United States Court of Appeals for the Armed Forces

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,952,000, of which not to exceed $2,500 can be used for official representation purposes.

Environmental Restoration, Army

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $375,337,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That not more than twenty-five per centum of funds provided under this heading may be obligated for environmental remediation by the Corps of Engineers under total environmental remediation contracts.

Environmental Restoration, Navy

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $275,500,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,900,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Defense, $26,900,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Formerly Used Defense Sites

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $242,300,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Overseas Humanitarian, Disaster, and Civic Aid

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $40,130,000, to remain available until September 30, 1999.

Former Soviet Union Threat Reduction

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $382,200,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, $35,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

Quality of Life Enhancements, Defense

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks); $100,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 1998, as follows:

Army, $100,000,000.

TITLE III

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,356,959,000, to remain available for obligation until September 30, 2000.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,173,081,000, to remain available for obligation until September 30, 2000.

Procurement of Weapons and Tracked Combat Vehicles, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,156,506,000, to remain available for obligation until September 30, 2000.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,042,602,000, to remain available for obligation until September 30, 2000.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,783,735,000, to remain available for obligation until September 30, 2000: *Provided*, That of the amount appropriated under this heading, $15,708,000 is available for the Information System Security Program, of which $5,500,000 is available for procurement of Airterm KY–100 devices.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,312,937,000, to remain available for obligation until September 30, 2000.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,138,393,000, to remain available for obligation until September 30, 2000.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $344,797,000, to remain available for obligation until September 30, 2000.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN–21 attack submarine program, $153,440,000;

NSSN, $2,314,903,000;

NSSN (AP), $284,859,000;

CVN–77 (AP), $345,000,000;

CVN Refuelings, $1,615,003,000;

CVN Refuelings (AP), $92,855,000;

DDG–51 destroyer program, $3,385,767,000;

DDG–51 destroyer program (AP), $157,806,000;

Oceanographic ship program, $73,000,000;

LCAC landing craft air cushion program, $17,300,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $83,177,000.

In all: $8,510,458,000, to remain available for obligation until September 30, 2004: *Provided*, That additional obligations may be incurred after September 30, 2004, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction.

None of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 194 passenger motor vehicles for replacement only; and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,832,800,000, to remain available for obligation until September 30, 2000.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 40 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $440,106,000, to remain available for obligation until September 30, 2000.

Aircraft Procurement, Air Force

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,390,847,000 to remain available for obligation until September 30, 2000.

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,411,741,000, to remain available for obligation until September 30, 2000.

Procurement of Ammunition, Air Force

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $400,984,000, to remain available for obligation until September 30, 2000.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 196 passenger motor vehicles for replacement only; the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,653,053,000, to remain available for obligation until September 30, 2000.

Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 381 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,753,285,000, to remain available for obligation until September 30, 2000.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $653,000,000, to remain available for obligation until September 30, 2000: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,984,083,000 to remain available for obligation until September 30, 1999: *Provided*, That, of the amount appropriated under this heading, $4,500,000 is available for a joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions.

Research, Development, Test, and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,532,846,000, to remain available for obligation until September 30, 1999: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces.

Research, Development, Test, and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $14,127,873,000, to remain available for obligation until September 30, 1999.

Research, Development, Test, and Evaluation, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,608,689,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated under this heading $5,000,000 shall be available for a facial recognition technology program: *Provided further*, That, $2,000,000 shall be made available only for a joint service core research project to develop a prototype hybrid integrated sensor array for chemical and biological point detection: *Provided further*, That of the funds appropriated under this heading, $6,000,000 shall be available for a conventional munitions demilitarization demonstration program.

Developmental Test and Evaluation, Defense

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,183,000, to remain available for obligation until September 30, 1999.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $31,384,000, to remain available for obligation until September 30, 1999.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For the Defense Working Capital Funds; $871,952,000.

National Defense Sealift Fund

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $516,126,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,317,675,000, of which $10,043,607,000 shall be for Operation and maintenance, of which not to exceed one per centum shall remain available until September 30, 1999, and of which $274,068,000, to remain available for obligation until September 30, 2000, shall be for Procurement.

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $609,700,000, of which $467,200,000 shall be for Operation and maintenance, $73,200,000 shall be for Procurement to remain available until September 30, 2000, and $69,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1999: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation;

$691,482,000: *Provided*, That the funds appropriated under this head shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $135,380,000, of which $133,380,000 shall be for Operation and maintenance, of which not to exceed $500,000, is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $2,000,000, to remain available until September 30, 2000, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $196,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; $122,580,000.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $35,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $2,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during a single fiscal year shall be obligated during the last two months of such fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That of the authority provided under this section, not to exceed $20,000,000 shall be available to meet requirements for termination of the Reserve Mobilization Insurance Program, notwithstanding Chapter 1214 of Title 10 of the United States Code.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other non-institutional health care providers in excess of the amounts allowed in fiscal year 1996 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 per centum (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8009. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Apache Longbow radar;

T–45 aircraft; and

AV–8B aircraft.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 1998, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1999.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8015. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8019. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8020. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1999 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the

Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8021. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8022. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a state which is not contiguous with another state is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations: *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544: *Provided*, That these payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8025. Notwithstanding any other provision of law, of the revenue collected by the Department of Defense Working Capital Funds, such amounts as may be required shall be made available for obligation and expenditure for indemnification of the leasing entity or entities to accomplish the lease of aircraft for the VC–137 mission: *Provided*, That the funds made available pursuant to this section shall remain available until expended.

SEC. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M–9 or M–11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: *Provided*, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

SEC. 8027. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8028. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8029. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8030. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8031. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8033. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and supplies in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8034. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8035. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8036. Of the funds made available in this Act, not less than $27,200,000 shall be available for the Civil Air Patrol, of which $22,600,000 shall be available for Operation and maintenance.

SEC. 8037. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1998 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 1998, not more than 6,206 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,105 staff years may be funded for the defense studies and analysis FFRDCs.

(e) Notwithstanding any other provision of law, the Secretary of Defense shall control the total number of staff years to be performed by defense FFRDCs during fiscal year 1998 so as to reduce the total amounts appropriated in titles II, III, and IV of this Act by $71,800,000: *Provided*, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $71,800,000 to reflect savings from the use of defense FFRDCs by the department.

(f) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1998: *Provided*, That, after the submission of the report required by this subsection, the department may not reallocate more than five per centum of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the congressional defense committees.

(g) The Secretary of Defense shall, with the submission of the department's fiscal year 1999 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(h) The reductions specified in subsection (e) of this section shall be applied only to funds budgeted to purchase defense FFRDC activities and shall be applied on a pro-rata basis to each program, project and activity which included budget funds for defense FFRDC activities.

(i) Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (h) above pursuant to this section.

SEC. 8038. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the cost effectiveness or feasibility of removal and transportation of unitary chemical weapons or agents from the eight chemical storage sites within the continental United States to Johnston Atoll: *Provided*, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8039. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8040. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8041. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8042. The total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $300,000,000 to reflect savings from the use of advisory and assistance services by the Department of Defense: *Provided*, That the savings shall be applied to the following titles in the following amounts:

Title II, Operation and Maintenance, $112,000,000;

Title III, Procurement, $62,000,000; and

Title IV, Research, Development, Test and Evaluation, $126,000,000:

Provided further, That the savings specified shall be applied only to funds budgeted to purchase advisory and assistance services: *Provided further*, That the savings shall be applied on a pro-rata basis to each program, project and activity which included budget funds for advisory and assistance services.

SEC. 8043. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8044. To provide funds for additional required aviation depot level repairables in the Air Force Operation and Maintenance account, the amounts appropriated elsewhere in this Act for the following appropriation accounts are reduced by 1.0 per centum: Aircraft Procurement, Air Force; Missile Procurement, Air Force; Procurement of Ammunition, Air Force; Other Procurement, Air Force; and Research, Development, Test and Evaluation, Air Force. These reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8045. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8046. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8047. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8048. To provide funds for additional required aviation depot level repairables in the Navy Operation and Maintenance account, the amounts appropriated elsewhere in this Act for the following appropriation accounts are reduced by 1.1 per centum: Aircraft Procurement, Navy; Weapons Procurement, Navy; Procurement of Ammunition, Navy and Marine Corps; Shipbuilding and Conversion, Navy; Other Procurement, Navy; Procurement, Marine Corps; and Research, Development, Test and Evaluation, Navy. These reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account.

SEC. 8049. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8050. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8051. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8052. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Working Capital Funds during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1999 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8053. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8054. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1999.

SEC. 8055. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8056. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8057. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8058. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8059. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8060. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8061. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 8062. None of the funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1998, except for field operating agencies funded within the National Foreign Intelligence Program: *Provided*, That the Secretary of Defense may waive this section by certifying to the House and Senate Committees on Appropriations that the creation of such field operating agencies will reduce either the personnel and/or financial requirements of the Department of Defense.

SEC. 8063. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes.

(RESCISSIONS)

SEC. 8064. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Aircraft Procurement, Navy, 1997/1999", $40,000,000;

"Research, Development, Test and Evaluation, Defense-Wide, 1997/1998", $29,700,000;

"Research, Development, Test and Evaluation, Air Force, 1997/1998", $25,000,000.

SEC. 8065. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8066. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8067. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8068. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8069. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1996 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8070. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,118,000,000.

(TRANSFER OF FUNDS)

SEC. 8072. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8073. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8074. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: *Provided*, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8075. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

(TRANSFER OF FUNDS)

SEC. 8076. In addition to amounts appropriated or otherwise made available by this Act, $300,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard.

SEC. 8077. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8078. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8079. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—(1) This section applies to—

(A) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(B) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8080. To the extent authorized by subchapter VI of Chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of Chapter 148 of title 10.

SEC. 8081. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8082. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8083. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8084. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8085. During the current fiscal year, no more than $15,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8086. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the one per centum limitation shall apply to the total amount of the appropriation.

SEC. 8087. Notwithstanding 31 U.S.C. 1552(a), not more than $14,000,000 appropriated under the heading "Aircraft Procurement, Air Force" in Public Law 102–396 which was available and obligated for the B-2 Aircraft Program shall remain available for expenditure and for adjusting obligations for such program until September 30, 2003.

SEC. 8088. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one per centum of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8089. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy 1989/2000":

SSN–688 attack submarine program, $3,000,000;

DDG–51 destroyer program, $1,500,000;

LHD–1 amphibious assault ship program, $8,000,000;

T–AO fleet oiler program, $3,453,000;

AOE combat support ship program, $3,600,000;

For craft, outfitting, and post delivery, $2,019,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1989/2000":

SSN–21 attack submarine program, $21,572;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1991/2001":

DDG–51 destroyer program, $1,060,000;

LHD–1 amphibious assault ship program, $1,600,000;

LSD–41 cargo variant ship program, $2,666,000;

AOE combat support ship program, $7,307,000;

For craft, outfitting, and post delivery, $12,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1991/2001":

SSN–21 attack submarine program, $24,633,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1996/2000":

LHD–1 amphibious assault ship program, $10,654,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1996/2000":

SSN–21 attack submarine program, $6,907,000;

DDG–51 destroyer program, $3,747,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1994/1998":

LHD–1 amphibious assault ship program, $400,000;

DDG–51 destroyer program, $1,054,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1995/1999":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $715,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1996/2000":

LHD–1 amphibious assault ship program, $12,451,000;

LPD amphibious transport dock ship program, $5,062,000;

For craft, outfitting, and post delivery, conversions, and first destination transportation, $878,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1997/2001":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $3,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1997/2001":

DDG–51 destroyer program, $24,160,000.

SEC. 8090. None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after the date of enactment of this Act unless—

(1) the auditable savings for the Department of Defense resulting from the restructuring will exceed the costs allowed by a factor of at least two to one, or

(2) the savings for the Department of Defense resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department, and

(3) the report required by Section 818(e) of Public Law 103–337 to be submitted to Congress in 1996 is submitted.

SEC. 8091. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF–L–2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: *Provided*, That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

SEC. 8092. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8093. The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8094. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8095. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8096. The Secretary of the Army may exchange or sell one Army C–20 aircraft and may apply the exchange allowance or sale proceeds in whole or in part payment for the acquisition of one C–37 aircraft: *Provided*, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1998 for Aircraft Procurement, Air Force, not more than $6,000,000 shall be made available for acquisition of the C–37 for the United States Army: *Provided further*, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1997 for Aircraft Procurement, Air Force, not more than $27,100,000 shall be made available for acquisition of the C–37 for the United States Army.

SEC. 8097. From funds made available by this Act for the Maritime Technology Program up to $250,000 shall be made available to assist with a pilot project that will facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards, utilize the experience and expertise of existing U.S.-flag cruise ship operators, and enable the operation of a U.S.-flag foreign-built cruise ship, and two newly-constructed U.S.-flag cruise ships: *Provided*, That a person (including a related person with respect to that person) who, within 18 months after the date of enactment, enters into a binding contract for construction in the United States of two cruise ships, which contract shall provide for the construction of two cruise ships of equal or greater size than the cruise ship being operated by such person on the date of enactment and shall require the delivery of the first cruise ship no later than January 1, 2005 and the second cruise ship no later than January 1, 2008, may document with a coastwise endorsement a foreign-built cruise ship otherwise in compliance with 46 U.S.C. Sections 289, 883 and 12106 until such date which is twenty-four (24) months after the delivery of the second cruise ship or any subsequently delivered cruise ship: *Provided further*, That a person (including a related person with respect to that person) within the meaning of 46 U.S.C. Section 801 may not operate a U.S.-flag foreign-built cruise ship, or any other cruise ship, in coastwise trade between or among the islands of Hawaii, upon execution of the contract referred to in this section and continuing throughout the life expectancy (as that term is used in 46 U.S.C. App 1125) of a newly constructed U.S. flag cruise ship referred to in this section, unless the cruise ship is operated by a person (including a related person with respect to that person) that is operating a cruise ship in coastwise trade between or among the islands of Hawaii on the date of enactment, except if any cruise ship constructed pursuant to this section operates in regular service other than between or among the islands of Hawaii: *Provided further*, That for purposes of this section the term "cruise ship" means a vessel that is at least 10,000 gross tons (as measured under Chapter 143 of Title 46, United States Code) and has berth or stateroom accommodations for at least 275 passengers: *Provided further*, That for purposes of this section, unless otherwise defined in this section, the term "person" means a corporation, partnership or association the controlling interest of which is owned by citizens of the United States within the meaning of 46 U.S.C. Section 802(b): *Provided further*, That for purposes of this section the term "related person" means with respect to a person (i) a holding company, subsidiary, affiliate or association of the person and (ii) an officer, director, or agent of the person or of an entity referred to in (i): *Provided further*, That none of the funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section.

Sec. 8098. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for University Research Initiatives in the Department of Defense Appropriations Act, 1997 (titles I through VIII under section 101(b) of Public Law 104–208) for the projects and in the amounts provided for in House Report 104–863 of the House of Representatives, 104th Congress, second session.

Sec. 8099. Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended by striking out "$3,000,000" and inserting in lieu thereof "$1,000,000".

Sec. 8100. It is the sense of the Senate that—

(1) international efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) the Administration should consult closely with the Congress on all efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) the Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces.

Sec. 8101. Up to $4,500,000 of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

Sec. 8102. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

Sec. 8103. (a) Findings.—(1) The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary.

(2) The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members.

(3) The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization.

(4) The United States has contributed more than $20,000,000,000 since 1952 for infrastructure and support of the Alliance.

(5) In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance.

(6) In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

(b) Report to Congress.—The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997—

(1) the amounts necessary, by appropriation account, for all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002; and

(2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

Sec. 8104. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

Sec. 8105. It is the sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the United States share of the NATO common budget should not increase, and that if any NATO member does not pay its share, the United States shall not pay either.

Sec. 8106. Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

Sec. 8107. (a) Findings.—(1) The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;

(2) the documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts;

(3) printing in two or more colors generally increases costs;

(4) the Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant Government printing expenses;

(5) the Government Printing and Binding Regulations published by the Joint Committee on Printing direct that ". . . it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included.";

(6) the Department of Defense publishes a large number of brochures, calendars, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect; and

(7) the Department of Defense could save resources for higher priority needs by reducing printing expenses.

(b) Sense of the Senate.—Therefore, it is the sense of the Senate that—

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are held to the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States;

(3) the Department of Defense budget submission for fiscal year 1999 should reflect the savings that will result from the stricter printing guidelines in paragraphs (1) and (2).

This Act may be cited as the "Department of Defense Appropriations Act, 1998".

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that this bill, S. 1005, not be engrossed, that it remain at the desk pending the receipt of the House companion measure. I further ask unanimous consent that when the House companion measure is passed pursuant to the previous order, the passage of S. 1005 be vitiated and that S. 1005 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have a list of a portion of my staff that I would like to have access and have floor privileges through July 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

SENATOR STEVENS' HIGH SCHOOL AND COLLEGE INTERNS FOR FLOOR PRIVILEGES

Tuesday, July 15—Antonette Advincula, Kai Binkley, and Sarah Wood.

Wednesday, July 16—Carolyn Coghill, Clint Hess, and James Eklund.

Thursday, July 17—Daniel Cope, Wendi Dow, and Jennifer Burgess.

Friday, July 18—Kelly Eningowuk, Matt Johnson, and Bronwyn Rick.

Monday, July 21—Matt Hopper, Larissa Sommer, and Melissa Kassier.

Tuesday, July 22—James Hayes and Jay McAlpin.

Wednesday, July 23—Jessica Huddleston and Kate Williams.

Mr. INOUYE. Mr. President, I commend my chairman, the distinguished Senator from Alaska, for his extraordinary brilliance in managing the bill before us, and to commend Mr. Steve Cortese and Mr. Charles Houy for assisting us in this happy journey.

Mr. STEVENS. Mr. President, I thank the Senator from Hawaii particularly for congratulating our mutual staff, but I think the Senate knows that this partnership between the Senator from Hawaii and myself has gone on now for 29 years, and I consider that to be a formidable friendship and partnership. I am delighted to have the benefit of his advice, counsel, and assistance. He really is a true partner.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. STEVENS. Mr. President, I now ask unanimous consent the Senate turn to the consideration of Calendar No. 107, S. 1004, the energy and water appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1004) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that while this bill is on the floor, Bob Perret, a congressional fellow, be extended floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously, with the distinguished chairman of the full committee, Senator STEVENS, taking care of the defense of our Nation in 1 day in the Chamber, I am challenged and challenge the Senate to do likewise in this very important bill. I hope we can finish tonight. Senators who are within earshot or their staffs, clearly we intend to move right ahead. We know of only two amendments—there may be many, many more, but we know of only two, and we expect Senators who have those amendments to come down here as soon as possible. It is not beyond reason that we can finish this this evening.

I have some brief opening remarks, Mr. President, that I will make at this point. And, again, I ask that Senators who have amendments, whether they be add-ons or deletions, come to the floor and we can accommodate them almost forthwith.

I wonder whether Senator REID would not agree with that statement with reference to anyone on that side who has an amendment. We are ready.

Mr. REID. Yes. I have communicated by telephone with the chief of staff of one of the Senators who is going to offer an amendment, and she indicated that that Senator would be available any time after 3 o'clock today.

Mr. DOMENICI. I thank the Senator.

Mr. President, S. 1004 was reported by a vote of 28 to zero from the Senate Committee on Appropriations on Thursday, July 10, was filed that evening, and it has been available for Members since Friday, July 11.

Senator REID, who this year became the ranking member of the subcommittee, and I have worked closely together to craft a balanced bill. We believe it addresses the concerns of the Members of the Senate and the concerns of the President of the United States.

The recommendation before the Senate provides $20.7 billion in new budget authority, $11.7 billion within the defense function, and $8.9 billion of that is within the domestic discretionary program. In this appropriations bill, in essence, a little over half of its total money is for defense purposes, and most of that, not all of it but most of it, has to do with the preservation and retaining the fidelity of the nuclear arsenal that the United States has in these very difficult times when we are building down and we are no longer doing underground testing.

The recommendation is $1.9 billion in budget authority below the request of the President. That reduction results from the subcommittee's recommendation that we not provide for full asset acquisition, which saved about $800 million in budget authority, and provide only $300 million of a requested $1 billion for an initiative to privatize a portion of the Department of Energy's cleanup work.

Now, Mr. President, I might explain, in no way are we doing less in cleanup. There is an effort to go at this waste cleanup program—which is very, very difficult, very cumbersome, very bureaucratic and costing a lot of money—there is an effort of the administration to move in another direction and to try to come in with privatization, which would permit somebody powerful of resources and of talent to bid a total cleanup project for a certain amount of money and then the Federal Government, when they are finished, would pay them for that.

The Department knows that this is a very big venture requiring some very new management skills, and we in our bill are saying let us take one-third of this new effort, not the whole thing. It was all budget authority with no outlay request attendant to it to speak of. And we said let us go with $300 million instead of $1 billion to see how the program works.

It has been modified and language has been supplied in this bill so that the major one that they wanted to go out to privatization bid probably on the west coast will probably fit.

Now, it is interesting that while much time is spent on the defense nuclear aspects, and we could spend this afternoon in debate on the floor on that aspect, there is a large portion of this bill that has to do with funding that is not defense. The discretionary function is $103 million less than the request.

However, within the lower amount, the subcommittee has increased spending for water projects by $229.5 million above requests. The offsetting savings were derived principally from the Department of Energy's nondefense functions.

I must tell Senators that of all the subcommittees I have been on that garner comments and letters and requests from fellow members, this small portion of the bill, the water projects of America, brings us more requests than any subcommittee I have served on, because all the water projects in America, the flood protection projects that have the Federal Government involved, the Bureau of Reclamation, and all the Corps of Engineers projects across this land are all in this section—the dredging, the ports that we maintain, and so it is not easy to make ends meet here. Senators are not going to get everything they think their projects need because we cannot afford them anymore, and two very large projects that are ready to go through the Corps of Engineers, one in West Virginia and one in the State of Kentucky, we cannot start them because of all of the programs that are still backed up in terms of available resources.

The time might come when perhaps a large bipartisan group might want to tell the executive branch, in its next budget, that they better do a little better in this field because we are going to have to take money away from something else in Government to satisfy these needs because so many Senators feel so strongly about them.

The savings that we have put in our bill with reference to the domestic part are $43 million from solar and renewable energy. The committee recommends $301 million, a $35 million increase over last year. That is a $35 million increase. Mr. President, $67 million was saved from the Nuclear Regulatory Commission, where it recommends $243 million, a $24 million increase over the current year; $20 million saved from the nondefense cleanup, but we provide $437.6 million, a $109 million increase over current year; $25 million is saved from science by not providing for the next generation of Internet programs—we believe that can wait a year—and $30 million for the Yucca Mountain program; leaving $160 million on the nondefense side and $190 million in the defense function.

We believe this is adequate to move ahead in a steady, go-as-you-can approach that has been taking place for at least the last 3 years. Mr. President, $18 million was saved from uranium decommissioning and decontamination programs. The committee has protected science funding. And, while it was unable to provide an increase, as many Members requested, it did provide $2.2 billion of the $2.3 billion requested in this field. Within the atomic energy defense activities budget, this committee included $4.3 billion for weapons activities and $5.5 billion for environmental restoration and waste management.

I think it is noteworthy that we are now beginning to spend more, and this is in billions of dollars, on the environmental restoration and waste management in this country, the result of our nuclear programs with reference to our defense and the use of the various facilities for atomic and hydrogen bombs—we are spending more than we are in the actual weapons activities. And we are moving in a brand new direction in terms of weapons activities, in that we no longer test our nuclear weapons underground. Since we do not, because Congress has said let us not do that, obviously we have to assure the fidelity, trustworthiness, and safety of these weapons another way. And we are busy doing that under the title of "science-based stockpile stewardship," something new. We hope in the next 4 or 5 years we can display to everyone that indeed we can continue to certify the well-being of this weapons system without underground testing through the use of new devices and new science at the three major nuclear Laboratories, Livermore, Los Alamos, and Sandia.

The committee reduced the Department of Energy's privatization proposal. I have expressed that in my opening remarks. We continue to maintain the ability to manage a technically challenged fixed-priced contract. As a result, the House and Senate committee proposed significant reductions for the $1 billion requested. That is because there is general concern about whether the Department has the ability to manage the technical part. The Committee on Appropriations recommends $343 million, to be exact, with reference to this work.

The leadership has expressed its intent that the Senate this week complete consideration of three appropriations bills: defense, which we just completed; energy and water, a small bill compared to the defense bill but a very important one from the standpoint of our defenses; science, and our water resources.

I understand we want to go ahead and do foreign operations also. We would like very much to finish tonight so we can move right along on this schedule.

So, I want to say to everyone, I am very hopeful we can handle this bill in the manner that the chairman and Senator INOUYE, the ranking member, handled the previous bill.

My remarks are completed. I understand my good friend, the ranking member from Nevada, wants to make opening remarks, and then we will be ready for any other Senators.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, this bill is the only one of the 13 appropriations bills that every dollar that is in the bill is discretionary funding. It is extremely important, every dollar that we have in this bill, that it go to the right source or sources. As the ranking member of this subcommittee, I have worked very closely with the chairman of the subcommittee. He has been very open, invited me to meetings with Cabinet officers, and this has been a joint venture, this legislation, as well it should be.

I know the chairman of the subcommittee worked very closely for many, many years with the then chairman of the subcommittee, Senator Bennett Johnston, and then when the roles reversed, they also worked very closely together. This is a bill that cries out for bipartisanship. It is a bill that affects very important aspects of this, our Federal Government.

The bill can be supported by the entire Senate because we have approached it on this basis. It has been a difficult bill, but I think what we have arrived at is equitable and good public policy, despite very difficult circumstances. One of the difficulties the subcommittee faced is one that cannot be solved easily and that is the significance of these water projects around the Nation. The Corps of Engineers programs, both general investigations and construction, received balanced increases over last year's budget while the operation and maintenance aspect of their program was reduced by some $200 million.

The budget for the Bureau of Reclamation, which for western Senators is extremely important because the Bureau of Reclamation is principally responsible for the arid States of the West, increased by $2 million over last year despite the budget proposal that would reduce the program account. The Bureau of Reclamation's first project ever in this country was in Nevada. In 1902 that program started, named after a Nevada Congressman named Newlands, who eventually became a Senator. So we are very familiar in Nevada with the good that the Bureau of Reclamation does and the bad they have done in years gone by.

During the process of their developing programs in this country, some of the things they did simply have not worked out very well. But it was not because there was any ulterior motive. It was simply the arid West they were trying to make blossom like a rose. In some places they did, in some places they didn't.

Water projects are often maligned as excessive and unnecessary items in appropriations bills. Being from probably the most arid State in the United States, I disagree. Water projects are extremely important. If it were not for water projects, the city of Las Vegas, the county of Clark, simply would not be the most rapidly growing area in the Union. It is because of water programs sponsored by the Federal Government that that area has been able to grow the way it has, because of the Southern Nevada Water Project, funded by this Congress.

Our country has been described as a fortress nation with two large coasts and waterways throughout the continent playing a role in commerce, recreation and education as well as other functions. Communities around the Nation are directly affected by water projects that do, in fact, have Federal interests. I have given one example. I want this Senate to know that what we have done has taken a great deal of thought, the expertise of our very good staffs, and a lot of time.

Starting with the largest water concern in the Nation, I would like to direct the Members' attention to a section of this bill dealing with the U.S. Army Corps of Engineers program entitled "Flood Control, Mississippi River and Tributaries." This is a so-called earmark. I guess we could call it that. A lot of people deride this earmark. This is for almost $300 million.

We know the Mississippi River is the most important waterway in this country and has been for more than a century. The Mississippi River has the third largest drainage basin in the world, draining over 41 percent of the United States and covering 1,245,000 square miles.

The $289 million we have appropriated is probably not enough, but it's the best we could do. The Mississippi River has flooded over the years, but due to the flood control levee system as put in place by the Corps of Engineers, over $8 billion in flood damages were averted in the 1993 flood alone. So, I think, by anyone's estimate, we should receive a passing grade on a cost/benefit scale. This is an earmark, a huge one, that is important.

Let's take a smaller earmark, what some people direct their attention to, the extensive coastline America has and other smaller drainage basins and locations such as Assateague Island in Maryland. We have recognized the importance of Assateague Island in Maryland, and since 1935, when a Federal navigation project was first started and disrupted natural sand distribution, the shoreline has been eroding. There is now a severe threat of unnatural erosion and accelerated shoreline migration. We have appropriated money in this bill to stop this damage from occurring. Because, if the damage occurred without Federal intervention, the bays, commercial routes, the recreational island and the mainland would be irreparably damaged.

This is an earmark. It is important for one of the States of the Nation, and we have stepped forward and the Corps of Engineers has developed a comprehensive water resources investigation in this area, and we will complete the preconstruction engineer design recommendations for this project. This is important.

There are numerous other projects just like this. Let me talk, though, about a number that are important, I think, in this bill. Because water is a precious commodity in the West, as I have already talked about, the use and study of water impacts every community. Water reclamation and desalinization projects, authorized in the last Congress, are of vital importance to lower Colorado River communities, the Columbia-Snake River area and to rural communities.

We know that desalinization is important. Senator Paul Simon, who has recently retired, believed in this significantly. He asked me to make sure that we did not forget about the things that he tried to do in this Congress. I think we have done that in this bill. Desalinization is important. It is more than finding out if we can change the ocean water to fresh water. It is dealing with rivers that have become very polluted and have too much salt in them. So, this is important.

We have done things dealing with desalinization in this bill. Of particular note in this legislation, the importance of funding for the CALFED Bay Delta Ecosystem Restoration Project, another earmark, $50 million, which is to assist California to understand the water systems and developing a balance to the uses of the vast California water system.

But the State of California has stepped forward. They have a multiyear funding program that they are going to work on with us. Theirs is almost $1 billion, the voters of the State of California approved. We have an obligation to come forward, I believe, as does this committee, and help them with this project. So I appreciate the concerns expressed in the report language about the CALFED Project. I think the concerns are fair and constructive, and I hope the Bureau and many proponents recognize the necessity to design this project and activities so we can feel confident in the use of taxpayers' moneys. There is no mistake, this is important to California. I support the committee in their efforts to fund this.

I have mentioned four or five projects in this bill. There are some who come and say, "Why do you earmark these?" We earmark them because that's our obligation. We have three separate but equal branches of Government. I think we would be foolhardy and it would not make our Founding Fathers smile if we just accepted everything that the administration wanted. We have our own voice, our own concerns, and they are expressed in this bill.

I support the subcommittee in the work that has been done dealing with renewable projects. The chairman of the subcommittee has talked about some of them, but I want to repeat, we have an almost $15 million increase in this bill for solar energy—for solar energy. We have a $4 million increase for hydrogen energy development. We have almost $6 million for wind energy development. And we have geothermal energy development at a slight increase. Alternative fuels are the answer to the problem in the world to come in the United States. We have recognized that.

I would have liked to give solar much, much more and hydrogen and wind and geothermal. But we have increased these in spite of a budget that is very spartan in nature.

Before we go to the energy side of the bill, I would like to say, considering the many demands on the Corps and the Bureau, nobody received all the moneys they wanted or requested, but we tried to be evenhanded about the projects, as well as taking into consideration the position of the agencies themselves.

The nondefense programs in the Department of Energy were also stretched due to the outlays and allocations, as well as the demands of the activities.

The work at Yucca Mountain is continuing. I don't like Yucca Mountain. I wish it weren't there. But I felt in fairness and being a constructive member of this committee that we should continue the funding. I think, though, for example, the latest work they did there, building a 4½-mile tunnel through a mountain which cost $60,000 a foot, the subcommittee was very responsive in setting the workload that should take place with this facility at Yucca Mountain.

The budget authority and outlays do not provide for the entire privatization effort but does support continued waste management and cleanup at a level that will maintain a scheduled cleanup of sites that have served the Nation in the past and now should be taken care of.

The atomic energy defense activities of this bill is, I feel, a grave and momentous responsibility, and the chairman of the subcommittee and I have recognized that. We may talk of these amounts as dollars, but we recognize that literally the work we do here is the difference between having a safe and reliable nuclear arsenal and one that is more prone to accidental problems. We understand how important this is.

So, Mr. President, this appropriations bill is important, because it provides a transition between a world in which we tested nuclear devices—we tested almost 1,000 nuclear devices at the Nevada test site. That program is over with, we hope. We hope that nothing occurs that the President will have to exercise his emergency powers to again start nuclear testing at the test site. What this bill has done is take into consideration that for 50 years of brinkmanship, we can now look at a world that is relatively safe. With these tens of thousands of nuclear warheads, we have to make sure that they are, I repeat, safe and reliable, and we have taken that into consideration with this legislation that is now before the Senate.

The world still provides no safe haven from international conflict, and some of our potential enemies remain armed with the most destructive weapons in mankind's history. So we must remain ready and capable of responding to many threats from those or other weapons of mass destruction, not because we want or should wage war with these demonic weapons, but because we want to wage peace by deterring their use by any government forever.

If we could put the nuclear genie back in the bottle, we would do it. But I am sure of one thing, and that is the nuclear threat still exists and will continue for an indefinite period. Experience has shown the best response to this threat is to remain so capable that no government will ever perceive any advantage from a nuclear attack. So we must retain indefinitely a safe and reliable nuclear stockpile.

Although we must remain ready, we want to reduce the incentive for other countries to develop their own nuclear arsenals. We want to stop the unending spiral of development of increasingly dangerous weapons by those nations that already have nuclear arsenals. I think this legislation does that.

This country has advocated, through the President, a Comprehensive Test Ban Treaty to stop that developmental spiral and remove that incentive.

So now, for the foreseeable future, our country must maintain its nuclear deterrent in a completely different way compared to past practice and experience. No longer can we test new designs for their safety and reliability. No longer can we test new designs of weapons.

No longer can we assure stockpile safety and reliability by replacing old designs and weapons with new ones. We must get along with what we have, and we have to make sure they are safe and reliable. We must rely on present designs and weapons in the stockpile, so we have to develop the understanding of how age will affect their safety and reliability, and we must acquire this knowledge without testing the weapons and designs.

The Department of Energy, in consultation with its National Weapons Laboratories and with the Department of Defense, has concluded that the only assured way of certifying an aging stockpile without testing in the traditional fashion is to understand the science of weapons materials, components and systems, and, with that understanding, to use computer-based simulation of performance to evaluate safety and reliability, and that is what this legislation which is now before the Senate does.

This so-called Science Based Stockpile Stewardship Program has been reviewed completely by experts from inside and outside the program and experts both inside and outside the Government. These experts have conditionally agreed the science-based program can succeed. It can succeed provided appropriate investments are made in scientific research, in experimental facilities and in advanced computational capabilities. These conditions are faithfully reflected by the atomic defense activities budget and in the energy and water development appropriations bill.

When this program was originally conceived, its budget dimensions were estimated under a variety of assumptions, some of which have not been realized. For example, it was assumed that START II ratification by Russia would have been achieved. It hasn't. Failure to ratify START II has required greater investments in weapons surveillance and maintenance, causing unexpected costs for both the national laboratories and the plants.

In addition, more weapons in the stockpile has accelerated the required schedule for tritium production which is one of the elements in a weapon that lasts a little over 10 years and must thereafter be replaced. So we must periodically look at this product in our active stockpile.

Guaranteeing tritium production capability on this new schedule has required simultaneous exploration of two research options, neither of which is cheap. Furthermore, the greater maintenance load on our plants has delayed our planned progress toward downsizing and has required investments in plant infrastructure that we did not anticipate.

Finally, reductions in administration costs by the Department of Energy has not been realized as quickly as expected.

The future will be defined by progress toward ratification and implementation of the Comprehensive Test Ban Treaty, and it depends critically on our confidence in the reliability and safety of our enduring strategic nuclear stockpile.

A principal discussion that has taken place is the role of the stockpile stewardship and the science activities that need to occur to maintain a certified state of readiness. Because we studied these defense issues closely, this subcommittee has provided sufficient funding for the national ignition facility as a cornerstone of the science-based stewardship, and we integrated the Nevada test site and national laboratories in the defense program to assure a certifiable stockpile.

Mr. President, I wish it were possible for every Member of the U.S. Senate to take a tour through our national laboratories to find out how essential they are to the literal safety of this world. They do tremendous work with little fanfare. I have become a real fan of our national laboratories.

This bill is fair and reasonable. I support the efforts of this bill to seek more efficiency within the Department of Energy.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are in the process of clearing a number of amendments. I, once again, ask Senators who have any amendments that they are certain have to be offered if they would get down here as soon as possible. If they are the only two amendments, it would seem to me it would be reasonable for us to be telling the Senators and our leadership that we could finish tonight, provided we don't have to just wait here with nothing to do. I understand the schedules and other subcommittee hearings and the like. But I, once again, urge either of the two Senators who have an amendment that we understand might be offered that they get down here as soon as possible.

Mr. President, I say to fellow Senators, I thought I would discuss a little bit about this bill I think is interesting and might make it easier for those who are wondering, as you look at the Department of Energy's role—and it has a lot of roles, a lot of missions, it might be a little easier to identify what we are doing as a Nation in various areas.

So what we have done is we have kind of reorganized the way the bill shows the functions at the Department of Energy. I call to anyone's attention who is interested the report accompanying this bill at page 88, title III, the Department of Energy, because we have broken it down into the energy research, we have broken it down into what we call science.

I would just like to talk about science for a minute, because across this country—incidentally, the science portion of this bill costs $2.2 billion. We hear, and I am sure the occupant in the chair in his capacity from his State with INL there and a lot of science going on, our academic and business leaders say, if you are going to reduce spending, don't reduce what we are spending on basic science. We are all hearing that. We funded the President's request in basic science. If you look in this reorganization effort, science is made up of high-energy physics, nuclear physics, biological and environmental research, basic energy sciences, and other energy research.

It is very, very important that everybody understand that this is not just a Department of Energy bill that has to do with petroleum and natural gas. It has to do with subjects I spoke about, some of the most profound and deep science that America is doing anywhere with reference to physics, with reference to biological and environmental research.

For instance, this Department has one-third of the budget, Mr. President, of the human genome research project. The human genome research project is about 7 years old, maybe 8, and two-thirds of it is run by the National Institutes of Health and one-third by the Department of Energy. Many scientists have said it is mankind's most serious and potentially effective research project for wellness. For what we have been doing with the genome project is to map all of the chromosomes of the human body and to discern from within those chromosomes where the dread diseases are located. It doesn't mean we know how to cure them because we know how to locate them, but for most of our adult life, we heard every 3 or 4 or 5 years a group of great scientists would announce they had located the genes for multiple sclerosis. They were in an effort that might have taken 20 years to locate that, because they had to do it without regard to the relevancy of doing all of the chromosomes of the human body.

Because of computers and other things, we are well on the way to handing to the scientists of the future the chromosome locations inside us for all of the dread diseases, and then it will be up to pharmaceutical researchers and basic researchers to find if there is some way that we can effect cures. That is why it is seen as the biggest wellness effort, and one-third of that lies within the Department of Energy. It is interesting, it is there for a number of reasons. I won't talk about the parochial interests which I had something to do with. But essentially, this Department was doing a great deal of genetic work, as the occupant of the Chair knows. Because of Hiroshima, Nagasaki, some of the most indepth preservation of radioactive impacts on the human genetic system and research on that, instruments to do the research were within this Department. So when Senators wonder what the Department of Energy does, that is one. That is $1.2 billion.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. I will be pleased to yield.

Mr. REID. While we are waiting for amendments to come, I will also ask the Senator, I was struck after having become the ranking member of the committee going to one of the national laboratories not in your State—I want to make sure everybody understands the national laboratories are important. They are important because they are in New Mexico, California and other places. Let's talk about the one in California.

Much of the research we hear so much about dealing with genomes, trying to determine what our bodies are made of started in national laboratories.

Mr. DOMENICI. That is correct.

Mr. REID. The work we are doing in Lawrence Livermore in California is mind-boggling.

I ask the Senator, what would the state of scientific research be in our country today if it were not for the national laboratories?

Mr. DOMENICI. I say to the Senator, you know, everybody around would say you asked the right person, because I am absolutely convinced that the national laboratories—and there are more than the big three we have just alluded to that are part of this, the Department of Energy—while they may not have been created in their inception to do the kind of research they are doing today, or the three we speak to, they were created and started up because of atomic bombs and hydrogen bombs and nuclear energy. And everybody related to that, the design, the making, the disarming, huge assemblages of the greatest physicists and scientists that America has ever brought up, ended up in these laboratories doing this kind of work.

The result of that is they are doing all kinds of basic research because they are there and they have big equipment to do their jobs. I would surmise that as many breakthroughs in science have come about because of the national laboratory system as any other single institution or entity in America's modern history.

Mr. REID. If the Senator would yield, maybe even in the history of the world.

Mr. DOMENICI. Could be.

Mr. REID. For example, at Lawrence Livermore, I spent some time with a Dr. Campbell, who is one of the leading experts in the world on lasers. Lasers were invented in 1917 by Albert Einstein. It took scientists 43 years, and it was finally proven at Lawrence Livermore that he was right, that the formula he came up with in 1917 dealing with laser technology, that he really knew what he was talking about.

But for the work done in our laboratories, things like this, they may have come to be, but it would have been years in the future. If you talk about great scientific minds in the last 50 years, they have all worked in these laboratories.

Mr. DOMENICI. That is right.

I want to, again, if there is a little bit of time, to remind fellow Senators of another thing.

You know, a very large group of Senators, just speaking of our body, our Senate, are always very concerned about the adequacy of defense spending. And I think we see that in the bill that just passed with very large support. We see it in the willingness of the U.S. Senate to set up a wall and say the appropriations for defense are separate from the domestic appropriations, and you cannot take from defense to spend in domestic. You need a supermajority to do that because we think it is so important that we do right by defense.

But I think what happens is that sometimes many of the Senators do not realize, and maybe it is because we have not done a very good job of telling them, that a portion of the defense of our Nation is done not in the defense budget but in this budget, by the Department of Energy in its nuclear weapons work. All of the money for that comes out of this defense pot of money that I just talked about, with a wall saying this money cannot be used for anything else; it is transferred for that part of Government to this subcommittee and to the Department of Energy to do the nuclear deterrent work in the broadest sense of the word.

Now we have decided to engage in a big, vast experiment regarding the preservation of these nuclear weapons in terms of their safety, reliability, and trustworthiness. We have said no more underground testing, which my friend from Nevada had a very major parochial interest in and which went on in his State for many, many decades, that offered direct objective proof of the reliability and the qualitative capability and quantitative capability of the weapons. We decided as a Congress, and the President agreed, that we would not do that anymore.

Now, it is obvious that we have not gotten rid of our nuclear weapons, and we will not for a long time, even though we are hopeful that with the various treaties we will get this number down, and hopefully there may be even a giant effort to get it down even more. But in the meantime, what nobody seems to understand—or, I should say, few understand—is that we have to spend money on some new techniques to make sure the weaponry is safe and trustworthy and that it will be faithful to its mission because we cannot test it anymore.

So we are engaged in a major transition. I have alluded to it, my ranking member has. It is called science-based stockpile stewardship. The greatest scientists and physicists and others have joined together with the Department of Energy saying, "Since we can't test, we have got to find some other ways based on science." And, Mr. President, we are engaged in very large computer experiments. In fact, we are pushing the threshold of computer capability more by this requirement than any other requirement in America. The push for bigger and faster computers is being done by our response to the science-based stockpile stewardship.

In addition, each of the major laboratories, since we will no longer make new bombs, no longer design new bombs, are engaged in their part of trying to make sure that the weapons are reliable. If, indeed, there is a dispute today on the floor on whether we are spending too much for this, I am prepared to go into a lot of detail, none of which is secret, about the certification process as to the well-being of the weapons.

These three laboratories, headed by civilians, have essentially maintained our nuclear deterrent position for all these decades because they surround themselves with the best; we fund the best equipment, and they have always kept us from having a war. They have kept us highly, highly competitive so that nobody, including the Soviet Union, dared venture anything in the field of nuclear weapons.

These same laboratories must continue to certify the reliability of these weapons. It is not just some figment of someone's imagination that they are important. The truth of the matter is, the Joint Chiefs of Staff, in agreeing to no more underground testing, studied it and worked with the best scientists around and concluded that they would go along if, in fact, the national laboratories were given sufficient resources and the lab directors could certify to them and the President regularly that we were able to verify the effectiveness, the safety of these weapons systems in ways that did not need underground testing as a quantifier or objective determinator.

That makes the work of this Department in this regard as important, in my opinion, as anything within the defense budget of the United States. I do not believe, properly presented to any legislator and any policymaker, they could disagree.

In this bill, there is about $4.3 billion—and remember, we just passed a defense budget an hour ago, about $250 billion. So let us put it in perspective. The science-based stockpile stewardship, the maintenance of and attesting to the reliability of the nuclear weapons, is being done for about $4.3 billion by essentially three national laboratories who work for us.

It seems to me that when it comes to these budgets, we ought to not fail to understand that it is part of the defense of our Nation. When it comes to maintaining these science-based efforts, some of them are new and very major. A whole new device and system will be established at Lawrence Livermore. A lesser facility is almost completed to do an x-ray type activity at Los Alamos. And all three laboratories are beginning to do, with early completion dates, major, major computer programs so that many of the tests can be done by simulation that were done before by actual tests.

So I hope, when it comes to where does the money go from the Defense Department, that everyone will understand it is very, very important that we adequately fund defense, but it is probably even more important that we properly allocate money to the laboratories of this Nation which are doing the deterrent work with reference to our nuclear arsenal.

Now, there are many other great laboratories—one is in the State of the occupant of the chair—that do great science work for the Department of Energy. One could stand here and go through each one and say how important it is, and much of it is not discernible easily as being directly related to energy because it is science of some very special quality that can be done by the people and the other things that are present in these various facilities.

So the Comprehensive Test Ban Treaty, which I have not yet mentioned, is the natural next episode that follows on the American Government's agreement not to do any more nuclear underground testing. And the next thing will be, can the world agree to it? That treaty is going to be called the Comprehensive Test Ban Treaty. Obviously, it is ready. It is in the possession of the executive branch. And soon—I do not know when, but it cannot be a long way off—it will be submitted to the Senate for its approval and ratification and/or amendment, I assume.

I think it is important that everyone know that the questions that are going to be asked have to do with this appropriations bill, questions like, are we adequately funding what is required by the laboratory directors of the laboratories that are nuclear weapons laboratories? Are we funding the program properly for the next 5-year interval so that we can say with confidence that the international test ban treaty can be entered into?

Obviously, I am putting the Senate on notice, in a way, that some work has to be done clearly to make sure that the Joint Chiefs and the lab directors, the three laboratory directors, can be assured there will be adequate funding. We are working on that now with the administration and the Departments of Defense and Energy so we are able to come to the floor and say with as much certainty as we can, considering our democratic processes, that we are funding the basic institutional thrusts required to make an international treaty a valid and good thing for America set up alongside of the test ban that we have passed.

There will be many other ramifications to that test ban treaty, and I think one is obvious. If we find out that we absolutely cannot get along without it, what happens? I think that will be addressed, too. These scientists will tell us whether this science-based stewardship is working or not. And if they end up saying it cannot work, it cannot do the job, then what happens if we are bound in a treaty? And I think that will be addressed in due course.

I still do not see any Senators present who want to offer amendments, so I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Dr. Robert M. Simon, on detail from the Department of Energy on the staff of Senator JEFF BINGAMAN, during the pendency of S. 1104 and any votes occurring thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

AMENDMENTS NOS. 859 THROUGH 866, EN BLOC

Mr. DOMENICI. Mr. President, while no amendments have been offered, we have been doing our very best to work with any amendments that we are aware of, and starting late yesterday and today we have had some amendments that we have cleared on both sides. There are eight in number. I am going to send these eight amendments to the desk shortly. They are an amendment on behalf of Senator BYRD regarding Stonewall Jackson Lake, an amendment on behalf of Senator DASCHLE regarding the Cheyenne River Sioux Reservation, Senator KEMPTHORNE regarding a McCall area waste water reclamation and reuse, an amendment on behalf of Senators BINGAMAN and DOMENICI regarding the Butte Reservoir pipeline, an amendment on behalf of Senator WYDEN regarding watershed agreements, Senator BIDEN and Senator ROTH regarding the Delaware coast, an amendment on behalf of Senator BUMPERS regarding the Southwest experimental fast oxide reactor, and an amendment on behalf of Senator BOXER regarding Greenville Road.

I send the amendments to the desk and ask that they be considered en bloc, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 859 through 866, en bloc.

Mr. DOMENICI. I ask that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 859

Following Section 503, insert the following new section:

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59–C–0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2-06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

AMENDMENT NO. 860

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota".

AMENDMENT NO. 861

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project".

AMENDMENT NO. 862

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project".

AMENDMENT NO. 863

At the appropriate place, insert the following new general provision:

SEC.   . (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations made for the Bureau of Reclamation may be used by the Secretaries of Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private non-profit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowners;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowners, and other entities, as mutually agreed on by the affected interests, and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest, and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

AMENDMENT NO. 864

On page 2, line 26, insert the following before the period: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $200,000 of funding appropriated herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project".

AMENDMENT NO. 865

On page 19, line 7, insert before the period the following: ": *Provided*, That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site".

AMENDMENT NO. 866

On page 23 of the bill, line 5, insert the following before the colon: ", of which $2,000,000 is provided for improvements to Greenville Road in Livermore, California".

Mr. DOMENICI. I understand these amendments have been cleared by Senator REID on behalf of the Democratic Members.

Mr. REID. They have been.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 859 through 866) were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, once again I would like to repeat and urge that our fellow Senators come down here if they have amendments. I know we have to protect Senators and we have rules, but it would not be too far-fetched for third reading to occur here any time if no amendments are in order. And I do not want to pursue that very vigorously even under regular order or the rules, but I do think there are a number of Senators and a lot of people waiting on the floor for what may be one or two amendments.

I certainly once again urge and beg my fellow Senators to get them down here so we can finish this work. All of us have many things to do, and we are very cognizant of your responsibilities, I say that to those Senators who have amendments, but we ought to try to keep the Senate busy when we are open and this would help us very much.

I yield the floor.

Mr. REID. Mr. President, I have told the Democratic Senators who have indicated they may offer amendments that we are going to go to third reading in the near future, and I do not know when that will be, but I told them it would be relatively soon. I do not have nearly the experience that the chairman of the full committee has, the manager of the bill, but I have been here going on 15 years, and that is one of the things that is really concerning to me, that is, how long we wait until we wrap these things up. I know the Senator would use good judgment in that regard, but I think all good things must come to an end; and I think in a reasonable period of time we should go to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, is there anything pending? What is the parliamentary situation?

The PRESIDING OFFICER. There are no amendments pending.

AMENDMENT NO. 867

(Purpose: To fund the Department of Energy's Weapons Activities Account at the level requested by the administration)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 867.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Reduce the amount on line 4 of page 23 by $258,000,000.

Mr. BUMPERS. Mr. President, we discussed this for just a moment the other day in the full Appropriations Committee, but here is my concern. I want to voice those concerns both for the RECORD and for a response by the chairman of the subcommittee dealing with weapons activities.

Now, for the RECORD and people who read it and may not know, the Energy Department not only tries to develop solar energy and better ways to explore for oil and gas and that sort of thing, the Energy Department is also charged with the responsibility of developing and maintaining our nuclear weapons. They build them, they stockpile them, they guarantee to the people of this country their safety and reliability. They guarantee the safety of them for our benefit; they guarantee the reliability of them for the benefit of the Defense Department which is going to put these nuclear weapons on submarines, missiles, and so on.

But I have been concerned about the amount of money we are spending on that. What I wanted to do was to engage the chairman in a discussion of why we are spending the kind of money we are on this project.

For example, this year, 1997, the year we are in right now, we are spending somewhere around $120 million to $200 million more on the so-called DOE weapons activities account than we did in 1996. Senator HARKIN and I offered an amendment last year to strike that or to lower it. I forget exactly how the amendment read, but we tried to cut this last year, as the chairman will recall. We got 37 votes.

You know, I am tired of jousting with windmills around here. I have enough sense to know when you are going to prevail, when you have a fighting chance and when you do not.

But in any event, this year the President requested—these figures blow your mind—the President requested $4.044 billion for this so-called DOE weapons activities account—$4.044 billion. And this bill contains $258 million more than the President requested.

This is a very arcane account, very difficult for laymen to understand. I must say, I am a layman from the standpoint of the complexities of testing or trying to make sure that our weapons stockpile is safe and reliable. I am a layman in that regard. I am not a layman in regard to money. I understand that $258 million is a lot of money. When we appropriate $258 million more than the President requested—and the President asked for a fairly substantial increase—when we go above that by $258 million, then I think I am within my right and, as a matter of fact, my duty to raise the question of why we are spending this much money when you consider the fact that there is no Soviet Union. They do not exist anymore, and so far as I know, they do not represent a nuclear threat to this country at this point and, hopefully, never will again. By the same token, Mr. President, we do not represent a nuclear threat to the people of Russia today.

If I had asked this question—I do not want to go too far afield from the specifics of what I want the chairman to address, but I daresay, in 1987, for example—the Soviet Union essentially folded in 1990, 1991; and for all the years after World War II until that point, the defense budget was driven, driven almost exclusively, by the threat of the Soviet Union. I daresay, if I had asked any Chairman of the Joint Chiefs during that period, from 1947 to 1948 until 1990, how much could we cut the defense budget if the Soviet Union suddenly went away, I would guess that the smallest number I would have gotten would have been $50 billion and the maximum number at least $100 billion. I am talking about from generals and admirals.

So, all of a sudden, here we are 7 years after the demise of the Soviet Union, and the defense budget we approved in the authorization bill that we just passed yesterday is $268 billion. Now, I voted for it—but I felt it was way too much money—because there were some things in it that I thought were fairly important, and we are always trying to balance things. Anybody can pick one thing out of a bill they do not like and vote no. I dislike this so much I am tempted to vote against energy and water, but I am not going to vote against the bill because there are a lot of good things in it.

I am not going to accord, indulge, myself the luxury of saying, simply because there are half a dozen things in there I object to I am not going to vote for it. There are all sorts of water projects and energy things that are very important to me. This is about a $21 billion bill. I am not objecting to the $4 billion in weapons development. I am only objecting to what I consider excessive increases.

Now, having said all of that to the Senate, I am a strong believer in the test ban treaty. The Senator from Nevada may correct me on this, but I believe 1993 was the last year we had underground tests of nuclear weapons in Nevada. When we quit testing in Nevada, I considered that a hallelujah day in this country. I had been fighting for a long time, even before the Soviet Union disappeared, to stop nuclear testing, underground testing, in Nevada. I thought it was senseless. I thought there must be other ways that we could test and determine the reliability of weapons without actually setting off those explosions.

Mr. President, here we are now. We are still talking about a comprehensive test ban treaty, which I strongly favor. We do not have it. There are a lot of people in this body who would not vote for it if the Russians unilaterally disarmed tomorrow. But I happen to think it would take us a long way further than we are right now down the path toward the kinds of, what shall I say, comfort and good feeling we have about the future of nuclear weapons.

So, Mr. President, when I look at these figures, this $4.302 billion account, which is $258 million more than the President requested, considerably more, over $300 million more than the House bill provides—let me repeat that. While we are at $4.302 billion, the House is at $3.943 billion, or $350-plus million less than the Senate; and both the House and Senate authorizing bills are less—are less—than the Senate appropriations bill which we are considering on the floor at this moment.

So, Mr. President, I intended to offer this amendment as much as for any other reason to engage the distinguished Senator from New Mexico in a colloquy and let him explain. I know he has an explanation. He is very knowledgeable on these things. Let him explain to the Senate why these rather unusual increases, when everybody else is taking a hit—there are a lot of water projects in this bill that he could not fund because they do not have the money to do it. Of course you couldn't.

Before I finish, I ask the Senator from New Mexico, do the firewalls that we have in place apply to the Department of Energy's defense activities?

Mr. DOMENICI. I say to the Senator, only in this respect. The money for the DOE defense work comes out of the total amount available for defense under the budget, and that total amount is subject to a firewall. Whatever you take out of it, like the money you are describing, the firewall carries with it, so that in this bill you could not move defense money to water projects because there is a firewall around the subdefense money, which is exactly the same as the big defense 050 function called defense.

Mr. BUMPERS. Let me say, the $268 billion defense authorization bill we passed last evening, does that include the roughly $17 billion in this bill for nuclear weapons?

Mr. DOMENICI. There is not $17 billion in here.

Mr. BUMPERS. I think $17 billion is the right figure, roughly $17 billion in nuclear, is there not, in the bill?

Mr. DOMENICI. There is $11.8 billion in total defense money in this bill.

Mr. BUMPERS. OK.

Mr. DOMENICI. And $4.3 billion is weapons.

Mr. BUMPERS. So $11.8 billion. Is that all in the $268 billion authorization bill?

Mr. DOMENICI. It is. There will not be more money spent. There will not be any accumulation. The total amount we put in the budget will include the bill Senator STEVENS passed and this money. It will equal the total amount of defense money. There is no add-on for this.

Mr. BUMPERS. Let me close with one observation, because I did not have the correct figure a while ago.

Last year's bill, last year's Senate energy and water bill, the same bill we have on the floor right now, provided $270 million more than the President asked for and $300 million more than the House provided. So we had $270 million more last year than the President requested and $258 million more this year than the President requested. That is well over half a billion dollars in 2 years, as I say, when everybody else has suffered.

So I ask the Senator from New Mexico if he would care to respond to my complaints about what I consider excessive increases in the DOE weapons development activities.

Mr. DOMENICI. Let me first say to you, I believe that this discussion and what you have done in the past in an effort to make sure that we can answer and respond to inquiries about the sufficiency or whether we appropriated too much are good for the Senate and good for the American people. So from my standpoint, I am glad you are here on the floor. And I am glad you in the past have challenged us.

I have tried very hard to answer up to a responsibility that almost no one understands, and that is that the entire safety of the nuclear arsenal is funded in this bill. Most people think it is in that big defense bill. It is in this bill.

Let me move on to a couple of other things. The overall expenditures in this bill, compared to the present, the overall amount in budget authority is $1.9 billion less between defense, nondefense, water and everything else. But we had increased water projects, which you alluded to, on their own by $229 million. You have been an advocate, and we worked with you, on many of those. They are tough to fund. But they did not come out of the defense money anyway. You quite appropriately asked, are they walled off? They are. That is a big part of this bill, and growing in difficulty.

If you would have come down and said, "I would like to engage you, Senator, in about an hour discussion on whether we're going to be able to pay for water projects," I would be a little more concerned, because I am not sure we can, because we are not putting any more money in this domestic part of this bill, and we are asking for more and more water projects.

One part of our Government says, we do not want to do any more, we want to increase the ratio of support locally. And we keep saying we have to keep doing them because they are needed.

So I want to establish those fundamental issues.

Now, let me move on. If I were the only one, singularly, who thought we had to have an increase of about $300 million in the defense part of this bill for nuclear weapons safety, I would probably be a little frightened here on the floor because you are very persuasive. But I worked with the ranking member, who is a diligent Senator. He started saying, "I want to learn everything I can. I want to meet with everybody you meet with. When you bring the Secretary of Defense in, I want to be there. When you bring in the DOE, I want to be there. When you bring in the security people out at Berger's office, I want to be there."

We have both concluded that there have been some things that have occurred since the President submitted his idea of about $4 billion a year for the safety, well-being, and fidelity of the nuclear arsenal. We are going to discuss those with you here in a minute.

But let me first say, that $4.3 billion is not to manufacture a single new weapon. I think everybody should know that. People keep saying we are making nuclear weapons. You know we are not—no nuclear weapons and no nuclear weapons designs. But what we have, Senator—and this is not a secret number, and it is not subject to my call—is we have a minimum of 6,500 nuclear weapons. That is the allowable under START II.

Now, I am not, in this bill, permitted to challenge whether we need them or not. I am only permitted to respond to lab directors and the national security advisers on how much do we need to make sure they are safe, and some of them are running out of their durability. A number of them will be old in 5 years, sufficient for us to wonder what we should do with them.

Now, what we used to do, Senator, is perform some rather objective tests in Nevada. On this floor, the three of us probably have discussed that as much as anyone else, and the Senator from Nevada knows about all that testing. That used to be an objective way of measuring certain things. Now, before we entered into that agreement, before the President said let's cut off underground testing and sent up his proposal and started lobbying for it, and before Congress would approve it, the Joint Chiefs of Staff had a lot of questions. Essentially, believe it or not, they literally had to do with, how do we maintain the arsenal without the tests?

Frankly, Senator, I didn't make that deal either, although I am glad to live with it. I will say what you have said. I hope the whole world joins us now. In fact, I am leaning strongly in support of the international treaty banning it. But I guarantee you that it has no chance of passing, if Senators can come to the floor and have credible information that those who are in charge of making sure those weapons are safe, the parts are replaceable, if they are broken down. If anybody in the security department of our country can say we don't have enough money in there to do that, that treaty will go down in flames. And I can tell you there will be Senators who are going to say that, regardless of what we put in this bill.

But I am not convinced that $4 billion, which was in the President's budget, and $4 billion for the next 5 years, will do that. Now, it seems simple, Mr. President, that we ought to just go from underground testing, get a few scientists and a few machines ordered, and we ought to test these weapons. But I tell you, if you want me to, I will read you the definition of safety that has been in existence regarding nuclear weapons since 1968.

Mr. BUMPERS. I wish you would do that.

(Mr. GREGG assumed the chair.)

Mr. DOMENICI. They are incredible. America wants them safe. In 1968, the then President of the United States entered into the following understanding, and the criteria are summarized as follows:

> One, in the event of a detonation, initiated at any one point in the high-explosive system——

That is not the bomb——

> the probability of achieving nuclear yield of greater than 4 pounds of TNT shall not exceed 1 in a million.

Not that it will cause a bomb. Just 4 pounds of TNT, a chance of 1 in a million.

> The probability of premature nuclear detonation of a bomb due to bomb component malfunction shall not exceed one in a billion in any environment the bomb is designed to experience, or one in a million for accident when the weapon is exposed to an environment outside its designed parameters. Quantitative criteria are also used to certify weapon reliability.

Now, Senator BUMPERS, the answer to your question is that the scientists who developed them, the scientists who designed them, the scientists who supervised their building and their destruction are now asked to try a whole new approach and come up with a science-based stockpile stewardship initiative. And they are not going to be absolutely certain that it is going to work. But we have to give them what is necessary for them to say we are moving toward making sure that it will work.

Now, I am not going to go into any more detail about the Nevada Test Site or anything else. I am merely going to say that we have concluded that a number of things must be done in order to achieve this stockpile stewardship relationship. One—and you will understand this in a minute—massive new supercomputer capability to model, in three dimensions, the workings of the nuclear weapon is required in these laboratories. Massive. In fact, it will be the driving force for supercomputing in the future, because you need so much computer capability. Facilities that improve our understanding of how material behaves at very high temperatures and pressures found within nuclear weapons, and the enhanced diagnostic capability.

See, now we have to have some diagnostic capability to look into the bombs and into the explosives and see how things are working. We didn't have those like we now are going to have in the next 5-year program.

And then I add, Senator, five things that have happened since the President and many of us—in fact, I will confess to you that I worked with the administration on this $4 billion idea, which was $4 billion a year. Let's see if it will make that stockpile stewardship solid.

But there are five things that haven't come to fruition that cost more money.

One—and you know this—START II has not been ratified. So the laboratories are having to maintain a larger number of weapons of more designs than they anticipated.

Second, the plants that we have to produce more spare parts and replacements are not being built down because we haven't built down the stockpile. And the delay in reducing the stockpile has increased the need and the schedule for tritium production. All of these were discussed, incidentally, in your absence, not only by me, but by Senator REID when we explained what was in our bill during the introduction of it today.

And then there have been some very expensive, unexpected maintenance costs. I trust we will leave it at that. DOE's administrative costs have not declined as were envisioned in 1992.

I would like, if the Senator would agree, to let Senator REID take a few moments to also address your inquiry. Before I do that, I wonder, on the Democrat side, if the Senator knows of any additional amendments besides the amendment that is expected to be voted on. We are not ready yet. We would like to make a list so we know there are no further amendments.

I yield the floor.

Mr. REID. Mr. President, I say to my friend from Arkansas that I think he has rendered service to the Senate and this country by coming here today and allowing us to speak about something that the manager of the bill and I feel is the most important obligation we have, and that is to make sure that our nuclear deterrent is safe and reliable. There is no better spokesperson for that than the senior Senator from Arkansas, who not only has, over his many years in the Senate, been concerned about the weapons system of this country, but also, I say, with the greatest respect, his wife Betty Bumpers has worldwide fame as a result of the organization she formed called Peace Links and has been involved for many, many years in making our world a more peaceful place. So I think it is very appropriate that the Senator would come and talk about this issue today.

I say to my friend from Arkansas that the appropriations for atomic energy defense activities aren't driven by any parochial interests or State interests. These appropriations are driven by the program requirements to provide for the national and strategic security of our country.

Mr. President, we have the stockpile. We are going to have it for the foreseeable future. We must continually study it and assess it for safety and reliability. The Senator from Arkansas said in his statement that when the moratorium came on underground nuclear testing, as we have known in the past, that he anticipated there would be other ways of testing. That is absolutely right. The scientists have come up with other ways than the underground testing that we had for so many years.

The first such test was conducted in Nevada just a few weeks ago. It was called a sub-critical test. It is just as stated. They start conducting an experiment using nuclear materials, but the experiment is controlled so that a critical mass is never achieved. That means that no significant nuclear reaction, no nuclear chain reaction can occur.

That is what Senator DOMENICI was talking about. The computers take over. There is no explosion, but they are able to determine, through the computers, what would have happened had the test gone critical. And the first test was extremely successful. They had 140 optical channels to acquire data from the experiment, and they were able to get information from 139 of those.

The reason those tests are important, I say to my friend from Arkansas, is we have to manage the stockpile because it is continually changing as it gets older. We have to look at some of the nuclear materials that decay with time and need periodic replacement. Some of the bonding materials that hold the components together, or in place, change chemically over time and become less effective as bonding agents. Some of the products of chemical change inside the weapon are caustic and attack or corrode other materials and components. It's like when you go to a drugstore and you go to the pharmacist and you order a medication. Right now, many of the big drugstore chains are able to determine if you are taking other medication that might interact with the stuff that you are getting from the drugstore. Well, the same basic function is performed here. We need to know what happens when these chemicals react because this is one of the main aging effects that might make the weapon unsafe or unreliable.

Some materials corrode from other effects, including exposure to the atmosphere and to radioactivity that is unavoidable in these kinds of terrible weapons of destruction.

So the safety and reliability of the stockpile will change with time. Deterrence requires that we understand these processes and their consequences far better now because the stockpile will never again be tested under the new international agreements we have sponsored.

When I first came to the House of Representatives, one of the first votes I cast was a very controversial vote for the Congressman from the State of Nevada, and that was regarding the nuclear freeze. I voted for that nuclear freeze when I was in the House of Representatives because I believe the problem in the world today is not nuclear testing, it's nuclear weapons; we have too many of them. The manager and I have worked on a way of reasonably testing these weapons. I refer the Senator from Arkansas, and everybody within the sound of my voice, to the report filed with this bill. I am not going to read all of the language in the report, but I am going to read a few things because I think it answers many of the questions that the Senator propounded.

The second paragraph:

> The mission of defense programs is to maintain the safety, security, and reliability of the Nation's enduring nuclear weapons stockpile within the constraints of a comprehensive test ban, utilizing a science-based approach—

I repeat that: "a science-based approach"

> —to stockpile stewardship and management in a smaller, more efficient weapons complex infrastructure. The future weapons complex will rely on scientific understanding and expert judgment, rather than on underground nuclear testing and the development of new weapons, [We are not going to rely on that anymore] to predict, identify, and correct problems affecting the safety and reliability of the stockpile. Enhanced environmental capabilities, and new tools in computation, surveillance, and advanced manufacturing will become necessary to certify weapon safety performance and reliability without underground nuclear testing.

That is what this money is for:

> Weapons will be maintained, modified, retired, and dismantled as needed to meet arms control objectives or remediate potential safety and reliability issues. As new tools are developed and validated, they will be incorporated into a smaller, more flexible and agile weapons complex infrastructure for the future.

I think the Senator will agree that is a great goal for us to obtain:

> The Stockpile Stewardship and Management Program is a single, highly integrated technical program for maintaining the safety and reliability of the U.S. nuclear stockpile in an era without underground nuclear testing and without new nuclear weapons development . . .

Skipping on, I say to my friend from Arkansas:

> There are three primary goals of the Stockpile Stewardship Management Program:

Reading from page 100 of our report:

> (1) provide high confidence in the safety, security, and reliability of the U.S. stockpile to ensure the continuing effectiveness of the U.S. nuclear deterrent while simultaneously supporting U.S. arms control and nonproliferation policy;
>
> (2) provide a small, affordable, and effective production complex to provide component and weapon replacements when needed, including limited lifetime components and tritium;
>
> and (3) provide the ability to reconstitute U.S. nuclear testing and weapon production capacities, consistent with Presidential directives and the "Nuclear Posture Review,"

should national security so demand in the future.

So I say to my friend from Arkansas, we are doing not only what is required for national security but we are also following the directives of the President of the United States. That is what is so sensitive with the obligation that we have been given.

On this same page, skipping down to the bottom of another paragraph:

> The President has also requested a new annual certification process to certify that the stockpile is safe and reliable in the absence of underground nuclear testing, and to produce a statement about the future confidence in the safety and reliability of the stockpile.

So that is what this is all about. There has to be a certification, required by the President, that the stockpile is safe and reliable. It is not easy. It takes money.

One of the programs that the Senator from Arkansas should be aware of is that there is going to be a new National Ignition Facility built that we talked about earlier today that will be the foundation for this new science-based stockpile stewardship program.

It is expensive to do that. When underground nuclear testing stopped, we had no idea that to build a facility like that would cost $1 billion. That is for brick and mortar. Work is beginning. The funding of that is in this bill. It will be developed in the State of California. We are appropriating about $187 million in this bill for that program that we never anticipated would be constructed.

So what we are doing in this bill regarding our weapons systems, in my opinion, I say to my friend from Arkansas, is a relatively small amount compared to the Defense appropriations bill which we just passed, but it is just as important, even though it involves a very, very small amount of money compared to the Defense appropriations bill. What we are doing here deals with weapons of mass destruction. It doesn't deal with whether we are going to build an F–22, or a joint strike fighter, or whether we are going to have an aircraft carrier. It deals with weapons of mass destruction.

What this subcommittee has done within its best ability, and with the best judgment we have, is we have come up with funding to provide the President and this Nation with a safe and reliable nuclear stockpile.

Mr. BUMPERS. Mr. President, let me say to both the Senator from New Mexico and to the Senator from Nevada, for whom I have the utmost respect and friendship, that I do not disagree with very much of anything either of them just got through saying. And they said it very well. I would like to say to the Senator from Nevada that that was indeed a courageous vote when he voted for the nuclear freeze, particularly as the Senator from Nevada. It was a very courageous vote. But, as he knows, correct votes around here are often very courageous. Sometimes we lose Senators because they cast too many courageous votes. It doesn't happen very often. Probably it ought to happen more often than it does.

But, in any event, I compliment him on that. I have always been in support of the nuclear freeze. I have been for 2½ years standing at this desk back here talking about the insanity of the number of nuclear weapons in both our stockpile and the Soviet Union's, now Russia's, stockpile when both countries always had hundreds of times more weapons than it would take to destroy the planet. So I have fought with some small measure of success to bring some sanity to the whole thing.

I just close out by this question that, as I say, troubles me. And the reason that I came over here to offer this amendment to this bill which we are now debating, the Energy and Water Appropriations bill, is that it contains $4.302 billion for nuclear weapons, for weapons activities, and the uses, which the Senators have described, to provide for the safety and reliability of our nuclear stockpile. Nobody would question that for a moment. I mean we have enough problems about how we are going to dispose of all of this stuff. That is one of hottest debates we have had so far in the Senate: How we are going to get rid of nuclear materials. But here we have a $4.302 billion bill. And this is the thing that causes me some considerable concern: that it is $284 million above what the Senate authorizing committee just authorized yesterday.

When I first came here, and up until recently, you could not appropriate more money than the authorizing committee authorized. And we are reaching the point where we don't need authorizing committees anymore because we routinely exceed what they recommend.

So this bill is $284 million above the Senate authorized amount, $258 million more than the President recommended, $336 million more than the House authorized, and $359 million more than the House Appropriations Committee approved.

Here are three authorizations, plus the President's request. And the President's request is supposed to reflect what DOD, the Defense Department, wants. We don't separate the two. When we talk about the President's request, we are speaking for the Defense Department. Here we are appropriating $258 million more than the President and DOD asked for.

So here we are $250 million-plus above everybody—the President, the authorizing committee, the House authorizing committee, and the House Appropriations Committee.

So I know the Senator can understand why that piqued my curiosity.

I would be delighted to yield the floor to the Senator, if he would like to respond to that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think maybe if the Senator from Arkansas ever thought that bringing down an amendment or discussion like this was futile, I believe this is the best explanation of what we are doing in the Department of Energy with reference to nuclear weapons. Maybe I have not been here for every discussion. But I think he has pushed us to discuss things that should have been discussed regularly, and more people should understand it. I can tell you that everybody knows that I have a lot of this activity in my State. But I am firmly convinced that we had better not come in on the short side of dollar expenditures on this process which is going to end up —and this ought to be dear to the Senator from Arkansas because he is one of the leaders in trying to stop the testing. But if we are going to keep these people who are in charge of these laboratories able to certify that these weapons aren't going to go awry, or become unsafe, or deteriorate, then we had better not come on the short side of appropriating for their core staffers, and for the equipment and science research that they need.

Frankly, I laud those experts within the Department of Defense, Energy, and outsiders who came up with the substitute transition approach to move from testing to this science-based stockpile stewardship. But I can tell you from visiting the laboratories, talking to the directors, and talking to the people in charge of the divisions that are most contentious regarding having the right staff to do this new job, I am convinced that they have one tough job.

Like I said to the Senator from Arkansas. I wish we could say we don't have this arsenal to maintain. And the Senator knows we had more than we needed. I think we have to say about our laboratories and their responsibilities that they kept us in a state of readiness when nobody dared to do anything. And I think we all agree with that. Thus, the world has not had a nuclear device exploded intentionally to harm people or things since the ones that happened in Japan. That is because we had great laboratories with the greatest scientists we could put together keeping us out there.

I think we must do the same on this transition in 5 to 10 years. I worked very hard at this. I want to tell you that I don't believe that we know yet whether this 4.32 is the right number.

And, in answer to the last inquiry, we are not finished. We have to go through a House that has less. In answer to the question about the defense authorization versus appropriations, they are not finished yet. The House has different approaches. In fact, the Senator might have asked why they appropriated less than was authorized in the previous bill. That is because we are not through yet. There are disagreements.

But I thank the Senator for the dialog today. And I am very pleased that I was able to contribute to it. I hope I was, and I thank the Senator for his questions.

Mr. BUMPERS. Mr. President, I have the utmost respect for both managers of this bill, the chairman and ranking member.

Let me just say that the Senator brought this up. I deliberately did not mention Sandia and Los Alamos and the fact that Nevada receives a substantial part of this money because I don't really care where the money is spent. This is an issue to me that transcends the parochial interests of jobs. It is not that that isn't important to the Senator. Of course it is. It is important to me when I am fighting for something for my State. But, as I say, there is something here that transcends that; that is, how much money we are spending on this.

I tell you that I share the Senator's concern for the same reasons that the Senator stated. My only concern is whether or not we are appropriating way too much money to accomplish what is, indeed, a very, very legitimate end.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would like to address the issue of the additional funds provided to the Department of Energy for stockpile stewardship and stockpile maintenance under this appropriation bill. I do so both as someone who has followed nuclear weapons' issues for many years and as the ranking member of the Senate Armed Services Subcommittee on Strategic Forces, which has authorizing jurisdiction over these funds.

In testimony before the Subcommittee on Strategic Forces, two compelling points were made about these programs.

First, we are only beginning to learn how to certify the safety and reliability of the stockpile in the absence of nuclear testing. This Spring was the first time that the Department of Defense and the Department of Energy jointly made this certification. This procedure is now required by law to be completed each year. As time goes on and the nuclear weapons stockpile continues to age, our ability to certify the stockpile without testing will become more and more dependent on new science and technology that will emerge from the stockpile stewardship and stockpile management program. This conclusion was agreed to by all concerned—by Assistant Secretary Vic Reis on behalf of the Department of Energy and by General Habiger on behalf of the Strategic Command.

Second, there is considerable skepticism here in the Senate and in the defense community that the science-based stockpile stewardship can succeed over the long term. There are many who believe that the design of nuclear weapons relies so much on art as opposed to science that we will inevitably have to return to underground nuclear testing. I hope that this is not true, and I believe that ending underground nuclear testing is so important a policy objective that we must give science-based stockpile stewardship every chance to succeed. While the President shares this concern, it must also be recognized that his budget request had to strike a balance on many different dimensions and that even within the Department of Energy programmatic tradeoffs had to be made. We received strong testimony in the Armed Services Committee that the President's request was not adequate in a number of areas receiving extra funds in this bill, and I think that there is a good case to be made for keeping those funds in this bill.

For example, on the stockpile stewardship side, we had the following testimony from the Director of the Sandia National Laboratories:

> The costs of stockpile stewardship are not a linear function of stockpile size. A threshold capability will be needed to support the stockpile as long as it numbers in thousands, especially with the sophistication and demand for reliability that is associated with the systems on which deterrence rests today. I believe that we are near that threshold now, especially in light of the closures and changes that have occurred in recent years.

I don't believe that we ought to be addressing the question of the safety and reliability of the nuclear stockpile by seeing how close we can get to the threshold at which we can no longer certify the safety and reliability of the stockpile.

Another Director of a nuclear weapons laboratory, Dr. Bruce Tartar of Lawrence Livermore National Laboratory, had this to say:

> The greatest challenges [to stockpile stewardship] lie ahead. The demands on the Stockpile Stewardship and Management Program will grow as weapons in the enduring stockpile continue to age. The U.S. nuclear weapons stockpile is now older on average than it has ever been. And, the reservoir of nuclear test and design experience at the laboratories continues to diminish.

Further, on the stockpile management side, the DOE production plants that make nonnuclear components for the enduring stockpile are in sorry physical shape. Some 80 percent of the nonnuclear components in nuclear weapons wear out and have to be replaced, during the lifetime of that weapon. Thus, there is an important continuing role for the DOE production plants in maintaining the enduring stockpile. The Armed Services Committee received credible testimony that the President's budget request was inadequate to do so. The budget request, for example, would result in a budget shortfall for one plant alone, the Kansas City plant, of nearly $56 million—$30 million for production operations and $26 million for capital equipment and infrastructure requirements. The president of the division of Allied Signal who is responsible for the Kansas City plant had this to say before the Armed Service Committee, in regard to the President's budget:

> In my view, diminishing support for the production plants would be extremely shortsighted and dangerous for the complex. For plants to be effective members of the team, we must have current and future capabilities to participate fully . . . [Implementation of the programmatic environmental impact statement for stockpile stewardship and management] will require future funding to downsize the plants physically, funding to recapitalize the plants so they are able to function properly once they are fully downsized, and adequate short-term funding to carry out production missions for current requirements.

I believe that the additional funding in this bill is necessary and appropriate, and I can assure the Senator from Arkansas that as we go to conference on both this bill and the Defense authorization bill, we will arrive at final totals for funds authorized and appropriated that will result in the best possible, and most cost-effective program for maintaining the safety and reliability of the stockpile.

Mr. DOMENICI. Might I just state that I think Senator FEINGOLD is ready to go with an amendment. Is that correct? Then we are working on a list of amendments. We will have it momentarily on all of the other amendments, most of which we think we have resolved.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1004.

AMENDMENT NO. 868

Mr. FEINGOLD. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BROWNBACK, and Mr. MCCAIN, proposes an amendment numbered 868.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 10, after "appropriated", insert the following: "*Provided further*, That the Secretary of the Interior shall, not later than November 15, 1997, provide a report to Congress on a revised project plan for the Animas-LaPlata project that reduces the total cost of the program to the Federal Government, limits the diversion of water from the Animas River to an amount recommended by the U.S. Fish and Wildlife Service, and ensures the project will be designed and implemented in the most cost-effective manner for the federal government: *Provided further*, That none of the funds appropriated in this or any prior act may be expended for construction until a project has been authorized at a date subsequent to the enactment of this appropriations act".

Mr. FEINGOLD. Mr. President, I send this amendment to the desk on behalf of myself and the distinguished Senator from Kansas [Mr. BROWNBACK] and the senior Senator from Arizona [Mr. McCAIN]. This amendment is the product of negotiations of a number of Senators and provides that none of the funds appropriated in this bill for the Animas-La Plata project can be expended for construction until the Secretary of Interior submits a report on a new scaled-down project design and the new project is actually authorized by Congress at a date subsequent to the date of the enactment of this bill.

Mr. President, what this amendment means is that we will stop and evaluate what should be done before we spend more Federal dollars on this project. As colleagues may recall from my statement last year on this matter, the currently authorized Animas-La Plata project is a taxpayer-funded water development project planned for southwest Colorado and northwest New Mexico. The project is designed to supply 191,230 feet of water. The Animas-La Plata project consists of two major reservoirs, 7 pumping plants and 20 miles of canals and pipes and will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000 people to supply municipal, industrial and irrigation interests.

Last Tuesday, Mr. President, prior to the Energy and Water Appropriations Subcommittee markup of the legislation that is before this body, those who support the construction of the Animas-La Plata project announced that they have developed what they believe to be a cheaper and scaled-down alternative. The announcement of an alternative sends a clear signal to this body. After 30 years and $71 million in appropriations to date, the project costs of Animas-La Plata are too great and there are too many lingering substantive questions to proceed with the original design.

As I indicated during the discussion over the fiscal year 1997 energy and water appropriations legislation, I do support the search for an alternative to Animas-La Plata. In fact, legislation that I introduced on March 13, 1997, cosponsored also by the Senator from Kansas [Mr. BROWNBACK] and also by the Presiding Officer, the Senator from New Hampshire [Mr. GREGG] and sponsored in the other body by my colleague from Wisconsin [Mr. PETRI] and the Congressman from New York [Mr. DeFAZIO], deauthorizes the current Animas-La Plata reclamation project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain Ute tribes to find an alternative to satisfy their water rights needs.

However, the taxpayers should not continue to be asked to sock money away in Bureau of Reclamation construction accounts as a placeholder for an option that has not yet fully been analyzed and authorized.

This new alternative by the proponents has not had a full cost evaluation by the Department of Interior and, of greater concern to me, requires statutory changes to be implemented that I think should be reviewed by the authorizing committee in question.

It is the jurisdiction of this body's Energy Committee to determine the benefits of a reclamation project, and it is the responsibility of the Interior Department to make certain that the Federal Government's legal responsibilities to the Ute tribes under any sort of an agreement are met.

This revised project, which would be evaluated by the Department of Interior under our amendment, at a minimum may require major changes to several relevant laws and agreements. The 1986 Ute Settlement Agreement may have to be renegotiated to reflect changes in water allocations among parties to the agreement, particularly the reduced quantity of water, changes in contract and repayment requirements and obligations and changes in cost-sharing requirements. The 1988 Colorado Ute Indian Water Rights Settlement Act may also need changes to conform to a new agreement and new requirements.

Finally, the Water Supply Act of 1958 would need to be changed to modify or waive current requirements that the beneficiaries of municipal and industrial water repay the Federal Government for construction costs with interest and pay for the Bureau of Reclamation operations and maintenance costs that are attributable to the amount of water they receive.

Let me make it clear, Mr. President, because we will be reauthorizing this project at some date in the future, the language in this amendment allows the Secretary to explore and recommend any appropriate alternative, including nonstructural alternatives, in developing a revised plan for submission to Congress.

These issues will all be assessed under the amendment we are offering before any funds can be expended in the construction of a new project. I think this is a responsible way to proceed, and I am pleased that so many Members of the Senate have worked together toward this amendment.

Mr. President, I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the Feingold amendment, of which I am a cosponsor, and associate myself with the Senator's comments.

I would like to note first that the Senator from Colorado [Mr. CAMPBELL], has done an outstanding job in representing his State in the work he has done on this particular project, and I realize I come late to this project and this proposal that he has worked on for a number of years. But as a new Senator looking at it, I have some questions about this particular project and this particular proposal, and that is why I join in this amendment. I know it has gone on for some period of time, and this has been a fight that has existed for some long period of time. But I think there are some questions that need to be answered. I think we have now started to take some of the tentative steps toward resolving those issues.

No. 1, this ought to be scrutinized by the authorizing committee rather than going through the appropriations process. That seems to be the legitimate way to go for us. It should first and foremost proceed through the authorizing committee, and this will give us a chance to better develop an alternative plan.

There are significant environmental questions regarding the issue of this particular project. Those have been in existence for some period of time, and they are the product of a lot of these studies that have been going on, and yet they still remain. There is a great deal of division about the impact on the environment, the impact on endangered species. That is why it seems to me, again, it is wise to go back to the authorizing committee, to have an authorization process to take place with this particular bill.

That is what this amendment does. It directs the Department of Interior to take certain steps toward what will lead to a legally binding agreement that will secure the tribes' water rights and will enable us to make certain that our tax dollars are spent wisely and we keep any environmental impacts small. So I agree with the Senator from Wisconsin that while these are very difficult things to do because there is a lot at stake in what various people want for their particular States, for their particular areas, in looking at these projects they may well at the end of the day prove to be very wise projects. This one, I think, has proceeded in the wrong fashion. It needs to go back to the authorizing committee. I think the amendment we have put forward here has some strong bipartisan support. It is a sensible project. It does not kill the project. It simply says let us go back and take it through the right and appropriate steps. I think that is prudent in answering the difficult questions that exist.

So I rise in support of this amendment and urge my colleagues to vote in favor of this amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I thank the Chair. I rise in opposition to this amendment.

Mr. President, in the years I have been in the Senate, what has always interested me is the history of these desks. If you open these desks, as many of my colleagues have and most people who are students of history of the Senate know, inside the drawer literally every Senator who has served in the Senate has signed his name and noted the State from which he came. I often wonder, when I read the names of those Senators in the drawers and the little accompanying booklet that goes with it, how they voted on issues that affected the American Indian.

In this particular desk, we will probably not know without extensive research how Senator Townsend or Senator Kean or Senator Goldsborough or Senator Brown or Senator Case or Senator Duff, to mention just a few who have used this desk, voted on American Indian issues. But during the days when "Manifest Destiny" was the national watchword, I wonder if they voted with the pack to take away the last remaining land and water possessions and freedom of the American Indian, or did at least a few show courage and stand up for fairness by protecting a people who could no longer defend themselves. I wonder, did they subscribe to Abraham Lincoln's creed that "all men are created equal, ' or was the jingo of Andrew Jackson's day, "The only good Indian is a dead Indian," their guiding principle?

Today, I stand at the desk of my friend and colleague, Senator PETE DOMENICI, from New Mexico, who is managing this bill on the majority side. Senator DOMENICI is known nationwide in Indian country for his fairness and leadership in making sure that the lives of the American Indians are just a little better. And to my left, Senator REID of Nevada, who is managing for the minority side, has the same reputation. I am very gratified that they are here in the Chamber with us today. I am hopeful that the attitude exemplified by these two outstanding senators, the new enlightened attitude, marks a change for the entire senate from that attitude of those forgotten Senators whom I mentioned earlier and upon which they made their decision concerning the first Americans.

We do not intentionally kill Indians with bullets or disease anymore. But it seems clear that some of our brothers still want to kill their livelihood, kill their opportunity, kill their future, kill their culture, and kill their natural resources that we promised them in every one of the 472 treaties that we then broke as an arm of the U.S. Government. And, by the way, Mr. President, American Indians broke none of them.

I guess what amazes me the most about those who advocate taking away what little American Indians have left are often Senators who neither have the institutional memory of the 1968 authorizing act of the Animas-La Plata or the 1988 bill that I carried 10 years ago which implemented a compromise agreement that was signed into law and has been supported by every President since 1988. These Senators are often ones who have never even seen an Indian reservation.

To them, I would say go out and spend some time in an Indian community that has a 75-percent unemployment rate, as one reservation in Senator REID's State, in Owyhee, NV, does have. Speak to families whose children have dropped out of school and then committed suicide as an escape from a hopeless, dark future.

One out of every two teenage girls and one out of every three teenage boys try suicide in their teenage years in some reservations. This is not a Third World country I am speaking about. It is a daily experience for many American Indians in this, the greatest country on the face of the Earth.

Go out and speak to the social workers inundated with problems of a depressed culture and little resources to help. Listen to the frustrated tribal council members who try to cope with fetal alcohol syndrome, a rate so bad that on some reservations one out of every four Indian babies born suffers from some degree of fetal alcohol syndrome, some to such a degree that they have to be institutionalized for life at the taxpayer's expense.

All of those problems, Mr. President, were inherited as side effects of what was called "westward expansion," and the ensuing lack of opportunity continues to this day. I would tell my colleagues to go out there and experience hunger and sickness that is a daily experience for all too many American Indians. And then come back here to this floor and tell their colleagues how we do not owe Indians anything. But do not tell us that you are doing it in their best interest or in the interest of saving taxpayers' money.

Mr. President, all they have to do is look at the amount we spend now in Federal programs, about $1.5 billion through the Bureau of Indian Affairs last year and about $2 billion through the Indian Health Service. Almost all of it is to help a people who have become dependent on Federal programs through no cause of their own.

We will soon debate in this Chamber, Mr. President, the expansion of NATO and the billions of dollars that expansion will cost the American taxpayer, and as sure as I am standing here, some on this floor will support that expenditure of all those billions and still vote to take away the last best chance for economic independence for the Southern Utes and the Ute Mountain Utes right here in my State of Colorado.

When we speak of spending taxpayers' money, where is it written that all those billions that go to foreign countries are justified when we cannot find a pittance to help American Indians?

The Animas-La Plata is an agreement that must be honored. Not only did the tribes agree to the project but the States of Colorado and New Mexico did, too, a number of water conservancy districts did, and nine Federal agencies all agreed to the compromise of 1988. We are now being asked to compromise a compromise of the original 1968 authorization. Congress approved the settlement agreement in the Colorado Ute Indian Water Settlement Act of 1988 and President Reagan signed it into Public Law, and it has been supported by every President since.

The only thing we are asking in this appropriations bill is what the President has in his budget. Too many people are dependent on this project, both Indian and non-Indian, to simply disregard it. Anyone from the American West can tell you, and particularly the American Indian, water is life. Water is the lifeblood of our future. This settlement fulfills the rights of tribes for water on the reservation. It settles disputes and removes causes for future litigation. It secures the tribes' opportunity to generate revenue from the use of reserve rights obtained under the agreement and authorizes them to sell or exchange or lease some of their water.

Construction of the Animas-La Plata water project is essential to that settlement. If the project is not completed by the year 2000—and it is highly likely it may not be now, since the agreement was 1988 and the agreement stipulated they would start construction by 1990 and we are already behind by 7 years—the tribes have the option to go back to court to pursue their original claims in both the Animas and La Plata Rivers. Their victory in court would be certain and would trigger years of costly litigation among the United States, the State of Colorado, and water right holders throughout the region, wreaking havoc on the economies and water administration in Colorado.

I might also point out that when we get into that expensive litigation at taxpayers' expense, it is going to be one Federal agency suing the other Federal agency, because the Bureau of Indian Affairs is responsible for protecting the Indian people, as you know. They will be suing the Bureau of Reclamation for noncompliance. Guess who pays for the expensive attorneys on both sides of the equation?

The Supreme Court has held, in Winters versus the United States, that the United States, if the United States enters into a treaty with an Indian tribe creating a reservation, it impliedly reserves sufficient water to irrigate the reservation lands. Based on that doctrine, which mandates that Indian tribes get water, not money, the United States in 1976 filed reserved water right claims on behalf of both tribes. These reserved water rights would have preempted the vested water rights of non-Indian water users in the San Juan River Basin, drying up family farms and ranches that have existed in that area for years and years.

You can imagine how the non-Indian people feel about tribes going back to court and exerting their rights. They have these priority rights because they were there first, and they rarely lose in courts.

The Indian tribes do not want to go back to court. Their neighbors do not want them to go back in court. They, instead, chose to settle, and that is what the 1988 agreement was about. It is just lucky, I think, for the majority of the people in our area that the Ute Indians continue to give in the same generous spirit that they once gave their land and lives to build this great Nation.

In looking at the Feingold amendment, it is simply divided into two parts. The first part is a diversion and the second part is a killer.

Mr. President, let's not add to the dismal record of our treatment of the American Indians. Let's do the right thing and defeat the Feingold amendment.

With that, Mr. President, I move to table the Feingold amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CAMPBELL. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DOMENICI. Mr. President, the motion to table takes no debate.

The PRESIDING OFFICER. The motion to table is a nondebatable motion. It takes unanimous consent to proceed.

Mr. McCAIN. Mr. President, I ask unanimous consent to set aside the tabling motion at this time in order to address this issue. I believe the other Senator from Colorado wishes to address the issue as well.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. I have no objection.

Mr. McCAIN. I ask unanimous consent I and the Senator from Colorado be allowed to address this amendment by the Senator from Wisconsin prior to the tabling motion.

Mr. DOMENICI addressed the Chair.

Mr. McCAIN. I yield to the Senator from New Mexico without losing my right to the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time might you need, Senator? As much as you want, but let's agree to it.

Mr. McCAIN. I will need 7 minutes.

Mr. ALLARD. I can keep my remarks brief and then submit my full comments for the RECORD. If I can have a couple of minutes, that will be sufficient.

Mr. DOMENICI. I ask unanimous consent we proceed in the following manner: The tabling motion be set aside so Senator McCAIN can speak for up to 10 minutes, Senator ALLARD for 10 minutes, and the Senator from New Mexico up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. McCAIN. Let me first of all start out by expressing my admiration and respect for the Senator from Colorado, Senator CAMPBELL. If there is any voice that is needed on behalf of native Americans in this body, it is that of Senator CAMPBELL. Senator CAMPBELL has the understanding, the compassion, and, frankly, the credibility that no one else in this body has concerning native American issues, along with others. His advocacy for native Americans is something that has earned, not only the respect of his colleagues here, but the respect and appreciation of millions of Americans both Indian and non-Indian alike.

I believe this amendment satisfies the concerns of native Americans on this issue and at the same time reduces the costs rather dramatically. I believe it is a workable compromise that, hopefully, will prevent us from revisiting this issue year after year. I remind my colleagues, the original proposal by the Senator from Wisconsin, Senator FEINGOLD, was to do away with all funding for this project. This is a significant step backward from that position and one that I hope we can support.

This amendment retains the $6 million currently in the bill for continuing negotiations and environmental assessments required for the Animas-La Plata project. It requires the Secretary of the Interior to report to Congress on a reduced, scaled-down plan for the project which would have reduced costs for the Federal Government. Finally, the amendment prohibits the use of any funds for construction of the project until authorization is provided for a new project.

This is necessary because there are many legitimate concerns for the plan for the Animas-La Plata project. It's very expensive: $750 million. It includes some issues that raise serious environmental concerns which need to be addressed. Yet, we need to resolve this legitimate water rights claim for the Ute Tribes in Colorado and New Mexico. They need to be resolved, I have no doubt. I point out, without those water rights being resolved, then we will be, as the Senator from Colorado so graphically described, abrogating our responsibilities by solemn treaty to the Ute Tribes. This amendment will preserve the funding necessary to go forward with environmental assessments and negotiations necessary to conclude a revised, scaled-down project plan. Without such an agreement and without a much more fiscally responsible plan, the United States could be liable for hundreds of millions of dollars to settle these water rights claims.

I want to point out that the Indians are part of this proposal that is embodied in this amendment. The parties principally concerned, including the Indians, with resolving this plan announced on July 8, 1997, a new plan that would save the taxpayers over $400 million and reduce the environmental impact of the project while maintaining our treaty commitments with the Ute Tribes. I want to point out that the Ute Tribes' opinion on this issue is that we would maintain our treaty commitments to those tribes.

This plan would save a great deal of money. The previous plan would have cost almost $750 million while the new plan is estimated to cost about $290 million—a savings of $460 million. The new plan reduces the Federal share of the project's cost, $257 million, and requires $33 million in State and local cost sharing. The plan will resolve legitimate water rights claims without costly litigation. It complies with the spirit of the 1988 Colorado Indian Water Rights Settlement Act and will honor a 130-year-old treaty commitment to the Ute Tribes. The two Ute Tribes have accepted this plan as a final settlement of their water rights claims. The new, scaled-down plan significantly reduces the environmental impact of Animas-La Plata. Water flow diverted from the Animas River will be limited to 14.5 percent of the river's average annual flow, which is slightly more than half the diversion under the original plan. The new plan includes a proposal to protect endangered fish in the Animas River system, which has been approved by the U.S. Fish and Wildlife Service. A dam on the Animas River will not be necessary because the new plan does not include diversion of water for irrigation facilities. The new plan redirects the project to provide maximum benefit to the Ute Tribes.

The plan ensures that tribes will receive two-thirds of the water diverted from the Animas River. The previous plans guaranteed large amounts of water to local agricultural interests rather than Indians. The new plan is fully supported by the tribal, State and local governments most directly affected by the Animas-La Plata project.

Mr. President, I am pleased when diverse groups, including tribes, State governments and local communities, get together to solve common problems. I think the revised plan recently announced by the interested parties should be seriously considered by everyone concerned.

In the meantime, I believe we should proceed with the environmental assessments and necessary discussions to ensure the most fiscally responsible plan will be developed to meet the U.S. treaty obligations and finalize a cost-effective plan for this project.

I urge my colleagues to support this amendment, which will ensure that we move forward in a timely fashion with a cost-effective, fair, and supportable Animas-La Plata project.

Mr. CAMPBELL. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield for a question by the Senator from Colorado.

Mr. CAMPBELL. My question, first of all, is have you visited with leaders of the two tribes today, Senator?

Mr. McCAIN. In response to the question, I have not visited with the leaders of the two tribes today. I have been briefed on the proposal that has the signatures of the tribal membership's leaders is on it. That was briefed to a number of people, including members of my staff.

Mr. CAMPBELL. I appreciate that. Then I would like to make the record clear, Mr. President, that I have met with the tribal representatives today, and they are absolutely opposed to this amendment. They have "an alternative proposal," but if it should be looked at, it should be done fully through the authorizing committee as a bill, open to public hearings, and not put into an appropriations bill where no one has the time to read it. I haven't even read the proposal myself, and I live there.

So there will be no mistake, the tribes today, as of today, said they oppose this amendment.

Mr. McCAIN. Mr. President, it is my understanding that this amendment is based on a proposal brought forward, not only by the tribes, but also the local authorities who are affected by the project. I certainly do not dispute the word of the Senator from Colorado. If he has that information, I hope he will supply the letter for the RECORD. I am sure he will be able to do that.

I think this proposal was brought forward in recognition that the entire Animas-La Plata project, because of the incredibly high cost associated with it, was in significant danger. The project almost was defunded last year, in a very close vote here in the Senate. It was my belief, and remains my belief, that the Feingold amendment is a compromise that seeks to continue the funding and at the same time scale down the project and take into consideration the environmental concerns and also comply with our treaty commitments to the Ute Tribes.

Mr. FEINGOLD. Will the Senator from Arizona yield?

Mr. McCAIN. Mr. President, I hope I am clear in my respect for the Senator from Colorado. But I also hope I am clear that never at any time have I ever supported a measure that would be in violation of the solemn treaty commitments that we have made. It is my understanding that this amendment is in full compliance with the treaty commitments that have been made concerning the water rights of the Ute Tribes.

Several Senators addressed the Chair.

Mr. CAMPBELL. If the Senator would yield for a moment?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute 20 seconds left. He can yield to whomever he wishes.

Mr. McCAIN. I yield my remaining time to the Senator from Colorado.

Mr. CAMPBELL. Mr. President, with that, I ask unanimous consent to have printed in the RECORD a letter signed by Chairman Judy Knight Frank, the chair of the Ute Mountain Ute Indian Tribe and Chairman Clement Frost, Southern Ute Indian Tribe, July 15, 1997, which opposes this amendment.

If the Senator did not get a copy of this, I apologize for that. But I will be happy to share this with him and have that in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 15, 1997.

Members of the U.S. Senate,
The Capitol,
Washington, DC.

DEAR MEMBERS: Construction of Phase I of the Animas-La Plata project is a requirement for the completion of the Colorado Ute Indian Water Rights Settlement Act, and we continue to seek fulfillment of that Act. Controversy has delayed construction of the project, even those facilities approved by the U.S. Fish and Wildlife Service in 1991 and directed by Congress in its FY 1996 Energy and Water Appropriations bill to be built without delay.

We have tried, in every venue including a process established last year by the State of Colorado and the Department of the Interior, to address those controversies in a responsible way, but in a way which fulfills the intent of the Settlement—providing us with the water promised our people in 1868 to meet our present and future needs.

We support Senator Campbell and Senator Domenici's continuing efforts to ensure that the federal government lives up to its obligations and trust responsibilities identified in the 1988 Act. Of utmost importance to us is the prompt construction of facilities which will protect that water for the Tribes, and those facilities have been authorized, analyzed and approved in many jurisdictions, including the United States Congress. Funding for the continued effort to build these facilities, making a stride toward fulfillment of the Settlement Act of 1988, is absolutely necessary.

JUDY KNIGHT FRANK,
Chair, Ute Mountain Ute Indian Tribe.
CLEMENT FROST,
Chair, Southern Ute Indian Tribe.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. ALLARD. Mr. President, I thank the chairman of the Budget Committee, Senator DOMENICI, for his fine work. I would like to recognize the tremendous work that my colleague and fellow Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL, has done on behalf of native Americans.

I rise in opposition to the Feingold amendment. I rise today to offer my support for the Animas-La Plata project.

This issue has been very contentious for a very long time. While the proponents of the amendment are well-intentioned, they are also very poorly informed. I can think back, maybe 3 or 4, maybe 6 months ago, when there was some activism within America, saying we ought to apologize to native Americans. If we are really concerned about what happens to native Americans, we ought to first look at keeping our word, keeping those treaties which we have signed.

The 1988 Colorado Ute Indian Water Rights Settlement Act recognized the legitimate water rights claims established by treaty, way back to 1868, and again promised the Ute Indian Tribes a permanent, reliable water source to meet their present and future needs. These are rightful water rights that have been affirmed by the Supreme Court and ratified by Congress. The Animas-La Plata project, the foundation for this settlement, would divert a portion of the annual runoff from the Animas River into an off-stream reservoir, rather than damming the river and flooding the river valley. This project fulfills an obligation that we have to the Indian tribes that we should not forsake. This is a treaty obligation. That is what those who favor elimination would like everyone to overlook.

The Rocky Mountain News, a major paper in the Rocky Mountain region, in an editorial published last week, made this point very well when they wrote of the opponents to this project:

> They will do anything, it seems, to achieve their goal of seeing the United States break another agreement with Indian tribes.

As the Ute Tribe stated recently, we only ask that Congress, which promised the two tribes adequate water supply when they placed us on a reservation over a century ago and agreed to a full-size Animas-La Plata in 1988, be fair with us now and support a reduced facility and settlement.

What opponents of this project don't understand is that in the West, unless we have a facility to store water, we cannot really settle the water claims of the Indians. What happens if we don't fund this project? The tribes will sue, and instead of living up to our agreements, we will see litigation, and I don't think that is where we want to be going.

But the issue here is bigger than just another project. The issue here deals with not breaking another treaty with another tribe.

I yield time to my colleague from Colorado, Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, I forgot to have printed in the RECORD earlier in my comments two editorials from our State's two major newspapers: one from the Rocky Mountain News dated Thursday, July 10, the headline saying: "The Utes' Generous Offer." It is an editorial dealing with how fair and understanding and conciliatory the Utes have been in the whole question of building this project. The other editorial I would like to have printed in the RECORD is from the Denver Post, which is our State's largest newspaper, and the headline is very simply: "Double-crossing the Utes."

Let me read one paragraph from that very strong editorial:

> The real question now is simply: How many times do Animas-La Plata opponents think they can double-cross the Utes?
>
> When the Utes asked for a $714 million project, opponents said a $264 million project would do. When the Utes offered to accept a $257 million project, the opponents then dangled the vague hope of a $167 million handout. If Animas-La Plata opponents now succeed in killing even the Utes' own scaled-down plan, would they really have any incentive to keep even that promise?

The answer is no.

I ask unanimous consent to have these two editorials printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

DOUBLE-CROSSING THE UTES

On Oct. 11, 1995, foes of the Animas-La Plata water project, led by the Sierra Club Legal Defense Fund, released with great fanfare an engineering study claiming that a smaller version of the project would fulfill most of its goals at a cost of just $264 million—barely a third of the $714 million cost of the full project.

Leaders of the Southern Ute and Ute Mountain Ute tribes reacted warily, suspecting that the supposed alternative was a diversionary tactic intended to stall A-LP until it could be killed entirely.

Guess what? The Utes were right.

The proof came last week when A-LP supporters unveiled their own version of a downsized project—with a federal price tag of just $257 million, $7 million less than environmentalists supposedly were willing to accept in 1995. Just as the Utes had feared, the project's foes reacted with a furious attack on a plan very close to what the opponents themselves proposed in 1995.

While tribal elections have consistently shown that the great majority of Utes support A-LP, a small dissident group led by Sage Remington opposes the project. Remington was on hand last week to tout yet another supposed "compromise": asking Congress to give the Utes $167 million to buy land and water rights if and when they become available.

Ute Mountain Ute Chairman Judy Knight Frank and Southern Ute Chairman Ray Frost have firmly rejected such a cash handout. The Utes don't need money to buy more water rights. To convert the theoretical rights they already own to reality, the tribes need a reservoir to store the water so they can use it when they need it.

The real question now is simply: How many times do A-LP opponents think they can double-cross the Utes?

When the Utes asked for a $714 million project, opponents said a $264 million project would do. When the Utes offered to accept a $257 million project, the opponents dangled the vague hope of a $167 million handout. If A-LP opponents now succeed in killing even the Utes' own scaled-down plan, would they really have any incentive to keep even that promise?

Chairman Frost had an answer to that question last week, based on the Indian people's long and sorry history of being cheated out of their land and water.

"They'd probably give us $24. That's what they paid for Manhattan."

[From the Rocky Mountain News, July 10, 1997]

THE UTES' GENEROUS OFFER

Critics are lining up already to denounce the latest, scaled-back version of the Animas-La Plata water project in southwestern Colorado, announced this week in the nation's capital. They will do anything, it seems, to achieve their goal of seeing the United States break another agreement with Indian tribes.

Such stubbornness was to be expected. Still, this week's initiative by the two tribes—the Ute Mountain Utes and the Southern Utes—should at least put their antagonists temporarily on the defensive. After all, for years those critics have complained that a majority of the water from Animas-La Plata would go to non-Indian users. With this new proposal, that is no longer true. In fact, the tribes would get two-thirds of the water.

For years the critics have also worried about the effect of the project on endangered species. Now the tribes wish to take only the amount from the Animas river—57,000 acre-feet—that the U.S. Fish and Wildlife Service has said could be withdrawn without harming two endangered fish species.

Why does none of this sway the coalition that opposes Animas-La Plata? Because they believe the project is an example of "corporate welfare" and an old-style federal water scheme that fails any reasonable economic test. Whether Animas-La Plata costs $680 million in federal revenue (the previous version) or $257 million (under the latest scheme) doesn't really matter. They're against it, and that's that.

We might oppose Animas-La Plata as well, save for the fact that the two tribes are involved. Like it or not, they happen to possess agreements from federal and state officials—including a previous U.S. president—promising them that Animas-La Plata would be built to fulfill their historic water rights.

Pledges of that nature might not mean much to a single-minded coalition battling corporate welfare, but it should mean something fairly profound to most of the rest of us. After all, double-crossing Indian tribes is a habit that government was supposed to have outgrown. And just because the tribes might be able to obtain enough water through another means is irrelevant. They have not chosen another means. They have chosen the Animas La-Plata project and the government of the United States has promised them they could have it.

Now those tribes have scaled their ambitions back—again—and would like to see others meet them halfway.

They shouldn't hold their breath.

Mr. CAMPBELL. I yield the floor.

Mr. ALLARD. Mr. President, I yield to the Senator from Idaho, Senator CRAIG.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, first of all, I ask unanimous consent that Kristine Svinicki on my staff be allowed the privilege of the floor for the remainder of the consideration of S. 1004, the energy and water development appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, in 1988, I helped my colleague from Colorado, Senator CAMPBELL, develop and pass the Colorado Ute Water Settlement Act. It was fair and responsible at that time to deal with a dispute that could only be dealt with in the nature that we solved it with this legislation.

From that point to now, there has been discussion and dispute and a substantial scaling down of this project. In the high deserts of the West, water is everything. If my colleague from Wisconsin lived in the deserts of the West, he would be scrambling to secure water for his people. He doesn't live there. He doesn't understand the importance of this very, very critical water issue.

This is a balanced compromise with all parties sharing. These Indians, these native Americans without water can find it very, very difficult to eke out an existence, whereas, with water, they have an opportunity with agriculture to prosper and develop their lands. That is what this issue is all about.

Let us keep our word and our promise. Let us develop an understanding that when we, from the West, come to our colleagues asking for the development of water in the high deserts, that we work cooperatively with them to do so, as we worked with our colleagues from the upper Midwest to secure flood control and those kinds of things where they have an abundance of water and we have little to no water.

This is the important issue. I hope the amendment will be rejected by the Senate, recognizing the promises and the commitments made and the kind of cooperative relationship we have with all of our colleagues, where one has an abundance of water; in this instance, we have little to no water. Therefore, to secure, to maintain, to ensure an environment, to actually increase the abundance of wildlife, one must catch and store the water when it is available, and that is what this is all about. Not only for resource use, for environmental reasons, but most assuredly to enhance the ability of native Americans in this instance to improve their lot and to gain what is responsibly and rightfully theirs.

So I hope that my colleagues will reject this amendment and get on with the commitment we made in 1988 for this very important water project.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. ALLARD. Mr. President, I reiterate that it is more than just apologizing to the native Americans in this instance, it is keeping our word, it is keeping our agreement, a treaty with the native Americans. Again, I think we ought to stand by the side of my Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL, in fighting this amendment, and support him in his efforts in trying to provide a better life for his people and the native Americans in southwestern Colorado.

I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before I use my 10 minutes or allocate it to somebody, I would like to propose a unanimous-consent request that has been cleared on the other side. Let me read it and read the amendments that are listed.

Mr. President, I ask unanimous consent that the following be the only remaining first-degree amendments in order to S. 1004 and they be subject to relevant second-degree amendments:

Feingold-Brownback amendment No. 868;

Torricelli-Lautenberg amendment on Green Brook;

Kempthorne amendment on fish friendly turbines;

Bumpers amendment on 10-mile bayou;

Levin amendment on Great Lakes basin;

Biden amendment on Dewey-Rehoboth Beach;

Biden amendment on St. George's Bridge;

Daschle-Johnson amendment on Crow Creek rural;

Murkowski amendment on DOE external regulation;

Dorgan-Conrad amendment on Devils Lake;

Burns amendment on hydrogen R&D;

Shelby amendment on Lake Tholocco Dam;

Bond relevant amendment;

Managers' amendment;

Moseley-Braun amendment on McCook Reservoir; and the

Dorgan relevant amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I further ask unanimous consent that following the disposition of the above-listed amendments, S. 1004 be read a third time and the Senate proceed to a vote on passage of the bill; further, when the Senate receives the House companion measure, the Senate immediately proceed to its consideration. I further ask unanimous consent that all after the enacting clause be stricken, and the text of the Senate bill, as passed, be inserted in lieu thereof, and the bill be read a third time and passed. I further ask that the Senate insist on its amendment and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senate for accommodating me. Might I say, of the nine or so amendments, I believe six will be resolved at least by mutual agreement between sides, so we will not have much left.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say, I do not believe the Senator from Wisconsin has any time. Tabling the amendment would be up. Is the Senator desirous of speaking?

Mr. FEINGOLD. Mr. President, I ask unanimous consent to be able to speak for 1 minute on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 minute to speak on his amendment.

Mr. FEINGOLD. Mr. President, I want to clarify that the comments of the Senator from Idaho made great focus on the fact I am not from the West. The fact is, Senator John McCAIN is a cosponsor of this amendment, supports and believes it is reasonable and has a great familiarity with the concerns of the West.

Mr. CRAIG. Will the Senator yield?

Mr. FEINGOLD. I also want to make one thing clear. In contrast to the Senator from Colorado, this amendment provides for the authorizing committee to act on a revised project plan. It does not put into effect the alternative plan. It does not prejudge what the project will look like. It allows full public hearings before Congress acts. It does not strike any funds, it simply says the funds in the bill cannot be expended for construction of a new project until it is authorized. I just wanted to clarify that. Thank you, Mr. President.

Mr. DOMENICI. Mr. President, I thank the Senator. I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. DOMENICI. I yield 1 minute to the Senator from Idaho.

Mr. CRAIG. Mr. President, let me tell the Senator from Wisconsin, it is not my intent to impugn his integrity. I am simply saying when you live in a State with an abundance of water, your feelings about water are different. My colleague's State of Arizona is abundant with water today as a desert because this Congress saw fit to pour hundreds of millions of dollars into water development in his State, and his State is the great beneficiary of those programs today.

Whether you agree or disagree, the reality is, Arizonans know how to allocate water resources most effectively. But the Ute Indians have not had that opportunity, and I am simply saying that when you are in a high desert, you recognize that if human life is to exist, it exists only in the presence of water.

I think my colleague understands that, but having been born and raised in the high deserts of the West, I think there is an understanding and appreciation that is sometimes difficult to convey, and that was my intent.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for all Senators, I don't know what their evening schedule is, but I have not been told to create any window. We are going to vote in about 10 minutes on the motion to table the Animas-La Plata amendment offered by Senator FEINGOLD.

Mr. President, if I thought this amendment offered by Senator FEINGOLD and the distinguished occupant of the chair would, in fact, keep alive the Animas-La Plata project in a manner that had a reasonable chance of succeeding, I would be over here asking my friend from Arizona to go find our Indian leaders and let's go out in the hall and agree to it.

I am not talking about anybody's intent, but I am telling the Senate that if this amendment becomes law, I do not believe the project has a chance of going anywhere.

The Secretary of the Interior is given broad latitude by this amendment to make decisions about the project which I don't believe the U.S. Congress should give him for a project as controversial and subject to pressure as this one. I make no reference to him personally or his abilities as Secretary, but I just don't believe that we can tell the Indian people that allowing Secretary Babbitt to decide what will be a cost-effective way of completing the project—that is one item in the amendment—will ever work.

The amendment states that the Secretary shall come up with a project that limits the diversion of Animas-La Plata as recommended by the U.S. Fish and Wildlife Service; let me say that number is about 57,000 acre-feet annually. That is what the number ought to be; not a new number proposed by U.S. Fish and Wildlife, because they have already agreed to 57,000 acre-feet. I don't want Fish and Wildlife in 2 or 3 years taking yet another look and then changing what they think ought to be diverted.

This project is controversial because it costs money and it is giving water to Indian people who have been denied their legitimate water rights. I believe Ute tribes have a very good case to make that the U.S. Government has denied them promised water rights, and this project is a solution to getting the Utes wet water and avoiding costly litigation.

I do not believe we ought to allow this amendment which permits the Secretary of the Interior or anyone other than Congress to decide the fate of the project. That is my feeling, I say to Senator CAMPBELL, and I believe what we have done—so the Senate will understand, the Senate Appropriations Committee put in this bill precisely the amount of money that the President of the United States asked for. No more, no less.

With this appropriation, development of this project, I believe rightly so, will be able to proceed in an orderly manner. This amendment allows the Secretary of the Interior to define this project. Nobody else has mentioned the Secretary of the Interior's role in this amendment, but I think if you read it carefully, it gives him all kinds of authority to decide the fate of this project. The Secretary already has delegated much of that authority to the Governor and Lieutenant Governor of Colorado to have meetings with the interested parties to see if they can resolve the issue. I just do not believe this amendment furthers the goal of getting the Indians their water.

Mr. CAMPBELL. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. CAMPBELL. I point out, it was the Fish and Wildlife Department that has thrown so many roadblocks in front of the Animas-La Plata already under the guise of the Endangered Species Act, as you know.

Mr. DOMENICI. I say to the Senator, I do not want to go back over all the problems that we have had with eight or nine departments of the Government fighting against each other with regard to this project, but the Senator is correct.

But I do want to say, for anybody who is listening, the Senator from Colorado—who occupies my seat; he just said that a while ago while I am here in this one—has said it right.

We ought to solve this problem and give to these two Indian tribes what they deserve; promised water. They have been most patient, most willing to compromise in a realistic way.

I add just parenthetically that my little State has been waiting forever for about 20,000 acre feet of water that they are entitled to under the project. That is a lot for that part of New Mexico.

I do not want to sit by and watch those rights be subject to anyone other than the U.S. Congress' determination on how we ought to proceed in getting this project completed. I believe in due course we can satisfy our obligations to the Utes and other water users because a lot of new ground has been turned; new agreements are being worked out between many water users in that four-corners region.

The opponents to the project have attended these meetings in the negotiation process; I hope a number of you who are proposing this amendment do not necessarily agree with all of those who oppose this project. Some opponents find reason to oppose it once a month, maybe. Maybe in some cases they have found three or four reasons a month, and they rest a while and then they found six or eight more reasons to oppose this project in 6 months' time. There are those who will oppose any project, no matter how worthy.

In any event, I yield back the remainder of my time.

I understand the yeas and nays have been ordered on the motion to table. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. Chafee] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—56

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Bryan
Campbell
Cleland
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kyl
Landrieu
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Reid
Roberts
Sessions
Shelby
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Biden
Boxer
Brownback
Bumpers
Byrd
Collins
Dodd
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Roth
Santorum
Sarbanes
Smith (NH)
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Burns
Chafee

The motion to lay on the table the amendment (No. 868) was agreed to.

Mr. KEMPTHORNE. Mr. President, I want to express my support for the energy and water appropriations bill and specifically for funding for the McCall, ID, wastewater treatment facility. I would like to thank Senator DOMENICI for including funding for this important project in the bill and Senator CRAIG for his support and leadership on this issue in the committee.

Cascade Reservoir is a federally owned facility located downstream of the city of McCall on the north fork of the Payette River, and is the second most used recreation site in the State of Idaho. The community is currently operating with a wastewater treatment plant that ranges from inadequate to dangerous. Water flowing into the Cascade Reservoir in Valley County, ID, has reached a dangerous level of phosphorus and algae. This level is much higher than what is considered healthy for both human recreation and sustaining wildlife. The plant must be upgraded, but the community needs Federal money to do it.

The most recent data indicates that high phosphorus contributions from the surrounding watershed have caused and will continue to cause significant deterioration of water quality in the reservoir. The situation is so bad in Cascade Reservoir that at one point, in 1994, fish were dying at a rate that was too fast for fish and game inspectors to count. The fish died because of the high water temperatures and low oxygen levels in the water caused by dramatic algae growth. In 1993, a severe outbreak of toxic blue-green algae caused the death of 23 cattle after they drank water from the reservoir. A public health advisory was issued advising the public to avoid contact with the reservoir.

The city of McCall is using an innovative approach to solving the dual problem of poor wastewater management and lack of irrigation water in the area. Wastewater from the facility will be used to provide much needed irrigation water to local farmers. The treated wastewater will provide phosphorus and nitrogen which are ordinary elements of fertilizer. This will reduce the need for farms to use chemical fertilizers, while at the same time cleaning up the reservoir.

This program is a prime example of how different levels of government can cooperate to benefit both the community and the environment. The cost of the project will be shared by the Idaho State Legislature, the Idaho Department of Environmental Quality, the city of McCall, and the local irrigation district.

Cascade Reservoir is a major recreation facility for the largest population base in the State of Idaho. Without this Federal assistance, quality of human life and survival of wildlife will be significantly impacted. In short, the $2.5 million for the McCall Wastewater Treatment Facility is crucial to Idaho.

I am pleased that my colleagues on the Appropriations Committee recognized the urgency of this project and included an appropriation that will allow McCall to once again enjoy a clean and safe wastewater system.

WEST VALLEY DEMONSTRATION PROJECT

Mr. MOYNIHAN. Mr. President, I rise to note that the passage of the energy and water appropriations bill brings us one step closer to the completion of the West Valley demonstration project in western New York. In 1982 we authorized the West Valley demonstration project, in which we would learn to take liquid nuclear waste and mix it with glass. The process is called vitrification, and yields ten foot high glass logs that can be stored safely. After 14 years of preparation, research, and testing, vitrification began last July. On May 28 the 100th glass log was produced.

The success of the vitrification process developed at West Valley and at Savannah River in Georgia led the Department of Energy to select it as the preferred method of disposal for such wastes. This is an accomplishment that the many hundreds of people in western New York who worked on the project can be most proud of.

They have another 110 logs to go at West Valley, but the method works. Through fiscal year 1997 we have spent $1.2 billion on the project. The final amount in the bill for next year has not been determined, but it will it will bring the total over $1.3 billion. This has been money well spent, and will continue to be. We have learned to dispose of one type of hazardous waste, and can dispose of others with the vitrification process.

JEFFORDS/BRYAN AMENDMENT TO S. 1004

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of the amendment offered by Senators JEFFORDS and BRYAN to bring solar and renewable energy funding levels closer to the administration request than was provided in the Appropriations Committee's bill. And, to clarify the importance of continuing Department of Energy support for solar thermal energy dish/engine systems.

The committee report proposes to disallow the continued deployment of additional dish/engine systems. Such a prohibition would stifle some very promising environmental technology and most probably break a cost-sharing agreement between the Department and Stirling Thermal Motors of Ann Arbor, MI. And, the language unfairly singles out solar dish/engine systems for elimination, even though competing and funded technologies are more mature and nearer to commercialization.

I urge my colleagues to accept this amendment so that precommercial research and development can continue on important solar technologies, including solar thermal dish/engine systems. These systems, including thermal motors, have great potential for providing cleaner and more efficient electrical power for all sectors of the economy, potentially including transportation.

Mr. DOMENICI. Mr. President, the Energy and Water Appropriations Act for the current year imposed a 9-percent reduction of the Department of Energy's Departmental Administration Account. That account funds the office of the Secretary, Human Resources, and general counsel among other things.

However, in imposing that reduction, the Department did not impose any reductions in the Office of General Counsel. As a matter of fact, while other offices lost 40 or more people, the Office of General Counsel lost only 1 position.

In drafting its recommendation for departmental administration, the committee directed that the Office of General Counsel assume a reduction to bring its staffing levels back into balance with the rest of those in departmental administration.

The committee's recommendation did not take into consideration the fact that the Department has proposed to shift 19 lawyers, previously funded out of the Interior appropriations bill, into the account funded by this bill.

I have committed to the Secretary of Energy that, in the statement of managers accompanying the conference report, I will work to include language that clarifies our intent. I do believe that the Office of General Counsel should not be insulated from the reductions Congress wisely imposed last year. However, it was not our intent to impose overly harsh reductions.

Mr. REID. Mr. President, I join the chairman of the Subcommittee in this regard. I will work with him and our House colleagues in conference to ensure that any reduction in the Office of General Counsel is fair.

Mr. DOMENICI. I thank my colleague.

RENEWABLE ENERGY

Mr. JEFFORDS. I Mr. President, thank the chairman for his excellent work on the fiscal year 1998 energy and water appropriations measure. Senator DOMENICI clearly understands the importance of renewable energy to the future of this Nation. I wish to commend him for his dedication to the development of solar, wind, biomass, and other technologies that are vital to our Nation's energy interests. I know many of my colleagues join me in thanking him for his leadership in this area. I would merely like to clarify a couple of the provisions regarding renewable energy in the energy and water appropriations bill.

Mr. DOMENICI. I wish to thank the Senator for his kind comments.

Mr. JEFFORDS. The report language on wind energy research, development and deployment restricts support for small wind, when in fact the Department of Energy has several ongoing research activities in this area. Is it the intention of the Senate that these and other cost-shared programs currently conducted in collaboration with DOE, the national laboratories, and U.S. industry should not be continued?

Mr. DOMENICI. Mr. President, the answer is no. The energy and water development bill does not intend to impede research, development, and demonstration activities for small wind programs.

Mr. JEFFORDS. In addition, is it the Senator's understanding that the Solar Thermal Power Program would receive an additional $4.8 million from available funds? And if so, of this amount, $3.8 million will be available for solar dish engine technologies and the remaining $1 million will go to the solar industrial programs. This would bring the total solar thermal account to $19.1 million.

Further, is it also the Senator's understanding that the solar international account will receive an additional $2 million, bringing the total for this program to $4 million. Is it also the Senator's understanding that the program allocation will be used in support of the Committee on Renewable Energy Commerce and Trade?

Mr. DOMENICI. That is correct.

Mr. JEFFORDS. I thank the Chairman.

CONSORTIUM FOR PLANT BIOTECHNOLOGY RESEARCH

Mr. DASCHLE. As a long-time supporter of domestically produced renewable fuels, I am very interested in encouraging the Department of Energy to do whatever it can to promote the development of new and more efficient processes for converting plant material into practical transportation fuels. It is my understanding that DOE consistently funds the Consortium for Plant Biotechnology Research—known as CPBR—although at levels below which it can use. The work of this consortium of university researchers has lead to significant progress in more efficiently utilizing plants and plant waste for the production of renewable fuels and of bringing these research innovations to the market. It is my hope that DOE will be willing to fund CPBR at between $2 and $3 million in fiscal year 1998. Do you agree that DOE should give special consideration to funding CPBR at that level?

Mr. REID. Yes. I recognize how important the development of a strong domestic renewable fuels industry is to the Senator. Moreover, I agree that the work of CPBR has been very useful in developing new and more efficient ways to convert plant material to renewable fuels and commend DOE for its past support of CPBR. I would urge DOE, as part of its annual process to determine its priorities and funding awards, to seriously consider supporting CPBR at the levels you cite.

Mr. DOMENICI. I also recognize the valuable research performed by the CPBR and urge DOE to give it every consideration as it makes its fiscal year 1998 funding decisions.

RENEWABLE ENERGY DEMONSTRATION

Mr. LEAHY. Mr. President, I would like to take a moment to highlight a provision in the energy and water appropriations bill which could begin to address some of the energy generation problems facing very rural areas. The bill provides modest funding for the deployment of solar, wind, fuel cell, and biomass technologies in remote areas of the United States.

Producing and distributing power in rural areas is a challenge in and of itself. Distribution lines are often more expensive and difficult to establish, and communities are often forced to rely on cheaper, but more polluting fuel sources. This demonstration will provide the resources to look at the effectiveness of less noxious, renewable energy technologies.

One application of this kind of demonstration which has come to my attention is a proposal in Vermont to replace polluting diesel engines with modern fuel cell technology for snow production. One of the last places you might think of air quality problems is in the mountains of Vermont. But in fact, four of the six largest sources of NO_x emissions in the State are ski resorts which often use inefficient and dirty burning diesel engines to produce snow. Because of the remoteness of snow production facilities, other, cleaner commercial energy alternatives are not an option. This funding would allow States like Vermont to experiment with energy production technologies that can work efficiently while greatly reducing NO_x and particulate matter emissions.

I would like to thank the Senator from New Mexico for funding this valuable initiative and ask for his comments on this possible application of fuel cell technology to the problem I have described in Vermont.

Mr. DOMENICI. Mr. President, I thank the Senator from Vermont and agree that this is exactly the kind of problem the subcommittee had in mind when proposing this demonstration. Remote areas of the United States do face unique energy production and distribution problems as the Senator from Vermont has aptly described. It is the committee's intention that the demonstration be directed to addressing these types of issues in rural areas.

MECKLENBURG COUNTY STREAMBANK STABILIZATION AND RESTORATION PROJECT

Mr. FAIRCLOTH. Mr. President, I rise to commend Senator DOMENICI on an excellent bill. We all realize that he and his staff have been overwhelmed by requests for this bill, in particular by U.S. Army Corps of Engineers project requests. I think I speak for all of us when I say that he has done an excellent job balancing out the requests. No one received all he or she requested, but I believe we have all been treated fairly.

In this vein, I want to comment on a very worthy project from Charlotte, NC, which was not able to be included in the bill, the Mecklenburg County streambank stabilization and restoration project.

I am informed that the House has allotted $1 million for this very worthy project. When we go to conference, I look forward to working with Senator DOMENICI to ensure that the House appropriation for this matter remains in the final bill. The project is a good one, and seeks innovative methods of addressing problems of degradation of streams, pollution of surface waters, and flood protection. It also enjoys widespread support in the Charlotte area.

Mr. DOMENICI. I commend my colleague for bringing this worthy project to my attention, and also look forward to working with him on it during conference.

PROVISION FOR NUCLEAR ENERGY RESEARCH

Mr. CRAIG. Mr. President, I rise to address a provision of S. 1004, the appropriations bill for energy and water development for fiscal year 1998. I refer specifically to the President's request for a new initiative within the Department of Energy, called nuclear energy security. The bill before us contains no funding for this new initiative. I wish to address my colleagues on the reasons for the subcommittee's treatment of this initiative and the direction in which I believe the Department should focus its nuclear energy research and development program.

The committee report to accompany S. 1004 states that although the committee supports the use of nuclear energy to produce electricity, the Department's proposed program to address technical issues will have insufficient impact to justify the expense and therefore, no funding was provided. I am concerned that the Department of Energy will take the wrong message from this action.

It is my view, as a member of the Appropriations Committee and as a member of the Committee on Energy and Natural Resources, that this country needs a viable nuclear energy program—both for our energy security and for our national security. Recently, the President commissioned his Committee of Advisors on Science and Technology, Energy Research and Development Panel to study and report back on whether the United States should have a nuclear energy program and if so, what its goals should be both domestically and internationally. A lot of good work on this issue has been done, or is underway within the Department of Energy and the national laboratory complex. Specifically, Sandia National Laboratories, in New Mexico has contributed substantially.

While I won't delineate the findings at length at this time, let me just indicate to my colleagues, that the greatest minds that we have nationally to weigh in on this question have done so, and they believe that the failure to have a strong nuclear energy research and development program will diminish our national security, our economic competitiveness, and the public wellbeing. The bottom line is that as our primacy in nuclear R&D declines, we will lose our ability to participate on the world stage and to observe and understand the civilian nuclear programs of emerging nations.

For these reasons, it is my hope that the Department will continue to construct, and will propose as appropriate, a nuclear energy program that fulfills these goals.

Mr. KEMPTHORNE. Mr. President, I rise to add my voice to the statements made by my colleague, the senior Senator from Idaho. Through the investments already made at its national laboratory sites, such as the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory, the Department of Energy has a research capability of both personnel and facilities, which can ensure that the nuclear energy program of this country does not fall behind that of other nations. But we will only be assured of keeping a viable nuclear option in this country if DOE proposes and implements nuclear energy research programs to safeguard our position as a nuclear leader worldwide.

Mr. MURKOWSKI. Mr. President, I would like to add another voice to this discussion, and another point that has not yet been addressed. In May of this year, I wrote a letter to Mr. Daniel Reifsnyder of the U.S. Department of State, transmitting my comments on the Draft Second U.S. Climate Action Report. In this letter, dated May 15, 1997, I reminded Mr. Reifsnyder that nuclear energy is responsible for 89 percent of all the carbon dioxide emissions avoided by U.S. electric utilities between 1973 and 1995 and that over 1.9 billion metric tons of carbon emissions have been avoided in the United States alone through the use of nuclear energy. Nuclear energy has made and can continue to make tremendous contributions in avoiding carbon emissions. Although the contributions of nuclear energy appear to have gotten little acknowledgment in the U.S. Climate Action Report, if we look at what is happening internationally, we see that other countries have not failed to take notice of the nuclear option. Specifically, France and Japan continue their reliance on nuclear energy for substantial percentages of their energy needs, and China has ambitious plans for developing its civilian nuclear program. The failure of this country to take a long term view and invest in nuclear research and development has the potential to damage not only our own civilian program, but our ability to observe and influence the programs of other nations.

Mr. KYL. Mr. President, I wish to associate myself with the comments made by my colleagues regarding our need for a strong nuclear energy program. I agree that nuclear energy research and development enhance both our economic competitiveness on the civilian side and our national security by allowing us to participate as a full partner in the uses of nuclear energy worldwide.

Mr. FAIRCLOTH. Mr. President, I add my voice to those of my colleagues in calling for both a strong nuclear energy program at the Department of Energy and in calling for national attention to the need for nuclear energy to provide energy security to this Nation.

Mr. DOMENICI. Mr. President, let me thank all of my colleagues who have expressed their views on this important issue and let me add a final thought. As the Congress continues its consideration of de-regulation or restructuring of the electric power industry, and the legislation already introduced in both bodies on that subject, I ask my colleagues to consider the contribution of nuclear energy, both as a safe and reliable source of power—part of our energy security—and its contribution in lowering emissions of greenhouse gases. If this country's nuclear plants are rendered uneconomic by the advent of competition in the electric industry, as some claim, we need to ask ourselves what will replace these plants. As cost estimates for decommissioning balloon out of control, we should be asking what technology investments DOE could be making to bring these estimates back in line with reality. A strong nuclear energy program is part of the answer.

SEFOR

Mr. DOMENICI. Mr. President, I would like to engage the senior Senator from Arkansas in a colloquy.

Mr. BUMPERS. I would be pleased to join the subcommittee chairman in a colloquy.

Mr. DOMENICI. Mr. President, in last year's Energy and Water Development Act, a provision was included that directed the Department of Energy to determine if it has any legal obligation regarding the Southwest experimental fast oxide reactor [SEFOR] or any similar nuclear facilities that have been transferred from Federal to non-Federal ownership. The Department has completed a draft memorandum that indicates that the Department has no legal obligation regarding SEFOR.

However, the senior Senator from Arkansas' interest in SEFOR continues. Early today, an amendment to S. 1004 was accepted on behalf of the senior Senator from Arkansas that would provide for an assessment of the cost of decommissioning the Southwest experimental fast oxide reactor.

It is important to note that the acceptance of this amendment does not indicate that the Senate disagrees with the initial findings of the Department of Energy that the Department has no legal obligations with regard to the SEFOR. The interest of the Senate is simply to understand what the decommissioning costs of a reactor such as the SEFOR might be.

Mr. BUMPERS. Mr. President, I agree with my colleague, the chairman of the Subcommittee on Energy and Water Development. I don't think it would be appropriate for the Senate to take a position on the issue of liability. That is for the courts to decide.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, after consultation with the Democratic leader, we can announce that this was the last vote for today. We are working on a unanimous-consent agreement that we think we will have no problem having agreement to. Basically, we would have the vote on final passage of the energy and water appropriations bill tomorrow after the first vote on the foreign ops bill. We don't know an exact time, but we presume some time after 11 o'clock or early afternoon. We are trying to accommodate Senators' schedules.

Momentarily, we will ask for that unanimous consent. That is the gist of the request we will make.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, before I propound this unanimous-consent request, I want to confirm again that we have discussed this with the minority leadership. Mr. President, I want to commend the good work and leadership we have seen today again by the chairman of the energy and Water Subcommittee of Appropriations. Senator DOMENICI has done an excellent job, with the able help of the Senator from Nevada. The fact that they have gotten this bill basically ready for final passage and that we will have the vote tomorrow morning is a real credit to the good work they have done.

I ask unanimous consent that the vote on final passage of the energy and water appropriations bill occur immediately following the first vote tomorrow on or in relation to the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Therefore, there will be no more votes this evening. It is my understanding that the managers will be able to wrap up the energy and water appropriations amendments this evening, and the Senate will begin the foreign operations appropriations bill at 11 a.m. on Wednesday.

I yield the floor.

Mr. STEVENS. Mr. President, I, too, want to commend the subcommittee chairman and ranking member of the subcommittee. I also want to call to the attention of the Senate the fact that this hearkens me back to the days when we had real bipartisan cooperation on the Appropriations Committee.

I want to thank all members of the committee for that cooperation, for showing what can be done when we work together and try to resolve issues and accommodate the needs of the various Senators and our individual

States. These two Senators have done an excellent and admirable job today on a very difficult bill. I am confident that we will see that in final passage tomorrow.

Tomorrow, we will proceed to the foreign assistance bill. I hope we see a similar approach on that bill so that we can go forward and have the legislative bill before the Senate on Thursday.

Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I congratulate the distinguished chairman of the Energy and Water Subcommittee for his work in bringing this bill to the Senate.

While I commend the chairman for his efforts, I have concerns about the trends in the funding levels that are being proposed for the Mississippi River and tributaries projects, particularly those in the Yazoo Basin of Mississippi.

The President's budget proposed a 20-percent reduction from last year's level for Mississippi River and tributaries construction projects. The budget also proposed cutting projects in the Yazoo Basin by over 50 percent. As the committee has indicated in its report that accompanies this bill, this reduction, along with others in operations and maintenance and investigations, is unacceptable.

Mr. President, Congress addresses flooding and other natural disasters as they occur around the country. The victims who have suffered damages derive benefits from supplemental disaster assistance legislation, as we saw just recently. This year, it was the Dakotas and other States. A few years ago, it was in the Midwest when the Missouri River flooded, and nearly every year, there is some degree of flooding in the Yazoo Basin in the State of Mississippi. The lower funding levels that are being proposed for projects to control flooding in the Yazoo Basin result in more delays, higher construction costs, and more damages occur year in and year out from floods in this region of the country. It will also result in increased spending on disaster assistance instead of funding long-term solutions to the flooding that occurs in this area. These delays will only increase the likelihood and the severity of flooding in the future and damages that result from those floods.

Incremental funding for these and many other Federal construction projects is a reality of the current budget environment. But incremental funding results in cost increases over the life of a project that has been authorized and that has been partially funded in the past. It will cost $54 million as a result of even a ten-year funding cycle on the three main projects just in the Yazoo Basin alone—the Upper Yazoo project, the Upper Steele Bayou project, and the Big Sunflower River Maintenance project. That amounts to a 20-percent cost increase.

Mr. President, I will continue to work with the committee and the subcommittee to identify the levels of funding necessary to maintain project schedules that are more realistic and more cost-effective in the future. I hope that we can reach agreement and convince the administration that it needs to recognize the inevitable consequences of these budget cuts that are, year-in and year-out, submitted to the Congress on these projects.

My friend from New Mexico has done an excellent job, a masterful job in dealing with all of these pressures and cross-currents of interests that flow to this committee and are involved in the development of this legislation. And so I am proud of the work product that he has produced, and we support it. I am voting for it. We hope that by working together we can continue to identify ways to assure adequate funding levels for these projects that have been authorized for a long, long time.

Read the book "Rising Tide," which talks about the beginning of the effort to get the Federal Government's resources involved in the Mississippi River and tributaries project. It is on the best-seller list now and I invite everyone to read that book. There are projects which I have identified in this project definition that are still not completed, and that flood was in 1927. We continue to, incrementally, piecemeal, see these projects increasing in real costs because of the failure to address them in a more aggressive way.

That is the point of my statement. People are beginning to wonder—are these projects ever going to be finished? They have a right to raise the question. If they are not finished, the flooding that occurs every year is going to continue to be an annual disaster for the folks in this region.

Mr. DOMENICI. Mr. President, might I say to the distinguished senior Senator from Mississippi, during the day, in your absence when you were busy attending that very difficult hearing that you are part of, I commented on the fact that one of the growing difficulties in this bill is the water project section, because every year more projects that are good and that are necessary—and many that we haven't completed—are showing up and we are not getting an allocation of resources sufficient to do them. What we have been doing is putting little pieces of money in. That is what you just called—that means, for instance, this year there are two major flood projects that we cannot start, that have been years in the design, that are ready to go. We just don't have the money to do it.

I was predicting today that in 3 or 4 years, if we don't find more resources for the water projects—because many people don't think they are very important, and we don't get much support from the White House on them, frankly. They are trying to change the formula right in the middle of the stream on who pays for what. If we don't get more resources, the situation you predict will become reality. I am going to do my best, but there isn't enough money to complete the projects we have been committed to with the kind of allocation we get. I thank the Senator for his kind comments.

Mr. REID. Mr. President, if the chairman will yield. In response to the Senator from Mississippi and the Senator from New Mexico, these water projects are important because they save lives. Some of them are important—we tend to think that when they are written in the newspaper, they are projects that just look good at home and these are things people talk about as being pork. The fact of the matter is that we have projects in Nevada that have saved people's lives as a result of having them in the project. They have saved immense dollars in property that would have washed away. Even in an arid State like Nevada we have floods. They are not sustained floods like you have in other parts of the country, they are flash floods; but they can be very damaging to property and to people.

So I commend the Senator from Mississippi in focusing attention on these very important projects. The Senator from New Mexico and I have had to deal with these for the last 7 or 8 months. It is very difficult to decide which ones should get money and how much they should get. Every one of them—I should not say every one—the vast majority of them are extremely important, and it is too bad we can't fund them all because it would be good for the country.

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that Scott Burnison, a detailee in my office and in the Budget Committee, be granted floor privileges during the remainder of this bill and for the conference report on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, it is the third time in 2 days that I have come to the floor of the Senate to address the flawed practice of earmarking funding for local projects in appropriations bills.

I recognize the hard work that the managers of the bill have put into expeditiously moving this measure through the Senate. I thank them for their tireless efforts and appreciate that their jobs have not been easy.

But I must repeat a criticism I have made many times during consideration of appropriations bills and will continue to make as long as the practice of earmarking continues: This bill inappropriately and inequitably singles out projects for funding based on criteria other than national priority and necessity.

I recognize that the custom has long been to earmark all of the Army Corps of Engineers projects in the energy and water appropriations bills. I continue to find this practice, frankly, unnecessary if the projects are truly worthy of support and are of sufficient priority on a nationwide comparison. I hope we can work together to find a better system of ensuring full and fair consideration of all proposed projects.

I believe that the States and the Army Corps of Engineers should develop a priority list based on national need. The projects on the priority list would then be funded in a lump sum appropriation. By employing such a priority list, we could end the practice of earmarking projects for funding based on political clout and focus our limited resources, instead, on those areas with the greatest need nationwide.

It is clear, however, that for many projects, earmarking is the only way to ensure the money is spent. Earmarking is particularly useful in ensuring that funds are spent for lower priority, unrequested projects for which Members of this body have sought appropriations.

This year, the energy and water appropriations bills and report contain more than $300 million in earmarks for projects not included in the budget request.

I ask unanimous consent that a list of these unrequested earmarks be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

UNREQUESTED EARMARKS CONTAINED IN THE 1998 ENERGY AND WATER APPROPRIATIONS BILL AND COMMITTEE REPORT

Earmark	Bill or Report Cite
Norco Bluffs, California—$200,000	Bill, page 2.
Laulaulei, Hawaii—$200,000	Bill, page 2.
Barnegat Inlet to Little Egg Inlet, New Jersey—$400,000.	Bill, page 2.
Douglas Harbor, Alaska—$100,000	Report, page 10.
Kenai River, Alaska—$100,000	Report, page 10.
Matanuska River, Alaska—$100,000	Report, page 10.
Nome Harbor Improvements, Alaska—$40,000 over budget request (obr).	Report, page 10, 23.
Port Lions Harbor, Alaska—$100,000	Report, page 10.
Seward Harbor, Alaska—$75,000 obr	Report, page 10.
Ship Creek, Alaska—$100,000	Report, page 10.
Wrangell Harbor, Alaska—$130,000 obr	Report, page 10.
Valdez Harbor, Alaska—$100,000	Report, page 10, 23.
White River to Newport, Arkansas—$500,000	Report, page 11, 23.
Bolinas Lagoon Ecosystem Restoration, California—$510,000 obr.	Report, page 11, 23.
Hamilton Airfield Wetland Restoration, California—$100,000.	Report, page 11.
Sacramento and San Joaquin Rivers, Comprehensive Basin Study, California—$500,000.	Report, page 12, 23.
San Diego Harbor, California—$100,000 obr	Report, page 12.
Lido Key Beach, Florida—$100,000	Report, page 13.
Nassau County, Florida—$150,000 obr	Report, page 13, 24.
Savannah River Basin Comprehensive, Georgia and South Carolina—$300,000.	Report, page 14, 24.
Des Moines and Racoon Rivers, Iowa—$100,000	Report, page 14.
Licking River Watershed, Kentucky—$500,000	Report, page 15, 25.
Grand Isle and Vicinity, Louisiana—$800,000	Report, page 15, 25.
Kansas City, Missouri and Kansas—$300,000 obr	Report, page 16, 25.
Townsend Inlet to Cape May Inlet, New Mexico—$200,000.	Report, page 17.
Flushing Bay and Creek, New York—$100,000	Report, page 17.
Orchard Beach, Bronx, New York—$300,000	Report, page 17.
Grand Forks/East Grand Forks, North Dakota and Minnesota—$2,000,000 obr.	Report, page 18, 25.
Grand Neosho River Basin, Oklahoma—$500,000	Report, page 18.
Tilamook Bay and Estuary, Oregon—$100,000	Report, page 18, 26.
Conemaugh River Basin, Pennsylvania—$90,000	Report, page 18.
Turtle Creek, Pennsylvania—$300,000	Report, page 18, 26.
Providence, Rhode Island (Fox Pt. Hurricane Barrier)—$350,000.	Report, page 19.
Pawley's Island, South Carolina—$100,000	Report, page 19.
Packery Channel, Corpus Christi Bay, Texas—$100,000.	Report, page 19, 26.
Rincon Canal, Corpus Christi Ship Channel, Texas—$100,000.	Report, page 20, 27.
Sumerset and Seasborg Dams, Deerfield River, Vermont—$100,000.	Report, page 20, 27.
Rapahannock River, Virginia (Embrey Dam Removal)—$100,000.	Report, page 20.
London Locks and Dam, West Virginia—$328,000	Report, page 21.
West Virginia Statewide Flood Protect Plan—$400,000.	Report, page 21.
Lock and Dam #24, Mississippi River, Illinois and Missouri—$1,000,000 obr.	Bill, page 3. Report, page 31.
Arkansas River, Tucker Creek, Arkansas—$300,000	Bill, page 3.
Red River Emergency Bank Protection, Arkansas—$3,500,000.	Bill, page 3.
Panama City Beaches, Florida—$5,000,000	Bill, page 3.
Levisa and Tug Forks and Upper Cumberland River, West Virginia—$47,740,000 obr.	Bill, pages 4–6. Report, pages 37, 44.
Lake Ponchartrain, Storm Water Discharge, Louisiana—$3,000,000.	Bill, page 4.
Natchez Bluff, Mississippi—$4,000,000	Bill, page 4.
Jackson County, Mississippi (Water Supply)—$3,000,000.	Bill, page 4.
Pearl River, Mississippi (Walkiah Bluff)—$2,000,000.	Bill, page 4.
Wallisville Lake, Texas—$10,000,000	Bill, page 5.
Virginia Beach, Virginia (Hurricane Protection)—$15,000,000.	Bill, page 5.
Virginia Beach, Virginia (Reimbursement)—$925,000.	Bill, page 5.
Cook Inlet, Alaska—$3,945,000	Report, page 29.
Chignik Harbor, Alaska—$4,500,000	Report, page 29.
Dillingham, Alaska (Shoreline Erosion)—$1,200,000	Report, page 29, 39.
St. Paul Harbor, Alaska—$6,638,000	Report, page 29.
Los Angeles County Drainage Area, California—$9,000,000 obr.	Report, page 9.
Los Angeles Harbor, California—$10,000,000 obr	Report, page 29, 39.
Lower Sacramento Area, Levee Reconstruction, California—$2,000,000 obr.	Report, page 29.
Marysville/Yuba City, Levee Reconstruction, California—$2,000,000 obr.	Report, page 30, 39.
Merced County Streams, California—$5,785,000 obr.	Report, page 30.
Mid-Valley Area, Levee Reconstruction, California—$2,500,000 obr.	Report, page 30, 39.
Canaveral Harbor, Florida—$1,000,000 obr	Report, page 30, 40.
Fort Pierce Beach, Florida—$2,300,000	Report, page 30, 40.
O'Hare Reservoir, Illinois—$2,100,000	Report, page 31, 40.
Wabash River, New Harmony, Indiana—$500,000	Report, page 31.
Lake Ponchartrain and Vicinity, Louisiana (Hurricane Protection)—$10,000,000 obr.	Report, page 32.
Red River Waterway, Mississippi River to Shreveport, Louisiana—$7,000,000 obr.	Report, page 32, 41.
Chesapeake Bay, Environmental Restoration and Project, Maryland, Virginia—$1,000,000.	Report, page 33.
Cumberland, Maryland—$375,000	Report, page 33.
Boston Harbor, Massachusetts—$2,000,000	Report, page 33.
St. Croix River, Stillwater, Minnesota—$1,000,000	Report, page 33.
Marshall, Minnesota—$1,000,000 obr	Report, page 33.
North Fork, Flathead River, Montana—$50,000	Report, page 33.
Ramapo River at Oakland, New Jersey—$2,723,000 obr.	Report, page 34.
Acequias Irrigation System, New Mexico—$400,000 obr.	Report, page 34, 42.
Las Cruces, New Mexico—$2,700,000 obr	Report, page 34.
Long Beach Island, New York—$2,000,000	Report, page 34.
Buford Trenton Irrigation District, North Dakota—$3,000,000.	Report, page 35, 42.
Grays Landing Lock and Dam, Monongahela River, Pennsylvania—$2,650,000 obr.	Report, page 35.
Locks and Dams, 2, 3 and 4, Monongahela River, Pennsylvania—$10,000,000 obr.	Report, page 35.
Sims Bayou, Houston, Texas—$3,410,000 obr	Report, page 36.
Little Dell Lake, Utah—$1,000,000	Report, page 36.
Lower Mud River, Milton, West Virginia—$100,000	Report, page 37.
Lafarge Lake, Kickapoo River, Wisconsin—$713,000	Report, page 37.
Morganza, Louisiana to the Gulf of Mexico—$2,000,000 obr.	Report, page 47.
Southeast Arkansas, Arkansas—$500,000	Report, page 47, 50.
Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee—$1,000,000 obr.	Report, page 47.
Atchafalaya Basin, Louisiana—$3,000,000 obr	Report, page 47.
Backwater Less Rocky Bayou, Mississippi—$500,000 obr.	Report, page 47.
Demonstration Erosion Control, Mississippi (Yazoo Basin)—$5,000,000 obr.	Report, page 47, 50.
Upper Yazoo Projects, Mississippi—$2,000,000 obr	Report, page 48.
Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee—$5,000,000 obr.	Report, page 48.
Atchafalaya Basin, Louisiana (Maintenance)—$2,000,000 obr.	Report, page 48.
Beverly Shores, Indiana—$1,700,000	Bill, page 8.
Black Warrior and Tombigee Rivers, Alabama—$2,000,000 obr.	Report, page 51.
Mobile Harbor, Alabama—$3,000,000 obr	Report, page 51.
Perdido Pass Channel, Alabama—$300,000	Report, page 51.
Tennessee—Tombigee Waterway, Alabama and Mississippi—$2,655,000 obr.	Report, page 51.
Chena River Lakes, Alaska—$800,000 obr	Report, page 51, 68.
Dequeen Lake, Arkansas—$1,329,000 obr	Report, page 52.
Oakland Harbor, California—$1,204,000 obr	Report, page 52.
Charlotte Harbor, Florida—$2,750,000	Report, page 53.
Apalachicola Chattahoochee and Flint Rivers, Georgia and Alabama—$2,300,000 obr.	Report, page 54.
Savannah Harbor, Georgia—$5,000,000 obr	Report, page 54.
Kaskakia River Navigation, Illinois—$490,000 obr	Report, page 54, 68.
Calcasieu River and Pass, Louisiana—$200,000 obr.	Report, page 56, 68.
Cohasset Harbor, Massachusetts—$1,500,000	Report, page 57.
Cedar River Harbor, Michigan—$2,377,000	Report, page 57, 68.
Clarence Cannon Dam and Mark Twain Lake, Missouri—$850,000 obr.	Report, page 58, 68.
Clearwater Lake, Missouri—$350,000 obr	Report, page 58, 68.
Missouri National Recreational River, Nebraska—$100,000.	Report, page 59.
Cheesequake Creek, New Jersey—$1,500,000	Report, page 59, 68.
Tuckerton Creek, New Jersey—$650,000	Report, page 59, 68.
Upper Rio Grande Water Operations Model, New Mexico—$1,000,000.	Report, page 59, 68.
South Dakota and Nebraska BTID—$750,000	Report, page 60.
Garrison Dam, Lake Sakakawea, North Dakota—$50,000 obr.	Report, page 60, 69.
Missouri River Between Ft. Peck, Montana and Gavins Ft. Dam—$750,000.	Report, page 61, 69.
Chetco River, Oregon—$216,000 obr	Report, page 62.
Rogue River, Oregon—$607,000 obr	Report, page 62, 69.
Charleston Harbor, South Carolina—$900,000 obr	Report, page 63, 69.
Cooper River, Charleston Harbor, South Carolina—$190,000 obr.	Report, page 63.
Georgetown Harbor, South Carolina—$500,000 obr	Report, page 63.
Town Creek, South Carolina—$360,000	Report, page 63.
James River, Jamestown and Pipestem Reserv., South Dakota—$100,000.	Report, page 64.
Oahe Dam-Lake Oahe, South Dakota and North Dakota—$300,000 obr.	Report, page 64, 69.
Connecticut River Basin, Vermont (Master Plan)—$200,000.	Report, page 65, 69.
Rudee Inlet, Virginia—$535,000	Report, page 65.
Willapa River and Harbor, Washington—$3,000,000 obr.	Report, page 66, 69.
Bluestone Lake, West Virginia—$575,000 obr	Report, page 66, 70.
Middle Rio Grande Project, New Mexico (Pena Blanca)—$500,000 obr.	Bill, page 14 Report, page 81.
West Salt River Valley Water Management Study, Arizona—$400,000 obr.	Report, page 74, 81.
Central Valley Project, American River Division and Miscellaneous Projects, California—$5,000,000 obr.	Report, page 74.
Port Hueneme Brackish Water Reclamation Demo, California—$2,000,000.	Report, page 75.
Equus Beds Groundwater Recharge, Kansas—$500,000.	Report, page 76.
Ft. Peck Reservation MR&I Water System, Montana—$240,000.	Report, page 76.
Ft. Peck Rural County Water System, Montana—$300,000.	Report, page 76.
Newlands Project, Nevada—$500,000 obr	Report, page 76, 81.
Las Vegas Shallow Aquifer Desalinization Demo, Nevada—$3,750,000.	Report, page 76.
Walker River Basin, Nevada—$300,000	Report, page 77.
Albuquerque Wastewater Recycling, New Mexico—$5,000,000.	Report, page 77.
Upper Rio Grande Conveyance Canal/Pipeline, New Mexico—$400,000.	Report, page 77, 81.
San Juan Gallup-Navajo Pipeline, New Mexico—$450,000.	Report, page 77, 81.
Santa Fe Water Reclamation/Reuse, New Mexico—$500,000.	Report, page 77, 81.
Garrison Diversion Unit, North Dakota—$7,500,000 obr.	Report, page 77, 82.
Mid Dakota Rural Water Project, South Dakota—$3,000,000 obr.	Report, page 78.
Mini Wiconi Project, South Dakota—$7,000,000 obr	Report, page 78.

Mr. MCCAIN. Mr. President, we have no way of knowing whether all or part of this $300 million should have been spent on different projects with greater national need and higher national priority. Earmarking funds for special interest projects is the most obvious form of pork barrel spending, and it is a waste of taxpayer dollars at a time when our national debt exceeds $5.3 trillion. I believe that we should stop earmarking projects just because they serve the interests of Members of Congress.

I am also concerned that certain projects in the bill are funded "at full Federal expense," while others are not.

No explanation is given. So I can only be left to wonder why.

For example, at page 6 of the bill, the Secretary of the Army is directed to "design and implement at full Federal expense" a project for the Tug Fork and Levisa basins in West Virginia and Kentucky. I might add that this funding "at full Federal expense" is for a project that receives a total of $55.7 million in earmarked appropriations, which is $47.7 million over the budget request.

What makes this project worthy of such a large add-on of $47.7 million? Why should this project be funded solely by the Federal Government, or rather all the Federal taxpayers, while other projects require cost-sharing by the States and local governments and communities that stand to benefit from their construction? None of these answers are apparent to this Senator.

Finally, Mr. President, I am again, as I am on an annual basis, very disappointed to see that the Appalachian Regional Commission will be funded again this year. This commission was established as a temporary commission in 1965—1965, 32 years ago. This program singles out one region for special economic development grants when the rest of the Nation has to rely on their share of community development block grants and loans.

Certainly the Appalachian Regional has no monopoly on poor, depressed communities in need of assistance. I know that in my own State, despite the high standard of living enjoyed in many areas, some communities are extremely poor and have long been without running water or sanitation. We need to reconsider the utility of the Appalachian Regional Commission in light of pressing needs in other areas of the country.

Mr. President, our current system of earmarking to fund unrequested, lower priority, and unnecessary projects is fundamentally flawed. I hope that someday we will develop a better system, one which allows the projects with the greatest national need to be funded first.

Mr. President, I noted recently a poll, as I have seen many of them, on the approval rate of Congress, which is about 40 percent. That is one of the highest numbers that I have seen recently.

Mr. President, there are a lot of reasons the Congress of the United States is held in low esteem, and it would take a long time to go through them. I did notice in that same poll that the approval rating of the President of the United States is 64 percent. I would argue, Mr. President, that one of the reasons we are held in low esteem by the American people—because they believe that we do not wisely and efficiently and on a basis of need and priority spend their tax dollars. And every time we pass an appropriations bill that has this kind of unnecessary and wasteful spending in it, which is no one's priority that I know of, nor go through any scrutiny or any process that would give them that priority, the esteem with which the American people hold us continues to be less. And I know that this practice has been going on for many years, and unfortunately and tragically paying on for many years in the future.

But I will continue to come to the floor, and where it is the most outrageous and egregious I will propose amendments to strike. Otherwise, I will point out those areas where I think that the spending practices of the appropriations process is not in the best interests of the entire Nation as a whole.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say with the greatest respect to my friend, who I consider one of the fine Members of this body, that we have worked very hard to make sure that there aren't some nameless, faceless bureaucrats making all of the decisions for this $21 billion of discretionary spending in this bill. The separation of powers gives us not only that right but that obligation. We have an obligation to maintain the power of the purse strings. That is what the legislative branch of Government was devised to do when the Framers of this Constitution established the Constitution.

Projects that are in this bill serve people, communities, and States. I say that I think it is really unfair to this body, to the taxpayers of this country, and to the people of the State of Arizona to say that those things that we have earmarked here are wasteful, pork-barrel projects.

For example, we have investigations going on with the Corps of Engineers in the State of Arizona that deal with significant projects. We have colonias along the United States-Mexican border, Arizona, and Texas. There we are spending $100,000. Corps of Engineers: Gila River, North Scottsdale, AZ, $400,000; Gila River, Santa Cruz River Basin, AZ, $400,000; Rio De Flag, Flagstaff, AZ, $325,000; Rio Salado Watershed Ecosystem, AZ, $550,000; Tres Rios, AZ, $400,000; Tucson Drainage Area, AZ, $825,000.

We have for operations and maintenance, Corps of Engineers: Alamo Lake, AZ, $1.55 million for inspection of completed works, Arizona, $107,000; Painted Rock Dam, AZ, $2.293 million; scheduling reservoir operations, Arizona, $22,000; Whitlow Ranch Dam, AZ, $199,000.

Mr. President, I think it is important that we made those decisions rather than some bureaucrat who the people of Arizona will never see, who would remain in an office back here someplace in Washington next to some computer rather than a human being. We made that decision along with many hundreds of thousands of hours of work by our staff.

I will not go into a lot more detail other than to say that appropriations for the Bureau of Reclamation is done very similarly. We have made decisions in this bill that were important to the people of the State of Arizona.

Yuma Area project is provided $1.67 million in this bill; West Salt River Valley, water management study, $475,000; Verde River Basin management study, Bureau of Reclamation, $475,000.

I could go on for several more minutes reading off the things that this committee did in relation to the State of Arizona which were important decisions that we made. I think it is important that we make them. Again, I repeat, better that we make these decisions than some nameless, faceless bureaucrat who wouldn't even know where the State of Arizona is. The States of New Mexico and Nevada border on the State of Arizona. We feel an obligation to distribute this money in a way that we feel is fair.

So I have great respect for my friend from the State of Arizona, but on this issue I think he is wrong.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't seek to engage in argument with the distinguished Senator from Arizona. But I will say for the RECORD that I don't believe this bill and what is in it in any way contributes to what the people's image of Congress is. I think it is a very good bill. I think there is less earmarking than usual. And in fact most of it, if you look at it carefully, is probably something this body would approve of overwhelmingly.

Having said that, I compliment the Senator on his diligence, Senator MCCAIN, and for his continued hard work in this area. All of us are learning and being pushed by him to do a better job each time we appropriate the money that the taxpayers send up here for us to use.

Mr. President, we very soon will have a tender of seven amendments en bloc. That will wind up the amendments for this bill, and the only thing remaining then will be the final vote tomorrow as per the unanimous consent request which will follow after the first vote that occurs on the foreign operations bill. We will have a couple of minutes then, Senator REID and I, to make a few comments about those who have helped us and worked hardest with reference to this bill. Rather than to do that tonight, we will do that for a few minutes each tomorrow just prior to the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTERNAL REGULATION

Mr. MURKOWSKI. Mr. President, I would like to engage in a colloquy with the Senator from New Mexico regarding a section of the report accompanying the energy and water appropriations bill entitled "External Regulation." This section addresses DOE's ongoing evaluation of the question of whether DOE's nuclear facilities should be subject to regulation by the Nuclear Regulatory Commission. I would like to clarify that this section of the report is intended to allow DOE to gather quantitative and qualitative information on external regulation to serve as guidance to the authorizing committees as they address this issue in the future.

Mr. DOMENICI. I agree with the Senator from Alaska's reading of the language.

Mr. MURKOWSKI. I would like to further clarify that this language is not intended to endorse or accelerate the pace of external regulation, which should be the subject of hearings and legislative action on the part of the authorizing committees, and that the Senator will work with me to ensure that the statement of managers reflects this understanding.

Mr. DOMENICI. I agree with the Senator and agree to work with him on this as we move forward.

BUDGET IMPACT OF S. 1004

Mr. DOMENICI. Mr. President, S. 1004, the Energy and Water Development Appropriations Act, 1998, is within its allocation of budget authority and outlays.

The reported bill provides $20.8 billion in budget authority and $13.5 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain independent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of $20.9 billion in outlays.

For defense discretionary programs, the Senate-reported bill meets its allocation in budget authority and is $2 million below in outlays. The bill also is below its nondefense discretionary allocation by $46 million in budget authority and $1 million in outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1004, ENERGY AND WATER APPROPRIATIONS, 1998—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	11,803	8,993	....	....	20,796
Outlays	11,995	8,885	....	....	20,880
Senate 602(b) allocation:					
Budget authority	11,803	9,039	....	....	20,842
Outlays	11,997	8,886	....	....	20,883
President's request:					
Budget authority	13,615	9,018	....	....	22,633
Outlays	11,813	8,856	....	....	20,669
House-passed bill:					
Budget authority	....	....	....	....	....
Outlays	....	....	....	....	....
Senate-Reported Bill Compared to—					
Senate 602(b) allocation:					
Budget authority	....	(46)	....	....	(46)
Outlays	(2)	(1)	....	....	(3)
President's request:					
Budget authority	(1,812)	(25)	....	....	(1,837)
Outlays	182	29	....	....	211
House-passed bill:					
Budget authority	11,803	8,993	....	....	20,796
Outlays	11,995	8,885	....	....	20,880

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI: Mr. President, I want to thank the distinguished chairman of the Committee, Senator STEVENS, in working to provide a sufficient budget allocation to this subcommittee to support the national defense activities, the basic science research activities, and the national infrastructure programs funded in this bill.

AMENDMENTS NUMBERED 869 THROUGH 875 EN BLOC

Mr. DOMENICI. Mr. President, I am going to send to the desk seven amendments and ask that they be considered en bloc and adopted en bloc.

I will state the amendments for the RECORD publicly, and then send the amendments to the desk.

Senator TORRICELLI and Senator LAUTENBERG regarding Green Brook; Senator KEMPTHORNE regarding fish friendly turbines; Senator BUMPERS regarding Ten and Fifteen Mile Bayou; Senators DASCHLE and JOHNSON regarding the Crow Creek rural water system; Senator LEVIN regarding the Great Lakes Basin; Senator MOSELEY-BRAUN regarding the McCook Reservoir; Senators DORGAN and CONRAD regarding Devils Lake.

I send the amendments en bloc to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 869 through 875 en bloc.

The amendments are as follows:

AMENDMENT NO. 869

(Purpose: To permanently prohibit the use of funds to carry out any plan for the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey)

On page 12, between lines 12 and 13, insert the following:

SEC. . GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.

No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4119).

AMENDMENT NO. 870

(Purpose: To provide monies for the continuation of the cost-shared, fish-friendly turbine program)

On page 18, line 22, insert the following before the period: ": *Provided*, That $1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program".

AMENDMENT NO. 871

On page 9, line 12, insert the following before the period: ": *Provided further*, That, using funds appropriated in this act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basis, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950".

AMENDMENT NO. 872

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation".

AMENDMENT NO. 873

(Purpose: To prohibit the use of funds made available under this Act by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin)

On page 12, between lines 12 and 13, insert the following:

SEC. 1 . GREAT LAKES BASIN.

No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

AMENDMENT NO. 874

On page 7, line 2, insert the following before the period: ": *Provided further*, That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District".

AMENDMENT NO. 875

(Purpose: To appropriate emergency funding for initiation of construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River)

On page 7, line 2, before the period, insert the following: ": *Provided further*, The Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils

Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909'): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 869 through 875) en bloc were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendments en bloc were agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come back to the floor because, although I left the floor, I made the mistake of doing so.

The Senator from Nevada read a list of projects for which money is being appropriated for the State of Arizona. What the Senator from Nevada failed to note was that funding is exactly—and I look at it on page 11 of the bill—exactly that requested by the administration having gone through a merit-based system which then had the administration request funding on projects that had already been authorized.

That is a far different—a far, far different procedure, Mr. President, than that of the long list of earmarks that I submitted for the RECORD which have nothing to do with anything except or—let me put it this way in the most charitable fashion, Mr. President—that has no methodology nor any merit-based system that I know of that will call for the funding of these projects.

I also point out just for the RECORD that Arizona, with the agreement of the rest of the delegation, gave up $4 million that the administration was going to spend on the Central Arizona project, gave up an additional $4 million. So perhaps the Senator from Nevada did not understand what my point is. My point is that we certainly fund projects that are requested, that make a case for them, for which there is a merit-based system—not by computers but by judging them with other projects. I do not think the Senator from Nevada understood my point. I have no complaint about projects which the administration requests and they are funded. My complaint is about earmarking for projects including the Appalachian Regional Commission and other projects which I submitted a list of. They are two different things.

If the Senator from Nevada would agree that we will go through the same system that we went through in order to arrive at the funding for those projects he pointed out, there would be no Member as happy as this one—none in this body.

So I hope the Senator from Nevada would commit to the same process we went through that achieved that funding for these projects he read off for the State of Arizona.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am sorry the Senator from Arizona had to come back. Certainly as indicated on the RECORD, I only had positive things to say about the Senator from Arizona.

I do say—and he and I have a disagreement on how bills like this should come to be—I believe that we as a legislative branch of Government have an obligation to make independent decisions separate and apart from the administration. I do not feel I have any obligation to follow what the bureaucrats say we should appropriate.

The Senator from Arizona and I came to the Congress together. I have the greatest admiration for him, not only for what he has done in his professional life as a Member of Congress but, of course, what he did before he came here.

So it has nothing to do with how I feel about the Senator from Arizona. It has to do with the basic difference in what I feel is an obligation a Member of Congress has. It is a legitimate difference. It has nothing to do on a personal basis, and I will continue to work as hard as I can with the Senator on campaign finance reform and also to fund projects for the State of Arizona as a member of this subcommittee, as long as I am ranking member, in a fair and impartial way, getting direction from the bureaucrats but not following necessarily what they have to say.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. May I say I appreciate the words of the Senator from Nebraska—Nevada. I appreciate any from Nebraska, too. But I appreciate the words of the Senator from Nevada. He and I have been friends now since 1982 when we came to the House together. We have worked together on a variety of issues, including native American and many others. Our difference, as he states, is a philosophical one. I don't believe there is an orderly process that judges these projects on merit, and that is just a difference that we have had for many, many years.

I admire his adherence to what he believes is best not only for Nevada but for the country. I respect that, and I know that my words in criticism of this procedure have nothing to do with the enormous respect and affection that I have for him and the chairman of the subcommittee and the chairman of the Budget Committee, Senator DOMENICI.

I yield the floor.

Mr. DOMENICI. I thank the Senator very much.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHRISTOPHER MEILI

Mr. D'AMATO. Mr. President, I thank the chairman and my good friend, Senator DOMENICI, and Senator REID for giving me this opportunity to address what I consider to be the acts of a courageous individual and the fact that the House today acted in a bipartisan manner, unanimously passing S. 768, a bill to give to Christopher Meili the opportunity to live in this country, and to say once again that America understands the courage exhibited by Christopher Meili in his extraordinary action in reporting and making public the destruction of documents in Switzerland at great peril to himself and to his family. He was ostracized for this act. He was threatened with death. His family, his two children, can no longer live in their own country. Once again, America has opened its heart and its doors.

The House, in an extraordinary act, has given him the opportunity to live here, to work here, to raise his family. Christopher Meili is a noble man whose actions ennobled all of us, and he has suffered greatly for his courage in exposing the truth. Now he simply desires to live in freedom here in America with his family, and now he can.

I spoke to Christopher earlier today and told him that the House of Representatives had completed action and that it had passed the legislation, and now it awaits the President's signature. I am certain that the President will continue the process of making possible Christopher's staying here in this country and giving to him the freedom that he yearns for himself and his family.

Mr. President, I commend those of my colleagues who, by way of their action in passing this legislation, have given Christopher an opportunity to live here in this country, and we once again demonstrate that we understand the extraordinary sacrifices that this young man made in the cause of freedom.

Mr. President, I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATION BILL FOR FISCAL YEAR 1998

Mr. MCCAIN. Mr. President, during the debate on S. 1005, the defense appropriations bill this morning, I expressed several concerns about section 8097 of that bill. While I appreciate Senator INOUYE amending section 8097 to prohibit the use of Federal funds for the construction of the new cruise ships that would result from this pilot project. I still have serious concerns about the provision that would grant a 25-year monopoly in the Hawaii cruise ship market for the only cruise ship operator in Hawaii.

This legislative restriction on commerce is unprecedented and must not be granted. The existing U.S.-flag cruise ship operator in Hawaii is already protected from foreign competition by U.S. coastwise trade laws. That company has operated without statutory protection from domestic competition for more than a decade. There is no compelling reason to provide such protection now. I'm sure that many businesses would like to reduce their cost of capital to replace their infrastructure by convincing their lenders that their company is protected from any competition in its market. However, the Congress has not provided such protection in the past and we should not do so now.

I would also note that the provision provides a special waiver to the coastwise trade laws, which is somewhat extraordinary and should be examined for its fairness and appropriateness. While I am not a member of the Appropriations Committee I intend to vigorously pursue the modification of section 8097 to eliminate this egregious provision during the conference on S. 1005.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 15, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 768. An act for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committees on Appropriations, without amendment:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–47).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans Affairs.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BENNETT:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. CHAFEE):

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. HATCH, and Mr. DODD):

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1017, a proposed bill to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 16, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That that portion of subsection (a) of section 1502 of title 38, United States Code, preceding paragraph (1) is amended to read as follows:

"(a) For purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is 65 years of age or older and is a patient in a nursing home or, regardless of age, is unemployable as a result of a disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, June 16, 1997.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of the nonservice-connected disability pension program. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability in the case of a person who is age 65 or older and who is a patient in a nursing home, for purposes of establishing basic eligibility under the Department of Veterans Affairs' (VA) nonservice-connected disability pension program.

For many years, former section 502(a) (redesignated as section 1502(a)) of title 38, United States Code, provided that a person was presumed to be permanently and totally disabled at age 65 for the purpose of establishing basic pension eligibility. However, in 1990 Congress amended this provision via the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101–508, §8002) to eliminate the presumption of total disability at age 65 for claims filed after October 31, 1990. Consequently, it is now necessary that a rating decision be rendered on the issue of permanent and total disability before pension can be paid to any person, regardless of age or circumstances.

Under current law, an incongruous situation arises in the case of a pension claimant who is a patient in a nursing home. Pursuant to 38 U.S.C. §1502(b), such a person would be considered to be in need of regular aid and attendance (a level of disability which assumes the existence of permanent and total disability) and, therefore, entitled to pension at a higher rate. Nonetheless, the person could not establish eligibility for any pension until a determination is made through a rating activity that the person is permanently and totally disabled. Consequently, under current law, if an 85-year old veteran in a nursing home were to file an original pension claim, it would still be necessary to prepare a rating decision on the issue of permanent and total disability to establish the veterans' basic pension eligibility under section 1502(a), although the veteran would, once determined to be eligible, be considered under section 1502(b) to be eligible for a higher payment of pension based on the need for regular aid and attendance.

Enactment of the proposed amendment to section 1502(a) would be advantageous to VA and to claimants for pension and other benefits administered by VA. Processing times for original and reopened pension claims would be reduced because development of medical evidence of a nursing home patient's level of disability would no longer be necessary. This improvement in efficiency would have a salutary effect on the processing of other types of claims because rating specialists and development personnel would have more time to devote to other activities, including adjudication of service-connected disability compensation claims.

The proposed amendment would not threaten the integrity of the pension program. An individual age 65 years or older who is a patient in a nursing home would almost certainly qualify as being permanently and totally disabled under 38 U.S.C. §1502(a) as it is currently worded. The likelihood that such an individual would eventually leave the nursing home is slim. However, procedures are already in place for reevaluating aid and attendance entitlement when a notice of discharge from a nursing home is received in the case of a veteran whose aid and attendance benefit is based on nursing-home-patient status. These procedures will be adapted to require a rating decision upon a person's discharge from a nursing home if the basic eligibility determination was premised on the person's status as a patient in a nursing home.

Enactment of this proposal would merely speed the processing of claims of persons who would otherwise qualify for pension.

This draft bill would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal is zero.

OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1018, a proposed bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 18, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. AMENDMENTS TO DEFINITIONS.

Section 1801 is amended to read as follows:

"For the purposes of this chapter—

"(1) The term 'child', with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

"(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the character of such individual's service.".

SEC. 3. APPLICATION OF CERTAIN ADMINISTRATIVE PROVISIONS TO CHAPTER 18.

Section 1806 is amended to read as follows:

"The provisions of sections 5101(c), 5110 (a), (b)(2), (g), and (i), 5111, and 5112 (a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.".

SEC. 4. AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.

(a) Section 1804(c)(1)(B) is amended by striking out "institution of higher education" and inserting in lieu thereof "institution of higher learning".

(b) Section 1804(d) is amended by adding after paragraph (2) the following new paragraph:

"(3) A vocational training program under this section may begin on the child's eighteenth birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law, and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's eighteenth birthday."

SEC. 5. CONFORMING CHANGES TO EFFECTIVE DATE PROVISIONS.

(a) Section 421(d) of Public Law 104–204, 110 Stat. 2926, is amended by striking out "January 1, 1997" and inserting in lieu thereof "October 1, 1997".

(b) Section 422(b)(1) of Public Law 104–204, 110 Stat. 2927, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(c) Section 422(c) of Public Law 104–204, 110 Stat. 2927, is repealed.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall be effective on October 1, 1997.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, June 18, 1997.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit the enclosed draft bill to amend title 38, United States Code, to "amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes." I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

Section 2 of the draft bill would amend new section 1801 of title 38, United States Code (as added by section 421(b)(1) of Pub. L. No. 104–204, effective October 1, 1997). Section 1801 sets forth definitions of certain terms for purposes of new chapter 18 of that title, which authorizes benefits for children of Vietnam veterans who are born with spina bifida. The definitions of "child" and "Vietnam veteran" would be amended by section 2 of the draft bill.

Pursuant to section 1801(1) as added by Pub. L. No. 104–204, the term "child" is defined for purposes of new chapter 18 to mean "a natural child of the Vietnam veteran . . . who was conceived after the date on which the veteran first entered the Republic of Vietnam *during the Vietnam era.*" (Emphasis added.) At the time of enactment of that statute, the term "Vietnam era" was defined in 38 U.S.C. §101(29) as the period beginning August 5, 1964, and ending on May 7, 1975. Subsequently, however, section 505(a) of Pub. L. No. 104–275 (effective January 1, 1997) amended the definition of that term to mean either the period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period, or the period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases. In addition, section 505(b) ob Pub. L. No. 104–275 amended 38 U.S.C. §1116(a) by striking out references to the "Vietnam era" and substituting references to "the period beginning on January 9, 1962, and ending on May 7, 1975," for the purposes of a statutory presumption of service connection for certain disabilities based on exposure to herbicide agents in the case of a veteran who served in the Republic of Vietnam during that period. January 9, 1962, is the earliest date herbicide agents were known to have been used in the Republic of Vietnam in connection with the armed conflict.

Since the purpose of new chapter 18 is to address disabilities resulting from the birth defect spina bifida which may be associated with a parent's exposure to herbicide agents while serving in the Republic of Vietnam, we believe it would be appropriate for references to the applicable time period in section 1801 to be consistent with the time period now set forth in 38 U.S.C. §1116(a). Accordingly, the term "child" with respect to a Vietnam veteran would be defined to mean a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. A similar conforming change would be made to the definition of "Vietnam veteran" in section 1801(2), which currently uses the term "Vietnam era".

Section 1801(2) of title 38, United States Code, as added by Pub. L. No. 104–204, defines the term "Vietnam veteran" as a "veteran" who performed active service in the Republic of Vietnam during the Vietnam era. We believe use of the term "veteran" in the definition of the term "Vietnam veteran" may precipitate, in a small number of cases, an unnecessary eligibility determination, relating not to the child, but to the parent, in that 38 U.S.C. §101(2) defines the term "veteran," mean "a person who served in the active military, naval, or air service, *and who was discharged or released therefrom under conditions other than dishonorable.*" (Emphasis added.) As a result of the character-of-discharge component in the definition of "veteran," there may be some instances in which a parent may fail to attain veteran status based on character of discharge, thus precluding his or her child's eligibility for benefits under chapter 18. Authorization of benefits and services for children of Vietnam veterans who suffer from spina bifida, pursuant to Pub. L. No. 104–204, represents the first instance in which the Department of Veterans Affairs (VA) will be authorized to provide benefits to a child of a veteran based on a direct injury to the child rather than the parent. We do not believe that a child's eligibility for benefits and services under chapter 18 for a physical injury suffered by the child should be premised on a parent's eligibility for veteran's benefits. Therefore, we propose to clarify the definition of the term "Vietnam veteran" to indicate that the relevant factor for consideration is the physical presence of the child's parent in the Republic of Vietnam on military service during a period of time when use of herbicide agents was documented, not the character of that parent's military service. Accordingly, the term "Vietnam veteran" would be defined to mean an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the character of such individual's service.

Section 3 of the draft bill would amend 38 U.S.C. §1806 to provide for the applicability to the provision of benefits under chapter 18 of certain existing administrative provisions which are applicable to the service-connected disability compensation program. Section 1806, as amended by this section, would make applicable, for purposes of the administration of benefits under chapter 18, references to the following sections of title 38, United States Code: 5101(c) (regarding the furnishing of Social Security numbers); 5110(a) (regarding the general effective-date rule for an original benefit award); 5510(b)(2) (regarding the effective date of an award of increased benefits); 5110(g) regarding effective dates of awards based on Acts or administrative issues); 5110(i) (regarding allowance of a reopened claim based on the correction of military records); 5111 (regarding the commencement of the period of payment of benefits); and 5112(a), 5112(b)(1), 5112(b)(6), 5112(b)(9), and 5112(b)(10) (regarding the effective date of a reduction or discontinuance of benefits on certain bases). We believe the applicability of these sections to new chapter 18 is necessary to assure equitable and consistent administration of benefits under that chapter in a manner similar to the administration of the compensation program.

Section 4 of the draft bill would make no changes concerning vocational training and rehabilitation benefits for children of Vietnam veterans who are born with spina bifida. First, subsection (a) of this section would amend 38 U.S.C. §1804(c)(1)(B) by replacing the term "institution of higher education" with the term "institution of higher learning". The latter is a term of art defined in 38 U.S.C. §3452(f), as meaning, generally, a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by state law to grant an associate or higher degree or otherwise is accredited for degree programs by a recognized accrediting agency. The term, which also includes a hospital offering educational programs at the postsecondary level, has a long history of usage by VA in its administration of the various GI Bill and other educational assistance programs for eligible veterans and dependents, as well as the chapter 31 vocational rehabilitation program for certain service disabled veterans with employment handicaps. By contract, the term "institution of higher education" is not found in title 38 and has no accepted meaning with regard to administration of veterans' benefits under that title. In view of this, and since we know of no substantive basis for use of different terminology for purposes of section 1804, we believe this proposed change will promote ease of understanding and administration of section 1804.

Subsection (b) of section 4 would amend section 1804(d) to add a new provision to specify that an eligible child may enter a vocational training program under that section as of the child's eighteenth birthday or on completion of secondary schooling, whichever first occurs. The Secretary could grant an exception that would permit entry into the program before age 18 when in the best interest of a child above the age of compulsory school attendance. This change addresses an omission in the statute by putting a reasonable floor on the age when a child can be evaluated for the feasibility of achieving a vocational goal and can commence training toward that objective. Vocational training normally is initiated upon completion of secondary or high school education, and this change recognizes that fact. It also would encourage a child's completion of secondary education where feasible, while allowing for exceptions where completion is not feasible. In this regard, it may be noted that this proposal is patterned after a provision applicable to commencement of educational assistance for an eligible child under chapter 35 of title 38, the Survivors' and Dependents' Educational Assistance program. Fixing the beginning of eligibility for commencement of a program in this manner is similarly appropriate for children afforded assistance under section 1804.

Section 5 is intended to eliminate apparent inconsistencies between the respective January 1, 1997, and October 1, 1996, effective dates set forth in sections 421(d) and 422(b)(1) of Pub. L. No. 104–204 and an overriding October 1, 1997, effective date provision in section 422(c) of that law. Enactment of this section would not result in a substantive change in the operative October 1, 1997, effective date, but will eliminate the potential for confusion regarding the various effective dates and insure that each of the subject amendments will become effective simultaneously.

Pursuant to section 422(c) of Pub. L. No. 104–204, notwithstanding sections 421(d) or 422(b)(1) of that law, the effective date for the amendments made by section 421(b) (which adds new chapter 18) and section 422(a) (which amends 38 U.S.C. §1151), is October 1, 1997. Section 421(d) otherwise would have established a January 1, 1997, effective date for new chapter 18, and section 422(b)(1) would have established October 1, 1996, as the effective date for the amendments to section 1151. Section 5(a) would amend section 421(d) of Pub. L. No. 104–204 by striking out "January 1, 1997" and substituting "October 1, 1997" in its place. In addition, section 5(b) would amend section 422(b)(1) of that public law to specify an effective date of October 1, 1997, for the amendments made by section 422(a) to 38 U.S.C. §1151, in place of October 1, 1996. Finally, section 5(c) would repeal section 422(c) of Pub. L. No. 104–204, as that section would no longer be needed.

In addition to simplifying the effective date provisions applicable to sections 421 and 422 of Pub. L. No. 104–204, this change would avoid an anomaly in the application of the amendment to 38 U.S.C. §1151 made by section 422(a). In part to assure that any benefit costs associated with new chapter 18 would be fully offset by cost savings, section 422(a) amended section 1151 to provide, in general, that compensation and dependency and indemnity compensation on the basis of disability or death as a result of VA medical treatment would be payable only where disability or death was due to fault on the part of VA or an event not reasonably foreseeable. Although section 422(c) currently provides that section 422 shall not take effect until October 1, 1997, section 422(b)(2) states that the amended section 1151 shall govern determinations of eligibility "made with respect to claims filed on or after the effective date set forth in paragraph (1)" of section 422(b), i.e., October 1, 1996. This suggests that, although the amendments to section 1151 made by section 422 do not take effect until October 1, 1997, when they do, any claims filed between October 1, 1996, and October 1, 1997, but not yet decided by October 1, 1997, would be subject to the more narrow provisions of amended section 1151. The criteria applicable to eligibility determinations should not be dependent on how long it takes VA to adjudicate a particular section-1151 claim. The amendments proposed in section 5 of the draft bill would avoid this result by clarifying that the changes to section 1151 apply only with respect to claims filed on or after October 1, 1997, as we believe was intended.

Section 6 of the draft bill would provide that the effective date for the amendments made by the draft bill shall be October 1, 1997. This provision is necessary to assure that the amendments proposed in this draft bill will have the same effective date as the amendments to title 38, United States Code, applicable to children of Vietnam veterans who are born with spina bifida enacted as part of Pub. L. No. 104–204.

This proposal would affect direct spending; therefore it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal would be zero.

OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. CHAFEE):

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the acts, and for other purposes; to the Committee on Labor and Human Resources.

THE ARTS AND HUMANITIES AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, I rise today to introduce the Arts and Humanities Amendments of 1997 along with my colleague from Massachusetts, Senator KENNEDY and my colleague from Rhode Island, Senator CHAFEE. This legislation provides an authorization for the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH]—agencies which I believe contribute a great deal to the wealth and richness of our Nation.

The bill that we are introducing today is based closely on the bill that was passed out of the Senate Labor and Human Resources Committee last Congress by a solid bipartisan vote of 12 to 4. The legislation reflected ideas and consideration from Senators on both sides of the aisle. The result of that collaboration was a strong bill, which makes substantial and needed changes to the agencies while allowing the agencies to continue what they do best—provide support for the arts and humanities in communities throughout this Nation.

We began the reauthorization process this Congress in May with a hearing which focused on education programs in the arts and humanities. It was clear to me from that hearing that arts education programs and education programs in the humanities make a real difference in the lives of individuals of all ages and from all corners of the country.

As a result of what I learned at the hearing, the bill that I am introducing today directs the NEA to use any funds appropriated above the fiscal year 1997 level for arts education programs, especially those innovative programs that integrate the arts in the teaching of other core academic subjects. The arts are important to ensuring the future academic success of our Nation's students. In fact, according to college board figures, students of the arts outperform their nonarts peers on the SAT. In 1995, those who had studied the arts for 4 or more years scored 59 points higher in the verbal and 44 points higher in the math portions of the SAT compared with students with no course work or experience in the arts.

I have only to look in my backyard to understand the importance and value of the NEA and NEH. The benefits of NEA and NEH funding in Vermont are significant and far reaching. Thanks in part to a $30,000 grant from the NEA, folks in 26 Vermont communities will be able to hear the magnificent music of the Vermont Symphony Orchestra. The Vermont Symphony will perform for 12,000 school children as part of a school partnership program, opening their worlds to the magic and wonder of music, many for the first time. Our Vermont Arts Council, through the funds it receives from NEA will support a wide range of arts programs benefiting all Vermonters. The NEH makes a significant and positive difference in the State of Vermont, too. The Vermont Council on the Humanities is a national leader in creating literacy programs which reach individuals of all reading levels and all ages as a result of the funding provided by the NEH. The University of Vermont received a grant from the NEH to catalogue and preserve our State's local newspapers. This grant is part of a national initiative spearheaded by the NEH to ensure that the local papers which chronicle the history of our State and the Nation are available to future generations.

This bill makes substantial improvement to the way these agencies do business. In addition, the legislation makes it clear that these agencies are meant to serve the American public, especially those who would not otherwise have the arts and humanities available to them.

This bill proposes significant changes to current law. The changes are far reaching and go the fundamental operations of both the NEA and NEH. It is our hope that these changes will provide guidance and set priorities for funding for projects in an effort to increase access to programs and projects which are of the highest caliber.

The legislation imposes a new structure on the NEA and NEH, and increases the percentage of funds made available to State councils. It places greater emphasis on ensuring Endowment programs reach underserved communities.

The bill calls for a merging of many of the administrative functions of the Endowments with the intent of eliminating costly and unnecessary duplication. Administrative funds are capped on a sliding scale. In an effort to further streamline the agencies and cut bureaucracy, the number of members on the National Councils have been decreased. A provision has been included which empowers the NEA and NEH to recapture funds from grants that have gone on to commercial and financial success. Both Endowments are explicitly prohibited from using funds for purposes of lobbying or general membership services.

Some changes apply only to the NEA. The legislation prohibits the NEA from making nonspecific seasonal support grants. It eliminates subgranting—only States, regional groups, and local arts agencies which are agencies of local government would have the authority to subgrant under this legislation. it restricts grants to individuals to the categories of literature, National Heritage, and Jazz Master fellowships. Non-Federal matching requirements are increased in the National Significance grant category to 3:1 and in some cases, 5:1. We have increased turnover in the panel system and increased lay person participation to ensure greater community involvement and input. In addition, panels are prohibited from recommending specific amounts of grants and will be required to recommend more grants than funding available. The Council, too, will have to recommend approval for more applications than there are funds available. These provision give the chair greater decisionmaking responsibility and make the chair more accountable for grants the agency makes.

Lastly, but in my opinion one of the most important changes to this bill is the expansion of the Arts and Artifact Indemnity Act. This change will enable extraordinary domestic exhibitions to be eligible for Federal indemnification and afford more Americans access to the great artistic treasures of this Nation.

Many of my colleagues in the House do not feel that there is a Federal role for the arts, but I do not agree with that position. The role of the States in distributing NEA funds is very important, and for that reasons, this legislation does increase the percentage of funds available to State arts and agencies and State humanities organizations. Still, in my view, there is an important national role that must be preserved. The New York-based Chamber Music America received an NEA grant of $145,000 for a residency program which benefited rural communities in Arkansas, California, Pennsylvania, Texas, Kentucky, Maine, and Oregon. The NEA made a grant to the YMCA in Chicago, IL, for its National Readings Tour of the National Writer's Voice project which established literary arts centers in YMCA's in New Mexico, South Dakota, New Jersey, California, North Carolina, New Hampshire, and Florida. Both these grants benefited people far beyond the boundary of the State that received the grant. They are just two examples of extraordinary arts programs that would not longer be available to people in my State or any other State if all NEA funds were block granted.

In setting clear priorities for the NEA and NEH, and striking a balance between leadership at the State level and leadership at the national level, I am confident that both agencies will be even better able to serve their constituency—all the people of this country. I ask unanimous consent that a copy of the legislation be included as part of the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts and Humanities Amendments of 1997".

TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 101. NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'National Foundation on the Arts and the Humanities Act of 1965'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Purposes.
"Sec. 3. Definitions.

"TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

"Sec. 101. Establishment of the National Foundation on the Arts and the Humanities.
"Sec. 102. General limitations on grants.
"Sec. 103. Joint administration.
"Sec. 104. Study on a true endowment.
"Sec. 105. Donations, bequests, and devises.
"Sec. 106. Authorization of appropriations.

"TITLE II—NATIONAL ENDOWMENT FOR THE ARTS

"Sec. 201. Definitions.
"Sec. 202. Establishment of the National Endowment for the Arts.
"Sec. 203. Application procedures.
"Sec. 204. Advisory panels.
"Sec. 205. National Council on the Arts.
"Sec. 206. Limitations on grants.
"Sec. 207. Administrative provisions.
"Sec. 208. Reports.
"Sec. 209. Sanctions and payments.
"Sec. 210. National Medal of Arts Awards.

"TITLE III—NATIONAL ENDOWMENT FOR THE HUMANITIES

"Sec. 301. Definitions.
"Sec. 302. Establishment of the National Endowment for the Humanities.
"Sec. 303. Application procedures.
"Sec. 304. Review panels.
"Sec. 305. National Council on the Humanities.
"Sec. 306. Limitations on grants.
"Sec. 307. Administrative provisions.
"Sec. 308. Reports.
"Sec. 309. Sanctions and payments.
"Sec. 310. Awards.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1)(A) to ensure that the arts and the humanities belong to all the people of the United States; and

"(B) to support the arts and the humanities, which are essential to social, cultural, and economic progress;

"(2) to encourage and support national progress and scholarship in the arts and the humanities, because such encouragement and support, while primarily matters for private and local initiative, are also appropriate matters of concern for the Federal Government;

"(3) to ensure that the United States, as an advanced civilization, does not limit its efforts to science and technology alone but gives full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future;

"(4) to further the advancement of the arts and the humanities and the access of all citizens of the United States to the arts and the humanities, in partnership with local, State, regional, and private agencies, organizations, and individuals;

"(5) in furthering the advancement and access described in paragraph (4), to be sensitive to the nature of public support and the need to use public funding in a manner that recognizes the responsibility of the Federal Government to the public good;

"(6) to ensure that public funds provided by the Federal Government ultimately serve the public purposes the Congress defines and are subject to the conditions that traditionally govern the use of public money;

"(7) to ensure that—

"(A) Federal support of the arts and the humanities reflects the high place accorded by the people of the United States to the Nation's rich cultural heritage; and

"(B) public funding of the arts and the humanities contributes to public support for and confidence in the use of taxpayer funds;

"(8)(A) to support the practice of art and the study of the humanities, which require constant dedication and devotion; and

"(B) while recognizing that no government can create a great artist or scholar, to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of creative talent; and

"(9)(A) to ensure that United States students receive in school, background and preparation in the arts and the humanities to enable the students to recognize and appreciate the aesthetic dimensions of their lives, the cultural heritage of the United States, and the full potential of artistic and scholarly expression; and

"(B) to increase access to the arts and the humanities for all persons in the United States by—

"(i) encouraging and developing quality education in the arts and the humanities at all levels, in conjunction with programs of lifelong learning in the arts and the humanities for all age groups and with formal systems of elementary, secondary, and postsecondary education; and

"(ii) encouraging and facilitating the work of scholars, artists, arts institutions, and Federal, State, regional, and local agencies in the area of education in the arts and the humanities.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ARTS.—The term 'arts' includes—

"(A) dance, design, literature, media arts, music, theater, and visual arts;

"(B) folk and traditional arts practiced by the diverse peoples of the United States; and

"(C) the presentation, performance, execution, exhibition, preservation, and study of the arts described in subparagraph (A) or (B), including the study of the arts through apprenticeships, internships, and other career oriented work-study experiences for artists and art teachers, and residencies for artists at all educational levels.

"(2) CULTURAL HERITAGE.—The term 'cultural heritage' means the living legacy of creations, skills, and knowledge handed down from prior generations—

"(A) that embraces the traditional arts and ideas that are developed informally and that reflect the heritage, tradition, and history of American communities over the centuries; and

"(B) that continues to evolve as new groups contribute to the American experience.

"(3) GRANT.—The term 'grant' includes a loan, a contract, and a cooperative agreement.

"(4) Group.—The term 'group' includes any State or local arts agency, regional group, and any nonprofit organization or institution in the United States, whether or not incorporated.

"(5) Humanities.—The term 'humanities' includes—

"(A) the study and interpretation of—

"(i) language, both modern and classical, linguistics, literature, history, jurisprudence, philosophy, archaeology, comparative religion, and ethics;

"(ii) the history, criticism, and theory of the arts;

"(iii) folklore and folklife; and

"(iv) the aspects of the social sciences that have humanistic content and employ humanistic methods; and

"(B) the study and application of the humanities described in subparagraph (A) to the human environment with particular attention to—

"(i) reflecting the heritage, traditions, and history of the United States; and

"(ii) the relevance of the humanities described in subparagraph (A) to the conditions of national life.

"(6) Program income.—

"(A) In general.—The term 'program income' means any money that is earned or received, by a recipient of a grant made under title II or III, from an activity supported by the funds made available through the grant or from a product resulting from or related to an activity carried out under the grant.

"(B) Types of income.—The term includes—

"(i) income from a fee for service performed, or from the sale of an item created, under the grant;

"(ii) income from a licensing fee on a product related to an activity carried out under the grant;

"(iii) a usage or rental fee for equipment or property acquired under the grant;

"(iv) an admission fee for an activity carried out under the grant;

"(v) income from a broadcast or distribution right for such an activity; and

"(vi) a royalty on a patent or copyright for such an activity.

"(7) Regional group.—The term 'regional group' means any multistate group, whether or not representative of contiguous States.

"(8) State.—The term 'State' includes, in addition to the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

"(9) Underserved communities.—The term 'underserved communities' means those communities that have historically been outside the purview of arts and humanities programs.

"TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

"SEC. 101. ESTABLISHMENT OF THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

"(a) Establishment.—There is established a National Foundation on the Arts and the Humanities (referred to in this Act as the 'Foundation'), which shall be composed of a National Endowment for the Arts, a National Endowment for the Humanities (each of which may be referred to in this title as an 'Endowment'), and an Institute of Museum and Library Services.

"(b) Purpose.—The purpose of the Foundation shall be to develop and promote a national policy of support for the arts and the humanities in the United States.

"(c) Limitation.—In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, administration, or operation, of any school or other non-Federal agency, institution, organization, or association.

"SEC. 102. GENERAL LIMITATIONS ON GRANTS.

"None of the grants awarded under this Act shall be used for the purposes of lobbying or for providing general membership services for groups.

"SEC. 103. JOINT ADMINISTRATION.

"(a) Inspector General.—There shall be in the Foundation a single Office of the Inspector General for the National Endowment for the Arts and the National Endowment for the Humanities. The Office shall be headed by 1 Inspector General appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.). The Inspector General shall carry out the duties prescribed in such Act, including conducting appropriate reviews to ensure that recipients of grants under titles II and III comply with the applicable regulations and procedures established under this Act, including regulations relating to accounting and financial matters.

"(b) Reporting.—The Inspector General for the National Endowment for the Arts and the National Endowment for the Humanities shall report—

"(1) to the Chairperson of the National Endowment for the Arts with respect to matters relating to the National Endowment for the Arts; and

"(2) to the Chairperson of the National Endowment for the Humanities with respect to matters relating to the National Endowment for the Humanities.

"(c) Other Functions.—The Chairperson of the National Endowment for the Arts and Chairperson of the National Endowment for the Humanities shall ensure nonduplication of administrative functions, such as provision of facilities and space, records management, contracting, procurement, printing, and provision of mail and library services. The Chairpersons shall enter into an interagency agreement to jointly carry out the functions with the minimum necessary expense.

"(d) Report.—Not later than 60 days after the date of enactment of the Arts and Humanities Amendments of 1997, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall jointly prepare and submit to the appropriate committees of Congress a report containing a plan that describes the manner in which the Chairpersons will jointly carry out the functions described in subsection (c). Not later than 180 days after such date of enactment, the Chairpersons shall implement the plan.

"SEC. 104. STUDY ON A TRUE ENDOWMENT.

"(a) In General.—The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, in consultation with persons with expertise in the arts, humanities, business, charitable giving, and copyright industries, and other appropriate Federal agencies, shall jointly conduct, or contract for, a study on the feasibility of establishing a true endowment for the National Endowment for the Arts and the National Endowment for the Humanities in order to provide supplemental funding to support the efforts of the National Endowment for the Arts and the National Endowment for the Humanities, respectively.

"(b) Scope of Study.—The study described in subsection (a) shall examine innovative methods through which a true endowment may be funded, including such methods as private fundraising, an extension of a copyright term, recapture of funds from past grants of the National Endowment for the Arts and the National Endowment for the Humanities that have proven profitable, or any other innovative methods the Chairpersons determine appropriate.

"(c) Report.—Not later than 1 year after the date on which funding is made available under this Act to conduct the study described in subsection (a), the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall jointly prepare and submit to the appropriate committees of Congress a report containing recommendations on the innovative methods through which the true endowment may be funded to support efforts described in subsection (a).

"SEC. 105. DONATIONS, BEQUESTS, AND DEVISES.

"(a) Donations, Bequests, and Devises to the Foundation Without Designation.—

"(1) In general.—In any case in which any money or other property is donated, bequeathed, or devised to the Foundation without designation of the Endowment for the benefit of which the money or property is intended, each Chairperson of an Endowment shall have authority to receive such money or property.

"(2) Unrestricted donations, bequests, and devises.—Except as provided in paragraph (3), unless the Chairpersons of the Endowments agree otherwise, the money or property described in paragraph (1) shall be deemed to have been donated, bequeathed, or devised in equal shares to each Endowment.

"(3) Restricted donations, bequests, and devises.—In any case in which any money or property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such money or property shall be deemed to have been donated, bequeathed, or devised to the Endowment whose function it is to carry out the purposes of the condition or restriction.

"(b) Donations, Bequests, and Devises to the Endowments.—

"(1) Chairperson of the national endowment for the arts.—

"(A) In general.—The Chairperson of the National Endowment for the Arts (referred to in this paragraph as the 'Chairperson'), in carrying the functions of the Chairperson, shall have authority—

"(i) to solicit, accept, receive, invest, and use money and other property donated, bequeathed, or devised to the Endowment, either absolutely or in trust, with or without a condition or restriction, including a condition that the Chairperson use other funds of the Endowment for the purposes of the donation, bequest, or devise; and

"(ii) to sell or otherwise dispose of such property,

to carry out the activities of the Endowment under title II.

"(B) Proceeds.—

"(i) Receipt of proceeds.—Any proceeds from a donation, bequest, or devise under subparagraph (A) shall be paid by the donor or the representative of the donor to the Chairperson. Any proceeds from any sale or disposition of property under subparagraph (A) shall be retained by the Chairperson.

"(ii) Investment of proceeds.—The Chairperson shall invest the proceeds described in clause (i) that are not required to carry out subsection (c) and section 210. Such investments shall be made only in interest-bearing accounts to the credit of the National Endowment for the Arts, of which only 50 percent of the accumulated interest may be used for the purposes of carrying out the activities of the Endowment under title II.

"(C) Notwithstanding subparagraphs (A) and (B)(ii), any money and other property donated, bequeathed, or devised under subparagraph (A)(i) with a condition or restriction shall be used, expended, or invested subject to such condition or restriction.

"(2) Chairperson of the national endowments for the humanities.—

"(A) In general.—The Chairperson of the National Endowment for the Humanities (referred to in this paragraph as the 'Chairperson'), in carrying the functions of the Chairperson, shall have authority—

"(i) to solicit, accept, receive, invest, and use money and other property donated, bequeathed, or devised to the Endowment, either absolutely or in trust, with or without a condition or restriction, including a condition that the Chairperson use other funds of the Endowment for the purposes of the donation, bequest, or devise; and

"(ii) to sell or otherwise dispose of such property,

for purposes of carrying out the activities of the Endowment under title III.

"(B) Proceeds.—

"(i) Receipt of proceeds.—Any proceeds from a donation, bequest, or devise under subparagraph (A) shall be paid by the donor or the representative of the donor to the Chairperson. Any proceeds from any sale or disposition of property under subparagraph (A) shall be retained by the Chairperson.

"(ii) Investment of proceeds.—The Chairperson shall invest the proceeds described in clause (i) that are not required to carry out subsection (c) and section 310(a). Such investments shall be made only in interest-bearing accounts to the credit of the National Endowment for the Humanities, of which only 50 percent of the accumulated interest may be used for the purposes of carrying out the activities of the Endowment under title III.

"(C) Notwithstanding subparagraphs (A) and (B)(ii), any money and other property donated, bequeathed, or devised under subparagraph (A)(i) with a condition or restriction shall be used, expended, or invested subject to such condition or restriction.

"(c) Use of Donations, Bequests, and Devises for Certain Administrative Expenses.—

"(1) In general.—The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall each use from the amounts received under subsection (b)—

"(A) not more than $100,000 for fiscal year 1998 for official reception and representation expenses; and

"(B) not more than $50,000 for each subsequent fiscal year for such expenses.

"(2) Exception.—The requirement of paragraph (1) shall not apply to expenses associated with the award established under section 310(a).

"(d) Tax Laws.—For the purposes of the income tax, gift tax, and estate tax laws of the United States, any money or other property donated, bequeathed, or devised to the Foundation or one of the Endowments and received by the Chairperson of an Endowment pursuant to this section shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States.

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) National Endowment for the Arts.—

"(1) In general.—

"(A) Total authorization.—There are authorized to be appropriated to carry out the activities of the National Endowment for the Arts under this Act $175,000,000 for fiscal year 1998, and such sums as are necessary for the fiscal years 1999 through 2002.

"(B) Reservation for administration.—Of the amount appropriated for a fiscal year under subparagraph (A), there shall be reserved amounts sufficient to carry out subsection (c)(1).

"(C) Special reservation for arts education and underserved communities grants.—In a fiscal year in which the aggregate amount appropriated under subparagraph (A) exceeds $99,494,000, the amount that exceeds such aggregate amount shall be reserved for making grants under section 202(f) to carry out activities described in subsection (f)(2)(B) of such section.

"(D) Reservation for partnership grants.—40 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(c).

"(E) Reservation for national significance grants.—40 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(d).

"(F) Reservation for direct grants.—10 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(e).

"(G) Reservation for arts education and underserved communities grants.—10 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(f).

"(2) Sums remaining available.—Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for obligation until expended.

"(b) National Endowment for the Humanities.—

"(1) In general.—

"(A) Total authorization.—There are authorized to be appropriated to carry out the activities of the National Endowment for the Humanities under this Act $175,000,000 for fiscal year 1998, and such sums as are necessary for fiscal years 1999 through 2002.

"(B) Reservation for administration.—There shall be reserved amounts sufficient to carry out subsection (c)(2).

"(C) Reservation for partnership grants.—30 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraph (B) shall be reserved for making grants under section 302(c). Of the amount reserved under this subparagraph, 5 percent of such amount shall be made available for activities relating to elementary and secondary education in the humanities.

"(D) Reservation for national grants.—35 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraph (B) shall be reserved for making grants under section 302(d).

"(E) Reservation for research and scholarship grants.—35 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraph (B) shall be reserved for making grants under section 302(e).

"(2) Sums remaining available.—Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for obligation until expended.

"(c) Administration.—

"(1) National endowment for the arts.—

"(A) Percentage based on funding under $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (a)(1)(A) is less than $150,000,000, not more than 17 percent of the amount appropriated for a fiscal year under subsection (a)(1)(A) may be made available for the costs of administering title II, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"(B) Percentage based on funding over $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (a)(1)(A) is $150,000,000 or greater, not more than 12 percent of the amount appropriated for a fiscal year under subsection (a)(1)(A) may be made available for the costs of administering title II, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"(2) National endowment for the humanities.—

"(A) Percentage based on funding under $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (b)(1)(A) is less than $150,000,000, not more than 17 percent of the amount appropriated for a fiscal year under subsection (b)(1)(A) may be made available for the costs of administering title III, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"(B) Percentage based on funding over $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (b)(1)(A) is $150,000,000 or greater, not more than 12 percent of such amount may be made available for the costs of administering title III, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"TITLE II—NATIONAL ENDOWMENT FOR THE ARTS

"SEC. 201. DEFINITIONS.

"In this title:

"(1) DEVELOPING ARTS ORGANIZATION.—The term 'developing arts organization' means a local arts organization of high artistic promise that—

"(A) serves as an important source of local arts programming in a community; and

"(B) has the potential to broaden public access to the arts in rural and urban underserved communities.

"(2) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is either—

"(A) not reviewed by any other court that has authority to review such judgment; or

"(B) is not reviewable by any other court.

"(3) LOCAL ARTS AGENCY.—The term 'local arts agency' means a community organization, or an agency of local government, that primarily provides financial support, services, or other programs for artists and arts organizations, for the benefit of the community as a whole.

"(4) OBSCENE; DETERMINED TO BE OBSCENE.—

"(A) OBSCENE.—The term 'obscene' means, with respect to a project, production, or workshop, that—

"(i) the average person, applying contemporary community standards, would find that such project, production, or workshop, when taken as a whole, appeals to the prurient interest;

"(ii) such project, production, or workshop depicts or describes sexual conduct in a patently offensive way; and

"(iii) such project, production, or workshop, when taken as a whole, lacks serious literary, artistic, political or scientific value.

"(B) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

"(5) PRODUCTION.—The term 'production' means any activity involving the execution or rendition of the arts and meeting such standards as may be approved by the Chairperson of the Endowment.

"(6) PROJECT.—

"(A) IN GENERAL.—The term 'project' means a program organized to carry out the objectives of this Act, including a program to foster United States artistic creativity, to commission a work of art, or to develop and enhance the widest public access, knowledge, and understanding of the arts, and includes, where appropriate, rental or purchase of a facility, rental or purchase of land, and acquisition of equipment.

"(B) RENOVATION OR CONSTRUCTION.—Such term also includes—

"(i) the renovation of a facility if—

"(I) the amount of the expenditure of Federal funds for such purpose in the case of any facility does not exceed $250,000; and

"(II) two-thirds of the members of the National Council on the Arts (who are present and voting) recommend a grant involving an expenditure for such purpose; and

"(ii) with respect to a grant under section 202(d), the construction of a facility, if—

"(I) such construction is for demonstration purposes or under unusual circumstances in which there is no other manner by which to accomplish an artistic purpose; and

"(II) two-thirds of the members of the National Council on the Arts (who are present and voting) recommend a grant involving an expenditure for such purpose.

"(7) WORKSHOP.—The term 'workshop' means a program the primary purpose of which is to encourage the artistic development or enjoyment of amateur, student, or other participants.

"SEC. 202. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS.

"(a) ESTABLISHMENT.—There is established within the Foundation a National Endowment for the Arts (referred to in this title as the 'Endowment').

"(b) CHAIRPERSON.—

"(1) APPOINTMENT.—The Endowment shall be headed by a chairperson, to be known as the Chairperson of the Endowment (referred to in this title as the 'Chairperson'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—

"(A) IN GENERAL.—The term of office of the Chairperson shall be 4 years, except that any Chairperson appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the Chairperson was appointed. Notwithstanding any other provision of this subparagraph, on the expiration of the term of office of the Chairperson, the Chairperson shall serve until the successor to the Chairperson is appointed and has qualified.

"(B) REAPPOINTMENT.—The Chairperson shall be eligible for reappointment.

"(c) PARTNERSHIP GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to States and regional groups to support arts activities, with preference to arts education and projects that reach rural and urban underserved communities.

"(2) GRANTS TO STATES.—

"(A) AUTHORITY.—Using the funds reserved under section 106(a)(1)(D), the Chairperson, acting on the recommendation of the National Council on the Arts, shall establish and carry out a program of basic State grants to assist States—

"(i)(I) in supporting projects, productions, or workshops that meet the standard of artistic excellence and artistic merit and that fulfill the purposes of this Act; and

"(II) in developing projects, productions, or workshops that will furnish programs, facilities, and services in the arts to people and communities in each of the States; and

"(ii) in carrying out activities that—

"(I) stimulate artistic activity and awareness, and broaden public access to the arts, in rural and urban underserved communities;

"(II) enhance the artistic capabilities of developing arts organizations through artistic, programmatic, and staff development; or

"(III) provide technical assistance to developing arts organizations to improve managerial and organizational skills, financial systems management, and long-range fiscal planning.

"(B) APPLICATION.—In order to receive a grant under this paragraph for any fiscal year, a State shall submit an application described in section 203 for such grant at such time and in such manner as shall be specified by the Chairperson and accompany such application with a State plan that the Chairperson finds—

"(i) designates or provides for the establishment of a State agency (referred to in this section as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that funds paid to the State under this paragraph will be expended solely on projects, productions, or workshops described in subparagraph (A) and approved by the State agency;

"(iii) provides that the State agency will make such reports, in such manner and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the objectives of the State plan;

"(iv) provides—

"(I) an assurance that the State agency has held, after reasonable notice, public meetings in the State to allow the public, interested groups, and groups of artists to present views and make recommendations regarding the State plan; and

"(II) a summary of such recommendations and the response of the State agency to such recommendations; and

"(v) contains—

"(I) for the most recent preceding year for which information is available, a description of the level of participation by artists, artists' organizations, and arts groups in projects, productions, or workshops supported by funding from the State agency under this paragraph, and a description of the extent to which projects, productions, or workshops supported by funding from the State agency under this paragraph were available to all people and communities in the State, especially underserved communities; and

"(II) a description of projects, productions, or workshops supported by funding from the State agency under this paragraph that exist or are being developed to address the availability of the arts to all people or communities described in subclause (I) or to secure wider participation of artists and arts organizations described in subclause (I).

"(C) APPROVAL.—The Chairperson may not approve an application described in subparagraph (B) unless the accompanying State plan satisfies the requirements specified in subparagraph (B).

"(D) ALLOTMENTS.—

"(i) IN GENERAL.—Of the sums available to carry out this paragraph for any fiscal year, each State that has an application approved by the Chairperson shall be allotted at least $200,000.

"(ii) INSUFFICIENT FUNDS.—If the sums available to carry out this paragraph for any fiscal year are insufficient to make the allotments under clause (i) in full, such sums shall be allotted so that each such State receives an equal amount.

"(iii) EXCESS FUNDS.—In any case in which the sums available to carry out this paragraph for any fiscal year are in excess of the amount required to make the allotments under clause (i)—

"(I) the amount of such excess that is not greater than 25 percent of the sums available to carry out this paragraph for such fiscal year shall be available to the Chairperson for making grants under this paragraph to States and, in accordance with subparagraph (H), regional groups; and

"(II) the amount of such excess for such fiscal year, if any, that remains after reserving in full for the Chairperson the amount required under subclause (I) shall be allotted so that each State that has an application approved by the Chair receives an equal amount;

but in no event shall any State be allotted less than $200,000 under this paragraph.

"(E) FEDERAL SHARE.—

"(i) IN GENERAL.—Funding provided through a grant made under this paragraph to a State for any fiscal year shall be available to each State that has an application approved by the Chairperson, and has the

State plan accompanying the application in effect on the first day of such fiscal year, to pay not more than 50 percent of the total cost of carrying out any activity described in subparagraph (A).

"(ii) EXCESS PORTION.—Except as provided in clause (iii), the portion of the funding provided through any grant made under subparagraph (D)(i) to a State for any fiscal year that exceeds $125,000 shall be available, at the discretion of the Chairperson, to pay not more than 100 percent of such cost of carrying out an activity under this paragraph if such activity would be unavailable to the residents of the State without such portion.

"(iii) PERCENTAGE OF GRANT FUNDS.—The portion of the funding described in clause (ii) for any fiscal year that is available to pay not more than 100 percent of such cost, as described in clause (ii), shall not exceed 20 percent of the total funding provided through such grant for such fiscal year.

"(F) PROHIBITION ON SUPPLANTING NON-FEDERAL FUNDS.—Funds made available under this paragraph shall be used to supplement, and shall not supplant, non-Federal funds expended for supporting activities described in subparagraph (A).

"(G) UNOBLIGATED FUNDS.—Any amount allotted to a State under subparagraph (D)(i) for any fiscal year that is not obligated by the State earlier than 60 days prior to the end of the fiscal year for which the amount is appropriated shall be available for making grants to regional groups.

"(H) SPECIAL RULE.—The provisions of this paragraph (other than subparagraph (D)) shall apply to regional groups receiving grants under this paragraph in such manner, and to such extent, as the Chairperson shall by regulation prescribe.

"(I) DEFINITION.—In subparagraph (D)(iii)(II) and notwithstanding section 3(8), the term 'State' includes, in addition to the several States of the United States, only the jurisdictions specified in such section that have a population of 200,000 or more, according to the latest decennial census.

"(d) NATIONAL SIGNIFICANCE GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to groups of demonstrated and substantial artistic and cultural importance, for projects, productions, and workshops that will increase the access of all the people of the United States, especially underserved communities, to the best of the arts and culture of the United States.

"(2) IN GENERAL.—Using funds reserved under section 106(a)(1)(E), the Chairperson, acting on the recommendation of the National Council on the Arts, may establish and carry out a program of grants to groups who meet the standard of artistic excellence and artistic merit and who are engaged in or concerned with the arts, for the purpose of paying for the Federal share of the cost of—

"(A) enabling the groups to provide or support projects, productions, or workshops described in paragraph (3) that will have a national, regional, or otherwise substantial artistic or cultural impact;

"(B) providing administrative and management improvements for the groups, particularly in the field of long-range financial planning, including increasing levels of community support and the range of contributors to the programs of such groups; or

"(C) enabling the groups to provide or support projects, productions, or workshops that will serve as models for arts education.

"(3) PROJECTS, PRODUCTIONS, AND WORKSHOPS.—

"(A) REQUIRED ELEMENTS.—Each such project, production, or workshop shall—

"(i) have substantial national or regional cultural significance, and encourage professional excellence; or

"(ii)(I) have significant merit; and

"(II) be a project, production, or workshop that, if such a group did not receive a grant, might otherwise be unavailable to citizens for geographic or economic reasons.

"(B) PERMISSIBLE ELEMENTS.—Each such project, production, or workshop may—

"(i) encourage access to, education in, and knowledge, understanding, enjoyment, and appreciation of, the arts by the public;

"(ii) enhance managerial and organizational skills and capabilities;

"(iii) use technology to broaden public access to the arts;

"(iv) expand access to the arts for individuals with disabilities; or

"(v) promote access to the arts for minority or underserved populations.

"(4) FEDERAL SHARE REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of any grant made under this subsection, the Federal share described in paragraph (2) shall be 25 percent.

"(B) CERTAIN GROUPS.—In the case of any grant made under this subsection to a group with an annual budget in excess of $3,000,000, the Federal share described in paragraph (2) shall be 16.67 percent.

"(C) ADJUSTMENTS.—The Chairperson may increase the Federal share applicable under this subsection for a designated grant recipient, with review and approval by the National Council on the Arts. The Chairperson shall not increase the Federal share above 50 percent for the recipient. Not more than 10 percent of the funds made available by the Endowment for grants under this subsection for any fiscal year may be available for grants for the fiscal year for which the Chairperson increases the applicable Federal share.

"(5) PRIORITY.—In awarding grants under this subsection, the Chairperson shall give priority to projects, productions, and workshops that increase the access of the public of the United States, especially underserved communities, to culture and the arts, including access by touring, by regional or national dissemination, or by geographic dispersion.

"(e) DIRECT GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to groups, and individuals, that are broadly representative of the cultural heritage of the United States and broadly geographically representative, for projects, productions, and workshops of the highest artistic excellence and artistic merit.

"(2) IN GENERAL.—Using funds reserved under section 106(a)(1)(F), the Chairperson, acting on the recommendation of the National Council on the Arts, may establish and carry out a program of grants to groups, or individuals who are engaged in or concerned with the arts, to pay for the Federal share of the cost of projects, productions, or workshops that meet the standard of artistic excellence and artistic merit and that fulfill the purposes of this Act.

"(3) FEDERAL SHARE REQUIREMENT.—The Federal share described in paragraph (2) shall be 50 percent.

"(4) PRIORITY.—In awarding grants under this subsection, the Chairperson shall give priority to projects, productions, and workshops that will be disseminated widely after completion.

"(5) ADJUSTMENTS.—The Chairperson may increase the Federal share applicable under this subsection for a designated grant recipient, with review and approval by the National Council on the Arts. Not more than 20 percent of the funds made available by the Endowment for grants under this subsection for any fiscal year may be available for grants for the fiscal year for which the Chairperson increases the applicable Federal share.

"(6) SPECIAL RULE FOR GRANTS TO INDIVIDUALS.—The Chairperson shall only award a grant in accordance with this subsection to an individual described in paragraph (2) if such grant is awarded to such individual for a literature fellowship, a National Heritage Fellowship, or a Jazz Masters Fellowship.

"(f) ARTS EDUCATION AND UNDERSERVED COMMUNITIES GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to State arts agencies and other groups to carry out activities in arts education and to carry out arts-related activities in underserved communities.

"(2) IN GENERAL.—Using the funds reserved under section subparagraphs (C) (as may be appropriate) and (G) of section 106(a)(1), the Chairperson, acting on the recommendation of the National Council on the Arts, may establish and carry out a program of grants to State arts agencies or other groups to pay for the Federal share of the cost of carrying out activities that—

"(A) promote and improve the availability of arts instruction, and improve the quality of arts education, through support of lifelong learning in the arts;

"(B) provide—

"(i) instruction in the arts by integrating and incorporating the arts in the teaching of English, math, science, foreign languages, civics and government, economics, history, and geography; or

"(ii) courses in the arts through school programs;

"(C) enhance the quality of arts instruction in programs of teacher education;

"(D) develop arts faculty resources and talents;

"(E) support and encourage the development of improved curriculum materials in the arts;

"(F) support apprenticeships, internships, and other career oriented work-study experiences for artists and arts teachers, and encourage residencies of artists at all educational levels;

"(G) stimulate artistic activity and awareness, and broaden public access to the arts, in underserved communities;

"(H) enhance the artistic capabilities of developing arts organizations in underserved communities through artistic, programmatic, and staff development; or

"(I) provide technical assistance to developing arts organizations in underserved communities to improve managerial and organizational skills, financial systems management, and long-range fiscal planning.

"(3) FEDERAL SHARE.—The Federal share described in paragraph (2) shall be 50 percent.

"(4) EVALUATION AND REPORTS FOR CERTAIN ACTIVITIES.—

"(A) IN GENERAL.—Each State arts agency or other group that receives a grant under this subsection to carry out the activity described in paragraph (2)(B) shall conduct an ongoing evaluation of the activity.

"(B) Evaluation components.—In conducting the evaluation under subparagraph (A), a State arts agency or other group shall, in the case of students who participate in an activity described in paragraph (2)(B), monitor the progress of the student participants throughout the period of participation.

"(C) Report to chairperson.—Not later than 60 days after the date of the completion of an activity by a State arts agency or other group under subparagraph (A), the State arts agency or other group shall prepare and submit to the Chairperson a report on the evaluation conducted under subparagraph (A).

"(D) Report to congress.—Not later than 60 days after the date of the submission of the report under subparagraph (C), the Chairperson shall prepare and submit to Congress a report on—

"(i) the activities funded under paragraph (2)(B); and

"(ii) the evaluations conducted by recipients under subparagraph (A).

"SEC. 203. APPLICATION PROCEDURES.

"(a) Application Requirement.—No grant shall be made under this title to any person unless the person submits an application to the Chairperson in accordance with regulations and procedures established by the Chairperson.

"(b) Procedures.—

"(1) In general.—

"(A) Considerations.—In establishing such regulations and procedures for applications, the Chairperson shall ensure that—

"(i) artistic excellence and artistic merit of the projects, productions, and workshops described in the application are the criteria by which the applications are judged by advisory panels described in section 204, taking into consideration general standards of decency and respect for the diverse beliefs and values of the public of the United States;

"(ii) in selecting groups as recipients of grants under section 202, the Chairperson shall give preference to artistically rural and urban underserved communities and artists and artistic groups that have traditionally been underrepresented in the arts; and

"(iii) the projects, productions, and workshops described in the applications, and awards of grants under this title, are consistent with the objectives of section 202 and this section.

"(B) Obscenity provisions.—Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded under this title. Projects, productions, and workshops that are determined to be obscene shall be prohibited from receiving grants under this title from the Endowment.

"(2) Considerations for the chairperson.—In considering an application for a grant under this title, the Chairperson shall consider the extent to which the projects, productions, and workshops described in the application fulfill the purposes of this Act, as well as their artistic excellence and artistic merit, as determined by the Chairperson.

"(3) Construction.—The disapproval or approval by the Chairperson of an application for a grant under this title shall not be construed to mean, and shall not be considered to be evidence that, the project, production, or workshop, for which the applicant requested a grant, is or is not obscene.

"SEC. 204. ADVISORY PANELS.

"(a) In General.—The Chairperson shall utilize review by advisory panels—

"(1) as the first step in the review of applications submitted under this Act; and

"(2) to make recommendations to the National Council on the Arts in all cases involving requests for grants authorized under this title, except cases in which the Chairperson exercises authority delegated under section 205(f)(2).

"(b) Procedures.—

"(1) Criteria.—In reviewing the applications, such panels shall recommend applications for projects, productions, and workshops on the basis of artistic excellence and artistic merit, consistent with section 203(b)(1)(A)(i).

"(2) Amounts.—The panels may recommend only general ranges of funding to be provided through the grants and may not recommend specific amounts of such funding.

"(3) Regulations and procedures.—The Chairperson shall issue regulations and establish procedures to—

"(A) ensure that all the panels are composed, to the extent practicable, of individuals providing a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;

"(B) ensure that all the panels include at least 2 members representing lay individuals who are—

"(i) knowledgeable about the arts;

"(ii) not engaged in the arts as a profession; and

"(iii) not employees of either artists' organizations or arts organizations;

"(C) ensure that, when feasible, the procedures used by the panels to carry out their responsibilities are standardized;

"(D) require each such panel—

"(i) to create written records summarizing—

"(I) all meetings and discussions of such panel; and

"(II) the recommendations made by such panel to the Council; and

"(ii) to make such records available to the public in a manner that protects the privacy of individual applicants and panel members;

"(E) permit, when necessary and feasible, a site visit to view the work of an applicant and deliver a written report on the work being reviewed, in order to assist panelists in making their recommendations;

"(F)(i) require that the membership of each such panel change substantially from year to year; and

"(ii) provide that no individual be eligible to serve on such a panel for more than 5 years, no 2 of which may be consecutive; and

"(G) ensure that the panels recommend more applicants for grants than are anticipated can be provided funding through the grants with available funds.

"(4) Prohibition on conflicts of interest.—

"(A) In general.—In making appointments to the panels, the Chairperson shall ensure that an individual who has a pending application for a grant authorized under this title, who is an employee or agent of an organization with such a pending application, or who has a direct or indirect financial interest in any application under consideration by such a panel, does not serve as a member of any panel before which such application is pending.

"(B) Duration.—The prohibition described in subparagraph (A) shall commence with respect to such individual beginning on the date such application is submitted, and shall continue until a final decision on the application has been reached by the Chairperson.

"SEC. 205. NATIONAL COUNCIL ON THE ARTS.

"(a) Establishment.—There is established within the Endowment a National Council on the Arts (referred to in this section as the 'Council').

"(b) Composition.—

"(1) In general.—The Council shall be composed of the Chairperson of the Endowment, who shall be the Chairperson of the Council, and 20 other members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—

"(A) from among private citizens of the United States who—

"(i) are widely recognized for their broad knowledge of, or expertise in, the arts; and

"(ii) have established records of distinguished service, or achieved eminence, in the arts;

"(B) so as to include practicing artists, members of cultural professions, educators, civic cultural leaders, and others who are professionally engaged in the arts; and

"(C) so as collectively to provide an appropriate distribution of members among the major art fields.

"(2) Qualifications.—The President may, in making such appointments, give consideration to such recommendations as may, from time to time, be submitted to the President by leading national organizations in the major art fields. In making such appointments, the President shall give due regard to equitable representation of women, racially and ethnically diverse individuals, and individuals with disabilities, who are involved in the arts. Members of the Council shall be appointed so as to represent equitably geographical areas in the United States, including rural and urban underserved communities.

"(c) Terms.—

"(1) In general.—

"(A) Staggered terms.—Each member of the Council shall serve for a term of 6 years, and the terms shall be staggered.

"(B) Expiration.—Except as provided in paragraph (2), the terms of all Council members shall expire on the third day of September in the year of expiration.

"(C) Reappointment after partial term.—Each member who has served on the Council for 1 term of less than 3 years shall be eligible for reappointment for 1 term of 6 years.

"(D) Vacancy appointments.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(E) Holdover service.—Notwithstanding any other provision of this subsection, a member of the Council shall serve after the expiration of the term of the member until the successor to the member takes office.

"(2) Adjustment to reduce council.—

"(A) Members whose terms expired in 1996 but continue to serve.—

"(i) In general.—The terms of 10 members of the Council whose terms expired on September 3, 1996 and who continue to serve because a successor has not been appointed shall be deemed to expire on the date of enactment of the Arts and Humanities Amendments of 1997.

"(ii) Successors.—The President shall appoint 7 members of the Council to succeed members whose terms are deemed to expire as described in clause (i). The terms of the successors shall expire on September 3, 2002.

"(B) Members whose terms expire in 1998.—The President shall appoint 6 members of the Council to succeed the 8 members of the Council whose terms expire on September 3, 1998. The terms of the successors shall expire on September 3, 2004.

"(C) MEMBERS WHOSE TERMS EXPIRE IN 2000.—The President shall appoint 7 members of the Council to succeed the 8 members of the Council whose terms expire on September 3, 2000. The terms of the successors shall expire on September 3, 2006.

"(d) COMPENSATION.—Members of the Council shall receive compensation at a rate to be fixed by the Chairperson but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, and be allowed travel expenses including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(e) MEETINGS AND DUTIES.—

"(1) MEETINGS.—The Council shall meet at the call of the Chairperson but not less often than twice during each calendar year. Eleven members of the Council shall constitute a quorum. All policy meetings of the Council shall be open to the public.

"(2) DUTIES.—The Council shall—

"(A) advise the Chairperson with respect to policies, programs, and procedures for carrying out the functions of the Chairperson under this title;

"(B) review applications for grants authorized under this title and make recommendations to the Chairperson with respect to—

"(i) whether to approve particular applications for grants authorized under this title that have been determined by advisory panels to have artistic excellence and artistic merit; and

"(ii) the amount of funding that the Chairperson should provide through such a grant with respect to each such application the Council recommends for approval;

"(C) use as criteria for the recommendations of the Council—

"(i) the extent to which the works described in the applications fulfill the purposes of this Act and the requirements under the provisions of this Act;

"(ii) the artistic excellence and artistic merit of the works described in the applications; and

"(iii) the extent to which the applicant serves an underserved community,

as determined by each Council member;

"(D) recommend more applications for funding through grants than are anticipated can be provided funding through the grants with available funds;

"(E) create written records summarizing—

"(i) all meetings and discussions of the Council; and

"(ii) recommendations made by the Council to the Chairperson; and

"(F) make such records available to the public in a manner that protects the privacy of individual applicants for grants authorized under this title, advisory panel members, and Council members.

"(f) ACTIONS BY CHAIRPERSON.—

"(1) IN GENERAL.—The Chairperson shall not approve or disapprove any application for a grant authorized under this title until the Chairperson has received the recommendation of the Council on such application. The Chairperson shall have final authority to approve each such application, and shall determine the final amount of funding through any grant awarded. The Chairperson may not approve an application with respect to which the Council makes a negative recommendation.

"(2) DELEGATIONS.—In the case of an application, or amendment of an application, submitted under this title and involving $35,000 or less, or a request for change in a grant amount of 20 percent or less, the Chairperson may approve or disapprove such application, amendment, or request, if such action is taken pursuant to the terms of an express and direct delegation of authority from the Council to the Chairperson, and if each such action by the Chairperson is reported to the Council at the next regularly scheduled meeting of the Council. Such action by the Chairperson shall be used with discretion and shall not become a normal practice of providing funding through a grant authorized under this title. The terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year that exceed an amount equal to 2 percent of the sums appropriated for the fiscal year pursuant to section 106(a)(1)(A).

"SEC. 206. LIMITATIONS ON GRANTS.

"(a) PROHIBITION ON SUBGRANTS.—The Chairperson shall establish procedures to ensure that no funding provided through a grant under this title, except a grant made to a State agency, a regional group, or a local arts agency that is an agency of local government, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods or services rendered.

"(b) PROHIBITION ON SEASONAL SUPPORT.—No grant awarded under this title shall be used for seasonal support to a group, unless the application submitted by the group for such a grant specifically identifies the content of each activity to be carried out under such a grant for the season involved, including a specific identification of any project, production, or workshop.

"(c) USE OF FUNDS FOR PROJECTS, PRODUCTIONS, AND WORKSHOPS IN SPECIFIED DISCIPLINES.—Each project, production, or workshop funded under this title shall relate to arts, as defined in section 3.

"(d) LABOR STANDARDS.—

"(1) IN GENERAL.—It shall be a condition of the receipt of any grant under this title that the grant recipient furnish adequate assurances to the Secretary of Labor that—

"(A) all professional performers and related or supporting professional personnel employed on projects or productions, or in workshops, that are financed in whole or in part under this title will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and

"(B) no part of any project, production, or workshop that is financed in whole or in part under this title will be performed or engaged in under working conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project, production, or workshop.

"(2) EVIDENCE.—Compliance with the safety and sanitary laws of the State in which the project, production, or workshop described in paragraph (1)(B) is to take place shall be prima facie evidence of compliance with the assurance described in paragraph (1)(B).

"(3) STANDARDS, REGULATIONS, AND PROCEDURES.—The Secretary of Labor shall have the authority to prescribe such standards, regulations, and procedures as the Secretary of Labor may determine to be necessary or appropriate to carry out this subsection.

"(e) LIMITATION ON GRANT AWARD.—

"(1) INDIVIDUALS.—No individual may receive more than 2 grant awards under this title.

"(2) AGENCIES AND ORGANIZATIONS.—No group, other than a State arts agency, may receive more than 3 grant awards in a fiscal year under this title, except that this paragraph shall not apply to a group that has entered into a cooperative agreement with the Endowment to receive assistance under this title.

"(f) REQUIREMENTS FOR GROUPS.—A group shall be eligible for a grant under this title if—

"(1) no part of the net earnings of the group inures to the benefit of any private stockholder, or individual; and

"(2) a donation to such group is allowable as a charitable contribution under section 170(c) of the Internal Revenue Code of 1986.

"(g) CITIZENSHIP REQUIREMENTS FOR INDIVIDUALS.—An individual shall be eligible to receive a direct grant under this title if at the time such grant is received such individual—

"(1) is a citizen or other national of the United States; or

"(2) is an alien lawfully admitted to the United States for permanent residence who—

"(A) has filed an application for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

"(B) is not permanently ineligible to become a citizen of the United States.

"(h) INSTALLMENTS.—The Chairperson shall establish procedures to provide for the distribution of funding provided through grants made under this title to recipients in installments except in exceptional cases in which the Chairperson determines that installments are not practicable. In providing any such installments to a recipient of a grant under this title, the Chairperson shall ensure that—

"(1) not more than two-thirds of such funding may be provided at the time the application for the grant is approved; and

"(2) the remainder of such funding may not be provided until the Chairperson finds that the recipient of such grant is complying substantially with this Act and with the conditions under which such funding is provided to such recipient.

"(i) LOANS.—Any loan made by the Chairperson under this title shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.

"SEC. 207. ADMINISTRATIVE PROVISIONS.

"(a) AUTHORITIES OF CHAIRPERSON.—In addition to any authorities vested in the Chairperson by other provisions of this Act, the Chairperson, in carrying out the functions of the Chairperson, shall have authority—

"(1) to prescribe such regulations and procedures as the Chairperson determines to be necessary, governing the manner in which the functions of the Chairperson shall be carried out;

"(2) to appoint and determine the compensation of such employees, subject to title 5, United States Code, as may be necessary to carry out the functions of the Chairperson, to define the duties of such employees, and to supervise and direct the activities of such employees;

"(3) to procure the temporary and intermittent services of experts and consultants, including panels of experts, and compensate the experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) to accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service;

"(5) to make advance, progress, and other payments without regard to section 3324 of title 31, United States Code;

"(6) to rent office space in the District of Columbia; and

"(7) to make other necessary expenditures.

"(b) Publications.—Official publications of the Endowment under this title may be supported without regard to the provisions of section 501 of title 44, United States Code, if the Chairperson consults with the Joint Committee on Printing of the Congress.

"(c) Coordination.—The Chairperson shall coordinate the programs of the Endowment, insofar as practicable, with other Federal programs and programs undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this title that can be made by other Federal agencies under the existing programs. The Chairperson may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated to carry out this title to pay for the costs of such promotion or assistance.

"SEC. 208. REPORTS.

"(a) Annual Report of Chairperson.—The Chairperson shall submit an annual report to the President for submission to the appropriate committees of Congress on or before the 15th day of April of each year. The report shall summarize the activities of the Endowment for the preceding year, and shall include such recommendations as the Chairperson determines to be appropriate.

"(b) Financial Reports and Compliance.—

"(1) In general.—It shall be a condition of the receipt of a grant made under this title by the Chairperson that—

"(A) each applicant for such grant include in the application described in section 203—

"(i) a detailed description of the proposed project, production, or workshop for which the grant is requested;

"(ii) a timetable for the completion of such proposed project, production, or workshop; and

"(iii) an assurance that the applicant will meet the standards of artistic excellence and artistic merit;

"(B)(i) each grant recipient under this title carry out the proposal consistent with the description contained in the application, as approved by the Chairperson for funding through the grant; and

"(ii) each such grant recipient seeking to change the activities carried out under the grant justify the requested change by a written request subject to approval by the Chairperson; and

"(C) each such grant recipient agree to and comply with requirements to submit to the Chairperson—

"(i) interim reports, including an annual report for each project, production, or workshop carried out under the grant during a period exceeding 1 year, describing the progress of the grant recipient in carrying out such project, production, or workshop and compliance by the grant recipient with the conditions of receipt of such grant;

"(ii) financial reports containing such information as the Chairperson determines to be necessary to ensure that the funding made available through the grant is expended in accordance with the terms and conditions under which the grant is made;

"(iii) a final report describing the project, production, or workshop carried out with the funding provided through the grant and the compliance by the grant recipient with the conditions of receipt of such grant, including the condition that the work assisted meet the standards of artistic excellence and artistic merit; and

"(iv) in the case of a project or production, and if practicable, as determined by the Chairperson, a copy of such project or production.

"(2) Report requirements.—The Chairperson shall determine the appropriate form and timing of interim reporting described in paragraph (1)(C)(i) for a grant recipient under this title. The reports and copy described in clauses (ii), (iii), and (iv) of paragraph (1)(C) shall be due not later than 90 days after the end of the period for which such grant recipient receives funding through the grant or 90 days after the completion of the project, production, or workshop, whichever occurs earlier. The Chairperson may extend the 90-day period if the recipient shows good cause why such an extension should be granted.

"(c) Evaluation.—The Chairperson shall conduct a post-award evaluation of activities for which grants are made by the Chairperson under this title. Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by grant recipients under subsection (b).

"(d) Reports.—The Chairperson shall establish procedures to require that no additional funding shall be provided to a recipient of a grant authorized under this title unless such recipient has submitted to the Chairperson all required interim, financial, and final reports under subsection (b).

"SEC. 209. SANCTIONS AND PAYMENTS.

"(a) Failure To Satisfy Purposes.—If any recipient of a grant made under this title, or an indirect recipient of funding provided through the grant, substantially fails to satisfy the purposes for which such grant is made, as determined by the Chairperson, the Chairperson may—

"(1) for purposes of determining whether to make any subsequent funding to the direct or indirect recipient under this title, take into consideration the results of the post-award evaluation conducted under section 208(c);

"(2) prohibit the direct and indirect recipients from using the name of, or in any way associating the project, production, or workshop for which the grant was received with, the Endowment; and

"(3) if such project, production, or workshop is published, require that the publication contain the following statement: 'The opinions, findings, conclusions, and recommendations expressed in this publication do not reflect the views of the National Endowment for the Arts.'.

"(b) Noncompliance.—

"(1) In general.—The Chairperson shall take the actions described in paragraph (2) whenever the Chairperson, after providing reasonable notice and an opportunity for hearing, finds that—

"(A) a direct recipient of a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with the provisions of this title;

"(B) a State agency or regional group that received a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with the terms and conditions of the State plan accompanying the application approved for the grant under this title; or

"(C) any funding provided under this title to a recipient, State agency, or regional group described in subparagraph (A) or (B) has been diverted from the purposes for which such funding was provided.

"(2) Actions.—On making the finding described in paragraph (1), the Chairperson shall immediately notify the direct recipient, State agency, or regional group that received the funding at issue that—

"(A) no further funding will be provided under this title to such recipient, agency, or group until there is no longer any default or failure to comply or the diversion is corrected; or

"(B) if compliance or correction is impossible, until such recipient, agency, or group repays or arranges the repayment of the Federal funds that were improperly diverted or expended.

"(c) Obscene Works.—

"(1) Determination.—If, after providing reasonable notice and opportunity for a hearing on the record, the Chairperson determines that a direct recipient of a grant under this title, or an indirect recipient of funding provided through the grant, used the funding for a project, production, or workshop that is determined to be obscene, the Chairperson shall require that until the direct recipient repays such funding (in such amount, and under such terms and conditions, as the Chairperson determines to be appropriate) to the Endowment, no subsequent funding shall be provided under this title to such recipient.

"(2) Crediting.—Funds repaid under this subsection to the Endowment shall be deposited in the Treasury of the United States and credited as miscellaneous receipts.

"(3) Application.—

"(A) Timing.—This subsection shall not apply with respect to grants made before October 1, 1990.

"(B) Duration.—This subsection shall not apply with respect to a project, production, or workshop after the expiration of the 7-year period beginning on the latest date on which a grant is made under this title for such project, production, or workshop.

"(d) Recapture.—

"(1) In general.—A recipient of funding under this title shall pay the amount described in paragraph (2) to the Endowment if the Chairperson finds that the recipient has derived net program income in excess of the match required under the terms of the agreement from a commercially successful project, production, or workshop funded that exceeds the lesser of—

"(A) $50,000; or

"(B) twice the amount of the funding.

"(2) Amount.—At the discretion of the Chairperson, the amount referred to in paragraph (1) is not less than ⅓ and not more than ½ of the amount of the net program income generated within 5 years after the end of the grant period, but not more than the amount of the funding, unless the Chairperson has reached an agreement with the grantee upon the award of a grant that the amount referred to in paragraph (1) shall exceed the amount of the grant.

"(e) ACCOUNT.—Except as otherwise provided in this Act, the Treasurer of the United States shall deposit funds paid under subsection (d), or repaid under this Act, in a special interest bearing account to the credit of the Endowment.

"SEC. 210. NATIONAL MEDAL OF ARTS AWARDS.

"(a) NATIONAL MEDAL OF ARTS AWARDS.—

"(1) ESTABLISHMENT.—There is established a National Medal of Arts, which shall be a medal of such design as is determined to be appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and which shall be awarded as provided in this subsection.

"(2) AWARDS.—The President shall from time to time award the National Medal of Arts, on the basis of recommendations from the National Council on the Arts, to individuals or groups who in the judgment of the President are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support, and availability of the arts in the United States.

"(3) NUMBER OF MEDALS.—Not more than 12 of such medals may be awarded in any calendar year.

"(4) QUALIFICATIONS.—An individual may be awarded the National Medal of Arts if at the time such award is made such individual meets the requirements of section 206(g).

"(5) GROUPS.—A group may be awarded the National Medal of Arts if such group is organized or incorporated in the United States.

"(6) CEREMONIES.—The presentation of the National Medal of Arts shall be made by the President with such ceremonies as the President may determine to be appropriate, including attendance by appropriate Members of Congress.

"(b) FUNDS.—The Chairperson shall use amounts received by the National Endowment for the Arts under section 105(b)(1)(A) to carry out this section.

"TITLE III—NATIONAL ENDOWMENT FOR THE HUMANITIES

"SEC. 301. DEFINITIONS.

"In this title:

"(1) PROJECT.—

"(A) IN GENERAL.—The term 'project' means an activity organized to carry out the objectives of this title.

"(B) RENOVATION OR CONSTRUCTION.—Such term also includes—

"(i) the renovation of a facility if—

"(I) the amount of the expenditure of Federal funds for such purpose in the case of any facility does not exceed $250,000; and

"(II) two-thirds of the members of the National Council on the Humanities (who are present and voting) recommend a grant involving an expenditure for such purpose; and

"(ii) for purposes of subsections (d) and (e) of section 302, the construction of a facility if—

"(I) such construction is for demonstration purposes or under unusual circumstances in which there is no other manner by which to accomplish a humanistic purpose; and

"(II) two-thirds of the members of the National Council on the Humanities (who are present and voting) recommend a grant involving an expenditure for such purpose.

"(2) WORKSHOP.—The term 'workshop' means an activity the primary purpose of which is to promote scholarship and teaching among the participants.

"SEC. 302. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES.

"(a) ESTABLISHMENT.—There is established within the Foundation a National Endowment for the Humanities (referred to in this title as the 'Endowment').

"(b) CHAIRPERSON.—

"(1) APPOINTMENT.—The Endowment shall be headed by a chairperson, to be known as the Chairperson of the Endowment (referred to in this title as the 'Chairperson'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—

"(A) IN GENERAL.—The term of office of the Chairperson shall be 4 years, except that any Chairperson appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the Chairperson was appointed. Notwithstanding any other provision of this subparagraph, on the expiration of the term of office of the Chairperson, the Chairperson shall serve until the successor to the Chairperson is appointed and has qualified.

"(B) REAPPOINTMENT.—The Chairperson shall be eligible for reappointment.

"(c) PARTNERSHIP GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to support programs of humanities councils at the State and local levels.

"(2) DEFINITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'State entity' means—

"(i) a State that obtains approval of an application submitted under paragraph (4); or

"(ii) in a case in which a State fails to submit an application under paragraph (4), an appropriate entity that obtains approval of an application submitted under paragraph (5).

"(B) JURISDICTION.—

"(i) STATE ENTITY.—In paragraph (6)(C)(ii), the term 'State entity' means a State entity, as defined in subparagraph (A), for a State.

"(ii) STATE.—In clause (i), and notwithstanding section 3(8), the term 'State', includes, in addition to the several States of the United States, only the jurisdictions specified in such section that have a population of 200,000 or more, according to the latest decennial census.

"(3) GENERAL AUTHORITY.—Using funds reserved under section 106(b)(1)(C), the Chairperson, acting on the recommendation of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of grants to assist State entities—

"(A) in paying for not more than 50 percent of the cost (except as otherwise provided in this subsection) of supporting activities that achieve the objectives described in subparagraphs (A) through (F) of subsection (d)(2) and in subparagraphs (A) and (B) of subsection (e)(2); or

"(B) in matching contributions from non-Federal sources made to a trust fund the purpose of which is to provide long-term financial support for such activities.

"(4) GRANTS THROUGH STATE AGENCIES.—

"(A) DESIGNATION.—In order to receive a grant under this subsection for any fiscal year, if a State desires to designate or to provide for the establishment of a State agency (referred to in this section as a 'State agency') as the sole agency for the administration of the State plan referred to in subparagraph (B) relating to the grant, such State shall designate as the State agency the humanities council or shall provide for the establishment of such a council.

"(B) APPLICATION AND STATE PLAN.—In any State that designates or provides for the establishment of a State agency as described in subparagraph (A), the chief executive officer of the State shall submit, before the beginning of each fiscal year, an application for a grant and accompany such application with a State plan that the Chairperson finds—

"(i) designates or provides for the establishment of a State agency;

"(ii) provides that the chief executive officer of the State will appoint new members to the State humanities council designated or established under subparagraph (A), as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive officer has appointed all of the members of such council;

"(iii) provides for the expenditure, from State funds, of an amount equal to 50 percent of the portion of the funding received by such State through a grant made under paragraph (6)(A) (relating to the minimum State allotment), or 25 percent of the total amount of funding received by such State through grants made under this subsection, whichever is greater, for the fiscal year involved (except as otherwise provided in paragraph (7));

"(iv) provides that funds paid to the State under this subsection will be expended solely on activities, approved by the State agency, that—

"(I) achieve the objectives described in subparagraphs (A) through (F) of subsection (d)(2) and subparagraphs (A) and (B) of subsection (e)(2); and

"(II) are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be made available for the purpose of meeting the requirements of this subparagraph;

"(vi) provides that the State agency will make such reports, in such manner and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the objectives of the State plan;

"(vii) provides—

"(I) an assurance that the State agency has held, after reasonable notice, public meetings in the State to allow the public, interested organizations, and scholars to present views and make recommendations regarding the State plan; and

"(II) a summary of such recommendations and of the response of the State agency to such recommendations; and

"(viii) contains—

"(I) for the most recent preceding year for which information is available, a description of the extent to which the activities supported by funding from the State agency under this subsection were available to all people and communities in the State and a description of the level of participation by scholars and scholarly organizations in activities supported by funding from the State agency under this subsection; and

"(II) a description of activities supported by funding from the State agency under this subsection that exist or are being developed to address the availability of the humanities to all people or communities described in subclause (I) or to secure wider participation of scholars and scholarly organizations described in subclause (I).

"(C) APPROVAL.—The Chairperson may not approve an application described in subparagraph (B) unless the accompanying State plan satisfies the requirements specified in subparagraph (B).

“(5) GRANTS TO APPROPRIATE ENTITIES.—

“(A) DESIGNATION.—In any State in which the chief executive officer of the State fails to submit an application under paragraph (4)(B) for a fiscal year, the Chairperson may make grants under paragraph (3) to an appropriate entity in the State, and each such entity shall establish a procedure that ensures that 8 members of the governing body of such entity shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed ⅓ of the total membership of such governing body. The officer or agency shall select the members from among individuals who have knowledge of or experience in the humanities.

“(B) APPLICATION AND PLAN.—If a State fails to submit an application under paragraph (4)(B) for a fiscal year, any appropriate entity in the State desiring to receive a grant under this subsection for the fiscal year shall submit an application for such grant at such time and in such manner as shall be specified by the Chairperson, and accompany such application with a State plan that the Chairperson finds—

“(i) provides assurances that such entity will comply with the requirements of subparagraph (A);

“(ii) provides that funds paid to such entity under this paragraph will be expended solely on activities that—

“(I) achieve the objectives described in subparagraphs (A) through (F) of subsection (d)(2) and subparagraphs (A) and (B) of subsection (e)(2); and

“(II) are designed to bring the humanities to the public;

“(iii) establishes a membership policy that is designed to ensure broad public representation with respect to activities administered by such entity;

“(iv) provides for a nomination process that ensures opportunities for nomination to membership in the governing body from various groups in such State and from a variety of segments of the population of such State, including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve as members of the body;

“(v) provides for a membership rotation process that ensures the regular rotation of the membership and officers of such entity;

“(vi) establishes reporting procedures that are designed to inform the chief executive officer of such State, and other appropriate officers and agencies, of the activities of such entity;

“(vii) establishes procedures to ensure public access to information relating to such activities;

“(viii) provides that such entity will make such reports, at such times, in such manner, and containing such information, as the Chairperson may require, including a description of the progress made toward achieving the objectives of the State plan;

“(ix) provides—

“(I) an assurance that the entity has held, after reasonable notice, public meetings in the State to allow the public, interested organizations, and scholars to present views and make recommendations regarding the State plan; and

“(II) a summary of such recommendations and of the response of the entity to such recommendations; and

“(x) contains—

“(I) for the most recent preceding year for which information is available, a description of the extent to which activities supported by funding from the entity under this subsection were available to all people and communities in the State and a description of the level of participation by scholars and scholarly organizations in activities supported by funding from the entity under this subsection; and

“(II) a description of activities supported by funding from the entity under this subsection that exist or are being developed to address the availability of the humanities to all people or communities described in subclause (I) or to secure wider participation of scholars and scholarly organizations described in subclause (I).

“(C) APPROVAL.—The Chairperson may not approve an application described in subparagraph (B) unless the accompanying plan satisfies the requirements specified in subparagraph (B).

“(6) ALLOTMENTS.—

“(A) IN GENERAL.—Of the sums available to carry out this subsection for any fiscal year, each State entity shall be allotted at least $200,000.

“(B) INSUFFICIENT SUMS.—If the sums available to carry out this subsection for any fiscal year are insufficient to make the allotments under subparagraph (A) in full, such sums shall be allotted so that each State entity receives an equal amount.

“(C) EXCESS FUNDS.—In any case in which the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under subparagraph (A)—

“(i) 34 percent of the amount of such excess for such fiscal year shall be available to the Chairperson for making grants under this subsection to State entities;

“(ii) 44 percent of the amount of such excess for such fiscal year shall be allotted so that each State entity receives an equal amount; and

“(iii) the remainder of the amount of such excess for such fiscal year shall be allotted so that each State entity receives an amount that bears the same ratio to such remainder as the population of the State for which the application is approved bears to the population of all the States.

“(7) LIMITATIONS.—

“(A) FEDERAL SHARE.—

“(i) IN GENERAL.—Funding provided through a grant made under this subsection to a State entity for any fiscal year shall be available to each State entity that has an application approved by the Chairperson, and has the State plan accompanying the application in effect on the first day of such fiscal year, to pay not more than 50 percent of the total cost of carrying out any activity described in paragraph (3).

“(ii) EXCESS PORTION.—Except as provided in clause (iii), the portion of the funding provided through any grant made under paragraph (6)(A) to a State entity for any fiscal year that exceeds $125,000 shall be available, at the discretion of the Chairperson, to pay not more than 100 percent of such cost of carrying out an activity under this subsection if such activity would be unavailable to the residents of the State without such portion.

“(iii) PERCENTAGE OF GRANT FUNDS.—The portion of the funding described in clause (ii) for any fiscal year that is available to pay not more than 100 percent of such cost, as described in clause (ii), shall not exceed 20 percent of the total of the funding provided through such grant for such fiscal year.

“(B) PROHIBITION ON SUPPLANTING NON-FEDERAL FUNDS.—Funds made available under this subsection shall be used to supplement, and shall not supplant, non-Federal funds expended for supporting activities described in paragraph (3).

“(8) UNOBLIGATED FUNDS.—Any amount allotted to a State entity under paragraph (6) for any fiscal year that is not obligated by the State entity earlier than 60 days prior to the end of the fiscal year for which the amount is appropriated shall be available for making grants under subsections (d) and (e).

“(9) LIMITATION ON MULTIPLE ENTITIES.—The Chairperson may not make grants under this subsection to more than 1 entity in any State.

“(d) NATIONAL GRANTS.—

“(1) PURPOSE.—The purpose of this subsection is to provide support for grants to groups, individuals, and State agencies or entities to carry out activities relating to education and the public humanities that have a national audience and are of national significance, such as activities relating to education in the humanities, media projects, projects in museums and by historical organizations, projects in libraries and archives, public humanities projects, endowment building, and technology activities.

“(2) GENERAL AUTHORITY.—Using funds reserved under section 106(b)(1)(D), the Chairperson, acting on the recommendation of the National Council on the Humanities, may establish and carry out a program of grants to groups, or in appropriate cases individuals, who or which meet the standard of excellence in the humanities and significance in the humanities, or State agencies or entities, to pay for the Federal share of the cost of activities, in accordance with subsection (f), to—

“(A) develop and encourage the pursuit of a national policy to further the public good through public funding of the humanities;

“(B) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities;

“(C) foster the exchange of information in the humanities;

“(D) foster education in, and public understanding and appreciation of, the humanities;

“(E) support projects that foster or promote literacy;

“(F) ensure that the benefit of the programs of the Endowment will also be available to the citizens of the United States where such programs would otherwise be unavailable due to geographic or economic reasons;

“(G) enable the groups to increase the levels of continuing support and to increase the range of contributors to the program of the groups;

“(H) provide administrative and management improvements for the groups, particularly in the field of long-range financial planning;

“(I) enable the groups to increase audience participation in, and appreciation of, programs sponsored by the groups;

“(J) develop new sources of long-term support for educational, scholarly, and public programs in the humanities, including renovating or constructing facilities, augmenting or establishing endowment funds, and purchasing capital equipment to ensure financial stability;

“(K) stimulate greater cooperation among the groups especially designed to serve better the communities in which the groups are located; and

"(L) foster greater citizen involvement in planning the cultural development of a community.

"(e) Research and Scholarship Grants.—

"(1) Purpose.—The purpose of this subsection is to encourage the development and dissemination of significant scholarship in the humanities by groups, individuals, and State agencies or entities by such means as fellowships for college and university faculty and independent scholars, dissertation grants, summer stipends, and funds for scholarly publications, reference materials, basic research, institutional programs, and preservation.

"(2) General authority.—Using funds reserved under section 106(b)(1)(E), the Chairperson, acting on the recommendation of the National Council on the Humanities, may establish and carry out a program of grants to groups, individuals, State agencies, and State entities for the purpose of paying for the Federal share of the cost, in accordance with subsection (f), of—

"(A) initiating and supporting (including supporting through fellowships) training, workshops, programs, research, and publications, in the humanities, that have substantial scholarly and cultural significance and that reach or reflect the cultural heritage of the United States;

"(B) fostering projects that provide access to, and preserving materials important to research, education, and public understanding regarding, the humanities;

"(C) enabling the groups to increase the levels of continuing support and to increase the range of contributors to the program of the groups;

"(D) providing administrative and management improvements for the groups, particularly in the field of long-range financial planning; and

"(E) developing new sources of long-term support for educational, scholarly, and public programs in the humanities, including renovating or constructing facilities, augmenting or establishing endowment funds, and purchasing capital equipment to ensure financial stability.

"(3) Training; workshops; research.—A fellowship awarded to an individual under paragraph (2)(A) may be used for the purpose of supporting study or research at an appropriate nonprofit institution selected by the individual, for a stated period of time. The total amount of any grant under paragraph (2)(A) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 percent of the total cost of such activities.

"(4) Considerations.—In selecting a group or individual as a recipient of a grant to be made under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that traditionally have been underrepresented in the humanities.

"(f) Federal Share and Non-Federal Share for National Grants and Research and Scholarship Grants.—

"(1) Federal share.—

"(A) In general.—Except as provided in paragraph (3), and subject to subparagraph (B), the Federal share described subsection (d)(2) or (e)(2) shall be determined by the Chairperson, after recommendation from the Council.

"(B) Special rule.—With respect to a fiscal year, the Chairperson shall ensure that the aggregate amount of funding provided by the Chairperson through grants under subsections (d)(2) and (e)(2) for that fiscal year shall equal the aggregate amount of non-Federal contributions made for that fiscal year, in accordance with paragraph (2), by recipients of grants awarded under subsections (d)(2) and (e)(2).

"(2) Non-federal share.—

"(A) In general.—Except as provided in paragraph (3) and subject to subparagraph (B), the Chairperson shall have the discretion in determining the amount of non-Federal contribution that a recipient of a grant under subsection (d)(2) or (e)(2) shall be required to make toward the cost of an activity funded under the grant.

"(B) Special rule.—With respect to a fiscal year, the Chairperson shall ensure that the aggregate amount of non-Federal contributions provided by recipients of grants under subsections (d)(2) and (e)(2) for that fiscal year shall equal the aggregate amount of funding that the Chairperson provided through grants under subsections (d)(2) and (e)(2) for that fiscal year.

"(3) Special rules for activities relating to new sources of long-term support.—

"(A) Federal share.—The Federal share described in subsection (d)(2) or (e)(2) for an activity described in subsection (d)(2)(J) or (e)(2)(E) shall be an amount equal to 25 percent of the cost of the activity.

"(B) Non-federal share.—A recipient that receives a grant under subsection (d) to carry out an activity described in paragraph (2)(J) of such subsection, or subsection (e) to carry out an activity described in paragraph (2)(E) of such subsection, shall make available non-Federal contributions toward the costs of the activity in an amount equal to 75 percent of such costs ($3 for each $1 of Federal funds provided in the grant).

"SEC. 303. APPLICATION PROCEDURES.

"To be eligible to receive a grant under this title, a State, group, individual, agency, or, organization shall submit an application to the Chairperson at such time, in such manner, and containing such information as the Chairperson may prescribe.

"SEC. 304. REVIEW PANELS.

"The Chairperson may select panels of experts under section 307(a)(3) to review and make recommendations with respect to the approval of applications for grants authorized under this title. In selecting the panels, the Chairperson shall appoint individuals who have exhibited expertise and leadership in the field under review, who broadly represent diverse humanistic perspectives and geographic factors, and who broadly represent cultural diversity.

"SEC. 305. NATIONAL COUNCIL ON THE HUMANITIES.

"(a) Establishment.—There is established within the Endowment a National Council on the Humanities (referred to in this section as the 'Council').

"(b) Composition.—

"(1) In general.—The Council shall be composed of the Chairperson of the Endowment, who shall be the Chairperson of the Council, and 20 other members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—

"(A) from among private citizens of the United States who—

"(i) are recognized for their broad knowledge of, or expertise in, the humanities; and

"(ii) have established records of distinguished service, or achieved eminence, in the humanities;

"(B) so as to include scholars and others who are professionally engaged in the humanities; and

"(C) so as collectively to provide an appropriate distribution of members among the major humanities fields.

"(2) Qualifications.—The President may, in making such appointments, give consideration to such recommendations as may, from time to time, be submitted to the President by leading national organizations in the major humanities fields. In making such appointments, the President shall give due regard to equitable representation of women, racially and ethnically diverse individuals, and individuals with disabilities, who are involved in the humanities. Members of the Council shall be appointed so as to represent equitably geographical areas in the United States.

"(c) Terms.—

"(1) In general.—

"(A) Staggered terms.—Each member of the Council shall serve for a term of 6 years, and the terms shall be staggered.

"(B) Expiration.—Except as provided in paragraph (2), the terms of all Council members shall expire on the third day of September in the year of expiration.

"(C) Reappointment after partial term.—Each member who has served on the Council for 1 term of less than 3 years shall be eligible for reappointment for 1 term of 6 years.

"(D) Vacancy appointments.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(E) Holdover service.—Notwithstanding any other provision of this subsection, a member of the Council shall serve after the expiration of the term of the member until the successor to the member takes office.

"(2) Adjustment to reduce council.—

"(A) Members whose terms expired in 1996 but continue to serve.—

"(i) In general.—The terms of 6 members of the Council whose terms expired on September 3, 1996 and who continue to serve because a successor has not been appointed shall be deemed to expire on the date of enactment of the Arts and Humanities Amendments of 1997.

"(ii) Successors.—The President shall appoint 3 members of the Council to succeed members whose terms are deemed to expire as described in clause (i).

"(B) Members whose terms expire in 2000.—

"(i) In general.—The terms of 2 members of the Council whose terms expire on September 3, 2000 shall be deemed to expire on September 3, 2002.

"(ii) Successors.—The President shall not appoint any members to succeed the members whose terms are deemed to expire as described in clause (i).

"(d) Compensation.—Members of the Council shall receive compensation at a rate to be fixed by the Chairperson but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, and be allowed travel expenses including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(e) Meetings and Duties.—

"(1) Meetings.—The Council shall meet at the call of the Chairperson but not less often than twice during each calendar year. Eleven members of the Council shall constitute a quorum.

"(2) DUTIES.—The Council shall—

"(A) advise the Chairperson with respect to policies, programs, and procedures for carrying out the functions of the Chairperson under this title; and

"(B) review applications for grants authorized under this title and make recommendations to the Chairperson with respect to the approval of each application.

"(f) ACTIONS BY CHAIRPERSON.—

"(1) IN GENERAL.—The Chairperson shall not approve or disapprove any application for a grant authorized under this title until the Chairperson has received the recommendation of the Council on such application, unless the Council fails to make a recommendation on the application within a reasonable time.

"(2) DELEGATIONS.—In the case of an application submitted under this title and involving $35,000 or less, the Chairperson may approve or disapprove such application if such action is taken pursuant to the terms of an express and direct delegation of authority from the Council to the Chairperson, and if each such action by the Chairperson is reviewed by the Council. The terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year that exceed an amount equal to 3 percent of the sums appropriated for the fiscal year pursuant to section 106(b)(1)(A).

"SEC. 306. LIMITATIONS ON GRANTS.

"(a) CRITERIA FOR ELIGIBILITY FOR GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) PRODUCTION ENTITY.—The term 'production entity' means any partnership, corporation, business enterprise, or other organization engaged in the production of a film or publication.

"(B) GROUP.—The term 'group' includes any State or local government, State or local public agency, Indian tribe, or nonprofit association, organization, institution, or society.

"(C) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' means a citizen of the United States or a person who owes permanent allegiance to the United States.

"(2) CRITERIA.—The Chairperson, with the advice of the National Council on the Humanities, shall establish criteria for eligibility for grants made under this title. The criteria shall provide the following:

"(A) GROUP.—A group shall be eligible to receive a grant under this title if—

"(i) no part of the net earnings of the group inures to the benefit of any private stockholder, or individual; and

"(ii) a donation to such group is allowable as a charitable contribution under section 170(c) of the Internal Revenue Code of 1986.

"(B) PRODUCTION ENTITY.—A production entity that is a nonprofit group shall be eligible to receive a grant under this title if the Chairperson, with the advice of the National Council on the Humanities, determines that providing such a grant will significantly advance the knowledge or understanding of the humanities in the United States.

"(C) INDIVIDUAL.—An individual shall be eligible to receive a grant under this title if—

"(i) the individual is a citizen or national of the United States; and

"(ii) the Chairperson, with the advice of the National Council on the Humanities, determines that providing the grant will significantly advance the knowledge or understanding of the humanities in the United States.

"(b) ADMISSION CHARGES.—No grant shall be made under this title for an activity (other than an activity conducted by a school, college, or university) for which a direct or an indirect admission charge is requested if the proceeds, after deducting reasonable costs, are used for purposes other than assisting the grant recipient to develop high standards of scholarly excellence or encourage greater appreciation of the humanities by the citizens of the United States.

"(c) LABOR STANDARDS.—The provisions of section 206(d) shall apply to activities financed under this title in the same manner and to the same extent as the provisions apply to activities financed under title II.

"SEC. 307. ADMINISTRATIVE PROVISIONS.

"(a) AUTHORITIES OF CHAIRPERSON.—In addition to any authorities vested in the Chairperson by other provisions of this Act, the Chairperson, in carrying out the functions of the Chairperson, shall have authority—

"(1) to prescribe such regulations and procedures as the Chairperson determines to be necessary, governing the manner in which the functions of the Chairperson shall be carried out;

"(2) to appoint and determine the compensation of such employees, subject to title 5, United States Code, as may be necessary to carry out the functions of the Chairperson, to define the duties of such employees, and to supervise and direct the activities of such employees;

"(3) to procure the temporary and intermittent services of experts and consultants, including panels of experts, and compensate the experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) to accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service;

"(5) to make advance, progress, and other payments without regard to section 3324 of title 31, United States Code;

"(6) to rent office space in the District of Columbia; and

"(7) to make other necessary expenditures.

"(b) PUBLICATIONS.—Official publications of the Endowment under this title may be supported without regard to the provisions of section 501 of title 44, United States Code, if the Chairperson consults with the Joint Committee on Printing of the Congress.

"(c) COORDINATION.—The Chairperson shall coordinate the programs of the Endowment, insofar as practicable, with other Federal programs, programs of designated State humanities agencies, and programs undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this title that can be made by other Federal agencies under the existing programs. The Chairperson may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated to carry out this title to pay for the costs of such promotion or assistance.

"SEC. 308. REPORTS.

"(a) ANNUAL REPORT OF CHAIRPERSON.—The Chairperson shall submit an annual report to the President for submission to the appropriate committees of Congress on or before the 15th day of April of each year. The report shall summarize the activities of the Endowment for the preceding year, and may include such evaluations and other reports as the Chairperson determines to be appropriate.

"(b) FINANCIAL REPORTS AND COMPLIANCE.—

"(1) IN GENERAL.—It shall be a condition of the receipt of a grant made under this title by the Chairperson that each such grant recipient agree to and comply with requirements to submit to the Chairperson—

"(A) financial reports containing such information as the Chairperson determines to be necessary to ensure that the funding provided through the grant is expended in accordance with the terms and conditions under which the grant is made;

"(B) a report describing the activity carried out with the funding provided through the grant and the compliance by the grant recipient with the conditions of receipt of such grant, including the condition that the work assisted meets the standards of excellence in humanities and significance in the humanities; and

"(C) if practicable, as determined by the Chairperson, a copy of the work resulting from the activity.

"(2) REPORTS.—The reports and copy described in paragraph (1) shall be due not later than 90 days after the end of the period for which such grant recipient receives funding through the grant or 90 days after the completion of the work, whichever occurs earlier. The Chairperson may extend the 90-day period if the recipient shows good cause why such an extension should be granted.

"(c) EVALUATION.—The Chairperson shall conduct a post-award evaluation of activities for which grants are made by the Chairperson under this title. Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by grant recipients under subsection (b).

"(d) ANNUAL REPORT OF NATIONAL COUNCIL ON THE HUMANITIES.—

"(1) IN GENERAL.—The National Council on the Humanities may submit an annual report to the President for submission to the appropriate committees of Congress on or before the 15th day of April of each year.

"(2) CONTENTS.—The report shall include written records summarizing—

"(A) all meetings and discussions of the Council; and

"(B) recommendations made by the Council to the Chairperson.

"(3) PRIVACY.—The Council shall ensure that the information contained in the report will be presented in a manner that protects the privacy of individual applicants for grants authorized under this title and Council members.

"SEC. 309. SANCTIONS AND PAYMENTS.

"(a) FAILURE TO SATISFY PURPOSES.—If any recipient of a grant made under this title, or an indirect recipient of funding provided through the grant, substantially fails to satisfy the purposes for which such grant is made, as determined by the Chairperson, the Chairperson may—

"(1) for purposes of determining whether to make any subsequent funding to the direct or indirect recipient under this title, take into consideration the results of the post-award evaluation conducted under section 308(c);

"(2) prohibit the direct and indirect recipients from using the name of, or in any way associating the project, production, or workshop for which the grant was received with, the Endowment; and

"(3) if such project, production, or workshop is published, require that the publication contain the following statement: 'The opinions, findings, conclusions, and recommendations expressed in this publication do not reflect the views of the National Endowment for the Humanities.'.

"(b) NONCOMPLIANCE.—

"(1) IN GENERAL.—The Chairperson shall take the actions described in paragraph (2) whenever the Chairperson, after providing reasonable notice and an opportunity for hearing, finds that—

"(A) a direct recipient of a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with the provisions of this title;

"(B) a State agency or entity that received a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with terms and conditions of the State plan accompanying the application approved for the grant under this title; or

"(C) any funding provided under this title to a recipient or State agency or entity described in subparagraph (A) or (B) has been diverted from the purposes for which such funding was provided.

"(2) ACTIONS.—On making the finding described in paragraph (1), the Chairperson shall immediately notify the direct recipient, or State agency or entity, that received the funding at issue that—

"(A) no further funding will be provided under this title to such recipient or State agency or entity until there is no longer any default or failure to comply or the diversion is corrected; or

"(B) if compliance or correction is impossible, until such recipient or State agency or entity repays or arranges the repayment of the Federal funds that were improperly diverted or expended.

"(c) RECAPTURE.—

"(1) IN GENERAL.—A recipient of funding under this title shall pay the amount described in paragraph (2) to the Endowment if the Chairperson finds that the recipient has derived net program income in excess of the match required under the terms of the agreement from the commercially successful activities funded that exceeds the lesser of—

"(A) $50,000; or

"(B) twice the amount of the funding.

"(2) AMOUNT.—At the discretion of the Chairperson, the amount referred to in paragraph (1) is not less than ⅓ and not more than ½ of the amount of the net program income generated within 5 years after the end of the grant period, but not more than the amount of the funding, unless the Chairperson has reached an agreement with the grantee upon the award of a grant that the amount referred to in paragraph (1) shall exceed the amount of the grant.

"(d) ACCOUNT.—Except as otherwise provided in this Act, the Treasurer of the United States shall deposit funds paid under subsection (c), or repaid under this Act, in a special interest bearing account to the credit of the Endowment.

"SEC. 310. AWARDS.

"(a) JEFFERSON LECTURE IN THE HUMANITIES AWARD.—The Chairperson may award annually the Jefferson Lecture in the Humanities Award to 1 individual for distinguished intellectual achievement in the humanities. Each such award shall not exceed $10,000.

"(b) NATIONAL HUMANITIES MEDAL.—

"(1) IN GENERAL.—The President may award the National Humanities Medal to individuals or groups whose work—

"(A) has expanded the understanding of citizens of the United States in the area of humanities;

"(B) has broadened such citizens engagement with the humanities; or

"(C) has helped preserve and expand the access of such citizens to important resources in the humanities.

"(2) NUMBER OF MEDALS.—Not more than 12 of such medals may be awarded in any calendar year.

"(3) CEREMONIES.—The presentation of the National Humanities Medal shall be made by the President with such ceremonies as the President may determine to be appropriate, including attendance by appropriate Members of Congress.".

SEC. 102. CONFORMING AMENDMENTS.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "the National Endowment for the Arts, the National Endowment for the Humanities," and inserting "the portion of the National Foundation on the Arts and the Humanities consisting of the National Endowment for the Arts and the National Endowment for the Humanities,"; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking at the end "and";

(ii) in subparagraph (B), by inserting after the semicolon "and"; and

(iii) by adding at the end the following:

"(C) with respect to the National Endowment for the Arts and the National Endowment for the Humanities, the term means the Chairperson of the National Endowment for the Arts with respect to matters relating to the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities with respect to matters relating to the Chairperson of the National Endowment for the Humanities;";

(2) in subsection (c), by inserting before the period the following: ", except that the Inspector General for the National Endowment for the Arts and the National Endowment for the Humanities shall be jointly appointed by the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities"; and

(3) in the first sentence of subsection (d), by inserting before the period the following: ", except as provided in section 103 of the National Foundation on the Arts and the Humanities Act of 1965".

TITLE II—ARTS AND ARTIFACTS INDEMNITY ACT

SEC. 201. ARTS AND ARTIFACTS.

The Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Arts and Artifacts Indemnity Act'.

"SEC. 2. INDEMNITY FOR EXHIBITIONS OF ARTS AND ARTIFACTS.

"The Federal Council on the Arts and Humanities (referred to in this Act as the 'Council') established under section 8, may enter into agreements to indemnify against loss or damage such items as may be eligible for such indemnity agreements under section 3—

"(1) in accordance with the provisions of this Act; and

"(2) on such terms and conditions as the Council shall prescribe, by regulation, in order to achieve the objectives of this Act and, consistent with such objectives, to protect the financial interest of the United States.

"SEC. 3. ELIGIBLE ITEMS.

"(a) TYPES OF ITEMS.—The Council may enter into an indemnity agreement under section 2 with respect to items—

"(1) that are—

"(A) works of art, including tapestries, paintings, sculpture, folk art, and graphics and craft arts;

"(B) manuscripts, rare documents, books, or other printed or published materials;

"(C) other artifacts or objects; or

"(D) photographs, motion pictures, or audio and video tape;

"(2) that are of educational, cultural, historical, or scientific value; and

"(3) the exhibition of which is certified (where appropriate) by the Secretary of State or the designee of the Secretary of State as being in the national interest.

"(b) ITEMS ON EXHIBITION.—

"(1) SCOPE.—An indemnity agreement made under this Act shall cover eligible items while on exhibition, generally when the items are part of an exchange of exhibitions. An item described in subsection (a) that is part of an exhibition that originates either in the United States or outside the United States and that is touring the United States shall be considered to be an eligible item.

"(2) DEFINITION.—For purposes of this subsection, the term 'on exhibition' includes the period of time beginning on the date the eligible items leave the premises of the lender or place designated by the lender and ending on the date such items are returned to the premises of the lender or place designated by the lender.

"SEC. 4. APPLICATIONS.

"(a) IN GENERAL.—Any person, nonprofit agency, institution, or government desiring to enter into an indemnity agreement for eligible items under this Act shall submit an application to the Council at such time, in such manner and in accordance with such procedures, as the Council shall, by regulation, prescribe.

"(b) CONTENTS.—An application submitted under subsection (a) shall—

"(1) describe each item to be covered by the agreement (including an estimated value of such item);

"(2) show evidence that the item is an item described in section 3(a); and

"(3) set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of, exhibition of the item, and any transportation related to such item.

"(c) APPROVAL.—On receipt of an application under this section, the Council shall review the application as described in section 5 and, if the Council agrees with the estimated value described in the application and if such application conforms with the requirements of this Act, approve the application and enter into an indemnity agreement with the applicant under section 2. On such approval, the agreement shall constitute a contract between the Council and the applicant pledging the full faith and credit of the United States to pay any amount for which the Council becomes liable under such agreement. The Council, for such purpose, is authorized to pledge the full faith and credit of the United States.

"SEC. 5. INDEMNITY AGREEMENT.

"(a) Review.—On receipt of an application meeting the requirements of subsections (a) and (b) of section 4, the Council shall review the estimated value of the items for which coverage by an indemnity agreement is sought. If the Council agrees with such estimated value, for the purposes of this Act, the Council shall, after approval of the application as provided for in subsection (c) of section 4, make an indemnity agreement.

"(b) Aggregate Amount of Loss or Damage.—The aggregate amount of loss or damage covered by indemnity agreements made under this Act shall not exceed $3,000,000,000, at any one time.

"(c) Individual Amount of Loss or Damage.—No indemnity agreement for a single exhibition shall cover loss or damage in excess of $300,000,000.

"(d) Extent of Coverage.—If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

"(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to the items covered;

"(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage to the items covered;

"(3) not less than $10,000,000 but less than $125,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to the items covered;

"(4) not less than $125,000,000 but less than $200,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $100,000 of loss or damage to the items covered; or

"(5) $200,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $200,000 of loss or damage to the items covered.

"SEC. 6. REGULATIONS AND CERTIFICATION.

"(a) Regulations.—The Council shall prescribe regulations providing for prompt adjustment of valid claims for loss or damage to items that are covered by an agreement entered into pursuant to section 2, including provision for arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of such covered items.

"(b) Certification.—In the case of a claim of loss or damage with respect to an item that is covered by an agreement entered into pursuant to section 2, the Council shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President pro tempore of the Senate.

"SEC. 7. REPORT.

"The Council shall prepare, and submit at the end of each fiscal year to the appropriate committees of Congress, a report containing information on—

"(1) all claims paid pursuant to this Act during such year;

"(2) pending claims against the Council under this Act as of the end of such year; and

"(3) the aggregate face value of contracts entered into by the Council that are outstanding at the end of such year.

"SEC. 8. ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

"(a) Establishment.—

"(1) In general.—There is established a Federal Council on the Arts and the Humanities.

"(2) Status as an agency.—For the purposes of this Act, the Council shall be an agency within the meaning of the appropriate definitions of such term in title 5, United States Code.

"(b) Membership.—

"(1) In general.—The Council shall be composed of the Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum and Library Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, the Assistant Secretary for Aging, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House of Representatives.

"(2) Designation of presiding officer.—The President shall designate the presiding officer of the Council from among the members.

"(3) Authority to change the membership.—The President is authorized to change the membership of the Council as the President deems necessary to meet changes in Federal programs or executive branch organization.

"(c) Functions.—

"(1) In general.—Except as provided in paragraph (2), the Council shall—

"(A) carry out the functions of the Council described in sections 1 through 7;

"(B) promote coordination between the programs and activities of the National Foundation on the Arts and Humanities and related programs and activities of other Federal agencies; and

"(C) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies.

"(2) Restrictions.—The following members of the Council shall not carry out the functions described in paragraph (1)(A):

"(A) The Secretary of the Smithsonian Institution.

"(B) The Director of the National Gallery of Art.

"(C) The member of the Council designated by the Chairman of the Senate Commission on Art and Antiquities.

"(D) The member of the Council designated by the Speaker of the House of Representatives.

"(3) Limitation on use of employees.—No employee (other than a member of the Council) of the Council may carry out the activities described in subparagraphs (B) and (C) of paragraph (1).

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary—

"(1) to enable the Council to carry out the functions (except the functions described in subparagraphs (B) and (C) of section 8(c)(1)) of the Council under this Act; and

"(2) to pay claims certified pursuant to section 6(b).".

Mr. KENNEDY. Mr. President, it is an honor to be a sponsor of this 5-year reauthorization of the National Endowments for the Arts and Humanities. I commend Chairman JEFFORDS for his leadership in support of these two important Endowments. We intend to do all we can to support them and keep them active because of their well-known success in enhancing the cultural life of the Nation.

The arts and humanities have, and deserve to have, a central role in the life of America. The National Endowments for the Arts and Humanities have contributed immensely to that role. They encourage the growth and development of the arts and humanities in communities across the Nation, giving new emphasis and vitality to American creativity and scholarship, and to the cultural diversity that is one of America's greatest strengths.

Americans have a great deal to celebrate—and also to learn—about our extraordinary cultural traditions, our complex modern society, and our country's many possibilities for the future. The arts and humanities are essential parts of this experience. If we shortchange the arts and humanities, we shortchange America itself.

There are critics who continue to seek the elimination of the Endowments—despite the fact that the American people themselves want the arts to be an active and significant part of their lives, and despite the recognized need for greater support to enable people from all walks of life to have realistic opportunities to enjoy America's artistic and scholarly traditions and innovations.

Unfortunately, the critics gained undeserved strength with the Republican takeover of Congress in 1994. The Arts Endowment is currently under intense ideological attack by Republican leaders in the House of Representatives who are bent on eliminating the agency.

One of the few gratifying aspects of the current debate is the outrage the House assault has created in communities across the country. As last week's 217 to 216 vote demonstrated, the House Republican leadership was forced into an embarrassing public display of arm-twisting to salvage its untenable position. The reason is obvious. Angry citizens are contacting Congress. Editorials and opinion pieces supporting the Endowment are proliferating in newspapers large and small across the country, labeling this threat for what it is—a frontal assault on the arts in America.

These citizens and these communities understand the importance and the success of the Arts Endowment. As a result of its leadership over the past three decades, the country now has double the number of community orchestras, 11 times the number of community dance companies, and 50 times the number of community arts agencies. Clearly, the crass Republican attempt to mug the Arts Endowment is doomed to fail. I am confident that sanity will return to the House of Representatives before the debate is ultimately over. There is simply too much at stake.

The arts and humanities are vital and essential parts of our national experience, and Congress has an obligation to ensure that they are more accessible, not less accessible, to all Americans in every community.

The current legislation which we introduce today to reauthorize the Endowments is well designed to increase access to arts programs and cultural programs in underserved communities and areas that do not yet have such access on a regular or widespread basis, but that would be greatly enriched by these programs.

In addition, under the legislation, arts education grants will provide funds to make the arts more accessible in schools, where they are increasingly becoming an effective way to strengthen education. Young people deserve to have music, theater, dance, poetry, and the other arts as basic parts of their school years. These investments in students and schools will bring major long-term benefits to the nation.

Students receive short-term benefits too. According to a recent study, high school students who took an arts course in each year of high school scored 59 points higher on the verbal portion of the SAT and 44 points higher on the math portion than students with no courses in the arts.

Unfortunately, in spite of these obvious and very tangible benefits, the arts and humanities must now exist in an environment where there are fewer public dollars and greater competition for private support. Adequate Federal funding for the Endowments is more important than ever. Our bill, therefore, authorizes $175 million for the Arts Endowment and $175 million for the Humanities Endowment for the next fiscal year, compared to appropriations of $99.5 million for the Arts Endowment and $110 million for the Humanities Endowment in the current fiscal year. Authorizations for the following 4 fiscal years are open-ended; our bill specifies "such sums as may be necessary."

President Kennedy understood the importance of the arts in our daily lives. As he said in 1963:

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an American which will steadily raise the standard of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but also for its civilization as well.

Preserving and supporting the Arts and Humanities Endowments are among one of the most important and effective ways that Congress can help to make this vision a reality.

Throughout history, governments have recognized their responsibility to support and encourage the arts and humanities. In times of rapid change, it is particularly important for us to find effective ways to celebrate our common American community and our shared cultural heritage and values.

Again, I commend Chairman JEFFORDS for his commitment to the Endowments. This legislation deserves broad bipartisan support in Congress, and I look forward to its enactment.

Mr. CHAFEE. Mr. President, I am delighted to join with the chairman and ranking member of the Senate Labor and Human Resources Committee, Senators JEFFORDS and KENNEDY, in introducing legislation to reauthorize the National Endowment for the Arts and the National Endowment for the Humanities. Later this month, we will vote on funding for the Endowments, and it is my sincere hope that the Senate will show its determination to continue Federal support for the arts, as it has in years past.

Although other countries have long histories of government support for cultural activities, Federal support for artists in the United States began during the Great Depression, when the WPA hired scores of writers, musicians, painters, sculptors, and other artists to work on public art projects. But that support was short lived. It wasn't until 1964 that the National Endowment for the Arts first was created. The NEA saw profound growth during the Nixon and Ford administrations.

Regrettably, its funding has been reduced by about 40 percent over the past few years primarily because of a few grants that were deemed to have been inappropriate. With regard to this issue of "obscene art," I believe that any such debate should be framed in terms of the overall record of the NEA, not in terms of a few grants that may have escaped appropriate scrutiny. Of the more than 100,000 grants provided by the NEA in its almost 30-year history, only a handful have been the subject of controversy. That is an excellent track record, and I do not believe that those few grants should be used as the yardstick by which the Endowment is judged.

Mr President, the public's support for the NEA and NEH is very strong. In Rhode Island, we have a vigorous and growing arts community. The Rhode Island School of Design is among the most prestigious fine arts and design schools in the Nation. It attracts the most talented students and teachers who often make Rhode Island their permanent home. Many Rhode Islanders, and people in the city of Providence in particular, are enormously enthusiastic about the arts community, which has contributed greatly to our economic redevelopment efforts.

The NEA and NEH support a wide array of artists, writers, actors, musicians, and other artists. During the past several weeks, I have heard from a number of Rhode Island artists. I would like to share an excerpt from a Rhode Island musician with you. Rebecca Truitt, a cellist in the Rhode Island Philharmonic, wrote to me on March 8. This is what she said:

> The declining state of public support for the arts in America is of great concern to me. . . . Equally critical is the possibility that our cultural agencies may fail to receive authorization for Fiscal Year 1998. Should that happen, it would be an embarrassing day for the United States, making us unique among cultured nations by eliminating the arts from our priorities. Whether all orchestras, including my orchestra, the Rhode Island Philharmonic Orchestra, receive funding or not, one thing is clear, the NEA has helped raise the standard of all professional performing groups in the U.S., catapulting American music and musicians to the forefront of the international music scene. Moreover, the NEA has helped to promote and sustain American jobs.

Throughout my years in the Senate, I have supported funding for both the National Endowment for the Arts and the National Endowment for the Humanities. Once again, I am delighted to introduce this reauthorization bill with Senators JEFFORDS and KENNEDY.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Utah [Mr. BENNETT], the Senator from North Dakota [Mr. DORGAN], the Senator from Kansas [Mr. BROWNBACK], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 865

At the request of Mr. GRAHAM, the name of the Senator from Iowa [Mr.

GRASSLEY] was added as a cosponsor of S. 865, a bill to provide for improved coordination, communications, and enforcement related to health care fraud, waste, and abuse, to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes.

S. 932

At the request of Mr. GRAMM, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 932, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a National Advisory and Implementation Board on Imported Fire Ant Control, Management, and Eradication and, in conjunction with the Board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes.

S. 963

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 963, a bill to establish a transportation credit assistance pilot program, and for other purposes.

S. 985

At the request of Mr. TORRICELLI, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 985, a bill to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Coby Post Office".

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and, fortitude.

SENATE CONCURRENT RESOLUTION 39—EXPRESSING THE SENSE OF THE CONGRESS THAT THE GERMAN GOVERNMENT SHOULD EXPAND AND SIMPLIFY ITS REPARATIONS SYSTEMS TO HOLOCAUST SURVIVORS

Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. HATCH, and Mr. DODD) submitted the following resolution which was referred to the Committee on Foreign Relations.

S. CON. RES. 39

Whereas the annihilation of 6,000,000 European Jews during the Holocaust and the murder of millions of others by the Nazi German state constitutes one of the most tragic episodes in the history of man's inhumanity to man;

Whereas there are more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world;

Whereas aging Holocaust survivors throughout the world are still suffering from permanent injuries suffered at the hands of the Nazis, and many are unable to afford critically needed medical care;

Whereas, while the German Government has attempted to address the needs of Holocaust survivors, many are excluded from reparations because of onerous eligibility requirements imposed by the German Government;

Whereas the German Government often rejects Holocaust survivors' claims on the grounds that the survivor did not present the claim correctly or in a timely manner, that the survivor cannot demonstrate to the Government's satisfaction that a particular illness or medical condition is the direct consequence of persecution in a Nazi-created ghetto or concentration camp, or that the survivor is not considered sufficiently destitute;

Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other formerly Communist countries in Eastern and Central Europe have never received reparations from Germany and a smaller number has received a token amount;

Whereas, after more than 50 years, hundreds of thousands of Holocaust survivors continue to be denied justice and compensation from the German Government;

Whereas the German Government pays generous disability pensions to veterans of the Nazi armed forces, including non-German veterans of the Waffen-SS;

Whereas in 1996 the German Government paid $7,700,000,000 in such pensions to 1,100,000 veterans, including 3,000 veterans and their dependents now living in the United States;

Whereas such pensions are a veteran's benefit provided over and above the full health coverage that all German citizens, including veterans of the Waffen-SS, receive from their government; and

Whereas it is abhorrent that Holocaust survivors should live out their remaining years in conditions worse than those enjoyed by the surviving former Nazis who persecuted them: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the German Government should expand and simplify its system of reparations so that all Holocaust survivors can receive reparations, regardless of their nationality, length or place of internment, or current financial situation;

(2) the German Government should provide reparations to Holocaust survivors in the former Soviet Union and other former Communist countries in Eastern and Central Europe;

(3) the German Government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover the medical expenses of all Holocaust survivors worldwide; and

(4) the German Government should help restore the dignity of Holocaust survivors by paying them sufficient reparations to ensure that no Holocaust survivor be forced by poverty to live in conditions worse than those generally enjoyed by the surviving former Nazis who persecuted them.

Mr. MOYNIHAN. Mr. President, it is now over half a century since the end of the Second World War. Millions of us who served in that war returned home to resume our lives and enjoy the blessings of peace. To all of us the end of the war was a relief. To the survivors of the Nazi concentration camps it was the difference between certain death and a chance to continue life after years of unspeakable deprivation and horror.

Much has been written and said about the 6 million European Jews who were slaughtered during the Holocaust. A magnificent museum not far from this building pays moving and appropriate tribute to them, and to the millions of non-Jewish victims of Nazi Germany, as well. Much has been said about the dead. But far too little has been said about, or done for, the survivors. Almost half a million of them are still alive, including over 125,000 in this country and about the same number in Eastern and Central Europe and Israel. The youngest among them are now in their sixties; most of them are in their seventies and eighties and in increasingly frail health, complicated in many cases by the suffering they endured over half a century ago.

The German Government has long recognized its moral obligation to assist the survivors of the Holocaust. The landmark reparations agreements of the early 1950's between the West German Government and Jewish groups were predicated on this simple premise. Yet, as years go by, it has become increasingly apparent that a large number of survivors, particularly those living in Eastern and Central Europe, were excluded from these agreements and are now being denied assistance on the flimsiest of technical grounds. In addition, tens of thousands of Holocaust survivors in North America and Israel have been similarly refused reparations for a variety of reasons that all pale when contrasted to Germany's half-century of generous pensions to German and non-German veterans of the notorious Waffen-SS. It is only fair and logical that the survivors of the Holocaust be treated in their old age with at least the same measure of support being afforded their torturers and prison guards. It is also only fair and logical that these aging survivors, as well as those who already receive reparations, be assisted in meeting their increasing medical expenses.

It is for this purpose that I join Senators GRAHAM, HATCH, and DODD in submitting this resolution which speaks to the simple proposition that it is the sense of Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors.

Mr. GRAHAM. Mr. President, I rise today with Senator MOYNIHAN and my other colleagues to submit a resolution that will allow Holocaust survivors to receive the reparations they so rightly deserve.

There are over 125,000 Holocaust survivors living in the United States. My State of Florida is home to the second largest population in the United States. Approximately 500,000 survivors worldwide are living out their final days. Many still suffer from the injuries they received during the Nazi occupation. While the German Government has acted in good faith in attempting to take responsibility for the horrible actions of the Nazi regime, many survivors have been prevented from receiving reparations due to burdensome eligibility requirements.

We recognize that since 1952, Germany has contributed to the compensation of those that survived the Holocaust. However, after 50 years, hundreds of thousands of elderly Holocaust survivors are still unable to afford critically needed medical care, and many of their medical problems are a direct result of their years in Nazi concentration camps.

In May, it was acknowledged that, in addition to the regular pensions and medical insurance the German Government provides, war disability pensions are still being paid to veterans of the Nazi armed forces and the non-German Waffen-SS, Hitler's special death squads. According to the Wiesenthal Center, the SS disability pensions alone are three times the reparations paid to the Holocaust survivors.

This resolution calls for the German Government to expand and simplify its system of reparations so that a medical fund may be established to cover medical expenses for Holocaust survivors throughout the world. Regardless of nationality or the length or place of internment, Holocaust survivors will be guaranteed the opportunity to live the remainder of their lives with the knowledge that they will always be able to receive the medical care they need.

Holocaust survivors have lived enough of their life in suffering. We must now insure that they live the rest of their lives in dignity. We hope the German Government will continue to accept responsibility and set up a fund to help the victims of Nazi terror. I urge my colleagues to join us in this endeavor.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1998

HUTCHISON (AND OTHERS) AMENDMENT NO. 849

Mr. STEVENS (for Mrs. HUTCHISON for herself, Mr. LOTT, Mr. LIEBERMAN, Mr. MCCAIN, Mr. WARNER, Mr. SMITH of Oregon, Mr. LUGAR, and Mr. LEVIN) proposed an amendment to the bill, S. 1005, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, supra; as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Senate that—

(1) International efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) The Administration should consult closely with the Congress on all efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) The Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces.

DORGAN AMENDMENT NO. 850

Mr. STEVENS (for Mr. DORGAN) proposed an amendment to the bill, S. 1005, supra; as follows:

At the appropriate place, insert the following:

SEC. . Up to $4.5 million of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

ROBB AMENDMENT NO. 851

Mr. STEVENS (for Mr. ROBB) proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

MCCAIN AMENDMENT NO. 852

Mr. MCCAIN proposed an amendment to the bill, S. 1005, supra; as follows:

Strike out section 8097.

MCCAIN AMENDMENT NO. 853

Mr. MCCAIN proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contacts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a wavier granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

INOUYE AMENDMENT NO. 854

Mr. INOUYE proposed an amendment to the bill, S. 1005, supra; as follows:

At the appropriate place, insert: "*Provided further*, That none of th funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section".

COATS AMENDMENT NO. 855

Mr. STEVENS (for Mr. COATS) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 24, line 6, after "2000" insert the following: ": *Provided*, That, of the amount appropriated under this heading, $15,708,000 is available for the Information System Security Program, of which $5,500,000 is available for procurement of Airterm KY-100 devices".

FEINSTEIN AMENDMENT NO. 856

Mr. STEVENS (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1005, supra; a follows:

At the appropriate place, insert:

SEC. . SENSE OF CONGRESS.

It is the Sense of Congress that should the Senate ratify NATO enlargement, current proportional cost-sharing arrangements will remain in place and that the proportional cost of the U.S. share of the NATO common budget should not increase.

GRAHAM (AND MACK) AMENDMENT NO. 857

Mr. STEVENS (for Mr. GRAHAM, for himself and Mr. MACK) proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. (a) Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

BUMPERS AMENDMENT NO. 858

Mr. STEVENS (for Mr. BUMPERS) proposed an amendment to the bill, S. 1005, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) FUNDING.—The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies.

(b) The documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts.

(c) Printing in two or more colors generally increases costs.

(d) The Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant government printing expenses.

(e) The Government Printing and Binding Regulations published by the Joint Committee on Printing direct that, ". . . it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included."

(f) The Department of Defense publishes a large number of brochures, calenders, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect.

(g) The Department of Defense could save resources for higher priority needs by reducing printing expenses:

Therefore, it is the sense of the Senate that:

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States; and

(3) that the Department of Defense budget submission for fiscal year 1999 should reflect the savings that will result from the stricter printing guidelines in (1) and (2).

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1998

BYRD AMENDMENT NO. 859

Mr. DOMENICI (for Mr. BYRD) proposed an amendment to the bill (S. 1004) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes; as follows:

Following Section 503, insert the following new section:

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59–C–0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2–06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

DASCHLE AMENDMENT NO. 860

Mr. DOMENICI (for Mr. DASCHLE) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota".

KEMPTHORNE AMENDMENT NO. 861

Mr. DOMENICI (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project".

BINGAMAN (AND DOMENICI) AND AMENDMENT NO. 862

Mr. DOMENICI (for Mr. BINGAMAN, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project".

WYDEN AMENDMENT NO. 863

Mr. DOMENICI (for Mr. WYDEN) proposed an amendment to the bill, S. 1004, supra; as follows:

At the appropriate place, insert the following new general provision:

SEC. . (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations made for the Bureau of Reclamation may be used by the Secretaries of Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private non-profit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner,

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowner, and other entities, as mutually agreed on by the affected interests, and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest, and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

BIDEN (AND ROTH) AMENDMENT NO. 864

Mr. DOMENICI (for Mr. BIDEN, for himself, and Mr. ROTH) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 2, line 26, insert the following before the period:

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $200,000 of funding appropriate herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project".

BUMPERS AMENDMENT NO. 865

Mr. DOMENICI (for Mr. BUMPERS) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 19, on line 7, insert before the period the following:

": *Provided*, That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site".

BOXER AMENDMENT NO. 866

Mr. DOMENICI (for Mrs. BOXER) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 23 of the bill, line 5, and insert the following before the colon: ", of which

$2,000,000 is provided for improvements to Greenville Road in Livermore, California".

BUMPERS AMENDMENT NO. 867

Mr. BUMPERS proposed an amendment to the bill, S. 1004, supra; as follows:

Reduce the amount on line 4 of page 23 by $258,000,000.

FEINGOLD (AND OTHERS) AMENDMENT NO. 868

Mr. FEINGOLD (for himself, Mr. BROWNBACK, and Mr. MCCAIN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, after "appropriated", insert the following: ": *Provided further*, That the Secretary of the Interior shall, not later than November 15, 1997, provide a report to Congress on a revised project plan for the Animas-LaPlata project that reduces the total cost of the program to the Federal Government, limits the diversion of water from the Animas River to an amount recommended by the U.S. Fish and Wildlife Service, and ensures the project will be designed and implemented in the most cost-effective manner for the Federal Government: *Provided further*, that none of the funds appropriated in this or any prior act may be expended for construction until a project has been authorized at a date subsequent to the enactment of this appropriations act".

TORRICELLI AMENDMENT NO. 869

Mr. DOMENICI (for Mr. TORRICELLI) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 12, between lines 12 and 13, insert the following:

SEC. . GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.

No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4119).

KEMPTHORNE AMENDMENT NO. 870

Mr. DOMENICI (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 18, line 22, insert the following before the period: ": *Provided*, That $1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program".

BUMPERS AMENDMENT NO. 871

Mr. DOMENICI (for Mr. BUMPERS) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 9, line 12, insert the following before the period: ": *Provided further*, That, using funds appropriated in this Act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950".

DASCHLE (AND JOHNSON) AMENDMENT NO. 872

Mr. DOMENICI (for Mr. DASCHLE, for himself and Mr. JOHNSON) proposed an amendmnent to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation".

LEVIN AMENDMENT NO. 873

Mr. DOMENICI (for Mr. LEVIN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 12, between lines 12 and 13, insert the following:

SEC. 1 . GREAT LAKES BASIN.

No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

MOSELEY-BRAUN AMENDMENT NO. 874

Mr. DOMENICI (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 7, line 2 insert the following before the period: "*Provided further*, That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District".

DORGAN AMENDMENT NO. 875

Mr. DOMENICI (for Mr. DORGAN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 7, line 2, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909') *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake".

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, July 17, 1997, 2 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Improving the Quality of Child Care. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 29, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 967, a bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act, and for other purposes, and S. 1015, a bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, July 15, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 1997, at 10 a.m., 2 p.m., and 4 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, July 15, 1997, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 15, 1997, at 10 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Judicial Activism: Assessing the Impact."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief and the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet jointly during the session of the Senate on Tuesday, July 15, 1997, to conduct a hearing on the Real Estate Settlement Procedures Act [RESPA], the Truth in Lending Act [TILA] and problems surrounding the mortgage origination process.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE TOWN OF BARRINGTON ON ITS 275TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Barrington, NH. On July 20, 1997, the people of Barrington will gather in celebration of the 275th anniversary of the town's charter.

On May 10, 1722 Gov. Samuel Shute signed Barrington's charter on behalf of King George I, encouraging the settlement of a new plantation of 50 dwelling houses, a meeting house for public worship, a parsonage, and a school. However, when Barrington's first settlers crossed the 20 miles between the harbor town of Portsmouth and their new plots of white pine forest land, they found the terrain wrought with the tough, plow-bending granite which has come to make New Hampshire famous. Early accounts depict fields overrun with rattle snakes and forests brimming with less-than-hospitable native tribes.

Nevertheless, in quintessential Yankee fashion, the people of Barrington cut out a tiny foothold for themselves. Together, they burned back the brush, felled the towering hardwoods, and quarried the granite using crude hand-held drills and chisels. By 1742, granite boulders had been hewn into foundations and apple orchards had been planted. By 1750, Barrington's lumber mills were providing the timber for ships' masts in England, posts and beams for homes in surrounding towns, and chord wood for firing the seacoast's early ironworks.

Mr. President, on Sunday I will join with the people of Barrington on the steps of its landmark Calef's Country Store to commemorate this historic birthday. Since its rudimentary beginnings the town of Barrington has grown into a prosperous township of 6,600 people. Joining me on Sunday will be members of Barrington's volunteer fire department, Barrington's volunteer emergency medical service and Barrington's volunteer youth association. I am pleased to report the unwavering dedication to community is alive and well in Barrington after 275 years.

Happy birthday, Barrington. Live Free or Die.•

TRIBUTE TO THE 1997 GRADUATES OF THE AMERICAN ASSOCIATION OF HEALTH PLANS' MINORITY MANAGEMENT DEVELOPMENT PROGRAM

• Ms. MIKULSKI. Mr. President, I rise today to congratulate 14 individuals who recently completed the American Association of Health Plans [AAHP] Minority Management Development Program [MMDP]. This intensive year-long fellowship program prepares minority managers for middle management positions in network-based health plans.

The 1997 graduates are: Cheryl Bitoun, M.H.A.; Michelle Browne, M.P.A., M.S.W.; Kendrick Carpenter; Janice Cartera; Bernadette Cooper, M.H.A.; Lisa Lawrence Eggleston, R.N., M.H.A.; Juli Harkins, M.S.H.A.; Lisa Little Axe; Elizabeth Mendoza, M.B.A., M.H.A.; and Erik Thorne, M.P.H.

The Minority Management Development Program was created in 1994 when AAHP and the health plan community recognized the need to develop diverse management teams—especially in light of the growing number of minorities joining health plans. Since the MMDP's inception in 1992, 42 fellows of diverse ethnic backgrounds have participated in this innovative management training program and have distinguished themselves as leaders throughout the health care community. The MMDP is a comprehensive program designed to provide managerial training, work experience, and knowledge of health plans through focused didactic and practical interactive training opportunities. The program's varied curriculum is focused on key health care related management tools, including quality management and accreditation, marketing, delivery systems, financial management, and operations.

Fellows in the 1997 class trained at health plans in Washington, DC, and in several neighboring counties in Maryland. This year's training sites were Kaiser Foundation Health Plan/Mid-Atlantic States, Rockville, MD; NYLCare Health Plans, Greenbelt, MD; Blue Cross & Blue Shield of the National Capital Area and Chartered Health Plan in Washington, DC, and Total Health Care, Inc. and Prudential Health Care Plan in Baltimore, MD. Next year, the program will expand to provide training at additional sites in four southwestern States: Arizona, New Mexico, Texas, and California.

AAHP is the national association representing health maintenance organizations [HMO's], preferred provider organizations [PPO's], and other similar health plans. Together, these health plans provide care for more than 140 million Americans.

I hope that this Congress will recognize that programs such as the Minority Management Development Program are of vital importance and that they meet a critical need in the education and training of America's health professionals.•

TRIBUTE TO JAMES BOWSE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to James Bowse. Jim died unexpectedly on Tuesday, June 17. As president/chief executive officer at the Rutland Regional Medical Center since 1989, Jim was considered to be one of the most progressive and effective leaders in the field of health care.

Jim understood the challenges facing community hospitals, but never lost sight of the human element in medicine. During his tenure at the Rutland facility Jim was instrumental in creating the first State-owned health maintenance organization [HMO]. He established a Rutland-based system of physicians to provide high quality service while simultaneously containing costs.

Jim strove to develop a community approach in medicine. To that end, he maintained reserves to cover the costs associated with patients that could not afford the treatment they required. Jim was able to freeze patient fees since 1991, while doubling annual revenues to $100 billion. In addition, he played a vital role in the establishment of an orthopedic clinic and the expansion of outpatient services as well as preventative health projects.

Jim had a great sense of humor and an uncanny ability to make the most complex issues seem simple. His dedication to the people of Vermont is in the State's finest tradition. Through his efforts, Jim made a lasting impression upon the community which will be slow to fade. I extend my condolences to his family and friends.●

PLEASANT HILL ELEMENTARY SCHOOL—A 1997 NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE

● Mr. ROCKEFELLER. Mr. President, I would like to take a moment to recognize a worthy school in my State.

The National Blue Ribbon Schools Program annually identifies elementary and middle schools which attain high academic standards, foster an educational community, productive communication and strong leadership, and indicate a hopeful future. These schools are acknowledged for their achievements and held up publicly as models for other schools.

In testament to West Virginia's strong commitment to education, I am proud that my State contains more blue ribbon schools this year than most others—7 schools out of the 263 honored across the country. Of these, I wish to highlight the achievement of one today: Pleasant Hill Elementary School in Grantsville, WV.

Pleasant Hill's two-story brick building is tucked among the forests of Calhoun County, far from any city or even a fast-food restaurant. It is a place where West Virginians face many financial challenges, yet those at Pleasant Hill have struggled and succeeded in the face of these obstacles. They see that education is the way to a better future.

For 8 years, under a community vision that every child must first master a backbone of basic skills, the school has steadily improved its standing. When teachers were not satisfied with math scores, they examined their teaching methods and implemented a new approach which emphasized practicing skills after they were learned. Now Pleasant Hill students placed in the 91 percentile in math. With this strategy, directing attention to one needy area at a time, the whole school has raised itself to a level which deserves notice.

But the whole community—not just the teachers—has also changed the atmosphere at Pleasant Hill. Under the leadership of administrators like Principal Lawrence Stinn, the faculty and parents see themselves as members of the same team aspiring together to teach the children. When a school community is so united, perhaps the most important aspect of education is already achieved: a sense of optimism. And the Pleasant Hill community certainly has reason to see a bright future.

During a time when our public schools face innumerable obstacles, it is comforting to see places like Pleasant Hill. They reassure us that, with a little determination, all schools in America can improve. Thus I am pleased to congratulate the accomplishments and continuing efforts of the people of Grantsville. I am proud they are from West Virginia and know that they will continue to represent the best that our State has to offer.●

TRIBUTE TO MILDRED SOSH

● Mr. McCONNELL. Mr. President, I rise today to commend an extraordinary woman for her lifelong dedication to service and charity. Ninety-two-year-old Mildred Sosh volunteers at the Wayside Christian Mission in Louisville one morning every week where she showers needy infants with loving care.

Mrs. Sosh never had children of her own, so she loves the children at Wayside with all her heart. Mrs. Sosh also taught first grade for 44 years. This remarkable woman has volunteered at Wayside Christian Mission for 28 years where she first worked with the Mission's auxiliary mending clothes and making homemade gravy. She later volunteered in the day care where she remains today. Mrs. Sosh also volunteers at Salem United Church of Christ where she is a member. Mrs. Sosh was deservedly honored this spring at the J.C. Penney Golden Rule Awards Banquet for her dedication to helping the homeless.

Despite her dependence on a cane to walk, Mrs. Sosh arrives at Wayside every Tuesday morning to rock the babies. She recruited a friend about 4 years ago to volunteer also so that she would always have a ride to the mission. Although not everyone can volunteer as extensively as Mildred Sosh, we can all take inspiration from her selfless sacrifice for the sake of others.

Mr. President, I ask that you join me in honoring Mildred Sosh.●

ORDERS FOR WEDNESDAY, JULY 16, 1997

Mr. DOMENICI. Mr. President, in behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Wednesday, July 16. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senators HAGEL and CLELAND, 20 minutes; Senator TORRICELLI, 15; Senator DORGAN, 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. On behalf of the leader, I also ask that at 11 a.m. the Senate begin consideration of S. 955, the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

PROGRAM

Mr. DOMENICI. For the information of all Senators, in behalf of the leader, I state the following. Tomorrow, the Senate will be in a period of morning business until the hour of 11 a.m. By previous consent, at 11 a.m. the Senate will begin consideration of S. 955, the foreign operations appropriations bill. By previous consent, a vote on final passage of S. 1004, the energy and water appropriations bill, will occur following the first vote relative to the foreign operations bill.

Thus far, we have been able to make considerable progress on four appropriations bills cleared for floor action. It is the leader's hope that this progress with respect to the foreign operations appropriations bill and the legislative branch appropriations bill will continue.

Senators are reminded that the Senate hopes to complete action on two more appropriations bills this week, so the cooperation of Members in the scheduling of floor action is appreciated.

I thank my colleagues for their attention.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, July 16, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1997:

DEPARTMENT OF DEFENSE

JOHN J. HAMRE, OF SOUTH DAKOTA, TO BE DEPUTY SECRETARY OF DEFENSE, VICE JOHN P. WHITE, RESIGNED.

THE JUDICIARY

CHARLES J. SIRAGUSA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE MICHAEL A. TELESCA, RETIRED.

RICHARD L. YOUNG, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE GENE E. BROOKS, RETIRED.

DEPARTMENT OF JUSTICE

SHARON J. ZEALEY, OF OHIO, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS, VICE EDMUND A. SARGUS, JR.

HOUSE OF REPRESENTATIVES—*Tuesday, July 15, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 15, 1997.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate from Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, N.Y.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1119. An act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1119) "An Act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes;

S. 423. An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason;

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site;

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; and

S. 936. An act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the Democratic leader, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education:

Robert V. Burns, of South Dakota; and

Clare M. Cotton, of Massachusetts.

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the majority leader, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education:

William D. Hansen, of Virginia;
Frances M. Norris, of Virginia; and
William E. Troutt, of Tennessee.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK] for 5 minutes.

UNJUSTIFIED CRITICISM OF JUDICIAL ACTIVISM

Mr. FRANK of Massachusetts. Mr. Speaker, we have recently heard a lot of criticism of judicial activism. People, especially on the conservative side of our spectrum, have denounced justices, Supreme Court Justices and judges, who, with their life-tenured appointments, have stricken laws passed by the elected officials, and there has been a great deal of criticism that this is essentially undemocratic.

I disagree with the criticism. I think the role of the judiciary in defending our rights, particularly when legislative majorities err and disregard those rights, is a very important one. I am, therefore, pleased to note that there are high-ranking judicial officials who are not deterred. I am here to congratulate in particular two Justices who have repudiated implicitly this criticism of judicial activism. I am here to call attention to the work of two Justices who have consistently upheld the finest traditions of judicial activism by striking laws, by overruling administrative decisions, even on occasion being in the minority and trying to strike laws. Now, they have been criticized.

For instance, in a recent decision, one of the dissenting Justices who sought to uphold an act of Congress said, what basis is there in any of those sources, talking about the majority's history, for concluding that it is the members of this Court, rather than the elected representatives of the people, who should determine whether the Constitution contains the unwritten rule that the Court announces today.

In other words, the dissenter says to this majority, what gives you the right in this ambiguous area, because nothing is explicit, to overrule what the elected officials have said? That same dissenting Justice said in a footnote, referring to what he thought was shoddy history and poor logic on the part of the majority, he said, "If this sort of unexplained congressional action provides sufficient historical evidence to support the fashioning of judge-made rules of constitutional law, the doctrine of judicial restraint has a brief, though probably colorful, life expectancy." Here again, the dissenting Justice says to those in the majority, you are making a mockery of judicial restraint.

Well, in this particular case I agreed with the dissenting Justice on the substance, I am talking about Justice Stevens, he wrote the dissent, and he was dissenting in the Brady bill case. Justice Stevens wanted to uphold the Brady bill. He wanted to uphold the mandate that we ask local officials to cooperate in a very small way, but he was overruled. And while I disagree with the majority here, I want to pay tribute to Justices Scalia and Thomas for not being in any way deterred by criticism of judicial activism. Indeed, in the past term of the Supreme Court,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Justices Scalia and Thomas voted to invalidate more acts of Congress than all but one of the Justices. Justice Kennedy I think tied them.

For instance, Justices Scalia and Thomas said, when this Congress passed the Communications Decency Act in an effort to keep indecent material off the Internet, which did seem to me to violate the Constitution. I voted against it. I was one of a small number of Members who voted against it. Over 400 Members of this House voted for that bill. But were Justices Thomas and Scalia deterred from declaring it unconstitutional? No, they were not. Four hundred Members may have said we want to keep indecent material off the Internet. I think they misread the Constitution, and Justices Scalia and Thomas joined in the opinion that invalidated that.

When an overwhelming majority of this Congress passed the Religious Freedom Restoration Act to protect people's religious practices from laws that might unfairly impinge on them, there I was in the majority. I thought the Constitution allowed us to do it. Justices Thomas and Scalia disagreed.

Now, I disagree with their disagreement. I think they were wrong on the substance, but I do have to pay tribute to the fact that they said an overwhelming majority of people in Congress think it is protecting people's religions, but when two of the Supreme Court Justices disagree and we will strike that law down and strike it down they did. I disagreed with them also, as I said, on the Brady bill. That was passed by a narrower majority. Very ambiguous language. They were in the majority to strike it down.

When the Securities and Exchange Commission, a Federal agency due certain amount of deference from the courts in statutory interpretation, tried to uphold the current practice regarding insider trading, a man who had benefited from insider trading, illegitimately in my opinion, brought a lawsuit and the Court 6 to 3 upheld the Securities and Exchange Commission. But among the three who said no, we the Justices will overrule this Federal agency, we will not show them that deference, were Justices Scalia and Thomas.

When Congress passed the must-carry rule as part of the Telecommunications Act, when we mandated that TV stations and cable companies carry broadcast stations, Congress upheld that. So the Court upheld that by 5 to 4. In the minority were Scalia and Thomas.

So I simply want to call note to the fact that these two justices have repudiated critics of Judicial activism and have been as active in this past term as any Justices in our past history.

Mr. Speaker, I include for the RECORD examples of judicial activism on the part of Justices Scalia and Thomas.

EXAMPLES OF JUDICIAL ACTIVISM ON THE PART OF JUSTICES SCALIA AND THOMAS

1. They both voted to declare unconstitutional part of the Brady bill regulating the sale of handguns.

2. They both voted to declare unconstitutional the Religious Freedom Restoration Act, which sought to protect the rights of religious people where laws were passed that impinged on their religious practice.

3. They both joined in the decision holding the Communications Decency Act unconstitutional. The CDA sought to ban indecent material from being sent on the Internet.

4. They both voted to declare unconstitutional the federal law requiring cable TV systems to carry the signals broadcast by local over the air stations. The law was upheld, however, because they were part of a four member minority.

5. They were again in the minority in seeking to overrule the decision of the Securities and Exchange Commission as to who is covered by the statute prohibiting insider trading. The SEC has taken a broad view of the coverage of this statute, and Justices Thomas and Scalia were in a 6 to 3 minority in seeking to overrule the SEC.

6. Justices Scalia and Thomas continue to join three others to form a majority holding that the Voting Rights Act has severe constitutional defects and have continued to strike down voting districts created under the Voting Rights Act—at the time often at the urging of the Bush led Justice Department as well as groups representing African Americans.

PROBLEMS WITH THE QUADRENNIAL DEFENSE REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning hour debates for 5 minutes.

Mr. HEFLEY. Mr. Speaker, I rise this morning to continue the ongoing discussions in the House concerning the Quadrennial Defense Review. The QDR has emerged as a blueprint for the administration's defense program. The assumptions of the QDR, particularly as they affect budgets, are as critical as the policy choices contained in the review.

One of the most often discussed recommendations contained in the QDR is the recommendation for two more rounds of base closures, but the QDR itself says very little about base infrastructure beyond that recommendation. The Congress still does not have a clear understanding how the Department came to the conclusion that it did.

That is critically important, because DOD has made assumptions about future Defense budgets based on that recommendation. But those budget assumptions appear to be based on elementary projects of DOD's estimates of costs and savings of the current base closure effort, and those projections may turn out to be wrong.

To date, the Congress has been skeptical of Secretary Cohen's rush to judgment on the need for more base closure rounds in the near term. The House version of the Defense authorization bill does not contain such authority. The other body adopted an amendment to its version of the Defense bill offered by Senator DORGAN that gets to the heart of the issue. The Senate bill asks for a comprehensive study and assessment of the true costs and actual savings, not estimates, of the four previous rounds of base closure which we will be implementing through 2001.

The actions of both bodies have been misinterpreted. I, along with many other Members, voted in 1990 to establish the Commission process that governed the last three rounds. The Congress has overwhelmingly supported those base closure decisions as I have, even though some of the recommendations cause great unease and I think that perhaps we will regret some of the decisions made from it, but overall I think the process was a good process.

We supported this because we thought it was best for the country. We have put aside our own parochial interests for the greater good. But now some have criticized Congress for not adopting blindly the Secretary's recommendation. Why have we not done so? Because those of us who have supported the base closure process believe now is not the time.

Why do we believe that to be the case? Some commentators have chosen to focus solely on the President's politization of the process. Clearly, the McClellan and Kelly depot issue will not go away and is a major factor, but it is not the only one, nor is it the most important.

Let us review where we are now. Through four rounds of base closure that began a decade ago, we have slashed 21 percent of the U.S.-based plant replacement value of base structure. Ninety-seven major bases have been closed in the United States. We have cut our overseas basing structure by 43 percent, ceasing operations at over 960 facilities. The Army in Europe alone has closed the equivalent of 12 United States major maneuver bases.

Taken together, we have gotten rid of 27 percent of the base structure at a very high price, but it had to be done. By 2001, the taxpayer will have spent an estimated $23 billion to close just the U.S.-based infrastructure closing or realigning under the BRAC.

Will we save money? I do not doubt that measured over a 20-year period in terms of net present value that money will be saved. But there is a real question about how much. No one knows. Every savings figure is merely an estimate, and an incomplete one at that.

I want to cite three examples of where these problems are. In its budget estimates to accompany the fiscal year 1996 budget request, DOD estimated that revenues from the sale and disposal of land from the first three rounds of BRAC would amount to $815.3 million. This year DOD's estimate is

$277 million, a 66-percent reduction in just 2 years.

DOD projects annual recurring savings after 2001 for all BRAC rounds of $5.6 billion annually. However, that figure does not take into account the expected ongoing environmental cleanup costs or the caretaker cost for property that cannot be disposed of at that point. Those costs are estimated conservatively, in my judgment, at $500 million a year.

Approximately 51 percent of the savings which DOD assumes will come from BRAC during the implementation are due to assumed savings in operation and maintenance costs. Much of those assumed savings are due to reductions in civilian personnel.

What I am saying, Mr. Speaker, is that now is not the time. We need to do this in a more reasoned and careful manner.

CIVILIAN-MILITARY RELATIONS IN GUAM IS BEING FRACTURED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, in Guam and many other American communities children are at the forefront of our Government policies, and like many communities, children are also at the forefront of our relationship with the military, whose large presence on Guam is well-known to many of the Members of this Chamber. Those in Guam and here in Washington must understand the dimensions of this history.

The military's recently announced intention to establish Department of Defense Dependent Schools on Guam will divide an island for which over the past few decades community leaders, elected leaders, and military leaders have worked hard to dismantle barriers that force the perception of two separate communities on Guam. The barriers were coming down until the military announced that they were returning the school system on Guam to the pre-World War II era.

The school system prior to the World War II was divided. Military dependents attended a school called the American School, while local Chamorro children attended local schools. The naval government's official policy on education at the time was "to provide every possible means to ensure that the children of American residents in Guam shall not suffer perhaps permanent injury" because of their residence on Guam. This was perceived as an indication that those native to Guam were not good enough.

After World War II, although the school system in name was integrated, in reality, the districting was manipulated by the Navy to maintain segregated schools. Although the naval government operated all of the schools on the island and was thus responsible for the quality of education on Guam, double standards were maintained. When the relationship was finally integrated in the 1960's, when I was in high school and completing my education, and just as the process took time to heal here on segregation in the United States, so did the feelings of segregation on Guam. It took years to build relationships between the civilian and military community on Guam, and now this is being destroyed.

What we have worked in Guam so hard to dismantle is easily built up by the military. The military has pursued this issue inexhaustibly. They call it Operation Bright Vision. Maybe in the shortsighted eyes of military planners on Guam, this is a bright vision. With the President's announced initiative of one America to bring together people of different races, setting up the dynamics to divide the community on Guam is clearly the wrong vision for all of America. Rather than bright vision, it is a dark cloud over Guam and the rest of the United States.

The military will attempt to characterize this issue as a failed contract. Yes, they did have a contract for monetary payment with the Government of Guam, but those were for administrative reports. The Government of Guam high schools are fully accredited; the teachers are certified and the system has graduated many outstanding doctors, lawyers, and educators who serve here as well as on Guam. This must be important to understand.

But the Department of Defense all along, while telling me that they may establish schools in the fall of 1998, have continued to pursue this and surprised the entire island by announcing that schools would be established this fall, in October of 1997.

They did all of this while failing to actively engage local leaders and education officials. They never talked to them. They let the contract become the mechanism of the discussion. The whole process is already symptomatic of a major breakdown between local military officials and the people of Guam.

Difficult times lie ahead, and this is exactly because of this move. This effort is hostile in nature. To my knowledge, this may be the first time that the Department of Defense has established domestic dependent schools contrary to the desires and warnings of local officials, local leaders, and the local community. This paves the road for very difficult times in the military-civilian relationship on Guam.

There is much more at stake here than the quality of education. This is a relationship issue. It is not just about schools; it is about military planning. It is more, even more than that. Our relationship is built upon people relating to other people, and the military will destroy this with their effort to divide our youth and to promote separate communities. Guam has to be seen as part of America by our fellow Americans.

This outrageous move by DOD is hostile in its nature, hostile towards the local community from whom it wishes to separate, hostile toward the schools, and hostile toward its outstanding professionals and toward a people who have heretofore welcomed the military to their homes, its families, and its lands.

Mr. Speaker, I include for the RECORD extraneous materials relating to this topic. These are letters by the current and former Speaker of the Guam Legislature. Speaker Unpingco characterize the island's sentiments well. Former Speaker San Agustin outlines the history of civilian-military relations on this issue.

OFFICE OF THE SPEAKER,
Agana, Guam, July 8, 1997.
Hon. ROBERT A. UNDERWOOD, M.C.,
House of Representatives,
Agana, Guam.

DEAR CONGRESSMAN UNDERWOOD: I am compelled to write to you regarding the recent decision by the Department of Defense to open DOD schools on Guam. Without any consideration of the social ramifications this would have, DOD has opted to segregate this community and pull over 2,700 military dependent school children out of the local public school system. What kind of message is the Department of Defense trying to send to the people of Guam?

Attached is a copy of my letter to Rear Admiral Martin E. Janczak, Commander, U.S. Naval Forces Marianas, wherein I state my concern over this decision on the part of DOD. To summarize the letter, the plan to open DOD schools on U.S. soil sends a strong message to the people of Guam that we are nothing more than second-class citizens in the eyes of the United States.

I must convey to you the sentiments of this community. The opening of DOD schools is just another sign of an ugly American attitude of treating Guam as a foreign country when it is convenient and treating it as a US possession when it suits its needs. This is no longer acceptable!

Most of all, opening DOD schools will revive racial tensions on the island. Simply put, this plan implies that white Americans are smarter than brown Chamorros. May I remind you that the 1954 Supreme Court decision in Brown vs. Board of Education of Topeka, Kansas ruled that racially segregated schools were unconstitutional because separate educational facilities are inherently unequal. After years of living harmoniously, the military will separate our children and pit them against each other. What good will come out of all this?

I urge you to review this situation which has a potential for disaster and find another alternative. Let's work together on this issue and not against each other. I look forward to your input regarding this matter of the utmost urgency.

Sincerely,

ANTONIO R. UNPINGCO.

JULY 15, 1997.

The Editor,
Pacific Daily News,
Agana, Guam.

I want to congratulate the Department of Defense establishment, principally the local Naval and Air Force command, for finally succeeding in their efforts to restore it's pre-World War II segregated educational policies on the island of Guam.

Since the liberation of Guam, the military commands have consistently pursued it's goal, and that is to have a segregated educational program for it's military dependents. I'm sure that there is enough historical documents that will reveal that at the immediate outset of World War II, a segregated school was indeed established, principally at the former Adelup school. During the Guerrero administration the Adelup school was gradually phased out and integrated with the Piti Elementary school and other local areas. Please note that the Piti Elementary School was located at the foot of Nimitz Hill, thereby accommodating military dependents living at Nimitz Hill and the people of the municipality of Piti.

Over the years, many accommodations were made for the military by locating schools either adjacent to or near military bases. Let me cite a few examples. (1) The Finegayan Elementary School was located directly across the NAVCOM station and near the FAA Housing Area to accommodate the military dependents residing at NAVCOM; (2) The Upi Elementary School was originally requested by the Anderson Air Force Base Command to be constructed "inside" the Anderson Air Force Base. Instead of consolidating and improving the Yigo Elementary School, a compromise was arrived. The compromise was to build the Upi Elementary School "right outside the fence" approximately 100 feet distance from the back gate of Anderson Air Force Base; (3) Truman Elementary School in Santa Rita. This site location in itself has an interesting historical sequence. It was decided to build this particular Truman Elementary School right next to the Apra Heights Housing Area and Naval Magazine Housing Area and also at the same time near the Santa Rita Village. It also was used as a "pawn" by the Navy's desire to build an ammunition wharf at Sella Bay. Fortunately Governor Camacho, during a meeting at the Pentagon (where I was present) prevailed on the DOD officials to release the school site and permit us to build the Truman Elementary School; and gave up their demand for the location of the ammunition wharf at Sella Bay. Indeed, this was rather unfortunate, in that the military tried to persuade GovGuam officials to agree to the Sella Bay ammunition wharf location in order for the Navy to release the school site designated as Truman Elementary School.

Government documents will also reveal that the Department of Defense, pursuant to Public Law 874, "the School Impact Aid", has been consistently "falling short in compliance" for full educational impact reimbursements. I'm sure former Speaker Franklin Quitugua will remember that he tried very hard, unsuccessfully, to seek full reimbursement from the federal government for military educational impact efforts under Public Law 874 for the last 25 years! The Federal government, having been delinquent for full reimbursement entitlements under this Public Law 874, the Ada Administration was persuaded to adopt an alternative source of financing that is the now so-called DoD Funds in lieu of the impact Aid funding under Public Law 874. This single action in itself truly paved the way for DoD to dictate as a "supplement" to local funding sources for education. Under Public Law 874, the funding, which comes under the purview of the Department of Health, Education and Welfare, is part of the overall basic budget cost to finance the entire educational system. The simple action under the Ada-DoD Funding Contract, gave the DoD the "unusual authority" to either withhold or release such funds under it's military terms, thereby DoD finally establishing educational standards for the local educational system.

Having established this position of financial strength, the DoD, then actively pursued it's original intention to "establish it's own segregated school" which they could not do for over 50 years since 1946.

In addition to the above, the local educational system was federally mandated under the Organic Act of Guam to educate all school children on Guam, regardless of their origin, principally local, military and from our neighboring islands. And I now wonder, if the DoD impetus, having achieved a financial strength of dictating it's educational funding, with a school population significantly divided into 3 basic groups, that is the local, Micronesians, and the military dependents, provided the resulting environment.

AMERICA'S FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. PAUL] is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, it is currently an accepted cliche to say foreign policy is a Presidential matter and Congress should not meddle. Frequently we hear the pleading to remain bipartisan with no dissent, especially when troops are placed in harm's way. Yet no place in the Constitution do we find any such explicit instruction. Instead, we find no mention of foreign policy.

To the contrary, we find strict prohibitions placed on the President when it comes to dealing with foreign nations.

The Constitution is clear. No treaties can be entered into without the consent of the Senate. No war may be fought without the declaration of war by the Congress.

No money shall be spent overseas without Congress first raising the money and then authorizing it and appropriating these funds for specific purposes.

Since the Constitution does not even assume a standing army, let alone stationing troops in peacetime in over 100 countries, with CIA clandestine activities in even more, the current foreign policy that has evolved over the past 100 years would surely be unrecognizable by the authors of that document.

The founders of this country were opposed to standing armies for fear they would be carelessly used. They were right.

The U.S. record of foreign intervention and its failures have not yet prompted a serious discussion of the need for an overall reassessment of this dangerous and out-of-control policy. Not only has Congress failed in its responsibilities to restrain our adventurous Presidents in pursuing war, spying, and imposing America's will on other nations by installing leaders and at times eliminating others throughout the world these past 50 years, we now, by default, have allowed our foreign policy to be commandeered by international bodies like NATO and the United Nations nations. This can only lead to trouble for the United States and further threaten our liberties, and we have already seen plenty of that in this century.

It looks like our current President, who was less than excited about serving in the military himself, was quite eager to promote U.S. complicity in the escalating dangerous activity in Bosnia. What has been done so frequently in the name of peace more often than not has led to war and suffering, considering Korea, Vietnam, Somalia, and even the Persian Gulf war.

Clinton has not been willing to phase out the Selective Service Department and has actually asked for additional funding to include the Selective Service process in his domestic so-called voluntary AmeriCorps program.

But this failed policy of foreign intervention is being pursued once again in Bosnia with full acknowledgment and funding by the Congress. Congress has failed to exert its veto over this dangerous game our President is determined to play in this region.

Sensing that maybe soon the Congress will finally cut the purse strings on this ill-advised military operation, pushed hard by Secretary of State Albright, policymakers are quietly and aggressively escalating the tension, placing our nearly 8,000 troops in even greater danger while further destabilizing a region never prone to be stable over this century, with the certain outcome that Congress will further capitulate and provide funding for extension and escalation of the military operation.

In spite of some resistance in the Congress, the current escalation is likely to prevent any chance of withdrawal of our troops by next summer.

The recent $2 billion additional funds in the supplemental appropriation bill was the cue to the President that the Congress will not act to stop the operation when under pressure to support the troops. Of course, common sense will tell us that the best way to support our troops is to bring them home as quickly as possible. This idea, that support for the troops once they are engaged means we must continue the operation no matter how ill-advised and perpetuate a conflict that makes no sense, but that is what President Clinton is depending on.

Last week the whole operation in Bosnia changed. The arrest and killing of war criminals by occupation forces coming from thousands of miles away is a most serious escalation of the Bosnia conflict. For outside forces to pronounce judgment on the guilt or innocence of warring factions in a small region of the world is a guarantee that the conflict will escalate. I think those pursuing this policy know this. Prosecuting war criminals is so fraught with danger it seems the need to escalate surpassed all reason.

Yet immediately after the NATO operation, supported by the United States, that resulted in the death of a Serb leader, Clinton strongly suggested that the troops may well not be able to leave in June of 1998 as promised. They were first supposed to leave in December of 1996, and now 18 months after their arrival, the departure date is indefinite, and we in the Congress tragically continue to fund the operation.

This illegal and dangerous military operation will not go unnoticed and will embolden the Serbs and further stir the hatred of the region. Is this policy based on stupidity or is there a sinister motive behind what our world leaders do?

Must we have perpetual war to keep the military appropriations flowing? Does our military work hand in glove in securing new markets? It is not a hidden fact that our own CIA follows our international corporate interests around the globe engaging in corporate espionage and installing dictators when they serve these special interests.

Why would an Air Force plane, with a dozen leading industrialists, be flying into a war-torn region like Bosnia, along with the Secretary of Commerce? I doubt they were on a humanitarian mission to feed the poor and house the homeless.

The lobbyists who pushed the hardest to send troops to Bosnia came from corporations who are now reaping great profits from construction work in Bosnia. It may be the calculation is for a slight escalation of the conflict—that inevitably will accompany any attempt to try war criminals—and no one plans for another great war breaking out in this region.

What might be planned is just enough conflict to keep the appropriations coming. But the possibility of miscalculation is very real. The history of this region should surely warn us of the dangers that lurk around the corner.

We, in the Congress, have a great responsibility in reversing this policy. We must once again assume this responsibility in formulating foreign policy and not acquiesce to the President's pressure to perpetuate a serious misdirected policy of foreign meddling 4,000 miles away from home. We must not fall for the old line that we cannot leave, because to do so, we would not be patriotically "supporting our troops." That is blatant nonsense.

We have already invested $7.7 billion in this ill-advised military adventure. That money should have either remained in the pockets of working Americans or spent here in the United States.

The New York Times has praised this recent action by Clinton and the NATO forces and has called for more of the same. The New York Times and the Washington Post also support the notion that our troops will have to stay in this region for a lot longer than the middle of next year.

The military industrial complex and its powerful political supporters continue to be well represented in the media and in Washington. Unfortunately, the idea that America is responsible to police the world and provide the funding and the backup military power to impose "peace" in all the disturbed regions of the world remains a policy endorsed by leaders in both parties.

The sooner this policy is challenged and changed, the better off we will be. Our budget will not permit it; it threatens our national security, and worst of all, it threatens our personal liberties.

RELIGIOUS PERSECUTION IN RUSSIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey [Mr. PAPPAS] is recognized during morning hour debates for 5 minutes.

Mr. PAPPAS. Mr. Speaker, less than 2 weeks ago our Nation celebrated its Independence Day, a day in which all Americans celebrate the many freedoms that were fought to achieve. Several hundred years ago, a group of colonists chose to come across the Atlantic Ocean to settle in and explore a new continent. For many, a prime motivation was to flee from restrictions on their ability to express themselves religiously.

One of the freedoms that we as Americans are so fortunate to have is the ability to associate, organize, express and freely believe in the religion that we so choose.

In Russia, several provisions of a piece of legislation threaten the liberties of its citizens by restricting their freedom to express themselves religiously. It is the most extreme attack on the civil rights of the Russian people since the collapse of the Soviet Union. This new law would terminate and restrict the normal legal status of all religious organizations except those that were registered under the former Soviet Government. This action would result in thousands of churches and schools being forced to end their services, including many American and foreign organizations that have gone to Russia to provide humanitarian and medical assistance to those in need. Even those informal groups that meet in someone's home could be under state control.

After making such tremendous progress in establishing a democratic system of government over the past few years, this action by the Russian Duma, or parliament, would clearly be a step backward for the Government of Russia.

The people of Russia have suffered and worked hard to achieve a system of government that would eventually give them the fruits of a truly free nation. While our Nation has no official religion and does not give preference to any religion, we recognize the important role that religious organizations have in the lives of our citizens. We can only hope and pray that the leaders of Russia will recognize the same.

This legislation is now sitting on President Boris Yeltsin's desk. I urge President Yeltsin and the leaders of the Russian Government to have the courage to stand up and protect the basic civil rights of Russia's people to express themselves freely and to worship as they so choose.

JUVENILE CRIME CONTROL ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. MCCOLLUM] is recognized during morning hour debates for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise today to address what I am seeing as an increasing number of ads and op-ed pieces that mischaracterize H.R. 3, the juvenile crime bill, which passed this body back in May and which is being deliberated in one version or another in the other body right now.

A number of op-eds have said lately things that just are not so. One of the myths is that H.R. 3 mandates that children as young as 13 must be prosecuted as adults and requires States to do the same. That is absolutely false. The juvenile crime bill, H.R. 3, that we passed includes a modest expansion of Federal law which already provides for discretionary prosecution of 13-year-olds. H.R. 3 does not require States to do the same.

Discretionary authority for Federal prosecution of 13-year-old juvenile offenders as adults for the most serious of crimes is nothing new. It became law in the 1994 crime bill through an amendment offered by Senator CAROL MOSELEY-BRAUN of Illinois, a Democrat. Moreover, H.R. 3 does not require States to have this same standard. H.R. 3 provides incentive grants to States to provide prosecuters the option of prosecuting as adults those juveniles who are 15 and older and who have committed murder, rape, or assault with a firearm.

Most States already provide for this option. We wanted to make certain, if they were going to get Federal moneys to improve their juvenile justice systems, that all States did this, and it would not make sense for States to not prosecute murderers and rapists who are 15-, 16-, and 17-year-olds, especially if they are repeat violent offenders, as adults, because if they do not prosecute them as adults and they did it as juveniles, they will be back on the streets when they do reach the age of adulthood.

The second myth that we are hearing a lot about is that H.R. 3 allows youths as young as 13 to be confined in adult jails and prisons. This also is absolutely false. Nothing in H.R. 3 authorizes or even encourages housing of juveniles with adults. In fact, H.R. 3 prohibits such housing in the Federal system and does nothing to change current laws and regulations affecting State housing policies.

Current Federal law explicitly prohibits housing juveniles with adults in the Federal juvenile justice system. The standard has long been codified in Federal law. It is unchanged by H.R. 3. It is one that prohibits any regular contact between juveniles and adult criminals during any stage of the justice process, pretrial, presentencing, or postsentencing.

So the myth that is out there is that somehow those of us who support H.R. 3 are not concerned with prevention. Well, that is not the purpose of the juvenile crime bill that came forward this time, prevention, but we are concerned with it. Trying to stop and interdict the young person before they get involved with a juvenile offense, misdemeanor or otherwise is very important. There are $4 billion of Federal at-risk grant programs already available out there and existing, and we are going to be reauthorizing one of them here very shortly dealing with OJJDP, which is the Office of Juvenile Justice and Delinquency Prevention, Mr. Speaker, 4 billion dollars' worth of prevention programs, 131 of those programs in 16 different agencies.

But what H.R. 3 is all about is an effort to try to fix the broken juvenile justice system of this Nation. Some critics are saying this is a State responsibility and the Federal Government does not have any business there. And that I would suggest is not the right way to look at this. Yes, juvenile justice types of programs are in the States, not the Federal system, but the system is broken and there is a Federal responsibility to deal with it.

Today, if a young person comes in contact with the law by having vandalized a home or a store or by spray-painting graffiti on a warehouse, well, the chances are the police will not even take that young person to a juvenile court. And when they do see a juvenile judge, it is often 10 or 12 appearances before they receive any kind of punishment at all. That is not a working juvenile justice system.

Is it any wonder that when a juvenile, having experienced that and some day does pick up a gun in a situation where he might use it, that he thinks about pulling that trigger, believing there are no consequences? There have to be consequences in the juvenile justice system of this Nation. We need more probation officers, more juvenile judges and more juvenile detention facilities so we can treat juveniles the proper way, and to put consequences into the juvenile justice system again so that there is punishment from the very first juvenile delinquent act.

It is a very important part of what we passed here on the floor with H.R. 3, because it is a requirement in order to get the $500 million a year authorized by that bill to improve the juvenile justice systems of the States that the State demonstrate to the Justice Department of the United States that they will have in place, and do have in place, a system to sanction the very first juvenile misdemeanor crime of every juvenile who commits one, and graduated, increasing sanctions for every one thereafter.

It is also important, and we have in place as part of this incentive grant program, that records be kept of those who commit felony crimes for the second offense.

H.R. 3 is a good bill. It is a juvenile crime bill. Prevention is also important. The myths about this bill are wrong, and we are proud we passed it. We look forward to seeing the bill from the other body so we can get one to the President shortly.

MEDICARE AND THE BUDGET

The SPEAKER pro tempore (Mr. HEFLEY). Under the Speaker's announced policy of January 21, 1997 the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, let me take my colleagues back to 1995. Congressional colleagues passed and sent to the President a balanced budget plan that slowed Medicare spending in order to perpetuate and preserve the program. Of course, it being before an election year, the President promptly vetoed the bill, citing, quote, "excessive cuts in Medicare," unquote, as the primary reason for his veto.

Amazingly, the President and his Democrat friends went even further. They based their entire campaign for the Presidency in 1996 and for Congress on the Medicare cuts, the so-called Mediscare campaign.

Of course, most Americans knew that the Democrats' fear tactics were baseless, that there were no cuts in Medicare spending. In fact, the budget we passed 2 years ago contained $1.252 trillion in spending on Medicare for the next 5 years, an increase in funding that more than exceeded twice the rate of inflation.

I call the attention of my colleagues to the first chart on my left. In 1996, the President said, "you remember that budget I vetoed last year because it had excessive cuts in Medicare?" Well, 8 months later the President changed his tune on Medicare, but of course that is not surprising; the election was over.

In 1997, the President said, "America needs a balanced budget that is in balance with our values, that protects Medicare. That is exactly what this budget does. It keeps our fundamental commitment to our parents, preserving and protecting Medicare."

My colleagues, we may be having a heat wave here in Washington, but it just cannot compare with the President's hot air. Look at this second chart. Under our 1995 budget plan, the one of course that was vetoed by President Clinton because it claimed it had excessive Medicare cuts, total spending on Medicare would have exceeded $1.25 trillion from 1998 to the year 2002. The balanced budget agreement reached this year between the President and Congress has total Medicare spending of less than $1.25 trillion over those same years.

The 1995 budget plan, the one which proposes excessive cuts in Medicare, had more funding than the current budget plan. In 1996, $1.25 trillion in Medicare spending was labeled as having excessive cuts. This year, less than $1.25 trillion in Medicare spending, is used to preserve and protect this program. As the chart shows, the 1995 budget plan would have provided $4 billion more in Medicare spending than the current budget. Let me repeat, we spent more on Medicare in the 1995 plan than this 1997 plan endorsed by the President.

I am glad that the President has joined us in an effort to save Medicare, but I hope that he also realizes that Medicare is just too important a program for political theater. If he and his supporters had put politics aside, had rejected petty demagoguery and had rolled up their sleeves to work with us in saving Medicare, be could have put the program in place back then on the path to financial security 2 years ago.

My colleagues, there is no room for partisan games when the health of 30 million Americans is at stake. I am proud of our efforts to protect, preserve, and strengthen Medicare in 1995. It is sad, unfortunately, that others jeopardize the future of Medicare to score political points. We owe it to our 30 million fellow citizens to work together to ensure the solvency of the Medicare Program. Let us put our duty ahead of politics and build a brighter future for all Americans.

STOP TAX HIKES ON GRADUATE STUDENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, a terrible miscarriage of justice is taking place in the House Republican tax bill, an attack on graduate university students across this country. At a time when House Republicans are proposing that more than 50 percent of tax relief should benefit the wealthiest 2 percent of Americans, they have targeted graduate students for tax increases. This is absolutely outrageous, and it simply must be remedied.

The House Republican tax bill eliminates section 117(d) of the Tax Code, a provision that excludes tuition from taxable income. What this means is simple: Graduate students who work as teaching assistants or research assistants to help pay their tuition currently get a tax break on that income. With the loss of this tuition tax break, many graduate students may actually see their taxes rise by thousands of dollars per year. The National Association of Graduate-Professional Students has indicated that many graduate students will see their take-home pay cut by 50 percent or more, and Federal and State income taxes increased by as much as 350 percent.

Tuition waivers greatly benefit students struggling to finance post-graduate work. The vast majority of these students are studying to earn Ph.D.'s and masters degrees in academic disciplines. Many will go on to modestly paid, but important university positions, or will pursue careers in science and technology research.

While in school, they work hard as teachers and researchers, and their pay is very meager. But because of their hard work and dedication, many of these students can take academic courses for free. Under the House Republican tax bill, the value of this education package would be considered taxable income.

Many of these graduate students will be unable to continue their studies with the loss of the tuition tax waiver, endangering the educational future of America in the process.

In June, the 500 graduate students at the Massachusetts Institute of Technology wrote me expressing their deep concern about this provision in the House-approved tax bill. They stated, and I quote:

> The tuition waiver granted by MIT for graduate teaching and research assistants makes graduate school a financially viable opportunity for us. If tuition is now redefined as taxable income, many of us will no doubt be driven out of graduate school and away from careers in research and teaching.

Mr. Speaker, at a time when Congress should be increasing the affordability of higher education for all Americans, the Republican House tax bill will shut out some of the best and brightest of our students from receiving advanced higher education. If America is to remain competitive in the 21st century, we need more students to become active in scientific research and development, not less. The House Republican tax bill seriously threatens national research efforts in medicine, national defense, product development, and technology.

Graduate students are valuable assets of the academic and research communities. They should not be penalized for their hard work and sacrifice, and they certainly do not deserve to be taxed for their service to our Nation.

But this is not the only attack on graduate students in the House Republican tax bill. Graduate students are also hurt by changes made to section 127 of the Tax Code. This provision allows workers to exclude from their income the first $5,250 of educational benefits paid by their employers. This tax exemption should be permanent for both graduate and undergraduate students. But the House Republican tax bill says no.

More than 800,000 graduate and undergraduate students benefited from this provision in 1994, and those numbers have increased significantly over the past 3 years.

Section 127 has been hailed by both the business and higher education communities as a low-cost measure that makes it possible for hundreds of thousands of workers to return to school while continuing to work full-time jobs. Companies use it to retrain workers who need improved skills, and employees use it to keep abreast of new information and technologies that would help make advances in their field.

At a time when Congress has recognized that lifelong learning will keep the American work force competitive, the House Republican tax bill penalizes workers and businesses who are attempting to achieve this goal.

Mr. Speaker, this is bad public policy; it is bad tax policy, and it is simply unfair. Republicans that give tax breaks to those who fly on corporate jets, but only by raising taxes on our hard-working graduate students. Republicans can cut taxes for those with large investment portfolios, but only by raising taxes on graduate students. Well, Mr. Speaker, I would rather invest in America's future by investing in our graduate students rather than raising taxes on their tuition.

The House Republican tax bill also denies students from deducting the interest on their student loans, and it eliminates tuition waivers for the children of modestly paid academic faculty and staff. These provisions are antieducation, they are antifamily and undermine America's economic and competitive future. I urge my colleagues to lobby the budget conferees to reinstate section 117(d) and permanently extend section 127 to graduate as well as undergraduate students.

Mr. Speaker, I submit for the RECORD a letter from 500 MIT graduate students on these issues.

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,
Cambridge, MA, June 27, 1997.

DEAR CONGRESSMAN: We, 500 MIT graduate students, write to express our great shock and disappointment regarding the proposed elimination of Subsection 117(d) of the Internal revenue code which excludes tuition from taxable income.

A graduate teaching or research assistant who receives a stipend of $1300/month and tuition waiver of $22,000/year (excluding summer tuition) will expect to pay $650/month in State and Federal taxes under the proposed new legislation. For many students this is a 3.5 times increase in tax!

The tuition waiver granted by MIT for graduate teaching and research assistants makes graduate school a financially viable opportunity for us. If tuition is now redefined as taxable income, many of us will no doubt be driven out of graduate school and away from careers in research and teaching.

The proposed changes in tax code will force universities to dramatically increase teaching and research assistant salaries to maintain a reasonable standard of living for graduate students. In turn, this could increase tuition for undergraduates and dramatically increase pressures on already burdened federal research programs. The proposed elimination of Subsection 117(d) is a dramatic step in the wrong direction.

The new provisions will make graduate school unaffordable to millions of Americans throughout the next decade. We urge you to represent our views in the Congress by working against the new legislation which eliminates Subsection 117(d) of the IRS code. We respectfully ask you to oppose this provision in the House bill and to support provisions which are more encouraging of graduate education. The future of our nation requires it.

We thank you for your cooperation.

Sincerely,

GRADUATE STUDENTS AT THE
MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 11 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

For gifts and grace, for hope and help, for all the marvelous promises that surround us day by day, we offer these words, O God, of thanksgiving and gratitude. We know that we are not worthy of Your blessings, O God, and we too often fail and miss the mark. Yet, in Your mercy the spirit of reconciliation and peace never leaves us, but continues to encourage us and points us in the way of truth. For this blessing and all Your guidance in our daily lives, we offer this prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BALLENGER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BALLENGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia [Mr. BOUCHER] come forward and lead the House in the Pledge of Allegiance.

Mr. BOUCHER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

JOHN WESLEY DAVIS

The Clerk called the bill (H.R. 584) for the relief of John Wesley Davis.

There being no objection, the Clerk read the bill as follows:

H.R. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(c) and 3328(a)(1) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERACLIO TOLLEY

The Clerk called the bill (H.R. 378) for the relief of Heraclio Tolley.

There being no objection, the Clerk read the bill as follows:

H.R. 378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR HERACLIO TOLLEY.

(a) IN GENERAL.—Heraclio Tolley shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Heraclio Tolley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Heraclio Tolley, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Heraclio Tolley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MICHEL CHRISTOPHER MEILI, GIUSEPPINA MEILI, MIRJAM NAOMI MEILI, AND DAVIDE MEILI

The Clerk called the Senate bill (S. 768) for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

There being no objection, the Clerk read the Seante bill as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The actions of Swiss banks and their relations with Nazi Germany before and during World War II and the banks' actions after the war concerning former Nazi loot and heirless assets placed in the banks before the war have been the subject of an extensive and ongoing inquiry by the Committee on Banking, Housing, and Urban Affairs of the Senate and a study by a United States interagency group.

(2) On January 8, 1997, Michael Christopher Meili, while performing his duties as a security guard at the Union Bank of Switzerland in Zurich, Switzerland, discovered that bank employees were shredding important Holocaust-era documents.

(3) Mr. Meili was able to save some of the documents from destruction and then turned them over to the Jewish community in Zurich and to the Swiss police.

(4) Following Mr. Meili's disclosure of the destruction of the Holocaust-era documents, Mr. Meili was suspended and then terminated from his job. He was also interrogated by the local Swiss authorities who tried to intimidate him by threatening prosecution for his heroic actions.

(5) Since this disclosure, Mr. Meili and his family have been threatened and harassed, and have received many death threats. Mr. Meili also received a hand-delivered note threatening the kidnapping of his children in return for the "Jewish money" he would receive for his actions, and urging him to emigrate to the United States or be killed.

(6) Because of his courageous actions, Mr. Meili and his family have suffered economic hardship, mental anguish, and have been forced to live in fear of their lives.

SEC. 2. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 3. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

MORAL BASIS OF CUTTING TAXES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, yesterday I made the case in a special order on the moral basis of cutting taxes; a moral basis because lower taxes means that parents have more money to raise their children and their family; a moral basis because lower taxes means that citizens have more time and more take-home pay to be good citizens, to be involved in charitable events, to be involved as volunteers in helping their community; a moral basis for cutting taxes because with lower taxes and more take-home pay, people have more opportunity to create jobs, to save, and to invest and to help the economy keep growing.

For every American who is interested in noting how the tax bill we are proposing would help them, they can check on the Internet GOP tax calculator at http://hillsource.house.gov.

I will repeat that. For those who are involved in the Internet, this is an opportunity for them to look directly at the tax bill to check for themselves how they would benefit under our tax relief plan. It is on the Internet, GOP tax calculator, and the address is http://hillsource.house.gov.

Our goal is to have all Americans have an opportunity to look at their tax cut and the opportunity they will have. This is the first tax cut in 16 years. We believe that working middle-class Americans deserve tax relief. We believe that tax relief should focus on families with children. It should focus on small business and family farms. It should focus on job creation, and it should focus on helping people get a better education.

So I urge Members to look at the Internet site to find out the information for the tax cut.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 255 through 266 last week due to a death in my family.

Had I been present I would have voted "yea" or "aye" on roll call votes 255, 256, 257, 258, 260, 261, 263, 264, and 265, and "nay" or "no" on rollcall votes 259, 262, and 266.

EXPRESSING OPPOSITION TO THE INTERIOR APPROPRIATIONS BILL WITHOUT PROVISION FOR CONTINUED FUNDING OF THE NEA

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise today to reluctantly oppose the Interior appropriations bill we will be voting on today because it contains no funding for the National Endowment for the Arts. The rule did not allow us to have a vote, an up-or-down vote, on NEA on the grounds that the NEA was not authorized. However, later today we will be voting on an appropriations bill that has at least 40 unauthorized and protected measures in it. I believe if we had had an up-or-down vote on the NEA, that it would have been fully funded for the next year.

The Federal support for the arts is an incredibly worthwhile investment, and as many of our Members know, students with 4 years of arts study score 59 points higher on their verbal scores and 45 points higher on the math portion of their SAT's than students with no arts classes.

Recent studies about the development of the human brain show the importance of arts for early childhood development. At the University of California at Irvine, researchers found that music training is far superior to computer instruction in dramatically enhancing children's abstract reasoning skills.

THE JUVENILE CRIME AND DELINQUENCY PREVENTION ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today the House will consider a very important issue of juvenile crime. It should be noted that 20 percent, 1 out of 5, of all murders, rapes, robberies, and assaults in this country are committed by individuals under the age of 18. Furthermore, population experts are predicting a 31 percent increase in the youth population by the year 2010.

We must act on this issue immediately. H.R. 1818, the Juvenile Crime and Delinquency Prevention Act, is a very important piece of legislation in this battle. This bill, authored by my Republican colleague, the gentleman from California [Mr. RIGGS] provides block grants to States in order to fund juvenile crime control activities, giving much greater flexibility to local officials to best utilize their resources. Equally important, this bill reauthorizes programs to serve runaways and homeless youth and the National Missing Children's Center.

Mr. Speaker, earlier this year this body passed H.R. 3, which provided for more effective punishment of juvenile offenders. This legislation will focus on prevention of juvenile crime. I commend the gentleman from California [Mr. RIGGS] and the Republican leadership for bringing this bill to the floor, and I urge its passage.

THE WHITE HOUSE COVERUP ON NAFTA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, surprise, surprise. The White House issued a glowing report on NAFTA. However, the Economic Policy Institute says the White House cannot handle the truth. The truth is our trade deficit with Mexico has ballooned to $16 billion. Our trade deficit with Canada has ballooned to $23 billion. In addition, in the first 32 months of NAFTA, America has lost 500,000 jobs, that is half a million; 15,000 jobs a month, 1,850 jobs a week, 765 jobs a day. But the White House says, do not worry, we are going to find new jobs.

Tell me, how many people can "Mickey D" hire in America, Mr. Speaker? Who is kidding whom? The White House has not issued a report on NAFTA, the White House has issued a cover-up on NAFTA. I yield back the balance of any jobs we might have left.

TAX CUTS SHOULD BE FOR THOSE WHO PAY TAXES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, remember when a tax cut meant paying less taxes? That was not too long ago. Taxes were something you paid, not something you got. The tax cuts I am talking about are tax cuts that reduce the amount you pay. A tax cut does not mean that anyone gives me anything, it means the Government is taking less.

I have no hope whatsoever that the other side will understand this point, but my constituents asked that I keep trying. When the Government takes a little less from the taxpayers, no one else is worse off. However, when the Government gives somebody some money, like the earned income tax credit, for example, that is at the expense of somebody else. The taxpayers pay for that.

Some Members' idea of a tax cut means that the taxpayers pay more. That is nonsense. A tax cut is not at the expense of other taxpayers. A tax cut to those who do not pay income taxes is at the expense of others. That makes all the difference.

THE REPUBLICAN TAX PLAN FAILS THE SPEAKER'S OWN MORALITY TEST

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week Speaker Gingrich said, and I quote, "We believe there is a moral case for cutting taxes." But unfortunately for American families, the Republican tax plan fails the Speaker's own morality test.

The Republican tax proposal denies the child tax credit to 15 million working American families who make less than $30,000. These parents work hard and in fact they pay taxes. They are trying to raise families and make ends meet. My Republican colleagues say they do not deserve a tax break simply because they do not make a lot of money. We are talking about nurses and policemen. These are the people who, for nearly two decades, have lost ground or have barely been able to keep up.

Are these the values and the priorities of this great Nation? I do not think so. The Republican tax bill leaves behind 15 million American working families, while giving an average $24,000 tax break to the richest 1 percent of American families. Democrats believe it is the middle-class families who could use some tax relief. That is why the Democratic tax proposal gives the tax break to all families who work and who pay taxes.

□ 1215

TAX FAIRNESS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute.)

Ms. PRYCE of Ohio. Mr. Speaker, I would like to talk about tax fairness. I do not think that it is fair that the Government waste so much of our money.

I do not think it is fair that people have to pay between a quarter and a half of all the money that they earn to the Government, the same government that turns around and wastes it on massive programs that barely work. I also do not think it is fair when I think about how much prior generations paid in taxes compared to how much we have to pay in taxes.

Back in 1950, the average family paid less than 5 percent of its income in taxes to the Federal Government. Now that same family pays over a quarter of everything that it earns. When we add up all the State taxes, property taxes, sales taxes, all the other taxes, families are paying nearly half of what they earn to the Government. It just seems like the Government is not doing much with it. We are becoming less and less accountable every year.

I just do not think it is fair. We are going to change it. Support tax relief for American families.

WELFARE FAMILIES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, in about 15 minutes the conference committee on taxes will meet downstairs.

I continue to be appalled by the Republican attempt to create the image of people who have children and who have worked and make $24,000 a year and calling them a welfare family.

Now, I do not understand why a rookie policeman making $23,000, has two kids, is considered a welfare family and, therefore, is not entitled to the child tax credit. If there is any family that needs a tax break for its kids, it is families that are working and making less than $25,000. And to call those people, whether they be school teachers or nurse's aides or rookie policemen or road workers or whatever, anybody working ought to be eligible for the $500 tax credit. They are not on welfare.

MORE ON TAX FAIRNESS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, I would like to continue the discussion of fairness started by the gentlewoman from Ohio.

I begin with the proposition that it is not fair and it is not compatible with freedom that the Government has the power to take half of everything a person earns, no matter how much money that person earns. I would like to focus rather on fairness to the poorest Americans, those who are most in need of an expanding economy, those who are most in need of an economy with job opportunities, and those who are most in need of a tax system that allows for prosperity.

Mr. Speaker, people who do not have a lot of money, even if the liberals do not realize it, realize that there is no substitute for prosperity. When the economy is in hard times, the poor get hurt the most. We know that the Government can set up a tax system that either encourages or discourages prosperity.

Notice I did not say create prosperity because the Government cannot do that, only the people can. The Government can only stand in the way.

Mr. Speaker, taxes are too high. We all know it. That definitely is not fair.

THE MISSING AND EXPLOITED CHILDREN'S CAUCUS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, as chairman of the Missing and Exploited Children's Caucus, it is my pleasure to announce another reunion of a missing child with his family. Fourteen-year-old Vincent Clayton wandered away from his Montrose, MI, home in May 1996. Vincent suffers from seizures and developed amnesia. He was living in a foster home in Toledo, OH.

Recently Vincent's foster mother received a "Have You Seen Me" card in the mail and saw a picture of her foster son. She got in touch with the authorities and Vincent was reunited with his family back in Michigan.

"Have You Seen Me" is a joint effort by the National Center for Missing and Exploited Children and ADVO, a direct mail company.

That is why I have begun printing the pictures and vital statistics of missing children on my office envelopes and why I encourage every Member of this body to do the same. Pictures work. We must work harder to get pictures of missing children in front of as many people as we possibly can.

Mr. Speaker, I urge my colleagues to join me and join the Missing and Exploited Children's Caucus.

FEELING AGGRIEVED ABOUT TAXES

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, it turns out that Jerry Seinfeld and George Kastanza are talking about taxes again. As usual, George is feeling aggrieved. Apparently the problem is that George, who works for the New York Yankees and earns $45,000 a year, is upset with what he is hearing from the Democrats in Washington. Let us listen in on their conversation.

Jerry asks, "Okay, George, what is it now?"

George responds, "Did you hear what they're doing to me now?"

Jerry says, "What do you mean, they?"

George says, "I don't know, they, the politicians in Washington."

"Well, what are they doing?"

"They're out of their minds. They're trying to tell me that my income is not $45,000, but it's actually $75,000."

Jerry says, "I'm sorry, George, I don't follow."

George says, "Neither do I. All I know is that there are politicians who are saying that I'm now rich, that I shouldn't get a tax cut."

Jerry says, "George, I never thought I'd see the day, and I'm not exactly sure what you are talking about, but I think I agree with you."

"Well, it's about time."

STUDY THE EFFECTS OF NAFTA

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, the House is considering a fast track for an extension of NAFTA at this time. NAFTA only passed this body by the narrowest of margins back in 1994. I would like to ask, would it not make a lot of sense to have a full congressional study or a hearing to determine the impact that NAFTA has had before we grant this fast track? Do Members suppose a little bit of information or a little more information is not a good idea? I think it is a real good idea. I think we should proceed to get the information before we extend NAFTA, especially on a fast track.

FAMILIES SHOULD HAVE MORE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, there was a fascinating article on the front page of the Washington Post last week. The article is entitled "Voters Feeling Remote From Issues In Capital." One person is quoted as saying, "Politics in Washington doesn't seem to affect me directly."

Well, Mr. Speaker, many people do not realize it but Washington does affect them directly. Political choices made in Washington have a direct impact on the amount of taxes they pay. Perhaps people feel that regardless of what politicians say, they know that the tax bill will keep going up.

That, in fact, is the way things have been going here in Washington. The family tax burden has steadily climbed upwards from 5 percent in 1950 to 25 percent today. Let me remind my colleagues that is only the Federal tax burden. When we add that with hidden taxes, with State and local taxes, it goes to over 50 percent.

Now it is time for a change. It is time for Washington to spend a little less so families can have a little more.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

Mr. RIGGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1818) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Name of office.
Sec. 105. Concentration of Federal effort.
Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 107. Annual report.
Sec. 108. Allocation.
Sec. 109. State plans.
Sec. 110. Juvenile delinquency prevention block grant program.
Sec. 111. Research; evaluation; technical assistance; training.
Sec. 112. Demonstration projects.
Sec. 113. Authorization of appropriations.
Sec. 114. Administrative authority.
Sec. 115. Use of funds.
Sec. 116. Limitation on use of funds.
Sec. 117. Rule of construction.
Sec. 118. Leasing surplus Federal property.
Sec. 119. Issuance of Rules.
Sec. 120. Technical and conforming amendments.
Sec. 121. References.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 201. Findings.
Sec. 202. Authority to make grants for centers and services.
Sec. 203. Eligibility.
Sec. 204. Approval of applications.
Sec. 205. Authority for transitional living grant program.
Sec. 206. Eligibility.
Sec. 207. Authority to make grants for research, evaluation, demonstration, and service projects.
Sec. 208. Temporary demonstration projects to provide services to youth in rural areas.
Sec. 209. Sexual abuse prevention program.
Sec. 210. Assistance to potential grantees.
Sec. 211. Reports.
Sec. 212. Evaluation.
Sec. 213. Authorization of appropriations.
Sec. 214. Consolidated review of applications.
Sec. 215. Definitions.
Sec. 216. Redesignation of sections.
Sec. 217. Technical amendment.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Duties and functions of the Administrator.
Sec. 302. Grants for prevention programs.
Sec. 303. Repeal of definition.
Sec. 304. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Effective date; application of amendments.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(12) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;",

(iii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(vi) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vii) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(viii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(ix) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(x) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(xi) by amending subparagraph (M) to read as follows:

"(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;",

(xii) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xiii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

"(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

"(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

"(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

"(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

"(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

"(R) programs designed to prevent and reduce hate crimes committed by juveniles.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

"(II) has no existing acceptable alternative placement available;

"(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

"(iv) detaining or confining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

"(III) for a period preceding the sentencing (if any) of such juvenile;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(P) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1997, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (22) of subsection (a)".

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(3) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(4) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

"(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

"(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(15) family strengthening activities, such as mutual support groups for parents and their children;

"(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

"(18) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States as follows:

"(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

"(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(A) propose to carry out such projects in geographical areas in which there is—

"(i) a disproportionately high level of serious crime committed by juveniles; or

"(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

"(A) timely received by such unit from eligible entities; and

"(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

"(1) such entity submits to a unit of general local government an application that—

"(A) satisfies the requirements specified in subsection (a); and

"(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence; and

"(vii) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES.—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.".

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1998, 1999, 2000, and 2001.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.".

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 119. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking "accurate reporting of the problem nationally" and inserting "an accurate national reporting system to report the problem,", and

(2) by amending paragraph (8) to read as follows:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;".

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.",

(2) in subsection (b)—

(A) in paragraph (2) by striking "the Trust Territory of the Pacific Islands,", and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking "paragraph (6)" and inserting "paragraph (7)",

(B) in paragraph (10) by striking "and" at the end,

(C) in paragraph (11) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project;

in the year for which the report is submitted.", and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"APPROVAL OF APPLICATIONS

"SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the heading by striking "PURPOSE AND",

(2) in subsection (a) by striking "(a)", and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the heading of such section by inserting "EVALUATION," after "RESEARCH,",

(2) in subsection (a) by inserting "evaluation," after "research,", and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922) is amended to read as follows:

"SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

"(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

"(1) by striking the heading for part F,

"(2) by redesignating part E as part F, and

"(3) by inserting after part D the following:

"'PART E—SEXUAL ABUSE PREVENTION PROGRAM

"'SEC. 351. AUTHORITY TO MAKE GRANTS.

"'(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"'(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1997, is amended by adding at the end the following:

"'(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.'".

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) The Secretary shall include in the report required by subsection (a) summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"EVALUATION AND INFORMATION

"SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

"(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

"(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

"CONSOLIDATED REVIEW OF APPLICATIONS

"SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

"DEFINITIONS

"SEC. 386. For the purposes of this title:

"(1) The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(III) physical and sexual assault.

"(5) The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

"(6) The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

TITLE IV—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1997.

TITLE V—MISCELLANEOUS AMENDMENTS

SEC. 501. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, $5,000,000 for each of the fiscal years 1998, 1999, 2000, and 2001 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children's programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking ", shall",

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting "shall" after "(A)", and

(B) in subparagraph (B) by striking "coordinating" and inserting "shall coordinate",

(3) in paragraph (2) by inserting "for any fiscal year for which no funds are appropriated under section 2 of the Missing and

Exploited Children Act of 1997, shall" after "(2)",

(4) in paragraph (3) by inserting "shall" after "(3)", and

(5) in paragraph (4) by inserting "shall" after "(4)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. RIGGS] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, combating juvenile crime is one of our most important domestic priorities, and it is an issue that has received a great deal of attention in recent months, both in this body and across the land.

Earlier this spring, the House of Representatives overwhelmingly passed H.R. 3, sponsored by the gentleman from Florida [Mr. MCCOLLUM], my good friend. This was the Committee on the Judiciary bill that focused on the punishment of juvenile offenders through graduated sanctions and greater accountability for those offenders and their parents or guardians. At that time when we were debating the McCollum bill, many Members expressed a need to balance punishment with prevention. The bill before us today on the floor does just that.

Mr. Speaker, I want Members to know at the outset that Republicans want to control juvenile crime using a balanced approach which focuses on prevention and accountability and helping young people turn their lives around. As we have said all along, we have to balance harshness with hope through an approach that is tough on punishment but smart on prevention.

H.R. 1818 will assist States and local communities to develop strategies to combat the juvenile crime wave through a wide range of prevention and intervention programs. This juvenile crime wave has been called by some demographers, some criminologists, a time bomb waiting to go off if we fail to deal with the problem in an adequate manner.

H.R. 1818 is a bipartisan bill. It was the result of many hours of discussions involving the gentleman from California [Mr. MARTINEZ], ranking member of the Subcommittee on Early Childhood, Youth and Families that I chair, the gentleman from Virginia [Mr. SCOTT], who played a lead role in crafting this legislation, the gentleman from Pennsylvania [Mr. GREENWOOD] and myself.

The legislation also reflects information gathered during subcommittee hearings, meetings with individuals in the juvenile justice community, and individual visits to juvenile facilities and prevention programs around the country. It draws, as well, from recommendations of the Clinton administration and bills introduced by other Members of both parties. This is good policy. It is a carefully constructed balance among the range of views on this issue.

H.R. 1818 streamlines current law, reduces burdensome State requirements, and provides States and local community-based providers with greater flexibility in addressing juvenile crime. It acknowledges that the most successful solutions to juvenile crime are developed at the State and local level by those who understand the unique characteristics of youth and of the juvenile crime problem in their area.

One of the most important features of this legislation is the creation of a new prevention block grant to States. All of the current discretionary programs, the separate categorical programs, are consolidated into this prevention block grant to the States. States and local communities are provided broad discretion in how to use the funds from this block grant. I would, however, hope that States would continue the same level of active partnership between the State and local governments and private nonprofit community-based organizations that has typified the administration of this act in the past.

For example, H.R. 1818 allows the use of funds for intervention and prevention activities such as antigang programs; mentoring, which we have found to be one of the most successful means of diverting young people who are already in the juvenile justice system or young people at risk of coming into contact with the system from a life of crime; educational assistance; and job training and employment services. It also allows funds to be used for the development of systems of graduated sanctions and additional probation officers to monitor youth to assure that they abide by the terms of their probation.

Both of these activities are in fact forms of prevention. They are forms of prevention targeted at minor offenders, targeted at diverting those minor offenders from the justice system before they graduate to adult crimes and adult prisons. While the bill outlines a number of successful approaches for reducing and preventing juvenile crime, it does not limit the types of prevention activities carried out by local communities.

Mr. Speaker, another very important part of this legislation is the reauthorization of the Runaway and Homeless Youth Act. These effective programs work to protect youth by keeping them off the streets, away from criminal activities and out of desperate circumstances. The act has been successful in meeting the needs of runaway and homeless youth and in reunifying these youth with their families.

□ 1230

I realize concerns have been raised concerning the elimination of the Independent Coordinating Council on Juvenile Justice and Delinquency Prevention. The committee report accompanying H.R. 1818 clearly points out that we expect the administrator of the Office of Juvenile Justice and Delinquency Prevention to continue coordinating efforts among Federal departments and agencies which work with at-risk or delinquent youth. The report further states that nothing in the law would prevent the administrator from creating an informal coordinating council.

However, I would like to note that another available mechanism to achieve the creation of an official coordinating council would be for the President to establish such a council through an Executive Order.

Mr. Speaker, many members of our staff and the administration have contributed to our success today in moving this bill forward. The very fact we are able to move this bill forward on the Suspension Calendar, which is normally reserved for noncontroversial legislation, is a testament to the cooperative and bipartisan efforts of all parties involved. While it is impossible to thank everyone who has contributed to this legislation, there are several people who have been instrumental in helping us arrive at a consensus. I particularly want to thank our very dedicated staff members, Lynn Selmser, who is seated next to me, Erika Otto, Dan Dodgen, and Cheryl Johnson of the committee's majority and minority staff, Denise Forte with the gentleman from Virginia [Mr. SCOTT] and Judy Borger with the gentleman from Pennsylvania [Mr. GREENWOOD].

I also want to acknowledge the strong personal interest that Attorney General Reno took in this juvenile delinquency prevention legislation early on and express my appreciation to her deputy, Shay Bilchik, who, as the Administrator of the Office of Juvenile Justice and Delinquency Prevention, made a tremendous contribution to this legislation and whose advice was invaluable in crafting this legislation. I also want to extend the same recognition to John Wilson, Deputy Administrator, for his valuable contribution to the legislation.

Mr. Speaker, I believe the bill before us today provides the missing link in our efforts to combat juvenile crime. Combined with H.R. 3, it provides a balanced approach to addressing problems related to juvenile crime in our country, and it therefore deserves our strong support and commitment.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume and I rise in support of this bill.

Mr. Speaker, for as long as I have been in Congress, Republicans and Democrats have consistently differed on the right way to combat crime, especially juvenile crime. I experienced this difficulty as the last subcommittee chairman that reauthorized this act back in 1992. Fashioning bills related to crime which can gain the support of both parties was and still is extremely difficult.

The difference of opinion on how we can effectively combat crime, whether through prevention and early intervention or hard sanctions, consistently has divided our parties. As a Member who strongly believed in early intervention and primary intervention, I can attest to the great debate over these differences.

Having said this, though, I must admit I am truly amazed we are here today with a bipartisan bill. When the gentleman from California [Mr. RIGGS], the chairman, first proposed to engage Democrats in bipartisan discussions aimed at producing a bill we could all support, I had reservations. However, I believe the strong commitment of the chairman to work with us on the issues that were important to us on this side of the aisle is what truly held this process together. As a result, I strongly believe that this bill shows that we can work together and produce good public policy.

The legislation we are considering today arguably improves the vital provisions of the Juvenile Justice and Delinquency Prevention Act. The four core mandates of the act are maintained and have been modified in such a way to both strengthen the protections they provide and provide flexibility to deal with the real-life difficulties of dealing with juvenile offenders.

In addition, a dramatic new step is also taken by the creation of the community prevention block grant and the addition of important preadjudication based prevention language. This last point is extremely important, since we all know an ounce of prevention can result in a pound of cure.

Having extolled the virtues of the bill, I would like to thank my colleagues, the gentleman from California [Mr. RIGGS], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Virginia [Mr. SCOTT], and others for working through the many, many differences we had on this bill. The hours that we as Members spent and the many more hours which the staff spent have obviously produced the bipartisan and balanced product that we have all been seeking from the beginning and, in my opinion, was, therefore, well worth the efforts. The leadership of my colleagues on both sides of this issue has been essential to working to striking the compromise that we have reached.

Having thanked my Republican friends on the other side of the aisle, I would especially want to thank and single out the gentleman from Virginia [Mr. SCOTT] for being the true leader on this bill and the complex issues surrounding the debates over juvenile delinquency. Congressman Scott's leadership and his driving commitment to ensure that juveniles who commit delinquent acts are fairly treated was invaluable and is reflected in this legislation before us today.

In closing, I want to thank all Members and suggest that Members should realize the importance of this bill and the policies which are reflected in it. The strong primary prevention focus of the bill will give us the tools needed by those in the field to effectively deal with those at risk of committing delinquent acts. With this in mind, I urge all Members to vote for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the full Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, when we began this effort, I told the staff to keep working until they could see whether they could satisfy the gentleman from Virginia [Mr. SCOTT], and apparently we have done that, and so we are here today.

Also, when we started, I indicated that we want to deal with juvenile crime using a balanced approach, one of prevention and one of accountability.

In 1995, juveniles accounted for 32 percent of robbery arrests, 23 percent of weapons arrests, 15 percent of rape arrests, 13 percent of aggravated assault arrests and 9 percent of arrests for murder. Those are pretty serious statistics. We also realized that we could not begin to build enough jails to try to deal with that issue, and it also would not be very wise to do only that.

So today we have before us the Juvenile Crime Control and Delinquency Prevention Act. It is an important bill which not only supports making juveniles accountable for their actions but which provides funds to States and local communities to design prevention programs to help youths turn their lives around.

Again, we allow the flexibility that we need to allow if local entities are going to do the things that have to be done to bring about the prevention as well as handling of the juveniles who we have difficulty turning around.

So in this bill we have combined many individual programs, many that were so small that they were totally ineffective, many that were duplicative and, above all, as I indicated, we give an opportunity for the local area to design the programs that they believe will work best for that area.

Mr. Speaker, I encourage all Members to support this legislation.

Mr. MARTINEZ. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and I rise in strong support of the Juvenile Crime Control and Delinquency Prevention Act because I believe prevention programs that provide help to our troubled at-risk kids are key to reducing juvenile crime.

Mr. Speaker, I want to commend the gentleman from California [Mr. RIGGS], the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from Virginia [Mr. SCOTT], the gentleman from California [Mr. MARTINEZ], and the staff on both sides for all of the work that they have put into this legislation.

I also support this bill because it retains four core mandates in the current law, especially the mandate that conditions funding under the bill to a bar on incarcerating juveniles in adult facilities.

Overall, children in institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, eight times more likely to commit suicide, and 58 percent more likely to be attacked with a weapon than in a juvenile facility.

Originally the bill provided an exception to that mandate for rural areas that I believe did not have enough safeguards; but because of the extreme dangers juveniles face in adult facilities and the bar placed on this practice for kids in metropolitan areas, I have worked with the subcommittee chairman to ensure that the rural exception is used only after great consideration and caution, and only under limited circumstances.

In that respect, Mr. Speaker, I would like to engage the subcommittee chair in a colloquy, and ask of the chairman whether or not I am correct that the chairman's mark incorporates changes that will help us achieve those goals of providing for the safety of these people under the exception?

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding and I want to thank him for his contributions to the legislation; and, yes, he is correct in his assumption.

I agree with the gentleman that the rural exception should be just that, an exception. The rule under the bill is that a State is in compliance if it bars juvenile incarceration in an adult facility that exceeds a maximum of 48 hours, excluding weekends and holidays.

For rural areas, where there is no existing acceptable alternative, a juvenile may be placed prior to adjudication and sentencing in an adult facility if a number of conditions are met, and the gentleman may want to discuss those conditions.

Mr. MILLER of California. Mr. Speaker, reclaiming my time, I thank the gentleman.

Again, for a State to be in compliance under the bill, a juvenile in a rural area shall be detained in a juvenile facility unless the judge consults with the juvenile and his attorney and receives the consent of the juvenile's parent, decides that it is in the best interest of the juvenile for that child to be housed in a nearby adult facility.

But such a juvenile may only be incarcerated in an adult facility prior to adjudication and sentencing. Additionally, a parent may withdraw his or her consent to such an incarceration at any time.

Again, we intend for the rural exception to be invoked only in very limited situations.

While we have not detailed in the bill the criteria a judge should consider before invoking the exception, I will submit for the RECORD a list of criteria we believe that the court should consider.

Mr. RIGGS. Mr. Speaker, if the gentleman will continue to yield, we urge the court to use the rural exception carefully, and these criteria should provide the court with some assistance in rendering a decision on this issue. The committee believes it is important that the court consider the criteria in determining the relationship between the juvenile and their parents or guardian, the conditions in the jail or lockup facility, and the potential impact on the general welfare of the juvenile from being housed in such an adult facility.

Mr. Speaker, I am pleased to have worked with the gentleman from California [Mr. MILLER] to address his concerns.

Mr. MILLER of California. Mr. Speaker, once again reclaiming my time, I want to thank the gentleman for his remarks and again I want to thank him very much for his willingness to work on these concerns with both sides of the committee, and I do believe he has reported to the floor a bill that all Members of this House should support.

The criteria mentioned follows:

CRITERIA FOR RURAL EXCEPTION UNDER H.R. 1818

The court, in deciding whether to place a juvenile in an adult jail, should consider the following:

The potential impact on the juvenile's general welfare from being housed in an adult facility;

Whether the nearest juvenile detention facility is so far away as to preclude a parent from visiting the child;

Whether the child would have to be put into solitary confinement in the adult jail in order to comply with the separation requirements of this title;

Whether the staff in the adult jail is able to appropriately supervise the child due to training in the supervision of juveniles, and due to relevant staff/inmate ratios;

Whether, in the adult jail, there are appropriate intake procedures for juveniles, including medical and mental health screening;

Whether the adult jail would provide needed services for the child, especially educational services, social services and mental health services;

Whether there is a classification system in the adult jail that allows vulnerable juveniles to be separated from violent offenders; and

Whether the juvenile's counsel will have access to the juvenile to prepare properly for adjudicatory or other proceedings.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to also recognize Alex Nock, a staff member with the office of the gentleman from California [Mr. MARTINEZ]. That was an oversight on my part when we were citing the individuals, particularly at the staff level, who have made real contributions to this legislation.

Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. BARRETT], a distinguished member of the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation provides relief for small rural law enforcement offices, while also protecting the rights of juveniles during presentencing.

States are currently required to remove juveniles from adult jails, and often juveniles arrested in rural areas have to be transported at great distances to jails that are far away, or perhaps far away from the families as well, and also at great local cost to taxpayers.

As has been indicated, particularly in the colloquy, under H.R. 1818 juveniles could be held in adult jails for longer periods of time if the parents and the court agree. An attorney for the juvenile can represent the concerns of the juvenile, but the ultimate decision rests, again, with the parents and the court. Now, the bill would continue the current requirement for sight and sound separation from adults.

Rural areas have been struggling for a long time to meet the requirements of existing law, often at the expense of providing needed prevention services to troubled youth. The bill would provide rural areas with flexibility to provide prevention programs and also hold a troubled youth in a local jail during presentencing.

Mr. Speaker, the House should pass H.R. 1818.

Mr. MARTINEZ. Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, as many of my colleagues are aware, I have been actively involved in this issue of juvenile crime, both as a member of the Committee on Education and the Workforce and on the House Committee on the Judiciary.

From the outset of this discussion, I have said that Congress has a decision to make in fighting youth violence, and that is we can either play politics or we can reduce juvenile crime. H.R. 1818, I am happy to say, reflects a bipartisan desire not to play politics by codifying sound bites, instead it reflects a bipartisan commitment to reducing crime by funding proven crime prevention programs.

Mr. Speaker, we know that prevention programs work. We know that they often save more money than they cost. Head Start, for example, saves money by reducing the need for remedial education, welfare; in crime, Job Corps saves money by increasing employment and reducing crime; drug rehabilitation programs have been shown to save $7 to $10 for every dollar put in the program by reducing crime in health care expenses.

□ 1245

So we know of prevention programs that work to reduce crime and save money. This bill encourages communities to review the available research, to develop a crime prevention plan and to fund these prevention programs, programs that will help communities in their fight against crime and programs that are cost effective. Communities across the country are already doing this and they are seeing results.

In addition to the emphasis on prevention, H.R. 1818 keeps intact several important principles of juvenile justice. Since 1974, there have been concerted efforts to provide fundamental protections for youth who come into contact with the juvenile justice system.

Many may not know that prior to 1974 it was common practice to lock up youth who commit what are called status offenses, noncriminal acts such as running away or being truant. These children, who had not committed crimes and were often in need of social services and not punishment, they were being locked up, often in adult jails. As a result, kids were increasingly at risk of assault or committing suicide.

The Juvenile Justice and Delinquency Prevention Act was enacted in 1974 to provide protection for children in these circumstances. The act required States to divert status offenders from the juvenile criminal system and place them in community-based alternatives where they would receive the appropriate interventions and appropriate services.

Due to the enactment of this law, the number of children committing suicide in detention has decreased dramatically. I applaud the cosponsors of the bill for this fundamental protection. This decision did not come easily.

But in May of this year, the House Subcommittee on Early Childhood, Youth and Families heard unanimous, passionate, and eloquent testimony on this very issue from a bipartisan panel of witnesses. They implored us not to turn the clock back on these children and to maintain the current law, that no status offenders should be locked up.

H.R. 1818 maintains this protection and continues the underlying principle that no juveniles should be locked up with adults. These principles are the heart and soul of the act of 1974, and H.R. 1818 makes sure that there is no change.

Finally, Mr. Speaker, I want to thank the gentleman from California [Mr. RIGGS] for his bipartisan leadership and also the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY], and my other colleagues, the gentleman from California [Mr. MARTINEZ], the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from California [Mr. MILLER], and the gentleman from New Jersey [Mr. PAYNE] for their contributions and for the contribution of our staffs.

I urge all of my colleagues to vote for this bill. This is a vote for prevention and a vote to take politics out of the debate on juvenile crime.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], another member of the committee and one of the original bipartisan cosponsors of the legislation, and I want to thank him again for his role in helping to craft the legislation.

Mr. GREENWOOD. Mr. Speaker, the juvenile judges of the juvenile courts in this country face a wide variety of young people. Sometimes brought before them are teenagers who already, because of the brutality of their upbringing, the deprivation of their upbringing, are so violent and vicious and predatory that they may in fact not be able to be redeemed or rehabilitated; and for the benefit and safety of society, they indeed do need to be locked away, sometimes for the rest of their lives.

Other kids come before the courts who, because of their immaturity, because of lack of proper parental guidance, have done some stupid things, got in trouble with the law, and these kids need to be treated firmly, but they need to be treated fairly and we need to see that they are steered away from a life of crime.

Some of the group of kids come before the courts because they have committed status offenses, something that would not be a crime if they were adults, but they are chronic truants, they run away from home. And they do that for a lot of reasons, and the courts need to decide whether this is a child who is simply incorrigible and needs some firmness, or whether this is a kid who is running away from abuse at home and needs to be protected from his or her own parents.

This act needs to thread that needle. This act needs to balance all those considerations, and we in the Congress have to give the State juvenile court judges the latitude they need. I think we have done this, and I would like to commend the gentleman from California [Mr. RIGGS], the chairman of the subcommittee, for his excellent work, the gentleman from Virginia [Mr. SCOTT], the gentleman from California [Mr. MARTINEZ], the gentleman from California [Mr. MILLER], and all the others. In all of our deliberations, never once did I feel that any of the participants were grandstanding or trying to politicize the issue. These are all Members who care deeply about children, and this product shows that and I would commend it to my colleagues.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I rise to strongly support this bill because I prosecuted violent criminals for more than 20 years; and unlike the juvenile crime bill we passed last May, I know this bill will work. It will reduce violence because instead of dictating policy from Washington, it relies on balanced, proven local initiatives which have worked in the real world, and it focuses on preventing crime, which is the best use of tax dollars.

In Boston, this balanced approach has already worked. Boston has not had a single juvenile homicide for more than 2 years. Yet the Washington-imposed mandates in the bill passed last May would preclude Boston and most other cities and towns in this Nation from even applying for Federal help.

Our communities do not need Washington telling them how to reduce violence. What they do need is resources to get the job done, and that is what this bill is about. I support it, and I want to extend my congratulations to the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ] the ranking member, and the gentleman from Virginia [Mr. SCOTT] for the fine work and the product which they have produced.

Mr. RIGGS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MCCOLLUM], the distinguished chairman of the Subcommittee on Crime and the author of H.R. 3, which we have referred to before.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS] for yielding to me, and I want to commend the Committee on Education and the Workforce and the subcommittee for this bill today that I rise to support, H.R. 1818.

It is an excellent bill. I believe that H.R. 3 and H.R. 1818 provide complements to each other in the juvenile justice system. We passed the juvenile crime bill, H.R. 3, back in May. It is designed to fix the broken juvenile system, to help the judges and repair the systems that are broken in terms of providing accountability and consequences to juveniles who commit misdemeanors and who commit even more serious crimes.

Today we are passing a bill which is carefully crafted on the prevention side, one that reauthorizes and revitalizes the Office of Juvenile Justice and Delinquency Prevention, and I think it is a very excellent product.

I would like to remind my colleagues that, unfortunately, one out of every five violent crimes in this country are committed by juveniles, that more murders are committed by 18-year-olds than any other age group the last time that data was collected, and more rapes by 17-year-olds. Yet we see many young people who come in contact with the juvenile justice system who do not have those kinds of crimes. We have the truants that we heard about. We have lots who commit misdemeanor crimes that are not getting sanctions.

This bill today would modify some of the onerous burdens that were placed on the States in previous law, particularly that with regard to sight and sound separation, which resulted in some really unusual circumstances where you could not even have a juvenile walk past a booking desk where an adult prisoner might be seen; or you could not have the same cook, cook the food for juveniles who might cook for an adult, even though the child was separated completely from the adult prisoner, in a situation like that for presentencing periods or whatever it might be. I commend the committee for doing that.

I also think that the block grant program in this bill is a good improvement over the existing law, many kinds of categorical grants that were confusing. I believe that more flexibility for the States would allow for better results.

I want to make it explicitly clear that neither H.R. 3, the crime bill that passed in May, nor this bill, in any way authorizes or encourages housing juveniles with adults. There is a great myth out there in some of the op-ed pieces recently that says to the contrary. That is simply not true. There is nothing in the Federal system that has been changed with regard to current law in this regard.

To the extent that the language that is used in this bill is any different than that which has been used in the past, that is nonsense. No regular contact between juveniles and adult criminals during any stage of the justice process, pretrial, presentencing, or postsentencing, is allowed by H.R. 1818 or H.R. 3.

Furthermore, I would like to point out that in H.R. 3 we tried to get at putting consequences back into the system, the most important part of it being consequences for early juvenile delinquent acts, such as vandalizing a home or store or spray painting graffiti upon a warehouse. Right now, the system is overtaxed and overworked. There are not enough probation officers, judges, or detention facilities, and these early delinquent acts are not getting the kind of attention they need to get.

In many cases, the law enforcement officers are not even taking those vandals and misdemeanor juveniles before juvenile authorities, and when they do go before a judge, they do not get any kind of punishment until the 10th or 12th appearance. That is wrong. We need to put consequences in the act. We need to repair that broken system. It is badly broken right now.

For violent juvenile offenders, less than 10 percent of the violent offenders serve a single day in any institutionalized form of incarceration outside of the home. That is wrong, and that is what H.R. 3 is about repairing, as the primary thrust of that bill, not to treat juveniles as adults or house them with adults or whatever so much the language is about.

On the other hand, it needs to be complemented, that money, that $500 million a year in H.R. 3 for helping those juvenile justice systems to be repaired in the States needs to be complemented by the prevention programs that are here in this bill, to get at those youth primarily before they get involved in the juvenile court, and those options that are there for juvenile courts to prefer for prevention.

That is why this bill is so important. It provides that balance that is so carefully crafted, as part of $4 billion for at-risk youth that is available today in the Federal system. I urge the passage and adoption of H.R. 1818, and I thank the gentleman from California [Mr. RIGGS] for yielding.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman from California [Mr. MARTINEZ] for yielding me the time.

Let me compliment everyone who has worked so long and hard on this bill to finally bring forth a juvenile justice bill which will focus on prevention, early prevention, and early detention if necessary.

I rise in support of this legislation, and in my support of this legislation I have a word of caution for the U.S. Congress, because I believe this bill is really a day late and a dollar short. This bill is a step in the right direction, although being a small juvenile step. It is in the right direction because this bill will address early prevention, early detection of juvenile crime.

Thus far in this Congress what we have seen with the Republican majority was H.R. 3, which was passed in May 1997 over strong objection on this side of the aisle, because what we did was put $1.5 billion over 3 years to lock up everybody.

Now the Federal Government really has no role in locking up juveniles when we only handle about 197 juveniles every year anyway. Where the focus should be, and we know these statistics, one out of every five juveniles are involved in serious juvenile crime, should be at the local level, the local initiative to try to have early prevention and early detention.

It is necessary that we have this type of bill. I wish we would have had it earlier. I wish this bill had money placed in it instead of just a sum certain, because it is necessary. The only way for people to feel safe in their homes and their communities is to prevent crime in the first place, prevent it before it occurs, prevent it before the juvenile is caught up in a never-ending juvenile justice system, and this bill will address that through early intervention.

So H.R. 1818 takes a step and one of the first steps in prevention and early intervention, but it is only a step. When it comes to funding it, it just says a sum certain. I am certain, after 12 years of working the streets and highways of Michigan in law enforcement, that we will never arrest our way out of juvenile crime. We must address it at the early initiatives and give flexibility to local units of government for local concerns and local needs and local issues.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, first let me thank the gentleman from California [Mr. RIGGS], the chairman, and the gentleman from California [Mr. MARTINEZ], the ranking member, as well as the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from Virginia [Mr. SCOTT], and the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full Committee on Education and the Workforce. This is a bipartisan effort, and it is a recognition that one of the most important things we can do is to have preventive programs for our young people.

I serve a district with 10 communities. There are three major cities, the cities of Stamford, Norwalk, and Bridgeport, where we have serious juvenile crime problems. If you meet with the chiefs of police of any of those three cities, they will tell you one basic thing: "Give us prevention programs for our kids."

I attended a Memorial Day parade in Fairfield, CT, a suburban community next to Bridgeport, CT. The parade route was lined with people and lots of kids. Then came the Indian Princesses, the Indian Guides, the Boy Scouts, the Girl Scouts, the soccer team, the high school band, the junior high school band. It went on for almost 2 hours.

□ 1300

That kind of parade in the city of Bridgeport would have lasted about 10 minutes. I think that sometimes, those of us who live in the suburbs take these extra curricular programs for granted. In the town of Fairfield, the challenge for kids is what don't you do after school. They have a tremendous overload of choices. But in the neighboring city of Bridgeport, the question is what do you do. A kid in many of our urban areas, when 2 o'clock is out, they are out, without adult supervision, without the kind of programs we need. I am absolutely convinced that preventative programs are the best way to combat crime. The city of Bridgeport has a program in Longfellow School. On Saturdays they bring kids in to do academic programs and to have some recreational programs. All are adult supervised, with discipline and rules. The kids hunger for this. They show up in droves. They want to be in school on Saturdays. In addition to this kind of program, we clearly need to make better use of our schools, before school and after school, and that is what this legislation allows as well.

I thank the gentleman from California [Mr. MARTINEZ] for what he has done, I thank the gentleman from California [Mr. RIGGS] for what he has done. This is just the beginning. Such sums as are necessary. Now we have to go to the Committee on Appropriations and make sure that the real sums that are necessary are appropriated.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. I thank the gentleman from California [Mr. MARTINEZ] for yielding me this time to speak in support of H.R. 1818.

Just a few months ago, Mr. Speaker, this Congress missed an opportunity to pass a bill that would have controlled and prevented juvenile crime, and voted instead for a misguided, punitive one which ignored input from experts and communities and which sought to employ measures that have been proven not to work in preventing juvenile crime and delinquency.

In H.R. 1818 we are given something rare today, another chance to do the right thing. The bill I rise to support today, H.R. 1818, incorporates key programs which we have been implored to implement by a broad cross-section of America, prosecutors, corrections officers, police, community organizations, public health officials, family oriented groups, young people and, most poignantly and convincingly, parents of murdered children.

H.R. 1818 contains funding for States and communities to support prevention programs. It provides for research and technical assistance to those communities. It understands and treats children as children and protects them from incarceration with adults. It recognizes that minorities are disproportionately incarcerated and in part funds States based on their initiatives to address this inequity.

During debate on H.R. 3, our Republican colleagues said time and time again that they would support this prevention bill when it came to the floor.

Mr. Speaker, I am pleased to be here today to speak in support of H.R. 1818, and I urge all of my colleagues, including those on the other side of the aisle who said they would, to vote yes for this bill.

Mr. Speaker, it breaks my heart that this bill would come too late for young people like Albert Nicholas and Rashawn Lewis from my district. But if we pass H.R. 1818 today, it will not be too late for millions of our other children who cry out for our help. The time is now for us to reclaim our children and our neighborhoods rather than to allow our future leaders to become victims of a system that has failed them.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, as vigorously as I rose in opposition to the juvenile crime bill, H.R. 3, do I rise in support of this bill, which authorizes prevention programs that will prevent juvenile crime rather than reacting after the fact when it is too late.

My colleagues should understand that this is just the first step. This is an authorizing bill that has no money in it. So the challenge going forward will be to make sure that moneys are devoted to fund the programs in this bill instead of taking all of the money and putting it in support of H.R. 3, the crime prevention bill, which would provide more jails and more punitive sanctions against young people. If we do not pay the price in advance to prevent crime, we can never build enough prisons to accommodate it.

Mr. MARTINEZ. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I commend the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ], and the gentleman from Virginia [Mr. SCOTT] for a commendable job on recognizing that juvenile crime can be prevented and can be reduced. The Rand study says in fact that early intervention programs can prevent as many as 250 crimes per $1 million spent. Therefore, I rise to support vigorously H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997, which will help Texas.

Mr. Speaker, I would like to continue this discussion by entering into a colloquy with the gentleman from California [Mr. RIGGS]. I wish to engage in this colloquy because I appreciate that this bill reaches out to communities and States on the issue of juvenile crime prevention. In particular, in Texas there is now a center devised for the study and prevention of juvenile crime and delinquency at Prairie View A&M University. This center will have an impact on Houston, the surrounding community, and Texas. According to the center's key objectives, they want to conduct and evaluate research, provide degree programs, continuing education, training, and serve as an information source, along with collaborating with communities, State agencies, and private entities to implement programs and policies to target prevention of juvenile crime.

I see this bill as a light at the end of the tunnel because its provisions on juvenile delinquency and crime prevention, block grant programs, research evaluation, technical assistance training, and training in technical assistance are the kind of provisions that would allow this center to apply for grants under this particular legislation. That will move our communities closer to really solving juvenile crime by early intervention and prevention.

Mr. RIGGS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentlewoman for yielding and I appreciate her bringing to our attention the good work that Prairie View A&M University is doing. The gentlewoman is exactly right. What they are proposing would fulfill some very important functions under this legislation, such as conducting academic programs, conducting policy research and developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities. The gentlewoman is correct. We look forward to working with her and with Prairie View A&M as this legislation is implemented.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ], and the gentleman from Virginia [Mr. SCOTT] for this innovative legislation, and as a member of the House Judiciary Committee, chair of the Congressional Children's Caucus, and a member of the Democratic Caucus Juvenile Task Force, I believe this bill is the right direction that should be taken for long-lasting solutions to the problem of rising juvenile crime.

I commend Mr. RIGGS, Mr. MARTINEZ, and Mr. SCOTT for their outstanding work.

Mr. Speaker, I rise today in support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. As Chair of the Congressional Children's Caucus, I believe that promoting the solution for preventing juvenile crime is the most valid approach. My colleagues, reducing and preventing juvenile crime is one of the most critical issues facing our Nation today. H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997 is important to helping us address the rising crime problem facing our America's youth. It is a balanced bill which provides the States with the tools they need to help troubled youth.

H.R. 1818 is a step in answering the need for effective prevention programs to stop young people from engaging in delinquent activities in the first place and to prevent those youths already in the juvenile justice system from committing additional, more serious offenses. By investing in strong prevention programs, we can help our young people turn their lives around. The vast majority of at-risk and delinquent youth, if provided early with care, support, appropriate discipline and real opportunities, can grow up to be responsible citizens.

Earlier this year, the House considered and passed H.R. 3, directed at increasing the penalties for juvenile crime. H.R. 1818 is the critical companion to H.R. 3. It helps in providing a more balanced approach to juvenile crime and provides the prevention component of a comprehensive approach to addressing juvenile crime.

Across America, violent crime committed by and against juveniles is a crisis that threatens the safety and security of communities and the future of our children. In 1995, law enforcement agencies in the 50 States made approximately 2 million arrests of persons under age 18. This is a 28-percent increase from the more than 1.5 million arrests made in 1985. During this period, juvenile arrests for both violent and nonviolent offenses increased significantly

Sanctions are only one part of the solution to this crisis. As one parent who had just lost his 10-year old daughter to murder recently stated, "stopping crime by using more prisons is like trying to cure death by using more cemeteries."

Most public policy analysts argue that early prevention programs offer the best hope to stem juvenile crime. They emphasize the importance of better schools and more job training, recreation, and mentoring programs. Such initiatives provide children with positive role models and increase economic opportunities.

Dozens of crime prevention programs across the country have been held up as successful models. An ongoing program in Orange County, CA—the 8 Percent Early Intervention Program—has proven remarkably successful in reducing repeat offenses. The Orange County program calls for screening delinquents to identify children likely to go on to more serious crime. This is typically 8 percent of the children who pass through the juvenile system. The program targets resources to those children—including intensive delinquency supervision and such services as mentoring and tutoring. Over the last few years in Orange County, this program is credited with reducing repeat offenses by 50 percent—at one-third the cost of incarceration.

In Dallas, police noted a 26-percent decrease in juvenile arrests due to a Cooperative Gang Prevention Program that focuses on education, counseling, recreation services, and job training to reduce crime. In Fort Worth, TX after implementing a Gang Prevention and Intervention Program city-wide gang related crimes declined 30 percent from the previous year. In Yakima, WA, increases in youth violence led to the creation of a Gang Intervention/Intervention Coalition to provide positive opportunities for youth through community centers. In the neighborhoods where the coalition is active, youth violence has decreased by 80 percent in a 3 year period.

In fact, studies show that prevention not only works but is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corp., titled "Diverting Children from a Life of Crime, Measuring Costs and Benefits," is the most recent comprehensive study done in this area. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year. In California, research on delinquency programs in California indicated that $1.00 spent on prevention programs resulting in savings of $1.40 to the juvenile justice and law enforcement systems alone.

My colleagues, all the evidence highlights the fact that prevention is effective in reducing and preventing juvenile crime. Juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. H.R. 1818 is an excellent first installment in that investment. I urge my colleagues to support this very important legislation.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I rise in strong support of H.R. 1818. I bring the attention of this body to title 5 of the bill. The bill will provide $5 million per year for the next 4 years for the National Center for Missing and Exploited Children. The National Center has done many things that I discovered after the loss of a child to a murder in my district. The National Center uses pictures of missing children and family members to create age progression likenesses to help locate growing children who have been missing for years. It has an international office to work with law enforcement overseas to locate children taken to other nations. Their Internet site has a comprehensive data base of missing children including pictures. That site is hit over a half-million times a day.

Since its inception in 1984, the National Center has helped recover over 35,000 missing children and reunited them with their families. The stories of these recoveries are absolutely overwhelming. As chairman of the Congressional Missing and Exploited Children's Caucus, I can assure my colleagues that funding for the National Center is money well spent. I thank the committee for its support and I ask my colleagues to please support this bill.

Mr. MARTINEZ. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this legislation. I will place in the RECORD an editorial that was in the local Minnesota papers concerning the importance of prevention.

It is time to quit putting the problems on the conveyor belt and quit reacting. I think this provides an opportunity for proactive focused activities for the Boys and Girls Clubs for a myriad of different programs. It is interesting to note that so many of our professionals in law enforcement today, whether first prosecutors, whether police officers, cops on the beat, are recognizing the importance of prevention in terms of dealing with our escalating juvenile crime problems.

Prevention works. Let's invest in kids—the extended school day and year, the extracurricular activities, sports programs, summer jobs—and keep them on the positive path and off the conveyor belt of juvenile delinquency by enacting H.R. 1818.

[From the Star Tribune, July 15, 1997]

JUVENILE CRIME—DON'T WAIT FOR KIDS TO STRAY

The bleeding hearts have been saying it for years: If you want to curb crime, you can't just punish the guilty. You've also got to invest in the innocent. But that proposition can no longer be dismissed as liberal claptrap, and it's no longer just a theory. The vast majority of America's police chiefs believe that helping children get a good start in life prevents crime, and hard evidence shows they're right.

This truth deserves mention now because Congress is on the verge of ignoring it. Lawmakers in both chambers are pushing juvenile-crime bills that would pour a torrent of money into prisons, punishment and prosecution, and only a dribble into crime prevention.

That unbalanced recipe may feed the public appetite for retribution, but it won't be satisfying over the long haul. A flood of research points to the folly of putting so many eggs in the punishment basket. A Rand Corp. study released last year, for instance, found that imprisonment is among the lamest and least economical of crime-fighting strategies.

A new lobbying group called Fight Crime: Invest in Kids insists that riding that lame horse amounts to being soft on crime. Led by some of the nation's top police chiefs and prosecutors—as well as crime survivors like Marc Klaas, father of young murder victim Polly Klaas—the group is pushing anticrime approaches proven to work well. The list includes enrolling at-risk kids in Head Start, matching up troubled parents with parenting coaches, assigning mentors to delinquent teens, nudging damaged families into therapy and luring restless latchkey kids into meaningful after-school activities.

Practical souls that they are, you'd think lawmakers would seize upon such tactics. No such luck. The House juvenile-crime measure, passed in May, expressly forbids the use of its funds for crime prevention. And though a similar bill now spinning through the Senate Judiciary Committee would allow some block-grant spending on prevention, it so far does nothing to require such investment. The upshot, some onlookers fear, could be a net reduction in federal dollars spent on prevention—and a consequent upturn in youth crime.

Certainly Congress intends no such calamity. That is why its members should take a lesson from the nation's leading law-enforcers, who know a thing or two about fighting crime. In a poll of police chiefs conducted last year by Northeastern University's Center for Criminal Justice Policy Research, nine of 10 favored investing more in prevention programs.

No thoughtful person would dispute the need to lock up violent lawbreakers. But only an ostrich would settle for a juvenile-crime bill that serves that need alone. What is missing from the congressional approach is balance. To fight juvenile crime effectively, this country must focus not just on its most dangerous young people, but also on its most vulnerable.

Mr. RIGGS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to point out again to my colleagues that not only does this bill have bipartisan support in the House, it has the support of numerous organizations interested in the prevention of juvenile crime including the National District Attorneys Association, the National Collaboration for Youth representing American Red Cross, Big Brothers, Big Sisters, the Boys and Girls Club of America, Boy Scouts, Girl Scouts, YMCA, YWCA of America, the National Association of Homes and Services for Children, One-to-One, the National Mentoring Partnership, and the National Network for Youth.

This is a bipartisan bill that also has the support of the administration, as I indicated earlier. I urge my colleagues to support this legislation. This is the important prevention component, the missing piece, if you will, to our national effort to reduce juvenile crime and help youth turn their lives around so they can go on to lead a successful and prosperous adult life.

Mr. CLAY. Mr. Speaker, today, I rise to support H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. This reauthorization bill is based on well-founded public policy. The bill balances the needs of juveniles and society at large by promoting quality prevention programs and programs that assist in holding juveniles accountable for their actions.

Most importantly, the bill retains a fundamental tenet of the juvenile justice system, namely that juvenile delinquents shall not be jailed with adult criminals. Not surprisingly, research demonstrates that juveniles jailed in adult prisons are more likely to commit serious crimes after their release. In separating juveniles from adult criminals, we not only save children from life-threatening circumstances, we also reduce crime.

This reauthorization bill strengthens the mandate requiring States to reduce the disproportionate number of minorities confined in jails and other secure facilities. State are required to reduce minority overrepresentation by addressing both the lack of prevention programs in minority communities and by addressing racial bias within the juvenile systems.

In addition, the bill provides that employees shall be treated in a fair and equitable manner, and that there shall be no diminution of employment rights, including the continuation of collective bargaining rights. The American people deserve assurances that taxpayer funds will not be used to undermine existing labor standards.

I would like to thank Chairman RIGGS, ranking member MARTINEZ, and Representative

SCOTT for their many hours of work toward producing this truly balanced legislation. Given the choice between playing politics and reducing crime, I am glad that my colleagues chose to reduce crime.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act.

This bipartisan legislation provides us with a balanced approach to addressing juvenile crime, and endorses the concept of holding juveniles accountable for their crimes while also providing for prevention programs that can help young people turn their lives around.

This legislation is particularly important for States that have large rural areas like Delaware.

Under current law, States are required to remove juveniles from facilities which also house adult prisoners. While present law provides a limited exception for rural areas, in some instances it requires juveniles in rural areas to be transported great distances to facilities far from their families.

Under this legislation, juveniles can be held for longer periods of time if their parents and the court agree and the judge believes the placement is in the best interest of the juvenile. Though this provision will probably see limited use, it provides long-needed relief for rural areas like those in my State.

This bill also contains a provision that I am particularly proud of.

H.R. 1818 incorporates a bill I sponsored to give the National Center for Missing and Exploited Children funds to serve as the Nation's primary resource center for child protection.

For more than 13 years, the National Center has been instrumental in locating and recovering missing children and preventing child abductions, molestations, and sexual exploitations.

The center has worked with clearinghouses in all 50 States in locating over 35,000 children and preventing child abductions, molestations, and sexual exploitations.

One of the National Center's success stories hit very close to my home. Just last month it assisted local authorities in the recovery of two missing Delawareans, who were located in Florida.

Mr. Speaker, by adequately funding the National Center for Missing and Exploited Children, we can solidify our resources, hone our message and assure every family and every law enforcement agency that we are committeed to long-term child protection.

I urge my colleagues to support H.R. 1818.

Mr. BLUMENAUER. Mr. Speaker, H.R. 1818 provides States with needed flexibility in addressing juvenile crime, and for that reason, it has my support.

But this bill is, at best, a partial solution. In a country where kids and guns are a deadly combination, any juvenile justice bill which fails to deal with access to guns is seriously flawed.

Earlier this year, the House had a chance to pass meaningful legislation that would have addressed this problem. By adding a simple child safety lock provision to the juvenile crime bill, we would have taken a significant step toward reducing access to guns and to dramatically reducing the number of accidental gun deaths in this country.

But that vote never happened, thanks to pressure on the Republican leadership from the national gun lobby. And so a gun lock amendment, supported by 80 percent of the American people, still has yet to be directly voted upon by this House.

This is an astonishing failure for this House. Shootings are now the fourth leading cause of accidental death of children, and for every child killed, four more are wounded. This is a national tragedy, and the House is doing nothing about it.

While the House continues to bury its head in the sand, a group of concern citizens in my district is taking matters into their own hands. Together, we've organized the Oregon Safe Handgun Storage Coalition, composed of people and organizations concerned about this problem. Partnering with a similar coalition in King County, WA, the Oregon coalition is made up of a highly unusual mix of doctors, nurses, law enforcement officials, sporting good stores, neighborhood associations, gun safety advocates, and gun owner organizations. These organizations may disagree on some issues relating to gun ownership, but they all agree on these points: Guns and kids don't mix, and gun owners need to child proof their homes by safely securing firearms.

The Oregon Safe Handgun Storage Coalition has the support of people and organizations across the political spectrum who are willing to work together in an attempt to reduce violence in our community. It is uniting parties on both sides of the gun control issue, by stressing one common concern—the safety of our children.

Mr. Speaker, hopefully this House will vote on a gun lock amendment this year, but failing that, I encourage Members to start similar coalitions in their districts. By working together, we can do more than merely address the problem of juvenile crime, we can prevent it in the first place.

Mr. PAUL. Mr. Speaker, juvenile crime is a problem that should concern all Americans. As a doctor of obstetrics I have enjoyed the privilege of bringing more than 3,000 new lives into the world, I know there are few things more tragic than when a young person disregards the rights of their fellow citizens and jeopardizes their own future by engaging in criminal activity. Furthermore, as the number and severity of crimes committed by juvenile offenders increase, juvenile crime becomes a greater threat to the social order.

Therefore, no one can argue the need for action taken to discourage juveniles from embarking on criminal careers. However, the voluntary actions of private individuals, supported by local communities and State governments, are much more capable of preventing juvenile crime than the Federal Government. Individuals acting at the local level know the needs of the youths in their community much better than Washington bureaucrats, so they can best develop programs that effectively prevent children from engaging in criminal activity.

Unfortunately, the Juvenile Crime Control and Delinquency Prevention Act—H.R. 1818—furthers Congress' unconstitutional interference in crime control and prevention by dictating the nature and shape of juvenile crime programs for each of the 50 States. Therefore, Congress should reject H.R. 1818 and instead repeal all mandates that interfere with the States' sovereign right to conduct juvenile prevention programs, and defund all Federal crime control and prevention programs, in order to return money and, at the same time authority, for juvenile crime prevention where it constitutionally belongs: To the States or to the people.

H.R. 1818 provides States with—two Federal block grants for juvenile crime, a formula—part B—grant and a prevention—part C grant. Some proponents of the act claim that this bill is worthy of support as it loosens the chains on State juvenile prevention programs imposed by previous Congresses. However, any federally imposed mandate, no matter how flexible, violates the 10th amendment to the U.S. Constitution.

The 10 amendment limits the Federal Government to those functions explicitly enumerated in the Constitution. Other than in these few areas, the States are sovereign. Therefore the Federal Government has no authority to finance or manage State programs regarding social problems such as juvenile crime.

Block grants may appear to allow for greater State autonomy than programs directly controlled by Washington, but they still involve Federal control and, more importantly, financing. Taxing the people of Texas to pay for programs in New York or Montana is an insult to the Constitution and the donor States.

Under the part B mandate, States must comply with four core Federal mandates to receive Federal tax dollars. The Federal Government would have the power to reduce a State's funding if a State failed to comply with one of these mandates. When the Federal Government assumes the power to reduce funding according to the State's level of compliance with the Federal mandates, it transforms the relationship between the States and the Federal Government from one of two sovereign entities into one resembling that of a teacher scolding a disobedient pupil.

Furthermore, Federal mandates employ a one-size-fits-all model, which ignores differences between individual States and between various areas within a State. For example, there may be areas that will incur tremendous costs in removing a juvenile from an adult facility within 48 hours. Complying with this Federal mandate may thus divert an area's resources from other projects that may better serve the needs of that particular jurisdiction's youth.

H.R. 1818 also lists permissible uses for which the States may expend their federally provided funds. One of these permissible uses of Federal funds is for programs aimed at preventing hate crimes by juveniles. Preventing crimes based on prejudice is certainly a worthy goal, however, by punishing certain crimes more harshly than others because of this motivation, the government is, in effect, punishing people for holding certain views. Punishment for one's thoughts, as distinct from one's actions, is in conflict with the constitutional guarantees against government restrictions on freedom of speech and thought. Federal tax money certainly should not be spent to encourage localities to disregard the first amendment in the name of crime control.

H.R. 1818 also encourages States to create a system of records for juvenile criminals similar to that kept by each State on adult criminals, including the transmission of those records to the FBI. Given the recent controversy over the misuse of FBI files, all citizens should be wary of expanding the records kept on private citizens by the FBI, particularly given the conspicuous lack of language in the bill guarantying that someone who committed a crime as a juvenile but reformed oneself to become a respected member of the community will not be haunted by his past because some vengeful person acquired his FBI file.

H.R. 1818 also provides States with a second block grant, not contingent upon compliance with the four Federal mandates. Under this block grant, States distribute their funds to local governments and private organizations to run prevention programs. While States do not have to comply with any specific Federal mandates to receive these funds, they do have to submit a plan to the Federal Government for approval.

States may distribute funds only to those local governments that have taken the time and effort to prepare a comprehensive plan for combating juvenile crime. Organizations with prevention programs that wish to receive Federal funding must submit a plan to their local unit of government. Organizations must meet the goals of the local plan and include the goals of the program, the means of measuring their goals, and any research relied upon in developing their application. Before they can begin serving children, after the local government approves the plan, it must be submitted to the State government for approval. If the State government approves the plan, the operations may begin. Surely, States, communities, and local citizens could design a less bureaucratic system to help get funds to worthy programs serving juveniles than the system outlined in this bill.

Among the organizations that may apply for funding under H.R. 1818 are faith-based organizations. I have little doubt that instilling a child with a deep and abounding faith is, second to a loving family, the best way to ensure that child refrains from criminal activities. However, allowing faith-based organizations access to Federal taxpayer dollars may change those organizations into lobbyists who will compromise their core beliefs rather than risk alienating Members of Congress and thus losing their Federal funds. Thus, allowing faith-based organizations to receive Federal funds may undermine both future attempts to reduce the Federal role in juvenile crime and undermine America's tradition of nonestablishment of religion.

The drafters of the Bill of Rights knew quite well that it would be impossible for a central government to successfully manage juvenile prevention programs for as large and diverse a country as America. The founders also understood that Federal involvement in crime prevention and control would lead to a loss of precious liberty.

The current system of sending money to Washington, only to return it, in part, to the States, local communities, and individual citizens, serves only to drain resources away from those best able to create and manage effective juvenile crime programs; people at the local level who know best the needs of the children in that area.

Forcing States to comply with Federal mandates and forcing local providers to comply with Federal paperwork requirements is a further waste of valuable resources that could be used to directly benefit the area's youth.

Mr. Speaker, H.R. 1818 insults the constitutional sovereignty of the individual State, and continues Federal involvement in crime prevention and control. Therefore, all Representatives who support the Federal system as specified in the original Constitution should oppose the Juvenile Crime Control and Delinquency Prevention Act.

Mr. KUCINICH. Mr. Speaker, I rise today in strong support of the Juvenile Crime Control and Deliquency Act of 1997, a bill that comprehensively addresses the rise in youth-related violence.

I am pleased to join the chairman of the subcommittee, Mr. RIGGS of California, as an original cosponsor of this measure. The result of bipartisan efforts, H.R. 1818 is a balanced bill that combines firm efforts to hold youths accountable for theie actions, while promoting measures that work toward the prevention of juvenile delinquency. The combination of accountability measures and promising new prevention programs is, in my view, the proper approach to take.

As juvenile crime has increased throughout communities across the Nation, including some of the communities in my congressional district, it is the emphasis on prevention that will truly reduce the number of youths who commit acts of violence. In this way, H.R. 1818 puts forth measures that genuinely address the social and economic root causes of youth crime.

H.R. 1818 assists State and local governments by providing them with the resources and the flexibility to effectively face the challenge of youth crime through the development of programs for runaway and homeless youth, as well as programs for the recovery of missing and exploited children.

However, while it is important to intervene in the lives of at-risk youth before they become involved with the criminal justice system, it is also essential to address the needs of those juveniles already in the system.

Mr. Speaker, this bill places the responsibility for developing intervention programs on local communities. The potential for innovatible community based programs for rehabilitation of youth, as provided by this bill, is critical to the prevention and control of juvenile crime. These programs include treatment for victims of child abuse, mentoring services, youth clubs, recreation, peer counseling and teaching, educational programs, as well as job training and employment, in addition to numerous other anticrime related services.

Intervention programs for at-risk youth have been proven in several studies to be cost-effective in reducing crime rates. They clearly reduce crime and save taxpayers' money.

That, Mr. Speaker, should be the bottom line for this reauthorization legislation; reduce crime and save taxpayers' money.

Mr. MINGE. Mr. Speaker, I rise today with regard to H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. Recently I was contacted by local officials from Lyon County, MN, who wish to build a juvenile detention center with four beds. Lyon County is a rural community in my district that is populated by approximately 25,211 people in 708 square miles with the closest metropolitan area, Minneapolis and St. Paul, located about 150 miles away.

It is economically infeasible for Lyon County to build a juvenile detention center unless staff can be shared and the juvenile detention center can be co-located with the jail. Under current law, the sharing of staff between these two types of institutions is prohibited. The county officials have been frustrated by this law, because it is inefficient and costly for the county to hire individuals to deal solely with juvenile offenders, as the county rarely needs to house more than two juvenile as a time.

Transporting juveniles to beds in other areas has also proven inefficient. It is estimated that Lyon County will spend about $50,000 in programming and transport costs to send minors to other detention centers in Minnesota next year. Lyon County sheriff deputies are known to spend up to 8 hours a day transporting juveniles from their proper facilities to court appearances, as these facilities can be as far as 188 miles away. Costs accumulate with overtime and mileage for the deputy who is unable to provide law enforcement while on the road. The juvenile in transport spends time in transport that could be spent in treatment.

I am pleased that H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997, establishes greater flexibility for States in dealing with juvenile crime. H.R. 1818 gives the State authority from the Federal level to permit a co-located jail and juvenile detention center to share staff if the personnel have been trained to deal with both adults and juveniles by a legitimate State program and parental consent and court approval have been given. I believe this legislation provides the flexibility needed to help America's rural communities address juvenile crime appropriately.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This bill will give States the flexibility and resources they need to best address the problem of juvenile crime.

Earlier this year, we passed a bill intended to strengthen the penalties for those juveniles who have committed crimes. I supported that legislation because I believe the rising rate of serious crimes committed by juveniles warrants tougher penalties and strengthened prosecution and some States, such as Florida, have already demonstrated success in expediting the prosecution of juvenile criminals. That bill, however, only addressed those juveniles who have already committed crimes. This bill aims to prevent youth from entering the justice system in the first place.

H.R. 1818 recognizes that the solutions to the problem of juvenile crime are best designed at the State and local level. The role of the Federal Government should be to provide communities with the information, flexibility, and resources they need to craft comprehensive prevention plans which include education, mentoring, work, boot camps, or other programs which would best address particular community's needs. In my conversations at home with police officers and not for profits, I hear over and over again that the Federal Government shouldn't micromanage this issue, we should work in concert with State and local governments, providing them the resources and flexibility they need to continue their efforts.

This bill will do exactly that and as a cosponsor, I urge all of my colleagues to support H.R. 1818.

Mr. ABERCROMBIE. Mr. Speaker, today I rise in strong support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. Earlier this year, the House considered and passed H.R. 3, the Juvenile Crime Control Act of 1997, which is directed at increasing the Federal penalties for violent juvenile crime. H.R. 1818 provides a complement to H.R. 3. It provides the prevention component of a comprehensive approach to addressing juvenile crime. This bill proves that both sides can work together and craft a balanced approach to juvenile crime. I am proud to be a cosponsor of it.

H.R. 1818 makes a number of changes to current law to increase the flexibility of States to treat status offenders in the most appropriate manner. For example, it retains the four core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 and slightly modifies three of them. The core requirement mandating States to reduce the disproportionate number of minorities confined in secure facilities was strengthened and clarified. H.R. 1818 requires States to reduce disproportionate minority confinement by addressing both delinquency prevention efforts and system improvement efforts. However, it prohibits the establishment of numerical standards or quotas. The measure tries to ensure that prevention efforts are targeted to communities where a disproportionate number of minorities are committed to the juvenile justice system. H.R. 1818 also altered the sight and sound separation requirement to prohibit regular contact, but allow for supervised, incidental contact such as passing in a hallway. This does not mean that Congress is reducing its focus on this important core requirement.

Last, the core requirement that prohibits the housing of juveniles in adult facilities was modified to build additional flexibility into the law by extending the period of time for which juveniles can be held in a facility with adults, prior to an initial court appearance, to 48 hours, excluding weekends and holidays. States must still enforce the sight and sound separation requirement. In addition, it allows juveniles to be held for longer periods of time in facilities with adults in rural areas as long as there is no existing acceptable alternative placement, the parent or legal guardian of the juvenile involved consents, and it is approved in advance by the court. Such placement is, however, required to be reviewed periodically, at intervals of not more than 5 days for the duration of the detention or confinement to ensure it is the appropriate placement for such youth. Also, courts are urged to use this exception carefully.

Compliance with the four core requirements is still Congress' goal. H.R. 1818 tries to make it easier for States to comply with the core requirements by allowing States to receive 50 percent of the formula money and the other 50 percent depending on their compliance with the four requirements. Under current law, if a State is not in compliance with the four requirements, then it loses all of the formula money.

In addition, H.R. 1818 consolidates current discretionary programs into a flexible block grant program entitled the Juvenile Delinquency Prevention Block Grant Program. In order for a State to receive any money under the prevention block grant, States must participate in the formula grant program and agree to use 95 percent of the funds they receive to fund local projects. H.R. 1818 also requires States to develop a plan to reduce and prevent juvenile crime with the assistance of community-based organizations and organizations in the local juvenile justice system which carry out programs, projects, or activities to prevent juvenile delinquency.

The block grants will be allocated in the following manner: 50 percent on the basis of how many people in the State are under the age of 18, and the other 50 percent on the annual average number of arrests for serious crimes committed in the eligible State by juveniles. The prevention block grant will help juvenile justice officials in Hawaii and in other States fund prevention programs, substance abuse programs, support programs for children who have little or no family life, and programs that would give State court judges an alternative program to deal with certain juvenile offenders instead of sending them to correctional facilities.

Everyone here knows that the nature of juvenile crime has changed drastically over the years. We have only to look through the paper to see younger people committing more violent crimes. Today's youths need to understand that they will be punished accordingly for crimes committed. However, that is only half of the battle. It is our duty to reach to our children, to get them involved in their communities, and to prevent them from taking part in dangerous activities in the first place. H.R. 1818 is an important component in our fight to meet this new challenge. It will help States prevent, reduce, and control juvenile crime. I urge my colleagues to support H.R. 1818.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. Juvenile crime is one of the most serious problems facing our communities, especially law enforcement officers. No population poses a larger challenge to public safety than juvenile criminals. Between 1965 and 1993, the number of 12-year-olds arrested for violent crimes rose 211 percent, the number of 13- and 14-year-olds rose 301 percent, and the number of 15-year-olds rose 297 percent.

This dramatic increase has put a severe strain on our States' juvenile crime system because the overwhelming majority of juvenile offenses are handled by State, not Federal authorities. Very few juveniles who commit crimes wind up in the Federal courts. This legislation is a good step toward empowering States with more tools to fight this growing problem, while also ensuring that we do not give up on young offenders by exposing them to hardened adult convicts.

H.R. 1818 would consolidate the various Department of Justice juvenile programs into one State block grant program. Texas and other States would have the ability and flexibility to target at-risk youth to deter them from entering a life of violence and crime. I believe this is the right approach to addressing the very difficult problem of juvenile crime. There is no single answer to this problem, and we must provide States with both the resources and the flexibility to develop their own approaches so that we can test various strategies and determine what works best. Harris County, TX, for example, is using a $1.4 million Federal grant to expand a boot camp program designed to reform at-risk, nonviolent juvenile offenders in the Houston area and free up prison and jail space for the most violent criminals. Such boot camps have proven to be successful and cost-effective alternatives to reduce criminal behavior and get young people back on the right track.

This legislation will strengthen the Federal Government's role as a partner in these innovative State and local efforts to fight crime and help high-risk youth. It will give States and localities necessary assistance with a range of programs, including prevention and effective punishment and rehabilitation targeted to getting young people back on track to productive lives.

Again, I rise in strong support of this bill and I urge my colleagues to support this valuable piece of crime legislation.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from California [Mr. RIGGS] that the House suspend the rules and pass the bill, H.R. 1818, as amended.

The question was taken.

Mr. RIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 768.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING TRANSFER OF NAVAL VESSELS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2035) to authorize the transfer of naval vessels to certain foreign countries, as amended.

The Clerk read as follows:

H.R. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the "HUNLEY" class submarine tender HOLLAND (AS 32).

(b) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "KAISER" class oiler ISHERWOOD (T-AO 191).

(c) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "KNOX" class frigates PAUL (FF 1080), MILLER (FF 1091), JESSE L. BROWN (FFT 1089), and MOINESTER (FFT 1097), and the "OLIVER HAZARD PERRY" class frigates FAHRION (FFG 22) and LEWIS B. PULLER (FFG 23).

(d) ISRAEL.—The Secretary of the Navy is authorized to transfer to the Government of Israel the "NEWPORT" class tank landing ship PEORIA (LST 1183).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship BARBOUR COUNTY (LST 1195).

(f) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "KNOX" class frigate ROARK (FF 1053).

(g) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "KNOX" class frigates WHIPPLE (FF 1062) and DOWNES (FF1070).

(h) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185).

(i) FORM OF TRANSFERS.—Each transfer authorized by this section shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

SEC. 2. SENSE OF THE CONGRESS REGARDING TRANSFER OF NAVAL VESSELS AND INTERNATIONAL COOPERATION WITH THE REPUBLIC OF THE PHILIPPINES

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and the Republic of the Philippines have a long tradition of international cooperation and mutual support.

(2) The United States strongly desires to continue mutual cooperation as a partner in matters of international security and scientific research.

(3) The President and the Department of Defense possess assets which can contribute positively to international security and scientific research.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should use the authority under section 21 of the Arms Export Control Act (22 U.S.C. 2761) to transfer on a sales basis, subject to vessel availability, to the Republic of the Philippines, not more than one "STALWART" or "VICTORIOUS" class ocean surveillance ship (T-AGOS).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 5. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this Act, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation provides for the transfer by sale of certain surplus naval vessels. It would authorize the transfer of 14 vessels, in all, to 8 countries: Brazil, Chile, Egypt, Israel, Malaysia, Mexico, Thailand, and Taiwan.

This legislation was approved unanimously by our Committee on International Relations on June 25.

I would like to underscore that none of these proposed transfers is a grant. As a result of these sales, our Treasury will be receiving $162.6 million. These 14 ships involve 5 classes: 7 *Knox* class frigates, 3 *Newport* class tank landing ships, 2 *Perry* class guided missile frigates, 1 *Hunley* class submarine tender and 1 *Kaiser* class oiler.

It is important to note that our Navy expects that by proceeding with these sales, our Nation will realize an additional $195 million for training, for supplies, for support, and for repair services.

I would also like to note to my colleagues that the proposed legislation includes language similar to that included in prior ship transfer legislation requiring the Secretary of the Navy to the maximum extent feasible to require that any repair or reactivation work be done in the United States in our own shipyards. It is my understanding from the Navy that each of the recipient countries have agreed to that proviso with respect to these proposed transfers.

Finally, I understand that our Navy strongly supports the transfer of these vessels to advance the valuable cooperative relationships that we have developed with each of these nation's navies. Accordingly, I urge my colleagues to support this legislation.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2035. I want to extend my commendation and congratulations to the chairman for bringing what I consider to be an excellent bill before the House.

□ 1315

I believe because of the gentleman's leadership and the work of the Committee on International Relations the Congress, over a period of months, has been able to effect an important change in ship transfer policy.

Now the clear emphasis, as the gentleman from New York has said, in U.S. policy today is on the sale of naval vessels instead of grants. All 14 naval vessels in this package are sales, and the bill will result in $162.6 million in revenues to the United States Treasury. The United States Navy will also save money not spent on storage or scrapping costs. Work in the U.S. shipyards prior to ship transfer will result in an additional $190 million in contracts for American workers. Now this package also benefits U.S. foreign policy and U.S. defense policy through enhanced navy-to-navy ties and improved interoperability.

So, Mr. Speaker, I think the bill has positive benefits for the United States Navy, positive benefits for U.S. shipyards, positive benefits for the United States Treasury, and positive benefits for U.S. foreign policy. I urge its adoption.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding, and, Mr. Speaker, I wish to engage the distinguished chairman of the Committee on International Relations in a colloquy.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, I will be pleased to engage in a colloquy with the gentleman from Guam.

Mr. UNDERWOOD. Mr. Speaker, in section 5 of H.R. 2035 concerning the repair and refurbishment of vessels in U.S. shipyards, the Secretary of the Navy is compelled to require to the maximum extent possible as a condition of transfer of a vessel to a foreign country that the country have repair or refurbishment of that vessel performed at a shipyard located in the United States.

Is it the gentleman's intention that in this provision territories, including a place that the gentleman from New York lived in for a while, Guam, is included in the definition of the United States?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from New York.

Mr. GILMAN. The answer is, yes, the committee intends that the territories be included in a definition of the United States for purposes of this provision.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from New York for this clarification, and both him and the ranking member for their hard work on this issue. This will serve to clarify the legislation, and, hopefully, we will not have to do this again in future legislation regarding naval vessels and that this could be an important item for the people of Guam in particular, since the ship repair facility has recently closed down and has become privatized.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 2035, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2107, and that I may be permitted to include tables, charts, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107.

□ 1320

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. CALVERT, Chairman pro tempore, in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, July 11, 1997, a request for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT] had been postponed and the bill has been read through page 76, line 22.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know some of my colleagues will be interested in the schedule, so I might advise the body that it would be our intent to finish the amendments this afternoon, whatever amount of time that takes. We also have some limitations to debate. Then any votes will be rolled until 5 o'clock. We presently have the vote on the National Endowment for the Humanities pending, and I am sure there will be some additional votes.

At 5 o'clock we will vote on the amendments, and then it is my understanding from the leadership that they would like to vote on the suspensions, and the Journal, and then we would hope to get to final passage on the Interior bill some time around 8 o'clock tonight.

I might say to my colleagues I hope that in the intervening time this afternoon that they will take the opportunity to look at the bill. There are a lot of good features in this bill. I am pleased that we can say we are a little under last year's amount, but at the same time we have taken care of a lot of high priority items within the funds provided in this bill.

It goes without saying we have dozens and dozens of Member projects in this bill. We had 2,000 requests from Members for projects. Many of them overlapped obviously. But we tried, as much as possible, to prioritize these without regard to party, or to region, then simply make the best judgment we could in light of the availability of resources.

In terms of priorities, and I think this is very important, we added $78 million to the National Parks; that is a $78 million increase over last year, recognizing the pressures on the parks for visitations, to manage those who would seek the opportunity to visit our parks and to ensure that they have a positive experience.

We added $57 million for the National Forest System. We are getting enormous pressure on the national forests. Most people do not realize how important these lands are for the recreation users. And I have repeated this fact many times, but it bears another statement, and that is that the National Forest System has triple the visitor days of the Park System. Why? Because it has available a multiplicity of uses: We can hunt, we can fish, we can camp, we can bird watch, we can hike. In some areas we can run an all terrain vehicle; some areas, a snowmobile, a wide diversity of opportunities that are available in the national forests.

And I think a very important point is that the national forests provide an opportunity for family vacations, where the individual has got a couple weeks, can either rent or own a camper, go into a national forest and spend a couple of weeks with his or her family getting a better understanding of our natural heritage.

The allowable timber cut in our national forests, which this committee establishes as a cap, has been declining. In 1990 it was more than 11 billion board feet. Today it is down to 3.8 billion board feet.

And I would also point out in conjunction with that that we are growing each year 17 billion board feet, which means that we have a net increase in board feet in our national forests of almost 14 billion board feet.

Also, I think one of the good features in this bill is that we have emphasized forest health. We have a forest health program to address the problem of insects, of diseases, of the many things that create problems for our national forests, and we have recognized also the President's Northwest Forest Plan, which was the result of a compromise that President Clinton and Vice President Gore worked out some years ago, and we have supported that with significant dollars and language.

We often do not think of wildlife refuges necessarily in terms of visitors, but they are vital to the preservation of this Nation's wildlife resources. We have increased funding for the refugee system by $42 million.

We have synificantly increased funding for the Land and Water Conservation Fund, $239 million, and I think there are many other good features in this bill, and I hope that our colleagues will, all of them, take a look at it between now and the time we go to final passage and recognize that in supporting this they are supporting a very responsible and a very productive approach to the challenges that confront the Subcommittee on Interior.

AMENDMENT OFFERED BY MR. GIBBONS.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent to offer an amendment which amends a portion of the bill that has been previously read for amendment.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS:

On page 14, line 4 before the words "water rights" insert surface". On page 31, line 24 before the words "water rights" insert "surface".

The CHAIRMAN pro tempore. Is there objection to the consideration of the amendment en bloc to portions of the bill already passed in the reading?

Mr. DICKS. Reserving the right to object, Mr. Chairman, could the gentleman explain to us what the amendment is about?

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Nevada.

Mr. GIBBONS. Mr. Chairman, yes. To the gentleman from Washington, I would be happy to explain.

This amendment simply is a small technical amendment which changes a phrase on page 14, line 14, to add the word "surface" to "water rights," and let me explain by way of this.

The U.S. Fish and Wildlife Department, the Department of the Interior, Bureau of Indian Affairs are buying and acquiring water rights in a specific location in the Lahontan Valley for the stillwater wildlife and for preservation of an endangered species fish. They are buying property with surface water rights attached to them so that they can acquire the water right, then take away the water right and resell the land.

The language in the bill itself provides that the Secretary cannot sell any water rights attached to the land when he puts it back up for resale after his acquisition, after taking the surface water rights away. All we want to do is reassure the folks, and we have a letter from the Secretary of the Interior to this effect, that he does not object to this proposal, that what they are selling is not land without any water. There are surface water rights and subsurface water rights. What we are trying to do is preserve the right for the Department of the Interior to sell land which has subsurface water rights like wellwater so that land can be sold. In this area of Nevada land without water is valueless.

Mr. DICKS. Mr. Chairman, I have been assured that the Secretary of the Interior has written a letter in support of this.

Mr. Chairman, I withdraw my reservation of objection.

□ 1330

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me.

We would have no objection to a limited amendment for the purpose described by the gentleman from Nevada [Mr. GIBBONS].

I think this is an important sentence in the Department's letter. It says, "The Department will consult with the State and local jurisdictions, including appropriate planning and regulatory agencies and other interested persons, concerning the sale of such lands." We have no objection. We think this is a good amendment and support it.

Mr. GIBBONS. Mr. Chairman, I include for the RECORD a letter of July 14, 1997, with regard to this matter:

THE SECRETARY OF THE INTERIOR,
Washington, July 14, 1997.

Hon. RALPH REGULA,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. REGULA: Language was included in the fiscal year 1998 appropriations requests for the Department of the Interior in two places to allow, generally, the sale of lands and other real estate acquired incidental to the acquisition of water rights in the Truckee and Carson River basins in Nevada with the revenue from the sale to be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund for acquisition of additional water rights for purposes related to the initial acquisitions (i.e., restoration of Lahontan Valley wetlands and recovery of threatened and endangered fish at Pyramid Lake). The two provisions, one for the Fish and Wildlife Service (FWS) and the other for the Bureau of Indian Affairs (BIA), use parallel language with minor changes to correspond to the two separate water-right acquisition programs authorized. Both sets of language stem from the fact that a majority of water-right holders who want to sell their irrigation water rights (and only purchases from willing sellers are allowed) also want to sell the land and other real estate interests that go with the water rights. Except in limited circumstances, the Department of the Interior does not want to retain the land and other realty interests but rather wants to resell the land into the local private market and apply the receipts to continuation of the water-right acquisition programs.

I am advised that three questions have been raised with regard to this language. This letter will address each of those in turn:

1. A question has been raised as to whether the language in the pending appropriations measure on page 14, line 4 for FWS and page 31, line 24 for BIA allowing for the sale of land and interests in land ". . . other than water rights . . ." means that rights to subsurface water could not be sold. Our understanding is that the only water other than water-righted surface water acquired has been water in domestic wells that is not technically "water-righted." In any case, it was not the Department of the Interior's intent to transfer any rights to these wells to the wetlands but, rather, to sell the domestic wells along with the land and other incidental real property. A suggestion has been made that the intent be clarified by adding the word "surface" before "water rights" in the language for both bureaus. The Department of the Interior would have no objection to a limited amendment for that purpose.

2. A question has also been raised as to whether the revenue from the sale of lands and interests in lands, other than surface water rights, will be used exclusively for acquisition of water rights tied to the original purpose of the initial acquisition. In other words, will revenue from the sale of lands acquired incidental to acquiring water rights for the Truckee River Water Quality Settlement be used exclusively for further acquisition of water rights to carry out the Settlement and, similarly, will such revenue from the sale of lands acquired incidental to acquiring water rights for the wetlands be used exclusively for water rights acquisition for the wetlands. The Department's intent is that the revenues be used exclusively for acquisitions related to the purpose of the original acquisitions. Accordingly, both bureaus will be advised to use their respective revenues exclusively in accord with this intent.

3. A question has also been raised as to whether the Department of the Interior would consult with the State of Nevada and units of local government with regard to the sale of lands and interests in lands under the proposed provisions. Extensive consultation has taken place previously with the state and with local jurisdictions regarding the purchase of lands under the wetlands restoration and endangered species recovery programs. In implementing these sale provisions, the Department will consult with the state and local jurisdictions, including appropriate planning and regulatory agencies, and other interested persons concerning the sale of such lands.

Sincerely,

BRUCE BABBETT.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $8,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out Subtitle C of the Museum and Library Services Act of 1996, $23,390,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $907,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,700,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,700,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV: *Provided further*, That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $31,707,000 of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Beginning in fiscal year 1998 and thereafter, where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, beginning in fiscal year 1998 and therafter, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1998 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) On September 30, 1998, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any interim or final rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on Federal lands), non-Federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska

Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.

SEC. 317. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1998, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1998.

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture.

SEC. 319. Notwithstanding any other provision of law, for fiscal year 1998 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

SEC. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "TITLE III—GENERAL PROVISIONS" amend section 315(c)(1), subsections (A) and (B) by striking each of those subsections and inserting in lieu thereof:

"(A) Eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

"(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B)."

SEC. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations.

SEC. 322. Section 303(d)(1) of Public Law 96–451 (16 U.S.C. 1606a(d)(1)) is amended by inserting before the semicolon the following: "and other forest stand improvement activities to enhance forest health and reduce hazardous fuel loads of forest stands in the National Forest System".

SEC. 323. The Secretaries of Agriculture and Interior, in their conducting the Interior Columbia Basin Ecosystem Management Project, including both the Eastside Draft Environmental Impact Statement and the Upper Columbia River Basin Ecosystem Management Strategy Draft Environmental Impact Statement as described in a Federal Register notice on January 15, 1997 (Vol. 62, No. 10, page 2176) (hereinafter "Project"), shall analyze the economic and social conditions, and culture and customs of communities at the sub-basin level of analysis within the project area to the extent practicable and delineate the impacts the alternatives will have on the communities in the 164 subbasins. The project managers shall release this more thorough analysis for public review as an addition to the draft environmental impact statements for the project, and incorporate this analysis and public comments to this analysis in any final environmental impact statements and record of decisions generated by the project.

SEC. 324. Notwithstanding section 904(b) of Public Law 104–333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104–333 shall include any portion of a city, town, or village within an area specified in section 904(b)(2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CRAPO:

Page 89, after line 15, insert the following new title:

TITLE IV—DEFICIT REDUCTION LOCK-BOX

SEC. 401. SHORT TITLE.

This title may be cited as the "Deficit Reduction Lock-box Act of 1997".

SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the 'Director') shall maintain a ledger to be known as the 'Deficit Reduction Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

"(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

SEC. 403. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 404. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on

Appropriations of that House and shall be printed in the Congressional Record.''.

SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).''.

SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1997, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 406 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 407. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, the gentleman from Idaho [Mr. CRAPO] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here, I think for the fourth time, to debate the critical lockbox legislation which will correct one of the more significant problems in our current budgetary process.

Before I describe this legislation, the amendment, I want to first of all give thanks to the gentleman from Florida [Mr. FOLEY] and the gentlewoman from California [Ms. HARMAN] who both have, because of their schedules, been unable to be here on the floor today but are strong supporters and have been with us from the outset in fighting to make sure this critical legislation makes it not only to the floor once again, but ultimately becomes law.

The gentleman from Florida [Mr. FOLEY] has been a tireless fighter for deficit reduction, and the gentlewoman from California [Ms. HARMAN] has been with us from the outset, showing this is a strong bipartisan effort to correct a serious problem in the budget process we have.

What is that problem? I indicated earlier, this is the fourth time we have brought this legislation before the House. Each time it has passed resoundingly, with votes well in excess of 300 votes. The problem that has been addressed, and hopefully one of these times we will be able to make it through not only the House but through the conference committee and send it to the President for his signature, which we expect would be forthcoming, the problem is simply this: As we put together our budgets each year and as we debate and vote on motions to restrict spending, cut spending, or eliminate spending on various programs or projects, all that happens when we succeed in paring back the budget in those votes is that the funding for those projects becomes free and available to be shifted into other spending. It does not necessarily go to deficit reduction, and in most cases does not go to deficit reduction.

This bill would be very simple, but is very needed. It would require that when the House and the Senate both make the same cuts, so that both the House and Senate have agreed to eliminate spending in a particular program or project area, that those cuts go into a lockbox, and in conference those funds cannot then be siphoned off or moved into other spending. They must be dedicated to deficit reduction.

If there are different amounts between the House and Senate, the conference committee has the freedom to decide a figure between the two amounts, but the conference committee is required to allocate those funding reductions to the deficit.

Mr. Chairman, some Members have said, well, why not allow us, if we want to make a cut or a reduction in spending, to designate that to some other program if we so choose? This legislation allows that. It simply says that if Members want to shift spending instead of cut spending, then they have to say so in their amendment. If they do not say so, then we assume, as most debate assumes, that the cuts or the reductions are specified for deficit reduction. I think it is a very valuable amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, we have no problem on this side with the amendment. We are prepared to accept it.

Mr. YATES. Mr. Chairman, I rise to claim time on the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. YATES] is recognized for 10 minutes.

Mr. YATES. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am not quite sure I understand the gentleman's amendment fully. As we pass this bill and the Senate passes its bill and we agree on a reduction, the gentleman's amendment would require that we cannot use that money of the reduced amount for any other program. Is that a correct interpretation?

Mr. CRAPO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Idaho.

Mr. CRAPO. Yes, Mr. Chairman, that is a correct interpretation, with this explanation. If the Member bringing the amendment wants the funding to be utilized in another program, he can easily do so in the amendment. But most of the time when we debate these matters, they are debated as though they were budget issues and we are reducing unnecessary spending. This amendment says if we do not designate it to another spending source, then the conference committee is not allowed to redesignate it to another source. It is designated to the deficit.

Mr. YATES. If I understand the purpose of the amendment, it is to reduce the deficit. Is that correct?

Mr. CRAPO. That is correct, Mr. Chairman.

Mr. YATES. Why, then, Mr. Chairman, I would ask the gentleman, is his party advocating the tax reduction bill? Will that not increase the deficit?

Mr. CRAPO. Mr. Chairman, I would say to the gentleman, because as he knows, we have a strong difference of opinion on both sides of the aisle with regard to tax reduction and what impacts it will have on revenue.

Take, for example, the capital gains tax reduction. Many of us believe very strongly that that tax cut is going to actually free up and stimulate the economy sufficiently to generate more tax revenue. The bottom line is that the tax debate is not this debate, and although many of us support tax cuts, we also support a good fiscal control over the spending habits of this Congress. That is what this amendment would address.

Mr. YATES. Personally, Mr. Chairman, I support neither tax cut, and I support reducing the deficit.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the amendment offered by my friend MIKE CRAPO to add the bipartisan deficit reduction lockbox amendment to the 1998 Interior appropriations bill.

As the lead Democratic sponsor of the Crapo-Harman deficit reduction lockbox bill, H.R. 126, I also want to thank the Rules Committee and, in particular, its chairman, JERRY SOLOMON, for making the request by the gentleman from Florida, Mr. FOLEY, and me in order.

Deficit hawks—listen up. As the mother of the deficit reduction lockbox, passage of this amendment is imperative now—at the front-end of the appropriations process, or we will again mislead our constituents who think a cut means a cut when, in fact, a cut in one spending program is reallocated to another bill's spending program.

The House has on three occasions overwhelmingly passed the deficit reduction lockbox, twice as amendments to appropriations bills and once as a free-standing bill, H.R. 1162. Regrettably, the other body failed to match our efforts and the measures died with the adjournment of the 104th Congress.

Mr. Chairman, the deficit reduction lockbox is a very simple mechanism. When Members vote for floor amendments to cut spending, under current budget rules, the savings generated can later be earmarked and spent by the Appropriations Committee on other programs. With the enactment of the lockbox, a separate account is created in each appropriation bill into which savings from cutting amendments are deposited. Those savings cannot be respent or reused by the Appropriations Committee.

During the fiscal 1997 appropriations process, the House adopted floor amendments cutting nearly $1 billion in spending. That billion dollars could have been locked for deficit reduction as the proponents of the amendments intended.

A table prepared at my request by the Congressional Research Service shows that $40 million in energy and water cuts ware reprogrammed, $543 million in national security cuts were reprogrammed, and $349 million in VA–HUD cuts were reprogrammed.

Mr. Chairman, without lockbox, more than large sums of money are at stake. So are our reputations. As the Rules Committee said in its report accompanying last year's lockbox bill:

> Not only is (the Lock-box) important for fiscal accountability, but it is also important to the credibility of the Congress with the American people. The Committee strongly believes that our procedures should make it clear that a cut is really a cut . . . (and the Lock-box) . . . meets this requirement.

The lockbox is supported by a broad bipartisan group of deficit hawks both here in the House and among the public. Fiscal watchdog groups like Americans for Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, the U.S. Chamber of Commerce, the Concord Coalition and Citizens for a Sound Economy have strongly endorsed this legislation.

Mr. Chairman, show me—and our constituents—the money. Vote for the Crapo-Harman-Foley deficit reduction lockbox amendment to the Interior Appropriations Act so we can get it into conference with the Senate.

Table 1. Total savings of House adopted amendments reducing budget authority, by FY 1997 regular appropriations bill

[In millions of dollars]

Bill	*Amount*
Agriculture	(1)
Commerce-Justice-State	(1)
District of Columbia	(1)
Energy and Water Development	$40.573
Foreign Operations	2.525
Interior	(1)
Labor-Health and Human Services-Education	(1)
Legislative Branch	(1)
Military Construction	(1)
National Security	[2]543.000
Transportation	(1)
Treasury-Postal Service	[3]2.000
Veterans' Affairs-Housing and Urban Development	[4]349.000
Total	$937.098

[1] The House did not adopt any amendments to this bill reducing budget authority.

[2] Most of the reduction of appropriations ($508 million) was contained in the floor manager's amendment to comply with the recently adopted 602(b) spending ceilings.

[3] The House adopted an amendment denying an FY 1997 cost-of-living allowance for Members of Congress, senior executive branch officials, and Federal judges. An accurate estimate of the amount of the savings from the amendment was excluded from Table 1. The amount provided for the Treasury-Postal Service bill in Table 1 represents the total savings from the only amendment adopted that reduced a specific amount of budget authority, $2 million.

[4] The House adopted two amendments. Each amendment increased budget authority for certain activities and decreased budget authority for other activities. However, the net effect of each amendment was a reduction in budget authority.

Sources: Congressional Records, vol. 142, 1996; and each of the 13 FY 1997 regular appropriations bill (House Appropriations Committee's reported version).

Mr. FOLEY. Mr. Chairman, the deficit reduction lockbox is an idea that, when adopted, will genuinely lower our Nation's deficit and benefit every American's pocketbook.

Had the lockbox been in place during the appropriations process last year we would have saved the taxpayer almost $1 billion.

I expect you'll see Mr. CRAPO, Ms. HARMAN, and myself a few more times this year unless this measure is permanently adopted.

As Members of Congress, we work hard and round up the votes to eliminate unnecessary spending only to have the savings swept away by another Member and utilized for their pet project.

This institution has played that kind of shell-and-pea game in the appropriations process for years—we shift money from shell to shell with such speed and agility that our baffled constituents soon lose track of the funds.

They have a right to know that a cut is a cut and we have a right to expect our hard work toward reducing the deficit will amount to something more than a bank account to finance pork-barrel spending.

Simply put, this amendment will guarantee that the spending cuts approved in this appropriations bill would be designated for deficit reduction.

Our national debt isn't going away any time soon, but a small step like this is at least a step in the right direction to reduce it.

We should close this legislative loophole.

We have to get serious about deficit reduction and fulfill the pledge we made to our constituents to reduce the debt our children will ultimately be responsible for.

Mr. GOSS. Mr. Chairman, I appreciate the gentleman from Idaho yielding me time and I rise in strong support of his Lockbox amendment. I want to also commend him for his leadership and persistence in this effort.

Mr. Chairman, this is not a new concept—the House overwhelmingly voted three times in support of the Lockbox. The proposal, originally introduced by Mr. CRAPO, went through a thorough vetting process in the Rules Committee during the 104th Congress. We worked hard to smooth the rough edges and resolve the various technical problems. The end result is the proposal before us—and I am proud to have played a part in getting us to this point. The Lockbox simply makes sense. In the real world, when you say you are going to spend less money, you should spend less money. Only in Washington can you say you are cutting spending and then allow the money to mysteriously reappear for spending somewhere else. It is disingenuous; it hurts the taxpayer; and it contributes to the cynical popular view of this body. The idea is simple—create a deficit reduction account to ensure that hard fought spending cuts are realized. When the House votes to save money—the Lockbox mechanism ensures that the money will truly be saved. Simple though it seems, we have had some resistance to this idea in the other body and I urge the "mothers" and "fathers" of the Lockbox in the House to continue to press our friends over there to look favorably on this proposal. On the larger subject of reforming our budget process, as chairman of the Subcommittee on Legislative and Budget Process, I am continuing to work with Chairman SOLOMON, Chairman KASICH, and other interested members to develop a more rational and understandable approach to how we spend the Nation's money and enforce our commitments to balance the Federal books.

In the interim, this is a good amendment and I urge my colleagues to support it.

Mr. YATES. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Idaho, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. CRAPO. Mr. Chairman, on that I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds made available in this Act may be used by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act (25 U.S.C. 465), or any other Federal statute that does not explicitly denominate and identify a specific tribe or specific property, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate State and local officials; and

(2) such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any nonmember of the tribe for which the land is held in trust, or an agreed upon payment in lieu of such taxes.

Mr. Chairman, I ask unanimous consent that total debate on the amendment be limited to 30 minutes, equally divided, 15 minutes per side.

Mr. YATES. Mr. Chairman, I object to the limitation of time on this amendment.

The CHAIRMAN pro tempore. Objection is heard.

□ 1345

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. CALVERT). The gentleman will state it.

Mr. KOLBE. Mr. Chairman, did the gentleman offer what was known as amendment No. 2? I was not clear. I had an amendment that I thought he was offering and when it got read, it was something different.

Mr. YATES. Mr. Chairman, this is Istook-Visclosky, which is the Indian amendment, so-called.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, if that is the case, I rise to a point of order against the amendment.

The CHAIRMAN pro tempore. Since there has been no recognition for debate the gentleman is timely and will state his point of order.

Mr. KOLBE. Mr. Chairman, I make a point of order against this amendment because it proposes to change existing law and therefore violates clause 2 of House rule XXI. The rule states in pertinent part, "no amendment to a general appropriation bill shall be in order if changing existing law."

The amendment first gives affirmative direction, in effect. Second, it imposes additional duties. Third, it modifies existing powers and duties. And fourth, it modifies existing law.

The Istook-Visclosky amendment prohibits the Secretary of the Interior from taking land into trust for an Indian tribal government unless the tribe negotiates a binding agreement with State and local governments for collection and payment of State and local sales and excise taxes on retail purchases made on that land by nontribal members. The amendment also applies similar restrictions on the Secretary's authority to take land into trust for individual Indians.

The Istook-Visclosky amendment constitutes a violation of clause 2 of House rule XXI, and I would ask that the Chair give a ruling on this point of order.

The CHAIRMAN pro tempore. Does the gentleman from Oklahoma [Mr. ISTOOK] wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I would note this is the identical amendment that was offered and withstood a point of order last year on the House floor and was enacted by this House 212 to 206.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to second the Parliamentarian's request that we review this amendment and concur with the gentleman from Arizona that this amendment is not in proper order.

The CHAIRMAN pro tempore. Does the gentleman from Illinois [Mr. YATES] wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, I raise the same point of order that was raised by the gentleman from Arizona and cite the same reason; namely, that it is legislation on an appropriation bill and therefore out of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

Pursuant to clause 2(c) of rule XXI, as amended in the 105th Congress, an amendment to a general appropriation bill changing existing law is defined to include an amendment making the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation. Precedents to the contrary from prior Congresses are no longer dispositive. The amendment thus constitutes legislation and is in violation of clause 2(c) of rule XXI.

The Chair sustains the point of order.

Mr. ISTOOK. Mr. Chairman, for clarification may I inquire of the Chair, is it correct that the point of order is sustained even though the amendment is the same as last year because of a revision in the House rules from last year to this year?

The CHAIRMAN pro tempore. The gentleman is correct.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this Act may be used to carry out the provisions of section 5 of the Act of June 18, 1934 (25 U.S.C. 465; commonly known as the "Indian Reorganization Act"), or the first section of the Act of June 26, 1936 (25 U.S.C. 501 et seq.), to acquire, through relinquishment, gift, exchange, or assignment, any interest in lands or surface rights to lands, outside of existing Indian reservations.

Mr. ISTOOK. Mr. Chairman, I would note this amendment is offered on behalf of the gentleman from Indiana [Mr. VISCLOSKY] and myself, and again I ask unanimous consent that total debate on this amendment be limited to 30 minutes, to be divided equally 15 minutes per side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ISTOOK. Mr. Chairman, I will speak from the well on this.

Mr. Chairman, this amendment is offered to address the same problem that this House addressed last year by a vote of 212 to 206. It is based upon a very simple principle. All people should be equal in the eyes of the law. We should not say that some person should be entitled to evade their taxes because they make a purchase at a place that does not wish to follow the law and does not collect taxes that are due on certain commodities. Usually it happens to be fuel, gasoline, diesel for automobiles. It is cigarettes. It is alcohol. It is other items that are purchased that normally have a sales tax.

Mr. Chairman, about $1 billion a year that is supposed to go to State and local governments to support roads, to pay for schools, to pay for hospitals, to pay for public health and public safety is being evaded with the complicity of the Federal Government. Why? Because the Bureau of Indian Affairs is transferring land at the request of Indian tribes to what is called tribal trust status, which makes it Federal Government property operated by an Indian tribe which has gotten this land not because it is part of their historic property, not because it is any land that had special significance. It may not even be in the same State where the tribe has ever been. It may be hundreds of miles away from any other tribal property.

But it is in a prime location for traffic, and they erect there convenience stores and gasoline stations to take advantage of their failure to collect the taxes because the U.S. Supreme Court has ruled that although taxes are due on the transactions, on the sales to nonmembers of the tribes, they have not granted the States an enforcement mechanism, and that is up to Congress. The tribes have no sovereign immunity, the Supreme Court says, but Congress has not acted.

Mr. Chairman, if you could buy your gasoline at two locations and one is being operated by an Indian tribe which refuses to help collect the tax and the other operated by someone else, you will find that on average it is 26 cents a gallon less if you go to the one where the tribe is assisting the tax evasion. If you are buying a pack of cigarettes, on average around this country it is 41 cents a pack less on a purchase of cigarettes. No wonder a person that is trying to play fair and live by the rules and obey the law, that is trying to compete, finds that they cannot because the Federal Government is helping them to acquire the prime real estate locations with no relation to Indian tradition or custom or heritage but with only one thought in mind: They want the extra money.

It is huge. New York State estimates they are losing over $100 million a year already, and my State of Oklahoma, the total loss is in the vicinity of $30 to $40 million a year already and it is accelerating year after year after year.

This amendment very simply says we are going to have a moratorium on that sort of thing until we can get a handle on it, until we can reinstate the principle of fair play.

Mr. Chairman, if you look at some of the advertisements that they run in newspapers, grand opening, for example, of this particular facility in Oklahoma in this newspaper ad, they were not charging the tax on cigarettes. The U.S. Supreme Court says the purchaser, for example, still owes the tax, but they are not helping collect it as all other merchants are required to do by law. They do not collect it on beer, on gasoline.

No wonder legitimate operators find that they cannot compete. No wonder that people from the U.S. Chamber of Commerce, or the National Federation of Retailers, or Governors of State after State, or the National League of Cities and the National Association of Governors have all said we need this legislation.

The gentleman from Indiana [Mr. VISCLOSKY] and I have sponsored House bill 1168 which puts in place the protective mechanism. We have even been denied a hearing so we have to come with this amendment to try to work on the travesty, on the tax evasion. That is what it is, pure and simple, do not take my word for it. Take the word of the U.S. Supreme Court that has said that is what is at issue. It is tax evasion which is illegal.

Mr. Chairman, the adoption of this amendment is simply a fair play amendment. It is saying that the U.S. Government will no longer be a party to the widespread tax evasion that not only is taking honest people who try to compete and putting them out of business, but it is draining the resources and the opportunities in State and local government.

I ask adoption of the amendment.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is one basic fallacy in the argument of the gentleman from Oklahoma, and that is to equate Indian tribes with individual people. Indian tribes are sovereign nations. They are entitled to make the laws that they want to with respect to their trust lands. If they do want to sell merchandise and not charge State taxes, they can do that.

It is true that they find themselves in a favorable position as against other merchants who have to charge taxes, but the same rule is applicable to other States in the Union. There is no reason why the gentleman should not make the same attack for the States surrounding the State of Oklahoma because they, too, have the right to charge whatever taxes they want to charge. If they choose not to charge any taxes, that is their right as well. Indian tribes have been recognized as having those powers.

The Department of the Interior strongly opposes this measure. It would infringe upon tribal sovereignty. It would impede the 60-year Federal policy of promoting tribal economic self-governing. On this appropriation subcommittee over the years we have tried to formulate procedures that will permit the Indian tribes to benefit and to foster their self-government. This would abolish all recognition of that kind. It would say that the Indian tribes are no different than any other American people and, as a matter of fact, that they are not States. They have been recognized as States by the courts.

So, Mr. Chairman, this is an invasion of Indian sovereignty, and the Indians have suffered enough over the years. This is another attack upon their right to self-sufficiency and to self-government. I urge opposition to the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in support and concur with the remarks of my colleague, the gentleman from Illinois [Mr. YATES], the ranking member.

Furthermore, this amendment has nothing to do with the tax structure that exists. It makes a direct attack on trust lands. The fact is in my home State of Minnesota the native American groups have often lost much of the land that was trusted to them, ceded to them under treaties. This would put a moratorium on any type of action that might take place with regard to acquiring the lands that they initially had or other lands that would provide for a reservation or the economic viability of those reservation the native American people. This is a mean-spirited amendment.

As far as that goes, the ranking member, the gentleman from Illinois is exactly right. We have South Dakota advertising that they offer various tax benefits, so this goes on quite regularly. It is true that many of these native American groups do of course impose taxes or other means of raising money from various sources, except it goes back to that native American group. In fact, they at times agree to collect a portion of the sales tax or all of the sales tax. The native American groups provide law enforcement. They make many contributions on a voluntary basis.

The fact is that this amendment is an argument over power. This is an argument over the basic sovereign power of these independent Native American groups. That is what this amendment represents. The fact is that there are more of us than there are of these minority group native Americans today, but the fact is that we have made a commitment, a series of treaties, to respect the dignity, the governance, the culture, the lifestyle of native American groups.

I think finally now, with some of the activities that are going forward within the law, obviously, there is a means to address and redress these problems; that is, to sit down at a negotiating table, as many States have done, and deal with compacts; to come to an agreement with the native American groups just as States do with one another.

□ 1400

We need to learn to live with the type of pluralism that is present in our Nation. That is the epitome of what this Nation is about. It is such pluralism that defines us, and it is high time we recognize the same.

These various groups that I've heard listed in favor of the Istook amendment, supposedly the defenders of the free enterprise system, ironically are very anxious to eliminate the competition to their ventures and to their profit.

That is what this particular amendment is targeted to, but on the face of it it stops in place the trust transfers of native American lands. That is wrong, it should be avoided, we should not let that go forward. This is an amendment that is trying to do something indirectly that it cannot address directly. They should directly address the native American sovereignty, which all of us have worked for. Is it perfect? No, but we will not get there by pulling the rug out from under the credibility of the U.S. Government commitments and treaty obligations, defeat this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word, and I do rise in opposition to this amendment.

I cannot help but remember the very bitter and contentious debate we had on a similar amendment during floor consideration of last year's Interior appropriations bill. As some here may recall, that amendment was adopted by a very narrow six-vote margin. What happened after that, well, we know it was stripped from the bill after the administration objected to its inclusion.

Things have not changed this year. Let me quote from Secretary Babbitt's letter to the gentleman from Louisiana [Mr. LIVINGSTON] about this particular amendment:

> The Department of the Interior strongly opposes "this measure" because it would infringe upon tribal sovereignty, thwart the longstanding Federal policy of promoting tribal economic self-sufficiency, and undermine ongoing efforts of tribes and States to negotiate joint taxation agreements to accommodate the needs of both parties.

It is clear that the administration opposes this, but, Mr. Chairman, we should oppose it in the House of Representatives. Members on both sides of the aisle ought to oppose it. Very simply put, this is bad public policy.

The Member offering the amendment, and I have the greatest respect for the gentleman from Oklahoma, but he talked a lot about tax evasion. And yet the fact of the matter is that, when polled by the Bureau of Alcohol, Tobacco and Firearms on the subject of evasion of taxes, only 5 out of 28 States that were polled could respond that they could make any determination.

They could make no distinction between what was the legal loss of revenue and what was the contraband loss of revenue; in other words, what was legally sold on the reservations for use there by the people buying it and what was sold for resale, which would be contraband. So they could not make any distinction between what was the actual loss of revenue between what is legal and what was illegal. I think that is an important point to keep in mind.

It is, I think, important to note that this would have a tremendous impact on a lot of the tribes and their ability to carry out their responsibilities. Pending land acquisitions would be put on hold, brought to a halt.

Let me give my colleagues a couple that would be affected, one by the Oneida tribe of Wisconsin to acquire land for housing of tribal members; a pending application from the Sauk and the Fox tribe of Kansas to acquire land to be used to provide tribal elders with senior citizen centers.

Let us face it, this is going to have a tremendous impact on the ability of tribes to provide for the self-sufficiency of their own people. It is another attempt to get back at tribal governments because they have the ability to negotiate, on their terms, tax compacts with State and local governments. This amendment would prevent the expenditure of any Federal funds to take lands into trust for individual Indians or tribal governments.

Why are we considering this action? Apparently there are some that think that we should penalize native American tribes because they are on the way to providing for their own self-sufficiency with a variety of things, some of which we do not like, and some of which I do not personally agree with and do not believe we should be doing but, nonetheless, they are legal and they are doing it to provide for their own self-sufficiency.

Mr. Chairman, I am concerned that instead of promoting positive thought-provoking legislative initiatives that benefit native Americans, we have embarked on a policy that would impose punitive punishment.

We cannot be sure what the impact of this limitation amendment is going to have on the Native American population. I do not think there is anyone that can tell us what its impact will be because we have never held any hearings on this issue.

Again, let us make it clear. Why are we having this debate at all? It is because some people are angry, but not all. The tribal governments pay no State or local sales tax on retail sales that take place on Indian trust land, but we should not be doing this today to punish them. But we should find out before we do this, if we are going to do this, what the impact would actually be on tribes.

We need to hold hearings on this, but we have not held any hearings on this issue. I understand the problem the gentleman has of not being able to get hearings. I think there should be hearings on this subject, should be debate on this, but we should not do it on an appropriations bill.

Consider what would be the impact this would have on, for example, the Oglala Sioux in Pine Ridge, South Dakota.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KOLBE] has expired.

(By unanimous consent, Mr. KOLBE was allowed to proceed for 1 additional minute.)

Mr. KOLBE. Mr. Chairman, what would be the impact on the Oglala Sioux in Pine Ridge, SD? They have 400 families on the waiting list for home repair. What about the Turtle Mountain tribe in North Dakota, who report that only half of the adult members have high school diplomas? Or the Navajo people in my own State? They have 13,000 eligible students from the scholarship program this year, and there are over 20,000 homeless families on the reservation, and they do not have funds for this kind of thing.

So I would implore anyone and everyone in this body to think about the impact on relations between Indian tribes and State governments, between Indian tribes and the Federal Government. There will be a serious negative impact, and I urge my colleagues to vote against this amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment seeks to resolve a problem that really does not exist. There are numerous problems with the amendment, starting with the fact that the language is so unclear that the Department of the Interior really does not know what it means. Apparently, it would mean one thing in Oklahoma and something quite different in the other 49 States.

Complex issues like this should not be really added as an amendment to an appropriations bill but reviewed by the authorization committee. This is certainly no way to write a public policy and certainly no way to treat the native Americans of this country, who have not been treated well.

You know, we stole a great deal of land from the Indians. In my own State of Michigan, land was stolen which is no longer part of a reservation, no longer part of a trust. Up near Burt Lake, around the turn of the century, the sheriff came in and drove all the Indians off their land and, to make sure they did not come back, burned their village down. That was in my dad's lifetime. My dad remembers that.

About 3 years ago, the Catholic church gave to that tribe three acres so they could start again to preserve their culture. Now, under this legislation, that tribe could not have those acres put under trust. That is why the Secretary of the Interior will recommend that the President veto this bill. He issued that statement this morning.

Now, authors of this amendment assert that State tax agreements with Indian tribes are virtually nonexistent. Nothing could be further from the truth. The facts are that 18 different States have already entered into tax agreements with over 200 Indian tribes. The current process is working, it works well in the State of Michigan, its works well in most of the States, and people are compacting more and more as we speak here today between the tribes and the various States.

Mr. Chairman, if we were to listen to the authors of this amendment, one would believe that State and local governments have no role in determining whether the BIA takes land into trust. Again, that could not be further from the truth. The fact is before the BIA does that and before the Secretary puts land into trust, he has to consult with State and local governments to see what the impact upon them will be. And those State and local governments have an appeal process both within the Department of the Interior and through the Federal courts.

There are safeguards built into this, but if this amendment would be passed today, the Governors and local officials would hold all the cards in these negotiations that are taking place throughout the country. The tribes would have no recourse if the State did not negotiate in good faith, and this amendment would give the Governors the incentives not to negotiate in good faith. If my colleagues want to see how States negotiate with Indian tribes, they should take a look at the compacting process after the recent Seminole decision.

There has been, I do not believe, one new compact reached since that Seminole decision. That decision put in the hands of the Governor in that one area of law the power really not to be sued and not to be taken into court. This amendment will go even further treating Oklahoma in one way and the other 49 States in another way.

Mr. Chairman, I look back at my State and I look at the tribes in my State and see the land they at one time owned, look at that one band who lost all their land and now have three acres, and are joyful because the Catholic church gave them the three acres. And the amendment of the gentleman from Oklahoma [Mr. ISTOOK] would say that not even those three acres could be taken into trust for those Indians.

We have a moral obligation. I carry within my suit every day this Constitution, which all of us have taken the oath to uphold. We recognize three types of sovereignties in this constitution; article I, section 8: those sovereignties that are foreign countries, the several States, and the Indian tribes.

This is a frontal attack upon that sovereignty and it is a frontal attack by an amendment through an appropriations bill. Last week I begged for the language so I could look at it and was only given the language yesterday. The language is still defective.

Let us uphold our oath to this Constitution and respect that sovereignty and do what we do in due process and encourage the tribes and the States to negotiate.

Mr. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, and I thank my friends from Oklahoma and Indiana for their leadership on this issue in support of small business. This is commonsense legislation that will level the playing field for small businesses across this country.

The problem is not difficult. We have already heard it outlined this morning. Native American tribes are currently exempt from charging excise taxes on sales of things like gas and food and liquor and tobacco products when selling these products to members of their own tribe.

I do not think anybody in this Chamber disagrees with the underlying law and where we stand today, except for the fact that it puts tax-exempt Indian tribes in direct competition with small businesses and it drives small businesses out of business.

I have to admit that a year ago I voted with the opposition, those that are opposing this amendment today. But over the last year I have sat and studied this issue, I have talked with a lot of small business owners, I have examined the treaty, and I do not believe that it is fair for small businesses in America to have to compete on a head-to-head matchup with those people who are not paying their fair share.

This amendment takes an important first step in ending the Federal Government's role in creating an unfair playing field. The amendment states that, before new lands are transferred by the Bureau of Indian Affairs into the tribal trust, the tribe must reach a binding agreement regarding State and local sales and excise taxes on sales to non-Indian customers.

Currently, native American tribes can purchase any land they want to and then move that land into trust, which eliminates any State or Federal taxes that they would otherwise have to pay. What many times happens is that after the land is put in trust, these tribes establish for-profit businesses on land that are exempt from taxes.

This amendment will not affect any Indian reservation lands nor any lands currently held in trust estates. Tribes can still operate businesses on their lands, and this legislation says nothing to the contrary. It simply levels the playing field for those small businesses wishing to sell fuel, food, and tobacco products around reservations.

This year I am going to join a number of individuals that have come out in strong support of this amendment. The U.S. Chamber of Commerce, the National League of Cities, the National Conference of State Legislators have all come around to agreeing that this amendment makes common sense; that this amendment is the right way in terms of fairness for the American business man and woman.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. CHRISTENSEN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding to me.

I appreciate the study the gentleman and so many others have made in the time since. Even though we requested hearings in Congress, we were denied those by the chairman of the particular committee and, thus, we are here, because we know that the problem is accelerating.

□ 1415

If you look, Mr. Chairman, at the total amount, for example, the State and local governments rely on motor fuel taxes, it is $25 billion a year. Mr. Chairman, if we can sell gasoline for 25 cents a gallon cheaper, and if the Bureau of Indian Affairs, which currently has hundreds of thousands of acres of requests pending, continues to transfer property at patchwork, prime real estate, high-traffic locations, it does not take long for the motorist to say, my goodness, it is 25 cents cheaper over here, I am going to buy my gasoline there, not understanding that they are dealing with a merchant that is marketing tax evasion.

They are not trying to develop marketable skill. They are not trying to build legitimate businesses. They are trying to take advantage of the failure of this Congress to act as the U.S. Supreme Court has said clearly we have the authority to act. It is not violating sovereign immunity, it is not violating any treaties, it is merely reinstating fair play.

Mr. Chairman, this is a very significant amendment. And if we believe that we want to help tribal members with legitimate businesses, instead of having false delusions that the way to get ahead in life is to find and create tax loopholes and profit off of them, then we need to support this amendment.

This is recognized as a threat to the ability to provide care for people in public hospitals, to provide roads, to provide education.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Istook-Visclosky amendment is simply disgraceful. It is disgraceful because it demonstrates the ignorance of this U.S. House of Representatives when it comes to the fundamental issues of native American sovereignty.

Proponents of this legislation just do not get it. They are building on the callous history of this Nation towards our native Americans. When 40 percent of our native Americans are unemployed, when thousands are sick and dying, when Indian children live in substandard housing and get insufficient moneys for education, the lowest per capita health care and education spending of any group in this country are native Americans. When Indians have four times the suicide rate of other groups in this country, the proponents of this legislation would like us to believe that it is the States that are getting a raw deal.

Excuse me. This amendment states that it is States who are getting the raw deal. Guess what? We are the ones who took away the native American land to begin with. Everyone is talking, the gentleman from Oklahoma [Mr. ISTOOK] is talking about the native Americans are trying to put all this land in trust. Do I need to remind my colleague that we have taken over 90 million acres to States and local governments since 1887, and yet there are only 9 million acres given to native Americans in the form of trust lands? Boy, that sounds to me like a real power grab.

This rider claims that Indians are fortunate because they have sovereignty. Let me say that sovereignty is all that these native Americans have left. Sure, let us get behind the simple idea of subordinating native American governments and all native Americans to pull the poverty stricken status they are already in.

The truth of the amendment is that it gives States the upper hand. By eliminating the ability to take lands into trust or by giving local governments absolute veto power over new trust lands, we forsake the government-to-government relationship, as my colleague, the gentleman from Michigan [Mr. KILDEE], said, which is the Constitution of these United States.

Read the Constitution of the United States, article I, section 8, clause 2, regarding native American lands. They treat them as States. They are sovereignties. And yet the gentleman from Oklahoma [Mr. ISTOOK] would not like to have us believe they are other people.

Well, what are Rhode Islanders in my State? Are they other people because we pay different sales taxes than my colleague might have in his State? No, they do not because they are a separate sovereignty. And that is no different from native American lands, and it is an elementary fact to this whole debate.

Of course, the great concept here is that we break treaty obligations and violate this Constitution because the States are getting a raw deal.

Let us be clear. This amendment's goal is to give some county executives veto power over the president or governor of a native American nation and violate the trust responsibility that our Constitution gives native Americans.

Istook-Visclosky incorrectly assumes that there is no process for protecting State and local government interests when lands are being considered for transfer into trust. As my colleagues have stated over and over again, that is not the case. Many States are currently in the process of working this out so that nonmembers of native American tribes are taxed and those taxes are reverted to the States.

But the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. VISCLOSKY] would preempt and preclude any State from being able to work out a negotiation with their native American tribe for that State to be able to work out an arrangement where they revert the taxes back to the State.

We are talking about a discriminatory measure here. And that is what this legislation does, it furthers the intolerance towards native Americans by calling them tax evaders. That is shameful, saying native Americans are tax evaders.

My God, does my colleague not understand the situation that sovereignty is all about?

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. Would the gentleman from Oklahoma [Mr. ISTOOK] like to put in an amendment, bill commissaries at our military bases? Because it seems to me they are unfair competition, too. Commissaries in my district are charging well under the market price for goods that they sell to our enlisted people.

Would the gentleman from Oklahoma [Mr. ISTOOK] put in an amendment that would say that is unfair competition? No, he would not.

Mr. ISTOOK. Mr. Chairman, I would answer the question if the gentleman from Rhode Island [Mr. KENNEDY] is posing the question to me.

Mr. KENNEDY of Rhode Island. This amendment treats native Americans as if they are criminals, and it is dead wrong. I ask my colleagues to join me in voting against the Visclosky-Istook amendment and upholding the Constitution of the United States, which we were sworn to uphold in article I, section 8, clause 2 of the U.S. Constitution.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words, and I yield to my colleague, the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find it interesting if someone would claim that we are disregarding the needs of American Indians in this country, if they will look, for example, at page 5 of the report of the very bill that is on this floor right now, they will find that we are appropriating approximately $6.5 billion for American Indian programs. Agriculture, Commerce, Justice, Education, Health and Human Services, Indian Health Services, all of these other matters.

Why? Because we have undertaken certain obligations and we seek to honor them. We do not permit, for example, a member of the general public to go into a commissary on Federal military property and buy goods at any sort of reduced rate. That is only limited to military personnel, and reserves cannot even do it if they are not on active duty.

Now, if we were to open up those or any other place and say that the general public is invited to come in and do their shopping, in competition with those that are not there for a special purpose, then I would agree with the analogy that the gentleman from Rhode Island [Mr. KENNEDY] raises.

Mr. KENNEDY of Rhode Island. Mr. Chairman, would the gentleman yield?

The CHAIRMAN. The time is controlled by the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, the gentleman from Rhode Island [Mr. KENNEDY] did not wish to yield to have this interspersed with his comments.

But you see, what the tribes are doing, if they were establishing something that is basically a commissary for the Indian tribes, there is nothing that we are seeking to do that interferes with that.

The U.S. Supreme Court has said, if they are making a transaction with a tribal member, they do not have to charge any State or local sales tax or gasoline tax or cigarette tax, and we are not trying to do that. But what they are doing is saying, we do not want just a location that is maybe in the middle of a military business and we do not want to just handle transactions for the benefit of our own members. They say, we are wanting locations at prime areas.

For example, I have a copy of the letter that says Cheyenne-Arapaho tribes are seeking to buy up existing convenience store locations along Interstate 40, not because it is next to their tribal lands or has any relation or is trying to serve the needs of the members of the tribe, but because there are hundreds of thousands of people every day that pass through and they want to be able to sell to them and to undercut the competition and to get all that business, not by selling to members of the tribes but by putting people out of business who are following the law.

Mr. KENNEDY of Rhode Island. Mr. Chairman, would the gentleman yield?

Mr. ISTOOK. Mr. Chairman, I will not yield. I tried to engage in a dialog.

You see, they are saying, we do not want to take care of our tribal members. We want an advantage that nobody else has—26 cents a gallon on gasoline. Now, you go to the corner, and I do not care who you are, you drive up to a corner and see the price over here is maybe a $1.20 a gallon and over here it is $1.45. Where are you going buy your gasoline? It does not take a rocket scientist to figure out what happens here.

And this is not sales to tribal members. The U.S. Supreme Court in a series, a series, of decisions have said that the tax is still due when they are making the sales to the nontribal customers. Unfortunately, the tribes are not doing that. They are refusing to cooperate with the State and local governments in collecting the taxes that the U.S. Supreme Court says are due, and they are profiting off the tax evasion. They are marketing the tax evasion to their customers.

If this were just a matter of tribes trying to deal with their own tribal members and help out and bring people up to compete, that would be a very different situation. But it is not what they are doing.

I have a letter from a tribal member who operates a convenience store, and guess what? She collects tax from customers. She follows the law. She does not have the special advantage that the BIA has given some land and trust to her. And she is being out competed by a tribal gasoline station that is knocking out the ability of one of their own members to work hard and to make an honest living because they are not looking to build up regular businesses.

As the newspaper ad which I held earlier shows, they are trying to sell to people who say, let us not pay gasoline tax, let us not pay beer tax, let us not pay cigarette tax, let us not pay sales tax. And that is what is costing us all around this country, and it is getting bigger every year if we do not stop it.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Mr. Chairman, I yield to Mr. YATES.

Mr. YATES. Mr. Chairman, the gentleman from Oklahoma [Mr. ISTOOK] cites the statistic in the committee's report to the effect of $6 billion in various programs as being spent for the Indian people.

In our appropriation subcommittee, we have been reviewing the plight of the Indian people and making funds available for, I guess, since the committee was in organization. For 25 years, I have been reviewing these programs. I will tell the gentleman that $6 billion still is not enough to take care of the Indian people. They are still the poorest segment of our population. And year after year, that continues.

The fact that they are given recognition as a State, I should like to ask the gentleman from Oklahoma [Mr. ISTOOK], what happens if the State of Texas, which is next to the gentleman's State of Oklahoma, what if the State of Texas were to charge lower amounts and people went to the State of Texas instead? Would the gentleman try to get a law passed by the Congress that would hurt the State of Texas? Of course he would not.

These are sovereign nations, Indian people deserve recognition as such.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for his remarks because I think he is quite on point.

This amendment is a very blunt instrument to go on what the gentleman from Oklahoma [Mr. ISTOOK]) perceives to be some wrong that the Indian nations of this country would engage in economic activity and that they would do that on tribal land, which is sovereign land and which they have the right if they so desire not to charge a tax on the sales of those products.

□ 1430

The gentleman from Illinois just pointed out, people drive across the State line into Nevada to buy goods, because they do not have a sales tax because they have gambling. People drive to Oregon from California because they do not have a sales tax, because they have got an angry constituency that will not let them have one, so people go there to buy their goods. People call up L.L. Bean and Lands End and they buy goods by mail to avoid the sales tax, and we are not shutting down all mail order houses in this country. We are not shutting down the service station across the State line. People go to Juarez, Mexico across the line to buy pharmaceuticals, and we do not shut down the country of Mexico because it is sovereign.

We made a decision a long time ago that Indian lands in this Nation were going to be sovereign and they were going to be treated like States and they were going to be treated like foreign nations. That is what this is about. The suggestion here that because somebody has put up a competitive truck stop on Interstate 50 or Interstate 80 or whatever the highway and that now we should shut down, and that is what this amendment does, shut down the ability of Indian nations to bring additional land into tribal land and take away the right of the Secretary of the Interior to engage in that process, is ludicrous. It is ludicrous. We act like there is a run on the lands of this country. The fact of the matter is there is not. The fact of the matter is the Indians have lost more lands out of trust than they have brought into trust.

The gentleman cites the suggestion that somehow the Indians are taking a huge amount of land. Yes, they have applications. What has the general rule been? The general rule has been if there is a local controversy, if the Governor does not like it or the local State legislature does not like it, the Secretary more or less has hands off. Why? Because we try to tell people to sort it out.

The fact of the matter is that a number of States, 200 tribes, 18 States have tax treaties, tax policies, lands have been brought into trust and there have been various controversies. Very often the tribes have said we will accede to this, we will agree to that, we will agree to that condition, that is a process of negotiation. But that is a process of negotiation between equals, between a sovereign State, a sovereign tribe and the Secretary of the Interior, someone who is an arbiter. That is the process as it is designed to be. That is the process that should be allowed to continue.

Sometimes we argue over lands being brought into sovereignty, whether or not they should have gambling or not. Some tribes have said, we will agree not to do that; California in one instance, and I think in North Carolina.

Other questions may be taxable, they have been engaged in tax treaties. Other policies about the uses of those lands, the riparian uses of those lands, forest practices. A lot of this has been negotiated and discussed and hammered out. But what we do not do is, we do not take away the rights of every Indian nation in this country because we have got some problem with truck stops. That just is not going to work.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I want to ask the gentleman from California, because he mentioned examples of different places that have static borders.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(On request of Mr. KOLBE, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. ISTOOK. Is the gentleman aware that the examples he cites are States, for example, that have static borders and that what is happening, we have applications and grants of trust status where basically the borders are shifting one plot of land at a time. An application is not, for example, for thousands of acres. The applications may be for one lot, for example, in a State and then another lot in a different state.

Mr. MILLER of California. Absolutely. One of the things that is made part of the whole question of lands being taken into trust by the Secretary in behalf of various Indian nations is that a number of applications have been made remote to the land base that the tribes have now or some people believe to be the historical base that the tribes have and that has always been controversial.

There was a controversy in Milwaukee a few years ago about those lands being brought into trust. But that is the process of negotiations. That is the process that the State or the State legislature or the local county officials or interested citizens comment on, and that is the process where the Secretary makes the decision for the purposes and the use of these lands and the connection of the tribes to these lands and the rightful claim to these lands. That is a process.

The Istook amendment wipes that process out and says no other lands can be brought into trust by an Indian nation. It is just an unacceptable suggestion to what may not even be a real problem. The House ought to reject this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Istook-Visclosky amendment. There are many reasons to oppose this amendment, Mr. Chairman. First, as a matter of procedure, this is more than a matter of setting a level of appropriations. This amendment sets legislative policy on a subject under the jurisdiction of the Committee on Resources. The subject of this amendment has not been considered by the committee of jurisdiction. By proceeding with an appropriation rider, we lose the value of public input to Congress available through committee hearings. Those of us who serve on the authorization committees are again locked out of the full deliberative process.

Many of us have seen conflicting statements of the many "Dear Colleagues" that have been floating around. In many cases these letters are in direct conflict with one another, which raises the question all the more, we need to have hearings on this issue.

I believe, Mr. Chairman, it is not controverted that current law and regulations mandate that the Secretary of the Interior provide notice to State and local governments prior to making a final determination on taking Indian lands into trust status. State and local governments who disagree with a decision of the Secretary can appeal adverse decisions within the Department of the Interior and in the Federal courts. This procedure is already in place.

If this amendment is enacted into law, Mr. Chairman, State and local governments would be given an absolute veto over all future transfers to or of land trust status. This is a significant change of national policy. I submit this cannot be done.

Finally, Mr. Chairman, as matter of equity, I find it very disturbing that we are debating today yet another attack on Native American Indians. I fear that efforts like this are a renewal of the efforts of Congress in prior decades when actions were taken to make sure our first Americans were never given the opportunity to achieve success. There was a recent advertisement I heard that pretty well sums up, Mr. Chairman, our treatment of our Nation's Native Americans. It went something like this: 200 years of exploitation and neglect, more than 700 broken treaties, 700 broken treaties; $2 billion in tribal trust funds lost or mismanaged, $200 million in funding cuts last year, and now the Chamber of this hallowed hall wants to levy new taxes against tribal governments. Have Native Americans not paid enough, I submit, Mr. Chairman? This ad was a brutally accurate summary of our past treatment of American Indians.

The question today is, do we continue along the destructive line of reasoning or do we provide today's tribes with the opportunity to determine their future through their own self-initiative? Mr. Chairman, I have heard that we talk about fair play. Let us propose a law to honor every one of these 700 broken treaties that our government broke and let us see what happens. If we talk about fair play, let us honor the 700 treaties that our government committed itself with these Native Americans and let us see what the landscape is going to be with what this Nation is all about.

Mr. Chairman, I submit we ought to vote against this proposed amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that the legislative procedures of this body forces the gentleman to offer this amendment as a limitation on the appropriations bill. I am sympathetic to the concerns that the gentleman has and I think his legislative language targets those much more precisely than the limitation before us and should be addressed by the authorizing committee.

Unfortunately, the authorizing committee has chosen, at least to this point, not to have hearings, and I think it is a subject that deserves a full hearing in the authorizing committee. Because the gentleman from Oklahoma is forced to use a limitation amendment, it is broader than we should have it because it prohibits acquiring through gift or exchange any interest, for essentially any purpose, and there are a lot of reasons why there should be lands transferred that have nothing to do with this question of taxes.

Another problem with this approach is that it is only a 1-year limitation. Because of being on an appropriations bill, it cannot be extended beyond 1 year, and I think it would be very difficult for any group to make economic decisions either to construct or to open up a facility, knowing that in 1 year this could be changed by virtue of the fact that this limitation language would expire at the end of fiscal year 1998, which would be September 30, 1998. I hope that the authorizing committee will address this problem.

I might point out that there are already in existence 200 agreements with 18 different States where the States and the tribes, exercising their sovereign rights, have addressed this problem. I would hope that a lot of tribes and States would continue on that path to bring about fairness in the marketplace, but at this point, because of the sovereignty of the Indian nations, this is a decision that has to be made by the tribes and the States.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to commend the chairman of the subcommittee for his statement. I think he has made a very important point, and that is that this is a very broad amendment. I will come back to that in a moment.

I certainly agree with the gentleman from Oklahoma, this is a significant debate we are having and a significant amendment. It is one of great importance and it deserves the kind of debate that it gets here today. I think what must be emphasized here is the issue of sovereignty. These are sovereign tribes. They do have sovereign rights. They have the right to approach the Federal Government when they negotiate on an equal basis, and yet the thrust of this amendment is to put a limitation on the Secretary from taking lands into the reservation unless there is a binding agreement between the tribes, States, and local governments that would require the tribe to pay State and local taxes on reservation lands; in other words, unless they give up their sovereignty, unless we limit that sovereignty for this purpose. So they are not going into some negotiation on an equal basis when not one but both hands are tied behind their back, as this amendment would do.

I think it is very important to keep that in mind. It is also important to recognize that we are really talking about enterprise zones here. In many cases the lands we are talking about are not part of the reservation itself but are adjacent to it, because very often the reservation lands originally set aside were not the best lands, were not good lands. They have had to bring in some of these other lands in order to have the kind of enterprise zones that we are talking about. The Republicans on this side of the aisle have supported it in inner cities, we supported it in rural areas. Native Americans have that. They have it by virtue of the sovereignty that they have, by virtue of the fact that they are not subject to the taxation that the rest of us have. That kind of enterprise zone we should be supporting for these people who have been among the very poorest.

Finally let me make this final point, that what is missing here is this is a limitation amendment. As the chairman said, it is much broader. It goes far beyond simply being a limitation. It goes too broad. We are talking about putting a limitation on bringing lands in for any purpose whatever. I think of in my State, legislation that this body has debated for a long time, the Hopie-Navajo land settlement. Part of that has to do with bringing certain lands under the jurisdiction of the two tribes. That is critical to making that settlement work. Yet this would put a prohibition on making that happen, on making that work.

I would urge my colleagues to vote against this amendment. As much as I sympathize with what the gentleman from Oklahoma is trying to do, it is not the right place, it is not the right way to go about it, and it certainly is not the right time without having the committee of jurisdiction take this up and take this under consideration.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I certainly want to associate myself with the remarks of the chairman of our subcommittee and the gentleman from Illinois [Mr. YATES], the ranking member of our subcommittee. They have made the point that this is a very profound change in legislation that we are attempting to add to an appropriations bill, but that is a technical reason for opposing this amendment. There are moral and substantive reasons for opposing this amendment. Let me suggest the first moral argument. The Native Americans in this land are the poorest of the poor in the United States. Why? Because we, descendants of those European colonists, took their land and their life-style. By 1887, they had about 138 million acres, a minute fraction of the land that they used to live on, and then over the next 47 years we took 90 million acres back from them.

□ 1445

Since 1934, the Department of the Interior has restored 10 percent of that land, about 9 million acres, and that is the kind of land we are talking about, a very small fraction, virtually all of it land that used to be within the original boundaries of their reservations that we are talking about here.

Let me suggest another moral reason. In 1886, the Supreme Court noted that: "The tribes owe no allegiance to the States and receive from them no protection. Because of the local ill feeling, the people in the States where tribes are found are often their deadliest enemies." And for that reason a law was passed called the General Allotment Act. It actually did not accomplish what was intended originally, but the fact is we have acknowledged that the only way that the American Indian can be respected and protected in terms of their rights is for the Federal Government to have a unique relationship between federally recognized Indian tribal governments and the Congress. Only the U.S. Congress, has the responsibility to defend tribal governments from intrusion by State governments.

Let me suggest some other reasons though, that this amendment should be defeated. This amendment would unconstitutionally give State and local governments absolute veto power over each tribal application to place Indian owned land in trust status. It would provide no remedy to a tribe if a State or local government flatly refused to negotiate a tax agreement with the tribe, and the result would be years of costly litigation. It purports to fix a problem that simply does not exist. State governments can and do collect lawfully imposed sales taxes on Indian trust lands. The Supreme Court has held time and again that product sales to nonmembers on trust lands for use off reservation are subject to State sales taxes. Most states, including Oklahoma, have developed a variety of methods for collecting those taxes.

It assumes that there is no process for protecting State and local government interests when lands are considered for transferring to trust status. In fact, the current law already protects State and government interests when the Secretary considers land for trust status. Under the current secretarial regulations, the Secretary must consult with State and local governments prior to making a final determination on taking land into trust status, and the Secretary must specifically consider the impact on State and local governments of removal of the land from the tax rolls.

This amendment is not necessary. This amendment violates our Constitution, our constitutional protection of Native Americans. This amendment is legislation on an appropriations bill. This amendment does an injustice to the poorest of the poor Americans in this country. This amendment certainly should be defeated, and I urge my colleagues to defeat it in the strongest possible terms.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize for belaboring this subject even further. I think that the debate so far has indicated a clear preponderance of views, and I am not an expert on this subject, so I feel doubly guilty. But I did have the opportunity of experiencing this problem of multiple sovereignty and its application from my earliest days.

Mr. Chairman, I was born and raised in that southeast corner of California which borders on Arizona and Mexico and abounds with Indian reservations, and from my earliest days I can recall going across the border to Mexico because the gasoline was cheaper, and the steaks were better and cheaper, and when I got a little older I went across the border to Arizona to help my brother get married because one can get married more cheaply over there and with less waiting time and less restrictions. Each governmental institution, each organization had different rules, and separate sovereignty.

And of course I can, from where I live now, which is a little further north, pass through a half dozen Indian reservations and have assorted gambling opportunities on my way down to Mexico or to Arizona or wherever I choose to go. And I frankly gloried in this. I valued this rich diversity, and I would not have changed it for the world because it allowed for people who were seeking opportunity to acquire it.

We still have that going on. A lot of people come down to this corner of the United States because it is very warm in the wintertime and it is a rich recreational resource, and they come down there, and they camp out on the desert if they are totally broke because it does not cost anything. If they are senior citizens, and many of them are, they can go across the border to Mexico and buy all of their prescription drugs at ridiculously low prices, and most of them take advantage of that opportunity. And it contributes to the economic vitality of the region, as a matter of fact.

Now I would suggest that, and I am saying this without any exhaustive investigation, but that we may actually benefit from this diversity of sovereignty and the opportunity that it creates and that if there is a solution, maybe we ought to try the market solution. If too many people are going across the border to Arizona or to Mexico to find something cheaper, maybe we ought to look at ways of attracting some people from Arizona and Mexico over to California to buy something cheaper over here. That would be a good competitive way to balance out the playing field, and actually this is happening in many situations.

I know of Indian gambling casinos, for example, which have a monopoly and maybe are using that monopoly to extort a little more from the white man than they really should, and other tribes have come in and opened up competitive operations and kind of leveled the playing field in the process of doing that.

This is legitimate, and I think in the long run justice will be served, the free market will be glorified for what it can really do to keep unreasonable prices or unreasonable regulation out of existence, and we can continue with the kind of a system that we have.

Of course, basically I think we ought to let the Indians have this kind of an opportunity. It is an economic development program for them. It has encouraged them to get into business and become self-sufficient.

We have enterprise zones in which we do exactly the same thing for non-Indians for example. We give them tax advantages, we give them freedom from regulation in order to encourage them to create jobs and to provide opportunities for poor people. Well, is that not what we are doing with the opportunities that the Indians now have as sovereign States with the ability to control their own future? Those are enterprise zones for them.

I say God bless the enterprise zones; let us keep them.

Mr. JOHNSON of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the Istook amendment and urge my colleagues to vote against this amendment because, as we have heard over and over today, it is overly broad, and it is also unnecessary.

I come from an area of Wisconsin representing an area which has seven different separate Native American Indian tribes, all of whom have land holdings in the district. Of the seven tribes who have businesses on trust lands in Wisconsin, all of them are paying taxes.

I read from a letter from the state revenue agent in Wisconsin: "I have reviewed our records. I am unaware of any Indian organization not collecting Wisconsin taxes."

We have had agreements in place between the tribes and the State of Wisconsin for years for the payment of these taxes, and the adoption of the Istook amendment would jeopardize these agreements between two recognized bodies, the State of Wisconsin and the Native American tribes.

The Indian tribes in Wisconsin are not unique in this regard. In fact, almost every State with significant Indian population have similar agreements with their State governments, and according to a study we have heard cited before, conducted in 1995 by a State, the Arizona Legislative Council, 200 tribes from 18 States have reached similar agreements. I have a letter from the Oklahoma Tax Commission which describes the compact the tribes in Oklahoma have made with the State, and as for the ad that appeared in Roll Call and was held up earlier on the House floor, it is an old ad. It no longer runs, since the law in Oklahoma has been changed. It is, I think, a misleading problem, and the Choctaw tribe no longer runs it.

We have also heard about the collection of taxes in New York State. However, I have been told the Istook amendment would not even apply to New York State since, as one of the original 13 colonies, they have a different relationship with their tribes. And, moreover, the Governor of New York has stated he thinks it is not proper or beneficial for New York to impose taxes on sales made on Indian lands. So New York is not losing tax revenues, it is choosing not to collect these taxes.

There have been no hearings, as has been cited before on this amendment. It is another case of trying to create new policy with a very serious amendment to a serious appropriations bill. Indians tribes, native Americans, are creating jobs, paying taxes, helping this Nation's economy as well as their own. I urge my colleagues to look to Wisconsin as a good example. I urge my colleagues to reject this amendment and to protect the current agreements between the States and tribes to collect taxes.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the way the Congress operates really is not that dissimilar from the way the rest of the world operates in several respects. One of those respects, Mr. Chairman, is the fact that usually there is a reason why things happen, there is a reason why positions are taken, there is a reason why Members vote the way they do, there is a reason why Members say certain things, and I think we are faced with a good example of that, Mr. Chairman.

We have heard from those opposed to this amendment that they are opposed to it because it is unconstitutional. Well, let us examine that, and I suspect that if we examine it, Mr. Chairman, we will find that there is indeed another reason because the amendment that the gentleman from Oklahoma is proposing is not unconstitutional either on its face or in any reasonable interpretation of it.

So let me assure those colleagues on either side of the aisle who truly are concerned about the constitutionality of this provision that it is not unconstitutional, and that is a position born not just of my opinion or the author's opinion, but of a learned treatise that we would be happy to make available to any Member, conducted and composed by the Congressional Research Service, that has looked at this proposal and has concluded that because of its narrow scope, because it does not, would not, establish any burden on the constitutional rights of Indians, but simply provide a mechanism whereby legitimate taxes that are constitutional can more easily and more effectively for the benefit of all citizens be collected, and I think that their concerns, if indeed those concerns are born of an interest in making sure that this provision is constitutional, that it would, in fact, be constitutional.

The legislation simply involves establishment of a mechanism for collecting State and local retail excise taxes on retail items sold by tribal vendors on tribal lands to nontribal members and utilizing that mechanism as a precondition for taking land into trust for an individual Indian or an Indian tribe. It does no more than that, which would possibly get it into an area of constitutional activity or restrictions.

□ 1500

It does not do that. There is a line of cases, Mr. Chairman, that clearly establishes that assuring the collection of legally valid estate taxes of sales occurring on lands to be taken into trust certainly is constitutional.

In the case of Oklahoma Tax Commission versus Citizens Band Potawatomi Tribe in 1991, Chief Justice Rehnquist, speaking for a unanimous Court, indicated that the States could look for agreements with the tribes for tax collection, or to Congress to vindicate their rights to tax sales to nonmembers on Indian reservations.

So if in fact we are looking for a mechanism that is fair, and that is, after all, what we all purport to want here is basic fairness, then the proposal of the gentleman from Oklahoma [Mr. ISTOOK] is patently fair. It is not unconstitutional. It has been found that it likely will not be unconstitutional, the word implemented by the Congressional Research Service, and I suspect any legitimate constitutional analysis of it would indeed bear that out.

In my own State, Mr. Chairman, we are facing the situation right now with a tribe from Oklahoma seeking to come into Georgia, not a contiguous State, and establish a gambling or gaming organization or institution or business therein.

This is one of the legitimate concerns of all of our citizens, those of large means as well as those of small means; that is, that the tax base not be eroded. It is not any diminution of the rights of our native American citizens to simply establish that as a precondition for enjoying the benefits of instituting gambling or gaming institutions, that they set up a mechanism to collect taxes, which indeed helps not only them but all of the citizens of that State in which that institution is resided.

In conclusion, Mr. Chairman, let me assure our colleagues and those who might be legitimately concerned about the constitutionality of this provision that it is thoroughly constitutional, both in its intent as well as the way it would be carried out, and urge adoption and a favorable vote on the proposal of the gentleman from Oklahoma [Mr. ISTOOK].

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for four purposes. First of all, as the cosponsor of this amendment, I rise to emphasize to the body that this is a bipartisan proposal authored by the gentleman from Oklahoma [Mr. ISTOOK] as well as myself.

My second purpose in rising is to ask that we view this issue on the merits and the factual basis. Such words as intolerance, disgraceful, bitter, mean-spirited, angry, stolen, have all been used today during the debate, but we ought to look at the factual basis as to what the gentleman from Oklahoma [Mr. ISTOOK] and myself want to do.

The first thing we want to do is as a national Government, we are asking States and local governments to do more, but we are not providing them in this instance the tools to collect the necessary revenue to proceed.

Second, for all those entrepreneurs who want to make a living and pay taxes themselves and support their families, they are placed at a significant competitive disadvantage. That is all we are trying to do.

In my remaining time, the fourth point I want to address is what we are not trying to do. The gentleman from Oklahoma [Mr. ISTOOK] and I often disagree. One area we have never disagreed on is the issue of the Constitution of the United States. We are not violating any provision of that document, and the High Court of this land has said that the collection of taxes on sales to non-Indians does not violate tribal sovereignty or any treaties the United States has with tribes. We are not attacking the sovereignty of Indians.

I would also point out that our country has agreements and treaties with other sovereign nations as far as the collection and disposal of taxes.

Finally, if we were trying to do something that was in violation of the sovereignty of these nations, a number of Members who have stood up in opposition to our amendment have also talked about the compacts and the value that these compacts have already had that have been entered into by various units of government and the tribes. That is all we are asking be done. That has been found to be constitutional.

The second argument put forth today is that we have essentially called for a shutdown on the transfer of tribal lands. We are trying to kill that process. We are asking for a moratorium. The fact is, and I would acknowledge that this is not the most precise amendment that has ever been offered on this issue, we tried to do that last year on June 20, and we were prohibited from doing so today. We have tried to address this issue surgically in authorizing legislation that has not had hearings held on it, despite the fact that there are now 56 cosponsors of that legislation.

What we are simply saying, to capture people's attention and to make sure this situation is addressed, is if the desire to purchase new lands takes place, we have to submit that process to the congressional authorization and appropriation process and it can proceed. We do not prohibit them.

The issue of the compacts, we have compacts. The system is working just fine. The problem is the U.S. Supreme Court on six different occasions has said that the States have the right to collect these taxes, but the Court has barred the States from filing suit. There is no incentive at all on behalf of any of the tribes to enter into good faith negotiations.

All we are trying to do is to level that playing field to ensure that there is an incentive by the tribes to sit down in good faith, with governmental entities of good faith, to make sure that these compacts do proceed so we can protect State and local revenues as well as small entrepreneurs.

There has been a dispute as to what is really the loss of revenues. I went to St. Mark's grade school in Gary, IN. All I know is if you are selling a tank of gasoline and not paying 7½ cents to 34$\frac{2}{10}$ cents of that gasoline you are losing revenues. If you are selling a pack of cigarettes and not collecting 2.5 cents per pack up to 81½ cents per pack, you are losing money as an institution of the Government. States like New York are claiming they are losing up to $100 million; New Mexico, $2.7 million; California, $30 to $50 million a year.

We are told that, by a number of speakers, we have not held any hearings. What we need are hearings. I could not agree more. On June 10 of last year, when the gentleman from Oklahoma [Mr. ISTOOK] and I offered the amendment we were not allowed to offer today, the chairman of the authorizing committee in the House, the gentleman from Alaska [Mr. YOUNG] got up on this House floor, he got up and said, "Since I have been chairman of the Committee on Resources, not a single Member of Congress has introduced a single bill on this subject."

The CHAIRMAN. The time of the gentleman from Indiana [Mr. VISCLOSKY] has expired.

(By unanimous consent, Mr. VISCLOSKY was allowed to proceed for 2 additional minutes.)

Mr. VISCLOSKY. He said, Mr. Chairman, "Since I have been chairman, we have never had a single hearing on this subject. No witnesses have offered any testimony on this subject." The chairman was right. The chairman was right.

That is why the gentleman from Oklahoma [Mr. ISTOOK] and myself introduced authorizing legislation in this Congress. That is why 54 of our colleagues have joined us in a bipartisan fashion to sponsor that legislation and to ask for hearings. Here we are, almost 13 months after the fact, and yes, no hearings have been held and the gentleman from Oklahoma [Mr. ISTOOK] and I have been very, very patient.

The final objection raised on the floor today is that this is a new tax, and nothing could be further from the truth. We are simply suggesting that there should be an even playing field; that compacts ought to be entered into to preserve the revenue flow of the States and the locales, to preserve the ability of private business to compete in this society. That is all we are doing. There are no new taxes here involved.

I would urge my colleagues on the facts and the issues involved, not to the emotion, and on a bipartisan basis, to please on this vote support the Istook-Visclosky amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my reading of this amendment is that it would effectively prohibit the Secretary from recognizing new Indian trust lands. I therefore am opposed to the amendment, and I ask others to join me in that position.

Mr. Chairman, this amendment, if it were to succeed, would be destructive not only to native Americans but also in many instances to the communities around which they reside or nearby where they reside. Why do tribes petition to the Secretary to take lands into trust for them in the first place? In some cases they are reacquiring lands they have lost because of their historical or religious significance and they want those lands back again. In most cases they are acquiring lands which have the potential to produce income for the tribe, to help them become economically self-sufficient.

Because of the discrimination that they have faced, because of poverty and limited education and a host of other disadvantages, and because they lost their lands which they depended upon, many tribes cannot build self-sufficiency without building on their trust lands; that is, taking advantage of the edge that sovereignty gives them.

In effect, this is no different from States that make use of their statehood to draw business or create industry; gambling in Nevada, for example, or credit cards in Delaware or South Dakota, or communities that offer tax breaks to attract industries. But they cannot take their advantage of their sovereignty unless they have land, and specifically land that has some commercial potential. If they open a business 200 miles from nowhere, then obviously they are not going to get people to travel there to do business with them.

If we take away their opportunity to have new lands taken into trust, lands where they are sovereign, we are taking their only real competitive edge from them, the only real edge they have. We are denying them the best chance they have to become a self-sufficient community. We are taking their livelihood away from them, just as surely as we did a century or two ago.

But some will ask this question: Does this opportunity not hurt their neighbors? Does this not hurt the States? When the Secretary considers petitions for trust lands, and this point has been made here earlier this afternoon, he must take into account the interests of the affected State and local governments, and he does so in every instance. But he does not allow a State or a local government to veto a petition. He has to consider the objections to it, look at those objections in context, but that does not give the opportunity for a veto.

In many cases the State and local governments benefit from the designation of new trust lands. This is true in my State and in my district. One of the counties I represent is in fact eager to see tribes acquire new trust lands in their midst, because they expect that by so doing, that will also bring in profitable businesses that will benefit all the other businesses that currently exist in that community, and will exist there in the future.

So this amendment would not only deny an economic opportunity for Indian tribes, it would also block, in many instances, opportunities for the communities they live with and work with.

So for those reasons, that it impinges unnecessarily, unfairly, and I believe unconstitutionally on the sovereignty of Indian tribes, and that also in many instances as a result it will do damage to the communities that adjoin those

Indian tribe lands, those Indian trust lands, I oppose this amendment, and I hope that enough others will oppose it so it will be defeated.

Mr. STUPAK. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise in opposition to this amendment. We are told, Mr. Chairman, that this amendment is needed because it is the only way to stop native Americans from avoiding paying taxes. But in the debate we are having here today I hope we all understand that we have Indian tribes, we have individual members of that tribe, and then we also have just individual members of this country.

This amendment, as written by the authors, is really directed at native American tribes, not individuals. So even if we pass this amendment, and I hope we do not, but even if we passed it, individuals can still continue to avoid taxes. Unfortunately, every day in this country people think of ways and schemes on how to avoid paying taxes.

Our Constitution does recognize the sovereignty of native American tribes. Land that is placed in trust then goes underneath that sovereignty, and on that land there may not be taxes imposed by the Federal Government, just like the Federal Government does not impose taxes on each and every State in a direct manner, but we do on individuals.

Each State in this country is a sovereign State, and each State has different workers' compensation laws, unemployment laws, single business taxes, and also competes against each other in attracting businesses.

But this amendment's intent, I believe, is to start chipping away at sovereignty for native American tribes. The intent is to take away those sovereign rights, and to in fact tax the native American tribes and not individuals.

The authors indicate that the States can do more, and they are trying to level the playing field, but the States have in fact entered into many agreements; like my State of Michigan, they have entered into agreements.

In fact, we have heard throughout this debate today that there are these 200 State tribal taxation agreements in 18 different States. If 18 different States can enter into 200 agreements, why cannot those States who feel they are coming up a little short on their taxation in their States enforce those agreements?

The primary author of this agreement, the gentleman from Oklahoma [Mr. ISTOOK], the Oklahoma Tax Commission has passed legislation as early as 1992 which does impose taxes and does impose taxes on cigarettes and gasoline in the State of Oklahoma. In fact, I have a letter here from Kathryn Bass, deputy general counsel, that says that "in lieu of State tobacco and sales taxes in the amount of 25 percent of all applicable State excise taxes on all cigarettes and tobacco products purchased by the Nation or its licensees for resale in Indian country without reference to the membership or nonmembership status of the purchasing public."

Mr. Chairman, I include for the RECORD the letter of July 9, 1997, from Kathryn Bass to Mr. Baker-Shank.

The letter referred to is as follows:

OKLAHOMA TAX COMMISSION,
Oklahoma City, OK, July 9, 1997.

PHILLIP BAKER-SHANK, DORSEY & WHITNEY,
Washington, DC.

DEAR MR. BAKER-SHANK: Pursuant to your inquiry, this will confirm that the State of Oklahoma and the Choctaw Nation signed a Tribal/State Tobacco Tax Compact dated June 8, 1992, effective January 1, 1993.

Pursuant to the Compact, the Nation agreed to make payments to the State in lieu of state tobacco and sales taxes in the amount of 25% of all applicable State excise taxes on all cigarettes and tobacco products purchased by the Nation or its licensees for resale in Indian country without reference to the membership or non-membership status of the purchasing public. The payments in lieu of state taxes are collected by the wholesalers selling cigarettes and tobacco products to the Nation and its licensees and are included in the wholesale purchase price of the products.

The Compact is authorized pursuant to 68 O.S. §346 et seq.

Very truly yours,

KATHRYN BASS,
Deputy General Counsel.

☐ 1515

So they put in a 25-percent payment in lieu of taxes. That is sort of a creative way in which one State has addressed this issue. I think each and every State should do it that way.

My own State of Michigan, we have come up with ways to place not only excise taxes but also sales tax on whether it be gasoline, tobacco sold by native American tribes or individuals within our State. The problem that we have here is really a State issue. The States have shown the ingenuity to address this issue.

I do not want the Federal Government, this Congress or anyone else telling Michigan how to enter into these agreements with native Americans. I do not want the Federal Government telling us how to do our job back in our States. We have creative State legislators. We have creative Governors. We have creative State tax commissions. They are the best to issue or address this issue. I do not believe it is necessary for us, the U.S. Congress, to start telling the States how to address this issue.

With that, Mr. Chairman, I see this as an attack on the sovereignty of native American tribes throughout this Nation. I would hope that we would defeat this amendment.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

I rise today in strong support of the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. VISCLOSKY] to promote tax fairness and relieve our Nation's small businesses from unfair competition by Indian tribes.

Let me make it very clear what this amendment does. It simply says that no new Federal lands can be transferred into tribal trust until Indian tribes reach a binding agreement regarding State and local sales tax on sales to non-Indians. The Supreme Court has made it very clear that only sales to members of the Indian tribes holding the land in trust are properly exempted from State and local taxes. But what is actually happening?

Many Indian tribes are using property in tribal trust to operate truck stops, gas stations, convenience stores and other retail outlets without charging any State or local fuel sales or excise taxes. This in turn means that they are selling goods to non-Indians at prices far below what any other small business can charge; in the case of gasoline, some 20 to 30 cents less per gallon.

Mr. Chairman, this is patently unfair. It is unfair to our Nation's small business owners. It is unfair to our State governments which are losing millions of dollars annually in tax revenue. Mr. Chairman, I am all for lower taxes on consumers, but I am also for tax fairness. This is a serious loophole that Congress must close. I strongly urge my colleagues to support the Istook-Visclosky amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I would like to address a couple of issues that have been mentioned by some of my colleagues. For example, we heard the argument, well, is this not the same as States having different levels of taxes for gasoline or cigarettes or whatever it might be. No, it is not the same, because this is a patchwork quilt.

This is where the Bureau of Indian Affairs is, for example, taking applications for a tribe in Oklahoma to open up a convenience store at a crossroads of two interstate highways in Ohio where they have never had any historical connection, they do not have any sort of tribal lands or any relevance there except it is a nice location to get a lot of traffic and make a lot of money. An Oklahoma tribe with applications in Arizona, an Oklahoma tribe with applications in Georgia. And it goes on, too, with different States.

We have cities finding that different residential lots, not in one block as part of an Indian area or reservation but in a patchwork quilt, they will come in and take one residential lot in the middle of a community and open up a store and say they are exempt from the zoning laws, as well.

This is more like if one State said, I am going to buy a piece of property in another State, and if I go out of Oklahoma and I go to Missouri and I say, "Now this land I bought is no longer under the laws of the State of Missouri, it is under the laws of the State of Oklahoma." So you could have, for example, Florida with a gas tax of a nickel a gallon saying, "We are going to buy pieces of property in Connecticut where it is 38 cents a gallon. And we are going to undercut the price and we will tell everybody they are not in Connecticut anymore, they are in Florida."

So if they go into Rhode Island where it is 28 cents a gallon, or if North Carolina, with 5 cents a pack cigarette taxes says, "We are going to open up pieces of North Carolina in New York State where the cigarette tax is 56 cents a pack or in New Jersey where it is 40 cents a pack or Massachusetts where it is 51 cents a pack, and we are going to sell it for the taxes only a nickel a pack," you see what happens with this patchwork quilt that is being created.

These are not tribes wanting to have operations on their reservations or on Indian lands. These are tribes that want to pick and choose the premier locations anyplace in the country with no connection, no next door neighbor situation with any existing tribes, not contiguous land, but just say "We want to buy up different tracts and create a checkerboard. And our tribal lands are checkerboarded all over the place, and they all just happen to be locations where lots of people come by to buy gasoline and cigarettes and groceries and evade the tax."

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I will not take much time.

As we conclude this debate, I think it is important that we understand what this debate is not. I will not debate the merits. I made it clear earlier that on the merits, the substance of this, I think this is bad public policy. I think it is extraordinarily important that every Member that votes on this understand what this amendment is about or, more to the point, what it is not about.

I just heard a moment ago the gentleman from California talking about how this would prevent the transfer of any lands until, and then he went on to say, until the tribes have entered into such an agreement dealing with the collection of taxes.

Mr. Chairman, that had to do with an amendment that was stricken on a point of order. This amendment, this amendment that we are considering right now says only that the Secretary may not use any funds in this act to carry out purposes, provisions of the act to acquire through relinquishment, gift, exchange or assignment any interest in lands or surface rights to lands outside of existing Indian reservations.

Mr. Chairman, it does not have anything to do with the issue that we have all been talking about, myself included, about taxes, about whether it is fair that tribes should collect taxes, pay taxes for sales to non-Indians on their reservations. It does not have anything to do with that. It says only that the Secretary may not acquire, do anything, spend any money to acquire any land to put it into trust status. For whatever reason it is being done, no money may be spent.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, is the gentleman aware there are actually some 30 different laws under which property is taken into trust and the amendment only addresses one specific one, leaving in place a multitude of others which, among other things, permit tribes to acquire hospital property and so forth? Is the gentleman aware that this is only 1 of some 30 different sections under which lands can be taken in and put into trust?

Mr. KOLBE. Mr. Chairman, if the gentleman will continue to yield, I am aware that it is only one of the various provisions, but that one provision does not have to do with just taxes. It does not have anything to do with taxes.

It is only one provision for bringing them in but it is also one that is extraordinarily important and would limit, could have severe limitations on the ability of the Secretary to bring lands into tribal trust status. It is for that reason, Mr. Chairman, I believe that we should reject this amendment.

I understand why the gentleman has proposed the amendment, because it was the only way that it could be brought to the floor, but it is too broad. It does not do what it is intended to do. It goes far beyond that and prevents the Secretary from bringing any land under tribal trust status at any point.

I believe that that is a mistake. I would urge Members of this body to reject this amendment.

Mr. DICKS. Mr. Chairman, I call for a vote on the amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a very interesting debate. I know my father raised me with the belief always that the American Indians had gotten a raw deal in our Nation's history. I have tried to be very sympathetic to many of the problems they have had.

Clearly, from listening to the debate today, this issue of tax collection is being handled very well in some States. But also it is very clear that there are some very serious problems with what is going on in some other areas. Indeed, I think the gentleman from Oklahoma has spelled out very clearly the nature of this problem and the severity of the problem.

Indeed, it is worth noting that if we did not have a problem here and that if it did not need to be dealt with, we would not have a situation where the U.S. Chamber of Commerce, the National Conference of State Legislators, these are all our colleagues who work in the State houses, have supported this. The National League of Cities, no less, is supporting this. So I would encourage my colleagues to vote "yes" on the Istook-Visclosky amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I hope we can wrap this up.

I think it is important to stress what is happening here, what the Federal Government is making possible because of the patchwork quilt, hundreds of thousands of acres but sometimes it is a quarter acre here, a quarter acre there, maybe a full acre here for a truck stop, convenience store, smoke shop, whatever it may be, with total disregard to the States where a tribe may normally operate, with total disregard to its historic boundaries, whether you are talking about 20th century history or 19th century or 18th century or whatever. It is the basic rule of real estate, location, location, location, that is what is driving this, that and the ability, not because of sovereign immunity, not because of treaties, but, as the U.S. Supreme Court has stated, solely because Congress has failed to act that they are marketing the failure to charge taxes which the U.S. Supreme Court says are owing and are due when non-tribal Members make these purchases.

This is not an old advertisement. This ad is about 8 months old. It is after Oklahoma had tried to get tribes to enter into compacts. Only 3 out of 39 tribes in Oklahoma were willing to do so, despite some very heavy financial incentives, because they can make more money by saying, "Come buy from us, no tax on cigarettes, no tax on gasoline, no tax on beer." And what difference does it make if they are not charging those taxes?

Look at the difference. If you do not charge on gasoline, 26 cents a gallon, you go to the corner, one station has a price 26 cents each and every gallon lower than the other. Where do you take your business? Cigarettes, average of 41 cents a pack. Where do you take your business?

North Carolina cannot come into Massachusetts and say, "We have a 40 cents a pack, 46 cents a pack differential. We are going to open up a branch of North Carolina in the middle of Massachusetts so the Massachusetts businesses cannot do business."

I heard someone on this floor say, well, that is okay, everybody can make a deal with the tribes. That means if you do not do business with the tribes you cannot stay in business if you do not let them take over your operation. What a difference it makes. This is from an actual retail location. It goes through their grocery, tobacco, beer profit, personnel, expenses, everything. If they have to pay the tax, the business operates an annual loss of $5,500 a year. If they do not have to collect the tax, they make $927,000 profit.

Who can stay in business if the Federal Government permits people to thumb their nose at the law? This is basic fairness. This is basic justice. This is basic playing by the rules. We have $6.5 billion in this bill and in other bills going directly to the benefit of Indian tribes. Do we also say that we want to give them the key to every business in the country, so that those that are trying to abide by the law cannot compete and our local communities do not have the billions of dollars they are losing in gasoline, cigarette, and sales taxes that pays for our roads, that pays for our schools, that pays for public safety?

□ 1530

I urge Members to vote for the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am of a split mind, frankly, on the Istook amendment. I am concerned about some of the issues that he raises, and I frankly think that some of the tribes have abused their ability to have land put in trust. And I think, for that reason, that the authorizing committee in charge of basic law ought to hold hearings and ought to produce a legislative vehicle that corrects that problem.

While the Istook amendment is advertised as attacking a problem such as the differential in tax law that the gentleman has referred to, in fact that is not what this amendment does. This amendment simply says, cold turkey, that none of the funds may be made available for the purposes of acquiring trust lands. That goes too far. It is not consistent with the traditions or obligations of this country, and for that reason I think that the amendment ought to be defeated.

I would also say that I would be much more inclined to vote for the gentleman's amendments in the future if they are not accompanied by an effort to use the congressional frank in order to send material into other Members' districts which is essentially misleading and is not descriptive of the actual amendments before the House.

I am very willing to respond to legitimate suggestions for change in the law, but I do not respond very well to lobbying pressure from anybody, especially when it comes from another Member of Congress. It seems to me that Members of Congress have an obligation to tend to their own districts. I think they ought to be very careful about the nature of mail which they send into other Members' districts under the frank.

The frank is a privilege that Members of this House have that should not be used to create internal lobbying. The gentleman from Oklahoma is well-known as someone who does not like to see Federal agencies or Federal grantees lobbying with Federal money. I also do not like to see Members of Congress lobbying with Federal money, especially when they are lobbying each other through the use of the frank and when frank material is sent into congressional districts which is not consistent with amendments that are actually offered on the House floor.

So, Mr. Chairman, I would simply say that I think there are two problems with the gentleman's approach. First, I do not, for one, think that it is appropriate to engage in what is in essence a lobbying operation with taxpayers' money by sending franked material into other Members' congressional districts.

Second, if that material is sent in, I think it ought to accurately reflect the situation which exists in each of those States, and the material I saw did not.

And, third, I would suggest that the amendment ought to be offered which in fact attacks the problem that is described in the speeches accompanying the amendment. Eliminating all ability to take land in as trust lands is not the correct remedy for the problem at hand.

The gentleman from Oklahoma is correct about the problem. I, for one, very deeply resent the fact that some of the tribes have used existing law to take land into trust and then operate casinos on that land far from their reservation. I think that is an outrageous abuse of the trust privilege.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I also think that it is wrong to convey a misinterpretation of what some of our Governors and some of our State legislatures have been able to negotiate by way of agreements with tribes so that they do, in fact, collect the correct amount of tax revenues from those States.

I would simply say that the gentleman is partially correct in his concern, but this is not the way to go about it. I do not think it is legitimate to wipe out the Secretary's ability to take land into trust across the board when, in fact, the problem is much narrower than this amendment would lead one to believe.

Mr. Chairman, I thank the House for its indulgence in allowing me the additional minute.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, I would like to answer what has just been put forth as an abuse of the frank. In fact, the information sent by the gentleman from Oklahoma [Mr. ISTOOK] was to public officials, cleared by the House Committee on Frank; and its erroneous nature will be determined by the facts and not by a Member standing on the floor.

I would rise to support the Istook amendment but begrudgingly. I come from the second largest tribal district in the United States, and I want to describe for the Members of this body what is occurring. In fact, extortion is occurring today as members of tribes go out and tell people who are independent private businessmen, many of which are members of that same tribe, that if they do not sell their fast food stores to them, if they do not sell their gas stations to them, that they will open one across the way and eliminate their business.

So not only is there an unfair competitive advantage, not only is there an unethical approach, but in fact there is extortion, which is under investigation by the FBI at the present time.

This is well-placed common sense. It does not limit all tribal lands coming under trust. What it says, simply, is that there must be an agreement between the tribes.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think the gentleman was not here, and the only point I would want to make is that, first of all, the first Istook amendment that did what the gentleman wanted to do was struck down on a point of order, so now he has this secondary amendment. Under this amendment, remember now, the Secretary of the Interior must approve this.

I would say to the gentleman, if it was ever done in this kind of a threatening way, we will drive you out of business, that application I think would be turned down summarily by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. COBURN was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman continue to yield for one further comment?

Mr. COBURN. I will continue to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the second comment is the parties would have a right to go to court, into federal district court, to stop the transfer into trust. I would think under that kind of a practice that the courts would strike down the application.

Mr. COBURN. Mr. Chairman, I will be happy to allow the other gentleman from Oklahoma to answer that, but I will tell the gentleman from Washington that presently those very things that he is describing are ongoing without interference from the BIA or the Secretary and, in fact, there is extortion ongoing.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I will join the gentleman in going to the FBI, if that is accurate.

Mr. COBURN. Mr. Chairman, reclaiming my time, I would tell the gentleman that I have been to the FBI.

I want to bring one additional point before I yield to the other gentleman from Oklahoma. We have before us an historic agreement on tobacco which has associated with it taxes on tobacco. Do my colleagues know where all the cigarettes will be sold in the future? They will be sold on tribal properties throughout the United States.

The Cherokee Nation, the Creek Nation, the Choctaw Nation, anywhere in history that they have lands, they will come and buy land and claim it as tribal lands, and they will be the sellers in fact of gasoline, they will be the sellers in fact of tobacco, they will be the owners of casino gambling, of bingo halls, and, in fact, the revenue lost to individual localities, municipalities and States will be enormous.

We have to deal with the greater issue: Can there truly be a sovereign country inside a sovereign country? That is one we will not attack. Nobody wants to deal with that issue. That is why we face this problem. And until we say the Indians cannot be truly sovereign, until we stop giving to the Cherokee Nation $100 million a year and allowing them to waste a large portion of that through the problems, if the gentleman is familiar now with what is going on with the Cherokee Nation, then we will not solve this problem.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think the important thing to recall is, as has been pointed out before, there are approximately 30 laws on the books under which the Bureau of Indian Affairs can take property into tribal trust. This amendment only creates a restriction, a moratorium, upon one of them.

The only reason hearings have not been held, of course, is that despite requests many months old to do so, the authorizing committee has not held the hearings although we have requested them.

We have advised people of the provisions which were passed by this House last year by a vote of 212 to 206 which are incorporated in House Resolution 1168 sponsored by the gentleman from Indiana [Mr. VISCLOSKY] and myself and over 50 other Members of this body.

That was what the original amendment was that was offered on this floor because a point of order was raised and sustained against it. Then we came with the substitute amendment which only enacts the moratorium on one of the some 30-odd mechanisms. It leaves in place, for example, the mechanism where they can still acquire property for hospitals and other what is called eleemosynary institutions for public assistance and public good and so forth.

We are trying to target this as narrowly as the House rules permit us. And of course with the assistance of the Senate and the conference committee, we expect to improve upon that yet further.

This is an important amendment, Mr. Chairman, because the problem, as the gentleman from Oklahoma [Mr. COBURN] states, is accelerating, it is growing, and nobody can stay in business when their competitors have this advantage and can locate anywhere they wish without being tied to existing tribal lands.

The moratorium is only on new lands. It does not affect what they may do with lands which the tribes already have, whether they own them outright or are in trust.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would use the time remaining to emphasize that this is a bipartisan proposal between the gentleman from Oklahoma [Mr. ISTOOK] and myself.

What we were trying to do was to ensure that States and locales have the resources to provide for the people that they represent; to provide for a fair playing field for entrepreneurs in this country.

I would emphasize we are not imposing a new tax. We are not taking anything away from Indians in the United States of America. What we are simply asking for is appropriate negotiations as far as State compacts.

Mr. Chairman, I urge my colleagues to support this endeavor.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I rise in support of the Istook-Visclosky amendment. I believe that this legislation will protect small businesses from unfair competition and will ensure that states receive the nontribal tax revenues due them.

The Istook amendment addresses several important issues: Should a program designed to help native Americans tribes acquire lands for agriculture, industrial, and cultural purposes be instead used to drive out local competition? Should the American taxpayer be expected to foot the bill? The answer to both these questions is "no." In fact, the U.S. Supreme Court has ruled that nontribal customers must pay State taxes on goods purchased on tribal land.

For States such as Washington, New York, California, Oklahoma, and Michigan—which are home to sizable tribal lands covering hundreds or thousands of square miles—the costs are extremely significant. My home State of Washington has lost $63 million in lost revenue from the sale of cigarettes alone. This figure, of course, does not include the lost opportunity costs to small business, men and women who were forced out of business because they could not compete with tax exempt tribal lands.

Mr. Chairman, I submit to you that it is unfair that programs and funds intended to be used by tribes to provide low cost food, housing, and to foster native American economic development, and heritage be used instead to fund anticompetitive activities.

The Supreme Court has also ruled that the issue of native American tribes collecting State excise taxes on sales to nontribal individuals that occur on tribal land does not involve native American tribes' claims of sovereign immunity. Nor does it involve any existing treaty obligation of the U.S. Government. It is, instead, a problem which Congress has created and which Congress must rectify. The amendment before us would do that, and I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Chairman, I oppose this amendment. This is a classic example of overreaction by Congress. This is curing a sprained ankle with a sledgehammer.

The gentleman from Oklahoma is trying to solve a problem that exists in a very few instances. I am told that a few Indian businesses are selling large amounts of tobacco and motor fuels without collecting State and local sales and excise taxes. I can appreciate how this gives a competitive advantage to a few Indian businesses.

I will support legislation which will straighten out this problem to the satisfaction of the States and local communities as well as the tribes.

However, I cannot support this amendment because it would place a limitation on appropriated funds that will adversely affect all Indian tribes.

Most lands being taken into trust have nothing whatsoever to do with taxes or commercial businesses. Most lands being taken into trust are small home sites which lie within an existing Indian reservation, parcels of nontrust land scattered from one end of a reservation to the other. Out west this is a very common land ownership pattern and is called checkerboarded land ownership. Administering these checkerboarded lands is a nightmare both for the States and the tribes.

Let me point out that small parcels of Indian land are still going out of trust every year. As a matter of fact, more land is going out of trust each year than is being taken into trust. In 1996, for example, 130,000 acres of land went out of trust and only 55,000 acres were taken into trust.

For decades the Interior Department has been trying to block up these checkerboard lands by taking back into trust those lands purchased by tribes which were originally part of a reservation and then went out of trust under the 1887 General Allotment Act.

The effect of this amendment would be catastrophic for any Indian tribe which has spent years and years and thousands and thousands of dollars buying back their lands. In many instances, these lands purchased by tribes will have little value to anybody unless they are taken into trust.

Tribes are doing this for reasonable, practical purposes. The Bureau of Indian Affairs operates law enforcement programs, road maintenance programs, environmental services programs, real estate services programs, water resources programs, and a large number of other programs which only apply to trust lands. Tribes want their members living on these lands to benefit from these programs.

Trust status defines the jurisdictional powers exercised by a tribal government. It also defines the extent of State jurisdiction. It determines Federal criminal jurisdiction.

The gentleman from Oklahoma wants to solve a commercial tax problem which many of the States have already solved. I am told that even the State of Oklahoma has worked out most of its tax problems with most of its tribes.

This amendment, however, ignores all of these State solutions. Instead, this amendment would completely eliminate the Secretary of the Interior's ability to take any land into trust, in any State for any reason.

Mr. Chairman, this sledgehammer approach is wrong and I urge my colleagues to oppose this amendment.

Ms. DELAURO. Mr. Chairman, I encourage my colleagues to oppose the Istook amendment because it improperly interferes with established practices for placing Indian lands into trust. In addition, the Interior appropriations bill is not the place to consider this ill-advised amendment.

Our country has struggled to address the needs of native Americans who lost more than 90 million acres near the turn of the century. But we have arrived at a process that works under the Indian Reorganization Act of 1934. The Secretary of the Interior is able to consider applications to place Indian land in trust. Placing land in trust is intended to promote self-determination and economic self-sufficiency for tribes. It is important to keep in mind that 40 percent of applications to place land in trust are not approved. In addition, many acres of land are removed from trust status each year. In 1995, more than 130,000 acres went out of trust while only 55,000 acres went into trust.

The Istook amendment rewrites the process for placing lands in trust and could unfairly block Indian lands from entering trust status. It would backtrack on the principle that relations between native Americans and the United States should be at the level of the Federal Government, rather than at the State level where, historically, Indian tribes have been treated fairly. Under the Istook amendment, a State would only need to refuse to negotiate with an Indian tribe in order to block that tribe's lands from being placed in trust.

Finally, the Istook amendment should be opposed on procedural grounds alone. This amendment constitutes a substantial revision of policy toward native American lands that ought not to be attached to the Interior appropriations bill. But at the very least, it should be fully considered before the House makes such a dramatic policy change. Unfortunately, hearings have not been held on the Istook amendment, nor was it considered by the Interior Subcommittee or the full Appropriations Committee.

I urge my colleagues to vote against the Istook amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 14 OFFERED BY MR. HILL

Mr. HILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HILL: Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.

Mr. HILL. Mr. Chairman, I offer this amendment on behalf of the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources. He has been asked by the Alaska regional nonprofit health corporations to offer an amendment to the Interior appropriations bill.

Currently, health care in Alaska's 226 Native villages is provided by 12 regional nonprofit health corporations.

□ 1545

These corporations are governed by elected village government representatives. They set policies and priorities for health care delivery to Alaska Natives within their regions and villages.

This tribally-controlled health delivery structure implements self-governance and self-determination legislation as mandated by Congress. Chairman YOUNG was actively involved with the passage of these important legislative measures to promote self-governance and self-determination by villages in Alaska.

As I just described, these 12 regional nonprofit health corporations provide health care services to 226 federally recognized Alaska Native villages or tribes, consisting of approximately 86,000 Alaska Natives. However, as mandated under Public Law 93–638, as amended, the Indian Health Service has recently let several villages break away from these regionalized health care delivery systems.

This mandatory provision allows the villages to administer their own health care programs, on a fragmented basis, which the IHS funds directly. At the same time, corresponding resources are siphoned off almost quid pro quo from the regional nonprofit health corporations. This, of course, diminishes the quality and extent of health care services provided by the regional health corporations to thousands of village residents.

Chairman YOUNG has fought long and hard for village self-governance and will continue to do so. However, he frankly cannot justify fragmenting and destroying a workable regionalized health care system which at least meets the minimal health care needs of Alaska Natives.

We, as a Congress, have a duty to protect and advance Alaska Native villages and peoples. The provision of adequate health care services must be a top priority in Congress's protection of Alaska Native peoples. After all, we are talking about the life and death of Alaska citizens.

This amendment seeks to protect the health and lives of Alaska Natives by maintaining health care delivery on a regional basis under the nonprofit corporations, which again are governed by elected Alaska Native village representatives. This has proven to be a very effective delivery system in meeting the minimum health care needs of the people. Why monkey around with a program that works?

In the interim, it is the position of the Alaska delegation that Congress, in honoring the U.S. trust responsibility, not allow any more villages to separate from the regional health corporations until Congress takes further action after the General Accounting Office issues a report on the impacts of costs and health care delivery to Alaska Natives.

I urge the adoption of this Alaska-specific amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment will have no adverse impact on the delivery of health services to Alaska Natives. It simply codifies IHS's current policy with respect to the compact between the agency and the Indian health care corporations. To the best of my knowledge, there is no opposition. We are prepared to accept the amendment on this side.

Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the only thing we have heard is that Health and Human Services is concerned that the proposed amendment could infringe on the right of tribal governments to participate in self-determination contracting and compacting, which is their right pursuant to the Indian Self-Determination and Education Act.

We understand that GAO will be asked to study the complexities of this situation. It would be prudent to delay action on this matter until the results of this analysis are completed and reviewed by the tribal governments, Congress, and the administration. And this language comes up, this statement comes up with the blessing of OMB and the Indian Health Service.

I am not going to object to the amendment. I think we can check with the administration during conference and make certain that we are on solid ground here. The gentleman has offered the amendment for the gentleman from Alaska [Mr. YOUNG], and I have no objection to it, but I wanted to put this in the RECORD at this point.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. HILL].

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 15 offered by Mr. STUPAK:
> Page 89, after line 15, insert the following:
> SEC. 325. None of the funds made available by this Act may be used for the eviction of any person from real property in Sleeping Bear Dunes National Lakeshore that the person was authorized, on July 10, 1997, to occupy under a lease by the Department of the Interior or a special use permit issued by the Department of the Interior.

Mr. STUPAK. Mr. Chairman, I will be brief. My amendment is strictly a limitation amendment which simply prevents the eviction of individuals at Sleeping Bear Dunes National Lake Shore until the abandoned buildings or previous structures are removed and taken care of.

Basically, what it says, Mr. Chairman, is my understanding right now over at Sleeping Bear Dunes National Lake Shore there are over 100 abandoned buildings from folks who had leases with the Park Service. The Park Service was then to tear those buildings down and let the area go back to its natural state.

Unfortunately, the Park Service has not had the money to clean up these abandoned sites, so today there are over 100 abandoned dwellings on the lake shore. There is no money to tear them down, to allow it to go back to its natural state. So they do not have money to do it, but yet we are still evicting people. We are still evicting people. We do not have money to clean up the past abandoned buildings. This year alone 11 more people will be evicted.

What my amendment simply does, it is not a permanent amendment, but what it simply does is holds eviction for the length of this legislation, which is approximately 1 year. There is no reason in the world for an additional eyesore upon the Sleeping Bear National Lake Shore. There is no reason to have abandoned buildings. There is no reason to have deteriorating buildings when we cannot take care of the ones we already have. In a way, it is a 1-year moratorium.

I understand that there is no objection. I want to thank the gentleman from Ohio [Mr. REGULA], for helping me along on this process; the gentleman from Illinois [Mr. YATES], the gentleman from Washington [Mr. DICKS], and others who have worked with us on this process to put the amendment in this legislation.

Mr. REGULA. Mr. Chairman, I move to strike the last word. We are prepared to accept the amendment of the gentleman from Michigan [Mr. STUPAK], but I do want to make it clear that this is only a 1-year, temporary withholding and that ultimately these residents will be required to move. Of course, they will be compensated, but they will eventually be required to sell to the Government. But in view of the fact that the Park Service currently has 100 structures that they have not had the funding to remove, I do not think it would be fair to those that are still there to make them move during the next fiscal year.

I would urge the Park Service to get on with removing the structures that are already there and have been purchased by the Service. By imposing a 1-year moratorium, we give the residents confidence that they will, at least, be able to stay through fiscal year 1998. We support the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I share the concern of the gentleman from Ohio [Mr. REGULA] about letting this go on beyond 1 year. The Park Service has, in fact, written a letter of concern about this. But under the circumstances, if they have not torn down the structures, the gentleman I think makes a persuasive case that for 1 year, at least, we ought to go along with this.

I appreciate the gentleman yielding.

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield to the gentlemen from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I am concerned about the type of precedent. I understand there is a special problem asserted in this particular instance, but the word "eviction" used by the amendment author very much surprises me. I expect that most of these individuals had a 25-year contract that they made to, in fact, utilize the property, and I might add at generally reasonable prices, and receive then the compensation for their property under specific terms of a contract.

I am surprised to hear that there are so many sites. I do not know every year if you look at what is happening with these properties that were largely voluntarily sold, maybe some years ago, that you may be getting into an issue here where every year, even this year in 1997, you may have individuals that are now expected to in fact give up the properties in accord with their agreements. When an amendment like this passes, I think it raises all sorts of issues and questions.

This is not an unusual problem. We had the same thing with the Indiana Dunes, and I think that you will find that there are many Members that have come before our authorizing committee on this sort of matter. So I understand the concerns being expressed here by my friend and colleague from Michigan [Mr. STUPAK], but I also would suggest that there is an issue here that is going to obviously open up the floodgates with regards to this type of orderly agreements and contracts by land management agencies acquiring lands and properties.

I hope the dollars are available for demolishing and moving these empty buildings out, these acquisitions were painful decisions that were made at some expense and time to the taxpayer, Mr. Chairman.

Mr. REGULA. Mr. Chairman, reclaiming my time, I understand the concerns of the gentleman from Minnesota [Mr. VENTO]. This is one of the reasons that we have given the Park Service additional money to deal with backlog maintenance. This would fall within that category, and I emphasize that we are only contemplating this limitation for 1 year.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. STUPAK], who may want to comment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding. In response to my friend from Minnesota, this has been going on for some time. This lake shore property in my district, there are over 100 abandoned buildings.

Today is the first time I heard where the Park Service, not from the chairman, but we had a letter from the Park Service that said suddenly we have money. For 3 years we have been trying to address it. If this is the only way we can address this issue, then this legislation has a lot of merit because we at least got to addressing the issue after 3 years.

It is not just my district. I know in Delaware and Indiana and other places we have to address it and there has to be some kind of fairness. If we are telling people their time is up, they have to move off, and it is just going to sit there, for a lot of these folks this lake shore property goes through two counties in my district. They are the eyes and ears, and they help out the Park

Service and they keep the buildings maintained. I think that is better than some abandoned building that becomes an attractive nuisance and we have liability issues.

So while I understand the concerns about all the limitations of only 1 year, at the same time I think we have to start addressing it in a very practical manner. I appreciate the cooperation I have received from everyone on this issue.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. COBURN:

Page 89, after line 15, insert the following new section:

SEC. 325. (a) None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. COBURN. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes and that the time be equally divided.

Mr. DICKS. Mr. Chairman, reserving the right to object, unfortunately, I have been instructed by our leadership that we have to object to any time agreements at this point. I regret that, but I have no choice.

The CHAIRMAN. Objection is heard.

The gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Chairman, this is not truly about biosphere reserves. This is not about the United Nations. What this is about is us as a body and whether or not we are going to follow our constitutional process in this body. This is just one example of many where this body has violated and continues to violate its own rules in terms of authorized programs.

In the last several years millions of dollars have been spent on this program as well as hundreds of other programs without any authorization whatsoever from this body. This amendment seeks to eliminate just one of the many hundreds of areas where money is spent, taxpayer money is spent, never being approved by Congress in an authorizing body, never being looked at completely by that authorizing body.

Second, it lacks complete oversight. There is no oversight into the money, the taxpayer money that is spent. There has been no oversight function whatsoever.

What this amendment attempts to do is to talk to the Congress about returning to do what it is supposed to do. Now if you oppose this amendment, then what you really do is you oppose us operating under the rules that we have set for ourselves, because what in fact we have said is that we are not going to fund money for programs that are not authorized. We are not going to spend American taxpayers' money in a way that we cannot go and see that it is spent properly.

We are not going to spend money on authorizing programs. There were exclusions in the first three authorizing programs that came through this House floor that said we will not allow money to be spent on this until it will be authorized.

So I would simply ask, Mr. Chairman, that we in fact apply the rules of the House and the disciplines that were put there on purpose so that we do the right job with the American taxpayers' money.

Mr. Chairman, I yield to the gentlewoman from Idaho [Mrs. CHENOWETH].

☐ 1600

Mrs. CHENOWETH. I thank the gentleman from Oklahoma [Mr. COBURN] for yielding.

Mr. Chairman, I want to very briefly identify with the remarks of my colleagues. This has less to do with the United Nations, but it has more to do with the fact that we as Congressmen must abide by the constitutional responsibilities that we have and, that is, not only to protect the pocketbooks of the taxpayers dollars in good and wise expenditures but also their ability to make a living. A lot of Americans are still having to make a living off the land.

I just want to call attention to the fact that there are 47 biosphere reserve sites already designated in the United States without congressional authority, sites whose acreages would total the land base of the State of Colorado.

We can see Colorado here designated in black. That is the land base that has been designated as biosphere reserves, without any authorization from Congress and without the local people realizing or being informed that this was happening to their land base. It is a serious problem. It needs congressional oversight and congressional authority.

Mr. TORRES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly oppose the gentleman's amendment to prohibit U.S. funds for the U.S. Man and the Biosphere Program and for the World Heritage programs which are both administered by the United Nations Educational, Scientific and Cultural Organization [UNESCO].

As the gentleman points out, I think erroneously, these programs do report on how the money is expended on those particular programs. Regrettably we are not members of UNESCO, the United Nations group. President Reagan made sure of that by taking us out during his administration. I contend that we ought to be back in the organization so that we could sit at the table with other nations and obviously have a better sense of monitoring. But this amendment, Mr. Chairman, caters to the ill-founded fears of a tiny minority of people in this population of ours who sees a worldwide conspiracy behind every UNESCO program.

Frankly, the debate on this issue has surfaced some of the grossest distortion of facts that I have witnessed in a long time. Digressing a bit, I might talk about a small minority in this country who many years ago was known as the Know-Nothing Party. The Know-Nothing Party talked about a great world conspiracy to take over the United States. As a matter of fact, they said that the Washington Monument was being built by the Pope to commemorate his taking over the sovereign United States. To prove that, they said that the marble to build the Washington Monument was coming no less from Italy.

Well, the Know-Nothing Party was effective. They scared everybody in town and they stopped building the Washington Monument. They stopped for about 50 years, as a matter of fact. The Washington Monument lay by itself there, a third built. If Members go out and look at the Washington Monument today, they will notice that it is two-toned. It is two colors. Years later when Abraham Lincoln was elected into office, he said, "that is enough of this scare tactics, let us finish the monument". However, when they went back to Italy to the quarry, they were out of that marble. So they had to go to another quarry to try to match the marble but they never could. Instead the marble was a shade lighter. That is why the Washington Monument is of two colors.

The Know-Nothing Party had been effective in their panic to stop it. That is what I think this group is doing today. Those who support this amendment maintain that the inclusion of Federal lands in the World Heritage list somehow transfers U.S. sovereignty over our lands. It is just plain false. It is plain untrue. It is a scare tactic. It is going back to the Know-Nothing Party. Perhaps, as I said, even deliberately misconstrued.

The World Heritage program and the U.S. Man and the Biosphere Program in no way transfers any lands from the United States to the United Nations or any other sovereignty. These programs are simply voluntary vehicles for designated areas around the world as international treasures that must be preserved, and to protect the people of the world from the problems of pollution that, as we are well aware, knows no national boundaries.

The World Heritage list has no force of law. Rather, it is a statement of principles that acknowledges the value to the world of our national treasures. I do not know of anyone who does not agree that Yosemite National Park, or the Grand Canyon, or similar areas must be protected from overdevelopment and from pollution.

UNESCO program bashing, in my opinion, is a cover which attempts to remove the United States from any multilateral efforts to address the negative effects of pollution and development. This amendment attempts to continue this coverup. It is not honest in its goals of information, and it is viewed by our allies around the world as further proof that the U.S. legislative process is being dominated by a minority of people whose vision of the world, if enacted, would guarantee our children and their children with an environmental nightmare devoted only to exploitation and greed.

Mr. Chairman, this is a bad amendment. It caters to fear and misinformation. It is not worthy of enlightened people. It is not worthy of our Nation, and it deserves to be soundly defeated.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma. While we all want to see our national parks preserved, I believe we have a responsibility in this body to have some oversight of a program such as this where we are designating huge areas of our country to be involved in an international program. This is not something that has been debated by an authorizing committee at all. We have no legal language on it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding. This is just the first misunderstanding, I guess, about whether or not there has been authorization action or oversight action on it. I would just suggest to the gentleman that each year that I chaired a subcommittee that, the ICOMOS which is one of the arms or organizations, did come before us and ask for and talked about funding for some of the programs. Furthermore, the World Heritage site is not only authorized under the Historic Preservation Act but has also been passed as a 1973 treaty.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would point out again, there has been absolutely zero authorization in this body for this program or for the expenditure of any money associated with it. There is no question. Questions have been asked. This has nothing to do with the United Nations. I can give the gentleman a list of 100 other programs that this body is spending money on that we have no right spending money on because we have abandoned our own rules.

I would bring out an additional point. The gentleman from California [Mr. BROWN], the ranking member on the Committee on Science, is bringing forth legislation to authorize this, as it should be. The Congress ought to debate this issue in the appropriate committee, which is his committee. We ought to have the testimony of those people who are both for and against it come before Congress, a reasoned and thoughtful decision ought to be made, and once that decision is made, then that ought to be brought to the floor of this House. That has not happened. It violates the very principle of the democracy under which we operate and the rules under which we operate this House. When that in fact does come, then we should have the vote on it. In the meantime, we violate our principle of trust to the American people for spending money that has never been looked at by Congress and never been oversighted.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding, getting between me and the gentleman from Oklahoma [Mr. COBURN].

Of course, I think he is speaking of the Man and the Biosphere Program, not the World Heritage Convention, which is, after all, a treaty which has been approved and which is authorized in the Historic Preservation Act. The Man and the Biosphere Program draws funds from a series of different research allocations from various agencies in the Federal Government, I think some 14 different agencies, if my memory is correct, all of which are authorized to expend such research funds.

The fact is that they have general authority to spend money on research. We do not design their projects. Congress appropriately permits some discretion. The issue is whether or not the MAB Program has general authority. If there is a contest about it, and the gentleman from California [Mr. BROWN], I respect him and the gentleman from California [Mr. MILLER] for submitting legislation on authorization, but it is sort of like the redundant reiteration of the self-evident. Someone is doing it because they want to take on that challenge, but meanwhile we should not stop the funding.

Mr. WELDON of Florida. Reclaiming my time, some serious concerns exist with this Member regarding the authorization of this in terms of serious concerns raised by a lot of my constituents in terms of what this actually involves. I think to ridicule the opponents of this as though they are members of a flat earth society is wrong. I am on the Committee on Science along with the gentleman from California [Mr. BROWN] and the gentleman from Oklahoma [Mr. COBURN]. We really need to have a serious vetting of this issue, exactly what the program involves, what exact bearing it may have in the future in terms of our control as a body as the U.S. Congress of these national parks and these so-called biosphere areas and exactly what will be the United Nations involvement in them. After that process, it may be determined that this is certainly nothing that we need to be concerned about and it may garner the support of this body. On the other hand, I have yet to be convinced.

Therefore, I feel that the gentleman from Oklahoma's amendment is a good amendment, I support his amendment, and I have supported his amendment in the committee.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I would like to just get a few facts out here on the table. I think this is important. Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under its own legal system. The treaty implementing legislation and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than 2 years between the proposal of a site for study and its consideration by the World Heritage Committee. The U.S. nomination process is clearly delineated in law and regulation, title IV of the Historic Preservation Act of 1980 and 36 CFR 73, the World Heritage Convention.

Under the regulation, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate have originated from private organizations and citizens and local governments as well as from park superintendents.

Every proposed nomination has a strictly defined boundary. The criteria and documentation requirements for nominations are highly selective. Many proposed properties have been turned down or deferred for cause. Relevant committees of the House and Senate are notified of all pending proposals and again informed when the department has decided to nominate a property. Over the years when Members have commented, they have commonly supported proposed nominations in their respective States. This whole thing started under the Nixon administration.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage list, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed.

□ 1615

No new proposed nominations are being actively considered. The World Heritage Committee, composed of representatives-elect from 21 member countries, review all national nominations. At present 506 properties have been listed. The committee also places properties on the list of World Heritage in Danger. Only the committee can place properties on either list. Neither listing action imposes any legal requirement for U.S. sites beyond those already contained in U.S. law.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to say I think the gentleman is making a very good statement in pointing out the preparation and the information that is available to the public generally and to Members of Congress specifically, and I realize that many of us have not had the opportunity to learn all of this in detail, but the presumption, I think, should be on two decades of bipartisan support under both Republican and Democratic administrations.

I point out that the gentleman pointed out 16 of the sites are actually national parks and 4 are not, but that no private site would be listed without the consent of the owner.

Mr. DICKS. That is correct.

Mr. VENTO. And that this places no additional restrictions or interferes in any way with the sovereignty or the property rights of any individuals in terms of these World Heritage sites.

Is that the gentleman's understanding?

Mr. DICKS. That is correct, that is my understanding.

Mr. VENTO. I appreciate the gentleman's having yielded to me.

Mr. COBURN. Mr. Chairman, would the gentleman yield to me? He has given me so much data with which to look at, so for just a second?

Mr. DICKS. Yes; I am glad the author of the amendment wants to be informed. I think it is quite good, and I yield to him.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. COBURN. First of all, there have been no statements from me in putting forth this amendment that I objected to the World Heritage Reserve Program. Never said; no, I have never said that.

No, the point is, and authorizing language that the gentleman, the implementing language that the gentleman from Washington states, title IV of the Historic Preservation Act; could he please inform me the date in which we signed on to this treaty?

Mr. DICKS. 1973.

Mr. COBURN. And could the gentleman in fact tell me whether since that time this has come before the Committee on Science or the other authorizing committees to, in fact, implement this treaty and the language associated with same?

Mr. DICKS. The gentleman, I would refer him to the Constitution of the United States, under which the Senate of the United States has the responsibility for the ratification of treaties, giving its advice and consent.

Mr. COBURN. Mr. Chairman, would the gentleman continue to yield to me?

Mr. DICKS. Yes; I continue to yield.

Mr. COBURN. But the Senate can originate no spending, and therefore the House has to originate spending, and to do that it has to have authorized programs under which to do that, and I would just like a reference to where the authority comes for the House to spend money that has never been agreed to by the respective committees that have jurisdiction over that money.

Mr. DICKS. Mr. Chairman, as I understand it, and I quoted, and I will try to go back and find the section under the Historic Preservation Act, there is authorization for this program. That is my understanding.

So I guess the point I am trying to make here is I think we have a program that is working very effectively, and the idea of cutting off the money for it and saying no money shall be spent I think is unnecessary.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, I mean it is authorized under title IV of the Historic Preservation Act, the amendments of 1980, the subsequent amendments of 1982, the reauthorization of it in 1988 for 25 years.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, how much money is authorized?

Mr. VENTO. There is not a specific amount autorized.

Mr. COBURN. Exactly my point.

Mr. VENTO. Mr. Chairman, that is not the gentleman's point. The point is that we do not always authorize a specific amount.

Now, the gentleman may object to the fact that there is not a specific amount authorized, but general authority exists within the rules of the House and the Constitution.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield?

Mr. DICKS. Mr. Chairman, I am not going to yield any further. It is under the Historic Preservation Act. I think there is legal authority for this. Here it is.

Title IV of the Historic Preservation Act of 1980 and 36 CFR 73, the World Heritage Convention.

I would also point out that not only was this done under the Nixon administration, but finally the Reagan administration chose to highlight one of its most major initiatives in private sector fund raising for parks, the restoration of the Statue of Liberty, by nominating the statue to the World Heritage list in 1984.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I would urge my colleagues to oppose this amendment. I think it is unnecessary. I think there has been a lot of fear mongering about this. My view is that it is a very solid, common sense oriented program that also has done a lot of good, but the World Heritage parks, sites that have been named have actually, we have seen an increase in tourism. More people want to go to those sites.

So I think it has been an advantage to the communities where there has been such a designation.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

I rise today in support of the Coburn amendment. As my colleagues know, in these debates now and then we get off track. I think we have to go back and read what the amendment really says. So let me just refresh everyone's mind. It is not dealing with tourism, it is not dealing with talking about past accomplishments of different Government agencies or Government owned projects. It is basically dealing with the present funding of programs that originated in the U.N. These programs are being funded illegally.

The amendment reads "none of the funds made available by this act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific and Cultural Organization."

Now I would remind all my colleagues that on June 11, 1997, in Rollcall 198 we had this same vote. It passed 222 to 202. So for the folks on that side of the aisle I think they should remember this has already been voted on by the House and was passed overwhelmingly.

Second, the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, had a vote on what is called the American Land Sovereignty Act. That passed overwhelmingly, 246 to 178. That act would require specific congressional approval before any area within the United States is included in an international land reserve and require specific accounting of all funds used to support the Biosphere Program.

So we have on record two votes that clearly show that the majority of the Members here in Congress at least on the House side supported it.

Now the Biosphere Program and the World Heritage Sites Program have designated a combined total of 67 different U.S. sites and hundreds of thousands of dollars of taxpayers' contributions without any authorization from State and local governments or any Members of Congress, from either body. These two programs are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization which is UNESCO. UNESCO was so poorly run and physically mismanaged that the United States withdrew from this agency in 1984. I say again, we withdrew. The United States withdrawal from UNESCO included disallowing any U.S. funds from going to this agency.

Unfortunately, that is not the end of the story, and that is why we are here today, and that is why we have had the two previous votes on this matter. The State Department doesn't get it. Overwhelmingly, the House approved it. UNESCO and the Biosphere Program have been illegally funded by usurping U.S. tax dollars. This has been done by the creation of the U.S. Man and the Biosphere Program as a separate office within the State Department.

Now, there is no one here in this House who wants to have a separate program in the State Department funded without the approval of the duly elected Members of Congress. So our responsibility is to pass this amendment, and that is what we have done previously.

Mr. Chairman, the committing of U.S. lands to the terms of an international agreement, particularly without approval of the people in this body, is flagrantly violating constitutional responsibility and infringes on the most sacred and important individual property rights that we have. First and foremost, State and local governments should have the full authority to choose whether an area within their jurisdiction should be part of any international designation. Then and only then should Congress become involved by also approving and then by authorizing funds to be used in such programs; under the current status, neither of these cases is occurring. But frankly, we don't want our lands ever being controlled by anyone except the U.S.A.

This little simple amendment which has passed overwhelmingly twice this year is a correct and appropriate execution of our constitutional responsibilities to account for the expenditures of all public moneys. We need to do this amendment on every appropriations bill so that we stop the use of unauthorized funds.

I strongly support this measure and urge my colleagues to do the same, and I would conclude by citing an article from the Jacksonville, FL, Times Union reported in May of this year that the Man and Biosphere Program and the American Heritage Program, agreed to pay for food, lodging and other expenses for a hundred experts to travel and to attend a conference in Maine dealing with the repair of the Everglades in Florida. They went up to Maine. Right? Maine is where they have their meeting, and the Everglades is in the southern tip of Florida. I am certain many taxpayers would question the use of Federal funds to pay for individuals in Florida to attend a conference in Maine to discuss solutions occurring in Florida.

Mr. Chairman, we cannot let this continue. So I urge my colleagues to pass this amendment. And remember we have passed it overwhelmingly before.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment before us. I would not normally take the floor on something like this, but I need to point out that the Man and the Biosphere Program is essentially a research program within the jurisdiction of the Committee on Science, and I am constrained to speak on the matter because of that.

Now, it seems to me that there is a number of different motivations or reasons behind the opposition of the proponents of this amendment, and most of these have been stated: that it does not have an authorization, that it is under the control of the UN and that it deprives State and local government of certain prerogatives to which they are entitled. I think that a review of all of these matters would indicate that the proponents of the amendment are stretching things just a little bit.

There is, in fact, no specific authorization for the Man and the Biosphere Program. On the Heritage Program, there apparently is authorization contained in both treaty and authorizing legislation.

With regard to authorization for the Man and the Biosphere Program, as my good friend, the gentleman from Minnesota [Mr. VENTO] has pointed out, funding for this program comes from 14 different agencies, which is more than I recognized, and in each case the agency is authorized to conduct the kind of research which it supports in the Man and the Biosphere Program. So within the general authority to do the research in each of these 14 agencies they are supporting research in the Man and the Biosphere Program.

Now I will admit, and it is a good point that the proponents of this amendment make, that there is no specific line item authorization for this in any legislation, but I would point out that that is not an unusual situation in this great Congress of ours. There are many programs which have gone on for years, which do not have specific line item authorization. The most vivid that I can point to right now is this wonderful Mars Pathfinder Program, a multi-hundreds of millions of dollars program, far more expensive than Man and the Biosphere, and there is nowhere an authorization for this program, which is continuing for the next couple of decades.

Now I might regret this, I might like to have a specific line item authorization for the Mars program because it would provide more control and oversight and attention and be very desirable. The Congress has to make judgments about what detail it goes to in the authorizing process. In the case of the Man and the Biosphere Program, I think it should be authorized. I concur with the proponents of this amendment that it would be helpful to conduct oversight, to have an authorizing committee with the responsibility to make sure that there was no hanky-panky going on here, in case there is any allegations that there is, and to specify the policy direction of the program, the degree of State and local interventions and the amount of money that should be spent. And I hope that the gentleman will join with me in attempting to pass such an authorization bill.

□ 1630

Because of the ambiguity of congressional committee jurisdictions, I think the Committee on Resources will have some claim to jurisdiction here. The ranking member of the Committee on Resources and I have jointly sponsored this amendment, and we welcome sponsorship from the majority side of both of these committees as well.

Most of the arguments that I have heard with regard to the merits of the Man in the Biosphere Program I do not agree with. I think this is a meritorious research program. It is one which, as has been indicated, is extremely important to develop comparative scientific data about conditions that exist all around the world.

There is no other way to get this comparative analysis without having research sites, sites that have been identified as being unique, that can be studied in various different parts of the world, where they represent different ecological conditions and other factors.

I think that the only thing some can say against it is that it was conceived by UNESCO, which my good friend, the gentleman from California [Mr. TORRES] used to serve as ambassador from the United States. He is not responsible for the program, though. However, the international scientific community is heartily in support of this program.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on this issue. I was not intending to speak here, but I was monitoring this in my office. I just heard some statements I could not believe. I think the authors of this amendment have not done their homework and they are leaping before they are looking.

This program, as the gentleman from Washington [Mr. DICKS] has said, has been around since 1971. We have 15 Federal agencies that participate in it voluntarily. The total amount they spend is $115,000 of contributing money. That is about $10,000 per agency that they contribute. In my State of California we have 25 sites that have been designated. I might add that they have been designated out of the initiative of the local community to do it.

What they are suggesting here is that Federal agencies should not participate in this, and essentially that we ought to be the micromanager, the mother of every kind of interest in our local communities, because it has some kind of United Nations attached to it. We will get to a Congress that will want to screen every tourist that comes to our district from out of State, we will want to make sure that every type of weather satellite going over our country is monitored, and so on.

Mr. Chairman, the point is that this program is absolutely harmless. There are 15 State parks in California that have applied for this and have been designated, including some public water districts, like Marin Municipal Water District, a private ranch owned by the Audubon Society, and in fact, I am up here speaking about it because property that my family and other families own, private land, eagerly sought this designation because we want to be part of this international monitoring station.

Mr. Chairman, I want to make the point here, that it was stated that there was no local knowledge of it, that it was some kind of umbrella brought out of some kind of international community. You do not participate in getting these nominations; it is a competitive nomination. You do not get any junk land in here, you do not get any land in here that does not have any scientific interest in it, that there is not an ongoing monitoring by the scientific community. All of these people want to be in this. They want to be part of this.

This is a biosphere all over the world. How are we going to learn about global warming, how are we going to learn about the impacts of air quality, how are we going to learn about migratory birds that do not know that they have to fly under United States rules? These are the kinds of things that biostations give us information for.

We cannot be here in Congress and say because we are participating in this in an international community that we have to strike the money and we cannot do anything with this program. Do not be so ignorant about this globe. It needs international monitoring and these biospheres do it, and the properties that are in it have been eagerly sought after to get into the program. It is tough to become nominated for a biosphere. It is an honor. I am proud that my land, our land, is in that.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the question I have is one or two, really. No. 1, the gentleman desires to be part of the boundary area around this biosphere reserve program, and the gentleman did of course check with everybody else that was going to be involved in that?

Mr. FARR of California. I did not check with the U.S. Congress.

Mr. COBURN. I am talking about local property rights, to make sure everybody that was included in it had their individual rights as property owners checked as well. That is one of the real complaints. We can ignore it and say everybody is fanatics, flatlanders, and the know-nothings. But the fact is there are some genuine concerns about property rights associated with this issue. The gentleman can step on it, ignore it, and say they are just goofballs and ignorant.

Mr. FARR of California. Name one single property right issue that is violated by naming this as a biosphere.

Mr. COBURN. There are three States that have already issued through the State legislatures a requirement that they not have this U.S. Man and the Biosphere: Kentucky, Colorado, and the third is Alaska.

Mr. FARR of California. What is the restriction? What is the point of the gentleman's question?

Mr. COBURN. They have had impact on the lands.

Mr. FARR of California. What impact? Name one.

Mr. COBURN. Use. Use of their lands; land value, changing land value.

Mr. FARR of California. What? There is a restrictive use because you might measure the weather, because you might measure the rainfall?

Mr. COBURN. Would the gentleman from California continue to yield to me and let me give him an answer?

Mr. FARR of California. I am trying to get an intelligent answer.

Mr. COBURN. Having been unintelligent and ignorant, what I would put forth and focus on is there are people who do not have the right to do what they had the right to do before the Man and the Biosphere Program came into their own land.

The gentleman can say that does not exist, but there was testimony in the Committee on Resources about the State of New York, the Adirondacks, and I would refer the gentleman to that testimony, where local landowners and officials referred to that.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. FARR] has expired.

(By unanimous consent, Mr. FARR of California was allowed to proceed for 1 additional minute.)

Mr. FARR of California. Mr. Chairman, I will give a very clear answer to the gentleman's question. The U.S. Constitution protects us on a takings issue, and most constitutions, including that of the State of California, protect us on a takings issue. There is absolutely no taking by nominating and being accepted as a biosphere property. It is simply——

Mr. COBURN. If that is the case, then let us authorize it and do it right, rather than do it in an unauthorized fashion.

Mr. FARR of California. It has been done by treaty.

Mr. COBURN. The U.S. Man and the Biosphere Program has never been authorized, never. The gentleman's side does not dispute that fact. It has never been authorized. So let us authorize it, if that is the case.

Mr. FARR of California. When we sign a treaty that authorizes it.

Mr. COBURN. No, that is the World Heritage preserves. All treaties, all treaties have to have implementing language and also appropriations that come from authorizing; that is, if we would look at the Camp David accords, we do not just automatically let the State Department spend what they want to spend on it.

Mr. FARR of California. In closing, Mr. Chairman, there is absolutely no violation on property rights; I am talking about biosphere, that applies to property. I know it, I own it, I participate in it, and there is no violation. Therefore, there is no need for this amendment.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry I missed part of this debate, but let me talk about a specific example of a Man and the Biosphere reserve program that had been set up in my district in Missouri. It was called the Ozark Highlands Man in the Biosphere Preserve.

Mr. Chairman, we would have had two-thirds of my district and probably the northern third of the Arkansas district that borders mine, a little bit of the district of the gentleman from Arkansas, Mr. MARION BERRY, and a little bit of the district of the gentleman from Arkansas, Mr. ASA HUTCHINSON, tied up as a Man and the Biosphere Reserve Program. Let me just talk to the gentleman about how this came about.

First of all, if you do designate a Man and the Biosphere preserve area, local citizens and local presiding commissioners and county officials need to be involved in the process. This did not happen in my district.

All of a sudden the Park Service and all of the other land management departments decided that this would be created. There was no local input whatsoever. We were not told about it. We were not told about it. Then finally our folks heard about it through the grapevine, if you will, and, consequently, with the outrage and an outcry from thousands of residents within our district.

That was not because necessarily of the core area. The core area was on public lands. But the surrounding buffer zone would have tied up two-thirds of my district, and limited land use and economic development and other things in an already very poor part of my district, with no local input whatsoever. That is not right.

Mr. FARR of California. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from California.

Mr. FARR of California. First of all, Mr. Chairman, the local planning is done by zoning that is under control of local government and cannot be violated by a biosphere agreement.

Second, it was on public lands, as the gentlewoman indicated, not private land. The management plan for that biosphere is done by those agencies that govern that land.

Mrs. EMERSON. However, Mr. Chairman, first of all, the buffer zone, which was much larger than the core area which would be designated by the Park Service and other land management people, is private land for the most part. I can assure the gentleman that not one local official, and there are no zoning Commissions in my particular part of Missouri, but the presiding commissioners of the counties involved, as well as local citizens, were not alerted, not asked for their opinion whatsoever.

Mr. FARR of California. What was exactly proposed in the biosphere that made it so controversial?

Mrs. EMERSON. The fact that private property management would be restricted.

Mr. FARR of California. That cannot be done.

Mrs. EMERSON. I know that it cannot technically be done, but let me tell the gentleman, I will share with the gentleman all of the proposals as they existed before they were pulled back by the Park Service and others, because there was such an outcry. I will show them to the gentleman, and they indicate very emphatically that there were limitations, restrictions put on it.

Mr. FARR of California. I would say to the gentlewoman, it is my experience that you cannot create anything greater than what has already been created by the local planning process. In the gentlewoman's State, she may have less of a degree of planning process than our State does. That is why in our State when we have quality areas, they want to become biospheres, because it is almost bragging rights that says, as the gentleman from Washington [Mr. DICKS] says, it becomes a tourist attraction for the area, like a national marine sanctuary does or a national park does. Those are much more restrictive because we actually write rules and regulations.

The biosphere is a bottoms-up, applied-for process.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Oklahoma.

Mr. COBURN. I just think the point needs to be made, Mr. Chairman, the core area of the biosphere, I do not have any objection to it at all. The fact is, it has a tremendous impact on other people, without a good representative walk through our body.

If Members will look, this is an exact diagram of what they all look like in terms of their impact. There is a core area that is designated. Then there is a managed use area that limits—and these are all private lands that the gentleman has agreed to, himself, that in his land he wants it managed in a certain way, but it has to be agreed to. But a third area is a zone of cooperation which impacts people's ability to do with they want with their land.

Mr. FARR of California. If the gentlewoman will continue to yield, it does not, Mr. Chairman, I would say to the gentleman. Nothing changes by a biosphere.

Mr. COBURN. It does not in the gentleman's area, but it does so in many other areas in this country. That is the difference.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would appreciate it if Members would not speak until they have been yielded to or control the time.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I think it is abundantly clear that the sponsor of the amendment and others first of all have tried to portray this as not being authorized. That did not sell, because of course there has been authorization, and while Man and the Biosphere receives funding from 14 different agencies and departments, all of which are authorized with some discretion to spend such research money, there is no such clear-cut case. If that were the case, Members could get up on this floor during an appropriation bill and strike it from the bill because it is not authorized.

I might say, the lack of authorization process in this House has never received such attention as it has in this particular case, suggesting ironically in error that there is not authorization. If that were the case, Members could have struck this on a point of order, but Members cannot because that is not the case.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oklahoma.

Mr. COBURN. We would be happy to strike it on a point of order, but they would not specify putting the money out on a line item, so we cannot.

Mr. VENTO. Reclaiming my time, Mr. Chairman, that is not the issue, I would say to the gentleman. Now we are getting to some theory about how biospheres are functioning and how they may limit activities.

The fact is, Members cannot come up with a single example, a single example, of anyone that has had any limitation placed on their private or on public property that is due to these listings. When the gentleman is asked to do that, he will not do that.

Mr. COBURN. Mr. Chairman, if the gentleman will continue to yield, I will give the example, in upper New York State, the Adirondacks. In the district of the gentleman from New York, Mr. JERRY SOLOMON, there was testimony before the Committee on Resources in his district. I would be happy if the gentleman would read that.

Mr. VENTO. The gentleman had better have it for the RECORD. When we get out here, we are not dealing on testimony itself. Sometimes it is erroneous. Individuals can say anything, but what are the facts.

□ 1645

I understand one aspect and that is that some have fears and concerns. I think that you are representing those fears and concerns. I regret that. But that is the case, that there are those type of concerns, but I think there is not a basis for this fear and accusations about these two programs.

I would think that each of us that brought a serious amendment, as this is a serious amendment, that we would back that up. The fact is that this amendment does great harm in terms of what would occur, and the message sent if it is enacted. We are the leader, basically, the United States. These programs were initiated by the United States, both the World Heritage Convention and the Man and The Biosphere Program. To date, nearly 150 nations have joined with us on the World

Heritage Convention, 125 in terms of Man and The Biosphere.

What this amendment has the effect of doing is relegating us to a cultural and environmental isolationism which suggests that we are no longer going to cooperate, in an era when we look at the international and national boundaries of our Nation and recognize the inherent logic in terms of working and collaborating and cooperating with other nations in terms of dealing with, as in the case of Man and The Biosphere, which the gentleman from California [Mr. BROWN] rightly said is a research program.

Where are these research dollars being spent? I found it interesting that so many of my colleagues from Florida had opposition to this, because I found that the University of Miami is one of the sources of a couple of the different grants, of some half million dollars of research grants. They receive a significant amount; the University of Alaska, the University of Boston. Of course they did find that the Danish polar center in Copenhagen received $6,000. I guess that is with regard to polar bear migration.

The purpose is clear with these programs, to try to come together and intelligently do research. There is no sovereignty loss. There is no property rights affected by these two voluntary programs.

I think the true nature of this particular amendment is reflected when we get somebody up here with a map of the United States with a black hole in the middle of it, the fact that they are attempting to try to portray these programs as something that they are not. I think that is the reason, because of the misunderstandings and misconceptions that persist, that any amendment like this has ever passed. There is no basis for the enactment or passage of this type of amendment or other negative amendments that deal with the Man and The Biosphere or the World Heritage Convention.

These two programs are important steps where the United States has actually led the world in, and attempted through voluntary means to gain cooperation and recognition by listing those sites that are important to ecosystems, for research or preservation on a collaborative basis, or those sites that have special cultural or environmental significance.

It defies me that the opposition here has tried to, first on a technical basis and then on a substantive basis, but with no facts, there are certainly fears, there is emotion, but there is not the type of substantive criticism that would justify any type of retreat from these two programs. In fact we ought to be doing more of this type of work as we look into the next century. We ought to do much more of this type of work. I think these are important programs. I urge my colleagues to oppose this amendment as the poorly conceived amendment that it is.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one example is the Mammoth Cave Area Biosphere Reserve.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits, received recognition for working together to resolve complex conservation and development issues and protect resource values.

A survey of biosphere reserve managers in 1995 suggests that in cases where their cooperative activities identify explicitly with biosphere reserve concepts, there are more cooperating parties and more participation of local organizations than in cases where such cooperation was merely consistent with these concepts.

The point here I think is that these have worked to the benefit of the local community. I have got two in my State, the Olympic national biosphere reserve and Mt. Rainier. Both of those have been very popular. We are in the heart of marbled murrelet, spotted owl country out there, where disputes rage over Federal involvement. But in this case the biosphere reserve has had the local support and, therefore, I think is a good deal.

What I worry about here is by putting in this amendment, this kind of a meat-ax approach saying no money shall be spent, that means we just cut off this program. We have not had any hearings to cut off this program. It has been in existence.

Mr. VENTO. Mr. Chairman, the gentleman is exactly right.

Mr. DICKS. Mr. Chairman, we ought to stay with this. If the gentleman and the Committee on Resources want to have hearings, have hearings until the cows come home. Then bring some legislation out here.

Mr. VENTO. Mr. Chairman, this is an entirely voluntary program on the part of the Nation and on the part of private landowners. We have provided the impetus, the United States has, to provide encouragement, the education, the preservation of these sites on a voluntary basis. It defies logic to have an amendment like this which would completely arbitrarily withdraw us for no good reason other than to satisfy some conspiracy theories which have cropped up in recent years. Let us be led by reason not emotional falsehoods.

Mrs. EMERSON. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. EMERSON. Mr. Chairman, I would like to ask my good colleagues the gentleman from Minnesota [Mr. VENTO] and the gentleman from Washington [Mr. DICKS] if they all have proposed in their districts, their specific districts, a Man and The Biosphere Program?

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, yes, I have on the Olympic Peninsula, and it is in the Olympic National Park.

Mrs. EMERSON. Mr. Chairman, were the gentleman's local citizens included in the process? Which of his local constituents were?

Mr. DICKS. Mr. Chairman, if the gentlewoman will continue to yield, I think it was Olympic National Park. We have an active advisory group that nominated it to be part of this.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I represent a largely urban area, but there is a 2-year notice provision that is given prior to the Man and The Biosphere listing. These voluntary listings that do not affect sovereignty. That is the intention. I regret that it engendered great controversy in the area of the gentlewoman because of what I believe are misunderstandings. But it must have worked. When that did occur, there was a withdrawal.

But they have interspacial centers in Kentucky. They have the coho salmon program in my colleague's district in Washington. This is a wonderful program in terms of research, and the fact that you are attempting to hang this up and crucify it on the cross of process with regard to some trumped-up issue with regard to reauthorization, I think, is not worthy of this House.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I guess I just look at it from the point of view of my constituents. The counties, the several counties that would be tied up in my district are those of the poorest part of my district where there is a great deal of unemployment and a great deal of poverty. The buffer zone where they live is limited in land use for the future, or that is how the proposal was. Consequently, we could not economically develop that area so we could not get more jobs there. The only few jobs we have are tourism-related jobs. We cannot bring in big trucks. We cannot build better highways in that kind of a situation.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Washington.

The CHAIRMAN. The time of the gentlewoman from Missouri [Mrs. EMERSON] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mrs. EMERSON was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, it seems to me that in the situation where there is not local unanimity that we, as a local representative, have a responsibility either to try to help create it or to tell the department we should not go forward with this. If we do not have the unanimity locally, I do not think we should do it.

Mrs. EMERSON. Mr. Chairman, that is true. We did not, and we were able to keep our land from being used for this purpose. But the problem is, the problem that I have is that there was no community involvement whatsoever during the 2-year process that they were trying to make this designation, I suppose because there is really no authorization for it.

Mr. DICKS. Mr. Chairman, I would not say that. What I would say is, let us work with the people in the executive branch who are involved in this and insist that there be local involvement. That is something we all can agree on. None of us on this side of the aisle that I know of are objecting to the local people being involved in how this is structured and the nomination process, et cetera. But to cut off the money when we have really no example of anything damaging being done is just not fair.

Mrs. EMERSON. Mr. Chairman, how can the gentleman say there is no example if, in fact, two-thirds of my district was going to be tied up?

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment that we are debating right now divides into two parts. One part deals with the Man and The Biosphere Program. The other deals with the World Heritage sites. That basically designates areas of countries that the countries are really quite proud of, in our country, Yellowstone, the Grand Canyon, and it goes on a list. The list is one that kind of makes the whole country feel proud.

If a travel magazine was listing the top 10 sites to visit in the United States, any one of these places would be thrilled to have their names on the list, but because the United Nations is participating in this process, there is some kind of threat that there is an international conspiracy to somehow or other take over the local rights of citizens in the United States, when in fact there is absolutely no infringement upon the local or the State or the national laws of the United States by having either one of these designations made, either the Biosphere or the World Heritage sites.

I think that what might be going on here is that we might in fact be engaging in a bit of, I think there is a term for it but essentially it is an anniversary syndrome, because 50 years ago this month something landed in the desert near Roswell, New Mexico, and early reports indicated that the wreckage consisted of the remains of a flying disk but those reports were quickly changed to identify the flying object which had crashed to be a mere weather balloon.

Those are only reports which suggested the only recorded statement by the U.S. military that ET might exist, now form the basis for one of the most convoluted conspiracy theories in history, in this solar system anyway. Eighty percent of Americans believe that the U.S. Government has covered up what it knows about aliens from outer space.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thought we were talking about the U.S. Man and The Biosphere Program.

Mr. MARKEY. Mr. Chairman, we are.

Mr. COBURN. And the gentleman is talking about supposed UFO's.

Mr. MARKEY. Mr. Chairman, I am Irish and my points are made by parables. So my colleagues have to sit back. If they just wait a little bit, there is a point to the story.

So the book entitled "The Day After Roswell" purportedly documents the U.S. Government's real cold war against the extraterrestrial biological entities. To my great relief, the book does say that the deployment of our space-based advanced particle beam weapon has scared the aliens away for now.

So I think it is a particularly auspicious month, this 50th anniversary, for us to be debating this issue out on the floor, because clearly it is going to take its rightful place at the center of paranoid conspiratorial theories. There is no infringement on State or local or national laws in any way. These are just designations that the country itself embraces.

Now, for reasons that make about as much sense as that we are communicating with little green men telepathically into outer space, we now have a discussion over this subject. What is the plan? What is the plot?

The plot is that Secretary Bruce Babbitt of the Department of the Interior is playing a role, coordinated with the U.N., UNESCO continues to be mentioned out here, to coordinate the subordination of American land to international authorities, compromising the local zoning, the State zoning laws all across our country, and Bruce Babbitt is part of this conspiracy. Who does he work with? He clearly works with Bill Richardson, our Ambassador in the U.N. What State is he from? New Mexico. Think about it. Where is Roswell? Is Richardson a Hispanic name? I do not think so. Where did he come from? And why is he participating in this conspiracy at the U.N. to subordinate the local and State zoning laws of our country.

We do not have any evidence, of course, as yet of a single local or State zoning law having been changed, despite the many years that this process has taken place, but yet we are supposed to believe that this theory, along with other theories of black helicopters with U.N. troops flying over public lands in the United States, continuing to operate without the detection of ordinary Americans.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. WELDON of Florida. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Massachusetts [Mr. MARKEY].

□ 1700

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for yielding to me, and I ask the Members of the other side if they would please not have this amendment pass. These are two great programs, the Man and the Biosphere and the World Heritage Recognition Program are both wonderful programs that make America proud without restricting our laws in any manner, shape, or form.

Please, anyone who is listening to this debate, we must reject this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I want to thank the chairman of this Committee on Appropriations for this opportunity to speak in a colloquy. I also thank the gentleman from Washington [Mr. DICKS] for his kindness in this very important issue.

Mr. Chairman, I rise today to join my colleague, who has been detained, the gentlewoman from California [Ms. MILLENDER-MCDONALD] and the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations, in this colloquy about the need to recognize the contributions of a great American, Sojourner Truth, to the American suffrage movement.

I thank my colleague, the gentleman from Ohio [Mr. REGULA], for his participation in this colloquy, for his sensitivity to this issue, and for his consistent dialog on matters that promote communication and understanding on both sides of the aisle.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, it is a pleasure to join the gentlewoman from Texas [Ms. JACKSON-LEE] and the gentlewoman from California [Ms. MILLENDER-MCDONALD] to discuss the important contributions of Sojourner Truth to the American woman's suffrage movement.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I understand I was putting too much emphasis on the "u" in the gentleman's name.

Mr. REGULA. If the gentlewoman will continue to yield, it is not the first time someone has made that mistake.

Ms. JACKSON-LEE of Texas. Well, the gentleman is a "regula" gentleman, and I appreciate that very much.

Mr. Chairman, we are working with others of my colleagues, including the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from Florida [Mr. HASTINGS], who is on floor today, and the gentleman from New York [Mr. OWENS], and over 100 organizations, including the NPCBW, to appeal to the committee for help in identifying sources of funding for the erection of a statue honoring Sojourner Truth in the Nation's Capitol.

We feel strongly that the African-American woman's role in the suffrage movement should be recognized and Sojourner Truth should be recognized along with her white suffragette sisters.

Mr. REGULA. If the gentlewoman will continue to yield.

Sojourner Truth was a very powerful vocal voice in the suffrage movement. She was a renaissance woman who played a pivotal role in ensuring American women and African-American women the right to vote.

As a nonviolent peaceful force for change in our history, Sojourner Truth proved that an equal society would make a better America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time once again, born Isabella Baumfree, a slave in upstate New York in approximately 1797, Sojourner Truth labored for a succession of five masters until July 4, 1827, when slavery was finally abolished in New York State.

After prevailing in a courageous court action demanding the return of her youngest son, who had been illegally sold away from her to a slave owner in Alabama, Isabella moved to New York City. She then changed her name to Sojourner Truth, which means "itinerant teacher." She became deeply involved in religion. She had always been very spiritual and, soon after being emancipated, had a vision which affected her profoundly, leading her, as she described it, to develop a perfect trust in God and prayer.

After 15 years in New York, Isabella felt a call to become a traveling preacher. She took her name, Sojourner Truth, and with little more than the clothes on her back, began walking through Long Island and Connecticut, speaking to people in the countryside about her life and her relationship with God. She was a powerful speaker and singer. When she rose to speak, wrote one observer, "her commanding figure and dignified manner hushed every trifler to silence." Audiences were, and I quote, melted into tears by her touching stories.

Mr. REGULA. Mr. Chairman, I am well aware of her contributions to the suffrage movement. In her most famous speech at a woman's rights conference in Akron, OH, which is, of course, quite near my district, in 1851, she coined the phrase which continues to embrace the concerns of many women today: "Ain't I A Woman." This powerful speech catapulted her to the forefront of the woman suffrage movement.

It is my understanding that as a political activist, Sojourner Truth campaigned for Ulysses S. Grant in the Presidential election in 1868. She demanded that the board of registration place her name on the list of voters but was denied this right. Then in 1872, she went to Michigan, where she repeated her demand to vote and again was denied.

Undaunted, she sat in President Abraham Lincoln's office until he personally heard her suggestion for dealing with freed and unemployed slaves. The President told her that he had heard her speeches long before.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would not be here in this body with the gentleman today, speaking on this Interior bill, if it was not for Sojourner Truth. Her leadership and dedication more than a century ago paved the way for literally millions of women, and I might add that I historically supported President Grant as well.

The CHAIRMAN. The time of the gentleman from Texas [Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, she was passionate and determined, even when others told her to sit back and hold tight. Her booming voice of reason could not be silenced throughout her 84 years of life. She devoted her life to educating and preaching on women's rights and abolitionism, knowing that everyone would benefit from this equality.

Mr. Chairman, a statue would memorialize the image as well as the real accomplishments of those courageous and uniquely nonconformist individuals who have had a profound and lasting impact on the United States.

The women's suffrage movement forever changed the role of women in American society. It was the catalyst for lifting the status of women from one of disenfranchisement to free and equal partners in our Nation's political, social, and economic systems.

As beneficiaries of the women's suffrage movement in the United States, the gentlewoman from California [Ms. MILLENDER-MCDONALD] and myself are both appreciative of all the contributions of the women of the historic movement.

This body must work to acknowledge the contributions to our Nation's history of all Americans, whether they were born male or female, free or slave, Native American or immigrant.

Sojourner Truth was without equal. She must not be forgotten. She embodied a special human spirit which sought to promote justice and to improve society.

A Sojourner Truth statue is necessary to honor both the women and the larger vision which inspired her. A tangible memorial is important to keeping her story alive for our children and for future generations.

Acknowledging the presence of an African-American suffragette will provide a role model in history for African-American girls today and other girls across the Nation who are learning the importance of speaking in the face of wrong.

Mr. REGULA. Mr. Chairman, I assure both gentlewomen that I will assist their efforts to identify appropriate means of recognizing these many accomplishments of Sojourner Truth, including identifying the appropriate source of funding and a location for a statue in the Nation's Capitol.

I also thank the gentlewoman for giving us a great history lesson today.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his commitment as well on the Commission on Martin Luther King. We know of the gentleman's history, and we thank him very much for this commitment and we look forward to working with him.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to finish up our debate on this amendment and make a couple of points.

We have heard about UFO's, we have heard about black helicopters, we have heard about flatlanders, we have heard about Know-nothings, but what we have not heard about is the Congress doing its job. And this is about authorizing. This is about the Congress being responsible for the money they spend.

There is no doubt in my mind that some of these biosphere programs are excellent; that they have been great for their communities; they have been great for the heritage sites that they surround. But the fact is that we are, as officers of this body and representatives of our constituents, responsible to make sure how we spend the money.

I thought I might just give a short notice of the money and where it came from and who supplied it and where it has been spent because it is rather interesting. We heard today that it is not much money and it is under control. We spent $23,000 in Russia, of our money, for biodiversity, unauthorized. We spent money in Denmark, unauthorized, for biodiversity and the biosphere program. We spent $12,000 on the continent of Europe. We spent over $12,000 in Mexico. All of this money has been unauthorized, money with no chance for oversight.

I do not believe in flying saucers, I do not even believe in black helicopters, but I believe in following the oath of my office. If this is a good program, then take it through the right committees, authorize it, appropriate the money and then let us do it together. But let us not violate the trust that the country has given us in terms of what we do and how we do it.

I want to thank the chairman for being patient on this amendment. I appreciate his input. And I would say to those that oppose this amendment that they can oppose it on technical grounds because they support the U.S. Man and Biosphere and they support the U.S. World Heritage reserves, but if they oppose it on that basis, then they have an obligation to have those programs authorized and then funded individually, not hidden in other budgets, like the Air Force spending $70,000 last year, the State Department spending $50,000, EPA spending $50,000.

Let us talk about the money, where it comes from and make sure it is under the oversight.

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in support of the amendment offered by Congressman COBURN and Congressman STEARNS to prohibit any Federal funds from being used to support the U.S. Man and the Biosphere Program or the World Heritage Program. This same amendment has also been included in the National Science Foundation authorization, the foreign affairs authorization and the defense authorization.

It is hard to believe, but over 68 percent of the lands within our national parks, preserves, and monuments have now been designated as United Nations World Heritage Sites or Biosphere Reserves. As a result, these areas and the land areas surrounding them may be subject to international land management rules ignoring the rights of private property owners in the area. State and local governments are left out of the decision making process when lands are designated as a part of these programs. In my own State of Washington, citizens and local officials have expressed the desire to have input into land use decisions. This is an opportunity they do not have when the United Nations makes land use policy.

In 1996, the National Park Service, the Forest Service, the Smithsonian, and the Bureau of Land Management contributed a total of $170,000 to the Biosphere Program, which has operated for the last 30 years, without authorization or oversight. It is time to eliminate this waste of taxpayer dollars and exercise our constitutional responsibility to account for the expenditures of all public money. This amendment will protect the rights of private property owners, and the integrity of our national park system.

As a result, I urge you to support the Coburn-Stearns amendment.

Mr. BONO. Mr. Chairman, today I rise in support of the supremacy of the U.S. Constitution over the organization known as the United Nations. Through the text of our constitution, the greatest legal document in governmental history, the Founders of our government spoke with both common sense and comprehensible language. If we would simply follow the genius of that document, we would eliminate so many of the arguments and disputes that arise. Therefore, in respect of the Constitution, I urge my colleagues to support the amendment to the Interior Appropriations bill that protects our Nation's land and America's heritage from the United Nations' sovereignty grab.

This important amendment to the Interior bill accomplishes several important goals: (1) it protects the sovereignty of the states; (2) it protects the constitutionally protected rights of U.S. citizens; and (3) it safeguards the private property rights of landowners. It also sends a message for the one-worlders to keep their hands off.

In my view, the best form of government, especially the federal government, should be a limited government. The Constitution spells out the functions of the respective branches, and based on this equation, something is very wrong with the Executive branch's interpretation of their legitimate authority. Of course, just as the key Founders of our Republic advocated limited federal powers, it is clearly appropriate for Congress to exercise its oversight duty when necessary to prevent an abuse.

The proposals for the U.S. Man and the Biosphere program (USMAB) and the World Heritage Program are not endeavors that I support. As many of my constituents in the 44th District know, these sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization, better known as UNESCO. Further, I do not believe that the Executive Branch, the part of our federal government that our federal Constitution charges with enforcing the law, has the ability to make the law binding our citizens and land-owners regarding our participation in this agenda.

Some may wish to capture the majesty and assets of our country through the bloated U.N. bureaucracy. As a member of Congress, I must strenuously object to these efforts. Through our vote this afternoon, the position of the House of Representatives is made clear. Tax payer dollars must not go to fund these ill-advised U.N. projects. I wish to thank my colleague, the gentleman from Oklahoma, Dr. TOM COBURN, for his attention to this matter over the years. He can trust that he has my support in safeguarding the rights of all citizens against the influence of foreign agents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. YATES. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105–174 offered by Mr. Weldon of Florida:

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard Country, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordnance.

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Florida [Mr. WELDON] and a Member opposed each will be recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Pursuant to House Resolution 181, all points of order against this amendment are waived.

The Chair recognizes the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a beach in my district, Canaveral National Seashore. It is a beautiful beach, a pristine beach, considered by many to be one of the most beautiful on the entire East Coast of the United States. Several years ago this beach began to be taken over by nudists and other people who engage in lewd and lascivious activity. I have with me today a binder containing more than 250 police reports indicating the nature of this lewd and lascivious behavior.

This amendment is not about simply prohibiting people from sunbathing in the nude or swimming in the nude. This amendment is about sexual harassment of a form and nature that pales in comparison to what we see on the job sites in many of our places today. Indeed, if I were to describe some of the content of what is going on on this beach in my district, we would need a rating system for C-SPAN.

I repeat, this is not just about nude sunbathers. This is about a lot of behavior that I would rather not even describe here on the floor of the House.

Now, I approached the National Park Service and asked them to deal with Canaveral National Seashore like they dealt with Cape Cod in 1991 under the Bush administration, where they designated that nudity would not be allowed, and the National Park Service refused.

In response to that, the county commission in Brevard County, FL, where the beach is located, passed an ordinance designating no nudity. And then, against my recommendations, the National Park Service chose to post signs designating a portion of the beach as "clothing optional." What happened subsequent to that was that there were people arrested for violating the county's nudity ordinance, and then they used the existence of those signs in their defense and the charges were dropped.

Now, in the defense of the National Park Service, they have now since removed those signs designating a portion of the beach as "clothing optional." However, people in my community remain concerned that the National Park Service will not respect local authority on this issue and may choose to redesignate an area of the beach as clothing optional.

My amendment is very simple. It basically states that the Park Service cannot designate a portion of the beach as clothing optional in the future. Additionally, my amendment states that this will not be in effect if the county should repeal its county ordinance.

I therefore encourage all my colleagues to support the amendment. My amendment is very simple. It basically states it is limited to Canaveral National Seashore. Its also states that if the local ordinance is repealed, that this amendment is no longer in effect.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume to say that I originally rose in opposition because I was not sure of what the facts were in this case.

□ 1715

As explained by the gentleman, a question comes to my mind, and that is this: The gentleman stated that the Park Service had removed its signs, if I understood the gentleman correctly. If that be true, why then is the amendment needed?

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. WELDON of Florida. We asked the Park Service to designate Canaveral National Seashore as "no nudity," like they had at Cape Cod in Massachusetts, and they have refused, for reasons that I do not understand, and we continue to have a serious ongoing problem. And then when they posted those signs, there were a lot of constituents in my district who were very disturbed about that. And there is concern amongst my constituents, because of their unwillingness to designate this beach as no nudity, that they may in the future again try to set aside a portion of the beach.

So I am responding to my constituents, putting into law language that prohibits the Park Service from doing this again. And frankly, I think it was very inappropriate for the Park Service to do that in the first place.

Mr. YATES. Mr. Chairman, reclaiming my time, based on the explanation of the gentleman from Florida [Mr. Weldon], perhaps I may be inclined to support his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Florida. Mr. Chairman, I yield myself the balance of my time.

In closing, I would like to thank the gentleman from Illinois [Mr. YATES] for supporting my amendment. I would encourage all of my colleagues to support this amendment. This is about whether moms can go to the beach with their kids and enjoy themselves.

I have lots of case reports that I can share with any of my colleagues here of how the enjoyment of those families on the beach was very, very much intruded upon.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask if the gentleman would put some of those in the RECORD to support his position?

Mr. WELDON of Florida. Reclaiming my time, I would be happy to do that.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we have no objection to the amendment. I join with my colleague from Illinois [Mr. YATES] in accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. WELDON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Florida [Mr. WELDON] will be postponed.

The Clerk will read the final lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1998".

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. GIBBONS], having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, followed by the question de novo on approval of the Journal.

Votes will be taken in the following order: H.R. 1818 by the yeas and nays; H.R. 2035 by the yeas and nays; and on the approval of the Journal de novo.

The Chair may reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1818, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. RIGGS] that the House suspend the rules and pass the bill, H.R. 1818, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 14, not voting 7, as follows:

[Roll No. 267]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman

Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NAYS—14

Blunt
Chenoweth
Coble
Davis (IL)
Hostettler
Metcalf
Paul
Pombo
Royce
Sanford
Scarborough
Sensenbrenner
Shadegg
Stump

NOT VOTING—7

Brown (FL)
Engel
Eshoo
Reyes
Schiff
Woolsey
Young (AK)

□ 1743

Messrs. COBLE, DAVIS of Illinois, ROYCE, and METCALF changed their vote from "yea" to "nay."

Mr. FATTAH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1745

AUTHORIZING TRANSFER OF NAVAL VESSELS

The SPEAKER pro tempore [Mr. GIBBONS]. The pending business is the question of suspending the rules and passing the bill, H.R. 2035, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 2035, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 1, not voting 7, as follows:

[Roll No. 268]

YEAS—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella

Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NAYS—1

Taylor (MS)

NOT VOTING—7

Brown (FL)
Eshoo
Reyes
Schiff
Torres
Woolsey
Young (AK)

☐ 1801

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the approval of the Journal.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURR of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members are reminded this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 373, noes 50, not voting 11, as follows:

[Roll No. 269]

AYES—373

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Wynn
Yates
Young (FL)

NOES—50

Abercrombie
Becerra
Borski
Brown (CA)
Chenoweth
Clay
Clyburn
Costello
Cunningham
DeFazio
English
Ensign
Everett
Fazio
Filner
Foglietta
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hulshof
Kingston
Kucinich
Lewis (GA)
LoBiondo
McDermott
Meek
Moran (KS)
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Redmond
Rush
Sabo
Sessions
Stenholm
Stupak
Sununu
Taylor (MS)
Thompson
Tiahrt
Visclosky
Waters
Watts (OK)
Weller
Wicker

NOT VOTING—11

Brown (FL)
Eshoo
Franks (NJ)
Kennedy (RI)
Markey
Reyes
Schiff
Waxman
Weldon (FL)
Woolsey
Young (AK)

☐ 1810

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 184 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 184

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: on page 25, line 17, through page 27, line 4; beginning with ": *Provided*" on page 28, line 20, through "loans" on page 29, line 11; beginning with ": *Provided*" on page 48, line 3, through "program" on line 7; and on page 76, line 7 through line 12. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendments printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1815

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 184 is an open rule providing for consideration of H.R. 2158, the VA, HUD and Independent Agencies Appropriations bill for fiscal year 1998. The rule waives points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI related to the 3-day availability of the report, clause 7 of rule XXI related to the 3-day availability of printed hearings on appropriations bills, or section 306 of the Budget Act related to the prohibition on including matters within the jurisdiction of the Committee on the Budget in a measure not reported by it. I assure the House that this is a technical violation and not a substantive budget violation.

House Resolution 184 provides for one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 and clause 6 of rule XXI, except as specified in the rule. The rule also waives all points of order against the amendments printed in the Committee on Rules report which may, one, only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill; two, shall be considered as read; and, three, shall not be subject to further amendment or to a demand for a division in the House.

This rule also continues to implement two approaches that have been used effectively in recent Congresses by according priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and allowing the chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, provided that voting time on the first in any series of questions is not less than 15 minutes. These provisions will facilitate consideration of amendments and guarantee the timely completion of the appropriations bills.

House Resolution 184 also provides for one motion to recommit, with or without instructions.

I mentioned earlier that there are a few exceptions to the waiver of clause 2 of rule XXI specified in the rule. I want to briefly describe those exceptions at this time.

First, the Committee on Rules has left exposed two provisions objected to by the Committee on Banking and Financial Services, one related to a program under the Community Development Block Grant Program for supportive services, and the other relating to an expansion of the secondary market for nonconforming home mortgage loans under the HOME program.

In addition, the Committee on Science objected to a provision relating to $35 million in funds being transferred from the EPA to the NIH, and the Committee on Transportation and Infrastructure objected to a provision related to the implementation of comprehensive conservation and management plans. Each of these provisions has been exposed to a point of order under House Resolution 184.

Mr. Speaker, House Resolution 184 is an open rule providing Members with every opportunity to amend this appropriations bill. As I stated earlier, the Committee on Rules has also made in order two amendments to be offered by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON]. I will leave it to those Members to fully explain the substance of their amendments.

H.R. 2158 appropriates a total of $70.1 billion for fiscal year 1998, and I want to mention a number of important provisions in this bill.

First, regarding appropriations for our veterans, this country has a commitment to our men and women in uniform, and we as Americans owe those dedicated men and women a debt of gratitude. This bill will meet our obligation to our veterans by providing $40.4 billion for the Department of Veterans Affairs, $21.7 billion for the Veterans Benefits Administration compensation and pensions, $17.5 billion for the Veterans Health Administration medical care, and $267 million for veterans medical and prosthetic research. It is important to note that these are increases above the fiscal year 1997 appropriations.

I also believe our space program has been sufficiently funded this bill. We have all been captivated in the past few weeks by the images broadcast back to us from the planet Mars by the Pathfinder mission via NASA's Jet Propulsion Laboratory. I am pleased that H.R. 258 provides $13.6 billion for NASA, which is $148 million more than the President requested.

The Committee on Appropriations has once again had to balance a wide array of interests, and as we work to get our fiscal house in order, we must ensure that all funding is spent efficiently and where it is needed most. This bill achieves this goal. I want to commend the chairman, the gentleman from California [Mr. LEWIS] and the ranking member, the gentleman from Ohio [Mr. STOKES] for the bipartisan manner in which they constructed this appropriations bill.

H.R. 2158 was favorably reported out of the Committee on Appropriations, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from Georgia [Mr. LINDER] for yielding me the customary half hour.

Mr. Speaker, I want to begin by congratulating my colleagues on the appropriations subcommittee, the ranking member, the gentleman from Ohio [Mr. STOKES], and the chairman, the gentleman from California [Mr. LEWIS], for their outstanding efforts on this bill. The gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] and the members of their committee worked extremely hard and came up with a relatively bipartisan bill that many of us can support.

They recognize the need to fund American housing and veterans programs fully, as well as the Federal Emergency Management Program and NASA. I know that the Space Rover on Mars is a lot more exciting to some Members than housing rehabilitation in south Boston, but as a former resident of public housing I can tell my colleagues it is very important. Lucky for us, Mr. Speaker, that the members of the subcommittee have decided that we could have our Rover and our houses, too.

This bill will allow Housing Secretary Cuomo to continue his outstanding work in securing affordable housing for the less fortunate Americans and providing grants to spur economic development.

The bill also funds all renewals of section 8 contracts so nobody will have to move and nobody will lose their housing assistance.

It will also allow the Secretary to reform the project-based section 8 program through which HUD has been paying incredibly high rents.

It also increases HOME grants to cities and States for building affordable housing. Mr. Speaker, one of my cities in my district, the city of Brockton, just received a HOME grant. I can tell Members it is going to do a tremendous amount of good. Thanks to last year's grant, Brockton has been able to help 200 people buy homes. This year they will be able to even help more people. It is a very good program and very well worth funding.

Mr. Speaker, the bill will also provide funding for the Veterans Administration and the Consumer Product Safety Commission. It funds the Environmental Protection Agency, which keeps our air and our water clean. And most of the funding levels are at or above President Clinton's requests.

Mr. Speaker, I am very proud to see how well Members from both sides of the aisle have worked on getting this bill together. I urge my colleagues to support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a colleague on the committee.

Mr. GOSS. Mr. Speaker, I thank my friend, the distinguished gentleman from Georgia [Mr. LINDER] for yielding me this time. I rise in strong support of this fair and open rule. It is the right process, as each Member can have the opportunity to address the issues that we have in this appropriations bill, the committee's product.

I would like to focus my limited time on an area of great concern to my constituents and perhaps constituents of other Members; that is, veterans, the veterans' health care aspects of this. I am very pleased that we are going to provide $549 million more for veterans' medical care this year. That is going to mean a lot to our veterans. I think it is a very responsible increase when you measure it against the resources available.

For the first time we are going to try something different. Not all the money for veterans' care is going to come from the appropriators. A portion of it is going to come from allowing the VA to retain third party insurance collections and user fees, something like $600 million, we expect. This is in response to an administration request and a provision in the bipartisan budget agreement.

I think it is a good idea, but I understand that the veterans' community is a little concerned that we have not planned realistically enough, given recent trends of collecting these kinds of fees. I share that concern, and I am going to be supporting an amendment that is going to be offered by the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, to place a fail-safe provision in the bill in case the funds are not sufficient. So either way the veterans can be assured they are going to have the moneys they need for veterans' care. There is nothing wrong with experimenting with new ways to fund the VA as long as we are certain that the money gets to the veterans, and that it is done fairly and equitably and put where the veterans are.

That gives me the biggest pause with this bill we have got before us. The report accompanying the bill contains controversial language that would reinstate the funding inequities of previous years that we saw in the VA medical care system, and it could deprive many veterans in my district and elsewhere of needed health care. That language seeks to reverse a funding formula put in place by the VA and approved in last year's VA-HUD bill, in fact, overwhelmingly approved, to ensure that the dollars flow to the veterans where the veterans are. The numbers paint a very clear picture.

Since 1980, Florida and Arizona and other similar places have registered a large growth rate, in fact in Florida and Arizona nearly 25 percent in their veterans' populations. While in other States, New York comes to mind, that is dropped by nearly 20 percent. Obviously we have to adjust the funding. There is no reason why veterans in southwest Florida with service-connected disabilities should be turned away in order to serve lower priority, routine needs of nondisabled counterparts in other areas of the country. That is unfair. It is bad policy. I hope that the gentleman from California [Mr. LEWIS] and the gentleman from Louisiana [Mr. LIVINGSTON] will not pursue that language in the conference.

I urge a "yes" vote, nevertheless, on this wide-open rule and for the bill that it makes in order. I believe that the Committee on Rules has done an excellent job on this. I thank the distinguished gentleman from Georgia for yielding me this time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time. I rise in support of the rule but with concerns about the NASA budget.

First of all, I would like to congratulate NASA and the Jet Propulsion Laboratory out in California for pulling off one of the most spectacular scientific accomplishments and achievements that we have seen in decades in this country. The Mars Pathfinder and the Sojourner have returned us marvelous scientific data, exceeding all expectations. What they have done for $267 million has restored some of the public's confidence in our ability not only to get into space in faster, cheaper, better methods but they have also, I think, opened up a new thing to the American people, that it does not particularly have to always be men and women in space, although I support men and women in space. It does not always have to be something like a space station to captivate the public. This unmanned vehicle on Mars has excited the entire Nation and the world for what it is bringing back home to America.

The space station, which has been capped at $2.1 billion per year, and I believe this bill, if the Rohrabacher-Roemer amendment is not agreed to, will exceed that cap, the space station flies in the face of what the Mars Pathfinder, Galileo, Hubbell, Clementine and a host of other projects have been able to accomplish, which is a great deal for the taxpayer, phenomenal science, and maintaining a budget.

As we are trying to make difficult decisions here in this Congress to fairly balance the budget, do it structurally and do it with the right values, do it fairly to education, fairly to the environment and fairly to science, then the Mars Pathfinder, the Hubbell, these are the kinds of projects, Mr. Speaker, that really will captivate the public's attention and support, that return NASA to the glory days of the 1960's and 1970's, that for every $1 we invest in NASA, we return $7 in new technology, in new experimentation and knowledge, in new things that really would help not only support NASA in the future but would bring us the knowledge and the science for us to leverage those kinds of discoveries into new things here on earth.

☐ 1830

So I would continue to applaud NASA for its wonderful achievement on Mars with the Pathfinder, but to further push them to do things like the Pathfinder, and Galileo and Hubbell, and reusable launch vehicles, and to not only sustain the cap on the space station but I would advocate eliminate the space station and find even more things that we can do in manned and unmanned ways to return NASA to the public confidence and excitement that we have seen NASA achieve in the past.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise with great concern about the United States' efforts in the space station program, not agreeing with my colleague from Indiana who so eloquently stated the achievements of the space program, but specifically stating that the United States has made a very strong commitment in elevating the vision of this Nation and the potential of this Nation in building a space station, in paving the way for international cooperation, which would have been undreamed of in those fiercest days of the cold war; and that the space station presents not just a bridge to outer space but a bridge across the oceans for cooperation and for peace in our time and for the future.

The very thought of people being up in outer space working together shows certainly what the manifest possibilities here are on earth. And any efforts to try to change that program, any effort to try to lessen the resources that program needs to be successful inadvertently attacks the underpinnings of this great effort that has been made to try to achieve peace. It is the cooperation of the United States and Russia in space which has shown the world that great powers can work together.

How can we put a dollar value on that? We must in the program and we have. And I submit that the benefits of the space station have not only been certainly for the private sector programs, which are looking for that public-private partnership that enables the growth of many industries, but even more importantly than that, the benefit of that station has been to enable this country to achieve peace that we would not have been able to dream of.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I thank my good friend and colleague, the ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for yielding me this time.

Mr. Speaker, I believe the rule before the House today is a reasonable and fair measure which will allow for a free and open debate of the fiscal year 1998 VA HUD appropriations bill. While I support and will vote for the rule, I am concerned about a number of provisions and omissions in the underlying bill.

Mr. Speaker, I must concur in the additional views submitted by the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full Committee on Appropriations, which accompanied the report on H.R. 2158 and question the judgment of numerous outlays contained in the bill. The bill falls short in one area of environmental protection which I simply cannot allow to go unchallenged, and that is the failure of the subcommittee to include the President's requested increase in funding to double the pace of Superfund cleanups.

Mr. Speaker, I am deeply disappointed in the failure to include an additional $650 million for the Superfund Program. This increase in the Superfund response, or cleanup account, was requested by the President and concurred in by the bipartisan leadership of both the House and the Senate budget agreement.

This money is vitally important if we are to expedite the cleanup of hundreds of toxic waste sites located in virtually every State of the Union. The failure to include the requested funding in this bill will ensure that at least 250 additional Superfund invites will not be cleaned up over the next 3 years.

Mr. Speaker, as the ranking minority member of the Subcommittee on Finance and Hazardous Materials, I am uniquely aware of the importance of the Superfund Program and the President's initiative to double the pace of cleanups.

If there is one clear and overriding call I have heard regarding the Superfund Program, it is that the pace of cleanups is too slow. Time and time again over the past several years of hearings, concerns have been expressed that the program has not cleaned up hazardous waste sites quickly enough, that the program is mired in bureaucracy, resulting in unnecessary and costly delays in cleanups.

Mr. Speaker, I have several letters that I received which emphasize the importance of approving the President's initiative to speed cleanups and stress the administration's understanding that the initiative was indeed a significant part of the budget agreement and was not, let me repeat, was not contingent upon the enactment of Superfund reauthorization. I submit these letters from Vice President GORE, Administrator Browner and OMB Director Raines to be included in the RECORD.

The letters referred to are included as follows:

OFFICE OF THE VICE PRESIDENT,
Washington, DC, June 25, 1997.

Hon. THOMAS J. MANTON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANTON: I am writing to you because you have a strong supporter of our efforts to protect communities from toxic waste and to address the problem of brownfields. Our shared commitment to these issues reflects an important bipartisan consensus concerning the importance of toxic waste cleanup to restoring both the environment and the economy in communities burdened with toxic waste sites.

As part of their landmark agreement with the President on a balanced budget, the House and Senate leadership committed to support the President's brownfields tax incentive. This proposal is a targeted tax incentive that should generate cleanup and redevelopment at approximately 14,000 sites in distressed communities by the year 2000.

Unfortunately, the tax bill recently reported by the Ways and Means Committee does not include the brownfields tax incentive. I hope you will join me in urging the House leadership to meet its commitment by addressing this issue before final passage of the bill.

I also hope that the Administration can rely on your support for other aspects of the budget agreement that protect communities from toxics, including the funding needed to achieve cleanup at two-thirds of the national priority list sites by the year 2000, and significantly expand funding of brownfields cleanup and redevelopment efforts by the Environmental Protection Agency. This acceleration of toxic waste cleanup highlights the importance of reinstating the taxes that support the Superfund program. Superfund taxes fund emergency removals of hazardous substances, support long-term cleanups at more than a thousand toxic waste sites, and provide assistance to brownfields and other cleanup efforts by state and local governments.

Several Members of Congress are suggesting that all of these proposals must await the outcome of protracted negotiations on a Superfund reauthorization bill. While this Administration is participating actively in those negotiations and hopes to achieve a bipartisan reform bill with broad support, we must draw the line of attempts to hold communities and their cleanup funds hostage pending the outcome of that process. The accelerated cleanup funding and brownfields tax incentive are needed now.

I know that, given your leadership on brownfields issues, you understand how important these initiatives are to empowering our communities. Therefore, I hope you will join me in pressing the Congressional leadership to honor the commitments in the budget agreement regarding brownfields. Additionally, I hope you will support expedited action to fully fund our initiative to accelerate toxic waste cleanup and to reinstate the taxes that support the Superfund program. I would be most grateful for your support.

Sincerely,

AL GORE.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC.

Hon. THOMAS J. MANTON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANTON: The House Appropriations Committee marked up the VA, HUD and Independent Agencies FY 1998 Appropriations Bill on July 8, 1997. While I appreciate the overall funding provided to EPA by the House, the Committee failed to include funding to restore the environment and the economy in communities burdened with toxic waste sites. The President's initiative to clean up an additional 500 Superfund sites by the end of the year 2000 was designed to protect the public from the risks these sites pose to health and the environment. The importance of this initiative was recognized by Congress and the President's request for Superfund was accommodated in the Bipartisan Budget Agreement.

As Vice President Gore and the Office of Management and Budget Director Raines have recently indicated, the Administration remains committed to working with Congress to enact a consensus-based Superfund reform bill. However, it is not agreed that additional Superfund cleanup funding provided in the Budget Agreement is contingent on any prior legislation, much less a comprehensive reform bill. Agreement still needs to be reached on ways in which the supplemental cleanup funds would be spent, but not on the level of funding.

In the Budget Agreement, Congress and the Administration increased funding for the Superfund program to accelerate the cleanups affecting the quality of life for millions of Americans. Failing the increase, up to 120 fewer sites would begin cleanup. This would mean hundreds of communities nationwide waiting even longer before the hazardous waste sites in their neighborhoods are cleaned up. Not only will this put their health and the environment at risk, it will prevent economic redevelopment in those areas.

EPA, through our administrative reforms, has done much to improve the overall pace, cost, and fairness of the program. These administrative reforms represent permanent changes in the way EPA does business and reflect the Administration's vision for the future of Superfund—a future that builds upon our progress over the past four years. These reforms are building a faster, fairer, more efficient Superfund program which: (1) achieves our goal of 20% reduction in total cleanup process time, with 439 completed cleanups (as of 7/7/97) and more than 480 site cleanup constructions underway; (2) includes 75% of Superfund long-term cleanups performed by responsible parties; and (3) reduces cleanup costs towards our goal of 20% cost reduction.

Based on the Agency's administrative reforms, EPA is ready to accelerate the cleanup program. Much of the pre-cleanup work has been completed and actual cleanup work is ready to begin at many toxic waste sites. The necessary contracts to implement an accelerated cleanup program are in place. We have worked with state offices in identifying sites ready for cleanup and will continue to coordinate with them on cleanup activities.

I urge you to support the funding level for the Superfund program as outlined in the Budget Agreement while we continue our discussions on Superfund reauthorization.

Sincerely,

CAROL M. BROWNER.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC. June 25, 1997.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Commerce, U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE DINGELL: I am writing to clarify the Administration's views regarding the Superfund funding that was included in the recent Bipartisan Budget Agreement.

On June 5th, Congressmen Kasich and Oxley conducted a colloquy on this subject on the floor of the House of Representatives. As they discussed, the Budget Agreement establishes a reserve fund to provide $200 million per year for Superfund orphan shares. As this would be mandatory spending, the reserve fund requires authorizing legislation to be reported by the Committees on Commerce and Transportation and Infrastructure, although the reserve fund could be authorized in a reconciliation bill, a Superfund reform bill, or other legislative vehicle. The Administration does not agree that these funds should become available only after the Congress passes a Superfund reform bill.

Regarding the $700 million of additional requested funding, the Administration adheres to the language of the Budget Agreement, which provides that Superfund appropriations will be at the President's level "if policies can be worked out." We have always understood this to mean that the Administration needs to reach agreement with the appropriate Committees regarding the way in which the supplemental cleanup funds would be spent. We do not agree that the additional Superfund cleanup funding agreed to in the budget Agreement is contingent on any prior legislation, much less a comprehensive reform bill.

The Administration remains committed to working with Congress to enact a bipartisan consensus-based Superfund reform bill. However, we believe that the increased Superfund appropriations should not be held up until this occurs, since these funds are urgently needed to eliminate the backlog of Superfund cleanups and improve the quality of life for more than 27 million Americans, including over four million children, who live within four miles of a Superfund site.

Please do not hesitate to contract me if I can be of further assistance in this matter.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, and that I be permitted to include tables, charts and other extraneous material.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 184 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2158.

□ 1830

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each control 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure today to outline the work of the Subcommittee on VA, HUD and Independent Agencies as well as the full Committee on Appropriations in developing the fiscal year 1998 VA-HUD and Independent Agencies appropriations bill.

First, I want to thank my friend and colleague, the gentleman from Ohio [Mr. STOKES], and his staff for their helping in crafting this bill. Our working relationship, I believe, is a model of how appropriations subcommittees can and should work together on a bipartisan basis. We have effectively controlled the rate of growth of Federal spending through our bill while making sure that the needs of our constituents are met in communities across the country.

Mr. Chairman, beginning with the fiscal year 1995 rescission bill, this subcommittee has led the way in our battle with the budget by reducing spending and fully paying for the emergency supplemental. While the administration and Congress have finally agreed in principle to balancing that budget by 2002, this subcommittee has been moving in that direction for well over 2 years now, and so far we have produced some $20 billion in spending cuts to show for our efforts.

Because of the bipartisan budget agreement with the President, this year the subcommittee had the chance to catch its breath. The subcommittee's 602(b) allocation for fiscal year 1998 will provide us with the funding levels necessary to continue our commitment to serving veterans, protecting the environment, providing housing for the poorest of the poor, and ensuring America's future leadership in space.

With regard to space programs, I hope that each of my colleagues have had an opportunity to focus upon the remarkable NASA Pathfinder mission to Mars. If this mission does not provide the catalyst for our next generation of scientists, then I certainly do not know what will.

We are able to achieve all of these important results while still holding a line on spending of hard-earned taxpayers' dollars. Our allocation should allow us to go through the process quickly and eventually gain a signature by the President.

Since our counterparts in the Senate received an allocation well below ours in the House, we are in for some very tough decisions nonetheless as we go down this road. Not everything in this bill will find its way in the final conference report. While the President may not wholeheartedly endorse every decision reflected in this bill, it is my hope that when we conference in September, we can come to a mutual agreement on a final bill that will be signed.

Let me quickly move to some of the specifics of this bill beginning with our 602(b) allocation.

Due to the structure of the budget resolution, there is some confusion about our allocation. Basically, when we take into account the recent rescission of $3.6 billion we enacted to pay for the emergency disaster supplemental, our allocation this year is the same as for fiscal year 1997, amounting to some $60.8 billion. When we consider that, it would be a mistake, however, not to look at the fact that within this whole package there is an additional $9.2 billion that is necessary to pay for HUD's section 8 program, a program that suddenly has blown up before us and creates ongoing problems that all of us must deal with.

Since the gentleman from Ohio and I have proposed funding the section 8 program at the administration's request of $9.2 billion, our allocation increased by that amount once we reported our bill from the full committee. With that in mind, even this funding level may not be enough if the administration, in dealing with section 8, working along with the House and the Senate housing authorizing committees, do not work in a way to solve this critical section 8 problem, a difficulty which, as I have indicated, will balloon in the years ahead of us.

Now, let me explain the highlights of the larger agencies funded through this measure.

First, the veterans medical care is funded at the full budget request of $17 billion, and we expect an additional $468 million will be made available when the reconciliation bill becomes law.

Veterans research operating expenses and construction activities are moderately increased over the budget request levels.

For the Department of Housing and Urban Development, the section 8 program, as I have indicated, at $9.2 billion, is a part of the package.

Severely distressed housing and drug elimination grants are at the President's request of $524 million and $290 million respectively. CDBG, HOPWA, and Homeless Assistance Grants are also funded at the budget request level.

□ 1845

The native American housing block grant program is funded at $650 million, an increase of some $165 million above the budget request. Likewise, the HOME Program has also increased by $191 million to a figure of $1.5 billion for fiscal year 1998.

Finally, and thanks to an amendment offered during our subcommittee markup by the gentlewoman from Florida [Mrs. MEEK] and the gentleman from New Jersey [Mr. FRELINGHUYSEN], the section 202 elderly housing program is funded at $645 million, which is $345 million above the President's request.

The section 811 housing for the disabled program is funded at $194 million, at an increase of $20 million over the budget request.

For EPA, the budget agreement requires us to produce a bill which funds the EPA operating programs at the budget request level of $3.4 billion. The operating programs include all programs at the agency except Superfund; Leaking Underground Storage Tank Program, known as LUST; and the clean and safe drinking water State revolving funds. We have met this obligation in a way that I believe accurately reflects congressional priorities.

For example, we have proposed an additional $40 million for particulate matter and ozone research, something I believe most Members strongly support and all of us wish the EPA would utilize before implementing new PM and ozone regulations that many would suggest have questionable scientific backing. We have also increased by $25 million the funds going to States and cities for air monitoring and data collection, a necessary component of better research in this very important area.

Furthermore, the Great Lakes programs are fully funded, many above the budget request. The State revolving fund programs have been increased by $200 million over the President's request. Brownfields are funded at $85 million. And the Superfund Program, although it continues to need serious, comprehensive reform, is funded at $1.5 billion.

Space station and shuttle programs at NASA are fully funded, and NASA will receive a modest increase of $148 million over the budget request. I would note, however, that NASA's funding level still represents a decrease of $61 million below last year's level. NASA is a prime example of an agency that has responded to our charge of doing more with less. One need only look at the $200 million Pathfinder program as a prime example of doing more with less.

The National Science Foundation would, likewise, receive a modest increase above the President's request, including an additional $23 million for research, $90 million for major research equipment, and $7 million for education programs. We have provided the full budget request for the Federal Emergency Management Agency, FEMA.

Finally, we have frozen funds for AmeriCorps at the 1997 level of just over $402 million. This year's funding level for AmeriCorps represents a reduction of $146.5 million, or 27 percent below the President's request.

I want my colleagues to know that together, the gentleman from Ohio [Mr. STOKES], members of the subcommittee and I have worked hard to produce a fair and balanced bill, one that can and should be supported all the way to the Presidential signature. It is true that it will be a long and hot summer while we all work on this and the other 12 appropriations bills that are necessary to keep our Government operating. On the other hand, the bipartisan support that this measure has already received will certainly make the summer a little easier.

Again, I want to thank the gentleman from Ohio [Mr. STOKES], my friend and ranking member, and his staff Fredette West, David Reich, and Del Davis, as well as Rose ROBERTS, Valerie Baldwin, Tim Peterson, Paul Thomson, and Frank Cushing of my committee staff, and Dave Les Strang, Alex Heslop, and Jeff Shockey of my personal staff for their help and support for putting together this difficult bill which is full of competing interests but balanced funding priorities.

Mr. Chairman, I want to take just a moment to say that it is obvious this is a very complex bill, dealing with programs that are very, very important to the American public as well as those individual families that receive many of the services involved. In shrinking budgetary circumstances, the competition between accounts is all the more difficult.

There will be amendments, as we go forward in this discussion, which people will come to the floor and suggest that their program has higher priority than another, let us say taking away from AmeriCorps and putting in another program, maybe a veterans' program, without necessarily evaluating the good work we have already done on the veterans programs. That sort of exchange is part of the process. But I urge the Members to recognize that this is a very difficult process and we have done a very good, I think, bipartisan job in putting this bill together.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I include the following for the RECORD:

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I					
Veterans Benefits Administration					
Compensation and pensions	18,671,259,000	19,932,997,000	19,932,997,000	+1,261,738,000	
Supplemental (P.L. 105-18)	928,000,000			-928,000,000	
Readjustment benefits	1,377,000,000	1,366,000,000	1,366,000,000	-11,000,000	
Veterans insurance and indemnities	38,970,000	51,360,000	51,360,000	+12,390,000	
Veterans housing benefit program fund program account (indef)		192,447,000	192,447,000	+192,447,000	
(Limitation on direct loans)		(300,000)	(300,000)	(+300,000)	
Administrative expenses		160,437,000	160,437,000	+160,437,000	
Guaranty and indemnity program account (indefinite)	158,643,000			-158,643,000	
Administrative expenses	105,226,000			-105,226,000	
Loan guaranty program account (indefinite)	14,091,000			-14,091,000	
Administrative expenses	33,810,000			-33,810,000	
Direct loan program account (indefinite)	30,000			-30,000	
(Limitation on direct loans)	(300,000)			(-300,000)	
Administrative expenses	80,000			-80,000	
Education loan fund program account	1,000	1,000	1,000		
(Limitation on direct loans)	(3,000)	(3,000)	(3,000)		
Administrative expenses	195,000	200,000	200,000	+5,000	
Vocational rehabilitation loans program account	49,000	44,000	44,000	-5,000	
(Limitation on direct loans)	(2,822,000)	(2,278,000)	(2,278,000)	(-544,000)	
Administrative expenses	377,000	388,000	388,000	+11,000	
Native American Veteran Housing Loan Program Account	205,000	515,000	515,000	+310,000	
Total, Veterans Benefits Administration	21,327,936,000	21,704,389,000	21,704,389,000	+376,453,000	
Veterans Health Administration					
Medical care	16,313,447,000	16,958,846,000	16,393,846,000	+80,399,000	-565,000,000
Delayed equipment obligation	700,000,000		565,000,000	-135,000,000	+565,000,000
Total	17,013,447,000	16,958,846,000	16,958,846,000	-54,601,000	
Medical care cost recovery collections:					
Offsetting receipts		-604,000,000	-604,000,000	-604,000,000	
Appropriations (indefinite)		604,000,000	604,000,000	+604,000,000	
Total available	(17,013,447,000)	(17,562,846,000)	(17,562,846,000)	(+549,399,000)	
Medical and prosthetic research	262,000,000	234,374,000	267,000,000	+5,000,000	+32,626,000
Medical administration and miscellaneous operating expenses	61,207,000	60,160,000	60,160,000	-1,047,000	
General Post Fund, National Homes:					
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)		
Administrative expenses (by transfer)	(54,000)	(54,000)	(54,000)		
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)		
General post fund (transfer out)	(-61,000)	(-61,000)	(-61,000)		
Total, Veterans Health Administration	17,336,654,000	17,253,380,000	17,286,006,000	-50,648,000	+32,626,000
Departmental Administration					
General operating expenses	827,584,000	846,385,000	853,385,000	+25,801,000	+7,000,000
Offsetting receipts	(32,000,000)	(36,000,000)	(36,000,000)	(+4,000,000)	
Total, Program Level	(859,584,000)	(882,385,000)	(889,385,000)	(+29,801,000)	(+7,000,000)
National Cemetery System	76,864,000	84,183,000	84,183,000	+7,319,000	
Office of Inspector General	30,900,000	31,013,000	31,013,000	+113,000	
Construction, major projects	250,858,000	79,500,000	155,600,000	-95,258,000	+76,100,000
Construction, minor projects	175,000,000	166,300,000	175,000,000		+8,700,000
Parking revolving fund	12,300,000			-12,300,000	
Grants for construction of State extended care facilities	47,397,000	41,000,000	60,000,000	+12,603,000	+19,000,000
Grants for the construction of State veterans cemeteries	1,000,000	10,000,000	10,000,000	+9,000,000	
Total, Departmental Administration	1,421,903,000	1,258,381,000	1,369,181,000	-52,722,000	+110,800,000
Total, title I, Department of Veterans Affairs	40,086,493,000	40,216,150,000	40,359,576,000	+273,083,000	+143,426,000
(By transfer)	(61,000)	(61,000)	(61,000)		
(Limitation on direct loans)	(3,195,000)	(2,651,000)	(2,651,000)	(-544,000)	
Consisting of:					
Mandatory	(21,187,993,000)	(21,542,804,000)	(21,542,804,000)	(+354,811,000)	
Discretionary	(18,898,500,000)	(18,673,346,000)	(18,816,772,000)	(-81,728,000)	(+143,426,000)

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Selected Housing Programs					
Housing Certificate Fund		10,676,000,000	10,393,000,000	+10,393,000,000	-283,000,000
Expiring section 8 contracts		(9,232,000,000)	(9,200,000,000)	(+9,200,000,000)	(-32,000,000)
Section 8 amendments		(850,000,000)	(850,000,000)	(+850,000,000)	
Section 8 relocation assistance		(594,000,000)	(343,000,000)	(+343,000,000)	(-251,000,000)
Prevention of resident displacement	4,640,000,000			-4,640,000,000	
Expiring section 8 contracts	(3,600,000,000)			(-3,600,000,000)	
Section 8 amendments	(850,000,000)			(-850,000,000)	
Section 8 relocation assistance	(190,000,000)			(-190,000,000)	
Transfer from recaptures	(50,000,000)			(-50,000,000)	
Subtotal	(4,690,000,000)	(10,676,000,000)	(10,393,000,000)	(+5,703,000,000)	(-283,000,000)
Annual contributions (rescission)		-855,000,000	-565,000,000	-565,000,000	+290,000,000
Rescission (P.L. 105-18)	-3,650,000,000			+3,650,000,000	
Public housing capital fund		2,500,000,000	2,500,000,000	+2,500,000,000	
Public housing operating fund		2,900,000,000	2,900,000,000	+2,900,000,000	
Preserving existing housing investment	5,750,000,000			-5,750,000,000	
Public housing operating subsidies	(2,900,000,000)			(-2,900,000,000)	
Public housing modernization	(2,500,000,000)			(-2,500,000,000)	
Preservation	(350,000,000)			(-350,000,000)	
Rescission of recaptures	-150,000,000			+150,000,000	
Prepayment authority	2,000,000			-2,000,000	
Supplemental (P.L. 105-18)	3,500,000			-3,500,000	
Subtotal	(5,605,500,000)	(5,400,000,000)	(5,400,000,000)	(-205,500,000)	
Drug elimination grants for low-income housing	290,000,000	290,000,000	290,000,000		
Revitalization of severely distressed public housing (HOPE VI)	550,000,000	524,000,000	524,000,000	-26,000,000	
Homeownership and opportunity for people everywhere grants (HOPE grants) (transfer out) (P.L. 105-18)	(-30,200,000)			(+30,200,000)	
Native American housing block grant		485,000,000	650,000,000	+650,000,000	+165,000,000
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000		
(Limitation on guaranteed loans)	(36,900,000)	(36,900,000)	(36,900,000)		
Development of additional new subsidized housing	1,039,000,000			-1,039,000,000	
Housing for the elderly	(645,000,000)			(-645,000,000)	
Housing for the disabled	(194,000,000)			(-194,000,000)	
Indian housing development	(200,000,000)			(-200,000,000)	
Capacity Building for Community Development and Affordable Housing					
National community development initiative (by transfer)	(30,200,000)			(-30,200,000)	
Community Planning and Development					
Housing opportunities for persons with AIDS	171,000,000	204,000,000	204,000,000	+33,000,000	
Transfer from recaptures	(25,000,000)			(-25,000,000)	
Community development block grants	4,600,000,000	4,600,000,000	4,600,000,000		
Emergency appropriations (P.L. 105-18)	250,000,000			-250,000,000	
Emergency appropriations, FY 1998 (P.L. 105-18)	250,000,000			-250,000,000	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(1,500,000,000)	(1,261,000,000)	(1,261,000,000)	(-239,000,000)	
Credit subsidy	31,750,000	29,000,000	29,000,000	-2,750,000	
Administrative expenses	675,000	1,000,000	1,000,000	+325,000	
Brownfields redevelopment		25,000,000			-25,000,000
HOME investment partnerships program	1,400,000,000	1,309,000,000	1,500,000,000	+100,000,000	+191,000,000
Supportive housing program (rescission)		-6,000,000	-6,000,000	-6,000,000	
Shelter plus care (rescission)		-4,000,000	-4,000,000	-4,000,000	
Homeless assistance grants	823,000,000	823,000,000	823,000,000		
Youthbuild		30,000,000			-30,000,000
Housing counseling assistance		23,000,000			-23,000,000
Empowerment Zones and Enterprise Communities		100,000,000			-100,000,000
Total, Selected housing programs (net)	16,003,925,000	23,657,000,000	23,842,000,000	+7,838,075,000	+185,000,000
Housing Programs					
Housing for special populations		474,000,000	839,000,000	+839,000,000	+365,000,000
Housing for the elderly		(300,000,000)	(645,000,000)	(+645,000,000)	(+345,000,000)
Housing for the disabled		(174,000,000)	(194,000,000)	(+194,000,000)	(+20,000,000)
Rental housing assistance:					
Rescission of budget authority, indefinite		-125,000,000	-125,000,000	-125,000,000	
(Limitation on annual contract authority, indefinite)	(-2,000,000)			(+2,000,000)	
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)		
(Limitation on direct loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	350,595,000	333,421,000	333,421,000	-17,174,000	
Offsetting receipts	-350,595,000	-333,421,000	-333,421,000	+17,174,000	

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
FHA - General and special risk program account:					
Program costs	85,000,000	81,000,000	81,000,000	-4,000,000	....
(Limitation on guaranteed loans)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	....	....
(Limitation on direct loans)	(120,000,000)	(120,000,000)	(120,000,000)	....	....
Administrative expenses	207,470,000	222,305,000	222,305,000	+14,835,000	....
Subsidy - multifamily	-18,000,000	-18,000,000	-18,000,000	....	....
Subsidy - single family	-64,000,000	-64,000,000	-64,000,000	....	....
Subsidy - Title I	-25,000,000	-25,000,000	-25,000,000	....	....
Total, Federal Housing Administration	185,470,000	196,305,000	196,305,000	+10,835,000	....
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(110,000,000,000)	(130,000,000,000)	(130,000,000,000)	(+20,000,000,000)	....
Administrative expenses	9,383,000	9,383,000	9,383,000	....	....
Offsetting receipts	-218,000,000	-204,000,000	-204,000,000	+14,000,000	....
Policy Development and Research					
Research and technology	34,000,000	39,000,000	39,000,000	+5,000,000	....
Fair Housing and Equal Opportunity					
Fair housing activities	30,000,000	39,000,000	30,000,000	....	-9,000,000
Management and Administration					
Salaries and expenses	420,000,000	451,000,000	451,000,000	+31,000,000	....
(By transfer, limitation on FHA corporate funds)	(546,782,000)	(544,443,000)	(544,443,000)	(-2,339,000)	....
(By transfer, GNMA)	(9,383,000)	(9,383,000)	(9,383,000)	....	....
(By transfer, Community Planning & Development)	(675,000)	(1,000,000)	(1,000,000)	(+325,000)	....
Total, Salaries and expenses	(976,840,000)	(1,005,826,000)	(1,005,826,000)	(+28,986,000)	....
Office of Inspector General	36,567,000	36,567,000	45,567,000	+9,000,000	+9,000,000
(By transfer, limitation on FHA corporate funds)	(11,283,000)	(11,283,000)	(11,283,000)	....	....
(By transfer from Drug Elimination Grants)	(5,000,000)	(10,000,000)	(10,000,000)	(+5,000,000)	....
Total, Office of Inspector General	(52,850,000)	(57,850,000)	(66,850,000)	(+14,000,000)	(+9,000,000)
Office of federal housing enterprise oversight	15,500,000	16,312,000	16,312,000	+812,000	....
Offsetting receipts	-15,500,000	-16,312,000	-16,312,000	-812,000	....
Administrative Provisions					
Sec. 203 - FHA Assignment Reform, 1997	-128,000,000	....	....	+128,000,000	....
Sec. 204 - Multifamily property disposition - FHA fund	-80,000,000	....	....	+80,000,000	....
Sec. 210 - financing adjustment	464,442	....	....	-464,442	....
Sec. 212 - demonstration	10,000,000	....	....	-10,000,000	....
Total, administrative provisions	-197,535,558	....	....	+197,535,558	....
Total, title II, Dept of Housing & Urban Development (net)	16,303,809,442	24,573,255,000	25,123,255,000	+8,819,445,558	+550,000,000
Appropriations	(19,453,809,442)	(25,563,255,000)	(25,823,255,000)	(+6,369,445,558)	(+260,000,000)
Rescissions	(-3,650,000,000)	(-990,000,000)	(-700,000,000)	(+2,950,000,000)	(+290,000,000)
Emergency appropriations	(250,000,000)	....	....	(-250,000,000)	....
Emergency appropriations, FY 1998	(250,000,000)	....	....	(-250,000,000)	....
(Limitation on annual contract authority, indefinite)	(-2,000,000)	....	....	(+2,000,000)	....
(Limitation on guaranteed loans)	(238,900,000,000)	(258,661,000,000)	(258,661,000,000)	(+19,761,000,000)	....
(Limitation on corporate funds)	(573,123,000)	(576,109,000)	(576,109,000)	(+2,986,000)	....
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	22,265,000	23,897,000	26,897,000	+4,632,000	+3,000,000
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	50,000,000	125,000,000	125,000,000	+75,000,000	....
Consumer Product Safety Commission					
Salaries and expenses	42,500,000	45,000,000	44,000,000	+1,500,000	-1,000,000
Corporation for National and Community Service					
National and community service programs operating expenses	400,500,000	546,500,000	400,500,000	....	-146,000,000
Office of Inspector General	2,000,000	2,500,000	2,000,000	....	-500,000
Total	402,500,000	549,000,000	402,500,000	....	-146,500,000
Court of Veterans Appeals					
Salaries and expenses	9,229,000	9,380,000	9,319,000	+90,000	-61,000
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	11,600,000	11,815,000	11,815,000	+215,000	....

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Environmental Protection Agency					
Science and Technology	552,000,000	614,269,400	656,223,000	+104,223,000	+41,953,600
Transfer from Hazardous Substance Superfund	35,000,000	39,755,900	35,000,000		-4,755,900
Subtotal, Science and Technology	587,000,000	654,025,300	691,223,000	+104,223,000	+37,197,700
Environmental Programs and Management	1,752,221,000	1,887,590,900	1,763,352,000	+11,131,000	-124,238,900
Office of Inspector General	28,500,000	28,500,000	28,501,000	+1,000	+1,000
Transfer from Hazardous Substance Superfund	11,000,000	11,641,300	11,641,000	+641,000	-300
Transfer from Leaking Underground Storage Tanks	577,000			-577,000	
Subtotal, OIG	40,077,000	40,141,300	40,142,000	+65,000	+700
Buildings and facilities	87,220,000	141,420,000	182,120,000	+94,900,000	+40,700,000
Hazardous Substance Superfund	1,294,245,000	2,094,245,000	1,500,699,000	+206,454,000	-593,546,000
Delay of obligation	100,000,000			-100,000,000	
Transfer to Office of Inspector General	-11,000,000	-11,641,300	-11,641,000	-641,000	+300
Transfer to Science and Technology	-35,000,000	-39,755,900	-35,000,000		+4,755,900
Subtotal, Hazardous Substance Superfund	1,348,245,000	2,042,847,800	1,454,058,000	+105,813,000	-588,789,800
Leaking Underground Storage Tank Trust Fund	60,000,000	71,210,700	60,000,000		-11,210,700
Transfer to Office of Inspector General	-577,000			+577,000	
(Limitation on administrative expenses)	(7,000,000)		(7,000,000)		(+7,000,000)
Subtotal, LUST	59,423,000	71,210,700	60,000,000	+577,000	-11,210,700
Oil spill response	15,000,000	15,000,000	15,000,000		
(Limitation on administrative expenses)	(8,000,000)		(8,000,000)		(+8,000,000)
State and Tribal Assistance Grants	2,236,000,000	2,043,000,000	2,275,925,000	+39,925,000	+232,925,000
Categorical grants	674,207,000	750,257,000	750,257,000	+76,050,000	
Subtotal, STAG	2,910,207,000	2,793,257,000	3,026,182,000	+115,975,000	+232,925,000
Working capital fund	(101,526,000)	(101,000,000)	(101,000,000)	(-526,000)	
Total, EPA	6,799,393,000	7,645,493,000	7,232,077,000	+432,684,000	-413,416,000
Executive Office of the President					
Office of Science and Technology Policy	4,932,000	4,932,000	4,932,000		
Council on Environmental Quality and Office of Environmental Quality	2,436,000	3,020,000	2,506,000	+70,000	-514,000
Total	7,368,000	7,952,000	7,438,000	+70,000	-514,000
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)		(34,365,000)	(34,365,000)	(+34,365,000)	
Federal Emergency Management Agency					
Disaster relief	1,320,000,000	370,000,000	500,000,000	-820,000,000	+130,000,000
Emergency appropriations (P.L. 105-18)	3,300,000,000			-3,300,000,000	
Emergency approp (transfer out) (P.L. 105-18)	(-20,000,000)			(+20,000,000)	
Disaster assistance direct loan program account:					
State share loan	1,385,000	1,495,000	1,495,000	+110,000	
(Limitation on direct loans)	(25,000,000)	(25,000,000)	(25,000,000)		
Administrative expenses	548,000	341,000	341,000	-207,000	
Community disaster loans (by transfer) (emergency)	(20,000,000)			(-20,000,000)	
Salaries and expenses	170,500,000	171,773,000	171,773,000	+1,273,000	
Office of Inspector General	4,673,000	4,803,000	4,803,000	+130,000	
Emergency management planning and assistance	218,701,000	202,146,000	321,646,000	+102,945,000	+119,500,000
Emergency food and shelter program	100,000,000	100,000,000	100,000,000		
National Flood Insurance Fund (limitation on administrative expenses):					
Salaries and expenses	(20,981,000)	(21,610,000)	(21,610,000)	(+629,000)	
Flood mitigation	(78,464,000)	(78,464,000)	(78,464,000)		
Working capital fund	(16,816,000)			(-16,816,000)	
Administrative provision: REP savings	-12,251,000	-12,000,000	-12,000,000	+251,000	
Total, Federal Emergency Management Agency	5,103,556,000	838,558,000	1,088,058,000	-4,015,498,000	+249,500,000
General Services Administration					
Consumer Information Center Fund	2,260,000	2,119,000	2,419,000	+159,000	+300,000
Department of Health and Human Services					
Office of Consumer Affairs	1,500,000	1,800,000		-1,500,000	-1,800,000

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
National Aeronautics and Space Administration					
Human space flight	5,362,900,000	5,326,500,000	5,426,500,000	+63,600,000	+100,000,000
Science, aeronautics and technology	5,767,100,000	5,642,000,000	5,690,000,000	-77,100,000	+48,000,000
Mission support	2,562,200,000	2,513,200,000	2,513,200,000	-49,000,000	....
Office of Inspector General	17,000,000	18,300,000	18,300,000	+1,300,000	....
Administrative provision: Transfer authority	(177,000,000)	....	(150,000,000)	(-27,000,000)	(+150,000,000)
Total, NASA	13,709,200,000	13,500,000,000	13,648,000,000	-61,200,000	+148,000,000
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	....	....
(Limitation on administrative expenses, corporate funds)	(560,000)	(203,000)	(203,000)	(-357,000)	....
Revolving loan program	1,000,000	....	....	-1,000,000	....
National Science Foundation					
Research and related activities	2,432,000,000	2,514,700,000	2,537,700,000	+105,700,000	+23,000,000
Major research equipment	80,000,000	85,000,000	175,000,000	+95,000,000	+90,000,000
Education and human resources	619,000,000	625,500,000	632,500,000	+13,500,000	+7,000,000
Salaries and expenses	134,310,000	136,950,000	136,950,000	+2,640,000	....
Office of Inspector General	4,690,000	4,850,000	4,850,000	+160,000	....
Total, NSF	3,270,000,000	3,367,000,000	3,487,000,000	+217,000,000	+120,000,000
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	49,900,000	50,000,000	70,000,000	+20,100,000	+20,000,000
Selective Service System					
Salaries and expenses	22,930,000	23,919,000	23,413,000	+483,000	-506,000
Total, title III, independent agencies	29,505,201,000	26,200,933,000	26,177,936,000	-3,327,265,000	-22,997,000
(Limitation on administrative expenses)	(114,445,000)	(100,074,000)	(115,074,000)	(+629,000)	(+15,000,000)
(Limitation on direct loans)	(625,000,000)	(625,000,000)	(625,000,000)	....	....
(Limitation on corporate funds)	(560,000)	(203,000)	(203,000)	(-357,000)	....
Grand total (net)	85,895,503,442	90,990,338,000	91,660,767,000	+5,765,263,558	+670,429,000
Appropriations	(85,745,503,442)	(91,980,338,000)	(92,360,767,000)	(+6,615,263,558)	(+380,429,000)
Rescissions	(-3,650,000,000)	(-990,000,000)	(-700,000,000)	(+2,950,000,000)	(+290,000,000)
Emergency appropriations (net)	(3,550,000,000)	....	....	(-3,550,000,000)	....
(By transfer)	(82,170,564,442)	(91,024,764,000)	(91,695,193,000)	(+9,524,628,558)	(+670,429,000)
(Limitation on administrative expenses)	(114,445,000)	(100,074,000)	(115,074,000)	(+629,000)	(+15,000,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	....	....	(+2,000,000)	....
(Limitation on direct loans)	(985,095,000)	(984,551,000)	(984,551,000)	(-544,000)	....
(Limitation on guaranteed loans)	(238,900,000,000)	(258,661,000,000)	(258,661,000,000)	(+19,761,000,000)	....
(Limitation on corporate funds)	(573,683,000)	(576,312,000)	(576,312,000)	(+2,629,000)	....
Total amounts in this bill	85,895,503,442	90,990,338,000	91,660,767,000	+5,765,263,558	+670,429,000
Scorekeeping adjustments	-3,832,100,000	32,100,000	32,100,000	+3,864,200,000	....
Total mandatory and discretionary	82,063,403,442	91,022,438,000	91,692,867,000	+9,629,463,558	+670,429,000
Mandatory	21,187,993,000	21,542,804,000	21,542,804,000	+354,811,000	....
Discretionary: General purposes:					
Defense	125,930,000	128,919,000	129,413,000	+3,483,000	+494,000
Nondefense	60,749,480,442	69,350,715,000	70,020,650,000	+9,271,169,558	+669,935,000
Total, General purposes	60,875,410,442	69,479,634,000	70,150,063,000	+9,274,652,558	+670,429,000
Total, Discretionary	60,875,410,442	69,479,634,000	70,150,063,000	+9,274,652,558	+670,429,000

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill, and I urge my colleagues to do likewise. I could not make a similar statement last year or the year before that for the VA-HUD appropriation bills. I am pleased that I can support this legislation, and I am pleased with the circumstances that have made this possible.

First, I wanted to take a moment to thank the gentleman from California [Mr. LEWIS], the chairman, for the open and inclusive way that he has approached the drafting of this bill. Both the gentleman from California [Mr. LEWIS] and his able staff have been extremely courteous and helpful during the hearing process and especially preparing for the markup of this bill in subcommittee.

I want to thank the gentleman from California [Mr. LEWIS] publicly for the comity which has been restored to the operation of this subcommittee and for the pleasure it is to work with him in crafting this bill.

While I cannot wholeheartedly embrace every recommendation contained in the bill and report, I think overall the bill represents a fair balance for the diverse and worthwhile programs which it funds. I think the administration currently holds a similar opinion. In the last statement of administration policy, there is no mention of a possible veto for the bill as it now stands.

However, the statement continues that if an amendment is adopted to eliminate funding for the Corporation for National and Community Service, or AmeriCorps, a veto is likely. The administration is already deeply concerned that the committee's recommendations for AmeriCorps is $146 million below their request and does not provide for the new America Reads initiative.

An amendment was offered in committee and may be renewed in the House to eliminate AmeriCorps funding. I sincerely hope that amendment is not offered or, if offered, is defeated. We all know how strongly the President believes in this program. He has fought hard for it in the past, and I am sure he will continue to do so.

After some understandable startup issues, the program appears to be operating much more smoothly. Reforms have been made, costs are coming down, and results are being achieved. So I would hope that we would avoid the histrionics and posturing and the tired old arguments about AmeriCorps and pass a bill that the President will sign.

As I said, all and all, this is a fairly well balanced bill, one that is worthy of the Members' support. In notable contrast to the experience during the last Congress, this bill contains virtually no legislative provisions. There are no antienvironmental riders, unlike the score of such controversial riders 2 years ago, and there is no major rewrite of housing law as there was last year.

The combination of the subcommittee's section 602(b) allocations and the provision in the budget resolution providing an additional $9.2 billion in budget authority and associated outlays for the section 8 contract renewal situation has allowed the subcommittee the flexibility to craft a bill with many positive aspects. In particular, the bill provides the full amount requested for renewal of all expiring section 8 housing assistance contracts. It also provides the full administration request for operation and modernization of public housing and for revitalization of severely distressed public housing.

Further, the bill includes substantial increases over last year's level for the Neighborhood Reinvestment Corporation and the Community Development Financial Institutions Fund, two relatively small programs that are nevertheless very important to economic development in cities and rural areas alike.

The measure also maintains funding for housing for the elderly and disabled and provides the full amount requested for homeless assistance programs. It also gets the new native American housing block grant program off to a good start by providing a $165 million increase over the levels spent on comparable programs this year.

I do wish that we could have done more in some areas. I especially wish we could have provided the 50,000 new section 8 housing certificates proposed by the administration. This will be the third year in a row without any additional units of assisted housing. The need for affordable housing for low-income families is growing, while the supply is shrinking.

I also wish we could have funded the administration's proposal for grants to promote the redevelopment of brownfields, that is, former industrial properties with moderate environmental contamination. The problem of brownfields is one of the most serious difficulties hampering redevelopment in many inner cities.

I also wish we could have provided the requested increase in the Superfund Program to speed the clean-up of contaminated sites across the country. There appears to be a considerable difference of opinion regarding the wording of the budget agreement as it relates to Superfund.

The Republican leadership says the agreement means "enactment of comprehensive Superfund reform legislation." OMB Director Frank Raines has stated, and I quote him, "We do not agree that the additional Superfund cleanup funding agreed to in the budget agreement is contingent on any prior legislation, much less a comprehensive reform bill."

Because there has not been any movement yet with regard to Superfund policies, I believe the committee's action not to include the requested increase at this time is understandable. However, in effect, by taking the extra Superfund money and spending it on other programs and activities instead of keeping a reserve against the day the Superfund policies are worked out, I fear that we have prejudiced the program unfairly. I doubt that we have heard the last from the administration on the additional Superfund spending.

I also wish we could have provided additional funding for veterans' medical care. Although increases above the President's request are recommended for NASA, the National Science Foundation, the Federal Emergency Management Agency, and the Department of Housing and Urban Development, veterans' medical care receives only the requested amount.

If the proceeds of the third party reimbursement proposal are realized in the amounts estimated, and if the legislation to enable individual medical centers to keep such funds is enacted, the crunch will be eased somewhat. However, there is some concern that the estimated level of third party reimbursements may be overly optimistic. Concerning veterans' medical care funding, Mr. Chairman, I have received a letter signed by all the Democrats on the Committee on Veterans' Affairs. I quote in part from their letter, which is dated June 25:

> As you know, the President's proposed budget for fiscal year 1998 did not request a level of appropriations expected to be needed to meet the cost of veterans' health care. We disagreed with this approach when it was initially proposed and we continue to disagree with the President's proposal today. As our veterans age and their health-related needs increase, this is surely not the time to provide an appropriation for VA which is insufficient to meet the health care needs of veterans.

I share their concerns. Even with the additional funding from third party reimbursements, veterans' medical care is not sufficient to sustain the current services level, much less provide for any increase in patient work load.

In sum, Mr. Chairman, while I have some concerns about the bill, on the whole it is a bill which we should support. It is a good bill now, and I hope that it can be made even better by the time we go to conference and we send it to the President. Again, I express my appreciation to both the gentleman from California [Mr. LEWIS], the chairman, and his staff for the excellent cooperation that we have received in crafting this bill.

Mr. Chairman, I reserve the balance of my time.

☐ 1900

Mr. LEWIS of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Chairman, I rise today in support of this bill. I commend the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from California [Mr. LEWIS], the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Ohio [Mr. STOKES] for the fair and equitable manner in which they have sorted out the competing priorities of the agencies funded by this proposal. I particularly want to express my appreciation for the commitment this appropriation makes to the Department of Veterans Affairs.

The Department of Veterans Affairs plays a vital role for the thousands of veterans in America. I want to share with my colleagues the story of Mr. Joe Atterbury of Hansen, Kentucky. As a 17-year-old in Vietnam, Joe, like many soldiers of that era, experienced many traumatic events, some so traumatic that I really cannot discuss them.

After serving in Vietnam, Joe returned home to western Kentucky, got a job, married and began raising a family. He worked hard as his family grew, with the addition of each of his six children. But by 1972, he began to have serious doubts about his ability to work and support his family. There was something affecting Joe Atterbury. He turned to the Department of Veterans Affairs for help seeking disability compensation. Seven years later, after several appeals, Joe was denied his claim. The VA found no cause for his inability to hold a job. He continued to work, off and on, trying to make ends meet for his family and it was very difficult. But in 1991 with the help of a caring physician, Joe refiled his claim.

I am pleased to say today, with the help of the Department of Veterans Affairs, after 25 years of denials and frustrations, Joe Atterbury was awarded a disability claim in excess of $100,000 for the posttraumatic stress disorder he had suffered since 1972.

The bill before us today represents a modest increase for veterans benefits, health administration, construction projects and other programs. I urge my colleagues to vote in favor of the bill and to renew their commitment to ensuring that all American veterans will find the help and the hope they deserve as did Joe Atterbury.

Mr. STOKES. Mr. Chairman, I yield 4½ minutes to the gentleman from Texas [Mr. GONZALEZ], the distinguished ranking member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Chairman, I rise in support of H.R. 2158, a bill making appropriations in 1998 for VA, HUD and the independent agencies. Although I continue to be deeply troubled by the severe budgetary limitations on domestic discretionary spending, particularly for the most vulnerable and working families in future years, I applaud the Committee on Appropriations for the work that they have done this year.

H.R. 2158 is devoid of noxious legislative riders and most authorizing language that should be developed by the Committee on Banking and Financial Services. Indeed I am hopeful that even the few housing provisions will not be necessary here and that the Congress will enact real and fair public housing reform this year. On one of the problems of the last appropriations bill, the very complicated issue of section 8 portfolio restructuring, I am hopeful that the budget reconciliation conference will provide the legislative framework for reviewing section 8 contracts. The Committee on Appropriations took the most critical step in this bill. H.R. 2158 provides sufficient funding for all renewals coming due in 1998. I applaud them for their work and foresight.

Now the authorizers must do their work in reconciliation. We are well on our way to balancing all the disparate interests of the tenants, owners, communities, and the Federal Government in preserving as much affordable housing as possible, reducing the costs to the Federal Government, reasonably protecting the financial investments of the owners and protecting the tenants from unnecessary displacement. We thank them for making our job a little easier.

Mr. Chairman, that having been said, there are two glaring deficiencies in this bill. For the third year in a row, there is absolutely no money for incremental section 8 housing assistance, even in the face of continued, mounting evidence that greater numbers of very low income families and the working poor are finding it ever more difficult to find affordable housing. Some 5.3 million Americans have worst-case housing needs. That number grows by leaps and by bounds. I find it unconscionable that this refuses to fund any new section 8 assistance in this proviso.

The bill also fails to provide funding for preservation. Since its inception, 751 properties with more than 90,000 units have received preservation funding. Another 477 properties with about 56,000 units costing $1.6 billion are ready and waiting for preservation funding. The 1997 appropriations will take care of only about 58 of the approved preservation units, or plans, but that leaves more than 400 properties where owners or nonprofit and community groups that wish to preserve affordable housing will not be funded. Affordable housing will be lost.

Mr. Chairman, we are building precious few new affordable housing units. We simply cannot afford to lose this scarce and precious affordable housing resource.

On balance, however, this bill is about as good as we can get under our severe budget constraints. I urge my colleagues to support H.R. 2158.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], an outstanding member of our committee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time, and I rise in support of the bill.

Mr. Chairman, I would first like to thank the gentleman from California [Mr. LEWIS], the gentleman from Ohio [Mr. STOKES]) and the subcommittee staff for their guidance throughout the year.

This bill contains funding for many vital programs for our Nation's veterans, for protection and preservation of our environment, for meeting the housing needs for our elderly and disabled, and for scientific research and discovery.

Nearly half of this bill's funding of $40.4 billion supports the Department of Veterans Affairs efforts to provide health care, housing and benefits. As a member of this subcommittee, I am pleased that this bill provides full funding for the VA health care system.

In addition to veterans funding, H.R. 2158 provides funding for the section 811 program, housing for people with disabilities at $194 million, $20 million more than the President requested, and for the section 202 program, housing for older Americans, the number is $645 million, $300 million more than the President's request. Both of these programs are working extremely well at the Department of Housing and Urban Development, and I am pleased that the committee provided increased funding for both of them.

This bill also continues a set-aside program that the committee started last year to meet housing needs for people with disabilities. The committee has again included, and I commend the gentleman from California [Mr. LEWIS] in particular, $50 million for tenant based rental assistance to ensure decent, safe and affordable housing in communities for low income people with disabilities.

Finally, this bill includes more funding for Superfund cleanups. Specifically, $1.5 billion is included for the program, $106 million more than last year's funding.

Mr. Chairman, there is a desperate need for Superfund reform and change. First, the program needs to be reauthorized. Secondly, it needs to promote actual cleanups based on sound science, not the rhetoric of political science. Polluters need to pay and steps need to be taken to ensure that public or private funds are used for environmental cleanup, not to sustain endless litigation.

Mr. Chairman, I am proud to be a member of this committee and I support the bill.

This bill contains funding for many vital programs for our Nation's veterans, for protection and preservation of our environment, for meeting the housing needs for our elderly and disabled and for scientific research and discovery.

In total this bill provides over $91 billion for the Departments of Veteran Affairs, Housing and Urban Development and 17 independent agencies and offices. Nearly half of the bill's funding $40.4 billion, supports the Department of Veterans Affairs' efforts to provide health care, housing and benefits.

As a member of this subcommittee I am pleased that this bill provides full funding for the VA Health Care System. However, I remain concerned over the way the VA has chosen to implement the Veterans Integrated Network System [VISN]. My concern lies with the fact that veterans' health care funding has increased each year for the last 2 years by some $400 million yet some area networks are not seeing any increases and in fact are receiving cuts in funding and services.

In testimony before our subcommittee this year VA Secretary Jesse Brown told the subcommittee that no services will be reduced under the VISN proposal. In spite of this promise, the VA continues to reduce the number of veteran services to VA hospitals in New Jersey and veterans are beginning to believe that the Secretary's promise is meaningless.

During subcommittee markup I offered report language, accepted by the subcommittee, which would delay by 4 months the cuts to specific veterans' networks until the General Accounting Office has reviewed the new system. This review would determine if funding is being equitably distributed and if services to our veterans are adequate. I believe that this provision is a fair way of assessing the new VA plans to distribute these important health care funds.

In addition to veterans funding, H.R. 2158 provides funding for the section 811 program, housing for people with disabilities, at $194 million, $20 million more than the President requested and the section 202 program, housing for older Americans, at $645 million, $300 million more than the President's request. Both of these programs are working extremely well at the Department of Housing and Urban Development and I am pleased that the committee provided increased funding for them.

This bill also continues a set-aside program that the committee started last year to meet housing needs for people with disabilities. The committee has again included $50 million for tenant-based rental assistance to ensure decent, safe, and affordable housing in communities for low income people with disabilities.

Finally, this bill includes more funding for Superfund clean-ups. Specifically, $1.5 billion is included for the program, $106 million more than last year's funding.

There is a desperate need for Superfund reform and change. First, the program needs to be re-authorized and second it needs to promote actual clean-ups based on sound science, not the rhetoric of political science. Polluters need to pay and steps need to be taken to assure that public or private funds are used for environmental clean-up, not to sustain endless litigation.

Mr. Chairman, I am proud to be a member of this committee and I support this bill.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. MEEK], a very distinguished member of this subcommittee, very hardworking and very knowledgeable.

Mrs. MEEK of Florida. Mr. Chairman, I thank the leadership of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from California [Mr. LEWIS], the chairman, and the gentleman from Ohio [Mr. STOKES], the ranking member. I am pleased to have served on this subcommittee.

I think that the work that was done by this subcommittee was surely a bipartisan kind of effort, where both Democrats and Republicans worked well for the benefit of the people of this country. I want to congratulate them and their staffs for the work on this fine bill.

This particular bill will not do everything for everybody, Mr. Chairman, but what it does, it does a lot for people in need to improve the housing in this country. It is a responsible compromise that merits the support of every Member of this House. I think there is something in this bill, Mr. Chairman, that every Member of the House can go back home and say, "This is what this subcommittee did and we are very proud of it."

This has been a very tight budget year. Each of us is aware of that. The 602(b) appropriation is not as high as many of us thought it would be. Of course in the Senate it is probably much lower. So I think this committee did an outstanding job. They prepared for the renewal of expiring section 8 contracts, increased funding for EPA research which is so direly needed, the Superfund cleanups, housing for people with AIDS, community development financial institutions and a 40-percent increase for the Neighborhood Reinvestment Corporation. They really went out and reached out to those groups that really needed help and those programs that have been working well.

This bill also continues the Nation's commitment to space exploration and research, including development of the space station as well as the AmeriCorps national service program.

I particularly thank the chairman for working with the gentleman from New Jersey [Mr. FRELINGHUYSEN] and myself in increasing funding for the section 202 housing program for the elderly and for working with us on increasing funding for the self-help home ownership opportunity program. The gentleman from California [Mr. LEWIS], the chairman and the gentleman from Ohio [Mr. STOKES], the ranking member, were very receptive to ideas that would be workable for the people of this country as far as veterans housing and independent agencies. Many groups like Habitat for Humanity that our chairman so graciously decided that we would go out and help them, this was a show to this country and to those of us on that subcommittee that we not only deal with projects and with numbers but we deal with human lives in trying to rebuild housing for people in need.

Another thing in my district, like Centro Campesino dealing with the Mexicans in that area who are in so much dire need of housing. The chairman provided for those kinds of people to make possible the home ownership, Mr. Chairman, for people who perhaps would never get that opportunity. While this bill is not perfect, I want to again congratulate the chairman and the ranking member. It is a responsible bill and it is supportable. I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the subcommittee.

□ 1915

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the bill. I want to thank the chairman of the subcommittee, the gentleman from California [Mr. LEWIS], who has done an outstanding job along with, of course, the gentleman from Ohio [Mr. STOKES], the ranking member. I think the two of them forged a relationship that brings about some bipartisanship that frankly we need in this body, and I applaud both of them for that.

As we began this appropriations process this year, the biggest unanswered question was whether we could fashion a good bill acceptable to a bipartisan majority. I would say that this subcommittee has done just that in a definitive fashion. This appropriations bill is unique in that it covers an array of diverse agencies ranging from AmeriCorps, to the environment, to space exploration. It is not easy to bring such a wide range of interests together into a single bill. In fact, it is one of the most difficult legislative juggling acts that my colleagues will ever encounter in this body, and again the gentleman from California [Mr. LEWIS] and the ranking member, the gentleman from Ohio [Mr. STOKES], deserve a lot of credit.

I believe that H.R. 2158 strikes a unique balance that addresses the needs of our veterans' housing programs, the environment and special needs of space exploration. Veterans funding is increased by more than 330 million, sending, I believe, a clear message of continued support for those who risk their lives for our country. We preserved funding for NASA's core mission, and in light of the recent success of Sojourner's mission to Mars, I think we should applaud what has been done and exciting to see some of the results of that spending. While we increased EPA funding to protect our environment, I have some grave concerns over EPA's use of these funds to implement the proposed new clean air standards. Much of the debate surrounding this issue has become emotional, polarizing, rather than constructive and innovative. Without question, I believe the administration is attempting to impose costly new regulations on our communities, workers, businesses and families without anything more than a shred of concrete evidence that the new standards will help.

A part of me would really like to see this bill separated in the fashion so we could look at it, analyze it and apply some cost-benefit analysis and some risk analysis to this whole process. I do not believe that is the case.

But in conclusion, the bill before us is a good bill. I am very sure, very sure that every Member in this body could find something wrong with it, and probably has, but on the basis of what has been presented I believe it is a good bill and, frankly, if they can find something wrong with it, that is the nature of the process down here on the floor. We can all find something wrong with whatever comes through in the way of a product.

But I again want to take a moment to applaud the gentleman from California [Mr. LEWIS], the staff who have done an outstanding job, again the ranking member, the gentleman from Ohio [Mr. STOKES], and I particularly wanted to thank Mr. STOKES for his working with me on an issue that in times passed has been a bit of a hangup, but it has come about, I think, where we have reached a conclusion that we have agreed that we can agree on this issue.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I just wanted to express my appreciation to the gentleman for his kind remarks and in the same turn that the matter which the gentleman and I were able to work out satisfactorily to both of us I think is one that also demonstrated the bipartisan manner in which the gentleman and I have approached matters relating to this committee, and it has been a pleasure to serve and work with him.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES]. I appreciate his comments.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I thank the ranking member, the gentleman from Ohio [Mr. STOKES] for yielding this time to me.

Mr. Chairman, I prepared an amendment to this appropriations bill that would have prohibited the VA from using fiscal year 1998 dollars to contract with businesses that have serious and repeated violations of Federal labor and safety laws. I will not, however, offer my amendment at this time. The Committee on Rules did not agree to waive possible points of order against it. But I want to remind Members that our Nation's Federal contracting laws are in need of much reform.

The amendment I had hoped to offer this evening is similar to H.R. 1624, the Federal Procurement and Assistance Integrity Act that I introduced during this Congress. The amendment was narrowly tailored, however, so it would only apply to VA appropriations during the next fiscal year. It would have prohibited the VA from contracting with businesses with a history of serious and repeated labor and safety law violations. The amendment would have helped ensure that the VA only does business with entities that comply with the laws that protect America's working men and women from unfair working practices and unsafe workplace conditions.

Beverly Enterprises is one of the largest nursing home operations in the United States. It has an extremely poor safety record and a longstanding record of vindictive and illegal labor practices. The GAO has labeled Beverly as one of the most serious labor violators among our Nation's Federal contractors. The U.S. District Court in Pennsylvania recently stated that Beverly's labor law practices have been "selectively geared to destroy or at least impede communication among union members." On the health and safety front Beverly has repeatedly refused to allow investigators from OSHA to visit their facilities, even when the inspectors produce a warrant.

These facts speak for themselves. It is time to stop pouring taxpayer dollars down the corporate coffers of the Federal contractors who play fast and loose with the employees' rights and jeopardize the lives of American workers for the sake of the bottom line.

Mr. Chairman, I urge my colleagues to consider this kind of contracting reform as we take up future appropriations bills in this Congress.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. QUINN] for purposes of a colloquy.

Mr. QUINN. Mr. Chairman, I thank the chairman of the subcommittee for his courtesies today.

Mr. Chairman, as the chairman of the Subcommittee on Benefits, I am very concerned about the gradual decline in the overall appearance at our Arlington National Cemetery. The cemetery staff does a marvelous job, Mr. Chairman, of trying to keep the Nation's premier veterans' cemetery up to the standards of a National shrine that it is, but relatively flat budgets and a growing workload make that more and more difficult every year.

For instance, in 1992, Arlington employed a staff of 140 and interred 4,352. Five years later in 1997, the cemetery interred 5,400 with a staff of only 117. We know construction funds are also lagging, and these are the funds that are needed to replace an aging infrastructure such as old buildings and roads and to open new areas for burial. In 1992, Arlington received $4.8 million; this year's budget requests only $2.4 million, and clearly, Mr. Chairman, if this continues, our standards will not be met.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the chairman of the Subcommittee on Veterans Benefits is right on target. The gentleman from New York [Mr. QUINN] and I have discussed this matter on other occasions. Arlington National Cemetery holds a very special place in the hearts of the Nation, and I think it is important that Arlington be maintained at the highest standards. I am very aware that the cemetery's maintenance backlog has been growing.

Mr. Chairman, does the gentleman have a proposal?

Mr. QUINN. Mr. Chairman, I believe that they can probably absorb several millions of dollars worth of improvements, but the budget pressures that we are under, and others have worked so hard, I was going to offer an amendment to add $250,000 to the cemetery's budget. I appreciate the gentleman's leadership and respect the hard work of the subcommittee.

So I would merely request that during the conference with the other body the gentleman from California seek to add that $250,000 to the operations and maintenance accounts so that we can maintain Arlington in the manner reflecting the deeds of those who are buried there.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for his cooperation and consideration of the subcommittee's work and the difficulty we face. This is a modest sum, and I am sure that it will be well used at Arlington. I would be pleased to seek additional funds during conference.

Mr. QUINN. Mr. Chairman, I thank the gentleman from California.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I would like to say a few words about the VA-HUD-Independent Agencies' appropriation bill developed under the able leadership of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES], the ranking member. While there are, of course, specific items to which I may object, I believe that the bill is, on balance, a good one. Thus, in the brief time that I have I would like to comment on a few of the NASA provisions that have generated some controversy.

The bill, as reported, provides the NASA Administrator with the authority to transfer up to $150 million from the science, aeronautics, and technology and mission support accounts to the space station account. I shared the concern of the gentleman from Wisconsin [Mr. SENSENBRENNER] with that provision, and I am disappointed that the rule protects the provisions against a point of order. However, I do want to be clear about the reasons for my opposition.

I do not oppose providing NASA with additional funds to complete the development of the space station. I recognize that both NASA and the space station prime contractor have suffered cost growth and schedule problems over the past year. That does not make me happy, but it would be foolish to ignore reality and to pretend that all is well with the program and that additional funds will not be needed.

The situation has been exacerbated by the $2.1 billion annual funding cap that was imposed on the space station program in 1993. The cap may have been politically advantageous, even necessary, but it has further constrained NASA's ability to respond to Station development problems.

It is not very surprising to me that an R&D undertaking as large and as complex as the space station has run into difficulties, especially since we are at the point in the development program where we would anticipate such problems typically would arise. Moreover, I fully expect that the space station program will need additional funds prior to its completion, and I am prepared to support additional funding as appropriate.

However, I strongly believe that additional funding requests should not be quietly slipped into appropriations bills without prior review by the authorizing committee. Neither do I believe that it is prudent to indiscriminately raid NASA's other important activities to pay for space station cost growth. We will need to be flexible in our approach in order to ensure that no programs are damaged. Conversely, I would also oppose a limitation on the administration's ability to add funds to the space station engineering account, subject to congressional approval.

In a related vein, I intend to oppose the amendment that I understand will be offered by Mr. ROHRABACHER and Mr. ROEMER to eliminate the $100 million Russian program assurance account. While the amendment may reflect an understandable frustration with Russian delays in meeting their space station commitments, this amendment would have the net effect of damaging American interests—not promoting them.

That is because the $100 million is intended to reduce United States dependence on the Russians by funding the development of United States-owned contingency hardware that would help take Russia off the space station's critical path. Moreover, it is money that will be almost entirely spent within the United States—it is not a gift to the Russians, nor is it a blank check. Eliminating those funds would, in all likelihood, force NASA to curtail its work on contingency options and alternatives. Fundamentally, we can't have it both ways: We can't direct NASA to reduce the space station program's dependence on the Russians, and at the same time eliminate the funds NASA requires to carry out that directive.

The authors of the amendment have tried to add additional provisions that they hope will make it more appealing. However, Members should not be confused. If adopted, I believe that this amendment would lead to increased space station costs, further delays, and continued vulnerability to potential Russian delays. I intend to support Chairman LEWIS and oppose the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], my colleague and friend.

Mr. BEREUTER. Mr. Chairman, I want to thank, first of all, the chairman and the ranking member and all the members of the subcommittee for the excellent work they did under difficult budgetary restraints, and I want to particularly comment favorably upon their treatment of some of the housing programs. Section 8, section 184, section 202, and section 811 programs were funded as adequately as we can under the circumstances, and they are very important, and I appreciate the subcommittee's good work.

Mostly, however, I would like to address the Safe Drinking Water Act. Legislation was enacted last year to amend that act and inject more common sense in the process of testing and treating our Nation's water. This Member is concerned, however, that the Environmental Protection Agency's groundwater disinfection program may be ignoring congressional intent. Specifically, the EPA may attempt to implement a rule which would result in enormous disinfection costs for small communities, but with no actual benefit to the citizens of those communities. In recognition of the general good quality of our Nation's groundwater, the excellent existing State water quality protection programs and the expense and other complications of unneeded treatment, the Safe Drinking Water Act of 1996 provided the EPA with only the authority to promulgate regulations requiring disinfection as a treatment technique as necessary, and I stress the words as necessary, for all public water systems using groundwater. Therefore, it appears that the EPA staff, all too predictably and as this Member predicted, would be the problem in his floor comments on June 25, 1996. It appears they may be focusing on a proposed regulation which goes far beyond the regulation of those systems with groundwater quality problems. Agency drafts have proposed regulatory measures that exceed disinfection and which are currently and properly covered under State authority or State programs.

Therefore, this Member would request that the chairman of the appropriations Subcommittee on VA-HUD enter into a colloquy on this matter.

Mr. Chairman, is it the committee's intention that a small community using groundwater should not be subject to EPA-directed improvements unless the community's groundwater poses a genuine health risk?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from California.

Mr. LEWIS of California. Unless the community's groundwater poses a genuine health risk, yes, there is such a requirement.

Mr. BEREUTER. Mr. Chairman, is it also the committee's intention that in order not to override creative and locally supported State efforts, which are effective in assuring public health, the EPA should develop a rule that clearly demonstrates that the groundwater poses a genuine health risk before requiring systems to disinfect?

Mr. LEWIS of California. Yes, it is, and I must say to my colleague that I very much appreciate his raising this question, for across the country there are other districts that have similar concerns, and the answer is yes.

Mr. BEREUTER. This Member thanks the distinguished gentleman for this clarification. Since Nebraska has more communities, all except five public water systems, that depend upon groundwater, more than any other State, this is a matter of great importance to our State, and I understand it affects other districts around the country as well.

Mr. Chairman, once again, the Appropriations Committee has completed the tough task of allocating limited resources to many deserving programs. As a member of the House Banking Committee, the committee with jurisdiction over Federal public housing programs, this Member is keenly aware of the growing strain section 8 contract renewals are placing on the HUD budget. This Member commends the appropriators for dealing with this difficult task in the absence of a legislative solution.

Although there are numerous deserving programs included in this funding bill, this Member would like to mention three specific programs. First, the bill provides $3.0 million for the section 184 Indian Housing Loan Guarantee Program which is administered by HUD. According to the committee report, this appropriation will result in over $36.9 million in loan guarantees. The section 184 Indian Housing Loan Guarantee Program has already proven to be an excellent program that for the first time is providing privately financed homes through a guarantee program for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Second, appropriators should be applauded for including $4.6 billion for the Community Development Block Grant [CDBG]. This amount, which is the same as the fiscal year 1997 enacted level will efficiently provide block grants for many successful programs, including Youthbuild.

Finally, this Member would like to thank appropriators for retaining the fiscal year 1997 enacted level of $645 million for the section 202 elderly housing program and $194 million for the section 811 disabled housing program. These levels, which this Member supported during House floor consideration last year, are a minimum commitment Congress should make to these special needs citizens.

Mr. Speaker, this Member rises in support of H.R. 2158 and urges his colleagues to support this measure.

□ 1930

Mr. STOKES. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure.

Mr. BORSKI. I thank the distinguished gentleman for yielding me this time, Mr. Chairman.

Mr. Chairman, while this bill has many positive attributes, it fails to adequately fund the Superfund toxic waste cleanup program. It violates the budget agreement by refusing to fund the President's request. It shortchanges the millions of Americans and their children whose lives and welfare are threatened by toxic waste.

By failing to provide the $650 million requested by the President for Superfund cleanup in fiscal year 1998, up to 120 Superfund site cleanups will not begin. There will be an enormous reduction in the relief that could be afforded to nearly 70 million Americans, including 10 million children who live within 4 miles of a Superfund site. The money requested sits in a trust fund collected for the very purpose of providing relief to these people who live with hazardous waste, threatening the water supplies and health.

Mr. Chairman, in the past the Superfund program has been justly criticized for the speed with which it cleaned up sites. As ranking member of the Subcommittee on Water Resources and Environment, I am all too aware of the history of the program. But I can tell the Members with a certainty that EPA, under the effective leadership of Carol Browner, has implemented over 50 initiatives to reform and improve the program.

The criticisms of the past do not accurately reflect the Superfund program of today. Eighty-two percent of sites on the final list are undergoing cleanup construction or already have construction completed.

Superfund has 439 completed cleanups and an additional 492 underway. These numbers indicate that the current program is clearly much more effective than in years past. The President proposed funding in his budget to complete an additional 500 cleanups by the year 2000. These are cleanups that are ready to go.

Despite their insistence that they, too, are committed to speeding up cleanups, the Republican leadership refused to provide needed cleanup funding.

Mr. Chairman, the Committee on Transportation and Infrastructure and the Committee on Commerce, along with the administration, have been meeting on a bipartisan basis to reauthorize the Superfund program. However, that process should not be the excuse to fail to fund cleanups which are ready to begin today. I do not know what a revised Superfund might look like, but I do know that the failure to provide additional cleanup funding will delay cleanups.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I want to urge support of this bill, and I must say that I am pleased with the overall funding for the EPA, plus language that was put in in an appropriation of $4 million for our decontamination effort of toxic dredge material in the New York Harbor, which impacts New Jersey. I wanted to thank the chairman, the gentleman from Ohio [Mr. STOKES], as well as the gentleman from New Jersey [Mr. FRELINGHUYSEN] for that effort in particular.

But I do have to say, as my previous colleague, the gentleman from Pennsylvania [Mr. BORSKI] did, that there is not enough money to significantly expand the Superfund program as proposed by the President. The President's initiative to clean up an additional 3,500 Superfund sites by the end of the year 2000 was designed to protect the public from the risks that these sites posed to health and the environment. I think this was an important initiative. It was recognized by the Congress. It was part of the accommodation in the balanced budget agreement.

What we intend to do, myself, the gentleman from Massachusetts [Mr. MARKEY] and the gentlewoman from Colorado [Ms. DEGETTE], is to offer an amendment that restores the $650 million in additional funding requested by the President.

Many of Superfund's detractors are fond of saying that the sites do not get cleaned up fast enough. I think this is the opportunity to make a difference. We should reauthorize and reform Superfund, but we have to fund the cleanups while we work on the bill.

I just wanted to say that in my home State of New Jersey, there are some 70 percent of our 107 sites that are either being cleaned up or are cleaned up. A great number of the sites have not been delisted in New Jersey only because long-term monitoring is still ongoing or long-term treatment of groundwater is still ongoing, but we have worked very hard with the EPA administrator and the President to put in place a Superfund program that is leaner and cleaner than it ever was before.

Nationally, the reforms put into place by the EPA have revived the Superfund program after many years of neglect. In the last 4 years the EPA has cleaned up more sites than in all of the 12 years of the program's previous years.

Mr. Chairman, the President made a promise to clean up these additional sites by the year 2000. To do that, I think we should include this money in the bill.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentleman from Cleveland, Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, at this hour the ailing Russian astronaut Tsibliyev is aboard the Mir space station awaiting help in outer space to see if an American astronaut, Michael Foale, can take charge to make critical repairs to the space station.

As often happens in the universe, the drama in the sky above mirrors that on the Earth below, because we are faced with the possible elimination of $100 million in the fiscal year 1998 appropriations for NASA's Russian Program assurance activities. This $100 million is needed to continue NASA's contingency against Russian delay in the delivery of the International Space Station service module.

The majority of these funds will be spent in the United States to develop and modify hardware needed to ensure that the International Space Station will be built on time. The elimination of these funds would put the program at risk and delay the critical research that is being planned for the space station.

Mr. Chairman, NASA has made significant progress towards the on-orbit assembly of this unique international research facility. The $100 million allows NASA to fulfill a mandate that has been emphasized by Congress, the importance of contingency planning to prepare the United States to deal with delays in Russian hardware for the space station.

The day is near when the International Space Station, the product of an international partnership between the United States and 13 other countries, will begin to be assembled in orbit around the Earth. When it is completed soon after the turn of the century, it will serve as a world class laboratory for microgravity research.

Mr. Chairman, the International Space Station represents the future of aerospace technology, medical research, international cooperation, and space travel. The continued support of this orbiting laboratory is critical. We wish the Russian astronaut well and Godspeed, and we wish our American astronaut good luck as he faces this critical moment. We are with him, and

I hope that we will support the continuation of the International Space Station.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 2 minutes.

Mr. STOKES. Mr. Chairman, I do not expect to take all the time. I just want to once again say to my colleagues that this is a good bill. I want to say also that this is a difficult bill to craft. It is a bill that takes a number of months to put together. The staffs on both sides, the majority and minority staffs, have spent a lot of time working on this bill. Then the chairman and I spent long hours working to craft this bill.

Mr. Chairman, we wish, both of us I am sure, the gentleman from California [Mr. LEWIS] and I, that we could have had the resources to do many more things with this bill, but with the resources that were available to us I think we have crafted a bill that the House can take pride in.

Right now this bill has the support of the President. I hope we will not put any onerous amendments on this bill to place it in jeopardy of any type of a veto. I would like to see us be able to pass this bill and go to conference, and bring back to the House an even better bill.

In closing, Mr. Chairman, once again I want to thank my esteemed colleague, the gentleman from California [Mr. LEWIS], and say what a pleasure it is to work with him in crafting this very difficult bill. I offer him full support for this bill and hope that our colleagues will pass it.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 6 minutes.

Mr. LEWIS of California. Mr. Chairman, it has been suggested that the gentleman from Ohio [Mr. STOKES] and I, working on this very complex bill, have found ourselves in a circumstance where perhaps this subcommittee is a model for the work of the balance of our subcommittees.

I think more important than that, the bill involves, as has been suggested, a great variety of very complex issues that cover the gamut in terms of services to the American public. Veterans' medical programs are important, obviously. Housing programs are important. We are all excited today about NASA. EPA's work is critical to the country's future.

Indeed, when those kinds of programs are involved and there is competition head-on, the point that shortly comes to the fore is that major public policy issues, when we can get down to the nub of it, have very little to do with partisan politics. It is searching for alternative solutions and answers that lead to the best result for the American public. In this bill, I think we come very close to accomplishing much of that.

Because of that, I give my thanks to our staff, as the gentleman from Ohio [Mr. STOKES] has suggested, but very much to my colleague, the gentleman from Ohio, Mr. LEWIS STOKES, for his cooperation as well.

Mr. Chairman, I urge Members to support this bill.

Mr. RUSH. Mr. Chairman, I rise today to voice unqualified support for one of the Nation's most vital housing programs—the Low Income Housing Preservation and Resident Homeownership Act [LIHPHRA] of 1990 and its predecessor, the Emergency Low Income Housing Act of 1987. This program has, without qualification, preserved the homes of thousands of low- and moderate-income families and senior citizens. Yet, the HUD–VA appropriations bill that we have before us today includes zero funding for this popular and effective program.

In Chicago, there are presently 600 units of housing that have been approved by the Department of Housing and Urban Development for preservation. These apartments involve sales to community-based nonprofit organizations that are awaiting funding. But they will not be preserved as affordable housing if this Congress fails to provide funding for the LIHPHRA Program.

In the First Congressional District, there are presently 418 units approved for preservation and awaiting funding. Since its inception, LIHPHRA funds have contributed to the preservation of 1,500 apartments in the First Congressional District and 7,500 units in Illinois. This includes the recent transfer of a 312-unit senior citizen property on Chicago's south side—Cambridge Manor—to resident nonprofit ownership. Just weeks ago I had the opportunity to share in the celebration of this achievement with residents of the community.

LIHPHRA has proven a cost-effective approach to preserving affordable housing in our financially strapped cities. The national average cost to acquire and rehabilitate housing under LIHPHRA is $40,000 per apartment. This compares to an average cost of $80,000 to $120,000 per unit for total replacement of housing in the First Congressional District.

Regrettably, the actions of the HUD–VA Appropriations Committee will result in hundreds of prepayments of HUD-assisted mortgages. The end result will be the conversion of quality housing stock that has been financed with taxpayer dollars to market-rate uses.

In place of continued and expanded LIHPHRA funding, the committee is recommending the use of housing vouchers. But experience shows that in Chicago, at least 20 percent of tenant-based assistance is returned to the housing authority unused because of economic and racial barriers faced by tenants who try to use the certificates. Clearly, the voucher alternative does not offer a workable viable vehicle to preserve housing stock as a source of low-income housing for current tenants and future generations.

I regret that the VA–HUD appropriations bill reported by the committee failed to include funding for the preservation program. I urge my colleagues in the Senate and the conferees to ensure that funding for the LIHPHRA Program is restored.

Mr. EVERETT. Mr. Chairman, I rise today to extend my support for the legislation before us. I especially commend Chairman LEWIS and his colleagues on the VA–HUD Appropriations Committee for their cooperation with the Committee on Veterans Affairs in reaching a consensus and commitment to adequately fund the Department of Veterans Affairs for fiscal year 1998.

Chairman LEWIS has provided a total appropriation of $40.0 billion in fiscal year 1998 for programs and benefits provided to our veterans by the VA. This total is $143 million more than requested by the administration and includes $17.0 billion in direct appropriation for medical care and treatment of eligible beneficiaries. The legislation also takes an important step to allow the VA to retain for its own use the collections and user fees paid from third parties as reimbursement for VA-provided medical care.

While this Congress is dedicated to spending less of the taxpayers dollars on unnecessary programs and departments of Government, we cannot and should not jeopardize veterans healthcare, compensation, and other program benefits. This country made a commitment to every single veteran and we have a responsibility to follow through. I believe that this legislation is true to this commitment.

This Congress should, however, expect the Department of Veterans Affairs to commit taxpayer dollars toward programs and services in a fiscally responsible manner. I am particularly concerned with the manner in which the VA is progressing toward VA hospital integrations across the country.

Let me first say that I support consolidating VA facilities. I believe this process is necessary to improve the efficiency of healthcare delivery for America's veterans. However, the VA should never implement an integration of facilities before designing a detailed integration plan. Unfortunately, the VA proceeded with the formation of the Central Alabama VA Health Care System and implementation of clinical and administrative changes without a business plan. The GAO considers the VA proposal inadequate, at best. Further, the GAO suggests that the plan raises more questions that it provides answers.

For this reason, I have requested that the VA halt the integration of two facilities in Alabama until such time as the Department has provided critical information on the consolidation process, specifically, on the formation of the Central Alabama Veterans Health Care System through the integration of the Montgomery, AL, VA Medical Center, and the Tuskegee, AL, VA Medical Center.

The General Accounting Office [GAO] is reviewing the integration of these facilities and has identified specific issues which should be addressed before further implementation takes place. The VA agreed to temporarily halt this integration in June.

At my request, Chairman LEWIS has included report language in the bill directing the VA to not proceed with further integration of these two facilities until a detailed plan of the integration has been submitted to the Congress and the General Accounting Office issues a report reviewing the plan.

I believe, and the committee agrees, that given the specific circumstances surrounding the integration of these two facilities, integration should be halted until the VA and the GAO can assure this Congress that the integration of the Montgomery and Tuskegee facilities will serve the best interests of the veterans of Alabama and the taxpayers of this country.

Mr. Chairman, I stand in strong support of this legislation and thank Chairman LEWIS, once again, for this attention to the concerns of veterans in my district and throughout the country.

Mr. STUMP. Mr. Chairman, I want to commend the members of the Appropriations Committee and its leaders, Mr. LIVINGSTON, Mr. OBEY, Mr. LEWIS, and Mr. STOKES, for their work on this bill. It is a good bill for veterans.

Earlier this year, when the administration sent its budget to the Congress, there was a great deal of concern about the proposed funding scheme for veterans health care. For the first time, the administration proposed that part of the funding for veterans health care would be dependent on what VA could collect from insurance companies and others who are obligated to pay for VA health care.

The funding level contained in this bill assumes that Congress will send to the President authority for the Secretary to spend amounts collected from insurance companies for veterans' health care. However, it is important to note that the House has taken a number of steps to make this less risky than the administration's original proposal. In the House-passed reconciliation bill, the VA Committee inserted several provisions to avoid a situation in which veterans are denied health care because of an unexpected shortfall in collections. The House-passed provisions would: Provide additional appropriations if collections from third parties fall short of projections by more than $25 million; authorize VA to collect the same amount that insurance companies pay other health care providers; require VA to develop a plan to maximize collections through appropriate incentives; and establish a monitoring mechanism so that Congress can accurately assess whether this new authority is working.

The language reported by the VA Committee would have made these collections available without any further action by the Congress, and I still believe that if we want to maximize collections, that is the best policy.

There are a number of other noteworthy improvements to the administration's budget proposal for veterans contained in this measure. It adds $32.6 million to the President's request for veterans medical research. I am concerned, however, that the reported bill includes unwise and unnecessary restrictions on how this money is to be spent. The bill includes increased funding for the State veterans home construction grant program, an action which the VA Committee recommended earlier this year. The bill provides the funds requested by the administration to upgrade the National Cemetery in Arizona. It also adds funds to modernize some of the VA's health care facilities, a necessary investment even though the VA is going through a nationwide restructuring of the way in which health care is delivered. Finally, it adds modestly to the funds needed to administer the benefits which the Congress has authorized for veterans. All of these increases were recommended earlier this year and I congratulate the committee for its wise choices.

Mr. VENTO. Mr. Chairman, I rise in overall support of this legislation which will provide $91.7 billion in fiscal year 1998 for housing programs, veterans programs, environmental programs, and a myriad of other independent agencies' programs.

I think, Mr. Chairman, that this bill is acceptable, in relative terms, for housing, an area of appropriations that continues to bear the scars and burden of the 1995 rescissions bill which gutted important housing and homeless programs. We see in this bill a recognition of the section 8 renewal needs at $9.2 billion, a recognition of the political realities. The measure as reported does not antagonize Presidential priorities with regard to AmeriCorps or community development financial institutions, and there is a recognition in the bill of the need for balance among the programs funded through this important mixture of programs. These programs in effect display the full spectrum of Federal Government activities.

Mr. Chairman, I do have reservations about some of the spending priorities in this VA–HUD-independent agencies appropriations bill. For example, while these are exciting times on Mars and as a person with a strong science interest, I celebrate the discoveries, I only wish we could see such exuberance, ingenuity, and funding commitment in tackling our Nation's housing challenge. If only we could see such commitment to funding and supporting efforts to clean up our Nation's air, and those in our Nation's Capital these past few days in July has only shown too "clearly" that our air is in need of help, and other environmental cleanup needs of spaceship Earth. Certainly I recognize that this is an acceptable bill than recently has been presented on the floor because the 602(b) appropriation allocation permitted the subcommittee, led by Messrs. LEWIS and STOKES, a more equitable allocation.

There are several issues I am pleased to note specifically: for one, the level funding of the AmeriCorps Program at $400 million. There has been a lot of talk about the Minnesota/North Dakota/South Dakota floods; about funding; and about the necessity of expedited funding. AmeriCorps put its people and money where its promises were and sent close to 100 AmeriCorps members to help flood victims. They came from all over the country, from Colorado, from Virginia, to help slog through the mud of the Red River that clogged people's basements, to pitch sandbags, to deliver food, and to work in other important jobs that were essential during this still trying time. These volunteers did all this and more for an opportunity to help people and to restore hope for people who really needed it.

AmeriCorps helped more than 9 million individuals throughout 1995–96. Although we could do more for this vital win-win program that wins for the volunteers and those who are served, level funding is a step ahead of where we were in the previous bills. I urge the House to defeat amendments to strike or reduce AmeriCorps funding.

I am surprised and dismayed that the bill does not fund the additional 50,000 section 8 certificates and vouchers requested by the administration. The third year without new housing being made available. The need for housing persists. It has not gone away. The changes that welfare reform will bring are going to impact our housing programs in many ways including a likely increase in demand for section 8 housing. Affordable housing supplies are not keeping pace with the growth in housing needs. It has been estimated that the gap between the number of affordable housing units and the number of people needing them is 4.7 million units. The U.S. Department of Housing and Urban Development estimates that over 11 million Americans have worst case housing needs. Families with children represent 43 percent of the households with those needs—paying more than half of their income for rent and utilities, or living in substandard housing. These are housing canyons forming in our Nation, not mere housing gaps and the numbers clearly show that many, many millions of Americans are but an accident, a job loss, or a health care crisis away from unfortunately becoming homeless.

In its annual survey, the U.S. Conference of Mayors found that 20 percent of all requests for emergency shelter went unmet this year because of a lack of resources. Emergency shelter requests increased in the 29-city survey by an average of 5 percent, with the requests for assistance from homeless families increasing by 7 percent. On average, people remain homeless for a disappointing 6 months in the survey cities. The No. 1 reason, among many reasons to be sure, is the lack, of affordable housing. And now, with the impact of welfare reform starting to be felt, it is even more evident that we must marshal the necessary resources to keep American citizens off the streets.

I intend to offer an amendment to restore the Federal Emergency Management Agencys' Emergency Food and Shelter Program to $130 million, up from $100 million in the bill, and to support the Kennedy amendments to increase funding from the HUD McKinney Act homeless programs for $823 million to $1.1 billion and to add 45,000 units of incremental section 8 assistance. I urge my colleagues to consider that same course of action. This would indeed bring homeless funding to its 1995 level and provide some new additional support.

The public housing program will be affected by welfare reform, especially in their operating subsidies. Although public housing programs are level funded, I fear that a proper accounting has not been made on the real potential impacts of welfare reform cuts on public housing in the future. Public housing authorities are strapped already. I am pleased, however, that the committee fully funded the important Drug Elimination Grants Program, a program I've been fighting to save in the authorizing legislation process, the spending commitment is necessary and deserves the support of the house.

Other housing and community development programs are in need of mentioning. Last

Congress, we reorganized the native American housing programs into a block grant. Although the bill provides $165 million more than requested by the administration for this new block grant, I am concerned that be shielded from cuts as it goes through the congressional process. Housing needs in Indian country are great, and block grants that dribble out are not as effective as those that come out with meaningful allocation amounts to the designated housing entities.

I thank the committee for allocating additional resources to the Community Development Financial Institutions [CDFI] fund. This important fund seeks to increase the availability of credit and investment capital in distressed communities as a means of increasing economic opportunity and revitalizing distressed communities. In many places, like rural Minnesota and right here in Washington DC, allocations have been approved that may well work through innovative micro credit lending that is being advanced through the CDFI. Funding this program at $125 million will give the CDFI program additional boost to help more communities, businesses, and individuals the opportunity to help themselves. CDFI works. Now its appropriate to realistically fund the CDFI's.

In this same vein, H.R. 2158 has allocated $70 million for the highly successful and proven work of the Neighborhood Reinvestment Corporation. As a long-time supporter of this program and an author of the law expanding their mission several Congresses ago, I am pleased at the dollar commitment for the Neighborhood Reinvestment and Neighborhood Housing programs serving hundreds of cities across our country.

With regard to the funding level for the EPA, the bill on the whole is positive but has some serious flaws. I am very concerned about the failure to fund to restore the environment in communities burdened with toxic waste sites. By providing only $1.5 billion for the Superfund hazardous waste cleanup program, the bill translates into 29 percent less than requested by the administration. I would also like to have seen funds allocated from Brown fields cleanup, not just $85 million for assessment. Our cities need assistance in cleaning up sites so that they can turn these areas into positive areas, environmentally and economically. I regret that the politics of reauthorization has resulted in shortchanging these key programs, Superfund and Brownfields which are integral to the economic vitality of our communities.

Mr. Chairman, I urge my colleagues to support H.R. 2158 and to support the several important amendments that will be offered to increase funding for housing and homeless assistance programs.

Mr. HOBSON. Mr. Chairman, I rise today in strong support of the H.R. 2158, the fiscal year 1998 VA, HUD and independent agencies appropriations bill. As a member of the VA–HUD Subcommittee I have enjoyed working with Chairman LEWIS, my fellow subcommittee members, and the fine subcommittee staff and I commend their work on this often difficult bill.

This year, as always, the subcommittee was faced with many challenges as it worked to approve funding for the wide array of programs under its jurisdiction. Nonetheless, I am pleased that we were able to appropriate $70 billion to meet the important needs of our veterans, protect the environment, address the Nation's housing and emergency assistance needs, and retain our commitment to space and science programs. The 1998 funding level in this bill is $600 million more than the President's request and approximately $6 billion higher than last year, guaranteeing that our most vulnerable citizens receive the assistance they need to lead productive lives.

As someone who has served on active duty, I firmly believe that we can never thank our veterans enough for putting their lives on the line in defense of our Nation. I am proud that the VA–HUD bill continues the House's strong support for veterans by protecting the veterans medical care account from reductions by funding it at $17 billion, with an extra $468 million to follow when the Balanced Budget Act is passed.

The bill also provides funding to ensure that those Americans who need housing assistance can receive it. H.R. 2158 funds the section 202 housing program for the elderly at $645 million and the 811 housing program for persons with disabilities at $195 million, both of which have been a concern of residents of Ohio's seventh district. Spending in both of these programs represents an increase over the President's request. Also, section 8 contract renewals are fully funded at $9.1 billion ensuring that all expiring contracts will be renewed for 1 year. The extremely popular Community Development Block Grant Program and HOME home investment partnerships are funded at $4.6 billion and $1.5 billion respectively, which protects CDBG funding and expands the HOME effort by $100 million.

The Environmental Protection Agency also received an increase of $433 million which will allow for the protection of our Nation's resources, for increased environmental research and for the clean-up of hazardous sites. More specifically, H.R. 2158 appropriates $656 million for EPA research including $40 million to study aspects of the controversial proposed EPA air regulations. The Superfund receives $1.5 billion, an increase of $100 million, and $85 million is allocated to help clean-up brownfield sites and restore them to useable condition, which is $48 million over the 1997 level. Finally, the clean water state revolving loan fund is funded at $1.25 billion and the safe drinking water revolving fund at $750 million, a total increase of $200 million. These funding levels will help preserve our valuable resources for future generations and help ensure that small communities receive the technical assistance to continue providing pure, clean water for rural families.

H.R. 2185 fully funds the Federal Emergency Management Agency's disaster relief account. This agency is of vital importance to coordinating the Federal Government's emergency preparation, response and recovery efforts. FEMA works closely with State and local governments in managing emergency programs and offering technical assistance and I am pleased to see these efforts being maintained.

Finally, the VA–HUD bill increases funding for NASA by $148 million over the President's request. Over the past few weeks we have marveled at the Mars Pathfinder mission and other projects such as the microgravity experiments developed by Ohio's NASA Lewis Research that are being conducted on the Space Shuttle *Columbia*. In Ohio and other locations across the country NASA taps the excitement of space exploration to help underserved children learn about science and math, and I'm glad to see these efforts adequately funded in this bill. It is important that our Nation continue our investment in science and space exploration, and that we use these efforts to improve life on Earth—H.R. 2185 provides the funding necessary to do all of these.

Tough decisions are made in this bill, such as the action to close the Office of Consumer Affairs—whose functions can be transferred to existing agencies—and freeze funding for the expensive Americorps program. These were carefully considered actions, and make it possible for the 1998 VA–HUD bill to provide for our veterans, meet the country's housing and environmental needs, invest in emergency planning, and support science and space exploration. I urge my colleagues to join me in supporting this bill.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2158), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107.

☐ 1942

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the final lines of the bill had been read.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 181, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Ohio [Mr. CHABOT]; amendment No. 3 printed in House Report 105–174 offered by the gentleman from Idaho [Mr. CRAPO]; the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; amendment No. 2 offered by the gentleman from Oklahoma [Mr. COBURN]; and amendment No. 2 printed in House Report 105–174 offered by the gentleman from Florida [Mr. WELDON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT:

Beginning on page 76, strike line 14 and all that follows through line 10 on page 77.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 328, not voting 10, as follows:

[Roll No. 270]

AYES—96

Aderholt
Archer
Armey
Barr
Bartlett
Barton
Boehner
Bono
Brady
Bryant
Burton
Buyer
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Ehrlich
Emerson
Gekas
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hostettler
Hunter
Hyde
Inglis
Istook
Jones
Kasich
King (NY)
Kingston
Largent
Latham
Linder
Manzullo
McIntosh
McKeon
Myrick
Neumann
Norwood
Nussle
Paul
Paxon
Pease
Petri
Pombo
Radanovich
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Smith, Linda
Solomon
Souder
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Weldon (FL)

NOES—328

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—10

Brown (FL)
Conyers
Eshoo
Gephardt
Johnson, Sam
LaFalce
Reyes
Schiff
Woolsey
Young (AK)

☐ 2003

Messrs. SKELTON, COOKSEY, BONILLA and ENSIGN changed their vote from "aye" to "no."

Messrs. HALL of Texas, PAXON, WELDON of Florida, and ARCHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CRAPO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho [Mr. CRAPO], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314, noes 109, not voting 11, as follows:

[Roll No. 271]

AYES—314

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)

Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn

NOES—109

Abercrombie
Ackerman
Allen
Bateman
Becerra
Berman
Blumenauer
Bonior
Bono
Borski
Boucher
Boyd
Brown (CA)
Carson
Clay
Coyne
Cummings
Davis (IL)
DeGette
Dellums
Dicks
Dingell
Dixon
Edwards
Engel
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hobson
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Knollenberg
Kucinich
Lantos
Lewis (GA)
Livingston
Lofgren
Lowey
Manton
Markey
McDermott
McGovern
McNulty
Meek
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rahall
Rangel
Rodriguez
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Serrano
Shuster
Skaggs
Slaughter
Smith, Adam
Snyder
Spence
Stark
Stokes
Tierney
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wise
Yates
Young (FL)

NOT VOTING—11

Brown (FL)
Buyer
Conyers
Cubin
Eshoo
Johnson, Sam
LaFalce
Reyes
Schiff
Woolsey
Young (AK)

□ 2011

Messrs. MCINTYRE, STRICKLAND, and NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 216, not voting 10, as follows:

[Roll No. 272]

AYES—208

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Riley
Roemer
Rogan
Rogers
Rothman
Roukema
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wolf
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Burton
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Cooksey
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Engel
Ensign
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goss
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pickett
Pomeroy
Pryce (OH)
Ramstad
Rangel
Redmond
Regula
Riggs
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sawyer
Schaffer, Bob

Schumer
Scott
Serrano
Shaw
Sherman
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wicker
Wise
Wynn
Yates

NOT VOTING—10

Brown (FL)
Conyers
Eshoo
Johnson, Sam
LaFalce
Lewis (CA)
Reyes
Schiff
Woolsey
Young (AK)

□ 2019

Mr. GIBBONS and Mr. BENTSEN changed their vote from "aye" to "no."

Messrs. SHAYS, SAXTON, GILCHREST, and CUNNINGHAM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 203, not voting 9, as follows:

[Roll No. 273]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Engel
English
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wynn
Yates

NOT VOTING—9

Brown (FL)
Conyers
Eshoo
Johnson, Sam
LaFalce
Reyes
Schiff
Woolsey
Young (AK)

□ 2027

Messrs. HOBSON, McINTYRE, and LIVINGSTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. WELDON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 25, not voting 13, as follows:

[Roll No. 274]

AYES—396

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon

Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOES—25

Ackerman
Becerra
Brown (CA)
Dellums
Engel
Farr
Frank (MA)
Furse
Hastings (FL)
Kennedy (RI)
McDermott
Meehan
Miller (CA)
Moran (VA)
Nadler
Neal
Olver
Pallone
Payne
Pelosi
Sabo
Scott
Tierney
Waters
Yates

NOT VOTING—13

Brown (FL)
Cooksey
Eshoo
Hall (TX)
Herger
Johnson (CT)
Miller (FL)
Myrick
Reyes
Scarborough
Schiff
Woolsey
Young (AK)

□ 2033

Mr. MARKEY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 274, I was unavoidably detained.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 274, I was unavoidably detained.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Chairman, I was unavoidably detained and missed several votes earlier today due to mechanical failures on my scheduled flight.

Had I been present, I would have voted:

Yea on rollcall No. 267; Yea on rollcall No. 268; Yea on rollcall No. 269; Nay on rollcall No. 270; Nay on rollcall No. 271; Nay on rollcall No. 272; Nay on rollcall No. 273; and, Yea on rollcall No. 274.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Chairman, I was unavoidably detained because of airline equipment problems, and missed the following rollcall votes earlier today. Had I been present, I would have voted as follows:

On rollcall No. 267, yes; on rollcall No. 268, yes; on rollcall No. 269, the Journal, yes; on rollcall No. 270, no; on rollcall No. 271, yes; on rollcall No. 272, no; on rollcall No. 273, no; on rollcall No. 274, yes.

Mr. QUINN. Mr. Chairman, I rise today to commend Interior Chairman Regula for all of his hard work regarding H.R. 2107, fiscal year 1998 Interior Appropriations Act. Specifically, I wish to thank the chairman for his efforts regarding funding for the low-income weatherization program.

Low-income weatherization funding is a proenvironment, money saving program to help low-income families protect themselves from extreme seasonal conditions. Funding for energy saving programs like the Low Income Home Energy Assistance Program [LIHEAP] and weatherization are under attack. Weatherization funds save money and make LIHEAP funds go further. They help update old inefficient heating and cooling systems, insulate drafty homes, and yield annual energy savings of about 18 percent. When these funds are slashed, hard-working low-income families are left to face the cold winters and the sweltering summer heat without assistance.

Mr. Chairman, these funds are particularly important to the elderly who cannot tolerate extreme temperature changes. I know that the city of Buffalo received $1 million in weatherization funding last year, which allows the city to help an average of 450 houses per year increase energy efficiency in their homes. Sadly, there is a 2-year waiting list consisting of between 1,200 and 1,500 homes that are in need of weatherization assistance. We cannot afford to cut funding that is in such need by so many low-income American families.

Thanks to Chairman REGULA'S efforts, an additional $3 million has been added to the weatherization funding contained in the fiscal year 1998 Interior Appropriations Act. Therefore, I am withdrawing the Sanders-Quinn amendment for compromise low-income weatherization funding from consideration.

Mr. CLAY. Mr. Chairman, if the National Endowment for the Arts is terminated and a State block grant is enacted, local communities will suffer tremendous losses, educationally, culturally and economically. Under the block grant, less than $50 million would be directed to the States for school-based art education programs. Currently, there are approximately 51 million students enrolled in primary and secondary schools. Thus, under the block grant each child would receive less than $1 for arts education activities. Dispensing funds in such piddling amounts is tantamount to throwing that money away.

During its 31-year history, the NEA has fostered the placement of thousands of artists-in-residence in our public schools and has allowed for the creation of literacy programs and children's festivals. In partnership with the Department of Education, the NEA assists over 100 national arts and education organizations to implement arts education in the curriculum. The NEA has also assisted universities in providing training for teachers and faculty, including national research on the effects of arts education on cognitive learning. The block grant would eliminate funding to universities, as well as lifelong learning programs that serve our Nation's adults, senior citizens, and disabled citizens.

In addition to improved quality of life and education, the NEA has made a very positive contribution to our Nation's economy. Through grants to orchestras, theaters, music ensembles, and other cultural festivals, the arts industry has supported nearly a million jobs across the Nation. In turn, these jobs have resulted in billions of dollars in revenue to the Federal Government. Local economies have seen the benefits of the arts through increased hotel stays and increased sales in local restaurants and shops.

Supporters of the block grant of Federal arts funding argue that it allows more equitable funding to all congressional districts. This is simply untrue. Under the Ehlers funding formula, funds to State arts agencies would be cut below the fiscal year 1997 level, which was already reduce 40 percent under the fiscal year 1996 budget cut. It is unlikely that these limited State funds will actually reach local programs, particularly in the Nation's poorest and most isolated counties. NEA programs, such as Chamber Music Rural Residences—that have brought chamber music and jazz ensembles to rural areas, including Tifton, GA, Jesup, IA, and Blytheville, AR—would be eliminated. A block grant would likely neglect those art and culture groups that have been historically underserved, groups such as the native American woodcarvers and the black American dance troupes.

The NEA has brought art to people in small towns and rural areas throughout the United States. The NEA has helped to educate and enlighten the young and the old. The NEA has enriched urban and rural communities across this country, financially as well as culturally.

The Ehlers amendment makes no effort to promote effective development of, and access to, the arts. The Ehlers amendment does not endeavor to make effective use of scarce Federal resources. Rather, to please a fringe group that regard art as synonymous with sin, the Ehlers amendment would scatter those funds to the winds in amounts too small to make a difference. I urge rejection to the Ehlers approach.

Mr. ENGEL. Mr. Chairman, for many years, a plan has been in development to build the Ellis Island Family History Center, a facility equipped with a data base which visitors of Ellis Island can access to learn about their immigrant ancestors.

The Center would provide passenger lists and ship manifests for the millions of visitors who travel to Ellis Island searching for a piece of their past. Upon completion the Family History Center would contain almost 30 million records. This project has been listed by the Department of the Interior and the National Park Service as one of their highest priorities, and it has been allowed to languish for too many years.

Various groups, including the Ellis Island Restoration Commission, which has served as a consultant to the Department of the Interior, have compiled a data base of almost 8 million records. Yet, no action has been taken to put all of these records to any use. Some may wonder why this project has been delayed.

The answer is this: Over the objections of many distinguished Members of this body as well as some officials at the Department of the Interior, a contract was signed between the Department of the Interior and the Statue of Liberty/Ellis Island Foundation for the construction of the Center. The foundation's employees have raised millions of dollars for this project. In fact, recent financial reports show the Statute of Liberty-Ellis Island Foundation has almost $30 million in the bank, but the foundation has failed to present an actual plan which would justify their salaries.

Why hasn't the Department of the Interior put pressure on the foundation to complete the Center? This very issue was addressed at a 1992 subcommittee hearing when representatives of the National Park Service testified, incredibly, that since its inception, the foundation had raised somewhere in the neighborhood of $360 to $370 million of or the Statue of Liberty and Ellis Island. However the National Park Service representatives also testified that "[the National Park Service] has had to go hat-in-hand asking for dollars that are due the Park Service and due the project, simply because the structure of the Foundation, does not give us an opportunity to exercise oversight on the receipt or the expenditure of that money."

That was 1992. It is now 1997 and the time has come for some action on this project. Our distinguished colleague in the other body, CARL LEVIN has been active on this issue and has contacted Secretary Babbitt asking for some assistance. The Secretary's reply, dated June 9, 1997 states: "no formal plan exists" for the project.

By way of comparison I should inform my colleagues that, currently there is a photographic exhibit of the history of Italian-American immigrants being displayed a Ellis Island in cooperation with the Italian government. The Balch Foundation, which has compiled millions of immigration record for the National Archives, agreed to create a database of approximately half-a-million Italian American records for use in conjunction with the photographs. The time that it took the Balch Foundation from its first contact by the Italian Government to the installation of the database at Ellis Island for use in the exhibit was approximately 2 weeks.

For millions of our Nation's citizens the search for their roots brings them to Ellis Island. The Family History Center would provide Ellis Island's visitors with a tangible link to their past. However, at the present pace it seems likely that this project will never be realized.

I hope that the House of Representatives will work with me to have the National Park Service and the Department of the Interior to either urge the Foundation to act on the Family History Center or award the contract to an organization that will.

Mrs. MINK of Hawaii. Mr. Chairman, the Interior Appropriations bill for fiscal year 1998 neglects to fund a number of projects important to Hawaii.

This bill denies a specific earmark of $700 million for land acquisitions and exchanges through the Land and Water Conservation Fund [LWCF] that was included in the recent budget agreement. The direct result of this omission is no funding for land acquisition at Kai Malino Ranch on the island of Hawaii, for the Hakalau National Wildlife Refuge. This parcel comprises some of the only remaining tropical rainforest in the United States—severely threatened forestland in Kona—which had been designated by the U.S. Fish & Wildlife Service [FWS] in recent past fiscal years as a top national priority for acquisition. The President's fiscal year 1996 budget included $7 million for acquisition of these forestlands, which was partially funded by the U.S. Department of the Interior [DOI] at $5 million in fiscal year 1997. H.R. 2107 neglects to fund the remaining $2 million to complete the acquisition.

This project demonstrates a cooperative partnership between the Federal Government and private property owners seeking to conserve precious natural habitat and unique species living in the rainforest. Total acquisition of Kai Malino is necessary for the long-term protection of several of Hawaii's threatened and endangered bird species, especially the endangered Hawaiian crow, or 'alala. FWS and the Peregrine Fund have been working together for years to save the crow from extinction, and their coordinated efforts have focused on Kai Malino which is the only land remaining where crows live in the wild.

A second project that has gone unfunded in this bill is Waihee Marsh in Kahaluu on the Island of Oahu, which is to be added to the Oahu National Wildlife Refuge Complex. Last year, Congress authorized this acquisition. President Clinton signed the bill into law on October 1, 1996 as Public Law 104–209.

Waihee Marsh consists of about 36 acres located on the Northeastern coast of Oahu. FWS identified Waihee Marsh as a priority acquisition site in its 1990 wetlands concept plan. The plan documented a loss of coastal wetland in Hawaii of 31 percent from 1880 to 1980, leaving only 15,474 acres of wetland for indigenous waterbird habitat. The few remaining wetlands are being preserved, but urban development pressures continue to take their toll.

A site visit by FWS in November 1994 identified a number of management priorities for the restoration of Waihee Marsh to a healthy, naturally functioning wetland. Sediment dredging is necessary to increase water quality and re-create suitable waterbird habitats. Aggressive predators such as feral cats, dogs, mongooses and rats that interfere with waterbird nesting and other activities need to be kept out of the wetland. Invasive non-native plants such as California grass and primrose willow that have overrun the refuge need to be removed. FWS would also need to rehabilitate the Marsh to maintain and create shallow mudflats, deeper open water areas, areas with fairly dense native vegetation and other varied features.

Waihee Marsh also serves as a flood control system for adjacent residential areas in Kaalaea and Waihee. It also acts as a filtration system for the nearby Kaneohe Bay, which is also undergoing cleanup and restoration of the diverse marine ecosystem that once occupied the Bay.

H.R. 2107 does not provide funding to purchase Kai Malino Ranch and Waihee Marsh. These projects are important to help stem the impact on Hawaii's current endangered species crisis. About 75 percent of plant and bird extinctions in the U.S. have been Hawaiian species, despite that fact that the Hawaiian Islands make up less than 0.2 percent of the country's total land mass. A recent study in the journal Science highlighted the serious extent of Hawaii's endangered species crisis by naming Hawaii as one of four hot spots in which the Nation's endangered species are concentrated.

Last, I am very concerned about the future of Hawaii's dwindling biodiversity. I requested $1.5 million in funding for genetic plant conservation. Technology now exists to preserve genetic material from endangered and threatened plants, in anticipation of future methods that could recreate populations of these plants again in the future, even after the last plant disappears from the Earth. H.R. 2107 fails to fund this request, which would provide for a range of activities including rare plant monitoring and sampling, seed bank upgrade and curation, curation and propagation of endangered plant collections, expanded greenhouse capacity, nursery construction, cryogenic storage research and development, and in-vitro storage expansion.

Genetic plant conservation is a crucial part of the solution to save endangered plants not only in Hawaii, but throughout the Nation as critical habitat dwindles under human pressures. As genetic technology develops, we would have saved essential materials necessary to restore plant populations, preventing extinction. Unfortunately, this small but vital investment in our future was not included in this bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. LaHood, having assumed the chair, Mr. LaTourette, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 181, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 192, not voting 5, as follows:

[Roll No. 275]

YEAS—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Lickey
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCrery
McDade
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Brown (FL)
Markey
Reyes
Schiff
Young (AK)

☐ 2051

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. REYES. Mr. Speaker, I was unavoidably detained and missed several votes this evening. If I had been here, I would have voted Yes on rollcall 267; Yes on rollcall 268; Yes on rollcall 269; No on rollcall 270; Yes on rollcall 271; No on rollcall 272; No on rollcall 273; Yes on rollcall 274; and No on rollcall 275.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2107, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. REGULA. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–184) on the resolution (H. Res. 185) providing for consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1210

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 1210.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 972

Mr. WYNN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 184 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2158.

☐ 2055

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Amendments printed in House Report 105–180 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, are considered read, are not subject to amendment and are not subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word for purposes of making an announcement.

Mr. Chairman, before we get into reading the bill for amendments, I would like to make this announcement about how we have agreed to proceed for the balance of the evening.

First, there will be no more recorded votes this evening. Any votes ordered will be rolled until tomorrow.

We will be reading the bill for amendments. We plan to read for amendments and debate all amendments through title II at the maximum. We will not read into title III even if we finish the first two titles quickly.

So, any Member with an amendment that will be offered in the first two titles needs to be here tonight. However, we will stop considering amendments no later than 10:30 p.m. even if we are not through with title II.

To summarize, there will be no more recorded votes tonight, and we will consider amendments through title II or 10:30 p.m., whichever occurs earlier.

☐ 2100

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPSENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, Chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $19,932,997,000 to remain available until expended: *Provided*, That not to exceed $26,380,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriations: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans" Benefits Act of 1992 (38 U.S.C. chapter 55).

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51,53, 55, and 61, $1,366,000,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $51,360,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of indirect and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended,: *Provided further*, That during fiscal year 1998, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $160,437,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 238 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $200,000; which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $44,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,278,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $388,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $515,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost, repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,958,846,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $565,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1998, and shall remain available until September 30, 1999. *Provided further*, That funds under this heading shall be available for medical examinations required for benefits claims under title 38, United States Code: *Provided further*, That of the amount made available under this heading, not to exceed $5,000,000 shall be for a study on the cost-effectiveness of contracting with local hospitals in East Central Florida for the provision of nonemergent inpatient health care needs of veterans.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 7, line 6, after "$16,958,846,000," insert "(increased by $48,000,000)".

On page 57, line 7, after "$321,646,000" insert "(decreased by $60,000,000)".

Mr. OBEY. Mr. Chairman, let me first say that I regret very much that I am offering this amendment under these circumstances. But for anyone who happens to be watching, either Members or anyone else, on C–SPAN, I am afraid what they are witnessing is another step in the gradual destruction of the ability of this House to conduct rational debate.

What is now happening is that amendments of substance will be debated with virtually nobody in the room. Members will then be called upon as the first order of business tomorrow to vote on those amendments, not having heard them, not having even had the opportunity to watch them from their offices on their TV screens. They will walk in blind and we will be asked, "What is in this? Oh, I don't get it." And within about a minute they have to make up their minds. I think it is a further debilitating of this House, but there is not a whole lot that I can do about it.

Mr. Chairman, let me simply explain what this amendment is. This amendment accomplishes two important objectives. First, it deletes funding for an unauthorized, unbudgeted construction project that appears to be premature at best. Second, it increases funding for veterans' medical care.

There are four veterans' services organizations, the DAV, AmVets, Paralyzed Veterans of America, and VFW that each year jointly produce an independent budget for veterans' programs. This year's independent budget estimates are that $18.044 billion is necessary for medical care in fiscal 1998 just to maintain current services. So the committee recommendation is $17.56 billion, assuming VA medical facilities can keep third-party reimbursements, which are being dealt with in another bill before this Congress.

Those recommendations in the committee are almost $500 million less than the current services amount and $2 billion below the optimum level. So basically what I am trying to do is to add the funding in this amendment to increase that account slightly.

To pay for the increased veterans' medical care, we cut $60 million that the committee has recommended for a windstorm simulation center to be constructed at the Department of Energy's Idaho National Engineering and Environmental Laboratory.

There are many questions raised by the manner in which this project has been considered. Let me simply list a few. First of all, the funds were not requested by the administration. The latest statement of administration policy indicates funds should be redirected to higher priorities.

Second, the project is not authorized, either for the Department of Energy or for FEMA;

Third, the split authority between FEMA and DOE on the project makes it a classic case for mismanagement;

Fourth, the project meets six of the seven criteria of the "porkbusters coalition" as to items that should qualify for viewing as pork;

Fifth, there have been no hearings on the project;

Sixth, the company that operates the Idaho lab for the DOE is the same company that is currently in a major dispute with the government over another construction job at that lab. It seems that the contractor, Lockheed Martin, is $150 million over the amount that they were supposed to reach on a fixed price contract. They now want the government to change the terms of that contract to bail them out.

Seventh, there has been no peer review at all for this project. Indeed, there has not been any review at all. The American Association of Wind Engineers has raised serious concerns about the construction and operation of this facility. In addition, although the contractor has indicated that $34 million is all they can use in 1998, the committee recommendation is for $60 million.

Next, the $60 million is just a down payment. The total is estimated to cost about $181 million. I would also point out that FEMA has indicated its support for the proposal, only to be contingent upon establishment of a broad coalition of financial support. Yet, to date, the industries with potentially the most to gain from this facility, the insurance industry and the home builders' industry, have not contributed one dollar.

I would also point out that 2 years ago the Department of Energy had a major study on the future of the national labs. This project flies in the face of nearly every important recommendation made by the so-called Galvin report. I would also point out that this year a draft report was prepared by a DOE working group, which is chaired by the Deputy Assistant Secretary of Energy for Procurement.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 5 additional minutes.)

Mr. OBEY. Mr. Chairman, they recommended this lab lose its status as a federally funded research and development center, a condition that allows it to receive government contracts on a noncompetitive sole source basis.

I am aware that the chairman of the Committee on Transportation and Infrastructure has indicated his intention to offer an amendment that would require authorization before those funds can be spent, but I would submit that that device is merely a ruse. The amendment contains a kick-out clause. It is only operative until April 1, 1998. If the project is not authorized by that time, the limitation comes off and the money can still be spent.

Mr. Chairman, I would say that in addition to that, it is not even clear that the Committee on Transportation and Infrastructure has jurisdiction over this matter. A good case can be made that the Committee on Science is more properly the House committee with authorization oversight.

In summary, Mr. Chairman, I would simply urge my colleagues to support this amendment. I would suggest that if Congress is to add money above the budget, we ought to be doing so for cash starved programs like veterans' medical care, and not for questionable, unauthorized, premature pork projects like this windstorm simulation center.

Mr. Chairman, this operation started out to be a quite different operation. It started out to be a center to evaluate earthquakes. It did not get quite the review that they wanted, and so now the contractor has simply said: "Well, if we cannot get the money on an earthquake simulation project, we will move it over and we will design a windstorm operation." That is what they have done.

Mr. Chairman, no one suggests that this work does not need to be done, but before it needs to be done this project needs to be peer reviewed. We need to know we are getting what we pay for. It just seems to me that until we do, we ought to simply put this money where it is needed the most, which is in the veterans' medical care budget.

If the House adopts this amendment, I will offer a conforming amendment in the FEMA portion of the bill to delete the proviso earmarking $60 million for the wind facility.

With that, Mr. Chairman, I would simply close and suggest that at the appropriate time tomorrow, the House would do well to adopt this amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with a good deal of sympathy for the amendment presented by my colleague, the gentleman from Wisconsin [Mr. OBEY]. But I would suggest to him that there are a number of questions that I still have in my head that cause me to resist this amendment.

I can remember our discussions time and time again about horrendous costs that the country is facing relative to disaster circumstances. In the time I have been chairman of this committee, FEMA has received some $10 billion.

One of the areas that is difficult, that we do not have a handle on, does deal with wind damage. One way or another we have to try to do the right things. None of these things seems to be perfect, but we have to try to do the right thing in terms of wind mitigation.

Mr. Chairman, as I look at the gentleman's amendment, I know his purpose is directed at this wind simulation center, but really he just affects one of the accounts within FEMA by reducing that, but that does not prevent them from going forward with the wind tunnel.

In an attempt to respond to the very questions that the gentleman has in mind, I have been in discussion with the gentleman from Pennsylvania [Mr. SHUSTER], and frankly, I am not sure who really has the appropriate jurisdiction, here or there, because those battles on the authorizing side are considerably more difficult than ours.

But having said that, the gentleman from Pennsylvania [Mr. SHUSTER], some discussion, responded by saying, "I would present an amendment where I think we are going to have an authorization that goes forward that would essentially delay this until we have more time to talk through the very questions that the gentleman is discussing."

I do not really think we have any differences here, so I would urge the gentleman to at least reserve at this point and see if we cannot figure out a way to begin marching our way down the path where that makes sense, with the cost of wind damages. And clearly the gentleman can tell from what I am saying here that I do not have the answers either, but we need to begin to seek them in a serious way.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I do not have any problem whatsoever with the way the gentleman is running this subcommittee. But I would simply observe that, as I said earlier, if this amendment is adopted, then under the rules the next amendment that I would be able to offer will indeed eliminate the earmark for the wind tunnel, which is what the amendment is designed to attack.

Mr. Chairman, I would also say that if we really want to do something about protecting the Federal Treasury from the cost of disasters, in my mind what we ought to do is to require States to join an experience-rated self-insurance program, so every time there is a disaster States do not come to Uncle Sam with their hand out; that they can simply, on the basis of their own experience, do just as we do in workmen's compensation and prepay for disasters, so every time a disaster comes we do not have to call up Uncle Sam and jimmy the budget.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I do understand where the gentleman is coming from. But the fact is, one more time, that is an authorizing question, and they ought to be working their way through that without any doubts. I think the gentleman knows that the gentleman from Ohio [Mr. STOKES] and I are struggling with the bill in no small part because over 85 percent of our bill is unauthorized. So we struggle along, at best. I want to address this problem. I do not want to do it pell-mell, but at the same time I do not want to cut off avenues that are important.

I must say, one of the things that is disconcerting here is, because the gentleman and I have such a fine working relationship, up until now the ranking member and his staff have given me amendments ahead of time so I can talk these things through. It must be that he slipped over this technically some way.

Mr. OBEY. If the gentleman will continue to yield further, let me explain that, Mr. Chairman. I was in a Labor-HEW markup all day. I was here all day yesterday working on Labor-HEW, expecting that others on the gentleman's side would also be here. They were not. So today our Labor-HEW mark was extended. I never dreamed that we would be getting to this point in the bill today, given the other legislation we had before us. I expected to give it to you before we had it tomorrow.

Mr. LEWIS of California. Mr. Chairman, if it had not been for the very fine bipartisan work the gentleman from Ohio [Mr. STOKES] and I had been involved in, we would not have moved very quickly, so we even contributed to this very positive development.

□ 2115

In the meantime, Mr. Chairman, there is little doubt that the country knows that disaster costs have been horrendous over the last several years. I think also all of us in the House know that when the next disaster occurs, we are going to come together as Americans and respond.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I do not intend to take very much time, but I would say that there is little doubt the next time a disaster comes along, that the Congress will come together, reflecting the American people's view that we ought to help people in disaster circumstances.

But having said that, there is no doubt that we need to do work internally to try to mitigate against these disasters. We are doing it in building codes in earthquake sectors. Clearly the wind problem is a very, very serious problem we need to seriously move in the direction of addressing, trying to find some answers that mitigate against these costs.

Those efforts are not going to be perfect in their initial stages. I would hope that we would work closely with our authorizers and encourage the authorizers to do the work as we make this effort to hold down the costs.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, why on Earth, if this facility is to be funded by the Government, should it be funded in a manner that allows them to seek sole source contracts with no competition and why should this not be peer reviewed? And if it is so important, why is FEMA resisting providing money for it without that kind of proper review?

Mr. LEWIS of California. Mr. Chairman, I frankly cannot answer the question. I do not know the technical side of how they went about putting it together, this process that relates to a contract. But I do know that this is apparently a facility that would be built on land that the Department of Energy owns and they would see it used for this purpose, and end up with free land. There is a need that is very real and apparently there are personnel in the region that could be very responsive to the challenges of this particular facility.

But I am sure the process is not perfect, and one of the reasons that one of the authorizing chairmen will be presenting an amendment is he wants time to step back and take a look at some of these questions. I think they are very appropriate questions.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Obey amendment. It certainly goes against my grain to go against a person of the caliber and capability of the gentleman from Wisconsin [Mr. OBEY]. I truly regret having to oppose my own ranking member, because I do believe he is one of the best representatives in this body. And I know that he has the best of intentions. However, in this case I think my ranking member is wrong.

First of all, I do not think he has walked in the shoes that I have walked in since I have been in this Congress and personally experienced the need for help with disasters, particularly disasters that wipe out the life of your constituents.

Our House Committee on Appropriations has included in this bill funding for the construction of a full size wind damage testing facility. The gentleman from Wisconsin [Mr. OBEY] says we should cut out these funds.

I say and I appeal to the Congress to keep them in because we need this facility. In 1992, Hurricane Andrew was the single most natural disaster ever to hit the United States. Powerful, devastating, it plowed right through the south end of Dade County, FL. It utterly destroyed a huge portion of my congressional district.

I want to say to the Congress, my district has not yet regrown and it has not yet come back from this devastating disaster. I remember vividly the hundreds of homes in my community that literally blew apart in Hurricane Andrew. There was just no estimate of the destruction and of the force of this hurricane. As a matter of fact, according to the people at the Homestead Air Force Base, there was a tornado strength wind within this hurricane. So the desperation, if Members could see the lives of these thousands of men and women and children who were left homeless because of Hurricane Andrew. I spent my first 2 years in this Congress working to try to make this community whole again.

And this Congress has helped me do that. Mr. OBEY was one of the ones who helped me do it. But they still are not whole yet. The gentleman from California [Mr. LEWIS] can tell you that 5 years later I am still working on problems created by Hurricane Andrew.

All three of these things are extremely costly. One, winds from the big, big storms, hurricanes and Nor'easters, kill people and they destroy homes. Two, we know these storms are going to come and we can plan and prepare for them. And, three, they are extremely costly.

That is why we need this wind testing facility. That is why I am appealing to the Congress to take this out of the realm all the time of numbers and utility and philosophical vents, but to think about what it has meant to people, to destroy this community, the entire community. Most of people from this community have moved north. They will never come back to this southernmost area. And therefore, the economy has gone down and the social fabric of the lives of these people has been destroyed.

We need a wind testing facility. With proper research and testing, we can minimize wind damage and destruction. Thousands of insurance companies went under because of this storm, because no one had the facility to know that this storm would be that devastating to this area.

By testing different types of housing and construction techniques and materials under actual hurricane wind conditions, we can design and build homes in ways that will minimize the danger to human life and minimize the cost of these natural disasters. This can be done ahead of time so that we will know what to expect when we have hurricanes and natural disasters.

We need to take action now. We do not need to put this off, because it has been put off too long. If you ask anyone in Florida or in Georgia, or out there in the West where all of these natural disasters have occurred, you will find out that it is time for it now.

We need to be able to develop the knowledge. This knowledge is so important to keep our constituents' homes from blowing a part. That is what this wind testing facility is all about. This is not just common sense. It is dollars and cents. I repeat, it is not just common sense; looking forward to test this facility ahead of time is dollars and cents.

The amount of money at stake here, it is just staggering. It belies one's imagination to realize the cost associated. Hurricane Andrew alone resulted in losses that exceeded $25 million, and those were just the losses that they have been able to account. I am still coming back to the Congress, I am still coming back to FEMA asking them to forgive in many instances the big costs that grew up with this.

No doubt my colleagues remember that 5 years ago the House voted for a disaster relief bill of $8 billion in Federal aid to help my community get back on its feet. We can pay a little now or pay a lot later.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 30 additional seconds.)

Mrs. MEEK of Florida. Mr. Chairman, I want to appeal to the House to please vote for this wind testing facility. It will save lives and it will also save money.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am always hesitant to follow my colleague from Florida. It is almost like being against motherhood to do so. But I want to speak in favor of the amendment that has been put forward by the ranking member.

I think what we have here is a comparison. On the one hand we have a proposal to add $48 million in this amendment to the veterans' health services program which everyone understands is needed, where we have people and we have made a promise to our veterans that we were going to provide them with health care in their lives, particularly when we have so many of our World War II veterans who are at an age when they are in need of health care. So that $48 million on the one hand is replacing monies that are otherwise below, added to funding which is otherwise below what is needed to keep the funds at the level of services that are presently there.

On the other hand we have a very questionable kind of an expenditure for this wind simulation center. The $60 million reduction which we have been talking about is just stage one, phase one of a construction program for this wind simulation center, the sum total of which is going to be $181 million, and all of it is going to come out of FEMA, and apparently from all indications there is not a single cent that has yet been put into this from any of the industries that might be a part of it.

Now, it was not in the President's budget. It was not even requested by either the Department of Energy or by FEMA. So here we have an uncooked idea, a half-baked idea being put in in place of adequate funding for veterans' health care services.

Now, I would like to mention the testimony of the gentleman who is the head of the Idaho National Engineering Laboratory, his testimony before the Committee on Science, which I served on in the previous Congress as a minority member, the statement by W. John Denson. He pointed out in his testimony that the INEL maintains critical technology skills for nuclear operations, nuclear safety and nuclear waste management. The INEL is a multiple purpose laboratory supporting all the missions of the department. The INEL has been designated by DOE as the lead lab for research and development for EM mixed waste. They also lead the national programs for spent nuclear fuels management and national low level waste management.

Now, I say this because what that says is that the mission of the particular DOE laboratory is far from the proposed area. And to follow up on that, we have had a lot of testimony in the 104th Congress before the Committee on Science about this question of just how we were to use our energy laboratories. The GAO study asked experts on energy policy and former DOE executives, including several of the previous Secretaries of DOE, their views on it, and they by a substantial majority said that we should not be taking on missions at the DOE laboratories that are beyond the missions of DOE itself.

Then we have the Galvin Commission that was mentioned by one of the previous speakers, a major commission to look at the future of alternative futures for the Department of Energy national laboratories. They strongly expressed their concern about expanding the laboratories' industrial R&D beyond the existing DOE missions.

I quote from their work: The current industrial partnership activities of the laboratories are unfocused and invariably lead to add-ons. As in this case, an add-on. The Galvin Commission made three specific recommendations. In two of those cases this kind of a project is in direct contradiction to the recommendations. Their recommendations that are contradicted are that government-funded technology transfer industrial competitiveness activities should be focused on industries and areas of technology that contribute directly to the DOE primary missions in national security, energy and environment.

The second recommendation, that competitive selection and more rigorous technical and merit review, namely peer review, which has been mentioned on several occasions by external experts, should be applied broadly within the department's cooperative research and development agreement.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. OLVER] has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OLVER. Mr. Chairman, let me just point out here that Citizens Against Government Waste, which held a number of hearings, a group that was invited to a number of hearings to put a focus on government waste during the 104th Congress, had put forward 7 criteria on which to judge what might be considered waste.

Their criteria included cases where the request was made by one chamber of commerce; where it was not authorized; number three, where it was not competitively awarded, not peer reviewed, in essence; four, where it was not requested in the President's budget; five, greatly exceeds the President's budget or the request of the previous year's funding; and, six, had not been the subject of congressional hearing. Six out of the seven, this project violates.

So what I think here, let me go back and just reiterate, what we are comparing is a $48 million increase in veterans' health services to fulfill a promise that we have made to our veterans for a continuation of their veterans' health programs, versus a program, a proposal which is at best not ready for this stage, where it is meant as a partnership, there is no industry portion in the partnership. The money all would come out of a budget from an agency, namely FEMA, which did not request the money at all and which has written at least to the Senate chairman of the subcommittee on VA-HUD to indicate that they have serious questions about this.

□ 2130

And, Mr. Chairman, I will ask to submit this letter into the RECORD during the whole House section of this session.

Mr. Chairman, I would hope the amendment would be adopted.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to make one additional point.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman continue to yield?

Mr. OLVER. I will continue yielding to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the argument has been made that this research needs to be conducted. I am sure the gentleman would agree that no one questions that. Certainly I do not question that.

The question is, why should this research proceed under conditions which enable the contractor to obtain sole source noncompetitive contracts? Why should it proceed when there has been no peer review to determine whether or not this is the right way to proceed? Why should we proceed when a large number of universities and many people in the scientific community have expressed their concern that they will not be able to use the simulator because of the costs associated with this contract?

It has been suggested, for instance, that a number of insurance companies have gone bankrupt because of other disasters. Why then should the insurance industry not do as FEMA wants it to do, namely to share in the cost of producing this research facility? Certainly if they will gain millions of dollars in saved claims from its research, they should be willing to help finance it.

I would simply say in very frank terms what this is is a nice arrangement by one State which has working arrangements with several other universities, but the taxpayers' interests are not protected because of the way this research project is being designed. It will be very convenient for Lockheed Martin, the contractor, but not for anybody else, as far as I know. And it seems to me under those circumstances, this ought not to proceed until we have the proper peer review processes built in.

I would suggest also that with the veterans health budget being some $500 million short of current services, it is not even a close call as to where this money is needed the most.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has again expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I thank the House for yielding the additional minute.

I think the answers to the ranking member's questions, the answers to those whys, is that they really should not proceed until all of those conditions are met. In truth, we do need to have that kind of research done. But it ought to be done in a case where it is clearly cofunded by industry as well as by the government, and in a situation where it is peer reviewed and where there can be a broad participation in that research.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when Hurricane Fran swept across North Carolina, thousands of homes were severely damaged or destroyed. More than a million people lost their electricity for 5 days and many lives were lost in the process.

Lost too by families in my State were dreams and memories. The devastation and suffering caused by the swath of destruction was tremendous.

We must do more to protect citizens in advance of storms. We cannot afford to be reckless with the lives of our citizens and with their homes.

In the last 2 years, four major hurricanes have caused 57 deaths and $40 billion in damage, but we do not have to sit back and let nature take its course. Today, we will vote on a measure to help protect both homes and lives from hurricanes.

This measure will save billions in tax dollars and countless lives. Supporting the Partnership for Natural Disaster Reduction/HomeSaver Project is critical, Mr. Chairman, to saving American homes and lives. Our goal should be to prevent disasters, not just to manage them or respond to them.

Hurricane season is beginning to approach, and this year it is predicted to be worse than ever. For us not to take preventive measures would be highly irresponsible.

Before there is indeed another Hurricane Fran happening in some other State, I urge my colleagues to support the Partnership for Natural Disaster Reduction/HomeSaver Project. It is the right thing to do. It is the responsible thing to do and also, Mr. Chairman, it is the safe thing to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Obey].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 184, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. Obey] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, contingent on enactment of legislation establishing the Medical Collections Fund, such sums as may be derived pursuant to 38 U.S.C. 1729(g) shall be deposited to such Fund and may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 1999, $267,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $20,000,000 shall be for medical research relating to Gulf War Illnesses afflicting Persian Gulf Veterans.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Tiahrt:

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—Medical and Prosthetic Research", after the first dollar amount (the aggregate), insert the following: "(increased by $25,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—Medical and Prosthetic Research", after the second dollar amount (the Gulf War illness research earmark), insert the following: "(increased by $5,000,000)".

In the item relating to "INDEPENDENT AGENCIES—Corporation for National and Community Service—National and Community Service Programs Operating Expenses", after the first dollar amount (the aggregate), insert the following: "(reduced by $200,000,000)".

Mr. TIAHRT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TIAHRT. Mr. Chairman, I am here tonight to address the priorities within this bill. The amendment I offer would dedicate an additional $25 million to the Veterans Administration's Medical and Prosthetic Research Account to dramatically increase the level of research which the VA is doing on the illness which is affecting thousands of American veterans who served this country in the Persian Gulf war.

This year the Veterans Administration is dedicating a mere $3.6 million to the research of the illness which our gulf war veterans are suffering from. To pay for this very necessary research, the amendment would partially eliminate funding for the AmeriCorps program and direct it towards this much-needed research.

First, let me address why this amendment is necessary. The fiscal year 1998 VA-HUD Appropriations Act contains $267 million for the VA's medical and prosthetic research account. In the Committee on Appropriations an earmark was added which directs $20 million of this current appropriation to be spent on gulf war research. This pays for and expands the current research into gulf war illness. However it comes at the expense of other important research being done by the VA, such as Diabetes Centers of Excellence, Centers for Rehabilitation Medicine, and the VA's ability to retain high quality physicians. It just takes from one pocket, cutting important research, to put in another. This solves one problem yet, unfortunately, creates many more.

Mr. Chairman, this amendment would remedy the problem completely. This amendment presents a question of priorities. We should do what is more important, expanding the very minimal research which the VA is doing on the illnesses our gulf war vets are experiencing and living with daily, or continuing paying for healthy young people to volunteer for public service jobs.

Before we make our decision, let us examine the facts. This is difficult when discussing the gulf war illness. The problem is we cannot define it conclusively, treat it, or explain exactly how it is caused. The VA itself has said, "Currently, there is no evidence of a single unifying illness to explain the health problems of all gulf war veterans." Without much-needed research, these veterans will continue to suffer, and we do not have the answers to our gulf war illness questions.

We do know that the Department of Defense has confirmed that 27,000 American soldiers could have been exposed to chemical agents in the Persian Gulf. Separately, the CIA has estimated as many as 120,000 could have been exposed.

I can also tell my colleagues what some of our gulf war veterans are experiencing. Like U.S. Army Reserve Sgt. David Janda. He is a 35-year-old father of three from Hutchinson, KS. He suffers from blinding headaches, a blistering rash which he has had for 6 months, chronic diarrhea and joint pain. Or Kenny Schwartz of Great Bend, KS, who endures stabbing pain in his left eye, stiffness in his joints which make him unable to walk, memory loss and scarring rashes. Their doctors can neither diagnose nor effectively treat these symptoms.

To date, 90,000 Persian Gulf war veterans have contacted the VA's gulf war registry and reported symptoms which are consistent with how the Journal of the American Medical Association has described gulf war illness: fatigue, joint pain, gastrointestinal complaints, memory problems, emotional change, impotence, and insomnia.

This is the Veterans' Administration current response: $3.6 million of research funding this year. That is $133 for every American veteran we know of that has been exposed to chemical agents in the gulf.

On the other hand, we have AmeriCorps. This year we are spending $402 million on the AmeriCorps program. That is $19,000 in Federal funding for every one of the over 20,000 AmeriCorps paid volunteers.

This chart shows the discrepancy, Mr. Chairman; $133 per veteran being spent on research for gulf war illness versus $19,000 spent for every paid volunteer.

AmeriCorps pays recruited volunteers to perform public service jobs. It also provides $7500 for living expenses and $4,725 for an educational award. They also get health coverage and child care. Our $19,000 a year paid volunteers have lobbied the government, worked as low level Federal bureaucrats, and built hornos, which are ovens built from dirt and grass that were originally used some 4,000 years ago.

Two recent audits by the GAO and a report from AmeriCorps' own Inspector General have found serious inefficiencies and mismanagement. In addition, Arthur Andersen has tried to audit AmeriCorps twice, and found the books too much of a mess to even perform an audit, yet we are asking to continue funding AmeriCorps at the current level while ignoring the illness of our Gulf War veterans.

I cannot go back to Kansas and tell David Janda and Kenny Schwartz that we can only muster $133 per veteran to investigate what is making them sick and how to treat it, yet we have $19,000 to pay a paid volunteer to offer a healthy youngster that lives next door to these veterans.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. TIAHRT] has expired.

(By unanimous consent, Mr. TIAHRT was allowed to proceed for 1 additional minute.)

Mr. TIAHRT. Mr. Chairman, this is a very important amendment. I ask every Member of the House to consider what they believe our priorities should be, and I am hopeful that we will place our highest priority on the current and future health of the men and women who fought and served for freedom in our country.

Caring for veterans who fought for America's freedom and security is a necessary function of our Federal Government. Paying healthy AmeriCorps volunteers is simply not. I ask Members to please not turn their backs on the veterans who so faithfully served this country in the Persian Gulf.

Mr. Chairman, I submit for the RECORD two reports on the subject of my amendment:

TIME TO END THE TROUBLED AMERICORPS

On April 27–29, 1997, with Independence Hall as a picturesque backdrop, over 2,800 delegates from across the country, including governors, mayors, private-sector leaders, and representatives from leading foundations, gathered in Philadelphia, Pennsylvania, for the Presidents' Summit for America's Future. With President Bill Clinton and former President George Bush as honorary co-chairmen, this gathering was called to examine a topic that hardly could be more important: the future of volunteerism in the United States, and especially how the voluntary sector can aid America's children.

The great 19th century French observer of American politics, Alexis de Tocqueville, noted that what made America great was the tendency of its people to form voluntary associations to meet community needs. Whereas Europeans looked with docility to government to solve problems, Americans learned self-reliance and the ability to look beyond individual self-interest through cooperation in voluntary organizations. In this century, however, as government programs—particularly human services programs—have usurped much of America's traditionally voluntary domain, both the country's civic fabric and the character of its individual citizens have changed for the worse.

The Presidents' Summit gave Americans a chance to pause and reflect on how community needs could best be met. The increasingly widespread appeal of the conservative message on the need to re-limit government led President Clinton himself to declare that the "era of big government is over." Now America's civil society and corporate community have been called in to deal with the problems created by the failure of federal programs. Over the past few months, *Newsweek* has devoted a portion of its "Periscope" page to the many corporations that have agreed to make major contributions of goods or services as part of the effort to meet these needs. LensCrafters, for example, has agreed to provide free eye care for one million needy people, and the National Restaurant Association has agreed to hire 250,000 youngsters in the next five years.[1]

But for all the fanfare and national press attention surrounding the Presidents' Summit—as well as the bipartisan images and goodwill it generated—there is reason to believe that it may serve less to foster a vision of a healthy voluntary sector free of unwarranted government intervention than to promote further charitable dependence on federal resources. The Presidents' Summit was largely the brainchild of former Senator Harris Wofford (D-PA), Chief Executive of the Corporation for National and Community Service (CNCS). In congressional testimony, Wofford declared that the CNCS, along with the Points of Light Foundation (another federally funded entity designed to promote volunteerism[2]), "is working . . . in initiating and planning the Summit to promote the goals of the National and Community Service Act, the mission of the Corporation, and the vision set forth in the Corporation's Strategic Plan."[3]

The CNCS helps oversee administration of the AmeriCorps program, President Clinton's "domestic Peace Corps," the largest extension of the federal government in recent years. Ever since its creation in 1993, AmeriCorps has been mired in controversy. Two recent independent audits of the program by the U.S. General Accounting Office (GAO), the semiannual report of the Corporation's own Inspector General, and two audits by the nationally renowned Arthur Andersen accounting firm all have found serious evidence of cost overruns and mismanagement. Despite these problems, however, and despite a continuing inability to correct them, the Corporation has benefited from large amounts of good publicity, thanks in part to what one critic has called the "camera-ready smiles of young 'volunteers'" whose efforts made good news copy.[4] In an era in which balancing the federal budget has become a national priority, the CNCS has requested $546,500,000 for fiscal year (FY) 1998—an increase of 36 percent over the $400 million appropriated in FY 1997.

Not only was the Philadelphia summit choreographed in part by AmeriCorps, but its proceedings offered a rousing endorsement of this very troubled program. Despite the good publicity for AmeriCorps that the Summit may generate, Congress should view the request for increased AmeriCorps funding with considerable skepticism. In this age or re-limiting government, the American public and its elected representatives should reject the very premise upon which AmeriCorps rests: that the federal government has an important activist role to play in guiding the voluntary sector in the United States.

WHAT IS AMERICORPS?

One of Governor Bill Clinton's key platform stands in 1992 was a call to create a federal program that would help individuals meet the high costs associated with acquiring a college education in exchange for community service. As President, Clinton saw his vision implemented through the National and Community Service Trust Act of 1993. The Act created the CNCS, which helps administer the "largest national and community service program since the Civilian Conservation Corps of the 1930s."[5]

Over the past four years, AmeriCorps has grown from a mere pilot program to include more than 24,000 people participating in more than 430 programs across the country.

These programs focus primarily on four areas: education, the environment, public safety, and human services. Since 1993, despite the fact that Washington spends $1.3 billion annually to promote volunteerism through 23 other federal programs, more than $800 million has been appropriated to pay for 100,000 participants in CNCS's major program, AmerCorps*USA.[6] Full-time AmeriCorps participants work a minimum of 1,700 hours per year, receiving in turn a $7,460 stipend and an education award of $4,725 in the form of a college tuition voucher or credit to repay a past student loan.

In his 1995 State of the Union address, President Clinton praised AmeriCorps as "citizenship at its best." In Philadelphia, the President announced his intention to expand the program in two ways:

First, he wants to create a "citizen army" of one million volunteer literacy tutors to shore up the failed public school system in the United States. Rather than hold public schools accountable for teaching basic skills, his plan would cost taxpayers at least $2.75 billion and rely heavily on coordination and instruction by 10,000 new AmeriCorps "tutor coordinators."[7]

Second, the President wants to expand AmeriCorps by 33,000 volunteers over the next five years by teaming with private organizations that would be responsible for paying the paid volunteers' living stipends while taxpayers still pay the cost of their college scholarships.[8]

AMERICORPS' TROUBLED BEGINNING

Early on, the Clinton Administration hailed AmeriCorps as the "paradigm of reinvented government." In truth, under the leadership of CNCS's first CEO—Eli J. Segal,

---

Footnotes at end of article.

chief of staff for the 1992 Clinton-Gore campaign—AmeriCorps offered a case study of how not to run a federal agency. Although AmeriCorps claimed that its mission was to promote the voluntary sector, at least 2,800 of its first 20,000 "volunteers" were assigned directly to federal agencies and departments, most notably the Departments of Agriculture and Justice, the Environmental Protection Agency, the Legal Services Corporation, and the National Endowment for the Arts.

Even though AmeriCorps claimed that its mission was nonpartisan, it offered millions of dollars in grants to numerous activist groups, including ACORN (the Association of Community Organizations for Reform Now), the National Council of La Raza, and the Council of Great City Schools, an organization devoted to the "advancement of education in inner-city public schools through public and legislative advocacy."[9] Despite Segal's repeated denials that AmeriCorps grant money helped subsidize ACORN's political activities, the Corporation was forced to defund ACORN in July 1995 after an Inspector General's report found incontrovertible evidence that the supposedly independent affiliate awarded a grant by AmeriCorps was, in fact, part and parcel of ACORN's political operations. Another AmeriCorps grantee in Denver also engaged in political advocacy at taxpayers' expense and was stripped of its federal funds.[10]

But the most devastating news under Segal's tenure was not the presence of "volunteers" in federal agencies, or the use of federal tax dollars for political purposes: It was the audit of 93 AmeriCorps programs released by the GAO in July 1995. Segal had promised that the "cost [per AmeriCorps volunteer] will be $17,600."[11] The GAO revealed that the cost to field a participant was $25,800 for non-federal agency grantees and $31,000 for federal agency grantees.[12] In other words, although AmeriCorps promised that cost per service hour by volunteers would total $6.43, the GAO found that the real cost was $15.85 per hour—and up to $19.81 per hour when time for non-service AmeriCorps activities was included.[13] Whereas President Clinton repeatedly had cited AmeriCorps as evidence that the government could work in partnership with the voluntary sector and private enterprise to promote volunteerism,[14] the GAO found that taxpayers were paying 93 percent of the costs—79 percent directly from the federal till.[15]

NEW EVIDENCE THAT AMERICORPS DOES NOT WORK

In summer 1995, Segal resigned as AmeriCorps' CEO, to be replaced by Harris Wofford. Wofford began his tenure by seeking bipartisan support for AmeriCorps. Partly because of the July 1995 GAO audit, Wofford promised to end the policy of "paid volunteers" in federal agencies, to reduce the Washington-based bureaucracy, and to seek a direct private-sector match for each dollar contributed by the federal government.

Wofford's promises for reform and his affable style, combined with President Clinton's newfound popularity in the polls, saved the program from almost certain extinction. Yet one and a half years into Wofford's tenure, AmeriCorps still seems to be plagued by many of the same problems that Segal faced. A new GAO report reveals that AmeriCorps costs too much, has difficulty retaining problem participants, and is not attracting the significant private-sector involvement that program supporters had sought.[16]

The GAO sampled 25 AmeriCorps programs and uncovered some disturbing trends:

AmeriCorps fails to retain participants in its programs. The dropout rate for paid volunteers is 39 percent, nearly twice what the CNCS had predicted in November 1994.[17]

AmeriCorps is failing to gain significant private-sector resources for its programs. Officials at the Corporation for National Service have boasted repeatedly that the presence of government funding would help "leverage" private contributions. Yet median private-sector support for AmericCorps programs that were sampled was only 17 percent; 83 percent of the funding comes directly from the taxpayers. This is not surprising when one considers that at least 180 of the Corporation's 430 projects in FY 1996 provided funding to government programs.[18]

Despite the CNCS's claim that 90 percent of participants would use their educational awards, only 54 percent of those eligible for these awards actually have used them. The low percent of educational awards used suggests that many AmeriCorps members either are not planning to attend college or are not recent college graduates saddled with loans to pay. The *Des Moines Register*, for example, reports that "nearly one in five AmeriCorps workers in Des Moines already has a college degree, and more than half in the program are 26 or older."[19] The presence of so many non-student age AmeriCorps members led one observer to conclude that the "program that was sold as the domestic equivalent of the Peace Corps has already turned out to more closely resemble the abysmal failure of the Comprehensive Education and Training Act."[20] AmeriCorps was sold to Congress as a program to help young people pay for college, not as another federal jobs program in addition to the over 160 that already exist.

One AmeriCorps program, the Casa Verde Builders Program, cost the taxpayers $2,448,053. Only 23 of the 64 individuals enrolled as Casa Verde AmeriCorps members completed the program; the cost of taxpayers: over $100,000 per participant. Moreover, only four participants have used their educational awards; to cost to taxpayers: more than $600,000 per award.

Another AmeriCorps program examined by the GAO, the Educational Conservation Corps, cost taxpayers $1,732,000. Of the 97 participants, 58 earned an educational award. So far, only 20 have used their awards; the cost of taxpayers: $86,000 per award in administrative costs plus $4,725 per award.

The Appalachian Service Through Action and Resources program cost taxpayers $632,240. Twenty-two participants completed the program and earned educational awards. The cost to taxpayers (assuming that 90 percent of Appalachian Service members use their awards): $31,612 plus $4,725 per award.

Local AmeriCorps programs are not the only problem. The management techniques at CNCS headquarters are the focus of continuing congressional scrutiny. An October 1995 audit of CNCS books by Arthur Andersen indicated serious accounting weaknesses, leading the firm to declare that the books were "unauditable." A follow-up study by Andersen concluded that the Corporation's "internal controls were not adequate for an independent auditor to perform an effective and efficient financial statement audit in accordance with generally accepted auditing standards for fiscal years 1994 and 1995."[2] The same study concluded that these shortcomings "potentially preclude an audit" of FY 1996 books. Most shockingly, as of December 1996, the CNCS could not account for $38 million in AmeriCorps funding. Despite repeated requests by Representative Peter Hoeskstra (R–MI), Chairman of the Oversight and Investigations Subcommittee of the House Committee on Education and the Workforce, and Senator Christopher Bond (R–MO), Chairman of the VA, HUD and Independent Agencies Subcommittee of the Senate Appropriations Committee, AmeriCorps has yet to provide conclusive evidence that the Corporation's financial statements for FY 1997 can be audited. What is particularly disturbing about the financial fiasco at AmeriCorps is that the program was created and administered entirely during the "reinventing government" era.

WHY AMERICORPS IS UNNECESSARY

Wholly aside from the numerous failures that have occurred in the administration of AmeriCorps, there was no objective reason to create the program in the first place. As one of its supporters concedes, even "AmeriCorps' friends aren't sure exactly what it does."[22] For several reasons, any role for the federal government in the voluntary sector is both unwise and counterproductive:

The voluntary sector in the United States is fundamentally healthy. According to Independent Sector, 89.2 million Americans offered unpaid voluntary service in 1993. Since 1981, the number of hours that Americans volunteer has rise dramatically from 12.7 billion to 19.5 billion.

AmeriCorps' paid volunteerism has discouraged—and will continue to discourage—real charitable involvement. Only programs that cannot generate sufficient community support need to look to Washington for funding. AmeriCorps already turned many of the major charitable nonprofits in the United States—Habitat for Humanity, the Red Cross, and the YMCA—away from the task of raising funds in the private sector toward lobbying Congress for more AmeriCorps funding.

Healthy charities with strong community support look to their neighbors, not the federal government, for financial support and volunteers. When genuine needs must be met, Americans band together with their neighbors to achieve common goals. AmeriCorps distorts the principle of local accountability for charitable groups. The great strength of America's philanthropic sector is its flexibility in responding to the country's social needs. This flexibility arises from a network of community-based voluntary organizations, not from a federally sponsored make-work administration. A far better way to help these organizations to succeed would be to allow taxpayers themselves to take tax credits for contributions to the charities of their choice.[23]

Like all government programs, AmeriCorps costs too much. Considering its stipends and tuition awards, members receive approximately $7.13 per hour, exclusive of the medical benefits and child care available to certain eligible participants. But the real cost per participant hour is far higher, depending on the particular grantee program. The total federal, state, and local costs of this program amount to an average of $18.26 per hour—the equivalent of almost $38,000 per year.

AmeriCorps' record of achievement has come under question. A 1997 Working Paper on AmeriCorps written for Independent Sector, itself sympathetic to the program, notes that, for 70 percent of the AmeriCorps programs it studied, the presence of AmeriCorps members did not produce quantitative results "over and above what the agencies were mandated and ostensibly funded to provide." Among the "reasons for concern and reflection," AmeriCorps' vaunted ability to leverage volunteers from local communities turned out to have been overstated; researchers found only a "modest 3.5 percent increase in hours volunteered by genuine volunteers."[24]

AmeriCorps is an extremely costly way to help families pay for college. The $26,700 cost for a single participant estimated by the 1995 GAO study would pay for Pell Grants for approximately 18 students. Assuming the Casa Verde program's cost of nearly $100,000 per participant, 67 low-income students could have received Pell Grants.

President Clinton has declared that AmeriCorps aims to help young people who perform public service pay for college. In his 1996 State of the Union address, the President boasted that "AmeriCorps has already helped 70,000 young people to work their way through college as they serve America."[25] In fact, if only 54 percent of AmeriCorps' "graduates" are using their educational awards, the program should have helped approximately 37,800 with college tuition payments. By the time of the Philadelphia summit, the President had corrected his figure downward from 70,000 to 50,000.[26]

AmeriCorps seeks to create a cadre of devoted liberal activists. One of the reasons for creating national service, according to the program's intellectual godfather, Professor Charles Moskos of Northwestern University, was to revitalize the Democratic Party. In its first few years, AmeriCorps has offered grants to dozens of organizations like ASPIRA of New York, the New Jersey Public Interest Research Foundation, the North Carolina Low Income Housing Coalition, the Legal Service Corporation, the National Council of La Raza, and the Northern Virginia Urban League. Congressional investigators also are examining why one high-ranking political appointee at the Corporation for National Service—former Los Angeles City Council Member Michael Woo—used Corporation stationery and resources to set up a meeting between Democratic Party fundraiser John Huang and Asian-American business owners in Los Angeles.[27]

When given the choice between cutting funding for AmeriCorps or other programs such as veterans' benefits, even the President's closest congressional allies—House Minority Whip David Bonior (D-MI), Representative David Obey (D-WI), and Representative Charles Rangel (D-NY)—had no choice but to cut $206 million from AmeriCorps' funding for FY 1996.[28]

The President's plan to expand AmeriCorps by 33,000 volunteers over the next five years by teaming with private organizations that would be responsible for paying the AmeriCorps living stipend while taxpayers covered the cost of the college scholarship will increase federal involvement in the philanthropic sector unnecessarily. Growing numbers of charitable institutions will become dependent on the federal government, designing programs to receive taxpayer-funded subsidies through AmeriCorps.

The President's planned literacy initiative will do little to improve our failing public schools. An additional $2.75 billion on top of the nearly $302 billion the federal government alone spends on education will not teach American students the basic skills they are not learning now.[29] Pumping more money into a failed system or drawing on the efforts of tens of thousands of well-intentioned volunteers will not compensate for the inadequacy of the country's schools.[30]

CONCLUSION

The Presidents' Summit in Philadelphia has drawn further attention to one of the oldest traditions in the United States: voluntary community service. Nearly 90 million Americans volunteer annually, offering 19.7 billion hours of service. These efforts are essential to rebuilding American civil society now that the "era of big government is over."

The end of the era of big government, however, should not be seen as an excuse to boost President Clinton's controversial AmeriCorps program. A recent General Accounting Office study revealed that AmeriCorps continues to be plagued by high dropout rates and high costs. In short, the federal government has no business paying people to volunteer.

KENNETH R. WEINSTEIN,
Director, Government Reform Project.
AUGUST STOFFERAHN,
Research Assistant.

FOOTNOTES

[1] For a list of these and other commitments made by corporations and nonprofit organizations in conjunction with the President's Summit, see http://www.philanthropy.com/volunt.dir/13commit.htm.

[2] The FY 1997 appropriation for the Points of Light Foundation was $6,000,000.

[3] Harris Wofford, "Testimony Regarding FY 1998 Appropriations for the Corporation for National Service," Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. House of Representatives, March 11, 1997.

[4] John P. Walters, "Five Questions for AmeriCorps' Board of Directors," Memorandum to Conservative Reformers, New Citizenship Project, February 24, 1995. The authors of this report wish to acknowledge their intellectual debt to John Walters's work.

[5] U.S. General Accounting Office, National Service Programs: Role of State Commissions in Implementing the AmeriCorps Program, February 1997, p. 1.

[6] Ibid. See also Mark Wilson, "AmeriCorps," in Scott A. Hodge, ed., Balancing America's Budget: Ending the Era of Big Government (Washington, D.C.: The Heritage Foundation, 1997), pp. 302-304. Other federal programs designed to promote volunteerism include the Service Corps of Retired Executive Association and the IRS Tax Counseling for the Elderly Program. Several federal programs designed to promote volunteerism that pre-dated the creation of the CNCS were incorporated into its ranks, including the Foster Grandparents program, Literacy Corps, Retired Senior Volunteer Program, and VISTA (Volunteers in Service to America).

[7] Office of the Press Secretary, the White House, "Briefing by Bruce Reed, Director of Domestic Policy Council," April 25, 19976; available at http://docs.whitehouse.gov/white-house-publications/1997/04/1997-04-25-bruce-reed-briefing-on-service-summit.text.

[8] Under the President's plan, no interest would accrue on student loans during the period of service. The White House estimates that the loan deferment program, which it wishes to include in the upcoming reauthorization of the Higher Education Act, would cost approximately $7 million per year for 12,000 participants. See Office of the Press Secretary, The White House, "Press Briefing by Bruce Reed, Eli Segal and Diane Fortuna," April 27, 1997; available at http://docs.whitehouse.gov/white-house-publications/1997/04/1997-04-27-reed-and-segal-briefing-at-volunteer-summit.text. See also Warren P. Strobel, "Clinton Makes a Pitch for Volunteers," The Washington Times, April 29, 1997, pp. A1 and A12, and President Bill Clinton, "Remarks at Volunteer Summit," April 28, 1997, available at http://docs.whitehouse.gov/white-house-publications/1997/04/1997-04-28-remarks-of-presidents-at-volunteer-celebration-event.text.

[9] John P. Walters, "AmeriWaste," Memorandum to Conservative Reformers, New Citizenship Project, September 26, 1995.

[10] See James F. Hirni, "AmeriCorps: A $575 Million Boondoggle," Heritage Foundation Issue Bulletin No. 212, September 14, 1995, p. 5.

[11] MacNeil/Lehrer News Hour, March 27, 1995.

[12] Cornelia M. Blanchette, Associate Director, Education and Employment Issues, U.S. General Accounting Office, "National Service Programs—AmeriCorps*USA—First-Year Experience and Recent Program Initiatives," testimony before Committee on Labor and Human Resources, U.S. Senate, May 21, 1996, p. 3.

[13] John P. Walters, "A Devastating Audit of AmeriCorps: The $23 Per Hour Per Hour 'Paid' Volunteer," Memorandum to Conservative Reformers, New Citizenship Project, July 12, 1995.

[14] president Bill Clinton, "Remarks on Responsible Citizenship and the American Community," July 6, 1995; available at http://docs.whitehouse.gov/white-house-publications/1995/07/1995–07–06-presidents-georgetown-speech-on-responsibility.text.

[15] U.S. General Accounting Office, National Service Programs-AmeriCorps*USA—Early Program Resource and Benefit Information, GAO/HEHS-95-222, August 29, 1995, pp. 30-31; cited in Wilson, "AmeriCorps," p. 452.

[16] GAO, National Service Programs: Role of State Commissions in Implementing the AmeriCorps Program.

[17] Letter from Representative Pete Hoekstra and Senators Christopher Bond and Charles Grassley to the Honorable Harris Wofford, March 13, 1997, p. 1.

[18] Corporation for National Service, AmeriCorps Program Director, available at http://www.cns.gov/pro-dir.html.

[19] Mary Hill, "Too many insiders getting AmeriCorps jobs?" Des Moines Register, February 2, 1996, p. 1.

[20] Jason Lewis, "For the Good of Taxpayers, Unload Pricey AmeriCorps 'Volunteers,'" Minneapolis Star-Tribune, August 7, 1996, p. A11.

[21] Corporation for National Service, Office of the Inspector General, Report No. 97–09, December 9, 1996.

[22] William Raspberry, "Invisible Volunteers," The Washington Post, January 17, 1997, p. A21.

[23] On the charitable tax credits in the Talent-Watts-Flake Community Renewal Act, see Christine Olson, "The American Community Renewal Act of 1997," Heritage Foundation Issue Bulletin No. 229, March 19, 1997.

[24] John Messer, "Disparities Between National Service Outcome Measures and Goals: Core Susquehanna AmeriCorps: A Case Study," 1997 Independent Sector Spring Research Forum, Alexandria, Va., 1997.

[25] President Bill Clinton, State of the Union speech, February 4, 1997; see also speech by President Clinton to the American Council on Education, February 24, 1997.

[26] Clinton, "Remarks at Volunteer Summit," April 28, 1997.

[27] James Rowley, "AmeriCorps Questioned on Jobs," Associated Press, April 28, 1997. Mr. Woo received a salary of approximately $95,000 per year as Director of AmeriCorps' Western Regional Cluster.

[28] John P. Walters, "Pull the Plug Already," Memorandum to Conservative Reformers, New Citizenship Project, October 20, 1995.

[29] Amy Call, ed., Budget Bulletin No. 6, Majority Staff, Committee on the Budget, U.S. Senate, 105th Cong., 1st Sess, March 3, 1997; cited in Nina H. Shokraii and Dorothy B. Hanks, "School Choice Programs: What's Happening in the States," Heritage Foundation F.Y.I. No. 138, April 21, 1997, p. 1.

[30] See Robert W. Sweet, Jr., "Don't Read, Don't Tell: Clinton's Phony War on Illiteracy," Policy Review: The Journal of American Citizenship, No. 83 (May-June 1997), pp. 38–42.

IMPACT OF PRESIDENT'S FY 1998 BUDGET REQUEST FOR $28 MILLION CUT IN VA RESEARCH

The president's FY 1998 budget request proposes a 10.5% cut in the VA research appropriation. If enacted by Congress, this cut would reduce FY 1998 funding for VA research to $234 million, down from an FY 1997 appropriation of $262 million. A cut of this magnitude—15% if the effect of inflation is included—will require VA to make significant changes in the program and future plans including:

Reinvigoration of VA's Career Development Programs, as recommended by the Research Realignment Advisory Committee (RRAC), will be delayed indefinitely. For the third year, VA will not be able to initiate any new Career Development awards. See attached Graph 1. Cut: 15 career development awards at a cost of $2.5 million.

Plans for new research centers of excellence will be terminated or delayed indefinitely. Cut: 9 centers at a cost of $10 million. These include:

Two Epidemiology Research and Information Centers designed to provide VA with much needed epidemiology research capacity

Three new competitively selected Diabetes Centers of Excellence

Two new Centers for Rehabilitation Medicine focusing on sensory loss and traumatic brain injury

A new, competitively selected Health Services Research and Development Center of Excellence

Phasing out one of four existing Environmental Hazards Research Centers

Three hallmark cooperative studies expected to have a far reaching impact on medical care will not be funded. Cut: $3 million.

A substance abuse research initiative related to nicotine and smoking behavior

Two cooperative studies comparing surgical and medical treatments for heart disease

Other steps required to accommodate the remaining $10 million of the $28 million cut:

15–20 new health services research and development programs will be delayed.

VA will sharply decrease its investment in developing medical practice guidelines, reducing its ability to determine the most cost effective methods of delivering high quality care in the network environment.

Ten percent of existing investigator-initiated projects will be terminated. The number of funded projects will decrease from 1666 in FY 1997 to about 1400 in FY 1998. See attached Graph 2 for the impact on the number of Medical Research Service projects alone. This will lower funding opportunity for VA researchers to an all time low of less than 15%—only 1 out of 8–10 approved projects will be funded.

Administrative support for research offices located at VA medical centers will be reduced by 10–15%.

Reduced funding opportunity will affect VA's ability to attract and retain high quality physician investigators for careers in VA. Considering that 75% of VA researchers are physicians who provide medical care for veterans, the potential impact on VA's ability to provide the high quality care associated with academic/research facilities may be significant.

FOVA recommends full restoration of the funds cut in the president's request, plus $18 million in new funding for an FY 1998 appropriation of $280 million.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to this amendment.

First, let me address the amendment of the gentleman from Kansas [Mr. TIAHRT] by way of the discussions that the gentleman and I have had both in the full committee as well as this evening on the floor.

Initially, in the full committee, there was a good deal of discussion about the reality that there are some problems with some AmeriCorps programs operating in the country, but also there are portions of the AmeriCorps Program that are working very, very well. For example, the forestry services going on in my district. AmeriCorps volunteers have done a rather phenomenal job.

Essentially, the gentleman from Kansas was saying to me, I think, that we need to raise a flag that says if there are programs here where taxpayers' dollars are not being spent well, then we either ought to stop that or, indeed, we should try to find a way to improve it. So his amendment essentially raises that flag by taking half of the AmeriCorps funding proposed in this bill and putting it in an area of funding within veterans medical research that is very, very critical.

Now, beyond my comments about AmeriCorps, let me say this about the gentleman from Kansas, a new member of the Committee on Appropriations. There is not a member of our committee who has more effectively brought forward the importance of the Persian Gulf syndrome problem, the reality that literally tens of thousands of veterans are facing circumstances that the medical community seems to know a lot less about than they should know.

As of this moment, as a direct result of his work, through a number of appropriation subcommittees, I am not sure exactly what the figure is, but we are pushing something close to $100 million that is directed along a channel that will have us evaluating in intensive form the Persian Gulf syndrome.

☐ 2145

And that concern about those veterans who served is very well-taken and very, very important.

Further, I want to say that while earlier I was personally going to consider just wiping out the AmeriCorps funding because we know at the other end of this, before we get through conference, before we get a signature from the President, AmeriCorps is going to be funded. The gentleman from Kansas [Mr. TIAHRT] is mixing the best of public policy with the best of reality around here in terms of his amendment. It is very helpful to the process, and because of that I would suggest to the Members that the gentleman from Kansas [Mr. TIAHRT] has made a very good point and should get their support.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise to support the gentleman from Kansas [Mr. TIAHRT], my good friend, and his amendment.

This is really about priorities of spending in our government. It is about two programs. And the idea behind AmeriCorps, the idea of helping college students, is certainly an idea that most Americans would support. The idea of encouraging volunteerism is certainly an idea that most Americans would support. But when we start talking about the concept of paying people to volunteer, somehow we lose something in the translation. Once you receive a paycheck for doing something, you are no longer a volunteer.

This program is currently costing $19,000 per student that it is attempting to help, and I would suggest that the cost is out of line. I would also suggest that the accountability is just plain not there in the program.

We then look at a second program and we have to ask ourselves, which program is it more important that we spend the money on? We then look at our Persian Gulf war veterans and the illnesses that they are facing and how much research money is being spent to solve the problems facing our Persian Gulf war veterans.

And we have to conclude, as I think this body will when we vote on this amendment, we have to conclude that our priorities here are wrong. Paying people to volunteer, even if the work that they are doing is good and important, is certainly not as important to our Nation as finding the root cause of the Gulf War syndrome that is affecting so many of our veterans in our Nation today.

I rise to support the gentleman from Kansas [Mr. TIAHRT], my good friend; and I sincerely hope this body makes the right decision and passes this amendment.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment once again places an issue before Members of the House regarding two very important areas of concern, I think, of Members of the House. Certainly all of us support veterans' programs in a great respect and admiration for what veterans have done for this country. And many of us, such as myself, are veterans.

At the same time, we recognize that there is a very real need for programs such as AmeriCorps, which happens to be a program that the President of the United States places a great deal of priority on. In fact, I have before me a statement of administration policy which was received by us today, in which the President states that "the administration understands that an amendment may be offered to terminate the Corporation for National Community Service. The administration would oppose any amendment to terminate the corporation, as well as any amendment that would eliminate the corporation's AmeriCorps grant program. Were any of these actions be incorporated into the final bill presented to the President, the President's senior advisors would recommend that he veto the bill." The President goes on to speak to other aspects of the national service program.

This is a bill that, as we have already stated on the floor earlier today, has been a very difficult bill to craft. It is one that the gentleman from California [Mr. LEWIS] and myself and other members of the subcommittee spent a great deal of time putting together, and we hate to see it in any manner jeopardized by any type of threat of a veto.

But I think it is important to look at what some of the accomplishments of the AmeriCorps Program have been. Just in the 1995–1996 program year, AmeriCorps has trained, supervised or recruited more than 300,000 volunteers; they have taught or tutored more than 500,000 children; built 1,200 houses; rehabilitated 4,700 houses and apartments; immunized 64,000 people; planted more than 200,000 trees; restored more than 3,000 miles of shoreline and river banks; cleaned up 3,500 neighborhoods; enrolled 85,000 students in afterschool programs. They have counseled more than 100,000 people in violence prevention; established more than 3,000 public safety patrols; provided 1,100,000 people with health care information; provided 32,000 people with employment-related services.

So AmeriCorps is not about volunteerism; it is really is about service. AmeriCorps has strengthened, not weakened, traditional volunteer activities. More than 3 out of 5, 61 percent of Americorps members have completed 1,700 hours of service and earned education awards. An additional 17 percent earned partial education awards. Only 22 percent earned no award.

One measure of success for the program is the percentage of AmeriCorps members who earned the education awards. Nearly 4 out of 5, 70 percent of AmeriCorps members have earned education awards. Just recently the U.S. Conference of Mayors passed a resolution supporting AmeriCorps.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the ranking member's recitation of the accomplishments of Americorps. I think all of us recognize in the startup cost it was high, and it was an important new program with this administration. Obviously, there is a high premium on it. I think the program is working.

I would say that this amendment presents a dilemma for many of us. But I think the impetus is clear. I do not know, and I appreciate the gentleman from California [Mr. LEWIS], the chairman, has provided and pointed out that there is nearly $100 million for review and research of gulf war syndrome.

Whether there is a program for the extra $50 million, I do not know. But, obviously, if there was, I would suspect that the Committee on Appropriations would have processed those requests and considered it. In fact, there are many quarters in this Federal Government, unfortunately, where they still seem to be in a state of denial with regard to that.

And I appreciate our friend, the gentleman from Kansas [Mr. TIAHRT], has taken the initiative to try and lead in providing adequate funding. But the bottom line is this: This takes $200 million from the program, a program that is working, a program where these funds are necessary, where they are helping in a variety of ways. I think it has met its promise.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(On request of Mr. STOKES, and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, if the gentleman would continue to yield, this eliminates and takes away the opportunity for young people to provide service. And I might say that while they get some modest compensation and recognition, that it is nowhere accorded the right.

Now in a different era, a different time many could take off a year and volunteer for service and do a variety of things and get low compensation or no compensation. But that is not the era we are working in today, in terms of people maybe have the altruism but they do not have the economic wherewithal.

And this program provides and lets people provide that type of volunteer service; and believe me, it is volunteer service when they postpone their vocational plans for those 2 years. So I rise in opposition to this amendment.

I think it is the wrong way to go. I think if we need money for the gulf war vets and the syndrome and the problems there, I would be happy to stand up here with the gentleman from Ohio [Mr. STOKES], my colleague, the ranking member, and support it, but not on the basis that is being offered in this amendment.

I thank the gentleman for yielding.

Mr. STOKES. I appreciate the comments of the gentleman from Minnesota [Mr. VENTO].

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

I would like to make a couple of comments, one in response to the statement of the ranking member with regard to the President of the United States. His comment was in regard to elimination of the program. The amendment offered by the gentleman from Kansas [Mr. TIAHRT] is a reduction of the present program, so he is not offering the amendment to eliminate the present program.

One is, you have to cross a threshold whether or not you eliminate the AmeriCorps as a program. I think the President gets himself in this oxymoron about paid volunteers. He ought to get away from the word "volunteers" in the AmeriCorps program and just sign up and said, yes, he believes in service and we want to pay these individuals for these efforts and service which have normally gone to volunteers, and he should get himself away from this oxymoron and the attacks on the program.

I really do not care for the particular program. In response to the comments of the gentleman about the type of program and all the good which it has done, I also have to think about from 1993 to 1994 it was reported that 1,200 of the paid AmeriCorps "volunteers" worked at the Department of Agriculture, 525 worked in the Department of Interior, 210 worked in the Department of Justice, 135 in EPA, 60 at the National Endowment of the Arts; a total of 2,800 were working at Federal entities.

So that was pretty stunning to me when I discovered that. Also to think that the AmeriCorps spent $1.7 million to a PR firm to work on their image. So when I think about priorities dealing within the restraints of a budget agreement, this is very disappointing in fact to me.

The GAO recently, I know the gentleman from Kansas [Mr. TIAHRT] referred to the $19,000 figure, the GAO estimates the total compensation given to each volunteer. I should not perhaps even call them volunteers because those that work in the AmeriCorps program do not want to be called volunteers, they want to be called members. So each member, it is $26,000. This figure has increased per cost to $33,000 when AmeriCorps' high dropout rate is factored in. That is a heavy price.

So when the gentleman talks about the promise of AmeriCorps has been achieved, all right, at what cost? And then you say of this $33,000 per, what could we spend those monies on better with regard to how many Pell Grants could you get out of that $33,000, or other things? And you are right, somebody mentioned this is about priorities.

So when I think about the issue of the gulf war illness, I do want to entertain a question to the chairman if I could for a second. Earlier he mentioned about $100 million has now been appropriated for Gulf War illness. I am a little confused as to this amendment, if we are adding more moneys or replenishing accounts.

If the gentleman would explain to me, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I appreciate the gentleman yielding. And when the gentleman from Kansas [Mr. TIAHRT] first raised this question effectively in our full committee, we were talking about $20 million; and it came to our attention that there was some $30 million within the Subcommittee on National Security, at least $10 million in Labor-HHS. If there is an add-on here, that is additional.

But I must say, I do not know all the accounts because I have not had a chance to go through those in the last few days. But there is a growing level of funding in which this issue and this problem is being recognized, and it is a direct result of the work that the gentleman from Kansas [Mr. TIAHRT] is about.

Mr. BUYER. Reclaiming my time, so what you have earmarked, these monies will help replenish accounts which take away from other funding requirements?

Mr. LEWIS of California. If the gentleman would continue to yield, either they are earmarked funds out of research moneys, for example, there is already DOD money, a pool of money, and they designate some. We designated a portion out of research moneys in this bill, et cetera.

Mr. BUYER. When you compare this year's budget compared to what the President sent you, did the President reduce his VA research budget?

Mr. LEWIS of California. If the gentleman would yield further, yes, the President did. And as a result of our work, we have beefed it back up and there is significant adjustment upward in the research budget.

Mr. BUYER. And you plused up the budget over and above last year's number even though the President reduced his VA research?

Mr. LEWIS of California. If the gentleman would continue to yield, by $33 million over the President.

Mr. BUYER. Let me thank the chairman for having done that.

I would share with the Members with regard to the gulf war issue, whether it has been in the military health delivery systems or in the VA, it has been very difficult to focus them on this issue. We voted here not long ago on the issue of national defense. We spent millions and millions of dollars, whether it is to buy tanks, we can debate over B-2 bombers, we debate a lot of things about military equipment, hummers and a lot of other things, but when it comes time to taking care of those have borne the risk of battle, we need to also step up to the plate and take care of these veterans.

There are many, in fact, who are suffering from multiple types of illnesses, multiple causations, which is very difficult for us to understand, for the family members. I applaud the gentleman for his amendment, and I ask that all the Members support this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of AmeriCorps and wonder in terms of the statement of the gentleman from Kansas [Mr. TIAHRT], who introduced the amendment, where he said that there was $3.6 million allocated, appropriated, in this bill with his chart for Persian Gulf veterans. Let me assure my colleagues that according to the report put together by the gentleman from California [Mr. LEWIS], our distinguished chairman, and the gentleman from Ohio [Mr. STOKES], the ranking member, on page 16 it says, and I quote, "The bill includes earmarking $20 million," not $3.6 million.

☐ 2200

"The bill includes language earmarking $20 million of the funds made available for medical research relating to Gulf War illnesses afflicting Persian Gulf veterans."

Mr. Chairman, I strongly believe after reading even more on this topic that we need to make sure that we take care of our veterans, World War II and World War I, Korean, Vietnam veterans and also our Persian Gulf veterans.

Dr. Kenneth Kizer, the VA's Undersecretary for Health, said in his testimony before Congress, "More than 90 research projects are in progress or have been completed, and more than 30 individual projects are being carried out nationwide by the VA and university affiliated investigators."

If we need to do more, and we probably do, let us work together in a bipartisan way to make sure that our veterans are cared for, and I will strongly support that amendment. But let us not pit two very important programs, AmeriCorps and the care and concern and medical necessities for our Persian Gulf veterans, against one another in a very political way.

AmeriCorps in my district is doing some great things. We have an Envirocorps in Elkhart, IN. It is one of the best AmeriCorps projects in the country. It is doing a number of things, to clean up streams and the environment, to revitalize city neighborhoods throughout our community, to test homes for radon gas, a host of things that would not be done. They are working with the private sector, they are working with volunteers in the community. They are leveraging the resources throughout the community to get things done and help other people.

That is not just in Elkhart, IN. AmeriCorps has given 70,000 Americans a greater opportunity for higher education, taught over 380,000 students, mentored 93,000 youth, tutored 118,000 individuals. They are all across the country, spread out, helping others. I would think that a Republican wants people, as we do, not to just get something free but to do some work for it, that is the concept here, personal responsibility, work in the community and one gets an educational grant, a stipend to go to school. It leverages money, another good idea that we would hope to share in a bipartisan way, Republicans and Democrats.

We leverage the public money with the private sector, helping people build better communities in the environment, education, tutoring, making sure children are inoculated, all kinds of great things going on because of the leverage here at the public level that is spreading out locally to each and every one of our communities. I do not know how one can be against that. I do not know how we can pit two programs that I strongly support against one another.

I guess, in conclusion, Mr. Chairman, I would say this. What are Republicans saying about this program that help young people, that help young people at a time when we really need them getting to college, when the college costs in this country are soaring, how are Republicans responding to this, most Republicans?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Gen. Colin Powell says, "AmeriCorps is doing a lot of good things around this country. They are leveraging other volunteers who come in to work with AmeriCorps."

Gov. William Weld, a Republican from Massachusetts, and I quote, "Every taxpayer dollar we spend on AmeriCorps comes back threefold when we add up the value of your innovative ideas, your physical labor and all the skills you bring to the workforce when you finish your education. It is one of the most intelligent uses of taxpayer dollars ever." Ever.

Now, I think that is where the mainstream of the country is. Support programs that insist on personal responsibility, that leverage dollars, that help our young people afford education and build better communities. This is a program, AmeriCorps, that I strongly support. I hope that we can work in a bipartisan way to support both AmeriCorps and our gulf veterans. I do not think that we should try to pit these programs against one another.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding. I would just say that absolutely the gentleman is right. We do not want to pit programs like this against one another. Unfortunately throughout this bill, that is the challenge of the bill. We have program after program that are vital to people, whether it is the poorest of the poor in housing programs or otherwise. One person's mind's eye view of what is enough money for this program versus another creates the difficulty.

I am not at all challenging what the gentleman suggests. I think he also knows full well that, before we get through this process with the other body, the conference, the AmeriCorps funding is going to be there. So indeed it is just a reflection of the discussion this evening that expresses people's viewpoint. It is helpful but it can be carried further than it need be.

Mr. ROEMER. Reclaiming my time, and I respect the gentleman from California, we have all kinds of opportunities around here to make priorities. We had a priority to try to cut 0.7 percent of the intelligence budget the other day. This body did not do that. We had the opportunity to cut B–2 bombers that the Air Force does not want. This body did not do that.

Let us not pit two good programs against one another that we should be funding when we have got some of these other programs that the Defense Department does not want, a space station that does not work, when we are finding the Mars Pathfinder does marvelous things up in space for $267 million as opposed to $100 billion for the Space Station. Let us get our priorities right. Let us support our gulf veterans. Let us support AmeriCorps.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Kansas.

Mr. TIAHRT. I would suggest that this amendment does exactly what the gentleman is suggesting.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has again expired.

(On request of Mr. TIAHRT, and by unanimous consent, Mr. ROEMER was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Mr. Chairman, I continue to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I think this amendment meets the criteria that he is establishing here. It allows AmeriCorps to move on.

I would like to remind the gentleman from Indiana that AmeriCorps spends about 11 percent of their budget authority. They have been allocated $1.6 billion from this Congress since its conception. They have only spent about $300 million. With a reduced budget as suggested here, we are able to achieve both of the gentleman's goals, help the Gulf War veterans who are suffering from this illness and allow AmeriCorps to continue at a reduced size so that they can become more efficient.

Mr. ROEMER. Reclaiming my time from the gentleman from Kansas, what I would say is there are plenty of things we can cut in this budget. Whether it is a Space Station, whether it is a wind tunnel, there are a lot of things that we have to make tough choices on to balance the budget, and we are making them.

I am supportive of a balanced budget, and I voted for that in the historic bipartisan agreement that we brought to this floor. But let us not always go after the programs around here that help people go to school, that help people get a school lunch, that help people get fed that are falling through a safety net. Let us make sure that the Gulf veterans are taken care of, that AmeriCorps, which is working with personal responsibility, is funded, and that we go after some of these programs that are not working nearly as well as these other two good programs.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in these difficult times when we are trying to balance the budget and establish the priorities that this body must adhere to because the American people adhere to certain priorities, those priorities will fall time and time again to our veterans, those people who marched off to war and many of them came back with gulf war syndrome. I have a number of them in my district, and my heart goes out to them. I honor them and I respect them, and my priority is with them, because America should keep its word to its veterans. They kept their word with us.

It was Teddy Roosevelt that once said a man who is good enough to shed his blood for his country is good enough to be given a square deal. I think to increase research and development to $25 million for gulf war illness research is a top priority. I think it must be done. For too long this country ignored the ravages of gulf war syndrome and ignored that it was a bona fide problem that our soldiers came back home with. Our veterans have earned a square deal. They were promised a square deal. That is not what they are getting with this appropriations bill, unless we adopt the Tiahrt-Chenoweth amendment.

How can we in good conscience spend even a penny on pet projects, as worthy as they may be, while our promises to veterans continue to be broken? AmeriCorps' paid volunteers may work on projects in exchange for pay and scholarships, but what is their contribution in comparison to the sacrifice of our veterans? Veterans who gave up freedom and endured the hardship and bore the separation from loved ones and all too often suffered terrible bodily injury in defense of our freedoms in the gulf war.

I urge my colleagues to take this small step, keep our obligations and our promises to our veterans. Show our veterans that they are as important to us as we and a free America were to them when they gave so much to us. Please support the Tiahrt-Chenoweth amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, since the gentlewoman indicated that we ought to put support for veterans ahead of everything else, can I assume that she will vote for my amendment to eliminate the pork project in Idaho so we can add money to the veterans health care budget?

Mrs. CHENOWETH. I am supporting my State and my commitment to my State.

Mr. OBEY. So in that case the veterans will come second?

Mrs. CHENOWETH. Mr. Chairman, this is out of order because we are debating another amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this debate is an appropriate kind of debate but not necessarily comparing AmeriCorps with the veterans. I think we all support both.

The irony is that the gulf war veterans may have sons or daughters that are in AmeriCorps, and in fact gulf war veterans may qualify as AmeriCorps volunteers, because it is a totally different program. It has to do with contribution to the community for remuneration and a credit toward, whether it is vocational training or academic training. I happen to represent an area in California, Fort Ord, the former Fort Ord, which still has a military property on it; and in that property, we have the center for the gulf war syndrome calls. Anyone who has been in the gulf war who thinks they may be qualified for benefits, these medical benefits, all of those calls from everywhere they are made in the world come to that building. That building gets them registered and into the process. It is a good process and it is working.

The problem I think we have with veterans and not just gulf war veterans but veterans in general is that we are not allowing for collaboration. If one goes to a veterans clinic, the veterans cannot take their family and children to that clinic. We ought to be able to let them do that. If one is over 65 in this country and he is a veteran, he cannot take himself or his spouse to a veterans clinic. They have to go out to a Medicare process.

The problem for medical care in America for veterans is not just limited in here, and we do not do more by isolating these moneys, by taking them out of a good project and saying we are going to put it in just to research in an isolated area. If we really want to help veterans, gulf war veterans and all, we would do a much better job of collaboration.

Let me tell my colleagues on that same military base are a whole bunch of AmeriCorps volunteers that are helping clean up that base, and they are working with the community based organizations and they are doing a very good job. Yes, they are getting paid. I was a Peace Corps volunteer and I got paid for being in the Peace Corps. There is no free lunch in this process. But they are not getting rich on this.

In fact, the author of this amendment has had six AmeriCorps volunteers in his district, of which four finished. The Kansas Department of Wildlife and Parks who oversaw the program wrote a letter, and I would be glad to give it to the gentleman and submit it for the RECORD if he wants, that says,

> Without the assistance of AmeriCorps the Kansas Department of Wildlife and Parks would not be able to hire these young people lacking the funding to do so. The department can, however, provide raw materials, tools and supervision.

The letter goes on to say,

> The AmeriCorps and public would lose the benefits provided to the natural resources and outdoor recreation projects, and the individuals who would have been selected as members would lose valuable opportunities.

□ 2215

It goes on to say: "I hope you will find that you will be able to fully support the continuation of the AmeriCorps as a viable program important to the American people."

This is a letter to Senator BOND, and it is written by Bob Mayers, the Assistant to the Secretary of Operations, appointee of the Republican Governor of the State of Kansas.

Lastly, I think what is very important here is that if we are going to make some tough choices, I think we made it last week, a week before that, when we had a very close vote, and I believe it was, as my colleagues know, half a dozen votes difference on the B-2 bomber, something that the Pentagon has not asked for, something that the Air Force does not want, and we voted to commit ourselves to building nine more. An estimated outlay or total cost in the end is about $18 billion.

Now if my colleagues want to make choices, and my veterans are just like my colleagues' veterans, they understand these choices. They do not want us to take away programs from their sons and daughters, from their colleagues who may be wanting to go into the AmeriCorps who want to pay off student loans, who want to pay off education. Robbing Peter to pay Paul is, I think, a very injurious proposition, and this is a bad amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding. I think the point I am really trying to make here is to suggest to the House that we are all on the same side of this. The fact is my colleague knows and I know before we get through this process of the conference that AmeriCorps is going to have its funding restored, we know that. What has really happened though as a part of the full committee discussion and here, is suddenly there is a different attention being paid to the Persian Gulf syndrome, which the gentleman's district should be very pleased with as well.

So at the end of the process we will raise that to a much higher level of attention; the gentleman's district will like that. But AmeriCorps will be funded at the other end, as my colleagues know. Frankly it is important that the public know that we are all on the same side really in this discussion. And as my colleagues know, we have a tendency to fill all the time that is available regardless of whether we agree or disagree.

Mr. FARR of California. Mr. Chairman, I think the gentleman's observations are very well made. I just disagree with the author of this amendment that the way of getting there is to rob Peter to pay Paul. I think when we rob an educational account to pay for a medical account we have no gain.

Mrs. Chairman. I include the following for the RECORD.

STATE OF KANSAS,
DEPARTMENT OF WILDLIFE & PARKS,
Pratt, KS, October 4, 1996.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I appreciate the efforts of yourself, Senator Grassley, and Congressman Lewis to examine the relationship between USDA and the Corporation for National Service regarding the AmeriCorps program. At this time in America, it is critical that government operate ethically and above board, without the intent, act or perception of wrongdoing.

However, as I am certain you will find, the relationship between USDA, CNS and the AmeriCorps projects administered at the state level is reasonable and desirable. This partnership allows rural Americans to perform needed community services for an honest wage and broaden their potentials for the future in the process. When these AmeriCorps members have completed their educations, they will be ready to take their places as productive members of society, with not only the class work behind them, but also the experience earned in the successful completion of their AmeriCorps projects.

Without the assistance of the USDA and CNS, the Kansas Department of Wildlife and Parks would not be able to hire these young people, lacking the funding to do so. The department can, however, provide raw materials, tools and supervision. Important projects underway now, and others that might be completed in the future, would die without being completed. Rural communities would lose the employment options provided by AmeriCorps, the public would lose the benefits provided to the natural resources and outdoor recreation projects, and the individuals who would have been selected as members would lose valuable opportunities. The language proposed by USDA correlates to previous agreements, and fully supports the principles under which AmeriCorps was conceived, while ending the transfer of operating funds from CNS to USDA.

No additional funding is needed to support the AmeriCorps program, and the positive impact it makes is tremendous. I hope that you will find that you are able to fully support continuation of AmeriCorps as a viable program important to the American people.

Sincerely,

ROB MANES,
Assistant Secretary for Operations.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. First of all, I want to just point out as the second ranking Democrat on the Committee on Veterans' Affairs I stand in a back seat to no one in terms of standing up for our Nation's veterans' needs, and while I appreciate the efforts that the gentleman from California [Mr. LEWIS], the chairman of this committee, has made in terms of standing up for our Nation's veterans in this budget, and I think the gentleman from Ohio [Mr. STOKES] deserves credit as well, I would like to point out to those Republicans who are beating up on the AmeriCorps program today that according to their own budget agreement that they passed themselves earlier this year, they were $2,230,000,000 under what this budget does.

So while I appreciate the fact that the chairman of the Committee on Appropriations went back and found $2 billion, for people to stand up here and make speeches on the floor of the House saying they want to stand up for our Nation's veterans, go look at their own rhetoric, go look at what their budget that they passed did to the veterans of this country. They are the ones who led the fight to cut the veterans programs, and now they stand up here on the House floor and pretend like they are standing up for our Nation's veterans. So in reality what they can do is beat up on AmeriCorps, because what they really want to do is go after President Clinton because he has a program that encourages voluntarism in America.

And that is the truth of what this is all about. This is just plain rhetoric bashing, this is the same old, same old stuff that we hear too much of. In fact, if we are truthful and honest, I think we go back to the original statement of the chairman of the committee. He said some very nice things; I heard him when I was sitting in my office getting ready to offer a couple of amendments on the housing bill that is coming up, and he said some very nice things about the AmeriCorps program. The truth is that of course like every program, we have HUD programs that are well run, we have HUD programs that are not well run; we have programs in the Pentagon that are well run and some that are not so well run. We have some AmeriCorps that are well run and some that are not so well run.

But the truth and the fundamental aspect of this is that there is broad bipartisan support, I believe, for both AmeriCorps as well as for our veterans' programs, and for us to sit here and gratuitously go out and find a way of offering an amendment that can just go and try to bash the AmeriCorps in order to pretend like we are standing up for our Nation's veterans is utter hogwash, and I hope the veterans of this country who are watching this debate listen to the fact that there is $2.230 billion, that is B's, not M's, billions of dollars that were proposed by the Republicans that were not included because of the work of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too want to rise in opposition to this amendment, and really, I think, there has been a great deal of bipartisan effort on this whole issue of balancing the budget, and I think because of that I am very curious about what is not only represented to be an effort to cut the deficit, but also what I would call bashing and pitting one very deserving group against the other.

Let us make it perfectly clear this amendment eliminates the AmeriCorps program, and for many who have debated it and discussed it, for some reason the involvement of the President seems to color the value of this program, and I would simply take issue with great respect for the gentleman.

Mr. LEWIS of California. Mr. Chairman, would the gentlewoman yield on that point that she made?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. It may be that the gentlewoman was not given the information that the gentleman from Kansas [Mr. TIAHRT] took up his second amendment rather than the first one. Because of that this amendment takes approximately half of the AmeriCorps funding and puts some of it into veterans programs, and the balance remains, which allows us effectively to go to conference where we know it is going to be restored.

I do appreciate the gentlewoman's position, but I wanted the gentlewoman to know that.

In the meantime, if my colleague will, I wanted to mention to her that we hope to get through this amendment by the time I have committed to the gentleman from Wisconsin [Mr. OBEY] that we will close down by 10:30, and that is not just for the gentlewoman but for the other Members who are here.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I hope I will be able to capture the time. Mr. Chairman, I do appreciate it, and I did know the amendment that we were discussing, I consider the amendment an elimination of the AmeriCorps for the very reason that when we begin to juxtapose moneys against one other, we are bashing and we are eliminating.

I recognize that this is a modified amendment, but this amendment, the purpose of it is to eliminate AmeriCorps. This has no intent to fund our veterans. This is a purpose of, in fact, causing anguish, causing ugliness in this debate.

Let me simply argue on behalf of the AmeriCorps program and the very valuable things that it does. First, I want to take issue with those who say that there are individuals who are in the AmeriCorps program that do not do their job, that there should be volunteers, that they should not be paid. These are individuals who work very hard in our community and, in fact, are contributing in our community and receiving an education.

I would venture to say that the young men and women who are in the gulf war would support the AmeriCorps, and why would they support it? Because they are the equals of these individuals who have come up to hard times and are now seeking to give to their country, but, as well, taking advantage of an opportunity to be educated and maybe be back in step with helping us to have more peace so that we send less of our veterans or less of our soldiers into places of war.

For example, in Houston the LA Vets is sponsored by our AmeriCorps. What do they do? They help homeless vets. I would think that our veterans would support the AmeriCorps programs that do that. What else do they do in Houston? The Houston Read Commission, the literacy AmeriCorps that helps to bring about the opportunities for reading in our community; English as a Second Language, a program that is extremely important.

But most of all, I think the dignity of the AmeriCorps participants have been attacked, and I take great offense in that, for these are young men and women who simply want an opportunity.

Yes, this is the President's program and the President's opportunity. But it is not the President's vision. It is America's vision to give young people the opportunity to climb up the rough side of the mountain and, yes, stand on top of the mountain.

I believe that this effort that is being offered to take a few pennies here and a few pennies there for two very good programs is, as I started out in my remarks, an attack on AmeriCorps and an attempt to eliminate AmeriCorps.

I would simply ask the question, if it is going to be restored in conference, why do we not do the right thing and maintain the full funding of AmeriCorps, work in conference to increase the dollars for Persian Gulf research and Persian Gulf illnesses, because I think that is a very valid concern. Why do we not do it that way? The reason why we are not doing it that way is because the real intent of this amendment is to bash AmeriCorps, to eliminate AmeriCorps, and it has nothing to do with anyone's concern about the veterans.

I support any effort to increase funding for veterans, and I would encourage my colleagues to go to the conference committee, work sincerely along with the Senate to increase those dollars, because we are moving along in a well-intentioned manner, which is to balance the budget. I see no reason whatsoever to eliminate these dollars on a very valid program that helps young people do the right thing and achieve their goals and aspirations.

Mr. Chairman, I rise today to raise my strong opposition to Mr. TIAHRT's amendment to eliminate AmeriCorps by using the tragic situation created by gulf war illness. If the administration had not taken steps to address the need to recognize disabilities associated with the illness and extended the length of time veterans have to apply for benefits I could see a need to increase funding for that purpose.

This amendment to H.R. 2158 will eliminate AmeriCorps, a much needed program and thus deny the opportunity for many deserving young people to attend college. The program is simple, but it has had a significant impact on the lives of people living in my Houston, TX, district.

In the city of Houston, David Lopez, who was employed as an AmeriCorps member last year, worked to provide the inner city working parents of latch key kids with supervised activity and play. They are not left to their own devices, or worse, to the design of street predators who would lead these young lives in the wrong direction.

For a year of volunteer service with Communities In Schools, David earned a $4,725 scholarship toward college.

AmeriCorps is the one and only chance for many of its participants to obtain a college education. It has been under attack from the early days of the 104th Congress for being inefficient. The truth is that among the numerous independent studies in the past, including the one by conservative "Chicago School" economists sponsored by three private foundations, confirmed that investments in national service programs are sound, yielding from $1.54 to $3.90 for every dollar invested. In fact, a 1995 GAO report concluded that AmeriCorps almost tripled the $31 million amount Congress directed them to raise by raising $91 million.

AmeriCorps has played a vital role in communities all over America. The 508,593 students taught, and the 42,381 families left homeless by natural disasters, and the 143,513 individuals provided health care screening at clinics, VA hospitals, and other health-related facilities and focus particularly on children and youth are testaments to the critical role this program plays in the lives of people in need.

I would offer to my colleagues who are in a rush to cut AmeriCorps that if they looked around their districts they may find that AmeriCorps is doing some very amazing things for these few tax dollars.

For example, in the city of Houston, the Collaboration to Help Homeless Veterans uses

AmeriCorps members on areas of housing and employment readiness to perform case management activities and help homeless veterans in the Houston area move toward self-sufficiency.

The Houston READ Commission/Literacy AmeriCorps provide literacy training and needed support services while developing community leadership in traditionally disadvantaged locations of the greater Houston area. Educational activities include GED tutoring, English as a second language training, homework assistance, and family literacy instruction.

Teach for America—Houston is another program in the city of Houston which utilizes AmeriCorps members in a project designed to improve the educational achievement of underserved school-age youth by providing students with teachers having diverse backgrounds and strong knowledge of academic content. AmeriCorps members are assigned teaching and leadership roles in inner city and rural public schools.

I strongly oppose any effort to end this program. I would ask that my colleague join me in opposition to this amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I want to thank the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] on the VA, HUD and Independent Agencies bill, a job well done. There are lots of various issues that they have had to work out, and I think they are doing a tremendous job. My admiration goes out to both of them.

I rise, however, in opposition, in strong opposition, to this amendment, a very sincere amendment on the part of the gentleman from Kansas [Mr. TIAHRT] but one that I think is very wrong. And I feel so strongly about it I was almost reluctant to get up because I am almost afraid of what I might say.

I mean I hear people calling it the President's program, and yet the President worked very hard with Republicans to make it a bipartisan program. That is why, instead of it being a national program, one-third of the program is decided nationally, and two-thirds is decided by the States.

Republicans really did a good one on the President, though, because when we allow States to do their programs, they are going to have good programs and bad programs. So instead of having a national program that, as my colleagues know, is pretty good, and no one can find any criticism, we allow States to be innovative. And so they have a number of good programs, but they have some that are not so good. And when AmeriCorps finds out what are the bad programs, they are eliminated. So what we have is some really excellent programs, and we have a few bad ones.

I look in terms of where this money is going. I serve as the chairman of the Subcommittee on Human Resources of the Committee on Government Reform, and we oversee the Veterans Department along with HUD and the Education Department and HHS, and so on. We have had 10 hearings on gulf war syndrome, and I think I can say with some authority that the problem is not funding of illnesses. The problem is the VA and the DOD failed to recognize the problem in the first place. It was not a money issue.

We are going to spend in the 1998 budget $20 million earmarked for medical research in the VA HUD bill. We are going to spend $78 million in DOD budgets. We are going to spend $10 million in HHS. One hundred eight million is going to be spent on gulf war illnesses in the budget that exists right now.

□ 2230

We have the money there to do the work. The question is, is the VA and the DOD going to spend the money the right way? There we might have debate.

Mr. Chairman, I represent the cities of Stamford, Norwalk, and Bridgeport. I have kids who are hungering to be of service to this country. They are also hungering to get an education. A great Republican principle, I thought, was to not give them something, make them earn it. They earn it. They work at a minimum wage.

Yes, we call them volunteers, even though we call it AmeriCorps. I am a Peace Corps volunteer. I got paid. I was given a stipend at the end, just like these volunteers who are doing service. They are participants, no different than Peace Corps volunteers, but they are working at basically $4 an hour. When they are done, unlike me in the Peace Corps, when I had money set aside that I could spend on anything, all these individuals can do is spend it on education.

So for me, Mr. Chairman, this was a program that the President reached out to our side of the aisle, made two-thirds of it funded and decided by States, and therefore brought in the possibility that we could have some bad programs, which we are quick to criticize, and did not make it a national program.

Mr. Chairman, I am not going to be asking for a rollcall vote on this issue. I accept the fact that our chairman of this committee is going to try to work it out in conference, and I accept the fact that his logic said that, better to keep some of the program there to be funded and argued with the Senate.

But I just strongly, strongly oppose those on my side of the aisle and maybe a few on the other side of the aisle who have targeted AmeriCorps, because I think they are dead wrong. It has been a tremendous program for my cities in Bridgeport and Stamford and Norwalk. I have kids who are being of service. They are so grateful to be of service, and to know that they can get an education in the process.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will make a very brief comment. There are two or three Members who plan to speak this evening but who are going to be asking for unanimous consent requests regarding their position, so that we can finish this amendment this evening and go to a vote on the item, and then we will take the balance of Title I up tomorrow.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Tiahrt amendment. My colleague's amendment gives us terrible options. I support veterans and additional funding for gulf war syndrome. We should be engaged in expanding AmeriCorps, not in its elimination.

Almost 4 years ago, when Congress created the AmeriCorps program, we expected great things from national service. The Congress expected AmeriCorps to help communities meet their public service needs with real results. We expected AmeriCorps to unite individuals from different backgrounds in the common effort to improve our communities. We expected AmeriCorps to encourage its members to explore and exercise their responsibilities to their communities, their families, and themselves.

Today, almost 3 years after the first 20,000 AmeriCorps members hit the field in over 1,000 communities across the country, the Corporation for National Service and its AmeriCorps program has met every one of these expectations. And in many cases, it's exceeded them.

In my hometown of Houston, TX, 120 AmeriCorps members in the SERVE HOUSTON program serve 1,500 school children daily in partnership with the Houston Independent School District and the YMCA of Greater Houston by providing in-school tutors and after-school programs in 24 title I schools.

Our daily Club Learn and Serve after-school program provides safe and structured activities for 1,000 children who would otherwise leave school for an empty home or the streets. The program provides reading and homework assistance, cultural activities, and service learning projects where school children learn to serve their own communities.

SERVE HOUSTON receives cash matching support for its AmeriCorps funding from leading corporations including: Shell Oil Co. Foundation, Exxon, Enron Corp., Duke Energy, Arthur Anderson, and El Paso Energy. In addition, it receives strong support from private foundations and individuals. SERVE HOUSTON is truly a public-private partnership.

SERVE HOUSTON generates non-AmeriCorps volunteers to serve the community through its outreach to churches and synagogues, college campuses, and public schools. Nationally, each AmeriCorps member leverages about 12 volunteers and generates 246 volunteer hours.

But AmeriCorps' service in my community does not stop there. The Collaboration to Help Homeless Veterans is involved in several aggressive outreach programs. The AmeriCorps members not only go to shelters and get veterans signed up for services from the Department of Veterans Affairs, but they also go out with mobile units and service those homeless individuals that are under bridges and in the woods. These AmeriCorps members assist our homeless veterans to become self-sufficient by providing educational and vocational support; they help our veterans access medical and social services, and they build working relationships with other service providers.

The decision on whether or not to continue national service will tell us a lot about ourselves. We should put partisan politics aside. Let's work together to continue to provide young people an opportunity to help themselves, as they help our communities and learn service as a way of life.

AmeriCorps has kept its promise to the American people. The Congress should, too.

Mr. SAWYER. Mr. Chairman, I rise today in strong opposition to the Tiahrt amendment. That notwithstanding, I want to thank the sponsor for the opportunity to clarify the administration's work on AmeriCorps.

Early in the last Congress, there were many Members expressing concerns about AmeriCorps. The critics said that AmeriCorps was plagued by cost overruns. So, AmeriCorps and the Corporation for National Service took the criticisms seriously. They took immediate steps to alleviate the problems. Former Senator Harris Wofford, now CEO of the Corporation for National Service, and Senator CHARLES GRASSLEY announced a 10 point agreement to reform the AmeriCorps program.

That effort made clear, enforceable commitments to contain costs. It also resulted in an increase in the AmeriCorps' private sector match from 25 to 33 percent of program costs.

Then, critics said that AmeriCorps was not fulfilling its commitment to service and voluntarism. As the 10 point agreement included increased collaboration with national non-profits, special scholarships to reward voluntarism and other efforts to increase occasional, or "weekend" voluntarism nationwide, in addition to long-term commitments to service. And in this way, AmeriCorps responded to its critics by increasing its volunteer and service efforts.

Then critics said that the Corporation for National Service was lacking in its financial management standard and quality controls. The Corporation responded by committing to work with its Inspector General and Corporation's auditors, Arthur Anderson LLP and Williams, Adley & Co. to correct its financial weaknesses. Ted Sheridan of the Financial Executive Institute also worked with the Corporation to deal with these problems.

A year later, the Corporation is on the track to be a model of responsible governmental structure. It has hired a full-time Chief Financial Officer and it is in the process of installing a new financial management system. By 1998, it expects to have regular fully auditable financial statements and strict business controls.

Two years ago, critics rallied behind the cry that AmeriCorps was a government program fraught with management and financial problems. But AmeriCorps and the Corporation for National Service responded, and today AmeriCorps is a program of which I believe we can all be proud, critics and supporters alike. Unless of course, fixing the program was never the real goal.

You see, despite its successes, we are still having the debate over funding. That leads me to believe that the motives behind the criticism was never constructive, intended to produce a model government program. Instead, the critics' real goal was simply to defund or at least cripple a program that has been a target of theirs for years, no matter how well it is working today.

If that is the case, and I can hardly see how it could be otherwise, I urge my colleagues to reject this unfortunate amendment and to support a government program that helps to leverage private funds to tackle the difficult problems that face our youth, our communities, and our nation, neighborhood by neighborhood, where real effort can make a real difference in real peoples' lives.

In closing, let me thank Mr. STOKES and Chairman LEWIS for their work on this bill. I take at face value his commitment to restore funding in conference and for this opportunity to clarify the constructive work by so many at AmeriCorps over the past several years.

AUDITABILITY

THE CORPORATION IS STRENGTHENING ITS MANAGEMENT CONTROL SYSTEMS

The Corporation is unique in that it is a new entity comprised of pre-existing federal agencies and commissions and their outdated systems. The Corporation is methodically strengthening its financial management systems to reach full auditability in compliance with the new requirements of the Corporation Control Act, with action completed or in the process of implementation on 97 out of 99 points raised by Arthur Andersen by May 1, 1997. Once that goal is reached, the Chief Financial Officer will move forward on auditing current financial statements.

THE CORPORATION IS STRENGTHENING ITS TRUST FUND SYSTEM

A subsequent report by Peat Marwick, LLP (KPMG) will guide our efforts to strengthen the Trust Fund systems. It pinpoints several weaknesses in the current system—and we've already taken significant steps to begin to address them.

THE TRUST FUND SYSTEM MIRRORS OUR DECENTRALIZED STRUCTURE

Local program directors are directly responsible for certifying Trust Fund eligibility within guidelines set by Congress. Our experience and the KPMG findings indicate that this reliance on local control requires stepped-up federal oversight to ensure accurate Trust fund records.

THE CORPORATION HAS TAKEN SIGNIFICANT STEPS TO ADDRESS TRUST FUND ISSUES

The Corporation generally concurs with and is committed to a methodical resolution of the issues raised by the KPMG report. To strengthen our Trust Fund systems, the Corporation has already taken several major steps, such as: updating the certification process and incorporated an automatic system rejection process to ensure all documents have been properly approved before Trust Fund accounts are established; freezing grant renewals until accurate certification forms are filed with the Trust Fund; developing systems to improve transactions registers and maintain supporting data; bringing accounting records to a current period; implementing a number of major changes to our segregation of duties within the Trust Fund operation; developing and implementing a revised payment system and an automated interface of those payments to our existing ledger system.

IT'S NOT UNUSUAL, BUT THAT'S NO EXCUSE

Many federal agencies are struggling to meet the new financial management auditability standards. The Departments of Defense, GSA, IRS, even the U.S. Congress. The Corporation is making every effort to meet the new challenges—and has made significant progress.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. TIAHRT].

The amendment was agreed to.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 40003 of Public Law 105–18, the Chair announces the Speaker's appointment of the following members on the part of the House to the National Commission on the Cost of Higher Education: Mr. Martin Anderson, California; Mr. George Waldner, Pennsylvania; and Mr. Jonathan Brown, California.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the Honorable James V. Hansen, chairman of the Committee on Standards of Official Conduct:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, July 15, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing pursuant to Rule L (50) of the Rules of the House, to supplement the original notification by Mr. Cole on June 3, 1997 that he had been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, the Bipartisan Legal Advisory Group of the House of Representatives has determined that the subpoena to Mr. Cole is consistent in part and inconsistent in part with the rights and privileges of the House and has directed Mr. Cole to comply with the subpoena to the extent that it is consistent with the rights and privileges of the House.

Sincerely,

JAMES V. HANSEN,
Chairman.

EXTENDING ORDER OF THE HOUSE OF MAY 7, 1997, THROUGH WEDNESDAY, JULY 30, 1997

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that the order of the House of May 7, 1997, as extended on June 24, 1997, be further extended through Wednesday, July 30, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

S. 768—MEILI FAMILY RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of S. 768, legislation to provide permanent residency status for the Meili family. This legislation would provide relief for the family of a courageous hero who deserves our gratitude and admiration. Mr. Meili's actions in Switzerland not only endangered his personal safety, but also that of his family. We should offer protection to Mr. Meili and his family to ensure the truth is told regarding Holocaust-era Swiss bank practices.

In January, 1997, Michael Christopher Meili was on duty at a Swiss bank where he noticed that employees were shredding Holocaust-era documents. Meili reported the destruction of documents, which is a violation of Swiss law, and turned over some of these documents to members of the Jewish community in Zurich and to the Swiss police.

Subsequently, Mr. Meili was fired from his job and investigated for violating Swiss bank secrecy law. After receiving death threats, Mr. Meili and his family came to the United States in April on a temporary visitors visa. This visa will expire in the near future, and we must provide special relief for the Meili family to protect them. This legislation would provide permanent residency status for the Meili family, as they are not eligible for either a political asylum or work-based visa exemption. I am pleased that we are considering this critical legislation in an expedited manner. We must ensure that the Meili family and other whistleblowers are encouraged to tell the truth.

As a member of the House Banking Committee, I participated in two hearings on the disposition of Jewish assets in Swiss Banks. We heard testimony on the courage and determination of Mr. Meili to protect these documents. Without these documents, it may be difficult for Jewish families and their heirs to determine the outcome of assets they deposited in Swiss accounts. It is imperative that the world learn the truth, heirs be compensated and we put an end to this final secret of the tragedy of the Holocaust.

I urge my colleagues to support this legislation and to protect the Meili family so the truth can be known.

A CLARIFICATION ON THE TIAHRT AMENDMENT TO H.R. 2158

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, the debate that we just concluded was about the Corporation for National Service. It was about the Tiahrt amendment. As the chairman for the oversight subcommittee, I just want to share with my colleagues some of the information that the oversight subcommittee has uncovered over the last 2 to 3 years in dealing with the Corporation for National Service. I visited a Corporation for National Service site yesterday. I met with some AmeriCorps volunteers. I have no doubt that they are doing good work, they are doing good work in this project.

But I think it is time to also take a look at this agency. I have no doubt that in the future, if AmeriCorps survives in 10 or 15 years, we would say that without the Corporation for National Service, we would not have volunteerism in America, just like we say we would not have arts in America without the National Endowment for the Arts.

But we have to recognize that we do have volunteerism in America. It is thriving. Volunteers in America are active in all of our communities, making heroic efforts to improve the quality of life in their local communities.

Now let us take a look at the Corporation for National Service. This was an organization that I voted for in 1993, believing that it could do well, that it could make an impact, and reading the document and reading what the President said about this program, believing what the authors of that bill suggested, that the Corporation for National Service would become the model for Federal Government agencies, that it would model its performance after the private sector.

When I assumed as chairman of the oversight subcommittee, we found some very troubling things. Remember, this is an organization that the AmeriCorps portion spends about $400 million per year. What did we find? In October of 1995 Arthur Andersen, a major accounting firm, reported that the corporation's financial reports were unauditable; listen, unauditable, meaning that they had 99 management control and accounting weaknesses, 33 of which they determined to be material, the worst classification for a weakness. What does that mean? It means that the Corporation for National Service could not tell us where the money was going that we were sending it, and what they were spending it for.

A follow-up report issued in December of last year noted that the corporation had not corrected 71 of the 99 identified management control and accounting problems, this despite congressional hearings and assurances from Mr. Wofford and the corporation that these problems were being fixed.

Now we find in a report that was issued yesterday, so we have moved from October of 1995 to July of 1997, and where are we? Arthur Andersen in their update states that the corporation has again to fix 33 of the 99 material weaknesses. They also have an additional 9 other accounting or managerial weaknesses.

The bottom line, what does it mean? It means that the Corporation for National Service, the agency that was going to be modeled after the private sector, spending $400 million to $600 million of taxpayer dollars, cannot produce auditable results for 1994. They cannot produce them for 1995. They cannot produce them for 1996. Now it appears they will not be able to produce them for 1997, and still with major accounting weaknesses, as I predicted earlier, they probably will not be able to produce auditable books for 1998. That is unacceptable.

Mr. Speaker, a second problem is as we have AmeriCorps volunteers, we are trying to match up the education awards with individual volunteers; a brand new program, a brand new agency, and what happens? A report released by Peat Marwick 4 months ago noted that the corporation has failed to keep adequate management controls and records relating to the trust fund, the National Service Trust Funds. What does this mean? It means that the Corporation for National Service does not have an accounting system in place that will enable it to match up young people who have worked in the corporation, who have worked in AmeriCorps, with their stipend. We are now putting student scholarships at risk.

There are other troubling activities within the corporation. Mr. Huang has worked at the corporation, or the activities of his fund-raising have reached into the Corporation for National Service.

There are other questions about five executives for the Corporation for National Service that were kept on despite the fact that their jobs had been eliminated.

There is concern about close to $400,000 that the Corporation for National Service has spent in training and development funds. We are going to be having hearings next week to take a look at the $13 million that the Corporation for National Service spends every year in training and technical assistance.

There are fundamental weaknesses at the corporation. This is not debating whether the kids and the young people are doing good work, but they are doing it for an agency that does not have good financial controls, and they are doing it at a very expensive cost. The average cost for an AmeriCorps volunteer is about $27,000 per member.

□ 2245

A GOOD PRIORITY FOR THE NATION

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I want to talk a little bit about the amendment that just passed the House before we closed business for this day because it does establish a very good priority for this Nation and for this Congress.

We, for once, for the first time, I think, since the gulf war at least, we have established that gulf war illness is going to be a priority when it comes to solving or finding a cure for this illness that has been plaguing so many of our gulf war veterans.

We did so by making a good compromise to what we had before in the bill. What this amendment did basically is it took half the funding from the National Service Corporation and it transferred it to the veterans research account so that we can focus on the gulf war illnesses.

Let me tell my colleagues a little bit about it. In Kansas, we have got several people, quite a few people that are currently suffering from this. I want to thank first of all Dan Thimesch from the 93d District of Kansas. Representative Thimesch brought this very important issue to my attention and provided me with a lot of information on what is going on in Kansas.

He told me about Sgt. David Janda, a 35-year-old father of three from Hutchinson, KS, suffering from blinding headaches and a blistering rash. He has had this problem for 6 years. It includes chronic diarrhea and joint pain.

He talked to me about Kenny Schwartz of Great Bend who endures a stabbing pain in his left eye and stiffness in his joints. He has memory loss and scarring rashes.

Now we find out in that in Kansas that some insurance companies have decided that this is a war-related illness and they are going to be denying coverage based on a clause in their health insurance contract that says any health-related problems as a result of war will not be covered by health insurance, so it leaves these people without coverage. But now we have a way of finding out a cure for these illnesses because of the research money that we are putting in place.

We are, in exchange, we are cutting back on a program that is largely inefficient and ineffective, AmeriCorps. It is a troubled organization and it does need to improve. And I hope through the course of this debate that we have had tonight, that Members are aware that there need to be advances in the way AmeriCorps conducts business.

Right now they are suffering a 39-percent dropout rate across the United States. They have unauditable books. They only expend 11 percent of the money that they are allocated by the Federal Government. Since its conception, we have allocated $1.6 billion to AmeriCorps. Out of that $1.6 billion, only approximately $300 million has been spent or set aside for their trust fund for education that they have promised to the people that have participated in the program, the paid volunteers.

That leaves about $1 billion, over $1 billion that has yet to be expended. So if AmeriCorps was actually cut off today and no funds were allocated by this Congress, the 105th Congress, AmeriCorps could continue for 5 to 10 years just on the money that they have been already budgeted but not yet spent because of their inefficiency.

So it is an organization that needs to look at itself. I think they need to evaluate the trends they are using, the direction they are headed. Perhaps they need to rewrite their vision statement and come up with a more effective way of addressing the idea, the concept that they had in mind when it first came into service. It is this inefficiency, and in comparison to the great need of this illness that gulf war veterans are suffering from, that brought on this decision that we have made tonight of balancing the two.

The President is strongly in support of AmeriCorps. It has kind of been his pet program. And the amendment that was put in place tonight does satisfy the need that he has to have paid volunteers in government service, and it also provides a solution to the need that we have for more research on gulf war illness.

I think it was a good compromise that was reached tonight. It was not the original intent that I had when I put the amendment forward, but in this business it seems like sometimes we have to come up with the best solution to the problem, the best solution available that we have to the problem, and I think that we have accomplished that tonight.

I hope that this bill will pass when we get done with the amendment process at the end of the week, and that we can have not only a solution for our gulf war illnesses but also have a more effective AmeriCorps.

S. 768—MEILI FAMILY RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I want to explain my support for S. 768, and say why this private bill serves an important public purpose.

In January, Christopher Meili made a simple moral choice. When he found financial records documenting accounts opened by European Jews while the Nazis were in power, he could have ignored them. He was a security guard at the Union Bank of Switzerland, and he could have followed orders. He could have allowed the records to go to the shredder, to oblivion.

Instead, Meili made a choice. He gave the records to Jewish leaders, to help them document the problem of assets stolen from the heirs of Holocaust victims. It's true that theft is less egregious than murder, greed less evil than race hatred. But justice demands a reckoning, a settling of accounts. Christopher Meili's choice placed him on the side of those against forgetting, in favor of justice.

Christopher Meili's employer, the Union Bank of Switzerland, acknowledged that an employee had destroyed records in a regrettable incident. But the chairman accused Meili of having some other motive than morality or compliance with a Swiss law mandating preservation of these records.

Christopher has also received death threats. He has had to leave his homeland, with his family. I support Christopher Meili's moral choice, and I support this bill.

ECONOMIC SITUATION FACING THE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for half of the time remaining until midnight as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise this evening to talk about a situation facing our Nation that brought many of us out of the private sector a couple years back and brought us here to Washington, DC, in the first place.

Several years ago we made the decision to sell our business and take the funds and use the funds to run for Congress, because we were very concerned about the growing debt facing this great Nation of ours, a debt of almost $5.3 trillion facing this country today. And quite frankly, we were very, very concerned about the broken promises that had been made to this Nation time and time and time again. We wanted to see things be different in our capital.

This evening I would like to begin by differentiating between debt and deficit so that we comprehend that we really have two separate problems here. The first one is the deficit. The second one is the underlying debt.

What has been going on now since 1969, for a full generation, since I was a sophomore in high school, is that our

Federal Government has been collecting tax dollars from the American people and literally, one can think of it as putting those tax dollars into the big government checkbook. And then they have been writing out checks for all kinds of different programs. Many of us would call some of them wasteful, but for many different programs they wrote out these checks. They overdrew their checkbook every year. That overdrawing of the checkbook is called the deficit. That is the amount of money we spend more than what we take in every year.

When we hear the conversation about balancing the Federal budget, what we are really talking about is getting to a point where the number of tax dollars coming in to Washington equals the number of dollars being written out in those checks to all of these different programs.

It is almost inconceivable for most families in America that for a full generation now this Government has gotten away with literally overdrawing their checkbook year after year after year after year, literally for an entire generation. What we are really saying here is that since 1969, every single year the Federal Government overdrew their checkbook; that is, they wrote out more checks than what they put money into it.

So what has the Government been doing? That leads us to the second problem. This overdrawing of the checkbook, again, what is called the deficit. What they have done is they have literally gone and borrowed the money that their checkbook was overdrawn. So each year they write out more checks than what they take in. That is called the deficit.

Then they borrow the money to put in the checkbook that they did not collect in taxes. Over a period of time, as would seem logical, they keep borrowing more and more and more money and just like in any family in America, if you overdrew your checkbook every week and you went to the bank and borrowed some money, then the next week came along and you overdrew your checkbook again and you went to the bank and borrowed some money, then the next week came and this kept going on and on and on, our Nation has been doing this now since 1969. What happens eventually is you accumulate a pretty large debt. In fact, that is what has happened in this great Nation of ours today.

The debt facing this country today, we can see from this chart just how fast it has been growing. One can see from this chart just exactly how fast the Federal debt facing this great Nation of ours has been growing. From 1960 to 1980 it is almost a flat line. The debt did not grow very much at all. But from 1980 forward the debt just started climbing right off the chart.

What brought many of us to Washington, DC is, as we watched this debt rise, we are about at this point on this debt chart right now. The debt is a very, very serious problem. The debt is that amount of money that every year when they overdrew their checkbook, they kept going to the bank and borrowing more and more and more money, generally in the form of T-bills. Eventually that debt piles up, and that is what brought many of us here to Washington, DC.

The amount of debt facing our Nation today is $5.3 trillion. The amount of debt facing our Nation, it looks like this. It has a 5 and a 3 and a whole bunch of zeros after it. But to many people that number is so big, myself included, that it is hard to comprehend. So let me do what I used to do in my math classrooms when I used to teach math. I used to take the amount of debt and divide by the number of people in the United States of America.

What one would find, if they did that, is that the amount of money that the Federal Government has borrowed on behalf of the American people is the same as $20,000 for every man, woman and child in the United States of America. Let me put that another way. The Federal Government has spent $20,000 more than it collected in taxes basically over the last 15 years for every single man, woman and child in the United States of America. For a family of five like mine, I have got three kids at home and my wife happens to be out here for a short time this week, but for a family of five like mine, they have literally spent $100,000 more than they took in.

When they spent this extra money, they just kept going to the bank and borrowing the money. This is not a lot different than it would be in any household in America today. If in your household you overdrew your checkbook week after week and you went to the bank and borrowed and borrowed and borrowed until eventually the amount of money that you borrowed for a family of five added up to $100,000, it is not hard to figure out that the bank is going to ask you to do something about that $100,000. And, in fact, what is happening in America today is our families are being asked to spend $580 a month to do nothing but pay the interest on that debt that has been accumulated on behalf of a family of five.

Let me say that again. Every single family of five or group of five people in the United States of America today is sending $580 a month to Washington, DC to do absolutely nothing except pay the interest on that Federal debt.

A lot of people go, "Well, I don't have to worry about that. I don't pay that much in taxes. I don't have $580 withheld out of my paycheck every month." But the reality of this whole situation is, it is not just the income tax that pays this $580 a month. Every time a person in this Nation walks into a store and buys something as simple as a loaf of bread, the store owner makes a small profit selling that loaf of bread.

So when they collect that money for the loaf of bread from our family, part of that money is profit to the storeowner. When the storeowner makes a profit, of course, the Government taxes that profit, and part of that money that was paid for the loaf of bread winds up out here in Washington, DC.

The fact of the matter is this: When the family of five in America today looks at all the money that they are paying in taxes through all the different parts of society where they pay taxes, the gasoline pump, income taxes, taxes on products that they buy in a store, when they look at all the taxes, that family of five is, in fact, spending $580 a month to do nothing but pay the interest on the Federal debt.

Tonight we are going to be talking about a bill called the National Debt Repayment Act. What it does is it starts addressing this huge problem of paying off the Federal debt so that our families will no longer have to send $580 a month to Washington, DC.

Let me talk briefly about where we have been in this Nation, what brought us to this huge change that has occurred in the last three years, and then talk a little bit about the future.

Let me start with the past. I emphasize, this is the past. The past is what brought many of us to Washington, DC, in the first place. I would emphasize this is before 1995. There was another party in control of the House of Representatives and there was another party in control of the Senate.

Things were very different back then. In the late 1980's, they started making promises. They, the Members here in Washington, DC, the Members that were running this institution, they started making promises to the American people.

Some may remember these promises were called the Gramm-Rudman-Hollings Act of 1985. In the Gramm-Rudman-Hollings Act of 1985, this blue line shows what they said was going to happen to the deficit, what the people here in Washington promised the American people they were going to do to bring this deficit down until, in fact, we had a balanced budget in 1991. Again, a balanced budget, that means they were not going to overdraw their checkbook anymore after 1991.

They made that promise to the American people. They said logically we cannot go on overdrawing our checkbook every year, so they laid this plan into place called Gramm-Rudman-Hollings. The red line shows what they actually did. This is what they promised. This red line shows what they actually did.

The deficits exploded, so instead of keeping their promises to the American people and balancing this budget by 1991, they said, well, we cannot keep that promise. So what we will do is, we will just try and hoodwink the American people. We will give them another promise.

So, in 1987, they set out a new series of promises and gave us another promise to get on a balanced budget, this time by 1993. Only 2 years into the plan or a year and a half into the plan they realized that they did not want to do that either, because in order to get to a balanced budget they would have had to control the growth of spending out here in Washington DC, and that they did not want to do.

Again, I emphasize, this is the past. This is before the American people made a huge change in this Nation in the elections of 1994. These broken promises are part of what led up to the changes in 1994. But this is not the end of it.

It is not just these broken promises of a balanced budget, where instead of balancing the budget the deficit skyrocketed and they overdrew their checkbook year after year after year after year. That is not the end of it.

In 1993, they looked at this picture and they said, well, we promised the American people in 1991 and we promised them again in 1993, and it is obvious we are not going to get the job done. So what they did out here in this city angered Americans again. They said, the only thing we can do is raise taxes on the American people. We do not have it within ourselves to control the growth of Government spending. Instead what we will do is raise taxes on the American people.

So, in 1993, we saw the biggest tax increase in American history. How much are we talking about here? Well, the gasoline tax went up. Every time you fill your car up with gasoline, they tried to convince us that it was a tax increase only on the rich, but you were rich if you stopped at the gas pump and filled your car up. It was an increase in the Social Security tax.

So, in 1993, and again I emphasize this is before the American people changed what was going on, in 1993 we had a series of broken promises. And they concluded in this city that the way to solve this problem is to reach into the pockets of the American people, take more money out and bring it out here to Washington, because they thought that the Members here in Washington knew how to spend the people's money better than the people did themselves.

□ 2300

So they raised taxes. So here we are. This is pre-1994 and pre the American people changing this institution.

We had broken promises of a balanced budget, we had the biggest tax increase in American history and the American people changed it. The people in Washington did not change it, the American people changed it. What they did was they turned over the Congress. They put a new group of people in control here in Washington, DC, and things are very different from 1995.

With that discussion, I want to go into the present. I want to call the present from 1995 to where we are right now, today, and just look at exactly how different the present is from this picture of the past. Again the picture of the past, the failed promises of Gramm-Rudman-Hollings that were to balance the budget, and the tax increases of 1993.

Let us just look at how much things have changed. We are now in the third year in Washington. Right now we are in the third year of a 7-year plan to balance the Federal budget. In 1995 we promised the American people again that we would reach a balanced budget by the year 2002. Many people heard about this. What has not been reported to the American people very well is what kind of progress is being made on this promise, because it is very different than Gramm-Rudman-Hollings.

It amazes me that here in Washington the people that seem to have trouble understanding why it is the American people out there are so cynical and so angry at this institution. Well, the reason they are angry is because of those failed promises of the past and the conclusion that the right way to solve problems is to reach into the pockets of the American people and take out more money.

Then 1995 came and we had a different theory. The theory went like this. Instead of reaching into the pockets of American people and bringing more money to Washington, why do we not curtail the growth of Government spending in Washington? Why do we not let the people keep more of their own money?

Here is what happened. We did curtail the growth of spending in Washington, and when we curtailed the growth of spending, that meant that Washington borrowed less money. When Washington borrowed less money out of the private sector, that meant there was more money available. With more money available in the private sector, the interest rates stayed down.

And there is where it gets to be very non-Washington. When the interest rates stayed down, our families could afford to buy a home and a car, and they did. They bought the American dream. They started living the American dream again. When they bought more houses and cars, of course that meant people had to go to work building the houses and cars. And when people went to work building the houses and cars, of course, that meant they left the welfare rolls and started paying taxes in.

How is our plan working? I think that is what we need to look at here. How different is 1997 and the first 3 years of this new group of people in control of the House of Representatives and the Senate? How different really is it? Well, we are in the third year of a 7-year plan to balance the budget. It is not like the Gramm-Rudman-Hollings and the failed promises.

The chart I have here shows the 1996 promise. Remember, we put this together in 1995, starting with fiscal year 1996. We promised the people that our deficit would not be taller than this red column, would not be greater than $154 billion. Well, 1996 came and went, and actually the deficit dropped to 107. The blue column shows the actual deficit. The red column shows the promise.

I hope that everyone watching can see the difference between this and what was promised in the past. We are not only on track in 1996 but we are also ahead of schedule.

Well the second year came, and we are now pretty much through the second year and into the third year. The second year, we promised the American people the deficit would not be bigger than this red column. We are not only on track again, but we are well ahead of schedule; as a matter of fact, $100 billion ahead of schedule.

We are now in the third year, and that is what is currently being discussed out here in Washington. When folks hear about the balanced budget plan, it is now a 5-year plan, or even getting to a point where people talk about a 4-year plan. We are now in the third year of this 7-year plan to balance the Federal budget, and I would point out again that the red column is what was promised the American people. The blue column is where we are actually at.

I hope that the contrast here between the promises of the past that were broken before 1994 and before the people that came in 1995, I hope it is clear that this new ownership of the American people of this institution, and it is ownership of the American people that is what this body is supposed to be all about, that the new group of people that the American people sent out here to run this place are not only on track keeping their promises to balance the Federal budget in a 7-year plan, they are significantly ahead of schedule.

Folks, the time has come to recognize that this new group of people that is running the House of Representatives and the Senate is a tribute to the American people, not the people that are here, because the American people sent this new group out here, but they sent them here dead serious about balancing the budget. They sent people like myself with no previous political experience, never held an office before in my life, but we knew and understood, if we made a promise to the American people we better keep it, because that is what this is all about.

We are in the third year of this plan now, the third year of the plan to balance the Federal budget. We are not only on track, but we are ahead of schedule. But there is another very stark contrast we should draw the attention of the American people to, and that other stark contrast is the fact that in 1993 they were raising taxes.

We are now at a point in our plan where we have curtailed the growth of Government spending to a point where we both are going to balance the budget, probably much sooner than the year 2002, but we can lower taxes on the American people. And that is what we are in the process of doing.

Now, this is Washington, so we have begun a heated debate here about whether or not we should lower taxes on people who do not pay income taxes, and that is an interesting debate. But when I get back to Wisconsin and I ask folks if they really think people that are not paying income taxes ought to receive an income tax cut, most of them start laughing, because out there that does not make a lot of sense.

Like our debate on AmeriCorps this evening, where we are paying people to volunteer, some folks start to ask the question, If we are paying people to volunteer, is it still really volunterism or is it a real job? But we will leave that to another date and time to begin that discussion.

The point is we are in the third year, ahead of schedule, and we are in the process of undoing what was done in 1993 with the biggest tax increase in history. So the new group is on track to balance the budget, and we will get there not only before the year 2002, but we are also lowering taxes.

I want to spend a few minutes talking about how those taxes are going down, but first I would like to yield to my good friend from Michigan [Mr. HOEKSTRA], and perhaps he would like to debate or discuss tax cuts, because I think they are good news for all of America.

Mr. HOEKSTRA. Mr. Speaker, I do not know if I have ever debated my colleague from Wisconsin. Too often I find myself in agreement with my good friend from across the lake.

I just wanted to reflect on the numbers that the gentleman has been laying in front of us tonight. Number one, the significant progress that we have made over the last 3 years, where there is talk about getting to a surplus budget much sooner than the year 2002, which I think will be wonderful.

We are also going through this process to reduce taxes, and we will have in place a plan to save Medicare. And so we are doing many of the right things.

I think the other thing that we need to be talking about, and I know the gentleman wants to talk about tax cuts, but also about how we are spending the money. The gentleman brought up AmeriCorps. There is still tremendous opportunity to improve Washington. We have gotten spending under control but we have not gotten effectiveness and efficiency under control.

Mr. NEUMANN. That is very true, and I brought another chart with me. This is somewhat surprising to many of the American people. They have heard so much about these draconian cuts that are being made here in Washington, DC, that when I show them this chart, it kind of is staggering, in fact, of what is actually still happening here in Washington.

Before the Republicans took over in 1995, spending was going up at a rate of 5.2 percent on an average basis for the last 7 years. Remember, inflation is now at around 3 percent or 2½ percent. So it was going up at almost twice the rate of inflation. Since the Republicans took over, there has been about a 40-percent reduction in the growth of spending.

But is spending still going up? Yes, Government spending is still going up, and the blue shows the first 7 years of the Republican control. It is still going up at 3.2 percent. So have we completely curtailed or cut Government spending? We have not cut Government spending. We have curtailed the growth of Government spending. Government spending is not going up as rapidly as it was before.

But when we have this discussion about can we still find many areas of Government that are not efficient, where we are wasting or not spending money as wisely as we could? I think the answer is very, very clear. We still have Government spending going up faster than the rate of inflation. Some of us would prefer not to see that, but I do think it is important while we make that point, that we also recognize that great progress has been made.

We have slowed the growth of Government spending by about 40 percent in our first 2 years of control and that, in fact, is what has led to this other picture, where we are not only meeting the targets that we promised the American people, but the actuals, the blue columns, are actually lower than what was promised. That is to say the deficit is significantly lower than what was promised the American people.

The reason for that is that we have been successful in curtailing this growth in Government spending. There is still plenty of opportunities. Maybe the gentleman from Michigan would like to point out a couple of those.

Mr. HOEKSTRA. I would love to. Here we go again, I am sure someone is thinking this. Last week we did the debate on the National Endowment for the Arts. We on our side of the aisle had a very good proposal to keep the money in the arts but to attack the inefficiency.

I chair the oversight subcommittee. This is an agency that spends $99.5 million a year. Only in Washington is that considered not much money. Back in my district that would be a very nice medium-sized company employing 600, 700 people, paying them a good wage. But here in Washington it is not a very big program.

When people from Wisconsin or Michigan send that first dollar to Washington for the National Endowment for the Arts, the first 20 cents goes to bureaucracy and overhead, even though the first 35 percent of the money they hand out is by formula. We could hire an AmeriCorps volunteer for $27,000 a year, and in the morning they could write out the 50 checks that take care of the 35 percent of the money and then we could find something else for that person to do for the rest of the year.

The first 20 percent goes to overhead, 35 percent gets formula block granted, which we wanted to continue, and then 25 percent of the money goes to one State. Are all the arts concentrated in one area and 143 congressional districts get nothing?

All we said is we want to get rid of the bureaucracy. We want to block grant the National Endowment for the Arts money, get rid of the Washington establishment, save that $20 million and take the rest of the $80 million, block grant it to the States for their State grants, because local people know better how to support the arts in their community, and then fund it for arts education. That was one opportunity.

AmeriCorps is another great one. This is an organization that spends $600 million of our money and cannot keep its books. It does good work. I mean the young people in that program do good work. They should. The average cost is $27,000 per year.

Mr. NEUMANN. Are they working full time as they are volunteering at $27,000 a year?

Mr. HOEKSTRA. At the cost of $27,000 a year, they are required to serve 1,700 hours.

Mr. NEUMANN. So about three-quarters.

Mr. HOEKSTRA. About three-quarters time. A full-time person is working about 2,000. So somewhere between three-quarters and a little more than that.

Mr. NEUMANN. So the gentleman is saying for $27,000 a year of cost per volunteer, do I have that right, $27,000 per volunteer? In Wisconsin we usually think of voluntarism as something someone does because they think it is good for their community, but that cost, they are still not even working a full-time 2,080 hours a year.

Mr. HOEKSTRA. The gentleman is correct. And the disappointing thing here is, and I met with some AmeriCorps volunteers in my district yesterday, and I think they do good things and they will hear me talking tonight and saying they are costing $27,000, did he not understand we are not getting that money? I know what they are getting paid and what they are getting. The bureaucracy and the overhead and the Washington establishment and all that, that is the big sucking sound, sucking this money away from these kids, away from this program.

What we have to take a look at is that this is an inefficient way to do what we want to get done. It may be a valiant effort, but when the total system is costing us $27,000, the least we can do, and the least the people on the other side of the aisle can do is join with us and say, number one, the books are not auditable, we should put in a requirement that their books ought to be auditable. We ought to know where the money is going.

We ought to sit down and have a debate, not a debate, because this will be a discussion, how do we get the cost to be more realistic and more effective so that either more young people can participate or we can give some of the money back to the American people in tax reduction or we can start paying down the debt.

Mr. NEUMANN. Is this not sort of a picture of what really is going on out here in Washington right now? We are looking at these programs and we are finding that in Government spending so much of it is eaten up by this Washington bureaucracy and the dollars are not actually getting out to the people they are designed to help; that the cost is astronomical for what winds up being a very small help out there.

In fact, would these folks not be better off, would the people of America not be better off if, instead of bringing the money out of their pockets down here to Washington and letting the Washington people spend it, if we just let them keep their own money in their own pocket? Would that not be a much better way to handle the situation?

□ 2315

Mr. HOEKSTRA. If the gentleman would yield, we have had this discussion back and forth for the last 3 years or for the 2½ years that you have been here in Washington. But I know that 2½ years ago, we had the discussion on welfare reform. And now that we have passed welfare reform where we actually empowered States, I was a little nervous about bringing up National Endowment for the Arts and Americorps because those were such lightning rods.

But let us talk about some issues that we implemented. Welfare. Remember when we came down here last year and we said in the welfare bill, let us just give Wisconsin the waiver that it wants. Because the person in HHS or wherever who probably does not know what a cheese head is, maybe knows that the Green Bay Packers won the Superbowl.

Mr. NEUMANN. Wait a minute. Wait a minute. Would the gentleman yield? Everybody knows that the Green Bay Packers won the Superbowl. Everybody knows that they are headed back there. Everybody knows that the great Governor Tommy Thompson has been largely leading the way on welfare reform, where we in Wisconsin say, if you are able to work, you have a responsibility to take responsibility for your own life and go into the workforce. That has been led by Governor Tommy Thompson.

Mr. HOEKSTRA. And it has been led by Tommy Thompson. We talked about this issue last year; and we said, just let the governor and just let the State legislature in Wisconsin do what they feel needs to be done and what is going to work in Wisconsin.

Because what do the people here on Independence Avenue know about what needs to be done in Milwaukee or Green Bay or Madison? The legislators in Wisconsin, who are closer to the people than what you and I are, they are going to do what is right for their State. So we finally passed welfare reform flexibility. Surprise of all surprise, what is happening? All the reports coming back are saying this appears to be working.

Mr. NEUMANN. If the gentleman would yield, you really hit on something that is so important there. What is there that would lead the people to believe that somehow, some way, just because you live here inside the Beltway in Washington, DC, you know what is best for the people in the State of Wisconsin.

The welfare reform is a classic example. In Wisconsin they had a debate for about 18 months how this welfare reform should be done. And they wound up with the majority of the Democrats and virtually all of Republicans voting for a welfare reform bill in Wisconsin. And guess what they found out if they passed it? After the people of Wisconsin debated it for 18 months, the vast majority in both houses supporting it, both sides of the aisle supporting it, they then had to somehow come out here to Washington, DC, and ask for permission to implement the program.

That is the heart and soul of what is wrong here. People in Wisconsin know what is best for people in Wisconsin. The solution in Wisconsin may not work at all in New York or it may not work in California, but the folks in Wisconsin know what is best for them and they should be given the privilege, the responsibility, the right to do as they see best for themselves.

Mr. HOEKSTRA. If the gentleman would yield, when we go back and reflect, and I also want to move on to education, but when we reflect back on the welfare debate, when we checked, and I think there were States that had requested waivers for Health and Human Services, they had requested waivers from the bureaucrats in Washington to do what they wanted to do in their State because they thought it was going to help their citizens, some of those waivers I believe had been sitting there for 24 or 36 months. So you have States, Governors, you have legislators in these States who are trying to help their citizens get off of welfare to work, restore dignity to themselves and their families, and we have got bureaucrats here in Washington saying, we really do not know if that is the right thing to do in Wisconsin. We better study this. As a matter of fact, we better study it for 24 months.

Mr. NEUMANN. If the gentleman would yield, would not my colleague say the same thing is true in education? Do we not want the parents of the children to be actively involved in the education of their kids, and do we not want the communities where those parents and children are to make decisions on how we can best educate the kids and what it is those kids should be learning in their hometowns, in their own homes, and in their own communities? Is that not what we should be doing with education?

And what is there again that would lead us to believe that somehow if you manage to get a job inside the Beltway, you become so much wiser than the parents and the people in that community out there? What is there that would lead us to believe that the folks here in Washington, and there are good people out here, but why would we think that they know how to better educate our kids than the people back home in our communities and our own homes?

Mr. HOEKSTRA. If the gentleman would yield, I have been working on a project which we call At a Crossroads. Last year we asked the simple question, when Washington defines "education," what does it mean? It came back, the Washington definition of "education" when we asked the executive branch, 760 programs. And you say, boy.

Mr. NEUMANN. How many programs?

Mr. HOEKSTRA. Seven hundred sixty.

Mr. NEUMANN. Now I have got to ask the gentleman a question on this. Do these programs run themselves?

Mr. HOEKSTRA. No. We have a bureaucracy here in Washington, it may not be that big, it is less than 5,000 people. But only again in Washington is a bureaucracy with 5,000 people a small bureaucracy.

We met with the governor of Wisconsin, Tommy Thompson. We talked about education. Forty percent of your employees in the State Department of Education are paid for by Federal dollars. So the Department of Education has actually been pretty smart. They only have 5,000 in Washington. But what they have done is they have filtered it out so that I think in Wisconsin it is 40 percent of the employees of the department are paid by Federal funds. I think in Michigan it gets as high as 60 percent. So they farm team their employees out to do Federal work.

But the key point here is, you go, wow, am I glad, we have got 760 programs. That was a good thing that in 1979 they created the Department of Education so that they could coordinate all 760 of these programs. Right? And you take a look at it and say, wait a minute, all these programs do not go through the Department of Education. They go through 39 different agencies. And say not only that, this is a big number. They spent $100 billion per year. That is the Washington definition of "education," 760 programs. You got a problem? Throw a program at it, throw a bureaucrat at it, throw some dollars at it and we will fix it. That is not how it works.

The other thing that we have done, and I think we are going to be in Wisconsin for hearings later this year, but we have been in California, in New York, in Cincinnati, we have been in Arkansas, we have gone around the country taking a look at what is working in education, comparing that to the Washington picture of bureaucracy, paperwork, every dollar you send to Washington, maybe 65 cents gets back to the classroom. What works. Parental control, local flexibility.

The best example that I have is Evonne Chan, who the President has highlighted, Evonne Chan. She runs Lavonne Charter School in Los Angeles. She was a principal in a public school. There are a lot of public schools. I lost my beard because of a great public school in my own district, who went on to become the national champions of the science olympiad. Great work. But in L.A., within the L.A. Unified School District, she said, when I was a public school principal, I had to worry about the three B's. You say, Evonne, what are the three B's? She said, I had to worry about busing, budgets, and the buts. And you you say, what are the buts? She said every time I had an innovative idea, I wanted to do something for the kids that was a little bit out of the ordinary, I went to the L.A. Unified School District and said, these are my kids, they have got special needs, I would like to do this; and they would say, yeah, but if we let you do this, everybody will have to do it.

Mr. NEUMANN. If the gentleman would yield, they are going to tell us we are out of time very shortly, and I just want to bring it back because the "yeah, buts" is what has been going on in this city in the past. When you look back at Gramm-Rudman-Hollings and the failures to keep their promises and when you look back at the tax increases of 1993, yeah, but we cannot control Washington spending, it is easier to take the money away from the people.

Until we got a new group and we have been concentrating here in the present and all these good things that are going on, as we talk about change in education, as we talk about welfare reform, and we talk about being in the third year of a 7-year plan to balance the budget, we are on track, ahead of schedule, reducing taxes for the American people.

Mr. HOEKSTRA. I want to thank the gentleman for the time in doing the special order, and I want to reinforce. It is about the numbers. We are still spending over $1.6 trillion dollars a year.

Now we have got to make sure that the dollars that we are spending, we are getting optimal results for that spending. I thank the gentleman for yielding.

Mr. NEUMANN. In wrapping up this evening, I would just like to very briefly focus on the future, because we talked about the past and the failed promises and higher taxes and we talk about the present and how the new group that is here since 1995 is on track and ahead of schedule and taxes coming down.

The future includes us also dealing with the debt that has been run up over the last 15 areas. And later this week, we will be introducing a bill called the National Debt Repayment Act. The National Debt Repayment Act would literally pay off the entire Federal debt by the year 2026. It simply says that after the budget is balanced, we cap the growth of Government spending at a rate 1 percent lower than the rate of revenue growth and that will create a surplus. Of this surplus, one-third gets used for additional tax cuts, two-thirds goes to repay the Federal debt.

What a nice thought it would be to pass this Nation on to our children debt free by the year 2026. Of course, as we repay the Federal debt, we are also putting the money back into the Social Security trust fund. For those who have not followed it, the trust fund collects more money than it pays back out in benefits each year, but the money has been spent on all sorts of other Government programs. And what is in the trust fund today is all part of that $5.3 trillion debt, it is IOU's.

So if the National Debt Repayment Act, now the future, after the budget is balanced, the next step is starting to pay down the Federal debt so that we can pass this Nation on to our children debt free. What a wonderful, wonderful thought for the future of this country so they do not have to send $500 a month out to Washington to do nothing but pay interest on the Federal debt.

And at the same time we do that, we put the money back into the Social Security Trust Fund so Social Security is no longer on the verge of bankruptcy and our seniors can rest assured that their Social Security money is safe and secure.

To conclude this evening, I would just again emphasize how much this place has changed in the last 3 years, where we are at today. The budget is virtually balanced. It may be balanced within the next 6 months, maybe the next year, but certainly on the very near term a balanced budget. Medicare is restored. And taxes are coming down for the American people. And I guess that is the best way to wrap this up. It is about the families our there and it is about the impact of lower taxes. It is about a secure future for our children as the debt is repaid and we start doing things that are right for our country, and it is about a secure future for our senior citizens to know that Medicare has been restored and to know that as we pass the National Debt Repayment Act, it also restores Social Security so our seniors can be assured once again that Social Security is safe. And most important of all, future generations of Americans will not be saddled with the burden of our generation, we will have done what is right for the future of this great Nation that we live in.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and on July 16, on account of medical reasons.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today before 8:45 p.m., on account of airline equipment problems.

Ms. WOOLSEY, (at the request of Mr. GEPHARDT) for today before 8:45 p.m., on account of airline equipment problems.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes each day, today and on July 16 and 17.

Mr. SMITH of Michigan, for 5 minutes each day, today and July 16.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous matter:)

Mr. ETHERIDGE.
Mr. LANTOS.
Mr. BLUMENAUER.
Ms. STABENOW.
Mr. MCDERMOTT.
Mr. BENTSEN.
Mr. ENGEL.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous matter:)

Mr. GILMAN.
Mr. SMITH of New Jersey.
Mr. BOB SCHAFFER of Colorado.
Mr. BONO.
Mr. SHAYS.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. SMITH of Michigan.
Mr. CLYBURN.
Mrs. MCCARTHY of New York.
Mr. CONYERS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Resources.

S. 423. An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Resources.

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; to the Committee on Resources.

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; to the Committee on Resources.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 16, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4210. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—105); to the Committee on Appropriations and ordered to be printed.

4211. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 91F–0324] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4212. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4213. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Remittance of Industrial Funding Fee in U.S. Dollars Under Federal Supply Schedules Program [APD 2800–12A, CHGE 75] (RIN: 3090–AG30) received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4214. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Adjustments to the 1997 State Quotas; Commercial Quota Harvested for North Carolina [Docket No. 961210346–7035–02; I.D. 070397G] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4215. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Admnistration's final rule—Pacific Halibut Fisheries; Oregon Sport Fishery [Docket No. 961217359–7050–02; I.D. 070397C] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Exemption of Notice Filing Requirements for Agricultural Cooperative Associations which Conduct Compensated Transportation Operations for Nonmembers (Federal Highway Administration) [FHWA Docket No. MC–96–38 and No. FHWA–97–2280] (RIN: 2125–AE03) received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Compensated Intercorporate Hauling (Federal Highway Administration) [FHWA Docket No. MC–96–37 and No. FHWA–97–2286] (RIN: 2125–AE02) received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Tax Deposits by Electronic Funds Transfer [TD 8723] (RIN: 1545–AS79) received July 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 629. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact (Rept. 105–181). Referred to the Committee of the Whole House on The state of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Subdivision of Budget Totals for Fiscal Year 1998 (Rept. 105–182). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 699. A bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections (Rept. 105–183 Pt. 1). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 185. Resolution providing for consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–184). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 2161. A bill to direct the Secretary of the Interior to convey the Palmetto Bend Project to the State of Texas; to the Committee on Resources.

By Mrs. CHENOWETH (for herself, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. PETERSON of Pennsylvania, Mr. HUNTER, Mr. BLUNT, Mr. GIBBONS, Mr. POMBO, Mr. HOSTETTLER, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. MCKEON, Mr. NUSSLE, Mr. CANNON, Mr. PITTS, Mr. HERGER, and Mr. DICKEY):

H.R. 2162. A bill to prohibit the reintroduction of grizzly bears into the Bitterroot Ecosystem in east central Idaho; to the Committee on Resources.

By Mr. COBLE (for himself, Mr. BALLENGER, Mr. CRANE, Mr. HAYWORTH, and Mr. NORWOOD):

H.R. 2163. A bill to amend section 1951 of title 18, United States Code, commonly called the Hobbs Act, to clarify that the use of violence to achieve collective bargaining objectives can be a violation of such section; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts (for himself and Mr. BURTON of Indiana):

H.R. 2164. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement accounts for certain adoption expenses; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 2165. A bill to extend the deadline under the Federal Power Act applicable to the construction of FERC Project No. 3862 in the State of Iowa, and for other purposes; to the Committee on Commerce.

By Mr. NUSSLE:

H.R. 2166. A bill to amend the Internal Revenue Code of 1986 to allow certain cash rent farm landlords to deduct soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 2167. A bill to amend the Older Americans Act of 1965 to improve on the provisions relating to pension rights demonstration projects; to the Committee on Education and the Workforce.

By Ms. STABENOW (for herself, Mr. Blunt, Mr. Barcia of Michigan, Mr. Barrett of Nebraska, Mr. Dingell, Mr. Dooley of California, Mrs. Emerson, Mr. Hinchey, Mr. Hulshof, Ms. Kaptur, Mr. LaFalce, Mr. Lewis of Kentucky, Mr. Minge, Mr. Ney, Mr. Oberstar, Mr. Oxley, Mr. Peterson of Minnesota, Mr. Pomeroy, Mr. Regula, Ms. Slaughter, Mr. Skelton, Mr. Tiahrt, and Mr. Traficant):

H.R. 2168. A bill to support research efforts to understand and control diseases of wheat and barley caused by Fusarium graminearum and related fungi in order to ensure sustainable production of wheat and barley in north-central United States and the safety of food products containing wheat and barley; to the Committee on Agriculture.

By Mr. HOEKSTRA (for himself, Mr. Barcia of Michigan, Mr. Camp, Mr. Ehlers, Mr. Knollenberg, Mr. Levin, Mr. Smith of Michigan, Ms. Stabenow, Mr. Stupak, and Mr. Upton):

H. Con. Res. 115. Concurrent resolution recognizing Grand Haven, MI, as "Coast Guard City, USA"; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE (for himself, Mr. Payne, Mr. Rohrabacher, Mr. Walsh, Mr. Stark, Mr. Dellums, Ms. Pelosi, Ms. Lofgren, Mr. Boucher, Mr. Farr of California, Mr. McGovern, Mr. Hinchey, Mrs. Morella, and Mr. Watt of North Carolina):

H. Con. Res. 116. Concurrent resolution expressing the sense of the Congress with respect to the treatment by the People's Republic of China of prisoners in Tibet, and for other purposes; to the Committee on International Relations.

By Mr. FATTAH (for himself, Mr. Frank of Massachusetts, Mr. Lipinski, Mr. Tierney, Mrs. Meek of Florida, Ms. Christian-Green, and Mr. Rangel):

H. Res. 186. Resolution amending the Rules of the House of Representatives to allow proxy voting in committees when a Member is engaged in official business in the District of Columbia; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. Wicker.

H.R. 51: Mr. Clement.

H.R. 74: Ms. Furse.

H.R. 108: Mr. Snyder.

H.R. 165: Ms. Lofgren and Mr. Fox of Pennsylvania.

H.R. 231: Mr. Sherman.

H.R. 305: Mrs. Thurman, Ms. Carson, Mr. English of Pennsylvania, and Mr. Sandlin.

H.R. 306: Mr. Snyder, Mr. Schiff, and Ms. Hooley of Oregon.

H.R. 399: Mr. Souder.

H.R. 407: Mr. Berman, Mr. Bonior, Mr. Dellums, Ms. Harman, Mr. Hilliard, Mr. Lampson, Mrs. Lowey, Mr. McDermott, Mr. Pascrell, Mr. Riggs, and Ms. Roybal-Allard.

H.R. 501: Mr. Owens.

H.R. 521: Mr. Vento.

H.R. 611: Mr. Abercrombie.

H.R. 695: Mr. Whitfield, Mr. Smith of Oregon, and Mr. Quinn.

H.R. 696: Mr. Filner, Mr. Evans, Mrs. Maloney of New York, Ms. Jackson-Lee, and Mr. Shays.

H.R. 773: Mr. Menendez, Mr. Rodriguez, and Mr. Fox of Pennsylvania.

H.R. 777: Mr. Wynn, Mr. Jackson, Mr. Dreier, Mr. Murtha, Mr. Wamp, Mr. Dixon, Mr. Scarborough, Mr. Pascrell, Ms. Jackson-Lee, Mr. Farr of California, and Mr. Blumenauer.

H.R. 793: Mr. Watt of North Carolina.

H.R. 815: Mr. Schumer, Mr. Abercrombie, Mr. Coble, Mr. Pickering, and Mrs. Hooley of Oregon.

H.R. 875: Mrs. Kennelly of Connecticut and Ms. Waters.

H.R. 953: Mr. Blagojevich and Mr. Fox of Pennsylvania.

H.R. 978: Mr. Maloney of Connecticut.

H.R. 1023: Mr. Wicker, Mrs. Linda Smith of Washington, Mr. Burr of North Carolina.

H.R. 1036: Mr. Bartlett of Maryland, Mr. Camp, Mrs. Cubin, Mr. Livingston, Mr. Lucas of Oklahoma, Mr. Nussle, Mr. Packard, Mr. Spence, and Mr. Young of Alaska.

H.R. 1077: Mr. Fox of Pennsylvania.

H.R. 1106: Mr. Engel and Mr. Miller of California.

H.R. 1107: Mr. Engel and Mr. Miller of California.

H.R. 1108: Mr. Barton of Texas.

H.R. 1126: Mr. Christensen.

H.R. 1166: Mr. Bartlett of Maryland, Mr. Strickland, Mr. Vento, Mr. Shuster, Mr. Diaz-Balart, Mr. Foglietta, Mr. Mascara, Mr. Hinchey, Mr. Holden, Mr. Condit, Mr. Moran of Virginia, and Mr. Horn.

H.R. 1215: Mr. Tierney.

H.R. 1228: Mr. Wexler.

H.R. 1232: Mr. Davis of Florida and Mr. Chambliss.

H.R. 1244: Mr. Kennedy of Massachusetts.

H.R. 1260: Mr. Smith of Oregon, Mr. Bono, Mr. Knollenberg, Mr. Hinojosa, Mr. Costello, Mr. Dooley of California, Mr. Clement, Mr. Ballenger, and Mr. Taylor of North Carolina.

H.R. 1322: Mr. Sherman and Mr. Collins.

H.R. 1333: Mr. Wamp.

H.R. 1346: Mrs. Cubin, Mrs. Chenoweth, Mr. Taylor of Mississippi, and Mr. Deal of Georgia.

H.R. 1362: Mrs. Emerson, Mr. McGovern, Mr. Hinojosa, Mr. Minge, Mr. Vento, Mr. Rahall, and Ms. Slaughter.

H.R. 1378: Mr. Gekas, Mr. Knollenberg, Mr. Kasich, Mr. Whitfield, Mr. Souder, and Mr. Combest.

H.R. 1398: Mr. Bachus, Mr. Hansen, and Mr. Coble.

H.R. 1437: Mr. Wynn, Mr. Gutierrez, Ms. Furse, and Mr. McDermott.

H.R. 1438: Mr. Fox of Pennsylvania.

H.R. 1492: Mr. Ney.

H.R. 1542: Mr. Pickett.

H.R. 1614: Mr. Maloney of Connecticut and Mr. Fox of Pennsylvania.

H.R. 1619: Mr. Barrett of Nebraska and Mr. Clement.

H.R. 1632: Mr. Miller of California, Mr. Serrano, Mr. Owens, and Mr. Rush.

H.R. 1689: Mr. McCollum.

H.R. 1763: Mr. Capps.

H.R. 1788: Ms. Eshoo.

H.R. 1839: Mr. Callahan and Mr. Klug.

H.R. 1850: Mr. Minge and Mr. Owens.

H.R. 1854: Mr. Brown of California, Mr. Schumer, and Mr. Dellums.

H.R. 1863: Mr. English of Pennsylvania and Mr. McKeon.

H.R. 1864: Mr. Fox of Pennsylvania.

H.R. 1972: Mr. Greenwood and Mr. Gordon.

H.R. 1984: Mr. Stenholm, Mr. McIntyre, Mr. Roemer, Ms. Kilpatrick, Mr. Oxley, Mr. Jones, Mr. Hobson, Mr. Talent, Mr. Whitfield, Mr. Smith of Michigan, Mr. Hoekstra, Mr. Ehlers, and Mr. Boehner.

H.R. 2006: Mr. Nadler and Ms. DeLauro.

H.R. 2023: Mr. Lewis of Georgia and Ms. Lofgren.

H.R. 2040: Mr. Doyle and Mr. Bliley.

H.R. 2063: Mr. Condit and Mr. Frank of Massachusetts.

H.R. 2116: Mr. Frank of Massachusetts, Mr. Brown of Ohio, Mr. Pallone, Mr. Davis of Virginia, and Mr. Conyers.

H.R. 2121: Mr. Wolf, Mr. Olver, Mr. Gejdenson, Mr. McGovern, Mr. Markey, and Mrs. Morella.

H.R. 2122: Mr. English of Pennsylvania, Mr. Fox of Pennsylvania, and Mrs. Myrick.

H.R. 2124: Mr. Bryant, Mr. Istook, Mr. Rogan, Mr. Tiahrt, Mr. Hilleary, Mr. Crane, and Mr. Watts of Oklahoma.

H.R. 2128: Ms. Brown of Florida, Mr. Frost, and Mrs. Emerson.

H.R. 2143: Mr. Olver and Mr. Faleomavaega.

H.J. Res. 84: Mr. Stump.

H. Con. Res. 80: Mr. Blunt, Mr. Murtha, Ms. Kilpatrick, Mr. Ballenger, Mr. Minge, Mr. Obey, Mr. Borski, Mr. Gutierrez, Mr. Blagojevich, Mr. Barcia of Michigan, and Mr. Evans.

H. Con. Res. 106: Mr. Olver.

H. Con. Res. 107: Mr. Calvert, Mr. King of New York, Mr. Sandlin, and Mr. Ackerman.

H. Con. Res. 109: Mr. Etheridge, Mrs. Myrick, Mr. Bob Schaffer, and Mr. Doyle.

H. Con. Res. 111: Mr. Stearns, Mr. Traficant, Mr. Doyle, Mr. Deutsch, Mrs. Fowler, Ms. Jackson-Lee, Mr. Sessions, Mr. Capps, Ms. Rivers, Mr. Filner, Mr. Frost, Mrs. Morella, Mr. Barrett of Nebraska, Mr. Sisisky, and Mr. Ortiz.

H. Res. 37: Mr. Owens, Mr. Rush, and Mr. Campbell.

H. Res. 83: Mr. Nadler and Ms. Slaughter.

H. Res. 182: Mr. Doyle.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 972: Mr. Wynn.

H.R. 1210: Mr. Fattah.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2158

Offered By: Mr. Bereuter

Amendment No. 6: Page 76, after line 17, insert the following new section:

Sec. 422. None of the funds provided in this Act may be used to implement the Veterans Equitable Resource Allocation (VERA) system established pursuant to section 429 of Public Law 104–204 (110 Stat. 2929).

H.R. 2158

Offered By: Mr. Boswell

Amendment No. 7: In the third paragraph of the amendment, strike "(reduced to $0)" and insert "(reduced by $50,000,000)".

Strike the fourth paragraph of the amendment.

H.R. 2158

Offered By: Mr. Hefley

Amendment No. 8: Page 38, line 2, after the first dollar amount insert the following: "(reduced by $31,000,000)".

Page 51, line 14, after the second dollar amount insert the following: "(increased by $11,210,700)".

H.R. 2158

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 9: Page 16, line 25, after the first dollar amount insert the following: "(increased by $119,500,000)".

Page 57, line 7, after the first dollar amount insert the following: "(reduced by $119,500,000)".

H.R. 2158

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 10: Page 16, line 25, after the first dollar amount, insert "(increased by $267,500,000)".

Page 57, line 7, after the first dollar amount insert "(reduced by $119,500,000)".

Page 61, line 13, after the first dollar amount insert "(reduced by $100,000,000)".

Page 62, line 1, after the first dollar amount insert "(reduced by $48,000,000)".

H.R. 2158

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 11: Page 18, after line 5, insert the following new item:

PRESERVING EXISTING HOUSING INVESTMENT

For operating, maintaining, revitalizing, rehabilitating, preserving, and protecting existing housing developments for low-income families, and the elderly, and the disabled, $350,000,000, which shall be available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low Income Housing Preservation Act of 1990 (ELIHPA).

Page 18, line 10, after the first dollar amount insert "(increased by $350,000,000)".

H.R. 2158

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 12: Page 30, line 12, after the first dollar amount insert "(increased by $267,500,000)".

Page 57, line 7, after the first dollar amount insert "(reduced by $119,500,000)".

Page 61, line 13, after the first dollar amount insert "(reduced by $100,000,000)".

Page 62, line 1, after the first dollar amount insert "(reduced by $48,000,000)".

H.R. 2158

Offered By: Mr. LaHood

Amendment No. 13: Page 48, line 7, before the period insert: "*Provided further*, That the Clean Air Scientific Advisory Committee shall conduct additional studies and investigation regarding the health effects of ozone and fine particulate matter air pollution".

H.R. 2158

Offered By: Mr. LaHood

Amendment No. 14: Page 66, line 3, after the colon insert: "*Provided further*, That the National Science Foundation shall conduct additional studies and investigation regarding the health effects of ozone and fine particulate matter air pollution:"

H.R. 2158

Offered By: Mr. LaHood

Amendment No. 15: Page 76, line 17, insert:

Sec. 422. None of the funds made available in this Act may be used to implement any national ambient air quality standards established under the Clean Air Act after January 1, 1997, for ozone or particulate matter.

H.R. 2158

Offered By: Mr. LaHood

Amendment No. 16: Page 76, after line 17, insert:

Sec. 422. None of the funds made available in this Act may be used to implement any national ambient air quality standards established under the Clean Air Act after January 1, 1997, for ozone or particulate matter until the Clean Air Scientific Advisory Committee has conducted additional studies and investigation regarding the health effects of such air pollutants and made a recommendation to the Administrator regarding such standards.

H.R. 2158

Offered By: Mr. Nadler

Amendment No. 17: Page 76, after line 17, insert the following new section:

Sec. 422. The amounts otherwise specified in this Act are revised by reducing the amounts under "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Public and Indian Housing—annual contributions for assisted housing" and "INDEPENDENT AGENCIES—National Aeronautics and Space Administration—human space flight" each by $305,000,000.

H.R. 2158

Offered By: Mr. Nethercutt

Amendment No. 18: Page 76, after line 17, insert the following new section:

Sec. 422. None of the funds provided in this Act may be used by the Secretary of Veterans Affairs to implement the Veterans Equitable Resource Allocation (VERA) system established pursuant to section 429 of Public Law 104-204 (110 Stat. 2929) in a manner inconsistent with that system as in effect on July 16, 1997.

H.R. 2158

Offered By: Mr. Pallone

Amendment No. 19: Page 50, line 1, after the dollar amount insert "(increased by $650,000,000)".

H.R. 2158

Offered By: Mr. Rohrabacher

Amendment No. 20: Page 61, line 13, insert "(reduced by $100,000,000)" after "$5,426,500,000".

Page 62, line 1, insert "(increased by $100,000,000)" after "$5,690,000,000".

H.R. 2158

Offered By: Mr. Sensenbrenner

Amendment No. 21: Page 76, after line 17, insert the following new section:

Sec. 422. Of the funds appropriated by this Act for "National Aeronautics and Space Administration—Human Space Flight", not more than $1,876,200,000 may be used for development and operations of the International Space Station.

H.R. 2158

Offered By: Mr. Solomon

Amendment No. 22: Page 76, after line 17, insert the following new section:

Sec. 422. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104-208; 110 Stat. 3009-270).

H.R. 2158

Offered By: Mr. Stearns

Amendment No. 23: Page 7, line 6, insert after the dollar amount "(increased by $50,000,000)".

Page 44, line 11, insert after the dollar amount "(reduced by $50,000,000)".

H.R. 2158

Offered By: Mr. Tiahrt

Amendment No. 24: In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—medical and prosthetic research", after the first dollar amount (the aggregate), insert the following: "(increased by $50,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—medical and prosthetic research", after the second dollar amount (the Gulf War illness research earmark), insert the following: "(increased by $30,000,000)".

In the item relating to "INDEPENDENT AGENCIES—Corporation for National and Community Service—national and community service programs operating expenses", after the first dollar amount (the aggregate), insert the following: "(reduced to $0)".

In the item relating to "INDEPENDENT AGENCIES—Corporation for National and Community Service—office of inspector general", after the dollar amount, insert the following: "(reduced to $0)".

H.R. 2158

Offered By: Mr. Tiahrt

Amendment No. 25: In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—medical and prosthetic research", after the first dollar amount (the aggregate), insert the following: "(increased by $25,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—medical and prosthetic research", after the second dollar amount (the Gulf War illness research earmark), insert the following: "(increased by $5,000,000)".

In the item relating to "INDEPENDENT AGENCIES—Corporation for National and Community Service—national and community service programs operating expenses", after the first dollar amount (the aggregate), insert the following: "(reduced by $200,000,000)".

H.R. 2158

Offered By: Mr. Vento

Amendment No. 26: Page 57, line 21, after the first dollar amount insert "(increased by $30,100,000)".

Page 61, line 13, after the first dollar amount insert "(reduced by $43,000,000)".

H.R. 2159

Offered By: Mr. Bilirakis

Amendment No. 2: In section 571, relating to Assistance to Turkey, add the following before the period at the end of subsection (a): ": *Provided*, That assistance under this section may not be made available to the Government of Turkey unless the funds made available under subsection (b) have been used for the purpose specified in that subsection".

H.R. 2159

Offered By: Mr. Bilirakis

Amendment No. 3: At the end of the bill, insert after the last section preceding the short title, the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

Sec. 572. No funds made available under the heading "Economic Support Fund" for Turkey may be made available to the Government of Turkey until all the funds under section 571(b) have been made available.

H.R. 2159

Offered By: Mr. Campbell

Amendment No. 4: Page 13, line 4, after "$2,400,000,000" insert "(reduced by $25,000,000)".

Page 22, line 24, after "$11,500,000" insert "(increased by $25,000,000)".

H.R. 2159

Offered by: Mr. Cox of California

Amendment No. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ASSISTANCE TO NORTH KOREA

Sec. 5 . None of the funds appropriated or otherwise made available by this Act may be made available to provide assistance to the Communist Government of the Democratic People's Republic of Korea.

H.R. 2159

Offered by: Mr. Cox of California

Amendment No. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ASSISTANCE TO NORTH KOREA

Sec. 572. None of the funds appropriated or otherwise made available by this Act may be made available, directly or indirectly, to provide assistance to the Communist Government of the Democratic People's Republic of Korea or the Korean Peninsular Energy Development Organization.

H.R. 2159

Offered by: Mr. Ewing

Amendment No. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

Sec. 572. None of the funds appropriated or otherwise made available in this Act under the heading "International Military Education and Training" may be provided to the Government of Peru.

H.R. 2159

Offered by: Mr. Ewing

Amendment No. 8: At the end of the bill, insert after the last section (preceding the short title) the following new section:

INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

Sec. 572. None of the funds appropriated or otherwise made available in this Act under the heading "International Military Education and Training" may be provided to the Government of Peru unless the President reports to the Congress that the Government of Peru is taking all necessary steps to ensure that the United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

H.R. 2159

Offered By: Mr. Gilman

Amendment No. 9: Strike all after the title heading and insert the following:

SEC. . POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE.

(a) In General.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to pay for the performance of abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases or rape or incest.

(2) The limitation contained in paragraph (1) shall not apply to the treatment of injuries or illness caused by unsafe abortions.

(b) Limitation on Lobbying Activities.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to lobby for or against abortion.

(2) The limitation contained in paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

SEC. . UNITED NATIONS POPULATION FUND.

(a) Limitation.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) Prohibition on Use of Funds in China.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) Conditions on Availability of Funds.—(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) Reports.—(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund in budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

H.R. 2159

Offered By: Mr. Herger

Amendment No. 10: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON DEVELOPMENT ASSISTANCE FOR CERTAIN COUNTRIES

Sec. 572. (a) Limitation on Use of Funds.—None of the funds appropriated under the heading "TITLE II—BILATERAL ECONOMIC ASSISTANCE, Funds Appropriated to the President, Development, Assistance" may be provided to Angola, Bangladesh, Benin, Bolivia, Brazil Burundi, Ecuador, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bisseau, Guyana, Honduras, India, Indonesia, Jamaica, Jordan, Kenya, Liberia, Madagascar, Malawi, Mali, Mexico, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, the Philippines, Senegal, Somalia, South Africa, Sri Lanka, Tanzania, Uganda, Zambia, or Zimbabwe.

(b) Corresponding Reduction in Funds.—The amount otherwise provided by this Act under the heading "TITLE II—BILATERAL ECONOMIC ASSSISTANCE, Funds Appropriated to the President, Development Assistance" is hereby reduced by $933,000,000.

H.R. 2159

Offered By: Mr. McGovern

Amendment No. 11: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF THE CONGRESS RELATING TO INTERNATIONAL ADOPTION LAWS AND PRACTICES OF PARAGUAY

Sec. 572. It is the sense of the Congress that the President and the Secretary of State should use all opportunities and means to express directly to all appropriate officials of the Government of Paraguay that—

(1) the United States respects and supports the commitment of the Government of Paraguay to reform its laws and practices regarding international adoptions;

(2) the pending international adoption cases filed by United States families at or prior to the establishment by the Government of Paraguay of a moratorium on international adoptions, including the 11 adoption cases commonly referred to as the "window of opportunity" adoption cases, should be allowed to continue and complete the adoption process in a fair, unbiased, and timely fashion;

(3) such United States adoption cases should be determined on the basis of the two key tenets for international adoption in Paraguay, namely the fitness of the petitioning family to be parents and what is in the best interests and welfare of the child; and

(4) any international adoption reform legislation approved by the Government of Paraguay should allow such United States adoption cases to complete the adoption process.

H.R. 2159

Offered By: Mr. Rohrabacher

Amendment No. 12: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF ASSISTANCE TO CAMBODIA

Sec. . (a) None of the funds appropriated in this Act may be made available to the Government of Cambodia.

(b) None of the funds appropriated in this Act for the International Development Association, the International Monetary Fund, or the Asian Development Bank may be used for any loan to the Government of Cambodia.

H.R. 2159

Offered By: Mr. Royce

Amendment No. 13: In Title I, under the heading "Overseas Private Investment Corporation Noncredit Account" after "$32,000,000" insert "(reduced by $11,200,000)".

H.R. 2159

Offered by: Mr. Saxton

Amendment No. 14: At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON ASSISTANCE FOR THE P.L.O. AND THE PALESTINIAN AUTHORITY

Sec. 572. (a) Sense of the Congress.—It is the sense of the Congress that the Palestine Liberation Organization (hereafter the

"P.L.O.") should do far more to demonstrate an irrevocable denunciation of terrorism and to ensure a peaceful settlement of the Middle East dispute, and in particular it should—

(1) submit to the Palestinian Council for formal approval the necessary changes to those specific articles of the Palestinian National Charter which deny Israel's right to exist or support the use of violence;

(2) to the maximum extent possible, preempt acts of terror, discipline violators, publicly condemn all terrorist acts, actively work to dismantle other terrorist organizations, and contribute to stemming the violence that has resulted in the deaths of over 230 Israeli and United States citizens since the signing of the Declaration of Principles on Interim Self-government Arrangements (hereafter the "Declaration of Principles") on September 13, 1993, at the White House;

(3) prohibit participation in the P.L.O. or the Palestinian Authority or its successors of any groups or individuals which promote or commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel or the United States of having committed acts of terrorism against Israeli or United States nationals; and

(7) respect civil liberties, human rights and democratic norms as applied equally to all persons regardless of ethnic, religious, or national origin.

(b) LIMITATION ON ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds appropriated or otherwise made available by this Act may be obligated for assistance to the P.L.O. or the Palestinian Authority only for the period beginning 3 months after the date of the enactment of this Act and for 6 months thereafter, and only if—

(A) the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect; and

(B) in addition to the requirements contained in such act or other legislation—

(i) the President prepares and transmits to the Congress a report described in paragraph (2); and

(ii) the Congress approves such report by adoption of a joint resolution of approval.

(2) REPORT.—A report described in this paragraph is a report containing the following:

(A) A description of all efforts being made to apprehend, prosecute, or have extradited to the United States Mohammad Deif (allegedly responsible for the death of Nachshon Wachsman, a United States citizen), Amjad Hinawi (allegedly responsible for the death of David Boim, a United States citizen), Abu Abbas (responsible for the death of Leon Klinghoffer, a United States citizen), Amid al-Hindi (allegedly responsible for death of David Berger, a United States citizen), and Nafez Mahmoud Sabih (who helped plan the February 1996 attack on a Jerusalem bus in which Jewish Theological Seminary students Sara Duker and Matthew Eisenfeld, both United States citizens, were murdered).

(B) An official, updated, and revised copy of the Palestinian National Charter (Covenant) showing which specific articles have been rescinded by the decision taken on April 24, 1996 by the P.L.O. Executive Committee.

(C) A description of all actions being taken by the Palestinian Authority to eradicate and prevent the use of the map of Israel to represent "Palestine".

(D) A certification that the Palestinian Authority has established a court system that respects due process requirements, including the right to a lawyer, the right to confront witnesses, the right to be informed of the charges under which one is accused, and the right to a jury trial.

(E) A certification that the Palestinian Authority has established humane prison conditions.

(F) A certification that the Palestinian Authority has taken all measures to rescind the death penalty imposed for the sale of land to Jews, has eliminated the practice of incarcerating real estate agents for the sale of land to Jews or Israelis, and has actively sought the perpetrators of such actions.

H.R. 2159

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 572. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

"(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

"(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China.

As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.".

H.R. 2159

OFFERED BY MR. STEARNS

AMENDMENT NO. 16: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF THE CONGRESS REGARDING COSTS OF THE PARTNERSHIP FOR PEACE PROGRAM AND NATO EXPANSION

SEC. 572. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 17: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act under the heading "TITLE III—MILITARY ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 19: In the item relating to "TITLE—MILITARY ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", in the first paragraph, after

"$50,000,000", insert "(reduced by $815,638)", and strike the second proviso.

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 20: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON FUNDING FOR PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS

SEC. 572. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to the following enterprise funds (or any successor enterprise funds):

(1) The Albanian-American Enterprise Fund.

(2) The Baltic-American Enterprise Fund.

(3) The Bulgarian American Enterprise Fund.

(4) The Central Asian-American Enterprise Fund.

(5) The Czech and Slovak American Enterprise Fund.

(6) The Hungarian-American Enterprise Fund.

(7) The Polish-American Enterprise Fund.

(8) The Romanian American Enterprise Fund.

(9) The Southern Africa Regional Enterprise Fund.

(10) The U.S.-Russia Investment Fund.

(11) The Western NIS Enterprise Fund.

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ACROSS-THE-BOARD REDUCTION IN AMOUNTS

SEC. 572. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 10 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Child Survival and Disease Programs Fund".

(2) "Development Fund for Africa".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) International Narcotics Control".

(6) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ACROSS-THE-BOARD REDUCTION IN AMOUNTS

SEC. 572. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Child Survival and Disease Programs Fund".

(2) "Development Fund for Africa".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) "International Narcotics Control".

(6) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ACROSS-THE-BOARD REDUCTION IN AMOUNTS

SEC. 572. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Child Survival and Disease programs Fund".

(2) "Development Fund for Africa".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) "International Narcotics Control".

(6) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

H.R. 2160

OFFERED BY: MR. COX OF CALIFORNIA

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be made available, directly or indirectly, to provide aid to the Communist-ruled Democratic People's Republic of Korea.

H.R. 2160

OFFERED BY: MR. DOOLEY

AMENDMENT NO. 2: Strike section 726, regarding limitation on the use of funds for immediate office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency.

H.R. 2160

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 3: At the end of the bill, insert after the last section the following new section:

SEC. . None of the funds made available in this Act may be used to provide or pay the salaries of personnel who provide crop insurance or noninsured crop disaster assistance for tobacco for the 1998 or later crop years.

H.R. 2160

OFFERED BY: MR. MEEHAN

AMENDMENT NO. 4: In the item relating to "RISK MANAGEMENT AGENCY"in title I, after the last dollar amount, insert "(reduced by $14,000,000)".

In the item relating to "SALARIES AND EXPENSES"— "FOOD AND DRUG ADMINISTRATION" in title VI, after the aggregate dollar amount in the first undesignated paragraph, insert "(increased by $10,000,000)".

H.R. 2160

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 5: Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to maintain, or to pay the salaries and expenses of personnel who maintain, a price for the 1998 crop of quota peanuts in excess of $550 per ton.

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $2,500,000 for "RESEARCH AND EDUCATION ACTIVITIES" (to be available for sustainable agriculture research and education under such heading) and $12,200,000 for "EXTENSION ACTIVITIES" (to be available for payments for sustainable agriculture programs under such heading)), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $86,300,000.

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: In the item relating to "AGRICULTURAL RESEARCH SERVICE" in title I, after the aggregate dollar amount in the first undesignated paragraph, insert "(reduced by $8,500,000)".

In the item relating to "FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS" in title IV, after the last dollar amount, insert "(increased by $8,000,000)".

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: In the item relating to "RISK MANAGEMENT AGENCY" in title I, after the last dollar amount insert "(reduced by $11,000,000)".

In the item relating to "FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS" in title IV, after the last dollar amount, insert "(increased by $8,000,000)".

H.R. 2160

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 9: Strike section 726 (page 68, lines 8 through 11), regarding limitation on the use of funds for immediate office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 10: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION"), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $88,500,000, $1,500,000.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 11: Insert before the short title the following new section:

SEC. . (a) For an additional amount for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION"), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $88,5000,000, $1,500,000.

(b) Of the amount under the heading "DEPARTMENTAL ADMINISTRATION" in title I, $13,300,000 is for civil rights enforcement at the Department of Agriculture.

EXTENSIONS OF REMARKS

TRIBUTE TO ROBERT S. EVANS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an individual who has dedicated his life and career to public service.

Robert S. Evans will retire this month after devoting 50 years of dedicated service to South Carolina State University in Orangeburg, SC. Mr. Evans began working at the university in 1947 as a temporary worker. In 1961, he was hired by the college as a stockroom clerk and supervisor of waiters. He was later promoted to assistant director of food services and subsequently appointed director of food services at the university.

In addition to his service to the university, Mr. Evans is an active member of his community. He is a member of the Masons, the NAACP, the Epsilon Chapter of Omega Psi Phi Fraternity, the Elk Lodge, and Alpha Psi Omega Drama Fraternity. This remarkable individual also participates in the Orangeburg Neighborhood Youth Commission, the South Carolina State Booster Club, and the Mental Health Board. Mr. Evans is an active member of Mount Pisgah Baptist Church in Orangeburg, SC, where he serves as deacon, secretary of the church board, and liaison to the trustee board.

Robert Evans has touched the lives of many people of Orangeburg and across South Carolina through hard work and tireless dedication to others. Mr. Speaker, I ask that you and all of my colleagues in the House of Representatives join me in congratulating Mr. Evans on the occasion of his retirement after 50 illustrious years of service to South Carolina State University.

MICHIGAN IS GETTING SHORTCHANGED

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. SMITH of Michigan. Mr. Speaker, as we approach decisions on appropriations bills and Federal spending that goes to individual States, I am very concerned about a recent study indicating that my home State of Michigan is getting shortchanged.

Michigan ranks in the top 10 in the amount of taxes we pay into the Federal Government and at the bottom in terms of the benefits we receive in return.

According to this study by the Northeast-Midwest Institute, Michigan ranks 47th in total funds it gets from the Federal Government and deal last in the amount it gets per person to repair its roads. Michigan citizens have the most to gain if we allow them to keep their tax dollars at home rather than sending taxes to Washington.

Mr. Speaker, for the RECORD I would like to submit an article written by Lisa Zagaroli in this morning's Detroit News on this very issue.

(By Lisa Zagaroli)

Pothole-plagued Michigan ranked dead last in the amount of money per person that the U.S. Transportation Department doled out among states last year, a new report shows.

"We've been complaining for a long time about getting ripped off by the federal government and this just confirms that," said John Truscott, a spokesman for Gov. John Engler.

"We knew we were near the bottom, I didn't know we were at the bottom."

The transportation department spent $77 per Michigan resident in the 1996 fiscal year, for a total of $743 million, according to the study by the Northeast Midwest Institute, a non-profit policy organization. Engler wants the federal government to give Michigan an additional $200 million.

Michigan's per-capita share of U.S. transportation dollars compares to $879 per capita in sprawling Alaska, $296 in Wyoming and $252 in Montana.

But the higher dollar amounts weren't reserved for large, sparsely populated states.

Connecticut, a small state with a third of Michigan's 9.6 million population, got $179 per person. New Jersey, which has 8 million residents, got $148 per person from the federal agency that funds roads, bridges and other transportation projects.

Rep. James Barcia, D-Bay City, said he, too, was surprised that Michigan ranked dead last despite the "pitiful shape" of its roads.

"This underscores the need to work together in a bipartisan fashion to make sure Michigan gets a fair return," he said.

Barcia sits on the House committee that is rewriting the funding formula for transportation dollars. Michigan currently is a "donor state"—paying more in federal gas taxes than it gets back.

Michigan ranked third from the bottom in overall spending by the federal government, about the same as it has in the last several years.

The state received $4,131 per capita in federal spending, only 81 percent of the national rate, or $941 less per person, the report said.

"This is one of the reasons we are so big into block grants, so we can figure out where our tax dollars are spent instead of some federal bureaucrats," Truscott said.

IN HONOR OF CONGRESSMAN JOHN LEWIS OF GEORGIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. LANTOS. Mr. Speaker, I rise today to honor and recognize my friend and colleague, the Honorable JOHN LEWIS of Georgia. During his tenure in the House of Representatives, he has distinguished himself as a man of highest integrity and commitment to improving human relations in our country.

His accomplishments in the area of civil rights are as remarkable as they are numerous. Congressman LEWIS' concern with spreading awareness of the civil rights movement and its importance in contemporary society is reflected in his desire to educate not only those who reside in his district, but outside of his district as well. This desire clearly manifested itself in 1989, when at the request of a parent concerned with the fact that her daughter's predominantly white eighth grade class did not possess an understanding of the enormity of the civil rights movement, he traveled to Shawnee Mission, KS, to speak about his firsthand experience.

Over 200 eighth grade students sat mesmerized as Congressman LEWIS delivered an emotionally charged speech which included his involvement with sit-ins at segregated lunch counters, the Student Non-Violent Coordinating Committee which he chaired, and his participation and subsequent beating during the freedom rides. His modesty would have prevented the students from knowing that he was one of the "big six" in the civil rights movement, had it not been for the research they had conducted on their own prior to his arrival. Congressman LEWIS conveyed the importance of commitment to a cause, and relayed his extraordinary experiences while maintaining a demeanor marked with humility. Two years later, he returned to the school in Shawnee Mission as he once again embraced the opportunity to tell his story in an attempt to educate and enlighten a small group of our Nation's younger generation. The selflessness he exhibited in traveling a thousand miles from his district, motivated solely by a desire to educate and share, is unique in a world where many individuals succumb to monetary or press related incentives.

This anecdote is but one of many instances where Congressman LEWIS has exhibited his unchallenged commitment to civil rights in the United States. Born in 1940 to a sharecropper in Alabama, he was the first in his family to finish high school. At 18, he met Martin Luther King and by 19, had already become a force in the civil rights movement through activities such as organizing the first lunch counter sit-in. He actively participated in the 1961 freedom rides, the 1963 March on Washington, and the coordination of the Mississippi Freedom Project. He led the Selma to Montgomery March for voting rights in 1965, and was attacked by policemen in his quest for equal rights for all. His strong participation in these events eventually led to the passage of the Voting Rights Act of 1965.

On Friday, June 27, Congressman LEWIS hosted a luncheon for senior citizens residing in the high-rises of his district. His goal was to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

provide them with an opportunity to interact with their representative in a fun, relaxed environment. This annual event has grown from a gathering of 250 senior citizens to a community event of over 900. Funded entirely through private donations, Congressman LEWIS has been able to sustain this event for 7 years.

Congressman JOHN LEWIS is a shining example of how one individual can persevere in the fact of extreme adversity. His commitment to all individuals, young and old, is a testament to his impeccable character.

Mr. Speaker, I urge my colleagues to join me in commending Congressman JOHN LEWIS. His accomplishments speak for themselves, yet his humility surpasses all he has done for his district, his country, and the rights of all Americans. It is with a great sense of pride that I refer to Congressman JOHN LEWIS as a colleague and friend.

TAJIKISTAN'S PEACE ACCORD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. SMITH of New Jersey. Mr. Speaker, after 5 long years, Tajikistan's civil war—the costliest conflict in the former Soviet Union, in terms of casualties—may be over. Negotiations underway since 1994 under U.N. auspices have finally produced a peace accord and the opposing sides have crafted a power-sharing arrangement. Provisions are in place for over 20,000 refugees to return and elections are planned within 12 to 18 months.

Tajik President Imomali Rakhmonov and Saidabdullo Nuri, leader of the United Tajik Opposition [UTO], signed the General Agreement on Peace and National Accord on June 27. Among the accord's key features is the 26-member National Reconciliation Commission, composed of 13 government and 13 opposition representatives, and chaired by Nuri. Until elections are held, the opposition will control at least 30 percent of government portfolios. The opposition's fighters will be integrated into the government's force ministries, and 460 fighters will protect opposition leaders in Dushanbe. On July 10, the Reconciliation Commission came to terms on a general amnesty that will allow members of the UTO to return to Tajikistan.

The general agreement was signed in the Kremlin, testifying to Russia's key mediating role. Moscow had backed Tajikistan's Government against the opposition—a melange of democratic, Islamic, and regional forces—since the war broke out in 1992, but has obviously rethought its priorities and acknowledged that the opposition cannot be defeated militarily, at acceptable cost. Moreover, the advance of the Taliban forces in Afghanistan, which Tajik opposition fighters had used as a staging ground for assaults against Russian and Tajik Government forces, has also convinced Moscow and, apparently, anti-Taliban, Shiite Iran, that Tajikistan must be stabilized in the face of the new threat from Sunni Islamic fundamentalism.

As many analysis have pointed out, however, it is too soon for rejoicing. Though Moscow seems determined to end the conflict, there are several potential spoilers. Foremost among them is Abdumallik Abdullojanov, Tajikistan's former prime minister and chairman of the Party of National Revival. Abdullojanov represents the interests of Leninabad, the country's most populous and wealthy oblast, which had produced Tajikistan's rulers since the 1930's. By contrast, President Rakhmonov and his followers are from Kulyab oblast, whereas Nuri and most of the opposition are affiliated with the mountainous region of Karotegin. Yet Abdullojonov was not invited to participate in the peace talks or the Reconciliation Commission, and his followers have been given no positions in the coalition government. With no stake in the agreement and no incentive to promote its success, Abdullojonov has every reason to undermine its implementation, and can count on the backing of the population in northern Tajikistan.

Abdullojonov also has the presumed support of Islam Karimov, President of Uzbekistan, which borders Leninabad oblast and is Abdullojonov's base of operations. Karimov did not authorize Uzbekistan's signature as guarantor of the Tajik peace agreement, indicating that Russia and Uzbekistan—though they share deep concerns over Taliban victories in Afghanistan—continue to compete for influence in Tajikistan, and that Tashkent will not play along unless its interests and those of its allies in northern Tajikistan are taken into account.

If the government in Dushanbe does not see these dangers, the opposition does. On June 28, UTO first deputy leader Akbar Turajonzade told Interfax that Dushanbe's unwillingness to include representatives of other parties and movements, specifically mentioning Abdullojonov, was a mistake and could jeopardize prospects for peace.

Apart from Abdullojonov, any number of well-armed military commanders, with strong local bases, could resume hostilities or simply block the establishment of a unified country with a recognized government exercising authority over its entire territory. And even if they could be brought over, the process of sharing government portfolios and dividing the economic pie among all the various movements and factions will require masterful diplomacy.

Still, the peace accord and all its attendant problems are far preferable to the alternative Tajikistan's population has not known peace since the country became independent. The understanding between the government and the opposition may finally have laid the groundwork for the broader reconciliation that will be needed for enduring stability.

Mr. Speaker, quite apart from the obvious humanitarian imperatives, it is in the United States interests that Tajikistan's peace accord succeed. War-torn Tajikistan lags behind most other New Independent States in building democratic institutions. We should encourage the reconciliation process and urge that the planned elections take place as scheduled and that they be as free and fair as possible. It would be especially useful for IFES, the Washington-based International Foundation for Election Systems, which has done such important work in helping local authorities organize elections all over the world, to be involved with Tajikistan's Central Election Commission. Hopefully, conditions will permit other United States NGO's to begin working with political parties, and gradually help put back on track the democratization in Tajikistan that was so tragically interrupted in 1992.

TRIBUTE TO DR. GEORGE S. ANSELL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the exceptional contributions Dr. George Ansell has made for America's higher education system. As the president of the Colorado School of Mines, he has announced his retirement. Dr. Ansell is truly dedicated to the higher education system and the students he serves. Under the leadership of Dr. Ansell, the Colorado School of Mines has emerged as one of the West's premier institutions excelling in engineering, applied science, and earth sciences.

Dr. Ansell has broadened the college's scope to include high academic achievement and quality research, and insisted on seeing each strengthen the other. The Colorado School of Mines was recently recognized by the National Science Foundation for institution-wide reform in undergraduate education in science, mathematics, engineering, and technology. The selected colleges are now considered national models of excellence by the NSF.

Dr. Ansell, born in Akron, OH, in 1934, grew up in New York, attending the elite Bronx High School of Science. He attended Rensselaer Polytechnical Institute on a Naval ROTC scholarship, receiving a bachelor's degree in metallurgical engineering in 1954, and later a master's degree in metallurgical engineering, and a Ph.D in metallurgical engineering in 1960. He served as an engineering officer in the United States Navy from 1955 to 1958, and physical metallurgist on the Metal Physics Consultant Staff, U.S. Naval Research Laboratory—1957–58. From 1960 to 1984, he was a faculty member at his alma mater, RPI. He became chairman of the Materials Division, RPI—1969–74, dean, School of Engineering, RPI—1974–84, acting dean, School of Management, RPI—1980–81, and finally, president of Colorado School of Mines in 1984.

Dr. Ansell leaves the Colorado School of Mines with a legacy of excellence. His efforts have truly enhanced the institution. His leadership there will be sorely missed. His never-ending quest for academic perfection has truly left its mark.

I thank Dr. Ansell for his contributions, on behalf of the State of Colorado, and I enter into the RECORD a quote by Dr. Ansell that expresses his sentiments about the Colorado School of Mines:

> It has been a great privilege for me to have served as president of Colorado School of Mines. My tenure has been filled with exciting challenges and opportunities to promote the vitality of this outstanding institution.
>
> My proudest achievement has been improving the quality of an already outstanding institution by: increasing the number of under-

represented minorities from three percent to 14 percent of the undergraduate student body, increasing the number of female students to 25 percent of the entire student body, insuring through fundraising that any student who has the desire and the ability can attend CSM, regardless of his or her financial means, expanding the base of the school's first-rate faculty, and revitalizing the campus physical plant with state of the art facilities. Colorado is fortunate to have in its midst a university which has the commitment and dedication of such an excellent Board of Trustees, faculty, staff, and outside benefactors, together with its extraordinary student body and alumni.

Mr. Speaker, the faculty, students, and all who have worked with Dr. Ansell are better people because of his integrity, leadership, and dedication to the Colorado School of Mines family.

QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities:

Mr. YOUNG of Alaska. Mr. Chairman, with a vote of 429 to 1, the House has overwhelmingly approved Representative WALLY HERGER'S bill, H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997. While Representative HERGER introduced the bill and the bill had bipartisan support, it really belongs to the Quincy Library Group, which is a coalition of local environmental group leaders, local timber firms, local business people, local government officials, and local labor union leaders. So that everyone knows what the Quincy Library Group agreement is, I ask unanimous consent to insert a copy of the agreement immediately following my remarks.

The bill was overwhelmingly approved because of Mr. HERGER'S bipartisan approach and because it is solution-oriented. It resolves forest conflict instead of promoting it. The bill embodies a new way of thinking about the Nation's forestry problems, the solutions for which come from the people who live in communities within our public forests. Thus, it draws on the community wisdom that our Government is supposed to be about. Our Nation is a government of the people because the people give us their wisdom.

Never in my years of serving as Alaska's only Congressman in this House have I seen such overwhelming support for a forestry bill and I truly believe that this level of enthusiasm results from the fact that everyone wins with the collaborative approach that the bipartisan sponsors and supporters have taken on this measure.

We did not come to the floor today with 429 votes. We would have probably received around 270 votes by my count on the Young substitute to H.R. 858, but that did not deter the sponsors of the bill and me from making further accommodations in the spirit that the Quincy Library Group agreement. We wanted to make people comfortable. We made accommodations to Representative MILLER, the ranking member of the Committee on Resources and a person who I have grown to respect as a friend. We made many accommodations that Representative MILLER brought to us from the administration, which over the years has often supported the Quincy Library Group. Before that Mrs. CHENOWETH made some 50 changes to the bill in the subcommittee and in the full committee, many in response to administration and interest group concerns, before the bill was reported. I asked Senator FEINSTEIN, the lead on this issue in the other body for her recommendations and I incorporated those recommendations into my manager's amendment.

Because some modifications were made here on the floor, I want to explain them. I want to explain how the final Young substitute that we just agreed to differs from the Young substitute that appeared in the RECORD as amendment No. 1. I also want to explain some of the major amendments that were adopted in the committee and subcommittee.

The substance of the bill is Section 2. Section 2(a) is simply the definition of the Quincy Library Group agreement, which forms the basis of the bill. My amendment No. 1 and the final product agreed to by the House included clarifications that the library group agreement is for ecologic and economic health of lands and communities. This is a community stability proposal, which by its nature concerns ecologic health of the land and economic health of the communities. These are mutually exclusive and the Quincy plan integrates them. Ecologic health and economic health is what sustainable development is all about.

In subsection (b), the Young substitute basically requires implementation of the Quincy Library Group plan and, in particular, a cornerstone of the plan that is referenced in subsection (d) involving strategic fuelbreaks and group selection harvests. In subsection (b) where we direct the Quincy program, we added a proviso that required one environmental impact statement. We also added a requirement that the environmental impact statement be completed within 200 days of enactment.

The Young amendment No. 1 contained a subsection (i) that was mostly removed because we added the single EIS in subsection (b) at Mr. MILLER'S urging. However, I want to be clear that my substitute would have provided for a total of five EIS's over the course of the pilot project, one for the entire 5-year program including the first year's site-specific segment of the program and one site-specific EIS for each subsequent year's program. Mr. MILLER requested that I remove that provision and do only one EIS. We agreed to a 200-day timeframe for the EIS. The Quincy group has waited long enough for their consensus to reach the ground. This means that within 200 days after enactment, the program will be implemented.

We made no changes from my substitute, amendment No. 1, in subsection (b)(2) where the pilot project area is explained. The total acreage of the national forests that the pilot project covers is about 2.5 million acres. However, one key to the Quincy proposal is that fuelbreaks and other subsection (d) activities are only eligible for part of that 2.5 million acre area. Specifically those activities will be carried out on lands that are "Available for Group Selection" as identified on the QLG map. This is a cornerstone of the agreement because the land base was essentially that which would leave the roadless areas out of areas that would receive fuelbreak, thinning, group selection, and other silviculture treatments under the QLG plan. "Available for Group Selection" area is about 1.6 million acres. Areas outside of the "Available for Group Selection" were essentially those recommended over the years for protection by local environmental groups that are participants in the Quincy Library Group and by national environmental groups.

My original substitute, amendment No. 1, would have gone the extra mile to ensure that the areas outside of those that are "Available for Group Selection"—the roadless areas for which environmental groups have long sought protection—would not be eligible for subsection (d) fuelbreaks, would not be eligible for any road building, and would not be eligible for any timber harvesting activities. The provision that would have done this was subsection (i)(5)(A)(i). This would have ensured that while the pilot project was being implemented or eligible to be implemented on the ground, the "Off Base" and "Deferred" land areas (essentially the roadless areas) would be ineligible for timber harvests, road building, and subsection (d) activities. That was my proposal in amendment No. 1, but Mr. MILLER required that it be removed, which in my view may lessen the protection of the roadless areas.

Subsection (c)(1), which removes spotted owl habitat from eligibility for harvest stayed in the compromise version. So did the riparian protection that was added in full committee. I might add that the riparian protection is straight from the Clinton Northwest Forest Plan, which was composed by scientists including the ex-chief of the Forest Service, Dr. Jack Ward Thomas. Personally, I think that this riparian protection may be too stringent, but it is part of the Quincy Library Group agreement and part of existing law that the Quincy group wants to follow. That is why it is in my substitute. It is part of the deal.

Mr. MILLER asked that I remove the provision that would have allowed more funding to be recommended and provided for riparian restoration projects, which I believe are an important part of the Quincy Library Group Agreement. The provision, subsection (c)(3), was removed.

The Quincy group's plan envisioned compliance with laws that ensured proper harvesting techniques and ensured forest standards would be met for management activities like fuelbreak construction. Nevertheless, we added a proviso that ensured that the resource management activities would be implemented to the extent consistent with the Federal laws that apply to such activities. This would included the interim guidelines for the spotted owl. Should final guidelines for the owl become effective, they would apply instead. This change makes the requirement of subsection (d) no less of a requirement than it was before. It simply means that in meeting the requirement of subsection (d)(1) and (2), for example, that the laws that guide good forest management and other applicable laws that would guide forest management activities apply to the carrying out the activities. The change does not make subsection (d) hollow.

Now for subsection (d). It requires fuelbreaks on not less than 40,000 acres and not more than 60,000 acres within the pilot project area, meaning the "Available for Group Selection" area. This is a key to the Quincy plan because it will improve the ecology of the forest and the stability of the communities economically. Economic stability will improve because a more stable supply of timber will be available through the fuelbreak, thinning, and group selection requirements of subsection (d). People will work. The bill is not cast in terms of a particular volume of timber that is required to be harvested. Rather the bill requires acreage harvest for things like fuelbreaks and group selections, which might be part of a fuelbreak. The range of 40,000 to 60,000 acres was selected based on scientific information. The committee report explains that point. Even if 60,000 acres are treated with fuelbreaks and thinning each year it would take nearly 30 years to treat the entire land base that is "Available for Group Selection" under the Quincy plan.

Because there were allegations that the bill would allow too much harvesting, the committee added a maximum acreage of harvests 70,000 per year. While I do not think that too much of the group selection would be done outside of the fuelbreak system, 70,000 acres was selected because it would allow 60,000 acres of fuelbreaks plus some group selection.

Mr. MILLER, Mr. HERGER, and I agreed on new language concerning riparian management that was added to subsection (d). Mr. MILLER pointed out that riparian management is an important part of the Quincy Library Group agreement. While I believe my amendment No. 1 addressed riparian management by including the SAT guidelines tor subsection (d) activities, we added some of the language suggested by Mr. MILLER and modified by me.

My modification to that language ties the riparian management into the SAT guidelines required for timber activities in riparian areas. Thus, under the SAT guidelines, there may be watershed assessments and watershed work that then opens the possibility of management of riparian areas. Flexibility that is needed if there is funding available for such activities. That is why we tied that new subsection (d) proviso on riparian management to the new subsection (f)(7) which ensures that amounts that are available for subsection (d)(1) and (d)(2) activities will remain available for those activities and not be transferred into subsection (d)(4) activities. In short, we wanted to ensure that riparian management, which may be very expensive, does not cut short the ability to achieve the critical fuelbreak and group selection work that will ultimately provide more revenue that could be directed by the appropriations committee to important riparian management or restoration efforts under (d)(4).

Subsection (e) simply requires cost effectiveness, something that is often missing in government. Cost effectiveness, means efficiency, not shoddy work or shortcuts on environmental protection.

We removed subsection (f) in the Young Amendment No. 1 at the request of the administration and Mr. MILLER. This will not affect implementation of the Quincy pilot project because other multiple use activities will be positively affected by implementation of the Quincy pilot project. For example, wildlife habitat will improve because it will not burn as readily or as badly.

In our funding subsection we specified that normal reprogramming guidelines must be followed to shift funds if they ordinarily could not be used for the purpose described. We wanted to provide maximum flexibility for the Forest Service to use existing accounts to cover QLG activities. So that the funds now spent for timber sales will be shifted into timber activities associated with fuelbreaks, group selection, individual tree selection to meet the requirements of subsection (d). My substitute also included a proviso that ensures that the amount of overhead and general administration will not be too high. We wanted the money to reach the ground and implement QLG projects. We also did not want other multiple use activities, for example grazing, to suffer a loss of funds in order to implement the requirements in the bill. At the request of the junior Senator from California, Mr. HERGER and I agreed to add a provision that directly authorized funds to be appropriated to carry out the pilot project.

Regarding subsection (g) of my new substitute agreed to by the House, the term of the pilot project will be at least 5 years. This is necessary because it is a critical component of the Quincy Library Group's agreement of stability for a 5-year period. While we want the normal forest planning process to deal with evaluating the incorporation of the subsection (d) and possibly other components of the Quincy agreement into the plan, there is a great need for community and economic stability for the near term of 5 years. This is so that investment decisions can be made, the timber supply that results from fuel removal will be stabilized, and the pilot project can be carried out over enough of a time period to evaluate the results from a scientific standpoint. This balance is consistent with the goals of the National Forest Management Act and principles of sustainable development which seeks to ensure economic and ecologic balance.

Concerning subsection (i), we left the proviso that requires the environmental impact statement is to be prepared in consultation with the QLG, thus ensuring that there are open lines of communication between the Forest Service and the QLG in designing the subsection (d) activities and so there are no FACA problems. We also left the proviso that ensures contracting flexibility.

Regarding the new subsection (i) in our compromise, it is the same as subsection (j) of the Young amendment No. 1. It requires the planning process to evaluate the Quincy subsection (d) requirements, the land allocations, and the other features of the Quincy plan. It then allows the plan to be amended or revised.

Reporting requirements of new subsection (j) and (k) are critical. They will allow us to evaluate performance from a fiscal standpoint and from an ecologic standpoint with reference to the goals of the Quincy agreement and the pilot project. My substitute and the House-passed bill switched the subsection (k) report to begin at the midpoint of the pilot project. That is because we wanted to make sure that the information provided in the report would begin to be available as the land management plan revision or amendment was being developed under new subsection (i). My amendment No. 1 and the House-passed bill also specifically included watershed monitoring as an aspect of the science-based assessment.

Finally, the new subsection (l) was a proviso included by Mr. HERGER and myself at the request of Members of the House and the junior Senator from California and to address a concern identified by the chairwoman of the Council on Environmental Quality. This proviso ensures that pilot project is not exempt from any Federal environmental law, which is consistent with the QLG agreement and H.R. 858 as introduced. We specifically chose the word "exempt" to ensure that the provisions in the bill have a meaning and, as a subsequently passed law, overlay the current law. Thus, the fuelbreak and group selection requirements of subsection (d) are indeed requirements, not meaningless abstractions that do not produce the desired results of enhanced ecologic conditions and community stability due to a consistent and larger, but quite sustainable, supply of timber from the "Available for Group Selection" acreage. Adding the explicit statement simply solidified the fact that the pilot project will not be exempt from Federal environmental laws. Thus, standard and guidelines for harvesting trees will apply, as will procedural laws like the National Environmental Policy Act, which will govern the subsection (b)(1) environmental impact statement for the project.

I add some closing thoughts. First, this bill was designed for the Quincy plan. It is the right mix for the Quincy situation. It is needed to get the agency focused on implementing the plan on the ground. Other community-based forest plans may need their own mix of provisions in law to get their particular plan off of the ground or they may need no provisions in law. It is my hope that the Forest Service can accommodate future plans like the Quincy plan, but I will not be shy about supporting similar calls for legislation where it is necessary.

Second, I think that because we have a consensus here on the Quincy plan itself and now on the bill, that it gives us something to watch—a test case—to see how well our environmental laws really work and whether and how they may need to be changed. If the Quincy plan ends up working out in terms of implementation, we may need to evaluate ways to make similar plans easier to implement. If the implementation of the new Quincy Library law and the plan still end up in gridlock, then perhaps it sets the stage to look even deeper for more fundamental changes in the underlying forestry law and restructure it to foster constructive compromise instead of continual conflict.

Last, I thank the 429 Members of the House who overwhelmingly supported this bill. I want to especially thank Representative WALLY HERGER for introducing the bill and working on it with his usual enthusiasm. I also thank VIC FAZIO, who was the cosponsor of the bill from the beginning and helped to put together the compromise today. He worked closely with Representative HERGER, Representative CHENOWETH, and Mr. MILLER on our compromise that went down to the wire. I think that we ended up with a very good bill. It is a model for the future and a model for solving problems. Most of all I want to thank the members of the Quincy Library Group for staying together and doing what they knew was right for the environment and their community.

TRIBUTE TO THE SPANN FAMILY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Spann family on the occasion of their family reunion to be held July 25–27, 1997, in Columbia, SC.

The Spann family began on May 16, 1844, with the birth of Jack Spann. Mr. Spann was born a slave in Middleton Township, Sumter County, and resided in Sumter County his entire life, both as a slave and a free man. Despite the condition into which he was born, Mr. Spann learned to read and to write, a feat denied to most slaves. Because of his literacy, he was able to memorize and readily quote scriptures from all books of the Bible. Due to his literacy and his faith in God, Jack rose to become an assistant clergyman at St. Luke African Methodist Episcopal Church. When not in the pulpit, Mr. Spann could be found on the family's farm as he provided for his family of 20 children. Although the children were born of two different mothers, the togetherness demonstrated by the Spann family was unmatched. To this day, the descendants continue to show that same bond.

The Spann family has been a part of the African-American experience in South Carolina for many years, As the Spann family comes together this year in Columbia, all agree that they have been blessed as they are able to share this reunion with the last living child of Jack Spann, Mrs. Eliza Spann Missouri Pickett, the present matriarch of the Spann family. In addition, Mrs. Pickett's son, Clarence Missouri, was my college roommate and has been a close friend of mine for over 40 years. Mr. Speaker, I ask that you and my colleagues in the House of Representatives join me in honoring this fine family as they celebrate their family reunion.

JERI WARE: A BRIDGE BUILDER AND ROLE MODEL

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. McDERMOTT. Mr. Speaker, I rise today to pay tribute to Jerline "Jeri" Ware, a bridge builder and a role model to all. She passed away July 6, 1997. Jeri Ware was born February 13, 1924, on a farm in Beggs OK, the third of eight children. After graduating from Beggs High School at the age of 15, Jeri, with the approval of her family, friends, and church, set out to expand her horizons. Over the next several years, she lived in Colorado, New Mexico, as well as Hanford and Seattle, WA. In the mid-1940's, she moved to San Francisco, where she enrolled at San Francisco City College. There she studied political science, and also met and married John, her husband of 48 years.

In 1951, the Wares moved back to Seattle where Jeri would become known throughout the city and the Pacific Northwest as a respected community leader. During the next 46 years, Jeri championed issues such as employment and education. She urged city officials to address concerns about the lack of opportunities for many black Americans in Seattle; she helped establish cooperative nursery schools and tutorial programs at the University of Washington. Jeri was a charter member and chair of the Central Area School Council, and a member of the Seattle Human Rights Commission. My predecessor, Mike Lowry, recognized Jeri's talents; for almost a decade, she served the people of the Seventh Congressional District as a member of his District Office staff.

Jeri's opinion commanded the respect and attention of elected officials in Seattle because she was a bridge builder and a role model. She helped many public officials to understand issues impacting the community by presenting the problems along with attainable solutions. Jeri Ware led by personal example: she showed the importance of family strength by standing by her son's side when he protested the Viet Nam war. She embodied tolerance by embracing and respecting others' opinions although they may have differed from hers. She taught determination by her life-long efforts to help our youth prepare for their future.

Mr. Speaker, the Seventh Congressional District of Washington mourns the loss of Jeri Ware. Thanks to her, many strong bridges of friendship and understanding stand in Seattle today.

THE WHEAT AND BARLEY PROTECTION ACT OF 1997

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Ms. STABENOW. Mr. Speaker, I rise today to announce the introduction of the Wheat and Barley Protection Act of 1997 which will facilitate a national partnership and provide urgently needed funds to accelerate the race for a cure for a disease that is ravaging our Nation's wheat and barley crops.

Wheat and barley scab has cost our national economy more than $3 billion over the last 4 years. Michigan alone lost more than $56 million to wheat and barley scab in 1996.

More than 80 percent of Michigan's farmers plant either wheat or barley. All varieties are vulnerable to the scab, which can severely reduce the production and quality of these crops.

The disease can produce vomitoxin, a toxin contaminant which has reduced prices to farmers and caused problems for the U.S. milling and malting industries.

My legislation unifies the efforts of 12 States' land grant universities into a cohesive research partnership. The Wheat and Barley Protection Act of 1997 will authorize $5 million a year for 5 years to fund this national consortium that includes university breeders, plant pathologists, agricultural engineers, and food scientists. It will serve as a model for other such effective, integrated research projects in the future, bringing the public and private sectors together in an important effort to solve a national problem.

The Wheat and Barley Protection Act is a small investment compared to the billions of dollars that this disease, unchecked, will cost our economy. I am pleased that so many of my colleagues—Democrats and Republicans—have cosponsored this legislation and will be working with me to swiftly pass this bill.

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BONIOR. Mr. Speaker, I rise today in full support of Senate Joint Resolution 29, the resolution directing the Department of the Interior to design and construct a statue depicting Franklin Delano Roosevelt in his wheelchair. I believe this inclusion in the Franklin Roosevelt Memorial Statue will further illustrate to the American public that a person with a disability is not limited in his or her ability to reach historic heights.

In addition to the Secretary working with the commission to incorporate a sculpture displaying President Roosevelt in a wheelchair, as instructed by the Senate Joint Resolution 29, I would also encourage the Secretary to look into a serious matter brought to my attention by the National Organization on Disability and the American Council of the Blind and as described in a May 20 article in the Washington Post. It appears that the Braille lettering on the monument is not readable by most blind or visually impaired visitors. In fact, on some areas of the monument the Braille dots are not accessible or not present at all. This is ironic in light of the fact that the description on the wall of President Roosevelt's programs to aid the blind, cannot be read by the blind. However unintentional, this makes a mockery of President Roosevelt's work and is frustrating to visually impaired visitors.

The main problem with the Braille is the size of the dots. The cells are too big to fit under a fingertip. Because of the enlargement, the spacing of the dots within a cell and between cells is incorrect. The sculptor admits that he took liberty by exaggerating the size of the Braille to achieve a certain concept. Unfortunately, his artistic interpretation has come at the expense of those who have low vision or who are blind. In essence, the majesty he sought to create for those who cannot see has proven to be a disheartening misadventure.

I would recommend that this artistic but unreadable Braille displayed on the memorial's Wall of Programs be supplemented by Braille which is readable. This Braille should conform to the specifications for raised character and Braille signage contained in recognized access codes such as the Americans with Disabilities Act Accessibility Guidelines [ADAAG] and the American National Standards Institute's [ANSI's] A117–1 standard for accessible design for the disabled. The reproduced Braille should be placed on a metal plaque or plaques which are affixed at a reasonable and readable height and location on the Wall of Programs. Or, the plaques could be mounted near the Wall of Programs on stands located at a reasonable height and location immediately adjacent to the artistic, but unreadable Braille. I would also encourage the Secretary to replicate in Braille the inspirational excerpts from President Roosevelt's speeches, which are displayed in print throughout the memorial, so they may be enjoyed by blind or visually impaired visitors.

I believe these additions to the monument honoring our 32d President would be a fitting tribute to a great man who tirelessly served this country, and I would encourage full consideration of this important request.

RECOGNITION OF ISTEA SUPPORTERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. ENGEL. Mr. Speaker, it is with great enthusiasm that I recognize the efforts of a group of dedicated activists from Westchester, Rockland, and Putnam Counties who undertook a 5-day bicycle trip from New York to Washington in support of the Intermodal Surface Transportation and Efficiency Act [ISTEA].

On June 4th this determined group of people, led by Greenburgh Town Supervisor, Paul Feiner, and joined by my constituent Leonard Morgenstern, arrived in Washington to bring the message of ISTEA to their national representatives. The message is clear: We must ensure that transportation alternatives and environmental quality initiatives remain fully funded in ISTEA reauthorization.

The efforts of this group highlight the foundation of ISTEA which is the use of intermodal transportation. ISTEA funding has never been solely intended for highway construction. My own State of New York has been a leader in building a diverse infrastructure which enables our residents to use alternative transportation sources.

In recognition of the efforts of those I have mentioned, as well as Gus DeSilva, David Kraker, Michael Ferrato, Joseph Ippolito, Carl Kulo, Lynn Gorski, Richard Sibley, Jeff Ziffer, David Gordon, I urge my colleagues to resolve that the reauthorization of ISTEA will maintain its dedication to environmental quality and transportation alternatives.

CELEBRATING THE LEGACY OF DR. BETTY SHABAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to a true American hero; a lady of unconquerable spirit, a loving mother, educator, and activist for her people and our Nation. I rise to pay tribute to the legacy of Dr. Betty Shabazz. I would like to read to you the letter that was sent by me to Dr. Shabazz's family upon her passing:

> DEAR ATTALLAH, QUBILAH, MALAAK, GAMILAH, MALIKAH, AND ILYASSAH SHABAZZ: Please accept my condolences upon the transition of your mother. I know this is a great loss to you. There can be no words to describe what you are feeling. I hope that it is of some comfort to you that I, and millions of other Americans, are also deeply saddened by her passing. I do not believe that I am exaggerating when I associate myself with millions of Americans in this regard. Your mother's self-evident love of her people, her heroic composure in assuming the mantle of leadership, her purposefulness, her quiet strength, and her professional achievement have shown as beacons of triumph over adversity. Your mother's life has been a testament to the power of integrity and dignity.

When the harsh winds of hatred swept across our country and prematurely ended the life of Malcolm X, they could not overcome the strength of his wife. Dr. Betty Shabazz continued the struggle after his death, keeping his quest for justice for all alive. As a doctor of education administration, she brought the movement into academia, where she immeasurably touched the lives of hundreds of students. Dr. Shabazz served Medgar Evers College as director of Institutional Advancement with ability, passion, and caring, qualities that were reflected in everything she did in life.

A single mother, Dr. Shabazz's challenges as a parent were not unique. However, they were heightened by the fact that she was the single mother of Malcolm X's children. She reared her six daughters alone, constantly preparing them for a life in the forefront of the African-American community, one that is a requirement of their lineage. One of her daughters is a successful public relations executive, another a vocal activist in her late father's movement of human rights. In this way, Betty Shabazz has served as a model of motherhood and a reflection of the family values that every American family aims to emulate.

Malcolm X left us with a commitment to work so that people around the world, regardless of their race, are afforded their basic human rights. A warrior in her own right, Dr. Shabazz has made countless contributions to the cause of oppressed people around the globe, and especially within the African-American community. Her message will be forever with us, an inspiration to all who choose a life of service to their fellow man.

In this time of need for the entire Shabazz family, let us reflect upon the lessons that have been taught us by Dr. Betty Shabazz. Her life has been a testament to the virtues of family, community, and activism, and it is fitting for this House of Representatives, in the name of the American people, to pay her tribute.

HONORING JEFFERY J. DYE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary young man, Jeffery J. Dye, who unexpectedly passed away April 21, 1997, at the age of 27. This remarkable young man will truly be missed.

Jeff had only begun to fulfill his limitless potential when he was struck down by an epileptic seizure. His loss is a tragedy to his family, his friends, and to anyone who believes in the honor of public service.

Jeff's passing is a personal loss to me, Mr. Speaker, because he served as a research assistant on my first campaign for Congress. In addition, his parents, Dennis and Janell Dye, live in my district in West University Place.

Though only 27 years old, Jeff Dye had already made his mark in the rough and tumble world of politics. His boundless energy and enthusiasm for political battle served him well on the campaign trail and in the halls of power. He was a trusted aide in the offices of Texas Lieutenant Governor Bob Bullock, and Senator DANIEL AKAKA of Hawaii, but it was the thrill of political campaigning that truly stirred Jeff's passion.

In an age of cynicism and resentment toward government, Jeff held the firm belief that the government has a responsibility, indeed an obligation, to help those less fortunate in our society. He hoped to use the Internet as a tool to expand participation and open the doors of government to more people. He believed that making it easier to find information on candidates would give the electorate the tools they need to make better decisions.

Like many bitten by the campaign bug, Jeff bounced around from position to position across the country. Wherever he landed, Jeff's intelligence, enthusiasm, and integrity left everyone who met him with the impression that he was a young man with a very bright future. He served exceptionally at each of his many stops, wearing many hats along the way. He was a crack researcher, a spectacular fundraiser, and a cunning political strategist, and at the time of his death he had just begun a new challenge as executive director of the Tennessee Democratic Party.

But Jeff Dye will not be remembered only for his political resumé. He will be remembered for his passion, his commitment, and his dedication to making the world a better place.

His parents are establishing a foundation in his name, dedicated to helping other motivated young men and women make their mark through public service. The foundation's goal is to fund travel and living costs for students who serve their junior year as congressional interns in Washington, DC.

Mr. Speaker, Jeff's years among us were far too few, but thanks to the efforts of his parents his idealism and dedication will live on. I look forward to the day when students from the Jeffery J. Dye Leadership Foundation serve as interns in my office and I urge my colleagues to also participate in this internship program. In this way we can all honor Jeff Dye and the ideals in which he so strongly believed.

ON THE OCCASION OF THE 50TH ANNIVERSARY OF WHLI AM GARDEN CITY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to pay tribute to WHLI AM, a radio station in Garden City, LI, which will celebrate its 50th anniversary of broadcasting on July 22. WHLI can be found at 1100 on the AM dial with a format of adult sophisticated music, including oldies by the original artists. Long Islanders enjoy music spanning the spectrum from Benny Goodman to Celine Dion; Frank Sinatra to Barbra Streisand, every day.

Program Director and legendary radio personality Dean Anthony heads up this radio station, which for 50 years has also been a strong voice for the Long Island community. Informative news programming adds to the appeal of WHLI, which broadcasts at 10,000 watts, making it easily heard by all in the Nassau County area.

Mr. Speaker, I encourage all of my colleagues who may find themselves on Long Island to tune their radio dials into WHLI 1100 AM and listen to this terrific radio station, a true Long Island tradition. A hearty congratulation to the wonderful staff of WHLI on the occasion of their 50th anniversary. Here's to 50 more.

TRIBUTE TO JANE SMITH STEWART

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to one of the most thoughtful, caring, and courageous women I ever knew, Jane Smith Stewart, who lived in my hometown of Lillington, NC.

Tragically, Jane Stewart passed away June 7, the very same day that here in Washington and in North Carolina's capital city of Raleigh, thousands participated in the "Race for the Cure" to raise money for cancer patients.

Jane was a registered nurse by training, educated at East Carolina University, and she was active in the Spring Hill United Methodist Church where she extensively worked with the youth program. Jane always cared about young people.

Jane Stewart was an amazing person, and for those who had the joy of knowing her, would have been hard pressed to point to a single characteristic or quality that defined her character.

Maybe it was her rare courage. Despite her painful illness, she remained active in the community and most of all with her three children. Though doctors told her she was too sick, she would go and watch her children participate in baseball and basketball and other activities. Her actions were and still are an inspiration to other cancer patients who knew her.

Or maybe it was her inner strength or faith that enabled her to carry on her activities in life despite being sick. She was always worried and concerned about the needs of others even as she faced her own battle with cancer.

She never stopped caring for her church, her community, or her family.

Mr. Speaker, I count myself as lucky because I knew Jane Stewart. She is survived by her husband Frank, and their three sons, Greg, Doug, and Brad Stewart, and her parents Bill and Donna Smith of Rocky Mount.

Their loss is also our loss. Her memory will continue to inspire us. Indeed, our community will surely miss Jane Smith Stewart.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. FARR of California. Mr. Chairman, I rise in strong support of the National Endowment for the Humanities and in opposition to the Chabot amendment that would eliminate the NEH.

It is imperative that the government play an integral role in the preservation of the events and historical documents that shaped our Nation for this and future generations. The NEH fulfills that role.

NEH projects preserve books, newspapers, and official documents in an effort to retain America's heritage. NEH grants stimulate local economies by increasing attendance at humanities exhibitions and attractions.

I urge all of my colleagues to read the following letter to Members of Congress from Sheldon Hackney, the chairman of the NEH. This letter is an excellent explanation of the benefits our Nation receives from the work of the important National Endowment for the Humanities.

Without a strong link to the past, we cannot build a strong bridge into the future.

NATIONAL ENDOWMENT FOR
THE HUMANITIES,
Washington, DC, March 14, 1997.

DEAR MEMBER OF CONGRESS: America is a nation founded on an idea. That idea—democracy—lives on generation after generation through a celebration of the formation of this union, an examination of the principles of the past, and a teaching of the events and people who have gone before us to make us the country we are today. A great nation as ours must know its history if it is to be strong in facing the challenges of the future.

The National Endowment for the Humanities helps Americans to know more about who we were, who we are, and who we will be. We do this in part by devoting a large portion of our resources to help historians preserve and interpret our past and to share knowledge and evidence of our history with the American people.

For almost ten years, the NEH has helped museums and historical organizations undertake projects to ensure the preservation and security of millions of archaeological, ethnographic, and historical objects. The NEH also supports projects to train the staffs who maintain these historical collections. The training paid off in the wake of Hurricanes Hugo, Andrew, Iniki and the Midwest floods of 1993, because it helped minimize damage to collections in the areas affected by these disasters.

Through supporting the compilation of U.S. Presidential Papers, preserving photographs and saving brittle books, the National Endowment for the Humanities works to insure our nation's heritage is preserved and accessible to its citizens. If you have any questions about the work we do, please contact me or my staff in the Office of Congressional Liaison at (202) 606–8328.

Sincerely,

SHELDON HACKNEY,
Chairman.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. QUINN. Mr. Chairman, I rise today to express my concern over the recent cuts that we have allowed to be made to the National Endowments for the Arts. This program has a certain undeniable value that few other federally funded programs do. Art and artistically gifted people are often the cornerstones of communities, from campside storytelling to local movie theaters to large metropolitan galleries housing treasured symbols of our national and world culture. The cuts that have been made to the NEA will have a longlasting effect on us all, even if we don't take advantage of their direct benefits. I have been and will continue to be a strong supporter of the arts and other cultural resources.

The pictures that hand along the tunnel wall leading from House Office Buildings to the Capitol is something that most of us pass on a regular basis. Some of these efforts might have been submitted by young people from your own constituencies. It is my belief that most of us would have trouble denying these bright and eager minds the opportunity to express themselves and stymie their developments as mature and confident individuals which comes about through their self expression. It might also be difficult to travel back to your districts and see vacant theaters and the galleries where once entire communities found common ground and were exposed to the artistic genius that their region has helped produce.

The cost of this program equates to less than two hundredths of 1 percent of the Federal budget, costing American taxpayers just 69 cents per year. There is room in our balanced budget for these programs.

I personally voted against the block grant amendment submitted by my colleague VERNON ELHERS because I thought that it did not fully deal with the issue as soundly as I would have liked. The bottom line Mr. Chairman is that we must foster artistic expression with our youth.

SENATE—*Wednesday, July 16, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

"Oh, to grace how great a debtor
"Daily I'm constrained to be
"Let Thy goodness, like a fetter
"Bind my wandering heart to Thee."
—*Hymn by Robert Robertson.*

Merciful God, we are debtors to Your grace. We want to live our whole lives in grateful response to Your goodness. May Your goodness bind our hearts to You. There is no limit to what we are able to accomplish when love is our motivation. Help us to live this entire day as an expression of our love to You, for all the grace You have lavished upon us. Rather than living by obligation or oughts, may we do our work today as our way of telling You how much we love You. We are so thankful for Your care, for the privilege of living in this free land, for our families and friends and for the opportunity to serve You in the formulation of public policy for the welfare and prosperity of all people. Our goal is to enjoy this day to the fullest. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 11 a.m. By previous consent, at 11 a.m., the Senate will begin consideration of S. 955, the foreign operations appropriations bill. Amendments are expected to that appropriations bill, and Senators can, therefore, expect rollcall votes throughout the day.

As a reminder, under the consent agreement reached last night, a vote will occur on final passage of S. 1004, the energy and water appropriations bill, immediately following the first vote relative to the foreign operations bill. It is hoped the Senate will be able to complete action on the foreign operations bill during today's session of the Senate.

It is also the intention of the majority leader to begin consideration of the legislative appropriations bill this week, as well as complete action on the nomination of Joel Klein under the remaining 3-hour time agreement.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

The Senators from Nebraska and Georgia are recognized for 20 minutes.

The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

(The remarks of Mr. HAGEL and Mr. CLELAND pertaining to the introduction of S. 1021 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, may I ask whether we are in morning business.

The PRESIDING OFFICER. We are in morning business.

DESTRUCTION OF THE EYE OF THE NEEDLE ARCH

Mr. BAUCUS. Mr. President, I rise today to express my outrage over an incident that occurred in my home State last May. Over the Memorial Day weekend, vandals on the Missouri River destroyed the Eye of the Needle Arch, as well as several other stone pinnacles nearby.

Lewis and Clark, camping in the traditional homeland of the Blackfeet Indian Tribe, first noted these structures in their historic journal which, I might add, is replete with misspellings: "Seens [sic] of visionary inchantment [sic]" and "eligant [sic] ranges of lofty freestone buildings," describing the Eye of the Needle Arch along the Missouri River.

Former Montana Senator Lee Metcalf had the foresight to designate that stretch of the Missouri as "wild and scenic," thus ensuring that generations of Montanans would marvel at these wonders.

But what took Mother Nature millions of years to painstakingly carve out was destroyed probably in a matter of hours. The actions of the vandals have been decried in both local and national newspapers, and the people of Montana have been united in their condemnation of the acts. People have donated over $10,000 in reward money for information leading to the arrests of the individuals responsible. I rise today to add my voice to those who cry out for the loss of a true Montana treasure.

My motivations for speaking on this subject are personal. To me, the Eye of the Needle was a symbol of what makes Montana the "Last Best Place." Its improbable existence was a miracle of creation and a testimony to Montana's rugged spirit.

I plan to float the Missouri this weekend. I will see firsthand what has become of this treasure. In many ways, I am not looking forward to the experience.

To know that this landmark was destroyed by human hands gives me pause to think on the absolute senselessness of the act. Tearing down a marvel of nature is not a statement of defiance, not a statement of courage, or even machismo. No, it is simply an act of raw brutality, an act of utter stupidity.

In every cloud, there is a silver lining, and though it is not easy to see in this case, there is a positive lesson to learn from this incident. In an ironic way, we have gained a deeper appreciation for the wonders that surround us. They are precious; they are fragile. Perhaps this incident will remind us to protect the things that are near and dear to our hearts. For all our sakes, I hope this is the lesson we learn.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATION OF THE 1996 FEDERAL ELECTIONS

Mr. TORRICELLI. Mr. President, I rise today to address two of the current

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

investigations that are taking place within the Federal Government on this day. They are very different and they involve different branches of the Government but are important to this country and many of our citizens.

Mr. President, I will address first as a member of the Governmental Affairs Committee what I think is potentially an important new beginning in our investigation of the problems of the financing of the 1996 elections.

Members of the committee have for some time had different perceptions about the most serious allegations involved in that investigation. This, of course, involves the question of whether or not there was an attempt by a foreign government, principally the Government of China, to influence our Federal elections in 1996.

I believe that there is now a common understanding that while all sides previously acknowledged that there was probably such an attempt and regarded it seriously, there were differences about certain aspects of the allegations.

I think the new common understanding is that while there was clearly such an attempt made by the Chinese Government, that it was bipartisan in its goals and primarily designed to influence the Congress of the United States and not exclusively the Presidential candidates in 1996, and that it also at this moment remains unclear whether or not to what extent it might have succeeded in either influencing the elections or more importantly the policies of the United States Government. These have been contentious issues that divided the committee until this day.

I am very pleased, based on statements made by both Democratic and Republicans members of the committee, that I believe our investigation now proceeds with a common perception of these facts. I believe that is critical for the committee doing its work and in eventually uncovering whether and to what extent this foreign involvement violated our laws.

JUSTICE

Mr. TORRICELLI. Mr. President, on a separate second issue I want to address this morning the larger context of the continuing downward spiral in the national political dialogue, and specifically how it addresses the case of a single American. We have tragically in our time witnessed this deterioration in the public dialogue. We are now witnessing how its venom can influence the life of a single citizen. I am addressing, of course, the Whitewater investigation and the actions of independent prosecutor Kenneth Starr.

Mr. President, I claim no expertise in the question of the Whitewater investigation. Indeed, it is not the focus of my remarks this morning. And I hold no brief for either President Clinton or the First Lady as I address this issue. Indeed, the injustice of which I speak does not involve anyone in the President's family, but rather a simple 42-year-old woman named Susan McDougal.

Since September 9, 1996, Susan McDougal has been imprisoned for refusing to testify to an Arkansas grand jury convened by the independent prosecutor Kenneth Starr. And indeed, under the law a witness who refuses to cooperate and testify before a grand jury may be held for a civil contempt of up to 18 months. In this instance therefore the independent prosecutor initially acted within the law and probably appropriately. But that is where the problem begins. Because according to the legislative history of the statute, and indeed under the case law, the purpose of civil contempt and imprisonment "is to secure testimony through a sanction, not to punish the witness by imprisonment."

But according to briefings filed with the court, the prison conditions that Susan McDougal has endured up to this point sound more appropriate for a hardened violent criminal than a person jailed for civil contempt.

In fact, while serving 3 months in the Faulkner County Detention Center in Arkansas, Susan McDougal lived under the following conditions. She did not see the light of day for 3 months. She was jailed in a unit that was constructed for 10 people but in reality usually held more than 20. As indicated by these photographs, she was usually shackled both by hands and feet whenever she went to court or to the doctor or to the dentist. This was not customary practice. Indeed, no other prisoner in that facility was shackled by hands and feet in this manner virtually at any time, no less when receiving medical treatment.

When in transport, marshals were under instructions not to remove her shackles at any time including when she required to urinate. She was allowed one visit per week, and only through glass. She was forbidden any family or friendly contact through visitation. She was denied potable water. She could only drink from a rusty shower or a sink attached to a toilet. She was allowed no reading materials except for the Bible, of which I am sure she would have been grateful except she was forbidden to have any reading glasses, even when she offered to buy them with her own funds.

After a brief stint at the Carswell Federal Medical Center in Fort Worth, where she was placed in a work camp with other women, many of whom were serving 30 and 40 years on narcotics charges, she was transferred to California. There in Los Angeles at the Sybil Brand Institute for Women, she was placed in isolation with one tiny slit in a door, the windows covered with barbed wire, with a single peephole where she could see the light of day. She was denied any reading material and was denied a chance to even meet with the prison chaplain.

She was later moved to complete isolation from all other prisoners and was allowed out of her cell for 2 hours per day. So for 22 hours a day she was in complete isolation, no contact with anyone, no ability to see the light of day, with a single window covered with barbed wire, nothing to read, no one to talk to, not even counseling from a minister.

During the evening hours, she is awakened every 20 minutes by a flashlight that is placed in her eyes. She is served breakfast at 4:30 in the morning where she eats alone in a 5-foot cell. If she should leave her cell, she is handcuffed behind her back and is forced to wear prison uniforms that are colored red, which is the color to indicate a murderer or an informant. She is routinely body searched and forced to strip naked for prison officials. She is escorted by a guard wherever she goes, including to the infirmary or the library.

And finally, every time she uses the shower or on those occasions when she is allowed access to a telephone, every other prisoner is forced to be locked into their cells, which has heightened animosity toward her personally and led to dangerous, unlivable circumstances.

Mr. President, I do not know Susan McDougal, and I confess I do not know a great deal about the Whitewater case. In many respects I rose today on the Senate floor to speak to neither, but to talk about justice. This is a barbaric set of circumstances that are indefensible and give rise to the question of whether or not Mr. Starr's investigation is being led by someone who seeks justice or is driven on the personal destruction of individuals to vindicate himself and his own investigation.

Mrs. McDougal is not imprisoned for murder or robbery or any violent offense. She has faced no jury and is convicted of nothing. But for almost a year, she has been held on civil contempt.

The Federal courts have ruled on a variety of circumstances, including in 1983 in the Sanchez case, and in 1984 in the Simkin v. United States case that a court is obligated to release an individual if it becomes clear that she will not testify after continued confinement.

Indeed, in case after case throughout the history of this country judges have released individuals who have refused to testify after 6 or 8 months of imprisonment.

Susan McDougal has now been imprisoned for 10 months. There is no indication that it will end soon. And it clearly is not going to result in her giving credible testimony.

Indeed, it was argued before a Federal judge 2 weeks ago that not only is Susan McDougal's incarceration inhumane, it is counterproductive.

If Susan McDougal were released from these extraordinary barbaric circumstances tomorrow, her testimony in the Whitewater case would be of absolutely no value. Her testimony would have no credibility. It clearly would have been coerced. No grand jury, no judge, and no jury would give it any validity.

Her testimony is now useless. Any individual held in solitary confinement with no privacy, with no ability to consult with family or friends, denied access to a chaplain, shackled hand and foot, subjected to body searches, awakened during the night every 20 minutes, in some circumstances by a flashlight in her eyes, could not possibly at this point be giving voluntary testimony that would be usable in a court of law.

Mr. President, Kenneth Starr should pursue the facts. If they produce further evidence that allows a case to proceed, it is his duty to do so. It is the obligation of every officer of this Government, in any of its branches, to first and foremost, however, pursue justice.

Former Senator William Cohen, then a Member of this institution, said, "The appearance of justice is just as important as justice itself in terms of maintaining public confidence in our judicial system."

Mr. President, there is no confidence in our judicial system that can come from these facts. There is a cold tyranny on a single American citizen. It is time for the Federal judiciary to intervene to bring justice and to change the circumstances of Susan McDougal's life.

I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator is recognized for 20 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent that morning business be extended to accommodate 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHO GETS THE BENEFIT OF A TAX CUT?

Mr. DORGAN. Mr. President, I want to talk today about a debate that is going on in a conference committee on who gets what portion of the tax cut that is now proposed by the Congress. It is, I suppose, a debate that one would expect if the Congress decides there shall be a tax cut, and the Congress has decided that taxes shall be reduced in some measure for the American people.

The obvious question is, for whom and for how much? Who gets the benefit of the tax cut?

We had a generous discussion on the floor of the Senate with an enormous amount of data and charts, with each side demonstrating that it is right and the other side is wrong, and each side using economists and all of the research groups that say this side is right, that side is wrong, or that side is right, this side is wrong. I suspect people watching this do not have the foggiest understanding of how you manufacture all these numbers. It is like making sausage, I assume—somebody over there, huddled over a bowl, is throwing all kinds of things in a bowl, and they grind it out and say, "Here's our sausage."

I come from a farm State, so I suppose I talk a lot about agriculture. I was thinking about an old story that a fellow in my hometown told me years ago about the chicken and the pig. It reminds me a little of this debate about the tax issue, who gets what. A chicken and a pig were prancing around the farmyard and they were talking about the upcoming birthday for the farmer and deciding what they would give the farmer for his birthday. The chicken said, "Why don't we give him ham and eggs," and the pig thought about that for a long time, and said, "Well, gee, for you, that's terrific, because for you that's just a contribution, but for me that requires real commitment."

Well, commitment or contribution, this is the kind of chicken-and-pig issue on who gets what in the Tax Code, who contributes what taxes in this country.

I want to talk just for a moment today about this commitment or contribution issue, and when it comes time to providing tax relief, then who gets some help. There is a discussion in this Congress that occurs almost every year around something called tax freedom day. The Tax Foundation, in fact, puts out a little publication. This year it was May 9, I believe, and it says tax freedom day is May 9. We have someone dutifully coming to the floor, and they hold it up and say, "Here is the day in which we are free. Up until this day, all of the things we earn have to go to pay taxes, and beyond this day we are free."

It has always been curious to me that the amount of money I pay for my children to go to school is somehow considered a burden. It is not to me. I consider it an opportunity to put my kids in a good public school system, and the taxes I pay to help that public school system is not a burden to me. But some people feel every dollar they pay is an enormous burden and a waste. They say, "Here is tax freedom day, May 9, this year." When they talk about tax freedom day, the same people that come to the floor and do that say tax freedom day is the accumulation of taxes that people have to pay, including income taxes and payroll taxes. And, incidentally, payroll taxes are a big chunk of the taxes people have to pay in this country. When they talk about tax freedom day, they include payroll taxes.

When they talk about who gets what in terms of tax cuts, guess what happens? The Congress then says we are only going to measure income taxes. We are only going to measure the income taxes you pay, and that is the basis on which you get a tax cut. So you have a situation in this country where over two-thirds of the American people now pay a higher payroll tax than they pay in income tax. Two-thirds of the American people pay higher payroll taxes than income taxes. Payroll taxes have grown, and rather substantially.

So when it comes time to give a tax cut, we are told that the tax cut shall go to people based on the income taxes they pay, and if you don't pay substantial enough income taxes, you do not get a tax cut.

Some of us feel that the working families toward the bottom of the ladder, those working families somewhere between the 50th percentile and down who are paying more in payroll taxes than income taxes, they are working, they are paying taxes. It is a different kind of tax—payroll tax—they ought to get a tax cut, as well.

Here is the dilemma. We have a tax cut that is proposed in part of this package that is a per child tax credit of $500, and we are told that the per child tax credit will go to only those people who pay enough income taxes to earn the credit. What does that mean? It means 4 million to 6 million American kids will not get a per child tax credit, despite the fact their folks are working and their folks are paying substantial payroll taxes, sufficient payroll taxes to earn this tax credit. But they will be denied any tax benefit under this plan because they pay payroll taxes and not enough income tax.

Why is it their fault? Because they are not earning enough money, they are at the bottom of the economic ladder. They are told in this plan, payroll taxes don't count. So, therefore, these 4 to 6 million children, the parents of those children, are not going to get a tax cut, because they only work and they only pay payroll taxes. That makes no sense at all. It does not make any sense.

Why would we prevent the parents of 4 to 6 million children, the parents of those 4 to 6 million children who are working, from getting a tax credit of $500 per child, as all other Americans will get?

We were told last week by a Member of the majority who believes we should not provide a child tax credit to those people who are working and paying payroll taxes, that if we did, it would be welfare. Why welfare? These are people who are working, these are people who are paying taxes, and these are people who also deserve a tax cut.

It is always interesting to me that every time we talk about a tax cut in this Chamber, if you get way into the upper end of the income scale—an area, incidentally, where they have had enormous increases in income—that somehow the most generous portions of the tax cut always go to those folks.

I want to read some information that was in a piece yesterday in the Washington Post about what has happened to incomes in this country. According to the Congressional Budget Office, the Americans in the bottom one-fifth of the income distribution, the lowest 20 percent of income earners in the work force, saw their after-tax incomes drop by 16 percent between 1997 and 1994. When you adjust all that for inflation, they have 16 percent less purchasing power in a 20-year period. The next-to-the-bottom fifth lost 8 percent. The middle fifth stayed about even.

The members of the wealthiest 20 percent saw their incomes rise by 25 percent, and the top 1 percent of the income earners in this country in the same 20-year period saw their income rise in real terms by 72 percent. So if you look at who has benefited substantially in the last 20 years, you conclude that the top 20 percent of income earners, especially the top 1 percent, have benefited enormously.

Why is it, then, when we talk about providing tax cuts, that we say to those who have not benefited at all, those who are in the work force who have not received any substantial increase in income, in fact, who have lost ground, we say to them, "You are working, you are paying taxes, but we're sorry, you don't get a tax cut." What kind of logic is that? This does not make any sense to me.

I will read a couple of other things that have been written recently. Today, in the Washington Post, with respect to this debate about who is providing what benefit to which income group in this country, the Washington Post editorial says:

> The Republicans have written a tax bill tilted heavily toward the better-off * * *
>
> The Republicans in turn have adopted a new technique. Rather than argue as they might have done in the past about the virtues of the bill, they engage in distortion.

They are talking now about the numbers that are bantered back and forth.

> The people who wrote this bill aren't defending its distributional consequences; they're denying them. The plain facts are that the bill over time would not just mainly benefit the better-off but would cost the government revenues it can't afford.

I want to talk about this issue of better off, however, because if we have a proposal passed by both the House and the Senate to reduce the tax burden in this country, it seems to me it ought to be targeted to those families who have faced an increasing tax burden.

Which taxes have increased in recent years in this country? Does anybody know the answer to that? Which taxes have increased? I guess most people would say the payroll taxes, and they would be right.

Payroll taxes in the last decade have increased, increased again, and increased again. The income tax rates have come down, except for one circumstance. But the payroll taxes have increased.

So the result is, when the discussion of the Congress is about giving a tax cut, I think we ought to talk about providing tax relief to those who are paying higher payroll taxes. But some say they want to prevent those people who are paying higher payroll taxes from receiving any of the significant benefits of the tax cut. Frankly, that is just wrong.

The piece in the Washington Post, written by E.J. Dionne, called "The Tax War," is an interesting piece that appeared a day or two ago, and it says the following:

> The Republicans are missing a chance to make their best case for a tax cut. For years, they argued that government should not tax people into poverty or make life tougher for the pressed middle class. They were right about this, especially since regressive payroll taxes take a much bigger chunk from the incomes of the middle class and the working poor than from the wealthy.
>
> That's why it is incomprehensible that Republicans have so fiercely resisted Clinton's proposal to give the $500-per-child tax credit to families who owe no income taxes but pay substantial payroll taxes. Most of these families earn roughly $17,000 to $30,000 a year.
>
> People at the middle and bottom of the income strata need tax relief for another reason: For nearly two decades—until the last 2 or 3 years of the current economic recovery—they have lost ground or barely kept up.

Now, the point I come to the floor today to make is this. We are in conference between the House and the Senate on the question of what kind of tax cut and who receives the benefits of this tax cut. The chart I have here shows the percentage of working families in this country whose payroll taxes exceed their income taxes. You will see this by quintile.

The bottom fifth, 99 percent of them, pay more payroll taxes than income tax. These are people who work. They get up every day, go to work, work hard, try to take care of their families. The second quintile, 97 percent, pay more in payroll taxes than they do in income tax, and right on down, until you get to the top fifth, and they pay 16 percent in payroll taxes. Sixteen percent have payroll taxes that exceed their income tax.

You can see the import of this chart. It shows the folks in the bottom 60 percent of the income strata in this country who are out working, are paying higher payroll taxes than income taxes. Any proposal that says that does not count, that does not matter, the payroll taxes you pay are not part of our concern, is just plain wrong.

Now, we have an opportunity to fix it, and we can fix it in this conference committee. The House and the Senate conferees can decide to consider payroll taxes paid as a measurement against who gets the $500 child tax credit. They can do that. Some don't want to do it because it means they will not be able to get their special little deal in the Tax Code. They have lots of special trunks in cases that have been put in this bill. Some want to have their special deal, so they don't want to do this because it costs money.

If you want a fair tax cut and you want to be fair to working Americans and working families, you must say to those out there in the work force, "We will give a tax cut based on a $500-per-child tax credit and we will measure it against the taxes you pay—all taxes, including payroll taxes." The failure to do that means that this Congress is not doing right by middle-income families. This Congress is not doing right by nearly 4 million to 6 million children and the parents of those children who will be denied a reduction in their taxes only because the taxes they paid, the higher taxes they paid, were payroll taxes rather than income taxes.

So we have an opportunity to do this right. Most people look at the Congress and they think, if you cut taxes, guess what Congress will do? It will cut tax and give people at the higher income levels, at the upper end, the biggest tax cut.

Congress has two ways of doing things. It deals with cakes and crumbs. The folks at the bottom get the crumbs and the folks at the top get the cake with lighted candles on it. That is the way people think Congress behaves because too often that is the way they do behave. We have an opportunity in constructing a tax bill in this conference to do it the right way, which would be to say to all Americans we are going to give a $500-per-child tax credit, which the Republicans proposed and which the President proposed, which the Democrats and Republicans voted for, but that tax credit will not be denied the people just because they paid a payroll tax rather than an income tax.

This conference in the next couple of days can do this right or it can do it wrong. I hope they will listen to the voices of some in this country who say, if you are going to give a tax cut, pay some attention to the needs of the middle-income earners in this country who deserve a tax cut, yes, based on income taxes paid, but also based on the higher sales tax they pay every day as they go to work and work hard to support their families.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 955, making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 955) making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, my friend and colleague, Senator LEAHY, the ranking Democrat on the subcommittee, is detained down at the White House for the time being. I see his colleague, Senator DORGAN, standing in for him. We will, while Senator DORGAN is here, by mutual agreement, take care of several managers' amendments here at the outset of the discussion of this year's foreign operations bill.

There are a list of eight managers' amendments, which I will refer to and then send to the desk en bloc.

There is the McConnell-Leahy amendment requiring a report on the management of the Russia enterprise fund and prohibiting establishment of a private-public entity to manage the defense enterprise fund activities; a Leahy amendment establishing credit authority for AID; a Leahy amendment allowing funds to be transferred to the Export-Import Bank for NIS activities; a Leahy technical corrections amendment to section 571; a McConnell-Leahy amendment providing authorities to DSAA for the costs associated with the transfer of EDA to Central and East European countries and use of less expensive commercial transport and stockpiles in Thailand and Korea; a McConnell-Leahy amendment providing DSAA authority to obligate funds upon apportionment; a McConnell-Leahy amendment to provide a date for the report on Ukraine; and a Leahy amendment with a technical change on page 92.

AMENDMENTS NOS. 876 THROUGH 883, EN BLOC

Mr. McCONNELL. Mr. President, I send eight amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], proposes amendments numbered 876 through 883, en bloc.

The amendments are as follows:

AMENDMENT NO. 876

(Purpose: To improve the performance of enterprise funds)

On page 27, line 15 insert the following new sections:

(Q) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

(R) 60 days after the date of enactment of this Act, the Administrator of AID shall report to the Committees on Appropriations on the rate of obligation and risk and anticipated returns associated with commitments made by the U.S. Russia Investment Fund. The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project commitment.

AMENDMENT NO. 877

At the appropriate place in the bill, insert the following:

DEVELOPMENT CREDIT AUTHORITY

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $10,000,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: *Provided*, That of this amount, up to $1,500,000 for administrative expenses to carry out such programs may be transferred to and merged with "Operating Expenses of the Agency for International Development": *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: *Provided further*, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committee on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

AMENDMENT NO. 878

On page 20, line 14, after the word "paragraph" insert the following: "*Provided further*, That up to $22,000,000 made available under this heading may be transferred to the Export Import Bank of the United States, and up to $8,000,000 of the funds made available under this heading may be transferred to the Micro and Small Enterprise Development Program, to be used for the cost of direct loans and loan guarantees for the furtherance of programs under this heading: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974".

AMENDMENT NO. 879

On page 97, lien 5, strike the words "between the United States and the Government of Indonesia".

On page 97, line 6, insert a comma after the word "sale" and strike the word "or".

On page 97, line 7, after the word "transfer" insert ", or licensing".

On page 97, line 7, after the word "helicopter" insert "for Indonesia entered into by the United States".

AMENDMENT NO. 880

On page 102, line 9, after the word "1998.", insert the following:

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 575. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1998 and 1999".

SEC. 576. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2341h(b)(2)(B)) is amended by adding at the end the following: "Of the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

SEC. 577. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by

utilizing commercial transport services rather than acquiring those services from United States Government transport assets";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

AMENDMENT NO. 881

On page 34, line 21, after the word "Act" insert the following: ": *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a)"

AMENDMENT NO. 882

On page 24, line 9 insert after the word "resolution" the following: "*Provided further*, That the Secretary shall submit such determination and certification prior to March 31, 1998."

AMENDMENT NO. 883

(Purpose: To require the withholding of assistance to any country granting sanctuary to any person indicted by the International Criminal Tribunal for Rwanda)

On page 92, line 16, strike "is authorized to" and insert "shall".

On page 92, line 21, strike "should" and insert "shall".

Mr. BIDEN. Mr. President, I am pleased the managers of the bill will accept my amendment to the foreign operations appropriations bill. My amendment will apply the same standards for sanctions on countries that harbor Rwandan indicted war criminals as are applied to countries that provide sanctuary for individuals indicted by the Yugoslav war crimes tribunal.

As the bill is currently written, with the exception of certain types of humanitarian assistance, no foreign aid can be given to any country that provides sanctuary to individuals indicted by the Yugoslav war crimes tribunal. But for those individuals indicted by the Rwandan war crimes tribunal, the bill contains only a discretionary authority to withhold aid.

Mr. President, the United States was a cosponsor of the U.N. Security Council resolution which authorized the establishment of the Rwandan war crimes tribunal. Accountability for the 500,000 people killed in the 1994 genocide is an integral part of any effort for reconciliation and reconstruction in Rwanda, much like the Truth Commission in South Africa.

Mr. President, my amendment is not without precedent. The foreign operations bill 2 years ago restricted foreign assistance to countries that harbored both Rwandan and Yugoslav indicted war criminals. I believe this was the right standard, and to do anything less sends the wrong message on war crimes. If we say we are against war crimes in Yugoslavia, we should also equally say we are against war crimes in Rwanda. I don't believe that there's one Senator who doesn't share this belief—but it is important that we say so.

My amendment makes a strong statement of support for the Rwandan tribunal and for the cause of human rights in Africa.

Mr. MCCONNELL. Mr. President, it is my understanding that these have been approved by the Democrats.

Mr. DORGAN. Mr. President, if the Senator will yield, Senator LEAHY is detained. On his behalf, I am here to say that the amendments have been approved, and he is either a sponsor or a cosponsor with Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 876 through 883), en bloc, were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I am pleased to bring the fiscal year 1998 foreign operations, export promotion, and related programs appropriations bill to the Senate for consideration today. I might say at the outset that we anticipate finishing this bill tonight. There are very few amendments of which I am aware and, hopefully, we can mirror the speed with which the Department of Defense appropriations bill and the energy and water appropriations bill were completed.

Senator LEAHY and I have worked closely together to produce a bill which effectively serves vital international U.S. political and economic priorities with the $13 billion allocated to our subcommittee.

Let me point out right up front that while the bill stands at $13 billion, we are funding $13.2 billion on programs; the difference is due to the Budget Committee's treatment of arrears at international financial institutions.

For the first time in more than a decade, the foreign operations account actually experienced an increase. We can thank Senator STEVENS for understanding how important it is to have international options short of sending in U.S. troops. I might just say, Mr. President, on that point, there are a number of our colleagues who are particularly enthusiastic about the defense option, and I am among them. On the other hand, being able to engage overseas without the use of troops is frequently, always, less dangerous and, many times, less expensive.

For the better part of the last 3 years, Senator LEAHY and I have warned that the United States would pay long-term consequences if we continued the pattern of shortsighted gains made by reducing foreign assistance.

Finally, the administration listened. I want to commend Secretary Albright for making an increase in the 150 account her first and foremost priority. The nearly $1 billion increase arrested a devastating decade-long decline.

I think it is important to put this increase in perspective. Measured against foreign aid's peak year of 1985, our resources have dropped nearly 60 percent. Since 1990, we have seen a 40-percent reduction. Keep in mind that those cuts have occurred in times when the United States established assistance programs to help strengthen and stabilize more than two dozen new, emerging democracies.

As we welcome Poland, Hungary, and the Czech Republic into NATO, thereby expanding European stability and security arrangements, we should all remember it was the United States economic and security assistance that helped make this possible.

Just taking a look, Mr. President, at the chart here behind me, my colleagues will notice that in 1985, in billions, the foreign operations account was $28.2 billion. A mere 12 years later, it was $12.2. And what we are seeing this year, after a decline of $28.2 to $12 billion, is an increase back up to $13.4 billion.

I will argue, as I did a few moments ago, that given the new responsibilities to the new emerging democracies, that this increase this year in the 150 account is entirely appropriate.

The aspirations, ingenuity, and determination of the citizens of these countries—particularly in Central Europe—combined with American grants, loans, exchanges, training, and equipment to build democratic institutions, strong free markets, and responsible military partners makes a lot of sense.

Obviously, this effort should be continued. The combination of an increase in the foreign assistance allocation, along with progress made by emerging European democracies, have made this a key transition year—one in which we have an opportunity to initiate support for new priorities while ending or establishing clear performance benchmarks in countries where U.S. support is not fulfilling political or economic expectations.

In this context, let me review some of the bill's highlights.

In title I, we have increased export promotion support over the administration's request. We have fully funded the Trade and Development Agency and the Overseas Private Investment Corporation, and to compensate for dismal forecasting at the Eximbank, we have increased the funding there as well.

No one is more pleased than I am that there is a new team directing the

Bank's important work. However, the new Chairman arrives in with the news that the Bank expects to have to carry over into 1998 nearly $400 million in planned or possible 1997 projects because of a shortfall in available funding. At a time when everyone recognizes that exports are key to American economic growth, we need to support Exim's vital mission. While the administration asked for $632 million, we have provided $700 million to support American business as they venture into tough emerging markets.

Title II provides funding for all bilateral programs, including development assistance activities, programs in the new independent states and Central and Eastern Europe, disaster aid, the Peace Corps, international narcotics control, and a consolidated fund which covers nonproliferation, demining, antiterrorism, IAEA activities, and related programs.

Within this title, there are a number of provisions which reflect the committee's new emphasis of building on success and objectively recognizing and reversing failures.

Nowhere is this more evident than in the Middle East. I will not spend a great deal of time at this point on the issue of Egypt's record over the last 2 years. Let me simply say that funding for both Egypt and Israel has always been provided in the context of the Camp David accords and a national commitment to serving the interests of peace.

Leading a renewal of the Arab economic boycott of Israel, rejecting President Clinton's plea to participate in the peace summit, and actively opposing the Hebron agreement between Israel and the Palestinians are a few reasons why Egypt no longer seems to share our commitment to regional stability and peace. To send a signal that improvements are expected if aid is to continue to flow, the committee did not earmark funds for Egypt.

In contrast, King Hussein has taken enormous risks to advance peace, and the committee reflected its support for this effort by substantially increasing economic and security assistance to Jordan. Egypt and Jordan define the basic tenet of this bill: Aid is not an entitlement program. It must be earned, and it must be deserved.

The NIS offers other examples of this approach. For several years the Senate has earmarked funds for Ukraine. Now I believe it is time to assess results. Although Ukraine has made remarkable progress in passing a constitution and introducing a new currency, I think it is time to register our concerns that corruption and the slow pace of reforms may defeat the relevance and impact of our assistance.

As in the past, we have earmarked $225 million, making clear we still believe in Ukraine's strategic importance and support the constitutional and economic changes which have been achieved. However, to leverage improvements and accelerate the pace of reforms, 35 percent of the aid package is withheld until the Secretary of State certificates progress has been made combating corruption, and moving forward with key economic and political policy changes.

Russia offers another example of where aid must better serve United States interests. For the past 2 years, the bill has included language linking the provision of aid to the termination of Russia's nuclear cooperation with Iran—a provision always watered down by the administration. With elections around the corner, the administration's argument last year was simple: If we cut off aid, they said, we undermine the election chances of the only people who are committed to ending this lethal program.

Well, we all know the reformers won the election last year, and, unfortunately, the nuclear program is still around. Only now it is expanded, and the Russians are not only collaborating with Iran on a nuclear powerplant. They are working together on a missile technology program. This year a waiver allowing aid to continue—no matter what the Russians do with Iran—is simply out of the question.

Consistent with our effort to take aid off autopilot, the bill also includes language addressing the crisis in Cambodia. In our opening hearing this year, the administrator of AID referred to Cambodia as a democratic success story, a view echoed by the Secretary of State in our closing hearing. Persistent allegations of close collaboration between Cambodia's leadership and major regional drug traffickers were dismissed in that hearing, as were alarming accounts of the two prime ministers arming themselves for a resumption of civil war.

As we all know, a few short weeks ago the committee report called attention to this rapidly deteriorating situation and conditioned assistance of all further aid on progress in four key areas. The Secretary had to certify the government had taken steps to: First, end political violence and intimidation of opposition candidates; second, establish an independent election commission; third, protect voters and election participants by establishing laws and regulations guaranteeing freedom of speech and assembly; and, fourth, eliminate corruption and collaboration with narcotics dealers.

Mr. President, however elusive that goal now seems, each of these steps remains important to the future of democracy in Cambodia. With the coup engineered by Hun Sen last week, I intend to further modify these conditions as we proceed forward with this bill today.

Turning to title III, the committee has provided over $3.3 billion in security assistance, loans and grants and support for international peacekeeping. While this level reflects a slight reduction of the administration's request, we were able to provide an increase in aid to Jordan and an increase in support for Lithuania, Estonia, and Latvia.

Let me speak for a moment to the case of the Baltic countries. I know I am joined by many of my colleagues who believe the Baltic nations should be the next nations on the list of NATO entrants. Having never recognized their domination by the Soviet Union during the cold war, I think it is a serious mistake for the administration to now bow to Russian demands that the Baltic nations be excluded from NATO. In effect, the administration's policy relegates the Baltic States to the Russian sphere of influence, a perverse reversal of political fortune and a mistake of historic proportions.

These nations are ready, willing, and able to make a meaningful military and political contribution to NATO's mission. The funding we have provided will strengthen and deepen the Baltic ties to NATO by facilitating the completion of a civilian military regional airspace control system, an important step toward membership. This funding reflects a strong view that Latvia, Lithuania, and Estonia deserve to be integrated into a stable European security structure and have earned our political commitment and continued support for NATO admission.

Finally, let me turn to title IV in the bill, which provides funding for the international financial institutions. Although we have reduced the administration's request, we have been able to meet virtually all current-year obligations as well as make substantial progress on past obligations incurred by this administration.

I want all of my colleagues to know that we have once again withheld funds for IDA until the Secretary of the Treasury certificates that the interim trust fund has removed all procurement restrictions imposed which exclude American contractors.

I want the members of both the trust fund and IDA to be on notice that these restrictions must be gone before this legislation is enacted or I cannot support full funding for IDA in conference.

The last section of the bill is devoted to general provisions. One in particular is worth noting because it is in keeping with the principles we have developed to end aid as an entitlement program.

When the Dayton agreement was signed, each party pledged to support the International Tribunal's efforts to arrest and prosecute war criminals. Today, 66 indicted fugitives remain at large—with potentially many more under sealed indictment.

These are not bandits in hiding living in fear of capture. These outlaws continue to work and wander the streets and, in some cases, such those of Radovan Karadic and Ratko Mladic, they continue to exercise real power.

Section 573 ends assistance to regional authorities refusing to cooperate in the international effort to bring these fugitives to justice. Peace in Bosnia cannot be sustained if the Tribunal fails to complete its task. Stability and economic growth depend on the repatriation of refugees consistent with the Dayton agreement—and those refugees will not return to communities which continue to be terrorized and intimidated by war criminals.

Section 573 bans aid to countries which have not cooperated in the arrest of war criminals. Waiver authority is granted to the President for a period of 6 months, if he certifies that a country has turned over a majority of war criminals. However, at the end of the 6 months, aid can only continue if the President certifies that all war criminals have been arrested.

The provision exempts democracy building, demining and humanitarian programs in an effort to afford the administration some carrots as it attempts to encourage compliance.

But, this should not be seen as a door which will be opened wider creating more exemptions and weaker standards. Let us be clear on a single point: after more than $400 million in U.S. aid, we need to implement and enforce the moral reckoning which only the Tribunal can offer. Only justice can bridge the deep divides which continue to fracture the former Yugoslavia.

Let me conclude by once again emphasizing that the increase in the 150 account represents both an opportunity and an obligation to more effectively serve American international interests. We can only accomplish this purpose if we end aid as an entitlement program. I believe this bill sets us on the right course and I encourage my colleagues to support it.

AMENDMENTS NOS. 885, 886, AND 887

Mr. McCONNELL. As an indication of how quickly we should be able to move this bill, I see that my friend and colleague from Oregon is here ready to offer an amendment, and before I yield the floor for that purpose, I will offer an amendment to earmark aid to Egypt for myself and Senator LEAHY, Senator STEVENS, and Senator BYRD.

I am also going to send to the desk two amendments on Cambodia.

So, Mr. President, I am sending to the desk three amendments at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself, Mr. LEAHY, Mr. STEVENS, and Mr. BYRD, proposes an amendment numbered 885.

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 886.

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 887.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 885

(Purpose: To provide assistance to Egypt)

On page 17, line 14, strike the number "$2,585,100,000" and insert in lieu thereof, "$2,541,150,000".

On page 17, line 20, after the word "later:" insert: ": *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years:".

On page 33, line 26, strike the number "$3,265,000,000" and insert in lieu thereof "$3,308,950,000".

On page 34, line 3, after the word "Israel" insert: ", and not less than $1,300,000,000 shall be made available for grants only for Egypt.".

AMENDMENT NO. 886

(Purpose: To restrict aid to Cambodia)

On page 11, line 14, strike all after the word "Of" through page 12, line 13, ending with the number "1997." and insert in lieu thereof the following: "None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers: *Provided*, That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: *Provided further*, That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigation, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.".

AMENDMENT NO. 887

(Purpose: To restrict aid to Cambodia)

On page 96, line 20, strike all after the word "Cambodia" through page 97, line 2, ending with the word "smugglers." and insert in lieu thereof the following: "has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers.".

Mr. McCONNELL. I ask that all three of those amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Now, Mr. President, I yield the floor.

AMENDMENT NO. 888

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself, Mr. NICKLES, Mr. THOMAS, Mr. HUTCHINSON, and Mr. GORTON, proposes an amendment numbered 888.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

Mr. SMITH of Oregon. Mr. President, a few weeks ago, on the Fourth of July, as Americans were celebrating their cherished freedoms upon which this country was founded, the Russian Federation passed a bill which, if signed into law, would restrict freedom of religion in that country in a lamentable way.

This bill is ironically titled, "On Freedom of Conscience and on Religious Associations." It first passed the lower house of the Russian Duma in late June.

The bill would, among other things, limit the activities of foreign missionaries and grant unregistered religious groups significantly fewer rights than accredited Russian religious organizations such as the Russian Orthodox Church, Islam, Judaism, and Buddhism.

Mr. President, this bill awaiting signature now on President Yeltsin's desk would severely limit the very existence of what Russia terms "new faiths." These "new faiths" include many Protestant faiths—Evangelicals, fundamentalists, Pentecostals, SDA's, Jehovah's Witnesses, Mormons, and even the Catholic Church. These faiths will be persecuted as religious minorities under this proposed law.

Congress has already taken a number of steps to send signals to President Yeltsin about this bill. Many Members of both Houses have signed letters to President Yeltsin and to President Clinton. From the Vatican to former President Jimmy Carter, the reaction to this law has been strong and unwavering.

I rise today to send an even stronger signal. My amendment would withhold funds appropriated in the foreign operations bill to Russia unless the President of the United States determines and verifies in writing to the Congress that the Government of Russia has enacted no statute that would discriminate against religious minorities in the Russian Federation.

Mr. President, I realize, as do all Senators, that Russia is a sovereign country. We cannot tell Russia what to do as a country. We can, however, elect not to send foreign aid to a country that would discriminate against religious beliefs in so fundamental a way.

This will be the clearest and strongest message that can be sent to President Yeltsin. Should he decide to enact into law this discrimination, we then will send no American funds, none of our taxpayers' hard-earned moneys, to that country in the fiscal year of 1998.

In the modern world, for most religions, the kind of deprivation of status that the Russian bill would enact, should it become law, is a major encroachment upon religious freedom.

Many international agreements have already been signed that require signatories to guarantee religious freedom. For example, sections of the Vienna Concluding Document of the Conference on Security and Cooperation in Europe commits participating States in the Helsinki process to grant religious freedom as part of their Constitution.

Mr. President, the Russian Federation is a signatory to that Vienna document. Furthermore, the bill on President Yeltsin's desk would not only violate this and other international agreements; it would also violate Russia's own Constitution which guarantees religious freedoms we as Americans have come to hold as so dear and so fundamental. I know some might argue, Mr. President, that we should not take these kinds of actions; that we are trying to help Russia build democracy, and we are and want to do those things, but I would say to them that religious freedom is the cornerstone of democracy. Indeed, a democratic foundation without that cornerstone of religious freedom is a democracy that is built upon sand.

I hope that all Senators will join me in sending a strong signal to President Yeltsin that American dollars will not find their way to support any country that treats religious freedom in such a manner.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. MCCONNELL. Mr. President, I just walked back in the Chamber. I am not quite sure——

Mr. SMITH of Oregon. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. MCCONNELL. Mr. President, let me say that we will get a sufficient second for a vote on this amendment. I am told by the Democratic Cloakroom that it would be permissible to have a couple of votes around 12:30, and it is my plan to have a vote on the Smith amendment at about 12:30.

I also understand under the previous agreement we are to vote on final passage on energy and water in juxtaposition to that vote.

Mr. President, is that correct?

The PRESIDING OFFICER. The vote on final passage will follow the first vote on this bill. That is correct.

Mr. MCCONNELL. So, Mr. President, why don't I ask unanimous consent that we have a vote on the Smith amendment at 12:30.

Mr. President, I withhold.

Mr. President, we may have the ability to get the yeas and nays now. I ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, let me say again we are not going to set the time for the Smith amendment now until we have had further consultation with the Democratic Cloakroom, but in all likelihood there would be two votes at 12:30, one on the Smith amendment and the other on final passage of energy and water.

AMENDMENT NO. 889 TO AMENDMENT NO. 888

Mr. SMITH of Oregon. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, the pending business now is the second-degree amendment of the Senator from Oregon?

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH], for himself and Mr. NICKLES, proposes an amendment numbered 889 to amendment No. 888.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

This section shall become effective one day after the enactment of this bill.

Mr. SMITH of Oregon. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of Oregon. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I would like to voice my support for the Smith amendment prohibiting foreign assistance to the Government of Russia, should it enact laws that would discriminate against religious minorities and religious faiths in the Russian federation. As you eloquently pointed out, on July 4, and ironically on July 4, as we celebrated our precious freedoms in the United States the Russian Federal Assembly gave final approval to a bill which would seriously undermine religious freedom in Russia.

I was in Poland just 1 week ago, representing the Senate at an international conference, the Sixth Annual Session of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. At this conference, I had the opportunity to chair a bilateral meeting with the Speaker of the Russian Duma and we discussed this bill at length.

In that bilateral meeting were a number of deputies from the Russian Duma. I found that their concept of rights and freedoms were strikingly in contrast to our concept of freedoms, as embodied in our Constitution and in our American tradition. Repeatedly, as we discussed the proposed law that the Russian Duma at that point had already voted on—the upper body had not yet at that point voted on it—it was clear that they viewed religious freedom, and in fact all rights, as being that which could be granted by the Government as opposed to our concept, embodied in our Constitution and our founding documents, that those rights and those freedoms are unalienable and endowed by our Creator—given by God. Therefore, as viewing rights as being something given by the Government, they saw no problem in removing the unlimited, unfettered right to freedom of religion.

I was alarmed at the attitude and the intransigence that we found, not only from the Speaker of the Duma but the deputies who were present, and their concept. They said, and I paraphrase but very close to what was said in this bilateral meeting, that we must protect naive Russians from cults—cults being a broad definition to include all of the so-called new faiths. Of course, Russia today is experiencing a tremendous renewal of religious faith. In, I think, a misguided effort to protect the Orthodox Russian Church, this law has been proposed. I said very frankly and very bluntly—and may I say Congressman CLEMENT from Tennessee, Congressman DINGELL from Michigan, and a number of other Members of the U.S. Congress were present during this bilateral meeting and echoed my sentiments—that this law proposed, passed by the Duma, now pending before President Yeltsin, is antithetical to and irreconcilable with a true concept of liberty and religious freedom.

Among the provisions in this bill that are most alarming is the requirement that religious groups list all of their numbers, their names, their addresses, a requirement that a commission be established—a commission of state experts—to review the doctrines and practices of groups applying for registration. It is unimaginable in this country, in which we have so enshrined the concept of religious freedom. There is a requirement under this bill that a religious group be in existence for 50 years in order to receive "all Russian" status, creating a division between religious associations and groups which could create a multitier religious hierarchy of different denominations. And then in this bill is a requirement that would deny for a 15-year period legal status to new religious groups, which could include those groups that refused to register under the Communist regime. Without legal status, these religious groups could not rent public space for services, they would find it difficult to conduct any financial activity, invite foreigners to Russia, or set up a church school for children.

There is no justifiable reason to divide religious organizations into two categories, one with full rights and privileges and the others with limited rights, limited privileges. This new Russian law discriminates against religious faiths by establishing a hierarchy of religious groups under the law and denying legal status to communities of believers.

When similar legislation threatened religious freedom in Russia only 4 years ago, Members of the House, Members of this body, the Senate, joined together in an urgent appeal to Boris Yeltsin to veto that legislation. Courageously, President Yeltsin stood firm. He refused to sign that bill into law.

Now we have an opportunity, thanks to the amendment of Senator SMITH of Oregon, to send a strong message to Russia that we will take concerted action to preserve this essential human right. This is potentially the greatest retreat on religious freedom and human rights since the fall of the Soviet Union, and it is an ominous sign about the future of that Republic. We must forcefully signal our grave concern by passing the Smith amendment. I hope my colleagues in the U.S. Senate will join with Senator SMITH of Oregon in sending that signal to the Government of Russia, and add encouragement and solidarity with the people of the Russian Republic.

I yield the floor.

Mr. HATCH. Mr. President, I wish to rise and join my colleagues in supporting the Smith amendment to the fiscal year 1998 foreign operations bill that would cut assistance to the Government of the Russian Federation if it enacts the onerous bill passed by the Duma last month entitled "On Freedom of Conscience and Religious Association."

Mr. President, this bill passed by the Duma is about restricting freedom of conscience and prohibiting the freedom of conscience. It is a major step backward for democracy and human rights in Russia. It takes Russia away from the West and the institutions that protect an individual's freedom of religion.

The bill passed by the Duma—promoted by an unholy alliance of Communists and Populists whose responsibility to the country appears to focus on restricting its citizens' ability to practice any faith they choose.

The measures in the bill are deeply objectionable. A few points are worth mentioning:

Religious groups must register with the government by 1998. In a blatant act of discrimination, the bill assigns different religions to different categories that will afford them different sets of rights.

For a religion to be deemed a religious organization, it will have to demonstrate that they have officially existed in Russia for at least 15 years. This means that the religion would have had to register under Communist dictator Leonid Brezhnev, at a time when the Soviet Union was officially atheistic and officially repressive to the pursuit of faith.

Religious groups not deemed in the official, first category of "religious organizations" would have greatly restricted rights. They would have no legal status. Members would have to be individually and officially registered. They groups could not rent public space for services, own property, conduct financial activity, invite foreigners to Russia, or set up church schools.

To register as a "religious organization," a religious group would have to (a) be sponsored by a Russian religious organization, (b) undergo a 15-year registration period, and (c) have "authenticity" determined by a commission of state experts, who would review a faith's doctrine for admissibility. This state bureaucracy could deny registration to faiths on a wide range of practices, such as advocating nonmedical forms of healing, monasticism, conscientious objection, and proselytizing to minors.

Mr. President, the Duma bill on restricting religious rights is contrary to international conventions signed by Russia, including the Helsinki Treaty of 1989, which states:

> [Participating states] will take effective measures to prevent and eliminate discrimination against individuals of communities on grounds of religion or belief in the recognitions, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life; and
>
> [participating states] will grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of the States, recognition of the status provided for them in their respective countries.

But if the Russian Government wishes to ignore its treaty obligations—which, from our record of arms control agreements, we must recognize is not a unique development—it is still shocking that the Duma egregiously ignores the Russian Constitution, which states:

> The state guarantees the equality of rights and freedoms regardless of sex, race, nationality, language, origin, property and official

> position, place of residence, attitude to religion, convictions, membership in public associations, as well as other circumstances. Banned are all forms of limitations of human rights on social, racial, national, language or religious grounds. (Art. 19)

It is indeed of great concern to me, Mr. President, that the Duma sees fit to legislate restrictions on individual rights at a time when Russian society is greatly suffering. Michael Specter of the New York Times recently wrote about the alarming downward spiral in the health of the Russian population. In that article, Specter notes that per capita alcohol consumption is the highest in the world; that Russia has a wider gap in life expectancy between men and women than in any other country; that of the nations of Asia, America, and Europe, Russia's mortality rate is ahead of only Afghanistan and Cambodia; and that the death rate among working Russians today is higher than a century ago. And the indicators are getting worse: the mortality rate for Russian men between 40 and 49 years of age increased by over 50 percent between 1990 and 1995. The reporter concluded: "An astonishing drop in life expectancy for Russian men over the past decade, combined with one of the lowest birthrates on earth, has turned Russia into a demographic freak show."

Mr. President, we can expect yelping from the supporters of this bill in the Duma. Delighted to frustrate President Yeltsin's every move, they will claim that international opprobrium against this bill is infringing on Russia's sovereignty. This is not a question of Russia's sovereignty, Mr. President. The calls and letters President Yeltsin has received from political and religious leaders around the world declare our concerns about the freedom of individual conscience in Russia, concerns their elected body should share, not patronize.

U.S. assistance is not an entitlement. It is a demonstration of our support for the emergence of democracy in a land cursed by communism for most of this decade. If Russia turns back to the night of authoritarianism, we should not squander our resources, Mr. President.

In the past 2 weeks, we have seen the announcement of the historic enlargement of NATO. The Russian Government opposed this, somewhat disingenuously, I believe, because its concerns where not reflecting the concerns of the Russian people, who are much more concerned with poverty, disease, and rampant crime and their Duma's incessant political posturing, than they are of an alliance that has no historic record of aggression.

Among those in the West, there were several groups of thinkers who supported this move. Perhaps they could be referred to as idealists and realists. The idealists hold a sense of optimism that believes that the enlargement of NATO is an expansion of democratic societies, which, history has shown, have a lesser tendency to go to war with each other. Certainly the history of NATO is clearly that of a defensive collective organization committed solely to its own defense.

The realists focused on an unpredictable future and a geopolitical vacuum. This temporal and spatial approach, traditional geopolitics, warns that we do not know the ultimate evolution of the Russian state. It argues that there is little historical experience of democracy in Russia.

The idealists focus on the internal aspects of NATO and the expansion of democracies. To idealists, the solution to Russia's concerns about NATO would occur when Russia is seen to have fully demonstrated its evolution to rule by democratic institutions. Because would NATO need to defend against such a Russia?

I would like to think of myself as an idealist, Mr. President. And I support the enlargement of NATO because I welcome Hungary, the Czech Republic, and Poland to the family of democratic nations. Their membership in NATO will work to preserve their democratic accomplishments.

But the developments in Russia—in particular this bill against religious freedom by the Duma—cloud my optimism. If Russia turns away from democracy in favor of an ill-considered exercise in demagogic politics, the realists, who fear a future authoritarian Russia and seek to prepare for it, will have their views confirmed.

Mr. President, I have long supported Boris Yeltsin. In fact, when he first came to the United States in the late 1980's, I was among the few who said, to the Republican administration at the time: "You're focusing on the wrong guy, Gorbachev. This is the man to watch, and this is the man to back." Since then, I have strongly approved every time President Yeltsin stood bravely for democracy in Russia. When he stood on that tank in defense of Russia's nascent democracy, my prayers were with him.

I expect that President Yeltsin will veto this bill. That will make this legislation that we will pass today merely a demonstration that this body will stand for religious freedom in Russia. I will stand and applaud him when he vetoes this bill.

But if this bill becomes law in Russia, Mr. President. Our support for democracy in Russia has been dealt perhaps a fatal blow. We should not waste our funds promoting democratic development on a government that turns away from democracy. And if President Yeltsin signs the the bill against religious rights, Mr. President, I will pray for Russia.

Mr. BINGAMAN. Mr. President, I rise today to explain why I cannot support Senator SMITH's amendment to the foreign operations appropriations bill, S. 955, which we are debating here today.

I believe that Senator SMITH and others in this Chamber who vote in favor of this amendment have good intentions, but this amendment is not structured in a manner that I can support. This amendment would prohibit the United States from issuing foreign aid to the Government of Russia should it enact laws which would discriminate against minority religious faiths in the Russian federation. On the surface, this is a very well intentioned effort.

I understand and completely support the fundamental importance and right of religious freedom, a constitutionally protected right in our Nation, as I also appreciate the importance of other freedoms that we hold dear in the United States such as the freedom of speech and freedom to assemble.

However, Russia and many other nations have not organized their nations to provide the same degree of freedoms that our Nation provides. This is not an excuse for other countries; it is just simple fact. To tie our Nation's foreign aid decisions too closely to legislative outcomes in other countries—even absolutely egregious ones like the Russian law which recently passed the Duma restricting recognized faiths to those recognized by the former Soviet Union before 1984, including Orthodox Christianity, Islam, Buddhism, and Judaism—can have serious unintended consequences and disrupt national security objectives of our Nation. Through legislative actions such as this one which we are considering today, we can actually trigger the enactment of outrageous laws in other nations which could seriously damage the existing freedoms that citizens in other nations have.

We should realize that many other nations—including Israel, Egypt, Turkey, and other recipients of United States aid—would lose that aid if held to the same standard that we are proposing for Russia. Perhaps this is something that we should discuss here. But my sense is that we don't want a single measuring stick—and that today, we are focusing on Russia in a rather knee-jerk fashion. Russia needs to hear our concerns about religious freedoms, and I feel that we should pursue this matter and communicate United States objections to this Russian law in the many different arenas available to us in our engagement with Russia. However, this vehicle—as it is constructed—is not appropriate and could send matters in a negative rather than positive direction.

I think that the most important item left out of the drafting of this amendment is a national security waiver, which would permit the President to waive the provisions of this bill in cases where American national security were at stake. If this provision had been included, I may have viewed this amendment more positively.

Again, I believe firmly in the innate human right to worship as each individual sees fit. However, in my opinion, not only is this particular foreign aid provision an inappropriate vehicle to send that message abroad but it also ties the hands of the President in the execution of foreign policy and fails to allow for waivers which may very well be in the national security interests of the United States.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I commend the distinguished occupant of the Chair, the Senator from Oregon, for an excellent amendment. I was in the Senate when we started the Russian aid program. I would say to Senator SMITH and Senator HUTCHINSON, who spoke so eloquently in behalf of this amendment, the whole Russian aid program was predicated on the notion that we were going to have a Russia based on the principles of democracy, free speech and freedom of religion—the fundamental underpinnings of our Western society, led by the United States many years ago when we were largely alone in establishing these principles; that the new Russia, at least in those very basic respects, was going to be not dissimilar to the United States on these fundamental freedoms. And, as an enthusiastic supporter of Russian assistance, both in the beginning and since, I can tell you that is not assistance without stipulation. It is not assistance no matter how you act.

As I said in my opening statement, this foreign aid bill this year, if it stands for anything, it stands for the notion that foreign assistance is not an entitlement. It is not something you get automatically this year because you got it last year. Foreign assistance is designed to promote American interests abroad. Foreign assistance is the only way that the Government directly impacts overseas, other than sending in the troops, which is expensive and dangerous. But, with the less than 1 percent of our budget that we devote to this activity, we must use it in a way that promotes American values as well as American interests.

So, the distinguished Senator from Oregon and Senator HUTCHINSON, who has spoken in his behalf in support of this amendment, have it exactly right. You have it exactly right. This is the sort of action that ought to jeopardize the Russian aid program. We ought not to be giving assistance to a country that, as a result of direct government initiative in what purports to be a democracy, is seeking to grant religious favoritism to certain kinds of religions at the expense of the others.

So, I commend the Senator from Oregon, Senator SMITH, for this outstanding amendment. I intend to support it. Again, I might say, we are hopeful that a vote on this amendment will occur around 12:30. That is not something I can announce yet, but we are hopeful it will occur around 12:30.

I would say to my colleague from Oregon, does he wish additional time to discuss the amendment?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. GORTON. Mr. President, what is the status of the bill?

The PRESIDING OFFICER. There are several amendments pending to S. 955.

AMENDMENT NO. 893

(Purpose: To express the sense of the Senate regarding the eligibility for NATO membership of Estonia, Latvia, and Lithuania)

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DURBIN, and Mr. McCONNELL, proposes an amendment numbered 893.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that Estonia, Latvia, and Lithuania—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

Mr. GORTON. Mr. President, last week the United States joined with our European allies to invite three nations to join the North Atlantic Treaty Organization [NATO]. Hungary, Poland, and the Czech Republic are deserving of this invitation. I congratulate them on their achievements and look forward to a strong and lasting relationship with the people of these nations.

Today I offer an amendment with my colleague, Senator DURBIN, and the distinguished chairman of the subcommittee, Senator McCONNELL, to ensure that NATO expansion does not stop here. The Madrid summit was only the first step in our efforts to see to it that the nations of Eastern Europe and the former Soviet Union are brought firmly into democracy's camp. Further expansion of NATO is essential if democratic and economic reforms are to continue and if communism is to be eliminated entirely from the European Continent.

My amendment expresses the sense of the Senate that Estonia, Latvia, and Lithuania should be invited to join NATO at the earliest possible date. These three tiny nations, perched between the Baltic Sea and the northwestern border of Russia, have made remarkable strides since they gained independence from the Soviet Union in 1991. Estonia, Latvia, and Lithuania have all made significant progress toward the NATO requirements of irreversible democracy, free market economies, and civilian-controlled militaries. They have even participated in NATO's Partnership for Peace initiative by supplying troops to NATO peacekeeping efforts. The Baltic nations have requested and deserve consideration for full NATO membership.

From a history wrought with foreign interventions that tore them from their rightful place in the European mainstream and subjected them to the heavy hand of communism, the Baltics have emerged from the economic and political darkness to embrace democracy and the free market with unsurpassed vigor. If these nations are ever to continue on the road to democracy and economic reform, they must feel secure from the possibility of future foreign domination. The United States and NATO have an important role to play in providing that necessary security.

Having traveled to Estonia twice in the past 5 years, I have a very personal interest in its entry into NATO. The people of Estonia, much like their Baltic neighbors, have been under foreign rule throughout history. They were ruled by Germans in the 13th century, Swedes in the 16th and 17th centuries, Tsarist Russia in the 19th century, and the Soviet Union after World War II. With the end of Soviet domination, Estonians and their neighbors in Latvia and Lithuania are looking to the West for confirmation of their right to independence.

Unfortunately, the subject of NATO expansion to Estonia, Latvia, and Lithuania has become highly controversial. Many in the United States national security community believe the Baltics, lying so close to Russia and within the area Yeltsin considers to be Russia's sphere of influence, should not be considered for NATO membership. Out of fear of isolating Russia, the United States and our European allies may forsake the three tiny nations that did so much to promote the collapse of the Soviet Union and the eradication of communism throughout Eastern Europe. Now is the time for the United States take decisive action to rectify the past and protect the Baltics from any future foreign irredentism.

Future NATO membership for Estonia, Latvia, and Lithuania is essential to their safety and prosperity. Security concerns will take precedence over continued democratic and economic reforms if the Baltics continue to exist, unprotected, in the shadow of an increasingly nationalistic Russia.

We must be vigilant, Mr. President, in our efforts to extend NATO's reach to all democratic nations in Europe who cannot protect themselves. If we leave these nations exposed to the risk of foreign invasion and influence, the gains we made in expanding democracy and freedom across the globe will be vulnerable to erosion.

The United States must continue to set an example for the world as a promoter and protector of democratic freedom. As victors in the cold war, we have never had a greater opportunity than this to show democracy's enemies that we have the courage and the will to stand firm against them. We should embrace this historic opportunity and bring every nation deserving of NATO membership into democracy's fold, even those nations closest to the heart of Russia.

The people of Estonia, Latvia, and Lithuania have been out in the cold long enough. They should be commended for the great strides they have made already toward the requirements for NATO membership and would make an outstanding contribution to stability, freedom, and peace in Europe as NATO members. It is time the West welcome them into NATO with open arms.

I thank Senator McCONNELL and Senator DURBIN for cosponsoring this important amendment, and I urge my colleagues to vote "yes" on inclusion of the Baltics in NATO.

Mr. President, to reiterate, this amendment was proposed by myself and by the distinguished Senator from Illinois, [Mr. DURBIN], as an add-on a week or so ago to the defense authorization bill and was accepted by the Senate unanimously at that point.

The Senator from Illinois and I, and I believe, with the happy assent of the manager of the bill, Senator McCONNELL, are presenting it, once again, in the glorious aftermath of last week's meeting of the North Atlantic Treaty Organization in Madrid.

At that meeting, the Czech Republic, Poland, and Hungary were admitted to NATO. Several other nations who are applicants to NATO were not admitted but were put at least on the road toward meeting the qualifications for entrance into the North Atlantic Treaty Organization. Slovenia and Romania were put more or less at the front of that parade. But in Madrid, there were also represented the three small Baltic nations of Estonia, Latvia and Lithuania, small nations that have been independent for only a relatively short period during their long history.

Unlike the other applicants for the North Atlantic Treaty Organization, these three nations were, in fact, occupied by and incorporated into the Soviet Union from 1940, with a pause for German occupation, until just a very few years ago when they, once again, obtained their independence. None of those countries has any goal greater than being recognized as a part of the West, as being free countries, both politically and economically. No set of nations has been more oppressed by their neighbors than these three nations. None, I think, has a greater dedication to freedom, to liberty, to democracy, and to free markets.

This amendment simply states that we hope that these countries will be carefully considered for the North Atlantic Treaty Organization at such time as they have met all of its qualifications. The North Atlantic Treaty Organization, of course, was formed originally simply for the defense of the West, a task which was overwhelmingly successful. But as we note the response in the three countries about to be admitted, we find that the goals are psychic every bit as much as they relate to any kind of military defense. It ratifies the choices that these three new applicants made to be democracies, to be a part of the West, to care to attempt to catch up, to join what we consider to be the free and democratic world.

Exactly those same feelings are found in the other applicant countries, exactly those feelings are found in the Baltics.

This amendment is a modest way to encourage those three small nations to continue to move in the right direction by stating to them that when they are fully qualified, they will become members of NATO. On behalf of my cosponsors and myself, I urge the adoption of the amendment.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I commend my friend and colleague from Washington, Senator GORTON, for this amendment. As the Senator knows from previous discussions, I share his view that if we were establishing the parade, the next countries at the front of the parade clearly ought to be the Baltic countries. As a matter of fact, as my friend from Washington knows, we included in the bill $20 million in grants and loans to the three Baltic countries, just as we provided financial assistance last year to Poland, Hungary and the Czech Republic in order to help them upgrade their militaries in order to seek to achieve a level of acceptance for admission to NATO.

So I think the amendment of the Senator from Washington, of which I am a cosponsor, is an excellent addition to this debate, and I completely share his views. The countries are most worthy for admission to NATO. We have recognized their independence throughout the cold war. They are doing an awful lot of things correctly. These countries are making enormous progress, and some have argued that they have done every bit as well as Hungary, Poland and the Czech Republic, if not even better.

So I commend my friend from Washington for his amendment. I think it is an excellent amendment.

Mr. GORTON. I thank the Senator from Kentucky for his kind remarks.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCONNELL. Mr. President, does the Senator from Washington hope to get a recorded vote on this?

Mr. GORTON. No, a voice vote will be sufficient.

The PRESIDING OFFICER. If there is no further discussion or debate on the amendment, the question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment (No. 893) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent to permit Lesley Carson, a fellow working with the minority side of the Foreign Operations Subcommittee, to have floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 885

Mr. McCONNELL. Mr. President, one of the managers' amendments we will be voting on—actually approving on a voice vote at some point during the debate—relates to our friends in Egypt. I want to make a few observations about the current relationship between the United States and Egypt.

Since the Camp David accords were signed in 1979, United States foreign assistance to Egypt has topped $42 billion. While some progress has been made in the last 16 years, I think it is important to point out the obvious, which is Egypt's role has changed and changed significantly.

Let me review the record so there is a better sense of why the bill reported from the committee did not include the longstanding earmark for Egypt.

First and foremost, Senator LEAHY and I tried this year to get our aid program off autopilot. Our domestic agencies and programs have been put through the budget ringer to determine where we could reduce spending. Foreign aid obviously should not be exempted from this critical appraisal. As we conducted this review, we established very simple tests for evaluating performance. Does the program serve U.S. interests in stability, democracy, and market economies? Are U.S. resources well invested and well spent?

The basic principle which has guided the provision of support in the Middle East has been a shared commitment to the Camp David accords and the promotion of peace. Unfortunately, Egypt's record over the last 2 years indicates a shift away from that commitment.

Let me begin by referring to a letter sent by 25 Senators to President Mubarak last July following an Arab summit convened in Cairo.

I ask unanimous consent that the letter and the communique issued at the summit be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. Mr. President, let me just quote from the letter. The Senators said in that letter:

> We are concerned that the communique issued at the end of the summit compromises prospects to advance negotiations with the new, democratically elected government of Israel. We believe that limiting or conditioning options for peace discussions with the newly elected government of Israel before its policies have been officially formulated damages prospects for peace. Threats from countries of the Arab League to "reconsider steps taken in the context of the peace process, in relation to Israel" do little to enhance successful negotiations. . . .

The letter went on:.

> We are especially troubled that a leader of your stature created a forum, including Libya and Sudan, which question Israel's right to exist.

Inviting Libya and Sudan to Cairo to condemn Israel is not the kind of initiative which serves peace or, for that matter, should be rewarded with another $3 billion.

The July Cairo summit was followed in late September 1996 by an escalation in tension between Israelis and Palestinians over the so-called tunnel crisis. When violence erupted in the streets, President Clinton called upon Prime Minister Netanyahu, Chairman Arafat, King Hussein, and President Mubarak to come to Washington to negotiate a solution. Every leader came except Mubarak. Every leader had as much to gain and certainly a great deal to lose if the discussions failed. Every leader knew there were costs associated with a high-profile summit which might not relieve tensions.

Only President Mubarak decided it was not worth his time or effort to continue a crucial dialogue with the simple objective of salvaging the peace process. After refusing to participate in this summit, President Mubarak decided to convene another Arab roundtable. In March of this year, he called together the Arab League in Cairo where the foreign ministers passed a resolution which is worth taking a look at. The text read:

> The Council recommends as follows: (1) stopping all normalization steps which have been taken with Israel in the framework of the current peace process, and halting all dealings with it, including closing offices and missions . . . and (2) Suspending Arab participation in the multilateral talks and continuing to maintain the primary Arab boycott and reactivating it against Israel.

Mr. President, this is not a resolution of peace. We should see this just for what it was as described by the Arab League's Secretary General, "binding" and an open declaration of hostility.

This summit was followed by a crisis in negotiations over the redeployment of Israeli troops in Hebron. There is no question that the Egyptian leadership consistently and actively worked against a resolution of each contentious issue. From hot pursuit to the use of the Shuhada Road, the message from Cairo was provocative and counterproductive.

Finally, and of most alarm, is Egypt's relationship with Libya. I mentioned the invitation to the Cairo summit. That is just the tip of the iceberg. President Mubarak ended a recent visit to Tripoli announcing the goal of establishing $1 billion in annual trade and a free trade zone, a goal made all the more interesting when contrasted with the current level of $82 million in annual trade with Israel. $1 billion in trade with Libya, $82 million in trade with Israel.

Let us remember that Libya is the target of tough U.N. sanctions which imposed an air, arms, and diplomatic embargo in 1992 when Qadhafi failed to extradite two terrorists linked to the Pan Am bombing which killed 270 people. The sanctions were extended when Libya failed to cooperate in the investigation into the bombing of a French airliner which killed 171 passengers.

Sanctions against Libya are not the peculiar position of the United States; they are a matter of international consensus—international consensus—that is, with the exception of Egypt.

In May, President Mubarak denounced the embargo because, in his words, it has "gone on for too long." He also challenged international charges that Libya has a chemical weapons capability. Not so, says Mubarak.

As recently as January, when I joined Senator STEVENS and a number of other Members on a trip to the Middle East, we heard the Defense Minister describe Libya as a country undergoing economic reforms and political liberalization and a key security ally. This was the Egyptian Defense Minister discussing Libya.

This Egypt-Libya relationship is probably why families of Pan Am 103 victims have called my office to express their support for removing Egypt's $3 billion earmark.

Mr. President, I have chronicled the collapse of Egypt's role in the peace process not to incite but to invite change. We have had a successful partnership with Egypt which has certainly endured difficulties and setbacks, but they have been on the whole temporary and intermittent.

For 18 months we have seen a significant shift in the wrong direction in Egyptian policies. We have moved from a road of periodic bumps into a long, deep policy ditch, which we must find our way out of.

Eliminating the earmark was intended to send the signal that our support will not continue no matter what choices Egypt makes. We will not sustain an ally, and advocate of Libya. It makes no sense to offer assistance to opponents of the peace process.

I am convinced the message has been heard. Coincidental with the Senate action, we have seen senior Egyptian officials resume constructive and active efforts to advance the peace process. I am satisfied, as I am sure the Israeli leadership is, that Cairo has resumed the crucial role we know it has, and can play to stabilize the region and secure a durable peace.

Because I believe good faith is being restored, and the goals of the Camp David agreement are once again being served, I will be supporting an amendment, which in fact I have already offered, which will earmark the requested level of funds for Egypt.

But let me just repeat, Mr. President, our assistance to the countries abroad is not an entitlement. This is not something you get every year based upon having gotten it last year. American assistance is geared to behavior. It is my hope that the Egyptians are back on track and willing to resume being a constructive partner in the Middle East peace process. Clearly, Mr. President, that is the key to continued U.S. assistance to Egypt.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 26, 1996.

His Excellency, MOHAMMAD HOSNI MUBARAK,
President of the Arab Republic of Egypt.

DEAR PRESIDENT MUBARAK: We are writing to express our deep dismay about the communique issued at the Cairo summit.

It had been our hope that heads of state and representatives of Arab countries attending the June 21, 1996 Cairo summit would refrain from statements directed against the new Israeli government that might create an atmosphere in the region unfavorable to a continuation of the peace process.

We are concerned that the communique issued at the end of the summit compromises prospects to advance negotiations with the new, democratically elected government of Israel. We believe that limiting or conditioning options for peace discussions with the newly elected government of Israel before its policies have ever been officially formulated damages the prospects for peace. Threats from countries of the Arab League to "reconsider steps taken in the context of the peace process, in relation to Israel" do little to enhance successful negotiations, and instead may undermine efforts to reach a comprehensive peace in the region.

We are especially troubled that a leader of your stature created a forum for Arab League countries, including Libya and the Sudan, which question Israel's right to exist. In light of the past leadership role the Egyptian government has played, we had hoped that Egypt would reach out to the new, democratically elected government in a way that would advance the peace process.

Peace in the Middle East Peace can only be expanded if the Arab countries remain engaged with Israel in the pursuit. We urge the government of Egypt and other members of the Arab League to work toward that goal.

Sincerely,

Mitch McConnell, Barbara A. Mikulski, James Inhofe, Carol Moseley-Braun, Frank R. Lautenberg, Alfonse M. D'Amato, Daniel K. Inouye, Bob Smith, Don Nickles, Joseph I. Lieberman, Paul Wellstone, John D. Rockefeller, Charles E. Grassley, Tom Harkin, Connie Mack, Dirk Kempthorne, Larry Pressler, Phil Gramm, Orrin G. Hatch, Rod Grams, Christopher S. Bond, Arlen Specter, Jon Kyl, Thad Cochran, Olympia J. Snowe.

PARTIAL TEXT OF FINAL ARAB SUMMIT STATEMENT

CAIRO, June 23.—Following is a partial text of the final statement issued by the Arab summit which ended in Cairo on Sunday.

In response to the kind invitation of his excellency President Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, their majesties, excellencies, highnesses, presidents and emirs of Arab states convened a summit conference in Cairo in the period Safar 5 to 7, 1417, which coincided with June 21 to 23, 1996.

With pan-Arab responsibility as their starting point, the Arab leaders affirmed that achieving comprehensive and just peace in the Middle East requires that Israel withdrew from all occupied Palestinian land, including Arab Jerusalem, and enable the Palestinian people to exercise their right to self-determination and set up an independent Palestinian state with Arab Jerusalem as its capital, considering that the Palestinian question is the essence of the Arab-Israeli conflict. The Arab leaders also demanded complete Israeli withdrawal from the Syrian Golan to the line of June 4, 1967, and complete and unconditional Israeli withdrawal from south Lebanon and the western Bekaa to the internationally recognized borders, in implementation of Security Council resolutions 242, 338 and 425, and the principle of land for peace. On this basis they call for the resumption of negotiations on all the tracks.

"The commitment of the Arab states to pursue the peace process to achieve just and comprehensive peace is a goal and strategic choice to the achieved under the umbrella of international legitimacy and it requires a reciprocal commitment, confirmed by Israel seriously and without ambiguity, and action to complete the course of peace, restoring rights and occupied land and guaranteeing balanced and equal security for all the states in the region, in accordance with the principles agreed at the Madrid conference, especially the principle of land for peace and the assurances submitted to the parties. The Arab leaders assert that any violation on Israel's part of these principles and the fundamentals on which the peace process started, or backtracking on commitments, undertakings and agreements which have been reached in the framework of this process, or procrastination in implementing them would lead to a setback in the peace process, with all the dangers and repercussions that this implies, taking the region back to the cycle of tension, which would force all the Arab states to reconsider the steps that have been taken towards Israel in the framework of the peace process, full responsibility for which Israel alone would bear.

* * * * *

In order to make the peace process succeed on the Syrian, Lebanese and Palestinian tracks, the Arab leaders call on the sponsors of the peace process, the European Union, Japan, the non-aligned states, other interested states, the United Nations and international organisations and institutions to work to ensure that Israel does not violate the fundamentals of the peace process, fulfills the undertakings to which it has given a commitment, whether related to the agreements on the transitional stage or to the final status negotiations * * * and to continue to provide the necessary political and economic support to the Palestinian people and their National Authority. In this context the Arab leaders said the Israeli blockade imposed on the Palestinian people must be ended.

* * * * *

The Arab leaders affirm their support for Lebanon as it faces constant Israeli attacks on its territory, peace and sovereignty and asked the international community to ensure an immediate and unconditional cessation of these attacks.

* * * * *

The Arab leaders affirm that Israel must join the Nuclear non-proliferation Treaty and submit all its nuclear installations to the system of international inspection.

* * * * *

The Arab leaders express their solidarity with the sisterly state of Bahrain and their complete support for the measures it has taken to strengthen security and stability. They expressed their strong condemnation of interference in the internal affairs of the state of Bahrain, affirmed that they stand with it against any threatening attempts from any party whatsoever and call on Iran to respect the sovereignty of the state of Bahrain, in the framework of mutual respect and good neighbourly relations, by preventing any acts of sabotage which target the state of Bahrain, in the interests of security and stability in the region.

* * * * *

The Arab leaders expressed their hope that the traditional Arab-Turkish relations and joint interests will continue, and in this context they *expressed their concern at the Turkish-Israeli military agreement and call on Turkey to reconsider this agreement to avoid anything that would affect the security of Arab states.*

* * * * *

The Arab leaders reaffirm their commitment to the need to preserve the unity of Iraq and their opposition to any policies or measures which affect its territorial integrity and threaten its borders and national unity. They demand that the Iraqi government commit itself not to adopt any aggressive policies designed to provoke its Arab neighbors and to finish implementing all the relevant Security Council resolutions * * *

All this is the right way to bring an end to the sanctions imposed on Iraq and create the right atmosphere for it to regain its role in the Arab regional system.

* * * * *

The Arab leaders believe that the Arab League's proposal to hold an impartial and just trial of the two (Lockberbie) suspects by Scottish judges under Scottish law in The Hague, with the necessary guarantees for them * * * represents an appropriate practical solution leading to an end to the crisis. They call on the three Western states to take a positive attitude towards this proposal * * *

* * * * *

At the same time as the Arab leaders condemn attempts to pin the charge of terrorism on legitimate national resistance, they condemn all forms of acts of terrorism, sabotage and anarchy of which a number of states are victim.

* * * * *

It was agreed that:

His Excellency President Mohamed Hosni Mubarak, President of the Arab Republic of Egypt, *as chairman of the present summit, will carry out the necessary contacts and consultations with the Arab leaders and the Secretary General of the League of Arab States to follow up and agree on holding the next summit.*

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor to the Egypt amendment which I was just discussing, which is No. 885.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks time?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, let me begin today by thanking the managers of this bill, Senator MITCH MCCONNELL and Senator LEAHY, for their leadership in bringing this bill to the floor so quickly. They have had a very tough job managing the foreign assistance programs that are undertaken by our country. In this bill what they have produced merits the support of every Member of the Senate.

Mr. President, at the committee meeting, several Members, including myself and Senator BYRD, were not comfortable with the deletion of the earmark for assistance to Egypt. We certainly do understand Senator McCONNELL's position. We were together in Cairo at the meetings that he mentioned. But after consulting with the subcommittee chairman, Mr. McCONNELL, we decided the best way to proceed was to come to the floor and have a discussion.

I want to now call up the amendment No. 885 that is before the Senate, at the desk, as I understand it. I ask unanimous consent it be in order to consider that at this time.

The PRESIDING OFFICER. The Senator has the right to call up amendment No. 885 for consideration. That is now the pending question.

Mr. STEVENS. I want to thank those who have cosponsored this amendment, in particular Senator McCONNELL. It is a managers' amendment and will restore the balance in the allocation of funds for our partners in the Middle East process.

Egypt has had problems. We all know that. And yet it stands out as one of our Nation's most important global allies. It really is the bedrock of our engagement with the Arab world. Simply put, Mr. President, there would have been no Middle East peace process without commitment of Egypt and the personal leadership that was displayed by President Sadat, and then by President Mubarak.

I say this not just as an advocate of the peace process but as a Senator who has traveled many times to the Middle East. I have witnessed Egypt's evolving role. During the gulf war, Senator INOUYE and I made two trips to that region, one at the request of the President of the United States, to assess what was happening with regard to our military plans, and to meet with our key allies. We found, then, in President Mubarak, a friend and a leader who aligned his great nation with the alliance, and when he did, he brought the rest of the Arab world along. In the years since the gulf war, Egypt has remained at the center of our Nation's efforts to maintain calm in the gulf area and to advance the peace process.

As Senator McCONNELL said, earlier this year, we had a delegation that went to Israel, Jordan, Gaza, Egypt, Kuwait and Saudi Arabia. Mr. President, at each stop I became more aware of and convinced of trying to do everything we can to assure the continuation of our 20-year partnership with Egypt in the peace process.

Now, the things that Senator McCONNELL mentioned did happen. But late this spring President Mubarak came to Washington and met with our President and congressional leaders. In those talks he again showed his personal enthusiasm and dedication to the peace process. It was very evident, as was his determination to keep Egypt engaged in that process.

Based upon the continuum of the track record of Egypt's support for the peace process, and my personal experience working with Egypt on so many vital national security interests, and we do have others, Mr. President, beyond the peace process itself, I believe it is imperative that we show the equity in the identification of funds for foreign assistance once again this year. Maintaining a strong and economically developing Egypt is an essential piece of this Nation's total Middle East strategy.

I believe President Clinton summarized the current state of relations of Egypt very well during President Mubarak's visit early this year. President Clinton said:

> Since the Camp David Accords in 1979, Egypt has been a powerful force for peace in the Middle East. That has continued to be true through the last 3½ years—a time of extraordinary progress towards peace and repeated challenges. Now, as Israel and the Palestinians embark on the difficult task of permanent status negotiations, as we look to revive negotiations between Israel and Syria, and then bring Lebanon into the process to complete the circle of peace, we know that Egypt's leadership will be vital to finish the job.

That is President Clinton's statement earlier this year about Egypt.

After 20 years of commitment and investment in this effort, this is just not the time to put at risk all that we have achieved. I welcome the support of the other cosponsors of this amendment and I am sure there are other Members who share our concern that our ties to Egypt remain strong and we continue to foster and support this alliance.

This is not to say that Egypt should not listen to the words that Senator McCONNELL has delivered here this morning and to the statements he made in the committee. I believe we are all grateful to Senator McCONNELL for his willingness to work with us in this matter. If there is to be any change in our status with regard to Egypt in this process, I believe it must be done on a bipartisan basis with the President involved. At this time I am hopeful that will never have to happen but, as a matter of fact, the modification of this bill before the Senate, I think, that shows our willingness to go back to the process that has been followed in the past, I hope, will make a significant contribution to the Middle East peace process and will help us advance the interests of the United States there and in other regions with Egypt's support and collaboration.

I do, however, believe there are reasons for us to make sure everyone understands, as Senator McCONNELL said, that the provisions of support from this bill are not an entitlement. These are funds that are dealt with on an annual basis by our Government, the Senate and the House, the full Congress, as part of that process. It is my judgment that it has been a bipartisan process that has included both the executive and congressional leaders and leadership in the past and I think it should continue that way again this year.

I do hope that our friends in Egypt—and I don't have to hope, Mr. President, I know they have heard Senator McCONNELL's statement, and I know they are aware that there have been questions raised, but based upon this continuum that has taken place, the friendship and cooperation and the important contributions that Egypt has made to the attainment of our goals in the Middle East, I have offered this amendment with my friends. It is a managers' amendment. I do ask that the Senate consider this amendment now.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Kentucky?

The question is on agreeing to the amendment.

The amendment (No. 885) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, let me again thank Senator McCONNELL and Senator LEAHY and their very capable staff for all the work they have done, and to once again urge the Senate cooperate with these managers of this bill the way it has with those who managed the defense bill and energy and water bill.

We are working and striving hard to get the bills to conference before we go to August recess. I would like all of them to go to conference, if possible, before August.

Mr. McCONNELL. I just say to my friend and colleague before he leaves, we are optimistic we can finish this bill today. We are speeding in that direction.

Mr. STEVENS. I am here to assist.

AMENDMENT NO. 889

Mr. NICKLES. Mr. President, I wish to speak in favor of the amendment of Senator SMITH of Oregon, which would try to protect religious liberty in Russia. I want to compliment my colleague from Oregon for this amendment. In my opinion, it is probably one of the most important amendments we will debate, certainly on this bill—maybe this Congress.

Unfortunately, and I guess most of my colleagues are aware of this fact, the Russian Duma overwhelmingly voted to place restrictions on religious freedom in Russia, freedoms that were both won after the collapse of communism and guaranteed by the 1993 Russian Constitution. The overwhelming vote by the Duma is a tremendous step backward for Russia and for its people.

The legislation approved by the Duma would place severe restrictions on religions not recognized by the government in 1982, a time when the Soviet Government was in power, a time characterized by religious persecution and official atheism. In 1982, as I understand it, the only four religions recognized by the Russian Government were the Russian Orthodox church, Judaism, Islam, and Buddhism.

As I understand this legislation, it would deny religions that entered Russia after 1982 the right to rent or own property, the right to employ religious workers, the right to produce religious literature, maintain a bank account, or conduct charitable and educational activities. According to an article that appeared in the June 24 edition of the Washington Post, it would sharply restrict the activities of foreign missionaries in Russia.

I hope my colleagues are aware of this. I was not aware of it until my colleague from Oregon mentioned it to me. I cannot believe that the Duma would pass something by such an overwhelming vote that would deny religious opportunities to the Russian people. Maybe one of the most important of all liberties is the right to worship as one would choose. It is guaranteed by the 1993 Russian Constitution. Yet they would pass legislation basically grandfathering four established religions, but outlawing other religions, such as the Mormon church, the Roman Catholic Church, and untold other numbers of minority religions in Russia.

The Reverend Gleb Yakunin, an orthodox priest, said in a news report carried by the June 24 edition of the London Times, that the bill was "openly discriminatory" and "The bill is effectively aimed at reinstating Soviet religious policy."

I believe the reverend's statement is true. I believe putting restrictions on the religions that have recently entered Russia will have the same effect of not allowing many people to practice their religions. If religions are unable to carry out charitable activities, how can members of various churches practice their religion?

Christian missionaries who are following the admonition of Christ would not be allowed to do so in Russia. Many remember when Billy Graham went to Russia several years ago. He had an overwhelming reception. Would foreign missionaries not be allowed? Would people that gather be allowed to reproduce materials? I think the reproduction of materials would be banned under the bill that was passed by the Duma. Hopefully, Mr. Yeltsin will not sign this bill. I think it is extremely important he not sign this bill.

According to Lawrence Uzzell, Moscow representative of the Keston Institute, which studies religious life in Russia and Eastern Europe, of the 102 Catholic priests and 112 nuns serving in Russia, all but a handful are foreigners. In fact, Mr. Uzzell reports that a Catholic priest in Belgorod was recently told he could not celebrate mass there because his parish is a foreign religious organization.

I think this report confirms what I suspected, that this bill passed by the Duma would not only put restrictions on these religions, but have the effect of denying the opportunity to many to practice their religion.

So I want to thank my colleague from Oregon for his amendment. Again, it may be one of the most important amendments.

What is the effect? It says no money under this bill, the foreign operations bill, will go to Russia if President Yeltsin signs this bill into law or if it becomes law, or if he issues an executive order that will ban religious freedom as guaranteed under the Russian Constitution.

I think it is a very appropriate amendment. Some people will argue this is too heavy of a hammer. I think we need to get their attention. What they are doing by outlawing many religions, basically most Christian religions and organizations, banning those, outlawing those from Russia, I think, would be a terrible, terrible thing to happen to the Russian people. They should not be forced into any religion. We should certainly encourage religious choice and opportunity for all the Russian people.

Some will say, what is the effect of this amendment? This amendment says no economic assistance will be going to Russia if the President signs this bill or if he issues an executive order which will ban religious freedom in Russia. How much economic assistance does Russia receive? I think last year it was $90-some million, and the President requested $195 million in this bill. It is not earmarked, so we don't have the specific amount. Would this tie the President's hands? This would give real leverage to the administration to tell Russia, this should not become law.

We need to respect individual religious liberty in Russia and not allow—and certainly not encourage—religious liberty to be trampled. I believe we should use what economic forces we have to ensure this doesn't happen. We don't have to give this economic assistance to Russia. We haven't done it for years. We just started a couple of years ago. Many of the programs that we are funding in the foreign ops bill are worthy programs, where we encourage democracy, encourage free enterprise. That is very positive. But we don't have to do it.

Maybe we should tell them if they are going to pass this kind of bill, we are not going to do it. If they are going to pass a bill in Russia to deny Baptists the opportunity to distribute materials or to have employees in Russia, then maybe we should not be giving them economic assistance. Maybe we need to use a heavy hammer to get their attention that this is very serious.

One of the most important freedoms we have, protected by our first amendment, is religious freedom. It is also protected in the Russian Constitution. We should encourage the Russian Government to protect religious freedom, not take it away. So, yes, this is an amendment that has a heavy hammer. It says we are not going to give economic assistance.

I noticed a memo from the administration in opposition to this amendment, which says our assistance money is used to reduce the number of nuclear weapons and improve security over nuclear materials in Russia. We are not touching that. That is covered by the DOD bill. I encouraged the Senator from Oregon to consider putting it on that bill because I wanted to get their attention early. President Yeltsin hasn't signed this bill—our friend, President Clinton's friend, George Bush's friend. He hasn't signed the bill yet. We want to get his attention before it is too late. This is the proper bill. So it doesn't have anything to do with Nunn-Lugar money, or national defense. It does have some money in there for economic assistance.

As I mentioned, the President's request is about $190 million. We probably won't fully fund it. But we don't have to fund it at all if they are going to pass a bill denying religious freedom and opportunity for the Russian people.

So I compliment my colleague from Oregon for an outstanding amendment. I hope we will have an overwhelming vote, maybe 100 to 0, in spite of what the memo says. Let us have a 100 to 0 vote to show that we believe very strongly that religious freedom is very important and we are willing to put it on the line that we will fight to help protect religious freedom throughout the world and certainly in Russia.

So, Mr. President, I compliment my colleague from Oregon. I hope all my colleagues will support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 894

(Purpose: To provide conditions for funding North Korea's implementation of the nuclear framework agreement)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 894.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in Title II, insert the following "*Provided further*, That funds appropriated under this heading to the Korean Peninsula Economic Development Organation (KEDO) may only be obligated if the Secretary of State certifies and reports to the Congress that during the fiscal year the military armistice agreement of 1953 has not been violated by North Korea."

Mr. MURKOWSKI. Mr. President. At 10:40 a.m. Tuesday morning along the demilitarized zone between North and South Korea, North Korean soldiers exchanged heavy gunfire with South Korean troops. This is accurately described as the most serious clash on the Korean Peninsula since a North Korean submarine full of special forces went aground off South Korea's coast last September.

According to news reports, 14 North Korean soldiers crossed the military demarcation line and traveled 70 meters into the DMZ. South Korean border guards used a loudspeaker to order the North Koreans back. When the North Koreans failed to respond, South Korean soldiers fired some 200 warning shots in the air.

The North Koreans responded by firing their rifles at the South Korean soldiers, who then directed fire at the North Koreans using rifles and machine guns. North Korean soldiers returned fire. And although reports are in dispute, it appears there was at least one mortar round fired by the North Koreans.

The firefight lasted for over 1 hour before the North Koreans stopped firing and withdrew.

Mr. President. Why do I come to the floor and talk about an artillery exchange thousands of miles away? There are several good reasons why Americans should pay attention to what is going on on the Korean Peninsula.

First, I don't need to remind my colleagues that I am talking about the DMZ where 37,000 American troops stand guard across from a 1.1 million man North Korean army.

Second, according to a GAO report that I requested last year, the United States has sent over 115 million taxpayer dollars in combined food aid and to support the Korean Economic Development Organization [KEDO], which is tasked with sending heavy fuel oil to North Korea and carrying out other activities under the agreed framework signed in October 1994.

Just yesterday, the administration announced that the United States will donate an additional $27 million worth of surplus grain to North Korea.

And today, in the foreign operations appropriations bill, there is an additional $44 million appropriated for KEDO, subject to certain conditions that Senator McCAIN and I added to last year's appropriation bill.

Now $200 million may be a small price to pay to achieve peace on the Korean Peninsula, and I am not arguing about the money per se. But if there was ever a case of a recipient biting the hand that feeds it—it is North Korea.

Incident after incident—from the submarine incursion to this latest round of gunfire—is dismissed as "not intentional" or not "serious" enough to derail U.S. assistance under the agreed framework. After the North Korean submarine landed on South Korean shores, our administration asked for "both sides to show restraint." I was outraged that we asked our South Korean allies to "show restraint" when it was their country that had been invaded by commandos.

I understand that right now the administration is preparing a response to this latest violation of the Military Armistice Agreement. And true to form, the administration is asking once again that this issue not be "blown out of proportion". Not blown out of proportion?

I think we should be outraged at North Korea's continued belligerent actions that are clearly designed to intimidate. The South Koreans did nothing wrong today, unless you think defending one's borders and shooting in self-defense is wrong. I hope the administration's statement recognizes that reality and does not even implicitly agree with the North Korean foreign ministry propaganda claiming that their soldiers were acting in self-defense.

That is why in offering this amendment, Mr. President, I would condition further funding—this is the important part of the amendment—on a certification from the President that North Korea has not violated the Military Armistice Agreement of 1953.

Although I have very strong reservations about the agreed framework, which I have expressed on this floor from time to time, and particularly because North Korea does not have to submit to inspections that were required 5 years ago, for several more years—and this is in association with the construction of the light water reactors that Japan, the United States, and South Korea are assisting in—I have supported continued funding for KEDO, subject to specific conditions that are spelled out in the bill. But I now believe that these conditions should be expanded to ensure that North Korea belligerency comes to an end.

If the North Koreans want economic assistance from the United States, they are going to have to learn that their troops and munitions ought to stay on their side of the border. Their people, unfortunately, don't have enough to eat. Many of them are starving. We continue to help them with food assistance and humanitarian assistance. Yet, they continue to use their military to provoke those who would help them.

I think it is time for the administration to stop appeasing this tyrannical and barbaric government that has brutalized the people of North Korea for more than 45 years. We, in effect, are supporting a government that would probably fall by its own weight. I am not suggesting that it is not a very dangerous situation with the 1.1 million men in arms. I am not suggesting that the regime isn't dangerous, in the sense of being very unpredictable. But they have to get the message that they can't bite the hand that feeds them. We continue to assist North Korea even while that Government continues a very aggressive posture.

If the administration cannot certify North Korean compliance with this amendment, I think financial assistance must come to an end. If the President can make the necessary certification that the North Koreans have not violated the Military Armistice Agreement of 1953, I certainly would not stand in the way of meeting our commitments to KEDO. But I think the North Koreans should certainly get the message that they simply cannot continue to operate under the theory that anything goes with regard to its commitment to KEDO.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I say to my friend from Arizona, if I could just propound a unanimous-consent request, then I will yield the floor.

It is my understanding it has been cleared on the other side of the aisle for there to be a vote on the Smith amendment at 2 o'clock. It is my understanding, based upon a previous agreement, that would also trigger a vote on final passage on the energy and water appropriations bill.

Therefore, if I am correct about that, I ask unanimous consent that a vote on the Smith amendment occur at 2 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. I remind my colleagues there will be two votes, back to back, at 2 o'clock, one on the Smith amendment and one on final passage of energy and water.

I yield the floor.

Mr. MURKOWSKI. Mr. President, it is my intention to ask for the yeas and nays on my amendment that is pending.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MURKOWSKI. It is my intention to ask for the yeas and nays on my pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I am working and my staff is working with the Senator from Alaska right now so that I can cosponsor this important amendment regarding Korea. We have some details we would like to iron out as to the language of the amendment that I am confident we can agree on.

Mr. President, we all know that there has been another North Korean-initiated altercation in the demilitarized zone that separates it from the South.

According to preliminary reports, a small number of North Korean soldiers entered South Korea and refused an order from the South to withdraw. When the North Korean soldiers ignored the verbal warning, the South Korean soldiers fired warning shots, to which the North responded with a mortar and artillery barrage.

My reason for bringing this up is to ensure this latest event involving North Korea is placed squarely in its proper context. On Monday, the Clinton administration announced that it is doubling the amount of food assistance it intends to supply to Pyongyang to alleviate some of the suffering from the famine resulting primarily from 50 years of totalitarian rule and exacerbated by intense flooding. I am not here to argue against providing food to starving people; I am here to reiterate the futility of expecting humanitarian gestures to the most belligerent regime in the world to beneficially affect its behavior.

Nobody knows what is going on inside the minds of North Korea's leaders, especially the presumed head of government, Kim Jong Il. So thoroughly closed off to the outside world as the North Korean Government has been since its post-World War II inception, that details on its inner workings have been more elusive than for the Soviet Union during its most closed and totalitarian period. One incontrovertible fact remains, however: North Korea has an extraordinarily consistent pattern of alternating minor and manipulative gestures of goodwill with acts of terror and provocation toward its South Korean neighbor unseen anywhere else in the world.

To illustrate this pattern of provocation and terror, I ask unanimous consent to submit for the RECORD this list of such individual acts spanning the period 1958 to March of this year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 27, 1997.

To:

From: Rinn S. Shinn, Analyst in Asian Affairs, Foreign Affairs and National Defense Division.

Subject: History of North Korean Terrorist Activities.

The following chronology is in response to your request for historical information on terrorist activities carried out by the North Korean government in the past decades. For the purpose of this chronology, we have agreed that the scope of "terrorist activities" should be expanded to cover broadly defined other provocative acts and beyond "the last 20 years" you indicated in your request.

I should add that the chronology is selective. From 1954 to 1992, North Korea infiltrated a total of 3,693 armed agents into South Korea. According to data compiled by a South Korean government agency, 2,345 infiltrators were captured; 1,130 killed; and 218 surrendered. The peak years of North Korean infiltration were 1967 and 1968, accounting for a total of 743 agents (167 captured; 553 shot to death; and 23 surrendered). Incidence of infiltration has decreased sharply since 1987 but has not stopped completely (Vantage Point, November 1995, p. 17). If you need further assistance or have questions, please call me.

CHRONOLOGY OF MAJOR PROVOCATIVE ACTS BY NORTH KOREA

Date, activities.

02/1958—North Korean agents hijacked to Pyongyang a South Korean airliner flying from Pusan to Seoul; 2 American pilots and 24 passengers were released in early March but 8 other passengers remained in the North.

01/1968—a 31-number commando team, disguised as South Korean soldiers and civilians, reached within 500 yards of President Park Chung Hee's office/residence complex (The Blue House) before they were intercepted by South Korean police; 29 commandos were killed and one committed suicide; one who was captured revealed that their mission was to kill President Park and other senior government officials.

01/1968—Two days after the commando attempt on President Park, North Korea seized the U.S. intelligence ship Pueblo with a crew of 83 officers and men off Wonsan in international waters outside the 12-mile limit claimed by North Korea; the crew was finally released in 12/1968, but not the ship.

10/1968—130 sea-borne commandos infiltrated the Ulchin and Samchok areas on the eastern coast of South Korea; 110 were killed, 7 were captured, and 13 fled.

04/1969—North Korea shot down an unarmed U.S. EC-121 reconnaissance plane over international waters, resulting in the loss of 31 lives.

06/1969—North Korea agents infiltrated Huksan Island off the west coast; 15 were shot to death.

12/1969—North Korea hijacked a South Korean airliner with 50 persons aboard to Pyongyang; in February 1970, it released all but 11 of the crew and passengers but detained 7 passengers, 1 pilot, and 2 stewardesses and seized the aircraft. The 11 are reportedly still detained in North Korea, along with some 450 other South Koreans abducted by North Korea in the past decades.

03/1970—From 1970 to 1995, North Korea provided sanctuary to 9 members of a Japanese radical leftwing "Red Army" group who had hijacked a Japanese Boeing 707 airliner to Pyongyang.

04/1970—Three North Korean infiltrators were shot to death at Kumchon, Kyonggido, south of the Demilitarized Zone (DMZ) separating the two Koreas.

06/1970—A powerful bomb exploded, demolishing the main gate to National Cemetery (South Korea's equivalent of Arlington Cemetery), before President Park's scheduled visit to the place. The incident was linked to North Korean elements.

01/1971—A North Korean attempt to hijack a South Korean Airline F-20 passenger plane flying from Seoul to Sokcho on the east coast was foiled.

08/1974—President Park Chung Hee's wife was killed during another attempt on his life. A member of a pro-North Korean group in Japan who entered Seoul as a tourist fired several shots at Park at a major public function; Park escaped unhurt, but the First Lady was hit by stray bullets and died several hours later.

09/1975—Two North Korean infiltrators were intercepted at Kochang, Cholla Pukdo; one was shot to death.

06/1976—Three North Korean infiltrators were shot to death in the eastern sector south of the DMZ.

08/1976—A group of North Korean soldiers, wielding axes and metal pikes, attacked a U.S.-South Korean tree-trimming team in a neutral area inside the DMZ at Panmunjom, killing 2 U.S. army officers and wounding 4 American enlisted men and 5 South Korean soldiers. In a message to UN Commander General Richard G. Stillwell, North Korea's Kim Il Sung described the incident as "regrettable" without admitting North Korean responsibility for what the U.S. government condemned as a "vicious and unprovoked murder" of the officers.

07/1977—A North Korean attempt to abduct a South Korean couple (Yoon Jong-hee and wife) failed in Paris.

02/1978—Actress Choi Eun-hee and her film-director husband Shin Sang-ok were kidnapped in Hong Kong and taken to Pyongyang. The couple escaped in 1986 while on a filming assignment in Vienna.

06/1979—A South Korean student Ko Sang-moon was abducted by North Koreans in the Netherlands.

07/1979—A North Korean attempt to abduct Han Yong-gil, an employee of the Korea Trade-Investment Promotion Agency (KOTRA), failed in France.

03/1980—Three North Koreans tried to infiltrate the South across the estuary of Han River; all were killed.

11/1980—Three North Korean infiltrators were shot to death at Whenggando, Cholla Namdo, South Korea.

12/1980—Three North Korean agents were shot to death off the coast of Kyongsang Namdo, South Korea.

03/1981—Of three North Korean infiltrators at Kumhwa, Kangwondo, one was shot to death.

06/1981—A North Korean spy boat was sunk off the coast of Sosan, Chungchong Namdo; 9 agents were shot to death and one was captured alive.

07/1981—One North Korean agent was shot to death in the upper stream of Imjin River, while trying to cross the river.

05/1982—Two North Korean infiltrators were spotted on the east coast; one was shot to death.

08/1982—Police in Canada uncovered a North Korean plot to assassinate President Chun Doo Hwan during a visit to that country.

10/1983—The explosion of a powerful bomb, several minutes before President Chun was due to arrive to lay a wreath at the Martyr's Mausoleum in Rangoon, Burma (Myanmar), killed 17 senior South Korean officials and injured 13 who were accompanying President Chun, then on the first leg of a six-nation Asian tour. Among the killed were; presidential chief-of-staff and another senior presidential assistant; deputy prime minister/minister of economic planning; three cabinet members including foreign minister; 3 deputy ministers; and South Korean ambassador to Burma. The bomb was intended for President Chun. Based on initial findings, Seoul accused Pyongyang of masterminding the mass assassination, an accusation North Korean leader Kim Il Sung dismissed as a "preposterous slander." President Chun termed the mass assassination as "a grave provocation not unlike a declaration of war," and warned the North that "should such a provocation recur, there would be a corresponding retailiation in kind." Two suspects arrested and tried in the Rangoon Divisional Court turned out to be a North Korean army major and captain. On November 4, Burma broke off diplomatic relations with North Korea. In 02/84, the Burmese Supreme Court sustained the death penalty handed down by the lower court.

09/1984—A North Korean agent killed 3 residents of Taegu, South Korea, and committed suicide.

10/1984—A North Korean spy ship was chased off the coast of Pusan, South Korea, but eluded capture.

01/1998—A North Korean attempt to abduct a South Korean citizen (Yoon Taek-shik) failed in Hong Kong.

08/1997—Lee Chae-hwan, a South Korean student enrolled in an American school, was abducted by North Koreans while on a visit to a European country.

11/1987—A bomb planted by two North Korean terrorists on a Korean Airline Boeing 707 exploded in midair over the Andaman Sea off the coast of Burma. 115 passengers were aboard the flight from Baghdad to Seoul. One of the terrorists, who was taken into custody in Bahrain, confessed to the crime, was tried, and convicted in a Seoul court.

03/1990—Another North Korean tunnel dug under the DMZ was discovered; this was the fourth one uncovered since the mid-1970s.

05/1992—Three North Koreans, wearing South Korean uniforms, were shot to death at Cholwon, Kangwondo, south of the DMZ.

10/1992—A North Korean 400-member spy ring in South Korea, directed by Lee Son-sil (a Political Bureau candidate member of the Central Committee of Pyongyang's ruling Korean Workers (Communist) Party), was uncovered by South Korea's Agency for National Security Planning. The Agency announced that the agents had infiltrated through South Korea's coastlines.

03/1993—North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty rather than yield to the International Atomic Energy Agency's demands for a "special inspection" of two suspected nuclear waste storage sites at Yongbyon, North Korea.

12/1993—Vice Marshal Choe Kwang, Chief of the General Staff of the North Korean military (and defense minister, 1995–96), declared at a major state function that the military "has the heavy and honorable task of reunifying the fatherland *with guns* [emphasis added] in the nineties without fail," thereby revealing not so subtly North Korea's alternative to its oft-proclaimed policy of "peaceful reunification."

03/1994—For the first time in more than two decades, North Korea issue a threat of war in an inter-Korean meeting in Panmunjom. In response to Seoul's chief delegate mentioning the possibility of UN sanctions against the North for its refusal to accept full international nuclear inspections, Pyongyang's chief delegate reportedly shot back: "Seoul is not far away from here. If a war breaks out, Seoul will turn into a sea of fire." The "sea of fire" threat rattled South Koreans, already concerned about Pyongyang's perceived attempt to cultivate a 'madman' image as "a new psychological negotiating tactic" designed "to blackmail the US into granting concessions, including diplomatic recognition, the lifting of trade sanctions and the supply of aid for its tottering economy."

06/1994—A North Korean attempt to abduct a South Korean professor, Lee Jin-sang, from an Ethiopian university in Addis Ababa was foiled.

08/1994—North Korea's foreign ministry declared: "We will never allow the [special] inspection of the military sites at the expense of our sovereignty in order to receive light-water reactors. Another conflict cannot be avoided, if they [South Korean and Japanese authorities] continue trying to complicate matters, citing the 'special inspection' that we have never allowed and cannot allow in the future either." (The North Korean-U.S. "agreed framework" of October 1994 to the contrary, North Korea continues to maintain that the special inspection is out of question—a portent of what might be called "a special inspection crisis" several years down the road or around 2003).

05/1995—North Korean patrol boat fired on a South Korean fishing vessel, killing three South Korean fishermen; North Korea released 5 other fishermen in December 1995 through Panmunjom.

06/1995—North Korean soldiers threatened the captain of a South Korean vessel with harm in a North Korean port unless he hoisted the North Korean flag while the vessel was there to deliver a South Korean humanitarian rice shipment to the North.

07/1995—A team of three North Korean agents abducted a South Korean missionary, the Reverend An Sung-un, in southern Manchuria and transported him to North Korea. Reverend An currently remains in the North.

08/1995—North Korea seized a South Korean rice delivery vessel and arrested its crew in a North Korean port after a South Korean crewman took photographs from the ship. The ship was released in 12 days after the South Korean government sent a message to the North, expressing "regret" over the photographing incident.

10/1995—Two armed North Koreans were intercepted at the Imjin River just south of the DMZ; one was shot to death and the other escaped (This incident happened at a time when South Korea was sending humanitarian rice aid to North Korea).

10/1995—Two North Korean agents were intercepted at Puyo, about 100 miles south of Seoul; one was shot to death and the other was taken alive. The captured agent disclosed that he had infiltrated into South Korea two months earlier, with a mission to contact anti-government dissidents and politicians and the organization of underground cells.

04/1996—A total of four hundred North Korean troops crossed the military demarcation line of the DMZ at Panmunjom and elsewhere in violation of the Korean armistice agreement, after Pyongyang's unilateral announcement that it no longer would abide by the terms of the armistice.

05/1996—Seven North Korean soldiers crossed the military demarcation line into the southern half of the DMZ, facing South Korean defensive positions just south of the DMZ, but withdrew when South Korean troops fired warning shots.

05/1996—Five North Korean naval patrol craft crossed into South Korean territorial waters off the east coast in an area designated as South Korean waters under the armistice accord but withdrew after four hours of a standoff with South Korean naval vessels. A similar three-hour incursion by three North Korean craft in the same area occurred on June 14, 1996.

07/1996—A North Korean spy was captured in Seoul after posing as a Filipino professor for 12 years. Chung Su Il (alias: Mohammed Kansu), 62, told police that "scores, perhaps hundreds" of North Korean spies were operating in the South.

09/1996—A disabled North Korean submarine was spotted bobbing off the shore near the city of Kangnung. Twenty six North Korean military personnel landed on the east coast from the submarine that was found to be on an espionage/reconnaissance mission. Eleven of the infiltrators were shot to death by North Koreans; 13 others refused to surrender and were killed; one was captured and one escaped. During the South Korean hunt for the infiltrators, North Koreans killed 11 South Korean military personnel and civilians and wounded five others.

10/1996—Choi Duk Keun, a South Korean diplomat, was murdered in Vladivostok, Russia, following a North Korean threat to "retaliate" for the submarine incident. Circumstantial evidence initially pointed to North Korean complicity in the murder, and later autopsy results showed that poison found in Choi's body was the same type of poison carried by North Korean infiltrators from the grounded submarine in September.

02/1997—In Seoul, South Korea, Lee Hanyong was assassinated by two hit men believed to be North Korean agents. Nephew of North Korean leader Kim Jong Il's former wife, Song Hye-rim, Lee had defected to the South in 1982. The shooting took place three days after Hwang Jan-yop, a high ranking North Korean party official, walked into the South Korean consulate in Beijing to defect to the South—a possible warning to Hwang and other would-be defectors to the South. After being in coma, Lee died a week later in a Seoul hospital.

03/1997—Japan's daily newspaper Sankei Shimbun, based on an interview with a former South Korean agent An Myong-chin (who defected to South Korea in September 1993), reported that in 1977, Megumi Yokota, a 13-year-old Japanese school girl was abducted in Niigata City to North Korea for use as a teaching aide at a North Korean school for spy training. Japanese authorities disclosed that An's description of the girl matched the profile of a girl reported missing in Niigata, Japan.

Mr. McCAIN. Mr. President, it is a list worthy of Stalin, the butcher of millions of his own people and the Soviet leader who installed Kim Jong-Il's father, Kim Il Sung, in power following the end of the Second World War. This list includes numerous instances of North Korean agents infiltrating the South to conduct assassinations, with the most recent occurring last February; causes of agents kidnapping ordinary Japanese citizens off of the beaches of their own country as well as South Koreans, who are smuggled to North Korea for imprisonment and interrogation; armed soldiers crossing the border between the two countries to provoke fire fights, such as apparently occurred this morning; special forces infiltrating the South through tunnels dug beneath the DMZ; and the naval incursions, most recently the September 1996 submarine that was grounded off the South Korean coast with the ensuing loss of considerable life due to the will of the North Korean commandoes who debarked from the sub not to be taken alive.

I highly recommend my colleagues take a few minutes to review this list. It is the ultimate commentary on the nature of the North Korean regime. It is a window into the soul of that country's rulers. It is a warning against misjudging the North's periodic gestures of goodwill that are inevitably, at most, tactical responses to their own self-induced social calamities or continued efforts at undermining the relationship between South Korea and the United States.

Mr. President, I now want to discuss the bill very briefly itself.

Mr. President, I appreciate the opportunity to address the Senate on the subject of the fiscal year 1988 foreign operations appropriations bill. As has been noted numerous times by Members of this body, the end of the cold war had the unwelcome effect of creating a vacuum into which all manner of ethnic, religious, and territorial conflict has been permitted to emerge. In addition, the continuous problems of combating famine, disease, and other problems afflicting many nations of the world ensures that the global responsibilities of the executive and legislative branches of the Government remain substantial, particularly relative to the resources available with which to address them.

It is for these reasons that we owe it to the American public and to those less fortunate than ourselves around the world that we act as responsibly as possible when allocating these scarce resources. That is why I continue to oppose the practices of adding to the bill funds for programs of questionable merit and of earmarking for specific institutions without regard for broader U.S. national security interests.

As an elected representative from a State with considerable agricultural interests, I am fully aware of the importance of properly administered agricultural programs. Do we honestly expect, however, the American public to adopt a less confrontational posture vis-a-vis their elected representatives when we continue to earmark funds for the International Fertilizer Development Center in Alabama. Not only does the bill before us earmark $3 million for the center, this amount represents a 50-percent increase over fiscal year 1996. Is the chemical makeup or molecular structure of fertilizer changing so much that we need to actually increase appropriations for the Fertilizer Development Center?

As usual, although admittedly to a lesser extent than in years past, the bill recommends or directs funding for specific universities, including the University of Hawaii for the training of health and human service professionals; the University of Northern Iowa for teacher education in Slovakia; and George Mason University, also for health care. Montana State University continues to fare well in foreign operations appropriations bills. In the past, it has received funding for pest control. This year, it is supposed to receive funds for crop eradication, specifically opium poppy, coca, and marijuana. Laudable goals, but why the earmark? I do not question the value of some of these programs; I do question whether they require or deserve funding from the U.S. Treasury or cannot be competed among contending institutions and organizations.

Other recommendations and earmarks of questionable merit included in this bill are $15 million for the Office of Women in Development, which is hardly necessary with simple instructions to our own Agency for International Development; $500,000 for the U.S. Telecommunications Training Institute for communications and broadcast training; and $15 million over 5 years for the International Foundation for Education and Self-Help, which trains teachers and bankers. I was also interested to see in the report accompanying this bill a recommendation to AID that it work with Science and Technology International to further development of the advanced airborne hyperspectral imaging system, which is intended to facilitate the monitoring of environmental degradation and disaster mitigation and aid in the protection of wetlands and management of littoral regions. Does any of this overlap with the $60 million the bill earmarked for the Global Environment Facility.

Once again, I applaud the goal, but question whether we should be specifying programs, directly or indirectly, without the benefit of a competitive process or adequate knowledge of whether similar capabilities are already or imminently available in the private sector. I further note that this is the second bill this week to include funding for this program: The Defense appropriations bill included $2 million for the advanced airborne hyperspectral imaging system.

I have already referred to funding for agricultural programs in the bill that warrants skepticism. With funding also directed toward the Farmer-to-Farmer Program and the Soils Management Collaborative Research Support Program, I wonder whether it isn't time to take a closer look at the proliferation of programs to determine whether they are all necessary or overlap in function.

Finally, Mr. President, I would like to briefly address the Buy-America provisions of the bill. The American public understandably abhors active participation by its Government in encouraging U.S. companies to relocate to foreign countries where labor and materials are cheaper. Section 538 of the bill addresses this concern. Paragraph (b) of this provision may go too far, however, with the ultimate impact of impeding economic growth where it is seriously needed while degrading the benefits that accrue to the American economy through free trade. Specifically, the paragraph in question prohibits the use of funds for the purpose of,

> . . . establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety law of that country do not apply, in part or in whole, to activities carried out with that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States.

The Presidential certification process established by this provision will create, I suspect, the same problems as do other certifications processes. As countries evolve over decades and centuries and economies reflect that evolution through industrialization and service-oriented dominance, and as free trade policies account for substantial proportions of economic growth, inevitably jobs are lost in certain areas. It has never been any different. We have also seen the benefits to the very people we purport to help of free market economic zones in countries with otherwise centrally controlled economies. It is such zones that facilitate the greatest economic growth and that are more prone to exhibit liberal social and political transformations consistent with our own national values. To adopt a provision designed to impede such progress is not in our national interest.

There is room for improvement in this bill that I hope will occur when the Appropriations Committees of the respective Houses of Congress meet in conference. It is discouraging to see the practice of earmarking continue. At least, though, the long-term trend has been in the right direction.

Mr. President, I ask unanimous consent that a list of programs in the bill that I find objectionable be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROGRAMS IN THE FOREIGN OPERATIONS APPROPRIATION BILL FOR 1998: TITLE II—BILATERAL ECONOMIC ASSISTANCE

PROGRAMS WITH FUNDS EARMARKED

	In millions
American Schools and Hospitals: American University in Beirut, Lebanese American University, Hadassah Medical Organization, Feinberg Graduate School in Israel, and Johns Hopkins University (Bologna, Italy, China)	$15.0
U.S. Telecommunications Training Institute	0.5

	In millions
University Development Assistance Programs: University of Hawaii, University of Northern Iowa, and George Mason University	2.0
International Fertilizer Development Center	3.0
International Foundation for Education and Self-Help: Human resource development in sub-Saharan Africa	15.0

PROGRAMS FOR WHICH THE COMMITTEE RECOMMENDS FUNDING

Advanced Airborne Hyperspectral Imaging System: Monitors Wetlands and Littoral Zones.

Farmer-to-Farmer: Overseas Cooperative Assistance Program, specifically in former Soviet Union.

Pushchino Project: Promotes economic development in South Central Russia.

Mongolia: Academy of Natural Sciences in Philadelphia, PA, to provide technical advice on infrastructure development.

Biological Control of Illicit Drug Crops: Research at Montana State University in the development of plant pathogens.

Pulsed Fast Neutron Analysis: Supports joint funding for this technology.

COMMERCE AND TRADE

Sec. 513. Restricts funds for testing in connection with the growth or production in a foreign country of an agricultural commodity which would compete with commodities grown in the United States.

Sec. 514. Restricts funds for foreign production or extraction of any commodity or mineral for export if its surplus on the world market will cause substantial injury to United States producers of the same, or similar commodity.

Sec. 538. Restricts funds that would provide any financial incentive to a business in the United States considering relocating outside of the United States if it is likely to reduce the number of employees in the United States.

Mr. McCAIN. I thank my friend, Senator MURKOWSKI, from Alaska for proposing an amendment that has to do with the very serious situation in Korea, and frankly the part of America's foreign policy that I think is deserving of significant criticism. I think history will show that this entire issue of North Korea has been mishandled by this administration.

Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Kansas.

Mr. ROBERTS. Mr. President, I have a unanimous consent on behalf of the leader.

Before I make that unanimous consent request, I would like to thank the Senator from Arizona and the Senator from Alaska in reference to the amendment concerning our policy with North Korea. Senator MCCAIN has pointed out the situation that now exists with another flare-up of hostilities on the DMZ between South Korea and North Korea.

Some time ago—about 4 months—I was privileged to take part in a delegation with Senator STEVENS. Senator STEVENS, Senator DOMENICI, Senator INOUYE, Senator COCHRAN, and myself were the first American congressional delegation allowed into North Korea.

We went to North Korea with a specific purpose. We know that country is hard hit by a famine, and that the situation is very real. We wanted to encourage the North Koreans, in cooperation with Ambassador Richardson, the State Department and the administration, to participate in the four-party peace talks.

Since I have had the privilege of being the former chairman of the House Agriculture Committee and serve on the Agriculture Committee here in this body, I wanted to encourage the North Koreans to explore every opportunity for normal trading relations—that is, to explore the possibility of commercial trade and third-party agreements that would alleviate their situation.

I think we made some progress. I think we tried to make our point that these kind of negotiations, these kind of contacts, would certainly open up new doors of cooperation only to find out, however, that now just at the time the administration is announcing a doubling of the humanitarian food assistance to North Korea we see another repeat of these hostilities.

I remember well in meeting with the South Korean Government officials when South Korea sent a ship full of grain and other food shipments to the North. The North simply confiscated the ship, took down the South Korean flag, raised the North Korean flag, took all of the personnel involved, and had them incarcerated for about 10 days, and then finally let those folks go back to South Korea. That to me is not a very willing partner in an effort to relieve any kind of famine.

Quite frankly, when we were in North Korea they were conducting a military exercise at the time that we were there, and wasting, as far as I am concerned and any other observer, valuable dollars that could have been provided to their own people who are suffering. This is a repressive regime—a theocracy, if you will—that is punishing their senior citizens and their very young—putting them through a famine at the same time that they are asking us for this kind of assistance.

Question: Will these funds go to the purpose that it should go to, or will they go to simply reinforce a very repressive military?

These are questions that should be answered. And I think with the latest flare-up on the DMZ Senator MURKOWSKI and Senator MCCAIN have made an excellent amendment, and I hope we would consider it and I hope it will be improved.

UNANIMOUS-CONSENT AGREEMENT—S. 1004

In behalf of the leader, I ask unanimous consent that the bill, S. 1004, be considered read a third time, that the vote on passage occur as under the original consent, and additionally the bill not be engrossed, that it remain at the desk pending the receipt of the House companion measure; I further ask unanimous consent that when the House companion measure is passed pursuant to the previous order, the passage of S. 1004 be vitiated and that S. 1004 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

Mr. DORGAN. Mr. President, I ask unanimous consent that Matthew Goldenberg, Danette Lince, Joshua Spellman, and Katherine Ruth be given floor privileges today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I have an amendment pending, and I had asked for the yeas and nays some time ago. There was a question, and I would like to again ask for the yeas and nays on my amendment on North Korea.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague.

Mr. LEAHY. Mr. President, because of a meeting with the President and the Vice President, I was unable to be here for the opening of this bill, and I did want to make note of a couple items.

First, I do commend my friend from Kentucky, Senator MCCONNELL, who has put together a bill which I believe both parties, both Republicans and Democrats, can and should support. I should note that last year the foreign operations bill passed the Senate by a vote of 93 to 7, which is pretty darned good for such a piece of legislation. This year's bill I think will pass by an even higher margin.

I thank the chairman of the full committee, Senator STEVENS, and the senior Democrat on the committee, Senator BYRD, for providing us with an allocation that has made it possible to fund many of the administration's foreign policy priorities, in fact, most of the priorities of Members of the Senate, and that is extremely important as we go into conference with the other body.

For the past 3 years, Senator MCCONNELL and I and Senator LUGAR and others have argued that U.S. leadership costs money. Senator MCCONNELL has fought efforts in the House to cut funding for programs that are vital to U.S. foreign policy and national security. I think all of us owe him a debt of gratitude for that. I take the attitude, which is the attitude of all Vermonters ahead of me, that in foreign policy matters especially we should try to develop bipartisanship. The distinguished senior Senator from West Virginia and the distinguished senior Senator from Alaska did that in developing the allocation in this bill. While I am the only Member of my party ever to be elected from the State of Vermont, I look back to distinguished predecessors as Senators from Vermont who always tried to develop that bipartisanship in foreign policy. This bill appropriates additional funds for development assistance in microenterprise, health and education, agriculture, and many other activities supported strongly on both sides of the aisle—a special fund for combating infectious diseases. I thank the distinguished chairman of the subcommittee for that.

This is an area that I was particularly concerned about. We have seen an alarming increase in TB and other diseases that were once thought to be under control, new viruses like Ebola. These pose a threat to America. You might ask what American interest is there in that in a foreign aid bill. It is very simple. These funds will help monitor and combat these diseases. A microbe does not stop at a border and get a visa before it moves on to the next country. Microbes and viruses, diseases, some of the most horrendous diseases known in our lifetime, traveled freely across borders.

In an era where a Member of Congress does much traveling, we see how people can be, for example, in Kenya and be back in Washington in a matter of long hours, but it is possible to travel that way, sometimes perhaps arriving even a few minutes later than they might have liked, but being able to arrive.

I should note for the RECORD that this reflects sort of a private joke between the distinguished Presiding Officer, my good friend, and myself. But the point is people do travel and, unlike the old days when you looked at a different continent one would never visit, now we go back and forth, and diseases do, too.

My wife, who works as a registered nurse, sees far, far more patients with TB today than she had seen a decade ago. We see far more diseases that we thought had disappeared popping up again. What we want to do is have money in here to help us monitor countries where these diseases are coming up, help the world organizations most involved in this to isolate and quarantine and help eradicate diseases before they travel into our country or other countries.

I also appreciate what has been done to fund IDA. Even though it is $950 million, it is close to and goes a long way toward meeting our past commitments. The same goes for UNICEF, a favorite organization of mine, and other U.N. agencies. We were able to provide $60 million for the global environment facility. The GEF plays a central role in protecting international waters and biodiversity, replacing ozone depletion. It is a step in the right direction. I would like to see a United States contribution to the African Development Fund. I would like to see more funds for voluntary peacekeeping, disaster relief programs.

There were some hard choices. I point out to people that most programs that did not receive full funding, and they are relatively few, were distributed fairly evenly across the various accounts here.

I have other areas of concern, and I will speak to those when the time comes.

I say only this in closing, Mr. President. We have a tremendous opportunity to influence economic and political events around the world, but diplomacy costs money. It is money to support programs that will in a very real way determine what kind of world our children's grandchildren live in. We are the most powerful nation in the world, the greatest democracy history has ever known, and we have a responsibility to the rest of the world because of that. We do not live in isolation, and this bill helps us say that.

Mr. President, I do not see others seeking the floor, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak to the legislation now pending before the Senate on three topics that are much different in nature, but I think reflect the diversity of the subject matter of this important legislation.

NATO ENLARGEMENT ASSISTANCE

At the outset, let me join with my colleague, Senator GORTON of Washington, who has offered a sense-of-the-Senate amendment in his name and mine, asking that Lithuania, Latvia, and Estonia be invited to become full NATO members at the earliest possible date. I have addressed this issue before on the State Department authorization, and it was adopted by the Senate in similar form.

The amendment states the sense of the Senate that Lithuania, Latvia, and Estonia are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members; that these three countries would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and they should be invited to become full NATO members at the earliest possible date. The recent NATO summit in Madrid resulted in the member nations inviting Poland, Hungary, and the Czech Republic to join NATO. This was a dramatic breakthrough. I think it signaled the end of the cold war and a new era in the world, with those who had been our adversaries for literally decades now to become our allies. We are seeking, with this amendment, Senator GORTON and myself, to increase that number of new NATO members by at least three, by including the Baltic nations.

I can tell you from recent visits to Lithuania that they feel this is the single most important foreign policy challenge which they face. They want to make it clear that they look to the West; they share our values. They are interested in this type of NATO arrangement, which is not offensive in strategy but, rather, seeks peaceful resolutions, and they are hopeful that this will create a new era of opportunity for them.

This amendment is consistent with current laws and programs, and I believe that it is one the administration can embrace. It is clearly not only in our best interests in the United States, but certainly in the best interests of the Baltic States, which are still in a very precarious position.

I thank my colleague Senator GORTON for offering this sense-of-the-Senate resolution on our mutual behalf, and I am also grateful to the managers of the bill for having adopted it.

INTERNATIONAL FAMILY PLANNING

Mr. President, I might go on to say there is another aspect of this bill which is critically important for the future, not only of the United States, but of the world. I rise in support of the funding in this legislation for international family planning. I can't think of a single issue more threatening to the future and stability of our world than the present trends of population increase. The world's population increases by about a quarter of a million people every single day, and 95 percent of the world's population growth is in less developed countries. In 1950, the world's population was 2.5 billion; today it is 5.8 billion. In 1950, the average life expectancy worldwide was 46 years; today, it is 65 years.

By the year 2040, if current trends continue, the world's population will double. The danger of overpopulation, the problems that come with it—poverty, hunger and disease—will not go away if we simply ignore them. We can and we must address these problems by providing family planning assistance to the poorest people in the world.

And family planning works. Mr. President, 30 years ago the average couple in the world had six children. Today, the average couple in the world has four. International family planning is about giving people around the world, especially in the world's poorest countries, the ability to decide the size of their own families. International family planning is about eradicating poverty, hunger and disease. It is not about abortion. It is about preventing abortion. It is estimated that unwanted pregnancies lead to 50 million abortions every year—abortions that might have been prevented by family planning.

International family planning literally saves the lives of children and their mothers by increasing the time between births and helping women to avoid high-risk pregnancies. It is estimated that preventing closely spaced births and pregnancies to very young mothers can save the lives of 3 million babies a year. That would be a 25 percent reduction in worldwide child mortality.

International family planning makes it possible for poor nations to provide better nutrition, health care and education.

About 6 years ago, I joined my House colleague, the late Congressman Mike Synar of Oklahoma, on a trip to Bangladesh. It was an amazing educational experience. One of the poorest countries in the world, Bangladesh seems to be living under a dark cloud. If there is a natural disaster to occur, it is usually occurring in Bangladesh. And these poor people who eke out a living are often victimized by these disasters.

Congressman Synar and I went into the back country where the roads end and we had to get out of the 4-wheel-drive and start hiking to a little village where we literally met with 50 women and their children who were part of a project known as the Grameen Bank, a fascinating experiment in credit for poor people which has now caught on worldwide.

After this meeting, one of the women came up to me and, through an interpreter, spoke to me. She was holding a small baby in her arms, and she said to me that she wanted to tell me something. I asked what it was, through the interpreter. She wanted to tell me that, because of family planning and also because of the UNICEF and United Nations effort to save the lives of small children in developing countries, she and her husband had decided to have no more than three children. It was a dramatic admission on her part to a pale-skinned stranger from a country she had literally never heard of.

Those of us who think the money that is invested in this legislation doesn't do any good should take the time to visit those parts of the world where it literally means life or death. For her, it meant the baby in her arms would survive. In these countries, with their poor health conditions, many times unsanitary water would result in children with dysentery and other intestinal problems who literally died for lack of hydration. The rehydration therapy, as simple and cheap as it is, saves these lives and gives these mothers the hope that they don't need to have six children to have three survivors. And that, many times, is the driving force behind large families in poor countries.

So I hope those who are supporting this legislation, as I am, understand that its investment and commitment to international family planning and also the children's program is money well spent, not just for the humanitarian purposes which I have outlined but for very selfish reasons, for the future of the United States. If we start to stabilize world population, we can also help to stabilize political situations and hope as well that we will bring that kind of quality of life around the world that we enjoy in most parts of the United States today.

SCHOOL OF THE AMERICAS

Mr. President, the final issue which I will address in this moment on the floor is in relation to an amendment which I am prepared to offer today but will not. It is an amendment which has been considered time and again in the House but has not been considered in the Senate. I had thought that it was time to call up this amendment, but after discussions with my colleagues we have decided to wait until next year's appropriations bill to address it.

What I am speaking to is a project known as the School of the Americas. The School of the Americas was established over 50 years ago to provide military education and training to military personnel of Central America, South America, and the Caribbean countries. Given the breakup of the Soviet Union, the training provided at this school is no longer appropriate to the long-term goals of the United States or Latin America. This school at Fort Benning, GA, has been a training ground for thousands of individuals who have been brought in from the militaries of Central and South America and the Caribbean and trained to become more proficient in their military ways.

We acknowledge the Army has tried to make changes at the School of the Americas by updating curricula and improving the selection process for students and the quality of teachers. Despite these efforts, it is my belief that the School of the Americas should be closed. It is an element in this bill which I do not support. It serves no strategic purpose.

In the post-cold-war era, we need to strengthen civilian institutions in Latin America, not the militaries. And the school cannot overcome its horrendous history and its past links to numerous military personnel who have committed human rights atrocities. These admissions are an embarrassment to the United States and to our reputation as a leader in promoting human rights throughout the world.

The training manuals at this school as late as 1991 contained instruction in torture and extortion. Imagine, U.S. taxpayers' dollars spent at this facility in Georgia, at a U.S. military base, to train foreign military leaders in torture and extortion. It is incomprehensible.

No one has been held accountable for the fact that the U.S. Army was teaching training techniques which clearly violated U.S. Army policy. The School of the Americas has trained leaders in tactics to violate human rights and has done so knowingly and deliberately. It is well documented that this school's graduates have planned and participated in severe cases of human rights abuses during the history of this institution.

Listen to this roster of graduates from the School of the Americas, funded by taxpayers' dollars: Panamanian dictator and drug dealer Manuel Noriega; 19 Salvadoran soldiers linked to the 1989 murder of 6 Jesuit priests, their housekeeper and her daughter; El Salvador death squad leader Roberto D'Aubuisson; Argentinian dictator Leopoldo Galtieri; 3 of the 5 officers involved in the 1980 rape and murder of 4 United States churchwomen in El Salvador; and 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village, El Mozote.

Victims of these abuses often are the most vulnerable of the country, the poor and Roman Catholic religious who spoke out in defense of peace and social justice. Given that the training manuals used at the school advocated torture, blackmail and other forms of coercion, the atrocities committed by these graduates are predictable results. The United States needs, in this post-cold war era, to find a better way to moderate the abuses of Latin American militaries. Clearly, the School of the Americas is not the answer.

I think it is clear that this school needs to be closed. If an alternative needs to be opened, let us restructure it consistent with our own human rights values. I will not be offering the amendment today which would close this institution, but I want to make it clear to my colleagues in the Senate and those who are listening to this debate, that we will continue to monitor the School of the Americas, that we will continue to make certain that they know we are watching what they do and the graduates they send to lead the militaries of foreign nations. And we will insist, at every step of the way, that this School of the Americas pursue policies that are consistent with the best interests and policies of the United States.

Mr. President, at this point, I yield the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 895

(Purpose: To restore to United States citizens and residents the right of travel to Cuba)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 895.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . TRAVEL TO CUBA.

(a) PROHIBITION.—The President shall not restrict travel to Cuba by United States citizens or other persons subject to the jurisdiction of the United States, except in the case in which the United States is at war, where armed hostilities are in progress in or around Cuba, or where there is imminent danger to the public health or the physical safety of the United States travelers to Cuba.

(b) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

(c) DEFINITION.—For purposes of this section the term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

Mr. BINGAMAN. Mr. President, the amendment I have just sent to the desk is a very simple amendment that would provide that the President shall not restrict travel to Cuba by United States citizens and other people who are lawfully subject to the jurisdiction of the United States, except in circumstances where we are at war or where there are armed hostilities in or around Cuba, or where there is imminent danger to public health or physical safety of United States travelers in Cuba.

My own view is that our policy today, toward Cuba, is a holdover from the cold war. It is an anachronism. It is out of step with the sentiments of the American people. And it is certainly out of step with the best interests of our own country.

We have gotten into a situation where the only attention that is given to our relations with Cuba is that every 6 months the President comes forward and once again waives certain extraterritorial provisions that were part of the Helms-Burton Act that was passed last year; and at the same time that it waives those provisions, it assures Members of Congress and the Cuban-American community that it plans to maintain a posture of tough sanctions against Cuba. So any efforts that might be undertaken to promote a constructive and humanitarian engagement with Cuba, or at least some level of humanitarian assistance to those in need in Cuba, all of that has been put aside and lost, unfortunately, in our discussion of Cuban-American relations.

When the Helms-Burton Act passed the Congress, Walter Russell Mead wrote an article in the New Yorker that I think sums things up pretty well. He said:

> Fidel Castro has survived the enmity of nine American Presidents. In concert with his enemies in South Florida, he retains a hypnotic ability to induce stupidity in Yankee policymakers. That seems unlikely to change until the U.S. Government gets around to taking control of its Cuba policy away from a small, self-interested lobby group.

Mr. President, I share Mr. Mead's views on this anachronistic stance that we continue to take toward Cuba.

In my opinion, the one reason that Castro has remained entrenched and has survived nine American Presidents is that he continues to be able to point to the United States as a menacing foreign presence and to call upon the Cuban people to withstand the hardships that they have to withstand because of bad intentions and actions by America, as he would have it.

If people, including so many of my distinguished colleagues across the aisle and on the Democratic side, believe in the value of Radio Marti and TV Marti, our broadcasting operations in Florida, which are intended to inform Cubans about the way of life in the United States and our freedoms and our liberties, then certainly increasing contact by allowing travel by Americans to Cuba would do even more. I think it is important that the administration and others realize that the Helms-Burton Act and this 6-month clock on issuing a waiver on the worst provisions of that act not be allowed to serve as the be all and the end all of our Cuban policy.

On June 19 of this year, I joined Senator DODD and a great many other Senators in writing to the President urging that direct flights to Cuba for the purpose of humanitarian assistance be permitted. The subject of that letter is not the subject of my amendment today. I cite that as one example of an effort to improve constructive relations between ourselves and Cuba and to assist in humanitarian needs that are real.

I do believe that one of the least justifiable aspects of our policy toward Cuba today is the restrictions that we place on travel by U.S. citizens and U.S. residents to that country. The right to travel is a constitutional right. It is one that the courts have recognized. It is one that we, as a country, have recognized and that we only interfere with where there is a national security reason or some overriding national interest that requires that we interfere with that free right of travel.

I attended a conference, Asia Pacific Forum, 2 weeks ago at the Kennedy School in Boston. There were some Chinese leaders there and some Korean leaders and some Japanese leaders, and I was struck by the story that I heard from one of the Chinese leaders, the head of the Chinese delegation. He had been one of those singled out for abuse during the cultural revolution when that occurred in China a couple of decades ago.

He was taken from his hometown, from Beijing, at that time where he was a prominent leader in the university, and he was sent to a very remote part of China and forced to work there. He worked in a factory for 10 years during the cultural revolution in a very lowly position. At the end of the cultural revolution, he was allowed to take a more responsible position and, once again, begin to demonstrate and use his talents, but he stayed in that factory for an additional 5 years after the 10 years that was required during the cultural revolution.

I asked, "Why did you stay in that part of China? Why didn't you come back to Beijing?"

He said, "I didn't have a permit. I wasn't permitted to travel." You couldn't just travel. You weren't permitted, at that time at least, to travel in China without a permit.

Mr. President, that refusal to allow people to travel is characteristic of Communist, authoritarian regimes. It is not characteristic of the United States. It should not be our policy to keep American citizens and American residents from traveling, except where national security requires it. Clearly, there is no national security justification for us continuing to prevent travel to Cuba by Americans today.

Let me also just point out this restriction against travel is an invitation to abuse. We have a lot of people in business in this country, in Canada, in Mexico and in various nearby countries who make it their business to facilitate travel to Cuba by United States citizens.

We made a little search of the Web. You are supposed to search the Web whenever you want to find out anything these days. So we got on the Internet. Here is a provision, Intra Kensington Travel. It says: "Cuba travel for U.S. citizens. U.S. citizens holding valid passports are welcomed as visitors to Cuba for purposes of tourism. Many U.S. citizens visit Cuba each year for this purpose."

This is what the advertisement on the Web said: "When you arrive in Cuba, ensure that your passport is not stamped. Instead, have the Cuban immigration officials stamp a separate sheet of paper and be sure to bring this with you, so your passport won't be stamped. To avoid difficulty with U.S. Immigration and Customs authorities, do not return to the United States with any evidence that you have ever visited Cuba. This would include cigars, rum, souvenir T-shirts, postcards, tourist information and other items."

Mr. President, this restriction is not enforceable. It is being abused. It is an embarrassment to a great nation like ours that we have this restriction in our law. I believe strongly that we should eliminate it. The amendment I sent to the desk would do that.

Let me also say, though, for purposes of reality in the Senate, that we have had a vote on this amendment before, essentially this same amendment. Former Senator Simon from Illinois offered this same amendment in the last Congress. I supported his efforts. I am sad to report that we only received 25 votes for the effort to eliminate these restrictions.

So this year, Mr. President, I would like to offer a different amendment and see if we can't get more support. Let me, at this point, Mr. President, withdraw my amendment and send another amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment (No. 895) was withdrawn.

AMENDMENT NO. 896

(Purpose: To provide for Cuban-American family humanitarian support and compassionate travel)

Mr. BINGAMAN. Mr. President, I send another amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 896.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary,

(1) no person subject to U.S. law as it pertains to expenditures of money in Cuba shall be prohibited from sending to his or her parent, sibling, spouse, or child currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care;

(2) each person subject to U.S. law as it pertains to expenditures of money in Cuba in relation to travel to Cuba shall be free to travel without limitation for periods not to exceed 30 days per any one trip to attend to a medical emergency involving, or to attend the funeral of, such person's parent, sibling, spouse, or child; and

(3) the United States government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

Mr. BINGAMAN. Mr. President, let me describe the second of these amendments. It says, and I will just read it. It is very short. It says:

> Notwithstanding any other provision of law to the contrary,
>
> (1) no person subject to U.S. law as it pertains to expenditures of money in Cuba shall be prohibited from sending to his or her parent, sibling, spouse or child currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines and medical care;

That is the first part.

The second part:

> (2) each person subject to U.S. law as pertains to expenditures of money in Cuba in relation to travel to Cuba shall be free to travel without limitation for periods not to exceed 30 days per any one trip to attend to a medical emergency involving, or to attend the funeral of, such person's parent, sibling, spouse or child . . .

Mr. President, the third part of this amendment says that:

> (3) the United States Government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

So this amendment that is now pending before the Senate would do these three things: It would allow a modest amount of funds to be sent by a U.S. citizen or resident to their family, for purposes of basic necessities—food, clothing, supplies, rent, medicines, and medical care—not to exceed $200 per month.

Second, it would provide this opportunity to return to Cuba for up to 30 days, again, by someone who has a relative, a parent or a sibling or a spouse or a child still in Cuba. And third, it would allow the United States Government to participate in humanitarian relief efforts if there is a natural disaster on the island of Cuba, and participate in those relief efforts through multilateral organizations, not unilaterally, but through multilateral organizations.

None of these provisions threaten the national security of the United States. These are extremely modest ways that we can enhance the person-to-person contact and humanitarian assistance which can begin to take United States-Cuban relations in a positive direction.

None of these provisions violate the spirit of the economic embargo that we have had in place these 35 years, although I must acknowledge that I think that economic embargo at this stage in our history is a mistake. None of what I am proposing here interferes with that economic embargo. None of these provisions help Castro to galvanize his public against the United States. They may very well help erode the support that he has been able to maintain during this last 35 years because of the failed policy that we have pursued during that entire period.

So I urge my colleagues to support this amendment. I believe it is a worthwhile amendment and one that would move us in a positive direction.

Mr. President, we are coming on the end of this entire century and millennium, and sooner or later we need to become realistic about the fact that this other nation, Cuba, is 90 miles from our border, and we need to try to develop a more constructive relationship.

This provision would help Cuban-American citizens in particular, but would begin to move us toward a constructive relationship. I urge its support, and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, is there a vote scheduled at 2?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Does the Senator wish to speak on this amendment?

Mr. BROWNBACK. Not on this amendment. I have a separate amendment I want to propose that the managers have agreed to. It is a sense-of-the-Senate resolution.

Mr. STEVENS. I would like to speak for a couple of minutes—I know the Senator is seeking recognition—on the Smith of Oregon amendment before the vote at 2.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 889

Mr. STEVENS. Mr. President, I support the Smith amendment, and I remind the Senate that at the time of the great upheaval in the Soviet Union, when the tanks rolled into Red Square, there was a group of people that was prodemocracy from throughout the world which carried Bibles into that square and literally handed them out to the drivers of the tanks which were coming into Red Square, supposedly to dislodge the new government.

While I was chairman of the Presidential prayer group one year, I asked our former great symphony director, Rostropovich, to come and tell about his experience there. He told us of these people coming into the square and handing out those Bibles.

What is happening now in Russia is a direct reversal of the open-door policy for those people who believe that freedom of religion is an international freedom. I do believe that the Senate should go on record in support of the Smith amendment today. That is why I urge its adoption at this time.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President.

AMENDMENT NO. 892

(Purpose: To express the sense of the Senate regarding the targeting of assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia)

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the pending amendments be set aside so I can call up amendment No. 892.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 892.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.

Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives of international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation; and

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

Mr. BROWNBACK. Mr. President, this will just take a minute or two, because the managers have agreed to this particular amendment.

I know Senator SMITH has a very important amendment that we are going to be voting on, which I support. I think he is in an absolute right position to be stating in this amendment what our aid should be based on.

I rise today to bring to the Senate's attention in a sense-of-the-Senate resolution another strategic important region of the world that is also being impacted by where it sits locationwise.

And these are countries that are transversed by the Old Silk Road.

The PRESIDING OFFICER. The Senator will suspend.

VOTE ON AMENDMENT NO. 889

The PRESIDING OFFICER. The Chair states that under the previous order the vote now occurs on amendment No. 889 offered by the Senator from Oregon. The yeas and nays have been ordered.

Mr. McCONNELL. Mr. President, I understand that the Senator from Kansas is only asking for a few minutes.

Mr. BROWNBACK. That is correct.

Mr. McCONNELL. I ask unanimous consent that the Senator from Kansas be given 5 minutes, and then the votes commence then.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. LEAHY. Reserving the right to object, and I will not object, if we are going to do that, the distinguished Senator from Virginia wanted an equal amount of time.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 889. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Bingaman
Byrd
Kerrey
Lugar

NOT VOTING—1

Burns

The amendment (No. 889) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Is the SMITH underlying amendment now the pending business?

The PRESIDING OFFICER. The question is on final passage of the energy and water appropriations bill, under a unanimous consent.

Mr. BYRD. Mr. President, I had hoped to speak briefly before this last vote to explain my reasons for voting against the amendment. This is a politically sensitive vote, and I did not have the opportunity to explain in advance.

I am sympathetic to the concerns of Senator SMITH with regard to religious minorities in Russia or anywhere else. The effect of the law recently passed by the Russian Duma is to discriminate against any religious group not recognized by the Soviet Government in 1982, which has the effect of recognizing the rights only of Orthodox Christianity, Islam, Judaism, and Buddhism. This represents an onerous act of discrimination against religious minorities within the Russian Federation.

I note that if the same standard included in the Smith amendment was applied to all other nations, we would be forced to terminate our foreign aid to other key United States allies, including Israel, Egypt, and Turkey. These nations, along with others, could not pass the test included in the Smith amendment. This amendment, therefore, discriminates against one nation, even while it claims that discrimination is its concern. Just as Russia should apply one standard in the case of all religions, so should the United States apply one standard in the distribution of foreign aid with all other nations.

Finally, I would note that there are other diplomatic methods that can be used to deal with this problem. When the United States was concerned about Jewish emigration from the Soviet Union, we were able to greatly increase such emigration by using quiet diplomacy. As soon as the Congress enacted laws publicly attacking the Soviets on this matter, emigration was sharply reduced. The Smith amendment could well have the same effect, and would only make matters worse for religious minorities in Russia, as Nationalist elements in the Duma may react in anger to this action.

I am not a strong advocate of foreign aid. I don't carry a brief for Russia, and as far as believing that religion should not be discriminated against, I don't think anyone in this Chamber would feel more strongly than I. But let me read to Members what the annual State Department report on human rights states in its report concerning Israel.

> Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.
>
> Under the complex mixture of laws and regulations that apply to the territories, Palestinians are disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This includes discrimination in residency, land and water use, and access to health and social services.

Reading from the same United States State Department report, concerning religious minorities in Israel:

> In civic areas where religion is a determining criterion, such as the religious courts and centers of education, non-Jewish institutions routinely receive less state support than their Jewish counterparts. The status of a number of Christian organizations with representation in Israel has heretofore been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations are negotiating with the Government in an attempt to formalize their status.
>
> Attempts to establish meaningful negotiations are ongoing.

Another paragraph, under the subject of—this is very fine print, and I have some difficulty reading it—"National/Racial/Ethnic Minorities." The State Department report says:

> The government—

Meaning the Israeli government—

> does not provide Israeli Arabs, who constitute 18 percent of the population, with the same quality of education, housing, employment, and social services as Jews. Government efforts to close the gaps between Israel's Jewish and Arab citizens have resulted in an estimated 180 percent increase in resources devoted to Arab communities between 1992 and 1996. Nevertheless, significant differences remain.

Now, Mr. President, I felt that Senators ought to know my reason, and I certainly want my constituents to know my reason, for voting against this amendment. I wanted to call to the attention of the Senate the problem here in rushing to vote on matters that we don't clearly understand when we come to the well to vote. And I have that problem as much as anybody. But it seems to me there is some inconsistency here in handing out foreign aid—the American taxpayers' money.

If foreign aid is going to be used as an enforcer of human rights, then we ought to be consistent. That is all I am saying. If we are going to be consistent, my colleagues, remember that you may be asked one day to cut off aid to Israel, or to cut off aid to Turkey. Senators know that I have fought battles on this floor here in support of Turkey, and so I am not saying this with any animus whatsoever toward the recipient countries; that is not it. I am just calling attention to the fact that we voted, in this amendment, to apply an "enforcer," if I may use that term, concerning human rights, and it is not an enforcer tool that we apply consistently across the board against our friends. I don't know how we can defend votes like this to the American people.

I feel as strongly as anyone about religion. I am not of the religious right and I am not of the religious left. I don't claim even to be a good man. My Scripture tells me that no man is good—but this is another matter. And I hope that Senators know that we don't even have a waiver provision in this amendment. I should think that there ought to be a waiver—a national security waiver. The President should have an opportunity to waive this provision under certain conditions. That is not in this amendment. What I am saying, I certainly don't say critically of the author of the amendment. My sentiments, I am sure, are much like his in the overall. But I think we make the mistake when we vote without really understanding what we are voting on in a matter of this kind. This is a very politically sensitive matter. It is pretty difficult to explain your vote against this kind of an amendment —pretty difficult.

Finally, I note that there are other diplomatic methods that can be used to deal with this problem. When the United States was concerned about Jewish immigration from the Soviet Union, we were able to greatly increase such immigration by using quiet diplomacy. As soon as the Congress enacted laws publicly attacking the Soviets on that matter, immigration was sharply reduced.

The Smith amendment could well have the same effect, and would only make matters worse for religious minorities in Russia, as nationalist elements in the Duma may react in anger to this action.

Mr. President, that is the explanation of my vote.

I yield the floor.

VITIATION OF YEAS AND NAYS ON AMENDMENT NO. 888

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on amendment No. 888, as now amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senators HELMS, D'AMATO, HATCH, and BENNETT be added as cosponsors to the Smith amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The question now is on the energy and water appropriations bill, S. 1004.

The yeas and nays have not been requested.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I am grateful for the work by so many to reach conclusion on this most important appropriation bill.

Senator DOMENICI has been a real partner and I appreciate his openness with me and my staff.

Alex Flint and David Gwaltney have been easy to work with and have been essential to final passage of this bill. Minority clerk Greg Daines has rendered invaluable service to me and the country in helping develop this legislation. Elizabeth Blevins on the minority side has been most helpful. Bob Perret, a congressional fellow, has rendered valuable assistance to me with his scientific background.

I look forward to a quick conference and a speedy signature by the President.

DISPOSITION OF EXCESS PLUTONIUM

Mr. GORTON. Mr. President, I rise to engage in a colloquy with the distinguished chairman and ranking member of the subcommittee regarding an issue that has been underscored in the House report and deserves similar recognition within this distinguished body. The issue concerns the Department of Energy's program for disposition of excess weapons usable plutonium. This program, managed by the Department's Office of Fissile Materials Disposition, is an important cornerstone of international efforts related to arms reduction, nonproliferation, and world peace. It is a relatively new program within the Department, and one that deserves special recognition by this body and our unconditional support.

Mr. CRAIG. Mr. President, I rise in support of the gentleman from Washington State and to add my request that this body go on record in clear support of the Department's Plutonium

Disposition Program. In particular, the Department should be commended for all its fine work leading to the January Record of Decision, which chose two options for the disposition of the excess weapons plutonium. These two options—immobilization and use of mixed oxide [MO_x] fuel in existing reactors—will set the pace for parallel activities in the former Soviet Union. We should encourage the Department now to implement this decision in an expeditious manner, for the sake of world peace and stability. In particular, we understand that the Department intends to begin the process of selecting the suite of industrial partners that will carry out the MO_x Program. I look forward to the fruits of that labor, and strongly encourage the Department to move out expeditiously. Accomplishments in this program can do a lot toward world security, not to mention what it can do for DOE's image and reputation at home and abroad.

Mr. DOMENICI. I thank my colleagues for highlighting this important program before the Senate as a whole, and I add my concurrence to the sentiments expressed.

Mr. REID. I, too, appreciate the thoughtful remarks of my colleagues and add my support.

ADVANCED HYDROPOWER TURBINE DESIGN

Mr. KEMPTHORNE. Mr. President, yesterday the managers accepted my amendment No. 870. The amendment will continue funding for an ongoing shared-cost research program for hydropower turbine design—commonly referred to as the "fish-friendly hydropower program."

In the Snake and Columbia Rivers, dams and turbines generate energy that fuel the Northwest economy. But while these facilities are used by this Nation for a tremendous good they also are, in part, responsible for the death and injury of critically endangered salmon. Some young salmon on their way to the ocean pass through the slowly moving turbine blades. The turbulence caused by the blades can and does injure some of these fish. This Nation has spent well over a billion dollars to save salmon as a result of the Endangered Species Act. Stocks of salmon continue to decline causing some to suggest removing the dams altogether. In light of this it seems amazing that we are in the process of removing funding from a promising technology that will save salmon and improve the efficiency of this renewable energy resource.

Phase I of the project—the conceptual/engineering designs—has been completed. Phase II needs to be funded for us to realize the benefits of the money already spent, and to provide the Nation with modern, environmentally sound technology.

We simply can no longer afford to use 50-year-old hydropower technology in a 21st century energy environment. We must learn to balance our environmental concerns with safe and clean energy development.

Preliminary work indicates that a well-focused R&D program can achieve major innovations in the design of environmentally sound hydropower turbines. For the last several years we have been pursuing a program funded by the hydropower industry with a modest contribution from energy and water development appropriations. This amendment will continue that program into the development of a biological design.

The U.S. hydropower industry raised $500,000 of its own funds to invest in phase I of this program. They can be expected to continue to contribute to this program in phase II.

Hydropower is the Nation's leading renewable energy source, producing 85 percent of the U.S. renewable energy capacity and 13 percent of all U.S. electric generation. In the Pacific Northwest States of Montana, Idaho, Oregon, and Washington 60 percent of electrical usage depends on hydropower. In the South and Northeast, hydropower remains an integral part of electrical energy supplies. The Clinton administration's climate change action plan identified a continued and expanding role for emission free hydropower in sustainable development. With proper siting and sound technology, the Department of Energy estimates hydropower can increase U.S. energy independence and opportunities for sustainable development in the United States and worldwide. With over 100 hydro facilities being relicensed over the next decade, the development of an alternative technology will be essential to maintaining electric generating capacity.

This is not the time to end a promising, environmentally sound and technologically efficient tool in our Nation's energy arsenal. We cannot in good conscience end funding for this program while the numbers of salmon stocks remain at their critically low levels.

TENNESSEE VALLEY AUTHORITY

Mr. JEFFORDS. Mr. President, the Tennessee Valley Authority was created as part of the New Deal to bring economic development and electricity to the Tennessee Valley. Much has changed since the 1930's. Fortunately, rural Americans now enjoy electricity, and the economy of the Tennessee Valley has improved significantly. That region's economy, in fact, is doing quite well and now is home to industry and businesses like Saturn Automotive and Gateway Computer. It's time for TVA to change, too.

Over the past six decades, TVA has become, by its own measure, the Nation's largest electric utility company, providing some of the cheapest electricity in the Nation. TVA's current managers are trying aggressively to prepare this giant government-owned utility for the competition that may result from deregulation. Earlier this year, in testimony before the Energy and Water Development Appropriations Subcommittee, TVA's Chairman argued that, in order to help prepare for this competition, the direct Federal appropriation to TVA should end. In fact, he stated, "With your help, we can end taxpayer funding of TVA appropriated programs and begin a new era for TVA." It is my understanding that the Energy and Water Development Appropriations Subcommittee has voted to codify that request.

Reforming TVA should no longer be a controversial activity. More and more lawmakers have introduced bills to rethink the giant agency as we look toward a deregulated electricity industry and a balanced Federal budget. Even TVA's Chair, as mentioned before, has stated that the agency should forego its $106 million annual appropriation. TVA's former chief financial officer has gone further, arguing that the Federal Government should sell TVA. Sale, he argues, would generate big savings for taxpayers; reduce the Federal debt; provide a model for privatization; and move one of the largest electric companies out from under the burden of Federal bureaucracy into the private sector, where it would pay taxes.

Mr. President, I urge my Senate colleagues who will sit on the conference committee to take a first step toward reforming TVA by eliminating the agency's entire appropriation. I also urge my colleagues to consider more substantial changes to TVA in the context of reducing taxpayer subsidies and opening the electricity market to true competition.

Mr. LEVIN. I am please that the bill managers were able to accept my amendment to prohibit Army Corps consideration of permits that would result in the diversion of ground water from the Great Lakes Basin.

As my Great Lakes colleagues know, the Army Corps recently stated its opinion that ground water is not covered by section 1109 of the Water Resources Development Act of 1986. This section states that, "No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside the Great Lakes Basin unless such diversion is approved by the Governor of each of the Great Lakes States . . ." and places constraints on funds for any Federal agency study of the feasibility of such a diversion. As I have indicated to the Army Corps, a careful review of the act's legislative history, the Great Lakes Charter, the Boundary Waters Treaty of 1909, the Federal charter of the Great Lakes Commission and its predecessor, and subsequent congressional authorizations and appropriations referencing the waters of the Great Lakes Basin, shows that ground water recharging or discharging into the Great Lakes Basin hydrologically speaking and is therefore not divertable without adherence to section 1109. In a nutshell, I disagree with the Corps' conclusion.

Mr. President, I look forward to working with my colleagues in the Great Lakes region and the conferees to keep this provision intact. This 1-year prohibition will provide time for the appropriate parties to get together and determine how best to proceed, including possible legislative clarification, to permanently prevent covert diversions of a very precious resource, ground water in the Great Lakes Basin.

Mr. STEVENS. Mr. President, I hope all Senators will support the work of Senator DOMENICI and Senator REID.

The PRESIDING OFFICER. The question is, "Shall the bill pass?" The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Burns

The bill (S. 1004), as amended, was passed, as follows:

S. 1004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $164,065,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $200,000;

Laulaulei, Hawaii, $200,000;

Tahoe Basin Study, Nevada and California, $320,000; and

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, may use $200,000 of funding appropriated herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,284,266,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Arkansas River, Tucker Creek, Arkansas, $300,000;

Red River Emergency Bank Protection, Arkansas, $3,500,000;

Panama City Beaches, Florida, $5,000,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $18,000,000;

Martin County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,500,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $7,200,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $5,800,000;

Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $700,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,690,000;

Lake Ponchartrain Stormwater Discharge, Louisiana, $3,000,000;

Natchez Bluff, Mississippi, $4,000,000;

Jackson County, Mississippi (Water Supply), $3,000,000;

Pearl River, Mississippi (Walkiah Bluff), $2,000,000;

Wallisville Lake, Texas, $10,000,000;

Virginia Beach, Virginia (Reimbursement), $925,000;

Virginia Beach, Virginia (Hurricane Protection), $15,000,000;

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,000,000;

Lower Mingo (Kermit) (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $6,300,000;

Lower Mingo, West Virginia, Tributaries Supplement, $150,000;

Upper Mingo County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $3,000,000;

Levisa Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $400,000;

Tug Fork Basin Flood Warning System (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $400,000; and

Wayne County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $1,200,000: *Provided further*, That the Secretary of the Army is directed to design and implement at full Federal expense an early flood warning system for the Tug Fork and Levisa Basins, West Virginia and Kentucky, within eighteen months of the date of enactment of this Act: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to combine the Wilmington Harbor-Northeast Cape Fear River authorized by the Water Resource Development Act of 1986, section 202(a), the Wilmington Harbor Channel Widening authorized by the Water Resources Development Act of 1986, section 101(a)(23), and the Cape Fear-Northeast (Cape Fear) River authorized by the Water Resource Development Act of 1996, section 101(a)(22), North Carolina projects into one project with one project cooperation agreement based on cost sharing as a single project and that with $2,430,000 of the funds appropriated herein, is directed to continue design and initiate construction of the combined project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $15,000,000 of the funds appropriated herein to initiate construction of the Houston-Galveston Navigation Channels, Texas, project and execute a Project Cooperation Agreement for the entire project authorized in the Water Resources Development Act of 1996, Public law 104-303: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by

Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $289,000,000, to remain available until expended: *Provided*, That notwithstanding the funding limitations set forth in Public Law 104–6 (109 Stat. 85), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use additional funds appropriated herein or previously appropriated to complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,661,203,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Beverly Shores, Indiana, $1,700,000:

Provided, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to dredge a navigational channel in the Chena River at Fairbanks, Alaska from its confluence with the Tanana River upstream to the University Road Bridge that will allow the safe passage during normal water levels of vessels up to 350 feet in length, 60 feet in width, and drafting up to 3 feet.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $106,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended: *Provided*, That, using funds appropriated in this Act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basis, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, the Water Resources Support Center, the USACE Finance Center and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104–46, $148,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices.

REVOLVING FUND

Amounts in the Revolving Fund may be used to construct a 17,000 square foot addition to the United States Army Corps of Engineers Alaska District main office building on Elemendorf Air Force Base. The Revolving Fund shall be reimbursed for such funding from the benefitting appropriations by collection each year of user fees sufficient to repay the capitalized cost of the asset and to operate and maintain the asset.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1998, the Secretary of the Army shall advertise for competitive bid at least 8,500,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

SEC. 102. In fiscal year 1998 and thereafter, the Secretary of the Army is authorized and directed to provide planning, design and construction assistance to non-Federal interests in carrying out water related environmental infrastructure and environmental resources development projects, including assistance for wastewater treatment and related facilities; water supply, storage, treatment and distribution facilities; and development, restoration or improvement of wetlands and other aquatic areas for the purpose of protection or development of surface water resources: *Provided*, That the non-Federal interest shall enter into a binding agreement with the Secretary wherein the non-Federal interest will provide all lands, easements, rights-of-way, relocations, and dredge material disposal areas required for the project, and pay 50 per centum of the costs of required feasibility studies, 25 per centum of the costs of designing and constructing the project, and 100 per centum of the costs of operation, maintenance, repair, replacement or rehabilitation of the project: *Provided further*, That the value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided by the non-Federal interest shall be credited toward the non-Federal share, not to exceed 25 per centum, of the costs of dredging and constructing the project: *Provided further*, That hereafter the Federal share of the costs of each of the individual projects undertaken shall not exceed $5,000,000: *Provided further*, That utilizing $10,000,000 of the funds appropriated herein, the Secretary is directed to carry out this section.

SEC. 103. GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.—No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4119).

SEC. 104. GREAT LAKES BASIN.—No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, Public Law 102–575 (106 Stat. 4605), and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $40,353,000, to remain available until expended, of which $16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $11,610,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under that Act, $800,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, state and local governments, Indian tribes, and others, to remain available until expended, $688,379,000, of which $18,758,000 shall be available for transfer to the Upper Colorado River Basin Fund and $55,920,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That using $500,000 of funds appropriated herein, the Secretary of the Interior shall undertake a non-reimbursable project to install drains in the Pena Blanca area of New Mexico to prevent seepage from Cochiti Dam: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 10 of Public Law 89–108 as amended by section 8 of Public Law 99–294 and section 1701(b) of Public Law 102–575, is further amended by striking "$61,000,000" and inserting in lieu thereof "$62,300,000": *Provided further*, That the unexpended balances of the Bureau of Reclamation appropriation accounts for "Construction Program (Including Transfer of Funds)", "General Investigations", "Emergency Fund", and "Operation and Maintenance" shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated: *Provided further*, That the Secretary of the Interior may use $80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota: *Provided further*, That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project: *Provided further*, That the Secretary of the Interior may use $300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project: *Provided further*, That the Secretary of the Interior may use $185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $10,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $31,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, to remain available until expended, $425,000: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $50,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if (1) consistent with 40 C.F.R. 1506.1(c), and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $25,130,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,558,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 6 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

NON-DEFENSE PROGRAMS

ENERGY RESEARCH

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy research in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 13 for replacement only), $953,915,000, to remain available until expended; and, in addition, $13,025,000 for energy assets acquisition, to remain available until expended: *Provided*, That $1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program.

ENVIRONMENTAL MANAGEMENT

(NONDEFENSE)

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for nondefense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $664,684,000, to remain available until expended: *Provided*, That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $230,000,000, to be derived from the Fund, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund; of which $4,000,000 shall be available to the Nuclear Regulatory Commission to license a multi-purpose cannister design; and of which not to exceed $1,500,000 may be provided to the State of Nevada, solely to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97–425), as amended; and of which not to exceed $6,175,000 may be provided to affected local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds to the units of local government shall be determined by the Department of Energy: *Provided further*, That the funds shall be made available to the State and units of local government by direct payment: *Provided further*, That within ninety days of the completion of each Federal fiscal year, each State or local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97–425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multistate efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; and the purchase of 5 passenger motor vehicles for replacement only, $2,084,567,000, to remain available until expended; and, in addition, $138,510,000 science assets acquisition, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $220,847,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $131,330,000 in fiscal year 1998 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $89,517,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $27,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), $4,302,450,000, to remain available until expended, of which $2,000,000 is provided for improvements to Greenville Road in Livermore, California: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 6 for replacement only), $5,311,974,000, to remain available until expended, of which $65,000,000 shall be available only for "Closure Projects" to accelerate closure of specific facilities and thereby significantly reduce outyear costs; and, in addition, $343,000,000 for privatization projects, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), $1,637,981,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $190,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,500,000, to remain available until expended; and, in addition, $20,000,000 for capital assets acquisition, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the anadromous fish supplementation facilities in the Yakima River Basin, Methow River Basin and Upper Snake River Basin, for the Billy Shaw Reservoir resident fish substitution project, and for the resident trout fish culture facility in southeast Idaho; and for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1998, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $12,222,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $20,000,000 in reimbursements for transmission wheeling and ancillary services, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $26,500,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,650,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of

August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including the replacement of not more than 2 helicopters through transfers, exchange, or sale, and official reception and representation expenses in an amount not to exceed $1,500, $180,334,000, to remain available until expended, of which $174,935,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,592,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $5,592,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,065,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $162,141,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $160,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $17,500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $476,500,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $17,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,500,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1997 appropriation estimated at not more than $19,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $4,800,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $86,000,000, to remain available until expended:

TITLE V

GENERAL PROVISIONS

SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 502. Section 1621 of title XVI of the Reclamation Wastewater and Groundwater Act, Public Law 104-266, is amended by—

(1) striking "Study" in the section title, and inserting "Project";

(2) inserting in subsection (a) "planning, design, and construction of the" following "to participate in the"; and

(3) inserting in subsection (a) "and nonpotable surface water" following "impaired ground water".

SEC. 503. Section 1208(a)(2) of the Yavapai-Prescott Indian Treaty Settlement Act of 1994 (Public Law 103-434) is amended by striking "$4,000,000 for construction" and inserting in lieu thereof "$13,000,000, at 1997 prices, for construction plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes".

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59–C–0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2–06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

SEC. 505. (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations, made for the Bureau of Reclamation may be used by the Secretaries of the Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a State, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on, in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner, and other entities, as mutually agreed on by the affected interests; and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands: *Provided*, That such terms and conditions are mutually agreed to by the Secretary and the landowner.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1998".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 888

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 888), as amended, was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that William D. Jackson, a congressional fellow on Senator JEFFORDS' staff, be granted privileges of the floor for the pendency of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, Senator MURKOWSKI is here for the purpose of modifying his own amendment. We are going to go to Senator BROWNBACK, who has two amendments to offer which have been cleared on both sides; then to Senator ALLARD, who has an amendment on which I understand it is possible to get a 30-minute time agreement equally divided.

So, Mr. President, I ask unanimous consent that the Allard amendment, when it is offered, be limited to 30 minutes of debate equally divided.

Mr. ALLARD. Mr. President, reserving the right to object, I think there was a mistake in the remarks. There was going to be 15 minutes on each side, and the request was for 15 minutes equally divided. I wanted to clarify.

Mr. LEAHY. Mr. President, reserving the right to object, why don't we withhold the request on the Allard amendment until I see what it is. But I don't know whether that is going to be enough time.

Mr. MCCONNELL. I am sorry. I apologize to my colleague from Vermont. I thought he knew the substance of the Allard amendment. So I will withhold on asking for a time agreement on the Allard amendment for the moment.

Then Senator HUTCHISON is here to offer an amendment with regard to MFN and China. Then Senator DODD and Senator MCCAIN wish to offer an amendment related to the drug certification process for Mexico, which will be a rather spirited discussion, and it is my understanding that it is not possible to get a time agreement on that amendment at this time.

So, Mr. President, seeing my colleague from Alaska on his feet, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the chairman.

AMENDMENT NO. 894, AS MODIFIED

(Purpose: To provide an additional condition on the availability of $14 million in debt relief for North Korea)

Mr. MURKOWSKI. Mr. President, I call up amendment No. 894, and I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. MCCAIN, and Mr. NICKLES, proposes an amendment numbered 894, as modified.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 9, strike the period and insert in lieu thereof the following: "*Provided further*, That the additional $14,000,000 made available to KEDO under this heading may not be obligated or expended until the Secretary of State certifies and reports to Congress that North Korea has not violated the Military Armistice Agreement of 1953 during the preceding nine months.".

The PRESIDING OFFICER. The Senator's amendment is so modified.

Mr. MURKOWSKI. Mr. President, I ask that my colleagues, Senator MCCAIN and Senator NICKLES, be named as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, it is my understanding that the amendment has been agreed to on both sides. It provides that the additional $14 million appropriated to relieve the KEDO debt not be available until the Secretary of State certificates that North Korea has not violated the military armistice agreement of 1953 during the preceding 9 months.

Basically, the amendment puts North Korea on notice that additional funds will not be available if North Korea commits another violation like the incident this morning at the DMZ.

I urge adoption of the amendment.

Mr. MCCONNELL. Mr. President, it is my understanding that this amendment is not objected to by either side. I am unaware of any additional speakers.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. MURKOWSKI. I ask unanimous consent to vitiate the order for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 894), as modified, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The Senator from Kansas has been here patiently on the floor for some time and ready to offer two amendments which have been cleared on both sides.

Therefore, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank the chairman very much.

AMENDMENT NO. 892

Mr. BROWNBACK. Mr. President, I call up my amendment numbered 892.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BROWNBACK. Mr. President, I rise today to introduce an amendment to S. 955.

This amendment deals with the United States policy for the south Caucasus and Central Asia, an area of the world that was once crisscrossed by the ancient Silk Road, which includes the countries—I have a map here for Senators to be able to look at—of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan. This amendment deals with these countries.

These countries are very vital and important countries at a crossroads in their development. They are, as I mentioned, along the ancient Silk Road, if people can imagine and conjure up those images of that area of the world and the importance it has had in the past and the importance it now has and will continue to have for U.S. policy. We have vital political, social and economic interests there, and they need to be acted on before it is too late.

They are independent for the first time in almost a century. They are located at the juncture of many of today's major world forces, and they are all rich in natural resources. And they are looking west for the first time. They are emerging after nearly a century of being plundered by a Communist regime. While actively taking out their resources, the Soviets put little back. These countries now find themselves free to govern themselves.

Again, as I stated earlier, they are looking west. The very fact that they have had little experience with independence, and that their economies are essentially starting from scratch, leaves them in a precarious situation, which is all the more precarious because of their geographic location.

Consider this: They are placed between the empire from which they recently declared independence and an extremist Islamic regime to the south—both of which have a strong interest in exerting economic and political pressure upon them.

All of the Silk Road countries are currently seeking U.S. investment and encouragement, and are looking to us to participate actively in working out regional political, economic and strategic cooperation.

Mr. President, we should be actively responding to their appeals. We have now the opportunity to spread freedom and democratic ideals in a region historically dominated by Russia and Iran. The doors are open to promote institutions of democratic government and create the conditions for the growth of pluralistic societies and religious tolerance. These countries are a major force in containing the spread northward of anti-Western Islamic extremism. So far, these nations remain largely open to us.

I would also like to point out something else that is important about this region: that is the Caspian Sea overlapping the territory of the South Caucasus and Central Asia that is rich in natural resources as I mentioned earlier.

I have another chart here I would like to show you to illustrate the energy resources which exist in the Caspian Sea area right here. If people would look at this chart, this is "Worldwide Undiscovered Resource Potential of Oil and Gas". You have the Middle East and Russia, the two leaders, and then the Caspian Sea area is potentially the third largest in the world, some say up to $4 trillion worth of oil and gas in this region, creating significant interest for economic ties and investments as well. The United States should do everything possible to promote the sovereignty and independence as well as encourage solid diplomatic and economic cooperation between these nations.

In order to do that, we need to take a number of positive steps. No. 1, we should be strong and active in helping resolve local conflicts. No. 2, we should be providing economic assistance to provide positive incentives for international private investment and increased trade. No. 3, we should be assisting in the development of the infrastructure necessary for communication, transportation, energy and trade on an East-West access. No. 4, we should be providing assistance to help fight the scourge of narcotics trafficking, weapons of mass destruction, organized crime and No. 5, perhaps the most important of all, we should be supplying all the assistance possible to strengthen democracy and tolerance and the development of civil society.

These are the best ways to remain sure that these countries will grow in independence and move strongly toward open and free government. Our time to focus on this region is now, to keep them from spreading into an area or being infiltrated by the spread of the anti-Western fundamentalism that is in this region of the world. That is why I urge my colleagues to adopt this amendment.

I believe it has been worked out with both the majority and the minority staff to agree to this amendment. I ask that the amendment be agreed to.

Mr. President, I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 892) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 884, AS MODIFIED

Mr. BROWNBACK. Mr. President, I would like to call up amendment 884 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 884, as modified.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS.

(a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on religious persecution on a country-by-country basis. Reports shall include a list of individuals who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith on a country-by-country basis. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engage in monitoring activities regarding such prisoners to assist in the creation and maintenance of the registry.

(c) SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.—It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of the People's Republic of China and other countries to establish a

Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION.

(a) IN GENERAL.—The President shall devote additional personnel and resources to gathering intelligence information regarding human rights abuses and acts of religious persecution.

(b) REPORT.—Not later than March 30, 1998, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the number of personnel and resources that are being devoted to gathering intelligence information regarding human rights abuses and acts of religious persecution.

Mr. BROWNBACK. Mr. President, I rise today to offer an amendment to this bill that would require the Clinton administration to improve the manner in which the State Department and our intelligence agencies monitor and publicize cases of religious persecution and human rights abuses.

Persecution of people of faith has been on the rise around the world. Governments throughout the world have been denying people the fundamental right of freedom of religion, a fundamental right upon which this country was built.

As a matter of policy, the United States should be doing all it can to bring religious persecution and other human rights violations to an end. One problem we face, however, is that we do not have an accurate accounting of the extent to which many governments persecute people of faith. We do not know the number of prisoners nor do we even have all the names of those prisoners. What we need is an accurate accounting of religious persecution. We need the administration to devote greater resources to monitoring religious persecution and to informing the Congress, as well as the American people, about such instances.

We also need to encourage a formal dialog with countries throughout the world to bring religious persecution to an end. Specifically, my amendment would do the following: Require a religious persecution report modeled on the State Department human rights report; require the establishment of a prison information registry; require the President to devote greater intelligence resources to gathering information regarding human rights abuses and acts of religious persecution; and encourage the administration to work with other nations to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

Mr. President, the U.S. Government has a responsibility to provide the public a better understanding of the extent to which nations violate this basic right of their citizens. My amendment would move us in this direction. I ask that my amendment be adopted.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 884), as modified, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished Senator from California is in the Chamber. I understand she has an amendment that may not take a good deal of time, and I yield the floor.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 897

Mrs. BOXER. I will be very brief. The work has been done on this amendment. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. ALLARD, Mr. SMITH of New Hampshire, Mr. LEAHY, and Mr. TORRICELLI, proposes an amendment numbered 897.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

WILDLIFE CONSERVATION

SEC. . Of the funds appropriated by this Act, not more than $2,900,000 may be made available for the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe: Provided, That none of the funds appropriated by this Act may be used to directly finance the trophy hunting of elephants or other endangered species as defined in the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) or the Endangered Species Act: Provided further, That the funds appropriated by this Act that are provided under the CAMPFIRE program may not be used for activities with the express intent to lobby or otherwise influence international conventions or treaties, or United States government decision makers: Provided further, That funds appropriated by this Act that are made available for the CAMPFIRE program may be used only in Zimbabwe for the purpose of maximizing benefits to rural people while strengthening natural resources management institutions: Provided further, That not later than March 1, 1998, the Administrator of the Agency for International Development shall submit a report to the appropriate congressional committees describing the steps taken to implement the CAMPFIRE program, the impact of the program on the people and wildlife of CAMPFIRE districts, alternatives to trophy hunting as a means of generating income for CAMPFIRE districts, and a description of how funds made available for CAMPFIRE in fiscal year 1998 are to be used.

Mrs. BOXER. The amendment that I have sent to the desk is a bipartisan amendment cosponsored by Senators ALLARD, SMITH, LEAHY, and TORRICELLI, and it concerns the CAMPFIRE Program in Zimbabwe. I particularly want to pay tribute to my colleagues, Senators ALLARD and SMITH, for being so strong on this subject. I thank my staff and the staffs of the chairman and ranking member for working on a good amendment that we can all agree on. I am particularly grateful to Senators LEAHY and McCONNELL for their assistance and cooperation on this amendment.

Briefly, our amendment would maintain the positive aspects of the CAMPFIRE Program while restricting U.S. taxpayer funds being used for activities which are inconsistent with the goals of sustainable development for people and management of natural resources.

My amendment would assure that no taxpayer money is used to finance the trophy hunting of elephants and other endangered species or no taxpayer money could be used for any lobbying activities to weaken elephant protection standards. So we really basically do two things: Taxpayer dollars from America cannot be used to foster trophy hunting in Zimbabwe and taxpayer money cannot be used to lobby Senators or House Members or administration people to weaken elephant protection standards such as the ban on ivory.

Mr. President, these magnificent animals should be protected, not exploited. Our amendment requires USAID to submit a report to Congress on alternatives to trophy hunting and the impact of the CAMPFIRE Program on people and wildlife of Zimbabwe. I think these are very important steps in addressing the criticism about the way the program works. Some of us would have liked to have gone further than this, but we think that this amendment, the way it is drawn, will receive unanimous support, and we think is an important step to be taken.

The CAMPFIRE Program is beneficial to many rural impoverished people in Zimbabwe. It helps to provide the skills and tools necessary to enable local communities to make local decisions about how to manage their natural resources and generate revenue.

However, there are certain aspects of the program which do not promote sustainable development for rural people or improve natural resource management. My amendment restricts United States taxpayer dollars from being spent on those needless activities and directs all funds to be used to maximize benefits to rural people while strengthening natural resources management institutions in Zimbabwe.

I am aware that there have been many concerns raised about the trophy hunting aspects of the program. I do not support trophy hunting and I do not believe that one penny of taxpayer money should be used to finance trophy hunting. My amendment will ensure that no U.S. taxpayer dollars are directly spent on trophy hunting activities.

However, I do recognize that trophy hunting will continue in Zimbabwe. I believe that we need to provide countries like Zimbabwe with viable alternatives to trophy hunting which continue to generate income and promote sustainable development without involving the consumptive use of wildlife. My amendment requires USAID to submit a report to Congress providing alternatives to trophy hunting, and the impact of the program on the people and wildlife of CAMPFIRE districts.

People in Zimbabwe are living under very different conditions than we in the United States. We must recognize these differences in our approach to development while maintaining our high values and ideals. The CAMPFIRE Program in Zimbabwe will end in 1999, but USAID-funded development programs will continue for years to come. I am hopeful that the report which USAID will submit to Congress, will provide the United States with ideas for income diversification for future programs so that we can move away from the consumptive use of wildlife as a management regime.

USAID has proposed several improvements to the CAMPFIRE Program in recent months. These improvements are the result of the concerns raised by many concerned citizens and organizations such as the Humane Society of the United States. I commend the Humane Society for their efforts to make the United States more responsible for the use of taxpayer dollars. I also applaud USAID for taking steps to address these concerns. I believe that this process has been beneficial for all of those involved—especially the people and wildlife of Zimbabwe.

I want to thank Senators LEAHY, SMITH, ALLARD, and TORRICELLI for helping to make this a bipartisan effort toward improving development aid, maximizing benefits to local people, promoting a healthy elephant population, and ensuring that U.S. taxpayer money is used wisely.

Mr. ALLARD. Mr. President, I would like to begin by congratulating Chairman McCONNELL and Senator LEAHY for their hard work in crafting this legislation and working to include language on the CAMPFIRE Program in the bill.

Mr. President, as I have made very clear in the past, I am a strong supporter of fiscal responsibility on the part of the Federal Government. It is our responsibility to use taxpayer's dollars in the most effective, and efficient way possible. This responsibility at times mandates that we review and question just where our tax dollars are going.

When USAID's Communal Areas Management Programme for Indigenous Resources or CAMPFIRE Program was first brought to my attention, I had to ask myself, just why are United States taxpayer's dollars being spent to fund big game hunting of elephants in Zimbabwe? If a program could spend dollars to hunt elephants how else are they spending our money? Asking myself these questions was not enough, so I began a comprehensive review of the CAMPFIRE Program.

Mr. President, I am pleased to announce, that as a result of congressional review a little more fiscal responsibility has been restored to the U.S. Government. Our review of CAMPFIRE has produced three highly beneficial results.

First of all, fiscal year 1998 will be the last year that the CAMPFIRE project will receive funding. This will end the cycle of appropriations that has already lead to $28 million being spent on this program. This amount, though small in respect to the overall budget, is a good start to tightening up Government spending, especially U.S. funding for international projects.

Second, the appropriations language states that no U.S. tax dollars will go to directly fund the big game trophy hunting of Zimbabwe's elephants. I think we can agree that an endangered species such as the elephant should not be hunted with the tacit consent of the U.S. taxpayer through governmental funding.

Finally, for the remaining time CAMPFIRE is funded, USAID must submit to Congress the steps they have taken to implement the CAMPFIRE Program. This will allow us to watch their use of our dollars. For far too long the U.S. has funded international programs with little or no oversight—this will serve as an example of how Congress should police international funding measures.

Mr. President, I support the Foreign Operations Subcommittee's appropriations for fiscal year 1998 of the CAMPFIRE Program, with the understanding that this is the last year of the program, USAID submit information on how they implement the program, and no U.S. tax dollars will be spent to kill elephants. Now that we have ended the CAMPFIRE Program, it is my hope that we will not have to revisit this issue again in the future.

In conclusion, Mr. President, I would like to thank Senator BOXER and Senator SMITH of New Hampshire for their help in drafting this language.

I yield my time.

Mr. CRAIG. It is my understanding that the Communal Areas Management Program for Indigenous Resources [CAMPFIRE] Program in Zimbabwe is currently meeting all of the conditions placed on it by the amendment.

Mr. McCONNELL. The Senator is correct.

Mr. CRAIG. It is my further understanding that Zimbabwe has a very successful elephant conservation program has had led to a population increase of 43,000 elephants in 1987 to 67,000 elephants in 1996 and that much of this success is due to the CAMPFIRE Program.

Mr. McCONNELL. The Senator is correct.

Mr. CRAIG. It is my further understanding that the language in this amendment dealing with trophy hunting is only a prohibition on a direct USAID subsidy of hunting in the CAMPFIRE Program and should not be interpreted as a negative statement about the indispensable role hunting plays as a management tool for elephants and other foreign species.

Mr. McCONNELL. The Senator is correct.

Mr. CRAIG. Finally, it is my understanding that nothing in this amendment should be interpreted as having any effect on any other U.S. law or regulation regarding wildlife conservation and hunting.

Mr. McCONNELL. The Senator is correct.

Mr. CRAIG. I thank the Senator.

Mrs. BOXER. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. BOXER. I rescind that request. I ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 897) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 891

(Purpose: To decrease the amount of funds available to OPIC for administrative expenses to carry out the credit and insurance programs)

Mr. McCONNELL. Mr. President, now under the informal order that we have here going from side to side, the Senator from Colorado is here.

Mr. ALLARD. I thank the Senator.

Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 891.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. LEAHY. Reserving the right to object, the Senator is going to describe what the amendment is, I assume.

Mr. ALLARD. We shared a copy of that amendment. I think you have it. I will explain it in my remarks.

Mr. LEAHY. I do not have any objection.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair. I thank Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 22, strike "$32,000,000" and insert "$21,000,000".

Mr. ALLARD. I thank the Chair.

Before I begin, I commend my friends, the subcommittee chairman, MITCH MCCONNELL, and Senator PATRICK LEAHY and chairman TED STEVENS and Senator ROBERT BYRD, for a very good bill. I support the bill. I believe its overall funding levels are very appropriate, and I plan on supporting it.

However, I have one concern. My amendment is very simple. It strikes the $32 million for administrative expenses for the Overseas Private Investment Corporation and scales it back to its 1994 level of $21 million.

Now, why was the year 1994 selected? In 1994, with Public Law 103-392, OPIC's congressional authorized lending authority was last raised. This increased the maximum contingent liability or lending authority cap for insurance from $9 billion to $13.5 billion and increased the contingent liability cap for financing from $2.5 billion to $9.5 million. However, since 1994, there have been no increases in the authorized lending cap for OPIC. As a matter of fact, I have recently learned that while at the end of 1996 OPIC's liability exposure has increased, their total number of issuances has decreased.

Now, in 1995, 1996 and 1997, OPIC's administrative expense appropriations have increased. In 1994, their administrative expense was $20.2 million; in 1995, their administrative expense was $25.8 million; in 1996, their administrative cost was $21.8 million, and in 1997 their administrative costs again increased to $32 million, while their cap was not increased one dime. In fact, there is a zero percent increase since 1994.

Now, their administrative appropriation over the same period has increased $12 million—over the last 3 years—resulting in a 50-percent increase.

Now, why should OPIC's administrative appropriation increase while their lending authority cap has stayed frozen? As I stated earlier, in reality their issuances have declined. While the $32 million in this bill is a freeze as of 1996—and I commend the committee for doing this, by the way—I believe it would be very appropriate to scale them back to the 1994 level.

All this is occurring while the future of OPIC is very much uncertain. On September 30, 1997, OPIC's authorization ends. As of today, I do not believe the Senate has a reauthorization bill for OPIC. From my understanding, the House of Representatives is just beginning the process of reauthorization and, in the report for the companion foreign operations appropriations bill, it states they are reluctant in the absence of an authorization bill to fund OPIC. I believe this number is enough to administer their outstanding liabilities, but there is still great uncertainly as to what the future holds for OPIC. If reauthorization does occur, then we can come back to this issue at a later date.

This amendment is not the place, nor do I plan to argue the specific pros and cons of OPIC, for that will come at a future date if we have a reauthorization bill. I plan to be involved in the debate at that time if that comes up. But this amendment is a matter of whether an agency, a Government entity, that depends on the full faith and credit of the United States, with Federal employees, should have their administrative expenses increased by 50 percent over the last 3 years while their authorized lending cap is not increased by one dime, zero percent.

Make no mistake, OPIC is a Federal agency. It needs the United States to fund its operation. This Congress should always be concerned when an agency staff grows faster than its authority. I know of very few agencies that have no growth in authority which get a 50-percent increase in administrative expenses. It seems, if we are at all serious about reducing the size and scope of Government and take our oversight role seriously, then all agencies should play by the same rules, and we as a Congress should apply these rules evenly to all agencies. I ask my colleagues to support this amendment and keep the growth of OPIC at a minimum, especially when their authorized cap has been frozen since 1994 and with their authorization expiring in September 1997.

Mr. President, I reserve my right to address the Senate and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise to reflect a little on what my friend and neighbor—literally my neighbor—from Colorado has talked about here in the last few minutes regarding OPIC. First, I rise to oppose my friend, the distinguished Senator from Colorado, regarding his amendment. I will explain why.

Before I came to this body, I was a businessman, a small businessman. Over the last 15 years, my partners and I founded a number of companies. A number of those companies were international companies. I have dealt with OPIC directly. I understand a little bit about, I think, the real world, how jobs are created, how you must market in the international community, what kind of competition is out there against a little company like mine that has to go toe to toe with foreign competitors all over the globe.

One of the things I learned very quickly was when you go toe to toe with international competitors, whether it is telecommunications—which I know a little something about—or any other industry, the support that comes with your competitor, from his government, his country, is rather significant. I think that is important in this debate. As my friend, Senator ALLARD, said, we will have an opportunity to truly debate this issue over the next few months. But I would like to make a couple of points that I think are very relevant to OPIC, what OPIC does, what it represents. Again, I come at this, not as a U.S. Senator; I come at this as someone who understands a little bit about how this works and who has been out in the real world in over 60 countries and done business in about 20 of them.

First, I am concerned that an amendment like that of my friend, to slash administrative expenses, could lead to the very point that he is concerned with. It is a good point. If you slash administrative expenses for OPIC, the likelihood is the quality of the portfolio of OPIC, the quality of investments that OPIC has made and will continue to make, will suffer. I think it would cut directly to eliminating the ability to monitor those loan portfolios. I do not think that is in the best interests of the American taxpayer or anyone associated with OPIC. It endangers the creditworthiness of OPIC if you slash their administrative budget.

Let me hit just a few very specific points as to what OPIC does. There is an awful lot of sound and fury and smoke and mirrors when it comes to OPIC. First, OPIC, in fact, does level the playing field in global competition. I spoke to that earlier. All of America's major trade competitors have OPIC-like agencies to help them. It covers the gaps in the markets all over this world.

OPIC creates American jobs. I have a document here—I am sure Senator ALLARD has seen it—of the kind of jobs created in Colorado, his home State, and in my home State of Nebraska; the kind of revenues that flow into Colorado because of countries that buy from companies that have either OPIC insurance that they pay for, or OPIC loans that they pay for. This is a job creator. This is a growth creator. To give some of the specific numbers on this, since 1971 OPIC has supported $108 billion worth of U.S. projects resulting in over 250,000 new American jobs and $53 billion in new American exports. OPIC is prohibited under law from supporting any project that would result in the loss of one single American job.

Two, OPIC does not cost the taxpayers money. In fact, every year OPIC returns to the U.S. Treasury—last year

$209 million. OPIC requires no appropriation of funds. Its operations are entirely funded by the market-rate fees it charges businesses. There is some myth about this. If you want an OPIC loan or guarantee or insurance, you pay for it. This isn't a free deal. OPIC is not corporate welfare. I am always amused, and I am a conservative Republican—let me tell you, I am for less Government and cutting Government and cutting taxes. But I am always amused when I ask my colleagues, what do you mean corporate welfare? What is corporate welfare?

No American business receives any subsidy or free benefit from OPIC. All OPIC loans must be paid in full. OPIC charges full market rates and, where applicable, high-risk-based interest rates and insurance premiums for all of its services. Remember, OPIC returns money to the Treasury through the fees it charges firms that use its services.

OPIC has a strong record. Let's not overlook this. It has extraordinarily low default rates, less than 1 percent since 1971. OPIC maintains a well-diversified portfolio by region, by sector, by industry, and maintains $2.7 billion in reserves. We have talked about the possibility of privatizing OPIC. Last year J.P. Morgan looked at it, made a study. It won't work that way. Let me tell you, when you are a small company, a small business like I had, to try to compete with the big guys from France and Germany and Britain—all over the globe—to be able to have some base of your country behind you, and you pay for that, is significant.

The last point I will make, OPIC supports small business. There is a lot of myth about that as well, that this is a big-business boondoggle. It is not. I am living proof of that. In 1996, OPIC supported record numbers of small business projects worth $1.8 billion in 17 countries. Many small American businesses are suppliers to the larger exporters that indirectly come through OPIC. More than half of all suppliers to OPIC-based projects are small businesses. This is a ripple effect. When we get projects and deals internationally, you have to sponsor those. You buy products to support those. And those come from States like that of my friend from Colorado and Nebraska and every State in the Union. So this is a ripple-effect operation.

Mr. President, again, I rise in opposition to this amendment. I think it is shortsighted and I think the wisest thing to do is to continue with our funding, with our authorization, and as I said earlier, we will have ample opportunity to address this issue in debate. But I don't think a hit-and-run way to approach this with an amendment is the correct way to do it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank my good friend from Nebraska for his comments about OPIC. With all due respect to our colleague from Colorado, I, too, oppose the amendment. OPIC does not cost a single taxpayer dollar. OPIC is required by law to operate on a self-sustaining basis. Since 1971, it has reimbursed the U.S. Government for every dollar it has received and has reported positive net income every year since its inception. As the Senator from Nebraska pointed out, last year it returned $209 million to the Treasury. OPIC creates American jobs and exports. All major U.S. economic competitors have similar export promotion agencies. Scuttling OPIC would put our companies at an even further disadvantage than they already are.

Today, for example, at least 36 percent of Japan's exports enjoy Government subsidies compared with just 2 percent of American exports. In addition, Japan and France provide 77 percent of the total amount of export subsidies made available around the world.

As Senator HAGEL pointed out, that is what American businesses typically are up against in the international market. OPIC is not corporate welfare. OPIC charges market and risk-based interest rates and fees for all of its services, and all loans must be paid in full. All clients must pass industry standard and OPIC policy reviews. This is an agency that has functioned very well in behalf of American interests and is actually returning money to the American Treasury. OPIC strongly supports small business, which is the heart of America's economic engine. The source of 6 out of every 10 jobs in this country is directly attributable to small business.

We have had this amendment every year and so far have been able to defeat it. I certainly hope we will be able to again, because OPIC is an important part of what makes American business competitive overseas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I join with the distinguished Senator from Kentucky and the distinguished Senator from Nebraska in opposing this amendment. I, too, would note that OPIC does return money to the Treasury—the figure $209 million last year was used here. More important, it creates jobs in America.

I represent, in population, the second smallest State in the Union. OPIC is used in my State. It creates jobs, it creates exports, it helps our balance of payments. When you go to the larger States, of course, the dollar amount is just that much greater.

I do not know a business in my State that has turned to OPIC that has not received enormous help. I remember when the former Director of OPIC came to Vermont. She held a meeting there. We had lines going out the door; business people wanting to work with OPIC. It is one of those success stories.

It is also an area where we have to have the kind of tools that all our competitors have. We are in worldwide markets. We can no longer just rely on New Hampshire selling to Vermont, Vermont selling to New Hampshire, as an example. I say that seeing my good friend from New Hampshire is the distinguished Presiding Officer. We export way beyond our States, way beyond the borders of our Nation. But, every other First World—and a lot that go beyond the First World—country does the same. If they are a major exporter, as we are, there are boards like OPIC that help them.

Are there things that can be done better or different than OPIC? Possibly. But I ask the authorizing committee to look at that.

There will be an authorizing bill on OPIC. I am perfectly willing to listen to the recommendations of my friends on both sides of the aisle.

We felt, the Senator from Kentucky and myself—he as chairman and I as ranking member—in looking at these figures for OPIC that the amounts made sense. There certainly was unanimous concurrence of Republicans and Democrats on our subcommittee and in the full committee for the same reason.

If an authorizing bill comes through and changes that, it can change it. This money doesn't have to be spent and an authorizing bill can make a difference. I suspect with such an authorizing bill, you are going to hear success story after success story from States all over the Nation helped by OPIC.

So I hope my good friend from Colorado will withhold this amendment and let it be a matter to be discussed with the authorizing committee, but not on this appropriations bill.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to have an opportunity to make some summarizing comments and then, if there are not any other statements, I will make a closing statement.

I would like to respond by saying it is true that there is some extra revenue that has come into OPIC, but the fact is that that is interest that they have earned, and OPIC itself, in saying how much more income it could generate, said if we could get away from having to buy Treasury bonds and invest in the stock market, we could generate more income.

To me, that sends a signal that we would be better off in the private sector. A lot of these businessmen have an opportunity to go to the private sector, go to the stock market to fund these projects overseas. And I am a small businessman, too, by the way. I started my business from scratch, but I think as business people, sometimes it is all too easy to turn to the agencies for help. We need to encourage business people to turn to the market and to focus on what they can do to meet the needs of the market. After all, this is an agency. It is a Government-run agency that is picking winners and losers. I would feel much more comfortable having a competitive market system picking winners and losers.

Many States, like the State of Colorado which I am from, have done a lot to promote foreign competition, but they have done it on their own. Most of the jobs and the new growth that has happened in Colorado has not been the result of OPIC. So I think we have to be careful and not give too much credit to this particular Federal agency.

Let me end by just stating, again, a few historical facts. In 1971, OPIC's administrative budget was $3.2 million. In 1981, it was $7.5 million. In 1988, it was $12 million. And in 1992, it was $16.4 million.

In 1996, their administrative appropriation was $28.1 million, and in 1997, it was $32 million. Also, according to OPIC, in 1988, their FTE's, or full-time equivalent employment ceiling, was 125. In 1992, it was 155, and in 1996, it was 182. As these historical numbers from OPIC point out, this is not some sleeping agency, but one whose administrative costs and employment have increased substantially.

If we take the 1996 number of employees and divide it into the 1996 administrative costs, it comes to $154,000 per employee. Now, I realize that not all this goes to employees' salaries, but also to normal office supplies and other office expenses that go to support each one of those FTE positions.

But here is the problem. I have yet to hear a compelling argument for continuing increase in the administrative budget when their liability cap is frozen. Also, as I and my staff have searched their records, I have yet to find a clear delineation of where their administration budget goes.

All I do know is that in this $32 million, and I quote from the bill, "any project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with service provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not," again, "shall not be considered administrative expenses for the purpose of this heading."

I question what these expenses are and where they go. I cannot find them listed in their reports or from any correspondence. Oversight is a proper function of Congress, and we should pursue it vigorously.

While I may have some problems with OPIC, Mr. President, I do want to commend them for being prompt and professional in their manner of dealing with my inquiries, and I take my hat off to them for this.

Again, I reiterate, this amendment is not about OPIC and whether they should continue, because we will get to that later. But this is an argument of whether a U.S. Government agency should have a 50-percent increase in administrative expenses since 1994 when their congressionally mandated lending authority has been frozen during that same period. I urge my colleagues to support this amendment and ask for limited growth in all agencies.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with the concurrence of the Senator from Colorado, I would like to lay the amendment aside in the hope that we can stack votes for later.

Mr. ALLARD. Mr. President, I have no objection to that.

Mr. McCONNELL. I ask unanimous consent that we temporarily lay aside the Allard amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield the floor? The Senator from Iowa.

AMENDMENT NO. 899

(Purpose: To promote democracy-building activities in Pakistan)

Mr. HARKIN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report:

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. WARNER, Mr. TORRICELLI, Mr. SANTORUM, and Mr. JOHNSON, proposes an amendment numbered 899.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . DEMOCRACY-BUILDING ACTIVITY IN PAKISTAN.

(a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRAINING ACTIVITY.—Section 638(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2398(b)) is amended—

(1) by inserting "or any activity to promote the development of democratic institutions" after "activity"; and

(2) by inserting ", Pakistan," after "Brazil".

(c) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself, Senator WARNER, Senator TORRICELLI, Senator SANTORUM, and Senator JOHNSON.

Put simply, this amendment will allow the resumption of the Overseas Private Investment Corporation, OPIC, International Military and Education Training, IMET, Trade and Development Assistance, TDA, and democracy-building programs in Pakistan, such as the National Endowment for Democracy.

This measure, I will say at the outset, is not anti-India and it is not pro-Pakistan, it is pro-American interests. This will not be a vote for or against India or Pakistan. India is, of course, a friend of longstanding and an ally to the United States and is the largest and oldest democracy in the region. It already receives the benefit of OPIC and IMET, and it has for some time over 35 years. Therefore, I am confident that we can restore these programs to Pakistan without upsetting any balance at all to the region.

Trade between India and Pakistan is growing. OPIC assistance to Pakistan could actually help India because they are working with Pakistan in the energy sector. OPIC assistance would promote American investment in this sector.

Mr. President, it is now clear that continuing the policy of restricting OPIC and IMET to Pakistan will do nothing to direct further U.S. nonproliferation efforts in South Asia. At the same time, these restrictions seriously hinder our ability to advance United States interests in trade and investment in Pakistan. Our influence in the Pakistani military leadership and our ability to strengthen democracy and economic institutions in Pakistan is also adversely affected by these restrictions.

I understand the concerns of some of my colleagues in regard to Pakistan, and I share some of those concerns. The issue of nonproliferation in South Asia is, indeed, an extremely important issue, but U.S. interests in South Asia are important and increasing.

The region contains one-fifth of the world's population and occupies a critical geostrategic position—surrounded by China, the surging economies of East Asia, the Indian Ocean, the huge oil and gas reserves in the Persian Gulf and the Caspian basin.

Mr. President, I visited Pakistan and India earlier this year. I met in Pakistan with Prime Minister Sharif and other members of his government. I believe that Mr. Sharif has learned from past mistakes and is moving Pakistan in the right direction. He has a strong mandate in parliament and has already taken bold steps toward rooting out corruption, privatizing the economy and normalizing relations with India. These are positive steps, and the United States must send a strong signal of support and encouragement for Prime Minister Sharif's initiatives.

I strongly believe that it has come to the point where our uneven policy toward Pakistan is hampering our interests in the region. Improved human rights, nonproliferation and greater trade and investment are being held hostage by this shortsighted policy.

I am pleased that my amendment has the strong support of the administration in an effort to engage Pakistan on these important issues. Secretary Albright and Secretary Cohen both feel strongly about the need for these changes.

Mr. President, I have a letter dated the 16th of July from Secretary of Defense Cohen. He said:

> I am writing to express my strong support for your legislation to restore IMET, OPIC, TDA and democracy-building programs in Pakistan . . .
>
> We believe it essential to pursue these programs—not as a reward to Pakistan—but as a means of furthering important U.S. interests. Pakistan is now, and long has been, a friendly, moderate Islamic democracy in a very difficult region. We believe that by enabling it to participate in IMET, OPIC, TDA and democracy-building programs we will strengthen democracy in Pakistan as an institution, strengthen Pakistan's troubled economy, and strengthen our relationship with the Pakistani military—all of which serve important U.S. interests in South Asia.

Mr. President, I ask unanimous consent that the letter from Secretary Cohen be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE
Washington, DC, July 16, 1997.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR TOM: I am writing to express my strong support for your legislation to restore the International Military Education and Training (IMET), Overseas Private Investment Corporation (OPIC), Trade and Development Agency (TDA), and democracy-building programs in Pakistan. These programs are currently precluded by sanctions that have been imposed on Pakistan under the Symington Amendment.

We believe it essential to pursue these programs—*not as a reward to Pakistan*—but as a means of furthering important U.S. interests. Pakistan is now, and long has been, a friendly, moderate Islamic democracy in a very difficult region. We believe that by enabling it to participate in IMET, OPIC, TDA, and democracy-building programs we will strengthen democracy in Pakistan as an institution, strengthen Pakistan's troubled economy, and strengthen our relationship with the Pakistani military—all of which serve important U.S. interests in South Asia.

DoD is particularly supportive of legislation that would restore Pakistan's IMET program. We believe that the positive impact of IMET on the Pakistani military will serve to enhance our overall relationship with Pakistan and, by extension, will facilitate our engagement with Pakistan in a number of important areas *including proliferation.* Moreover, given Pakistan's leading role in UN peacekeeping—Pakistan currently leads the world as a contributor of troops to UN peacekeeping operations—closer cooperation between our two armed forces is increasingly necessary for operational reasons. Senior Pakistani officers have told us that one of the consequences of our suspension of the IMET program has been that a generation of Pakistani officers has not had the positive exposure to U.S. and western values that is made possible through IMET. Without IMET to provide a countervailing argument, these officers may find the often anti-American message of Iran and Iraq more appealing.

Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be "rewarded" by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forego strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

I wholeheartedly support your efforts to enact this important legislation.

Sincerely,

BILL.

Mr. HARKIN. Let me read further from Secretary Cohen's letter. I want to get this last paragraph in. Secretary Cohen said:

> Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be "rewarded" by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forego strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

Mr. President, I am also in receipt of a letter signed by Under Secretary Thomas Pickering. Again, I will just read a couple parts of that:

> Dear Senator HARKIN: The Secretary has asked me to convey her strong support for your proposed amendment to restore OPIC, IMET, TDA and democracy-building programs for Pakistan. We firmly believe that allowing these programs to operate in Pakistan is in the U.S. interest, and that once restored they will be a key factor in strengthening our relationship with an important and friendly country in a vital part of the world.

Mr. Pickering goes on:

> In the wake of the election of Prime Minister Nawaz Sharif, Pakistan has adopted important political and constitutional reforms, which promise to strengthen both the quality and continuity of democratic rule. We want to bolster that effort by implementing programs to train Pakistan's elected representatives in democratic structures and legislative procedures. Your amendment would give us the requisite flexibility to proceed.

Mr. President, I ask unanimous consent that Secretary Pickering's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS,
Washington, DC, July 15, 1997.

Hon. TOM HARKIN,
U.S. Senate.

DEAR SENATOR HARKIN: The Secretary has asked me to convey her strong support for your proposed amendment to restore OPIC, IMET, TDA and democracy building programs for Pakistan. We firmly believe that allowing these programs to operate in Pakistan is in the U.S. interest, and that once restored they will be a key factor in strengthening our relationship with an important and friendly country in a vital part of the world.

In the wake of the election of Prime Minister Nawaz Sharif, Pakistan has adopted important political and constitutional reforms, which promise to strengthen both the quality and continuity of democratic rule. We want to bolster that effort by implementing programs to train Pakistan's elected representatives in democratic structures and legislative procedures. Your amendment will give us the requisite flexibility to proceed.

At the same time, the Government of Pakistan is undertaking an ambitious reform program to stabilize Pakistan's troubled economy. The United States, as Pakistan's leading trading partner and largest source of foreign investment, is in a favorable position to influence and benefit from a stable economic situation in Pakistan. Extending Trade and Development Assistance and OPIC support to U.S. firms in Pakistan will increase our engagement with the Pakistani government on reform issues, while ensuring that our firms are well positioned to compete for investment and trade opportunities.

Finally, we believe that restoring IMET programs will have an appreciable impact on our relationship with the Pakistani military. For seven years, the United States has lacked contact with junior and mid-level Pakistani officers, from whose ranks will emerge the next generation of Pakistani military leaders. We would serve our interests well by giving them exposure to U.S. practices, institutions, and values.

We, like you, continue to have concerns regarding Pakistan's record on non-proliferation issues. We consider non-proliferation to be one of the most complex and troubling issues in the South Asia region, and it will continue to be one of our highest priorities to work with the Pakistani government to restrain its nuclear and missile programs. That said, we need to consider carefully how to pursue our non-proliferation objectives in conformity with the entire range of U.S. interests in Pakistan. We believe that an initiative such as yours—which will help to develop Pakistan's democracy, increase bilateral trade and investment, and enhance our access to and influence with Pakistan's emerging military leadership—will advance our interests without undermining our non-proliferation agenda.

We appreciate and are pleased to support your effort.

THOMAS R. PICKERING.

Mr. HARKIN. Mr. President, a number of prominent United States business leaders have asked the State Department to resume OPIC support for investment in Pakistan so that American business interests are promoted in that region. In no other country in South Asia is OPIC prohibited from providing support and assistance. I have examples, a number of letters of United States businesses urging the administration to resume OPIC's support of Pakistan.

Mr. President, I have letters from several different companies that I have here that have written letters asking that OPIC be allowed to resume in Pakistan so that they can begin to invest in Pakistan—a letter from Occidental Oil and Gas; a letter from MCI Communications; a letter from Solar Turbines, a Caterpillar Company; a letter from Alpha-Gamma Technologies, Inc., in Raleigh, NC; a letter from Boston Technology, Inc., in Wakefield, MA; a letter from Hawkins Oil & Gas, Inc., in Oklahoma; a letter from Tenaska International, Omaha, NE; and several other letters. I will not read them all. But Mr. President, I ask unanimous consent that several of these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCCIDENTAL OIL AND GAS CORP.,
Bakersfield, CA, April 10, 1996.
Hon. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: I am writing at this time concerning an important matter impacting on U.S. commercial relations with the Republic of Pakistan. I understand that the Overseas Private Investment Corporation (OPIC) is still not permitted to offer its programs in Pakistan. I urge you to review this matter and to do what you can to expedite the implementation of OPIC programs in Pakistan.

Occidental Petroleum Corporation has had successful oil and gas producing operations in Pakistan for twelve years. Pakistan presents unique business opportunities and offers a stable environment for American companies and for companies from a host of other countries around the world. U.S. trade and commercial ties with Pakistan serve to enhance the overall relationship between our two countries. However, in order for U.S. companies to compete more aggressively in Pakistan, they must have access to OPIC programs.

While I appreciate that there are other important and serious issues impacting on our bilateral relationship, I respectfully ask that you consider the vital commercial link that exists between the U.S. and Pakistan and move quickly to permit OPIC guarantees in Pakistan. The U.S. is the largest foreign investor in Pakistan and its largest trading partner. I am convinced that U.S. commercial interests in Pakistan would increase even more if OPIC programs were available. Furthermore, I am sure you will agree, that permitting OPIC to operate in Pakistan would contribute in a meaningful way to improving our overall bilateral relationship.

Thank you for your consideration.

Sincerely,

JAMES B. TAYLOR.

MCI COMMUNICATIONS CORPORATION,
Washington, DC, March 22, 1996.
Mr. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: For many years, MCI has successfully conducted business in Pakistan with Pakistan PTT, the government-owned telephone company. Pakistan has proven to be a reliable business partner. We understand that the Overseas Private Investment Corporation (OPIC) is finalizing an agreement with the government of Pakistan to provide political risk insurance covering foreign investments in Pakistan. This agreement should provide the added security necessary for MCI and other American companies interested in increasing their investments in Pakistan. Any action taken to expedite completion of this agreement would be helpful.

Sincerely,

MARK ESHERICK,
Senior Policy Advisor.

SOLAR TURBINES,
Washington, DC, March 26, 1996.
Hon. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: This letter is a request for you to look favorably upon making the resources of the Overseas Private Investment Corporation available to U.S. exporters when doing business in the Country of Pakistan. Such action would be consistent with the availability of Export-Import Bank financing and insurance and the apparent desire on the part of the U.S. Government to work closely with the Government of Pakistan after the prime minister's visit of last year.

Pakistan represents an important market to U.S. exporters and the resources of OPIC will be of considerable value in generating additional export revenue and jobs within the United States. At the same time, the U.S. businesses will, by working more closely with Pakistan, further the cause of democracy and environmental awareness.

Your leadership in this matter will be greatly appreciated. Thank you for your consideration.

Most sincerely,

PETER CARROLL.

ALPHA-GAMMA TECHNOLOGIES, INC.,
Raleigh, NC, March 18, 1996.
Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOT: Alpha-Gamma Technologies, Inc. is actively pursuing a private power development project in Pakistan. Along with two other U.S. based companies, we have plans to make a significant investment in the power generation sector in that country. However, we are placed at a significant disadvantage against foreign competition due to non-availability of OPIC coverage.

I believe that recent legislation passed by the U.S. Congress makes OPIC coverage available in Pakistan. However, implementation of this legislation seems to be taking some time. Any assistance you can provide in expediting the availability of OPIC coverage in Pakistan would greatly help U.S. firms in their efforts to compete in the Pakistan market.

Sincerely,

REESE H. HOWLE,
President.

BOSTON TECHNOLOGY, INC.,
Wakefield, MA, March 19, 1996.
Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. STROBE TALBOTT: I am writing in response to a phone message from a Mr. Monsori Ali, the Economic Minister of Pakistan, at the Embassy in Washington. Boston Technology is a telecommunications firm employing more than 500 people in the Boston Area, with offices worldwide.

We have already done some business in Pakistan with Paktel, and are currently negotiating for additional business with PTC, the Pakistan Telephone Company.

It would be of great assistance if the Senate would approve the Opic Insurance provision currently under consideration.

Thank you for your interest in Boston Technology.

Sincerely,

TODD HASSELBECK,
Vice President International Sales.

HAWKINS OIL & GAS, INC.,
Tulsa, OK, March 14, 1996.
Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

Ref: OPIC Restoration for Pakistan.

DEAR MR. TALBOTT: This letter is a request that the process to restore OPIC insurance coverage for Pakistan be completed at the earliest possible date. Our company has been working since 1989 to construct and operate a 586 MW power plant—the Uch Power Project—in Pakistan. We have been pleased by the policy behind the Brown Amendment, and now are hopeful that its expected benefits can be realized. U.S. companies own over 50 percent of the Uch project equity, and most of the $625 million plant budget is for purchase of U.S. sourced goods and services.

We are on the verge of financial closing of this project, and hope to receive clearance for filing our application for OPIC insurance thereafter.

Please accept my thanks and appreciation in advance for your assistance.

Sincerely,

JOHN B. HAWKINS.

TENASKA INTERNATIONAL,
Omaha, NE, April 8, 1996.
Mr. STROBE TALBOTT,
Deputy Secretary, Department of State, Washington, DC.

DEAR MR. TALBOTT: On behalf of the Uch Power project sponsors, I am writing to request your support for making Overseas Private Investment Corporation (OPIC) funding available for Pakistani projects.

As you know, Tenaska International and four other companies are developing the Uch Power Limited independent energy project in Pakistan. The other U.S. sponsors are GE Capital Corp. and Hawkins Oil and Gas. Additionally, Midlands Electricity of the UK and Hasan and Associates of Pakistan are project sponsors.

The $630 million project is nearing financial close, and limited construction already has begun. Having access to OPIC insurance is very desirable for the Uch project. Due to the project's advanced stage of development, we hope that OPIC insurance becomes available for Pakistan as soon as possible.

Speaking for Tenaska, we are most interested in future project development in Pakistan as well. Availability of OPIC insurance will be of great benefit to us for future projects.

We urgently request your support in making OPIC insurance available for projects in Pakistan.

Sincerely,

PAUL G. SMITH,
CEO, Tenaska International.

UNION TEXAS PETROLEUM,
March 20, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: We are writing in support of initiatives by the Administration and in Congress to further improve relations between the United States and Pakistan, particularly the reactivation of Overseas Private Investment Corporation (OPIC) programs. Union Texas is a United States public company that has operated oil and gas concessions in Pakistan since 1977. During 1995, our operations produced approximately 37% of Pakistan's domestic oil production and 10% of its natural gas production. Over the years, we have had a productive and mutually beneficial relationship with the peoples and Government of Pakistan. We strongly believe that the United States should work to further strengthen its relations with Pakistan.

During 1995, Union Texas and the Government of Pakistan signed a new petroleum concession agreement and we began discussions regarding downstream projects, including electrical power generation and liquefied petroleum gas opportunities. The availability of OPIC programs could be a critical factor in our ability to commit to certain of these projects in the future.

We hope that the Administration will give its full support to reactivating OPIC's ability to offer its programs in Pakistan, thus encouraging U.S. investment and fostering a positive and supportive environment for relations between our two nations.

Very truly yours,

W.M. KRIPS.

SOUTHERN ELECTRIC INTERNATIONAL,
Atlanta, GA, March 19, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: You may be aware that the Government of Pakistan (GOP) is pursuing a comprehensive program of privatizing some of its major state-owned companies. As part of this program, the GOP is privatizing the Kot Addu Power Station (KAPS) which is the largest (1600 MW) thermal electric power generating station in Pakistan. Southern Electric International is seriously pursuing this opportunity in competition with three other major international companies, two of which are non-U.S. This project will be bid this month with financial closing expected in September.

As a U.S. company, Southern Electric International's commercial objectives in Pakistan are constrained by the delays in the signing of the relevant protocol that will allow OPIC to provide the needed insurance risk coverages. The availability of OPIC insurance coverage for Pakistan would enhance the competitiveness and investment options available to Southern Electric and all U.S. companies interested in investing in Pakistan. Therefore, I would appreciate very much if your office would facilitate and support an expeditious signing of the relevant protocol.

Southern Electric is a wholly owned subsidiary of The Southern Company, one of the largest electric utility holding companies in the U.S., and is based in Atlanta, Georgia. Southern Electric finances, builds, owns and operates electricity generation, transmission and distribution assets in the U.S. and around the world. Currently, Southern Electric has international assets in Argentina, Bahamas, Chile, Trinidad and the United Kingdom.

Again, I appreciate your consideration and support with respect to OPIC insurance for Pakistan. If you have any questions or concerns regarding this matter, please feel free to contact me.

Regards,

THOMAS G. BOREN.

HYCARBEX, INC.
Irving, TX, March 20, 1996.

Mr. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: This letter is a request that the process to restore OPIC insurance coverage for Pakistan be completed at the earliest date. Our company has obtained a petroleum concession in Pakistan and is soon mobilizing our resources for the exploration and development of hydrocarbon resources in Pakistan. I am confident that an agreement between the Governments of the United States and Pakistan regarding OPIC's coverage will assist not only in our business but also others who are interested in doing business in Pakistan.

Please accept my thanks and appreciation in advance for your assistance.

Yours sincerely,

DAVID L. COX,
President.

AES CORP.,
Arlington, VA, March 19, 1996.

Hon. STROBE TALBOTT,
Deputy Secretary of State,
Washington, DC.

DEAR MR. TALBOTT: The AES Corporation is an American company in the business of building, owning and operating private electric power generating facilities in the United States and abroad. We have seven plants in the U.S., three in the U.K., three in Argentina, and four in China. More recently, we have completed the financings for and begun construction of two power plants in Pakistan. It is because of this activity that we write to you.

We have been working in Pakistan for two and one half years, and have committed substantial amounts of time and—more recently—equity capital to this country. Our dealings with the Government of Pakistan have been uniformly characterized by both fairness and remarkable expedition. We're pleased with our success there, and with the positive impact on American jobs that this success will have, indirectly and directly.

What has been lacking in Pakistan is our ability to access the insurance and financing programs of the Overseas Private Investment Corporation (OPIC). As you know, until recently OPIC was congressionally prohibited from offering its services to U.S. companies operating in Pakistan.

These restrictions have now been lifted, and we urge you to act quickly to allow OPIC to offer insurance coverage there. It will help our efforts and the efforts of many American companies to do business in Pakistan.

Sincerely,

ROBERT F. HEMPHILL, Jr.,
Executive Vice President.

Mr. HARKIN. Mr. President, the Government of Pakistan is pursuing dramatic economic reforms, including liberalization, privatization, and deregulation in order to transition its economy into a fully market-oriented system. Once OPIC support is reinstated, the United States will be able to institute trade and development assistance programs as well. U.S. companies will be able to pursue business opportunities in a wide variety of sectors, such as power generation, telecommunications, highway construction, port development and operations, oil and gas, and banking and finance.

I also point out, Mr. President, that the Government of Pakistan is in the process of privatizing its banking system. OPIC can be of great help and support in doing that.

Further, the prohibition of IMET has meant an emerging generation of Pakistani military officers has not had access to training in the United States. Let me be clear that IMET does not mean the transfer or sale of any weapons. It only means valuable education assistance to other militaries which help foster valuable military-to-military contacts with the United States and the host country and allows the United States to impart its values to other militaries.

Mr. President, according to the Department of Defense, the Chinese are currently the single largest provider of military training to Pakistani Forces. Cutting off Pakistan from IMET assistance over the last 7 years has therefore reduced our contacts among the military leadership in Pakistan and reduced their exposure to United States institutions and values. This 7-year vacuum has been filled by China—not in our best interests. In addition to providing American-style military training, IMET can be used to provide training in human rights, military justice, and civilian-military relations.

The chief of the Army staff, General Karamat, for Pakistan, who attended the United States Army Command and General Staff College in Fort Leavenworth, KS, has stated that he would rather send his officers to the United States to study rather than to China. I think we ought to take him up on that.

The United States has an IMET Program with every country in South Asia except for Pakistan, including Nepal, Bangladesh, Sri Lanka, India, even the Maldives. This policy does not make sense. IMET should be restored not as a favor to Pakistan but because it is clearly in the United States interests to do so.

That is what this amendment is really all about, helping the Unites States. It is pro-American. Pakistan is not getting military training from the United States; it is getting it from China. Is that serving U.S. interests? I do not think so.

This amendment is not for anyone else but the United States because it will be our interests that are best served by it. Mr. President, let me briefly outline the long history of friendship between Pakistan and the United States.

I believe it is important that this appear in the RECORD.

Since 1947—50 years ago—the founding of the nation of Pakistan, the people of Pakistan have been helping to serve United States interests in South Asia and around the world. When the first Prime Minister of Pakistan, Liaqat Ali Khan, chose to undertake his first overseas visit, it was to the United States instead of to the Soviet Union, despite efforts by Moscow to entice him there and despite their proximity to both the Soviet Union and China. Since the late 1940's, Pakistan has helped the United States on numerous occasions in promoting and protecting American interests.

In a speech to this Congress, Prime Minister Liaqat Ali Khan proclaimed—and I quote—

> No threat or persuasion, no material peril, or ideological allurement could deflect Pakistan from its chosen path of free democracy.

Pakistan lived up to its commitments later on in June 1950, when it declared its unqualified support for the United States in our war in Korea and backed us in that war.

In 1954, they joined the Central Treaty Organization.

In 1955, they joined SEATO, the South East Asian Treaty Organization. These two American-backed alliances were aimed at the containment of communism and were very successful.

In 1959, our two countries signed a mutual defense treaty which is still operational today.

So this is a long history.

Again, some will say, well, Pakistan has had military dictatorships and violations of human rights. That is true. I understand that. But I believe that the freedom advocates, the freedom fighters, those who struggle continually in Pakistan for democracy and freedom have been at it continually. They have been assassinated and tortured and put in jail, but they continue to struggle for democratic freedoms in that country.

Those are the ones about whom I speak, not the military dictatorships, but the brave people in Pakistan that continue to struggle and fight and to maintain an adherence to democracy.

Mr. President, from that time on, Pakistan has been on our side and by our side whether it is in Korea or whether it is in Somalia, whether it is in Haiti, or in Bosnia. Yes, Pakistan right now has troops in Bosnia. And they have faced dangers time and time again, but they have stuck by our side.

I spoke, not the military dictators, not the repressive forces in Pakistan, but to those brave people of Pakistan who, through all of this, continue to struggle and to fight against corruption and to maintain an adherence to democracy.

In 1960, Pakistan's commitment, its friendship to the United States was put to a very severe test. Again, in accordance with the Mutual Defense Treaty, Pakistan allowed us to set up some bases. One of them was a base from which we flew our U-2 flights over the Soviet Union. One of those flights, as we all sadly remember, was shot down by the Soviets. Francis Gary Powers was the pilot, and we all know how the Soviets paraded him as one of their trophies.

Soviet leader Nikita Khruschchev turned his ire on Pakistan because he knew that was where the plane was based. He threatened to use nuclear arms and weapons against Pakistan. He boasted that the city of Peshawar would be wiped off the face of the Earth. The Foreign Minister of Pakistan, in his recently published account of the incident, describes the cool and confident reaction of the then-President of Pakistan, who dismissed the Soviet threat by saying, "So what?"

Again, put yourself in that context. Korean war, Mutual Defense Treaty, allowing us to base our U-2 spy planes there. They are bordering right on the Soviet Union, and yet they stood by us.

Pakistan again came to the assistance of the United States by helping to facilitate the crucial opening of American relations with China. In 1970, then-Secretary of State Henry Kissinger undertook a secret visit to China from Pakistan. Thus, again, Pakistan served as that vital bridge between the United States and China. Again, it was critical in the cold war to restrain the Soviet Union.

From 1979 to 1989, the United States went to Pakistan and asked them to cooperate with us in and help us fight the Soviet invasion of Afghanistan through infiltration of military equipment and other devices. Once again, Pakistan said yes to the United States even though they faced great danger. Not only did the Soviet Union, again, threaten Pakistan with dire consequences, but launched a campaign of subversion and terror against Pakistan. The country experienced numerous violations of its ground and air space, terrorist bombings, and subversion.

Since 1992, Pakistan has been at the forefront of peacekeeping operations. We went to them and asked them to supply troops for Somalia, and they said yes. And we went to them and asked them to supply troops for the Haiti operation, and they said yes. And, Pakistan made significant contributions to the multinational force during the Gulf War to help liberate Kuwait. Pakistani troops are currently in Bosnia.

In 1995, we asked Pakistan to return a suspected terrorist, Ramzi Yousaf, for his alleged involvement in the World Trade Center bombing. And they did.

And, recently, the CIA was able to return to the United States, Mir Aimal Kansi, a Pakistani who is charged with killing two CIA employees outside CIA headquarters.

As a moderate democratic Islamic ally, Pakistan is our most tried and trusted friend we have in the Islamic world. They have stood by our side against the Soviet Union's aggression. And they have stood by our side in the fight against terrorism.

So I say to my colleagues, let us treat our friend and ally Pakistan as they deserve to be treated due to their longstanding support for the United States, but most importantly it is in our best interests to do so. Granting OPIC and IMET will help U.S. business interests and U.S. national security interests. It will help exports, foster military-to-military contacts and give the United States better intelligence in the region. It is fair, it is right, and makes good sense for the United States to change its shortsighted policy and pursue long-term interests in the region.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia.

Mr. WARNER. Mr. President, I am very pleased that my distinguished friend and colleague approached me to form a partnership for the purpose of this amendment. In different ways and at different times both of us have worked closely with Pakistan. As a member of the Intelligence Committee for 8 years, and then as vice chairman, I worked very closely during the war in Afghanistan, and through the years have come to know many of the distinguished persons from that nation who have come to the United States either in an official capacity or indeed many, many who have a heritage in Pakistan who have come to reside and take up their responsibilities in America.

And that is why I agreed to be the principal cosponsor with my distinguished colleague.

Specifically, the amendment would allow the United States to provide OPIC financing for United States companies operating in Pakistan; would allow the resumption of the IMET program to train Pakistani military officers in the United States; and would allow assistance for activities to promote the development of democratic institutions.

This limited economic and training assistance to Pakistan will ensure that the United States will remain constructively engaged with a nation that has a long history as a friend and ally of the United States.

Almost from its creation as a nation in 1947, Pakistan has assisted the United States in containing Soviet expansion in this critical part of the world. In 1954, the United States and Pakistan signed a mutual defense assistance agreement which, over the following 10 years resulted in the United

States providing Pakistan over $700 million in military grant aid. United States economic aid to Pakistan was even more generous—this Nation provided over $5 billion to Pakistan from 1951–82.

This close relationship was of great benefit to the United States following the December 1979 Soviet invasion of Afghanistan. Pakistani cooperation was critical to the success of United States operations related to Afghanistan.

The amendment before the Senate today does not call for a full resumption of United States assistance to Pakistan. Most importantly, the existing prohibitions on providing military equipment would be retained. The programs we are talking about—particularly OPIC and IMET—are of great benefit to the United States, as well as Pakistan. OPIC financing will allow United States businesses to successfully compete for business opportunities in Pakistan; and IMET will allow the next generation of Pakistani military leaders to be exposed to our values.

During today's debate on this amendment, we will likely hear discussion about Pakistan's nuclear activities. While I share the concerns of my colleagues with the proliferation of weapons of mass destruction in South Asia, this amendment does not undermine our nonproliferation goals. To the contrary, I believe that we may be better able to influence developments in Pakistan if we remain engaged with that nation.

I urge my colleagues to support this amendment.

I compliment Senator HARKIN for his hard work on this amendment. We have talked with a number of our colleagues. We have talked with the administration. Former Ambassador Pickering, now a senior official at the Department of State, of course had written us. Those letters are now in the RECORD, to my understanding.

I rank him among the most knowledgeable of our present-day persons in the Department of State, indeed throughout the administration, and value his judgment greatly. I have worked with him for some 15 to 18 years now. And therefore, Mr. President, I strongly urge the adoption of this amendment.

At this time I yield the floor in recognition of my colleagues.

Mr. HARKIN. I just want to thank my colleague for his aid, his assistance, and strong support of this amendment, and for talking to colleagues here on the Senate floor about the importance to the U.S. interests of making sure we reinstate OPIC, IMET, TDA, the democracy initiative, and thank the distinguished Senator from Virginia for his strong support and his help in this effort.

Mr. WARNER. I thank my distinguished colleague, and particularly for his reference to IMET. It is a program I have dealt with throughout my career both in the Department of Defense and here in the Senate. And it returns great dividends to the United States. I am delighted that this will be a part of it.

I yield the floor.

Mr. GLENN. Mr. President, I rise to speak about the amendment offered by my colleagues, Messrs. HARKIN and WARNER, which would authorize the resumption of certain forms of economic assistance and military training activities with Pakistan.

The amendment would allow the provision of assistance by the Overseas Private Investment Corporation [OPIC], the resumption of military training activities, and certain other trade and democratic assistance to Pakistan. This aid had been terminated due to Pakistan's continued inability to keep its many promises and assurances to the United States concerning the peaceful nature of its nuclear program. The amendment would resume this specific assistance and do so unconditionally.

I used the word, "unconditionally." That means, the assistance could continue in the future to flow even if Pakistan acquired new uranium enrichment assistance from China or transferred its own technology to some other country.

The aid could flow if Pakistan detonated a nuclear device or transferred nuclear weapons designs or components to some other country.

The aid could flow if Pakistan once again attempts to violate United States nuclear export control laws by acquiring nuclear equipment or materials for its bomb program.

The aid could flow if Pakistan starts the unsafeguarded production of plutonium, an activity that may soon commence with the completion of its production reactor at Khushab.

The aid could flow, in short, with no expectation whatsoever that such aid would be accompanied by further progress in restraining Pakistan's bomb program. And in so flowing, the aid could help Pakistan—albeit in a restricted way—to alleviate the burdens of United States nuclear sanctions. In other words, America could be helping Pakistan to cope with United States nuclear sanctions, rather than signaling our fundamental national conviction in policy and in law that proliferation must have a price. Instead of making proliferators pay, we could be issuing special rewards for proliferation.

The key here is obviously the word, "could". The President would be left, under this legislation, with the delegated responsibility of determining whether the continuation of U.S. assistance in the face of any of the activities above would truly serve the U.S. national interest. And I for one surely cannot imagine any circumstance where such a determination could be made.

Yet I hope that this amendment will not send the entire world exactly the wrong message about America's commitment to nonproliferation.

The amendment must not suggest that America has lost the political will to keep nonproliferation as a key national security policy in our dealings with other countries.

It must not signal that our country is more concerned with promoting its opportunities for trade and investment than it is about curtailing the global spread of nuclear weapons.

It must not indicate that countries can make—and then systematically break—solemn promises to the United States concerning matters of profound importance to regional and international security, and do so without jeopardizing the flow of much-desired U.S. foreign assistance.

Now all of us here today are familiar with the notion that America should engage Pakistan by providing increased United States assistance as a means of restraining its nuclear program. It would not be the first time that members of the Senate or the Executive had argued that additional military or economic aid would serve as a valuable instrument of nonproliferation. But I do not believe that the sponsors of this amendment today would sincerely make such an argument. We simply cannot turn a blind eye to history.

Mr. President, I ask unanimous consent to insert at the end of my remarks a list of statements concerning the alleged value of United States foreign assistance as a tool of nuclear restraint in Pakistan. I urge my colleagues to read a few of such assurances that United States officials provided to Congress throughout the decade of the 1980's, the very decade, lest we forget, that Pakistan crossed its most significant milestones on its march to the bomb.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GLENN. I would like to remind my colleagues that most United States economic and military aid to Pakistan was cut off in October 1990 by President George Bush, when he was no longer able to certify that Pakistan did not possess nuclear weapons or that the provision of further United States aid would reduce the risk that Pakistan would come to possess such weapons. That language, found in the Pressler amendment, sec. 620E(e) of the Foreign Assistance Act, has been substantially relaxed in recent years, in part by the actions of Congress, and in part by actions taken unilaterally by the Executive. Let me review briefly just how far America has gone already to relax these sanctions.

The Brown amendment, which was enacted in February 1996, amended the Pressler amendment to allow the provision of all types of economic assistance, notwithstanding Pakistan's continuing non-compliance with the Pressler criteria. In addition to allowing the transfer of over a third-of-a-billion dollars of embargoed military gear to Pakistan—including spare parts and upgrades for Pakistan's probable nuclear-weapons delivery vehicle, the F-16—the Brown amendment also unconditionally authorized the resumption of the following aid: international narcotics controls; military-to-military contacts, including IMET; humanitarian and civic assistance projects; peacekeeping and other multilateral operations; antiterrorism assistance; an exemption from storage costs for embargoed military equipment; and delivery of military items sent to the United States for repair before the 1990 sanctions.

For its sponsors, the Brown amendment suffered from one rather serious problem, however. That amendment failed to recognize that Pakistan was still in violation of the Symington amendment, sec. 101 of the Arms Export Control Act, and the likelihood of presidential waiver of the latter was extremely remote, in light of Pakistan's continued violations of that law. In short, because the Brown amendment neither repealed nor amended the Symington amendment, the Symington amendment continues to outlaw the provision of aid under the Arms Export Control Act or the Foreign Assistance Act to Pakistan. That is why the present amendment is being offered—it is being offered to liberalize the sanctions under the Symington amendment.

I note that the International Financial Institutions Act only requires U.S. executive officers at those institutions merely "to consider" the nonproliferation credentials of the potential recipient country, and hence this does not prohibit continued aid via such institutions. Pakistan has received hundreds of millions of dollars in assistance from such institutions since October 1990.

The Export-Import Bank Act only requires the denial of credits in the event of violations of safeguards or a US nuclear cooperation agreement; nuclear detonations; or persons or countries that willfully aid and abet non-nuclear-weapon states to get the bomb.

A host of other legislative amendments have authorized the provision of the following forms of assistance to Pakistan, notwithstanding existing nuclear sanctions, via nongovernmental organizations: agricultural, rural development, and nutrition; population and health; education and human resources development; energy; appropriate technology; use of cooperatives in development; integrating women into national economies; human rights; environment and natural resources; endangered species; and private and voluntary organizations.

So America has not been heartless to the lot of Pakistan's vast majority, its poor people. We have over the years provided billions of dollars of assistance intended to improve the living conditions of the people of Pakistan.

Our grievance today is not with the people of Pakistan but with their Government. It arises in particular from the awesome and growing credibility gap between the peaceful words of Pakistan's leaders about their country's nuclear program, and the certain fact that Pakistan is continuing to develop nuclear weapons and the missiles to deliver them.

Now some might argue that we should simply be grateful that Pakistan is not detonating nuclear weapons right now. We should rejoice that Pakistan is not transferring its bombs, bomb designs, or bomb components—right now anyway—to other countries. We should be happy that Pakistan has not yet imported a complete nuclear reprocessing plant or uranium enrichment plant from China, and be grateful that it is only technical assistance and components that Pakistan has received for its bomb program from China. By golly, we should celebrate the fact that Pakistan does not yet have an ICBM, or that it has not yet attacked Indian civilian or military positions with nuclear weapons hung under the wings of United States-supplied F-16 aircraft. Yes, we can surely be grateful for all the above restraint.

But maybe, just maybe, all of this heroic nuclear restraint that Pakistan has exercised is due in good measure to the real and palpable costs that Pakistan would pay if it engaged in any of those flagrant activities—costs that include, but are no means limited to, the costs that are found in existing United States sanctions legislation.

We must examine, however, not just at what Pakistan has not done, but also recall what Pakistan has done. Here is what Pakistan has done recently:

Pakistan has acquired thousands of specially-designed ring magnets for its unsafeguarded uranium enrichment project, and reportedly acquired them just about the time the United States Congress was debating the Brown amendment in 1995. Pakistan's actions make a mockery not just of the Brown amendment, but also of America's nuclear nonproliferation policy as a whole.

Pakistan is nearing completion of an unsafeguarded plutonium production capability with its production reactor at Khushab and, by some reports, a related nuclear reprocessing plant.

Pakistan has in the eyes of most of the world, but evidently not yet those in our own State Department, acquired nuclear-capable M-11 missiles from China, and recently test-fired its HATF missile.

On March 20, 1997, the trade publication, Nucleonics Week, reported that "Pakistan has completed its tests of its atomic bomb capability successfully through computer simulation." This claim was made by one who should know, Pakistan's former Army Chief of Staff, Mirza Aslam Beg, and comes as a particularly bitter reminder of the Senate's unfortunate decision last week to vote down a proposal by my colleagues, Messrs. COCHRAN and DURBIN, to tighten up export controls over high-powered computers going to Pakistan and other risky countries.

In June 1997, the CIA Director sent to Congress an unclassified report on global weapons proliferation in the last 6 months of 1996—Report entitled: "The Acquisition of Technology Related to Weapons of Mass Destruction and Advanced Conventional Munitions: July-December 1996". Here is what the report had to say about Pakistan:

> Pakistan was very aggressive in seeking out equipment, material, and technology for its nuclear weapons program, with China as its principal supplier. Pakistan also sought a wide variety of nuclear-related goods from many Western nations, including the United States. China also was a major supplier to Pakistan's ballistic missile program, providing technology and assistance. Of note, Pakistan has made strong efforts to acquire an indigenous capability in missile production technologies.

The report also said that,

> The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs.

Needless to say, these are some of the key findings from just one recent unclassified U.S. government report, perhaps the tip of the proverbial iceberg.

Mr. President, I ask unanimous consent to insert into the RECORD at the end of my remarks copies of some of these relevant reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. How are we to interpret such activities? Should we just write them off as due to India's own irresponsible nuclear and missile programs? Is it due to the so-called inevitability of proliferation? No, indeed, we need to redouble our efforts to roll back both countries' programs. Above all, we should not be engaging in acts that can reasonably be interpreted as rewards for proliferation.

I do not myself see this legislation as a reward for proliferation and do not believe that its sponsors, including its supporters in the Administration, so view it. But I worry more about how others will perceive it, particularly those in Pakistan and in the various ministries of other countries that may be working on clandestine projects to develop weapons of mass destruction. How far can Uncle Sam be pushed when it comes to avoiding sanctions against the bomb? If past is prologue, it appears that the unfortunate answer is, pretty far indeed.

Through this legislation, America has now made a gesture—based more on hope than on experience—that the Government and people of Pakistan will interpret as they wish. I hope they will recognize that America is sincere about its global commitments to nuclear and missile nonproliferation. I hope they recognize that America remains determined to pursue vigorously these commitments not only in Pakistan, but also in India, and indeed, wherever such illicit programs may exist.

I also hope—as the profound direct and indirect costs mount of maintaining these dangerous nuclear and missile programs—that the Government and people of Pakistan will come in due course to realize that there is a more rational course to follow and a new day will dawn. It is a course charted by the governments and people of South Africa, Brazil, Sweden, Switzerland, South Korea, Taiwan, Germany, Japan, and numerous other countries that individually reached their own decisions that their latent nuclear weapons options are just not worth the substantial national security and economic costs of exercising those options. Make no mistake about it: cost assessments have been and will continue to be crucial to national leaders around the world in making such decisions.

We will not come any closer to witnessing the dawn of that new day, however, if we continue on our current course of incrementally weakening the costs we impose for proliferation where it occurs. I remain concerned that while today's step is quite modest and incremental, the overall tendency is one that is suggestive of a weakening of America's resolve to pursue vigorously its key nonproliferation goals. Last week we gave the Senate's blessing to the disposal of licensing requirements for computers that were used in making hydrogen bombs. Today we loosen sanctions on Pakistan despite its ongoing nuclear and missile programs. Where will this process lead tomorrow?

That is the question that remains unanswered by today's legislation. It is a question that I surely hope is on the minds of each Member of Congress and the relevant offices in the Executive. Indeed, this is a question that should be on the minds of all Americans.

EXHIBIT 1

U.S. AID POLICIES AND PAKISTAN'S BOMB: WHAT WERE WE TRYING TO ACCOMPLISH?

Letters to Congress from Presidents Reagan & Bush, 1985–1989, required under sec. 620(e) of Foreign Assistance Act (Pressler Amendment)—"The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives."—President George Bush, 10/5/89; President Ronald Reagan, 11/18/88; 12/17/87; 10/27/86; & 11/25/85.

President George Bush, letter to Congress (addressed to J. Danforth Quayle as President of the Senate), 12 April 1991, urging abandonment of Pressler certification requirement: ". . . my intention is to send the strongest possible message to Pakistan and other potential proliferators that nonproliferation is among the highest priorities of my Administration's foreign policy, irrespective of whether such a policy is required by law."

Deputy Assistant Secretary of State Teresita Schaffer, testimony before House subcommittee, 2 August 1989: "None of the F–16's Pakistan already owns or is about to purchase is configured for nuclear delivery . . . a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability."

Deputy Assistant Secretary of Defense Arthur Hughes, testimony before House subcommittee, 2 August 1989: "Finally, we believe that past and continued American support for Pakistan's conventional defense reduces the likelihood that Pakistan will feel compelled to cross the nuclear threshold."

Deputy Assistant Secretary of Defense Robert Peck, testimony before House subcommittee, 17 February 1988: "We believe that the improvements in Pakistan's conventional military forces made possible by U.S. assistance and the U.S. security commitment our aid program symbolizes have had a significant influence on Pakistan's decision to forego the acquisition of nuclear weapons."

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 22 October 1987: "We have made it clear that Pakistan must show restraint in its nuclear program if it expects us to continue providing security assistance."

Assistant Secretary of State Richard Murphy, testimony before Senate subcommittee, 18 March 1987: "Our assistance relationship is designed to advance both our non-proliferation and our strategic objectives relating to Afghanistan. Development of a close and reliable security partnership with Pakistan gives Pakistan an alternative to nuclear weapons to meet its legitimata security needs and strengthens our influence on Pakistan's nuclear decision making. Shifting to a policy of threats and public ultimata would in our view decrease, not increase our ability to continue to make a contribution to preventing a nuclear arms race in South Asia. Undermining the credibility of the security relationship with the U.S. would itself create incentives for Pakistan to ignore our concerns and push forward in the direction of nuclear weapons acquisition."

Deputy Assistant Secretary of State Howard Schaffer, testimony before House subcommittee, 6 February 1984: "The assistance program also contributes to U.S. nuclear non-proliferation goals. We believe strongly that a program of support which enhances Pakistan's sense of security helps remove the principal underlying incentive for the acquisition of a nuclear weapons capability. The Government of Pakistan understands our deep concern over this issue. We have made clear that the relationship between our two countries, and the program of military and economic assistance on which it rests, are ultimately inconsistent with Pakistan's development of a nuclear explosives device. President Zia has stated publicly that Pakistan will not manufacture a nuclear explosives device."

Special Ambassador at Large Richard Kennedy, testimony before two House subcommittees, 1 November 1983: "By helping friendly nations to address legitimate security concerns, we seek to reduce incentives for the acquisition of nuclear weapons. The provision of security assistance and the sale of military equipment can be major components of efforts along these lines. Development of security ties to the U.S. can strengthen a country's confidence in its ability to defend itself without nuclear weapons. At the same time, the existence of such a relationship enhances our credibility when we seek to persuade that country to forego [sic] nuclear arms . . . We believe that strengthening Pakistan's conventional military capability serves a number of important U.S. interests, including non-proliferation. At the same time, we have made clear to the government of Pakistan that efforts to acquire nuclear explosives would jeopardize our security assistance program."

Statement by Deputy Assistant Secretary of State Harry Marshall, 12 September 1983, before International Nuclear Law Association, San Francisco: "U.S. assistance has permitted Pakistan to strengthen its conventional defensive capability. This serves to bolster its stability and thus reduce its motivation for acquiring nuclear explosives."

President Ronald Reagan, report to Congress pursuant to sec. 601 of the Nuclear Nonproliferation Act ("601 Report"), for calendar year 1982—"Steps were taken to strengthen the U.S. security relationship with Pakistan with the objective of addressing that country's security needs and thereby reducing any motivation for acquiring nuclear explosives."

President Ronald Reagan, report to Congress pursuant to sec. 601 of the Nuclear Nonproliferation Act ("601 Report"), for calendar year 1981—"Military assistance by the United States and the establishment of a new security relationship with Pakistan should help to counteract its possible motivations toward acquiring nuclear weapons . . . Moreover, help from the United States in strengthening Pakistan's conventional military capabilities would offer the best available means for counteracting possible motivations toward acquiring nuclear weapons."

Assistant Secretary of State James Malone, address before Atomic Industrial Forum, San Francisco, 1 December 1981: "We believe that this assistance—which is in the strategic interest of the United States—will make a significant contribution to the well-being and security of Pakistan and that it will be recognized as such by that government. We also believe that, for this reason, it offers the best prospect of deterring the Pakistanis from proceeding with the testing or acquisition of nuclear explosives."

Undersecretary of State James Buckley, testimony before Senate Foreign Relations Committee, 12 November 1981: "We believe that a program of support which provides Pakistan with a continuing relationship with a significant security partner and enhances its sense of security may help remove the principal underlying incentive for the acquisition of a nuclear weapons capability.

With such a relationship in place we are hopeful that over time we will be able to persuade Pakistan that the pursuit of a weapons capability is neither necessary to its security nor in its broader interest as an important member of the world community."

Testimony of Undersecretary of State, James Buckley, in response to question from Sen. Glenn, Senate Foreign Relations Committee, 12 November 1981, on effects of a nuclear detonation on continuation of cash sales of F–16's: "[Sen. Glenn] . . . so if Pakistan detonates a nuclear device before completion of the F–16 sale, will the administration cut off future deliveries?

"[Buckley] Again, Senator, we have underscored the fact that this would dramatically affect the relationship. The cash sales are part of that relationship. I cannot see drawing lines between the impact in the case of a direct cash sale versus a guaranteed or U.S.-financed sale."

Undersecretary of State James Buckley, letter to NY Times, 25 July 1981: "In place of the ineffective sanctions on Pakistan's nuclear program imposed by the past Administration, we hope to address through conventional means the sources of insecurity that prompt a nation like Pakistan to seek a nuclear capability in the first place."

EXHIBIT 2

[From Nucleonics Week, April 24, 1997]

PAEC OFFICIAL SAYS CHINA WILL MAKE KEY PARTS, FINISH CHASHMA BY 1999

(By Mark Hibbs)

TOKYO.—Pakistan's first imported PWR will be finished by the end of 1998, and contain equipment which China imported for its prototype PWR at Qinshan but which Chinese firms have since learned to make, according to Parvez Butt, a member of the Pakistan Atomic Energy Commission (PAEC).

Butt described the 300–MW PWR at Chashma as 70% complete in terms of both cost and equipment installed. Still to be installed are reactor internals.

For Qinshan-1, the reactor vessel and internals and steam generator tubing were manufactured in Japan, Germany, France, Sweden, and Britain. At that time, Western industry firms involved in making the equipment claimed that China did not have the metallurgical know-how needed to make all the equipment needed to replicate the plant in Pakistan (NW, 6 Feb. '92, 2). South Korean officials said in 1995 that Korea Heavy Industry & Construction Co. Ltd. (KHIC) had been approached to make the vessel, since it is already manufacturing vessels for China's larger indigenous PWRs at Qinshan, but the idea was dropped when Seoul applied to join the Nuclear Suppliers Group (NW, 28 Sept. '95, 1).

Butt said that the pressure vessel for Chashma-1 was made at a factory in northern China and has been undergoing testing since October. Butt said the vessel would be "ready soon" and would conform to international quality standards. According to French industry sources, China sought to make larger pressure vessels for the next French-supplied PWRs to be build in Guangdong Province, but experts at Framatome refused, citing quality concerns.

The steam generators for Chashma-1 will be made by Shanghai Boiler Works, and Shanghai Turbine Works will make the turbine generator. The unit's two main circulation pumps will also be provided by Chinese firms. Instrumentation and control (I&C) equipment is of Chinese design, Butt said, and will be manufactured by Chinese firms in Shanghai and Beijing.

Butt said China will also provide the first core and three reloads, using Chinese uranium enriched and fabricated into fuel in China. China has trained about 150 Pakistani operating and maintenance personnel at Qinshan, Butt said. Pakistan industry input to the Chashma project has been limited to some auxiliary equipment such as decontamination tanks in the liquid waste treatment system.

According to Butt, Pakistan paid cash for all the Chinese input to the Chashma project. Financing for a second Chinese unit there, he said, has "not yet been arranged."

[From Nucleonics Week, March 27, 1997]

NEW PAKISTANI GOVERNMENT RESTORES FULL FUNDING FOR CHASHMA PROJECT

(By Abdul Rauf Siddiqi)

KARACHI.—The new government of Nawaz Sharif has decided to divert unutilized funds amounting to about 4-billion rupees (U.S. $100-million) from the disbanded People's Works Programme to the 300–MW Chashma Nuclear Power Project, restoring the current year's budget to ensure the plant's on-time completion, government sources said.

The People's Works Programme was disbanded by the caretaker government headed by Miraj Khalid, which bridged the time between the dissolution of Benazir Bhutto's government to the formation of the current one. The caretaker government, brought into office on complaints of corruption, mismanagement, and misuse of funds in the Bhutto regime, allowed only those program projects which were near to completion to continue.

The caretaker government also reduced the allocation for Chashma by Rs 3-billion from the Rs 4.7-billion budgeted for fiscal 1996–97.

Chashma, being constructed at an estimated cost of Rs 31-billion by the China National Nuclear Corp., is said to be progressing on schedule and is expected to be completed by the target of October 1998. It is modeled on China's indigenous-design PWR at Qinshan.

[From Nucleonics Week, March 20, 1997]

EX-ARMY HEAD SAYS PAKISTAN BOMB PASSED COMPUTER SIMULATION TESTS

(By Abdul Rauf Siddiqi)

KARACHI.—Pakistan has completed its tests of its atomic bomb capability successfully through computer simulation, according to Pakistan's former Army Chief, retired general Mirza Aslam Beg in an interview with the Urdu language national daily Pakistan published in Lahore.

Beg, who retired in 1990, is head of the Awami Qiyadat Party (AQP) and of an international think tank, Foundation for Research on International Environment, National Defence & Security. He took over the reins of the armed forces after his predecessor died in a 1988 plane crash. He was the first army chief to confirm Pakistan's nuclear capability, and disclosed that the government froze the nuclear program in 1989 under U.S. pressure.

The former army chief's confirmation of Pakistan's nuclear test via computer came an India is preparing to conduct a final test of its intercontinental ballistic missile Prithvi at Arrisa, Khalij Bengal. Beg said that Pakistan's next step would be the technology to drop a bomb. He said he has no knowledge of Pakistan's possessing the needed missile technology, he said, "we can use F–16 aircraft for the purpose."

[From the Deutsche Presse-Agentur, July 3, 1997]

PAKISTAN CONFIRMS TEST FIRING ROCKET BUT GIVES NO DETAILS

ISLAMABAD.—A government spokesman in Islamabad confirmed Thursday that Pakistan's Space and Upper Atmosphere Research Council (Suparco) recently test fired a rocket.

"It was a routine test carried out by Suparco in rocket motor technology and was aimed at peaceful uses of technology," said the spokesman of the Foreign Ministry commenting on press reports that the test involved Hatf–3 missile.

The spokesman did not identify the rocket as Hatf–3 nor did he confirm a report that it had a range of 800 kilometres. "I do not have the technical details," he said.

Suparco is a civilian organization and its research had "no military component", he added.

Pakistan has been developing the Hatf missile to rival India's medium-range Prithvi missile. China has been helping Pakistan in the effort and has also supplied its M–11 missiles to the Moslem country.

"You are free and welcome to locate the factory," the spokesman said rejecting as "totally baseless" a U.S. Time magazine report last month that spy satellites of the American Central Intelligence Agency had spotted the layout of a new missile factory in the suburbs of Rawalpindi, adjacent to Islamabad.

In the past, American intelligence agencies reports about the existence of secret nuclear facilities near Rawalpindi have neither been admitted nor proved independently.

[From Nucleonics Week, July 3, 1997]

U.S. BELIEVES KHUSHAB STILL COLD, NO HEAVY WATER SOLD BY CHINA

(By Mark Hibbs)

BONN.—U.S. officials last week categorically denied a report from Pakistan which claimed that an unsafeguarded reactor near Khushab has started operating. One official monitoring nuclear developments in Pakistan told Nucleonics Week instead that "all the data at hand indicates that the reactor is still cold."

Two weeks ago, the Pakistani English-language newspaper Dawn asserted that the reactor is finished and has started up, but cannot produce electricity or reach full power because of a shortage of heavy water (NW, 19 June, 15).

Western officials conjectured that the Pakistani claim may have been triggered by a construction milestone at the reactor site or planted in response to recent reports that India has deployed the Prithvi ballistic missile.

In 1994, Western officials told Nucleonics Week that Pakistan was building a plutonium production reactor, rated at between 50 and 70 megawatts thermal, at a site near Khushab. These sources later added that intelligence pointed to construction of a fuel fabrication or reprocessing center near the reactor (NW, 22 Feb. '96, 6). As late as this April, however, a member of the Pakistan Atomic Energy Commission denied flatly that the reactor existed.

According to one U.S. official this week, however, the Khushab reactor "is definitely out there" but not scheduled to be finished "until later this year or sometime in 1998." Another official said that, under the most optimistic schedule, completion of the reactor "is several months away." Sources indicated that the reactor had not yet undergone cold testing, let alone become critical.

The Pakistani report suggested that the reactor would be used for electricity production as well as for isotope production. Recent surveillance photographs of the site, however, do not indicate that Pakistan is building power grid infrastructure, such as turbine generator equipment, for electricity generation. Moreover, Western officials said, it is not believed the reactor's chief purpose is isotope or silica production, as stated in the Pakistani account. Pakistan has a technical cooperation program with the IAEA for these activities, "but none of this has got anything to do with Khushab," one Vienna official said, and the IAEA "has not been informed" by Pakistan that the reactor is under construction or that Pakistan plans to incorporate the unit into its existing technical cooperation program.

Sources said that, because Pakistan is facing a massive financial crisis, the U.S. and other creditor countries supporting the International Monetary Fund are trying to leverage Islamabad to keep the reactor from operating outside of IAEA safeguards. Zia Mian, a research fellow at the Union of Concerned Scientists in Cambridge, Mass., observed, "If Pakistan were to start operating the reactor now, it would be taking a very major foreign policy step," demonstrating to the world that its unsafeguarded program is going forward regardless of U.S. opposition, and escalating military nuclear activities to include significant plutonium production.

INDIAN REPORT ALSO UNCONFIRMED

U.S. officials last week confirmed the assertion by Dawn that a critical factor which may indefinitely delay full-power operation of Khushab is shortage of heavy water. But they did not confirm recurring Indian reports that China, which the U.S. believes to have supported construction of Khushab, also provided heavy water for it. According to Western intelligence sources, a full inventory of heavy water for the unit would be about 15–20 metric tons (MT), though it could go critical with a smaller amount.

Indian sources said that, in 1996, China sold Pakistan 40 MT for Khushab, U.S. officials said the Indian government had told Washington this recently, but U.S. government agencies "could not confirm" the Indian assertion. A U.S. official said last week that, when New Delhi made the allegations to Washington, the U.S. "went back to the Chinese on this" and received assurances from Beijing that Chinese entities did to sell heavy water to Pakistan for Khushab.

U.S. officials said Indian allegations of Chinese heavy water trading with Pakistan were first made during the 1970s, and the most recent claims were initially taken seriously because there is evidence of past Chinese heavy water sales to both India and Pakistan.

Last year, the Department of State, now negotiating a resumption of nuclear commerce with China, asserted to the U.S. Congress that as of May 1996, China was not assisting any unsafeguarded foreign nuclear programs. Despite the Indian claims, U.S. officials last week continued to back China's nonproliferation credentials. "That means nothing has gone to Khushab," since mid-1996, "and no heavy water," one U.S. official involved said June 26.

According to the Pakistani report, administrative difficulties in Pakistan had prevented heavy water from being allocated for the Khushab reactor. Sources told Nucleonics Week that, in fact, most of Pakistan's scarce heavy water resources have, over the last two years, been allocated for the Kanupp PHWR, which generates electricity under IAEA safeguards. That allocation, sources said, reflected a general policy by Pakistan under former prime minister Benazir Bhutto not to take any steps, such as producing high-enriched uranium (HEU) at the Kahuta centrifuge enrichment plant, which would be seen by Washington as provocative and escalating regional nuclear tension. One source said, "Keeping heavy water at Kanupp and away from Khushab should be seen by Washington as going hand-in-hand with not enriching uranium to HEU."

Mr. TORRICELLI. Mr. President, I rise today in strong support of the Harkin amendment which restores OPIC, IMET, Trade and Development Assistance [TDA], and democracy-building institutions in Pakistan.

This amendment provides us with a unique opportunity to strengthen and solidify our relationship with Pakistan. Pakistan is a friendly country and vitally important to the United States. By restoring these programs, we can influence the course that Pakistan's economic and political reforms take and improve the continuity of its democratic government.

Pakistan has made great strides in these areas, and Prime Minister Sharif's election signals a turning point in Pakistani politics. As he moves to improve the quality of his country's government, the United States should provide the support necessary. Prime Minister Sharif has sponsored changes in the Pakistani constitution to end the President's power to dismiss the elected government. In the economic sphere, his government has embarked on an ambitious reform program intended to stabilize the economy. These are positive developments, but we need to encourage Pakistan to go even further. Our own Secretary of State has met with the Pakistani Foreign Minister to discuss options for more extensive reforms.

It is in the United States' best interests to train Pakistani officials in how to conduct legislative procedure and build lasting democratic institutions. It is also in our best economic interests to resume OPIC support for investment in Pakistan. Prominent U.S. business leaders have expressed their support for such an initiative, and I believe this option can benefit U.S. industry. The United States will be in a prime position to support economic reform in Pakistan, as well as compete for investment and trade opportunities there. We cannot, and should not, penalize U.S. companies looking to expand into this area of the world.

Neither should we jeopardize our stated goal of promoting nuclear nonproliferation. We have worked to prevent the nuclear arms race in South Asia, and future cooperation with Pakistan is now at stake. Restoring IMET in Pakistan is perhaps the best means we have of ensuring that nonproliferation becomes a reality. The Pakistani military controls the country's nuclear programs, but an entire generation of military officers has been denied access to training in the United States. By prohibiting IMET, we have succeeded in reducing our contacts within the leadership and limiting their exposure to U.S. values and institutions. If we allow IMET to resume, we will strengthen our position on nonproliferation by encouraging a Pakistani military that is as pro-United States as possible. Improved relations with Pakistan can only help our future nonproliferation efforts.

Mr. President, I am pleased to be a co-sponsor of this amendment, and I look forward to a close relationship with Pakistan in the future.

Mr. McCONNELL. I am not aware of any opposition to the amendment on our side.

Mr. LEAHY. None here.

We are ready to move forward, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 899) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to reconsider is laid on the table.

The motion to lay on the table was agreed to.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 890

(Purpose: To state the sense of the Senate that most-favored-nation trade status for China should be revoked)

Mr. HUTCHINSON. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 890.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

"It is the sense of the Senate that the nondiscriminatory treatment extended to the People's Republic of China on May 29, 1997, pursuant to section 402(c) of the Trade Act of 1974 should be withdrawn."

Mr. HUTCHINSON. Mr. President, I offer amendment No. 890 to the foreign operations appropriations bill. This amendment which is a sense of the Senate, would disapprove the MFN status, most-favored-nation status, to the nation of China. I have opposed the renewal of MFN to China. On June 3 of this year I became an original cosponsor of Senate Joint Resolution 31, the legislation disapproving the extension of MFN.

Unfortunately, because of the joint resolution of disapproval in the House, which failed to pass the House of Representatives on June 24, as in past years or at least recent years, the Senate has not considered and has not had the opportunity to weigh in on and to voice its concern about the conditions in China, and particularly to cast a vote on the MFN status for China.

Today we will have that opportunity with this sense of the Senate. It has been almost 4 years, Mr. President, since the United States formally delinked the issues of trade and human rights with regard to China. Four years ago when we delinked, when we embarked upon our policy of constructive engagement, the logic was that greater trade, greater economic expansion within China itself, would result in political freedom, greater political freedom, less repression, more opportunity for the people of China.

The fact is, by every measure, the record of the Chinese Government on human rights has worsened since the time that we embarked upon this policy delinking trade and human rights. Whether you look at the crackdown on people of faith within China, whether you look at the practice of forced abortions, forced sterilization of the mentally handicapped, the near extinction of the expression of any opinion that would be contrary to the established line of the Communist Government in Beijing, by any measure, conditions are worse, freedoms are less, oppression is greater than it was 4 years ago when we started this policy of constructive engagement.

In fact, according to the 1996 country report issued by our own State Department, the U.S. State Department said that the Chinese Communist leaders have succeeded in silencing every known political dissident. Mr. President, that is every dissident, every free voice, every voice of dissent, every contrary opinion to the party line has now been extinguished in Communist China either through exile, through death, or through imprisonment.

So, Mr. President, I feel very strongly that our current policy of continuing normal trade relations without regard to human rights conditions has been ineffective in stemming this very alarming trend in China by turning a blind eye to the atrocities or abdicating our responsibility as a great and a free nation.

As we have continued to extend China's MFN status, insufficient progress has been made in opening the vast Chinese market to the American companies. The argument has been free trade, increased economic expansion. While our imports from China have increased dramatically during the last 4 years, the amount of goods we export to China has grown at a much, much smaller rate.

Moreover, Mr. President, China utilizes a vast prison system manned with slave labor to produce many products which are exported to the West. It is unfair to ask American laborers, American workers, to compete with the slave labor of Communist China. I believe in free trade. This is not free trade that we have currently. Soldiers of the People's Liberation Army stand guard atop the towers of the slave labor camps, known as Laogai. The PLA controls, either directly or indirectly, a significant portion of the Chinese industry. In fact, according to our CIA, thousands of industries that we are trading with on a routine basis are controlled by the People's Liberation Army. That is not free trade. It is not fair trade. It is not right.

Mr. President, it is believed that many of these industries are involved in the proliferation of weapons of mass destruction, arms smuggling, economic espionage, use of forced labor, piracy of intellectual property, and misinformation of sensitive military technology.

Mr. President, I know some of my colleagues, perhaps many of my colleagues, feel that this amendment is something they would rather not vote on. This sense of the Senate is something they would rather not have to go on the record on. I think that we are dealing with foreign operations. Section 524 of this bill bars indirect assistance to many countries, including China. So it is relevant. It is germane. It is important that the U.S. Senate have an opportunity to voice our concerns. It is a sense of Senate. It is not binding. It is important we send that signal.

We may not be able this year—we cannot, obviously, because of the House action—we may not be able to deny MFN status, but we can send a signal, and we should.

To my colleagues I say there are people watching. The Chinese Government is watching what this Chamber does. The Chinese people are watching. We can send a message that we do not condone the practices, the oppressive totalitarian practices of this government. We can, at the same time, to the tens of thousands, yes, the tens of millions of Chinese who are facing that oppression today, we can say to them there are those in America who stand with them and who will support them in their fight for freedom.

I know, Mr. President, that there are many bills that have been introduced to deal with China, and I hope that we will deal with that. I hope we will take those bills, whether Senator BROWNBACK's, Senator ABRAHAM's, or whoever may have introduced legislation to address the China question, and we will put that into some kind of omnibus bill in future weeks to send an even stronger message. Until then, this is our opportunity. This is our chance to, once again, give a voice to American foreign policy. This is our opportunity to say to the world and to say to the Chinese Government, America still stands for something, that we do not have a foreign policy void of value, that those values we espouse, which are embodied in our founding documents and in our very Constitution, live on, today, in the policy that we advocate toward China.

I know there were many who breathed a sigh of relief in the U.S. Senate when MFN went down in the House of Representatives. There was a sense of "we're off the hook." I say to all of those of my colleagues who have decried the conditions in China today, I say to all of my colleagues who in one form or another have said it is wrong what they are doing over there, to remember that while we may have been off the hook, there are tens of thousands of Chinese people in prison camps today who are still on the hook, this is our chance to give them the voice that their government has denied them.

I ask my colleagues to look deep within their soul, to look at their conscience, and I ask them to vote in favor of this sense-of-the-Senate resolution disapproving of most-favored-nation status for China.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. Mr. President, let me say in response to the amendment of my colleague from Arkansas, I and a number of other Members of the Senate were in Hong Kong a couple of weeks ago. I raise Hong Kong—even though I know the sense-of-the-Senate amendment deals with China—I raise Hong Kong because I think Hong Kong is the best hope for China. Hong Kong is going to lead the way to a new China, and a new China is already developing, which is not to say that any of us are entirely happy about everything going on in the People's Republic of China, but a lot of good things are happening, particularly on the economic side. No one in Hong Kong, not even Martin Lee and all of the democratic reformers that many of us know, is in favor of terminating MFN for China. You cannot find anybody in Hong Kong who thinks terminating MFN for China is a way to promote a better, more democratic, more open China.

So with all due respect to my friend and colleague from Arkansas, I think we have worked our way through this MFN debate. The President of the United States, as we all know, in 1992, when he ran, thought that MFN for China ought to be linked to human rights and democracy evolving in China, and as soon as the election was over, he took a closer look at it and he changed his mind. I must say I give him credit for changing his mind because I don't think this will bring about the kind of positive reform in terms of human rights and democracy in China that we would all hope.

What is changing China—unquestionably what is changing China—is economic reform. So I hope we will not support the amendment of the Senator from Arkansas. I think it would be a step in the wrong direction. I know there are other colleagues who share my view.

I see Senator FEINSTEIN on her feet now. I yield the floor.

Mrs. FEINSTEIN. I thank the distinguished Senator from Kentucky, and I thank you, Mr. President, for this opportunity.

I didn't come to the floor prepared to speak on this amendment. I came to speak on a another amendment. Having said that, I must say I am sorry this sense-of-the-Senate amendment has been raised. I think it would be a big mistake to pass this sense of the Senate that would essentially say to the People's Republic of China, "we are going to isolate you from the rest of the world." Make no mistake about it, that is what this amendment says.

Anyone that has had a look at China knows that, historically, China has never wanted to interrelate with the rest of the world. Those of us who were in Hong Kong for the handover heard many comments about the British occupation of Hong Kong as a kind of bounty from the opium wars where Britain forced on China the opium trade, and the whole British control of Hong Kong as a colony developed from that time.

Having said that, the question is, really, is anything productive solved by forcing China into a position of isolationism, strengthening the hard-liners in China, providing a setback to the development of the rule of law and, most importantly, providing a setback to the economic democracy that is now developing all throughout the eastern seaports of the People's Republic of China? My answer to that is no. My answer to that is it signals to China that, effectively, Senate policy at the very least would be to try to contain China, isolate China, and not allow China to be a normal trading party with the United States of America. Internationally, that signals catastrophe.

Now, what does it mean for the United States? For the United States, and as a Californian, in my State, with one-third of our economy now dependent on Asia—not necessarily on China, but Asia—it means a loss of jobs. For the rest of the United States, it means a loss of jobs. The Senator from Kentucky just alluded to what it would mean for Hong Kong. He alluded to the fact that we heard no democratic leader say MFN should be denied China. Exactly the opposite. We heard democratic leaders in Hong Kong saying to deny China MFN would negatively impact the people of Hong Kong.

They estimate it would take economic growth and cut it by half, from 5 percent to 2½ percent. They say that it would cost up to 86,000 jobs in Hong Kong, and that even a partial cancellation, even a 6-month extension, would create a kind of uncertainty that would disturb the market in Hong Kong.

I think it is misguided to think you can deny a nation as large as China, the largest nation in the world, normal trading relations—not special trading relations, nothing special about it, but normal trading relations—and do anything other than shoot ourselves in the foot, because a whole ripple effect would be felt throughout the United States. And the flip side in China would be the growing isolation, the hard-liners being able to say, "I told you so."

Right now in China it is widely speculated that the next premier will be a man whose name is Zhu Rongji. He was at one time the mayor of Shanghai. I know him. He also is the author of the marketplace economy for China. He supported Shanghai as the first independent economic zone, which really was the first of these dynamic economic zones, and then, second, he has supervised an amazing transformation of the marketplace.

Today, only 50 percent of the companies in China are wholly owned by the central government. It used to be 100 percent of the companies were owned by the central government; 25 percent of these are in private hands today. They are becoming more competitive, more efficient. Sure, it is difficult because the big employers of China are the centrally owned companies. So it takes time.

In direct response to the distinguished Senator's concern about human rights—because I share these concerns very, very much—I have been trying for 6 years now, almost twice a year, to get the Chinese Government just to sit down with the Dalai Lama, just to try to come to terms with him with respect to cultural and economic preservation of Tibetans within Tibet. So far, I have not been successful. I don't expect to stop trying.

But during the 6-year period, what I have noticed has been interesting within the rest of China. What I have noticed is a growth in the rule of law. What I have noticed is that the Chinese are now eager to modernize their commercial codes, their criminal codes. The next step needs to be an independent judiciary; by this, I mean independent from party control, a judiciary that is paid well, that is seen to be independent. Qiao Shi, head of the National People's Congress, proposed a limitation of administrative detention today in China—picking up an individual, and holding them in custody cannot be done for more than 30 days. That is a step forward.

China has lived for 5,000 years under the rule of man; the rule of law is going to take some time. I commend the distinguished Senator for his commitment to this issue. If he had visited China in the late sixties or the early seventies, when Richard Nixon went to China and negotiated the Shanghai communique in 1972, it was a very much more constricted China. No one would have talked to the distinguished Senator. Everybody dressed alike. Everybody marched to the sound of the same drummer. The red books of the Cultural Revolution were still evident on the streets. The music still blared every morning. The controls were evident.

It is a very different China today. None of that is true today. People will talk. They will say what they think. There is a freer lifestyle. There is an improved standard of living. I believe that if you have an economic democracy, a social democracy will follow one day, just as sure as the sun comes up every morning, because the more people see the economic marketplace, the freedom that trade gives them, the increased educational levels, the benefit it produces, they then enter into the dialog and they learn about other cultures.

So I believe that from the days of the 1960's, of the Cultural Revolution and its aftermath, really lasting up to 1979, 1980, in the ensuing 17 years after 1980, there have been major changes within China. What we need to do is engage China, send working teams over on a regular basis, sit down with Chinese leaders, enable them to understand how our Government works and what our concerns are and what our national interests are and, I think, bring China into the mainstream of world leadership, not isolate it. Nothing sends a message of isolationism and containment for China more strongly than denying normal trading relations.

Mr. President, I believe this amendment should be defeated. It will not bring about a positive result for the ends that both the distinguished Senator and I would like to see.

I thank the Chair and yield the floor.

Mr. HUTCHINSON. Mr. President, I will briefly respond to my distinguished colleagues from Kentucky and California. I feel compelled, as I listen to the arguments that have been raised over and over again, and particularly the phrase that "it is a different China today."

Well, it is not my opinion that I am citing today. It is our own State Department's 1996 country report on the conditions in China. So I remind my colleagues on the floor right now that our State Department, in looking at China, said, yes, it is a different China; the difference is that 8 years after the Tiananmen Square massacre, after those brave students stood in front of those tanks, there is not one remaining independent free voice in China today. That is our State Department. Every dissident has either been killed or imprisoned or exiled. There are none of those independent voices. That is the China that exists today. That is what our State Department has said.

Now, the State Department had a new report they were going to issue. It was supposed to have been out months ago. It was delayed. It was supposed to have been out in June, and it has been further delayed until after the MFN votes were over. I wish the administration had ordered that latest State Department report to be issued so that the Members of the Senate could see what the latest evaluation of the conditions in China really are. The latest we have, in the 1996 country report, is that there are no free voices in China today.

Now, they say we will isolate China. The same ones who say we are going to isolate China will say we can't deny MFN because they will send all of those goods to Europe, they will find markets for their products in Europe. Let me assure my colleagues, you will not isolate one-fifth of the world's population. And it is a self-contradictory argument to say we dare not isolate them or we will deny our American citizens these goods.

Now, my dear colleague and distinguished friend from Kentucky said Mr. Clinton had changed his mind when he got elected. Indeed, he did. He commended him for his change of mind. Well, I criticize him for his change of mind. I think he was right when he was a candidate. He then said that it was intolerable that we, as a people of conviction and values, should stand by and close our eyes to what is going on in China. So I regret that he made that change, as he has made changes in many other policies.

Well, then they say, "It just takes time, just give them time," and if we will give them time, my colleagues say, we will see political freedom, an increase in their economic opportunities and, as sure as day follows night, political freedom will come. Mr. President, I have been waiting for 4 years. I have been waiting for 4 years for one scintilla of evidence to support that notion. If I could have found just the slightest indication that things were getting better in China, I would have voted for MFN to encourage those positive changes. But by every measure, it has gotten worse, and every objective observer, from Amnesty International, to Family Research Council, to our own State Department, has said it's worse.

So how can we continue to say, well, business as usual, and if we keep on giving them time, it will get better, when, so far, every time they have thumbed their nose at what we have done. Then we hear that no one calls for it if you go to Hong Kong. I don't know about that, but I do know that if you were in mainland China today, you could not call for it because, if you dared, you would be imprisoned and you would risk your very life and the lives of your loved ones. There are no dissidents left.

So to my colleagues I say, the vote on this amendment is very simple: to embrace the policy of profits and appeasement, or to embrace the policy of principle and principled challenge to those who would abuse and persecute and execute their own citizens.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I rise to discuss the amendment introduced by the Senator from Arkansas regarding MFN status for China. This issue is of immense importance to Washington State and the Nation.

As a member of the Foreign Operations Subcommittee, I must state for the record that I believe that this is not the appropriate forum for this amendment. The Senator from Arkansas has chosen to spring upon the Senate—with little notice—his amendment to fundamentally alter our relationship with the world's most populous nation.

I am sure the Senator knows that the House of Representatives recently followed the process established by the Jackson-Vanik amendment to overturn the President's decision to renew most-favored-nation status for the People's Republic of China. The House of Representatives in strong bipartisan fashion rejected the effort to overturn the President of the United States. I applaud the House for taking this action. The House vote in favor of MFN followed extensive hearings, much thoughtful debate, and considerable input from our constituents, the business community, and the Clinton administration.

While this is not a new issue to many in the Senate, the Senator from Arkansas now asks the U.S. Senate go on record on this important strategic issue on the wrong bill without the benefits of adequate debate and thorough consideration. I don't believe this is the way to make good policy, and particularly on the United States-China relationship which is perhaps the most important, most difficult and most challenging relationship for United States policy makers to manage.

I applaud Senator HUTCHISON's interest in the United States-China relationship. In fact, I share many of the concerns that he in his arguments has outlined. But I differ in his prescription for addressing the problems in the United States-China relationship. I don't believe ending MFN or normal trade ties with China will advance United States interests. Rather, I believe the approach prescribed by opponents of MFN would for all intensive purposes end our relationship with China. For my State, this would be disastrous.

Chinese students—some of whom will become future government leaders in China—will likely discontinue their studies at universities in this country including at the Henry Jackson School of International Affairs at the University of Washington.

As many as 400 Washington State families might lose the ability to adopt a young Chinese girl in the coming year as a result of this amendment.

The Reverend Ned Graham and his East Gates Mininstries based in Sumner, WA, could see its mission in China curtailed or possibly ended altogether. East Gates Ministries has distributed nearly 2 million Bibles printed in Chinese dialects throughout China. Other Washington State faith-based ministries are active in China and could see their activities halted if the Senate agrees to this amendment.

I recently traveled to Hong Kong and China to discuss candidly the issues like MFN, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

In Hong Kong, I met with officials from the U.S. Consulate, the American Chamber of Commerce, the Hong Kong Government, and others. On the street and in official meetings, I sought to determine the mood of the people of the former British Colony prior to the reversion to Chinese sovereignty. Again and again, I was encouraged to convey to the Congress the importance of MFN to Hong Kong. Virtually every leader from Hong Kong has communicated to Congress the devastating impact that MFN revocation would have on the island recently named the freest economy in the world.

In my view, it is important for all who want to influence change in China to recognize that Hong Kong's transition may be our best opportunity to further influence the mainland in such important areas as the rule of law, respect for individual rights, and the many democratic principles that we cherish in the United States.

In Beijing, I met with China's Vice Premier, Chinese Trade Ministry officials, and Chinese leaders involved in financial services, transportation, agriculture, electronics, and aviation. I also spent a significant amount of time with U.S. Ambassador Jim Sasser, our former Senate colleague. Ambassador Sasser, who was a China critic as a member of this body, now adamantly supports the renewal of MFN status for China.

In my meeting with Vice Premier Li Lanqing, I focused on the trade imbalance between the United States and China, my concerns and those of my constituents on human rights, and the importance of China abiding by its commitments to Hong Kong.

I also discussed the Chinese counterparts many other issues important to us, including the growth of the Internet in China, the competitive advantage of Washington State's ports and transportation infrastructure, the future energy needs of China, food security issues, including China's ability to feed its own people, problems associated with large, unproductive state-owned enterprises and growth patterns in coastal and rural parts of China.

My point in discussing my trip to China tonight is quite simple: If the Senate adopts the Hutchinson amendment, it will have disastrous consequences on the United States-China relationship. I believe it will threaten our very ability to dialog with the Chinese on all of the issues I have just outlined.

If the opponents of MFN truly believe the Senate must go on record on this issue, so be it. Let's do it in a responsible fashion with the proper consideration that an issue of this importance merits.

I strongly encourage my colleagues to vote against the Hutchinson amendment. I believe it is unwise and irresponsible for the Senate to address this issue in this fashion.

Mr. DODD. Mr. President, pursuant to a request by the distinguished Senator from Kentucky, the chairman of the committee and manager of the bill, I ask unanimous consent that the amendment by the distinguished Senator from Arkansas be temporarily laid aside.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 900

(Purpose: To suspend temporarily the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LUGAR, Mr. DOMENICI, Mr. KERREY, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, and Mr. INOUYE, proposes an amendment numbered 900.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 102, between lines 9 and 10, insert the following:

TEMPORARY SUSPENSION OF DRUG CERTIFICATION PROCEDURES

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines that the waiver would facilitate the enhancement of United States international narcotics control programs.

Mr. DODD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 901 TO AMENDMENT NO. 900

(Purpose: To perfect the pending amendment)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 901 to Amendment No. 900.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the pending amendment and add in lieu thereof the following:

SEC. . SUSPENSION OF DRUG CERTIFICATION PROCEDURES.

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and

source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines prior to Dec. 31, 1999 that the waiver would facilitate the enhancement of United States international narcotics control programs.

Mr. DODD. Mr. President, I offered the second-degree amendment and it doesn't substantially change the original amendment, but it is so that we can have an up-or-down vote on the substance of the amendment I offered on behalf of myself, my colleague from Arizona, Senator MCCAIN, Senator DASCHLE, Senator LUGAR, Senator DOMENICI, Senator COCHRAN, Senator KERREY of Nebraska, Senator HUTCHISON, Senator HAGEL, Senator WARNER, and Senator INOUYE.

Mr. President, we believe that the approach contained in this amendment will lead to a far more cooperative and effective effort to meet the international threat posed by the international drug trafficking that is occurring in our country and elsewhere around the globe.

The pending amendment calls upon the President of the United States to establish a high-level interdisciplinary task force, under the direction of General Barry McCaffrey, Director of the Office of National Drug Control Policy, to develop a comprehensive strategy for dealing with the supply and demand side of the drug problem.

This amendment also urges the President of the United States to encourage other drug-producing, and transit countries to undertake similar efforts. Within a year's time, it calls for an international summit to be held, at which time the efforts of all of the parties would be merged into a multilateral battle plan to engage the illegal drug trade on every front.

In order to create the kind of international cooperation and mutual respect that must be present if this effort is to produce the results all of us desire, our amendment would also temporarily suspend, for 2 years, the annual drug certification procedure while efforts are ongoing to develop and implement a new strategy. It does not repeal the certification process, but suspends it for 2 years in order to try this new dynamic. Barry McCaffrey, Director of the Office of National Drug Control Policy, supports this amendment, as does the administration.

As you know, the issue of how best to construct and implement an effective counternarcotics policy has been the subject of much debate in this Chamber and, I add, much disagreement over the years. Our intention in offering this amendment today is to try and see if there isn't some way to end what has become a stale annual event, an event that has not brought us one step closer to mounting a credible effort to eliminate or even contain the international drug Mafia.

We all can agree that drugs are a huge problem and a growing problem. Illegal drugs aren't some theoretical abstraction that only concerns Members of Congress. Most American families know—many firsthand, unfortunately—the dangers inherent in the drug trade. They worry about their children, their schools, their streets, and their communities. They know only too well the impact that unfettered drug gangs can have on them, their families, and the towns in which they live.

We can all agree here, Mr. President, that there is an important international component to the drug menace. Drug kingpins have no respect for international borders. They ply their trade clandestinely wherever the opportunities may arise. The international drug trade poses a direct threat, I argue, to the United States as a government here at home, and to international efforts to promote democracy, economic stability, human rights, and the rule of law throughout the globe; but most especially, I think, here in our own hemisphere.

Mr. President, I have concerns about the international implications of the drug trade. Of even greater concern to me personally are the effects it is having here in the United States. Today, approximately 12.8 million Americans use illegal drugs, including 1.5 million cocaine users, 600,000 heroin addicts, and 9.8 million people who have used marijuana.

This menace isn't just confined to our inner cities or the poor. Illegal drug use occurs among members of every ethnic and socioeconomic group in this country. The human and economic costs are enormous and staggering. Drug-related illness, death, and crime cost our Government and the taxpayers of this Nation approximately $67 billion in 1996, including costs for lost productivity, premature death, and incarceration.

The drug trade is an enormously lucrative business. Drug trafficking generates estimated revenues of $400 billion annually. Although often left unstated, it is United States' demands for these illegal drugs which has been a driving force making drug trafficking the incredibly lucrative enterprise it has become. The principal focus of the U.S. international counternarcotics efforts has been to endeavor to go to the source, to penetrate the narcotrafficking organizations that control the production and distribution of drugs, and to dismantle them. An important component of that international effort since 1986 has also included as its centerpiece the so called "annual certification process."

Mr. President, I commend those who authored the certification process. Their intent, as is the intent of us who offer this amendment, is the same; that is, to try and figure out a way to slow down this traffic that pours into our country. Mr. President, I respectfully suggest that, after 10 years, the certification process has not helped. Therefore, we are trying, through this amendment, a new process by which we might, hopefully, change the dynamic and reverse the present trends that continue upward. The United States has spent more than $25 billion since 1981 for foreign interdictions and source country counternarcotics projects, and has been issuing an annual certification report card since 1986.

Yet, despite these efforts, seizures at the borders, from the high seas, and other countries, foreign drugs are cheaper and more readily available in the United States today than they were two decades ago. Drugs have continued to flood our neighborhoods and wreak havoc on our families and our communities. I believe, as do my cosponsors of this amendment, that it is time to be honest and to admit that our international drug strategy isn't working, and that means the entire certification process.

Let's look at what some leading editorial pages have recently said about certification; what the Nation's editorial pages say about drug "certification."

The Washington Post:

> Congress put the United States into the business of grading other nations on their performance in the war against drugs, and punishing those found to fall short, back in 1986. "Certification" then seemed an idea worth testing. It has now been tested. It's a flop.

The Miami Herald, I quote:

> Not surprisingly, both certified allies and decertified pariah states have taken umbrage at this unilateral finger-pointing by the world's largest consumer of illegal narcotics * * * With certification on hold, the administration should have time to craft a better policy.

San Francisco Chronicle:

> Often obscured in the complexities of international relations is the utter hypocrisy of the certification process, in which the United States—the world's leading consumer of illegal drugs—passes judgment on countries that do not live up to our lofty standards of narcotics control * * * If the United States, with all its power and riches, cannot control or even diminish the demand for drugs within its own borders, it is absurd to demand that much poorer nations save us from ourselves * * * Congress should rethink the world certification process and deal with international problems on a country-by-country basis as the need arises * * *

The Christian Science Monitor:

> The U.S. and Mexico have every reason to be close partners and friends—able to offer warranted criticism. The yearly drug certification process is a very awkward, lopsided way of delivering it.

Newsday:

> The real issue now is whether the rationale for certification has become so specious that the process has become irrelevant. At the very least, the entire drug-certification process needs to be reviewed.

The Boston Globe:

> Certification is hypocritical and ineffective as a tool against drugs. It should be abandoned * * * Certification is largely blind to the contribution Americans themselves have made to an international problem. Frustrations over how to deal with that problem are not justification for pursuing poor policies—and certification is doing more harm than good.

Last, the New York Times:

> The politicization of the debate is only one example of what is wrong with the whole certification process. It began in 1986 as a way to pressure supplier countries to fight drugs. It has not been successful and should be abolished * * * Latin Americans' resentment of the certification process makes it counterproductive * * * The process does not capture the ambiguities of cooperation * * * Certification is ultimately dangerous because it contributes to the myth that America's drug problem can best be fought overseas * * * Instead of international certification, Washington should examine how well its policies at home combat drugs.

Mr. President, I ask unanimous consent that the full text of these editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 16, 1997]

RETHINKING DRUG CERTIFICATION

The United States' annual rating of other countries' sincerity and success in fighting the drug war has become a case of good intentions gone awry. The tit-for-tat sanctions of this blunt policy tool oversimplify complex issues and fail to weigh policy nuances or competing national interests.

Legislation introduced last week by Sens. Christopher Dodd (D–Conn.) and John McCain (R–Arizona), and slated for a vote in the Senate later this week, would suspend the certification process for two years to allow the development of more workable alternatives. It ought to be approved.

Last February's go-around over Mexico's certification demonstrated just how problematic the process has become.

Mexico, which was in the middle of an epic drug-related scandal, was certified. But Colombia, which had lost many more lives and scored significant victories fighting the drug cartels, was decertified.

It would have been absurd indeed for the U.S. to decertify and impose economic sanctions on Mexico, with which we had signed a free-trade agreement just three years before and which was recovering—thanks to a multibillion-dollar U.S. loan guarantee—from a deep economic crisis.

President Clinton, quite properly, gave greater weight to these economic realities and the totality of our relationship with Mexico than to the certification law's demand for sanctions. But not before relations between the two countries reached the lowest point in recent memory. And the way Mexican certification was rationalized fed popular cynicism in this country about the seriousness of the certification exercise.

Sadly, the bottom line on the usefulness of the certification strategy is that drugs today are far cheaper and more easily available in the U.S. than when Congress created the process 11 years ago.

There shouldn't be any doubt that fighting drugs must remain a top foreign and domestic policy priority and that an annual review properly focuses national attention on it.

But as the Dodd-McCain initiative suggests, the effort should be a more comprehensive and flexible exercise that, for instance, considers both foreign supply and domestic demand. A new approach also should emphasize multilateral, cooperative strategies as a strategy of first resort.

When that doesn't work, economic sanctions, diplomatic pressure, law-enforcement measures, economic aid and other measures should all be at the disposal of the president to ensure cooperation. The war on drugs is a long, arduous campaign that is more likely to be won through ingenuity and tenacity than annual grandstanding and empty threats.

[From Newsday, July 16, 1997]

FIND BETTER WAYS TO STEM THE FLOW OF ILLICIT DRUGS

An eminently sensible bill in Congress would begin to do away with the ineffective practice of certifying other nations' efforts to control production and shipment of illegal drugs and punishing those that don't meet U.S. standards. A two-year moratorium on certification is included in legislation, introduced by Sens. Christopher Dodd (D-Conn.) and John McCain (R-Ariz.), which calls for a presidential commission to come up with a coordinated strategy for drug control in consultation with other countries.

The drug-certification law was enacted in 1986 by a Congress intent on showing it could do something about drugs, but it has proved to have little impact. Worse, it has backfired more than once in the conduct of U.S. foreign policy. In practice, it has been applied with bald-faced hypocrisy: How else to explain the decertification last year of Colombia, which has done its best to cooperate, and the recertification of Mexico, whose government is riddled with narco-corruption? Simple: Mexico is economically and politically important to Washington; Colombia is not.

But there is a deeper hypocrisy in condemning other nations' efforts to stem drug supplies when the United States' own government has had so little success in suppressing domestic demand for drugs. Until America can address the demand problem more credibly than it has, it would be wise for Washington to cooperate with other nations affected by drug trafficking in devising new strategies, rather than browbeating them with meaningless report cards.

[From the Christian Science Monitor, June 16, 1997]

A GOOD STEP ON DRUGS

Since drug trafficking is an international problem, international cooperation to combat it has always made sense. But Washington's approach to such cooperation has for the last decade included a tool for bludgeoning others into antidrug partnership—the decertification process, by which other nations face economic sanctions by the US if they are deemed noncooperative. The result in the most important arena, Latin America, has been recurrent friction rather than tighter cooperation.

This year's certification of Mexico and decertification of Colombia made it more obvious than ever that this particular antinarcotics tool should be junked. Politics and US economic interests, rather than objective consideration of the antidrug records of both countries, dictated the final decision.

A new bill sponsored by Sen. Christopher Dodd (D) of Connecticut and Sen. John McCain (R) of Arizona would suspend the decertification process for the next two years. It also urges the formation of a high-level task force under the direction of the government's chief drug-control official, Barry McCaffrey, to reassess policy responses to both the supply and demand sides of the narcotics problem. The president would encourage other countries to form similar task forces, and in two years an international summit would be held to forge a joint anti-drug strategy.

Some may argue that this sounds like a megastudy of a problem that has already been studied to death. But the plan has three elements that strongly recommend it:

For at least two years, and maybe more, it gets rid of the divisive, counterproductive decertification club.

Inherent in it is a closer examination of the demand problem within the US, and the possibility of productively shifting resources to such needs as drug treatment. This aids cooperation as well, since Latin Americans have long charged that the US underplays its demand problem.

It holds out the possibility of an international antidrug partnership based on shared interests and ideas, rather than one forced together by US threats.

The Dodd-McCain bill should be promptly enacted.

[From the Washington Post, July 14, 1997]

Drugs: Interdicting the Flow . . .

Congress put the United States into the business of grading other nations on their performance in the war against drugs, and punishing those found to fall short, back in 1986. "Certification" then seemed an idea worth testing. It now has been tested. It's a flop. By provoking local nationalism, this sort of unilateral American intervention has, in Mexico, Colombia and elsewhere, strained the anti-drug cooperation it was meant to strengthen. It has centered the American fight against drugs more on foreign supply than on consumption at home—an emphasis that, for all the successful drug seizures, has seen the international drug flow pick up over the years and force prices on the American street steadily down.

Now comes a move in Congress to look at certification with a beady eye. Sens. Christopher Dodd and John McCain are leading a bipartisan, ideologically neutral effort that draws reasonable and necessary conclusions from the experience of the past decade. They would suspend for two years the process of unilateral American certification and enlist the drug-producing and transit countries to join the United States in an international program to contend with both trafficking and consumption. In a word that Americans will have to get used to in dealing with these "global" issues, the United States would "multilateralize" the war against drugs. Cooperation would become the key.

International problems exist for which one-sided applications of American power—in this instance control of international credit—are a remedy. Drugs is not one of them. While other countries are the principal source of the supply, the United States is the dominant source of the demand. It is laughable to pretend that just one side of this equation can and need be dealt with. Then, a concentration on foreign supply ignores that Americans have done no better cleaning up trafficking networks in this country than others, including Latins, have done with the networks abroad. The certification policy, imperiously penalizing foreigners not just for their lapses but for the United States' own, ignores this evident fact.

Mexico provides a particular reason to review American drug policy. Its corruption is unquestionably responsible for some part of the flow of illegal drugs. But Mexico is also a country now making an immense effort to undo the political distortions that lie behind much of the corruption. By looking for cooperative ways on drugs, the United States tackles a hemispheric menace and encourages Mexican democracy at the same time.

[From the Miami Herald, July 7, 1997]

Now, That's a Resolution

Sometimes, even if rarely, legislation makes such eminent good sense that you wonder why it wasn't proposed sooner. On point is a U.S. Senate resolution with a most reasonable response to the scourge of illicit drugs. The resolution not only suggests that the United States attack domestic demand as well as supply, but that it work with other nations to draft a cooperative "battle plan" to defeat the illegal-drugs trade on every front.

This commendable proposal was introduced the other day by Sens. Christopher Dodd, D-Conn., and John McCain, R-Ariz. The only shame was that, coming in the midst of furious budget wrangling and just before the Fourth of July holiday there was no time for its discussion and passage.

The resolution would suspend for two years the cumbersome certification process that Congress foisted on the president in the first place. By law the White House is required each year to pass judgment on the drug-curbing efforts of nations that serve as major narcotics producers or transit points. Countries that do not pass muster are decertified, obliging the United States to cut certain aid and oppose international loans. Other, more-drastic sanctions also are authorized.

Not surprisingly, both certified allies and decertified pariah states have taken umbrage at this unilateral finger-pointing by the world's largest consumer of illegal narcotics. What right has the pot to call the kettle black? The whole certification sham even blew up on itself in March after President Clinton decertified Colombia, which had recently stepped up anti-narcotics efforts, while certifying Mexico, through which are thought to come as much as 80 percent of the illegal drugs entering the United States. This after Mexico's chief anti-drug official was arrested for allegedly aiding the head of his country's biggest, most ruthless drug cartel.

With certification on hold, the administration should have time to craft a better policy. The bipartisan resolution encourages the president to foster international anti-drug cooperation, culminating in a summit where strategies could be mutually agreed upon. That global approach, it suggests, would work in sync with a comprehensive domestic plan, addressing both supply and demand problems, developed by Gen. Barry McCaffrey, director of the Office of National Drug Control Policy, and other experts.

"We need to reach out to other governments who share our concerns about the threat that drugs pose to the very fabric of their societies and our own. It is arrogant to assume we are the only nation that cares about such matters," said Sen. Dodd. "Together, working collectively, we can defeat the traffickers. But if we expend our energies playing the blame game, we are certainly not going effectively to address this threat."

Well said, Senator, and well proposed.

Mr. DODD. Mr. President, let me just emphasize, if I can, that I don't necessarily agree with all of the conclusions in these editorials. Some have suggested repeal. There is a part of me that finds that appealing. But I am not sure what we are going to offer over the next 2 years is necessarily going to work either. I don't have any absolute certainty of guarantees that what we offer as an alternative will work. But I think all of us can agree that suspension for a couple of years, as General McCaffrey has suggested, to try the cover the dynamic here is worth the effort and worth a try.

This doesn't mean you are less strong or less outraged or less concerned about what is happening to narcotics trafficking. Quite the contrary. I think those who support this recognize that we are trying to get a better handle on this to see if we can't have better answers because the current process is not working. We need a better idea. Hopefully people of good intention, good will, and putting their shoulders to the wheel in this country and elsewhere can come up with some better ideas over the next 2 years and really begin to make some headway in this effort.

Mr. President, I urge the adoption of this amendment.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. DODD. I gladly yield to my colleague from Arizona.

Mr. McCAIN. Does the Senator from Connecticut believe that in the past 5 years that we have been winning the war on drugs? Does it indicate to him that perhaps the price of drugs in the streets of Hartford, CT, and Phoenix, AZ, is lower than it was 5 years ago? Has the Senator from Connecticut seen any meaningful gain in the war on drugs as a result of this recertification policy?

I have several other questions that I would like to ask.

Mr. DODD. Mr. President, in response to my colleague's questions, I would say, First, the price of drugs is lower today, the lowest they have been in two decades. We just came from a hearing chaired by our colleague from Georgia, which my colleague from Massachusetts, who is on the floor, attended. We heard at that hearing that the problem is getting worse—not better. In the countries that we have decertified, I say to my colleague from Arizona, over the last couple of years the problem gets worse—not better. We are getting less cooperation in many places. There is a sense of antagonism about how we approach this issue.

So while I applaud the intentions of those who authored this process—and I understand the rationale for it back in 1986—from time to time I think we have to step back and ask ourselves blunt questions as to what we have tried to do, no matter how well intended. Is it working? If it is not, and if the problem is getting worse, then I would say to my colleague from Arizona, in response to his question, that maybe we ought to think anew. That is what this amendment does, without repealing the certification process but merely suspending it for a couple of years to see if we can't come up with a better idea.

Mr. McCAIN. If the Senator from Connecticut will yield for a further question, isn't there an enormous inconsistency, and, in fact, a lack of credibility in this decertification process when we are faced with a situation where the President of the United States in the one case of Colombia decertifies Colombia as not being cooperative in the war on drugs—which is a country, as we all know, with incredible chaos and an anarchy that exists in that country—and at the same time certificates Mexico largely on the grounds not that you could make the argument that Mexico has been cooperative in the case of drugs, but there are certain economic interests and other interests that we have in Mexico which almost compel the President of the United States to not decertify Mexico under the same criteria that basically the President used to decertify Colombia, thereby revealing a significant flaw in this entire process and revealing a lack of credibility as far as adherence to the criteria that was supposed to be set up under the conditions for certification or decertification?

Mr. DODD. In response to my colleague's questions, I would agree with him. That is one of the problems with this. It is so uneven in its application, and as such one might argue that the effectiveness of it is thereby debilitating—that, if we are going to certify some, and waive others where the problem arguably is the same, although one might make a case that there are various efforts in certain countries, I think you end up with the kind of situation we are in today where the desire for cooperation and the efforts of cooperation have been severely curtailed as a result of it.

So even if you are trying to send a message here, it gets lost in the process. I note in the case of Colombia—which is certainly a major source country problem without any question whatsoever—but I pointed out, as I know my colleague from Arizona has from time to time, that this has paralyzed the country of Colombia. Many may recall that a number of years ago the entire supreme court of that country was assassinated. One attorney general after the other, the chief prosecutor, all of these people have been assassinated. Presidential candidates get assassinated. One might argue that they are paying an awful price in that nation.

If we decertify, we lose any kind of cooperation in terms of what we ought to be trying to seek there. In the case of Mexico, as my colleague has pointed out—he certainly knows Mexico as well as any Member of this body—there are serious problems there and well documented. Yet, both of us are aware of the fact that there are serious economic implications. So we send a signal of waiving and apply a different standard, and that message is not just heard in both Colombia and Mexico, it resonates throughout this hemisphere. Again, my colleague from Arizona spends a great deal of time on hemispheric issues. He has heard what I have heard over and over again; this is not helping at all. There are other countries involved. We have laundering, transit countries, other countries producing, and, frankly, this effort of cooperation is just collapsing in our midst.

So this has not worked.

Mr. McCAIN. If the Senator will yield for a further question which his response led to, isn't it true that there was a question that the administration had asked itself in this process: What would be the effect in Mexico of a decertification of Mexico, a country that is uncertain if not fragile and in transition to democracy? There is always a certain latent anti-Americanism in Mexico. I will not waste the time of the Senate or my knowledgeable friend's time in depicting the causes for that. And one of the greatest challenges that we face, I ask my friend from Connecticut, is getting the cooperation of the Mexicans. And, yet, isn't it also true that General McCaffrey would testify that despite all of the problems that are there, despite the corruption, there has been an attempt on the part of the Mexicans to arrest their drug czar, General McCaffrey's counterpart in Mexico, and other actions that have been taken by the Mexicans because of their recognition of the threat that drugs pose to their very national existence; and, that, if we had decertified Mexico in the last decisionmaking process that the President took, there is the opinion in the view of many that would have harmed relations and the cooperation that we are receiving would have been lessened rather than increased thereby inhibiting our ability to win the war on drugs and a demotivated factor in helping getting them to cooperate with us?

Mr. DODD. I say, in my response to the questions, the Senator is absolutely correct. He stated it very well. And that certainly was the evidence offered by General McCaffrey and others whose business it is on a daily basis to monitor these events—and he suggested to us that, if cooperation is what we are seeking, the vehicle we have been using is not having the desired effect despite again the good intentions of those who sought this process.

I say to my colleague from Arizona, in response to his question, that the genesis of the certification process dates back to a time when I think there was bipartisan frustration over whether or not there was enough attention being paid at the executive branch level in terms of the drug-related issue. So a certification process was put in place.

I think most would argue today that however true those feelings may have been over a decade ago that over the last number of years there has been a heightened degree of involvement on the part of the executive branch—witness, of course, General McCaffrey, whom we all respect—doing the best they can. It is their conclusion, as well as my colleague from Arizona, as he pointed out, that this is counterproductive.

I might point out, that the elections that recently took place in Mexico were historic. I think my colleague and I would agree on this. It looks as close to a democratic and corruption-free election as probably has been held in Mexico. You have new members of the national legislature, and hopefully a new beginning in many ways here. It seems to me that our efforts here might do a lot to get that kind of cooperation out of new members of the Mexican Government—the legislative branch, along with President Zedillo, who, I think all of us would agree, has certainly been most cooperative in this effort.

So I agree with my colleague.

Mr. McCAIN. If the Senator will yield for a further question, isn't it also true that we will hear objections to this amendment? And some of those objections will be based on the lack of cooperation that we have received from Mexico in fighting the war on drugs, something I believe the Senator from Connecticut and I would be the first to acknowledge—along with the fact that the resolution of the Senator from Connecticut a few days ago put the Senate on record in praising the Mexican Government, by a unanimous recorded vote here in the Senate, for their efforts of transition to a free and democratic form of government for the first time since the revolution.

I ask the Senator from Connecticut if he would not believe at this time whether it would not be most inappropriate for the United States to be on record as condemning Mexico, at a time when we are seeing the progress that we have been urging for, in fact, all of our adult lives, the Senator from Connecticut and I.

And I also want to ask, in addition, is the Senator from Connecticut aware of the White House letter dated July 16, signed by Samuel Berger, Assistant to the President for National Security Affairs:

> I am writing to express the support of the administration for the amendment that you and Senator DODD are proposing. We believe your amendment would allow the administration to develop and implement a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.

And also, is the Senator from Connecticut, who I know shares my profound respect and appreciation for General McCaffrey and the job he is doing and the responsibilities, enormous responsibilities, we have placed on General McCaffrey and the universal respect and admiration in which he is held, aware of a letter he wrote also on July 16, in which he says:

> Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction especially with Latin American and Caribbean countries. Timing for consideration of new ideas is fortunate because of the upcoming Summit of the Americas and heightened interest in multilateral counter-drug cooperation following the President's travel to Mexico and Central America.
>
> ONDCP is prepared to lead an interagency task force to develop a new strategy.

By the way, I ask my friend, is it not true that we need a new strategy? That is the whole point here of this legislation. I do not know how anyone could argue that the present strategy has succeeded.

> Although we would want to explore a number of options, elements of a new strategy might involve increased use of multilateral mechanisms and international organizations such as the OAS. We might also consider expansion of ad hoc arrangements for in-depth bilateral counter-drug cooperation with countries of particular interest such as Mexico. The Department of State and ONDCP are already formulating plans for a fall conference to develop new thinking along the lines of your proposal.
>
> Respectfully, Barry R. McCaffrey.

I ask the Senator from Connecticut, would it not be appropriate that we should view the opinions of the President's national security adviser and the drug czar very seriously when we take into consideration this legislation?

Mr. DODD. Mr. President, it would. I urge my colleague at the appropriate time to ask unanimous consent that these letters be a part of the RECORD. I thank General McCaffrey for his letter and Sandy Berger for his letter.

Again, they state it very well. My colleague from Arizona has stated it well. We offer this suspension—and, again, I want to emphasize "suspension," Mr. President—for 2 years of the present law, not a repeal. There are some who would like to repeal it, and I might be counted among those, but I respect the fact that a suspension is the best way to go at this point.

But our colleague from Arizona states it well. The present system is broken. It is not working. We need some new, fresh efforts here. And with the commitment of General McCaffrey here saying to us, look, my office is prepared to lead an interagency task force to develop a new strategy. His letter to us today, I think it says it all. What better way to get started, if you will, than to have a clean slate for a couple of years to allow General McCaffrey and his team to go forward and try to do that without repealing the law of certification but merely suspending it.

You are going to get a lot more cooperation, it seems to me, with a suspension for 2 years and trying to bring these countries in than there will be if we gather as we do annually and go through this process, as our colleague from Arizona pointed out here, again on the certification. We are out here debating 11th-hour negotiations on waivers, all efforts to try to avoid a catastrophe, and once again find ourselves in a mess with certification practices and no advance strategy to deal with this issue. I am grateful to the Senator from Arizona, the administration and General McCaffrey for this effort.

I think this is a good, bipartisan effort, Mr. President, to come up with a new dynamic, and I thank again my colleague for his support and leadership on this effort.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

I rise in strong opposition, and I hope it will be robust opposition, to the Dodd-McCain amendment, which would gut the narcotics certification process and replace it with absolutely nothing.

Mr. President, I just heard the distinguished Senator say "trust General McCaffrey." With all due respect to General McCaffrey, this is such a volatile and unpredictable area that it is impossible to know what to believe. It is understandable that General McCaffrey could stand before the world and say, "I trust General Gutierrez Rebollo. He is an honest man."

Whoops. The next thing we know, he is on the take. My goodness, how can you gut a process and replace it with nothing except trust when we have already found that trust to be wanting.

Now, let me say for a moment, I want to divide my remarks into three parts. The first is foreign assistance and who should get foreign assistance as a product of this amendment. The second is a certification process and what it has actually done in Colombia. The third is Mexico postsummit and what has not happened.

This debate is really about whether we should give foreign aid and support development loans to other nations with no strings attached even if we know that the leaders and government of the country do nothing to assist in stopping the flow of drugs to the United States.

I think we need to clear up a major misconception about the debate here today on the drug certification process. This is not a debate about whether drug certification is a process that hurts our relations with our allies in the hemisphere because we sit and pass judgment on other nations. This is a debate about foreign assistance and under what circumstances the United States should offer assistance to other nations. With the exception of humanitarian assistance, the United States provides foreign assistance not only because America has a great and good tradition of assisting other states, but because we want to encourage certain types of behavior—because we want cooperation on political, security, or economic policy.

The distinguished manager of the bill, Senator MCCONNELL, has said it very well today again and again. He said, "Foreign aid is not an entitlement program. Just because you received it last year does not mean you should receive it this year. You have to earn it."

A nation that does not fully cooperate with our efforts to keep drugs from reaching our schools and our children has not earned the right to receive foreign assistance from the United States. We are not obligated to provide assistance. We provide this assistance because it is in our interest to do so, because it encourages behavior and policies which we support. Before we provide money, we have every right to expect that we will get cooperation from those nations to which we provide it. Indeed, we have a duty to our constituents not to send their tax dollars to a country if it is undermining our counternarcotics effort. That, in fact, is why we have the certification process as an instrument for cooperation—not because we want or enjoy the opportunity to sit in judgment on other nations. It is not a policy for faint hearts. I admit that. It is not about rating who we like or who we do not like. It is not about saying you are good and you are bad.

The current certification process may not be perfect, but it accomplishes something very important. Once a year it focuses the attention of our executive branch and of other nations whose cooperation we need on what is perhaps the most crucial national security issue this country faces.

If anyone had to ask me what is America's No. 1 national security threat, I would say drugs, drugs, drugs. There is no other. It is my firm belief that without the drug certification process, we would have no debate of this kind. So I am not sorry we have this process. I think it focuses our efforts, and, even when it bruises feelings of other nations, it ultimately produces more cooperation, not less.

Now, let us for a moment look at Colombia, a country which we did decertify 2 years ago. The evidence is clear. When we decertified Colombia, the reaction was initially very harsh, and then, very quickly, Colombian cooperation began to improve.

Colombian officials came to my office just a month or so ago, and here is what they told me: In the last year, Colombia has fumigated 20,000 hectares of cocoa, the most ever; destroyed 800 drug laboratories; began working with the United States to develop a radar system to allow the government to secure control of all Colombian airspace, an air control system that allowed them to force down approximately 50 small drug-runner planes—force down 50 small drug-runner planes—which would have otherwise evaded Colombian air traffic control.

They have begun working with the U.S. Coast Guard to develop strategies for intercepting narcotics traffickers at sea; they have passed tough new laws on asset forfeiture for narco-traffickers, and they are implementing them; they have arrested and convicted at least 5 politicians I know of, and incarcerated them for taking money into their campaign funds from narco-traffickers; they have passed tough new penalties increasing sentences by 4 and 10 times for drug-related offenses; and they have instituted aggressive new proceedings against the Cali and Medellin cartel leaders. The Medellin cartel leaders are all in prison. The cartel is no more. And the Cali cartel is in the process of disintegrating.

Does anyone honestly believe that Colombia would have taken these steps in this fashion if it had not been for the U.S. drug certification process? I think not. And as a matter of fact, I am of the view that if this continues, Colombia should be recertified, and we should say thank you for working on this problem in the way in which you have.

Before Colombia was decertified, the powers of the cocaine cartels grew. The number of hectares planted with coca grew. The corruption in the Colombian judicial and political systems grew. But when the United States said "enough" and decertified Colombia, all of a sudden the Colombian Government did an aboutface. I think that this example can affect other nations as well. Unfortunately, much of the trafficking and the transportation of drugs has moved to Mexico, and this is the next frontier of the battle.

Now, let's compare the situation in Colombia today with that in Mexico today post-summit, post-Presidential visit to Mexico. Still, not a single extradition of a Mexican national on drug charges. I say on drug charges. On other charges perhaps. Despite all of the debate last year, despite the economic summit, not a single extradition of a Mexican national wanted in this country for drug charges has been carried out by the Mexican Government.

There are continued restrictions on the operations of United States drug enforcement agents in Mexico. Even when working in cooperation with their Mexican counterparts they still cannot protect themselves if they are working on the other side of the border. They still are not allowed to carry weapons. Coast Guard ships in pursuit of trafficking vessels on the sea still need to give Mexico 30 days' notice before putting into port to refuel. There are no air or maritime agreements to forge a joint approach for interdiction of narco-trafficking. There is still massive corruption at all levels of the government, law enforcement and the military, prosecutors killed, judges murdered, and, most recently, the plastic surgeon that did the surgery on Amado Carrillo-Fuentes has reportedly—I cannot verify it, but reportedly—disappeared.

Drug cartels are running rampant in Mexico. Corruption along the U.S. border—and I will speak for California—has never been worse, never been worse. The cartels are now controlling street gangs in Los Angeles, and this is where I stand up and say "I have had enough."

My distinguished colleague and friend from Connecticut read from a number of editorials. You know, I judge stories by the by-line. There is a reporter whom I respect very much. His name is Marcus Stern. He writes for the San Diego Union Tribune. This is a headline on the 12th of this month, "Drugs still flown over the border, say agents." Let me quote from part of this article:

> But a dozen military and civilian officials directly involved with the counter-drug effort along the California-Mexico border said in interviews during recent weeks that the skies in San Diego and Imperial counties are largely out of control and are still being heavily used by drug traffickers.
>
> It's pretty much wide open * * *
>
> * * * * *
>
> But the antidrug officials interviewed in recent weeks said military observation posts deployed along the border are spotting a half-dozen planes a week flying into Imperial County alone. The planes are flying low at dusk with their lights out, the officials said.

This is happening every day on the border. It is the wrong time to do gut the certification process. The administration has agreed to give us a report on September 1 on progress made by Mexico. That is pursuant to our Senate-passed resolution. I, for one, am eagerly awaiting it, to see what progress has been made. At this stage, I know of no real progress that has been made.

The sponsors of this amendment argue that Mexico fails to cooperate because of the certification process. They argue that Mexican pride and nationalism make it difficult to appear to respond to American threats. That's nonsense. It is baloney.

President Zedillo, whom we all believe is committed to fighting the drug traffickers, has said repeatedly that drug trafficking is the No. 1 threat to Mexico's national security. Well, either it is or it isn't. If it's such a grave threat to Mexico's national security, they should cooperate with us in their own interests, not because we make demands. Extradite drug pushers, allow U.S. Coast Guard ships to refuel, allow DEA agents working the other side of the border to carry firearms to protect themselves. I believe we have every legitimate reason to make clear we will not accept anything less than full cooperation.

The whole issue is an issue right now, precisely, I believe, because the administration was not honest in the certification process in dealing with Mexico. As much as I, too, would like to see a more flexible certification process, the situation with Mexico, for me, underscores exactly why we need a certification process.

I come from a State that is perhaps the most impacted State in the Union with these drugs. Yes, cocaine prices have dropped on the streets of Los Angeles in the last 5 years. It is not because of a certification process. It is because we have not had the guts to do what we should have done and decertify Mexico. I believe that's the reason. To replace a policy which may come to some fruition this next year with nothing is wrong.

I agree with the idea of a commission. I am happy to have commissions. I learned when I was mayor, if you didn't know what to do, appoint a committee. Better still, appoint a commission.

But I know what to do. We have to stop those overflights. We have to see that the border is enforced. We have to press for cooperation. We have to have extradition for those for whom there is a bona fide American arrest subpoena or warrant who traffic in narcotics.

So, I am not prepared to vote for an amendment that leaves us with no plan but simply takes Mexico off the hook: No evaluation this fall, no ability to read the September 1 report presented by the administration and make a decision as to whether there has or has not been any progress, then wait 2 or 3 years for this undefined, ephemeral "something."

Respectfully, I can't turn around and just depend on trust when another nation's leading anti-drug official turns out to be on the take. What's wrong with our intelligence? How can that happen? We don't question it even. How can that happen? It did. And that, I believe, typifies our drug policy with Mexico. Frankly, it has been one of spin. I, for one, am not going to buy the spin. I want to see the results on the street.

When cocaine prices on the street corners of Los Angeles rise, I know something has happened. When I pick up this newspaper and, instead of seeing "Drugs still flown over the border," I see "Five Planes Downed, Pilot, Copilot Arrested, Two Tons of Cocaine Recovered," then I know we have something going on on the streets, as they say. So, that is what I am looking for. When I see Mexico say, "Here are the cartel leaders, we are going to bring them to trial, we are going to bust the cartels," then I know we have something going.

So, until then, to do away with the certification process, I think, is to say to the people of the United States, "We are going to do nothing for the next 3 years." I, for one, am not going to be party to that policy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by Senator GRASSLEY, Senator COVERDELL, Senator TORRICELLI, Senator JOHN KERRY, and myself, and I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 16, 1997.

Vote "no" on the Dodd-McCain amendment to end narcotic certification.

DEAR COLLEAGUE: We write to urge you to join us in opposing the Dodd-McCain amendment on narcotics certification. This amendment would dramatically weaken the United States' ability to gain cooperation from other nations in the war against international narcotics trafficking.

The Dodd-McCain amendment would effectively end the narcotics certification process and replace it with . . . nothing!

The Dodd-McCain amendment would tell other nations that we will provide them foreign assistance with no strings attached, even if they do nothing to assist stopping the flow of drugs to the United States.

The Dodd-McCain amendment would instantaneously deprive the United States of the leverage we have used successfully to gain greater anti-narcotics cooperation from many nations, including Colombia, following its decertification two years ago.

The Dodd-McCain amendment would send a signal to our friends and partners—and to the drug lords—that the United States is not serious about combating narcotics.

The Dodd-McCain amendment calls for a task force on international narcotics control and an international summit to develop a multilateral strategy—which are laudable goals—but it would unnecessarily gut one of the central tools in our current narcotics control strategy, without specifying what will replace it.

The influx of illegal narcotics is perhaps the gravest national security threat facing the United States today. In order to effectively combat this threat, the United States needs to work with our friends and partners in the Western Hemisphere to interdict this massive flow of drugs and to arrest and punish the drug lords.

But when we do not receive the full cooperation of other nations in these efforts, we must be able to act to let them know that they must do more. That is why we have the drug certification process. We urge you to oppose the Dodd-McCain amendment.

Sincerely,

DIANNE FEINSTEIN.
CHARLES E. GRASSLEY.
JOHN KERRY.
PAUL COVERDELL.
ROBERT G. TORICELLI.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa.

Mr. GRASSLEY. I want to make it clear I disagree with the Dodd-McCain amendment. We have been focusing in this debate on the necessity and the impact of the certification process on foreign countries as if the only purpose of this was to put pressure on foreign countries. That probably is the primary purpose and maybe the only one we talk about. But, as well, I would like to suggest that we have a situation where this process keeps our own Government decisionmakers responsible. In other words, through this certification process, we are causing them to make an annual judgment of whether or not our process of interdiction in other parts of the world on drugs is actually working and effective. I think that is a very important purpose of our process, to make our own elected and appointed government public officials take care to look at the process, look at whether the policies are working, to assess those policies, maybe to suggest changes in those policies—maybe even in basic law—but, also, to make a judgment of whether or not they are effectively carrying out the laws the way intended.

I find the assumptions upon which the Dodd-McCain amendment is based to be wrong. I believe what it represents is a moving away from a serious standard of dealing with the drug problem. I believe it gives other countries a bye on taking drugs seriously. I believe it lets the U.S. administration off the hook. So I urge my colleagues to join me in voting against this amendment. If anything, we should be discussing measures to strengthen the process. It is a process that has served us well.

We have had a letter by the present drug czar quoted on the floor of the Senate as supporting this amendment. I would like to suggest to you that I have had an opportunity to visit with another drug czar—former drug czar now—Bill Bennett. He was a very good drug czar. He was a drug czar when policies were working. He speaks very strongly in support of the present certification process and, consequently, would urge our vote against the suggestions of Senator DODD and Senator MCCAIN.

It is argued by the proponents that the certification process does not work. No evidence is offered for this view. It is simply asserted. But what does "working" look like? I would like to ask a question in a different context to make this very point. Just recently we passed legislation putting more teeth into the sanctions for countries that support international terrorism. Do we believe that passing such laws will end international terrorism forever? Or do we believe that we need to have measures in place to ensure appropriate means are available to us, means that will help us uphold U.S. interests and international standards of conduct? I do not think anyone here believes that our laws will necessarily end terrorism as we know it. That is not the intent. The intent is to set a standard that terrorism is wrong and that we are going to fight terrorism wherever we can.

We have passed legislation to hold countries responsible for violating intellectual property rights. Do we expect this legislation to end all pirating of books or CD's? Or do we expect to have the means available to us to respond to all counterfeiting, to send a message about what the standard is that we believe that we need to uphold? I think everyone knows the answer.

Why are we seeking to establish some sort of different standard for drugs? It seems to me in the case of terrorism we say terrorism is wrong, we pass laws against it, we fully expect to enforce them in every way we can in an effort to end terrorism. We may not actually end terrorism, but it is a standard. So the certification process is not about the ultimate end to drug production or trafficking. Our law will not end that any more than any of these other laws that I have mentioned will end the problems that they address. The intent is to establish needed standards, to set the terms of reference for what doing something meaningful looks like, and to take appropriate action when this does not happen.

Some, however, seem to want to hold drug certification to an impossible standard of judgment. The argument made is that certification does not work. In fact, certification is doing exactly what Congress intended. It forces the U.S. administration at least once a year to take international drug policy seriously. It also requires them to account for their actions to the Congress. I can appreciate that the administration may not like having to make all these very tough decisions. But we must hold this President and future Presidents, as we have held past Presidents, accountable for this process.

Certification also forces other countries to do the same thing. Now, what about those other countries? These are countries that are major drug producers or transiting countries for illegal drugs. A goodly percentage of those drugs are then smuggled into our country. These activities are illegal under international law and even under the laws of the countries from which the drugs come.

In any case, these same countries have bilateral agreements with the United States committing them to take steps to stop drug trafficking and production. In addition, many of these countries receive U.S. assistance, that is money and support, to combat illegal drug trafficking.

What does certification do then? It asks that these countries take serious steps to meet their obligations under international law, under local law, and under these bilateral agreements. It asks the administration to report to Congress on whether countries are doing this. It sets measures for determining what cooperation looks like. If, in the judgment of the administration, the country does not meet these standards, then it proposes limited sanctions. It also provides a means for Congress to exercise its foreign policymaking authorities to override the President if it does not accept his determination.

It is hardly outrageous, Mr. President, that we expect other countries to abide by laws and by commitments, international and otherwise, made by those countries. It is hardly unfair to expect an assessment of these efforts. It is not unrealistic to expect that we will take appropriate responses if minimal standards are not met, and we are perfectly within our right to decide not to continue our support. That support, after all, is not an entitlement, and it is not beyond the pale that we ask for an accounting.

Certification has been around for about 10 years. As with other cases, the longer the requirement has been on the books and the more Congress has insisted that it be taken seriously, the more used and useful the process has become. The process has gathered momentum. Last year, in fact, I asked the Congressional Research Service to review the merits of the certification process. That review, which is still available, makes clear how the certification process has matured and proved effective. In that review, a former senior State Department official and ambassador makes the point that the certification process works. Other countries take it seriously. He recommended keeping it.

Not only has the standard been applied with more rigor, it has also encouraged greater cooperation from certified countries. All in all, more countries now take as a given that drug control must be an important element in their thinking. This was not always the case. It is why Congress required certification in the first place. The need has not changed. If anything, the need is greater today.

I want to make one final point. Some have argued that we must not continue the certification process in regard to Mexico because it might damage the evolution of democracy there. While I agree that we must support democracy in Mexico, we must not end up supporting a narcodemocracy there. A recent New York Times piece by Tim Golden makes it clear just what the problems we and the Mexicans face from their drug traffickers because of their influence within the country of Mexico. Their strength and influence is all the more reason why we must not back away from certification.

Although it can be a painful process, it forces both countries and their governments to examine their situations. Sometimes the role of a friend is to deliver bad news. Nor do we become the friend of democracy in Mexico by shying away from our duty to the American people. As long as Mexico remains a major producing and transiting country, as long as Mexican authorities cannot or will not take adequate steps to control corruption, we cannot afford to ignore what happens in Mexico.

With these thoughts in mind, I ask you to vote against the Dodd-McCain amendment. But in addition, we were told again, referring to a letter from General McCaffrey, the President's drug czar, about his support for this amendment.

I refer, in closing, to the March 1997 report from the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, the International Narcotics Control Strategy Report. This is an annual report, and on page 6, it speaks about the certification process. The last paragraph says: "The process works." This is a document that has been approved by every Government agency that has something to do with the war on drugs. It says, after "The process works":

> The certification process has proved to be a remarkably effective diplomatic instrument for keeping all governments aware of the need to pull their weight in the international antidrug effort.

I ask unanimous consent that the rest of the paragraph be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> By now, most governments are aware that US law requires the President to provide an annual assessment of counternarcotics performance. And most know that the outcome of that assessment depends heavily on their efforts throughout the year. The drug certification process holds them publicly responsible for their actions before their international peers. Though many governments understandably resent the process, most governments try to ensure that they receive full certification the following year. They know that the President of the United States would not make such a serious determination without sound, objective evidence. The purpose of the law is not to punish; it is to hold every country to a minimum acceptable standard of cooperation, either by meeting the goals and objectives of the 1988 UN Drug Convention or by their own efforts. We believe that openness is one of the best safeguards against corruption. Most governments also recognize that we are not asking any country to do the impossible. By regular and sustained collaboration throughout the year we work with most of the governments concerned to establish realistic goals for certification purposes. We know that some governments face greater obstacles than others and we take that into account.

Mr. GRASSLEY. Mr. President, in conclusion, when we are being read letters and saying how the administration supports this, remember that every agency within the Federal Government that had to review this process in March of this year said the process works. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask my colleagues to step back carefully and to analyze, as closely as possible, the realities that surround this question of certification. Two of the more capable and knowledgeable Senators with respect to international affairs—and I respect both of them enormously—are bringing this amendment to the floor. On most issues, we agree. This is one where I am convinced of the bona fides of their intent, but where I am equally as convinced that the effect of what they are doing, the effect of this amendment will be to take a serious step backward in whatever level of war on drugs you want to determine exists.

I do not believe that that is anything but an inescapable conclusion based on a number of different realities: based on what countries are doing today because of the certification process, based on the choices available to the President within the certification process and, most important, based on what they are proposing, as opposed to the road that we have already traveled.

What do I mean by that? Mr. President, the Senator from Arizona and the Senator from Connecticut are proposing that we just chuck the certification process for a 2-year period, a suspension they call it, while we gather a task force and ultimately, hopefully, a summit. Who will attend the summit is totally up for grabs. Who will appoint a task force is totally up for grabs. But I ask every Senator here who has traveled the journey of drug fighting over the last years to ask themselves if what they need is another task force when, in fact, everything that we are asking other nations to do is part of an international convention today.

The certification process is not some American-dreamed up notion of taking an American standard and asking Mexico or some other country to live up to the American standard. We are asking countries to live up to the standard that they have signed, that they have agreed to live up to already, that they already got together on at a global summit under the United Nations and agreed would be the standard of their behavior. That is what this is all about.

If the Senate wants to come here today and vote to say that they can better the Vienna Convention, the United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances, then I would like to know how.

The countries that have already signed the international agreement are the very countries about whom today we are making a judgment about whether or not they are cooperating: Afghanistan, Antigua and Barbuda, Bahamas, Bolivia, Colombia, Ecuador, Haiti, Panama, Paraguay, Nigeria, Mexico, the Russian Federation, Syria —they are all signatories. They already came together. They already signed an agreement. They said they would behave by a different standard, and all we are doing in the certification process is saying we are going to make a judgment about whether or not the taxpayer dollars of U.S. citizens ought to go to a country that signed an international agreement, said it would do X, Y, and Z, but isn't doing it.

What are we being offered instead? Instead, we are being offered the notion that we are going to chuck the process of certification so we can take a couple of years to meet again and come to agreement again on the very thing we agreed on, presumably, a number of years ago. What are the things we agreed on in this convention that we have already signed?

Let me give you one example. Here is one called extradition. Each of the offenses to which this article applies shall be deemed to be included as an extraditable offense in any extradition treaty existing between the parties.

We have an extradition treaty with Mexico. It is an agreement as part of the 1990 accord. We already ratified it. We signed it. They signed it. But they don't do it. So what is the response? The response is to come to the floor and say, "Oh, gosh, these countries get really upset because we try to hold them to the standard they said they would live by, so we better pull back because they don't like the fact that we want to hold them to their word, and we're going to go talk about what we might do in order to, once again, get them to do what they already said they would do."

It is the most incredible thing I have ever heard. Of course, they don't like the certification process, because it works. This is not a stale annual event. It is anything but stale. It is working, and it is working, Mr. President, because we have taken it seriously.

Senator GRASSLEY just quoted the International Narcotics Control Strategy Report of the United States of America, this year, this March, 1997. This is what our State Department said only a few months ago:

> The certification process has proved to be a remarkably effective diplomatic instrument for keeping all governments aware of the need to pull their weight in the international antidrug effort. By now, most governments are aware that U.S. law requires the President to provide an annual assessment. . .

And so on.

"Proved to be remarkably effective." This is Mexico driven, because we had a difficult time, frankly, because many of us thought that the administration made the wrong decision. They could have certified Mexico with a waiver, and that would have permitted Mexico to continue to get its aid because, as a matter of national security interests, most of us thought it should, but we also knew there were problems in cooperation.

Mr. President, if my colleagues believe that the next step in the drug war is to come to the floor and take 2 years to go through some kind of task force effort to dream up some better way of holding these countries accountable, I would be amazed if there is any response from those other countries except continued delay, obfuscation. If they want our money and they are willing to do something to get our money, but we take away that whole requirement, what is going to leverage that cooperation? More talk? More good wishes? More signatures on a piece of paper that they have already signed?

Let me share with my colleagues some of the things that they have already said they would agree to do.

They would agree to promote cooperation among the parties so they may address more effectively the various aspects of illicit traffic in narcotic drugs.

They will carry out their obligations under this convention in a manner consistent with the principles of sovereign equality and territorial integrity.

Each party shall adopt measures as may be necessary to establish as criminal offenses the production, manufacture, and so forth.

There are still nations struggling to do that.

Each party is supposed to make the commission of the offense established in this treaty subject to imprisonment or other deprivation of liberty.

They are supposed to ensure that their courts will have jurisdiction. They are supposed to ensure that they trade evidence. They are supposed to extradite. They are supposed to provide mutual assistance and the transfer of evidence and people. They are supposed to enter mutual legal assistance treaties.

There are a whole bunch of things here that we already agreed we are going to do. And under the certification process, all we do is make a judgment as to whether or not they are doing it and as to whether or not we are going to give them continued American aid if they are not.

Mr. President, let me just share with you, our colleagues have come to the floor and they have said, "Gee-whiz, people are complaining. And this doesn't work." But they have not shown you how it does not work. There is no showing that this does not work.

The fact that drugs still enter the United States is more a reflection of our unwillingness to commit adequate resources to drug treatment, to drug testing, to education, to alternatives for children, to police in the streets and all the things that would make more of a difference than it is to the certification process. But the fact is, that on the international front the certification process has worked.

Let me be very specific about it.

In the Bahamas, effective counternarcotics cooperation specifically intensified with the implementation of the certification process in 1987. The Bahamian Government's willingness to accept more of our assets, U.S. Government assets, and to provide additional resources of its own in the fight increased the moment they knew they were subject to certification.

In December of 1986, the Bahamas passed a new, tougher drug law. And more recently, in 1995 and 1996, the Bahamas passed money-laundering laws and implemented regulations based on U.S. Government certification related to demarches. The fact is, we had issued demarche after demarche to those countries, and they have responded to those because they knew there was a process in place that created accountability for the first time.

Another example. Jamaica. The Jamaican Government was particularly slow to pass money-laundering legislation or to even ratify the very treaty that I just talked about. But as a result of the demarches that we issued, and using the leverage that existed in the certification process, Jamaica specifically reversed that situation in 1995 and 1996.

Jamaica is now a party to the convention and has a new money-laundering law. In 1995, the President gave Peru a national defense certification because their record was mixed. They had successful interdiction but they had no reduction in the coca crops. Since that time, the Government of Peru has implemented a strong coca reduction, an alternative development program which has resulted in an 18 percent reduction in the total of Peruvian coca cultivation. So that worked as a result of the decertification process.

What about Colombia which we heard talk about? Colombia was decertified in 1996 and 1997. It received a national interest certification waiver in 1995. There is no question that the Colombians were very unhappy with the original decertification. Who would not be? But the fact of the matter is, that when they were faced with the ramifications of that decertification, the Colombian Government's law enforcement efforts have improved ever since then.

Key Cali syndicate leaders have been arrested, and there is the aerial eradication of coca and opium and poppy which has improved. In addition to that, the longstanding constitutional prohibition against the extradition of Colombian nationals has now been reopened in the form of legislation presented by the Colombian Government to the Colombian Congress. Let me emphasize that. Colombia took away one of the principal ingredients of the international convention. The international convention required people to be able to extradite. Colombia wrote that in at the insistence, Mr. President, of the cartel. How do we know that? We know that because subsequent raids uncovered documents that showed the cartel's own drafting of the constitutional amendment to do away with extradition.

So as a result of our decertification, we have been able now to move toward the process of changing the one thing that the cartel members fear the most, the possibility of being extradited to serve time in an American prison, not in one of their prisons of comfort and of personal convenience that they negotiate in Columbia. That is why they took it away. And now we are on the road to getting it back. Why? Because we had the certification process in place. That is why.

I talked to General McCaffrey today. And I understand how administrations work and the marching orders are, but I will tell you, I sensed no great overpowering conviction that this is the right step to take, notwithstanding the letter that he has written.

In addition to that, I believe that this process is being foisted on the Senate in a way that does not adequately permit for alternative possibilities. I am not suggesting the certification process is the only way to proceed. I am not suggesting that it is the best thing in the world. I am not suggesting that it cannot be refined.

What I am saying, Mr. President, is that rather than just suspend it altogether with some high hope that you are going to come back and somehow do what we have already done, we ought to at least leave it in place until we offer some concrete alternative or put together a task force that works while it is in place so we can continue this process, and then if there is a legitimate substitute, open our minds to substituting it. But what we are being offered is a suspension with a hope that some future photo opportunity or some future meeting will produce what meetings heretofore have not been able to produce.

I say to my colleagues, that even in Mexico—even in Mexico—the possibility that we might have decertified them actually produced last-minute steps in an effort to try to say, gee, we really are cooperating. And so they dismissed some 1,250 Federal law enforcement officers, they removed the drug czar for narcocorruption in February, they passed the organized crime bill and the criminalization of money laundering and chemical diversions, and they reorganized Mexico's whole antidrug structure. How can you say it is not even working in Mexico when the fact is, that those steps were taken precisely because the decertification process is in place?

I am not going to go through all of them now, but while my colleagues come here and talk about the discomfort that is created or talk about how uncomfortable it is for our relationship with these countries, you can look at every single other country, and you will see progress that is being made as a consequence of the existence of this bill. You can see it in Panama. You can see it in Bolivia. You can see it in Paraguay. And you can see it elsewhere, Mr. President.

So the point is, the certification process is not a substitute for a comprehensive strategy to deal with drugs, but it is an effective tool which the State Department only a few months ago was lauding as an effective tool.

And it seems to me that the hue and cry you hear from these countries, "Gee, we don't like you holding us accountable," is in fact its best argument for the reality that this works. Is it a rough tool? Yes, I will admit, sure it is. It has its element of hardness in that sense. But Mr. President we have traveled this road for a long time—a long time.

We have written a number of drug bills in our country. We have put additional cops on the streets. We are trying to augment our own drug strategy at home. But the fact is, that the domestic side is only one piece of any strategy to deal with drugs. You need effective law enforcement at home, you need effective education at home, and you need effective treatment at home.

And we have been negligent with respect to a number of those. But that does not mean that you can turn around and throw away the other side of the coin, which is the interdiction and international cooperation which is also an important tool. And I respectfully suggest to my colleagues that the certification process deserves better than simply to be put into hanging suspension, with some promise of more talk that will only result in ratification ultimately of the very international agreement that it is based on.

I emphasize to my colleagues, this is not some "Yankee from the North" standard. That is how they effectively play those politics. They very effectively do that. And then they complain to our diplomats when they go to Mexico, and they say, "Oh, boy, you guys are stirring up the politics of our country because you're sort of imposing this standard on us."

Mr. President, it is not our standard. It is their standard. They signed the international treaty. And all we are doing is making a judgment of whether our tax dollars ought to be given to those countries that signed the agreement and then do nothing to live up to the standard. This is not our standard. It is the world's standard. They have signed on to it. They ought to live up to it. And we should not walk away from the one effective tool we have put in place that helps us hold on to that standard.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I will be brief. I know that the managers of the bill and everyone else wants to get votes and final passage on this issue. I think the issue has been pretty well ventilated.

I will just make a couple comments. One is that a comment was made earlier about General McCaffrey. I think it is important to point out that no matter where we are on this issue —which side—that General McCaffrey deserves our respect and our admiration and appreciation. There was some allegation about his judgment of the Mexican general, and I think we all make mistakes from time to time. But the fact is that General McCaffrey has, in the view of all objective observers, done an outstanding job.

The Senator from Massachusetts just made a reference to our tax dollars. The Senator from Massachusetts knows full well that no foreign aid goes to Mexico. The only money that goes to Mexico is strictly for the purposes of drug interdiction. That is the only money. In fact, the Mexicans pride themselves on not taking foreign aid from the United States of America. So I think it ought to be viewed in that context.

But finally, Mr. President, when we vote on this I think the fundamental questions are as follows: Has the present policy succeeded in helping us win the war on drugs? Has the present process of certification or decertification raised the price of drugs in Phoenix, AZ, and Detroit, MI, and New London, CT, and Boston, MA? Has the present policy been instrumental in getting the kind of cooperation and assistance that we need from the Mexican Government and their officials? Has the present policy of certification, decertification, had any beneficial impact on stopping the drug trafficking which goes across our border in large quantities as we speak?

Those are the questions that have to be asked. And if you believe that the present policy and certification has worked, and has proved a benefit and has been helpful or has been an ingredient in raising the price of drugs, winning the war on drugs, closing our border to the flow of drugs, increasing cooperation assistance on the part of the Mexicans, then I say vote against this pending amendment.

But I say that the President's national security adviser, the drug czar, and many other experts throughout the country have said, look, let us try something different. Let us come up with some new ways which can address this terrible scourge that is destroying the youth of America. Let us try a new way.

That is all this says. Let us try to be more effective. Let us try a way of suspending, simply suspending for 2 years, not abolishing, but suspending for 2 years the certification process in hopes that all of us together, the executive and legislative branch, working with the American people, can come up with a way of winning a war that it is sad to say, Mr. President, we are losing.

If those who oppose this amendment think that what we are doing now works, fine. They are entitled to that opinion. But I do not believe that those we place in positions of responsibility in the executive branch of Government share that view, nor do most experts. The Senator from Connecticut read off the editorial comment from literally every major newspaper in America in favor of this amendment. And I do not blindly follow the advice and recommendations of all of the experts, nor the leaders of our administration and those we entrust to conduct of our national security policy and our drug policy. But I say, we ignore that advice and recommendation at some risk.

So, Mr. President, I hope we can quickly dispense of further debate and vote on this.

I thank the chairman and floor manager for his indulgence as we have discussed this very important issue. I yield the floor.

Mr. MCCONNELL. Mr. President, we will be able to get a consent agreement to have a series of votes here shortly. I know Senator COVERDELL is here and wants to speak to the Dodd-McCain amendment. We will offer a unanimous consent request for some votes on or around 6 o'clock shortly.

Mr. KERRY. I know the Senator from Georgia wants to speak. I will take 2 quick minutes, if I may.

I answer the question the Senator from Arizona asked, which was the question about the effectiveness and price. The test of whether or not certification is effective is not just a reflection of what happens to the price of drugs or their availability. Everybody knows that interdiction is ultimately an impossible task. Drugs will come in. The question is, are you raising the cost of business sufficiently that the risks are great enough for those who engage in it that you have a legitimate effort to reduce it from scourge to nuisance? The truth is, Mr. President, there are a whole set of other questions you have to ask to really test that effectiveness.

For instance, do they extradite people? Do they have a law of extradition? Do they have asset seizure and forfeiture laws? Have they implemented the laws of asset seizure and forfeiture? What kind of sentencing structure do they have? Do people actually serve time? Do they trade evidence with you? Do they create a mutual legal assistance treaty? There are a whole series of judgments here where, I suggest respectfully to my colleagues, the vast majority of the evidence is on the side of those who say this certification process is working because it has produced results in every one of those other areas of measurement.

Now, the other point I make—I know that you have editorials. Sure you have editorials. I have read some of them. One comes from my own newspaper in Massachusetts. Most people that I have talked to about this process make the judgment that the reason they viscerally feel it is not a fair thing to do is they think we are implementing a standard that is just American, that we are sort of judging them and then, in a high-handed fashion, coming in and saying, "Hey, you are not good enough for America." The point that I think needs to be reemphasized over and over that many are not aware of is, it is not an American standard, it is the internationally arrived at standard which they have agreed to live up to themselves. So we are really finding only one tool existed in the process.

The last point I make is that this does not have to be as difficult as it was made this year with respect to Mexico. Most people, I think, came to the conclusion ultimately that, while they wanted to avoid a politically sticky situation, Mexico was not, in fact, capable of cooperating fully, and there were plenty of ways to praise the democratic process, plenty of ways to praise President Zedillo, plenty of ways to bolster those who wanted to make it happen and provide a waiver that allowed them to be certified, but on the basis of national interest.

Had that happened, there would have been no great fight in the U.S. Senate, and had that happened, we would not be here today putting to the test the one tool that has worked in helping us to hold the Vienna Treaty accountable.

Mr. COVERDELL. Mr. President, I will not be supporting the Dodd-McCain amendment, but I wanted to make several observations about the situation we are facing this evening.

First, I want to commend Senator DODD of Connecticut for his extended interest in this subject, for his cooperation and longstanding work on the matter. I am an admirer of his work. I believe, however, that this is not the way to close the circle on the long, extended debate on certification and that process.

As chairman of the Western Hemisphere Subcommittee, I promised to hold hearings on the issue. As Senator DODD knows, I have long said there are real questions about this process that need airing. I have to say I am somewhat disappointed by General McCaffrey and NSC Adviser Berger coming forward in this manner without a thorough discussion. I worked extensively, along with Senators DODD, KERRY, MCCAIN, HUTCHISON, and others, when this became so contentious before, and I think we ought to have had more notice with regard to their views on this than we have had.

I want to point out that the certification process has had successes, as Senator KERRY has pointed out, and it has created issues and problems, as Senator DODD has pointed out. There have been benefits and there have been problems. The idea of shutting the process down without a fix on where we are going to go bothers me. Senator DODD and I have talked about an alliance. Well, maybe that would be an appropriate new place to go. But to just stop what we are doing without knowing where that new place is and in this manner, I don't think is appropriate.

Mr. President, the certification process is not only about other governments. It has been a tool for the Congress to be at the table on these issues with our own executive branch. In fact, in the long debate over certification of Mexico, it did result in this letter from the President to myself and Senator FEINSTEIN, and it makes an extensive outline.

It says:

> I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 national drug control strategy and the U.S.-Mexico alliance against drugs. Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My administration will also provide the Congress, by September 1, [that is this September] 1997, a report covering each of the issues contained in the Senate Resolution passed in March as elaborated in your recent letter and discussions with my administration.

In other words, through the discussions about the process, the administration has told the Congress it is going to come with a full report and present it to the Congress in just a month and a half. It strikes me that we ought to see the report, hold the hearing, and then see what it points us toward—not just suddenly come forward and end the process before we have had the report. I have to say, Mr. President, if it were not for the process, I doubt we would have ever gotten this letter.

The last point I make is, I just came from a hearing, a portion of which Senator DODD was able to attend, but he had to return to the floor. The discussions by the various witnesses were exceedingly alarming. They described, on our border, armed conflict. They described drug cartels operating in military fashion—not a bunch of hooligans—with the most sophisticated equipment, semiautomatic weapons, night goggles and sophisticated communication systems that allowed them to ambush our own agents. The testimony alluded to a growing number of occurrences, already 70 this year, of similar incidences—armed assault on U.S. Border Patrol, targeted agents, assassination threats.

Senator MCCAIN is correct, the status quo is not working. I believe the correct response is to hear from the administration as they promised, to hold our public hearings, to air the various ideas and concepts, and then come forward in an organized, methodical manner and hear where we go in the future.

Senator DODD and I agree completely that the status quo is unacceptable. We are just not quite on the same time line as to where we go from here.

I yield the floor.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor Senator DODD's amendment. The drug certification process is fatally flawed.

Mexico was fully certified even though 7 percent of the cocaine and 50 percent of the marijuana sold in the United States comes in through Mexico.

Colombia wasn't certified, neither were other rogue states even though their contribution to the drug supply is not prominent. Under this process, our diplomatic friends get certified as "fully cooperating," and rogue nations do not regardless of whether a country is a major contributor to the supply of drugs in the United States or not.

I view the determination of which countries are cooperating as a law enforcement function, yet the State Department has prominent role in advising the President.

This sense of the Senate amendment calls for the suspension of the drug certification procedures for two years. It calls for high-level task force to develop a comprehensive program for addressing domestic and international drug trafficking and fashioning a multilateral framework for improving international cooperation.

It would put the Director of the National Drug Policy in charge of the task force.

The amendment calls for the President to persuade other heads of state from drug producing countries and major drug transporting countries to establish similar task forces.

Not later than 1 year after the date of enactment, the amendment calls for the President to convene an international summit.

We need a better tool than the certification process.

The new strategy has to focus on bringing the known traffickers to justice.

Last year, I offered an amendment to withhold foreign aid to Mexico until Mexico either brought to trial themselves or extradited the ten most wanted drug lords living in Mexico.

Two of the top ten are no longer heading up the big drug cartels.

Juan Garcia Abrego was convicted in Houston and sentenced to 11 life sentences.

Amador Carillo Fuentes, considered the wealthiest and most powerful drug baron died earlier this month. He was known as the "lord of the skies" because he owned a fleet of 727's which allowed him to transport drugs from Colombia to Mexico.

His headquarters were in Juarez, a little more than an hour away from New Mexico.

He died earlier this month, but this will not be the end of this cartel's influence and drug dealing.

We have to do something more effective in this area.

The new policy has to be primarily a law enforcement function.

Enhanced extradition has to be an important part of the new policy.

Comprehensive money laundering laws must be passed in all countries and officials must be trained to identify money laundering schemes and to enforce the laws.

Young people need to be educated about the dangers of drugs.

We can't solve this drug problem alone. We need international cooperation.

This amendment provides a framework for a better, more aggressive policy.

Mr. BAUCUS. Mr. President, I rise in support of the Dodd-McCain amendment.

For the past 11 years, we have experimented with the policy of "certifying" foreign countries as cooperating or failing to cooperate with our efforts against the international narcotics trafficking. That is a fair test for any policy. And it appears to me that the certification policy simply isn't working.

Many countries we have decertified—Burma, for example, or Afghanistan—now produce significantly more narcotics than they did before. Cocaine, heroin, and marijuana are at least as easy to find on our streets today as they were in 1986. It is clear that, at best, our decertification of these countries did nothing to stop them and their mafia organizations from producing narcotics.

So certification has been an ineffective policy. And the Dodd-McCain amendment takes a sensible approach—it does not abolish certification, but suspends it while we try to work out a more effective approach. If there is nothing better out there, certification will go back into effect.

Finally, in my view, annual debates over whether to certify various foreign countries has distracted us from the more fundamental problems we face here at home. That is, enforcing the laws. Putting drug dealers in jail. Rehabilitating drug users when possible. And stopping kids from trying drugs in the first place. If we can do those things, the actions of foreign countries will still be important, but they will be secondary issues.

So I think Senator DODD and Senator MCCAIN have a good idea. We should take a second look at a policy that doesn't work very well. We should try and find a better one if we can. And we should get back to basics and solve our problems here at home.

Mr. President, I have a full statement on the underlying bill and the importance of keeping up on our commitment to Israel and the Middle East. I ask unanimous consent that it be printed in the RECORD at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to speak on the Dodd-McCain amendment that will put this charade of certification aside and try something new in the war on drugs. I think, Madam President, all of us want the same result; we want to stop the illegal drugs from coming into our country. Today, 13 million Americans use illegal drugs; 1.5 million use cocaine, 600,000 use heroin, and 10 million use marijuana.

Madam President, it is coming in through Mexico. Twenty percent of the heroin, 70 percent of the marijuana in this country, and 50 to 70 percent of the cocaine comes in through Mexico. This is under the process we have now—certification—which is insulting, which does not have any positive consequences and, I submit, really only has negative consequences.

Madam President, how is the best way for us to attack the issue of illegal drugs coming in from Mexico? Is it to insult our neighbor? Is it to berate them? What does that give us? It gives us a hostile neighbor. Is that going to help? I hear people on this floor talking about Mexico as if it is 2,000 miles from our border. Madam President, Mexico is our border. We share family ties, we share a trade relationship, we share problems for both of our countries in illegal drug transit. It is bad for Mexico, it is bad for the United States. And I submit that we share friendship. We know Mexico is not doing enough; they know it. I have met with President Zedillo on this issue. I am convinced that he is trying to do everything he can. He is attacking this issue. Berating his country is not going to help the situation.

So I urge my colleagues to vote for the Dodd-McCain amendment. Let us try something new. Let us look for positive results in a partnership, not an adversarial relationship that cannot help us. It will not solve our problem and it could make worse problems on our border than we could ever foresee. Let's do something different; let's give it a chance. Thank you.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized.

Mr. GRAMM. Madam President, since 1986, we have had a policy called "certification," whereby we stand in judgment of our neighbors as to whether they are in fact making the best effort they can make in helping us keep drugs out of our country and helping themselves prevent drugs from corrupting their country.

In the case of Mexico, we have declared through a Presidential certification, since 1986, for 11 years, that

Mexico is making a full-faith effort, and every year for 11 years we have suspected that it was not so. For the first 10 years of this process, I kept hoping things would get better, hoping for the best, voting to certify something that we suspected was not true but hoped that it would become true. This year, I decided that maybe we should try something different and deny certification. The President decided to move ahead with certification.

The point I want to make is very simple: It can never be good public policy to put ourselves in a position where, in order to continue to work with our neighbors to try to keep drugs from coming into our country, we have to certify something that is not true. I think that, after 11 years, it has become clear that this process is not working. It puts us continually in a position of choosing whether to certify things that are not true. It seems to me that as a matter of national policy, just as well as a matter of personal policy, that can never be a good thing to do.

I don't know whether certification was ever a good policy or not. But I think that after 11 years, we know it does not work. And I think setting the process aside for 2 years, giving us an opportunity to try to figure out what we are going to do in terms of a permanent policy, is the right thing to do.

I agree with my colleague from Texas. If you want your neighbors to work with you, the worst thing you can do is slap them in the face.

We are under a procedure now that does not work. I think it is time to change it. The proposal before us is simply to set it aside for 2 years to figure out what we are going to do permanently. I think it is a reasonable proposal. I hope my colleagues agree.

Mr. MCCONNELL. Madam President, I have a unanimous consent request——

Mr. DODD. Will my colleague yield for 2 minutes before he makes that request?

Mr. MCCONNELL. Madam President, I yield the floor.

Mr. DODD. I thank the Senator.

Madam President, I have been listening for the last hour and a half, roughly, to all the argument against this amendment, except for my 2 colleagues from Texas, to whom I am grateful for making their case. I want to make the case on behalf of Senator MCCAIN and myself, and Senators DOMENICI, COCHRAN, DASCHLE, KERREY, WARNER, INOUYE, HUTCHISON, and others who have supported this amendment, the cosponsors of the amendment. We have had 11 years. We didn't come up with this overnight. We have had 11 years. We have now 12.8 million people using illegal drugs in this country; 1.5 million cocaine addicts; 600,000 heroin addicts. What do we want to do, wait another year, another 2 years? Do you want that number to be 13 million drug addicts in the country? How about a million heroin addicts? When do we stop?

The present system isn't working. We have decertified about 7 countries over the last several years. If anything, we have had less cooperation—Afghanistan, Burma, Iran, Syria, Colombia—and what do we get back from it? If this is working so well, are these countries cooperating today? No, we are not getting cooperation. All we are getting is a deluge of drugs pouring into the country.

So I don't disagree that maybe the certification may be the only answer. But how about for 24 months we try something else, after 11 years, and if we get nothing but an increase in supply, lower costs, and the problem becomes worse and worse and worse, why don't we try something else? That is all Senator MCCAIN and I are suggesting—for 24 months, suspend the certification process. Listen to General McCaffrey; he supports what we are trying to do here. He doesn't have a silver bullet either. But maybe, just maybe, we might come up with a better idea and do so in a sense of cooperation with nations we are going to have to have cooperation from if we are going to succeed.

So, Madam President, with all due respect, when I hear that this is coming sort of unannounced—and I listened today, as I was at those hearings as well, to those witnesses and I heard them as well. The situation is worse today than 6 months ago, a year ago, or two years ago, and it is getting worse. So how about trying something else, which is something we don't do terribly frequently around here; we stick with provisions and say you can't change them.

We represent 5 percent of the world's population and we consume over 50 percent of the illegal drugs in the world. Before we start lecturing everybody else, we ought to look in our own backyard and decide what we can do here at home as well.

For those reasons, I urge our colleagues to give us a chance, with this modest proposal, to try something different. As General McCaffrey said in his letter, and Sandy Berger at the National Security Council, this deserves an opportunity to be tried. I urge my colleagues to do that.

I ask unanimous consent that a letter from Barry McCaffrey to Senator MCCAIN and a letter from Samuel Berger to me be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, July 16, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Wanted to confirm that the Administration supports the Dodd-McCain legislation on international drug cooperation. Believe your thinking supports U.S. drug policy by recommending a mechanism that would allow us to make fundamental improvements in the way we cooperate with major drug producing and transit countries. At a minimum, your bill promises to remove a major cause of foreign policy friction, especially with Latin American and Caribbean countries. Timing for consideration of new ideas is fortunate because of the upcoming Summit of the Americas and heightened interest in multilateral counter-drug cooperation following the President's travel to Mexico, Central America and the Caribbean.

ONDCP is prepared to lead an interagency task force to develop a new strategy. We must build on our National Drug Control Strategy. We can accomplish the requirement to build a more effective concept for multi-national cooperation in the two years provided by your bill.

Although we would want to explore a number of options, elements of a new strategy might involve increased use of multilateral mechanisms and international organizations such as the OAS. We might also consider expansion of ad hoc arrangements for in-depth bilateral counter-drug cooperation with countries of particular interest such as Mexico. The Department of State and ONDCP are already formulating plans for a fall conference to develop new thinking along the lines of your proposal.

Thanks for your continued leadership on the drug issue.

Respectfully,
BARRY R. MCCAFFREY,
Director.

THE WHITE HOUSE,
Washington, DC, July 16, 1997.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: I am writing to express the support of the Administration for the amendment that you and Senator McCain are proposing to S. 955, the Foreign Operations, Export Financing and Related Operations Appropriations Bill for FY '98.

We believe your amendment would allow the Administration to develop and implement a new multilateral strategy to stem the flow of illegal narcotics. We believe the passage of this amendment will lead to a more effective multilateral effort in the war against drugs.

I, therefore, urge the Senate to pass your and Senator McCain's amendment.

Sincerely,
SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCONNELL. Madam President, let me say, before propounding this unanimous-consent request, we can see the light at the end of the tunnel. This unanimous-consent request has been cleared on both sides. We will have three votes beginning in about 10 minutes from now and that leaves very little left to do before final passage. So we are almost through.

Madam President, I ask unanimous consent that I now be recognized for up to 8 minutes for an explanation of the amendment on Cambodia, which is at the desk, and further, following that debate, the Senate proceed to vote on or in relation to the McConnell amendment No. 886, the one I will describe shortly, to be immediately followed by a vote on or in relation to the McConnell amendment No. 887, also about Cambodia, which I anticipate will be voice-voted, to be immediately followed by a vote on or in relation to the Allard amendment No. 891, to be immediately followed by a vote on or in relation to the Dodd amendment No. 901. I further ask consent that there be 2 minutes of debate equally divided prior to the remaining votes in the sequence. I finally ask unanimous consent that all votes in the sequence following the first vote be limited to 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Madam President, before the Senator from Kentucky continues, I also ask unanimous consent that Greg May, a fellow in Senator FEINGOLD's office, be granted floor privileges for the remainder of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I join my friend from Kentucky and say that we do see light at the end of the tunnel. I urge Senators, if they really have something they feel is absolutely urgent for the good of the world and the Nation and their States and the Senate, and so forth, that they discuss it with the Senator from Kentucky and myself during these rollcall votes, so that we can wrap this bill up.

Mr. MCCONNELL. Madam President, I might say that, other than the Hutchinson amendment, I am not aware of any other votes that we will need before going to final passage.

When the subcommittee marked up this bill, the situation in Cambodia was grim. The Far Eastern Economic had labeled Phnom Penh, the Medellin on the Mekong. In a shocking series of stories, the Review described a nation's slide into corruption and the close collaboration between senior Cambodian officials and drug smugglers. Making matters worse, a senior officer said, "Cambodia is now like Noriega in Panama. Nobody dares to speak out because they will be killed."

Journalists who have called attention to the corruption and smuggling have been fined, jailed, and assassinated. Days after running a story detailing the criminal kingdom built up by a close associate of Hun Sen, the newspaper's editor was gunned down midday in downtown Phnom Penh.

However, this is not a situation which has just unraveled over the past month. This is a story which has unfolded over the past 2 years and unfortunately, U.S. Government officials and policy appear to have aided and abetted this sorry turn of events.

As the committee report notes, the evidence of corruption and political violence is not new. Democracy has been under attack for the past 2 years.

In testimony before the House International Relations Committee, the president of the International Republican Institute pointed out in 1995, tiring of his attacks on their corruption, Government officials engineered the ouster from the party and Parliament of Sam Rainsy. The testimony then went on to say the following:

> Building on their success in removing one vocal critic, the government has targeted up to six other parliamentary members for expulsion . . . the number of newspapers is declining by the month. Journalists are regularly harassed and beaten and several have been killed . . . The government has been largely successful in silencing all internal opposition and criticism.

Unfortunately, for the past 2 years as the problems mounted, the administration failed to use our assistance programs, strong ties, and close relationships to leverage reforms crucial to the country's survival.

A few short months ago, in testimony before the subcommittee, AID's administration compared Mongolia and Cambodia, citing both as democratic success stories. At the same time, the lives of opposition candidates were being threatened, Hen Sen was actively thwarting all efforts to appoint independent judges or create a commission to establish the framework for the planned 1998 elections.

When weeks of Mr. Atwood's testimony, 16 people were killed and another 120 wounded in a grenade attack on a public rally against corruption. Human rights organizations claimed this was a clear attempt to assassinate one of the Government's most vocal critics, Sam Rainsy.

As the political violence escalated, the administration continued to endorse Cambodia as a responsible candidate to join ASEAN. Evidence that narcotics traffickers were subsidizing the leadership was dismissed. In May, in the face of overwhelming evidence that drug related corruption tainted the most senior leaders in government, Secretary Albright testified before the subcommittee, that "we are very careful in the way we do the certification" and expressed confidence that Cambodia deserved to be recognized as fully cooperating in our international counternarcotics efforts.

During his visit here this spring, Sam Rainsy, the critic who has been targeted by Hen Sen's henchmen, pleaded with the State Department to change course and move quickly to condition aid to his country—to take every step necessary to force Prince Ranariddh and Hen Sen back to the negotiation table—to make every effort to salvage what was left of his country's hope for democracy. He called attention to the increasingly public efforts both leaders were making to arm private militias—a sign, he warned of the civil conflict to come.

While the administration continued to talk of Cambodia's success, the committee listened to the Cambodians and international observers who urged action to stop the slide toward war. In response to the deteriorating situation, we reported out a bill which required the Secretary to certify that four conditions had been met prior to the release of any additional assistance. Specifically, she had to determine that the Government had taken steps to: First, end political violence and intimidation of opposition parties and members; second, establish an independent election commission; third, protect the rights of voters, candidates and election observers and participants by establishing laws which guaranteed freedom of speech and assembly; and fourth, eliminate all official corruption and collaboration with narcotics smugglers.

We had hoped that the Secretary would deliver a similar tough message during a planned June trip to Phnom Penh. Many of us held out the slim hope that she would be take on the important challenge of getting the two leaders to the table to work toward reconciliation and free and fair 1998 elections. I believe her planned visit represented the last window of opportunity to effect any change. Unfortunately, there were sufficient uncertainties about the outcome that prompted her advisors to recommend the visit be canceled—and with that, the window of opportunity slammed shut.

The rest, as they say, is history.

Since the coup, it is clear, the administration continues to be reluctant to challenge or confront Hun Sen. I think this is a serious mistake. It not only causes friends and allies to doubt our commitment to democracy, we risk further instability in a vital part of he world. If an interest in South East Asian stability does not persuade my colleagues of the merits of engagement, they might consider the need to see some good come out of the substantial bilateral and multilateral commitment we have supported which now exceeds $4 billion.

To address the changes which have occurred since the bill was reported from committee, I would now like to offer two amendments which modifies the two Cambodia-related sections in the bill. They are virtually identical but affect two different spending accounts. In each, I have added a new condition which prohibits aid to Cambodia unless there is a certification that the Government has not been installed by the use of force or a coup.

I understand that some of my colleagues believe there should be language linking aid to the restoration of a democratically elected government. In theory, I agree. However, given the fact that Hun Sen actually participated in the election, I believe the administration would continue on the wrong policy track and take advantage of such a provision and simply certify that an elected official was serving in office.

Prince Ranariddh must be restored to office and his party must be given the opportunity to actively and freely engage in the political process. But that will not happen unless the Administration takes the first basic step and acknowledges that he has been the victim of a bold, ruthless military coup. These amendments compel the administration to make that decision.

To address the changes which have occurred since the bill was reported, I have an amendment at the desk which adds a new condition banning aid until the Secretary certifies the government was not installed by force or coup.

AMENDMENTS NOS. 886 AND 887, AS MODIFIED

Mr. McCONNELL. Madam President, I now send modifications to amendments 886 and 887, which are already at the desk, and ask that Senators KERREY of Nebraska and HAGEL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments will be so modified.

The amendments (Nos. 886 and 887), as modified, are as follows:

AMENDMENT NO. 886 AS MODIFIED

On page 11, line 14 strike all after the word "Of" through page 12, line 13, ending with the number "1997." and insert in lieu thereof the following:

"None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers and; (6) been elected in a free and fair democratic election: Provided, That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: Provided further, That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigations, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997."

AMENDMENT NO. 887 AS MODIFIED

On page 96, line 20 strike all after the word "Cambodia" through page 97, line 2, ending with the word "smugglers." and insert in lie thereof the following: "has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers and; (6) been elected in a free and fair election."

Mr. KERREY. Madam President, I am pleased to be a cosponsor along with Senator McCONNELL and Senator LEAHY of amendments numbered 886 and 887 to S. 955, the foreign operations appropriations bill for fiscal year 1998. These amendments will prohibit the Government of Cambodia from receiving financial assistance from the United States until the political violence is ended, the human rights of Cambodians are respected, and either the former coalition government is restored or free and fair democratic elections take place. These amendments will also ensure that the United States will oppose aid offered by multilateral financial institutions to Cambodia until those same conditions are met.

The events of the past week in Cambodia have focused our attention again on a nation that has experienced tremendous suffering in the last 30 years. Twenty years ago, the murderous reign of Pol Pot and his Khmer Rouge began in Cambodia. The genocidal Khmer Rouge regime imprisoned thousands of its citizens and executed an estimated one million people or 20 to 30 percent of the populace. I had hoped that such horrors had ended for Cambodia. Unfortunately, last week political intimidation and violence again erupted in the capital of Phnom Penh, ending the rule of law and bringing chaos and uncertainty to the nation.

Recent press stories detailing the forced emigration and extrajudicial executions of opposition leaders highlight the gravity of the situation.

It would be easy to turn our backs to a nation with such a dark past. But the poor and terrifying history of Cambodia should not influence our decision on whether to stay involved in Cambodia. The nation and the people of Cambodia are important to our national interests. The United States must stay engaged and continue to work for democracy and the rule of law in Cambodia. In 1991 a significant agreement was signed in Paris between the political factions in Cambodia which brought the promise of elected government and democratic institutions. Under the auspices of the United Nations and observer nations, elections were held in Cambodia in 1993. The clear desire of the Cambodian people for democracy was shown by the participation of ninety percent of the population in those elections. In the four years since those elections, the people of Cambodia have worked to preserve their fragile democracy and the rule of law. Cambodia may have suffered a setback in its efforts to build strong democratic institutions. But it is not without hope.

The United States should not abandon a people committed to the ideals of democracy and the rule of law. These amendments hold out the promise of renewed United States assistance to Cambodia once the political violence ends and an elected government takes power in Cambodia.

Until these conditions are met, this legislation allows humanitarian assistance to be sent to Cambodia, but only if it is administered through non-governmental organizations and not the Government of Cambodia.

It is my hope that the situation in Cambodia improves and our two nations can again work together to build a democratic Cambodia. If the coalition government is restored, these amendments permit the resumption of assistance to the Government of Cambodia. If elections are held in 1998 as planned, the United States may again provide assistance to a democratically elected government in Cambodia.

While we can play a major role, the United States alone cannot help bring democracy and the rule of law in Cambodia. I fully expect the Administration to continue to work with the Association of Southeast Asian Nations [ASEAN], the United Nations, and donor nations to improve the situation in Cambodia. Other nations such as Thailand and Japan have played a major role in promoting democratic ideals in that nation. The United States needs to work with these nations to return a democratically-elected government to Cambodia and promote the institutional reforms that will bring peace and prosperity to a people who so desperately need it.

AMENDMENT NO. 886, AS MODIFIED

Mr. McCONNELL. I ask for the yeas and nays on the McCONNELL amendment No. 886.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Madam President, will the Senator yield a minute of his time?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. McCONNELL. Yes. I yield such time as he may desire.

Mr. LEAHY. Madam President, I strongly support what the Senator from Kentucky wants to accomplish with his amendment on Cambodia. There has been a violent coup, if the press reports are accurate, and we have no reason to believe they are not. Members of the opposition have been assassinated. Leaders in the opposition have been murdered. This is a violent coup.

The amendment makes clear that assistance for nongovernmental organizations would be allowed to continue.

I want to make sure we don't inadvertently prevent aid from resuming if the democratically elected government is restored. But I have no doubt, in that kind of situation, that the Senator from Kentucky would want to make clear—or, if that occurred, would want to join with some of us to make clear—that such aid would continue. But this has been a very violent coup. Opposition people are being silenced or killed. And I support the intent of the amendment by the Senator from Kentucky.

Mr. McCONNELL. I thank my friend from Vermont.

Madam President, if I have any time, I yield it back.

The PRESIDING OFFICER. All time is yielded.

The question now occurs on amendment No. 886, as modified, offered by the Senator from Kentucky [Mr. McCONNELL]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Burns

The amendment (No. 886), as modified, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 887, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate on amendment 887, as modified, offered by the Senator from Kentucky.

Mr. BYRD. Madam President, may we have order in the Senate? I cannot even see the Presiding Officer.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope that Senators will listen to the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I hope Senators will show respect to the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, this is an amendment previously discussed before the vote started. I am prepared to take a voice vote on it. It is noncontroversial and I think supported by my colleague.

Mr. LEAHY. I join with the distinguished Senator from Kentucky in that request.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 887), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 891

The PRESIDING OFFICER. There now will be 2 minutes of debate on amendment No. 891 offered by the Senator from Colorado [Mr. ALLARD].

The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I thank you. In 1994, OPIC's lending authority for its insurance financing was last raised and has been frozen ever since. Since that time, the administration——

Mr. BYRD. Madam President, I do not know whether other Senators can hear or not. I cannot. May we have order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senate will be in order. Senators will please cease their conversations or take their conversations to the Cloakrooms.

Mr. BYRD. Madam President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

In 1994, OPIC's lending authority for its insurance and financing was last raised and has been frozen since then. On the administrative cost side, we have seen a growth during that period, when their authority was limited, from $20 million to about $32 million. This amendment just takes the administrative cost back to the 1994 level. It is a reduction of $11 million in administration. I ask for a yea vote.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, this in many ways would cut off our nose to spite our face.

I oppose this amendment but I see the Senator from Nebraska, who had spoken earlier, and I will yield to him.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the Chair.

I again say what I said this afternoon regarding my good friend and real neighbor next to me. His amendment I think at best is shortsighted. I came to this body with the background of a small businessman, Madam President. I know a little something about OPIC. I have marketed companies, built companies, that have worked around the world. I understand the importance of what OPIC is. This is an organization that, in fact, sends money back to the Treasury each year. This is an organization that creates jobs. It has a tremendous ripple effect all across this country. And as we are able to export American technology and products abroad, the support for all of those products comes from American companies in each of our States. I respectfully request that my colleagues vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announced that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—35

Allard
Ashcroft
Brownback
Bryan
Coats
Collins
Coverdell
Craig
D'Amato
DeWine
Dorgan
Faircloth
Feingold
Gramm
Grams
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kempthorne
Kohl
Kyl
Lott
McCain
Nickles
Reid
Roberts
Sessions
Smith (NH)
Thomas
Thompson
Wellstone
Wyden

NAYS—64

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Conrad
Daschle
Dodd
Domenici
Durbin
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg

Leahy
Levin
Lieberman
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner

NOT VOTING—1

Burns

The amendment (No. 891) was rejected.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. I ask the Presiding Officer, what is the parliamentary situation?

AMENDMENT NO. 901

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided on the Dodd amendment No. 901. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I am going to yield 30 seconds to my colleague from Arizona.

This amendment, offered by myself, Senator McCAIN and many others, suspends for 24 months the voting on the certification process. All the reports are collected, but this is an opportunity, as General McCaffrey says in his letter endorsing this amendment, this gives us time to try something different. After 11 years, the problem has gotten worse. We need to try a different dynamic. This will give us 24 months to try it. We urge the adoption of the amendment.

I yield to my colleague from Arizona.

Mr. McCONNELL. Madam President, I yield 1 minute in opposition to the amendment to Senator COVERDELL.

The PRESIDING OFFICER. I believe the Senator from Arizona was recognized for 30 seconds.

The Senator from Georgia is recognized for 1 minute.

Mr. COVERDELL. Madam President, the certification process is not perfect. The Foreign Relations Committee has committed to hearings on this. That is the appropriate venue to discuss it. We should not suspend the process without the new place to go or the new system being in order. We send the wrong message at the wrong time, and I urge my colleagues not to suspend and leave no system in place.

Mr. DODD. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Madam President, I would like to see if we can get a unanimous consent agreement, and if we can, we can tell the Members we will not have any further votes tonight. I have discussed this with the distinguished Democratic leader. I do have one other amendment I have to put in the stack. We may work something out on it, but in case we cannot, we need to have the vote in the morning.

I ask unanimous consent that the vote occur on the Bingaman amendment No. 896 at 9:30 a.m.—let me modify that. Let's put that at 10 o'clock on Thursday—to be followed immediately by a vote on the HUTCHINSON amendment, to be followed immediately by third reading of the bill and final passage, all occurring without action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Madam President, I assume that we will have 2 minutes equally divided for debate on the amendment before voting?

Mr. LOTT. I amend the UC to make it clear to have, what has become customary, 2 minutes for a final explanation of what is in the amendment.

Mr. CHAFEE. Will these be 10-minute votes after the first one?

Mr. LOTT. Madam President, we intend to have 10-minute votes after the first vote.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, the Bingaman amendment would be a change in policy toward Cuba and we would have only 2 minutes to discuss that relative to its merits.

Mr. LOTT. There will be debate on that issue further tonight. The question was, would there only be 2 minutes for debate on the Bingaman-Gramm amendment. I believe there would be further discussion on that.

Mr. McCONNELL. As long as Senators would like to discuss it.

Mr. LOTT. Tonight.

Mr. TORRICELLI. Would it be possible to ask, given the interest of many on this and the impact this would have on American policy toward Cuba, that we might, in this instance, ask for 5 minutes on each side to make our positions clear to Members before they vote?

Mr. LOTT. Madam President, I amend the UC to ask consent that we have 10 minutes equally divided on both the Bingaman amendment and the Hutchinson amendment if that time is required, with the debate on those to begin shortly after we come in at 9:30, and then the vote to begin at 10 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I understand Senator SPECTER has a problem, and we will hear from him in a few minutes. He is apparently on his way.

Mr. LOTT. I didn't hear any objection.

I think it is unfortunate we are not going to be able to get a unanimous-consent agreement now. By not doing so, we may have a proliferation of amendments, and we may have to go on later tonight. We have really been working very well across the aisle to avoid this sort of problem, but I don't think we can resolve it right now.

So, we can proceed with this vote and see if we can work out an understanding as to how we will proceed later on tonight or in the morning, and we can try the unanimous consent request again after the vote. We cannot assure Senators at this point that there will be no further votes tonight.

Mr. DASCHLE. If the leader will yield, in the interest of accommodating a lot of our Senators who have made plans, could we at least give them assurance that between now and 9:30 there will be no votes tonight?

Mr. LOTT. If I could, I appreciate the Democratic leader's efforts. His effort has been about like mine—not too good yet.

[Laughter.]

Let's have the vote and work on this during the vote and try to get a UC after the vote.

I believe we have the yeas and nays on this amendment.

VOTE ON AMENDMENT NO. 901

The PRESIDING OFFICER (Mr. SMITH of Oregon). The question is on agreeing to the Dodd amendment No. 901. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—38

Akaka
Allard
Baucus
Bryan
Chafee
Cleland
Cochran
Daschle
DeWine
Dodd
Domenici
Gorton
Gramm
Hagel
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moynihan

Murray
Robb
Sarbanes
Stevens
Thompson
Warner

NAYS—60

Abraham
Ashcroft
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bumpers
Byrd
Campbell
Coats
Collins
Conrad
Coverdell
Craig
D'Amato
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Graham
Grams
Grassley
Gregg
Hatch
Helms
Hutchinson
Inhofe
Kempthorne
Kerry
Lautenberg
Lott
Mack
McConnell
Moseley-Braun
Murkowski
Nickles
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thurmond
Torricelli
Wellstone
Wyden

NOT VOTING—2

Burns
Glenn

The amendment (No. 901) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the vote occur on or in relation to the Bingaman amendment No. 896 at 10 a.m. on Thursday, to be followed immediately by a vote on or in relation to the Hutchinson amendment No. 890, to be followed by third reading of the bill and final passage occur all without further debate or action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask there be 10 minutes equally divided for debate relative to the Bingaman and Hutchinson amendments prior to each vote with respect to the amendments that are pending.

Mr. LEAHY. Reserving the right to object, does the leader also intend to ask unanimous consent to vitiate the yeas and nays that have been ordered on the underlying amendment, or ask to have it withdrawn?

AMENDMENT NO. 900, WITHDRAWN

Mr. LOTT. Mr. President, I ask unanimous consent that the Dodd amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 900) was withdrawn.

Mr. LOTT. I further ask that when the Senate receives the House companion bill, the Senate immediately proceed to its consideration and all after the enacting clause be stricken, the text of S. 955, as amended, be inserted in lieu thereof, the bill be read for a third time and passed and the Senate insist on its amendment, request a conference with the House on the disagreeing votes and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. MCCONNELL. Mr. President, reserving the right to object, as I understand this agreement, it does not prevent us from going ahead and facilitating the passage of some agreed-to amendments this evening. There are two Senators here with amendments.

Mr. LOTT. It does not in any way prevent that.

Mr. BYRD. Reserving the right to object, I don't expect to object, what is S. 955?

Mr. LOTT. The foreign ops bill.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. There will be no further votes this evening. The next votes will occur at 10 a.m. on Thursday.

I yield the floor.

AMENDMENT NO. 902

(Purpose: To express the sense of the Senate on the European Commission's handling of the Boeing McDonnell Douglas merger)

Mr. GORTON. Mr. President, I have an unprinted amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. BOXER, proposes an amendment numbered 902.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The Boeing Company and McDonnell Douglas have announced their merger; and

The Department of Defense has approved that merger as consistent with the national security of the United States; and

The Federal Trade Commission has found that merger not to violate the anti-trust laws of the United States; and

The European Commission has consistently criticized and threatened the merger before, during and after its consideration of the facts; and

The sole true reason for the European Commission's criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government owned aircraft manufacturer;

Now therefore, It is the Sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

Mr. GORTON. I ask unanimous consent Senators MURRAY and BOXER be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, this is a last-minute amendment and I greatly appreciate the indulgence of the managers, but it is of vital importance. It now is increasingly evident, overwhelmingly evident, that the European Commission is going to attempt to reject the Boeing-McDonnell Douglas mergers in spite of the fact that the Department of Defense feels this is a significant step forward for our national defense, in spite of the fact the Federal Trade Commission has not determined there are any trade violations in connection therewith.

That decision on the part of the European Commission seems to have been made in the absence of any evidence and before any evidence was submitted to it and solely on behalf of creating a competitive advantage for Airbus. If it should hold, it will have a seriously adverse impact on employment in the United States, particularly with the Douglas portion of McDonnell Douglas, which could not survive unaided or unmerged.

This resolution simply states those facts and states that any such disapproval would be an unwarranted and unprecedented interference in a business decision appropriately made in the United States and suggests to the President he take such actions as he deems necessary under the circumstances.

I will make more extensive remarks on this issue sometime tomorrow, but I appreciate the support of my colleagues on a matter of great importance to employees in many States throughout the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 902) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay it on the table.

AMENDMENT NO. 898

Mr. SPECTER. Mr. President, I send an amendment numbered 898 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr SPECTER] proposes an amendment numbered 898.

Mr. SPECTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . RESTRICTION ON ASSISTANCE MADE TO THE PALESTINIAN AUTHORITY.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended with respect to providing funds to the Palestinian Authority, unless the President certifies to Congress that:

(1) the Palestinian Authority is using its maximum efforts to combat terrorism, and, in accordance with the Oslo Accords, has

ceased the use of violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

(2) after a full investigation by the Department of Justice, the Executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing; and

(3) after a full inquiry by the Department of State, the Executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

Mr. SPECTER. Mr. President, this amendment provides that none of the funds appropriated or otherwise made available to the Palestinian Authority shall be paid over to the Palestinian Authority unless the President certifies to the Congress, first, that the Palestinian Authority is using its maximum efforts to combat terrorism in accordance with the Oslo accords, has ceased the violence or threat of violence or incitement of violence as a tool of the Palestinian Authority.

Second, after full investigation by the Department of Justice, the executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing.

Third, after a full inquiry to the Department of State, the executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

Mr. President, this amendment would not impact upon the expenditures of U.S. funds for projects like water authorities or other projects which go to the people who are now directed to receive these funds, but to articulate with precision, would only involve the moneys which would be paid to the Palestinian Authority.

It may well be that there is no intent to pay money now in the pipeline for the Palestinian Authority, but I must say, Mr. President, that after making substantial efforts to find out exactly what is going on in the administration, I have been unable to make that determination. But whether or not there is an intent by the administration not to pay money in the pipeline to the Palestinian Authority, it is my view that this amendment is necessary as a matter of policy.

With respect to the issue of Chairman Arafat's knowledge of the Trade Center bombing, a report has been made by Deputy Education Minister Moshe Peled of Israel that Arafat had prior knowledge of the bombing of the Trade Center in New York City in 1993.

I have asked the Department of Justice, Mr. President, to conduct an investigation to determine whether or not that is true.

I ask unanimous consent the correspondence be printed in the RECORD at the conclusion of my statement as if read in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

Mr. SPECTER. The essence of the matter is that this issue has been raised by a responsible Israeli official, and if Arafat in fact had prior knowledge of the bombing of the Trade Center, he may well be an accessory before the fact, or a coconspirator, and if that is so, he would be extraditable to the United States under provisions of our terrorist legislation passed in 1984 and 1986.

It is simply unsatisfactory and intolerable to have that issue outstanding and be providing funding for the Palestinian Authority.

The issue has also been raised on the bombing of the Tel Aviv cafe on March 21, 1997, as to whether Chairman Arafat and the PLO made a maximum effort to stop that kind of terrorism. Immediately after the bombing, Israeli Prime Minister Netanyahu said that Arafat gave a green light to that bombing. When Secretary of State Madeleine Albright appeared before the Foreign Operations Subcommittee in our hearing this spring, she responded that Arafat had not given a green light, but neither had he given a red light. Under the provisions of the amendment introduced by Senator SHELBY and myself, Arafat has an absolute obligation, along with the PLO, to make the maximum effort to fight terrorism.

I have written to Secretary Albright on this subject, and I ask unanimous consent that a copy of my letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 2

Mr. SPECTER. It is unsatisfactory, Mr. President, if Arafat did anything but put down a red light to stop the bombing of the Tel Aviv cafe which killed three Israelis and wounded dozens more, estimated to be approximately 40 other Israelis. There ought to be absolutely no doubt that if any funding is to come from the U.S. taxpayers to the Palestinian Authority, there be a certification by the President, based on evidence that Yasser Arafat was not a party to, did not know about, was not an accessory before the fact, or a coconspirator on the bombing of the Trade Center in 1993 and he, in fact, made the maximum effort which would require a red light on the bombing of the Tel Aviv restaurant.

It is my understanding, Mr. President, this amendment is acceptable to both managers of the bill.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 29, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: This is in response to your letter to the Attorney General dated April 1, 1997. Your letter encloses a news article from The Jerusalem Post in which it is reported that Yasser Arafat may have had prior knowledge of the bombing of the World Trade Center building on February 26, 1993.

Aside from the news report enclosed with your letter, the Department of Justice is unaware of any information that Yasser Arafat either had prior knowledge of the bombing of the World Trade Center or was in any way involved in the conspiracy to bomb the building. We have queried the Israeli authorities about this information and they deny the accuracy of the statements attributed in the article to the Deputy Education Minister.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 14, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: By letter dated April 1, 1997, (copy enclosed) I wrote to you concerning Israeli Deputy Education Minister Moshe Peled's statement that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center.

By letter dated April 29 (copy enclosed) Assistant Attorney General Andrew Fois responded with a very generalized statement about having "queried the Israeli authorities." No mention was made whether the Department of Justice talked to Deputy Education Minister Moshe Peled or did any real pursuit on the matter.

Since I do not speak Hebrew, my assistant, David Brog, Esquire, talked to Mr. Peled. Mr. Peled said that he was not prepared to disclose any more information on Chairman Arafat's connection in the World Trade Center bombing beyond what he told the Jerusalem Post. Mr. Brog said that Mr. Peled was not flexible on this point and that he (Mr. Brog) had the impression that Mr. Peled had gotten into some trouble for his previous disclosure.

I am interested to know whether the Department of Justice talked to Mr. Peled before Mr. Fois's letter to me of April 29. If so, what he said. If not, why wasn't Mr. Peled questioned.

I considered this an extremely serious matter. As you know, Chairman Arafat could be extradited to the United States if there is evidence to support Mr. Peled's charge.

I formally request the Department of Justice to conduct a real investigation on this matter.

Sincerely,

ARLEN SPECTER.

U.S. Senate,
Committee on Appropriations,
Washington, DC, April 1, 1997.

Hon. Janet Reno,
Attorney General,
Department of Justice,
Washington, DC.

Dear Attorney General Reno: Just yesterday I saw a news report that Israeli intelligence has evidence that Palestinian Authority Chairman Yasser Arafat had prior knowledge of the 1993 plot to bomb New York City's World Trade Center which killed six people.

That news report quoted Deputy Education Minister Moshe Peled stating:

"More than that, he [referring to Arafat] was part of the discussions on the operation."

The news report further said that Arafat was privy to the conspiracy and met with Sudanese and Islamic terrorist leaders.

With this letter, I am enclosing for you a photostatic copy of the news report from the Jerusalem Post on March 26.

I would very much appreciate it if you would conduct the appropriate investigation to determine what evidence exists, if any, of Arafat's complicity in this matter.

It appears to me that, if true, Arafat would be prosecutable under U.S. criminal laws. I would appreciate your advice as to what indictments could be brought as to Chairman Arafat.

Thank you for your consideration of this request.

Sincerely,

Arlen Specter.

Exhibit 2

U.S. Senate,
Washington, DC, March 25, 1997.

Hon. Madeleine Albright,
Secretary of State,
Washington, DC.

Dear Secretary Albright: According to the weekend press reports, Israeli Prime Minister Benjamin Netanyahu has stated that Palestinian Chairman Yassir Arafat has indirectly given a green light to the terrorists resulting in the suicide bomb which killed and wounded many Israelis last Friday.

According to the news reports, Chairman Arafat and the Palestinian authority released Ibrahim Maqadmeh. Prime Minister Netanyahu further stated that Chairman Arafat and the Palestinian authority have failed to detain known terrorists and to confiscate weaponry.

In my judgment, it is very important for the State Department to make a factual determination as to whether Chairman Arafat and the Palestinian authority did give a green light indirectly to the terrorists and whether there was a failure to detain known terrorists and to confiscate weaponry.

I would appreciate your advice, as promptly as possible, on your Department's conclusion as to whether Chairman Arafat and the Palestinian authority gave an indirect green light to the terrorists.

As you know, an amendment offered by Senator Shelby and myself to the Middle East Peace Facilitation Act of 1995 conditions the $500 million in U.S. aid to the Palestinian authority on presidential certification that the Palestinian authority is complying with all of its commitments under its peace accords with Israel, including its commitment to prevent acts of terrorism and undertake "legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror."

The Senate Appropriations Subcommittee on Foreign Operations, on which I sit, will soon be considering this issue for fiscal year 1998 so I would appreciate your prompt response.

In addition, I would appreciate your advising me as to whether there is any U.S. aid in the pipeline which has not yet been turned over to the Palestinian authority. If so, I request that such payments be withheld until the determination as to whether the Palestinian authority is complying with the Specter-Shelby amendment.

Sincerely,

Arlen Specter.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 898) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. BENNETT. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we have passed, have we, the amendment of the distinguished Senator from Washington [Mr. Gorton]?

The PRESIDING OFFICER. We agreed to the amendment.

Mr. LEAHY. Did that show the other distinguished Senator from Washington as a cosponsor?

The PRESIDING OFFICER. That is correct.

EGYPT

Mr. WYDEN. Mr. President, the hour is late, and I know a number of our colleagues, Senator DeWine in particular, has been very gracious or anxious to discuss some important issues.

I just rise for a few moments to discuss the role of Egypt in the Middle East process. I think we all understand the dream of peace in the Middle East is going to take courage, patience and commitment from all of the countries in the region. Unfortunately, Egypt, the second largest recipient of U.S. aid, has taken a number of actions of late which seem more likely to undermine the peace that grew out of Anwar Sadat's courageous decision to go to Israel.

I rise, therefore, with several other colleagues, questioning several of these actions by Egypt, a long-time recipient of substantial amounts of U.S. foreign assistance. These actions, in my view, raise serious questions, especially when they seem to contradict U.S. efforts to secure a lasting peace in the Middle East. Specifically, I am troubled by Egypt hosting an Arab League summit in Cairo earlier this year in which Egypt supported the renewal of the Arab League boycott of Israel. This represents a clear violation of the Israeli-Egyptian peace treaty. U.S. policy has long sought to end the boycott. Yet, in this situation there is a recipient of U.S. aid that supports it. I am also troubled that Egypt has emerged as Libyan Leader Qadhafi's most important advocate internationally.

Egyptian President Mubarak has publicly stated that Egypt does not produce chemical weapons, that Libya does not produce chemical weapons. He has advocated easing United States sanctions on Libya, and he has violated the U.N. ban on air travel by allowing Qadhafi to fly to the Arab summit in Cairo.

What is particularly of distress to this Senator is President Mubarak was the only leader to decline President Clinton's invitation to attend an October Middle East summit in Washington to revise the peace process and to end ongoing violence.

Most recently, Mr. President, and colleagues, we have seen some efforts by top Egyptian officials to take actions to reinvigorate the peace negotiations. I am very hopeful that those recent actions will be a signal that Egypt intends to play a more constructive role in the days ahead, in terms of producing a lasting peace. I have been especially pleased to see the strong, bipartisan support here in the Senate for the Middle East process, and for the good work begun in Oslo, and I am very hopeful that Egypt will see that there is strong concern right now in the United States Senate about a number of their actions of late and that the Congress will be monitoring those actions carefully.

Mr. President, I yield the floor.

Mr. DeWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 903

(Purpose: To limit assistance for Haiti unless certain conditions are satisfied)

Mr. DeWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DeWine] proposes an amendment numbered 903.

Mr. DeWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 4, strike "Institute." and insert "Institute: *Provided further*, That of the funds made available under this heading for Haiti, up to $250,000 may be made available to support a program to assist Haitian children in orphanages.".

On page 18, line 2, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading, not less than $500,000 shall be available only for the Special Investigative Unit (SIU) of the Haitian National Police".

On page 93, strike lines 7 through 24 and insert the following:

LIMITATION ON ASSISTANCE FOR HAITI

Sec. . (a) Limitation.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has made demonstrable progress in privatizing major governmental parastatals, including demonstrable progress toward the material and legal transfer of ownership of such parastatals; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter narcotics, or development assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

Mr. DEWINE. Mr. President, my amendment is an attempt to strengthen our aid program to the troubled republic island of Haiti. It would help make sure that United States assistance is properly targeted, so it can be more readily effective in areas vital to United States interests.

Mr. President, my amendment does three things. No. 1, it provides up to $250,000 for a program to assist Haitian children currently in orphanages. Today, Mr. President, Catholic Relief Services [CRS], and the Adventist Development and Relief Agency [ADRA] support thousands of Haitian children. They basically administer AID Food. There are thousands of children who are receiving one meal a day because of AID assistance that is administered through both CRS and the ADRA. It is vitally important that this assistance continue.

Mr. President, my amendment does not deal directly with this food. What it does deal with is the bigger problem of the orphanages of Haiti. I have had the opportunity to visit at least 12 of these orphanages in Haiti over the last few months. There are at least 70 such orphanages just in the Port-au-Prince area alone, containing thousands of children. It is something to see and something to behold to see the work that is being done. These orphanages would break a person's heart, and does, when you see the children who are there. This amendment sets aside a relatively small amount of money to look at this problem from the long range.

Frankly, Mr. President, due to lack of resources the orphanages in Haiti cannot take in many of the needy children. This amendment would provide much-needed resources to help alleviate the demand on these orphanages, by helping take care of the children in other ways.

Clearly, what these children need, in the final analysis, is not just temporary shelter, but permanent placement in safe, stable homes where they can count on food and clothing. The funds provided by this amendment would help make that permanent home a reality for more of Haiti's children. It would do this by bringing about some coordination among the orphanages and coordination with respect to our AID mission.

Mr. President, the second part of our amendment would specify that no less than $500,000 be made available, and made available only for the Special Investigation Unit, the SIU, of the Haitian national police.

Mr. President, in my visits to Haiti I have talked with members of the SIU, and I talked with the American contract officer who is down there assisting the SIU unit. One of the things that we have observed and that this country has promoted in emerging democracies is the belief that if a country is to emerge as a democracy, whether it be Haiti, whether it be Bosnia, wherever in the world, that the country has to turn its back on its past and has to stop tolerating political murders, political killings, political crimes, whether they occur from the left or from the right. The SIU unit has a very specific task. Its task is to target these political murderers, to bring them to justice, and to see that they are successfully tried. By doing that, and only by doing that, Mr. President, can we effectively see justice in these emerging democracies. And only by doing this can the people of the country understand that democracy not only means free elections, but democracy also means justice, and these days of political killings must be over.

It is important, Mr. President, that support for the SIU investigations continue as investigators build compelling cases against those who have used brutal force to achieve, in the past, political goals.

Mr. President, over 80 extrajudicial and political killing cases have been assigned to the SIU by the Government of Haiti. The Government has requested that close to two dozen of those cases be investigated on a "priority basis." However, sadly, not enough progress has been made on these high-profile political murder cases. In fact, to date, none of the cases have been successfully prosecuted.

Mr. President, the SIU is being integrated slowly into the newly formed judicial police and is receiving more and more political support, and support from the Haitian people. The people of Haiti want to turn the corner on their long history of political violence. Continued assistance and targeted assistance to the SIU would strengthen Haiti and strengthen United States-Haiti relations as well.

No. 3, and probably most important. This amendment would limit assistance to Haiti, unless four conditions are met:

Funds are made available if the President reports to Congress that the Government of Haiti, No. 1, is conducting thorough investigations of extrajudicial and political killings; No. 2, is cooperating with the United States authorities on this matter; No. 3, has made progress in privatizing major Government-owned enterprises, including progress toward the material and legal transfer of ownership of these enterprises; finally, No. 4, that the government is taking action to remove from the Haitian national police, and from related agencies, individuals who are alleged, credibly alleged, to have engaged in or conspired to conceal gross human rights violations.

Now, Mr. President, in essence, my amendment is designed to make clear that Congress does not intend United States assistance to Haiti to be viewed as unconditional. In fact, the first two conditions that I have just mentioned were already imposed by Congress in the form of an amendment sponsored by our distinguished colleague, former majority leader of the U.S. Senate, Senator Bob Dole. By adding the new third and fourth conditions, this amendment strengthens the Dole amendment that currently governs our policy toward Haiti.

Now, the limitations I propose will not apply to the provision of humanitarian, electoral, counternarcotics, or developmental assistance, and it does, as the Dole amendment does, contain a "national interest" presidential waiver.

Mr. President, the amendment currently in force which limits assistance to Haiti, the Dole amendment, has been waived four times over the last two years by this administration.

I believe the conclusion is clear. To make sure United States interests in Haiti are protected, that amendment needs to be strengthened. That is the purpose of this amendment that I am offering today.

Mr. President, Haiti is now in the midst of a political crisis. The resignation of Prime Minister Rosny Smarth on June 9 has laid bare a very serious problem of leadership. For a number of reasons, which include the political prominence of former President Aristide, the current President, President Preval—despite some truly heroic efforts—has not yet been able to effectively promote economic reform.

Mr. President, if this crisis is not met successfully, it could pose a real threat to United States policy interests and to the overall investment the United States has made in Haiti since our deployment of troops beginning in September 1994. In my view, Mr. President, if President Preval is given the space to govern, there is no reason to believe he will not make the necessary reforms—as he did previously in promoting fiscal austerity over the last 16 months.

Mr. President, we want to help President Preval find that space to govern. That is one major purpose of the amendment that I am proposing.

In conclusion, Mr. President, we as a nation cannot afford to wash our hands of a country in which we have made such a sizable investment. The amendment I am proposing today would make our aid more effective and would help the forces in Haiti that are fighting the uphill battle for genuine reform.

Mr. President, I request a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 903) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FULL FUNDING FOR THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. JEFFORDS. Mr. President, today I voice my support for meeting U.S. commitments to the International Development Association [IDA] by fully funding replenishment to IDA–10 and IDA–11.

The International Development Association was established in 1960 to lend to the poorest and least creditworthy developing countries on confessional terms. Only countries with a per capita income below $905 with limited or no ability to borrow on market terms and a record of using IDA resources effectively are eligible. Currently, 79 counties meet IDA's loan criteria—55 percent of the world's population. Twenty countries have graduated from IDA. Very notably, three of these graduate countries—Botswana, Korea, and Turkey—are now IDA donors. This is a solid rate of success.

IDA provides development assistance to poor countries through loans, rather than grants. Loans must be repaid in full. IDA funds come largely from contributions of 35 donor countries negotiated in general replenishment. Increasingly, repayments of past IDA loans are supplementing IDA income. As a result, the U.S. share of contributions to IDA has decreased by 20 percent since it was established in 1960.

The administration's request of $1.035 billion for IDA is divided into two parts: $235 million to meet U.S. payments to IDA's 10th replenishment and $800 million for the first of two U.S. payments for IDA–11. The subcommittee recommends $950 million in funding for IDA for fiscal year 1998. This would fully fund the first U.S. payment for IDA–11 but not fully meet payment owned for IDA–10. I support increasing the appropriation for IDA by $84.5 million to fund both replenishments in full.

I appreciate the work that the subcommittee has done to address a major concern associated with IDA: Restrictions on U.S. procurement opportunities imposed by the Interim Trust Fund [ITF]. The ITF was created by donors who did not want to disrupt IDA's operations by leaving a 1-year gap in new funding when the U.S. budget situation precluded us from meeting commitments to both IDA–11 and IDA–10. At that time, controversy emerged over the terms of the ITF which limited decisionmaking and procurement to contributing countries only. As a result, U.S. officials and businesses were excluded from participating in projects financed by the $3.3 million fund. Last year, the Foreign Operations appropriations bill contained a provision that required the administration to work with other donors to modify procurement restrictions. The administration has negotiated an agreement with the ITF whereby $1 billion, or about one-third, of projects financed by the trust fund have not yet been completed. Full funding of IDA–10 and IDA–11 will allow U.S. firms to bid on these contracts. The Foreign Operations Subcommittee's efforts on the matter of U.S. procurement are commendable.

SECTION 569

Mr. GRAHAM. Mr. President, I would like to engage in a colloquy with the distinguished ranking member, Mr. LEAHY, regarding the meaning and intent of a provision in this bill, section 569. This involves a matter of great importance to my colleague Mr. LEAHY and myself—human rights. I commend my colleague for his leadership on this important issue.

I share your concern that U.S. foreign assistance funds not be used by perpetrators of gross violations of human rights. I also share your interest in ensuring that perpetrators of such crimes are brought to justice. To this end, section 569 of this act prevents funds made available under this act from being provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe a member of such unit has committed gross violations of human rights. Would the Chairman agree that this provision only applies to units of the security forces of a foreign country that currently have members against whom we have credible evidence of gross violations of human rights.

Mr. LEAHY. That is correct.

Mr. GRAHAM. So that if a unit was believed to have had, at some time in the past, a person against whom we have credible evidence of human rights abuses, but that no such person currently is a member of such a unit, that unit would be eligible to receive assistance under this act?

Mr. LEAHY. That is correct.

Mr. GRAHAM. I thank my colleague, the Senator from Vermont, and I look forward to working with him on this matter in the future.

Ms. MIKULSKI. Mr. President, I would like to engage in a colloquy with the distinguished ranking member of the Foreign Operations Subcommittee.

It is my understanding that the foreign operations bill for fiscal year 1998, S. 955, includes an increase of $30 million to combat infectious diseases such as TB, malaria, dengue fever, and the ebola virus.

It has been brought to my attention that the Gorgas Memorial Institute is developing an innovative regional TB control initiative designed to address major issues in reducing the global TB epidemic through training and new approaches to disease control. I believe the work done at the institute would fit well with the priorities outlined by the committee.

Would the ranking member join me in urging the Agency for International Development to provide funding for this initiative?

Mr. LEAHY. This initiative sounds like the kind of initiative the committee wanted to consider supporting in providing these funds and I would encourage AID to give full and fair consideration of the Gorgas Institute's proposal.

NAGORNO KARABAGH

Ms. MIKULSKI Mr. President, I would like to engage the ranking member of the Foreign Operations Subcommittee in a colloquy regarding humanitarian assistance to Nagorno Karabagh.

The conflict in Nagorno Karabagh has cost over 15,000 lives and has created severe economic hardship and deprivation. In Nagorno Karabagh there are thousands of land mines directly threatening lives and stifling agricultural production. There is a severe shortage of medicines and vaccines. This shortage has made it difficult to treat and prevent intestinal and acute respiratory infectious diseases in children. The Azerbaijani and Turkish blockades have substantially worsened these problems.

The U.S. Agency for International Development and the United Nations provide humanitarian aid to Armenia and Azerbaijan—but this aid does not get to the people of Nagorno Karabagh. Nongovernmental organizations do provide a small amount of humanitarian assistance to the people of Nagorno Karabagh, but these programs receive no funding from USAID.

I strongly believe that the United States should provide funds to nongovernmental organizations to provide aid to all areas of conflict in the Caucasus—including Nagorno Karabagh. Politically based discrimination against providing humanitarian assistance to particular categories of recipients is against our values—and is inconsistent with America's long-term foreign policy goals.

Mr. President, few people have done more to provide aid to people in need than the Senator from Vermont. I would like to ask him if he will continue to work with me to remove any constraints in providing humanitarian aid to the people of Nagorno Karabagh?

Mr. LEAHY. I appreciate the Senator's position. I strongly support the principle of delivering humanitarian aid to those in need in the Caucasus and will work with her in the conference to try to ensure that these needs are met.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 955, the foreign operations and export financing appropriations bill for fiscal year 1998.

The Senate bill provides $16.8 billion in budget authority and $5.1 billion in new outlays to operate the programs of the Department of State, Export and Military Assistance, Bilateral and Multilateral Economic Assistance, and Related Agencies for fiscal year 1997.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $16.8 billion in budget authority and $13.1 billion in outlays for fiscal year 1998.

The subcommittee is at its section 602(b) allocation for budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

I urge the adoption of the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

S. 955, FOREIGN OPERATIONS APPROPRIATIONS, 1998, SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	....	16,721	....	44	16,765
Outlays	....	13,083	....	44	13,127
Senate 602(b) allocation:					
Budget authority	....	16,721	....	44	16,765
Outlays	....	13,083	....	44	13,127
President's request:					
Budget authority	....	16,844	....	44	16,888
Outlays	....	13,171	....	44	13,215
House-passed bill:					
Budget authority	....	....	....	....	....
Outlays	....	....	....	....	....
SENATE-REPORTED BILL COMPARED TO—					
Senate 602(b) allocation:					
Budget authority	....	....	....	....	....
Outlays	....	....	....	....	....
President's request:					
Budget authority	....	(123)	....	....	(123)
Outlays	....	(88)	....	....	(88)
House-passed bill:					
Budget authority	....	16,721	....	44	16,765
Outlays	....	13,083	....	44	13,127

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

SECTION 571

Mr. CHAFEE. Mr. President, I am pleased that this bill has come to the Senate floor, and commend the Senator from Kentucky and the Senator from Vermont for all of their hard work in authoring this important legislation. S. 955 provides increased funding for international affairs functions of our Government, a priority that has been neglected in recent years. I agree with Secretary of State Madeline Albright, who has argued that we can no longer conduct foreign policy on the cheap.

Section 571 of this bill is a briefly worded but very significant restriction on U.S. military assistance. Mr. President, Indonesia is an emerging power in South Asia that has a very considerable economic relationship with the United States. I have long believed that we should fully engage the developing world not only for our own economic interests, but also so that the citizens of these nations can enjoy economic prosperity. Such economic development is the best means of enhancing long-term peace and stability.

Unfortunately, though, Indonesia has yet to join the community of nations in respecting basic human rights and permitting political freedom. Indonesia's continuing repression of East Timor has dampened hope that this nation's tremendous economic success will be matched by progress on human rights and democracy. In just the past month, international human rights activists have cited the disappearance and possible torture of a number of East Timorese civilians. This news comes as the State Department has sharply criticized Indonesia's human rights record in its annual report issued in January.

These events are just the latest examples of the Indonesian Government's continuing denial of fundamental rights to the people of East Timor. This past May, Indonesia held an election which was widely discredited as undemocratic. This election, which returned the ruling party to power as has been done in every election since 1971, was marred by violence that killed 200 people. Clearly, Indonesia must end its behavior that has caused so much pain and suffering among its people.

Mr. President, section 571 would simply prevent United States military equipment sold or transferred to Indonesia from being used in East Timor, the site of the most egregious human rights violations committed by this government. The United States should have no part of this oppression, particularly through the provision of military equipment. I commend the managers of this bill for including this important restriction, and am hopeful that it will be enacted into law.

Mrs. MURRAY. Mr President, as a member of the Foreign Operations Subcommittee, I want to commend both Chairman MCCONNELL and Senator LEAHY. Once again, the leadership of the subcommittee has produced a bill that I am sure will be widely and bipartisanly supported by the Senate.

I also want to take this opportunity to commend Secretary of State Madeleine Albright. The Secretary appeared before the subcommittee to explain and justify the administration's increased request for this bill. But she went further than this, further than her Democratic and Republican predecessors at the State Department. Secretary Albright has taken the case for foreign aid and the work of this subcommittee directly to the American people. She has done a remarkable job conveying to our constituents the benefits to the American people of our role in the world and the importance of continued U.S. leadership abroad.

The foreign operations, export financing, and related programs appropriations bill provides monies to meet a great number of important policy initiatives. I want to use my time today to draw attention to just a few of the important initiatives.

Importantly and with my full support, this bill fully funds the Administration's assistance request for our democratic ally Israel. I visited Israel late last year with a delegation of my constituents. It was my first trip to the Middle East. The trip was a wonderful experience that has benefited me personally and professionally as I approach my work at the Foreign Operations Subcommittee. I met with Prime Minister Netanyahu, with the chief Palestinian negotiator, and with the Norweigian diplomats who negotiated the Oslo accords. I met with the Ambassador to Israel, toured important historic and cultural sites, and stood atop the Golan Heights. More than ever, I am convinced that the foreign assistance moneys provided by this legislation to Israel and in support of the peace process are warranted and of strategic importance to the United States.

This bill is also a key tool in our efforts to increase U.S. exports and to generate new jobs all across the country. The provisions of this bill providing moneys for the Export-Import Bank of the United States, the Overseas Private Investment Corporation and the Trade Development Agency are vitally important to my constituents. A recent 1997 study titled, "Foreign Exports and the Washington State Economy," concluded that "no state derives more economic benefit from the production of goods and services for the foreign markets that Washington State." Shortly after the turn of the century, one in three Washington State jobs will be reliant upon international trade. Jobs related to trade in my state also paid wages 46 percent higher than the State average. These trade promotion programs are priority issues for me and I am pleased that we've met the administration's request for these programs. In the case of the Ex-Im Bank, the subcommittee has exceeded the administration's request.

Another key component of this bill is our assistance program to Russia and the newly independent states. This assistance is as important as any granted by the United States. It is a small price to pay to ensure that the trillions of dollars spent on the cold war does not go to waste. Certainly there are problems on the ground in Russia and the NIS countries; religious persecution, political and economic corruption, weapons proliferation and environmental pollution to name just a few. The United States must be diligent in tackling these problems as they arise in our continuing efforts to promote and support democracy.

I am particularly interested in our efforts to increase and highlight the linkages between the Russian Far East and the west coast of the United States. Washington State is as involved in the Russian Far East as any State in the country. Chairman STEVENS is also personally very knowledgeable about the importance of this region as Alaska also maintains many direct ties to the Russian Far East.

The Committee bill also contains many important provisions to children. It contains funding for UNICEF and other child survival programs. Our bill provides moneys to educate young girls as well as provide microcredit loans to young families and women in the developing world. These funds make an enormous difference in the lives of millions of children and families in the world.

I have touched on just a few of the the provisions within this important bill. Again, I want to thank the manager's for bringing this legislation to the Senate today. And I encourage my colleagues to support the foreign operations legislation.

Mr. BYRD. Mr. President, I wish to commend the managers of the FY 1998 Foreign Operations Appropriations bill for their hard work in fashioning this measure, and for getting it to the floor in a timely manner. The bill appropriates some $13,244,208,000 for the programs in FY 1998, is within its 602(b) Allocations, and is below the amount requested by the Administration by about $116 million

The committee in its report indicates that the time is arriving for a review of our priorities and programs in this area, a bottom up review and a new scrutiny over programs and the extent to which they serve U.S. interests abroad. I am pleased that the Committee has focused on the progress we are making in supporting the growth of democracy and free market economies in Eastern Europe, the former states of the Soviet Union, and Russia and the Ukraine. Certainly the payoff for helping stabilize and nurture the growth of solid democratic institutions is far preferable to the extreme expense of maintaining arms races, such as we had to do during the course of over four decades of cold war.

I am pleased that the Committee has included a provision that I suggested to provide traditional incentives, through programs such as the EXIM Bank, OPIC, the Trade and Development Program and the Foreign Commercial Service, to American companies operating in the oil-rich new sovereign nation of Azerbaijan. The bill pays appropriately high attention to the Caucasus, including Georgia, and Armenia, as well as Azerbaijan, and I think it is appropriate. American companies need the unstinting support of our government so as to compete effectively in that region, in light of the fact that foreign nations provide heavy assistance to their firms in that region. We need to keep the playing field level so that our firms stand a fighting change of success in that region in the development of Caspian region oil.

I am pleased that the chairman of the subcommittee, Mr. McCONNELL has offered an amendment to restore the earmark for Egypt in the bill. I believe that there should be a time in the not too distant future when the earmarks for Egypt and Israel should be reduced and finally eliminated. They are in effect entitlements which have accounted for a large percentage of our national program, and I do not think they should be regarded as permanent. They must be subject to review just as the rest of our programs are. Having said that, however, I believe that, so long as the earmark for Israel remains in the bill, that for Egypt must as well.

Egypt has been a pillar of strength and support for the United States across the board. It has served to pick up the flagging momentum of the peace process which resulted from the negative actions by the Israeli Prime Minister and his right wing constituency in initiating inflammatory new settler housing in disputed Arab territories throwing a cold bucket of water on the momentum of that process. The Egyptian government has acted with courage and constancy in bringing its good offices to bear as an intermediary between the Israeli government and the Palestinians as a time when the United States needed help in that role;. I did not agree with removing the earmark for Egypt, just at a time when I think Egyptian actions were serving as invaluable support for the United States in keeping the peace process moving against a difficult adverse current established by Israeli actions. So, encourage the President of Egypt, Mr. Mubarak, to continue his efforts to play the constructive role that he has been playing in the Middle East.

I would also point out, Mr. President, that Egypt and the United States have a special security relationship, a relationship that proved invaluable to the United States during the Gulf War against Kuwaiti aggression, is the basis for extensive exercises and joint operations day in and day out, together in the Middle East. Our two nations work closely together to counter terrorism, and extremism, to protect the secure flow of oil from that region, and the safe use of the vital air and sea routes in the region. It should be clear that Egypt's important strategic, geographical position, commanding the waterways linking the Gulf, Europe and the United States, makes her an indispensable strategic partner of the United States. This is a relationship that requires nurturing and regular dialogue and support.

Mr. BIDEN. Mr. President, I support the foreign operations appropriations bill now before the Senate, which will provide the necessary funds for foreign assistance programs of the United States in the coming fiscal year. Foreign aid is an important component of U.S. foreign policy. In addition to being a tangible demonstration of American leadership, it is a key instrument in encouraging and supporting American values of democracy, respect for human rights, and free trade.

In recent years, foreign policy spending has suffered drastic cutbacks. According to a study of the Congressional Research Service, prepared earlier this year at my request, foreign policy spending for the current fiscal year is at its lowest level in 20 years.

Moreover, the steepest reductions in our foreign policy budget have come in foreign assistance, which at $11.5 billion last year, in fiscal year 1998 dollars, is lower, in real terms, than any year of the last twenty, and some 36 percent below the historical average of that period.

Mr. President, this year's foreign operations bill thankfully has started to reverse this precipitous decline. It provides $13.24 billion for foreign assistance and export financing programs. I commend the Appropriations Committee for its hard work and applaud the bipartisan effort its members have shown in enhancing the level of funding for our Nation's foreign assistance programs.

This legislation provides enhanced funding for critical foreign assistance programs, a few of which I will mention briefly.

The Appropriations Committee has recognized the importance of development assistance programs by providing $1.8 billion, $100 million over the President's request.

While the $485 million appropriated for the seed program for newly democratizing countries in Eastern Europe is regretfully below the President's request, the Committee's recommendation of $800 million for the nations of the former Soviet Union will allow our Nation to continue its efforts to bring democracy, stability, and prosperity to those former Communist States.

Mr. President, I am somewhat concerned about the considerable number of earmarks in this bill, and the number of "subearmarks," that is, designation of funds for specific programs within specific countries in Eastern Europe and Eurasia.

I am not opposed to earmarks in principle; Congressional priorities often differ with those of the executive branch, and the Congress has every right to protect those priorities by specific earmarks.

But the proliferation of such provisions unduly limits the administration's flexibility in a region that is constantly in flux. So I hope the committee will consider reducing the number of earmarks in the conference with the House.

Mr. President, unfortunately it has become popular of late to assert that foreign aid is merely the foreign policy equivalent of welfare—a supposed massive giveaway that yields few benefits to American interests.

To the contrary, American contributions to these efforts are an important way in which we protect our interests abroad, a fact that the Appropriations Committee has recognized through its enhanced funding levels for foreign assistance programs.

I wish to congratulate Senator MCCONNELL and Senator LEAHY once again for their work on this important piece of legislation. I urge my colleagues to support it.

CHILD SURVIVAL AND DISEASE PROGRAMS

Mr. DEWINE. Mr. President, I express my strong support for the child survival and disease program fund. I understand that the House Committee on Appropriations, as a part of its foreign operations, export financing, and related programs bill, has recommended that $650 million be allocated to the fund's programs for fiscal year 1998. On the House side, the subcommittee Chairman CALLAHAN has taken the lead, as my colleague from Ohio, Congressman TONY HALL, has also in protecting these child survival programs. I commend him for his leadership on this issue.

The Clinton administration, however, has not specifically designated any direct funding for the child survival programs. Mr. President, in order to preserve the benefits of these important programs for children worldwide, I believe that the Senate should accept, when we go to conference, the House language that was agreed to in committee for this fund. It is, I believe, Mr. President, a tragedy, that millions of children die each year through disease, malnutrition, and other consequences of poverty that are both preventable and treatable. The programs in the child survival fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries.

Mr. President, this fund places a priority on the needs of more than 100 million children worldwide who are displaced and/or who have become orphans. The fund includes initiatives to curb the resurgence of communicable diseases, such as malaria and tuberculosis, in the underdeveloped world, eradicating polio, as well as preventing and controlling the spread of HIV and AIDS.

Mr. President, aside from the addressing issues of health, the fund also supports basic education programs. Investment in education yields one of the highest social and economic rates of return because it gives children the necessary tools to become self-sufficient adults. Each additional year of primary and secondary education results in a 10- to 20-percent wage increase, and a 25-percent net increase in income.

Mr. President, the programs supported by the child survival fund are effective, and they are effective because they save three million lives each year through immunization, vitamin supplementation, oral rehydration therapy, and also through the treatment of childhood respiratory infections which are the second largest killer of children on Earth.

Mr. President, eliminating the symptoms and the causes of this problem is not only the humane thing to do. It is also a necessary prerequisite for global stability and for global prosperity.

In my view, Mr. President, Congress needs to maintain its support for these very valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will, when we go to conference, accept the House language.

The child survival and disease programs are effective, they are important, and they should, Mr. President, be continued.

Mr. President, I see the distinguished chairman of the Senate Foreign Operations Subcommittee on the floor, and my colleague from the State of Kentucky. I wonder if he has any comment about this.

Mr. MCCONNELL. Mr. President, I have listened closely to the comments of my good friend from Ohio, and I would like to thank him for them and commend him for his tireless efforts in supporting the children's causes, not only here in the United States but throughout the world.

I would like to assure my good friend from Ohio that I will give every possible consideration to his request when we go to conference with the House on the bill.

Mr. DEWINE. I appreciate that very much.

Mr. President, if I could inquire of my colleague from Kentucky, I have a statement which I would like to give at some point this evening in regard to the vote we are going to have tomorrow. I can refrain from doing that if it works with the chairman's schedule, or I can do it now.

Mr. MCCONNELL. I have a block of amendments that have been cleared on both sides that I would like to offer. Senator BENNETT is also here.

Mr. DEWINE. I yield the floor at this time, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NUMBERED 904 TO 919, EN BLOC

Mr. MCCONNELL. Mr. President, I am going to submit all of the following to be considered en bloc. They have been approved by Senator LEAHY.

A Kyl amendment earmarking legal aid for Ukraine; a Kyl amendment adding ballistic missiles to Iran restrictions; a Baucus amendment relating to the P.R.C. environment programs; an Enzi amendment relating to climate change; a Hagel amendment authorizing OPIC; a Lautenberg-Kennedy amendment on Libya; a Leahy amendment on war crimes; a Domenici Law Enforcement Center amendment; a Dodd amendment on IMET in Latin American; an amendment by Senator TORRICELLI on terrorism in Sri Lanka; a Durbin amendment on Peru IMET; a Leahy-Lugar-Sarbanes amendment on bank authorization; a D'Amato-Helms-Faircloth amendment on the NAB; a Leahy amendment on demining; a Faircloth amendment on the Congo; and a Lott, et al, amendment on NATO expansion.

Mr. President, I send those amendments to the desk en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments numbered 904 through 919 en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 904

(Purpose: To allocate funds for legal restructuring in Ukraine necessary to support a decentralized market-oriented economic system)

On page 23, line 17, insert after "*Provided*," the following: "That of the funds made available for Ukraine under this subsection, not less than $25,000,000 shall be available only for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law and procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, and law students in the comprehensive commercial law reforms, and public education designed to promote understanding of commercial law necessary to Ukraine's economic independence: *Provided further*,".

AMENDMENT NO. 905

(Purpose: To prohibit assistance to Russia unless Russia terminates activities relating to ballistic missile or nuclear programs in Iran)

On page 25, line 24, insert after "reactor" the following: "or ballistic missiles"

AMENDMENT NO. 906

(Purpose: To permit funds made available to the United States-Asia Environmental Partnership to be used for activities for the People's Republic of China)

On page 102, between lines 9 and 10, insert the following:

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. . Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

Mr. BAUCUS. Mr. President, this is a short, simple amendment dealing with our China policy. It has the support of the State Department; business; and Chinese dissidents. I hope it will also get the support of Congress.

The amendment, very simply, allows the Asian Environmental Partnership to operate in China. It does not add any spending to the bill, and does not change the basics of the program in any way. So I hope this will not be controversial.

Let me begin with a review of what the Asian Environmental Partnership does. AEP is a small export promotion program created during the Bush Administration. It offers technical help with environmental policy, and brings foreign governments together with American producers of environmental services and technologies.

In several Southeast Asia countries, AEP has helped us achieve environmental goals and to boost American exports to a region where we suffer large trade deficits. But the Asian Environmental Partnership does not now operate in China. That is because it receives some funds from the Agency for International Development, which is barred from operating in China.

It is very clear, of course, that we do not need a foreign aid program for China. China has a lot of money and is quite capable of supporting itself.

But it is just as clear that we need a sound approach to environmental problems in China. Whether you look at water pollution, urban air, rural lakes and streams, or hazardous waste, China is one of the world's most polluted countries. That causes a great deal of suffering for Chinese people. And as China grows, it makes more and more contribution to global climate change, ocean pollution, and other phenomena which affect China's neighbors and even us here in the United States.

We in America can help ease these problems. We can provide some humanitarian relief from needless suffering caused by unsafe water, air and waste. We can help protect ourselves from future environmental threats.

And we can gain some benefit for ourselves in the process. We are among the world's most competitive producers of environmental goods and services, and with some effort we can create a large foreign market for our companies.

That brings me to the second reason we need this amendment. That is, we need an export promotion policy for China.

Last year, we exported about $14 billion worth of goods and services to China, while importing about $51 billion. So we had a $37 billion deficit. This year's figures look no better.

The main reason for this deficit is the massive set of tariffs, discriminatory inspection standards, quotas and other trade barriers erected by the Chinese government. But a second reason—one which we don't really like to admit to ourselves—is that we do very little export promotion to China.

Germans, Japanese, Southeast Asians and other competitors push exports as hard as they can. We don't match their efforts anywhere in the world, and we do worst of all in China, where agencies like AEP can't operate. There is no doubt that costs us.

This is basically common sense. It is good for everyone. For no additional money, this amendment will help us export and improve our trade balance. It will help us deal with some very difficult environmental problems. And it will, to some extent, supplement our human rights goals by making life in China a little better.

That is why this amendment has gotten very broad support. The State Department supports it. American environmental and business groups support it. And Chinese dissidents, support it. Let me quote from a letter I received from the China Strategic Institute, founded by former political prisoner Wang Juntao:

> The China Strategic Institute is pleased to learn of your efforts to bring the US-Asia Environmental Partnership to the People's Republic of China. Not only can such a program assist China in combating the severe environmental degradation that plagues the Chinese population, but also . . . the development of civil society. I strongly hope that this amendment finds the support to become law.

To sum up, with this amendment we can do something good for everyone. By passing it, we can promote American exports. We can do something good for the Chinese people. We can promote the interest of both countries in a healthy environment. And we won't spend any more money. So I hope the Senate will support it.

Thank you, Mr. President.

AMENDMENT NO. 907

(Purpose: To ensure Congressional notification of the costs to the Federal Government of all federal programs associated with the proposed agreement to reduce greenhouse gas emissions pursuant to the Framework Convention on Climate Change (FCCC)

At the appropriate place in the bill, insert the new section as follows:

SEC. . REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) The President shall provide to the Congress a detailed account of all federal agency obligations and expenditures for climate change programs and activities, domestic and international, for FY 1997, planned obligations for such activities in FY 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than October 15, 1997.

Mr. McCONNELL. Mr. President, let me commend the Senator from Wyoming for his efforts to fully disclose all the resources the Administration has allocated to the climate change issue. To my knowledge nobody has been able to determine how much or from what offices funds been spent on global climate change.

It is imperative that we have a clear understanding of the resources being expended from all federal agencies and offices for the purposes of education, lobbying and research.

AMENDMENT NO. 908

(Purpose: To amend the Foreign Assistance Act of 1961 with respect to the authority of the Overseas Private Investment Corporation to issue insurance and extend financing)

On page 102, between lines 9 and 10, insert the following:

SEC. . AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING.

(a) IN GENERAL.—Sectin 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under section 234(b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "1997" and inserting "1999".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)) as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

AMENDMENT NO. 909

(Purpose: To withhold assistance to countries that are violating United Nations sanctions against Libya)

On page 102, between lines 9 and 10, insert the following:

WITHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 575. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection(a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

Mr. LAUTENBERG. Mr. President, I am pleased that Senator KENNEDY is an original cosponsor of this amendment along with Senators MOYNIHAN, D'AMATO, and TORRICELLI.

This amendment would withhold 5 percent of funds made available in this bill to any country that the President determines violates United Nations sanctions against Libya. The amendment exempts development assistance and humanitarian assistance.

As my colleagues know, the United Nations imposed sanctions against Libya in 1992 in response to the Libyan Government's failure to extradite to the United States or Scotland two Libyan intelligence agents indicted for the 1988 bombing of Pan Am Flight 103. One hundred and eighty-nine Americans were killed in that terrorist bombing. The families of those innocent victims are still waiting for justice.

Among other things, the U.N. sanctions prohibit international flights into and out of Libya. They also prohibit supply to Libya of aircraft and aircraft components.

Nonetheless, some countries in the international community continue to help Libya's Khadaffi violate the sanctions.

For example, five countries have allowed Libyan airlines to land on their soil in violation of the sanctions. These countries include Niger, Nigeria, Saudi Arabia, Egypt, and Ghana.

The amendment we are offering today would force countries that help Libya violate U.N. sanctions to choose between 5 percent of their foreign assistance and their support of a terrorist state.

The amendment is forward looking. It does not penalize any country for past actions. Let me repeat that. It does not penalize any country for past actions. Nor does it single out any country.

Rather, it lays down a marker and sends a signal that in the future violating the international sanctions against Libya will have a financial cost.

I urge my colleagues to adopt this amendment.

Mr. KENNEDY. Mr. President, I'm honored to be a sponsor of Senator LAUTENBERG's amendment to withhold 5 percent of United States assistance from any country which, in the future, violates the United Nations sanctions against Libya.

It is nearly 9 years since December 1988, when Pan Am flight 103 was bombed out of the sky over Lockerbie, Scotland, killing 270 people, including 189 Americans. In 1991, after an extensive international investigation, two Libyans were indicted for that terrorist bombing, but they have never been brought to trial because the Government of Libya continues to defy the international community.

United Nations sanctions against Libya were first adopted in 1992. These sanctions prohibit international flights to and from Libya, the supply to Libya of aircraft, aircraft parts, military equipment and certain oil equipment. They also freeze funds of the Libyan Government and reduce the size of Libyan diplomatic missions abroad.

It is obvious that the current sanctions are too mild to bring about the surrender of the suspects by Libya. Senator LAUTENBERG and I, and many of our colleagues on both sides of the aisle, have repeatedly called for stronger sanctions, including an international oil embargo against Libya, because additional sanctions are clearly necessary to achieve their goal and see that justice is done. Regrettably, many of our European allies buy Libyan oil, and have been unwilling to take this step.

Even the current mild sanctions against Libya are not being enforced. According to the Department of State, numerous violations of the sanctions have occurred. But when the United States brings such cases to the attention of the sanctions committee at the United Nations, the committee refuses to investigate them.

Recently, for example, the United States provided evidence to the Security Council sanctions committee, involving attempts by Libya to import aircraft parts, via Belgrade, in violation of the U.N. sanctions. The sanctions committee refused to investigate this violation.

There have also been several instances in which other countries have permitted Libyan planes to land in their territory, despite the U.N. prohibition on such landings.

If there are no consequences for violating the U.N. sanctions then the sanctions are useless. If the United Nations is unwilling to enforce its own sanctions, the United States is left with no other choice but to impose unilateral measures.

In this unsatisfactory situation, the Lautenberg amendment is a modest but necessary step for the United States to take. Its provisions are not retroactive, but it puts other countries on notice for the future. If they violate the U.N. sanctions against Libya, their action will cost them part of the U.S. aid they receive.

I urge the Senate to approve the amendment, and to take this reasonable step to see that justice is done for the victims of the Pan Am flight 103 terrorist atrocity.

Mr. TORRICELLI. Mr. President, I am proud to be an original co-sponsor of the Kennedy-D'AMATO amendment, which would restrict aid to those countries which fail to comply with the United Nations sanctions against Libya. I rise today in strong support of its passage.

Earlier this month the U.N. Security Council renewed international sanctions against Libya, as they have every 120 days since they were first imposed in 1992. Unfortunately, Mr. President, despite the fact that Libya refuses to comply with the will of the international community and extradite to the United States or Great Britain two Libyan nationals indicted as suspects in the murders of 270 people, the sanctions renewal was challenged by several African states.

This challenge is just the latest episode in Libya's arrogant international campaign to avoid the justified opprobrium of the international community. Libya has gone so far as to intrude on the privacy of the victims of its criminality by writing directly to the American families of Pan Am 103 proposing their supposed "compromise" with international law directly to the families. Mr. President, I cannot overestimate how damaging it is to the interests of all democratic governments for Libya to be thrown a lifeline by the African members of the security council. Libya's U.N. Ambassador reportedly said after the Security Council vote, "We can from now on behave as if these sanctions were not there." These sanctions are there, and they will remain.

There are several episodes over the past two years that highlight the need for this amendment. Earlier this year, a Libyan-registered aircraft flew from Libya to Niger and returned to Nigeria despite U.N. sanctions. Last July, Muammar Qaddafi left Tripoli to attend an Arab summit meeting in Cairo. He arrived in Egypt by plane and left by plane, a clear violation of the ban on air travel. In December, the CIA revealed that Ukraine agreed to three different arms deals with Libya. The first involved the sale of $500 million worth of short-range ballistic missiles. A second deal called for Ukraine to provide maintenance services and spare parts valued at $10 million. The third agreement involved Iran's purchase of Ukrainian weapons with the intent of transferring them to Libya.

Today we have made clear our determination to bring to justice those who destroyed 270 lives and brought suffering on countless other loved ones. I am pleased to join my colleagues in sponsoring legislation to deny United States assistance to any countries that violate international sanctions against Libya. We will make it clear to Libya that this pariah regime cannot escape the consequences of its lawless behavior.

AMENDMENT NO. 910

At the appropriate place in the bill, insert the following:

SEC. . WAR CRIMES PROSECUTION.

(a) Section 2401 of Title 18, United States Code (Public Law 104-192; the War Crimes Act of 1996) is amended as follows:

(1) in subsection (a), by striking "commits a grave breach of the Geneva Conventions" and inserting in lieu thereof "commits a war crime";

(2) in subsection (b)—

(A) by striking "the person committing such breach or the victims of such breach" and inserting in lieu thereof "the person committing such crime or the victim of such crime"; and

(B) by inserting before the period at the end of the subsection "or that the person committing such crime is later found in the United States after such crime is committed";

(3) in subsection (c)—

(A) by striking "the term 'grave breach of the Geneva Conventions' means conduct defined as" and inserting in lieu thereof "the term 'war crime' means conduct (1) defined as"; and

(B) by inserting the following before the period at the end: "; (2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed on October, 1907; (3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva on August 1949; or (4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians";

(4) by adding a new subsection (d) to read as follows:

"(d) NOTIFICATION.—No prosecution of any crime prohibited in this section shall be undertaken by the United States except upon the written notification to the Congress by the Attorney General or his designee that in his judgment a prosecution by the United States is in the national interest and necessary to secure substantial justice.".

Mr. LEAHY. Mr. President, I am very pleased that my amendment to strengthen our ability to prosecute war criminals in the United States has been accepted by the Republican side.

This amendment, which builds on the War Crimes Act of 1996, closes some gaps in our Nation's implementation of the Geneva and Hague Conventions.

The War Crimes Act of 1996 only permits prosecution for war crimes in the United States if the person accused of committing the crime, or the victim of a war crime, is a national of the United States or a member of the U.S. Armed Forces. While noble in its intent, that act does not permit the United States to prosecute non-U.S. nationals who come within our jurisdiction. It leaves the United States open as a potential safe-haven for war criminals seeking to escape prosecution.

Currently, we have no extradition treaties with 75 nations including Somalia, Cambodia, Afghanistan, Lebanon, and Iran. If a war criminal from any of these countries takes refuge in the United States, we cannot extradite him. The alternative—deportation—is a long and complex process which becomes even more difficult when the accused is to be deported to a specific country. Even if deportation is successful, a war criminal may be returned to a country in which the judicial system is nonfunctional—Cambodia, for example—thus escaping prosecution altogether.

My amendment allows us to prosecute war criminals located in the United States, regardless of their nationality. The amendment in no way obligates the United States to prosecute war crimes, nor does it permit the extradition of non-U.S. nationals of the United States for prosecution if the victims of the crime are not United States nationals. Any case undertaken by our Government requires written notification to the Congress by the Attorney General, who must take into consideration U.S. national interests and the necessity of U.S. prosecution, to assure a just resolution in each case. The United States will not be drawn into international conflicts where we have no significant national interest.

The amendment expands the scope and offers a more specific definition of what constitutes a war crime that the 1996 act. The 1996 act only refers to grave breaches of the 1949 Geneva Conventions which are defined as willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully or wantonly."

My proposed 1997 amendments also covers articles of the 1907 Hague Convention IV which clarify actions prohibited in war.

The inclusion of common article 3 of the Geneva Conventions is vital in that it expressly allows the United States to prosecute war crimes perpetrated in noninternational conflicts, such as Bosnia and Rwanda. In January 1997, there were a reported 35 such internal conflicts, from Algeria to Kasmir.

Finally, violations of the protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices will constitute a war crime under this amendment, once the United States ratifies this important protocol.

The International Committee of the Red Cross, the American Red Cross, the State Department, the Department of Defense, and President Clinton all support the expansion of United States prosecutorial authority as it is contained in this amendment. With its adoption, we will be following in the footsteps of Great Britain, Canada, New Zealand, and Australia—each of which passed similar laws in the 1950's. It is time for us to join them.

AMENDMENT NO. 911

(Purpose: To Allocate Funds for a Western Hemisphere International Law Enforcement Academy (ILEA))

On page 28 line 19 after the word "country" insert the following:

"*Provided further*. That of this amount not to exceed $5 million shall be allocated to operate the Western Hemisphere International Law Enforcement Academy under the auspices of the Organization of American States with full oversight by the Department of State."

Mr. DOMENICI. Mr. President, this amendment to the foreign operations appropriations bill asks that $5 million of the funding appropriated for international narcotics control be allocated out of existing funds for the establishment of an international law enforcement training academy [ILEA] for the Western Hemisphere.

The State Department set up the International Law Enforcement Academy in Budapest, Hungary, in 1995 and has since trained 300 law enforcement officials.

This amendment would establish a similar international law enforcement training academy but for the Western Hemisphere and for which the President requested in his 1998 budget.

Mr. President, the allocated funds would be for operations of such an academy and a facility would need to be found. I understand that the State Department has been trying to find such a facility for the past year, but we have not reached an agreement among Latin American countries.

My amendment would allow the academy to be established in consultation with the Organization of American States, representing our Central and Latin American neighbors.

Mr. President, I do not have to explain the terrorist and narcotic threats in this hemisphere. The ILEA is a way for the United States to establish law enforcement networks that lead to a more effective approach to fighting international organized crime and drug trafficking.

Such an academy would help us create closer working relationships and networks with foreign police that are needed to find fugitives and combat financial corruption.

I urge Senators to vote in support of a Western Hemisphere international law enforcement academy.

AMENDMENT NO. 912

(Purpose: To provide for the reform and annual review of United States sponsored training programs of Latin American military personnel at the School of the Americas and elsewhere to ensure that training is consistent with respect for human rights and civil control over the military)

At the appropriate place in the bill, insert the following:

REFORM AND REVIEW OF UNITED STATES SPONSORED TRAINING PROGRAMS

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) United States training of members of Latin American military and security forces

that occurred primarily at the Army School of the Americas between 1982 and 1991 has been severely criticized for promoting practices that have contributed to the violation of human rights and have otherwise been inconsistent with the appropriate role of the Armed Forces in a democratic society.

(2) Numerous members of Latin American military and security forces who have participated in United States sponsored training programs, have subsequently been identified as having masterminded, participated in, or sought to cover up some of the most heinous human rights abuses in the region.

(3) United States interests in Latin America would be better served if Latin American military personnel were exposed to training programs designed to promote—

(A) proper management of scarce national defense resources,

(B) improvements in national systems of justice in accordance with internationally recognized principles of human rights, and

(C) greater respect and understanding of the principle of civilian control of the military.

(4) In 1989, Congress mandated that the Department of Defense institute new training programs (commonly referred to as expanded IMET) with funds made available for international military and education programs in order to promote the interests described in paragraph (3). Congress also expanded the definition of eligibility for such training to include non-defense government personnel from countries in Latin America.

(5) Despite congressionally mandated emphasis on expanded IMET training programs, only 4 of the more than 50 courses offered annually at the United States Army School of the Americas qualify as expanded IMET.

(b) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated in this Act under the heading relating to international military education and training may be made available for training members of any Latin American military or security force until—

(1) the Secretary of Defense has advised the Secretary of State in writing that 30 percent of IMET funds appropriated for fiscal year 1998 for the cost of Latin American participants in IMET programs will be disbursed only for the purpose of supporting enrollment of such participants in expanded IMET courses; and

(2) the Secretary of State has identified sufficient numbers of qualified, non-military personnel from countries in Latin America to participate in IMET programs during fiscal year 1998 in consultation with the Secretary of Defense, and has instructed United States embassies in the hemisphere to approve their participation in such programs so that not less than 25 percent of the individuals from Latin American countries attending United States supported IMET programs are civilians.

(c) REPORT.—Not later than 1 year after the date of enactment of this act, the Secretary of State shall report in writing to the appropriate committees of Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next 3 fiscal years.

Mr. DODD. Mr. President, I would like to rise to comment on the amendment that may be offered by the distinguished Senator from Illinois [Mr. DURBIN]. His amendment would seek to close, once and for all, the U.S. Army School of the Americas, presently located at Fort Benning, GA.

I am totally sympathetic with the intent of the Senator's amendment. Clearly the entire history of the School of the America's, and particularly the period from 1982–1991, is shameful. It has left a legacy that is an ugly blemish on our country's credibility as an advocate of full respect for human rights and the rule of law in a region where human rights violations have occurred with impunity.

Like Senator DURBIN, I believe that the United States has a special obligation to promote democracy throughout the world, and most especially in our own hemisphere.

Given the recent history of military rule in many countries in the region, it is particularly important that the United States strongly support the concept of civilian control over national military institutions.

It also means highlighting the importance of respecting the human rights of all the peoples of the hemisphere. And, in particular, the obligation of military and security forces throughout the region that they do so. Finally it means stressing the principle that national military and security forces are accountable for acts that fall short of acceptable international human rights standards and practices.

I would say to my colleague from Illinois, that if closing down the School of the Americas would remedy all of the evils that have been perpetrated by a number of individuals trained there over the years, I would strongly support his effort.

Unfortunately, even if we were to shut the doors at the School of the Americas tomorrow, that would not be the case. Moreover, the School of the Americas is not the only location where Latin American military personnel receive United States-supported training.

Equally important is acknowledgment that countries throughout the region have legitimate national security interests that necessitate the existence of national armed forces in these countries.

Shutting the School of the Americas doesn't obviate the need that regional militaries get the right kind of training for their personnel.

I have had the opportunity to review excepts from the manuals that were utilized in the training of Latin American personnel throughout the 1980's and into the early 1990's. Clearly these manuals espoused practices that can only be described as coercion, torture, and assassination.

I know that the Defense Department has looked into the background of these manuals, and has found, not once but twice, that mistakes were made—but that no one is really responsible.

Frankly, it defies credibility to accept one of the central conclusions of the 1997 Defense Department inspector general's review of this.

Among other things, the IG concluded that while,

> . . . five of the seven manuals contained language and statements in violation of legal, regulatory, or policy prohibitions, such as motivation by fear, payment of bounties for enemy dead, false imprisonment, and the use of truth serum. . . . Army personnel involved in the preparation and presentation of the intelligence courses did not recognize that the training materials contravened DOD policy and [there was] no evidence that a deliberate and orchestrated attempt was made to violate DOD or U.S. Army policies.

So much for any sensitivity with respect to human rights that United States troops are supposed to be indoctrinated in.

School of the Americas instructors tutored Latin American military personnel in how to use threats of force with prisoners, neutralize opponents, hold prisoners in clandestine jails, and infiltrate and spy on civilian organizations and opposition political parties for at least 10 years. Despite the fact that such training explicitly violates U.S. policy.

The IG does not deny that such training was a clear violation of U.S. policy, but attributes it to the equivalent of staff error. The IG found that—

> . . . from 1982 to 1991, many mistakes were made and repeated (with respect to use of these manuals) by numerous and continually changing personnel in several organizations from Panama to Georgia to Washington, DC. Lack of attention to the Department of Defense and U.S. Army policies and procedures by those personnel and organizations perpetrated the assumption that the materials in the Spanish language intelligence manuals were proper and doctrinally correct.

I don't know anything about the background of the current IG who came to this conclusion.

But I think it is safe to say that if he/she had bothered to review the extensive Congress debate that occurred during much of this same time period over United States policy with respect to Latin America—he would have found the often stated concern about the substantial human rights abuses that were being perpetrated by members of these military forces, particularly those in Central America.

Those of us who were here remember only too well that the Department of Defense was being queried on a weekly basis about all aspects of U.S. policy during that time period—including the training and other support the United States was providing to these military and security forces.

Many of us in this body who participated in those rancorous debates could take up hours here today reliving that period.

But that isn't a good use of the Senate's time, nor does it do anything to address the underlying concerns with respect to the nature and content of United States-sponsored military training programs for the Latin American and Caribbean region.

The amendment that I will offer at the appropriate time would go to the heart of this. It would not close the School of the Americas. Rather, it would mandate that at least 36 percent of IMET-supported course curriculum be for, so-called expanded IMET courses—namely those devoted to training Latin American Armed Forces in skills that will better prepare them to serve their democratic countries as we enter the 21st century. It would also require that these courses be available to nonmilitary government officials with responsibilities for defense policies in their countries as well.

As many of my colleagues are aware, in 1989 Senator LEAHY first introduced the concept of this new, so-called expanded IMET. Simply put, to qualify as an expanded IMET course its purpose must be to educate Latin American military and civilian personnel in the proper management of their defense resources, in improving their systems of military justice in accordance with internationally recognized principles of human rights or in fostering greater respect for and understanding of the principle of civilian control of the military.

Despite the fact that Senator LEAHY first proposed the creation of expanded IMET more than 8 years ago, even today Latin American military students are afforded very few opportunities to avail themselves of such courses.

Only 4 of the more than 50 courses offered in the 1997 School of the America's curriculum quality as expanded IMET courses.

That is totally unacceptable and is additional evidence that the U.S. Army just doesn't get it when it comes to the importance that must be accorded to promoting respect for human rights throughout the hemisphere.

For that reason this amendment would specifically mandate that 30 percent of Latin American IMET funds be spent in support of preparing Latin American military and appropriate civilian and legislative defense personnel for their appropriate roles in democratic societies as we begin the next millennium.

I would hope that all of my colleagues would support this amendment.

AMENDMENT NO. 913

(Purpose: To recommend that the Liberation Tigers of Tamil Eelam be placed on the list of terrorist organizations by the Department of State)

At the appropriate place, insert the following:

SEC. . LIBERATION TIGERS OF TAMIL EELAM.

SENCE OF SENATE.—It is the sense of the Senate that the Department of State should list the Liberation Tigers of Tamil Eelam as a terrorist organization.

Mr. TORRICELLI. Mr. President, I would like to thank Chairman McCONNELL and Senator LEAHY for accepting this amendment expressing the Sense of the Senate that the State Department should list the Liberation Tigers of Tamil Eelam [LTTE] as a terrorist organization. I believe that the LTTE meets the criteria approved during the 104th Congress to designate terrorist organizations, and I urge the State Department to carefully examine the evidence.

Section 302 of the Antiterrorism and Effective Death Penalty Act of 1996 defines a terrorist organization as one which is foreign, engages in terrorist activity, and threatens the security of the United States. There is no doubt that the LTTE is a foreign organization. Its main centers of activity are located in the United Kingdom and France, as well as Canada, Australia, and India.

The State Department's Report on Human Rights Practices for 1996 details LTTE abuses which are undoubtedly terrorist activities. The LTTE regularly commits extrajudicial killings, and is responsible for disappearances, arbitrary arrests, detentions and torture. An attack on the army base at Mullaitivu in July 1996, orchestrated by the LTTE, killed more than 1,500 government troops. In the aftermath, an equally important fact came to light. It is clear that the LTTE regularly recruits children into its military forces.

In the northern part of the island, the LTTE has expelled almost 46,000 Muslim inhabitants, almost the entire Muslim population, from their homes. These individuals have been threatened with death if they return. Lastly, the LTTE has been held responsible for the assassination of an Indian Prime Minister, a President of Sri Lanka, a Presidential candidate, and senior Sinhalese and Tamil political leaders.

It is clear that these activities are of a terrorist nature, and I believe that they threaten the national security of the United States. Section 302 defines national security as that pertaining to "national defense, foreign relations, or economic interests of the United States". In this sense, the promotion of democracy, free-market economies, and human rights throughout the world are fundamental to our interests. However, the LTTE does not follow the rules of democratic procedure. In fact, the LTTE espouses socialism and seeks to establish a socialist state in Sri Lanka. This stated ideology is far removed from the free-market policies that the United States promotes.

With these facts in mind, I am hopeful that the State Department will move to list the LTTE as a terrorist organization. The safety and security of the United States, and our friends in Sri Lanka, depend upon it.

AMENDMENT NO. 914

(Purpose: To limit international military education and training assistance for Peru)

At the appropriate place in the bill insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. . None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Peru for international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961, unless the President certifies to Congress that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

Mr. LEAHY. Mr. President, I support Senator DURBIN's amendment to condition IMET for Peru on timely, open and fair legal proceedings in civilian courts for United States citizens being held in Peru.

The Government of Peru deserves credit for the progress in human rights it has made in recent years. The number of extrajudicial killings and disappearances has decreased dramatically. However, freedom of the press, executive interference in the judiciary, the existence of faceless military courts for civilians, lengthy pre-trial detention and abysmal prison conditions continue to be serious problems. This amendment conditions IMET assistance on speedy resolution of the cases of American citizens who are in Peruvian prisons awaiting a fair trial.

Jennifer Davis and Krista Barnes each have admitted their guilt on drug-trafficking charges and cooperated fully with the Peruvian police. They have been imprisoned for over 9 months, waiting to be tried and sentenced so they may be transferred to a U.S. prison under our prisoner exchange treaty. They are victims of Peru's excruciatingly slow legal process and life-threatening prison conditions.

Lori Berenson was tried, convicted and sentenced almost 2 years ago under a legal system set up to combat terrorism in Peru that violates international standards of due process. In late 1996, the Peruvian military's highest court upheld her life sentence. Ms. Berenson plans to appeal to the Supreme Court of Peru. In the meantime, Ms. Berenson is struggling through another winter in prison in the freezing mountains of Peru.

Mr. President, it is my hope that this amendment will encourage Peru not just to take action in the cases of these young women, but that it will spark a vigorous effort to improve the judicial process in Peru so that no one—no Peruvian or American or any other citizen—will have to endure lengthy pretrial detention, wretched prison conditions and a clogged legal docket that violate minimum international standards of due process and the treatment of prisoners.

AMENDMENT NO. 915

On page 43, line 3 after the word "(IAEA)." insert the following new section:

SEC. . AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) The Secretary of the Treasury may, fulfill commitments of the United States, (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) Section 17 of the Bretton Woods Agreement Act, as amended (22 U.S.C. 286e–2 *et seq.*) is amended as follows:

(1) Section 17(a) is amended by striking "and February 24, 1983" and inserting instead "February 24, 1993, and January 27, 1997"; and by striking "4,250,000,000" and inserting instead "6,712,000,000".

(2) Section 17(b) is amended by striking "4,250,000,000" and inserting instead "6,712,000,000".

(3) Section 17(d) is amended by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

(c) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an * * *

AMENDMENT NO. 916

(Purpose: To make an amendment with respect to Congressional review of new arrangements for borrowing by the International Monetary Fund)

On page 42, line 4, insert after the period the following: "Notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available until the relevant Committees of Congress have reviewed the new arrangements for borrowing by the International Monetary Fund provided for under this heading and authorizing legislation for such borrowing has been enacted.".

Mr. D'AMATO. Mr. President, I rise today to offer an amendment along with Senator HELMS and Senator FAIRCLOTH.

My amendment would provide that none of the funds appropriated for the new arrangements to borrow [NAB] by the International Monetary Fund could be made available until the relevant authorizing committees have reviewed these provisions and authorizing legislation has been enacted.

The Clinton administration and the International Monetary Fund have asked Congress to give the IMF $3.5 billion of the taxpayer's money to support the new arrangements to borrow. The NAB is an arrangement where 25 participating countries agree to lend funds to the IMF, in predetermined amounts, whenever the organization believes those funds are needed to forestall or cope with an impairment of the international monetary or to deal with an exceptional situation that poses a threat to the stability of that system.

This appropriations bill supports this request by including $3.5 billion for the NAB.

Unfortunately, Mr. President, the authorizing committees have not had an opportunity to review these new arrangements to borrow. We need to have hearings and fully review these provisions, which have significant consequences for the American taxpayer.

We simply can't give an international bureaucracy such as the IMF a blank check without a thorough review by the relevant congressional committees. My amendment would simply do this—give us the opportunity to fully examine this proposal.

AMENDMENT NO. 917

On page 30, line 9, after the word "Act" insert "or the Foreign Assistance Act of 1961".

AMENDMENT NO. 918

(Purpose: To limit aid to the Government of Congo until a Presidential certification)

None of the funds appropriated or otherwise made available by this Act may be provided to the Government of the Congo until such time as the President reports in writing to the Congress that the Government of Congo is cooperating fully with investigators from the United Nations or any other international relief organizations in accounting for human rights violations or atrocities committed in Congo or adjacent countries.

AMENDMENT NO. 919

On page 34, and the end of line 21 strike the period and insert: "*Provided further*, That $60,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization: *Provided further*, That, to carry out funding the previous proviso, all or part of the $60,000,000 may be derived by transfer, notwithstanding any other provision of law, from titles I, II, III, and IV of this Act."

Mr. LOTT. Mr. President, this is a very straightforward amendment. It requires a modest amount of funds be dedicated to supporting NATO integration costs for Poland, Hungary, and the Czech Republic.

Earlier this month at Madrid, the North Atlantic Treaty Organization made a historic decision: to invite three former members of the Warsaw Pact to join NATO. Poland, Hungary, and the Czech Republic have made tremendous progress since the fall of the Berlin Wall. Their economies are free, their militaries are under civilian control, their disputes with their neighbors have been resolved.

The invitation to join NATO is not a gift—it has been earned by the hard work and sacrifice in each of these three countries. Including them in NATO will change the course of history—no longer will they be at the mercy of stronger neighbors.

I led a delegation to Europe just before the Madrid summit. We met with NATO officials in Brussels and we went to Budapest, Hungary for a firsthand assessment of that country's progress. We all left convinced that Hungary—like Poland and the Czech Republic—has earned the invitation to become members of the most successful alliance in history.

In the coming months, the Senate will consider all the issues associated with NATO enlargement. One of the key issues will be the costs—the total cost of enlargement, the U.S. share of that cost, and how that overall cost will be shared with existing and prospective NATO members.

I believe the costs of enlarging NATO will be manageable. I believe there will be greater costs if we do not enlarge NATO. But the concern over the cost is legitimate. Much of the concern is based on a fear that NATO enlargement will drain a defense budget already under siege—already stretched too thin from humanitarian interventions that have little to do with U.S. national security.

I believe we should look at ways to finance NATO enlargement from nondefense sources. My amendment today helps pave the way for that approach by earmarking foreign aid funds for Poland, Hungary, and the Czech Republic.

There is a lot of money in this bill for programs that, in my view, are a lower priority than NATO enlargement. For example, the bill contains $950 million for the International Development Association to make concessional loans to countries like India and China. The bill contains $1.3 billion for development assistance, much of it going to countries where United States strategic interests are far less than in Central Europe.

My amendment is designed to give maximum leverage to the managers in conference to ensure adequate funds are made available for the three countries invited to join NATO—funds to finance language training, communications modernization, and equipment interoperability.

Much has been done by Poland, Hungary, and the Czech Republic to prepare their military forces for admission into NATO, but much more needs to be done. Meeting these needs will be a major share of the cost of NATO enlargement.

Chairman MCCONNELL has long been a leader in supporting enlargement of NATO to include new democracies in

Central and Eastern Europe. His report points out the importance of keeping the NATO enlargement door open, and his bill takes a number of steps to provide reassurance to those not invited in the first wave of enlargement—especially for the Baltic States.

Adoption of this amendment—with the other provisions in the bill on NATO related issues—will send a strong signal of Senate support financing a key element of enlargement preparation for the Poland, Hungary, and the Czech Republic. I thank the managers for their cooperation and I thank Senators LIEBERMAN, SMITH of Oregon, HOLLINGS, SHELBY, ROTH, BIDEN, DEWINE, COATS, HAGEL, and FRIST for cosponsoring the amendment. I urge support for the amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Numbered 904 through 919) en bloc were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the House companion measure is passed by the Senate pursuant to the previous order that the passage of S. 955 be vitiated, and that S. 955 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I believe that completes the evening for Senator LEAHY and myself. Senator DEWINE is here, and would like to speak. And I believe Senator BENNETT is here, and we may shortly take leave.

Mr. LEAHY. Mr. President, I say to the distinguished Senator from Kentucky that I enjoy working with him. But I know the Senate is in the able hands of the distinguished Senator from Utah. Now that I have somebody who actually looks a little bit like me on the floor, I, too, can leave.

The PRESIDING OFFICER. The Senator from Utah.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. BENNETT. Mr. President, the Legislative Branch bill provides $1,537,827,000 in new obligational authority, exclusive of House items, for fiscal year 1998. This is $64,947,000 below the President's request and $51,600,000 above the fiscal year 1997 level.

The majority of the increases in the bill account for cost of living adjustments.

Mr. President, I wish to correct an impression that is being circulated throughout the press. There is no provision in this bill for a pay increase for Members of Congress. That is the issue that is taken care of in other bills.

The Senate items include provisions to reduce the appropriation for official mail from $10 million to $8 million in fiscal year 1998 and combine the franking allowance with the official personnel and office expense allowance—this will reduce paperwork and provide flexibility for offices to meet their needs.

The bill eliminates the disparity in staff salaries of Senate employees versus all other Federal employees (including those of the House.) This disparity was caused by the Senate employees not receiving the 2-percent COLA in 1996, which as provided to all other Federal employees.

Approximately 80 percent of the Architect's request for capital projects to ensure that certain repairs and maintenance are not delayed. If this maintenance is taken care of now, it should pay off in substantial cost savings in the future.

The GAO is provided $346.75 million, which conforms to the commitment to stabilize the GAO budget and staff level (3,500 employees) after a 2-year reduction of 25 percent. This recommendation provides sufficient funds for mandatory cost increases, including the COLA.

I want to take the opportunity now before presenting the bill to thank Senator DORGAN, the ranking member on the Legislative Branch Subcommittee, for his cooperation and his work on the bill. I have enjoyed my experience as the chairman of the subcommittee, and Senator DORGAN's cooperative spirit has been a large part of that enjoyment. I pay tribute to him and to his staff for the professional way in which they have handled this responsibility.

Mr. President, I believe this bill continues the legislative branch's contributions toward deficit reduction and the goal of the balanced budget by the year 2002.

Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 110, S. 1019, the Legislative Branch Appropriations bill, and, further, the managers' amendment, which is at the desk, be considered as read and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 920

(Purpose: To provide funds for a pilot program of studies of scientific and technological issues to assist the Congress in anticipating, understanding and considering such issues in the course of determining public policy on existing and emerging national problems)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. BINGAMAN, proposes an amendment numbered 920.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, line 2, insert before the period the following: ": *Provided further*, That $500,000 shall be available only for expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further*, That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assessments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraph (1) or (2) of section 472(d) of such title".

Mr. BINGAMAN. Mr. President, this amendment addresses an important need of the Congress created by the demise, two years ago, of the Office of Technology Assessment. That need is for authoritative and in-depth studies of scientific and technological issues that are at the root of many of the problems that we are called on to address through legislation.

Over the 23 years of its existence, from 1972 to 1995, the Office of Technology Assessment functioned as our in-house brain trust. It was a competent, timely, and impartial source of scientific and technical advice on a wide range of issues. In early 1995, the decision was made to end the existence of the Office of Technology Assessment by zeroing out its appropriation. The judgment of the Congress at that time was that it needed to demonstrate to the American people that it was willing to downsize its own operations. I miss the OTA, and I know that a lot of my colleagues in the Senate and in the House do too. I am not proposing today to reverse what we did 2 years ago by recreating new offices in the Congress or by hiring new permanent staff. I believe that there are other, more flexible ways for Congress to gain direct access to high-quality and timely advice and insight on cutting edge science and technology relevant to our legislative duties.

My amendment attempts to use the existing legislative authorities for oversight of the old OTA to oversee a new pilot experiment. Members should realize that while we terminated the OTA by ending its appropriation, the underlying authorities governing the OTA are still on the books. For example, there is continuing legislative authority in title 2 of the United States Code to have a Technology Assessment Board of 12 members: 6 from the House and 6 from the Senate, with each chamber's representation evenly divided between the parties and appointed by the respective leadership. This is an excellent group to decide on which topics should be studied using the funds that would be provided by my amendment. The old OTA authorities also provided that topics for OTA studies be suggested by chairs of committees, ranking members, or numerical majorities of committees, or by the Technology Assessment Board. That is a sound procedure for identifying potential study topics. My amendment uses both of these authorities, but contains a crucial difference in how the studies are executed. In place of a permanent, continuing organization to undertake studies, my amendment provides for selection of external scientific, technological, or educational institutions to carry out the studies that would be funded under my amendment. Think of it as a "virtual OTA" or, if you prefer, an "outsourced" one. The contractual arrangements with these institutions would be handled by the GAO, which already has a wide network of similar contracting arrangements with accounting firms all over the country. Thus, there is no institutional mortgage associated with my amendment, and no new Congressional organization. I think that every member who reluctantly voted to terminate the OTA, because of the need to downsize our operations, can support my amendment with a clear conscience. We aren't bringing back a big bureaucracy. We are giving ourselves access, on topics that Members themselves determine are the most pressing to have authoritative scientific and technical insight, to the analytical capabilities of our best not-for-profit and educational institutions.

Let me reiterate the key points behind my amendment. I am proposing a way for Congress to acquire better scientific and technological advice without an institutional mortgage. My amendment puts 12 members, selected by the bipartisan leadership of the Senate and the House, directly in charge of deciding how the funds under this amendment will be spent and what will be studied. My amendment allows all Committees of Congress to nominate topics worthy of study and to propose which not-for-profit institution would be most suitable to engage in their study. Contracting would be handled through the General Accounting Office, which routinely contracts to external sources for expert advice and assistance in its own audits.

I am proposing an experiment of limited scope, only $500,000, which probably translates to somewhere between two and five studies. The offsetting funds of $500,000 come from the budget of the General Accounting Office, which is receiving over $354 million in appropriations in this Act. That is less than three-tenths of 1 percent of the GAO budget for this experiment. The contracting burden for GAO under my amendment is hardly crushing—an additional 2 to 5 contracts won't stretch their resources. I will also note that the Appropriations Committee's own report for this bill voices concern that GAO may have given priority to audits initiated under its own authority over those requested by committees and Members of Congress. My amendment represents a use of funds that is 100 percent directed to Member and Committee requests, and overseen by a bipartisan group appointed by the leadership.

I believe that this is a sensible request and I urge the adoption of my amendment.

The amendment (No. 920) was agreed to.

Mr. DORGAN. Mr. President, I rise in support of S. 1019, the fiscal year 1998 legislative branch appropriation bill, and applaud the chairman of the subcommittee, Senator BENNETT, for the work he has done in reporting this bill to the Senate. This bill, as recommended by the committee, provides $1,537,827,000 in budget authority, exclusive of House items. This total is $64,947,000 below the President's request and $51,600,000 above the fiscal year 1997 enacted level. As I indicated, these figures do not include spending by the House of Representatives, as each body normally defers to the other body to set its own budget. To date, the full House has not yet acted on the legislative branch appropriation bill for fiscal year 1998.

S. 1019 includes not only funding for the salaries and expenses for offices and committees of the Senate, but also includes the budgets of a number of outside agencies that provide important services to the Senate, including the General Accounting Office, the Government Printing Office, the Congressional Budget Office, the Library of Congress, the Capitol Police, and the Architect of the Capitol.

Mr. President, the subcommittee chairman has done an excellent job of highlighting the major provisions in this bill, so I will take just a minute to draw attention to what I believe to be an important issue.

For the General Accounting Office, the committee provides an appropriation that is an increase of $14 million over the fiscal year 1997 enacted level. This amount provides sufficient funding to stabilize the workforce of 3,500 employees and to pay for mandatory cost increases to support the men and women who work for GAO, in keeping with the agreement reached last Congress between GAO and appropriators to reduce GAO's budget by 25 percent over 2 years . As part of the commitment, appropriators committed to provide funding stability for the GAO once the 2-year, 25 percent reduction was achieved. I believe that it is important to note that the Senate has lived up to its commitment to the GAO and I, for one, will work diligently to keep a level of funding that is worked out in our conference with the House that is consistent with this commitment.

Mr. President, let me close by again commending the subcommittee chairman, Senator BENNETT. In his first year as chairman of the legislative branch subcommittee, he has proven himself to be a very capable leader, who has worked with me on a bipartisan basis. I also wish to express my thanks to the subcommittee staff—Jim English, Mary Dewald, and Christine Ciccone—for their fine work, and also to recognize the excellent support we had from Mary Hawkins, of my staff, and Chip Yost, of Senator BENNETT's staff.

Mr. BYRD. Mr. President, in February 1987 the Senate and House passed S. Con. Res. 18 (100th Congress) authorizing the printing as a Senate document of "The Senate 1789–1989." A compilation of some 80 addresses that I had delivered during the 1980's on the history of the United States Senate, the book formed part of Congress' commemoration of its bicentennial. Between 1988 and 1993, the publication appeared in four volumes: two volumes of the addresses, together with a volume of classic Senate speeches and a statistical appendix. Printed in a large format with attractive historical illustrations, these books received favorable reviews. Volume I was awarded a prize by the Society for History in the Federal Government and commended by the American Library Association. Additional printing industry awards went to several of the Government Printing Office contractors involved in the books' manufacture.

Through the Government Printing Office, copies of these volumes were distributed to government depository libraries throughout the country. The printing resolution stipulated that "in addition to the usual number of copies, there shall be printed with suitable binding 5,000 additional copies for use by the Secretary of the Senate." These copies have been and continue to be distributed to educational institutions and other appropriate recipients. In addition, the Superintendent of Documents purchased for sale 4,600 copies of Volume I; 2,300 of Volume II; and 1,000 each of Volumes III and IV. Reflecting the superior quality of the books, the Government Printing Office offered these volumes at an average price of $56.

In April of this year, my office inquired of the Government Printing Office, as we do periodically, how many of each volume had been sold and how many remained on hand. This time, we were astonished to learn that the number of volumes remaining was a total of 3,260 less than it should have been when we subtracted the number of copies sold since our last inquiry from the number that had remained at that time. When we asked GPO about the fate of these other copies, we were informed that there had been a "stock reduction"—apparently meaning that

3,260 of these beautiful valuable volumes were disposed of.

On April 23, I wrote to Michael DiMario, the Public Printer, to request an explanation. On May 6, he responded that there had indeed been such a stock reduction in order to save storage costs and streamline sales operations. He further stated that, if additional copies of these volumes were ever needed, they could of course be reprinted. No one who has seen these beautifully crafted books could possibly believe that it would be cost effective to destroy more than 3,000 copies and reprint them later, rather than simply paying for lower-cost off-site storage until they should be needed. If such a reduction was in fact necessary, I cannot fathom the distorted thinking that would destroy books of such long-term value without at the very least informing the Office of the Secretary of the Senate, or my office, and giving us the opportunity to acquire these copies to make them available to various educational entities. When I expressed these further concerns to Mr. DiMario, I did at last receive an apology and an acknowledgement that it had in fact been an error to dispose of the books without prior notification.

What of our nation's libraries? I have in mind those at the public and community college level that may lie outside the depository program. Would they not welcome surplus copies of selected government documents once thought worthy of being included in the Government Printing Office's sales program? Are we so distorted in our priorities that we prefer to shred such useful information rather than to disseminate it?

I continue to be gravely concerned about this unfortunate incident, which demonstrates a major flaw in the procedures of the Superintendent of Documents and the Government Printing Office. Perhaps this was simply an unfortunate exception. Or perhaps it reveals a pattern of inattention, carelessness, or even malfeasance. What other titles in the Superintendent of Documents' inventory may have received similar treatment in the name of "stock reduction?" I, for one, would like an answer.

Mr. President, I ask unanimous consent that a memorandum to me from the Senate Historian, Dr. Richard Baker, on this subject, dated April 23, 1997, together with an exchange of correspondence between myself and the Public Printer, Michael DiMario, be included in the record at this point. This correspondence includes my letters to Mr. DiMario dated April 23, 1997, and June 17, 1997, and his responses to me dated May 6, 1997, and July 11, 1997.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE
OFFICE OF THE SECRETARY,
Washington, DC, April 23, 1997.

MEMORANDUM

To: Senator Robert C. Byrd.
From: Dick Baker.
Re: GPO sales copies of "The Senate, 1789–1989."

Yesterday, at your request, we asked GPO how many copies of each volume they had sold. When they supplied the information, we discovered some disturbing information. In early 1995, the Superintendent of Documents reported having on hand the following numbers of copies:

Volume I—1,618.
Volume II—1,260.
Volume III—963.
Volume IV—855.

After selling only a few hundred more copies of each, GPO reported yesterday that it had the following numbers of each on hand:

Volume I—299 (131 sold since 1995 should leave 1,489).

Volume II—271 (69 sold since 1995 should leave 1,191).

Volume III—137 (166 sold since 1995 should leave 797).

Volume IV—279 (84 sold since 1995 should leave 771).

These figures leave 3,260 volumes not accounted for:

Volume I—1,188.
Volume II—920.
Volume III—660.
Volume IV—492.

When we asked about the fate of these other copies, we were informed that there had been a "stock reduction." As far as we can determine, this means that 3,260 books were disposed of.

Attached is the draft of a possible letter you may wish to send to the Public Printer requesting and explanation of this decision.

APRIL 23 1997.

Mr. MICHAEL F. DIMARIO,
Public Printer, Government Printing Office, Washington, DC.

DEAR MR. DIMARIO: It has come to my attention that the sales inventory of all four volumes of "The Senate, 1789–1989" has been drastically reduced. Perhaps this action is in line with the Superintendent of Documents' standard policy, but I find it most distressing because these books were designed to have long-term value.

I would appreciate receiving an explanation of this decision.

With all good wishes, I am

Sincerely yours,

ROBERT C. BYRD.

U.S. GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, DC, May 6, 1997.

Hon. ROBERT C. BYRD,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR BYRD: This is in response to your letter dated April 23, 1997, inquiring about the sales inventory of the four volumes of "The Senate, 1789–1989." Let me assure you that we recognize the historical value of this series and have designated all four volumes as titles which shall remain in print and available through our sales program indefinitely.

In September 1996, the Superintendent of Documents took a number of steps to reduce costs in the sales program and to provide more efficient service to the public. After conducting a study, it was determined that it was more cost-effective to maintain an adequate inventory of sales titles based on their projected life cycle and to reprint, if necessary.

This policy recognizes, however, that some publications such as The Senate will have a much longer life cycle than the ordinary book. Based on current projections, we have on hand an average supply of 9 years for the four volumes. The life cycle for most books is 18 months. The Superintendent of Documents' staff frequently reviews the sales history of each publication. Because of the importance of The Senate, we are prepared to reprint at any time. The sales program pays all costs when we go back to press.

As you know, our sales program must recover all expenses from revenues. The program has come under increasing financial pressure recently with some agencies withdrawing titles traditionally sold by the Government Printing Office (GPO) in favor of exclusive arrangements with the National Technical Information Service or other partners. This is causing needless duplication of effort, confusion to those who wish to purchase Government information products, and a substantial loss of revenue to the GPO sales program. In this difficult environment, it is our goal to streamline our operations, improve customer service, and keep prices as low as possible, while at the same time ensuring long-term availability of valuable publications such as The Senate.

Sincerely,

MICHAEL F. DIMARIO,
Public Printer.

JUNE 17, 1997.

Mr. MICHAEL F. DIMARIO,
Public Printer, Government Printing Office, Washington, DC.

DEAR MR. DIMARIO: Your response to my April 23, 1997, letter leaves several questions unanswered.

I understand the need to manage the inventory of publications that have a limited shelf life. Printing on demand makes a great deal of sense for bills, reports, and other routine documents. The wisdom of that policy is far less apparent for a "Level 1" publication such as "The Senate 1789–1989." I find it difficult to believe that off-site storage costs for this four-volume work would have been greater over a nine-year period than reprinting costs.

Your letter does not explain why the Government Printing Office did not contact my office, or the Office of the Secretary of the Senate, to offer to transfer copies deemed to be in excess of projected demand requirements. I am unable to comprehend this lack of communication in the light of the close working relationship this project has inspired over the past decade between the Senate and GPO.

When a commercial publisher or university press decides to unload an unwanted title, it is a matter of standard practice and common courtesy to give the author the opportunity to acquire copies. Had we been afforded that opportunity, it would have advanced our plans to make these works widely available to educational entities, both in this country and abroad, and would have quickly absorbed your "surplus." Had someone within the Superintendent of Documents' office bothered to make a single phone call, he or she could have aided a useful project and avoided a needless waste of resources.

Sincerely yours,

ROBERT C. BYRD.

U.S. GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, DC, July 11, 1997.
Hon. ROBERT C. BYRD,
U.S. Senate, The Capitol,
Washington, DC.

DEAR SENATOR BYRD: This letter is in response to your letter of June 17, 1997, concerning "The Senate 1789–1989."

I apologize both officially and personally for the unfortunate unilateral reduction of the Superintendent of Documents sales inventory of this publication. I was not aware of the reduction until I received your letter of April 23, 1997. Nevertheless, I recognize that full responsibility for this action rests with me and no one else.

My regrets are keenly felt since as Assistant Public Printer for Operations and Procurement at the time of the printing of Volume I, I had personal knowledge of your direct participation in the selection of appropriate paper, binding, and font style. Moreover, having family roots in West Virginia, as a history major at Davis and Elkins College, and as a member of its Board of Trustees, I have a keen awareness of and great admiration for your love of the Senate as well as your extraordinary scholarship and sense of the importance of history, both ancient and modern, and I understand how our unthinking actions must have hurt you deeply. I am truly sorry.

In fact, it is our policy to contact the publisher of a book when we are reducing inventory, and to offer publishers the excess copies at no charge. This policy was not followed with respect to "The Senate 1789–1989" during the major inventory reduction that occurred in the latter part of FY 1996, which was undertaken to reverse a trend of financial losses. The Superintendent of Documents instructed sales program staff to move quickly to restore the sales program to financial soundness by the beginning of FY 1997. Because of the short deadline and the large number of titles and copies involved, they did not follow standard policy to contact publishers. Both the management and staff of the sales program are deeply chagrined by this error, and the Superintendent of Documents has assured me that steps have been taken to ensure our policy on notification of publishers will be strictly followed when making future inventory reductions.

As you say in your letter, the Senate and the Government Printing Office (GPO) have maintained a close working relationship during the past decade on "The Senate 1789–1989." We have distributed all four volumes to the 1,380 Federal depository libraries throughout the Nation, and in June 1997 we provided 60 copies of each volume to the United States Information Agency for use in their libraries abroad.

Again, both personally and in my capacity as Public Printer, and on behalf of all the employees of GPO for whom you have been a greatly honored customer and friend, I apologize for the haste with which the inventory reduction was made and for our failure to inform your office. We have taken steps to ensure that this does not happen again, and I look forward to continuing to work with you in the future.

Sincerely,

MICHAEL F. DIMARIO,
Public Printer.

Mr. BYRD. Mr. President, I rise in support of S. 1019, the Fiscal Year 1998 Legislative Branch Appropriation bill. This is the first year that the distinguished Senator from Utah [Mr. BENNETT] and the very able Senator from North Dakota [Mr. DORGAN] have served as chairman and ranking member, respectively, and they are to be congratulated for the expeditious manner with which they have brought this prudent legislation to the floor. Both Senators are to be commended for the efforts that they have made to ensure that the Legislative Branch of the Government is funded in a fiscally sound and responsible way.

S. 1019, as recommended by the committee, provides $1,537,827,000 in budget authority, to fund salaries and expenses of the Senate and those agencies that provide important services to this institution, such as the General Accounting Office, the Government Printing Office, the Congressional Budget Office, the Library of Congress, the Capitol Police, and the Architect of the Capitol. In addition, S. 1019 is well within its 602(b) subcommittee allocation. This bill does not provide funding for House items, as the full House has not yet acted on the Legislative Branch Appropriation bill for fiscal year 1998 as it is customary that each body defers to the other body to set its own budget.

Mr. President, I again commend the chairman and ranking member of the Legislative Branch Subcommittee for their outstanding work. I also thank the committee staff who have worked hard on this bill: Jim English, Mary Dewald, and Christine Ciccone.

This is a good bill and deserves the support of the Senate. I yield the floor.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered as read a third time and passed, as amended, the motion to reconsider be laid upon the table with any statements related to the bill appear at the appropriate point in the RECORD.

The bill (S. 1019), as amended, was passed, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $77,254,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,612,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $371,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,388,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,221,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,061,000 for each such committee; in all, $2,122,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $409,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,077,500 for each such committee, in all, $2,155,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $260,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $13,306,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $33,037,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,165,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $19,208,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,605,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $966,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section

112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $75,600,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $64,400,000, of which $7,000,000 shall remain available until September 30, 1999.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,905,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $228,600,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000, to remain available until September 30, 1999.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Senate is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 2. (a) Upon the written request of the Majority or Minority Whip of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings "Salaries, Officers and Employees" and "Offices of the Majority and Minority Whips", such amount as either whip shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Whips of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such whip shall be paid from the amount transferred pursuant to subsection (a) by such whip and upon vouchers approved by such whip.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b).

SEC. 3. (a) Effective in the case of any fiscal year which begins on or after October 1, 1997, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

"(iii) subject to subparagraph (B), in case the Senator represents Alabama, $182,567, Alaska, $251,901, Arizona, $197,079, Arkansas, $168,282, California, $468,724, Colorado, $186,350, Connecticut, $160,903, Delaware, $127,198, Florida, $299,746, Georgia, $210,214, Hawaii, $279,512, Idaho, $163,335, Illinois, $266,248, Indiana, $194,770, Iowa, $170,565, Kansas, $168,177, Kentucky, $177,338, Louisiana, $185,647, Maine, $147,746, Maryland, $173,020, Massachusetts, $195,799, Michigan, $236,459, Minnesota, $187,702, Mississippi, $168,103, Missouri, $197,941, Montana, $161,725, Nebraska, $160,361, Nevada, $171,096, New Hampshire, $142,394, New Jersey, $206,260, New Mexico, $166,140, New York, $327,955, North Carolina, $210,946, North Dakota, $149,824, Ohio, $259,452, Oklahoma, $181,761, Oregon, $189,345, Pennsylvania, $266,148, Rhode Island, $138,582, South Carolina, $170,451, South Dakota, $151,450, Tennessee, $191,954, Texas, $348,681, Utah, $168,632, Vermont, $135,925, Virginia, $193,467, Washington, $214,694, West Virginia, $147,772, Wisconsin, $191,569, Wyoming, $152,438, plus".

(b) Subsection (a) of the first section of Public Law 100–137 (2 U.S.C. 58c) is amended by adding at the end the following:

"(6) Effective on and after October 1, 1997, the Senators' Account shall be available for the payment of franked mail expenses of Senators.".

(c)(1) Section 12 of Public Law 101–520 is repealed.

(2) The amendment made by paragraph (1) shall be effective on and after October 1, 1997.

(d) Nothing in this section affects the authority of the Committee on Rules and Administration of the Senate to prescribe regulations relating to the frank by Senators and officers of the Senate.

SEC. 4. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $401,635 for the period March 1, 1997, through September 30, 1998, and

(2) by $994,150 for the period March 1, 1998, through February 28, 1999.

(b) This section is effective on and after October 1, 1997.

SEC. 5. Effective on and after October 1, 1997, each of the dollar amounts contained in the table under section 105(d)(1) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C 61–1) shall be deemed to be the dollar amounts in that table on December 31, 1995, increased by 2 percent on January 1, 1996, and by 2.3 percent on January 1, 1997.

SEC. 6. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $125,000 for the period March 1, 1997, through September 30, 1998; and

(2) by $175,000 for the period March 1, 1998, through February 28, 1999.

(b) Funds in the account, within the contingent fund of the Senate, available for the expenses of inquiries and investigations shall be available for franked mail expenses incurred by committees of the Senate the other expenses of which are paid from that account.

(c) This section is effective for fiscal years beginning on and after October 1, 1997.

SEC. 7. Section 1101 of Public Law 85–58 (2 U.S.C. 46a–1) is amended by adding at the end the following: "Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.".

JOINT ITEMS

For Joint Committees, as follows:

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Printing

For salaries and expenses of the Joint Committee on Printing, $807,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $5,724,000, to be disbursed by the Chief Administrative Officer of the House: *Provided*, That $100,000 of the funds in this Act shall not be available for expenditure except for staff designated to provide Members of Congress, not on the Tax Committees, assistance in securing revenue estimates for legislation with the assumptions used in determining the revenue estimate prepared by the Joint Committee for that Member of Congress.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

Capitol Police Board

Capitol Police

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $73,935,000, of which $35,507,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $38,428,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $5,401,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 101. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 102. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both Members and employees whose appointing authority is an officer of the Senate and Members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both Members and employees whose appointing authority is an officer of the Senate and Members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contribution for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service, may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to effect the appointing authority of any officer of the Senate or the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,600,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,995,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $39,554,000, of which $7,500,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,203,000, of which $745,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $50,922,000, of which $13,200,000 shall remain available until expended: *Provided*, That appropriations under this heading for management personnel and miscellaneous restaurant expenses hereafter shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under Public Law 87-82, approved July 6, 1961, as amended (40 U.S.C. 174j-4), and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $33,645,000, of which $1,650,000 shall remain available until expended: *Provided*, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $65,134,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $82,269,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That none of the funds appropriated or made available under this Act may be expended for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, unless such printing and binding and related services are provided during fiscal year 1998 and the billing of such printing and binding and related services occurs not later than December 31, 1998.

This title may be cited as the "Congressional Operations Appropriations Act, 1998".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,228,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $229,904,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $9,619,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $5,584,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,567,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $47,870,000, of which $14,194,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $100,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a) ESTABLISHMENT.—Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the "revolving fund"). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the "program") under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) AMOUNTS DEPOSITED.—The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or the date of enactment, whichever is later, that were collected as payment for the Library's indirect costs of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) CREDITS TO THE REVOLVING FUND.—The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) UNOBLIGATED BALANCES.—Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed in support of the program; salaries and benefits; general overhead; and travel.

(e) ANNUAL REPORT.—Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

SEC. 208. AUTHORITY OF THE BOARD TO INVEST GIFT FUNDS.—Section 4 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 160), is amended by adding at the end the following new undesignated paragraph:

"Upon agreement by the Librarian of Congress and the board, a gift or bequest accepted by the Librarian under the first paragraph of this section may be invested or reinvested in the same manner as provided for trust funds under the second paragraph of section 2.".

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $14,699,000, of which $3,910,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: *Provided further*, That amounts of not more than $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,550 workyears by the end of fiscal year 1998: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000: *Provided further*, That, $1,500,000 may be expended on the certification of the Public Printer, for reimbursement to the General Accounting Office, for a management audit.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $346,751,000: *Provided*, That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: *Provided further*, That an additional amount of $4,404,000 shall be available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That $500,000 shall be available only for expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further*, That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assessments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraphs (1) or (2) of section 472(d) of such title.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1997 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 306. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1997" and inserting "1998".

SEC. 307. The Government Printing Office shall be considered an agency for the purposes of the election in section 801(b)(2)(B) of the National Energy Conservation Policy Act and the Public Printer shall be considered the head of the agency for purposes of subsection (b)(2)(C) of such section.

SEC. 308. RESIDENCE OF MEMBERS OF CONGRESS.—Section 113 of title 4, United States Code, is amended—

(1) in the section heading by striking "for State income tax laws"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) Notwithstanding any other provision of law, a Member of Congress and the Member's spouse, dependents, and staff shall be treated as permanent residents and domiciliaries of the State or district which the Member represents, notwithstanding that the Member and the Member's spouse, dependents, and staff may be absent from, or may maintain a place of abode outside of, such State. A Member of Congress and the Member's spouse, dependents, and staff shall be entitled to the same rights, privileges, immunities, and benefits and shall be subject to the same responsibilities, taxation, and liabilities as other residents and domiciliaries who physically reside in such State, including maintaining a State driver's license, registering vehicles in such State (without regard to whether such vehicle is physically located in such State), registering to vote in such State, and qualifying for benefits, loans, or other programs that such State may make available to other residents and domiciliaries who physically reside in such State.

"(c) For the purposes of this section—

"(1) the term 'Member of Congress' includes the delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico;

"(2) the term 'State' includes the District of Columbia; and

"(3) the term 'dependents' includes any person—

"(A) who derives his or her support from a Member of Congress; and

"(B)(i) is a child of such Member who is age 23 or younger; or

"(ii) is a ward of such Member; and

"(4) the term 'staff' means any person who—

"(A) is in the employ of the Member of Congress for the purpose of assisting the Member in the performance of official duties; and

"(B) was resident and domiciliary of the State or district which the Member represents when such person entered the employ of the Member.

"(d) This section shall not apply to any spouse, dependent, or staff of a Member of Congress who claims residency or a domicile in a State other than the State which the Member represents or in which the Member's district is located.".

(b) The chapter analysis for chapter 4 of title 4, United States Code, is amended in the item for section 113 by striking "for State income tax laws".

SEC. 309. (a) SEVERANCE PAY.—Section 5595 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (D) by striking "and" after the semicolon; and

(B) by adding after subparagraph (E) the following new subparagraph:

"(F) the Office of the Architect of the Capitol, but only with respect to the United States Senate Restaurants; and";

(2) in subsection (a)(2)—

(A) in clause (vii) by striking "or" after the semicolon;

(B) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, who is employed on a temporary when actually employed basis; or"; and

(3) in subsection (b) by adding at the end the following: "The Architect of the Capitol may prescribe regulations to effect the application and operation of this section to the agency specified in subsection (a)(1)(F) of this section.".

(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) voluntarily separates from service on or after the date of enactment of this Act and before October 1, 1999; and

(B) on such date of separation—

(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

(ii) has completed 20 years of such service and is at least 50 years of age.

(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term "employee" means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

(C) an employee who is employed on a temporary when actually employed basis.

(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage not more than 50 eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act through September 30, 1999.

(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(B)(i) If the employment is with an Executive agency (as defined by section 105 of title 5, United State Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term "employment" includes employment under a personal services contract with the United States.

(5) The Architect of the Capitol may prescribe regulations to carry out this subsection.

(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) is involuntarily separated from service on or after the date of the enactment of this Act and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

(3) This subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term "employee"—

(A) means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol; and

(B) shall not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(ii) an employee who is employed on a temporary when actually employed basis.

(2) The Architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

(3) A former employee may not participate in a program established under this subsection, if—

(A) the former employee was separated from service with the United States Senate Restaurants of the Office of the Architect of the Capitol for more than 1 year; or

(B) the separation was by removal for cause on charges of misconduct or delinquency.

(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

(i) not subject to the 1 year of service limitation under such section 3109(b); and

(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.

This Act may be cited as the "Legislative Branch Appropriations Act, 1998".

Mr. BENNETT. I further ask unanimous consent that the bill not be engrossed, that it remain at the desk pending receipt of the House companion measure.

I further ask unanimous consent that when the House companion measure is received in the Senate, all after the enacting clause be stricken, except appropriations for the House of Representatives and House Office Buildings, and that the text of S. 1019, as passed, be inserted in lieu thereof, the Senate insist on its amendments, and request a conference with the House; and, finally, the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that when the House bill is passed, pursuant to the previous order, the passage of S. 1019 be vitiated, and that S. 1019 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, so ordered.

I thank the Chair.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 15, 1997, the federal debt stood at $5,357,142,567,691.66. (Five trillion, three hundred fifty-seven billion, one hundred forty-two million, five hundred sixty-seven thousand, six hundred ninety-one dollars and sixty-six cents)

One year ago, July 15, 1996, the federal debt stood at $5,156,314,000,000. (Five trillion, one hundred fifty-six billion, three hundred fourteen million)

Five years ago, July 15, 1992, the federal debt stood at $3,976,930,000,000. (Three trillion, nine hundred seventy-six billion, nine hundred thirty million)

Ten years ago, July 15, 1987, the federal debt stood at $2,318,428,000,000. (Two trillion, three hundred eighteen billion, four hundred twenty-eight million)

Fifteen years ago, July 15, 1982, the federal debt stood at $1,083,163,000,000 (One trillion, eighty-three billion, one hundred sixty-three million) which reflects a debt increase of more than $4 trillion—$4,273,979,567,691.66 (Four trillion, two hundred seventy-three billion, nine hundred seventy-nine million, five hundred sixty-seven thousand, six hundred ninety-one dollars and sixty-six cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, with Annexes and Agreed Minutes, as amended and extended. This Agreement, which was effected by an exchange of notes at Beijing on June 6 and July 1, 1996, extends the 1985 Agreement to July 1, 1998.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 16, 1997.*

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate.

H.R. 378. An act for the relief of Heraclio Tolley.

H.R. 584. An act for the relief of John Wesley Davis.

H.R. 1818. An act to amend the Juvenile and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes.

H.R. 2107. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2035. An act to authorize transfer of naval vessels to certain foreign countries.

The message also announced that pursuant to the provisions of section 40003 of Public Law 105-18, the Chair announces the Speaker's appointment of the following members on the part of the House to the National Commission on the Cost of Higher Education: Mr. Martin Anderson of California, Mr. George Ulaldner of Pennsylvania, and Mr. Jonathan Brown of California.

ENROLLED BILL SIGNED

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bill:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 378. An act for the relief of Heraclio Tolley; to the Committee on the Judiciary.

H.R. 1818. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes; to the Committee on the Judiciary.

H.R. 2107. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2494. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to tar, nicotine, and carbon monoxide for calendar year 1994; to the Committee on Commerce, Science, and Transportation.

EC-2495. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, three rules received on June 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2496. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, fifteen rules received on July 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2497. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a rule received on July 14, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, six rules received on June 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule received on June 30, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2500. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2501. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on July 10, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2502. A communication from the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on July 1, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2503. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule received on June 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2504. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, four rules; to the Committee on Commerce, Science, and Transportation.

EC-2505. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, four rules; to the Committee on Commerce, Science, and Transportation.

EC-2506. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules; to the Committee on Commerce, Science, and Transportation.

EC-2507. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, two rules received on July 16, 1997; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-185. A resolution adopted by the Blount County (Tennessee) Legislative Body relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Appropriations, without amendment:

S. 1022. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105-48).

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 1023. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105-49).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. CLELAND, Mr. HUTCHINSON, Mr. DORGAN, Mr. BURNS, Mr. ROTH, Mr. FAIRCLOTH, Mr. HELMS, Mr. MOYNIHAN, Ms. LANDRIEU, Mr. REID, and Mr. CAMPBELL):

S. 1021. A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes; to the Committee on Veterans Affairs.

By Mr. GREGG:

S. 1022. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CAMPBELL:

S. 1023. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. GRASSLEY (for himself, Mr. DASCHLE, and Mr. DURBIN):

S. 1024. A bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. GRASSLEY):

S. 1025. A bill to provide for a study of the South Florida High Intensity Drug Trafficking Area, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself and Mrs. FEINSTEIN):

S. Res. 108. Resolution expressing the sense of the Senate on the European Commissions handling of the Boeing McDonnell-Douglas merger; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. CLELAND, Mr. HUTCHINSON, Mr. DORGAN, Mr. BURNS, Mr. ROTH, Mr. FAIRCLOTH, Mr. HELMS, Mr. MOYNIHAN, Ms. LANDRIEU, Mr. REID), and Mr. CAMPBELL:

S. 1021. A bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes; to the Committee on Veterans Affairs.

THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1997

Mr. HAGEL. Mr. President, I rise today to introduce the Veterans Employment Opportunities Act of 1997, along with my good friend and distinguished colleague, Senator MAX CLELAND. We are joined by Senators HUTCHINSON of Arkansas, HELMS, DORGAN, ROTH, FAIRCLOTH, BURNS, LANDRIEU, MOYNIHAN, REID of Nevada, and CAMPBELL. This important piece of legislation is needed to help America's most deserving and self-sacrificing citizens, our veterans, to get and hold jobs with the Federal Government.

In 1944, the Congress enacted the first veterans employment preference legislation. That law was intended to assist service men and women returning from the battlefields of World War II in getting Federal Government jobs. Through the years many changes have taken place in the way we manage civil service personnel within our Government, and most recently there has been considerable focus on downsizing the Federal bureaucracy. One thing has not changed however, and that is that our veterans need to find employment when they return to civilian life.

This bill addresses the critical need to revise and make more "user friendly" those laws that help veterans to get Federal jobs, and to hold on to them as the Government downsizes. I want to emphasize that this bill does not guarantee anyone a job, but it does allow the sacrifices made by those who served in uniform to have their service recognized as they are considered along with others for Federal jobs.

The statistical evidence of need for this legislation tells a troubling story. When Federal job openings occur, the hiring official is sent a job referral list that includes the names of qualified applicants from which the job can be filled. The General Accounting Office [GAO] found that 71 percent of job referral lists were returned without hiring when a veteran headed the list. By contrast, 51 percent of nonveteran lists are returned. Not only are veterans not getting the preference that the statutes require, but too often, veterans are less likely than other applicants to be hired for a Federal job.

This bill will also end unfair designer RIFs that single out veterans for removal from the Federal work force during reductions in force. Perhaps more important, this bill makes a violation of this law a prohibited personnel practice, putting teeth in the law where none now exist.

I am proud to say that 19 military, veterans, and patriotic associations have indicated that such legislation is needed and that they strongly support this legislation.

Those who have made very special contributions to America and our way of life, ensuring freedom and individual liberties to all Americans, deserve recognition and fairness when applying for employment in Federal Government. Our veterans do not ask for special privileges. Fifty years ago this Nation made the decision to recognize the sacrifices and extra commitment made by our veterans for America. This legislation ensures that special recognition will be provided.

I am very proud to join my friend and colleague, the distinguished Senator from Georgia, Senator MAX CLELAND, who himself has made tremendous contributions to this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment Opportunities Act of 1997".

SEC. 2. EQUAL ACCESS FOR VETERANS.

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

"(A) not having acquired competitive status; or

"(B) not being an employee of such agency.

"(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency due to a reduction in force and surplus employees (as defined under regulations prescribed by the Office).".

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3327(b) of title 5, United States Code, is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position under paragraph (1), and".

(2) ADDITIONAL INFORMATION.—Section 3327 of title 5, United States Code, is amended by adding at the end the following:

"(c) Any notification provided under this section shall, for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

"(d) In consultation with the Secretary of Labor, the Office shall submit to Congress and the President, no less frequently than every 2 years, a report detailing, with respect to the period covered by such report—

"(1) the number of positions listed under this section during such period;

"(2) the number of preference eligibles and other individuals described in section 3304(f)(1) referred to such positions during such period; and

"(3) the number of preference eligibles and other individuals described in section 3304(f)(1) appointed to such positions during such period.".

(c) GOVERNMENTWIDE LISTS.—

(1) VACANT POSITIONS.—Section 3330(b) of title 5, United States Code, is amended to read as follows:

"(b) The Office of Personnel Management shall cause to be established and kept current—

"(1) a comprehensive list of all announcements of vacant positions (in the competitive service and the excepted service, respectively) within each agency that are to be filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency's work force; and

"(2) a comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position required to be listed under paragraph (1).".

(2) ADDITIONAL INFORMATION.—Section 3330(c) of title 5, United States Code, is amended by striking "and" at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

"(3) for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), a notation as to the applicability of section 3304(f) with respect thereto; and".

(3) CONFORMING AMENDMENT.—Section 3330(d) of title 5, United States Code, is amended by striking "The list" and inserting "Each list under subsection (b)".

(d) PROVISIONS RELATING TO THE UNITED STATES POSTAL SERVICE.—

(1) In general.—Subsection (a) of section 1005 of title 39, United States Code, is amended by adding at the end the following:

"(5)(A) The provisions of section 3304(f) of title 5 shall apply with respect to the Postal Service in the same manner and under the same conditions as if the Postal Service were an agency within the meaning of such provisions.

"(B) Nothing in this subsection shall be considered to require the application of section 3304(f) of title 5 in the case of any individual who is not an employee of the Postal Service if—

"(i) the vacant position involved is to be filled pursuant to a collective-bargaining agreement;

"(ii) the collective-bargaining agreement restricts competition for such position to individuals employed in a bargaining unit or installation within the Postal Service in which the position is located;

"(iii) the collective-bargaining agreement provides that the successful applicant shall be selected on the basis of seniority or qualifications; and

"(iv) the position to be filled is within a bargaining unit.

"(C) The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.".

(2) Conforming amendment.—The first sentence of section 1005(a)(2) of title 39, United States Code, is amended by striking "title." and inserting "title, subject to paragraph (5) of this subsection.".

SEC. 3. SPECIAL PROTECTIONS FOR PREFERENCE ELIGIBLES IN REDUCTIONS IN FORCE.

(a) In General.—Section 3502 of title 5, United States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 430), is amended by adding at the end the following:

"(g)(1) A position occupied by a preference eligible shall not be placed in a single-position competitive level if the preference eligible is qualified to perform the essential functions of any other position at the same grade (or occupational level) in the competitive area. In such cases, the preference eligible shall be entitled to be placed in another competitive level for which such preference eligible is qualified. If the preference eligible is qualified for more than one competitive level, such preference eligible shall be placed in the competitive level containing the most positions.

"(2) For purposes of paragraph (1)—

"(A) a preference eligible shall be considered qualified to perform the essential functions of a position if, by reason of experience, training, or education (and, in the case of a disabled veteran, with reasonable accommodation), a reasonable person could conclude that the preference eligible would be able to perform those functions successfully within a period of 150 days; and

"(B) a preference eligible shall not be considered unqualified solely because such preference eligible does not meet the minimum qualification requirements relating to previous experience in a specified grade (or occupational level), if any, that are established for such position by the Office of Personnel Management or the agency.

"(h) In connection with any reduction in force, a preference eligible whose current or most recent performance rating is at least fully successful (or the equivalent) shall have, in addition to such assignment rights as are prescribed by regulation, the right, in lieu of separation, to be assigned to any position within the agency conducting the reduction in force—

"(1) for which such preference eligible is qualified under subsection (g)(2)—

"(A) that is within the preference eligible's commuting area and at the same grade (or occupational level) as the position from which the preference eligible was released, and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force if, within 12 months prior to the date on which such individual was so placed in such position, such individual had been employed in the same competitive area as the preference eligible; or

"(B) that is within the preference eligible's competitive area and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force; or

"(2) for which such preference eligible is qualified that is within the preference eligible's competitive area and that is not more than 3 grades (or pay levels) below that of the position from which the preference eligible was released, except that, in the case of a preference eligible with a compensable service-connected disability of 30 percent or more, this paragraph shall be applied by substituting '5 grades' for '3 grades'.

In the event that a preference eligible is entitled to assignment to more than 1 position under this subsection, the agency shall assign the preference eligible to any such position requiring no reduction (or, if there is no such position, the least reduction) in basic pay. A position shall not, with respect to a preference eligible, be considered to satisfy the requirements of paragraph (1) or (2), as applicable, if it does not last for at least 12 months following the date on which such preference eligible is assigned to such position under this subsection.

"(i) A preference eligible may challenge the classification of any position to which the preference eligible asserts assignment rights (as provided by, or prescribed by regulations described in, subsection (h)) in an action before the Merit Systems Protection Board.

"(j)(1) Not later than 90 days after the date of the enactment of the Veterans Employment Opportunities Act of 1997, each Executive agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

"(A)(i) are scheduled to be separated from service due to a reduction in force under—

"(I) regulations prescribed under this section; or

"(II) procedures established under section 3595; or

"(ii) are separated from service due to such a reduction in force; and

"(B)(i) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes; or

"(ii) occupy positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management.

"(2)(A) Each agencywide priority placement program under this subsection shall include provisions under which a vacant position shall not (except as provided in this paragraph or any other statute providing the right of reemployment to any individual) be filled by the appointment or transfer of any individual from outside of that agency (other than an individual described in subparagraph (B)) if—

"(i) there is then available any individual described in subparagraph (B) who is qualified for the position; and

"(ii) the position—

"(I) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

"(II) is within the same commuting area as the individual's last-held position (as referred to in subclause (I)) or residence; and

"(III) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

"(B) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this subparagraph if such individual—

"(i)(I) is an employee of such agency who is scheduled to be separated, as described in paragraph (1)(A)(i); or

"(II) is an individual who became a former employee of such agency as a result of a separation, as described in paragraph (1)(A)(ii), excluding any individual who separated voluntarily under subsection (f); and

"(ii) satisfies clause (i) or (ii) of paragraph (1)(B).

"(3)(A) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this subsection, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this subsection. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

"(B) At its option, an agency may administratively extend reemployment rights under this subsection to include other local commuting areas.

"(4)(A) In selecting employees for positions under this subsection, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

"(B) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

"(C) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

"(5) An individual is eligible for reemployment priority under this subsection for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under this section or section 3595, as the case may be.

"(6) An individual loses eligibility for reemployment priority under this subsection when the individual—

"(A) requests removal in writing;

"(B) accepts or declines a bona fide offer under this subsection or fails to accept such an offer within the period of time allowed for such acceptance, or

"(C) separates from the agency before being separated under this section or section 3595, as the case may be.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under this section retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

"(7) Whenever more than one individual is qualified for a position under this subsection, the agency shall select the most highly qualified individual, subject to paragraph (4).

"(8) The Office of Personnel Management shall issue regulations to implement this subsection.".

(b) Applicability.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall apply with respect to—

(A) reductions in force taking effect after the end of the 90-day period beginning on the date of the enactment of this Act; or

(B) in the case of the Department of Defense, reductions in force taking effect after the end of the 1-year period beginning on the date of the enactment of this Act.

(2) Ongoing reductions in force.—If an agency has given written notice of a reduction in force to any of its employees within a competitive area, in accordance with section 3502(d)(1)(A) of title 5, United States Code, before the effective date under subparagraph (A) or (B) of paragraph (1), as applicable, then, for purposes of determining the rights of any employee within such area in connection with such reduction in force, the amendments made by this section shall be treated as if they had never been enacted. Nothing in the preceding sentence shall affect any rights under a priority placement program under section 3502(j) of title 5, United States Code, as amended by this section.

SEC. 4. IMPROVED REDRESS FOR VETERANS.

(a) In General.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3330a. Administrative redress

"(a)(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f), may file a complaint with the Secretary of Labor.

"(2) A complaint under this subsection must be filed within 60 days after the date of the alleged violation, and the Secretary shall process such complaint in accordance with sections 4322 (a) through (e)(1) and 4326 of title 38.

"(b)(1) If the Secretary of Labor is unable to resolve the complaint within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought—

"(A) before the 61st day after the date on which the complaint is filed under subsection (a); or

"(B) later than 15 days after the date on which the complainant receives notification from the Secretary of Labor under section 4322(e)(1) of title 38.

"(2) An appeal under this subsection may not be brought unless—

"(A) the complainant first provides written notification to the Secretary of Labor of such complainant's intention to bring such appeal; and

"(B) appropriate evidence of compliance with subparagraph (A) is included (in such form and manner as the Merit Systems Protection Board may prescribe) with the notice of appeal under this subsection.

"(3) Upon receiving notification under paragraph (2)(A), the Secretary of Labor shall not continue to investigate or further attempt to resolve the complaint to which such notification relates.

"(c) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

"§ 3330b. Judicial redress

"(a) In lieu of continuing the administrative redress procedure provided under section 3330a(b), a preference eligible or other individual described in section 3304(f)(1) may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

"(b) An election under this section may not be made—

"(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(b); or

"(2) after the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

"(c) An election under this section shall be made, in writing, in such form and manner as the Merit Systems Protection Board shall by regulation prescribe. The election shall be effective as of the date on which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

"§ 3330c. Remedy

"(a) If the Merit Systems Protection Board (in a proceeding under section 3330a) or a court (in a proceeding under section 3330b) determines that an agency has violated a right described in section 3330a, the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as liquidated damages.

"(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330 the following:

"3330a. Administrative redress.
"3330b. Judicial redress.
"3330c. Remedy.".

SEC. 5. EXTENSION OF VETERANS' PREFERENCE.

(a) Amendment to Title 5, United States Code.—Paragraph (3) of section 2108 of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or the General Accounting Office;" and inserting "or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;".

(b) Amendments to Title 3, United States Code.—

(1) In general.—Chapter 2 of title 3, United States Code, is amended by adding at the end the following:

"§ 115. Veterans' preference

"(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

"(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

"(1) that such position is—

"(A) a confidential or policy-making position; or

"(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

"(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by adding at the end the following:

"115. Veterans' preference.".

(c) Legislative Branch Appointments.—

(1) Definitions.—For the purposes of this subsection, the terms "employing office", "covered employee", and "Board" shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) Rights and protections.—The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code, shall apply to covered employees.

(3) Remedies.—

(A) In general.—The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5, United States Code, in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) Procedure.—The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act.

(4) Regulations to implement subsection.—

(A) In general.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(B) Agency regulations.—The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

(C) Coordination.—The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) APPLICABILITY.—Notwithstanding any other provision of this subsection, the term "covered employee" shall not, for purposes of this subsection, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(6) EFFECTIVE DATE.—Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(d) JUDICIAL BRANCH APPOINTMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Judicial Conference of the United States shall prescribe regulations to provide for—

(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

(B) redress procedures for alleged violations of any rights provided for under subparagraph (A).

(2) REGULATIONS TO BE BASED ON EXISTING PROVISIONS.—Under the regulations—

(A) a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences similar to those under sections 3309 through 3312, and subchapter I of chapter 35, of such title 5; and

(B) the redress procedures provided for shall be similar to those under the amendments made by section 4.

(3) EXCLUSIONS.—Nothing in the regulations shall apply with respect to—

(A) an appointment made by the President, with the advice and consent of the Senate;

(B) an appointment as a judicial officer;

(C) an appointment as a law clerk or secretary to a justice or judge of the United States; or

(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(4) CONSULTATION.—The regulations under this subsection shall be prescribed by the Judicial Conference of the United States, in consultation with—

(A) the largest congressionally chartered veterans' service organization;

(B) 2 congressionally chartered veterans' service organizations that represent former noncommissioned officers;

(C) a congressionally chartered veterans' service organization that represents veterans who have fought in foreign wars;

(D) a congressionally chartered veterans' service organization that represents veterans with service-connected disabilities;

(E) a congressionally chartered veterans' service organization that represents veterans of the Vietnam era; and

(F) a congressionally chartered veterans' service organization that represents veterans of World War II, the Korean conflict, the Vietnam era, and the Persian Gulf War.

(5) DEFINITIONS.—For purposes of this subsection—

(A) the term "judicial officer" means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code; and

(B) the term "justice or judge of the United States" has the meaning given such term by section 451 of such title 28.

(6) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

(A) SUBMISSION TO CONGRESS.—Within 5 months after the date of the enactment of this Act, the Judicial Conference of the United States shall submit a copy of the regulations prescribed under this subsection to the Committee on Government Reform and Oversight and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.

(B) EFFECTIVE DATE.—The regulations prescribed under this subsection shall take effect 6 months after the date of the enactment of this Act.

SEC. 6. VETERANS' PREFERENCE REQUIRED FOR REDUCTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding at the end the following:

"(8) sections 3501–3504, as such sections relate to veterans' preference.".

SEC. 7. DEFINITIONAL AMENDMENT.

Subparagraph (A) of section 2108(1) of title 5, United States Code, is amended by inserting "during a military operation in a qualified hazardous duty area (within the meaning of the first 2 sentences of section 1(b) of Public Law 104–117) and in accordance with requirements that may be prescribed in regulations of the Secretary of Defense," after "for which a campaign badge has been authorized,".

SEC. 8. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 2302 of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

"(11)(A) knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

"(B) knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or".

(b) DEFINITION; LIMITATION.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) For the purpose of this section, the term 'veterans' preference requirement' means any of the following provisions of law:

"(A) Sections 2108, 3305(b), 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317(b), 3318, 3320, 3351, 3352, 3363, 3501, 3502(b), 3504, and 4303(e) and (with respect to a preference eligible referred to in section 7511(a)(1)(B)) subchapter II of chapter 75 and section 7701.

"(B) Sections 943(c)(2) and 1784(c) of title 10.

"(C) Section 1308(b) of the Alaska National Interest Lands Conservation Act.

"(D) Section 301(c) of the Foreign Service Act of 1980.

"(E) Sections 106(f), 7281(e), and 7802(5) of title 38.

"(F) Section 1005(a) of title 39.

"(G) Any other provision of law that the Director of the Office of Personnel Management designates in regulations as being a veterans' preference requirement for the purposes of this subsection.

"(H) Any regulation prescribed under subsection (b) or (c) of section 1302 and any other regulation that implements a provision of law referred to in any of the preceding subparagraphs.

"(2) Notwithstanding any other provision of this title, no authority to order corrective action shall be available in connection with a prohibited personnel practice described in subsection (b)(11). Nothing in this paragraph shall be considered to affect any authority under section 1215 (relating to disciplinary action).".

(c) REPEALS.—

(1) PROVISIONS OF TITLE 10, UNITED STATES CODE.—Section 1599c of title 10, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 81 of such title are repealed.

(2) SECTION 2302(a)(1) OF TITLE 5, UNITED STATES CODE.—Subsection (a)(1) of section 2302 of title 5, United States Code, is amended to read as follows:

"(a)(1) For the purpose of this title, 'prohibited personnel practice' means any action described in subsection (b).".

(d) SAVINGS PROVISION.—This section shall be treated as if it had never been enacted for purposes of any personnel action (within the meaning of section 2302 of title 5, United States Code) preceding the date of the enactment of this Act.

Mr. CLELAND. Mr. President, I want to compliment the distinguished Senator from Nebraska on his tremendous work and the work of his staff in putting together this legislation. He and his team have worked closely with me and my staff. This legislation is a result of their efforts.

It is my pleasure to join my distinguished colleague, Senator HAGEL, in cosponsorship of this important bill to improve our veterans preference system. As the former head of the Veterans Administration myself, I certainly see the need for it.

During World War II, America decided to pay special recognition to the men and women who have defended our freedom by serving in the armed forces. The Veterans Preference Act has been the law of the land since 1944. The premise of this law is simple. When veterans return to civilian life after serving in combat, they are given a preference if all other factors are equal when they seek to work for the Federal Government. I do not think anyone could argue with offering such a preference to the men and women of who risked their lives in service to this Nation.

That simple premise still holds true today. While we live in a time of relative peace, the sacrifices made by our men and women in uniform who serve in or near combat are just as great. We must remain steadfast in our commitment to our veterans.

Unfortunately, after over 50 years of operation, the preference is not working as intended. Today, many veterans do not receive the hiring preference guaranteed to them. It brings to my mind a quote from one of Wellington's troops:

> In time of war and not before, God and the soldier men adore. But in time of peace with all things righted, God is forgotten and the soldier slighted.

We are slighting our soldiers by not honoring a commitment made to them in recognition of their sacrifice. There is compelling anecdotal evidence that leads us to believe that the current law is not working. Furthermore, the General Accounting Office has concluded through its review of the veterans preference program that in many instances, veterans are less likely than other applicants to be hired for Federal jobs.

We believe this is wrong. We need to put more teeth in our veterans preference law.

Our bill has seven simple parts to it.

First, it will create an effective redress system for men and women whose veterans preference rights are violated.

Second, it will remove artificial barriers that bar qualified veterans from competing for Federal jobs.

Third, it will prohibit unfair personnel practices which rig the system against job protection rights of veterans.

Fourth, it will provide enhanced opportunity for veterans to find other Federal jobs during reductions in force.

Fifth, it will extend the veterans preference to nonpolitical jobs in the legislative and judicial branches and the White House.

Sixth, our bill will make a violation of veterans preference laws a prohibited personnel practice, providing enhanced for disciplinary measure for those who wilfully violate the law.

Finally, the measure extends the preference to those men and women now serving in Bosnia.

Our bill is supported by all of the major veterans service organizations including The American Legion, AMVETS, the Veterans of Foreign Wars, the Retired Enlisted Association, the Air Force Sergeants Association, the Blinded American Veterans Foundation, the Blinded Veterans Association, the Disabled Veterans, the Fleet Reserve Association, the Jewish War Veterans of the USA, the Korean War Veterans Association, the Military Order of the Purple Heart, the National Association for Uniformed Services, the National Military and Veterans Alliance, the Naval Reserve Association, the Noncommissioned Officers Association, the Paralyzed Veterans of America, and the Vietnam Veterans of America.

As a Vietnam Veteran, I look forward to working with my fellow Vietnam Veteran, Senator HAGEL, on passing this critical legislation to strengthen the veterans preference program. I urge the support of my colleagues and this bill's swift passage.

I yield the floor.

By Mr. GRASSLEY (for himself, Mr. DURBIN, and Mr. DASCHLE)

S. 1024. A bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes; to the Committee on the Judiciary.

THE FAMILY FARMER PROTECTION ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today to introduce the Working Family Farmer Protection Act of 1997. As the only family farmer in the Senate, I feel I have a unique responsibility to make sure that family farming remains a strong and vibrant part of American life. For generations, family farms have fed this country. But the global marketplace presents some new and unique challenges to the family farmer. That's why I'm introducing the Family Farmer Protection Act today, on behalf of myself and Senator DURBIN.

This bill makes chapter 12 of the Bankruptcy Code permanent. Currently, chapter 12 is due to expire in 1998, and I think it would be a terrible error if this Congress did not act now to reauthorize chapter 12 on a permanent basis.

In order to understand why we need to make chapter 12 permanent, I think we have to go back a decade or so to the 1980's farm crisis. During the mid-1980's, the agricultural economy in the Midwest took a sharp downturn. And many family farmers were forced into bankruptcy. At that time, the only choice a family farmer had was to go into chapter 11 of the Bankruptcy Code. Under chapter 11, the creditors form a committee and help to draw up a reorganization plan. Most family farms only had one major creditor—the bank with the mortgage on the farm. And that one creditor was able to keep farmers from reorganizing in an effective way. As a result, the family farmers who filed chapter 11 were frequently forced out of farming. In short, the family farm was on a fast track to extinction, and family farmers were fast becoming an endangered species.

That's why in 1986 I drafted an entirely new chapter of the Bankruptcy Code to preserve the family farm. That chapter is chapter 12. Chapter 12 simply limits the power of the bank to exercise a veto over a farmer's reorganization plan.

I think it's very important to realize that chapter 12 is not a handout or a get-out-of-debt-free card. Farmers are hard-working people who want the chance to earn their way. In fact, chapter 12 is modeled on chapter 13, where individuals set up plans to repay a portion of their debts.

Chapter 12 has been wildly successful. So many times in Washington we develop programs and laws with the best of intentions. But when these programs get to the real world, they don't work well. Chapter 12, on the other hand, has worked exactly as intended. According to a recent University of Iowa study, 74 percent of family farmers who filed chapter 12 bankruptcy are still farming and 61 percent of farmers who went through chapter 12 believe that chapter 12 was helpful in getting farmers back on their feet.

In conclusion, chapter 12 works and it works well. Let's make sure that we keep this safety net for family farmers in place. I urge my colleagues to think of this bill as a low-cost insurance policy for an important part of America's economy and America's heritage.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. GRASSLEY):

S. 1025. A bill to provide for a study of the south Florida high-intensity drug trafficking area, and for other purposes; to the Committee on the Judiciary.

EXPANSION OF SOUTH FLORIDA HIDTA TO INCLUDE I-4 CORRIDOR LEGISLATION

Mr. GRAHAM. Mr. President, today I am introducing a bill, cosponsored by Mr. MACK and Mr. GRASSLEY, which will expand the existing south Florida high-intensity drug trafficking area [HIDTA], to include the Interstate 4 corridor which runs between Daytona Beach and the Tampa Bay area in my home State of Florida.

Illegal drug activities continue to plague the State of Florida. In 1994, more than $5 billion in funds from cocaine traffic were laundered through south Florida and the I-4 corridor. Over 23 metric tons of cocaine were seized during that same time period. Over 250 organized drug trafficking groups have been identified as operating between south Florida and the I-4 corridor. These statistic are staggering. While some progress is being made to limit the spread of illegal drugs, there is still a lot of work to be done. I continuously hear from the law enforcement personnel operating along the I-4 corridor that they are being overwhelmed by the growth in drug trafficking activities in that area. Drug traffickers are becoming increasingly proficient in distributing drugs. They are using high technology equipment to evade detection. They have an extensive communications network, and almost unlimited funds with which to pursue their illegal activities. Current law enforcement assets are simply no match for the highly organized drug operators. Seized assets from drug traffickers in this area during 1996 included over $425 million in currency and property. The basic problem is how do we compete with these highly funded and well equipped drug trafficking organizations?

I repeatedly hear the same story from the Drug Enforcement Administration, the Customs Service, the FBI, and the Florida Department of Law Enforcement; they need help. This is a problem which impacts not only the

State of Florida, but it also impacts the entire Nation as illegal drugs are distributed from the I-4 corridor to other parts of the country.

The statistics on the growth of the drug industry along the I-4 corridor are sobering. Nationwide, cheap, high purity heroin is making a comeback in popularity, and demand is on the rise. The drug syndicates are meeting the growing demands. Cocaine continues as a popular recreational drug. As long as there is a demand, drug dealers continue to find ways to meet that demand. Despite a massive education and public awareness campaign to warn teenagers about the dangers of drug use, teen drug arrests have more than doubled in the past 5 years. Some of those arrested are as young as 12 years old. In the Orlando area, over 1,500 teens between the ages of 12 and 17 years old were arrested for using or selling illegal drugs in 1995. The city of Orlando, through which the I-4 corridor runs, ranked fifth in the Nation for cocaine-related deaths per capita in 1995. Other crimes such as shootings, carjackings, robbery, and gang activities are byproducts of the drug problem, and are also on the rise in our local communities. We are truly battling for the lives of our young people.

There is a general feeling of despair among the various agencies trying to combat this problem. We need to be proactive in helping them. Because of its central location, the I-4 corridor is emerging as a hub used increasingly by international drug syndicates to distribute their goods throughout the Nation. This is a problem which affects us all. The use of illegal drugs and drug related deaths are increasing at an alarming rate.

As we saw with the establishment of a HIDTA in south Florida, a coordinated Federal, State, and local effort is the key to bringing this problem under control. This HIDTA has proven itself as a model of efficiency and effectiveness in controlling the expansion of drug activities in the area. The existing south Florida HIDTA is a model of the results which can occur when the various law enforcement agencies mount a coordinated battle with a unified strategy of engagement. We have seen moderation in the drug related incidents since the south Florida HIDTA was established in 1990. In fact, the success of the south Florida HIDTA is partially responsible for the increase in illegal drug activity along the I-4 corridor.

Expanding this successful HIDTA to include the I-4 corridor makes common sense. It will allow us to devote additional resources to combat a problem which has nationwide implications. By implementing a coordinated enforcement strategy directed at combating the problems of illegal drugs and violent crime, we demonstrate to the drug community that we are dedicated to facing this battle head on—and finally, it will show that we are committed protecting the future of our young people.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 25

At the request of Mr. MCCAIN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 852

At the request of Mr. LOTT, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 885

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 885, a bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

S. 951

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 977

At the request of Mr. TORRICELLI, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 977, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal lands, and to designate certain Federal lands as Ancient Forests, Roadless Areas, Watershed Protection Areas, Special Areas, and Federal Boundary Areas where logging and other intrusive activities are prohibited.

S. 1013

At the request of Mr. FRIST, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1013, a bill to provide for the guarantee of the payment of interest on loans to certain air carriers for the purchase of regional jet aircraft to improve air transportation to underserved markets, and for other purposes.

At the request of Mr. FRIST, the name of the Senator from Montana [Mr. BURNS] was withdrawn as a cosponsor of S. 1013, supra.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE RESOLUTION 108—EXPRESSING THE SENSE OF THE SENATE

Mr. GORTON (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 108

Whereas, The Boeing Company and McDonnell Douglas have announced their merger; and

Whereas, The Department of Defense has approved that merger as consistent with the national security of the United States; and

Whereas, The Federal Trade Commission has found that merger not to violate the anti-trust laws of the United States; and

Whereas, The European Commission has consistently criticized and threatened the merger before, during and after its consideration of the facts; and

Whereas, The sole true reason for the European Commission's criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government owned aircraft manufacturer;

Now therefore, It is the Sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

McCONNELL (AND LEAHY) AMENDMENT NO. 876

Mr. McCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill (S. 955) making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 27, line 15 insert the following new sections:

(Q) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

(R) 60 days after the date of enactment of this Act, the Administrator of AID shall report to the Committees on Appropriations on the rate of obligation and risk and anticipated returns associated with commitments made by the U.S. Russia Investment Fund. The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project commitment.

LEAHY (AND McCONNELL) AMENDMENTS NOS. 877–879

Mr. McCONNELL (for Mr. LEAHY, for himself and Mr. McCONNELL) proposed three amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 877

At the appropriate place in the bill, insert the following:

DEVELOPMENT CREDIT AUTHORITY

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $10,000,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: *Provided*, That of this amount, up to $1,500,000 for administrative expenses to carry out such programs may be transferred to and merged with "Operating Expenses of the Agency for International Development": *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: *Provided further*, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system: (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

AMENDMENT NO. 878

On page 20, line 14, after the word "paragraph" insert the following: "*Provided further*, That up to $22,000,000 made available under this heading may be transferred to the Export Import Bank of the United States, and up to $8,000,000 of the funds made available under this heading may be transferred to the Micro and Small Enterprise Development Program, to be used for the cost of direct loans and loan guarantees for the furtherance of programs under this heading: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974".

AMENDMENT NO. 879

On page 97, line 5, strike the words "between the United States and the Government of Indonesia".

On page 97, line 6, insert a comma after the word "sale" and strike the word "or".

On page 97, line 7, after the word "transfer" insert ", or licensing".

On page 97, line 7, after the word "helicopter" insert "for Indonesia entered into by the United States".

McCONNELL (AND LEAHY) AMENDMENTS NOS. 880–882

Mr. McCONNELL (for himself and Mr. LEAHY) proposed three amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 880

On page 102, line 9, after the word "1998.", insert the following:

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 575. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996" and 1997" and inserting "1998 and 1999".

SEC. 576. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

SEC. 577. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purpose of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

AMENDMENT NO. 881

On page 34, line 21, after the word "Act" insert the following: ": *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a)."

AMENDMENT NO. 882

On page 24, line 9 insert after the word "resolution" the following: "*Provided further*, That the Secretary shall submit such determination and certification prior to March 31, 1998."

LEAHY (AND BIDEN) AMENDMENT NO. 883

Mr. McCONNELL (for Mr. LEAHY, for himself and Mr. BIDEN) proposed an amendment to the bill, S. 955, supra; as follows:

On page 92, line 16, strike "is authorized to" and insert "shall".

On page 92, line 21, strike "should" and insert "shall".

BROWNBACK AMENDMENT NO. 884

Mr. BROWNBACK proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS.

(a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on religious persecution on a country-by-country basis. Reports shall include a list of individuals who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith on a country-by-country basis. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding such prisoners to assist in the creation and maintenance of the registry.

(c) SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.—It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of the People's Republic of China and other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. . UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION.

(a) IN GENERAL.—The President shall devote additional personnel and resources to gathering intelligence information regarding human rights abuses and acts of religious persecution.

(b) REPORT.—Not later than March 30, 1998, the President shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate a report on the number of personnel and resources that are being devoted to gathering intelligence information regarding human rights abuses and acts of religious persecution.

McCONNELL (AND OTHERS) AMENDMENT NO. 885

Mr. McCONNELL (for himself, Mr. LEAHY, Mr. STEVENS, Mr. BYRD, and Mr. ABRAHAM) proposed an amendment to the bill, S. 955, supra; as follows:

On page 17, line 14, strike the number "$2,585,100,000" and insert in lieu thereof, "$2,541,150,000".

On page 17, line 20, after the word "later:" insert "*Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years:"

On page 33, line 26, strike the number "$3,265,000,000" and insert in lieu thereof "$3,308,950,000".

On page 34, line 3, after the word "Israel" insert ", and not less than $1,300,000,000 shall be made available for grants only for Egypt."

McCONNELL (AND OTHERS) AMENDMENT NO. 886

Mr. McCONNELL (for himself, Mr. LEAHY, Mr. ROBB, Mr. KERREY, and Mr. HAGEL) proposed an amendment to the bill, S. 955, supra; as follows:

On page 11, line 14 strike all after the word "Of" through page 12, line 13, ending with the number "1997." and insert in lieu thereof the following: "None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers: *Provided*, That the previous proviso shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: *Provided further*, That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigations, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997."

McCONNELL (AND OTHERS) AMENDMENT NO. 887

Mr. McCONNELL (for himself, Mr. LEAHY, Mr. KERREY, and Mr. HAGEL) proposed an amendment to the bill, S. 955, supra; as follows:

On page 96, line 20 strike all after the word "Cambodia" through page 97, line 2, ending with the word "smugglers." and insert in lieu thereof the following: "has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; and (5) eliminated corruption and collaboration with narcotics smugglers."

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 888

Mr. SMITH of Oregon (for himself, Mr. NICKLES, Mr. THOMAS, Mr. HUTCHINSON, Mr. GORTON, Mr. BRYAN, Mr. KEMPTHORNE, Mr. HELMS, Mr. D'AMATO, Mr. BENNETT, and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the following new section, the renumber the remaining sections accordingly:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 889

Mr. SMITH of Oregon (for himself, Mr. NICKLES, Mr. KEMPTHORNE, Mr. BRYAN, and Mr. REID) proposed an amendment to the bill, S. 955, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION.

None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

This section shall become effective one day after the enactment of this bill.

HUTCHINSON AMENDMENT NO. 890

Mr. HUTCHINSON proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill insert the following: "It is the sense of the Senate that the nondiscriminatory treatment extended to the People's Republic of China on May 29, 1997, pursuant to section 402(c) of the Trade Act of 1974 should be withdrawn."

ALLARD AMENDMENT NO. 891

Mr. ALLARD proposed an amendment to the bill, S. 955, supra; as follows:

On page 4, line 22, strike "$32,000,000" and insert "$21,000,000".

BROWNBACK AMENDMENT NO. 892

Mr. BROWNBACK proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.

Congress makes the following findings:

(1) the ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asia will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will provide oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation; and

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

GORTON (AND OTHERS) AMENDMENT NO. 893

Mr. GORTON (for himself, Mr. DURBIN, Mr. MCCONNELL, and Mr. D'AMATO) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA.

It is the sense of the Senate that Estonia, Latvia, and Lithuania—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 894

Mr. MURKOWSKI (for himself, Mr. MCCAIN, and Mr. NICKLES) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following: "*Provided further*, That funds appropriated under this heading to the Korean Peninsula Economic Development Organization (KEDO) may only be obligated if the Secretary of State certifies and reports to the Congress that during the fiscal year the military armistice agreement of 1953 has not been violated by North Korea."

BINGAMAN AMENDMENTS NOS. 895–896

Mr. BINGAMAN proposed two amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 895

At the appropriate place, insert the following:

SEC. . TRAVEL TO CUBA.

(a) PROHIBITION.—The President shall not restrict travel to Cuba by United States citizens or other persons subject to the jurisdiction of the United States, except in the case in which the United States is at war, where armed hostilities are in progress in or around Cuba, or where there is imminent danger to the public health or the physical safety of the United States travelers to Cuba.

(b) SUPERSEDES EXISTING LAW.—This section supersedes any other provision of law.

(c) DEFINITION.—For purposes of this section the term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

AMENDMENT NO. 896

At the appropriate place, insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary.

(1) no person subject to U.S. law as it pertains to expenditures of money in Cuba shall be prohibited from sending to his or her parent, sibling, spouse, or child currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care;

(2) Each person subject to U.S. law as it pertains to expenditures of money in Cuba in relation to travel to Cuba shall be free to travel without limitation for periods not to exceed 30 days per any one trip to attend to a medical emergency involving, or to attend the funeral of, such person's parent, sibling, spouse, or child; and

(3) the United States government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

BOXER (AND OTHERS) AMENDMENT NO. 897

Mrs. BOXER (for herself, Mr. ALLARD, Mr. SMITH of New Hampshire, Mr. LEAHY, and Mr. TORRICELLI) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert:

WILDLIFE CONSERVATION

SEC. . Of the funds appropriated by this Act, not more than $2,900,000 may be made available for the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe: *Provided*, That none of the funds appropriated by this Act may be used to directly finance the trophy hunting of elephants or other endangered species as defined in the convention on International Trade in Endangered Species of Flora and Fauna (CITES) or the Endangered Species Act: Provided further, That the funds appropriated by this Act that are provided under the CAMPFIRE program may not be used for activities with the express intent to lobby or otherwise influence international conventions or treaties, or United States government decision makers: *Provided further*, That funds appropriated by this Act that are made available for the CAMPFIRE program may be used only in Zimbabwe for the purpose of maximizing benefits to rural people while strengthening natural resources management institutions: *Provided further*, That not later than March 1, 1998, the Administrator of the Agency for International Development shall submit a report to the appropriate congressional committees describing the steps taken to implement the CAMPFIRE program, the impact of the program on the people and wildlife of CAMPFIRE districts, alternatives to trophy hunting as a means of generating income for CAMPFIRE districts, and a description of how funds made available for CAMPFIRE in fiscal year 1998 are to be used.

SPECTER AMENDMENT NO. 898

Mr. SPECTER proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . RESTRICTION ON ASSISTANCE MADE TO THE PALESTINIAN AUTHORITY.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended with respect to providing funds to the Palestinian Authority, unless the President certifies to Congress that:

(1) the Palestinian Authority is using its maximum efforts to combat terrorism, and, in accordance with the Oslo Accords, has ceased the use of violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

(2) after a full investigation by the Department of Justice, the Executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing; and

(3) after a full inquiry by the Department of State, the Executive branch of government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

HARKIN (AND OTHERS) AMENDMENT NO. 899

Mr. HARKIN (for himself, Mr. WARNER, Mr. TORRICELLI, Mr. SANTORUM, and Mr. JOHNSON) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . DEMOCRACY-BUILDING ACTIVITY IN PAKISTAN.

(a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRAINING ACTIVITY.—Section 638(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2398(b)) is amended—

(1) by inserting "or any activity to promote the development of democratic institutions" after "activity"; and

(2) by inserting ", Pakistan," after "Brazil".

(c) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

DODD (AND OTHERS) AMENDMENT NO. 900

Mr. DODD (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LUGAR, Mr. DOMENICI, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, Mr. KERREY, and Mr. INOUYE) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

TEMPORARY SUSPENSION OF DRUG CERTIFICATION PROCEDURES

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics program have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines that the waiver would facilitate the enhancement of United States international narcotics control programs.

DODD AMENDMENT NO. 901

Mr. DODD proposed an amendment to amendment No. 900 proposed by him to the bill, S. 955, supra; as follows:

Strike all after the first word in the pending amendment and add in lieu thereof the following—

SUSPENSION OF DRUG CERTIFICATION PROCEDURES.

SEC. 575. (a) FINDINGS.—Congress makes the following findings:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) The United States has a vital national interest in combating the financial and other resources of the multinational drug cartels, which resources threaten the integrity of political and financial institutions both in the United States and abroad.

(3) Approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 marijuana users.

(4) Illegal drug use occurs among members of every ethnic and socioeconomic group in the United States.

(5) Drug-related illness, death, and crime cost the United States approximately $67,000,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(6) Worldwide drug trafficking generates revenues estimated at $400,000,000,000 annually.

(7) The United States has spent more than $25,000,000,000 for drug interdiction and source country counternarcotics programs since 1981, and despite impressive seizures at the border, on the high seas, and in other countries, illegal drugs from foreign sources are cheaper and more readily available in the United States today than 20 years ago.

(8) The 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances form the legal framework for international drug control cooperation.

(9) The United Nations International Drug Control Program, the International Narcotics Control Board, and the Organization of American States can play important roles in facilitating the development and implementation of more effective multilateral programs to combat both domestic and international drug trafficking and consumption.

(10) The annual certification process required by section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), which has been in effect since 1986, has failed to foster bilateral or multilateral cooperation with United States counternarcotics programs because its provisions are vague and inconsistently applied and fail to acknowledge that United States narcotics programs have not been fully effective in combating consumption or trafficking in illegal drugs, and related crimes, in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) existing United States domestic and international counternarcotics programs have not reduced the supply of illegal drugs or significantly reduced domestic consumption of such drugs;

(2) the President should appoint a high level task force of foreign policy experts, law enforcement officials, and drug specialists to develop a comprehensive program for addressing domestic and international drug trafficking and drug consumption and related crimes, with particular attention to fashioning a multilateral framework for improving international cooperation in combating illegal drug trafficking, and should designate the Director of the Office of National Drug Policy to chair the task force;

(3) the President should call upon the heads of state of major illicit drug producing countries, major drug transit countries, and major money laundering countries to establish similar high level task forces to work in coordination with the United States; and

(4) not later than one year after the date of enactment of this Act, the President should call for the convening of an international summit of all interested governments to be hosted by the Organization of American

States or another international organization mutually agreed to by the parties, for the purpose of reviewing the findings and recommendations of the task forces referred to in paragraphs (1) and (2) and adopting a counternarcotics plan of action for each country.

(c) SUSPENSION OF DRUG CERTIFICATION PROCESS.—(1) Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), relating to annual certification procedures for assistance for certain drug-producing and drug-transit countries, shall not apply in 1998 and 1999.

(2) The President may waive the applicability of that section in 2000 if the President determines prior to December 31, 1999 that the waiver would facilitate the enhancement of United States international narcotics control programs.

GORTON (AND OTHERS) AMENDMENT NO. 902

Mr. GORTON (for himself, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. BOXER) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

The Boeing Company and McDonnell Douglas have announced their merger; and

The Department of Defense has approved that merger as consistent with the national security of the United States; and

The Federal Trade Commission has found that merger not to violate the antitrust laws of the United States; and

The European Commission has consistently criticized and threatened the merger before, during, and after its consideration of the facts; and

The sole true reason for the European Commission criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government-owned aircraft manufacturer;

Now therefore, It is the sense of the Senate that any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

The Senate suggests that the President take such actions as he deems appropriate to protect U.S. interests in connection therewith.

DEWINE AMENDMENT NO. 903

Mr. DEWINE proposed an amendment to the bill, S. 955, supra; as follows:

On page 10, line 4, strike "Institute." and insert "Institute: *Provided further*, That of the funds made available under this heading for Haiti, up to $250,000 may be made available to support a program to assist Haitian children in orphanages.".

On page 18, line 2, before the period insert the following: ": *Provided further*, That of the amount appropriated under this heading, not less than $500,000 shall be available only for the Special Investigative Unit (SIU) of the Haitian National Police".

On page 93, strike lines 7 through 24 and insert the following:

LIMITATION ON ASSISTANCE FOR HAITI

SEC. . (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has made demonstrable progress in privatizing major governmental parastatals, including demonstrable progress toward the material and legal transfer of ownership of such parastatals; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter narcotics, or development assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

KYL AMENDMENTS NOS. 904–905

Mr. MCCONNELL (for Mr. KYL) proposed two amendments to the bill, S. 955, supra; as follows:

AMENDMENT NO. 904

On page 23, line 17, insert after "*Provided*," the following: "That of the funds made available for Ukraine under this subsection, not less than $25,000,000 shall be available only for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law and procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, and law students in the comprehensive commercial law reforms, and public education designed to promote understanding of commercial law necessary to Ukraine's economic independence: *Provided further*,".

AMENDMENT NO. 905

On page 25, line 24, insert after "reactor" the following: "or ballistic missiles"

BAUCUS AMENDMENT NO. 906

Mr. MCCONNELL (for Mr. BAUCUS) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. . Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

ENZI (AND OTHERS) AMENDMENT NO. 907

Mr. MCCONNELL (for Mr. ENZI for himself, Mr. KERRY, and Mr. BYRD) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the new section as follows:

SEC. . REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS.

(a) The President shall provide to the Congress a detailed account of all federal agency obligations and expenditures for climate change programs and activities, domestic and international, for FY 1997, planned obligations for such activities in FY 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than October 15, 1997.

HAGEL (AND SARBANES) AMENDMENT NO. 908

Mr. MCCONNELL (for Mr. HAGEL for himself and Mr. SARBANES) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

SEC. . AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING.

(a) IN GENERAL.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) INSURANCE AND FINANCING.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "1997" and inserting "1999".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 909

Mr. MCCONNELL (for Mr. LAUTENBERG, for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. D'AMATO, Mr. TORRICELLI, and Ms. MIKULSKI) proposed an amendment to the bill, S. 955, supra; as follows:

On page 102, between lines 9 and 10, insert the following:

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 575. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

LEAHY AMENDMENT NO. 910

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . WAR CRIMES PROSECUTION.

(a) Section 2401 of Title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows:

(1) in subsection (a), by striking "commits a grave breach of the Geneva Conventions" and inserting in lieu thereof "commits a war crime";

(2) in subsection (b)—

(A) by striking "the person committing such breach or the victim of such breach" and inserting in lieu thereof "the person committing such crime or the victim of such crime"; and

(B) by inserting before the period at the end of the subsection "or that the person committing such crime is later found in the United States after such crime is committed";

(3) in subsection (c)—

(A) by striking "the term 'grave breach of the Geneva Conventions' means conduct defined as" and inserting in lieu thereof "the term 'war crime' means conduct (1) defined as"; and

(B) by inserting the following before the period at the end: "; (2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed on October, 1907; (3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva on August 1949; or (4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians";

(4) by adding a new subsection (d) to read as follows:

"(d) NOTIFICATION.—No prosecution of any crime prohibited in this section shall be undertaken by the United States except upon the written notification to the Congress by the Attorney General or his designee that in his judgment a prosecution by the United States is in the national interest and necessary to secure substantial justice.".

DOMENICI AMENDMENT NO. 911

Mr. MCCONNELL (for Mr. DOMENICI) proposed an amendment to the bill, S. 955, supra; as follows:

On page 28, line 19 after the word "country" insert the following: "*Provided further*, That of this amount not to exceed $5 million shall be allocated to operate the Western Hemisphere International Law Enforcement Academy under the auspices of the Organization of American States with full oversight by the Department of State."

DODD (AND OTHERS) AMENDMENT NO. 912

Mr. MCCONNELL (for Mr. DODD, for himself, Mr. LEAHY, and Mr. JEFFORDS) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill, insert the following:

REFORM AND REVIEW OF UNITED STATES SPONSORED TRAINING PROGRAMS

SEC. . (a) FINDINGS.—Congress makes the following findings:

(1) United States training of members of Latin American military and security forces that occurred primarily at the Army School of the Americas between 1982 and 1991 has been severely criticized for promoting practices that have contributed to the violation of human rights and have otherwise been inconsistent with the appropriate role of the Armed Forces in a democratic society.

(2) Numerous members of Latin American military and security forces who have participated in United States sponsored training programs, have subsequently been identified as having masterminded, participated in, or sought to cover up some of the most heinous human rights abuses in the region.

(3) United States interests in Latin America would be better served if Latin American military personnel were exposed to training programs designed to promote—

(A) proper management of scarce national defense resources,

(B) improvements in national systems of justice in accordance with internationally recognized principles of human rights, and

(C) greater respect and understanding of the principle of civilian control of the military.

(4) In 1989, Congress mandated that the Department of Defense institute new training programs (commonly referred to as expanded IMET) with funds made available for international military and education programs in order to promote the interests described in paragraph (3). Congress also expanded the definition of eligibility for such training to include non-defense government personnel from countries in Latin America.

(5) Despite congressionally mandated emphasis on expanded IMET training programs, only 4 of the more than 50 courses offered annually at the United States Army School of the Americas qualify as expanded IMET.

(b) LIMITATION OF USE OF FUNDS.—Notwithstanding any other provision of law, none of the funds appropriated in this Act under the heading relating to international military education and training may be made available for training members of any Latin American military or security force until—

(1) the Secretary of Defense has advised the Secretary of State in writing that 30 percent of IMET funds appropriated for fiscal year 1998 for the cost of Latin American participants in IMET programs will be disbursed only for the purpose of supporting enrollment of such participants in expanded IMET courses; and

(2) the Secretary of State has identified sufficient numbers of qualified, non-military personnel from countries in Latin America to participate in IMET programs during fiscal year 1998 in consultation with the Secretary of Defense, and has instructed United States embassies in the hemisphere to approve their participation in such programs so that not less than 25 percent of the individuals from Latin American countries attending United States supported IMET programs are civilians.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report in writing to the appropriate committees of Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next 3 fiscal years.

TORRICELLI AMENDMENT NO. 913

Mr. MCCONNELL (for Mr. TORRICELLI) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert the following:

SEC. . LIBERATION TIGERS OF TAMIL EELAM.

SENSE OF SENATE.—It is the sense of the Senate that the Department of State should list the Liberation Tigers of Tamil Eelam as a terrorist organization.

DURBIN AMENDMENT NO. 914

Mr. MCCONNELL (for Mr. DURBIN) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place in the bill insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. . None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Peru for international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961, unless the President certifies to Congress that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

LEAHY (AND OTHERS) AMENDMENT NO. 915

Mr. MCCONNELL (for Mr. LEAHY, for himself, Mr. LUGAR, and Mr. SARBANES) proposed an amendment to the bill, S. 955, supra; as follows:

On page 43, line 3 after the word "(IAEA)." insert the following new section:

SEC. . AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) The Secretary of the Treasury may, to fulfill commitments of the United States, (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) Section 17 of the Bretton Woods Agreement Act, as amended (22 U.S.C. 286e-2 et seq.) is amended as follows:

(1) Section 17(a) is amended by striking "and February 24, 1983" and inserting instead "February 24, 1983, and January 27, 1997"; and by striking "4,250,000,000" and inserting instead "6,712,000,000".

(2) Section 17(b) is amended by striking "4,250,000,000" and inserting instead "6,712,000,000".

(3) Section 17(b) is amended by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

(c) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an * * *.

D'AMATO (AND OTHERS) AMENDMENT NO. 916

Mr. McCONNELL (for Mr. D'AMATO, for himself, Mr. HELMS, and Mr. FAIRCLOTH) proposed an amendment to the bill, S. 955, supra; as follows:

On page 42, line 4, insert after the period the following: "Notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available until the relevant Committees of Congress have reviewed the new arrangements for borrowing by the International Monetary Fund provided for under this heading and authorizing legislation for such borrowing has been enacted.".

LEAHY AMENDMENT NO. 917

Mr. McCONNELL (for Mr. LEAHY) proposed an amendment to the bill, S. 955, supra; as follows:

On page 30, line 9, after the word "Act" insert "or the Foreign Assistance Act of 1961".

FAIRCLOTH AMENDMENT NO. 918

Mr. McCONNELL (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 955, supra; as follows:

At the appropriate place, insert:

None of the funds appropriated or otherwise made available by this Act may be provided to the Government of the Congo until such time as the President reports in writing to the Congress that the Government of Congo is cooperating fully with investigators from the United Nations or any other international relief organizations in accounting for human rights violations or atrocities committed in Congo or adjacent countries.

LOTT (AND OTHERS) AMENDMENT NO. 919

Mr. McCONNELL (for Mr. LOTT, for himself, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. HOLLINGS, Mr. SHELBY, Mr. ROTH, Mr. BIDEN, Mr. DEWINE, Mr. COATS, Mr. HAGEL, Mr. FRIST, and Mr. McCONNELL) proposed an amendment to the bill, S. 955, supra; as follows:

On page 34, and the end of line 21 strike the period and insert: ": *Provided further*, That $60,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitation the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization: *Provided further*, That, to carry out funding the previous proviso, all or part of the $60,000,000 may be derived by transfer notwithstanding any other provision of law, from titles I, II, III, and IV of this Act."

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 1998

BINGAMAN AMENDMENT NO. 920

Mr. BENNETT (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1019) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 38, line 2, insert before the period the following: ": *Provided further*, That $4500,000 shall be available only or expenditure on studies and assessments, to be carried out by not-for-profit scientific, technological, or educational institutions, of the matters described in section 472(c) of title 2, United States Code: *Provided further*, That topics for studies and assessments under the previous proviso, and the institutions designated to carry out the studies and assessments, shall be selected by the voting members of the Technology Assessment Board under section 473 of title 2, United States Code, from among topics requested pursuant to paragraphs (1) or (2) of section 472(d) of such title".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, July 16, 1997 at 9 a.m. in SR-328A to receive testimony regarding energy security and agricultural energy issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, July 16, 1997, at 9:30 a.m., to receive testimony from Jamie Rappaport Clark, nominated by the President to be Director, U.S. Fish and Wildlife Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 16, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, July 16, 1997, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 16, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "A Review of the Global Tobacco Settlement."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 16, 1997, at 2:30 p.m. until business is completed to hold a business meeting to consider the investigation into the contested Louisiana Senate election.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 16, 1997, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "S. 539, The Television Improvement Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO JUDGE DONALD H. PATTERSON

• Mr. SHELBY. Mr. President, I rise today in honor of Judge Donald H. Patterson who died at age 61 on May 28, 1997 after his courageous 7-month battle with lung disease. Donald Patterson was a friend, dedicated father and community leader who was respected by all who knew him. Judge Patterson honorably served the people of Lauderdale County, AL, as an elected judge in the 11th Judicial District of Alabama.

Don grew up in Florence, AL and then received both his bachelor's and law degrees from the University of Alabama. Always a leader, Don was president of the student government association while at the university. Following his graduation from law school, Don served active duty in the U.S. Army, and later, 6 years in the U.S. Army Reserve.

In 1959, Don began his law practice with Bert Haltrom. The two continued to practice until Bert Haltrom was appointed U.S. district court judge. Until Don's election to the circuit court in 1989, he practiced law with Florence attorney Gary Jester.

Judge Patterson was a true gentleman and leader. His Christian values are reflected not only in the way he lived his life, but in the many organizations he led, belonged to and served. Until his passing, Judge Patterson was a member of the Alabama Judicial Study Commission and a director of the Alabama Circuit Court Judges Association.

Additionally, Judge Patterson served as chairman of the Florence-Lauderdale Industrial Expansion Committee; director of the chamber of commerce; past president of the Florence Rotary Club, and a recipient of the Paul Harris Fellow of Rotary International Award. Furthermore, he served numerous other legal, civic, and Christian groups.

Judge Patterson was a first-rate judge and lawyer—always very professional and knowledgeable. As a Sunday school teacher and past chairman of the board of the First Methodist Church of Florence, he was an exemplary citizen, leader, and role model. And as a husband, father, grandfather, and friend, Don was a compassionate and wonderful human being.

My prayers go out to Don's family and friends. Don Patterson's lifelong dedication to community and country made our world a better place—he will be sorely missed.•

RESPONSE TO THE AMERICAN LEGION

• Mr. KERREY. Mr. President, recently I received a letter from the national vice commander of the American Legion expressing his displeasure with my concerns with the process surrounding the selection of a site and design for the World War II Memorial.

As a matter of public record, I would like to submit my response and an article from the May 23, 1997, issue of the Washington Post. The Washington Post article discusses the recent problems with the Korean War Memorial, including flooding and damage to shade trees in the surrounding areas. I thought this article might be of interest to the American Legion and my colleagues.

The material follows:

U.S. SENATE,
Washington, DC, July 15, 1997.

ROBERT L. BOWEN,
National Vice Commander, The American Legion, Woodbridge, VA.

DEAR MR. BOWEN: Although I am opposed to the selection of the Rainbow Pool Site, I fully support the construction of a memorial to the veterans of World War II and have even called for the construction of a museum. The struggle and sacrifices made by my parents' generation during the most pivotal event of the 20th Century is a story that must be thoroughly told to my children and grandchildren's generations.

There is a process for building a memorial—any memorial—on Federal property, which has many steps and procedures. Currently there is some confusion as to whether this process is being properly followed, because of an apparent rush for approval and completion. The result could cause the construction of a memorial not befitting to those it portends to honor, and puts at peril the sacred space that is our National Mall.

Certainly you are aware of the situation concerning the Korean War Memorial (please see the attached article from the Washington Post.). This memorial has been closed almost as much as it has been open to the public in its two years and is already suffering from disrepair and flooding problems because of its location on the Mall—which lies on a flood plain.

The current proposed site for the World War II memorial lies on this same flood plain and, besides its 50-foot-high berms and 7.4 acres of land space, calls for a significant amount of subterranean construction.

Because there have been no studies as to the effects of subterranean construction on this site and the Mall, nor any studies on the impact the size and scope of the proposed memorial will have on the Mall, I am concerned about its long term impact and the cost to taxpayers, the City and the Federal government. Because once the memorial is completed, it will be turned over to the National Park Service for overall maintenance and thus will be supported by taxpayer dollars.

I am absolutely concerned with how our veterans of World War II are honored. That is why I am particularly troubled that the National Park Service has ruled it will close any memorial built on the Rainbow Pool Site during July 4th weekend celebrations, because the Rainbow Pool Site is the launch location of the fireworks display. This seems to belabor the point that not enough scrutiny is being given to what is being built, where.

I appreciate and share your concern about the progress of the World War II memorial and will continue to work on behalf of the veterans and the American people to ensure that a proper and fitting monument is constructed and that the integrity of our National Mall is maintained.

Please feel free to contact me in the future if you have any further concerns and I hope you will join me in my efforts.

Sincerely,

BOB KERREY.

[From the Washington Post, May 23, 1997]

NEGLECTED BUT NOT FORGOTTEN, KOREAN WAR MEMORIAL GETS HELP

(By Linda Wheeler)

Officials of the troubled Korean War Veterans Memorial have promised the fountain will flow and the walkway will be open for the country's official observance of Memorial Day on Monday.

The two-year-old monument, near the Lincoln Memorial, was partially closed in September when the fountain broke, walkway paving stones buckled and 40 dead shade trees were removed. Since then, various federal agencies and private contractors involved with the memorial have argued over who will pay for the repairs.

Some of the work is being done under warranty, said American Battle Monuments Commission spokesman Joe Purka. The commission built the memorial and has agreed to fund $100,000 in repairs until liability is determined.

Purka said the commission, founded in 1923, has responsibility for maintaining 24 American military cemeteries in foreign lands and 27 memorials here and in other countries. He said the commission took the money for emergency repairs to the Korean War Veterans memorial from a general fund that is to be reimbursed.

The World War II Memorial, planned for the Rainbow Pool site on the Mall, is also a commission project.

Last week, Sen. John Glenn (D-Ohio), a Korean War hero and a sponsor of the memorial, sent a tersely worded letter to the commission, the Army Corps of Engineers as general contractor and the National park Service after news accounts of the memorial's condition. In the May 13 letters, he said he wanted the memorial fixed promptly.

"It is disrespectful to our Korean War veterans to see the national memorial to their service in such disrepair," he wrote. "I would hesitate to take a visitor to this memorial, which I supported and worked for over several years."

Purka said Glenn's letters "may have added a little impetus" in getting repairs underway.

Yesterday, water flowed through the fountain again, and two ducks paddled around the circular pool. Nearby a grader pushed fine, crushed gravel into the pool and the walkway were closed off with yellow tape and orange cones.

John LeGault, 65, a Korean War veteran visiting from Montrose, Colo., said Wednesday he wasn't surprised to see the memorial torn up. "Who cares?" he asked. "That was the forgotten war and this is the forgotten memorial. Considering how long it took to build it, it will take another 2 to fix it."

William Weber, also a Korean War veteran and chairman of the Gen. Richard G. Stilwell Korean War Veterans Memorial Fund Inc., said he understands LeGault's frustration. He and other board members struggled for nine years to raise the $18 million to build the memorial, only to see problems show up within six months of the July 27, 1995, dedication by President Clinton.

"The memorial seemed to deteriorate so quickly and then it took so long to take action to do the repairs," Weber said. "Many of us were very frustrated."

Weber said supporters of the memorial have recognized the need for a private fund to handle large repairs not covered by the Park Service but have only recently begun to raise money.

Care of the nation's memorials falls to the Park Service when they are built on federal parkland. However, over the years maintenance costs have risen with aging memorials and Congress has tightened the Park Service's budget.

Since 1986, builders of memorials have been required to set aside 10 percent of the construction costs for the Park Service's use. For the Korean War Veterans Memorial, about $1.2 million was turned over to the Park Service, Purka said. However, the Park Service said those funds are for routine care—not major repairs such as the fountain and the $30,000 tree replacement.

The Park Service has replaced dead shrubs around the 19 stainless steel soldier figures that are part of the memorial and has enhanced the lighting for nighttime visits.

Weber said there will be a small ceremony at the memorial on Monday to mark the holiday. About 70 Korean War veterans are expected to gather at 1 p.m. for the presentation of the colors and the laying of a wreath.

Park Service spokesman Earle Kittleman said the agency was pleased the work at the memorial finally was getting done. For months, he had to respond to phone calls and letters from concerned veterans.

"We want visitors to the parks to be able to walk into the memorial without running into obstacles and closed areas," he said. "We are happy that all the parties have worked together and everything will be ready for Memorial Day."●

EXPLANATION OF SELECTED VOTES TO THE TAXPAYER RELIEF ACT OF 1997

● Mr. ABRAHAM. Mr. President, now that the Taxpayer Relief Act of 1997 has passed the Senate, I wanted to take a few moments to discuss several of the more important votes that took place.

The first of these was the Daschle amendment. This amendment constituted a comprehensive substitute to the Finance Committee plan, but I believe it failed to live up to the spirit of the budget agreement between congressional leadership and the Clinton administration.

The Daschle substitute would have provided only $68.5 billion in net tax cuts to the American people—not the $85 billion called for in the budget agreement. An $85 billion tax cut represented less than 1 percent of the total tax burden over the next 5 years, yet the Daschle substitute would have reduced that relief by almost 20 percent. The Daschle amendment reduced the $500 per child tax credit to $350. It excluded millions of tax-paying families with teenage children from receiving any tax relief at all, including as many as 50,000 families in Michigan. And it drastically reduced the capital gains tax relief for seniors and small businessmen. For these reasons, I opposed it.

There were several amendments targeted at the Finance Committee's $500 per child tax credit. The Kerry amendment would have made the child tax credit refundable against FICA tax payments. To pay for refundability, the amendment would have reduced the income levels at which the credit is phased-out.

Mr. President, I support making the family tax cuts in this legislation broader to include lower-income families, but I oppose taking tax relief away from middle-class families to do so. The Kerry amendment would have eliminated the $500 credit for millions of middle-class families who pay almost 40 percent of their income in taxes while redirecting that relief towards families with no income tax burden and actually receive money from the Federal Government.

A similar amendment, offered by Senator LANDRIEU, would have permitted families receiving payments under the earned income credit to also receive full $500 per child tax credits. Senator LANDRIEU would have offset these new payments by reducing the allowable family income from $110,000 to $75,000. Once again, this amendment would have taken relief away from taxpaying families. While I support giving tax relief to families of all incomes, it is not right to take tax relief away from families earning as little as $75,000 to make it possible.

An amendment which I supported was offered by Senator GRAMM to provide the full $500 per child tax credit to parents of children ages 13 to 17. Under the Finance bill, the full child credit would only go to those parents who deposit it into a qualified tuition savings plan for their children. For those parents who are unable to afford such a plan, or whose children do not go to college, they would only qualify for a reduced tax credit. I disagree with this approach, and supported the Gramm amendment. The whole purpose of the $500 per child credit is to let families keep more of what they earn so they can spend that money on their priorities, not the Federal Governments. In Michigan, thousands of families have children who choose not to go to college. I do not believe they should be penalized for making that choice.

Senator JEFFORDS offered an amendment to make the existing dependent care tax deduction refundable. I support making childcare available to more parents, but I am concerned that the Jeffords amendment would create a bias against small, neighborhood child care givers and towards large, accredited facilities. Specifically, the Jeffords amendment would give families a larger tax credit for sending their children to an accredited facility than if they chose a smaller, unaccredited caregiver. I believe this is a poorly thought out provision which create an unjustified intrusion by the Federal Government into the child care decisions of parents. Rather than allow parents to make their own child care decisions free from a biased tax code, this amendment would have placed parents in a position of losing part of their tax credit just because they chose the neighbor they know and trust, rather than the stranger working at the large, accredited child care center. For that reason, I opposed the amendment.

Another amendment I opposed was the Kennedy amendment to raise the cigarette excise tax by an additional 23 cents. Senator KENNEDY's intention was to use the $12 billion raised by this tax to provide additional funding for children's health insurance.

Mr. President, I support the underlying bill's provision to ensure that deserving children get adequate funding to meet the health insurance challenge. The Finance Committee bill, as amended by the Senate, would spend $24 billion over the next 5 years, or about $1,600 per child to address this issue. Senator KENNEDY's amendment would provide an additional $12 billion over 5 years for health insurance coverage. Mr. President, I believe it is incumbent upon Senator KENNEDY and other supporters of this higher level of funding to demonstrate how these sums could be effectively spent to combat a problem that the Clinton administration has agreed could be solved with a lower funding level. In my opinion, Senator KENNEDY failed to make that case, and for that reason I opposed the Kennedy amendment.

One amendment which I supported was offered by Senator DURBIN to provide the self-employed with the ability to deduct 100 percent of their health insurance costs. I believe the current policy toward self-employed Americans is unfair and discriminatory and I supported the Durbin amendment in an effort to ensure that this issue was addressed by the conference committee. While the Durbin amendment failed on a point of order, a subsequent Nickles amendment to provide 100 percent deductibility by the year 2007 was adopted and will likely be made part of the bill sent to the President. I supported that amendment as well, and look forward to seeing this provision made law.

A final effort which I supported was the McCain point of order against the creation of an intercity passenger rail fund. My vote in support of Senator MCCAIN should not be interpreted as a vote against Amtrak. Instead, I opposed this fund because it is designed to skirt the existing budget process and create a bias for Amtrak funding and against other Federal programs, such as veterans' programs, community health centers, and other essential services. In my opinion, the proponents of the Amtrak fund have failed to demonstrate why Amtrak funding should be given a special place of prominence among all other federal programs. Next year, the Federal Government will take in $1.7 trillion in tax revenues. If Amtrak funding is a priority, I am confident that sufficient money can be found in the budget without resorting to tax increases.●

SENATOR TORRICELLI HONORS DEPARTING SWEDISH AMBASSADOR

● Mr. TORRICELLI. Mr. President, I rise today to acknowledge the monumental service and dedication of one of Sweden's finest Ambassadors ever to have served in the United States, Mr. Henrik Liljegren. After 4½ years in Washington, Ambassador Liljegren is being reassigned to Istanbul, Turkey, and I want to take this opportunity to express my admiration for, and gratitude to, this skilled diplomat.

Ambassador Liljegren has spent his time in Washington carefully fostering a new level of understanding between our two countries. The end of the cold war has created new perspectives for Sweden's foreign policy, and new opportunities for Sweden and the United

States to further their relationship. Ambassador Liljegren is well respected for his willingness to promote closer ties between the people of our two great nations.

His strategy for strengthening United States-Swedish ties has been multifaceted and creative. For example, he recently testified before the Senate Banking, Housing, and Urban Affairs Committee to help determine whether or not neutral countries had profited from their policies during the Second World War. Ambassador Liljegren was aware of the State Department's Eizenstat Report, which was stern in its condemnation of neutral states during this period, and was forthcoming in explaining his country's policies vis-a-vis the Third Reich. His testimony was influential in drawing attention to the systematic effort on the part of the Swedish Foreign Ministry to assist the Jews during World War II.

On behalf of my colleagues in the Senate and the entire Nation, I want to again express our gratitude for Ambassador Liljegren's service, and wish him the best of luck as he continues his career in Turkey.•

TRIBUTE TO STEPHANIE A. FRANK AND ERICK N. VIORRITTO, RECIPIENTS OF THE 1997 WHITE HOUSE PRESIDENTIAL SCHOLARS PROGRAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Stephanie A. Frank of Dover, NH, and Erick N. Viorritto of Manchester, NH, on being selected as the Granite State winners of the 1997 White House Presidential Scholars Program sponsored by General Motors and Saturn. Stephanie and Erick were chosen on the basis of academic and artistic success, leadership, and involvement in their school and community. Each student also selected the teacher who has had the most impact on his or her accomplishments.

Stephanie and Erick, along with their parents and honored teachers, spent a week in Washington, and attended the Presidential Scholar Medallion ceremony hosted by President Clinton. Stephanie, a graduate of Dover High School in Dover, NH, brought her teacher Mr. Christopher Lawrence to accompany her on the trip, while Erick, a graduate of Manchester's West High School in Manchester, NH, brought his teacher Mr. Gaston P. Normand, Jr., for the festivities.

Founded in 1964 by President Lyndon B. Johnson, the White House Presidential Scholars Program honors the Nation's most accomplished students. This year, 141 high school seniors were chosen from among 2,600 eligible candidates on the basis of academic and artistic success, leadership, and involvement in their school and community.

As a former high school teacher myself, I commend Stephanie and Erick for their hard work and outstanding achievements. Congratulations to Stephanie and Erick on this distinguished honor. It is an honor to represent these outstanding students in the U.S. Senate. •

IMPRESSIVE LEADERSHIP BY THE WORLD COMMITTEE ON DISABILITY

• Mr. KENNEDY. Mr. President, half a billion people throughout the world have disabilities, and 85 percent of them live in poverty. In many countries, disability can be a barrier to the many aspects of life that those of us without disabilities often take for granted. It has been 15 years since the United Nations World Programme of Action Concerning Disabled Persons was adopted to improve the lives of citizens with disabilities in their nations. As a result, many countries are responding to the United Nations challenge and doing more to help citizens with disabilities live fuller and more productive lives.

In 1996, the World Committee on Disability, an organization dedicated to supporting the U.N. Programme, initiated an annual award named for President Franklin Delano Roosevelt to honor nations that make significant progress toward meeting the United Nations goals. On September 15, 1996, the first FDR International Disability Award went to President Kim Young Sam of South Korea. The award is a bust of FDR and a $50,000 donation to a Korean nongovernmental disability organization, and it recognizes South Korea's impressive strides in improving the lives of its citizens with disabilities. South Korea has taken steps to legislate needed protections and to provide physical and employment rehabilitation services. Buildings, education, and employment are being made accessible to those with disabilities. President Kim is also waging a public awareness campaign to involve more nondisabled South Koreans in the lives of those with disabilities.

I commend South Korea for the progress it is making. The 1996 award is a great honor for that country, and an example for other nations. Already, President Kim has created a fellowship fund to provide assistance to 10 outstanding Koreans with disabilities each year, and other nations are following South Korea's leadership.

This international award is also a reminder that there is still much more to do to ensure that persons with disabilities have the opportunity to become independent and productive citizens and lead fulfilling lives. I commend the World Committee on Disability for its leadership. I look forward to this year's award and to continuing to make worldwide progress on this extremely important issue.•

HOLLY A. CORNELL

• Mr. SMITH of Oregon. Mr. President, I am saddened to note the passing of Holly A. Cornell of Charbonneau, one of Oregon's leading citizens, who died at his home on July 1 after a long illness at the age of 83. A July 7 memorial service for Mr. Cornell was held at the LaSells Stewart Alumni Center on the Oregon State University Campus in Corvallis.

Mr. Cornell, a founding partner and the "C" in what became Oregon's own CH2M HILL, was the international engineering and environmental consulting firm's first employee. He returned to Corvallis after World War II to co-found the firm that was to become Cornell, Howland Hayes & Merryfield [CH2M]. He managed numerous water, wastewater and industrial projects for CH2M, and opened the firm's Seattle office. He also served as director of technology, president and chief executive officer and chairman of the board.

Among his many accomplishments were ushering CH2M HILL into the computer age, and managing complex projects such as the Milwaukee Metropolitan Sewerage District's pollution abatement project. At the time of Mr. Cornell's 1980 retirement, CH2M HILL had grown from a four-partner office in a second-floor Corvallis office to an international consulting firm employing 1,900 professionals in 20 U.S. offices and two overseas locations.

His legacy, which is one of the Nation's largest employee owned companies, has become a $1 billion a year business which employs more than 7,000 employees in 120 worldwide locations.

Mr. Cornell is the second CH2M HILL founder to pass away. Fred Merryfield, the Oregon State engineering professor who conceived the idea for the firm, died in 1977. The other founders are retired, but remain active in CH2M HILL affairs, in their communities and in their personal lives.

Ralph R. Peterson, CH2M HILL's president and CEO, said,

> It was my personal pleasure to work with Holly from the time I joined the firm in 1965 until Holly's retirement in 1980. Of course, he excelled at whatever job he undertook, but what I remember most of Holly during those times are the lasting relationships he forged with clients, on projects: clients and projects like to Boeing 747 Assembly Plant in Everett, Washington; and the Denver Water Board's Foothills Water Treatment plant in Denver. These became landmark projects, but what is truly impressive is that those clients are still valued CH2M HILL clients today.

Mr. Cornell was born in Boise, ID in 1914 and earned a bachelor's degree in civil engineering from Oregon State College in 1939. He earned a master's degree from Yale and worked for the Standard Oil Co. in California before being called to active Army duty in 1941. Mr. Cornell served with distinction in the Army Corps of Engineers in

Europe during World War II and received the Bronze Star medal. He was executive officer of an engineer group under Gen. George Patton that repaired Germany's famed Remagen Bridge, enabling Allied forces to cross the Rhine.

Mr. Cornell was active in numerous professional societies including the American Consulting Engineers Council, the American Society of Civil Engineers, the American Water Works Association, and the Professional Engineers of Oregon. The latter society recently named him Oregon Engineer of the Year. He also was active in a university fraternal organization, Phi Delta Theta, and several honorary societies including Phi Kappa Phi and Tau Beta Pi.

Mr. Cornell enjoyed golf and travel. His wife, Cleo, preceded him in death. He is survived by a son, Stephen Cornell, Seattle; a daughter, Cynthia Wildfong, Castle Rock, CO; and three grandchildren.•

CONGRATULATING THE SIOUX FALLS VA MEDICAL AND REGIONAL OFFICE CENTER

• Mr. JOHNSON. Mr. President, I rise today to offer my congratulations to Director R. Vincent Crawford and his staff at the VA Medical and Regional Office Center [VAMROC] in Sioux Falls on receiving the Disabled American Veterans' 1997 Large Employer of the Year Award. This award is a testament to VAMROC's continuing efforts to hire disabled veterans, and I am honored that VAMROC's work was recognized by DAV.

This national award is presented annually by the DAV to a business with more than 200 employees who assertively hire disabled veterans. The center's Vocational Rehabilitation and Counseling Division provides veterans with valuable work experience and training positions, which opens up new employment opportunities within South Dakota's VA medical centers, and with the private sector. The per capita rate of veterans placed in employment by the VAMROC's Vocational Rehabilitation and Counseling Division leads the Veterans Benefits Administration Regional Offices in this category.

The VAMROC works in conjunction with the local union representing its employees to ensure that disabled veterans will receive consideration for job openings at VAMROC. Recent veterans employment statistics show that of VAMROC's 704 employees, 219 were veterans for a 31-percent employment rate. Of these 219 veterans, 60 were disabled veterans and 163 were Vietnam era veterans.

Mr. President, I always have felt that veterans in South Dakota are extremely fortunate to have such high quality facilities, doctors, staff, and administrators at our VA hospitals that provide care second to none. VAMROC certainly exemplifies this commitment to our veterans. Our veterans made a commitment to their Nation, trusting that when they needed help, the Nation would honor that commitment. VAMROC's leadership and dedication is an example of how our Nation can best serve the needs of our veterans. Again, I congratulate Director Crawford and his staff at VAMROC on receiving this award of accomplishment, and I thank them for their continued service to South Dakota's veterans.•

RECOGNITION OF CHARLES ROBERT "BOB" LOCK

• Mr. BOND. Mr. President, today I stand before you to recognize a truly unique individual and personal friend on his 70th birthday. Robert "Bob" Lock, born on July 22, 1927, in Marshall, MO, has lived most of his life in Carrollton, MO. Bob has shown the kind of lifelong devotion to his State and country that make it an honor to commend him for his many years of civic contributions.

After joining the Navy and serving his country in World War II, Bob founded Lock Steel Building Co. in 1947, and is still active in the industry today. He has been an active board member of several businesses and philanthropies throughout the years and takes pride in his lifelong work to help those less fortunate than himself.

Always young in spirit and energy, I commend Bob for his generosity and service with a special birthday wish that my friend continues to enrich his community for years to come.•

ENLARGEMENT OF THE EUROPEAN UNION

• Mr. BIDEN. Mr. President, I wish to congratulate the European Union for its decision yesterday to begin membership talks with six countries, five of them in Central and Eastern Europe.

Mr. President, as anyone who has followed my numerous statements on NATO enlargement knows, I have frequently criticized the European Union for not moving speedily enough toward its own stated goal of enlargement. The EU's announcement that it will begin talks early next year with Cyprus, the Czech Republic, Estonia, Hungary, Poland, and Slovenia is welcome for several reasons.

First of all, it recognizes that these are the countries that have already made the most progress in meeting the EU's demanding economic and political qualifications. Five other prospective candidates—Bulgaria, Latvia, Lithuania, Romania, and Slovakia—now realize that they have more work to do.

Second, the naming of five Central and East European countries for the next round of EU enlargement in itself will add to the emerging European security architecture, along with the other web of ties connected with EU membership.

Third, the naming of Cyprus to the list of prime candidates for EU membership should help to move the parties on that island to a final, equitable solution that eliminates the division of the country, which has persisted for twenty-three years.

I do not underestimate the complexity of accession negotiations as the European Union concurrently moves toward "an ever closer union." Nonetheless, I hope that the talks with the six prime candidates will move speedily so that they can join the European Union before the end of this century.

Again, I congratulate the European Union on the step it has taken.•

SITUATION IN BOSNIA

• Mr. KERREY. Mr. President, I rise to comment on the present situation in Bosnia, the small Balkan country which is the scene of a military commitment involving thousands of American military personnel, a significant slice of our military forces, and the logistics and intelligence which support them.

Our military led the way into Bosnia as the NATO alliance took on the role of overseeing the security aspects of the Dayton accords. Our soldiers and other NATO forces have prevented a recurrence of war and they have provided a security umbrella beneath which Bosnian refugees could have returned to their homes and Bosnia could have resumed normal life—if the leaders of the Bosnian factions had permitted it. Unfortunately, these leaders retain office and retain their access to public money through policies of ethnic division and hostility, not policies of reconciliation. Consequently there has been little progress in achieving the political goals of the Dayton accords.

The restoration of Bosnia's economic infrastructure is similarly hobbled, partly because some of the factional leaders prefer the graft inherent in government monopolies to the prosperity that comes from open competition. Another reason is the weakness of the civil component of the international effort to implement Dayton. The diplomats from European Union and NATO countries who are charged with civil implementation have been doing their best, but they lack the authority, the resources, and the planning ability which characterize their NATO military counterparts. The international response to Bosnia is somewhat like a human body which is strong and vibrant on one side, the military side, and weak and withered on the other, civilian, side. This imbalance threatens the success of our military deployment because the civil tasks are the tasks which will bring lasting peace to Bosnia. The economic infrastructure must be restored. Local sectarian barriers must fall and people and trade must move freely throughout the country and across its borders. The rule of law must replace the rule of local bosses and the police must become impartial instruments of the law. Foreign investment, integration with Europe, and the eventual prosperity which is needed to undergird peace will not occur unless these civil tasks are accomplished. Because these tasks are so essential to a successful outcome in Bosnia, our soldiers there will some day be measuring the value of their Bosnia service medals based on how well the civilian component of the effort did its job.

A precondition for democracy in any country is justice: the ability for any citizen to get justice from his or her institutions, and the ability of those institutions to provide justice when crimes are committed. This precondition is lacking in Bosnia. Furthermore, the very concept of justice is daily mocked by the presence in Bosnia of individuals who have been indicted for war crimes by the Hague Tribunal. Until these individuals are tried by the Tribunal, until the people of Bosnia see that the world takes seriously what happened to them and is committed to doing justice, the Bosnians of all ethnic groups have no reason to hope for a better future. If the crimes that occurred during the Bosnian civil war are not publicly brought to closure, if the criminals can just wait out the world's outrage, then there is no reason for the average Bosnian to have any hope in a democratic future.

Mr. President, it is because justice for war crimes is so important that I am particularly pleased at recent news reports that NATO is now acting to capture persons in Bosnia who have been indicted for war crimes. The recent raid conducted by British troops to capture a suspected war criminal who was subsequently transported to the Hague should give hope to ordinary Bosnians that justice will be done and armed thugs will not continue to dominate their local affairs. I applaud the bravery of the British troops in this raid and I urge additional raids by the NATO forces in Bosnia to accomplish this essential and unfinished part of our collective duty.●

RELIGIOUS LIBERTY IN RUSSIA

Mr. BENNETT. Mr. President, I would like to make a very brief statement about an action taken earlier this day when I was unable to comment—the adoption of the Smith amendment as it had to do with religious liberty in Russia.

I know everyone talked about the importance of religious freedom and independent religious liberty, and how important it is for that value to be established in Russia. And I do not want to repeat those arguments. There is just one point I think that needs to be made here.

The psychologists have a term "xenophobia" which they use to describe those who have a fear of strangers, or a fear of anything foreign. As we look at the long and troubled history of Russia, and then the Soviet Union, we see that one of the driving forces in that culture has been xenophobia—terrible fear under the czars of any kind of Western influence somehow creeping into Russia; terrible fear under the commissars, or Communist dictators from Lenin and Stalin all the way down through Khrushchev and Brezhnev of anything that they considered to be foreign. It was one of the major problems of the Soviet Union and one of the major difficulties that they had in becoming an accepted part of the world family of nations.

We all rejoiced when the Berlin wall came down, when in the spirit of glasnost—or openness—Mr. Gorbachev led the Soviet Union into an atmosphere of much less xenophobia.

The thing that distresses me the most is the piece of legislation that passed the Russian Parliament, and that is now sitting on President Yeltsin's desk, is that it is a clear return to the days of xenophobia—fear of anything from outside.

Yes. Religious liberty is important. Yes. I voted for the Smith amendment to establish the importance of religious liberty. But I voted for the Smith amendment even more firmly because I believe the Russian people must be told in as firm a fashion as possible that if they returned to the days of the darkest period of the czars, if they returned to the days of the darkest period of the Soviet Union with an unfounded and irresponsible fear of anything that comes from beyond their borders, they will be taking a most serious downward turn in the culture and future of their Republic.

So in that, Mr. President, I cast my vote in favor of the Smith amendment hoping to send that message to the people of Russia.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

MFN STATUS WITH CHINA

Mr. DEWINE. Mr. President, tomorrow we will be voting on Senator HUTCHINSON's amendment with regard to most-favored-nation status with China.

I intend tomorrow to vote for the amendment offered by my friend from Arkansas, Senator HUTCHINSON. I would like to emphasize, however, first and foremost, that this is a sense-of-the-Senate resolution. It is not binding. It does not in any way alter or reverse the President's decision to extend most-favored-nation trading status with China. As we all know, the House of Representatives already has voted against a resolution revoking China's MFN status.

So, Mr. President, this amendment is more a chance to make a statement—frankly, for me, a chance to express my frustration with certain activities taken by the Chinese Government.

Let there be no misunderstanding. I believe that China needs to reassess its actions in a number of areas because I believe Congress—certainly this Senator—is losing patience.

Let me be a bit more specific. I am very concerned first about China's weapons proliferation activities particularly in the Middle East. In the past 2 years, it has been reported in the media that China has supplied Pakistan with key components to develop its own nuclear weapons program as well as ballistic missiles to deliver such weapons. China also has been the source for Iran's growing cruise missile capability, which poses a clear threat to our military personnel and commercial shippers in the Persian Gulf.

Further, I am concerned about Chinese state-owned companies knowingly supplying assault weapons to criminal gangs in California. Representatives of these companies were arrested in a sting operation just last year and are now awaiting trial in California. I am very concerned about repeated human rights violations throughout China as well as religious persecution and religious repression.

I am very concerned about the hideous practices of forced abortions and sterilization in China. I am concerned about the possible reversal of various political liberties such as free speech and assembly in Hong Kong.

These are all very serious issues, and I believe that we need to take action to try to address each one. My vote tomorrow in favor of this sense-of-the-Senate resolution will be an expression of these concerns. However, I believe there are far more effective ways to demonstrate our commitment to these issues than just the sense of the Senate before us. I suggest if we truly want to address all these issues constructively, we should bring before the Senate legislation that is targeted for its clear solutions.

For example, the Senate recently passed legislation offered by my colleague who just spoke a moment ago, the distinguished Senator from Utah, Mr. BENNETT, which calls on our President to enforce our Nation's nonproliferation laws against China for its efforts to supply Iran with cruise missiles. I was a cosponsor of this legislation, which, by the way, passed the Senate unanimously.

We can do more. We could and we should bring before the Senate the legislation that was introduced by my colleague from Pennsylvania, Senator SPECTER, legislation which would impose penalties on countries guilty of supporting or tolerating religious persecution, and I am a proud cosponsor of this bill.

We should bring before the Senate the legislation introduced by the Senator from Michigan, Mr. ABRAHAM, which would impose targeted sanctions against China in cases of religious persecution and against Chinese companies for illegal weapons transfers into the United States.

This bill would also increase United States support for human rights and democracy-building initiatives in China, including Radio Free Asia and the National Endowment for Democracy. I am proud to be an original cosponsor of this legislation as well.

If we truly want to take strong, constructive action in regard to China, the options are clearly before us. The sense-of-the-Senate resolution before us is not the best way to address all of the issues of concern we have with China, but it is, I believe, helpful to send a signal to the Government of China that the people of the United States are genuinely concerned about the direction China has taken in a number of areas. Again, it is just a signal. But we should use the opportunity to make this signal strong and very clear.

I believe, as I have stated, that we can do much more, more that is constructive and more that I believe can make a real and positive difference for the people of China. I hope in the weeks and months ahead we will take these actions.

ORDERS FOR THURSDAY, JULY 17, 1997

Mr. DEWINE. Mr. President, now on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, July 17. I further ask that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 955, the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, also on behalf of the majority leader, I would like to make the following announcement for Members of the Senate. Tomorrow the Senate will resume consideration of S. 955, the foreign operations appropriations bill. Under the order, following the debate time on the remaining two amendments to S. 955, the Senate will begin voting on those amendments as well as final passage. Therefore, Senators can expect three consecutive rollcall votes beginning at approximately 10 a.m. tomorrow morning. It is the intention of the majority leader that the Senate begin consideration of the treasury, postal appropriations bill following the disposition of the foreign operations appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Thursday, July 17, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 16,1997:

THE JUDICIARY

RICHARD CONWAY CASEY, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE CHARLES S. HAIGHT, JR., RETIRED.

RONALD LEE GILMAN, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE H. TED MILBURN, RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, July 16, 1997*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. LAHOOD].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 16, 1997.

I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Joe Clark, pastor, Holy Spirit Catholic Church, Annandale, VA, offered the following prayer:

In the name of the Father, the Son, and the Holy Spirit.

Heavenly Father, grant us in your merciful providence, right judgment in all things.

Help us to grow in virtue: to see as You see, to love as You love, to rule as You rule.

Impart to us Your holy and perfect wisdom that our laws may reflect Your loving plan.

Teach us to be generous servants of Your truth, knowing that it is in giving that we receive.

Perfect us in a freedom ordered to truth, confirm us in justice which leads to peace.

Bestow upon us the virtue of courage: To fight the good fight and to finish the race.

Teach us to serve the common good with loving generosity.

Most Holy God: Father, Son, and Holy Spirit, counsel us to greater reverence for all life from its natural beginning to its natural end.

O Most Holy God, have mercy on us all and forgive us our sins. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada [Mr. GIBBONS] come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

WELCOME TO THE REVEREND JOE CLARK

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, while Father Clark's church is actually in the district of the gentleman from Virginia [Mr. DAVIS], it is I who will introduce him.

Father Clark is the pastor of Holy Spirit Catholic Church in Annandale, VA. It may be of some interest that Father Joe Clark is the grandson of the campaign manager and the speech writer for James Michael Curley, the former mayor of Boston. But I am sure that Father Clark is making amends for that by serving his parish very well. Actually, I only say that in jest. I know his grandfather would be very proud of him today as he is rightfully proud of his grandfather. And every Irishman should be proud of all that Mayor Curley did for the Boston Irish.

Father Clark is a modest man of the cloth, but I would like to address a few remarks about someone who is neither, but is in the audience today, Mr. Patrick Troy, who is a guest with Father Clark. Pat Troy deserves to be recognized today.

For the last 35 years he has done a great deal for this country, particularly for the Irish-American community, and on the 150th anniversary of the great potato famine that brought so many Irish into the United States, Mr. Troy should be recognized as one of the most effective representatives of the Irish-Americans in this country.

Twenty-five years ago he started his own radio show in the Washington metropolitan area, and broadcasts the glory and beauty of Irish music to everyone, particularly Irish-Americans, and keeps people posted on Irish-American cultural developments. Fifteen years ago he started a restaurant called Ireland's Own, and the annual St. Patrick's Day parade in Alexandria, VA.

Pat Troy is an indispensable member of the Washington metropolitan area's community. For many, many years he has been absolutely dedicated to the pursuit of peace in Northern Ireland and to the Project Children Program, which brings Irish and Protestant children alike over to the United States. They live together, they work together, they get to know and appreciate each other. They are doing a tremendous amount of good in terms of finding reconciliation in Northern Ireland.

He is also the founder of the John F. Kennedy Division of the Ancient Order of Hibernians in the Washington area, so I do want to recognize Pat Troy for all that he has done for our community and for this country.

INFORMING COLLEAGUES OF THE NEWLY-FORMED MINING CAUCUS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to inform my colleagues about the newly formed Mining Caucus, of which I proudly serve as the cochair with my friend and colleague, the gentlewoman from Wyoming [Mrs. CUBIN]. The purpose of the Mining Caucus will be to educate Members on how the wealth of this Nation is produced by the mining industry, which improves the lives and livelihoods of citizens of their districts, and how in turn it is used to sustain the economic growth and job creation of this great Nation.

Nearly 300,000 Americans are employed directly by the mining industry. Indirectly, mining accounts for about 3 million jobs, 397 out of 435 congressional districts have a mining presence. This industry plays a hugely important role in our national economy. I urge my colleagues to join the Congressional Mining Caucus. As a reminder, I would say that if it cannot be grown, it must be mined.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPUBLICAN CAMPAIGN TO ATTACK WORKING AMERICANS, LABOR UNIONS, AND THE DEPARTMENT OF LABOR

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Mr. Speaker, I am appalled that the Republican majority has hijacked $1.4 million of public funds to pursue a devious, fully orchestrated campaign to attack working Americans, labor unions, and the Department of Labor. The Republicans are going to spend $1.4 million of tax money to intimidate labor leaders, harass the Department of Labor, and attempt to repeal labor laws that have protected the rights of workers for over a half a century.

This plot was never discussed in a public hearing of the Committee on Education and the Workforce, and it was approved by the House oversight committee without any witnesses testifying to its need. Although the majority is trying to dress up their mission statement, the real attempt is to pursue an extremist antiunion agenda. The Republicans are scheming to attack union members as payback for labor union participation in the 1996 elections. This $1.4 million ill-advised use of taxpayer dollars is aimed at diminishing worker protections under OSHA, the National Labor Relations Act, and the Davis-Bacon Act; mind you, all at taxpayers' expense.

THE EFFECTS OF THE WASHINGTON BUREAUCRACY'S IMPUTED INCOME

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I have gotten a few calls over the past weeks about the Treasury Department's use of imputed income. Imputed income means if you own your own home, you could move out and rent it to another family, and therefore you could be making some more money, and it should be taxed.

There are a lot of taxpayers that are feeling a little bit insulted by this concept that has been developed by a bunch of out-of-touch bureaucrats here in Washington, DC, who think that people can count income that is not really income. Maybe the President can rent his home out for a lot of money, but most people do not own or live in a home that they own free and clear.

Telling the average American families that their incomes are actually $30,000 or more higher than they think is truly bizarre. Telling middle-class families that they are actually rich and therefore do not need some tax relief is just the latest outrage from the bureaucracy in Washington, DC, that does not live in the real world. Most Americans know it is time for some tax relief here in America.

THE SPEAKER'S MAKE-A-WISH SLUSH FUND IS FUNDED BY TAXPAYERS

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I have an apology to make. When I saw the $7.9 million the majority Republicans were going to put into a slush fund, they call it a slush fund, it is not a slush fund. It turns out it is the taxpayer-funded Speaker's make-a-wish foundation. His first wish is, guess what, class warfare, go after working Americans.

On this side of the aisle the majority has initiated about $50 million of taxpayer investigations. What we have from it I cannot figure out, but I see where they are going. From the first day they took over 3 years ago, they started class warfare. They do it in the tax bill. They do it in their investigations.

They have gone too far. Even Members of the Republican side of the aisle say this last grab of funds to go after working people in America is just wrong. It is going to come back to haunt them. They can spend $50 million of the taxpayers' money. Do not run home and try to tell them you are balancing the budget. The Speaker's make-a-wish funds are funded by the taxpayers. It is a rip-off.

CLASS WARFARE BY DEMOCRATS, WITH IMPUTED INCOME SCHEME RAISING MIDDLE-CLASS AMERICANS' TAXES

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, let us talk about class warfare. According to the Census Bureau, the median family income in the United States today for a family of four is $47,000 a year. Let me be clear, that is $47,000 American dollars, not Euro-dollars, not imputed dollars, not even bus tokens. We are talking about real money here.

Let us imagine such a family. Let us give them names, Al and Betty Jones, with a son in eighth grade and a daughter going to college this fall. Under our tax relief plan, the Joneses would get to keep an extra $1,900 of their money. Using the imputed income scheme that the Democrats want to use, the Jones' income magically rises from $47,000 to nearly $80,000. Congratulations, Al and Betty, you are now rich. You no longer qualify for family tax relief under the Democrats' own plan.

Worse yet, if we carry this bizarre arithmetic to its imputed conclusion, these rich Joneses would now owe almost $8,000 in new taxes. So instead of getting $1,900 in tax relief under our plan, Al and Betty get a hefty tax hike. I guess that is just the Washington liberal way of keeping up with the Joneses.

DEMOCRATS NOW AGREE THAT THROUGH JOHN HUANG, CHINA ATTEMPTED TO INFLUENCE AMERICAN POLITICS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Democrats now agree with Republicans: China tried to influence American politics. No kidding, Sherlock. I think Barney Fife could figure that out.

Check this out. Hip Hing Holdings, a California company that only owns an abandoned parking lot in L.A. and who lost $1 million, gave $67,000 to the Democrat National Committee. Hip Hing got the money from Lippo Group. Lippo Group has ties to China. The money was gotten for Hip Hing from Lippo by John Huang. John Huang worked for Lippo and also worked for Hip Hing. John Huang later worked for the Commerce Department and later worked for the Democrat National Committee, but John Huang now says, "What is the big deal? I also gave money to the March of Dimes and the Boy Scouts of America."

Beam me up, Mr. Speaker. John Huang was not hired to raise money for the Boy Scouts; John Huang was hired to raise money to help China. I yield back the balance of all of this mess.

URGING MEMBERS TO DEFEAT AMENDMENTS WHICH WOULD ATTEMPT TO REWRITE THE FARM BILL ON AGRICULTURE APPROPRIATIONS LEGISLATION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I come here today because today or tomorrow we are going to be taking up the agriculture appropriations bill. There will not be a rule on this bill, and the reason there is not a rule is because the appropriators and the authorizers are together. We know what is good for agriculture.

But there are those in this body who want to rewrite the farm bill on the agriculture appropriations bill, and at the expense of American farm families. In the name of cutting Government, cutting expenses, when the farm bill passed no-cost programs to the Government, they want to change those no-cost programs. That is substantive legislation on an appropriation bill.

Agriculture groups and Members of this body who have agricultural interests in their districts have come together to support America's farming men and women. I hope we will deny those Members their success on those amendments.

□ 1115

REPUBLICAN TAX BILL

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, it is time for Republicans to come clean about their tax bill. Republicans want a tax cut for people working on Wall Street, not people living on Main Street.

Let us take an example. Al works 40 hours a work at the factory. Al works hard and supports his wife and two children on his $25,000 salary. He pays thousands of dollars in taxes. What does Al get from the Republican tax bill? Nothing. Zero. Zip.

Democrats want to give Al and millions of other working families a tax cut. These are the people Democrats want to help. What do the Republicans say about Al? They say Al is on welfare.

Billions of dollars in tax breaks for millionaires. Nothing for Al. Nothing for millions of hard-working American families. That is the Republican plan.

LIBERAL CLASS WARFARE CONTINUES

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, in response to the preceding speaker, the gentleman from Georgia, I would suggest to him that there are very few people in this country earning $40,000 to $50,000 a year who are employed as the rich on Wall Street. Yet that is exactly how the Democrats in this House view people who earn that much money—rich.

There are two competing philosophies between the major parties. Republicans believe that individuals who work for a living ought to be able to make the decisions on how to spend their money. Democrats who controlled this House for 40 years believe that families do not have the compassion or the wisdom to make those spending decisions, and that we should send more of their money back to Washington so bureaucrats can make those spending decisions. That is their legacy to America during the 40 years they controlled this Chamber.

In each Congress that the Republicans have controlled this Chamber since we took control in 1995, we have cut taxes for American families. That is our legacy to America. It is a legacy that continues with our present tax cut proposal.

INVESTIGATION OF LABOR UNIONS

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, in January of this year I became the ranking member of the House Committee on Education and the Workforce Subcommittee on Oversight and Investigations. I had the promise of the chair of that committee that we would work together closely, that we would coordinate the activities that the Republican majority wanted to pursue.

And thus far, I have gone along. I have cooperated. I have allowed the Republican majority to follow whatever agenda of investigation they wanted to pursue. It was basically a crossroads investigation to see whether money in education and labor were being wisely spent on the idea of what works and what does not work.

Suddenly a week ago we are told that the Committee on House Oversight of the whole House of Representatives has authorized my committee $1.4 million for an investigation that has never been raised in my subcommittee. We have never spent 1 minute on it. I am not against investigations. If there is corruption, let us go after it. If there is abuse of power, let us go after it. But let us not waste taxpayers' money for sheer partisan political purposes.

STICKING IT TO THE MIDDLE CLASS

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, I would like to respond to those on the other side who would like to turn Medicare and Social Security into another welfare program. Are they seriously suggesting that the tax credit should count against the payroll taxes that are paid by American workers?

Mr. Speaker, I am not sure if the liberals who are proposing this understand the consequences of what they are proposing. They are proposing that the politicians in Washington, get this, should create a brand new entitlement, the greatest something-for-nothing entitlement of all time.

So instead of people paying their way during their working lives so that their retirement and health care needs will be met in old age, they should not have to pay into the system at all. Let us recap. Pay nothing but collect hundreds of thousands in benefits from a system that everyone else has to support.

Payroll taxes are not income taxes, Mr. Speaker. Payroll taxes are for Social Security and Medicare. Let us not turn Social Security and Medicare into a massive welfare program that sticks it yet again to the middle class.

CAMPAIGN TO INTIMIDATE LABOR

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, last week the Republican leadership engaged in a back room deal to spend $1.4 million in taxpayer funds to investigate labor unions. This funding came from the $7.9 million emergency slush fund which we can now see was set aside by Republicans to finance purely partisan projects.

This abuse of taxpayer funding is intended to intimidate, to coerce and to harass political opponents, Americans who just do not happen to share the same views as the Republican leadership. It will be used to punish working men and working women who depend on employment protection provided by labor representation.

A recent Washington Post poll said that most Americans believe politicians in Washington waste too much time and money in trying to dig up dirt on their opponents. It is no wonder the Republican Congress is better known as the witch-hunt Congress.

SUPPORT H.R. 1333, THE WORKING AMERICANS WAGE RESTORATION ACT

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I rise today to issue a challenge to all Members on the other side of the aisle who wish to target tax relief to middle-income Americans. We have heard a lot about that this morning and in the past few weeks. You may be surprised to learn that 72 percent of working American families pay more in total Social Security payroll taxes than they pay in income tax.

So I commend to my colleagues a bill that I have sponsored called the Working Americans Wage Restoration Act, H.R. 1333. This bill would allow workers earning less than $65,400 to deduct their portion of Social Security payroll tax from their Federal income taxes. This would eliminate the current double taxation of the Social Security tax and put workers on the same level as businesses which are allowed to deduct the payroll taxes as a business expense.

According to the Joint Committee on Taxation, my bill would provide the average two-income family with an additional $1,200. It covers all workers. So I invite my friends on the other side of the aisle, Members who are so concerned about middle income Americans, get on this bill. H.R. 1333.

THE REPUBLICAN TAX PLAN

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Illinois. Mr. Speaker, the American people are saying in a clear voice, cut us in or cut it out. That is exactly what the Republican tax plan does. It cuts out millions of working people in favor of the rich.

The Republican plan cuts out Ms. Smith who works all day long in a nursing home in Chicago, but cuts in Mr. Jones, a millionaire. The Republican plan cuts in the 5 percent of the wealthiest people in this country while significantly cutting out the other 95 percent.

I say Ms. Smith deserves a break. Under the Democratic plan Ms. Smith would get that break, along with 91 million other low- and middle-income families.

The Republican plan cuts out children, college students and workers who earn less than $250,000 a year. Under the Democratic plan, these groups are cut in. The Republican plan can be summed up in four words: Show me the money. Those who have it get cut in; those who do not are cut out.

NATO EXPANSION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, the Congressional Budget Office has estimated that NATO expansion is going to cost U.S. taxpayers at least $4.7 billion. Some estimates are much higher, with many analysts suggesting that $15 to $20 billion over the next few years is more accurate. And these estimates were made before it was announced a few days ago that France is not going to pay its share of expansion costs.

All of this really to obligate us to more Bosnia-type situations in the future. Already we have spent many billions over and above our regular foreign aid in Bosnia, Haiti, Rwanda, Somalia, and other places where there was absolutely no threat to United States security.

If you oppose NATO expansion you are called names like "isolationist," but name-calling is simply a way to avoid the merits or lack thereof. Let us be friends with every nation, but this does not mean we should have to pay the bills for every nation. With a $5.5 trillion debt, we simply cannot afford to do this.

As columnist Amos Perlmutter said in yesterday's Washington Times, the debate on NATO expansion should "alert the American people to the futility, the dangers, and the high cost of this experience designed to establish the President as a great foreign policy leader at the expense of the national interest."

RESERVE FUND

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, if it operates like a slush fund and is administered like a slush fund, then how should we refer to the leadership reserve?

Last week in an a total sham process, the Committee on House Oversight steamrolled through a $1.4 million allocation from the leadership's $7.9 million slush fund to investigate organized labor's political activities. The reserve fund is supposed to be used under House rules in, and I quote, "extraordinary, emergency, or high priority circumstances."

The Committee on House Oversight decided not to fund this request in March. What has happened? I ask my friends, what is the emergency? For whom is this investigation a high priority? Is this strictly a research endeavor, as the majority says? Why then a communications director for $70,000 and a media assistant for $25,000 and four additional attorneys for the committee?

I do not have all the answers but I will ask one more question: If it walks like a witch hunt and talks like a witch hunt?

MEDICARE

(Mr. DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, we have heard other speakers try to explain in simple terms exactly why Medicare is going bankrupt. Today I would like to take the next step: Explain what can be done about it.

First I would like to start with a fundamental principle, a principle that reflects my values and the importance that I would attach to freedom. That principle is: Other things being equal, individual choice is preferable to collective choice. Said another way, I think I know what is best for me and my family better than the government does. It means that I can spend my money better than the government thinks they can spend my money.

Another principle stems from this principle: To override individual choice requires a compelling reason.

So the first step to reform Medicare is to apply those principles to the system. That is why the first reform is to allow seniors more choices in their Medicare and the option in one case to choose medical savings accounts or MSAs. MSA is the best option for many seniors, and they ought to have the opportunity to choose that. I ask my colleagues to help pass this first test, essential Medicare reform.

THE REPUBLICAN TAX PLAN

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, the Republican majority has approved a tax plan that ignores the facts and ignores the wishes of the American public.

When a U.S. Treasury report revealed that the Republican plan was light on relief for working Americans and heavy on tax breaks for the rich, the Republican response was that the Treasury Department had somehow cooked the books, and they marched on with their plan. When Democrats and 15 million taxpaying families were being cut out of the GOP tax plan, the Republican response was to redefine these families as welfare families, and they marched on with their plan.

House Republicans are marching by themselves. A recent Wall Street Journal/NBC News poll shows more Americans agree with the Democrats than the Republicans on the budget and tax negotiations. This finding was supported by a recent Washington Post/ABC News poll.

Mr. Speaker, it is clear that the only thing being cooked are the tax plans, the GOP tax plans that hurt working Americans and tell untruths about hard working American families. Tax plans that hurt American families shall be rejected by Democrats and America.

ANNOUNCEMENT OF ELECTION RESULTS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, as chairman of the Republican Conference it is my pleasure to announce that we have two new members of our Republican leadership team.

At a conference of Republican Members this morning, we elected a new vice chairman of the Republican Conference, the gentlewoman from Washington, Ms. JENNIFER DUNN. And we elected the gentlewoman from Ohio, Ms. DEBORAH PRYCE as secretary to the Republican Conference.

We have a unified Republican effort here with these new elections to bring about what the American people are expecting of us: to balance the Federal budget for the first time in 27 years, to reduce taxes for middle income American families, and to solve the impending crisis with Medicare.

It is my pleasure today to bring this news to the House. I look forward to working with Members on both sides of the aisle to do what the American people sent us here to do, and that is their agenda.

□ 1130

TAX FAIRNESS FOR WORKING FAMILIES

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, 2½ years ago the Republicans stood on the steps of the Capitol and signed the Contract With America. Item 5 of the contract was not a bad idea. It called for a $500-per-child tax credit and promised to provide middle class tax relief. I must ask my Republican colleagues why they broke their promise to working families.

These families work hard, pay taxes, and are entitled to tax relief. The Republicans not only made a promise to them, they signed a contract. Now my colleagues across the aisle are trying to say that item 5 of the Contract With America does not apply to everyone. The American Dream Restoration Act, as they call it, will remain just another broken promise.

The Democrats want to provide tax relief to all working families. It is just that simple. I challenge my Republican colleagues to join us in this effort.

TREASURY DEPARTMENT USING DISHONEST ACCOUNTING

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, trying to get the truth from the Clinton administration about who benefits from the tax cut package is about as elusive as getting truth from John Huang about fund-raising illegalities in the last election. In both cases we would have to dig a hole from here to China before seeing any daylight.

The numbers being cited from the other side about tax cuts for the wealthy are hogwash. They are phony and dishonest.

Try to explain imputed rental income to my constituents, I ask my liberal friends on the other side of the aisle. Try to explain about their share of unreported and underreported income that the Treasury Department is assigning to all taxpayers, lumping honest Americans who play by the rules with tax cheats.

Try to explain the Wall Street paper profits that the Treasury Department is using to score the plan, whether or not we realize a capital gain or whether or not we even have any stock at all.

Try to defend the scoring that assumes that all the changes are put in effect immediately, even if they know full well that many of them are phased in over many years.

What are we trying to do to the American taxpayers?

REPUBLICAN TAX PLAN FAVORS THE RICH

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, Democrats have been saying for some time that the Republican tax plan favors the rich at the expense of working Americans. Republicans have tried over and over again to deny the truth, but the media and the American people are catching on.

I want to make reference to sections in an editorial in today's Washington Post entitled "Tax Trash." It says the Republicans have written a tax bill tilted heavily toward the better off. The Democrats, led by the President, have rightly called them on it.

The Republicans, in turn, have adopted a new technique. Rather than argue, as they may have done in the past, about the virtues of the bill, they engage in distortion. The people who wrote this bill are not defending its distributional consequences, they are denying them.

The plain facts are that the bill, over time, would not just mainly benefit the better off but would cost the Government revenues it cannot afford. The bill is certainly written in such a way as to make the revenue loss look small at first and then it soars.

It is not just the Treasury Department that says so. The Congressional Research Service and the vast majority of other analysts are saying the same thing.

Mr. Speaker, we should listen to the Washington Post because it says it all about what the other side is doing.

TREASURY DEPARTMENT'S USE OF FAMILY ECONOMIC INCOME IS A FRAUD

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, the Treasury Department's use of family economic income is bizarre, unusual, ill-conceived, unconventional, unorthodox, irregular, deceptive, misleading, dishonest, aberrant, divorced from reality, fanciful, factually challenged, preposterous, outrageous, inaccurate, unsupported by common sense, unconscionable, unsubstantiated, brilliantly calculated to distort the truth about the Republican tax plan and, alas, oh so typical of this administration.

In short, the Treasury Department's use of family economic income is a fraud.

Mr. Speaker, what I am hearing from the other side this morning about tax cuts for the wealthy is an insult to the middle class constituents that I represent.

Can we just imagine my going back to my district and scornfully attacking middle class families as "the rich," as somehow morally deficient for thinking they know better how to spend their own money than the politicians in Washington?

I have gotten used to listening to the complete incapacity to understand elementary economics on the other side, but today marks a new low.

A portrait of George Washington hangs behind us. I wonder what he would think about family economic income.

REPUBLICANS DECISION TO INVESTIGATE LABOR DEPARTMENT IS ABUSE OF SLUSH FUND MONEYS

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, well, here we go again. Last week, in the Committee on House Oversight, of which I am a member, with less than a 24-hour notice, which is an abuse of the rules, I find out when I walk in that the House Republicans had decided to spend $1.4 million to investigate the Labor Department, America's hardworking men and women and how they work for their companies.

There has been over $10 million spent this year on investigations by Republicans. Unfortunately, these same leaders in our Congress have cut Medicaid, Medicare, nutrition services, and we can go on and on.

Mr. Speaker, I am a Member of this Congress because I want to work for good jobs and opportunity for young people. I want to stop the witch hunts. And when we can use an abusive slush fund, set aside for just that, to investigate, to the tune just this Congress in this 6 months $10 million, I think the people ought to be outraged.

Let us get to the work of the people.

CONGRESS SHOULD WORK TOGETHER TO HELP WORKING FAMILIES MAKE ENDS MEET

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, we are here today as part of an effort to really help working families. We need to work together. There are people on both sides of the aisle that want to help working families. Let us not get confused by the calculations that are being used to determine whether people are rich or not.

We know whether people work or not, we know whether they pay taxes or not. Americans would be amazed to find out that the calculations that are being used to determine their wealth include the rental value of their home. If they own their home or are making payments on their home, the payment on their home is less than their home would rent for. Suddenly, they get a big rental value added to their income. Those things that their employer may have given them as benefits are added to their income.

More than half of the family incomes of teachers, of construction workers, of mechanics would be classified as rich if we calculate family income the way the White House wants to. We cannot do that.

Let us be fair, let us work with each other, let us help working families make ends meet.

LABOR DEPARTMENT INVESTIGATION IS POLITICAL WITCH-HUNT

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, as a new member of the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce, I was surprised to learn last week that the Speaker had just awarded the subcommittee $1½ million out of a political slush fund to conduct an emergency investigation on labor unions and working men and women around the country. First of all, when we are trying to balance the budget, where are we coming up with an additional $1.5 million for a political witchhunt that will send us on a fishing expedition all over the country. Just another investigation.

Here is a novel idea, if the Committee on Education and the Workforce has an additional $1.5 million, why do we not spend it on education and worker training such as the TRIO Program. That is a program that goes to low-income students to prepare them for higher education learning.

In fact, the two largest universities in my district in western Wisconsin, Eau Claire and La Crosse, service roughly 2,000 low-income students in the TRIO Program. Another $1½ million will double that amount.

I think we should use our taxpayer dollars wisely instead of going on another fishing expedition conducting an unlimited investigation on unwarranted charges.

UNCLE SAM CAN GET BY ON LESS FROM MIDDLE CLASS FAMILIES

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, if we had a rich uncle and we were barely making ends meet, would we be giving him more of our paycheck every 2 weeks? I think that is what we are doing. We are giving Uncle Sam more and more of our hard-earned money every year. Is it not time the rich uncle started letting us keep a little more?

Republicans in Congress think so. We have a tax relief plan that gives taxpayers a break at every stage of life. It helps middle-class families who have been hit hardest by expanding government these past 40 years. It helps middle-class families save for college by providing tax incentives for kids to go to college. It lowers the tax on savings and investment, which means a stronger economy and more jobs. And it reduces the death tax, which means that fewer families will have to sell the family farm or family businesses when the owner dies.

Uncle Sam can get by with a little less. Let us support the Republican tax package that provides tax relief to middle-class families at every stage of life.

INDEPENDENT CONTRACTOR PROVISION IN TAX BILL WILL HURT MIDDLE-INCOME WORKERS

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, there is a real snake in the woodpile in this tax bill that nobody is talking about. There is a little provision in there that says an employer can declare an employee an independent contractor. That $500 tax credit per child will not mean a heck of a lot to a taxpayer if suddenly they find out they are responsible for all their own health insurance, paying their own FICA, and paying their payroll tax.

This is something that will also cost the American taxpayer an estimated $2.2 billion over the next 10 years. Let me quote Secretary of the Treasury, Robert Rubin, and what he has to say about this one provision.

"The provisions for independent contractor status would permit employers to avoid essential worker protections." Think about this, constituents. I want everyone to know about this one. At a time when we are trying to expand health and pension coverage, this proposal could lead to widespread shifting of employees to independent contractor status.

No longer an employee, but on their own. They would take away the protections such as pension and health coverage and, consequently, wage and hour protections, unemployment insurance benefits, and compensation for work related injuries. Wake up America, it is coming.

TREASURY DEPARTMENT NOT BEING STRAIGHT WITH AMERICAN PEOPLE

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Mr. Speaker, the Treasury Department is not being straight with the American people. The Treasury Department is using misleading, bogus information about the bipartisan tax relief package.

For example, they use something called family economic income. Now, people are probably wondering what is family economic income? That is the imputed rental value of a home, even though one does not plan to rent it; inside buildup on a pension or benefits one may receive at work.

That is a definition of income that was dropped by the Joint Tax Committee, which is a bipartisan committee, Democrat and Republican, House and Senate, and they dropped that definition of income when the Democrats were in control of the Congress.

I think those who are calling family economic income the correct definition will have a hard time explaining to the schoolteachers, truck drivers, waitresses, factory workers, farmers, and nurses in my district that they are rich.

According to the Treasury Department's absurd calculation, family economic income would take someone earning $45,000 a year and, for purposes of that calculation, say they earned $75,000 a year. I guess anything to deny middle-class tax relief.

REPUBLICAN TAX RELIEF—TAKE A TURN ON THE WEB

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, yesterday Speaker GINGRICH stood in the well of this House and he invited the American people to visit the House Republican web site, calculate their estimated tax savings under the Republican plan.

So I thought, let us see how an average working tax-paying mom with two kids would fare under the Republican plan. Let me just say I received an error message saying they could not calculate her savings. Perhaps that is because this family would get a big fat zero. No tax break at all under the Republican plan.

Then I entered in the data for someone making $1 million a year, half of that in capital gains. The Republican calculator had no problem figuring out their tax break: $40,000.

That is true. A millionaire gets $40,000 back and a working taxpaying mother in this country gets zero.

The Washington Post editorial this morning hit it right on the nose. "The Republicans have written a tax bill tilted heavily toward the better off." They target this as "tax trash". If anything, this was an understatement. Everyone should take a turn on the web and see for themselves.

EXTENDING AGREEMENT BETWEEN GOVERNMENT OF UNITED STATES AND GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA CONCERNING FISHERIES OFF COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–106)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the People's Republic of China Extending the Agreement of July 23, 1985, Concerning Fisheries Off the Coasts of the United States, with Annexes and Agreed Minutes, as amended and extended. This Agreement, which was effected by an exchange of notes at Beijing on June 6 and July 1, 1996, extends the 1985 Agreement to July 1, 1998.

In light of the importance of our fisheries relationship with the People's Republic of China, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 16, 1997.*

☐ 1145

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 184 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2158.

☐ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 15, 1997, the amendment by the gentleman from Kansas [Mr. TIAHRT] had been disposed of and the bill had been read through page 8, line 8.

The Clerk will read.

The Clerk read as follows:

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $60,160,000, plus reimbursements.

GENERAL POST FUND, NATIONAL HOMES

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000.

In addition, for administrative expenses to carry out the direct loan programs, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $853,385,000: *Provided*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: *Provided further*, That funds under this heading shall be available for the conduct of medical examinations requested by the Veterans Benefits Administration in connection with claims for benefits under title 38, United States Code: *Provided further*, That none of the funds made available under this heading may be used for the relocation of the loan guaranty divisions of the Department of Veterans Affairs Regional Office in St. Petersburg, Florida to the Department of Veterans Affairs Regional Office in Atlanta, Georgia.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System, not otherwise provided for, including uniforms or allowances thereof; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $84,183,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $31,013,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $155,600,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1998, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1998, and (2) by the awarding of a construction contract by September 30, 1999: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

AMENDMENTS OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. LEWIS of California:

On page 11, line 7, strike "$155,600,000" and insert in lieu thereof "$159,600,000".

On page 12, line 21, strike "$175,000,000" and insert in lieu thereof "$176,500,000".

On page 13, line 19, strike "$60,000,000" and insert in lieu thereof "$54,500,000".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I appreciate being recognized. I will not take the entire 5 minutes. These two amendments are noncontroversial and supported by the Members from the areas that are affected.

The first amendment adds $4 million to VA's construction major projects account for a columbarium at the National Memorial Cemetery in Arizona. The bill already includes the requested $9.1 million for grave site development and improvements of this construction project at the cemetery.

The second amendment adds $1.5 million to VA's construction minor projects account for expansion of the existing National Cemetery at Mobile, AL. This will permit the development of 10 acres of city-owned land for burial of veterans in the Mobile area.

These two additions are offset by a reduction in the increase recommended by the committee for the grants for construction of State extended care facilities account. The committee recommended an increase $19 million above the 1998 budget request for this account. The amendment changes the increase in that appropriations to $13.5 million above the request.

Mr. Chairman, I urge the Members to support the amendments.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California [Mr. LEWIS] has discussed these amendments with me, and we have no objection to them.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. LEWIS].

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000; $175,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $60,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERAN CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $10,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERAN CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $10,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 1998 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 1998 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1998 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1997.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1998 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 1998, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 1998, that are available for dividends in that program after claims have been paid and actuarially determined reserved have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 1998, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON:

Page 16, after line 12, insert the following new section:

SEC. 108. (a) This section is enacted contingent on the enactment of legislation establishing the Medical Collections Fund.

(b) If the Secretary of Veterans Affairs determines that the total amount to be recovered for fiscal year 1998 for deposit to the Medical Collections Fund under the provisions of the legislation establishing such Fund will be less than the amount contained in the latest Congressional Budget Office baseline estimate (computed under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985) for the amount of such recoveries for that fiscal year by at least $25,000,000, the Secretary shall promptly certify to the Secretary of the Treasury the amount of the shortfall (as estimated by the Secretary of Veterans Affairs) that is in excess of $25,000,000. Upon receipt of such a certification, the Secretary of the Treasury shall, not later than 30 days after receiving the certification, deposit in the Medical Collections Fund, from any unobligated amounts in the Treasury, an amount equal to the amount certified by the Secretary of Veterans Affairs.

(c) If a deposit is made under subsection (b) and the Secretary of Veterans Affairs subsequently determines that the actual amount recovered for fiscal year 1998 for deposit to the Medical Collections Fund—

(1) is greater than the amount estimated by the Secretary that was used for purposes of the certification by the Secretary under subsection (b), the Secretary shall pay into the General Fund of the Treasury, from amounts available for medical care, an amount equal to the difference between the amount actually recovered and the amount so estimated (but not in excess of the amount of the deposit under subsection (b) pursuant to such certification); or

(2) is less than the amount estimated by the Secretary that was used for purposes of

the certification by the Secretary under subsection (b), the Secretary shall promptly certify to the Secretary of the Treasury the amount of the shortfall.

(d) Upon receipt of a certification from the Secretary of Veterans Affairs under subsection (c)(2), the Secretary of the Treasury shall, not later than 30 days after receiving the certification, deposit in the Medical Collections Fund, from any unobligated amounts in the Treasury, an amount equal to the amount certified by the Secretary of Veterans Affairs.

Page 48, line 2, insert "(reduced by $27,000,000)" after "$656,223,000,".

Mr. SOLOMON. Mr. Chairman, let me just say that I offer this amendment on behalf of the gentleman from Wisconsin [Mr. NEUMANN] and myself. And let me, from the bottom of my heart, Mr. Chairman, commend the work of the gentleman from California [Mr. LEWIS], the chairman, and the gentleman from Ohio [Mr. STOKES], the ranking member, and their entire Subcommittee on VA, HUD, and Independent Agencies and staff for carefully crafting a great bill and attracting bipartisan support to it. These two gentlemen, in particular, have long been strong supporters of the veterans of this Nation and particularly of our veterans' medical care delivery system, and I commend them for it. I hate to think where we would be without the leadership of both of these gentlemen.

I rise simply to build on what they have done and to offer a critically important amendment that protects the medical care dollars for our Nation's veterans.

Mr. Chairman, I am pleased to have the resounding support of every major veterans service organization in this country and the House Committee on Veterans' Affairs for this amendment that will guarantee a significant increase in VA health care funding, but more importantly, keep that funding from being decreased.

The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Vietnam Veterans of America, the Paralyzed Veterans of America, and the Blinded Veterans Association all have made it very clear that they are very uneasy about the existing appropriations for VA medical care and support this amendment that I am offering today.

Mr. Chairman, I include for the RECORD the following:

THE AMERICAN LEGION,
Washington, D.C., July 14, 1997.

Hon. GERALD SOLOMON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SOLOMON: The American Legion fully supports your amendment to the FY 1998 VA, HUD and Independent Agencies appropriations bill which would ensure supplemental funding for VA health care in the event VA's efforts to collect and retain third-party receipts falls more than $25 million short of the $604 million projected by the Congressional Budget Office.

Under current VA rules, regulations and procedures, The American Legion questions VA's ability to recover the recommended $604 million in third-party reimbursements as outlined in the 1997 Budget Resolution. Each year, service connected veterans requiring medical care must fight to get its shart of discretionary dollars. Your amendment will greatly assist VA in meeting its obligation to provide veterans the necessary medical services they need as a result of injury or illness. Without this amendment, VA may be forced to further scale back health care services and reduce staffing levels; ultimately forcing VA to ration health care to service-connected and other eligible veterans.

Once again, The American Legion fully supports your amendment to provide supplemental funding for VA health care in the event VA's efforts to collect and retain third-party receipts falls more than $25 million short of the $604 million projected by the Congressional Budget Office. As always, your continued leadership and commitment to veterans and their families is greatly appreciated.

Sincerely,
STEVE A. ROBERTSON,
Director,
National Legislative Commission.

Mr. Chairman, the necessary increase appropriated for VA hospitals is entirely dependent on the collection of outside insurance payments. In other words, VA health care is only directly funded at $16.9 billion, and that is an actual decrease from last year, and depends on an estimate by the CBO that the VA will collect and retain more than $600 million from veterans who pay for their care with private, third-party insurance.

Mr. Chairman, I have supported the collection of those dollars for the VA since my days as the ranking member of the Committee on Veterans' Affairs. And I am very pleased now that we have this written into the law and excited that we are finally providing this sort of incentive to the VA to help fund these vital medical services.

And again, that is why I commend both the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] because of their limitations that they have with their 602(b) allocations spread over all of these myriad of Departments like the Veterans Affairs Department, the Housing and all of the independent agencies, that is one of the most difficult jobs in this Congress. And that is why I offer the amendment today, because we cannot leave to chance our solemn commitment and vow to provide and maintain adequate health care for those who have served our Nation in uniform.

We owe it to them to guarantee that the budget for the VA medical care will be maintained even in the face of the inability of the VA to collect such outside payments. That is why the amendment that I am offering that was offered by the gentleman from Wisconsin [Mr. NEUMANN], sitting over here next to me, in the Committee on Appropriations is so very, very important. It implements and it pays for fail-safe language that will ensure the VA receives at least, and this is the important part, at least $579 million on top of the $16.9 billion appropriated no matter what the VA collects. That means that this amendment would guarantee nearly $17.6 billion for VA medical care. And that is the level of funding that we needed to get.

If my colleagues do not think this guarantee is necessary, just consider this: The VA collected outside payments of about $573 million in fiscal year 1995, $573 million; $557 million in 1996, that was going down; and $533 million is estimated for 1997, and that is going down.

So we can see what is happening, that these funds from third-party collections are shrinking. That is right, their collections have decreased over the last 3 years. And just to put this in more perspective, the VA predicted that they would collect $736 million initially for 1997, yet they only brought in $533 million. That is the difference, and that is why the need for this amendment.

I ask my colleagues, how can we count on them to collect $604 million next year? The truth is we just cannot.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, should we not insist on a guaranteed amount that will not jeopardize the VA's ability to deliver at least the same level of health care as last year?

This amendment I am proposing would quite simply direct the Treasury to cover any shortfall in the VA's collection of payments of more than $25 million. In other words, if the VA collects about what they have over the last few years about $550 million on average, the Treasury would transfer $29 million from unobligated funds to the VA medical care account.

However, if the VA does collect more than this $579 million threshold, let us say $590 million, then they quite simply keep it and we pay nothing additionally out of the Treasury. This safeguard builds on our willingness to try new reforms to enhance VA health care, but provides much needed reassurances to our veterans that we are not going to leave them high and dry should these reforms not live up to the expectations.

I urge my colleagues to vote yes on the Solomon-Neumann amendment and send our veterans, the administration, and the Senate a very strong message that the House is committed to guaranteeing these adequate funding levels, at least what we have been spending over the last year. That is terribly, terribly important.

And again, in closing, let me just again praise the work of the gentleman from California [Mr. LEWIS], the chairman, and the gentleman from Ohio [Mr. STOKES], the ranking member, and their committee and their staff, because they do great work for the veterans of this Nation. And being a veteran myself, I commend them for it and I thank the gentlemen for their time.

Mr. NEUMANN. Mr. Chairman, I move to strike the last word.

I rise to support this amendment. The amendment is really about the third-party payor system, which under a bill passed previously through the House, the veterans health care agencies would be allowed to collect this money.

What this amendment does is it protects the veterans that in the event the organization in Washington that estimated how much money is going to come in, in the event that organization, albeit a very fine organization, CBO, if they have made an error in the projections, this would simply guarantee the veterans that they would get at least all but $25 million of what was projected by CBO under this agreement.

That is really what this is all about. It is simply guaranteeing our veterans organizations that health care will be available for them as it has been in the past and guaranteeing the level of funding to make sure that that can really happen.

I have with me some letters and I would just like to read a few of the inserts out of these letters. The first one is from the American Legion.

> The American Legion fully supports your amendment to fiscal year 1998 VA/HUD and Independent Agencies appropriations bill, which would ensure supplemental funding for VA health care.

It goes on to say,

> The Legion fully supports your amendment to provide supplemental funding for VA health care in the event the VA efforts to collect and retain third party receipts falls more than $25 million short of the $604 million projected by the Congressional Budget Office.

And that really is what this is all about.

□ 1200

It is simply a guarantee that in the event CBO has misestimated the numbers, that they will still receive the funding necessary to provide health care to our veterans.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I just want to commend the gentleman from Wisconsin [Mr. NEUMANN] because, when he arrived here, joined forces with people like me that have been fighting for the balanced budget over all these years and he has been such a great help. One of the reasons that we are on that glide path and we are going to get this balanced budget is because of the gentleman from Wisconsin [Mr. NEUMANN]. I wanted everyone to know, especially the veterans' families and population out there that the gentleman from Wisconsin at all times has stood up for the veterans of this Nation because when we have to balance the budget, it is not easy, we have to cut someplace. With his help, we have been able to maintain that funding. I just wanted to commend him for it. The gentleman truly is a friend of the veterans, and veterans like me appreciate that.

Mr. NEUMANN. I thank the gentleman. I very much appreciate the work of the distinguished chairman of the Committee on Rules as well as the chairman of our committee and the ranking minority member for the effort that has gone into this. I would add that in view of the overall bill, this is a relatively minor adjustment, but it is very important to the veterans of our Nation. That is why this amendment is being proposed.

There are other groups of veterans that are supporting this, and it is one right after the next, Disabled American Veterans; again I quote:

> On behalf of the more than 1 million members of the Disabled American Veterans, I wish to express our appreciation and support for your amendment.

Veterans of Foreign Wars; again I quote:

> This is written to express the strong support and appreciation of the Veterans of Foreign Wars for the amendment.

All our veterans are asking is to be guaranteed that the CBO numbers are within reason, accurate so that they can plan accordingly to provide appropriate health care.

Paralyzed Veterans of America; again I quote:

> On behalf of the Paralyzed Veterans of America, I am writing to express our strong support for your amendment.

Blinded Veterans Association:

> On behalf of the Blinded Veterans Association, a federally chartered veterans service, I just want to express our strong support for your amendment.

Vietnam Veterans of America, I have got neighbors that are Vietnam veterans where I live; again I quote:

> On behalf of the membership of the Vietnam Veterans of America, I am pleased to support your amendment to fiscal year 1998 VA-HUD.

The bottom line is the veterans groups want to be assured that the health care that they have been promised is available to them. All we are doing in this amendment is making sure that the funding level that has been estimated by CBO actually comes to fruition. If there are more funds available, that is fine; it does not cost the budget anything. But if it would for some reason be that CBO has misestimated these numbers, our veterans will still be cared for in an appropriate way.

To me, veterans should receive the highest priority in this Nation. When we look at all the spending that this Government does, I think we need to start with the veterans, who have served this country so well when we consider where the dollars go.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many Members probably do not realize it, but the gentleman from New York [Mr. SOLOMON] and I have a number of things in common. Among them, before becoming involved in government, we were insurance professionals. I can remember years ago spending a lot of time in the health and life insurance field dealing with this very question. A situation where veterans had private medical coverage, and were getting services at hospitals; and the money was not directly reimbursed for VA medical care purposes and they used it within that pool of funding. To me, that process seemed a bit ridiculous. In the time I have been in the Congress the question has been raised many fold, but indeed it has never been raised quite so effectively as it has been this year.

I must say that I do have some reservation about this amendment. While I intend to support it, I nonetheless have some reservation. I have a reservation only because we have language within the reconciliation process where a conference is going on with the other body right now that is likely to statutorily extend this reimbursement process for a number of years. With that reconciliation opportunity, it seems to me that it may be that the veterans service organizations are a bit anxious here. Sometimes they ask their supporters to move a little quicker than they really might like.

For example, the gentleman from Wisconsin [Mr. NEUMANN], who has done such a fabulous job on this idea, got a commitment from the full committee chairman that, if some way reconciliation fell apart on this matter, that we would return to it in conference on our bill, essentially to try to keep the pressure on those who are dealing with reconciliation.

My concern that I would suggest to the VSO's is that they could be taking pressure off of that reconciliation process by this amendment. I hope that that is not the case but it could be. I think it would have been smarter in many ways to wait until later in our process, but frankly ofttimes we find that our friends out there who represent organizations get very anxious and really do not totally have a handle on this complicated process. In the meantime, the chairman of the Committee on Rules, taking up their concern on behalf of the gentleman from Wisconsin [Mr. NEUMANN], has indeed brought the issue to us in this form.

I am not sure why the House would want to turn it down. It will cause us to discuss it in conference. I would certainly suggest that, from my point of view, no one who is involved in reconciliation presumed this is the way to get off of that hook. We expect them to act positively, and I am going to be strongly urging them to act positively.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise just to bring to the attention of the House a little further discussion relative to the reservations that were just expressed by the chairman of the subcommittee. By the same token, I have reservations because this matter was discussed fully at the full committee level. The gentleman from Wisconsin [Mr. NEUMANN] presented the amendment at that time and I think did an excellent job of presenting the problem that veterans have faced as a result of the necessity for such a motion.

After a full discussion at the full committee level, assurance was given that in the event that the reconciliation package did not provide the type of fail-safe preservation that the veterans needed, that the Committee on Appropriations would revisit this matter and see that the veterans were made whole. Subsequently, and based upon the chairman's representation in that respect, the full committee then voted down that particular amendment at that time.

I think all of us have to realize that this problem would not have arisen had we taken care of this matter in the budget agreement that was passed here by the House. I voted against the budget agreement which was passed by the House. One of the reasons I voted against it was because all of those who voted for it knew that that bill cut the veterans account by $2.2 billion. I think it was recognized by anyone voting for it that at some time or other the chickens would come home to roost and this matter would have to be reconciled. Of course this amendment gives people the right to have it both ways. They voted for the budget that cut veterans by $2.2 billion and by this amendment they cover themselves to try and protect them in the event that there is a shortfall.

Mr. NEUMANN. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. In the full committee, our biggest problem that we had after we left full committee and entered into further discussions on it, if reconciliation passes and contains these provisions, I do not think there is anyone that has a problem in conference with eliminating this if it is already done in reconciliation at that point. But the problem we had is that, if it was not in either the House bill or the Senate bill and reconciliation failed, then the question would come up as to whether or not it would be appropriate in the conference committee to add something that was in neither the House version nor the Senate version. That is the reason we brought it here to the floor.

Again I express my respect and support for the ranking minority member of this committee.

Mr. STOKES. Mr. Chairman, reclaiming my time, I recognize and do not quarrel with the fact that the gentleman was trying to arrive at a solution to a potential problem in the future. I am just saying that I think when this budget was passed by the House, with the cut being in it, we should have all recognized, at least I recognized, that this problem was going to come up at that time.

Mr. GILMAN. Mr. Chairman, I rise today in strong support of the amendment being offered by my colleague from New York, the chairman of the Rules Committee. This amendment would provide a much needed safety net for veterans health care should the need arise in the future.

Under the current balanced budget agreement, VA health care appropriations are frozen over the next several years rather than increasing, as they have traditionally done. In return, the VA will be allowed to collect and retain third party insurance and Medicare payments.

The funds collected from these payments in theory will make up for those funds that would have resulted from future budget increases. The CBO estimates that $604 million would be collected in this manner.

This amendment would guarantee the VA an additional $579 million in the event that the third party collection program is not as successful as envisioned. It would take effect if the third party collections fell more than $25 million short of the CBO projection.

In terms of cost, this amendment would require $14 million to implement. The funds for this would come from the EPA budget, while leaving the funding for that program well over the President's request.

Mr. Chairman, the health of our Nation's veterans is far too important to rely on unproven and untested national programs. Veterans benefits are true entitlements; they were earned by sacrifice and blood. This amendment is supported by our Nation's veterans organizations and is a welcome step toward correcting a dangerously low health care appropriation.

Accordingly, I urge all of my colleagues to join in supporting Representative SOLOMON's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under the head "Preserving Existing Housing Investment") or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $10,393,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $9,200,000,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1998: *Provided further*, That of the total amount provided under this heading, $850,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended: *Provided further*, That of the total amount provided under this heading, $343,000,000 shall be for section 8 rental assistance under the United States Housing Act including assistance to relocate residents of properties (i) that are owned by the Secretary and being disposed of or (ii) that are discontinuing section 8 project-based assistance; for the conversion of section 23 projects to assistance under section 8; for funds to carry out the family unification program; and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: *Provided further*, That of the total amount made available in the preceding proviso, $50,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act or the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611).

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

Notwithstanding any other provision of law, of the amounts recaptured under this heading during fiscal year 1998 and prior years, $565,000,000, heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs, are rescinded.

All balances remaining in the Preserving Existing Housing Investment Account for Preservation shall be transferred to and merged with the amounts previously provided for those purposes under this head.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,500,000,000, to remain available until expended for modernization of existing public housing projects as authorized under section 14 of such Act: *Provided*, That of the total amount, $30,000,000 shall be for carrying out activities under section 6(j) of such Act and technical assistance for the inspection of public housing units, contract expertise, and training and technical assistance directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public housing program and for lease adjustments to section 23 projects: *Provided further*, That of the amount available under this heading, $5,000,000 shall be for the Tenant Opportunity Program: *Provided further*, That all balances, as of September 30, 1997, of funds heretofore provided (other than for Indian families) for the development or acquisition costs of public housing, for modernization of existing public housing projects, for public housing amendments, for public housing modernization and development technical assistance, for lease adjustments under the section 23 program, and for the Family Investment Centers program, shall be transferred to and merged with amounts made available under this heading.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER OF FUNDS)

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,900,000,000, to remain available until expended: *Provided*, That all balances outstanding, as of September 30, 1997, of funds heretofore provided (other than for Indian families) for payments to public housing agencies for operating subsidies for low-income housing projects, shall be transferred to and merged with amounts made available under this heading.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFER OF FUNDS)

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies, resident organizations, and Indian Tribes and their Tribally designated housing entities (including the cost of necessary travel for participants in such training); $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development; and $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: *Provided*, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: *Provided further*, That notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for assisting in the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937; and for providing replacement housing and assisting tenants to be displaced by the demolition, $524,000,000, to remain available until expended, of which the Secretary may use up to $5,000,000 for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided*, That no funds appropriated in this title shall be used for any purpose that is not provided for herein, in the Housing Act of 1937, in the Appropriations Acts for Veterans Affairs, Housing and Urban Development, and Independent Agencies, for the fiscal years 1993, 1994, and 1995, and the Omnibus Consolidated Rescissions and Appropriations Act of 1996: *Provided further*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330), $650,000,000, to remain available until expended, of which $5,000,000 shall be used to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to $200,000 for related travel: *Provided*, That all balances outstanding as of September 30, 1997, previously appropriated under the headings "Annual Contributions for Assisted Housing", "Development of Additional New Subsidized Housing", "Preserving Existing Housing Development", "HOME Investment Partnerships Program", "Emergency Shelter Grants Program", and "Homeless Assistance Funds", identified for Indian Housing Authorities and other agencies primarily serving Indians or Indian areas, shall be transferred to and merged with amounts made available under this heading.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739) $3,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $204,000,000, to remain available until expended: *Provided*, That of the amount made available under this heading for non-formula allocation, the Secretary may designate, on a noncompetitive basis, one or more nonprofit organizations that provide meals delivered to homebound persons with acquired immunodeficiency syndrome or a related disease to receive grants, not exceeding $250,000 for any grant, and the Secretary shall assess the efficacy of providing such assistance to such persons.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 2000: *Provided*, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of the Act; $2,100,000 shall be available as a grant to the Housing Assistance Council; $1,500,000 shall be available as a grant to the National American Indian Housing Council; $25,100,000 shall be for grants pursuant to section 107 of such Act; $11,500,000 shall be for the Community Outreach Partnership program; $16,700,000 shall be for grants pursuant to section 11 of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120): *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $50,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: *Provided*, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: *Provided further*, That the supportive services may include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: *Provided further*, That the Secretary shall require applications to demonstrate firm commitments of funding or services from other sources: *Provided further*, That the Secretary shall select public and Indian housing agencies to receive assistance under this head on a competitive basis, taking into account the quality of the proposed program, including any innovative approaches, the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount provided under this heading, $50,000,000 shall be for Economic Development Grants.

Of the amount made available under this heading, notwithstanding any other provision of law, $30,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act. In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,500,000,000, to remain available until expended: *Provided*, That up to $7,000,000 shall be available for the development and operation of integrated community development management information systems: *Provided further*, That $15,000,000 shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: *Provided further*, That up to $10,000,000 shall be available to carry out a demonstration program in which the Secretary makes grants to up to three non-profit community development financial institutions (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994), selected on a noncompetitive basis, to demonstrate methods of expanding homeownership opportunities for low-wealth borrowers, including expanding the secondary market for non-conforming home mortgage loans to low-wealth borrowers: *Provided further*, That grantees shall have experience in working with lenders who make non-conforming loans to low-income borrowers, have experience in expanding the secondary market for such loans, have demonstrated success in carrying out such activities with non-Federal funds, and have demonstrated the ability to provide data on the performance of such loans sufficient to allow analysis of the investment risk of such loans.

SUPPORTIVE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389 and prior laws for the Supportive Housing Demonstration Program, as authorized by the Stewart B. McKinney Homeless Assistance Act, $6,000,000 of funds recaptured during fiscal year 1998 shall be rescinded.

SHELTER PLUS CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389 and prior laws for the Shelter Plus Care program, as authorized by the Stewart B. McKinney Homeless Assistance Act, $4,000,000 of funds recaptured during fiscal year 1998 shall be rescinded.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), not otherwise provided for, $839,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $645,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $194,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: *Provided further*, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate: *Provided further*, That all obligated and unobligated balances remaining in either the "Annual Contributions for Assisted Housing" account or the "Development of Additional New Subsidized Housing" account for capital advances, including amendments to capital advances, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly, under section 202(c)(2) of such Act, shall be transferred to and merged with the amounts for those purposes under this heading; and, all obligated and unobligated balances remaining in either the "Annual Contributions for Assisted Housing" account or the "Development of Additional New Subsidized Housing" account for capital advances, including amendments to capital advances, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzales National Affordable Housing Act, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities, as authorized under section 811 of such Act, shall be transferred to and merged with the amounts for those purposes under this heading.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1998 by not more than $7,350,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts: *Provided*, That up to $125,000,000 of recaptured budget authority shall be canceled.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1997, and any collections made during fiscal year 1998, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1998, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000.

During fiscal year 1998, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $333,421,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $326,309,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $81,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $17,400,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $222,305,000, of which $218,134,000, including $25,000,000 for the enforcement of housing standards on FHA-insured multifamily projects, shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 1998, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $130,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000, to be derived from the Ginnie Mae-guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $39,000,000, to remain available until September 30, 1999.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $30,000,000, to remain available until September 30, 1999, of which $15,000,000 shall be to carry out activities pursuant to such section 561. No funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,005,826,000, of which $544,443,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, and $1,000,000 shall be provided from the "Community Development Grants Program" account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $66,850,000, of which $11,283,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the "Drug Elimination Grants for Low Income Housing" account.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $16,312,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. DELAY REISSUANCE OF VOUCHERS AND CERTIFICATES.—

Section 403(c) of The Balanced Budget Downpayment Act, I is amended—

(A) by striking "fiscal years 1996 and 1997" and inserting "fiscal years 1996, 1997, and 1998"; and

(B) by inserting before the semicolon the following: "and October 1, 1998 for assistance made available during fiscal year 1998".

SEC. 202. SECTION 8 RENT ADJUSTMENTS.—Section 8(c)(2)(A) of the United States Housing Act of 1937 is amended—

(1) in the third sentence, by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998"; and

(2) in the last sentence, by striking "fiscal year 1997" and inserting "fiscal years 1997 and 1998".

SEC. 203. The part of the HUD 1996 Community Development Block Grant to the State of Illinois which is administered by the State of Illinois Department of Commerce and Community Affairs (grant number B–96–DC–170001) and which, in turn, was granted by the Illinois Department of Commerce and Community Affairs to the city of Oglesby, Illinois, located in LaSalle County, Illinois (State of Illinois Department of Commerce and Community Affairs grant number 96–24104), for the purpose of providing infrastructure for a warehouse in Oglesby, Illinois, is exempt from the provisions of section 104(g)(2), (g)(3), and (g)(4) of title I of the Housing and Community Development Act of 1974 as amended.

SEC. 204. ANNUAL ADJUSTMENT FACTORS.—Section 8(c)(2)(A) of the United States Housing Act of 1937 is amended by inserting the following new sentences at the end: "In establishing annual adjustment factors for units in new construction and substantial rehabilitation projects, the Secretary shall take into account the fact that debt service is a fixed expense. The immediately foregoing sentence shall be effective only during fiscal year 1998.".

SEC. 205. MINIMUM RENTS.—Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 40) is amended by inserting "and fiscal year 1998" after "fiscal year 1997".

SEC. 206. HOME PROGRAM FORMULA.—The first sentence of section 217(b)(3) of the Cranston-Gonzalez National Affordable Housing Act is amended by striking "only those jurisdictions that are allocated an amount of $500,000 or greater shall receive an allocation" and inserting in lieu thereof the following: "jurisdictions that are allocated an amount of $500,000 or more, and participating jurisdictions (other than consortia that fail to renew the membership of all of their member jurisdictions) that are allocated an amount less than $500,000, shall receive an allocation".

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $26,897,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, $125,000,000, to remain available until September 30, 1999, of which $20,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000: *Provided further*, That not more than $40,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $44,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $400,500,000, to remain available until September 30, 1999: *Provided*, That not more than $29,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $69,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $10,000,000 shall be available for national service scholarships for high school students performing community service: *Provided further*, That not more than $201,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program): *Provided further*, That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $2,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7298, $9,319,000, of which $790,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set fourth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,815,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $656,223,000, which shall remain available until September 30, 1999: *Provided*, That $35,000,000 of the funds appropriated under this heading shall be transferred to the National Institute of Environmental Health Sciences to conduct and administer a comprehensive, peer-reviewed particulate matter research program.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,763,352,000, which shall remain available until September 30, 1999.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,501,000, to remain available until September 30, 1999.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $182,120,000, to remain available until expended: *Provided*, That the Environmental Protection Agency is authorized to establish and construct a consolidated research facility at Research Triangle Park, North Carolina, at a maximum total construction cost of $272,700,000, and to obligate such monies as are made available by this Act for this purpose.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,500,699,000, to remain available until expended, consisting of $1,250,699,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $11,641,000 of the funds appropriated under this heading shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 1999: *Provided further*, That notwithstanding section 111(m) of

CERCLA or any other provision of law, $80,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: *Provided further*, That $35,000,000 of the funds appropriated under this heading shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 1999: *Provided further*, That $85,000,000 of the funds appropriated under this heading shall be for Brownfields assessments, training and administrative expenses only: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1998.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $60,000,000, to remain available until expended: *Provided*, That no more than $9,100,000 shall be available for administrative expenses.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $9,000,000 of these funds shall be available for administrative expenses.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,026,182,000, to remain available until expended, of which $1,250,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, as amended, and $750,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $50,000,000 for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages as provided by section 303 of Public Law 104–182; $160,925,000 for making grants for the construction of wastewater and water treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the report accompanying this Act; and $750,257,000 for grants to States, federally recognized tribes, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities pursuant to the provisions set forth under this heading in Public Law 104–134 and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That, beginning in fiscal year 1998 and thereafter from funds appropriated under this heading, the Administrator is authorized to make grants to federally recognized Indian governments for the development of multi-media environmental programs: *Provided further*, That, hereafter, the funds available under this heading for grants to States, federally recognized tribes, and air pollution control agencies for multimedia or single media pollution prevention, control, and abatement and related activities may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

WORKING CAPITAL FUND

Under this heading in Public Law 104–204, delete the following: the phrases, "franchise fund pilot to be known as the"; "as authorized by section 403 of Public Law 103–356,"; and "as provided in such section"; and the final proviso. After the phrase, "to be available", insert "without fiscal year limitation".

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,932,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,506,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as Chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $34,365,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $500,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,495,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $341,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $171,773,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $4,803,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $321,646,000: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131 (b) and (c) and 42 U.S.C. 5196 (e) and (i), $50,000,000 of the funds made available under this heading shall be available until expended for project grants for State and local governments, and $60,000,000 of the funds made available under this heading shall be available until expended for planning and construction costs of a full-scale windstorm simulation center in conjunction with the Partnership for Natural Disaster Reduction.

☐ 1215

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair would inquire of the gentleman, is it the amendment originally suggested by the gentleman from Minnesota [Mr. VENTO]?

Mr. STOKES. Mr. Chairman, this would be the conforming amendment that was referenced by the gentleman from Wisconsin [Mr. OBEY] last night when he presented his other part of this particular amendment.

The Clerk read as follows:

Amendment offered by Mr. STOKES:

On page 57, line 12, strike all after "governments" through "Reduction" on line 17.

Mr. STOKES. Mr. Chairman, my colleagues will recall that last night when the gentleman from Wisconsin [Mr. OBEY] presented his amendment that he referenced the fact that in order to perfect it to the wind tunnel that he would have to have a conforming amendment. This is a conforming amendment in order to perfect the amendment which he sponsored last night. At this time we would present the conforming amendment in order to comply with the reference made by the gentleman from Wisconsin last night relative to his original motion.

The amendment of Mr. OBEY last night would remove the earmark of the wind tunnel and the conforming amendment removes the appropriation related to it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 184, further proceedings on the amendment offered by the gentleman from Ohio [Mr. STOKES] will be postponed.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent that we be allowed to go back to title II. I am sorry, I was on my way over when I got a phone call saying that we were moving through title I. I was wondering if the Chairman would offer us that consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. SENSENBRENNER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $100,000,000: *Provided*, That total administrative costs shall not exceed three and one-half percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $21,610,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,464,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 1999. In fiscal year 1998, no funds in excess of (1) $47,000,000 for operating expenses, (2) $375,165,000 for agents' commissions and taxes, and (3) $50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 1998, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016 (a)(2)), as amended by Public Law 104–208, is further amended by striking the date "1997" and inserting in lieu thereof the date "1998".

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1998 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1998 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees shall be assessed in a manner that reflect the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1998.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,419,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1998 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts: *Provided further*, That notwithstanding any other provision of law, the Consumer Information Center may accept and deposit to this account, during fiscal year 1998 and hereafter, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials and undertaking other consumer information activities; may expend those gifts for those purposes, in addition to amounts appropriated or otherwise made available; and the balance shall remain available for expenditure for such purpose.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,426,500,000, to remain available until September 30, 1999.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER:

Page 61, line 13, insert "(reduced by $100,000,000)" after "$5,426,500,000".

Mr. SENSENBRENNER. Mr. Chairman, this amendment reduces the amount for human space flight by $100 million to eliminate the request that has been made by someone for Russian program assurance in the Space Station Program. The $100 million was not requested either by NASA or by the administration, but suddenly appeared in the appropriation bill as a result of some negotiations that I do not think we really have gotten the full explanation for.

Let me say that if this amendment is adopted, NASA will get every penny for the space station that it has requested. The amendment allows for the full funding of the space station, and I think that NASA ought to be held accountable for the request that it has made and to build the space station according to the budget line that it has announced for a number of years.

The real shame that has occurred during the debate on this appropriation bill, in my opinion, is that some people have alleged that reducing the line for Russian program assurance places the space station in jeopardy.

Let me say that I have consistently supported fully funding the space station since day one. That continues to be my position. I believe we need a space station led by the United States and that the space station design that NASA has been with for the last 3½ years is a good one. We ought to fund it, we ought to build it, and we ought to put it in orbit.

On the other hand, I am very concerned that money in the reserves for the space station are being used to finance patching up failures of the Russian Government to do what it agreed to do, and by having $100 million extra in the space station account we are just encouraging the Russians to continue to delay and default because they know that the American taxpayer will end up picking up the tab for it.

I am opposed to it. I think that the majority of the American people are opposed to it. This is a question of accountability of NASA. NASA should tell the Congress and tell the American public exactly how much the agreement that they made with the Russians is costing the American taxpayer. Giving them $100 million more in Russian program assurance will just delay that day of reckoning.

I would urge the adoption of this amendment that just is a straight reduction of the $100 million, will be used to reduce the deficit if there is a lockbox amendment that ends up being approved. I think that this is prudent policy, and it also will make NASA accountable for the money that it spends.

Mr. LEWIS of California. Mr. Chairman, first let me withdraw my point of order. This is a different amendment than I anticipated.

The CHAIRMAN. The point of order is withdrawn.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would urge Members as well as those in Members' offices who might be watching this discussion to focus on this amendment with great care. The gentleman from Wisconsin [Mr. SENSENBRENNER] and I share in common a great interest in our work in space. We also have had many a discussion and share both interest and concern about international space station and that international partnership that has been formed with the United States and a number of our allies regarding our work in space. It is my concern that there are economic difficulties relative to some in that partnership and especially the Russian part of that partnership. Having expressed that concern in many a forum, I nonetheless suggest that this amendment which would affect $100 million relative to the Russian program for assurance could very well have a serious impact upon that partnership.

Indeed, we are attempting to make sure that we continue with a foundation of international partnership in a solid way that allows space station to progress on a schedule and calendar that will assure, indeed, its success. I am most concerned that this action could itself impact dramatically the partnership and, in turn, could affect the schedule for the station.

Mr. Chairman, I would love to hear from the Science Committee. If all those things should occur, I would love to hear from the committee what their game plan is at the other end in terms of assuring station success.

Now further, it is my view that if this partnership should unravel because of some untoward action, and indeed we could find ourself in a circumstance where station is not just delayed, station could be undermined itself, and that in turn could have a horrendous impact upon NASA's work.

With all those things in mind, I know the membership is most sensitive about just how successful we are being these days in space. None of us would have asked for a Mir accident, the tragedy that we have experienced there. At the same time, all of us who focused on that accident know that as a result of that we have learned a great deal. We could not have asked for a more productive and valuable experiment in terms of that kind of difficulty and potential in space.

□ 1230

None of us could be more excited than I am about the mission to Mars and the tremendous message it sends to the world about America's future in space. But, indeed, it is very important that we not unilaterally take some untoward action that could indeed undermine the pathway we are on at this point in time.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, just a couple of questions. If the gentleman from California [Mr. LEWIS] can tell the membership of the House, did the administration request this $100 million for NASA program assurance?

Mr. LEWIS of California. President Clinton's administration did not.

Mr. SENSENBRENNER. Did NASA, which is part of the administration, request the $100 million for Russian program assurance?

Mr. LEWIS of California. NASA does tell me that the administration does support the $100 million in their statement of administration policy on this bill. Frankly, I get different messages from different locations. But NASA is supporting that policy position.

Mr. SENSENBRENNER. So the President did not request it, but NASA is supporting the $100 million. I think the administration ought to get its act together and hope the amendment being adopted will help them do that.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, I might suggest that the gentleman and I are in agreement on his last statement. But frankly, where we do the coordinating is maybe the disagreement here. I frankly have the highest level of confidence in the work that is being done by NASA at this moment, and, indeed, it seems to me if we find ourselves in a situation where we need to review this further, we certainly could readdress the question at conference.

In the meantime, at this point I would urge the Members to be most cautious about dealing with a small figure in the total circumstance of our entire budget but a very sizeable figure in terms of flexibility we need in dealing with space station, and the problems with this partnership. Indeed, this is an item that is ahead of its time. I urge the Members to vote "no" on the amendment.

Mr. LAMPSON. Mr. Chairman, I intended to speak on my opposition to the Rohrabacher-Roemer amendment. This amendment was promoted to the members of this body in a letter headlined "If You Won't Kill It, Chill It." What the sponsors of this amendment fail to remember is that earlier in this session, we had a referendum on the international space station. It was proposed by my good friend from Indiana. His amendment to kill the space station was soundly rejected. This body has made a commitment to the space station. We have done so, I believe, because we realize the space station is the next step for scientific and technological discoveries.

While we debate this issue on the floor of the House today, the Pathfinder is sending us new and valuable information about Mars. I am sure we all agree the Pathfinder has been a complete success so far. America's fascination with space has been rekindled. Internet sites that posted pictures from the mission have been overwhelmed by people who wanted to see them. That fascination encourages students to work harder and scientists to be daring in finding the solutions that have eluded mankind here on Earth.

And while we debate this issue on the floor of the House today, the Space Shuttle Columbia orbits the Earth on a 16-day scientific mission. Space is the future of research and development of new technologies.

We all know the problems of the Russian economy. We know why there are delays on the delivery of their flight hardware. None of us like having to make these contingency plans. But bear in mind, the delays caused by Russia's inability to make good on their commitments cost us money, as well. Our Russian Program Assurance funds are not a blank check. They are, in fact, a prudent attempt to keep the project moving forward at a point when over 200,000 pounds of flight hardware has already been constructed. NASA tells us that waiting until the Russians are able to deliver the Service Module will cost the U.S. $300 million. That would be the result of the passage of this amendment—more costs and longer delays.

We have an interim control module under development and other Step 1 contingency plans in the works. The passage of this amendment would end production on the ICM and many of the contingencies, placing the space station and our entire investment thus far on the fragile shoulders of Russia.

Mr. Chairman, I'm not willing to do that. It doesn't make sense.

Finally, this amendment takes money from one NASA account and places it into another—and does so against NASA's wishes. There is no budget savings involved. This is a strike at the very heart of our commitment to the international space station. That's what is on the line when you cast your vote.

We didn't kill the space station back in April. In fact, we demonstrated strong, bipartisan support. And now my colleagues ask us to chill the space station? I would encourage my colleagues to keep progress on the space station red hot.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I do not believe that it is appropriate to cut the funding of NASA. It is true that the members of the Appropriations Committee saw the need to include additional funding for NASA's Human Space Flight, $100 million, for Russian Program Assurance [RPA], and Science, Aeronautics and Technology, $48 million programs. We must keep in mind that even though this may seem to be a significant addition, the budget of NASA over the last few years has been systematically cut. However, NASA has been able to continue forward with its involvement and leadership in the international space station.

As a Step I contingency activity do to the Russian Service Module delay, the U.S. Naval Research Laboratory is constructing the Interim Control Module [ICM] of the space station. Without these funds for fiscal year 1998, NASA would be forced to terminate the activity which could jeopardize the entire international space station international effort. It would place the entire international team in a position of having to solely depend on the Russian delivery of the service module. The valuable research that will result from the international space station would be in seriously jeopardy.

Just think of the Space Shuttle Columbia that lifted off on the first of this month and is currently flying over our heads even as we speak. This is a good first step to the many scientific experiments that will take place on the international space station. The experiments that are currently taking place, right now, on the manned space shuttle will benefit every single one of us here on Earth. The international space station will allow for even greater breakthroughs via scientific experiments in space. Human space flight if critical to performing necessary and beneficial research experiments in space and should be increasingly funded. When the Space Shuttle Columbia lands successfully today, the crew will have completed valuable scientific experiments and research that benefits everyone. The international space station promises to be ever more valuable to each and every one of us here on Earth.

By now, everyone is familiar with the successful landing of the Pathfinder Explorer on Mars. We have all seen the fantastic pictures of the geological feature and rocks on the red planet. Would this be possible if we did not adequately fund NASA—no. The national and international excitement that this mission has generated has been phenomenal. It is estimated that NASA's Jet Propulsion Laboratory web site, which displays pictures from Mars, will break the record for numbers of individuals to log into a specific web site. Funding of NASA is crucial to our continued leadership in space. Funding of the Russian Program Assurance is crucial to the continued international efforts of the international space station.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 184, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] will be postponed.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. VENTO. Mr. Chairman, on page 57, line 21, I have an amendment. Have we read to that point in the bill yet?

The CHAIRMAN. The reading has progressed beyond that point.

Mr. VENTO. This is in the same title.

The CHAIRMAN. The Chair was simply stating an answer to the gentleman's question.

Mr. VENTO. Are we on page 61, line 13?

The CHAIRMAN. The human space flight paragraph is pending.

Mr. VENTO. I have an amendment at the desk that amends that as well as a previous line in the bill. Is this amendment in order at this time, Mr. Chairman? It has been printed in the RECORD.

The CHAIRMAN. Only by unanimous consent.

Mr. VENTO. I ask unanimous consent to offer this amendment in this title, Mr. Chairman, in that it amends this particular provision.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. LEWIS of California. Mr. Chairman, I reserve the right to object.

Mr. GILMAN. Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has the time under his reservation to the unanimous-consent request of the gentleman from Minnesota [Mr. VENTO].

The gentleman from California [Mr. LEWIS] controls the time.

Mr. GILMAN. Mr. Chairman, will the gentleman from California [Mr. LEWIS] yield?

The CHAIRMAN. There is a unanimous-consent request pending before the House. The gentleman from Minnesota [Mr. VENTO] can withdraw his unanimous-consent request for the time being.

Mr. VENTO. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to submit a statement in support of the Solomon amendment that was taken up in title I, and ask that my statement be made part of the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. VENTO. Mr. Chairman, I renew my unanimous-consent request.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] reserves the right to object, and controls the time.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I did submit this amendment for the RECORD yesterday. What it seeks to do is to reduce funding for the manned space program and transfer some money in the FEMA emergency food and shelter program.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, I would say to the gentleman that we have received encouragement on both sides of the aisle from our leadership to proceed as rapidly as possible, and indeed, we have proceeded very rapidly this morning. We have two other bills that need to be completed by Thursday. Because of that, I would have to object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,690,000,000, to remain available until September 30, 1999.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles; $2,513,200,000, to remain available until September 30, 1999.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $18,300,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman in a colloquy.

Mr. Chairman, the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations and I reached an agreement on the NASA transfer authority contained in H.R. 2158 for the International Space Station which allows the NASA administrator to transfer up to $150 million from the science, aeronautics, and technology account and the mission support account to the International Space Station Program. This authority is contained on page 64, lines 8 through 22 of the Union Calendar bill.

I agreed not to raise a point of order against the transfer authority in exchange for a commitment by the gentleman from California [Mr. LEWIS] that any conference report to H.R. 2158 containing transfer authority language would require NASA to obtain approval from both the House Committee on Science, in addition to approval from the Committee on Appropriations.

This agreement is critical to protect the oversight responsibilities of the authorization committee, and I thank the chairman of the Subcommittee on VA, HUD and Independent Agencies for his assurances that will require the NASA administrator to formally request, justify, and obtain prior approval from the Committee on Science before utilizing the transfer authority contained in this legislation.

In this way, the committees will be able to hold NASA accountable for any decision to transfer funds into the space station account. Is it the distinguished subcommittee chairman's commitment, based upon our agreement, not to support any conference report for H.R. 2158 which contains NASA transfer authority unless it also includes report language requiring prior approval, on a case-by-case basis, by the Committee on Appropriations and the Committee on Science of any transfers by NASA?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me respond to the gentleman from Wisconsin [Mr. SENSENBRENNER]. Based upon our agreement, it is my intention to encourage the conference to have report language that involves such oversight of any transfer responsibility. I expect I will be successful with that effort.

The gentleman has my assurances that the conference on H.R. 2158 will contain the language, insofar as I can convince the entire conference. I will be very surprised if they are not responsive.

In addition, I feel the gentleman should know that with this right does go our responsibility to deal in an expeditious manner on any agency request, and ask that the gentleman give me his assurance that he will deal with any such transfer request quickly.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman does have my assurance of that. I thank the gentleman from California. I appreciate the new requirement that both the House appropriators and authorizers for NASA must improve future transfers.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to indicate my own support for the position that the gentleman has taken with regard to the transfer authority. I also appreciate the fact that he has reached agreement with the gentleman from California [Mr. LEWIS], and I certainly will do everything that I can to help implement the agreement that has been reached.

Mr. SENSENBRENNER. I thank the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, there will be a vote on this floor on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] on the amendment that he was kind enough to offer on my behalf a few moments ago. I hope my colleagues would look at this very closely.

It is the hope where authorizers who have spent a lot of time trying to determine priorities for America's space program were ignored, and basically one appropriator was able to use his power to change the priorities; where I have the greatest respect for the gentleman from California [Mr. LEWIS], we have a disagreement on what that priority should be in this particular case. I hope those people would stand up for a system that works and a system that is responsible; that is, with the authorizers as part of the process, and support the Rohrabacher amendment when it comes to a vote.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows.

Nothwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2000.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1998 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this for the purpose of entering into a colloquy with the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations, if the gentleman is willing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. I would be happy to, if the gentleman makes sure I know the subjects.

Mr. BROWN of California. Mr. Chairman, this has to do with the funding which the bill provides for the United States-Mexico Foundation for Science.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with my good friend, the gentleman from California [Mr. LEWIS], and chairman of the Appropriations subcommittee. I want to commend the chairman for including in this legislation the small sum of $1 million each from the National Science Foundation, the Environmental Protection Agency, and NASA for the United States-Mexico Foundation for Science. The foundation funds Mexican and American researchers on projects of mutual interest and benefit, and has received support from the two Governments since 1991.

I might interject that the Mexican Government has been very supportive and has indicated the desire to contribute considerably more money than the United States. Government has at this point.

I would like to further clarify the chairman's intent regarding the interaction of these three agencies with the foundation. My experience over the past 6 years has been that certain Federal agencies have been more inclined to develop new programs for funding United States-Mexico cooperation, rather than utilizing this existing foundation. I would attribute these tendencies, I hope not unjustly, to typical bureaucratic self-protection.

Is it the chairman's intention to encourage these agencies to provide financial support to the foundation and to take advantage of the foundation's proven track record for developing and supporting joint research agendas between the United States and Mexico?

Mr. LEWIS of California. If the gentleman will continue to yield, Mr. Chairman, I appreciate my colleague having this colloquy regarding the United States-Mexico Foundation and our attempt to provide some funding flows for its work.

Mr. Chairman, $1 million is provided in the bill from each of the areas of the bill's responsibility that the gentleman has mentioned: EPA, NASA, and NSF. It is absolutely my intention to see that these funds flow to the foundation in order to coordinate these efforts.

The gentleman from California [Mr. BROWN] has been most effective in encouraging this kind of work, helping us better to deal with problems that we have along the United States-Mexican border. There is no question that this sort of prioritization is long past due. It it is my intention to work closely with the gentleman to make sure these agencies work in a cooperative manner.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for his clarification and continued support. I hope the message will penetrate down to the lowest levels of the bureaucracy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows.

Upon the determination by the Administrator that such action is necesssary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $150,000,000 of funds made available in this Act to the National Aeronautics and Space Administration for "Science, aeronautics and technology" and "Mission support" to "Human space flight" for the International Space Station program, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided*, That such authority may not be used unless for higher priority items than those for which originally appropriated: *Provided further*, That the Administrator shall notify the Congress promptly of all transfers made pursuant to this authority.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1998, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1998 shall not exceed $203,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,537,700,000, of which not to exceed $228,530,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1999: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California:

On page 65, line 18, after "$2,537,700,000" insert "(reduced by $174,000)".

□ 1245

Mr. LEWIS of California. Mr. Chairman, I believe my colleagues on both sides of the aisle know that there are few Members who have more support and admiration for the work of the National Science Foundation. It is reflected not only in our work on the floor but in the work of our subcommittee as well.

But from time to time even the best of our agencies find themselves going astray. And it was not very long ago that just such a misstep or misdirection took place at NSF in the application process for grants that are part of their responsibility.

It was my colleague, the gentleman from Missouri [Mr. CLAY] from the other side of the aisle who brought this matter to our attention. And indeed this is not a partisan consideration but a concern by a number of Members on both sides of the aisle.

The purpose of this amendment is to address a problem that developed when a grant, as it went forward, caused a cross-section of academics to address themselves to some 200 districts across the country, essentially going into communities asking community leaders why they had not considered running against the person who was in office, regardless of party affiliation—Democrat or Republican—extending probes that, to say the least, have caused a great deal of consternation in districts around the Nation.

It is my view that use of dollars in this form, that cross lines, that appear to be essentially almost anti-incumbent, are more than disconcerting to the body. This amendment is designed to send a message rather than anything else. It is my intention to discuss this matter further as we go forward from here.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, let me say to the gentleman that this matter which he has raised here has been brought to my attention very forcibly by a number of my friends and colleagues across party lines here in the House. I have been torn by the need to make a decision as to what is happening here.

Let me explain why. Generally speaking, I support good peer reviewed social science research by the National Science Foundation.

Mr. LEWIS of California. Mr. Chairman, I know the gentleman does.

Mr. BROWN of California. In this particular case, Mr. Chairman, I think there was the most inept foresight with regard to the impact of a research grant that I have ever seen. I think that we do need to send a message to the National Science Foundation that on issues of great delicacy, which they should have perceived this would be, there needs to be some action to prepare the proper attitude within the Members of Congress for this sort of thing. That was not done in this particular case.

I hope that the action that the gentleman contemplates will convey the message to the National Science Foundation that while we support good research, including good social science research, we think there should be some good judgment displayed over there in setting the groundwork for such items that may turn out to be controversial with the Members of Congress.

Mr. LEWIS of California. I believe the gentleman has capsulized my intent. A message is really my intent.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I rise in support of the gentleman's amendment. I want to make it clear from the beginning that I have been very supportive down through the years of the National Science Foundation. But this particular kind of incident has caused me to have some second thoughts about the wisdom of all of the grants that they have been permitting.

If there is one thing we do not need in this country, that is more Members, more people to run for Congress than presently run for Congress. I think that if people wanted to determine whether or not a person ought to run for Congress, then that is fine, but do not use the taxpayers' money for it. These universities that these two individuals work for certainly ought to sponsor a project such as this, if it is so great and so needed in terms of research and study.

I will support the gentleman's amendment and encourage others to do the same because to me it makes no sense to spend this kind of taxpayer money when we are cutting budgets, when we are cutting out Pell grants for worthy people who ought to be going to college, when we are cutting food stamps, when we are cutting all other kinds of worthy programs. I just think we are wasting the taxpayers' money in this instance, and I thank the gentleman for yielding to me.

Mr. LEWIS of California. Mr. Chairman, I intend to not debate this any further except to say that I hope that the Members would support the amendment by way of a voice vote. It is our intention to send a message here and hope that we can be effective in doing that.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I apologize for being late to address the Sensenbrenner amendment. I would like to speak for a few minutes on the Sensenbrenner amendment. I think it is an extremely important amendment for the body to be informed of and to make a very, very calculated and careful decision.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROEMER. The parliamentary inquiry is, Is this the foreign aid bill that we are currently debating?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. ROEMER. Mr. Chairman, the reason I ask that is, I think we are going to get to that bill in a few minutes. The reason I ask that is, in reading through the report language on the VA–HUD bill, on page 88 we have references to the Russian program assurance. We have had a Russian contingency fund. We have had a Russian program assurance fund. Here we are talking about $200 million because the Russians are delayed and behind schedule.

It is completely opposite of the stellar success that we have had on Mars Pathfinder. I met with the director of the Jet Propulsion Laboratory this morning here in Washington and we discussed the wonderful success of NASA in putting the Rover on Mars. They stayed within a $267 million budget and they did phenomenal things for the country and for science and technology. But with this bill, this Russian assurance program, we are turning this bill more and more into a foreign aid, a back door foreign aid program for Russia.

I do not mind helping out Russia. I do not mind making sure, Mr. Chairman, that we keep Russian scientists from helping rogue countries develop nuclear weapons. But let us deal with that in the foreign relations and foreign affairs legislation that comes before this body. Let us not continue to send $1 billion, now, between Mir, rents for Mir, which is not working very well, between the Russian contingency funds, the Russian assurance fund and to reward the Russians for further delays that cost our taxpayers more and more money to put up the space station.

I am very, very concerned that we continue to, one, go above the $2.1 billion cap on the space station that we have had bipartisan support for; second, that we create more and more foreign aid in this particular budget for the Russians for delaying their program and not doing a good job in completing the space station on time and their components of the space station.

And third, Mr. Chairman, I think that we continue to find ways in the budget process to get around the authorizers; that the appropriators sit down and they say, well, I know Congress has agreed to a $2.1 billion cap but we are going to create these new funds that somehow finagle around that agreed-to, bipartisan, watchdog jurisdictional cap that we put on before. I think that that really flies in the face of what the authorizers are here to do and what Congress has been able to achieve by putting a cap on the space station in terms of expenditures.

I would encourage my colleagues to vote for the Sensenbrenner amendment to make sure that this $100 million does not get transferred overseas, does not reward the Russians for bad, poor performance in completing their segments of the international space station.

It is almost as if we have gone full cycle from the 1950's. In the 1950's, the United States and the Russians competed due to Sputnik. We both had horse races to see who could put a man on the Moon first. We have gone full cycle now to the United States taxpayers subsidizing the Russian program, not based upon performance, not based upon trying to keep the Russian scientists out of trouble but based upon poor performance, based upon delays and with the intent to get around the congressionally bipartisan, agreed-to $2.1 billion cap on the space station.

My parliamentary inquiry, Mr. Chairman, was, I think, an appropriate though facetious one. We cannot continue to turn NASA into a back door foreign aid program. They are doing too many good things with Mars Pathfinder, with Galileo, with the repairs on the Hubbell, with the demands that we must have on NASA to find ways to resurrect our manned space program because men and women in space are important. I would encourage my colleagues to voted for the Sensenbrenner amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members that there is a pending amendment before the Committee of the gentleman from California, and would suggest to Members that that amendment be dealt with prior to other discussions.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do want to address this amendment and I want to oppose it. A lot of my good friends are involved. I must say, I think the heat may be penetrating this building. Maybe we ought to check the air-conditioning.

Last night by a very large majority we involved ourselves in whether or not there should be a nude beach at a particular location. Prior to that I had always thought the expression a Member "voting to cover his rear" was metaphoric. Last night we apparently decided to make that literal.

We also passed an amendment yesterday in which I think we voted that the Earth was flat. We told the United Nations to get out of here with this biosphere stuff, and the black helicopter members scored a victory. Today it seems to me we will err again.

The proponents have said we should send a message. The message we are sending is that we have run out of things to legislate on that are of serious waste, or that we cannot decide tough issues and we are going to go off into a series of, I think, kind of silly byways.

Let me say first with regard to this National Science Foundation amendment, obviously this is involved with a particular project, one where someone presumed to study congressional elections. I must confess that I know one of the authors and think highly of him, and he reminded me that I taught him political science, so perhaps I have a real conflict of interest here. But it was a very long time ago.

I say that because, having read the proposal, I think it is a perfectly reasonable one. But that is not the point I want to make. The point I want to make is that judging whether or not particular academic research projects are good or bad is really not one of the things we are best at. The notion that this body should set itself up as a kind of appellate research council is, I think, one of the worst I have heard in a long time.

We do some things very well. I think this body serves democracy in a very, very impressive way. I think we meet a pretty strong standard as we deal with the value questions, as we deal with resource allocations. But I do not think that we make a very good set of academic censors.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentleman for his statement. I tried to be somewhat statesmanlike in addressing the problem, but I conceded that maybe a message needed to be sent merely because so many Members have become upset. I have been through this process many times in the past where Members would get upset with a research study involving the sex habits of Eskimos or the sex life of the screw worm or something like that, or just the title.

Mr. FRANK of Massachusetts. Has the subject of nude beaches for Eskimos ever come before the body?

Mr. BROWN of California. Mr. Chairman, I do not recall that it has. But this body can get very excited about something and when they do, using their awesome powers, they frequently make some major mistakes. That may be the case in this situation. But all we can do is try to help to educate the Members of the body that there may have been some validity in this research and hope that in the future they will scrutinize these more carefully.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman.

The point I want to make is that this is just not something we are good at or should try to do. Even if Members think that in a particular research project they made a mistake, we all understand that we are legitimately motivated by politics and electoral considerations. If we were not, we would not be serving democracy well. That is not a criterion that has any place in the selection of research subjects.

I would hope we could maintain a distinction that we would get the best people we can, give them their resources. I can understand an argument that says political science, although it once nurtured me, is not really a suitable subject for the National Science Foundation at all. But once we have put them in that business, for us to say we will pick and choose and if we are offended by a particular subject, even if Members may think it was a poor choice of subjects, I think it is an unwise power for us to get into exercising.

We then invite people who disagree with any choice of subject to come to us and set us up, as I said, as a kind of ultimate academic appeal council. I would hope that we would stop telling people what they have to wear when they swim and we would not try to repudiate the roundness of the Earth and that we would also refrain from intervening in the selection of individual research projects.

□ 1300

I do believe that on the whole the country will be worse off rather than better if we become the ultimate academic council.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Lewis amendment. I want to start by commending the gentleman from Missouri [Mr. CLAY] for having brought this matter to the attention of Members of the House. I also want to commend those members of the White House who have joined with him in the number of letters that have come to both the gentleman from California [Mr. LEWIS] and myself relative to this particular issue.

I do not think that anyone in the House has given greater support to the National Science Foundation than I have as the ranking member on this subcommittee. Over a number of years I have had the pleasure and privilege of giving strong support to the National Science Foundation. I think they do an outstanding job. I think that those programs are necessary programs. But I think in this case they overstep their bounds.

They overreached and they funded something that would have been better funded by private sources. I think they could have gone to the Democratic Party and the Republican Party and asked for funding for this project. It is also strange to me that, if the science that is being promoted by these two professors is so good, why neither one of their universities wanted to fund it.

It does not seem to me that this ought to fall within the category of taxpayer funded research, and for that reason I think the gentleman has a good amendment, I support the amendment, and ask Members to pass the amendment.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the argument just advanced, that this may not be a proper subject matter for us to make inquiry, to me just is not logical. Not only is it a poor choice of subject that has been decided on by the National Science Foundation in awarding this grant for almost $200,000, it is an affront to every Member of this Congress.

Because these two professors start with the premise that we are not getting the best qualified people to serve in Congress, and that is what this study is about. They are saying they are going to take $200,000 of taxpayers' money, go out and find the best qualified people to run for Congress and then encourage them to do just that. They even talk about going back after they select who these individuals should be, going back into the districts and taking them to lunch or to dinner to ask them why they are not running for Congress.

So I think we have a legitimate and a perfect right to question whether or not the taxpayers' money is being spent in this kind of an abuse.

If I might, I will engage the chairman of the committee and the ranking member of the committee in a brief colloquy.

In support of the gentleman's amendment from California, I would like to inquire, would it be correct to say that in the context of the balanced budget agreement that it has been more difficult to find funding for many worthwhile projects, agencies and programs, including the National Science Foundation?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I believe my ranking member and I both would very much agree with that.

Mr. CLAY. Mr. Chairman, reclaiming my time, would it also be accurate to say that the National Science Foundation, which has been very instrumental in advancing the frontiers of scientific knowledge that has enabled the United States to maintain its role as a preeminent world leader in scientific knowledge and knowhow has, over the years, received broad-based support from many Members of this body, including myself?

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, we both know, that is the gentleman from California and I, that the record will show that the gentleman from Missouri has indeed been a strong advocate on behalf of scientific research and the National Science Foundation.

Mr. CLAY. Mr. Chairman, again reclaiming my time, would the gentlemen concur that as funding for programs becomes even more difficult, that it is important that agencies be more sensitive to that reality and that they exercise greater care in the types of activities they become involved in and the kinds of projects they support, even though those projects may technically be within their charters?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I know the gentlemen from Missouri and the gentleman from Ohio are the best of friends, but separate from that, I am sure my ranking member and I absolutely agree with the gentleman's position.

Mr. CLAY. Mr. Chairman, continuing with this dialog, are the gentlemen aware of a project funded by the National Science Foundation called the Candidate Emergence Study?

Mr. STOKES. Yes, that study has been brought to the attention of both the gentleman from California and myself.

Mr. CLAY. Do the gentlemen join with me in questioning the wisdom of the Federal Government spending money to determine why people do not run for Congress, at the same time we are being forced to make painful choices, such as reducing support for school lunches for hungry children and reducing the amount of money available to provide shelter for homeless people throughout this country?

Mr. STOKES. Yes, both the gentleman from California and I would concur in the gentleman's judgment that such a study does not reflect the critical needs and priorities currently confronting us. And even though the amount of money used to fund the Candidate Emergence Study may be relatively small, that $194,000 could have helped to address more significant needs.

Mr. LEWIS of California. If the gentleman will yield further, I would follow up on the gentleman from Ohio's comments by saying that I have had discussions with absolutely the highest level within the National Science Foundation, and there is no question that there is embarrassment at the highest level relative to the way this pattern developed. And, indeed, not just the results but the format of the study that came from this grant is considerably different than some thought it would be.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words and I rise in support of this amendment.

Mr. Chairman, I am disappointed that the National Science Foundation has not been more careful with regard to its grant process and the sensitivity and impact which a candidate recruitment topic would have in this House. I must say, generally I think it is a good agency in our Government supporting important programs.

Mr. Chairman, I wanted to point out specifically, in taking a few minutes here, I know that we are very concerned about moving forward with the bill, and I thought we had had good cooperation, but I am deeply disappointed that the previous request that I made for consideration, even though we are in the same title, that title III was not granted and that we had moved so quickly on the bill ahead that I did not have a chance to talk about the program, the manned space program, which is $100 million over the amount requested by the administration, and an opportunity to transfer some of the money to the emergency food and shelter program that FEMA operates.

Mr. Chairman, this is the 10th anniversary of the McKinney Homeless Program, the emergency food and shelter program, since it was first incorporated into a 1987 law. Actually, our former colleague, Congressman Ed Boland, was the one that initiated the program in the early 1980's and I worked to authorize a similar initiative at that time.

Frankly, we should be celebrating the success of that program today and providing some additional dollars to at least bring it back to the 1995 level. But we are not going to be able to even have a vote or a debate, quite frankly, on that subject, other than the context in which I am speaking at this point, because of the lack of consideration for offering such amendment in the title.

It is a program, I think, that most of us recognize that has had good success. Often I think there is a discussion about whether there is compassion fatigue with regard to programs like the homeless. But I would hasten to point out to my colleagues that this program is really very successful in the sense that it has dealt with tens of thousands of Americans that have found themselves economic and social casualties in our society and, in fact, has brought them back into the mainstream and given them the wherewithal to not fall between the cracks and fail in our communities.

Furthermore, it is based on the private nonprofit efforts, which are operating on overload these days, if we have paid attention, in our cities and our rural byways, trying to respond to the desperate needs of people that are without shelter and sometimes without a meal. This program has been so effective, Mr. Chairman, in leveraging those dollars, in not taking on the program as a Federal program, as so often happens when the Federal Government gets involved, but in fact building upon a solid framework of these private groups.

And who are these groups in terms of the charitable council that manages these dollars? It is Catholic Charities, the Council of Jewish Federations the Salvation Army, and the Church of Christ in the U.S.A. These are the groups that are managing and using these dollars through the charitable council. And it has been remarkably successful with a very low administrative cost and bringing people along out of homelessness and into self sufficiency.

Now, surely we have not solved the problems of homelessness, but we have prevented and helped a lot of people move from beyond that particular circumstance in our society.

Unhappily, because of the technical procedures on the floor today, because I could not anticipate that we would not be considering the other amendments, I have been refused the opportunity, the consideration I think that is very reasonable, that I requested in the same title to offer this particular amendment. So we are really denying the opportunity to debate this, to consider the homeless out of order.

We have actually cut back these funds from 1995. The problems have not gone away. Ironically, in a good economy, very often we find with housing shortages that rents go up, so those that have these problems have more severe problems; and those that have disabilities. And as good as the programs work in terms of integrating people into our communities, in terms of mainstreaming them, we find that people sometimes make mistakes, sometimes oversights, and these programs are really the safety net that undergirds our opportunity to treat people in a responsible manner in terms of meeting their dignity food shelter or health care needs.

These are remarkably successful programs. I think they reflect the best of what we are about in terms of building on private sector, nonprofit, religious organizations that have dealt with this problem throughout its history. And it is too bad this House has not got the time today to debate amendments of this nature which are so fundamental. We can authorize and make promises. These are promises that have been kept, I might say, with FEMA and the emergency food and shelter program. They were there when we needed them in floods or catastrophies, and they have been there for many, many other reasons but we need them for human catastrophies too. But it is too bad we cannot take the time today to debate, that I have to do it under these circumstances try under a different amendment. But I did not think that this bill should go by without at least my comments with regard to the homeless across this Nation. They need are help not a technical ruling that doesn't permit their consideration.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the chairman in a colloquy for a few moments.

As the chairman may know, as part of H.R. 1275, the Civilian Space Authorization Act, which the House passed by voice vote, there was a provision which authorized appropriations of $8 million for the continued operation of the midcourse space experiment satellite within the Mission to Planet Earth at National Aeronautics and Space Administration.

MSX was constructed for the Ballistic Missile Defense Organization with a cryogenically cooled infrared sensor. As expected, the cryogen expired in February of this year, thereby rendering that part of the satellite inoperative. With the loss of the infrared sensor, BMDO's use of MSX is now limited. However, there is the availability of a lot of other sensor capability on the satellite, including the hyperspectral imaging system, which shows great promise as part of the Mission to Planet Earth.

While MSX would not replace any specific portion of the MTPE constellation, it would give NASA the opportunity to utilize MSX's unique hyperspectral imaging system at a relatively low cost. This system is fully functional and could help address numerous scientific and operational concerns NASA will have to resolve.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the gentleman has discussed this matter with me personally, and there is little question that MSX represents an opportunity for NASA to incorporate an already constructed spacecraft into the Mission to Planet Earth. I believe NASA should pursue every opportunity available for cost savings in an area of great budget difficulty, and MSX represents just that type of opportunity.

Mr. BARTLETT of Maryland. Mr. Chairman, reclaiming my time, I thank the gentleman from California for his support.

Since the cryogenically cooled infrared sensor was operating until February of this year and BMDO was utilizing the satellite, there was not an opportunity for NASA to use this spacecraft. Given that NASA and BMDO have already signed a memorandum of agreement for the cooperative exploitation of environmental data from MSX, and that BMDO has identified that there will be over 50 percent availability of MSX for other users, the timing seems perfect for the utilization of MSX by NASA.

☐ 1315

Mr. LEWIS of California. If the gentleman will yield further, it is clear that NASA needs to seize upon this opportunity to utilize this important spacecraft. I will work this conference to include language instructing NASA to incorporate the midcourse space experiment into the Mission Planet Earth Program.

I must say further to the gentleman that I do not pretend to have the expertise that the gentleman from Maryland [Mr. BARTLETT] has, let alone NASA has, in this subject area. But, indeed, the gentleman has piqued my attention, as well as my interest, and I look forward to working with the gentleman.

Mr. BARTLETT of Maryland. I thank the gentleman from California [Mr. LEWIS] very much.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words to engage the gentleman from California [Mr. LEWIS] in a colloquy.

Mr. Chairman, I rise to seek a clarification on the appropriations for the EPA Clean Lakes Program which is made available under the State and Tribal Assistance Grants. It is my understanding that moneys made available under the Clean Lakes Program can be allocated to section 314 programs. Is that correct?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from California.

Mr. LEWIS of California. That is correct, that moneys under the Clean Lakes Program can be allocated to section 314 programs.

Mr. BARR of Georgia. Reclaiming my time, it is my further understanding that it may be the case that certain EPA regions are not using the aforementioned moneys for section 314 programs. This raises very serious concerns as to why the EPA in certain regions of the country would refuse to fund 314 projects.

I would ask the gentleman, as chairman of the VA/HUD Subcommittee on Appropriations, to request of EPA a report on what, if any, 314 programs have been funded in the past year. Further, I would ask that the report be compiled by region. In other words, I would, with the assistance of the chairman, request EPA to compile a report which states region by region what section 314 projects have been funded since June 1996. This report should be delivered to the Congress by August 31, 1997.

Would the chairman lend his active support to our effort in this regard?

Mr. LEWIS of California. If the gentleman would continue to yield, first let my say that I appreciate the gentleman bringing this matter to my attention. I have a special appreciation for his concern about a report that involves each region. Indeed, I appreciate his bringing it to my attention, And I look forward to working with the gentleman.

Mr. BARR of Georgia. Reclaiming my time, I would further request that if it is found that there are certain regions not performing section 314 projects, that the chairman would work with me in conference to author report language which would specify a specific dollar amount for section 314 projects.

Would the chairman assist in this regard, as well?

Mr. LEWIS of California. If the gentleman would continue to yield, I look forward to working with the gentleman further. And the answer is, yes.

Mr. BARR of Georgia. I thank the gentleman. I appreciate the chairman's assistance, and I yield back the balance my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I thank the chairman very much, and I want to particularly thank the gentleman from California [Mr. LEWIS] and certainly the gentleman from Ohio [Mr. STOKES], the ranking member, for what proves to be a very unique set of appropriations and with special challenges.

Mr. Chairman, this is addressed to the gentleman from California [Mr. LEWIS], and I would certainly appreciate having an opportunity to enter into a colloquy with him. But let me just say that issues dealing with housing are very important, and there are many of us who have a great deal of concern because in our districts we are shortchanged on public housing, whether it is section 8 vouchers or public housing itself.

I appreciate the good work of this Committee on Appropriations, and particularly appreciate the work of the Committee on Housing and Urban Development, with the leadership of the gentleman from Massachusetts [Mr. KENNEDY] and the good work that he has done, disappointed that he is not able, as I was not able, to offer an amendment, and I hope that this will be cured.

But I wanted to offer an amendment dealing with increasing, in a compromised fashion, HUD section 8 rental assistance, recognizing the hard work of this committee to fund this for 19,580 new incremental section 8 vouchers for low-income families at a funding level of $119.5 million.

This amendment would offset this increase only by cutting funds from FEMA, Federal Emergency Management Agency, programs which would simply remove this account to the levels requested by the President. As I said, this is an effort to be fair.

These additional units, however, Mr. Chairman, will be made available for a highly targeted demonstration of using housing assistance to support State welfare-to-work activities. This has been part of the Republican agenda for welfare-to-work activities. This is a bipartisan compromise that every Member of this House could have supported if we had been allowed to bring this amendment forward.

The tenant-based housing assistance would support families in large cities who are either already working or making substantial progress in the transition from welfare to work. As I said, I applaud the work of the gentleman from Massachusetts [Mr. KENNEDY] and join him in the need for this type of housing.

In Houston, for example, Harris County, there are approximately 15,000 families on the waiting list for section 8 assistance. Also, the HUD housing office cites that there are 27,000 individuals on the waiting list for privately owned assisted housing.

If I could engage the gentleman from California [Mr. LEWIS] in a colloquy, because we work together on these issues. In fact, 2 years ago, I guess, I came to him on the placement question when I told him that in Houston, even though I know HUD has looked at one-for-one replacement, and I move from section 8 into that because it is important, in cities that are rural or southern we find that we have very low numbers of public housing from the beginning. Therefore, when we demolish or we take away from section 8 housing and we do not get one-for-one replacement, we are in trouble.

Might I inquire, first, the problem with us having the ability to come back with this amendment, but I know I will get a certain answer, but may I also inquire as to the gentleman continuing to work with me? We got sort of stalled the last time because a lot of people did not understand why does someone in Houston want to go back to one-for-one, which seems outdated and old. I have my facts.

Can I engage the gentleman's assistance? And the gentleman from Ohio [Mr. STOKES] has been so very gracious, because I appreciate his position, and I would like to engage him as well on helping with the one-for-one synopsis, it may not be called that, but getting more housing in areas where the housing stock is low, like public housing under 4,500 units for a city that has a million citizens.

Mr. Chairman, my amendment seeks to increase the bill's funding for HUD section 8 rental assistance—with this increase to be used to fund 19,580 new incremental section 8 vouchers for low-income families at a funding level of $119.5 million. This amendment will offset this increase only by cutting funding from FEMA's—the Federal Emergency Management Agency—programs which will simply remove this account to the levels requested by the President. I applaud Mr. KENNEDY for his longstanding commitment for being an advocate for the poor and low-income families not only in his district of Massachussets, but for the Nation.

Unfortunately, I am unable to support Mr. KENNEDY's amendment which attempts to fund the new incremental section 8 vouchers for low-income families, but he seeks to underfund the NASA space program. I do not believe that it is appropriate to cut the funding of NASA. It is true that the members of the Appropriations Committee saw the need to include additional funding for NASA's human space flight—$100 million—and Science, aeronautics, and technology—$48 million—programs. We must keep in mind that even though this may seem to be a significant addition, the budget of NASA over the last few years has been systematically cut.

Human space flight is critical to performing necessary and beneficial research experiments in space should be increasingly funded. When the Space Shuttle *Columbia* lands successfully tomorrow, the crew will have completed valuable scientific experiments and research that benefits everyone. Let's not take money away from NASA.

Mr. Chairman, these additional units of incremental section 8 assistance will be made available for a highly targeted demonstration of using housing assistance to support State welfare-to-work activities. This has been a part of the Republican agenda. Welfare-to-work activities. The tenant-based housing assistance would support families in large cities who are either already working or are making substantial progress in the transition from welfare to work. In Texas, this will allow for 1,200 additional section 8 vouchers for low-income families. This assistance will offer security to families making this difficult transition, and will allow them to choose housing in locations that offer access to jobs, education, training, and other services important to achieving longterm self-sufficiency. In the city of Houston/Harris County, there are approximately 15,000 families on the waiting list for section 8 assistance. Mr. Chairman, I revisit this issue because this bill has not earmarked any funds for one-for-one housing. This is the policy that establishes requirements that housing authorities replace, on a one-for-one basis, every unit of public housing the housing authority disposes of or demolishes. The public housing authorizing bill H.R. 2 eliminated one-for-one housing. This will thrust millions of American families into homelessness. The housing demand and the problem of homelessness is so great that we must provide as many options for affordable housing as possible. The Houston HUD office cites that there are 27,170 individuals on the waiting list for privately owned assisted housing.

Between 1978 and 1993, the number of families with worst-case needs grew by 1.5 to 5.3 million families with incomes below 50 percent of median who pay more than half of their incomes for rent and utilities or live in severely substandard housing.

Between 1985 and 1993, the supply of rental housing affordable to very low-low income families decreased. In 1993 there were only 6.9 million units affordable for the 8.6 million extremely low-income renter families. More than half of these units were occupied by families with higher incomes, thus making even fewer affordable units available for extremely low-income families.

Among working poor families with children—those with incomes below 30 percent of median, which is roughly the equivalent of the poverty level—67 percent of those not receiving housing assistance—675,000 households—have worst-case housing needs. Usually this means they are paying over half their income for rent; sometimes they are also living in severely substandard housing.

Families with this type of financial stress are in constant danger of falling behind in the rent and either moving to avoid eviction or actually being evicted. Tenant-based assistance can support welfare-to-work efforts by providing families with a stable and secure place to live while they get the training they need, seek employment, and make the transition to self-sufficiency. With a housing certificate, a family can either stay in a neighborhood where there are community supports and the mother has access to a job, or move when that move is in the family's interest and the family has been counseled about opportunities linked to housing locations that offer better access to jobs, schools, training, and other opportunities. This amendment is a bipartisan compromise that every Member of this House should support. I urge the adoption of this amendment to increase self-sufficiency of low-income families by providing them with affordable housing.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am happy it enter into this colloquy with the gentlewoman from Texas [Ms. JACKSON-LEE] regarding a very important matter.

Her discussion and concern goes to the heart of how we got to one-for-one replacement in the first place, because there was a time in the country where we absolutely needed, to make certain when any public housing unit was taken out of the marketplace that it was replaced. A combination of things have occurred over time involving the fact that in some cases there was a shortage of capital, in other cases just plain bureaucratic problems. We found ourselves not tearing down old and dilapidated facilities and instead boarding up windows.

In the instance of my colleague, she has a special circumstance that reflects that original difficulty. I very much appreciate her concern, and indeed I am committed to trying to help her respond to the needs of her community. So I appreciate the point very much, and I look forward to working with my colleague.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I appreciate the gentleman from Ohio [Mr. STOKES]. Let me thank him for always having a sensitive ear.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman listening to me on this. And I wanted to bring to the attention of this body again the great need for housing in the Houston area, but particularly rural and southern areas, where we have not had this large housing stock and where we have an enormous waiting list, both homeless and section 8.

Mr. STOKES. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. STOKES. I just wanted to join with the gentleman from California [Mr. LEWIS] in expressing to the gentlewoman that we appreciate the fact that she has brought this matter to our attention both in last year's bill and this year. And of course, we have stated to her, as we state again, that we are certainly going to continue working with her relative to the unique situation that she has in her city.

In my own case, representing a large urban center, I can understand exactly the type of problem that she is encountering, and we are going to try in every way to give her the kind of relief that she needs.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank both the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] for their kindness. I emphasize that we are in the midst now of rebuilding Allen Parkway Villa. I know that would be refreshing news to those of us, my colleagues, who are tenured in this Congress.

We still have the problem of having numbers under 4,000 and needing to replace some of those that have been torn down. I welcome the input and the creativity of my colleagues. Maybe this year, this session, I can bring this to rest and have a solution for those needing housing in the Houston area, but also impacting other southern and rural areas that have the same problem.

The gentleman from California [Mr. LEWIS] did tell me that, even though I fought hard to get this amendment on the floor, that we will not be handling the amendment at this time, but we will be working on solving the problem.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. The Members will be having a voice vote later on the amendment that the gentleman from Ohio [Mr. STOKES] and I support.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would once again remind Members that the pending business before the Committee is the Lewis amendment.

If there is no further debate on the Lewis amendment, the question is on the amendment offered by the gentleman from California [Mr. LEWIS].

The amendment was agreed to.

Mr. COBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had contemplated, among others, in a bipartisan fashion offering an amendment to this title of this bill, and have decided not to do so but wanted to take this time to talk about the recently issued regulations by EPA on clean air and particulate matter in particular.

Having been involved with this since the first proposed standards were issued, I have made it my concentrated goal to know everything I could know and to read the scientific studies that have been put forth in regard to these regulations.

The claim is that these regulations are put forward on the basis that is the charge for the EPA to use the best available science. Well, in fact, that is not the case. The EPA has done what I think is an unconscionable wrong to this country. And what has exactly happened, Mr. Chairman, is we have taken a planned change in the air regulations and have gone to try and find science to support it.

The EPA claims that there are 67 studies that support their new regulations, and that claim is absolutely false. There are five studies, and it is generous to say that these are studies, but there are five different collections of data that monitor fine particulate matter. Only two of those actually measure 2.5 micron size particles. The rest are extrapolated data.

It is like a physician telling a woman she is going to have a boy child, a male child, because she has had three children before, all of which were females. The fact is that one does not connect with the other. The odds are still 50–50. In fact, the odds for having a healthy baby are much greater than the odds for this, the data put forth by EPA, to be inaccurate.

I want to discuss for a moment the studies because I think it is very important that the American public know what went on with these studies. The first is a Harvard six-city study that the data is not available to the rest of the scientific community to look at and say yes, their conclusions from this data are accurate.

As a matter of fact, the study that was correlated along with that, that used humidity in consideration for lung disease and lung problems, actually showed that the data put forth in the Harvard study was not right when in fact the confounding variables were considered. The risk of cigarette smoking was not considered in any of these studies. The risk of preexisting lung disease was not considered.

Mr. Chairman, it concerns me greatly that the Government of the United States has issued regulations that are going to cost the American public, the taxpayers of this country, $60 to $80 billion dollars a year under the claim that it is going to improve the quality of life.

If that is the case and the science can be shown to show that, then I will happily support it. But the truth is that there is not any science to support what the EPA is doing at this time. The EPA admits that. By the way, they have asked for additional money to study 2.5 micron particulate matter.

So what concerns me is that we as a Government are moving toward new regulations that are going to cost thousands of jobs, that are going to eliminate new opportunities for advancement for individuals in their employment opportunities in over 400 counties in the United States, because we think we might be able to improve some health, when the science will not show that we can.

Is it not a fact that we should know what we are doing? The greatest example is asbestos. The medical community now agrees we should have left asbestos where it was. We actually harmed more people, we actually spent and wasted a ton of money because we did not have the science before we acted.

Let not make that mistake again. Let us ask the EPA, let us ask the President, not to do this until they know what they are doing and they have the science that backs it up.

Mr. Chairman, I appreciate the opportunity to bring forth this area of interest. I am sorry that I did not have an opportunity to offer an amendment. I yield back the balance of my time.

□ 1330

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

Along with the gentleman from Oklahoma [Mr. COBURN], I had intended on offering an amendment to this bill which would have provided EPA with the necessary direction in pursuing a clean air strategy. Out of respect for the appropriations process and the need to move this bill forward without legislative provisions, we have decided not to offer this amendment today. Instead, we will work through the authorizing committees to ensure that we have a focused and rational clean air policy. Nevertheless, I feel compelled to take this opportunity to point out some of the flaws in EPA's approach to the decision to pursue the new national ambient air quality standards. Although an examination of the science behind the standards requires a great attention to detail, it is well worth the Members' time to do so. It may be easy to embrace a press release saying that we are protecting people but the facts do not show that this is necessarily going to be the result of these standards.

The Committee on Science held three hearings on the standards and has issued a bipartisan report of its findings and recommendations. The report is available on line at the committee's home page and I encourage anyone who is interested in this issue to read that report.

Among the most telling of the findings is EPA's inconsistency of the epidemiological studies, as it appears that EPA has placed greater emphasis on studies that support their conclusion while ignoring others that did not conform to their view of science. EPA has claimed that particulate matter studies have shown a wavering picture of adverse health effects. In testimony before the Subcommittee on Energy and Environment, members of EPA's own clean air scientific advisory committee have stated just the opposite.

In responses to follow-up questions submitted by the subcommittee, Dr. George Wolff, the former head of the CASAC and Dr. Joseph Mauderly, the current head of the CASAC asserted that EPA did not give the same weight to the studies that were inconsistent with the conclusion drawn by the agency.

Dr. Wolff's response stated, "There are many examples where EPA gives more weight to the studies that support their agenda, and they are very skillful, but not always convincing, in providing reasons to dismiss those studies that provide alternative explanations."

Dr. Mauderly pointed out that EPA used a weight of evidence approach in assessing PM epidemiological study but went on to say that "while this is not an inappropriate approach, it is true that EPA, and other investigators, have not expended an equivalent amount of energy on studies or data sets which show no relationship between PM and health."

This irresponsible approach to assessing the public good cannot be condoned. How we go about maintaining air quality is too important an issue to rely on findings reached only by looking at data that supports a predetermined conclusion.

In the Committee on Science and in hearings before other committees, we have heard that these standards are being moved in order to ensure that monitoring data is collected and that needed research is conducted. We endorse that goal but we cannot endorse EPA's method of making it a reality.

Plain and simple, new standards are not needed to see that monitoring and research are funded. Our amendment would have funded those activities without the need of a presumptive standard.

Although we are not offering our amendment today due to the need to move forward with the appropriations process, we will pursue this approach through the authorizing committees. Specifically, it is our intention to move H.R. 1984, bipartisan legislation introduced by the gentleman from Pennsylvania [Mr. KLINK] which would make sure that we have adequate information about health effects of various pollutants before we pursue a regulatory solution.

Mr. Chairman, the President and Administrator Browner have said that they want to work with us on implementing the new standards so as to minimize their economic impact. What they fail to recognize is that even though these regulations will not come into force for many years, these standards will influence the decisionmaking of businesses today.

Anyone in the private sector who is doing long-term planning will have nothing to gain by doing business in areas that EPA says will not be in attainment. We are already seeing this in western Pennsylvania and are sure to see it throughout the country as more and more people recognize the significance of the new standards.

Mr. Chairman, I am for clean air. I have four children of my own. If I thought for 1 minute that delaying these standards would jeopardize their health, I would not be up here making this speech. However, I have taken the time to examine the evidence and all I am convinced of is that we need to know more. I am committed to finding the funds to do the monitoring and the research needed to develop consensus on policy on air quality.

Mr. MCINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs has also been looking at these clean air standards and the process which EPA and the White House have used to move forward on that. In developing its air quality standards for ozone and particulate matter, EPA has made an end run around good science, around common sense and around the real concerns of the American people.

With the blessing of Vice President GORE and the President, the agency is now finalizing these standards that may cost more than $60 billion but produce little or no health benefits and frankly put at jeopardy hundreds of thousands of jobs in this country.

In fact a friend of mine said, "If you think NAFTA created a sucking sound to Mexico, wait till these clean air standards go into effect," because then we are going to see a lot of jobs move south of the border and it is going to hurt our good working men and women in this country.

Moreover, Mr. Chairman, these standards may in fact undo the considerable progress that our communities have already been making in attaining high-quality air standards.

When my colleagues think about the young children who are affected by asthma and other problems having to wait an additional 10 years because these new standards put on hold the progress that is being made, that is wrong and these standards are not good for those children.

EPA has ignored the widespread economic and scientific criticism that these standards have provoked throughout the entire Clinton administration and has done everything in its power to cover up those concerns.

Mr. Chairman, those objecting to the rule include the President's Council of Economic Advisers, the White House Science Adviser, the Commerce Department, the Transportation Department, the Treasury Department, the Agriculture Department, and the Small Business Administration in this administration under President Bill Clinton. The Office of Management and Budget staff found that the EPA rules, quote, did not fully conform with the administration's own guidelines for regulatory review.

The President's own Office of Science and Technology Policy objected that the standards are not based on adequate scientific information. Alicia Munnell of the President's Council of Economic Advisers observed that "the incremental health risk reduction from more stringent standards is small, while costs are high."

In fact, CEA estimated that the cost of fully complying with EPA's approach could reach $60 billion a year, not $8 billion that EPA has reported.

According to the Small Business Administration, these are the most expensive regulations faced by small businesses in over 10 years. A Department of Transportation analysis on the impact of EPA's standards on States and localities showed that the areas in noncompliance will face economically strangling restrictions to daily operations. However, the Office of Information and Regulatory Affairs, known as OIRA, the office in OMB in charge of supervising this interagency review of regulations, has made sure that the consideration of these regulations never addressed the concerns or heard those from the agencies who disagreed with EPA.

First OIRA, at the request of EPA, helped whitewash a report to Congress drafted by the career staff that was very critical of this regulation. Later OIRA imposed an unprecedented gag order on agency written comments so that these agency concerns were never fully submitted to the public record. As a result, the courts could decide that those concerns may not be taken into account when they review the regulatory process.

Mr. Chairman, this is not how OIRA is supposed to function. OIRA does not handle other rules this way. They are a neutral body in which every concern in the administration can be raised. I want to know who and what directed OIRA to make these questionable decisions. We have been asking to interview the staff to find out what went on, but OIRA has been working to cover up these efforts. They have refused and stonewalled my subcommittee's repeated attempts at oversight to request the facts behind this unprecedented gag order. OIRA has refused to produce documents. Moreover, they have refused to allow their staff to be interviewed by our subcommittee. OIRA has apparently decided that there is too much at stake in their coverup efforts to allow a trusted career employee to tell us candidly what happened.

I am convinced that this rulemaking will eventually be overturned by the courts because it was done under an illegal process. Apparently OIRA agrees that this is likely or at least probable and is doing everything in its power to keep that process under wraps.

Mr. Chairman, in conclusion I would have supported the amendment of my colleagues. We need to do something about these regulations.

In developing its air quality standard for ozone and particulate matter, EPA has certainly made an end run around science, common sense, and the real concerns of the American public. With Vice President GORE and the President's endorsement, the Agency is now finalizing these standards that may cost more than $60 billion, but may produce little or no health benefits. Moreover, these standards may, in fact, undo the considerable progress that our communities have made in attaining the current air quality standards and implementing Clean Air Act programs.

However, nothing in the law requires the Agency to proceed blindly with standards that will have a multibillion dollar impact and that may not improve and may even degrade human health and the environment. Nothing in the Clean Air Act requires EPA to abrogate its responsibility to take a reasonable approach to regulation when the scientific data is uncertain.

Yet, EPA has ignored the very legitimate concerns raised all around about the wisdom of proceeding to issue very onerous standards in the face of inconclusive science:

EPA has ignored the advice of its own scientific advisory committee. The Clean Air Scientific Advisory Committee indicated that there is no proof that EPA's standards will measurably improve public health. In the case of ozone, they concluded that the proposed standard was not significantly more protective of public health than the current one. In the case of PM, they found significant uncertainty surrounding the health effects of fine particles. In their view, there is no compelling reason to set more restrictive standards at this time.

EPA has ignored the widespread economic and scientific criticism these standards have provoked throughout the Clinton administration, and has done in its power to coverup this dissention. Mr. Speaker, those objecting to the rules include the President's Council of Economic Advisers; the White House Science Adviser; the Commerce, Transportation, Treasury and Agriculture Departments; and the Small Business Administration.

For example, Assistant Secretary for Transportation Policy Frank Kruesi commented that it was "incomprehensible that the administration would commit to a new set of standards without much greater understanding of the problem and its solutions."

The Office of Management and Budget found that the EPA rules "did not fully conform" with the administration's own guidelines for regulatory review.

The President's Office of Science and Technology Policy objected that these standards are not based on adequate scientific information.

Alicia Munnell of the President's Council of Economic Advisers observed that, "the incremental health-risk reduction from more stringent standards is small, while costs are high." In fact, CEA estimated that the costs of fully complying with just EPA's new ozone standards could reach $60 billion a year.

According to the Small Business Administration, these are "the most expensive regulations faced by small business in 10 or more years."

A Department of Transportation analysis of the impact of EPA's standards on States and localities showed that areas in noncompliance will face "economically strangling restrictions to daily operations."

However, the Office of Information and Regulatory Affairs, known as OIRA, has made sure that consideration of these concerns are never heard or remains behind closed doors. First, OIRA, at the request of EPA, helped whitewash a report to Congress drafted by OIRA career staff that was critical of the rule. Later, OIRA imposed an unprecedented gag order on agency written comments so that these agency concerns were never formally submitted for the public record. As a result, the courts may not take these agency concerns into accounting in reviewing the rules. Instead, OIRA imposed a highly questionable and unusual "alternative interagency review process" to deal with the standards. This is now how OIRA handles other rules. What and who directed OIRA to make these questionable decision.

Finally, the President's decision to back EPA was reached before the Agency's final rules were sent to OIRA for review, despite the requirements of the President's own Executive Order. Therefore, one of the most complex and expensive regulations were subjected to meaningless internal review.

Despite the serious evidence of improper conduct, OIRA has refused or stonewalled my repeated oversight requests to uncover the facts behind OIRA's unprecedented behavior. OIRA has refused to produce documents to my subcommittee, including even a copy of the very rule they are supposed to be reviewing. More significantly, OIRA has refused to allow my subcommittee to interview key senior OIRA officials, including the Branch Chief of the Natural Resources Division who drafted internal reports critical of the rule. OIRA has apparently decided that there is too much at stake in its current coverup efforts to allow this trusted career officer to be interviewed by my staff. I am convinced that this rulemaking will eventually be overturned by the courts due to the illegal rulemaking procedures. Apparently, OIRA agrees this is likely and is doing everything in its power to hide the truth from Congress and the courts.

EPA also has ignored the protests of numerous Governors and thousands of mayors that these standards will have an enormous impact on small businesses and will become one of the largest unfunded mandates ever faced by State and local governments. The era of "big government" is by no means over. These new standards will force onerous new control measures and unnecessary lifestyle changes on hundreds of counties that will not be able to comply. The costs of doing business will rise considerably, causing massive layoffs. As Assistant Secretary Kruesi noted, these standards will "bring a significantly larger proportion of the population and more jurisdictions under Federal oversight and procedural burdens." Areas in non-attainment will have to adhere to stringent requirements regarding building permits and uses, transportation plans, industrial uses, and the like. In short, States and localities will face onerous constraints on their constitutional freedom to determine how to run their own communities.

Finally, EPA has ignored the thousands of comments by the general public that these standards may to more harm than good. EPA has completely failed to evaluate the potential negative health effects that might result from its standards. For example, setting a generic fine particle standard may result in controlling particles that don't significantly harm the public health, and not controlling ones that do. Reducing ground-level ozone may cause an increase in malignant and nonmelanoma skin cancers and cataracts, as well as other health risks from ultraviolet B rays. Moreover, the regulatory costs that will be transmitted throughout the economy will increase poverty levels. Workers and consumers will have less disposable income to spend on safety devices, on medical checkups and procedures, and on clean and safe housing.

In this rulemaking proceeding, EPA has openly and blatantly defied the laws passed by Congress that require the Agency to weigh all of these factors in determining how to put our scarce resources to the greatest social good. EPA has refused to comply with the Unfunded Mandates Reform Act, the Small Business Regulatory Enforcement Fairness Act [SBREFA], and the Regulatory Flexibility Act. These laws require agencies to determine the "real costs and benefits" to our society of regulations. They represent the only democratically acceptable approach to weigh uncertain scientific evidence and to properly evaluate potential adverse consequences to public health, environment, and the economy.

Once again, the President has bowed to the demands of special interests and the regulatory bureaucracy to increase EPA's authority and budget. EPA's standards represent an irresponsible and illegal rush to judgement that may undermine our Nation's efforts to clean the air. With these standards, we are getting a "Yugo" at Rolls Royce prices. No one in Congress should stand for this.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am a firm believer in good science and common sense, and I am also a firm believer in believing my eyes and what I see and what I breathe. People across this country today are fully aware of the consequences of the ozone problems. Just go outside across this country. Temperatures over 100, in the 90's, in the 80's. People are experiencing trouble breathing. This is not just my opinion. On the front page of USA Today, "Breathing No Fun In The Ozone," and it has a picture of, of all places Washington, our Nation's Capital, as seen through a haze of smog. The Capitol barely shows through the ozone haze in Washington, DC.

The American people understand. There is a serious problem with smog in this country, and the American people appreciate the work that the EPA has done in addressing the pollution issues. We are talking about a practical matter here. How many of us today will walk through the tunnels instead of going outside because of the oppressive quality of the air? We are experiencing this. We have to consider the reality of what we are faced with rather than abstract ideas about what the effect of this law may have in the future, when we know right now we need strong air quality standards in order to protect the health of the American people. Do not take my word for it. Just go outside and take a breath of air.

In trying to clear the air here today on behalf of those who are concerned about the EPA regulations, I also offer for submission into the RECORD the USA Today's article where they talk about ozone danger, "What You Can't See Can Hurt You." Listen to what they describe as some of the problems of dangerous ozone levels, particularly in connection with these very high temperatures, soaring smog levels and stagnant high-pressure systems. They talk about ground level ozone, and it is the main ingredient in urban smog. Naturally occurring ozone in the upper atmosphere protects life by filtering the ultraviolet radiation from the Sun and ground level ozone is produced by vehicle or industrial emissions combining with sunlight and high heat during times of little or no wind.

□ 1345

And they have some of the effects and the health hazards. For example, and people know this, anyone who has experienced the problem of air pollution knows that we can get headaches from it, can irritate our eyes, nasal discharge, shortness of breath, lung damage, sore throat. These are all factors which the EPA actually took into account when they drew up the standards. They did it to protect the American people. The health hazards, high concentrations of ozone can cause inflammation and irritation of the respiratory tract. Ozone can increase asthma and allergy problems and susceptibility to lung infections. Ozone damage to lungs can continue days after exposure has ended.

Mr. Chairman, people know this from their own experience. This is why the EPA has stepped forward.

USA Today goes on to talk about who are the most vulnerable people. Mr. Chairman, we know. We know people in our family are vulnerable to it. They say the most likely to suffer ozone pollution effects are people with lung diseases, the elderly, children, and healthy adults who exercise outside. Children are especially vulnerable because they often play outside and in muggy heat, breathe more rapidly and inhale more air pollution.

Mr. Chairman, is it any wonder then that according to a recent poll an overwhelming 84 percent of voters believe that the current levels of air pollution are dangerous and pose a threat to the health of senior citizens, children, and others? People just have to look outside, and that is why they agree.

Now when informed the EPA is putting in place stricter air quality standards that would strengthen regulations on particulate pollution and ground level ozone, 70 percent of Americans favor those standards. Fully two-thirds of the voters agree with scientists from EPA and the American Lung Association that the best available science indicates the current levels of air pollution can create serious health problems. That is current levels.

Now we need to have standards in place over the next decade so that we can protect many more Americans from experiencing the adverse effects of increase in ozone and particulate matter. Two-thirds of the people agree with statements that certain businesses have tried for decades to scare people by saying that environmental regulations will hurt the economy and will cost jobs. But the regulations always ended up costing less when businesses have made a profit.

Mr. KLINK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my dear colleague from Ohio [Mr. KUCINICH] just made the point of those of us that are concerned about these new regulations that are being signed by Director Browner and being proposed by this administration. He is right. We are concerned when we go outside to Washington, DC, and other metropolitan areas around this Nation in hot weather like this and we can breathe the oppressive air. And we think that after sitting in many days of hearings, and understanding that there is not a scientific consensus surrounding these regulations, that money is better spent on making sure that areas like Washington, DC, comply by 1999, by a date certain.

And so if we are concerned about that 10-year-old child who is playing on a playground in Washington, DC, today, why would we want to implement questionable new standards before we have complied with the standards that we have currently? Why would we want to wait another 10 or 12 years until that 10-year-old child is in college before we take action?

What the administration has done today and what Carol Browner has proposed will put off the tough decisions for a later day, will allow the air and the immediate future to stay dirtier longer. The EPA has been saying that they are in favor of taking a wait-and-see attitude and the administration, with a wink and a nod, have said, "Look at our compliance schedule. We're not going to change these things overnight. We're going to wait."

Well, if they really wanted to wait until we had PM–2.5 monitors deployed around this Nation, if they wanted to wait until we actually analyze that data, then they would have sat and talked to those of us who have raised these concerns, the dozens of Members, of Democrats and Republicans in this House and in the other body, who have asked the President to sit down, to have a discussion with us. Not only did they refuse to sit and talk to us, they would not even acknowledge our letters.

In my previous life I was a journalist. We always know when someone is evading the question, when someone is filibustering when they are trying to give an answer that they are not happy about and that they are not really in their heart sure that their position is a strong one, and I think that is the reason that EPA has not wanted to sit and talk to us about this. It is why the administration has ignored even those of us from the President's same party who wanted to sit down and talk about a commonsense approach where we can achieve good commonsense clean air standards at the same time that we allow the State implementation plans to move forward, that we allow industry to continue to take the steps necessary that they need to make, the investments they need to make, to continue to clean the air.

I agree with Carol Browner and AL GORE and President Clinton that the Clean Air Act has been working. We have cleaned the air. We have made dramatic steps. I am afraid that what they are doing today will stop and will impede the progress that we are making and that we continue to make.

And that is why I would thank the gentleman from Illinois [Mr. LAHOOD] and many of my colleagues on the Republican side as well as my friends here on the Democratic side who have joined us on H.R. 1984. It is a bill that brings a commonsense approach, that says let us build the monitors, let us collect the data, let us do the science, let us authorize $75 million a year to make sure that this country is headed in the correct direction. Let us not stand in the way of meeting these deadlines, of meeting the targets, that the current Clean Air Act and the current regulations would have us meet.

As Carol Browner testified before our subcommittee for 8 hours in the Committee on Commerce, she talked about the problem of having two sets of regulation at one time, and how are we to believe with a wink and a nod that we are going to promulgate these new regulations but it is not going to have an impact when we know that under the Clean Air Act one citizen's lawsuit could change all of that and that the captains of industry that are out there making decisions as to what areas they are going to locate in, where they are going to be expanding industries, where they are going to be investing millions of dollars; those decisions are being made today, not 10 years from now, and they will not be building in areas that are going to be thrown out of attainment by these new regulations.

Four hundred counties across this Nation will not have a chance to see new jobs, neither an investment of new businesses or of an expansion of the businesses that are there. I have talked to businesses in southwestern Pennsylvania that have said, "We're not going to make those expenditures in your region." They are going to go elsewhere, and I am talking about coming from an area where we have seen the loss of 155,000 manufacturing jobs over the last 2 decades.

I think that H.R. 1984 makes all the sense. I thank the gentleman for cosponsoring the bill and would propose that my colleagues also join us on that legislation.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in April of this year I, along with 10 other Members of the Illinois delegation, sent a letter to Carol Browner, the Administrator of the EPA, urging her to suspend promulgation of those proposed regulations so that further study and analysis could be completed.

In light of the Environmental Protection Agency's own recent acknowledgment that health benefits for those proposed regulations were overstated, I thought it was important that the Clean Air Scientific Advisory Committee attempt to reach a consensus on the health-related data that underlies the proposed regulations by doing further study and investigation.

Earlier on I had considered offering an amendment, but due to other considerations and other deliberations that will be taking place later on, I am not going to do that, but I do believe that asking an independent agency such as the National Science Foundation to conduct an impartial cost-benefit analysis is important, and I would like to ask the chairman of the subcommittee if there would be funds available for an independent agency to look at these standards that now today have been promulgated and will be printed in the Federal Register.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from California.

Mr. LEWIS of California. The gentleman from Illinois is correct. There is a need for this sort of continued and ongoing careful research, and further, I can say that there are additional funds available above and beyond the Presidential request. There are some $40 million, $35 million of those for PM standard evaluation and the balance for ozone. My concerns are very similar to the gentleman's and, if he would continue to yield, let me say that by way of background the gentleman from California [Mr. BROWN] and I share one of the most heavily impacted areas in the country in terms of problems with air quality. We have spent considerable time attempting to implement past regulations and, indeed, are having an effect upon air quality in the southland. I cannot tell my colleague whether we need additional, more difficult regulations or not, but I am very much convinced that there is a need for a better base of scientific work, and thereby I very much appreciate the gentleman's comments.

Mr. LAHOOD. Mr. Chairman, I appreciate the chairman of the subcommittee on this important matter setting aside or making available or having available some funds for this study, and I look forward, hopefully, to the opportunity.

I would like to finish my prepared statement because I want to be on record with the statement that I had prepared earlier.

According to published reports, the Department of Agriculture and the Small Business Administration raised serious concerns when the new regulations were first proposed. Chief among those concerns was the tremendously high cost that farmers and small business would have to pay in order to be in compliance with the new regulations.

The regulatory consequences for nonattainment would include bans on economic development, mandatory car pooling, sanctions on existing agricultural practices, and a greatly expanded vehicle inspection and maintenance program, the cost of which would probably lead to a motor vehicle fuel tax increase and/or regulations or outright bans on items of existing consumer convenience and choice, such as snow blowers, lawn mowers, powerboats, and charcoal grills.

In addition, the new regulations would increase my State's nonattainment areas from 11 counties to 23 counties. The present nonattainment areas are the eight-county Chicago and suburban Chicago area, and the three-county Metro East St. Louis area. New areas would include my hometown of Peoria, Champaign-Urbana, LaSalle-Peru, Effingham, Decatur, the Quad Cities, and a much larger Metro East area, and Jo Daviess County.

Illinois and the Nation has already paid a high price for existing Clean Air Act requirements. Our Nation's energy and industrial strength could be imperiled needlessly by new regulations, and it has been estimated that the Chicago area alone could face compliance costs of $5 billion. Other parts of the State and country could also have to incur the loss of thousands of jobs and billions of dollars in compliance costs.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from California.

Mr. LEWIS of California. The expression of concern by the gentleman is very important, and I know a concern is felt on both sides of the aisle. If there is a classic illustration of important public policy decisions having little to do with partisan politics, this is one of them.

While we have provided funding for additional scientific research, as I have suggested, monitoring and collection of data is very important as well, and the gentleman should know that there is an additional $25 million to help those States, especially the rural States, to participate in that work as well.

Mr. LAHOOD. Mr. Chairman, I appreciate the gentleman's commitment to the further study of this.

I think common sense dictates that all Americans want clean air, but common sense also dictates that Americans want reasonable and commonsense approaches to the way that we deal with these matters, and I hope that further study will enable us to reach an agreement and compromise in how we go about doing that.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, having worked on the Clean Air Act for over 22 years, I want to point out something that has happened in this body every 6 or 7 years. The industry gets people stirred up with predictions that we have to choose between a clean environment on the one hand and a thriving economy with jobs for our people on the other, and that is a choice that is a false one. Mr. Chairman, it is a false one that has been offered to us in the past, and the record has proved that it was a false choice.

The 1990 Clean Air Act was adopted overwhelmingly by a Democratic controlled Congress and heartily endorsed and signed by a Republican President. At that time we set in place a law that has worked successfully, not just as an environmental bill, but one of the most successful Government programs that we have ever had. Air pollution has been reduced dramatically in some places, and at a fraction of the costs that were predicted when we held all those hearings in preparation for that legislation.

□ 1400

I want to cite some examples. In August 1990 there was a group called the Clean Air Working Group. It was the principal business group fighting the Clean Air Act Amendments of 1990. They came in and estimated that the 1990 amendments would cost industry between $51 billion and $91 billion a year. In fact, compliance costs are now estimated to have been just $22 billion annually upon full implementation of the law in the year 2005, 57 to 75 percent lower than the industry calculated, nearly 10 percent lower than the Bush administration even estimated in 1990.

We passed a law, it took a long time to do it, to control the pollutants that cause acid rain. When we were discussing that, the electric utilities came in and said this is a terrible idea, even though we were going to use market mechanisms to reduce the cost of the compliance to get these pollutants down. They said, it is going to cost between $1,000 and $1,500 for every 1 ton of sulfur dioxide emissions that we reduce.

We went ahead and adopted the law, especially at the urging of President Bush. We had in fact an allowance of now under $100 a ton of SO_2 emissions. There are other examples I can go through. But the essential point that I want to make to the Members is that the choice that we are being told by some people, that we are going to have to choose between protecting the environment or with extraordinary costs protecting the health of our kids, asthmatics, the elderly that live in our communities, on the one hand, or protecting jobs on the other, is an absolute false choice.

There was the issue before the Administrator of the Environmental Protection Agency. She had recommendations from her scientific advisory board as to what is the standard to protect the public health. The Clean Air Act calls for her to set that standard. She set it based on good science. The President has said that those standards are to go into place. It is going to take maybe as much as a decade to reach those standards.

In the meantime, we can evaluate the science as more information might come up. We can develop implementation plans that are commonsense plans.

We were told in 1990, no more power lawnmowers, no more backyard barbecues. You cannot have a strong Clean Air Act. It will drive people out of business. People will lose their jobs. It is just not true. That has not been the reality. The dire consequences that industry has predicted have not and will not come to pass.

Mr. Chairman, I want to point out that the law was adopted in 1990, and we are now in the seventh year of an economic boom. We can show Members the statements made by some of these same people that are making these statements today, that our economy is going to be lost. So I want to put a little sense of perspective in this debate when Members come here with a great deal of anguish about the Clean Air Act.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding. He and I have worked together regarding clean air matters for many a decade, and indeed, in the California Legislature we worked on the establishment of what is the toughest air quality management district in the country.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, upon arriving in Congress, I was privileged to join my colleague in sponsoring legislation that would lead to the development of alternative fuel sources for automobiles. Indeed, we are both committed to this subject area.

However, I would say to the gentleman from California [Mr. WAXMAN] that I think he knows that I am among those who now are concerned that we make absolutely certain that we move along a pathway that is based upon sound science, particularly as it relates to people's health. That has to be our priority. But indeed, at this moment I am concerned about the kind of information flows that are coming between the Environmental Protection Agency, the administration, and the Congress.

The gentleman has taken some steps, I believe, to help improve that communication. Some of those channels opened just recently. I appreciate that. But it is most important to me that we not take steps without sound science if those steps would lead to undermining the credibility our past clean air efforts have developed.

It is a very delicate moment. I certainly do not join those who are bringing the entire roof down as a result of every proposal, but in the meantime, that is why we have this funding in here for outside research by NIEHS to develop sound science and continued scientific work. So I appreciate continuing to work with the gentleman.

Mr. WAXMAN. Let me say to my good friend, the gentleman from California, that I know of his work in this area. We have collaborated together for a strong Clean Air Act. I know he has a strong commitment to cleaning up the environment and protecting the public health. I join the gentleman in wanting to be sure that we have good science upon which we make our determinations.

I think that the Administrator of the Environmental Protection Agency did get good science. Science is never definitive. We are always learning. That is why I do appreciate the fact that the gentleman is calling for more money to continue to review the scientific information.

If there is more information that comes about, an adjustment should be made and I think that is appropriate. We do not want anything frozen in any incorrect way. We have to respond to new information and new circumstances.

But the Clean Air Act, as the gentleman knows, has been a success because it is based on protecting the public health and based on a standard that is set, given the latest scientific information we have. Let us continue to review it, but I think that the standards that are being promulgated are worthy of going into effect because the science, I feel, is sufficient for the Administrator to making the determination.

Mr. LEWIS of California. I look forward to working with the gentleman.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding and the points being made on this act. I appreciate especially the forbearance of Members who had planned to undo the work. I hope we can work with the EPA. This is an important issue. I happen to support the position of the gentleman from California on this, and I urge Members to continue to review this and monitor it.

Mr. Chairman, I opposed the amendment offered by Representative TIAHRT to reduce and or defund AmeriCorps but not because I do not care about our U.S. veterans as my colleagues on the other side of the aisle might have you think. On the contrary, I have nothing but great respect for the men and women that served our great Nation. It is because of this very respect for service that I must oppose the Tiahrt amendment. It goes without saying that we need to research the causes of gulf war illness, but this is not the appropriate funding with which to conduct that research. Furthermore, approximately $100 million are provided to research this illness which too many in positions of authority have denied even exists.

Last year, more than 25,000 AmeriCorps members served across the United States. AmeriCorps members assisted more than 11.5 million people, collected almost 1 million pounds of food, and distributed 5,000 pounds of clothes. Participants in the AmeriCorps program ran violence-prevention after school programs for nearly 50,000 youth and developed and distributed almost 40,000 packets of information on drug abuse, health care, and street safety.

AmeriCorps volunteers immunized almost 65,000 children and adults, cleaned up over 3,000 neighborhoods, rehabilitated nearly 5,000 housing units, tutored over 500,000 children, and the list goes on. And let me not fail to mention the fact that the AmeriCorps Service Program leveraged almost 700,000 hours of service by unstipened volunteers last year.

My point is that AmeriCorps works. No matter what my colleagues on the other side of the aisle may tell you or what groups they may try to pit against each other—AmeriCorps works and is needed. The stipend paid AmeriCorps participants is needed by the degreed student graduate with tens of thousands of loan dollars owed. Graduates today don't have the financial ability not to respond to this in a modest way with a stipend.

This spring as all of you I am certain will recall, the Midwest was ravaged by the most horrible flooding in over 500 years. The floods were of truly Biblical proportions. People lost their homes, their belongings, and sometimes even the Main Street in their hometowns. Volunteers from the AmeriCorps Program did the State of Minnesota and the entire Midwest an invaluable service—they helped save the Heartland. AmeriCorps volunteers pitched sandbags, helped displaced families find emergency shelter, coordinated emergency food and medical deliveries in addition to leading other volunteers in one of the toughest battles against nature in five centuries. These teams of AmeriCorps workers were Red Cross trained and certified and they stayed with those Midwestern families until the end, and in fact some are still there working.

So you ask yourself if AmeriCorps is a necessary program and if you hesitate in your response, I can introduce you to tens of thousands of people from the flood ravaged plains of the Heartland who could make you certain that yes, indeed AmeriCorps is a necessary program.

I urge my colleagues to vote "no" on the Tiahrt amendment and to truly defend service. I have an editorial from the St. Paul Pioneer Press outlining the merits of the AmeriCorps Program which I would like to submit for the RECORD.

The material referred to is as follows:

[From the St. Paul Pioneer Press, June 29, 1997]

AmeriCorps Winning Congress to Its Side

(By Bill Salisbury)

Instead of holding traditional graduation ceremonies, about 350 Youth Works/AmeriCorps members from across Minnesota traveled to East Grand Forks and Crookston on Thursday and Friday to help in the ongoing cleanup after this spring's devastating floods.

To mark completion of their year of community service, the young volunteers helped child-care providers repair their homes, unloaded truckloads of donated supplies and removed sandbags.

While they were toiling in the Red River Valley, congressional budget-writers here were deliberating over the fate of

AmeriCorps, President Clinton's 4-year-old pet program that gives students financial aid in exchange for a year of paid service.

The program is a favorite target of Republican critics, who see it as a political boondoggle and argue government has no business promoting volunteerism. They say the 24,000 AmeriCorps members are a drop in the ocean compared to the estimated 80 million Americans who do charity work of their own accord.

Critics question whether spending tax dollars on paid volunteers—each receives a $7,600 living allowance plus a $4,725 scholarship—should be a high priority in a time of tight budgets.

Last year, the House voted to zero out AmeriCorps' budget. It was restored later in negotiations with the Senate.

Former Sen. Harris Wofford, CEO of the Corporation for National Service, which runs AmeriCorps, answers the critics by measuring the results of the programs to show that they "get things done."

Last week, he trotted out a study of AmeriCorps accomplishments in 1995–96. In all, the study concluded, more than 9 million individuals benefited from AmeriCorps service.

Hardly anyone disputes that AmeriCorps volunteers do good work. The question is: Why do we need full-time, paid volunteers?

Answers Wofford: "You can't put part-time volunteers to use unless full-time people are there to set up the projects they're working on." He believes the AmeriCorps response to the Red River flood makes the case for full-time volunteers. At the request of the Red Cross, 15 members of the program were sent to Grand Forks on April 12.

Other teams followed. They pitched sandbags, rescued flood victims, helped displaced families, assisted at temporary shelters, coordinated emergency food delivery and conducted damage assessments. More than 70 AmeriCorps members were in the flood region, and teams are still working there.

Trained by the Red Cross in first aid, CPR and other skills needed in natural disasters, the teams "provided a cadre of leaders who organized other volunteers," Wofford said. "They came in fast, and they're staying to the end."

AmeriCorps volunteer Sheila Slemp, 24, of Big Stone Gap, Va., just finished a four-week stint in Grand Forks. She didn't provide much leadership; she did back-breaking work on a "mud-out" crew. They cleaned sludge out of basements.

"Every time you went into a different house, you just prayed for the drains to work," Slemp said. Most didn't, so the volunteers shoveled the muck into buckets and hauled it upstairs by hand, all day long. They slept on a college gym floor at night.

"No matter how tired you were, meeting the people we were helping made it all worthwhile," Slemp said. The homeowners appreciated the help. Many cried in gratitude, she said. "Other people told us that we gave them hope not only for their own future, but hope for the next generation.

"Seeing the expressions on their faces and realizing we can make such a difference makes it more than worthwhile," she said. "You don't get that kind of satisfaction many places."

Slemp is finishing her year of service and preparing to use her scholarship to attend Case Western Reserve University, where she plans to get a graduate degree in social program administration.

It's volunteers like Slemp who seem to have persuaded Congress that AmeriCorps is worth keeping around after all. Last week, a House appropriations subcommittee voted to continue funding AmeriCorps at its current level. That was just the first hurdle in the budget process, but it probably was AmeriCorps' biggest obstacle.

It signaled that the biggest program that Clinton has added to the federal bureaucracy is likely to stick around for a while.

Mr. WAXMAN. Mr. Chairman, whenever we have done clean air legislation we have done it on a bipartisan basis. It has never been a partisan issue. It should not be. We have always done it by trying to get all the very best information, but we should never give in to those who want to give us that false choice of an economy that is thriving and jobs on the one hand and protecting the environment on the other. We do not need to make that choice and history has borne out that we can have both.

Mr. CALVERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this legislation. My fellow Californian and my close and good friend, the gentleman from California, Mr. JERRY LEWIS, should be commended for crafting a very responsible bill which will help us lead to cleaner air in the future. Among its other strengths, it protects veterans, improves housing programs, and ensures a cleaner environment.

I want to highlight a particularly important provision of the bill, as we have been discussing. As we know, the President has thrown his support behind EPA's proposed air quality standards for particulate matter and ozone. Whether Members support these standards or oppose them, one thing we should all agree on is that we need to do more research if we are to guarantee adequate protection for our children and the elderly.

As the chairman of the subcommittee that authorizes EPA's Office of Research and Development, I introduced a bill which passed through Congress and through our committee on a bipartisan basis unanimously to provide research money above the administration's request.

In three hearings we held on the matter, the scientific experts all concluded that the science was inadequate at this time. They said we needed additional funding to get at the very basic questions about the health effects of ozone, and particularly small particulates at the 2.5-micron-and-below size.

I am pleased that the gentleman from San Bernardino worked closely with me to provide the funds in this bill, and it is further evidence of his dedication to a cleaner environment. I congratulate the gentleman and thank him for his work.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been listening to this discussion of these clean air standards promulgated by EPA with some interest. I am very glad that EPA has promulgated these standards. There has been increasing scientific evidence for a long time, and in particular with respect to the very small particulate matter which previously was thought not to have deleterious impacts on health and now we know has the most severe impact on health.

I think it noteworthy that it was the scientific people in EPA who said to promulgate these standards. Where did the questioning come from? Not from the scientific people, the health people, but from people in the Office of Management and Budget, from people concerned with budgets and economics.

Mr. Chairman, I agree with the gentleman from California [Mr. WAXMAN]. History shows us that it is a false choice to say the environment or jobs. We have had much more stringent environmental regulations than previously and we have had the greatest boom in recent history. What history shows us is that far from being an economic detriment, stronger compliance with clean air standards, stronger clean air standards, leads to the creation of jobs in attaining the clean air standards.

Yes, companies have to spend money. Local governments have to spend money in attaining clean air, higher clean air standards, in cleaning up emissions. But what do they spend money on? They spend money on more equipment, on scrubbers, which someone must manufacture. They spend money. They spend money on technology or on different means of waste disposal, all of which creates jobs. So I do not think that there is a conflict here.

But even if there were a conflict, how do you say to a mother of a child dying from asthma, or a middle-aged person in severe respiratory distress, "That is too bad, it would have cost an extra penny cigarette tax or an extra 2 cents gasoline tax to save your life and the lives of several thousand people like you"? I do not see how we make that equation. I would not want to be in the position of having to explain that to people in health difficulties.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is a good point the gentleman is making. The fact is, we hear a lot about this questioning of scientific data on this issue. The fact is, we can talk to any pulmonary physician, any doctor that takes care of people with asthma, emphysema, any kind of pulmonary disorder, and they will tell us, when any region of the country is in noncompliance they see a correlation between that region of the country being in noncompliance and a higher rate of incidence of asthma and hospitalizations due to pulmonary disorders.

So there is not a lot of confusion. There should not be any confusion on this floor about the health effects of air pollution, and most particularly on a day like today, when we are seeing a red alert here in the District of Columbia and in my region in New England. We are seeing higher hospitalizations as a result of this poor air quality.

Woe be on us if we do not do something to improve the air quality by moving forward with these EPA recommended standards.

Mr. NADLER. Reclaiming my time, Mr. Chairman, I thank the gentleman. He is entirely right. Any doctor will tell us that, especially with the ozone and the small particulate matter these regulations will for the first time deal with.

The gentlemen say that these new regulations will put 400 counties into noncompliance. That may be so. But that does not tell us that that is a terrible thing. That is a good thing. It means that we will start bringing up the breathability of the air in those 400 counties so people do not die or suffer health effects from breathing bad air in those 400 counties.

My own county of New York County is in noncompliance with current regulations. I wish the enforcement of EPA were stronger so we could get our city and State governments to take stronger action that some of us have been fighting for for years. So the fact that lots of areas will not be in compliance says we have now discovered that they are not in compliance, it is a fact of physics, it is a fact of health, it is not a thing to be deplored, and that we will now start curing that problem.

Again, there is no economic problem. We are told always that there is an economic problem. History does not bear that out. The science is good science. Those who oppose this science, we hear every time when we come to this, the industry says it is bad science. It is like the tobacco companies saying that the Surgeon General and EPA had bad science. I trust the professionals and EPA to make those decisions more than I trust people in industry with a vested interest, or for that matter, people in this House who have political and other interests.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 30 additional seconds.)

Mr. NADLER. Mr. Chairman, these decisions ought to be made on the basis of the health and scientific evidence. That is why the Clean Air Act asks the EPA to update this data every 5 years. They have done that. We should not interpose a political judgment. If we need help for governments, local governments, for industries to attain these clean air standards, let us legislate that. Let us appropriate money if necessary. But let the science be the science. Let the health of our citizens be paramount. Let us protect our people.

Mr. GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I realize we are on title III, but since title II passed so fast, I did not get the chance to offer my amendment. For 5 years I have struggled with the Department of Housing and Urban Development to help the citizens of my district in Houston.

Houston is a city with a growing population, and with this growth there is a definite need to address the issues of more affordable housing and access to HUD programs.

□ 1415

Over the past 5 years I have tried to work with HUD and have received various verbal commitments and assurances that Houston, the fourth largest city in the Nation, would receive the necessary HUD staff and programs to be an effective agency for the citizens of Houston.

I have written numerous letters to HUD about this request. In fact, in a 1994 HUD memo from the Secretary's office, it suggested that the Houston field office be upgraded and receive all the available programs. Again, Houston is the fourth largest city in the country, and out of the 10 largest metropolitan areas, Houston is the only one without a fully serviceable HUD office.

With this amendment, I was going to send a message, realizing that on an appropriations bill we cannot legislate, but I was going to send a message to HUD that the citizens of Houston need an office of community planning and development and also an Office of Inspector General, making all HUD programs available in our Nation's fourth largest city.

The office of community planning and development provides technical assistance and the monitoring of State and local entities receiving Federal funds to assist with elderly and disabled housing loans, CDBG and funds for Houston's enhanced enterprise community.

When I go back to my district and I talk to seniors and families and local elected officials from Houston and from Pasadena, they all have some concerns about housing for the elderly. An office of community planning and development would aid the citizens in my district and the district of the gentleman from Texas [Mr. BENTSEN] to gain access and administer funds to renovate, locate, and build elderly housing. This office also oversees the funding and provides technical assistance to Houston's enhanced enterprise community.

HUD came up with a great idea to provide funds to local governments to help their economically disadvantaged areas. These areas are called Empowerment Zone and Enterprise Communities. Through tax breaks to businesses and access to Federal funds, HUD hoped to revitalize disadvantaged areas. Houston has an enhanced enterprise community. We have access to almost $200 million to help revitalize parts of Houston. It would be a shame not to have a local HUD office that could work with us.

Another program office that we do not have and is very needed is the office of inspector general. An office of inspector general has the mission to locate fraud, waste, and abuse in HUD programs. The most recent and blatant misuse of taxpayers' dollars is the dealer portion of the title I program. The title I program is designed to give people an opportunity to fix and improve their homes.

Unfortunately, there are some people who took advantage of this program for their own gains. The dealer portion of title I allowed a contractor to solicit homeowners into applying for a loan. Then the contractor would receive the money directly, do partial improvements, and keep the rest of the money while the homeowner had to foot the bill.

KTKR–TV in Houston investigated this abuse and they reported a whopping $50 million was stolen by corrupt dealers in Texas alone. They confronted contractors and even went to the HUD office here in Washington looking for answers. HUD's response was to eliminate the dealer portion of title I, which helped us, but again we could have caught this long before. If we had had an inspector general in Houston instead of being in the nearest office which is Fort Worth. Fort Worth, which is 200 miles from us, and with their budget crunch we could not get people to travel from Fort Worth to Houston to do the investigation. Again, this happened in the fourth largest city in the Nation.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, I just want to echo the gentleman's comments. This is very important. I am sorry that the gentleman was not able to offer his amendment. But we are talking about the fourth largest city in the Nation, the third largest county in the Nation.

The fact is that there are other offices in smaller areas, smaller cities such as Miami, Albuquerque, where HUD has put the resources. We are not asking necessarily for additional staff but we are asking for the powers to address these problems, to ensure that the HUD programs are carried out properly and that we do not have the abuses like we have had with the title I program.

I commend the gentleman for offering his amendment or speaking on it.

Mr. GREEN. Reclaiming my time, Mr. Chairman, again the amendment was not germane because we cannot legislate on this appropriations bill. Again, the purpose of this amendment was to give us an opportunity to talk about Houston's situation. I appreciate both the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES], the ranking member, for their assistance in working on this issue.

This did not just came up yesterday. We have a chronology of letters starting in 1995, but also personal visits for 5 years with HUD officials to talk about upgrading the office and needs of Houston. HUD, plain and simple, has been unresponsive to the needs of the citizens of Houston. Because of this, those of us who share Houston, Mr. Chairman, will be back and looking to see that the citizens of Houston get the service they deserve.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentlewoman from Texas.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GREEN] has expired.

(On request of Ms. JACKSON-LEE of Texas, and by unanimous consent, Mr. GREEN was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to applaud the gentleman for his foresight on this amendment. I am sorry that his amendment was not offered. I wanted to join him in the great concern for an enhanced HUD office in the Houston area serving all of our districts.

Particularly I want to emphasize the need for an inspector general, and, as well, the gentleman is right with the enterprise zone money. We want the best utilization of those enterprise zone moneys, and a planning component would be vital. I hope HUD will listen to us. I hope that we can again have another meeting, this time with Secretary Cuomo, on this very important issue that would help enhance this area.

Mr. GREEN. Mr. Chairman, again, I thank the chairman for the commitment to work with us over the next year, and we will be looking for other opportunities to address the needs of Houston.

Mr. BRADY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman in a brief colloquy regarding the Center for Space Power. The Center for Space Power is located at Texas A&M University in College Station, TX, in the Eighth District which I represent. The center provides many positive benefits to the space industry, such as developing technologies for space power, commercial ventures, and conducting research and development for space power with NASA.

Mr. Chairman, I would like to work with the gentleman to request inclusion of language from last year's appropriation legislation which recognizes the very positive contributions of the Center for Space Power and urges NASA to continue to support this activity, and hope that the chairman agrees with me.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BRADY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the gentleman bringing this to my attention one more time and in doing so representing his district so well. I thank the gentleman for his remarks and pledge to work with him on the issue as we move through the conference with the Senate.

I might add further, for the Members, the amendment pending is supported by the gentleman from Ohio [Mr. STOKES] and me. It will be passed by a voice vote, and following that I believe we will get to the end of the title and have a series of votes at that point in time.

Mr. BRADY. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, $175,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $632,500,000, to remain available until September 30, 1999: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles, not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services and headquarters relocation; $136,950,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 1998 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $4,850,000, to remain available until September 30, 1999.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $70,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $23,413,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WISE:

At the end of title III, insert the following:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Chemical Safety and Hazard Investigation Board, as authorized by section 112(r)(6) of the Clean Air Act, $3,000,000 which shall be derived by transfer from amounts made available in the account for "ENVIRONMENTAL PROTECTION AGENCY—Environmental Programs and Management".

Mr. WISE. Mr. Chairman, following the discussion I believe there are several Members that wish to discuss this. The agreement I had with our chairman and ranking member was that we would then move to or ask permission to withdraw the amendment.

It is important to have this amendment up for discussion. What this amendment does is to remove, to transfer, not to remove but to transfer $3 million from the EPA Environmental Programs and Management Fund to the Chemical Safety and Hazard Investigation Board. What is the Chemical Safety and Hazard Investigation Board? A very good question. It is a board that was created by this Congress in 1990. And it was directed that there be five appointees by the President in creating this board that is similar to the National Transportation Safety Board.

The Chemical Safety Board was established as an independent agency modeled after the Transportation Safety Board and charged with investigating and reporting findings concerning chemical-related accidents.

In 1994 the Senate actually confirmed three of the President's nominees as board members. Three of the five have been confirmed by the Senate. However, since then the administration, and particularly the Office of Management and Budget, have refused to submit the board's budget to the Congress of the United States.

What we are doing is asking in this amendment that the Congress take some of the money that is necessary for the operation of this board and actually give it to the board.

You might ask, why is it the administration has refused to act upon and mandate a directive of the Congress? The administration says that in the investigation of chemical accidents, that the EPA and OSHA can do the same job. But that is not what the Congress thought in 1990. In fact, the Congress directed that in creating the Chemical Safety Board in the same manner as the National Transportation Safety Board, that it would be able to have enhanced ability to investigate the root causes of chemical accidents and chemical incidents.

The purpose is to create a board similar to the National Transportation Safety Board, a board which would have authority to investigate and report on root causes of chemical accidents, a board that would not assign blame for specific accidents, and indeed a board in which the information presented to it could not be used for prosecution or litigation; in other words, a board that all parties could feel comfortable working with.

Does this take away the very important powers of the EPA and OSHA? No, it does not. They still have their regulatory powers. They still have their prosecutorial powers. They still have their investigative powers. But this board would be able to get at the root causes in ways that the EPA and OSHA never could.

The administration claims that there is a memorandum of understanding fully functional between EPA and OSHA that makes it unnecessary to have this board. Not the case. In the roughly two years that OSHA and EPA have operated under the board's function, they have produced no joint reports on accidents, sometimes in violation of their own deadlines. Perhaps they do not work as well together as they should.

At any rate, this board is directed to do exactly what EPA and OSHA are not doing so well together. This board is the only entity that has the solid statutory and legal authority to investigate accidents. The root causes of accidents are what we are trying to get at. Is there a pattern? How can you avert that pattern? That is what this board is about.

The board commands community support. It has industrial support. It has union support. Indeed, much as the National Transportation Safety Board has provided the necessary credibility and the necessary research into the cause of aviation and railroad and other accidents, so the Chemical Safety Board would do the same. It has a chairman, Paul Hill, who has a great deal of respect. He is presently chair and president of the National Institute of Chemical Studies created in my State of West Virginia following the Bhopal tragedy.

What he has done there in some ways, in many ways is what is trying to be done on a national level. It has two other board members. They are called upon to go out and investigate accidents. The only problem is they have no money to get there. They have nothing that they can do once they are there.

So what this amendment would seek to do is to send a clear statement to the administration that what Congress has directed that you create, namely, the Chemical Safety Board, that a board in which there are already three presidential appointees, not only appointees nominated but appointees confirmed by the Senate, indeed a board that has powers unique to itself and very important to the true investigation of chemical-related accidents, that this board be adequately funded.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me. I thank him very much for offering this amendment and for the committee's indulgence in our consideration of this amendment.

I believe that this is a terribly important amendment. Like the gentleman from West Virginia, I represent a constituency that has many petrochemical industries within the boundaries of my congressional district. We have refineries and we have manufacturers of chemicals and users of those chemicals.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. WISE was allowed to proceed for 3 additional minutes.)

□ 1430

Mr. MILLER of California. Mr. Chairman, I think the gentleman makes an important point that this board holds out the prospect of allowing the communities and the industries to cohabitate, because the industry knows that it can invite this board in to look at the root causes of these serious accidents and explosions and other incidents and not suffer the concern about liability; that this evidence or this discussion or this investigation can be used in litigation. And then they can share that with others in the industry in similarly situated facilities and hopefully reduce and improve their efficiency, reduce the accidents and have some confidence of the community that, in fact, an effort is made to get to the root causes.

In my own community we have suffered a number of accidents in this recent year, but the problem is that the community has lost its faith in the regulatory agencies. They are in a confrontation with the regulator, with the industries. They have lost their faith in the industry. I believe this board can provide a circuit breaker so we can get back to a discussion of the problems that confront these industries.

I just wondered if the gentleman knows, my understanding is this memorandum of understanding has not been completed, and EPA itself has some serious questions about whether or not they have the authority to conduct their part that has been assigned to them by the administration.

Mr. WISE. Reclaiming my time, Mr. Chairman, the memorandum is truly nonfunctional at this point, is my understanding, and the two agencies simply are not working together, either under it or in any other context, as they should be.

And, indeed, as the gentleman points out, they will never be able to perform the purpose of this board because they do bring the prosecutorial side to it and the regulatory side.

Mr. MILLER of California. If the gentleman will continue to yield, the industry has got to be reluctant to allow EPA in because EPA has another function. OSHA has another function. That is, in fact, they have to fine them or deal with the industries in a regulatory sense if they see these flaws. And yet those are the same agencies we are asking to come in and do an impartial discussion, investigation of the root causes.

Mr. WISE. Mr. Chairman, this is like if someone knows they have a problem and they want to clean it up but the only person they can invite in is the policeman and the prosecuting attorney.

Mr. MILLER of California. Exactly. That is the importance. And I would hope that the committee, in further deliberations, would consider funding this board.

I think this board that was arrived at is an answer that was arrived at by industry, by concerned citizens, by professional organizations so that we could, in fact, get to the root causes of some tragic, tragic accidents, that I will go into in a moment here that have happened not only in my district but elsewhere in the country; and, again, I thank the gentleman for offering his amendment.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. WISE] has again expired.

(By unanimous consent, Mr. WISE was allowed to proceed for 1 additional minute.)

Mr. WISE. Mr. Chairman, I simply want to say that, for those who would feel that it is hard to make progress sometimes when there is only an option of more prosecution or more regulation, then this board, I think, meets those concerns because the information derived from its findings cannot be used in prosecution or litigation. For those who believe from an environmental standpoint that we need more investigation of chemical accidents, this board also meets those concerns.

That is why I am grateful for the bipartisan support, such as the gentleman from Pennsylvania [Mr. FOX], the gentleman from New York [Mr. BOEHLERT], the gentleman from California [Mr. MILLER], and others who have been so active in promoting this.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in support of this amendment.

I first want to thank the gentleman from West Virginia [Mr. WISE], the gentleman from California [Mr. MILLER] and the gentleman from New York [Mr. BOEHLERT] for their leadership on this issue.

I rise with my colleagues to offer the amendment. In offering the amendment we wish to raise awareness on an environmental and safety issue which is nonregulatory in nature. We are asking the House to act and appropriate funds for the chemical safety and hazard investigation board. It is our belief this board has the potential to save lives through its findings and to enhance the public's trust of Government and industry.

Created under the 1990 Clean Air Act amendments, the Chemical Safety Board was and is a forward-thinking concept, a board that would investigate the root causes of accidents without threatening companies with litigation or enforcement actions which may come as a result of the involvement of a regulatory agency such as EPA or OSHA.

The board will allow more thorough investigations of accidents such as the explosion and fire in a tank farm and oil plant in Freedom, PA, which left three employees dead. The board's findings may prevent further accidents such as the hydrogen peroxide explosion at a chemical plant in Linwood, PA, which left one plant worker dead.

I too share the concerns of many who have followed the board's history concerning the creation of a new Federal agency. However, it is my belief and that of others that the benefits that may accrue to the public, industry, and Government far outweigh this particular concern. A nonregulatory body such as this, modeled after the respected National Transportation Safety Board, will lead to greater cooperation between industry, labor, communities, and governments in the interest of public safety. Only the board will have the statutory authority to do this kind of work in the most effective manner and many in industry are beginning to recognize this.

I would prefer to see this board conduct the necessary investigations rather than another agency. Our amendment would take $3 million already appropriated and direct it to the board.

We are interested in working with the chairman, who has done an outstanding job with the bill and with the committee and my colleagues to ensure that, should the board be funded, it would be closely watched and held to its primary mission of investigating accidents and providing safety recommendations for workers.

In that regard I ask that my colleagues support our call for a nonregulatory body which would enhance public safety.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. FOX] for his support of the amendment offered by the gentleman from West Virginia [Mr. WISE].

Mr. Chairman, in January of this year a hydrocracker reactor exploded at an oil refinery in my district and killed a worker, Michael Glanzman, and injured 44 others in a blast that could be felt 20 miles away.

The year before that, again in my district, two workers were injured when a hydrogen unit blew up. The explosion sent a 24-inch elbow pipe which crashed into a trailer normally filled with workers but, thankfully, was empty during the accident.

In 1993 a toxic cloud of sulfuric acid spread throughout one area of my district, sending thousands of residents to the hospital and spurring a widespread effort to provide a better warning system to the local community in the event of future industrial accidents. These accidents have cost these industries tens of millions of dollars.

The amendment offered by my colleague from West Virginia on behalf of the gentleman from Pennsylvania [Mr. FOX], the gentleman from California [Mr. WAXMAN], the gentleman from New York [Mr. BOEHLERT] and the gentleman from California [Mr. STARK] seeks to devote adequate resources to prevent the kinds of horrific industrial chemical accidents that have killed and injured workers by the score over the years, terrifying and polluting our communities across this Nation.

The Chemical Safety Board, if funded today, would help prevent fatal chemical accidents from occurring in the future. It will not do so by punishing companies for past accidents but by providing information on those accidents so that the industry can learn from their mistakes rather than simply pay for them.

While responsible parties must accept blame in the face of appropriate penalties for violations of the law, the board's job is not to assign blame. That is the job of the regulatory agencies. The reports prepared by the board cannot be used to sue chemical companies or to prosecute them. The board will determine whether the accident is just that or whether systematic errors are at the heart of the tragedy, systematic errors that can be addressed and hopefully be remedied.

The board is modeled after the National Transportation Safety Board, which has helped to make flight one of the safest means of travel in the world. The Chemical Safety Board is an investigatory board that examines the root causes of industrial accidents resulting in serious injuries, fatalities and major property damage.

Mr. Chairman, the Congress was correct when in 1990 it established a Chemical Safety Board. It has erred, however, in failing to fund that board since then.

The current system of root cause investigation is unacceptable. President Clinton, in an effort to reinvent government, divided the board's responsibilities and assigned them to the EPA and to OSHA.

EPA, part of the overall funding increase in this bill, has been given additional funding to carry out this mission. OSHA, on the other hand, has been asked to perform this with additional responsibility with no additional funding, further taxing the limited resources of this important agency.

Mr. Chairman, I support the work of EPA and OSHA, but it is improper and impractical to ask them to carry out the investigation of the root causes of chemical accidents. EPA and OSHA are regulatory, not investigatory agencies. For better or worse, they have often had adversarial relationships with the industries that they are now being asked to investigate. Moreover, Mr. Chairman, EPA and OSHA are facing difficulty working together under this vague memorandum of understanding referred to by the gentleman from West Virginia. In the 2 years since they have taken on the board's mission, they have yet to produce an accident report jointly, sometimes in violation of these deadlines.

More importantly, they have questionable statutory authority, a startling fact noticed by industry. In my own district, EPA officials approaching a plant to investigate a recent accident were stopped at the gate by the plant employees who requested written authority to enter the plant. EPA officials were not able to produce such authority and I understand were denied entry. The authority, Mr. Chairman, resides completely within the Chemical Safety Board.

This does not sound like prevention to me. I understand there is support for the efforts in the Senate, and I would urge the subcommittee chairman and the ranking member to consider supporting amendments today to transfer to the board and give funds to EPA to do the board's work. It is not a large amount of money, but the board is not a large institution. Let us fund the mission, let us send a message to the communities like mine and so many others across the country that Congress supports an effort to make them a safer place to live.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague from California yielding, and I appreciate very much the way the gentleman from California, as well as the gentleman from West Virginia, are dealing with this issue today.

There is little doubt that the House needs to clarify what is not occurring as a result of both the Congress and the administration's past directions. The problem is a very real problem that faces the entire country and, indeed, the Hazardous Chemical Safety Board should not be in the midst of this, and I look forward to working with the gentlemen who are effectively concerned about the issue and appreciate the manner in which they are handling it today.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I appreciate the gentleman's consideration in allowing us to discuss this amendment, and I hope we can work with him in the future to make sure the full authority is restored to this board as well as its funding.

Mr. WAXMAN. Mr. Chairman, I ask you to support the Wise amendment to the VA–HUD–independent agencies appropriations bill. The amendment would reallocate to the Chemical Safety and Hazard Investigation Board the $3 million the Environmental Protection Agency has asked for to perform the functions of the Board.

Mr. Chairman, just last month:

One train worker was killed, two were injured, and hundreds of people shut themselves in their homes for hours after a train carrying hazardous chemicals rear-ended a coal train and burst into flames near Charleston, WV;

Five employees were sent to the hospital after a chemical spill at a silicon chip plant in San Jose;

Four workers were sent to the hospital after an unexplained escape of toxic chemical vapors from a tanker truck in Buffalo;

Two high school seniors and a science teacher were sent to the hospital after a bottle of hydrochloric acid toppled over during chemistry class in Orange County, CA;

Two workers were hospitalized for hydrogen cyanide exposure following a spill at a chemical plant near Memphis;

Two people were sent to the hospital after a chemical spill at a chemical waste management business near Dayton;

One employee was sent to the hospital after a chemical spill at a factory in Mesa, AZ;

Three hundred people were evacuated after a tanker truck carrying toluene crashed in Blacksville, WV;

Hundreds of residents were evacuated after a chlorine spill at a chemical plant in Watervliet, NY;

Two hundred people were evacuated and nearly two dozen sent to the hospital after a hydrochloric acid spill from a tanker in Industry, CA;

One hundred people were evacuated in south-central Los Angeles after the discovery of a toxic acid leak from a pressurized gas cylinder left in a residential alley;

Residents were evacuated and train traffic disrupted after a hydrochloric acid spill in Albany, NY; and

Rush hour traffic was snarled for hours after a tanker truck full of corrosive chemicals crashed south of Boston.

Every year thousands of chemical accidents are reported to the Federal Government, resulting in death, injury, evacuation, and disruption of the economy. That is why, in the reauthorization of the Clean Air Act in 1990, Congress established the Chemical Safety and Hazard Investigation Board. The Board was intended to be an independent body investigating the root causes of chemical accidents and recommending approaches of preventing them, operating much like the respected National Transportation Safety Board.

We need the Board today, just as badly as we needed it in 1990. I urge you to support the Wise amendment and full funding of the Chemical Safety and Hazard Investigation Board.

Mr. WISE. Mr. Chairman, in the hopes that just as the House has listened, the Office of Management and Budget has also been listening.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 184, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Wisconsin [Mr. OBEY], the amendment offered by the gentleman from Ohio [Mr. STOKES], and the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

On page 7, line 6, after "$16,958,846,000," insert "(increased by $48,000,000)".

On page 57, line 7, after "$321,646,000," insert "(decreased by $60,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 322, noes 110, not voting 2, as follows:

[Roll No. 276]

AYES—322

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Lazio
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran (VA)
Morella
Nadler
Neal
Ney
Northup

Norwood
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (FL)

NOES—110

Archer
Armey
Bachus
Baker
Ballenger
Barton
Bateman
Bilbray
Bliley
Boehner
Boswell
Brady
Bunning
Burr
Burton
Chenoweth
Clyburn
Coburn
Conyers
Cook
Cooksey
Cox
Crapo
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehrlich
Fawell
Foley
Fowler
Ganske
Gekas
Gilchrest
Goss
Graham
Gutknecht
Hansen
Harman
Hastert
Hastings (FL)
Hilliard
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kingston
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Livingston
Lucas
McCollum
McCrery
McIntosh
McKeon
Meek
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Nussle
Oberstar
Oxley
Packard
Parker
Paxon
Pickett
Pitts
Pombo
Radanovich
Riggs
Ros-Lehtinen
Ryun
Scarborough
Shadegg
Shaw
Shuster
Smith (OR)
Snowbarger
Souder
Spence
Spratt
Stearns
Stump
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Tiahrt
Wamp
Waters
Watkins
Weldon (FL)
Wexler
White
Wolf

NOT VOTING—2

Schiff
Young (AK)

□ 1520

Messrs. WATKINS, SOUDER, and SPRATT changed their vote from "aye" to "no."

Messrs. DAVIS of Virginia, HALL of Texas, RUSH, PEASE, LoBIONDO, BRYANT, GIBBONS, TOWNS, SESSIONS, SMITH of Michigan, BEREUTER, CRAMER, GOODLATTE, DIXON, ENSIGN, GALLEGLY, FRANKS of New Jersey, DAVIS of Illinois, REDMOND, CASTLE, EHLERS, FRELINGHUYSEN, BERRY, QUINN, LAZIO of New York, PETERSON of Pennsylvania, CUNNINGHAM, LAHOOD, EWING, ROGAN, JEFFERSON, HERGER, YOUNG of Florida, HASTINGS of Washington, SOLOMON, SAXTON, CANNON, WATT of North Carolina, LEWIS of Kentucky, KASICH, OWENS, SALMON, METCALF, REGULA, HILL, GOODLING, CUMMINGS, SKEEN, CHABOT, LAMPSON, GREENWOOD, FOX of Pennsylvania, DEAL of Georgia, SENSENBRENNER, ADERHOLT, RILEY, LINDER, BASS, SHIMKUS, ENGLISH of Pennsylvania, WALSH, COLLINS, MICA, NORWOOD, Mrs. KELLY, Mrs. EMERSON, Mrs. CUBIN, Mrs. NORTHUP, Mrs. CLAYTON, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Ms. PRYCE of Ohio, Ms. MOLINARI, and Messrs. WELDON of Pennsylvania, HOEKSTRA, BARR of Georgia, CALLAHAN, HAYWORTH, EVERETT, PORTMAN, Ms. GRANGER, and Messrs. COMBEST, WYNN, SMITH of Texas, McDADE, CHAMBLISS, CALVERT, KIM, BARRETT of Nebraska, McINTYRE, BONILLA, BLUNT, WICKER, GILLMOR, BISHOP, THUNE, ROGERS, LARGENT, BONO, PICKERING, HILLEARY, HOBSON, CRANE, COBLE, WATTS of Oklahoma, Ms. MILLENDER-McDONALD, Ms. BROWN of Florida, and Mr. RANGEL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STOKES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. STOKES] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 187, not voting 3, as follows:

[Roll No. 277]

AYES—244

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (OH)
Bryant
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—187

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady
Brown (FL)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Chenoweth
Christensen
Coble
Coburn
Cook
Cooksey
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goodling
Goss
Graham
Granger
Gutknecht
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hostettler

Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Ros-Lehtinen
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (FL)

NOT VOTING—3

Schiff
Torres
Young (AK)

□ 1529

Mrs. KELLY changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SENSENBRENNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] on which further proceedings were postponed and on which the noes prevailed on voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 227, not voting 7, as follows:

[Roll No. 278]

AYES—200

Ballenger
Barr
Barrett (WI)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Borski
Brown (OH)
Bryant
Burton
Buyer
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
Delahunt
Dellums
Diaz-Balart
Dingell
Doyle
Duncan
Ehlers
Emerson
English
Ensign
Eshoo
Evans
Ewing
Fattah
Fawell
Frank (MA)
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gutierrez
Gutknecht
Hamilton
Hastert
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hoekstra
Holden
Hooley
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kind (WI)
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Largent
Latham
Lazio
Leach
Levin
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luther
Manzullo
Markey
Mascara
McCarthy (MO)
McInnis
McIntosh
McNulty
Meehan
Menendez
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Moran (KS)
Morella
Nadler
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Pallone
Pappas
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Poshard
Quinn
Ramstad
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanders
Sanford
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Shadegg
Shays
Shimkus
Shuster
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Strickland
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thune
Tierney
Traficant
Upton
Vento
Visclosky
Wamp
Watkins
Watts (OK)
Waxman
Weldon (PA)
Whitfield
Woolsey
Yates
Young (FL)

NOES—227

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bunning
Burr
Callahan
Calvert
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Cramer
Cummings
Davis (FL)
Davis (IL)
DeGette
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Engel
Etheridge
Everett
Farr
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hilliard
Hinchey
Hinojosa
Hobson
Horn
Houghton
Hoyer
Hulshof
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Knollenberg
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Livingston
Lofgren
Maloney (CT)
Maloney (NY)
Manton
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
Meek
Metcalf
Mica
Millender-McDonald
Mink
Mollohan
Moran (VA)
Murtha
Myrick
Neal
Ney
Northup
Ortiz
Owens
Oxley
Packard
Parker
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Price (NC)
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Reyes
Riley
Rodriguez
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Scott
Sessions
Shaw
Sherman
Sisisky
Skaggs
Skeen
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Stenholm
Stokes
Stump
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thurman
Tiahrt
Towns
Turner
Velázquez
Walsh
Waters
Watt (NC)
Weldon (FL)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Wynn

NOT VOTING—7

Gonzalez
Portman
Rangel
Schiff
Spratt
Torres
Young (AK)

□ 1538

Mr. FORBES changed his vote from "aye" to "no."

Mr. SKELTON and Mr. PALLONE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Chairman, because I was unavoidably detained, I was not in attendance for rollcall vote No. 278.

Had I been in attendance, I would have voted "aye".

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

Ms. DEGETTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I would like to thank the chairman, the gentleman from California [Mr. LEWIS] and the ranking member of the subcommittee, the gentleman from Ohio [Mr. STOKES] for the work they have done on this bill. As the distinguished chairman from California knows, I was inclined to offer an amendment to title II of this bill to increase the community development block grant by $25 million for the redevelopment of polluted urban brownfield sites. I understand that the chairman supports brownfields redevelopment, but has some concerns about dealing with this particular initiative which has not been authorized in this bill. I can appreciate that. By agreement, we have decided not to offer the amendment today.

I would like to speak for a few minutes, however, about the need to undertake brownfields development.

□ 1545

I was disappointed to learn that this legislation today does not include the $25 million request from the administration to the Department of Housing and Urban Development for grants for redevelopment of brownfields. As Members know, title I of the Housing and Community Development Act of 1974, as amended, authorizes the Secretary of HUD to make grants to units of local government and States for local community development programs. The primary objective of the block grant program is to develop viable urban communities and to expand economic opportunities, principally for low and moderate income persons.

Mr. Chairman, that gets to the heart of what I, along with my colleague, the gentleman from New Jersey [Mr. PALLONE], today am trying to do here. The money we are talking about in this amendment would go toward the block grant program to develop these viable urban communities and expand economic opportunities.

I can say that spending a lot of time in my own community, I know how vital redevelopment of brownfields can be in urban areas and how exciting it can be when these areas are redeveloped. As it is, brownfields are a blight on our urban and rural landscape. They are oftentimes abandoned industrial or commercial sites which remained undeveloped due to the uncertainty which surrounds them. There is an estimate that there are approximately 450,000 brownfield sites around the country, many of them in urban areas but also some in suburban and rural areas.

I have been encouraged by the administration's brownfields request for the EPA brownfields initiative and that it has been appropriated $85 million. However, this money is to be used only for assessment activities, not for cleanup actions and redevelopment.

I have personal experience with brownfields because I sponsored successful legislation in Colorado in 1993 which has now been used for over 60 brownfield sites in the State of Colorado, not simply assessment but to actually clean up those sites.

If we are truly to clean up our urban communities, if we are truly to develop urban areas, then we need to look at all possible areas in the Government, not just the EPA but also HUD, to really appropriate money.

So that is why I am pleased that the chairman and the ranking member have both agreed to work with us to find as much money as we can to put towards this brownfields redevelopment, and I do want to thank the Chair for recognizing me today.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to join with my colleague from Colorado in her effort. I understand, as she said, that this amendment on brownfields redevelopment will not be offered, but we did want to make a statement about why we think that the substance of that amendment is significant. Basically what the gentlewoman says is that this $25 million in additional funds would provide incentives to actually redevelop the brownfield sites.

I want to also mention that I am pleased with what the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] did to include $85 million in the bill for the brownfields assessment program. That is, of course, the assessment program. We, however, would like to see some additional money available, as was mentioned by the gentlewoman, for actual incentives to redevelop the sites.

I wanted to mention, Mr. Chairman, that in June there were 85 House Members on a bipartisan basis who sent a letter to the chairman and the ranking member in support of the President's request for a significant increase in the EPA's brownfields assessment program, and I wanted to thank the gentlewoman from Colorado [Ms. DEGETTE], the gentlewoman from New York [Mrs. MALONEY] and the gentleman from Connecticut [Mr. SHAYS] for joining me in initiating that letter of support; also the gentleman from Michigan [Mr. DINGELL], the ranking member, who has been a constant leader on the issue. We have a copy of this letter and a list of Members who signed it. I will include that letter for the RECORD.

Let me point out again, Mr. Chairman, that the reason this is important is because brownfields redevelopment has been and continues to be a priority for many Members regardless of party affiliation. We are very much united in this effort to guarantee that our children have access to open space and economic opportunity by providing incentives for the cleanup and redevelopment of brownfields rather than the development of pristine open space or the so-called greenfields.

The Clinton administration has been very helpful in assisting States and local governments in promoting the redevelopment of these brownfields initiatives. That is why I think it is very important to continue with this. I just want to say I really believe very strongly that this is something that could be addressed in conference.

I am obviously concerned that in the bill the subcommittee was not able to provide the money requested for this economic development grant program. I understand that there is language that was included that basically restricts the use of the money provided under the EPA's program. What I would hope is that when we get to conference, that my colleagues on the committee would reconsider this limitation so that money is either added, or at least the restrictive language is taken away so that some of this money can actually be used for cleanup and restoration.

Otherwise, I do want to thank the members of the subcommittee for their work, and again join with my colleague from Colorado in making this point.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 1998 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1998 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 1998 and prior fiscal years may be used for implementing comprehensive conservation and management plans.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to a point of order against section 420.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, this section violates clause 2 of rule XXI which prohibits legislation on an appropriations bill. The section would override section 320(g) of the Federal Water Pollution Control Act by authorizing the use of funds for implementation of comprehensive conservation and management plans.

Current law does not authorize the use of funds for implementation of plans but only for the development of plans. Therefore, the section is legislative in nature, in violation of rule XXI, clause 2.

I would also point out, Mr. Chairman, that the Committee on Transportation and Infrastructure will be considering the issue of authorizing and improving the national estuary program during this Congress. We are very much aware of the need to implement plans to protect America's estuaries.

The CHAIRMAN. Are there other Members wishing to be heard on the point of order?

The Chair is prepared to rule. Section 420 of the bill explicitly, albeit indirectly, amends the Water Pollution Control Act. As such it constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained. Section 420 is stricken from the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 421. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1998.

AMENDMENT NO. 4 OFFERED BY MR. BENTSEN

Mr. BENTSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BENTSEN:

Page 76, and after line 17, insert:

SEC. 422. None of the funds made available in this Act may be used to implement clauses (ii) through (v) of section 761.93(a)(1) of title 40 of the Code of Federal Regulations (relating to the import of PCB's and PCB items at concentrations of 50 ppm or greater for disposal), or to authorize any person to import into the United States (Pursuant to an exemption under Section 2605(e)(3)(B) of title 15 of the United States Code or otherwise) any PCB's or PCB items at concentrations of 50 ppm or greater for purposes of disposal or treatment.

Mr. BENTSEN. Mr. Chairman, given the fact that we passed over a number of amendments, I apologize for seeming anxious.

Mr. Chairman, I rise today to offer an amendment on behalf of myself and the gentlewoman from Michigan [Ms. RIVERS] to prohibit the Environmental Protection Agency from using any funds under this act to allow the importation of polychlorinated biphenyls, PCB's, to be disposed of, including incinerated, in the United States.

Mr. Chairman, the EPA issued a final rule on March 18, 1996 to allow the importation of large quantities of PCB waste, reversing an EPA ban that had been in place since 1980. Later that same month, the Sierra Club Legal Defense Fund initiated a legal challenge to the EPA decision allowing for the importation of PCB's based on the opinion that it violated the Toxic Substances Control Act of 1976.

Additionally, during consideration of H.R. 3666, the fiscal year 1997 VA-HUD appropriations bill, the House adopted a similar amendment I offered which was later dropped in conference with the other body. On July 8 of this year, the 9th Circuit U.S. Court of Appeals ruled, in a unanimous decision, that EPA had violated the Toxic Substances Control Act of 1976. Chief Judge Proctor Hug wrote:

> EPA lacked the statutory authority to promulgate the import rule, which violates the PCB manufacture ban contained in the Toxic Substances Control Act.

EPA, in the execution of the import for disposal rule, waived the yearly requirement to obtain an exemption from the administrator. This rule allowed the continual import of PCB waste in direct contradiction of the Toxic Substances Control Act of 1976. The court ruled that EPA's 1996 rule providing for the continuing importing indefinitely without interruption violates congressional intent with respect to the loan exemption under TSCA which would only allow such imports if the EPA administrator determines an unreasonable risk to injury or health or environment would not result because such exemption may not last longer than 1 year.

Mr. Chairman, EPA has failed to offer any scientific data or analysis to justify reversal of this ban. Their longstanding position has always been that PCB imports pose an unreasonable risk to health and safety.

On December 6, 1994, EPA emphasized that, and I quote:

> the import of PCB's into the United States and the distribution of commerce of PCB's present an unreasonable risk of injury to human health and the environment.

Yet a year and a half later the EPA reversed itself with no new studies, no new research, no new reports that PCB's are anything less than a substance risk to human health and the environment. It is difficult to understand why EPA would change its position without any new scientific evidence.

We know from scientific research that PCB's accumulate in the environment and move toward the top of the food chain, contaminating fish, birds, and ultimately humans. When incinerated, PCB's release dioxin, one of most toxic chemicals known to man. As a result, PCB's are the only chemical that Congress has identified for phaseout under TSCA.

Since 1979, PCB's have not been manufactured in the United States. With this ban in place, the amount of PCB's in the United States have steadily decreased but the range of health and environment effects has not. Incinerators in Kansas, Utah, Pennsylvania, and two sites in southeast Texas burn more than 800,000 tons of domestic PCB waste each year.

This rule might be necessary if Canada and Mexico, two countries expected to send us most of their PCB's, did not have facilities located within their boarders to dispose of PCB waste. Both countries do have such facilities designated to handle PCB waste. Mexico even exports some PCB waste to Europe for disposal.

Furthermore, EPA makes contradictory statements with regard to the issue. In a 1991 internal memorandum regarding this issue of PCB's and NAFTA negotiations, Elizabeth F. Bryan, then deputy director for exposure, wrote:

> It is likely that Mexico would be discouraged from development adequate disposal facilities for their own PCB waste, if the United States accepts their waste.

This memo further states:

> Congress clearly intended to ban PCB's in the United States. That intent should not be diluted through considerations of free trade.

Yesterday the EPA put out an analysis of my amendment in which they state:

> EPA closed its borders to PCB waste in 1980 to encourage the development of disposal industries in Canada and give the United States time to phase out much of our use of PCB's.

□ 1600

These goals have been accomplished.

I would also like to add that the Canadian disposal industry opposed EPA's rule and presented compelling evidence that Canada is fully capable of handling their own PCB waste. EPA agreed with that view as late as December 1994 when they said, "EPA does not want to encourage the expansion of PCB's where there are feasible alternatives already in place."

In closing, Mr. Chairman, I ask that my colleagues accept this amendment. The last thing we need to do is be accepting dangerous PCB's as a form of business in the United States.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word and to essentially express some slight reservation, because this item is in the courts. The ninth circuit is currently in the process of considering an appeal.

On the other hand, the House did adopt this matter on a voice vote last year. I frankly think the committee would not have any reservation about this going forward and we would be willing, after some more discussion takes place, to accept it if my ranking member would do the same.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just rise to agree with the chairman of the subcommittee that this is a matter that was accepted last year, and if the chairman is inclined to accept the matter at this time, then there is no objection on this side.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, with the agreement of the gentleman from Ohio, we would accept the amendment. I would suggest to Members who are anxious about this, while I welcome their comments, others, if they want to, can revise and extend their remarks.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the proposal currently on the floor. I joined with the gentleman from Texas [Mr. BENTSEN] last year to offer this, as well as having offered it in the freestanding bill.

Mr. Chairman, I am concerned about simply accepting it this year. As people may recall, last year we did that but it was stripped from the bill in conference and never made it into law. While there is a recent decision in the courts regarding this matter, it still is in appeal and prudence does recommend legislative action by this body.

Why should we be concerned about this? For several reasons. PCB's are substances that, as a group, are extremely toxic and long-lived, they are proven cancer causers, and they disrupt hormone systems and cause reproductive and endocrine damage in human beings. These are not your garden variety carcinogens.

In fact, PCB's are the only substance ever specifically banned by an act of Congress in this Toxic Substance Control Act of 1976. Yet in 1996, the EPA decided to allow the importation of these chemicals. At that time many of us argued that the decision had more to do with keeping waste disposal facilities in the United States profitable than in keeping the public safe.

Unfortunately, that view turned out to be prophetic. In an AP story published July 8, the EPA is quoted as arguing that the import ban was no longer needed because the U.S. waste disposal industry had enough incinerator capacity to handle foreign PCB waste. The industry, which was running out of domestically produced PCB's to destroy, and I want to repeat that, the industry, which was running out of domestically produced PCB's to destroy, could make up to $100 million a year from incinerating imported PCB's, the EPA said.

The EPA also said at that time that some surveys had estimated more than 173,000 tons of PCB-tainted material existed in Canada and another 60,000 tons in Mexico.

Mr. Chairman, this body cannot tolerate a calculus that values the fiscal health of the toxic waste industry over the physical health of our citizens. For these reasons I would urge my colleagues to vote for this provision, and I would urge the chairman to allow a vote, and I would urge conferees not to strip the provision from the final bill at the end of their conference. This is a serious issue that deserves our attention and our action.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from California [Mr. LEWIS] for accepting this amendment.

Mr. Chairman, I rise in support of the Bentsen amendment, and I commend my colleague from Houston for his leadership on this important issue.

On March 15, 1996, the EPA issued a final rule to amend the Federal PCB regulations and allow the import of PCB waste for disposal in permitted facilities in the United States.

This rule allows the importation of foreign PCB waste for disposal in the United States.

The EPA has estimated that the U.S. disposal industry would receive $50 to $100 million annually if PCB's are imported into the United States from Canada and Mexico.

And where would PCB's be disposed? In Kansas, Utah, Pennsylvania, Port Arthur, TX, and Channelview, TX.

Mr. BENTSEN's amendment would prohibit the EPA from using any funds to implement its final rule.

PCB's when incinerated release dioxin—one of the most toxic chemicals known.

Dixon, as we all know, causes a wide range of adverse health effects and it accumulates in the environment.

The incineration of PCB's is recognized as a health hazard.

That's why the Congress designed a phase out of domestic PCB manufacture in the Toxic Substance Control Act of 1976.

Last week, the ninth circuit court overturned EPA's rule to allow the importation of PCB's. The Bentsen amendment will ensure the continual prohibition of imported PCB's even if EPA exercises its option to appeal this ruling to the U.S. Supreme Court.

I urge my colleagues to support this important amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, I appreciate the gentleman's yielding.

In closing on this amendment, and I know there are other amendments Members want to get to and to finish this bill, this is not a question of international trade. I am a free trader, but this is not a good or a service that I believe we ought to be importing. This is a dangerous chemical. It is dangerous waste.

We are taking care of our own PCB's in this country. We do not need to take care of PCB waste from other countries which, ironically, will not take exports of PCB's from the United States.

The fact is that this is not a debate about the domestic incineration of PCB's. That is another matter. We take care of our own, but we should not take care of others.

The fact is that the EPA clearly intends to appeal this rule. They would not be opposed to this amendment otherwise. So I would encourage my colleagues to support this amendment and I would encourage the managers of the bill to defend this amendment with the Senate. I realize it is not the courts, but this is something that clearly is not in line with Congressional intent from the TOSCA Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BENTSEN].

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SOLOMON:

Page 76, after line 17, insert the following new section:

SEC. 422. None of the funds made available in this act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104-208; 110 Stat. 3009-270).

Mr. SOLOMON. Mr. Chairman, the amendment that I am offering with the gentleman from California [Mr. POMBO] should be familiar to most Members, as it has passed this House several times with bipartisan support, and is now permanent law for defense funds and funds covered by the Labor/HHS appropriations bill.

This amendment would simply prevent any funds appropriated in this act from going to institutions of higher learning which prevent military recruiting on their campus, or have an anti-ROTC policy.

The amendment would not affect direct student aid funds such as Federal Direct Loans and Pell grants, nor would it affect institutions with longstanding, religiously based pacifist traditions.

Mr. Chairman, institutions that are receiving Federal taxpayer money should not be able to then turn their back on the young people who defend this country.

This is especially important in today's environment, when, as we know, military recruiters are already having trouble filling their quotas with able applicants due to 13 straight years of defense budget cuts.

It is more important than ever that we not allow campus administrators with ideological agendas to prevent recruiters from explaining the benefits of an honorable career in our Armed Forces to our young people.

It is really a matter of simple fairness, and that is why this amendment has always received such strong bipartisan support.

I would also like to note that, since the gentleman from California [Mr. POMBO] and I started this process a few years back, we have seen a great deal of progress on college campuses. Many schools have publicly announced a shift in their antimilitary policies and many more have quietly followed suit.

The legislation is working, and we can all be proud of that.

However, it is necessary to round out the process by attaching the amendment to just a couple of more appropriations bills, including this one today, and writing it into permanent law.

Then I believe we will have a powerful deterrent in place which will give our fine military recruiters the tools and confidence they need to carry out their constitutional functions to the best of their abilities.

I urge a "yes" vote on the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the Solomon amendment to H.R. 2158 to prohibit the use of funds in the VA–HUD appropriations bill, by any Department or Agency, for grants or contracts to universities and colleges that do not give ROTC and military recruiters access to the general student population.

This amendment levies a grossly unfair and extreme bias against religious institutions that do not allow secular military or ROTC recruiting to occur on their campuses. Individual students and institutions will be penalized simply because they choose to attend a religious institution.

Not only is this fundamentally unfair to the institutions and students but this is also an unfair mixing of church and State.

I strongly urge my colleagues to vote "no" on this unfair amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 422. The amounts otherwise provided by this Act are revised by increasing the amount made available for "INDEPENDENT AGENCIES—FEDERAL EMERGENCY MANAGEMENT AGENCY—EMERGENCY FOOD AND SHELTER PROGRAM", and reducing the amount made available for "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", by $30,100,000 and $43,000,000, respectively.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California reserves a point of order.

Mr. VENTO. Mr. Chairman, this is an amendment that I had printed in the RECORD yesterday, and which was in order in title III. I would suggest that, if there are unanimous consents that are going to occur and that are reasonable, that they should be recognized.

My concern is that this amendment previously has been ruled out of order because I came and we were on page 61, and now we, of course, are at the end of the bill and it should be in order now.

This deals with the Emergency Food and Shelter Program and the public/private partnership. It is a public/private partnership that works. Since the program began in 1983, $1.6 billion has been appropriated to the FEMA Emergency Food and Shelter Program. What I am proposing here is to raise the funding to $130 million from $100 million that is in the bill.

Why this reduction was instituted or persists is not at all clear and certainly was not justified with a program that works. Funds under this extremely well run program reach communities within 45 days from the date of release from FEMA. It is not an emergency management regular program. In fact, this program works and there is no scandals, there are no adverse GAO reports, no adverse Inspector General flack, no bad reports of this program.

It is a program unique because it helps not with disasters from Mother Nature but with personal emergencies of people who have become very often homeless. An increased number of social and economic casualties, of course, are occurring today.

The program combines rapid national distribution with the expertise of local nonprofit charitable organizations in delivering services where they are most needed and builds upon the solid foundation of assistance that historically has been provided by the State and local charities and nonprofits.

The Federal Government has not taken over the program and the challenge, rather the Emergency Food and Shelter, the FEMA program, has become a partnership building upon that which exists and works. The administrative costs of this program are very low, about 3.5 percent locally and nationally.

There is no doubt that such success is owed to the partnership form with the unique national board made up of the American Red Cross, the Catholic Charities, the Council of Jewish Federations, the National Council of Churches of Christ in the United States, the Salvation Army, the United Way, and FEMA. We should be celebrating and rewarding the success of the collaboration, not shortchanging it.

Mr. Chairman, some have suggested compassion fatigue exists in America because problems are not alleviated. It is important to note that the Emergency Food and Shelter and HUD homeless programs, modest programs in size, have helped hundreds of thousands of families and individuals, but our economics and society throughout the 1980's and 1990's continues to sustain new homelessness.

It is a dynamic population and, as a Congress working with local and State, especially with the private nonprofits, we should stay involved with solid financial commitments, Mr. Chairman. The Federal dollars in the Emergency Food and Shelter Program, the FEMA Program, and the HUD homeless programs leverage private funding.

The nonprofits, who historically dealt with a demographically different population and social problems, today are operating on overload. They cannot respond to the problems and needs in the same way that they did yesterday because of the gravity and the severity of those problems. Specifically, reviewing the fiscal year 1996, the national board, the specific program that I am talking about here, accomplished a great deal with the dollars they have available.

Mr. Chairman, I would point out that we are cutting money in this amendment by reducing the NASA Human Space Flight Program by $43 million in order to provide the $30 million for this program. Because it does spend out quicker, there is a difference. This program serves to alleviate the plight of the homeless right down here on terra firma, that is on the ground of Mother Earth.

As Members should be aware, the NASA budget is in excess of the administration's request, this particular portion, by $100 million. There has not been a NASA, an OMB or administration request or justification for this funding. We do not have to be rocket scientists to understand the demand and the positive needs that we need in terms of the increase to provide emergency food and shelter.

As I said, the program is working. Unfortunately, many in our society continue to experience homelessness and I would urge Members to support this sound amendment.

Mr. Chairman, I have an amendment at the desk, amendment No. 26 which has been ruled out of order because it starts at page 57 and amends page 61 and we were upon page 61. I'm very disappointed that the consideration was not provided even though we were in the same title III and had moved so quickly to this point in the bill, therefore I'm offering it at the end of the bill as a new section 422.

The Emergency Food and Shelter [EFS] Program is a public/private partnership that works. Since the program began in 1983, $1.6 billion has been appropriated to the FEMA EFS Program. In 1995, prior to the devastating rescissions bill, the funding for this program annually was $130 million. Since the rescissions bill, the funding has been level at a less than adequate $100 million. Why this reduction was instituted or persists isn't at all clear and certainly not justified.

Funds under this extremely well run program reach communities within 45 days from date of release of funds by FEMA. This is a program that works with no scandals—no adverse GAO reports, no IG flack. The program is unique because it helps not with the disasters of mother nature, but the personal emergencies of people who have become homeless—an increasing number of social and economic casualties today. The program combines rapid national distribution with the expertise of local nonprofit charitable organizations in delivering services where they are needed most and builds upon the solid foundation of assistance that historically has been provided by the State/local charities and nonprofits. The Federal Government hasn't taken over the problem and the challenge, rather EFS/FEMA has become a partner, building upon that which exists and works.

The administrative costs are a mere 3.5 percent, locally and nationally. There is no doubt that such success is owed to the partnership formed with the unique National Board, made up of major charity organizations: the American Red Cross, Catholic Charities, Council of Jewish Federations, National Council of Churches of Christ in the USA, the Salvation Army, the United Way, and the Federal Emergency Management Agency. We should be celebrating and rewarding the success of this collaboration not short-changing it. Mr. Chairman, some have suggested compassion fatigue exists in America, because problems aren't alleviated—it is important to note that the EFS/HUD homeless programs, modest in size, have helped thousands of families and individuals. But our economy and society throughout the 1980's and 1990's continues to sustain new homelessness. It is a dynamic population and as a Congress working with State, local, and especially the private nonprofits, we should stay involved with solid financial commitments.

The Federal dollars in EFS/FEMA and HUD homelessness programs leverage private funding. The nonprofits who historically dealt with a demographically different population and social problems, today are operating on overload. They need and merit our good faith effort.

Specifically reviewing EFS/FEMA in fiscal year 1996, the National Board accomplished the following with an appropriation of $100 million: provided over 82.6 million meals at an average meal cost of 47 cents; provided more than 3.8 million nights of shelter at an average cost of $5.93 per night; paid over 177,000 utility bills allowing families to remain in their homes; directly funded more 10,300 charitable organizations and governmental agencies in over 2,400 jurisdictions in all 50 States, the

District of Columbia, Puerto Rico, and the U.S. territories.

My amendment would restore the funding level to $130 million. This could help serve tens of millions more meals, a million or so more nights of shelter, and help with hundreds of thousands more utility bills across this country. My amendment would accomplish these worthy goals by reducing NASA's Human Space Flight Program by $43 million—providing $30 million to this specific FEMA program that serve to alleviate the plight of homeless on terra firma, on the ground of mother Earth.

As Members should be aware, the NASA budget is in excess of the administration request by $100 million. There has been no NASA, OMB, or administration request or justification for this funding and you don't have to be a rocket scientist to understand the demand and positive use that this increase would do for the Emergency Food and Shelter Program of FEMA.

I urge Members to support this amendment that will be so beneficial for all Americans.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I do, and let me say that I agree with much that has been said about this program. We have provided $100 million in the budget request because of that.

I raised a point of order against the amendment because, first, the amendment takes away from an unauthorized program and gives money to an unauthorized program. Well, Mr. Chairman, let me give just a bit of detail:

□ 1615

The amendment proposes to increase an appropriation not authorized by law, and therefore is in violation of clause 2(a) of rule XXI. Although the original account, funding for the Emergency Food and Shelter Program, where the funding would go, is unauthorized, it was permitted to remain pursuant to the provisions of the rule that provided for the consideration of this bill. When an unauthorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing that amount is in order, but the rules of the House apply as a merely perfecting standard to the items permitted to remain and do not allow the insertion of a new paragraph, not part of the original text permitted to remain, to change indirectly a figure permitted to remain.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. VENTO] wish to be heard on the point of order?

Mr. VENTO. Mr. Chairman, the fact is both provisions are in the bill. They are protected by the rule. As the gentleman has pointed out, both of these are. I have not received authorization, but the rule does address that particular factor, and it seems to me that it would follow that the modification of funds between them at this particular point, a technical point at best, that the spirit of the rule would suggest that it is in order.

I might further add, Mr. Chairman, that in terms of the procedures of the House, the rolling of votes and the activities that have taken place today, the avoidance and leaving behind of amendments I think is highly inappropriate and improper. I was here and offered this amendment in the proper title, but simply being a few pages beyond. I was not afforded the comity and the consideration of being able to offer this amendment today. I think it is highly unusual and inappropriate.

I ask the Chair to rule on the amendment.

The CHAIRMAN. The Chair is ready to rule if no other Members wish to be heard on the point of order.

The gentleman from California [Mr. LEWIS] makes a point of order that the amendment offered by the gentleman from Minnesota [Mr. VENTO] violates clause 2(a) of rule XXI by providing an unauthorized appropriation.

The amendment proposes to insert a new paragraph on page 76 that would indirectly increase an amount provided on page 57, which has been passed in the reading.

The increase proposed by the amendment is not authorized by law. The Chair notes that the amount already carried in the bill for that object is, likewise, unauthorized. However, that unauthorized amount in the bill was permitted to remain by House Resolution 184.

Where an unauthorized appropriation is permitted to remain in a general appropriation bill, an amendment directly changing that amount in that paragraph, and not adding legislative language or earmarking separate funds for another unauthorized purpose, is in order as merely perfecting. But an amendment adding a further unauthorized amount is not in order.

As indicated in the ruling on July 12, 1995, shown on page 142 of House Practices, even though it may be permissible by amendment to directly change an unauthorized item in a paragraph permitted to remain by a waiver of points of order, it is not in order to indirectly increase that amount by insertion of a new paragraph not textually protected by the waiver. The precedents that admit a germane perfecting amendment to an unauthorized item permitted to remain, for example, Deschler's volume 8, chapter 26, section 3.38, deal with actual changes in a figure permitted to remain. They apply a merely perfecting standard in the strictest sense of that phrase. None involve the insertion of a new paragraph, not part of the text permitted to remain, to increase indirectly a figure permitted to remain.

The amendment offered by the gentleman from Minnesota [Mr. VENTO] cannot be construed as merely perfecting under the precedents. Accordingly, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY:

After the last section of the bill (preceding the short title), insert the following new section:

SEC. 422. The aggregate amount otherwise provided in this Act for "INDEPENDENT AGENCIES—DEPARTMENT OF THE TREASURY—COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS—COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT" is hereby reduced by $75,000,000.

Ms. WATERS (during the reading). Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentlewoman reserves a point of order.

The CHAIRMAN. Without objection, the amendment is considered as read, and the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes in support of his amendment.

There was no objection.

Mr. FOLEY. Mr. Chairman, one only need to pick up the morning newspapers to support the amendment to freeze funding for the Community Development Financial Institutions funded at current levels, not a cut, maintaining funding at 1997 levels.

Today's Wall Street Journal: "Treasury Aides Trumped Up Papers To Defend Awards As Probe Drew Near."

"A Treasury investigation as to whether agency officials created misleading documents to deal with a congressional probe found that they did, and just in the nick of time, too."

The assistance went to community development lenders with ties to South Shore Bank, also known as Shorebank, a Chicago-based institution with long ties to the Clintons. A recipient of $2 million in assistance was Southern Development, Inc., an Arkansas firm that Hillary Rodham Clinton set up with help from Shorebank founders."

In the Arkansas Democrat Gazette: "Among the banks Bachus named as being part of a suspected 'old boys' network' of community lending institutions with ties to President Clinton and his wife is Arkadelphia-based Southern Development Bancorporation, Inc. It received a $2 million award from the Community Development Financial Institutions Fund last year. Mrs. Clinton, then a partner in Little Rock's Rose Law Firm, and presidential counselor Thomas F. 'Mack' McLarty, a former executive of Arkla, Inc., were charter members of the holding company that founded Southern Development in August 1986."

In the Rocky Mountain News: The chairman suggests, Mr. Bachus, that nearly a third of the money designated in the Community Development Financial Institutions fund went to interlocked institutions that all have well-documented links to Hillary Clinton.

"Government Investigates CDFI Program," in the National Mortgage News Journal, details the same story. Reuters this morning: "Treasury Admits Misdoings At U.S. Small Business Fund."

May doubt the articles? Read this: "A top administrator at a small business program touted by President Clinton wrote spurious memos to justify loans that had already been made, Treasury Department officials confirmed Tuesday."

Now my colleagues, what we are asking you to do is freeze funding until we can investigate the facts of this case. The Treasury Department may be making improvements now as a result of the oversight inquiry, but the department has not shown it knows how to run a grant program.

In this era of government belt tightening, where even programs that are models of efficient administration face significant cuts in funding, it makes absolutely no sense, no sense, to increase by more than twofold the amount the taxpayers will allocate to this program.

Only in Washington would we be sitting here debating a 150 percent increase in funding for a program that is judged, by any objective standard, a monument to bureaucratic bungling and administrative inefficiency. In the real world, heads would be rolling, customers would be demanding refunds, and the budget ax would be swinging. In Washington we appropriate more taxpayers' money for this program.

This perverse incentive structure needs to be dismantled, and a message needs to go out to our Federal bureaucracy that we will no longer reward mismanagement abuse with ever-increasing levels of funding.

By the CDFI's own admission, at least $11 million in taxpayer funds were awarded in its last round of funding without anybody bothering to memorialize in a written document any of the factors upon which the agency based its recommendation. Not a word. Then when the gentleman from Alabama [Mr. BACHUS], the chairman, approaches the committee and asks for reports, at midnight they work on the documents. My colleagues will hear more about that later.

Any claims that the Treasury Department may make regarding real world success for the CDFI program are purely speculative at this time. The fund originated July 1996. As of March of this year they had only distributed $4 million the $37 million that was awarded in the first round. Now at this point I understand we have up to one half that has been sent out.

The Treasury wants Congress to raise funding 150 percent on this untested program with serious administrative problems. The Foley-Bachus amendment will not zero out CDFI funds, I want to reemphasize. It simply maintains fiscal 1997 funding levels pending further review of the program.

Now it bears emphasizing that this amendment, again, does not zero it out. But I would call the attention of my colleagues, the Senate is never known for cutting many programs. The Senate VA-HUD approps zeroed out the CDFI fund yesterday. The Senate zeroed it out. Now we are asking for a freeze.

Now clearly, some people may doubt these articles in our major newspapers. But as the chairman will tell my colleagues in the next few minutes, this investigation has unearthed some rather disturbing things. There is no distancing from these companies the relationship that had existed in the late 1980's. So clearly, if we are going to ask the American taxpayers to foot the bill for this program or any other, we should make certain that there are certain standards.

POINT OF ORDER

The CHAIRMAN. Does the gentlewoman insist on her point of order?

Ms. WATERS. Yes, Mr. Chairman, I do.

The CHAIRMAN. The gentlewoman will state the point of order.

Ms. WATERS. Mr. Chairman, if the gentleman from Minnesota [Mr. VENTO], and perhaps even others had been here, their amendments would have been protected against a point of order. However, they were not here at the time, and therefore they have not been allowed to take up their amendments.

I think that that amendment falls in the same category. However, I am aware that there may have been some attempts to recraft the amendment to comply with being able to take it up in the general provisions. If so, if that is the case, how then was it recrafted to comply? And if it has not been, the point of order I think should prevail.

The CHAIRMAN. If there is no other argument on the point of order, the Chair is prepared to rule.

The amendment simply reduces an amount otherwise provided by the bill. That the amendment does so indirectly does not matter. An amendment inserting new language simply and only to reduce the amount of an appropriation provided earlier in the bill is permissible, as not adding a further unauthorized amount.

The point of order is overruled.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

I rise today in opposition to the Bachus amendment to the fiscal year 1998 VA-HUD appropriations bill and in support of the provision in this bill to provide $125 million for the Community Development Financial Institutions program.

The Community Development Financial Institutions program provides an important source of funding to low-income and low-wealth communities across the Nation. The CDFI program is the very type of program that this Congress, with its attitude about Federal spending, should support.

Rather than providing conventional government assistance to poor communities, the CDFI fund focuses on efforts to use government resources to leverage private sector funds, with the goal of achieving community self-sufficiency. The CDFI fund invests in a diverse array of institutions, including banks, credit unions, nonprofit loan funds, venture funds, and others, with varying asset size. The fund is designed to promote community development in the broad range of communities which make up our Nation.

The gentleman from Florida [Mr. FOLEY] spent a good deal of his time making some allegations about the politicization of this election process for grantees. These allegations have been carefully investigated and refuted by the Treasury Department. And in that light, I commend the gentleman from California [Mr. LEWIS], the chairman, and the gentleman from Ohio [Mr. STOKES], the distinguished ranking member, and the gentleman from California [Mr. LEWIS] is indeed distinguished as well, and the subcommittee members for their report language endorsing the goals of the CDFI program and their belief that any process abuses can be corrected without destroying the program, which this amendment would do.

I also commend the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] for their emphasis on the activities that support microenterprise development to build the skills, assets, and earnings of low-income Americans.

Mr. Chairman, as this Congress systematically dismantles our traditional programs for poor people and poor communities, we must support programs designed to ensure that these communities have access to the financing they need to help themselves. The CDFI fund is one such program.

I urge my colleagues to oppose the Bachus amendment and support the committee, support the funding level of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] of $125 million for this important and successful program which is helping American communities help themselves.

Mr. Chairman, I yield back the balance of my time.

□ 1630

Mr. COOKSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. COOKSEY. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I think it is important for all of us in this body to define what this amendment does and why it is necessary and what it does not do. This amendment leaves funding at the present level of $50 million a year. We heard the gentleman from Florida that said the Senate, because of these same facts and what has happened in this program, zeroed out funding. But the amendment that the gentleman from Florida and I have offered leaves the funding level from last year.

Why are we offering this amendment? Why are we opposed to the administration's request that funding for this program increase by 150 percent to $125 million? We are doing that for several reasons. One is that of the original $50 million that was appropriated by this Congress, $37 million of it was directed to this fund, and of that $37 million, as of March of this year, only $4 million had been spent. As of this time, the whole $37 million that was appropriated in 1996 has not been granted. We have got $37 million in an appropriation and since 1996 they have not appropriated all the money. Should this Congress come along and at this time say we are going to put another $125 million in? I think not.

What has happened to the money that the people of the United States, the taxpayers, put in, this $37 million? Let us look at what has happened to it. First of all, not all of it had been spent and we are asking those same people for another $125 million. But of that that was granted, $11 million of it was granted without any written memorandum, no written review.

In fact, to review, to do our necessary oversight, on April 14 of this year, I told the director of this fund that I would be reviewing the grant process and that my investigators would be there on the morning of April 18. Subsequent to my letter to her, she was at a conference in Paris, France, she called the deputy director and told him to create a memorandum, to create paperwork outlining the grant process. In fact, he did this on $11 million dollars worth of grants. To get there, to put this paperwork, documentation of how these grants were made, to be able to do that, they had to stay up all night the night of April 17, and during the middle of the night and until the next morning, and they only typed those papers up and put them in the files 2 hours before congressional investigators visited to determine if they had gone and complied with the grant process.

The inspector general has reviewed this whole process. What has she found? She has said that this was wrong. She has said that this was done against the advice of legal counsel at the fund. She has said that legal counsel advised that these documents be dated. In fact, they were not only not dated but they were put in those four files and they were made to appear as if they were written sometime, I think, between May and July 1996.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Alabama which freezes the funding levels for the Community Development Financial Institution Fund at last year's level of $50 million despite the bipartisan budget agreement's increase in this valuable economic empowerment program to $125 million.

The administration and congressional leadership in fact agreed to this increase precisely because CDFI is a win-win for all parties involved. These investment funds are matched in the private sector and then used to create jobs, promote small businesses and build affordable housing in communities across the Nation.

While I thank the gentleman for his diligence in shedding light on poor management decisions in the first year at the fund and appreciate his help in ensuring that this worthy program will in the future be run efficiently according to new reforms, I must nonetheless take issue with his conclusion that the program should not in any way be hindered from meeting its critical goals of revitalizing distressed communities. The only arguments that I have heard from the other side thus far are that the beneficiaries of these programs, those distressed communities, should be penalized until the Federal Government resolves its bureaucratic problem of paperwork.

I am making an argument that today we should not cease the fundings or freeze the fundings for these communities that so desperately need the resources while our investigations, which I might add I raise questions about those investigations, because I just got off the phone a few minutes ago with South Shorebank and the bank corporation and they have indicated in the course of this investigation they have never so much as been contacted by the investigators in the majority party on this particular issue.

Mr. Chairman, as a member of the Committee on Banking and Financial Services, serving the people of the south side of Chicago and the south suburbs, I have had the special honor and privilege of becoming intimately familiar with the exemplary organization and national leadership in community development lending that Shorebank and its holding company, Shorebank Corp., has exemplified as 1 of the 31 recipients of this year's CFDI fund awards. Thus, based upon my personal knowledge, I feel compelled to take issue with the gentleman's allegations that the recipients were not awarded CDFI funds meritoriously, but rather were the beneficiaries of some sort of political favoritism based upon connections with the Clinton administration.

Shorebank and the Shorebank Corp. have been involved in community development long before the Clinton administration became an administration in Washington. They are a model, an exemplary model that the President has talked about in many speeches across this country.

Mr. Chairman, CDFI's statutory language defines an affiliate as it is defined in section 2(k) of the Bank Company Holding Act as—

> Any company that controls, is controlled by or is under common control with another company. Shorebank has never owned, controlled or voted any voting securities of the 3 CDFIs in question, nor has it ever controlled the election of a majority of directors or trustees of any other CDFIs. Nor has the Federal Reserve ever determined that Shorebank exercises a controlling influence over any other CDFI.

There are business relationships between Shorebank and other CDFIs through its consulting subsidiary, but at no point in time have they ever exercised undue influence.

Mr. Chairman, there were no violations of statutory limits. The enacting statute prohibits the fund from providing over $5 million to one of these CDFIs and Shorebank Corp. has only received $4.5 million. The claims of political favoritism are also unfounded. In fact, to assert such claims is actually insulting to those communities which have been blessed by the innovative and immensely successful revitalization efforts spearheaded by Shorebank and other community development lenders.

Mr. Chairman, I would like to ask the chairman of the Subcommittee on General Oversight and Investigations of the Committee on Banking and Financial Services to join me in a colloquy.

Mr. Chairman, is it the gentleman's understanding from the report based upon the investigations that he has received that they have never, or have they ever contacted Shorebank or its officers with respect to the particular allegations that are being made?

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Alabama.

Mr. BACHUS. I would say to the gentleman that it is not our obligation to contact Shorebank or even to decide whether they are worthy of a grant or not. This law sets up a review process and requires certain documentation to be made. Shorebank may, in fact, be a totally worthy organization. I have no reason to believe they are not a good organization that does good work. That simply does not entitle this fund to simply make a check out for $4.5 million and hand it to them without a review, without any documentation. Certainly the gentleman from Illinois would agree that the end does not justify the means. As worthy a goal as there may have been, it does not allow one to manufacture documents.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON of Illinois was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, is it the gentleman's argument that the distressed communities who would be the beneficiaries of the additional appropriation, the $125 million, should be penalized because of bad paperwork by the administration?

Mr. BACHUS. It is not, and I would say this, not for bad paperwork, but for a process that was unethical, that was misleading, that misrepresented that there was in fact to these four applicants, they were awarded money. They did not go through the process that the other 257 applicants went through, even if they are worthy. Even if we say these guys are great, we just cannot ignore the law. We cannot ignore the rules.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former prosecutor and as a member of both the Committee on the Judiciary and the Committee on Government Reform and Oversight, it never ceases to amaze me the new defenses that are raised whenever somebody with regard for the integrity of our laws and the integrity of the appropriations process raises a question about something that this administration is doing.

We have three new ones just here today. Defense attorneys, take note. It is a defense to any hint of an investigation that certain people have never been contacted, an airtight defense for abuse of public moneys.

Or they are doing a wonderful job with the money that is appropriated. It does not matter that it may be appropriated by people who are violating the law, but they are doing such wonderful things with the money. An airtight defense.

And yet another one. That to investigate or to hold up increased funding in the light of very serious allegations, violations of Federal law, would insult the eventual recipients of the money. Another airtight defense.

The fact of the matter is, Mr. Chairman, that the amendment and the discussion of it by its proponents today has nothing to do with condemning the wonderful job that the banks may or may not be doing through the CDFI funding. It is no indictment whatsoever on the wonderful things that the recipients of the money may be doing, and it really escapes me for people on the other side to become so indignant because this amendment and its proponents and their very sound arguments are saying, now, wait a minute, we here in this Congress are stewards of the public trust, we are stewards of the public moneys. And when very serious allegations are raised that individuals administering tens and hundreds of millions of dollars of programs are violating Federal laws in the way they administer those programs, that all of a sudden, we are made out to be the insensitive bad guys is really something that I am getting kind of sick of, Mr. Chairman.

Let me give three possible violations of Federal law just by a very quick reading of title 18 of the United States Code annotated that may be at play here, and see if this may cause folks on the other side that are so indignant that we would raise this problem to perhaps rethink their indignation.

18 U.S.C. 371, 18 U.S.C. 1001, 18 U.S.C. 1505, 18 U.S.C. 1517. Mr. Chairman, what the gentleman from Alabama and the gentleman from Florida are saying is, "At least let's hold the status quo until this can be looked into," these very serious allegations of obstruction of justice.

□ 1645

We are not saying, "Let's completely emasculate the program." We are not saying, "Let's cut it back." We are simply stating that in light of these very serious allegations that are substantiated to a large extent, I believe, in an investigation conducted by the Inspector General of this agency, let us at least hold off increasing the amount of money that we are letting these folks who seem, very clearly, to have violated Federal laws in manufacturing documents designed to mislead, misdirect, and obstruct an investigation can be looked into. And I think it would be an abrogation of our responsibility that supersedes anything about how nice a program is or what wonderful things it may be doing if we were to turn a blind eye to these very serious allegations.

Mr. Chairman, I think that the gentleman from Alabama, who is the chairman of this Subcommittee on General Oversight and Investigations, I think the gentleman from Florida, who is a coauthor of this amendment, have raised very serious concerns here that should not be dismissed simply because folks on the other side who like these programs, like the programs and feel that an indictment or an attack on people who appear to be violating the law is somehow an attack on the program or what might be very worthy recipients of the funds.

Mr. Chairman, let us just simply stand back for a moment, forget about being defensive about an investigation that may have done something wrong, maybe they did not. But let us stop being so defensive and recognize that we have an overriding, overarching responsibility here to ensure that our laws are faithfully executed and that those people who are entrusted with the authority to administer hundreds of millions of dollars for very worthy purposes, deemed so by law and by the President of this country, that they do so in a manner befitting the laws and the integrity of our system.

Mr. Chairman, I urge adoption of this amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I oppose this amendment, and I want to make it clear at the onset that I think the oversight work that our subcommittee chairman on the Committee on Banking and Financial Services is doing is important work. I respect him for it, and I furthermore believe that the Treasury and the officials that, in fact, wrote out memos prior to his review of the files are in error, that they are wrong in terms of what they did. But those memos were undated, I might add, and there is no indication at this particular time that there is anything that was done illegal. I certainly think it was not proper.

But the focus of my attention today is not so much on what these officials did that regulate the program. I think we should get a thorough accounting of it, and perhaps somebody, as my colleagues know, ought to get a few demerits, if not some other factors that would enter into that in terms of this program; because I care about this program and I want it to work.

This Congress acted on this program in 1994 and authorized $400 million, but the only money that has been appropriated is that $50 million so far, and incidentally they have, this past year 1996, finally have provided some grants awarded. I think they are doing much better than some of the reports of my colleagues and friends here with regard to expediting the program. It is an enormously important program.

But as my colleagues know, I get the impression here that we are jumping from oversight to prosecution, to persecution of a particular program, and the end result of this is not going to fall on the bureaucrats or those that are administering the program at Treasury, but on the individual communities that are relying and looking at this program as being something to revitalize and to help their communities.

So I am very concerned about the rhetoric that I heard here today with regard to the allegations, and so forth, that are going on. I think we have a presumption to do our job, but also to assume that this program administration is corrected. Maybe one of the biggest problems with this program is the fact that it was part of President Clinton's initiative in his first Presidential campaign because it certainly seems that almost anything associated with the administration, whether it has been AmeriCorps or whether it has been this CDFI program, seems to be issues that have rankled a lot of sensitivity, especially this particular bill as they do with brownfields and some of the other initiatives.

Mr. Chairman, I regret that because I think these programs should be really bipartisan in nature. I think that most often they have been. I do not remember the same circumstance occurring in past years when I agreed with President Bush or agreed with President Reagan, although it may not have been as often as they would have wished.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, again I want to state I think these programs can do some good in the community. I have stood up for minority business development grants and other things in my community and fought for them.

What we are saying in this amendment: Currently there still exists $33 million in current accounts to spend. With this amendment we will continue and add another $50 million to the account to do their good work. All we are asking before we up the account to $125 million, is we get some answers.

Mr. VENTO. Mr. Chairman, reclaiming my time, I understand the gentleman's position. I appreciate the fact he did not eliminate the program. But I must say that this program has been in the starting gate and hardly has gotten started because it has been fighting sort of a rear guard action since its passage, and it has not all been on one side of the aisle, many have frustrated indirectly.

So the concern I have is that these programs are enormously important, they are in place, they should be funded. It is authorized at $400 million. This is a completely reasonable agreement to fund at $125 million unless we find out something substantive that is flawed in terms of the systemic nature of the program.

Some actors along the way have done something, but I do not think anyone has argued that the dollars that are going into the program are fundamentally being misused or abused, that nothing has been lost with CDIF.

As my colleagues know, there are some claims of favoritism, there are some claims of producing materials or records. I think there is an explanation, which I find inappropriate, that I do not necessarily accept, and I will, as my colleagues know, and do support the gentleman from Alabama [Mr. BACHUS], the subcommittee chairman's active oversight role.

But I think that we need to look beyond that, and the embellishment of this does not justify sentencing the program to another year in purgatory as it would be. Why punish the low income, low wealth communities that need the help? In fact, the grant programs have awarded, maybe not spent out the money, but have awarded $35 million and $13.1 million in 1996, respectively, which means that the dollars are actually committed even though they may not have been expended this year.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. The demand for the program is very great if we looked at the 2 elements of it, the Bank Enterprise Program. The demand there has been very significant. On the CDFI, community development organizations have $300 million and requests were submitted. Thirty-five million was, in fact, committed after, in fact, the request, and of course on the other side some 31 community development organizations received that $35 million, and 38 banks under the Bank Enterprise Program received an allocation of $13.1.

The demand for the program is clear. We think it is a program that has worked, and will succeed in the future, but too many of our colleagues will not give it a chance to demonstrate that. Grantees were limited in numbers. The very best applicants won grant, Treasury did request, of course, an Inspector General investigation that did not criticize the grant awarded. The IG report did counter allegations that a CDFI official selected and awarded grants that he formally worked with had a conflict of interest. In fact, there is a small group, or nucleus of people with the CDFI expertise. It should be expected that some overlap in terms of individuals that are specifically familiar with this limited number of special financial institutions, and that is one of the principle issues that we have to sort through in terms of understanding that there is no documentation that I am aware of, that the CDFI staff exercised undue influence or favoritism of a particular applicant to the detriment of other applicants, no doubt by selecting certain more established grantees, some of whom were the models for the 1994 law. Other applicants were not selected.

But it is a case where there is a lot of applicants, there is competition. Whenever we see these circumstances, there can be and likely will be allegations that someone did not receive the grant they sought. I mean it happens to each of us. We have within our States or districts people that are competing for grants. It is unfortunately part of the competitive process that we have this criticism.

But I think we should be more restrained in jumping on this and claiming violations of the law. Of course anyone can make allegations, but proving them is another matter. But I stand with my friend to help and work with him, but let us not cut the program out, let us not sentence this program to another year in purgatory.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, once again let me repeat what this amendment does is it freezes spending at last year's level. It does not provide a 150-percent increase for a program with a lot of questions being raised about it at this time.

As a businessman from Florida, I understand the need for affordable low interest loans in economically depressed areas. These kinds of incentives are crucial for stimulating business and job growth. That is why I do agree with the general goals of the Community Development Financial Investment Fund, even though as a fiscal conservative I wonder whether or not this program represents a true Federal responsibility. The original catalyst for this program, after all, was a local initiative.

More concerning than the issue of federal law, however, are questions which have recently arisen on the program's effectiveness and impartiality. At this time the House Committee on Banking and Financial Services' Subcommittee on General Oversight and Investigations is investigating a series of allegations against the Fund. With these kinds of issues surfacing, I think it is important to not let noble goals supersede good sense when we are talking about the taxpayers' money.

There are several potential problems with the CDFI Program, all of which warrant a serious, thoughtful review by the banking subcommittee before we allocate a huge increase.

First of all, there are serious questions about the management of the program. A recent review by the accounting firm of Ernst & Young found irregularities within the award process, a failure to adopt uniform review procedures and a severe lack of documentation.

Second, since the CDFI distributes money through an awards process, it is imperative that funds utilize a fair, unbiased procedure for these allocations. A recent review of the fund, however, showed that they failed to adopt objective scoring systems in selecting recipients. This revelation suggests the possibility of favoritism and cronyism within the agency in divvying up this money.

And finally, there is a question of criminal activity at the fund. During an initial investigation by the subcommittee, they were unable to find any material demonstrating that the fund conducted a meaningful review of potential grantees. However, a second subcommittee review unearthed undated memos which may have been written after the first review had been concluded.

As a steward for the Federal Government's taxpayers' money, there are times when one just says, hey, wait a minute, maybe this program does not need or deserve a large increase this year. Why should the American taxpayer be forced to fund a 150-percent increase for a program that is under serious investigation by this legislative body?

With this amendment we are in no way saying the Community Development Financial Institutions as a whole are not a good idea or do not provide a service to the community. What we are saying is that noble goals are not always followed by effective implementation. Let us not increase a questionable program by 150-percent. Let us slow down the funding and wait until the authorizers have a chance to ensure that the program is meeting its obligations and taxpayers' expectations.

Mr. Chairman, I urge my colleagues to support this amendment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise today in opposition to the amendment offered by my distinguished colleague, the gentleman from Alabama [Mr. BACHUS], the chairman of the Committee on Banking and Financial Services' Subcommittee on Government Oversight and Investigations, on which I am the ranking member.

While I support the efforts of the gentleman to ensure that the Community Development Institution Fund is efficiently and effectively administered, I vigorously oppose the proposed freeze of the Community Development Financial Institution Fund at the fiscal year 1997 levels.

I am a little bit surprised at the tone and spirit of this attack. Let us be clear. This is an attack on small business. The small businesses of this country that benefit from this fund are the ones that we all talk about we want to help. These are small institutions such as credit unions and others providing the funds for these businesses.

I am surprised at this attack in the way that it has been done because most people do not know that this Fund is kind of divided into two parts. We have the small nontraditional institutions that provide monies to small businesses in inner cities and rural communities. This is not a minority program, as it was referred to a moment ago; I want to set the record straight.

□ 1700

I want to set the record straight. This is a program that operates throughout this Nation in rural communities, in inner cities, in suburban areas. This is a program for everybody, and they do avail themselves of it.

Let me also make something else clear. When this program was initiated, even though the President had a vision for how we could put this money into small development organizations and institutions such as credit unions, the gentleman from New York [Mr. FLAKE] said no, we are not going to give it all to these nontraditional organizations and small banks and institutions. We are going to give some of it to them, but we are going to give some of it to the big boys, so they too can do some of this community development lending.

There has been no talk or investigations or planting of information about the Bank of America or Chase Manhattan or CitiBank or NationsBank. They all participate in this program. They are on the other side. They are the big institutions who have money that they use to do whatever they are supposed to do with this money. But this is just to look at the small kind of nontraditional institutions that are helping small businesses. So I am surprised.

Mr. Chairman, let me just say that it was said that this money has not been allocated in a timely fashion. Let me correct the record. Over two-thirds of this money has been issued as of March, over two-thirds of it has been given out.

Let me tell the Members why we do not want to freeze the funding. The gentleman from Alabama [Mr. BACHUS] would have us believe this does not really hurt anything; we are not trying to strip it, we are simply trying to freeze the money and keep it at certain levels. We are all basking in the glow of the growth and development and the success of our economy in this Nation. We like to get up and talk about how well the economy is doing.

These little businesses want to do well, too. They want to take advantage of this growth and all that is happening in the economy. We do not want to freeze them now. Just think what a little money would do for them. They have the ability to put this money out to little businesses who can sell their goods and their services. That is why we do not want to freeze it. We want these little businesses to take advantage of this growing economy.

While I applaud the work of the appropriations subcommittee, and I do, the chairman, the gentleman from California, [Mr. JERRY LEWIS] and the ranking member, the gentleman from Ohio, [Mr. STOKES] have done a good job, as well as other members of the subcommittee in developing this bill, I am particularly pleased they have decided to increase the funding of the CDFI funds to $125 million in keeping with the budget agreement. Again, we want little businesses to participate in this growth and development. Now is not the time to put our foot on their necks.

The CDFI program does the critical work of revitalizing distressed communities by increasing the capacity of community-based financial institutions to meet the unmet financial needs of this community, at a time when we are talking about welfare reform, at a time when, again, we all wax eloquently about how we want to help small businesses.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 30 additional seconds.)

Ms. WATERS. Mr. Chairman, this is not the time to clamp down, to deny funds. When we talk about we want to help small businesses and we believe in this program and the fact that we should have community development in distressed communities, it does not make good sense.

I would ask my colleague, my friend that I worked with very well, to reject the notion that somehow this is going to make this a better program. I would ask him to simply refrain from trying to deny access to funds for small businesses at this time.

Mr. RILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the past year the CDFI fund has generated a considerable amount of controversy. A recent report by the Department of Treasury's inspector general highlighted a number of these problems. I cannot in good conscience even think of increasing the budget of the CDFI funds until these problems have been addressed.

I am also troubled that the CDFI fund has only distributed $4 million of the $37 million appropriated in the last Congress. Our amendment will freeze CDFI spending in an effort to allow Congress to work with the Department of the Treasury to continue to address the points raised in the inspector general's report.

Mr. Chairman, after a 2-month delay, the Treasury Department finally complied with an April 14 request by the oversight subcommittee for all the materials created by Ernst & Young, the accounting firm hired by the CDFI Fund to review fund procedures. In these documents were interviews with CDFI fund employees which indicate that CDFI employees raised a number of troubling issues concerning the administration of the awards.

These allegations include: CDFI officials instructed reviewers to emphasize positive information for applications being passed, and to emphasize negative information for those failing. Certain applicants received requests for clarifying information from CDFI reviewers that went beyond clarification and constituted assistance in preparing the applications. CDFI was helping certain applicants receive what was supposed to be competitive awards.

Extensions on applications were granted to some but not all applicants. CDFI regulations required a three-tiered review process. This was ignored. For instance, the Tier 1 reviews were not conducted until after the award decision was ultimately made.

The Fund reviewed certain applicants with different review criteria than other applicants. Applicants were interviewed but no accurate records of the interviews were ever prepared. The list goes on and on.

I must stress that these allegations were made by CDFI employees and are being investigated by the oversight subcommittee. Clearly there are too many additional questions that need to be addressed before we can even consider increasing funding for this program. Perhaps we will be able to increase the funding at a later date when the inspector general and Congress have finished their investigation, but in the meantime, I urge all of my colleagues to support this amendment until the oversight and investigations committee can resolve these very serious issues.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, let me first clarify two things that I think have been said here that are in error. One is that the inspector general has addressed the issue of whether the grants were proper or not. In a letter to me yesterday, she says that her investigation was restricted from that, and that that investigation continues to go on. So she has really not addressed that. We do not know whether or not the grant process, whether or not there was fraud or whether there was not.

What we do know is that the letter of the law was not followed, that documents were manufactured. I think it does put us on the horns of a dilemma. The Department of Treasury has not dismissed this. They say they have serious concerns about this.

What I am saying, and I am not speaking for my colleagues, I am not talking about the underlying intent of this program. I am not talking about the good it has done or that it could do. I am certainly not saying there is not a need in these communities for help and that there are some worthy goals.

I am simply saying that when we take 271 applications and give four applicants about one-third of the money without a review process, and then take the other 267 and make them go through a review process, and then when I am charged as chairman of the Committee on Government Reform and Oversight to come in and review the process, and instead being told, hey, we do not have any paperwork on these four, these documents were put in there to mislead.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for all the reasons that the distinguished gentleman from Alabama [Mr. RILEY] just stated I would urge opposition to his amendment, which is well-intentioned, and support of the full funding for this program.

I do so on the following basis. The gentleman indicates that last year a problem occurred. It is my understanding, I say to my friend, who has much more knowledge on this issue than I, I want to say that out front, but it is my understanding that in fact the applications to which the gentleman refers were in fact reviewed, but there was not the proper paper documentation of that review.

Now that aside, because I do not have nearly as much information as the gentleman does, that issue occurred last year. That issue is properly under investigation by the committee, as it should do, as it has a responsibility to do, to ensure that in fact proper procedures, legal procedures, effective procedures, are pursued for the purposes of granting dollars appropriated by this Congress. I applaud the gentleman for that effort. It is an appropriate effort. I support it.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California, my very good friend who has written an extraordinarily good bill.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague's yielding and his comment.

I must say to the gentleman, the only reservation I have, for I am concerned about programs that affect the inner city and small businesses, et cetera, is that when we went to the Committee on Appropriations, the Committee on the Budget and the Committee on Banking and Financial Services generally had expressed dollar levels but this information was not available to the Appropriations Subcommittee. This does concern me.

Mr. HOYER. Mr. Chairman, I thank my chairman for his comments on that issue.

I believe for the reasons stated by the gentleman that we ought to reject his amendment, not reject his investigation, not reject going forward to find out whether there was wrongdoing here—that is appropriate and we ought to do it—but I say to my friends that this activity occurred prior to the budget agreement. The budget agreement entered into by both sides contemplated and agreed to the full funding of this program.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, let me say this. On April 14, I announced my intention to review the files. These documents were created on the night of April 17 and the morning of April 18. I have been attempting since that time to find out the truth, and it was only on the inspector general's report coming in this week that I knew about it.

Mr. HOYER. I understand that.

Mr. BACHUS. Mr. Chairman, I do agree that we are caught on the horns of a dilemma, and that you can advocate for this program and condemn the act that happened. So I do not fault the gentleman for that. We have been hurt in our oversight. I do not question the gentleman's motives. I do not question that. That is not for me to do, or to question the effectiveness of the program.

Mr. HOYER. I thank my friend for his comments.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think we concede that nobody is going to defend the fact that somebody began to put it on paper after the Oversight Committee chairman properly asked for some materials. But the fact is that the contention that there has been no evaluation done, even if it was done orally and it was not put on paper, does not mean that it was improper. That is a legitimate question. The gentleman would like to put things on paper, and I do, too. But the fact is that there is no demonstration that anything that has been done is improper. In fact, most of the information that has been alleged to be improper has, I think, had satisfactory answers brought to the conclusion with regard to this.

Mr. BACHUS. If the gentleman will continue to yield, Mr. Chairman, there are two allegations that things may have been improper. One is that these documents should have been dated. Even the legal counsel at Treasury cautioned against doing what was done.

I will say this, and I say this with some hesitance of being misinterpreted, but I am going to say it, President Clinton was a supporter of this program before it was created. He advocated it before it was created. He was a proponent of it. So his involvement in pushing it or advocating it should in no way indicate any ill intent on his part.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 5 additional minutes.)

Mr. HOYER. I thank the gentleman for his comments. That is why I suggest to my friends, as I said at the outset, that I think the gentleman's comments really lead us to remove ourselves from either horn of this dilemma.

The reason I say that, it seems to me self-evident that we have a program here which almost everybody who has risen to talk has said has a worthy, important critical objective, to give economic development in those areas where all of us want to see economic development, job creation, and better lives for people.

□ 1715

If that is our objective, then the budget agreement which contemplated the full funding of CDFI ought to be pursued at the same time that other horn ought not to be abandoned, that is to say, this investigation; this investigation into whether or not the administration of this program is being pursued properly, which I do not know, but if it is not, it ought to be. I agree with the gentleman from Alabama.

I also appreciate the gentleman's remark, the President has been a very strong proponent of this program, long before there was any question of impropriety. The President does not want impropriety any more than the gentleman from Alabama. But what the President does want and what he asked for in the course of the budget agreement was that this program be pursued vigorously because the objective was critical. If we are going to energize and grow communities, we need to have healthy economic engines for not only central cities but also other areas.

So that is why it is so important that we fully fund this program today, and I might say to my friend, there will be time obviously between now and the adoption of the conference report. And as the gentleman well knows, this money is October 1 forward money, so that if we do not give the lead time now, once you resolve the problem and we do not have the resources, we will not be able to pursue the program as vigorously as I think most wanted.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, the bigger question is, we are talking about four loans in question totaling $11 million that went to Shorebank Corp. of Chicago and three related companies. A college roommate of President Clinton worked there in the 1980's. They came down and set up a corporation in Arkansas which Mrs. Clinton became a director of and formed through the Rose Law Firm.

The one firm, the group of companies that got $11 million from this fund are the only ones we cannot find documentation towards. So we are urgently concerned with the way this particular grant was authorized. There may be nothing inappropriate about it.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I will say with all due respect to my friend from Florida, your side of the aisle is unbelievably concerned with anything that Hillary Clinton may have had any relationship to over the last 29 years of her life.

Mr. Chairman, in closing, I believe we can extricate ourselves from these horns of dilemma on which I do not believe we are hoist. I say to my friend that I think we can reject your amendment or perhaps you would withdraw it. We could reject your amendment and pursue the proper investigation, so that we have a fully funded program that we all think is important, and at the same time make sure it is being run properly.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that I wanted us to focus for a minute on a problem we have. That problem is that the people who directed that these documents be placed in the files are the director and the assistant director of this fund. We are not talking about clerks here. We are not talking about low level officials.

We do need to move in two directions. One is that we clean up our program as opposed to close it down, or some for philosophical reasons say close it down. This amendment freezes funding this year. I will say again, I think Shorebank has done good work. I do not think that that, and I have not pointed the finger at Shore Bank or these three other institutions. They received funding.

What I have said is that they did not go through the same process from what the files appeared. It is a different situation. I do not want this to be taken personally on my part, particularly this is a program that the President fervently believes in.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's support for the program. The concern I have is that very often in a categorical grant situation there is a lot of communications had between the agency and the applicants. In fact, sometimes they get customized, sort of like a game of ping-pong, until you get the number right.

The fact is this is a relatively small community at this time. It is a startup program. Clearly there are some problems here. I fault them for providing papers after what apparently was the oral and the nonwritten type of approval of these grants. That is regrettable for those of us that have advocated for this program. Certainly for the administration, the President, this is deeply disturbing and we hope we can resolve it.

Mr. BACHUS. Mr. Chairman, I would say that it ought to be deeply disturbing to him to have something like this happen, and him to be involved in it only because he is an advocate and supporter of the program.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, let me say that I share the gentleman's concern about the proper management of this or any program. I am the ranking member of the subcommittee that the gentleman chairs. We have not had a discussion about this. Not once did the gentleman ask me to join him in taking a look at this.

I would be the greatest supporter of trying to make sure that this program and any other program is run properly. We all care deeply about this program. This was a bipartisan effort. We debated this in a laudable fashion when it came before us. If the gentleman wants my cooperation in taking a look, he has it. But I would respectfully ask the gentleman not to cripple this program, not to cripple the institutions, not to cripple the small businesses who will be the beneficiaries, all of those applicants you have from Alabama.

You have about six of your areas in Alabama who would like to have money. We need to expand the opportunities. I would ask the gentleman not to cripple their opportunities with limiting this and keeping it at $50 million when, in fact, the President and the budget agreement that was worked out would allocate $125 million.

Mr. BACHUS. Mr. Chairman, I am sensitive to that agreement.

Let me wrap up and then I will engage in a colloquy. I think what we are doing here today is healthy because we are not simply slamming each other's motivations. We are not trying to grab this for political purposes. I think that it does do a disservice to our debate when we characterize the President's advocacy of this program in a demeaning way. He is a supporter of this program and of what it is designed to do.

We have to have every applicant go through the same process, play by the same rules, and this agency has got to be forthright, honest, open and expedient when we go in to review it. They have to give us an honest review.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a member of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, and this did come before our subcommittee and we discussed it at length. I would like to say to my colleagues, and to my colleague who has this amendment here, we are aware of these allegations of improper activities surrounding the first round of CDFI awards and, coincidentally, one aspect of this allocation was highlighted in today's Washington Times and the Wall Street Journal.

While the appearance of these articles today as we debate this amendment gives the impression of breaking news, I say to my colleagues this is not breaking news and this investigation is not news to our subcommittee. The allegations against the CDFI program were discussed throughout our hearing process. An appropriate investigation has begun and is being undertaken by the IG and the Treasury Department.

So the committee's position is fully discussed in the House report, and we insisted that appropriate changes, safeguards and improvements are made to ensure that every penny that we are appropriating from this subcommittee reaches the budding entrepreneurs and underserved communities for which it is intended.

I beg my colleagues, particularly my colleague who offered this amendment, we must give the CDFI fund a chance to continue to build on its success and make course corrections and, of course, improvements as needed. You do not want to wipe out this program for one or two infractions which you have heard about but that are being investigated.

The CDFI program is well deserving of our support. Our colleagues have told us how good it is for budding entrepreneurs. It has my and many of my colleagues' support. Why do we not give this a chance? Hopefully this well-meaning colleague will withdraw his amendment which will be deleterious to this particular fund. It is already being investigated, and we ask your help in having the CDFI maintain its funds.

Mr. Chairman, I yield to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I thank the gentlewoman for yielding to me.

Let me say I stand in a unique position here in that I am the predecessor of the gentleman from Alabama [Mr. BACHUS] as chairman of the Subcommittee on General Oversight and Investigations.

One of the things that one finds when he or she is in that position is that there are always agency issues that can bring one to a point of wanting to do what the gentleman has tried to do with this particular piece of legislation; or one can make the decision that they are going to try to work with the agency, work through those problems, solve them, based on a desire to want to assure that a worthy program has the ability to do what it was designed to do.

Let us be very clear. I chaired the committee during the time of a Republican administration in the White House. The gentleman was a member of that committee and he knows for a fact that I never did treat the committee in a way where, whatever problems we found in an agency, we treated them as if they were White House problems. We treated those problems based on the fact that that particular agency had some issues that needed to be resolved, either because they were being investigated or we found some problems that we had some difficulty with.

Therefore, it seems to me when we really look at Community Development Financial Institutions and the dual track on which that runs, because it does not stand by itself; it in fact runs also with the Bank Enterprise Act which Tom Ridge and I did as a bipartisan piece of legislation in 1991, long before there was a Bill Clinton in the White House. The reality is, if we look at the first year of CDFI funding, what we ought to be dealing with is, yes, there are some problems.

We all know those issues need to be addressed. There is an investigation. We definitely want to see that resolved. But it seems to me that the intent of the program, which did not really start with Bill Clinton but started way back, which is why Tom Ridge and I did it, and then subsequent to Tom Ridge being elected governor of Pennsylvania, the gentleman from Iowa [Mr. LEACH] and I came back and issued the same legislation again, the reality is, Mr. Chairman, that we as a body, it seems to me, if we are going to respond every time an entity in our communities do not get funded or if we are going to respond to every complaint that is brought before us, we will find ourselves going through almost every agency of government making a decision that that agency ought not be funded.

I would suggest that this is an appropriate agency for us to look at based on its 1 year experience and in looking at that 1 year experience, make a determination in accordance with some recommendations that they have already made, put our recommendations on the table as well, try to work through those recommendations.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a little puzzled. I was in the Chamber to deal with another matter and I have been listening to this debate. I am a little puzzled about what is going on.

It seems to me that we have got a documented wrongdoing here that has been discussed now in the media, and inspector generals have gotten involved with it, once again showing the worth of having a good inspector general in any of the line agencies, as we have voted in this House recently to approve.

□ 1730

And then I take a look at the bill and suddenly discover that a program that has some mischief in it we are being asked to increase by 150 percent, and that it is a program, it turns out, where some of the mischief is involved with the person who is asking for the increase. I am having a little trouble with that.

We have a responsibility here not only for legislation but for oversight. How do we look our colleagues, our taxpayers, the people we represent back in the district in the eye and say, oh yeah, we sort of saw that but we winked and nodded at it because it was OK. We went and took a look at the fact and, yeah, they said, oh, they did something wrong.

What are these folks doing? Well, these folks are out there instead of ripping stuff up before the cops come through the door, they are making up the justification to cover up, to put stuff in the file. That is intentionally misleading a congressional committee. That is against the law. There are penalties for that.

I cannot understand why we are all just standing here saying, oh, this is OK. It is not OK to mislead a congressional committee, and we all know it.

They want us to believe that this is just an innocent mistake. Let me read here from the memo that was put into the file, after the fact, to aid and abet this coverup. "The applicant is potentially competitive." Now, remember, this is put in 2 months after the money has been given to the applicant. "The interview team will need to review the application in depth to determine whether or not the application is in actuality competitive, and if it isn't competitive, how much funding to provide, in what form, and for which initiative."

That statement is put into the file several months after the money has been given. That is a blatant bald-face attempt to mislead investigators by a line agency over which this institution has oversight under the balance of powers. We are accountable to the people of the United States of America to say this is wrong, we will not tolerate this, and we expect cooperation from the other branch of Government.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Florida has illuminated the problem. He talks about people who he believes violated the law. He talks about people who mislead the Congress, and he supports an amendment which does not penalize them in the slightest. This does not cut their salary. This does not let the air out of their tires. This does not wake them up with a crank call at 4 o'clock in the morning. It cuts the program so that the intended beneficiaries are denied the funds. That is the illogic in this.

In fact, by this reading, the beneficiaries have already been hurt because people running the program ran it badly and we will show those people who ran the program badly, if they cheated the beneficiaries, we will cheat them even more.

This is like the parent who tells the teacher, "You know, my kid is very sensitive. And if he misbehaves, smack the kid next to him. He will get the message."

This is not hitting the person who misbehaved, this is smacking the person next to them. And we are telling the poor people, who are supposed to be the beneficiaries of this program, that because they have suffered maladministration, we will go after the program.

Now, I thought Republicans believed that what we should do was encourage self-help. We have cut housing, we have cut benefit programs, we have cut welfare. Have we no other way to deal with maladministration than to deny to the intended beneficiaries of a program the benefits they are supposed to get?

The people who misbehaved will be left whole by this. They will in no way be inconvenienced. Indeed, they will be paid the same amount of money to do less work.

Now, I appreciate the gentleman from Alabama, and I mean this seriously, that he said he was not impugning their motives, and I do appreciate that. I did begin to hear some dark plots about Hillary Clinton, and I thought we were going to be told that the documents had been found in Vince Foster's briefcase. But the gentleman correctly said this is a question of how we deal with programs. But the question is how do we deal with inefficiency, corruption, or whatever in a program.

Do we punish the intended beneficiaries? Do we hit the innocent victims? Because that is what this amendment does. Or do we say let us prefer charges. I am not familiar with the specifics. But if someone violated the law, we should not take away the program they are administering from the people on whose behalf it was created. Go after them.

I am particularly concerned by the double standard. The gentleman from Florida, who spoke just before me, has been very active on the Permanent Select Committee on Intelligence. My recollection is a few years ago we found about $4 billion they had not told us about. They hid $4 billion. And what did we do to them? We said spend that more carefully the next time. The intelligence agency has been plagued with problems, spies, et cetera. We have not cut intelligence because of that.

Indeed, I think we could have cut them for other reasons. When we have cost overruns in the Pentagon, when we have other problems, do we penalize the programs' intended beneficiaries' shares? That is the illogic.

Have we not done enough to the poor? I mean this. Let us look at the budget. We have said, no, we cannot have welfare, we cannot have food stamps. People can make an individual justification for each of those, although I would disagree. We cut housing. We cut welfare. We cut for the least among us.

We did say, OK, here is what we will do. We will fund the program $150 million, not even the margin of error in the average Pentagon program, and we will take that and we will give that to these people for them to engage in self-help. There has been no allegation that the beneficiaries misspent. There has been no allegation, and the gentleman from Alabama quite generously noted some of the beneficiaries had done a good job.

Well, who do we think we are punishing? What is the logic of saying to one group of administrators, because you did badly we will, therefore, hurt the people for whom the program was intended?

I hope we will reject this amendment because I have not heard any arguments against the nature of the program, against the way the program works out in the street. I have not heard arguments that the program in its execution is flawed. I have heard some people at the top did bad things. Go after them.

Do not take the poor people of these cities, who are the intended beneficiaries of this, hostage in our frustration that some high level people did something wrong.

Mr. FLAKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for 11 years here I have argued consistently that the only way we really get to the bottom of trying to resolve many of the issues that are endemic to those communities where many of us would agree we need to make adjustments in our approaches to social programming is to create investment vehicles, investment opportunities, create the means by which government becomes the tool that leverages the possibility for development.

I am more than a Congressman, I am a minister who happens to be involved in development and has done more than 50 million dollars' worth in the community where I live. The bottom line is the one thing we do not have in those communities is access to capital. One reason we started out with the Bank Enterprise Act was to create vehicles by which we could get capital into the communities and not just focus on housing but also focus on redevelopment of commercial strips, getting people involved as entrepreneurs, getting them in business for the first time in their life.

If we are talking now about trying to reduce a program that has only been funded for 1 year, we are going to take away funding in the second year, the reality is it will take us almost forever to get that program back up to a point where we get businesses started in those communities.

Now, I find a problem in terms of the rhetoric that I hear here. On the one hand I hear my colleagues on the other side talk about how we need to move people from welfare to work. And then here we talk about, in spite of the fact we want to do that, we are going to take away one of the few leveraging tools we have to make investments to try to create jobs in those communities where the people live who would come off of welfare and go to work.

I do not need anybody telling me what the politics may be. I want them to deal with some realities. I have been fortunate where I am to create 800 jobs, I have about 800 employees, largely because initially we did investments from church funds. Most entities cannot do that. They need this leveraging tool. They need the synergy of government being involved with these community development corporations so that they can do what they are unable to do by virtue of the fact the resources are not available to them.

I would urge my colleague again to take a very close look at what his legislation does. I think it is a piece of legislation that, if he really would give consideration to, he might want to think about withdrawing because this piece of legislation does damage to any possibility of being able to restore those communities, to create jobs in them, to put those commercial strips back on the marketplace.

If those commercial strips go back into the marketplace, they become taxable entities. If they create jobs, they create opportunities for folks to actually make contributions to the Federal Government through taxes that they currently are not doing. They create working communities where people do not have access to jobs.

I think we are doing a dangerous thing, and it is my hope that my good friend from Alabama will take a very serious look at the damage that will be done if we go in the direction of this amendment. And I would say to him again, having served as chairman of this oversight committee during the previous administrations, which did not involve Bill and Hillary Clinton, there were many times I could have actually done what the gentleman is doing. I did not do that. I did not do it with HUD or even with the RTC, in spite of all the tragic problems they had, but rather we tried to work with the administration.

I would urge the gentleman to work with this administration. Let us do what is right to try to move forward as a nation.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's work on the oversight and his work on the RTC oversight. I similarly, before that subcommittee, I headed a task force on the RTC, and I think we made it a better entity of the Resolution Trust Corp.

I would point out in the report of investigation by the Department of the Treasury, the office of Inspector General, and I am reading, "On June 25, 1997, Thomas Byrnes and Charles

Mitchell, Auditors, Capital Audit Region" of the office of inspector general from Treasury, "conducted a comparison of the information contained in the four undated memorandums with the information provided by Rohde," who is the individual involved, in the oral memorandum based on the contemporaneous notes taken by Rohde, Cooper and Piper during the oral memorandum presentations. There was nothing in the notes which contradicted information presented in the written memorandums.

I would point out that the information is consistent. That does not, in my judgment, excuse or justify the fact that these memos were written and not dated and placed there prior, but it does to me suggest that there was an evaluation process that was in place based on what was a substantial memory of the individuals making the awards.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

The question before us really is one of propriety, and I regret to say that I am very disturbed by the developments that I have read concerning the handling of the funds in this matter.

But let me speak first to the issue of whether the Congress is or is not being responsive to the needs of those in low-income communities, particularly in light of the debate as to whether this is an effective program or not.

The CDFI Program was a joint effort of the gentleman from New York [Mr. FLAKE] and Mr. Ridge several years ago, and at the time of its outset I was a supporter and felt confident it was a direction in which we should move. I pointed out then, however, and I point out to Members tonight, that the community investment program of the Federal Home Loan Bank, a program that exists today, as of the close of business in 1995, in 1 year, extended loans to low-income communities totaling $9 billion. Nine billion dollars.

So to say that programs of this Congress intended to help low-income individuals are not available is simply not accurate. Matter of fact, I would strongly support an expansion of the applicability of the CIP Program because I know how those funds are awarded and that deserving people get real opportunities.

The problem for us here with this debate is that with the CDFI Program, upon further examination, we cannot defend how the awards were made. There was no objective scoring criteria. There was no way to go back and say tonight that the $50 million that has been authorized and allocated, we know how it was given out.

Apparently the documents that have been the subject of controversy were inserted into the public record after the determinations were made. That is troubling.

All I am suggesting to my colleagues is that we should move very carefully. And the gentleman from Alabama [Mr. BACHUS] is suggesting with the adoption of his amendment that we say, wait a minute, let us keep it at last year's level 1 more year. And what are we talking about? The difference between $50 million, last year's appropriation, and the 125 previously agreed to. And I would point out to the gentleman that perhaps $25 million of the previously authorized 50 was actually spent.

So what is the rush? Why do we not take the proper steps? Because of one simple point. When I get off the plane and go back to Baton Rouge over the weekend, I will find it hard to say that $150 million is insignificant money to people in my district. Not that we are abjectly opposed nor in any way resistant to helping those in communities who have financial need, that we do in fact want to help, that we would like to see programs like the CIP Program properly managed and properly operated, and be fully funded. I can be supportive of that. But we should not at this point take this step without making careful review of the circumstance surrounding this program.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. FLAKE. Mr. Chairman, as the gentleman from Louisiana knows, over the years I have argued that in order for us to really build a concept of holistic communities, we cannot merely talk about housing. And what happens, and the gentleman is absolutely right, there are funding mechanisms available, Fannie Mae, Ginnie Mae, Freddie Mac, all of those are available, but what they do is basically concentrate on housing.

Mr. BAKER. Mr. Chairman, reclaiming my time briefly on that point only, and then I will be happy to yield further, the community investment program of the Federal Home Loan Bank funds firehouses, multifamily apartment houses, restaurants, anything a community needs, and $9 billion of it was done in 1995. So this is not a limited purpose program that I am referencing.

Mr. FLAKE. Mr. Chairman, will the gentleman continue to yield?

Mr. BAKER. I yield to the gentleman from New York.

□ 1745

Mr. FLAKE. Mr. Chairman, if we look at that very closely, what we find is that the resources that could be made available for the redevelopment of those commercial strips, the rebuilding of the small business sector in those communities, that is not where those funds are going.

Mr. BAKER. Mr. Chairman, reclaiming my time, let me give one further example, if I might. Under the Federal Home Loan Bank Community Investment Program, if the employees working in a business make less than 80 percent of the median income in that community, meaning lower income salaried employees, that business owner can go to the Federal Home Loan Bank member bank institution and refinance their entire business debt at a federally subsidized, low interest rate.

Now I can tell my colleagues that is a pretty distinctive advantage for low-income families. The fact is it may not be utilized everywhere. I do not understand, but it is currently being done.

Mr. FLAKE. Mr. Chairman, if the gentleman would continue to yield, it is an advantage. It is not enough. The bottom line is, if you are only dealing with the existing businesses, you still do not create the kind of opportunities that CDFI was intended to create.

We are talking about bringing new businesses into the mainstream. We are talking about potential entrepreneurs who right now have the basic plans but do not have access to the same——

Mr. BAKER. Mr. Chairman, reclaiming my time, I agree with the gentleman that we ought to have more innovative ways. The only thing I am suggesting here this evening is that we need to make sure they work before we put more money in them and there is question as to how this one works.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief and just make a couple of points. First, allegations have been made about improper behavior. Those allegations should be followed up. If people acted improperly, we should deal with them in accordance with the law. And I do not think that there is anybody who disagrees with that. And when somebody on the other side says, we do not care, that is wrong.

On the contrary, because we believe in these programs, we demand that they be administered properly. We do care, and we wanted to know about any illegalities, and we will work with anybody to address those problems. It is of concern that, as far as I understand it, the ranking member of that committee was not officially informed about these problems, and that does not suggest to me a nonpartisan way to address them. That is point No. 1.

Point No. 2 is, there is an enormous need for capital in low-income communities. And the gentleman from Massachusetts [Mr. FRANK] made a point a moment ago that needs repeating. I brought forth an amendment to cut funding for the intelligence communities after I learned that the National Reconnaissance Office had "lost $4 billion." We were not successful in lowering funding for the intelligence agencies.

Time after time, cost overruns occur in the military; and through defense contractors, they continue to get increases in their programs. What we are saying is, we have a program here where the need is desperate. Low-income communities in Vermont and throughout this country need the capital to help small businesses and other institutions.

If people have acted improperly who are in the administration of that program, deal with that. But do not kill or paralyze the program because of the misdeeds of those people.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I am pleased that the gentleman pointed out again that there was no attempt to work with me, no attempt to talk with me about problems that have been identified or problems that have been found. Anybody that knows anything about me knows that I will investigate, I will find out who is doing what, I will help get to the bottom of it.

Let me just say this: Questions still remain. I am not opposed to working with the Chair and the gentleman from Florida [Mr. FOLEY] to continue investigation, to expand investigation, to look at this from every angle that we can possibly look at it. I would think that the thing to do is to not penalize the businesses that would be the beneficiaries.

Remember what we are doing now in the budget. Remember how we targeted small businesses with capital gains tax cuts in order to grow them.

Mr. SANDERS. Reclaiming my time, if I might, may I ask the gentleman from Florida [Mr. FOLEY], I think what he is hearing on this side is no tolerance for misbehavior in the administration of that program.

Are we in agreement with that?

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Florida.

Mr. FOLEY. I understand that.

Mr. SANDERS. Reclaiming my time, and what the gentleman is hearing, sir, is that we wanted to move forward in a nonpartisan way.

Is the gentleman hearing that?

Mr. FOLEY. If the gentleman would continue to yield, I am hearing that, sir.

Mr. SANDERS. Reclaiming my time, OK, so let us do that. But can we have some assurance from my colleague that we should not be punishing people and small businesses in needs, that we should pass the appropriation that came out of the committee, and then let us proceed tomorrow to do the proper investigation and let us deal with that?

I yield to the gentleman.

Mr. FOLEY. Let me just reiterate. Fifty percent of the money still remains in the account to be given out. This amendment would allow an additional $50 million to continue to loan out to communities.

Mr. SANDERS. Reclaiming my time, I am really aware of that.

Mr. FOLEY. If the gentleman would continue to yield, and may I also stress the Senate VA-HUD passed out a zero funding for this category out of their committee yesterday. They zeroed out the account.

So we clearly do not want to do that. We do not want to go backward in time.

Ms. WATERS. Mr. Chairman, will the gentleman yield for a correction about how much money has been spent on the program?

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] controls the time.

Mr. SANDERS. Reclaiming my time, I would just ask the gentleman from Florida [Mr. FOLEY], if the Senate has done that, then it is more important that we come forward with the full appropriation.

I would just urge the gentleman to understand that people on this side are not tolerant of any improper behavior in terms of the administration of those funds, and we will work with them to get at the root of the problem. We would hope, however, that he would support the full appropriation and allow this important program to go forward.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join my colleagues on both sides of the aisle in expressing concern if there has been impropriety in the administration of this program. I do not think any of us has the luxury or the American people have the luxury of tolerating improper conduct in the administration of any government program.

Having said that, let me also be realistic and say that there is not a government program anywhere where there are not some kinds of problems in them, and it is always our responsibility to try to identify those problems and to address those problems, and that is why we have oversight committees. That is why we have, hopefully, people of goodwill who are elected to office, both on the legislative side and on the executive side, who have as a responsibility running Government as cleanly and honestly and as efficiently as we know how to do it.

But there are communities throughout America who need the benefit of this program, at full funding, not at some reduced level, at full funding. There are problems obviously in the military. We heard about exorbitant cost of toilet seats and hammers. We did not go in and try to zero out or freeze the funding of the military. We identified those problems and we continue to identify those problems and try to address those problems.

There are problems of sexual harassment in the military, but we have not tried freeze the funding of the military because of those problems. We have tried to address those problems straight on, straight up, go directly at them, and the reason is that we know that there is an important public defense purpose that the military serves in our country.

What I have heard on both sides of the aisle is that there is an important public purpose that this CDFI program serves for our country. It was a bipartisan initiative. It was funded through bipartisan efforts. The makeup of it was influenced by my colleague, the gentleman from New York [Mr. FLAKE].

This is not welfare. This is something that advances what all of us support and stand for, which is the ability of every single community in our country to participate in the economic vitality of our country.

I am not critical of my colleagues for investigating any improprieties in this program. We have committed to join in the investigation because if somebody is wasting money that should be going to revitalize programs in inner cities, in rural America, in decaying communities, every single one of us should be outraged about it, and we are outraged about it if their conduct is improper. But that is not, that is not, my colleagues, an excuse to freeze the funding for this program, because then we are saying that the program has no value.

Mr. Chairman, I ask my colleagues to withdraw this amendment and allow regular order to proceed.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened rather intently to this debate and certainly much has been said. As a matter of fact, I agree with much of what I have heard. But it is very difficult to agree with the bottom line, and that is if the bottom line is to deny people all over America.

This program is the result of the creativity of Shore Bank, before the program started, developing some creative initiatives on how you could get money into low income communities, how you could make sure that people who had never gotten a loan could get a loan for their business, people who had never been able to purchase a home could purchase one through the creativity of the banking process.

Then Governor Clinton saw it, liked it and, as he became President, became a real proponent of it, talked about it all over America. And now I hear us saying that because the bath water might have gotten a little tainted that we are going to throw out the baby, too. Well, the baby really had nothing to do with tainting the water. I was at a Shore Bank just this past Saturday, a Shore Bank that is less than two blocks from my home, who reaches out into communities and asks people do you really need a loan? Come and let us help you go through the process, let us help you determine what you need to do, let us help you find out whether or not you are eligible. And so I join with those who would suggest that it is in actuality one of the best economic development programs that America has seen, and to be against it, to reduce the money, is like saying we like it but we are not really willing to demonstrate that we like it.

□ 1800

If we like it, let us fund it.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to plead with the Members of this body, to plead with the sponsor of this amendment, to plead with him on behalf of poor citizens who reside in the First Congressional District.

Mr. Chairman, this bill that we are discussing, the Community Development Financial Institutions Act, the CDFI, did not happen accidentally. This bill came into existence primarily because folks who live in districts like mine, the First Congressional District of Illinois, could not get adequate loans, could not get adequate credit for their homes and their businesses. We were indeed what one calls a classical credit-starved community.

Shore Bank, without the support of any governmental institution, decided that they were going to stand up and turn what most had viewed as being a lemon, turn it into lemonade. They began to develop an approach to providing credit to communities and to people that could not get it heretofore. They began to reach out and say to the people in South Shore, Jackson Park Highlands, Woodlawn, Grand Boulevard, other communities in my district that, notwithstanding the heartlessness and the callousness of the major banks in this city, we will indeed take your plight and your cause up and we will develop the kind of approach where you can get loans for your businesses and loans for your homes. They started this approach. They created this vehicle.

Mr. Chairman, when I was elected in the 103d Congress, when I came here in 1993 and served on the Committee on Banking and Financial Services, when this bill was discussed I was most proud. Most proud. As a matter of fact, this was the high point of my brief career, to have been able to work with other Members on both sides of the aisle on the Committee on Banking and Financial Services to make this bill a law.

Mr. Chairman, I have one pen, one pen where a President signed a piece of legislation, one letter engulfed with that pen, and that is the pen that the President gave to me when he signed this legislation. I think it is symbolic, Mr. Chairman, for a person who fought all their lives on behalf of poor people to be able to vote and to work on a piece of legislation that this body passed into law to create this particular bill, to create this particular measure.

Mr. Chairman, we can talk about a few Federal employees who might have done the wrong thing and, yes, we should look at them. If they did wrong, then they should be fired. But let me tell my colleagues the other side of this.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RUSH] has expired.

(By unanimous consent, Mr. RUSH was allowed to proceed for 2 additional minutes.)

Mr. RUSH. Mr. Chairman, what my colleagues are attempting to do right now is to stop a young businessman in my community right now who is struggling. He is a successful entrepreneur, has a clothing store, Jacob's Store for Men, he has been located on 79th Street in my district for about 5 years, and he has been a success. He has got five employees, all working people with families, and his business has been so successful that he wants to expand. He has gone around to all the major banks in the city asking them, pleading with them, look, I have been in business 5 years, I have got employees, I have got five employees with a family, my business is good, will you give me a loan so I can expand?

Each time, the door has been closed on Jacob and his store for men. Shore Bank is the only one that right now is considering giving this small businessman an opportunity, a leg up, to help expand his business and keep that success going and also in order to make sure that he continues to have families fed because they are in his employ.

This particular example can be multiplied time and time again. I would invite the gentleman from Alabama [Mr. BACHUS] and anybody from the other side, anybody on this floor and in this body, if they doubt the success and the impact of Shore Bank, let me take them into my community. Let me have them walk down the streets of South Shore and look at the apartment buildings where they have invested their moneys and turned apartment buildings around. Let me take them to the factories where they have helped factory workers.

Do not throw the baby out with the bath water. If my colleagues have a problem with how this program is being run, let us correct the problem. Let us not target South Shore Bank because that is what it is all about, is South Shore Bank. Do not target South Shore Bank. Let us solve the problems and keep this money and keep this budget and keep this agreement alive.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I indicated earlier, much of this information and these expressions of concern were not available to the committee when we discussed it at the appropriations level and this increased appropriations was recommended. Nonetheless, I am very interested in this program and its potential positive effect on the communities out there. I want to make sure that the committee is doing all that it can to make certain that funds made available by way of an appropriate and objective application process get to the very people we are all concerned about here.

With that, that the committee does want to continue to look very, very carefully, Mr. Chairman, I do not pretend to have the expertise of the people on the Committee on Banking and Financial Services that suggested that perhaps there should be an increase and the budget process did that as well, but I am not sure they had all this information, either.

In the meantime, while I would discontinue my own personal remarks regarding this matter, I would like to yield to my two colleagues here who have been leading the way in connection with this and pursue this to the point that satisfies them as we close down the discussion on this amendment.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. FOLEY. I thank the gentleman for yielding. We are engaged in what I hope is fruitful conversations with the other side of the aisle on this issue.

I think clearly the discussion has centered on some concerns that we have regarding the program. I think statements made by Members of the minority have indicated they too are concerned with some of the aspects of the program. I would be agreeable to creating a mechanism by which we freeze, or at least accept, the $50 million offer on our amendment if we would have within the next 90 or whatever days, until October 1, an investigation, to indicate the problems, a set of guidelines that would be adhered to in future grants. If we can adopt those types of standards as the gentleman from Illinois [Mr. JACKSON] and I have been discussing, if we can discuss those standards, then we would allow the amendment to enact $125 million on completion of those issues.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the ranking member of that committee rejects that offer. Let me just say that I would certainly advise the members of the Committee on Banking and Financial Services to reject that offer.

I would be supportive of doing everything that the gentleman has talked about, even though I was never contacted about concerns, even though I was never told about an investigation, even though I was never in any way brought into this. I am perfectly willing to expand the investigation, to go beyond even where the chair of this subcommittee has gone in an effort to find out what happened. But I would want the $125 million that was appropriated by the Committee on Appropriations to remain intact and only if the investigations reap the kind of information that shows that there has been fraud, there has been absolutely wrongdoing, then I would join the gentleman in reducing the amount. But not the offer that has been made, no.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time for just a moment, I might suggest that what is really being discussed here in good faith on the part of all the parties is the prospect of developing language that could fit into a manager's amendment as we go to the conference on this matter. I would not want to reject that out of hand.

I would hope no one would who is concerned about making sure these moneys get to the people that we would intend them in the first place. I did not know about these questions in depth when the Committee on Appropriations worked on the bill as well.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, let me stress that this is not about mischief, this is not about giving demerits. This is about willful intent. This is about misconduct. This is about trying to mislead Congress and, therefore, the American people in our oversight. This deals with the highest officials at CDFI.

What I am saying is, enough is enough. How can we increase funding for a program that has fought oversight and has significant problems? We can clear this up, and I do not know if it is 30, 60, or 90 days, but the Treasury Department has to get out of denial.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 5 additional minutes.)

Mr. BACHUS. If the gentleman will continue to yield, as the chairman of the Committee on General Oversight and Investigations, we cannot have oversight as some cat and mouse game where we have to ask the right question in the right way. If we do not, we get a misleading answer, we get no answer, or we get a promise of an answer. This is serious. We owe the American people oversight, and also we owe them an honest process of awarding these grants.

Good recipients, good intentions, but we also have to have an honest, open, good process of making these awards. I will simply say that we have got to address this problem. It is a problem that we have and the administration has, and it has to be addressed and it cannot be glossed over.

□ 1815

And, as my colleagues know, my patience is being tried on this, that we do not really have a problem or this is all politics when we have the creation of these documents against legal advice.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate it, and let me just say that I from the onset I think helped set a tone here with regard to not attempting to defend actions where individuals manufactured papers to present to the subcommittee, and I think we are of one mind with regard to resolving that, wherever it leads. At the same time, I do not think that we would for a problem in an arms program disarm the soldiers, and I think that is the concern we have when we see the pleading with people like the gentleman from Illinois [Mr. RUSH] and others, and I would just say that we are of one mind with regard to this, and this is an issue included in the budget negotiations which most of us were not part of. I trust that maybe our colleague, the gentleman from California [Mr. LEWIS] and he says no.

So I think, as we go forward, I think the understanding is that we have gained some, I think a major concession here today in terms of this, if that was the concern. I do not know that my support was ever lacking with regard it, but if we could go forward with this, with this understanding that if these questions or criteria that our good friend from Florida has articulated are not satisfied in the sense of before the closure on this particular bill with regard to conference, then I would think that there would not be the support evidenced in the House, and we would agree.

So I think that is; I mean if we in fact now choose to in fact adopt an amendment that would substantially limit this and truncate the program, there would be no opposition to negotiate based on what is a subcommittee action.

Senate, I might say at this time, and I appreciate the gentleman yielding, but that is the dilemma. So if we could get with this understanding that I think we have from the gentlewoman from California, the gentleman from New York, and myself and others, I think we would be fully in support of resolving the questions with regard to the criteria outlined from the gentleman from Florida.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I believe we are getting close to the point of coming to an agreement that will cause the gentleman from Ohio [Mr. STOKES] and myself as we go to conference on behalf of Members of the House on both sides of the aisle who are concerned about a very important program being dealt with in a straightforward way with objective standards and so forth; when those expressions come to us, I think we will be ready to commit that we will carry that voice to the conference. But indeed we have had a very extensive discussion, a very healthy discussion, I think.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York, and then we will go from there.

Mr. FLAKE. Mr. Chairman, the question I ask is that we have a full understanding of what it is we will be taking to the conference. So on the one level we are hearing that we would agree to $50 million, and then we would have this interim period between now and October 1, at which we would do an analysis of those issues which are outstanding, while in the committee print we are talking about $125 million where we would do that analysis, and if that analysis proves that all things are all right to move forward, then the whole 125 would kick in as of October 1, the new budget cycle.

Am I correct in that understanding, or am I incorrect?

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Alabama.

Mr. BACHUS. As I understand, I think part of the budget agreement was funding at $125 million. I do not think any of us anticipated on this side of the aisle or on that side of the aisle that we had the problem that we now know we have. The Secretary of the Treasury can address this problem and take immediate action, and he needs to set a standard over there, and he needs to, quite frankly, punish those who have done wrong. And as my colleagues know, I think we can commend to him, he can take action, and we can get this program back on track.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. I yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. I do think he has a role to play, and he needs to play that role. And the agreement that my colleagues have outlined I think is our agreement, but I just hope they are as serious as we profess to be about this.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. FLAKE. Mr. Chairman, my understanding that what we are agreeing to is that it would be full funding as of October 1 if those issues are resolved?

Mr. BACHUS. Mr. Chairman, if the gentleman from California [Mr. LEWIS] will continue to yield, those problems need to be addressed, and they need to be taken seriously, and there needs to be serious action taken.

Mr. FLAKE. We agree with the gentleman. I do not think anyone over here has disagreed.

Mr. BACHUS. Then we have an agreement.

Mr. FLAKE. So then the gentleman would actually go with report of the committee based, and then have the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] agree to the language that would, in fact, allow that to kick in, the issues that the gentleman considers to be outstanding are resolved between now and that time.

Mr. BACHUS. That is correct.

Mr. FLAKE. Is that correct?

Mr. BACHUS. That is correct.

Mr. FLAKE. And with the 125, which is in the committee report.

I think we can agree to that.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the agreement that was just discussed by the gentleman from New York [Mr. FLAKE] that will take us into conference in the way that the Committee on Appropriations had designed with 125, with language that would define the way in which it kicks in, is fine with me. If we can work on that deal and get the specific language, as long as we go in with the amount that the gentleman has put in, then I am satisfied.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I think that I have listened throughout this very lengthy debate regarding this issue this evening, and of course, like the gentleman from California [Mr. LEWIS], I have deferred to members of the Subcommittee on Financial Institutions and Consumer Credit because they are the ones who authorize this program, and they have the expertise with reference to it.

The gentleman from California [Mr. LEWIS] and I, without knowledge of some of the things that have been discussed on the floor this evening, fully funded this program in the amount of $125 million, feeling that the program had the kind of merit that deserved that kind of funding, and we, of course, were not privy to many of the details that have been brought to the floor tonight.

What we would urge all the parties here to do is to accept the recommehdation of the ranking member of the Subcommittee on General Oversight and Investigations, the gentlewoman from California [Ms. WATERS]. I say that for this reason. The gentleman from California [Mr. LEWIS] and I are the ones who are going to be in conference. He and I have to try to protect the program and also at the same time be able to accomplish what the chairman of the Subcommittee on General Oversight and Investigations wants to see done, and I have no disagreement with what he wants to see done in terms of the kind of an investigation and whatever action it warrants being taken. But we will seriously jeopardize the program if we do not leave the full $125 million in there.

I do not think that we want to in conference jeopardize the program, so I think what we would want to do is to leave the $125 million in and make it contingent upon the proviso that my colleague has made reference to here this evening.

Mr. BACHUS. Mr. Chairman, if the gentleman from California would yield, or conditioned upon.

Mr. STOKES. Or conditioned upon is fine.

Mr. BACHUS. But let me say this, and I want to reiterate this, what we know and what the IG has described happened over there——

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I believe we are right at the edge of a general agreement here, and if I can, I think this side has been discussing this.

Mr. Chairman, I will yield to the gentleman from Alabama [Mr. BACHUS] for an exchange with the gentleman from Ohio [Mr. STOKES].

Mr. BACHUS. Mr. Chairman, I think that a lot of things have already been investigated and decided, and there is some action that could be taken this week. That is my fervent hope, and I hope the Secretary of the Treasury will show some good faith in setting standards.

But I think we have an agreement.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, let us proceed in this fashion:

I will yield to the gentleman from Florida [Mr. FOLEY] to have him outline what they believe may be an agreement between the parties here, and if it seems to make sense, then the gentleman from Ohio [Mr. STOKES] and I will talk about it.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I would be agreeable to discussing an amendment that would include the language: "$125 million would be appropriated for this program pending a full investigation, an objective evaluation of the program now and in the future, the adoption of uniform standards for awarding grants and using an objective numeric scoring system for allocating those grants, that the conditions and the investigation and all that is described be agreed to and met by October 1 or the funds would hereby be reduced to the $50 million as underlined by my amendment pending."

So we would have $125 million made available for the program pending those conditions, full investigation, objective evaluation of the program now and in the future, uniform standards for awarding grants and using an objective numeric scoring system.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I do not think the gentleman specified by whom the investigation would be conducted.

Mr. FOLEY. Mr. Chairman, if the gentleman from California will continue to yield, I would assume the oversight committee of the House, the Treasury and the Inspector General's office.

Mr. STOKES. I see.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Alabama.

Mr. BACHUS. Let me say this.

I would say to the Treasury Department that they can facilitate this by some prompt action on their part.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from California.

Ms. WATERS. The general points that my colleagues have made are the outline of some kind of agreement that appears acceptable to all of us. My colleague's suggestion about the prompt involvement of Treasury is something I do not know how to frame in this agreement. I hear them, and I do believe that if we adopt or if we accept the general outline, there is a need; Mr. Chairman, Mr. Ranking Member, there is a need for both sides to get together and basically finalize this agreement. The general agreement seems fine. We need to get together, finalize it. If we move forward in that way, I think we have something.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. FLAKE. Mr. Chairman, I think the only thing I would argue, and I am in total agreement, but it would seem to me that in order for this to work, Mr. Chairman, it is imperative that the chair of the Subcommittee on Oversight and Investigation and the ranking woman on that committee get together and come to an agreement on what the specifics are that they are investigating, and when we come to that agreement, that is what they both will be looking for, which of course implies that they will have to work together to make it happen.

I think we can all agree to this, I think it makes good sense, I think it moves it forward, and I certainly want to thank my colleagues for having the kind of spirit for wanting to work through this because I think it is an important piece for the gentleman from Ohio [Mr. STOKES] and the gentleman from California [Mr. LEWIS] who I think will do their very best to assure that it is funded, and I only argue that it can only be done in a bipartisan fashion as it was from the very beginning.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, could I get the attention of the gentleman from Ohio [Mr. STOKES] for just a moment?

I am thinking that have it might make sense for the gentleman from Ohio and I to agree to ask unanimous consent to set this aside, this matter aside, until 7 o'clock, in which these parties will come back with language and will revisit this item and agree upon the language or not. If we agree upon it by unanimous consent, we can include it in this amendment and eliminate the money problem and move forward. If we cannot by then, then we will just have an up or down vote on the amendment. What does the gentleman think about that?

□ 1830

The CHAIRMAN. The Chair would suggest that it might be in order for the gentleman from Florida [Mr. FOLEY] to request unanimous consent to withdraw his amendment without setting a time certain for its being reoffered. The Committee could continue with the deliberation on the bill, at which time, when ready, the gentleman from Florida could resubmit an amendment, properly worded in writing.

Mr. LEWIS of California. Mr. Chairman, this gentleman only knows of one other amendment. I would love to have the Members get their work done no later than 7 o'clock. In the meantime, I think the Chair's recommendation is a very good one.

Mr. FOLEY. May I inquire of the Chair, will my amendment as currently being considered be allowed to be made in order and a part of the bill if I withdraw my pending amendment?

The CHAIRMAN. The Committee is at the end of the bill now. The gentleman may still offer an amendment at this portion of the bill, if properly modified, or the same amendment again.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 5 additional minutes.)

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I believe we have an agreement here. I believe if we spend an additional amount of time to take advantage with each other in a written document, we have a good faith agreement to investigate this. I think we have all acknowledged that it is serious, and we have a framework that this appropriation is going to be conditioned upon our investigating, and Treasury making us a full report and making some standards and setting up a good procedure.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, based upon the chairman's statement, is the chairman saying that he would withdraw his amendment at this point? Exactly what is he willing to do?

Mr. BACHUS. I think from a technical standpoint, that is what I will do. I am relying on the good faith of Treasury, and we are going to go forward with this investigation. I would hope that they will simply acknowledge this misconduct, which I think the IG has, and that this program gets cleaned up.

Mr. STOKES. If the gentleman will continue to yield, I would just like to say that I appreciate very much the approach taken by the chairman, and I think both the gentleman from California [Mr. LEWIS] and I, in deference to the fact that the gentleman is willing to withdraw the amendment, will certainly be willing to work with the gentlewoman from California [Ms. WATERS] and the gentleman from Alabama [Mr. BACHUS] and others relative to the type of an agreement that has been discussed openly and, I think in essence, agreed to on the floor.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, the amendment is the amendment of the gentleman from Florida [Mr. FOLEY], and he would have to withdraw his amendment. I believe the gentleman wants to have a clear understanding between both sides that there is a strong expression of concern about procedures that have been involved here. They want to make sure that future applications are carried forward with some objective standards, et cetera, that which we have discussed on the record.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. FOLEY. I want to make certain. I will withdraw the amendment. I want to make certain this language is attached to the bill as I read and outlined, that the $125 million appropriation will be conditional upon a full investigation by an appropriate body, objective evaluation of program now and in the future, that the uniform standards for awarding grants using an objective numeric scoring system is included; and the final thing that I did not add before, that anybody found guilty of a violation of law as a result, a violation, would be dealt with appropriate to law.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin, the ranking member of the committee.

Mr. OBEY. Mr. Chairman, let me start by stipulating I know virtually nothing about this program and I have no stake in it. I would like to see the agreement worked out that we have just heard.

I think our concern, I want to make sure that the gentleman from Florida [Mr. FOLEY] has an opportunity to put the concept before the House that has just been agreed to in principle. The concern, as I understand, is that we need time to work out the language between these two gentlemen, because they know the ins and outs of this better than anyone else. I think the gentleman from Florida [Mr. FOLEY] needs the assurance that we are willing to allow that concept to come to the floor, but we need to understand that that is subject to agreement on the exact language. I do not think there will be a program. The reason we need the time is because we are not certain that the language works. That is the point.

Mr. BACHUS. If the gentleman will continue to yield, Mr. Chairman, I would be more comfortable with these two gentlemen working out that agreement, as opposed to oversight.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I yield again to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I want to know I have some assurance. Otherwise I will press my amendment that is pending at the desk, and allow the gentleman to perfect an amendment that will come back to me, in my direction. I preserve my right to have a vote on my amendment.

Mr. STOKES. If the gentleman will continue to yield, Mr. Chairman, I have absolutely no reservations about being willing to work with the gentleman and the gentleman from California [Mr. LEWIS] toward working this agreement out in a satisfactory manner based upon what I think in essence is being agreed upon here between the respective parties on the floor.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to speak for 5 additional minutes.

The CHAIRMAN. Prior to granting the gentleman's unanimous-consent request for an additional 5 minutes, the Chair needs to make certain that it is clear that the gentleman from Florida [Mr. FOLEY], upon obtaining unanimous consent to withdraw his amendment, could offer another proper amendment and the right to offer that amendment would be in order.

However, the Chair must also indicate to the gentleman, without any anticipation that it would occur, that it could be legislating on an appropriation and be subject to a point of order if in fact the point of order was raised and which would not be waived in advance.

The gentleman from California [Mr. LEWIS] has requested an additional 5 minutes.

Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I would say to my colleague, the gentleman from Ohio [Mr. STOKES], I believe we have in essence an agreement between the two sides regarding an outline of that which they would like to have discussed with the administration and reviews that should go forward, et cetera, between now and the time we go to conference. I would suggest that the gentleman and I are willing to make a commitment that we will carry this message forward to the conference, and proceed as expeditiously and effectively as possible.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I would just say, I have just consulted with both the gentlewoman from California [Ms. WATERS] and the gentleman from New York [Mr. FLAKE], and they have no objection to the gentleman and I working this matter out on their behalf.

Mr. LEWIS of California. Mr. Chairman, I would ask the gentleman from Florida [Mr. FOLEY], just so it is clear, what we are talking about is that the gentleman from Ohio [Mr. STOKES] and I will be the people in the conference who have listened to this debate thoroughly. We understand the parameters of the agreement between both sides. I think everybody wants to see this program operate effectively. The gentleman has outlined the basics of this. I hear no objection.

With that, with those parameters that are on the record, we intend to carry the gentleman's voice to conference, which is the appropriate place for us next to deal with this, and that, of course, is part and parcel of the gentleman's consideration of withdrawing the amendment. I am not interested in prejudicing the gentleman's amendment per se, but I think the questions raised here are important and we are happy to pursue it.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, clearly it is my intent to obviously make certain that the language I have asked for is agreed to. I would trust the chairman would give me the assurances that what we have discussed would become part of the bill as we move forward on the floor.

Mr. STOKES. If the gentleman will yield further, Mr. Chairman, I have no problem with the basic concepts. There are a couple of questions in my mind that if the gentleman wants to have us reduce this to writing would clarify it. For instance, I posed the question a few moments ago relative to who would conduct the investigation. I think that ought to be clear, so we ought to know who is going to conduct the investigation.

We ought to also have a team framework in there so that under the conditions the gentleman has proposed we do not run into October, and the gentleman expects at that time because the investigation has not been completed there is an automatic reduction down to the $50 million point. I think things of that sort ought to be clarified, and I think as honorable men, we can work those things out.

Mr. LEWIS of California. Mr. Chairman, it is my understanding that the gentleman from Florida [Mr. BACHUS], the gentleman who is chairing this subcommittee of oversight, has suggested that Treasury is very satisfactory to him. But I might suggest further, and the gentleman from Wisconsin [Mr. OBEY] has made by way of background here a very excellent suggestion for our purposes; that is, that we could, in the interim, on perhaps a separate track, have our S&I people evaluate this and in a very short time give us the information we need as we go forward to conference.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, one thing I want to make clear is there has been some reference here to criminal acts, or anyone prosecuted criminally. The oversight committee does not do that. This Congress does not investigate people criminally. So I certainly do not want anything in this agreement which says that this body in any way investigates people, that we have any criminal goal, because that is not it. I do not want to mislead anybody into believing that I am undertaking any criminal investigation, or that we are going to wait for that, or that we are going to encourage that. That is something else.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, all I was going to suggest is that it was my understanding right now that the only amendment that is in order offered by the gentleman from Florida [Mr. FOLEY] at this point is an amendment without what would be language on an appropriation bill.

If he withdraws that amendment with the assurance that that same amendment could be offered again, he would, as I understand it, lose nothing. And yet if in the time between now and then, the gentleman and the gentleman from Ohio [Mr. STOKES] can work out the language that I think everybody is in general agreement upon, then that additional language at that point could be added because there would be no controversy about it.

Mr. BACHUS. Mr. Chairman, if the gentleman will continue to yield, I think this bill is going to go out of the House presently, tonight or tomorrow. I think what needs to be done is it needs to be added in conference.

Mr. LEWIS of California. Mr. Chairman, the bill will be going out of the House tonight, I am quite sure. Frankly, I think we are receiving instructions here that can take us to conference. In the meantime, I think we ought to make some formal requests regarding investigations. Mr. Chairman, let us move forward.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. FOLEY] is still pending before the committee.

Does the gentleman from Florida [Mr. FOLEY] seek time to make a unanimous-consent request?

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent to temporarily withdraw the amendment pending negotiations. If we do not conclude successfully in the next few moments, Mr. Chairman, the language that I believe we have agreed to, then I would resubmit the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 422. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available for "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES", and increasing the aggregate amount made available for "INDEPENDENT AGENCIES—ENVIRONMENTAL PROTECTION AGENCY—LEAKING

UNDERGROUND STORAGE TANK PROGRAM", by $31,000,000 and $11,210,700, respectively.

Mr. HEFLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. STOKES. Mr. Chairman, I reserve a point of order against the amendment.

Mr. HEFLEY. Mr. Chairman, I rise today because I have LUST on my mind. I think the American people are concerned about LUST as well. Of course, when I say LUST, I am talking about the Leaking Underground Storage Tank trust fund, or LUST, as the program is called.

As the gentleman from California knows, the LUST program provides cleanup resources for environmentally hazardous leaking underground storage tanks that have been abandoned, or where the owner cannot afford to clean it up. The money in the trust fund was incurred through a sales tax on motor fuel, and most of it goes directly to the States for cleanup.

Recent estimates calculate there are over 165,000 of these sites across the country.

□ 1845

That does not include the ones that have yet to be discovered. These contaminated sites are located in both urban and rural areas, areas where our groundwater comes from or mainly where our children play.

By increasing the funding level up to the President's request, and I would make a point of that, Mr. Chairman, that I am talking about increasing the funding level in this environmental program to clean up the underground storage tanks to the President's request of $71.2 million, we can continue the progress we have made in cleaning up these sites. And I think every Member of this body would want increased funding for contaminated environmental cleanup back home in their districts.

The money would come from a decrease in the committee request for HUD's management and expenses account. When the House voted overwhelmingly to pass H.R. 2, the Housing Opportunity Act, it was under the guise of a smaller HUD bureaucracy, yet we have increased HUD's M&A account by $31 million in this bill. I realize sometimes there are costs involved with downsizing and devolution, but I think most of us would agree that only in Washington does it cost more to get less.

Finally, Mr. Chairman, this amendment gives us the opportunity to do two things we have promised the American people. First it takes money and power out of Washington by giving it to the States and, second, it provides more money for direct environmental clean up rather than further burdensome regulation.

I urge my colleagues who voted for housing reform and consider themselves to be environmentally conscious to support this Hefley amendment.

POINT OF ORDER

Mr. STOKES. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STOKES. Mr. Chairman, I make a point of order against the amendment.

I make a point of order against the amendment because it increases an appropriation for an unauthorized program, thereby violating clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part: "No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI.

This particular rule, Mr. Chairman, protected the paragraph in question during the reading of the bill, but that point is past. This situation is identical to that raised on the amendment offered by the gentleman from Minnesota [Mr. VENTO]. Had he been permitted to consider his amendment, I would not now be making a point of order. Since he was not allowed to, I must insist on my point of order.

The CHAIRMAN. Does the gentleman from Colorado [Mr. HEFLEY] wish to be heard on the point of order?

Mr. HEFLEY. Yes, Mr. Chairman.

Mr. Chairman, I would agree that I think it is a shame that we got through that section this morning, and it surprised a lot of us on how quickly we went through that. There were some good amendments that were not able to be considered. So we went to the legislative counsel and had our amendment restructured. We hoped it would be taken care of and would take care of your concern about the point of order.

Also in the bill on page 51, beginning with line 9, it says "for necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986." What this tells me is that this is authorized and, as such, the point of order should not be granted.

The CHAIRMAN. The Chair is prepared to rule.

Under the precedent of July 12, 1995 cited on page 142 of House Practice, as followed and enunciated a few moments ago with respect to the amendment offered by the gentleman from Minnesota [Mr. VENTO], the Chair sustains the point of order under clause 2(a) of rule XXI. The gentleman from Colorado has not cited a current authorization.

Mr. PICKERING. Mr. Chairman, I move to strike the last word.

After this discussion and debate, it is good to rise to enter into a colloquy that concerns an issue of great importance to the veterans in my State but that also honors my predecessor, Sonny Montgomery and I hope this will lead to some work that will complete an effort that he began. That is the Sonny Montgomery VA Medical Center in Jackson, Mississippi.

I would like to ask for the support of the chairman in working with the administration in our efforts to collocate the Jackson, Mississippi Veterans' Affairs Regional Office and the G.V. "Sonny" Montgomery Medical Center. With this consolidation of facilities we can provide one-stop service to our veterans and also save taxpayer dollars.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, first I very much appreciate the gentleman bringing this matter to our attention. We are all more than aware of the fantastic contribution his predecessor, Sonny Montgomery, made not just to the entire House but especially to the veterans of America.

I believe that he and I can work together on this matter he has brought to my attention and to ensure better service to our veterans throughout the Southeast, but especially to Mississippi.

Mr. PICKERING. Mr. Chairman, I thank the gentleman.

I would like to add that if we finalize the collocation of these facilities, it will require that we finish the construction of the third floor of the VA Regional Office in Jackson. The VA estimates that it will require approximately $1.45 million to finish the construction of the third floor in this building.

Mr. Chairman, the VA is currently paying $590,221 annually to rent the equivalent office space in this area. It is because they have failed to complete the construction of the third floor. The VA projects the completion and collocation would pay for itself within five years and provide savings over $500,000 in the years following.

By ensuring the completion of this project, we not only fulfill our pledge to our veterans but we will better serve the taxpayers by being good stewards of their money. Mr. Chairman, I believe this project just makes good business sense.

Mr. LEWIS of California. Mr. Chairman, one more time, if the gentleman will continue to yield, we very much appreciate the gentleman's leadership in this area. I certainly will join with the gentleman from Mississippi in working with the administration on this important project.

Mr. PICKERING. Mr. Chairman, I thank the gentleman. It is my understanding that since this project is under $4 million, the administration can move forward on its own. I ask the gentleman to encourage the VA to do so and for his continued oversight and support to complete this project.

Finally, part of this facility, as I mentioned earlier, is named in honor of my most distinguished predecessor, G.V. "Sonny" Montgomery. He has been known as "Mr. Veteran" throughout his career, and the completion of this work, the completion of this facility will provide for the welfare of the veterans that he so loved and will also allow us to honor his example and his legacy.

Once again, I thank the distinguished chairman and appreciate his time and support.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted the House to know that my striking the last word was not an indication that I had any additional amendments. To my knowledge there are no more amendments on this measure.

But I did want to take a few moments, while some of our other colleagues are working out some details, to review where we have been during most of today, a short part of yesterday. I must say that in my experience in the Congress, I have never quite experienced before a process like the one I have been through with my colleague the gentleman from Ohio [Mr. STOKES] this year.

As we indicated in both of our opening remarks, we deal with a very complex and very difficult bill. It is an item that has more discretionary spending than any pool of money around the Congress, outside of that money that is available within the Subcommittee on National Security. We are talking about in the neighborhood of $70-plus billion.

We are dealing with major problems and programs that relate to veterans' medical care, as we have discussed extensively. We have all of the housing programs that affect the elderly and the disabled, the poorest of the poor in our country. And we are doing what we can to see that the monies available are handled in a way that they are most responsive to those individual citizens in the communities where they live and where they work.

Beyond that, of course there are some magnificent things that are a part of our committee's work, that are demonstrating the success of America at this moment. Those Americans who have been watching our mission to Mars are one more time not just excited but absolutely overwhelmed with the capability of our leadership and NASA and their work in developing that foundation that allows man's reach into space.

I am fascinated to look further at the science that is coming out of many of those programs. Few people take the time to really focus upon some of the results that take place, but time and time again in our missions to space, within space station, what we have learned by our space shuttle efforts, certainly what we are learning on Mars, we are making phenomenal breakthroughs that affect not just science and technology in an esoteric way, but in a dramatic way impact our ability to affect the health of our people, the improvement of our ability to deliver effective medicine and programs of medical health to our citizens. Truly, within this mix that is this complex bill, some great things are happening.

All of this I frankly believe is possible in no small part because the gentleman from Ohio [Mr. STOKES] and I have been able to move forward, not necessarily agreeing 100 percent on every issue or every dollar available, but recognizing that the final solutions are for the benefit of the American people and we both have that commitment in mind.

So I wanted to close my remarks and comments regarding this bill by expressing one more time my deep appreciation to the gentleman from Ohio [Mr. STOKES], to his entire committee, Members from his side of the aisle on the committee, but also their very fine staff who have been more than responsive to our efforts. It has been a nonpartisan effort on behalf of all of us, and I want the House to know that we all owe a debt to my colleague the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me take just a moment, as my distinguished chairman has taken, to sort of summarize where we are after having begun this bill some time early afternoon yesterday. I think anyone who has watched these proceedings since we began this bill yesterday will recognize what both the gentleman from California [Mr. LEWIS] and I have said, and that is that this is a tough bill. It is a very difficult bill. I think they also will be able to see why the gentleman from California [Mr. LEWIS] and I felt it so important to work together on a bipartisan basis to bring this bill to the floor and be able to try and get through all the debate on the floor and bring it to a final conclusion.

One of the things that has made our job a little easier is the fact that the gentleman from California [Mr. LEWIS] and I not only have a very personal relationship as colleagues in this body but we are personal friends. It is a relationship that we both enjoy, and the fact that we have utilized that friendship and that respect for one another as colleagues to work together to bring this very important bill to the floor is the culmination of several months of very difficult work to produce the bill. It could not have been done without the cooperation of the gentleman from California [Mr. LEWIS] and the very fine staff that he has on the majority side, and through the cooperation we have received from both the gentleman from California [Mr. LEWIS] and from his staff, we have been able to bring this bill to the floor.

The President has indicated, as we brought this bill to the floor, that he felt this was a good bill and that it was one that he would be able to sign. I think the President hopes that in conference we will be able to improve some of the areas of the bill, and we hope that as a result of the conference we will be able to bring back to the House an even better bill.

In those areas where we, the gentleman from California [Mr. LEWIS] and I have had differences, I think Members can see that those differences have been one of degree and that where we disagree, we have done so without being disagreeable. But this is a good bill, when we talk about a bill that is aimed toward improving the conditions of life of veterans and for persons living in public housing, for persons who are dependent upon our great sciences through NASA and through the National Science Foundation, Consumer Safety Protection, some 22 agencies of the Federal Government that receive their funding through this particular bill.

□ 1900

This is an important bill and one that I hope the whole House will tonight vote upon and give us a good vote to go to conference in.

In conclusion, I would just once again say to my good friend from California [Mr. LEWIS] what a pleasure it is to work with him on these matters.

And I also want to express my own appreciation to the minority staff. They have done an excellent job in helping those of us on the minority side of the committee to be able to perform our functions.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I would ask the gentleman from Florida [Mr. FOLEY] to come up here, because we are ready to close this down, and the gentlewoman from California [Ms. WATERS] may want to listen as well.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota if he is going to say some nice things about the gentleman from Ohio.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's yielding to me, and I was going to say some nice things about the gentleman from Ohio [Mr. STOKES] and about the gentleman from California [Mr. LEWIS] and their work on this.

We have had during the day here some disagreements on some of the housing issues and so forth, but it really is helpful, given the parameters in terms of the housing and the other programs on the environment that we have moved forward on this bill.

Obviously, one of the issues here that is outstanding is the CDFI issue. And I am wondering, because the language is difficult, what the effect would be on the chairman and the ranking member if, for instance, the principals involved here were to come with correspondence to the chairman, given the circumstances.

Because I think what the purpose here of this language is is to try to add guidance to the subcommittee chairman and to the ranking member as to the conditions for the Community Development Financial Institution issue that has been raised.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, we are lacking an agreement at this moment. The other side has felt, and I probably would tend to concur, that we cannot arrive at sufficient language at this time. So I would be prepared to recall my amendment at the desk, the original amendment, and have an up or down vote on it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, we have spent so much time going through this that, in other words, to keep the option open on the dollars available. I agree generally with the gentleman that is the impetus of this, but I think there is concern about the crafting of it and putting it into language that would potentially be statute.

If I could keep the attention of the gentleman from Florida [Mr. FOLEY] for a moment. If we could come up with correspondence that would in fact take the sentiment and the impetus of what the gentleman from Florida has put forward and cosponsor or sign that as correspondence to the appropriation leadership in our body, that would, I think, serve the purpose.

I understand it is not the type of victory of getting something into legislation, but it has the impetus and, more importantly, I think is the accomplishment the gentleman from Florida has wanted in terms of gaining the type of understanding and concern from Members like myself and others tonight with regard to that.

Without the dollars we are not really in a position to, in fact, live up to what had been the budget deal that not many of us were involved, but it keeps that alive and would accomplish the goal the gentleman wants. Perhaps not in the same framework, but it would accomplish what he has brought forth tonight.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, I would ask the gentleman from Florida [Mr. FOLEY] if he wishes to respond.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, we started out with something very simple. We were willing to allocate another $50 million for the appropriation for this program. We have significant concerns. We laid out what I thought was very simple language: investigation, enumerating guidelines for the agency. I did not think anything was so complicated that we could not agree and insert it in the bill as language.

I have been told, no, we do not know who is going to investigate, who should investigate, what sanctions may be meted out. We cannot get people to agree. The White House is not in the room so we cannot negotiate for them.

So, quite simply, I am trying to protect what I believe is my right on an amendment to say $50 million is as much as I am willing to go at this time until we clear up these issues. Now, again, if I could get the assurances and we can add this amendment as I drafted and as is in the record.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, my concern is that the gentleman can press his amendment, however, it may or may not pass. Nonetheless, it does not do the job of getting this question to the conference in the way that I think the gentleman wants to get it there.

I believe there is agreement on both sides of the aisle that, if the gentleman will work out a letter together or separately, that between the gentleman from Ohio [Mr. STOKES] and myself we will in good faith take this matter forward to the conference. I think that is a very important step, but I would not lose it lightly.

So I am suggesting to the gentleman that maybe there is a better way in terms of really making the point I am trying to make here instead of pressing the gentleman's vote.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding to me. I appreciate the gentleman's offer to withdraw. We are stuck on whether or not we are going to have specificity in language or whether or not we are all generally agreed and we trust our leaders to do the work.

We really do trust not only our ranking member but we trust the chairman. If it is one thing that I have heard here this evening, it is that two Members, one Republican, one Democrat, one ranking member, one chairman, talk about their relationship, how well they have been able to work together, how well they have been able to resolve differences. We place full trust and confidence in our ranking member and then, across the aisle, this chairman that has demonstrated on more than one occasion not only his willingness to work out problems but certainly his expertise and his leadership in doing it.

So I would ask both sides of the aisle to join with us and place our trust with these two Members to go to conference with general direction to resolve this in the best interests of the people that we all want to serve and the beneficiaries.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I confess I am eager to get this resolved so that the chairman of the committee and I and a few others may retire to another part of the Capitol complex, having not been able to get there today.

The point I want to make is this. I have been persuaded that disciplinary action might well be appropriate. What I worry about is, given constitutional doctrines that apply, if we get too explicit in legislation directing the administration to take either law enforcement or administrative disciplinary action, the potential disciplinee could claim legislative interference.

I think it is very clear many of us will urge that appropriate disciplinary action should be taken. But if we start mandating that in legislation, we start doing the potential victim a favor, because we will start seeing due process arguments about inappropriate intervention.

So that is another reason I think for going at this in the way that would be suggested, I hope, by the chairman.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, the gentleman has made a very important point, and we will take that into consideration as well.

I would be interested in the comments of the gentleman from Florida regarding my suggestion that direction to the conferees is very important by the chairman and myself, and I am not sure the gentleman wants to lose that.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Florida.

Mr. FOLEY. I am compelled, Mr. Chairman, to take the chairman at his word. I believe the chairman is looking out for the best interests of what I am attempting to do.

I have heard from the gentleman from Ohio, who I respect as well, who has given assurances that we will deal with this issue in conference; that we will seek an appropriate investigation; that we will get answers to these questions; that we will devise a scoring system for this agency that will result in the appropriate granting of aid to these well deserved groups.

And given the assurances of both chairmen, and what I believe to be the agreement of the gentlewoman from California [Ms. WATERS] and others who have been party to this long discussion regarding this agency, I would withdraw my amendment; I would agree to the terms specified by the chairman; and I would hope that this effort to move the bill will result in the things that I, the gentleman from Alabama [Mr. BACHUS] and others feel most appropriate.

We do not back down lightly, because I feel there have been significant violations; that we have failed to identify appropriately funds that have gone to agencies without documentation; and I would suggest that Treasury would be very interested in pursuing these charges. I believe they are. I do not believe anybody is trying to stonewall this investigation.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I just want to take a moment to commend the gentleman from Florida [Mr. FOLEY] for the manner in which he has pursued the arguments related to his amendment here this afternoon and throughout the entire debate.

I think it has been evident to all of us that what he is attempting to do is to bring the kind of quality to the program and the kind of credibility to the program that would enable us to have full faith and confidence that the program is being run as it was deemed to be run when Congress enacted it. I think all of us join with him in wanting to see any type of wrongdoing eradicated and this program put once again back on the type of track it should be.

I want to give the gentleman my full assurance that I will work with the gentleman from California [Mr. LEWIS] in every respect to carry out the gentleman's wishes and desires with reference to settlement of this matter in accordance with the gentleman's understanding with the gentlewoman from California, the gentleman from New York and the other members of the Committee on Banking and Financial Services, and I will do everything I can to see that we have settled this matter in a way that the gentleman will be comfortable with.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman from Ohio and the gentleman from Florida. I appreciate the efforts that he has put forth here, and I want to say to the body in my closing comments that earlier in the day today we found ourselves moving very, very expeditiously through this bill. In fact, everybody was astonished, especially the chairman.

Having said that, we have taken a good deal of time on a matter that all of us now understand to be very, very important to the development and the success of a very important program. Because of that, the time used was extremely valuable, I believe, and I appreciate the cooperation on both sides of the aisle.

It is clear that this too is an issue that does not have a partisan concern but, rather, bipartisan interest on behalf of those people who would be recipients of this program.

The CHAIRMAN. If there are no further amendments, the Clerk will read the final three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998".

Mr. REYES. Mr. Chairman, I rise in opposition to the committee report accompanying the VA–HUD appropriation bill because it contains report language that would delay the continued implementation of VERA, the veterans equitable resource allocation system. VERA provides for veterans health care to be allocated according to locations and concentrations of veteran populations. The committee report language does not allow for the allocation system to go forward, and thereby prevents health care dollars from being distributed fairly and evenly.

Essentially, over the last two decades there has been a major shift in veteran populations with more and more veterans settling in the South and West. El Paso, in the 16th District of Texas which I represent, is part of the southwest network, Veteran Integrated Service Network 18 which includes Arizona, New Mexico, and west Texas. El Paso has over 70,000 military retirees alone, and is comprised of up to 56,000 veterans at any one time. Moreover, Texas as a whole, has the second largest veteran population in the country. The El Paso and Texas Veteran populations clearly reflect the substantial shift of veteran populations in this country to the Southwest.

VERA provides the mechanism for the Veterans Health Care Administration to look at these changes in the demographics of veteran populations and determine where resources should be allocated. As veterans move across our country, so should resources to support the health care needs of veterans. Without these additional resources to address greater needs, our facilities are strained, and accessibility and quality of care goes down.

Resources for health care must move as our veterans move. Unless this committee language is removed, vital veteran health care resources will not flow and track this movement in veteran populations. This will result in overcapacity and underuse in some areas, while desperately needed services for veterans like those living in my district will be strained.

This is not a matter of politics or partisanship, but rather a matter of equity and fairness. Veterans where ever they are found, are entitled to the healthcare that our country promised our men and women who sacrificed on behalf of our country. In addition, we must recognize the real and significant shifts in our Nation's populations. Unless resources are distributed to reflect this reality, insufficient resources will be dedicated where needed, and we will fail in our obligation to our Nation's veterans.

As a veteran, and a member of the Veterans' Committee, I urge your support for this change in committee language. Let us do what is right for all veterans, and allow the equitable allocation of these limited resources to take place.

Mr. ROTHMAN. Mr. Chairman, today I rise to express my concerns that the Appropriations Committee failed to grant the President's request for increased funding for Superfund cleanup in the VA/HUD independent agencies appropriations bill. The proposed increase of $650 million was agreed to as part of the balanced budget resolution. It would enable communities across our country to expedite the cleanup of hundreds of hazardous waste sites, which are threatening the health of our residents.

In my district alone, there are 9 Superfund sites and roughly 1,000 known contaminated sites. A suburban area as densely populated as northern New Jersey cannot handle any further delays in cleanup. While we are already doing all we can to live with, and clean up, the contamination in our region, we cannot afford to delay cleanup any longer.

As a result of the committee's failure to appropriate this additional funding, the EPA estimates that 120 cleanups around the country will be delayed indefinitely. The President had proposed initiating cleanup at 200 sites in fiscal year 1998, and to complete the cleanup of 500 sites by the year 2000. Unfortunately, the committee's failure to fully fund the President's budget request will mean that work will begin at only 80 sites next year, even though the other sites are ready to be remediated.

One of the sites on the President's priority list for cleanup is the Industrial Latex Corp. site in Wallington, NJ. This site, which is highly contaminated with PCB's and other hazardous materials, is located in a densely populated residential area in my district. Local children have used the site as an ill-advised playground, and numerous fires have occurred over the years at the site. The first phase of the project, demolishing the buildings and removing buried drums and vats, was competed in November 1995. And the design for the second phase of the cleanup, treatment of the contaminated soil, is also complete.

The contract for final cleanup of this site is ready to go out to bid. However, if we fail to fulfill the budget agreement's requirement to provide additional funds for Superfund cleanup, the residents in Wallington, and in hundreds of other communities across the country, will continue to be threatened.

I strongly urge all of my colleagues to work to include this increased funding when the bill goes to conference committee. It is critical that we help the millions of Americans living near these hazardous sites to improve their quality of life and improve their surrounding environment. These sites need to be cleaned up as quickly as possible to remove the serious health risks facing these residents.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express the reasons for opposition to the amendment that was to be offered by the gentleman from Washington [Mr. NETHERCUTT]—to disregard report language included in the fiscal year 1998 VA–HUD appropriations bill pertaining to the veterans equitable resource allocation [VERA] system.

Because this Member had filed an amendment to block implementation of the VERA system in fiscal year 1998, in this House chamber, negotiations this afternoon involving this Member resulted in an agreement regarding a revision to the subcommittee's VERA report language which I had supported. While the agreement will still require the timely completion of a General Accounting Office [GAO] report to study the impact of VERA on the individual veterans integrated service networks [VISN's], the political reality of a vote count permits the House conferees on this appropriations measure to remove that portion of the committee report language funding all VISN's at fiscal year 1996 levels while the GAO study is being done. It is vitally important that this GAO report be completed in a timely manner in order to give the executive branch and Congress time to react to the GAO report findings before the fiscal year 1999 budget preparation season in order to ensure that all veterans receive the best health care possible.

This Member has publicly expressed his concerns about the negative impact that the new VERA system will have on Nebraska and other sparsely populated areas of the country. In fact, this Member conveyed these concerns to the House VA–HUD Appropriations Subcommittee earlier this year during testimony on the VA–HUD and independent agencies appropriations bill.

Mr. Chairman, the VERA plan would provide medical care funding to regions across the country, by employing an allocation formula that ties funding for each of the 22 geographic regions to the number of veterans they actually serve. Such a new system, under the VERA formula, would eventually result in at least a 4-percent decrease in funds for the region that includes this Member's State of Nebraska, with other reductions perhaps forthcoming in the longer term.

Mr. Chairman, colleagues, here is the important point for my region: The VA must provide adequate facilities for all veterans throughout the country regardless of whether they live in sparsely populated areas with resultant low usage numbers for VA hospitals or in large urban areas. A national infrastructure of facilities and medical personnel is needed to serve our veterans wherever they live. This Member finds the prospect of a decrease in quality and accessibility of medical care for veterans in sparsely populated areas to be completely unacceptable. Veterans in Nebraska and Iowa also deserve to have adequate medical services; they must not be neglected or treated inequitably just because they live in a relatively sparsely settled region.

Mr. Chairman, again, this Member expresses his objections to the Nethercutt amendment as originally proposed and reluctant agreement to the change in the subcommittee report language on VERA, but only out of political realism.

Mr. SMITH of Michigan. Mr. Chairman, I will vote for passage of this bill with reluctance.

Congress should not continue to add more funds to appropriations bills that exceed what the administration suggests is needed. This appropriations bill provides $666 million more than the administration requested in their budget.

The bill provides $25.1 billion for the Department of Housing and Urban Development, $8.8 billion more than fiscal year 1997 and $550 million more than the President requested.

The bill represents no solution to the "section 8" funding that will be a huge financial challenge in the next several years.

One other area that could well assist the conference committee to reduce appropriations to last year's levels are the substantial reserves now being held as "contract reserves" for section 8 tenant-based contracts. The accounting firm Price Waterhouse has audited the reserve numbers. Their preliminary estimate of the net excess section 8 budget authority minus HUD's proposed uses is $7.2 billion. GAO estimates the "reserves" could be much higher. We need better information from HUD. Congress should not continue to accept sloppy management in our Government departments.

Mr. RODRIGUEZ. Mr. Chairman, I rise in opposition to language in the committee report accompanying the VA–HUD appropriation bill that would effectively stop the Veterans Health Care Administration from implementing the Veterans Equitable Resource Allocation System or VERA.

VERA is a budgeting change that would allow VA health care dollars to follow the veteran, wherever the veteran moves within the country. Veterans, like the general population, move, and our limited health care dollars should move with them. Under the old system, VA hospitals in areas of the country to which veterans are migrating must treat more patients with the same level of funding.

Veterans in my congressional district are served by the South Texas Veterans Health Care Network. The network serves one of the highest percentages of service-connected veterans, the highest number of low-income nonservice connected veterans, the largest women veterans population, and a very large group of winter Texans. The old formula of funding health care facilities at historical levels plus medical inflation does not account for all of these veterans.

The old system makes no provision for Winter Texans who seek care at local facilities. These facilities must do the work without appropriate funding, straining the resources available to all veterans.

VERA makes sure that the dollars are available to provide veterans in South Texas and other portions of the country the health care services they need and deserve. All veterans must be treated equally regardless where they live in the country.

It is imperative that the VA be allowed to implement the VERA. We must shift the health care dollars to the facilities that are serving these priority veterans. We must allow the health care dollars to follow the veteran.

Mr. VENTO. Mr. Chairman, for many years prior to enactment 1987, I worked to create new Federal programs to provide assistance to homeless people in shelters and living on our Nation's streets. It is the 10-year anniversary of the enactment of the McKinney Act. I was and am proud of the achievement in 1987, but I am deeply troubled that we are still here in 1997 seeking to alleviate the problems of homelessness with still growing needs.

HUD's McKinney Homeless Assistance Program plays a vital role in enabling communities to develop long-term, effective solutions to homelessness.

During the last 3 years, HUD has initiated an array of new policies to address the critical problem of homelessness in the United States. The main points are a coordinated community-based process of identifying needs and building a system to address those needs, and increased funding to give communities the resources needed to build the comprehensive system. Through their notices of funding availability [NOFA's], HUD has begun the process we are legislatively working on as a block grant—to coordinate the community system. However, without solid funding, as the motion to recommit would help provide—the systems will not be as strong, nor will they be able to serve the actual need.

The problem of renewing funding for past grants, one that presented itself in the current round of funding, has proven to be difficult because of the tremendous need just to keep funding current commitments in our communities.

The motion to recommit would add an additional million— * * *

We continue to see increased demand. In its annual survey, the U.S. Conference of Mayors found that 20 percent of all requests for emergency shelter went unmet because of a lack of resources. Emergency shelter requests increased in the 29-city survey by an average of 5 percent, with the requests for assistance from homeless families increasing by 7 percent. On average, people remain homeless for 6 months in the survey cities. The No. 1 reason, among many reasons to be sure, is the lack of affordable housing. And now, with the impact of welfare reform starting to be felt, it is more than evident that we must marshal the necessary resources to keep American citizens off the streets.

I support this motion to recommit and urge its adoption.

Mr. GUTIERREZ. Mr. Chairman, I want to express my disappointment that the Subcommittee on VA, HUD, and Independent Agencies failed to include funding for the Low Income Housing Preservation and Resident Homeownership Act [LIHPRHA] in its fiscal year 1998 appropriations bill.

Although Chairman Lewis and others have raised concerns about the LIHPRHA program, many of these concerns are based on a draft GAO report which has yet to be released. I do not believe it is wise or fair to eliminate funding based upon a report that has not been reviewed by either advocates or critics of the program. I also believe that before voting to eliminate a program, this House should have the opportunity to adopt reforms that respond to the concerns raised. Certainly, before any significant changes or cutbacks are made to the program, we should consider the benefit LIHPRHA has provided to thousands of low-income Americans.

This program has proven very beneficial to many families in the congressional district I represent. In Chicago, transfers of privately owned HUD-assisted housing from tax driven limited partnerships to resident or community-based ownership provides significant benefits to residents and communities. Northwest Towers Apartments, in my district, is such an example. In 1996, the Northwest Towners Residents' Association purchased their building utilizing a capital grant under the fiscal year 1996 appropriations bill. This property is located adjacent to the Chicago loop in a rapidly appreciating area. The purchase of this property by the resident council has preserved affordable housing for low-income residents in a highly desirable neighborhood. In Illinois, six other properties have been transferred to resident council ownership under LIHPRHA with similar success.

In addition, the resident purchase has contributed to the well-being of the community. For example, the Residents' Association has established a Neighborhood Networks Computer Learning Center. The Learning Center is assisting residents who currently are receiving welfare benefits to make the transition to the workplace.

I believe it is important to point out the contributions made by resident and community-based owners to the social needs of residents and the community. The LIHPRHA program has been instrumental in promoting such opportunities. I will urge my Senate colleagues to support this program and would like to work to ensure the future success of LIHPRHA.

Mr. EVANS. Mr. Chairman, I rise in support of H.R. 2158, the VA–HUD-Independent Agencies Appropriations for fiscal year 1998. Although I am concerned about some provisions in this measure, the Appropriations Committee has generally been supportive of many of VA's programs.

My primary concern relates to the provision in H.R. 2158 which specifies a freeze on appropriated dollars for VA health care. As years pass, inflation will erode the value of this funding. Proponents of this appropriation claim that the new scheme allowing VA medical centers to keep veterans' copayments and third-party collections will replace appropriated funds. In its report, however, the Appropriations Committee notes that the accuracy of each year's estimated third-party collection is unknown. How, then, can we ensure that resources will be available to provide medical care to those veterans who need it?

Nonetheless, the committee notes that there are now tremendous incentives for VA medical centers to increase their collections and that additional funding for health care services is possible if medical centers reduce the administrative costs of collections. I strongly support this view as well as the Appropriations Committee's direction to VA to develop allocation policies that will increase collection incentives. Additionally, I appreciate the committee's commitment to review the subject of collections and incentives yearly.

The committee report points out that VA will be challenged by the necessity to treat more patients at the same time employment levels decrease. Although the Veterans Health Administration has made tremendous progress in its efforts to transition from an acute-care, hospital-based system to one focused on care in an outpatient setting, the committee appropriately notes that these efforts must continue if veterans are to receive the quality service they have earned.

Also of importance is the committee's expressed concern about the Veterans' Health Administration's Veterans Equitable Resource Allocation [VERA] system. The committee appropriately notes that this system could adversely affect the quality and accessibility of care being provided to veterans in Northeastern States and requests the General Accounting Office [GAO] to, within the next 4 months, study and report on the effects of the VERA implementation. I additionally strongly support the committee's direction to the VA to fund all Veterans Integrated Service Networks [VISN's] at least at the fiscal year 1996 level. Although the VERA system may have a great deal of merit, the potential negative effect of this system on certain veterans demands that the system be implemented only after very careful study.

Integration of VA medical centers is another issue that demands very careful consideration. I have urged VA to pursue consolidation of services at the Lakeside and West Side medical centers in Chicago with caution, and the Appropriations Committee expresses similar concern regarding plans for the integration of the VA medical centers at Tuskegee and Montgomery, AL. I support the committee's direction that VA not proceed with this integration until Congress and GAO have had an opportunity to review a detailed plan of the integration which the VA must submit.

In its report, the committee mentions an innovative proposal underway in Detroit, MI, to establish a VA partnership with a private, not-for-profit, highly integrated health care system which will assist VHA's development of a sophisticated, medical information infrastructure. The development of this system is critical to the reorganization of VHA's health care delivery system, and I commend the committee for its support of this effort.

VA's medical and prosthetic research program has long been one of the most highly respected in the country, and I am pleased that H.R. 2158 provides the funding necessary to continue this important research. VA's achievements in this area have benefited not only America's veterans but all of America's citizens, and VA researchers have more than earned the support included in this appropriation. I particularly want to note the committee's instruction that funding for research into Parkinson's disease be increased. Many excellent opportunities for joint research are available which would enable the VA to expand its research into this debilitating disease which affects so many of our aging citizens.

I want to express my support for the committee's comments urging the VA to continue developing a medical research service minority recruitment initiative in collaboration with minority health professional institutions. This important initiative should be a top priority in the Veterans Health Administration. Additionally, VA should certainly comply with the committee's recommendation that Ph.D. research scientists be exempt from potential reductions in the number of GS 14–15 positions in the research program. The loss of these talented middle managers is adversely affecting VA research and must be stopped.

In addition to health-care initiatives, there are several benefit-related provisions in H.R. 2158 which deserve support. For example, the appropriation includes funding for loans to nonprofit organizations to assist them in leasing housing units exclusively for use as transitional housing for veterans following treatment of substance abuse. The measure also includes additional funds for retention of VA staff to improve the timeliness of processing veterans claims and for higher than anticipated contracting costs of the year 2000 computer problem. Finally, I compliment the committee on its continuing efforts to ensure that VA defers further efforts on the Veterans Services Network [VETSNET] program until the year 2000 computer problem has been solved. Because the effects of a VA failure to make the required year 2000 corrections would have a catastrophic effort on our Nation's veterans, this challenge must be met even if other important modernization projects must be delayed.

I thank the chairman of the full Committee on Appropriations, BOB LIVINGSTON, and the ranking democrat on the committee, DAVID OBEY, for their support for America's veterans. The chairman and ranking democrat of the subcommittee on VA, HUD and Independent Agencies have also earned the sincere thanks of the veteran community. I know you were dealing with a very difficult budget situation, and your hard work on behalf of veterans must be recognized.

Mr. WAXMAN. Mr. Chairman, I ask your support for the Pallone amendment to the VA-HUD-Independent Agencies appropriations bill. The amendment would send $650 million to EPA to expedite the cleanup of toxic waste sites.

Mr. Chairman, just last February, the Government Reform Committee held a hearing on the Superfund Program, the Federal program to clean up toxic waste sites. My Republican colleagues claimed the hearing would show it takes more time to clean up Superfund sites now than it did under previous administrations.

But that's not what we learned during the hearing. We discovered instead that the Superfund Program suffered from neglect and hostility in its early years under a Republican administration. We discovered that the Clinton administration has overcome this legacy of neglect, essentially reinventing the Superfund Program, and—most importantly—cleaning up more Superfund sites in 4 years that were cleaned up in the previous 12. Despite these facts, Republicans still criticize EPA's speed in cleaning up toxic waste sites.

Isn't it ironic that with all that criticism about the speed of Superfund cleanups, we now face an EPA appropriations bill that cuts $650 million from the Superfund budget request. That's $650 million agreed to in the bipartisan budget agreement, $650 million allocated to EPA's Appropriations Subcommittee to expedite Superfund cleanups, and $650 million that will be spent instead on special interest projects.

EPA would have started cleaning up 200 Superfund sites next year with that $650 million. Under this bill that number will be cut by more than half. Southern California alone would have seen EPA cleaning up toxic waste sites in Riverside, San Bernardino, Fullerton, Baldwin Park, Monterey Park, and Santa Fe Springs. Instead, this bill will force EPA to play Russian Roulette, picking some sites for clean up and letting the rest wait another year.

Mr. Chairman, 68 million Americans live within 4 miles of a toxic waste site. For the sake of those 68 million Americans, I ask your support for the Pallone amendment.

Mr. BISHOP. Mr. Chairman, I rise today in support of the fiscal year 1998 VA–HUD and Independent Agencies Appropriations Act. I want to commend the committee for working in a bipartisan fashion to craft a good bill with many beneficial attributes. As a member of the Veterans Affairs Committee and an ardent supporter of veterans, I want to speak to this section of the bill. I am pleased that the overall bill provides for an increase in funding for veterans programs. Specifically, the bill appropriates $40.359,576 billion for the Department of Veterans Affairs. This is $273 million more than the fiscal year 1997 level and over $143 million over the fiscal year 1998 budget request.

Over 26 million veterans and their families receive benefits from the Department of Veterans Affairs. This increase in appropriations will assist them in their efforts to improve their lives. When our veterans answered the call in faithful service, the Nation promised to write them a check for certain lifetime benefits. It is the solemn duty of Congress to make sure this check does not come back marked "insufficient funds."

In tough budgetary times, I want to commend the committee for its efforts to provide our veterans with necessary benefits to sustain a better quality of life. I share the fervor of Congress in balancing the budget, but not one that fails to adequately provide for our veterans. We cannot attack the services we owe to our veterans. They made the supreme sacrifice for our Nation, and we should repay them and their families in kind with adequate benefits, services, and a due continuum of care.

I am pleased the bill provides $19,932,997,000 for the veterans benefits. This represents a $333 million increase over fiscal year 1997 for the Veterans Benefits Administration. This will provide our veterans with much needed compensation and pension benefits, education and training benefits, and critical housing assistance.

While I applaud the efforts to provide increased funding levels for the Veteran's Benefits Administration, I have some concerns about the level of funding proposed for the Veterans Health Administration. I believe it represents a serious shortfall for veterans health care. This is one of the most important benefits our veterans receive. It is incumbent upon us to ensure that the veterans medical care delivery system is adequately funded to meet the health care needs of our veterans. I know that the budget includes a proposal to permit the VA to retain third party insurance payments and user fee collections. These funds, estimated to be $604 million by the budget agreement, would be used to account for the shortfall in the budget for veterans medical care. I am a strong proponent of this concept and it is my hope that the Congress will enact legislation enabling the VA to do this. However, if this does not occur, a mechanism must be in place to ensure that we do not experience a shortfall in the medical care delivery system for our veterans. I plan to support the Solomon amendment which would incorporate a "fail-safe" mechanism to protect much needed funding for veterans medical care.

We must remain aware of our responsibility to maintain a system that best meets the changing needs of today's veterans. We are dealing with payment for services rendered. Like any contract the government makes, we must do all within our power to live up to. Dollars may be scarce, but we must make this our priority. With this in mind, it is my hope that we can continue to cooperate in bipartisanship to serve those who have so diligently served us. Members of Congress have always been strong supporters of veteran—not only in word but in deed. Let us continue in that vein today.

I urge my colleagues to support this bill.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2158), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 184, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KENNEDY of Massachusetts. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KENNEDY of Massachusetts moves to recommit the bill H.R. 2158 to the Committee on Appropriations with instructions to report the same back to the House forthwith the following amendments:

On page 24, line 22, strike "$4,600,000,000" and insert "$4,700,000,000".

On page 25, line 19, strike "$50,000,000" and insert "$70,000,000".

On page 27, line 6, strike "$50,000,000" and insert "$75,000,000".

On page 27, line 8, strike "$30,000,000" and insert "$40,000,000".

On page 30, line 12, strike "$823,000,000" and insert "$883,000,000".

Mr. KENNEDY of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

☐ 1915

Mr. KENNEDY of Massachusetts. Mr. Speaker, this bill I think deserves credit to both the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] and members of the committee and committee staff for the efforts that they have made to come up with a kind of bipartisan spirit here.

On the other hand, I do believe that there is a significant issue that deals with the low level of funding in this bill across the board. The truth of the matter is, we heard a lot of speeches over the course of the last 24 hours as the VA–HUD bill came up. Those speeches pertained, in large measure, to the underfunding of a lot of veterans' programs.

The fact of the matter is, after all of these bills have been passed, after all of the amendments have been contained, there is still $450 million worth of underfunding in veterans' programs.

In terms of the motion to recommit and its specifics that we have called for, we have asked that $100 million be spent on the HUD Community Development Block Grant program as an indication of the kind of underfunding that exists in that agency.

I serve as the ranking Democrat on the Subcommittee on Housing and Community Opportunity, and I can tell my colleagues that we are not funding the housing needs of the people of this country in any way, shape, or form in comparison to what the need is. Specifically with regard to homeless programs, over the course of the last 3 years we have seen homeless programs cut by over $260 million; $260 million.

I challenge any Member of the Congress, any Member of the House to go to his home district and go visit a homeless shelter. Homeless shelters in the middle of the summertime are generally empty. This is the first time in the last 20 years where, in almost every congressional district across the country, you go into homeless shelters today and you are going to find them chock-a-block full of homeless people, homeless families. We have simply not provided the kind of funding that is necessary to provide for those homeless families.

We say that we want a balanced budget. I want a balanced budget, But I do not want to balance the budget on the backs of the poorest and most vulnerable citizens of this country; and that is, essentially, what this bill does.

We have seen a recognition that we want to, as a Nation, and I see the Speaker talk about the fact that he wants to rebuild Washington, DC. If my colleagues talk to the mayors of cities and towns across our country, the No. 1 issue that they will claim that they face in terms of economic development and the creation of jobs is brownfields. We see the need for not only allowing brownfields to be cleaned up, but allowing for economic development of brownfield sites across America.

This motion to recommit contains within it a $25 million initiative funded through the EDI at HUD to allow for economic development of those brownfield sites. Talk to your mayors, talk to your city councils, talk to the people at the ground level that are responsible for building up those cities in the blighted urban areas of our country, areas that have been contaminated by corporations that have for years and years put so much poison on our city streets and on the fields of our cities.

The fact of the matter is that, for the first time, not only are we going to see those sites cleaned up but we have the opportunity to allow those cities and towns to come back. Those are the initiatives that are contained.

In addition, we are providing funding to allow for senior citizens to gain more independence within their housing programs. The largest single growing population of America is, in fact, our elders. And all too often, they are restricted in terms of their movements, in terms of their independence, because of their housing situations.

This amendment would allow for a small initiative to enable supportive services for senior citizens, to enable them to go out and live more independently. So if my colleagues want to stand up for the rights of senior citizens, if they want to stand up for the rights of our mayors and our city councils across this country to clean up brownfield sites, if they want to stand up and say that we do not believe that we ought to abandon our homeless, this bill currently, in its form, as a result of the amendment process, is coming in $200 million below the 602(b) allocation.

All we are trying to suggest is that my colleagues can still stand up and say to the people of their districts that they are fighting for a balanced budget. The amendments that we have in the motion to recommit only take up $160 billion. The $200 billion that is left over in the bill will still come in under budget, but it will not come in by virtue of turning our back on the poorest of the poor in terms of our homeless. It will not come in by turning our back on the brownfield sites of this country that I think offer us an opportunity to really go out and rebuild America's urban areas.

That ought to be the policies of this country. It ought to be the policies of this House. I urge the Members to support the motion to recommit.

Mr. LEWIS of California. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I do not intend to speak extensively on this matter. We have spent much of the day and yesterday talking about the very difficult bill we face, the reality that there is many a trade-off between complex programs. That does not suggest that in every instance a bill changes on the floor, that we ought to spend every single dime of somebody's perceived remainder 602(b).

I am not really surprised that the gentleman from Massachusetts [Mr. KENNEDY], my dear friend, would like to spend all of our 602(b). It may be that from time to time we come together on even balancing the budget. But in the meantime, without any further ado, I would ask my colleagues to oppose the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The question of passage of the bill is an automatic vote and will be 5 minutes.

The vote was taken by electronic device, and there were—yeas 193, nays 235, not voting 6, as follows:

[Roll No. 279]

YEAS—193

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NAYS—235

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter

Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—6

Ehlers
Matsui
Schiff
Solomon
Weygand
Young (AK)

□ 1941

Messrs. GOODLATTE, THUNE and LAZIO of New York, Mrs. CHENOWETH and Mrs. KELLY changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 279, because I was detained in unexpectedly heavy traffic, I missed the vote. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 31, not voting 6, as follows:

[Roll No. 280]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NAYS—31

Barr
Campbell
Cox
Crane
Doggett
Duncan
Filner
Hefley
Hoekstra
Hostettler
Istook
Johnson, Sam
Kennedy (MA)
Kennedy (RI)
Kingston
Klug
Largent
Markey
McIntosh
Miller (FL)
Minge
Paul
Petri
Roemer
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Sensenbrenner
Thornberry

NOT VOTING—6

Murtha
Schiff
Solomon
Weygand
Woolsey
Young (AK)

□ 1951

Mr. RAMSTAD changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent first for the House to express its appreciation for the fabulous work done today by our Chairman of the Committee of the Whole House, the gentleman from Texas [Mr. COMBEST].

Then, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2158, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1984

Mr. EHLERS. Mr. Speaker, I just learned that my name was mistakenly entered as a cosponsor of H.R. 1984, and I ask unanimous consent that my name be removed as cosponsor.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1853, CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS OF 1997

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–187) on the resolution (H. Res. 187) providing for consideration of the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–188) on the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER. Pursuant to clause 8 of rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Mr. SKEEN asked and was given permission to address the House for 1 minute.)

Mr. SKEEN. Mr. Speaker, I want to announce that there will be no further votes tonight. We will do general debate only tonight, and I expect to be back on this bill tomorrow. I will shortly be asking unanimous consent to stack votes beginning tomorrow so that we will have the hope of finishing this bill before we leave tomorrow evening, and I repeat, we are only going to do general debate; no more votes, no amendments will be considered tonight.

REQUEST TO POSTPONE RECORDED VOTES DURING CONSIDERATION OF H.R. 2160, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2160, that on Thursday, July 17, or any day thereafter, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from New Mexico?

Mr. OBEY. Mr. Speaker, reserving the right to object, I understand the gentleman from New Mexico is making a unanimous consent request to roll votes tomorrow.

Let me simply say that at this point I am not at liberty to accede to that request. I would urge the gentleman from New Mexico [Mr. SKEEN] to withdraw the request, and perhaps we will be in a position tomorrow when we convene to accede to that request. Right now I have a number of problems on my side of the aisle that will prevent us from agreeing to it at this time.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I appreciate that, and I am in total sympathy with it, but I think at least we can do the colloquies tonight and get those out of the way so that we can get to the substance matter. If the gentleman from Wisconsin would agree to that, I will appreciate it.

Mr. OBEY. Mr. Speaker, I do not understand what the gentleman is suggesting there.

Mr. SKEEN. If the gentleman would continue to yield, Mr. Speaker, we will withdraw that unanimous-consent request, and do general debate, and end it there then.

Mr. OBEY. Mr. Speaker, perhaps we will be able to agree to the request tomorrow.

☐ 2000

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes; and pending that, I ask unanimous consent that the general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentlewoman from Ohio [Ms. KAPTUR] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico.

The motion was agreed to.

☐ 2000

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2160), with Mr. LINDER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from New Mexico [Mr. SKEEN] and the gentlewoman from Ohio [Ms. KAPTUR] each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer the fiscal year 1998 appropriations bill for Agriculture, Rural Development, Food and Drug Administration, and related agencies. The bill totals $13,651,000,000 in discretionary spending and $39,796,855,000 in mandatory spending for a total of $49,447,051,000. This bill meets both the discretionary allocation of $13,650,196,000 and its outlay allocation of $13,967,000,000.

Mr. Chairman, this bill is the result of 13 days of hearings from mid-February through mid-March. The subcommittee took testimony from 252 witnesses, including 20 Members of Congress. We marked it up in subcommittee on June 25 and in full committee on July 9.

While our allocation was larger than last year, this bill spends about $424 million less than the administration requested. There are only a few significant increases in the bill: WIC, rural water and housing, FDA, and meat and poultry inspection. Most of the programs are reduced or frozen at the 1997 level.

This is a good bill and a responsible bill. I want to remind all my colleagues that this legislation pays for critical programs that benefit us and every one of our constituents every day of their lives, no matter what part of this great country they live in. At the same time, it spends carefully and fulfills our obligation to move towards a balanced budget.

Mr. Chairman I want to express my appreciation to the committee members and the staff, and particularly to the gentlewoman who is the ranking member, the gentlewoman from Ohio [Ms. KAPTUR], who has been a great help to me. We have a great team going, I think, on this particular bill.

We have our differences once in a while, but they are mild compared to some we have heard in the earlier testimony before from this chair. So I want to thank all those folks who make this thing a reality, and for the hard work they do and the tremendous amount of time they put in.

Mr. Chairman, this bill represents a lot of hard work and contribution by both the Democratic and Republican Members. I believe it deserves strong support from both sides of the aisle. I have not asked for a rule on this bill because I want my colleagues to have a chance to discuss and debate any issues which they believe are important.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise this evening to commend our chair, the gentleman from New Mexico [Mr. SKEEN], an outstanding Member of this House to work with; all of the members of our subcommittee and the committee staff, for their wonderful leadership in putting together a solid bill. It will help keep our Nation at the leading edge for food, fiber, fuel, and forest production, as well as research, trade, and food and drug safety.

There is no question that agriculture is America's lead industry. Our farmers and our agricultural industries remain the most productive in the world, and they well understand, as we do, how difficult it is to maintain our Nation's commitment to excellence in agriculture in tight budgetary times.

Our bill appropriates $3.7 billion or 7 percent less than last year's budget, and $2.8 billion less or 5 percent less than the amount requested by the administration. Over two-thirds of the bill's spending is dedicated to mandatory programs, largely nutrition programs like the school breakfast and lunch programs and the Food Stamp Program, which comprise nearly 70 percent of the funding in this bill.

The committee provided $35.8 billion in mandatory programs, which is a decrease of $4.3 billion below the amount available for fiscal year 1997, and $2.4 billion below the budget request.

The bill includes a total of $13.65 billion for discretionary programs, which is $599 million more than the amount appropriated in the last fiscal year, and $424 million less than the budget request.

Mr. Chairman, those who serve farmers and work with agriculture are taught over and over again that there is a big difference between money and wealth. Our job on this Committee on Agriculture is to help create the wealth of America through the investments that we make in food, fiber, fuel, and forestry, all essential components of production agriculture.

Market-oriented farm policy means farming for the market, not the Government, and requires investments in research, some of it high risk, in conservation, in sustainability, in education and technology transfer, which will keep agriculture competitive as we move into the new century.

Overall, the bill represents a fair, bipartisan approach. The committee did face tough choices, given our spending constraints. There are no funds in this bill for any Member for university facilities. Our committee turned down over a dozen requests for university research facilities. Further, we were only able to fund $50 million of over $200 million in requests for agricultural research.

I am not proud of the fact that we can only provide $50 million. That is only a quarter of what we were asked to provide, but that is the reality in today's world. Facing tight budget constraints, we did our best to shift research needs to priority areas. But in every case where a priority program received additional funding, some other budget function had to be cut.

Farm ownership and operating loans sustained a major cut in this bill, and were reduced $229 million below FY 1997 levels. This will have an impact. APHIS, the Animal Plant Health Inspection Service budget, was reduced by approximately 4 percent, at a time when we are experiencing increasing problems with inspection at our ports of entry.

The Natural Resources Conservation Service conservation operations programs, the primary source of technical assistance to producers and landowners, was cut by $10 million over last year's level, and more than $112 million below the President's budget request.

With the increasing public concern about food safety, I am pleased with the increase we were able to include for the food safety initiative under both the USDA and the Food and Drug Administration, as well as the Youth Tobacco Prevention initiative proposed under the FDA.

It is also noteworthy that this bill includes, after great compromise on the committee and struggle, an $118 million increase for the women, infants, and children feeding program, which will allow the program to maintain its current participation level of 7.4 million participants.

This bill also includes an $800,000 increase to upgrade investigative activities of the Grain Inspectors' Inspection Packers and Stockyards Administration regarding concentration in those industries. This increase is critical for monitoring and analyzing anticompetitive practices in the meatpacking industry, where now three huge firms control 80 percent of the meat that consumers in this country purchase.

Mr. Chairman, I continue to have serious reservations about some amendments which were adopted in full committee, and hope that these issues can be resolved during this floor debate. For example, our subcommittee, after considerable debate, provided $152 million for sales commissions to private crop insurance agents, as requested by the administration. However, at the full committee level, the chairman's en bloc amendment included a further increase of $36 million. There are many other programs that are of higher priority in this bill than underwriting private insurance agents, particularly in light of the April GAO report on abuses discovered in the crop insurance program.

In its report, GAO stated that expenses reimbursed with taxpayer funds appeared excessive, and I underline "excessive," or did not appear to be reasonably associated with the sales and service of Federal crop insurance. These include, and I quote from the report, agent's commissions that exceeded the industry average, unnecessary travel-related expenses, questionable entertainment activities like skyboxes, expenses associated with acquiring competitors' businesses, profit-sharing bonuses, and lobbying.

GAO suggested that future reimbursement rates could be reduced. Consequently, the U.S. Department of Agriculture indicated to our committee that $152 million would be sufficient funding for this program for fiscal year 1998, and that these funds would provide assurance that valuable crop insurance products would be delivered by private crop insurance companies and their agents.

I strongly support the crop insurance program as a continuing safety net for our Nation's producers, but certainly a 24.5 percent level of commission, 24.5 percent, should be sufficient to encourage private companies to provide this service. Some might say it may even be too generous. Providing an additional $36 million increase to raise those commissions from 24.5 percent to about 27 percent of the value of the insurance policy is simply not the highest priority use of this subcommittee's limited funding.

I also remain concerned about some of the reductions proposed for salary accounts in the Department of Agriculture, particularly reductions in the Farm Service Agency, and the potential for disruption of the delivery of programs and services to farmers at the local level.

I strongly oppose the amendment adopted in full committee that would eliminate the salaries for the deputy and assistant deputy administrator of the Farm Services Agency. While we realize that the farmers and landowners in one State, Washington State, are very disappointed with the results of the 15th consecutive conservation reserve program sign-up, we strongly oppose this punitive and misguided attempt to effect a change through micromanagement of a Federal agency.

There remains in this bill, language adopted in full committee which seems to give special preference and consideration to one university building under the CSREES buildings and facilities account. With limited Federal funding available for priority programs, this subcommittee agreed in fiscal year 1997 that it would end the practice of building academic research facilities for universities.

While we followed this approach in subcommittee markup and provided no funding in this account, the language adopted in the full committee markup subverts an established process and I think compromises us at the conference committee level. It appears to give preference to one university while disallowing other priority proposals from consideration.

The full committee also adopted an amendment that authorizes on this appropriations bill by changing the designation of a community in California from a rural to an urban community. I have extremely strong reservations about the intent of this language, since no hearings were held on the subject. I underline, no hearings were held on the subject. It sets a very bad precedent, including unintended consequences that we may not fully appreciate. This language should be stripped from the bill.

Traditional farm programs continue to receive a decreasing portion of Federal support, and in my view, we should target our scarce agricultural dollars to smaller family farmers to assure competition in our industry now dominated by megagiants. I opposed last year's farm bill because I do not believe that it did enough to insure against undue risk to family farmers and to provide them with a safety net when times turn bad. While the farm bill made progress by enacting a $40,000 payment limitation, I remain concerned that large corporate farmers can still have undue call on Federal payments.

In recent decades, America has slowly eroded the historic basis of American agriculture, the family farmer, and is moving in the direction of giant corporate farms. We must address the increased concentration in agricultural markets that is squeezing family farmers out of business.

In the final analysis, a concentrated production system risks price manipulation and lack of competition. Commodity prices must be maintained at a level high enough to compensate for the costs of production, and to maintain standards of living in order to attract and retain farmers and farm production.

On the international front, we must also negotiate reciprocal trade agreements which encourage and enhance the ability of our farmers to compete in world markets.

□ 2015

On agricultural trade, we must work harder to recapture lost markets and increase exports. As American agricultural exports grow, foreign agricultural imports to our country are being shipped in greater magnitude.

Since 1981, our agricultural exports have exhibited a rather roller coaster ride, first declining from $43.8 billion to a low of $26 billion in 1986, and then rising to a record high of $60 billion in 1996, but at the same time agricultural imports have increased from $10.8 billion to approximately $30 billion in 1996, now equaling half of our exports. In many cases, these products our own farmers could be producing and marketing.

In closing, I want to express my appreciation to the gentleman from New Mexico [Mr. SKEEN] for putting together the best bill we could under current fiscal circumstances. Let me remind our colleagues in closing that the agriculture portion of Federal spending has taken more than its share of budget cuts in these past several years. Overall spending on programs in our committee's jurisdiction has declined from $70.8 billion in fiscal year 1994 to $49.45 billion in fiscal year 1998 projected.

Employment at USDA has declined by approximately 13,000 since 1993. County-based office staffing has been reduced by 13.7 percent since fiscal year 1993 and will be reduced further for a total cut of 40 percent by fiscal year 2002. I think our subcommittee has met the challenge to reduce Federal spending. I am not quite sure how much more we can do.

Mr. Chairman, I again thank the gentleman from New Mexico for his cooperation.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise for the purpose of entering into a colloquy with the distinguished subcommittee chairman, the gentleman from New Mexico [Mr. SKEEN]. I am disappointed that the committee did not include funding for the Melaleuca Research and Quarantine Facility close to Fort Lauderdale, FL. The committee chose not to include funding although this project was authorized by Congress last year and specifically requested by the administration. Moreover, in previous years the committee has funded this project.

Mr. Chairman, this project is critical to the survival, the very survival of the Everglades. Therefore, I hope that you will work with me during the conference committee if the Senate chooses to fund this project.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I want to tell the gentleman from Florida [Mr. SHAW] that I will certainly work with the gentleman from Florida during the conference on this bill. I regret that the subcommittee could not include funding for this project. It suffers from the fate of many worthwhile projects, as was mentioned by the ranking member. There is just not enough money to go around. However, I am sure that this project will be fully funded in time because of its great importance to the Everglades.

Mr. SHAW. Mr. Chairman, I thank the gentleman.

Ms. KAPTUR. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], our distinguished ranking member.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me the time.

First, I would like to simply say that I think that there are no two Members of the House who are more popular than the gentlewoman from Ohio and the subcommittee chairman, the gentleman from New Mexico [Mr. SKEEN]. I think everyone understands in these two individuals they have Members who want to work things out, they have Members who want to produce a bipartisan approach and who try to the best of their ability to accommodate the needs of this institution, the country and our individual Members.

I want to say that I expected to support this bill with a fair amount of enthusiasm in the early stages of consideration. But, unfortunately, in the full committee a number of amendments were adopted which will make that very difficult.

First of all, the gentlewoman has already mentioned the Crop Insurance Commission issue which was raised in full committee. The amount of funding put in the bill for that purpose now greatly exceeds that requested by the administration. I do not believe that that can be justified with so many other competing needs. I am for crop insurance, most definitely, but I am not for providing persons who sell it with a greater commission than they need in order to persuade people to buy what they ought to buy without any persuasion.

I would also say that the development in full committee which eliminated the assistant deputy administrator of FSA I find to be an unseemly personalization of differences between individual Members of the Congress and the agency, and I believe that just as it did when similar action was taken by previous chairs of this subcommittee, I think that in this instance it also brings disrepute on the Congress as an institution for acting in a manner that is that extreme. I think that that will have to be removed before it is accepted by the administration.

There are some other items as well. I would simply also take note that I do not know what exactly the number is, but I know the gentlewoman from Ohio [Ms. KAPTUR] is one of the very few women who have either served as Chair or ranking minority member of an appropriations subcommittee. There have been, as I understand it, two women who served as subcommittee Chairs and three who have served as ranking members. I want to congratulate the gentlewoman from Ohio [Ms. KAPTUR] for ascending to that position.

Again, I express my appreciation for the way that the gentleman from New Mexico [Mr. SKEEN] tries to conduct affairs in this place.

I would also simply say that in general, at the proper time, I will be trying to insert in the RECORD a very interesting article from a newspaper in my home town called City Pages, which really traces the depths of despair which has developed on the part of many farmers in rural America because of the economic crunch that has beset them really for the past 20 years. In my view this bill cannot begin to address the damage that has been done to the social fabric of rural America and to the economic welfare of hard-working, struggling family farmers by what I consider to be inadequate and misguided farm policy over the past years, which unfortunately continues today.

I will be inserting that article in the RECORD despite its length because I think it is important, when people are looking at reasons for the tuning out of large segments of our population, when they are looking for reasons why so many people join these misguided militia groups around the country, I think it is important to understand that when people are economically pressed to the wall, that their reaction is sometimes irrational.

I would urge all Members, whether they are from urban or rural districts, to read it because it ought to teach us all a lesson.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me the time. I rise to enter into a colloquy with the chairman.

Mr. Chairman, there is a proposed move by the USDA of an experiment station in Griffin, GA to another location. This station has been in place since 1949. Over the last few years, in fact the last 7 years, we have spent some $2.5 million in improvements, in new plant facilities there. The proposed site is nowhere near comparable to the existing site.

I am concerned, too, about the number of employees who would be affected by this move because these employees have been paid through another system, a university system, and would be ineligible for funds for moving to a new location.

I have inquired with USDA and have not received any response from my inquiry. My inquiry to the gentleman is for him to seek out why this move is being made, if it is logical, if it is sound fiscal policy and, if not, let us move in some way to restrict this move.

Mr. SKEEN. Will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, yes, we will go hand-in-hand with the gentleman and see what the problem is and get some answers for the gentleman. That I pledge to the gentleman.

Mr. COLLINS. Mr. Chairman, I thank the gentleman.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I would like to engage the gentleman in a colloquy. I intend to clarify in this colloquy the intention of the subcommittee in its report language for this bill that, quote, "The Committee believes that the funding provided to the Foreign Agricultural Service will enable the Foreign Market Development/Cooperator program to operate at the same level as fiscal year 1997."

Is it the gentleman's understanding, Mr. Chairman, that the Foreign Agricultural Service is approving $32 million for approved foreign market development/cooperator program marketing plans in fiscal year 1998?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would tell the gentleman that the department intends to operate the FMD/cooperator program at a level of $32 million which includes new money and carryover funds. The bill provides sufficient funding for this. This is the meaning of the report language.

We have not earmarked this level because it is nearly a quarter of the budget of the Foreign Agricultural Service and USDA needs the flexibility, to change the FMD/cooperator budget to meet other needs which may arise during the fiscal year. On the other hand, the FMD/cooperator budget could go above the $32 billion level if USDA decides that is the best course.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman very much.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise in strong support of H.R. 2160 and its accompanying report that provides funding for Agriculture, Rural Development, Food and Drug Administration and related agencies for fiscal year 1998. I want to commend the gentleman from New Mexico [Mr. SKEEN], the subcommittee chairman, and the gentlewoman from Ohio [Ms. KAPTUR], the ranking member, for their leadership and fine work in crafting this difficult bill. I would also like to thank the subcommittee staff for their diligence and the long hours they spent putting the bill together.

The bill provides $49 billion for agricultural appropriations. This represents a reduction of $3.7 billion from last year's level. While discretionary spending in our bill has increased as a result of changes made to the food stamp and related nutrition programs, our subcommittee has had to make some very difficult choices as only a few of the programs in this bill are receiving increases over last year's level. The President's tobacco and food safety initiatives were largely funded in this bill, and the subcommittee has also provided $188 million for Federal crop insurance.

□ 2030

We have funded the wetlands reserve program that will be increased by $45 million. We have also increased funding for the EQUIP Program. These are environmental measures within the U.S. Department of Agriculture budget that are very important to our conservation of soil. We have also provided $7.8 billion for child nutrition programs, such as school lunch and school breakfast and $25 billion for food stamps.

These are substantial commitments. Often the agriculture budget is considered an agricultural subsidy bill, but in fact it is not, it is the bill that provides the food and sustenance for most of our Nation's poor.

I thank our leadership for supporting these programs, for providing money for nutrition, and I would urge a strong bipartisan support for this bill.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I wonder if I might enter into a colloquy about a particular research program.

As a part of the President's budget there was a proposal to stop many ongoing agricultural research projects. Many of these are very good research projects and have had long-term agricultural benefit. I appreciate very much the chairman and the ranking minority member in helping continue some of these projects.

There is one project I do want to ask about specifically. This project is known as the "Genetic Engineering of Anaerobic Bacteria for Improved Rumen Function," research effort conducted at the Ag research lab in Peoria, IL. This project was not mentioned in the committee report, and I would ask the Chairman if he would assist me in ensuring that this project be included as a worthwhile project when the bill comes out of the committee on conference.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would be pleased to respond to the gentleman that he has my assurances that we will look after this project. The gentleman from Illinois has always worked with the committee and he asked to keep this project earlier in the year. It was just an oversight that it was not mentioned in the report, and we will do what we can to make sure ARS keeps this project alive.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO], an esteemed member of our subcommittee and full committee.

Ms. DELAURO. Mr. Chairman, I would like to thank the ranking member, the gentlewoman from Ohio [Ms. KAPTUR], for yielding me this time and for her hard and diligent work on the bill.

I also want to commend the gentleman from New Mexico [Mr. SKEEN] for listening to Members and for working hard to craft a good bill and for his work in bringing the bill to the floor today.

This bill does fund a number of important priorities, but I still have a number of concerns about it. I am particularly concerned about the prevalence of tobacco use amongst young people. I appreciate that the chairman worked with me and other members of the subcommittee to provide $24 million for the FDA initiative to block youth access to tobacco.

This is a good start toward the $34 million that was requested by the administration to stop kids from taking up smoking and becoming addicted. We need to bring that level up to $34 million. Three thousand youngsters start to smoke every day. One-third of them will die. We need to put an enforcement mechanism in place that curtails underage smoking.

I am also pleased that the bill provides funding for the President's food safety initiative, for the WIC Program, which provides essential nutrition assistance for pregnant women and young children, and for agricultural research.

I am dismayed, however, by a number of provisions and, in particular, by changes that were made at the full committee level. The full committee chose to recognize one specific construction project when, by agreement, numerous other worthy projects at sites around the country were left out of the bill and report. This is unfair to other members of the committee and to other Members of this House.

I am concerned that the full committee added funds above what the Secretary of Agriculture deemed sufficient for payments to crop insurance agents, even though the General Accounting Office has revealed that taxpayer dollars are being used for outrageous and unreasonable expenses, such as skyboxes at athletic events, country club membership fees, and corporate aircraft. We should not be providing extra dollars in this area.

The full committee could establish a dangerous precedent by its actions to eliminate two positions in the Department of Agriculture simply because a Member of the Congress is unhappy about the actions of an entirely different administrator.

While I do have a number of concerns, I again would like to thank the chairman and the ranking member for their efforts and express my thanks to the staff.

Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, first of all I want to thank the chairman, the gentleman from New Mexico, for yielding me this time and all his hard work; and the work of staff on the committee; as well as the ranking member, the gentlewoman from Ohio [Ms. KAPTUR] for the cooperation and help on this bill.

Mr. Chairman, I think some very important things are included in this; first of all, the sanctity of the contracts that we had last year. Last year I was on the authorizing committee and, as a farmer myself, I know how important it is to maintain those contracts to make sure that the farm bill, that really is going to help all farmers in the future, the sanctity of that farm bill stays intact.

That is extremely important as we go through a transition of Government controls in agriculture to a truly free-market agriculture based on exports on value added products. I am very pleased with that portion.

Also the portion about funding for crop insurance. While we did increase in the full committee somewhat the funding for crop insurance, it is still a decrease from the amount that was spent on crop insurance last year. But it does maintain a level of funding which is absolutely critical for agriculture, unless we want to go back to the days of disaster payments and coming to the Federal Government year after year for more and more money.

If we are going to finally have farmers, who now in the freedom to farm bill have that freedom to choose the crops that they want, they also have to take the responsibility to insure that crop. And for us to cut the funding for crop insurance is absolutely wrong and upside down unless we want to get the Federal Government back involved in disaster bills year after year.

I am very pleased in this bill that we continue our commitment as far as agricultural research. This really is the future for agriculture. It is the basic research we need, especially in my district where we are challenged by so many environmental concerns today, with some of the hog lots and those types of situations.

The bill also continues to fund marketing export promotion programs that are absolutely critical. We talk about having free and open trade. While that is the case, and we would like to get to that point, we are not there yet, so we do need the Federal Government involved as far as having a way of competing in the marketplace around the world.

I am very pleased too that this bill includes funding for the President's food safety initiative, the meat and poultry inspection, and enforcement of the FDA tobacco regulations aimed at reducing youth smoking. It also continues the bipartisan effort to support the WIC Program and holds the line on Federal spending.

I think everyone should understand in the small portion of this agriculture appropriations bill that actually goes to farmers, we are at a level of about 20 percent of where we were 10 years ago in support for agriculture directly. I would challenge any other agency in this Government to take those kinds of severe cuts and still have an industry out there that prospers and grows.

We have finally unleashed the power of agriculture in America with the farm bill. This bill supports that. This is the right direction to go, maintaining the safety net through individuals taking responsibility for themselves. And I am just very, very pleased that after 60 years of Government controls in agriculture, we have finally freed up what is going to be the most dynamic part of this whole economy, and that is the American agriculture machine.

Ms. KAPTUR. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Hawaii [Mrs. MINK.]

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member, the gentlewoman from Ohio [Ms. KAPTUR], for yielding me this time. I would like to rise initially to give my strong support to H.R. 2160 and to commend the gentleman from New Mexico [Mr. SKEEN], the chairman of the subcommittee, and members of the Committee on Appropriations for not yielding to the many demands and requests to amend the farm bill that we struggled so hard a year ago to enact.

I also rise to take the time during general debate to remind the House that, notwithstanding the popular view of Hawaii as a tourist mecca of the country and the world, that it is in my district that the bulk of the agricultural economy of my State is sustained. Therefore, we have a very strong support and reliance upon a strong farm bill, and I rise to reiterate the struggles that we had a year ago.

Specifically, on the sugar debate, which we anticipate once again will come during the amendment stages, I received a communication today, which I know I cannot insert in the RECORD at this point, but I would like to read from portions of it. It came from the American Sugar Alliance and is addressed to Members of Congress. It is signed in particular by a large number of organizations, but I wanted to cite one in particular, Gay & Robinson, of Hawaii, who is a sugar producer on the Island of Kauai, whose future will be intimately affected by the outcome of the debate on sugar, if there should be one.

Sugar cane and sugar beet growers, this letter says, in 17 States, went to their bankers last year to get financing, which they were able to achieve because of the passage of a 7-year farm bill. In the middle of all of this effort, we are now being threatened with the possibility of this program coming to a halt.

The sugar producers pay back their loans with interest, and that is why it is so unfair for people who attack this program to suggest that we have a subsidy and that we are costing the taxpayers money. In point of fact, we are producing about $40 million each year.

The giant food manufacturers are the ones that are attacking this program because they want to see foreign subsidized sugar dumped into our markets in order for them to increase their profits. So I hope that in the course of the debate on the amendments that we will rely on what we did last year and not break faith with the farmers of America.

Mr. SKEEN. Mr. Chairman, I yield myself 1 minute, and I would like to respond to the gentlewoman from Hawaii and thank her for getting the road fixed out to the research station in Hawaii for the fruit fly project.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, it was because of the gentleman's energetic intervention on that matter that we were able to resolve it. So I wish to thank the gentleman for raising this issue to my attention.

Mr. SKEEN. Mr. Chairman, reclaiming my time, thanks to the gentlewoman, my back healed up from that rough road.

Mr. Chairman I yield 5 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to engage the chairman of the subcommittee and the gentlewoman from Idaho in a colloquy. I am very concerned about the administration's proposed American Heritage Rivers Initiative.

First, this initiative, originally announced by President Clinton in his State of the Union Address this last January, will threaten property rights if it is implemented. Although the initiative purports to be community led, it is the Federal agencies involved that will dominate the process and could well dictate to property owners how they can use their land.

If this occurs, we could see a severe erosion of the property rights guaranteed to American citizens under the Constitution. A prime example of this would occur in the West, where restricting cattle from streams, their only water supply, would create enormous uncompensated losses for ranchers.

The administration is advancing this initiative without sufficient input from Congress, and this concerns many of us greatly. The American people have not been granted a say about what is going on here. The agencies involved are currently planning to reprogram funds for purposes that were not authorized or appropriated by Congress.

□ 2045

We are all aware that the justification for creation of the program can be found in the words "There is no new money involved." However, the reprogramming of funds to pay for an initiative where the voices of the American people have not been heard is simply not acceptable.

Until Congress has reviewed this initiative and the agencies have provided sufficient budget justification material as well as substantial protections for private property rights, I am proposing that Congress in general, and the Committee on Agriculture Appropriations in particular, withhold any funds for implementation of the American Heritage Rivers Initiative.

I appreciate the work of the chairman on behalf of private property rights, but I remain concerned that there are no concrete protections for property rights. Any assurances that the chairman could provide that no reprogramming requests will be entertained by the committee until all questions have been answered and private property rights have been protected would be greatly appreciated.

Mrs. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH. Mr. Chairman, I appreciate the gentleman from Texas [Mr. SMITH] bringing this matter to the attention of the Members. I, too, have grave concerns about the Clinton administration's American Heritage Rivers Initiative. There are so many things wrong about both the program and the process by which it was brought forth that we simply do not have time to go into the details now. But I wholeheartedly agree with the gentleman from Texas [Mr. SMITH].

Yesterday, the full House Committee on Resources met and held a hearing on this very proposal. It was very interesting, and I learned that this so-called initiative will cost the taxpayers millions and millions of dollars every year, and yet Congress has never authorized nor appropriated funds for the American Heritage Rivers Initiative.

And the last time I checked, we were still the responsible party for authorizing and appropriating money for new programs. But what this does mean is that other programs, such as Bureau of Land Management, Fish and Wildlife Service, Forest Service programs, that already have been authorized and money appropriated for those authorized programs, are being robbed by the American Heritage Rivers Program on line. And this was from testimony by Mrs. McGinty and Secretaries Bruce Babbitt and Dan Glickman.

When we are desperately striving to meet our existing obligations and commitments, when we ask the American people to once again tighten their belts, and when we continue to spend into our grandchildren's money and into their future by engaging in deficit spending, I have to ask if this is the best use of the taxpayers' money.

I think, instead, it is sort of like saying, well, if the peasants do not have bread, let them eat cake. No, this is not a priority to the American people, because it tramples on States' rights. And to this end, I introduced H.R. 1842, a bill to stop this ill-conceived proposal. And I note that the gentleman from Texas [Mr. SMITH] is a cosponsor, and I thank him very much for raising this ill-conceived program to the attention of the Members.

Mr. SKEEN. Mr. Chairman, I yield myself 2 minutes.

The gentleman from Texas [Mr. SMITH] and the gentlewoman from Idaho [Mrs. CHENOWETH] have raised a very important issue. The committee shares their concern; and in its report accompanying the bill, it addresses this issue with respect to the Natural Resources Conservation Service. And in the report, we have directed the agency to enhance its accountability of appropriations.

To underscore how serious this matter is, we have prohibited the agency from using funds to support the American Heritage Rivers Initiative, as well as other similar administration-hatched initiatives, until justification is provided and the programming and reprogramming requests are approved by Congress.

My colleagues can be certain that I have the same concerns as the gentleman from Texas [Mr. SMITH] and others and will not agree to funding this program until we can be completely assured that there are adequate protections for private property rights.

In response to me and as one of the steps in the right direction, the administration has agreed to add the following to the final version of the initiative: "In implementing the American Heritage Rivers Initiative, Federal departments shall act with due regard for protection of private property provided by the fifth amendment to the United States Constitution."

In addition to this, the Council on Environmental Quality has given numerous assurances that they will continue to work with me in clarifying and protecting property rights and agriculture. However, the gentleman from Texas [Mr. SMITH] has my assurance that I have no intention of entertaining any reprogramming requests until outstanding questions and problems with the American Heritage Rivers Initiative have been sufficiently addressed.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I want to just ask the gentleman a question if I might.

Just for clarification purposes, in the report that accompanies our bill, we did direct the administration with the following language: "Funds for these initiatives are not available until justification and reprogram requests are approved."

So I think we put language in the report accompanying the bill to put our subcommittee directly in oversight over what is happening. And I will say to the chairman of our subcommittee, I was hoping our community could get one of these designations. We have several rivers we need help on. But I look forward to working with the gentleman on the language as we move to conference.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. SKEEN. Mr. Chairman, I yield myself 1 minute. The gentlewoman from Ohio [Ms. KAPTUR] is correct. We have begun the process of making this a more responsible piece of legislation. It has already begun, and I assure the gentlewoman that we are going to work together to make sure that this Heritage system is conducted properly and in the right way, with the proper safeguards.

And we would like very much to have her river designated, but our river we are going to have to fight every inch, because water is water in our part of the country, and there is no substitute.

Ms. KAPTUR. Mr. Chairman, I inquire as to the time on both sides.

The CHAIRMAN. The gentlewoman from Ohio [Ms. KAPTUR] has 7½ minutes remaining, and the gentleman from New Mexico [Mr. SKEEN] has 8½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Chairman, I rise in strong support of the American Heritage Rivers Initiative and in sharp contrast to the comments that were made previously by the gentlewoman from Idaho [Mrs. CHENOWETH], my friend and colleague.

As indicated by the gentlewoman from Idaho [Mrs. CHENOWETH] in her comments, the American Heritage Rivers Initiative was a subject of a full hearing yesterday of the Committee on Resources. There is now an extended comment period for public participation.

Today's debate and the legislation introduced by the gentlewoman from Idaho [Mrs. CHENOWETH] amply demonstrates that there will be a full legislative role in this process. There is no new bureaucracy under this program, no new statutory authority given in terms of land use policy to the administration.

The initiative for inclusion in this program is purely local and voluntary. I would suggest to the gentlewoman from Idaho [Mrs. CHENOWETH] that if her community does not wish to participate, I respect that, but that she not block those efforts and those interests locally generated in communities, such as my own, to have 10 rivers nationwide designated for participation in this program.

I represent a community of 70 different municipalities. We are attempting to restore a river; and in that effort, we seek a Federal voluntary partnership.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I rise today in support of H.R. 2160. I thank the gentleman from New Mexico [Mr. SKEEN], the chairman, and the entire committee and subcommittee, which has worked so hard to formulate this bill that should be supported by all Members of the House.

We have worked diligently to make sure that our Nation protects the food we eat, ensures the safety of prescription drugs and medical devices used every day in our homes and local hospitals and we make certain that children who are most in need receive food and care and our neediest school children are provided food during the school year.

This bill maintains agriculture research and foreign market development programs that will enable our farmers to expand trade and access as we transition from farm payments to self-sufficiency. Although important to the Pacific Northwest, the research projects contained in this bill benefit all of America.

I also want to make sure that the body knows that we have been careful to write legislation that considers the taxpayer and the long-term goals of agriculture. We are going to reduce the amount of pesticides used on crops by helping to develop insect resistance plants and develop new methods of disease and pest controls. So the environmental benefits in this bill are enormous, not only to farmers but consumers as well.

I know we will have a good debate tomorrow on the issue of defunding. Certain members of the Farm Service Agency, that was my amendment, and I look forward to that debate, because that debate will be all about accountability. It will require that Government officials acts fairly to all States, all regions of the country, and that they administer programs according to their charge, and that they do so fairly and equitably to all farmers.

We have heard a lot of talk in this body about fairness and expectations of Government agencies to do what they should do under the law. This is a good example and we will have a good chance to debate the whole issue tomorrow about what is fair and what is not and about what consequences there should be to Federal officials who do not do their job.

So I urge all Members to support this bill.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. MCCARTHY of New York. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Of the $141 million provided for the commodity assistance program, I understand that the committee intends $96 million specifically for the commodity supplement food program, CSFP, to ensure that there is no reduction in current caseload. Is this correct?

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Mrs. MCCARTHY of New York. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Yes, the gentlewoman from New York [Mrs. MCCARTHY] is correct.

Mrs. McCARTHY of New York. Reclaiming my time, I thank the gentlewoman; and I want her to know, as a new Member, I did not know anything about agriculture, and now I see it working in my community and feeding our elderly and our children and our women.

Mr. SKEEN. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I rise in support of this bill. It is very important for us to realize what we are doing with American farm policy. Two percent of Americans are farmers, and yet they feed all 100 percent of us, plus many, many other people throughout the globe.

Our farm bill always gets criticized for the research, for the programs, and so forth. And yet within those programs is a very strong delivery system. As convoluted as it may seem, so often it makes sense when the fact that very, very few people in America go to bed hungry, and it makes even more sense when we realize that through the international programs, less go to bed hungry than they would without these programs.

We have had skirmishes. We are going to have skirmishes on peanuts, on sugar, on tobacco, on the market access programs, and on a number of other things. Yet, through it all, we must remember that we are feeding Americans with this bill and, finally, we are doing it at less dollars than we have ever in the past.

Ms. KAPTUR. Mr. Chairman, I yield myself as much time as I may consume, and I would like to inquire of the Chair on time remaining.

The CHAIRMAN. Each side has 5½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. MCINTYRE].

Mr. MCINTYRE. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I would like to ask the gentleman from New Mexico [Mr. SKEEN], the chairman of the Subcommittee on Agriculture Appropriations, if he would engage me in a colloquy.

Mr. Chairman, it is my understanding that the sum of approximately $24 million has been appropriated to the Food and Drug Administration for the purpose of implementing new regulations concerning tobacco sales to minors. In light of the fact this funding represents a $20 million increase over similar funding in the prior fiscal year budget, I would ask the chairman if it is his understanding and the understanding of those on the committee that none of this funding is to be used to monitor or regulate the growing, cultivating, or use of raw tobacco?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. MCINTYRE. I yield to the gentleman from New Mexico.

Mr. SKEEN. The answer to that question is, yes.

Mr. MCINTYRE. Reclaiming my time, furthermore, is it the committee's expectation that this authority should remain exclusively with the U.S. Department of Agriculture?

Mr. SKEEN. If the gentleman will continue to yield, once again, the answer is yes.

Mr. SKEEN. Mr. Chairman, I yield one minute to the gentleman from Nebraska [Mr. BEREUTER].

□ 2100

Mr. BEREUTER. Mr. Chairman, I rise in support of the legislation. I want to commend the chairman and the ranking member for an outstanding job in meeting the Nation's agriculture, agribusiness, rural housing and small community housing and development programs with limited resources. I am particularly appreciative of some assistance for the Midwest Advanced Food Manufacturing Alliance, 12 major leading universities plus corporations; a quarter of a million dollars for a very special and detrimental disease affecting grain sorghum; for drought mitigation research projects; and for various CSRS projects at the University of Nebraska.

Also I want to say to the gentleman, the gentlewoman and also to the former member, Mr. DURBIN, that I think that the loan guarantee programs for housing, like the 502 program and the demonstration for the 538 program, are working well. I appreciate their continued support and again I thank them for the tremendous work.

Mr. Chairman, I include the following letter for the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 9, 1997.

Hon. DOUG BEREUTER,
House of Representatives, Washington, DC.

DEAR DOUG: Earlier you wrote me regarding funding for several Department of Agriculture special research grants.

I am pleased to say that the FY 1998 Agriculture Appropriations Bill reported by the Committee includes $300,000 for the Alliance for Food Protection in Nebraska and Georgia, $200,000 for drought mitigation in Nebraska, $42,000 for the Food Processing Center in Nebraska, $423,000 for the Midwest Advanced Food Manufacturing Alliance, $64,000 for Nonfood Agriculture Products in Nebraska, and $59,000 for Sustainable Agriculture Systems in Nebraska.

I hope we will have not only your vote, but also your personal support when the bill is considered by the House.

Sincerely,

JOE SKEEN,
Chairman, Subcommittee on Agriculture, Rural Development, Food and Drug Administration.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. POSHARD].

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. POSHARD].

The CHAIRMAN. The gentleman from Illinois is recognized for 2 minutes.

Mr. POSHARD. Mr. Chairman, I wish to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, I am particularly concerned with the effect of additional cuts in Farm Service Agency funding on staff positions in my district and across the country.

Can the gentleman describe to me the impact this funding decrease will have on FSA county jobs, in addition to county office closures and the ability of the FSA to adequately serve the needs of our Nation's farmers?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. POSHARD. I yield to the gentleman from New Mexico.

Mr. SKEEN. Let me first assure the gentleman that I have worked closely with the Department of Agriculture in arriving at the current appropriation level. I am satisfied that, although less money will be allocated to the FSA under this bill, the funding level will not result in more office closings than was planned and agreed to by Congress in the Reorganization Act of 1994. The reason we are able to use less funds here is due to erroneous assumptions in the President's budget regarding FSA's nonsalary funding needs as well as a higher than expected staff year reduction by FSA in the months since submission of the President's budget.

Mr. POSHARD. Although I continue to harbor doubts about the effect of these cuts, I will accept the gentleman's response. However, Mr. Chairman, I must also express my serious concerns regarding the effects of the initial cuts to FSA which were included in the 1994 act. The impact of these cuts is ongoing and I believe that the hardships that they have caused in the form of job loss, office closures and the potential for decreased service availability must be addressed and should be limited as effectively as possible in the future.

Mr. SKEEN. I thank the gentleman for sharing his concerns with this body. I will continue to work with him to ensure that any changes within FSA are made equitably and with the serious consideration befitting such an issue.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

The CHAIRMAN. The gentleman from California is recognized for 1½ minutes.

Mr. FARR of California. Mr. Chairman, I rise to thank the distinguished chairman of this incredible committee that has one of the most important jobs in all of Congress because it is so diverse to have to deal with all the issues of agriculture. I rise in support of a very important issue to American specialty crop growers.

As the gentleman knows, for 4 years the Salinas ARS station, located in the heart of the largest vegetable production area in the United States, has been without a research scientist, to the detriment of the lettuce industry.

Does the gentleman agree that the lettuce farmers would be greatly aided by filling this position with a scientist at USDA with expertise in lettuce breeding?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from New Mexico.

Mr. SKEEN. I tell the gentleman from California [Mr. FARR] that, yes, I agree that the lettuce farmers would be greatly aided by the filling of this position.

Mr. FARR of California. I thank the gentleman.

Would the gentleman agree that the research for such a specific crop be conducted in the Salinas Valley?

Mr. SKEEN. Once again in the affirmative, yes, it is important that the research be conducted in the field under real farm conditions for the best achievable and quantifiable results. Research in the field is where farmers will have quickest access to breakthrough technology.

Mr. FARR of California. Mr. Chairman, I appreciate the gentleman's commitment and the commitment of the committee in directing USDA to fill this vacant research position at the Salinas Valley ARS station to ensure that the final bill will include funding for this ARS position to support onsite lettuce research.

Mr. SKEEN. It is my pleasure to assist the gentleman in this endeavor, and I appreciate his commitment to good agricultural research.

Mr. FARR of California. Mr. Chairman, I thank the gentleman, and I look forward to supporting him on this great, important bill.

Mr. SKEEN. I thank the gentleman. We can sure use it.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. BARCIA].

The CHAIRMAN. The gentleman from Michigan is recognized for 1½ minutes.

Mr. BARCIA. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the subcommittee, the gentleman from New Mexico [Mr. SKEEN] to verify the committee's intent with respect to two Agricultural Research Service projects.

Mr. Chairman, the committee has provided an increase of **$500,000** for vomitoxin research, a matter of great importance to many of my wheat growers and millers. With this increase, will ARS be able to subcontract with universities to undertake portions of a broad research plan that I know was brought to the subcommittee's attention by myself and several of my colleagues?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. BARCIA. I yield to the gentleman from New Mexico.

Mr. SKEEN. The gentleman is correct. ARS could use existing authority and these funds to contract with universities to undertake appropriate portions of their proposal.

Mr. BARCIA. I thank the gentleman.

The subcommittee also provided **$727,000** for global climate change research. My understanding is that this funding will allow the Consortium for International Earth Science Information Network to continue the agricultural related work that they already have under way with ARS. Does the gentleman share my understanding?

Mr. SKEEN. Again the gentleman from Michigan is correct. We funded this portion of the request of the Agricultural Research Service.

Mr. BARCIA. I thank the gentleman for his assistance and for his answers and also thank the gentlewoman from Ohio [Ms. KAPTUR], the distinguished ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. STENHOLM], the extremely talented, knowledgeable and experienced ranking member of the authorizing committee.

The CHAIRMAN. The gentleman from Texas is recognized for 1½ minutes.

Mr. STENHOLM. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I join in commending the gentleman from New Mexico [Mr. SKEEN], the chairman of the subcommittee, and the gentlewoman from Ohio [Ms. KAPTUR], the ranking member, for the excellent work that they have done as well as the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee, and the gentleman from Wisconsin [Mr. OBEY] the ranking member.

Working on the agricultural appropriation bill cannot be fun. We have so many needs and so many limited resources that the pressures are great, but they have done a good job and I rise in strong support of H.R. 2160.

I have only one negative remark to say about the work, and that was it has one blemish. The Nethercutt amendment, I think, was unfortunate. It will, as the gentleman from Washington [Mr. NETHERCUTT] mentioned a moment ago, be debated in full tomorrow, and I hope that the full House will join in striking this amendment. It has no place in a bill of the nature of which we are talking about today. But all in all it is a good bill.

The gentleman from New Mexico [Mr. SKEEN] has done a great job again in putting together as best we can to meet the needs of the number one industry in the United States. If one eats, he is involved in agriculture. It is something we have heard our colleagues from the urban areas talk about tonight, coming to realize that food production is extremely important to all of us. The authorizing committee does not have very many problems this year with the appropriators, and that in itself is saying quite a bit here today.

Mr. Chairman, I look forward to the debate tomorrow and helping to defeat many of the amendments that some of our colleagues will be offering which they have every right to do, but I think we have to keep together the basic structure of agriculture as intended under the farm bill and with the intent of the appropriators and the work that they have done. I look forward to supporting them in that endeavor.

Mr. Chairman, H.R. 2160 is an important bill which funds the operations of the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, and the many functions of those agencies. The Department of Agriculture is an important partner to our nation's farmers and ranchers, and with this bill Mr. SKEEN, Ms. KAPTUR, Mr. LIVINGSTON, Mr. OBEY, and the other Members of the Appropriations Committee have recommended a bill that carefully balances program priorities.

Mr. Chairman, agriculture is our Nation's most basic industry. Every day, slightly over 2 million farmers are laboring to produce food to feed a nation of 265 million people and much of the world. In 1996, our nation exported $60 billion worth of agricultural products and our trade balance in agricultural products was a positive $25 billion. The House considers this bill today under a backdrop of both uncertainty and opportunity over the prospects for the business of agriculture. Milk prices are at 5-year lows, wheat prices have fallen by more than half since a little more than a year ago, and corn prices are not much better.

At the same time, government financial support for agriculture is declining under the 1996 farm bill and the income certainty which once came with government programs for major crops no longer exists. Adjustments to these changes in conditions are occurring at a rapid pace as farm numbers shrink and concentration in agriculture grows.

Mr. Chairman, the economic upheavals that pose such a serious challenge to our farm families are closely paralleled by general conditions in the rural economy. As farming resources become concentrated into fewer hands, we also see a comparable trend in the rural industries closely associated with farming and rural life. Farm product processing facilities, rural retailers, and providers of financial services have become fewer and larger. In many instances, those towns which traditionally served as trade centers are being bypassed. The subsequent challenges to the leaders of those communities are truly profound.

Our Nation's important focus on the quality of our natural environment is one that is shared by our nation's farmers. The 1996 farm bill made important changes in programs meant to assist farmers and coordinate efforts to promote environmental health. Our policies work best when priorities set in Washington are closely coordinated with the natural interest the farmer and rancher have in promoting the health and productivity of the soil and the safety of our food supply.

Mr. Chairman, these trends in farm and rural economies pose significant challenges to the rural communities of our Nation and to those of us who serve them. H.R. 2160 will provide the Agriculture Department with the resources it needs to address the challenges facing rural America. Under the bill, funding is provided for cooperative efforts in agricultural research—the key to sustained economic viability for agriculture. It provides funding for the administration of the basic farm programs established under the farm bill. It provides funding for the delivery of federal crop insurance. It provides funds for the conservation programs which are an increasingly important focus of the mission of USDA. The bill also funds important programs that will help rural communities address the substantial economic challenges they face.

I am concerned about the impact the funding level provided will have on Natural Resources Conservation Service [NRCS] as well as the restrictions that the bill places on the amount of funds that can be transferred for technical assistance work.

According to the Department of Agriculture, the impact of the level of funding that was provided for NRCS salaries and expenses in the committee-passed bill would result in cutting NRCS employment by 500 staff years—over and above the personnel reductions that will occur from the absorption of projected pay increases, inflation, and retirement costs that this bill requires of all agencies within the Department.

It is my understanding the Senate's Agriculture Appropriations Subcommittee recommends a higher level of funding for conservation operations than H.R. 2160. It is my hope the conference agreement will yield a level sufficient to ensure that NRCS is able to carry out vital mandated conservation activities.

With regard to the NRCS funding situation, Committee on Agriculture needs to deal with what I believe was an unintended consequence of language included in the 1996 farm bill. Section 161 of that bill to the extent it imposes a limitation on transfers for activities under the Commodity Credit Corporation Charger Act proven to have detrimental effects on the ability to provide adequate reimbursement for NRCS activities such as the agency's role in the Conservation Reserve Program sign-ups.

Mr. Chairman, I raise these issues because I am concerned about the fact that in terms of real dollars we are spending less today on conservation activities on private land than we did back in 1937. In constant dollars, we invested 6 percent of the 1937 Federal budget for USDA conservation programs. Spending on USDA conservation programs in 1996 was 0.17 percent.

By contrast, the appropriation for the Farm Services Agency [FSA] salaries and expenses represents a level of funding sufficient to run the Agency at the Administration's proposed 1998 level of staffing. The FSA work force has been reduced by more than 500 staff years in fiscal year 1997 since the President's budget was submitted. This reduction in personnel, along with lower nonsalary budget needs, means that FSA requires $44 million less funding in 1998 than the administration's February request, and will mean staffyears can be reduced by 1,000 instead of the 2,000 staffyear reduction included in the President's budget.

Mr. Chairman, I have a very real concern about language that was included in the Committee report regarding NRCS's implementation of the Environmental Quality Incentives Program [EQIP], specifically the allocation formula that was used to determine each State's share of EQIP funds.

The report indicates that EQIP funds were distributed based on historical allocations for programs which are no longer authorized. However, section 334 of the 1996 farm bill states that the purposes of EQIP are to "combine into a single program the functions" of the agricultural conservation program, the Great Plains conservation program, the water quality incentives program and the Colorado River Basin Salinity Control Program.

While these individual programs are no longer authorized, the intent of the Agriculture Committee and the conferees was very clear in last year's farm bill, in that this new program was intended to carry out the same types of practices as the repealed programs. The Department is expected to do this in a way that maximizes the environmental benefits per dollar expended, as well as take into account regional priority areas and the significance of the environmental problems being addressed.

Mr. Chairman, I believe combining the cost-share programs in the farm bill was a bold step which should prove to be beneficial in the long term. However, I am concerned that because of the limited amount of resources available and the great number of pressing needs throughout the country, we may have a situation where some types of activities may no longer be considered important, even though they may have legitimate conservation benefits.

Mr. Chairman, we should not tie the administration's hands in terms of the flexibility needed to respond to arising needs. Obviously, if the program does not meet expections, we can legislate changes. However, we should preserve a certain degree of administrative flexibility as well.

I believe that some lesser-known conservation programs that have been carried out over the years have yielded this country a great deal of benefit, and I want to ensure that this continues to be the case.

In my district, dairy farmers are striving mightily to comply with environmental requirements. We must do all we can to ensure that areas with specific needs have access to the programs and funding needed to meet particular, legitimate conservation and environmental activities.

Mr. Chairman, this is a good bill overall but it does have one significant blemish. The Appropriations Committee adopted an amendment designed to eliminate the jobs of the Administrator and Deputy Administrator for Farm Programs of the Farm Services Agency. As I understand it, the amendment stemmed from the dissatisfaction of its sponsor with a policy decision related to the Conservation Reserve Program. Frankly, by the trivial approach taken by my colleagues on the committee. This provision is particularly unworthy in light of the important and profound work accomplished by this legislation in so many other areas.

Mr. Chairman, I intend to offer an amendment to strike this provision from the bill, and I hope my colleagues will join with me to acknowledge that there are better ways to respond to adverse administrative decisions than to eliminate the jobs of Department officials.

Finally, Mr. Chairman, it appears that once again we will use the annual agriculture appropriations process to debate the merits of several farm bill programs. While the House has the ability to address these issues—and did so during debate on the farm bill—through the normal legislative process, we will again rehash these debates today.

Mr. Chairman, our colleagues continue to challenge farm programs in spite of the evidence of their success. Ours is the best-fed nation in the world. Our food is delivered to us in return for a lower percentage of disposable income than any other industrial nation in the world. Nonetheless, Mr. Chairman, we will hear today the sad story of how our Nation's's family farms are somehow managing to take advantage of the enormous candy-manufacturing conglomerates.

Mr. Chairman, I hope my colleagues will pay careful attention and will acknowledge the many reforms made to our program in the 1996 farm bill, and stand against these amendments which, if adopted, would greatly diminish the standing of an otherwise excellent piece of legislation.

Mr. Chairman, I thank my colleague for the time, and I again wish to commend the Committee on Appropriations and its leadership for the excellent work they have done on this important bill.

Mr. FAZIO of California. Mr. Chairman, I rise in support of H.R. 2160, the Agriculture appropriations bill for fiscal year 1998.

First, I need to thank my chairman, JOE SKEEN, and the ranking Democrat, MARCY KAPTUR, for their work and assistance this year. This is my first full year on the subcommittee, and I have enjoyed participating in our budget oversight hearings and offering a much-needed California perspective.

The work of our subcommittee was nearly doubled this spring because of our consideration of the supplemental appropriations bill. I want to commend JOE SKEEN in particular for his inclusive manner during those proceedings—he included JIM WALSH and me in his deliberations on the agriculture components of that bill because we were conferees on the bill representing other subcommittees, and that spirit is evident throughout this bill as well.

H.R. 2160 is not a perfect bill. In fact, it continues an alarming trend in providing the absolute minimum resources to USDA to run the Farm Service Agency, the Natural Resources

Conservation Service, and the rural development agencies and other important agencies in order to fund some other significant initiatives.

For example, we have done a good job in proposing increases for the President's initiatives in the area of food safety and youth tobacco prevention, as well as increasing resources for competitive research and for the operations of the Food and Drug Administration. We've increased WIC although not as much as the administration requested. We have also funded the administrative costs of crop insurance—a new responsibility handed to us by the 1996 farm bill.

However, those increases have come at the expense of many of the Department of Agriculture's normal operations, where we have actually reduced salaries and expenses for many agencies. Over time, this can only have a detrimental effect for the services that many of our farmers and others expect from USDA.

We also had some contentious debate in the full committee and some unfortunate party line votes on some less consequential matters. I was particularly disappointed in one amendment adopted in the committee that added report language recommending that up to $4.75 million be made available for a building at Auburn University.

Actually, I support a limited amount of funding in this account. My highest priority has been the final Federal funding component for an important integrated pest management research facility at the University of California at Davis.

A new pest is introduced into California every 60 days, and it is imperative that we have the up-to-date facilities to develop effective methods to deal with them. This facility will support and accelerate research needed for environmentally compatible pest management strategies.

Institutions who benefit from these funds—such as the University of California at Davis—are required to provide a specific and verifiable cost-share. So this program represents a real commitment by State governments and the Federal Government to developing the successful agriculture strategies of the future.

I understand the desire by the committee to phase out and halt this funding over time. However, I believe we have a responsibility to States that have put up hard matching dollars in good faith and whose projects are within a reasonable range of funding for completion. Since the bill lacks funding in this account, I was disappointed that the committee voted along partisan lines to single out the building at Auburn for special consideration.

Despite some of these reservations, I support the bill and I think JOE SKEEN and MARCY KAPTUR have done a good job under demanding circumstances.

I have particular praise for several items of importance to California agriculture and to my district.

First, the bill has fully funded the President's proposed food safety initiative—or, I should say, comes within $200,000 of fully funding the President's initiative. We include funds for the Food and Drug Administration to improve surveillance, upgrade research and inspections, and perform increased risk assessments. We also provide funds for the Food Safety and Inspection Service to increase related surveillance and inspections. In addition, the food safety initiative increases related research in both the Agricultural Research Service and the Cooperative State Research Education and Extension Service.

This is a promising initiative, and it is an area of increasing importance to the health concerns of American consumers. I am very happy to have had a part in pushing this initiative forward, and I commend our chairman and other members of our committee for ensuring that it is funded in a year when our agriculture budget is under considerable stress.

Second, the bill provides funds mandated by the Agriculture Committee for the Market Access Program [MAP].

I anticipate that this program will come under attack again this year by an amendment seeking to eliminate it.

But there is probably no more important tool for export promotion than MAP. In California, where specialty crop agriculture is the rule, export promotion is extremely important.

Agriculture exports climbed to $59.8 billion in fiscal year 1996—up some $19 billion or close to 50 percent since 1990. In an average week this past year, U.S. producers, processors and exporters shipped more than $1.1 billion worth of food and farm products to foreign markets, compared with about $775 million per week at the start of this decade.

The overall export gains raised the fiscal year 1996 agricultural trade surplus to a new record of $27.4 billion. In the most recent comparisons among 11 major industries, agriculture ranked No. 1 as the leading positive contributor to the U.S. merchandise trade balance.

As domestic farm supports are reduced, export markets become even more critical for the economic well-being of our farmers and rural communities, as well as suburban and urban areas that depend upon the employment generated from increased trade.

Agriculture exports strengthen farm income.

Agriculture exports provide jobs for nearly a million Americans.

Agriculture exports generate nearly $100 billion in related economic activity.

Agriculture exports produce a positive trade balance of nearly $30 billion.

MAP is critical to U.S. agriculture's ability to develop, maintain and expand export markets in the new post-GATT environment, and MAP is a proven success.

In California, MAP has been tremendously successful in helping promote exports of California citrus, raisins, walnuts, prunes, almonds, peaches and other specialty crops.

We have to remember that an increase in agriculture exports means jobs: a 10 percent increase in agricultural exports creates over 13,000 new jobs in agriculture and related industries like manufacturing, processing, marketing and distribution.

For every $1 we invest in MAP, we reap a $16 return in additional agriculture exports. In short, the Market Promotion Program is a program that performs for American taxpayers.

Third, the committee has continued to provide the greatest possible funding for research stations of the Agricultural Research Service, and through the special grants and competitive grants in the Cooperative State Research Education and Extension Service.

I am particularly grateful that funds have been provided in support of our nutrition research centers. These centers will play an important role in the food safety research that will be a vital part of the food safety initiative. Funds have also been provided to begin the move of the Western Human Nutrition Research Center to the campus of the University of California at Davis. I believe its location there, along with one of the preeminent nutrition programs in the nation as well as our ag and medical schools, will provide the synergy necessary to make important research strides in the years to come.

There are other research areas of importance to California, including alternatives to the use of methyl bromide, PM–10 particulate air quality research, sustainable agriculture practices, and alternatives to rice straw burning. Certainly our future success in agriculture, especially market-oriented agriculture as envisioned by the 1996 farm bill, will require an on-going commitment to research if we are to maintain the U.S. lead.

In summary, this is a fair bill given the many needs and many issues within the committee's jurisdiction. I commend Chairman JOE SKEEN and Ranking Member MARCY KAPTUR for their leadership in support of American agriculture, and I urge my colleagues to support H.R. 2160, the Agriculture appropriations bill for fiscal year 1998.

The CHAIRMAN. All time for general debate has expired.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TAX RELIEF FOR MIDDLE CLASS FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk to my colleagues tonight about taxes. I think it is very, very important to understand why the working middle class families of America need tax relief. Here is a chart that I hope everyone can see that shows in the 1950's the average American family, of average income, paid about 6 percent Federal income tax. In 1994, it was 23 percent Federal tax burden. Today, the Federal tax burden, 1995, is 39 percent. As my colleagues can see, the working middle class families are paying higher taxes than ever before in history.

We need tax relief. Because the less taxes people pay, the less taxes families pay, the more time they can spend with each other. One of the key benefits of that is so that moms and dads can spend time with their children and impart information and help raise them.

□ 2115

Now what does our tax relief bill do? Our tax relief bill gives 76 percent of the tax relief to middle-income families making between 20 and $75,000. That is this big chunk right here. That is who is getting the tax relief. That is who needs tax relief. I think that we should get over class envy, but it is very important to point out that most of the tax relief, 76 percent, goes to people earning or families earning between 20 and $75,000.

Now over a 10-year period of time, if you look at the tax relief, you can see that 90 percent of the tax relief goes to family and education or families for educational purposes. Seventy-five billion dollars in tax relief for educational uses over a 10-year period, and $150 billion over 10 years for the $500 per child tax credit; that is a huge tax reduction, and it all goes for the right purposes.

Now we got a big debate going on that you may hear about, about the tax bill, and that is why I invite Members of Congress and members of the public to look this up on the Internet. Find out what the family tax relief plan could mean to your family.

I am going to say what the Internet number is. It is http://hillsource.house.gov, and there is also a Senate page that you can get too, but today you can look up on the web page exactly what this tax relief bill could mean to you for your $500 per child tax credit, HOPE scholarship, for your children to enter an education, your IRA dream savings account expansion.

There is a lot to it, and I would urge members of the public to look it up on the Internet.

And, Mr. Speaker, I will be happy to yield to my friend from Pennsylvania.

Mr. FOX of Pennsylvania. I understand the gentleman yields.

Mr. KINGSTON. Yes.

Mr. FOX of Pennsylvania. Mr. Speaker, I think the fact is that this has widespread support among the public and also Congress. Was this not the agreement that the President has made with Congress to move forward with this family tax plan?

Mr. KINGSTON. Yes, and it is very interesting that the gentleman will point out that the President is working with the Republican Party on a bipartisan basis to give this middle class tax relief.

There are Members, liberal extremists, on one fringe element of his party who is against tax relief for the middle class, but for the most part this is a bipartisan middle class tax relief bill.

I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Not only will it help seniors with the estate tax assistance and also helps with the capital gains tax to grow jobs and the economy, but the education tax credits will help families send students to college.

I know my own district, 108,000 families will benefit from the $500 per child tax credit.

So this is an idea whose time has arrived.

Mr. KINGSTON. Absolutely, and I know in my First District that I represent of Georgia it will give tax relief, we figure, to about 300,000 people in the coastal Georgia area alone.

But you know the more money you have as a wage earner, the more money you have in your pocket, because we as a confiscatory government take less of it, that means you are going to spend more. You are going to buy more shoes, more shirts, more records, you are going to go out to eat more. When you do, businesses will expand because of the demand. When they expand, they create more jobs. When they create more jobs, more people are working, more people are paying taxes, fewer people are on welfare, and cutting taxes, therefore, is very consistent with the goal of deficit reduction.

Mr. FOX of Pennsylvania. You are absolutely right.

REPUBLICANS ON THE SIDE OF THE WEALTHY WHILE DEMOCRATS ARE FIGHTING FOR MIDDLE-CLASS FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, yesterday Speaker Gingrich stood in the well of this House and he invited, as my colleagues just did, the American people to visit the House Republican web site, calculate their estimated tax savings under the Republican plan. So I thought let us see how the average working taxpaying mother with two kids would fare under the Republican plan.

So I entered in an income of approximately $25,000. I received an error message saying that they could not calculate her savings. Perhaps that is because this family would get a big fat zero, no tax break at all under the Republican tax plan.

Then I entered in the data for someone making $1 million a year, half of that in capital gains. The Republican calculator had no problem figuring out their tax break, $40,000.

That is right, a millionaire gets $40,000 back, and the average working taxpaying mother gets nothing, gets zero.

The Washington Post editorial this morning hit it right on the nose, and I quote: "The Republicans have written a tax bill tilted heavily toward the better off."

If anything, this was an understatement. The Post labels their editorial, and I quote again, "Tax Trash," which perfectly describes the Republican tax bill. In fact, there are so many bad things in this bill it is hard to know where to begin.

But let me tell you the story of three young people which drives home the point of how unfair this Republican tax proposal really is.

Today I received a visit from three students: Anthony Dugdale, Scott Saul and Lori Brooks. They are all graduate students at Yale University in my hometown of New Haven. These young people took the train all night from Connecticut for the express purpose of protesting the fact that in this bill the Republicans actually raised taxes on graduate students in this country, and they brought with them the signatures of 600 other graduate students protesting this provision in the Republican tax plan.

These students are rightly outraged that Republicans are planning to reward their hard work as research assistants and teaching assistants by raising their taxes on the grants and the tuition waivers that they receive. These young people, if you heard them speak today, are committed to education, they are committed to working in their community, they are committed to a teaching profession. Under the present tax program a student receiving a $10,000 cash stipend for being a teaching assistant and a $20,000 tuition waiver would only be taxed on a stipend. If the student pays 15 percent of his or her stipend in taxes, $8,500 remains for living expenses. Under the Republican plan, the stipend and tuition waiver will be taxed; that has not happened in the past, leaving the student with only $5500 to live on. This is a $3,000 or a 35 percent cut in the student's net income.

Mr. Speaker, these are youngsters from working middle class families trying to make their way and to be able to get a higher education. Calling waivers and grants financial incentives, which is what the Republicans are calling these waivers, this equates these young people with what they are getting in terms of a higher education tax relief with company cars and other perks given to the top corporate executives in this country. In reality, taxing grants and tuition waivers will penalize America's future educators and public servants.

I will tell you that these young people and their families are being squeezed in order that my Republican colleagues can provide a tax break to the richest corporations in this country, the Exxons, the Boeings. They would repeal the alternative minimum tax. That is the rate at which the richest corporations pay taxes in this country. They will repeal their tax obligation or scale it back, therefore providing up to $22 billion in a tax break, and they would, in fact, raise the taxes on graduate students in this country.

Mr. Speaker, it is unfair, and it is wrong, and it should be defeated.

Mr. Speaker, I include for the RECORD the Post editorial.

TAX TRASH

The Republicans have written a tax bill tilted heavily toward the better-off. The Democrats, led by the president, have rightly called them on it. No matter that in agreeing to the budget deal earlier this year, they were paving the way for what they now deplore; they have the Republicans on the defensive.

The Republicans in turn have adopted a new technique. Rather than argue as they might have done in the past about the virtues of the bill, they engage in distortion. It used to be otherwise on taxes. The question of who would benefit from a bill—who would be the first-order beneficiaries—would be left to the professionals. They would put together so-called distribution tables according to fairly well-accepted principles. Then the politicians would argue about the fairness of the bill, or lack of it, from an established base. Defenders of a bill such as this might say it was necessary to encourage savings and investment and thereby stimulate economic growth, or that it would have the useful effect of limiting governmental growth in that if the government had fewer revenues it would be less disposed to spend. Or they might make the political argument, faint echoes of which are still heard, that those who were charging unfairness were indulging in the somehow seamy politics of envy and class warfare.

All fair enough, but now the argument is in a different place. The people who wrote this bill aren't defending its distributional consequences; they're denying them. The plain facts are that the bill over time would not just mainly benefit the better-off but would cost the government revenues it can't afford; the bill is carefully written in such a way as to make the revenue loss look small at first. Then it soars. It's not just the Treasury (and thereby the administration) that says so, using accepted methods and conventions of analysis. The Congressional Research Service and the vast majority of other analysts do so as well. Congress's Joint Committee on Taxation says otherwise. The JCT was once the great redoubt of integrity in such matters. It has been converted into a political parrot.

Everyone understands that this is a backloaded bill. Its short-term effects are not reflective of its likely long-term consequences. It will take 10 years or more for its main provisions to begin to have their full effect. The JCT staff nonetheless persists, at the behest of its masters, in putting out five-year estimates whose principal function is to distort that effect. It violates its own proud tradition in doing so. It uses illusory accounting to make the capital gains and other tax cuts in the bill appear for a time to be tax increases.

There is always some gamesmanship surrounding tax bills. Inflated claims are made. One side will tell you that the entire economic future depends on passing a certain provision, and the other will tell you that the same future depends on defeating it. But there used to be a basis of trust underlying the debate as well. You could be confident that at a certain level you were being told the truth about the consequences of a bill. In their trashing of the estimating process in order to justify a tax policy that doesn't deserve to survive, the Republicans have destroyed that trust. That may be the worst consequence of this legislation, which already was awful enough.

EUROPE SHOULD NOT MEDDLE IN THE INTERNAL AFFAIRS OF U.S. BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the objection of the European Union to the merger of the McDonnell Douglas and the Boeing Co. is unreasonable and will not be tolerated. These two wholly owned American companies intend to merge early next month. The review reputedly conducted by the European Commission was, in fact, controlled by Airbus Industries and its member nations. The decision by the EC is threatening the U.S.-European relationship. If it continues, it will have damaging effects now and into the future.

The stand of the European Union is unacceptable for several reasons. First, the parties involved are both wholly owned United States companies with a global customer base. Second, the objections raised by the European Union regarding the abandonment of exclusive contracts awarded to Boeing is inappropriate. Airbus Industries was an eligible competitor for each of the three contracts and was not awarded them based on the decisions by the specific companies. Airbus never objected to carrier requests to make contracts exclusive in return for reduced prices until they lost out in the contract. In fact, even the European Commission objected only after the agreements were concluded.

It is inappropriate to risk United States jobs because the free market worked its will. In fact, the initial long-term contract from U.S. Airways was awarded to Airbus; that is, the initial long term contract was awarded to Airbus prior to these agreements. That is right, Airbus created the very ideas of exclusive contracts.

The proposal by the European Union to require Boeing to divest of their interest in McDonnell Douglas commercial aircraft is unacceptable as well. The United States Federal Trade Commission conducted a thorough review of the proposed merger and concluded that McDonnell Douglas is no longer able to sell enough commercial aircraft to raise significant concerns about the loss of its competition. Last year McDonnell Douglas was responsible for only 4 percent of the global commercial airplane business.

The divestiture by Boeing of the McDonnell Douglas commercial aircraft business would have severe ramifications worldwide. First it threatens Americans' jobs that are tied into the continued support of McDonnell Douglas aircraft by the Boeing Co. Further, McDonnell Douglas' commercial aviation division cannot maintain itself as an independent company, and previous efforts to sell the commercial aviation division have been unsuccessful. Therefore, any divestiture would threaten the safety of McDonnell Douglas commercial aircraft already in service if the commercial division was to close.

The last thing this Congress should support is the divestiture of McDonnell Douglas' commercial aircraft because it would result in the loss of over 15,000 American jobs, that is 15,000 American jobs.

Mr. Speaker, it is vital to the health of the United States to downsize through mergers the military industrial base as we celebrate the end of the cold war period and adjust military budgets accordingly. Because of the large defense business that will be conducted by the Boeing Co., any action by the European Community is an infringement on the sovereign rights of the United States to provide for U.S. national security.

Mr. Speaker, over 80 percent of Americans agree with me that Europe should have no say in the internal dealings of two American companies. I urge every Member to contact my office and sign on to a letter to the European Union clearly stating Congress' belief that Europe should not meddle in the internal affairs of U.S. businesses. Europe should have no say in American markets' decisions that ultimately cost American jobs and American sovereignty.

☐ 2130

BOTH DEMOCRATS AND REPUBLICANS WANT TO HELP PEOPLE, AND VOTING FOR LESS GOVERNMENT IS FREQUENTLY THE BEST WAY TO ACHIEVE THAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, it is totally false to say that one party cares more about the environment or children or senior citizens than the other party. I do not understand why we have to constantly attack each other or question each other's motives to express our views.

Neither party has a monopoly on virtue. Neither party has cornered the market on compassion. I know I am going to state some things that should be obvious but that are often questioned around here.

Republicans love children just as much as Democrats do. Republicans want a clean environment just as much as Democrats do. Republicans have just as much compassion and sympathy for the disabled and senior citizens as Democrats do. Republicans support education just as strongly as Democrats do, and vice versa. I repeat, no one has cornered the market on compassion. No one has a monopoly on virtue.

We do have differences of opinion. We have different philosophies and beliefs about the best ways to help people. But all of us, both Democrat and Republican, want to help people. We all want to make this Nation a better place in which to live.

Republicans believe that big government hurts children by taking so much money away from parents and spending it instead on bureaucrats, fat cat government contractors, and administrative costs. Republicans have looked all over the world and have seen that big government benefits the few, the elite, those who work for or have connections with the government. Republicans believe government means a minute, elite class and a huge underclass, and that conversely, a small government means a huge middle class.

Look at the former Soviet Union, where the leaders of the Communist Party had their limousines and dachas by the sea and special stores in which to shop, while almost everybody else led a starvation existence. Look at the United States in 1950 where the average person paid 2 to 4 percent in taxes to the Federal Government and another 2 to 4 percent to State and local governments. We had a huge middle class and a much smaller difference between the rich and the poor. Now almost 50 years later, Government has exploded and the average person pays almost half of his or her income in taxes when we count taxes of all types, Federal, State, and local.

What has happened? Many middle-income people are finding it harder and harder to keep ahead. Personal bankruptcies hit an alltime record of 1.1 million last year. The gap between the rich and the poor is growing wider and wider.

Also, where many mothers formerly had their choice of staying home with their children if they wished, today, with half of the average family's income going in various forms of taxes, one spouse has to work to support the Government while the other spouse works to support the family.

My point, Mr. Speaker, is simply this: Sometimes the best way to help children and families is not through another Government program which has a good apple-pie-and-motherhood title but which really helps only a few bureaucrats and Government contractors.

The Job Corps is a prime example. Today we spend $25,000 per Job Corps student. This would shock most of these students, because almost all of this money is going to bureaucrats and contractors. We could take each Job Corps student and give them a $1,300 allowance and send them even to an expensive private school and still save money. This is how ridiculously expensive this and many other Federal programs have become.

My time is limited, Mr. Speaker, but let me mention the environment. The worst pollution in the world has occurred in the Socialist and Communist countries. Big government is bad for the environment. Only in a free market system can we generate the funds necessary to do the good things for the environment that all of us, both Democrat and Republican, want done. Also, people take better care of their own property than they do someone else's. Private property is not only good for the environment, it is essential.

John Stossel of ABC News had a special on television a couple of years ago in which he pointed out that to clean our air to the almost impossible standard demanded by some groups would cost so much that it could throw millions of people into poverty. He presented a study which showed that we might add one day to the life of the average person by getting tougher on clean air, but that poverty decreases lifespans by 7½ years.

Is it compassionate, Mr. Speaker, to vote for some bill because it does some microscopic good for the environment if in the process it destroys millions of jobs, drives up prices, and hurts the poor and working people? Is it compassionate to go overboard on the environment if it throws possibly millions into poverty?

Finally, Mr. Speaker, all I am saying is this: that both parties want to help people and make this Nation better. Sometimes we do that by voting for government programs. Today, with our huge out-of-control Federal Government, more frequently we help people by voting for less government.

AMERICA NEEDS A BALANCED APPROACH TO FIGHTING JUVENILE CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to discuss the issue of juvenile justice in this country. Everyone knows that juvenile justice and juvenile crime is a growing concern in this country. But with the majority party, it seems that they cannot make up their mind on how they want to approach this issue.

Yesterday, in a bipartisan approach, we suspended the rules and we passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act, sponsored by the gentleman from Virginia [Mr. SCOTT], the gentleman from California [Mr. MARTINEZ], and the gentleman from California [Mr. RIGGS]. The bill reauthorized the Office of Juvenile Justice and Delinquency Prevention, and made several changes to that office to refocus the Federal effort to prevent juvenile crime before it occurs.

The bill contained four core requirements which States must comply with: deinstitutionalization of status offenders, separating juveniles from adults in prison, limiting the time that juveniles spend in adult facilities, and addressing efforts to reduce disproportionate minority confinement.

It is a solid bill, and I was proud to support the bill. The bill further emphasized prevention and intervention through local initiatives, through local programs and projects which will address concerns in the local community, not something mandated by the Federal Government. It is our hope that these programs will discourage dropouts from high schools, reduce school violence, and prevent suspensions and expulsions.

However, the bill failed to identify and appropriate money for this Federal effort to prevent juvenile crime. Yet earlier this year the majority party on basically a very partisan vote did appropriate $1.5 billion over the next 3 years in a juvenile justice bill that was named H.R. 3, which takes an entirely different approach to juvenile crime and juvenile offenders.

H.R. 3 that was passed in May rewards States that implement the most harsh new mandates against juvenile offenders. States would be required to adopt a controversial mandate that many children as young as 15 would be tried as adults. It requires automatic transfer of 14-year-old children to adult court, and prohibits judicial review of these juvenile transfers. It would reward these States with $1.5 billion to punish kids and to treat them as adults, something that ensures that more 15-year-old children will end up housed with convicted adult criminals and convicted adult felons, greatly increasing the chances of rape, abuse, and suicide in our prison system, and increasing their chances of committing violent crime sooner upon release.

Mr. Speaker, having been a law enforcement officer, and we have dealt with many law enforcement officers throughout this debate on juvenile justice in the last few months, prosecutors, judges, teachers, counselors, and parents all agree that there is another, better approach, a better way to prevent kids from even becoming criminals in the first place. Intervention and early prevention programs in schools and communities and recreation centers have proven to be the most effective way to prevent juveniles from getting involved in illicit behavior.

In communities that employ prevention programs, the juvenile crime rates have fallen. Since an aggressive prevention program went into effect in Boston, not a single juvenile murder has occurred there since July 1995. It is a system that works. Let the local communities decide, give them the flexibility to do their job, and we should seek to encourage the development of these prevention programs in every community across America.

In fact, the alternative bill to H.R. 3, the Democrat bill I sponsored is exactly the approach it takes. As the other body prepares to consider the juvenile justice bill and is currently working on it at this time, I urge them to look at the facts. When it comes to dealing with children, you get tough on crime by preventing criminal behavior, not by trying to lock up every juvenile offender.

On May 8, I offered, along with the majority of Democrats, a substitute to H.R. 3 which stated that over 60 percent of the funding should go to communities for their local prevention programs. Two hundred Members of this House voted for this substitute, rejecting H.R. 3, the majority party's punishment-only approach. We need a balanced approach to fighting juvenile crime. We need a bill that is tough and is smart.

Mr. Speaker, I just happened to receive in my office today this week's Time magazine. If Members look at the Time magazine this week, this debate that I just mentioned is highlighted in Time magazine starting on page 26, Teen Crime. "Congress wants to crack down on juvenile offenders. That is H.R. 3, the majority party approach. But is throwing teens into adult courts with adult prisoners the best approach?"

As we go through it they cite the Boston case that we as Democrats relied on, and how to start a cease-fire to reduce juvenile crime to make people safe and secure in their communities and their homes.

Then, unfortunately they show what a tragedy happened in Michigan here in the past few weeks. The bottom line of these three articles was basically there is an approach for juvenile offenders. There is a smart choice and a substitute for H.R. 3 that is the best way to go.

IN SUPPORT OF THE HOUSE VERSION OF TAX RELIEF, MEDICARE IMPROVEMENTS, AND MEDICARE CONSUMER PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address a few issues with my colleagues; first, the tax cuts that have been discussed earlier this evening by the gentleman from Georgia [Mr. KINGSTON].

I think it is good to point out that in the charts that he showed, it was interesting to note that 75 percent of the tax cuts would go to families with incomes of $75,000 or less, and that every family would have a chance to be able to use one tax cut or the other, whether it is child tax credits, estate tax relief, education tax credits, and capital gains tax cuts, of course, to help create new jobs and savings. The last time we had such success was with the Kennedy and Reagan administrations.

Tonight, I also wanted to talk about how the House is on the move in the right direction on Medicare, and how we need to stop, therefore, the proposal within the Senate in the conference committee. The Senate has talked about raising Medicare's age from 65 to 67, to increase patient's copay for home care to $5 per visit, and to means-test Medicare.

From the perspective of the House, we want to make sure in the conference committee that the House version prevails, Mr. Speaker, because that will make sure that seniors who have paid into the system will, in fact, get the benefit of knowing at 65 they will have a Medicare that in fact will be a cost-effective program for them.

Currently many seniors, Mr. Speaker, who retire early, either voluntarily or forced, are uninsured. These seniors, while eligible for COBRA, often find themselves with a gap between the time COBRA ends and Medicare begins. By increasing the Medicare eligibility age, we can assure an increase in the number of uninsured seniors.

It also should be noted that the Medicare proposal from the House which is so positive includes voluntary choices for seniors with Medicare plus. It also provides for traditional fee-for-service Medicare, provider-sponsored organizations. It also includes medical savings accounts and preferred provider organizations.

The most important part of the new Medicare proposal, Mr. Speaker, has preventive services, a new package of health care benefits for our seniors. It includes, among other things, annual mammography screening, annual Pap smears, annual prostate cancer screening, colorectal cancer screening, diabetes self-management, annual vaccine outreach for pneumonia, and influenza. The bill includes these essential items to give seniors increased health care coverage when they need it most, before they become ill.

It also includes some very logical, tough, antifraud and abuse efforts. It is amazing for people to hear about this, but there is $30 billion a year in fraud, waste, and abuse in Medicare. If we can make sure that gets back to seniors from their health care, we will go a long way to making sure that Medicare is solvent not only for the next 10 years but beyond that, Mr. Speaker. That is a very important feature.

We can also reduce the paperwork costs of Medicare. Traditionally it has been about 12 percent. With electronic billing we can reduce that to 2 percent.

But some of the most important provisions of the bill make sure that we have consumer protection. The bill contains in the House Medicare version a wide-ranging series of changes of design to modernize Medicare's 30-year-old payment and health care delivery system. Primary among them are the new consumer protection. The modernization program requires that all Medicare Plus programs make medically necessary care available 7 days a week, 24 hours a day, and 365 days a year. It also makes sure that Medicare Plus plans have grievance and appeal mechanisms in place to protect beneficiary rights.

So I am very hopeful that the conference committee, they have received letters from a bipartisan group of House Members that have gone to the Speaker of the House, the gentleman from Georgia, Mr. NEWT GINGRICH, and they are going as well to the minority leader, the gentleman from Missouri, Mr. GEPHARDT, to the majority leader, Mr. LOTT, in the Senate, and as well to the minority leader in the Senate, Mr. DASCHLE.

□ 2145

We believe that the House version is a positive one for seniors, the one that should pass. We know in fact that it is best because it will make sure that we do not have means testing. We stop the co-pay increase for home health care and we make sure that the Medicare age is not raised from 65 to 67. So all seniors in America will be protected.

THE REPUBLICAN TAX PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes as the designee of the majority leader.

Mr. HULSHOF. Mr. Speaker, this week there is much discussion, there is much speculation about the negotiations that are ongoing between the President and congressional leaders in the House and Senate. Hanging in the balance, Mr. Speaker, are the prospects of a bipartisan balanced budget plan. Hanging in the balance are the prospects of staving off the impending bankruptcy for Medicare, our health care system for senior citizens. And hanging in the balance through these negotiations are the prospects for permanent tax relief for men and women all across this country, essentially whether or not we want to let moms and dads across this great land keep more of what they earn.

With the recent debate, Mr. Speaker, about tax relief centering more and more around detailed numbers and percentages and Treasury Department calculations, perhaps I should say Treasury Department miscalculations, it is easy to lose sight of what our tax relief package is all about, what it means to working families who have not had tax relief in nearly two decades.

I know that I am but a single voice crying out on behalf of hard-working men and women across this country, but I hope to include the pleas and the statements of those who came to Capitol Hill. Some working mothers in fact who came to Capitol Hill this month who quickly reminded us, gave us a reality check that tax relief is more than just abstract numbers. It is about take-home pay. It is about purchasing power. It is about freedom to make choices in raising a family.

For example, it is about Debra from Dale City, VA. Debra is the divorced mother of a 17-year-old, an 11-year-old and a 10-year-old. Keeping more of her money means being able to help her three children reach their dreams. The dream of Debra's college-bound daughter is to attend college and become a doctor. For Debra's middle daughter, she aspires to be a teacher. And although Debra is determined to help bring her daughters' dreams to fulfillment, it is not going to be an easy task.

Mr. Speaker, the House-passed version of the Taxpayer Relief Act a couple of weeks ago will make things a little bit easier for Debra and for her family. With the child and the education tax credits, for instance, Debra will get to keep more of what she earns, making it easier to send her kids to college and to fulfill their dreams. In fact, just with the child tax credit, the Republican version of the child tax credit, in calendar year 1998 Debra will get to keep $800 more of her own money next year and $1,000 more in the following years. She can save for her kids' education, putting money way in a dream savings account.

Our House plan also allows Debra to participate in education initiatives like the education credit for college deduction which helps defray the expenses, the out-of-pocket expenses for Debra's college age or college bound kids for tuition, for books and for fees.

That is what this tax relief is about. It is not about numbers; it is about real people. It is about Don and Carnetta from my home town of Columbia. Don and Carnetta are both in their senior years. Don recently retired from a career at Wal-Mart. Part of the compensation package that Don had during his career at Wal-Mart was that he was given shares of Wal-Mart stock as incentive to build for his pension, to put his nest egg away for he and Carnetta. He fervently hopes, anxiously is awaiting whether or not the President will sign our tax package into law because what it means to 2 million seniors that are in the 15-percent income tax bracket across this country is a capital gains cut from the 28-percent margin all the way down to 10 percent, if the President would enact and sign into law this much-needed relief effort. It is not about numbers. It is about people.

I happened to receive a letter in the last 2 weeks that I want to paraphrase just a bit, Mr. Speaker, if I can. It says, "Dear Mr. Hulshof, I am a star-ranked scout in Troop 50. I will be a 7th grader at St. Peter's in Fulton, MO. I am 12 years old. I am in favor of the tax cut," says Michael, "because if taxes are cut, people will have more money. When they have more money, they spend or invest more. Then if they spend more," Michael writes, "more needs to be produced. This increased demand means more people are needed to produce and then employment goes up. Increased employment means people are working more and paying more taxes which increases revenue to the Government, which means fewer people collect entitlements from the government resulting in less expense to Government."

Michael goes on to write, keep in mind, Mr. Speaker, Michael is a 7th grader, 12 years old at St. Peter's in Fulton, MO. Michael says, "Every time I hear the Democrats or certain members of the press talk about tax cuts, they say, how will the Government pay for the tax cut? But they never ask how the employed taxpayers are going to pay for the tax increases. Thank you for all the hard work you do. Thanks for considering my input." Signed, Michael.

Well, Mr. Speaker, I think sometimes suffer ye unto the little children and out of the mouths of babes sometimes come pretty poignant points. I think Michael has somehow grasped something that we here in Washington from time to time forget. It is not our money. It is the American people's money. We are not giving it back to them. We are letting people keep it in the first place.

For instance, in my congressional district, in the 9th Congressional District of Missouri, if the President will sign into law the Republican-passed tax relief package, the child credit alone, there are 84,000 children in the 9th Congressional District of Missouri whose parents will qualify for the $500 per child tax credit. What that means is nearly $39 million get to stay in the 9th District of Missouri and do not have to be collected by the Government and sent here to Washington where oftentimes we spend it very unwisely. This is just one way that this tax relief package will help all Americans. It is not about numbers. It is about people.

I see my friend and colleague from Missouri, from the 7th Congressional District of Missouri, is in the well of the House.

Mr. Speaker, I yield to the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding to me.

I saw that same report, I think it was from the Heritage Foundation, about children in our districts. I was amazed that in the 7th District in southwest Missouri, the southwest corner of Missouri, 74,533 children, by that moment's count, and there are probably a few more children than that now that will benefit, would benefit, 74,533, over $34 million in one year alone will go back into our economy because of just the $500 per child tax credit. That does not count the other tax benefits in our economy and our district.

We do not understand, I think, how this process works as well as Michael, who you were referring to from St. Peter's at Fulton, a 7th grader who already understands that taking this money off of tax rolls may not reduce taxes because things happen in the economy when you let people keep their money. We constantly want to talk here in the Congress about giving people money, giving them a tax break. What we are really just doing is we are deciding not to take as much of their money. It is their money. They work for it.

We have an obligation as Members of Congress to do all we can to keep the money that working families have in their family checking account, in their family savings account, in their savings account for college, in their savings account to buy a home or buy a new car. We have an obligation to manage their money like they have to manage their money, where every penny has to count.

I think with this kind of new responsibility of leaving money with families, we are understanding again that they can spend their money on their behalf better than we can. Forty-one million children will benefit from the tax cut, the $500-per-child tax credit that the House has sent over to the Senate, 41 million children.

One of the things we did in our tax bill that I am particularly proud of is we expanded the children that would benefit. In the original package that came down from the President, you only got that tax credit until kids were 12. My children are beyond the range of this tax credit right now. They are 26 and 24 and 21. I do not recall that they got a whole lot less expensive when they moved from 12 to 13. In fact it might have been just the opposite. And we are covering millions more children than was originally proposed. Millions of families will benefit that would not have benefited otherwise.

Children born this year, between now and the time of their 18th birthday their family would have a $10,309 tax benefit to go toward college, to go toward expenses while they are growing up, $10,309 per child. You have got three kids in your family, that is $31,000 which you have over the life of those children between the time they are born and the time that they are 18, that you otherwise would not have, $31,000.

We heard earlier this evening here on the House floor about people who would get a benefit from this tax break. The tax break we have sent for the mother with a daughter who is 14, a son who is 16, she gets $1,000, who is working, she gets a $1,000 tax break. That is almost $100 a month. Under the President's proposal we want to remember that that mother may possibly, that single mother with the 14-year-old and the 16-year-old and all kinds of expenses and all kinds of life stress got no break because those kids were over 12. And so this is a significant thing for American families.

The first tax cut in 16 years. How great that the first tax cut in 16 years would have such a focus on families. We have a lot of ways in our country to say families either are not important or they are important. And in our welfare policies and our tax policies we really can take some massive steps to say again to Americans, young Americans and Americans who already have families, that this Government and this country value families.

We think families are important, and that is why the family tax credit for kids up to their 18th birthday and then help for college beyond that is such a focal point of what we are doing here. I want to say to the gentleman, I think this focus on families is such an incredibly important focus, this first tax break in 16 years. We are going to do better than that. If we did not do better than that, this would be the last tax break, based on our history, for that child born this year who is going to save $10,000 in money they send to the Government by the time they are 18. If we go back to the last 16 years of history, they would not have any other tax relief but this.

We are going to be looking I think in the future for what we can do to help families in greater ways, but a cornerstone of this Republican tax package that we got Democrats in the House voting for, too, so it is really a bipartisan tax package that we have sent to the Senate, the cornerstone is a cornerstone that says families matter and we are not going to take money from families because we know families can spend their money better than the Government can spend money on their behalf.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's comments. The fact is that even way back in the early part of this Congress, the first couple months as the negotiations were just beginning, as they were trying to hammer out this budget proposal, to establish the parameters of the balanced budget agreement, the numbers we were provided, an $85 billion net tax cut, a $125 billion gross tax relief over 5 years, with that amount of money then we were required in our committee on the Committee on Ways and Means then to fashion some sort of tax relief. This child credit is an income tax credit.

I know there has been a lot of discussion about whether or not we should expand this income tax credit, that is a credit for those families that pay Federal income taxes, whether or not we should expand that income tax credit to other families who pay no income taxes. I know the gentleman from South Dakota who joins us has been very outspoken on this point.

Mr. Speaker, I yield to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman from Missouri. I would simply say that in the context of this debate this evening, that this is in basketball what you would think of as the great three point play. It is historic. It is exciting. It is a win-win for everybody.

When you look at what is happening, for the first time in 30 years we are balancing the country's budget. For the first time in 16 years we are bringing tax relief to working men and women in America. And for the next 10 years we are restoring and saving the Medicare system, an important program on which many people in this country rely. Leave it to the liberals, leave it to liberals to try and rain on the parade.

□ 2200

But this is historic, and the people of this country should be jumping up and down for what we have accomplished here in the last few weeks and that we are in the midst of trying to bring to finality in the next couple of weeks. It is good for South Dakota, it is for America, and the folks the gentleman represents in Missouri.

And when we look at all the things being said on the other side of the aisle, they have been hacking away again at the old same stilted and stale class warfare argument that has been drug out time and time again to create this perception of a bunch of haves and have-nots. But that is not what this is about. This debate is about improving the quality of life for all Americans.

Now, it has to be an honest debate, and the problem we are running into I think in this Chamber, as I have listened to the debate since this subject got underway, is that we are not having an honest debate because some people are using different numbers, phony bookkeeping.

We have heard a lot of claims about what the Treasury says about income, and our friend from Colorado, who is here, is going to I think point out very quickly here how we can find out if we are rich. But the Treasury has been suggesting that this is skewed towards people in the upper income levels because they have used a calculation of income which is very clearly phony.

I want to point out how they get at that, because the Treasury Department says there are 21.2 million families in America who make more than $75,000. Now that is double, double the number that the census department uses. They have doubled the number. The reason is they add in all kinds of things, like pension funds, even unreported income.

They assume that there are dishonest people out there who are not reporting income. So when they factor in their calculation for income, they include unreported income.

But the biggest winner of all is imputed rental income. Think about this. For those of us who live in houses, the last time that I talked to somebody when they paid their rent, they thought of it as an expense, not as income. The Treasury Department is suggesting that people who own a home, if they rented it out, would have income from that, and so they factor that in as part of their income.

Now, what that tells me is if we want to be really, really rich, we should just keep buying a bigger house and the Treasury will impute more and more income to us.

So they are using this false calculation on income to skew these numbers and to skew this debate and to create the discussion of haves and the have-nots and class warfare. I think that is counterproductive to where we need to go in terms of the policy in this country.

Mr. HULSHOF. Mr. Speaker, reclaiming my time for a second on that point. I find it somewhat ironic that the administration, through this debate and through these negotiations, this conference to balance the budget, to save Medicare and provide tax relief, they will accept the Census Bureau's numbers of adjusted gross income when it comes to the child credit, that is for phasing out the child credit for the upper income families. They will also accept the Census Bureau's numbers when it comes to those individuals that are seeking a modest reduction in capital gains. They are willing to accept and embrace that number, that very bottom line number when it comes to who is unable to qualify. But then when it comes to this distribution table, and when they start to skew the results with who is benefiting from this tax package as a whole, then suddenly they push away the adjusted gross income, the 1040 number that the gentleman and I fill out on our tax forms, and suddenly go to this family economic income model.

Mr. THUNE. The gentleman is exactly right. It is a classic case of people trying to use the numbers to get the result that they want to get. When it is convenient for them, they will use the census numbers, yes.

The point simply is when we hear this debate, and the American people who are listening to this debate about tax relief, it is important for them to know that this sort of shenanigan is going on and that this phony bookkeeping, this funky accounting system being used by the Treasury Department is totally unfair in terms of its characterization of people in this country and how the tax relief is distributed. I think that that is a point that needs to be made over and over and over again.

But I would simply say this evening that we are moving in the right direction. We are winning this debate. And my colleagues who are on the floor today, most of them came here like I did, because we were interested in things like balancing the budget, lowering taxes and making government smaller, and saving Medicare. Look at how far we have moved this administration.

The reason the President's approval ratings are where they are today is because he is operating on our agenda. The things he is doing, talking about balancing the budget and lowering taxes, are things that we believe in and are values that we share.

I think it does come down to a basic fundamental value that all of us here in the Chamber tonight share, and that is this, that we believe that individuals are in a better position to make decisions about their future when given the freedom and the opportunity to do so than is the government.

We believe as a fundamental premise as well that bigger is not necessarily better when it comes to government. We want a government that is responsive and effective, and we also want to make sure the people in this country who work hard get to keep more of what they earn.

South Dakota is filled with a lot of hard-working people. We have a lot of farmers, small business people. And as I travel, and I put on 2,200 miles in South Dakota over the 4th of July recess driving across my State, I never once heard somebody say this is about the rich and the poor, this is a class warfare argument that is trying to be used by their side. Their questions are very simple. They are, are we going to pass estate tax relief so we can keep the family farm; are we going to pass estate tax relief so we can keep the small business in the family? Are we going to do something in the area of capital gains for people who are in the farming business and small businesses, the people who comprise the rich heritage that is my State of South Dakota?

Those are the kinds of things that they are interested in, and those are the kinds of things that we are interested in trying to achieve for them so that we can encourage the very best in our society; things like self-sufficiency and independence and family and thrift and hard work.

We have a work ethic in South Dakota. People understand when they work hard they will see the fruits of their investment, and they do not want the heavy hands of government interfering and taking that away from them. So this debate is really about who do we want to control our future; do we want that control in the hands of individuals and families and people in their living rooms and on Main Street making their decisions about their family farms, or do we want the government to do it?

That, on a fundamental level, is what we are talking about in this debate, and that is why I believe we are winning the debate because what we are saying is resonating with the American people.

Mr. HULSHOF. I appreciate the gentleman's comments. And before we leave the part of the discussion about how the administration, specifically the U.S. Treasury, calculates one's income to determine whether one is well off or not, I see my friend from Colorado is here. There is some chart next to him, and I would be happy to yield to the gentleman from Colorado, [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding to me.

This chart on my right is one I have used on the floor here on a number of occasions. I usually use it in a way that pokes fun at this whole notion of the Treasury Department inflating the actual income of the American family so that our tax cuts for middle-class families somehow appear to be tax cuts for the rich.

That is the claim that the Democrats frequently make here on the floor. It is the claim we see coming out of the White House. So I made this chart really to show the absurdity, I think, of this family economic income definition that they use. And I made this look like one of those cheesy get-rich-quick ads, or get-rich-quick schemes. And it simply says that we can learn the amazing secrets of the White House and get rich quick if we call the Treasury Department now, and the number, and this really is the Treasury Department's phone number, 202–622–0120. And I tell folks that operators are standing by.

Well, the reason I ask people to do this is because when I tell people back home how the Treasury Department has manipulated the numbers to make a $45,000 a year family, a family earning $45,000 a year all of a sudden become rich, in the rich category, people do not believe it. I walk them through the numbers and I ask them to call this number to find out how the Federal Government, the Democrats, the liberals here in Washington, believe that an average family gets rich quick overnight only when we talk about tax relief here on the floor of the House.

The gentleman from South Dakota mentioned the biggest way they do this, and let me just kind of walk everybody through this for a moment.

If we take an average family making, let us say, for example, $45,000 a year, this is their gross income. This is before they take out all of their payroll taxes and other sorts of deductions that they have on their paycheck. And they add to this something called imputed rent, that the gentleman from South Dakota mentioned.

Now, imputed rent is not anything that we receive. It is not cash we have. It is not really income tax. What imputed rent is is the rent that an individual could receive if they moved out of their house and rented their home to someone else.

Now, the Treasury Department really did not consider where an individual might live, whether in a tent, in the park, or whether they would move into the Treasury Department offices. I do not know where they would go, but they assume that the rent that the individuals could earn on their homes is part of their income.

So we can see for a family of $45,000 that imputed rent can be as high as $12,000 a year annually added to their rent. So we can see how we are taking an average family, that really is the object of our tax relief package, and slowly moving them up over the $75,000, $76,000, $77,000 range, because in addition to imputed rent, the Treasury Department also adds things like the benefits that an individual may receive at work; $600 for the parking space that they may have in the parking lot outside of their office building is also added to imputed rent.

They include several other things. They assume, as the gentleman from South Dakota mentioned, that we are just simply not reporting all of our income; that as Americans we somehow lie every year when we report our income to the Federal Government and comply with the tax law. So they just throw in a few thousand dollars to the family economic income to further bump the income up for the purposes of this debate here on the floor.

They also add the income that a child might earn in a summer job or the job that they may have after school. They figure that that has some kind of value to the average family. So they throw that in.

There are several other things. The anticipated income that an individual may receive on capital gains. Not for the capital gains that an individual achieves in one year, but for those assets that they might have and sell some year off in the future. They bring that to today and throw that into the family economic income.

This is how they bump the family income up so that they say the average American family is in fact rich. And since the average American family are the beneficiaries of our tax package, that is how they make the wild claim that our tax relief package is tax cuts for the rich.

Well, this is a bunch of baloney over here, this chart to the right. But I do urge people to call the Treasury Department at 202-622-0120 and ask them for the rundown on this calculation. It is called family economic income. That is the dirty little secret of the Democrats here in Washington. And I urge Americans to find out all about it and ask how it might apply to them.

I would point out that the fact of the matter is that American families have been overtaxed for too long. Back in 1950, this was the tax bite out of the American family budget. Six percent of our family budgets went to taxes in 1950. This is when my parents were starting out and trying to make a go of it as a brand-new family.

Well, over here on the right we can see that in 1994, the Federal tax burden on the family budget was 23 percent. Now, that is just the Federal burden. We also pay State taxes and we pay local taxes and all sorts of other taxes that go along with that. In 1995, the total tax burden was 39 percent. Almost 40 percent of a family's annual budget is confiscated in taxes of one sort or another.

This is what we really care about here in Washington as a Republican Party, and it is the object of our tax plan, and this is what we are trying to address. We are trying to get back to the days of 1950, when the tax burden was much, much less, much, much friendlier, and much more oriented toward liberty and freedom in our great country.

Mr. HULSHOF. If the gentleman would leave that chart up, the one entitled "Family Tax Burden." I had a question at one time during a radio town hall meeting regarding tax relief and was taking a variety of calls. I mentioned that the average family in America today pays more in taxes than they do for food and for clothing and for shelter combined. And the gentleman on the phone asked me how is it that I could make this claim. And as the gentleman mentioned, the total tax burden is nearly 40 percent, 40 cents out of every dollar goes to the government.

Think about a typical day. When we wake up in the morning and grab our first cup of coffee, we pay the sales tax; when we drive to work, we pay a gas tax; when we get to work, we pay an income tax; when we flip on a light, we pay an electricity tax; when we flush the toilet, we pay a water tax; if we have cable TV, we pay a cable tax; if we drive home and we happen to have one of these homes the gentleman was talking about with imputed rent, we pay property tax. As the gentleman from South Dakota mentioned, when we die, the government is there taking up to 55 percent of the family farm or family business in death taxes.

Now, that is how it is that clearly we are paying much more in taxes than we should. The problem is not that we do not tax enough. The fact is that we here in Washington spend too much, and we are trying not to give back, but letting people keep more of their money.

Mr. BLUNT. If the gentleman would yield before we get away from the whole topic of how we calculate wealth in Washington. This is not the first time we have done this this way.

☐ 2215

The first time was 1993, when supposedly the biggest tax increase in the history of the country was only a tax increase on the very wealthy. Working Americans all over the country found out suddenly how wealthy they were when this massive tax increase hit them, hit their paychecks, this wealth that the gentleman from Colorado [Mr. BOB SCHAFFER] has talked about.

I call it stealth wealth because it is so stealthy they do not even know they got it. It is out there somewhere and they do not know it is there, they do not know they have that money to spend, but suddenly they become very rich Americans. And, in fact, if we look at the Treasury Department calculations, the kind of calculations that were used in 1993, if we look at those calculations, more than 50 percent of the people who have a school teacher in the family or an auto mechanic in the family or a construction worker in the family are among the very wealthy.

Now, if we want, if we will accept that as our definition, we very well may be having a tax increase for the wealthy if the wealthy includes school teachers and auto mechanics and construction workers. Not only this imputed value of their home, but if they have got a health care benefit, any benefit that they have got that their employer gives them, the capital gains calculated back over the time that they might average those out over 20 years.

I got to tell my colleagues, that does not help their budget much if they are the janitor at school and they mess around with a rental house every Saturday of their life to try to hold their money together, and suddenly someone says really this rental house some day is going to be worth, they paid $30,000 for it, 20 years from now with inflation it is probably worth $60,000. We need to take that $60,000 and divide it back up over these 20 years, and really they have got another $3,000 or so a year of wealth right there that they do not know anything about. All they know is that they are under that house on the coldest day of the winter trying to thaw out the water pipe.

And those are people that pay capital gains tax, another element of this tax. This is not stealth wealth for them. It is trying to hold the money together in an economy that has had too much inflation. It is trying to make something for their children that they did not have for themselves.

Forty percent of the capital gains taxes in America are made by families who have a total family income of less than $50,000. Now under the Treasury Department calculations they may have a total family income of $80,000. I do not know. But all they know is their checks add up, before the taxes are taken out, to $50,000. Those are the families that pay 40 percent of the capital gains taxes. They have absolutely no mechanism to avoid it. They do not have expensive accountants or lawyers. This is a tax break for them, as well.

The taxes that we talk about are taxes that really give a break to work and productivity and families. And what should we be encouraging in America? Work, productivity and families. And we ought to be at least talking about the right numbers. We ought to be talking about numbers that when we ask our neighbors, or maybe not our neighbors, maybe our son, maybe somebody that would tell us what they are making, probably should be willing to talk about that when we say, "What do you make?" they tell us that that is the number that we would look at in Washington.

Instead we come up with some number that nobody in their wildest mind would believe, and then we say and that means that this is a tax break for the wealthy because they are a school teacher and they are married to an auto mechanic or they are an auto mechanic and they are married to a construction worker, and they are now one of the wealthy Americans according to the way we calculate in Washington.

They do not calculate income that way anywhere else in America, maybe not anywhere else in the world. And we are trying to fool the hard-working people of America into believing that everybody else who works beside them at the job is rich. Because they know they are not rich. This stealth wealth issue is an issue we have to deal with. But if we only would deal with numbers that Americans have confidence in, they would have more confidence in the Congress.

Mr. THUNE. If the gentleman would yield, that is a wonderful point, and he did I think an excellent job in elaborating on why people are so confused about this argument. I think it is totally unfair to the people of this country, most of whom are going to benefit from this, to try and confuse the issue.

What happens is the other side is losing. And, so, in being crushed, in losing, they are dragging out the class warfare thing again. It is not fair when we start talking about the types of things that we have alluded to, and the gentleman from Colorado [Mr. BOB SCHAFFER] and his numbers. If my colleagues want to find out all those things and what they are, call the Treasury Department.

But we cannot have an honest debate on this issue unless we are dealing with the same set of numbers. And we are not doing that, and it is not fair to the people of this country.

One other point I would like to make before we leave this subject, because again the way this is being pitted, it is playing this tax relief for the wealthy type thing, which is an absolute misnomer. We just talked about some statistics earlier this evening with respect to family tax credit.

The people in this country who are eligible for it, and by the way, there are 136,000 kids in the State of South Dakota who are eligible and will qualify for the family tax credit, the families who qualified, are eligible, there will be 1.9 million, almost 2 million taxpayers in this country will have their income tax liability entirely wiped out simply because of the family tax credit.

These are hard-working people on the lower end of the income scale who are paying income taxes today, who because of the family tax credit are going to have their tax liability wiped out, almost 2 million people in this country. That is what we are talking about here. We are talking about helping people who are working hard, trying to make a living, people like in my State of South Dakota when I think, given the opportunity to understand the arguments that are being made here and understand clearly the types of numbers that are being used and the way that they are being inflated by the Treasury Department, when people understand what the issues are, they are hugely in favor of what we are doing. They are on our side.

We are on the right track and moving in the right direction. And hopefully, again, we have the opportunity and in future years will be able to come back again and say, "We want you to keep even more of what you earned," because Washington, DC does not make very good decisions when it comes to spending money, and it is proven by the way they calculate income.

In this country, and only in a country where we have $5½ trillion in debt, and we are talking about different degrees, can we double someone's income just like that out of thin air; and that is what is happening.

I yield back.

Mr. HULSHOF. If the gentleman would yield, because I think there is also a lot of misinformation being distributed, originating from right here in the well of this House, about the $500 per child income tax credit and whether or not that income tax credit should be applied to those individuals in our country who are working that receive an earned income credit but that pay no income tax liability.

If we could take just a minute to explain the difference, because this is exceedingly important and I think the issues are being framed up, even as we speak, among the conferees. This is an extremely important debate.

The income tax credit, as my colleagues know, was first enacted back in 1975; and the purpose of the earned income credit was to provide public assistance in the form of an income supplement to low-income workers, something that the Republican side has continued to support.

In fact, the earned income credit I think has been modified and expanded. Back in 1993, the earned income credit was expanded even more. It has been indexed to inflation. We cannot get capital assets or estates indexed to inflation, but we indexed the earned income credit for low-income working families to inflation to make sure that their pay checks would keep pace with the rate of inflation.

So we got nearly 19 million Americans that have qualified and will qualify for the earned income credit, almost $28 billion in public assistance going to individuals that will not have to pay Federal income taxes. In fact, I think the gentleman pointed out a couple weeks ago when we were discussing this issue, 20 percent of the earned income costs actually are a refund of income tax that are paid by low-income people, but 80 percent of the $28 billion, 80 percent is in the form of supplemental public assistance that goes to working low income families. Eighty percent is a cash assistance program in excess of Federal taxes paid.

Now the other side talks about, well, what about the payroll taxes and what about taxes going to social security and to Medicare? And the fact is, when each of us at all ends of the income spectrum are working and paying payroll tax, that is for a future benefit. We are investing in social security, we are investing in Medicare that we are hoping to save for future generations.

So the fact is that we have to decide, within the very narrow parameters that we were given by the White House and congressional leaders, where are we going to target our tax relief? And right now we are trying to focus our tax relief on middle-income families with kids that are trying to make ends meet, that this tax burden, as the gentleman from Colorado, Mr. BOB SCHAFFER, mentioned, that are sending nearly 40 cents out of every dollar here to Washington. Those are the people that we are trying to aim and rifleshot this tax relief to.

Mr. KINGSTON. If the gentleman would yield, I know we were talking about this earlier, and I wanted to give an example of a woman, say Susan, she makes $20,000 a year. She has a 14-year-old and a 16-year-old.

Now under the Republican plan she would be getting $1,000 tax credit for those children. Under the Clinton plan she would get zero. But who would get the money instead is somebody who is not paying income taxes. And that person who is not paying income taxes may be already receiving public housing assistance, free health care for the kids, Medicaid, food stamps for the family, WIC for the children, supplemental security income, possibly the earned income tax credit, public assistance/welfare benefits, worth anywhere from $10 to $18 an hour. In addition to all those public assistance benefits, under the Clinton liberal Democrat plan they would get another $1,000 check because of having two children or children under 12 years old. And it is not punitive to say let us give the income tax credit to those who earn income, rather than let us just make it one more welfare benefit.

It was interesting, in the Washington Times today, it did say on the front page, Clinton admits that it is an expansion of welfare. So I think my colleague raised a good point. This tax relief proposal, the intent of it is not to expand welfare. The intent of it is to give tax relief to middle-income Americans.

Mr. HULSHOF. If the gentleman would yield, one additional point, and I think it is dead on with what the gentleman says.

One of the subcommittees that I serve on is the Subcommittee on Oversight of the Committee on Ways and Means, and we recently had testimony from the IRS, the Internal Revenue Service, about the earned income credit. Unfortunately, the earned income credit is rife with fraud and waste and abuse.

In fact, the IRS even estimates that the rate of fraud and error was over 20 percent. Essentially, out of every $5 then in the earned income credit that IRS that the Federal Government was giving to these families, $1 out of every $5 should not have been paid out because this error rate is so extremely high due to in some instances to fraudulent reporting but some instances just error in reporting.

The question I have is, given this high level of fraud and error rate found by the IRS, is it wise at this point to expand, to seek an expansion of this earned income practice until we can at least get a handle on or solution to the fraud and the waste and abuse in this program?

I yield to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. We had this discussion on the floor before, as my colleagues know, and I think that the point that my colleague made earlier, 80 percent of that $28 billion is going out not in the form of a credit against taxes that are currently being paid but as a government check. The question that we are faced with, I think, in terms of this debate is whether or not we want to add to that government check $500 per child.

Now we talked a lot about statistics in this whole debate, and I would again mention that 75 plus, 76 percent of the tax relief in this proposal goes to people who are, families who are making less than $75,000. Now just by comparison, the taxes that are currently being paid in America today, 37 percent of the tax burden, the taxes being paid, are being paid by people making less than $75,000, and yet we are giving 76 percent of the tax relief to that group of people.

This is very targeted toward hardworking men and women, middle-class Americans in this country, and families. Sixty-three percent of the tax burden in America, according to IRS figures, is paid by people who are making more than $75,000, and yet, under our proposal, they would get somewhere in the neighborhood of 24 percent of the tax relief.

□ 2230

We look at who is paying the taxes today, who gets the relief and I think again we are faced with this question as to whether or not it makes sense, fiscal sense, to the taxpayers of this country for people who are already receiving 80 percent of the $28 billion in earned income credit going as a payment to people who are not currently paying income taxes. Do we add on to that payment $500 per child?

I think what we have said in our plan is that we want to apply the tax relief to people who are paying income taxes, and particularly given what the gentleman has just mentioned about the amount of fraud in the EITC. The earned income tax credit program is a program that is seriously in need of reform. I think it would be in our best interests and in the taxpayers' best interests to reform that program before we ever look at adding a $500-per-child tax credit.

Mr. BOB SCHAFFER of Colorado. This really defines the classic debate that we see here in Washington or the classic differences, I should say, between Democrats and Republicans, or liberals and conservatives.

It is the difference between the entitlement mentality that the Democrats fight for every day here, which if one is a Democrat makes perfect sense to them, versus our model of encouraging honest hard work, which if one is a conservative or a Republican, that of course makes sense to us. Because on one hand what the Clinton administration is proposing is within that entitlement mentality, that entitlement framework, where we just send cash. The cash actually comes to Washington and it is redistributed by politicians here in Washington. We take from some families, we take that cash and give it to the charity of the government's choice, which in this case would be the individuals who would qualify under the Clinton entitlement tax credit. Again, contrasting that with our model which suggests that the harder you work, the more you contribute to our economy, the more you are willing to try to work hard to strive for self-sufficiency and provide for your family, the more we want to encourage you. We want to help that. We want to take less away from you. We want to take less cash out of your family budget and allow you to keep it, not just so you can spend it on things, but also so you can be charitable.

This is the point that I think is frequently missed here. President Kennedy and President Reagan and many Presidents before that have shown us very directly that when you in fact reduce the tax burden on American families, charitable giving continues to climb. In fact, under the Reagan administration, charitable giving reached an all-time high. It was not until we undid the Reagan tax cuts under the Bush administration, and even taxed families more under the Clinton administration, that we saw charitable contributions begin to decline. These dollars, allowing families to keep more of their cash, to keep that cash within their family budget for their own discretion under their own judgment, to put toward their children, their schools, their communities, their churches, their synagogues, the charities of their choice is far better, I believe, and we all believe, than the liberal Democrat model of the entitlement mentality which suggests that everyone should send their cash to Washington and politicians here will spend it on the charity of the government's choice.

Mr. BLUNT. I have got a chart here that follows up on what the gentleman from South Dakota [Mr. THUNE] was saying and the gentleman from Colorado, Mr. BOB SCHAFFER, was talking about that shows exactly where these tax cuts are distributed. This is your income on this side. Under $20,000, almost 5 percent of the tax breaks are for those taxpayers. Between 20,000 and $75,000, almost 72 percent. Over 76 percent of the tax breaks are for people that make less than $75,000. We believe that to be a real add-your-paycheck-up figure, add your check stub up and see what you are making.

When families think about that, where I am from, $75,000 is still quite a bit of money. But if somebody in your family is making $2,000 a month and somebody else is making $41,000 a year, you are at $65,000 in your family income. This is a family income. This is your total family income. Seventy-six percent of the tax benefits here are for people who make less than $75,000, 5 percent are for people who make less than $20,000. These are real numbers. These numbers count.

As the gentleman from South Dakota [Mr. THUNE] has pointed out, the tax breaks are very much in disproportion in terms of the taxes being paid today, but they are in proportion to what the Members of this Congress think ought to happen right now to make American families work.

The gentleman from Missouri [Mr. HULSHOF] has talked about from the minute the alarm clock goes off until you set it again that night, you are paying somebody some kind of taxes. We are saying that is too much. We are going to have conservative Democrats, we are going to have Republicans voting again for this issue if we get to vote on this kind of issue again. Certainly we had those kind of votes when the Republican majority, helped by conservative Democrats, sent this tax bill over to the Senate.

Mr. HULSHOF. I think a point that needs to be made regarding the numbers on the chart that the gentleman from Missouri [Mr. BLUNT] has before him is that these numbers, this is not sham accounting. This is not cooking the books, as the gentleman from Colorado, Mr. BOB SCHAFFER, talked about the Treasury likes to do with this nebulous concept called family economic income. These numbers have come from the Joint Committee on Taxation, which is a bipartisan group that takes the effects, the true effects of any tax law and determines what is going to be the effect.

These numbers are what will happen over the next 5 years if the President will sign into law the measure, the tax relief measure that we have passed here in the House by an overwhelming majority. These numbers are good numbers. They are solid numbers of the Joint Tax Committee.

It might even be that those who come after us this evening, after our time is up, as it draws to a close, will talk about, well, 10 years from now these Republican tax cuts are going to explode the deficit, are suddenly going to balloon the deficit, and use these terms. I would challenge anybody that makes these spurious arguments. It is difficult enough for us to try to project a balanced budget plan for the next 5 years and to try to fashion some modest tax relief for the next 5 years. Certainly when we start looking in a crystal ball and predicting the future of what is going to happen 10 years down the road, I just think it is somewhat disingenuous to make an argument that these tax proposals in the next 10 years or in the next 15 years are going to do this or do that.

I do not think this House, if we look at its track record, those that have been in control of this House, I do not think necessarily that we can go to the bank, so to speak, on the numbers of the predictions that previous Congresses have had regarding the economic forecasts.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to point out for one minute, before we close here, I just want to reiterate what has been said over and over again, and I do not think we can make the point too often, that the real numbers that we have been working with and that we rely on show us that 76 percent of the tax relief that the Republicans are providing go to families earning between $20,000 a year and $75,000 a year. Again, that is 76 percent.

For those people who want to find out the real numbers for what the impact of this tax plan is going to be on their families, the Republican Party has provided a Web site that I would encourage people to visit. The address is right here. It is hillsource.house.gov. You can call there or visit us here. It is a GOP tax calculator. You impute your income, and the service here will help figure out what the impact on your family will be once this tax package is agreed to, is signed by the President.

The reason we do this is because we are very proud of it. We are convinced that when real families make contact with us and figure this out for themselves and apply our tax relief package to their family income, their average family income, they will see a dramatic reduction in the amount of cash which the Federal Government confiscates from your family budget. For that reason, we really encourage people to call.

This is a winning strategy for us as Republicans. The Democrats are scared to death because they know when the American families realize that this really does affect them and helps them, that it is to our advantage politically but, moreover, economically and for the country. That is what we care about most. Please visit us. We would love to show how our relief package is going to help you.

Mr. THUNE. I notice the gentleman made the comment there as he was pointing that out, that you impute your income. I was wondering if that was just a slip.

Mr. BOB SCHAFFER of Colorado. That was a slip of the tongue, right. You compute your income.

Mr. THUNE. I am glad to hear that. You input your income and it will give you the real number, not the imputed number.

Mr. BOB SCHAFFER of Colorado. Right.

Mr. BLUNT. The other thing to remember here, too, is that as hard as we have worked on that and as much debate as we have had about the dangers of giving this money back to the American families and the American people, we are only managing to give back in this tax cut a third, one-third, of the dollars that we increased taxes by in 1993, the biggest tax increase in the history of the country. I do not recall nearly this much concern in the Congress about taking three times as much money away from the American people as now we have letting them keep a third of their money.

We hear about giving them money, giving them a tax break. We are just again letting them keep their money, and still we have got a long way to go just to get the tax burden, the Federal tax burden back to where it was in 1993.

This is the first step, it is a big step, but I just remind people of the country who are thinking about this debate, how much debate did you really hear in 1993 as that big tax bill passed about how much money we were taking away from Americans, or whether we were going to explode the deficit at some mythical point in the future or what was going to happen? Were we going to explode the American family at some mythical point in the future, at a time when we were taking three times this much money away?

We are working very hard, I think we have taken a very important first step. We are just giving a third of that tax cut that is in very, very recent memory back to the people and the families of the country.

Mr. THUNE. I would just add because we are coming to a close here, but I am proud to be a part of this effort. I think most of us, I know our colleagues in our freshman class, the people with whom we joined the Congress, came here for a specific reason. It was because we believe profoundly and fundamentally that the people in this country, if given the freedom and the opportunity to make decisions that affect their lives, will do a better job than the government will. It is all about allowing people to keep more of what they earn, allowing government to become smaller and allowing people to be able to do more because government is doing less.

The gentleman from Colorado [Mr. BOB SCHAFFER] very aptly pointed out that when people have more of what they earn, they are willing to contribute more into their communities. That again is something that we want to encourage in this country because we have fostered a culture that has become very dependent upon government. We have an expectation in this country that government will do all things for you. That is, I think, a mentality that we need to get away from. I believe that this debate is moving us in that direction.

I would just make one point in closing, because we look at the breadth of this thing and the many component parts of it. In lowering the taxes on saving and job creation, investment, the capital gains tax, I had people when I was in my State last week ask me, when are you going to do something in capital gains; we want to sell the farm but we cannot afford to do it.

You look at the estate tax, the death tax. We believe that people in this country, when they die, should not have to see the undertaker and the IRS at the same time. Those are just fundamental values. Those are things that we stand for and believe in.

I am delighted to be a part of this effort and a part of this class and the commitment that we have to accomplishing the things that are good for the future of this country, for my kids and for the kids and grandkids in South Dakota and throughout America.

Mr. HULSHOF. Mr. Speaker, I appreciate my colleagues joining me this evening. I appreciate very much their eloquence and the sincerity with which we have approached this debate. Again, because of the parameters of the budget agreement, we are trying to focus tax relief, income tax relief to those families who pay income taxes. Certainly we want to help those on the lower income scales, to help pull themselves up; but because of the earned income credit, and especially because of the disturbing news from the IRS about the fraudulent rate or the error rate, I should say, regarding the earned income credit, the fact that of the $28 billion that nearly $6 billion next year will be wasted and paid out to individuals that perhaps do not qualify or who fraudulently apply for the earned income credit, again my question to those on the other side is, is this the time for us to be expanding that credit? Because of the parameters of the budget agreement, should we not be looking to those individuals that are paying more in taxes than for food and for clothing and for shelter combined?

Again, Mr. Speaker as our time is drawing to a close, this is more than about numbers, this is about choices. It is about people. We want men and women across this country to be able to earn more so that they can keep more, to do more. It is about improving the quality of life, as the gentleman from Colorado [Mr. BOB SCHAFFER] mentioned, as the gentleman from Missouri [Mr. BLUNT] mentioned, as the gentleman from South Dakota [Mr. THUNE] mentioned. The fact is that many couples right now, in order to make ends meet, have no other choice than to have both spouses working in order to put food on the table and a roof overhead.

□ 2245

We believe, the newly elected Members on the Republican side believe, that taxpayers should reap the rewards of their efforts and our efforts to shrink the size of the Federal Government. As we force Washington to balance its books, and as we hold government programs like the earned income credit accountable, and as we shape and force a smaller, smarter, more effective government, Washington does not need as much of the American people's money. The money should stay in the pockets of hard-working men and women across this country, not into this bloated bureaucracy or into any schemes to redistribute income. It is the American people's money. They have earned it, they should keep more of it. That is what this tax debate is all about. That is why it is so important.

THE TAX CUT DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I wanted to start out this evening by pointing out that I believe most Americans now realize that the Republican tax cut strongly favor the rich, and when I hear my colleagues on the Republican side of the aisle constantly try to say that that is not true, I think it is because they realize that the word is getting out that the average American understands that this Republican tax plan is basically favoring the rich, and the media, the newspapers, are obviously making that point as well because they understand it.

In fact, two-thirds of the Republican tax cuts in the House bill go to households with incomes of more than $100,000, and I believe it is a disgrace that those Americans in the bottom 40 percent of the income; in other words, these are still working Americans paying taxes, essentially get nothing. The Republican tax scheme would deny the child tax credit to taxpaying working families but give big business and their country club buddies a tax break windfall.

Now I listened to what some of my colleagues on the Republican side said tonight in the last hour, and it was really interesting because basically what they were saying is that the more money you make, the bigger tax cut you should get, and they short of justify this by suggesting that the harder you work the more you earn; in other words, somehow that people who earn more work harder.

The problem is that is simply not true. Many middle-income people work harder than wealthy people. Some wealthy people do not work at all. They have just basically inherited their wealth in some cases. And what the Democrats are saying is that middle-income families should get the largest share of the tax cuts because they need it the most, and we have a limited amount of money to give back in tax relief because I would remind my colleagues on the other side that our basic goal with the budget bill is to eliminate the deficit.

So why should we not give the tax cuts to middle income working families primarily? That is all the Democrats are essentially saying. We put forth a plan basically that would truly benefit middle-income families. We are advocating a tax cutting plan that is fair and that helps the majority of Americans as promised in the original budget agreement that was reached this past May.

I believe very strongly that what the Republicans are doing here is reneging on the promise that they made when they signed with the President and said that as part of this balanced budget agreement most of the tax cuts would go to middle income working families, and unfortunately the Republican leadership is not honoring this agreement made on behalf of the American people. They are basically breaking the promise that was made to middle-income people.

Now, what we have tried to do as Democrats is to illustrate in human terms the implications of this Republican tax scheme, and I just wanted to mention, I have mentioned it before, but I wanted to mention an individual, a family from New Jersey, that wrote to me about a month ago now and also talk about this family and others in terms of the education benefits of the Democrat versus the Republican bill.

I have a chart here that talks about how a typical working family fares in 1998 under the GOP versus the Democratic proposals. This is a family that has an annual income of $24,000. The family has 1 child, age 10, and another child, age 19. The 19-year-old is attending his first year of community college with an annual tuition of $1200. Under the Republican bill the scholarship that would go to the student, to the child, that is in the community college basically is $600. Under the Democratic alternative it is a lot more, $1,100 phased up to $1,500 by the year 2001.

Even more or just as important is what happens with the child tax credit. This is this credit that the Republicans promised many times before would go to all working families if they had dependent children, but what they have done in their Republican tax plan is basically say that many families, including this one, which again is making an income of $24,000 a year, would receive no child tax credit because they do not qualify because of the earned income tax credit which some of my colleagues talked about tonight. Under the Democratic plan they would get the family $300 phased up to $500 by the year 2001.

Now that is the general statement that explains, I think, what the Democrats are complaining about when we say that the average person, in this case a working middle income family, are not getting a benefit of a child tax credit under the Republican plan and a reduced amount of money that is available for higher education.

But I just wanted to illustrate my New Jersey case again, if I could, and then I would like to yield to some of my colleagues who are joining me here this evening.

This is a woman, Deborah Hammerstrum, who is a resident of Toms River, NJ. She is a divorced mother of 2 children living on a single income, and she wrote to me, and I quote, "to stress the importance of how a child tax credit would help to offset some of the financial burdens that come with raising a family on a single income." Ms. Hammerstrum earns $21,500 in her job as the benefits coordinator for Visiting Home Care Services of Ocean County, NJ. She pays $105 a week for child care, actually $5,460 a year, so that she can work. She is working.

Now, to quote again from her letter, she says, "Unfortunately, the Republican child tax credit proposal is targeted against those who need it most, those who are just one step away from falling into the welfare system." She works, she pays for child care, she pays for food, a roof over her family's head, and nothing more.

The child tax credit should be given to financially benefit the child, and I think a child from a middle income family would benefit greatly by receiving this credit. She would get nothing under the Republican proposal, and the reason for this is because the Republican bill denies the $500 child tax credit to more than 15 million working families because it does not let them count the credit against their payroll taxes.

I heard my colleagues over and over again on the floor tonight say that the only people who should qualify for this child tax credit are people who pay income taxes; in other words, if the child tax credit, I mean, if with the earned income tax credit which we have on the books now, that person, in effect that earned income tax credit, goes above what their income tax liability is, that they should not be able to take advantage of the child tax credit that we are proposing. And that is simply unfair, Mr. Speaker, because basically what it says is that we are not going to count for this working family the fact that they pay payroll taxes, Federal payroll taxes, the fact that they pay Federal excise taxes or might pay local property taxes. These families, including Ms. Hammerstrum, are paying a lot of taxes, and it does not make sense to me to say that they should not get this extra $500 child tax credit.

I have other examples, but I do not want to use them right now because I wanted to have some of my colleagues talk about some of the same issues and possibly use some other examples.

But I really feel very strongly that the Republicans are pulling the wool over the average American's eyes, so to speak, because they are suggesting that people who are working are somehow on welfare and should not have the benefit of this child tax credit. And that is unfair, and it breaches the promise and the commitment that was made when we started working on this balanced budget agreement.

I yield now to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New Jersey for taking this time so that we can have a debate and discussion about one of the most important issues that we are facing in this Congress, and that is who is benefiting from these tax proposals that are on the table today, and I think you make the point working families today understand the sham that the Republicans are trying to pull on them. They do understand it. I tell you because it is evident in the data, and just a couple of points.

Sixty-one percent of Americans think the Republicans are out of touch with the American people, and they are right. Fifty-two percent of Americans think the rich would benefit most from the GOP tax plan, and they are right. Americans prefer the democratic tax plan over the GOP plan by a 2 to 1 margin, 60 to 31 percent, and Americans strongly prefer Democrats' education child tax breaks over the GOP's capital gains and estate tax breaks 63 to 32 percent.

It is important to mention those because the American public is truly seeing through what the Republicans in this House are trying to do.

The most disingenuous part of this debate is that there were several people on the floor here tonight. Now a number of them are new Members so that they were not here for the signing of the Contract With America. As my colleague will recall, this was done with great fanfare on the steps of the Capitol with the Speaker of the House [Mr. GINGRICH] and the majority of the Republicans in this body. There was one gentleman on the floor tonight who did sign the Contract With America, and I would bet that those new Members here campaigned on the Contract With America.

Now they may never have read the Contract With America, or they have put it aside and want to forget what it is that they signed, what they talked about, because let me talk about the child tax credit that was contained in the Contract With America, and this is from a third party association, Center on Budget and Policy Priorities. This is not something that is a document of a Democratic organization or a group. This is an independent organization.

The child tax credit proposal included in the contract would have allowed the 500 per child credit to be applied against a family's net tax burden from the combination of the income tax, the earned income tax credit and the payroll tax. The contract included both the employer and the employee share of the payroll tax in determining a family's child credit. The contract proposal would have allowed many families that owe no income tax after the EITC is considered but pay hefty payroll taxes to receive the child credit.

The point in fact is that those who signed and those wannabees who wish they would have signed have walked away from the Contract With America. In fact, to put it in the vernacular, they welched on the deal, and now what they want to do is to claim that those families, teachers, waitresses, policemen, nurses, people who are working hard for a living, raising their families, scrambling to pay the bills, people who are paying taxes, working and paying taxes, are now all of a sudden, with my Republican colleagues, people who are on welfare.

Mr. Speaker, it is a disgrace, and they demonstrate their insensitivity and their lack of understanding of what working families are all about in today's society.

My colleague from New Jersey made a point earlier that people are paying taxes, property taxes, excise taxes, payroll taxes, and they pay a heftier chunk of those taxes than those who are at the upper end of the scale. And in fact those are the families who for the last 20 years have watched their incomes either stagnate or decline, and their tax burden increase, who now our Republican colleagues are saying these are folks who are on welfare. And they welched on this deal because what they want to do is to squeeze these folks in order to make it possible to index capital gains so that in the second 10 years of this tax proposal we would see an explosion of the deficit. And in addition to that, they would provide a $22 billion windfall tax break to the richest corporations in this country, the Boeings, the Exxons.

□ 2300

They would scale back the alternate minimum tax so that these corporations could in some instances wind up without any tax obligation at all. They will stand in the well of this House and they will talk about the Contract With America. I watched as the Speaker of this House punched the ticket as each item in the contract, he said, was being voted on on the floor of this House.

Yet, they would now either choose to forget what they signed, refuse to believe what they signed, lie about what they signed, walk away from what they signed, and talk about those folks who pay income taxes, who pay payroll taxes, and call them welfare recipients. It is a disgrace and it is outrageous.

As a point of fact, the President's proposal would only allow the child tax credit to those families who are working and who are paying taxes. Otherwise, you do not receive a child tax credit. You only receive the credit up to the amount of payroll taxes that you in fact pay.

My colleagues on the other side of the aisle have a lot of explaining to do. They are dealing in a lot of double-talk these days. But I go back to my earlier point, which is that the American public is not buying it, because the point of fact is that our Republican colleagues in fact do not understand and are insensitive to the lives or the needs of working middle-class families in this country.

The public has seen them for what they are and is going to reject this tax proposal they are making, and in fact we are going to reject it in this House and in the Senate, and the President is going to reject it as well.

I thank my colleague for allowing me to participate in this discussion tonight.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for her comments. It was amazing, listening to the other side, to the Republicans tonight criticize the very concept of the earned income tax credit. They said we should not have it at all, and somehow suggested this was strictly a Democratic, liberal, or welfare proposal.

The bottom line is that President Reagan, who is their biggest ideological champion historically, I guess, was a big supporter of the earned income tax credit, and thought it was a great way for middle- and lower-income people who were working to get some kind of a tax break. As the gentlewoman mentioned, it was in the Republicans' Contract With America.

Earlier this year Senator LOTT, the Senate majority leader, in his proposal for tax cuts proposed that individuals who received the earned income tax credit would still be able to get the child tax credit. So this is a last-minute thing.

The reason it is happening, and it goes back to what I said before, is that we have a very limited pot of money here. If you are not going to balloon the deficit, if you are actually going to balance the budget with this bill, which is what supposedly we are doing, then you have a limited amount of money available for tax cuts.

If Members want to give these tax breaks, the capital gains tax breaks the way they have figured it out, the estate tax breaks the way they have figured it out, and the corporate tax breaks to the wealthy individuals, the wealthy families and the corporations, then you cannot take this limited amount of money and give it to middle-income people who are working. You have to find some way, as the gentlewoman said, to squeeze them so you can give this money to the wealthy corporations or individuals.

Of course, the other thing they do is at the end of the 10-year period, they start giving these breaks even more so with the capital gains indexing and the other things. As a result, they in fact do balloon the deficit and the deficit starts to grow again. So it is totally an effort, a scam, essentially, on the basic purpose of this balanced budget bill.

Ms. DELAURO. Mr. Chairman, I have just one more point, if my colleagues would indulge me. The fact is they made a lot of promises. They made a lot of promises to their rich friends. They are squeezing, as the gentleman has said and as the other gentleman said, the lower end of the scale, because with that limited pot of money they cannot make the commitments that they want to do. They have been waiting a very long time to do a tax bill that in fact would reward the richest folks in this country.

The one final comment I want to make, which is what the gentleman said, is that there are some people who make an awful lot of money in this country, who do not do a lot of work for it. They do not do a lot of work for it. That is okay. That is okay. Maybe their parents or they inherited wealth, or whatever it was. That is okay.

But not when we have limited resources do we have to be in the business of providing the richest people in this country, the wealthiest corporations in this country, with an opportunity for tax relief which is deserved by hardworking middle class families.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman from New Jersey for once again organizing and participating in this special order, and also the gentlewoman from Connecticut [Ms. DELAURO] and our friend, the gentleman from Massachusetts [Mr. OLVER].

I would like to pick up a little bit on this earned income tax credit. In my district, the First Congressional District of Michigan, the northern half, actually the earned income tax credit, when we passed the deficit reduction bill in 1993, over 3,200 families in my district benefited from an expansion of the earned income tax credit.

The median income, median family income, in my district is only $27,482. That is the median income. These are the folks, if you had a husband and wife and two children, they would be entitled to an earned income tax credit at that median income. It is quite large in my district. Like I said, over 3,200 families could take advantage of it.

So what the Republican proposal said is if you are getting the earned income tax credit, you are not allowed to take the $500-per-child tax credit that is offered. When we look closely at their legislation, it is not just people on the earned income tax credit but other people who would not benefit from the $500-per-child tax credit.

The gentlewoman from Connecticut [Ms. DELAURO] said they may be welching, but according to the Center for Tax Justice and Policy, 45 percent of the young people under the age of 18 in Michigan would not be allowed to even take advantage of the $500-per-child tax credit because of the earned income tax credit or their family income or for some reason.

Look what we did in 1993. When we came here, and I came in 1993, I was elected in 1992, if Members take a look at what happened, we had an economy, and if Members take a look at Mr. Bush's economic adviser, Mr. Boskin back then, a week before President Bill Clinton took office Mr. Boskin projected the budget deficit to be $332 billion. Three hundred thirty-two billion dollars.

So the President came in, and after getting a grip on what was going on around here, we proposed the largest deficit reduction package ever seen in this country. In that deficit reduction package we expanded the earned income tax credit, because we knew those folks were playing by the rules, working hard, trying to stay off public assistance, needed a little extra help. We gave it to them in that vote, in that deficit reduction package.

It kept their heads above water, it kept them off public assistance. Every piece of income they received, whether it is an earned income tax credit or a per-child credit, because of their limited means, they spent it. They put money back into the economy. So that was sort of the plan that we did in 1993.

Look what we did since 1993 to reach a balanced budget. Why are we here in July of 1997, 4 years later, talking about giving tax breaks because we are on the verge of balancing the budget? We have already done so much of the hard work to reach a balanced budget.

Before President Clinton took office the deficit was a record number. In 1992 it was over $290 billion projected and headed up to $332 billion. In 1993 we worked with the Congress, the President did. We enacted his economic program to lower deficits and put more investment in people, in our own economy. The plan passed the Congress with only Democratic support. Members will remember, the Vice President had to break the tie in the Senate. But the Democrats, we stood by it and we paid for it. In the 1994 elections some people did not like the plan and we lost the majority of the House, but we did what was right for this country.

Since then, since that vote in August of 1993, the deficit has fallen by 63 percent. We are now looking at a deficit of somewhere around $60 billion. Some are saying it may even be $35 or $20 billion when we close our books on September 30. We have the smallest deficit since 1981, and it is the smallest percentage of our gross domestic product. It is the smallest since 1974.

So in fact the percentage of the deficit of our gross domestic product is going to be less than 1 percent of our gross domestic product here in 1997. Our friends that were out here an hour earlier, they were talking about how their budget is going to do this and that.

They came to power here in 1995. Guess what? They have not passed a budget yet. We have not had one budget passed yet. It has been continuing budget resolutions, continuing budget resolutions, of what? The Democratic plan to reduce the deficit, balance the budget, invest in people, and invest in our economy.

That is what happened because they have not passed their own budget. It has been, well, Members remember they could not pass their budget, so what did they want to do? Shut down the government. They did that. Just like on the disaster aid they did for the Dakotas, they got their own way.

But because of what we Democrats did, we approached the task and we are in better shape from a fiscal point of view than any other of the major industrial nations in the world. Both our deficit and our public sector are substantially smaller. We have the smallest Federal Government since the days of John F. Kennedy, back in the 1960's, even though the country has doubled. We have less people than back then, we have less people providing more service to this country, over 260 million people in this country.

We are clearly reaping the benefits of the success of cutting the deficit. We stand on the verge of it. So we are saying, if we are going to give tax credits, if we are going to give a $500-per-child tax credit, let us give it to the folks who really need it.

Those folks who get the earned income tax credit still pay their Social Security taxes, still pay State taxes. In fact, all year while they are working they are still taking income taxes out of their check. At the end of the year if their income falls below a certain level and they have so many dependents and people making up their family, then they get an earned income tax credit. It is a benefit at the end, but we are going to deny them a per child credit?

I have to share this with the Members. Just before I came down, I got a call. We were out here last week too, talking about this issue. A person from Marquette, Michigan, where I represent, was not happy with this idea of the earned income tax credit.

I got to talking with this lady. She did admit that at one time she had the earned income tax credit. It was okay for her, and she assured me she was only on it for a year, but what was it there for? She needed a helping hand. It was not a handout, we gave her a helping hand.

She got back on her feet, she was doing quite well. Now she wants a big capital gains tax. I am pleased she is looking at a capital gains tax, but at the same time, I am not going to leave behind those folks who are playing by the rules, working hard, trying to get ahead. They should get that $500-per-child tax credit and they should keep their earned income tax credit, because we will save money in public assistance, we will save money in education and in other ways, and give them some hope, give them some future.

The earned income tax credit, we should expand it. We should put the $500-per-child tax credit in there. Those are the folks who should get it. Those are the folks we are trying to help out. Clearly, clearly, because of the Democratic plan that came forward in 1993, we are on the verge of balancing the budget right now. We are reaping the benefits of our success in cutting the deficit. We have an economy that in 4 years—before the President got here, there were very few jobs. Our deficits were at record levels. Business investments only grew, savings investments were all down, interest rates were up. Members remember those bleak old days.

Now there is almost euphoria because we stand on the verge of doing it. We are saying, as Democrats, let us give that $500-per-child tax credit to those people who really need it, and let us reinvest not only in our country, but also in the people who helped to make it.

Mr. Speaker, that is why I was very pleased to come down here tonight. To the lady that called me from Marquette, Michigan, I appreciate her call. I appreciate her honesty that even she at one time had to use the earned income tax credit. We should continue. Again, if we cannot reach out and help out our neighbor and the people who are providing the services, like the police officers and nurses, and even people who may work for city government or people who are disabled, remember, they pay taxes every day, in every shape and in every form, whether it is their Social Security tax, their FICA, their sales tax, their gasoline tax. We hear a lot about that. They are paying those taxes.

I think we as a country, the richest country in the world, the most powerful country in the world, a country that has their deficit under control, thanks to the Democrats, we certainly should reach out and help out those folks.

I was pleased to come down here tonight and join the gentleman in this special order. I appreciate all the hard work the gentleman has put in. Not only do we have the $500-per-child tax credit, but we have the education tax credit to help folks go to school.

The Democratic plan is well balanced. It helps out those who need it, people whose earned family income is less than $75,000. I told Members, in my district it was $27,482.

We look forward to passing the Democratic plan. I ask the President to stand firm with us. We will work this thing through. We will invest in people, we will invest in our economy. We will put consumer and business confidence back and continue it in this economy.

As we have shown over the last 4 or 5 years, the Democratic plan has been the plan that has lifted this country out of its doldrums, and we are now on the verge of balancing this budget. We are going to finish the job and at the same time invest in those people.

□ 2315

Mr. PALLONE. I was listening to the gentleman's comments and then comparing some of the comments that were made by some of our Republican colleagues earlier.

If the gentleman listened to them, what they were basically suggesting was that somehow what their proposal did, their Republican tax cut proposal, was to give money back to Americans but somehow ours did not. And the reality is that we are talking about the same pot of money here.

The question is, who is going to get it back? The individual who is middle income, who is making $20, $25,000 a year, gets the $500 tax credit back from the child tax credit, they are going to go out and spend it. And the wealthy individuals that the Republicans want to give the tax money back to, the tax cut back to, they are going to spend it as well, so in both cases the money is coming back to Americans. They are going to spend it, and that hopefully will fuel the economy.

But the question is, who is going to spend it? I think what you are pointing out is that the people that receive the earned income tax credit who should also get a child tax credit, they are spending it in many cases on basic necessities, food, housing, clothing, whatever. So there really is no difference between our points of view, other than who we are giving it to. We want to give it to middle-income working people.

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, the gentleman mentioned who is going to get it. Under their proposal, verified by Treasury and CBO and others, if you make more than $250,000, under the Republican plan they are going to get back $27,000. That is equal to the median income of the people in the First Congressional District of Michigan, which is $27,482. So they are going to give the wealthiest $27,000, which is equal to the median income in my district. And then those folks who are at the bottom 20 percent of the economic ladder, the people who depend on the earned income tax credit, who need the $500 per child, according to the same folks they are going to pay $63 more.

So I think we have it reversed. That was the difference back in 1993 between the Democrat proposal and the Republican proposal. Which one worked? Ours did.

We are now within striking distance of balancing the budget, first time since 1969. It is not the time to abandon the responsible, effective strategy of cutting the deficit and investing in our people that has resulted in the very strong economy we have today.

That is the Democrat proposal. That is the President's proposal. I urge all my colleagues to stand with us. We have done it. We should take some credit for it, but at the same time let us be smart about it. Give the break to those who need it. Let us invest in our people, because they put it back in our economy.

We have a strong, robust economy. And my colleagues know all the dire predictions: If we passed the Democrat plan back in 1993, there would be a great depression, massive unemployment. The deficits would be $700 billion. Just never materialized.

So we stand here tonight proud as Democrats of what we have done. We have more to go, and we are not going to give up this fight because our strategy is sound. We invest in people, and that is where it has to be.

Mr. PALLONE. Mr. Speaker, the gentleman pointed out, as did the gentlewoman from Connecticut [Ms. DELAURO] that a lot of promises and a lot of agreements are being broken here.

The gentlewoman from Connecticut [Ms. DELAURO] talked about the contract and the promise to give the child tax credit to everyone who was working and paying taxes. But this promise to reduce the deficit and balance the budget is also a major one that is being broken here. And the analysis that our colleagues on the other side kept bringing up tonight by the Joint Committee on Taxation, I believe was basically looking at the first five years of their proposal, and most of these tax breaks for the wealthy are coming at the end of the 10 years.

The Treasury Department and the other nonpartisan analyses that we have used and the Democrats have mentioned all look at this over the 10 years. What they point out is that with these big tax breaks at the end of the 10 years, this deficit, which as you know, Mr. Speaker, everyone here has been working so hard to try to bring down, now all of a sudden it will start to go up again and balloon and have the negative impact on the economy that we have been so concerned about.

So they are breaking another major promise there with regard to the deficit.

Ms. DELAURO. Mr. Speaker, if the gentleman will continue to yield, sometimes people think that some of the things that are said here at this hour are just something that is created out of whole cloth.

In terms of what you were saying about the second five years and the statistics being cited by our Republican colleagues, the Joint Committee on Taxation, I mean their work, quite frankly, has been debunked, what they have done, because they only look at the first five years.

In today's Washington Post, the people who wrote this bill, to quote, are not defending its distributional consequences; that is, how this money lays out to various groups in the economy. They are denying them. The plain facts are that the bill over time would not just mainly benefit the better off but would cost the government revenues it cannot afford. The bill is carefully written in such a way as to make the revenue loss look small at first. Then it soars. It is not just the Treasury that says so. Using accepted methods and conventions of analysis, the Congressional Research Service and the vast majority of other analysts do so as well.

Congress's Joint Committee on Taxation says otherwise. The JCT was once the great redoubt of integrity in such matters. It has been converted into a political parrot. This is not only just the Washington Post but distinguished and reputable people are talking about the analysis done by the Joint Committee on Taxation as just now being a political tool and a political arm of the Republican majority.

Mr. PALLONE. Mr. Speaker, I think it is abundantly clear. If you listened, every reference tonight was to the Joint Committee on Taxation which, as you point out, every major newspaper and every nonpartisan analyst has said that this has just become totally politicized in only looking at the first five years.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding. I certainly want to thank him for taking the leadership, as he has continued to do, to bring these groups together to discuss this time after time after time.

I wanted to comment on exactly where he was going in one of his very recent comments there, wondering how do the people, how do people make a decision as to who to believe in a situation like this. In very hotly contested, controversial issue like this, there are claims and counterclaims that are laid down by different people.

I have been in the Congress, now in my 7th year, and it is easy to become quite cynical. I often wonder how it is that people do make those, reach those conclusions.

In this particular year in the tax debate that we have been going through, it seems to me it has been particularly difficult for the Republicans to sustain their deliberate misinformation, deliberate misinformation here about exactly who it is that is going to benefit from their tax cut plan. Because, as you pointed out, the Democratic House and the Republican House and the President and the Senate, which seems to have one plan all its own, but at least those four plans, there are four different plans, all of them are intended to give, because it was an agreement along those lines, exactly the same total amount of tax reduction in a period.

So my colleague from Connecticut points out that the opposite side only counts the portion, because it makes their point, that it is going to be done in the first five years; whereas the agreement that had been reached between the President and the congressional leadership was to cover a whole 10-year period and to make certain that they would not cause a return of deficits in the longer haul.

So it is much easier in this term, in this case to look at what the totals are. Economists from the conservative think tanks, economists from the progressive think tanks have all looked at the different plans and totaled up exactly how they are distributed over the period of time. Very easy to do. Hundreds and hundreds of columns have been written and editorials have been written in newspapers of every stripe all over the country.

Somehow out of all of this, out of all of these columns, people have listened. They have watched programs like this. They have read the editorials and the columns, and out of it all there is now the returns as to how people are thinking about it coming back in the polling that has been done.

A majority of Americans think and believe that the rich would benefit more from the Republican plan than from the Democratic plan. Of course, that is right. And Americans are very wise that way ultimately because they have come to understand that a Republican tax plan is going to benefit the rich. That is just a given about politics.

And then out of this they also have shown in the polling that they prefer the Democratic tax plan over the Republican plan by at least a 2-to-1 margin. That is very understandable, too.

One thing that comes out, however you cut it, slice things up, I want to use kind of an example and take my hand and use as the example cutting all of American families into five parts. The 20 percent of the wealthiest families over here, then down the line to the 20 percent who have the lowest income over at this end.

And the statisticians who have looked at this show quite clearly that the 20 percent wealthiest Americans under the Republican plan get two-thirds. Two-thirds of all of that equal amount total of tax reduction goes to this group.

In the Democratic plan, as it came through the House of Representatives, in the Democratic plan and in the President's plan, it turns out that two-thirds of all of the tax reduction goes to these three groups of families that represent 60 percent of all American families which are the American middle class.

So it is perfectly clear why 60 percent of Americans ought to prefer the Democratic plan, because at least that 60 percent of the families do better, do twice as well at least, all of the families in that middle income area do at least twice as well as they would under the Republican plan, whereas under the Republican plan of course it is only the very wealthiest 20 percent who get the vast majority of the tax reduction.

So there is a great deal of wisdom that comes through and people pick up out of all of what has been said and listening to it all very carefully. They come through with the right answer, that they should prefer the Democratic plan because the Democratic plan gives the vast majority of the money to the great middle class, that group of families in the center.

Then I would like to note one other thing that shows up from the polling, and that is that Americans prefer very strongly, by better than a 2-to-1 margin, the way the Democratic plan deals with cuts, tax cuts attributed to education benefits and those that relate to child tax benefits.

The Americans, by more than a 2-to-1 margin, prefer the Democratic plan on education and for child tax breaks over the Republican plan, which puts more of the money into capital gains tax cuts and estate tax cuts.

Now, why do they prefer the Democratic plan on education, for instance? Well, part of the President's proposal here has been that he is demanding and he is going to defend the idea that there is going to be $35 billion of tax reduction to provide benefits for people to be able to send their kids to college. That was part of the agreement that was reached between the President and the leadership here in the Congress from the majority party.

The difference is that the President, in his plan for giving education tax cuts, would allow a HOPE scholarship to provide up to $1,500, when it is fully phased in, for families in the first 2 years of college. And then in the second 2 years of college, he would allow 20 percent of their tuition costs, up to tuitions of $10,000, to be given in the way of a tax credit.

□ 2330

The Republicans cut those benefits that would go to families that are trying to send their kids to college; would cut those deeply.

The gentleman's chart up there shows that it is almost in half for the HOPE scholarship, in the instance that the gentleman had done, but then to top it off, to top it off, really to add to the insult of cutting the education benefits in half essentially from what the President agreed to, they then raised taxes on graduate students, who also are going to school.

They raise taxes on the families who work for colleges and universities, whose kids are going to those same colleges and universities where they work. They would see an increase in taxes for them. And there are hundreds of thousands of them. And they would raise taxes on the men and women who teach in our colleges and universities by changing and increasing the taxes that they would pay on their retirement plans.

So what we have here is a situation where an agreement was reached to provide $35 million of tax reduction that would help people. And it is particularly middle income families who would be helped here, to help families put their kids through college.

The Republicans have been trying to weasel out on that agreement that they had reached. So that what they are doing is cutting the tax reduction less than what the President has asked for and, in fact, applying taxes to those groups that I mentioned, to the graduate students, to the families who work at the different colleges and universities, and to the people who teach at those colleges and universities.

That is a pretty weasely thing to do and it is very much against the agreement that had been reached.

On the other hand, if we look at what the proposals are in terms of capital gains, the Republican way of dealing with the capital gains reduction is to give a large tax break to the super rich. Because it is the super rich who have the greatest amount, by a vast majority, by a vast margin of the capital gains in this country anyway. It is the people who have made their vast amount of money on the runup in the stock market and so forth, the very wealthy, who have large amounts in the stock market. They would get a huge benefit out of the capital gains tax reduction that has been proposed.

In the Democratic proposal, middle income families who, yes, some people have a few stocks, I even have a few stocks, but I am not one of those who plays around in the stock market, but I do have a few stocks. But for most middle income families, that three out of five families in the middle, whose income probably lies somewhere between $17,000 a year and somewhere around $75,000 or $80,000 a year, for those families the main thing that they would get or ever see a capital gain on would be their home.

Under the Democratic plan we provide for that capital gains tax reduction on an individual's home, so middle income families get that. But we would not give it for speculations on stock or for the sale of collectibles, stamp collections and coin collections and things of that sort. We would not do that because that is something that would benefit only the super rich.

We would prefer, on the Democratic side, to give the tax breaks to lower income working families in ways of allowing their kids to go to college and giving it on homes and small businesses and the transfers of small businesses, where most of the jobs in this country are provided anyway. That is how the Democratic plan would give out the capital gains tax reductions.

So people, again, prefer or they have shown by a better than 2 to 1 margin that they prefer the Democratic plan on the tax reductions and the President's plan on the education tax reductions over the way the Republicans deal with the education breaks, and would prefer our plan for its education cuts over the Republican plan which has those capital gains tax cuts that I have described as going very much to the very wealthy in this vote.

Again, they are showing the wisdom that Americans ultimately show in these sorts of situations. They have picked up exactly what it is that is going on out of all the rhetoric, out of all the claims and counterclaims, out of all the columns written and all the analyses being done on this, and clearly understand quite clearly which of these plans would be to their greater benefit.

Mr. STUPAK. If the gentleman would yield, on the capital gains tax, I think a very important aspect we should point out here is that underneath the Republican plan, the capital gains drops from 28 to 20 percent, then there is a 26 percent tax on the previously declared depreciation. It is called depreciation recapture, and it is a rather complex formula they have in their bill.

Underneath the Democratic plan, the gentleman is correct that ours goes from 28 percent to 18 percent, and it is for those on their home, small businesses, family-owned businesses transferred within the family members and farms. The point being that we can drop our capital gains greater, from 28 percent to 18 percent, because it is targeted to the middle class and, therefore, we can give a larger aggregate tax break to more people.

Underneath the GOP plan, they go from 28 to 20 percent then a recapture of 26 percent, and it costs us more money because it is geared towards the high income items; collectibles, intangibles, not real things like farms and homes and small businesses.

So I wanted to make the point that underneath the Democratic plan, actually people make out better underneath the Democratic plan, just from 28 to 18, where the Republican plan is 28 to 20 plus a 26 percent recapture tax.

So it is pretty interesting how it all breaks out, because it is all who is it geared for. Is it for the upper 20 percent of the middle class, to use the gentleman's five elements there. I have to go back to the old saying here, here is the upper 20 percent, and it goes to the old saying the rich get richer, the poor get poorer and those of us in the middle get squeezed. And I think the five fingers work pretty good for that.

And that is why under the capital gains, the HOPE scholarship, or even just the earned income tax credit, the $500 per child credit, that is how the Democratic plan works out so much better and reinvests in people and back in this country.

Mr. PALLONE. If I could just say, I am really pleased that the gentleman from Michigan [Mr. STUPAK] pointed out the capital gains difference, because I think the Republicans would like the public to believe that the Democrats are not reducing capital gains. In fact, they are reducing them, in many cases even more, but they are targeting them primarily to homeowners. Whereas as the gentleman mentioned, under the Republican plan it is basically across the board and, therefore, it means with stocks, bonds, collectibles, and all these other things that it is primarily going to the wealthy families.

I would yield back to the gentleman again.

Mr. OLVER. The crux is that we can look at the education tax proposals, we can look at the child tax proposals, and we can look at the capital gains tax proposals and the estate tax proposals and all the others. And each one of them has to be looked at and analyzed, and they have been analyzed by the economists both on the left and the right, and by those columnists and editorialists. And, ultimately, when we put it all together, ultimately when we put it all together, it just turns out that the Democratic plan gives these 60 percent of families in the middle, out of the combination, more than twice as much of the total tax reduction.

And it is equal in the different plans. The total is the same in the different plans. But the Democratic plan and the President's plan gives more than twice as much of that money to these middle income families, the 60 percent in the middle, whereas the Republican plan gives four times as much actually than the Democratic plan to that wealthiest, that wealthiest one out of five families in this country.

That is the major difference. That is what people understand about this. In its gross overall form, that is what I think people understand this year.

Mr. PALLONE. The other thing the gentleman from Massachusetts mentioned, that I think is so important and goes back again to what we were saying in the beginning, is that on the education tax cuts, again the Republicans are breaking the deal.

A commitment was made that a certain percentage of this tax cut plan in dollars was supposed to go to education tax cuts and it was primarily to be targeted to middle income people. And the President was the person who pushed the most for that because President Clinton believed very strongly that we needed a well educated America if we are going to compete in the global economy; that education was the most important thing for the future of the country.

His biggest criticism, and I even have some statements here from Secretary Rubin criticizing the Republican tax incentives with regard to education, is because he says it breaks the deal on the budget, it does not give enough money for education, and it particularly does not help people who are working people at the lower end of the spectrum, so to speak.

If I could just mention briefly some statements from Secretary Rubin's letter to the conferees, he says

> Both the House and Senate bills are inconsistent with the bipartisan budget agreement because they fall far short of meeting the specific agreement of providing roughly $35 billion over 5 years of higher education incentives along the lines of the President's HOPE scholarship credit and tuition deduction proposals. Each bill significantly reduces the value of education benefits for millions of students attending low cost institutions by cutting the percentage of expenses covered by the credit, 50 percent in the House bill, 50 to 75 percent in the Senate bill.

So it is those very students at the low cost institutions of higher education, the community colleges and the other low cost State colleges, that will get less tuition tax credit, which absolutely breaks the deal and makes no sense, because they are the ones that needs it the most.

So that breaking the deal, I think the gentleman used the term weaseled on the deal, is exactly what we are getting here at every level. But most importantly, and that is what aggravates, I think, President Clinton the most, is on the education tax cuts, because that was the part of the balanced budget agreement he was most concerned about because of his concern about the future of the country.

Mr. OLVER. If the gentleman would yield further for just a moment. I think the President has made it absolutely clear what he will require in order for him to sign this legislation. He wants very badly to sign legislation for a tax reduction, but he is going to make certain that it goes chiefly to the middle class.

He is going to make certain that it does not explode deficits in the outyears so that we do not go through what we went through in the 1980's with the deficits reaching as high as $330 billion a year, as they would have been in fiscal year 1993 if we had not, as the gentleman from Michigan said earlier, if we had not gone through that very tough exercise in 1993.

And thirdly that it must encourage education, because that is the way that our people are going to grow in their opportunities, in their capacities to contribute to America and to their families.

Mr. PALLONE. And the amazing thing, too, going back to these higher education tax credits, is that under the Republican bill, after the first 2 years, because again remember we are trying to get and help people who are at the lower end of the spectrum pay for college education, still working people, though. And I wanted to read again from Secretary Rubin's letter, he says "Neither bill, House or Senate, offers low income students and students who work to pay tuition meaningful help beyond the first 2 years of higher education. Instead, the bills require taxpayers to have the funds available to put into savings in order to be entitled to any assistance other than for the first 2 years."

So not only do they take these working students and give them less for the first 2 years than the Democratic plan would, but unless they are in a position to have an IRA or some sort of special savings account, they would not get any help at all in the last 2 years of college. And we of course do the opposite and extend that credit, that education credit, through the whole 4 years of college.

And my colleagues know today that many students need the 4-year degree if they are going to be able to get into the work force. So again it makes no sense. It is geared to the wealthy, not to the middle income people.

And, obviously, this is not over yet, the budget negotiators are still at this, the President is weighing in, and I think all of us here joining in this special order tonight are only doing it because we hope that the people involved in these budget negotiations on the Republican side will wake up, come to their senses, so to speak, and try to help the average working American. This is not too late. This can still be done if they heed their constituents and the will of the American people.

I want to thank the gentlemen for participating in this special order.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

February 3, 1997

H.J. Res. 25. Joint resolution making technical corrections to the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208), and for other purposes.

February 28, 1997

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

H.R. 668. An act to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

March 3, 1997

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building".

March 19, 1997

H.R. 924. An act to amend title 18, United States Code, to give further assurance to the right of victims of crime to attend and observe the trials of those accused of the crime.

March 25, 1997

H.R. 514. An act to permit the waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia.

April 14, 1997

H.R. 412. An act to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

April 24, 1997

H.R. 785. An act to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center.

April 25, 1997

H.R. 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

April 30, 1997

H.R. 1003. An act to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

May 14, 1997

H.R. 1001. An act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

May 15, 1997

H.R. 968. An act to amend titles XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

June 2, 1997

H.R. 1650. An act to authorize the President to award a gold medal on behalf of the Congress to Mother Theresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

June 4, 1997

H.R. 5. An act to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

June 12, 1997

H.R. 1871. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

June 27, 1997

H.J. Res. 32. Joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

H.R. 956. An act to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

July 3, 1997

H.R. 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the

Electric and Magnetic Fields Research and Public Information Dissemination program.

H.R. 1306. An act to amend Federal law to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, and for other purposes.

H.R. 1553. An act to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998.

H.R. 1902. An act to immunize donations made in the form of charitable gift annuities and charitable remainder trusts from the antitrust laws and State laws similar to the antitrust laws.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the Senate of the following titles:

March 17, 1997

S. J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

March 31, 1997

S. 410. An act to extend the effective date of the Investment Advisers Supervision Coordination Act.

May 14, 1997

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

June 18, 1997

S. 543. An act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

June 27, 1997

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT) for Tuesday, July 15, 1997, on account of airline equipment problems.

Mr. SCHIFF (at the request of Mr. ARMEY) for today through July 25, on account of medical reasons.

SPECIAL ORDERS

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Mr. WATT of North Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. BENTSEN.

Mr. HAMILTON.

Mr. HOYER.

Mr. THOMPSON.

Mr. FALEOMAVAEGA.

Mrs. MINK of Hawaii.

Mr. TRAFICANT.

Mr. BARRETT of Wisconsin.

Ms. VELÁZQUEZ.

Mr. ETHERIDGE.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. FRANKS of New Jersey.

Ms. ROS-LEHTINEN.

Mrs. ROUKEMA.

Mr. BOB SCHAFFER of Colorado.

Mr. MCCOLLUM.

Mr. GILMAN.

Mr. BEREUTER.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. PACKARD.

Mr. MCNULTY.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, July 17, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4219. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Order Amending the Marketing Order [Docket No. A0–214–A7; FV93–981–1] received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4220. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Revision to Requirements Regarding Inedible Almonds [Docket No. FV97–981–3 IFR] received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4221. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Soybean Promotion and Research: Amend the Order to Adjust Representation on the United Soybean Board [No. LS–97–005] received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4222. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Implementation of the Inventory Property Management Provisions of the Federal Agriculture Improvement and Reform Act of 1996 [Workplan Number 96–030] (RIN: 0560–AE88) received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4223. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Notice of Final Priority for fiscal year 1997 for the Rehabilitation Short-Term Training program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4224. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Indiana [IN53–3; FRL–5860–4] received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4225. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 1997 Scup Recreational Fishery Measures [Docket No. 960520141–7159–06; I.D. 021897B] (RIN: 0648–AH05) received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4226. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 071097A] received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4227. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 1059 Extraordinary Dividends [TD 8724] (RIN: 1545–AU16) received July 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1998 (Rept. 105–185). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1362. A bill to establish a demonstration project to provide for Medicare reimbursement for health care services provided to certain Medicare-eligible veterans in selected facilities of Department of Veterans Affairs; with an amendment (Rept. 105–186 Pt. 1). Ordered to be printed.

Mr. McINNIS: Committee on Rules. House Resolution 187. Resolution providing for consideration of the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act (Rept. 105–187). Referred to the House Calendar.

Mr. WOLF: Committee on Appropriations. H.R. 2169. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–188). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana (for himself and Mr. KENNEDY of Massachusetts):

H.R. 2170. A bill to amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. DUNCAN:

H.R. 2171. A bill to prohibit athlete agents from soliciting representation of student athletes, and to establish requirements for contracts between athlete agents and student athletes; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts:

H.R. 2172. A bill to amend the Immigration and Nationality Act to make the restrictions on foreign student study at a public elementary or secondary school inapplicable in cases where the school evidences a desire for such result, and to prohibit the use of Federal funds to pay the cost of such study; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.R. 2173. A bill to amend the Crime Control Act of 1990 to require reporting of child abuse by electronic communication service providers; to the Committee on the Judiciary.

Mr. GREENWOOD (for himself, Ms. MOLINARI, Mrs. LOWEY, Mr. WAXMAN, Mr. HORN, Mr. SHAYS, Mr. BILBRAY, Mrs. MORELLA, Ms. WOOLSEY, Mr. COOK, and Mrs. KENNELLY of Connecticut):

H.R. 2174. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLDEN:

H.R. 2175. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the conversion of U.S. coal and domestic carbonaceous feedstocks into liquid fuels; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2176. A bill to establish the Professional Boxing Corporation, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNOWBARGER (for himself, Mr. TIAHRT, Mr. RYUN, and Mr. MORAN of Kansas):

H.R. 2177. A bill to designate the U.S. Courthouse located at 500 State Avenue in Kansas City, KS, as the "Robert J. Dole United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. THORNBERRY:

H.R. 2178. A bill to amend the Helium Act with respect to disposal of helium; to the Committee on Resources.

By Mr. McCOLLUM (for himself, Mr. GILMAN, Mr. BURTON of Indiana, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. GOSS, Mr. SHAW, Mr. FOLEY, Mr. SOLOMON, Mr. LIVINGSTON, Mr. COX of California, Mr. BALLENGER, Mr. BLUNT, and Mrs. FOWLER):

H.R. 2179. A bill to repeal the authority of the President to suspend the effective date of title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. FORD and Mr. DAVIS of Illinois.

H.R. 84: Ms. DELAURO.

H.R. 160: Mr. POMEROY.

H.R. 195: Mr. GRAHAM and Mr. INGLIS of South Carolina.

H.R. 216: Mr. KIND of Wisconsin and Mr. BALDACCI.

H.R. 230: Mr. COBLE.

H.R. 446: Mr. CLYBURN.

H.R. 464: Mr. JEFFERSON.

H.R. 475: Mr. DOOLEY of California, Mr. DOYLE, and Mr. DAVIS of Illinois.

H.R. 548: Mr. JEFFERSON.

H.R. 590: Mr. DOOLEY of California.

H.R. 633: Mr. HALL of Texas.

H.R. 674: Mr. GONZALEZ.

H.R. 695: Mr. KENNEDY of Massachusetts, Mrs. KELLY, Mr. METCALF, Mr. MARKEY, Mr. NEAL of Massachusetts, Mrs. EMERSON, Mr. CHRISTENSEN, Mr. WATTS of Oklahoma, Mr. SOUDER, Mr. POMBO, Mr. STENHOLM, Mr. TIAHRT, Mr. MCGOVERN, Mr. PARKER, and Mr. WICKER.

H.R. 699: Mr. BOEHNER and Mr. FOX of Pennsylvania.

H.R. 714: Mr. FOX of Pennsylvania.

H.R. 727: Mr. SKEEN and Mr. LIPINSKI.

H.R. 746: Mrs. CLAYTON and Mr. OLVER.

H.R. 754: Mr. SANDLIN.

H.R. 755: Mr. SNYDER and Mr. HASTINGS of Florida.

H.R. 758: Mr. NEY and Mr. LIVINGSTON.

H.R. 774: Mr. MALONEY of Connecticut.

H.R. 836: Mr. BLUMENAUER.

H.R. 840: Mrs. LOWEY and Mr. BILBRAY.

H.R. 869: Mrs. TAUSCHER.

H.R. 901: Mr. WICKER.

H.R. 925: Mr. BROWN of Ohio.

H.R. 939: Mr. CAMPBELL, Mr. WATKINS, and Mr. SAXTON.

H.R. 1031: Mr. GINGRICH and Mr. FOX of Pennsylvania.

H.R. 1040: Mrs. CHENOWETH.

H.R. 1054: Mr. DEAL of Georgia, Mr. HAYWORTH, and Mr. INGLIS of South Carolina.

H.R. 1125: Mr. VENTO.

H.R. 1126: Mr. HOLDEN.

H.R. 1129: Mr. HORN and Mr. QUINN.

H.R. 1134: Mr. DIAZ-BALART.

H.R. 1147: Mrs. EMERSON.

H.R. 1260: Mrs. JOHNSON of Connecticut, Mr. GOSS, Mr. MCHALE, Mr. BAESLER, Mr. LATOURETTE, Ms. STABENOW, Ms. ROYBAL-ALLARD, and Mr. SANDLIN.

H.R. 1283: Mr. PICKETT, Mr. DREIER, Mr. HASTINGS of Washington, Mr. CONDIT, Mr. MCCOLLUM, and Mr. SALMON.

H.R. 1311: Mr. VENTO.

H.R. 1350: Mr. KLINK, Mrs. LOWEY, and Mr. DIAZ-BALART.

H.R. 1356: Mr. SCARBOROUGH and Mr. FOX of Pennsylvania.

H.R. 1398: Mr. LEWIS of Kentucky.

H.R. 1441: Mr. BURTON of Indiana and Mr. HAMILTON.

H.R. 1464: Mr. PICKETT.

H.R. 1475: Mr. FOX of Pennsylvania.

H.R. 1492: Mrs. TAUSCHER and Mr. MARTINEZ.

H.R. 1544: Mr. SESSIONS, Mr. CALVERT, and Mr. ENGLISH of Pennsylvania.

H.R. 1596: Ms. HARMAN and Mr. ROTHMAN.

H.R. 1623: Mr. GIBBONS, Mr. HAYWORTH, and Mr. MARTINEZ.

H.R. 1635: Mr. HALL of Ohio, Mr. LAZIO of New York, Mr. BOEHLERT, Mr. PRICE of North Carolina, Mr. PASTOR, Mr. QUINN, Ms. FURSE, Mr. HOUGHTON, Mr. REGULA, and Mr. GILMAN.

H.R. 1679: Mr. FOX of Pennsylvania.

H.R. 1689: Ms. HOOLEY of Oregon, Mr. WHITFIELD, and Mr. SHERMAN.

H.R. 1704: Mrs. EMERSON and Mr. WICKER.

H.R. 1727: Mr. MALONEY of Connecticut.

H.R. 1733: Ms. KILPATRICK and Mr. LEVIN.

H.R. 1754: Ms. BROWN of Florida, Mr. CUNNINGHAM, and Mr. DAVIS of Illinois.

H.R. 1797: Mr. TAYLOR of North Carolina, Mr. WALSH, Mr. SHAYS, Mr. HOSTETTLER, Mr. PITTS, and Mr. MANZULLO.

H.R. 1822: Mr. DELLUMS, Mr. COOK, and Mr. SHERMAN.

H.R. 1836: Mr. SKEEN and Mr. MCINTOSH.

H.R. 1842: Mr. STEARNS and Mr. BONILLA.

H.R. 1845: Mr. DOOLEY of California, Mr. FROST, Mr. JOHN, and Mr. JOHNSON of Wisconsin.

H.R. 1863: Mr. WATKINS and Mr. MORAN of Kansas.

H.R. 1864: Mr. COX of California.

H.R. 1914: Mr. FOX of Pennsylvania.

H.R. 1946: Mr. STRICKLAND.

H.R. 1955: Mr. CLEMENT and Mr. PETERSON of Pennsylvania.

H.R. 1984: Mr. HULSHOF, Mr. BUNNING of Kentucky, Mr. NEY, Mr. TAYLOR of North Carolina, Mr. BARTON of Texas, Mr. COSTELLO, Mr. COMBEST, Mr. ENGLISH of Pennsylvania, Mrs. FOWLER, Mr. KLUG, Mr. LAHOOD, Mr. SHIMKUS, Mr. WATTS of Oklahoma, and Mr. KILDEE.

H.R. 2004: Ms. WOOLSEY.

H.R. 2021: Mrs. NORTHUP.

H.R. 2029: Mr. HAYWORTH.

H.R. 2064: Mrs. JOHNSON of Connecticut.

H.R. 2101: Mr. BASS and Mr. PICKERING.

H.R. 2112: Mr. STARK and Mr. EHLERS.

H.R. 2113: Mrs. NORTHUP, Mr. SESSIONS, Mr. HORN, Mr. EVANS, Mrs. MINK of Hawaii, Mr. SHADEGG, and Mr. ENGLISH of Pennsylvania.

H.R. 2116: Mr. BUNNING of Kentucky, Mr. KILDEE, Mr. SABO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. DELLUMS, Mr. SANFORD, Mr. FILNER, Mr. DIXON, Mr. ADAM SMITH of Washington, Mr. HOLDEN, Mr. GOODE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. CLYBURN, and Mr. FROST.

H.R. 2120: Mr. SANDERS, Mr. LIPINSKI, Mr. SANDLIN, Mr. FILNER, Mr. BROWN of California, and Ms. CARSON.

H.R. 2122: Mr. SENSENBRENNER and Mr. MARTINEZ.

H.R. 2143: Mr. STARK and Ms. PELOSI.

H. Con Res. 52: Mr. HASTINGS of Florida, Mr. SAWYER, Mr. KILDEE, Ms. MCCARTHY of Missouri, Mrs. EMERSON, and Mr. LUTHER.

H. Con. Res. 65: Mrs. LINDA SMITH of Washington, Mr. FRELINGHUYSEN, and Mr. ADERHOLT.

H. Con. Res. 80: Mr. CLEMENT, Mr. BOYD, Mr. BACHUS, Mr. KENNEDY of Massachusetts, Mr. STUPAK, Ms. STABENOW, and Mr. NEAL of Massachusetts.

H. Res. 37: Mrs. FOWLER, Mr. COOK, and Mr. WAXMAN.

H. Res. 139: Mr. BASS and Mr. FOX of Pennsylvania.

H. Res. 173: Mr. CLYBURN, Ms. CARSON, Mrs. MYRICK, Ms. DEGETTE, Mr. BLILEY, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. BROWN of California, Mr. GREEN, Ms. STABENOW, Mr. KUCINICH, Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. ANDREWS, Mr. STARK, Mr. MALONEY of Connecticut, Mrs. THURMAN, Mr. FORD, Mr. CONYERS, Ms. DELAURO, Ms. SLAUGHTER, Mr. MATSUI, Mr. BENTSEN, and Ms. WATERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1984: Mr. EHLERS.

ADMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1853

OFFERED BY: MR. GOODLING

AMENDMENT NO. 1: Page 3, after line 18, insert the following:

(3) by amending subsection (c) to read as follows:

"(c) NATIONAL PROGRAMS.—None of the funds made available under this section for programs authorized under titles I, II, and part C of title III, shall be used for any program authorized under part A of title III.

Page 3, line 19, strike "(3)" and insert "(4)" and strike "(c)" and insert "(d)".

Page 9, strike lines 12 through 14, and insert the following:

"(c) RURAL AND URBAN RESERVE.—A State may reserve not more than 5 percent of the allotment made under section 102(a)(1) to use for grants to rural areas and not more than 5 percent of such allotment to use for grants to urban areas.".

Beginning on page 9, strike lines 15 and all that follows through page 10, line 2.

Page 10, after line 2, insert the following:

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'rural area' means an area that is not in a metropolitan statistical area;

"(2) the term 'urban area' means an area that serves a central city in a metropolitan statistical area; and

"(3) the terms 'central city' and 'metropolitan statistical area' have the same meanings given such terms in section 10952 of the Elementary and Secondary Education Act of 1965.".

Page 16, after line 10, insert the following (and redesignate any subsequent subsections accordingly):

"(c) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant which received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

"(2) PER CAPITA DETERMINATION.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational technical institutions under this part for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

Page 22, strike line 13, and insert the following:

(D) by amending paragraph (3) to read as follows:

"(3) The State board shall, for secondary vocational-technical education programs, establish effective activities and procedures, by which parents, students, teachers, and area residents concerned will be able to participate in State and local decisions that influence programs under this Act, and ensure that such individuals are given access to the information needed to use such procedures.".

Page 23, line 5, strike "and".

Page 23, line 9, strike the semicolon and insert "in current and emerging occupations; and".

Page 23, after line 9, insert the following:

"(D) how funds will be used to improve or develop new vocational-technical education courses.".

Page 23, line 13, strike "and".

Page 23, line 14, before "of" insert ", and evaluation".

Page 24, line 1, strike "component" and insert "and vocational components".

Page 24, line 5, after "academic" insert "and vocational".

Page 24, line 14, after "describe", insert ", to the extent practicable,".

Page 25, strike lines 8 and 9 and insert the following:

"(8) describe what steps the State shall take to involve representatives of local school boards in the development of the State's benchmarks;

"(9) provide a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs; and".

Page 25, line 10, strike "(9)" and insert "(10)".

Page 27, strike line 11 and insert the following:

"(a) BENCHMARKS.—

"(1) ELIGIBILITY.—To be eligible to receive an allot-".

Page 27, strike lines 17 through 24 and insert the following:

"(A) attainment of challenging State academic and vocational proficiencies;

"(B) attainment of secondary school diplomas or general equivalency diplomas; and

"(C) placement in, retention in, and completion of, postsecondary education or advanced training, or placement and retention in military service, or employment.

"(2) EXISTING BENCHMARKS.—If a State has developed State performance indicators or benchmarks for skills according to challenging academic or vocational proficiencies consistent with this Act, the State may use such performance indicators or benchmarks in measuring the progress of vocational-technical education students.".

Page 30, line 3, strike "have met" and insert "have performed in meeting".

Page 32, line 10, before the semicolon insert ", effective teaching skills based on research, and effective practices to improve parental and community involvement".

Page 32, line 22 and page 33, line 2, after "academic" insert "and vocational".

Page 33, line 8, strike "support for" and insert "establishing agreements between secondary and postsecondary vocational-technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational-technical education programs, such as".

Page 33, line 23, strike "and".

Page 33, line 25, strike the period and all that follows and insert a semicolon.

Page 33, after line 25, insert the following:

"(10) support for education and business partnerships; and

"(11) support to improve or develop new vocational-technical education courses."; and

Page 34, strike line 7 and insert "**TIONAL-TECHNICAL EDUCATION PROGRAMS**.".

Page 36, strike line 1 and all that follows through page 37, line 2, and insert the following:

"(b) SPECIAL DISTRIBUTION RULES FOR SUBSEQUENT FISCAL YEARS.—

"(1) FISCAL YEARS 1999 AND 2000.—In fiscal years 1999 and 2000, each State shall distribute the funds available under this Act in such fiscal years for secondary school vocational-technical education programs to local educational agencies within the State as follows:

"(A) LESSER OR EQUAL AMOUNTS.—Each State shall distribute all funds allocated by the State for each such fiscal year for secondary school vocational-technical education programs in amounts less than or equal to the total amount of funds distributed pursuant to section 231(a) of this Act as such section was in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997 for such programs in fiscal year 1997 as follows:

"(i) 30 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(ii) 70 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

"(B) GREATER AMOUNTS.—Each State shall distribute all funds allocated by the State for each such fiscal year for secondary school vocational-technical education programs in amounts greater than the total amount of funds distributed pursuant to section 231(a) of this Act as such section was in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997 for such programs in fiscal year 1997 as follows:

"(i) 40 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(ii) 60 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

"(2) FISCAL YEAR 2001.—Each State shall distribute funds allocated under this Act in fiscal year 2001 for secondary school vocational-technical education programs to local educational agencies within the State as follows:

"(A) 35 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(B) 65 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

"(3) FISCAL YEAR 2002.—Each State shall distribute funds allocated under this Act in fiscal year 2002 for secondary school vocational-technical education programs to local educational agencies within the State as follows:

"(A) 40 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(B) 60 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

Page 37, strike lines 7 through 11, and insert the following:

"(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) to local educational agencies within the State than the formula described in subsection (b);".

Page 37, line 20, strike "$7,500" and insert "$10,000".

Page 41, line 5, insert "and" after the semicolon.

Page 41, line 9, strike "be" and insert "operate programs that are".

Page 44, line 12, strike "$20,000" and insert "$35,000".

Page 47, line 8, strike "that" and insert "which provides vocational-technical education programs and".

Page 47, line 17, after "Such" insert "vocational-technical education".

Page 48, line 18, strike "component" and insert "and vocational components".

Page 48, line 22, after "academic" insert "and vocational".

Page 49, line 5, strike "and implementation" and insert ", implementation, and evaluation".

Page 49, line 6, before the semicolon insert ", and how these individuals are effectively informed about, and assisted in understanding, the requirements of this Act,".

Page 49, line 18, strike "provide" and insert "support".

Page 49, beginning on line 22, strike "components" and insert "and vocational components".

Page 50, line 2, after "academic" insert "and vocational".

Page 50, line 20, before the semicolon insert ", effective teaching skills based on research, and effective practices to improve parental and community involvement".

Page 50, line 25, strike "vocational" and insert "vocational-technical".

Page 51, beginning on line 18, strike "The" and all that follows through "subsection (b)" on line 19, and insert "Funds made available under this part".

Page 52, line 4, strike "and implementation" and insert ", implementation, and evaluation".

Page 52, line 7, after "and" insert "academic".

Page 52, line 18, strike "and".

Page 52, line 24, strike the period and insert a semicolon.

Page 52, after line 24, insert the following:

"(11) teacher preparation programs which assist individuals who are interested in becoming vocational-technical education instructors, including individuals with experience in business and industry;

"(12) improving or developing new vocational-technical education courses; and

"(13) support for family and consumer sciences programs.

Page 55, line 1, after "expenditures" insert "of funds provided under this Act".

Page 55, strike line 14 and insert the following:

"(c) COLLECTION OF INFORMATION AND REPORT.—".

Page 56, line 19, after the semicolon insert "and".

Page 56, after line 19 insert the following:

"(C) to carry out research that can be used to improve teaching and learning in the vocational-technical education classroom;".

Page 56, line 20, strike "(C)" and insert "(D)" and strike "programs" and insert "research".

Page 59, line 10, strike "4-year" and insert "4 or 6-year".

Page 62, line 22, strike "$200,000" and insert "$250,000".

Page 64, line 2, strike "Part C" and insert "Parts C, D, E, F, G, and H".

Page 64, line 4, strike "is" and insert "are".

Page 65, lines 5 and 14, strike "program" and insert "fiscal".

Page 65, line 21, strike "similar windfalls,".

Page 67, line 18, before the semicolon insert "or to participate in any vocational-technical education program".

Page 67, line 20, strike "or" and insert "of".

Page 67, line 22, strike "or" after the semicolon.

Page 67, line 24, after "or" insert "federally".

Page 67, line 25, strike the period and insert ", unless the participant has selected and is participating in a program or course of study that requires, as a condition of completion, attainment of an industry-recognized skill or standard; or".

Page 67, after line 25, insert the following:

"(4) to require any individual to obtain a federally funded or endorsed certificate of mastery.".

Page 68, after line 21, insert the following:

"SEC. 409. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

"A State or local educational agency which uses funds under this Act for inservice and preservice vocational-technical education professional development programs for vocational-technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational-technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational-technical education programs located in the geographical area served by such agency.".

Page 70, line 6, strike "For" and insert "(a) GENERAL RULE.—Except as provided in subsection (b), for".

Page 70, after line 11, insert the following:

"(b) EXCEPTION.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the State is required to provide from non-Federal sources for costs the State incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

Page 73, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(4) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means providing individuals with information access on career awareness and planning for their occupational and academic future which shall involve career options, financial aid, and postsecondary options.

Page 74, line 2, after "related" insert "vocational-technical education".

Page 77, beginning on line 13, strike "through applied academics" and insert "(including through applied academics)".

Page 78, line 2, strike "employment sectors" and insert "occupations which require other than a baccalaureate or an advanced degree".

H.R. 1853

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 2: Page 52, after line 15, insert the following (and redesignate any subsequent paragraphs accordingly):

"(8) providing an on-site workforce development coordinator who will coordinate activities described in this section with an emphasis on developing additional curricula in cooperation with local area businesses;".

H.R. 1853

Offered By: Mr. Klink

Amendment No. 3: Page 30 strike lines 5 through 9, and insert the following:

"(2) Information dissemination.—

"(A) State requirements.—Each State shall make the information contained in reports described under paragraph (1) available to the general public through publication and other appropriate methods which may include electronic communication.

"(B) Secretary requirements.—The Secretary shall make the information contained in such reports available to the general public through publication and other appropriate methods which may include electronic communication.

H.R. 1853

Offered By: Mr. Klink

Amendment No. 4: Page 30, strike lines 5 through 9, and insert the following:

"(2) Information dissemination.—

"(A) State requirements.—Each State shall make the information contained in reports described under paragraph (1) available to the general public through publication and other appropriate methods which may include electronic communication. Such reports shall be disaggregated by each local educational agency and post secondary institution receiving funds under this Act.

"(B) Secretary Requirements.—The Secretary shall make the information contained in such reports available to the general public through publication and other appropriate methods which may include electronic communication.

H.R. 1853

Offered By: Mrs. Mink of Hawaii

Amendment No. 5: Page 21, line 4, strike "(b)" and insert "(c)".

Page 21, line 6, strike "(b)" and insert "(c)".

Page 21, line 10, strike the periods and end quotation marks and insert a semicolon.

Page 21, after line 10, insert the following:

(5) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking "section 221" and inserting "paragraph (3) of section 201(c); and

(ii) by striking "section 222" and inserting "paragraph (4) of section 201(c)"; and

(B) by striking subparagraph (J).

Page 33, after line 12, insert the following (and redesignate the subsequent paragraphs accordingly):

"(4) sex equity programs;".

Page 34, after line 5, insert the following:

"(e) Hold Harmless.—Notwithstanding the provisions of this part or section 102(a), to carry out programs described in paragraphs (3) and (4) of subsection (c), each eligible recipient shall reserve from funds allocated under section 102(a)(1), an amount that is not less than the amount such eligible recipient received in fiscal year 1997 for carrying out programs under sections 221 and 222 of this Act as such sections were in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

H.R. 2158

Offered By: Mr. Davis of Illinois

Amendment No. 27: Page 11, line 7, insert "(increased by $100,000,000)" after the dollar amount.

Page 61, line 13, insert "(reduced by $100,000,000)" after the dollar amount.

H.R. 2159

Offered By: Mr. Bereuter

Amendment No. 24: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. (a) None of the funds appropriated in this Act may be made available to any Government of Cambodia that has not been elected.

H.R. 2159

Offered By: Mr. Bereuter

Amendment No. 25: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. (a) None of the funds appropriated in this Act may be made available to any Government of Cambodia that has not been democratically elected.

H.R. 2159

Offered by: Mr. Bereuter

Amendment No. 26: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. (a) None of the funds appropriated in this Act may be made available to Cambodia except for basic humanitarian needs assistance that is provided through private voluntary organizations certified by the United States Agency for International Development and except for funds made available through the National Endowment for Democracy.

H.R. 2159

Offered by: Mr. Campbell

Amendment No. 27: Page 13, line 4, after "$2,400,000,000" insert "(reduced by $25,000,000)".

Page 36, line 10, after "$25,000,000" insert "(increased by $25,000,000)".

H.R. 2159

Offered by: Mr. Coburn

Amendment No. 28: At the end of the bill, insert after the last section (preceding the short title) the following new section:

UNITED STATED MAN AND THE BIOSPHERE PROGRAM LIMITATION

Sec. 572. None of the funds appropriated or otherwise made available by this Act may be made available for the United States Man and the Biosphere Program, or related projects.

H.R. 2159

Offered by: Mr. Fox of Pennsylvania

Amendment No. 29: Page 94, after line 3, insert the following:

Sec. 572. None of the funds made available under the heading "DEVELOPMENT ASSISTANCE" may be used to support or promote trophy hunting or the international commercial trade in elephant ivory, elephant hides, or rhinoceros horns.

H.R. 2159

Offered by: Mr. Kennedy of Massachusetts

Amendment No. 30: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

Sec. 572. None of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 2159

Offered By: Mr. Metcalf

Amendment No. 31: Page 94, after line 3, insert the following new section:

SENSE OF CONGRESS REGARDING INTERFERENCE OF EUROPEAN COMMISSION IN UNITED STATES BUSINESS TRANSACTION

Sec. 572. (a) Statement of Findings.—The Congress makes the following findings:

(1) The Boeing Company and McDonnell Douglas have announced their merger.

(2) The Department of Defense has approved the merger as consistent with the national security of the United States.

(3) The Federal Trade Commission has found that the merger does not violate the antitrust laws of the United States.

(4) The European Commission has consistently criticized and threatened the merger before, during, and after its consideration of the facts.

(5) The sole true reason for the European Commission criticism and imminent disapproval of the merger is to gain unfair competitive advantage for Airbus Industries, a government-owned aircraft manufacturer.

(b) Sense of Congress.—It is the sense of Congress that—

(1) any disapproval by the European Commission of the merger of the Boeing Company and McDonnell Douglas would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

(2) the President should take such actions as he considers to be appropriate to protect United States interests in connection with this matter.

H.R. 2159

Offered By: Mr. Paul

Amendment No. 32: After the last section (preceding the short title), insert the following:

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

Sec. 572. (a) None of the funds appropriated or otherwise made available by this Act may be made available for—

(1) population control or population planning programs;

(2) family planning activities; or

(3) abortion procedures.

H.R. 2159

Offered By: Mr. Traficant

Amendment No. 33: At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES

SEC. 572. Funds appropriated or otherwise made available by this Act may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided; or

(3) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

H.R. 2159

OFFERED BY: MR. YATES

AMENDMENT NO. 34: At the end of the bill, insert the following after the last section (preceding the short title):

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 572. (a) LIMITATION.—None of the funds appropriated or otherwise made available by title II of this Act may be made available to the Government of Croatia if that government relocates the remains of Croatian Ustashe soldiers, who participated during the Holocaust in the mass murder of Jews, Serbs, and Gypsies, at the site of the World War II concentration camp at Jasenovac, Croatia.

(b) ASSISTANCE TO NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance to the Government of Croatia shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961.

(c) TERMINATION OF PROHIBITION.—The prohibition under subsection (a) with respect to the Government of Croatia shall terminate after the Government of Croatia provides the Secretary of State with compelling proof that the historical symbolism of Jasenovac, and the remains of those who were murdered by the Nazis and their collaborators, will remain undisturbed and that no other remains will ever be added to the remains of the victims of Nazi tyranny buried at Jasenovac, Croatia.

(d) NATIONAL INTEREST EXCEPTION.—Assistance restricted by subsection (a) may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(e) REPORT TO CONGRESS.—Whenever the President makes a determination under subsection (d), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of assistance pursuant to the determination. Any such report shall include a detailed explanation of the assistance and how it furthers United States national interests.

(f) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committees on Appropriations of the House of Representatives and Senate.

H.R. 2160

OFFERED BY MRS. CLAYTON

AMENDMENT NO. 12: Page 49, line 21, insert "(increased by $2,478,000,000)" after the first dollar figure.

Page 49, at the end of line 14, add the following:

Each amount otherwise appropriated in this Act (other than this paragraph) is hereby reduced by 5 percent.

H.R. 2160

OFFERED BY MRS. CLAYTON

AMENDMENT NO. 13: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 728. The amount otherwise provided by this Act for "SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)" is hereby increased by $184,000,000 and each other amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.37 percent.

H.R. 2160

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 14: Insert before the short title the following new section:

SEC. . None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel who work at a regional office of the Natural Resources Conservation Service or to provide a support service for a regional office of the Natural Resources Conservation Service.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 15: Insert before the short title the following new section:

SEC. . (a) For an additional amount for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION"), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $68,500,000, $1,500,000.

(b) Of the amount under the heading "DEPARTMENTAL ADMINISTRATION" in title I, $13,300,000 is for civil rights enforcement at the Department of Agriculture.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 16: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION"), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $68,500,000, $1,500,000.

EXTENSIONS OF REMARKS

DEMOCRATIC REFORM DEALT BLOW IN SLOVAKIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. HOYER. Mr. Speaker, I recently had the opportunity to meet with the Speaker of the Slovak National Council, Ivan Gasparovic, during his visit to Washington in early June. In fact, this was my second meeting with the chairman of Slovakia's legislature, whom I had also met in late 1994. I welcomed this opportunity to renew my contact with this important leader and am grateful to Mr. HYDE, who organized this meeting.

Unfortunately, since my meeting with Speaker Gasparovic in 1994, some of the most significant accomplishments of the post-Communist and independent Slovak state have come under threat, as sadly illustrated by two recent events.

Last November, when Slovak legislator Frantisek Gaulieder renounced his membership in the Prime Minister's party, he was also stripped of his deputy's mandate on the basis of a letter of parliamentary resignation which he says he never penned. Not to put too fine a point on the message he was being sent, a bomb went off on Mr. Gaulieder's porch a few days later. Unfortunately, Mr. Gasparovic had no real response to the concerns I expressed regarding this matter except to say that Mr. Gaulieder's case is still pending before the Slovak Constitutional Court.

Although the Slovak Constitution Court has earned international respect as one of the leading post-Communist courts in Central Europe, it, too, is sadly under siege. On May 23, the Slovak Ministry of Interior flagrantly violated orders of the court by willfully manipulating the administration of a referendum on NATO and the direct election of the president. In particular, the Ministry of Interior blocked one of four referendum questions scheduled for presentation to the Slovak voters and, in so doing, provoked a boycott of the entire referendum.

The disrespect shown by the Ministry of Interior for the constitutional court is nothing less than shocking. More to the point, the government's disregard for the rule of law—coming on the heels of the extraordinary means by which Frantisek Gaulieder was stripped of his parliamentary mandate last November—suggests an escalation in the tactics of the ruling coalition. It was not surprising that Slovakia's own Foreign Minister resigned after this fiasco, stating that he was unable to perform his job under such circumstances. Certainly, Mr. Gasparovic's reassurance that the Gaulieder case is pending before the constitutional court—the very court his Ministry of Interior had just defied—does little to reassure me that democracy is being effectively safeguarded in Slovakia.

In light of my concerns, I welcomed the opportunity to discuss these matters with four other Slovak parliamentarians at the OSCE Parliamentary Assembly in Warsaw last week: Jan Cuper, Dusan Slobodnik, Jan Carnogursky, and Peter Magvasi. I was joined in that meeting by Representatives /SLAUGHTER, DANNER, and KING.

In that meeting, I reiterated my concern regarding the Gaulieder case and the Interior Ministry's disrespect for constitutional order. In addition, I flagged concern regarding the continued exclusion of opposition members from key oversight operations, such as the State board for radio and television, the parliamentary committee which deals with security, and the National Property Fund which oversees privatization. Finally, I expressed my concern that the Ministry of Education had issued a patently anti-Semitic textbook in April. While Prime Minister Meciar has just announced that the book would be withdrawn from school use, the Ministry of Education continues to defend this text, revealing a serious streak of anti-Semitism in the current ruling coalition.

Throughout all this, the Slovak Government has continued to assert that Slovakia is interested in joining NATO. But the Slovak Government has simply failed to implement the kind of human rights and democratization reforms that would make consideration of Slovakia for NATO accession realistic at this point. And as Slovakia's human rights record diminishes, so does its prospects for integration into trans-Atlantic institutions.

Mr. Slobodnik did his best to convince me that Slovakia's record is really no worse—and, indeed, he asserted, probably much better—than the records of many other post-Communist countries in Central Europe. But the facts speak more clearly than Mr. Slobodnik's words. In short, the process of democratic reform in Slovakia has simply failed to keep pace with the reform process in other post-Communist countries in the region. The Baltic States, which were brutally occupied by the Soviets for 50 years, have made peace with the Soviet-era immigrants to their countries and have shown their strong commitment to their international human rights obligations; Romania, which had one of the most repressive regimes of the Communist era, has elected a pro-reform government that emphasizes tolerance and reconciliation in its political platform; Bulgarian voters, too, recently signaled that their future lies in the west, and not in the east.

During my meeting in Warsaw, I suggested to my Slovak colleagues that our discussion should be viewed not as a confrontation among enemies—the way such discussions might have rightly been viewed during the cold war—but as a conversation among potential partners. I believe that bringing Slovakia into the NATO family will contribute not only to Slovakia's security, but to the security of the entire NATO community. Each time I hear that Slovakia remains interested in joining NATO, I am heartened. Ultimately, I believe that if the people of Slovakia want that goal, they will be able to implement the changes necessary to make it happen.

TRIBUTE TO AMANDA ELIZABETH GREEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to recognize Ms. Amanda Elizabeth Green. Ms. Green is the recently elected Miss Tougaloo College for the 1997–98 school year. She is a junior with double majors in English and history with an emphasis in pre-law from Kokomo, MS.

Amanda is the daughter of Mr. Arthur Lee Green and Mrs. Debora P. Green. She is the youngest of two children. Her brother, Arthur Bernard Green, has had a tremendous impact on her life. She quotes the best advice given to her by him, "If you believe it, conceive it, then you will achieve it." While attending Tougaloo College, Amanda has participated in many student activities which include serving as president of the Tougaloo Modeling Squad, Miss Reuben V. Anderson Pre-Law Society, the NAACP, the National Political Congress of Black Women, the committee to re-elect Supreme Court Justice Fred Banks, and has served as an intern for the Mississippi State Supreme Court.

Amanda is currently the president of the Reuben V. Anderson Pre-Law Society, vice-president of the junior class, a member of the Student Activities Council, Tougaloo Ambassadors of Merit Scholars, a member of Alpha Kappa Alpha Sorority, Inc., and a resident assistant. Amanda is a strong believer that the children are our future. Following that belief, she serves as a tutor for an after-school program at Rowan Middle School in Jackson, MS and a mentor at the Kokomo Head Start Center in Kokomo, MS. Although she is involved in several extracurricular activities, Amanda still has time to excel as a Dean List scholar at Tougaloo. She is also a member of the New Damascus M.B. Church in Kokomo and plays an active role in the community. She believes that all of her strength comes from God and acknowledges that all the glory belongs to him.

After obtaining her two bachelor of arts degrees from Tougaloo, Amanda plans to further her education at a prestigious law school where she will receive both her masters of arts and doctoral degrees. Amanda plans to one day establish a college fund in her parents name for needy students diligently seeking an education, holding true to the African adage "It takes an entire village to raise a child."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I ask you to join me in honoring Ms. Amanda Elizabeth Green, Miss Tougaloo College 1997–98 school year.

RECOGNIZING MURRYSVILLE CHRIST'S LUTHERAN CHURCH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. KLINK. Mr. Speaker, I rise today to recognize the efforts of 12 members of the Murrysville Christ's Lutheran Church. This week, a group of 10 youths and 2 adults will embark on a work trip from my place of residence, Murrysville, PA to Washington, DC. They will spend an entire week volunteering at homeless shelters, food kitchens, and assisting Habitat for Humanity with home construction in the Anacostia section of this city.

In his address to the attendees of this past spring's Presidential Summit for America's Future, President Clinton issued a call to action to all Americans "to serve our children, and to help teach them to serve—not as a substitute for government, but to meet our major challenges as one community, working together." The members of the Murrysville Christ's Lutheran Church have issued and answered that call.

While most young people their age are spending their summer at pools or camps, these young people have chosen to donate their time for the benefit of others. It is most admirable that Lauren Caywood, Mandi Falvo, Allison Long, Brandon Rioja, Michael Ross, Rachel Gray, Ken Nemit, Matt Barnwall, Kym Brown, Molly Endres, Mrs. Gretchen Endres, and Rev. Roger Steiner would take time to give back to those who are not as fortunate.

Once again, I urge my colleagues to rise and recognize the efforts of the Murrysville Christ's Lutheran Church. They are fine representatives of their church, their community, and the entire Fourth Congressional District.

THE DOUGLAS APPLEGATE U.S. POST OFFICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. TRAFICANT. Mr. Speaker, last week I introduced legislation, H.R. 2129, to designate the U.S. Post Office in Steubenville, OH, as the "Douglas Applegate U.S. Post Office." I respectfully urge my colleagues to cosponsor this bill, which will pay a much-deserved tribute to a strong leader, a loyal friend, and a great man.

Doug Applegate was not only a colleague, but a great friend as well. He worked hard to make new Members feel comfortable and to help them acclimate themselves to the Capitol Hill environment. When I first came to Congress in 1985, Doug was always willing to give me advice and guidance. Over the years I had many opportunities to work with this fine man, and was always impressed by his integrity and his dedication to the causes in which he believed. He was a true leader in every sense of the word. He chose his battles and fought them to the end. While he could work to build a consensus, he was not afraid to stand alone. A moderate Democrat, he would support his party, but if his conscience pulled him in another direction he would not fail to follow it. Doug was an inspiration and an example to us all.

As many of you may remember, Doug was not one to grandstand or bring attention to himself. While many of his Democratic colleagues in the class of 1976 went on to become the big players in the congressional arena, Doug chose to work quietly, from the sidelines, for his constituents and for the issues that he felt were deserving of his attention. Without bringing large amounts of attention to himself, he affected important change. Instead, his quiet, but devoted adherence to key areas of interest won him the respect of his colleagues and the loyalty of Ohio's 18th Congressional District, who consistently voted him into office with well over 50 percent of the vote.

At the top of Doug's list of legislative priorities was protecting the benefits that go to our country's veterans. He believed that the great sacrifices of these brave men and women are worth compensation, and as chairman of the Veterans' Affairs Subcommittee on Compensation, Pensions, and Insurance, he worked to increase, substantially, the benefits to the survivors of those that did not make it home. While he realized that no amount of money would ever make up for such a terrible loss, he also realized that such compensation can help to ease the suffering by making life a little less complicated for those who were left behind.

Witnessing firsthand devastating economic hardship in his district, Doug was also a great defender of American jobs. His House stationery was emblazoned with the slogan, "Buy American! Save American Jobs!," Doug fought tenaciously to protect our workers and our industry from unscrupulous corporate practices. He worked to expose a scheme concocted by American companies that cut labor costs by having United States flags made by a Taiwanese company and then labeling them "Made in America." In doing so, he demonstrated his own resolve and the determination of all Americans to promote our own jobs and industry. He wanted to ensure that when a label proclaimed "Made in the U.S.A." it was, in fact, "Made in the U.S.A.'

Doug was also a man who held firm to his beliefs. He would not play partisan politics if his conscience guided him in another direction. An opponent of abortion, he did not hesitate to part ways with the leadership and support a bill calling for parental notification. Never failing to stand up for what he believed in, he was the definition of a leader.

H.R. 2129 is but a small tribute for a man with as much integrity as Doug Applegate, who was as true a friend, and who fought for what he believed in the way Doug did. Again, I urge everyone who believes that great leaders should be memorialized, to cosponsor my bill to designate the U.S. Post Office in Steubenville, OH the "Douglas Applegate Post Office."

REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, H.R. 1818

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise to support the re-authorization of the Juvenile Justice and Delinquency Prevention Act, which would extend through fiscal year 2002 a valuable program treating juveniles in our society who are delinquent.

The purposes of the Juvenile Justice and Prevention Act are clear: early intervention and prevention of delinquency for juveniles; as well as proper management of the juvenile once the child is in custody. We must not forget that these are children that we are dealing with. Youth that we must reach as soon as possible and we must protect to ensure we do not lose them in the system.

I am glad to see that this bill is not another get tough on kids' bill as we saw earlier this session. H.R. 3, the Juvenile Crime Control Act of 1997 provided no balance of prevention and accountability to reduce the number of violent youth. H.R. 3 was simply in response to public misperception that all juvenile crime is escalating out of control when in actuality this is not so. The level of juvenile crime, including violent crime has actually declined over the past 20 years with one exception: juvenile homicides committed with handguns. It is important to note that juvenile homicide represents only one tenth of 1 percent of all juvenile offenses. In determining how best to respond to juvenile crime, we cannot simply respond to a small percentage of juvenile crimes that make the headlines, we must continue to include a proper balance of prevention and accountability for all juveniles who are delinquent.

I am happy to see that the four core mandates of the JJDPA will be retained in this bill. I am particularly glad to see that this bill will continue to address sight and sound separation as well as prevention efforts to reduce the disproportionate number of minorities that come in contact with the juvenile justice system.

Once a juvenile has been determined delinquent, we must make sure that the juveniles' first contact with the justice system does not shatter these children. We must make an effort to ensure the majority of juveniles who come in contact with the justice system are properly handled. H.R. 1818 in retaining sight and sound separation, continues to do this while safely adding more flexibility for the States complying with this requirement.

In my home State of Hawaii, status offenders comprised one-third of all juveniles arrested in 1994. These children need our help and must be exposed to community-based programs where they can receive the assistance they require. They should not be treated as disobedient minors, many if not most of these status offenders are fleeing physical or sexual abuse. H.R. 1818 not only retains the core requirement of deinstitutionalization of status offenders but continues funding for runaways and homeless under the newly created State block grants.

While Hawaii prides itself as a multicultural State, Samoans and Native Hawaiians continue to be overrepresented in our juvenile's system. Hawaiians and part-Hawaiians represent only 31 percent of the population across the State, while accounting for 35 percent of juvenile arrests and 53 percent of juveniles in the Hawaii Youth Correctional Facility. By strengthening and clarifying the disproportionate minority confinement core requirement, states may continue to take the necessary steps to properly address this problem.

I am glad to see that H.R. 1818 continues to provide funding to the programs that have proven their effectiveness in reducing juvenile crime. Programs such as mentoring, truancy prevention, recreation, job training, and drug rehabilitation to name a few will be streamlined into one block grant.

Having said that, I must express some concern over the prevention block grant formula. While it will streamline the discretionary grants in the JJDPA, we also must make sure it received adequate funding. Historically, block grants end up receiving less money once consolidated than the original program before consolidation. These discretionary grants go to the people on the front lines of juvenile justice, working day to day and reaching out to these children who need their help. We must make sure they are not short-changed.

I am glad to see bipartisan agreement that we must pass a strong comprehensive bill that will ensure that we take a balanced approach to juvenile crime. The passage of H.R. 1818 will ensure we have proper prevention to augment the purely punitive legislation passed earlier this year.

AMENDMENT TO H.R. 2107

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I spoke yesterday in opposition to Representative ISTOOK's amendment to H.R. 2107, the appropriations bill for the Department of the Interior and related agencies. The amendment would have prohibited new lands from being placed into trust for American Indians unless the tribes entered into agreements concerning the collection of certain taxes with local and State governments. I was not able to give my entire statement in the time allotted, and had submitted my entire statement to be included in the CONGRESSIONAL RECORD. This was not done. The following is my entire statement as I intended it to be entered in the RECORD:

> MR. CHAIRMAN. I rise in strong opposition to the Istook/Visclosky amendment which would prohibit the use of BIA funds to transfer any new land into trust unless a binding agreement is reached between Indian tribes, states, and local governments regarding state and local excise taxes on retail sales to non-Indians on new trust land.
>
> There are many reasons to oppose this amendment. First, as a matter of procedure, this is more than a matter of setting a level of appropriations. This amendment sets legislative policy on a subject under the jurisdiction of the Committee on Resources.
>
> The issue of whether any additional statutory conditions should be placed on transfers of land into trust for Indian tribes deserves public hearings and the deliberations of the committee of jurisdiction. The subject of this amendment has not been considered by the Committee of jurisdiction. By proceeding with an appropriations rider, we lose the value of public input to Congress available through committee hearings, and those of us who serve on authorization committees are again locked out of the full deliberative process.
>
> Many of you have seen the conflicting statements of the many "Dear Colleague" and other letters which have been circulated over the past ten days. In many cases, these letters are in direct conflict with one another. This is happening because there have been no hearings through which facts can be sought and properly reported from the committee of jurisdiction to the House. Now I ask you, is this the best way to set the nation's policy? When voting on a subject of this significance, wouldn't you be more comfortable having the benefit of prior legislative deliberations?
>
> Turning now to the merits of the legislation, I believe it is not controverted that current law and regulations mandate that the Secretary of the Interior provide notice to state and local governments prior to making a final determination on taking Indian land into trust status. Additionally, the Secretary must consider the impact on state and local governments of removal of the land from the tax rolls.
>
> Furthermore, state and local governments who disagree with a decision of the Secretary can appeal adverse decisions within the Department of the Interior and in the federal courts. If the land proposed to be transferred into trust is not part of a current reservation and the proposal is for economic development, the transfer is subject to a higher standard of scrutiny. This is a sufficient regulatory scheme already in place to protect the rights of state and local governments, and it keeps the negotiations between the Indian tribes and the United States, which is consistent with our government to government relationship.
>
> If this amendment were enacted into law, state and local governments would be given an absolute veto over all future transfers of land into trust status. This is a significant change in national policy, and as I noted earlier, this change would be made with our only deliberations being today's debate.
>
> Finally, Mr. Chairman, as a matter of equity, I find it very disturbing that we are debating today, yet another attack on the American Indian. I fear that efforts like this are a renewal of the efforts of Congress' in prior decades when actions were taken to make sure our first Americans are never given the opportunity to achieve success.
>
> There was a recent advertisement I heard that pretty well summed up our treatment of this country's Indians. It went something like this: two hundred years of exploitation and neglect, more than 700 broken treaties, $2 billion in tribal trust funds lost or mismanaged, $200 million in funding cuts last year, and now politicians want to levy new taxes against tribal governments. Haven't they paid enough?
>
> The ad was a brutally-accurate summary of our past treatment of the American Indians. The question for today is, do we continue along that destructive line of reasoning, or do we provide today's tribes with the opportunity to determine their future through their own self-initiative.

Most Indian reservations contain lands which are inholdings, plots of land within the reservation which were sold out of trust decades ago pursuant to the 1887 General Allotment Act. In many instances these plots contain homes occupied by tribal members who have inherited them or acquired them but have not had them taken back into trust by the Secretary of the Interior. Many tribes are extremely poor and have been in the process of having these homesites taken back into trust for decades.

The tribes are not doing this to set up truck stops or tobacco shops or any other form of commercial operation. Usually the tribes are merely working to reacquire their lands and to insure that those lands and the Indians who live on them will be eligible to participate in the various Bureau of Indian Affairs programs which apply only to trust lands.

Tribes are doing this for reasonable, practical purposes. The Bureau of Indian Affairs operates road maintenance programs, environmental services programs, real estate services programs, water resources programs, and a large number of other programs which only apply to trust lands. Tribes want their members to participate in and benefit from these programs.

However, if the Istook amendment is adopted and the Secretary of the Interior is precluded from taking any of these former trust lands back into trust, we will eventually have a new second class of citizen in this Nation. If the Istook amendment is adopted we will have some Indians living the life of the poorest of the poor who don't even qualify for various Bureau of Indian Affairs programs. We will have Indians living on Indian reservation land which does not qualify for any Indian program.

This is absurd, Mr. Chairman.

The gentleman from Oklahoma is trying to prevent a handful of Indians from setting up businesses which do not collect State and local sales and excise taxes. He is trying to resolve a problem that exists in a very few instances in a few States.

The vast majority of lands taken into trust by the Secretary of the Interior have nothing whatsoever to do with diesel fuel or tobacco or tax advantages. Instead of solving a problem common to only a few individuals, this amendment would create a whole new level of second-class citizens. This amendment would create a class of Indian which lives on lands within a reservation but receives no Bureau of Indian Affairs services; a class of Indian which receives no State sewer, no State water, no State police protection, no State fire protection, on other State services except State tax collection services.

Mr. Speaker, few lands have ever been enacted which would do so much damage while solving so few problems.

The gentleman from Oklahoma apparently is trying to stop Indian Tribes from setting up businesses which do not collect State and local sales and excise taxes. He is trying to resolve a problem that exists in a very few instances in a few States.

However, this limitation on appropriated funds would impact all Indian tribes in all

States. The way I understand this amendment, not a single acre of land could be taken into trust, anywhere, for any reason. If that is not the first step toward ending any possibility of economic development for the poorest of this Nation's poor, I don't know what is.

In my opinion, this draconian limitation on appropriated funds is far worse than the problem.

I understand that a few Indian businesses are selling diesel fuel and tobacco and a few other types of merchandise without collecting State and local sales and excise taxes. I can appreciate how this gives a competitive advantage to a handful of Indian businesses. I will support a bill which will cure this problem to the satisfaction of all of the interested parties.

But, the vast preponderance of land being taken into trust by the Secretary of the Interior has nothing whatsoever to do with tax advantages. Most parcels of land being taken into trust are small tracts consisting of an acre or two which lie within an existing Indian reservation, non-trust land scattered like a checkerboard between trust lands. Economically fencing, accessing, monitoring, and developing these checker boarded lands is extremely expensive, almost impossible.

The Interior Department spends millions upon millions trying to block up these lands and put them into useful production. But because of the 1887 General Allotment Act which allowed Indian lands to be sold and thereby taken out of trust, the Department has to take these lands back into trust.

The effect of the Istook amendment would be catastrophic for any Indian tribe which is trying to have even the smallest plot of land taken back into trust.

This spending limitation is aimed at solving a commercial problem which many of the States have already solved. Even Oklahoma has worked out most of its problems with these tax havens owned by an Indian tribe.

However, this limitation on appropriated funds ignores all of these solutions. Instead, this language would completely eliminate the Secretary of the Interior's ability to take any land into trust, in any State.

Mr. Chairman, this amendment is not only unnecessary but also wrong. The Indians of this Nation suffer the highest unemployment anywhere. Health care, child care, economic opportunity, and just about any other social service available to the average American is barely available on a marginal basis to Native Americans.

What we do not need is this strangle hold on the Secretary of the Interior.

I urge my colleagues to oppose the Istook amendment.

TRIBUTE TO FRANK PARKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to honor the late Mr. Frank Parker who died on Thursday, July 10, 1997. He was born in Mount Pleasant, PA. He graduated from Oberlin College in 1962 and then spent 2 years at University College, Oxford University, England. In 1966, he received his juris doctorate degree from Harvard Law School.

After law school, he began his distinguished career in the Office of the General Counsel of the U.S. Civil Rights Commission. He wrote the commission's report, "Political Participation" in 1968.

Mr. Speaker, I first met this giant of a man in 1968 while he was a lawyer in the Mississippi office of the Lawyers' Committee for Civil Rights Under Law. He served courageously in the protection of civil rights of black Mississippians in this office for 13 years. Mr. Parker was a strong advocate for voting rights and worked vigorously for passage of the Motor Voter Act. His tireless fight for justice and equality is one of the defining principles of his life.

Mr. Parker was a MacArthur Foundation Distinguished Scholar at the Joint Center for Political Studies in Washington, DC, in 1985 and 1986 and spent the year doing research for "Black Votes Count." The book was honored by the American Political Science Association, the Mississippi Historical Society, and the Gustavus Myers Center for the Study of Human Rights in the United States.

In 1992 and 1993, Mr. Parker returned to the Joint Center for Political Studies and did research for a book supporting affirmative action. Mr. Parker taught at the District of Columbia School of Law from 1992 to 1995. He taught law at American University for a year before leaving to take a position as a visiting professor of constitutional law at Washington and Lee University in Lexington, VA.

Mr. Parker leaves a proud legacy as a husband, father, brother, mentor, civil rights leader, community activist, and great American.

Mr. Speaker, I ask you to join me in saluting the late attorney Frank Parker for his outstanding contributions to this Nation.

INTRODUCTION OF THE CHILD ABUSE NOTIFICATION ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce the Child Abuse Notification Act of 1997. Children are solicited by pedophiles on the Internet everyday, and child pornography rings are doing a thriving business peddling their filth over the Internet. These actions are crimes. However, few perpetrators are apprehended because law enforcement can't effectively police the Internet, and Internet crimes are frequently not reported.

Federal law requires photo developers, doctors, teachers, and therapists to report incidents of suspected child abuse to law enforcement. However, Internet service providers [ISP's] are not currently held to that same standard. As a result, ISP's often respond to complaints of criminal activity against children by simply removing the offender from their system. Perpetrators are free to move to a new system or re-register under a new name. Either way, children are no safer.

That's why I hope you will join me as a cosponsor of the Child Abuse Notification Act. This bill would add Internet service providers to the categories of professionals who must report suspected child abuse to law enforcement. This simple and effective legislation will help make the Internet safer for our children.

I hope my colleagues will join me by cosponsoring this important legislation. We must not allow a small band of criminals take the opportunities provided by the Internet away from our children.

RECOGNIZING THE RETIREMENT OF SISTER FRANCINE NOLAN

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. KLINK. Mr. Speaker, I rise today to congratulate Sister Francine Nolan on her retirement after 48 years of service to the Diocese of Pittsburgh and Greensburg, PA.

Sister Francine graduated from St. Xavier in 1948 and has been touching people's lives ever since. Having been raised in Pittsburgh's St. Paul Orphanage, Sister Francine devoted her life to giving back to the diocese and to teaching God's children. Since 1949, she has taught at various area schools.

Throughout her career Sister Francine has been recognized for her achievements. In 1975 Sister Francine was recognized as the National Teacher of the Year and in 1976 she was named the Pennsylvania Teacher of the Year. The people of western Pennsylvania are truly blessed to have had sister Francine as a part of their education community.

Sister Francine Nolan epitomizes the spirit of sharing and caring that makes our Nation great. Her legacy of teaching children will live on through those who have had the opportunity to work and learn with her. The French satirist Voltaire said that "We must cultivate our garden." Sister Francine, you have cultivated your garden and now it is time to sit back and enjoy the fruits of your labor.

So my fellow colleagues, it is with great pleasure that I urge you to join me in commending Sister Francine for her achievements. She has touched the lives of all who have known her and has demonstrated a commitment to service that the Diocese of Pittsburgh and Greensburg, as well as the entire fourth congressional district, can be proud of.

IN REMEMBRANCE OF THE VICTIMS OF THE "13TH OF MARCH" TUGBOAT MASSACRE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, we recently marked the third anniversary of one of the many heinous crimes committed by the Castro regime against the enslaved people of Cuba.

It was on July 13, 1994, that a group of 72 Cuban refugees boarded the "13th of March" tugboat in an effort to find freedom in the shores of the United States. But shortly thereafter their vessel was ambushed and savagely attacked by Cuban gunboats while still in Cuban waters.

Survivors tell the tale of how Cuban authorities mercilessly fired water cannons at the liberty seeking refugees, while at the same time ramming the tugboat in an effort to destroy it. Women and children screamed for pity—for mercy—but their cries for help went unanswered.

As the boat sank, refugees scrambled for their lives in the deep, warm ocean of the Caribbean, but it was all in vain for the Cuban gunboats circled the sinking ships creating a whirlpool that literally sucked the life of the refugees. Among the dead were 2-year-old Sixdy Rodriguez, 3-year-old Angel Rene Abreu, and dozens of other women and children. The death toll is estimated at 42, but we will never know the exact number.

This is the brutality that the Cuban people have faced daily for the past 38 years and it is why this Congress and this Government must continue to do all it can to help the Cuban people in their struggle to achieve freedom.

THE ROLE OF GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 16, 1997, into the CONGRESSIONAL RECORD.

THE ROLE OF GOVERNMENT

The key question in American democracy has always been the proper role of government: what it can do, what it should do. Some people believe that government should solve problems and protect people. Others think that government should stay out of people's lives. Still others believe it should help people equip themselves to solve their own problems.

President Reagan said that government is the problem. President Clinton has said that government is neither the problem nor the solution but the instrument by which we give each other the tools to make the most of our own lives. Throughout our history we've been trying to find the right balance between what the state does and what is best left to the individual or the private market.

Changing attitudes: There has been a major shift in attitude toward the role of government in recent decades. In the early 1960s many were brimming with optimism over the potential of federal programs to solve all kinds of problems: alleviating poverty, curbing racial discrimination, extending health insurance, and rebuilding America's cities. More recently the mood has shifted toward pessimism about what government can achieve that is worthwhile. Many believe that government creates more problems than it solves, and some people today loathe or even fear the government. As is often the case, the truth is probably somewhere between the gloom and the euphoria about government's role.

Skepticism toward government has always been a healthy strain in American thinking. The Constitution with its emphasis on measures to check official power reflects that view. But overall, most Americans probably recognize that government has several important roles.

Meeting important needs: One role of government is meeting important needs. Polls show that programs like Medicare and Social Security, which have greatly improved the lot of older Americans, remain very popular. There is also widespread support for a strong national defense, public education, law enforcement, environmental protection, and immigration control.

America is an individual-centered society, but when violence spreads and prisons explode with new inmates, when social divisions widen between society's have's and have not's, when the schools lag behind those in other countries, then part of the way to cope with these problems more effectively is to have government action.

Providing opportunity: Government also helps provide equality of opportunity. Over the years it has stepped in through civil rights laws, free public education, progressive taxation, and transfer programs to moderate some of the inequality in our market-based economy.

Most of us recognize that the notable achievements of our nation occur where individual talent and creativity blossom. Often that happens without government, but sometimes government is important in ensuring that individuals receive the opportunity and the backing they need to get ahead if they work hard.

Reflecting core values: Another role of government is to reflect important values. Government steps to prohibit child labor, preserve endangered species, or help keep older Americans out of poverty give expression to important social values.

Often people judge government policies less in economic terms than in moral terms of right and wrong. For example, they support Head Start, not because of its impact on the economy but simply because it is right to give a child a chance to get an education. They talk about protecting the environment as a way of preserving certain values for future generations, and urge campaign finance reform to remove corruption from the system.

Curbing excesses of market: Government is also needed to curb excesses of the market. Government doesn't replace the market but it can on occasion usefully complement it. The market clearly was not working well in the Great Depression, and the government stepped in to promote maximum employment and purchasing power.

We should rely on private sector markets but we should also be aware of market imperfections. Left to themselves markets can produce too little of some goods like scientific research and too much of other goods like pollution. They can leave behind large parts of society, particularly in the inner cities or in remote areas.

Limited, efficient government: Although government plays several important roles, most Americans also recognize its weaknesses. They clearly favor a limited, more efficient, less costly government.

Certainly there is a lot wrong with government. It can be wasteful, make mistakes, and be paralyzed by gridlock. It can fail to deal successfully with issues of great importance to the American people. Problems of cooperation can crop up repeatedly among the various levels of government. Yet we have a very difficult time shifting through the many activities of government and discarding programs that are no longer needed or are ineffective. Once established, government programs tend to keep going, protected by affected constituents, lobbies, and congressional committees. Many people will tell you that the functions of government must be kept to a bare minimum but then casually accept the benefits of many government programs, such as driving on a federally built highway. However difficult, we must continue our efforts to streamline government.

Conclusion: The character, initiative, and resourcefulness of the American people are still key to the nation's success. But so are various government activities like good education, basic research, and infrastructure. Good policy choices by the government, the skill with which legislation is crafted and implemented, and the effectiveness of government can make a big difference and can help restore confidence in our national institutions.

Government may be part of the problem for the United States, but it is also part of the solution. I don't see any way out of many of the difficulties that confront us without enlightened public policies. Whether we like it or not, government will play a significant role in our lives. We have to work harder at making that government work better and cost less.

TRIBUTE TO THE LIFE AND ACHIEVEMENTS OF COMMISSIONER CHARLES H. "CHUCK" SHOUDY

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. McNULTY. Mr. Speaker, the life and achievements of the Honorable Charles H. "Chuck" Shoudy, Commissioner of the Albany Department of Human Resources, were an inspiration to many. It is with great sadness that I inform the House that Chuck Shoudy died in a car accident on June 30, 1997. He was 50 years old.

With Chuck's death, the City of Albany, NY, lost a much loved and valued public servant—and I lost a good friend. His life was motivated by a tireless and creative commitment to helping economically disadvantaged individuals help themselves.

Chuck Shoudy was named director of the Albany County Neighborhood Youth Corps in July 1971—a program he helped to develop. In 1974, he was appointed director of the city of Albany's Department of Human Resources, holding such positions as deputy commissioner and executive deputy commissioner before becoming commissioner of the department in July 1990.

Born in Albany, he knew every nook and cranny of the city but, above all, he knew the people—the young and the elderly—and he was devoted to them. He reached out to the jobless and sought to help them by providing them with education, skills training, and jobs.

Chuck believed that everyone—given the opportunity—would choose to be a productive citizen. Over the years, he enabled tens of thousands of men and women to enter the workforce. At the time of his death, he was administering and coordinating 10 programs, including On-the-Job Training, Albany Service Corps, Services for Dislocated Workers, an older worker program—Club 55, Training for Trades, and a youth internship program.

He was a devoted father to his children, Elizabeth and Daniel—and a devoted brother to his only sister, Linda C. Martin.

Chuck Shoudy made a difference, and he will be sorely missed.

SALUTE TO CORNELIUS "NEAL" GREEN, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to pay tribute to the late Mr. Cornelius "Neal" Green, Jr. On April 21, 1997, Mr. Green departed this life at the age of 49 due to an extended illness.

He attended Jackson public schools and graduated from Jim Hill High School. After high school he enlisted in the U.S. Army and served 3 years of active duty and he remained active in the Army Reserve until January 1990. His last duty assignment was with the 185th Aviation Battalion where he was the communications section leader and attained the rank of sergeant first class.

After his 3 years of active duty, he returned to Jackson and enrolled in Jackson State University where he received a bachelor of arts in political science and masters of science in counseling. Cornelius was an active member of Phi Beta Sigma Fraternity, Inc. Cornelius began a career with the Travelers Insurance Co. as a financial services sales representative and continued his career as a marketing associate, agency supervisor, production supervisor and senior account analyst. He had an outstanding career and received many awards for his job.

Mr. Green's memory will be forever cherished by his devoted and loving wife of 24 years, Tomie Zean Turner Green; two children: Nikisha and Synarus, and a host of relatives. Mr. Speaker will you join me today in honoring late Mr. Cornelius "Neal" Green, Jr.

THE INTERNATIONAL ARBITRATION ENFORCEMENT ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. McCOLLUM. Mr. Speaker, last week I introduced the International Arbitration Enforcement Act of 1997, H.R. 2141, a bill designed to protect the investments of U.S. citizens overseas. It will provide a civil remedy in U.S. courts for damages suffered from a violation of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards by a foreign state.

The New York Convention is a multilateral international treaty drafted in New York in 1958. The United States joined the convention in 1970. Binding arbitration clauses are frequently used in international business contracts, providing a prompt and relatively inexpensive dispute resolution mechanism. Signatories to the convention commit themselves to enforcing awards of foreign arbitration panels in their domestic courts. Failure to enforce an award, unless based on one of the limited defenses specified in the convention, in my opinion, raises an obligation on the part of the offending signatory to satisfy the debt at issue.

Arbitration clauses such as those governed by the convention are especially important in countries that do not have a tradition of adhering to the rule of law as we know it. There, if a conflict arises triggering arbitration, a neutral third-country forum enables resolution of the dispute free from the biases of local courts and the vagaries of an unresponsive judiciary. The usefulness of this mechanism depends, however, on the commitment of signatories to the convention to provide a process through their courts when the prevailing party returns to enforce and collect. When a signatory fails to provide such a process or otherwise impairs the ability of parties to collect on foreign awards, U.S. citizens often find themselves without any remedy notwithstanding an award in hand obtained through process measure of protection to U.S. citizens against economic injury resulting from violations of the New York Convention by foreign states by creating a civil remedy against the foreign state in U.S. courts and providing for enforcement of any resulting judgments against certain assets of the foreign state in the United States.

The case of the Ross Manufacturing Corp. of Florida illustrates the need for the remedy provided for in this bill. In July 1993, Revpower Limited, owned by Ross Manufacturing Corp.—f/k/a Ross Engineering Corp.—obtained a unanimous arbitral award in the amount of US$4.49 million against its Chinese State-owned trading partner, the Shanghai Far East Aero-Technology Import and Export Corp.—SFAIC. With interest the award now totals almost $9 million. Since that time, Revpower has been trying to enforce its award through the Chinese court system with essentially no success. Indeed it was only after enlisting the interest and support of the United States State and Commerce Departments and numerous Members in both Houses of Congress that the Chinese court even accepted Revpower's enforcement action for filing. A review of Revpower's 4-year effort to enforce its award makes it abundantly clear that the Chinese Government has, by failing to provide a viable enforcement mechanism in accord with its obligations under the New York Convention, effectively blocked and delayed Revpower's enforcement efforts and rendered its arbitral award worthless for all practical purposes.

By its actions in this dispute, China has signaled that it is no longer bound by the terms of the New York Convention and, consequently, Revpower and Ross Manufacturing are without any remedy to redress their economic injuries. This bill would provide that remedy to Ross Manufacturing and all citizens and corporations of the United States who encounter foreign nations unwilling to live up to their obligations under the New York Convention.

Mr. Speaker, I invite my colleagues to join me in supporting this bill and, in so doing, underscore the importance of the rule of law and respect for international treaty obligations.

THE 250TH ANNIVERSARY OF SAWYER FARM IN ORANGE COUNTY, NY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. GILMAN. Mr. Speaker, I rise today in order to call to the attention of our colleagues the 250 anniversary of the Sawyer Homestead and Farm, in Orange County, NY. It is my unique pleasure to rise before the House today and call upon my colleagues to join with me in congratulating the Sawyer family in maintaining a heritage which extends back so many generations.

It was on the fourteenth day of September, 1747, that an indenture was made, allowing Richard Sawyer to acquire the initial properties at Maple Avenue, on which the Sawyer Homestead and Farm rest to this very day. This homestead is one of the oldest in the state, still retained by the original family. This is made all the more unique due to the fact that it has never in its 250 year history gone out of the original surname.

Maintaining a homestead and the traditions that become attached to it, throughout the generations, through political upheavals and monumental changes in the world and in society should be admired by all. The value of the family, both present and past, is at the core of this establishment, and is an example to us all.

The descendants of Richard Sawyer are celebrating this anniversary on the weekend of August 2, 1997 at Sawyer Farm, where so many generations were born and raised. On this auspicious occasion, I would especially like to mention Ethel Sawyer Martin, who will reach the age of 99 on November 11, 1997, and is the oldest living Sawyer family member. My heartfelt congratulations go to her, and may she have many more happy years on the Sawyer Homestead and Farm.

Mr. Speaker, in joining the celebration on this important occasion, I invite our colleagues to join with me in extending greetings and congratulations, and the best of luck for the next 250 years.

TRIBUTE TO A FALLEN HERO

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise to pay tribute to Det. Paul Hale of the Raleigh Police Department who was killed in the line of duty last Friday. Detective Hale is survived by his wife, Connie, and their daughters, Jessica Anne, age 10, and Stephanie Lynn, age 7.

Mr. Speaker, I did not know Detective Hale personally, but I know well of his work and that of his brother police officers. Law enforcement officers in North Carolina serve day-in and day-out on the frontlines in the battle to secure safe streets and communities. As this tragic event illustrates, too often this battle is waged against long odds.

Paul Hale excelled at his dangerous, often thankless, job. His 7 years of exemplary service won him a promotion just last week to the esteemed rank of police detective. Recognized for his skills in pursuing lawbreakers, Detective Hale was hot on the trail of a murder suspect when a 9-millimeter bullet to the head snuffed out his young life. The perpetrator of this terrible crime is reported to be a teenager with a history of criminal activity.

Mr. Speaker, the tide of youth violence is rising at a rapid rate. I have spent several days in recent months on patrol with North Carolina's men and women of law enforcement as they endeavor to thwart this growing threat. Although statistics tell us overall violent crime is down some 5 percent nationwide, youth violence has risen by 6 percent in my home State.

We must adopt a tough and smart new approach to stem this rising tide of youth violence. Law enforcement is struggling hard to do the job, but they cannot do it alone. They need and deserve our help and support.

Mr. Speaker, last week, Paul Hale made the ultimate sacrifice to serve and protect the people of North Carolina. I call on this Congress to take aggressive action to crack down on violent criminals and demonstrate that this North Carolina hero did not die in vain.

CHANGE IN CHINA WILL COME THROUGH ENGAGEMENT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. BEREUTER. Mr. Speaker, this body has once again completed its annual debate over retention of MFN, or normal trade status, to China. While the actual fate of MFN was never truly in doubt, during the week or two before the debate, that debate was marked by a wide array of accusations and charges. In the aftermath of this debate, it is understandable that there is some confusion as to the precise nature of our vital interests in China, and how best to pursue those interests.

This Member believes that linkage of trade to human rights does not advance United States vital interests, nor does it promote democracy in China. As an excellent editorial in the Lincoln Journal Star recently noted, "there is a fine line between making our views known to China and trying to, or even thinking we can, impose our will. * * * While we should continue to speak up for the rights of other peoples, including those in Hong Kong, we will have more influence if we simply maintain an open relationship with China in which there is a free flow of people and goods."

Mr. Speaker, this Member commends to his colleagues the July 2, 1997 editorial entitled "Best way to influence China through open relations, trade" in the Lincoln Journal Star and asks that it be submitted as part of the RECORD.

[From the Lincoln Journal Star, July 2, 1997]

BEST WAY TO INFLUENCE CHINA THROUGH OPEN RELATIONS, TRADE

The spectacle that unfolded in Hong Kong this week has provided a good opportunity for Americans to focus attention on China. The more we know about the world's most populous nation, the better we will understand it.

And that's imperative as China develops into a world-class economic power.

In the sweep of history, the return of Hong Kong from British to Chinese rule is a welcome event. Hong Kong belongs to China. It is Chinese. The passing of the racist-tinged relic of Western colonialism should be a cause for celebration, not mourning.

The legitimate concerns surrounding this week's historic transfer of power center on protection of Hong Kong's economic and political freedoms. While the former seem relatively secure, the latter may turn out to be not quite as broad as they once were, certainly not as unfettered as we would want them to be. We will have to wait and see.

While we can, and ought to, monitor events as they progress in Hong Kong, we should recognize that the economic forces already unleashed in China are likely to carry it along the path to broader personal freedom. And we need to understand that, try as we might, we cannot dictate the pace of change.

It is fair to expect China to abide by the agreement it negotiated with the British in which it promised to abide by a "one country, two systems" formula that guaranteed a level of autonomy for Hong Kong that would protect its market economy and democratic freedoms. China should be held accountable for keeping its word.

But there is a fine line between making our views known to China and trying to, or even thinking we can, impose our will. We need to be sensitive to such issues as sovereignty and national pride in making our case, and to China's long-held suspicion that we are embarked on a new form of colonial dominance called American hegemony.

It would be useful if we sometimes tried to step back and see ourselves from other people's eyes. China's leaders may ask how we would like it if they questioned our civil rights record, or the plight of our poor in the midst of vast wealth, in the court of world opinion.

While we should continue to speak up for the rights of other peoples, including those in Hong Kong, we will have more influence if we simply maintain an open relationship with China in which there is a free flow of people and goods.

In the long run, congressional approval of President Clinton's renewal of normal trading relationships with China will do more to positively influence the lives of Chinese citizens than any of our lectures.

It is difficult to keep societies open and regressive at the same time.

And economic freedom begets broader personal and political freedoms.

LET'S NOT REOPEN THE IMMIGRATION REFORM BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. PACKARD. Mr. Speaker, I am outraged by the recent actions taken by Attorney General Janet Reno. Friday morning, I read that she unilaterally decided to suspend deportation proceedings for hundreds of thousands of illegal immigrants. This decision to disregard the ruling by the Board of Immigration Appeals and attempt to overturn current law through administrative action is simply unacceptable.

Last year, we took strong and decisive action to curtail illegal immigration. Our immigration reform measure specifically raised the bar for those facing deportation because previous law enabled millions of illegal immigrants to remain in the United States permanently. It was an action taken to ensure that only those illegal immigrants who truly face an exceptional and extremely unusual hardship to an immediate relative remain in this country.

Now that we have shut the door on illegal immigration, the Clinton administration wants to reopen it. We have seen through the great failure of the Citizenship USA Program that this administration will do whatever it takes to allow illegal immigrants to remain in the United States. This most recent action is just another attempt at granting asylum for illegal immigrants. Illegal immigration is a growing problem and every illegal immigrant should be treated the same under current law.

Mr. Speaker, I have begun circling a letter to send to Attorney General Reno opposing her actions to suspend the deportation proceedings for illegal immigrants. The law is quite clear on this issue and everyone should be held to the standard that Congress set in last year's immigration reform bill. Illegal immigration is an enormous problem that affects every state in the nation. I encourage all of my colleagues to sign on to this important letter.

TRIBUTE TO BORINQUEN PLAZA SENIOR CENTER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to the Borinquen Plaza Senior Center as it celebrates 20 years of existence. The organization is located in New York City in the community of Williamsburg, Brooklyn. Throughout the years, the Center has been a vital resource and has provided a safe haven for one of our communities most precious assets—our senior citizens.

The Borinquen Plaza Senior Center officially opened in 1977. However, before it was an established organization, it was first an idea born out of the hearts and minds of men and women of various cultures and nationalities. Through their tireless efforts and willingness to dream big, thus was born an organization whose ultimate mission is to care for the elders of our communities. Elders are the wise individuals who we also know as our parents and grandparents.

On any given day over 300 seniors pass through the doors of the Borinquen Plaza Senior Center, receiving services ranging from breakfast and lunch to assistance in obtaining entitlement benefits. An additional 200 homebound seniors receive meals delivered directly to their doorsteps as part of the Center's

Meals-on-Wheels Program. Furthermore, the Center is one of the few programs that opens its doors on Thanksgiving and Christmas day to provide meals to seniors.

As we move forward into the next century, I am confident that the Borinquen Plaza Senior Center will continue its outstanding work. The Center is a shining example of community service at its best and it will always have a friend and advocate in NYDIA M. VELÁZQUEZ.

In light of the above, Mr. Speaker, I ask my colleagues in Congress to join me in congratulating the Borinquen Plaza Senior Center on its 20th year anniversary.

SUPPORT THE LIBERTAD ENFORCEMENT ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. MCCOLLUM. Mr. Speaker, today the President served notice that he will waive key provisions of the LIBERTAD Act, otherwise known as Helms-Burton. This legislation had three significant provisions. First, it codified all existing Cuban embargo Executive orders and regulations. It denies admission to the United States to aliens involved in the confiscation of United States property or the trafficking of confiscated property in Cuba. Finally, title III of the act allows United States nationals to sue for money damages in U.S. Federal court those persons that traffic in United States property confiscated in Cuba when Castro took over. Essentially, Congress intended to let U.S. corporations and individuals who own property confiscated by Fidel Castro to recover the unjust enrichment from corporations of other countries who have been managing and making a profit on these properties. The President was given the authority to waive this last provision in exceptional circumstances if it would expedite the transition to democracy in Cuba and if it were in the national interest of the United States.

Unfortunately, the President has somehow come to the ridiculous conclusion that waiving the provision allowing suits to be filed has expedited the transition to democracy. As far as I can tell, there are absolutely no signs of democracy in Cuba. There is, in fact, no transition to expedite. Furthermore, U.S. nationals continue to suffer the loss of their property, now being used for profit by Castro and businesses of our trading allies. Apparently the President believes this is in our national interest—helping our European allies, Canada and Mexico profit at the expense of United States nationals. This is outrageous.

Mr. Speaker, as a result of this continued charade by the President, I am introducing legislation that will allow Helms-Burton to go into full effect despite the President's continued caving to pressure from our allies. Our colleagues, Mr. BURTON, Mr. GOSS, Mr. GILMAN, Mr. DIAZ-BALART, Mrs. ROS-LEHTINEN Mr. SOLOMON, Mr. LIVINGSTON, Mr. COX, and Mr. BALLENGER, are also joining in this effort. The bill is the LIBERTAD Enforcement Act, which would repeal the waiver authority granted to the President in the original Helms-Burton legislation. It is clear that the President has abused his authority, waiving critical provisions of Helms-Burton without making even a remotely convincing case that it is expediting democracy in Cuba or that it is in our national interest. Therefore, the authority should be repealed.

Let me explain why the repeal of the waiver authority is so important. Cuba has been under a dictatorship for about 38 years now. Castro's dictatorship makes a mockery of human rights and it is an absolute disgrace that we allow this to happen 90 miles from my home State of Florida. We need to end this situation, and we should have done so long ago. The biggest problem facing us is no mystery at all. It is our allies in Europe, Canada, and Mexico who sustain Castro's regime through continued economic activity. These accomplices have continued to argue that their involvement was used as leverage against Castro and his tyrannical regime to improve human rights and promote democracy in Cuba. To date, these efforts have had zero success. In fact, the economic relationships of their businesses have not only profited these foreign corporations at the expense of American owners of Cuba property, but also hurt efforts to end Castro's dictatorship. The continued flow of hard currency into the island has helped Castro maintain an otherwise difficult situation. The threat of Helms-Burton enforcement has at least forced some lip service from our allies about human rights and democracy in Cuba. Unfortunately, the President has received little more from them than that as he continues to bow to our allies' pressures to waive the right to file lawsuits against those who traffic in confiscated property.

It is these lawsuits that would curtail some, certainly not all, of the trade activity in Cuba. The cost and potential penalties involved in these suits would make dealing in stolen goods less appealing. It is this hit in the purse that will force our allies to confront the reality of abuses in Cuba. If their bottom line is affected, maybe then our allies would do the right thing in Cuba and end their trafficking in stolen property while working more effectively toward democracy.

Mr. Speaker, I would like to stress that that is all we are talking about here. This is not whether people trade with Cuba. That is another topic for another day. This is only about dealing in stolen U.S. property—otherwise known as unjust enrichment. It is our obligation to ensure that property rights of U.S. citizens is protected. I realize that this is not a situation unique to Cuba. There are other countries around the world that share similar problems which also need to be addressed. We should work for a multilateral agreement recognizing unjust enrichment rights of owners of confiscated property. However, Cuba's natural relationship (geography, culture, etc.) to the United States is unique. Therefore, we must take unparalleled steps against this practice now. That is what Helms-Burton was all about.

Helms-Burton was designed to make tough action a reality. For whatever reason, the President has continued to kowtow to European pressure and eviscerate the legislation by waiving title III for patently phony reasons. This outrageous practice must stop. I urge my colleagues to support the LIBERTAD Enforcement Act.

A RECOGITION OF THE ESTABLISHMENT OF THE KARTAR SINGH DHALIWAL PROFESSORSHIP OF PUNJAB/INDIAN STUDIES

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, today I would like to recognize the establishment of the Kartar Singh Dhaliwal Professorship of Punjab/Indian Studies at the University of Wisconsin-Milwaukee. This professorship, provided through a generous gift from Darshan Singh Dhaliwal to honor his father, will promote the study of the civilization of Punjab and India.

The professorship will focus on the study of the culture, religion, history, and civilization of this fascinating region. This professorship will allow American students to learn about an area that has existed since the beginning of civilization and whose constant development makes it one of the most exciting and innovative parts of the world. The University of Wisconsin-Milwaukee will appoint a professor whose teaching will include Indian languages and courses in Sikh and Indian civilization. In addition, there will be collaborative research projects undertaken with universities in Punjab, an exchange of faculty and students with these universities and a biannual conference on Sikhs, Punjab, and its culture.

As the world we live in becomes more multicultural and our communities become truly international, the gift of this professionship will ensure that this generation and future generations will learn about and appreciate the rich history and culture of Punjab and India. Milwaukee, and indeed, all communities can only benefit from this endeavor. Therefore, I commend and congratulate Darshan Singh Dhaliwal and the University of Wisconsin-Milwaukee on the establishment of the Kartar Singh Dhaliwal Professorship.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

STERLING FOREST

Mrs. ROUKEMA. Mr. Chairman, this is a proud day for the people of New Jersey and New York, and I want to thank Chairman REGULA for his diligence in seeing that the purchase of Sterling Forest becomes a reality.

The $8.5 million included in this legislation will ensure that northern New Jersey's drinking water will remain clean and safe.

For years, I have worked with Chairman REGULA to secure the appropriate funding levels for Sterling Forest. Last year the chairman was instrumental in seeing that language was included in the Interior appropriations bill which ranked Sterling Forest as one of the nation's top two priorities for land acquisition and he recommended that Sterling Forest receive $9 million as downpayment on the Federal Government's $17.5 million share of the purchase price.

Without this final $8.5 million Federal installment of funds, the entire $55 million project would be at risk. With the passage of this bill today, we are one step closer to celebrating the completion of this landmark project.

WALLKILL RIVER NATIONAL WILDLIFE REFUGE

I am also most grateful that the chairman included $1.3 million for the Wallkill River National Wildlife Refuge. Wallkill is one of the most fertile valleys and natural wildlife areas in New Jersey. The environmental education opportunities provided at the Wallkill Refuge as well as the important resources protected there are certainly a worthwhile investment that will have lasting impacts for generations to come.

However, while I am grateful for the $1.3 included in this bill, I had requested $3 million for the project this year. That $3 million is needed this year to complete the acquisition of critical wildlife habitat lands along the river. I want to stress that these lands are currently available and ready for purchase from willing sellers. For this reason, I will continue to push for additional money to complete the acquisition.

Earlier this year, I joined several other members in sending a letter to Appropriations Committee Chairman LIVINGSTON urging him to increase the Interior Subcommittee's spending allocation for fiscal year 1998. After several years of continuous reductions for the subcommittee charged with ensuring adequate protection of our natural resources, I was pleased that our effort was successful and that the subcommittee was given an additional $500 million. In addition, I was pleased that the budget agreement included an additional $700 million for the Land and Water Conservation Fund.

I had hope that the committee would move to incorporate the additional $700 million in Land and Water Conservation funds provided for in the Balanced Budget Agreement so that it could be used for projects like Wallkill, Delaware Water Gap Recreation Area, and other worthy projects in New Jersey.

Unfortunately, the committee chose not to allocate that $700 million in their report. However, I will continue to push for allocation of that $700 million as this appropriation's bill continues through the process.

I am painfully aware of how difficult a job Chairman REGULA and others on the Appropriations Committee have in this time of tight budgets. Please know that I am most grateful for the moneys included in this bill for Sterling Forest and Wallkill, and appreciate your continued support of these important New Jersey projects.

TRIBUTE TO TAVELLI ELEMENTARY SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to an excellent program that takes place in one of the schools of the 4th Congressional District in beautiful Colorado. This is a program called Dream Team, which endeavored about 5 years ago, to give additional assistance to children who needed a little extra help in reading. Since then, it has expanded into a comprehensive mentoring program where the older children get together every morning and help the younger children, not only in reading, but in math, and computer skills. This program was designed at Travelli Elementary School in Fort Collins, CO. The sixth graders run the program with the help of Mr. Bill Patterson, a physical education teacher, who saw a need and decided to fill it. The program's success is due in large part to the extensive participation of the students enhancing their own learning and teaching themselves new skills.

The Dream Team program teaches young children crucial lessons in leadership and teamwork. Guest speakers come in each week to discuss different topics which give the students a glimpse at the working world. I would like to take this opportunity to read a letter by one of the students participating in the program which will best explain the opportunities presented by a program such as this.

MY EXCITING MOMENT BY AMBER GILMORE

My significant moment was when I was ten years old and in the fifth grade. I was attending Travelli Elementary School.

At Tavelli there was an organization involving several fifth and sixth graders coming to Tavelli an hour before school starts, and assisting children who are in the Chapter 1 program in grades first through fourth with their reading and their dreams. What we means by dreams is, if a student has a dream to meet a specific person, he or she might dictate a letter to one of the fifth and sixth graders, the fifth or sixth grader would modify what the little kid said. We would send the letter and if he or she had the time they would come in and read us a story. One time astronaut Marty Fetman came in and told us about his experiences in the space program.

One time Sarah Smith and I (we were the people in charge of Dream Team) wrote to Bea Romer, Governor Roy Romer's wife. Mrs. Romer is very involved with literacy. Well, after we wrote her she responded and said that she would like us to visit her at her mansion in Denver. The entire Dream Team got dressed up, got onto a bus and headed for the Governor's mansion. We met her, it was so cool! I even have a napkin to prove it. She read us a story, and then she shared some cookies with us. Then her assistant showed us around the mansion. Mrs. Romer requested media there, but they didn't show. After that we went to the capitol house, and met with our state representatives. I don't think that the little kids really understood the experience but I really enjoyed it.

Mr. Speaker, this is an excellent example of how we can utilize resources outside the normal bounds and really reach children. This program is run by volunteers and the students help to write grants to assist with the funding. Involving the children themselves, teaching them how to lead and use their own capabilities is the best way to insure a good future for American's youth. Thank you Mr. Speaker for allowing me to show this fine example of a program that really works.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 17, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 18

10:00 a.m.
Appropriations
Interior Subcommittee
Business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998.
SD-124

JULY 21

10:00 a.m.
Judiciary
To hold hearings to review the FBI crime laboratory.
SD-226

2:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the Department of Defense compliance review process to determine whether theater missile defense and systems comply with treaty obligations.
SD-342

JULY 22

9:00 a.m.
Energy and Natural Resources
To hold hearings to review the Department of the Interior's handling of the Ward Valley land conveyance, S. 964, proposed Ward Valley Land Transfer Act, and related matters.
SD-366

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine certain clean air issues with regard to agriculture.
SR–332

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Stanley O. Roth, of Virginia, to be Assistant Secretary of State for East Asian and Pacific Affairs.
SD–419

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings to examine federal antitrust policy in the healthcare marketplace.
SD–226

Labor and Human Resources
To hold hearings to examine women's health issues.
SD–430

2:00 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

2:30 p.m.
Appropriations
Business meeting, to mark up proposed legislation making appropriations for the Department of the Interior and related agencies, and the Departments of Labor, Health and Human Services, and Education for the fiscal year ending September 30, 1998.
Room to be announced

JULY 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Food Safety, and Shirley Robinson Watkins, of Arkansas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
SR–332

Veterans' Affairs
To hold hearings on pending legislation.
SR–418

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine natural gas issues, focusing on the world energy supply and demand to the year 2015, the role of government in large scale gas projects in foreign countries, and emerging technologies in gas field development that are making natural gas more economical to market.
SD–366

Labor and Human Resources
Business meeting, to mark up S. 1020, proposed Arts and Humanities Amendments of 1997, proposed National Science Foundation Authorization of 1997, proposed Workforce Improvement Partnership Act, and to consider pending nominations.
SD–430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1998 for the government of the District of Columbia, focusing on the Departments of Health, Human Services, and Public Works.
SD–192

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings on proposed legislation to authorize funds for the Office of National Drug Control Policy.
SD–226

2:00 p.m.
Judiciary
To resume hearings to review the FBI crime laboratory.
SD–226

JULY 24

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on title IV.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to review the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System, and to examine the criteria used to determine national significance.
SD–366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine proposals on defense consolidation and its antitrust implications.
SD–226

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institutes of Health, Department of Health and Human Services.
SD–430

JULY 28

1:00 p.m.
Special on Aging
To hold hearings to examine the amount of fraud in the home health care system and ways to identify and deter fraud, waste and abuse in health care.
SD–562

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine gambling on the Internet.
SD–226

JULY 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104-127) on price and income volatility, and the properrole of the Federal government to manage volatility and protect the integrity of agricultural markets.
SR–332

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 967, to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska natives and rural residents, and S. 1015, to provide for the exchange of lands within Admiralty Island National Monument.
SD–366

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 268, to regulate flights over national parks.
SR–253

JULY 30

9:30 a.m.
Indian Affairs
Business meeting, to mark up S. 569, to amend the Indian Child Welfare Act of 1978 to provide for retention by an Indian tribe of exclusive jurisdiction over child custody proceedings involing Indian children and other related requirements; to be followed by an oversight hearing on the Bureau of Indian Affairs Special Trustee's strategic plan to reform the management of Indian trust funds.
SD–106

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to review the management and operations of concession programs within the National Park System.
SD–366

JULY 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby en-

hancing African food security and increasing U.S. exports.

SR–332

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

HOUSE OF REPRESENTATIVES—*Thursday, July 17, 1997*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With all the wonderful traditions that have blessed our lives, we pray, gracious God, that we will be more appreciative of the families who have nurtured us along the way and given us the very gift of life. For mothers and fathers, for grandparents and relatives, and for all those people who fostered our growth and looked to our care, we offer words of thanksgiving and gratitude. We recognize that as we give value to our family heritage and honor our own history, we strengthen our own lives and gain the power to share these same gifts with those who follow us. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. McINTYRE] come forward and lead the House in the Pledge of Allegiance.

Mr. McINTYRE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

GOVERNMENT CANNOT BUILD PROSPERITY; ONLY FREE INDIVIDUALS CAN

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I often wonder if the other side has forgotten what motivated people from every corner of the globe to come to our shores throughout history. Indeed, the forefathers of the very same people who reflexively attack the idea of tax cuts as tax cuts for the rich came to America to escape government oppression, to escape the idea that government has a higher claim to the fruits of your labor than you and your family do.

America as a land of opportunity was not built into a rich and prosperous Nation by this way of thinking. In fact, America is a land of opportunity for reasons which are exactly the opposite of this way of thinking.

Government cannot build prosperity. Only free individuals can.

Americans became rich because free individuals had dreams, took risks, and worked hard to realize those dreams.

The other side might wish to remember that their rhetoric has absolutely nothing to do with making America more free, nothing to do with telling children to dream great dreams, and nothing to do with making a nation prosperous. It is very sad to see.

INDEPENDENT CONTRACTOR PROVISION OF THE REVENUE RECONCILIATION ACT WOULD REDUCE AMERICAN WORKERS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, our country is going through a major transition in employment relations. The temporary help industry is exploding. Workers can no longer count on working for the same employer for their entire lives. Now is the time for Federal policy to promote a high-wage/high-skill economy which values workers and encourages employers to invest in the skills and long-term productivity of working people.

But the independent contractor provision in the Revenue Reconciliation Act would reclassify and misclassify American working people as independent contractors without wage and benefit guarantees, without unemployment or worker's compensation, without prevailing wage, minimum wage, without protections or equal employment protections. It would reduce American workers.

The last time we had a system like the independent contractor provision, we had an America that was filled with company stores. We are not going back to that era.

We have to value American workers, invest in them, and give them an opportunity to support their families with decent wages and to have decent benefits.

CUT TAXES FOR WORKING FAMILIES

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, one of the most important debates that will occur during this Congress is whether this Congress will send more money back to the people who work for a living and earn that money. As one might expect, we are hearing both sides in this debate talking about tax cuts.

But let's look at the record. Republicans have controlled Congress for the last two Congresses. In each of those Congresses we have passed tax cuts for working men and women in this country.

For 40 years before that, the other side controlled this Congress. When they began their reign in 1955, Americans paid about 10 percent of their income in taxes.

Today, thanks to their pattern of continuing tax increases, for the first time in American history the average family spends more in taxes than they spend for food, clothing, and shelter combined.

When we look at the record, this shows which party has real credibility on this issue. The other side fights tax cuts today by calling them tax cuts for the rich. Who are the so-called rich that the liberals refer to? They are talking about foundry workers, schoolteachers, machinists, and police on the beat. This is who they deem to be the rich. This is why they intend to deny tax cuts.

This has to end. We have to give people back more of the money they have earned, and give families the freedom to spend that money on their children. Republicans will end the wrong-headed practice of taking money from working families and sending it to Washington.

That day of financing every liberal wish list at the expense of working families will be over, Mr. Speaker, when the Republican tax cut takes effect.

FAIRNESS TO FARMERS

(Mr. McINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINTYRE. Mr. Speaker, today we will consider an issue of fairness to farmers who have invested for generations in their crops, and who for generations have fed their families, paid

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their bills, and put their kids through college when possible; farmers who, by the sweat of their brow on hot and humid days like today, are out there toiling in the sun; who suddenly might suffer a natural disaster at no fault of their own, as happened last year, when all eight counties in my district in southeastern North Carolina found that their crops were destroyed by hurricanes; small family farmers who should not bear the brunt of someone else's political agenda.

If we take away crop insurance from our tobacco farmers, we punish them for making an honest living from the soil of the Earth, we punish them by keeping them from getting bank loans, and we punish them again if disaster strikes. Do not do it. Do not take away their chance to make an honest living and be able to provide for their families.

THE GOP TAX BILL PROVIDES TAX RELIEF TO HARDWORKING MIDDLE-CLASS FAMILIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this is the end of the week. By now we have heard all the exhaustive cries of our liberal friends over here that the Republican tax bill provides tax cuts for the rich and, as they will have us believe, the rich do not deserve a tax break.

However, a close look at who they label as "rich" is very revealing. In fact, it reveals a tale of deception on every American worker. According to a recent independent study, the Democratic definition of rich is the total income of any household making more than $56,200 a year. They contend, therefore, that 1.7 million union members are too rich to deserve tax cuts, 2.4 elementary and high school schoolteachers are too rich to deserve a tax cut, 8.1 million government workers, 4.2 million mechanics, repairmen, and construction workers, and the list goes on and on and on.

Mr. Speaker, the Democrats complain, and they claim that the only equitable way to provide tax relief to the American people is to allow those who pay no taxes to receive a bigger refund. Mr. Speaker, the Republican tax bill provides that much-needed tax relief to hardworking middle-class citizens of this country. I urge all my colleagues on both sides of the aisle to support this bill.

ORDINARY HARDWORKING AMERICANS WILL RECEIVE NO TAX RELIEF THROUGH THE REPUBLICAN TAX BILL

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the Republican con games continue, convincing the American people they are getting a tax cut by giving a majority of the tax breaks to the richest people in America; complain that the Democrats are engaged in class warfare, while the Republicans practice it.

Yesterday I spoke about Al. He works in a factory, supports his wife and two kids on his $25,000 salary, and he gets absolutely nothing from the Republican tax bill.

Today I want to tell Members about Mary. Mary is a single mom. She will struggle to raise two kids on her own. Mary works 40 hours a week as a secretary for $12 an hour. That is a little less than $25,000 a year. Mary works hard and pays thousands of dollars in taxes. What does Mary get under the Republican tax bill? Nothing. Zero. Zip.

What do Speaker GINGRICH and the Republicans say about Mary? They say Mary is on welfare. Huge tax breaks for millionaires, nothing for Mary, nothing for Al. Mr. Speaker, the Republicans should come clean with the American people and tell the truth.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, an investigation by the inspectors general of the Department of Health and Human Services found that a $15.3 million training program based at the University of Mississippi, underwritten with Federal tax dollars, was only 8 percent effective. The goal of this program was to help participants earn the equivalent of a high school diploma, the GED.

Yet, for all the money spent, just 720 of the 4,300 participants even took the GED exam. Of those, only about half passed and went on to receive the GED diploma. The final price tag, now get this, for each GED diploma was $40,584. That looks like the cost of a 4-year stay at a State-run college, rather than a remedial education effort.

Why do we keep spending tax dollars on feel-good programs that are not working? It appears these folks could use a little education in the arithmetic category. They simply are not making the grade. The U.S. Department of Health and Human Services gets my Porker of the Week Award.

A NATIONAL COMMITMENT TO REPLACING OUTDATED LIBRARY BOOKS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, books have the power to bring the world to any child, but it is an obsolete world children see in 75 percent of the books in Chicago public school libraries.

Here is a sample of what students learn from many of these books. Russia is still part of the Soviet Union. The Berlin Wall is still standing. And some of these books boldly predict that one day man will actually walk on the Moon.

A recent study showed that 65 percent of the 100,000 public school libraries do not have adequate book collections. Recently the gentleman from Delaware [Mr. CASTLE] and I circulated a letter signed by 70 Members of Congress urging a strong new commitment to replacing outdated library books.

□ 1015

There is good news. Earlier this week a congressional subcommittee agreed to invest $350 million to help public school libraries. That is an investment, Mr. Speaker, that will help take our public school libraries out of the dark ages and bring them back to the future.

DRUGS IN FLORIDA

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, over the last 4 years an increasingly permissive attitude, even a tolerance in some circles, of illegal drug use has regrettably developed. The lack of institutional leadership from the President and from the media on this issue is reflected in the dramatic increases in the use of marijuana and other drugs by our young people. Overall drug use by teens in America has more than doubled since 1992, more than doubled. We need real leadership and we need it now.

Today Speaker GINGRICH will join the Florida delegation in a hearing to look at the troubling reemergence of Florida as a major drug trafficking route. This hearing is an important step in fighting the complacency and focusing, once again, on winning the war on drugs rather than settling for a stalemate or a draw. I hope the administration will join us in renewing our effort to kick our Nation's drug habit. We could use the help in Florida.

REPUBLICAN GOVERNMENT SHUTDOWN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republicans are beginning to fear that they are not going to be able to win the President's support for their tax cut plan for the rich. So what do they do?

They threaten to shut down the Government again.

Many Americans remember in the last session of Congress when the Republicans did not get their way and so they decided to shut down the Government. Now the Speaker fears he will not get his way with his tax cuts for the rich so he wants to hold the Government hostage once again.

Mr. GINGRICH told a meeting of Ways and Means Republicans Wednesday that the GOP-controlled Congress would not send any appropriation bills to the President for his signature until the President signs a Republican tax cut plan. This is according to two GOP sources that spoke to Congress Daily.

Mr. Speaker, the Democrats have been working hard to push our plan that would truly benefit middle-income families. Unfortunately, the Republican leadership is not honoring the agreement they made with the American people. First they broke their promise to middle-class Americans, and now they want to shut the Government down again.

PROMISES AND ASSURANCES

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, this is going to be a big week for Americans. We want to talk about tax cuts and what we can do to help children. But Carol Browner, Director of the U.S. EPA, is at it once again. She has made her final ruling, with agreement by the White House, that there are going to be some new ozone rules.

They did not look at the sound science. We know that from George Wolf that heads up the subcommittee. They did not release the information when we asked for it. Now in fact they might have cut some deals across the country that some areas do not have to go under these new rules, but they will not tell us whether they have or have not.

We need the truth, Mr. Speaker. The American people need the truth. These policies are not going to help people with respiratory problems. They are simply going to throw people out of work.

Most important, Mr. Speaker, this is the United States. It is time, no matter where we stand on these issues, that we do not let unelected bureaucrats decide national law. The people send Members of Congress here to talk about national law. The Director of the U.S. EPA is trying to mandate that we will do a certain policy without addressing the give-and-take of talking to the Congress.

Mr. Speaker, we have got to get behind the gentleman from Pennsylvania [Mr. KLINK] in his efforts.

NO TAX BENEFIT UNDER REPUBLICAN PLAN FOR MIDDLE-INCOME AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the real question this morning is, what do the schoolteacher, the police officer, the firefighter, the bus driver, and the single working mother have in common? No tax benefit under the Republican tax plan.

Many will say that absence makes the heart grow fonder. Let me say, not so. The Republicans have absented themselves from the 1994 Contract on America, which says that they would give a tax refund to those who pay income tax, those who receive an earned income tax credit, and those who pay payroll taxes. Not so.

They all signed it. They have all forgotten. Now they call the schoolteacher, the police officer, the firefighter, the bus driver, and the working mother, they are on welfare, because they do not want to give them a child tax credit.

Absence does not make the heart grow fonder for the working people of America. The Democratic alternative recognizes when you go to work every day as a bus driver, a schoolteacher, a single working mother, you deserve a tax credit for your child. That is the plan that is for all working Americans.

TAX CUTS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, I hope the American people that are observing this debate over taxes now realize why tax cuts come so slowly in this Congress. There are some elitists in this Chamber and a lot of egos that think that Washington can spend your money better than you can.

The tax bill currently before Congress is going to benefit every American, whether it is a $400 more in your pocket or $1,500 more in your pocket. Middle class working families are going to gain a little bit from this tax cut. But this tax cut is just a little bit. Compared to the $250 billion tax increase that we just had 4 years ago, this is an $85 billion net tax cut, just a portion of the huge tax increase that just happened a few years ago.

If we are going to have a country that has been as successful as we have, we have to get back to a system where we let the people keep more of the money in their pocket, where we reward the people that work hard, that try, that save, that invest, and the people that work hard are better off than those that do not.

IN SUPPORT OF TAX FAIRNESS FOR WORKING AMERICAN FAMILIES

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, 2 years ago the Republicans signed a contract with the working families of America and promised to provide them with tax relief. They proposed a law called the American Dream Restoration Act, which calls for a $500-per-child tax credit for families making up to $200,000. This was item 5 on their Contract With America.

Amazingly, the Republicans will give a $500-per-child tax credit to people making $200,000 but they want to deny this tax relief to families making $20,000. Yesterday the New York Times reported that the Speaker of the House might finally give the child care tax credit to all working families. Then he changed his mind.

My colleagues, what is going on here? Are the Republicans going to keep their promise or not? Are the Republicans going to make good on their contract they signed or is this just another case of promises made, promises broken?

BOGUS AIR QUALITY STANDARDS

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BARR of Georgia. Mr. Speaker, yesterday we had the administration officially come forward with its national ambient air quality standards, otherwise known as BAQS, bogus air quality standards.

Mr. Speaker, the administration tells us this is to save the children. But, Mr. Speaker, what do you tell the child whose family cannot afford a home because the so-called new air standards put the cost of those new homes beyond their family's means? What do you tell the child whose father is out of work because these so-called new air standards shut down his business? What do you tell the community that cannot build a new hospital because these new so-called standards cannot be met?

Mr. Speaker, America's children do not need weird science. They need homes, parents with jobs, new schools, new hospitals, all which would become endangered species if these so-called new standards are allowed to go into effect.

ROBIN HOOD IN REVERSE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, it appears as though the Republicans are going to treat us to another episode of their favorite show, Robin Hood in reverse. He takes from the poor and the middle class to give to the rich. This is also known by the term "tax relief for the rich." The issue is not whether there ought to be a tax refund. The issue is tax fairness.

If you look at the Republican tax package, 60 percent of the tax benefits go to the wealthiest 5 percent of Americans. They give millionaires $12,000 to $24,000 in tax relief through estate taxes and indexed capital gains, but when we suggest that teachers, bus drivers, entry-level policemen ought to get a child tax credit, they have the audacity to say that is welfare. No, that is tax fairness.

The working people, the working middle class in America ought to get the lion's share of the tax relief, not the wealthy millionaires who are collecting large capital gains tax breaks.

We believe in tax fairness. The Democrats are advocating a child tax credit for everyone. When they had their Contract on America, they said it was a good idea: Give working America a tax break. They reneged on that promise. Promises made, promises broken.

MEDICARE OVERPAYMENT

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, today the New York Times ran a very interesting article but a very sad article. It is entitled "U.S. Overpaid $2.3 Billion Last Year" in Medicare and it reads:

"In the first comprehensive audit of Medicare, Federal investigators said Wednesday that the government overpaid hospitals, doctors and other health care providers last year by $23 billion, or 14 percent of all of the money spent in the standard Medicare program.

"The books and records of the Medicare agency and its contractors were in such disarray that they could not be thoroughly audited," said the inspector general. She said that there was no way to tell how much money of the overpayment resulted from fraud.

Mr. Speaker, I think the buck stops with the President on this issue. I think before we get into the next cycle, I think the President absolutely must pay attention to this fraud and abuse in Medicare.

HOUSTON OILERS MOVE TO TENNESSEE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, recently the Houston Oilers received the final agreement to leave Houston and become the Tennessee Oilers, playing in Memphis, TN, this year and later on in Nashville, TN.

As a long-time Houston Oiler fan, I am looking for a new professional team to adopt. I worked as a 13-year-old at the old Oiler football games at Jeppesen Stadium, now Robertson Stadium, on the University of Houston campus.

Today I am cleaning out some of my Oiler paraphernalia like a lot of people in Houston are doing. I want to present them to the gentleman from Nashville, TN [Mr. CLEMENT] and say, "You can have this hat, you can have this glass that says Houston Oilers," even a bumper sticker from our local radio station that plays the Oilers and their games, and even a pin that says, "Love You, Blue."

Mr. Speaker, I yield to the gentleman [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentleman. I thank him for remembering Sam Houston and Davy Crockett and the countless volunteers that fought for Texas and independence. I have always heard all my life, if it had not been for Tennessee, there would not have been a Texas.

Well, we are not going to get Houston oil but we are going to get the Houston Oilers. We appreciate it very much. Payments are in full, and we deeply appreciate the gentleman realizing that we now have bought a great team. We want him to come see them play in the near future in Memphis and then in Nashville, TN. We have a lot to be proud of, and we will sure help the gentleman and work with him to get another team.

BOEING-McDONNELL DOUGLAS MERGER

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, yesterday the European Commission's Merger Task Force voted to disapprove the Boeing-McDonnell Douglas merger. The Economic Community charged Boeing would have to make greater concessions if they would receive approval from the EC.

I have sent a letter, developed a letter to the EC and I have sent it to every congressional office. At this time I am urging every Member of Congress to send that letter and show solid support for keeping their nose out of our business.

CROP INSURANCE

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, later today there may be an amendment to take Federal crop insurance from the American tobacco grower, yet it will be left for wheat, rye, barley, and all the other crops. Some do want to destroy the American tobacco grower. In 1896 William Jennings Bryan said, "If you destroy the American farmer, grass will grow in the streets of every city of the land."

□ 1030

In 1997, if we destroy the American tobacco farmer, 350,000 good jobs will be lost. We will be buying Chinese cigarettes, we will be buying Brazilian cigarettes, and we will be wrecking our trade surplus that agriculture so richly provides this Nation.

Save crop insurance and help the American economy.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Detail of intelligence community personnel.
Sec. 304. Extension of application of sanctions laws to intelligence activities.
Sec. 305. Administrative location of the Office of the Director of Central Intelligence.

Sec. 306. Encouragement of disclosure of certain information to Congress.

Sec. 307. Provision of information on violent crimes against United States citizens abroad to victims and victims' families.

Sec. 308. Standards for spelling of foreign names and places and for use of geographic coordinates.

Sec. 309. Sense of the Senate.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Multiyear leasing authority.

Sec. 402. Subpoena authority for the Inspector General of the Central Intelligence Agency.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Academic degrees in intelligence.

Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.

Sec. 503. Misuse of National Reconnaissance Office name, initials, or seal.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ____ of the One Hundred Fifth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $90,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 278 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(3) CONSTRUCTION.—Authorizations in the classified Schedule of Authorizations may not be construed to increase authorizations of appropriations or personnel for the Community Management Account except to the extent specified in the applicable paragraph of this subsection.

(d) REIMBURSEMENT.—During fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) DETAIL.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the head of a department or agency having jurisdiction over an element in the intelligence community or the head of an element of the intelligence community may detail any employee of the department, agency, or element to serve in any position in the Intelligence Community Assignment Program.

(2) BASIS OF DETAIL.—

(A) IN GENERAL.—Personnel may be detailed under paragraph (1) on a reimbursable or nonreimbursable basis.

(B) PERIOD OF NONREIMBURSABLE DETAIL.—Personnel detailed on a nonreimbursable basis shall be detailed for such periods not to exceed three years as are agreed upon between the heads of the departments or agencies concerned. However, the heads of the departments or agencies may provide for the extension of a detail for not to exceed one year if the extension is in the public interest.

(b) BENEFITS, ALLOWANCES, AND INCENTIVES.—The department, agency, or element detailing personnel to the Intelligence Community Assignment Program under subsection (a) on a non-reimbursable basis may provide such personnel any salary, pay, retirement, or other benefits, allowances (including travel allowances), or incentives as are provided to other personnel of the department, agency, or element.

(c) EFFECTIVE DATE.—This section shall take effect on June 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "January 6, 1998" and inserting in lieu thereof "January 6, 2001".

SEC. 305. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 306. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the executive branch, and employees of contractors carrying out activities under classified contracts, that the disclosure of information described in paragraph (2) to the committee of

Congress having oversight responsibility for the department, agency, or element to which such information relates, or to the Members of Congress who represent such employees, is not prohibited by law, executive order, or regulation or otherwise contrary to public policy.

(2) Covered information.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to evidence—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(b) Report.—On the date that is 30 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

SEC. 307. PROVISION OF INFORMATION ON VIOLENT CRIMES AGAINST UNITED STATES CITIZENS ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) Sense of Congress.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the murder or kidnapping of United States citizens abroad to the victims, or the families of victims, of such crimes; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) Responsibility.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the murder or kidnapping of United States citizens abroad; and

(2) subject to subsection (c), make such information available to the victims or, where appropriate, the families of victims of such crimes.

(c) Classified Information.—The Secretary shall work with the Director of Central Intelligence to ensure that classified information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable without jeopardizing sensitive sources and methods or other vital national security interests, made available under that subsection.

SEC. 308. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) Survey of Current Standards.—

(1) Survey.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) Report.—Not later than 90 days after the date of enactment of this Act the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1).

(b) Guidelines.—

(1) Issuance.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) Basis.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) Submittal to congress.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 309. SENSE OF THE SENATE.

It is the sense of the Senate that any tax legislation enacted by the Congress this year should meet a standard of fairness in its distributional impact on upper, middle and lower income taxpayers, and that any such legislation should not disproportionately benefit the highest income taxpayers.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) in paragraph (e), by striking out "without regard" and all that follows through the end and inserting in lieu thereof a semicolon;

(2) by redesignating paragraph (f) as paragraph (g); and

(3) by inserting after paragraph (e) the following new paragraph (f):

"(f) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for lease terms of not to exceed 15 years, except that—

"(1) any such lease shall be subject to the availability of appropriations in an amount necessary to cover—

"(A) rental payments over the entire term of the lease; or

"(B) rental payments over the first 12 months of the term of the lease and the penalty, if any, payable in the event of the termination of the lease at the end of the first 12 months of the term; and

"(2) if the Agency enters into a lease using the authority in subparagraph (1)(B)—

"(A) the lease shall include a clause that provides that the lease shall be terminated if specific appropriations available for the rental payments are not provided in advance of the obligation to make the rental payments;

"(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying costs associated with terminating the lease shall remain available until such costs are paid;

"(C) amounts obligated for payment of costs associated with terminating the lease may be used instead to make rental payments under the lease, but only to the extent that such amounts are not required to pay such costs; and

"(D) amounts available in a fiscal year to make rental payments under the lease shall be available for that purpose for not more than 12 months commencing at any time during the fiscal year; and".

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Authority.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.".

(b) Limitation on Authority for Protection of National Security.—Subsection (b)(3) of that section is amended by inserting ", or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena," after "or investigation".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. ACADEMIC DEGREES IN INTELLIGENCE.

(a) In General.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§ 2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence

"Under regulations prescribed by the Secretary of Defense, the President of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer the degree of master of science in strategic intelligence and the degree of bachelor of science in intelligence upon the graduates of the college who have fulfilled the requirements for such degree.".

(b) Conforming Amendment.—The item relating to section 2161 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: master of science in strategic intelligence; bachelor of science in intelligence.".

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law

104–93; 109 Stat. 974) is amended by striking out "for fiscal years 1996 and 1997" and inserting in lieu thereof "for fiscal years 1998 and 1999".

SEC. 503. MISUSE OF NATIONAL RECONNAISSANCE OFFICE NAME, INITIALS, OR SEAL.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

"§426. Unauthorized use of National Reconnaissance Office name, initials, or seal

"(a) PROHIBITED ACTS.—Except with the joint written permission of the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity, in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary or the Director, any of the following:

"(1) The words 'National Reconnaissance Office' or the initials 'NRO'.

"(2) The seal of the National Reconnaissance Office.

"(3) Any colorable imitation of such words, initials, or seal.

"(b) INJUNCTION.—(1) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

"(2) Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that subchapter is amended by adding at the end the following:

"426. Unauthorized use of National Reconnaissance Office name, initials, or seal.".

MOTION OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GOSS moves to strike out all after the enacting clause of S. 858, and insert in lieu thereof the provisions of H.R. 1775 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1775) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 858 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

Messrs. GOSS, YOUNG of Florida, LEWIS of California, SHUSTER, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, DICKS, DIXON, SKAGGS, Ms. PELOSI, Ms. HARMAN, and Mr. SKELTON and Mr. BISHOP.

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP, and DELLUMS.

There was no objection.

CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS OF 1997

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 187 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 187

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on a motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce. The resolution waives points of order against the consideration of the bill for failure to comply with clause 2(L)(6) of rule XI relating to the 3-day availability of the report.

After general debate, the bill shall be considered for amendment under the 5-minute rule. Furthermore, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the name of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. Additionally, Mr. Speaker, the rule provides the Chair may accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, under the proposed rule, each Member has an opportunity to have their concerns addressed, debated, and ultimately voted up or down by this body. House Resolution 187 was reported out of the Committee on Rules by a unanimous voice vote.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 187, which is an open rule providing for the consideration of H.R. 1853, the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

This act is named for the long-time chairman of the Education and Labor Committee who was a champion of educational opportunity for all Americans but especially for those who would not attend college but needed skills in order to find a meaningful place in America's work force.

The continued availability of secondary and postsecondary vocational educational opportunities in concert with high economic goals is critical to ensuring that this Nation is equipped with a work force that can be competitive and productive in today's global economy.

I am concerned, however, that the bill reported by the Committee on Education and the Workforce does not direct the funding toward those secondary school districts most in need of funding for their vocation and technical education programs. I am also concerned the reported bill eliminates the act's original emphasis on ensuring that women, minorities, the economically disadvantaged, and the disabled have access to quality vocational and technical programs.

It is especially unfortunate that the committee bill eliminates the set-asides currently in the act which were created to ensure that there would be programs to serve displaced homemakers, single parents, and pregnant women to help them enter into employment that has traditionally not been open to women. In today's working environment it is critical all students be offered the opportunity created by these programs.

However, since the Committee on Rules has recommended an open rule, I am hopeful that the House will adopt amendments which can address these concerns. These programs represent long-term investments in the health of the economy of the United States, and it would be penny-wise and pound-foolish to shortchange opportunities for those who would benefit the most.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 187 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1853.

□ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act, with Mr. EWING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 1853, the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997. The legislation assists the 75 percent of the American people who do not complete a 4-year college degree. Our youth should receive a high-quality education whether they are bound for college, the military, further training or directly into the work force.

Before I go further, I want to take this opportunity to thank the members of the committee and the staff for their support in the development of this important piece of legislation. In particular I would like to recognize the hard work of the gentleman from California [Mr. RIGGS], Chairman of the Subcommittee on Early Childhood, Youth and Families. It was through his diligent commitment to a strong vocational-technical education program and many long hours of negotiations which have brought us here today.

I would also like to recognize another Pennsylvanian, Mr. PETERSON, who has also given an enormous amount of time in crafting this legislation. Mr. PETERSON represents an area of Pennsylvania in which vocational-technical education is critical, and we appreciate his help and expertise in the area.

I want to thank the subcommittee ranking member, the gentleman from California [Mr. MARTINEZ], who worked very closely with the gentleman from California [Mr. RIGGS] to develop a bipartisan effort, and the gentleman from Missouri [Mr. CLAY], the ranking member of the full committee for the bipartisan effort put into this piece of legislation.

The legislation enjoys a broad coalition of support, and I hope we will pick up more support as we go through this process and then through conference with the Senate.

For far too long we paid little attention to the 75 percent of youth who do not go on and complete some 4-year college degree. Our youth should receive a high-quality education no matter what they plan to do in the future.

In today's vocational-technical education programs, students need a very high-quality education for today's world. These students need strong academics and relevant skills in order to thrive in today's economy.

In H.R. 1853, we have three overarching goals: strengthening academics; broadening the opportunities for vocational-technical education students; and sending more money to the classroom.

The bill, first of all, sends 90 percent of the money down to the local level. Under current law only 75 percent gets there.

Second, we alter the way the funds are distributed to ensure they are more equitably distributed. We are trying to make sure limited Federal dollars for vocational-technical education follow vocational-technical education students fairly and equitably.

The legislation strengthens the academic component of vocational-technical education programs, and this is so important because in 1950, 60 percent of all the jobs that were available were jobs that were unskilled. But by the time we got to 1990, that figure dropped to 35 percent. And by the year 2000 it is projected that only 15 percent of all jobs available will be for unskilled people. That is why this legislation is so important at this particular time.

Mr. Speaker, we have reached, I believe, a bipartisan agreement, which is what our committee generally does when it comes to education, nutrition and child care issues. I do want to point out that there is no one that is a stronger advocate for programs that help, for instance, displaced homemakers than the person speaking and I have fought for them since I came to the Congress. And because of that, I want to make sure we understand that we have taken care of these concerns. We do not need any amendments to take care of displaced homemakers or other special populations. We have made very clear what we expect from this legislation.

As my colleagues will notice, we ensure that members of special populations meet State benchmarks, established under section 114, and are prepared for secondary education, further learning and high-skill and high-wage careers. Then there is a financial audit that follows to make very, very sure that the vocational-technical education programs adhere to the requirements of the act, including those related to special populations.

We also make it very clear that each State that receives an allotment under section 102 shall annually prepare and submit to the Secretary a report on how the State is performing on State benchmarks that relate to vocational-technical education programs, including special populations. The report submitted by the State, in accordance with subparagraph A, shall include a description of how special populations, displaced homemakers, single parents, single pregnant women participating in vocational-technical education programs have met the vocational-technical education benchmarks established by the State.

We also say that the funds provided under this act may support programs at the local level for displaced homemakers, single pregnant women, and individuals in nontraditional occupations that lead to high-skilled, high-wage end careers.

□ 1045

We also indicate that local funds can be used for programs for single parents, displaced homemakers, and single pregnant women. In all of those sections, we point out the need to serve special populations.

I hope that we can pass this legislation today with an overwhelming vote and send a message to the Senate that we are ready to do business with the other body.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 2 minutes.

Each year the Perkins Act helps over 10 million vocational students receive high-quality education, to receive jobs and skill training and to receive support services. That is our country's flagship vocational education program. We have worked with our Republican colleagues for several months to resolve differences concerning reauthorization of this act and have reached a fair compromise in the way States distribute vocational education funds to the local educational agencies.

So, Mr. Chairman, I want to commend the gentleman from California [Mr. RIGGS] and the gentleman from California [Mr. MARTINEZ] and the gentleman from Pennsylvania [Mr. GOODLING], the chairman, for resolving these difficult issues.

The bill as reported by the committee would have resulted in a significant reduction in funding for existing vocational education programs in urban and rural areas. The bipartisan agreement reached on the formula that will be offered later by the gentleman from Pennsylvania [Mr. GOODLING] preserves formula allocations for existing vocational education programs for the first 3 years, and it provides for the gradual implementation of a formula based 60 percent on poverty and 40 percent on population.

Although some of us would have preferred maintaining the existing Perkins Act formula for all 5 years of reauthorization, this, however, is a fair, good faith compromise that will ensure the continuation of all local programs.

Mr. Chairman, the bill also strengthens the integration of academics and vocational education to ensure that vocational education programs are academically challenging.

Finally, Mr. Chairman, this bill needs additional improvement with regard to women, especially for displaced homemakers and those entering nontraditional employment. Later this morning, the gentlewoman from Hawaii [Mrs. MINK] will offer amendments which are designed to achieve gender equity in vocational education, and despite what was said, it is needed, Mr. Chairman.

I hope that our colleagues will support this amendment and support the reauthorization bill.

Mr. GOODLING. Mr. Chairman, I yield 6½ minutes to the gentleman from California [Mr. RIGGS], the subcommittee chairman, who was so instrumental in bringing the legislation to the floor.

Mr. RIGGS. Mr. Chairman, I thank the very distinguished gentleman from Pennsylvania [Mr. GOODLING], the chairman, for yielding me the time.

I want to say good morning to the Speaker and my colleagues and tell them that I am glad to stand before them today in very strong support of the very important Federal education statute, the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

This bill reforms and reauthorizes, in my view, one of the most important Federal education statutes. It provides support for vocational and technical education programs, which are extremely important for meeting the needs, as I think the chairman has already mentioned, of the 75 percent of our young people who are not college bound, or who, if they go to college, will not complete college with a 4-year degree.

I worry a little bit that, particularly at this point in time, when we find ourselves debating a number of tax incentives, to make the third and fourth years of education more affordable, more accessible to young people, that we might look past the fact, again, that most of our young people are not college bound, or, if they go to college, they will not complete college with a 4-year degree.

Because we do have, I think, a very legitimate interest and a real Federal role in helping to prepare those young people for the work force. That is, I believe, in our national defense interest as a country. And, of course, we always have an interest at the Federal level in attempting to help to prepare and educate our young people to sustain our democracy.

So I want to take this opportunity to thank the members of our committee for their contributions to this legislation. I want to thank, in particular, of course, the gentleman from Pennsylvania [Mr. GOODLING], the chairman, for his strong leadership in the area of vocational and technical education over the years, not just at the Federal level, but also in support of some very well-established vocational institutions in the Commonwealth of Pennsylvania and in his congressional district.

Speaking of Pennsylvania, I want to thank a new member of the committee, the gentleman from Pennsylvania [Mr. PETERSON] for his help on this legislation. He was a cosponsor of H.R. 1853 and has worked with us very diligently to help ensure passage of the bill.

This bill is very much bipartisan in nature. And for that, I want to thank the gentleman from Missouri [Mr. CLAY], the distinguished ranking member of the full committee, my very good friend, and the gentleman from California [Mr. MARTINEZ], the distinguished ranking member of the subcommittee which I chair.

We have tried to generate a broad base of support for this legislation and a bill that both sides of the aisle can support and that, hopefully, can be signed into law by the President. It is absolutely critical, my colleagues, that our young people receive a high-quality education, whether they are bound for college, whether they are going to enter the military, which is still the largest training institution in the world, or whether they are going to go directly into the work force.

Three themes resonate throughout this bill. You might call these three themes the ABC's of vocational-technical education: Strengthening academics, broadening opportunities, and sending more money to the classroom.

The first and most important goal, of course, is strengthening academics. And what we have tried to do in this legislation is combine strong academics with expanded vocational and technical education opportunities for young people.

The second theme, of course, is broadening opportunities for young people after high school. We heard testimony at a field hearing just across the Potomac River in northern Virginia at Thomas Jefferson High School in Fairfax County, VA, that there are currently 18,000 jobs, and these are high-wage, high-skill jobs, that are currently unfilled in northern Virginia because employers and business owners cannot find the job applicants to fill those positions.

We do not have an education system that prepares enough of our young people to be technologically capable for the work force and to have, if you will, the work force literacy skills, the entry skills that they will need to go out there and compete and succeed in the work force.

The average salary for those unfilled positions in northern Virginia, we heard, is over $45,000. That is the starting annual salary for those positions on average. If we are going to ensure that America meets the next century as a world leader, we have to focus on making sure that our citizens have the technological skills to compete in an ever-more global economy. If the global economy today is the size of a beach ball, the global economy of the 21st century, the brave new world just around the corner, is going to be the size a golf ball. What we are trying to do here is bring the Perkins vocational-technical education statute into the 21st century.

The last thing that I want to mention is that we are in this bill driving more money down to the classroom. My colleagues are going to see that theme, that effort, repeated in every major Federal education bill that we bring to the House floor in this session of Congress. We want to get more money down to the local level, into the classroom, and not into the hands of someone who does not know that child's name. That is our goal.

In this bill we send 90 percent of the funds to the local level. If we are going to see real change in vocational-technical education, it is not going to come from the Federal level, it is going to come from the local level, from teachers in the classroom making a difference. Change is going to come from schools like the new technology high school in Napa County, CA, in my district, which is preparing students to enter a high technology career or to go on to college.

We have worked very closely, as I mentioned earlier, with Members on the other side of the aisle trying to form a bipartisan agreement on this bill. We have made well over 60 changes to this legislation to date to accommodate the request of House Democratic Members, members of the committee, 60 changes since the date of introducing the bill to passage of the bill by the committee.

In fact, the gentleman from California [Mr. MARTINEZ], the ranking member of the subcommittee, wrote me a letter on June 4 outlining several concerns he had with the discussion draft of the legislation, the bill that I had introduced; and I can now say that we have met the concerns of all the areas he addressed, including the substate formula.

The chairman explained the compromise that we have worked out on the formula. However, I wanted to point out for the record that we developed a substate formula in this bill which more equitably distributes funding throughout the States and more appropriately distributes money for students in vocational and technical education programs.

This formula does not take money away from cities or poor areas. And under our bill, I believe that almost all school districts will gain. H.R. 1853 is a good bill. It is a fair bill. It is a bill that is going to do a better job in preparing our young people for the educational and employment opportunities of the 21st century, and I urge its passage.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I want to thank the ranking member of the full committee for yielding me time.

I am pleased to join the gentleman from Missouri [Mr. CLAY], my ranking member, and the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. RIGGS], the chairmen of the full committee and subcommittee, in bringing this bill before the House today.

H.R. 1853, the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997 have been the subject of many hours of discussion between myself and the gentleman from California [Mr. RIGGS], with the aim of producing a bipartisan bill we can all support.

While not being absolutely perfect, this legislation has gained my support and I believe should gain the support of my colleagues due to the changes that have been made and the amendment to be offered by the gentleman from Pennsylvania [Mr. GOODLING].

Upon the expiration of general debate, the gentleman from Pennsylvania [Mr. GOODLING], the chairman, will present us with the manager's amendment to this bill, which deals with one of the most fundamental concerns the committee Democrats had during the markup.

That was the secondary substate formula. Instead of the reported bill's provision, which deemphasized poverty and allowed the States to withhold dollars which should go out by formula, the manager's amendment would incorporate a bipartisan compromise which affects the funding stream for existing vocational education programs.

This new formula gradually incorporates a slightly less targeted distribution method over a 5-year period. At the end of the 5-year period, funds going down to the secondary school districts will go out based on a formula of 60 percent poverty, 40 percent population.

Unfortunately, the one issue that clouds a fuller bipartisan embrace of this legislation is its termination of programs ensuring gender equity. As the gentleman from Missouri [Mr. CLAY], the ranking member, mentioned a minute ago, my colleague, the gentlewoman from Hawaii [Mrs. MINK] will offer an amendment to rectify this situation.

I strongly urge careful consideration of this amendment. I would like to thank the gentleman from Missouri [Mr. CLAY], the ranking member, and the gentleman from Pennsylvania [Mr. GOODLING], the chairman, and the gentleman from California [Mr. RIGGS] for the work on this bill.

Dealing with the more difficult issues which this reauthorization presents took many hours of both Members' time and staff time. However, as we have done on other bills which we have passed out of the House during this Congress out of our committee, we put our partisan differences aside and reached an agreement that we could all support.

I urge the Members on my side to support this bill.

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER], a very distinguished member of the subcommittee and the chairman.

Mr. BALLENGER. Mr. Chairman, I wanted to speak in favor of H.R. 1853, the Carl D. Perkins Vocational-Technical Education Act Amendments. As a businessman who had to hire many people through my business lifetime, the most frustrating thing that occurs is when a person requests to fill out an application for work but they do not have time and they ask to be able to take that application home with them. One knows then they cannot read or write, which one we do not know. But they still want a job.

Primary and secondary education did not provide what is necessary. That person is trapped in that never-never land of joblessness and unemployability. Job training is their only way out. Giving them some help through vocational and technical training gives them a chance.

Please vote for H.R. 1853.

☐ 1100

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to urge passage of this legislation. While bringing bipartisan support for this bill has not been easy, it has come about, and I believe that is both significant and important.

There are several provisions of this bill that are commendable. The "such sums" authorizations, for instance, gives us room to seek a significant increase in funding for vocational education.

The separate authorization for tech prep is a noteworthy accomplishment. This is a highly successful and popular program. It has done well in appropriations and should certainly grow in the years ahead.

The provisions of the reserve for Indian programs are good, and I am especially encouraged that we have made bureau funded secondary schools eligible to receive funds under the within State allocation of the basic State grant.

We also permit private schoolteachers to participate in professional development programs in both Goals 2000 and the Improving America's Schools Act of 1994, and I am especially glad that we permit the States and localities to do so in this legislation.

The formula regarding the within State allocation of funds has been improved and refined through this reauthorization process. While I certainly support the changes that have been made, I continue to believe that the formula can be further improved and targeted.

In another area, I regret very much that we have weakened current law with respect to sex equity. That is something I have been pushing for my 21 years here in the Congress, and I think that the role of the sex equity coordinator has been very important and I will be supporting the Mink-Morella amendment when that is offered.

Mr. Chairman, I believe this is a good bill, even though I believe there are several areas where it can be improved. I intend to support the floor amendments and will continue to work in the conference for improvements.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full committee.

In section 103(c)(1) of the legislation now under consideration, secondary school programs in schools funded by the Bureau of Indian Affairs will no longer be eligible to receive assistance under the reserve of funds for Indian programs. Am I correct in that assumption?

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. The gentleman is correct.

Mr. KILDEE. I understand, however, that the provision in question is included in this legislation in order to make it clear that the bureau funded schools with secondary vocational programs will be considered a local education agency eligible for funding under the within State allocation of funds under the basic State grant.

Mr. GOODLING. That is also correct. In accordance with provisions of section 14101 of the Elementary and Secondary Education Act of 1965, bureau funded schools are local educational agencies. Thus they would qualify for funding under the basic State grant. Bureau funded schools will receive vocational education funding assistance from the within State allocation of funds and will qualify for such assistance in the same manner as would any other local education agency in the State.

Mr. KILDEE. The purpose of the language in section 103(c)(1), therefore, is to make bureau funded schools eligible for funding under the within State allocation of funds. Making such schools ineligible for funding under section 103(c)(1) removes any question of the source of funding, as well as any question of whether or not such schools are eligible to receive funding from more than one source. The intent of our language is to make clear that funding for bureau funded schools operating secondary programs will come as a result of the eligibility of those schools to receive assistance under section 202 of this legislation, which amends part B of title II of current law.

Mr. GOODLING. That too is correct. I would point out, however, that bureau funded schools that have operated adult education programs would remain eligible to receive funding under section 103(c)(1) pertaining to the reserve of funds for Indian programs. The provision making bureau funded schools ineligible to receive section 103(c)(1) funding applies only to secondary school programs at such schools.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for that specific clarification, and I thank the gentleman for joining with me in this colloquy.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this legislation. It is much needed. I want to observe, too, with the leadership of the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY] and certainly the gentleman from California [Mr. RIGGS], the subcommittee chairman, that we have an excellent example here, maybe exhibit A, of how well we can work together on a bipartisan basis and better serve or genuinely serve the needs of the people. I think this is an excellent example of how we can move forward without partisan bickering.

I also want to say that this particular subject is very near and dear to me. I have always been devoted to vocational education, but I must say in the modern global economy and the acceleration of technology, this legislation is more important than ever. We can no longer ignore those students whose talents are wasted because they never go to college. It is not only a waste for them but it is a waste for the needs of our economy.

Excellent example—exhibit A of how well we can work on a bipartisan basis to better serve the genuine needs of the people. The modern acceleration of technology and increasing competition in the global economy require us to rethink our approach to education. We can no longer ignore * * * and therefore waste the talents of the vast numbers of students who never go to college. There exists a yawning gap between those students who are prepared and unprepared to enter our high-skills workplace.

As a result, our economy suffers. If we are to meet our work force demands we must have effective technology schools, such as Sussex Tech in Sussex County, NJ. Bergen technical school, Passaic and Warren County schools.

I have a particular longstanding interest in improving the relevance of vocational education. This legislation does this.

We need to continue to improve the national school-to-work system—a system that would emphasize technological developments.

This legislation makes several beneficial changes to vocational education. First of all, this bill eliminates set-asides which have prohibited a particular State's ability to adjust to its own special populations. With this change, a State can assess and address its own needs.

We need desperately to continue to improve the national school-to-work system, and this legislation does that in a very real way. It makes several beneficial changes to the vocational bill. It certainly eliminates set-asides which have prohibited a particular State's ability in the past to adjust to its own special populations. I think this represents progress. With this change, a State can assess and address its own needs.

The legislation also emphasizes sending funds to the local level. With the passage of this legislation, 90 percent of the funds will be headed to the local level to provide programs to prepare our youth for the technological age.

This legislation makes an important change to assist rural and suburban areas in the lowering of the minimum grant amount for local educational agencies and postsecondary institutions. This change is helpful because it will allow more schools to apply for grants, since they will be more likely to become eligible.

The legislation also emphasizes sending funds to the local level. With the passage of this legislation, 90 percent of the funds will be headed to the local level to provide programs to prepare our youth for the technological age. It makes important changes to assist rural and suburban areas as well as the urban areas, to get the needed minimum grant for local educational agencies and postsecondary institutions. This is a great improvement over the past.

This legislation also includes a provision which requires States to establish their own State benchmarks to measure their progress. The States are to annually submit a report to the Secretary on how they are preforming on their State benchmarks. I am a strong believer in benchmarks since they help provide oversight and they help determine the effectiveness of various programs.

This legislation will help us achieve the goal of providing our youth a higher level of technology training. This will provide greater access to a system that would allow these students to build a high-quality, high-value high-wage career.

School to work—relevant education for personal fulfillment and meet economic needs.

Mr. Chairman, may I conclude by simply saying that school-to-work is relevant education, not only for personal fulfillment of the students involved but also to meet our vast economic needs in the new brave world in which we are operating.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON], who has been very active in helping us put this legislation together.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I want to thank the gentleman for yielding me this time. I want to commend the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ], and the gentleman from Missouri [Mr. CLAY], the ranking members, for working together to put together a bill that I think will make a positive difference in vocational education in America.

I would also like to commend the staff, Becky Voslow, Sally Lovejoy, and Alex Nock, who worked tirelessly together. We all know, when doing compromises, who really does a lot of the hard work. I want to commend them for all their efforts.

I believe if this country is going to compete, if we are going to continue to be a manufacturing leader in the world, and I do not think we will be a strong country if we do not, we have to improve our ability to deliver vocational and technical education. I think this bill moves us in the right direction. It does not solve all the problems. I toured a plant in Blossburg, PA, in my district this week that is doing something very interesting. That plant employs about 1,000 people in one of the most rural parts of Pennsylvania and is growing fast. They have brought to Pennsylvania a Japanese technology, refined it; these things used to be made for Japanese cars, these parts, in Japan. They are now being manufactured in Pennsylvania. But that plant is high technology. There has been a huge investment made there. The workers there need skills and a good academic base. That is important in this country.

I recently also toured a plant in State College. If one buys a Japanese TV, there is a very good chance the picture tube came from State College, PA, because they are really becoming a dominant player in that market. Again, huge investment of capital and very high tech jobs. They are not strong backs and strong arms that are needed but technical knowhow.

This bill moves more funds to the classroom, 15 percent more. I think that makes a big difference. We need to get the money in the classroom. Many of our arguments have been the Federal rules that we want to put down on the States. I come from State government. State government bureaucracies do not need us to tell them all the fine details of educating our youngsters. It is important that we allow them to be free. Because what we have when we have a lot of Federal rules, we have a Federal bureaucracy, and if we go into most State departments of education, the majority of the people working there are dealing with implementing the Federal rules. So we have all of this money wasted at the Federal level and at the State level that should be going to the classroom.

The other issue that we struggled over was the rural set-aside. I was disappointed in the great opposition for that because rural America is way behind urban America in vocational education. If this country is going to remain strong, rural America needs to have equity. We need to be able to train the young people. Many parts of rural America do not have vocational education. All we wanted to do was to have a 10-percent set-aside that allowed States to meet that need if they wanted to.

We were not against money for urban. Urban has always been the big winner when we look at the formula. We were disappointed but we do accept the compromise of five and give. But I would like to say to my urban friends, in the future, rural America, if we are not going to be an imposition on the welfare rolls, we have to be able to train our workers, and vocational education is one of the ways we need to do that.

I want to thank all of those that compromised. There may have been a little more compromise than I would have liked, but I am willing to accept it today and move this bill forward.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I certainly want to thank the gentleman from Missouri [Mr. CLAY] for yielding me this time.

Mr. Chairman, while I commend and congratulate all of those who have hammered out this agreement, I have some concerns about it. There seems to be a theme that resonates throughout this Congress, and that theme is to take from the poor and give to the wealthy, well-to-do and the rich. It is the very theme that divides rather than unites. It is the theme that shatters millions of Americans' hope and faith in the American system. It seems to me that some portions of this compromise continues that theme. This compromise, while better than the original proposed formula, moves away from the emphasis on poverty to an emphasis on population in fiscal years 2001 and 2002. Under the current distribution formula for funds for school districts, the emphasis is 70 percent on poverty and 30 percent on population. I believe that this is a fair formula.

In my district, Mr. Chairman, I have thousands and thousands of disadvantaged, underprivileged individuals who need to catch up, individuals who need special attention. I do not believe that as we shift away from an emphasis on need to an across-the-board program, that this is in the best interests of rural America, nor is it in the best interests of inner-city urban America.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in strong support of this legislation. I want to commend the gentleman from California and the gentleman from Pennsylvania for their excellent work and our colleagues on both sides of the aisle that serve on this committee. My colleagues may have heard me applauding a few minutes ago when the gentleman from Pennsylvania made his remarks, because I regret the fact that the chairman reached, I think, the right conclusion in the face of opposition to cut the rural set-aside from 10 to 5 percent. I think that was inappropriate pressure from the other side of the aisle. I think they should not be anti-rural in their actions. Nevertheless, this bill has many important features that are positive.

H.R. 1853, for example, most importantly alters the amount of dollars spent at the local level. Under the current law, only 75 percent of Federal dollars currently are required to flow to the local school districts. This bill, of course, in a very important change, requires 90 percent of those dollars to go to the local level. Any true changes in vocational technical education must come from the local level, from teachers who are in the classroom, to make a difference.

Mr. Chairman, I am also pleased that this legislation contains two important components to assist rural communities and schools. Not as much as I had hoped but a big and important change, especially in the longer term. One provision, of course, encourages the States and permits them to set aside a portion of the funds flowing to the local level to target rural or nonmetropolitan areas. This provision provides States with discretion in the equitable distribution of funds throughout the State. An additional provision lowers the minimum grants for secondary and postsecondary programs, enabling more schools to qualify.

□ 1115

Mr. Chairman, I think that is a very important change, it is long needed, and I thank the gentleman from Pennsylvania [Mr. GOODLING] very much for his diligent work on this.

Mr. Chairman, 75 percent of American youth do not complete a 4-year college degree. This bill appropriately changes the way funds are distributed from the Federal Government to the States by targeting the funds more directly to the youth and young adults up to age 24 which are served by the Carl D. Perkins Vocational and Applied Technology Education Act. This legislation broadens opportunities after high school for vocational-technical education students by ensuring that they receive a high-quality education which will allow them to continue on to college or further education, the military, training or directly into the work force.

In addition, H.R. 1853 most importantly alters the amount of dollars sent to the local level. Under current law, only 75 percent of Federal dollars currently are required to flow to the local school districts. This bill requires 90 percent of the dollars to go to the local level. Any true change in vocational-technical education must come from the local level—from teachers who are in the classroom making a difference. The increased funding that H.R. 1853 sends to the local level in this Member's home State of Nebraska will result in a $52,000 increase for the Lincoln Public School System, a $3,000 increase for the York Public Schools, an increase of $1,600 for the Wahoo Public Schools, $700 more for the Homer Community Schools, a $2,200 increase for Nebraska City Public Schools, and $8,000 more in funding for the Norfolk Public Schools, just to name a few.

This Member is also pleased that H.R. 1853 contains two important components to assist rural schools. One provision enables States to set aside a portion of the funds flowing to the local level to target rural areas. This provision provides States with discretion in the equitable distribution of funds throughout the State. An additional provision lowers the minimum grant for secondary and postsecondary programs, enabling more small schools to qualify.

Mr. Chairman, I urge my colleagues to support this legislation. This is an important reform bill, and it deserves to be supported.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Delaware [Mr. CASTLE], a very important member of the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me, and I do congratulate Chairman GOODLING and the gentleman from California [Mr. RIGGS] and the gentleman from Missouri [Mr. CLAY] and the gentleman from California [Mr. MARTINEZ] and the staff of this committee, which is rapidly becoming the committee that seems to work out very difficult legislation and bring it to the floor with a minimum amount of opposition and really do something to improve education in America, and I do rise in very strong support of this legislation.

We have to remember that about 75 percent of our Nation's youth does not receive a 4-year college degree, and in order to ensure that that percentage of our population is going to thrive in today's economy, in my judgment it is imperative they receive a quality high school education, meaning relevant skills and strong academics, whether they are bound for college, the military, further training, or go directly into the work force.

In the past, vocational-technical education policy encouraged the development of specific occupational programs in areas such as trade and industry, business, and home economics. It targeted students with special needs such as displaced homemakers and single mothers, and today we realize mandating specific uses of dollars at the federal level does not necessarily add up to a quality vocational education.

It is time for Federal policy to give more discretion to States and local districts, which are and always have been the true laboratories of reform.

I just like to share my experiences in Delaware, which has an outstanding vocational education program. In fact, one of our State's three vocational-technical high schools, Sussex Technical High School in Georgetown, DE, was honored as a U.S. Department of Education blue ribbon school of excellence. This occurred after the school went through a paradigm shift similar to the paradigm shift we are seeing in the legislation we are considering today. It transformed itself from a center serving part-time students into a full-time technical high school offering a rigorous integrated program of academic and vocational studies to kids who actually choose to attend. In 1988, students from this school scored at the bottom of the heap on standardized tests, and enrollment had declined 35 percent in 10 years. After a massive restructuring effort in 1988, Sussex Tech became a full-time comprehensive high school with a challenging program of study organized around relevant career clusters. The result has been a dramatic improvement in SAT scores and in the number of students taking the SAT, a dropout rate of less than 2 percent, soaring enrollment in college prep level math courses and a 100-percent increase in percentage of students enrolling in postsecondary education.

The bill we consider today encompasses the main principles of this paradigm shift which I was able to witness in my own State. It strengthens the academics of vocational-technical education students, broadens the opportunities of vocational-technical education students and sends more dollars to the local level for vocational-technical education programs, and I encourage each and every one of us to support this very outstanding piece of legislation.

Mr. CLAY. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I too rise in strong support of this legislation and in praise of the leaders of the committee and the fine staff.

The educational needs of our youth indeed have changed since 1917, which was when the Federal Government first began to support vocational education. Today, still, vocational-technical education programs fill a very critical need.

As my colleague from Delaware indicated, the programs prepare 75 percent of American youths who do not complete a 4-year degree for jobs requiring advanced training and knowledge. The programs demand a strong background in math and science, as they should, and students have to be prepared for the technical and competitive jobs that exist today.

I know this because I have frequently visited with students and teachers and wonderful facilities throughout my district who use and support these programs, and they strongly support it. The bill before us today builds on that success. It encourages stronger academics, greater opportunities for use after high school and targets more dollars to the classroom. In fact, 90 percent of the Federal dollars will be sent to the local level under this bill, and that is how it should be.

Finally, I am also pleased that the bill preserves the strength of the very popular tech prep program. In southwest Michigan this program has quickly become an integral part of students' learning experience.

Our businesses today are rightly demanding a better prepared work force. This bill helps in a major way, and I urge all members to support H.R. 1853.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee [Mr. HILLEARY], an important new member of our committee.

Mr. HILLEARY. Mr. Chairman, I rise in strong support of H.R. 1853, and I commend the gentleman from Pennsylvania [Mr. GOODLING] and his staff for their hard work. This legislation reforms and repeals a number of burdensome and arcane provisions, including set-asides for criminal offenders and unfunded mandates on local and State governments.

More importantly, H.R. 1853 sends more money directly to the local level, a 15-percent increase over current law. It reduces the amount of money that a State can hold for administrative purposes from 5 to 2 percent and ensures that Federal dollars are being used to support programs and not to sustain bureaucracies.

Another important provision of H.R. 1853 that is especially important for rural districts like mine in Tennessee protects the right of home schoolers to educate their children at home. Further, this legislation prohibits vocational-technical education programs from requiring individuals to choose or pursue a specific career path or measure.

Mr. Chairman, I urge my colleagues to support this important legislation that will help educate some of our Nation's children who need it the most and preserve the right of every child in a vocational-technical education program to receive a well-rounded education.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do that just to again thank the staff who worked so hard:

Becky Voslow, Mary Clagett, Vic Klatt, Sally Lovejoy; staff Republican members Mark Davis, Trent Barton with the gentleman from California [Mr. RIGGS]; Bob Moran with the gentleman from Pennsylvania [Mr. PETERSON]; Democratic committee staff Alex Nock, June Harris, Mark Zuckerman, David Evans; Congressional Research Service for all the thousands of formula runs that they made trying to get one that would fit one of our colleagues on committee from New Jersey; it was very difficult to do; and Rick Appling and Wayne Riddle.

Mr. GALLEGLY. Mr. Chairman, I want to express my support of H.R. 1853, the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997. Seventy-five percent of American youth do not complete a 4-year college degree. Vocational-technical education programs ensure that the necessary training and a high quality education is available to those individuals. Our society is increasingly reliant on workers who have technological skills and advanced training, making the support of these programs critical to our economy.

I am especially pleased that this legislation ensures that States, localities, and parents have maximum control over decisions affecting these programs and students—and makes certain that 90 percent of each State allocation goes to local districts.

By helping young people to acquire these necessary skills, we are improving the opportunities available for our youth and helping our businesses to compete in the technologically advanced, global economy.

Ms. FURSE. Mr. Chairman, I rise to thank the chairman and members of the Committee on Education and the Workforce for their work with bringing the Carl D. Perkins Vocational-Technical Education Act to the House floor today. I am pleased that H.R. 1853 includes language which enables Oregon to continue its integrated K–14 education and training system.

Oregon has a unique set of regional partnerships composed of secondary and postsecondary schools. Oregon's consortium structure increases student achievement and promotes high skill standards by making better professional technical programs available in a cost-effective manner to remote and sparsely populated areas.

Oregon's innovative programs continue to do an outstanding job preparing our students for the education and working challenges of the 21st century. It is my hope that other States will take a look at Oregon's regional consortiums, and consider this model to improve the teaching and learning of all our students.

I thank the chairman and members of the committee for including this important language for Oregon in H.R. 1853.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in support of this important legislation to reauthorize the Carl Perkins Act. These programs are making great strides in improving technical education in my State of Oregon and across this Nation.

Most of my colleagues need no reminder that the high-tech industry has become one of the most important forces behind our surging, economy, and has produced millions of new manufacturing and information-technology jobs in this decade. In fact, the electronics and information technology industry employed more than 4 million American workers in 1995, and the average wage of a high-tech worker is nearly 60-percent higher than that of the average private sector worker. However, I am repeatedly told by high-tech companies in my State that we're still not educating enough workers with adequate science, math and engineering training to fill those jobs.

The Carl Perkins Act educates over 10,000 students each year through a variety of vocational education programs that have been shown to be highly successful in helping to prepare students for high-tech careers. In my State, the number of Professional Technical students is increasing by 9 percent annually and should reach 35 percent by the year 2000.

I am pleased that we have reached a reasonable compromise on the funding formulas and have partially restored the size of the minimum grants to local education agencies. While I do not believe that we should alter these formulas, it is beneficial that we have been able to reach a consensus and hopefully reauthorize spending on these vital programs. I commend and congratulate the distinguished chairman, the subcommittee chairman and the ranking members for their hard work in doing this.

I would like to mention my satisfaction with one measure in this bill that would allow secondary and postsecondary schools to join in consortia to allow professional technical education to be delivered in a continuum from grades 9 through 14.

Under a waiver granted by the Secretary of Education, Oregon has already developed 10 such regional consortia that serve half of the eligible students. These consortia are common sense and cost-effective means of improving vocational education. In establishing the consortia, we have not only increased the number of students involved in the programs, but have improved professional technical education by engaging the entire community, including local businesses, to provide continuous quality improvement.

I am pleased that we have been able to address this bill, and continue providing these important programs to advance the technical educations of so many students across the Nation.

I urge my colleagues to support this bill.

Mr. STOKES. Mr. Chairman, I rise to express my support for H.R. 1853, the Carl D. Perkins Vocational-Technical Act Amendments of 1997. This important legislation reauthorizes and revises the current vocational education statute.

H.R. 1853 focuses on strengthening the academics of vocational training for those among our Nation's youth who do not earn a 4-year college degree. In doing so, it ensures the overall quality of vocational education and provides special populations with access to high quality vocational education.

As the Nation moves individuals from the welfare rolls to the work force, and as the Nation enters the 21st century, it is essential that welfare recipients and other disadvantaged Americans have access to the education and vocational training they need to effectively compete in the new job market.

Vocational programs are critical. As such, they broaden career opportunities for the 75 percent of high school students who do not earn college degrees. They also equip many of our Nation's disadvantaged and disabled populations to compete for high paying jobs, build careers, and raise the standard of living for their families.

In 1994 the U.S. Census Bureau reported that individuals with an associates degree earned an average of $2,000 more per year than those with only a high school diploma. According to the Department of Labor, the number of low-skilled jobs is expected to decline from 47 percent of the work force in 1993 to 27 percent in the year 2000—and—it is expected that nearly half of all jobs in the 21st century will require some post-secondary education.

It is for these reasons, Mr. Speaker, that I urge my colleagues to vote in favor of the Carl D. Perkins Vocational-Technical Education Act Amendments. It is vitally important that the Nation's new work force receive effective education and vocational training. Support of this legislation is one means of ensuring its accessibility.

Vote "yes" for H.R. 1818.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carl D. Perkins Vocational-Technical Education Act Amendments of 1997".

SEC. 2. REFERENCES TO ACT.

(a) SHORT TITLE OF ACT.—Section 1(a) of the Act is amended by striking "(a) SHORT TITLE.—" and further by striking "Vocational and Applied Technology" and inserting "Vocational-Technical".

(b) REFERENCES TO ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, chapter, part, subpart, section, subsection, or other provision, the reference shall be considered to be made to a title, chapter, part, subpart, section, subsection, or other provision of the Carl D. Perkins Vocational-Technology Education Act as amended in subsection (a)..

SEC. 3. TABLE OF CONTENTS.

Section 1(b) is repealed.

SEC. 4. PURPOSE.

Section 2 of the Act is amended to read as follows:

"SEC. 2. PURPOSE.

"It is the purpose of this Act to develop more fully the academic, occupational, and technical skills of individuals participating in vocational-technical education programs. This purpose will be achieved through concentrating resources on improving vocational-technical education programs leading to academic and technical skill competencies needed to work in a technologically advanced society.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Act is amended—

(1) in subsection (a) by striking "$1,600,000,000" and all that follows and inserting "$1,300,000,000, for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of titles I and II.";

(2) by amending subsection (b) to read as follows:

"(b) TITLE I.—Of the amounts made available under subsection (a)—

"(1) 1.5 percent shall be reserved to carry out section 103, relating to Indian and Native Hawaiians programs; and

"(2) 0.2 percent shall be reserved to carry out section 101A, relating to the territories."; and

(3) by striking subsections (c) through (f).

TITLE I—VOCATIONAL-TECHNICAL EDUCATION ASSISTANCE TO THE STATES

SEC. 101. ALLOTMENT.

(a) IN GENERAL.—Title I is amended by striking the matter preceding the text of section 101 and inserting the following:

"TITLE I—VOCATIONAL-TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION"

"SEC. 101. ALLOTMENT.".

(b) ALLOTMENT.—

(1) Paragraphs (1) and (2) of section 101(a) are amended to read as follows:

"(a) SPECIFIC POPULATIONS.—

"(1) IN GENERAL.—In each fiscal year, from amounts made available under section 3(a), the Secretary shall reserve—

"(A) 1.5 percent to carry out section 103, of which—

"(i) 1.25 percent shall be available to carry out section 103(c); and

"(ii) 0.25 percent shall be available to carry out section 103(i); and

"(B) 0.2 percent for the purpose of carrying out section 101A.

"(2) REMAINDER OF FUNDS.—From the remainder of the sums appropriated pursuant to section 3, the Secretary shall allot to each State for each fiscal year—

"(A) an amount which bears the same ratio to 50 percent of the sums being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

"(B) an amount which bears the same ratio to 50 percent of the sums being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States."

(2) Paragraph (3) of section 101(a) is amended—

(A) by striking subparagraphs (A) and (C);

(B) by redesignating subparagraphs (B) and (D) as (A) and (B), respectively;

(C) in subparagraph (A), as redesignated, by striking clause (i), and inserting the following:

"(i) Notwithstanding any other provision of law and subject to subparagraph (B) and clause (ii), no State shall receive less than ½ of 1 percent of the amount available for each such program for each fiscal year under this subsection."; and

(D) in subparagraph (A)(ii), as redesignated, by striking "or part A, B, C, D, or E of title III".

(3) By amending subsection (c) to read as follows:

"(c) ALLOTMENT RATIO.—

"(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

"(A) 0.50; and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico and the Virgin Islands), except that—

"(i) the allotment ratio in no case shall be more than 0.55 or less than 0.40; and

"(ii) the allotment ratio for Puerto Rico and the Virgin Islands shall be 0.55.

"(2) ALLOTMENT RATIOS.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

"(3) DEFINITION.—The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department.".

SEC. 101A. THE TERRITORIES.

Section 101A of the Act is amended by inserting after subsection (c) the following new subsection:

"(d) RESTRICTION.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this part for any fiscal year that begins after September 30, 2001.".

SEC. 102. WITHIN STATE ALLOTMENTS.

Section 102 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "at least" and all that follows through the semicolon and inserting "an amount equal to not less than 90 percent of the allotment shall be available for basic programs under part B of title II;";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as redesignated, by striking "8.5" and inserting "8" and further by adding after the semicolon "and";

(E) in paragraph (3), as redesignated—

(i) by striking "5" and inserting "2";

(ii) by striking "of which—" and all that follows through "and" at the end and inserting the following:

"which may be used for the costs of—

"(A) developing the State application;

"(B) reviewing local applications;

"(C) monitoring and evaluating program effectiveness; and

"(D) assuring compliance with all applicable Federal laws."; and

(F) by striking paragraph (5);

(2) in subsection (b) by striking "(a)(4)" and inserting "(a)(3)"; and

(3) by striking subsection (c) and inserting the following:

"(c) RURAL RESERVE.—A State may reserve not more than 10 percent of the allotment made under section 102(a)(1) to use for grants to rural areas.

"(d) INCENTIVE AWARDS.—A State may reserve not more than 5 percent of the allotment made under section 102(a)(1) to make awards—

"(1) to a local eligible recipient that meets or exceeds the State benchmarks described in section 114;

"(2) to a local eligible recipient that meets or exceeds the average State graduation rate; or

"(3) to assist a local eligible recipient that has significantly failed to meet the State benchmarks described in section 114, or has a graduation rate that is significantly below the average State graduation rate."

SEC. 103. INDIAN AND NATIVE HAWAIIAN PROGRAMS.

Section 103 of the Act is amended to read as follows:

"SEC. 103. NATIVE AMERICAN PROGRAM.

"(a) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

"(b) DEFINITIONS.—As used in this section:

"(1) ALASKA NATIVE.—The term 'Alaska Native' means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) BUREAU FUNDED.—The term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

"(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(5) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms 'Native Hawaiian' and 'Native Hawaiian organization' have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

"(6) TRIBALLY CONTROLLED COMMUNITY COLLEGE.—The term 'tribally controlled community college' has the meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

"(7) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'tribally controlled postsecondary vocational institution' means an institution of higher education that—

"(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

"(B) offers a technical degree or certificate granting program;

"(C) is governed by a board of directors or trustees, a majority of whom are Indians;

"(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations;

"(E) has been in operation for at least 3 years;

"(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational-technical education; and

"(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

"(c) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From amounts reserved under section 101(a)(1)(A)(i), the Secretary shall make grants to Indian tribes, tribal organizations and Alaska Native entities to carry out the authorized programs described in subsection (d), except that such terms shall not include secondary school programs in Bureau funded schools.

"(2) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational-technical education programs.

"(d) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out vocational-technical education programs consistent with the purposes of this Act.

"(e) GRANT APPLICATION.—In order to receive a grant under this section an entity described in subsection (c) shall submit an application to the Secretary and shall include an assurance that such entity shall comply with the requirements of this Act.

"(f) SPECIAL CONSIDERATION.—The Secretary, in making grants under subsection (c), shall give special consideration to—

"(1) grants which involve, coordinate with, or encourage tribal economic development plans; and

"(2) applications from tribally controlled community colleges which—

"(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational-technical education; or

"(B) operate vocational-technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational-technical education programs.

"(g) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C 3401 et seq.).

"(h) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

"(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this title; or

"(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

"(i) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section 101(a)(1)(A)(ii), the Secretary is directed to enter into contracts with organizations primarily serving and representing Native Hawaiian Programs which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiian Programs.".

SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.

Part A of title I of the Act is amended by adding at the end the following:

"SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION PROGRAMS

"(a) GRANTS AUTHORIZED.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational-technical institutions to provide basic support for the education and training of Indian students.

"(b) USE OF GRANTS.—Amounts made available pursuant to this section shall be used for vocational-technical education programs.

"(c) ELIGIBLE GRANT RECIPIENTS.—To be eligible for assistance under this section a tribally controlled postsecondary vocational-technical institution shall—

"(1) be governed by a board of directors or trustees, a majority of whom are Indians;

"(2) have been in operation for at least 3 years;

"(3) hold accreditation with or be a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational-technical education; and

"(4) enroll the full-time equivalent of not less than 100 students, of whom a majority are Indians.

"(d) APPLICATIONS.—Any tribally controlled postsecondary vocational-technical institution that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

"(e) OTHER PROGRAMS.—

"(1) IN GENERAL.—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary vocational-technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education or vocational-technical education.

"(2) PROHIBITION ON ALLOCATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary vocational-technical institutions are eligible under this subpart shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921.

"(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary vocational-technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

"(f) DEFINITIONS.—For the purposes of this section:

"(1) INDIAN.—The terms 'Indian' and 'Indian tribe' have the meanings given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

"(2) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL-TECHNICAL INSTITUTION.—The term 'tribally controlled postsecondary vocational-technical institution' means an institution of higher education which is formally controlled, or has been formally sanctioned or chartered by the governing body of an Indian tribe or tribes which offers technical degrees or certificate granting programs.

"(3) INDIAN STUDENT COUNT.—The term 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled vocational-technical institution, determined as follows:

"(A) REGISTRATIONS.—The registrations of Indian students as in effect on October 1 of each year.

"(B) SUMMER TERM.—Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

"(C) ADMISSION CRITERIA.—Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.

"(D) DETERMINATION OF HOURS.—Indian students earning credits in any continuing education program of a tribally controlled vocational-technical institution shall be included in determining the sum of all credit or clock hours.

"(E) CONTINUING EDUCATION.—Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution's system for providing credit for participation in such programs.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $4,000,000 for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of this section.".

PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

SEC. 111. STATE ADMINISTRATION.

Section 111 of this Act is amended—

(1) in subsection (a)(1)(A), by striking "pursuant to section 113(b)(8), section 116, and section 117";

(2) by striking subsection (a)(1)(B);

(3) in subsection (a)(1)(C), by striking "consultation with" and all that follows through the semicolon at the end of subsection (a)(1)(C) and inserting "consultation with the Governor and appropriate agencies, groups, and individuals, including business, industry and representatives of employees involved in the planning, administration, evaluation, and coordination of programs funded under this Act;"; and

(4) by striking subsections (b) through (g) and inserting the following:

"(b) LIST OF PROGRAMS ASSISTED.—The State board shall make available to each Private Industry Council established under section 102 of the Job Training Partnership Act within the State a listing of all programs assisted under this Act.".

SEC. 112. STATE COUNCIL ON VOCATIONAL EDUCATION.

Section 112 of the Act is repealed.

SEC. 113. STATE APPLICATION.

Section 113 of the Act is amended—

(1) by redesignating such section as section 112;

(2) by striking "plan" in the section heading and inserting "application";

(3) in subsection (a)—

(A) in paragraph (1), by striking "(A)" and further by striking all that follows after "Secretary" and inserting "an application in such manner and accompanied by such information as the Secretary may require but which, at a minimum, shall be for a 5-year period.";

(B) in paragraph (1), by striking subparagraph (B);

(C) by amending paragraph (2) to read as follows:

"(2) The State board shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State application. A summary of such recommendations and the State board's response shall be included with the State application."; and

(D) by striking paragraph (3); and

(4) by striking subsections (b) and (c) and inserting the following:

"(b) CONTENTS.—Each State application shall—

"(1) describe the vocational-technical education programs that will be carried out with funds received by the State under this Act, including a description of—

"(A) the secondary and postsecondary vocational-technical education programs to be carried out at the State level pursuant to section 201, including programs that will be carried out by the State to develop, improve, and expand access to quality, state-of-the-art technology in vocational-technical education programs;

"(B) the criteria that will be used by the State in approving applications of eligible recipients of funds under this Act; and

"(C) how such programs will prepare vocational-technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs;

"(2) describe how the State will actively involve parents, teachers, local businesses (including small- and medium-sized businesses) and representatives of employees in the planning, development, and implementation of such vocational-technical education programs;

"(3) describe how funds received by the State through the allotment made under section 102 will be allocated among secondary school vocational-technical education, or postsecondary and adult vocational-technical education, or both, including the rationale for such allotment;

"(4) describe how the State will—

"(A) improve the academic and technical skills of students participating in vocational-technical education programs which includes strengthening the academic component of vocational-technical education programs through the integration of academics with vocational-technical education to ensure learning in the core academic subjects and provide students with strong experience and understanding of all aspects of the industry; and

"(B) ensure that students who participate in such vocational-technical education programs are taught to the same challenging academic proficiencies as are provided for all other students;

"(5) describe how the State will annually evaluate the effectiveness of such vocational-technical education programs and describe how the State is coordinating such programs to ensure nonduplication with other existing Federal programs;

"(6) identify the benchmarks that the State will use to measure the progress of the State, including a description of how such benchmarks will ensure continuous improvement for vocational-technical students in meeting such benchmarks;

"(7) describe how the State will—

"(A) provide vocational-technical education programs that lead to high skill, high wage careers for members of special populations, displaced homemakers, single parents, and single pregnant women; and

"(B) ensure that members of special populations meet State benchmarks established under section 114 and are prepared for postsecondary education, further learning, and high skill, high wage careers;

"(8) provide a financial audit of funds received under this Act; and

"(9) provide assurances that none of the funds expended under this Act will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

"(c) AMENDMENTS.—The State board may submit amendments to the State application, as necessary, during the 5-year period. Such amendments shall be submitted in accordance with section 113(c).".

SEC. 114. SUBMISSION OF STATE APPLICATION.

Section 114 of the Act is amended—

(1) by redesignating such section as section 113;

*(2) by striking "**state plan approval**" in the section heading and inserting "**submission of state application**";*

(3) by striking subsections (a) and (b); and

(4) by adding at the end the following:

"(a) APPLICATION.—Each State application shall be submitted to the Secretary by not later than May 1 preceding the beginning of the first fiscal year for which a State application is to be in effect.

"(b) CONSULTATION.—The State board shall develop the portion of each State application relating to the amount and uses of any funds proposed to be reserved for adult vocational-technical education, postsecondary vocational-technical education, tech-prep education, and secondary vocational-technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational-technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State application is objectionable, such agency shall file such objections with the State board. The State board shall respond to any objections of such agency in submitting such application to the Secretary.

"(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act.".

SEC. 115. ACCOUNTABILITY.

Part B of title I is amended by inserting after section 113, as redesignated, the following:

"SEC. 114. ACCOUNTABILITY.

"(a) BENCHMARKS.—To be eligible to receive an allotment under section 102, a State shall develop and identify in the State application submitted under section 113 proposed rigorous and quantifiable benchmarks to measure the statewide progress of the State, which shall include, at a minimum, measures, of—

"(1) attainment of challenging State academic proficiencies;

"(2) attainment of secondary school diplomas or general equivalency diplomas; and

"(3) placement in, retention in, and completion of, postsecondary education or advanced training, or placement and retention in military service, or employment.

"(b) PROGRAM IMPROVEMENT AND SANCTIONS.—

"(1) STATE PROGRAM IMPROVEMENT PLAN.—If a State fails to meet its State benchmarks as described in the report submitted under subsection (c), the State shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the State failed to meet its benchmarks in order to avoid a sanction as provided under paragraph (3).

"(2) LOCAL IMPROVEMENT PLAN.—If an eligible recipient fails to meet its State benchmarks, the eligible recipient shall develop a program improvement plan with appropriate agencies, individuals, and organizations for the succeeding program year.

"(3) SANCTIONS.—

"(A) IN GENERAL.—If a State fails to meet the State benchmarks required under subsection (a), and has not implemented an improvement plan as described in paragraph (1), has not demonstrated improvement in meeting its benchmarks, or has failed to meet its benchmarks for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, or withhold from the State all, or a portion of, the State's allotment under this Act. The Secretary may waive the sanction due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(B) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The amount of funds retained by the Secretary as a result of a reduction in an allotment made under subparagraph (A) shall be redistributed to other States in accordance with section 101.

"(c) REPORT.—

"(1) IN GENERAL.—

"(A) INFORMATION.—Each State that receives an allotment under section 102 shall annually prepare and submit to the Secretary a report on how the State is performing on State benchmarks that relate to vocational-technical education programs. In preparing the report, the State may include information on such additional vocational-technical education benchmarks as the State may establish.

"(B) SPECIAL POPULATIONS.—The report submitted by the State in accordance with subparagraph (A) shall include a description of how special populations, displaced homemakers, single parents, and single pregnant women participating in vocational-technical education programs have met the vocational-technical education benchmarks established by the State.

"(2) INFORMATION DISSEMINATION.—The Secretary shall make the information contained in such reports available to the general public through publication and other appropriate methods which may include electronic communication.

"(3) BENCHMARK PERFORMANCE.—Each local recipient shall make available to the general public information regarding how the local recipient is performing in regard to the State benchmarks.".

SEC. 116. PROGRAM EVALUATION.

Sections 115, 116, 117, and 118 of the Act are repealed.

TITLE II—BASIC STATE GRANTS FOR VOCATIONAL-TECHNICAL EDUCATION

SEC. 201. STATE PROGRAMS.

(a) HEADING.—The heading for title II is amended to read as follows:

"TITLE II—BASIC STATE GRANTS FOR VOCATIONAL-TECHNICAL EDUCATION".

(b) PROGRAMS.—Section 201 of the Act is amended—

(1) in subsection (a), by striking "102(a)(3)" and inserting "102(a)(2)";

(2) by amending subsection (b) to read as follows:

"(b) REQUIRED USES OF FUNDS.—The programs described in subsection (a) shall include—

"(1) an assessment of the vocational-technical education programs carried out with funds under this Act that includes an assessment of how the needs of special populations are being met and how such programs will ensure that the benchmarks established under section 114 are being met;

"(2) developing, improving, or expanding the use of technology in vocational-technical education which may include—

"(A) training of vocational-technical education personnel to use State-of-the art technology, which may include distance learning;

"(B) providing vocational-technical education students with the academic and technical skills that lead to entry into the high technology and telecommunications field; or

"(C) encouraging schools to work with high tech industries to offer voluntary internships and mentoring programs;

"(3) professional development programs, including—

"(A) inservice and preservice training in state-of-the-art vocational-technical education programs and techniques; and

"(B) support of education programs for teachers of vocational-technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

"(4) support for vocational-technical education programs that improve the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic component of such vocational-technical education programs

through the integration of academics with vocational-technical education to ensure learning in the core academic subjects.'';

(3) by amending subsection (c) to read as follows:

''(c) PERMISSIBLE USES OF FUNDS.—The programs under subsection (a) may include—

''(1) technical support for eligible recipients;

''(2) support for tech-prep programs;

''(3) support for programs for single parents, displaced homemakers, single pregnant women, and individuals in nontraditional occupations that lead to high skill, high wage careers;

''(4) support for cooperative education;

''(5) support for vocational student organizations;

''(6) support for public charter schools operating secondary vocational-technical education programs;

''(7) support for vocational-technical education programs that offer experience in, and understanding of, all aspects of the industry for which students are preparing to enter;

''(8) support for family and consumer sciences programs; and

''(9) support for corrections vocational-technical education.''; and

(4) by adding after subsection (c) the following new subsection:

''(d) RESTRICTION ON USES OF FUNDS.—A State that receives funds under section 102(a)(2) may not use any of such funds to pay administrative costs.''.

SEC. 202. SECONDARY, POSTSECONDARY, AND ADULT VOCATION-TECHNICAL EDUCATION PROGRAMS.

Part B of title II of the Act is amended to read as follows:

''PART B—SECONDARY, POSTSECONDARY, AND ADULT VOCATIONAL-TECHNICAL EDUCATION PROGRAMS

''Subpart 1—Within-State Allocation

''SEC. 221. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

''(a) GENERAL RULE.—Except as otherwise provided in this section and section 223, each State shall distribute the funds received under this Act and available in fiscal year 1998 for secondary school vocational-technical education to local educational agencies within the State as follows:

''(1) From 70 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1124 or such section's predecessor authority of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such section by local educational agencies in the State in such year.

''(2) From 20 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 614(d) of the Individuals with Disabilities Education Act who are served by such local educational agency in the preceding fiscal year bears to the total number of such students served by local educational agencies in the State in such year.

''(3) From 10 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency in the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State in such year.

''(b) ALLOCATION FOR SUBSEQUENT FISCAL YEARS.—In fiscal year 1999, and the succeeding 3 fiscal years, each State shall distribute the funds available in any such fiscal year for secondary school vocational-technical education programs to local educational agencies within the State as follows:

''(1) POPULATION.—50 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

''(2) INCOME.—50 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

''(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (b) in the case of any State that submits to the Secretary an application for such a waiver that—

''(1) demonstrates that the formula described in subsection (b) does not result in a distribution of funds to local educational agencies within the State that have the greatest economic need and that an alternative formula would result in such a distribution; and

''(2) includes a proposal for such an alternative formula.

''(d) MINIMUM GRANT AMOUNT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no local educational agency shall be eligible for a grant under this part unless the amount allocated to such agency under subsections (a) and (b) is not less than $7,500. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

''(2) WAIVER.—The State shall waive the application of paragraph (1) in any case in which the local educational agency—

''(A)(i) is located in a rural, sparsely populated area, or

''(ii) is a public charter school operating secondary vocational-technical education programs; and

''(B) demonstrates that the agency is unable to enter into a consortium for purposes of providing services under this part.

''(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

''(e) LIMITED JURISDICTION AGENCIES.—

''(1) IN GENERAL.—In applying the provisions of subsections (a), (b), (c), and (d), no State receiving assistance under this Act shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

''(2) SECONDARY SCHOOL JURISDICTION.—The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that were enrolled in such secondary schools in the previous year from the elementary schools involved.

''(f) ALLOCATIONS TO AREA VOCATIONAL-TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

''(1) IN GENERAL.—Each State shall distribute funds available for secondary school vocational-technical education programs to the appropriate area vocational-technical education school or educational service agency in any case in which the area vocational-technical education school or educational service agency and the local educational agency concerned—

''(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

''(B) have entered into or will enter into a cooperative arrangement for such purpose.

''(2) ALLOCATION BASIS.—If an area vocational-technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational-technical education school, the educational service agency, and the local educational agency based on each school's or entity's relative share of students who are attending vocational-technical education programs (based, if practicable, on the average enrollment for the prior 3 years).

''(3) APPEALS PROCEDURE.—The State board shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational-technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

''(g) CONSORTIUM REQUIREMENTS.—

''(1) ALLIANCE.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 225 is encouraged to—

''(A) form a consortium or enter into a cooperative agreement with an area vocational-technical education school or educational service agency offering programs that meet the requirements of section 225;

''(B) transfer such allocation to the area vocational-technical education school or educational service agency; and

''(C) be of sufficient size, scope, and quality as to be effective.

''(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this Act. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

''(h) DATA.—The Secretary shall collect information from States regarding the specific dollar allocations made available by the State for vocational-technical education programs under subsections (a), (b), (c), and (d) and how these allocations are distributed to local educational agencies, area vocational-technical education schools, educational services agencies, and eligible institutions within the State in accordance with this section.

''SEC. 222. DISTRIBUTION OF FUNDS FOR POSTSECONDARY AND ADULT VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.

''(a) ALLOCATION.—

''(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 223, each State shall distribute funds available in any fiscal year for postsecondary and adult vocational-technical education programs to eligible institutions or consortia of eligible institutions within the State.

"(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall receive an amount that bears the same relationship to the amount of funds available under such section as the number of individuals who are Pell Grant recipients or recipients of assistance from the Bureau of Indian Affairs and are enrolled in programs meeting the requirements of section 225 offered by such institution or consortium in the preceding fiscal year bears to the number of such recipients enrolled in such programs within the State for such year.

"(3) CONSORTIUM REQUIREMENTS.—

"(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

"(i) provide services to all postsecondary institutions participating in the consortium; and

"(ii) are of sufficient size, scope, and quality as to be effective.

"(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this Act. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

"(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) in the case of any State that submits to the Secretary of Education an application for such a waiver that—

"(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula would result in such a distribution; and

"(2) includes a proposal for such an alternative formula.

"(c) MINIMUM GRANT AMOUNT.—

"(1) IN GENERAL.—No funds provided to any institution or consortium under this section shall be for an amount that is less than $20,000.

"(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia of eligible institutions in accordance with the provisions of this section.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'eligible institution' means an institution of higher education as such term is defined in section 1201(a) of the Higher Education Act of 1965, a local educational agency serving adults, or an area vocational education school serving adults that offers or will offer a program that meets the requirements of section 225 and seeks to receive assistance under this part; and

"(2) the term 'Pell Grant' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

"SEC. 223. SPECIAL RULES FOR VOCATIONAL-TECHNICAL EDUCATION.

"(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

"(1) GENERAL AUTHORITY.—Notwithstanding the provisions of sections 221 and 222 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by a State for distribution under section 221 or 222, such State may distribute such minimal amount for such year—

"(A) on a competitive basis; or

"(B) through any alternative method determined by the State.

"(2) MINIMAL AMOUNT.—For purposes of this section, the term 'minimal amount' means not more than 15 percent of the total amount made available for distribution under this part.

"(b) REDISTRIBUTION.—

"(1) IN GENERAL.—In any academic year that a local educational agency or eligible institution does not expend all of the amounts it is allocated for such year under section 221 or 222, such recipient shall return any unexpended amounts to the State to be reallocated under section 221 or 222, as appropriate.

"(2) REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.—In any academic year in which amounts are returned to the State under section 221 or 222 and the State is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the State shall retain such amounts for distribution in combination with amounts provided under this title for the following academic year.

"(c) CONSTRUCTION.—Nothing in section 221 or 222 shall be construed—

"(1) to prohibit a local educational agency (or a consortium thereof) that receives assistance under section 221, from working with an eligible recipient (or consortium thereof) that receives assistance under section 222, to carry out secondary school vocational-technical education programs in accordance with this title;

"(2) to prohibit an eligible recipient (or consortium thereof) that receives assistance under section 222, from working with a local educational agency (or consortium thereof) that receives assistance under section 221, to carry out postsecondary and adult vocational-technical education programs in accordance with this title; or

"(3) to require a charter school that is a local educational agency to jointly establish its eligibility unless the charter school is explicitly permitted to do so under the State's charter school statute.

"(d) CONSISTENT APPLICATION.—For purposes of this section, the State board shall provide funds to charter schools that offer vocational-technical education programs that are public schools of the local educational agency in the same manner as it provides those funds to other schools of the local educational agency. Such program within a charter school shall be of sufficient size, scope, and quality as to be effective.

"SEC. 224. LOCAL APPLICATION FOR VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.

"(a) APPLICATION REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the State board, submit an application to the State board. Such application shall cover the same period of time as the period of time applicable to the State application submitted under section 112.

"(b) CONTENTS.—The State board shall determine requirements for local applications, except that each application shall—

"(1) describe how the vocational-technical education programs required under section 225(b) will be carried out with funds received under this part;

"(2) describe how students participating in vocational-technical education programs carried out with funds under this Act will reach the State benchmarks as established under section 114;

"(3) describe how the eligible recipient will—

"(A) improve the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic component of such programs through the integration of academics with vocational-technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects; and

"(B) ensure that students who participate in such vocational-technical education programs are taught to the same challenging academic proficiencies as are provided for all other students;

"(4) describe how parents, students, teachers, business and representatives of employees are involved in the development and implementation of vocational-technical education programs assisted under this Act; and

"(5) provide assurances that the eligible recipient will provide a vocational-technical education program that is of such size, scope, and quality as to bring about improvement in the quality of vocational-technical education programs.

"SEC. 225. LOCAL USES OF FUNDS.

"(a) GENERAL AUTHORITY.—Each eligible recipient that receives a grant under this part shall use such funds to improve vocational-technical education programs.

"(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available under this part shall be used to provide vocational-technical education programs that—

"(1) strengthen the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic component of such programs through the integration of academics with vocational-technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects;

"(2) develop, improve, or expand the use of technology in vocational-technical education which may include—

"(A) training of vocational-technical education personnel to use State-of-the art technology, which may include distance learning;

"(B) providing vocational-technical education students with the academic and technical skills that lead to entry into the high technology and telecommunications field; or

"(C) encouraging schools to work with high tech industries to offer voluntary internships and mentoring programs;

"(3) provide professional development programs, including—

"(A) inservice training in state-of-the-art vocational-technical education programs and techniques; and

"(B) support of education programs for teachers of vocational-technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational education students, to ensure that such teachers stay current with the needs, expectations, and methods of industry;

"(4) support vocational-technical education programs that improve the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic component of such vocational-technical education programs through the integration of academics with vocational-technical education to ensure learning in the core academic subjects; and

"(5) provide an assessment of the vocational-technical education programs carried out with funds under this Act, including an assessment of how the needs of special populations are being met, and how such programs will ensure that the benchmarks established under section 114 are being met.

"(c) PERMISSIBLE ACTIVITIES.—The vocational-technical education programs described in subsection (b) may be used for—

"(1) establishing agreements between secondary and postsecondary vocational-technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational-technical programs, such as tech-prep programs;

"(2) involving parents, business, and representatives of employees in the design and implementation of vocational-technical education programs authorized under this Act;

"(3) providing career guidance and counseling;

"(4) providing work related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational-technical education programs;

"(5) programs for single parents, displaced homemakers, and single pregnant women;

"(6) local education and business partnerships;

"(7) vocational student organizations;

"(8) mentoring and support services;

"(9) leasing, purchasing, or upgrading of equipment; and

"(10) establishing effective programs and procedures to enable vocational-technical education program participants and their parents to participate directly in decisions that influence the programs, including providing information and assistance for informed effective participation.

"(d) Administrative Costs.—Each eligible recipient receiving funds under this part shall not use more than 2 percent of the funds for administrative costs associated with the administration of the grant.".

SEC. 203. REPEAL OF PART C.

Part C of title II is repealed.

TITLE III—RESEARCH AND DEVELOPMENT

SEC. 301. EVALUATION; RESEARCH, DEMONSTRATIONS AND DISSEMINATION.

(a) Heading.—The heading for title III is amended to read as follows:

"TITLE III—RESEARCH AND DEVELOPMENT".

(b) Part A.—Part A of title III is amended to read as follows:

"PART A—RESEARCH AND DEVELOPMENT

"SEC. 301. EVALUATION; RESEARCH; DEMONSTRATIONS; AND DISSEMINATION.

"(a) Single Plan.—

"(1) In general.—The Secretary shall develop a single plan for evaluation and assessment, research, demonstrations, and dissemination with regard to the vocational-technical education programs assisted under this Act.

"(2) Plan.—Such plan shall—

"(A) identify the vocational-technical education programs the Secretary will carry out under this section;

"(B) describe how the Secretary will evaluate such vocational-technical education programs in accordance with subsection (b); and

"(C) include such other information as the Secretary determines to be appropriate.

"(b) Evaluation and Assessment.—

"(1) In general.—From amounts made available under subsection (g), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational-technical education programs under this Act through studies and analyses conducted independently through grants and contracts awarded on a competitive basis.

"(2) Contents.—Such evaluation and assessment of vocational-technical education programs shall include descriptions of—

"(A) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local vocational-technical education programs;

"(B) the degree to which the expenditures at the Federal, State, local, and tribal levels address improvement in vocational-technical education programs;

"(C) the extent to which vocational-technical education programs succeed in preparing individuals participating in such programs for entry into postsecondary education, further learning, or high skill, high wage careers; and

"(D) the effect of State benchmarks, performance measures, and other measures of accountability on the delivery of vocational-technical education programs.

"(c) Information Collection and Report.—

"(1) In general.—The Secretary may collect and disseminate information from States regarding State efforts to meet State benchmarks described in section 114.

"(2) Report.—The Secretary shall gather any information collected pursuant to paragraph (1) and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) Research.—

"(1) In general.—The Secretary shall award grants, on a competitive basis, to an institution of higher education, a public or private organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

"(A) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants in vocational-technical education programs;

"(B) to carry out research to increase the effectiveness and improve the implementation of vocational-technical education programs, including conducting research and development and studies providing longitudinal information or formative evaluation with respect to vocational-technical education programs;

"(C) to carry out such other programs as the Secretary determines to be appropriate to achieve the purposes of this Act.

"(2) Summary.—The Secretary shall provide an annual report summarizing the evaluations and assessments described in subsection (b), and the research conducted pursuant to this subsection, and the findings of such evaluations and assessments, and research, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(e) Demonstrations and Dissemination.—

"(1) Demonstration program.—The Secretary is authorized to carry out demonstration vocational-technical education programs, to replicate model vocational-technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing vocational-technical education programs assisted under this Act.

"(2) Demonstration partnership.—

"(A) In general.—The Secretary shall carry out a demonstration partnership project involving a 4-year, accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups, and private sector business participants to provide program support, and facilities for education, training, tutoring, counseling, employment preparation, specific skills training in emerging and established professions, retraining of military medical personnel, retraining of individuals displaced by corporate or military restructuring, migrant workers, and other individuals who otherwise would not have access to such services, through multi-site, multi-State distance learning technologies.

"(B) Program.—Such program may be carried out directly or through grants, contracts, cooperative agreements, or through the national center or centers.

"(f) Definition.—As used in this section, the term 'institution of higher education' has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(g) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this part.".

SEC. 302. TECH-PREP EDUCATION.

Part B of title III is amended to read as follows:

"PART C—TECH-PREP EDUCATION

"SEC. 321. TECH-PREP EDUCATION.

"(a) Program Authorized.—The State board, in accordance with the provisions of this part, shall award grants to consortia on a competitive basis or on the basis of a formula determined by the State board, for tech-prep education programs.

"(b) General Authority.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4-year tech-prep education program.

"(c) Contents of Program.—Any such program shall—

"(1) be carried out under an articulation agreement between the participants in the consortium;

"(2) consist of the 2 or 4 years of secondary school preceding graduation and 2 years of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree or postsecondary certificate in a specific career field;

"(3) include the development of tech-prep education program components appropriate to the needs of the consortium participants;

"(4) include in-service training for teachers that—

"(A) is designed to train vocational-technical teachers to effectively implement tech-prep education programs;

"(B) provides for joint training for teachers in the tech-prep consortium; and

"(C) may provide such training in weekend, evening, and summer sessions, institutes, or workshops;

"(5) include training programs for counselors designed to enable counselors to more effectively—

"(A) provide information to students regarding tech-prep education programs;

"(B) support student progress in completing such programs; and

"(C) provide information on related employment opportunities;

"(6) provide equal access to the full range of technical preparation programs to individuals who are members of special populations, including the development of tech-prep education program services appropriate to the needs of such individuals; and

"(7) provide for preparatory services that assist participants in such programs.

"(d) Additional Authorized Activities.—Each such program may—

"(1) provide for the acquisition of tech-prep education program equipment; and

"(2) acquire technical assistance from State or local entities that have successfully designed, established and operated tech-prep programs.

"SEC. 322. APPLICATIONS.

"(a) In General.—Each consortium that desires to receive a grant under this part shall submit an application to the State board, as appropriate, at such time and in such manner as the State board shall prescribe.

"(b) Plan.—Each application submitted under this section shall contain a 5-year plan for the

development and implementation of programs under this part.

"(c) APPROVAL.—The State board shall approve applications based on their potential to create an effective tech-prep education program as provided for in this section.

"(d) SPECIAL CONSIDERATION.—The State board, as appropriate, shall give special consideration to applications which—

"(1) provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs;

"(2) are developed in consultation with business, industry, institutions of higher education, and representatives of employees;

"(3) address effectively the issues of dropout prevention and reentry and the needs of special populations.

"SEC. 323. REPORT.

"Each State that receives a grant under this part shall annually prepare and submit to the Secretary a report on the effectiveness of their Tech-Prep programs, including how competitive grants were awarded within the State.

"SEC. 324. ALLOTMENT.

"The Secretary shall allot funds under this part in each fiscal year in the same manner as funds are allotted under section 101(a)(2).

"SEC. 325. AUTHORIZATION.

"(a) IN GENERAL.—From amounts made available under section 3(a), 10 percent shall be used to carry out this part for fiscal year 1998 and for each of the 4 succeeding fiscal years.

"(b) MINIMUM AMOUNT.—No State shall receive a grant of less than $200,000 under this part in any fiscal year.".

SEC. 303. VOCATIONAL-TECHNICAL EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS.

Part C of title IV is amended—

(1) by striking the part heading and inserting the following:

"PART B—VOCATIONAL-TECHNICAL EDUCATION INFORMATION";

(2) by redesignating sections 421 through 424 as sections 311 through 314, respectively.

(3) by amending subsection (e) of section 312, as redesignated under paragraph (2), to read as follows:

"(e) There are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary to carry out this part.";

(4) in section 313(a)(1), as redesignated in paragraph (2), by striking "421" and inserting "311"; and

(5) by adding at the end of such part the following new section:

"SEC. 315. AUTHORIZATION OF APPROPRIATIONS

"There are authorized to be appropriated for this part such sums as may be necessary for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 304. REPEALS.

(a) TITLE III.—Part C of title III of the Act, as the Act was in effect on the day before the date of the enactment of this Act, is repealed.

(b) TITLE IV.—The heading for title IV and parts A, B, E, and F of such title of the Act are repealed.

TITLE IV—GENERAL PROVISIONS

SEC. 401. GENERAL PROVISIONS.

Title V of the Act is amended to read as follows:

"TITLE IV—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"SEC. 401. PAYMENTS.

"The Secretary shall pay from its allotment under section 101 to each State for any fiscal year for which the State has a State application submitted in accordance with section 113 (including any amendment to such application) the Federal share of the costs of carrying out the State application.

"SEC. 402. FISCAL REQUIREMENTS.

"(a) SUPPLEMENT NOT SUPPLANT.—Funds received under this Act shall be used to supplement, not supplant, the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for vocational-technical education programs.

"(b) MAINTENANCE OF EFFORT.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this title for any program year to a State for vocational-technical education programs unless the Secretary of Education determines that the fiscal effort per student or the aggregate expenditures of such State for vocational-technical programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational-technical education programs, for the second program year preceding the fiscal year for which the determination is made.

"(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary of Education shall exclude capital expenditures, special one-time project costs, similar windfalls, and the cost of pilot programs.

"(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for vocational-technical education programs under this Act for a fiscal year is less than the amount made available for vocational-technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) (with respect to not more than 5 percent of expenditures required for the preceding fiscal year by any State) for 1 program year only, after making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the State to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this paragraph for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

"SEC. 403. AUTHORITY TO MAKE PAYMENTS.

"Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance appropriation Acts.

"SEC. 404. NATIONAL AND STATE FUNDING.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under the Act.

"SEC. 405. FREEDOM TO CHOOSE.

"None of the funds made available under this Act shall be used to—

"(1) require any individual to choose or pursue a specific career path or major;

"(2) compel any individual to enter into a specific course of study which requires as a condition or completion, attainment of federally-funded or endorsed industry recognized skills or standards; or

"(3) require any individuals to meet or obtain federally-funded or endorsed industry recognized skills, certificates, or standards.

"SEC. 406. LIMITATION FOR CERTAIN STUDENTS.

"None of the funds received under this Act may be used to provide vocational-technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

"SEC. 407. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

"Nothing in this Act shall be construed to be inconsistent with applicable Federal laws guaranteeing civil rights.

"SEC. 408. AUTHORIZATION OF SECRETARY.

"For the purposes of increasing and expanding the use of technology in vocational-technical education instruction, including the training of vocational-technical education personnel as provided in title II, the Secretary is authorized to receive funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"SEC. 411. JOINT FUNDING.

"(a) GENERAL AUTHORITY.—Funds made available to States under this Act may be used to provide additional funds under an applicable program if—

"(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

"(2) such program serves the same individuals that are served under this Act;

"(3) such program provides services in a coordinated manner with services provided under this Act; and

"(4) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

"(b) APPLICABLE PROGRAM.—For the purposes of this section, the term 'applicable program' means any program under any of the following provisions of law:

"(1) Section 123, title II, and title III of the Job Training Partnership Act.

"(2) The Wagner-Peyser Act.

"(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term 'additional funds' does not include the use of funds as matching funds.

"SEC. 412. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

"No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"SEC. 413. STATE ADMINISTRATIVE COSTS.

"For each fiscal year for which a State receives assistance under this Act, the State shall provide from non-Federal sources for costs the State incurs for administration of programs under this Act an amount that is not less than the amount provided by the State from non-Federal sources for such costs for the preceding fiscal year.

“SEC. 414. LIMITATION ON FEDERAL REGULATIONS.

“The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

“SEC. 415. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

“(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

“(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

“(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

“(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

“(c) COSTS OF VOCATIONAL-TECHNICAL EDUCATION SERVICES.—Funds made available under title II may be used to pay for the costs of vocational-technical education services required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational-technical education.

“PART C—DEFINITIONS

“SEC. 421. DEFINITIONS.

“Except as otherwise specified in this Act, as used in this Act:

“(1) ADMINISTRATION.—The term ‘administration’ means programs of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but does not include curriculum development programs, personnel development, or research programs.

“(2) ALL ASPECTS OF THE INDUSTRY.—The term ‘all aspects of the industry’ means strong experience in, and comprehensive understanding of, the industry that individuals are preparing to enter.

“(3) AREA VOCATIONAL-TECHNICAL EDUCATION SCHOOL.—The term ‘area vocational-technical education school’ means—

“(A) a specialized secondary school used exclusively or principally for the provision of vocational-technical education to individuals who are available for study in preparation for entering the labor market;

“(B) the department of a secondary school exclusively or principally used for providing vocational-technical education in not fewer than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

“(C) a technical institute or vocational-technical education school used exclusively or principally for the provision of vocational-technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institute or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

“(D) the department or division of a junior college, or community college, that operates under the policies of the State board and that provides vocational-technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

“(4) COOPERATIVE EDUCATION.—The term ‘cooperative education’ means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

“(5) DISPLACED HOMEMAKER.—The term ‘displaced homemaker’ means an individual who—

“(A) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or

“(B) is a parent whose youngest dependent child will become ineligible to receive assistance under title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 not later than 2 years after the date of which the parent applies for assistance under this title.

“(6) EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’ means a regional public multiservice agency authorized by State statute to develop and manage a service or program and provide the service or program to a local educational agency.

“(7) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means a local educational agency, an area vocational-technical education school, an educational service agency, an institution of higher education (as such term is defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), and a consortium of such entities.

“(8) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(9) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(10) REPRESENTATIVES OF EMPLOYEES.—The term ‘representatives of employees’ means—

“(A) individuals who have been elected by organizations, associations, or a network of similar institutions to represent the economic interests of employees at a significant segment of workplaces; or

“(B) individuals from organizations, associations, or a network of similar institutions, with expertise to represent, or experience representing, the interests of employees with respect to vocational-technical education.

“(11) SECONDARY SCHOOL.—The term ‘secondary school’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(12) SPECIAL POPULATIONS.—The term ‘special populations’ means individuals with disabilities, economically disadvantaged individuals, individuals of limited English proficiency, and individuals participating in nontraditional training and employment.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(14) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(15) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;

“(B) strengthens the applied academic component of vocational-technical education through the integration of academic and vocational-technical instruction;

“(C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

“(D) builds student competence in mathematics, science, and communications through applied academics in a coherent sequence of courses; and

“(E) leads to an associate degree or a certificate in a specific career field and to high skill, high wage employment or further education.

“(16) VOCATIONAL-TECHNICAL EDUCATION.—The term ‘vocational-technical education’ means organized educational programs that—

“(A) offer a sequence of courses that provide individuals with the academic knowledge and skills the individuals need to prepare for further education and careers in current or emerging employment sectors; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and occupation-specific skills, of an individual.

“(17) VOCATIONAL STUDENT ORGANIZATION.—The term ‘vocational student organization’ means an organization, for individuals enrolled in programs of vocational-technical education programs, that engages in programs as an integral part of the instructional component of such programs, which organization may have State and national units.”.

SEC. 402. REPEAL OF SMITH-HUGHES VOCATIONAL EDUCATION ACT.

The Act of February 23, 1917 (39 Stat. 929; 20 U.S.C. 11) (commonly known as the “Smith-Hughes Vocational Education Act”) is repealed.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided, the repeals and amendments made by this Act shall take effect on the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

The CHAIRMAN. During consideration of the bill for amendment, the Chair will accord priority in recognition to a Member offering an amendment that he has had printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GOODLING: Page 3, after line 18, insert the following:

(3) by amending subsection (c) to read as follows:

“(c) NATIONAL PROGRAMS.—None of the funds made available under this section for programs authorized under titles I, II, and part C of title III, shall be used for any program authorized under part A of title III.

Page 3, line 19, strike "(3)" and insert "(4)" and strike "(c)" and insert "(d)".

Page 9, strike lines 12 through 14, and insert the following:

"(c) Rural and Urban Reserve.—A State may reserve not more than 5 percent of the allotment made under section 102(a)(1) to use for grants to rural areas and not more than 5 percent of such allotment to use for grants to urban areas.".

Beginning on page 9, strike lines 15 and all that follows through page 10, line 2.

Page 10, after line 2, insert the following:

"(e) Definitions.—For purposes of this section—

"(1) the term 'rural area' means an area that is not in a metropolitan statistical area;

"(2) the term 'urban area' means an area that serves a central city in a metropolitan statistical area; and

"(3) the terms 'central city' and 'metropolitan statistical area' have the same meanings given such terms in section 10952 of the Elementary and Secondary Education Act of 1965.".

Page 16, after line 10, insert the following (and redesignate any subsequent subsections accordingly):

"(c) Amount of Grants.—

"(1) In general.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant which received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

"(2) Per capita determination.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational technical institutions under this part for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

Page 22, strike line 13, and insert the following:

(D) by amending paragraph (3) to read as follows:

"(3) The State board shall, for secondary vocational-technical education programs, establish effective activities and procedures, by which parents, students, teachers, and area residents concerned will be able to participate in State and local decisions that influence programs under this Act, and ensure that such individuals are given access to the information needed to use such procedures.".

Page 23, line 5, strike "and".

Page 23, line 9, strike the semicolon and insert "in current and emerging occupations; and".

Page 23, after line 9, insert the following:

"(D) how funds will be used to improve or develop new vocational-technical education courses.".

Page 23, line 13, strike "and".

Page 23, line 14, before "of" insert ", and evaluation".

Page 24, line 1, strike "component" and insert "and vocational components".

Page 24, line 5, after "academic" insert "and vocational".

Page 24, line 14, after "describe", insert ", to the extent practicable,".

Page 25, strike lines 8 and 9 and insert the following:

"(8) describe what steps the State shall take to involve representatives of local school boards in the development of the State's benchmarks;

"(9) provide a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs; and".

Page 25, line 10, strike "(9)" and insert "(10)".

Page 27, strike line 11 and insert the following:

"(a) Benchmarks.—

"(1) Eligibility.—To be eligible to receive an allot-".

Page 27, strike lines 17 through 24 and insert the following:

"(A) attainment of challenging State academic and vocational proficiencies;

"(B) attainment of secondary school diplomas or general equivalency diplomas; and

"(C) placement in, retention in, and completion of, postsecondary education or advanced training, or placement and retention in military service, or employment.

"(2) Existing benchmarks.—If a State has developed State performance indicators or benchmarks for skills according to challenging academic or vocational proficiencies consistent with this Act, the State may use such performance indicators or benchmarks in measuring the progress of vocational-technical education students.".

Page 30, line 3, strike "have met" and insert "have performed in meeting".

Page 32, line 10, before the semicolon insert ", effective teaching skills based on research, and effective practices to improve parental and community involvement".

Page 32, line 22 and page 33, line 2, after "academic" insert "and vocational".

Page 33, line 8, strike "support for" and insert "establishing agreements between secondary and postsecondary vocational-technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational-technical education programs, such as".

Page 33, line 23, strike "and".

Page 33, line 25, strike the period and all that follows and insert a semicolon.

Page 33, after line 25, insert the following:

"(10) support for education and business partnerships; and

"(11) support to improve or develop new vocational-technical education courses."; and

Page 34, strike line 7 and insert "**TIONAL-TECHNICAL EDUCATION PROGRAMS.**".

Page 36, strike line 1 and all that follows through page 37, line 2, and insert the following:

"(b) Special Distribution Rules for Subsequent Fiscal Years.—

"(1) Fiscal years 1999 and 2000.—In fiscal years 1999 and 2000, each State shall distribute the funds available under this Act in such fiscal years for secondary school vocational-technical education programs to local educational agencies within the State as follows:

"(A) Lesser or equal amounts.—Each State shall distribute all funds allocated by the State for each such fiscal year for secondary school vocational-technical education programs in amounts less than or equal to the total amount of funds distributed pursuant to section 231(a) of this Act as such section was in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997 for such programs in fiscal year 1997 as follows:

"(i) 30 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(ii) 70 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

"(B) Greater amounts.—Each State shall distribute all funds allocated by the State for each such fiscal year for secondary school vocational-technical education programs in amounts greater than the total amount of funds distributed pursuant to section 231(a) of this Act as such section was in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997 for such programs in fiscal year 1997 as follows:

"(i) 40 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(ii) 60 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

"(2) Fiscal year 2001.—Each State shall distribute funds allocated under this Act in fiscal year 2001 for secondary school vocational-technical education programs to local educational agencies within the State as follows:

"(A) 35 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(B) 65 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

"(3) Fiscal Year 2002.—Each State shall distribute funds allocated under this Act in fiscal year 2002 for secondary school vocational-technical education programs to local educational agencies within the State as follows:

"(A) 40 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

"(B) 60 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

Page 37, strike lines 7 through 11, and insert the following:

"(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) to local educational agencies within the State than the formula described in subsection (b);".

Page 37, line 20, strike "$7,500" and insert "$10,000".

Page 41, line 5, insert "and" after the semicolon.

Page 41, line 9, strike "be" and insert "operate programs that are".

Page 44, line 12, strike "$20,000" and insert "$35,000".

Page 47, line 8, strike "that" and insert "which provides vocational-technical education programs and".

Page 47, line 17, after "Such" insert "vocational-technical education".

Page 48, line 18, strike "component" and insert "and vocational components".

Page 48, line 22, after "academic" insert "and vocational".

Page 49, line 5, strike "and implementation" and insert ", implementation, and evaluation".

Page 49, line 6, before the semicolon insert ", and how these individuals are effectively informed about, and assisted in understanding, the requirements of this Act,".

Page 49, line 18, strike "provide" and insert "support".

Page 49, beginning on line 22, strike "components" and insert "and vocational components".

Page 50, line 2, after "academic" insert "and vocational".

Page 50, line 20, before the semicolon insert ", effective teaching skills based on research, and effective practices to improve parental and community involvement".

Page 50, line 25, strike "vocational" and insert "vocational-technical".

Page 51, beginning on line 18, strike "The" and all that follows through "subsection (b)" on line 19, and insert "Funds made available under this part".

Page 52, line 4, strike "and implementation" and insert ", implementation, and evaluation".

Page 52, line 7, after "and" insert "academic".

Page 52, line 18, strike "and".

Page 52, line 24, strike the period and insert a semicolon.

Page 52, after line 24, insert the following:

"(11) teacher preparation programs which assist individuals who are interested in becoming vocational-technical education instructors, including individuals with experience in business and industry;

"(12) improving or developing new vocational-technical education courses; and

"(13) support for family and consumer sciences programs.

Page 55, line 1, after "expenditures" insert "of funds provided under this Act".

Page 55, strike line 14 and insert the following:

"(c) Collection of Information and Report.—".

Page 56, line 19, after the semicolon insert "and".

Page 56, after line 19 insert the following:

"(C) to carry out research that can be used to improve teaching and learning in the vocational-technical education classroom;".

Page 56, line 20, strike "(C)" and insert "(D)" and strike "programs" and insert "research".

Page 59, line 10, strike "4-year" and insert "4 or 6-year".

Page 62, line 22, strike "$200,000" and insert "$250,000".

Page 64, line 2, strike "Part C" and insert "Parts C, D, E, F, G, and H".

Page 64, line 4, strike "is" and insert "are".

Page 65, lines 5 and 14, strike "program" and insert "fiscal".

Page 65, line 21, strike "similar windfalls,".

Page 67, line 18, before the semicolon insert "or to participate in any vocational-technical education program".

Page 67, line 20, strike "or" and insert "of".

Page 67, line 22, strike "or" after the semicolon.

Page 67, line 24, after "or" insert "federally".

Page 67, line 25, strike the period and insert ", unless the participant has selected and is participating in a program or course of study that requires, as a condition of completion, attainment of an industry-recognized skill or standard; or".

Page 67, after line 25, insert the following:

"(4) to require any individual to obtain a federally funded or endorsed certificate of mastery.".

Page 68, after line 21, insert the following:

"SEC. 409. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

"A State or local educational agency which uses funds under this Act for inservice and preservice vocational-technical education professional development programs for vocational-technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational-technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational-technical education programs located in the geographical area served by such agency.".

Page 70, line 6, strike "For" and insert "(a) General Rule.—Except as provided in subsection (b), for".

Page 70, after line 11, insert the following:

"(b) Exception.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the State is required to provide from non-Federal sources for costs the State incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

Page 73, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(4) Career Guidance and Academic Counseling.—The term 'career guidance and academic counseling' means providing individuals with information access on career awareness and planning for their occupational and academic future which shall involve career options, financial aid, and postsecondary options.

Page 74, line 2, after "related" insert "vocational-technical education".

Page 77, beginning on line 13, strike "through applied academics" and insert "(including through applied academics)".

Page 78, line 2, strike "employment sectors" and insert "occupations which require other than a baccalaureate or an advanced degree".

Mr. GOODLING. Mr. Chairman, I offer an amendment, a manager's amendment, that would modify the within State secondary funding formula to distribute funds in 1998 by the current law formula, in 1999 and 2000 by a formula based 70 percent on poverty, 30 percent on population with a hold harmless at the 1997 funding level. Any additional funds above the 1997 level will be distributed by a formula based 60 percent on poverty, 40 percent on population. In the year 2001 all funds are allocated by a formula based 65 percent on poverty, 35 percent on population. And in the year 2002 all funds are allocated by a formula based on 60 percent poverty, 40 percent population.

The amendment will raise the minimum grant amount from $7,500 to $10,000 for secondary programs, and from $20,000 to $35,000 for postsecondary programs. It would modify the 10-percent rural reserve and would strike the 5 percent for incentive grant awards. The amendment would further modify the secondary alternative formula language to allow funds to be targeted to areas of greater poverty. The Chairman's amendment would raise the small State minimum grant award for technology prep to $250,000 and would insert language prohibiting the use of funds authorized for State grants to be used for national programs. Part C through H of title III are repealed. Language is added to increase the involvement of parents in vocational—technial education programs. Language asking States to describe how they will involve local school boards in the development of the State's benchmarks is included and the amendment would add language allowing nonprofit private schools who have secondary vocational-technical education programs, to be able to participate in vocational-technical education professional development activities. Finally, the amendment would make other modifying and technical changes to the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of the Goodling amendment, the manager's amendment, because it does allow States to reserve 5 percent of their Federal funds to help rural areas improve vocational education, and unlike our urban Members, rural residents often do not have the option of hopping on a subway or a bus to get to their needed services. Sometimes we have to drive many, many miles to even to get the most basic of services.

Many of Nebraska's rural communities are grappling with some pretty dramatic State education funding changes. At risk of course is vocational education, which provides opportunities for young people to get the job skills and learn about the technologies in the business world.

In my State we have a very unique problem. We have a labor shortage. Our unemployment rate today is about 2.3 percent. Many businesses have wanted to expand or locate in my State only to find that we do not have enough skilled people for them to employ. That is why targeting vocational funds to rural areas might very well help attract and retain existing businesses.

So, Mr. Chairman, I congratulate the gentleman from Pennsylvania [Mr. GOODLING] and the subcommittee chairman, the gentleman from California [Mr. RIGGS], and the staff for all of the hard work that has gone into this legislation. I would encourage my colleagues to support the Goodling amendment as well as the bill.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, and I rise to discuss a provision of the amendment that is offered by the gentleman from Pennsylvania [Mr. GOODLING], and a cornerstone of this amendment is the changes that it will make to the secondary substate former provisions which have been agreed upon in a bipartisan fashion, and the formula which is included in the reported bill strongly deemphasizes, in my estimation, poverty and allows the States to reserve up to 15 percent of local moneys for an undefined purpose and subsequently was completely unacceptable to us on our side of the aisle.

In contrast, the manager of the amendment will gradually institute a formula over a 5-year period which is slightly less targeted toward poverty than in current law but still is adequate. In doing this, the formula provisions will protect current funding streams to ensure that school districts, whether represented by a Democrat or a Republican, will continue to operate quality vocational education programs.

□ 1130

In addition, the amendment would ensure that States who wish to waive the provision of this formula would have to develop one that better targets poverty to gain the approval of the Secretary of Education. Coupled with this alternative formula provision is the ability of States to target both rural and urban areas through grants and increase minimum grant amounts for both secondary and postsecondary recipients.

While many, including myself, would have wanted to maintain the formula in current law, I believe both sides view this as a compromise which we could all support. We on this side support the gentleman's amendment, and I urge all my colleagues to do likewise.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to point out to my colleagues that we worked very diligently to arrive at this bipartisan compromise. This bipartisan compromise, as included in the manager's amendment, really is the result of weeks and weeks of very intensive negotiations. It came about as a result of literally a last-minute, 11th-hour proposal made by our Democratic colleagues yesterday.

However, I want to point out that what we have done here effectively is to meet halfway. Current law sends money down to local school districts for secondary programs on a formula that is based roughly on 30-percent population and 70-percent poverty. The 70 percent poverty factor is a proxy for the current title I variable and the 30-percent population factor is a proxy for the 20-percent IDEA and 10-percent population factors in current law.

In our committee bill we proposed splitting the funds for secondary programs on a 50/50 poverty-population formula. What the Chairman has proposed, and which has met with agreement on the other side of the aisle, is a new substate formula based 40 percent on population and 60 percent on poverty. This will be gradually phased in over the life of the bill.

However, what I want to stress to my colleagues and this is really critical in view of some of the amendments that may be coming up later today on this legislation, that any additional funds above the 1997 level would be distributed, beginning in fiscal year 1999, on a new formula which is based 60 percent on poverty, 40 percent on population.

So, that is to say, that to the extent we can have additional moneys going down to the local level and to the extent we can secure any additional appropriations for Perkins vocational-technical education programs, beginning in 1999 those moneys will go down to the local school district by a formula that is based 60 percent poverty—40 percent population.

If any amendment comes up later today that would effectively reduce the amount of money—reduce from the 90 percent of the funds that are going locally—then that amendment would have the effect of basically upsetting this very delicate agreement that we have arrived at in a bipartisan fashion with respect to the sub-State formula.

In the Chairman's manager's amendment, we have come up with an agreement that allows 10 percent of the funds to be targeted to rural and urban areas—a maximum of 5 percent for rural areas and 5 percent for urban areas. But we should not overlook the concerns we heard from some of our witnesses regarding suburban areas.

We all recognize the problems of urban cities, and I daresay that those urban school districts are fairly well represented on the Democratic side of the aisle. They have some very forceful and articulate advocates on our Committee. Suburban schools have many of the same problems that urban school districts face today, very similar problems in fact: drugs, gangs, youth violence. Those problems are being found, as the gentleman from Pennsylvania [Mr. PETERSON] pointed out, in rural areas and, as I am stressing now, in suburban areas as well as urban areas.

I mentioned in my opening remarks that we held a field hearing across the Potomac River in northern Virginia Fairfax County, VA is a county that most Members are familiar with because of its proximity to Washington, DC. I want to stress that whereas in 1990, 8.7 percent of the children in Fairfax County schools were considered living in poverty, today, in 1997, that number has risen to 18.3 percent—an average annual increase of 15 percent.

One other point I want to make and that concerns reducing the minimum grant amount. I am very glad that we were able, again, to arrive at a bipartisan agreement with our Democrat colleagues on this issue. We heard during our hearings that there is a need to try to spread this money more equitably around the country. A lot of the Perkins dollars simply are not getting into certain areas and communities of the country.

By lowering the minimum grant amount in current law from $15,000 to $10,000 for secondary programs, one effectively cutting the minimum grant amount by one-third. We are driving more money to more school districts at the local level, using those Federal taxpayer dollars to leverage State and local dollars that are going into public education specifically for vocational-technical education programs.

Again, I am pleased that our Democratic colleagues were able to arrive at an agreement with us on this particular issue, and I urge support of the manager's amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill before us, and in support of the amendment before us, but also in support of moving this bill from the House floor and our body to conference, where we hope it can even undergo further improvements.

I rise in support of this legislation for a number of reasons. One is because so many people today do not go on to graduate from a 4-year college or university and need this help through this particular legislation; second, because in a global economy where more and more businesses are doing their business overseas, where more and more of our workers are needing lifetime skills and not just learning between 18 and 22, we need to make sure that programs like this are targeted to the most vulnerable in our society and targeted for a lifetime of learning, not just for a particular couple of years or time period.

Those are very, very important reasons why we need the legislation. The world is changing. We need to target the help to help our businesses compete, to help our young people learn new skills, and to help them learn these skills for a lifetime.

I also think we have had a number of improvements in this bill through the subcommittee process and the full committee process and now with the administration amendments. We have maintained the tech prep program which is very critical for the State of Indiana and helps prepare some of our youngest, most talented and most vulnerable people to get the necessary skills in Indiana to stay in Indiana and contribute to the business, to the work force, to the plant, and ultimately, to the economy.

Second, we have been able to strengthen provisions addressing professional development in this bill so we continue to work with the teachers that need to enhance their abilities to teach young people in different ways as to the changing world and the changing machines and computers they are working with. That is a very key ingredient in this bill.

Third, we are training the personnel to use technology and long-distance learning capabilities more and more through the language in this bill. We have heard from testimony throughout the last couple of months that long-distance learning and E rate and a host of other things are going to be very, very important, not only to train young people but for equity in learning, to make sure that some of the schools that are in inner-city areas that cannot afford the long-distance learning machines and technology also get access to that technology.

Quite frankly, Mr. Chairman, we need to do more there, more through enforcing the E rate that was recently passed by the FCC. We need to do more in terms of technology and getting this technology into schools that cannot afford it. We need to do more in terms of the fairness and the equity. But this is a beginning in this bill. I support that, and hopefully we can do more in conference.

Last, Mr. Chairman, I think one of my biggest concerns about this legislation is the funding mechanism. I want to make sure that we have the funding formula more and more oriented toward making sure that the most vulnerable people in our society, those that need this assistance and education the most, those people that are trying to get off welfare, that they get the skills for a good education and training to stay off those welfare rolls. We need a funding formula that drives this assistance in education and training to those people. Instead of making it population-based, we need to drive it more toward the poverty rate and those that need it.

We are starting to do that. I hope we do even more of that in the conference coming up with the Senate. It is similar to disaster assistance. If we had a disaster assistance bill on the floor that was supposed to go to those people in North Dakota that just experienced a disaster, but we said no, we are not going to base this on the disaster or the flooding, we are going to base it on the population so people in California and Florida will get it just as people in North Dakota will get it, that would not make a whole lot of sense.

So let us try to drive this formula, the funding formula, in conference more and more toward those in poverty, those that need it; those schools that really need the resources to address those people to get the education and training, both for their dignity, for their futures and their family's futures, but also to help fix the welfare problem that we have in this society today, too.

We are making great strides. We need to continue to be fair and equitable. I urge my colleagues to pass this legislation and continue to improve it in conference.

Mr. PAYNE. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise to support this amendment, and overall stand to support the vocational education bill which is so important as part of our Federal education system. This act provides our students with the tools to be prepared for a trade or career directly following high school.

As has been indicated, every student is not going on to college. The intention of these programs is to teach young people a trade while allowing students to be academically prepared for postsecondary education. Giving our students viable options for the future is very critical for the economic and social development of our Nation.

It is for that reason that I am pleased that the concern that I raised during the committee markup regarding reserves for only rural districts has been addressed. I appreciate the subcommittee chair for allowing the position that I had that the bill before the House today includes a 5-percent reserve for both urban and rural areas who display need.

The additional pool of funds will allow students in regions of our country, where a college education is unfortunately just not economically an option, to have vocational education programs best suited for their future.

I would also like to offer my sincere strong support for the Mink-Morella-Sanchez-Woolsey amendment to provide a hold harmless for programs serving displaced homemakers, single parents, and pregnant women, and programs that promote gender equity.

Opponents of this provision claim that States can offer these programs at the present time if they decide to do so. However, prior to when the Perkins Act required the States to have gender equity programs, only 1 percent, let me state it again, only 1 percent of State grants went to displaced homemakers and supportive services. The history of this provision proves that these programs will not be funded if the Mink amendment is not included in this bill. So I urge Members of the House to support this very important amendment.

Sadly, this will leave members of our population who are struggling to support families and to stay off of welfare, as we talk of from welfare to work, this will not give the opportunity to women to be trained in specific fields. It will also leave young women in high schools across the country with little encouragement to participate in vocational education programs that increase the chance of them attaining a job with a future when they graduate.

As we attempt to move this country from welfare to work, I find it strange that job training programs such as the Perkins Act would ignore the female population that constitutes a large majority of people who are currently relying on public assistance who will have to move to work.

□ 1145

Therefore, I urge my colleagues in the House on both sides to fully support the Mink-Morella-Sanchez-Woolsey amendment and vote for its passage.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words, and I would like to share my strong support for the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I just want to point out two things. We are hearing a lot about where the money should go. Keep in mind now, we are talking about 75 percent of the population that has been pretty well ignored because they do not receive a 4-year college degree. We have to make sure that that 75 percent is ready to enter the high tech jobs that are out there, if we are going to remain competitive.

I would also like to point out that with the formula contained in the bill, the nine largest cities in the country, receive anywhere from a 12.7-percent to 17.2-percent increase. But we are talking about 75 percent of our population that we really have to deal with and deal with promptly if we are going to remain competitive in this United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. MINK of Hawaii:

Page 21, line 4, strike "(b)" and insert "(c)"

Page 21, line 6, strike "(b)" and insert "(c)".

Page 21, line 10, strike the periods and end quotation marks and insert a semicolon.

Page 21, after line 10, insert the following:

(5) in subsection (b)(1)—

(A) in subparagraph (A)—

(1) by striking "section 221" and inserting "paragraph (3) of section 201(c); and

(ii) by striking "section 222" and inserting "paragraph (4) of section 201(c)"; and

(B) by striking subparagraph (J).

Page 33, after line 12, insert the following (and redesignate the subsequent paragraphs accordingly):

"(4) sex equity programs,".

Page 34, after line 5, insert the following:

"(e) HOLD HARMLESS.—Notwithstanding the provisions of the part or section 102(a), to carry out programs described in paragraphs (3) and (4) of subsection (c), each eligible recipient shall reserve from funds allocated under section 102(a)(1), an amount that is not less than the amount such eligible recipient received in fiscal year 1997 for carrying out programs under sections 221 and 222 of this Act as such sections were in effect on the day before the date of the enactment of the Carl D. Perkins Vocational Technical Education Act Amendments of 1997.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today together with my colleagues the gentlewoman from Maryland [Mrs. MORELLA], the gentlewoman from California [Ms. SANCHEZ], the gentlewoman from California [Ms. WOOLSEY] and the gentlewoman from California [Ms. MILLENDER-MCDONALD] to offer this amendment which seeks to preserve existing programs serving the needs of girls and women in our vocational educational system.

The bill in its current form represents a major setback for girls and women in our educational system. It eliminates important provisions of current law which target programs for displaced homemakers, single parents and pregnant women, and programs to ensure gender equity and train women for nontraditional careers. It eliminates the equity coordinator now required in every State to assist vocational education programs in meeting the needs of girls and women in these special categories, and eliminates a 10.5 percent set-aside which is required under current law.

The amendment we offer today does not fully restore these provisions but assures that it will continue to receive the support at the current level. It maintains a vocational education equity coordinator and provides a hold-harmless for the displaced homemaker, single parent and gender equity programs at the fiscal year 1997 level. We have heard in the manager's amendment how the expectation is that there will be increased funding because of the bipartisan support for this program, and the formula is based upon the assumption that the funding will increase to the year 2002.

Under our amendment we do not have a 10 percent set-aside. All we are asking is that the current funding which has been allocated to these four programs be maintained at the level that is being experienced in the local communities.

Over 13 years ago Congress made sure that the special needs of women and girls were attended to by this set-aside, and numerous analyses have been made about the effectiveness of this program. GAO and other sources have reported that this is a program that has provided that assistance which was absent prior to this set-aside. There is evidence to indicate that only 1 percent of the program recipients were women in these categories.

So I hope that my amendment will be agreed to. It is especially urgent because of the changes that were made in the welfare program. We are now putting emphasis on work and on work training. The only education program in the bill that was passed last year which meets the criteria of work activity is vocational training. Vocational training is recognized by all persons as the one means by which people who are not able to find a job, get a job, improve themselves, get into a situation where they can actually sustain their families with their income.

So it is extremely important, at this stage of correlating the existing law to the new changes under welfare, that we not abandon the support that has been given to displaced homemakers, single parents, single pregnant women and others in this category. They need that continued support.

We are restructuring this program. We are creating new ways in which to orient the funding of the program. It seems to me that in this period of transition it is critical that we hold harmless a program of this sort. Otherwise it will get lost.

Notwithstanding what the majority Members, including the Chair of the full committee, have said, suggesting that the bill before us is adequate, I would like to point out that the bill does not in any way make sure that single parents, displaced homemakers, single pregnant women, or individuals seeking nontraditional employment can be served. Although the State application must include a description of how the State will serve these categories of people, the application is only a planning document. There is no enforcement mechanism that would sanction the States if they did not actually do what they said in their application.

The State leadership activities only allow a State to provide support for these programs; that they may choose to spend all of their money on required activities and absolutely none on the programs for displaced homemakers, single pregnant women, and sick single parents.

The accountability provisions which have been referred to do not include a benchmark for measuring services to this group of disadvantaged persons. A State can report that only one single displaced homemaker was served and would meet the requirements of the benchmarks.

I ask the House to consider the progress that we have made in addressing the special needs of these individuals in probably the most disadvantaged group in our society and in view of the fact that the welfare bill, which we voted and made into law, singles out the single parents on welfare and says that the policy of this country is that all of these individuals should work, work off their welfare or work into a job situation; in order to work into a job situation, have specifically said that the work requirement could be met by the work activity definition of vocational education.

That being the case, this Congress and this House in particular has recognized the significance of vocational education. Women, after all, constitute half the population. They should have special attention. In view of what we did in the welfare bill, it seems to me to abandon them now, offer them no protection of at least sustaining the efforts that have been put in place, would be a dramatic reversal of the emphasis that we have put on serving this population.

I urge my colleagues to support my amendment and continue the programs that are in existence.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I must stand in opposition to this amendment for my dear colleague from Hawaii. We so often agree on some of these gender issues, but on this, as I did in the committee markup, I must oppose the amendment.

I agree with the direction of this legislation and that is to move away from any type of set-aside and, therefore, cannot support the amendment.

This amendment, in my assessment, would severely limit the authority given to the States which is one of the prime reforms of this legislation; that is, the authority given to the States, to local school districts and post-secondary institutions that under this bill would determine their own priorities for reform and for funding.

I think there are benefits, enormous benefits to putting more decision-making at the local level, as long, and I must stress this to my colleagues that do not understand this legislation or have not read it yet, as long as we have the backup and enforcement mechanisms that are required. I believe the legislation does this.

To address the concerns that special populations would not be accommodated under this legislation, for any of our colleagues who question that, I have to refer them to page 29 where there is an explicit statement about special populations. This statement refers to how the State has to take certain actions in accordance with this legislation. Those actions include all kinds of populations and specifically displaced homemakers, single parents and single pregnant women.

Further, the legislation does include the necessary enforcement mechanisms and penalties, as I read it. If the State application fails to show how the State will ensure that the special populations meet or exceed State benchmarks, then the Secretary of Education would disapprove the application. Further, if the State fails to meet its own benchmarks, then the Secretary and the Department of Education can intervene to bring the State up to a minimum adequate level of performance. That is explicit in the legislation.

In addition, the Secretary and the department could also sanction the State by withholding all or part of the State grant. So I am really not quite sure where the author of this amendment, how the author of the amendment is able to say that there are no enforcement mechanisms.

I am more than reasonably assured that we are protecting the special populations and at the same time gaining the benefits from the knowledge, the direct knowledge of those at the local level who best know how to target these programs. That is one of the essential reforms of this bill. To adopt this amendment would deny that and reinstate set-asides.

I do not believe that we need set-asides or quotas. We need equity, we need outreach, and we need nondiscrimination. The Secretary and the Department of Education have the explicit authority in this legislation to maintain those principles.

Ms. SANCHEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I rise on behalf of our bipartisan amendment to H.R. 1853, the sex equity amendment. Our amendment will preserve programs that eliminate sex bias in vocational education and job training programs. This assistance is vital to displaced homemakers, single parents, and to pregnant women attempting to enter the work force.

Let us face it, young women are being tracked into vocational education that leads to low wage, traditionally female occupations. I remember when I was graduating from high school and I went to see my counselor. With a straight A average, I was told to go to the local community college. I said I wanted to be a doctor. My counselor said, "Why don't you become a nurse?"

Sadly, 10 years later my younger sister went to the same counselor at the same high school, and she also had practically a straight A average, and she was told the same thing: "Stay close to home. Go to school for a 2-year degree that will get you a job that will let you start working right away."

We need to stop this. The current 10.5 percent set-aside in Perkins dollars is designated to reverse this detrimental trend. More importantly, these specialized programs move displaced homemakers and single parents from welfare to work, something most of us agree needs to be done.

This amendment will preserve the specialized job training programs by requiring local entities to maintain current funding for the next fiscal year. Each State will also be required to maintain its sex equity coordinator, and that is very important because it allows somebody to talk to young women about good-paying jobs and following a program that will allow them to be good breadwinners.

□ 1200

This approach will ensure that these programs are maintained by providing States and local entities maximum flexibility in meeting the vocational education needs of women.

Since we are all interested in reducing the number of women and families on welfare, our primary goal should be to increase the employability and the earning potential of women, especially women with children. The programs that we have now do this. They succeed in promoting self-sufficiency for women.

So let us not take a step back but, instead, let us work toward maintaining and advancing these programs.

I am especially concerned that programs to help young single mothers will remain intact. My district in Orange County has the highest incidence of teen pregnancy. When a young lady makes a good decision to keep a child but wonders how she will support it, it is important that we have programs in place to assist teen mothers to graduate from high school with the ability to find and maintain employment that is essential to getting these families out of that welfare and low-poverty cycle.

If we are to break that cycle, that dependency that haunts teenage mothers, then we must help these young women to graduate from high school with the skills necessary to gain good, meaningful, long-term employment.

Funding sex equity and single parent programs now is an investment in our young people. Small grants combined with local community efforts can help to make a tremendous impact on programs for young women. Please vote for our amendment.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during my tenure in the House, I have always supported programs that would ensure that women have access to nontraditional jobs. For women who are seeking job training services, the bottom line is a livable wage. Nontraditional jobs pay better, they offer greater benefits. For displaced homemakers and single parents, nontraditional jobs can be a pathway to economic self-sufficiency and family stability.

I also believe that, we know the old adage, if it ain't broke don't fix it, we have a situation that is not broken, that appears to be working, that this bill will help to enhance, so let us not change it. It is because of my interest in the self-sufficiency of women that I have joined with my colleagues, the gentlewoman from Hawaii [Mrs. MINK], the gentlewoman from California [Ms. SANCHEZ] and the gentlewoman from California [Ms. WOOLSEY] to offer this amendment to preserve programs for displaced homemakers, single parents and pregnant women.

The amendment does not add any cost to the bill nor does it seek to restore the current law set-aside at the State level for these programs. It merely requires that localities currently funding such programs continue to do so at the same level as fiscal year 1997.

The amendment also restores the vocational education equity coordinator required in each State to oversee and evaluate equity programs for displaced homemakers and single parents in vocational education, which is current law.

It is essential that we preserve these programs, I believe, to ensure that women and girls have access to higher wage, higher skilled jobs that traditionally are reserved for men.

Programs and services to displaced homemakers and single parents have received very high marks. A national assessment of past program participants found a majority rated the program that they attended as excellent or very good. Three out of four customers who participated in other government programs, such as the welfare system, the Job Training Partnership Act or Job Corps rated the displaced homemaker or single parent programs as much better or better. Nearly all of the participants agreed that they would recommend the program to a friend.

In Pennsylvania, participants enrolled in the displaced homemaker programs terminated or reduced their need for public assistance, resulting in savings to the State of nearly $2 million a year.

Mr. Chairman, I want to commend the gentleman from Pennsylvania [Mr. GOODLING], the members of the committee, the ranking member, the gentleman from Missouri [Mr. CLAY]. I want to also commend the gentleman from California [Mr. RIGGS].

All of this committee have done an excellent job on this particular bill. I know they have put a lot of hard work into it, and this is a bill that directs funds for vocational education programs into the local level.

I also appreciate the efforts of the chairman and the committee to protect programs for displaced homemakers, single parents, and pregnant women. However, history, as well as anecdotal information, collected by the National Coalition for Women and Girls on Education, makes it clear that without reserves States will not continue these services.

Before designated funds were in place, States and localities spent only 0.2 percent of their vocational funding on specialized programming for women and girls. Unless language is written with more specific wording, programs for this special population may not continue. I think they will not continue in many instances.

Some displaced homemaker programs have already been put on notice by State directors of vocational and technical education that, if Congress eliminates the reserves, they will not be funded. This is an ominous warning about States' commitment to equity without firm Federal guidelines.

Our amendment ensures that these successful programs will continue. It would also provide States with the flexibility they need to meet the needs of the girls and women in their vocational education and job training programs.

Mr. Chairman, women comprise close to half of the civilian work force. By the year 2000, more women than men will be entering the work force. The failure to incorporate women into all areas of the work force penalizes not only women but the entire American economy.

U.S. productivity and competitiveness in the international marketplace will depend more and more upon industry's ability to encourage, incorporate, and nurture the skills and knowledge, energy, and creativity of women workers.

Our amendment is not an option, it is a necessity, so I urge a "yes" vote on this important amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Some years ago, when we were reauthorizing vocational education, we found, when we got almost to the end of the markup, that we had set-asides totaling 120 percent. Obviously, funding for programs can only total 100 percent but we had included set-asides for 120 percent, which meant that so many programs were created that were so small, that no one really could do much of anything with the money they were getting. So we had to go back to the drawing board, and fortunately we were able to eliminate an awful lot of those set-asides.

Now, today, we are back, and what we would do with this amendment is make sure that there is less money for local school districts to do exactly what these Members want to do. In the formula under our bill we force this money down to the local level, 90 percent of it, for local priorities.

Now, let me tell my colleagues what the amendment does, on the other hand. Let us say a State gets only $4 million. Only $4 million. Well, the first $60,000 goes off the top for a sex equity coordinator. Then that person has to have five, six, maybe eight other people that have to help that sex equity coordinator. Another $60,000, $100,000, $200,000 goes off the top and never gets down to the local level to help the people we are trying to help. I again point out, we are talking about 75 percent of our population, including displaced homemakers, who we need to serve in this legislation.

Now, it was mentioned that this amendment would be better than the job training services provided to displaced homemakers under the Job Training Partnership Act. This is no any longer true. As a matter of fact, we have approximately $1.5 billion in the job training bill that we passed in May through which displaced homemakers may receive assistance. We have defined displaced homemakers as dislocated workers under that legislation and increased the emphasis for serving this population under that bill. We have also expanded services for displaced homemakers in our reconciliation bill under its welfare-to-work provisions with another $3 billion.

We have to understand there is 75 percent of our population that has not been served well; that must be served if we are going to remain a competitive nation. And if we do not remain a competitive nation, then there is no use to talk about education or training because there will be no jobs out there.

In my district we have many jobs available for those who have skills. There are very few jobs for unskilled laborers any longer, and in the year 2000 there will be less. So we have to deal with this 75 percent. We cannot require a little set-aside here and a little set-aside there.

As I mentioned, if we do it the way we now have it in the manager's amendment, we are forcing 90 percent of the money down to the local level.

Now, I ask who, more than I, have led the fight over the years to make sure that we are serving the needs of displaced homemakers? Not any woman that I know, as a matter of fact, and that is why this legislation is filled with references requiring services for special populations.

We start out on page 24 and we say describe how the State will ensure that members of special populations meet State benchmarks established under section 114 and are prepared for postsecondary education, future learning, high skill, high wage careers. Then we have an auditor that comes in and makes darn sure that, as a matter of fact, the State is doing what they said to the Secretary they are going to do.

We go on then and indicate that each State that receives an allotment under section 102 shall annually prepare and submit to the Secretary a report on how the State is performing on State benchmarks. And, under that, special population, the report submitted by the State in accordance with the subparagraph, shall include a description of how special populations, displaced homemakers—we even spell them out—are served under our legislation.

And then we go to the local level, and we say "support for programs for single parents, displaced homemakers, single pregnant women and individuals in nontraditional occupations that lead to high skill, high wage careers." And again, we mention the local level on page 52 and say, "programs for single parents, displaced homemakers and single pregnant women."

We have spelled it out over, and over, and over, again that the State will serve special populations, displaced homemakers, single pregnant women and single parents, probably far better than they have been served in the past. If the State does not, then the State will be in serious trouble as far as their State allocation is concerned.

So I would hope that we do not start this business now of having set-asides until we weaken everything so there is not enough money to do anything well and no flexibility for local governments and States to serve those in most need.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, assuming over 50 percent of the 75 percent of individuals not going to college are women, if we really want to reduce the number of families on welfare, we should thank our colleague, the gentlewoman from Hawaii [Mrs. MINK] for offering this amendment.

I am personally very proud to support girls and women in vocational education, and I am proud of the coauthorship of this amendment with my colleague from Hawaii, and the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from California [Ms. SANCHEZ] and the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Clearly, this amendment proves that the real welfare reform for families, those who are on welfare, will get off the rolls if we take care of women and their children. This amendment prevents families not only from being on welfare and helping them get off of welfare, it prevents them from going on welfare in the first place.

The Mink amendment is real welfare reform. It does that because it preserves vocational education programs that give women the skills they need to get jobs that pay a livable wage. Also, it provides women with the ability to support themselves and their families. These programs train displaced homemakers, single parents and single pregnant women for nontraditional careers, such as blue collar jobs, jobs that men usually hold, jobs that pay better than the traditional jobs women often take.

The data of the Bureau of Labor Statistics, Mr. Chairman, shows that young women who graduate from high school and go right into the job market earn less, 25 percent less, than their male counterparts. The reason for this? Again, according to the Bureau of Labor Statistics, it is that these young women are overrepresented in low-paying occupations.

The Mink amendment does not require any local community to start any new program to train women for nontraditional jobs, it just maintains and holds harmless what is in place today.

□ 1215

It simply says if we already have a program for displaced homemakers for single parents or for single pregnant women, we can and should continue the program.

We know these programs work. The Department of Labor in Florida showed that over 70 percent of the women who participated in their programs in 1992 and 1993 doubled their income after completing the program. A study of the participants in Oregon's program showed that the graduates had expanded employment opportunities, increased salaries, and reduced dependency on public assistance.

In 1992, less than 7 percent of all working women were employed in nontraditional occupations. Yet those women earned 20 to 30 percent more than women in more traditional jobs if they were in the nontraditional occupations.

The Morella-Woolsey-Sanchez-Millender-McDonald sex equity amendment is good welfare prevention and good welfare reform, and I urge all of my colleagues to vote for it.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former director of gender equity programs for the Los Angeles Unified School District, I would like to correct something that the previous speaker spoke on with reference to women, single parents, displaced homemakers, teen pregnancy programs.

As the director of those programs, I know from the absolute experience that we provided the majority of the money to those programs to help the women, the young women who were pregnant, parents as well as displaced homemakers in these programs. The majority of the money did go down to the local level to help them, and we want to just make sure the RECORD reflects this statement and correction of that statement, because I do know the value and necessity for providing quality vocational programs for single parents and displaced homemakers.

I also know the need for equity coordinators to oversee, coordinate, and evaluate equity initiatives in vocational education. I had four equity coordinators working under me, and I do know that they made evaluations of the program on an annual basis.

Under current law, a 10.5-percent set-aside is required at the State level for these programs. Our amendment would not restore the set-aside but simply require that localities currently funding such programs continue to provide funding for these programs at the same level as the fiscal year 1997. Our amendment would also restore the requirement that a vocational education equity coordinator exist in every State.

The Vocational Education Reauthorization Act that Congress has deemed essential in helping women escape domestic violence and become self-sufficient for the past 13 years has indeed been a model program and one that is sorely needed. I do not see nor understand why we would not want to maintain a program at the current level that has proven to be one of the most successful programs in this country.

The 1996 GAO study "Employment Training: Successful Projects Share Common Strategy" reported that the single parent/displaced homemaker program funded through the Florida program is one of the most successful training programs. Most of the 1,300 single parent/displaced homemaker program participants and program coordinators follow the Florida model.

In Oregon, during the same year, the long-term success rate of these single and displaced homemaker programs was remarkably high. The employment rate soared from 28 percent to 71 percent, and the median wage rate increased from $6 per hour to $7.45 per hour. In addition, Mr. Chairman, the dependence on AFDC of the program participants fell from 29 percent to 15 percent.

Studies all over the country, from Arizona to Georgia, demonstrate the vast improvement in increased salaries for women participants, a higher rate of employment of women in nontraditional jobs, and more women living independently from welfare assistance. And these numbers do not even mention the vast ways in which the vocational education has improved the self-esteem of these women and enhanced the lives of their families.

The single and displaced homemaker programs are exceeding the goals they were designed to meet. This is not the time for us to close down these programs. If anything, we should be expanding these programs to ensure that we reach even more women in need of a quality education program, especially in light of the welfare reform bill that was passed by the majority in this House.

But that is not what this amendment does. The Mink-Morella-Sanchez-Woolsey-Millender-McDonald amendment requires that local recipients of vocational education funds spend at least as much as they spent in fiscal year 1997 on programs for displaced homemakers, single parents, single pregnant women and programs which promote gender equity.

We need this amendment to ensure that the doors to education and employment opportunities remain open for single and displaced women. This amendment will maintain the gender equity coordinator position and continue to create opportunities for women that they should have. I urge all of my colleagues to support this amendment.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the spirit of bipartisan cooperation, I would like to urge the majority to withdraw its opposition to this amendment. This is a very conservative amendment seeking to hold onto the status quo. We are only asking that you continue to do what we were doing before.

The chairman before talked about the high-technology world that we are into already and how it is critically necessary that we be able to train people for this high-technology world. Here is a whole pool of people out there who can qualify, that we are ignoring in the traditional approach to vocational education, and too many people at the State and local level are still trapped in the traditional approach. They will not look at the pool of females who are available for some of these areas.

It has been mentioned that we ought to open up blue collar jobs to women, and that is good and well, but we do not need to go that far. We have a massive number of jobs being opened every day in the world of the Internet and the world of computer repair and computer maintenance, technicians, mechanics. We have a revolution going on in our school system that we are not fully aware of, that will require large numbers of new kinds of personnel.

I have an article that was in the New York Times today about teachers being trained, we need to spend more money to train teachers, and another article about training teachers how to make use of educational technology, computers, and telecommunications apparatus that may be available in the future. We have a $2.2 billion universal fund that is going to allow for discounts to go to schools so that more schools can get telecommunications services and be wired for the Internet. We have a whole category of people out there that this bill really did not take into full consideration.

I appreciate the fact that the subcommittee chairman did incorporate language that would recognize the fact that we have a telecommunications and technology revolution underway. We should be doing more to recognize that in this legislation. It really did not do that.

And certainly in opposing this bill, which seeks to keep open a new channel that has been opened already, to allow us to take full advantage of the great pool of people out there who are being ignored for these various technician and mechanical applications of high technology that are being opened, and we are going to ignore it if we do not do that.

We do not have much monitoring of anything in education anymore. If my colleagues have been out there, they know that nothing is being monitored and enforced. If my colleagues take a step backwards and do not keep this provision in there, it will be a sign to the traditionalists and to the sexists to continue doing things the way they were doing them before we had this provision put into law. So we need to keep going forward and understand where we are in this revolution.

I was visiting a Citibank processing center several years ago, where they process their paperwork and bills and so forth, a massive center of people doing high-technology computerized processing, and I noticed most of the people in there were women. They pointed out the fact that women, particularly those who did not have college educations, who are intelligent but do not have a college education, were the best employees for that kind of repetitive job which required a high degree of focus and accuracy. They did not want college-educated women because they got bored, their minds wandered.

There is a certainly category, the kind of people we are talking about here, who could fill those jobs if they were given the opportunity, but if we do not open up the vista, if we do not have the people in charge of vocational and technical education.

I want to emphasize that vocational education does not mean what it used to mean. We are not talking about automobile mechanics, we are not talking about plasterers, we are not talking about various kinds of people only. We are talking about the full range of jobs that are opening up in our society, which is a high-technology society which requires people who are good technicians, good mechanics, and they have good pay in these areas also.

My son is employed in the computer area, and the industry is training people at improvising all along to meet its needs. The jobs pay very well, and women can do those jobs as well as men. But even in this new area, most of the people that are there are men because there is a mind-set that starts with vocational education and career guidance in the schools that we have to break.

The Mink amendment breaks that mind-set. The Mink amendment wants to continue what we started before to break that mind-set. We want the traditionalists to understand that the Federal Government is not taking a back seat. We see things from the national and international level that local people do not see. They deserve to have our vision projected. The mandates are really often ways to open up their minds to see new vistas.

We see a global economy. We see the great need. We know that there 80,000 jobs out there already not being filled, related in some way to computers and telecommunication and technology. We should provide more leadership by maintaining what we have already. Let us vote positive for the Mink amendment.

Ms. CARSON. Mr. Chairman, I move to strike the requisite number of words.

I will not take the whole 5 minutes because I do not want to be redundant. I simply want to recall an adage that is worth its weight in gold, and that is, Come and let us reason together.

We have had a lot of dialog in terms of welfare reform. Yet, to oppose the amendment of the honorable gentlewoman from Hawaii [Mrs. MINK] would in fact eliminate a set-aside and provide a setback for the most vulnerable and fragile segment of our society that we seek to assist in the amendment of the gentlewoman.

I would simply say, very briefly, that we need to envision welfare reform as providing an opportunity for people to become self-sufficient by providing them an apparatus to develop the right kind of vocational education and skills to enable them to move out into the world of work.

This is not a spendthrift kind of amendment. It is an investment in the most fragile infrastructure of our society. I would encourage unanimous support of the Mink amendment.

Mr. Chairman, I yield to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentlewoman from Indiana [Ms. CARSON] for yielding.

Mr. Speaker, I rise in support of the amendment offered by my colleague, the gentlewoman from Hawaii [Mrs. MINK]. I want to commend and associate myself with her remarks and those of the other sponsors of the amendment, my esteemed colleagues, the gentlewoman from Maryland [Mrs. MORELLA], the gentlewoman from California [Ms. WOOLSEY], the gentlewoman from California [Ms. MILLENDER-MCDONALD], and others who have spoken for this amendment.

The amendment offered by my colleagues is needed to preserve the important existing programs which serve the needs of girls and women in our vocational system. It seeks to retain a minimum level of support for programs for girls and women in this system, to retain an equity coordinator, and to eliminate sex bias in vocational education as well as in access to programs and training which would eventually lead to better-paying jobs for women.

☐ 1230

Some have argued that this kind of investment is already covered in the bill. But, Mr. Chairman, it has been demonstrated that wherever these programs were not specifically federally mandated, they were dropped.

At no prior time in this country's history has it been more important for us to make sure that our women, who make up the vast majority of single households, are still locked out of the vast majority of jobs, have been locked into lower salaries and who have been given no other choice but to turn to AFDC, now TANF, to enable them to raise their children, be given every opportunity to learn a nontraditional trade, to develop a better-paying skill and thus move into the job market with hope for a better future not only for themselves but for their children.

I urge my colleagues, Mr. Chairman, to support the education of our young women, to support job opportunities for single parents and for mothers to be, and to therefore restore hope for these women and for their children.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the amendment offered by Mrs. MINK of Hawaii. This is a good amendment. This amendment is fundamentally about equal rights and equal access. Simply put, this amendment ensures that displaced homemakers, single mothers, pregnant women, and others traditionally underserved by vocational education will have access to vocational education and job training.

Vocational education has become a cornerstone of our democracy. Vocational education provides millions of American citizens with the opportunity to become independent. Vocational education provides individuals with real skills so that they can succeed in today's workplace. In fact, thousands of women in my district have benefited from these vocational programs. For example, the Chicago Women In Trade's [CWIT] Organization located in my district is now in its 10th year and is supported by sex-equity funds. CWIT has been successful in training over 450 women, many single parents, and helping them move from low-income jobs to high wage careers.

These vocational programs for women have been funded since 1984, and have been very successful. These programs have helped women find real jobs. When women find meaningful jobs that is good for America. It helps to lower the welfare roles, and enables women and families to escape domestic violence. More importantly, it empowers women and gives them real independence.

I urge my colleagues not to go backward, to draconian methods of denying women the opportunity to vocational opportunities. Rather let's move forward and restore gender equity to vocational programs.

Let's support this amendment as it is good for America.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment as well as the legislation overall. I feel that although it is not a perfect piece of legislation, we can move this on to conference. The Senate has some different provisions in it, but as a new member of the Committee on Education and the Workforce, I am proud to see the cooperation and bipartisan effort that went into crafting this deal, even though there were a lot of 11th-hour maneuverings which got us to this point.

I want to commend the gentleman from California [Mr. RIGGS] and the gentleman from California [Mr. MARTINEZ] for the hard work they put into it, as well as the leadership of the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] on this legislation, but I do feel that there is still some more work that needs to be done and improved in this piece of legislation.

We have heard a couple of comments today about the substate formula and the minimum local grants and the effect that is going to have on a lot of needy students. I feel that the change of the formula, especially in the final couple of years, will undermine the key Federal role in assisting the neediest rural students in western Wisconsin, the district that I represent. I think this formula change sends a bad message to them. But also the formula change, combined with reducing the minimum grant from $15,000 to $10,000, would dilute the effectiveness of Federal funds. Again, this provision could endanger many of the consortia in my district in western Wisconsin where we have an effective system that allows local school districts to pool their vocational education funds.

I am also concerned that the legislation severely cuts the funding for State-level activities. Vocational education institutions in western Wisconsin rely on State agencies to maintain a detailed performance of accountability and to supply them with analyzed statewide information on student success and program performance for their local planning. Performing these tasks at the system level is the most effective way to assist the local improvement.

But I find the elimination of the special job training and just to hold harmless on already existing gender equity programs to be the most disturbing aspect of this legislation here today. The barriers that continue for women in those nontraditional fields remain a troubling national problem. This will only be compounded now with the full implementation of welfare reform across the country. By reducing support for women seeking to gain access to high-skilled training for high-wage careers, this bill once again overlooks the needs of a disadvantaged population. We must retain a minimum level of support for programs for girls and women in vocational education. I think this amendment goes a long way at addressing this need.

That is why I strongly urge my colleagues here today to give welfare reform a chance and to support the Mink-Morella-Sanchez-Woolsey amendment.

Mrs. TAUSCHER. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentlewoman from California.

Mrs. TAUSCHER. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of this important amendment that maintains current funding levels for programs that benefit girls and women and promote gender equity in our vocational education system. These vital programs train women for higher wage jobs so they can become self-sufficient and stay off welfare. They also promote high-skill, high-technology training in nontraditional fields for girls and women. These programs address the special needs of vocational training for displaced homemakers, single moms and single pregnant women.

As the mother of a 6-year-old daughter, I want her to have the same career opportunities that will be available to my 6-year-old nephew. We must not forget our daughters, nieces, and granddaughters and the legacy we pass on to them.

This amendment makes sense and these programs deserve our support. Please vote to maintain the funding for these important programs which offer a way up the ladder for women determined to improve their lives and that give our young girls the chance to feel the thrill of professional achievement and personal success.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support all the previous speakers and all that they have said as it relates to this fine piece of legislation. I want to first commend the gentleman from Pennsylvania [Mr. GOODLING], the chairman, as well as the gentleman from Missouri [Mr. CLAY], our ranking member, for all their hard work over the years to work on and retain the Perkins Act which has helped several million women across this country.

I am a former teacher in the public school system in the Detroit public schools. I taught business classes and vocational classes. I saw the peak as young women and men gained the skill necessary to compete in America's job market. I know the importance of vocational education and the skills that it requires and offers to young people to move and matriculate as they become parents.

Most of my colleagues know that this is the 25th year of title 9. Title 9 was instituted in 1972 and this year we celebrate the 25th anniversary of title 9. In title 9's experience, millions of women and men, particularly women, have shared across this country in higher education experiences as a result of the title 9 experiences, and many of them in their vocational education training.

As has been already said, vocational education has increased employment opportunities. Vocational education has also increased wage earning for millions of Americans. It has reduced AFDC caseloads across America and has had millions of dollars in savings. This is not a time to cut back. We must mandate States that they continue in their support of vocational education training.

I come from the State of Michigan. I served in that legislature for several years. I served on the education committee there and know of the commitment after the enactment of the vocational education ruling, after the Perkins Act mandated the 10 percent, that many children were able, through the mandate from the Federal Government, to participate in vocational education programs to prepare them for the world of work.

I commend the gentlewoman from Hawaii [Mrs. MINK] and the other sponsors for bringing this amendment forward. We have got to keep the commitment to the States. The 10 percent is just a minuscule amount. I wish we could increase that amount, but to eliminate it totally is unfortunate. This amendment asks that we retain the level of funding for 1997 and beyond, that that level of funding not decrease.

Mr. Chairman, I hope we support the Mink amendment.

Ms. NORTON. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. I thank the gentlewoman for yielding. I rise in strong support of the Mink amendment.

Mr. Chairman, this is no time to turn tail and run after 13 years of bipartisan support for special attention to the most vulnerable women in America on vocational education opportunities. That is not only because we are in the throes now finally of welfare reform, but because vocational training is where women have been most shortchanged and where there has been the most discrimination.

Vocational training has been a major element in discrimination against women in the workplace. It is only fair to specially target some of our funds toward these most vulnerable of women, displaced homemakers, single parents, single pregnant women. These are the women most in need. These are the women most likely to be trapped into discriminatory job opportunities. These are the women most likely to be overlooked.

This amendment assures that there will be special outreach to these women, and if there is not special outreach, then for many of them it simply will not happen.

We will not need the sanctions if we get the outreach. We will not get the outreach without this amendment. In many ways I regard this amendment as akin to a nondiscrimination provision. Where we have had the breakthroughs for women is in professional jobs like law and medicine and accounting and business. In jobs where women can make as much or more money as a welder or machinist is where we need to put our attention and where we need to do the most outreach.

The call on vocational training funds will be enormous. These funds are going to go to the most enlightened and the most educated. Those are not the women covered by this amendment.

The remedy for poverty, Mr. Chairman, is very simple. It is a job. But it is not every job. As those seeking to get off welfare now understand, it is not most jobs for which most of the most vulnerable women have the training. I approach this in many ways as a nondiscrimination provision. Government money has been used to reinforce existing job patterns. What we do with this amendment is to use government money to get us out of those patterns. Remember, this amendment ought to be seen as the counterpart to the horrendous budget cuts that these women themselves have received, 97 percent of the people on AFDC are women and children. They have $53 billion in cuts; 85 percent of the people on Medicaid are women and children. They have $72 billion in cuts. And it goes on and on that way.

The way to make sure that these cuts do not harm these single mothers, these displaced homemakers, and these single pregnant women is to give them the best opportunities for jobs. For them, the best opportunities are in vocational training. If we take away this opportunity after so many years of bipartisan support, we undermine what we have been trying to do.

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mink-Morella-Sanchez-Woolsey amendment to the vocational education reauthorization bill.

These gender equity programs have been highly successful throughout the Nation and have dramatically increased the number of women who participate in vocational education programs.

We have studies that indicate that women who participate in these programs are able to increase their earning capacity in nontraditional occupational fields and successfully eliminate their cyclical dependency on public assistance.

A recent GAO study of employment training programs found that the 1,300 displaced homemaker and single-parent programs in operation throughout the Nation are among the most successful programs of this type.

In Oregon, for example, these programs increased the employment rates for participants from 28 to 71 percent, increased hourly earnings by an average of $1.45, and reduced AFDC dependency from 29 to 15 percent.

The study documented similar increases in earnings and placements in nontraditional jobs and reductions in welfare rates in other States as well.

Clearly, the need to ensure equal access to training programs is even more important today than it was when the gender equity provisions were originally enacted by Congress.

For example, the passage of last year's welfare reform legislation places severe restrictions on the ability of poor women and their children to continue to receive welfare.

Since the majority of women on welfare are women with children, it is imperative to provide them real opportunities to earn higher wages in highly skilled jobs to support themselves and their children.

The failure to continue to protect vocational training could severely limit single parents, single pregnant women, and displaced homemakers' ability to find employment and will increase the likelihood that they and their children will remain in poverty or become homeless.

We simply must not abandon the Federal commitment to gender equity in vocational education by eliminating minimum guarantees of funding for gender equity programs.

The gender equity provisions of the Mink amendment strike a reasonable compromise between set-aside programs and assurances that States will continue to allocate resources to gender equity programs.

☐ 1245

I urge my colleagues to support the Mink-Morella-Sanchez-Woolsey amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mink amendment to ensure that States continue to operate vocational educational programs for women and girls.

Last year we passed a welfare reform law designed to help individuals become self-sufficient. Many of those struggling to get off welfare are single parents and displaced homemakers. Unfortunately, traditional vocational training programs do not focus on the unique obstacles faced by women trying to raise a family. If we truly value families, we must value those programs that allow parents to provide for those families.

The Mink amendment will preserve important programs that help assure equitable education and employment opportunities for women and girls. The Perkins programs for displaced homemakers, single parents, and sex equity have been very successful. For more than a decade these programs have helped women move into careers that provide higher wages, better benefits, and the possibility of advancement. Not surprisingly, women in nontraditional occupations earn 20 to 30 percent more than those in traditionally female occupations. We must protect and support programs that help women move into these higher paying jobs. That is how we end welfare dependency and increase family incomes.

I am concerned, Mr. Chairman, that under this bill programs would ignore the needs of women. My colleagues will recall that last month we celebrated the 25th anniversary of title IX, which prohibits gender discrimination in education. We have made progress in promoting gender equity in education since the title IX law was passed in 1972, but we have not put an end to discrimination entirely. We must not undermine the mission of title IX by eliminating the role played by gender equity coordinators in vocational education. The Mink amendment will keep this important activity alive.

When we discussed these programs some time ago, I spoke about Kelly Miles, a single mother of three from New York City who was on public assistance for many years. Through a nontraditional employment training program for women, Kelly was able to move off welfare and begin a career as an electrician. She is a wonderful example of what women can achieve through these very important programs.

The programs preserved by the Mink amendment help us reach thousands of Kelly Miles, women who want to be self-sufficient but need to develop the tools to get there. I urge all of my colleagues to support the Mink amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to ask the question do we need the Mink amendment to deal with displaced home workers, single parents, and single pregnant women? In my view, the answer is no. In this bill it is not mentioned once, it is not mentioned twice, it is not mentioned three times. It is in there four times. From the plan to the benchmarks to all the goals, it is listed again and again as one of our top priorities.

What happens when we have too many Federal rules? Less money to the classroom, more money for bureaucrats. Do we need more bureaucrats in this issue? I do not think we do.

In Pennsylvania I was chairman of Health and Welfare for 10 years and served on that committee for 19 years in both the House and the Senate. I was very much a part of Pennsylvania's historic welfare reform bill, which preceded the Federal bill but paralleled it.

Every incentive that is needed to help this population is a part of welfare reform because it is the majority of welfare recipients who are in this position. Welfare to work money targets this population appropriately. In the job training bill we made it much easier to use the money for this population, and in this bill we outline it not once, but four times, that this is a population that needs to be served.

In many States, and I know in Pennsylvania we have a very strong displaced homemaker program, vocational schools often have expanded their programs to utilize those State dollars because the need was there. I think we are assuming here at the Federal level that local districts, that States, are not aware of this problem. Everything that is happening in America leads us to serving this population. If States are going to meet the targets in the Federal bill, they must serve this population or they will not.

So for us today to over and above the four-time limits in the bill to say that every school district must prove to the State and to the Federal Government that they spent no less money, that is really more bureaucracy than if we had a set-aside. That means potentially 10,000 to 16,000 school districts will have to be evaluated, and, my colleagues, I do not believe that is necessary. If I thought it was necessary, I would support the Mink amendment.

I think it is important that we follow the lead of this bill of getting money to the classroom. All the incentives are in place to serve this population, and this bill highlights it not once, but four times. I ask for defeat of the Mink amendment. It is not necessary.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to have the opportunity to, even though I know we are under the 5-minute rule, close debate on this particular amendment. First of all, let me just say that I worry that this debate has turned into an exercise in political correctness, and let me tell my colleagues why I say that. We did not hear from a single witness, nor to the best of my knowledge, did we receive any correspondence in support of maintaining any kind of set-asides to serve special populations. What the Mink amendment would do is essentially replace a State mandate with a local mandate. It would replace a State set-aside with a local set-aside and reduce the flexibility that we want to give local schools to provide vocational-technical education programs. And that is very much in keeping with a longstanding American tradition of decentralized decisionmaking in public education.

In fact, as I mentioned, we did hear from Paul Cole, one of our witnesses and the vice president of the American Federation of Teachers. He testified in support of eliminating set-asides before our Subcommittee on Early Childhood, Youth and Families, and I quote from Mr. Cole's testimony.

"Federal legislation should eliminate set-asides at State and local levels. For instance, funding formulas for special populations are harmful when they provide an incentive for schools to retain students in these categories because the funding depends on it."

And Mr. Cole's statement is very consistent with the report that was done by the Department of Education, Office of Educational Research and Improvement, entitled "National Assessment of Vocational Education Final Report to Congress," and I quote from that report.

"There are two major risks in broad-brush efforts to include more and more special population students in vocational education. The first is that factors other than the students' best interest will become more prominent in placement decisions. For example, recruiting special needs students in order to keep vocational enrollments up, and thus maintain staff positions, is a familiar practice, and it often complements a desire in comprehensive schools to get hard-to-educate students out of regular classes." That is a practice that is called in some areas of the country "dumping" or "tracking students." "In situations such as this some students will benefit from participation in vocational programs, but others will not."

The report goes on to say, "The second risk is that vocational programs, especially those in area schools, will increasingly become special needs programs separated from the mainstream of secondary education, an outcome opposite to the integration of academic and vocational curricula envisioned by Perkins."

So the other thing I want to point out is I know that the gentlewoman from California [Ms. MILLENDER-McDONALD] who wants me to yield has some concerns as to whether or not we are building sufficient safeguards into the legislation to ensure that these special populations will continue to be served. I want to go right to the bill because I suspect a number of people who have spoken on the other side of the aisle on the Mink, et al. amendment have not actually looked at the bill. So I am going to read from it.

"Each State application shall describe how the State will ensure that members of special populations meet State benchmarks, and each State will provide vocational technical education programs that lead to high skill, high wage careers for members of special populations, displaced homemakers, single parents, and single pregnant women."

These are adequate assurances.

Now I was asked about accountability. Let us talk about accountability for just a moment. Under the accountability section, "Each State that receives funding under this bill shall annually prepare and submit to the Secretary of Education a report on how the State is performing on State benchmarks that relate to vocational-technical education programs."

In preparing the report, the report submitted by the State "shall include," again the operative word, "shall"—a description of how special populations, displaced homemakers, single parents, and single pregnant women participate in vocational technical education programs and, again, have met the vocational-technical education benchmarks established by the State." This is mandatory, not permissive or optional.

And what happens if the State fails to meet those benchmarks? Very clearly, right here, colleagues, in the bill, "If a State fails to meet the State benchmarks, the Secretary of Education may withhold from the State all or a portion of the State's allotment under this Act."

We have taken real concrete steps to address Members' concerns in this legislation. I submit to Members that the language in the bill now negates the need for the Mink amendment. I implore my colleagues, do not replace a State mandate with a local mandate, do not replace a State set-aside with a local set-aside. Support the legislation as it is presently drafted. Vote "no" on the Mink amendment. Just say no to more mandates for local schools.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with interest to the logic from the gentleman from California, and I wondered whether or not if we follow that logic through if the idea would be that if we built more prisons somehow we would end up with more crime. The truth of the matter is that simply because we try to solve a problem by fixing it, by assisting in the solution of the issue, by having people work in various school systems and the like to solve a problem of gender inequity does not mean that the inequity is going to be perpetuated; it means that we are trying to solve it.

I mean, the fact of the matter is that when young people in my district and across the country ask me what the great issues of the day that I believe are out there, I say, "Listen, you look at the people sitting in this room in a particular high school, look at the young women in this high school." The fact is that if they go out and get the same job, work in the same number of hours as a young man doing the same kind of activity, they are going to get paid 69 cents for every dollar that the man gets, and the fact is that it is time that we take into consideration the kind of gender prejudice that exists in America.

Mr. Chairman, that is all that we have done in the Congress in the past. That is what we are asking that this bill, and I think the Mink amendment, which is supported on a bipartisan basis by the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from California [Ms. SANCHEZ] and the gentlewoman from California [Ms. WOOLSEY] and the like, that recognizes what we want to maintain is the effort that has been recognized by the Congress of the United States to end the kind of gender prejudice that exists throughout our country.

The fact is that anyone who has looked at where jobs are and young women are targeted in terms of what the kinds of jobs that they are going to be able to pursue is that not only is the pay gap currently that 6 out of 10 women are employed in the traditional female roles. One reason for the pay gap that currently exists is that 6 out of 10 women are employed in the traditional female fields of service, technical jobs, sales and administrative support.

□ 1300

In contrast, two-thirds of the men worked as managers, operators, professionals, and craft workers. All we are trying to do in this legislation, and I think the gentlewoman from Hawaii [Mrs. MINK] deserves a great deal of credit, is to try to maintain the fact that we want to ensure that there is in fact a small set-aside to eliminate the kind of gender gap that has existed in our system, and do everything we can to make certain that that gap is eliminated on the fastest possible basis.

Mr. Chairman, I know we are running out of time.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise really in support of the Mink amendment. My office keeps a scorecard on the legislative attempts to take programs and benefits away from women. Unfortunately, we are chalking up another attack today. It is not as if we are asking for new funding. All we want is continued funding at this year's level, and the continuation of programs that work. Displaced homemakers, single parents, pregnant women, and some girls in vocational schools are all populations at risk. Why shut them out? Why, at the same time we are trying to get women off welfare rolls, are we eliminating the very programs that will help them get off welfare rolls?

In Oregon a recent study documented its long-term success in increasing employment rates from 28 percent to 71 percent. Wages increased; 14 percent of the women on welfare got off welfare. There is so much to fix, Mr. Chairman, that is broken. Let us not try to fix what is not broken. Let us continue funding for this program.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Mink amendment.

Mr. Chairman, I rise today to voice my strong support to Congresswoman MINK's amendment. I urge my colleagues to support this amendment asking for financial support for programs that benefit girls and women. This is essential to help secure a future for millions of female citizens.

Young adults need vocational education and job training because this will provide them the skills needed to succeed in today's workplace. We must provide women with these opportunities because only then will we contribute to lowering the number of women receiving welfare assistance, enabling them to become self-sufficient and independent. Struggling homemakers, single mothers, and teenage women will have an opportunity to live productively and comfortably by having the chance to become educated in employment areas where there is high demand for skilled workers.

Vocational education and job training are directly linked to the reduction of welfare. If we want women to get off welfare, we need to provide meaningful job programs to train them. The participation in these programs results in higher wages and an increased number of work hours for women. I am asking you to support programs that train women for nontraditional jobs—like masons, computer programmers, and plumbers.

Displaced homemakers and single parent programs are crucial to the well-being of the disadvantaged. It is crucial that we provide funding for these programs. Displaced homemakers and single parent programs specialize in individually targeted pre-employment training and counseling services. Women will benefit from life skills development, career exploration, job training and placement, and support services.

In my State of Texas, 52 percent of displaced women rated the displaced homemaker or single parent program as much better than any other government program in which they have participated. Texas needs financial support of these programs. These programs help all women:

There are 1.2 million displaced homemakers in Texas: 47 percent of displaced homemakers are under 50 years old; and 39 percent of displaced homemakers are African-American, Asian, and Hispanic.

There are 561,342 single mothers in Texas: 61 percent of Texan single mothers are between the ages of 25–44; 47 percent of single mothers are African-American and Hispanic; and 53 percent are nonminority.

I urge all of you to support this amendment: you will be building the foundation for displaced homemakers, single parents, and individuals training for nontraditional occupations.

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KLUG) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act, had come to no resolution thereon.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 2160, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. SKEEN. Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, the Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico [Mr. SKEEN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PELOSI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 165, not voting 10, as follows:

[Roll No. 281]

YEAS—259

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Borski
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (FL)

NAYS—165

Abercrombie
Ackerman
Allen
Andrews
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frost
Furse
Gejdenson
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—10

Boehlert
Conyers
Forbes
Gonzalez
Houghton
Molinari
Roukema
Schiff
Smith (TX)
Young (AK)

☐ 1329

Messrs. SKAGGS, HILLIARD, RUSH, ROTHMAN, OWENS, DICKS and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay."

Mr. FRANK of Massachusetts and Mr. MOLLOHAN changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore (Mr. KLUG). The question is on the motion offered by the gentleman from Georgia [Mr. KINGSTON] to lay on the table the motion to reconsider the vote offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 188, not voting 8, as follows:

[Roll No. 282]

AYES—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood

Gutknecht
Hamilton
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—188

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui.
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Poshard
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—8

Forbes
Furse
Hastert
Petri
Roukema
Schiff
Souder
Young (AK)

□ 1350

Mr. WAXMAN and Ms. SLAUGHTER changed their vote from "aye" to "no."

Mrs. LINDA SMITH of Washington changed her vote from "no" to "aye."

So the motion to table the motion to reconsider the vote was agreed to.

The result of the vote was announced as above recorded.

□ 1352

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2160, with Mr. LAHOOD, (Chairman pro tempore), in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, July 16, 1997, all time for general debate had expired.

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

AMENDMENT PROCESS FOR LEGISLATIVE BRANCH APPROPRIATION

Mr. SOLOMON. Mr. Chairman, the Committee on Rules is planning to meet next week to grant a rule which may limit the amendments offered to the legislative branch appropriation bill. Members who wish to offer amendments to the bill should submit 55 copies of their amendment, together with a brief explanation, to the Committee on Rules in H–312 of the Capitol.

Amendments should be drafted to the bill as ordered reported by the Committee on Appropriations. Copies of the text will be available for examination by Members and staff in the offices of the Committee on Appropriations over here in H–218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, for the purposes of those of us who may have amendments and want to discuss those amendments, could the gentleman from New York [Mr. SOLOMON], the chairman, give us some idea of the criteria that the committee might use in limiting amendments?

Mr. SOLOMON. Reclaiming my time, I would say to the gentleman from Maryland (Mr. Hoyer), my good friend, that we would probably follow the previous precedent as set by both the Republican leadership in the past and the Democratic leadership before that.

Mr. HOYER. Mr. Chairman, if the gentleman would yield further, because I may not be as good a historian as he is, could he give me some idea what that precedent calls for?

Mr. SOLOMON. Reclaiming my time, we, first of all, are bound by a budget agreement with our President. We could not have any amendments that are going to increase the spending. That would probably be limited.

Mr. HOYER. If the gentleman would yield further, so that we can cut spending?

Mr. SOLOMON. Reclaiming my time, I would think so, sure.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, would the committee allow for any and all amendments to cut spending without limitation to be made in order?

Mr. SOLOMON. Reclaiming my time, I do not know. But we would certainly take that under consideration, along with the ranking minority members and other members of the Committee on Rules.

As long as we have the attention of the membership, if I might, there have been a couple procedural votes here concerning the possibility of the rule on the foreign operations appropriation bill that will come on the floor next week.

During testimony before the Committee on Rules, the gentlewoman from California [Ms. PELOSI], my very, very good friend, testified on behalf of a pro-choice position that she would, and I went back and looked at the testimony, that she would ask us if we would please make in order an alternative viewpoint to the Mexico City-Chris Smith amendment.

And I always want to treat the gentlewoman from California [Ms. PELOSI] very fairly, because she is a very close personal friend of mine. And we did, after consultation with the pro-choice side of the issue, agree to make in order an amendment. And that is really what my good friend, the gentlewoman from California [Ms. PELOSI], asked for.

I think now there is some kind of an understanding, and we are sorry that there is a misunderstanding. But we truly did try to be fair to both the prolife position and the pro-choice position. So I really would just urge us to proceed on that because of the agreement that we had made previously.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think, in fairness to the chairman, it is important to point out that the reason that my colleague has had so many women objecting to proceeding under regular order today and the reason he has had so many of us join them is because we have seen what we regard as a routine action on the part of the Committee on Rules to systematically deny to ranking minority members on committees, ranging from the Committee on Armed Services, to the Subcommittee on Agriculture, to the Subcommittee on Foreign Operations, to the Subcommittee on the Interior. We have seen routinely requests of ranking minority members denied and then amendments put in order which do extensive rewrite of authorizations.

And, so, I think that the gentleman from New York [Mr. SOLOMON] needs to understand that the unhappiness extends far beyond that one amendment. We believe there must be an understanding about how amendments are or which amendments are made in order when asked for by ranking members on all committees. And it is not just that one message which is causing the problem.

Mr. SOLOMON. Reclaiming my time, let me say to the gentleman from Wisconsin [Mr. OBEY] that, other than the situation with our good friend from California [Mr. DELLUMS], I do not know of any other situation.

I would be glad to sit down and review those with the gentleman from Wisconsin [Mr. OBEY] and the chairman of the Committee on Appropriations. In the meantime, I yield to the gentlewoman from California [Ms. PELOSI], and then we have to get on with regular business.

Ms. PELOSI. Mr. Chairman, since the distinguished gentleman from New York [Mr. SOLOMON], chair of the Committee on Rules, referenced my name and what possibly occurred in the Committee on Rules, I would like the privilege of responding to him.

First of all, our bill, the foreign operations bill, is one that we worked very hard, under the leadership of the gentleman from Alabama [Mr. CALLAHAN], to produce a bipartisan product that has reached so much agreement. We came through our full committee in only 40 minutes of debate, which is probably record time, and we are prepared to come to the floor with strong bipartisanship.

The amendments made in order by the Committee on Rules did violence to that bipartisanship and makes this rule unacceptable. One of the issues involved is the international family planning issues. But that is only one of the complaints that we have about the bill.

The Democratic women in the House have provided great leadership on the international family planning issue. And yet, when it was time for an alternative to the Smith amendment, which was made in order, and that is fair, when it was time for an alternative to be made in order, in a back-room deal on the Republican side of the aisle, with not one Democrat or Democratic woman present, an alternative was given to the gentleman from California [Mr. CAMPBELL], the gentleman from New York [Mr. GILMAN], and the gentleman from Pennsylvania [Mr. GREENWOOD], without the participation of the women, especially the Democratic women in the House.

Now, first of all, it is all authorizing on an appropriations bill. The Smith amendment is. But if you are going to go down that route, then we thought it would be appropriate that there be an alternative, and that is what I asked for in my testimony, a bipartisan alternative that we could present.

The gentleman from New York [Mr. SOLOMON] knows full well and the Republican leadership knows full well that the alternative that they allowed in this bill, the Republican alternative they allowed, failed on this floor a matter of weeks ago.

The difference between what we wanted to propose and what they allowed is that the amendment they allowed is a loser. It is a loser. And they know it. And that is why they could not accommodate our fresher approach to a bipartisan amendment that we would present.

□ 1400

That is why the Democratic women of the House today are saying that we want to be heard on this subject. You cannot keep us from the table. One way or another, we will get our point across that this is an important issue to us, that we have taken the lead on it over and over again, and that we will be heard on this subject.

With all due respect to my good friend, who I do consider a distinguished chairman of the Committee on Rules, perhaps we had a misunderstanding. But the misunderstanding springs from the fact that a bipartisan alternative is not one that is plotted out in the backroom on the Republican side without the participation of the Democrats, particularly the Democratic women. I am the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs. There are not many women ranking members and I insist on the respect the ranking member is due.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from New York [Mr. SOLOMON] has expired.

Does the gentleman ask unanimous consent for further time?

Mr. SOLOMON. Yes, Mr. Chairman, very briefly.

The CHAIRMAN pro tempore. The gentleman is recognized.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman please yield to me as a member of the Committee on Rules?

The CHAIRMAN pro tempore. The gentleman from New York has the time.

Ms. SLAUGHTER. Mr. Chairman, I was simply requesting that he yield to me.

The CHAIRMAN pro tempore. The gentleman from New York has the time.

Mr. SOLOMON. Mr. Chairman, we do have to get up to the Committee on Rules to deal with a very important bill in just a moment. I just want to say that the gentlewoman from California [Ms. PELOSI] has certainly explained her position and she is sincere in it, but I would just have to read back her testimony.

It says:

> If, however, the Rules Committee chooses to make legislative amendments in order, I would request that I would be allowed or someone would be allowed to offer perfecting amendments to the Smith amendment, in particular, again, if Mr. SMITH's amendment imposes the Mexico City language.

Mr. Chairman, I very sincerely took her testimony at heart. We were going to make in order an amendment.

Ms. PELOSI. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, namely:

Ms. SLAUGHTER. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 233, not voting 10, as follows:

[Roll No. 283]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn

Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—233

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—10

Berman
Brown (CA)
Forbes
Furse
Kasich
Markey
Ney
Oxley
Schiff
Young (AK)

□ 1419

Mr. PETRI changed his vote from "aye" to "no."

Mr. DICKS changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: *Provided*, That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $4,844,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,986,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,773,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,283,000: *Provided*, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $123,385,000: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $15,000,000, to remain available until expended; and in addition, for necessary relocation expenses of the Department's agencies, $2,700,000, to remain available until expended; making a total appropriation of $141,085,000.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $20,000,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $25,731,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,668,000: *Provided*, That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than $2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: *Provided*, That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $27,949,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economics Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $71,604,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture notwithstanding 13 U.S.C. 142(a–b), as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, $118,361,000, of which up to $36,140,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $725,059,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: Page 11, line 16, insert before the period the following: ": *Provided further*, That the item under the heading "AGRICULTURAL RESEARCH SERVICE" in title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104-37; 109 Stat. 304), is amended by striking the penultimate proviso, relating to conveyance of the Pecan Genetics and Improvement Research Laboratory".

Mr. STENHOLM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment may be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Chairman, this amendment repeals a provision in Public Law 104–37, the Fiscal Year 1996 Agricultural Rural Development and Food and Drug Administration and Related Agencies Appropriation Act, directing the conveyance of the Pecan Genetics and Improvement Research Laboratory in Brownwood, TX, from the Agricultural Research Service to Texas A&M University.

Due to outstanding liability questions, the conveyance of the Brownwood Pecan Station cannot take place at this time. This amendment does not require any additional funds. I have consulted with both the ARS and Texas A&M, and both are amenable to this amendment. I urge its adoption.

Mr. SKEEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM].

Mr. Chairman, we have read the amendment, it has a lot of merit, and we accept it.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to say to the gentleman from Texas [Mr. STENHOLM] that we have read his amendment and are agreeable on this side. I understand that the gentleman has a particular problem in that the State cannot accept this facility because of cleanup requirements and that the State of Texas cannot, therefore, take this facility, and it is going to revert back to the department.

One of my concerns when we first read the amendment was that there be sufficient funding in the legislation for cleanup purposes which, as I understand it, total around $3 million.

Will the gentleman confirm that for me, please?

Mr. STENHOLM. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, the ARS has spent $100,000, roughly, studying the dump and has found it to be a typical dump with a little methane gas and other benign chemicals, and therefore to do what Federal regulations would require the State of Texas, Texas A&M University would be very remiss to spend $3 million cleaning up something that they consider would not be necessary to meet any health reasons.

So the State of Texas cannot by law accept a gift of land that contains a garbage dump. So this language striking the provision is required for ARS to reverse the existing statutory language directing the conveyance. That is all simply that the amendment does.

Ms. KAPTUR. Mr. Chairman, the bill that we are debating today includes additional funds for the department for hazardous waste management, and it appears to me in reading the legislation that we would be able to accommodate this particular site with the appropriated dollars in the bill. So our major concern regarding funding has been met in the legislation, and we would agree to the gentleman's amendment.

Mr. BRADY. Mr. Chairman, I rise today in support of the Stenholm amendment to be Agriculture appropriations bill on the conveyance of the Brownwood, Texas Pecan Station. The Stenholm amendment repeals a provision in Public Law 104–37, the Fiscal Year 1996 Agriculture Appropriations Act, directing the transfer of the land from the Agriculture Research Service to Texas A&M University. Because of certain outstanding liability issues, the transfer of this land from ARS to Texas A&M cannot take place at this time.

Mr. Chairman, this is a noncontroversial amendment supported by both ARS and Texas A&M University. It is also an amendment that does not require any additional funds.

I support the continued efforts of the Agriculture Research Service's pecan breeding program because it is the only breeding program in the world producing improved pecan varieties. Varieties produced by this program are the foundation of the improved pecan industry worldwide, setting standards of yield and quality. Pecan breeding and genetics are the most important tools for improving pecan profitability for U.S. producers in a global market. Chemical pest management in pecans has failed to provide long-term solutions to insects and diseases, regardless of the funds used. Consequently, breeding and selection is the best option for the future.

As I stated earlier, Texas A&M, in my district, is supportive of this amendment. The Texas A&M Agriculture Program, through the Texas Agriculture Experiment Station has long had strong ties to the ARS Pecan Station at Brownwood. This amendment would in no way diminish the relationship with the university, the experiment station, or the pecan station.

I am pleased to support Congressman STENHOLM's efforts and I urge the passage of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

The amendment was agreed to.

Ms. KAPTUR. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 232, not voting 13, as follows:

[Roll No. 284]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Berman
Fattah
Forbes
Ford
Furse
Goodling
Markey

McHugh
Neumann
Radanovich
Schiff
Stearns
Young (AK)

☐ 1453

Mrs. CUBIN and Mr. MOLLOHAN changed their vote from "aye" to "no."

Mr. DEUTSCH and Ms. McKINNEY changed their vote from "no" to "aye."

So the motion was not agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. RIGGS). The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $59,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,734,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–361i); $20,497,000 for grants for cooperative forestry research (16 U.S.C. 582a–582a7); $27,735,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $31,654,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $17,327,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $106,744,000 for competitive research grants (7 U.S.C. 450i(b)); $4,500,000 for the support of animal health and disease programs (7 U.S.C. 3195); $650,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $500,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $3,000,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $8,882,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $420,723,000.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CALLAHAN: On page 12 line 17 strike "31,654,000" and insert "32,154,000" and on page 13 line 24 strike "420,723,000" and insert "421,223,000".

Mr. CALLAHAN. Mr. Chairman, this amendment provides $500,000 to Auburn University to work in cooperation with Faulkner State Community College and Alabama Southern Community College's Center for Excellence in Forestry.

These projects are unique, joint efforts that focus on water quality and habitat loss in the gulf coastal region and forestry in the Southeast. The main efforts of the research will focus on nonpoint source pollution, watershed management, and the reduction of chemical discharge from wood and pulp processing.

I would also like to speak for a couple of seconds regarding some report language that appears in the report accompanying this bill.

In full committee, the chairman offered on my behalf some report language that supported the School of Forestry building complex at Auburn University. The language included a sentence that the committee recommends that up to $4.75 million be made available for this project.

I recognize this language is in an account that has no money and, therefore, has no standing. I do not intend for that language to give Auburn University an edge on any other university project. I would hope that in conference that all facilities be judged on their merit only.

I should like to thank the chairman for giving me this opportunity to present this amendment, and appreciate the assistance and cooperation of my good friend from New Mexico, as well as the cooperation from our good friend, the gentlewoman from Ohio [Ms. KAPTUR].

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, we have seen the amendment, and we accept it.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Alabama [Mr. CALLAHAN], our good friend, for the cooperation that he has exhibited since the time that we were in the subcommittee and the full committee, it truly is appreciated, and for his remarks concerning his report language amendment in full committee.

☐ 1500

I concur with his assessment that the report language he references has no standing since there is no funding in the Cooperative State Research Facilities account.

I would like to note for the RECORD that the subcommittee received numerous, numerous requests from Members on both sides of the aisle for funding for research buildings, and I am sure that all these proposals have merit, and should funding be made available in this account, I would expect that each proposal that qualifies for these funds would be judged on their merits.

Mr. Chairman, I also want to say that I thank the gentleman and supported his amendment, especially because it is done within the context of the additional money that was included within the subcommittee allocation. So it is within the budget constraints that we are forced to abide by, and I want to thank the gentleman for working with us on this and we accept his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN].

The amendment was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I am grateful that the Appropriations Committee has reported continued funding for the Agricultural Development in the American Pacific [ADAP] project and the Tropical and Subtropical Agricultural Research Programs, both conducted by the Cooperative State Research, Education and Extension Service within the USDA.

With committee provisions reporting ADAP funding at $564,000, as in previous years, the American Government demonstrates its continuing commitment to provide funds and grants to its communities in the Asia-Pacific region. These include not only Guam, but also Hawaii, the Northern Marianas Islands, American Samoa, the Federated States of Micronesia, and the Freely Associated States.

ADAP funds a number of activities for the Asia-Pacific communities. These include financing research of regional agricultural problems common to members of the five land-grant institutions in the American-affiliated Pacific, strengthening market information systems, producing instructional materials development and distribution, and providing scholarships for land-grant faculty and staff.

I commend the committee's continued support for ADAP, however, I am disappointed with the decreased funding it has reported for the Tropical and Subtropical Agricultural Research Programs. Not only does this program impact Guam, it also affects Hawaii, Florida, Puerto Rico, and the Virgin Islands. For the people of Guam, the Tropical and Subtropical Research Programs fund numerous activities. These include financing research contributing to the establishment of energy and labor efficient irrigation and fertigator systems, watermelon disease control, modeling crop production systems, market surveys, and the biological control of pests in order to increase productivity.

Although I have stressed the benefits Guam receives from these programs, I also point to the implications the Tropical and Subtropical Research Programs have on the neighboring regions. Knowledge and expertise culled from these studies not only improve Guam's local agricultural industry, they are disseminated throughout Micronesia, Asia, and Africa.

American tropical and subtropical regions face agricultural needs unique to other areas. Continued support for the Tropical and Subtropical Research Programs are necessary steps to improving not only the livelihood of the people of Guam, but also other tropical regions of the world.

I will continue to actively support funding for ADAP and the Tropical and Subtropical Agricultural Research Programs. These programs are fundamental vehicles for improving standards of living not only on Guam, but also other tropical regions of the United States.

Ms. FURSE. Mr. Chairman, I rise to express my appreciation to Chairman SKEEN and Ranking Member KAPTUR for including $364,000 in this appropriation for multicommodity research at the Food Innovation Center, located in my district.

This is a joint project of Oregon State University and the Oregon Department of Agriculture dedicated to the development and marketing of new food products. This funding will assist in creating family-wage jobs in Oregon in the food processing industry.

This outstanding facility created for enhancing entrepreneurship brings together the incredible agricultural productivity of the Pacific Northwest and the expertise of our business community. The Food Innovation Center's focus on increasing the value-added component of the Pacific Northwest's agricultural sector helps derive more income from the vast array of commodities produced there.

Oregon agriculture continues to break productivity and income records. We can do even better by utilizing the cost-effective investment that the Food Innovation Center is. If we in Oregon were to add value to our raw agricultural products at the national average level, 20,000 jobs would be created. The Food Innovation Center helps us move toward that goal.

I thank the subcommittee for its support of this tremendously cost-effective private-public partnership.

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 344, noes 73, not voting 17, as follows:

[Roll No. 285]

AYES—344

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Carson
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cubin
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehrlich
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutierrez
Hall (OH)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pelosi
Peterson (MN)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rangel
Redmond
Reyes
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Schaefer, Dan
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—73

Aderholt
Baesler
Bilbray
Bilirakis
Callahan
Campbell
Cardin
Castle
Chenoweth
Coburn
Cook
Cramer
Crane
Crapo
Cunningham
Davis (IL)
Davis (VA)
Deal
Dreier
Ehlers
Emerson
English
Etheridge
Everett
Fawell
Fowler
Frelinghuysen
Ganske
Goode
Gordon
Goss
Green
Hall (TX)
Hamilton
Hilleary
Hobson
Houghton
Johnson (CT)
Kingston
Lewis (CA)
McCarthy (NY)
McCrery
McIntyre
Pease
Peterson (PA)
Petri
Pickett
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Rivers
Royce
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Skeen
Smith (MI)
Solomon
Stearns
Stump
Taylor (MS)
Thomas
Traficant
Walsh
Watkins
Weller
Whitfield

NOT VOTING—17

Berman
Fattah
Forbes
Furse
Gutknecht
LaTourette
Manton
Martinez
McHugh
Moran (VA)
Oxley
Payne
Schiff
Souder
Stokes
Tauzin
Young (AK)

□ 1522

Mr. GOSS changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROGAN) having assumed the chair, Mr. RIGGS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

ADJOURNMENT TO MONDAY, JULY 21, 1997

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon of Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOUR OF MEETING ON TUESDAY, JULY 22, 1997

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that when the

House adjourns on Monday, July 21, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, July 22, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ROGAN). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BALANCE THE BUDGET WITH TAX RELIEF, CONTINUED ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, with all the discussion about balancing the budget and providing tax relief, people are concerned. Well, why is it necessary and is it even consistent to give tax relief while we are trying to balance the budget? After all, people are paying taxes, more revenues are coming in, and it is easier to balance the budget that way.

But there is a part of that argument that I think is overlooked if we look at just first glance. What I am speaking of is, if we give people tax relief, we are going to have economic growth, we are going to have more jobs, more people working, more people paying tax revenues, and this growth will decrease the deficit faster than just mere cutbacks in spending. We need to have both, but spurring economic growth is the key part of deficit reduction.

Let us look at the picture of taxes. In the 1950's, the average middle-class Federal tax burden was about 6 percent. In the 1970's, it was 16 percent. In 1994, it was 23 percent. But by 1995, the total tax burden was up to 39 percent, 24 percent of that being in Federal income tax alone. That is up from 5 percent in the 1950's.

□ 1530

Members can see what a huge portion of family income taxes take. Mr. Speaker, I believe that the higher the tax rate of middle-class Americans, the less time they have together as families, because when we had a 39-percent tax burden, what that is saying is that the second income of the family just goes to pay taxes. Mom and dad are both working. The second income goes to pay the taxes, 39 percent. Do your own math in your own house.

The tax relief that we are trying to get passed and we are working on a bipartisan basis with the President on it, gives tax relief to people who earn between $20,000 and $75,000. Seventy-six percent of the tax relief package goes to middle-income families making between $20,000 and $75,000. Of that, 90 percent of it goes toward education, the HOPE scholarship to make it more affordable through a deduction program and a tax credit program to send kids to college. Then $150 billion of it goes to the $500-per-child tax credit. There is a big disagreement at this point with the President on it. We are trying to work out our differences. The President wants to give that $500 tax credit to people who do not pay Federal income taxes, whereas the Republican plan says now you only give tax relief to those who pay income taxes.

It is a very important thing; because if you take a woman, say a single mother named Susan, she has a 14-year-old and a 16-year-old, under the Republican plan, Susan would get a $1,000 tax relief check from the government, $1,000 less in taxes. Under the Clinton plan, she would get zero, because the President's proposal is to say that once the child turns 12, no tax relief.

But what is worse is if you had a man out there who had three or four kids and he was not paying Federal income taxes, he could get $2,000 or $2,500 worth of tax relief even though he is not paying the taxes. He still, if he is eligible, is going to get all kinds of welfare-type benefits, like Medicaid and public housing and welfare cash benefits from the DFACS or temporary assistance to needy families. He will get food stamps, WIC, and so forth. But the check comes from Susan and her 14-year-old and her 16-year-old. That is not fair to single working women around America.

If you want to know more about this tax program, I would recommend that you look it up on the International Web. Get beyond the Republican versus Democrat debate. The Democrats have a web page, too. I do not know what their web page number is, but this is the Republican web page. If you will look it up, it is http://hillsource.house.gov and you can figure out what the tax relief would be for you.

Again, why is it important to give middle-class Americans tax relief? Because if you have more money in your pocket because we as a Federal Government have confiscated less of it, what Susan will do with her $1,000 is she will buy more shoes, go out to eat more, maybe buy more clothes, do whatever, she will have more consumable income. When she does that, because 58 million Americans will be able to do that, businesses will expand, jobs will be created, less people will be on welfare, more people will be paying taxes and just like Kennedy and Reagan proved, tax cuts actually increase the revenue because of the economic growth.

SUPPORT THE SPACE PROGRAM

The SPEAKER pro tempore (Mr. ROGAN). Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise this afternoon to speak about our space program and the recent successes that it has had. They really, truly have been spectacular. They have drawn the attention of the whole world. As all of us know, there are some risks associated with going up into space. It is not a business for those who are risk averse but the payoffs are tremendous and we have seen that with all the tremendous breakthroughs in science and technology that came from our Apollo program and Mercury and Gemini programs. Those were really the pioneers, those were the men and women who first got involved, led the race to the Moon and we learned a great deal, a tremendous amount.

Then we were able to follow on from all that with the current reusable launch vehicle that we have, the space shuttle program, a program that has shown and demonstrated its tremendous durability and its tremendous versatility with the ability to go up into space and retrieve satellites and fix those satellites and then redeploy them back out into space.

Of course, right now we are currently involved with the shuttle-Mir program. We all know there are some serious concerns about the Mir and its ability to survive, but we have learned a great deal from men in space, from the cooperative effort there.

But really what I did want to talk quite a bit about and acknowledge the tremendous work of NASA and particularly the people at JPL and everybody that was involved in this program, the tremendous success of the Mars Pathfinder program. Indeed, I think it has captured the imagination of men and women, young and old all around the globe. I just wanted to share with my colleagues today some of these tremendous photographs that have been made available to me by NASA officials.

This is a photograph taken by the rover after it went off the ramp there. You can see here these tracks in the Martian soil. You can look back and see the Pathfinder vehicle right there on the surface of Mars where it landed. Then this is a shot taken by the Pathfinder of the Sojourner vehicle. It is really a tremendous photograph, tremendous detail. You can see the tremendous detail in the soil and in the rocks.

There is our little rover, Sojourner. An amazing vehicle. It survived very nicely the landing on Mars and it has been roving around using solar power. These are the solar panels on the top of the Sojourner and it collects solar energy and it is able to travel around on the surface of Mars, analyzing rocks. It is really going to provide our scientists a tremendous amount of information about Mars, Mars history, and it is already revealing that Mars may have at one time had a climate much more similar to Earth's than what it is right now.

I would also like to share, Mr. Speaker, with my colleagues here an artist's rendering of our international space station, something that we definitely need to get up in space soon to replace the Mir with all its associated problems. But this is going to be a great, tremendous opportunity for people from Europe and Japan, and hopefully if the Russians can get it together, they will be able to stay involved in it, and where people from all over the world will be working together doing tremendous scientific research.

Where do we go from there is the question. We all want to see the space station up there and flying in space, but what is next? We need to go on from there. We do not want to just stop at that point. Here I have for you some artist's renderings of some very exciting concepts. This would be for a lunar base and the possibility of having something like this in the future truly does exist. For example, one of the potential uses of going back to the Moon is to actually collect solar energy on the surface of the Moon and beam it, using microwaves, to the Earth. This would be an inexhaustible source of solar energy that could be used well into the future. It would eliminate fossil fuel usages and nuclear power plants. Definitely a cheap and inexhaustible source of energy.

But this is really what I wanted to spend a little bit of time talking about today, and, that is, maybe someday the possibility of going on to Mars with a manned mission. There are people within NASA as well as within the American space society talking about ideas of how we could someday send men and women to Mars. This shows a Mars base and a return vehicle there as well as a little greenhouse. This is what it could someday be. I encourage all my colleagues to support NASA and support our space efforts.

JUSTICE FOR FARRIEL BRITT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ETHERIDGE] is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I stand before my colleagues today, immensely frustrated and troubled by the judicial system in Costa Rica and the lack of enforcement authority by the United States of America. One of my constituents, a father from Southern Pines in the Second Congressional District of North Carolina, has been waiting patiently for years for justice to be done. He is awaiting the return of his 6-year-old daughter, Holly Dantzler, from the country of Costa Rica.

Many people watching today may know Mr. Farriel Britt's story. He was the subject of a "Prime Time Live" story that was aired in May of this year because his daughter had been kidnapped by his ex-wife, Terry Dantzler, and taken to Costa Rica. The State of North Carolina and the State of South Carolina, where Mr. Britt's ex-wife lived, both agreed that Mr. Britts should have custody of his daughter and both States have granted him custody of his daughter. But Mr. Britt's' ex-wife kidnapped her and fled to Costa Rica where she has thus far escaped American justice.

Mr. Speaker, Mrs. Dantzler has an international kidnapping warrant outstanding against her. An international kidnapping warrant. One would think that the State Department would be working night and day to make sure that this woman is arrested and her child returned to her father in the United States, but apparently the United States of America is powerless in the face of one Costa Rican judge.

Mr. Speaker, I am frustrated because Mr. Farriel Britt turned to me for help when he could not fight this fight alone anymore. I have to say, I thought the fact that I was a U.S. Congressman, elected by the people of the Second District of North Carolina, would be of some help to him. But I have since learned that while I may get my phone calls returned by the State Department more quickly these days, the State Department apparently is powerless because they have not responded to my needs nor Mr. Britt's.

Our State Department issued a request for extradition to the Costa Rican Government. That means that Mrs. Dantzler was supposed to be arrested by the Costa Rican Government and sent back to the United States. Mr. Britt flew to Costa Rica because Holly would need someone to care for her when her mother was arrested and taken into custody. As my colleagues may expect, Mr. Britt thought his daughter would soon be returned to him. He waited during the weekend of Father's Day on June 17. I cannot imagine the agony of waiting in a hotel room during Father's Day for the return of a daughter whom you have not seen for 3 years. But he waited to no avail.

While Mr. Britt was waiting, the judge in Costa Rica was meeting behind closed doors with Mrs. Dantzler's attorney. They met not once but twice. Some sort of deal was worked out so that Mrs. Dantzler could keep her child and only be held under House arrest. House arrest is a sham in the country of Costa Rica. There is no method of enforcing house arrest in Costa Rica. No officer is assigned to guard Mrs. Dantzler's door, no one watches her house, so she is able to come and go as she pleases.

If that is the case, I wonder what exactly prevents her from fleeing Costa Rica and going to some other destination.

Mr. Speaker, I am troubled that a judge charged with enforcing an extradition order from the United States of America is flaunting her authority in the face of this country. This is a criminal case and she would be, in this country, removed from office. The State of North Carolina already decided the custody case. As far as this judge is concerned, Mr. Britt should just wait indefinitely for his daughter to be returned to the United States, but Mr. Britt has been waiting for his child. Mr. Britt has been waiting for 3 long years. Now that he has finally located her in Costa Rica, why should he be subjected to the whims of one judge in Costa Rica?

The U.S. Department of State has asked the Government of Costa Rica to arrest this woman and send her home so that Holly Dantzler can be returned to her father. This simple justice is being subverted by one judge in Costa Rica who is flaunting the law.

Today I request that the State Department demand the Government of Costa Rica to remove this judge from Mr. Britt's' case and enforce this extradition order so that this child can be returned to the United States of America and be reunited with her father as the law demands.

I thank the Speaker for allowing me this time to speak in behalf of a father who is being unjustly denied the companionship of his daughter.

☐ 1545

DON'T GIVE UP THE SHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, John Paul Jones, the great American naval officer, once said, "Don't give up the ship." But unfortunately, it looks like that is exactly what the United States is doing. Foreign-flag cruise lines are abusing American taxpayers by not paying taxes on billions of dollars of business from Americans and are slowly driving our domestic ships out of business.

Now, these same foreign-flag cruise lines are calling for repeal of the Passenger Services Act. This repeal would be horrible for the domestic cruise line industry. It could result in the loss of thousands of American jobs and millions, if not billions, of dollars in tax revenues.

The Passenger Services Act requires that all passenger vessels in the United States and the U.S. trade must be 100 percent American. They must be built and registered in the United States, owned by U.S. citizens and crewed by American seamen. If a vessel servicing a U.S. port fails to meet these standards, it must stop at a foreign port before it brings its passengers back home.

Mr. Speaker, almost every cruise line operating out of the United States today skirts the requirements of the Passenger Services Act by registering its ships in foreign countries like Panama and Liberia and docking in foreign ports before coming to America. As a result, these foreign cruise vessels can use poorly-trained, low-paid, Third World crews even though 90 percent of the passengers on their ships are Americans. Instead of repealing the Passenger Services Act, we should be talking about a very different question: Should foreign-flag cruise ships be allowed to unfairly compete with U.S. flag vessels?

I realize that we live in a world economy, and I certainly do not oppose free trade. Our trade with other nations has produced many jobs for Americans, and I have nothing whatsoever against people from other nations. But I also believe very strongly that our trade laws should be fair, and quite simply, Mr. Speaker, in the vacation cruise line industry the current trade rules are not fair to domestic or American cruise lines.

For example, foreign-flag operators generate billions of dollars in revenue from American travelers, but pay no U.S. corporate income tax. Let me repeat that. Foreign-flag operators generate billions of dollars in revenue from American travelers, but pay no U.S. corporate taxes.

Currently, the largest cruise line in the world reported nearly $2 billion in revenues in 1995, primarily from North American vacationers. How much U.S. corporate income tax did Carnival pay on those earnings? Zero. That is right, zero on $2 billion in revenues.

What about labor costs? Foreign-flag cruise lines employ Third World labor and pay Third World wages. In the process they avoid immigration and labor laws that their U.S. competitors must obey.

In addition, foreign operators benefit from foreign government subsidies designed to encourage capital investment overseas and provide employment for their citizens.

The real issue at stake in the proposed repeal of the Passenger Services Act is who gets the American vacation dollars; a U.S. or a foreign business? No one would dream of letting Toyota, Sony, or some other foreign corporation set up shop within our boundaries and escape U.S. taxes, immigration and labor laws, but this is exactly what we are allowing in the vacation cruise line industry.

The U.S. passenger vessel industry deserves our support. There are some 3,600 passenger carrying vessels in the U.S. fleet, 20 or more of which are in overnight service. These U.S. passenger vessels employ thousands of Americans and make a significant economic contribution to their local communities. In addition, the owners of these vessels obey U.S. laws, pay U.S. taxes, and employ Americans. Instead of repealing the Passenger Services Act, we should be exploring ways to increase the viability and the strength of the American cruise line industry.

I would propose that we put an end to our practice of subsidizing foreign cruise lines. Mr. Speaker, Americans are sick and tired of paying over half of their income in taxes and then letting big foreign corporations get tax breaks and other preferential treatment.

The truth is that the foreign cruise lines have powerful lobbyists who have been able to get their ships favorable treatment for many years, but the American people deserve a change, they deserve better.

It is not going to be easy to fix all of our problems and close tax loopholes like this one. Opponents will throw up every roadblock they can, but the duty of the Congress is clear.

THIS HOUSE NEEDS TO GET ITS BUSINESS IN ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think today was one of those more unique days in the U.S. Congress, particularly this House, and I think it deserves an explanation to the American people, for the real issue today is that this House needs to get its business in order.

I join today on one of the very rare occasions with the gentlewoman from California [Ms. PELOSI] along with many other women in this House, Congresswoman PELOSI being the ranking member on the Committee on National Security, to raise the question of fairness and the irony that we are supposed to be here to work things out. Those who might have seen the constant rising might have wondered what the business of this House was today. The business was to indicate to those who control this House, my Republican friends, that bipartisanship is something that they called for and that we called for but they are not acting upon. How disturbing to find that in foreign operations where an amendment was worked out dealing with international family planning, and some may say, "How small an issue," but the issue bears on many concerns that this country has; one, its international relations with helping many, many countries formulate in a fair manner the treatment of women who are interested in family planning.

If you really want to promote families, then you will promote women having the choice to plan families and to have the knowledge and understanding which, in fact, may avoid abortions, of which many of my colleagues to the right are so vehemently opposed to, then promote family values and work with countries like China and the continents of Africa and South America in promoting family planning. But yet the bipartisan amendment that was worked out was thrown aside and discarded. Women who have worked on this issue for so long, it was substituted for by a Republican amendment that just a couple of weeks ago had failed badly.

What is the intent of that? To dash the hopes of those who would work fairly in this House to pass an amendment that would work fairly on behalf of the international community and support family planning, and, yes, to dash the hopes of anyone who would think that we would work together in a bipartisan manner. How tragic.

It is important that this House gets itself in order, and I hope that by rising today and voting time and time again to adjourn this Congress the message got out that women stand for something, Democratic women in this Congress; we stand for fairness and, yes, we stand for bipartisanship. We stand for understanding that the way to solve the world's problem is working together, training people on the way to manage their families and to be successful.

Then, as we proceeded in discussing this issue called tax reform and tax cuts, let me also acknowledge that our Republican friends need to get their House in order. I do not know. For some reason it seems that the schoolteacher and the police officer, the firefighter, the bus driver, and the single working mother on the Republican tax plan do not deserve to get a tax cut when just 2 years ago, 3 years ago in 1994, when almost a majority of the Republicans signed the Contract on America, they agreed that those who either paid income tax received an earned income tax credit; those are the working poor, or paid payroll tax were deserving of a child tax credit. Today their memories have faded them. These people are not around to lobby, they are not out in the hallway. So they have forgotten the bus driver, they have forgotten the school-teacher, they have forgotten the single working mother, they have forgotten the police officer.

These are the families that the Republicans are saying are looking for welfare. They are preschool and kindergarten teachers, teachers aids, sales clerks, carpenters, rookie police officers, in-home caregivers. They are the millions of people across America who work hard and struggle every month to pay their bills and to provide for their children. Most of them would be pretty surprised to find out that the Gingrich Congress does not think they deserve tax breaks like everyone else, even though a big chunk of their paychecks go to paying Federal taxes.

So, I think that we need to know why we are here. First, to put forward legislation that works, the family planning amendment that women negotiated under the leadership of the gentlewoman from California [Ms. PELOSI] and got an agreement to be passed.

And then, if we talk about tax reform and tax breaks, go outside these halls and look at the everyday working American and tell me that they do not deserve the $500 a year tax credit because they are a rookie police officer, a teacher, a bus driver.

Let us get our House in order, and let us plan to work so that the legislation that comes out of this House speaks the right language, and that is for all of America and not special interests.

NATIONAL MONUMENT FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, on September 18, 1996, President Clinton went out to safety on the south rim of the Grand Canyon and stood there and declared 1.7 million acres of Utah as a national monument. He had a right to do that. It is called the antiquity law that was passed in 1906, and the reason it was passed is Teddy Roosevelt and others could see that we were ruining many of the prehistoric things that were around. We were finding all these things that had been there for years and destroying them. So he had a right to do that. I do not object to the right.

What I do object to is the interpretation of the law. The law is very clear. It says that the President of the United States will do this for two purposes, and he will state these purposes. First, is to protect the archeological part of it, and another, historic site. This President did not declare either one.

And the next part of the law is the key, and it says he shall use the smallest acreage available to protect that particular thing—1.7 million acres—bigger than Delaware and Rhode Island combined; and no one told us what was there, except we know that there was tons and tons of coal that is low-sulfur coal, high-Btu coal, and what would inure to the children who are educated in the State of Utah is 5.6 billion acres; money, billions of dollars, excuse me, that would inure to them. Also, a lot of the coal would be exported that would help people in other areas.

But the President had a right to do that. However, when they talk about protection, that is a misnomer. There is very little protection in the antiquities law.

Since that time Congress wisely has determined. The park bill has gone in since that time. The National Environment Protection Act has gone in. The Wilderness Act, the FLPMA Act. All of these acts, Wild and Scenic River Act, do this.

We go back and we check what other Presidents have done, President Franklin Delano Roosevelt, President Kennedy, President Carter, but from time to time some extreme environmentalist says we have got to protect this, really not realizing it does not protect anything. What it really does is it takes away the protection of the management plans of BLM and Forest Service.

So we find ourselves in a position where the President protected nothing, he abused the power of the Presidency, he hurt the people of the West, and I cannot understand why he would do it. But he has the right; I would agree with that.

Now, I have introduced a bill, which is H.R. 1127, called the National Monument Fairness Act. What does it do? A lot of people, after he introduced the 1.7 million acres, Senators, Congressmen, came to me as chairman of that committee and said, "Well, I don't want that to happen to my State. I want a law that takes it away so it can't happen," and they name their State.

I think the President should have the right to do some of these things in a small amount as the law brings it about, so I have introduced this with 50,000 acres. He cannot go into these millions and millions of acres for political purposes.

□ 1600

The nice thing about our President, he was fast to say that he did it for political reasons. If we look at the idea all the way through it, I have been subpoenaing papers from the White House and the Department of the Interior, and every one of them says that "We are doing this for political reasons. How will this play with the environmental community? How will this play with the rich movie stars? How will this play with the celebrities?

When they finally decided to do it, they did not do it in the Oval Office, they did not do it in Utah, they went to the Grand Canyon, safely in Arizona. The nice thing about it there is one of the things I subpoenaed said, we do not want mainstream Utah there, we want the environmental community there. That is a great thing to say to our people.

Anyway, carrying that on, what does my bill do? The bill allows the President to do up to 50,000 acres, much as the law originally intended. Over that he would have to confer with the Governor and the legislature of the State, and as the Constitution gives the right of the lands of America to this House and the House over there, that is what they would have to do, is go through Congress.

I would hope people would realize that this is not an environmental bill at all. This is a bill on abuse of the President's power, which I think more and more people are coming to realize, whether they are Republicans or Democrats.

THE ECONOMIC DISASTER WAITING TO HAPPEN IN BRUSSELS

The SPEAKER pro tempore (Mr. ROGAN). Under a previous order of the House, the gentleman from Washington [Mr. DICKS] is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, I rise today to call my colleagues' attention to the economic disaster that is waiting to happen in Brussels. At this time the European Commission Merger Task Force is meeting to discuss the impact of the merger between two American companies, Boeing and McDonnell Douglas. The taskforce has as its purview the judgment of whether the merger poses any adverse impacts on competitiveness in the world aircraft market.

But what is happening, Mr. Speaker, is that the European members representing governments who have directly subsidized the European aircraft consortium Airbus are using these discussions to extort trade concessions from Boeing in order to increase the market position of Airbus. This is truly an improper and unfair manipulation of the process.

Now that our own Federal Trade Commission has determined that there are no anticompetitiveness problems with the merger, it is time for the United States to stand firm against the European Community and demand a halt to this travesty.

Until 2-days ago, Mr. Speaker, the real intention of the Europeans was thinly veiled by their expression of deep concern over competitiveness. But on July 15, the EC's Minister of Competitiveness, Karel Van Miert, betrayed what I believe is the true motivation of the EC negotiators, to extract concessions out of Boeing through these merger talks that would directly assist Airbus.

Two days ago, on the Belgian radio, Mr. Van Miert made this statement following the breakdown of the negotiations with Boeing: "We cannot give our consent unless Boeing makes very serious commitments in order to, let's say, also further guarantee the chances of Airbus in this market in the future."

That, Mr. Speaker, is what this charade is all about, guaranteeing market opportunities for Airbus. We cannot, as a free trading Nation, allow this to stand. Certainly in light of this outrageous statement, I believe that the President, the State Department, and our Trade Representative must clearly and unequivocally express the dissatisfaction of the United States with the progress of these negotiations, in addition to our intention of taking retaliatory action if the EC proceeds in this wrongheaded direction.

To make things worse, today Commissioner Van Miert

> noted with satisfaction the fact that the advisory committee grouping the experts of Member States unanimously shares the European Commission's analysis whereby the proposals made by Boeing are not of a kind to dispel the serious doubts expressed by the Commission regarding the risk that will weigh upon competition because of the proposed merger between Boeing and McDonnell Douglas. . .. The commission showed it remained serene, and Mr. Van Miert hopes to firmly recall that the Boeing-McDonnell issue was treated strictly within the framework of the Regulation on mergers and that the Commission analysis was based on tangible facts and figures and not just on a political motive of some kind.

I think Mr. Van Miert should go back and listen to his radio tape in Belgium.

> The spokesman then explained that the Commission will take its final decision on 23 July. . . in order to leave the relevant services time to proceed to authentication of the documents comprising this issue.

I want to point out to my colleagues that Mr. Van Miert says that the

> . . . European Commission decision in concentration matters is legally binding for the parties concerned and means, when it is a matter of veto, that the merged identity is illegal in law. The EC regulation on mergers moreover give the Commission instruments that are apt to dissuade those who do not respect such a decision. In particular, it has the power to impose fines up to 10 percent of the cumulated turnover of the parties, or daily penalties, as long as the infringement lasts.

So I want to point out to my colleagues, this is a very serious matter, one that could result in fines of up to $4.5 billion against the Boeing Co. and the seizure of Boeing aircraft overseas. I say to the President and Vice President, members of this administration, we in the Congress want to support you in whatever actions are necessary in order to explain to the Europeans that if they do this, the United States will retaliate, must retaliate, in order to make certain that this merger goes forward and that we not be blackmailed by the European Commission and Mr. Van Miert.

Mr. Speaker, I include for the RECORD an article on the current status of EC negotiations.

The article referred to is as follows:

CURRENT STATUS OF EC NEGOTIATIONS

Discussions between Boeing and the European Commission Merger Task Force have reached an impasse. Boeing has offered significant remedies (see Attachment A) to allay the Commission's concerns regarding the merger, but the Commission continues to demand more. A team of Boeing executives and lawyers met around the clock with the Merger Task Force from July 11th through July 15th. On July 15th, Boeing appeared to have a potential agreement with the Merger Task Force, only to have the Merger Task Force retreat later that day on the issue of Boeing's contracts with American, Delta, and Continental. Following the Advisory Committee's meeting on July 16th, Boeing was advised that the Commission was reopening the divestiture issue.

Boeing is concerned that it will be unable to reach a successful conclusion to the merger review. Every time it appears that Boeing is near an agreement with the Commission, the Commission escalates its demands. At the present, the two open issues appear to be divestiture of Douglas Aircraft Company and modification of Boeing's existing contracts with American Airlines, Delta Air Lines and Continental Airlines.

Boeing has repeatedly stated to the Commission that it will not consider divesting Douglas Aircraft Company. Divestiture of Douglas Aircraft Company will mean its certain death and the loss of over 14,000 jobs.

The Commission's true objective on Boeing's airline contracts was revealed when, on July 15th, following the breakdown of negotiations, Karel Van Miert stated on Belgian radio: ". . . we cannot give our consent unless Boeing makes very serious commitments in order to, let's say, also further guarantee the chances of Airbus in this market in the future."

As reported in the Financial Times, the Wall Street Journal and the International Herald Tribune of July 17th, 1997, Mr. Chirac said on July 16th: "We strongly support the Commission on its position on Boeing-McDonnell. It could be extremely dangerous for Europeans."

Similarly, Mr. Rexrodt, Germany's economics minister is reported to have said that concessions offered by Boeing were "clearly not enough".

Boeing is now faced with the proverbial Hobson's choice of agreeing to divestiture and, effectively, kill Douglas Aircraft, capitulating to the Commission's demands that Boeing abandon its airline contracts or simply walking away from a merger which has received the unqualified endorsement of the Federal Trade Commission.

BOEING'S REMEDIES PROPOSALS

Douglas Aircraft Company

The Commission has repeatedly asserted that Boeing's share of the commercial aircraft market would jump from 60% to 84% upon the acquisition of Douglas Aircraft Company and that Boeing's position as a "dominant" player in the commercial aircraft market would be enhanced. Once again the Commission is manipulating facts to fit a predetermined result. To achieve the 84% market share figure, the Commission included all of Douglas Aircraft Company's installed base. This includes aircraft delivered up to 30–50 years ago! Douglas Aircraft Company's share of the commercial aircraft market in 1996 was 3.8%. Since the merger announcement in December, 1996, Douglas Aircraft Company has booked orders for a total of 7 aircraft, all of which were announced before the merger announcement and 5 of which are leased freighters.

The Commission has argued that Boeing may be able to leverage the Douglas Aircraft installed base into additional sales of Boeing aircraft. The Commission has not put forward any evidence to suggest that this would be the case and in fact, evidence suggests the contrary. If the Douglas installed base were so valuable, why is Douglas failing? If the Fokker installed base were valuable, why did one of the Airbus partners (Daimler Benz) sell Fokker's spares business and why didn't another airframe manufacturer surface as a potential buyer?

The Federal Trade Commission has thoroughly investigated the viability of McDonnell Douglas's commercial aircraft business and has concluded that it is not viable and that any attempt to divest the commercial aircraft business would further damage the business and not promote competition. Nevertheless, the Merger Task Force proposed that Boeing attempt to divest Douglas Aircraft Company. The Merger Task Force further proposed that if no buyer could be found for Douglas Aircraft Company Boeing would be required to shut down the commercial aircraft production lines of Douglas Aircraft and sell the spares business.

So great is the Commission's zeal to deny Boeing any access to Douglas Aircraft Company, it is overlooking potential enormous harm to the owners and operators of Douglas aircraft worldwide. Expert analysis submitted to the Merger Task Force shows that even an attempt at divestiture of Douglas Aircraft Company or its spares business could result in the loss of value of Douglas aircraft in service worldwide of 7–14 billion dollars. Evidence has also shown that the cost of customer support increases when such support is provided by someone other than an airframe manufacturer, and the quality of such support decreases.

Not only is the Commission ignoring the potential adverse impact of a divestiture on airlines, but it is ignoring EU precedent and jurisdiction and comity considerations as well. An order by the Merger Task Force requiring divestiture of United States assets in the context of a merger between two U.S. companies would be unprecedented in the history of EC antitrust review and would violate principles of jurisdiction and comity.

Boeing has repeatedly stated to the Merger Task Force that it would not attempt to divest any portion of the McDonnell Douglas commercial aircraft business because of the potential harm to world's airlines and the adverse impact such an attempt would have on the over 14,000 employees of Douglas Aircraft Company. Boeing has instead offered significant structural and procedural remedies (see Attachment A) that address the Commission's particular concerns regarding "leveraging" without having a devastating impact on Douglas Aircraft Company's customers, suppliers and employees.

Exclusive Agreements

From almost the very beginning of the Commission's merger review, the Airbus Member States and Karel Van Miert have asserted that the merger could not be approved unless Boeing terminated its "exclusive" agreements with American, Delta and Continental.

The agreements are between a United States airplane manufacturer and United States airlines and are unrelated to the merger. The three "exclusive" agreements essentially provide the customers significant price protection and order flexibility over a 20 year period in exchange for a sole supplier relationship with Boeing. Were the exclusivity clauses not present, Boeing would have required much larger firm orders from the airlines to compensate Boeing for its risk. The airlines are therefore receiving the benefits of very large orders without the financial risk.

The Federal Trade Commission has thoroughly reviewed the existing "exclusive" agreements and has found no basis to challenge them under U.S. law. While the Federal Trade Commission's July 1, 1997 decision evidences concerns regarding such agreements, the concerns relate only to the degree of foreclosure of the market that may result from future additional "exclusive" agreements.

The Commission does not have jurisdiction over the "exclusive" agreements in a merger review. It can acquire jurisdiction only if it attacks the agreements under the competition rules of Articles 85 and 86 of the EC Treaty. However, because of its desire to obtain concessions from Boeing regarding these agreements, the Commission has manufactured jurisdiction based upon unsubstantiated allegations by Jean Pierson of Airbus that the agreements were the result of a conspiracy between Boeing and McDonnell Douglas to use the merger and Boeing's resulting "dominant" position and access to McDonnell Douglas customers to force airlines to enter into such agreements. Thus, the Commission is seeking "voluntary" concessions as the price of merger approval instead of running the risk of losing a competition case under traditional antitrust rules.

Although Boeing's agreements with its three U.S. customers are not properly included in the Commission's merger review and are legal under U.S. law, Boeing is willing to make significant concessions to the European Commission regarding, such agreements in order to resolve the issue and obtain merger clearance.

As seen in Attachment A hereto, Boeing has offered a 10-year moratorium on such "exclusive" agreements except for those campaigns in which another aircraft manufacturer offers one first. Boeing has never gone one step further and offered to modify its existing agreements to shorten the duration of the "exclusivity" period to 13 years (the term of Air Bus' "exclusive" deal with US Airways) and to allow American, Delta and Continental to become launch customers for the A3XX. What the Commission asks Boeing to do instead is give up all of its contract rights and allow the airlines to keep all of theirs.

Spillover

Notwithstanding the existence of the 1992 Bilateral Agreement between the DU and U.S. relating to commercial aircraft subsidies, the Commission has repeatedly tried to extract concessions from Boeing in the area of government-funded research and development contracts. It has also insisted on extracting concessions from Boeing that would impair its ability to deal with its suppliers.

The Commission's articulated concern is as follows: by acquiring McDonnell Douglas, Boeing will become bigger and therefore more "dominant". In addition, the acquisition of McDonnell Douglas would increase Boeing's resources in the area of Dodd and NASA research and development contracts.

The Commission has demanded that Boeing hold its commercial and defense businesses separate. This would, of course, deprive the U.S. Government of the benefits of the application of commercial technology to defense programs. The Commission has also demanded that Boeing license its patents to Air Bus.

Boeing has attempted to address the Commission's concerns by offering certain remedies in the area of suppliers, reporting of government research and development contracts and patents, as set forth in Attachment A. To offer any further remedies would interfere with the 1992 Bilateral and would seriously impair Boeing's ability to conduct its business.

BOEING RESPONDS TO EUROPEAN COMMISSION RECOMMENDATION

SEATTLE, July 16—The Boeing Company today was informed that the Advisory Committee of the European Commission's Merger Task Force has recommended that the proposed merger between Boeing and McDonnell Douglas Corp. not proceed because remedies offered by Boeing were not sufficient.

In particular, Boeing and the Commission have not been able to resolve the issue of combining McDonnell Douglas's commercial airplane business with that of The Boeing Company, and the issue of so-called "sole-source supplier" agreements that Boeing entered into at the request of its U.S. airlines customers.

"We are extremely disappointed because Boeing submitted to the Commission a series of significant remedies designed to address all of the Commission's concerns and to protect the interest of our airline customers, suppliers, and the more than 200,000 employees of Boeing and McDonnell Douglas," said Boeing Chairman and Chief Executive Officer Phil Condit.

In addition, Condit noted, "The issues that the Commission has raised already were analyzed in an extensive review by the U.S. Federal Trade Commission, which approved the merger, without conditions, on July 1."

"It is our hope," Condit added, "that once our remedies are reviewed by the full Commission, prior to July 23, that the Commission will find in favor of the merger and in favor of free and fair competition."

THE GUAM WAR RESTITUTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this is the last opportunity that I will have to speak on the issue of Guam's liberation before its 53d celebration on Monday, July 21, 1997, which will be the 53d anniversary of the liberation of Guam from the hands of the Japanese occupiers when the marines landed on the beaches with the help of the 77th Army.

What I would like to do is to tell a little bit about the story about Guam, and some legislation that I have introduced today to help rectify an egregious error, an egregious error that may be made about the experience of the people of Guam.

The people of Guam experienced something that is very unique in the American framework. It was the only American territory with civilians who lived on it that has been occupied by a foreign power since the War of 1812. During World War II the Aleutian Islands of Attu and Kiska were occupied by the Japanese, but prior to that the civilians on those islands were evacuated by the military.

In the case of Guam, what we had was approximately 20,000 native Guamanians, better known as Chamorus, who were at that time considered U.S. nationals. They were not aliens. They were non-U.S. citizens, but they were considered U.S. nationals. Of course, Guam was an American territory. They endured some 32 months of Japanese occupation.

The reason I tell this story is to celebrate not only the heroism of the American marines and soldiers and sailors who did so much to liberate the island from the hands of the Japanese, but also to draw attention to the experience of the people that I represent, the people of Guam, the experience of the elderly generation of Guam.

I myself, I am the youngest in my family, and every one of my siblings was born either during the Japanese occupation or during the 1930's. I think almost everybody from Guam, certainly of course who was born on Guam, has a very clear and direct connection and strong family history with respect to this dramatic experience of the Japanese occupation.

My purpose here is not to reopen wounds, but rather to heal the wounds of the people. The people of Guam will have a compelling case to make before their Federal Government, and of a Federal Government that seems unwilling to hear this story and unwilling to correct the injustices committed against the people of Guam in World War II.

I want to make it clear that from my chronicling of this, it is not meant to cast any doubts about the nature of the liberation, or to even cast aspersions about the nature of the Japanese people. We all know that World War II was a terrific world conflagration. But I do want to take the opportunity to explain the experience of this unique island and this unique group of people.

The central point, as I have indicated, is that Guam, only Guam, was the only American territory occupied in World War II; not the Philippines, which although it was an American territory at the time, was promised its independence long before the outbreak of World War II, and in fact became independent in 1946; and not the Aleutian Islands, as I have indicated, which was also occupied by Japanese soldiers, but whose inhabitants were evacuated by the military prior to the onset of hostilities.

From the invasion day of December 10, 1941, when the Japanese landed on Guam to what we celebrate on Guam as Liberation Day, July 21, 1944, Guam was the only American soil with American nationals occupied for 32 months.

It has now been 53 years since the liberation of Guam, and if anything, time has not meant that all is forgotten or forgiven, not until there is some measure of national recognition of what happened to our fellow Americans on Guam, and how the Federal Government failed to make them whole and right the wrongs of the occupation.

The occupation of Guam was especially brutal, for two reasons. First of all, the Japanese were occupying American territory with American nationals whose loyalty to the United States would not bend; and second, the Chamorus, the indigenous people of Guam, dared to defy the occupiers by assisting American sailors who hid and who evaded initial capture by the enemy by providing food and shelter to the escapees.

In the final months of the occupation, just before the marines landed in July 1944, the brutalities increased. Thousands of Chamorus were made to perform forced labor by building defenses and runways for the enemy. Others were put to labor in rice paddies. The war in the Pacific turned for the worse for the Japanese occupiers, and in the final weeks as the pre-invasion bombardment by American planes and ships signaled the beginning of the end for them, the atrocities likewise escalated.

Forty-six Chamorus in the southern village of Malesso were herded into caves and were summarily executed by the enemy throwing hand grenades into the caves and spraying the caves with rifle fire and machine gunfire. Miraculously, some of them survived by pulling the bodies of their fallen fellow villagers over themselves to protect themselves against the rain of shrapnel and bullets, and also to hide the fact that they were still alive.

Louisa Santos called on me in 1992. She was a survivor of this. She asked me never to let this country forget what happened on Guam, and to promise that I would do everything I could to tell her story, and to tell the story of the people of Guam. She survived the massacre in Malesso, bore the scars of that massacre and the shrapnel in her back and on her feet, and every time she walked, with every step, she was reminded of that nightmarish experience on Guam. I am sad to report that she died 3 years ago.

In the capital city of Agana another group of Chamorus were rounded up and one by one executed by beheading and mutilation by swords. Miraculously the story of one very brave woman, Beatrice Flores Emsley, who was 13 years old at the time, stood to bear witness as she survived an attempted beheading.

Mrs. Emsley, before she died 2 years ago, bore the long scar down the side of her neck where a sword struck her. She fainted after being struck and awoke 2 days later with maggots all over her neck, but thankful to be alive. Mrs. Emsley, of course, stood as the best spokesperson for the experience of the Chamoru people during World War II.

Thousands of Chamorus, every single one of them, not hundreds but thousands, were forced to march from their villages in northern and central Guam to internment camps in southern Guam before the weeks before liberation. Everyone marched, old people, old men and women, newborn babies, children and the sick, they were marched to internment camps in Manengon, the largest one of all, where they awaited their fate for the next few weeks, and many did not live to see the liberation.

Many did not live, but their brothers and sisters, and most importantly, their children and grandchildren, survived, and their fellow Chamorus survived, again to bear witness to these atrocities. In their final acts of retribution against the people of Guam the Japanese occupiers inflicted a violence against our people that cannot easily be forgotten.

The Catholic high school for young men in Guam, Father Duenas Memorial School in Tai, bears witness to the courage of one young priest who in the last days before liberation was also beheaded as revenge for the occupiers' frustration in not capturing the lone American sailor who had evaded their grasp with the aid of the Chamoru people.

□ 1615

The memory of this young noble priest lives on as the high school named in his honor stands witness to his courage. Against this backdrop of terror the liberation of Guam began on July 21, 1944.

On that fateful day, if we can think back historically, two groups of people came together. One was in uniform and the other was in rags; one used weapons of war and the other used tools for survival. One came in from the sea and the other came down from the hills; and one left their families behind while the other tried to keep their families together. One liberated the island from without, while the other liberated the island from within.

In their meeting the great historical drama that Guam alone could play in World War II came to pass, as American soil was liberated from enemy hands and as American marines and American soldiers were united with American civilians held captive in internment camps on American soil.

The battle-hardened American servicemen, many of whom I have met over the years, came to Guam concerned about meeting a determined enemy; but these men soon came to understand the special nature of this battle amongst all those battles in the Pacific war, indeed amongst all the battles of World War II. This was a reoccupation. This was retaking what once was lost and what was once American.

As the young marines and the soldiers saw our people coming down from the hills, they broke down and openly wept as they saw Guam's children emerge from the hills carrying handmade American flags, and as they saw Guam's old men and women emerge from the internment camps clutching rosaries and thanking young liberators for their deliverance from certain death.

The story of these people cries out for attention and certainly understanding. The story has a dimension of unfinished business to it, of an injustice that must be corrected and of a legacy of loyalty that has been tarnished by the neglect of some Federal officials; in the aftermath of liberation, a grave injustice that to this day, 53 years later, has yet to be undone.

The Treaty of Paris, the treaty of peace with Japan signed on September 8, 1951, by the United States and 47 Allied powers, effectively precluded the just settlement of war reparations for the people of Guam against their former occupiers, against the Japanese. In the treaty the United States waived all claims of reparations against Japan by United States citizens.

Consider how ironic this situation is, in that the people of Guam became citizens just 1 year earlier, on August 1, 1950, by virtue of the Organic Act, a citizenship that was granted to the people of Guam largely because of their demonstrated loyalty to America during the occupation, was given in 1950. And the peace treaty in 1951 waived all their rights for filing war claims against the Japanese a year later for an experience that occurred in the previous decade.

The historical events surrounding the signing of this treaty of peace creates a compelling argument that the Federal Government, including the U.S. naval government of Guam at the time and the U.S. Congress, failed to address the circumstances of the Americans on Guam and allowed a situation to develop over the years where justice was delayed and ultimately denied. The bitter irony is that the loyalty of the people of Guam to the United States has resulted in Guam being forsaken in the determination of war reparations.

Did the Federal Government simply forget what happened on Guam? Unfortunately, the answer is not that Guam was forgotten at all, but that at critical moments when Congress dealt with the issue of war reparations for all Americans during World War II, like the case of civilian nurses who were captured in the Philippines or civilian Americans who were interned in Japan, those situations were attended to. Whenever Congress attended to those issues, Guam's unique situation escaped the attention of lawmakers in this body.

In fact, the record does show a deliberate attempt by Congress and the Navy to address the reparations issue and to do right by the people of Guam for their wartime loyalty. That they fell short in their attempts is the cause for our efforts to seek redress 50 years later. This is not a case of a people belatedly asking for something that they are not entitled to by justice or design. It is a case of the law falling short in the goal of making Guam whole after the war, and of Congress neglecting to address the issues that were raised by its own War Claims Commission.

What Congress did was, they recognized right after the war, 1945, they recognized the devastation and the dramatic and urgent need for rehabilitation. And on November 15, 1941, Congress passed Public Law 79–224, which is known as the Guam Meritorious Claims Act. This was supposed to grant immediate relief to the residents of Guam by the prompt settlement of meritorious claims. The following year, 1946, Congress also passed the Guam Land Transfer Act, Public Law 79–225, and the Guam Rehab Act, 79–583.

While the Guam Meritorious Claims Act became the primary means of settling war claims for the people of Guam, the Guam Land Transfer Act provided a means for exchanging land for resettlement purposes. Unfortunately, conditions on Guam in 1945, which was thoroughly devastated, in 1946 did not lend themselves to the best of congressional intentions. During the battle to liberate Guam, over 80 percent of the buildings were destroyed. The city of Agana and the second largest city, Sumay, were completely annihilated.

Once the island was secured, Guam became the forward operating base for the subsequent invasions of the Philippines, Iwo Jima, and Okinawa. Over 45 percent of the land mass was acquired for this wartime effort, and over 200,000 military personnel came to Guam to prosecute the war against Japan. The Chamorus, numbering only about 20,000, were temporarily housed in refugee camps. To their credit, the Chamoru people did not complain. In fact, they helped the military in every way they could to help defeat their former oppressors.

In the report of the War Claims Commission with respect to the war claims arising out of World War II, it stated that no organized program for reconstruction of damaged or destroyed civilian facilities had been undertaken.

In asking Congress to revisit this issue at this particular time, I want to point out a couple of items. When Congress passed the Guam Meritorious Claims Act in 1945, it established a mechanism where if you made a claim for more than $5,000, you had to go to Washington to personally adjudicate the claim. You had 1 year in which to file and complete a claim. When and if you had a claim for personal injury or death, and I just mention that many people were killed and/or beheaded, you could not adjudicate that as other than a property claim.

Despite those three defects, the people of Guam were allowed only 1 year's opportunity to address these claims.

When that was completed in 1948, the Congress passed a broader war claims act which included all Americans and American nationals who were interned by the Japanese and other enemies during the war. In 1962, due to defects in that law, this law was again changed. Neither the 1948 law nor the 1962 law included the people of Guam.

Here is the anomaly. My grandfather, James Holland Underwood, who was originally from North Carolina, was taken and was interned as an American civilian in Japan. As a result of the 1948 War Claims Act, he received a war claim for his internment by the enemy. His wife, my grandmother, and all their children who were also interned by the Japanese could not receive any claim under the 1948 or the 1962 law.

So you have the anomaly here where you have one group of Americans who were attended to by two separate actions of Congress, while you had one war restitution law that was dealt with by the people of Guam in the Guam Meritorious Claims Act for 1 year.

It has been a great tragedy, and in the course of dealing with that the Department of the Interior created what was known as the Hopkins Commission in 1947; came out, studied the situation, made a series of recommendations and clearly indicated that in the case of Guam, the Guam Meritorious Claims Act was clearly inadequate.

So here we are, some 53 years later, addressing the same issue. This issue could have been resolved had Guam been included in the 1948 law or had Guam been included in the 1962 revision of that law. But in both instances, Guam was not included. Guam had no representative in this body until 1972, so there was not adequate opportunity for any elected representative of the island to present their case in front of this body when the issue came to surface during 1948 and 1962.

All of this is not meant to cast any doubt or to lessen the intensity of the feelings of the people of Guam on Liberation Day. Liberation Day on Guam is still by far the largest single holiday, widely celebrated. Schools are out. The government is closed. Businesses are closed. The greatest parade of the year occurs on that day. And when the Marines go marching by, you will hear the greatest cheer for the Marines that you will ever hear in any community throughout the world.

So there is a great deal of affinity and a great deal of love and recognition for the military and their efforts during World War II. And the people of Guam in their experience and in their devotion to the flag that stands behind me are, I think, unmatched in the experience certainly during World War II as the only community that was held and occupied by a foreign enemy.

But we still have this issue. And so today I have dropped in the bill, the Guam War Restitution Act, and I am happy to report that I have several, very many cosponsors on this. Basically, what it does is it allows for the payment of war claims of $20,000 for a death, $7,000 for an injury, and $5,000 for forced march or forced labor or internment.

Most of the people who were injured or experienced forced labor, forced march, or internment have regrettably already passed on, so they will not get any awards. And their descendants will not get any awards, either, because in the context of providing legislation like this, the only money that could actually ever go to an heir of someone who experienced this was in the case of a death.

So in the case of Guam, these issues still remain unresolved, and they still tug at the heart strings of those of us who have heard all of the stories and for many of the people of Guam who personally experienced the hardships. It is really important to understand the context in which the people of Guam feel this. Every family has a relationship to the war experience which is at once powerful and inspiring at the same time that it is disheartening and sometimes a little debilitating.

But, nevertheless, the war experience stands as powerful testimony to the capacity of the Chamoru people to survive and their ability to survive under some very difficult circumstances, as well as powerful testimony to the liberators who came. And the liberators who came numbered many who have served in this body and in the other body, most notably Senator Howell Heflin of Alabama, who was wounded on Guam, and Gen. Louis Wilson, who received the Congressional Medal of Honor and who later on became Commandant of the Marine Corps.

□ 1630

In fact, last week I laid a wreath at the Tomb of the Unknown Soldier with the current Commandant of the Marine Corps, General Krulak, in recognition of the work and the relationship that I think the people of Guam have with the United States Marine Corps as a result of this war experience.

But the war experience is still unresolved, and so I call upon Members of this body to cosponsor the legislation. Let us do something that should have been done before.

We have an enormously ironic situation, where we have a people who could have submitted claims against the Japanese Government but they were declared citizens 1 year before the peace treaty between Japan and the United

States, although that peace treaty occurred 6 years after the war.

So we have in the instance, for example the Philippines, which was American territory, we had the Congress giving the Philippines $390 million for the war experience, and then the Philippines, as an independent country, also claiming war restitution from Japan and receiving it. And in both instances the Philippines deserved it.

But in the case of Guam, we have the instance where they are denied the opportunity to make claims against Japan and, by any Federal official who has studied the situation, clearly inadequate opportunity to make claims against the U.S. Government.

I want to point out that in the negotiation of the Japan-U.S. peace treaty and in the reporting of this peace treaty to the Senate, Secretary of State John Foster Dulles clearly indicated, in response to a question, that if any American citizen has a legitimate war reparations claim that, as a result of this treaty, that war reparations claim should not be directed to the Japanese Government, it should be directed to the U.S. Government.

So in light of all of that history, I call upon the people of this House to cosponsor this important legislation and to honor this very unique and powerful story about how a small group of people endured much in the name of the flag that stands behind me, and whose faith that America would return never wavered and who indeed suffered much.

Now, I want to bring this story up to the present day, and I want to bring it up to the present day because it is bothersome. Guam, today, is a vital part of the projection of American power in the Asia and Pacific part of the world. As the dynamics of the world has shifted, Guam remains the only U.S. territory that is on the other side of the international dateline in which military facilities exist.

As the dynamics of power has shifted in Asia, the United States no longer has military facilities in the Philippines and, increasingly, the U.S. forces in Japan, particularly in Okinawa, are always under a great deal of criticism by some of the local people and even in Korea.

So we have a situation where the United States military and the United States' interests, which are projected into the Asia-Pacific theater, Guam's role in that is enhanced by the whole changing dynamics of the area, yet the Department of Defense has taken a couple of steps which really the people of Guam have interpreted as hostile steps.

To discuss one, just to briefly touch on it, last week, July 10, the Department of Defense announced that they were pulling out of the Guam school system and establishing their own Department of Defense school. They are in the process of establishing this school system, which is destined for opening in October of this year, despite the fact that I and other Guam officials had been reassured that if they took this step, it would not happen until 1998 so that we could, hopefully, work out some problems and disagreements. But here the Department of Defense has decided to unilaterally pull out their students from the Government of Guam schools.

This is really the first time in my experience, and we have discussed this with a number of people, where a Department of Defense school has been established in opposition to the wishes of the local community. It may surprise some people to know that there are Department of Defense schools in the 50 States, but usually it is done within the context of collaboration and cooperation with the local community.

Now, the net effect of pulling these military dependents out of the Guam schools is to change the racial composition. It will have an effect on the ethnic composition of the kids who attend schools on Guam.

This action was taken at the same time or nearly the same time, 4 days ahead, of the first meeting of the President's One America Commission; to have one America. The President has created a commission to improve the racial climate of the United States and to bring the people of the United States together and to make sure that we openly acknowledge our racial and ethnic differences and that we can do so in a climate of trust and mutual support.

At the same time that the President announces this initiative and the first meeting of this commission is held here in Washington, D.C. on July 14, just a week earlier the Department of Defense is creating a separate school system on Guam.

This always begs the question whether people in the Department of Defense see Guam as part of America rather than as "us and them" or as some, perhaps, overseas foreign area. Of course, it is not, but if they continue to behave this way, they are really threatening civilian-military relationships on the island.

To add insult to injury on this, the Department of Defense has announced that no local teachers can be hired for their DOD schools, but they would be happy to hire local custodians or other people to work in the schools in a less than professional capacity; and that while no locally hired civil service employees can attend these DOD schools, State-side hires, State-side hired civil service employees will be able to attend these DOD schools.

So the bottom line on these actions is not to build connections and bridges between communities, but certainly has the net effect of not only building more gaps between the communities but certainly is not keeping faith with the experience that I described on July 21, 1944.

In addition to this, BRAC, in 1995, decided to close down some facilities on Guam, and many military planners have now acknowledged that that was probably not a very wise decision, but, inevitably, in any event, it has occurred and the people of Guam are trying to recover from this.

In addition to this, the Navy announced earlier this year that they are conducting two A-76 studies on their military facilities to determine which civilian jobs can be privatized or let out on a contractual basis. And the two bases that they picked were in Pensacola and on Guam.

It is hard for me to understand why they would identify, in addition to the BRAC decision, in addition to all that has gone on, they identified in January of this year some 1,100 jobs as being analyzed for privatization. They said they did this after exhaustive study and careful analysis and understanding that this would not affect the readiness, but, of course, not considering how it would affect those 1,100 loyal civil service workers.

Just yesterday they wrote a letter, as required by law, to officials of this body and to officials of the administration announcing that they are adding another 534 jobs for this careful analysis, which leads me to believe that the first analysis was probably not all that careful.

But here is the kicker. The kicker is that this is only applied to Guam. It is not being applied to other locations. And when the people from Guam are only represented in this fine institution by a nonvoting delegate, and they have no representatives in the other body, and they represent a fairly small population, they always ask themselves the question: Would the Navy do this in Virginia? Would the Navy do this in Florida? Would the Navy do this in California? And, most importantly, would they do it in this way?

I think, clearly, the answer is, probably not. They probably would not do it, and for sure they would not do it in this way.

This is not the way to treat a community that has been tested by war, that has not only evidenced its loyalty in the context of World War II, but most people who have a great deal to do with the military know the fine record of many young people from Guam in the military. Guam had the highest per capita casualty rate of any jurisdiction during the Vietnam conflict. So everybody knows the record of the people of Guam in the context of service to this country and in the context of the hardships that sometimes war imposes on people. And the people of Guam have responded well.

But now, when there are times of peace and there are times of contentment, their peaceful existence is again disturbed not by foreign enemies but by a series of misguided planners in the Department of Defense.

I ask officials at the Department of Defense, and I call upon them, especially those who are responsible for projecting American power in Asia and the Pacific, to seriously consider the ramifications of their actions on what was formerly a very good and solid relationship between the civilian and military communities on Guam.

On Guam this relationship is a three-legged stool. This relationship is founded upon the economic value of the military presence to Guam, on the fact that our kids go to the same schools, and the fact that we have a peaceful land resolution process. The one on land is a little wobbly, the one on schools has been fractured, and now DOD is carefully sawing off that other one as we speak. I ask them to take these words very seriously.

And I call upon the Members of this institution to take a serious look at the people of Guam's experience during World War II. I know there are many people who are watching, particularly those who were veterans of the conflict, of any conflict in the Pacific during World War II, who know about the viciousness and the brutality of war, and who know about the viciousness and the brutality of the battle on Guam and who remember those events fondly.

I think the people of Guam deserve the recognition on July 21 and that, indeed, all of the liberators, all of the men who participated in the liberation of what once was an American territory prior to the invasion of the Japanese deserve all of our honor and our attention and we should make good on that experience.

FEDERAL RESERVE EXERTS POWERFUL INFLUENCE

The SPEAKER pro tempore (Mr. ROGAN). Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, when the Federal Reserve speaks, people listen. When the Fed is about to make some sort of monetary decision, the world stops and watches. That is because the Federal Reserve System is comprised of powerful experts whose influence affects anyone who makes and spends money.

Some people think the Federal Reserve's primary purpose is to conduct monetary policy. Little do they know that only 1,600 of the Fed's 25,000 employees are working in monetary policy. The rest are employed in unrelated services, such as the transportation of paper checks.

The Fed pays $36 million for this service, of which $17 million is a Government subsidy. This money, taxpayer money, could be used to reduce the debt.

☐ 1645

The Federal Trade Commission staff said in a 1990 report that these subsidies drive out private competition and innovation.

My bill would end this subsidy. It is time to ask why a giant Government bureaucracy is subsidized to run something that the private sector can run far more efficiently.

I come before my colleagues tonight to point out another area of this powerful Government bureaucracy that has not received enough scrutiny, the Fed's fleet of 47 airplanes that ferries canceled checks back and forth across the country Monday through Thursday.

Since 1980, the Monetary Control Act has required the Fed to extend these check-clearing services beyond its member banks to all depository institutions at prices without a subsidy. The purpose of the Monetary Control Act of 1980 was to make sure that private companies could compete with the Federal Reserve on a level playing field in providing services to the banking industry. But the Fed, to this day, insists on subsidizing its paycheck transportation as long as it makes up the cost somewhere else in its operation.

The Democratic staff of the Committee on Banking and Financial Services conducted a 2-year investigation of the Fed's check-clearing practices and determined that, as of 1997, $17 million of the $36 million used to run the program is subsidized by you and me, the American taxpayer.

In effect, we are subsidizing an inefficient, overgrown operation that the private sector could provide at a lower cost and with better results. If this operation cannot be run more efficiently, the Government should check out of the check transportation business and concentrate on helping Americans make money, not waste it.

I recently introduced a bipartisan bill with my colleague the gentleman from Washington [Mr. METCALF]. This bill would end this subsidy and require the Federal Government and the Fed to operate on a level playing field with the private sector.

As we enter the 21st century, with all the revolutionary changes, it is bad public policy and downright foolish to subsidize the Fed's transportation of paper checks. Competition and free enterprise will provide lower prices and wider consumer choices in the provision of banking service.

Support our bipartisan bill, the Efficient Check Clearing Act of 1997, H.R. 2119, and help bring our Nation's central bank into the 21st century.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislataive days to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from Florida?

There was no objection.

THE INVASION OF THE REPUBLIC OF CYPRUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, once again, it is my sad privilege to address the House to remind all of America of the invasion of the Republic of Cyprus.

As we know, 1997 is the 23d year of divided rule on the island; 1997 has also been hailed as the year of Cyprus. Although I am greatly saddened that the northern portion of the island remains occupied by Turkish troops, on this map here, actually, this is called the green line, and in actuality, in order to see it better, we have it colored in blue here and you can see that the northern part of the island is separated from the southern portion.

I do remain hopeful and optimistic that we are 1 year closer to a just solution. It is imperative, Mr. Speaker, that we continue to build upon the progress that was made during 1996, referred to in some quarters as the year of the big push.

The divided island of Cyprus is certainly ready for peace. There are families who are certainly ready for answers as well. They want answers to what happened to their loved ones who disappeared 23 years ago during the Turkish invasion.

To this day, there are still five American citizens among the 1,619 people still missing from the invasion. These families want to end sleepless nights of wondering whether or not their loved ones are still alive. Hopefully, these questions will be answered and these families will finally be given peace of mind.

Our ultimate goal should be peace for all citizens of Cyprus. However, peace will not come without the strong and active leadership of the United States. The United Nations has unsuccessfully attempted to resolve the differences between the two Cypriot communities.

Since 1974, the United Nations has stationed over 1,000 troops on the island to prevent violence from spreading throughout Cyprus. Yet the violence has not abated. I strongly support U.N. Resolution 939, which calls for a bizonal, bicommunal single state of Cyprus. However, I submit we will not achieve this goal by maintaining the status quo.

I yield at this time to my colleague, the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, once again, as I have every year that I have been a Member of Congress, it is my honor and sad privilege to stand with the gentleman from Florida and remember and commemorate the 23d anniversary of the 1974 illegal Turkish invasion of Cyprus. The continued presence of Turkish troops represents a growing violation of human rights and international law.

On the positive side, I am pleased with the success that the gentleman in Florida and I have had in the formation of the Congressional Caucus on Hellenic Issues last year. We now have 62 Members from both parties and from all regions of the country. Democrats, Republicans, liberals, and conservatives have all joined together to pursue our common objectives of justice, human rights, and stronger ties between the United States and its strong democratic allies, Cyprus and Greece.

Earlier this year, many of the members of the Hellenic Caucus joined us in signing a letter to the President to stop the sale of Seahawk helicopters. We were successful. No helicopters were sold to Turkey. Over the last week, U.S. Secretary of State Madeleine Albright mitigated a nonaggression pact with the Foreign Minister of Greece and the Foreign Minister of Turkey.

Now that Greece and Turkey have come to a peaceful agreement, it will allow the focus to be concentrated on a more peaceful solution, hopefully, in Cyprus. Last weekend, the President of Cyprus, Glafkos Clirides, and the Turkish Cypriot leader, Rauf Denktash, met in a first round of U.N. talks, and they have agreed to a second round of talks in August.

The appointment of Richard Holbrooke as United States special envoy to Cyprus shows the United States' commitment to a settlement in the region. In fact, he met with both sides this past Monday. I am pleased to be an original cosponsor of House Concurrent Resolution 81, introduced by the gentleman from New York [Mr. GILMAN], that calls for a United States initiative seeking a just and peaceful resolution in Cyprus.

I am hopeful that we will reach a peaceful solution soon, but it must be a fair solution. Turkey must withdraw its troops. Imported settlers must be returned to their countries of origin. The island must be unified without a green line. The almost 200,000 Greek Cypriots who were expelled from their homes must have the opportunity to return home. We must know what happened to the 1,614 Greek Cypriots and 5 Americans which were seized by Turkish troops and remain unaccounted for to this day.

The pain of some of my constituents in Astoria, Queens, whose beloved family members are still missing, must be put to rest. On this issue, there can be no compromise. We will never give up the demand to know the fate of people like Chrisaci Loizoi, Andrew Kassapis, and George Anastasiou. We must have them accounted for.

I have many constituents who do not know what happened to their brothers, their fathers, their sisters, their mothers. For all they know, they are still suffering in some brutish Turkish prison. Human decency demands an accounting.

Over the past few years, we have witnessed tremendous changes around the world: The fall of the Berlin Wall, the beginning of steps in the Middle East toward peace, and the end of apartheid. It is my sincere hope that soon we will be able to add Cyprus to that list of places where peace and freedom have triumphed.

I would like to bring to the attention of my friend, the gentleman from Florida [Mr. BILIRAKIS], and to other Members of Congress that there will be a meeting and concert in Bryant Park, located in Manhattan, NY, this coming Friday to further observe the invasion of Cyprus.

In closing, Mr. Speaker, I really have to commend the gentleman from Florida [Mr. BILIRAKIS], my friend and colleague from the other side of the aisle, who has worked extremely hard on this issue. Both of us have visited Cyprus and we have seen firsthand the green line that separates this country; and we both hope that in the coming talks, this line will be erased and that finally there will be peace and justice in Cyprus.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman from New York [Mrs. MALONEY]. I dare say that there are not many people, within or without Congress, who have put more time into this issue on behalf of those great people, and I thank her so very much. It is such a pleasure and honor to work with her on this issue and so many others.

Continuing with my remarks, Mr. Speaker, last year some of the worst human rights abuses occurred on the island since the Turkish invasion. Four unarmed Greek Cypriots and one unarmed Turkish Cypriot were shot and killed while protesting the division of the island. Nearly 100 protesters and 14 U.N. peacekeepers were injured throughout the year, as well.

We ask ourselves sometimes, why is an end to the division of Cyprus in America's best interest? International stability is a key factor to our increasingly global economy. A divided Cyprus only continues to serve as a fuse between, lit fuse I might say, between two of our NATO allies, Greece and Turkey.

Twice since the 1974 invasion Greece and Turkey have almost gone to war. The most recent incident was in 1996 concerning the Imia Islet crisis. The Aegean Sea is home to the world's busiest shipping lanes. Indeed, Cyprus is in a key strategic position relative to the Mediterranean region and the Suez Canal, which is instrumental in supplying oil and other materials vital to the stability of the entire region.

In this map here to my left, we see actually the country of Greece here and Turkey here, and then the Republic Island of Cyprus in this particular area. And I think it is just very easy to be able to determine the tremendously strategic position of that island.

So it is just imperative that the problems be solved. As such, any conflict between Greece and Turkey could disrupt trade in the region and have extremely serious consequences for many nations, including the United States.

□ 1700

If the situation in Cyprus continues to deteriorate, there could be serious repercussions among other NATO nations and these nations could be forced to choose between two allies, Greece or Turkey. In order for a lasting peace to be forged, the Turkish militarization of the island and of the region must end. Currently there are over 35,000 Turkish troops stationed on Cyprus, and in addition Turkey has a large amphibious assault force located within 100 miles of the island. The proximity of such a significant Turkish presence has led NATO to estimate that the island of Cyprus could fall to Turkish troops within 24 hours should Turkey ever decide to attack.

U.N. reports cited Turkey's lack of motivation as the reason for the stalled peace process. The Turkish Government has stated that it will take all necessary steps including military actions to defend Turkey's interest on the island. Without U.S. leadership, it is unlikely that a lasting peace settlement can be negotiated.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. I thank the gentleman from Florida for yielding and once again I commend him for his continued leadership on issues affecting Cyprus, Greece, and Turkey and, most important, the people that live in those three nations. I look forward to continuing to work with the gentleman on these issues and other issues.

Mr. Speaker, today I rise to add my voice to the chorus calling for justice in Cyprus. Twenty-three years ago, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and captured nearly 40 percent of the island.

Today 35,000 troops occupy the northern portion of Cyprus; 1,619 people remain missing, including 5 Americans. A barbed wire fence known as the Green Line cuts across the island, separating towns and people that had lived together for many generations. Mistrust and animosity have spread beyond this island to our NATO partners Turkey and Greece. This is not good.

Efforts are undertaken but they are not enough. The United States, the European Union, NATO, and the United Nations must do more now before this sore develops into a permanent cancer between our NATO partners and the peace and security of southeast Europe. We must remember that this problem started by the violent invasion of Cyprus by Turkey, and lasting peace can only be restored by the removal of the Turkish armed aggressors.

Why has the sad story of the invasion of Cyprus not received more attention in the press here in the United States? Maybe it is because the press is intimidated to report on this. Turkey, which occupies by military force the northern part of Cyprus, has the distinction of leading the world in jailing of journalists. More than North Korea, more than Communist China, more than Iraq and more than Iran. That is why we are here today on the floor and what we are doing is so important, because we in a sense are acting as the journalists for the world, for the people of Cyprus, bringing to the scrutiny of the public what has been censored in Turkey.

As evidence of this, I cite an editorial that appeared in last week's Philadelphia Inquirer, July 9. The article notes, "It is impossible to have other freedoms in a country where there is no freedom of the press."

This past Sunday, the New York Times wrote in an editorial, "Under Turkey's broad antiterrorism law, journalism itself is criminalized and reporters face prison time for doing their job." It goes on to say, "Press freedom is among the casualties of a failed strategy, imposed by the military, which Mr. Yilmaz cannot change overnight."

And then just yesterday the Washington Post weighed in on the subject in an editorial that said, "Journalists who write about Kurdish nationalism from an independent perspective have been at risk of being locked up and censored, harassed and beaten. Article 312 of the Turkish penal code permits reporting and community on other than the government line to be punished as incitement to racial hatred."

Finally, Mr. Speaker, I would urge all of my colleagues to join the gentleman from Florida [Mr. BILIRAKIS], the gentleman from New York [Mr. GILMAN], the gentlewoman from New York [Mrs. MALONEY], and many others in cosponsoring House Concurrent Resolution 81, which would show the world that this Congress and this country are committed to seeking a just and peaceful resolution of the situation in Cyprus. Let us not let this problem caused by the Turkish invasion of Cyprus fester in the underbelly of southeastern Europe any longer.

I urge everyone to pray for a peaceful and just end to the Turkish invasion while there is still time to make peace. Again I thank the gentleman for his leadership.

Mr. Speaker, I include the text of the articles referred to in my remarks for the RECORD, as follows:

[From the Philadelphia Inquirer, July 9, 1997]

FREE SPEECH UNDER FIRE—TURKEY LEADS THE WORLD IN JAILING JOURNALISTS.

His name is unfamiliar to most Americans; his newspaper, unknown here. But his case should be a cause for anyone who cherishes the right too often taken for granted in this nation; to publish criticism of the government.

Ocak Isik Yurteu was imprisoned on Dec. 28, 1994, for editing a daily newspaper critical of the Turkish government, and is now serving a 15-year, 10-month sentence under the country's abusive antiterror law. "Nobody in the world has been sentenced to so many years in prison for articles others have written," he said from Sakarya Prison last year.

But then, no country in the world imprisons journalists and smothers press freedoms more egregiously than Turkey. According to the Committee to Protect Journalists (CPJ), for three years running Turkey has held more journalists in prison than any nation on earth. The count is now 78.

Most are charged under an antiterror law that effectively classifies all reports on the Kurdish rebellion other than the government's as either "separatist propaganda" or "incitement to racial hatred." Imagine if the United States had had such a law during the civil-rights movement.

Mr. Yurteu's newspaper published what is considered balanced reporting on the Kurdish conflict, but truth is not what the Turkish government wanted its people to read.

A delegation from CPJ will be arriving in Turkey on Saturday, to champion the cause of Mr. Yurteu and his many jailed colleagues before the nation's top leaders. They will be pushing for the abolition of the repressive laws and the release of the 78 imprisoned journalists.

They will be demanding that a nation that wants desperately to join the European Union and to take part in the Western world's economic and technological advances, adhere to a fundamental precept of democracy: a free press.

The imprisoned journalists deserve the support of anyone here who has published an angry letter about the President—or written such a letter. Or has called a radio talk show and complained about Congress. Or has passed out leaflets knocking the major or town council.

It's worth remembering, as Mr. Yurteu wrote, "It is impossible to have other freedoms in a country where there is no freedom of the press."

[From the New York Times, July 13, 1997]

TURKEY, JAILER OF JOURNALISTS

Turkey has the shameful distinction of imprisoning more journalists than any country in the world. The New York-based Committee to Protect Journalists has compiled a list of 78 reporters, writers and editors now in jail, and the Turkish Press Council reckons the total may be twice as high. Now that a new Government has assumed power, it has a timely opportunity to open those prison doors. Doing so would lessen a stain on Turkey's reputation and enhance the democratic credentials of Prime Minister Mesut Yilmaz's secularist center-right coalition.

Most of the journalists in prison are charged with disseminating "separatist propaganda" or with being members of proscribed pro-Kurdish political groups. In fact, under Turkey's broad anti-terrorism law, journalism itself is criminalized and reporters face prison for doing their job. An emblematic case is that of Ocak Isik Yurtcu, a prominent writer and former newspaper editor who has served 3 years of a 15-year sentence. Mr. Yurtcu's offense was to publish articles about the Turkish Army's scorched-earth campaign against Kurdish insurgents in southeastern Turkey.

Mr. Yurtcu's plight, along with scores of other cases, will be taken up this summer by a visiting delegation of journalists, among them Terry Anderson and Peter Arnett, at the request of Turkish press organizations. By responding favorably, Prime Minister Yilmaz would signal a halt to Turkey's descent into repression. He would begin to answer critics, especially in the European Union, of Turkey's dismal human rights record, and would set a different example from his immediate secular and Islamic predecessors.

This is more than a press issue. For nearly a decade Turkey has relied primarily on force to counter Kurdish terrorists, without opening a parallel political attack for a huge, aggrieved ethnic minority. Press freedom is among the casualties of a failed strategy, imposed by the military, which Mr. Yilmaz cannot change overnight. Yet it is within his power to release jailed journalists and decriminalize free speech, an essential precondition for an end to Turkey's domestic turmoil. Turkey's friends hoped he will not let this moment pass.

[From the Washington Post, July 16, 1997]

TURKEY'S PRESS: TURKEY'S KURDS

It is an irony and an embarrassment that even as NATO imposes high democratic standards on new members, it has given an errant old member, Turkey, a bye. On the litmus issue of imprisoning journalists for what they write, for instance, Turkey is the recognized world champion. The Committee to Protect Journalists, an American defense group, counted 78 jailed Turkish journalists at the beginning of the year. All the more satisfying, then, that the group has not elicited from the new Turkish government of Mesut Yibnaz a commitment to do something about a record that, if a current NATO applicant had it, would exclude it from the West's premier democratic club.

The trouble lies, of course, in Turkey's continuing conflict with a Kurdish minority that has its pacific assimilationist element but its armed separatist element as well. An official policy giving a long leash to an assertive Turkish military has not only failed to curb Kurdish terrorism but has also cost past governments political support. Journalists who write about Kurdish nationalism from an independent perspective have been at risk of being locked up and censored, harassed and beaten. Article 312 of the Turkish penal code permits reporting and commentary on other than the government line to be punished as "incitement to racial hatred."

The Kurdish problem is as tough as any ethnic conflict anywhere. No one has a good solution in the inflamed circumstances in which it is unfolding now. What is certain, however, is that the problem must be addressed in a context in which the Turkish people are fully and fairly informed about the options before them. This is the prospect now opened up by the Yilmaz government. It speaks for a minority coalition and faces parliamentary resistance to its new free-press commitments. But it also has the opportunity to bring Turkey the appreciation rather than the opprobrium of the democratic West. Up to this point, the army has plainly been calling most of the shots on policy toward the Kurds. The army is manifestly unfit for this role and plays it poorly. Opening up the press is no glib civics textbook prescription. It is a practical way for Turkey to build support for a consensus approach.

Mr. BILIRAKIS. I thank the gentleman. He is a rookie, I guess we would call him, a freshman here, but he has already made his presence known in many ways and particularly on this issue.

Mr. Speaker, the Republic of Cyprus needs active United States support to attain its goal of membership in the European community. This membership would promote stability by permanently linking Cyprus to Europe both economically and strategically. Indeed the European Parliament has indicated its desire for peace on the island. Cyprus has earned its place in the European Union. Now the international community must take steps to move the peace process forward.

In addition, Mr. Speaker, Cyprus is ready to become an important trading partner with the United States. The Greek Cypriot community is a democratic society known for its open and efficient economic system. Despite the violent blow dealt by the invasion, the Cypriot economy has strongly rebounded to become one of the strongest economies in the region.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I thank the gentleman for calling this special order. I will not take too much time, since I see a number of my colleagues, showing the importance of this very vital issue to many of us in the Congress on both sides of the aisle from throughout the United States of America, because we talk about justice and fairness, we talk about the new era that we live in where we say that we will not allow the big and the strong to take advantage of the smaller.

That was the whole question in the Persian Gulf situation when 28 nations came together to say that the invasion of Kuwait that was imminent was wrong and we came together as a united country of the world, countries of the world, from the Arab community, from Africa, from the West to say that we will protect this little country.

Mr. Speaker, I rise today as a member of the Human Rights Subcommittee to join in commemorating this sad day in history of the Republic of Cyprus. On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and captured almost 40 percent of the island. More than 35,000 Turkish troops continue to occupy the northern portion of Cyprus.

The Green Line, a barbed wire fence, separating the northern part of the island from the free portion, is the only wall remaining in the world. We brought down the Berlin Wall. We have gone through and have sort of new independent countries in Europe. But this wall still remains.

Thousands of Greek Cypriots from the towns and communities in which they and their families have previously lived for generations are separated from one another. Today there are 1,619 people whose whereabouts are still unknown, and we have heard already 5 of these are U.S. citizens that we still have not heard about.

The illegal invasion and occupation by Turkey represents over two decades of unanswered questions, human rights violations and cultural destruction. As I conclude, Mr. Speaker, I would like to say that I had the opportunity 2 years ago to visit Cyprus. I had the opportunity to go with a constituent of mine, Andy Comodomos, where we drove up to the Green Line. We were allowed to go up into the Turkish-occupied portion of the island where we went to the street that Mr. Comodomos lived on and went to the house that he was raised in and then went up the to the home of his cousin who lived there.

We rang the bell and we were allowed to come in by this Turkish family who came up from the south to occupy the house. It was heartbreaking for him to see his home, his backyard, the basement of the home that his family grew up in being occupied illegally by people who had illegally taken possession of the home. I speak out with my other colleagues here and I urge my colleagues to join me in supporting the Turkish Cypriot leader Denktash and Greek Cypriot President Glafcos Clerides in their talks and that our new head of the United Nations, Kofi Annan, is calling for continued talks. We hope that there will finally be a breakthrough.

Mr. BILIRAKIS. I thank the gentleman. I daresay that probably this constituent who was able to get to go to his former home probably had not seen it for something like 20, 21 years and would not have been able to do that were it not for the fact that he was accompanying the gentleman. I appreciate the gentleman's support.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding. I want to thank the gentleman from Florida [Mr. BILIRAKIS], who has been an outstanding spokesman and advocate for peace in Cyprus for organizing this special order this evening. Today's special order on Cyprus comes on the eve of the 23d anniversary of the brutal invasion of Cyprus by Turkish troops. As we observe this sad anniversary, the international community is still confronted with the fact that in excess of 30,000 Turkish military personnel still remain on the island to enforce an illegal partition and to protect a self-proclaimed government that has been recognized by only one other country, Turkey itself.

Those of us in the Congress who supported the negotiated settlement to the dispute which has led to the division of Cyprus are painfully aware of the complexities of the issue, of the injustices committed, and particularly the suffering over these many long years of the Cypriot people on both sides of the Green Line.

Indeed Cyprus has become a code word for stalemate and intractability in international diplomacy.

Just last week there occurred a new and positive development in Madrid, on the fringes of the NATO summit. The foreign ministers of both Greece and Turkey met together, under the auspices of our own government, and agreed on a set of principles to guide the resolution of disputes between our two NATO allies. The essential element of the statement issued by the foreign ministers in Madrid is that disputes between Greece and Turkey are to be settled through peaceful means and will be based on the mutual recognition of their legitimate interests. While this communique was related specifically to disputes in the Aegean, I am hopeful that it is going to inaugurate an era of better understanding on the issues that concern both Greece and Turkey, including Cyprus itself.

Although a resolution of the Cyprus problem depends first and foremost upon the will of the Cypriot people themselves, regardless of their ethnic background, certainly a better relationship between Greece and Turkey can play a critical role in helping resolve this vexing international dispute.

It is gratifying that the Clinton administration seems more interested than in the past in finding a solution for Cyprus. The announcement last month that President Clinton appointed Ambassador Richard Holbrooke as a special envoy for Cyprus is also promising. If Ambassador Holbrooke brings the same energy and determination to Cyprus as he brought to ending the conflict in Bosnia, it is hopeful that he will be able to convince the Cypriot people to put behind them their differences and work out a just and peaceful settlement.

The shape of a possible settlement is out there. I believe that both President Clerides and Mr. Denktash are men who can rise above the recent enmity that has developed between the two communities and find a way to reunite the island based on mutual good will and confidence.

We should all encourage these two leaders to make the most of direct talks which began in New York just last week and which will soon be continuing in Geneva. Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. Let us hope that both sides will reach within themselves to find the resolve to settle this persistent problem.

The Greek Cypriots have demonstrated flexibility and the spirit of compromise in recent rounds of U.N.-sponsored talks. We now call upon Mr. Denktash to demonstrate this same kind of flexibility. Twenty-three years is too long a time. There are now young people coming of age in Cyprus who know nothing other than the experience of living on a divided island and a divided society.

□ 1715

For this next generation what can be done to guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement, and the people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman who for years and years has done the best he possibly could to try to resolve this problem.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE] at this point.

Mr. PALLONE. I want to begin as I do every year by thanking the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order. It has now been 23 years since Turkey invaded Cyprus, and I deeply appreciate the opportunity to join the gentleman from Florida [Mr. BILIRAKIS] and the other cochair of our Congressional Caucus on Hellenic Issues, the gentlewoman from New York [Mrs. MALONEY] in keeping this issue in the spotlight.

For almost a quarter of a century now the people of Cyprus have lived on a divided, militarized, and occupied island, and the facts of the situation are well known. I do not want to spend time tonight revisiting them, but I do believe there are important developments on the Cyprus issue that I want to spend the bulk of my time addressing, and I do want to say to those who were murdered during the Turkish invasion and to the 1,619 people who have never been accounted for, 5 of whom are American, that you are not forgotten. Those who have lived through the nightmare of the last 23 years and those who have never known freedom in their lifetime, I want you to know that you have many allies in the U.S. Congress who are determined to see you govern every inch of your own country.

On July 9, this year, as was mentioned by some of my colleagues, these high-level negotiations between some of the key principals involved, once again got underway at the invitation of the Secretary General, the President of Cyprus, and the Turkish-Cypriot leader. They met face to face for the first time in 3 years, and I just want to say this is certainly a very positive development, as my colleagues have said, as was the joint statement which was released by Greece and Turkey the day before the talks in New York in which the two countries vowed to settle disputes by peaceful means, based on mutual consent, and without use of force or threat of force.

But before I discuss the current peace process in further detail, I wanted to draw attention to an unfortunate display of provocation by the Turkish government. Two days ago Turkey's Vice Prime Minister, who was the Prime Minister when Turkey invaded Cyprus in 1974, announced that he is going to visit the Turkish occupied area of Northern Cyprus on July 19, and the stated purpose of his visit is to congratulate the Turkish military for its invasion in 1974 and celebrate the subsequent occupation which is today enforced by some 35,000 Turkish troops.

So while we are here today honoring the memory of those who were murdered and never accounted for as a result of this Turkish aggression and even as the Greeks and Cypriots around the world prepare to do the same, the Turks are planning celebrations and slapping themselves on the back to commemorate these 23 years of brutality.

Mr. Speaker, I am outraged by this behavior, and I know the Cypriot people are as well. Yesterday I had the honor of personally meeting with the Cypriot Ambassador who conveyed to me his disappointment in this uncalled for provocation.

And I think the Vice Prime Minister's visit is deserving for another reason that we mentioned, that Ankara and Athens are releasing a joint statement vowing to settle their disputes peacefully. I mean the purpose of this statement one would presume was to set a good tone for settlement negotiations. But the Vice Prime Minister's visit to Northern Cyprus really belies Ankara's intent to negotiate in good faith, and I think it is really a deliberate provocation and needs to be brought to my colleagues' attention.

It also serves to reinforce the Congress' belief, this Congress' belief, that there are several aspects regarding the U.S. position that I think need to be addressed and reaffirmed as these negotiations get underway. I would just like to state those briefly.

As everyone is aware by now, President Clinton recently signaled his commitment to resolving the Cyprus problem by appointing Ambassador Richard Holbrooke, who was the architect of the Dayton Accords, and he is now the special emissary to Cyprus and his record of service has been mentioned by my colleagues, and, I think, the President should be congratulated for signaling his interest in the Cyprus issue through this appointment. But there was some concern following Ambassador Holbrooke's appointment that he might use the Dayton Accords as a model for the situation in Cyprus. To his credit, Ambassador Holbrooke has stated he does not intend to do such a thing and I want to commend him for that statement.

And I just wanted to say and reiterate that the Dayton Accords are not applicable to Cyprus. The roots and causes of the Cyprus problem are without question very different from those of the conflict that began in Bosnia in 1992. The Cyprus situation is a matter of illegal invasion and occupation of a foreign power. By contrast, the conflict in Bosnia was primarily ethnic in nature.

Accordingly, any solution to the situation in Cyprus must reflect the circumstances that are unique to the Cyprus problem's origin, and this problem is clearly one of illegal invasion and occupation.

There are a number of conditions. I think the United States must pressure the Turkish Government to accept conditions that the Cypriot and Greek Governments and certainly all of us here tonight consider nonnegotiable, and these are first, with regard to the issue of sovereignty: Any solution reached must be consistent with U.N. Resolution 750 of 1992, which states a Cyprus settlement must be based on the State of Cyprus with a single a sovereignty and international personality and a single citizenship with its independence and territorial integrity safeguarded. Relatedly, any overall settlement must be consistent with all U.N. resolutions on the Cyprus issue.

To facilitate the goal of the State of Cyprus with a single sovereignty, the United States should push for the establishment of a federation with two federated States, one Greek Cypriot and one Turkish Cypriot administered by a federal government. In other words, the United States should support the establishment of a constitutional democracy much like our own where the States receive their powers from the Federal Government. A rotating presidency under separate sovereignties for the Greek and Turkish communities should be viewed as completely unacceptable.

Second, any solution to the Cyprus problem must be based on internationally accepted standards of human rights. Simply stated, all Cypriots must be guaranteed the three basic freedoms: freedom of movement, property, and settlement.

And third, all foreign troops should be withdrawn from the island. In 1994, President Clerides proposed the demilitarization of the island as a precursor to meaningful negotiations, an offer which has to date been met with nothing but derision from Turkey. In 1995, the House went on record in support of this peaceful gesture when it passed the Cyprus Demilitarization Act, and I believe, and most informed observers of the Cyprus situation agree, that no progress can be made until Ankara withdraws its illegal occupying force.

I just want to stress again, Mr. Speaker, as I did earlier, that the Cyprus situation is one of illegal occupation of a sovereign country by a foreign power. The United States therefore must use its influence to facilitate the removal of the Turkish occupying force in the introduction of NATO or U.N. peacekeeping forces, if necessary, so negotiations can begin in earnest.

And just in conclusion, while these issues do not represent a comprehensive list of concerns, they are, in my opinion, most important. Other matters the gentleman from Florida [Mr. BILIRAKIS] mentioned, such as the Cypriot accession to the European Union, have to be pursued. Integrating Cyprus into the framework of the European Union would demonstrate unequivocally to Turkey that its only real option is to accept a sovereign, independent Cyprus.

Mr. Speaker, I just wanted to say that obviously the United States should embrace the opportunity to make progress, but we must not reach an agreement just for the sake of reaching an agreement. It is tragic that Cyprus has been divided for 23 years, but we would have to wait as long as we must to bring true and lasting freedom to the Cypriot people.

Again I want to thank my colleague from Florida. I know he believes very sincerely in this. He has been doing this for many years, and when this finally is resolved a lot of the reason for it, a lot of the reason why the U.S. Government is now more concerned and the President is more concerned, is because of the efforts of Mr. BILIRAKIS and the Hellenic Caucus.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for those kind remarks and thank him for consistently year in and year out joining me in this special order, and if I were not leading this, I dare say he probably would be or certainly would still be just as much involved.

Mr. Speaker, in the past, our Nation has pledged its support to developing free, market democracies. The United States should consider offering trade incentives to Cyprus to allow the manufacturing sector to increase, the labor market to improve, and the infrastructure to modernize.

I also welcome efforts in Congress to maintain the traditional $15 million earmarked for Cyprus. This money funds projects aimed at reunification and reducing tensions between the two communities on Cyprus. I pledge my total support to building a strong trade relationship between the United States and the Republic of Cyprus. The continued growth of their economy will provide for a more stable country, which is a key ingredient in the peace process.

Mr. Speaker, the island has seen a tremendous amount of growth over the years mostly from tourism. However, the heart of Cyprus' potential growth has yet to be tapped. Hundreds of international firms recognize that the island's $15,000 per capita gross domestic product and the high education level of its people make Cyprus an ideal location for their regional headquarters.

In stark contrast, and I really, I just hesitate to mention it because I do not mean to be throwing stones, but the per capita gross domestic product in the Turkish-occupied region is a mere $3,500. There is also a significantly higher crime rate in the Turkish portion of the island.

I yield at this time to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I rise today to join with my colleagues in marking the tragic events that occurred 23 years ago on the island of Cyprus. On July 20, 1974, the Government of Turkey sent troops to Cyprus and forcibly assumed control of more than one-third of that island. The action dislocated much of the Greek Cypriot population creating a refugee problem that exists to this day.

Just think about it, children who are born 23 years ago, are old enough to have families of their own today. Additionally, over 1,600 Greek Cypriots are missing. They are still unaccounted for as a result of this invasion. The children who were born may not have known their own families.

While in the past the Turkish Cypriot community was unwilling to work toward an agreement, I am pleased that both sides have come together in my congressional district to hold their first round of talks in Amenia, NY. It is clear to me that the clean air and beautiful countryside of Amenia has assisted immeasurably in laying a strong foundation for these negotiations since both sides have agreed to continue these talks in Geneva on August 11.

The talks are the first step in a long process that will hopefully lead to a consensus agreement for lasting peace. It is my hope that an agreement will include the removal of the roughly 35,000 Turkish troops from the island of Cyprus and the return of 180,000 Greek Cypriots to the homes that they fled in 1973. We have heard about the anguish that those Cypriots feel when they know that there are other people occupying those homes.

I want to applaud the willingness of the Greek Cypriots in demonstrating their continued commitment to compromise in order to bring an end to this longstanding dispute and also to Rauf Denktash, the President of Turkish Republic of Northern Cyprus, a State recognized only by Turkey for making the right move toward the peace table.

While the past efforts have failed to produce any movement toward an agreement, we continue to pray that these talks will bear fruit so that all the people of Cyprus will know the sweet taste of freedom and a lasting peace. While the talks continue, the U.S. Government has to let our position be heard loud and clear by all interested parties to show we are serious about achieving a lasting peace in Cyprus. In this regard, I am pleased to be a cosponsor to the House Concurrent Resolution 81, the concurrent resolution calling for the United States initiative seeking a just and peaceful resolution of the situation in Cyprus.

Additionally, I am going to continue to support legislation in Congress to cut economic support funds and military assistance to Turkey until it withdraws its troops from Cyprus, lifts its blockade of Armenia and makes progress on extending political and economic rights to its Kurdish minorities.

☐ 1730

Mr. Speaker, it is with decisive steps such as these that we can begin to hope for a brighter future for Cyprus. I wish to commend the gentleman from Florida [Mr. BILIRAKIS] for his steadfast work in this area. I look forward to working with him and all of my colleagues who share our concerns to achieve a unified and peaceful Cyprus for the future. The talks are a long step toward the peace process that we hope will lead to a consensus agreement for lasting peace. I think it is very important that we get that.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for taking the time to come over to join us on this special order, and for hosting those two gentlemen during those important talks.

I yield to the other gentleman from New Jersey [Mr. MENENDEZ], who also has visited the island.

Mr. MENENDEZ. Mr. Speaker, I thank my colleague. First of all I want to recognize and commend the gentleman for keeping this issue before the Congress of the United States, and for that matter, before the American people, and for organizing this special order.

We do hope there will be a point in time in which this special order will truly be just a commemoration and not a further quest and search for peace and justice in Cyprus. The gentleman has been an outstanding advocate in this respect, and we commend him.

Mr. Speaker, I rise as a member of the Committee on International Relations and as a member of the Congressional Human Rights Caucus to join in the commemoration of that unhappy anniversary and tragic circumstances of 23 years, over two decades, of the division of the island of Cyprus. It seems incredible, but for 23 years now the Republic of Cyprus has been artificially divided following an illegal invasion by Turkish troops on July 20, 1974.

On that date over 200,000 Greek Cypriots became refugees in their own country and to this day are denied the right to return to their homes. Today a full 37 percent of the island remains under occupation by Turkish troops, which in defiance of U.N. resolutions, now number over 35,000. This makes Cyprus one of the most militarized places in the world.

I saw that fact firsthand as I traveled with my constituents from New Jersey, the Zambas family, to Cyprus, crossed the green line, which is the division between northern Cyprus and the rest of the country, to the occupied territory to an area called Brastio-Morphu. Clearly to me the militarization was so, so obvious in the process of that visit.

But also what was obvious is that when Turkish Cypriots, those who lived on the island, not those who have been imported from Anatolia but those who live on the island, are given an opportunity to intermingle with Greek Cypriots, that there is the opportunity for coexistence and coalescence. That became clear to me in the conversation between my constituents and the Turkish Cypriots who had lived there before the invasion. They were willing to talk to each other. Only the people who were escorting us, the security forces, refused to let them speak to each other. As an example of that, it is those who occupy the north that create this division.

We remember the over 1,619 Greek Cypriots and 5 American citizens who are still missing as a result of the military operations in 1974. Sadly, we also commemorate this year the deaths of three civilians last summer, two who died from the bullets of Turkish soldiers, they were unarmed, they were simply along the green line, and the other at the hands of a mob of Turkish thugs.

These actions are nothing but barbaric and should be addressed in that way, which is why I was happy to join many of my colleagues at the United Nations in condemning those barbaric actions. Those are not the actions that a civilized country takes. It is not the actions that a country for which we give aid takes against other individuals.

Mr. Speaker, the comments of the former Prime Minister, Prime Minister Tansu Ciller, that we will break the hands of those raised against us, signify, contrary to Turkey's stated position, that in fact they consider northern Cyprus Turkey's domain. So after 23 years, the people of Cyprus in both communities deserve a solution which will reunite the island, its communities, and its people.

For too long the Cyprus problem has been a source of tension and instability in an important area of the world. My colleague, the gentleman from Florida, has a map that very well describes that part of the world and the importance of what is happening in the Aegean. Even our Secretary of State Madeleine Albright recently pointed out "U.S. Cyprus relations extend far beyond, far beyond the so-called Cyprus problem. Cyprus is a valued partner against new global threats."

I think that is why we in the Congress are engaged in this issue. A resolution would strengthen peace and stability in the volatile eastern Mediterranean and significantly advance the United States national security interests in the region and beyond. It is in the United States national interest to see such a solution. Cyprus is a bridge between East and West. It is a bulkhead in the sea of Islamic fundamentalism. Its solution would ease the tensions between two very important NATO allies.

President Clinton's appointment of Richard Holbrooke as his Special Emissary on Cyprus has us all refocused again on the attention to a resolution to the Cyprus problem at a crucial time. Last week I was proud to circulate and send a letter, and I know that my colleague, the gentleman from Florida and others, joined with me in a letter signed by 67 of our colleagues in the House to President Clinton outlining what we believe should be the parameters of any Cyprus solution.

Those parameters are basically those that have been recognized I think by the international community through U.N. resolutions, but specifically they are that Cyprus should be reunited with a strong federal government in which the federated states derive their powers from a federal constitution, a democratic constitution which would ensure the rights of all citizens and all communities, and which would guarantee the right to private property and free travel to all parts of the country.

We have heard much about the Greek Cypriots' willingness to compromise, and they have, time and time again. But there are limitations. Turkey must not be allowed to derail once again the tremendous opportunity for peace that exists on the island. While Turkey has verbally committed itself at appropriate moments during these years to pursue better relations with its neighbors, its actions, however, not what it says but what it does, its actions demonstrate a consistent pattern of hostility and unwillingness.

Even the former U.N. Secretary General, Boutros Boutros-Ghali, said so in a report on Cyprus. So if Turkey is serious about its commitment to a permanent solution, then it must bring its views into conformity with the U.N. framework on issues of sovereignty and political equality.

In conclusion, I want to say that Cyprus will not be a prisoner to Turkey's objections or threats. It will not postpone and it should not postpone its well-deserved entry into the European Union over Turkish objections. If European integration is good for Turkey, then it must be good for all of the Cypriot people.

The world must know that in this small Mediterranean island of Cyprus, there are people filled with hope and expectation that this is the moment in which their divided homeland can once and for all be reunited in accordance with international expectations. We cannot rest until the last boot of the last Turkish soldier leaves Cyprus, until a divided country is reunited, until the last divided city of the world, Nicosia, is rejoined, until peace and justice become a reality for all of its citizens, Greeks and Turks alike.

I again commend the distinguished gentleman from Florida [Mr. BILIRAKIS] for keeping this before the American people, before Congress, and forging ahead.

Mr. BILIRAKIS. I thank the gentleman so much for helping in that regard, and for his energy and support for this cause over the years.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MCGOVERN], who is also one of our freshmen, but very much interested in this subject.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman for yielding to me. I rise to join my distinguished colleague from Florida and all those who acknowledge today this sad date in the history of Cyprus. I rise to add my name to the long list of Members of Congress who throughout the past 23 years have decried Turkey's brutal invasion of this Mediterranean island.

After 23 years some might be tempted to throw in the towel, to believe that these 23 years of Turkish occupation of northern Cyprus prove the helplessness of the international community in the face of ethnic strife and injustice. Some might even say that our yearly acknowledgment of this tragic event are wasted words.

I say that now more than ever we need to voice our resolve, our ongoing commitment to build a lasting peace for all the people of Cyprus. As we have witnessed in so many parts of the world, peace-building does not happen overnight. It requires hard work, vigilance, and the very resolve that we have maintained over the years and that will help us undo Turkish wrongdoing in Cyprus.

Mr. Speaker, we cannot let our determination falter. To do so would be to allow the persistence of injustice, and equally as important, harm our own interests. Ethnic conflicts, as those in central Africa have so dramatically shown us, tend to spill over and threaten the stability of entire regions, and threatening markets for American business overseas.

The Republic of Cyprus has worked to develop a stable economy and an important economic role for itself in the Mediterranean and Europe. It attracts millions of tourists to its shores annually, and also serves as an economic focal point for the entire eastern Mediterranean region. Furthermore, the Republic of Cyprus is one of the few countries that has met the tough economic criteria of the Maastricht agreement, indicating its promise as a future actor in European economies.

Yet, can there be real economic stability when 160,000 Greek Cypriots remain displaced and away from their rightful homes? Can there be real economic stability when 35,000 Turkish troops threaten security in the Republic of Cyprus? Can there be real economic stability when the northern half of Cyprus languishes in economic and political isolation under a neo-totalitarian regime?

It is clear, Mr. Speaker, that much work remains to be done to guarantee the health of the Cypriot economy and our own interests in the region. This work begins right here in Congress. We Members must follow the lead of our Representatives, like the gentleman from Florida [Mr. BILIRAKIS], the gentleman from New York [Mr. GILMAN], the gentleman from Illinois [Mr. PORTER], the gentleman from Indiana [Mr. HAMILTON], the gentleman from New York [Mr. ENGEL], and the gentlewoman from New York [Mrs. MALONEY] in their efforts on behalf of Cyprus.

I pledge my support for the resolution they have introduced, House Concurrent Resolution 81. Further, I urge my colleagues to ensure that the foreign aid appropriations bill that we submit to the President will include the $15 million earmark to help Cyprus in these critical times.

Congressional actions, however, are not the only means to complete the work of building a lasting peace in Cyprus. This month's U.N.-sponsored peace talks in New York between Greek and Turkish Cypriots have shown that the international community shares our determination for peace. The European Union, in selecting Cyprus as one of its next members, has especially proven their commitment to progress. Furthermore, the Clinton administration has taken an energetic and more direct approach to the Cyprus issue, and their efforts clearly contributed to the spirit of optimism emerging from this month's U.N. talks.

I further commend the administration's appointment of Ambassador Richard Holbrooke as Special Emissary for Cyprus. The Ambassador will be an important instrument for us to bring about change, most notably, in the following areas.

First of all, human rights. Ambassador Holbrooke should be aware of our objections to Turkey's deprivation of Greek Cypriot possessions, its discrimination against the Greek Cypriot community in Northern Cyprus, its restrictions of liberties in the form of curfews for Greek Cypriots, its confinement of 2,000 Greek Cypriots in detention centers, its imprisonment of Greek Cypriots in Turkey, and finally, its repression of legal recourse for Greek Cypriots living in the occupied areas.

Second, Cypriot unity. We must urge the Ambassador to work for a unified Cyprus, supported by a constitution that provides for proportionate and equitable participation of both Greek and Turkish Cypriots.

Finally, missing persons. We will not abandon the American citizens who count among the 1,619 people who disappeared following the Turkish invasion of 1974. With the continued resolve of Congress, the help of the administration, the cooperation of our European U.N. partners, we will succeed in ending a status quo that fractures Cypriot society and stifles democracy and justice for the people of Northern Cyprus. In doing so, our strategic, economic, and humanitarian interests will be well served.

I want to thank the gentleman from Florida [Mr. BILIRAKIS] for his leadership on this issue, which has been steadfast over the years. When I was a congressional aide here working for the gentleman from Massachusetts [Mr. MOAKLEY], I was well aware of all of his efforts, and I appreciate his letting me be part of this special order.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his comments and support.

The division of Cyprus, Mr. Speaker, is perhaps most obvious in the divided capital city of Nicosia, located here on a map about in the international center of the island, a city which after the collapse of the Berlin Wall is the last truly divided city in the world. At checkpoints across the city, armed guards stare at each other across an uneasy no man's land. In the center of the city, bullet holes scar buildings and serve as a powerful reminder of the events of 1974.

□ 1745

It is no wonder that the people of Cyprus, both Greek and Turkish, are ready for peace. Nese Yahsin, a Turkish Cypriot poet, was recently featured in the Christian Science Monitor. Her poem "Which Half?" captures the spirit of the two people. "Which Half?" is the name of her poem.

She writes:

"They say a person should love their homeland,
that's also what my father often says.
My homeland has been divided in two,
which of the two pieces should I love?"

I find it symbolic that a popular Greek Cypriot composer, Marios Tokas, put this simple four-line verse to music which is often sung by Turkish and Greek Cypriots.

Even with the animosity and intercommunity conflict, the divided people of Cyprus have made progress toward bicommunal living. Recently several thousand young Cypriots from both communities were able to come together for the first time in over 23 years for a U.N.-sponsored pop concert. Despite much protest, the concert was successful and Cypriots from both sides of the island took one step closer to bicommunal harmony.

A couple of years ago I led a delegation over the green line to Famagusta, located here, Kyrenia, located up here, and to the tip of Karpassas, the area of the enclaved Cypriots. Sadly, this line not only divides a nation but people as well. In order for Cypriots living in the occupied zone to visit the southern side of the island, they must first fly to Ankara, Turkey, then to Athens, Greece, and then to the unoccupied portion of the island. In contrast, a trip between the occupied ghost town of Famagusta, where I have had relatives who are displaced, and the thriving holiday resort of Protoras, which is just below the line, would only take a matter of minutes by car.

However, I believe that the tide may be changing and unity in the island of Cyprus is a real possibility. Just last week, Greek and Turkish leaders pledged to overcome decades of tension and threats of war by agreeing to respect each other and settle disputes by peaceful means. I am hopeful that the United States appointment of Richard Holbrooke, as others have said, as special envoy to Cyprus will accelerate the peace process.

Mr. Holbrooke's appointment was well received in Cyprus, Greece, and especially in Turkey. Perhaps, because of his experience and respect in the international community, he will be in a better position than his predecessors to negotiate with the Turkish Government. It seems rather odd, though, doesn't it, to be negotiating for land wrongfully taken in an illegal invasion and recognized by only one country on Earth?

The United States must re-examine its goals and interests in the region. We must send a strong message to all parties involved—that a divided Cyprus is unacceptable. Furthermore, Congress must send a message to Turkey stressing our commitment to finding a lasting peace on the island of Cyprus. In fact, I am an original cosponsor of House Concurrent Resolution 81, which reaffirms that the status quo on Cyprus is unacceptable and detrimental to the interests of the United States.

Mr. Speaker, I would like to conclude on a note of urgency. Now is the time to take the next step in the Cyprus peace process. Cyprus, Greece, Turkey, and the United States are finally coming together this month in New York to discuss their respective issues. Moreover, Greece and Turkey, with strong pressure from the United States, recently announced their intentions to settle all disputes in a peaceful manner.

However, once the peace process begins, we should only move forward. We must insist that the United States serve as a constructive participant in the peace settlement in order to ensure a just and lasting solution.

As Members of Congress, we must do everything possible to encourage this peace process. It is only through this process that we will achieve our ultimate goal—to reunite the people and the island of Cyprus.

Mr. Speaker, I yield to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding to me. I appreciate the efforts of the distinguished gentleman from Florida on this issue. I want to associate myself with the comments that have come earlier.

Those who are watching us have heard the sad story of how this island was divided by force from an invasion of a foreign army 23 years ago today. They have heard how there are nearly 200,000 refugees, over 1,600 missing persons, 5 of them U.S. citizens. Nicosia is today, as the gentleman from Florida pointed out, the only truly divided city and only divided capital in the world.

A few years ago the most famous divided city was Berlin. President Ronald Reagan said, "Mr. Gorbachev, tear down this wall." It is time for Americans to turn to Mr. Yilmaz and say, "Mr. Yilmaz, tear down this wall. Unite this island. Unite the city of Nicosia."

I do want to bring to the attention of my colleagues renewed interest in the State Department and the Defense Department to transferring several frigates to the Turkish Navy. This is something that should not be done without a lot of pause and a lot of consideration. There are those that say that we should help the Turkish military because it confronts Iran and Iraq, but I would ask, in an effort to contain Iran and Iraq, where will the Turkish Navy deploy the frigates? The last ocean-going vessel seen in eastern Anatolia was Noah's ark.

These frigates ought to be viewed as an expansion of the Turkish Navy. The people of Cyprus are familiar with that organization's work, and these frigates should not be transferred without an awful lot of careful consideration, both in the administration and here on Capitol Hill.

We are all happy to see Mr. Holbrooke given the responsibility and the mission of trying to bring peace and unity to Cyprus. Now, on the 23d anniversary of a terrible division and illegal invasion, we call for the demilitarization of Cyprus and peace and unity on that island.

Mr. SHERMAN. Mr. Speaker, I rise to join my colleagues in commemorating the somber anniversary of the Turkish invasion of Cyprus on July 20, 1974. I would like to thank Congressman BILIRAKIS for holding this special order.

In the 23 years since the invasion of the Sovereign State of Cyprus, Turkey has illegally occupied 40 percent of the island, maintaining 35,000 troops and installing 80,000 colonists in properties seized from Greek Cypriot refugees who have lived there for many generations. As a result of this human tragedy, 200,000 displaced persons have lost their homes and livelihood, another 1,619, including 5 American citizens remain unaccounted for and several thousand have lost their lives. The enclaved people who remained in northern Cyprus are denied basic human rights such as freedom of movement, access to education, religious freedom or political rights. Today the "Green Line" separating the Greek and Turkish portions of the island stands as a testament to this ethnic cleansing.

My colleagues and I have called and will continue to call for a just and lasting settlement of the Cyprus problem that will reunify the land and its people. In House Resolution 81, recently reported from the House International Relations Committee, we called for the withdrawal of Turkish troops and an early substantive initiative toward a resolution. We welcome the recent diplomatic efforts with the appointment of Richard Holbrooke as a Special Emissary for Cyprus and the heightened attention given to this issue by the President. The proximity talks concluded in Troutbeck under the auspices of the U.N. Secretary General and upcoming rounds of negotiations represent a critical window of opportunity for a peaceful resolution of this conflict. As we have stressed to the President and the parties to the conflict, such a resolution must be based on international law, democratic principles and respect for human rights, property rights and freedom of movement.

The resolution of this conflict and the prompt accession of Cyprus to the European Union will guarantee the extension of democratic principles and the rule of law in Cyprus and contribute to the stability of this region, which is critical to our national security interests.

Let the 23d anniversary of the invasion be the last time we commemorate this tragic event. I hope that next year we gather to mark the first anniversary of the reunification of Cyprus and the conclusion of this tragic chapter in the long and rich history of the Cypriot people.

Mr. MARTINEZ. Mr. Speaker, I would first like to commend the distinguished gentleman from Florida for organizing this special order on Cyprus. MIKE BILIRAKIS has truly been a tireless champion for the peaceful resolution of the Cypriot problem.

Mr. Speaker, I join my colleagues this afternoon in observing the 23d anniversary of Turkey's illegal invasion and continued occupation of the island of Cyprus. On July 20, 1974, Turkey unleashed its army on the Cypriot people. Turkey's violent and bloody invasion of this Mediterranean Island State has been rightfully condemned by the United Nations and all peace loving nations of the world.

I would like to applaud Secretary of State Madeleine Albright's recent statement to Cyprus' Foreign Minister Loanis Kasoulides when she said, "What we seek is the reunification of Cyprus. We believe that the division of the island is unacceptable." It is clearly in American national security interests to seek a peaceful settlement to this problem. I would also like to commend President Clinton's decision to appoint ambassador Richard Holbrooke as the U.S. Special Emissary to promote a Cyprus settlement. Ambassador Holbrooke is eminently qualified to meet this new diplomatic challenge.

Mr. Speaker, the 23d anniversary of this brutal invasion should weigh heavily on the conscience of all civilized people of the world who share in the belief that states must eschew the destructive path of naked aggression and abide by the rules of international law. It is time for the world to tell Turkey that the status quo in Cyprus is unacceptable.

Mr. Speaker, the status quo must be broken. The paralysis in U.N. sponsored negotiations must be broken. And the intercommunal strife that has torn Cypriots apart must be settled peacefully. But none of these worthy objectives can occur as long as Turkey continues to violate international law and flout U.N. resolutions condemning its oppressive occupation of one-third of Cypriot territory.

It is indeed a sad testament to the intransigence of Turkey's position that 23 years after its invasion of northern Cyprus, it still maintains 35,000 troops on the island. The Ankara government must come to the realization that its troops in northern Cyprus stand as an obstacle to a just and permanent resolution of the Cypriot problem.

President Glafcos Clerides deserves to be commended for his honesty, flexibility and good faith efforts to broach the divide that needlessly separates Greek Cypriots from Turkish Cypriots. President Clerides statesmanlike position is a far cry from the inflexibility reflected by Turkish Cypriot Leader Mr. Denktash.

Mr. Speaker, any permanent resolution to this issue must take into consideration the anxieties and legitimate concerns of both Greek Cypriots and Turkish Cypriots. However, the first step toward reconciliation and reunification must be the end of Turkey's illegal occupation of northern Cyprus.

Mr. PORTER. Mr. Speaker, we come to the floor today, as we have many times before, to commemorate the sad anniversary of the division of Cyprus. I want to commend my friend and colleague from Florida for initiating this annual special order, and express my deep regret that it is again necessary for us to come together to mark this occasion.

The history of this conflict, marked by strong feelings and a lingering threat of violence, speaks to the difficulty of finding a permanent solution. Over 1,600 Greek Cypriots and 5 Americans are among those who remain missing 23 years after the invasion. A generation of Cypriots on both sides of the green line has grown up knowing only division, hate and mistrust. Over 35,000 heavily armed Turkish troops continue to occupy the upper one-third of this beautiful country, despite the fact that this military occupation is recognized to be illegal and in violation of numerous U.N. resolutions. Turkish Cypriots are being displaced in their own homeland by settlers from Turkey who do not share their Cypriot culture. While the military division of the island has been a tragedy the world has long recognized, the economic divergence between the two communities which is currently taking place not threatens the future of the island in a different way.

Since I stood here on this date a year ago, the Clinton administration and the international community have made strong statements about their resolve to find a solution to the Cyprus problem. Earlier this year, we heard from the Clinton administration that there would be a big push on Cyprus this year. But we are over half-way through 1997 and a Cyprus solution still seems a distant reality. We appoint envoys and we talk about what needs to be done to bring peace and unity to this tiny Mediterranean country, but when it comes time to deal with hard issues, we have no will to take a tough stand against aggression and in favor of international law. The Cyprus problem has been reviewed at least 150 times during the past 23 years to no avail. We cannot let the 151st effort meet the same fate.

I must say, however, that this year I have some hope that this will be the last time that we have to raise this issue in the context a continuing occupation of over one-third of Cyprus' territory by Turkish troops. The recent appointment of Richard Holbrooke to mediate a permanent solution to this long-running problem indicates a higher level of attention to this issue than we have seen in recent years, and I am hopeful that this interest on the part of the U.S. Government will translate to a greater commitment among the parties to resolve the issues which keep them divided. I know Mr. Holbrooke's abilities are formidable, and it will take all of his diplomatic skills to reach a just solution. I wish him well and urge him to seek a lasting resolution, and not just a quick fix that cannot be sustained. I am also cautiously optimistic about the U.N. initiative that is currently underway, and the encouraging signals that have come out of last weekend's session in New York.

For Cypriots to have a prosperous and secure future, the Turkish troops must leave, enabling Cyprus to once again be whole. Talks are scheduled to begin in 1998 regarding Cyprus' entry into the European Union, and this impending event will be a catalyst for Greek and Turkish Cypriots of goodwill to find a lasting peace and reunite a divided country. I would urge the administration to raise this issue at the highest levels. I also urge our military officials to talk directly with their counterparts in the Turkish military and encourage them to begin withdrawing the troops as a first step toward unification.

Obviously, Mr. Speaker, our country cannot and, in fact, should not involve itself in the negotiations themselves—the parties must resolve this problem themselves. But we can and should do everything possible to establish an environment in which agreement can take place.

Twenty-two years is too long to see a divided island and divided people. It is my deepest hope, that the next special order on Cyprus will be to commemorate and celebrate a new found lasting peace and unity in Cyprus.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to commemorate the 23d anniversary of the 1974 illegal Turkish invasion of Cyprus. The continued presence of Turkish troops in Cyprus is a gross violation of human rights and international law.

Fortunately, since the last anniversary of this tragic event, significant and commendable progress has been made toward a peaceful resolution. Foreign Minister of Greece, Theodoros Pangalos, and Foreign Minister of Turkey, Ismail Cem, have made a nonaggression pact. Furthermore, the President of Cyprus, Glafkos Clirides, and the Turkish Cypriot leader, Rauf Denktash, met in a first round of United Nations talks. A second round is scheduled for next month.

The United States has also contributed to the region's efforts to reach a settlement. Richard Holbrooke has been appointed U.S. Special Envoy to Cyprus and U.S. Secretary of State Madeleine Albright was involved in mediating the nonaggression pact between Greece and Turkey. Furthermore, I am pleased with the success that my colleague, Representative BILIRAKIS, and I had in the formation of the Congressional Caucus on Hellenic Issues. Only 1 year old, the 62 member caucus has played a leading role in ending the U.S. sale of Seahawk helicopters to Turkey.

The invasion of Cyprus by Turkey was an outrageous show of inhumanity. We must remember that 200,000 Greek Cypriots were expelled from their homes and that 1,614 Greek Cypriots and 5 Americans were seized by Turkish troops and remain unaccounted for to this day. And, consistent with the dictates of human decency, we must strive to reach a peaceful, fair solution without delay.

Mr. Speaker, I ask that my colleagues rise with me in commemoration of the 23d anniversary of the invasion of Cyprus. Many of my own constituents in Astoria, Queens, continue to suffer as they wait for more information on the fate of their relatives. I am hopeful that a resolution will soon be reached and the pain caused by this inhumane invasion will be alleviated. Thank you.

Mr. MCGOVERN. Mr. Speaker, I rise to join my distinguished colleague from Florida, Mr. MIKE BILIRAKIS and all those who acknowledge today this sad date in the history of Cyprus. I rise to add my name to the long list of Members of Congress who throughout the past 23 years have decried Turkey's brutal invasion of this Mediterranean island.

After 23 years, some might be tempted to throw in the towel, to believe that these 23 years of Turkish occupation of Northern Cyprus prove the helplessness of the international community in the face of ethnic strife and injustice. Some might even say that our yearly acknowledgement of this tragic event are wasted words. I say that now more than ever, we need to voice our resolve, our ongoing commitment to building a lasting peace for all the people of Cyprus. As we've witnessed in so many parts of the world, peace building does not happen overnight—it requires hard work, vigilance, and the very resolve that we've maintained over the years and that will help us undo Turkey's wrongdoing in Cyprus.

Mr. Speaker, we cannot let our determination falter. To do so would allow the persistence of injustice, and, equally as important, harm our own interests. Ethnic conflicts, as Central Africa has so dramatically shown us, tend to spill over borders, compromising the stability of entire regions, and threatening markets for American business overseas. The Republic of Cyprus has worked to develop a stable economy and an important economic role for itself in the Mediterranean and Europe. It attracts millions of tourists to its shores annually, and also serves as an economic focal point for the entire Eastern Mediterranean region. Furthermore, the Republic of Cyprus is one of the few countries that has met the tough economic criteria of the Maastricht agreement, indicating its promise as a future actor in European economics.

Yet, can there be real economic stability when 160,000 Greek Cypriots remain displaced and away from their rightful homes? Can there be real economic stability when 35,000 Turkish troops threaten the security of the Republic of Cyprus? Can there be real economic stability when the northern half of Cyprus languishes in economic and political isolation under a near totalitarian regime? It is clear, Mr. Speaker, that much work remains to be done to guarantee the health of the Cypriot economy and our own interests in the region.

This work begins right here in Congress. We Members must follow the lead of Representatives GILMAN, HAMILTON, PORTER, BILIRAKIS, ENGEL, and MALONEY in their efforts on behalf of Cyprus, and I pledge my support for the resolution that they have introduced, House Congressional Resolution 81. Further, I urge my colleagues to ensure that the Foreign Aid Appropriations bill that we submit to the President will include the $15 million earmark to help Cyprus in these critical times.

Congressional actions, however, are not the only means to complete the work of building a lasting peace in Cyprus. This month's U.N.-sponsored peace talks in New York between Greek and Turkish Cypriots have shown that the international community shares our determination for peace. The European Union, in selecting Cyprus as one of its next members, has especially proven their commitment to progress.

Furthermore, The Clinton administration has taken an energetic and more direct approach to the Cyprus issue, and their efforts clearly contributed to the spirit of optimism emerging from this month's U.N. talks. I further commend the administration's appointment of Ambassador Richard Holbrooke as Special Emissary for Cyprus. The Ambassador will be an important instrument for us to bring about change, most notably in the following areas:

First of all, human rights. Ambassador Holbrooke should be aware of our objections to Turkey's deprivation of Greek Cypriot possessions, its discrimination against the Greek Cypriot community in Northern Cyprus, its restriction of liberties in the form of curfews for Greek Cypriots, its confinement of 2,000 Greek Cypriots in detention centers, its imprisonment of Greek Cypriots in Turkey, and finally its suppression of legal recourse for Greek Cypriots living in the occupied areas.

Second, Cypriot unity. We must urge the Ambassador to work for a unified Cyprus, supported by a constitution that provides for proportionate and equitable participation of both Greek and Turkish Cypriots.

And finally, missing persons. We will not abandon the American citizens who count among the 1,619 people who disappeared following the Turkish invasion of 1974.

With the continued resolve of Congress, the help of the administration, and the cooperation of our European and United Nations partners, we will succeed in ending a status quo that fractures Cypriot society and stifles democracy and justice for the people of Northern Cyprus. In doing so, our strategic, economic, and humanitarian interests will be served.

I thank the gentleman from Florida for his leadership on this issue.

Mr. FRELINGHYSEN. Mr. Speaker, for 23 years now, the citizens of Cyprus have had to endure a national divided by a 112-mile barbed-wire fence guarded by thousands of soldiers on either side.

Since the Turkish invasion of the island on July 20, 1974, the Turkish Government has fortified the northern section of Cyprus with hundreds of tanks with more than half a billion dollars per year in military spending for only 175,000 inhabitants. In fact, defense spending accounts for approximately three-quarters of the gross domestic product for the Turkish-occupied section of Cyprus. It is time to send the Turkish tanks homes and let the citizens of Cyprus decide the future of their island.

While appeals for self-determination and peace continue to fall on deaf ears in Ankara, there is renewed hope for peace and freedom in Cyprus. United States Ambassador Richard C. Holbrooke, who brokered the Dayton Peace Accord for Bosnia, was recently assigned to be United States Special Emissary for Cyprus. This is a clear sign that the Clinton administration is finally giving Cyprus the diplomatic attention that it so desperately needs. I have long held the belief that the United States, along with the United Nations, the European Union, and interested countries can play a critical and constructive role in facilitating efforts toward a peaceful, just, and lasting resolution for the Cypriot people.

Mr. Speaker, my colleagues and I, gathered here today, stand ready to do what we can to assist Ambassador Holbrooke in his efforts during the peace process. In fact I recently signed the following letter, along with many of my colleagues, to President Clinton which expresses our hope and support for a just and speedy resolution for the people of Cyprus. I would like to include the text of that letter for the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 10, 1997.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to welcome your appointment of Ambassador Richard C. Holbrooke as your Special Emissary for Cyprus. The decision is certainly a positive development and reflects the high priority the Administration is attaching to the just and speedy resolution of the Cyprus issue.

The remainder of the current year, as well as next year, offers a window of opportunity and new hope for progress on the issue. The meetings this week in New York between President Clerides and Mr. Denktash can be a positive development. We also believe that the prospect of Cyprus' accession to the European Union, with negotiations scheduled to start early next year, can act as a catalyst and reinvigorate efforts to achieve a comprehensive and lasting settlement. We hope that all sides will recognize the benefits of such a prospect and grasp this significant opportunity.

We, in Congress, have long considered the forcible division and foreign occupation of Cyprus as unacceptable and a continuing source of tension and instability in an area, which undermines our national interests. We have therefore consistently supported a peaceful, just and lasting resolution of the Cyprus problem that will reunify the island and its people. Such a solution will also strengthen peace and stability in the volatile Eastern Mediterranean and significantly advance our national security interests in the region and beyond.

We firmly believe that the United States, in coordination with the United Nations, the European Union and interested governments can play a critical and constructive role in facilitating efforts towards this end.

We wish to express our views on what the basis of such a solution should be. We believe that the principles of this resolution should include a reunited country, with a strong federal government in which the federated states derive their powers from the federal constitution. A democratic constitution would create such a federal government and would insure the rights of all citizens, including the rights of all communities. The Constitution would also guarantee private property rights and free travel to all parts of the country.

We believe that these principles are based on international law, the provisions of relevant United Nations Security Council resolutions, our democratic principles, a respect for human rights, and would be in accordance with the norms and requirements for accession to the European Union. A solution that does not encompass those principles would not lead to a lasting peace.

Your appointment of Ambassador Holbrooke, the prospect of the European Union accession negotiations and recent positive developments in the Eastern Mediterranean give all of us hope that we will, at long last, witness real progress towards a final resolution of this tragic problem. We are ready to assist your efforts, and the efforts of your emissary, in the best possible way and look forward to cooperating with you closely during the process. We wish to be kept closely advised of the progress that takes place.

Sincerely,

Robert Menendez, Luis V. Gutierrez, Thomas J. Manton, Peter Deutsch, Donald M. Payne, George W. Gekas, Ed Pastor, Robert E. Andrews, Ileana Ros-Lehtinen, Alcee L. Hastings, Brad Sherman, Bob Clement, Albert R. Wynn, Rubén Hinojosa, Bob Filner, John Lewis, Frank Pallone, Jr., John Edward Porter, Sander Levin, Carrie P. Meek, Patrick J. Kennedy, Gary Ackerman, Maurice D. Hinchey, Bill Pascrell, Jr., William O. Lipinski, Marty Meehan, Tom Lantos, David E. Bonior, Michael R. McNulty, Carolyn B. Maloney, Michael Pappas, Stephen Horn, Michael Bilirakis, Mike Forbes, Curt Weldon, Robert T. Matsui, Eliot L. Engel, Earl Blumenauer, Steven R. Rothman, Sherrod Brown, Tim Holden, Esteban E. Torres, John F. Tierney, Lincoln Diaz-Balart, Nancy Pelosi, Joseph P. Kennedy II, Darlene Hooley, Charles E. Schumer, Rod R. Blagojevich, Gene Green, Ed Bryant, Nita Lowey, Ron Klink, Walter Capps, Sue W. Kelly, Jim McDermott, Glenn Poshard, Sam Gejdenson, Owen B. Pickett, Herbert H. Bateman, Jane Harman, Howard L. Berman, Rod Frelinghuysen, Elizabeth Furse, Marcy Kaptur, Dennis J. Kucinich, Mike Doyle.

Mr. FORBES. Mr. Speaker, it is with great sadness and frustration that I rise this evening to commemorate the 23d anniversary of an international crisis. On July 20, 1974, Turkish forces invaded the Island Nation of Cyprus, capturing nearly 40 percent of the country and 70 percent of its economic wealth. The invasion was a craven act of aggression resulting in thousands of deaths, the expulsion of 200,000 Greek-Cypriots from the northern territory of Cyprus and today 1,619 people, including some Americans, are still unaccounted for. The Turkish Government's unjust actions are atrocious violations of human rights.

A permanent reminder of this tragic event is the Green Line, a barbed wire fence that severs the nation, cutting across family and community ties that had been intact for generations. This oppressive occupation is illegal and the Turkish Government's self proclaimed Turkish Republic of Northern Cyprus is not recognized in the international community. Despite the government of Cyprus making every attempt possible to bring peace to the region, Turkish troops, that number well over 35,000, are still intact. Turkish warplanes continue to fly over Cypriot airspace undeterred by the ban on military planes overflying the island. Turkey simply refuses to cooperate in seeking a compromise and has even threatened war if Greece asserts its legitimate rights.

The United States Government has always supported a solution to the Cyprus crisis and it's important to continue, in fact, it is time for Congress to get even more vocal on the issue. Fortunately, there are signs indicating this is becoming a top foreign policy priority as Richard Holbrooke will be a special envoy to frame a settlement. This is encouraging news as Holbrooke was the key negotiator of the 1995 accord that ended the ethnic war in Bosnia. By pressing Turkey to remove its illegal occupation and to constructively work for a resolution we look forward to celebrating the end of this conflict. Until that happens, the Turkish Government must know the United States will continue to mark this anniversary and speak out for the suffering in Cyprus.

As founders of democracy, Greece and the United States share a special and unique kinship. The Republic of Cyprus is an example of a country that has maintained its democratic institutions under extremely difficult circumstances. It is for these reasons that I vehemently oppose the continued Turkish occupation of Cyprus. I am a proud sponsor of H.R. 81 the demilitarization of Cyprus proclaiming the status quo unacceptable.

Mr. Speaker, I would like to thank the gentleman from Florida, Congressman BILIRAKIS, for once again taking a leading role in organizing these annual special orders. Rest assured I will continue to be a supporter of Cyprus' security interests and urge all Members to support peace and reconciliation in the region.

Mr. CAPPS. Mr. Speaker, as a new Member, it is an honor to participate in this important special order. As a Member of the International Relations Committee who is privileged to represent many Cypriot-Americans, I believe it is imperative to call attention this evening to the 24th anniversary of the tragic invasion of Cyprus.

First, I want to commend the gentleman from Florida [Mr. BILIRAKIS], and the gentlewoman from New York [Mrs. MALONEY], not just for organizing tonight's event, but for their leadership as co-chairs of the Congressional caucus on Hellenic Issues. I am proud to have joined more than 60 of my colleagues on the caucus, whose goal is to advance our national interests by educating Members on the military, diplomatic and human rights issues that are paramount in this region.

Tonight, as we discuss the beautiful island of Cyprus, we reflect on the past and look with hope toward the future. Sadly, the event we commemorate this evening is one of the most horrifying and tragic in recent history. Twenty-four years ago, Turkish forces invaded Cyprus. As a result, 200,000 Greek Cypriots were evicted from their homes and watched as their property was confiscated. Most tragically, more than 1,600 Cypriots and 5 Americans were captured by Turkish troops and remain unaccounted for to this day.

For almost a quarter of a century, the situation has not demonstrably improved. The Turks still occupy over a third of the island with 35,000 heavily armed troops. Human rights abuses are still common, violent clashes between the two sides flare up with regularity, and the families of the missing still await any news about their loved ones.

Unfortunately, this pattern of behavior on Turkey's part is not restricted to Cyprus. Earlier this year, the International Relations Committee noted in the State Department funding bill that the Ecumenical Patriarchate in Istanbul has been the subject to terrorist threats without the protection of the Turkish government. And just yesterday, the Washington Post editorialized about Turkish mistreatment of its Kurdish minority and of journalists who write about this conflict.

But as we lament two dozen years of despair, recent events give us some cause for hope. Mr. Speaker, I believe President Clinton demonstrated his commitment to finding a just and lasting solution to the Cyprus conflict by naming Ambassador Richard Holbrooke as special U.S. Envoy. Mr. Holbrooke's diplomatic skills are legendary, and I know that he will work very hard to bring peace and human rights to this troubled land.

In another development, President Clirides and Turkish-Cypriot leader Denktash met recently for the first time in almost 3 years, and plan to meet again next month. I join my colleagues in urging both leaders to negotiate in good faith so that Cyprus will once again become a united country, free from foreign troops, and a bastion of human rights, peace and serenity. I thank my colleagues for inviting me to participate in this important special order.

Mr. ROTHMAN. Mr. Speaker, I rise today to honor the Greek-Cypriot people and express my support for the unified Cyprus. For too long, Greek-Cypriots have been living in a divided nation. It is my firm belief that the time has come for a reversal of the unlawful territorial gains made by Turkish forces in 1974, and for a unified Cyprus to once again assume its rightful place among nations.

I am optimistic that a unified Cyprus will begin to emerge in the coming months, especially given the Clinton administration's new commitment to this troubled part of the world. I believe the appointment of Mr. Richard Holbrooke as our Nation's special envoy for Cyprus marks the beginning of this long-awaited transformation.

Greek-Cypriots have always been the majority in Cyprus. Unfortunately, the tragic events of July 20, 1974 created a divided Cyprus. When Cyprus gained independence from Britain in 1960, Turkish-Cypriots aggressively sought to dominate the newly independent state of Cyprus. While Cyprus' 1960 constitution provided for power-sharing between the Greek and Turkish-Cypriot communities, the Turkish-Cypriot community, which constituted 18% of the island's population, gained veto powers over legislation and became entitled to a disproportionate share of governmental posts.

Mr. Speaker, on July 20, 1974, Turkey invaded Cyprus and declared victory by securing 37% of the island's territory. This unilateral military action led to the flight of thousands of refugees from their ancestral homeland. To this day, over 35,000 Turkish troops remain on Cyprus. That is 35,000 too many troops. That is 35,000 too many war-makers. What we need on the island of Cyprus is not more troops, not more armed forces from the Republic of Turkey, but peace-makers, people who are willing to secure a genuine peace, restoring unity to the proud people of Cyprus.

Mr. Speaker, my final remarks concern the solemn memory of the 1,619 Greek-Cypriots, who to this day, remain unaccounted for after Turkey's 1974 invasion. Among these individuals were five Americans, who like the others, share a fate unknown and whose loss pains their respective families to this day. So as the reconciliation process moves forward, I for one, strongly believe that officials from the Republic of Turkey must account for the missing. They must work hard to bring to a close the tragedy born out of their decision to invade Cyprus in 1974.

On behalf of my Greek and Cypriot-American constituents, it is a solemn honor to join with them on this day and stand in solidarity with their cause.

Mr. MANTON. Mr. Speaker, July 20th will mark the 23d anniversary of Turkey's illegal invasion of Cyprus and their continued occupation of the country of Cyprus. I rise today to join my colleagues to commemorate this event. I particularly want to thank Congressman BILIRAKIS for arranging this special order.

Mr. Speaker, this is an important event in the history of Cyprus because it marks the end of the Greek Cypriots freedom to practice their religion, educate their children as they see fit and express themselves in an open and free manner.

Since Turkey first invaded Cyprus in 1974, 1,619 people, including five Americans, were last seen alive in the occupied areas of Cyprus and have never been accounted for. We must not let the passage of years weaken our determination to pressure the Turkish Government to provide answers for the families of the missing. We cannot forget that their suffering continues.

Last summer, Cyprus was witness to some of the worst outbreaks of violence in their region since 1974. The two separate hostile incidents left two young men dead and many injured. This illustrates the need to bring to an end the illegal occupation of the island of Cyprus. Although there has been little reescalation of violence since then, an uneasy calm continues to hand over the divided island.

During my time in Congress, I have taken an active interest in Greek issues. As a member of the Congressional Hellenic Caucus, I have continuously strived to find a solution to the problem that plagues Cyprus and her people. I have appreciated the opportunity to work with my colleagues in Congress on a number of other issues which directly impact the Greek and Greek-American communities.

A number of pieces of legislation addressing the Cyprus issue and those related to it have been introduced during the 105th Congress and I am proud to be a cosponsor of these important bills. In particular, House Concurrent Resolution 81 calls for a United States initiative seeking a just and peaceful resolution of the situation in Cyprus. In addition, H.R. 1361 would prohibit economic support fund assistance under the Foreign Assistance Act of 1961 for the Government of Turkey for Fiscal Year 1998 unless they make certain improvements relating to human rights.

This week in the Catskill Mountains a glimmer of hope has emerged through the tension which has hunted the island of Cyprus for over 20 years. The two leaders of Cyprus, Rauf Dentkash and Glafcos Clerides, have been enemies in the past, however, their discussions seem to be leading in the direction of finding a solution to the problems they, and their people, have been facing for so many years. I was pleased to learn of the positive feedback given by the leaders and by the United Nations about what has been accomplished during these talks so far and the hope for a positive outcome.

I would also like to take this opportunity to extend my congratulations to Ambassador Richard Holbrooke for becoming the new special emissary for Cyprus. His past success and leadership on the peace process in Bosnia was an asset to Bosnia, the United States and the entire international community. I am confident his expertise and rigorous diplomacy will produce a positive outcome to the situation in Cyprus.

Earlier this year, I was pleased to meet with Rev. Christophorou Christophorou, the president of the Cyprus National Committee of Struggle for the Missing Persons, during the annual conference of PSEKA. We discussed the issue of those missing from Cyprus as a result of the Turkish invasion of the 1974 and other issues important to the people of Cyprus.

Turkey holds the key to ending the Cyprus situation. It is my hope that next year we will be celebrating the end of the strangling occupation of Turkish troops on the island of Cyprus and the people of Cyprus may once again enjoy the freedoms so many of us enjoy and take for granted.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like first to thank my colleague from Florida Mr. BILIRAKIS, for organizing this special order acknowledging the 23d anniversary of the Turkish occupation of the island of Cyprus. It is imperative that we correct Cyprus' situation as a divided state. The people of Cyprus are divided into two states ruled by two governments. The Greek Cypriots in the south are ruled by the Republic of Cyprus, erected in 1960 when independence was granted. The north has been occupied by the Turkish since 1975, when they illegally invaded the island.

The divided Cyprus is a story of two nations; one a well balanced democracy with three thriving parties, the other a militarily occupied area. The economic disparity in the divided Cyprus is even more pronounced. The south's economy is booming as the result of their low trade barriers and free market economies. Their GNP has risen at a record-breaking rate as unemployment falls. Meanwhile, the economy of the north has stagnated and inflation run rampant at 70 percent as the Turkish close it off from the rest of the world. For there ever to be peace and prosperity on the island of Cyprus, a unified independent government protecting all of Cyprus must be created. A critical part of such an event will be the withdrawal of Turkish troops from northern Cyprus. Only then will Cyprus become the thriving member of the European trade community it has the potential to become.

In my State of Rhode Island we have a strong Greek and Cypriot community, which has brought the plight of Cyprus to my attention. Only when we, in Congress, show our strong support for a unified Cyprus will the necessary changes occur.

Ms. PELOSI. Mr. Speaker, I rise today to join with my colleagues in marking a sad day, the 23d anniversary of the Turkish invasion and partition of the Republic of Cyprus. I would like to thank and commend Mr. BILIRAKIS of Florida for his vigilance and commitment to a peaceful resolution of this illegal act which cast a pall on the world stage on July 20, 1974.

This is, perhaps, the first time in 23 years that we can reasonably talk about an end to the standoff on Cyprus. Many of us in the House have long fought for peace, some from the very moment the Turkish army landed on the island nation's northern shores, depositing thousands of troops and armor in a bald-faced land grab. Tragically, it was with U.S. arms in hand that Turkish soldiers committed their brutal acts of atrocity. Today, only Turkey recognizes the Turkish Cypriot state which declared independence in 1983. No other nation has taken that step.

Recently, President Clinton showed us reason for hope. With the appointment of Richard Holbrooke as his special envoy for Cyprus, the President gave every indication that the clock is ticking, and he intends there be peace on Cyprus. Greek and Turkish Cypriot leaders sat down in upstate New York only last week to lay the groundwork for future talks. All of this is encouraging, and significant for a region which could explode at any moment. At present Cyprus is a tinderbox: 35-thousand Turkish troops are on the island and stand ready to rip it apart. Despite the tension on the island, and the longstanding animosity between Greece and Turkey, it has been Greece which has shown a desire to move the peace process forward, sounding a conciliatory tone toward Turkey, a move which I commend and support.

While we work for an end to the Turkish occupation of Cyprus, we must do so within the context of a just peace. Peace should come with a full accounting of the atrocities committed against the Greek Cypriot community. Nearly 2,000 people, including 5 Americans, are still missing, unaccounted for, 23 years after the invasion; thousands of Greek Cypriots have been uprooted from their homes. We cannot allow more than two decades of human rights abuses to go uninvestigated.

A just peace, Mr. Speaker, is a lasting peace. The people of Cyprus deserve no less.

Mr. GILMAN. Mr. Speaker, today's special order on Cyprus comes on the eve of the 23d anniversary of the brutal invasion by Turkish troops. I congratulate my friend, the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order. As we observe this sad anniversary, the international community is still faced with the fact that in excess of 30,000 Turkish military personnel remain on the island to enforce an illegal partition and protect a self-proclaimed government that has been recognized by only one other country—Turkey itself.

Those of us in Congress who have supported a negotiated settlement to the dispute which has led to the division of Cyprus are painfully aware of the complexities of the issue, the injustices committed, and particularly the suffering over these many long years of the Cypriot people on both sides of the green line.

Indeed, Cyprus has become a code word for stalemate and intractability in international diplomacy.

Last week there occurred a new, positive development in Madrid on the fringes of the NATO summit. The Foreign Ministers of both Greece and Turkey met together under the auspices of our own Government and agreed on a set of principles to guide the resolution of disputes between our two NATO allies. The essential element of the statement issued by the Foreign Ministers is that disputes between Greece and Turkey are to be settled through peaceful means and will be based on the mutual recognition of their legitimate interests. While this communique was related specifically to disputes in the Aegean, I am hopeful that it will inaugurate an era of better understanding on all the issues that concern Greece and Turkey, including Cyprus itself. Although a resolution of the Cyprus problem depends first and foremost upon the will of the Cypriot people themselves, regardless of their ethnic background, certainly a better relationship between Greece and Turkey can play a critical role in helping resolve this vexing international dispute.

It is gratifying that the Clinton administration seems more interested than in the past in finding a solution for Cyprus. The announcement last month that President Clinton has appointed Ambassador Richard Holbrooke as Special Envoy for Cyprus is also promising. If Ambassador Holbrooke brings the same energy and determination to Cyprus as he brought to ending the conflict in Bosnia, it is hopeful that he will be able to convince the Cypriot people to put behind them their differences and work out a just and peaceful settlement.

The shape of a possible settlement is out there. I believe that both President Clerides and Mr. Denktash are men who can rise above the recent enmity that has developed between the two communities, and find a way to reunite the island based on mutual goodwill and confidence. We should all encourage the two leaders to make the most of the direct talks which began in New York last week.

Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. It is hoped that both sides will reach within themselves to find the resolve to settle this persistent problem. The Greek Cypriots have demonstrated flexibility and the spirit of compromise in recent rounds of U.N. sponsored talks. We call upon Mr. Denktash to demonstrate the same flexibility.

Twenty-three years is too long a time. There are now young people coming of age in Cyprus who know nothing other than the experience of living in a divided society. For this next generation what can guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement, and the people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

Mr. COYNE. Mr. Speaker, I rise today to commemorate the 23d anniversary of the invasion of Cyprus by Turkish military forces, and to express my support for U.N. Secretary-General Kofi Annan as he strives to bring a long awaited peace to this troubled island.

After 23 years, the people of northern Cyprus continue to be ruled by Rauf Denktash, who assumed control on July 20, 1974, with the assistance of 6,000 Turkish troops. There are still 1,619 people whose whereabouts remain unknown in the wake of the Turkish assault that captured 40 percent of the island. Of the 1,619 missing, 5 are United States citizens.

The United Nations has always recognized the Greek Cypriot Government as the legitimate government of the island, while Turkey remains the only country that recognizes Denktash's government and supports it with 30,000 troops scattered at military posts throughout the north of Cyprus. The Turkish Cypriot Government has continually refused to make progress toward a solution to the conflict.

In the past years, the international community has attempted to pressure Turkey to pull its hand away from the Cyprus conflict. Last year, the Clinton administration made an attempt to ease tensions by sending Special Presidential Emissary Richard Beattie to the region. Beattie's efforts were unsuccessful because neither Turkey or the Turkish Cypriot Government seemed willing to work toward facilitating change.

Last week, the United Nations brought the Greek and Turkish Cypriot leaders together in upstate New York for several days of talks. President Glafco Clerides of Cyprus and Rauf Denktash are meeting face to face for the first time in 3 years. The aims of the talks are to achieve a bizonal, bicommunal federation between the two sides. It is my belief that the United Nations, the European Union, and the United States should continue to keep pressure on the Turkish Cypriot leaders and the Turkish Government in order to facilitate a peaceful resolution to this conflict.

Mr. Speaker, the Cypriot people deserve peace and prosperity. Let us send a clear message that the United States Congress supports the United Nations efforts to bring pace to the people of Cyprus.

Mr. WELDON of Pennsylvania. Mr. Speaker, July 20, 1997, marks the 23d anniversary of the illegal invasion and occupation of the Republic of Cyprus by Turkey. The legacy of this invasion and subsequent division of Cyprus continues to this day, making Cyprus the only country in the world divided by a wall. Constructed by the invading Turks in an effort to divide the island, the Green Line, as it has become known, is a symbol of the ugly face of naked aggression.

This aggression came on July 20, 1974, in the form of 6,000 Turkish troops and 40 tanks. Turkish forces successfully seized 40 percent of the island which represented 70 percent of the Nation's economic health; 200,000 Greek Cypriots were forced from their homes by the invading forces, and to this day, 1,619 people remain unaccounted for—5 of them American citizens.

Turkey has since fortified its illegally obtained gains by placing 30,000 troops and 65,000 settlers in the land that rightfully belongs to the forcibly ousted Greek Cypriots. We simply cannot validate an unwarranted, unprovoked invasion of a peaceful, self-governing republic by allowing Turkish occupation to continue. The presence of the Turkish troops represents the continuing shackles of occupation and oppression and also demonstrates a gross violation of human rights and international law.

I am encouraged by the undaunted spirit and courage of the Greek Cypriots in the face of this occupation. That is why I hope that the 23d anniversary that July 20 signifies will rekindle American and international intolerance of aggression and inspire us to nullify the rewards Turkey has reaped as a result of this illegal action. The Greek Cypriots deserve this justice and I remain committed to efforts to deliver this to them.

Ms. LOWEY. Mr. Speaker, I rise this evening to pay tribute to a dubious anniversary. As we sit here, after 23 years of Turkish occupation of Cyprus, it is especially appropriate to recognize the struggle for the freedom of all Cypriots that has been waged for more than two decades.

It was over two decades ago that 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus, and more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Over two decades ago, and still Turkey has thousands of troops on the island. Over two decades ago, and we still don't know what became of the 1,614 Greek Cypriots and 5 American citizens missing since the Turkish invasion.

That is why I'm pleased that we have this opportunity today. Today, we remember what happened in Cyprus 23 years ago and we pledge to fight to end the occupation. Today, we also look toward the promise of the future. President Clinton recently demonstrated his commitment to solving this difficult issue by appointing Richard Holbrooke as the special envoy to Cyprus. I applaud the President for this decision and I hope that it will lead to a real solution for Cyprus. I hope that this time next year we will be standing here on the House floor celebrating the end of the Turkish occupation.

We must continue to fight against injustice in Cyprus. We must continue to provide aid to Cyprus to help that country deal with the terrible problems caused by more than two decades of Turkish occupation. And, above all, we must continue to keep the plight of the Cypriots on the minds of everyone around the world.

Ms. ROS-LEHTINEN. Mr. Speaker, this Sunday, July 20, we will be commemorating the 23d anniversary of a tragic day for the democratic people of Cyprus. That was the day in 1974 that a foreign army invaded and occupied the northern one-third of the island.

Since that time the Cypriot people have been struggling to regain their freedom and the House of Representatives and the American people need to be aware of the plight and the suffering of the people of Cyprus. Therefore, I am very pleased that Congressman BILIRAKIS has called this special order so that I may join with him and my other colleagues to bring the suffering of Cyprus to the attention of the general public.

We should note that there are encouraging signs of a growing commitment to find a peaceful resolution to this problem. The President has appointed Ambassador Richard Holbrooke as Special Envoy on Cyprus. Ambassador Holbrooke played a key role in bringing the warring factions in Bosnia to the peace table and to agreement on the Dayton peace agreement. Ambassador Holbrooke, along with the ongoing effort by the United Nations and the European Union member countries, will try to finally bring the 23-year-old dispute to a peaceful resolution.

A peaceful resolution to the Cyprus problem is not just in the interest of the Cypriot people. As a country at the cross roads of the great civilizations of Europe and the Middle East, Cyprus has long been an island where people from all these civilizations and cultures mingled freely and in harmony. Cyprus can and needs to play a stabilizing role in this volatile region of the world, as it once did before. That would be in the United States interest, as well as in the interest of the Cypriot people.

But no peaceful resolution will ever succeed while a foreign military force occupies the northern one-third of the island.

The people of Cyprus understood their cultural diversity and were able to live peacefully together for hundreds of years. Outside forces intervened and then invaded Cyprus, caused the division of the island by barbed wire.

Many thousands of Cypriots were forced to leave their homes and have since been prevented from returning. Hundreds, called the enclaved, remain in the military occupied northern part of the island and are suffering many human rights violations under police-state conditions. They are prevented from freely communicating with or meeting with each other or the outside world. These Greek Cypriots, many of whom are elderly, are forced to send their children away to school and suffer many deprivations and hardships and human rights violations.

I filed legislation in the last Congress and am prepared to refile it if a peaceful resolution is not found to relieve the suffering of the enclaved. This legislation would this redirect United States foreign assistance away from the country who maintains a military force in northern Cyprus and redirect that assistance to the suffering people of the enclaved.

Within the last 12 months, the situation had temporarily become very tense and threatened to escalate which could have set off an international chain reaction, causing many deaths. Thanks to the efforts of cool heads, tensions were reduced. But the world can ill afford to allow the forcibly divided Cyprus situation to continue much longer. We must find a way to find a peaceful, lasting, and real resolution to this problem.

I thank the Greek-American community for bringing the plight of people of Cyprus to our attention and for their ongoing efforts to reunite the island of Cyprus. Recent signs are encouraging but a resolution to the CYPRUS problem remains elusive. We must all keep up the pressure on the Clinton administration and the United Nations and the European Union.

I wish to commend Ambassador Holbrooke and the administration for their efforts thus far and urge them to continue their good work on the crucial problem of Cyprus.

I congratulate my fellow Floridian Congressman BILIRAKIS, for being the guiding force in Congress to bring this issue of peace and true freedom for all of Cyprus to the attention of the House and the general public.

Mr. VISCLOSKY. Mr. Speaker, I rise today to mark the 23d anniversary of Turkey's invasion, and subsequent occupation, of Cyprus.

In 1960, Cyprus gained its political independence from the British Empire. Fourteen short years later, however, this independence was shattered when 6,000 Turkish troops and 40 tanks invaded the north coast of Cyprus and proceeded to occupy nearly 40 percent of the island. The ensuing fighting killed thousands of Cypriots and forced hundreds of thousands from their homes. Today, there are 1,619 people still missing, 5 of whom are U.S. citizens.

Twenty-three years after the invasion, we gather to remember those who died and to ensure that the world never forgets that Cyprus is a land divided. More than 35,000 Turkish troops continue to occupy Cyprus in violation of international law. A barbed wire fence cuts across the island, separating families from their property and splitting this once beautiful country in half.

I am pleased that President Clinton has taken positive steps to resolve the situation in Cyprus, including his recent appointment of Ambassador Richard Holbrooke as a special envoy to Cyprus. I strongly encourage Ambassador Holbrooke to hold Turkey accountable for its brutal occupation of Cyprus and to ensure that the island is returned to its rightful owners.

The occupation of Cyprus is one of the reasons that I offered an amendment to the Fiscal Year 1997 Foreign Operations appropriations bill that would have effectively cut $25 million in United States economic aid to Turkey. This amendment, which the House overwhelmingly approved by a vote of 301 to 118, sends a clear message to Turkey that its illegal and immoral occupation of Cyprus will not be tolerated by this country.

Mr. Speaker, I am proud to join with my colleagues in standing up against Turkish oppression in Cyprus. I would especially like to extend my thanks to the gentleman from Florida [Mr. BILIRAKIS] for his tireless work to ensure that the people of Cyprus are not forgotten. Twenty-three years is a long time to wait, but it is my sincerest hope that our actions will help persuade Turkey to end its unlawful occupation of Cyprus.

Mr. ANDREWS. Mr. Speaker, this week marks the 23d anniversary of Turkey's invasion of the peaceful, self-governing island of Cyprus. For 23 years, Turkey has tried to make the island its own. It has attempted to do this by installing 80,000 illegal colonists, by maintaining over 30,000 heavily armed troops on the island, and by moving 200,000 Greek Cypriots from their homes. Through 23 years of hardship, the people of Cyprus have held on to a hope for peace and for the return of their island. Their purpose has not been revenge, but negotiation and reconciliation. Here in the House of Representatives, we have the opportunity to help the cause of justice. Several colleagues and I sent a letter recently to the President outlining our concern for the delicate peace process in Cyprus. We wrote welcoming the appointment of Ambassador Holbrooke as Special Emissary for Cyprus, and what we believe a lasting and peaceful solution should look like: a reunited country, with a strong federal system; a democratic constitution which would insure the rights of the minority; and guaranteed property right and free travel. I then went one step further and wrote directly to Ambassador Holbrooke and asked him the following two questions: First, if the Turkish Government fails to negotiate in good faith, what actions, sanctions or otherwise, is the United States prepared to take? Second, if the Turkish Government fails to negotiate in good faith, what incentives will the United States provide Turkey, in recognition of this major step forward? While I have not yet received a response to my questions, there is no doubt in my mind that this Congress can have a positive effect on the outcome of peace for the island nation.

I urge my colleagues to cosponsor H.R. 388, legislation I have introduced that would cut off all economic and military assistance to Turkey until that country complies with several conditions, including progress toward withdrawal from Cyprus. As saddened as I am by their plight, as dismal as their treatment by a foreign force has been, we should all be inspired by the patience, courage and faith shown by the people of Cyprus. Let us make this the year when the people of Cyprus once again can govern themselves with peace and dignity.

Mr. LEVIN. Mr. Speaker, I want to thank my esteemed colleague from Florida, Mr. BILIRAKIS, for organizing this special order on the 23d anniversary of the Turkish invasion and occupation of Cyprus.

In 1974, Turkey launched an invasion of the island of Cyprus that resulted in thousands of deaths, the displacement of over 200,000 people from their homes, and the occupation of 38 percent of the island of Cyprus by Turkish armed forces.

Today, over 35,000 Turkish soldiers and 80,000 Turkish "colonists" occupy the northern portions of the island. They are divided from the Greek-Cypriots by a barbed-wire fence referred to as the "Green Line." This buffer zone is patrolled and maintained by a 1,160-strong U.N. peace keeping force. Periodic outbreaks of violence have broken out along this dividing line. Just last year, an unarmed Greek teenager bled to death after being shot by Turkish troops within sight of peacekeepers. The peacekeepers attempted to rescue the youth, but were fired upon from the Turkish side.

The United States must work to put a stop to this cycle of violence and separation.

I am encouraged by President Clinton's appointment of Ambassador Richard Holbrooke as our Nation's Special Emissary to Cyprus. It is my hope that this, along with renewed efforts by the United Nations and the European Union, will help bring an end to the long entrenched disputes that separate the two sides.

I am also encouraged by the renewal of talks in New York between Greek Cypriot President Glafcos and Turkish Cypriot leader Rauf Dentkash. While the two remain far from an agreement, the leaders have at least resumed a dialogue and agreed to additional talks in Nicosia, the capital of Cyprus, and in Geneva later this year.

According to U.N. Special Envoy Diego Cordovez, the two agree that a settlement is necessary for Cyprus to survive, but still disagree over the particulars of what should be included any final agreement. My hope is that the talks will result in a settlement that includes the complete removal of all foreign forces from the island and the establishment of a free and fair democratic government that represents the interests of all the island's citizens.

In the absence of such an agreement, I would urge the two parties to again consider the option of demilitarization of the island. This could be used as a first step to build confidence between the two sides and remove negative foreign influences from the equation.

Mr. DOYLE. Mr. Speaker, today marks the twenty-third anniversary of an extremely troubling event; the invasion and occupation of the northern part of Cyprus. This takeover was an escalation of unrest and violence that Cyprus had been experiencing since it gained independence from Great Britain in 1960.

As a result of this tragic event, 1,614 Greek Cypriots and five Americans have been missing since the 1974 invasion. In 1996 the Turkish Cypriot President Rauf Denktash, reported that the missing Greek Cypriots had been handed over to Turkish Cypriot fighters who carried out revenge massacres, killing all of those who were missing.

Turkish troops now occupy thirty-eight percent of Cyprus, a segment that is recognized only by the State of Turkey. This occupation has led to the dislocation of thousands of Creek Cypriots from their hometowns, friends, and families. This is an unacceptable situation, and our Nation should act decisively to right this wrong.

The situation in Cyprus continues to get worse. In 1996, the violence in Cyprus reached it's worst level since the 1974 invasion. Violence in the buffer zone increased in 1996 as many supporters from both side were killed throughout the year. In addition to the increase in violence, the Greek Cypriots have begun purchasing SA–10 missiles from Russia, which they will begin receiving in February 1998. This has increased tensions, as the Turkish Cypriots insist they will maintain their troops in Cyprus as the level and the rate of increase of arms in Cyprus continues to increase.

Tolerance and reconciliation needs to be stressed to find a solution to this crisis. Again, I urge that we take the necessary steps to obtain a favorable constitutional and territorial settlement.

Mr. FILNER. Mr. Speaker, I rise today to commemorate an unhappy anniversary—the Turkish military invasion of the Republic of Cyprus in July 1974. Mr. Speaker, it has been twenty three years—the occupation remains in place and the suffering of the people of Cyprus continues.

When the Turkish armed forces invaded Cyprus twenty three years ago, the people of Cyprus were driven from their homes and villages, brutalized, and over 1,600 people—including 5 American citizens—were never heard from again. Since that time, the Turkish military has maintained a barbed wire border, with an occupying force of 35,000 troops, called the green line that cuts through miles of countryside.

Mr. Speaker, Greek-Americans in my home town of San Diego and across the United States also share in the agony created by the occupation of Cyprus. They agonize about missing friends and family, the destruction of the Greek-Cypriot culture and the denial of access to ancestral homelands now occupied by the Turkish army.

These people have suffered too long. It is time for the Turkish occupying force to leave and it is time to allow the people of Cyprus to establish a true and united democracy.

The momentum for a real solution to this tragic situation is developing. Negotiations between the parties are proceeding and President Clinton recently appointed Ambassador Richard C. Holbrooke as his Special Emissary for Cyprus. I agree with him that the time for a peaceful solution to this problem is long overdue. We must work to put an end to this occupation and I urge the parties to continue their talks until a peaceful settlement is agreed to. The time for the withdrawal of Turkish troops from Cyprus is now and the need is urgent. The green line that separates the people of Cyprus must be erased forever.

Mr. ACKERMAN. Mr. Speaker, this week marks the 23d year since the brutal partition of Cyprus, yet the focus of the international community and the Congress on a resolution to this tragic separation has not lessened. If anything, attention on the plight of Cyprus has heightened recently. In 1996 we unfortunately witnessed the worst outbreak of violence since the invasion in 1974. In January of this year the Clerides government signed a contract to purchase Russian S–300 air defense missiles. These factors combined threaten to introduce a new and destabilizing element in the mediation process, and has generated a sense of urgency in the efforts towards achieving a viable settlement. Indeed, the role of the United States in pressing for peace on the island has become even more vital to ensuring the creation of a stable, secure and free Europe.

On June 4, President Clinton named former U.S. Assistant Secretary of State for European and Canadian Affairs, Richard Holbrooke, as Special Presidential Envoy for Cyprus. I wholeheartedly welcome that appointment. As one of our most capable negotiators, Mr. Holbrooke's appointment demonstrates the United States' commitment to help support a final political settlement on Cyprus. I also want to commend the Clinton Administration's announced determination to support the peace brokering efforts of the United Nations, as well as ensuring that 1997 is the year of the "Big Push on Cyprus." I am also delighted to note that the Greek and Turkish-Cypriot leaders, Mr. Clerides and Mr. Denktash, convened recently for U.N.-sponsored direct peace talks. This step can only serve to bear further positive fruit.

There is no doubt about the necessary role that the U.S. Congress must play in assisting the parties in reaching a just and peaceful resolution. That is why I cosponsored House Concurrent Resolution 81, introduced by International Relations Committee Chairman BEN GILMAN. This bill reaffirms that the status quo on Cyprus is unacceptable and detrimental to U.S. interests. The resolution also calls for the complete demilitarization leading to the withdrawal of foreign occupation forces, as well as the cessation of foreign arms transfers to Cyprus—all necessary and vital actions that must be undertaken before any settlement is reached.

The time is ripe for one of the world's most intractable conflicts to disappear into the dustbin of history. In fact, NATO's efforts to expand and redefine its role in the post-cold-war era require that the Cyprus conflict be resolved. As a worrisome source of friction between Greece and Turkey, NATO's anchors in the eastern Mediterranean, it serves as a thorn in the side of the greatest alliance ever forged.

I conclude by reiterating Secretary Albright's remarks that Cyprus is a valued partner in the fight against the new global threats of proliferation, terrorism, illegal narcotics, and international crime. Cyprus and the United States share common values and are committed to building a world based on open markets, democratic principles and the rule of law. These ties demand that the United States continue to work towards assisting the two Cypriot communities in reaching a just and secure peace.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1031.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2169, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mrs. MYRICK (during the special order of Mr. BILIRAKIS), from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–189) on the bill resolution (H. Res. 189) providing for consideration of the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

A MESSY DAY IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, it has been a messy day here in the House of Representatives. Today is July 17. We are certainly midway through the work of this first year of the 105th Congress, and it was most unfortunate that we started the day by pulling a bill which would have reauthorized vocational education assistance, and stopped the forward movement of that bill because there was an amendment on the bill which called for a retention of provisions in the bill which would have encouraged local governments and local education agencies to continue to emphasize vocational-technical education for women.

It was most unfortunate that with the overwhelming support that that amendment seemed to have, which merely wanted to continue what was going on already, that it led to the majority suddenly pulling the bill from the floor and refusing to let the House work its will on a bill which would have provided fair treatment for women in vocational education and technical education programs. In an era when technical education is very much in order, and women certainly can do as well as men in some of the high tech areas that offer the most opportunities for the future, the highest pay, we are not willing to have our own Vocational Education Assistance Act reflect the fact that we want maximum opportunities for women.

So that was an unfortunate start of the day. It has been an unfortunate week in that same manner.

Two days ago we refused to allow the House to work its will on a vote, up or down, on the National Endowment for the Arts. The National Endowment for the Arts seems to upset a small band of Members in the House of Representatives. They insist on harassing and pursuing the National Endowment for the Arts, despite the fact that the overwhelming majority of the American people support the National Endowment for the Arts and support the National Endowment for the Humanities, overwhelmingly.

And the Members of Congress, if given a chance to vote yes or no on the funding for the National Endowment for the Arts, would certainly keep its funding at the present level. We were not allowed to do that. This is a week that the majority chose to use its overwhelming powers, because it is the majority, to manipulate the process, and by one vote we lost on a procedural vote that would have given us the opportunity to vote up or down on that important matter.

Later on today we also experienced the intense annoyance and anger of the minority, the Democrats in the minority of the House, because in the agricultural appropriations bill that was about to come up, the same kind of treatment we had received in some other bills this year and in the NEA vote was being manifested. The ranking member of the agriculture subcommittee of the Committee on Appropriations, the ranking Democrat was not allowed by the Committee on Rules to present an amendment that she had requested.

The power of the majority is certainly great enough to stop on this floor most of what they want to stop and to promote and push what they want to push, past it, but we ought to at least have the opportunity to go on record on certain votes, and we are being denied that. So we had a very messy end to the day, at a point where really we do not have much time left before we adjourn on August 1st.

We are moving to pass appropriations bills. Appropriations bills are the most important bills, probably, that we pass, in that they are the ones that provide the funding to keep our government activities going, and we are going to be rushing through those things in the next 10 working days of Congress.

We also have in the background negotiations going on which are very important, vitally important negotiations on the expenditure plan that was passed by both Houses, negotiations on the tax package. That is ongoing.

We know that those important processes are in the works, and worry about the fact that we are going to be pushed against the wall and stampeded at the last minute on those packages if we do not change the way this House operates. The majority does not, again, respect the will of the minority.

There is another problem also beyond the procedural questions, and that is, I lament the fact and a number of my colleagues lament the fact that the tax and expenditure package, the appropriations bills, as they come up are zeroing out or refusing to even discuss and consider certain important matters that ought to be on the agenda. In this 105th Congress, when we enter a situation where we started out with a lot of talk about bipartisan cooperation, especially in the area of education, I suppose one of the most disappointing absences is the fact that the education initiatives that have been proposed have been watered down so and some are not even on the agenda.

The most important, disappointing absence, in my opinion, is the one related to the school construction initiative. That is not even in the tax package or the expenditure plan which the

President and the two Houses are negotiating now. We are grateful for the fact that the President at least has kept the school construction initiative alive by listing it among his priorities. The trouble is that the President has a long, long list of priorities, and we wonder how high on the list the school construction initiative will be.

We also wonder about the fact that the empowerment zones which mean so much to our urban areas, since nothing else has been offered in the last 10 years to deal with very pressing problems in our urban areas, the empowerment zones were considered to be a reasonable answer because both parties would support it since it was a combination of the private sector, the government sector and there was a lot of talk about this is the way of the future, but empowerment zones are not in the package either at this point, except for the President's priority list.

So I guess we will have to be grateful for the President at least keeping these things in the discussion. They are not in the House bill or the Senate bill. Therefore, they would not be on the conference table. So the fact that the President has tax incentives for school construction on the list of items for his tax cut proposals, and he has deductions for K through 12 computer donations on his list, and he has brownfields empowerment zones and enterprise zones, expansion of these in his package, we are grateful for that. We are holding on by a thread.

These are very important matters and I think to shift to the most important area, that is the area of education, not only the most important but the most universally approved area, the area that everybody agrees we need some forward movement on by the Federal Government, that area also has been pushed into the background. It is almost a certainty that very little is going to happen except in the area of higher education, because the President has made that his highest priority and certainly something very new, however inadequate it might be, is going to happen with respect to higher education.

Our concern for K through 12, however, grows greater because we see less and less discussion or talk about how to move to provide more Federal Government encouragement of the improvement of schools, even in the area that the President, this administration has staked out great interest, and that is telecommunications, education technology and computers.

Even in this area the present movement is kind of feeble. They are going to allow deductions for K through 12 computers. The President has in his list an allowance for deductions by corporations and businesses for K through 12 computer donations. About $300 million is proposed to be allowed over a 5-year period. That is a far cry from what is needed in this area.

□ 1800

In other words, education, I had great hopes for because there was great agreement between the two parties that education should be a priority. So I thought the fact that education is considered a priority by both parties would mean that it would be reflected in the tax package and also in the expenditure package, and it really is discouraging to find that that is not the case.

Maybe we should not give up hope. In fact, I will not say maybe. I want to urge all of those who care about education, which is the overwhelming majority of the American people, not to give up hope, because we were in worse shape, probably in July 1995 when proposals were being made that the Department of Education be totally abolished.

At that time proposals were being made to cut certain federally funded education programs by as much as almost $4 billion. So we held on, we persevered, we insisted that the will of the people, that the polls showing the will of the people be honored. And finally, in the election year 1996, there was a turnaround and education did get a great deal of attention. Instead of the $4 billion cut that had been proposed in 1995, there was a $4 billion increase in 1996.

Some people might say, if they are listening, that they have heard me say this many times before. I cannot say it too often. It was an amazing feat that the party in power decided in an election year, but before the election of 1996, to increase funding for education by $4 billion. It was an amazing feat because it represented the triumph of common sense.

We had been talking all along about the fact that we needed to give more attention and more funding and more support for education. The polls had shown it all along, but the leadership, those who were in charge, refused to recognize it until they were faced with the possibility of losing an election. And, of course, it is to their credit that they understood that at the last minute they had to turn around.

So we had an increase of $4 billion for education programs in the fall of 1996, which leads me to encourage my colleagues to hold on. Because in the fall of 1998 we may witness the same kind of resurrection of an understanding of what the priorities are. We may witness the Republican majority being born again in 1998. In order to do that, we have to be diligent. We have to persevere.

We never let up in 1995 and 1996 on the issue of education. We followed the issue right through the proposals to cut the school lunch programs, all the way down to the various proposals to cut Head Start, to cut title I. We brought the issue to the public again and again in order to let the public know what was happening, and they responded with common sense that got through to the majority and they turned around.

Let us stay on the message of the need for a school construction initiative. Let us stay on the message that it is a small amount compared to the total need. Five billion dollars is what the President proposed. Five billion dollars was under discussion for school construction, mainly in loans, low-interest loans that go to localities and States. It was not adequate, but it was at least a beginning.

To have that beginning snuffed out is not acceptable. So keep it in mind. It is a matter of common sense that the deteriorating schools represent one of our greatest problems. The physical deterioration of schools is not just a New York problem.

I have talked before about the fact that in New York it is astonishing that we still have almost 300 schools that burn coal. They have coal furnaces, and the coal is spewing smoke and substances into the air, which are toxics, of course, and New York has a high rate of asthma among young children.

We have a clear correlation between something that is being done by government-owned buildings, and in this case government-owned buildings that are a part of a program to help children, which are very detrimental to the health of children. We have at least 300, almost 300 of 1,000 schools in New York that still have coal-burning burners.

There is an initiative, which I have just read about in the New York State Legislature, which I want to applaud, to float a bond issue for school construction. I hope that that moves beyond talk in the legislature. It is not as much as is needed, but it may be that the States can prime the Federal Government.

We cannot go it alone. Most States and localities cannot go it alone. But if there are some initiatives at the State level, it might embarrass the Federal Government, it might embarrass the majority here in the House and Senate in order to make them begin to reconsider and move forward.

But the public, the voters, the people with common sense must continue to hold on and understand the seriousness of the situation. There are schools, of course, that have lead poisoning problems, there are many schools which have asbestos contamination, and there is a great space problem, which I have enumerated many times here in connection with New York City. And what happens in New York City is not so different from other big cities.

The fact that these things are pushed aside is very disturbing, because it is not a matter of it costs too much money. The $5 billion over a 5-year period, when compared to other programs, does not amount to much money. They are almost not even arguing the issue of it is too much money anymore.

There are philosophical arguments offered, like the fact that if the Government gives help to States and localities for school construction, it is an unprecedented intervention and an intolerable intervention into the local and State government matters. I think that is ridiculous. Education is not merely a local and State government matter. Education impacts on everything, including our national security.

We have gone through those arguments, and we have had a great deal of involvement of the Federal Government in the jawboning about school improvement. It is time we continue to increase the resources that are provided by the Federal Government.

There is no need to worry about the Federal Government taking over education. At this point the Federal Government only spends between 7 and 8 percent of the total expenditure for education overall. That includes higher education. So the percentage of the Federal Government's involvement in local education is less than 5 percent. And if it was increased greatly, even to 15 percent, it certainly would not mean that the Federal Government could control what happens in terms of decisions, or even up to 25 percent.

I advocate strongly that we move in the next 5 years toward a 25-percent involvement of the Federal Government in education funding. That would be a radical increase, but it is necessary. Even if we had 25 percent of the expenditures, and 25 percent of the funds were provided by the Federal Government, it still leaves 75 percent to be provided by the States and the local governments.

If we want to divide power along the lines of money, that means that the State and local governments would still have 75 percent of the power to make decisions. If they have 75 percent of the power to make decisions, they would not have to worry about anybody else. So I do not think the argument that the Federal Government's involvement in providing resources means that they would take over or be a detriment to decision-making at the local level holds any water at all.

What it is, unfortunately, at the other end, is kind of an abandonment of the issue of the problem of education, abandonment of schoolchildren, while, at the same time, we are spending enormous amounts of money for other kinds of things that are far less necessary.

For example, the B–2 bomber. One of the votes that took place last week, which would be upsetting to most of us, common sense would dictate that we did the wrong thing, was a vote on the B–2 bomber. The B–2 bomber is not needed, according to the President. The B–2 bomber is not needed, according to the Joint Chiefs of Staff. The B–2 bomber is not needed, according to the head of the Air Force. The person in charge of the Air Force says we do not need it, the President says we do not need it, the Joint Chiefs of Staff say we do not need it. Still, we come to the floor and disregard all of that and vote to keep funding a B–2 bomber, the cost of which will escalate as they move into production, and it increases.

My colleague, the gentleman from California [Mr. DELLUMS], stood on the floor and outlined how we are talking about $28 billion that will be needed more in the budget in future years at a time when the budget will be set. And if we are to balance the budget, that means that $28 billion worth of other programs would have to come out of the budget in order for the B–2 bomber to be accommodated. Despite the fact that we clearly understood the mathematics and the arithmetic, the B–2 bomber was voted for continued funding.

So it is not a matter of money, it is a matter of attitudes. And those attitudes are what we have to confront. The attitudes have nothing to do with common sense. The attitudes have nothing to do with scientific reasoning, certainly. They have nothing to do with logic. Logic would dictate we do not continue to build bombers that military authorities do not want.

But of course there are some Neanderthal considerations, like the fact that contracts are given out to factories and manufacturing firms and so forth who produce the B–2 bombers and they have spread around the production of the parts in various States and localities. Everybody sees themselves as having a piece of the pie. Whether the pie is good for America or not, they have their piece so they vote to continue the funding of the B–2 bomber, while we do not fund or refuse to provide even a measly $5 billion over a 5-year period for school construction.

Two weeks ago, I think it was June 28, there was a documentary on television. It was not national, unfortunately. I think it was a local television station in New York, Channel 7. I wanted to congratulate Channel 7 on that excellent documentary. It was just a 30-minute documentary about Class 104. Class 104 is in some school in New York, an actual school.

I want to congratulate the board of education for letting Channel 7 come in and film what was going on in the school. It is a first grade class that is overcrowded, 42 children in a first grade class, and they were documenting the dilemma or the problems faced by a teacher of 42 children in a first grade class.

Just to move around the room was a problem. And then, of course, they very sensitively zeroed in on three children, to talk to their parents, and to get an example of what does it mean to be in this class with 42 children competing for the attention of one teacher.

And it was an excellent production and I urge that my colleagues contact Channel 7, which is an ABC affiliate in New York, and maybe they will send a copy of the documentary on Class 104 and what it means to have children in an overcrowded situation who are that young.

There was one very sensitive young man who was totally lost and beginning to hate school despite the fact that he had a high IQ, very intelligent. He was off to the wrong start and beginning to hate school.

There was another young lady who was very aggressive, and she was only becoming more aggressive because of the fact that in order to get the teacher's attention she had to be aggressive and do things that forced the teacher to pay attention to her. She was doing much better than the sensitive young man who was not aggressive.

Children should not be put into a position where they have to fight for the attention of a teacher. That kind of abandonment represents a kind of institutionalized brutality, a child abuse that is institutionalized. We know if we put 42 children in a first grade class it means that children will be kind of brutalized and yet we do it.

I want to make a connection here at this point with another issue, and that is the issue of the apology that I talked about some time ago that received a lot of very intense response. The apology that was proposed by the gentleman from Ohio [Mr. HALL] in a resolution that the Congress apologize for slavery. It caused a lot of furor.

These issues that are taking place right now in terms of appropriations and budgeting, of tax expenditures, the abandonment of certain areas, certain populations, the abandonment of certain programs, the willingness to run and vote for a B–2 bomber while we cannot find it possible to vote for school construction, while we cannot find it possible to vote for empowerment zones. It all relates to the fact that we have sort of stumbled and lost our way at this point in America.

There is a connection between the furor, and there was a lot of upset people about the proposal by the gentleman from Ohio that we apologize for slavery, that Congress apologize for slavery. I have connected the two.

And I was shocked to find that a poll cited on "Nightline" stated that more than 60 percent of whites were angry about the idea and said there should not be an apology for slavery. At the same time more than 60 percent of the blacks said, yes; it was a good idea. Even though it was not originated by blacks and the Black Caucus is not the sponsor, it is the gentleman from Ohio [Mr. HALL] and a group of well-meaning individuals, who deserve to be applauded for what they have done.

It is not a power play, but a very sensible kind of approach to providing healing and reconciliation in a situation that needs more healing and reconciliation. But it set off a furor. And the fact that 60 percent of whites in America, their first reaction, and I hope that that reaction will change, I hope that was the first reaction and that they will stop and consider and that that will not be the reaction a few weeks from now, or certainly a few months from now, after more thought is given to the power of the apology exercise. But the fact the initial reaction was that way is part of the problem in terms of decision-making here in the Congress.

☐ 1815

This is a reaction which tells me that people are ready to move to forget anything related to a special sector of the population. Anything that you attach to the descendants of slaves, the African-Americans, anything you attach to them gets hostility. And that is an even greater argument for having the apology exercised, for having a discussion of it, because we still are getting this automatic, almost instinctive hostility:

Why should we do it for the blacks, for the African-Americans? Why should we have a school construction initiative which is primarily going to benefit the inner-city communities where African-Americans go to school? It may not be the indication, but that is the reasoning. Why should we have a welfare program which really provides jobs and training and moves people along the road to establishing some dignified connection with the mainstream economic system? Why should we have that if it is going to blacks?

That is the underlying current there that needs to be dealt with, that we still think that there are deserving Americans and undeserving Americans. And anything that relates to African-Americans, the first reaction is that they are undeserving Americans; they do not deserve empowerment zones, they do not deserve school construction initiatives that might benefit them in education, they certainly do not deserve an apology. Apology means we have got to recognize the problem.

The gentleman from Ohio [Mr. HALL] did not talk about reparations or anything complicated, just a apology. But the instinctive reaction means that they understand the apology needs recognition, they recognize that there was a problem, and if they have a problem, they might have the obligation to seek a solution.

Well, so be it. Apology does mean that we recognize that there was something that happened in the past that ought to be recognized as a problem. The impact of that on people in the present is something we can debate. As we debate it, we may come up with an obligation to seek a solution to the fact there was a great impact.

Two hundred thirty-two years of slavery had an impact on the descendants of slaves. I mentioned before that the first impact is that none of them could inherit anything. Two hundred thirty-two years, from one year to another, one generation to another, nothing was handed down.

We know from studies that have been documented that most wealth is accumulated from inheritance. Big millionaires and lucky guys who find gold mines and oil fields, that is something else. Most wealth in the world is generated by one generation passing on to another, handing them down, sometimes in small amounts. Small amounts accumulate. People have capital and then invest it.

But if we go back in the genealogy, trace economic genealogy of people, we will find that those who have the benefit of this, which is just about all Americans except two categories, they have been the beneficiaries of inheriting property, inheriting pots and pans, of accumulating enough to use that as a jump-off point for something else; and that is the way wealth in America has moved, and most nations have, moved in the same way. It is passed down from one generation to another.

The native Americans, of course, who owned the land when the Europeans arrived here, that is not the case. It was kind of a reversal. The land was taken away from them in many cases and they could not pass it down. Certainly the African-Americans whose ancestors were born in chains against their will, and then they were forced into labor and the accumulation of wealth, none of that wealth was shared with them. They were not paid for their labor.

So nothing was passed down for 232 years by African-Americans, the descendants of a people who, in the long chain of the Nation, could not pass down that kind of wealth. So it means that we arrive at this point in history with a deficit that has to be recognized.

All these kinds of complicated issues would not be put on the table if we recognized that there was a great criminal enterprise called slavery and it generated these kinds of problems. We can have a search for a solution now, however, in an atmosphere which is not so tense and stressful.

We could not propose such an apology after the end of the Civil War. We could not propose it even 100 years later as we moved into the fight to end legalized segregation and Jim Crow. But why can we not propose it now? Why can we not entertain a discussion of apology for slavery and the implications of it at this point of history?

We are sort of at a pinnacle right now. Consider what is happening right now in 1997 in America. The stock market, Dow Jones Industrial index at 8,000, unprecedented activity on the market. The dollar is stronger than ever before against the yen and mark. We are rated against our competitors economically, doing much better. Our economy is outperforming. We have licked inflation. Employment is moving forward despite the low inflation.

We are on a mountaintop. America is on a mountaintop. We do not have an evil empire to fight anymore. Peace might exist for many decades to come or maybe even for hundreds of years. This is a point in our history where we should not be squabbling about the NEA's funding or about vocational education not having a provision which takes care of women and peculiar problems that they have had in the vocational education area. We should not be squabbling about those things.

We should not be passing legislation which obligates us for billions of dollars for B-2 bombers, while we at the same time cannot conceive of the fact that we should have more money available for education in the form of school construction.

We ought to be able to relax, to use our reason to its maximum. We ought to be able to relax and have the leaders in Congress listen to the people. The polls out there show that the people, with their common sense, still think education is the high priority. I do not think that they have defense as high as education at this point on the polls.

Nobody is more familiar with the polls than the people who are in the political leadership here, or we politicians in general. We know what polls are all about. We listen to polls. And yet the polls that clearly show the popularity of education and the Federal Government's involvement in education are being ignored systematically all the time. Only at election time in 1996 did they bother to listen in order to save their skins at the polls.

Now that we are a year and a half away from an election, nobody wants to deal with the problems of education that the rest of the American people overwhelmingly want to deal with. So we are at a pinnacle, we are at a very advantageous spot.

Why can we not listen to the polls, listen to the mind of the American people? Why can we not entertain and even invite a discussion of very controversial issues that might open the door for reconciliation and healing?

The whole matter of the apology for slavery is one of those things that might open the door that takes us forward into the 21st century with a new kind of mind-set. The present mind-set, as I said before, is unfortunate when we have 60 percent of whites who automatically think it is a bad idea.

It is all right for the Germans to apologize to the rest of Europe for what was done in World War II. It is all right for the Swiss to apologize to the

Jews for their conspiracy with the Nazi government to take their gold and their deposits away from them. It is all right for the Japanese to apologize for what they did in Asia. But suddenly the idea of apologies upsets us a great deal.

I want to just drive this home by reading a very disturbing article that I read, by a top-flight columnist for the New York Times. I have read other columnists who also thought the idea of the apology was ridiculous and attacked it with great passion and vehemence.

Mr. Russell Baker's column of July 1, 1997, in the New York Times follows in the same vein. Mr. Baker is a brilliant writer, and although I often do not agree with him, his writing is always entertaining. Mr. Baker is extremely competent, intelligent, knowledgeable; and that is why his article is even more disturbing.

I am just going to read a few quotes from Mr. Baker's article about apologizing, because I find it very, very interesting about these people who get upset and outraged by the notion that they are being asked to apologize. I do not know what kind of family values they have or what kind of upbringing they have.

But I remember very well my mother once told me, after I had stepped on a little girl's foot as I was rushing to get, I think it was a church picnic and they had ice cream. I was rushing and stepped on a little girl's foot and she started crying. I hurt her foot, and my mother said, "Go apologize." Well, my first thought was, apologizing is something that is not going to help her. I stepped on her foot. It is hurting. My apology will not help her at all. I said to my mother, "I'm sure she's all right. Why should I apologize?" She said, "Go apologize."

If I had not gone and apologized, I probably would have been sort of slapped across the mouth or roughed up a little bit, because my mother would want her child to acculturated in that way to understand apologizing is part of the process of being a civilized human being. It is not a time to get into the logic of apologizing will not help her foot, apologizing will not ease her pain.

But here arguments are saying apologizing will not ease pain, so it is ridiculous. Do we raise our children that way? But the argument comes across from a number of columnists that it is ridiculous because it cannot go back and undo the hurt.

Anyway, let me just do Mr. Baker the honor of quoting from his article, straight from the New York Times, July 1, 1997. It is entitled "Sorry About That," which is already a little sarcasm introduced. It is arguing that apologizing for slavery would show great sensitivity. "Why anyone would propose such an aimless exercise, except to demonstrate great sensitivity, is hard to say."

Now, if I had said to my mother, "Why should I go back and apologize? All I am doing is demonstrating great sensitivity," she would have thought that she made a great error in the way she raised me, or she would have thought it was time to get to work disciplining me to show great sensitivity, part of being a human being. Why do we want to say it is an aimless exercise? But that is what Mr. Baker says here. "Why anyone would propose such an aimless exercise, except to demonstrate great sensitivity, is hard to say."

To continue quoting Mr. Baker: "Both parties to the slave and owner relationship being long dead, there could be nothing more grotesque than the generation of white yuppies apologizing for the sins of long-buried ancestors."

I do not know where he got the "generation of white yuppies." The U.S. Congress is not a generation of white yuppies. We are the government. We are representatives of the government. Everybody is the government, but we are the spokespersons for the government; the government that was there in 1776, however different it might have been; the government that was there in 1865, when the Emancipation Proclamation was signed. I mean not the Emancipation Proclamation, when the Civil War ended. This government was there when the 13th Amendment that freed the slaves was passed. We are still part of the same government, so I do not know why we suddenly have become white yuppies.

But to continue quoting from Mr. Baker: "Surely, no sensible descendant of slave forbearers look on such a spectacle without disgust for the hypocrisy of it." Again, "Surely, no sensible descendant of slave forbearers look on such a spectacle without disgust for the hypocrisy of it."

Well, Mr. Baker is clearly wrong. Sixty percent of the descendants of slaves said they thought apologizing was a good idea. According to the polls that had been reported, 60 percent of the slave descendants, I being one, see nothing wrong with apologizing.

□ 1830

We do not look upon it with great disgust. We do not consider it hypocritical.

But continued Mr. Baker, "No sensible white American could countenance it without feeling embarrassed by its shabby theatricality."

He may be right, because after all I just told you 60 percent of white Americans said we should not apologize. I do not know whether they were worried about shabby theatricality or something else, but he says it is shabby theatricality that they are worried about.

To continue quoting Mr. Baker, "Apologizing for the country's past can only gratify the apologizer's desire to feel good about himself. It invites the audience to compare his moral tone to that of his ancestors, so derelict in their respect for humanity, and come out a winner."

I do not know what is wrong with having anybody feel good about themselves if that is the only benefit. I think there are many other benefits but feeling good about yourself is a first step toward feeling good about others and reacting to others in a positive way. I have no quarrel with people feeling good about themselves.

Continuing with Mr. Baker's article, "It not only enhances the apologizer's self-esteem, it doesn't cost him anything. This is an important consideration nowadays when government's chief goal is to avoid spending money on life's losers so the rest of us will have more to spend on ourselves."

I agree with Mr. Baker wholeheartedly. Apologizing does not cost anything. All the more reason of why we should not hesitate to do it in my opinion. But he is saying that because it does not cost anything, we should not do it. There is a lot of contradiction and conflicts here. We should do things that do cost money. The whole Congress is running away from doing things that do cost money. I suspect that a lot of people are afraid to apologize because they think the next step is that somebody will want some compensatory programs or reparations or those kinds of things, but not Mr. Baker. If all we did was apologize, of course, it would be kind of hypocritical, but why not take the first step and we will take our chances. Let the Congress go forward with the resolution of the gentleman from Ohio [Mr. HALL] and vote to apologize. Let there be a first step. It would not hurt.

Continuing with Mr. Baker's article, "Like every country, the United States has a lot of history to apologize for. After apologizing for slavery, we could move ahead to apologizing for what our forebears did to the Indians."

I am quoting Mr. Baker. I agree, Mr. Baker, why not go ahead and apologize for what was done to the Indians? Who would it hurt?

"Was it genocide? No, the word hadn't been invented until it was all over," according to Mr. Baker. "The words that had Americans spellbound back then were 'manifest destiny.' Destiny had given us a continent to populate. The Indians were in the way. Destiny demanded their removal. Such was the argument, anyhow. With that nasty history now far behind, would an apology not be civilized? Would it not show modern Indians how much nicer than our forefathers we are?"

"Sorry, folks, for the brutality of our morally inferior ancestors. If it had been us in charge with our enlightened new age sensitivity, instead of those immoral old-timers, it would never have happened."

"Couldn't we garnish the apology with some substance?"

"Come on, guys. Be reasonable. It's too late to give it back. Anyhow, we gave you a legal crack at the gambling rackets." He is talking to the Indians now.

"Few will quarrel with the government for apologizing to Americans of Japanese ancestry who were put in concentration camps during World War II. Since many who had suffered this monstrous assault are still alive, the apology was not just another piece of posturing."

In other words, he has introduced the idea of apologizing to the Indians. Then he ridicules the idea of apologizing to the Indians because, after all, the people who did the terrible things to the Native Americans are now dead and we have at least given them a crack at the gambling rackets through the casinos so why do we not just forget it.

I think it is most unfortunate that Mr. Baker in this little three paragraphs is ridiculing the whole idea of diplomacy and negotiations, the fact that our ancestors might have taken a different route. There was plenty of land and plenty of everything. The Indians, the native Americans did not have to be treated the way they were in order for America to be great. Maybe there is a lot that would have been different if we had the same sensitivity then that we do have now. Let us not trample or trivialize our present state of morality and our sense of what is right and what is wrong, how different it is now from then. Unfortunately, it came too late in the case of the slaves. It came too late in the case of the native Americans. But understand that there was a different option, a different route and the fact that our ancestors did not follow that route is something that might be worthy of apologizing for.

We can apologize, however, for the Japanese and the concentration camps because some of them are still alive. That is kind of weird reasoning. These things stay alive in the conscience of a people forever. They never go away. I am going to point that out in a few minutes from his own examples.

To get back to quoting Mr. Russell Baker, "Many others are still alive who lived in that time and admired Franklin Roosevelt, the man who authorized those camps."

My father thought Franklin Roosevelt was the greatest man in the world, that ever lived, except for Jesus Christ, I guess, and I almost place Franklin Roosevelt in a similar category. I still think he is a great man, the greatest of all American Presidents. But he made some mistakes. That was one of the mistakes that he made. Anybody who had to make so many decisions for such a long period in such a critical and stressful situation would make mistakes. Franklin Roosevelt made a mistake. We should apologize as we did officially apologize to the Japanese Americans for what happened in World War II. That, we can be proud of.

"For those of us who in 1942 patriotically accepted the camps as necessary for the country's defense, the apology forced us to admit that even we can be terribly wrong when being tossed around by the storms of history."

That is the kind of reasoning that Mr. Baker applies to the apology to the Japanese for the concentration camps in World War II. Why can we not take the same logic and the same argument and apply it to any mistake that is made in history and that we as a matter of hindsight can see was a mistake? What is wrong with saying that slavery was a grave mistake, a very costly mistake, a very dehumanizing mistake, a very deadly mistake, but it was a mistake that is worthy of at least an apology.

Going back to Mr. Baker, "Where history is concerned, saintly judgment is rarely possible until a century or two has passed."

Again I agree with Mr. Baker. "Where history is concerned, saintly judgment is rarely possible until a century or two has passed."

Now he is contradicting himself in a wholesale manner, because if saintly judgement is only possible after a century or two has passed, then you can only apologize with integrity, with great vision, after people are dead for a while. He began his argument by saying why apologize for something that people did years ago and all of the victims and all of the oppressors are dead. Now he says you can only judge after a century or two has passed.

A century or two has passed. Slavery lasted for 232 years but it has been over for more than a century, almost two centuries. Now it is time to reflect and to look at the mistakes and to look at the residue of problems that were caused by the mistakes and to deal with it in a forthright, scientific, logical, reasonable manner. But he says that on the one hand because everybody is dead, why deal with it and on the other hand, you can only pass reasonable judgment until they have been dead for a century or two.

"England may be infected, too, with the apologizing fad." Now he is back to his sarcasm and his reductio ad absurdum. Apologizing now is going to be a fad.

"England may be infected, too, with the apologizing fad. There is talk there of apologizing for Britain's indifference to starvation in Ireland during the 19th century potato famine."

Why not apologize for the indifference of a government? The government made a mistake. A lot of people suffered and died as a result. So why not apologize.

"Tony Blair," according to Mr. Baker, "the new Prime Minister has suggested something of the sort might improve relations with Ireland. Yes, it sounds ridiculous. Northern Ireland is a place where one of the most passionate events of every year is the celebration of a battle fought in 1688 between Protestants and Catholics. The Protestants won and have never for an instant dreamed of apologizing. Ireland seems an unlikely country to relinquish its hatreds after a dose of feel-your-pain sensitivity."

In other words, he is saying if Tony Blair, the new Prime Minister, should decide to apologize to Ireland for the conduct of the British Government during the potato famine, then it is ridiculous because the Irish would never accept it. They do not believe in apologizing. That is why in Northern Ireland the Catholics are at the necks of the Protestants and this conflict between Protestants and Catholics rages on and on.

I would take the opposite approach and say maybe we can break the cycle if Mr. Blair would apologize first and if it would encourage the Catholics to apologize to the Protestants or the Protestants to apologize to the Catholics, maybe you would end this bloodbath in Northern Ireland. Maybe you would begin to have healing and reconciliation in the place of violence.

Ireland defies all logic. Northern Ireland defies all logic. All these people are white and they are at each other's throats. All of them are of the same nationality, they are all Irish, and they are at each other's throats. All of them belong to the same religion. They are Christians. Why does the fighting go on and on in Northern Ireland? Probably because no one has dreamed of apologizing. Probably because the old Neanderthal caveman reaction that you must forever and ever consider your enemy an enemy, you must get revenge, you must seek justice, probably because that dominates the thinking of the leadership so much that they cannot entertain another approach.

In South Africa, 25 million blacks were dominated by 4 or 5 million whites. The blacks have now taken over. They are the majority. They have control of the government. They chose a different path. Instead of trying to punish, instead of seeking justice and retribution, they have a Truth and Reconciliation Commission. Their society is taking a very positive movement forward because they are refusing to go for the old Neanderthal caveman reaction of I must punish those who did wrong to me. The whole Judeo-Christian tradition of moving in a different manner has been accepted in South Africa but not in some other places, like Northern Ireland.

In Haiti, they have chosen not to go for revenge and justice but to go for reconciliation. Therefore, Haiti is not adding on top of its other many economic problems the problem of a new kind of violence between those who had the upper hand before and those who have the upper hand now.

To get back to quoting Mr. Baker, to end his article, "Apologies for slavery, famine, the Indian wars, can these have any purpose beyond asserting, in a smugly self-congratulatory way, that we are better people than our ancestors? They surely cannot undo the past. A lot of every nation's past is terrible, atrocious, barbaric, but there it is, inescapable, monumental, the work of our dead ancestors many of them no doubt hateful, a few perhaps almost as genteel and high-minded as you and I. Apologizing for them would be as useless and absurd as shaking a fist at the Atlantic Ocean. It is painful to see them patronized by the pious sensitivity crowd."

Anybody who wants to apologize is now a part of a pious sensitivity crowd. The pious sensitivity crowd is engaged in a fad of apologizing. This does not take us anywhere but back into the caves. It does not move our civilization forward at all. Reconciliation is more important than revenge. That is the lesson that they are learning and South Africa is illustrating. Haiti. In Bosnia we will not have any forward movement until they also accept the principle that reconciliation is more important than revenge. Reconciliation is even more important than justice. Revenge and justice usually require more conflict and more bloodshed. Reconciliation and healing require that victims and injured parties accept the losses of the past and the present as a way of fertilizing the future with promise and hope.

Of course in the case of slavery, if we do not recognize anything was done wrong in the past, we cannot complete the healing process. There is an understanding that is not stated in our culture, in our national life, that accepts the fact that slavery was wrong. We fought a great Civil War, and the lives of many white men were lost in the process of setting the slaves free. We recognized that it was wrong and that Abraham Lincoln, under his leadership and those who fought in the Civil War, we have corrected that great national wrong.

☐ 1845

But on the surface we still need to have greater recognition and discussion of it and not just bury it in our subconscious.

If the descendants of the victims of injured parties can accept their losses, then certainly those who were the oppressors ought to accept it and move toward healing and reconciliation. Surely the descendants of oppressors who inflicted the injuries and the atrocities should be able to move on to seek reconciliation and healing.

Let me just conclude by saying when Jesus of Nazareth declared that if a man strikes you on one cheek you should turn the other cheek he introduced a radical formula for human behavior. Many Christians insist that this is one instruction they find it hard to follow. It is unnatural, it is a demand or a command for extreme discipline. Turn the other cheek is an acceptance of suffering that mutilates one's masculinity. It destroys one's normal concept of dignity. This is exalted advice that must have come from outside the Earth, for it requires that honor and common sense be surrendered, traded in for a profile of pacifist courage which will probably be labeled as cowardly weakness. The man strikes you on the cheek, then turn the other cheek; we are not asking that kind of activity, that you engage in that kind of activity and you have to suffer when you apologize. It is far easier to apologize than to suffer being struck on the cheek or to carry someone's bag an extra mile when they ask you to carry baggage the extra mile.

Instead of Mr. Baker's opposition to apologizing, I propose that in the style of a Vietnam Memorial Wall we should erect a wall that is called the International Monument of Apologies. In the past we have glorified great warriors and conquerors. Now let us lift up and pay homage to all those who apologize. Let us usher in a new era of civilization with ceremonies of apologies.

Yes, it is true that most of the apologies will be emotional symbolism. However, symbols and symbolism are life and death matters among human beings.

Perhaps at the top of this International Monument of Apologies the Greeks, who have left us so many other symbols, could lead off with an apology. Let the Greeks begin by apologizing to the ghost of a Trojan nation that no longer exists. The Greeks assembled vast war mongering states, and they marched into Troy, they wrecked the place, and when they could not win the battle, they abandoned all international conventions and standards of diplomacy and they tricked the Trojans into getting inside the wall, and then they massacred the women and the children, especially all the males, and they ought to apologize for that. It may be only mythology, it may be fiction, but still it would symbolically lead off the apologizing.

Let the Italian Government apologize for the destruction of the ancient land of the Jews and dispersal of their population by the Romans. Let the Italian Government apologize for what Nero and the citizens of ancient Rome did to the early Christians. Let the Spanish and Portuguese apologize for their initiation of the Atlantic slave trade, African slave trade. Let all the nations who participated in slave trade apologize. Let the British apologize for the open war against the Chinese. Let the Japanese apologize for Pearl Harbor. All the nations of ages.

You know, why not go forward and build a new kind of civilization on apologizing? There is nothing wrong with having a great wall of international apologies for us to come and contemplate what our Governments have done in the past and are willing to own up to in the present.

Let us take our civilization to a new dimension. We readily go to Mars and we land on Mars and applaud the technology and science and how radical that is. Let us in the area of human behavior strike in a new direction. Let us follow the precepts of Judeo-Christian religion. Let us look at that turn the cheek proposition. Let us look at it and build on it and understand that reconciliation and healing are more important than revenge and justice. Let us understand what the gentleman from Ohio [Mr. HALL] is trying to do. He is trying to open the door a little wider. Apology comes first, and after that acknowledgment, recognition, more reconciliation and more healing.

Our society as a whole and our whole decision making process are on social issues and critical educational issues will all benefit if we recognize that nothing is lost by beginning with a process of apologizing. We have conquered overwhelming external enemies, and now it is time to grow again in America. The stock market and the evidences of prosperity are at an all time high. This is a time for us to strike out for a new moral high ground, a new moral high ground which would be beneficial to all of us in America and to the whole world.

PROGRESS REPORT ON THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes.

Mr. NEUMANN. Mr. Speaker, I rise this evening to bring America some good news for a change and to talk to my colleagues about some of the progress that has been made out here in the last 3 years because it is significant and it really brings us to the question of what next.

We came here, many of us came here, out of the private sector with no political background, myself included, and we came here in 1995 set on the idea that it was our responsibility to do something about the deficit to get us to a point where this Government spent no more money than it brought in, to get us to do something about the high tax rates in this country, and we were very concerned about Social Security and Medicare as it related to our senior citizens.

It has been a great day in Washington because today we actually introduced a bill that deals with the next step, and in order to deal with the next step; that is, paying down some of that debt, you first have to recognize we are in the third year of a 7-year plan to balance the budget, we are on track and ahead of schedule, Medicare has been restored so our senior citizens can rest assured that Medicare is safe for at least another decade, and good news for virtually every American all over this country:

Taxes are coming down. We have got a $500 per child tax credit coming through. If you own stocks or bonds or have a retirement fund of any sort, the capital gains tax reduction will affect you and allow you to keep more of your own money instead of sending it to Washington. The death taxes are coming down.

And of course there is all sorts of other tax provisions in there: the $1,500. If you have got a student in college right now, the $1,500 to help you get that student through college.

But the good news, and we will see more of this as we go forward this evening, is there are more tax cuts coming in the plan.

The logical next step is to talk about paying down the debt, and before I get into this I think it is real important we pause and just make sure that we talk a little bit about the difference between the deficit and the debt.

Every year since 1969 the Federal Government has been spending more money than what it has in its checkbook. It is not a lot different than our home. In our home we have income, we get a paycheck every month or every week, depending on what kind of setup you have, but at any rate you get a paycheck, you put it in your checkbook, and you write out checks to pay your bills.

Well, in your home you cannot write out checks for more than is in your checkbook, or of course the checks are going to bounce. Well, what the Federal Government has been doing since 1969 is collecting taxes, putting those tax dollars that they take out of your pocket into the government checkbook and then writing out all kinds of checks.

The problem in the government is it is very different than in our homes. When the government writes these checks out, they write out checks for more than what is in their checkbook. That is called the deficit. Since 1969 every year the government takes money out of your pockets, puts it in their checkbook and then writes out checks for more money than they have in the checkbook. That is the deficit.

Well, what happens with that deficit? Since their checkbook is overdrawn, they really only have one thing that they can do; they go and borrow the money to put in their checkbook.

And here is what has happened over the course of the last few years:

From 1960 to 1980, the growth of the debt was fairly small. But from 1984 forward, you can see that government has been overdrawing their checkbook by a substantial amount.

So what happens?

Well, in the year 1980, for example, they wrote out more checks than what they had in their checkbook, and they borrowed the money, and the debt started growing. By 1985 you can see the debt was growing more and more, and every year they kept writing out more checks than what they had money in their checkbook, and the debt just kept growing.

Now I point to this chart because it is about the best picture that I have seen to show just how serious this problem of debt is, because every year when they go out and borrow that money to make their checkbooks solvent, of course, it just gets added on to the debt.

To show you how serious this problem is, we are currently about here on this debt chart. It is a very, very serious problem facing this country.

Now, when Washington tells the American people that they are about to balance the budget, what that actually means is they are going to quit spending more money than they have in their checkbook.

Now most Americans would ask the same question they do in Wisconsin. They would ask the question:

Well, if you balance your checkbook; that is, you stop spending more money than you have in your checkbook, what about that debt that is still out there?

And I should show just how big that number is, that we actually put a number to it as we would in our own homes with our own checkbooks.

The debt, the amount of money that the government has overdrawn their checkbook by, in 1969, they borrowed it, and then in 1970 they borrowed some more, 1971, and all the way through to and including this year; that debt adds up to $5.3 trillion. The number looks like this, but let me translate that into English.

It is effectively the same as $20,000 for every man, woman, and child in the United States of America. Again, this is the debt, this is the amount of money they have actually borrowed. This is the money that we will pass on to our children if we do not do something about it.

Another way of looking at this is for a family of five, like mine, the Federal Government has actually borrowed $100,000 basically over the last 15 years.

Put another way, the Federal Government spent $100,000 more than what it took in in taxes from an average family of five, like mine, and here is the real problem with that:

A lot of people in this community would like to say, well, do not worry about the debt, it is no big deal, it will go away, but here is the real problem:

The real problem is that an average family of five in America today sends a check for $580 every month to Washington, D.C., to do nothing but pay the interest on the federal debt.

Now, the families out there should be thinking about, well, what could we do if we did not have that debt. Well, you would keep the $580 in your own pocket, and a lot of them are going, well, I do not know what he is talking about because I do not really pay $580 in income taxes.

But I would like to point out that when you walk in a store and you buy a loaf of bread and the store owner makes a small profit on the loaf of bread, part of that profit gets sent out here to Washington in the form of a tax, and that is part of the $580 a month that our families are paying in interest on this Federal debt.

So again there are 2 different topics here. One is the deficit. The deficit is the amount that the Federal Government overdraws their checkbook by every year. When the people in Washington talk about balancing the budget, what they are talking about is their checkbook. They are talking about stopping the practice of spending more money than they have in their checkbook every year.

Well, what that means is after we balance the budget, we have still got this $5.3 trillion debt hanging over our head.

Now I started this evening by saying it is a wonderful night tonight because today we introduced a piece of legislation that goes to the what next. The what next of course is what do we do about this $5.3 trillion debt? Do we pass it on to our children?

And I am talking some flack over this bill, to be perfectly frank were you. We had a former Vice Presidential candidate that said that we do not have to worry about the debt. In fact, Jack Kemp said that the debt will take care of itself over a long period of time and we really do not need to worry about paying the debt back. When we start running surpluses; that is, when we start collecting more taxes than what we write out checks, why do we not just do all tax cuts and not worry about this debt?

Well, I want to tell you there is two gentlemen, and we are not allowed to show them here because of House rules. On the floor here with me this evening, my son is here, and the reason we cannot look the other way is because it is not acceptable for us in our generation to pass this $5.3 trillion debt on to our children. Is it really fair that our generation spend this money and look the other way and say, "Well, let's hope it takes care of itself," or do you think we more have a responsibility to do something about the debt much like any homeowner would do with any debt against their home?

The bill we introduce today is much like repaying a home loan. It is much like any family in America would do where you simply start making payments on the debt, and over a 30-year period of time we repay the Federal debt. Here is what the bill does:

After we reach a balanced budget we cap the growth of government spending 1 percent below the rate of revenue growth. That creates a surplus because, if you are in balance to start with, spending goes up by one amount a little bit less then revenues go up. That creates a surplus. That surplus, we take two-thirds and we apply it toward paying down the Federal debt. We take one-third and supply additional tax cuts to the American people.

Well, 2 things happen under this bill, actually 3 things. One is there are additional tax cuts for the American people. But 2 other very significant things happen. The first and what I consider to be the most important: We pass this Nation on to our children debt free. By the year 2026 under our plan, the Federal debt is repaid in its entirety. Again by 2026 the debt could be repaid in its entirety under this plan.

The other thing that happens is equally significant. Today we collect more dollars in the social security then what we pay back out to seniors in benefits. That money is supposed to be sitting here in a savings account someplace. Well, it is not here, and I do not think this is any big surprise to anyone. The money has been spent on other Washington programs, and in fact the Social Security trust fund is all part of this $5.3 trillion debt.

□ 1900

As we pay back the Federal debt, the second thing that happens is we put the money back into the Social Security trust fund that has been taken out, so our senior citizens can again be assured that Social Security is solvent at least to the year 2026.

So this bill really has something in it for all generations. To the young people, they will not have to make that $580 a month payment to Washington to do nothing but pay the interest on this debt. Instead, they can keep that money in their own homes for their own families and decide how to best spend their own money. That is what this should be all about. So to the young people, they get a debt-free nation. What a wonderful opportunity that is in this bill.

For the people that are working today, one-third of those surpluses are dedicated to additional tax cuts for working families in America today, so the good news is for people in the work force, taxes go down some more.

For our senior citizens, the Social Security trust fund, the money that has been taken out by the Washington bureaucrats and spent on all kinds of other programs, that money gets put back into the Social Security trust fund and Social Security once again becomes solvent for our senior citizens.

A good day in Washington, a good day in Washington is where we can introduce a bill that actually talks about paying off the Federal debt, lowering taxes and restoring the Social Security trust fund. That is what happened today.

What kind of support do we have on this? Let me start with the Members of Congress. In the House of Representatives we have roughly 100 sponsors from both sides of the aisle. I am happy to say there are Democrat cosponsors in this as well as Republican in the House. We have people such as Speaker GINGRICH. The gentleman from Georgia, Mr. NEWT GINGRICH is a cosponsor of the bill; the chairman of the Committee on Appropriations, the gentleman from Louisiana, Mr. BOB LIVINGSTON, a cosponsor of the bill; the chairman of the Committee on the Budget, the gentleman from Ohio, Mr. JOHN KASICH, a cosponsor of the bill; the honorable chairman of the Committee on Rules, the gentleman from New York, Mr. JERRY SOLOMON, a cosponsor of the bill; the gentleman from New York, Mr. BILL PAXON, a cosponsor of the bill; 100 cosponsors in the House of Representatives already on this idea.

It goes beyond that. It goes beyond that. We had an interesting conversation. Think about this range of support, from the Speaker, the gentleman from Georgia, Mr. NEWT GINGRICH to the conversation I had yesterday with a well-known American citizen, Ross Perot.

We are going to see Ross Perot tomorrow and present the rest of the details of the plan in person to him, but he is very optimistic and very supportive of the plan, because of course it does what he talked about doing for the last 5, 7, 8, 10 years, and that is balancing the budget and paying off the Federal debt. So we have a wide range of support for this.

It goes beyond that. Two hundred fifty thousand members of Capitol Watch have signed off as endorsing the plan. United Senior Citizens Association, let me see what they say about it: Since its inception, the United Senior Citizens Association has lobbied Congress to restore the stability of the Social Security trust fund. The introduction of the National Debt Repayment Act is a step toward making Social Security solvent.

The Council for Government Reform: On behalf of over 250,000 members of the Council for Government Reform, I urge you to cosponsor and support MARK NEUMANN's legislation entitled the "National Debt Repayment Act."

Coalitions for America: Coalitions for America supports the National Debt Repayment Act of 1997. We do so for the simple reason that your bill sheds some sadly needed light into the tremendous load of red ink America is drowning under.

Business-Industrial Council: On behalf of 1,000 member companies, the U.S. Business and Industrial Council, USBIC, I would like to extend our support for the National Debt Repayment Act of 1997.

The gentleman from Georgia, Mr. NEWT GINGRICH in a press release strongly supporting it: The Debt Repayment Act takes us in exactly the right direction to lead a national dialogue on how to best deal with the surpluses once the budget is balanced.

I can keep going on this, but the bottom line is the support for this thing and the range of support, from Republicans to Democrats, from the Speaker of the House to Ross Perot, the support for this particular idea grows because it is a commonsense, straightforward approach for this great Nation we live in.

What a dream for America. What a dream for this great country: a balanced budget, lower taxes, Medicare restored. And now the next step: We pay off the debt so our children can get this Nation debt free, we restore the Social Security trust fund so it becomes solvent again, and we continue the process of reducing the tax burden on working families in America. What a dream for this great Nation we live in.

I would like to next go to a little bit about what has been happening before 1995, what has happened from 1995 to today, and then how we can get to the point where this bill is actually put into place and actually used.

To begin this discussion, I want to start with the past. I have to say that the past is before I was actively involved in politics. Before 1990 I was never in politics. I was working very hard building a business out in Wisconsin. We built the business from the ground up. In the end we were providing about 250 job opportunities in southeastern Wisconsin and in northern Illinois.

What was going on out here in Washington is that people in Washington were making a series of promises to the American people, and they kept getting broken. That is what drove many of us out of the private sector, and with a concern for our children and future generations of this great Nation, we left the private sector to serve our country for a period of time, undo what was done in those broken promises, hopefully straighten this out, and then return back to the private sector.

Let us look at the promises. Let us think back to before 1995. This is the past. This is before the American people basically provided the impetus or the revolt, if you like, of what was going on. They did that in 1994.

Let us go back before then and talk about what was promised in the late 1980's and early 1990's. I have up here the Gramm-Rudman-Hollings Act. This blue line shows how they promised they were going to get to a balanced budget. Notice, it reaches zero in 1991. That is to say, they promised the

American people they would balance the budget by 1991.

I watched this thing from its inception, only when they promised it was going to get balanced; instead what happened is this red line. That is the deficit line. That is how much they overdrew their checkbook by. I was out there working hard to run a business, make sure those 250 people got paid every week, and I was watching Washington overdraw their checkbook every week. It was very frustrating to watch.

When they made this promise and then broke it, they overdrew their checkbook by even more than they said they were going to, many Americans got very angry at this situation as they felt threatened for the future of our country. I do not care what anybody in this community says, the American people do care about this country. They care about what kind of a country we are going to pass on to our children.

So they saw they could not live up to what they had promised in 1985 and they put a new plan into place. They called it the Gramm-Rudman-Hollings Act of 1987. This one provided another blue line, another series of promises. It was supposed to be balanced in the early 1990's, but instead of following their promise, again they broke it and overdrew their checkbook by massive amounts of money.

This is what led to the 1994, if you would like, I would call it an uprising of the American people. It was not a revolt in Washington, it was the American people saying, we are sick and tired of these people making promises to us out there in Washington. We are sick and tired of those promises that were broken.

At this point I might add that the Democrats were in control of both the House of Representatives and the Senate and the Presidency. They said, we are sick and tired of those broken promises. So we got to 1993. This was going on.

In 1993, they said well, we had better get serious about this. Our checkbook is really overdrawn. The people that were in Washington in 1993 said well, the only thing we know to do to balance our checkbook is to reach into the pockets of the American people and take out more money. That was the tax increase of 1993: broken promises and higher taxes. That is before 1995. That is before the American people sent a new group to Washington to change these broken promises and higher taxes.

I would hope all of my colleagues take a moment tonight to remember the tax increases of 1993, because we need to remember what that environment was back in 1993, the broken promises and the higher taxes, to understand just how far we have come in the last 3 years.

Remember, in 1993 they raised gasoline taxes, they raised Social Security taxes, the biggest tax increase in history, and there was a huge fight out here in Washington. As a matter of fact, they passed the bill by one single, solitary vote in the House of Representatives, and not a single Republican would vote for the tax increase.

So it went over to the Senate. In the Senate they again passed it by one single, solitary vote, the biggest tax increase in American history, and it passed both houses by one single vote and was, of course, then signed into law by the President.

What was the result? The result was the American people said, I am sick and tired of these promises being broken. I am sick and tired of the people in Washington thinking that the right solution to their spending habits is to reach into the pockets of the American people and take more money out to Washington. We have had it with that.

So in 1994, they elected a new group of people and sent them on out here to Washington. Again, I would emphasize that at that point the House of Representatives was taken control of by a new party, by the Republican Party. The Senate also was taken over by the Republican Party at that point.

But it is not the party difference that is important here, it is the change in what was happening and the concept of the way to solve the problem of balancing the budget, reaching into the pockets of the people and taking more money out to Washington, or the very different view that was brought in in 1995.

The different view went like this: Instead of reaching in the pockets of the American people and taking more money out here to Washington so we can maintain big government, instead of doing that, what we are going to do is curtail the growth of government spending. When we curtail the growth of government spending, since the government spends less, that means they will not need as much money out of the pockets of the American people. When they spend less, of course, they are going to borrow less.

Here was the theory. If the government borrowed less money out of the private sector, that would mean there would be more money available in the private sector. More money available in the private sector would keep the interest rates down, and when the interest rates stayed down, people would probably buy more houses and cars, because they could afford them. When they bought more houses and cars, people would have to go to work building those houses and cars. Of course, when they went to work they were leaving the welfare rolls and went into the work force.

I have good news. We have now moved out of the past and into the present. Our motto was put into place in 1995. The American people deserve the credit for this. The American people sent a new group to Washington. That new group sent to Washington with their ideas of curtailing the growth of government spending have laid this down, and now we are in the third year of this.

The American people have every right in the world, they should be checking us. They should now be asking the question: Is this group that we put in charge in 1995 doing anything different than what the people did before them, the broken promises of Gramm-Rudman-Hollings? Is there anything different going on?

I brought a chart along to help see just how different it really is out here. In 1995 we promised the American people a balanced budget by the year 2002. We laid out the deficit stream just like they did with Gramm-Rudman-Hollings. In the first year we promised the deficit would be below this red column, below $154 billion. The deficit in the first year was actually $107 billion. Here is what was promised. That is the red column. Here is what the deficit actually was. Please note, the deficit that actually occurred was smaller than what was promised to the American people. We not only hit the target, but we were ahead of schedule.

The second year, we said it would be under $174 billion. It is actually now well under 67. In the second year of this plan, again, the promises, the red column, and the blue column is what actually happened. Conceptually, the idea of controlling the growth of government spending worked. The idea of the government borrowing less money and leaving more available in the private sector, keeping the interest rates down so people would buy more houses and cars, providing more job opportunities, it worked.

We are now in the third year of that plan, and again, in the third year we are not only on track but ahead of schedule. That is the debate going on in Washington today. We are well ahead of schedule to be to a balanced budget by the year 2002.

Has anything changed? Mr. Speaker, I would like to point out that under the Gramm-Rudman-Hollings, they never hit the targets. Under the new group that is here since 1995, we have not only hit the targets, but we are ahead of schedule in the first year. We not only hit the target, but we are ahead of schedule in the second year. We not only hit the target, we are ahead of schedule in the third year.

The good news for the American people is that we may very well have a balanced budget by next year, we are so far ahead of schedule on our plan. Because the idea of the government borrowing less, keeping the interest rates down so people can afford to buy houses and cars and provide job opportunities, that working model of 1995 worked so well that we are probably going to have a balanced budget by the year 1998. That is great news for the American people.

A lot of people cannot figure out exactly how this happened. I brought another chart along to help show what this curtailing the growth of government spending really means. Before 1995, the average growth of spending under the old regime was 5.2 percent annually. I went back 7 years and took the average growth in spending of the 7 years before the 1995 group took over, before the American people put the Republicans in charge of the House and Senate.

Since then, spending is still going up by 3.2 percent but the growth of government spending in Washington has been slowed by 40 percent in 2 short years. This is how fast it was going up before 1995, this is how fast it is now going up after 1995.

Is spending still going up, or are we making draconian cuts that virtually every American has been told about? I have news, there are no draconian cuts. Spending in government is still going up by 3.2 percent a year. Government is still getting bigger, and a lot of us do not like that. A lot of us would prefer to see this number at zero. Government does not need to be bigger. Cut out the waste and get down to the programs that people actually need.

But the facts are, government spending is still going up by 3.2 percent a year. If we look at inflation in adjusted dollars, it is going up by about .6 percent per year. If we take a look at what is really happening to government spending, it was going up in real dollars by 1.8 percent a year. It is now still going up by about .6 percent. That is after inflation.

Government, unfortunately, is still getting bigger, so we have plenty of room to move this plan forward to the next step and stop government from growing at all. But at this point, what has been done is the growth of government spending has been slowed. It is the slowing of that growth of government spending that has led us to a point where we can actually both balance the budget, probably by 1998 or 1999, well ahead of schedule, and reduce taxes on the American people at the same time.

What a wonderful situation this is and what great news this is for America. Instead of in 1993 talking about higher taxes, we have in fact curtailed the growth of government spending to a point where we can both balance the Federal budget and at the same time provide tax relief for the American people.

It is good news for America. That is what I said when I started this evening, it is a great day in Washington. And there are not a lot of great days in Washington, believe me; but it is a great day, because we know that what has been tried in 1995, that model that was put into place, we know that model actually works, and it is very, very important.

I have one more thing here that shows just how important the work that has been done is, and credit for this should go to a lot of the different leadership in both Houses for this, but most important, to the American people, because after all it is the American people that had the common sense in 1994 to change what was happening in this community. It would not have changed without the American people.

☐ 1915

It cannot change without the support of the American people. What this chart shows is where the deficit was headed.

If the group that came here in 1995 played golf and basketball instead of doing their job, this line shows where the deficit was headed when we got here in 1995. The yellow line shows how much progress was made in the first 12 months under a new party in control.

My colleagues will notice that the deficit projections came down, but they still were not going to zero at that point. The green line is the 1995 plan that we put into place, and the blue line, this is the good news, the blue line shows us what is actually happening.

Again, here is what would have happened; here is how much progress was made in 12 months. Here is our plan. This is what we hope for. This is like the Gramm-Rudman-Hollings promise to the American people, and here is what is actually going on.

We are not only on track in our plan, we are ahead of schedule to the point where the budget will probably be balanced next year or the year after and we can provide a tax reduction to the American people.

I have got to pause for a moment in this presentation and say, I have been upbeat, very positive about where we are going with this country and very positive about the possibilities for what can happen. I want to pause for just 1 minute and make sure we have a dose of reality in here.

This is a topic that I think is very important for all Americans to understand, whether they are in their thirties or forties or fifties and thinking about at some point receiving Social Security, or whether they are in their fifties and sixties and are nearly ready to start receiving Social Security, or whether they are 65 or 62 and over and are receiving Social Security. This is a very important thing to understand.

When Washington says they are going to balance the budget, what they do not tell the American people is they are still taking money out of the Social Security trust fund to do it. Let me explain that. Every year the Social Security trust fund takes money in out of the paychecks of the American people. It takes in more money than what it gives back to the seniors in checks. That is to say, there is a surplus. They are collecting more money.

The reason for that is very simple. The baby boom generation is moving toward retirement, and when the baby boom generation gets there, there will not be enough money to pay Social Security. That happens in 2001. So they are collecting more money than what they are paying out right now. The idea is that money gets set aside in a savings account, and the savings account then provides the money in 2012 when the baby boom generation starts retiring and there is not enough money there to write out the Social Security checks.

The only problem in Washington, this should come as no big surprise to anyone, when Washington saw that extra money being collected out of the paychecks, instead of putting it aside in a savings account they spent the money. They put it in their big government checkbook and spent the money.

So at this point the only thing we have in that savings account is a bunch of IOU's. It is all part of the $5 trillion debt. So when Washington says they are going to balance the budget, it is important to understand that what they actually mean is they are going to use that Social Security trust fund money to actually count toward their checkbook and call that balanced.

Again I have a picture here to help make that clearer. The surplus in the Social Security trust fund for 1996 was about $107 billion. So they have got this extra money coming in, about $100 billion extra coming in. When they say balance the budget, what they mean is, I am sorry, the deficit was $107 billion in 1996. On top of that there was $65 billion in the surplus Social Security money. So there was $65 billion extra came in to Social Security more than what they paid out. The deficit had originally been reported as $107 billion; the true deficit then $172 billion.

When Washington says they are going to balance the budget, what they really mean is they are going to zero out this blue area. So even after they zero out this blue area, that is the deficit, what they call the deficit out here, they are still using the Social Security trust fund money to make their checkbook look balanced.

So in 2002, or whenever we hit a balanced budget and Washington proclaims victory, we need to understand that that victory still means they are using the money out of the Social Security trust fund. That leads us again to the National Debt Repayment Act and why it is so important.

Under the National Debt Repayment Act, of course, what we would do is, after we balanced the budget we would cap the growth of government spending at a rate 1 percent lower than the rate of revenue growth so as to create a surplus. That surplus is what we use to put the money back in the Social Security trust fund that has been taken out.

So over a period of time, then, when we get to a true balanced budget, that is, we get to a point where we are not using that Social Security money to mask the true size of the deficit or to make the budget look like it is balanced when it is really not. We get past that in our National Debt Repayment Act and we actually get to a point where all of this money that has been taken out of the Social Security Trust Fund gets put back in. If that happens, Social Security again becomes solvent through the year 2029.

I want to talk again, we talked about the past and the present, I want to go again into the future, because understanding the problems in the Social Security Trust Fund and understanding how significant this debt is on our children and what it means to them and how much interest they would have to pay or how much they do not have to pay so they can keep the money in their own home. A lot of folks are talking about our budget plan as being pie-in-the-sky; we cannot really balance the budget.

I put together a little chart that looked at the average Federal revenue growth over the last 3 years, revenue to the Federal Government; that is, if we just look at how much money is coming in to Washington, it has been growing by 7.3 percent average over the last 3 years. Over the last 5 years it went up by 7.3 percent. A 10-year average is 6.2 percent. A 17-year average is 6.8 percent.

In our budget resolution, in the budget plan that balances the budget by 2002, we only projected revenue growth of 4 percent. That is to say the plan we laid on the table was extremely conservative. The reason there are projections out there that the budget will be balanced in 1998 or 1999 is because revenue is in fact growing even faster than the 4-percent number. When it grows faster, of course, that gets us closer to a balanced budget.

I put together a little table. I asked the question: What if revenue grows at a more historical level, say 6 percent? That is what this chart shows. If we can hold the spending in line, as we have been doing, and meet the spending targets that are in the budget resolution that has just passed, and revenue grows by 6 percent instead of the 4 percent, still lower than it has been growing but faster than what was projected in the budget resolution, what happens is we do in fact balance the budget by the year 2000 and start running a surplus.

That is the real importance of passing the National Debt Repayment Act. These surpluses could start as soon as 1999 or 2000. And when those surpluses start, there is going to be a frenzy in Washington, DC, with a strong desire to spend more of the American people's money. By passing the National Debt Repayment Act, we would assure that two-thirds of this surplus goes to repaying the debt, including paying off the Social Security trust fund, and that one-third of this surplus is provided for additional tax cuts to the American people.

That is what the National Debt Repayment Act is about. It was introduced today, and I would strongly encourage my colleagues to be actively involved in supporting it. And equally important, I think, the American people need to get actively involved in this, because inside the beltway there is this strong sense that somehow the debt is irrelevant. It is almost like we do not care if we pass it on to the children. We want to give more tax cuts because that will be politically popular.

I deep down inside believe that the American people understand that the right and proper thing to do, the morally and ethically right thing to do, is to pay the bills that we ran up over the last 15 years. The National Debt Repayment Act will allow us to do just that. Before people in my age group leave the work force, we would have the debt repaid in its entirety.

For the people who want more tax cuts, I would just point out that as we pay off the Federal debt, as we implement this sort of a plan, the interest payments to the Federal Government will be reduced. And when we reduce those interest payments, of course, taxes can be correspondingly held down.

There are two important things in order to bring all of this about. There are two very important things. One of them is that we curtail the growth, we continue curtailing the growth of government spending. We do not have to have draconian cuts. We do not have to wipe out all kinds of programs that are important to people.

What we do have to do is, we have to curtail the growth of government spending. That may mean that a program gets killed on one side that was wasteful or not as productive or not as important as another program someplace else. If we were to say limit the growth of government to the rate of inflation, some program might grow faster than inflation, such as Medicare. Some other program might have to grow slower than the rate of inflation.

I would point to one of these. Last year we sent $35 million to Russia so Russia could launch monkeys into space. I do not think we needed to send that $35 million. We took $35 million of the taxpayers' money. We sent the money to Russia for the Russians to launch monkeys into space for research.

Those things should be eliminated. The dollars spent on those sorts of programs should be redirected to programs that are more important, say Medicare, for example, and that should allow us to keep the growth of government spending at the inflation rate or even lower.

The beauty of this whole idea, the National Debt Repayment Act, is that we have one-third of the surplus going to additional tax cuts, two-thirds going to repay the debt. We get to pay off the entire debt by the year 2026 and give this Nation to our children debt free. The Social Security trust fund is restored, and we get to provide additional tax cuts to the American people.

I cannot think of much better that we could spend our time and effort on. I cannot think of a better vision for the future of this great country.

I have got a few minutes left tonight. I would like to jump over into another topic that I think is very important out here. I would like to go into a little more detail on the tax cuts that are coming for the American people.

There is a lot of debate in this community right now about whether people who are not paying any income taxes should get a tax cut or not. Many of us feel that if a person is not paying taxes, it is probably pretty hard to get a tax cut. There is a debate about whether the Social Security taxes that are withheld out of a paycheck should be applied or not. I guess that debate will go on.

But the bottom line is, when it is all over and done with, people with children, families with children with incomes below $110,000 a year, or $75,000, if they are single, they get $500 per child back in their home. If they are in a house where they have got one child headed off to college and two kids in school yet, they will get $500 for each one of those kids. On top of that, for the one that went off to college they will get an additional $1,500.

This is not like they get from Washington. This is their hard-earned money that, instead of sending it out here to Washington to let Washington decide how to spend it, they get to keep this money in their own home and spend it in the way that they think is most desirable for their own family.

I was talking to a family with three children in church the other day. They said to me, the first thing I am going to do with this money, $500-per-child, I am not going to go and spend that money. That is going into a college fund for my kids so I know when they get there, and I will have three in college at that point, I know when they get there we can pay the college bills.

What a great statement that is for America. American families care. This country is not dead and gone. The people of this country care, not only about the country, they care about their family. When the $500-per-child tax cut comes through, families are not going to go out and blow that money. They are going to use that money to provide a better life for their children. In this case they are going to put it away for a college fund. That is great news for the future of this country. That is the way it should be.

I would like to address another group of people, and this is not often discussed in the tax cut plan that is currently on the table out here. I talk with a lot of folks where their kids are grown and gone. I have a 20-year-old, an 18-year-old; the 18-year-old heads off to Carthage College next year. The 20-year-old is going to New Ulm, MN, to college. I have a 14-year-old at home that I am sure will head off to college in three or four years.

At that point my wife and I become empty nesters. An empty nester is a family where the kids have grown and they have left the house and are no longer living there. There are a lot of American people out there in their middle forties that are empty nesters. They are in this big house that they built to raise their children. They do not need that big house anymore.

The dilemma, under the Tax Code right now, is this: If they sell their house today and they are 48 years old, their kids are gone, they decide they want to go into a smaller home, lower payments, and start saving for their own retirement, if that is what they would like to do, under today's rules they sell that bigger house and move into a smaller house and the tax burden comes out and grabs lots of money from them.

Under the tax cut package that is here today, this is very significant for empty nesters, if they wish to downsize their house, the government is not going to come and take a portion of the inflated price of their old home, their bigger home.

Let me walk through this. Suppose a family has three kids and they are young kids, and when they were 35 years old they bought a house for $35,000, $40,000. They kept that home, and now they are 48 years old and their kids are all gone and they need a smaller house. The home that they bought for $35,000 is now worth $85,000, so there has been a $50,000 inflation in there.

Under the old rules, if they sold the house before age 55, they pay taxes on that $50,000. They pay a capital gains tax on it. Under the new rules, if they sell their house even before the age of 55, they do not have to pay the taxes on it. So if they want to sell their big house, move to a smaller house, lower payments and save for themselves for retirement, go ahead and do it. That is what the new tax rules are saying. It is a significant change for a lot of Americans that has not really been talked about out here.

There is another area of tax cuts that I think is very significant. Lots of people, especially my age group, 20's, 30's, on up into the 40's, we started saving in a pension plan of some sort for our own retirement, many times even outside our employer's plan. We started some other sort of a savings plan to get ready for our retirement, or if it is our place of work and they provide us with a pension plan of some sort.

In that pension plan they have been buying maybe stocks and bonds or whatever they buy in that pension fund. By the time they reach retirement, the value of those stocks is going to have increased, we hope. That is why they are buying them, so they will increase in value under the old rules.

□ 1930

When we pull those stocks out of the pension fund, we pay a 28 percent tax on them. It is called a capital gains tax. Under the new rules, instead of paying 28 percent, we will only pay 20 percent. That is a very significant reduction. That is an 8 percent reduction.

If we pull money out of our pension funds, and let us say we are taking out $1,000 of this profit a month, instead of paying 28 percent, $280 in taxes out of that thousand dollars we are taking out, we are now only going to pay $200; and we get to keep an extra 80 bucks in our own home to spend as we see fit instead of sending it to Washington to spend on our behalf. Another very significant change in the tax code.

There is lots of good news out there in the tax code. A lot of times the American people get bogged down in all the bickering and fighting going on down here in Washington, but I think it is important as we are listening to that that we remember the huge difference in transition that has taken place from before 1995 to today.

Before 1995 there was no fighting about tax cuts. For goodness sakes, there was no tax cuts even being discussed. The only thing being discussed were which taxes should be increased and how far. Today, yes, there are some disagreements over which taxes should be cut and how far, but is it not a wonderful situation for the country to be in, where we are talking about which taxes to reduce on the American people and how far they should be reduced?

Let us have that debate. And the good news is that under the National Debt Repayment Act there is more tax reductions coming for the American people.

I would encourage every American to get actively involved in this debate. If for some reason somebody can find a way that they are not affected by the tax cuts that are currently on the table, I think it is important that their representatives know about that so that in the next round of tax cuts, as the National Debt Repayment Act is put into place, and one-third of the surplus is allocated to additional tax cuts, Congressional Representatives should know exactly what it is that their constituents would like to do with those tax cuts to make sure it affects them too.

Let us make sure everybody in America that is working and paying taxes gets a reduction of some sort, because that is what this is all about. Washington does not need to take as much money from the American people as it is taking. I believe very deeply that the American people, our families out there, our singles out there, that the American people can do a much better job of spending their own money than the people out here in Washington can.

So as we go through tax cut round after tax cut round after tax cut round, think back to 1993 and just think, as we are going through some of these debates, what a wonderful thing it is that we are actually having these debates out here in Washington as opposed to the alternative which was here in 1993.

What I want to do now is just wrap up this discussion. I would like to go back to the past, the present and the future, just quickly through it.

I will start with the past and again just remind folks exactly how far we have come. I always use this chart of the Gramm-Rudman-Hollings promises because of the past.

Before 1995. A different party in control of the House of Representatives. The Democrats in control of the Senate and the presidency. What was the world like before 1995, before the American people made a change? It is not Washington that made the change. In 1994 the American people decided to make a change. Before they made that change, what was going on and what brought the American people to make that change?

Well, in the 1980's, they promised under the Gramm-Rudman-Hollings Act to get us to a balanced budget, following this blue line for deficits. But they did not meet their targets. They broke their promises to the American people. And it was more than money, it was the fact that the people in Washington had made promises to the American people. When they could not keep their promises, they said, we know what to do, let us make a whole new set of promises, and they passed Gramm-Rudman-Hollings II and made a whole new set of promises to the American people and again broke those promises to the American people.

The past, folks. Broken promises, pre-1995. Someone else in control of Congress. The past. These broken promises of a balanced budget. The past, 1993. Which taxes should we raise to get us to a balanced budget and how far should we raise those taxes? The gasoline tax, Social Security tax. Everybody's taxes went up. If one owned an automobile, they paid more taxes. The past. Broken promises, higher taxes.

The present. The American people revolted in 1994 and they put the Republicans in control of both the House and the Senate. To see how different things are, those broken promises of the past, that is not the group that is here now. The American people should evaluate this change. They should look out here now and say did the Republicans fulfill their commitments or are they like all the rest and broke their promises, too.

Well, here are the promises the Republicans made. In 1995 we laid out a plan to balance the Federal budget. We said in the first year of that plan the deficit could not be more than this red column. Well, it was the blue column. We not only hit our target but we were ahead of schedule.

Year 2. We promised not more than the red column. Blue column is what actually happened. Year 2, on track, ahead of schedule. Very different. We not only hit our targets, we were ahead of schedule in the first 2 years.

We are now in year 3. In year 3, even if we go into a rescission, which is what is currently projected, this is what was promised back in 1995, and this is where we actually are. A very different group of people with very different results.

How did we make this happen? What brought this picture about? What brought this picture about is not raising taxes, not reaching into the pockets of the American people and giving more money to Washington. What brought this chart about is curtailing the growth of Government spending. Looking at our Government, asking ourselves which programs do we not need. What can we do to do a better job? How can we curtail the growth of Government spending.

Government spending is still growing. It is still going up by 3½ percent, a little faster than the rate of inflation, but not as fast as it was before. And since it is not going up as fast as it was before, Government spending goes up slower; since we are not spending as much money, that means the Government did not borrow as much out of the private sector. When they did not borrow as much, our theory was that with more money available in the private sector, because the Government borrowed less, more money would be available in the private sector and interest rates would stay down, law of supply and demand.

With interest rates down, people could afford to buy houses and cars, which they did. And when people bought houses and cars, other people had to build them, which meant they left the welfare rolls and got a job.

That is exactly what has led to this picture up here of being not only on track but ahead of schedule. So what happened? That group that got sent here in 1995, they fulfilled their commitment and curtailed the growth of government spending. Not draconian cuts. Spending still went up, but at a much slower rate. We curtailed the growth of spending to a point where we cannot only balance the budget, but also reduce taxes on the people at the same time.

That is where we are at now today. We are actually at a balanced budget. In 1998 we will stop spending more money than we have in our checkbook. As soon as 1998. And at the same time we are providing tax relief to the American people. That is what has happened and that is a very different picture than 1993.

The past, the present, the future.

The future of this party. The future of this great Nation. Much more important than the party itself. The future of our country needs to recognize that even after we get to a balanced budget, we still have a huge debt hanging over our heads. Five trillion dollars. We need to live up to and accept the responsibilities of our generation, a generation who has spent this money.

Our generation has overdrawn its checkbook each year since 1969. The future, folks. We must do what is right for the future of this country and live up to our moral and ethical responsibilities to do something about the $5.3 trillion debt. We do not want to pass that on to our children. I think it is totally inappropriate for our generation to look the other way and pass that debt on to our children.

Our job is to do something about it, and that is the National Debt Repayment Act. We introduced it today in Congress. The National Debt Repayment Act goes like this. It says after we reach a balanced budget, that is, the same number of dollars coming in as what the government is writing out checks for, after our budget is in balance, we cap the growth of spending at a rate 1 percent lower than the rate of revenue growth.

If revenues go up faster than spending, that creates a very small surplus to begin with. The surplus grows each year. One-third of that surplus goes to providing additional tax cuts to working families; two-thirds to repay the Federal debt.

The future? The future is paying off the entire Federal debt under this plan by the year 2026, giving our Nation to our children debt-free. And, of course, as we are paying off the debt, we restore the Social Security trust fund.

The future? The future is the National Debt Repayment Act providing additional tax cuts to working families. A secure future and debt-free Nation for our children and restore the Social Security trust fund so our seniors, once again, are secure in this great Nation that we live in.

That is a very different vision than the past that we have had here. This is such good news for America. It is such good news it should be put out on every station to let all the people know just how changed this place is.

The past. Broken promises, higher taxes. The present. Third year of a 7-year plan to balance the budget. On track and ahead of schedule. Very changed place. Curtailing the growth of government spending to the point where we can both balance the budget and, at the same time, reduce taxes on our families out there. And, after all, that is what this is all about, the future.

The future is about our children and future generations of Americans. The future. The National Debt Repayment Act, where we repay the entire Federal debt by the year 2026 and give this Nation to our children debt-free. The National Debt Repayment Act, where we are paying off the debt and restoring the Social Security trust fund. The National Debt Repayment Act, where we allow additional tax cuts for working families. Additional tax cuts for working families, a restored Social Security trust fund for our seniors and a debt-free Nation for our children.

That is a vision for the future of this great Nation that we live in. That is what I sincerely hope happens out of what has started here today as we have introduced the National Debt Repayment Act, and that is my vision for the future of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), until August 1, 1997, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DICKS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous matter:)

Ms. CHRISTIAN-GREEN.
Mr. STOKES.
Mr. LANTOS.
Mr. SERRANO.
Mr. GEJDENSON.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous matter:)

Mr. GILMAN.
Mr. FORBES.
Mr. BRYANT.
Mr. GALLEGLY.
Mr. COLLINS.

(The following Members (at the request of Mr. NEUMANN) to revise and extend their remarks and include extraneous matter:)

Mr. COBLE.
Mr. PACKARD.
Ms. VELAZQUEZ.
Mr. ENGEL.
Mr. MCCOLLUM.
Mrs. CUBIN.
Mr. POMEROY.
Mr. MURTHA.
Mr. MENENDEZ.
Mr. FOGLIETTA.
Mr. KENNEDY of Massachusetts.
Mr. SOLOMON.
Mrs. MALONEY of New York.
Mr. KUCINICH.
Mr. BOB SCHAFFER of Colorado.
Mr. GEJDENSON.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 768. For the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

ADJOURNMENT

Mr. NEUMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, July 21, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4228. A communication from the President of the United States, transmitting a report to Congress that suspension for 6 months beyond August 1, 1997, of the right to bring an action under title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 is necessary to the national interests of the United States and will expedite a transition to democracy in Cuba, pursuant to Public Law 104—114, section 306(c)(2); (H. Doc. No. 105—107); jointly to the Committees on International Relations and the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 189. Resolution providing for consideration of the bill (H.R. 2169) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–189). Referred to the House Calendar.

SUPPLEMENTAL REPORT FILED

Mr. LIVINGSTON: Committee on Appropriations. Supplemental Report on the revised subdivision of budget totals for fiscal year 1998 (Rept. 105–185 Part II). Referred to the Committee on the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE:

H.R. 2180. A bill to amend title 17, United States Code, to provide limitations on copyright liability relating to material on-line, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. SCHUMER, Mr. BUYER, Mr. CHABOT, Mr. COBLE, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. GEKAS, Ms. JACKSON-LEE, Mr. MEEHAN, and Mr. WEXLER):

H.R. 2181. A bill to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes; to the Committee on the Judiciary.

By Mr. WEXLER (for himself, Mr. CONYERS, Mr. COBLE, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE, and Ms. LOFGREN):

H.R. 2182. A bill to amend the Inspector General Act of 1978 to clarify the authority of the inspector general of the Department of Justice; to the Committee on Government Reform and Oversight.

By Mr. HUTCHINSON (for himself, Mr. ALLEN, Mr. BOYD, Mr. COOK, Mr. DAVIS of Florida, Mr. GIBBONS, Mr. HILL, Mr. HULSHOF, Mr. KIND of Wisconsin, Mr. LAMPSON, Mr. PASCRELL, Mrs. TAUSCHER, Mr. BERRY, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY, Ms. DEGETTE, Mr. DELAHUNT, Mr. FORD, Mr. HINOJOSA, Ms. HOOLEY of Oregon, Mr. JOHN, Mr. JOHNSON of Wisconsin, Mrs. MCCARTHY of New York, Mr. MALONEY of Connecticut, Mr. REDMOND, Mr. SNYDER, Mr. TURNER, Mr. WAMP, Mr. WEXLER, and Mr. WEYGAND):

H.R. 2183. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. BRYANT:

H.R. 2184. A bill to permit reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CLAYTON (for herself, Mr. HILLIARD, Mr. BISHOP, Mr. THOMPSON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. NORTON, Mr. SCOTT, Mr. WYNN, Mr. BONIOR, Mr. DIXON, Mr. ABERCROMBIE, Mr. CLAY, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. SERRANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. CONYERS, Mr. WATT of North Carolina, Ms. WATERS, and Mrs. MINK of Hawaii):

H.R. 2185. A bill to establish equitable service for customers and equal opportunity for employees of the United States Department of Agriculture; to the Committee on Agriculture, and in addition to the Committees on Government Reform and Oversight, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 2186. A bill to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, WY; to the Committee on Resources.

By Mr. ENGEL (for himself, Mr. NADLER, Mr. RANGEL, Ms. VELAZQUEZ, and Mrs. MALONEY of New York):

H.R. 2187. A bill to designate the U.S. Courthouse located at 40 Foley Square in New York, NY, as the "Thurgood Marshall United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. FOWLER (for herself, Mr. COX of California, Mr. GIBBONS, Mr. GILMAN, Mr. SAM JOHNSON, Mr. MCINTOSH, Mr. ROHRABACHER, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. SOLOMON, and Mr. ROYCE):

H.R. 2188. A bill to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company are not extended normal tariff treatment by the United States or treated as normal commercial intercourse with the United States; to the Committee on Ways and Means, and in addition to the Committees on International Relations, National Security, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Ms. WOOLSEY):

H.R. 2189. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to repeal provisions relating to the State enforcement of child support obligations and to require the Internal Revenue Service to collect child support through wage withholding and other means, and to authorize the Social Security Administration to distribute child support collections; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself, Mr. Cox of California, Mr. Solomon, Mr. Spence, Mr. Gilman, Mr. Sam Johnson, Mr. Rohrabacher, Mr. Royce, Mr. Smith of New Jersey, Mr. McIntosh, Mr. Shadegg, Mr. Gibbons, and Mr. Hutchinson):

H.R. 2190. A bill to provide for an annual report to Congress on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States; to the Committee on Intelligence (Permanent Select).

By Mr. NEUMANN (for himself, Mr. Gingrich, Mr. Solomon, Mr. Livingston, Mr. Kasich, Mr. Paxon, Mr. Ballenger, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bass, Mr. Blunt, Mr. Bono, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Campbell, Mr. Chabot, Mrs. Chenoweth, Mr. Christensen, Mr. Coburn, Mr. Condit, Mr. Cooksey, Mr. Crapo, Mrs. Cubin, Mr. Dickey, Mr. Doolittle, Mr. Dreier, Mr. Ehrlich, Mr. English of Pennsylvania, Mr. Ensign, Mr. Ewing, Mr. Foley, Mr. Forbes, Mr. Fox of Pennsylvania, Mr. Franks of New Jersey, Mr. Goode, Mr. Graham, Ms. Granger, Mr. Gutknecht, Mr. Hastings of Washington, Mr. Hayworth, Mr. Herger, Mr. Hyde, Mr. Hill, Mr. Hobson, Mr. Hoekstra, Mr. Horn, Mr. Hostettler, Mr. Hunter, Mr. Istook, Mr. Sam Johnson, Mr. Jones, Mr. Kingston, Mr. Klug, Mr. Largent, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. McIntosh, Mr. McKeon, Mr. Manzullo, Mr. Metcalf, Mr. Minge, Mrs. Myrick, Mr. Nethercutt, Mr. Ney, Mr. Nussle, Mr. Parker, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Radanovich, Mr. Ramstad, Mr. Rohrabacher, Mr. Royce, Mr. Ryun, Mr. Salmon, Mr. Scarborough, Mr. Bob Schaffer, Mr. Shays, Mrs. Linda Smith of Washington, Mr. Smith of Michigan, Mr. Snowbarger, Mr. Souder, Mr. Talent, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Thornberry, Mr. Thune, Mr. Tiahrt, Mr. Traficant, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weller, Mr. Whitfield, and Mr. Wicker):

H.R. 2191. A bill to amend the Congressional Budget Act of 1974 regarding procedures for budget resolutions and to amend title 31, United States Code, to direct repayment of the public debt; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NORTHUP:

H.R. 2192. A bill to establish a National Panel on Early Reading Research and Effective Reading Instruction; to the Committee on Education and the Workforce.

By Mr. SANDLIN:

H.R. 2193. A bill to amend title 10, United States Code, to clarify the definition of depot-level maintenance and repair as the definition applies to the Department of the Army; to the Committee on National Security.

By Mr. SHERMAN (for himself, Mr. Lipinski, Mr. Frost, Mr. Hastings of Florida, Mr. Walsh, Ms. Lofgren, Mrs. Kelly, Mr. Abercrombie, Mr. LaFalce, Ms. Millender-McDonald, Mr. McKeon, Mr. Klink, Mr. Davis of Illinois, Mr. Burr of North Carolina, Mr. Bilbray, Mr. Franks of New Jersey, Mr. Torres, Mr. Brown of California, Ms. Harman, Mr. Fazio of California, Ms. Ros-Lehtinen, Ms. Carson, Mr. Diaz-Balart, Mr. Bereuter, Mr. English of Pennsylvania, Mr. Gallegly, and Mr. Sandlin):

H.R. 2194. A bill to provide for telephone access to the FBI database that tracks the movement and whereabouts of sexual offenders; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. Cox of California, Mr. Gilman, Mr. Spence, Mr. Solomon, Mr. Shadegg, Mr. McIntosh, Mr. Rohrabacher, Mr. Gibbons, and Mr. Sam Johnson):

H.R. 2195. A bill to provide for certain measures to increase monitoring of products of the People's Republic of China that are made with forced labor; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. Cox of California, Mr. Gilman, Mr. Spence, Mr. Rohrabacher, Mr. McIntosh, Mr. Gibbons, and Mr. Shadegg):

H.R. 2196. A bill to reduce the Federal funds to be provided to any international financial institution by the United States portion of any subsidy provided by the institution to the People's Republic of China; to the Committee on Banking and Financial Services.

By Mr. STEARNS (for himself, Mr. Gutierrez, Mr. Stump, and Mr. Evans):

H.R. 2197. A bill to amend title 38, United States Code, to specify the entities eligible to purchase pharmaceutical products from the Federal Supply Schedule; to the Committee on Veterans' Affairs.

By Mr. STEARNS (for himself, Mr. Armey, Mr. Bishop, Mr. Brown of Ohio, Mr. Canady of Florida, Mr. Davis of Virginia, Mr. DeFazio, Mr. Duncan, Mr. Faleomavaega, Mr. Farr of California, Mr. Foley, Mrs. Fowler, Mr. Gekas, Mr. Gillmor, Mr. Gilman, Mr. Gonzalez, Mr. Green, Mr. Herger, Mr. Hyde, Mrs. Johnson of Connecticut, Mr. Kennedy of Massachusetts, Ms. Lofgren, Mr. McCollum, Mr. McHugh, Ms. McKinney, Mr. Nadler, Mr. Oberstar, Mr. Oxley, Mr. Sensenbrenner, Mr. Shadegg, Mr. Smith of New Jersey, Mr. Stump, Mr. Taylor of North Carolina, Mr. Traficant, Mr. Upton, Mr. Waxman, Mr. Weldon of Florida, and Ms. Woolsey):

H.R. 2198. A bill to establish limitations with respect to the disclosure and use of genetic information in connection with group health plans and health insurance coverage, to provide for consistent standards applicable in connection with hospital care and medical services provided under title 38 of the United States Code, to prohibit employment discrimination on the basis of genetic information and genetic testing, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Government Reform and Oversight, Education and the Workforce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Ms. Kaptur, Mr. Miller of California, Mr. Nadler, Mr. DeFazio, Mr. Lewis of Georgia, Mr. Gejdenson, Ms. McKinney, Mr. Weygand, Mr. Kind of Wisconsin, Mr. Meehan, Mr. Delahunt, Mr. Ford, Mr. Hinchey, Mr. Sanders, Mr. Kucinich, Mr. McDermott, Mr. Markey, Mr. Olver, Mr. Blumenauer, Mr. Barrett of Wisconsin, Mr. Blagojevich, Mr. Jackson, Ms. Eshoo, Ms. Pelosi, Mr. Moran of Virginia, and Ms. DeLauro):

H.R. 2199. A bill to reform the financing of Federal elections; to the Committee on House Oversight, and in addition to the Committees on Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD (for himself, Mr. Miller of California, Mr. Lipinski, Mr. Abercrombie, Ms. Christian-Green, Mr. Faleomavaega, Mr. Filner, Mr. Frank of Massachusetts, Mr. Holden, Mr. Kennedy of Rhode Island, Mr. Ortiz, Mr. Pastor, Mr. Rohrabacher, and Mr. Romero-Barcelo):

H.R. 2200. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on Resources.

By Ms. VELAZQUEZ (for herself, Mr. Gilman, Mr. Lazio of New York, Mr. Towns, Mrs. Maloney of New York, Ms. Molinari, Mr. Serrano, Mr. Manton, Mr. King of New York, Mr. Schumer, Mr. Hinchey, Mr. Nadler, Mrs. Lowey, Mr. Flake, Mr. Ackerman, Mr. McNulty, Mr. Engel, Mr. Rangel, Ms. Slaughter, Mrs. McCarthy of New York, Mr. LaFalce, Mrs. Kelly, Mr. Owens, and Mr. Boehlert):

H.R. 2201. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Florida (for himself, Mr. Bliley, Mr. Saxton, Mr. Stokes, Mr. Hoyer, Mr. Hall of Ohio, Mr. McDade, Mr. Shaw, Mr. Watts of Oklahoma, Mr. Waxman, Mr. Hefley, Mr. Moakley, Mr. Dellums, Mr. Hilleary, Mr. Borski, Ms. Granger, Mr. Horn, Mr. Coburn, Mr. Hastings of Florida, Mr. Thompson, Mr. Pickett, Mr. Mascara, Mr. Peterson of Minnesota, Mr. Thornberry, Mr. Gordon, Mr. Blunt, Mr. McNulty, Mr. Pastor, Mr. Moran of Virginia, Ms. Ros-Lehtinen, Mrs. Mink of Hawaii, Ms. Eddie Bernice Johnson of Texas, Ms. Dunn of Washington, Mr. Faleomavaega, Mr. Condit, Mr. Duncan, Mr. Greenwood, Mr. Gutierrez, Mr. Shimkus, Mr. Clay, Mr. Bob Schaffer, Mr. Boehlert, Mr. DeFazio, Mr. Quinn, Ms. Norton, Mr.

Calvert, Mr. Wise, Ms. Pelosi, Mr. Frelinghuysen, Mr. Frost, Mrs. Lowey, Mr. Barton of Texas, Ms. DeLauro, Mr. Latham, Mr. Foley, Mr. Spence, Mr. Canady of Florida, Mr. Hinchey, Ms. Kilpatrick, Mr. Boyd, Ms. Slaughter, Mr. Bonilla, Mr. Abercrombie, Mrs. Thurman, and Mr. Porter):

H.R. 2202. A bill to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes; to the Committee on Commerce.

By Mr. METCALF (for himself, Ms. Dunn of Washington, Mr. Dicks, Mr. White, Mr. Nethercutt, Mr. Hastings of Washington, Mr. McDermott, Mrs. Linda Smith of Washington, and Mr. Adam Smith of Washington):

H. Con. Res. 117. Concurrent resolution expressing the sense of the Congress regarding the interference of the European Commission in the merger of the Boeing Co. and McDonnell Douglas; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. Solomon, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. COX of California, and Mr. Markey):

H. Res. 188. Resolution urging the executive branch to take action regarding the acquisition by Iran of C–802 cruise missiles; to the Committee on International Relations.

By Mr. COX of California (for himself, Mr. Sam Johnson, Mr. Gilman, Mr. Spence, Mr. Solomon, Mr. Smith of New Jersey, Mr. Royce, Mr. Shadegg, Mr. Gibbons, Mr. McIntosh, and Mr. Rohrabacher):

H. Res. 190. Resolution expressing the sense of the House of Representatives that Taiwan should be admitted to the World Trade Organization without making such admission conditional on the previous or simultaneous admission of the People's Republic of China to the WTO; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Miller of California, Mr. Sherman, Mr. Skaggs, Ms. Slaughter, Mr. Wexler, and Mr. Yates.

H.R. 38: Mr. Fox of Pennsylvania.

H.R. 44: Mr. Fox of Pennsylvania and Mr. Watts of Oklahoma.

H.R. 58: Mr. Tiahrt and Mr. Smith of Oregon.

H.R. 66: Mr. Clay.

H.R. 127: Mr. Pastor and Mr. Peterson of Minnesota.

H.R. 145: Mr. Campbell and Mr. Dicks.

H.R. 234: Mr. Fox of Pennsylvania.

H.R. 305: Mr. Kennedy of Rhode Island.

H.R. 387: Mr. Owens, Mr. Solomon, Mr. Ehrlich, and Mr. Stark.

H.R. 407: Mr. Roemer.

H.R. 600: Mr. Lampson.

H.R. 641: Mr. Camp.

H.R. 695: Mr. Barrett of Nebraska, Mr. Gephardt, Mr. Kim, Mrs. Johnson of Connecticut, Mr. Lucas of Oklahoma, and Mr. Brown of California.

H.R. 715: Mr. Gekas, Mr. Bonior, Mrs. McCarthy, Mr. Romero-Barcelo, and Mr. Wexler.

H.R. 727: Mr. Solomon and Mr. Cook.

H.R. 755: Mr. Goodling.

H.R. 805: Mr. Gallegly.

H.R. 866: Mr. Collins.

H.R. 875: Mr. Davis of Illinois and Mr. Wicker.

H.R. 977: Mr. McHugh.

H.R. 981: Mr. Fazio of California and Ms. DeLauro.

H.R. 982: Mr. Vento.

H.R. 983: Mr. Rangel.

H.R. 1002: Mr. King of New York and Mr. Cummings.

H.R. 1010: Mr. Hefley, Ms. Granger, Mr. Sensenbrenner, and Mr. Wicker.

H.R. 1015: Ms. Pelosi, Mr. Berman, and Mr. Pascrell.

H.R. 1059: Mr. Cook.

H.R. 1108: Mr. McCrery.

H.R. 1114: Mr. Clyburn.

H.R. 1128: Ms. Millender-McDonald.

H.R. 1151: Mr. Menendez, Mr. Shays, Mr. Cummings, and Mr. Nadler.

H.R. 1175: Mr. Sherman.

H.R. 1176: Mr. Campbell and Mr. Davis of Illinois.

H.R. 1288: Mr. Owens.

H.R. 1437: Mr. Yates and Mr. McHugh.

H.R. 1500: Mr. Davis of Illinois.

H.R. 1504: Mr. Whitfield and Mr. McGovern.

H.R. 1507: Mr. Clay and Mr. Neal of Massachusetts.

H.R. 1525: Mr. Martinez.

H.R. 1531: Mr. Evans, Mr. Fox of Pennsylvania, Ms. Jackson-Lee, and Mr. English of Pennsylvania.

H.R. 1550: Mr. Burton of Indiana.

H.R. 1583: Ms. DeGette.

H.R. 1608: Mr. Mascara, Mr. Greenwood, Mr. King of New York, Mr. Weldon of Pennsylvania, Mr. Shimkus, Mr. Ney, Mr. Horn, Mr. McHugh, Mr. Boehlert, Mrs. Roukema, Mr. Jackson, and Mr. Hilliard.

H.R. 1614: Ms. Carson.

H.R. 1671: Ms. Sanchez.

H.R. 1710: Mrs. Johnson of Connecticut, Mr. Porter, Mr. Dooley of California, Mr. Combest, Mr. McIntosh, Mrs. Myrick, Mr. Duncan, Mr. Gibbons, Mr. Shays, Mr. Kleczka, Mr. Forbes, Mr. Sam Johnson, Mr. Luther, Mr. Herger, Mr. Kolbe, Mr. Smith of Texas, Mr. Calvert, Mr. Sensenbrenner, Mr. Weldon of Florida, Mr. Clyburn, Mr. Ehlers, Mr. Talent, Mrs. Tauscher, Mrs. Roukema, and Mr. Spence.

H.R. 1711: Mr. Tiahrt, Mr. Lucas of Oklahoma, and Mr. Doolittle.

H.R. 1719: Mr. Barton of Texas, Ms. Danner, Mr. Barrett of Nebraska, and Mr. Ballenger.

H.R. 1737: Mrs. Clayton and Mr. Saxton.

H.R. 1754: Mr. Solomon.

H.R. 1836: Mr. Cox of California and Mr. Barrett of Wisconsin.

H.R. 1839: Mr. Burr of North Carolina and Mr. Rahall.

H.R. 1842: Mr. Hostettler.

H.R. 1849: Mr. Largent, Mr. Snyder, Mr. Bereuter, and Mr. Reyes.

H.R. 1859: Mr. Christensen.

H.R. 1872: Mr. Klug, Mr. Deutsch, and Mr. Upton.

H.R. 1876: Mr. English of Pennsylvania.

H.R. 1880: Mr. Condit.

H.R. 1915: Mr. Barrett of Wisconsin, Mr. McGovern, and Mr. DeFazio.

H.R. 1951: Mr. Farr of California, Mr. Gonzalez, Mr. Yates, and Mr. Waxman.

H.R. 1955: Ms. Granger and Mr. Pickering.

H.R. 1972: Mr. Davis of Illinois.

H.R. 1984: Mr. Ballenger, Mr. Hayworth, Mr. Peterson of Pennsylvania, Mr. Thornberry, Mr. Peterson of Minnesota, Mr. Hilliard, Mr. Rush, Mr. Sandlin, Mr. Regula, Mr. Cooksey, Mr. Smith of Oregon, Mr. Barcia of Michigan, Mrs. Myrick, Mr. Bartlett of Maryland, Mr. Pickett, Mr. Aderholt, and Mr. Hefley.

H.R. 2003: Mr. Edwards, Mr. Goode, Mr. Berry, Mr. Houghton, Mr. Hamilton, Mr. Cramer, Mr. Deutsch, Mr. McHale, Mr. Kind of Wisconsin, Mr. Barrett of Wisconsin, Ms. Eshoo, Mr. Hefner, Mr. Boswell, Mr. Bishop, Mr. Sisisky, Mr. Johnson of Wisconsin, Mr. Klug, Mr. Barcia of Michigan, Mrs. Kennelly of Connecticut, Ms. McKinney, Mr. Stupak, Mr. McIntyre, Mr. English of Pennsylvania, and Mr. Dan Schaefer of Colorado.

H.R. 2064: Mr. Blunt, Mr. Ortiz, Mr. Clement, and Mr. Schumer.

H.R. 2135: Mr. Frank of Massachusetts, Mr. DeFazio, Ms. DeLauro, Mrs. Lowey, and Mr. Tierney.

H.R. 2143: Mr. Hinchey.

H.R. 2174: Ms. Eshoo, Mr. Boehlert, Mr. Bentsen, Mrs. Tauscher, Mr. Hastings of Florida, Ms. Jackson-Lee, Mr. Lantos, and Mr. Farr of California.

H. Con. Res. 13: Mr. Owens and Mr. McCollum.

H. Con. Res. 37: Mr. Gillmor.

H. Con. Res. 41: Ms. Brown of Florida, Mr. Hutchinson, Mr. Jefferson, Mr. Gutknecht, Mr. Reyes, and Mr. Oxley.

H. Con. Res. 45: Mr. Frost, Mr. DeFazio, Ms. Stabenow, and Mr. Bonior.

H. Con. Res. 55: Mr. Brown of Ohio, Mr. Duncan, Mr. Thomas, and Mr. Meehan.

H. Con. Res. 80: Mr. Farr of California, Mr. Wynn, Mr. Hinchey, and Mr. Lewis of Kentucky.

H. Con. Res. 83: Mr. Quinn, Mr. Blumenauer, Mr. White, Mr. Klink, and Mr. Holden.

H. Con. Res. 112: Mr. Lantos and Mr. Yates.

H. Con. Res. 114: Mr. Gutierrez, Mrs. Mink of Hawaii, and Mr. Burton of Indiana.

H. Res. 22: Mr. Menendez.

H. Res. 26: Ms. Roybal-Allard, Mr. Nadler, Mr. Dellums, Mr. Davis of Illinois, Mr. Moran of Virginia, Mrs. Meek of Florida, Mr. Rush, Ms. Jackson-Lee, Mr. DeFazio, Mr. Sanders, Mrs. Kennelly of Connecticut, and Mr. Payne.

H. Res. 110: Mr. Farr of California, Ms. Lofgren, Ms. Sanchez, and Mr. Peterson of Pennsylvania.

H. Res. 151: Mr. Smith of Michigan, Mr. Ehlers, and Mr. Ehrlich.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1031: Mr. Payne.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2159

Offered By: Ms. Jackson-Lee

Amendment No. 35: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ASSISTANCE FOR ETHIOPIA

Sec. 572. The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates funds appropriated or otherwise made available by this Act for Ethiopia.

H.R. 2159

OFFERED BY: MR. PAUL

AMENDMENT NO. 36: At the end of title I (page 5, after line 14), insert the following new paragraph:

REDUCTION IN AMOUNTS

Each amount otherwise provided in this title is hereby reduced to $0.

H.R. 2160

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 17: Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to carry out, or to pay the salaries and expenses of personnel of the Department of Agriculture who carry out, a nonrecourse loan program for the 1998 crop of quota peanuts with a national average loan rate in excess of $550 per ton.

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 18: Page 51, line 6, insert after the dollar amount "(increased by $5,000,000)".

Page 56, line 15, insert after the second dollar amount "(reduced by $5,470,000)".

SENATE—*Thursday, July 17, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, Rev. Michael N. Higgs, LINC Ministries, Canby, OR, offered the following prayer:

Let us pray together:

Almighty God, Creator of the universe, Sovereign and Supreme Ruler over our Nation, we thank You today for the gifts of life and liberty, and for the many blessings we and our country have received from Your hand. Along with the 22,000 students here this week for Youth For Christ's D.C. '97 Youth Evangelism Super Conference, I thank You for the privilege of interceding on behalf of those You have appointed to lead our Nation. We acknowledge Your sovereignty in the affairs of all nations, as well as Your divine appointment of all in positions of authority. We thank You for all the Senators, for the unique gifts, talents, and abilities You have given them. May they utilize them today and each day in a way that pleases You and blesses our Nation. As they confront the problems, challenges and opportunities that our country faces, give them the wisdom to make decisions with justice, mercy, and compassion. Grant them insight and inspiration as they face difficulties and obstacles; give them not only success in their endeavors, but also joy in the journey as they serve You and our country. And as they represent a generation of youth who are searching for leadership marked by moral and ethical integrity, give them the faith and courage to do what is right in Your eyes, to honor You in their speech and conduct, and to act in a manner that will attract Your blessing to our Nation and ensure a righteous legacy for our young people. We pray this in faith, in the name of Jesus and for His glory. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BROWNBACK. For the information of all Members, today the Senate will resume consideration of S. 955, the foreign operations appropriations bill. Under the previous order, following the debate time on the remaining two amendments to S. 955, the Senate will begin voting on those amendments as well as final passage. Therefore, Senators can expect three consecutive rollcall votes beginning at approximately 10 a.m. this morning.

It is the intention of the majority leader for the Senate to begin consideration of the Treasury, postal appropriations bill following the disposition of the foreign operations appropriations bill. Members can anticipate additional rollcall votes today on the Treasury, postal appropriations bill.

The majority leader has also stated that the Senate will resume consideration of the nomination of Joel Klein to be an Assistant Attorney General. Senators can expect a rollcall vote on that nomination following the conclusion of the remaining 3 hours for debate.

I thank all Senators for their attention, and I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

The PRESIDENT pro tempore. The clerk will report the pending bill.

The assistant legislative clerk read as follows:

> A bill (S. 955) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

> Bingaman amendment No. 896, to provide for Cuban-American family humanitarian support and compassionate travel.
>
> Hutchinson amendment No. 890, to express the sense of the Senate that most-favored-nation trade status for China should be revoked.

The PRESIDENT pro tempore. The able Senator from New Mexico is recognized.

AMENDMENT NO. 896

Mr. BINGAMAN. Mr. President, I appreciate very much the chance to speak again about my amendment. Let me take just a few minutes to describe what this amendment does and then reserve a couple of the 5 minutes that is allotted for my side for any rebuttal I need to make.

This amendment is very modest. It tries to do three things. It is aimed at assisting the Cuban-American families that reside in our country, some of whom are citizens—some individuals are citizens, some are residents. It tries to assist in three respects.

First of all, it says with regard to family support payments, that residents of the United States shall not be prohibited from sending to their parents, their siblings, their spouses, or their children who currently reside in Cuba, small amounts of money, not to exceed $200 per month, to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

Mr. President, I think this is self-explanatory. We had a policy until the shootdown of the plane some 2 years ago, nearly, at this point—we had a policy of permitting, I believe, $100 per month to be remitted by Cuban-Americans living in this country to their families in Cuba for these types of purposes. That is no longer permitted at any level. This amendment would say up to $200 per month could be sent by a person in this country to a family member in Cuba.

Second, compassionate travel—that is the second item in this amendment. It says essentially that U.S. citizens and permanent residents here can travel without limitation for periods not to exceed 30 days for each trip to attend either a medical emergency or a funeral of that person's parent, sibling, spouse, or child. As I understand it, the present law in this country is that you can go to Cuba for a very short time once a year, if you are a resident of this country, for this kind of purpose. It doesn't take a great deal of ingenuity to conjure up a situation where you would have a person's parent getting sick, having a medical emergency that required that person to return early in the year, and then have a funeral later that year which would require a return again to Cuba. This amendment says that you could do both of those trips. Neither could be more than 30 days in duration. It is a very limited provision. It is only applicable to people who have spouses, parents, siblings, and children in Cuba.

And the third item here, which I think is not just aimed at the Cuban-American community, it says that the United States Government shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster in Cuba.

All we are saying here is that if there is a hurricane, if there is some natural catastrophe in Cuba, and multilateral organizations that we are a member of decide to take some action to assist the Cuban people, then we can participate along with the other members of that multilateral organization.

As I indicated when I started, this is a very, very modest amendment. It is trying to deal with some very specific problems I see in our current law, and I would very much appreciate it if our colleagues could agree to this amendment. I understand it is objectionable, and I will, at this point, yield the floor and reserve the remainder of my time to allow the opponents of the amendment to explain why this is going to undermine our great democracy.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Who yields time in opposition to the amendment?

The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, on February 24, 1996, under the directions of Fidel Castro, the Cuban Air Force encountered and destroyed a civilian aircraft in the Florida straits. Murdered on that day were four innocent civilians, including Americans. At almost the same time, 100 brave Cuban citizens demonstrating in the streets of Havana were arrested for demanding democratic reforms, and they remain in jail.

In response to these actions, President Clinton, with the strong bipartisan support of this country, on that day made several changes in American policy. First, we suspended the very remittances that would be expanded by the Bingaman amendment today, and canceled flights that were encouraging tourism and travel in Cuba. It was a modest response to an egregious act. We were united then; I do not know what would divide us now.

Since the murders on that day, there has been no change in Cuban policy. Although the price of progress in American relations has always been clear—a single opposition newspaper, the scheduling of a free election, the allowing of any dissent, the opening of Cuba's jails to anyone; not all of these things, not even in their entirety, but any one of these things, to any extent, would have brought about a change in our policy.

I know people are impatient for democratic reform in Cuba and an ending of the embargo. It has been 5 years since we strengthened American law. I know patience is not always our greatest national attribute. But now—in the face of Fidel Castro, 5 years after embarking on this policy, only 18 months after the murder of these citizens, with no Cuban response, no concession and no change—to simply abandon our policy, I believe, would undermine a foreign policy objective of the United States for a free Cuba.

Mr. President, does the Senator from Florida—we have consumed 3 minutes, I believe, Mr. President?

The PRESIDING OFFICER. Two minutes remain.

Mr. TORRICELLI. Does the Senator from Florida request the 2 minutes?

Mr. GRAHAM. Yes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I thank my colleague, Senator TORRICELLI.

I rise today to oppose the amendment offered by our colleague from New Mexico. The policy of the United States toward Cuba is too serious, it is too delicate, it has too many ramifications to be settled in debate which this morning will provide 5 minutes per side to discuss the nuances of what is entailed in this seemingly humanitarian and benign amendment. If there is to be a change in policy, it should be the result of studied consideration of all of the implications of specific proposals, not extracting three items from a complex set of relationships that involve not only Cuba but also many other nations in the world.

Second, there is no need for this amendment. One of the principal parts of this amendment is related to humanitarian aid, particularly after a natural disaster—a very appealing concept for Americans. It is so appealing that, in fact, the United States is already the largest donor of humanitarian assistance to Cuba. In the last 4 years, the U.S. Government has licensed more than $150 million of humanitarian assistance to Cuba, more than the total of all other nations combined. So the United States has not stood by in times of humanitarian need for the people of Cuba.

With reference to travel to Cuba, American citizens already can travel to Cuba once a year with virtually no restraints in order to attend to a humanitarian family need. This would open the gates beyond that to allow unlimited visits to Cuba.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. Mr. President, I urge the Senate defer the debate on what should be our policy in the future toward Cuba to another day, when we can give it the attention that it requires, and defeat this amendment.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico controls 50 seconds.

Mr. BINGAMAN. Let me conclude by saying I am not trying to change United States policy toward Cuba. I am not trying to provide assistance to Fidel Castro. I am not trying to send a signal that Fidel Castro is a favorite statesman of this country. I do think it is appropriate for us to separate out the concerns of Cuban-American citizens and residents from this geopolitical issue, and say these modest efforts to assist Cuban-American citizens and residents to help their families and to visit their families are not something that a great nation like ours should resist.

Clearly, the humanitarian assistance my colleague from Florida cites that we have done is in the private sector. There is no public sector assistance at this time.

Mr. President, I urge the adoption of my amendment.

While I have the floor, I ask unanimous consent to add Senator BOB KERREY from Nebraska as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I also ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. By previous agreement, the vote will take place at a later time.

The PRESIDING OFFICER. All time has expired on the amendment.

AMENDMENT NO. 890

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Arkansas. The Senator from Arkansas is recognized for up to 5 minutes.

Mr. HUTCHINSON. Mr. President, I yield myself 2 minutes.

It has been years since this body voted on the most-favored-nation status for China. It has been 8 years since the Tiananmen Square massacre, and it has been 4 years since this Nation embarked on a policy of so-called constructive engagement which delinked our China trade policy from human rights concerns.

During these years, years since we last voted on MFN, years since the Tiananmen Square massacre, and the 4 years since we embarked upon constructive engagement, this is what has happened in these years:

The struggling democracy movement in China has been thoroughly and completely squashed.

Those students at Tiananmen Square, which we watched on television all over this Nation, are all either imprisoned or executed.

All voices of freedom in China have since been silenced—all of them—according to the 1996 State Department Report on China. All voices of dissidents have been silenced.

Chinese workers have been systematically exploited.

Weapons of mass destruction have been exported around the world so that the export of those weapons from China now poses the greatest military risk in the world today.

And people of faith in China have been persecuted and driven underground.

In addition, during these years, all political dissent has been effectively oppressed, and now there is mounting evidence that, in fact, during these years when we were year after year granting most-favored-nation status, they were attempting to influence the American political process. There is mounting evidence that that was the case.

So I believe this vote is a vote of conscience. I believe it is a vote that we must have in this body. The abuses of the Chinese Government beg to be protested.

So when people ask me why this vote? I say because it is so egregious what is going on that we must vote, we must raise our voice, we must let the people of China know that there are people standing up for them in the United States.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. HUTCHINSON. I reserve my 3 minutes.

The PRESIDING OFFICER. Who seeks to speak in opposition to the amendment?

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine. How much time does the Senator seek?

Ms. COLLINS. Mr. President, I seek 90 seconds, please.

The PRESIDING OFFICER. The Senator is recognized.

Ms. COLLINS. Mr. President, I rise in support of Senator HUTCHINSON's sense-of-the-Senate resolution. I want to make clear that my support of this nonbinding resolution signifies my grave concerns about most-favored-nation status for China rather than a final decision about this important policy question.

Last month, the House of Representatives debated a resolution of disapproval that would have denied most-favored-nation status for China as proposed by President Clinton. The House rejected this measure, thereby supporting the Clinton administration's proposal to extend MFN status for China for another year.

Given this action by the House, the U.S. Senate will not have a formal debate and vote this year on the President's recommendation. Nevertheless, I recognize that this issue raises some very serious issues that need more debate and consideration than the very brief debate that the Senate has given this issue today.

Like many of my colleagues in the Senate, I am very troubled by the actions of the Chinese Government in Beijing. It has a very poor record on human rights issues. It has repeatedly violated trade agreements.

The PRESIDING OFFICER. The Senator has spoken for 90 seconds. Does she seek additional time?

Ms. COLLINS. I ask unanimous consent that I be permitted to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. It has a very poor record on human rights issues. It has repeatedly violated trade agreements. It engages in unacceptable weapons proliferation activities. It denies the religious freedom of its citizens. It maintains an antidemocratic posture toward Taiwan and Tibet. And, finally, our Senate investigation into campaign finance abuses has revealed a plan by China to funnel illegal political contributions into American campaigns.

Given all of the ramifications, I believe that at an appropriate time and place, the Senate should engage in a full-fledged debate that gives these matters the attention that they truly deserve.

In conclusion, I am withholding final judgment on the question of most-favored-nation status for China, but in the meantime, I am expressing my very serious concerns and reservations by supporting the nonbinding sense-of-the-Senate resolution offered by the Senator from Arkansas.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Might I inquire as to how much time my side has remaining?

The PRESIDING OFFICER. One minute 10 seconds. All time remains in opposition.

Mr. HUTCHINSON. It is my understanding Senator ASHCROFT from Missouri is on the way to the floor to speak in favor of my amendment. I reserve the final 1 minute and yield the floor to the opponents of the amendment.

The PRESIDING OFFICER. Who seeks recognition to speak in opposition to the amendment?

Mr. BINGAMAN. Mr. President, I ask permission to speak for up to 2 minutes in opposition to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. BINGAMAN. Mr. President, let me just say this whole issue of most-favored-nation status is not what the name implies. We have normal trading relations with well over 100 countries in the world, and as to each of those countries, we have so-called most-favored-nation trading status with them.

What we need to maintain with China is a normalized trading situation which then allows us to deal with the specific problems that the proponents of this resolution have identified. I agree that there are major problems in the trade imbalance that we have with China, that there are human rights abuses in China that are of concern, that there is missile proliferation that is of concern, and clearly the issue that is being raised about possible involvement by the Chinese Government in our elections is of concern. But those are specific issues that should be dealt with by a rifle-shot approach. We should not try to cut off our trade activities with a very large economy, such as China, and hamper the economic opportunities of our own private sector and the job creation that comes from that in this country through this kind of device.

So I very much oppose the notion that we should deny most-favored-nation status to China. I think we should get that issue behind us and get on to dealing with the more specific issues that do require attention in regard to our relations with China. I hope in future years we can do that. It seems like we are caught in a time war. We get to where we have an annual debate about most-favored-nation status and that is all we seem to be able to have when it comes to talking about China, and that is, unfortunately, what is happening again this year.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, with regard to the amendment of my good friend from Arkansas, Senator HUTCHINSON, I, along with a number of other Senators, were in Hong Kong 10 days ago to watch the turnover of Hong Kong to the Chinese. I mention Hong Kong because Hong Kong is really the best indicator of what China is likely to become in the coming years.

Some people suggest that the People's Republic of China will ruin Hong Kong. Others suggest that Hong Kong will be the engine that changes China. I think clearly the latter is most likely to be the case. Even though the amendment of the Senator from Arkansas deals with MFN for China and not MFN for Hong Kong, I think it is worthy of note that no one in Hong Kong, no one, not the democracy activists, the businessmen, no one, you can't find anybody in Hong Kong who thinks terminating MFN for China is a good idea.

I cite, for example, Martin Lee, the person who most of us are familiar with who is the prodemocracy activist in Hong Kong and the one the Chinese tend to fear the most and the one who says the greatest number of things that tend to irritate the regime in Beijing. Martin Lee is not in favor of terminating MFN for China, because he believes that the economic engine that is roaring in mainland China is pulling it inevitably in the direction of democracy and human rights.

So, Mr. President, I hope that the Hutchinson amendment will not be approved. I think it sends the wrong signal.

Having said that, let me say that nobody that I know is entirely happy with the internal government in the People's Republic of China. I might say the same thing about some of the countries that are still receiving foreign assistance from us. We are not entirely happy with what is going on in Russia these days. I, for one, am not happy with a number of things that have happened in Egypt recently, and these are countries that are foreign aid recipients of the United States.

We are not talking about foreign aid for China; we are talking about MFN for China. It seems to me it makes no sense, in terms of our growing relationship with China, to send this kind of message by terminating the trade status which benefits American business and benefits reformers in China who, in my judgment, will ultimately bring about the kind of changes in China that we would all like to see.

Mr. President, how much time remains? We are set for three votes at 10 o'clock, are we not?

The PRESIDING OFFICER. The Senator controls 2 minutes remaining in opposition. We are set for two rollcall votes at 10 o'clock.

Who seeks time? Two minutes remain for those who desire to speak in opposition; 1 minute remains for those who seek to speak in support of the amendment. Who yields time?

Mr. GRASSLEY. Mr. President, I rise to voice my opposition to the sense-of-the-Senate offered by the Senator from Arkansas. I support the President's decision to extend most-favored-nation status, or normal trading relations, to China.

The problems with China on trade, security, and human rights are well documented. And I won't take the time to repeat them here. But I'll just say that we are all concerned with China's poor record of promoting democracy, free enterprise and human rights. I'm especially concerned with the persecution of Christians in China.

But I think the question comes down to what is the best way to influence policy within China. Is it more effective to have a policy of isolationism, where we have virtually no trading relationship with China? This is what would happen if normal trading relations is revoked.

Or is it more effective to build a closer relationship with China through our trade policy? Trade serves to promote free enterprise and raise the standard of living of the Chinese people. It allows us to export our principles of liberty and democracy. I believe that the United States, and the Chinese people, are clearly better off by strengthening our relationship through trade.

Integrating China into the world community has already paid dividends. Recognizing that China still has many problems, most people would agree that significant progress has been made just in the last 10 to 20 years. I believe our economic and diplomatic relations with China have helped push this progress along.

This is not to say that we shouldn't be tough with China. Retaliatory measures can be very effective in encouraging further reforms in China. But retaliation should be targeted and specific.

I recall that last year at this time, USTR announced $2 billion in sanctions against China for breaching its commitment on intellectual property rights. Now I'm told by the administration that China has taken significant strides in cracking down on the pirating of intellectual property. Firm sanctions targeted at specific behavior can force change in China.

Revoking our normal trading relations is a blunt, ineffective tool. It would also hurt American workers, businesses, and consumers. Our $12 billion in annual exports to China would be put at risk, jeopardizing over 200,000 American jobs. And the increase in tariffs on China's exports into this county amounts to a stiff tax on American consumers.

The costs of revoking normal trading relations with China—to American workers and consumers and in terms of our inability to effectuate change in China—clearly outweigh any perceived benefits. I find it hard to believe that Beijing will suddenly promote democracy and human rights because the United States ends its trading relationship with China.

Engagement is the right policy for encouraging change in China.

Some opponents of MFN are concerned, not with these other important issues, but with the trading relationship itself. They point to the United States' expanding trade deficit with China, which last year amounted to just under $40 billion.

The current negotiations with China on its accession to the World Trade Organization is an opportunity to address the trade imbalance. We must get meaningful market access concessions from the Chinese before they are allowed into the WTO. American products deserve the same access to the Chinese market as their products enjoy in the United States.

The stakes are very high. In the agriculture sector, these negotiations will determine whether China becomes our largest export market or our biggest competitor. We cannot afford to make the same mistakes made when Japan entered the GATT in 1945. The United States is still shut out of the market in many respects. We need a tough, fair agreement with China.

It's time to move forward in our trading relationship with China. Let's get beyond this annual debate over trading status and focus on how we can best improve access to China's market for American workers and businesses, while improving the lives of the Chinese people by promoting human rights and serving as an example of democracy.

Mr. GORTON. Mr. President, my colleague from Arkansas, Mr. HUTCHINSON, has offered a sense-of-the-Senate amendment today regarding the President's decision to extend most-favored-nation trading status to the People's Republic of China for another year. Mr. HUTCHINSON believes the President's decision was wrong and would like to see MFN for China withdrawn. While I share my colleagues concerns about MFN for China, I will not support his amendment today.

As many of my colleagues know, I have grave reservations about the United States' policy of engagement with China. The President's decision to continue to provide China free and open access to the United States market and the House vote to approve that decision were, in my opinion, wrong. But, that is water under the bridge. Instead of arguing against a decision that has already been made, we should be looking forward to the MFN debate next year.

My State of Washington is on the cutting edge of trade with China. We do more business with China than virtually any other State in the Nation and rely on that business for thousands of well-paying jobs. Despite our successes, the Chinese continue to impose protectionist trade barriers against Washington State products and play politics with our exports. My State is not alone in this dilemma.

I firmly believe that the administration's policy of engagement is failing businesses throughout the United States. The United States trade deficit with China has now grown to $40 billion and is increasing every day. This is unacceptable, Mr. President. I challenge my colleagues to take a closer look at our policy of engagement with China and urge them to join me in fighting for a tougher trade policy next year. If we condition MFN on significant trade concessions from China next year, I am convinced that China will back down.

Unless we stand firm against Chinese protectionism and condition MFN and access to the United States market on trade concessions from China, we will never reap the potential benefits of truly free trade with the world's largest emerging economy.

So, Mr. President, I will vote against this amendment today, but look forward to working closely with my colleagues next year to change the way the United States does business with China.

Mr. ABRAHAM. Mr. President, I rise to express my opposition to the sense-of-the-Senate resolution opposing most favored nation [MFN] status to the People's Republic of China.

Mr. President, I hope everyone in this Chamber recognizes that terrible things continue to go on inside China. Religious persecution, political repression, and coercive family planning are only the most visible Chinese Government policies that violate universal standards of human decency.

In response to these serious problems, some of my colleagues have called for an end to China's most-favored-nation trading status with the United States.

But I believe that that is the wrong approach. I support a 1-year extension of MFN for China. Why? First, because it is the best policy for American consumers. Those consumers will have a wider choice of affordable goods with MFN than without it. To revoke MFN would be to increase tariffs on goods purchased by the American people. It would amount to a tax hike, and I am not in favor of tax hikes, particularly those imposed on the basis of another government's behavior.

Second, I am convinced that revoking MFN would target the wrong parties for punishment. We should keep in mind that it is not the people of China with whom we have a quarrel; it is their Government. Trade and United States investment in China have a positive effect in providing more opportunities for average Chinese citizens. According to Heritage Foundation China expert Stephen J. Yates, in China, "employees at U.S. firms earn higher wages and are free to choose where to live, what to eat, and how to educate and care for their children. This real and measurable expansion of freedom does not require waiting for middle-class civil society to emerge in China; it is taking place now and should be encouraged."

Third, I am convinced that terminating MFN would be damaging to the people of Hong Kong, recently returned to Chinese rule.

All of us in Congress are concerned that China may violate the 1984 Sino-British Joint Declaration and squash freedom, both economic and political. However, in formulating United States policy with regard to Hong Kong, we must remember that repealing MFN for China will hit Hong Kong hard. Former Hong Kong Governor Chris Patten has said that rescinding MFN would devastate Hong Kong's economy.

Mr. President, I have another important reason for supporting a 1-year extension of MFN: American jobs. Using the Commerce Department's rules of thumb, United States exports to China account for roughly 200,000 American jobs. Should we stop doing business with China, I have no doubt but that other nations will step in to take our place, and to take jobs now occupied by Americans both here and in China.

Thus, by revoking MFN, we would not significantly punish the Chinese Government, but we would visit hardship on our own workers.

This is not to say that I believe we must stand idly by while human rights abuses continue in the People's Republic of China. But, rather than eliminate jobs and stifle growth through increased tariffs, in my view it would be better to take actions showing our displeasure directly with the Chinese Government.

That is why I have introduced S. 810, the China Sanctions and Human Rights Advancement Act."

This legislation would show our disapproval of Chinese Government actions, while at the same time encouraging worthwhile economic and cultural exchanges; exchanges that can lead to positive change in China.

It would:

Prohibit issuance of United States visas to Chinese Government officials who implement and enforce Chinese laws and directives that persecute religious groups.

Prohibit direct and indirect United States-taxpayer financed foreign aid for China.

Require the United States Government to publish a list of Chinese companies backed by the People's Liberation Army and operating in the United States. This would allow informed consumers and other purchasers to choose whether they wish to do business with such companies.

Prohibit Polytechnologies Inc., known as POLY, and NORINCO, the China North Industries Group—two Chinese companies whose officials have been indicted for attempting to smuggle arms into the United States—from exporting to the United States, or maintaining a physical presence here for 1 year.

In my judgment, the combination of these sanctions and a 1-year extension of MFN offers the best approach to change the behavior of the Chinese Government. These measures will direct punishment where it belongs, with the Chinese Government, not the Chinese people.

I understand my colleague from Arkansas' frustration with current Chinese Government policies. I commend his desire to effect those policies in a positive way. But it is my firm belief that we serve the cause of liberty best when we serve it most consistently. By maintaining free trade, while showing our disapproval of tyrannical practices, we stay true to our principles. We make it possible for liberty to spread while maintaining our own economic freedom intact.

I urge my colleagues to vote against the sense of the Senate resolution, to support a 1-year extension of MFN, and also to join me in pursuing more positive ways by which to influence Chinese Government policy.

Mr. KEMPTHORNE. Mr. President, I oppose the amendment offered by Senator HUTCHINSON. The sense-of-the-Senate resolution now before the Senate, even if it passed, will not end China's most-favored-trading status with the United States. The House of Representatives has voted to retain MFN status for China. Our current trading status with China will continue and based on all of the evidence I have seen, I believe this is the correct policy.

We must not mistake the decision to maintain normal trading status with China with acceptance or approval of China's abysmal policies regarding respect for human rights, religious freedom, nuclear proliferation, or respect for intellectual property rights.

I believe that by staying engaged in China, which the extension of MFN provides, is the best way to promote respect for human right, free enterprise, and democracy in the most populous country in the world. American businesses in China are advocates of human rights on a daily basis. By staying engaged in China, we can hear the cries for freedom of the Chinese people. If we as Americans cut ourselves off from China, who will hear these pleas for reform and progress and who else will be able to press China to respect human rights?

It is important to note that leading advocates of reform in China, such as Martin Lee in Hong Kong, are strong advocates for the extension of MFN to China. We must continue to bombard the Chinese with capitalism. But if we isolate China, as has been suggested, and cut off ties to the free world, that's when you condemn the persecuted and their cries are not heard. Tiananmen Square was a prodemocracy movement by young Chinese because of their exposure to free enterprise and capitalism. Exposure to democracy, not isolation from it, will allow change to come from within.

I have seen first hand the value of talking with Chinese leaders about human rights. Last year I traveled to China and I raised the issue of human rights violations with many of the officials I spoke with, including President Jiang Zemin. Pursuing trade with China is important so we can expose the Chinese people to the free enterprise system, capitalism, and other important concepts of our free and democratic society. Just like I did with my meetings with Chinese leaders, each sale, each meeting, each phone call is an opportunity to make our case for respecting human rights. Engaging the Chinese, not isolating them, is a faster way to achieve the reforms we all want.

I understand that many well-meaning groups oppose the extension of MFN to China because of China policies which suppress religious freedoms. Many Idahoans have raised this issue with me but I would like to quote the words of Rev. Nelson E. Graham, the son of Dr. Billy Graham, regarding his work in China, "In the years we have been traveling to China, we have seen a definite improvement in the area of religious freedom for China's Protestant believers, and I believe it is a mistake to focus on the negatives and not reinforce the positive strides China has made in this area."

I also know many folks are concerned about the findings coming out of the hearings by the Governmental Affairs Committee regarding China's efforts to influence elections in the United States. The timing of this vote coincides with hearings by the Senate Government Affairs Committee where both Democrats and Republicans conclude that China has participated in efforts to directly and indirectly influence elections in the United States.

This is of enormous concern to me because of its threat to free and fair elections in our country without foreign influence. This should be thoroughly investigated by Congress and by Federal law enforcement agencies. Americans who may have assisted in espionage by China should be prosecuted to the fullest extent of the law. If the hearings and investigations prove the Government of China did in fact attempt to influence elections, this issue must be immediately and directly confronted by diplomatic and international sanctions so that perpetrators are brought to justice and that it never, ever happens again.

But a vote on MFN for China is not a vote on the issue of Chinese espionage. A vote on MFN for China is a vote about what is best for the interests of the United States and its citizens.

Regarding the benefits of extending MFN to China, Governor Batt of Idaho states, "There are valid concerns about China's human rights record; however, I think that to severely curtail trade with the U.S. would move us backward on this issue, not forward." Likewise, a recent editorial in the Idaho Statesman endorsing the extension of MFN for China states, "The surest, long-term policy for ensuring a better life for people here and abroad is to promote free markets and friendly trading policies."

I believe we must do what is best for ourselves and what is most likely to promote progress toward freedom and democracy for the people of China and I therefore support the extension of most-favored-nation trading status for China.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment. I have serious concerns about our current trade relations with China. Last year, our merchandise trade deficit with China grew to $39.5 billion, which is an increase of more than 213 percent over the past 5 years. This year, our trade deficit with China is expected to reach $50 billion.

It is clear that, in many cases, goods from the United States are locked out of China's markets, while goods from China are allowed to enter United States markets at nondiscriminatory tariff rates. Last year, the United States imported $51.5 billion in goods from China, while China imported only $12 billion in goods from the United States. More than one-third of China's exports are sold to the United States, while only 2 percent of total United States exports are sold to China.

The piracy of intellectual property rights in China cost the United States economy $2.3 billion last year. It is estimated that as much as 97 percent of the entertainment software sold in China is counterfeit, and pirated goods produced in China have been found in Asia, the Middle East, Europe, and North and South America.

At the same time, the Government of China continues to sell weapons of mass destruction, and abuse the human rights of its citizens. China has sold missiles, missile technology, and chemical and biological weapons to countries such as Iran, Libya, Syria, and Iraq. These weapons threaten U.S. military personnel overseas, and our allies and friends around the world. And the State Department report on human rights in China describes widespread human rights abuses which violate internationally accepted standards. The report states that all public dissent against the Communist party and the Government of China has been silenced by intimidation, exile, prison terms, and other forms of detention.

The legislation which the Senate is considering today is not the appropriate vehicle for this amendment. The Trade Act of 1974 already provides a thorough mechanism for the consideration of MFN renewal for nonmarket economies such as China. This amendment is being offered without consideration by any committee of the Senate, and with limited opportunity for debate on the Senate floor.

In addition, this amendment would have no legal effect. The decision to renew MFN for China has already been made for this year. The President renewed MFN for China in May, and the House of Representatives rejected a joint resolution of disapproval. This amendment would have no impact on that decision.

Mr. President, the Government of China should not expect the United States to continue to provide nondiscriminatory tariff rates to goods from China, if China continues to restrict the access of United States products to markets in China. If the renewal of MFN for China is considered by the Senate next year under the Trade Act, I may be compelled to continue to oppose MFN for China unless there is a substantial improvement in China's trade practices, proliferation policies, and respect for human rights.

Mr. McCONNELL. I suggest the absence of a quorum, with the time to be equally charged to both sides.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, it is my understanding that Senator ASHCROFT is on his way to speak in favor of the amendment.

Mr. McCONNELL. I withdraw my request.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, it is my understanding I have 1 minute 10 seconds. I yield the remaining time to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for the remaining time.

Mr. ASHCROFT. Mr. President, I thank you very much, and I thank the Senator from Arkansas, not only for his courtesy in this matter, but for his leadership in this matter.

It is apparent, the House of Representatives having voted in favor of most-favored-nation status for China, that anything we do by expressing ourselves in the Senate won't have a real impact in terms of denying that standing to China. But it is essential that we register the displeasure and dissatisfaction of this body with the conduct of China in three basic categories that I believe are an appropriate standard by which we would measure our relationship with a variety of nations.

The first of those categories is gross trade inequities that China and the United States have. Some have said that most-favored-nation status is just general trading status. As it applies to China, it is most-favored status. We have a wide variety of other countries whose trading relationships with the United States are nearly on a parallel basis of balance. Not so with China.

Second is that the military buildup in China threatens peace and stability, not only in the Pacific rim but around the world.

And the third is that human rights abuses in China should be something we mention very clearly and we should express with deep conviction.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ASHCROFT. I thank the Chair.

The PRESIDING OFFICER. Is there anybody who wishes to speak in opposition?

Mr. McCONNELL. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided prior to each vote in the series following the first vote, which I gather will be momentarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does anybody desire to speak in opposition to the amendment?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me say one more word about the amendment with regard to most-favored-nation status for China.

My own strong impression is that with regard to Russia and most of the other major nations we deal with, we have a series of concerns that we deal with on a concern-by-concern basis, a case-by-case basis. And that is exactly what we should do.

In the case of China, unfortunately, our debate has gotten to where it is sort of all or nothing, we are either going to have most-favored-nation status or we are not. And that is a very blunt instrument with which to try to deal with a very important and complex relationship. I believe it would be a great mistake for us to deny most-favored-nation status to China.

I hope very much the amendment is rejected.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired.

VOTE ON AMENDMENT NO. 896

The PRESIDING OFFICER. The question is on agreeing to amendment No. 896 offered by the Senator from New Mexico, Senator BINGAMAN. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—38

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lugar
Moseley-Braun
Moynihan
Murray
Reed
Roberts
Sarbanes
Wellstone
Wyden

NAYS—61

Abraham
Allard
Ashcroft
Bennett
Brownback
Bryan
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kempthorne
Kohl
Kyl
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reid
Robb
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NOT VOTING—1

Burns

The amendment (No. 896) was rejected.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to reconsider the vote.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I ask unanimous consent that the next two votes be limited to 10 minutes in length each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I ask unanimous consent at 11:30 the Senate proceed to consideration of Calendar 112, S. 1023, the Treasury, Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 890

The PRESIDING OFFICER. There are 2 minutes of debate equally divided on the amendment of the Senator from Arkansas.

The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent Senator FEINGOLD be added as a cosponsor to my bill

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, Members can see the beautiful tie I am wearing today. It was manufactured in Little Rock, AR. It is a family business. The owner of the family business that manufactured this tie told me that the greatest threat to his economic viability is the unfair trade practices of Communist China.

I ask you to vote for this sense-of-the-Senate resolution. Suffering is not a term of economics. You cannot add it up, you cannot deduct it, you cannot redeem it in dollars.

Arguments for MFN always come down to dollars and cents. But to the average Chinese person, you can't build a wall, you can't separate the economics from the human rights violations that are going on. A product of slave labor is inexorably tied and linked to the shackled hands that made it.

I ask my colleagues, think about the enslaved, think about the oppressed, think about the imprisoned today, think about that voice of freedom that has been silenced, think about that voice of freedom in prison today, and speak for that one who cannot speak for himself. Please vote for this amendment.

Mr. MURKOWSKI. Mr. President, I urge my colleagues to vote against the pending sense-of-the-Senate resolution that China's most-favored-nation trading status should be revoked. This is the worst of all possible alternatives. Mr. President, you will recall that Teddy Roosevelt said speak softly and carry a big stick, well this resolution is just the opposite—it is speaking loudly, and carrying no stick. The traditional resolution of disapproval for MFN has already been defeated in the House of Representatives. So this vote has no force. In my view, that is the worst possible way to send a message to China.

Much has been written that this year the debate over MFN is different, that the issues have changed, but I do not think the fundamental choice has changed: Do we choose engagement—striving to bring China into the international community on terms we support—or isolation—allowing China to enter the international arena on terms beyond our control. I think the answer is obvious.

MFN should be renewed unconditionally not because it is a reward to the Government of China, but because revocation of MFN hurts the very people we want to help. We have many grave concerns with China ranging from the treatment of dissidents and Christians to weapons proliferation. But severing economic ties is not the right tool to address these issues. Revoking MFN only succeeds in hurting Americans, hurting reformers, and hurting the people of Hong Kong and Taiwan.

But what I have to say about linking MFN to Hong Kong's future is far less important than what the people of Hong Kong themselves have told lawmakers. Martin Lee, Hong Kong's leading democrat described revoking MFN as punishing Hong Kong. Miss Denise Yue, Hong Kong's Secretary for Trade and Industry, best described the threat of MFN revocation as double jeopardy, "[K]nowing that if China takes away their freedoms, the United States will respond by taking away their jobs . . ." Similarly, Hong Kong's Chief Executive designee Tung Chee Hwa has stressed that unconditional renewal of MFN is in the best interests of Hong Kong.

So I think we should listen very carefully to what those who live and work in Hong Kong have said, rather than pretending we know better.

This also applies to the Chinese on the other side of the strait—the people of Taiwan. This year, as in past years, the Government of Taiwan is quietly supporting the renewal of normal trading ties. One has only to look at investment in Southern China to understand that cutting economic ties between the United States and the People's Republic of China will have a significant and negative economic impact on Taiwan. Taiwan companies and individuals have invested more than $30 billion in over 30,000 enterprises.

My colleagues should also take note that the board of the United States-Republic of China (Taiwan) Business Council, a collection of American companies doing business in Taiwan, unanimously adopted a resolution supporting renewal of MFN. The council noted that "renewing MFN for China is good for the United States in its business with China, with Taiwan, and with Hong Kong."

Supporters of Taiwan, and I put myself firmly in that category, should also look at the history of the United States relationship with Taiwan, before rejecting the claim that economic liberalization leads to political liberalization.

This United States commitment to the people of Taiwan was indispensable to the development of the economic and democratic miracle that is Taiwan today. This was not always the case. Martial law lasted from 1950 to 1987. During that period, individual rights and freedoms were stifled and political opposition was silenced. Yet, today, once imprisoned opposition leaders such as Peng Ming-min have been released. In fact, Peng was the DPP's Presidential candidate in last year's March election.

During this less than free and open period, the United States stood by Taiwan, maintained normal trading relations, and gave the Republic of China economic aid. Most historians agree that United States aid and investment served to enhance market-oriented economic reforms that contributed to rising living standards and expanded economic freedoms, and injected a liberalizing influence into Taiwanese society. But the transition to an open, democratic society took 50 years on an island of 20 million, and was the first democracy in 5,000 years of Chinese history.

Of course, Taiwan's success also depended on a leadership decision to reform the political structure. We certainly cannot predict what direction the People's Republic of China leadership will take the 1.2 billion mainland Chinese, but we can follow the formula that has worked before.

Hong Kong's and Taiwan's freedom and power as a model for China's future evolution rests on continued economic vibrancy. U.S. policy should strive to maintain confidence, not destroy it.

I hope that next year we can have a more constructive debate over whether this annual exercise should be scrapped in favor of a deal to grant permanent MFN status for China if they make the necessary commercial concessions to enter the World Trade Organization.

The yearly exercise of public handwringing over MFN renewal has proven a liability to a coherent China policy. MFN was never intended to serve as a weapon of punishment for every problem we have with nonmarket economies. Its original purpose of guaranteeing freedom of emigration from the former Soviet Union has been grossly distorted, and I would say without achieving any positive results. But there is a time for everything, and unfortunately now is not the time to push permanent MFN.

Integrating China into the international community poses great risks and equally great opportunities. If we continue down the road of inconsistency and fail to deal honestly with the Chinese, in concert with our allies, and based on a clear understanding of the United States national interest, we will have failed the sacred trust of the Nation.

The United States-China relationship is pivotal to the continued security and prosperity of Asia and America. We must ground that relationship in the solid foundation of the U.S. national interest—ensuring stability and security in Asia to limit the potential for conflict and tension and to provide fertile soil for democracy and economic prosperity. We must also work together with our Asian allies to design and raise its frame; their future is as much at stake as our own.

Mr. MCCONNELL. Mr. President, let me say that no one in Hong Kong is in favor of terminating MFN to China—not the democrats, not the reformers, no one. I don't think there is any chance that China will change without continued economic engagement.

Therefore, Mr. President, I hope that the Hutchinson amendment will not be approved.

Mr. SARBANES. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield time?

Mr. MCCONNELL. I yield for a question.

Mr. SARBANES. My understanding is that amendment does not terminate MFN.

Mr. MCCONNELL. It is a sense-of-the-Senate amendment.

Mr. SARBANES. It's virtual reality. I might vote for an amendment on substance, but this doesn't do that; is that correct?

Mr. MCCONNELL. That is correct, I say to the Senator from Maryland.

Mr. BAUCUS. Mr. President, I rise in opposition to the Hutchinson amendment, which is a sense-of-the-Senate resolution stating that we should revoke China's most-favored-nation status.

MFN status should not be a political issue. It is nothing more than the normal trade status we give virtually all our trade partners. But if we are to consider MFN a political issue, a look at the facts shows that MFN for China is legally right; it is morally right; and it is right for our American national interest.

Why? First, and most simply, renewal of MFN status is right under our law.

The Jackson-Vanik law has governed renewal of MFN status for nonmarket economies since 1974. It conditions MFN on two things—the existence of a bilateral commercial agreement and freedom of emigration. And under the law, the President's choice is clear. We have a bilateral trade agreement signed with China in 1980. And China allows free emigration. Therefore, as a legal matter, the President was right to renew MFN and we should back him up.

Second, renewing MFN status is morally right.

At times people in Washington are tempted to see a vote to revoke MFN as something which might promote human rights in China. That is a fine sentiment. Senator HUTCHINSON's remarks indicate that human rights is the central reason he wants to revoke MFN status. But while those who advocate revoking MFN status to promote human rights are well-intentioned, if we actually went ahead and revoked MFN status we would see the opposite of what they intend.

To revoke MFN status, very simply, is to raise tariffs from Uruguay round to Smoot-Hawley levels. To take one example, that means raising tariffs on toys and stuffed animals from zero to 70 percent overnight. That hits one of China's major exports to the United States, at about $6 billion worth last year. And who makes them? On the whole, young Chinese working people trying to improve their lives.

What will happen if we revoke MFN status? The result should be obvious. Millions of innocent Chinese workers in toy factories and other walks of life would lose their jobs. The Chinese Government would certainly be hurt, but the lives of these workers would be ruined.

So, far from improving human rights, revoking China's MFN status would cause immense human suffering. And as the Senator said, we would be sending the Chinese people a message with his resolution. But it would not be a message of support—it would be a threat to put them out of work.

And of course, that would discredit our human rights efforts with the Chinese public. No rational person can expect anyone in China to thank us for harming their economy and inflicting misery on them, their families, or their fellow citizens.

By contrast, if human rights is our motivation, MFN is an irreplaceable part of any effective policy. As the Democracy Wall activist Wang Xizhe—until recently a political prisoner—says:

> * * * the goal of exerting effective, long-term influence over China can only be achieved by maintaining the broadest possible contacts with China, on the foundation of MFN, thus causing China to enter further into the global family and to accept globally practiced standards of behavior.

A long-term policy may emotionally be hard to accept. There are real human rights problems in China. About 3,000 political prisoners remain in jail.

Strict limits on freedom of assembly. Very severe policies in Tibet. The Senator from Arkansas is right to be concerned about these issues. We would like to solve them all in a day. But the fact is, that won't happen. This resolution will not help us solve these problems. Only by staying involved, through trade and human exchange as well as diplomacy, can we hope to make a difference.

Finally, we are Americans first and we are responsible to the American public on our policy decisions. And renewing MFN status is right for our own national interest.

And let me give perhaps the most important example. I visited Seoul, South Korea, and Pyongyang, North Korea, during the last Memorial Day recess. And I can say from firsthand experience that we have a very complex, very dangerous situation at hand in the Korean Peninsula.

North Korea is a politically isolated government, with very severe food and economic problems, and a large and well-armed military machine. We just considered an amendment addressing the most recent provocation by North Korea. We have a commitment to joint defense of South Korea, and 37,000 men and women permanently on the line just a few miles south of the DMZ.

I spoke with their Supreme Commander, General Tilelli. I met with some of the enlisted men. I got a threat briefing from a young Army major from Wolf Point, MT.

If you go there, you know how seriously these men and women take the responsibility we have given them. You see it in their faces. It is a very dangerous place. And we here in the Senate owe it to them to pursue a very serious, responsible policy that can keep the peace, and ensure a swift victory if, God forbid, there is any conflict.

Chinese cooperation is absolutely essential to that. China is the largest country, with the most powerful army, in the region. It is probably the only country that can help make sure the North Korean Government understands the realities on the peninsula. It has played a critically important role in restraining North Korean military aggression and in preventing nuclear proliferation. And deliberately antagonizing the Chinese Government and armed services by continually threatening to revoke MFN will not help at all.

You can go on from there to many other issues. Take trade. We need a more fair, more reciprocal, better trade relationship with China. We have an opportunity to do that this year by bringing China into the World Trade Organization on a commercially acceptable basis. Cutting off MFN status would put us on the opposite track—it would balance trade at close to zero, cutting off jobs and prosperity here as well as in China.

And as we look into the next century, we must work to slow global warming, ocean pollution, and loss of biodiversity. To take just one statistic, in the next 20 years, world greenhouse emissions will grow from 6 to 9 trillion tons a year. Fully 1 trillion of the additional 3 trillion tons will come from China.

We have a chance now to moderate that trend. And a political crisis caused by revoking MFN would make that mutually beneficial effort very difficult.

Our own common sense should tell us China is a key player on all these issues. Wantonly picking a fight with the world's largest country by revoking MFN status, when only six countries in the world lack MFN status and we give 151 countries and territories tariff rates better than MFN, would be foolish.

And our allies tell us the same thing. During my trip last May, I met top national security officials in the South Korean Government. I spoke with senior officers of the Japanese Self-Defense Forces. And I met with Chinese dissidents and democratic political leaders in Hong Kong.

These are our friends. Our strategic allies. People we work with every day. People who wish us well. Not a single one of them supported revoking MFN status. Not a single one.

The right course to take is very clear. We should reject the Hutchinson amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. All time has expired on the amendment.

The question is on agreeing to the amendment of the Senator from Arkansas.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 77, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—22

Ashcroft
Campbell
Coats
Collins
D'Amato
DeWine
Faircloth
Feingold
Helms
Hollings
Hutchinson
Inhofe
Kyl
Leahy
Levin
Mack
Sessions
Smith (NH)
Snowe
Thompson
Torricelli
Wellstone

NAYS—77

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Chafee
Cleland
Cochran
Conrad
Coverdell
Craig
Daschle
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thurmond
Warner
Wyden

NOT VOTING—1

Burns

So the amendment (No. 890) was rejected.

INDONESIA PROVISIONS

Mr. FEINGOLD. Mr. President, as someone gravely concerned with the human rights situation in East Timor, I am pleased to see strong language regarding military sales to Indonesia included in the foreign operations appropriations. I would like to commend the managers of the bill, the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Vermont [Mr. LEAHY], for including this provision.

The bill states that any agreement to sell, license for export, or transfer lethal military equipment or helicopters to Indonesia must include a statement that these items will not be used in East Timor.

I am pleased with this language because it is important to remind Indonesia that Congress is still very concerned about the situation in East Timor. The May 29 Indonesian elections spurred new violence in East Timor. In the weeks surrounding the voting, fighting between Indonesian troops and East Timorese rebels resulted in dozens of casualties on both sides. These deaths were only the latest in the troubled region, which has been occupied by Indonesia since 1975. Human rights monitors estimate that as many as 200,000 East Timorese have died since the occupation.

Mr. President, as we all know, the Indonesian Government announced last month that it was no longer interested in participating in IMET or purchasing F-16 fighters. Congress should not relax our scrutiny of Indonesia's human rights practices and policies in East Timor just because these high-profile deals have been canceled.

Human rights organizations have expressed concerns that helicopters may be used against civilians in East Timor. Thus it is important to ensure that any such hardware provided by the United States is not used for internal repression. Certainly the answer to the East Timor problem does not lie in further arming the Indonesian military and police forces. Thus I am also pleased that the administration has reaffirmed its existing policy of precluding the sale to Indonesia of small arms, riot control equipment, and armored personnel carriers.

The bill's provision strengthens this policy, reflecting Congress' continued concerns.

LIBYA

Ms. MIKULSKI. Mr. President, I am proud to cosponsor the Lautenberg amendment to cut foreign aid to any country that violates U.N. sanctions against Libya. You cannot seek to undermine important policies of the United States and expect to receive economic assistance.

The international community imposed sanctions on Libya because of their failure to extradite their intelligence agents who were indicted for the bombing of Pan Am 103 over Lockerbie, Scotland. This one act of terrorism cost the lives of 270 people.

Libya provides sanctuary to their murderers. Yet Egypt—which receives billions of dollars of United States aid—has allowed Libyan airlines to land on their soil. They also attempted to weaken U.N. sanctions and even to build a free trade zone with Libya.

The families of those murdered on Pan Am 103 need no reminder of why we have sanctions on Libya. They live with this tragedy every day of their lives. Seven people from Maryland died in this tragedy. They were Michael Bernstein, Jay Kingham, Karen Noonan, Ann Lindsey Otenasek, Lousie Rogers, Miriam Wolf, and Jordy Williams.

They were so young. They were college students, a young Army lieutenant, a businessman and a lawyer. They were sons, daughters, and fathers. We swore that we would never forget them. We would improve airline safety, we would fight terrorism—and most importantly, we would seek justice.

One of the victims, Michael Bernstein, was a renowned Nazi hunter working for the Justice Department. Throughout his life, he sought justice for the victims of the Holocaust. How tragic that his family has not yet had justice.

His wife continues to seek justice. I ask unanimous consent that Stephenie Bernstein's letter to the Egyptian Ambassador be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BETHESDA, MD,
July 16, 1997.

Ambassador AHMED MAHER EL-SAYED,
Embassy of Egypt,
Washington, DC.

DEAR MR. AMBASSADOR: During the last few years I have expressed my views to you, both in writing and in a meeting with you at the embassy, about Egypt's position on the Lockerbie bombing. I am writing now to express my concern to you about the disturbing events which took place last week at the United Nations Security Council during the discussions on renewing the sanctions imposed on Libya for its refusal to turn over the suspects wanted in the bombing. As you may remember, my husband, Michael S. Bernstein, was one of the 270 people murdered.

To learn that Egypt, an ally of the United States, requested measures leading to removal of the sanctions against Libya is appalling. The request made by Egypt to convene a special meeting of the Security Council to consider outlandish proposals such as trying the suspects in a neutral country, trying them before Scottish judges in The Hague, or establishing a special court to try the cases is not the behavior of a country which is a friend of the United States, 189 of whose citizens were murdered in the Lockerbie disaster.

The suspects wanted in this heinous crime of mass murder have been indicted by the United States and Scotland. The only acceptable locations for their trial are in the countries which brought the indictments against them. Over the years your country, a leader in the Arab world, has repeatedly promoted what Ambassador Nabil Elaraby called last week "alternative venues" for a trial. He referred to the suffering of "the innocent people of Libya, the innocent people of neighboring countries." Pointedly, the Ambassador ignored the continuous suffering of those whose loved ones were so brutally murdered. The way to end the inconvenience posed by the sanctions for Libya and its neighbors is for the suspects to be turned over for trial in either the United States or Scotland.

Egypt's misguided efforts last week and in the years after the murders have unfortunately undermined the quest for justice, and given hope to the Libyans and others who sponsor terrorism that their murderous acts will go unpunished. When Libya's U.N. ambassador can say, as he did during last week's debate that "we can from now on behave as if these sanctions were not there," he has been given hope by Egypt that something short of full compliance with basic principles of law and decency will extricate his country from the troubles which its leader has brought upon his people.

I am appalled that my government continues to give billions of dollars to a country which has so openly sought to undermine international law. Please be assured that other family members of those murdered in the Lockerbie bombing and I will work tirelessly to see that U.S. aid to Egypt does not continue at the present level.

On August 18, 1994, you wrote me that Egypt's position on the Lockerbie bombing is based on "The total respect and adherence to the U.N. resolutions concerning Libya." The actions taken by Egypt last week demonstrated a complete lack of regard for the U.N. resolutions, for the family members of those murdered, and lastly for the United States.

Sincerely,

STEPHANIE L. BERNSTEIN.

Ms. MIKULSKI. Mr. President, the Senate chose to reinstate the earmark for aid to Egypt. They cannot assume that we will continue to do this unless they become partners in the fight against terrorism.

CHINA MFN RENEWAL AND PROLIFERATION VIOLATIONS

Mr. BIDEN. Mr. President, I want to explain why I voted against the amendment offered by the Senator from Arkansas, [Mr. HUTCHINSON] calling for a revocation of China's most-favored-nation trading status. Revoking China's nondiscriminatory trading status is not a silver bullet we can fire to address our many legitimate concerns with China. MFN is ill-suited to carry single-handedly the burdens of our complex and multifaceted relationship.

Yet, simply extending China's most-favored-nation status does little to advance our interests with China. Moreover, it does nothing to address those areas where China's conduct is inconsistent with international norms or in violation of their bilateral commitments.

In short Mr. President, engagement with China is not a policy, it is just a means to an end. It is the content of the engagement that matters.

In the area of nonproliferation, for all of our engagement, China's conduct clearly remains unacceptable.

Just last May, the State Department belatedly imposed sanctions on two key Chinese chemical firms—Nanjing Chemical Industries Group and Jiangsu Yongli Chemical Engineering and Technology Import Export Corp.—that knowingly and materially contributed to Iran's chemical weapons program.

If this case were the lone exception, it would still be troubling. Unfortunately, it appears to be the norm.

China has knowingly aided the development of weapons of mass destruction, and the means to deliver them, in irresponsible states or in countries located in unstable regions of the world. China has provided nuclear technology, cruise missiles, and ballistic missile technology to Iran. China has also exported M–11 missiles—which can be equipped with nuclear warheads—and missile production know-how to Pakistan.

These exports appear to be part of a deliberate government policy that traces its roots to the ancient Chinese strategy of balancing one barbarian off against another, and we may be one of the barbarians Beijing has in mind.

A critical objective of our relationship with China must be to convince Beijing not only to sign up to international nonproliferation regimes, but to follow through on its commitments.

In general, we should: stick to incentives and penalties we are prepared to deliver; act multilaterally, where possible, to avoid having our initiatives undercut; and replace our once-a-year debate on MFN with a sustained, high-level commitment to improving our overall relationship.

I hope that diplomatic pressure, international suasion, and targeted sanctions will change Beijing's attitude toward nonproliferation. Chinese compliance with international regimes appears to improve when they are convinced that officials at the highest levels of the U.S. Government are scrutinizing their behavior.

But my patience is not limitless.

My vote today should not be interpreted as an expression of my satisfaction with China's behavior or the administration's policy of engagement. Moreover, it should not be viewed as an indication of how I might vote when MFN comes up for renewal next year.

If China fails to clean up its act, it may leave me no choice but to vote to revoke MFN. Sending a strong message—knowing full well that it won't miraculously bring about positive changes in China—may prove preferable to doing nothing while China makes the world a more dangerous place.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senators McCAIN and MURRAY be added as cosponsors to amendment No. 892.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I also ask unanimous consent that Senator BROWNBACK be added as a cosponsor to Senator SMITH's amendment numbered 889.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Also I believe we do not have the yeas and nays on final passage.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

AMENDMENT NO. 915, AS MODIFIED

Mr. LEAHY. Mr. President, I ask consent to modify amendment 915. I send the corrections to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 915), as modified, is as follows:

On page 43, line 3 after the word "(IAEA)," insert the following new section:

SEC. . AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) The Secretary of the Treasury may, to fulfill commitments of the United States, (1) effect the United States participation in the first general capital increase of the European Bank for Rconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an authorizations bill.

Strike subsection (b) of amendment #915, and insert in lieu thereof the following:

On page 38, line 17, strike "$950,000,000" and insert in lieu thereof "$1,034,500,000".

On page 38, line 18, strike "$150,000,000" and insert in lieu thereof "$234,500,000".

On page 40, line 14, strike "$140,000,000" and insert in lieu thereof "$150,000,000".

On page 40, line 14, strike "$40,000,000" and insert in lieu thereof "$50,000,000".

AFRICA CRISIS RESPONSE INITIATIVE

Mr. FEINGOLD. Mr. President, I would like to ask the Senator from Kentucky about committee report language directing that no peacekeeping funds be made available for the Africa crisis response initiative [ACRI]. I understand the House version of this bill and the accompanying report contain no such restrictions.

I understand further that the Committee on Appropriations has raised several concerns about this initiative which are currently being resolved by the administration.

Therefore, I wonder if the distinguished chairman of the Subcommittee on Foreign Operations will be looking to support the House mark in the peacekeeping account and to revise the report language in conference to reflect this change, along with continuing concerns.

Mr. McCONNELL. The Senator from Wisconsin is correct. I have had some strong reservations about the potential duplication of this initiative with respect to other military assistance programs of the United States and of other countries, as well as about the role of the United Nations in the initiative. Both the Departments of Defense and of State have been cooperative in addressing these potential problems.

Mr. FEINGOLD. I thank the Senator from Kentucky for his cooperation on this matter. I want to take a few moments to express my views on the ACRI.

Mr. President, I was disappointed to read in the report on this bill that the Committee on Appropriations directed "that no funds be made available for the Africa Crisis Response Force," an earlier title of what the administration now refers to as the Africa Crisis Response Initiative [ACRI]. This language would prohibit the administration's flexibility to use up to $15 million of the peacekeeping account for this initiative.

The ACRI, in my view, is an inventive proposal on the part of the administration. It seeks to expand the capacity of qualified African militaries to respond to peacekeeping needs in Africa by merging the resources of the United States and several of our European partners to provide peacekeeping training. The ACRI would help create effective, rapidly deployable peacekeeping units that would be able to operate together. Such an initiative could ultimately reduce the burden on U.S. resources in the event of a major humanitarian or other crisis in the region.

Let me elaborate on what we are talking about. The Africa Crisis Response Initiative would provide training to selected African militaries to raise their capabilities to a common peacekeeping standard derived from United States, British, Nordic, and United Nations doctrine. In most cases, this will involve intensive training over a 2-month period in any single country, and will include important train-the-trainer activities so that additional instruction may take place after the international representatives have departed.

Troops will be trained in tasks common to peacekeeping operations and on how to utilize common communications equipment. Equally as important, they will also receive instruction in civil-military relations and respect for human rights. U.S. trainers intend to use nongovernmental and private voluntary organizations in the training where possible. Any equipment that is provided to the participating countries would be nonlethal in nature and could include items to support mine detection, water purification, or night vision.

Already several African countries have told United States officials they would like to participate in the ACRI, including Ethiopia, Uganda, Ghana, Mali, Senegal, and Malawi. Senegal and Uganda will begin training at the end of this month. It is also important that the Secretaries General of the United Nations and the Organization for African Unity have indicated their support. I should also note that this proposal is strongly supported by the U.S. Joint Staff and by our military command in Europe—the United States European Command [EUCOM].

The ACRI proposal appeals to me because it provides a mechanism through which the United States can both contribute to the resolution of crises in the region, while at the same time, help ensure that the United States will not bear the total burden of doing so. By having ready, trained troops on the ground in Africa, the ACRI would decrease the time it takes to respond to local crises. But most importantly, if the proposal is implemented as intended, it would decrease the amount of outside support the Africans would require and preclude the need to send American combat troops to the region when there is a crisis. The ACRI is a means to provide appropriate African governments with a capacity they have said they want—the capability to respond to regional crises.

This is a concept that I have been pondering for several years. A 1994 trip to Liberia later heightened my interest. At the time, many observers were convinced that the only way to solve the crisis in Liberia, a country wracked with civil war since 1989, was to deploy a large force of American soldiers to stop the fighting and then maintain the peace.

Like many other Americans, I opposed the deployment of American troops for this purpose. But I became intrigued with an alternative that had been employed in Liberia since 1990—an all African peacekeeping force. This force, the West African peacekeeping force known by its French acronym ECOMOG, has not—by any definition—been a perfect mission, and has certainly had its share of problems. But after many fits and starts, ECOMOG troops have succeeded in establishing security in the country such that Liberians will have the opportunity to safely go to the polls this weekend to participate in an important national election. The United States has made important contributions to this effort in the form of airlift and other logistical support to ECOMOG.

While I do not want to put too much reliance in the ECOMOG experience itself, since its record has been mixed, I think we can draw at least two important lessons. First, African governments do want to contribute to maintaining peace in neighboring countries. Second, the United States can support those efforts by sharing our strengths in areas such as technical assistance, logistics, and communications, for example. Our European partners would make similar contributions.

That is what this proposal is all about. It is a cooperative effort to which all participants contribute.

Despite my enthusiasm for this initiative, Mr. President, I would also caution the administration on the tough choices it may soon have to make with respect to which countries can and should be invited to participate in the ACRI. When the administration first explored this proposal, it presented its preliminary ideas to 10 governments. These countries were understood to have excellent relations with the United States, as well as relatively disciplined militaries and democratic governments. It is my view that such qualities should represent the minimum standards for the United States to engage in the high-level military contact envisioned by the ACRI proposal.

As beneficial as the ACRI will be for the United States, it is also beneficial for the African countries involved. Congress will look harshly at any decisions that might be made to work with a government that has come to power through military action or that abuses the rights of its citizens. I have concerns in particular about the possibility of including the Government of Nigeria in this initiative. While I recognize the strength of Nigeria's military and the important contribution it has made to the peacekeeping effort in Liberia, the Government's continued disdain for the needs of its people and continued human rights abuses I believe should preclude it from participation in the ACRI.

Mr. President, in the long term, the administration anticipates that the trained and ready forces that have benefited from the ACRI will be able to respond quickly to crises in the region with African troops led by Africans. Although I can foresee that the international community might still be called upon to provide logistics assistance in certain cases, I believe strongly that technical assistance of that nature is an appropriate response for the United States.

With the rising number of conflicts in the post-cold-war era, American troops are being called on more than ever to participate in peacekeeping operations that just are not tenable. The ACRI provides a creative way to respond to these demands while decreasing the need to deploy our own men and women.

Mr. President, I hope the conferees will agree on funding and language that will allow the administration to continue to pursue this creative approach to crisis intervention in Africa. The ACRI strengthens regional abilities to respond in a rapid and effective manner, rather than calling for direct United States or European intervention.

INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

Mr. DORGAN. Mr. President, I rise to ask whether the distinguished ranking member, Senator LEAHY, would be willing to engage in a colloquy with me about the International Fund for Agricultural Development, or IFAD.

Mr. LEAHY. Mr. President, I would be happy to engage in a colloquy with the Senator about the good work that IFAD does.

Mr. DORGAN. Mr. President, I thank the ranking member.

As my colleague knows, IFAD is a specialized agency of the United Nations that has the mission of fighting hunger and poverty throughout the world. Since 1977 IFAD has helped rural poor to increase their nutrition, their food production and their income. It has reached about 160 million people through 429 different projects, mostly in Africa and Asia, the regions where most of the world's poor live. In its lending work, IFAD has an overhead of less than 10 percent, and it has achieved loan repayments of 97 percent in countries as diverse as Bangladesh, Benin, and Dominica.

More importantly, IFAD has been an innovator in providing microcredit to vulnerable groups that are often difficult to reach, such as small farmers, the landless poor and rural women.

Mr. President, that is why I was interested to read language related to IFAD in the report of the House Appropriations Committee on the House's version of the foreign operations bill. I was pleased to read, on page 18 of the House report, that the House Appropriations Committee "requests that AID [the Agency for International Development] examine the possibility of using the International Fund for Agricultural Development as an implementing agency in providing microenterprise assistance."

This is in the context of the House's $10 million increase over the administration's request for the AID microenterprise account. As my colleague knows, the Senate Appropriations Committee has increased the same account by $15 million.

Mr. President, I wonder whether my distinguished colleague could tell me whether he would support the House position in conference, that the Agency for International Development should consider using IFAD as one of the implementing agencies in providing microenterprise assistance.

Mr. LEAHY. Mr. President, I concur with the Senator from North Dakota on this matter. The International Fund for Agricultural Development has supplied nearly 300 microfinance projects with almost $1 billion of funding. I am particularly pleased that 40 percent of these projects have been in sub-Saharan Africa, where the need for this type of assistance is greatest.

It seems to me that the Agency for International Development should certainly consider using IFAD's capabilities. I therefore will likely support the House position on this matter and urge the conferees to include appropriate language in the statement of managers accompanying the conference report.

Mr. DORGAN. I greatly appreciate the support of the Senator from Vermont in this matter. I look forward to working with him to ensure that the conference report provides appropriate guidance to the Agency for International Development with respect to IFAD. I thank the distinguished ranking member for his assistance, and I yield the floor.

The PRESIDING OFFICER. The question is on third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time prior to the vote?

Mr. MCCONNELL. I yield any time.

Mr. LEAHY. I yield any time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] is necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—91

Abraham
Akaka
Allard
Baucus
Bennett
Biden

Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Ashcroft
Byrd
Craig
Faircloth
Helms
Hollings
Kempthorne
Smith (NH)

NOT VOTING—1

Burns

The bill (S. 955), as amended, was passed, as follows:

S. 955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $700,000,000 to remain available until September 30, 1999: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2013 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1998 and 1999: *Provided further*, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $46,614,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1998.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $60,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1998 and 1999: *Provided further*, That such sums shall remain available through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998, and through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $43,000,000, to remain available until September 30, 1999: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1999, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1998, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Coöperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,358,093,020, to remain available until September 30, 1999: *Provided*, That of the amount appropriated under this heading, up to $18,000,000 may be made available for the Inter-American Foundation and shall be apportioned directly to that Agency: *Provided further*, That of the amount appropriated under this heading, up to $10,500,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: *Provided further*, That of the funds appropriated under title II of this Act that are administered by the Agency for International Development and made available for family planning assistance, not less than 65 per centum shall be made available directly to the agency's central Office of Population and shall be programmed by that office for family planning activities: *Provided further*, That of the funds made available under this heading, not less than $30,000,000, above the amount of funds made available to combat infectious diseases in the fiscal year 1997, shall be made available to strengthen global surveillance and control of infectious diseases: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 shall be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be available for the American Schools and Hospitals Abroad Program: *Provided further*, That not less than $500,000 of the funds appropriated under this heading shall be made available only for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds made available under this heading for Haiti, up to $250,000 may be made available to support a program to assist Haitian children in orphanages.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961, $435,000,000, to remain available until September 30, 1999.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

BURMA

Of the funds appropriated under the heading "Development Assistance", not less than $5,000,000 shall be made available to support activities in Burma, along the Burma-Thailand border, and for activities of Burmese student groups and other organizations located outside Burma: *Provided*, That $3,000,000 of these funds shall be made available for the purposes of fostering democracy, including not less than $200,000 to be made available for newspapers, media, and publications promoting democracy for Burma: *Provided further*, That $2,000,000 of these funds shall be made available to support the provision of medical supplies and services and other humanitarian assistance to Burmese located in Burma or displaced Burmese along the borders: *Provided further*, That funds made available for Burma related activities under this heading may be made available notwithstanding any other provision of law: *Provided further*, That provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated by this Act may be made available for activities or programs in Cambodia until the Secretary of State determines and reports to the Committees on Appropriations that the Government of Cambodia has (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers; and (6) been elected in a free and fair democratic election: *Provided*, That restrictions on funds made available under this heading shall not apply to humanitarian programs or other activities administered by nongovernmental organizations: *Provided further*, That 30 days after enactment of this Act, the Secretary of State, in consultation with the Director of the Federal Bureau of Investigation, shall report to the Committees on Appropriations on the results of the FBI investigation into the bombing attack in Phnom Penh on March 30, 1997.

GUATEMALA CLARIFICATION COMMISSION

Of the funds made available under the headings "Development Assistance"and "Economic Support Fund", not less than $1,000,000 shall be made available to support the Guatemala Clarification Commission.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $195,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, and of modifying concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, as authorized under subsection (a) under the heading "Debt Reduction for Jordan" in title VI of Public Law 103–306 and (b) direct loans extended to least developed countries, as authorized under section 411 of the Agriculture Trade and Assistance Act of 1954 as amended; $34,000,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated except as provided through the regular notification procedures of the Committees on Appropriations.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 per centum of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 1999.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $3,000,000, to remain available until September 30, 1999: *Provided*, That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Central and Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,208,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $473,000,000, to remain available until September 30, 1999: *Provided*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $29,047,000, to remain available until September 30, 1999, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,541,150,000, to remain available until September 30, 1999: *Provided*, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: *Provided further*, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for Jordan: *Provided further*, That of the amount appropriated under this heading, not less than $500,000 shall be available only for the Special Investigative Unit (SIU) of the Haitian National Police.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $485,000,000, to remain available until September 30, 1999, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 533 of this Act shall apply.

(e) Funds appropriated under this heading may not be made available for economic revitalization programs in Bosnia and Herzegovina, if the President determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the New Independent States of the former Soviet Union and for related programs, $800,000,000, to remain available until September 30, 1999: *Provided*, That the provisions of such chapter shall apply to funds appropriated by this paragraph: *Provided further*, That up to $22,000,000 made available under this heading may be transferred to the Export Import Bank of the United States, and up to $8,000,000 of the funds made available under this heading may be transferred to the Micro and Small Enterprise Development Program, to be used for the cost of direct loans and loan guarantees for the furtherance of programs under this heading: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) None of the funds appropriated under this heading shall be made available to a Government of the New Independent States of the former Soviet Union—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(3) Funds may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(c) None of the funds appropriated under this heading shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(d) None of the funds appropriated under this heading for the New Independent States of the former Soviet Union shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization or nonproliferation programs.

(e) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(f) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(g) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $12,000,000 shall be available only for assistance for Mongolia: *Provided*, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including small- and medium-size businesses, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations: *Provided*, That grantees and contractors should, to the maximum extent possible, place in key staff positions specialists with prior on the ground expertise in the region of activity and fluency in one of the local languages.

(i) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(j) Of the funds appropriated under this heading, not less than $225,000,000 shall be made available for Ukraine: *Provided*, That of the funds made available for Ukraine under this subsection, not less than $25,000,000 shall be available only for comprehensive legal restructuring necessary to support a decentralized market-oriented economic system, including the enactment of all necessary substantive commercial law and procedures, the implementation of reforms necessary to establish an independent judiciary and bar, the education of judges, attorneys, and law students in the comprehensive commercial law reforms, and public education designed to promote understanding of commercial law necessary to Ukraine's economic independence: *Provided further*, That of this amount not less than $8,000,000 shall be made available to support law enforcement institutions and training, not less than $25,000,000 shall be made available for nuclear reactor safety programs, and not less than $5,000,000 shall be made available for political party and related institutional development: *Provided further*, That 50 per centum of the amount made available for Ukraine by this subsection, exclusive of funds made available in the previous proviso, shall be withheld from obligation and expenditure until the Secretary of State determines and certifies that the Government of Ukraine has taken meaningful steps: (1) to enforce the April 10, 1997 Anti-Corruption Presidential decree; (2) to privatize state owned agricultural storage, distribution, equipment and supply monopolies; and (3) to resolve cases involving U.S. business complaints and establish a permanent legal mechanism for commercial dispute resolution: *Provided further*, That the Secretary shall submit such determination and certification prior to March 31, 1998.

(k) Of the funds appropriated under this heading, not less than $100,000,000 shall be made available for Georgia, of which not less than $10,000,000 shall be made available to support energy development and privatization initiatives: *Provided*, That not less than $15,000,000 shall be made available for development of border security telecommunications infrastructure: *Provided further*, That not less than $7,000,000 shall be available for judicial reform and law enforcement training: *Provided further*, That not less than $5,000,000 shall be made available to support training for border and customs control: *Provided further*, That not less than $3,000,000 shall be made available to support political party and related institutional development: *Provided further*, That not less than $5,000,000 shall be available for Supsa urban and commercial development: *Provided further*, That up to $7,000,000 may be made available for business and education exchanges and related activities.

(l) Of the funds made available under this heading, not less than $95,000,000 shall be made available for Armenia.

(m) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(n) None of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor or ballistic missiles or related nuclear research facilities or programs.

(o) Of the funds appropriated under this heading, not less than $10,000,000 shall be made available for a United States contribution to the Trans-Caucasus Enterprise Fund: *Provided*, That to further the development of the private sector in the Trans-Caucasus, such amount may be invested in a Trans-Caucasus Enterprise Fund or invested in other funds established by public or private organizations, or transferred to the Overseas Private Investment Corporation to be available, subject to the requirements of the Federal Credit Reform Act, to subsidize the costs of direct and guaranteed loans.

(p) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh: *Provided*, That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support electoral and political reforms or assistance under title V of the FREEDOM Support Act and section 1424 of the "National Defense Authorization Act for Fiscal Year 1997";

(2) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(3) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(4) any financing provided under the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.); or

(5) any activity carried out by a member of the Foreign Commercial Service while acting within his or her official capacity.

(q) None of the funds appropriated under this heading or in prior appropriations legislation may be made available to establish a joint public-private entity or organization engaged in the management of activities or projects supported by the Defense Enterprise Fund.

(r) 60 days after the date of enactment of this Act, the Administrator of AID shall report to the Committees on Appropriations on the rate of obligation and risk and anticipated returns associated with commitments made by the United States-Russia Investment Fund. The report shall include a recommendation on the continued relevance and advisability of the initial planned life of project commitment.

INDEPENDENT AGENCY

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $206,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1999.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $216,200,000: *Provided*, That of these funds not less than $10,000,000 shall be made available for Law Enforcement Training and Demand Reduction: *Provided further*, That not less than $22,000,000 shall be made available for anti-crime programs: *Provided further*, That none of the funds appropriated under this heading that are made available for counter-narcotics activities may be obligated or expended until the Secretary of State submits a report to the Committees on Appropriations containing: (1) a list of all countries in which the United States carries out international counter-narcotics activities; (2) the number, mission and agency affiliation of U.S. personnel assigned to each such country; and (3) all costs and expenses obligated for each program, project or activity by each U.S. agency in each country: *Provided further*, That of this amount not to exceed $5,000,000 shall be allocated to operate the Western Hemisphere International Law Enforcement Academy under the auspices of the Organization of American States with full oversight by the Department of State: *Provided further*, That funds appropriated under this heading shall be provided subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: *Provided*, That not more than $12,000,000 shall be available for administrative expenses: *Provided further*, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $129,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): *Provided*, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the New Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That not to exceed $30,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided further*, That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by the end of fiscal year 1997; and (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended: *Provided further*, That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: *Provided further*, That no funds may be obligated for KEDO until 30 days after submission to Congress of the waiver permitted under the preceding proviso: *Provided further*, That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: *Provided further*, That of the funds made available under this heading, up to $14,000,000 may be made available to the Korean Peninsula Economic Development Organization (KEDO), in addition to funds otherwise made available under this heading for KEDO, if the Secretary of State certifies and reports to the Committees on Appropriations that, except for the funds made available under this proviso, funds sufficient to cover all outstanding debts owed by KEDO for heavy fuel oil have been provided to KEDO: *Provided further*, That the additional $14,000,000 made available to KEDO under this heading may not be obligated or expended until the Secretary of State certifies and reports to Congress that North Korea has not violated the Military Armistice Agreement of 1953 during the preceding nine months.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $47,000,000: *Provided*, That none of the funds appropriated under this heading shall be available for Guatemala: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,308,950,000: *Provided*, That of the funds appropriated under this heading, not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1997, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph may, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, not less than $100,000,000 shall be available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, a total of $12,000,000 shall be available for assistance for Estonia, Latvia, and Lithuania: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That $60,000,000 of the funds appropriated or otherwise made available under this heading shall be made available for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into the North Atlantic Treaty Organization: *Provided further*, That, to carry out funding the previous proviso, all or part of the $60,000,000 may be derived by transfer, notwithstanding any other provision of law, from titles I, II, III, and IV of this Act.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $74,000,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $759,500,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further*, That of the funds appropriated under this paragraph, a total of $8,000,000 shall be available for assistance to Estonia, Latvia, and Lithuania: *Provided further*, That funds appropriated under this paragraph shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $122,500,000 only for Greece and $175,000,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for Sudan, Liberia, and Guatemala: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for activities related to the clearance of landmines and unexploded ordnance, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1998 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available under this heading for the Multilateral Force and Observers until the Secretary of State submits a report to the Committees on Appropriations on the status of efforts to retain a new Director General of that organization.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $60,000,000, to remain available until September 30, 1999.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,034,500,000, to remain available until expended, of which $234,500,000 shall be available to pay for the tenth replenishment: *Provided*, That none of the funds may be obligated or made available until the Secretary of the Treasury certifies to the Committees on Appropriations that all procurement restrictions imposed by the Interim Trust Fund have been lifted and that the balance available for open competition in such Fund approximates $1,000,000,000.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $20,835,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $30,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $150,000,000, of which $50,000,000 shall be available for contributions previously due, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $56,500,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading that are made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL MONETARY PROGRAMS

LOANS TO INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98-181), and the Act of October 23, 1962 (Public Law 87-872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow. Notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available until the relevant Committees of Congress have reviewed the new arrangements for borrowing by the International Monetary Fund provided for under this heading and authorizing legislation for such borrowing has been enacted.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $277,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That not less than $5,000,000 shall be made available to the World Food Program: *Provided further*, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further*, That not more than $25,000,000 of the funds appropriated under this heading may be made available to the UNFPA: *Provided further*, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

AUTHORIZATION REQUIREMENT FOR INTERNATIONAL FINANCIAL INSTITUTIONS

(a) The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States; and (2) contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, to the sixth replenishment of the resources of the Asian Development Fund, a special fund of the Asian Development Bank. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: (1) $285,772,500 for paid-in capital, and $984,327,500 for callable capital of the European Bank for Reconstruction and Development; (2) $1,600,000,000 for the International Development Association; (3) $400,000,000 for the Asian Development Fund; and (4) $76,832,001 for paid-in capital, and $4,511,156,729 for callable capital of the Inter-American Development Bank in connection with the eighth general increase in the resources of that Bank. Each such subscription or contribution shall be subject to obtaining the necessary appropriations.

(b) The authorizations under this section are subject to the Senate Foreign Relations Committee reporting out an authorization bill.

TITLE V—GENERAL PROVISIONS

ENTERPRISE FUND RESTRICTIONS

SEC. 501. Section 201(l) of the Support for East European Democracy Act (22 U.S.C. 5421(l)) is amended to read as follows:

"(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—

"(1) No part of the funds of an Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services subject to paragraph (2).

"(2) An Enterprise Fund shall not pay compensation for services to—

"(A) any board member of the Enterprise Fund, except for services as a board member; or

"(B) any firm, association, or entity in which a board member of the Enterprise Fund serves as partner, director, officer, or employee.

"(3) Nothing in paragraph (2) shall preclude payment for services performed before the date of enactment of this subsection.".

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Antiterrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1998, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1998.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the

International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purpose of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance", "Debt restructuring", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1999.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations, Israel has incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

LIMITATIONS ON FUNDING FOR INTERNATIONAL FAMILY PLANNING

SEC. 519. In determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.

REPORTING REQUIREMENT

SEC. 520. Section 25 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking "Congress" and inserting in lieu thereof "appropriate congressional committees";

(2) in subsection (b), by striking "the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives" and inserting in lieu thereof "any of the congressional committees described in subsection (e)"; and

(3) by adding the following subsection:

"(e) As used in this section, the term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 521. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Guatemala (except that this provision shall not apply to development assistance for Guatemala), Dominican Republic, Haiti, Liberia, Pakistan, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committee on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 522. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 523. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 524. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 525. Section 61(a) of the Arms Export Control Act is amended by striking out "1997" and inserting in lieu thereof "1998".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 526. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 527. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 528. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 529. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 530. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 531. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 532. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 533. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing, or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests

that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) Exemption.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 534. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

Sec. 535. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

Sec. 536. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS

Sec. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

Sec. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

Sec. 539. (a) Restrictions.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) Certification.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) Waiver Authority.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia and Herzegovina that is acceptable to the parties.

SPECIAL AUTHORITIES

Sec. 540. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1998, the President may use up to $40,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

Sec. 541. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said county;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

Sec. 542. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 543. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1998, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 547. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 548. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 549. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 550. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 551. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 per centum of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 552. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 553. Not to exceed 5 per centum of any appropriation other than for administrative expenses made available for fiscal year 1998 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 per centum by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 554. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 555. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearing of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 556. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 557. None of the funds appropriated or otherwise made available by this Act under the heading "International military education and training" or "Foreign military financing program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 558. (a) To the greatest extent practicable, assistance provided or used for purchases should use American equipment, services, commodities, and products.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 559. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 560. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 per centum of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

LIBERIA

SEC. 561. Funds appropriated by this Act may be made available for assistance for Liberia notwithstanding section 620(q) of the Foreign Assistance Act of 1961 and section 512 of this Act.

GUATEMALA

SEC. 562. (a) Funds provided in this Act may be made available for the Guatemalan military forces, and the restrictions on Guatemala under the headings "International Military Education and Training" and "Foreign Military Financing Program" shall not apply, only if the President determines and certifies to the Congress that the Guatemalan military is cooperating fully with efforts to resolve human rights abuses which elements of the Guatemalan military forces are alleged to have committed, ordered or attempted to thwart the investigation of, and with efforts to implement a peace settlement.

(b) The prohibition contained in subsection (a) shall not apply to funds made available to implement a ceasefire or peace agreement.

(c) Any funds made available pursuant to subsections (a) and (b) for international military education and training may only be for expanded international military education and training.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 563. (a) BILATERAL ASSISTANCE.—The President shall withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory, or territory within its control, for the purpose of evading prosecution, where such persons have been indicted by the International Criminal Tribunal for Rwanda.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 564. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Haiti unless the President reports to Congress that the Government of Haiti—

(1) is conducting thorough investigations of extrajudicial and political killings;

(2) is cooperating with United States authorities in the investigations of political and extrajudicial killings;

(3) has made demonstrable progress in privatizing major governmental parastatals, including demonstrable progress toward the material and legal transfer of ownership of such parastatals; and

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights.

(b) EXCEPTIONS.—The limitation in subsection (a) does not apply to the provision of humanitarian, electoral, counter narcotics, or development assistance.

(c) WAIVER.—The President may waive the requirements of this section on a semiannual basis if the President determines and certifies to the appropriate committees of Congress that such waiver is in the national interest of the United States.

(d) PARASTATALS DEFINED.—As used in this section, the term "parastatal" means a government-owned enterprise.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 565. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1996.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

BURMA LABOR REPORT

SEC. 566. Not later than one hundred twenty days after enactment of this Act, the Secretary of Labor shall provide to the Committees on Appropriations a report addressing labor practices in Burma: *Provided*, That the report shall provide comprehensive details on child labor practices, worker's rights, force relocation of laborers, forced labor performed to support the tourism industry, and forced labor performed in conjunction with, and in support of, the Yadonna gas pipeline: *Provided further*, That the report should discuss whether the State Law and Order Restoration Council (SLORC) is in compliance with international labor standards: *Provided further*, That the report should provide considerable detail regarding the U.S. government's efforts to address the issue of forced labor in Burma.

HAITI

SEC. 567. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL FINANCIAL INSTITUTION POLICIES

SEC. 568. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to use the voice and vote of the United States to strongly encourage their respective institutions to—

(1) provide timely public information on procurement opportunities available to United States suppliers, with a special emphasis on small business; and

(2) systematically consult with local communities on the potential impact of loans as part of the normal lending process, and expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of policies and projects.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 569. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking steps to bring the responsible members of the security forces unit to justice.

CAMBODIA

SEC. 570. The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs, unless the Government of Cambodia has: (1) not been established in office by the use of force or a coup d'etat; (2) discontinued all political violence and intimidation of journalists and members of opposition parties; (3) established an independent election commission; (4) protected the rights of voters, candidates, and election observers and participants by establishing laws and procedures guaranteeing freedom of speech and assembly; (5) eliminated corruption and collaboration with narcotics smugglers; and (6) been elected in a free and fair election.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 571. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that such items will not be used in East Timor.

TRANSPARENCY OF BUDGETS

SEC. 572. Section 576(a)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;".

Section 576(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in Public Law 104–208, is amended to read as follows:

"(2) has not provided to the institution information about the audit process requested by the institution.".

RESTRICTIONS ON FUNDING TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 573. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export promotion and related programs, may be provided for any country described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country described in subsection (d).

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance; or

(C) assistance for physical infrastructure projects involving activities in both a sanctioned country and a nonsanctioned contiguous country, if the nonsanctioned country is the primary beneficiary.

(2) Further limitations.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any other Act making appropriations for foreign operations, export promotion and related programs, for a program, project, or activity in any country described in subsection (d) in which an indicted war criminal has any financial or material interest or through any organization in which the indicted individual is affiliated; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any other Act making appropriations for foreign operations, export promotion and related programs to any program, project, or activity in any area of any country described in subsection (d) in which local authorities are not complying with the provisions of Article IX and Annex 4, Article II of the Dayton Agreement relating to war crimes and the Tribunal, or with the provisions of Annex 7 of the Dayton Agreement relating to the rights of refugees and displaced persons to return to their homes of origin.

(d) Sanctioned Countries.—A country described in this section is a country the authorities of which fail to apprehend and transfer to the Tribunal all persons in territory that is under their effective control who have been indicted by the Tribunal.

(e) Waiver.—

(1) Authority.—The President may waive the application of subsection (a) or subsection (b) with respect to a country if the President determines and certifies to the appropriate committees of Congress within six months after the date of enactment of this Act that a majority of the indicted persons who are within territory that is under the effective control of the country have been arrested and transferred to the Tribunal.

(2) Period of effectiveness.—Any waiver made pursuant to this subsection shall be effective for a period of six months.

(f) Termination of Sanctions.—The sanctions imposed pursuant to subsection (a) or subsection (b) with respect to a country shall cease to apply only if the President determines and certifies to Congress that the authorities of that country have apprehended and transferred to the Tribunal all persons in territory that is under their effective control who have been indicted by the Tribunal.

(g) Definitions.—As used in this section—

(1) Country.—The term "country" shall not include Bosnia and Herzegovina, and the provisions of this Act shall be applied separately to its constituent entities of Republika Srpska and the Federation of Bosnia and Herzegovina.

(2) Dayton agreement.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(3) Democratization assistance.—The term "democratization assistance" includes electoral assistance and assistance used in establishing the institutions of a democratic and civil society.

(4) Humanitarian assistance.—The term "humanitarian assistance" includes assistance for food, demining, refugees, housing, education, health care, and other social services.

(5) Tribunal.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

Sec. 574. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, and 1998"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1998"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1998".

DEVELOPMENT CREDIT AUTHORITY

Sec. 575. For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans and loan guarantees in support of the development objectives of the Foreign Assistance Act of 1961 (FAA), up to $10,000,000, which amount may be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and funds appropriated by this Act under the heading "Assistance for Eastern Europe and the Baltic States", to remain available until expended: *Provided*, That of this amount, up to $1,500,000 for administrative expenses to carry out such programs may be transferred to and merged with "Operating Expenses of the Agency for International Development": *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to development credit authority) of the Foreign Assistance Act of 1961, as added by section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this paragraph: *Provided further*, That direct loans or loan guarantees under this paragraph may not be provided until the Director of the Office of Management and Budget has certified to the Committees on Appropriations that the Agency for International Development has established a credit management system capable of effectively managing the credit programs funded under this heading, including that such system (1) can provide accurate and timely provision of loan and loan guarantee data, (2) contains information control systems for loan and loan guarantee data, (3) is adequately staffed, and (4) contains appropriate review and monitoring procedures.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

Sec. 576. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1998 and 1999".

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

Sec. 577. (a) Value of Additions to Stockpiles.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) Requirements Relating to the Republic of Korea and Thailand.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES

Sec. 578. Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

SENSE OF THE SENATE REGARDING ESTONIA, LATVIA, AND LITHUANIA.

Sec. 579. It is the sense of the Senate that Estonia, Latvia, and Lithuania—

(1) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(2) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(3) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

Sec. 580. (a) None of the funds appropriated under this Act may be made available for the Government of Russian Federation unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has enacted no statute or promulgated no executive order that would discriminate, or would have as its principal effect discrimination, against religious minorities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a signatory, including the European Convention and the 1989 Vienna Concluding Document of the Conference on Security and Cooperation in Europe.

(b) This section shall become effective one day after the enactment of this Act.

SENSE OF THE SENATE REGARDING SUPPORT FOR COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

Sec. 581. (a) Findings.—Congress makes the following findings:

(1) The ancient Silk Road, once the economic lifeline of Central Asia and the South Caucasus, traversed much of the territory now within the countries of Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(2) Economic interdependence spurred mutual cooperation among the peoples along the Silk Road and restoration of the historic relationships and economic ties between those peoples is an important element of ensuring their sovereignty as well as the success of democratic and market reforms.

(3) The development of strong political and economic ties between countries of the South Caucasus and Central Asia and the West will foster stability in the region.

(4) The development of open market economies and open democratic systems in the countries of the South Caucasus and Central Asis will provide positive incentives for international private investment, increased trade, and other forms of commercial interactions with the rest of the world.

(5) The Caspian Sea Basin, overlapping the territory of the countries of the South Caucasus and Central Asia, contains proven oil and gas reserves that may exceed $4,000,000,000,000 in value.

(6) The region of the South Caucasus and Central Asia will produce oil and gas in sufficient quantities to reduce the dependence of the United States on energy from the volatile Persian Gulf region.

(7) United States foreign policy and international assistance should be narrowly targeted to support the economic and political independence of the countries of the South Caucasus and Central Asia.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the policy of the United States in the countries of the South Caucasus and Central Asia should be—

(1) to promote sovereignty and independence with democratic government;

(2) to assist actively in the resolution of regional conflicts;

(3) to promote friendly relations and economic cooperation; and

(4) to help promote market-oriented principles and practices;

(5) to assist in the development of infrastructure necessary for communications, transportation, and energy and trade on an East-West axis in order to build strong international relations and commerce between those countries and the stable, democratic, and market-oriented countries of the Euro-Atlantic Community; and

(6) to support United States business interests and investments in the region.

(c) DEFINITION.—In this section, the term "countries of the South Caucasus and Central Asia" means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgystan, Tajikistan, Turkmenistan, and Uzbekistan.

PROMOTION OF RELIGIOUS FREEDOM AND HUMAN RIGHTS

SEC. 582. (a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on religious persecution on a country-by-country basis. Reports shall include a list of individuals who have been materially involved in the commission of acts of persecution that are motivated by a person's religion.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith on a country-by-country basis. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding such prisoners to assist in the creation and maintenance of the registry.

(c) SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.—It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of the People's Republic of China and other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

UNITED STATES INTELLIGENCE ACTIVITIES RELATED TO MONITORING HUMAN RIGHTS ABUSES AND RELIGIOUS PERSECUTION

SEC. 583. (a) IN GENERAL.—The President shall devote additional personnel and resources to gathering intelligence information regarding human rights abuses and acts of religious persecution.

(b) REPORT.—Not later than March 30, 1998, the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report on the number of personnel and resources that are being devoted to gathering intelligence information regarding human rights abuses and acts of religious persecution.

WILDLIFE CONSERVATION

SEC. 584. Of the funds appropriated by this Act, not more than $2,900,000 may be made available for the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe: *Provided*, That none of the funds appropriated by this Act may be used to directly finance the trophy hunting of elephants or other endangered species as defined in the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) or the Endangered Species Act: *Provided further*, That the funds appropriated by this Act that are provided under the CAMPFIRE program may not be used for activities with the express intent to lobby or otherwise influence international conventions or treaties, or United States Government decision makers: *Provided further*, That funds appropriated by this Act that are made available for the CAMPFIRE program may be used only in Zimbabwe for the purpose of maximizing benefits to rural people while strengthening natural resources management institutions: *Provided further*, That not later than March 1, 1998, the Administrator of the Agency for International Development shall submit a report to the appropriate congressional committees describing the steps taken to implement the CAMPFIRE program, the impact of the program on the people and wildlife of CAMPFIRE districts, alternatives to trophy hunting as a means of generating income for CAMPFIRE districts, and a description of how funds made available for CAMPFIRE in fiscal year 1998 are to be used.

DEMOCRACY-BUILDING ACTIVITY IN PAKISTAN

SEC. 585. (a) OPIC.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", or Pakistan" after "China".

(b) TRAINING ACTIVITY.—Section 638(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2398(b)) is amended—

(1) by inserting "or any activity to promote the development of democratic institutions" after "activity"; and

(2) by inserting ", Pakistan," after "Brazil".

(c) TRADE AND DEVELOPMENT.—It is the sense of Congress that the Director of the Trade and Development Agency should use funds made available to carry out the provisions of section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to promote United States exports to Pakistan.

SENSE OF THE SENATE ON THE EUROPEAN COMMISSION'S HANDLING OF THE BOEING AND MCDONNELL DOUGLAS MERGER

SEC. 586. (a) FINDINGS.—(1) The Boeing Company and McDonnell Douglas have announced their merger; and

(2) the Department of Defense has approved that merger as consistent with the national security of the United States; and

(3) the Federal Trade Commission has found that merger not to violate the antitrust laws of the United States; and

(4) the European Commission has consistently criticized and threatened the merger before, during and after its consideration of the facts; and

(5) the sole true reason for the European Commission's criticism and imminent disapproval of the merger is to gain an unfair competitive advantage for Airbus, a government owned aircraft manufacturer.

(b) SENSE OF SENATE.—Now therefore, it is the sense of the Senate that—

(1) any such disapproval on the part of the European Commission would constitute an unwarranted and unprecedented interference in a United States business transaction that would threaten thousands of American aerospace jobs; and

(2) the Senate suggests that the President take such actions as he deems appropriate to protect United States interests in connection therewith.

RESTRICTION ON ASSISTANCE MADE TO THE PALESTINIAN AUTHORITY

SEC. 587. None of the funds appropriated or otherwise made available by this Act may be obligated or expended with respect to providing funds to the Palestinian Authority, unless the President certifies to Congress that—

(1) the Palestinian Authority is using its maximum efforts to combat terrorism, and, in accordance with the Oslo Accords, has ceased the use of violence, threat of violence, or incitement to violence as a tool of the Palestinian Authority's policy toward Israel;

(2) after a full investigation by the Department of Justice, the Executive branch of Government concludes that Chairman Arafat had no prior knowledge of the World Trade Center bombing; and

(3) after a full inquiry by the Department of State, the Executive branch of Government concludes that Chairman Arafat did not authorize and did not fail to use his authority to prevent the Tel Aviv cafe bombing of March 21, 1997.

USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP

SEC. 588. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

Sec. 589. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1997, planned obligations for such activities in fiscal year 1998, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than October 15, 1997.

AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING

Sec. 590. (a) In General.—Section 235(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is amended—

(1) by striking paragraphs (1) and (2)(A) and inserting the following:

"(1) Insurance and financing.—(A) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234 (b) and (c), shall not exceed in the aggregate $29,000,000,000.";

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by amending paragraph (2) (as so redesignated) by striking "1997" and inserting "1999".

(b) Conforming Amendment.—Paragraph (2) of section 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated by subsection (a), is further amended by striking "(a) and (b)" and inserting "(a), (b), and (c)".

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

Sec. 591. (a) Withholding of Assistance.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) Exception.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

WAR CRIMES PROSECUTION

Sec. 592. Section 2401 of title 18, United States Code (Public Law 104–192; the War Crimes Act of 1996) is amended as follows—

(1) in subsection (a), by striking "commits a grave breach of the Geneva Conventions" and inserting in lieu thereof "commits a war crime";

(2) in subsection (b)—

(A) by striking "the person committing such breach or the victim of such breach" and inserting in lieu thereof "the person committing such crime or the victim of such crime"; and

(B) by inserting before the period at the end of the subsection "or that the person committing such crime is later found in the United States after such crime is committed";

(3) in subsection (c)—

(A) by striking "the term 'grave breach of the Geneva Conventions' means conduct defined as" and inserting in lieu thereof "the term 'war crime' means conduct (1) defined as"; and

(B) by inserting the following before the period at the end—

"; (2) prohibited by Articles 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed on October, 1907; (3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva on August 1949; or (4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians";

(4) by adding a new subsection (d) to read as follows:

"(d) Notification.—No prosecution of any crime prohibited in this section shall be undertaken by the United States except upon the written notification to the Congress by the Attorney General or his designee that in his judgment a prosecution by the United States is in the national interest and necessary to secure substantial justice.".

REFORM AND REVIEW OF UNITED STATES SPONSORED TRAINING PROGRAMS

Sec. 593. (a) Findings.—Congress makes the following findings:

(1) United States training of members of Latin American military and security forces that occurred primarily at the Army School of the Americas between 1982 and 1991 has been severely criticized for promoting practices that have contributed to the violation of human rights and have otherwise been inconsistent with the appropriate role of the Armed Forces in a democratic society.

(2) Numerous members of Latin American military and security forces who have participated in United States sponsored training programs, have subsequently been identified as having masterminded, participated in, or sought to cover up some of the most heinous human rights abuses in the region.

(3) United States interests in Latin America would be better served if Latin American military personnel were exposed to training programs designed to promote—

(A) proper management of scarce national defense resources,

(B) improvements in national systems of justice in accordance with internationally recognized principles of human rights, and

(C) greater respect and understanding of the principle of civilian control of the military.

(4) In 1989, Congress mandated that the Department of Defense institute new training programs (commonly referred to as expanded IMET) with funds made available for international military and education programs in order to promote the interests described in paragraph (3). Congress also expanded the definition of eligibility for such training to include non-defense government personnel from countries in Latin America.

(5) Despite congressionally mandated emphasis on expanded IMET training programs, only 4 of the more than 50 courses offered annually at the United States Army School of the Americas qualify as expanded IMET.

(b) Limitation on Use of Funds.—Notwithstanding any other provision of law, none of the funds appropriated in this Act under the heading relating to international military education and training may be made available for training members of any Latin American military or security force until—

(1) the Secretary of Defense has advised the Secretary of State in writing that 30 percent of IMET funds appropriated for fiscal year 1998 for the cost of Latin American participants in IMET programs will be disbursed only for the purpose of supporting enrollment of such participants in expanded IMET courses; and

(2) the Secretary of State has identified sufficient numbers of qualified, non-military personnel from countries in Latin America to participate in IMET programs during fiscal year 1998 in consultation with the Secretary of Defense, and has instructed United States embassies in the hemisphere to approve their participation in such programs so that not less than 25 percent of the individuals from Latin American countries attending United States supported IMET programs are civilians.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report in writing to the appropriate committees of Congress on the progress made to improve military training of Latin American participants in the areas of human rights and civilian control of the military. The Secretary shall include in the report plans for implementing additional expanded IMET programs for Latin America during the next 3 fiscal years.

LIBERATION TIGERS OF TAMIL EELAM

Sec. 594. Sense of Senate.—It is the sense of the Senate that the Department of State should list the Liberation Tigers of Tamil Eelam as a terrorist organization.

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

Sec. 595. None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Peru for international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961, unless the President certifies to Congress that the Government of Peru is taking all necessary steps to ensure that United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

LIMIT AID TO THE GOVERNMENT OF CONGO UNTIL PRESIDENTIAL CERTIFICATION

Sec. 596. None of the funds appropriated or otherwise made available by this Act may be provided to the Government of Congo until such time as the President reports in writing to the Congress that the Government of Congo is cooperating fully with investigators from the United Nations or any other international relief organizations in accounting for human rights violations or atrocities committed in Congo or adjacent countries.

Titles I through V of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998".

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I see the chairman of the Appropriations Committee in the Chamber. I just want to make the point that I think we must have achieved some kind of record here in light of, in 3 days, having passed four bills. I congratulate him on his leadership, which has pushed us in that direction very skillfully.

Mr. STEVENS. Mr. President, if the Senator will yield, I congratulate the two managers of this bill, Senator

McCONNELL and Senator LEAHY, for accomplishing almost the impossible— to have the foreign assistance bill passed in this manner.

We had a meeting at the beginning of this year when I became chairman and talked about trying to have a program of crisis avoidance, and this is a good example of it. These two Senators have worked with all Members who had amendments and tried to accommodate them, at least dealt with most of them, and the result is on the floor being able to pass this bill, and it is a great bill. What was the final vote?

Mr. McCONNELL. It was 91 to 8.

Mr. STEVENS. I can remember the days when this bill was filibustered for days and days and days. It is really a tribute to the two managers for having accomplished this, and I congratulate them very much.

Mr. LEAHY. Mr. President, if the Senator from Alaska will yield, I say for my colleagues one of the joys of the Appropriations Committee is that there are a lot of senior Members on both sides of the aisle who are used to working with each other to build the kind of personal relationships that are necessary. I cherish my own friendship with the Senator from Alaska and the Senator from Kentucky. We have worked together on a lot of different pieces of legislation, not just this one but a lot of others, and I think we understand there are certain things that can be done and certain things that cannot be done, and we go for the possible.

I note that this is a record, and I commend the Senator from Kentucky for getting it through so rapidly. But it is a case, again, I would say to the chairman of the Appropriations Committee, who sat down with us and tried to give us leeway, a realistic schedule, of the ability to work out many things even before they got to the floor.

I have been both a manager and the ranking member of a lot of pieces of legislation. What has been happening with the appropriations bills is a model of the way it should be done—move them, move them quickly. People have an issue; vote on it and move on to the next thing. The Senate is better served. The country is better served.

I commend my two colleagues for their help.

Mr. McCONNELL. Mr. President, I, too, thank my good friend, PAT LEAHY, for his marvelous cooperation and also extend my thanks to Steve Cortese, director of the full committee, who has been a joy to work with, and Tim Rieser of Senator LEAHY's staff and, of course, long-time foreign policy adviser, now staff director of the subcommittee, Robin Cleveland, and Billy Piper and Will Smith, who have done yeoman service and outstanding work on this. I thank them.

I yield the floor.

Mr. LEAHY. Mr. President, I also want to compliment Robin Cleveland and Will Smith of the committee staff and Billy Piper of Senator McCONNELL's staff, and, of course, as he has already mentioned, Tim Rieser of my staff, who has done so much on this, Emily East from the appropriations staff; Lesley Carson, who is a Javits scholar with the appropriations subcommittee; Dick D'Amato, a long-time member of the appropriations staff, and John Rosenwasser from the Budget Committee. There is an awful lot that goes on among staff to make this possible. We do not have the expertise of the staff. We cannot move a bill this quickly no matter how hard we Senators may try, and I commend the staff on both sides of the aisle in this case.

The PRESIDING OFFICER. The Senator from Connecticut.

COMMENDATION OF GEN. BARRY McCAFFREY

Mr. DODD. Mr. President, during the consideration of the foreign operations appropriations bill yesterday, I offered an amendment along with Senator McCAIN on the drug certification issue. During the course of that debate, some references were made to Gen. Barry McCaffrey that I thought were unfortunate and incorrect.

JOHN McCAIN, our colleague from Arizona, rightly stood up and pointed out that Barry McCaffrey, whatever one's views may have been on the certification issue, enjoys, I think, without any question, the tremendous confidence of the Members of this body. We may disagree on various policy issues. I wanted to associate myself with Senator McCAIN's remarks and express my gratitude to General McCaffrey for taking on this job, one of the most difficult jobs in Government, that is, to be the drug czar.

Mr. President, I wanted to express my confidence, and I am confident the confidence of my colleagues, in Barry McCaffrey. This is a very difficult job he has taken on. It is tremendously complex. It is obviously a source of great, great disturbance in this country to watch the ever-increasing proliferation of illegal drugs, and obviously there is a domestic feature to this and there is an international feature to it. His job is not an easy one and he has to deal with people all over the globe. I think he does so with a great deal of integrity, seriousness, and forthrightness. He has been tremendously responsive to those of us up here on Capitol Hill who care about this issue.

I thank Senator McCAIN for his remarks yesterday and associate myself, as I said, with those remarks, and once again express my high degree of confidence in the General and my appreciation as well for the work he has done.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I know my colleague from Iowa wants to speak and my colleague from Arkansas. Could I just for a moment ask unanimous consent that an intern, Mara Davis, be allowed to be in the Chamber today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate has an order to go to a bill at 11:30.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted—I know the Senator from Ohio wants to introduce a bill, and I do not want to delay that—but I ask unanimous consent that I be permitted to proceed for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DETERIORATION OF U.S. NATIONAL PARKS

Mr. BUMPERS. Mr. President, one of the truly great ideas that somebody came up with back in 1872 was to establish the first national park. Ulysses Grant was President. Unhappily, that same year Ulysses Grant signed a bill called the mining law of 1872. But back to the point. President Grant established the first national park in this Nation. It has been a source of pride and usage and a great deal of euphoria for America's people ever since. We in the Senate and in the House profess our undying commitment to a National Park System second to none while we have routinely starved the park system to death.

Now, US News and World Report, on top of report after report that has been issued over the past 10 to 15 years, in the current July 21 edition, has an article which I recommend to every Member of the Senate called "Parks in Peril." "The national parks have been called the best America had. But their wild beauty and historical treasures are rapidly deteriorating"—repeat, rapidly deteriorating—"from lack of funds, pollution, encroaching development, overcrowding and congressional indifference."

Mr. President, these parks are being encroached on by development; they are being stifled by pollution. On any given day in the winter, the pollution at Yellowstone National Park from snowmobiles alone is equal to the smog in Washington, DC. And the infrastructure is falling down. Buildings are rotting, buildings are decaying, and some of the treasures such as Chaco Canyon in New Mexico, some of those ancient ruins, are falling down for lack of money to restore them.

All this time, Mr. President, we allow the mining companies, the biggest mining companies in the world, to buy Federal lands for $2.50 an acre, take billions of dollars of gold off those lands and not pay the taxpayers of America one red cent. That is money that alone could reverse the deterioration of our National Park Service. We have grazing laws in this country which are just short of scandalous, in which we allow some of the biggest corporations in America to lease grazing lands from BLM for a song. And one of the worst tragedies of all is that we have a concessions policy where we allow the concession stands at national parks to be handed down from generation to generation. You cannot take one away from a concessionaire under existing law.

Mr. President, the return now to the Park Service on concessions is about 6 percent. About the only park we have in our system with a concession, which was let 3 years ago on a competitive basis, is Yosemite, and last year Yosemite, the only park that has a concession policy that was competitively let, produced 37 percent. That one park produced 37 percent of all the return the Park Service got for all its concessions.

We had a bill here that I sponsored that passed the Senate 99 to zip, went over to the House and died. If you were to pass another one today 99 to zip, it would probably go to the House and die, because this suits the policy of too many Members of Congress while our Park System deteriorates.

I strongly recommend everybody read this. The polls consistently show that the people of this country are upset because we tolerate some of the kinds of corporate welfare I just described—rich people, the biggest corporations in the world, not paying their way. And oftentimes, because of the way we finance campaigns in this country, we can't stop it or do anything about it. Our priorities are terribly skewed when we allow some of these things to continue while the national parks, the greatest treasury we possess in this country, decline. We just passed a defense bill, $268 billion, and not an enemy in sight. There is not an enemy in sight; $268 billion, and we had one rollcall vote. I can remember when that bill would take 2 weeks to pass.

So, Mr. President, I speak with a great deal of passion this morning because I chaired the National Parks Subcommittee for many years, and I did everything I could to reverse the policy that was so patently obvious to me back then, years ago, that we were neglecting our national parks and we were going to pay a price for it. One thing we have done is, while we added a lot of parks, we have never added any funding. We are either going to have to fish or cut bait. We either have to get rid of parks, which I don't think anybody in this body favors, or we are going to have to fund them. And finally, the last alternative is watch them fall apart before our eyes to the chagrin, dismay, disappointment, and outright animosity of the American people for our indifference and negligence to our National Park System.

I yield the floor.

Mr. STEVENS. Will the Senator yield? I was hoping to have a little discussion with the Senator. What is the time situation, Mr. President?

The PRESIDING OFFICER. At this time there is no limitation on debate.

Mr. STEVENS. Mr. President, I know there is a Senator waiting here, but I would just like to ask my friend about the national parks, if he would respond. I can remember so well, I helped, worked with, President Eisenhower for what we called Mission 66, a 10-year period to improve the parks. I think, if the Senator would look at that period, at the end of 1966 the parks were in the best condition they have been since the turn of the century. Since that time, the vision of the Park Service has been to add acreage to the parks. Today we see the parks in the worst condition they have been in in my lifetime. Maintenance of the parks, the accumulated maintenance that has been deferred, is just overwhelming. I think it would take the total annual appropriation of the Park Service to catch up just on deferred maintenance at the historic park sites, Yosemite, Yellowstone, and all of those that are in the south 48.

But my question to the Senator is, we have now almost 80 percent of the land that is in the Park Service in my State and we have about 1 percent of the Park Service money. I don't think anyone has looked at what has happened to the parks, in terms of this rush to add acreage to the parks instead of maintaining discrete park areas that are absolutely beautiful and need to be preserved.

One of my predecessors, Senator Gruening, introduced a bill to establish parks in the State of Alaska. I did, too. Those parks that we sought were ignored and, instead, we have vast areas of parks that are out there. All they have in them is Park Service employees, accommodation for Park Service employees, no roads into them, no airports in them, but they are listed as national parks.

I ask you, if there is to be a rational park system in the country, don't you think we ought to have accessibility to areas that are set aside as national parks? Don't you think we ought to be concentrating now on maintaining the parks that are there so visitors can use them?

The answer now to people who are in charge of the parks is to close the parks, to limit the number of people that go into the parks because the maintenance is so bad that they think the people coming in the parks will now destroy them. I agree, maintenance is very bad. But parks are for people, I thought.

I would like to have the Senator speak up. I do hope one of these days we can have a long discussion about the National Park System and how it has changed. It has changed to people who want to control land from people who want to preserve the very best and most beautiful portions of our country, and that disturbs me greatly.

Mr. BUMPERS. Let me say, I could not agree with the Senator more, and I also say some of the damage that is occurring in the National Park System is not just to the infrastructure; that is, the buildings, which can be replaced and repaired. Some of the irreversible damage is being done to the natural beauty of the national parks, which cannot be undone. I could not agree more with the Senator that we have added a lot of land. I am not saying we did it wrongly. I am not saying we were in error when we did it. I am saying we can do both. We can have an expanded park system and we can fund it. If the American people understand anything, in my opinion, it is our skewed priorities here, what we spend money for.

If you were to take a poll—not ask for an extemporaneous response, but say, "Which of the following do you consider the most important?" I daresay the National Park System and the maintenance of it for the enjoyment of all the American people would rank very near the top. We simply have not made a commitment.

You recall under President George Bush we did a very extensive study on the National Park System, and they came back and said it would take—that has been 8 years ago, a little over, about 8 years ago—they said it would take $2 billion just to start doing the infrastructure. That had nothing to do with adding lands or anything else. They said, in order to bring our parks up to par right now—that was 8 years ago with 8 years of inflation added to it now—it would take $2 billion.

As I say, everybody loves the parks. Everybody in the Senate, everybody in the House, would profess their undying love for the National Park System, but we simply are not putting the money where our mouth is.

That is the only point I want to make this morning, and that is the point this article makes in U.S. News & World Report. I see the distinguished Senator who is now the chairman of the same committee I mentioned I chaired for many years. I will be happy to yield to him.

Mr. THOMAS. Mr. President, I ask the Senator if he is aware that the subcommittee is now in the process of seeking to put together a plan, a long-term plan? All of us who understand that parks and their resources are one of the most valuable resources that we have, that there are troublesome things happening and frankly there is no plan in place and we need to have one—we need to talk about finances. There needs to be some additional resources for finances in addition to the appropriations. We need to talk about how we do some bonding, how we do some private investment, how we do some other kinds of things. In addition, we need to talk about the concessionaires. We need to get that straightened out so it moves. We need to talk, frankly, about the management of the parks so we have a plan that has measurable results so the plans that are set for the Nation will also be applied in the parks. And we have invited the administration to participate.

Fortunately, this morning we have a nominee for the Park Service. We have not had a Park Service Director. So I want to assure the Senator that there is underway an effort to basically reform and move forward and, also, I forgot to say, to have something that defines more clearly what kind of a park is appropriate to be part of the National System so we are not taking in what is more appropriately local recreation areas to be managed by the National Park Service.

So I couldn't share more the concerns that people have, but I wanted to tell my colleague that we are moving forward with that and intend to have a plan before this Congress by the end of the year.

Mr. BUMPERS. I thank the Senator very much. I do not want to take any more time of the Senator.

Mr. WELLSTONE. Mr. President, I wonder if I could ask, colleagues have been involved in an important discussion. I think they probably would want to go on more, but I know Senator DEWINE and I want to introduce a bill. We thought we might have a little more time. I ask unanimous consent that morning business be extended for an additional 15 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Would the Senator repeat his request?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. WELLSTONE. I asked unanimous consent that morning business—we were hoping we would be able to introduce a bill and talk about it a little while. Given the important discussion that took place, I asked whether or not we could extend 10 minutes beyond what we had originally planned for morning business.

Mr. DEWINE. That would be 11:40.

Mr. STEVENS. May I inquire, how many Senators are involved?

Mr. WELLSTONE. Senator DEWINE and I wanted to introduce a bill. This would give us altogether maybe 15 minutes between two people.

Mr. STEVENS. I will not object if it's just 10 minutes past the half-hour.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

Mr. DEWINE. I thank the Chair.

(The remarks of Mr. DEWINE and Mr. WELLSTONE pertaining to the introduction of S. 1029 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I yield the floor.

Mr. STEVENS. Does the Senator yield back any time he might have?

Mr. WELLSTONE. I do.

Mr. STEVENS. Mr. President, I ask that we proceed with the regular order.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1023.

The assistant legislative clerk read as follows:

A bill (S. 1023) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, my colleague, Senator KOHL, and I are bringing before the Senate today the Senate Appropriations Committee recommendation for the fiscal year 1998 appropriations for the Department of the Treasury, U.S. Postal Service, the Executive Office of the President, and certain independent agencies. The bill we are presenting today contains a total funding of $25,206,539,000. This is $1,104,116,000 more than the fiscal year 1997 level, and $455,866,000 less than the President's request. We are recommending a total of $12,321,339,000 in discretionary spending and $12,885,100,000 for mandatory programs over which this subcommittee has no control.

Reaching this level has not been an easy task, and I certainly thank Senator KOHL, who has yet to arrive on the floor, for his hard work and continuing support and advice as we put this bill together.

Mr. President, this bill includes $11,315,801,000 for the Department of the Treasury. As my colleagues are aware, the Department of the Treasury has a wide range of responsibilities directed not only at the revenues and expenditures of the Government, but law enforcement functions as well.

The Treasury Department is responsible for 40 percent of all Federal law enforcement, and adequate funding for this function has been a priority for both Senator KOHL and myself. The subcommittee has done what we can to ensure that law enforcement agencies funded in this bill have the resources to do the job that we asked them to do in the so-called war against crime. In addition, we have provided a total of $131 million in the violent crime reduction trust fund. This is $12.7 million more than requested by the President and $34 million more than provided in fiscal year 1997.

This bill includes $121,124,000 for payments to the U.S. Postal Service to reimburse them for providing free mail for the blind and for overseas voters and for payment to the Department of Labor for disability costs incurred by the old Post Office Department.

The Executive Office of the President and funds appropriated to the President total $485,225,000. This includes the Office of Drug Control Policy.

As many of our colleagues know, the bill includes the administration's proposal for a 1-year moratorium on new construction projects through the General Services Administration Federal Buildings Fund. It is unfortunate, when we need so many renovations on courthouses, that the GSA calculation of rent income to the Federal building fund has been so inaccurate in the past years that we are at a point where there is just barely enough money to continue ongoing projects.

There is also $12.7 billion in mandatory payments through the Office of Personnel Management for annuitants' life and health insurance, as well as retirement benefits.

There has been considerable discussion over the past couple of years about the funding level for the Internal Revenue Service. Many of us are very disturbed that significant amounts of money, over $4 billion, was wasted on the tax modernization system. As a result, we have very carefully reviewed the budget request from the IRS. We believe that the IRS should have sufficient resources to maintain and even increase customer service levels, and there must be enough to continue efforts to collect taxes due. As a result, we have proposed appropriations at the level requested by the President for the three permanent accounts. However, we did not agree to the President's request for an advance appropriation of $500 million to set up an account for future computer modernization efforts.

Although the IRS has developed and circulated a modernization blueprint, that is only a first good step. It was the judgment of the subcommittee that there must be more detailed information before we agree to additional funds for future computer modernization.

The most critical problem facing IRS is a century date change project. As a result, we have set aside $325 million for this effort, in addition to funds already appropriated in fiscal year 1997 and requested for fiscal year 1998.

Mr. President, this bill is the result of long, hard hours of work on the part of the members and staff of this subcommittee. I want to thank them for all of their efforts. I believe we have put together a very worthwhile bill and hope we will have the support of the Senate.

I now yield to our ranking member, my good friend, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Mr. President, I thank the Senator.

As the distinguished Senator from Colorado has just indicated, we are bringing to the floor recommendations on the fiscal year 1998 appropriations level for the Treasury, general Government agencies.

First, I thank Senator CAMPBELL for his dedicated work on this bill. He has worked long and hard on the difficult issues that he has just outlined for our colleagues. As a result of his efforts, I believe the committee has developed a balanced approach for dealing with the many programs and activities under the jurisdiction of the subcommittee, while staying within the budget allocation.

Since this budget allocation was $489 million below the administration's request, we have been required to make some substantial reductions. However, the subcommittee actions have resulted in a bill that is both fiscally responsible and I also believe very reasonable.

Senator CAMPBELL has discussed the major funding highlights, and rather than repeating those highlights, I will limit my comments to a few areas that I would like to emphasize.

First, the funding provided for IRS activities. Tax processing, tax law enforcement and information systems is at the President's request. Additionally, $325 million has been provided for an information technology fund. While we continue to have concerns over the IRS modernization efforts, we believe that it is important to provide the IRS with the tools necessary to collect taxes owed. By providing full funding, we can be assured that the critical century date change and data center consolidation occur in a timely manner and allow the IRS to continue smooth operations into the year 2000.

Second, the national media campaign proposed by the Office of National Drug Control Policy is not fully funded. I fully support, of course, the efforts to combat the drug problem in this country, and I support the efforts in leadership of Gen. Barry McCaffrey, but I am reluctant to provide billions of dollars for an untried and untested media program. So I supported funding at a smaller pilot program level, which would provide the administration and Congress with the evidence of the success that is necessary when we are committing such huge taxpayer dollars.

However, Senator CAMPBELL and I have come to a compromise position: funding the national media program for 1 year at $110 million, after which the program will be evaluated.

We are also providing over $35 million for community-oriented drug prevention programs, such as a drug-free prison zone program and the initiation of the Drug Free Communities Act grants.

Finally, I want to highlight that no funds are provided for the General Services Administration's Construction and Acquisition Program. The Federal buildings fund is experiencing a shortfall in revenue resulting from GSA miscalculating rent income and miscalculating construction completion dates. While I am concerned over the financial situation generating this shortfall, I believe it provides a good opportunity to review the principles applied to the Courthouse Construction Program. As a result, the report accompanying the bill contains criteria that the General Services Administration and the Administrative Office of the Courts must apply to future courthouse construction projects.

According to these criteria, projects included in future requests must:

One, meet the design guide standards for construction;

Two, reflect the priorities of the Judicial Conference of the United States;

Three, be included in the approved 5-year construction plan;

And four, must be accompanied by a standardized courtroom utilization study.

It is hoped that the application of these criteria will result in a well-justified Courthouse Construction Program in the future.

Mr. President, that concludes my highlights of the bill's funding levels. We believe we have provided the best funding levels possible under the funding restrictions.

Before I yield the floor, I also want to acknowledge the fine work done by the staff on this bill:

Pat Raymond, Tammy Perrin, Lula Edwards, Frank Larkin, and Barbara Retzlaff, and others. I thank them for all their hard work in helping to bring this bill before the Senate.

I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Colorado.

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the following individuals be granted privilege of the floor for the duration of the consideration of S. 1023, the Treasury and General Government Appropriations Act of 1998: Patricia Raymond, Tammy Perrin, Lula Edwards, Barbara Retzlaff, Frank Larkin and Jay Kimmitt.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 921

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 921.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REGULATIONS CONCERNING THE IMPORTATION OF CERTAIN FISH.

(a) IMPORT COMPLIANCE.—Section 6(c) of the Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971d(c)) is amended by adding at the end the following:

"(8)(A)(i) Not later than January 1, 1998, the Secretary, in consultation with the Secretary of the Treasury and the Secretary of State, shall promulgate regulations to ensure that fish in any form that are—

"(I) subject to regulation pursuant to a recommendation of the Commission; and

"(II) presented for entry into the United States;

have been taken and retained in a manner and under circumstances that are consistent with the recommendations of the Commission described in clause (ii).

"(ii) The recommendations described in this clause are recommendations of the Commission that are—

"(I) made pursuant to article VIII of the Convention; and

"(II) adopted by the Secretary in the regulations promulgated pursuant to this section.

"(B)(i) The regulations promulgated under this paragraph shall include, at a minimum, a requirement that the fish described in subparagraph (A)(i) are accompanied by a valid certificate of origin that attests that the fish have been taken and retained in a manner and under circumstances that are consistent with the recommendations described in subparagraph (A)(ii).

"(ii) A certificate described in clause (i) may be issued only by the government of the nation that has jurisdiction over—

"(I) the vessel from which the fish that is the subject of the certificate was harvested; or

"(II) any other means by which the fish that is the subject of the certificate was harvested.

"(C) The regulations promulgated under this paragraph may limit the entry into the United States of fish in any form if that limitation is necessary to carry out the purpose of this paragraph.

"(D) Beginning on February 1, 1998, the Secretary of the Treasury shall prohibit the entry into the United States of fish in any form that does not comply with the regulations promulgated pursuant to this paragraph.".

(b) REPORTS.—Section 11 of the Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971j) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) lists each fishing nation from which fish in any form was prohibited entry into the United States pursuant to section 6(c)(8);".

Mr. CAMPBELL. Mr. President, I yield to the Senator from Kansas, Mr. BROWNBACK, for the purpose of offering a second-degree amendment.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 922 TO AMENDMENT NO. 921

(Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 1998)

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 922 to amendment No. 921.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment, insert the following new section:

SEC. . Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 1998.

Mr. BROWNBACK. Mr. President, I have put forth this amendment in working with the manager of the bill, the author of the first-degree amendment. I believe he has agreed to it being a second-degree amendment. And I ask for its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. CAMPBELL. Mr. President, to my knowledge, there is no opposition on the majority side. We are prepared to accept this by a voice vote.

Mr. KOHL. Likewise.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 922.

The amendment (No. 922) was agreed to.

Mr. CAMPBELL. Does the Senator have further comments?

The PRESIDING OFFICER. Is there debate now on the first-degree amendment, as amended?

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I would like to speak for 2 minutes on the amendment, my amendment that was just agreed to.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

I would like to say that the amendment that was just agreed to was to eliminate the cost-of-living adjustment for the Members of Congress.

I think it is important that at this time when we are seeking to balance the budget, we not be seen as giving ourselves a pay raise, to be able to establish this as an important issue. I do not say that Members are overpaid, because I do not believe they are. But I do think we are moving forward to balance this budget, and we need to show leadership by not receiving this COLA. And that is why I put this amendment forward. I am very appreciative that the author of the first-degree amendment, the manager of the bill, has agreed to it and that it has been accepted.

I yield the floor.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I also ask unanimous consent to have Senator WELLSTONE and myself added as cosponsors to the Brownback amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, several Senators have said they wish to speak on this issue. Senator BYRD has indicated he would like to. He is in a meeting and will not be here for a short period of time. But those Senators who would like to make comments on that, we will do that. And we will take something else up if he does not get here in a reasonable time.

I would like to point out to my colleague from Kansas that this issue of so-called pay raises has always interested me. As I looked up some of the figures, I am sure that most of my colleagues are aware that they do not have to take the cost-of-living increase allowance. They can turn it back to the Treasury if they do not want it. They can give it to charities. There are all kinds of things they can do with it.

But to put it in some perspective, since it seems to get an awful lot of discussion, particularly in election years, about Congress people and Senators getting an increase in salaries, I thought I would contact the Congressional Research Service and find out just how much taxpayers' money goes into salaries for Congressmen and Senators.

They tell me that one-tenth of one penny—one-tenth of one penny—is the average amount a taxpayer pays to congressional salaries.

I know some people think we are not even worth that much, so we probably did a good thing by passing this amendment on a voice vote. But I would like to point out a couple of things that might put it in perspective.

For example, in Senator D'AMATO's and Senator MOYNIHAN's State, the great State of New York, the mayor of New York City earns $31,400 more than they do, the Senators of that State.

In Dade County, FL, Senator MACK's and Senator GRAHAM's State, the superintendent of the county gets $51,400 more than the Senators of that State or the Congressmen.

The sheriff of Los Angeles County receives $88,400 more than anybody in the congressional delegation from California.

I guess my message to the average voter would be, if you are really concerned about elected officials, you ought to look at all of them, top to bottom, and not just because Congress gets so much media attention whenever they deal with this COLA or so-called pay raise.

Many of the other areas of the country—I do not have the numbers right in front of me—but if you track the increases from 1970 to 1998, in fact, the amount that congressional salaries have increased has been less than postal workers, Social Security recipients, military wages, private-sector employees, Federal employees, most civilian employees, and literally everybody else. But I would like to put that in context.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. We will have some discussion on this issue, I gather. And I wanted to say to my colleagues, that several days ago I sent a letter out to every colleague saying that I was going to have an amendment out here opposing the cost-of-living adjustment for members of Congress—and you are quite right, I say to my colleague from Colorado, this is not a pay increase. This was just a cost-of-living adjustment. I would like to explain a little bit about why I did this.

Senator BROWNBACK has now come out with the same amendment, so we will work together. And it does not matter to me who does the amendment. What matters is the effect of it all. But I think that I may have somewhat of a different framework than my colleague from Kansas, and so I want to spell out my reasons why I support this amendment. And I am not going to spend a lot of time on it.

First of all, when I sent this letter out, I sent it only to my colleagues. I was not interested in this becoming a major public issue, although when we work this out on the floor, I suppose it is a public issue. The reason for addressing my colleagues is that I really think that if this amendment becomes a bashing of public service—and I know some colleagues will interpret it that way—then it is a big mistake. If that is what the net effect of this amendment is, I made a big mistake.

I think there are people here—Republicans and Democrats; Democrats and Republicans—who have a highly developed sense of public service. If this amendment, which is likely to be accepted, contributes to an across-the-board denigration of public service and all people in public service, then sending this letter out to my colleagues and saying that I would introduce this amendment would have been a mistake. But I now join in sponsoring this amendment.

This amendment will not make some people feel better about it. The reason I introduced it, and I wish to make this very clear—is because this past year, in our deficit-reduction plans, as the Center on Budget Alternatives and Priorities points out, 93 percent of the cuts we made in discretionary spending affect low-income people and some of the most vulnerable citizens in our country.

In the welfare bill that we passed, $55 billion of cuts disproportionately hurt legal immigrants—not illegal—many of them elderly, many of them living alone, many of them with a combined income of $525 a month—all their Federal assistance was eliminated. Only part of it was restored.

And the other major area that suffered was in food nutrition programs—the vast majority of the cuts in the welfare reform bill passed last Congress were in the Food Stamp Program. Most of the beneficiaries hurt were working poor people, many of them children.

So it just seems to me that if we are going to be making, in the name of deficit reduction, cuts in programs, and the disproportionate share of those cuts affect the most vulnerable people in our country, many of them children, many of them poor, I just cannot see how we can give ourselves a cost-of-living increase.

I do not even know what we make—I guess around $130,000 a year. I put high value on the work we do here. But I just want to point out that a colleague asked me yesterday, after I sent this letter out, "Well, come on, PAUL. Would there be a time where you would vote for this? Isn't this just what you do every year?" Well, I do not offer this amendment every year. So I said, "Absolutely, yes, but not in the context of what we have done as a Senate and a House."

I am sure some people believe we have done the right things here in Congress. No one has a corner on political truth. Maybe people felt the votes we have made, for deficit reduction and for cuts in different programs, were the right thing to do and had to be done. But it does seem to me that it is just not right, if we are going to call on many citizens to sacrifice for deficit reduction, and in particular, call on low- and moderate-income families to sacrifice all in the name of deficit reduction, and if we are going to make cuts in the most effective child nutrition safety program that we have ever had, then I just do not think this is a time for us to be giving ourselves a cost-of-living increase.

In some context, I can see how the argument over this cost-of-living increase can be said to be about apples and oranges. I really can. But the way I see it as a Senator, in the context of still calling for people to make sacrifices in our country, that there ought to be shared sacrifice. And I think, given the fact that we all do well financially in Congress, that it is a mistake to go forward with the cost-of-living increase. That is why I sent the letter to my colleagues 2 days ago and why I announced my intention to introduce an amendment.

Senator BROWNBACK has now come out with an amendment. We will join together on this. The Senator can speak for himself, but I wanted to make my framework clear on why I am against a cost-of-living increase.

If there is further debate on this, I have a more complete statement, but I have stated what I believe and there is no reason to speak at any greater length now.

I thank my colleagues.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Alaska.

Mr. STEVENS. Mr. President, I understand the temper of the times, but I think some of us who have been through this time and again have the duty to come forth and warn the Senate what it is doing.

Since 1970 to this year, 27 years, in 17 of those years the Senate has denied itself the cost-of-living adjustment. The net result is that while Social Security recipients' pay, whatever you want to call it, their checks have gone up by 421.3 percent in that period, the pay for Members of Congress have gone up 214.4 percent.

I will mention a lot of statistics here, Mr. President, so I ask unanimous consent the two documents I have, one entitled "Increases, 1970–1997," and the other, "Percent Changes 1970–97," be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, the last time congressional salaries were given a cost-of-living adjustment—and this is not a pay raise—was in 1993. The pay raise for Federal employees that year was 3.7 percent, the COLA's for Congress were 3.2 percent. In 1992, the cost-of-living adjustment for Federal employees was 4.2 percent, and for Members of Congress it was 3.5 percent.

We are now in a situation where, in my judgment, if we don't take this cost-of-living adjustment for this year, I am sure we will not take it next year being an election year. That means we will not take it until 1999. Since that is the year before a Presidential election year, we will not take it then either. We will not take it in the year 2000, which is a Presidential election year. I suggest we are going into the next century with this maladjustment, as far as congressional salaries.

It does not make any difference to me. It does not make any difference to any of us. We are here. We made our commitment. What about those out there who should come and serve their country by being part of the legislative branch of this Federal Government? We have raised the salaries of the people who are Federal civilians downtown. We have raised the salaries of the Federal employees. We have raised the payments made to Federal retirees. We have raised Social Security recipients. We have not raised for Members of Congress, and I predict we will not do it unless we face up to the problem now.

The problem is not ours. The problem is what is going to be the judgment of the people who want to serve in the Congress when they start looking at the income levels here in Congress compared to their own income levels.

Now, Mr. President, in 1970—and I was here then—my wife and I had just bought a home here in Washington the year before for $65,000. At the time, our pay was $42,500. That house has now sold—we sold it some time ago—but I know that it sold for $450,000. Our pay here is roughly—not quite, but roughly—three times the salary we had then.

What I am trying to make people in the Senate think about is, what will be the decision made by young people who are thinking about coming here when they look at the cost of living in Washington, DC, which is the highest now in our Nation—the cost of property here, the cost of renting a home or a condominium. I am talking about family people. When we came down here, we came down here with five children and had to have a home that five children could live in. There is no way a person can come here now at the salary level we have now and buy a home for that, where five children can live with their mother and father, unless they are extremely wealthy.

What the Senate is doing, in my judgment, is setting the course to assure that the people serving in this body will either be multimillionaires or they will be the people who are not capable of earning over $100,000 anyway. Now, maybe I am being too tough about this, but I think it is time to get tough about this issue and have people understand that the cost-of-living adjustment is less than the Consumer Price Index increase—less. In other words, it means for people living here now, we are adjusting their salaries now with a cost-of-living adjustment, for the cost increase, really, for the period starting 18 months ago until 6 months ago, and we are trying to adjust it now for what the costs were back then. It is not a salary increase. This is for the cost of living in this area.

Now, people talk to me, well, you can live in Minnesota or maybe you can live in Kansas, maybe you can live somewhere else for a lot less money. It happens to be, in my case, my cost of living in Alaska is just slightly higher than this. But as a practical matter, the judgments made by future generations will be: We, as a family member, cannot take that job.

Now, we get a lot of demagogic type of letters—they come in from my constituents, too—"You are not worth that money; why don't you come home?" The real question is, what would they do if the people were here that they believe should be here? The people would either work for nothing, because they are so rich they can, or the people that could not make the money that they would make here would come for the pay. Now, Mr. President, we have to make up our mind what kind of a body we want in the Congress. From my point of view, we want people with capabilities who can perform jobs that are needed to be performed.

Take my colleague from Wyoming, Senator ENZI, the only accountant in this body—the only accountant in the Senate. What are we dealing with now? Massive, complex tax issues, complex problems of accounting. The people that are going to come here are going to be motivated by trying to do a job. The ones who cannot come here, despite that motivation, will be the ones who cannot afford to live a family life in this town at that salary.

Keep in mind something else. We don't come here permanently. As a matter of fact, most people who would vote for this do not want us to come for more than two terms anyway. But as a practical matter, we all maintain a home in our home States. We have expenses there and we have expenses here. There is no one in the employment scene today that has that situation other than Members of Congress.

Now, I voted—it was a voice vote—but I voted against it and I would vote against it on a recorded vote because we were taking an action to deny Members of Congress, for the fifth time, a cost of living, which is a structural change. What it will mean is, downstream someone will have to have the courage to make the adjustment. Incidentally, we have had three times when that happened. In 1977, the Congress made a 28.9-percent change. That was a salary increase, but it was to make up for the fact that in 6 of the previous 7 years Congress had not taken the cost-of-living adjustment. Again, in 1982, we took a 15-percent change. It was because in 3 of the previous 4 years Congress had not taken a cost-of-living adjustment. In 1987, we again took a change. It was because, again, we had in 2 of the previous 4 years not taken the cost-of-living adjustment. Again, in 1991, we had a 27.1-percent increase.

What I am saying is, you kid yourself as much as you want, the time will come when Congress will have to recognize that this structural change in the salary, vis-a-vis the salaries of comparable jobs in the economy, that the salary increase must come. So instead of recognizing this as a cost-of-living adjustment and treating it as such and providing that we take a minimum amount—and by the way, in most instances we have taken less than was available. For instance, in 1979, the Federal employees got a 7-percent increase, Federal retirees got 11.1, Congress gave itself 5.5. We kept the cost of living down each time. But when we did it, we did not have the total structural impact of denying it altogether.

Now, the structural situation will be, if I am right, that we will not have a cost-of-living increase next year or the next 2 years. We will go into the 21st century with a salary level of 1993. In that year, again, we had a 3.2-percent COLA and Federal employees had 3.7 percent. If you look at my charts that are included in the RECORD, using the CPI in this period of 27 years, which has been 315.7 percent, we have taken a 214.4-percent total cost-of-living change. Social Security recipients had 421.3 percent; postal workers, 370 percent; the military, 360 percent; Federal retirees, 328 percent; private-sector employees, 265 percent; Federal civilians, 334 percent. We are at least 100 percent structurally below the comparable salary base in this 27-year phase.

What does that say to young people about serving in the Congress? Even if it is on a two-term basis limit, to be here for 12 years and take a structural level of 15 years to start with and serve with people who will not take the cost-of-living adjustment while you are here anyway, I think this is destroying the system that we have today of citizens who commit themselves to be part of a great democracy. We have not done this to the people who work downtown for the President. Presidential salaries have changed and so have the salaries of the executives on a Presidential appointment level.

We have, by the way, impacted the Judiciary, and I think that is something other people will talk about and I will talk about later, too, because the Federal Judiciary, while it does have a better system in the sense there is no contribution for a Federal judge for his or her retirement, as we contribute, it is lifetime pay. When they retire, they get the full amount of their salary, not a percent as we do based on the number of years we have been here. But as a practical matter, with the three branches of Government, the only part, through self-flagellation, that destroys the future of the body is the Congress itself. It is a great mistake. It is a great mistake. I think we all make sacrifices to come to this job, anyway.

I can tell the Senate that when I came to the Senate, I was making more than three times my salary as a private lawyer in Alaska. Many people come here and take a reduction in income. There are others who come here and it makes no difference, because of either their great wealth or their inability to earn the same amount of money before they got here. Many people take a sizable decrease in income to come here. But what we are telling the younger people now—and we are trying to attract younger people. When I came here, the average age was almost 70; today, I think it is down to almost 50. We are still trying to attract younger people. This is a dynamic society and we should do that. But can you do that, Mr. President? Can you look a young man or woman in the eye and say: You can move to Washington, you can afford to live there and serve for 2 years in the House or 6 years in the Senate, or maybe two terms. You can keep your family there, and you can keep your house at home, and you can be able to return to your life when you finish the service, without having lost your future as far as your career is concerned.

This is not right. It is not right. I have made this speech before and it doesn't seem to make any difference to anybody. But I am compelled to do it again because I have served here longer than any Member of our side of the aisle on the committee that has jurisdiction on this subject. I cannot believe we would continue to make this error. I believe that Members have left this body—and there are some leaving it now —not because they have served too long, or they don't like the job, or they haven't done a good enough job, but they cannot plan for their future. At one time, I had five children in college. At that time, thank God, there were jobs they could get during the summer, and we were able to help them and they all got through. But, today, a Senator with five children, with the cost of housing, and five going to college, why, that person would have to vote from the poor house, Mr. President.

This job ought to pay what it is worth to society. This is the job of the continuity of the American system. We serve for 6 years. We volunteer for that job and we are the institutional memory of the American democracy. I am alarmed that there are not enough people on this floor that realize that. I am truly alarmed at the number of people that, for political reasons, or other reasons, or campaign promises, would harm the future of the Senate, would harm the democracy by telling the American people that you will either turn the Senate over to the very, very wealthy or those who could not earn as much anywhere else.

Now, the time will come when we will face up to this. It will probably be in 2001. As I add it up, roughly, the percentage of pay increase then to recover the structural balance will be in the vicinity of 35 percent. How many people are going to want to do that in their first term? How many people are going to want to do that, who are just up for election? I have just mentioned two-thirds of the body then.

So I say the demise of the American democracy is here. That is why the Constitutional Convention argued about who should determine what Members are paid. They were talking about citizen legislators then, not people who came here and stayed 7, 8 months a year. They are talking about people who could go home, people who lived within the original 13 States. My home is closer to Beijing than it is to Washington, DC, and this is a 50-State Union now. My colleague from Hawaii lives almost as far away. If anyone wants to look at costs, they ought to look at the cost of representing those two States. But the main thing is, we think about the structural salary level for the future. I am not going to be around here that long—maybe longer than some people think. But, Mr. President, we will witness the decline in the value of the Congress and the American society if we don't have the guts to stand up to the demagogs and tell them that pay for the Congress ought to be sufficient to attract the most capable people in our society. The capability is what counts.

I am disturbed that, once again, we will deny the economic cycle that causes an adjustment being necessary, and we will say, as soon as we balance the budget in 2002, if I am hearing right, it may be 2003 before it is changed. That would be 10 years. How many people will decide not to come because of that, Mr. President? How many brilliant minds will be denied the American Congress because of that? I think it is wrong.

I am going to speak at length when the time comes, and I am going to show what has happened to other countries when they followed and pursued this course and how they have deteriorated. The deterioration of America is something that we should worry about in terms of democracy. My predecessors used to go take the train across the country and then take a steamship up to Seward in our State and a railroad up to Fairbanks and go home once a year. I go home 15 to 30 or 35 times a year. It is a different society.

I am telling the Senate, unless we are willing to recognize this different society and the dynamic society that needs people who are family people, who must make sacrifices to start with, but should not have to make this kind of sacrifice, to accept a structurally imbalanced salary caused by the inability of each successive Congress to face up to reality.

EXHIBIT 1

INCREASES, 1970–97

[In percent]

Year	Members of Congress	Federal employees	Federal retirees [1]	Social Security [3]
1970 (Jan.)	0	6.0	5.6	15.0
1971 (Jan.)	0	6.0	4.5	10.0
1972 (Sept.)	0	10.9	4.8	20.0
1973	0	4.8	6.1	....
1974 (June)	0	5.5	12.1	11.0
1975 (June)	5.0	5.0	12.8	8.0
1976 (June)	0	4.8	5.4	6.4
1977 (June)	28.9	7.1	9.3	5.9
1978 (June)	0	5.5	7.4	6.5
1979 (June)	5.5	7.0	11.1	9.9
1980 (June)	0	9.1	14.2	14.3
1981 (June)	0	4.8	4.4	11.2
1982 (June)	15.0	4.0	8.7	7.4
1983 (Dec.)	0	0	3.9	3.5
1984 (Dec.)	4.0	4.0	0	3.5
1985 (Dec.)	3.5	3.5	3.5	3.1
1986 (Dec.)	0	0	0	1.3
1987 (Dec.)	18.6	3.0	1.3	4.2
1988 (Dec.)	0	2.0	4.0	4.0
1989 (Dec.)	0	4.1	4.0	4.7
1990 (Dec.)	[5] 7.9 [6] 9.9	3.6	4.7	5.4
1991 (Dec.)	[5] 29.5 [6] 27.1	4.1	5.4	3.7
1992 (Dec.)	3.5	4.2	3.7	3.0
1993 (Dec.)	3.2	3.7	3.0	2.6
1994 (Dec.)	0	[2] 4.23	2.6	1.8
1995 (Dec.)	0	[2] 3.22	2.8	2.6
1996 (Dec.)	0	[2] 2.54	2.6	2.9
1997 (Dec.)	0	[2] 3.33	2.9	....
Totals [4]	214.4	334.3	328.2	421.3

[1] Reflects COLAs paid to CSRS retirees.

[2] Reflects Washington, D.C. pay adjustment.

[3] Benefit increases are actually paid in checks issued the first of the following month.

[4] Totals reflect compounding, hence they sum to more than the annual increases.

[5] Representative. [6] Senator.

Percent Changes 1970–97 in—

	Percent
Indexes for:	
CPI (projected)	315.7
ECI (projected)	311.4
Wages or pensions for:	
Postal workers, wages	370.6
Social Security recipients	421.3
Military, wages (excl, fringe benefits)	360.3
Private sector employees, wages	265.1
Federal retirees	328.2
Federal civilians (GS), wages	334.3
Members of Congress, wages	214.4

Amounts Congressional Salary would be if Adjusted by Percentage Change in Above Categories:—

	Amount
CPI (projected)	$176,700
ECI (projected)	174.800
Postal workers, wages	200,000
Social Security recipients	221,500
Military, wages (excl. fringe benefits)	195,600
Private sector employees, wages	155,200
Federal retirees[1]	182.000
Federal civilians (GS), wages[2]	184,600
Actual 1997 Congressional salary	133,600

[1] Reflects COLAs paid to CSRS retirees.

[2] Reflects Washington, D.C. pay adjustment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, as I said earlier, I sent a letter out to my colleagues a couple of days ago and now this amendment has been introduced. I spoke earlier about it, and I will again. I want to respond to some comments—if the word "demagog" is going to be used, I want to respond.

I said earlier that if the net effect of this amendment is to encourage the denigration of public service and people in public service, then I am mistaken in offering this amendment—the Wellstone-Brownback amendment. Several days ago, I felt that I needed to get started on this and announced I would do it when this bill came to the floor. I then went on to say that in the context of what we have been doing here in the Congress, and the sacrifices that we have asked of all Americans, especially low- and moderate-income people that I believe it is wrong for the Members of Congress to receive a cost-of-living increase. We have made a lot of cuts in programs. Again, in the 104th Congress, more than 90 percent of the budget reductions in entitlement programs came from programs affecting low-income people. If we are going to argue that that has to be a part of the sacrifice, I don't see how we can then go forward with a cost-of-living increase. We will still be making more than $133,000 next year without the increase.

But, Mr. President, my colleague from Alaska has come to the floor and has made several arguments that I have to address. First of all, Mr. President, my colleague suggests that if young people know they can only make $133,000 a year, why would they want to serve in the Senate or House? He goes on to suggest that the only people are going to come here are either millionaires or people who could not make $100,000 a year.

I was a teacher. I didn't make anywhere near $100,000. By my colleague's standard, 95 percent of the people of the United States of America are the people who can't make $100,000 a year, because they clearly don't. Let's not assume that because someone was a teacher or a wage earner, and didn't make $100,000 a year, that somehow they don't have that much value. What in the world does that comment mean? You know, with all due respect, I think most people in the country would think $133,000 a year is a darn good salary, because 95 percent of the people in this country don't even make $100,000 a year. Maybe we just need to get a little bit more real about this for a moment.

I didn't want to get into this argument, but if that's the kind of argument that is going to be made, I would like to make it clear that, having been one of those individuals that falls into my colleague's category of not being able to make $100,000 a year, I think that this is an argument that is way out of whack with reality.

I doubt whether, if you took a poll, most of the people in the country would believe that a salary of $133,000 a year is a disincentive for somebody wanting to take this job. I don't believe that. I don't believe that most young people in this country would not run for the U.S. Senate because they are only going to be able to make $133,000 a year. I don't believe that for a moment. When some of my colleagues say that this would be a reduction in salary, the vast majority of the people in the country would not view it that way. That argument just doesn't make sense to me. As I said, I didn't want to get into these arguments, but if the word "demagog" is going to be used, then I do want to respond.

Second of all, Mr. President, if we are going to start talking about the financial pressures that we as Senators feel with our income, for those of us who aren't independently wealthy, and talking about our need for two homes or to send children to college, that's a valid point. A lot of people feel that pressure. The median income in our country is around $36,000 a year. There are a lot of people with two or three children. There are a lot of people trying to figure out how to afford to send their kids to college. There are a lot of people who are trying to get affordable child care or to figure out how to buy a home or pay rent. And by the way, when we talk about trying to pay rent, I note that we have also been cutting low-income housing assistance. So when I hear this argument that the only people that are going to come here are millionaires or people who can't make $100,000 a year, there is an implication that these aren't the people you want to have come here. I think it would be good if we have lots of those people here. I sure didn't feel like I was not of value to this body because I didn't make anywhere close to $100,000 a year before I came here.

When I hear the argument made that people would not want to serve, that young people would not want to serve, and people don't want to run for office because they would only be able to make $133,000 a year without this cost-of-living increase, I frankly think it is not a credible argument. I think 99.999 percent of the people in the country think they could get along on our salaries. The third point, Mr. President, that I want to make is that if we are going to talk about the squeeze that we feel at $133,000 a year, then how come in some of the decisions that we have made about sacrifice, cuts in health care programs, nutrition programs, housing programs—which basically affect and end up lessening opportunities for low- and moderate-income families—how come we then don't have the same concern for those families?

If we are worried about how, on $133,000 a year, we can send our kids to college or afford housing, why aren't we as worried about middle-income and working families? I think this is a slippery-slope argument. We had better get to work thinking about the couple who work, in their early thirties and who make, combined, $35,000 a year. We had better start thinking about them because if all of a sudden we are going to be talking about how we just can't make it on $133,000 a year, then surely we must understand how people—middle-income and working families with incomes of $35,000 to $38,000 a year—feel a terrible squeeze. It is just an inconsistent argument for us to make.

Mr. President, if I am wrong about why we should not have a cost-of-living increase, I have made a big mistake and apologize. But if not having a cost-of-living increase this year and staying at $133,000 is the reason why people are not going to run for office, which my colleague from Alaska thinks is the case, he is right, and I am wrong. But I don't think that is the major reason why people aren't running.

I think that one of the major reasons people are not running for office is it costs so much money to run for office. If we really want more women and men from all sorts of different social and economic backgrounds to run for office in our country, it doesn't have much to do with whether or not we make $133,000 or $134,000 a year. Most people think that is a fine salary. It has much more to do with the fact that people know that they have to raise millions and millions of dollars. Either they themselves are millionaires and they have the money—and we have some people in this Senate who are independently wealthy, who are some of the best Senators. That is a fact. I don't think that is the issue. The issue is all of this money that people have to raise.

Give me a break. Don't tell me that the reason people do not run for office and young people aren't interested in public life is because they are now finding out they are only going to make $133,000 a year. I think that is ridiculous.

I think the reason many people don't run for office is twofold: First, it costs so much money. It is obscene, and a lot of people do not have the stomach for it. They don't want to do it. And I don't blame them. I think they wonder how we have the stomach for it. I think they think that maybe we are a little off. Or second, and just as important—and I could sure draw from some examples, but I will not because I might be violating Senate etiquette if I do—is why in the world when we have this search-and-destroy, slash-and-burn politics, where people do anything to win—that anybody wonders why people do not want to run for office? Does anybody here, Democrat or Republican alike, really believe that the reason younger people, and not such young people, do not run for office is because they can only make $133,000 a year? Don't you think it might have something to do with our failure to clean up this mess, to come together and pass some kind of good campaign finance reform bill? And don't you think it has a lot to do, Republicans and Democrats alike, with the way in which we have let all of these handlers move in and run our campaigns, putting attack ads on television which try to destroy candidates? Don't you think this is what makes most people in the country just a little bit skeptical about whether or not they would want to run for office and serve? I would just suggest to my colleagues that this situation is far more the issue than a cost-of-living increase.

Finally, I will just go back to the first point I made today. I was just responding to what was said by my friend from Alaska—and to the concern about demagoguery on this issue. I admire people who come out here and say, "I disagree." I am quite often on the side of something that is not popular. But I do believe that the arguments so far that have been given in opposition to this amendment don't make any sense. They really do not make any sense.

I believe that it is important that people be able to make a decent income. We should vote, at the right time, for a cost-of-living increase, and not try to do this through the back door. People believe this is the right way to do an increase. But I don't see how we can do it in the context of the decisions that we have made and the sacrifice that we have called for from the people in this country that have been most affected by the decisions. I don't see how, if we are going to make the argument that people feel an economic squeeze at $133,000 a year, while most of the cuts we make in discretionary programs hurt low- and moderate-income families and their children in the name of sacrifice and in the name of deficit reduction, that this is the right time for us to go forward with a cost-of-living increase.

That is the purpose of what I called the Wellstone-Brownback amendment, or whatever we wish to call it—it's name doesn't matter.

Obviously, this amendment is going to be accepted. Is my understanding correct that this amendment is going to be accepted?

Mr. CAMPBELL. Yes.

Mr. WELLSTONE. I will just say before I yield the floor that I thought it would be done in a short period of time. Are other colleagues going to come out and speak—I understand they are. Is that correct?

Mr. CAMPBELL. Senator BYRD has said he wishes to speak on it. He is in a meeting now, however.

Mr. WELLSTONE. Mr. President, I will yield the floor for now. If other colleagues are going to speak, I will want to come back—I think they may want to take part in this discussion—only because I want to be clear why I am doing this and why I think it is the right thing for Congress. Other people may have very different arguments to make, and if anyone else is going to use the word "demagogue" then I am certainly going to come back out here to debate on this amendment.

With that, Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my colleague, Senator WELLSTONE, for his comments.

Just to clarify where we are, the Brownback-Wellstone-Campbell amendment has been accepted by a voice vote.

I ask unanimous consent, if there are no further comments right now, that the pending amendment be set aside to offer two technical amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 923

(Purpose: To move a section to a new location in the bill)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 923.

On page 71, lines 13 to 18, move Sec. 514 to page 93 and insert after the period on line 3.

Mr. CAMPBELL. Mr. President, this amendment has been cleared by the minority.

I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 923) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 924

Mr. CAMPBELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 924.

Page 49, strike all on lines 11–13, and on line 14, strike the words "the private sector for" and insert in lieu thereof the words "the General Accounting Office shall conduct".

Mr. CAMPBELL. Mr. President, this amendment has also been cleared by the minority, and I ask for its immediate acceptance.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 924) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I ask unanimous consent I be allowed to speak as if in morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOODING IN VERMONT

Mr. JEFFORDS. Mr. President, 3 days ago, the heavens opened over northern Vermont. Torrential rains sent floodwaters ripping through communities and over farmland, tearing bridges from their foundations, shredding roads and stranding hundreds of people. The floods that swept through sections of northern Vermont were the worst in over 70 years. Up to 6 inches of rain fell overnight. Flash floods turned quiet rivers and streams into raging waterways in the early morning darkness, disrupting the peaceful existence of thousands of Vermonters.

Yesterday, I spoke with several town officials and residents who were hit the hardest. They gave me firsthand accounts of the damage to their communities. In some towns, bridges were swept away, roads were washed out, pavements were ripped up, cars and trucks were overturned, perhaps were destroyed, trees were uprooted, homes were lifted from their foundations and filled with water.

Monday night's torrential rains were followed by a day of heroism—neighbors, rescue workers, families and friends came together in Vermont's close communities. In Eden, 300 Cub Scouts were evacuated after the bridge into their camp was washed away. In Cambridge, rescue workers saved a 14-year-old girl and her dog who were stranded on a washed out roadway. In Montgomery, 11 people were pulled from a mobile home roof and carried to safety in a bucket loader moments before the trailer was swept away. Volunteers made 1,000 sandwiches for rescue workers, and neighbors opened their homes to those who were driven from their own.

There are many courageous stories and events that took place during the crisis, and knowing Vermonters like I do, I know there were many more heroic stories long after the rivers had receded and the officials had left town.

Mr. President, I am proud of and commend the Vermonters who united during this time of disaster to save lives and communities. The damage has been substantial and much work still needs to be done. I stand ready in every way to assist, if possible, the people of Vermont to help rebuild their communities and lives. I know our Governor has surveyed the situation and he has made recommendations to the President for Federal help. I know the congressional delegation from Vermont is doing all it can to make sure the lives that have been disrupted are put back as close to normal as possible as soon as possible.

Mr. President, I thank you for this time. I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. HUTCHINSON]. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I recognize and appreciate the hard work of the Appropriations Committee staff in putting together this detailed legislation. Members' attention to detail is easily apparent in the thoroughness with which they have presented the committee's recommendations.

There are many good provisions in this bill, particularly the language which would continue the limitations on courthouse construction that are designed to ensure lower costs and standard designs. However, there are many aspects of this bill which cause me serious concern.

First, this bill increases the funding for these agencies by $1.1 billion over last year's level. Frankly, I believe it is ill-advised for the Senate to increase spending for these Federal agencies at a time when we are struggling to reach agreement on tax relief and spending bills and balancing the budget.

I am sorry to say that this bill and report contain numerous earmarks of new funds for particular States, as well as language designed to ensure the continued flow of Federal funds into certain States.

Let me just mention a few of those projects.

The earmark of an additional $3 million for Rocky Mountain High Intensity Drug Trafficking Assessment Center.

The earmark of $2.5 million for Globe Trade and Research Program at the Montana World Trade Center, which is described in the report as a one-time appropriation to support the center's research and information dissemination activities on "issues designed to explore, define, and measure contributions to economic globalization."

Mr. President, let me run that by you again. That is $2.5 million—2.5 million taxpayer dollars—to support the Montana World Trade Center's research and information dissemination activities on issues designed to explore, define, and measure contributions to economic globalization.

A prohibition on IRS field support reorganization in Aberdeen, SD, until the IRS toll-free help line reaches an 80 percent service level.

A prohibition on reducing the number of IRS criminal investigators in Wisconsin below the 1996 level.

A requirement to establish the port of Kodiak, AK, as a port of entry and requiring U.S. Customs Service personnel in Anchorage to serve the Kodiak port of entry.

The earmark of $4 million for repairs and restoration of the Truman Library in Independence, MO, and $3 million earmarked for repairs to the Lyndon Baines Johnson Presidential Library in Austin, TX, and, very disturbing, various protectionist Buy-America provisions, which are in sections 509, 510 and 511.

In the report language, Mr. President, there is $750,000 earmarked for additional part-time and temporary positions in the Honolulu, HI, Customs District.

There is language stating that the committee expects Customs to work with other agencies to successfully implement a dedicated commuter lane at the Stanton Street Bridge in El Paso, TX.

There is language directing the Office of National Drug Control Policy to conduct pilot programs in Colorado and Wisconsin—Colorado and Wisconsin—to control methamphetamine trafficking.

I note with interest that that directs the National Drug Control Policy to conduct those programs in Colorado and Wisconsin. It might be of some interest that it is a huge problem in the State of Arizona, larger than it is certainly in Wisconsin and I believe larger than Colorado. That is the view of the experts.

There is language recommending that the National Archives consider providing $50,000 to their Alaska Region to prepare an interpretive exhibition on their Alaska Gold Rush collections for the 1998 centennial celebration and a similar recommendation that the National Historical Publications and Records Commission consider a grant of $100,000 for the Alaska Gold Rush Centennial projects.

Mr. President, I ask unanimous consent that the entire list of earmarks and protective language be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN S. 1023 FISCAL YEAR 1998 TREASURY/POSTAL APPROPRIATIONS BILL

Overall funding is $1.1 billion higher than last year's levels.

BILL LANGUAGE

Earmark of additional $3 million for Rocky Mountain High Intensity Drug Trafficking Assessment Center.

Earmark of $2.5 million for Globe Trade and Research Program at the Montana World Trade Center, which is described in the report as a one-time appropriation to support the center's research and information dissemination activities on "issues designed to explore, define, and measure contributions to economic globalization."

Prohibition on IRS field support reorganization in Aberdeen, South Dakota, until the IRS toll-free help line reaches an 80 percent service level.

Prohibition on reducing the number of IRS criminal investigators in Wisconsin below the 1996 level.

Requirement to establish the port of Kodiak, Alaska, as a port of entry and requiring U.S. Customs Service personnel in Anchorage to serve the Kodiak port of entry.

Earmark of $4 million for repairs and restoration of Truman Library in Independence, Missouri, and $3 million earmarked for repairs to Lyndon Baines Johnson Presidential Library in Austin, Texas.

Various protectionist "Buy America" provisions (Sections 509, 510, and 511).

REPORT LANGUAGE

Earmark of $4 million to allow Bureau of Alcohol, Tobacco, and Firearms to comply with requests from states and local law enforcement entities for technology under the CEASEFIRE/IBIS program; states specifically singled out for assistance are: West Virginia, North Carolina, Kentucky, Pennsylvania, Mississippi, Nevada, Georgia, Alabama, and Illinois.

Language urging BATF to maintain staffing levels in rural areas and small and medium-sized states, particularly Wisconsin.

Reiterates that funding in bill for Achilles Task Force Program will continue operations at existing levels in Albuquerque and Houston.

Language stating that Committee expects Customs Service to maintain current staffing and service levels at the Charleston, West Virginia Customs office.

$750,000 earmarked for additional part-time and temporary positions in the Honolulu; Hawaii Customs District.

Language stating that Committee expects Customs to assign sufficient staff to operate the Santa Teresa, New Mexico border facility.

Language stating that Customs should give high priority to funding inspection personnel at ports of entry in Florida.

Language urging Customs to review and reconsider staffing allocations in smaller states, particularly Montana and Vermont.

Language stating that Committee expects Customs to work with other agencies to successfully implement a dedicated commuter lane at the Stanton Street Bridge in El Paso, Texas.

$500,000 earmarked for a feasibility study and implementation plan to create an international freight processing center in Kansas City.

Language urging IRS to take steps to fill five vacant positions at the Newport, Vermont office.

Language stating the Committee believes IRS should maintain certain specific tax assistance positions in both Alaska and Hawaii.

Language directing the Postal Service to work to ensure plant and animal pests and diseases are not introduced into Hawaii.

Language directing Office of National Drug Control Policy to conduct pilot programs in Colorado and Wisconsin to control methamphetamine trafficking.

Language directing the General Services Administration to expeditiously move to consolidate the Food and Drug Administration offices at the White Oak Naval Surface Warfare Center in Maryland.

Language urging GSA to give priority consideration to construction of new Centers for Disease Control laboratory in Atlanta, Georgia.

Language urging GSA to work with CDC to develop a plan to replace or upgrade the Division of Vector-Borne Infectious Diseases laboratory in Fort Collins, Colorado.

Language urging GSA to give priority consideration to two Pennsylvania projects: $12.5 million in repairs at Byrne-Greene Federal complex in Philadelphia, and $3.6 million in repairs at the Pittsburgh Post Office and Courthouse.

Language directing GSA to give priority consideration to security problems at the former Bureau of Mines property in Avondale, Maryland.

Language urging GSA to give priority consideration to the request of the U.S. Olympic Committee to obtain title to the Federal Building in Colorado Springs, Colorado, if the Air Force Space Command vacates the building.

Language recommending that the National Archives consider providing $50,000 to their Alaska Region to prepare an interpretive exhibition on their Alaska Gold Rush collections for the 1998 centennial celebration; similar recommendation that the National Historical Publications and Records Commission consider a grant of $100,000 for Alaska Gold Rush Centennial projects.

Language stating that Committee expects Office of Personnel Management to continue to use the expertise of the University of Hawaii to support a $300,000 program to ensure that federal employees and their families have ready access to health promotion and disease prevention activities.

Mr. McCAIN. Mr. President, in just a few bills we have now managed to put in 5 billion dollars worth of earmarks and add-ons to the five appropriations bills that have come before the Senate. We have eight more appropriations still to be considered.

The $5 billion is quite a bit of money, even here in Washington. And I urge my colleagues to recognize that the American people do not approve of these practices. Every time I ask any of them about it, they resoundingly reject these practices.

I hope we can stop them. I do not know if we will or not, but I really am concerned about the continued practice of earmarking funds without any meritorious screening, without any requirements or any authorization process in many cases.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

AMENDMENT NO. 926

Mr. CAMPBELL. I send an amendment to the desk on behalf of Senator MIKULSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. MIKULSKI, proposes an amendment numbered 926:

On page 71, line 16, strike "or night differential".

On page 71, line 18, strike "or differential".

Mr. CAMPBELL. Mr. President, this amendment has been cleared by the majority. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 926) was agreed to.

Mr. CAMPBELL. I move to reconsider the vote.

Mr. KOHL. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I say to my colleagues time is running on. We have been here over 3 hours. We have about three or four amendments filed. Senators have not come to the floor to offer them. On behalf of Senator KOHL and myself, I urge Members to come down to the floor with their amendments so we can finish this bill. If we do not want to be here in the middle of the night working on this, we ought to move ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 927

(Purpose: To allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States Postage stamps)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. CONRAD, Mr. HARKIN, Mr. INOUYE, Mr. FAIRCLOTH, Mr. FEINGOLD, Mr. JOHNSON, Mr. KERRY, Mr. MACK, Mr. REID, Mr. THURMOND, and Mr. TORRICELLI, proposes an amendment numbered 927.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) SPECIAL POSTAGE STAMPS.—In order to afford the public a convenient way to contribute to funding for breast-cancer research, the United States Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) HIGHER RATE.—The rate of postage established under this section—

(1) shall be 1 cent higher than the rate that would otherwise apply;

(2) may be established without regard to any procedures under chapter 36 of title 39, United States Code, and notwithstanding any other provision of law; and

(3) shall be offered as an alternative to the rate that would otherwise apply.

The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

(c) USE OF FUNDS.—

(1) IN GENERAL.—

(A) PAYMENTS.—The amounts attributable to the 1-cent differential established under this section shall be paid by the United States Postal Service to the Department of Health and Human Services.

(B) USE.—Amounts paid under subparagraph (A) shall be used for breast-cancer research and related activities to carry out the purposes of this section.

(C) FREQUENCY OF PAYMENTS.—Payments under subparagraph (A) shall be paid to the Department of Health and Human Services no less than twice in each calendar year.

(2) AMOUNTS ATTRIBUTABLE TO THE 1-CENT DIFFERENTIAL.—For purposes of this subsection, the term "amounts attributable to the 1-cent differential established under this section" means, as determined by the United States Postal Service under regulations that it shall prescribe—

(A) the total amount of revenues received by the United States Postal Service that it would not have received but for the enactment of this section, reduced by

(B) an amount sufficient to cover reasonable administrative and other costs of the United States Postal Service attributable to carrying out this section.

(d) SPECIAL POSTAGE STAMPS.—The United States Postal Service may provide for the design and sale of special postage stamps to carry out this section.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) nothing in this section should directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services or any other agency or instrumentality of the Government (or any component or other aspect thereof) below the level that would otherwise have been anticipated absent this section; and

(2) nothing in this section should affect regular first-class rates or any other regular rate of postage.

(f) ANNUAL REPORTS.—The Postmaster General shall include in each annual report rendered under section 2402 of title 39, United States Code, information concerning the operation of this section.

Mrs. FEINSTEIN. Mr. President, I am prepared to yield to the Senator from Colorado for a unanimous-consent request, and I would appreciate regaining the floor.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that there be 1 hour of debate regarding the Feinstein amendment regarding breast cancer stamps, equally divided in the usual fashion, without any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Colorado. I'm delighted to see the Senator from New York on the floor. I am hopeful that Senator FAIRCLOTH will join us here, since the Senator moved this as an amendment to the appropriations bill in committee. I very much appreciate that and have enjoyed working with him on this matter.

Mr. President, I want to talk for a moment about breast cancer. I think every Member of this body was aware that we unanimously passed a sense-of-the-Senate not too long ago urging that more money be devoted to research for cancer. Also, in the women's community, and, really, I think still the majority population of this country, there is rising and enormous concern about breast cancer.

The amendment I am making today on behalf of myself and a number of others. I want to mention that just before the recess, in this very Chamber, 51 Senators said they would cosponsor the breast cancer research stamp bill (S. 726) which creates a breast cancer research stamp with 1 cent above the rate of first-class postage. Members thought it was a good idea. Well, I need to move this because I very much fear it will not happen if I don't take the opportunity that we have today to bring this matter forward.

Let me begin by saying that this is a wellspring from the breast cancer community. This measure is supported by the American Cancer Society, the American Medical Association, the American Hospital Association, Association of Operating Room Nurses, California Health Collaborative, the YWCA, and I could go on and on.

Representative FAZIO in the House has introduced the same legislation with 100 cosponsors in January of this year. It is my understanding that Representative MOLINARI talked to the Speaker and is putting it on a calendar which will move it rapidly in the House.

The idea for this legislation came from a physician in Sacramento, CA, an oncologist; and Representative FAZIO brought it to the attention of the House as the original sponsor. This oncologist has treated some 1,000 women for breast cancer. And he, like physicians all over this country in the health community, has seen a really startling rise in breast cancer. In the 1950's, 1 in 20 women developed breast cancer. Today, the incidence is one in eight, and growing. It kills 46,000 women a year. Every 12 minutes an American woman dies of breast cancer. It is the leading cause of cancer death for women between the ages of 35 and 52, and it is the second leading cause of death in all women.

So, today, 1.8 million women in America are diagnosed with breast cancer, and 1 million women, in addition to that, don't know they have breast cancer. This year, 184,300 new breast cancer cases will be diagnosed, and 17,100 of those in California.

One of the interesting things is that the breast cancer rates differ throughout the United States. The San Francisco Bay Area has one of the highest breast cancer rates in the world. Rates in the Northeastern United States are substantially higher than in the South. Some believe in the medical community that environmental factors may contribute as much as 90 percent to breast cancer. The rates vary among countries. Women in Japan have about five times less breast cancer than women in the United States. And when people migrate they tend to acquire the cancer rates closer to those of the newly adopted countries within a generation. So within a generation, we find that reduced tendency for cancer increases.

We have invested as a country, about $2 million in breast cancer research. The funding has quadrupled since 1990. There is still no cure. The national commitment to cancer research has been stagnant since 1980. Today, NIH can fund only 23 percent of their applications. The NIH budget is less than 1 percent of the Federal budget. And I believe the latest polls show that 80 percent of the people of this country believe that cancer research and medical research is an appropriate cause of action for the Federal Government.

The National Cancer Institute in 1996 could fund 26 percent of their applications. That is a drop from 32 percent in 1992.

So the idea came from Sacramento, from the oncologist who treated 1,000 women with breast cancer. What if we had a unique trial project, an optional stamp of 1 cent above whatever the first class rate was, where breast cancer groups and women all across this Nation who care have the option to buy that stamp, and 1 cent would go for breast cancer research? The administration costs incurred by the post office would be absorbed by that additional 1 cent.

I have had an occasion to discuss this with the Postmaster General. He is not in favor of it. He is not in favor of it because it has not been done before. And it has not been done because there are those that say, "If we do it for this, why don't we do it for that? If we do it for women, we should to it for men."

Well, we are in an era of diminishing resources. We all know that. Everybody has looked at cuts. This is not a cut. This is a unique thing. It is a trial project. If it works, we learn something from it. If it doesn't work, no money is lost from the Federal Treasury, or from the post office.

One of the things I believe every Member of this body has seen, whether it is in "The Race for the Cure" or the women that come into our offices, is a very unusual resilience in the breast cancer survivor community. They are climbing mountains, they are showing they can survive. They have banded together in support groups. It is a wonderfully unusual thing. They would like this to be done. They are in these Halls lobbying for it. They are in my office. I know they are in Senator FAIRCLOTH's office, and they have been in other offices saying, "Give us a chance. We will use this as fundraisers. We will go out and buy first-class stamps for a cent above the rate. We will sell them to our members. We will get our members to do this."

I think it is a worthy trial. It is a worthy project. Whether it works, I don't know. They tell me that if 10 percent of the first-class stamps were bought through this option it would produce $60 million. I don't know whether it will or not. I know that there is an enthused, energized community out there. You may see them wearing one design for a breast cancer stamp on their lapels, walking around the Capitol. I know that they care and care very deeply.

When I first introduced the bill earlier this year, I had some sponsors on the bill. They came to me, and said, "You know, you haven't been working very hard. You only have 6 or 7 cosponsors." So because we were on the floor for 3 hours before the Fourth of July break, I went around to each member, and 51 Senators said, "Yes." They would vote for it. "Put my name down." And I did. They are on this piece of paper in front of me.

This is an opportunity to cast that vote. This is an opportunity to try something new.

People will come before us and say, "Oh, my goodness. If we do this for breast cancer, we should do it for prostate cancer." Well, maybe we should. I don't know. But the proposal out there is this one, and it is all throughout the United States now.

People will say, "Oh. Why don't we do it for AIDS?" Well, the breast cancer community has made this proposal. They are united about it. They want to try it.

I have agreed to sponsor it in the Senate. Senator FAIRCLOTH has agreed to be a cosponsor, along with Senator D'AMATO, Senator KENT CONRAD, Senator TOM HARKIN, Senator FEINGOLD, Senator JOHNSON, Senator KERRY, Senator MACK, Senator REID, Senator THURMOND, and Senator TORRICELLI. I can't put all of the 51 names on this because I didn't specifically say it would be an amendment. I said, a bill.

So I am told I should call everybody again. But I believe there is the opportunity. I think the case has been made, if you see what happens to women afflicted with breast cancer. And you see this amazing surviver community and what they are willing to do. In a way, this stamp is a tribute to that kind of resolute spirit that can conquer what for many has been a mortal disease.

So I am hopeful, Mr. President, despite those who I know on the Appropriations Committee that do not want to see this happen. They don't want to do it on this bill. But if it doesn't happen here, perhaps it won't, and we will send out a message to the breast cancer survival community that we will not try anything new.

If you have a disease, you will try anything to get rid of it. I think this body should try one new thing, and let's see if it works, and let's see if we can produce 60, 70, 80, or 90 million new dollars for breast cancer research.

I thank the Chair. I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, before the Senator leaves for her next appointment, I would like to make a couple of comments and ask her some questions.

First of all, as I am sure she knows, I have always been a big supporter of increased money going into breast cancer research, as she has. And I commend her for the leadership she has taken on this issue. In fact, many of our colleagues have not only supported additional research money but have participated on our own time on Saturdays and Sundays in raising private funds for breast cancer research. The most common that we are aware of is the Susan Komen Foundation and The Run for the Cure, which is done all over the United States.

Just a few weeks ago here in Washington, DC, we had something like 45,000 or 50,000 people that contributed money to run through the streets of Washington to help raise money for that very, very badly needed program.

But I am a little concerned. She mentioned a few of the concerns already. But I am told that the chairman of the authorizing subcommittee, Senator COCHRAN, has some concerns about this proposal, as does Senator STEVENS who will be here in about 25 minutes to make some comments on it, too.

First, one of my concerns is certainly the administrative costs to the Postal Service. I think they would be significant, as I understand it.

I would like to ask the Senator. Is there a provision that allows them to recoup their costs? Or does the whole profit of this additional cost of stamps just go to the program, and do they have to absorb the administrative costs for doing it?

Mrs. FEINSTEIN. Yes. The administrative costs are absorbed under the one additional cent.

Mr. CAMPBELL. A portion of 1 cent will go back to recover the cost.

Mrs. FEINSTEIN. The cost of collecting the money is absorbed in that 1 cent. Yes.

Mr. CAMPBELL. Mr. President, I might also just comment that, as I understand it, if this 1-cent increase had been for the single best-selling stamp of all time—which was the Elvis Presley stamp that went on sale a couple of years ago, that stamp sold $500 million individual stamps—but if this 1-cent additional had been on that stamp, it would have raised only $5 million. Certainly that is an important amount but not as much as we need. As I also understand, only about 1.6 million breast cancer stamps have been sold so far.

So the amount, I would tell my friend from California, that she would hope to realize from what I have heard and seen is probably going to be quite a bit less than she would hope to get into this account.

The Senator already mentioned that there are some concerns by some of the Members that there are many, many programs that are equally important—muscular dystrophy, prostate cancer is important, Alzheimer's disease, heart disease—many things that we need to address some more. And I think, as some of my colleagues think, that we may be opening an avenue for all kinds of new groups to ask for the same kind of consideration.

If that happens, then I think, No. 1, we are going to confuse the public and we will probably dilute the amount of money needed for any one of them.

But I am not opposed to this amendment. I just wanted to make sure that my colleague understands that I am very supportive of her efforts. But I do have these concerns.

I thank her, and I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CAMPBELL. Mr. President, there is one Member seeking time. If the Senator from California is finished, I will suggest the absence of a quorum until Senator STEVENS gets here.

Mrs. FEINSTEIN. I thank the Senator. Yes. At this time, if I may be afforded a reaction and comment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

As we know, with anything done the first time you never really quite know what it is going to do. I have had estimates. The group supporting this has done some research. I know what they have told me. I cannot make any guarantee to this body that it will produce a lot of money. I do know that it is worth a try, in my opinion. It is important to people. There is a movement behind it.

The breast cancer stamp now exists as of now and it has no fundraising connected to it. It is simply a first-class stamp. This has the ability, for people that want to do so, to buy for the reason of raising an additional cent. I think every one of us know people immediately close to us that are suffering from breast cancer. I happen to believe the women of America are going to respond to this. I think young women are going to respond to it. I think you are going to see interesting ways that people are going to sell first-class stamps. I think that is good for the post office. It is good for the mail, and hopefully it will be good for breast cancer.

I know I didn't buy an Elvis Presley stamp. What was the other stamp? I didn't buy the other breast cancer stamp. I will buy these. I think there are many others like me. I don't know how many. But I think it is worth a try.

I thank the Senator for his comments.

I yield the floor.

Mr. COCHRAN. Mr. President, as Chairman of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services, which has jurisdiction over postal matters, I must point out that the Feinstein amendment would require the U.S. Postal Service to issue a special postage stamp.

Such a special stamp—generally referred to as a semipostal—would sell for 1 cent above the basic first-class letter rate, with most of the differential going to fund breast cancer research. Though this is a well-intentioned amendment, and breast cancer research is a highly worthwhile cause, the idea of using the Postal Service as a fund-raising tool is not a good one. The list of diseases that should be given added research funds is endless. Requiring the Postal Service to issue a semipostal stamp for breast cancer would place the Postal Service and Congress in the very difficult position of determining which worthy organizations or research programs should receive fundraising assistance from the Postal authorities and which should not.

The concept of semipostals has been around for years. Some nations issue them, but most do not. The European experience with this kind of stamp has shown that they are rarely as beneficial to the designated organization as expected. Consider the example of Canada. In 1975, the Canadian Postal Corporation issued a series of semipostal stamps to provide supplementary revenue for the Canadian Olympic Committee. It was reported that while the program received exceptionally good promotional and advertising support, it fell short of its intended revenue objective. Demand for the semipostals throughout Canada was reportedly insubstantial. The program—viewed as a failure—concluded in 1976. More recently, the Canada Post issued a semipostal to support literacy. With a surcharge of 5 cents per stamp, it raised only $252,000. After raising only a modest amount of money, combined with a tremendous administrative expense, Canada Post says they will not issue another semipostal.

There is a strong U.S. tradition of private fund-raising for charities. Such a stamp would effectively use the United States Postal Service as a fundraiser, a role it never has had. The Postal Service's job—and expertise—is mail delivery. Congress should be mindful that the postage stamp pays strictly for postal operations. It is not a fee for anything but delivering the mail and paying the cost of running the service. In fact, section 3622 of the Postal Reorganization Act of 1970 precludes charging rates in excess of those required to offset the Postal Service's costs of providing a particular service. In other words, the Postal Service does not have the authority to put a surcharge on a postage rate that is cost and overhead driven. There is simply no legitimate connection between the desire to raise money for a cause, and maintenance of the postal service's mission of providing universal service at a universal rate.

This is an effort to bypass the legislative process with an amendment on an appropriation bill and even though the Feinstein amendment's goals are laudatory, it should be rejected.

Mr. CAMPBELL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I would also ask unanimous consent that the remaining time be equally charged to both the proponents and the opponents of the Feinstein amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to be allowed to speak as if in morning business for a period of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACE RELATIONS IN AMERICA

Ms. MOSELEY-BRAUN. Mr. President, on Monday, the President's Advisory Commission on Race met for the first time. Amid the wide-ranging discussion on a variety of issues relating specifically to race, Chairman John Hope Franklin, the renowned doctor of history, discussed the centrality of education and in particular the physical condition of our schools and the centrality of that issue to the future of race relations in our country.

Dr. Franklin noted that in his home of North Carolina, there are schools that are closed part of the time because it is too hot, and there are schools that are closed part of the time because it is too cold, and there are some that are closed part of the time because, when it rains, it rains inside the school as well as outside the school.

Dr. Franklin went on to note that the problem of crumbling schools is not particular to race but rather it is a problem that transcends race. It is a problem that is essential, however, to any discussion of race because it speaks to the character of our Nation as a whole. I want to quote him because I think it is important. "It is a remarkable testimony," Dr. Franklin noted, "to the profligacy of this country, that it will not provide decent educational facilities and opportunities for all of our children."

I believe Dr. Franklin is absolutely correct. According to the U.S. General Accounting Office, every day some 14 million children attend schools that are in such poor physical condition that they need major repairs or should be replaced outright. Some 12 million children attend schools with leaky roofs; 42 percent of schools with more than 51 percent minority enrollment have at least one inadequate building, and 29 percent of schools with less than 6 percent minority enrollment—less than 6 percent—have at least one inadequate building.

In urban, rural, and suburban areas alike, schools are crumbling down around our children. According to the U.S. General Accounting Office, it will cost at least $112 billion just to bring them up to code. That price tag does not include the cost of upgrading schools so they can incorporate modern technologies in the classroom. The FCC, the Federal Communications Commission, recently finalized an initiative that will give the schools and libraries deep discounts on telecommunications services, which should provide millions of children access to modern technology that they would not have otherwise enjoyed. Too many of our children, however, will be unable to take advantage of this opportunity because their schools lack even the basic infrastructure necessary to allow a teacher to plug a computer into the classroom wall. Nearly half of the schools lack the basic electrical wiring needed to fully integrate computers in the classrooms.

So the crumbling schools problem has ramifications even beyond leaky roofs. It cuts off the ability of our youngsters to take advantage of technologies that will help them grapple with the educational challenges that they face in their time.

Schools are overcrowded, also. I have seen schools where the study halls are literally in the hallways, where computer labs are on the stairwell landings, and where they have erected cardboard partitions at the end of corridors in order to create makeshift classrooms.

These dilapidated, overcrowded schools do not provide our children with the kinds of opportunities they will need to compete in the 21st century global economy. Nor do these aging and crumbling schools provide our children with the educational opportunities all of our children will need if we ever expect to move beyond the problems of race relations which have existed, like a sore on our Nation, since its earliest days.

While Dr. Franklin was meeting with the President's Advisory Board on Race Relations, many of my colleagues over here were meeting to work out the final details of the tax bill. President Clinton's tax proposal includes an innovative proposal to address the conditions of crumbling schools. I hope my colleagues on the conference committee will see fit to adopt his proposal.

The President has called for the distribution of allocable tax credits to the States, which would then offer those tax credits to developers and builders in exchange for their performing below-market-rate school construction or improvement projects. States and school districts need our help to address the problem of crumbling schools. We have to rebuild these schools for the 21st century to give our young people the educational opportunities that they need and they deserve. Doing so will help prepare our children for the 21st century economy and will help build a climate of tolerance among the people of our country.

I would like to take a moment to read a letter to my colleagues that I recently received from a superintendent of a rural school district in southern Illinois. I remind my colleagues, Illinois—we used to have an expression, "Just outside Chicago there is a place called Illinois." My State is largely rural once you leave the region around Chicago. I would like to read his letter, the whole letter, because I think it is important. Superintendent Lawrence Naeger wrote to me. He said:

> I am the Superintendent of Century Community Unit Number 100 School District near Ullin, Illinois in the county of Pulaski. I am writing to you in the name of the many citizens of my school district that support your efforts to put dollars back in the federal budget for school construction.
>
> From the earliest days of our school district, the school house has been a focal point of great community pride—a brick and mortar representation of the commitment which citizens of this school district have made to their children's education. Sadly, economic changes over the years have made our community's commitment more difficult. The alarming number of construction concerns that now exist point to a crisis waiting to happen.
>
> As time goes by, it becomes evident that small repairs and quality maintenance is not enough. Thankfully, there have been no major health or safety disasters directly related to the structures. However, it is apparent that the leaking roofs, rusted plumbing, overworked heating systems, and crumbling plaster are fast approaching a crisis point. Less visible, but also of great concern, are infrastructure problems related to overcrowding and/or the inadequacy of school facilities for education as we move toward the 21st Century. Classes held daily on a stage in a gymnasium in the elementary school, and electrical systems which are inadequate for today's learning technologies, stand in the way of quality education for our children.
>
> The Century Board of Education, trying to address these concerns, have been caught between competing demands for local dollars and increasingly restrictive laws regarding access to revenue. As anti-tax sentiment has grown, so too has the recognition that the state and federal governments must become partners in resolving school infrastructure concerns.
>
> The Century School district is clearly at a critical juncture with respect to the infrastructure of its schools. Decisions are being made on how school infrastructure needs can be adequately met, with a very limited budget. Money spent on infrastructure generally

> comes from local taxes. While the Century Board of Education is authorized to levy taxes to support its building needs, there are restrictions which severely limit the ability of the board to respond to the emerging infrastructure problems.
>
> It is important to note, in the not-too-distant future, infrastructure problems which currently exist will likely be compounded as our schools built in the 1950's and 1960's begin to wear out. Though age does not necessarily make a building dangerous or obsolete, construction at that time was typically rapid and cheap . . .
>
> Beyond the most urgent health and safety issues, there is increasing concern about the need for . . . infrastructure that can support educational reform and desired innovations, infrastructure conditions that can accommodate the integration of technology, infrastructure that can be accessed by all students regardless of disability, schools that can be used primarily for education but for other community purposes as well, and schools that can serve as safe havens protected from society's violence.
>
> In summary, the Century Board of Education is standing tall, providing the best opportunities for the children of the district to attend school in an environment that is physically safe and conducive to learning. We are being held accountable and are willing to take responsibility to address the deterioration of our school buildings. As well as the growing need for new construction. However, we need your help to fight on for federal dollars to continue the process.
>
> Please fight for our district, our community, our children, the hopes and dreams of all. Please continue to fight for all the children who attend inequitable and inadequate infrastructures, exacerbated by government red tape and broken promises.
>
> Sincerely,
>
> LAWRENCE NAEGER,
> *Superintendent.*

Mr. President, I just want to point out as my time runs out here, the time really has come for all of us in government at all levels, at the local, State, and the Federal Government, to cooperate, to stop pointing fingers at each other, stop pointing fingers at the local school officials or the State education officials or the township supervisors and, instead, form a partnership among all levels of government to address this critical problem.

I urge my colleagues to take a look at the conditions of schools in their own States and to consider the implications of crumbling schools for our children, for our country, for our future, and for the character of our Nation. That was the point that Dr. Franklin made on Monday. That is the point that I wanted to bring to the Senate's attention this afternoon.

I am hopeful that, as we go through the rest of this legislative session, we can come up with innovative approaches to help States and local communities and local governments, such as represented by the letter I read, respond to their concern and need and interest in providing quality educational opportunities for all of America's children.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 927

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent for 5 minutes of time in favor of Mrs. FEINSTEIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of Senator FEINSTEIN's amendment. I am pleased to be an original cosponsor of this amendment.

In May of this year, Senator FEINSTEIN introduced this bill, S. 726. The bill creates a new stamp that costs 1 cent more than whatever the regular price stamp might be. The additional revenue is to be used to directly fund research efforts for breast cancer.

As I am sure we all know, breast cancer is the leading cause of death for women between the ages of 15 and 54. There are 2.6 million women today in America with breast cancer and an estimated 1 million are yet to be diagnosed. If only 10 percent of the first-class stamps use the option for an additional penny—currently it would be a 33-cent stamp, but that might change—but, if only 10 percent use the option of an additional penny above, $60 million would be raised for breast cancer annually. This would represent a 10 percent increase in the research funds available for this disease that is devastating so much of our population.

I frankly believe the idea will be popular and will generate even greater funding than we anticipate. It is used pretty much around the world, except in Britain and the United States, this method of raising money for worthwhile causes.

In my opinion, the new stamp provides a great opportunity to increase the research, and the proceeds come directly from the American people on a voluntary basis, not from tax money. Some have questioned what kind of precedent we are setting. I think the answer is that it is none. It is going to require an act of Congress and the support of the American people. If the program is successful, I suppose there will be people attempting to emulate it, but that is a decision for Congress to make at the time and on the issue involved. As I said, it is not a novel approach; it has been used around the world before this.

Further, I think the people who do not think this will be popular are absolutely wrong. This measure, I think, will be extremely popular. It will raise a lot of money. I have discussed it with numerous people, and all have told me that they felt it was a worthwhile idea and would be worthwhile. I thank Senator FEINSTEIN for introducing the amendment.

I think the Senate needs to go on record in favor of this and let the American people decide if it is going to succeed or not. If it does, we know we will have been right. If it does not succeed, we will not have set a precedent for other stamps. But first and foremost, it is an idea well worth trying, and I think we need to give it an opportunity.

I am aware that the post office has concerns. But every day I read the post office wants to expand its line of business. Every day, they are going into new business, new things, and to these I do not object. But I just noticed the other day they were selling neckties in the post office. I don't see why, with the vast new interest and new things they are going into, they could possibly have a problem with printing this new stamp. The cost of the stamp for distribution will be taken out before any money becomes available for research. This idea is merely a logical extension of selling stamps. I strongly urge Members to support it and urge you to vote for the Feinstein amendment.

I thank the Chair and I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I ask that I be yielded about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, this is not an easy task to appear in opposition to this amendment. It is not easy for me personally, because I am a survivor of prostate cancer. I come from a family where my oldest brother, my father and my grandfather and my mother all died prematurely of cancer, and I thankfully just received word today that my younger brother has now survived prostate cancer.

The question before the Senate is not cancer. The question before the Senate is how to raise money for cancer research. I have strongly urged that this amendment not come before the Senate, because we reformed the postal system and made it an independent entity. It has evolved from the old Post Office Department, where a member of the Postal Service, the Postmaster General, was a member of the President's Cabinet, to one that is run, basically, by a board of governors with a Postmaster General that is appointed by that board of governors, and we have not issued a stamp in Congress since 1978.

There is no power in the Congress to do what this amendment asks. The power under existing law was given to the Board of Governors, the Postal Service, and the Postal Rate Commission. As a matter of fact, the Postal Service does not have the authority to issue a stamp and charge more than that established by law by the Postal Rate Commission.

I refer the Senate to section 3622 of title 39 which specifically says that the cost for the stamps must be established through the postal rate procedure.

This comes at a time when all I can say is this is plainly wrong, and I have urged the sponsors to remember what they are doing. If we have this stamp—and it looked nice. I saw it beside the Senator from California on C-SPAN. But we have AIDS problems, we have prostate cancer problems, we have problems raising money for the Boy Scouts and the Girl Scouts and the community programs to raise money for all sorts of problems.

They have real trouble raising money, but, Mr. President, I started the concept of putting up defense money for cancer research for breast cancer at $25 million from the defense funds, and I have just urged the Senate to pass a bill from the subcommittee I chair, Defense Appropriations. It has in it $175 million for breast cancer research, specifically earmarked for breast cancer research.

This stamp, if it is issued, if it sold as many as the famous stamp—I think it was the Elvis stamp was the one that sold more than any stamp in history, a penny from each one of the Elvis stamps would bring in $1 million. So what we are seeing is a public relations campaign by people who want credit for being for cancer research, but it is really not an effective fundraising mechanism.

I urge them to use a process like we did for selling savings bonds, to have the Postal Service sell cancer stamps that would go into booklets. You can have one for breast cancer, one for prostate cancer, one for just the general National Institute of Cancer. But you buy the book, put them in a booklet, and when you get $25 worth, you get a $25 bond. If you do that, you would make $1 out of every $20 that came in. If this stamp becomes approved, they get 1 out of every 35 cents. In other words, $1 out of every $35, but the cost of raising this is horrendous for the Postal Service. A person who wants to buy one of these stamps will go to a window and say, "We want 100 breast cancer stamps."

"We don't have that. We have one that shows Jimmy Doolittle or one that shows World War II stamps, but we are out of those." This is not an effective way to sell stamps is what I am saying.

It is true that there are stamp collectors, and on a one-time basis, as the Elvis stamp showed, a lot of people buy them just for collection, but I have to tell you, that is a one-time thing, but it is not a one-time thing for the Postal Service. It is plainly wrong, because its job is to deliver the mail. It is paid for by the ratepayers. The taxpayers do not support the Postal Service any longer.

The Board of Governors is on record against this. The Postal Service is against it. We have seen that this has been done.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator has used 7 minutes.

Mr. STEVENS. I will take 2 more minutes, if I may, and then I will quiet down.

Canada issued a semipostal, that is what they call this, a semipostal stamp, to support literacy. It was a surcharge of 5 cent per stamp, and it raised $252,000 net. This is not an effective way to raise money for breast cancer. We have shown these people how to raise more money for breast cancer, how to improve breast cancer research. I want to work with them, but I tell the Senate that this is not the way to do it.

I ask unanimous consent to have printed in the RECORD a letter that I received today from the Postal Service, from the Postmaster General, where he states that the Postal Service strongly opposes this amendment and states that it would be inappropriate for the Postal Service to raise revenue for purposes other than maintenance of the delivery system.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. POSTAL SERVICE,
Washington, DC, July 17, 1997.

Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: I am writing to express concern about an amendment that was offered and then withdrawn at the full Committee markup of the Treasury, Postal, and General Government appropriations bill on July 15. The amendment would require the Postal Service to issue a special postage stamp to help fund breast cancer research. This hybrid stamp, called a semipostal, would sell for one-cent above the Basic First-Class letter rate, with most of the one-cent differential going to breast cancer research.

The Postal Service strongly opposes this amendment. Our basic function today remains the same as it has been for over 200 years—universal mail service throughout the nation. We believe it would be inappropriate for the Postal Service to raise revenue for purposes other than the maintenance of a national mail delivery system.

This proposed amendment would set a precedent which would open the floodgates for all worthy social causes. In very short order, the Postal Service would find itself devoting considerable time and expense as a fund raiser. That is not our role, and we do not think it should be.

We understand this semipostal amendment will again be offered on the Senate floor today, and would appreciate your support in rejecting the idea.

Best regards,

MARVIN RUNYON,
Postmaster General, CEO.

Mr. STEVENS. Mr. President, I say the same thing, you cannot limit this process to one concept of a breast-cancer concept. It will lead to Congress getting back into the micromanagement of the Postal Service. It is plainly wrong, and it should not become law. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What happens to the time limits?

The PRESIDING OFFICER. The time will be suspended.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

AMENDMENT NO. 929

(Purpose: To limit the use of funds to provide for Federal agencies to furnish commercially available property or services to other Federal agencies)

Mr. THOMAS. Mr. President, I call up amendment No. 929 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself, Mr. ENZI and Mr. BROWNBACK, proposes an amendment numbered 929.

Mr. THOMAS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . LIMITATION ON THE USE OF FUNDS TO PROVIDE FOR FEDERAL AGENCIES TO FURNISH COMMERCIALLY AVAILABLE PROPERTY OR SERVICES TO OTHER FEDERAL AGENCIES.

(a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) a requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector;

(B) a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget; and

(C) the regulation would not apply to contingency operations associated with national security or a national emergency.

Mr. THOMAS. Mr. President, I also ask unanimous consent that Senator ENZI and Senator BROWNBACK be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I bring to the floor and to this bill an amendment which was offered last year and adopted by a bipartisan vote of 59 to 39 but was trimmed out of the omnibus appropriations bill. It has to do with the question of the Federal Government competing unfairly with private firms; agencies performing commercial, rather than inherently governmental, activities for other agencies. My amendment requires Federal agencies to demonstrate that they can perform more efficiently and effectively than the private sector before providing commercially available goods and services to other agencies.

It has been the Federal Government's policy for over 40 years that it should not compete with the private sector. In fact, the Government should rely on the private sector to supply commercially available goods and services. However, this policy is too often ignored.

For example, the Defense Science Board calculates that out of 850,000 full-time positions needed to provide commercial services for the military, 640,000 are held by Federal employees instead of private sector contractors.

The Clinton administration has taken this situation one step further. Last year, OMB came out with a policy that grandfathers existing interservice support agreements from cost-comparison requirements. This change permits one Federal agency to provide goods and services to another agency regardless of cost or performance. This new policy gives Federal agencies until October 1997 to go out and recruit business from other agencies without performing a cost comparison and cost analysis. The administration implicitly argues that this entrepreneurial approach to Government will save the taxpayers money.

However, if they don't do a cost comparison, how do they know it saves money? Some examples of existing interservice support agreements are aerial photography, mapping services, laboratory services, printing services, all of which are often provided more efficiently and more cost-effectively in the private sector.

For example, in Jacksonville, FL, the Navy Public Works Division recently completed a state-of-the-art environmental lab to provide routine hazardous waste characterizations. These services are already available in the private sector, and the Navy intends to offer their services to other agencies.

In Alaska last year, the State struggled to contain a large wildfire. The CIA provided needed mapping and satellite imagery. A private company was available to do the work, but they were never asked.

These are just a few of the examples of direct Government competition with the private sector without a cost comparison.

I want to emphasize that I am not insisting that the Federal Government use the private sector. It simply needs to compare public and private sector production to ensure the American taxpayer gets the best value goods and services, the most bang for their buck.

Encouraging the Federal Government to compete with the private sector is philosophically wrong. Almost all of us stand up here day after day and talk about let's have less Government, reduce the size of Government, reduce the cost of Government, strengthen the private sector and, yet, continually allow this to go on. It is philosophically wrong. It hurts small business.

In fact, the three White House Conferences on Small Business rate this as a top concern, the ability to compete for public contracts.

Unfair Government competition with the private sector costs the taxpayers money. Numerous studies have shown that outsourcing can save the Government up to $30 billion annually. It also circumvents the appropriations process. If an agency can do work for another agency, it is likely that its resources and employees are larger than it needs to be and needs to be cut back. On the other hand, if an agency's appropriation is cut, it recruits business. That also circumvents the appropriations' process and the idea of focusing on priorities.

Most of all, the policy is contrary to current law. This policy is merely a rule from the OMB supplemental handbook A-76. But it violates the Economy Act, which specifically states that one agency can provide goods and services to another agency only when a commercial enterprise cannot provide the goods and services as conveniently or as cheaply. In other words, you do have to do a cost comparison.

I think this is an unbelievable policy for a President that has said, "The era of big Government is over," and then to turn around and implement a policy of this kind, which does not even provide for a cost comparison. This policy is another example of the administration expanding Government, not reinventing it.

I recently introduced a bill, S. 314, which is called the Freedom From Government Competition Act, which addresses Government competition with the private sector. It encourages outsourcing and utilizing private sector capability. It provides exemptions for national security, inherently governmental functions, situations where the Government can provide better value goods and services, and when private sector capability is inadequate. I want to stress that this amendment addresses functions that are commercial activities within the Government. We need to take some action now to implement the rules and the policy that has been in place for 40 years but have not been followed.

My amendment is exactly the same as that which the Senate passed last year. It merely reaffirms existing law and prohibits one agency providing commercial goods and services for another unless a comparison is done. More oversight of this problem is needed.

This amendment will create private sector jobs, help small business, save taxpayer dollars, make the Government smaller and more efficient. That is a great idea.

My bottom line is, I want the Government to cost less and be more effective. Most people here do. My amendment will ensure that. I urge my colleagues to join me in supporting this commonsense, good-Government, protaxpayer reform.

Mr. President, I ask now for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. THOMAS. I will come back later and ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on amendment No. 929 offered by the Senator from Wyoming?

Mr. THOMAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 927

Mr. CAMPBELL. Mr. President, I ask for the regular order concerning the Feinstein amendment. We yield back all remaining time and ask for the yeas and nays.

Mr. KOHL. On behalf of the minority and Senator FEINSTEIN, we yield back our remaining time also.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time is yielded back. The question now occurs on agreeing to amendment No. 927.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 83, nays 17, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—83

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hutchinson
Hutchison
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—17

Allard
Bingaman
Bumpers
Cochran
Glenn
Gorton
Hagel
Hollings
Inhofe
Inouye
Levin
Nickles
Sessions
Shelby
Smith (NH)
Stevens
Thompson

The amendment (No. 927) was agreed to.

The PRESIDING OFFICER (Mr. HAGEL). The question now occurs on amendment No. 929 offered by the Senator from Wyoming.

The yeas and nays have been ordered. Is there further debate?

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that my detailee from the Justice Department, Joel Christie, have floor privileges during the debate on the nomination later today of Joel Klein, and for any other Judiciary Committee matter on the floor this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KOHL. Mr. President, I ask unanimous consent that Bob Simon and Dan Alpert, legislative fellows in the office of Senator BINGAMAN, be granted floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. CAMPBELL. Mr. President, we have been here 5 hours now, and we have encouraged our colleagues to get their amendments filed and come down to the floor. A number of Senators have.

After consultations with the majority leader and minority leader and Senator KOHL, I ask unanimous consent that the following amendments be in order and that no others be accepted after these that I will read:

Senator COLLINS, on Treasury inspector general; Senator GRASSLEY, on P-3 hangar; Senator CHAFEE, on a relevant amendment on health benefits; Senator HUTCHINSON, on Federal Acquisition Streamlining Act; Senator COVERDELL, on a relevant amendment; Senator HUTCHISON, on NAFTA; Senator THOMAS, on Federal procurement; Senator DASCHLE, on IRS; Senator HATCH, on judges' pay; Senator FAIRCLOTH, on computer games; Senator GRAHAM on HIDTAS; Senator KOHL on fire arms traffic initiatives; Senator CLELAND, on National drug campaign; and the managers amendment itself.

The PRESIDING OFFICER. Is there objection?

Mr. KOHL. Mr. President, I request—temporarily, I hope —of Senator CAMPBELL that we don't act on this at this time.

Mr. HATCH. Reserving the right to object, Mr. President, will the distinguished Senator from Colorado be willing to add a Hatch amendment on national media campaign?

Mr. CAMPBELL. National media campaign?

Mr. HATCH. Yes, in addition to the judges' compensation.

Mr. CAMPBELL. We will add that. But at the present time, the minority leader has informed me there are two or three others that are just right on the verge of offering their amendments. So I withhold my unanimous-consent request at the present time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 930

(Purpose: To establish the procedure for adjusting future compensation of justices and judges of the United States)

Mr. HATCH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment numbered 929 will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. LEAHY, Mr. DURBIN, and Mr. KOHL, proposes an amendment numbered 930.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . JUDICIAL SALARIES.

(a) JUDICIAL COST-OF-LIVING ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

"(a) Effective on the same date that the rates of basic pay under the General Schedule are adjusted pursuant to section 5303 of title 5, each salary rate which is subject to adjustment under this section shall be adjusted by the same percentage amount as provided for under section 5303 of title 5, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100).".

(b) AUTOMATIC ADJUSTMENTS WITHOUT CONGRESSIONAL ACTION.—Section 140 of the resolution entitled "A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.", approved December 15, 1981 (Public Law 97-92; 95 Stat. 1200; 28 U.S.C. 461 note) is repealed.

Mr. HATCH. Mr. President, my amendment delinks judges' salaries from our salary problem, because it is unbelievable how terrible it is in many parts of this country that judges do not have an annual COLA. That is what this will grant them.

Mr. President, I am offering an amendment to establish a procedure for future cost-of-living increases in judicial compensation. This legislation is a portion of a legislative proposal prepared by the Administrative Office of the U.S. Courts, and which I introduced by request as S. 394 earlier this Congress.

Under current law, salaries for Federal judges are currently linked to congressional and Executive Schedule salaries, so that Federal judges cannot receive cost-of-living adjustments [COLA's] unless Members of Congress and employees on the Executive Schedule receive the same COLA. As a consequence, Federal judges have not received a cost-of-living salary adjustment since January 1994. This amendment would amend section 461 of title 28 to end the current linkage between the judicial, congressional and Executive Schedule compensation. Instead, judicial salaries would be adjusted automatically on an annual basis, in the same percentage amount as the rate of pay of Federal employees under the General Schedule. In addition, the amendment would repeal section 140 of Public Law No. 97-92, thereby removing the current requirement that Congress affirmatively vote for cost-of-living increases for Federal judges.

Not included in my amendment is language, originally proposed by the Administrative Office and introduced as part of S. 394 earlier this Congress, which would give a one-time salary increase to Federal judges. I do believe this separate, one-time salary increase warrants serious consideration by this body, although not necessarily as part of the second degree amendment I am presently offering.

If we are to attract and retain the most capable lawyers to serve as Federal judges, it is vitally important that we ensure that those responsible for the effective functioning of the judicial branch receive fair compensation, including reasonable adjustments which allow judicial salaries to keep pace with increases in the cost of living. As Chief Justice Rehnquist stated in his "1996 Year-End Report on the Federal Judiciary," "We must insure that judges, who make a lifetime commitment to public service are able to plan their financial futures based on reasonable expectations." This amendment, which I am offering at the request of the Judicial Conference, proposes changes viewed by the Judicial Conference as advancing this objective—an objective with which I believe most Senators would agree.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 930) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 929, AS MODIFIED

Mr. THOMAS. Mr. President, I send to the desk a modification to amendment 929.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 929), as modified, is as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . LIMITATION ON THE USE OF FUNDS TO PROVIDE FOR FEDERAL AGENCIES TO FURNISH COMMERCIALLY AVAILABLE PROPERTY OR SERVICES TO OTHER FEDERAL AGENCIES.

(a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) a requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector;

(B) a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget; and

(C) the regulation would not apply to contingency operations associated with national security or a national emergency.

(D) the regulation would not apply if the goods are to be produced or services are to be performed by a private sector source at a government owned facility that is operated by the private sector source.

Mr. THOMAS. Mr. President, I ask unanimous consent that Senator HAGEL be added as a sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 929 by Senator THOMAS and ask that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 929), as modified, was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the following be the only remaining first-degree amendments other than the pending amendments and that they be subject to relevant second-degree amendments. They are an amendment by Senator FAIRCLOTH, two by Senator HUTCHISON, three amendments by Senator COVERDELL, one by Senator ABRAHAM, one by Senator DEWINE, one by Senator CHAFEE, one by Senator COLLINS, one by Senator GRASSLEY, one by Senator HATCH, one by Senator DASCHLE, one by Senators LOTT and DASCHLE, one by Senator CLELAND, one managers' amendment, one by Senator KOHL, one by Senator GRAHAM of Florida, one by Senator BINGAMAN, one by Senator DODD, and two by Senator FEINSTEIN.

I further ask that following the disposition of the above-listed amendments, the bill be advanced to third reading and final passage occur, and when the Senate receives the House companion bill, all after the enacting clause be stricken and the text of the Senate bill be inserted, the bill be advanced to third reading and passed, and the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 931

(Purpose: To amend the Federal Election Campaign Act)

Mr. CAMPBELL. Mr. President, I now send an amendment to the desk on behalf of the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. LOTT, for himself and Mr. DASCHLE, proposes an amendment numbered 931.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the amendment not be read at length.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Section 302(g)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(1)) is amended—

(1) by striking "and" after "Senator,"; and

(2) by inserting after "candidate," the following: "and by the Republican and Democratic Senatorial Campaign Committees".

Mr. CAMPBELL. I ask the Senate adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 931) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that when the House companion measure is passed by the Senate, pursuant to the previous order, that the passage of S. 1023 be vitiated and that S. 1023 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATIONS OF JOEL I. KLEIN AND ERIC H. HOLDER, JR.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 5 p.m., and at 5 p.m., the Senate proceed to executive session for the consideration of the nomination of Joel Klein, with the previous time limitations.

I further ask unanimous consent that immediately following the vote on the Klein nomination, the Senate proceed to a vote on calendar No. 139, the nomination of Eric Holder.

I further ask unanimous consent that, immediately following the vote on the Holder nomination, the motions to reconsider be laid upon the table; that any statements relating to either of these nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 5 p.m.

Thereupon, at 4:49 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. COLLINS].

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session.

NOMINATION OF JOEL I. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL

The bill clerk read the nomination of Joel I. Klein, of the District of Columbia, to be an Assistant Attorney General.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I would like to comment just briefly here on the nomination of Mr. Joel Klein, who has been nominated for the position of Assistant Attorney General of the Antitrust Division of the Department of Justice.

Last Friday, I spoke on this floor in support of Mr. Klein and urged my colleagues to support his nomination. I certainly continue wholeheartedly to support Mr. Joel Klein. And I continue to urge my colleagues to join me.

I will not repeat today all that I had to say last week on Mr. Klein's behalf, but I would like to reiterate that support and have my statement from last Friday printed in the RECORD. I ask unanimous consent to have that statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ORRIN HATCH ON THE NOMINATION OF JOEL I. KLEIN TO BE ASSISTANT ATTORNEY GENERAL OF THE ANTITRUST DIVISION OF THE DEPARTMENT OF JUSTICE, JULY 11, 1997

Mr. President, I rise today on behalf of Mr. Joel Klein, who has been nominated for the position of Assistant Attorney General of the Antitrust Division of the Department of Justice. Mr. Klein was reported out of the Judiciary Committee unanimously on May 5. As his record and testimony reflect, Mr. Klein is a fine nominee for this position, and I am pleased that his nomination has finally been brought before the full Senate today. He has my strong support.

I believe Mr. Klein is as fine a lawyer as any nominee who has come before this committee. He graduated magna cum laude from Harvard Law School before clerking for Chief Judge David Brazelon of the D.C. Circuit and then Supreme Court Justice Lewis Powell. Mr. Klein went on to practice public interest law and later formed his own law firm, in which he developed an outstanding reputation as an appellate lawyer arguing—and winning—many important cases before the U.S. Supreme Court. For the past two years, Mr. Klein has ably served as Principal Deputy in the Justice Department's Antitrust Division, and for the past several months he has been the Acting Assistant Attorney General for the Antitrust Division.

It is clear, both from his speeches and his enforcement decisions, that Mr. Klein is within the mainstream of antitrust law and doctrine and will be a stabilizing influence at the Antitrust Division. While no one doubts his willingness to take vigorous enforcement actions when appropriate, it is a credit to Mr. Klein that the U.S. Chamber of Commerce, the National Association of Manufacturers and other business associations have written in strong support of his nomination to lead the Antitrust Division. They believe he will be good for American business. And I think they are right.

At the same time, Mr. Klein has demonstrated a sense of direction and a vision for the Antitrust Division, which is important in a leader. He is committed to enforcing our Nation's antitrust laws in order to uphold our cherished free enterprise system and protect consumers from cartels and other anticompetitive conduct. So, I am certain that Mr. Klein will also be good for consumers.

Antitrust doctrine has had its ups and downs over the years—although we may not all agree on which times were which. At this point, however, I am hopeful that antitrust is entering a more mature and more stable period. Although antitrust analysis is fact-intensive and will always contain gray areas, I hope Mr. Klein will work to help make antitrust doctrine as clear and predictable as possible so that companies know what is permitted and what the Antitrust Division will challenge. This will help businesses compete vigorously without the worry and chilling effects that result from uncertainty. I would suggest that the Division's goal should be to avoid burdens on lawful business activities while appropriately enforcing the law against those who clearly violate it.

Finally, I would like to add that I personally have been very impressed with Mr. Klein. He strikes me as a person of strong integrity, as a highly competent and talented lawyer who is well-suited to lead the Antitrust Division. While I expect we may not always agree on every issue, I believe that Mr. Klein's skills and expertise will be a service to the Department of Justice, to antitrust policymakers, and the health of competition in our economy and I look forward to working with him in the coming years.

In what appears to be a last-ditch effort to scuttle Mr. Klein's nomination, there are some who have now floated an allegation that the nominee's participation in a particular merger decision was somehow improper. Upon examination, let me say that it appears to me that these reports are wholly unfounded and provide no basis whatsoever for questioning the nominees conduct. I understand that, with respect to the matter at issue, Mr. Klein consulted with the proper ethics officials and was assured that his participation raised no conflict of interest or even the appearance thereof. Based on what we know, this judgment appears sound, and I am confident that the nominee has conducted himself appropriately. I should hope that nobody in this body will use this extraneous, ill-founded notion as an eleventh hour basis for opposing Mr. Klein's nomination. I am confident that Mr. Klein is a man of integrity, and urge my colleagues to cast their votes in his favor.

Some have suggested that Mr. Klein is misapplying the Telecommunications Act and has taken questionable positions on particular mergers. I will refrain here from passing judgment on any particular decision and from engaging in a detailed debate on Telecommunications antitrust policy. I fully recognize that there are some very, very important issues at stake here, especially in light of a number of ambiguities left in the wake of the Telecommunications Act. I also recognize that there have been some controversial mergers in this area, and yet other potentially landmark mergers which have not come to pass.

In short, telecommunications competition and antitrust policy is one of the most important, yet somewhat unsettled, policy areas affecting our emerging, transforming economy. The looming policy decisions to be made in this area cannot be ignored and indeed I plan to have the Judiciary Committee and/or our Antitrust Subcommittee fully explore these issues.

But I believe it is neither fair nor wise to hold a nominee hostage because of such concerns. In my view, sound public policy is best served by bringing this nominee up for a vote, permitting the Justice Department to proceed with a confirmed Chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies.

I hope that all Senators, and especially those of the President's own party, would permit the administration's nominee to be voted on.

Mr. HATCH. I would also like to point out that numerous past and present Government officials and attorneys have voiced strong support for Mr. Klein, including James Rill and John Shenefield, who headed the Antitrust Division during the Bush and Carter administrations respectively.

I also ask unanimous consent that a letter to the New York Times editor from Messrs. Rill and Shenefield be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
July 11, 1997.

The NEW YORK TIMES,
New York, NY.

TO THE EDITOR: We write to state our disagreement with the New York Times and with several Senators who have expressed opposition to the nomination of Joel Klein to head the Antitrust Division at the Justice Department. Mr. Klein should be confirmed because he has all the qualities of leadership and judgment to make an outstanding Assistant Attorney General. In fact, the reasons why his detractors have put his nomination on "hold" actually support the case for his nomination. The objections to his nomination stem not from concern about his qualifications, but from a difference of opinion over the best way to ensure competitive markets in telecommunications.

The Antitrust Division was created to function as a specialist agency with the expertise and experience essential to making sound antitrust enforcement decisions. Quick, intuitive judgments based upon an incomplete understanding of either the facts or the law can easily lead to incorrect decisions. Critics of Mr. Klein's recent decisions are at a disadvantage because they cannot possibly have his detailed knowledge of the facts. That is why Congress wisely entrusted such decisions to an expert agency. In the past that trust has not been misplaced because the Division has been willing to take an unpopular stand that it considered to be in the public interest—as it did in settling the AT&T case.

Mr. Klein's willingness to reach a decision on the Bell Atlantic merger indicates he has the courage to make a fine Assistant Attorney General. He made a decision despite the fact that whatever he decided to do was likely to offend someone who was considering his nomination. No doubt Mr. Klein could have found a way to delay a decision until after he was confirmed. Instead, he made what he believed was the correct decision from the perspective of the antitrust laws. Mr. Klein is being criticized for doing his job. To substitute the political process for the judgment of an expert enforcement agency in an area where both the facts and the law are remarkably complicated would be a dangerous precedent that could only harm enforcement of the antitrust laws in the future. We hope that those who have expressed misgivings about Mr. Klein's nomination will soon allow it to come to a vote, so that Mr. Klein can be confirmed—as he should be.

JAMES F. RILL.
JOHN H. SHENEFIELD.

Mr. Rill was Assistant Attorney General in charge of the Antitrust Division during the Bush Administration; Mr. Shenefield was Assistant Attorney General in charge of the Antitrust Division during the Carter Administration.

Mr. HATCH. I am very pleased that cloture was invoked last week with such overwhelming support. I must say, however, that I was quite surprised, and disappointed even, to find us in the position of voting on cloture for someone as good as Joel Klein. Even I, as chairman or ranking member of the Judiciary Committee, have not filibustered a single Clinton administration nominee for the Justice Department or the Federal courts. I am not saying I will not in the future, but I will say that I have not up until now.

Indeed, the last filibuster of a Justice Department nominee was over the nomination of Walter Dellinger to head the Department's Office of Legal Counsel back in October of 1993. Of all the nominees I have seen in recent years, I must say that Joel Klein certainly ranks among the very best of them.

Of course, I know my good colleague from South Carolina would not take this step lightly and without what is, in his view, adequate justification, but in fairness I think we must now move quickly to confirm this nominee who has been awaiting confirmation since May 5 of this year.

As I explained last Friday, I believe it is critical for the Department of Justice, and the business community generally, to have a permanent, confirmed antitrust chief. Until we do, any antitrust matter before the Department of Justice will invite political maneuvering and gamesmanship by the affected parties, and any ultimate decision by the Department, no matter how justified on the merits, will unfairly be subject to criticism.

Mr. Klein has, to his credit, not permitted the likelihood of such criticism to deter him from leading the Department to bring closure on critical matters pending before the Antitrust Division. I believe it is most unfortunate that, because of this body's, the U.S. Senate's, delay, Mr. Klein has been unfairly criticized for such decisions. This does a disservice to the Department as well as to those who come before it.

By urging that we move to confirm Mr. Klein, and in expressing my support for this fine nominee, I intend in no way to diminish the important issues raised by my colleague from South Carolina, and others, regarding competition and antitrust policy in the telecommunications field. Quite the contrary, it is my belief that telecommunications competition and antitrust policy is one of the most important, yet somewhat unsettled, policy areas affecting our emerging and transforming economy.

In fact, I announce today that I plan to work in coordination with Senator DEWINE, who chairs the Judiciary Committee's Antitrust Subcommittee, to explore the looming policy decisions in this area and the role of the Department of Justice in the telecommunications arena. In my view, there are few competitive issues which are more worthy of examination than this one.

Notwithstanding the tremendous import of the issues raised by some of my colleagues, I believe it is neither fair nor wise to hold this nominee and the Antitrust Division hostage because of concerns about his potential positions in this very turbulent area of the law. In my view, sound public policy is best served by bringing this nominee up for a vote, permitting the Justice Department to proceed with a confirmed Chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies.

So, I urge my colleagues on both sides of the aisle to vote to confirm Joel Klein as Assistant Attorney General for the Antitrust Division.

I have known Mr. Klein for quite a while, and I have to say I know him well. I also know his abilities well. I can also say, as someone who has had a little experience in the law, that Mr. Klein will stack up with anybody. He is a fine nominee. I commend the President for having made this choice, for having had the foresight to put somebody like this into the Justice Department.

I commend Mr. Klein for the work that he has done up to date, for his fearless work and not waiting until he is confirmed to act as the acting person in that Department and for the work he did prior to this nomination in that Department. I commend him for a lifetime of service to this country and to his family and to the law firms that he has worked with.

There is no question he has the academic and other credentials that far exceed the academic and other credentials of many others who served with distinction, who served in the Government of the United States, and particularly in the Justice Department.

So I am very happy to support his nomination. I hope that today everybody will support his nomination. I think it is the right thing to do.

Again, I say, my colleague from South Carolina is sincere and dedicated in his effort, but I hope he will see fit to support this nomination as well, on the basis that he has made his case, he has made his arguments, he has stood up for what he believes his principles are, and now it is time to support the President's nominee for this particular, important position in the Antitrust Division.

Mr. LEAHY. Madam President, it is my hope that Joel Klein will be a strong and effective advocate for competition and the interests of consumers when he is confirmed as Assistant Attorney General for the Antitrust Division of the Department of Justice.

I had a close working relationship with his predecessor, Anne Bingaman. I hope that we can develop that kind of relationship, as well.

Mr. Klein has been buffeted a good bit since being nominated. He had to answer some tough questions during his nomination hearing about approving the Bell Atlantic-NYNEX merger without conditions. After the Judiciary Committee reported his nomination to the Senate on May 8, he responded to a letter from Senator BURNS and succeeded in convincing our colleague to remove his hold on this nomination. That letter and an addendum filed by Mr. Klein as Acting Assistant Attorney in connection with the application of SBC Communications before the FCC raised serious concerns for a number of other Senators, however.

Last week the Senate proceeded by unanimous consent to consideration of this nomination. Until that moment, I understood there to have been Republican holds against this nominee. Why the Republican leadership proceeded immediately upon calling up this nomination to file a cloture petition, they will have to explain. In fact, we had worked out a time agreement for the debate before the unnecessary cloture vote on Monday. That agreement was confirmed by the majority and minority leaders and pursuant thereto we are debating the nomination today.

In this regard, I note the consistent willingness of Senator HOLLINGS to debate and vote on this nomination from the outset, and the sincere efforts of Senators DORGAN and KERREY to obtain clarification of issues that concern many of us.

I have given a good deal of thought to this nomination. I believe that the Antitrust Division and the Assistant Attorney General who heads it are extremely important to effective enforcement of our laws and protection of American consumers. I have come to rely on them for advice as we draft legislation and develop policies to foster competition.

I hope to continue to do so. I believe that the President is to be given significant deference on his selections for his Administration team. The Attorney General has contacted us in support of Mr. Klein and his interpretation of the law, and that means a good deal to me. As I consider the legal interpretations and policies in question, I do not find myself in total agreement with the Acting Assistant Attorney General. Nonetheless, I will vote to confirm him.

Unlike some who have spoken in opposition to this nomination, I feel that a good deal of the fault I find with Mr. Klein's positions stems from the Telecommunications Act of 1996. I worked hard to correct and improve that act's weak and deferential standards for ensuring competition. In some measure we succeeded in strengthening the act, but other significant provisions that I supported to foster competition and protect consumers were rejected. That was a principal factor in my decision to vote against that act—the bill was not strong enough.

Others predicted that passage of the Telecommunications Act would launch an era of competition in which cable companies would compete with the regional Bell operating companies for local phone service, long distance companies would compete with the Bells in both local and long distance services, and regional Bell operating companies would compete against each other. The promise of competition was a sales pitch but has not materialized to benefit American consumers. Instead of competition, we see entrenchment, mega-mergers, consolidation, and the divvying up of markets.

I, too, hoped that the Justice Department Antitrust Division would act aggressively to protect consumers and foster competition. I have noted my concerns during Mr. Klein's confirmation hearing in my questioning of his unconditional approval of the Bell Atlantic-NYNEX merger. If the current law only serves to protect against mergers that tend to diminish competition where it already exists, it may be time to amend the law to foster competition where none has existed. I hope that Joel Klein will help us do that.

I was taken aback by the language Mr. Klein used in his May 20 letter to Senator BURNS by which he "specifically rejected the suggestion in the conference report" on the Telecommunications Act that the 8(c) test be employed. But the more that I reviewed the matter, the more I realized that much of the fault lies with the conference report itself and the Telecommunications Act's failure to provide a definitive test.

I was not appointed to serve on that conference committee, although I was serving as the ranking Democrat on the Antitrust Subcommittee on the Judiciary Committee at the time. I would have wanted to help that conference incorporate a stronger test into the law. That did not happen.

It is my hope that working with the Department of Justice we can now help ensure that the test the Attorney General has adopted—that the local market be fully and irreversibly open to competition—is a meaningful standard and strong enforcement tool. If not, Congress should revisit it and strengthen it.

I do think that Senator HOLLINGS is correct when he criticizes the addendum to the Justice Department's submission in connection with the SBC Communications application. Both Senator HOLLINGS and Congressman BLILEY concur as principal drafters of the law regarding their intent and its meaning. I trust that the Antitrust Division will review its position on the proper meaning of section 271 of the Telecommunications Act and its requirement for competing service providers to offer facilities-based services.

In opening the debate on this nomination, Senator HATCH cited "ambiguities left in the wake of the Telecommunications law" and "unsettled policy areas" and said:

> But I believe it is neither fair nor wise to hold a nominee hostage because of such concerns, especially one as competent and decent as Joel Klein. In my view, sound public policy is best served by bringing this nominee up for a vote permitting the Justice Department to proceed with a confirmed chief of the Antitrust Division, and for us in Congress to move forward and work with the Department and other involved agencies in the formulation and implementation of telecommunications policies.

I agree. I look forward to the Judiciary Committee and our Antitrust Subcommittee exploring these important competition and antitrust policy matters. I will likewise expect Senator HATCH to support other Administration nominees for areas in which policies are in controversy.

Now that the majority leader has moved to implement his new hold policy of proceeding on nominations, I trust he will not delay any further the nomination of Eric Holder to be Deputy Attorney General and that he will promptly move to consideration of the judicial nominations reported by the

Judiciary Committee over the last several weeks.

Some wrongly view confirmation as the end of the nominee's work with the Senate. I hope that this is just the beginning of Assistant Attorney General Joel Klein's work with us to protect consumers and foster competition. This is an awesome responsibility.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Madam President, I had a conversation with the distinguished Senator from Utah who encouraged me to throw my entire prepared remarks away and take a gentlemanly course and support the nomination of Joel Klein. I have chosen not to do that. I have great respect for the Senator from Utah, and I have chosen to continue to offer to my colleagues reasons why I have chosen to vote against Joel Klein, why I have chosen to oppose the nomination.

I like the man, I respect him, I believe he is a good individual, and I don't like coming here opposing a nominee that President Clinton sent to the Congress for confirmation. I would like very much to give him my unqualified support, but I simply, Madam President, cannot.

About a year and a half ago, many of us in this Chamber who participated in this debate over the Telecommunications Act—and I must say, Madam President, one of the reasons I found myself in opposition to Mr. Klein is I led him to get the Department a role in the Telecommunications Act so that they would have some voice in determining whether or not there could be competition prior to approving the moving of entry from one sector to another. I fought for that, and many opposed that. We ended the day and prevailed here on the floor, prevailed in conference, and prevailed for final passage. It was signed and made a part of the law.

Mr. Klein, in response to a question raised by a Member of this body who actually opposed that, it seems to me in a letter gives away Justice's role. Now the Attorney General, Janet Reno, has written in response to our asking her if she thinks Justice has a role, has written a letter saying, indeed, she believes Justice does have a role, and she intends to exercise the authority the law gives her.

Indeed, Madam President, Mr. Klein, in meetings with me and with others who were concerned about the remarks he made in this letter, has given me assurance and pointed to several cases where his actions seem to be very, very much procompetitor—my hope is that Mr. Klein is. As the head of the Antitrust Division of Justice—I can read the tea leaves earlier on the cloture vote and would expect he will receive a fairly substantial vote, a resounding vote of support. My hope is I am wrong.

This morning in the Omaha World Herald this article appeared. The headline says, "So Far, Consumers the Losers in Battle for Dial-Tone Dollars."

Madam President, this is what Members should be concerned about, not just the Antitrust Division of Justice but they should also be concerned about the nominees for the Federal Communications Commission and what they intend to do, how they intend to vote, how they intend to make certain that we have competition, because unless we get competition at the local level, unless there is competition at that local level for that local dial tone, indeed for all information and services at the local level, it is not likely the consumers will benefit in the same ways that consumers benefited after divestiture in 1982. Divestiture produced competition in long distance. That competition resulted in a reduction of price to the consumer and an improvement of quality, as competition almost always does.

Without precedent, this legislation proposes to move us from a monopoly at the local level—which we still have for most residential customers—from a monopoly to a competitive environment. We are not there yet. We still have a monopoly. That monopoly can always, if there is only one choice that the consumer has, can always basically charge whatever they want to charge.

This new legislation preempts States authorities from being able to do many of the things they had done in the past. There are 358,000 residential lines in the regional Bell company serving Omaha, NE. The present rate for that local residential service is proposed to be $16.35, from a current rate of $14.90, a 9.7-percent increase, almost a 10-percent increase from another local company that is also being proposed. They have that authority, now Madam President, to be able to come and raise these residential rates.

It is going to be a problem for all of us if we do not get, in as expeditious a way as possible, competition down to the local level. What will happen, all of us will have to be explaining why it was, in 1996 when we debated this bill, why it was that we all promised this would be great for the consumers—reduction in price, improvement in quality of service—why it is that they are not seeing this reduction in price, why it is they are seeing an increase in price instead of a promised reduction. The answer will be, we don't have competition yet.

My belief is that the Congress is going to have to think in a very hard and clear fashion what it is we have to do in order to make certain that we have competition. I remember the distinguished Senator from Arizona, Senator MCCAIN, as he debated this bill, and I believe he ended up voting against it for precisely the same reasons I am talking about now. He actually talked about lots of regulatory requirements that didn't necessarily mean that we would get competition. He favored, as I heard him at the time, something that actually had great appeal to me, which is forget all the regulatory requirements, let's have almost a Le Mans racing start. Set a time certain when everybody can compete, regardless of who they were, in everybody else's market—let's have that.

As my colleagues will probably recall in 1996 when we were having our debate, the prediction was that what we would have is the regional Bell companies competing against one another in individual markets, that we would have the cable companies then competing. Since that time, what we have seen is a significant amount of mergers, and I don't believe the kind of movement needed, with the single exception of a few companies. We have seen Ameritech moving aggressively to open their market and try to get approval, as well to get into long distance. That is the transaction that the law provides for—open up your local market and then you can go into long distance service. That is the idea of the law. But it isn't happening very fast.

As a consequence, I don't think I will be the only Member who opens up their hometown newspaper and looks at the headline and sees, "So far consumers the losers in battle for dial-tone dollars." The reason the consumers will be the losers is that the consumers in Omaha, NE, the residential consumers, when it comes to dial tone, they have two choices—take it or leave it. If you don't like the increase you can buy your local service from nobody else. You really only have one choice.

I say, Madam President, I will not be supporting the nomination of Mr. Klein. I will be voting against Mr. Klein. I hope that other Members who are wondering what this debate is about will give it some very serious thought. They will, as well, be hearing from consumers in the not-too-distant future, if they haven't already, "I remember, Senator, when you were debating this. Didn't I recall you issued a press release saying that this legislation was going to produce lots of new competition and reduction in price, and improvement and quality of service? Where is the competition? I still don't see it. Where is the promised price reduction? Where is the promised benefits to the consumers that were supposed to be coming our way at a theater near you?" Instead, what we have is price increases.

Mr. Klein, in his rather unfortunate, as he describes it, letter in response to a question by a Member who opposed giving the Justice Department authority over antitrust matters when it came to telecommunications, Mr. Klein says today, "Well, I didn't really mean all those things. I intend to be a very forceful advocate for competition."

Madam President, I don't believe that is likely to happen. Mr. Klein approved the Bell Atlantic NYNEX merger. There were a lot of people, when this bill was being debated, that would not have stood up and said, "The reason I am supporting this is because I hope what we get is the regional Bell operating companies merging with one another. I hope that happens. I hope we get mergers because that is exactly what we need in order to get more choice." I don't know how that produces more choice for the residential consumers in this new expanded area that now a single company will have. I see decreased choice.

I heard a lot of people coming down and saying in fact what we are likely to see is the large local monopolies competing with one another for service. Though we are seeing some of it, I don't believe we are seeing anywhere near what we promised we were going to see, and unless we get a vigorous advocate for competition in the Department of Justice, unless we get, as well, on the Federal Communications Commission, appointees who will do the same, as I said, Madam President, there will be a lot of people in this Senate as well as in the House of Representatives having to explain to their consumers, to their residential consumers, just what exactly did you think was going to happen back in 1996?

So I hope that my colleagues, when they come down here to make a decision about whether or not they will vote yes or no for the man who will have a very significant role in determining whether or not we were right or wrong in 1996, I hope they give very serious consideration to whether or not they believe that this individual is going to be able to do what we all promised we were going to try to do when we voted for and took credit for this very significant piece of legislation in 1996.

I yield the floor.

Mr. HOLLINGS. Madam President, let me first thank my colleague, the distinguished Senator from Nebraska. He has been very, very participatory over the years. It actually took us about 4 years to get the Telecommunications Act of 1996 to a vote. On both sides of the Capitol and both sides of the aisle we had a very, very deliberate discussion and treatment of the particular issues involved. No one understood better the thrust of trying to deregulate and bring about competition than Senator KERREY of Nebraska. I praise him publicly, once again, for his leadership and the inclusions that he had contained in the final act itself.

Referring to that final act, Senator KERREY tells exactly what is at stake here—this institution. The U.S. Senate seemingly has no historical memory. What we really had on course during the 1960's, 1970's, and early 1980's was a terrible monopolistic control of American Telephone & Telegraph. The fact of the matter was that they had some 12 particular rulings by the Federal Communications Commission. But the smart lawyers for the AT&T group would always put those on appeal, seek further delay, further consideration. While there were 12 orders on course at the Federal Communications Commission, mind you me, none of them could get enforced. We were in an outrageous standoff in the courts and at the Commission and, yes, an outrageous standoff in the Congress itself. We could not get a bill passed. They have that much political power. There isn't any question about it.

So, a very brilliant and dedicated jurist, Harold Greene of the circuit court here in Washington, DC, took this matter over on a petition from the Justice Department for the AT&T breakup. In 1984, the modified final judgment was handed down and the Bell companies were spun off on their own to begin competition, and AT&T itself was opened up for competition. That wasn't easy. I wish my friend, Bill McGowan of MCI was here because it was 30 years ago, practically, that he, with a little two-floor apartment down in Georgetown, with a little aerial on top and three assistants, started to try to get into long distance. Very interestingly, the Farmer's Home finally gave him a loan. Can you imagine that? Competition started with a Farmer's Home loan. With that little bank, so to speak, he worked and brought some cases, he began nibbling away at the magnificent monopoly of AT&T in long distance.

Since that time, of course, the long distance market has opened up. You've got MCI, Sprint, GTE, and the Brits are coming in, and the Germans, and all are participating—the Canadians, and otherwise. And so you have a very dynamic long distance market.

However, the monopolies at the local level persisted, and those monopolies were intended for the "public convenience and necessity"—that is a phrase hardly heard in the halls of our National Government—in order for the advantages, the services, the opportunity, the advancements to be brought onto the market and enjoyed by the public, we instituted the Federal Communications Commission. We had the old rulings coming out with respect to getting licenses to carry, and otherwise, at the State level, at "public convenience and necessity." And we intentionally gave these seven Bell operating companies a monopoly. We said: You provide the services and we will protect you so that you are not bothered with the competition. On the contrary, if you get those services to the people, we will give you a profit that averages around 12 percent. Sometimes, in hearings, it went above that. You find them now to have made one heck of a lot of money. But my crowd is down in Buenos Aires, and I just read this past week that Bell South is investing in Brazil, which has some 20 million people. That is way more than the 3.6 million that we have in my little State of South Carolina. So more power to them. They have been well-operated. They have that monopoly. That was a big headache that we had in trying to bring about deregulation, deregulation, deregulation.

This crowd up here in the House and Senate have no idea of the struggle that we had and the expertise that went into the drafting of this particular Telecommunications Act of 1996, to make sure that that monopolistic control, that checkpoint, that bottleneck, that choke-point was broken up, so that competition really could ensue. And we had what we call the "checklist." And I can see that being worked on late nights around the clock, over Thanksgiving holidays, working, of course, with the Bell operating companies, we would meet—I forgot my days now— there was one on Friday and long distance on Monday. The long distance may have been on Friday and the Bell operating companies on Monday. But I set up a system, those years back, as the chairman of the Committee of Commerce, Science, and Transportation, whereby everything would be operated on top of the table. We would bring all sides in. They would all be considered and they would be told where we were and what we were negotiating and why.

I deemed that nothing was going to be done, because there were all kinds of attempts during the 1970's and 1980's—and I had learned from hard experience that you had to have a bipartisan bill and you had to have all the parties in, and no last minute surprises, or anything of that kind. So credit must be given to the various staffs on the Republican and Democratic sides, working around the clock, to fathom the particular provisions that are in issue in this particular appointment.

I know that some don't want to hear, and others don't care and they don't listen to this particular background. But it is a very interesting thing because it was worked out and finally voted upon by 95 Republican and Democratic Senators when it passed. There was a strong majority over on the House side.

It was a bill that, interestingly, when we finally agreed in December of 1995, our distinguished friend, the Vice

President of the United States, heard that we in conference had gotten an agreement, and he came on the NBC Evening News program right in the middle of the news program. I happened to be listening when I had gotten back to the office. What occurred was that Tom Brokaw said, "Wait a minute, ladies and gentlemen, we have a newsbreak from the Vice President of the United States." I was worried that something may have occurred to the President, but it was not that at all. He came on and said, "We finally got my information superhighway agreed upon and I got everything I wanted. Well, this was December 1995, right after that 1994 election. Speaker GINGRICH on the House side said, "If he got everything he wanted, that bill is deader than Elvis." The leader on the Senate side, Senator Robert Dole, said, "I am not going to call it."

Of course, I had the duty, during the ensuing weeks through into Christmas and Christmas week, and all through the month of January, of holding the line.

I describe that to my colleagues because I want them to know that every little thing in that bill was worked out with everyone and to their satisfaction and, finally, of course, to the Speaker and the Majority Leader Dole, because the bills were called in February of last year and passed both Houses and were signed by the President.

Now, in coming about the breakup of the monopolies, to make sure—because you can't get competition going unless the Bell companies go along. I can tell you here and now, if I ran a monopoly, I would continue investing in Buenos Aires and all like that for my stockholders, and what have you, and making money, and just hold on and appeal and drag feet and everything else.

Let me emphasize that is just exactly what has happened, why this particular nomination ought to really be rejected. It is a sort of sad day when you work as hard as you do to get something done for the administration, and the administration sends up an appointment of this kind that upsets the entire apple cart.

Let me tell you, Madam President, here it is, just last weekend, "MCI Widens Local Market; Loss Estimate," in the July 11 Wall Street Journal. Some $800 million—saying its losses from entering that business could total $800 million this year, more than double its original estimate. Why? Because here is an analysis right here again in the Wall Street Journal, over the weekend, when they announced that their shares dropped 17 percent. I only quote Chris Mines, senior analyst of Forester Research, Inc., in Cambridge, MA, who said, "MCI's complaints are totally justified. In general, I think local carriers are dragging their feet, using every means at their disposal to protect their monopolies."

Now, Madam President, it is just not the news articles in the Wall Street Journal. Take this week's Business Week magazine, on page 33, "Why SBC Shouldn't be the First Bell in Long Distance." Rather than reading the entire article, little squibs encapsulate those reasons. "How SBC keeps rivals away: one, excess charges. AT&T needed customized routing to provide directory assistance to its customers in SBC's territory. SBC's initial quote is $300 million. AT&T says other Bells charge $1 million to $2 million." That is rather than the $300 million.

So it is perfectly obvious that they sit there and make this outrageous charge and that holds up everything. You get Senators running around, "I don't know what is the matter with our bill. We want to open up the market. Let market forces operate." You have monopolies determined. Here is another reason here how SBC keeps rivals away. "In Oklahoma, competitors must pay $19.13 per line for SBC's unbundled network, but SBC's retail rates are $14.34 a month."

So, if they are going to charge 20 percent again more than anybody coming in the market, anybody coming in the market is going broke, and there is a loss by another long distance carrier. AT&T is trying to get in this market. MCI is trying to get in the other long distance market. They are losing already $800 million trying to just break it.

Third, legal attacks. How SBC keeps rivals away. Legal attacks. SBC has appealed even basic decisions by State regulators. For example, SBC appealed a Texas decision to let Teleport Communications Group provide competing local service. SBC contends Teleport had not met State standards.

Madam President, I cite this from this particular article because it's momentary, it's timely. What really happens is not just MCI and AT&T, but others in these monopolies, with their lawyers, are bringing cases to test the constitutionality of the Telecommunications Act of 1996. The one thing they said, "Let's stop the bickering. Can't we work in a bipartisan nature and get things done?" The one thing done this past Congress on a bipartisan basis was a 95 to 4 vote for the Telecommunications Act of 1996—totally bipartisan. I think those things ought to be understood and how they came about, and how long and hard we worked over them.

Now, in getting about this particular task, I communicated with President Clinton and the White House and asked him if he could note in a letter just exactly what his concerns were. I want to make sure staff gets copies of every one of these because they are not getting my file. And every time I get ready to talk, I just need a few notes. I can't even get a few notes. They are back there hidden away. So you get your copies.

Remember this: I have a White House letter, Madam President, dated October 26, 1995, from President Clinton. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, October 26, 1995.

Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR FRITZ: I enjoyed our telephone conversation today regarding the upcoming conference on the telecommunications reform bill and would like to follow-up on your request regarding the specific issues of concern to me in the proposed legislation.

As I said in our discussion, I am committed to promoting competition in every aspect of the telecommunications and information industries. I believe that the legislation should protect and promote diversity of ownership and opinions in the mass media, should protect consumers from unjustified rate increases for cable and telephone services, and, in particular, should include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition.

Earlier this year, my Administration provided comments on S. 652 and H.R. 1555 as passed. I remain concerned that neither bill provides a meaningful role for the Department of Justice in safeguarding competition before local telephone companies enter new markets. I continue to be concerned that the bills allow too much concentration within the mass media and in individual markets, which could reduce the diversity of news and information available to the public. I also believe that the provisions allowing mergers of cable and telephone companies are overly broad. In addition, I oppose deregulating cable programming services and equipment rates before cable operators face real competition. I remain committed, as well, to the other concerns contained in those earlier statements on the two bills.

I applaud the Senate and the House for including provisions requiring all new televisions to contain technology that will allow parents to block out programs with violent or objectionable content. I strongly support retention in the final bill of the Snowe-Rockefeller provision that will ensure that schools, libraries and hospitals have access to advanced telecommunications services.

I look forward to working with you and your colleagues during the conference to produce legislation that effectively addresses these concerns.

Sincerely,

BILL CLINTON.

Mr. HOLLINGS. Madam President, I quote the second paragraph:

> As I said in our discussion, I am committed to promoting competition in every aspect of the telecommunications and information industries. I believe that the legislation should protect and promote diversity of ownership and opinions in the mass media, should protect consumers from unjustified rate increases for cable and telephone services and, in particular, should include a test specifically designed to ensure that the bell companies entering into long distance markets will not impede competition.

I emphasize this because I had the charge from the President himself.

Now you have the President's nominee coming and refuting all of that, because if you want to know where rates will increase, instead of competition, we are going to get consolidation, and instead of a competitive place in the market, you are going to get fixes all around. This crowd has been operating monopolies for, lo, decades upon decades. They know how to do it. They have a hard time learning.

AT&T in the 1980's pared down by a third the size of AT&T after the modified final judgment in 1984. But they made twice the profit after they finally learned how to compete. Our friends, the Bells, have yet to come and learn that. In fact, I strongly advised from these happenings that they have no idea of competing; they have every idea of holding onto the monopoly as long as they can.

Madam President, "If we can get an Assistant Attorney General or Deputy Attorney General"—whatever you want to call Mr. Joel Klein—"in our camp, rather we can hold on and continue making out like gangbusters for years to come."

Now, as a result of the President's letter, we finally have section 271(c)(1)(A) of the Telecommunications Act, and I ask that the statement under "presence of the facilities-based competitor, including both residential and business subscribers, having a facilities-based competitor for both business and residential"—which was proscribed in this law, and there are no ifs, ands and buts how it is written—I ask unanimous consent that it be printed in the RECORD, just that section is necessary and not the entire act, of course.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(A) PRESENCE OF A FACILITIES-BASED COMPETITOR.—A Bell operating company meets the requirements of this subparagraph if it has entered into one or more binding agreements that have been approved under section 252 specifying the terms and conditions under which the Bell operating company is providing access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service (as defined in section 3(47)(A), but excluding exchange access) to residential and business subscribers. For the purpose of this subparagraph, such telephone exchange service may be offered by such competing providers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange facilities in combination with the resale of the telecommunications services of another carrier. For the purpose of this subparagraph, services provided pursuant to subpart K of part 22 of the Commission's regulations (47 C.F.R. 22.901 et seq.) shall not be considered to be telephone exchange services.

Mr. HOLLINGS. Madam President, we had a glowing candidate for the Acting Assistant Attorney General in Joel Klein on March 11, 1997. He went down to a class, a legal work seminar, on March 11, and the title of the seminar was "Preparing for Competition in a Deregulated Telecommunications Market."

Joel Klein, on page 9, I read here, and I quote: "Now let me add a few words about how we will apply this standard to our BOC applications under section 271 of the act. Our preference, though we recognize that it may not always occur, is to see actual broad-based business and residential entry into a local market."

I ask unanimous consent that this particular speech be printed in the RECORD in its entirety. So I am not quoting out of context.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREPARING FOR COMPETITION IN A DEREGULATED TELECOMMUNICATIONS MARKET

(By Joel I. Klein, Acting Assistant Attorney General, Antitrust Division, U.S. Department of Justice)

First, I want to say that I'm delighted to be here today and I'm grateful to Joe Sims and Phil Verveer for having invited me. I can tell from reading the program and looking at the impressive array of speakers that this has been a comprehensive and informative conference on some cutting-edge issues in the communications industry. In fact, when I realized that I was going to be the last person to speak I was reminded of Adlai Stevenson's quip in a similar situation when he said, "We're at the point in the program where everything that could be said has been said but, unfortunately, not everyone has had a chance to say it." So, I'm especially appreciative that so many of you have stayed around to hear my closing remarks and I hope that, despite the odds, I may be able to add something to the overall discussion.

Let me start by stating the obvious: what we're going through right now in the communications field is truly extraordinary. Technology, globalization, and last year's legislative, executive, and administrative actions have come together to create an environment of rapid change, great opportunity, and considerable risk. We all know that ten years from now things will be very different in the communications industry; we just don't know how they'll differ. From our perspective at the Antitrust Division, we have one, overarching goal—to maximize competition. To be more concrete about that, as I see it, the ideal result would be a variety of different conduits—be it wire, wireless, cable, or what have you—that link people with all kinds of content—be it voice, video, audio, computer, and so on. But envisioning an ultimately desirable competitive market structure is not the difficult part here: what's really hard is how we get there in a market that's transitioning from regulation to competition. And that is the journey that we in the Antitrust Division have embarked upon—at a somewhat dizzying pace. I might add, since the passage of the 1996 Telecom Act a little more than a year ago.

Before I focus in on some of the specifics, let me give you a sense of the breadth of what we're dealing with. In the first place, we've seen a flood of radio mergers now that the 1996 Act has authorized far more liberal ownership rules. I'm advised that there have been over a thousand such mergers in the past year and about 150 of them have been brought before the Division, principally through the hart-Scott-Rodino process, but also through independent inquiry in several non-reportable transactions. We've conducted extensive investigations in many of these cases and, to date, we've sought divestitures in a handful of mergers. And while that's important in terms of the economy the real story here is how much concentration is occurring. In short, the concentration envisioned by Congress is taking place, no doubt allowing the industry to achieve some important efficiencies. And so long as this consolidation doesn't erode competitive opportunities in any market—and, with the application of sound antitrust principles as a guide. I don't think it will—then these mergers may ultimately strengthen the position of radio in the overall communications industry. And, frankly, that's all to the good.

Beyond radio, we're also experiencing consolidation in other areas of the communications industry. The FCC is still evaluating what limits to place on broadcast ownership but, in other areas, we've already seen significant movement. There's been a major Bell Company/cable merger—U.S. West/Continental Cable—which the Division cleared with some modification to the original deal. And we've also seen three major telephone mergers—SBC/Pactel, which we cleared without objection several months ago, and Bell Atlantic/NYNEX and MCI/British Telecom, which are both still pending before us. These cases raise important questions about potential competition, and also about international interconnection where market conditions may differ significantly in different countries and we have expended, and will continue to expend, considerable time and energy analyzing them and other such mergers that may come before us in the future.

Now, in the time that remains, I'd like to focus in on one particularly challenging aspect of this journey through the communications industry and that is the deregulation of telephone services in this country. This was probably the most significant part of the 1996 Act and it raises enormously difficult questions, questions that we at the Division have, to some degree, been dealing with under the Modified Final Judgment, or the "MFJ," that resulted in the break-up of AT&T and the creation of seven Regional Bell Operating Companies, or "RBOCs," as they are called, with severe restrictions on what they could do beyond providing local telephony within their own service areas. As a result of that lawsuit, there can be little doubt that the Nation has seen significantly improved long distance competition, accompanied by the innovation and downward pressure on prices that results from such competition. That is not to say that everything's perfect in long distance—even more competition would certainly be welcome—but it's important to recognize how far we have come when we have three well-established competitors, hundreds of other resellers, and four fiber-optic systems wiring the country, with a fifth in progress. I can tell you from my personal dealings with officials from other countries that, as a result of the AT&T case, the U.S. is positioned for global competition in a way that is the envy of our current trading partners—whose telephone companies will be our future competitors, I might add.

But now we are charged with taking the next steps—in particular, the Congress, together with the leadership provided by the Clinton Administration, established a statutory framework that is designed to open up local telephone markets to competition and that would allow the local companies to move into in-region, long distance service for the first time. The goal of this process is to have full-scale competition in telephony throughout the nation. In a nutshell, consumers should have as many as possible, but at least several local options, long distance options, and, ultimately, combined local and long distance options (one-stop shopping, if you will). Once again, knowing where we want to get is the easy part: it's getting there that's hard. And to accomplish that goal, the statute puts in place a variety of interrelated steps and assigns responsibility to three separate agencies—the FCC, the various state regulatory commissions, and the Department of Justice. This mix of players, I would suggest, sensibly reflects the fact that telephone regulation has historically been a shared function of the FCC and the state agencies and, quite naturally, both of them are necessary to the deregulatory process as well. And we also belong there, essentially because the goal of the process is competition and we have expertise in that area generally and with respect to telephony, in particular, because of our extensive involvement in the AT&T case.

The vision of the 1996 Act was premised on a simple formula: if the regulatory environment were different, the market for local telephone service—previously thought to be a "natural monopoly"—would be subject to the discipline of competition, bringing down prices and increasing quality and choices for consumers. On this point, there was widespread agreement, supported by the experience of several states in paving the way for competition in the market for local telephone service. Building on that experience in 1995, the Antitrust Division, along with Ameritech, AT&T, and many other parties proposed, on a trial basis, a waiver of the MFJ, allowing Ameritech to offer in-region, long distance service in return for compliance with some measures designed to open its local market to competition and a demonstration that actual competitive opportunities were expanding. This proposed waiver, like the 1996 Act, contemplated the creation of new, facilities-based, local service as a way to bring real competition to the local telephone market. The Act seeks to do this on a much broader scale, and in so doing, calls for a series of transitional steps. Getting these steps right is no easy task, and although they may not immediately lead to the type of comprehensive facilities-based service that we hope to see over time, we all realize that we should not let the perfect be the enemy of the good here.

As I see it then, implementing the deregulatory vision set out in the 1996 Act involves four basic things: (1) a set of rules that will allow new entrants into local markets—the so-called interconnection rules adopted by the FCC last August and which have now been stayed in significant part by the Eighth Circuit: (2) another set of provisions that establish the criteria necessary to facilitate local competition and with which the RBOCs must comply before they are allowed to provide long distance and one-stop shopping services: (3) access reform, designed to reduce the price paid to local carriers for originating and terminating long distance calls so that this price will reflect the actual cost of providing the service: and (4) a universal service plan that will eventually replace the implicit subsidies contained within the current regulated telephone service system with explicit and competitively neutral subsidies. As to this last point, I should quickly explain that the current system requires some users to pay above-cost rates to subsidize other users who are served at rates below cost: the 1996 Act calls for these implicit subsidies to be made explicit and to be paid for through a competitively neutral universal service fund. Until we fully implement this mandate, some local exchange carriers (or LECs, as they are called) may be required to bear the costs of serving these customers at uneconomic rates and/or we will continue to see inefficient pricing and entry signals which will tend to distort competitive opportunities and thereby hurt consumers.

Now, as I see it, the paradox of this kind of deregulatory effort is that it depends upon a series of regulatory steps—all taken, to be sure, in the name of deregulation—and those regulatory steps, in turn, can significantly affect the long-term prospects for full-scale competition in telephony. There is no formula or equation that one can look to in order to get these things right. They involve the exercise of discretion by government agencies, which in turn requires careful, sound judgments. And, given that these predictive judgments are necessarily based on incomplete information, we should all be somewhat humble in second-guessing those who have to make the calls. Interestingly, the Fifth Circuit, quoting Justice Cardozo, made just this point about a quarter of a century ago in a case evaluating an FCC regulation prohibiting telephone companies from offering cable service in their regions, explaining that: "[i]n a complex and dynamic industry such as the communications field, it cannot be expected that the agency charged with its regulation will have perfect clairvoyance. Indeed, Justice Cardozo once said, 'Hardship must at times result from postponement of the rule of action till a time when action is complete. It is one of the consequences of the limitations of the human intellect and of the denial to legislators and judges of infinite prevision.'"[1]

Against the backdrop of this call for humility, let me now go on to highlight the problems in making the necessary regulatory judgments by examining the four transitional steps that I just mentioned. First, in order to get even some local competition, at least for some period of time, competing carriers will have to either purchase service from the LEC at wholesale and attempt to compete with the same LEC by reselling at retail or it will have to use the LEC's facilities—switches, loops, and the like—in whole or in part. In either case, someone has to set a price for the product—be it wholesale service or the unbundled elements. That price in turn can have important repercussions—set too high, it can unfairly burden new entrants and make local competition impossible; and set too low, it can give new entrants a competitive advantage at the expense of the incumbent LEC. What this all means is not just that one of these companies may make a little (or even a lot) more than the other but that long-term competitive conditions can be seriously affected by these pricing decisions. This particular concern has led to the Eighth Circuit litigation in which the incumbent LECs are challenging the FCC's pricing methodology (as well as the Commission's authority to impose a certain pricing methodology to begin with). Fortunately, at least from our point of view, most of the States have followed the Commission's pricing methodology and so, while the litigation goes forward, the actual prices for wholesale and unbundled elements may not be materially different regardless of who ultimately prevails in the Eighth Circuit. I say that's fortunate from our point of view because we supported the FCC's approach as a sound pricing methodology for stimulating efficient local entry.

The second area where some difficult regulatory decisions must be made in this deregulatory process has to do with the issue of when a particular RBOC is permitted to enter the long distance market. Under the statute, this is a state-by-state determination, made by the FCC, with key inputs from the state regulatory agencies and the Department of Justice. Here, too, you can readily see the significance of the trade-offs in the regulatory decision. If you let the RBOC into long distance prematurely, two bad things can happen. First, you may undermine the chance to ensure a competitive local market since once in long distance, the RBOC's incentive to cooperate with its competitors will diminish—if not altogether, at least significantly. And second and derivatively, a premature entry into in-region, long distance service gives the RBOC an unfair advantage in the offering of one-stop shopping since it can readily combine its local service with one of several long distance services easily available to it in the marketplace, while its potential competitors may not have nearly so easy a time combining their long distance service with local service that has heretofore been unavailable to them. On the other hand, if you keep the RBOC out of long distances for too long a period, you risk giving the long distance carriers an undue competitive benefit, since only they are able to offer customers both local and long distance service for the period of time that the RBOC is denied entry, thereby giving them a first mover advantage. Not surprisingly in this environment both kinds of carriers—local and long distance—feel very strongly about the timing of RBOC entry into long distance, even to the point of purchasing significant advertising to make their respective cases.

For our part at the Antirust Division the issue of RBOC entry into long distance has been a special focus. Under the statute, we are expressly charged with evaluating each of the fifty state applications and our competitive assessment must be given "substantial weight" by the FCC. What is probably most notable about the process is that we are authorized to make our assessment "using any standard the Attorney General considers appropriate." Now, given that broad swath the first thing we needed to do is to establish a concrete standard so that applicants would know in advance how we'd be evaluating them. We also needed to relate our standard to the other, specific provisions of the statute—such as the 14-point checklist the Section 272 separate-subsidiary requirements, and the Track A and Track B entry provisions, as well as the public interest test that the FCC is charged with applying. In order to meet this challenge, we engaged in an extensive inquiry, soliciting comments from all interested parties and meeting with virtually all the affected players. We received almost seventy-five comments and have met with countless industry officials.

The upshot of this process has been to reach the following conclusion: Our basic standard is that before an RBOC should be allowed to enter long distance, it must be able to demonstrate that its market is truly open (which, I should make clear, is different from saying its market is fully competitive).

---

[1] *General Telephone Co. of Southwest* v. *United States*, 449 F.2d 846, 863 (5th Cir. 1971) (quoting Benjamin Cardozo. The Nature of the Judicial Process 145 (1921)).

Before I put meat on the bones of that standard let me first say how we think it integrates with the remainder of Section 271. We believe that the other provisions—the checklist the facilities-based requirement the separate-subsidiary requirement and the option of Track B—are all necessary, though not sufficient, to support entry. These requirements, almost as their names imply, involves fixed points but, by themselves are not sufficiently dynamic to ensure that real competition can take place. That's where we think our approach comes into play; we view it as the dynamic part of the equation looking to ensure that the wholesale support systems for opening up local markets are not simply claimed to be in place, but that they will actually work in fact are scalable, and have been beachmarked, so that competition will be real and not marely theortical. We think this approach is the best way to ensure competitive effectiveness which we take to be our express charge under the statute and we think it dovetails nicely with the "public interest" standard that the FCC is charged with applying in making the ultimate decision under 271 whether to approve a particular application. More broadly, we believe that our approach fits well within the overall statutory scheme adopted by Congress, nicely blending the fixed and dynamic requirements to reach an effective result.

Now, let me add a few words about how we will apply this standard to RBOC applications under Section 271 of the Act Our preference, though we recognize that it may not always occur, is to see actual broad-based—ie, business and residential—entry into a local market. This kind of entry requires not only appropriate agreements between the RBOCs and their potential competitors, but also the wholesale support systems necessary to ensure that when a current customer is switched from the RBOC to the new competitor, the switching process occurs quickly and effectively, so that the customer is satisfied and its new phone company is not blamed for messing up the transfer—or that, after a customer has been switched and she needs any services, such as repair of her phone line, she gets it from the RBOC in a timely and effective manner. The truth is that, no matter how effectively systems are designed and even assuming complete good faith on the part of the RBOC, this kind of transition can have a lot of bugs in it. Once we see successful full-scale entry, however, then we will have reason to believe that the local market is open to competition. This approach doesn't require the shift of any particular amount of market share; nor should it take very long once there is true broad-based entry into the RBOC's market. Rather, using a metaphor that I've become quite fond of, we just want to make sure that gas actually can flow through the pipeline; and the best way to do that is to see it happen.

This approach—i.e., looking for tangible entry—also has two additional virtues: first, once there is such entry, the new entrant certainly should have an incentive to make the process work, since any new customers that are ill-served will blame the new entrant. This will mean that the new entrant is not likely to be gaming the system and, if there are problems, the reason will be that the local market, for some real-world reason—malign or benign—just isn't ready for competition yet. And second, if broad-based competition appears to be working smoothly, as we certainly hope it does, it will establish a benchmark against which future, post-RBOC entry into long distance, performance can be measured. In other words, if competitors can obtain what they need, and what they are legally entitled to get from the RBOC prior to its entry into long distance, but not after it then we will have reason to suspect that something is wrong and we will be able to pursue appropriate remedial action.

Now, an even harder problem arises when the RBOC claims that it's done everything it can to make entry opportunities fully available but, for some reasons, no new entrant has decided to go forward in a significant way. In these circumstances, we will attempt to determine what the problem is. And, purely at the level of speculation, one could imagine a variety of explanations. For example, the prices being charged by the RBOC could be too high to allow effective competition any time soon or its systems may be too uncertain for the new entrant to take the risk of large-scale entry, or the RBOC may not be cooperating with its competitors by providing the necessary wholesale support systems. One the other hand, it may be that, despite reasonable interconnection terms, fully available support systems, and so on, it simply may not make economic sense for a new entrant to come into any given market on a large-scale basis. Or, a more elaborate version of this problem may be that, if the long distance carriers think they are better off preventing the new competition by the RBOC in their market and also think that the best way to achieve this result is to stay out of the local markets, they may simply choose not to enter. On the third hand, if you will, it may be that some other factor—such as a state statute or local regulation—is making large-scale entry infeasible or, at least, very unattractive. These are some possibilities, and I'm sure there are others as well.

In any event, we will carefully examine the facts in any case where there isn't full-scale entry to determine what's actually going on. In such circumstances, of course, we will ultimately have to make a fact-based determination on a case-by-case basis. But I want to be very clear about one thing: we will pay careful attention to see whether any party is trying to game the system for its own parochial reasons. And, if we think that's what's going on, be assured that we'll take appropriate action. We don't have any dog in this fight—just a desire to ensure full-scale competition in telephony in an enduring fashion. Once that occurs, the market can pick the winners and losers.

Let me now quickly turn to the last couple pieces of this deregulatory puzzle—access reform and universal service. These areas, which are related, also raise long-term competitive concerns. Lowering access charges to cost is desirable in a competitive market but, in the process, there are at least a couple of things you need to be alert to—first, you want to ensure that no one gets an undue competitive advantage during the transition process: and second, you need to make sure that the incumbent LEC is fairly compensation for any implicit subsidies in the system that it has to bear and which have previously been supported by above-cost access charges. That is where the universal service funding system kicks in. It is designed to pick up these kinds of subsidies so that, as I said earlier, competition can go forward without unfairly burdening those players that have to bear the costs of such subsidies.

These kinds of issues can be enormously complex—first, how do you sort out implicit subsidies as well as any historic costs that a LEC is entitled to recover in a way that is fair and, second, how do you then collect the money necessary to pay these costs through a competitively neutral system. If you've seen the FCC's Notice of Proposed Rulemaking on Access Charges—a rulemaking that is ongoing as we speak—you probably have some idea of how complicated this whole process is. The Commission has raised important questions about rate structure, about rate levels—including possible market-based as well as prescriptive methods for dealing with these levels—and about rate deaveraging, which means allowing different access charges for different customers. Anyway, the trick is to do this in a way that hastens competitive opportunities but that is fair to all parties. I am confident that the Commission will do just that.

One final point to remember as we move into a deregulated environment is that the Telecom Act explicitly keeps the antitrust laws in force. This serves not only to guard against any anticompetitive consolidation, but also against any other practices that violate the antitrust laws. Once regulation begins moving off center stage, we are prepared for the possibility that antitrust enforcement may be necessary to ensure full and fair competition in these markets. Especially in network industries, questions of exclusive dealing, control over essential facilities and the use of market power can raise significant antitrust concerns. As a result I intend to make sure that the Division keeps fully abreast of the developments in the marketplace and is ready to take any action necessary to prevent abuses of market power or other anticompetitive practices.

Let me close my emphasizing that while I've tried to accurately portray at least some of the difficulties set in motion by last year's Telcom Act I'm very optimistic about the endeavor we have embarked upon. I've seen some recent stories in the press complaining that consumers haven't yet received the benefits of the 1996 Act but frankly, I think such expectations are unrealistic. We've had a regulated system of telephony in this country for over a century; it won't be deregulated in a year and even after it is deregulated, it'll take time for competition to wring all the fat out of the system so that consumers truly get the best service at the lowest prices. But, if we stay the course, I'm confident that we will ultimately realize how wise this legislation was and how much it will benefit our people. I say that because history has taught us, time and time again, that deregulation is difficult and transitions can be costly, but if our Nation's economy is to be as strong as it can be—indeed, as strong as it must be in an increasingly globalized market—deregulation is not only desirable, it's essential. In short, history is on our side. A little patience is all that's needed.

Mr. HOLLINGS. I thank the distinguished Chair.

Madam President, it is very interesting. I want to refer back to this because that is in regular type. "Though we may recognize that it may not always occur"—"though we recognize that it may not always occur." We are going to refer back to that in just a few minutes because our distinguished chairman of the Communications Subcommittee, Senator CONRAD BURNS, of Montana, wrote Mr. Joel Klein on May 15, 1997.

I ask unanimous consent that a copy of this letter be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 15, 1997.

Mr. JOEL I. KLEIN,
Acting Assistant Attorney General,
Antitrust Division,
Department of Justice,
Washington, DC.

DEAR MR. KLEIN: I have written to the Senate Majority Leader requesting that a hold be placed on your nomination to be Assistant Attorney General of the Justice Department's Antitrust Division. I have concerns as to whether your views of the implementation of the Telecommunications Act of 1996 are in accordance with Congressional intent.

Section 271(d)(2)(A) of the Telecommunications Act of 1996 gives the Department of Justice a consultative role when the Federal Communications Commission considers petitions filed by the Bell Operating Companies (BOCs) for authorization to provide in-region interLATA service. This summer the FCC will begin ruling on these applications and I have several concerns about how both the Department and the FCC will implement Section 271 of the Act. As you know, both the House and the Senate, in establishing a test for BOC entry into the interLATA business, rejected the imposition of any requirement that a BOC must face "actual and demonstrable competition" in the local exchange market before obtaining relief. While the statute allows the Department to apply "any standard the Attorney General considers appropriate", a speech you gave in March raises fears the Department and the FCC may attempt to resurrect this test that was rejected in Congress.

My concern arises particularly from your March 11 speech announcing the Antitrust Division's position regarding implementation of Section 271 of the Telecommunications Act of 1996 (47 U.S.C. Section 271). You stated that the Division would take the position that the BOCs should be forbidden to enter long distance under Section 271 until there is "successful full-scale entry" into the local market. As you put it, the point of this requirement is to be sure that with respect to local telephone services, "gas naturally can flow through the pipeline." I also read your speech as suggesting that where there has not been full-scale entry, you would oppose BOC entry unless the BOC could show that its competitors are "gaming the system."

You have suggested that Section 271 gives you "broad swath" to urge whatever position the Antitrust Division likes. Congress, however, gave the Attorney General a role in advising the FCC with respect to public interest issues because of the Department's antitrust expertise. See, for example, Sen. Conf. Rep. 104–230 for a list of some antitrust standards that might be used. A "gas in the pipeline" standard is plainly unrelated to the antitrust laws and, even worse, violates congressional intent that the checklist should be the only measure of when local markets are open. Simply stated, the Attorney General's consultation on antitrust issues must be framed by the specific statutory standards for BOC entry, which preclude anything approaching a "metric test" like the one Congress rejected.

More fundamentally, the basic point of the Telecommunications Act is that regulators should stand aside and let market forces work once fair competition is possible. Holding up competition in one market because there is not enough competition in another market makes no sense. It is particularly harmful in this context, for local telephone competition may be slow in coming to rural states for reasons that have nothing to do with BOCs' steps to satisfy the checklist. If so, your approach would prevent rural consumers from realizing the benefits of long distance competition that will be available to residents of urban states, just because potential local competitors want to enter profitable urban markets first.

As you prepare to discharge your responsibilities under the Act, I would appreciate your answers to the following questions. This will enable the Subcommittee on Communications to carefully monitor implementation of this portion of the Telecommunications Act.

1. In your speech you used the following terms—"real" and "broad-based competitions", "actual, broad-based entry", "true broad-based-entry", "tangible entry", "large-scale entry", and entry on a "large-scale basis". What do these terms mean to the Department?

2. How many residential customers have to be served by a competitor to meet the Department's entry test?

3. How many business customers have to be served by a competitor to meet the Department's entry test?

4. Does there have to be more than one competitor in the local exchange market to meet the Department's entry test?

5. Does a BOC have to face competition from AT&T, MCI or, Sprint to meet the Department's entry test?

6. How do you reconcile Congress' rejection of a metric test for BOC entry into the long distance market with our statement that "successful full-scale entry" is necessary in order for the Department to "believe the local market is open to competition?"

7. You have used the metaphor that the Department "want(s) to make sure that gas actually can flow through the pipeline" before allowing interLATA entry. How many orders for resold services must be processed by a BOC in order to satisfy this standard?

8. How many orders for unbundled network elements must be processed by a BOC to satisfy this standard?

9. How much market share must a BOC lose to its competitors to demonstrate that "gas can flow through the pipeline?"

10. FCC Chairman Reed Hundt testified on March 12, 1997, before the Senate Commerce Committee that a BOC that satisfied the checklist but did not have an actual competitor in its market would meet the entry standard. Do you agree with Chairman Hundt?

11. If the Department opposes a BOC interLATA application, do you believe the FCC should reject that application? If so, wouldn't that give the Department's recommendation "preclusive effect," something that the Act specifically prohibited?

12. You have also stated that the checklist, the facilities-based requirement, the separate subsidiary requirement and the option of "Track B" (the statement of terms and conditions) are all "necessary, though not sufficient, to support entry. What more must a BOC demonstrate to obtain the Department's support?

13. Do you believe that Track B can be used only if no one has requested interconnection under Track A?

14. Can a BOC rely on Track B if it has received interconnection requests from potential competitors but faces no "competing provider" which is actually providing telephone exchange service to residential and business customers predominantly over its own facilities?

15. What if requesting interconnectors under Track A do not ask for, or wish to pay for, all of the items in the checklist? Can the BOC satisfy the entry test by supplementing their interconnection agreements with a filing under Track B to cover at least all remaining items in the checklist?

Your prompt attention to these questions would be helpful to the Subcommittee.

Sincerely,

CONRAD BURNS,
Chairman,
Senate Subcommittee on Communications.

Mr. HOLLINGS. Madam President, you can read the entire letter. But I can see the thrust of the letter by this language here, and I quote on page 2.

> Congress, however, gave the Attorney General a role in advising the FCC with respect to public interest issues because of the Department's antitrust expertise. See, for example, House conference report 104–458 for a list of some antitrust standards that might be used. A gas-in-the-pipeline standard is plainly unrelated to antitrust laws, and, even worse, violates Congressional intent that the checklist should be the only measure of when local markets are open.

We in the majority who wrote this particular bill would demur very, very strongly from that wording by our distinguished friend, the Senator from Montana, in this particular letter.

What occurred is that the nominee, Joel Klein, in the talk, he talked about you can see when competition is present, when you get to see the gas coming through the pipeline. He alludes to the anecdotal situation of gas pipeline cases.

But Senator BURNS differs with that. He says you are supposed to handle this antitrust, and don't give us anything about when competition starts. You can tell his displeasure because, along with the letter, he put a hold on the Joel Klein nomination. You have a hold on the nomination by the chairman of the Communications Subcommittee, and you got a strong letter with a questionnaire that is included, because I have included it in its entirety in the RECORD.

So 5 days later, on May 20, the Department of Justice, Acting Assistant Attorney General Joel Klein sends a letter to Senator BURNS.

Madam President, I quote:

> To begin with, I wholeheartedly agree with your statement that the basic point of the Telecommunications Act is that regulators should stand aside and let market forces work once fair competition is possible. I want to assure you that the Department of Justice shares that view.

Well, both distinguished gentlemen are writing and speaking colloquially. One wants to tell you that competition is present when you can see the gas coming through the pipeline, or smell the gas if you can't see it. Otherwise, the Acting Assistant Attorney General said, "Oh, yes, I want to let" —in the Conrad letter, all these expressions about "let market forces." What we are trying to do is "let market forces."

He said, "I agree with you. We have to stand aside and let market forces work."

That, Madam President, is not the duty of the Acting Attorney General of the United States. He is supposed to stand there by that market and watch it day in and day out. Because there is one thing that will occur if you let market forces work freely, and that is, monopolies will develop. Consolidations and mergers you see afoot right now are occurring every day, and money is talking. People are not suffering yet, but when they get into that monopolistic position, they will, because there won't be any of the rules and regulations, and they will be in their own private businesses.

This group up here that continues to talk about "let market forces" operate, this tells me, one, I have a questionable candidate for the Antitrust Department of the Office of the Attorney General of the United States when he starts chanting about monopolies.

Reading on page 2, again, from the Joel Klein letter, I read on page 2, one sentence:

> In order to accomplish these goals, almost immediately after I became Acting Assistant Attorney last October, I asked all of the BOCs [the Bell Operating Companies] as well as any other interested party, to give me their views of the appropriate competition standards under section 271.

We set it out. We set out our report. We didn't need an Assistant Attorney General running around rewriting the law. He is talking about, "Oh, I got them all in. I am going to start developing policy." The Congress developed the policy. It took us 4 years to do it.

Here, he says gratuitously in the next sentence on the bottom of page 2—this is Joel Klein, the nominee:

> In formulating this standard, I specifically rejected using the suggestion in the conference report that the Department analyze Bell Operating Company applications employing the standard used in the AT&T consent decree objecting to the Bell Operating Company in regional long distance entry "unless there is no substantial possibility that the Bell Operating Company or its affiliates could use its monopoly power to impede competition in the market such company seeks to enter."

Bear with me a minute. I know this thing sounds complicated. And those who want to watch a good, loud show they put on around the world, or whatever the dickens they put on in the afternoon, go ahead and turn to it. But this is very, very important.

Judge Greene had what we call in the trade "the VIII(c) test"—that they couldn't enter these markets until—this is the one rejected by Joel Klein—"there is no substantial possibility that the Bell Operating Company or its affiliates could use its monopoly power to impede competition in the market such company seeks to do enter."

Madam President, with that particular VIII(c) test, that is how competition starts in long distance that we have today. We don't have any in the local. Ninety-eight percent of the local calls are still controlled by the local Bell Operating Company. They have the monopoly. But this really genius test, the VIII(c) test, became the standard of the discipline, the standard of the industry.

In one hearing, as chairman of the Communications Subcommittee—the Commerce, Science, and Transportation hearing—I had the seven Bells attest. And we will put that in the RECORD, if necessary. They agreed with this particular test. You have the Bell Operating Companies agreeing to that particular test, and that is why we kept it in there. We didn't write it into the formal statute because one former colleague on the House side had held up. He had tremendous influence, Jack Fields of Texas. So we put it in the language. But you follow the course or talk to any of the conferees, you talk to any of the House and Senate Members, they will tell you the VIII(c) test was the test, and we couldn't think of a better one.

Here comes nominee Joel Klein, stating categorically here in May, "In formulating this standard, I specifically rejected using the suggestion in the conference report that the Department analyze BOC applications employing the standard used"—the VIII(c) standard.

Madam President, when you work this long and you know the industry, you know the monopolies, you know how Judge Greene held control and operated as well as he did, and communications prospered, expanded, and competition burst out all over in the long distance field with this particular standard, and then have a gentleman come in totally green and just write back, just as he got a letter from the chairman who put a hold on his nomination, and said "I threw that out." The Bell Operating Companies tried to throw it out, and they couldn't. They know it because they had already testified in behalf of it.

He goes on to say that "the VIII(c) standard which has barred Bell Operating Company entry into long distance since their divestiture from AT&T, struck me as insufficiently sensitive to the market conditions, and I was concerned that it would bar Bell Operating Company entry even where it would be competitively warranted."

I want him to describe that. My understanding is that another Senator, my distinguished colleague from North Dakota—and also I was talking to the Senator from Nebraska. And they have talked with the gentleman, Mr. Klein, and have asked him. And he has yet to come and elaborate about what is more "sensitive." He says this is "insufficiently sensitive." We have yet to find another.

I have met twice with Joel Klein. And he said I was right. He was there with the Attorney General. He understood, and he would get some ensuing opinion, or letter, or some note that he understood, and he could read the language, and it was going to be corrected.

Madam President, let's turn the page and go to Senator CONRAD BURNS' questions and answers, and go to that question. Here is what Senator BURNS questioned, and I quote.

> In your speech, you use the following terms: "Real and broad-based competition," "actual broad-based entry," "true broad-based entry," "tangible entry," "large-scale entry," and "entry on a large-scale basis."
>
> What do those terms mean to the department?

And I could read it all. The entire letter has been included. But let me read this last sentence.

> Thus, in my March 11th speech—

The Acting Attorney General, he knows what we are talking about. He refers to that speech.

> In my March 11th speech to which you referred, I stated that "our preference, though we recognize that it may not always occur, is to see actual broad based, that is, business and residential, entry into a local market."

Now, Madam President, for all of those unstudied in trying cases with lawyers, watch this particular language because it has the regular language and regular print but he highlights with italic the phrase: "Our preference, though we recognize that it may not always occur."

Now, that is in italic, not the rest of it. So the distinguished chairman of the communications subcommittee is given a signal. Watch the play. And then comes the play.

Madam President, on May 21, the next day, he doesn't delay. Oh, that Acting Attorney General for antitrust that held up for weeks the answer to the Dorgan letter and the Kerrey letter, he was prompt; he answered that letter of Senator BURNS in 5 days, gave the signal with the italics.

(Mr. BENNETT assumed the Chair.)

Mr. HOLLINGS. Mr. President, I ask unanimous consent that this docket No. 97-121, in the matter of the application of SBC Communications, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Before the Federal Communications Commission, Washington, DC, CC Docket No. 97-121]

In the Matter of Application of SBC Communications Inc. et al. Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in the State of Oklahoma.

ADDENDUM TO THE EVALUATION OF THE UNITED STATES DEPARTMENT OF JUSTICE

Several parties have informally asked the Department to clarify its views concerning two issues that have arisen in connection with this proceeding: (1) whether we agree with the argument made by some commentors that under Section 271(c)(1)(A) ("Track A"), each separate class of subscribers that must be served to satisfy that entry track, i.e., residential and business, must be served "exclusively . . . or predominantly" over the telephone exchange facilities of an unaffiliated provider;[1] and (2) the importance (and meaning) of "performance benchmarks" in assessing whether BOC in-region interLATA entry would be in the public interest. To address any confusion on these points, the Department now files this addendum.

I. Section 271(c)(1)(A) does not require that both residential and business customers be served over the facilities-based competitors' own facilities

Section 271(c)(1) requires that a BOC's application to provide in-region interLATA services proceed under one of two distinct tracks. As our evaluation explained, SBC's application is governed by the standards of Track A. 47 U.S.C. §271(c)(1)(A). See SBC Evaluation at 9–20. Under Track A, a BOC must be providing "access and interconnection to its network facilities for the network facilities of one or more unaffiliated competing providers of telephone exchange service . . . to residential and business subscribers." The statute further specifies that "such telephone exchange service may be offered by such competing providers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities in combination with the resale of the telecommunications services of another carrier." 47 U.S.C. §271(c)(1)(A). As we explained in our evaluation, SBC does not meet the standards of Track A because there is no facilities-based competitor offering service to residential subscribers. See SBC Evaluation at 20–21. Brooks Fiber, to which SBC points as a residential service provider, is merely testing its ability to offer residential service by providing uncompensated service to four employees; thus, it does not compete with SBC to serve any residential "subscribers." See id.

Some parties have pressed for rejection of SBC's application on the additional ground that Brooks does not provide residential service to anyone, including its four employees, over its own facilities. In their view, Track A requires, among other things, that residential service is being provided completely or predominantly over a competitor's own facilities. We disagree.

The statute requires that both business and residential subscribers be served by a competing provider, and that such provider must be exclusively or predominantly facilities-based. It does not, however, require that each class of customers (i.e., business and residential) must be served over a facilities-based competitor's own facilities. To the contrary, Congress expressly provided that the competitor may be providing services "predominantly" over its own facilities "in combination with the resale of" BOC services. 47 U.S.C. §271(c)(1)(A). Thus, it does not matter whether the competitor reaches one class of customers—e.g., residential—only through resale, provided that the competitor's local exchange services as a whole are provided "predominantly"over its own facilities.

This reading is not only consistent with the language of the statute, but also serves Congress' twin purposes of maximizing competition in local exchange and interexchange telecommunications markets. To ensure that the BOCs truly opened up their local networks to competitors, Congress required that any BOC qualifying for Track A consideration wait until a facilities-based competitor became operational—provided that there is at least one potential competitor proceeding toward that goal in a timely fashion—before that BOC could satisfy the statute's in-region interLATA entry requirements. In mandating that such a facilities-based competitor offer both residential and business service, Congress ensured both that (1) facilities-based entry path is being used wherever requested; and (2) at least one facilities-based competitor is offering service to residential, as well as business, subscribers. See SBC Evaluation at 14–17. Once those two basic conditions have been satisfied, however, there is no reason to delay BOC entry into interLATA markets simply because competitors that have a demonstrated ability to operate as facilities-based competitors, and that are in fact providing service predominantly over their own facilities, find it most advantageous to serve one class of customers on a resale basis. Imposing this requirement would tip unnecessarily the statute's balance between facilitating local entry and providing for additional competition in interLATA services by adding an unnecessary prerequisite to Track A that might foreclose entry in certain cases for no beneficial competitive purpose. Cf. id. at 22.

II. The Importance of performance benchmarks

In articulating the Department's approach to assessing BOC applications for in-region, interLATA authority, we stated that the existence of "performance benchmarks" serves an important purpose in demonstrating that the market has been "irreversibly opened to competition." To better explain the role of "performance benchmarks," "performance standards," and "performance measures" in our analysis, we have outlined further the definition and importance of these concepts below.[2]

At bottom, a "performance benchmark" is a level of performance to which regulators and competitors will be able to hold a BOC after it receives in-region interLATA authority. The most effective benchmarks are those based on a "track record" of reliable service established by the BOC. Such benchmarks may reflect either the BOC's performance of a wholesale support function for a competitor, or, in areas where the BOC performs the same function for its competitors as it does for its own retail operations, a benchmark may also be established by the BOC's service to its own retail operations. In instances where neither type of benchmark is available, the Department will consider other alternatives that would ensure a consistent level of performance, such as, for example, a commitment to adhere to certain industry performance standards and/or an audit of the BOC's systems by a neutral third party. Such benchmarks are significant because they demonstrate the ability of the BOC to perform a critical function—for example, the provisioning of an unbundled loop within a measurable period of time. Thus, benchmarks serve, as explained in our evaluation, the important purpose of foreclosing post-entry BOC claims that the delay or withholding of services needed by its competitors should be excused on the ground that the services or performance levels demanded by competitors are technically infeasible. See SBC Evaluation at 45–48.

To make "performance benchmarks" a useful tool for post-entry oversight, we also expect the BOC to adopt the specific means and mechanisms necessary to measure its performance—i.e., "performance measures." That is, if there are no such systems in place, it will be considerably more difficult to ensure that the BOC continues to meet its established performance benchmarks. Finally, we acknowledge that there may be areas in which the present industry standards will be updated, requiring new levels of performance. Accordingly, the Department will also focus on the importance of commitments by BOCs to adhere to "performance standards," even when they will be imposed upon it post-entry.

FOOTNOTES

[1] See, e.g., Opposition of Brooks Fiber Properties, Inc. to Application of SBC Communications, Inc., CC Docket No. 97-121, at 8–9 (May 1, 1997).

[2] To reflect this typology, our evaluation should be modified as follows:

Page 45 line 2 of heading "b." (and Table of Contents), "standards" to "benchmarks";

Page 47 line 3, "measures" to "benchmarks";

Page 47 line 5, "measures" to "benchmarks";

Page 48 line 9, "measures" to "benchmarks" and add "as well as its commitment to adhere to certain performance standards" to the end of the sentence;

Page 60 line 9, "measures" to "benchmarks"; and

Page 60 line 11, 15, 18 "measures" to "benchmarks"

Respectfully submitted,

Donald Russell, Chief; Joel I. Klein, Acting Assistant Attorney General, Antitrust Division; Andrew S. Joskow, Deputy Assistant Attorney General, Antitrust Division; Lawrence J. Fullerton, Deputy Assistant Attorney General, Antitrust Division; Philip J. Weiser, Senior Counsel, Antitrust Division; Carl Willner, Jonathan D. Lee, Stuart H. Kupinsky: Attorneys, Telecommunications Task Force; Gerald B. Lumer, Economist, Competition Policy Section; Antitrust Division, U.S. Department of Justice, 555 4th Street, N.W., Room 8104, Washington, D.C. 20001.

Certificate of Service

I hereby certify that I am an Attorney for the United States in this proceeding, and have caused a true and accurate copy of the foregoing Addendum to the Evaluation of the United States Department of Justice to be served on all petitioners in this proceeding and other interested parties as indicated on the attached service list, by first class mail, on May 21, 1997.

JONATHAN D. LEE,

Attorney, Telecommunications Task Force, Antitrust Division, U.S. Department of Justice.

Service List

Richard Metzger, General Counsel, Association for Local Telecommunications Services, 1200 19th Street, NW., Washington, DC 20036.

John Lenahan, Ameritech Corporation, 30 South Wacker Drive, Chicago, IL 60606.

Mark Rosenblum, AT&T Corporation, 295 North Maple Ave., Basking Ridge, NJ 07920.

Susan Miller, Esq., ATIS, 1200 G Street, NW., Suite 500, Washington, DC 20005.

James R. Young, Bell Atlantic, 1320 N. Courthouse Road, 8th Floor, Arlington, VA 22201.

Walter Alford, BellSouth, 1155 Peachtree Street, NE., Atlanta, GA 30367.

Edward J. Cadieux, Director, Regulatory Affairs—Central Region, Brooks Fiber Properties, Inc., 425 Woods Mill Road South, Town and Country, MO 63017.

John Windhausen, Jr., General Counsel, Competition Policy Institute, 1156 15th Street, NW., Suite 310, Washington, DC 20005.

Genevieve Morelli, Executive Vice President and General Counsel, The Competitive Telecommunications Association, 1900 M Street, NW., Suite 800, Washington, DC 20036.

Footnotes at end of article.

Laura Phillips, Dow, Lohnes, and Albertson, PLLC, 1200 New Hampshire Ave., NW., Suite 800, Washington, DC 20036, Counsel for Cox Communications.

Russell M. Blau, Swidler & Berlin, chartered, 3000 K Street, NW., Suite 300, Washington, DC 20007-5116, Counsel for Dobson Wireless.

Gregory M. Casey, LCI International Telecom Corp., 8180 Greensboro Drive, Suite 800, McLean, VA 22102.

Rocky Unruh, Morgenstein & Jubelirer, One Market, Spear Street Tower, 32d Floor, San Francisco, CA 94105, Counsel for LCI Telecom Group.

Anthony Epstein, Jenner & Block, 601 13th Street, NW., Washington, DC 20005, Counsel for MCI.

Susan Jin Davis, MCI Telecommunications Corporation, 1801 Pennsylvania Ave., NW., Washington, DC 20006.

Daniel Brenner, National Cable Television Association, 1724 Massachusetts Ave., NW., Washington, DC 20036.

NYNEX Telephone Companies, Saul Fisher, 1095 Ave. of the Americas, New York, NY 10036.

Cody L. Graves, Chairman, Oklahoma Corporation Commission, Jim Thorpe Building, Post Office Box 52000-2000, Oklahoma City, OK 73152-2000.

Mickey S. Moon, Assistant Attorney General, Oklahoma Attorney General's Office, 2300 North Lincoln Boulevard, Room 112, State Capitol, Oklahoma City, OK 73105-4894.

Robert Hoggarth, Senior Vice President, Paging and Narrowband PCS Alliance, 500 Montgomery Street, Suite 700, Alexandria, VA 22314-1561.

James D. Ellis, Paul K. Mancini, SBC Communications, Inc., 175 E. Houston, Room 1260, San Antonio, TX 78205.

Philip L. Verveer, Wilkie, Farr & Gallagher, 1155 21st Street, NW., Washington, DC 20036, Counsel for Sprint.

Richard Karre, U S West, 1020 19th Street, NW., Suite 700, Washington, DC 20036.

Charles D. Land, P.E., Executive Director, Texas Association of Long Distance Telephone Companies, 503 W. 17th Street, Suite 200, Austin, TX 78701-1236.

David Poe, LeBoeuf, Lamb, Greene & MacRae, LLP, 1875 Connecticut Ave., NW., Suite 1200, Washington, DC 20009, Counsel for Time Warner.

Janis Stahlhut, Time Warner Communications Holdings, Inc., 300 First Stamford Place, Stamford, CT 06902-6732.

Danny Adams, Kelley, Drye & Warren LLP, 1200 19th Street, NW., Suite 500, Washington, DC 20036, Counsel for USLD.

Catherine Sloan, WorldCom, Inc., 1120 Connecticut Ave., NW., Washington, DC 20036-3902.

Charles Hunter, Hunter Communications Law Group, 1620 I Street, NW., Suite 701, Washington, DC 20006, Counsel for Telecommunications Resellers Association.

Mr. HOLLINGS. I thank the distinguished Chair. And again now on page 3 here the fellow has gotten the signal, and I read on page 3—the entire matter is in the RECORD.

It does not, however, require that each class of customers, business and residential, must be served over a facilities based competitor's own facilities. To the contrary, Congress expressly provided that the competitor may be providing services predominantly over its own facilities in combination with the resale of Bell Operating Company services (47 USC 271 (c)(1)(A)). Thus, it does not matter whether the competitor reaches one class of customers, namely residential, only through resale provided that the competitor's local exchange services as a whole are provided predominantly over its own facilities.

Well, Mr. President, there it was. Bell Operating Companies through the distinguished Senator from Montana got what they wanted in black and white. They just totally refuted 4 years of work, the most important part of the checklist, the most important part that provided for competition in the long distance market, the most important part that we included. We talked about it. We discussed it. We debated it. I was in these conferences. They were in the conferences, like I tried to emphasize. The Bell Companies met all one day with our staffs on both sides and the long distance companies met all one day, and it was worked out. But do not take the word of the Senator from South Carolina.

Mr. President, I ask unanimous consent that a letter to the Honorable Reed Hunt, Chairman of the Federal Communications Commission, from Chairman TOM BLILEY, Congressman from Virginia, and chairman of the Commerce Committee over on the House side, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, June 20, 1997.

Hon. REED HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN HUNDT: I recently read with interest and dismay the Department of Justice's additional comments regarding SBC Communications Inc.'s (SBC's) application to provide in-region, interLATA services in the State of Oklahoma. The Department therein clarified its views on section 271(c)(1)(A) of the Communications Act, as amended. As the primary author of this provision. I feel compelled to inform you that the Department misread the statute's plain language. As you rule on SBC's application and future BOC applications, you should not overlook the clear meaning of section 271 or its legislative history.

The Department argued that a BOC should be allowed to enter the in-region, interLATA market under "Track A" (*i.e.*, section 271(1)(A)) if a competing service provider offers facilities-based services to business customers and resale services to residential customers, so long as the combined provision of both services is predominantly over the competing service provider's facilities. In other words, the Department wrongly takes the view that section 271(c)(1)(A) is satisfied if a competitor is serving either residential *or* business customers over its own facilities.

Section 271(c)(1)(A), however, clearly requires a different interpretation. To quote the statute, a competing service provider must offer telephone exchange service to "residential and business subscribers . . . either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities." Track A is thus satisfied if—and only if—a BOC faces facilities-based competition in both residential *and* business markets. Neither the statute nor its legislative history permits any other interpretation; I know this because I drafted both texts.

In the end, the Department's recent misinterpretation of section 271 reinforces a point I frequently made during Congressional debate over the Telecommunications Act of 1996: the Department of Justice does not have the expertise to make important telecommunications policy decisions. The FCC, by contrast, *does* have the necessary expertise, which explains why Congress gave you and your colleagues—and no one else—the ultimate authority to make important decisions, such as the decision to interpret section 271. I remind you that the Department's role in this matter is a consultative one, and should be treated as such.

Let me conclude by noting that, while this letter focuses exclusively on Department's interpretation of section 271(c)(1)(A), it should not be construed to mean that the balance of the Department's comments were either consistent or inconsistent with Congressional intent.

Sincerely,

TOM BLILEY,
Chairman.

Mr. HOLLINGS. This is dated June 20, 1997.

Dear Chairman Hunt:

I recently read with interest and dismay the Department of Justice's additional comments regarding SBC Communications' application to provide in-region interLATA services in the State of Oklahoma. The department therein clarified its views on section 271(c)(1)(A) of the Communications Act, as amended. As a primary author—

Let me emphasize that. This is Chairman BLILEY—

As a primary author of this provision, I feel compelled to inform you that the department misread the statute's plain language. As you rule on SBC's application and future Bell Operating Company applications, you should not overlook the clear meaning of section 271 or its legislative history. The Department argued that a Bell Operating Company should be allowed to enter the in-region interLATA market under track A, that is, section 271(c)(1)(A) if a competing service provides office facilities based services to business customers and resale services to residential customers, so long as the combined provision of both services is predominantly over the competing service provider's facilities.

In other words, the Department wrongly takes the view that section 271(c)(1)(A) is satisfied if a competitor is serving either residential or business customers over its own facilities. Section 271(c)(1)(a), however, clearly requires a different interpretation. To quote the statute, "A competing service provider must offer telephone exchange service to residential and business subscribers either exclusively over their own telephone exchange service facilities or predominantly over their own telephone exchange service facilities. Track A is thus satisfied if and only if a Bell Operating Company faces facilities based competition in both residential and business markets. Neither the statute nor its legislative history permits any other interpretation. I know this because I drafted both texts.

Mr. President, that is Chairman BLILEY. I do not know how you can make it more clear. He talks of the history. He talks of the conference report. He talks of the actual language. And anybody reading it can see exactly that. In essence, Mr. Klein sort of quietly acknowledged it. I was waiting because I met with him individually and then I met with him with the Attorney General, I can tell you here and now for those who watch this and follow it. And I ask unanimous consent the recent editorial in the New York Times entitled "A Weak Antitrust Nominee" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 11, 1997]

A WEAK ANTITRUST NOMINEE

The next head of the Justice Department's antitrust division will have a lot to say about whether the 1996 Telecommunications Act breaks the monopoly chokehold that Bell companies exert over local phone customers. He will rule on mergers among telecommunications companies and advise the Federal Communications Commission on applications by Bell companies to enter long-distance markets. Thus it is disheartening and disqualifying that President Clinton's nominee, Joel Klein, is scheduled to come up for confirmation today in the Senate with a record that suggests he might knuckle under to the powerful Bell companies and the politicians who do their bidding.

Senators Bob Kerrey, Ernest Hollings and Byron Dorgan have threatened to block the vote today and put off until next week a final determination of Mr. Klein's fate. But the Administration would do its own telecommunications policy a favor by withdrawing the nomination and finding a stronger, more aggressive successor.

Mr. Klein, who has been serving as the Government's acting Assistant Attorney General for Antitrust, demonstrated his inclinations when he overrode objections of some of his staff and approved unconditionally the merger of Bell Atlantic and Nynex. That merger will remove Bell Atlantic as a potential competitor for Nynex's many dissatisfied customers. Mr. Klein refused even to impose conditions that would have made it easier for state and Federal regulators to pry open Nynex's markets to rivals such as AT&T.

Worse, Mr. Klein sent a letter to Chairman Conrad Burns of the Senate communications subcommittee, who runs political interference for the Bell companies, that committed the antitrust division to pro-Bell positions in defiance of the 1996 act.

That act invites the Bell companies to provide long-distance service, but only if the Bells first open their systems to rivals that want to compete for local customers. Yet in the letter to Mr. Burns, Mr. Klein explicitly rejected Congress's interpretation of requirements to be imposed on the Bells in favor of his own, weaker standard.

In a subsequent submission to the Federal Communications Commission, Mr. Klein further weakened a requirement that before the Bells enter long-distance service they face a competitor that is serious enough to build its own switches and wires. Mr. Klein has also upset some senators by seeming to minimize the importance, provided in the 1996 Telecommunications Act, of Justice's advice to the F.C.C. on applications by Bell companies to enter long-distance.

True, Mr. Klein has blocked applications by two Bell companies, SBC and Ameritech, to offer long-distance service before they had opened their local markets to competition. But by pandering to Mr. Burns, he has created strong doubts that he can provide aggressive antitrust leadership.

Mr. HOLLINGS. I ask unanimous consent that the Consumer Federation of America letter of July 14, 1997, on this score be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA,
July 14, 1997.

DEAR SENATOR: With cable rates rising almost three times faster than inflation and massive consolidation in cable, radio and telecommunications markets, your efforts to promote competition through the 1996 Telecommunications Act are backfiring.

Acting Assistant Attorney General for Antitrust Joel Klein bears significant responsibility for these unintended, monopolistic results. Unless you demand that the Justice Department's Antitrust Division reverse course and engage in strict antitrust enforcement (see attached New York Times editorial: "A Weak Antitrust Nominee"), consumers will face vastly inflated telephone and cable rates from increasingly entrenched monopolies.

After antitrust officials allowed the seven local Bell telephone monopolies to consolidate into four bigger monopolies; permitted Time Warner and TeleCommunications Inc. (TCI) to unite companies service almost one-half of all cable customers through a combination with Turner Broadcasting; and approved hundreds of radio mergers, consumers are seeing no appreciable increase in either competition or pocketbook savings from the Telecommunications Act.

While Acting Assistant Attorney General Joel Klein described some of this activity as "the concentration envisioned by Congress" (remarks to Glasser Legalworks Seminar, March 11, 1997), we believe you were hoping antitrust enforcement would foster increased competition rather than concentration.

Contrary to promises they made to Congress in return for more market freedom, large cable, telephone and other telecommunications companies are not vigorously entering each other's markets:

AT&T appears to be throwing in the towel on the notion of competing with the local Bell monopolies, as it pursues mergers with the Bell companies.

MCI is losing money hand-over-fist in its failed efforts to jump-start local phone competition.

After failing to start a competitive satellite alternative to cable monopolies, Rupert Murdoch decided to join forces with the cable giants through deals with TCI's John Malone, Primestar and Cablevision.

Finally, local phone companies have pulled the plug on most of their grandiose efforts to enter the cable business, and cable companies have retreated just as quickly from entering the phone business.

And while all this market entrenchment goes on, cable rates are skyrocketing and many local phone companies seek a doubling of local phone rates in anticipation of "competition."

It is more obvious than ever before that the Telecommunications Act will be an abject failure unless Congress makes sure that the Antitrust Division reverses course and reinvigorates its enforcement practices.

Sincerely,

HOWARD M. METZENBAUM,
Chairman, Consumer Federation of America, former chairman, Senate Subcommittee on Antitrust, Business Rights and Competition.
GENE KIMMELMAN,
Co-Director, Consumers Union.
DR. MARK COOPER,
Research Director, Consumer Federation of America.

Mr. HOLLINGS. Consumer Federation and others who have followed this thing have been on the phone and otherwise just fighting to make sure that this was really held up and defeated. And in all fairness, I am sorry, after we see the exchange of letters here recently, that I did not fight this nomination. I put a hold on it. I thought that Members would listen, that they would want to learn and they would want to understand. But evidently the jury has been fixed.

Mr. President, I ask unanimous consent that two letters, one by Senator KERREY to the Attorney General dated June 23, and the letter back from the Office of the Attorney General dated July 14 to Senator DORGAN be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 23, 1997.

Hon. JANET RENO,
U.S. Department of Justice,
Washington, DC.

DEAR MADAM ATTORNEY GENERAL: Not too long ago, I met Joel Klein and found him to be an intelligent, talented attorney and a dedicated public servant. I would like very much to support his nomination for Assistant Attorney General for Antitrust but have some very serious concerns about the Administration's telecommunications policies and Mr. Klein's interpretation of the Telecommunications Act of 1996. I am hopeful you can clarify the Department's official views for me.

I am particularly concerned about recent comments made by Acting Assistant Attorney General Klein regarding the Department of Justice's (DOJ) role in facilitating competition in the wake of the Telecommunications Act of 1996. As you know, my support of the Telecommunications Act was contingent upon a strong role for DOJ in shaping a competitive telecommunications market. I did not stop the work of the United States Senate with a filibuster in order for the Department of Justice to take its responsibilities lightly. In the contrary, I expected DOJ to use every ounce of its authority, including those powers granted outside of the Telecommunications Act, to ensure the competitive integrity of the new telecommunications market.

In response to questions by the Chairman of the Senate Communications Subcommittee, Mr. Klein said that he "specifically rejected using the suggestion in the Conference Report that the Department analyze Bell Operating Company (BOC) applications employing the standard used in the AT&T consent decree". This standard would reject BOC entry into in-region long distance unless "there is a substantial possibility that the BOC or its affiliates could use its monopoly power to impede competition in the market such company seeks to enter."

The Telecommunications Act gave you the authority to choose any standard you see fit to evaluate BOC entry into in-region service. Winning that discretion was a hard fought battle. Is the Department using its discretion to chose a weak standard? Does Mr. Klein's statement mean that a Bell Operating Company should be allowed to enter the in-region long distance market even if there is a "substantial possibility that he BOC or its affiliates could use monopoly power to impede competition?"

Mr. Klein's comment to the Chairman that "we think that the openness of a local market can be best assessed by the discretionary authority of the FCC, relying in part on the Department of Justice's competitive assessment, and based on the evaluation of the particular circumstances in an individual state." I fought hard to include DOJ in this process because of the legal and economic expertise of the Antitrust Division. Is the Department abdicating its role in this area? The Federal Communications Commission (FCC) is not the only agency equipped to make decisions about the openness of markets. Can a market be competitive if it is not open? The Department's responsibility under the act and the nation's antitrust laws is most serious and should be aggressively pursued by the Antitrust Division. Although the ultimate decision lies with the FCC, the Department should accept its important role as the expert in competition and market power and adopt a meaningful entry standard based on pro-competitive principles. I am not convinced that the Department has done that.

On a separate but equally important competition issue, I remain very concerned about recent mergers between large telecommunications providers. The decision by Justice to approve the Bell Atlantic/NYNEX merger without any conditions is troubling. I am also concerned about rumors circulating about a possible reconstruction of the old Bell system. Reports of AT&T efforts to bring two BOC's back into its fold should give everyone pause. Such a merger will likely lead to a new round of large telecommunications mergers which could greatly reduce any chance for the swift adoption of a vibrant, competitive telecommunications market. Competitive entry could be frozen while real and potential competitors court, woo and marry each other.

Finally, I am pleased with Mr. Klein's emphasis on ensuring that the BOC's take the necessary steps to allow competition in their markets. The Department of Justice should use its authority to ensure that no one creates or uses artificial impediments to block competitive entry. Interconnection agreements are pending in all fifty states, but at this time no significant competition has developed. The era of telecommunications monopolies should be over, not recreated. Market forces, not market power should motivate all telecommunications carriers to work night and day to win and keep customers. Interconnection should be made as simple and efficient as possible. It should be very easy for a telecommunications entrepreneur to gather a group of customers and easily, efficiently and expeditiously begin providing them service through interconnection or resale.

The telecommunications industry is at a critical point in its history. The Department's commitment to using its full authority to promote competition is important to achieving an environment where consumers come first and entrepreneurs are encouraged to challenge the status quo. Thank you for your careful consideration of my concerns and would appreciate your views on these matters. I look forward to your response.

Sincerely,

J. ROBERT KERREY.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 14, 1997.
Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The President has requested that I respond to your recent letter to him regarding the nomination of Joel Klein to be Assistant Attorney General for Antitrust and the Administration's telecommunications policies.

At the outset, I want to emphasize my appreciation and that of the Department as a whole for your strong and unwavering support for the important role provided for the Department in the implementation of the Telecommunications Act of 1996. I remember how hard we fought together to secure the DOJ role. As a consequence, I share with you a keen interest in ensuring that the Department carries out its role under the Telecommunications Act effectively.

Let me begin by assuring you that the Department of Justice takes its role under the Telecommunications Act of 1996 extremely seriously. We have devoted substantial resources to preliminary investigations all across the nation on a state-by-state basis to understand the competitive conditions in each state. We have devoted even more resources to our review and evaluation of specific Section 271 applications. We prepared extensive, even exhaustive, analyses of SBC's Section 271 application for in-region long distance authority in Oklahoma and Ameritech's Section 271 application for in-region long distance authority in Michigan.

Our actions in these matters make absolutely clear that the Department is firmly committed to ensuring that local markets are fully and irreversibly open, so that competition can take hold there and flourish, and that long distance markets are as competitive as possible. We share your view that this is crucial for consumers in this country. To this end, we have adopted a procompetitive standard for evaluating Section 271 applications, and we are providing the FCC with meaningful guidance on competition policy in specific cases. The FCC relied heavily on our analysis in its only decision to date, its recent decision denying SBC's application.

You have specific questions regarding the standard used by the Department in evaluating Bell Operating Company (BOC) FCC applications to provide in-region long distance service.

After a careful evaluation of public input, the Department adopted a standard that the local market had to be "fully and irreversibly open to competition." I assure you that this is not a weak standard. It is a meaningful standard based on strong procompetitive principles and is designed to ensure and protect competition in both local and long-distance markets. It ensures that no one can create artificial impediments to entry, and it ensures that BOCs are not able to provide in-region long distance service prematurely, when they might have unfair competitive advantages over competitors. Otherwise, the promise of fully competitive local and long distance markets would be delayed.

As demonstrated by our evaluations of SBC's Section 271 Oklahoma application in May, and of Ameritech's Section 271 Michigan application in late June, we will not support long distance entry until local markets are fully and irreversibly open to competition. Our position (and our standard) is one that is tough but fair and designed to promote the maximum amount of competition in all markets. The Department is fully committed to ensuring that all telecommunications markets become as competitive as possible.

In closing, let me say Joel Klein is an extremely intelligent and talented attorney and a dedicated public servant. The President and I hope he is rapidly confirmed by the United States Senate to be the Assistant Attorney General for Antitrust.

Sincerely,

JANET RENO.

Mr. HOLLINGS. Now, you see every effort has been made to try to clear that record, and you can read the Attorney General's letter, and for the purposes at hand it is not worth the paper it is written on. You can throw it away. It says nothing—that she believes in competition. Now, she is a lawyer. She knows how to read emphasized italics language. She saw the pitch. I told her about the pitch and how it occurred. I showed her the talk that Klein made. We went down the whole thing. So Senator KERREY, and I understand, of course, Senator DORGAN wrote a letter, and we were waiting for a letter back and we had to wait several weeks. Not the Senator from Montana. His letter and addendum and opinion were all put out immediately. But when Senators who worked on the bill as diligently as we did tried to meet with him and then put down in black and white our misgivings, write the Attorney General's department and ask, please, now, let's see your position here on the plain, clear language, they write back—"I believe in competition." Just two pages of nothing. I have that in the RECORD.

Mr. President, I should have, like I say, politicked this nomination for its defeat.

Let me ask unanimous consent that the "Dear Colleague" letter of July 10 by Senator DORGAN of North Dakota and myself be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, July 10, 1997.

DEAR COLLEAGUE: The Senate may soon move to consider the nomination of Joel Klein to be the Assistant Attorney General in charge of the Antitrust Division. Because of statements and actions by Mr. Klein in his acting capacity at the Department of Justice we are very concerned with the direction of the Administration's policies with respect to its interpretation of certain provisions of the Telecommunications Act of 1996. We believe that these issues need clarification before Mr. Klein's nomination should be brought to a vote in the Senate. We urge you to support us in our desire to resolve the issues surrounding Mr. Klein's actions before his nomination is brought to the Senate floor for debate.

Whether or not robust competition develops in the local telephone service market depends upon the Administration's commitment to vigorously enforce these critical provisions of the Telecommunications Act. Unfortunately, while serving as acting chief of the Antitrust Division, Mr. Klein has explicitly contradicted specific statutory mandates and conference report directions that we, working with the White House, fought again all odds to have added to the Telecommunications Act of 1996. We have asked Mr. Klein, Attorney General Reno, and the White House to review our concerns and demonstrate that the Antitrust Division will follow the explicit meaning of the Telecommunications Act. So far, we have not received a satisfactory response to our concerns.

Our misgivings about Mr. Klein go to the very heart of whether the Telecommunications Act achieves its goal of promoting more competition and lower prices for consumers. In response to White House requests (and a very specific veto threat) we made sure that nothing in the Telecommunications act in any way undermined the antitrust laws. In fact, to address these concerns, we gave the Justice Department new authority to rule on mergers of telecommunications common carriers (power previously reserved for the Federal Communications Commission), and we gave the Justice Department a substantial role in determining when a local Bell telephone monopoly could enter the long distance market because it had sufficiently opened its market to competition. However, under the leadership of Mr. Klein, the Justice Department has abdicated its responsibility and failed to use these tools to promote the level of competition that we and the Clinton Administration believed should be developing in telecommunications markets.

By interpreting the Telecommunications Act in a manner that fails to ensure that both consumers and businesses receive competitive choices from separate local phone companies; by abandoning the Department of Justice's traditional standard for measuring competition to make it easier for the Bell companies to enter long distance; and by approving the largest merger in telecommunications history without even a policing mechanism to ensure that competition would be enhanced, Mr. Klein has sent the wrong signal to the marketplace and undermined the core principles that are the foundation upon which the Telecommunications Act was constructed.

In a letter describing his final concerns about our bill and the bill passed by our colleagues in the House, President Clinton wrote that the final bill "should include a test specifically designed to ensure that the Bell companies entering into long distance markets will not impede competition." This test described by President Clinton is actually a stronger test than the VIII(c) test contained within the Modified Final Judgment. Yet, Mr. Klein rejected both these tests recently and decided to develop his own lesser standard of "irreversibly open to competition."

In another more compelling matter, Mr. Klein has turned the statute on its head in his interpretation of the facilities-based entry test for long distance. The statute requires that a facilities-based provider serve both business and residential customers before the Bell company can enter long distance. Mr. Klein, however, believes the statute can be interpreted to mean that a facilities-based carrier need only provide service to business or residential customers. Yet again, another instance where Mr. Klein has weakened the protections that the Congress fought hard to enact into law to protect consumers from premature entry into long distance.

We will insist that any Administration nominee support the consumer protection we fought hard to put into place. Mr. Klein's interpretation of the law will result in more consolidation, less choice and higher costs to consumers. We therefore want to ensure that this or any Administration nominee implement the letter of the law and follow the steps that we and the Administration outlined in achieving a consensus during deliberations on the Telecommunications Act's conference report.

Sincerely,

BYRON L. DORGAN.
ERNEST F. HOLLINGS.

Mr. HOLLINGS. It is not my intent to take further time. I can tell that this was called. I had checked after the last rollcall. They said it wasn't going to be called until after 6 o'clock. When they filed it, they filed cloture immediately before there was any kind of debate whatever. They have not only lost their senses with respect to reality, calling deficits listed in the document as $179.3 billion as balanced, but they have lost their manners and their courtesy. Usually you have the Senator who had the hold and caused the particular confusion put on notice, but I had a staffer watching the TV and saw our friend from Utah, Senator HATCH, was talking. So there we are, just right in the middle.

You did not need cloture. At the time we put on a hold and were asked: Do you want to be identified as the one having the hold, I said absolutely. I am not playing games, tricks or anything of that kind. I would be glad if you called it this afternoon. That was weeks ago where I would have a chance to explain exactly what occurred. But, of course, you can see what has occurred. They have politically worked it, got the votes, got cloture. Don't waste time. Let us get on with this.

And then when the rates go up, when you get consolidation instead of competition and those rates go up, and you don't get competition in the local market and you don't get what we intended in the Telecommunications Act, don't come around like in Gramm-Rudman-Hollings and say it didn't work. Gramm-Rudman-Hollings worked up until 1990 when they went out to Andrews Air Base and they put in the categories and so-called ceilings—we haven't reached those ceilings yet—and repealed the across-the-board cuts, the sequester language. On October 21 at 1:40 a.m. I made the point of order that you are now repealing the thrust of Gramm-Rudman-Hollings. Today, this afternoon, I am making the same point. You are repealing the competitive feature of the Telecommuncations Act of 1996.

I hope the nomination is defeated and we get somebody here who can read.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield 4 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in support of the nomination of Joel I. Klein to serve as Assistant Attorney General for the Antitrust Division of the Department of Justice. Mr. Klein is a fine man and is an outstanding nominee for this important position. I am pleased to support him.

Mr. Klein achieved an excellent academic record at both Columbia College in New York and Harvard Law School. He then served as a law clerk for the Chief Judge of the D.C. Circuit Court of Appeals and later for U.S. Supreme Court Justice Lewis Powell. Afterward, he developed a distinguished reputation in private practice, where he argued important cases before the U.S. Supreme Court.

For the past several months, he has served as the Acting Assistant Attorney General for the Antitrust Division. During that time, he has shown that he is firmly committed to enforcing our nation's antitrust laws. For example, under his leadership, the Antitrust Division has greatly increased its collection of criminal fines. Thus far this fiscal year, which almost coincides with Joel Klein's tenure, the Antitrust Division has collected over $192 million dollars in criminal fines, compared to only about $27 million for all of fiscal year 1996.

Mr. President, I am confident that Mr. Klein is within the mainstream of antitrust law and doctrine, and will exercise his responsibilities fairly and within the dictates of the law. He is committed to upholding our free enterprise system and to protecting consumers from anti-competitive conduct.

Under Chairman HATCH's distinguished leadership, the Judiciary Committee held a hearing on Mr. Klein's nomination in April, and his nomination was reported out of the Committee unanimously in May.

In short, I strongly believe that Mr. Klein is a man of unquestioned integrity and great ability. I urge my colleagues to vote in favor of this nomination.

Mr. President, in closing I want to commend Senator HATCH, the able chairman of the Judiciary Committee for the position he has taken on this particular nomination.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, let me make a few brief points. First, it is kind of ironic that Joel Klein's nomination has nearly universal Republican support, but has divided many Democrats. After all, he is the President's choice for the job and any Presidential nominee for an executive branch appointment—Democrat or Republican—deserves the benefit of the doubt. More than that, Mr. Klein has the support of many prominent Democrats, among them Judge Abner Mikva, Former Deputy Attorney General Jamie Gorelick, Lloyd Cutler, and others. I ask unanimous consent that a letter from them—and from prominent Republicans—in support of Joel Klein be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 14, 1997.

Hon. TRENT LOTT,
Senate Majority Leader, Washington, DC.

Hon. TOM DASCHLE,
Senate Minority Leader, Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: We are lawyers, academics, and former government officials with differing views on various legal and public policy issues. We are united, however, in our belief that Joel I. Klein is a superbly and uniquely qualified nominee to be the Assistant Attorney General for Antitrust at the Department of Justice. We are confident that as Assistant Attorney General Joel Klein would vigorously enforce the nation's antitrust laws and effectively serve the public interest. We urge the Senate to act upon this nomination promptly and confirm Mr. Klein to this important post.

Sincerely,

Donald B. Ayer, Former Deputy Attorney General, Former Deputy Solicitor General; Warren Christopher, Former Secretary of State, Former Deputy Attorney General; Lloyd N. Cutler, Former Counsel to the President; Alan Dershowitz, Professor of Law, Harvard Law School; Peter Edelman, Professor of Law, Georgetown Law Center; Eleanor Fox, Professor of Law, NYU Law School; Jamie Gorelick, Former Deputy Attorney General; Carla A. Hills, Former United States Trade Representative, Former Secretary of Housing and Urban Development; Charles James, Former Assistant Attorney General, Antitrust Division.

Harry McPherson, Former Counsel to the President; Abner J. Mikva, Former Counsel to the President, Former Chief Judge, United States Court of Appeals for the District of Columbia, Former Member of Congress; Newton N. Minow, Former Chairman, Federal Communications Commission; Leon E. Panetta, Former White House Chief of Staff, Former Member of Congress; Deval Patrick, Former Assistant Attorney General, Civil Rights Division; Robert B. Reich, Former Secretary of Labor; James Rill, Former Assistant Attorney General, Antitrust Division; Richard E. Wiley, Former Chairman, Federal Communications Commission.

Senator ORRIN HATCH,
U.S. Senate.

We are writing to express our support for the nomination of Joel Klein as Assistant Attorney General for Antitrust.

We are a group of economists who are working actively to help break down entry barriers and bring competition in the telecommunications sector, as Congress intended in passing the Telecommunications Act of 1996. Collectively, we have served as economic experts for interexchange carriers, wireless companies, and Bell operating companies. The signatories below include four recent Economics Deputies from the Antitrust Division and the two most recent Chief Economists at the Federal Communications Commission.

Although we have our differences in the interpretation of various economic evidence, and in our recommendations for telecommunications policies, we all believe that Joel Klein will make an excellent Assistant Attorney General. He is fair and thoughtful, he understands and uses economic arguments and analysis effectively, and he is dedicated to enforcing our antitrust laws and promoting competition in our economy.

Sincerely yours,

JOSEPH FARRELL,
Prof. of Economics, U. of California at Berkeley.

MICHAEL KATZ,
Prof. of Business Administration, U. of California at Berkeley.

CARL SHAPIRO,
Prof. of Business Strategy, U. of California at Berkeley.

RICHARD GILBERT,
Prof. of Economics, U. of California at Berkeley.

JANUSZ ORDOVER,
Prof. of Economics, New York U.

ROBERT WILLIG,
Prof. of Economics and Public Affairs, Princeton U.

Mr. KOHL. Second, while it is unfortunate that Eric Holder is being held "hostage" to Joel Klein's nomination, the truth is that the sooner we confirm Mr. Klein, the sooner we can move forward and confirm Eric Holder. The Department of Justice, and the American people, will be better off with a confirmed Deputy Attorney General.

Third, I respect the efforts of my colleagues, Senator HOLLINGS, Senator DORGAN and Senator KERREY, who have fought long and hard for consumers on telecommunications matters. Like me, they clearly want someone in charge of the Antitrust Division who will bring about the kind of competition promised in—but not yet delivered by—the Telecommunications Act. They have sent a strong message to Joel Klein on how to interpret Section 271 of the Act, and I believe he understands that message and will work hard to promote vigorous competition in the telephone industry—and all other industries.

My hope is that Joel Klein, as a confirmed appointee, will surprise his critics and please his supporters in his enforcement of the antitrust laws. I urge my colleagues to support him.

Mr. KENNEDY. Mr. President, I give my strong support to Joel Klein's nomination to serve as Assistant Attorney General of the Antitrust Division at the Department of Justice. Mr. Klein's background and experience have prepared him well to serve the country in this capacity.

After graduating magna cum laude from Columbia University and Harvard Law School, Mr. Klein served as a law clerk for both D.C. Circuit Judge David Bazelon and Supreme Court Justice Lewis Powell. He later served with great distinction as a public interest lawyer, Deputy White House Counsel, and Principal Deputy of the Antitrust Division where he is now the Acting Assistant Attorney General.

Mr. Klein's work in the Antitrust Division has earned wide praise. Leading economists, including two former Chief Economists of the Federal Communications Commission, believe that he will be an excellent Assistant Attorney General who is "dedicated to enforcing our antitrust laws and promoting competition in our economy." Mr. Klein wins similar high praise from State and Federal officials and many members of the American Bar Association active in the Section of Antitrust Law.

This praise is well deserved. Mr. Klein has won substantial criminal fines against large companies guilty of price-fixing. He has challenged anticompetitive practices and anticompetitive mergers that harm consumers. He has given new emphasis to antitrust enforcement overseas to help open more markets for U.S. businesses.

I have had the opportunity to work closely with Mr. Klein on several issues, including a recent "East-West Initiative," which brought together business leaders, government officials, and Republican and Democratic Senators from Massachusetts, North Carolina, Washington, Utah, and California to discuss cooperative efforts by government and business to help consumers. Mr. Klein's participation in this effort was key to its success, and I have the greatest respect for his ability and his commitment to public service.

I urge the Senate to approve his nomination. His outstanding record makes him an excellent nominee for this position. I hope that the strong bipartisan support already expressed by many Senators on both sides of the aisle will lead to further cooperation in expediting action on other nominees for the Department of Justice, and for long overdue bipartisan action on judicial nominations as well.

Mr. WYDEN. Mr. President, the position of Assistant Attorney General for Anti-Trust is one of the most critical to assuring American consumers enjoy the benefits of competition. The decisions made by the individual who holds this title affect billions of dollars and the ability of our companies to compete in the global economy. They affect corporate profit and loss sheets and the course of the stock market. But most importantly, they affect the prices consumers pay for basic services, from telephone calls to transportation and television.

No area holds more promise for competition than communications, and that was the major impetus for the 1996 Telecommunications Act. The Act was intended to eliminate monopolies, spur new entrants and bring down prices.

Eighteen months later, we have seen pitifully little progress. The Administration has not moved aggressively to promote competition. The vote I will cast today is meant to send a signal to the Administration that those of us in Congress who supported the 1996 Telecommunications Act want to see competition rather than concentration.

As a member of the Commerce Communications Subcommittee, I had hoped the 1996 Telecommunications Act would unleash a torrent of competition. Instead, we have seen prices outpace inflation in many areas. Each day the paper seems to carry yet another announcement of one giant company's plans to merge with another. Companies are spending millions of dollars on litigation and negative advertising. The situation reminds me of the African proverb: when elephants fight, the grass gets trampled. The grass here is the American consumer.

Perhaps the overwhelming array of choices has lulled the consumer into a sense of complacency. We hear about 500 channel broadcast satellite and video-on-demand. We see pages and pages of advertisements for cellular phones and CD ROM's, interactive computers and digital cameras. The pace of progress is incredible.

But if one peeks behind the smorgasboard, there is a very disturbing trend. The trend is toward concentration and media mega-mergers. Today's competitors are becoming tomorrow's partners.

Mr. President, this is why the position of Assistant Attorney General for Anti-Trust is so crucial. The individual who sits in that office plays a pivotal role in assuring our anti-trust laws produce robust competition rather than rogue concentration. Consumers need a champion for choice in communications.

I like Mr. Klein personally and believe him to be a skilled lawyer. It is the Administration's failure to move aggressively to promote competition that disturbs me. I hope my vote today sends a clear message to the Administration that the trend toward increased communications concentration needs to be thorougly examined and challenged. For this reason, Mr. President, I will not be able to support the Administration on this vote.

Mr. TORRICELLI. Mr. President, I rise in support of the nomination of Joel Klein because of my confidence in his ability to be the kind of antitrust law enforcer the Justice Department and the country need to protect consumers and ensure vigorous competition.

My confidence comes from Mr. Klein's record of great success during the past nine months during which he has headed the Antitrust Division. He has proven to be a strong advocate in promotion of competition. His accomplishments include suing Rochster Gas and Electric for impeding competition for electric power, suing to block a hospital merger that would have raised prices for patients on Long Island, NY, obtaining indictments of an insulation company executive for price fixing, blocking an acquisition that would have created a dominant provider of asphalt concrete in New Hampshire and Vermont, and blocking an acquisition by Gulfstar Communications that would have created unacceptable media concentration.

His record also includes numerous guilty pleas and fines and settlements from antitrust violators, including a record $5.6 million penalty from German and Brazilian companies for violating pre-merger notification rules.

With an already strong record in an acting capacity, we can look forward to great things from Mr. Klein should he be confirmed by the Senate.

Mr. HATCH. Mr. President, I must say I find some irony in the criticisms I am hearing today regarding Mr. Klein's efforts to implement the Telecommunications Act. In essence, it is being suggested that Mr. Klein's interpretation of the Act would permit local Bell companies to enter the long distance market prematurely, or too easily.

In fact, however, Mr. Klein has weighed in against Bell entry into long distance in the 2 applications that have, to date, come before him—that is, the SBC and Ameritech applications. So it is curious to me that, while Mr. Klein's only actions in this regard have been contrary to the Bells, his confirmation is being opposed on the ground that he is being too lax on the Bells. This puzzles me.

But the broader point here is that Mr. Klein has demonstrated a studied, fair approach to interpreting the law, as a general matter.

I may well disagree with particular decisions Mr. Klein makes, but I am persuaded he will make a top-flight antitrust chief. So I urge my colleagues to join me in supporting this nomination.

Mr. BURNS. Mr. President, I rise this evening to offer may support for nomination of Joel Klein to assume the position of Assistant Attorney General of the Antitrust Division of the U.S. Department of Justice.

There has been much debate here this evening over my letter to Mr. Klein dated May 15, 1997, and his subsequent letter in response dated May 20, 1997. I'd like to take this opportunity to offer my two cents.

When Mr. Klein's nomination was first reported out of the Judiciary Committee, I was concerned for three primary reasons. First, I had recently read Mr. Klein's paper entitled "Preparing for Competition in a Deregulated Telecommunications Market," which he presented at the Willard Inter-Continental Hotel in Washington, DC, on March 11, 1997, and his interpretation in that paper of Section 271 of the Telecommunications Act of 1996 troubled me. Because I chair the Subcommittee on Communications, I felt that I could not, in good conscience, allow his nomination to move forward; consequently, I placed a hold upon his nomination and sent a letter to him asking him to explain his statements concerning 271 applications. He promptly responded with a comprehensive explanation of his statements, and, while I did not at that time nor do I now, necessarily agree with his assessment of the DoJ's role in the 271 application process, I understood the basis of his convictions.

Second, in addition to the questions raised in my letter, I also telephoned him and expressed concern over what had been reported to me—both by press accounts and by a wide range of industry representatives—as a total failure on the part of the Antitrust Division to investigate allegations that Microsoft Corporation was in violation of the Consent Decree entered into with the Department of Justice on August 21, 1995. I have here one of several newspaper articles detailing these allegations and seek unanimous consent for its introduction into the RECORD. Subsequently, I met with Mr. Klein and he assured me that he would investigate these allegations.

Finally, I had been contacted by a number of radio broadcasters who had complained that the Antitrust Division was misinterpreting the radio ownership provisions of the Telecommunications Act, but, after meeting with Mr. Klein, and discussing the issue at length, I was satisfied with his approach in this matter.

Consequently, based upon both his written and verbal responses to my concerns. I am satisfied that he will be a fine Assistant Attorney General for the Antitrust Division, and I support his nomination.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if there is a cure for insomnia, as I said the other day, this kind of debate surely must be it. This is so arcane and technical, to be talking about antitrust issues and VIII(C) and section 271, and all of these issues that almost no one understands. They seem not very important to many, I am sure. I suppose most who would listen to this would think it incredibly boring. But, in fact, it is very, very important. We have a market system in this country that works only when there is competition. When you don't have competition, the market system doesn't work.

We have something called a referee several places in this Government: One at Justice, in the Antitrust Division; we have a referee function in the Federal Trade Commission. In fact, we have 1,000 attorneys, roughly, I understand, whose job it is to deal with antitrust issues and the issues of monopoly and so on. The purpose is to make sure that we don't have enterprises, where people come in and grab markets and develop trusts or monopolies and extract from the consumers a price that is unfair, a price that is not set in an open market or an open competition. That is what this antitrust enforcement is about.

Mr. Joel Klein is, by all accounts, capable, smart, and a fellow with a distinguished career. I have met him. I think he is a nice fellow. We should not be voting on this nomination at this point. We should not have been voting on a cloture motion on this nomination either, as we did a week ago. Why? Because there are substantial questions that a number of us have raised about the nomination of Mr. Klein that have not been answered. I feel I must vote against this nomination. I don't like that position, but I don't intend to vote for a nomination with the kind of questions that remain about a number of positions that have been taken, a number of things that have been written and said by this potential nominee on antitrust issues, that give me great concern.

I intend to speak only briefly because I think my colleagues have covered this subject. After I complete my presentation I will yield back the remainder of our time. But I want to make a couple of important points.

The fight on the Telecommunications Act, which was the first major reform of the telecommunications laws in this country in five or six decades, was a substantial battle between behemoths in our country—organizations that provided local service that are collecting tens and tens of billions of dollars of revenue, and organizations that are involved in long distance telephone service that are just as big. These titans then clashed as we wrote a Telecommunications Act. One of my concerns as we wrote this act was that we would end up, not with more competition, but, instead, with more concentration. If you have less competition and more concentration you will have higher prices.

My colleague from Nebraska held up something that was in the paper this morning in Nebraska, "So Far, Consumers Losers in Battle for Dial-Tone Dollars; basic rates for telephone service are up for 93 percent of Nebraska residential customers the past year." I don't know much about Nebraska, but I fear what will happen if we don't have aggressive antitrust enforcement at the Justice Department, something I fought very hard for, as did the Senator from South Carolina, as did the Senator from Nebraska, when we passed the Telecommunications Act. We were the ones standing out here on the floor talking about the VIII(C) test. We are the ones who fought for a role for the Justice Department in all of these issues. Were it not for us, it would not have been there.

Now, the Justice Department role is critical, as is the role of the Federal Communications Commission. If we have a Federal Communications Commission that does the wrong thing, or we have a Justice Department that doesn't do the right thing in antitrust enforcement, I guarantee the result of the Telecommunications Act last year will not be more competition and lower prices, it will be more concentration, fewer companies, and higher prices. I guarantee it.

This is important. This is about billions and billions and billions of dollars of additional charges that consumers may or may not have to pay in the future, depending on antitrust enforcement in the Justice Department and on thoughtful, responsible decisions in the Federal Communications Commission that properly implement the Telecommunications Act. There will be more discussion about that because we also have some disagreements about nominations to the Federal Communications Commission.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter that I have written to Mr. Joel Klein dated July 15, asking some questions about the interpretations that have been made on the VIII(C) test—the VIII(C) standards, rather, relative to the new standard called "irreversibly open to competition."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 15, 1997.

Mr. JOEL KLEIN,
Acting Assistant Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MR. KLEIN: Last night, I received a letter from Attorney General Janet Reno responding to a letter I sent to President Clinton relating to issues that I have with respect to your nomination. While I appreciate the fact that the Administration has acted to respond to my inquiry, the response was very general and lacks sufficient specificity to alleviate my concerns.

I expect that you will be confirmed by the Senate on Thursday. However, before I can vote in your favor, I still need to resolve some concerns with respect to the role of the Justice Department in the antitrust aspects of telecommunications policy. In particular, your assurance to other Senators that you reject the VIII(C) standard with respect to the Justice Department's evaluation of a Section 271 application by a Regional Bell Operating Company (RBOC) needs further explanation. I would like a more detailed and specific analysis from you on how the "irreversibly open to competition" standard relates to the VIII(C) standard, which was recommended in the Conference Report on the Telecommunications Act of 1996. How does the "irreversibly open to competition" standard differ from the VIII(C) standard with respect to assessing adequate local competition and the impact of RBOC entry into long distance services on long distance competition.

In our meeting last week, you said that the standard that you and the Antitrust Division have developed is stronger than the VIII(C) standard, and more appropriate in your judgement. I would like your analysis why this is the case. I want to assure you that I have an open mind on this subject. My position is not absolutely wedded to the VIII(C) standard as the only test for evaluation of a Section 271 application by an RBOC. Rather, I become concerned when an Administration official adopts a position that differs from previous Administration policy—which I fought for in the debate over the Telecommunications Act—and I would like to better understand the new position.

As I said on the Senate floor last Friday, I do not doubt your abilities nor your integrity. I simply would like some clarification on some issues that I fought hard to secure in the Telecommunications Act at the request of the Administration before the Senate votes on your nomination to be Assistant Attorney General for the Antitrust Division.

Thank you for your assistance and cooperation.

Sincerely,

BYRON L. DORGAN,
U.S. Senate.

Mr. DORGAN. I have sent Mr. Klein this letter.

Let me say this. It may well be that the irreversibly open to competition standard is a tougher standard, as they allege. I don't have the foggiest idea. I don't know. Nobody knows. And I am not prepared to have someone say, "I reject the standard that Congress determined to be the standard when it passed the Telecommunications Act, and I create my own standard," and none of us know what that means here—I am not prepared to say, "Yes, let me sign up for that. Let me be a partner in that process." I am not willing to do it.

It may be, at the end stage of this process, maybe it is proven to us that Mr. Klein was right. I hope so. I hope that is the case. But if he is not right, if we are right, what is going to happen is everybody in this country who uses a telephone, everybody in this country who is a consumer of telecommunications services, is going to end up paying higher prices. That's the test.

Mr. President, one final point and then I will conclude. During the debate on the Telecommunications Act, something happened to me that was a real learning experience. All of us in the Senate have learning experiences, despite the fact that some say we never seem to be able to learn.

I offered an amendment on the floor of this Senate on the issue of concentration, because the bill that came to the Senate said, "Let's take the limits off. Let's let these companies marry up. The more weddings the better. Let three companies become one. Let two companies become—let's have mergers, let them go off and get married—it is just terrific." That is what the bill was. So I offered an amendment on the floor of the Senate and said, "Let's put these limits back on at this point." I don't support taking the limits off how many television stations you can own, how many radio stations you can own.

We had a vote and guess what? Guess who won? I won. My amendment prevailed. I was so surprised I could hardly stand, and it was about 4 o'clock in the afternoon. The then-majority leader did not support my position. He was on the opposite side. He changed his vote—had another Member change his vote, and asked for reconsideration after dinner, 3 hours later. And do you know what happened? There were four, five, or six Members of the Senate that went out to have dinner—Lord only knows what they ate—they came back and 3 hours later they had some sort of epiphany that allowed them to vote against my amendment, so I lost.

I learned that winning around here sometimes means you only win for 3 hours. It felt good from 4 to 7, but the fact is I lost. Then the bill went to conference and the bill had enough in it to make me feel that maybe we will move in the right direction. But I would rue the day of supporting any portion of this telecommunications act if we don't have the most aggressive antitrust enforcement and the best decisions, the most thoughtful decisions comporting with what we decide is in this act from the Federal Communications Commission.

I have a lot more to say but I know there are other times when Members will be anxious to hear it, and I will save it for those times.

Let me compliment the Senator from South Carolina and the Senator from Nebraska.

Let me say a word, finally to the nominee. I expect the Senate will cast a favorable vote for this nominee. I hope this nominee succeeds. I hope this nominee proves that the standard that he has developed is a tough, no-nonsense standard. If he does, I will come to the floor at some point in the future and say, "Hurrah for you. I support what you have done." I think we should not be voting on this nominee today. I wish we had more time. If we had more time, maybe some of these votes would have been different.

Mr. President, I yield the floor and yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, do I understand the other side is willing to yield back the remainder of their time and we are prepared to yield back the remainder of our time?

Mr. HOLLINGS. Mr. President, we yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield back the remainder of our time. I ask unanimous consent that upon the completion of debate or the yielding back of time on the Klein nomination, we proceed to a rollcall vote on the nomination and then, after that vote we proceed to vote on Executive Calendar No. 139, the nomination of Eric Holder to be Deputy Attorney General of the United States.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. May I ask for the yeas and nays on both.

Mr. HATCH. On both nominees.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I ask unanimous consent the yeas and nays be ordered on both.

The PRESIDING OFFICER. Is there objection to the ordering of the yeas and nays on the second nomination?

Without objection, it is so ordered. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I yield the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joel L. Klein, of the District of Columbia, to be an Assistant Attorney General. On this question the yeas and nays have been ordered. The clerk will call the roll.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 88, nays 12, as follows:

[Rollcall Vote No. 187 Ex.]

YEAS—88

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feinstein
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone

NAYS—12

Bumpers
Byrd
Cleland
Conrad
Dorgan
Feingold
Ford
Harkin
Hollings
Inouye
Kerrey
Wyden

The nomination was confirmed.

NOMINATION OF ERIC H. HOLDER, JR., TO BE DEPUTY ATTORNEY GENERAL

Mr. HATCH. Mr. President, I am pleased today that we are finally voting on the nomination of Mr. Eric Holder, nominated to serve as Deputy Attorney General. Mr. Holder was reported out of the Judiciary Committee unanimously on June 24. I support Mr. Holder for this position, and I urge my colleagues to vote in favor of his confirmation.

This is a position which is vitally important to the efficient and effective management of the Justice Department, as well as to this committee and its many dealings with the Department. The Deputy Attorney General plays a critical role in the day-to-day oversight, management, and administration of the Justice Department, typically handling the Department's most important and sensitive matters. The deputy has ultimate responsibility for the office of the Solicitor General, who represents the United States before the Supreme Court, as well as all of the Department's civil and criminal divisions, including, for example, the civil rights, tax and antitrust divisions, the criminal division, the Federal Bureau of Investigation, and all U.S. attorneys. In short, a broad array of policy and law-enforcement decisions that are critical not just to our legal system but to the Nation as a whole, ultimately pass through the Deputy Attorney General.

Mr. Holder comes to us with a distinguished record in the law and in the administration of justice. After graduating from Columbia Law School in 1976, he served for 12 years as a prosecutor in the public integrity section of Justice Department's Criminal Division, after which he served for 5 years as a associate judge for the District of Columbia Superior Court. Since 1993, Mr. Holder has served as U.S. attorney for the District of Columbia, our Nation's largest U.S. Attorney's Office, which employs over 300 attorneys and prosecutes over 10,000 cases each year. I believe these positions provide especially useful experience for a person who would serve as Deputy Attorney General.

I would like to emphasize how important it is to the Senate and the Judiciary Committee in particular, on both sides of the aisle, to have a close and cooperative working relationship with the Deputy Attorney General. I believe that one of the Department's greatest assets over the past several years has been its former deputy, Jamie Gorelick, who successfully fostered and maintained a cooperative, honest, and responsive relationship with this committee. I cannot overestimate how valuable this relationship has been in the virtually daily interactions between the committee and the Department, and I am hopeful, and confident, that

Eric Holder will, like his predecessor, work closely with the committee to ensure that the Department maintains the highest level of professionalism and independence in its commitment to enforcing our Nation's laws. I have spoken with Mr. Holder on numerous occasions since his nomination, and am struck that, in addition to being eminently qualified for this position, he is a candid, forthright individual of character and integrity who will be a positive force in steering the Justice Department and in seeing to it that our laws our faithfully and impartially enforced. The Nation expects and deserves nothing less, and I believe they will get as much from Mr. Holder.

While I have often given Attorney General Reno due credit for the fine work and accomplishments of the Justice Department, not the least of which is the recent trial and conviction of Timothy McVeigh, the Department, like any large agency, also has its share of problems, many of which fall on the Deputy Attorney General's desk.

Moreover, the Department has been, and inevitably will be, the subject of some rather intense political pressure, and, quite frankly, I am somewhat disturbed by a growing sense that, in a number of instances, there is at least the appearance that political pressures may have won out over the fair and impartial enforcement of the law. After a rather public display by the White House of its displeasure that the Attorney General had previously sought the appointment of four independent counsels, we now see the Attorney General steadfastly refusing to appoint an independent counsel to conduct the campaign finance investigation—the one case where an independent counsel is most called for to ensure public confidence in the investigation and the Department itself. And, after the Attorney General expressly adopted one interpretation of the independent counsel statute, and I challenged that interpretation, we now receive a letter explaining that she has, notwithstanding statements to the contrary, been applying the same standard I articulated. The Justice Department issues bizarre statements seeking to put particular spins on information disclosed by Chairman Thompson in connection with the campaign fundraising hearings. The Justice Department has filed briefs taking rather dubious positions in politically sensitive cases, including its appeal brief in the litigation over California's proposition 209, and its very recent brief defending Mrs. Clinton's invocation of a governmental attorney client privilege in response to independent counsel Starr's request for certain documents. And the FBI Director is in the position of refusing to brief the White House on national security matters because of its pending investigation. While each of these instances, standing alone, might have a legitimate explanation, taken together they create an appearance that politics is influencing what should be a neutral, independent enforcement of our Nation's laws.

Public confidence in our legal system, and in our Government itself, demands nothing short of this.

Mr. Holder has given me his commitment to maintaining his own independent judgment, and to seeing to it that the law is fairly and impartially interpreted and enforced as it should be, even when doing so may lead to results that are not politically expedient. That commitment will be as important as ever for the Department as it faces numerous challenges in the coming years. I believe Mr. Holder will remain true to his word, and urge my colleagues to support him.

Mr. LEAHY. Mr. President, I commend the President on his nomination of Eric H. Holder, Jr., and am delighted that the Senate is acting to confirm this nominee to be Deputy Attorney General of the United States.

It was with concerted effort that Senator HATCH and I worked to ensure that Eric Holder was reported by the Judiciary Committee and ready for Senate confirmation to the important position of Deputy Attorney General of the United States before the Senate adjourned 3 weeks ago.

The President's nomination of Mr. Holder to the second highest position at the Department of Justice was reported to the Senate without a single dissent on June 24. This nomination could and should have been approved by the Senate before it adjourned for the last extended recess for the Fourth of July. This nomination is strongly supported by Senator HATCH, chairman of the Judiciary Committee.

There was and is no Democratic hold on this nomination. The delay on the Republican side in considering this nomination remains unexplained. I urged on July 10 and July 11 that he not be held hostage to other nominations. I am glad we have finally—finally after 3 weeks—freed this nomination.

Eric Holder has proven his dedication to effective law enforcement. As a former prosecutor myself, I appreciate Mr. Holder's distinguished career in law enforcement.

Shortly after his graduation from Columbia Law School, Mr. Holder joined the Department of Justice as part of the Attorney General's Honors Program. He was assigned to the newly formed public integrity section in 1976, where he worked for 12 years investigating and prosecuting corruption. While at the public integrity section, Mr. Holder participated in a number of prosecutions and appeals involving such defendants as the State Treasurer of Florida, a former Ambassador to the Dominican Republic, a local judge in Philadelphia, an assistant U.S. attorney in New York City, an FBI agent, and a "capo" in an organized crime family. He received a number of awards for outstanding performance and special achievement from the Department of Justice.

In 1988, President Reagan nominated and the Senate confirmed Mr. Holder to be an associate judge of the Superior Court of the District of Columbia, where he served for the next 5 years. In his 5 years on the bench, Judge Holder presided over hundreds of criminal trials. In 1993, President Clinton nominated and the Senate confirmed Eric Holder to the important post of U.S. Attorney for the District of Columbia. As U.S. attorney for one of the largest U.S. attorney's offices in the Nation, Mr. Holder has supervised 300 lawyers involved in criminal, civil, and appellate cases. He has functioned as both the local district attorney and the Federal prosecutor. He has been active in community affairs. For more than a decade, he has been a member of Concerned Black Men, an organization seeking to help young people in the District of Columbia. He is involved in a number of the group's activities, including the efficacy program and the pregnancy prevention effort. He has participated in the D.C. Street Law program and is active in the See Forever Foundation and the National Foundation for Teaching Entrepreneurship. He is cochair of Project PACT to reduce youth violence and has been instrumental in the U.S. Attorney's Office's outreach efforts to the D.C. community.

In 1994 he received the Pioneer Award from the National Black Prosecutors Association. In 1995 his contributions were recognized when he received awards from the District of Columbia Bar Association, the Greater Washington Urban League, the American Jewish Congress, and Phi Beta Sigma fraternity. Last year he received awards from the D.C. Chapter of the National Organization of Black Law Enforcement Executives, George Washington University, Columbia College, the Federation of Citizens Associations of D.C., Omega Psi Phi fraternity, the Brotherhood of Shiloh Men, McDonalds and the Asian Pacific Bar Association.

I look forward to working with him in his new position as Deputy Attorney General. I regret the unnecessary delays that have stalled this important nomination for the last 3 weeks on the Senate Executive Calendar.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Eric H. Holder, Jr., of the District of Columbia, to be Deputy Attorney General? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced— yeas 100, nays 0, as follows:

[Rollcall Vote No. 188 Ex.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider the nomination is laid on the table. The President will be immediately notified of the Senate's confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate continued the consideration of the bill.

Mr. LOTT. Mr. President, I want to commend the chairman of the Treasury, Postal Service Subcommittee, the distinguished Senator from Colorado, for the good work he has done today on this legislation and the cooperation he has received from the ranking member, Senator KOHL. I want to thank the Senate for the work that has been done this week.

We have completed four appropriations bills and we are down to an identifiable, finite list of amendments on the Treasury, Postal Service bill. It has taken cooperation from all the Senators and a lot of support from the leader on the Democratic side of the aisle. I think we should commend each other when we do good work like this. I appreciate the support we have had.

In recognition of that, I think rather than trying to drive on to conclusion tonight and perhaps having votes later on tonight, we will go forward tonight with debate on all remaining amendments, and then we will ask unanimous consent to stack the votes beginning at 5:15 on Monday.

Also, on Monday, we will begin the HUD–VA appropriations bill. For those that are interested, on two other subjects, at the request of a number of Senators on both sides, so that we can try to continue to see if we can work out an agreement, we have moved the tuna-dolphin issue off until next week. We hope an agreement can be worked out, or a compromise. If it cannot be, we will probably have a cloture vote on that on Friday of next week.

With regard to FDA reform, we have a very good bill that was reported from the education-labor committee. Senator JEFFORDS has been working with other interested Senators on both sides of the aisle and on both sides of the issue. We are hoping that a time agreement can be worked out on that. If we get a time agreement, we will try to take that bill up, perhaps, Tuesday or Wednesday.

If we get the unanimous-consent request, there would be no further votes tonight or Friday. The next recorded votes would be at 5:15 on Monday. We will resume consideration of the treasury, postal appropriations bill. Earlier today, the managers were able to reach an agreement to limit amendments to that bill—first-degree amendments, I believe. Therefore, the Senate will remain in session this evening until the amendments have been debated. The votes, then, will be postponed to occur until 5:15 on Monday.

Mr. President, I believe that is all we need to announce at this point, Mr. President. So we can go back to the Treasury, Postal Service bill.

Mr. STEVENS. Will the Senator yield for one comment?

Mr. LOTT. Yes.

Mr. STEVENS. Although we will not be in session tomorrow, we will have a markup of a series of bills for the Appropriations Committee starting at 9:45.

Mr. LOTT. And there will also be considerable work done tomorrow in the two conferences that are pending, as we communicate between the Congress and administration on that. I don't believe a unanimous-consent request is required on this issue, announcing when the next votes would occur.

Mr. MCCAIN. Is it the majority leader's intention to get the tuna-dolphin bill resolved in one fashion or another?

Mr. LOTT. The Senator may not have heard. I announced that in deference to the request of a number of Senators who are trying to work out a reasonable compromise, we have pushed that issue off. But it is our intent that if we don't get a compromise worked out, we would have a cloture vote on that on Friday of next week. I want it understood by Senators that we should expect to be in session next Friday. So please don't be planning on leaving Thursday night.

Mr. MCCAIN. If the majority leader will yield, I have one further question. If that cloture vote does not succeed, do we intend to continue to debate the tuna-dolphin issue until its conclusion?

Mr. LOTT. That would be my preference.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. LOTT. I yield to the Senator from California.

Mrs. BOXER. I thank the Senator very much for yielding to me.

I would like to inform the leader that I think there is a real great opportunity to resolve this problem. Senator JOHN KERRY has great interest in it. I have been working with Senator SMITH and Senator BIDEN, and many other Senators. We have some really good support for real compromise. We feel that it can be compromised. I am very hopeful we can work together to resolve this. But, if not, we are prepared to have a showdown on the matter, if we have to.

Mr. LOTT. If I could just say, Mr. President, that I appreciate the suggestion that a good compromise could be worked out. And that is why I have not forced the issue this week. I originally planned to have a cloture vote on Friday, probably. But there were requests that we not do that both from the Senator from California and others.

I am not interested in trying to make an issue here. This is not an issue I am directly involved in, although it came out of the Commerce Committee, which I serve on. I think it is an important issue, an important conservation issue. It is an issue that affects jobs and fishing areas. Senator DASCHLE and I both have been receiving calls from the President of the United States saying, please get this legislation up and get it to a conclusion.

So my desire is to try to be helpful on this one. At the request of the administration, I am looking for a compromise that will allow us to get it completed in a reasonable period of time. But, if we can't do that, then we will just go with the alternative.

I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. If I could just add to that, I say to the majority leader, the fact is that the administration wants this bill. The fact is, this is an 11-nation agreement. The fact is, the majority of the environmental community in the United States of America and throughout the world, including Green Peace, want this bill. That is why I asked the majority leader, and, because of its importance, we were willing to debate this issue through until it is done.

I believe that it is also important to point out that the majority leader had planned on having a cloture vote and debate today. It was at the request of the ranking Democrat on the Commerce Committee, Senator HOLLINGS, that he delay this for an another entire week after many weeks of negotiations—fruitless, I might add. And if the Senator from California feels that the way to pursue any issue is through filibuster and debate rather than bringing up her amendments and having them voted on and the issue disposed of, that is fine with me. But I strongly support the majority leader in saying that we will debate this issue until it is resolved. It is too important, Mr. President.

Mr. LOTT. Mr. President, I think probably at this point I would be well-advised to yield the floor and let the Senators talk directly to each other.

Mr. President, I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator very much.

Mr. President, I just didn't want the Record to go by without stating my disagreement with my friend from Arizona. We have 85 environmental groups, including the Sierra Club and the Humane Society, on the side of reasonable compromise. This is an area where I don't have to agree with the administration. Sometimes those occasions do occur.

Senator BIDEN and I teamed up in 1990. We passed the Dolphin Protection Act. This bill overturns it. Frankly, it was done in a way that should have brought the parties together in the first place. So I think we are doing this a little bit backwards in the sense that the compromise, I think, is going to come.

By the way, I have no problem with bringing up the bill at any point. We are prepared to do that. So, if you want to bring up the cloture vote on the motion to proceed to the bill, we are prepared to do that. But we think we can compromise this. We see Senator JOHN KERRY now playing a lead role—Senator BIDEN, I, Senator SMITH, and others on both sides of the aisle, in a bipartisan way, are ready to put forward an excellent compromise. If we get that, this bill can go through in moments.

Ms. SNOWE. Mr. President, will the Senator yield?

Mr. LOTT. Yes. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the leader.

I would like to comment on this issue because I think it is critically important, as chair of the Ocean and Fisheries Subcommittee. The fact is, the administration has requested that this issue be addressed expeditiously because of the agreement that we have entered into with 11 other countries.

Second, we attempted to work with Senator KERRY and others on the committee for a compromise on this issue. To no avail, I might add. But irrespective of that, we incorporated a number of changes in the legislation that were recommended by Senator KERRY and others that I think makes substantial progress on the issues that have been raised by the Senator from California and others. But there is a point at which it contravenes the agreement that had been reached between the United States and these other countries.

I hope we will have a chance to resolve these issues and to work on it, but we have to have good-faith efforts on the other side in order to resolve these issues without compromising the agreement.

I should also mention there are a number of environmental conservation groups that are endorsing this agreement because they think this is the best way to protect not only dolphin and tuna but other species that have been affected because of the status quo and because of the current law.

I should add other methods have affected the byproduct of other species to the detriment of a significant number of different fish that otherwise will continue to go on in this effort if we do not change it with this agreement.

So I hope that the Senator from California will work in a good-faith effort to reach an agreement on this issue. Otherwise, it will be lost.

I would also ask the President to work very vigorously. If he wants this legislation to come through, I think he certainly has to work to make sure that it does.

Mr. LOTT. Mr. President, we are going to have this debate next week, I presume.

I thank everyone for all of their good efforts.

Please allow me to complete my unanimous-consent request, and then we will complete the debate on the Treasury, Postal Service appropriations bill.

I want to emphasize this again. The Senate will next consider after this bill the VA-HUD appropriations bill on Monday, and votes will occur on amendments and passage of the treasury, postal bill at 5:15.

I ask unanimous consent that all amendments must be offered and debated with respect to the Treasury, Postal Service tonight, and those votes then would occur on a case-by-case basis at 5:15 on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. COATS. Mr. President, reserving the right to object, and I will not object.

Mr. LOTT. Good.

Mr. COATS. I do not want to be oversolicitous here, but I think anybody watching understands the difficulty of the majority leader in trying to schedule issues for the Senate to debate. But I just want to say that the majority leader has gone out of his way to give us a family-friendly schedule and some certainty in our schedule by the way he has scheduled issues, by the way he has scheduled votes with a certainty of votes and provided Members an opportunity to go home and have dinner with their families, albeit a somewhat late dinner, but we are used to late dinners.

I just think this is an example of the difficulty of doing what he is doing. But he is doing a terrific job of it. I appreciate that. I might have considered staying in the Senate if I had known it was going to be this family-friendly.

Mr. LOTT. I tried to tell you.

I would be glad to yield to the Senator from Indiana any time. I appreciate his comments.

Mr. President, I have a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank Senator COATS very much.

I yield the floor.

Mr. STEVENS. Mr. President, before he leaves, I do want to thank the majority leader and the minority leader for their cooperation with our committee.

This has been a historic week for the Appropriations Committee. With the cooperation of my good friend from West Virginia, Senator BYRD, and the chairman of the subcommittees and the ranking members, we will now complete debate on five separate bills in 4 days. They have all passed by sheer weight of bipartisanship and cooperation and willingness to work together to work out problems.

I am hopeful that we will see the same thing next week when we again want to bring before the Senate at least five bills. We will have them ready to go before the Senate next week, and we will try to work them in according with the schedule.

But it is imperative, if we are going to avoid the problem of an enormous continuing resolution that we passed in the last Congress, that we get these bills to conference before we go off on the August recess so that the work can be done. Not all of the staff will have to stay here for the whole month. But we will have them at least ready to go to conference when we come back. They will be preconferenced during the period of August, and I think we will avoid any continuing resolution.

So I am, again, grateful to everyone here. But I hope the Senate itself is making history, and it is doing so in really the best spirit I have seen in the Senate for many years.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, for the benefit of our colleagues, could you state the pending business?

The PRESIDING OFFICER. Amendment 921 to the bill, S. 1023.

AMENDMENT NO. 921

Mr. CAMPBELL. Mr. President, I call up amendment 921.

The PRESIDING OFFICER. That amendment is pending.

Mr. CAMPBELL. Mr. President, the underlying first-degree amendment to No. 921 has been cleared on both sides, and I urge its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. KOHL. Mr. President, it has been cleared on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 921) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 933

(Purpose: To clarify the limitation on undertaking a field support reorganization in Aberdeen, SD)

Mr. KOHL. I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DASCHLE, proposes an amendment 933.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, lines 15 and 16, strike "Notwithstanding any other provision of law," and insert "Hereafter,".

Mr. DASCHLE. Mr. President, I would like to thank the chairman of the Subcommittee on Treasury, General Government, and Civil Service, Mr. CAMPBELL, and the ranking member, Mr. KOHL, for their assistance with this important clarifying amendment to the fiscal year 1998 Treasury and general government appropriations bill. They and their staffs have done excellent work in putting this bill together, and they are to be commended for their leadership.

The purpose of this amendment should be clarified for the RECORD. Section 107 of the bill, as approved by the Committee on Appropriations, states, "Notwithstanding any other provision of law, no field support reorganization of the Internal Revenue Service shall be undertaken in Aberdeen, South Dakota, until the Internal Revenue Service toll-free help phone line assistance program reaches at least an 80 percent service level. The Commissioner shall submit to Congress a report and the GAO shall certify to Congress that the 80 percent service level has been met." Identical language was included in appropriations legislation approved last year for fiscal year 1997.

It has always been my intention that this language be considered permanent unless specifically changed by an act of Congress. The obvious intention of Congress in approving this provision is that reductions in force should not take place in Aberdeen until South Dakotans can be assured of being able to access assistance from IRS through the national telephone lines. It has not been the intention of Congress that this provision should expire at the end of the fiscal year for which the funds of this act are being appropriated. To make this crystal clear and explicit in the statute itself, my amendment replaces the phrase "notwithstanding any other provision of law" with the word "hereafter." As the General Accounting Office states in its publication, Principles of Federal Appropriations Law, Second Edition, Volume I, "A provision contained in an annual appropriation act is not to be construed to be permanent legislation unless the language used therein or the nature of the provision makes it clear that Congress intended it to be permanent. The presumption can be overcome if the provision uses language indicating futurity, such as 'hereafter.'"

Mr. President, this legislation ensures that no reorganization of the Aberdeen, South Dakota, IRS office shall take place until the IRS is capable of providing service on a national level that equates to the high quality service currently provided in Aberdeen.

Again, I wish to thank my colleagues for their help and consideration on this issue.

Mr. KOHL. Mr. President, this amendment has been cleared on both sides. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. CAMPBELL. The amendment has been cleared by the majority side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 933) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 934

Mr. CAMPBELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. COLLINS, for herself, Mr. SHELBY, and Mr. GRASSLEY, proposes an amendment numbered 934.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 5, strike "$30,719,000" and insert in lieu thereof, "$29,719,000".

On page 39 after line 2, insert the following new section:

SEC. 121. None of the funds made available by this Act may be used by the Inspector General to contract for advisory and assistance services that has the meaning given such term in section 1105(g) of Title 31, United States Code.

Mr. CAMPBELL. Mr. President, the amendment has been cleared by our side. We ask for its immediate adoption.

Mr. KOHL. The amendment has been cleared on our side also.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 934) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, at this time I would like to yield some time to Senator COLLINS, who would like to speak on the amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first I express my appreciation to the very able managers of this legislation, Senator CAMPBELL and Senator KOHL, for their willingness to accept the amendment which has been proposed by myself, Senator SHELBY and Senator GRASSLEY.

Let me just briefly explain the amendment and its purpose.

This amendment would prohibit the inspector general of the Department of Treasury from spending any money on consulting contracts, and it would make a corresponding reduction in the inspector general's budget by cutting it by $1 million.

Let me first make clear that this amendment is not intended to affect in any way any audit, inspection, investigation or law enforcement function of the Inspector General's Office. The reduction proposed in my amendment is intended to be taken from administrative expenses, specifically the budget classification called "Other services," which is funded in the President's budget at $2.4 million. My amendment would leave $1.4 million available for that classification.

I am offering this amendment today because there is clear, disturbing and credible evidence that the incumbent inspector general has abused her contracting authority by spending taxpayer dollars on management studies of questionable value and of excessive cost.

For example, in April of this year, press accounts revealed that the inspector general had let a soul-source contract for a management study of her office. This $90,000 contract was awarded without the benefit of fair and open competition, and it was awarded to a friend of hers, someone who had in fact recommended her for the position of inspector general.

Mr. President, I have personally reviewed the final product of this contract. It is a 20-page report costing taxpayers $4,500 per page.

Another example of questionable activity occurred in September of 1995 when the inspector general awarded another contract, again without full and open competition, for $85,000 that subsequently ballooned to cost more than $300,000. My amendment would curtail these kinds of abuses in contracting by limiting the amount of funds available for this purpose and by prohibiting the inspector general from spending money on consulting services. In the meantime, without prejudging the ultimate outcome, the permanent subcommittee on investigations, of which I am the Chair, will continue its in-depth investigation into the contracting practices of this office.

I ask unanimous consent to have printed in the RECORD several newspaper reports documenting these contracting abuses.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Treasury Ethics Watchdog Gave No-Bid Contract to Associate

(By John Solomon)

WASHINGTON.—Shortly after becoming the Treasury Department's ethics watchdog, Valerie Lau arranged a no-bid contract for a longtime acquaintance who had written the White House recommending her for her job.

Lau's involvement has prompted a rare congressional inquiry into a department's inspector general, an official whose normal duties are policing the conduct of others and guarding against waste, fraud and abuse.

Documents obtained by The Associated Press show that Lau wrote a Treasury contracting office on Dec. 11, 1994, to select auditor Frank Sato to conduct a management review study of her office. Sato had proposed the study only the day before.

Lau asked that the contract be a "sole source procurement," not to be competitively bid because of an "unusual and compelling urgency" for the review, the documents state.

Treasury quickly approved a $113,000 contract for Sato & Associates. The firm ultimately was paid $90,776, the documents show.

A year earlier, Sato had written the White House personnel office to recommend Lau "very highly" for an inspector general's job, saying he had known her since 1980 and found her to be "a uniquely qualified person with high integrity and character."

Treasury officials say Sato was chosen for the contract because he was a former federal inspector general "uniquely qualified" to review Lau's office and make recommendations to make it more efficient.

The disclosure marks the second time in a week that Lau's conduct has come under scrutiny. Last Thursday, she admitted she gave inaccurate testimony to Congress but blamed the error on bad information from her staff.

Congressional investigators are reviewing the Sato contract.

"At best, in this case, there is an appearance of impropriety that undermines the public confidence in this IG. This watchdog needs to be watched," said Sen. Charles Grassley, R–Iowa, chairman of one the Senate's investigative subcommittees.

Lau refused to be interviewed. But in written answers to Congress, she acknowledged she developed "professional acquaintances" with Sato and another partner in his firm over the years as they served as government auditors.

She did not mention Sato's letter of recommendation to the White House. Treasury spokesman Howard Schloss said Lau was aware of the letter but had not solicited it.

Federal ethics regulations advise employees to avoid actions that "give rise to an appearance of * * * giving preferential treatment" to someone with whom they have an outside relationship.

The regulations advise that "an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated with in a nongovernmental capacity" should consult with a third party to avoid the appearance of a conflict that would make a "reasonable person" question their impartiality.

Lau told Congress she chose Sato's firm because she knew he and his associated had "unique qualifications" as former inspectors general to provide "expertise in the area of audit, investigations and managing" her office.

Treasury officials could not immediately answer whether Lau consulted a third party, disclosed her outside relationship with Sato or reviewed the ethics rules before proceeding with the contract.

Sato worked for almost a decade as an inspector general at two different federal departments, then as an auditor at the Deloitte & Touche accounting firm before starting his own business. He did not return a message left at his home Friday.

In his May 1993 letter recommending Lau, he told the White House he had known Lau since 1980 and worked with her "on both professional accounting/financial management and Asian American issues."

"I have found her to not only be a top professional, but a kind of person you enjoy working with," he wrote.

Lau, a former congressional auditor, was appointed the following year to Treasury inspector general, among positions Sato recommended to presidential personnel.

She began the job in late 1994. Documents show she began inquiring in early December about the possibility of a management review study, and on Dec. 10 received a formal proposal from Sato.

The next day she wrote the contracting office recommending Sato for the contract. "Please let me know what I need to provide next," Lau scribbled in the handwritten note.

On Dec. 12, Lau submitted a formal contract proposal. Documents show it borrowed much of the language from the plan Sato had sent her just two days earlier.

[From the Washington Post, Apr. 24, 1997]

Senator Seeks Probe of Treasury Official—At Issue Is No-Bid Contract Awarded to Longtime Acquaintance

(By Stephen Barr and Clay Chandler)

The chairman of a Senate panel on government oversight yesterday requested an inquiry into allegations that Treasury Department Inspector General Valerie Lau arranged to award a no-bid contract to a longtime acquaintance who had recommended that she be hired for her job.

Sen. Charles E. Grassley (R-Iowa), Chairman of the Judiciary Committee's subcommittee on administrative oversight and the courts, made the request, saying that if the allegations were true, "the IG's action raises appearance questions of preferential treatment and a quid pro quo."

A Treasury official, who asked not to be identified said the contract was awarded on merit, Lau was seeking a speedy review of her office to improve its ability to conduct a department-wide audit, a crucial part of a government-wide financial audit mandated by Congress, the official said.

Within weeks after her 1994 Senate confirmation, Lau selected Frank S. Sato, an auditor and former inspector general, to conduct a management study of her office and its operations, Treasury Department documents released by Grassley's office show, Lau's office is responsible for preventing waste, fraud and abuse in the department.

Lau told Treasury procurement officials on Dec. 7, 1994, that she had "identified an immediate need" for a management study. Three days later, in a letter to Lau, Sato outlined his proposal for the study.

The next day, Dec. 11, Lau recommended Sato for the job in a handwritten note. In documents attached to the note and in a subsequent memo to procurement officials, Lau indicated that the contract would be awarded without competitive bids and for a fixed price.

Treasury officials approved $113,000 for the contract and eventually paid $90,776 to Sato & Associates, a Treasury spokesman said.

In his contract proposal, Sato listed his qualifications, including experience as inspector general at the Veterans Administration (now the Department of Veterans Affairs) and Transportation Department during the 1980s. Sato said his "project team" would include at least one other former inspector general, Charles L. Dempsey, who investigated the Reagan-era scandals at the Department of Housing and Urban Development.

The year before Sato received the contract, he wrote a letter to a White House personnel official urging that Lau be considered for inspector general jobs at Treasury, the Transportation Department or the Office of Personnel Management.

Sato said he had known Lau since 1980, when she worked for the General Accounting Office, the congressional watchdog agency, in San Francisco, Sato described Lau as a "top professional" with "high integrity and character."

In Lau's prepared testimony submitted for her Senate confirmation hearing, she praised Sato as one of the government's first inspector generals who set high standards for the watch-dog positions created Congress in 1978.

Grassley made his request for a review of the Sato contract in a letter to Robert M. Bryant, who heads the FBI's Criminal Investigative Division.

The letter was addressed to Bryant in his role as chairman of the Integrity Committee, the arm of the President's Council on Integrity and Efficiency that handles allegations of misconduct against inspector generals. If the Integrity Committee decides an allegation warrants investigation, it turns the probe over to the Justice Department.

Grassely said no-bid contracts "are usually reserved for matters of 'unusual and compelling urgency.' This contract clearly was neither unusual nor urgent." He asked Bryant to determine whether the awarding of the contract violated any laws regulations or ethics codes.

Sato did not return telephone calls seeking comment. The Treasury official said Lau had already referred the contract issue to the Integrity Committee for review.

[From the Washington Times, Apr. 28, 1997]

TREASURY MEMO CAUTIONED RUBIN ON LAU'S PROBLEMS

(By Ruth Larson)

Treasury Secretary Robert E. Rubin and the FBI were notified more than three months ago about serious ethics problems involving Treasury Department Inspector General Valerie Lau, Treasury sources say.

Treasury Department spokesman Howard Schloss said he believed the Jan. 15 internal memo, a copy of which was obtained last week by The Washington Times, was referred to the President's Council on Integrity and Efficiency, which oversees performance of inspectors general from various Cabinet departments.

"It's my understanding that nothing's been done on this matter," said Mr. Schloss, who declined further comment on the pace of the inquiry or the allegations against Miss Lau. Questions for Miss Lau were directed to Mr. Schloss.

Titled "Mismanagement and Abuse of Power," the four-page memorandum delivered to Mr. Rubin's office detailed questionable travel, contracting and administrative expenses in the inspector general's office under Miss Lau's management.

"We are supposed to be independent and detect waste, fraud and abuse," the memo reads. "We are not supposed to be practicing waste, fraud, and abuse."

The memo also questioned the inspector general's willingness to tackle difficult or sensitive audits and investigations of some of the government's most critical agencies. Miss Lau's jurisdiction includes the Internal Revenue Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco and Firearms.

The inspector general's office "avoids at all costs conducting hard-hitting, meaningful audits and investigations," according to the memo. "It is widely perceived that we avoid controversial areas and political issues that would require the IG to take a strong stand on certain issues."

The document was also given to an FBI investigator associated with the Council on Integrity and Efficiency. That agent declined to comment on the memo or disclose whether an inquiry is under way.

The apparent lack of action at the agency in the wake of the memo has caught the attention of Sen. Charles E. Grassley, Iowa Republican and a member of the Senate Judiciary Committee.

Mr. Grassley plans to prod the FBI for an update on the Lau memo, his office said on Friday.

The Jan. 15 memo said Miss Lau:

Used more than $200,000 worth of employee time and travel resources to develop a "mission vision, value statement" for her office.

The value statement ultimately said the mission of the inspector general's office is to "conduct independent audits, investigations and reviews" that help "promote economy, efficiency and effectiveness, and prevent and detect fraud and abuse."

Hired an outside consulting firm called KLS to address problems with diversity and employee morale.

A Treasury official said Friday that $292,076 had been spent to date on the two-year contract, out of a possible $343,650. The contract runs through September.

Steered a sole-source management contract worth $90,776 to a firm owned by Frank Sato, a former inspector general and longtime acquaintance of Miss Lau's who wrote the White House to recommend her for her current post.

Made frequent trips to the West Coast, purportedly for business, but widely perceived by employees as chances to visit her family in the San Francisco area, "at a time when the agency was strapped for travel funds."

Since the Jan. 15 memo, subsequent memos provided to the FBI reported that * * * questionable behavior.

At a February 1996 meeting, for example, an employee complained that morale was suffering and there was "not enough warmth" in the agency.

"Ms. Lau then responded by saying she would show him some 'warmth,' and she proceeded to physically sit in [the employee's] lap, placed her arms round him, and gave him a big hug," one memo said.

Employees said one incident where Miss Lau failed to investigate forcefully came when she refused to allow her IRS Oversight Audit staff to investigate problems with the IRS' computer upgrade and reports of widespread employee browsing through celebrity tax returns.

In fact, since Miss Lau took over the office in October 1994, funds recovered have dropped from $201 million in fiscal 1994 to $25.9 million in fiscal 1996.

The number of audit reports issued has dropped as well, from 158 reports in 1994 to 106 in 1996.

Miss Lau has told Congress that the lower numbers are due to auditors' efforts to comply with new federal guidelines.

Meanwhile, in an effort to boost employee morale, Miss Lau hired the consulting firm KLS in September 1995.

In a written response to a House panel's questions, Miss Lau said: "The sensitivity of identified diversity issues and perceived internal problems was such that an objective, outside source was desirable."

The KLS contract was awarded using "other than full and open competition" because "the agency's need is of such unusual and compelling urgency that it precludes competition," she wrote.

Employees say the scope of $344,000 contract has been amended since the original award and now includes revamping the office's employee performance.

[From U.S. News, July 2, 1997]

TREASURY IG WORKED FOR DEMOCRATS

(By John Solomon)

WASHINGTON.—The Treasury Department's ethics watchdog, already under scrutiny for a no-bid contract to an associate, authorized skipping normal competitive bidding procedures for a second consulting contract, officials say.

With Congress beginning to investigate contracting by the office of Treasury Inspector General Valerie Lau, documents and interviews also shed new light on Lau's background and her office's work. For instance, Lau:

Was given an opportunity to apply for a Clinton administration job in 1993 while working as a consultant for the Democratic Party. Inspectors general, though appointed by the president, by law are designed to be politically independent.

Was instructed by the No. 2 Treasury Department official to rewrite one of the most high-profile reports of her tenure—the investigation into law enforcement's attendance at racist, drunken Good Ol' Boys Roundups—because it lacked basic investigatory information.

The scrutiny of Lau's office is an unusual twist for a watchdog normally charged with policing against waste, fraud and abuse throughout the Treasury Department.

Lau declined to be interviewed, but her office provided written answers to questions posed by The Associated Press.

The AP reported last month that shortly after taking over as IG in late 1994, Lau approved a $90,000 no-bid, sole-source management review contract to an associate who has written the White House recommending her for the job.

Documents show Lau approved the sole-source contract to Sato & Associates on the grounds that the government would be "seriously injured" if the contract was put up for bidding.

Officials say that in 1995, Lau's office again approved skipping competitive bidding procedures to hire a consultant to boost morale among workers.

Lau's office says it approved the $271,000 contract to the consulting firm KLS under a legal provision that permits "other than full and open competition when the agency's need is such unusual and compelling urgency."

The IG office said it skipped the bidding "to prevent deterioration in workforce effectiveness' and because a survey it conducted "suggested a prompt response was necessary" to low worker morale.

The Senate Permanent Subcommittee on Investigations is investigating a variety of issues surrounding Lau's office, including the noncompetitive contracts and the performance of her office.

"I consider the allegations surrounding the Treasury Department's inspector general to be very troubling," Sen. Susan M. Collins, R-Maine, said.

In a January 1996 memo, Deputy Treasury Secretary Lawrence Summers wrote Lau that her original report into Treasury agents' participation in the controversial Good Ol'Boys Roundups was lacking key information.

"I am very concerned that the report be maximally credible in all respects," Summers wrote.

"Specifically it should be evident on the face of the report that your investigation was thorough and uncompromising.

"While those of us who know you well have no question concerning your effort and intentions, it would be helpful for your report to lay out exactly how your investigation was conducted," Summers wrote.

Among the basic information he cited as missing: identifying which witnesses were interviewed describing efforts made to collect documents, photographs and other evidence.

"In sum, it would seem advisable to describe all of the investigative techniques your office used or elected not to use in conducting this information," Summers wrote.

Assistant Treasury Secretary Howard Schloss said Summers' letter was simply designed to reinforce that "the report be as clear as possible."

Schloss also confirmed that just before she was hired by the Clinton administration, Lau volunteered in 1993 to work as a "career consultant" at the Democratic National Committee in Washington.

Schloss said Lau a professional auditor who also has a master's degree in career development, produced a series of jobs search strategy workshops for the DNC.

Ms. COLLINS. Mr. President, it is particularly troubling to uncover these apparent contracting abuses in the Office of the Inspector General, the very official who is supposed to be the watchdog against waste, fraud, and abuse in Federal departments.

Again, I thank the floor managers of this bill for their cooperation, and I appreciate their support of this amendment.

I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 935

Mr. KOHL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 935.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 2, strike $472,490,000 and insert in lieu thereof $473,490,000, of which $1,000,000 may be used for the youth gun crime initiative.

Mr. KOHL. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CAMPBELL. The amendment has been cleared by our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 935) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, Senator DURBIN wants to go on as a cosponsor of this amendment, the youth gun crime initiative amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 936

(Purpose: To prohibit the use of funds to pay for an abortion or to pay for the administrative expenses in connection with certain health plans that provide coverage for abortions)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. DEWINE, proposes an amendment numbered 936.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the amendment not be read at length.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VI, insert the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section ______ shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mr. CAMPBELL. This amendment has been cleared by both sides, but there will be a rollcall vote. And I ask for the yeas and nays on behalf of Senator DEWINE.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 932

(Purpose: To remove computer games from government computers)

Mr. CAMPBELL. Mr. President, at this time I would like to yield the floor for Senator FAIRCLOTH.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. I thank the Chair. I call up amendment No. 932 which is cosponsored by Senator SHELBY, Senator HAGEL, and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself, Mr. SHELBY and Mr. HAGEL, proposes an amendment numbered 932.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate section.

SEC. PROHIBITION OF COMPUTER GAME PROGRAMS.—

(1) DEFINITIONS.—In this section, "agency" means agency as defined under section 105 of title 5, United States Code;

(2) REMOVAL OF EXISTING COMPUTER GAME PROGRAMS.—Not later than 180 days after the date of enactment of this Act, the head of each agency shall take such actions as necessary to remove any computer program not required for the official of the agency from any agency computer equipment.

(3) PROHIBITION OF INSTALLATION OF COMPUTER GAME PROGRAMS.—The head of each agency shall prohibit the installation of any computer game program not required for the official business of the agency into any agency computer equipment.

(4) PROHIBITION OF AGENCY ACCEPTANCE OF COMPUTER EQUIPMENT WITH COMPUTER GAME PROGRAMS.—

(a) Title III of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end the following:

"SEC. 317. RESTRICTIONS ON CERTAIN INFORMATION TECHNOLOGY.

"(a) DEFINITION.—In this section the term 'information technology' has the meaning given such term under section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

"(b) IN GENERAL.—The head of an executive agency may not accept delivery of information technology that is loaded with game programs not required for an official purpose under the terms of the contract under which information technology is delivered.

"(c) WAIVER.—The head of an executive agency may waive the application of this section with respect to any particular procurement of information technology, if the head of the agency——

"(1) conducts a cost-benefit analysis and determines that the costs of compliance with this section outweighs the benefits of compliance; and

"(2) submits a certification of such determination, with supporting documentation to the Congress.".

(b) The table of contents in section 2(b) of the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 316 the following: "Sec. 317. Restrictions on certain information technology.".

(c) The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Mr. FAIRCLOTH. Mr. President, I rise to offer an amendment that requires all Federal agencies to remove computer games from Government computers.

On June 9 of this year, I introduced S. 885, the Responsive Government Act, together with Senators HAGEL, SHELBY, STEVENS, and HUTCHINSON of Arkansas. The Responsive Government Act includes several provisions to help restore the confidence of the American people in the Federal Government. One of its provisions concerns the use of computer games on Government computers. I am again offering it today.

It is absolutely ludicrous that the taxpayers are paying people to play computer games. The computers are bought and paid for by the American taxpayers for work and not for fun, and they are footing the bill for the job, the office and everything. To be using it for pleasure is simply not in keeping with the way we should be running the Government.

The Federal Government did spend close to $20 billion last year on computers, equipment and support services. These systems are designed and purchased to increase productivity, not to provide games and ability to pass time while Federal employees are drawing wages. However, many of these computers are delivered already equipped with so-called games which reduce workers' efficiency and productivity. This legislation would prohibit the Federal Government from purchasing computers with preloaded game programs. These games, of course, do nothing but decrease productivity.

In fact, a private sector survey found that workers spent an average of 5½ hours per week playing computer games and other nonrelated tasks related to computer games. This translates into an annual loss of $10 billion in productivity.

Clearly, these games do not stay on the computers and go unused. In fact, many of the games now come equipped with a "boss key" which is a device that lets a worker strike a single key and transform the computer scene from a game to a spread sheet, a false spread sheet but a spread sheet. The soul purpose of the device is to hide unproductive behavior from supervisors. If you are playing the game and you suspect that anybody is coming, you just hit a key and it looks like you are working.

There is no reason for the Federal Government to buy computers with programs designed to divert employees' attention from their jobs. This is just simply common sense.

My amendment does provide a waiver in cases where a cost-benefit analysis finds it is more costly to purchase new computer equipment without games than with them. But these cost-benefit reports must be transmitted to the Congress. I think it is a reasonable safeguard for the unusual cases that cannot be anticipated by the Congress.

This is something that has already been done in selected Government agencies. Governor George Allen of Virginia and former Labor Secretary Robert Reich ordered workers to delete these game programs from their computers. I commend them for the action. It is time to implement such a policy throughout the Federal Government.

I thank the chairman for accepting this amendment. I understand it has been accepted by the managers of the bill on both sides, and I very much appreciate the support and help of Senator CAMPBELL and Senator KOHL.

Mr. President, I yield any remaining time.

Mr. CAMPBELL. Mr. President, the majority has no objection to this amendment.

Mr. KOHL. The minority accepts it also.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 932) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 937

(Purpose: To strike restrictions on current authorities under the National Energy Conservation Policy Act)

Mr. KOHL. Mr. President, on behalf of Senator BINGAMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. KOHL], for Mr. BINGAMAN, proposes an amendment numbered 937.

Mr. KOHL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 92, strike lines 6 through 16.

Mr. MURKOWSKI. Mr. President, I rise in support of amendment from the Senator from New Mexico to strike section 630 of this legislation. The provision that would be stricken by the amendment addresses substantive issues regarding the energy efficiency requirements that apply to Federal agencies under the Energy Policy Act of 1992. The requirements addressed by this provision are complex and, along with many, if not all, of the energy efficiency provisions of EPAct, have resulted in quite a bit of controversy during their implementation. As chairman of the Energy Committee, I intend to investigate these issues thoroughly and address them legislatively, as appropriate.

I believe that the supporters of section 630 have raised a legitimate concern that will probably require a legislative resolution. However, as I noted, these issues are very complex, and within the jurisdiction of the Committee on Energy and Natural Resources. The scope of this section is very broad and its full impact is unknown at this time. Its impact on existing contracts is unclear, and it may, in fact, prohibit some activities that are appropriate and beneficial to the American taxpayer. We simply have not had the opportunity for the Energy Committee to evaluate this language and assess all of its implications, as it should. As such, I must object to their resolution in this piece of legislation on procedural grounds and would ask that my name be added as co-sponsor of the Bingaman amendment.

Mr. KOHL. I ask to have the amendment laid aside until Monday.

Mr. STEVENS. I object. I wish to discuss the amendment tonight.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The amendment of the Senator from New Mexico would eliminate from the bill a provision that I requested be inserted because of a conference I had with a former staff member of the Commerce Committee, as a matter of fact. He pointed out to me that the basic law, the National Energy Conservation Policy Act, requires the competitive process.

According to the Office of Technology Assessment, Federal agencies spent about $4 billion annually on power, light, water and other utility bills, and that that could be cut by 25 percent, about $1 billion a year, if we required agencies to improve energy efficiency. That led to this new law.

Our provision does not call for new funding. It does not change existing law. It restricts the use of appropriated funds unless procurements are made through the competitive process. The language in the bill that I requested effects no change in that law, the existing law. The existing law does require a full competitive procurement to be used by Federal agencies to obtain energy-efficient goods and services. It is within the jurisdiction of our Appropriations Committee. It is primarily because it limits the expenditure of funds. Our language really does no more than direct Federal agencies to abide by the law, to follow the law which requires specific procurement procedures. It will not disrupt any existing contracts. It will not prohibit any utility or nonutility provider of energy-efficient services from competing for Federal contracts. It simply directs the Federal agencies to use the competitive process for procuring services for all energy efficiency providers as current law directs.

Mr. President, my problem with striking it is it will mean that we will continue to not receive the savings that we are supposed to receive as a result of the basic law of the land which is the Energy Conservation Policy Act. I do believe that this is a law which ought to be pursued. I call the Senate's attention to that act, which is basically the 1978 act. It has been improved on several times since that time.

I might say, the person who talked to me was part of the staff at the time that basic law was devised, and pointed out to me how it has not been enforced. What we are talking about is basically the provision that is required under Section 551(4) of Title I of the National Energy Conservation Policy Act which basically says this:

> The term "energy conservation measures" means measures that are applied to a Federal building that improve energy efficiency or are life cycle cost effective and that involve energy conservation, cogeneration facilities, renewable energy sources, improvements in operation and maintenance efficiencies, or retrofit activities.

That is the law, Mr. President. Senator BINGAMAN's amendment would strike from this bill my amendment which requires and—prevents the use of funds under this bill for those activities unless they follow the law regarding competitive procurement practices. I know Senator BINGAMAN will have a minute when he comes on Monday. I wanted to take this time now to explain it.

I ask unanimous consent we have printed in the RECORD at this point the relevant provisions of the National Energy Conservation Policy Act, Section 201 of the Federal Property Administrative Services Act, which is what we require.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE NATIONAL ENERGY CONSERVATION POLICY ACT

SEC. 8259. Definitions.

* * * * *

(4) the term "energy conservation measures" means measures that are applied to a Federal building that improve energy efficiency and are life cycle cost effective and that involve energy conservation, cogeneration facilities, renewable energy sources, improvements in operations and maintenance efficiencies, or retrofit activities;

* * * * *

SEC. 8251. Findings.

The Congress finds that—

(1) the Federal Government is the largest single energy consumer in the Nation;

(2) the cost of meeting the Federal Government's energy requirement is substantial;

(3) there are significant opportunities in the Federal Government to conserve and make more efficient use of energy through improved operations and maintenance, the use of new energy efficient technologies, and the application and achievement of energy efficient design and construction;

(4) Federal energy conservation measures can be financed at little or no cost to the Federal Government by using private investment capital made available through contracts authorized by subchapter VII of this chapter; and

(5) an increase in energy efficiency by the Federal Government would benefit the Nation by reducing the cost of government, reducing national dependence on foreign energy resources, and demonstrating the benefits of greater energy efficiency to the Nation.

* * * * *

SEC. 8287. Authority to enter into contracts.

(a) In general.

(1) The head of a Federal agency may enter into contracts under this subchapter solely for the purpose of achieving energy savings and benefits ancillary to that purpose. Each such contract may, notwithstanding any other provision of law, be for a period not to exceed 25 years. Such contract shall provide that the contractor shall incur costs of implementing energy savings measures, including at least the costs (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel, in exchange for a share of any energy savings directly resulting from implementation of such measures during the term of the contract.

(2)(A) Contracts under this subchapter shall be energy savings performance contracts and shall require an annual energy audit and specify the terms and conditions of any Government payments and performance guarantees. Any such performance guarantee shall provide that the contractor is responsible for maintenance and repair services for any energy related equipment, including computer software systems.

(B) Aggregate annual payments by an agency to both utilities and energy savings performance contractors, under an energy savings performance contract, may not exceed the amount that the agency would have paid for utilities without an energy savings performance contract (as estimated through the procedures developed pursuant to this section) during contract years. The contract shall provide for a guarantee of savings to the agency, and shall establish payment schedules reflecting such guarantee, taking into account any capital costs under the contract.

(C) Federal agencies may incur obligations pursuant to such contracts to finance energy conservation measures provided guaranteed savings exceed the debt service requirements.

(D) A Federal agency may enter into a multiyear contract under this subchapter for a period not to exceed 25 years, without funding of cancellation charges before cancellation, if—

(i) such contract was awarded in a competitive manner pursuant to subsection (b)(2) of this section, using procedures and methods established under this subchapter;

(ii) funds are available and adequate for payment of the costs of such contract for the first fiscal year;

(iii) 30 days before the award of any such contract that contains a clause setting forth a cancellation ceiling in excess of $750,000, the head of such agency gives written notification of such proposed contract and of the proposed cancellation ceiling for such contract to the appropriate authorizing and appropriating committees of the Congress; and

(iv) such contract is governed by part 17.1 of the Federal Acquisition Regulation promulgated under section 421 of Title 41 or the applicable rules promulgated under this subchapter.

(b) Implementation.

(1)(A) The Secretary, with the concurrence of the Federal Acquisition Regulatory Council established under section 421(a) of Title 41, not later than 180 days after October 24, 1992, shall, by rule, establish appropriate procedures and methods for use by Federal agencies to select, monitor, and terminate contracts with energy service contractors in accordance with laws governing Federal procurement that will achieve the intent of this section in a cost-effective manner. In developing such procedures and methods, the Secretary, with the concurrence of the Federal Acquisition Regulatory Council, shall determine which existing regulations are inconsistent with the intent of this section and shall formulate substitute regulations consistent with laws governing Federal procurement.

(B) The procedures and methods established pursuant to subparagraph (A) shall be the procedures and contracting methods for selection, by an agency, of a contractor to provide energy savings performance services. Such procedures and methods shall provide for the calculation of energy savings based on sound engineering and financial practices.

(2) The procedures and methods established pursuant to paragraph (1)(A) shall—

(A) allow the Secretary to—

(i) request statements of qualifications, which shall, at a minimum, include prior experience and capabilities of contractors to perform the proposed types of energy savings services and financial and performance information, from firms engaged in providing energy savings services; and

(ii) from the statements received, designate and prepare a list, with an update at least annually, of those firms that are qualified to provide energy savings services;

(B) require each agency to use the list prepared by the Secretary pursuant to subparagraph (A)(ii) unless the agency elects to develop an agency list of firms qualified to provide energy savings performance services using the same selection procedures and methods as are required of the Secretary in preparing such lists; and

(C) allow the head of each agency to—

(i) select firms from the list prepared pursuant to subparagraph (A)(ii) or the list prepared by the agency pursuant to subparagraph (B) to conduct discussions concerning a particular proposed energy savings project, including requesting a technical and price proposal from such selected firms for such project;

(ii) select from such firms the most qualified firm to provide energy savings services based on technical and price proposals and any other relevant information;

(iii) permit receipt of unsolicited proposals for energy savings performance contracting services from a firm that such agency has determined is qualified to provide such services under the procedures established pursuant to paragraph (1)(A), and require agency facility managers to place a notice in the Commerce Business Daily announcing they have received such a proposal and invite other similarly qualified firms to submit competing proposals; and

(iv) enter into an energy savings performance contract with a firm qualified under clause (iii), consistent with the procedures and methods established pursuant to paragraph (1)(A).

(3) A firm not designated as qualified to provide energy savings services under paragraph (2)(A)(i) or paragraph (2)(B) may request a review of such decision to be conducted in accordance with procedures to be developed by the board of contract appeals of the General Services Administration. Procedures developed by the board of contract appeals under this paragraph shall be substantially equivalent to procedures established under section 759(f) of Title 40.

(c) Sunset and reporting requirements

(1) The authority to enter into new contracts under this section shall cease to be effective five years after the date procedures and methods are established under subsection (b) of this section.

(2) Beginning one year after the date procedures and methods are established under subsection (b) of this section, and annually thereafter, for a period of five years after such date, the Comptroller General of the United States shall report on the implementation of this section. Such reports shall include, but not be limited to, an assessment of the following issues:

(A) The quality of the energy audits conducted for the agencies.

(B) The Government's ability to maximize energy savings.

(C) The total energy cost savings accrued by the agencies that have entered into such contracts.

(D) The total costs associated with entering into and performing such contracts.

(E) A comparison of the total costs incurred by agencies under such contracts and the total costs incurred under similar contracts performed in the private sector.

(F) The number of firms selected as qualified firms under this section and their respective shares of awarded contracts.

(G) The number of firms engaged in similar activity in the private sector and their respective market shares.

(H) The number of applicant firms not selected as qualified firms under this section and the reason for their nonselection.

(I) The frequency with which agencies have utilized the services of Government labs to perform any of the functions specified in this section.

(J) With the respect to the final report submitted pursuant to this paragraph, an assessment of whether the contracting procedures developed pursuant to this section and utilized by agencies have been effective and whether continued use of such procedures, as opposed to the procedures provided by existing public contract law, is necessary for implementation of successful energy savings performance contracts.

* * * * *

SEC. 8287a. Payment of costs.

Any amount paid by a Federal agency pursuant to any contract entered into under this subchapter may be paid only from funds appropriated or otherwise made available to the agency for fiscal year 1986 or any fiscal year thereafter for the payment of energy expenses (and related operation and maintenance expenses).

* * * * *

SEC. 8287b. Reports.

Each Federal agency shall periodically furnish the Secretary of Energy with full and complete information on its activities under this subchapter, and the Secretary shall include in the report submitted to Congress under section 8260 of this title a description of the progress made by each Federal agency in—

(1) including the authority provided by this subchapter in its contracting practices; and

(2) achieving energy savings under contracts entered into under this subchapter.

EXCERPTS FROM THE PROPERTY ADMINISTRATIVE SERVICES ACT

SUBCHAPTER II—PROPERTY MANAGEMENT

SEC. 481. Procurement, warehousing, and related activities.

(a) Policies and methods of procurement and supply; operation of warehouses

The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned—

(1) subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C.A. §401 et seq.], prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting; and

(2) operate, and, after consultation with the executive agencies affected, consolidate, take over, or arrange for the operation by any executive agency of warehouses, supply centers, repair shops, fuel yards, and other similar facilities; and

(3) procure and supply personal property and nonpersonal services for the use of executive agencies in the proper discharge of their responsibilities, and perform functions related to procurement and supply such as those mentioned above in subparagraph (1) at this subsection: *Provided*, That contacts for public utility services may be made for periods not exceeding ten years; and

(4) with respect to transportation and other public utility services for the use of executive agencies, represent such agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies;

Provided, That the Secretary of Defense may from time to time, and unless the President shall otherwise direct, exempt the Department of Defense from action taken or which may be taken by the Administrator under clauses (1) to (4) of this subsection whenever he determines such exemption to be in the best interests of national security.

(b) Extension of services to Federal agencies and mixed ownership corporations and the District of Columbia.

The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in chapter 91 of Title 31), or the District of Columbia, upon its request.

(c) Exchange or sale of similar items

In acquiring personal property, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C.A. §401 et seq.], may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired: *Provided*, That any transaction carried out under the authority of this subsection shall be evidenced in writing.

(d) Utilization of services by executive agencies without reimbursement or transfer of funds

In conformity with policies prescribed by the Administrator under subsection (a) of this section, any executive agency may utilize the services, work, materials, and equipment of any other executive agency, with the consent of such other executive agency, for the inspection of personal property incident to the procurement thereof, and notwithstanding section 1301(a) of Title 31 or any other provision of law such other executive agency may furnish such services, work, materials, and equipment for that purpose without reimbursement or transfer of funds.

(e) Exchange or transfer of excess property

Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 483 of this title to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use.

* * * * *

SUBCHAPTER II—PROPERTY MANAGEMENT

SEC. 481. Procurement, warehousing, and related activities.

(a) Policies and methods of procurement and supply; operation of warehouses.

The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned—

(1) subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C.A. §401 et seq.], prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting; and

(2) operate, and, after consultation with the executive agencies affected, consolidate, take over, or arrange for the operation by any executive agency of warehouses, supply centers, repair shops, fuel yards, and other similar facilities; and

(3) procure and supply personal property and nonpersonal services for the use of executive agencies in the proper discharge of their responsibilities, and perform functions related to procurement and supply such as those mentioned above in subparagraph (1) of this subsection: *Provided*, That contracts for public utility services may be made for periods not exceeding ten years; and

(4) with respect to transportation and other public utility services for the use of executive agencies, represent such agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies;

Provided, That the Secretary of Defense may from time to time, and unless the President shall otherwise direct, exempt the Department of Defense from action taken or which may be taken by the Administrator under clauses (1) to (4) of this subsection whenever he determines such exemption to be in the best interests of national security.

(b) Extension of services to Federal agencies and mixed ownership corporations and the District of Columbia.

The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in chapter 91 of Title 31), or the District of Columbia, upon its request.

(c) Exchange or sale of similar items.

In acquiring personal property, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C.A. §401 et seq.], may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired: *Provided*, That any transaction carried out under the authority of this subsection shall be evidenced in writing.

(d) Utilization of services by executive agencies without reimbursement or transfer of funds.

In conformity with policies prescribed by the Administrator under subsection (a) of this section, and executive agency may utilize the services, work, materials, and equipment of any other executive agency, with the consent of such other executive agency, for the inspection of personal property incident to the procurement thereof, and notwithstanding section 1301(a) of Title 31 or any other provision of law such other executive agency may furnish such services, work, materials, and equipment for that purpose without reimbursement or transfer of funds.

(e) Exchange or transfer of excess property.

Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 483 of this title to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use.

Mr. STEVENS. We say that no funds can be used for the purpose of these measures unless they comply with the law. That is entirely within the jurisdiction of our committee, and I hope the Senate will not pursue the amendment of the Senator from New Mexico. I have not decided whether to make a motion to table that amendment. As I understand the procedure, the motions to table were not waived and therefore I reserve my right to make a motion to table this amendment should the Senator from New Mexico seek to pursue it further on Monday.

Mr. KOHL. We will lay the amendment aside until Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

AMENDMENT NO. 938

(Purpose: To provide for Members of Congress to voluntarily disclose participation in Federal retirement systems in the annual financial disclosure forms)

Mr. CAMPBELL. I send an amendment to the desk on behalf of Senator ABRAHAM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. ABRAHAM, proposes an amendment numbered 938.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The congressional ethics committees shall provide for voluntary reporting by Members of Congress on the financial disclosure reports filed under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) on such Members' participation in—

(1) the Civil Service Retirement System under chapter 83 of title 5, United States Code; and

(2) the Federal Employees Retirement System under chapter 84 of title 5, United States Code.

(b) In this section, the terms "congressional ethics committees" and "Members of Congress" have the meanings given such terms under section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(c) This section shall apply to fiscal year 1998 and each fiscal year, thereafter.

Mr. CAMPBELL. Mr. President, this amendment has been cleared on both sides of the aisle. I urge its immediate adoption.

Mr. KOHL. We have no objection.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 938) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

AMENDMENT NO. 939

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL] proposes an amendment numbered 939.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 2, insert the following after "$6,745,000" *Provided further*, That Chapter 9 of the Fiscal Year 1997 Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, including those in Bosnia, Public Law 105–18 (111 Stat. 195–96) is amended by inserting after the "County of Denver" in each instance "the County of Arapahoe".

Mr. CAMPBELL. This amendment has been cleared by both sides. I urge its immediate adoption.

Mr. KOHL. We have no objection on our side.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 939) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 940 AND 941

Mr. CAMPBELL. Mr. President, I send two amendments to the desk on behalf of Senator COVERDELL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. COVERDELL, for himself and Mrs. FEINSTEIN, proposes amendment numbered 940 and, for Mr. COVERDELL, amendment numbered 941.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 940

(Purpose: To provide that Federal employees convicted of certain bribery and drug-related crimes shall be separated from service)

At the appropriate place in the bill, insert the following new section:

SEC. . (a) A Federal employee shall be separated from service and barred from reemployment in the Federal service, if—

(1) the employee is convicted of a violation or attempted violation of section 201 of title 18, United States Code; and

(2) such violation or attempted violation related to conduct prohibited under section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)).

(b) This section shall apply during fiscal year 1998 and each fiscal year thereafter.

AMENDMENT NO. 941

(Purpose: To require a plan for the coordination and consolidation of the counterdrug intelligence centers and activities of the United States)

At the appropriate place in the bill, insert the following:

SEC. . (a) COORDINATION OF COUNTERDRUG INTELLIGENCE CENTERS AND ACTIVITIES.—(1) Not later than 120 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the appropriate congressional committees a plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers and counterdrug activities of the Federal Government, including the centers and activities of the following departments and agencies:

(A) The Department of Defense, including the Defense Intelligence Agency.

(B) The Department of the Treasury, including the United States Customs Service.

(C) The Central Intelligence Agency.

(D) The Coast Guard.

(E) The Drug Enforcement Administration.

(F) The Federal Bureau of Investigation.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the centers and activities referred to in that paragraph in achieving the objectives of the national drug control strategy. In order to maximize such effectiveness, the plan shall—

(A) articulate clear and specific mission statements for each counterdrug intelligence center and activity, including the manner in which responsibility for counterdrug intelligence activities will be allocated among the counterdrug intelligence centers;

(B) specify the relationship between such centers;

(C) specify the means by which proper oversight of such centers will be assured;

(D) specify the means by which counterdrug intelligence will be forwarded effectively to all levels of officials responsible for United States counterdrug policy; and

(E) specify mechanisms to ensure that State and local law enforcement agencies are apprised of counterdrug intelligence in a manner which—

(i) facilitates effective counterdrug activities by such agencies; and

(ii) provides such agencies with the information necessary to ensure the safety of officials of such agencies in their counterdrug activities.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(2) The Committee on International Relations, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the amendments be set aside.

Mr. KOHL. We have no objection to their being set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT'S ANTI-DRUG CAMPAIGN

Mr. CLELAND. Mr. President, I had planned to offer an amendment which addresses a matter that is critical to the future of America. Drug use by the nation's youth is rising at alarming levels. The Office of National Drug Control Policy's budget request included $175 million for a youth oriented media anti-drug campaign aimed at reducing drug use by our nation's children. I strongly support this campaign.

Drug use among America's youth has doubled over the past five years, tripling among eighth graders. These trends are devastating and threaten to destroy the fabric of American society. We have an obligation to reverse these trends by motivating America's youth to reject drugs. As you know, the media exerts tremendous influence on children. Through the power of the media we are equipped to influence children via outlets that include television, radio, computer software, and the Internet.

While drug use has been glamorized, normalized and linked with popularity, this media campaign will employ a strategy to change youth attitudes about the perceived risk of drug use and to encourage parents to talk to their children about drugs. Coupled with support from the private sector, the program would finance anti-drug messages to reach 90 percent of all children ages 9 through 17 at least four times per week. The media campaign will supplement existing public service campaigns carried out by groups such as the Partnership for a Drug Free America and the Ad Council, both of whom will participate in the Office of National Drug Policy campaign.

Unfortunately, this program was not fully funded by the Appropriations Committee. I share its view that the funds used for this program must be carefully monitored to assure its effectiveness and non-partisan status, and I support the requirements the Committee has included that address these matters.

However, I believe that denial of full funding sends the wrong message here. The Appropriations Committee questioned whether full funding for this new program at this time was premature. I fail to see the rationale. The numbers of children using drugs are going up. If anything, I would say that funding for such a campaign is too late, not premature.

Let's put this funding in the context of the media. We all know that Hollywood is a multibillion dollar industry. Each year, billions of dollars are put into producing movies that glamorize drugs and alcohol. Then there is the advertising industry. I am told that the amount requested for this program is of the same magnitude of what is typically spent on one line of commercials for a fast food restaurant. And how much money every year is spent on beer commercials? If you imagine what our children are inundated with on a daily basis, and then if you think about how limited this campaign actually is, I believe one would begin to understand how much more we should be doing to prevent our children from being influenced to view drugs and alcohol in a positive light.

My amendment would have added $65 million to help counter the messages our children receive each day. Given the expressions of opposition I have received from the Committee on this amendment, I will not offer it. Nonetheless I cannot think of a sound reason to oppose this critically important campaign. We must invest in the future of America's 68 million children. We cannot allow another generation children to be lost to the culture of drug use.

I hope that in the future the Senate will have the opportunity to revisit this matter and increase funding for this most important anti-drug campaign.

FUNDING FOR THE FEDERAL ELECTION COMMISSION

Mr. DODD. Mr. President, I rise today to speak about the funding for the Federal Election Commission (FEC), as allocated in the Treasury, General Government, Civil Service Appropriations Bill.

All of us know that Congress' appropriators are tasked with guiding one of the most difficult of our duties—deciding how to spend the taxpayers' money. While I appreciate the magnitude and difficulty of this task as approached by the Subcommittee on Treasury, General Government, and Civil Service Appropriations, I am disappointed that the committee did not provide the FEC with full funding at its request of $34.2 million, as supported by the President.

Mr. President, the citizens' cries for campaign finance reform are growing louder and louder. Why? Because campaign spending is out of control. As money floods endlessly into our electoral system, however, I fear the voice of the average American will be drowned out and democracy will be the victim.

Much must be done to truly and effectively clean up our political campaigns. But one thing we can do to start right now is provide the FEC—the agency charged by Congress with overseeing our campaign finance system—with the finances it needs to promptly and effectively enforce the laws that govern our campaigns.

Consider that, in just eight years, we have seen a fourfold increase in the amount of money raised and spent by both parties, from $220 million raised by both parties in 1988 to $881 million raised in 1996.

In just 4 years, we have seen a 73 percent increase in political costs. A 73 percent increase in political costs since 1992—while wages rose 13 percent and education costs rose 17 percent during that same period.

Congressional spending in 1996 general elections was $626.4 million, 6.3

percent higher than the record 1994 levels.

And an unprecedented $2.5 billion in financial activity was reported to the commission in 1996.

And it was the FEC that had to oversee all this spending, to be sure it complied with the law.

This increase in campaign spending has therefore generated a sharp increase FEC's workload. Between 1994 and November of 1996, the FEC's caseload rose 36 percent, and because complaints related to the 1996 election are still being filed, the FEC expects the caseload to ultimately rise by 52 percent. Yet, providing adequate funding for the FEC has been a constant battle. Recent rescissions and funding rollbacks have prevented the FEC from keeping up with its ever-increasing workload and meeting inflation in rent and salary costs.

This combination of a decreasing budget and an increasing workload have hamstrung the FEC's ability to fulfill its watchdog role in a timely and effective manner. At the same time the FEC's caseload has risen, staff cuts required by the post-FY '95 budget reductions have led to a 25 percent drop in the FEC's ability to handle those cases.

Perhaps that is one reason why the FEC has become known as a toothless tiger. I believe it is time to give this tiger the teeth it needs to carry out its duties.

Mr. President, we are in the midst of multiple government investigations into campaign financing—investigations I wholeheartedly support. But as Congress has allocated millions of dollars for burgeoning Congressional campaign finance investigations, the least we can do is provide adequate funding for the independent and bipartisan FEC to do its job.

Many of my colleagues have said that campaign finance reform is not the issue for 1997. The illegalities of 1996, they say, is the issue. Yet, at the same time, they refuse to fund the very agency that should be first to uncover and punish any illegalities.

In October 1996, following news reports of alleged irregularities in fundraising by both political parties, I initiated a request that the FEC conduct an investigation of the Democratic National Committee, and pledged to make available all relevant records and personnel. At a Rules Committee hearing earlier this year, I was shocked to learn that as of February 1997, due to the tremendous backlog of cases and funding shortfalls at the FEC, that investigation had not even begun. While I am informed today that the investigation has now begun, I believe the delay in commencing the audit is illustrative of the magnitude of the FEC's budget problems.

Earlier this year, after learning of the FEC's long delay in beginning to address the cases generated by the 1996 election, I introduced a bill to strengthen the FEC and authorize full funding for the agency. I was also recently joined by my colleagues Senators KERREY, REED, and DORGAN in writing to Senate appropriators to request that they provide the FEC with full funding. I ask unanimous consent that those letters be printed in the RECORD.

I am disappointed that we have not fully funded the FEC at this time, but I remain hopeful that we will provide full funding—and enact other much needed FEC reforms—when we debate comprehensive campaign finance reform in what I hope will be the near future.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 7, 1997.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Subcommittee on Treasury, Postal Service, and General Government Appropriations, Committee on Appropriations, Washington, DC.

DEAR SENATOR CAMPBELL: As your subcommittee prepares to consider the Treasury-Postal Appropriations bill, we write to urge you to appropriate full funding for the Federal Election Commission at their request of $34.2 million.

Established by Congress as one of the post-Watergate reforms, the FEC was charged with overseeing and monitoring federal election campaigns' compliance with the law. As we mark the 25th anniversary of Watergate this year, it is time that we enable the FEC to live up to its mandate by providing it with the necessary funding.

In recent elections, as the cost of campaigns has spiraled out of control and current campaign laws have proven porous and ineffective in discouraging this trend, the FEC's caseload has risen, making its job more and more difficult. The cost of campaigns rose 73% between the 1992 and 1996, and parties raised four times the amount of money in 1996 that they raised just eight years before in 1988. Between 1994 and November of 1996, the FEC's caseload rose 36% and because complaints related to the 1996 election are still being filed, the FEC expects the caseload to ultimately rise by 52%. Yet, even as the FEC's workload has surged and Congress has allocated millions of dollars for burgeoning Congressional campaign finance investigations, providing adequate funding for the independent and bipartisan FEC has been a constant battle. Rescissions and funding rollbacks over the last few years have not permitted the FEC to keep pace with its increasing workload, or even to meet inflation in rent and salary costs.

This combination of a decreasing budget and an increasing workload have hamstrung the FEC's ability to fulfill its duties. At the same time the FEC's caseload has risen, staff cuts required by the post-FY '95 budget reductions have led to a 25% drop in the FEC's ability to handle those cases.

The $34.2 million requested by the FEC encompasses $29.3 million included in the President's budget, which the FEC requires to continue responsible operation and which would restore the FEC's funding to its pre-1995 recision level. The $34.2 million figure also encompasses an additional $4.9 million the FEC now needs to handle the increased volume of work resulting from the 1996 elections.

For too long, the FEC has been known as a toothless tiger, an agency rendered powerless by both structural and financial inadequacies. While we in Congress must explore many ways of strengthening the FEC, one way we can help restore its authority is to allocate the money it needs. We urge you and your committee to make the requested FEC funding a top priority.

ROBERT J. KERREY.
JACK REED.
CHRISTOPHER J. DODD.
BYRON L. DORGAN.

U.S. SENATE,
Washington, DC, July 7, 1997.

Hon. HERB KOHL,
Ranking Member, Subcommittee on Treasury, Postal Service, and General Government Appropriations, Committee on Appropriations, Washington, DC.

DEAR SENATOR KOHL: As your subcommittee prepares to consider the Treasury-Postal Appropriations bill, we write to urge you to appropriate full funding for the Federal Election Commission at their request of $34.2 million.

Established by Congress as one of the post-Watergate reforms, the FEC was charged with overseeing and monitoring federal election campaigns' compliance with the law. As we mark the 25th anniversary of Watergate this year, it is time that we enable the FEC to live up to its mandate by providing it with the necessary funding.

In recent elections, as the cost of campaigns has spiraled out of control and current campaign laws have proven porous and ineffective in discouraging this trend, the FEC's caseload has risen, making its job more and more difficult. The cost of campaigns rose 75 percent between the 1992 and 1996, and parties raised four times the amount of money in 1996 that they raised just 8 years before in 1988. Between 1994 and November of 1996, the FEC's caseload rose 36 percent, and because complaints related to the 1996 election are still being filed, the FEC expects the caseload to ultimately rise by 52 percent. Yet, even as the FEC's workload has surged and Congress has allocated millions of dollars for burgeoning Congressional campaign finance investigations, providing adequate funding for the independent and bipartisan FEC has been a constant battle. Rescissions and funding rollbacks over the last few years have not permitted the FEC to keep pace with its increasing workload, or even to meet inflation in rent and salary costs.

This combination of a decreasing budget and an increasing workload have hamstrung the FEC's ability to fulfill its duties. At the same time the FEC's caseload has risen, staff cuts required by the post-fiscal year 1995 budget reductions have led to a 25 percent drop in the FEC's ability to handle those cases.

The $34.2 million requested by the FEC encompasses $29.3 million included in the President's budget, which the FEC requires to continue responsible operation and which would restore the FEC's funding to its pre-1995 rescission level. The $34.2 million figure also encompasses an additional $4.9 million the FEC now needs to handle the increased volume of work resulting from the 1996 elections.

For too long, the FEC has been known as a toothless tiger, an agency rendered powerless by both structural and financial inadequacies. While we in Congress must explore many ways of strengthening the FEC, one way we can help restore its authority is to allocate the money it needs. We urge you and your committee to make the requested FEC funding a top priority.

Sincerely,

ROBERT J. KERREY.
JACK REED.
CHRISTOPHER J. DODD.
BYRON L. DORGAN.

THE NATIONAL HISTORICAL PUBLICATIONS AND RESEARCH COMMISSION AND THE NATHANIEL GREENE PAPERS

Mr. CHAFEE. Mr. President, I would like to commend Senator CAMPBELL for his work on this appropriations bill. I was particularly pleased with the funding level for the National Historical Publications and Records Commission, which was increased by $1 million over the budget request. It is my hope that, although not specifically earmarked, a portion of these funds will go toward completing the Rhode Island Historical Society's ongoing project "The Papers of General Nathaniel Greene."

As I am sure my colleagues are aware, Nathaniel Greene, in addition to being a famous Rhode Islander, was second in command to General George Washington during the American Revolutionary War. Nathaniel Greene's papers, which are extensive, provide a complete, first-person account of the Revolution. The Greene papers include numerous correspondence with George Washington, as well as letters from all of the members of the Continental Congress, the Board of War, many of the state governors, a number of Generals in the Continental Army, and other troops and their loved ones.

When the war was over, General Greene, clearly recognizing the historical significance of his correspondence, gathered as many as 6,000 letters and documents in trunks and made his way home to Rhode Island. Later, he stopped in Princeton, New Jersey, the site of the Continental Congress, and expressed his desire to have his papers copied, assembled, and bound in books. That very day, Congress agreed to General Greene's request and voted to provide him with a clerk to undertake this task. Regrettably, General Greene died two years later, and, over the years, his papers have been scattered between more than 100 repositories in a number of states.

Since 1971, the Rhode Island Historical Society has worked to assemble and publish the extraordinary papers of this remarkable patriot. At the onset of this project, which was cosponsored by The William L. Clement Library at the University of Michigan, funds were provided by the National Historical Publications Commission (now the NHPRC). Additional funds were received through the National Endowment for the Humanities, which contributed to the completion of the first nine volumes of "The Papers of General Nathaniel Greene."

The remaining volumes of the Greene Papers will focus on the Revolutionary War in the South. Details about the Southern Campaign are far less well known than those about the War in the North.

At the age of thirty-two, Nathaniel Greene became the youngest General in the Continental Army and later became commander of the Southern Army. In 1781 and 1782, he and his troops defeated the British in the Carolinas and in Georgia. The several volumes that remain to be completed focus on this aspect of our nation's early history. It is a period that, in some important aspects, is not well chronicled, and I believe that completion of the Greene Papers will add significantly to our knowledge of an entire region—the South.

Once again, I applaud Senators CAMPBELL and KOHL for their work on this bill and hope that funds from the National Historical Publications and Records Commission will be available for completion of the Greene Papers.

REGULATORY ACCOUNTING, SECTION 625

Mr. THOMPSON. Mr. President, I want to take this opportunity to express my support for the regulatory accounting provision in Section 625 of the Treasury-Postal Appropriations bill, S. 1023. This continues last year's effort by Senator STEVENS, and as the new Chairman of the Governmental Affairs Committee, I strongly support it. I believe the public has the right to know the benefits and burdens of Federal regulatory programs. And Congress needs this information to better manage the regulatory process. Currently, Federal regulatory programs cost hundreds of billions of dollars per year—$700 billion by some estimates. That comes to several thousand dollars for the average American household—perhaps $7,000 per year. Our regulatory goals are too important, and our resources are too precious, to spend this money unwisely.

This provision is identical to last year's Stevens Amendment. It requires the Office of Management and Budget to provide Congress with a report on: (1) the total annual costs and benefits of Federal regulatory programs; (2) the costs and benefits of rules costing $100 million or more; (3) the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal government; and (4) recommendations to streamline and improve regulatory programs. Before issuing the report in final form, OMB must provide the public with notice and an opportunity to comment on the draft report—its substance, methodologies, and recommendations. In the final report, OMB must summarize the public comments.

Now we know that regulatory accounting is doable, and it does not impose an unjustifiable burden on the agencies. First, OMB has done its first draft report under last year's regulatory accounting provision, and we expect the draft to be published in the Federal Register early next week. While this report is not perfect, it shows that regulatory accounting can be done and can help us better understand the benefits and burdens of regulation. In the past week, the American Enterprise Institute and the Brookings Institution released a primer on how to do regulatory accounting, entitled "Improving Regulatory Accountability." This should be helpful to all of us as OMB revises its draft report.

Estimating the total annual costs and benefits of Federal regulatory programs is like assembling a jigsaw puzzle, and some of the major sections have been assembled. OMB's first draft report will provide a foundation for further improvements that can be proposed during the public comment period. Private studies have estimated the annual costs of regulation, and many of its benefits. These include Bob Hahn's "Regulatory Reform: What Do the Numbers Tell Us?," Tom Hopkins' "Cost of Regulation," and Hahn and Hird's "The Costs and Benefits of Regulation." Moreover, Executive Order 12866, like the preceding Orders for the last 15 years, requires a cost-benefit assessment for significant regulations, which constitute most of the puzzle. The Unfunded Mandates Reform Act also requires detailed cost-benefit analyses of $100 million rules. In addition, the paperwork burden—and I do think it should be addressed—constitutes about 1/3 of the cost puzzle, and paperwork burden hours already are estimated under the Paperwork Reduction Act. Those burdens can easily be monetized by estimating the value of the time needed to comply with paperwork requirements. In addition, the cost of environmental regulation—about ¼ of the cost puzzle—is estimated in EPA's study, The Cost of a Clean Environment (1990), in annual estimates by the Department of Commerce, and by other sources. Finally, regulatory accounting should not create a resource drain for OMB. OMB should issue guidelines requiring the agencies to compile needed information, just as OMB does in the fiscal budget process.

This regulatory accounting provision requires OMB to do a credible and reliable report on the costs and benefits of Federal regulation. First, subsection 625(a)(1) requires OMB to provide estimates of the "total annual" costs and benefits of Federal regulatory programs. This includes those regulatory costs and benefits that will impact the nation during the upcoming fiscal year. These costs and benefits would include impacts from rules issued before this upcoming fiscal year, not just new rules. OMB should do its best to estimate and quantify that figure on the cost side, and to explain what benefits we are getting for the costs of these programs.

When estimating the costs and benefits of "Federal regulatory programs," OMB should use the valuable information already available, and supplement it where needed. Where agencies have or can produce detailed information on the costs and benefits of individual programs, they should make full use of this information. For example, EPA produces reports on the costs of their major environmental programs. Since EPA has program-by-program information, EPA should include such detail in its estimates. Other agencies may not have program-by-program estimates of costs and benefits, nor be capable of producing it, so they may need to rely on less detailed information. I expect a rule of reason will prevail: Where the agencies can produce detail that will be informative for the Congress and the public, they should do so. Where it is extremely burdensome to provide such detail, broader estimates should suffice. Information generated during the public comment period should assist OMB.

Subsection 625(a)(3) requires OMB to assess the direct and indirect impacts of Federal rules on the private sector, State and local government, and the Federal Government. As many studies show, regulatory impacts go beyond compliance costs. Regulation also creates a drag on real wages, economic growth, and productivity. Complex economic models can quantify these adverse impacts. However, OMB is not mandated to devote vast resources to create such models. Instead, OMB may use available reports, studies, and other relevant information to assess the direct and indirect impacts of Federal rules. In addition, OMB should discuss the serious problems posed by unfunded federal mandates for State, local and tribal governments. OMB should inform Congress of its efforts to address these problems. Ultimately, OMB must provide Congress with a credible accounting statement on the regulatory process. This report should show clearly the benefits and burdens of the regulatory process, and it should help Congress to see which programs are cost-effective and which are wasteful.

We have received a copy of OMB's first draft report prepared under last year's Stevens Amendment. The draft is an important first step, and I agree with many recommendations it provides. For example, I strongly agree that OIRA should lead an effort to raise the use and quality of agency analyses for developing regulations. I also agree that OIRA should develop a database on the costs and benefits of major rules and a system to track the net benefits of all new federal regulations and reforms of existing regulations. This information could be used to determine what improvements to recommend. However, I also think that there are several more areas that would be fruitful for OMB to consider. First, OMB should estimate the total costs of all federal mandates, not just environmental, health, safety and economic regulation. In particular, OMB should estimate the entire costs of paperwork, including from tax collection. Second, OMB should estimate, where feasible, the quantifiable indirect costs and the indirect benefits of regulation. This includes, for example, the costs associated with product bans and marketing limitations, as well as the indirect benefits associated with the preservation of endangered species. Third, OMB should examine the impact of regulation on wages, innovation, employment, and income distribution, including employment impacts on particular sectors of the economy. OMB should leverage the expertise and resources of other agencies, especially the President's Council of Economic Advisors, to do these analyses. Finally, OMB should do more to recommend improvements to the regulatory process, as well as particular programs and regulations. OMB does not have to be omniscient to propose such improvements, and its recommendations do not have to be based on perfect empirical data. Let's also use common sense and work together for the public good.

In closing, I should note that this regulatory accounting provision is founded on broad support. Last year's Stevens amendment was adopted by voice vote. It was modeled on more detailed provisions strongly supported in the 104th Congress—in the Roth bill, S. 291, the Dole-Johnston bill, S. 343, and the Glenn-Chafee bill. Regulatory accounting is widely endorsed—by those who labor under the growing regulatory burden, as well as by those who want to assure the benefits of regulation and to enhance the public's right to know about important governmental decisions.

Mr. CAMPBELL. Mr. President, under a prior unanimous consent, all Members were advised that there would be debates tonight on the amendments that many of them had said they wanted to pursue. Several Senators have said they were going to be here this evening to do that. Unfortunately, we cannot find them. We don't know where they are. We called their offices. They are not down here to debate their amendments. So, with consultation with Senator KOHL, we are prepared to just close us down tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

NATION OF EXPLORERS

Mr. SESSIONS. Mr. President, I rise today to honor the men and women whose work contributes to our nation's great space program. Their contributions have made the first seventeen days of the month of July a high point of public interest and enthusiasm. I would like to share with my colleagues some observations of these contributions.

Earlier this week, I visited NASA's Marshall Space Flight Center in Huntsville, AL, and spent a few minutes talking with three of the astronauts on board of the Space Shuttle Columbia. Members of my staff viewed their launch on July 1 from the Kennedy Space Center in Florida. It was another great launch and another great milestone for Columbia and our shuttle program. In case you missed the landing on CNN, Columbia returned safely to Earth at approximately 7:15 a.m. this morning. While in orbit, the crew conducted world class research in areas which are so critical to our future success in the global economy—biotechnology, materials science, and combustion research. This research is vitally important, and here is why:

It is hard to understate the importance of the biotechnology research when you consider the hundreds of proteins in the human body. We currently understand the structure of about 1 percent of these proteins. If scientists can decipher the exact structure of a protein, they can determine how it works with other proteins to perform a specific function. For example, by studying a protein that is part of a virus, they can learn how that virus attacks plants or animals. To do this, however, scientists must grow near-perfect crystals of that protein. While some can be done quite easily on Earth, some are distorted by gravity. During Columbia's mission, protein growth experiments grew large quantities of various proteins. These experiments are designed to improve our knowledge and lead to breakthroughs in diabetes, bronchial asthma, AIDS, various kinds of inflammation, and Chagas disease, a disease affecting 20 million people worldwide but most prevalent in Latin America and making its way into the United States.

Materials science has unlimited potential. Historically, mankind's development has been tied to the development of new materials since the dawn of time—the "Stone Age", the "Iron Age", the "Bronze Age." As humanity matures into the "space age," the need for new materials is as important and evolutionary as ever. The key to materials science research is understanding how the structure of a material forms and how this structure affects the properties of the material. On Earth, sedimentation and buoyancy cause uneven mixing of the ingredients of the material and can deform the structure as it solidifies. Imperfections in the structures of metals and alloys can affect mechanical strength or resistance to corrosion, while similar flaws in glasses and alloys can make them easier to crack or break. In microgravity, sedimentation and buoyancy are reduced or eliminated, enabling investigators to learn how these factors affect the final structure of the material. The knowledge gained from the studies on board Columbia will be used to improve materials processing on earth. These are the materials which will allow us to chart the great unknowns of space in the decades ahead.

The third area of world-class research was conducted in combustion, which accounts for approximately 85 percent of the world's energy production and a significant percentage of the world's atmospheric pollution. Combustion plays a key role in processes involved in ground transportation, spacecraft propulsion, aircraft propulsion, and hazardous waste disposal. However, despite many years of study, we have only a limited understanding of many fundamental combustion processes. The results from experiments in these areas will help NASA design engines for cleaner air and more fuel efficiency. Just a tenth of 1 percent increase in the ability to burn fuel more efficiently can more than pay the cost of a shuttle mission and help keep the environment cleaner as well. We spend hundreds of billions of dollars each year on oil and every penny saved is a penny that stays right here in America.

All of these experiments I just mentioned, Mr. President, were performed inside Spacelab, a joint venture of NASA and the European Space Agency. Investigators representing 32 universities, 12 commercial industries and five government agencies participated in the 33 microgravity experiments in Spacelab. This mission was a bridge between the activities currently possible on Spacelab and those of a much longer duration but with similar international cooperation that will take place on International Space Station.

This mission caused no great fanfare like the Mars mission is continuing to cause. Like many of you, I greatly enjoyed watching the coverage of the landing of the Pathfinder with my family over the Fourth of July weekend. I felt a special pride at this event. The Mars mission is a uniquely American accomplishment and has captured the imagination and attention of the world. I look forward to the day when the United States sends a manned mission to Mars. America must continue to be a nation of explorers, carrying out the traditions of discovery embodied by Lewis and Clark, and the other great explorers. So much depends on our leadership and the dedication of thousands of men and women working on projects large and small that will lead us to new frontiers in space.

This morning, NASA Administrator Dan Goldin addressed the Republican Freshman Caucus. We discussed with him many of NASA's visionary projects and the future need for the International Space Station as a bridge to future exploration. On the Space Station, NASA will learn how to keep astronauts safe and healthy for long periods of time. They will learn how to shield astronauts from radiation. They will learn more about how to combat the bone loss astronauts experience after they have been in orbit for just a short period of time. And they will learn how to deal with medical problems, such as blood loss, a virus or bacterial infection, and surgical procedure. These are all things that we must be prepared for if we are to send men and women in space for long periods of time. Mr. Goldin praised astronaut Michael Foale, our astronaut abroad the Mir space station, as a true American hero. Foale is demonstrating to the world that U.S. astronauts are prepared to deal with adversity and hardship. He stressed that our children are seeing a drama in real time that is as fascinating to them as the drama we followed aboard Apollo 13 many years ago. Mr. Goldin assured us, however, that he has three teams examining the safety factors of the Mir and that all must sign off before any more U.S. astronauts are placed on board. He has confidence in the crew and confidence in the Mir, he strongly believes we must stay the course.

Each Senator in attendance received a copy of the first photograph to be returned from Mars. I understand Mr. Goldin will be sending one to each Member of this body. He also proudly stated that NASA's Internet site on this mission has received over 300 million hits during its first five days, breaking all records for an Internet site. This mission has united the world in its interest. It has sparked the imagination of a new generation of space adventurers, and only time will tell how far they will go.

In conclusion, Mr. President, I believe the Mars mission symbolizes the very best of America. It transcends politics and demonstrates the cutting edge technology that has made our Nation the forerunner in space exploration. This is truly the way we want the world to see us, isn't it? Space is the key to the image and the future of this nation in the 21st century and beyond. We must have national leadership, a keen vision, clear-cut goals, and a strong commitment from this and the Congresses to follow. We must be willing to pay the price necessary to realize our dreams and the dreams and goals of our children. Where will we be in just 20 years from now? Mr. Goldin and his employees at NASA have the vision that will take us beyond the fringe of the universe and, along the way, will provide untold benefits for mankind.

We are indeed a nation of adventurers and the crew of Columbia, the scientists at JPL and U.S. astronaut Michael Foale are setting the azimuth and cutting the trail for us to follow. The question is "Will we heed the signs and run the risks to get to the other side?" I believe our nation is ready for that challenge and will meet it in every way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 942

(Purpose: To provide for a national media campaign focused on preventing youth drug abuse)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk on behalf of Senator HATCH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. HATCH, proposes an amendment numbered 942.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At page 47, line 19, strike all after "Appropriations" to page 48, line 1 at "*Provided*".

In lieu thereof, insert "and Judiciary of the House of Representatives and the Senate that includes (1) a certification, and guidelines to ensure that funds will supplement and not supplant current anti-drug community based coalitions; (2) a certification, and guidelines to ensure that none of the funds will be used for partisan political purposes; (3) a certification, and guidelines to ensure that no media campaigns to be funded pursuant to this campaign shall feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of 5 Code Federal Regulations, Section 213, absent notice to each of the Chairmen and Ranking Members of the House and Senate Committees on Appropriations and Judiciary; (4) a detailed implementation plan to be submitted to the Chairman of the Committees on Appropriations and Judiciary for securing private sector contributions including but not limited to in kind contributions; (5) a quantifiable system to measure outcome of success of the national media campaign, including but not limited to total funds expended, to what, where, or whom such funds were expended, and the effect which such media campaign has had in reducing youth drug abuse."

Mr. CAMPBELL. Mr. President, I ask unanimous consent that this amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 943

(Purpose: To establish parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal allowance for duty-free merchandise purchased abroad by returning residents)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 943.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PERSONAL ALLOWANCE PARITY AMONG NAFTA PARTIES.

(a) IN GENERAL.—The United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, shall initiate discussions with officials of the Governments of Mexico and Canada to achieve parity in the duty-free personal allowance structure of the United States, Mexico, and Canada.

(b) REPORT.—The United States Trade Representative and the Secretary of the Treasury shall report to Congress within 90 days after the date of enactment of this Act on the progress that is being made to correct any disparity between the United States, Mexico, and Canada with respect to duty-free personal allowances.

(c) RECOMMENDATIONS.—If parity with respect to duty-free personal allowances between the United States, Mexico, and Canada is not achieved within 180 days after the date of enactment of this Act, the United States Trade Representative and the Secretary of the Treasury shall submit recommendations to Congress for appropriate legislation.

Mrs. HUTCHISON. Mr. President, we have probably the best relations with Mexico than we have had in this country in a long, long time. I think NAFTA has added to the good will and the trade between our nations. But there is one part of our trade relationship that is not at parity and is not in the spirit of NAFTA, and that is the exemptions for personal goods or for buying when you are on the border between Mexico and the United States.

As a matter of fact, there is not parity in the exemption, and I think that is against the spirit of NAFTA. I am hoping that we will be able to change that, and that is what my amendment will attempt to do.

The amendment is very simple. It directs the U.S. Trade Representative and the Secretary of the Treasury to begin discussions with their counterparts in Mexico to achieve parity in the duty-free allowance structure of all of our NAFTA countries, and the concern is between Mexico and the United States.

These officials will report to Congress within 90 days on the changes they are making to correct these disparities. If the situation remains unchanged, in 6 months these officials will propose appropriate legislation to bring the United States' duty-free allowance to conform to the allowance levels established by Mexico and Canada.

Let me give an example of what is wrong and why this disparity exists. The United States provides that each U.S. resident returning from Mexico has a personal exemption from duty on merchandise valued at up to $400 once every 30 days. Mexico, however, has a two-tier duty-free allowance. If you are a resident in a 25-kilometer strip along Mexico's northern border, and you return from the United States at a land border crossing, you may only return with $50 in duty-free merchandise.

This has become known as the $50 rule. It is crippling business in our border retailers on the U.S. side of the border in Texas, California, New Mexico and Arizona, because if you are a Mexican resident bringing in more than $50, you must pay a 22.8 percent duty rate. Now, this makes it prohibitively expensive for a Mexican resident to purchase a washing machine, a refrigerator, any kind of electronics or any item costing more than $50, so it is inequitable.

We believe in the spirit of NAFTA, in parity, in equity, any rule you want to apply, that it should just be the same. We have been talking about this for 3½ years, since I came to the Senate. The border retailers in Texas told me that the $50 rule was being enforced by the Mexican Government. I have talked to the officials of the Mexican Government about this. I truly believe that President Zedillo intended to do something about it. He said he was going to right after he was elected. But we all know that the peso crisis occurred, and surely he had so many things on his plate that this was not on the front burner. I understood that.

Now the Mexican economic situation is stabilized, and certainly, I think, it is on its way to full recovery, and I think this matter of equity and parity must be addressed. That is why my amendment would just ask the U.S. Trade Representative and the Secretary of the Treasury to begin these discussions, to report back, and if they are not able to make progress, then tell us what legislation should be passed to make this happen.

That is the amendment. I hope both sides will agree this is in everyone's best interests, and I hope we will be able to vote on this or have it accepted early next week and that we can begin the process of making sure that the spirit, as well as the letter, of NAFTA is applied to both sides of our relationship with the country of Mexico.

Mr. President, I ask unanimous consent to lay the amendment aside, and we will take it up at the appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, there are several amendments now pending at the desk that will be subject to a vote on Monday. I ask unanimous consent that no second-degree amendments be in order. I understand this has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

TRIBUTE TO COL. THOMAS L. OWENS, U.S. ARMY CHIEF OF PERSONNEL, U.S. SPECIAL OPERATIONS COMMAND

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding Army officer who has served our Nation with distinction for the past 27 years. It is a privilege for me to recognize his many outstanding achievements and commend him for his service.

A native of Brandon, MS, Colonel Owens attended High School in Byram, MS. He graduated from the University of Southern Mississippi, where he was commissioned as a regular Army second lieutenant in June 1970. This foundation, provided by his education and training in Mississippi, began his distinguished national career.

Colonel Owens has served throughout the world in defense of our Nation's freedom. He served three tours in Europe during the Cold War against the

Communist block countries. These tours were served with renowned units including, VII U.S. Corps, 2d Armored Division and 8th Infantry Division (Mechanized). While stationed in the United States, Colonel Owens served with the elite XVIII Airborne Corps, Fort Bragg, North Carolina. He served in Desert Storm with XVIII Airborne Corps, receiving a Bronze Star for his dedicated service.

Colonel Owens' current and final assignment has been with the U.S. Special Operations Command, MacDill Air Force Base, Florida as Chief of Personnel. Colonel Owens' magnificent work has ensured our Special Operations Forces personnel who are deployed throughout the world in more than 50 countries are always taken care of and put in the right place at the right time.

The common thread throughout his 27 years of service has been Colonel Ownes' selfless sacrifice in doing everything he could to take care of the young men and women who served under him as a platoon leader all the way through Brigade Commander. Mr. President, we owe a debt of gratitude to Col. Tom Owens, his wife, Ulrike, son, Steve, and daughter, Audrey, for their many sacrifices during his 27-year Army career. He is a great credit to both the Army and the country he has so proudly served.

On behalf of the great State of Mississippi and our Nation, I wish him, as a paratrooper and distinguished soldier, "calm winds and soft landings, while keeping his feet and knees into the breeze" as he transitions into life as a civilian. He is a soldier's soldier.

Mr. President, I yield the floor.

PIERRE AREA SENIOR CITIZENS 20TH ANNIVERSARY

Mr. DASCHLE. Mr. President, I am proud to honor the Pierre Area Senior Citizens on the organization's 20th birthday. This occasion is being celebrated in Pierre, SD, this week, July 13–19, 1997.

For the past 20 years, the Pierre Area Senior Citizens has served as a means for seniors to get together and enjoy the companionship of their peers.

It is also an active group in the civic life of South Dakota's capital city. Many members of the organization are volunteers, donating their time and expertise for the benefit of their community.

I want to thank the Pierre Area Senior Citizens for their civic pride and good works, and I wish them many more great years of service.

OCEAN SHIPPING REFORM

Mr. BROWNBACK. Mr. President, I rise today to bring attention to legislation that I believe could have a substantial positive impact on United States commerce. For several months now, my colleagues on the Commerce Committee have been working to forge an agreement that will deregulate ocean shipping and allow our exporters to compete on a more level playing field with our foreign competitors. S. 414, The Ocean Shipping Reform Act of 1997, would bring much-needed reform to the shipping industry by injecting a higher degree of competition into the current conference-dominated system of ocean shipping. It would also end federal government tariff filing with the Federal Maritime Commission and I believe that this is a significant step toward reducing red tape in this industry.

First of all, I want to commend those Senators who have played an active role in writing and furthering this important legislation. Senators HUTCHISON, GORTON, LOTT, and BREAUX have worked diligently to achieve a consensus among the diverse interests in the shipping industry, and I know that is no small task. I also want to commend Senator MCCAIN and his staff, who have endeavored to find common ground with all affected parties by working openly and holding numerous meetings. The result of this work is an important piece of legislation on which I hope the Senate will be able to focus its attention in the near future.

I care about this legislation because it could have a tremendous impact on the agriculture industry which is, of course, vitally important to Kansas. Exporting is critical to the agriculture industry—overall, forty percent of what we grow in the U.S. is consumed overseas. Moreover, exports will play an increasingly important role in agriculture because any growth in the industry will primarily come from exports. As the incomes of people in many developing countries increase, they are able to afford a higher quality, more diversified diet—and the U.S. stands ready to provide it. And, the fastest growing category of agricultural commodities for export are high-value products, such as meat and vegetables, which are transported in ocean containers—the type of ocean transportation that is affected by this legislation.

Transportation costs are a particularly important factor in achieving agricultural exports because transportation typically comprises a larger proportion of the final cost of the good than for other industries. In fact, transportation is often the single largest component of the delivered cost of the good, accounting for as much as 50 percent of total landed cost. The U.S. Department of Agriculture estimates that the agriculture industry alone spends more than four billion dollars each year in containerized shipping, and that this price includes a premium attributable to conference market power which is 18 percent of the cost of transportation. In a business where sales are made or lost based on pennies per pound, this is the difference between the U.S. or our competitors making the sale. And, given that every $1 in agricultural exports generates an additional $1.50 in economic activity, the importance of S. 414 for not only the agriculture industry, but the U.S. economy as a whole, is clear.

This bill has the support of many farm organizations; in fact, I have letters that I would like to submit for the record from the American Farm Bureau Federation, the National Pork Producers Council, the National Cattlemen's Beef Association, the National Grain and Feed Association, Farmland Industries, ConAgra, the National Broiler Council, and the American Frozen Food Institute. Additionally, many agricultural chemicals are exported via containerized ocean vessels would benefit from reduced regulatory restraints.

However, while these organizations are united in their support for legislation to reform ocean shipping, they also share the concern I have regarding certain provisions of the bill in its current form. In its current form, this bill requires the reporting of essential contract terms with the Intermodel Transportation Board. I must register my belief that without contract confidentiality the basic premise of this legislation, to allow greater competition in the shipping industry, is severely undermined. What is gained by the ability to negotiate individual contracts if one's competitors have access to the essential terms of the contract?

When I voted for this bill as it was passed out of the Commerce Committee on May 1 it was clear that outstanding concerns regarding confidential contracting would be addressed before the bill was to be considered on the Senate floor. It was with that understanding that I supported the bill. While I appreciate the sincere efforts that have been made to accommodate the interests of exporters since that time, my reservations remain because no agreement has been reached. I understand that the distinguished majority leader has promised to bring this bill to the floor in its current form during this Congress and that Senator GORTON has expressed his intention to address the contract reporting provisions through amendment. While I am disappointed that more reform will not be embraced in the bill that is brought to the floor, I respect our leader's view and look forward to the debate that will ensue.

I want to support this legislation. I support its underlying goal to reduce burdensome regulation. I believe that reducing regulatory hurdles that hinder the efficiency of U.S. businesses is the right thing to do, and it is one of the primary reasons that I came to Washington. However, to the extent that the reforms in this bill are diminished, my support is eroded.

Nevertheless, I continue to believe in the importance of this legislation. I hope that the Senate will take action soon so that the agriculture industry, as well as all other industries which utilize containerized ocean shipping, will be able to increase their competitive advantage in the global marketplace.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 4, 1997.

Hon. SAM BROWNBACK,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWNBACK: We are asking your assistance in assuring that S. 414 is enacted in a form that will enable shippers to contract with ocean carriers in the same manner that they now contract with motor carriers and railroads.

Although we support the objective of S. 414, we are quite concerned about some of the modifications that have been made to the bill subsequent to introduction. We urge the *objectionable provisions be removed before the bill is sent to the Senate floor.*

(1) We are concerned with the language added that would require filing of service contracts with the Intermodal Transportation Board and the publications of the essential terms of those contracts. We believe that the disclosure requirements that have recently been incorporated into the bill would serve only to inhibit the ability of ocean carriers and shippers to negotiate contracts that best serve their mutual interests. This is because disclosure will enable ratemaking conferences to continue to pressure individual carriers to maintain parallel pricing of ocean transportation services. Disclosure is not required to protect any shipper interest. Our members have contracted for transportation services with railroads and motor carriers for many years and have found that confidentiality has encouraged carriers to agree to creative and responsive terms designed to meet each customer's distinct transportation needs.

(2) We also believe that contracts should be excluded from Section 10 which deals with discrimination and other prohibited acts. Contracts of motor carriers and railroads are not subject to such antidiscrimination provisions and this has never presented any problems for shippers. Even the present statute applicable to ocean carriers, which was enacted in 1984, does not subject contracts to the prohibited acts section of the statute. Therefore, including them would represent a significant step backwards from where we are at present. If there are concerns about potential abuses by carrier conferences operating under antitrust immunity, we would have no objection to making only those contracts to which a conference itself is actually a party subject to such provisions. An alternative would be to simply prohibit conferences from entering into service contracts.

It is our understanding that certain port and maritime labor interests have expressed a need to have access to terms of transportation contracts for planning purposes. Whatever information may be useful for those purposes is readily available from the individual carriers that serve a particular port or that employ members of maritime unions. It is neither necessary nor appropriate to subject carriers and shippers to burdensome regulatory requirements in order to provide an alternative source for that type of information.

Again, we urge that the changes addressing our concerns be made to S. 414 before it is sent to the Senate floor. If we can provide you further information or otherwise be of assistance to you with regard to this matter, please let us know.

Sincerely,

AMERICAN FARM BUREAU FEDERATION,
NATIONAL CATTLEMEN'S BEEF ASSOCIATION,
NATIONAL PORK PRODUCERS COUNCIL.

NATIONAL GRAIN AND FEED ASSOCIATION,
April 29, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Re: S. 414, The Ocean Shipping Reform Act of 1997.

DEAR CHAIRMAN MCCAIN: We are writing in response to last week's staff draft of S. 414, which is scheduled for mark-up by the Committee on May 1. We are extremely concerned about several provisions of last week's draft, and urge the Committee to reject S. 414 in its present form.

Further, the NGFA offers the following comments as the Committee prepares to address the bill and any amendments:

1. The Federal Maritime Commission should not be merged with the Surface Transportation Board. The NGFA has long advocated the elimination of the Federal Maritime Commission as an unnecessary entity. Additionally, the STB is already in danger of becoming an ineffective agency because of inadequate funding. Indeed, the Clinton Administration's fiscal 1998 budget proposal would fund the agency entirely from user fees. The Administration's proposal would ensure that filling fees charged to rail users and others would rise so high as to, as a practical matter, preclude recourse before the agency. The NGFA has recommended that the STB be eliminated and the Interstate Commerce Act repealed should Congress choose not to adequately fund the agency. Combining the FMC and the STB would simply compound the STB's existing problems.

2. Users of ocean vessels and consumers would be better served by eliminating the special antitrust protection granted to liner vessel operators. Enforcement of U.S. antitrust laws would be a more effective deterrent to discriminatory treatment than the existing or proposed regulatory scheme. Economic regulation of transportation carriers can too easily be turned into a carrier shield to block marketplace competition and enforcement of laws, such as U.S. antitrust laws, that apply to shippers and other businesses.

3. The bill fails to make needed changes to the Jones Act and other cabotage laws. The Jones Act, in particular, creates significant barriers and added costs for those wishing to use self-propelled bulk vessels for shipments between domestic deepwater ports. An "ocean shipping reform bill" which fails to achieve reforms in our nation's antiquated and market-distorting cabotage laws should not move forward.

The NGFA is the national nonprofit trade association of about 1,000 grain, feed and processing firms comprising 5,000 facilities that store, handle, merchandise, mill, process and export more than two-thirds of all U.S. grains and oilseeds utilized in domestic and export markets. Founded in 1896, the NGFA's members include country, terminal, and export elevators; feed mills; cash grain and feed merchandisers; commodity futures brokers and commission merchants; processors; millers; and allied industries. The NGFA also consists of 37 affiliated state and regional grain and feed associations whose members include more than 10,000 grain and feed companies nationwide.

As always, please contact me or David Barrett at the NGFA if you have any questions.

Sincerely,

KENDELL W. KEITH,
President.

FARMLAND INDUSTRIES, INC.,
KANSAS CITY, MO,
June 4, 1997.

Hon. SAM BROWNBACK,
U.S. Senate, Washngton, DC.

DEAR SENATOR BROWNBACK: I would first like to thank you for your support of S. 414, The Ocean Shipping Reform Act of 1997. In my responsibilities with Farmland Industries, Inc., I know first hand the need for changes in the archaic ocean shipping laws which prevent U.S. companies from being competitive in the world marketplace. S. 414, as approved by the Commerce, Science and Transportation Committee, went a long way toward improving this inequity. However, there are two areas which must be addressed if we are to have legislation which truly meets this nation's future international trade needs.

Confidential Contracts.—The amendment offered by Senator Slade Gorton would aggregate contract information rather than publicly disclosing data in contracts between ocean carriers and their customers. We believe this excellent compromise deserves your support since it would eliminate the current bill's economic disadvantage of disclosing individual contract information to our overseas competitors. This approach, supported by Chairman John McCain in a Journal of Commerce interview, provides the U.S. ports and labor the information they say they need in determining cargo flows and long term strategic planning and at the same time shields the specific terms of ocean transportation contracts.

Eliminate Restrictions on Contracting.—S. 414, as currently drafted, would apply broad antidiscrimination provisions to all types of service contracts. If these were to be put into effect, it would be extremely difficult for carriers to know which contract terms and prices would be discriminatory. We believe an easy solution to this problem would be to apply these provisions only to contracts that maintain antitrust immunity and by limiting the parties who may bring an action under the provisions to ports and ocean transportation intermediaries. These changes would ensure that individual contracts may be entered into in a normal business fashion and that adequate oversight is provided to agreement contracts.

We ask your support for these changes to S. 414 and ultimately for passage of legislation which would encourage U.S. exports and greater international trade. Thank you for your serious consideration of our position and proposals.

Yours very truly,

FRED E. SCHRODT,
Vice President.

CONAGRA, INC.,
WASHINGTON, DC,
April 29, 1997.

Hon. SAM BROWNBACK,
U.S. Senate, Washington, DC.
Attention: Tim McGivern
Subject: S. 414, The Ocean Shipping Reform Act of 1997

DEAR SENATOR: We have previously written to you to express our strong support for S. 414. Because we spend more than $200,000,000,00 each year on maritime transportation we are vitally interested in elimination of artificial, outdated regulatory constraints that handicap our ability to compete in the global marketplace.

S. 414 is now scheduled for mark-up by the Committee on Commerce, Science and Transportation on May 1, 1997. We are extremely concerned about proposed amendments which surfaced over the weekend and would, if incorporated into the bill, represent a giant step backwards.

The key feature of S. 414 is the language that authorizes individual ocean carriers to enter into confidential transportation contracts. Similar provisions have been in effect for years for virtually all other forms of transportation including truckers, railroads, barge lines and air carriers. They have proven to be tremendously effective in promoting efficiency and thereby lowering transportation costs to the benefit of both carriers and shippers. There is nothing unique about maritime transportation that would cause confidential contracts to be any less beneficial.

Amendments that are being promoted by foreign flag carriers and their ratemaking cartels would eviscerate the transportation contract provisions of the bill. Under the misleading banner of antidiscrimination, the proposed amendments would:

(1) require the filing of individual carrier contracts with the Intermodal Transportation Board;

(2) require disclosure of the essential terms of each contract;

(3) establish substantive standards of "prejudice and disadvantage" that would effectively preclude carriers from entering into service contracts that are tailored to meet the distinct needs of shippers and to allow them to maximize the efficiency of their operations; and

(4) create a regulatory scheme that would allow specious challenges to service contracts as a pretext for obtaining access to their terms.

Although such provisions are supposedly designed to benefit shippers, the shipper community overwhelmingly opposes them. Instead of removing unnecessary regulatory burdens, these provisions would add new ones.

We urge you to oppose these amendments and allow S. 414 to go forward in a form that would allow shippers to enter into transportation contracts with individual ocean carriers in the same manner as they have done with all other modes for many years, with great economic benefit to both carriers and shippers.

If you would like further detail about our concerns, we will be happy to provide it.

Best wishes,

PAUL A. KORODY,
Vice President.

NATIONAL BROILER COUNCIL,
June 3, 1997.

Re S. 414 Ocean Shipping Reform Act of 1997.

Hon. SAM BROWNBACK,
U.S. Senate,
Washington, DC.

DEAR SENATOR BROWNBACK: The National Broiler Council strongly supports the objective of S. 414 to allow ocean transportation to be more competitive by eliminating unnecessary regulatory burdens. Because members of the Broiler Council produce poultry that is sold for export, we have a keen interest in enactment of S. 414.

Although we support the objective of S. 414, we are quite concerned about some of the modifications that have been made to the bill since it was originally introduced. We would urge that two amendments be made before the bill is sent to the Senate floor in order to enable the shipping public to realize the full benefits in the original bill.

We are concerned with language that has been inserted in the bill that would require filing of service contracts with the Intermodal Transportation Board and the publication of essential terms of those contracts. Our members have contracted for transportation services with railroads and motor carriers for many years and have found that filing of contracts with a regulatory agency is unnecessary and needlessly burdensome. We believe that the disclosure requirements that have crept into the bill would serve only to inhibit the ability of individual ocean carriers and shippers to negotiate contracts that best serve their mutual interests. The filing and processing of those contracts would also require perpetuation of an unnecessary bureaucracy, since virtually no other transportation mode is required to file its contracts with any regulatory agency. If there are concerns about potential abuses by carrier conferences operating under antitrust immunity, we would have no objection to contracts to which a conference itself is actually a party being subject to such provisions. An alternative would be to simply prohibit conferences from entering into contracts. However, individual ocean carriers should be able to negotiate and enter into contracts in the same manner that has worked so well for motor carriers and railroads.

As a related matter, we believe that contracts should be excluded from Section 10 of S. 414 which deals with discrimination and other prohibited acts. Contracts of motor carriers and railroads are not subject to such antidiscrimination provisions and this has never presented any problem to shippers. In fact, under the terms of the present statute, which was enacted in 1984, service contracts of ocean carriers are not subject to the prohibited acts section of the statute.

Therefore, including them would represent a significant step backwards from where we are at present.

We understand that certain port and maritime labor interests have expressed a need to have access to terms of transportation contracts for planning purposes. Whatever information may be needed for those purposes is readily available from the individual carriers that serve a particular port or that employ members of maritime unions. It is neither necessary nor appropriate to subject carriers and shippers to burdensome regulatory requirements in order to provide an alternative source of such information.

We urge that the foregoing changes be made before the bill is sent to the Senate floor. If we can provide you any further information or otherwise be of any assistance to you with regard to this matter, please let us know.

Sincerely,

GEORGE WATTS,
President.

AMERICAN FROZEN FOOD INSTITUTE,
McLean, VA, June 18, 1997.

Hon. JOHN MCCAIN,
Chairman, Commerce, Science and Transportation Committee, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the members of the American Frozen Institute (AFFI), this letter is to urge your continued support for expedient final passage of S. 414, *The Ocean Shipping Reform Act of 1977.*

As S. 414 advances for consideration by the full Senate, AFFI urges you and your colleagues on the Commerce, Science and Transportation Committee to support efforts to modify the bill as reported by the Committee to maximize confidentiality in ocean shipping contracting. The Institute also urges your support for efforts to ensure that the broad antidiscrimination provisions included in the reported bill will not create a disincentive for firms to enter into individual contract negotiations.

The American Frozen Food Institute is the national trade association that has represented the interests of frozen food manufacturers, processors, marketers and suppliers for more than 50 years. The Institute's 550 member companies account for over 90 percent of the total annual production of frozen food in the United States, valued at approximately $60 billion.

Meaningful reform of U.S. ocean shipping laws is critical to foster international trade in an increasingly global marketplace. The refinements to S. 414 recommended above would further this goal by promoting more competitive pricing and contracting for products which are imported from and exported to overseas markets by frozen food processors and other U.S. shippers.

Thank you again for the leadership you and your Committee have demonstrated on maritime reform. If AFFI may be of assistance to you or your staff in accomplishing this shared objective, please feel free to give me a call.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 16, 1997, the federal debt stood at $5,357,953,848,082.50. (Five trillion, three hundred fifty-seven billion, nine hundred fifty-three million, eight hundred forty-eight thousand, eighty-two dollars and fifty cents)

One year ago, July 16, 1996, the federal debt stood at $5,158,430,000,000. (Five trillion, one hundred fifty-eight billion, four hundred thirty million)

Five years ago, July 16, 1992, the federal debt stood at $3,980,221,000,000. (Three trillion, nine hundred eighty billion, two hundred twenty-one million)

Ten years ago, July 16, 1987, the federal debt stood at $2,318,155,000,000. (Two trillion, three hundred eighteen billion, one hundred fifty-five million)

Fifteen years ago, July 16, 1982, the Federal debt stood at $1,083,558,000,000

(One trillion, eighty-three billion, five hundred fifty-eight million) which reflects a debt increase of more than $4 trillion—$4,274,395,848,082.50 (Four trillion, two hundred seventy-four billion, three hundred ninety-five million, eight hundred forty-eight thousand, eighty-two dollars and fifty cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JULY 11TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 11, the U.S. imported 7,678,000 barrels of oil each day, 409,000 barrels more than the 7,269,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,678,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McMathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which were referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 768. An act for the relief of the Michel Christoper Meili, Guiseppina Meili, Mirjam Naomi Meili, and Davide Meili.

At 1:36 p.m., a message from the House of Representatives, delivered by Ms. Geotz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and asks a conference with Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers on the part of the House.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Mr. GOSS, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. SHUSTER, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. DICKS, Mr. DIXON, Mr. SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON, and Mr. BISHOP.

From the Committee on National Security, for consideration of defense tactical intelligence and related activitiesss: Mr. SPENCE, Mr. STUMP, and Mr. DELLUMS.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2508. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2509. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, a rule entitled "Energy Conservation Program for Consumer Products" (RIN1904-AA61) received on July 14, 1997; to the Committee on Energy and Natural Resources.

EC-2510. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Rehabilitation Short-Term Training" (RIN1820-ZA09) received on July 15, 1997; to the Committee on Labor and Human Resources.

EC-2511. A communication from the Chairman and President of the John F. Kennedy Center for the Performing Arts, transmitting jointly, pursuant to law, the annual report for calendar year 1996; to the Committee on Rules and Administration.

EC-2512. A communication from the Secretary of Defense, transmitting, pursuant to law, the second-half fiscal year 1996 semi-annual report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union; referred jointly, pursuant to Sec. 1208 of Public Law 103-160, to the Committee on Appropriations, to the Committee on Armed Services, and to the Committee on Foreign Relations.

EC-2513. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2514. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2515. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2516. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2517. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-2518. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2519. A communication from the Director of Defense Procurement, Under Secretary of Defense, transmitting, pursuant to law, two rules received on July 14, 1997; to the Committee on Armed Services.

EC-2520. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a notice relative to outsourcing; to the Committee on Armed Services.

EC-2521. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the TRICARE evaluation plan; to the Committee on Armed Services.

EC-2522. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, the report of the Overseas Jurisdiction Advisory Committee; to the Committee on Armed Services.

EC-2523. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of the Overseas Jurisdiction Advisory Committee; to the Committee on Armed Services.

EC-2524. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to activated Reservists; to the Committee on Armed Services.

REPORTS OF COMMITTEE

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–50).

By Mr. COCHRAN, from the Committee on Appropriations, without amendment:

S. 1033: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–51).

By Mr. BURNS, from the Committee on Appropriations, with amendments:

H.R. 2016: A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–52).

By Mr. BOND, from the Committee on Appropriations, without amendment:

S. 1034: An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–53).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 1032: An original bill to amend the Foreign Assistance Act of 1961 with respect to the authority of the Overseas Private Investment Corporation to issue insurance and extend financing.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 40: An original concurrent resolution expressing the sense of Congress regarding the OAS–CIAV Mission in Nicaragua.

S. Con. Res. 41: An original concurrent resolution calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Rudy deLeon, of California, to be Under Secretary of Defense for Personnel and Readiness.

(The above nominations were reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Karl Frederick Inderfurth, of North Carolina, to be Assistant Secretary of State for South Asian Affairs.

Linda Jane Zack Tarr-Whelan, of Virginia, for the rank of Ambassador during her tenure of service as United States Representative to the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Richard Sklar, of California, to be Representative of the United States of America to the United Nations for UN Management and Reform, with the Rank of Ambassador.

A. Peter Burleigh, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Gordon D. Giffin, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knoweldge, the information contained in this report is complete and accurate.

Nominee: Gordon D. Giffin.

Post: Ambassador to Canada.

Contributions, Amount, Date Donee

1. Self, See attached schedule.

2. Spouse, See attached schedule.

3. Children and Spouses Names, Kelley Giffin, none.

4. Parents Names, Earl K. Giffin—Deceased—none.

Sarah Gwen Giffin—Retired—none.

5. Grandparents Names, all grandparents have been deceased for more than ten years. I am confident that no political contributions were made by them in the last thirty years.

6. Brothers and Spouses Names, none.

7. Sisters and Spouses Names, Cheryl Carter—none. Richard Carter—none.

Schedule A.—Political Contributions By Gordon D. Giffin and Patti A. Giffin

1993:	
4/19/93 Chuck Robb Committee (GDG)	$100
3/17/93 Don Johnson Committee (GDG)	$100
8/29/93 Marvin Arrington Committee (City Council) (GDG)	$250
10/15/93 Miller for Governor (Ga) Committee (GDG)	$1,000
10/26/93 John O'Callaghan Committee (GDG)	$125
1993: Long, Aldridge & Norman State Political Committee (GDG)	$615
1994:	
2/1/94 Chuck Robb Committee (GDG)	$100
2/18/94 Wendy Shoob Committee (Superior Court) (GDG)	$25
1994: Long, Aldridge & Norman State Political Committee (GDG)	$200
6/6/94 Darden for Congress (GDG)	$500
6/30/94 Kennedy for Senate (GDG)	$200
1995:	
6/5/95 Clinton-Gore Committee (During the year Patti contributed $50 to Women's Leadership Forum of DNC) (GDG)	$1,000
1996:	
2/8/96 Cindy Wright Committee (Superior Court) (GDG)	$100
3/12/96 Yates Committee (PAG)	$250
3/25/96 Wendy Shoob Committee (Superior Court) (GDG)	$25
3/25/96 Max Cleland Committee (GDG)	$500
4/8/96 Alice Bonner Committee (Superior Court) (GDG)	$100
4/21/96 Robert Benham Committee (Supreme Court) (GDG)	$100
5/14/96 Craig Dowdy Committee (State Legislature) (GDG)	$200

Schedule A.—Political Contributions By Gordon D. Giffin and Patti A. Giffin—Continued

9/24/96 Max Cleland Committee (GDG)	$500
10/4/96 David Bell Committee (GDG)	$250
4/18/96 Victory '96—State Party (Joint)	$80

1997: None.

John C. Holzman, of Hawaii, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: John C. Holzman.

Post: Ambassador to Bangladesh.

Contributions, Amount, Date, Donee

1. Self, John C. Holzman, None.

2. Spouse, M. Kim Hom, None.

3. Children and Spouses: Leah A. Holzman, None. Nicole K. Holzman, None. Alexandra V. Holzman, None.

4. Parents, Josef J. Holzman, deceased. Virginia S. Holzman, deceased.

5. Grandparents: Wiliam Stewart, deceased. Ellen McGinn Stewart, deceased. Zelik Holzman, deceased. Esther Holzman, deceased.

6. Brothers and Spouses: Alan S. Holzman, $100, 1992/3, John Felix, Candidate for Honolulu Councilman, $100, 1993/94, Arnold Morgado, Candidate for Honolulu Mayor.

David H. Holzman, None. Diane Holzman (Spouse), none.

7. Sisters and Spouses: Esther E. Holzman, none.

Ralph Frank, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ralph Frank.

Post: Nepal.

Contributions, amount, date, donee

1. Self, none.

2. Spouse, Susan Kathryn Gundersen, none.

3. Children and Spouses Names, Erik Christian Gundersen-Frank, none. Kathryn Jean Gundersen-Frank, none.

4. Parents names, Lloyd I. Frank, deceased. Jean C. Frank, deceased.

5. Grandparents: Names Ralph C. Conrad, deceased. Elsie Frank, deceased.

6. Brothers and Spouses Names, none.

7. Sisters and Spouses Names, none.

David J. Scheffer, of Virginia, to be Ambassador at Large for War Crimes Issues.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: David John Scheffer.

Post: Ambassador at Large for War Crimes.

Contributions, Amount, Date, Donee

1. Self, none.

2. Spouse Michelle M. Huhnke, none.

3. Children and Spouses Names, Katherine M. Scheffer, none.

4. Parents Names, Barbara Scheffer (deceased). Walter F. Scheffer

DNC	1997	$75
DNC	1996	$200
John Kerry Senate Campaign	1996	$20
Ted Kennedy Senate Campaign	1996	$25
DNC	1995	$50
Clinton-Gore Primary Committee	1995	$50
Diane Feinstein Senate Campaign	1994	$500

5. Grandparents Names, deceased.

6. Brothers and Spouses Names, none.

Sisters and Spouses Names, Claudia and Michael Gallo.

Paula and George Lader, none.

Nicole Scheffer, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of February 13 and April 25, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 13 and April 25, 1997, at the end of the Senate proceedings.)

Nomination in the Foreign Service:

Marilyn E. Hulbert received by the Senate and appeared in the RECORD of February 13, 1997

Nominations in the Foreign Services: Beginning John R. Swallow and ending George S. Dragnich received by the Senate and appeared in the RECORD of April 25, 1997.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS (for himself, Mr. D'AMATO, Mr. SARBANES, Ms. MOSELEY-BRAUN, Mr. MCCONNELL, and Mr. LEAHY):

S. 1026. A bill to reauthorize the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. DOMENICI, and Mr. HATCH):

S. 1027. A bill to extend the Native American veteran direct housing loan pilot program, and for other purposes; to the Committee on Veterans Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1028. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself and Mr. WELLSTONE):

S. 1029. A bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FRIST (for himself and Mr. WELLSTONE):

S. 1030. A bill to amend title IV of the Public Health Service Act to establish a National Center for Bioengineering Research; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself and Mr. D'AMATO):

S. 1031. A bill to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury; to the Committee on the Judiciary.

By Mr. HELMS:

S. 1032. An original bill to amend the Foreign Assistance Act of 1961 with respect to the authority cf the Overseas Private Investment Corporation to issue insurance and extend financing; from the Committee on Foreign Relations; placed on the calendar.

By Mr. COCHRAN:

S. 1033. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BOND:

S. 1034. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. REED (for himself, Mr. TORRICELLI, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 1035. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1036. A bill to amend section 435(d)(1)(A)(ii) of the Higher Education Act of 1965 with respect to the definition of an eligible lender; to the Committee on Labor and Human Resources.

By Mr. JEFFORDS (for himself, Mr. DODD, and Mr. ENZI):

S. 1037. A bill to amend the Internal Revenue Code of 1986 to establish incentives to increase the demand for and supply of quality child care, to provide incentives to States that improve the quality of child care, to expand clearing-house and electronic networks for the distribution of child care information, to improve the quality of child care provided through Federal facilities and programs, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Con. Res. 40. An original concurrent resolution expressing the sense of Congress regarding the OAS–CIAV Mission in Nicaragua; from the Committee on Foreign Relations; placed on the calendar.

By Mr. HELMS:

S. Con. Res. 41. An original concurrent resolution calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus; from the Committee on Foreign Relations; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. JOHNSON, Mr. DOMENICI, and Mr. HATCH):

S. 1027. A bill to extend the native American veteran direct housing loan pilot program, and for other purposes; to the Committee on Veterans' Affairs.

NATIVE AMERICAN VETERANS HOUSING LOAN IMPROVEMENTS LEGISLATION

Mr. CAMPBELL. Mr. President, I am pleased today to introduce legislation to extend and improve the native American veteran direct loan pilot program. I am pleased to add Senators JOHNSON, DOMENICI, and HATCH as cosponsors of this legislation.

America's most important resource has always been the individuals willing to lay down their lives for their country. Throughout our history we have been blessed with men and women willing to put themselves at risk for the greater good.

Native Americans have been proud to be a part of this Nation's defense. From the revolutionary era to our ongoing peacekeeping missions around the globe, native Americans have served and continue to serve the United States honorably. It may surprise some members to know that native Americans served, suffered, and died in service to this Nation even though they were not allowed to be citizens until 1924.

As a veteran I feel a special kinship with all those men and women who served this Nation in peacetime and in war. As an Indian veteran I am keenly aware of the dedicated service Indians, Alaskans, and Hawaiians have given—often without recognition of their sacrifice.

How can we compensate these men and women for making the greatest sacrifice they could? There is no dollar value we can place on a life. At the very least, we must provide the basic benefits of health care, housing, and education to those that laid down their lives for America.

Since 1992, the Department of Veterans Affairs has operated a direct housing loan program to help native

America veterans build decent homes. I was amazed to find out that in the last 5 years, that program had provided eight Indian veterans with loans.

That is not an indication that all Indian veterans have no housing needs. During a hearing on veterans issues, members of the Indian Affairs Committee saw videotape of the houses used by Navajo veterans. They looked like something you would see in a Third World nation, not America. Houses had holes in their roofs and walls and plastic sheets for windows. Many houses do not have working plumbing and water has to be carried from miles away. This is certainly not the appreciation and respect war veterans deserve.

Native Americans seeking home loans face many obstacles unique to Indian country, including poor economic conditions and the fact that the land cannot be used as collateral. But the most surprising revelation at the committee's hearing was that the majority of Indian veterans seem to have little or no knowledge that the VA's direct loan program exists. If they do, many do not know how or where to apply. The Government has no problem finding these men and women when it is time to draft them to fight in a war. But when it is time to pay them back for their sacrifice, the effort just is not there.

That is why the bill I introduce today does more than extend the direct loan program for 3 years. It includes measures to boost the Department of Veterans Affairs' efforts to implement the direct loan program for native American veterans. The bill places new requirements on the Department to consult with tribal organizations, native veterans organizations, and other groups prior to making decisions under the act. It also expresses Congress's desire that the Department carry out vigorous outreach and education efforts to inform potential beneficiaries of the housing assistance benefits under the act. The bill requires the Department to submit annual reports to the Committee on Indian Affairs, the House Resources Committee, and the Veterans' Committees of both Chambers containing a description of the outreach activities undertaken by the VA on a regional basis, with a second mandate that the VA conduct an assessment of how effective these efforts have been in encouraging greater use of the loan program.

We must honor the service and sacrifice of our warriors. We must recognize the sacrifice they have made for all of us. The direct loan program is an ambitious idea designed to help our veterans with the most basic human need: a roof over their heads. It should not sit unused because of bureaucratic complacency. It is my hope that this reauthorization, with the appropriate changes, will jumpstart the Department's efforts to make the program available to native veterans and help them use it. I believe it is the least we can do. I urge my colleagues to join me in supporting this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Native Americans across the United States have a long, proud, and distinguished tradition of service in the Armed Forces of the United States.

(2) Native Americans have historically served in the Armed Forces in numbers which far exceed their representation in the population of the United States.

(3) Native Americans have lost their lives in the service of the United States and in the cause of peace.

(4) The demand for safe, decent, and affordable housing among the 210,000 Native American veterans in the United States is acute.

(5) Native American veterans face unique impediments to the use of traditional housing programs to benefit veterans such as poor economic conditions, the legal status of Indian trust lands, and the lack of incentives for lenders to make loans on trust lands.

SEC. 2. EXTENSION OF DIRECT HOUSING LOAN PILOT PROGRAM.

Section 3761(c) of title 38, United States Code, is amended by striking out "September 30, 1997" and inserting in lieu thereof "September 30, 2000".

SEC. 3. OUTREACH.

Section 3762(i) of title 38, United States Code, is amended—

(1) by inserting ", in consultation with tribal organizations and Native American veterans organizations," after "The Secretary shall"; and

(2) by striking out "tribal organizations and".

SEC. 4. CONSULTATION WITH NATIVE AMERICAN VETERANS ORGANIZATIONS.

The Secretary of Veterans Affairs shall consult with Native American veterans organizations in carrying out the Native American veterans direct housing loan program under subchapter V of chapter 37 of title 38, United States Code.

SEC. 5. ANNUAL REPORTS.

Section 8(d) of the Veterans Home Loan Program Amendments of 1992 (Public Law 102–547; 106 Stat. 3640; 38 U.S.C. 3761 note) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking out "1998," and inserting in lieu thereof "2001,"; and

(B) by inserting ", the Committee on Indian Affairs of the Senate, and the Committee on Resources of the House of Representatives" after "the House of Representatives";

(2) by striking out "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) a description of the outreach activities undertaken by the Secretary under section 3762(i) of such title (as so added) which—

"(A) specifies such activities on a region-by-region basis; and

"(B) assesses the effectiveness of such activities in encouraging the participation of Native American veterans in the pilot program; and".

VETERANS DIRECT HOUSING LOAN PILOT PROGRAM—SECTION-BY-SECTION ANALYSIS

Background. Begun in 1992, the Native American Veterans Housing Program is due to be reauthorized. The account retains some $3.5 million of an original $5 million appropriation. Since 1992, the performance of the Veterans Administration in distributing this money to Indians is poor, especially compared with the experience of the Native Hawaiians and Pacific Islanders. The goal of the amendments is to get the VA to do its job better in Indian country. The reasons adduced by the VA for the poor performance are not convincing.

Section 1. New Findings Section. This section recognizes Indians' long and historic contributions made to the Armed Forces and defense of the United States. This section also recognizes the acute need for housing among the more than 200,000 native veterans, and the unique impediments native veterans face due to poor economic conditions on the reservation, and the inability to securitize Indian trust lands.

Section 2. Extension of Program. The bill would extend the authority for the program for 3 years, to September 30, 2000.

Section 3. Outreach. Most of the discernible problems in the implementation of this program involve a lack of knowledge about the program by Indians and lack of proactive endeavors by the VA to disseminate information about the program through Indian country. The bill would place new requirements on the VA to consult with tribal organizations, native veterans organizations, and other groups prior to making decisions under the act.

Section 4. Consultation with Native American Veterans Organizations. This new section requires the VA to consult with native veterans organizations in implementing the act.

Section 5. Annual Reports. The VA is required to submit annual reports to the Committee on Indian Affairs, the House Resources Committee, and the veterans committees of both Chambers containing a description of the outreach activities undertaken by the VA on a regional basis, with a second mandate that the VA conduct an assessment of the efficacy of such activities in encouraging greater use of the program.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1028. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management; to the Committee on Energy and Natural Resources.

THE QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mrs. FEINSTEIN. Mr. President, today Senator BARBARA BOXER and I are introducing the Quincy Library Group Forest Recovery and Economic Stability Act of 1997. This legislation is nearly identical to H.R. 858 sponsored in the House of Representatives by Congressman WALLY HERGER and passed by the House last week on a vote of 429 to 1.

The House vote is remarkable for two reasons:

First, any legislation involving a controversial issue—particularly on one as contentious as forest management —that receives 429 votes is remarkable in and of itself.

Second, the process by which this legislation evolved is really, I think, ground breaking, and it deserves to be recognized.

I first met the Quincy Library Group back in 1992 when I was running for the Senate, and was then very impressed with what they were trying to do.

The overwhelming House vote is a real victory for local communities like Quincy which seek to avoid the polarizing—and often paralyzing—battles that have characterized forest management issues for the last decade.

The Quincy Library Group is a local coalition of timber industry representatives, environmentalists, citizens, and elected officials in Plumas, Lassen, and Sierra Counties, CA, who came together to resolve their long-standing conflicts over timber management on the national forest lands in their area.

They had seen first hand the seemingly ever present conflict between timber harvesting and jobs, environmental laws and protection of their communities and forests, and the devastation of massive forest fires. They also saw that a practical solution to the conflict between timber interests and environmental interests were both going to be wiped out one day by uncontrollable wildfires. And so they tried to get together and talk things out.

They decided to meet in a quiet, nonconfrontational environment—the main room of the Quincy Public Library. Hence, they became known as the Quincy Library Group.

They began their dialog in the recognition that they shared the common goal of fostering forest health, ecological integrity, an adequate timber supply for area mills, and economic stability for their community.

So, after a year-and-a-half of negotiation, the Quincy Library Group developed an alternative management plan for the Lassen National Forest, Plumas National Forest, and Sierraville Ranger District of the Tahoe National Forest.

This legislation is the result. The bill we introduce today implements the Quincy Library Group's plan.

I know that some environmental organizations had concerns about aspects of this legislation, and some may still oppose it.

But let me make something very clear: As I stated when I met with the Quincy Library Group, in order to have my support, the legislation had to explicitly state that all activities would be carried out consistent with all applicable Federal environmental laws, both substantive and procedural. The administration made this requirement clear as well.

The House bill and this legislation do so.

Another condition for my support, and that of the administration, was that the legislation must authorize sufficient funds to carry out the plan, so that funds will not be diverted from other important programs like wildlife protection, grazing and recreation.

The House bill and this legislation authorize appropriations to do so.

With these key provisions in place, I believe this legislation deserves strong support and swift passage.

Specifically, this legislation:

Directs the Secretary of Agriculture to implement the Quincy Library Group's forest management proposal on designated lands in the Plumas, Lassen, and Tahoe National Forests for 5 years as a demonstration of community-based consensus forest management;

Protects the California spotted owl and riparian areas by excluding all spotted owl habitat in the pilot project area from logging and other resource management activities during the 5-year pilot project, and requiring the Forest Service to follow the scientific analysis team guidelines for riparian system protection;

Calls for the construction of fuel breaks on 40,000 to 60,000 acres a year;

Provides for group selection on 0.57 percent of the project area annually as well as individual tree selection uneven-aged forest management;

Limits the total acreage subject to forest management activities to 70,000 acres annually;

Requires a program of riparian management, including wide protection zones and riparian restoration projects;

Requires the preparation of an environmental impact statement prior to the commencement of the pilot project;

Authorizes the appropriation of funds to carry out the Quincy Library Group pilot project;

Directs the Forest Service to amend the land and resource management plans for the Plumas, Lassen, and Tahoe National Forests to consider adoption of the Quincy Library Group plan in the forest management plans;

Requires an annual report to Congress on the status of the pilot project, including the source and use of funds, the acres treated and description of the results, economic benefits to the local communities, and activities planned for the following year; and finally,

Requires a scientific assessment of the Quincy Library Group project to be commenced at the midpoint of the project and submitted to Congress by July 1, 2002.

At the suggestion of the environmental community, and with the concurrence of the Quincy Library Group, I have added language to the House version of the bill to provide additional environmental safeguards. These additions will ensure that there will be no road building or timber harvesting on the lands the Quincy Library Group plan designated as off base, plan designates certain lands as deferred, and require the annual reports and the final report on the Quincy Library Group project to include a report on any adverse environmental impacts of the pilot project. Finally, it is our intention that areas of late successional emphasis identified in the Sierra Nevada ecosystem project report also be protected from resource management activities during the pilot project, and I will seek committee report language on this issue.

What all this means is that as a result of the Quincy Library Group pilot project:

The threat of catastrophic forest fires will be reduced, through the clearing of underbrush and thinning of the smaller trees;

Enough jobs in the forests will be provided to keep the local mills in operation and the communities in existence; and

Forest health will be improved, riparian areas will be restored, and biological diversity maintained.

Mr. President, I believe the Quincy Library Group deserves a great deal of credit and respect for approaching a tough issue with the goal of finding common ground.

There is a lot of common ground. They all live in the area. They all work there. They raise their children there. They all care about both the environment and the industry that provides jobs to the region. They wanted to work out a solution instead of continuing the take-no-prisoners-approach of endless litigation and standoff.

I believe the solution-based approach demonstrated by the Quincy Library Group should be supported by the Congress, and that is why I committed months ago to introduce legislation based on this group's efforts.

On an issue like forest management and timber harvesting, many local variables are involved and must be considered to find workable solutions:

For example, the wildfire threat in Tennessee is not the same as it is in California.

And the economic impact of the timber industry may be different in Hayfork, CA than it is in Juneau, AK.

The bottom line is that, as long as certain basic standards of environmental law are met, this pilot project will demonstrate whether a local initiative can be successful in developing a forest management plan that works to protect the old growth trees, endangered species, and jobs for the community.

And based on that belief I am pleased to support their efforts by sponsoring this legislation in the U.S. Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement (a record of decision for which shall be adopted within 200 days), shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) IN GENERAL.—The Regional Forester for Region 5 shall direct that during the term of the pilot project any resource management activity required by subsection (d), all road building, and all timber harvesting activities shall not be conducted on the Federal lands within the Plumas National Forest, Lassen National Forest, and Sierraville Ranger District of the Tahoe National Forest in the State of California that designated as either "Off Base" or "Deferred" on the map referred to in subsection (a).

(3) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(4) COMPLIANCE.—All resource management activities required by subsection (d) shall be implemented to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Sierran Provence Interim Guidelines, or the subsequently issued final guidelines whichever is in effect.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and riparian restoration projects, consistent with riparian protection guidelines in subsection (c)(2)(B).

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use, subject to the relevant reprogramming guidelines of the House and Senate Committees on Appropriations—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—Subject to normal reprogramming guidelines, during the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(7) BASELINE FUNDS.—Amounts available for resource management activities authorized under subsection (d) shall at a minimum include existing baseline funding levels.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (i).

(2) The date that is five years after the date of the commencement of the pilot project.

(h) CONSULTATION.—(1) Each statement required by subsection (b)(1) shall be prepared in consultation with the Quincy Library Group.

(2) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(i) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in

subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resources management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) of the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(G) A description of any adverse environmental impacts.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(k) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short long term in the pilot project area;

(B) shall include an analysis of any adverse environmental impacts;

(C) shall be compiled in consultation with the Quincy Library Group; and

(D) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(l) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

Mrs. BOXER. The Quincy Library Group Forest Recovery and Economic Stability Act is the result of many years of consensus building in an effort to unite unlikely partners in a mutually beneficial project.

President Clinton spurred this consensus approach in April 1993, at the Northwest Forest Summit, when he challenged Americans to stay in the conference room and out of the courtroom. One local group put this difficult challenge into action and began a series of meetings in the only place they knew they could ensure civility, and some degree of quiet—their local library. With that, the Quincy Library Group was created.

This group of local citizens surrounding Quincy, CA, including timber industry representatives, local environmental activists, and public officials, have been meeting periodically since 1992 to develop a timber management plan for the areas' surrounding national forests. They did not have an easy task before them—promoting the local economy, preserving jobs, and protecting the environment.

Several years ago I visited Quincy, CA, and had an opportunity to see first hand the problems in the forests and the community at work. Since that time, I have worked with the Quincy Library Group, U.S. Forest Service, Senator FEINSTEIN, Members of Congress, and the national environmental community in an effort to reach a consensus.

I believe that is what we have before us today. This legislation will implement the Quincy Library Group proposal for managing the Tahoe, Lassen, and Sierraville Range of the Tahoe National Forests through biological reserves, fire suppression, riparian restoration, watershed protection, and monitoring.

The House passed a companion bill earlier this week by a near unanimous vote. I believe the overwhelming success in the House was largely due to the inclusion of provisions which ensure compliance with all environmental laws, as well as interim and final California spotted owl guidelines.

This proposal has gone through years of collaboration from many dedicated people with many different interests. We now have legislation to implement this consensus—legislation which can be fined tuned as it moves through the legislative process.

The President's statement of administration policy on the House companion bill suggests further refining the bill so that the pilot project will end once the Forest Service completes the appropriate forest plan amendments. I would be supportive of such a change to the bill.

Some have suggested that the legislation increase the protection of all old growth forests in the area and ensure that logging and road building be prohibited in all roadless and sensitive areas. We should consider that change.

I hope that these concerns can be addressed as this bill moves through the legislative process. Nonetheless, many positive changes have been made to the legislation over the last few months, and although some outstanding concerns still remain, the legislation now provides many of the safeguards necessary to protect the natural environment while promoting the local economy.

I want to thank Senator FEINSTEIN, Congressmen FAZIO, MILLER, HERGER, YOUNG, and the Forest Service for their efforts on this legislation. It has truly been a cooperative effort and I hope we are able to pass this legislation quickly so that we will soon be able to see the proposal implemented on the ground.

By Mr. DEWINE (for himself and Mr. WELLSTONE):

S. 1029. A bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes; to the Committee on Labor and Human Resources.

THE QUALITY CHILD CARE LOAN FORGIVENESS ACT

Mr. DEWINE. Mr. President, I send a bill to the desk now, a bill on behalf of myself and Senator WELLSTONE.

Mr. President, this bill is the Quality Child Care Loan Forgiveness Act and it is intended to, at least in part, deal with a very serious problem in this country. That problem simply is that more and more children, more and more of our children, are every day in child care. There is a real concern about the quality of child care. This bill does not solve every problem in regard to child care, but I think it is a start and I think it would make a significant impact.

Today, more than 70 percent of mothers are in the labor force. Almost 75 percent of married couples with children have both spouses working. All of these working parents, plus parents moving from welfare to work, have to find someone to care for their children if they are going to go out and support their families. Yet today, child care is often very hard to find and quality child care is even harder to find. In just 20 years, the last 20 years, the percentage of children enrolled in some form, in some manner, of child care has gone from 30 percent to 70 percent.

Quality child care is a concern to virtually every family in this country. More and more parents are working. More and more children are in child care. I think the very least we can do is to try to assure those families that, while they are at work, their children will be taken care of by qualified and by competent individuals. This, unfortunately, is not always taking place today. There are many qualified people in child care. There are very many dedicated people in child care. But I think we can do better. This is what this bill intends to address.

Scientists tell us that the largest indicator of a child's intelligence is the mother's education level. While a mother is at work, then it becomes the education level of the child care provider that the child deals with for, sometimes, an extended period of time during the day. With all the new research that we see on the brain and early childhood development, I think we have to reemphasize this particular aspect of child care. We need well-educated, well-trained child care providers. One of the ways we can achieve this, one of the things that we can do to raise the quality of child care, is to say to individuals who are inclined to go into the child care profession that we will in fact help them if they want to make this a profession.

We have to let people know, if they are going to earn a degree to take care of our children, we will help them. Our bill, the bill introduced today by Senator WELLSTONE and myself, will do this. Our bill would help repay the student loans of an individual who earns an early childhood degree and would help repay the loan of that person who goes to work in a licensed child care facility. The Quality Child Care Loan Forgiveness Act would pay off a student loan at the rate of 15 percent a year for people who earn an early childhood degree and who work in a licensed child care facility.

This bill will help bring more qualified individuals to the child care profession. It would also help to decrease the high turnover levels caused, many times, by very low wages.

Let me conclude. The Quality Child Care Loan Forgiveness Act is an important way to improve the quality of child care. American parents need it for their peace of mind, and American children need it for their mind development.

I thank the Chair and ask unanimous consent at this time that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Child Care Loan Forgiveness Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain, and that without a stimulating environment, a baby's brain suffers.

(2) 12,000,000 children under age 6, and 17,000,000 school-aged children of working parents, need child care. Demand for child care is growing as more mothers enter the workforce.

(3) Good quality child care, in a safe environment, with trained, caring providers who offer stimulating activities appropriate to the child's age, help children grow and thrive. Recent research shows that most child care needs significant improvement.

(4) Good quality child care depends largely on the provider. Yet providers of child care earn on average only $6.70 per hour or $11,725 per year. Such earnings cause high turnover, which affects the overall quality of a child care program and causes anxiety for children.

(5) Children attending lower-quality child care facilities and child care facilities with high staff turnover are less competent in language and social development.

(6) Low-income and high-income children are more likely than middle-income children to attend child care facilities providing high quality child care.

(7) The quality of child care is primarily related to high staff-to-child ratios, staff education, and administrators' prior experience. In addition, certain characteristics distinguish poor, mediocre, and good-quality child care facilities, the most important of which are teacher wages, education, and specialized training.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to bring more highly trained individuals into the early child care profession; and

(2) to keep more highly trained child care providers in the early child care field for longer periods of time.

SEC. 4. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

Part B of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J of such Act (20 U.S.C. 1078–10) the following:

"SEC. 428I. LOAN FORGIVENESS FOR CHILD CARE PROVIDERS.

"(a) DEFINITIONS.—In this section:

"(1) CHILD CARE FACILITY.—The term 'child care facility' means a facility that—

"(A) provides child care services; and

"(B) meets applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(2) CHILD CARE SERVICES.—The term 'child care services' means activities and services provided for the education and care of children from birth through age 5 by an individual who has a degree in early childhood education.

"(3) DEGREE.—The term 'degree' means an associate's or bachelor's degree awarded by an institution of higher education.

"(4) EARLY CHILDHOOD EDUCATION.—The term 'early childhood education' means education in the areas of early child education, child care, or any other educational area related to child care that the Secretary determines appropriate.

"(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 1201.

"(b) DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may carry out a demonstration program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured or guaranteed under this part or part D (excluding loans made under sections 428B and 428C) for any new borrower after October 1, 1994, who completes a degree in early childhood education and obtains full-time employment in a child care facility.

"(2) AWARD BASIS; PRIORITY.—

"(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

"(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

"(c) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay 15 percent of the total amount of all loans made after October 1, 1994, to a student under this part or part D for each complete year of employment described in subsection (b)(1).

"(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under this part or part D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(4) SPECIAL RULE.—In the case where a student borrower who is not participating in loan repayment pursuant to this section returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a degree in early childhood education, the Secretary is authorized to assume the obligation to repay the total amount of loans made under this part or part D incurred for a maximum of two academic years in returning to an institution of higher education for the purpose of obtaining a degree in early childhood education. Such loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of this section, and shall be repaid in accordance with the provisions of paragraph (1).

"(5) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same volunteer service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(d) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to the repayment pursuant to this section for such year.

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONDITIONS.—An eligible individual may apply for loan repayment under this section after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct, by grant or contract, an independent national evaluation of the impact of the demonstration program assisted under this section on the field of early childhood education.

"(2) COMPETITIVE BASIS.—The grant or contract described in subsection (a) shall be awarded on a competitive basis.

"(3) CONTENTS.—The evaluation described in this subsection shall—

"(A) determine the number of individuals who were encouraged by the demonstration program assisted under this section to pursue early childhood education;

"(B) determine the number of individuals who remain employed in a child care facility as a result of participation in the program;

"(C) identify the barriers to the effectiveness of the program;

"(D) assess the cost-effectiveness of the program in improving the quality of—

"(i) early childhood education; and

"(ii) child care services;

"(E) identify the reasons why participants in the program have chosen to take part in the program;

"(F) identify the number of individuals participating in the program who received an associate's degree and the number of such individuals who received a bachelor's degree; and

"(G) identify the number of years each individual participates in the program.

"(4) INTERIM AND FINAL EVALUATION REPORTS.—The Secretary shall prepare and submit to the President and the Congress such interim reports regarding the evaluation described in this subsection as the Secretary deems appropriate, and shall prepare and so submit a final report regarding the evaluation by January 1, 2002.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1998, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 5. LOAN CANCELLATION.

Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I), and (J), respectively; and

(B) by inserting after subparagraph (F), the following:

"(G) as a full-time child care provider or educator—

"(i) in a child care facility operated by an entity that meets the applicable State or local government licensing, certification, approval, or registration requirements, if any; and

"(ii) who has a degree in early childhood education;"; and

(2) in paragraph (3)(A)—

(A) in clause (i), by striking "(G), (H), or (I)" and inserting "(H), (I), or (J)"; and

(B) in clause (ii), by inserting "or (G)" after "subparagraph (B)".

Mr. WELLSTONE. Mr. President, I rise today with my colleague from Ohio to introduce a bill that is an important step toward protecting the lives and the future of this Nation's children. Today in the Labor Committee, we will hear from the parents of a 3-month-old baby who lost his life after only 2 hours in daycare. We as a society must share some of the responsibility for this tragedy with the daycare center that neglected Jeremy Fiedelholtz. We as a society have allowed daycares to be under funded and understaffed, because we have not valued the position of daycare provider. We have not treated that job as a profession, we have not respected their responsibilities and considered such individuals to have a career worthy of compensation, attention, and respect.

The bill that my colleague and I introduce today would provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession. It would also provide forgiveness for some existing child care providers who remain in the profession.

The bill seeks to make child care more affordable and to increase the quality of child care by making a career in child care more profitable. It would help make the career of caregiver more affordable and more feasible for those interested in helping children grow. Nationally, child care workers have the following statistics: 97 percent are female; 33 percent are women of color; 41 percent have children; 10 percent are single parents; only 18 percent of child care centers offer their workers health coverage.

In Minnesota child care centers, the average hourly wage for a child care provider is $8.72; for an assistant teacher is $6.66; and for an aide is $5.69. Minnesota family child care providers, who are never covered by the Fair Labor Standards Act, have an average hourly wage of $2.79, and make $7,800 a year for a 60-hour work week. With changes created by the welfare bill in the Federal child care food program, many family child care providers will become ineligible for this program; those who don't pass the costs of care on to the parents will have negative earnings—they will actually lose $71 a week.

Nationally, child care teaching staff earn $6.89 an hour and $12,000 a year. Family child care providers earn $9,500, and unregulated providers, $5,100. Although they are better educated than the average worker, child care workers earn one-third of the average male salary and one-half of the average female salary. It is no surprise that one-third of them leave their centers every year.

In the meantime, in Minnesota, there are 8,960 children on the waiting list for child care. There are probably another 13,440 children who would apply if the waiting list wasn't so long. Mr. President, add all this up and you have a recipe for disaster. Child care is without question among the most important issues facing the workforce today. Parents who can't care for their children, can't work. Child care is without question among the most important issues facing the field of education today. Children who are not stimulated and cared for during the earliest years will never be able to reach his or her full potential when they grow up.

If we don't take the profession seriously and encourage people of caliber to enter the profession of caregiving, and reward those who remain in the profession, then we are risking our economic future and putting at risk millions of children like Jeremy Fiedelholtz. I urge my colleagues to join us in this bipartisan effort to invest money where it is most needed.

Let me just say I am very honored to introduce this legislation with Senator DEWINE. I thoroughly enjoy working with him, and I think we are both very committed to this piece of legislation.

Mr. President, in the Labor Committee today, we are going to hear from the parents of a 3-month-old baby who lost his life after only 2 hours in child care. If you look at the reports, the conditions around our country are not what they should be for children, and if you just think about the pay scale of women and men—they are mainly women—who are child care providers, we have devalued the work of adults who work with children. What this piece of legislation does is it provides loan forgiveness for individuals who earn a degree in early childhood development and then remain employed in this early childhood profession. It also would have some forgiveness for existing child care providers who remain in the profession.

What we are simply trying to say here, I say to my colleagues, is that the neuroscience evidence is compelling, these early years are critical years, we have to get it right, there has to be a nurturing care and the intellectual stimulation and, yet, if you look around the country, nationally child care teaching staff earn an average of $6.89 an hour, or about $12,000 a year.

Actually, in many of our States, people who work in zoos, and by the way I love visiting zoos—it is not my point to put down that work—earn twice as much as women and men who work in child care centers. If we really value children and we really understand that pre-K is so important, and if we really understand—and we should and we must—that we have to make sure that by age 3, children have gotten the nurturing care in order for them to be able to go on and do well in school and do well in life, then it is terribly important that we attach more value to the work that is being done.

That is what this piece of legislation does, which provides the loan forgiveness for women and men I hope will go into this profession. It is a small step forward, but it is an extremely important step.

I am very pleased to introduce this legislation today with my colleague, Senator DEWINE.

By Mr. FRIST (for himself and Mr. WELLSTONE):

S. 1030. A bill to amend title IV of the Public Health Service Act to establish a National Center for Bioengineering Research; to the Committee on Labor and Human Resources.

THE NATIONAL CENTER FOR BIOENGINEERING RESEARCH ACT OF 1997

Mr. FRIST. Mr. President, I rise today to introduce the National Center for Bioengineering Research Act of 1997. Bioengineering is where medical need and technical capability meet to increase our capacity to diagnose and treat disease; to enhance the quality of life of millions of people with chronic conditions; to save millions of dollars in health care costs; and to generate billions of dollars for our economy. Medical devices alone is a $40 billion-a-year industry.

Bioengineering is an interdisciplinary field that applies physical, chemical, and mathematical sciences and engineering principles to the study of biology, medicine, behavior, and health. It advances knowledge from the molecular to the organ systems level, and develops new and novel biologics, materials, processes, implant, devices, and informatics approaches for the prevention, diagnosis, and treatment of disease, for patient rehabilitation, and for improving health.

Although the term "bioengineering" may not be commonplace, many of the major medical advances from bioengineering are very familiar, including the heart-lung machine, kidney dialysis, total hip joint replacements, heart pacemakers, artificial hearts, prosthetics, and diagnostic medical imaging. Other advances are right around the corner, including implantable insulin pumps with biosensors that detect exactly when and how much insulin is needed; and regeneration of tissue, cartilage, and even organs, instead of transplantation—which brings with it the risk of rejection, major trauma to the patient, and one of the highest costs in our entire health care system. As a heart-lung transplant surgeon, I know first hand about the life-saving contributions made by all of these bioengineering developments. We need as many new achievements like this as we can produce.

In spite of such spectacular achievements, however, the field of bioengineering suffers from fragmentation and a lack of coordination that could impede and delay future advances in the field. This fragmentation was recognized as early as 1967, when an international conference called for better coordination in bioengineering research.

In 1995, at the request of the Senate Committee on Labor and Human Resources, the NIH submitted a report, "Support for Bioengineering Research." This report was remarkably consistent with a number of previous studies over the last 30 years that stressed the need for: a centralized focus for extramural bioengineering research at NIH; a strong intramural bioengineering program at NIH; and increased coordination of bioengineering activities within NIH and among other Federal agencies.

This legislation seeks to implement those recommendations and is designed to enhance the state of and improve the coordination of bioengineering research conducted within NIH and throughout the Federal Government. This bill calls for the establishment of a National Center for Bioengineering Research within the National Heart, Lung and Blood Institute at NIH. The mission of the Center is to:

First, enhance the state of bioengineering research within NIH;

Second, promote collaborative research projects among NIH institutes and across Federal agencies;

Third, enhance communication among bioengineering investigators within Federal agencies and with private sector entities; and

Fourth, educate the Congress and the public on the critical importance of bioengineering to both the health and the economy of the Nation.

This legislation does not create a new institute within NIH. The Center would have no grantmaking authority. New funding would be allocated to institutes to support basic research projects in bioengineering through the standard peer review process.

This legislation is introduced today as a stand-alone bill. But I expect it to be included in the reauthorization bill for the National Institutes of Health which, as Chair of the Public Health and Safety Subcommittee of the Committee on Labor and Human Resources, I intend to move forward during the first session of the 105th Congress.

Mr. President, I ask unanimous consent that the bill and summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for Bioengineering Research Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Bioengineering is an interdisciplinary field that applies physical, chemical, and mathematical sciences and engineering principles to the study of biology, medicine, behavior, and health. It advances knowledge from the molecular to the organ systems level, and develops new and novel biologics, materials, processes, implants, devices, and informatics approaches for the prevention, diagnosis, and treatment of disease, for patient rehabilitation, and for improving health.

(2) Efforts to reduce Federal budget deficits require that resources be managed in ways to maximize productivity.

(3) As part of the NIH Revitalization Act of 1993, Congress asked for a report on the state of bioengineering research at the National Institutes of Health.

(4) In 1994, as requested by the Congress, an External Consultants Committee submitted a report to the Director of the National Institutes of Health on support for bioengineering research.

(5) In 1995, the Director of the National Institutes of Health submitted a report to Congress on Support for Bioengineering Research, that included recommendations for greater coordination of bioengineering research.

(6) In 1996, an amendment to the National Institutes of Health Revitalization Act of 1996 directed the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, to "prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the Report to Congress entitled Support for Bioengineering Research submitted to Congress in August 1995 in compliance with Public Law 103-43, the National Institutes of Health (NIH) Revitalization Act of 1993, Section 1912". This legislation passed the Senate but was not acted upon by the House.

(7) In the spring of 1997, the National Institutes of Health established the Bioengineering Consortium, with representation from each of the institutes, to advance bioengineering and its mission within the National Institutes of Health.

(8) Legislation is needed to support and further the efforts already begun by the National Institutes of Health in order to maximize the health benefits for the American people.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR BIOENGINEERING RESEARCH.

(a) IN GENERAL.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

"SEC. 425A. NATIONAL CENTER FOR BIOENGINEERING RESEARCH.

"(a) ESTABLISHMENT.—The Director of the National Heart, Lung, and Blood Institute shall establish, within the National Heart, Lung, and Blood Institute, a National Center for Bioengineering Research (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the National Heart, Lung, and Blood Institute.

"(b) PURPOSE.—The purpose of the Center is to—

"(1) promote basic research in bioengineering; and

"(2) establish an office to enhance the state of and improve coordination of bioengineering research conducted within the National Institutes of Health and throughout the Federal Government.

"(c) DUTIES.—The Center shall—

"(1) enhance bioengineering research at the National Institutes of Health by—

"(A) increasing the proportion of National Institutes of Health funds that are devoted to basic rather than applied bioengineering research;

"(B) improving the review of bioengineering grant applications; and

"(C) increasing intramural research in bioengineering;

"(2) convene a conference of bioengineering experts representing relevant Federal agencies, academia, and private sector entities to make recommendations to the Director of the Center regarding—

"(A) setting the agenda of the Center; and

"(B) identifying promising research directions and emerging needs and opportunities in bioengineering research;

"(3) promote joint funding of collaborative bioengineering research projects conducted by the national research institutes and other agencies of the National Institutes of Health or conducted by any such institute and another Federal entity;

"(4) enhance communication among bioengineering investigators within Federal agencies and with private sector entities;

"(5) educate members of Congress and the public on the critical importance of bioengineering in enhancing the diagnosis and treatment of disease and strengthening the economy;

"(6) annually convene a group of bioengineering experts from Federal agencies and private sector entities to advise the Director of the Center; and

"(7) prepare and submit to Congress, through the Director of the National Institutes of Health, an annual report.

"(d) LIMITATION.—The Center may not use amounts provided under this section to award grants.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FOR THE CENTER.—There is authorized to be appropriated $750,000 for each fiscal year for the general operation of the Center.

"(2) FOR GENERAL BIOENGINEERING ACTIVITIES.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 1998 through 2007, to be allocated at the discretion of the Director of NIH among the bioengineering activities being carried out by the national research institutes and other agencies of the National Institutes of Health.".

(b) CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(F) The National Center for Bioengineering Research.".

NATIONAL CENTER FOR BIOENGINEERING RESEARCH ACT OF 1997

DEFINITION

Bioengineering is an interdisciplinary field that applies physical, chemical, and mathematical sciences and engineering principles to the study of biology, medicine, behavior, and health. It advances knowledge from the molecular to the organ systems level, and develops new and novel biologics, materials, processes, implants, devices, and informatics approaches for the prevention, diagnosis, and treatment of disease, for patient rehabilitation, and for improving health.

BACKGROUND

As part of the 1993 reauthorization of NIH, Congress asked for a report on the state of bioengineering research at NIH. In 1994, an interim report from an External Consultants Committee was submitted to the Director of NIH, who submitted a report to Congress in August, 1995 that included recommendations for greater coordination of bioengineering research. In spring 1997 NIH established a Bioengineering Consortium, with representation from each of the institutes, to advance bioengineering and its mission within NIH. This legislation seeks to support and further the efforts already begun by NIH in order to maximize the health benefits for the American people.

IMPACT OF BILL

Bill would create National Center for Bioengineering Research, located within the National Heart, Lung and Blood Institute. Mission of the Center is to enhance bioengineering research within NIH; improve coordination and communication across all Federal agencies; educate members of Congress and the public on importance of bioengineering in enhancing diagnosis and treatment of disease and strengthening the economy; annually convene bioengineering experts to advise Director of the Center; and submit an annual report to Congress.

Center would have no grant-making authority. New funding would be allocated to institutes to support basic research in bioengineering.

By Mr. GRASSLEY (for himself and Mr. D'AMATO):

S. 1031. A bill to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury; to the Committee on the Judiciary.

THE FEDERAL LAW ENFORCEMENT OFFICERS' GOOD SAMARITAN ACT OF 1997

Mr. GRASSLEY. Mr. President, today I am introducing the Federal Law Enforcement Officers' Good Samaritan Act of 1997. This bill will help Federal officers do what they do best: protect lives. Under this bill, any Federal law enforcement officer who, while off duty, should unexpectedly arrive at or is present at a crime will be able to take appropriate action.

Mr. President, perhaps a hypothetical example would best explain the intent of this legislation. Lets say a law enforcement officer stops at a convenience store on his way home from work one evening. While picking up a gallon of milk and a loaf of bread, a criminal attempts to rob this particular store. Now most law enforcement folks will tell you that, in this situation, they would feel compelled to take some kind of appropriate action. But in many jurisdictions, if they do take action and are hurt, or are forced to hurt the criminal, they may not be eligible for their health benefits, and may be open to be sued by the criminal for their actions. The law enforcement officer, acting on his training, and intervening in a situation that he had the training and ability to deal with, would have to cover these expenses from his own pocket. Mr. President, this does not sound fair to me. It can create a situation where the officer may feel unable to act in response to his sense of duty because of concerns that he will be penalized for acting. This legislation would eliminate these legitimate worries.

Let me make it clear that this bill does not expand Federal law enforcement authority. A Federal officer could only make a citizen's arrest, if necessary, and local law enforcement officials would still have jurisdiction in the case. My office has spoken with the National Association of Attorneys General, and they are supportive of this legislation.

I hope that my colleagues will take the time to look at this legislation, and join Senator ALFONSE D'AMATO and me in sponsoring this bill. Our Government has invested a lot of time, energy, and trust in the training and support of our Federal law enforcement officers. We need to be sure that they are able to perform their duties—and to act as we would hope and expect them to act.

Mr. D'AMATO. Mr. President, I rise today to join with Senator GRASSLEY in the introduction of the Federal Law Enforcement Officers' Good Samaritan Act. This bill is essential to protect trained federal law enforcement officers who want to offer assistance when they witness a crime but are afraid of the repercussions afterwards if it is not a crime defined under their agency's authorizing statute.

Agents in the federal law enforcement community are charged with the investigation of criminal activities defined in their authorizing statute. For example, DEA agents investigate drug crimes and a Secret Service agent's role is limited to financial crimes. If acting "within the scope of their employment", meaning they deal with only those crimes listed in their agency's authorizing statute, the actions of the Special Agent will not result in personal liability. In addition, the employing agency may assign counsel or provide worker's compensation if the Special Agent was injured in the line of duty.

However, when an off-duty Federal Agent witnesses the commission of a violent crime, such as a DEA agent witnessing a robbery, the intervention is deemed to be outside the scope of his or her employment. Unfortunately, that special agent's intervention may subject the off-duty Federal Law Enforcement Agent to personal liability—without the protections afforded them if they were on duty.

There are few cases nation-wide but it has affected the intervention of our Federal Law Enforcement Officers. In one instance, two DEA agents on a surveillance saw a parked car occupied by a man and a young woman. The car was not part of the surveillance. This did not stop the agents from intervening when they saw the young woman struggling with the man and screaming for help. Their assistance was not "within the scope of their employment" but these trained agents wanted to help, using their expertise in crisis situations. The DEA agents certainly were not thinking a lawsuit when they intervened but because their actions were outside the scope, they were acting as private citizens—subjecting their personal assets to a lawsuit.

Federal agents who unexpectedly encounter violence in our communities face an unconscionable choice: 1.) stand by and allow the violence to occur; 2.) refuse help to the victim and allow the perpetrator to escape; or 3.) intervene as a private citizen and risk bankruptcy by a potential lawsuit.

Currently, there exists no federal statute authorizing Federal Special Agents to intervene during the commission of certain violent crimes outside the scope of their statutory authority, and protecting their personal assets when they assist someone in need. I urge my colleagues to review the merits of this bill and join in this effort to relieve the fear of our specially trained law enforcement agent and possibly encouraging their intervention when citizens need it the most.

This bill explicitly defines when a specially trained agent may be protected if he or she offers assistance "outside the scope of their employment". These instances are limited to:

(A) the protection of any person in his presence from the imminent infliction of bodily harm;

(B) offering immediate help to any victim who suffers bodily harm in his presence; and

(C) preventing the escape of any person he reasonably believes to be responsible for inflicting, attempting or threatening to inflict, bodily harm to another in his presence.

It will provide the Agent with the same qualified immunity that he has if the act was within the "scope of his employment": counsel will be provided to the agent, the Federal Government will indemnify for the damages caused, worker's compensation will be available.

This bill will not curtail the rights of an injured party. It does not prevent an injured party from suing for damages incurred during the intervention by the Agent nor will it restrict the amount of damages that an injured party may receive if the court finds that the Agent acted unreasonably.

This bill will not expand the powers or authorities of Federal law enforcement agencies or give Federal law enforcement agents authority to investigate or to direct any state or local law enforcement body, usurping the powers of the state or local law enforcement agencies, outside of their jurisdiction. Finally, this bill will not restrict the filing of criminal charges if the action of the Agent fits the current statutory definition.

Federal law enforcement agents need this protection and I urge its passage.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 1036. A bill to amend section 435(d)(1)(A)(ii) of the Higher Education Act of 1965 with respect to the definition of an eligible lender; to the Committee on Labor and Human Resources.

KID'S BANK ACT

Mr. ALLARD. Mr. President, I am pleased to introduce legislation amending the Higher Education Act to revise the proportion of student loans that a bank can maintain in relation to their total consumer portfolio. This bill will allow the Young Americans Bank to continue providing a unique opportunity for young people to learn to control a checking account, save for the future, and manage credit obligations. The bank has had resounding success in teaching young clients how to responsibly handle their finances.

The Young Americans Bank has been operating for ten years as the only bank in the nation that exclusively serves young people under the age of 22. It is a full service, State chartered, federally insured bank with almost 17,000 customers from all 50 States and 11 foreign countries. Another exceptional element of the bank is that its holding company, the Young American Education Foundation, is the only nonprofit holding company in the country.

While educating our youth on how to make responsible financial decisions, the Young Americans Bank also has a natural demand for student loans. Section 435 of the Higher Education Act prohibits banks from having student loans comprise more than 50 percent of total loans. Clearly this prohibits the Young Americans Bank from accommodating the large percentage of student loans that they would like to provide for their young clients. It is also important to note that allowing the bank to carry a larger student loan portfolio would improve the bank's financial performance, which in turn would provide more funds for educational programming.

My legislation would allow very small, nonprofit banks to exceed the 50-percent student loan ratio. The exception would apply only to institutions with a total outstanding student loan volume of $10 million or less, and all loans would have to be made to those age 22 and under.

The Young Americans Bank enjoys broad support, and I have received letters endorsing this legislation from Denver's Mayor Wellington Webb, the Colorado Bankers Association, the Colorado Governor's office and numerous financial institutions and universities.

The operation and objectives of the Young Americans Bank should not be limited. This bank does an outstanding job of providing financial and educational opportunities to young people, and I encourage my colleagues to support their mission and encourage the expansion of such a successful institution.

By Mr. JEFFORDS (for himself, Mr. DODD, and Mr. ENZI):

S. 1037. A bill to amend the Internal Revenue Code of 1986 to establish incentives to increase the demand for and supply of quality child care, to provide incentives to States that improve the quality of child care, to expand clearing-house and electronic networks for the distribution of child care information, to improve the quality of child care provided through Federal facilities and programs, and for other purposes; to the Committee on Finance.

THE CREATING IMPROVED DELIVERY OF CHILD CARE: AFFORDABLE, RELIABLE, AND EDUCATIONAL ACT OF 1997

Mr. JEFFORDS. Mr. President, today, there are more than 12 million children under the age of five—including half of all infants under one year of age—who spend at least part of their day being cared for by someone other than their parents. There are millions more school-aged children under the age of twelve who are in some form of child care at the beginning and end of the school day as well as during school holidays and vacations. And more six to twelve year olds who are latchkey kids—returning home from school to no supervision because parents are working and there are few, if any, alternatives.

The past two decades have seen a dramatic rise in the number of women in the paid labor force. Women now constitute 46% of our nation's labor force. Most women are working to meet their family's basic needs. More than 60% of women with pre-school aged children are employed full- or part-time. Their employment is not a choice, but an essential part of their family's economic survival. And for most of these families, child care is not an option, but a requirement.

Many of the traditional sources of child care are no longer available—as many of the friends, neighbors, grandparents, and other relatives who used to be available to provide child care are also working. Research has repeatedly demonstrated that for parents who must work, child care services that are dependable and of high quality make it easier to find and keep a job. Good child care helps parents reach and maintain economic self-sufficiency. Congress acknowledged this when it passed welfare reform last year, which dramatically increased the amount of entitlement money available for child care.

Steady increases in the number of employed women with young children, combined with last year's welfare reforms, have placed tremendous pressures on communities to dramatically expand the amount of available child care. While the supply of child care has increased over the past 10 years, there are still significant shortages for parents in rural areas, those with school-aged children or infants, and for lower-income families.

I think that few of us know how much child care costs. The Senate Employee's Child Care Center costs between $150 and $175 a week—$7,800 to $9,100 a year. That places it in the high-middle range in terms of costs for the Washington, D.C. area. The younger the child, the higher the costs—and Senate Employee's Child Care Center does not accept children under 18 months old, the most expensive type of child care.

The costs of child care are almost wholly dependent upon the geographic area, the type of child care, and the age of the child. For example, a family purchasing full-time child care services for a four-year-old in rural New York using a family child care home may pay as little as $60 a week. In contrast, a family with an infant using a child care center in New York City may pay more than $250 a week.

For a 3- to 4-year-old child, the least expensive age group, the national average for center-based child care is $4,600 a year. The average cost for high quality care, such as that provided by the Senate Employee's Child Care Center, is between $8,500 and $9,100 a year. The cost of family-based child care is generally less expensive, while in-home care with a nanny or au pair is generally more expensive.

A family normally spends about twenty-percent of its income on housing and ten-percent on food. The costs of child care for a low-or middle-income family can rival the cost of housing and be double the cost of food. Even though most of us recognize the critical part that child care plays in the economic survival of families, we often fail to recognize it as a basic cost which consumes a significant portion of a family's income.

Parents can only purchase child care they can afford. Those who do find care that is affordable and convenient are often unsatisfied with the quality of the care their child receives. In fact, one quarter of all parents would change their child care arrangement if they could find and afford something better.

Since 1990, the costs of child care have risen about six-percent annually. This is almost triple the annual increase in the cost of living. At the same time, there are strong indicators that the quality of child care has significantly decreased during that same period of time. Parents are paying more but getting less.

The quality of child care in America is very troubling. A recent nationwide study found that forty-percent of the child care provided to infants in child care centers was potentially injurious. Fifteen-percent of center-based child care providers for all pre-schoolers are so bad that a child's health and safety are threatened; seventy-percent are mediocre—not hurting or helping children; and fifteen-percent actively promote a child's development. Center-based child care, the object of this study, is the most heavily regulated and frequently monitored type of child care. There are strong indications that care for children in less regulated settings, such as family-based child care and in-home care, is far worse.

Combining the research on the quality of child care with the breakthroughs on the development of the human brain produces a very disturbing situation. Many children enter child care by eleven weeks of age, are in care for close to 30 hours a week, and often stay in some form of child care until they enter school. During that same period of life, a child's brain is undergoing a series of extraordinary changes.

In the first three years of life, the brain either makes the connections it needs for learning or it atrophies, making later efforts at remediation in learning, behavior, and thinking difficult, at best. The experiences and stimulation that a caretaker provide to a child are the foundations upon which all future learning is built. The brain's greatest and most critical growth spurt is between birth and ten years of age—precisely the time when non-parental child care is most frequently utilized. A Time magazine special report on "How a Child's Brain Develops" (February 3, 1997) said it best, ". . . Good, affordable day care is not a luxury or a fringe benefit for welfare mothers and working parents but essential brain food for the next generation." While bad child care can seriously impair a child's development, high-quality child care significantly increases the chances of good developmental outcomes for children.

Think about it. At the most important time in the development of a child's brain, more than twelve million children are being cared for by people who are paid less than the person who picks up your garbage each week, and are required to have less training than the person who cuts your hair, and less skill-based testing than the person delivering packages to your house. Child care providers play an important role in a child's development, for they help fine-tune the child's capacity to think and process information, social skills, emotional health, and acquisition of language.

Last year, our goal in child care was to streamline federal assistance by creating a cohesive structure for federal assistance and to provide sufficient government funds to subsidize child care for welfare recipients who were transitioning into work. This year our goal must be to promote the healthy development of children in child care. I am worried that the pressure of the need to accommodate the increasing demand for child care will force many into forgoing quality just to increase the number of child care slots available.

I rise today to introduce legislation entitled "Creating Improved Delivery of Child Care: Affordable, Reliable, and Educational Act of 1997," the CIDCARE Act. It incorporates modifications to the tax code, an incentive grant program for states (including wage subsidies for child care providers who get additional training and education and a grant program to encourage small business partnerships to provide child care for employees), a technology-based infrastructure for the professional development of child care providers, educational loan forgiveness for child care providers, requirements that states include the cost of child care in the calculation of child support orders, expansion of the federal government's technical assistance and information dissemination role, and requirements that child care centers located in federal facilities to meet high quality standards of care.

There is no one thing—no magic bullet—that will ensure higher quality child care. Each of these provisions has been included to solve a specific problem or break through a barrier that has hampered efforts to improve the quality of child care. Taken as a whole, these provisions represent a comprehensive effort to increase the supply while simultaneously creating a demand for high-quality child care, and make it affordable for low- and middle-income families.

To offset the cost of these changes, the bill reduces, but does not eliminate, the dependent care tax credit for upper income taxpayers. Over a 5-year period, it gradually decreases the amount that an employee can place in a dependent care assistance plan used to reimburse nonaccredited or non-credential child care. In addition, the legislation expands the coordinated enforcement efforts of the Internal Revenue Service and the HHS Office of Child Support Enforcement, which will significantly reduce the amount of fraud related to illegal tax deduction and credit claims by noncustodial, noncontributing parents.

The first provision in CIDCARE makes several changes in the Child and Dependent Care Tax Credit [CDCTC]. This tax credit is the largest tax-based subsidy for child care. The bill raises the income level for the receipt of the highest percentage of employment-related child care costs from $10,000 to $20,000. The percentage is decreased at a rate of 1 percent for each additional $2,500 in adjusted gross income and sets a minimum percentage of 10 percent for incomes of $70,000 and above.

This change represents a more equitable distribution of limited resources based on the percentage of income a family must use to meet child care expenses. For families qualifying for the EITC, the legislation makes the child care tax credit refundable, on a quarterly basis. This will enable many low-income working families to move from part-time to full-time employment, by easing the burden of child care costs and having the money available at regular intervals throughout the year.

Another revision to the Child Care Tax Credit establishes, over a 5-year period, different rates for the tax credit, dependent on whether the child care is provided in an accredited child care facility or by a credentialed professional. This will reward parents who choose high-quality child care and help defray the additional costs of that care.

I am sensitive to the concerns of colleagues who object to reducing the child care tax credit. But before you judge this reduction too harshly, let's put it into perspective. The tax credit remains at or above the current rate of 20 percent for parents with adjusted gross incomes of $45,000 or less, regardless of the type of child care. The median income of families with children nationally is $37,000. While there are wide differences in between States, there are only four States where the median exceeds $45,000 AGI, triggering a reduction in the current rate of 20 percent. The median income in most States is significantly below this trigger.

At the end of the 5-year phase in period, the tax credit remains at or above the current 20 percent rate for families with an AGI of $55,000—if they choose high-quality child care. No States have median incomes of families with children which exceed this which triggers a reduction below current child care tax rate. Families with incomes at or above $70,000 will still receive a tax credit of ten percent, increased to 12.5% if high quality care is used.

In terms of money, a one percent decrease in the child care tax credit equals $24 when care for one child is claimed, and $48 for two or more children. Families making $70,000 or more are the hardest hit by my legislation. Yet their maximum financial cost is $240 a year for one child,or $480 a year for two or more children—about half of one percent of their adjusted gross income.

The second area of changes occurs in the Dependent Care Assistance Plan (DCAP). The CIDCARE Act increases the amount that an employee can contribute to a DCAP account, if the funds are used to pay for the care of two or more eligible persons. In addition, the amount of DCAP contributions is increased for high-quality care and decreased for care that is provided by an unaccredited child care facility or a person who has not received a professional credential. At the end of the five year phase in, the maximum decrease in the DCAP amount for unaccredited care is 20% lower than the current ceiling on contributions. These differential rates are phased in over a five year period in order for child care providers to achieve accreditation or become credentialed in child care.

Current law prohibits DCAP from being used to pay relatives for care. While I support needed controls on the use of DCAP accounts in most cases, my legislation would make a very limited exception to this prohibition. DCAP payments could be made to pay a parent or grandparent to care for a newborn child. The DCAP account could be joined at anytime during a pregnancy. The funds would be available for up to 12 months from the date of deposit into the employee's DCAP account—because babies have a timetable all their own when it comes to being born.

The last change CIDCARE makes in the Dependent Care Assistance Plan is a requirement that federal employees have the opportunity to contribute to DCAP. Private employees, as well as many state and local governments, have had DCAP available for their employees since 1981. Consistent with the intent of the Congressional Accountability Act, I want to make this child care subsidy available to federal workers, including legislative branch employees.

Child care is a growing concern to businesses, big and small. Employers are coming to the realization that affordable, convenient high-quality child care is a critical element in hiring and retaining skilled employees. Many companies, such as Johnson & Johnson, IBM, and others have been very innovative in providing child care assistance for their employees. Small businesses in particular are finding it difficult to meet the child care needs of their employees, but recognize the importance of that help.

The CIDCARE Act creates a tax credit for employers providing or otherwise supporting high-quality child care arrangements for their employees. On the Budget Reconciliation bill passed by the Senate, Senator KOHL introduced an amendment to provide a time-limited tax credit for employers who provide child care for their employees. To reinforce the importance of the Kohl amendment, I have included it in CIDCARE. Fifty percent of the expenses incurred by a business to meet the child care needs of employees will be credited toward the business' Federal tax liability. Eligible expenses are capped at $150,000 per year, and the tax credit sunsets after three years.

Costs allowed to businesses under this provision include startup costs, renovations to meet accreditation standards, professional development for child care providers, general operating expenses, subsidized child care for lower paid employees, support for child care resource and referral services and other child care activities. These provisions encourage business involvement and innovation in meeting the child care needs of employees and increasing the demand for higher quality child care.

Current law prohibits businesses from receiving a charitable deduction for donations made to public entities, such as schools and child care services. CIDCARE will extend eligibility for a business charitable deduction to the donation of educational equipment and supplies donated to public schools, public child care providers, and public child care support entities, such as resource and referral services. If child care is to improve and meet the developmental needs of our Nation's children, every available resource must be made available. Computers which are discarded because they are too slow or have insufficient hard drive capacity, can be the first step into the computerage for a small child or the link to professional training for a child care provider.

A critical part of improving the quality of child care is professional development for child care providers. Since the 1970's there has been a decline in child care teacher salaries. In 1990, teachers in child care centers earned an average of $11,500 a year. Assistant teachers, the largest growing segment of child care professionals, were paid 10- to 20-percent less than child care teachers. The 1990 annual income of regulated family child care providers was $10,944 which translates to about $4 an hour. Nonregulated family child care, generally comprised of providers taking care of a smaller number of children, earned an average of $4,275 a year—substantially less than minimum wage.

With these wages, it is easy to understand why more child care providers do not participate in professional training or attend college classes to improve their skills. The costs of applying for and receiving certification as a qualified child care professional are minimal, but understandably out of reach for many child care providers.

This legislation will exempt expenses directly related to child care accreditation or becoming credentialed from the 2 percent floor that is applied to miscellaneous itemized deductions. This will at least permit child care providers to receive a full deduction for the expenses associated with improving the child care services which they provide. This incentive for professional growth and the development of new skills is a small but critical part of my overall effort to support high-quality child care.

The last tax modification in CIDCARE creates a very limited exception to the executive use rule governing the tax deduction for home office expenses. The legislation will permit the mixed use of home office space for business and personal purposes to allow a person to care for his or her child. In some ways, the need for this exception comes down to fundamental fairness. How many school holidays, snow days and other times do children accompany their parents into work?

I can always tell when the schools are unexpectedly closed, by the increased number of little people I see in Senate offices and eateries. I have been in Senate offices and other workplaces where a crib or playpen is clearly in evidence. Yet, none of us question whether our offices are exclusively for business use. One of the big incentives for telecommuting and home-based business is to allow parents to have more time with their families, yet existing law would keep a new mother from legitimately claiming a home office deduction if she has her child sleeping in a crib in a corner of the room where she is working.

The non-tax related provisions of the legislation are designed to complement and work with the tax provisions. In order for families to be able to take advantage of the increased tax credits for child care in an accredited center or with a provider who has received a child care credential, there need to be more of these high quality centers and better trained providers. Child care providers must have easy, affordable access to training and other activities which will lead to accreditation and credentialing. This effort will require that the federal government join forces with states and the business community. Parents must be made aware of how to identify quality child care and its importance in their children's lives. And the federal government should set an example by requiring that child care centers located in federal facilities meet higher standards of care. It will take all of these provisions, working together, to improve the quality of child care for our children.

The CIDCARE Act will require that states include the cost of child care in the calculation of child support obligations. When a custodial parent is employed or actively seeking employment, the state procedures for the determination of the amount of child support need to include an amount equal to or more than the child care rates used by the state to administer the Child Care and Development Block Grant Act. When child care is being provided in an accredited child care center or by a credentialed child care that rate will be increased by fifty-percent.

Since the passage of the Child Care and Development Act in 1990, states have been setting "market" or "comparable" rates for child care. CIDCARE uses those rates as a baseline for adding the cost of child care to the amount of child support which a non-custodial parent will be required to pay. Current child support calculations include estimates of the other basic expenses necessary to provide financially for a child. In many instances, the expense of child care is the direct result of the divorce or lack of financial support from the non-custodial parent. It is only fair that child care expenses be included in those calculations. If the custodial parent secures higher quality child care, the non-custodial parent will share in the additional costs of that care. Children should not be forced into poor quality child care because a non-custodial parent refused to share in the additional expense of higher quality care.

The CIDCARE bill establishes a $260 million competitive grant program to assist states in improving the quality of child care. To be eligible, a state must not have reduced the scope or otherwise decreased the state's licensing requirements since 1995, must be in compliance with the requirements of the Child Care and Development Block Grant, must have drawn down at least 80% of the amount awarded to the state in federal entitlement child care funds requiring a state match, and must conduct annual on-site monitoring of state licensed or otherwise regulated child care facilities, with at least one unannounced visit every 3 years. The legislation requires that a Priority be given to states that raise at least a 10% match for the federal funds from business or other private sources.

States must use at least 20% of the grant funds awarded to establish a subsidy program to provide salary increases to child care providers who are credentialed in the state. The low level of child care wages is the most often cited reason for the tremendous staff turnover in the child care profession. In areas where child care subsidies as low as fifty cents an hour are put in place, the staff turnover rate drops dramatically. The wage subsidy also will encourage more child care providers to get additional training or advance their education.

In addition, states will need to use at least twenty-percent of the funds awarded for a grant program to provide start-up funds for partnerships of small businesses to develop and operate child care cooperative services for their employees. While large employers have both the number of employees to justify an on- or near-site child care center and the additional financial resources for start-up costs, small businesses have been struggling with ways to help their employees meet their child care needs. This grant program will provide time-limited help for partnerships of small businesses who work together to develop child care resources for their employees.

States can use the remainder of grant funds awarded for any of the following activities: developing standards for of entities applying for state recognition for the accreditation and credentialing of child care providers; establishing a scholarship program to help child care providers meet the costs of education and training; expanding state-based child care training and technical assistance activities; improve consumer education efforts including the expansion of resource and referral services and child care complaint systems; providing increased rates of reimbursement provided under federal or state child care assistance for children with special needs; purchasing special supplies, equipment, or meeting other extraordinary expenses necessary for the care of special needs children for distribution to child care providers serving special needs children, or providing increased rates of reimbursement provided under federal or state child care assistance for accredited and credentialed care. Each of these activities has been demonstrated to be a contributing factor in improving the quality of child care.

Parents, child care providers, employers, and others need a constantly updated source of information about improving the quality of child care. States need a central depository where they can learn what other states are doing as well as a place where they can contribute their own ideas and activities from which others can learn. The collection and dissemination of information, demonstrations, and technology is one of the most important roles of the federal government.

Under provisions in the CIDCARE Act, the Department of Health and Human Services (HHS) will collect information about the importance of high quality child care (including what it is, how to identify it, why it is important for children), and in partnership with the ADCouncil or similar professional advertising entity, distribute that information through a national public awareness campaign and other mechanisms. To increase the capacity of child care credentialing and accreditation entities, HHS will award competitive grants to child care credentialing and accreditation entities that have not been in existence more than 10 years for the purpose of refining and evaluating their procedures for and methods of granting child care accreditation and/or credentialing. The legislation authorizes $10 million annually, to conduct these information and technology transfer activities.

The CIDCARE Act authorizes $50 million a year to create and operate a technology-based training infrastructure to enable child care providers nationwide to receive the training, education, and support they need to improve the quality of child care. The bill builds upon existing distance learning, Internet, and satellite resources, with sufficient funding to expand access to affordable child care training and information. The primary focus of the infrastructure will be to disseminate the training necessary to become an accredited child care center or a credentialed child care professional. Training and education, delivered at a minimal cost and accessible to individuals within 25 miles of their homes, will remove one of the most substantial barriers to child care credentialing and accreditation.

Essentially, the legislation establishes a child care training and education interactive "network", which will be used by child care credentialing and accreditation entities for training, skills testing, and other activities needed to achieve and maintain child care credentialing and accreditation. Entities recognized by 2 or more states as providing accepted child care credentialing or accreditation services will be active participants in decisions governing the use of the child care "training network." Time lines for the creation and implementation of the infrastructure and caps on administrative costs are included in the bill provide both financial and programmatic accountability.

Through the child care training infrastructure, a no interest revolving loan fund is established to enable child care providers and child care support entities to purchase computers, satellite dishes, and other technological equipment which enable them to participate in the child care training provided on the national infrastructure. For the first five years of the legislation, at least ten-percent of the funds appropriated for the child care training infrastructure will be placed into the revolving loan fund. This part of CIDCARE, like similar federal loan programs, establishes that the funds be kept in a separate interest bearing account, establishes application procedures, terms and conditions for the approval of such loans, and procedures for handling loan defaults.

At the current time, child care centers located in federal facilities are not required to meet even basic safety and health requirements. They are not subject to state or local laws or regulations governing the operation of a child care center. The CIDCARE Act will require federal child care centers (those in buildings leased or owned by the federal government—legislative, executive, judicial branches) to meet all state and local licensing and other regulatory requirements related to the provision of child care, within six months of the passage of this legislation—or make substantial progress towards meeting those requirements. The appropriate Administrator of each branch of government shall issue regulations specifying center-based child care accreditation standards and require all child care facilities in federal buildings under their control achieve accreditation within 3 years of the passage of this legislation.

If the child care program located in a federal facility fails to be in compliance, or show substantial compliance with state and local licensing requirements within six months or with the identified accreditation standards within three years, the agency must cease providing child care in that child care center. On-site monitoring to ensure compliance with these regulations and standards must be performed by an outside entity. The legislation authorizes $900 thousand to the General Services Administration (GSA) to implement this provision.

CIDCARE will require that federal child care programs provided by the Corporation for National and Community Service, the Departments of Defense, Education, Housing and Urban Affairs, Justice, and Labor, will ensure, to the maximum extent possible, that by October 1, 2001, any child care made available through programs funded or operated by those Departments and the Corporation, be provided by an accredited child care facility or a credentialed child care professional. The federal government needs to demonstrate a commitment to quality child care, by raising the standards it applies to its own programs.

The CIDCARE Act will expand the Community Development Block Grant to include the renovation or upgrading of child care facilities to meet accreditation standards as an allowable use of the grant funds. It also will extend existing Perkins and Stafford Loan forgiveness programs to include persons who work as credentialed professionals in a child care setting. Just as these loan forgiveness programs helped encourage more people to become teachers, I hope that this extension of these two educational loan programs to child care providers will result in more and better qualified child care providers. To be eligible for loan forgiveness, the person must be employed full time providing child care services and have a degree in early childhood education or development or receive professional child care credentials.

The need for high-quality child care is compelling. Having affordable, convenient child care is tied directly to a family's ability to produce income. Good child care can be an effective way to support the healthy development of children, particularly in the acquisition of social and language skills. For the millions of children who spend much of their preschool lives and many of their nonschool hours being cared for by someone other than their parents, child care provides the foundation upon which all future education will be built—and determines to a large extent whether that foundation will be strong or weak.

As we all know, quality child care costs money. It costs money to parents who bear the biggest burden for the cost of child care. It costs businesses both through the direct assistance that they provide to employees to help with the costs of child care, and through their ability to hire and retain a skilled work force. It costs Government through existing tax provisions, direct spending, and discretionary spending targeted at child care. But the costs of not making this investment are even higher. Those costs can be measured in the expense of remedial education, the expansion of an unskilled labor force, the increase in prison populations, and most importantly, the blunted potential of millions of children.

I urge my colleagues to join Senator DODD, Senator ROBERTS and me in support of the CIDCARE bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Creating Improved Delivery of Child Care: Affordable, Reliable, and Educational Act" or as the "CIDCARE Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DEMAND FOR QUALITY CHILD CARE

Sec. 101. Expansion of dependent care tax credit.
Sec. 102. Expansion of dependent care assistance program.
Sec. 103. Inclusion of child care costs in child support orders.

TITLE II—SUPPLY OF QUALITY CHILD CARE

Subtitle A—Tax Benefits for Quality Child Care

Sec. 201. Allowance of credit for employer expenses for child care assistance.
Sec. 202. Charitable contributions of scientific equipment to accredited and credentialed child care providers and to elementary and secondary schools.
Sec. 203. 2-percent floor on miscellaneous itemized deductions not applicable to accreditation and credentialing expenses of child care providers.
Sec. 204. Expansion of home office deduction to include use of office for dependent care.

Subtitle B—Child Care Quality Improvement Incentive Program

Sec. 211. Definitions.
Sec. 212. Establishment of State program.
Sec. 213. State eligibility and application requirements.
Sec. 214. Use of funds by States.
Sec. 215. Authorization of appropriations.

Subtitle C—Distribution of Information About Quality Child Care

Sec. 221. Expansion of role of the Department of Health and Human Services in the collection and dissemination of information and technology.
Sec. 222. Child care training infrastructure.
Sec. 223. Child care training revolving fund.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

Sec. 231. Providing quality child care in Federal facilities.
Sec. 232. Providing quality child care through Federal programs.
Sec. 233. Use of community development block grants to establish accredited child care centers.

Subtitle E—Miscellaneous Provisions

Sec. 241. Student loan repayment and cancellation for child care workers.
Sec. 242. Expansion of coordinated enforcement efforts of Internal Revenue Service and HHS Office of Child Support Enforcement.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCREDITED CHILD CARE CENTER.—The term "accredited child care center" means—

(A) a center that is accredited, by a child care credentialing or accreditation entity recognized by a State, to provide child care to children in the State (except children who a tribal organization elects to serve through a center described in subparagraph (B));

(B) a center that is accredited, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization;

(C) a center that is used as a Head Start center under the Head Start Act (42 U.S.C. 9831 et seq.) and is in compliance with any applicable performance standards established by regulation under such Act for Head Start programs; or

(D) a military child development center (as defined in section 1798(1) of title 10, United States Code).

(2) CHILD CARE CREDENTIALING OR ACCREDITATION ENTITY.—The term "child care credentialing or accreditation entity" means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or tribal organization; and

(B) accredits a center or credentials an individual to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State and local licensing requirements, or standards described in section 658E(c)(2)(E)(ii) of the Child Care and Development Block Grant Act (42 U.S.C. 9858c(c)(2)(E)(ii)), as appropriate, for the center or individual;

(iii) outside monitoring of the center or individual; and

(iv) criteria that provide assurances of—

(I) compliance with age-appropriate health and safety standards at the center or by the individual;

(II) use of age-appropriate developmental and educational activities, as an integral part of the child care program carried out at the center or by the individual; and

(III) use of ongoing staff development or training activities for the staff of the center or the individual, including related skills-based testing.

(3) CREDENTIALED CHILD CARE PROFESSIONAL.—The term "credentialed child care professional" means—

(A) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a State, to provide child care to children in the State (except children who a tribal organization elects to serve through an individual described in subparagraph (B)); or

(B) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization.

(4) STATE; TRIBAL ORGANIZATION.—The terms "State" and "tribal organization" have the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

TITLE I—DEMAND FOR QUALITY CHILD CARE

SEC. 101. EXPANSION OF DEPENDENT CARE TAX CREDIT.

(a) PERCENTAGE OF EMPLOYMENT-RELATED EXPENSES DETERMINED BY STATUS OF CARE GIVER.—Section 21(a)(2) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable percentage' means—

"(i) in the case of employment-related expenses described in subsection (b)(2)(A)(ii) incurred for the care of a qualifying individual described in subsection (b)(1)(A) by an accredited child care center or a credentialed child care professional, the initial percentage reduced (but not below 12.5 percent) ratably for each $2,500 (or fraction thereof) by which the taxpayers's adjusted gross income for the taxable year exceeds $20,000, and

"(ii) in any other case, 30 percent reduced (but not below 10 percent) ratably for each $2,500 (or fraction thereof) by which the taxpayers's adjusted gross income for the taxable year exceeds $20,000 but does not exceed $70,000.

"(B) INITIAL PERCENTAGE FOR EXPENSES INCURRED FOR ACCREDITED OR CREDENTIALED PROVIDERS.—For purposes of subparagraph (A)(i), the initial percentage shall be determined in accordance with the following table:

"In the case of any taxable year beginning in—	The initial percentage is—
1998	31.5
1999	33
2000	34.5
2001	36
2002 and thereafter	37.5."

(b) DEFINITIONS.—Section 21(b)(2) of the Internal Revenue Code of 1986 (relating to definitions of qualifying individual and employment-related expenses) is amended by adding at the end the following:

"(E) ACCREDITED CHILD CARE CENTER.—The term 'accredited child care center' means—

"(i) a center that is accredited, by a child care credentialing or accreditation entity recognized by a State, to provide child care to children in the State (except children who a tribal organization elects to serve through a center described in clause (ii));

"(ii) a center that is accredited, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization;

"(iii) a center that is used as a Head Start center under the Head Start Act (42 U.S.C. 9831 et seq.) and is in compliance with any applicable performance standards established by regulation under such Act for Head Start programs; or

"(iv) a military child development center (as defined in section 1798(1) of title 10, United States Code).

"(F) CHILD CARE CREDENTIALING OR ACCREDITATION ENTITY.—The term 'child care credentialing or accreditation entity' means a nonprofit private organization or public agency that—

"(i) is recognized by a State agency or tribal organization; and

"(ii) accredits a center or credentials an individual to provide child care on the basis of—

"(I) an accreditation or credentialing instrument based on peer-validated research;

"(II) compliance with applicable State and local licensing requirements, or standards described in section 658E(c)(2)(E)(ii) of the Child Care and Development Block Grant Act (42 U.S.C. 9858c(c)(2)(E)(ii)), as appropriate, for the center or individual;

"(III) outside monitoring of the center or individual; and

"(IV) criteria that provide assurances of—

"(aa) compliance with age-appropriate health and safety standards at the center or by the individual;

"(bb) use of age-appropriate developmental and educational activities, as an integral part of the child care program carried out at the center or by the individual; and

"(cc) use of ongoing staff development or training activities for the staff of the center or the individual, including related skills-based testing.

"(G) CREDENTIALED CHILD CARE PROFESSIONAL.—The term 'credentialed child care professional' means—

"(i) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a State, to provide child care to children in the State (except children who a tribal organization elects to serve through an individual described in clause (ii)); or

"(ii) an individual who is credentialed, by a child care credentialing or accreditation entity recognized by a tribal organization, to provide child care for children served by the tribal organization.

"(H) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n)."

(c) CREDIT MADE REFUNDABLE FOR LOW INCOME TAXPAYERS.—

(1) IN GENERAL.—Section 21 of the Internal Revenue Code of 1986 (relating to credit for household and dependent care services) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) CREDIT MADE REFUNDABLE FOR LOW INCOME TAXPAYERS.—

"(1) IN GENERAL.—For purposes of this subtitle, in the case of an applicable taxpayer individual, the credit allowable under subsection (a) for any taxable year shall be treated as a credit allowable under subpart C of this part.

"(2) APPLICABLE TAXPAYER.—For purposes of this subsection, the term 'applicable taxpayer' means a taxpayer with respect to whom the credit under section 32 is allowable for the taxable year.

"(3) COORDINATION WITH ADVANCE PAYMENTS AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply with respect to the portion of any credit to which this subsection applies.".

(2) ADVANCE PAYMENT OF CREDIT.—

(A) IN GENERAL.—Chapter 25 of such Code (relating to general provisions relating to employment taxes) is amended by inserting after section 3507 the following:

"SEC. 3507A. ADVANCE PAYMENT OF DEPENDENT CARE CREDIT.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a dependent care eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) DEPENDENT CARE ELIGIBILITY CERTIFICATE.—For purposes of this title, a dependent care eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 21 for the taxable year,

"(2) certifies that the employee reasonably expects to be an applicable taxpayer for the taxable year,

"(3) certifies that the employee does not have a dependent care eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(4) states whether or not the employee's spouse has a dependent care eligibility certificate in effect, "(5) states the number of qualifying individuals in the household maintained by the employee,

"(6) states whether a qualifying individual will be cared for by an accredited child care center or a credentialed child care professional, and

"(7) estimates the amount of employment-related expenses for the calendar year.

"(c) DEPENDENT CARE ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'dependent care advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated employment-related expenses included in the dependent care eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(C) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) DEFINITIONS.—For purposes of this section, terms used in this section which are defined in section 21 shall have the respective meanings given such terms by section 21.".

(B) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following:

"Sec. 3507A. Advance payment of dependent care credit.".

(d) EFFECTIVE DATES.—

(1) APPLICABLE PERCENTAGE.—The amendments made by subsection (a) and (b) shall apply to taxable years beginning after December 31, 1997.

(2) CREDIT MADE REFUNDABLE.—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2000.

SEC. 102. EXPANSION OF DEPENDENT CARE ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 129(a)(2)(A) of the Internal Revenue Code of 1986 (relating to limitation of exclusion) is amended to read as follows:

"(A) DOLLAR LIMITATION.—

"(i) IN GENERAL.—The amount which may be excluded under paragraph (1) for dependent care assistance with respect to dependent care services provided during a taxable year shall not exceed—

"(I) in the case of dependent care services provided by an accredited child care center or a credentialed child care professional for a qualifying individual described in section 21(b)(1)(A), an amount determined in accordance with the following table:

"In the case of taxable years beginning in:	For 1 qualifying individual, the amount is:	For 2 or more qualifying individuals, the amount is:
1998	$5,200	$6,700
1999	$5,400	$6,900
2000	$5,600	$7,100
2001	$5,800	$7,300
2002 and thereafter	$6,000	$7,500,

"(II) in the case of other dependent care services for a qualifying individual described in section 21(b)(1)(A) or payments described in subsection (e)(1)(B), an amount determined in accordance with the following table:

"In the case of taxable years beginning in:	For 1 qualifying individual, the amount is:	For 2 or more qualifying individuals, the amount is:
1998	$4,800	$6,300
1999	$4,600	$6,100
2000	$4,400	$5,900
2001	$4,200	$5,700
2002 and thereafter	$4,000	$5,500,

and

"(III) in the case of other dependent care services for a qualifying individual described in subparagraph (B) or (C) of section 21(b)(1), $5,000.

"(ii) AMOUNTS FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—In the case of a separate return by a married individual, clause (i) shall be applied by using one-half of any amount specified in such clause.

"(iii) PROVIDERS.—For purposes of clause (i)(I), the terms 'accredited child care center' and 'credentialed child care professional' have the meaning given such terms by subparagraphs (E) and (G) of section 21(c)(2), respectively.

(b) PAYMENTS FOR STAY-AT-HOME CARE ALLOWED.—

(1) IN GENERAL.—Section 129(e)(1) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

"(1) DEPENDENT CARE ASSISTANCE.—The term 'dependent care assistance' means—

"(A) the payment of, or provision of, those services which if paid for by the employee would be considered employment-related expenses under section 21(b)(2) (relating to expenses for household and dependent care services necessary for gainful employment), and

"(B) any payment to the employee from amounts contributed to the employee's account during the pregnancy of the employee paid within 1 year after such contribution and during the period in which—

"(i) the employee,

"(ii) the employee's spouse, or

"(iii) a parent of the employee or the employee's spouse,

stays at home to care for a qualifying individual described in section 21(b)(1)(A).".

(2) CONFORMING AMENDMENTS.—

(A) Section 129(c) of such Code (relating to payments to related individuals) is amended by striking "No amount" and inserting "Except in the case of payments described in subsection (e)(1)(B), no amount.".

(B) Section 129(e)(9) of such Code (relating to identifying information required with respect to service provider) is amended by striking "No amount" and inserting "Except in the case of payments described in paragraph (1)(B)(i), no amount.".

(c) DEPENDENT CARE ASSISTANCE PROGRAM FOR FEDERAL EMPLOYEES.—Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 87 the following:

"CHAPTER 88—DEPENDENT CARE ASSISTANCE PROGRAM

"§ 8801. Definitions

"(a) For the purpose of this chapter, 'employee' means—

"(1) an employee as defined by section 2105 of this title;

"(2) a Member of Congress as defined by section 2106 of this title;

"(3) a Congressional employee as defined by section 2107 of this title;

"(4) the President;

"(5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under section 371(b) or 372(a) of title 28, United States Code, or (iii) who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to receive the salary of the office at the time of his resignation;

"(6) an individual first employed by the government of the District of Columbia before October 1, 1987;

"(7) an individual employed by Gallaudet College;

"(8) an individual employed by a county committee established under section 590h(b) of title 16;

"(9) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838); and

"(10) an individual appointed to a position on the office staff of a former President, or a former Vice President under section 4 of the Presidential Transition Act of 1963, as amended (78 Stat. 153), who immediately before the date of such appointment was an employee as defined under any other paragraph of this subsection;

but does not include—

"(A) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

"(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or

"(C) an employee excluded by regulation of the Office of Personnel Management under section 8716(b) of this title.

"(b) For the purpose of this chapter, 'dependent care assistance program' has the meaning given such term by section 129(d) of the Internal Revenue Code of 1986.

"§ 8802. Dependent care assistance program

"The Office of Personnel Management shall establish and maintain a dependent care assistance program for the benefit of employees.".

(d) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 1997.

SEC. 103. INCLUSION OF CHILD CARE COSTS IN CHILD SUPPORT ORDERS.

(a) IN GENERAL.—Section 466(a) of the Social Security Act (42 U.S.C. 666(a)) is amended by inserting after paragraph (19) the following:

"(20) CHILD CARE COSTS.—

"(A) IN GENERAL.—Procedures under which all child support orders enforced under this part shall include in the case of a custodial parent who is employed or is actively seeking employment an amount equal to or more than the applicable payment rate for the type of child care services provided to that parent's child or children that is established in accordance with section 658E(c)(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)), increased by 50 percent of such rate if such services are provided by an accredited child care center or a credentialed child care professional.

"(B) DEFINITIONS.—In this paragraph, the terms 'accredited child care center' and 'credentialed child care professional' have the meaning given those terms in section 2 of the CIDCARE Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child support orders enforced or otherwise modified by a court on and after the date of enactment of this Act.

TITLE II—SUPPLY OF QUALITY CHILD CARE

Subtitle A—Tax Benefits for Quality Child Care

SEC. 201. ALLOWANCE OF CREDIT FOR EMPLOYER EXPENSES FOR CHILD CARE ASSISTANCE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. EMPLOYER-PROVIDED CHILD CARE CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the employer-provided child care credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified child care expenditures of the taxpayer for such taxable year.

"(b) DOLLAR LIMITATION.—The credit allowable under subsection (a) for any taxable year shall not exceed $150,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD CARE EXPENDITURE.—The term 'qualified child care expenditure' means any amount paid or incurred—

"(A) to acquire, construct, rehabilitate, or expand property—

"(i) which is to be used as part of a qualified child care facility of the taxpayer,

"(ii) with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and

"(iii) which does not constitute part of the principal residence (within the meaning of section 1034) of the taxpayer or any employee of the taxpayer,

"(B) for the operating costs of a qualified child care facility of the taxpayer, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training,

"(C) under a contract with a qualified child care facility to provide child care services to employees of the taxpayer,

"(D) under a contract to provide child care resource and referral services to employees of the taxpayer, or

"(E) for the costs of seeking accreditation from a child care credentialing or accreditation entity (as defined in section 21(b)(2)(F) with respect to a qualified child care facility.

"(2) QUALIFIED CHILD CARE FACILITY.—

"(A) IN GENERAL.—The term 'qualified child care facility' means a facility—

"(i) the principal use of which is to provide child care assistance, and

"(ii) which meets the requirements of all applicable laws and regulations of the State or local government in which it is located, including, but not limited to, the licensing of the facility as a child care facility.

Clause (i) shall not apply to a facility which is the principal residence (within the meaning of section 1034) of the operator of the facility.

"(B) SPECIAL RULES WITH RESPECT TO A TAXPAYER.—A facility shall not be treated as a qualified child care facility with respect to a taxpayer unless—

"(i) enrollment in the facility is open to employees of the taxpayer during the taxable year,

"(ii) the facility is not the principal trade or business of the taxpayer unless at least 30 percent of the enrollees of such facility are dependents of employees of the taxpayer, and

"(iii) the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(d) RECAPTURE OF ACQUISITION AND CONSTRUCTION CREDIT.—

"(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified child care facility of the taxpayer, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable recapture percentage, and

"(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified child care expenditures of the taxpayer described in subsection (c)(1)(A) with respect to such facility had been zero.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Years 1–3	100
Year 4	85
Year 5	70
Year 6	55
Year 7	40
Year 8	25
Years 9 and 10	10
Years 11 and thereafter	0.

"(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified child care facility is placed in service by the taxpayer.

"(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

"(A) CESSATION OF OPERATION.—The cessation of the operation of the facility as a qualified child care facility.

"(B) CHANGE IN OWNERSHIP.—

"(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a taxpayer's interest in a qualified child care facility with respect to which the credit described in subsection (a) was allowable.

"(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.

"(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility as a qualified child care facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION RULES.—All persons which are treated as a single employer under subsections (a) and (b) of section 52 shall be treated as a single taxpayer.

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(f) NO DOUBLE BENEFIT.—

"(1) REDUCTION IN BASIS.—For purposes of this subtitle—

"(A) IN GENERAL.—If a credit is determined under this section with respect to any property by reason of expenditures described in subsection (c)(1)(A), the basis of such property shall be reduced by the amount of the credit so determined.

"(B) CERTAIN DISPOSITIONS.—If during any taxable year there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (d).

"(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under any other provision of this chapter with respect to the amount of the credit determined under this section.

"(g) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1999."

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (11),

(B) by striking out the period at the end of paragraph (12), and inserting a comma and "plus", and

(C) by adding at the end the following new paragraph:

"(13) the employer-provided child care credit determined under section 45D."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 45D. Employer-provided child care credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 202. CHARITABLE CONTRIBUTIONS OF SCIENTIFIC EQUIPMENT TO ACCREDITED AND CREDENTIALED CHILD CARE PROVIDERS AND TO ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subparagraph (B) of section 170(e)(4) of the Internal Revenue Code of

1986 (relating to special rule for contributions of scientific property used for research) is amended to read as follows:

"(B) QUALIFIED RESEARCH, CHILD CARE, OR EDUCATION CONTRIBUTION.—For purposes of this paragraph, the term 'qualified research, child care, or education contribution' means a charitable contribution by a corporation of tangible personal property (including computer software), but only if—

"(i) the contribution is to—

"(I) an organization described in section 501(c)(3) and exempt from taxation under section 501(a) which is an accredited child care center (as defined in section 21(c)(2)(E)) or a child care center actively seeking accreditation or certification of its employees by a child care credentialing or accreditation entity (as defined in section 21(c)(2)(F)) on the date of such contribution,

"(II) an organization described in section 501(c)(3) and exempt from taxation under section 501(a) which is a professional or educational support entity for accredited child care centers or credentialed child care professionals (as defined in subparagraphs (E) and (G) of section 21(c)(2), respectively),

"(III) an educational organization described in subsection (b)(1)(A)(ii),

"(IV) a governmental unit described in subsection (c)(1), or

"(V) an organization described in section 41(e)(6)(B),

"(ii) the contribution is made not later than 3 years after the date the taxpayer acquired the property (or in the case of property constructed by the taxpayer, the date the construction of the property is substantially completed),

"(iii) the property is scientific equipment or apparatus substantially all of the use of which by the donee is for—

"(I) research or experimentation (within the meaning of section 174), or for research training, in the United States in physical or biological sciences, or

"(II) in the case of an organization described in subclause (I), (II), (III), or (IV) of clause (i), use within the United States for educational purposes or support activities related to the purpose or function of the organization,

"(iv) the original use of the property began with the taxpayer (or in the case of property constructed by the taxpayer, with the donee),

"(v) the property is not transferred by the donee in exchange for money, other property, or services, and

"(vi) the taxpayer receives from the donee a written statement representing that its use and disposition of the property will be in accordance with the provisions of clauses (iv) and (v).".

(b) DONATIONS TO CHARITY FOR REFURBISHING.—Section 170(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(D) DONATIONS TO CHARITY FOR REFURBISHING.—For purposes of this paragraph, a charitable contribution by a corporation shall be treated as a qualified research, child care, or education contribution if—

"(i) such contribution is a contribution of property described in subparagraph (B)(iii) to an organization described in section 501(c)(3) and exempt from taxation under section 501(a),

"(ii) such organization repairs and refurbishes the property and donates the property to an organization described in subparagraph (B)(i), and

"(iii) the taxpayer receives from the organization to whom the taxpayer contributed the property a written statement representing that its use of the property (and any use by the organization to which it donates the property) meets the requirements of this paragraph.".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (4)(A) of section 170(e) of the Internal Revenue Code of 1986 is amended by striking "qualified research contribution" each place it appears and inserting "qualified research, child care, or education contribution".

(2) The heading for section 170(e)(4) of such Code is amended by inserting ", CHILD CARE, OR EDUCATION" after "RESEARCH".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 203. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT APPLICABLE TO ACCREDITATION AND CREDENTIALING EXPENSES OF CHILD CARE PROVIDERS.

(a) IN GENERAL.—Section 67(b) of the Internal Revenue Code of 1986 (relating to miscellaneous itemized deductions) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following:

"(13) the deduction allowable for accreditation and credentialing expenses of child care providers.".

(b) DEFINITION.—Section 67 of the Internal Revenue Code of 1986 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following:

"(e) ACCREDITATION AND CREDENTIALING EXPENSES OF CHILD CARE PROVIDERS.—For purposes of this section—

"(1) IN GENERAL.—The term 'accreditation and credentialing expenses of child care providers' means direct professional costs and educational and training expenses paid or incurred by an eligible individual in order to achieve and remain qualified for service as an employee of an accredited child care center or as a credentialed child care professional (as defined in subparagraphs (E) and (G) of section 21(c)(2), respectively).

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual 60 percent of the taxable income of whom for any taxable year is derived from service described in paragraph (1).".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 204. EXPANSION OF HOME OFFICE DEDUCTION TO INCLUDE USE OF OFFICE FOR DEPENDENT CARE.

(a) IN GENERAL.—Section 280A(c)(1) of the Internal Revenue Code of 1986 (relating to certain business use) is amended by adding at the end the following: "A portion of a dwelling unit and the exclusive use of such portion otherwise described in this paragraph shall not fail to be so described if such portion is also used by the taxpayer during such exclusive use to care for a dependent of the taxpayer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

Subtitle B—Child Care Quality Improvement Incentive Program

SEC. 211. DEFINITIONS.

In this subtitle:

(1) CHILD CARE PROVIDER.—The term "child care provider" means—

(A) a center-based child care provider, a group home child care provider, a family child care provider, or other provider of nonresidential child care services for compensation that—

(i) is licensed, regulated, registered, or otherwise legally operating under State law; and

(ii) satisfies the State and local requirements;

applicable to the child care services it provides; or

(B) a child care provider that is 18 years of age or older who provides child care services only to eligible children who are, by affinity or consanguinity, or by court decree, the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, if such provider does not reside with the child for whom they are providing care and if the provider complies with any applicable requirements that govern child care provided by the relative involved.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 212. ESTABLISHMENT OF STATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to award competitive grants to eligible States to enable such States to carry out activities to improve the quality of child care for children in the States (except children who a tribal organization elects to serve under section 215(b)).

(b) AWARDING OF GRANTS.—

(1) DISTRIBUTION.—Amounts appropriated for a fiscal year under section 215(a) shall be distributed through competitive grants awarded to eligible States that apply for funds and that propose activities that meet the requirements of this subtitle.

(2) AMOUNT.—The amount of a grant awarded to a State under this section shall be determined by the Secretary on a competitive basis, except that the amount of any such grant for a fiscal year shall not be less than an amount equal to .75 percent of the total amount appropriated for the fiscal year under section 215(a).

(c) LIMITATION ON ADMINISTRATIVE COSTS.—The Secretary shall not use in excess of 10 percent of the amount appropriated under section 215(a) for a fiscal year for the administrative costs associated with the administration of the program under this section.

SEC. 213. STATE ELIGIBILITY AND APPLICATION REQUIREMENTS.

(a) ELIGIBILITY.—To be eligible to receive a grant under this subtitle, a State shall certify to the Secretary that the State—

(1) has not reduced the scope of any State child care standards or requirements that were in effect in calendar year 1995;

(2) has not limited the State licensing requirements with respect to the types of providers that must obtain licenses in order to provide child care in the State as compared to the types of providers that were required to obtain licenses in calendar year 1995;

(3) has not otherwise restricted the application of State child care licensing requirements that were in effect in calendar year 1995;

(4) is in compliance with the requirements applicable to the State under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.); and

(5) has, with respect to the fiscal year involved, made available sufficient State matching funds to draw down at least 80 percent of the amount awarded to the State for the preceding fiscal year under a grant under section 418(a)(2) of the Social Security Act (42 U.S.C. 618).

(b) Priority.—In awarding grants under this subtitle, the Secretary shall give priority to States that contribute an amount (generated from businesses or other private sources) equal to not less than 10 percent of the amount requested under the grant to the activities to be funded under the grant.

(c) Application.—To be eligible to receive a grant under this subtitle, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

(1) an assurance that the State will comply with the requirements applicable to States under this subtitle;

(2) an assurance that the State will annually conduct on-site monitoring of State licensed or regulated child care facilities, with at least 1 unannounced monitoring visit of each such facility every 3 years; and

(3) an assurance that the State will not use funds received under the grant to supplant or replace funds used by the State to improve the quality or increase the supply of child care as required under section 658G of the Child Care and Development Block Grants Act of 1990 (42 U.S.C. 9858e).

SEC. 214. USE OF FUNDS BY STATES.

(a) Required Activities.—A State shall—

(1) use not less than 20 percent of the amounts received under a grant awarded to the State under this subtitle to establish a subsidy program to provide funds to child care providers who are credentialed in the State (as described in section 2(3));

(2) use not less than 20 percent of the amounts received under a grant awarded to the State under this subtitle to establish a grant program to assist small businesses located in the State in establishing and operating child care programs that may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the start-up costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for any other activity determined appropriate by the State; or

(H) care for children with disabilities; and

(3) use amounts remaining after the State reserves funds for activities under paragraphs (1) and (2) to carry out one or more of the activities described in subsection (b).

(b) Permissible Activities.—A State may use amounts provided under a grant awarded under this subtitle to the State to—

(1) improve parental choice through consumer education efforts in the State concerning child care, including the expansion of resource and referral services and improving State child care complaint systems;

(2) establish a scholarship program for child care providers to assist in meeting the educational or training costs associated with the accreditation or credentialing;

(3) expand State-based child care training and technical assistance activities;

(4) develop criteria for State recognition of entities to accredit facilities, and credential child care providers, in the State, as described in section 2;

(5) provide increased rates of reimbursement under Federal or State child care assistance programs for child care that is provided by credentialed child care professionals or at accredited child care centers;

(6) provide differential rates of reimbursement under Federal or State child care assistance programs for children with special needs; or

(7) purchase special equipment or supplies or other provide for the payment of other extraordinary expenses required for the care of special needs (including disabled) children and the distribution of such equipment or supplies to child care providers serving special needs children.

(c) Small Business and Child Care Grant Program.—

(1) Application.—To be eligible to receive assistance from a State under a grant program established under subsection (a)(2), a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(2) Preference.—

(A) In general.—In providing assistance under a grant program under this subsection, a State shall give priority to applicants that desire to form consortium to provide child care in geographic areas within the State where such care is not generally available or accessible.

(B) Consortium.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities which may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(3) Limitation.—With respect to grant funds received for purposes of this subsection, a State may not provide in excess of $50,000 in assistance from such funds to any single applicant. A State may not provide assistance under a grant to more than 10 entities.

(4) Matching requirement.—To be eligible to receive funds for purposes of establishing a grant program under subsection (a)(2), a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under such program, such entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(A) for the first fiscal year in which the entity receives such assistance, not less than 25 percent of such costs ($1 for each $3 of assistance provided to the entity under the grant);

(B) for the second fiscal year in which an entity receives such assistance, not less than 33⅓ percent of such costs ($1 for each $2 of assistance provided to the entity under the grant); and

(C) for the third fiscal year in which an entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant).

(5) Requirements of providers.—To be eligible to receive assistance under a grant awarded under this subsection a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(6) Administration.—

(A) State responsibility.—A State shall have responsibility for administering the grants awarded under this subsection and for monitoring entities that receive assistance under such grants.

(B) Audits.—A State shall require that each entity receiving assistance under a grant awarded under this subsection conduct of an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(C) Misuse of funds.—

(i) Repayment.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this subsection has misused such assistance, the State shall notify the Secretary of such misuses. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any misused assistance plus interest.

(ii) Appeals process.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this subparagraph.

(d) Limitation on Administrative Costs.—Not more than 10 percent of the aggregate amount of funds available to a State under this subtitle in each fiscal year may be expended for administrative costs incurred by such State to carry out activities under this subtitle. As used in the preceding sentence, the term "administrative costs" shall not include the costs of providing direct services (as such direct services costs are defined for purposes of the Child Care and Development Block Grant Act of 1990 42 U.S.C. 9801 et seq.)).

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this subtitle $260,000,000 for each of the fiscal years 1998 through 2002.

(b) Reservation.—The Secretary shall reserve not more than 1.5 percent of the funds appropriated under this section for a fiscal year to make grants under this subtitle to tribal organizations submitting applications under section 213(b) to be used in accordance with section 214.

Subtitle C—Distribution of Information About Quality Child Care

SEC. 221. EXPANSION OF ROLE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE COLLECTION AND DISSEMINATION OF INFORMATION AND TECHNOLOGY.

(a) Provision of Information.—The Secretary of Health and Human Services, directly or through a contract awarded on a competitive basis to a qualified entity, shall provide technical assistance and collect and disseminate information concerning the importance of high quality child care to States, units of local government, private non-profit child care organizations, child care credentialing or accreditation entities, child care providers, and parents, including, in partnership with the Advertising Council or other professional advertising group, a public awareness campaign promoting quality child care.

(b) Grant Program.—

(1) In general.—The Secretary of Health and Human Services, acting through the National Child Care Information Center, shall award competitive grants to child care credentialing or accreditation entities (as defined in section 2(2)) that have been providing credentialing or accreditation services for child care providers for not more than 10 years.

(2) Application.—To be eligible to receive a grant under this subsection, a child care credentialing or accreditation entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

(3) Use of funds.—Amounts provided under a grant awarded under paragraph (1)

shall be used by grantees to refine and evaluate the procedures and methods used by such grantees in accrediting facilities as accredited child care centers or providing child care credentials to individual child care providers. Such procedures and methods shall be designed to ensure that the highest quality child care is provided by accredited child care centers and credentialed individuals, to provide information about the accreditation or credentialing process to providers, and to provide subsidies to needy individuals and organizations to enable such individuals and organization to participate in the accreditation or credentialing process.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1998 through 2002.

SEC. 222. CHILD CARE TRAINING INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) CHILD CARE PROVIDER.—The term "child care provider" has the meaning given the term in section 211.

(2) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001).

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) TRAINING SITE.—The term "training site" means a training site described in subsection (e)(1).

(b) GRANT.—The Secretary shall make a grant to an eligible organization to develop and operate a technology-based child care training infrastructure, in order to facilitate—

(1) the accreditation of facilities as accredited child care centers and accredited family child care homes;

(2) the credentialing of individuals as credentialed child care professionals; and

(3) the dissemination of child care, child development, and early childhood education information and research to child care providers.

(c) USE OF FUNDS.—An organization that receives a grant under subsection (b) shall use the funds made available through the grant to—

(1) develop partnerships, to the maximum extent possible, with elementary schools, secondary schools, institutions of higher education, Federal, State, and local government agencies, and private entities, to share equipment, technical assistance, and other technological resources, for the development of the infrastructure described in subsection (b);

(2) enter into arrangements with entities for the provision of sites from which the infrastructure will disseminate training;

(3) ensure the establishment of at least 2 of the training sites in each State, and additional training sites based on the populations and geographic considerations of States;

(4) enter into arrangements with child care credentialing or accreditation entities that are recognized (as described in section 2(2)) by more than 1 State agency or tribal organization, for the development of child care training to be disseminated through the infrastructure;

(5) provide, directly or through a contract (which may for good cause be a sole source contract), expertise to convert training courses for distance transmission, provide interactive environments, and conduct registration, testing, electronic storage of information, and such other technology-based activities to adapt and enhance training course content consistent with the medium of transmission involved through the infrastructure;

(6) provide, through a logistical scheduling mechanism, equitable access to the infrastructure for all child care credentialing or accreditation entities described in paragraph (4) that request an opportunity to disseminate child care training through the infrastructure and meet the requirements of this section;

(7) develop and implement a mechanism for participants in the training to evaluate the infrastructure, including providing comments on the accessibility and affordability of the training, and recommendations for improvements in the training;

(8) develop and implement a monitoring system to provide data on the training provided through the infrastructure, including data on—

(A) the number of facilities and individuals participating in the training;

(B) the number of facilities receiving accreditation (including a repeat accreditation) as accredited child care centers, and individuals receiving credentialing (including a repeat credentialing) as credentialed child care professionals, after fulfilling requirements that include participation in the training;

(C) the number of accredited child care centers, and credentialed child care professionals, participating in the training; and

(D) the number of sites in which the training is received, analyzed—

(i) by State; and

(ii) by location in an urban, suburban, or rural area; and

(9) establish and operate the child care training revolving fund described in section 223.

(d) ELIGIBILITY.—To be eligible to receive the grant, an organization shall be an organization that—

(1) is a private, nonprofit entity that is not—

(A) a child care credentialing or accreditation entity;

(B) a subsidiary or affiliate of a child care credentialing or accreditation entity; or

(C) an entity that has a subsidiary or affiliate that is a child care credentialing or accreditation entity;

(2) has experience in developing partnerships with child care credentialing or accreditation entities, institutions of higher education, and State and local governments, for the provision of child care training;

(3) has experience in providing and coordinating the provision of child care training to family child care providers and center-based child care providers;

(4) is related to child care provider support organizations in 35 or more States, through membership in a common organization, affiliation, or another mechanism;

(5) has experience in working with rural and urban child care provider support organizations and child care providers; and

(6) has experience in working with national child care groups and organizations, including Federal government agencies, providers of child care training, child care credentialing or accreditation entities, and educational groups.

(e) APPLICATION.—To be eligible to receive a grant under subsection (b), an organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) information describing, and indicating a preliminary count of the number of, the sites from which the infrastructure will disseminate training;

(2) an assurance that the organization will require that—

(A) each child care credentialing or accreditation entity that disseminates training through the infrastructure will provide, during at least 60 percent of the dissemination period, an opportunity for participants in the training—

(i) to interact with an identified trainer or training leader at the training site; or

(ii) to elect to engage in other interactive training; and

(B) no child care credentialing or accreditation entity may collect fees for participation in the training that total more than—

(i) the cost to the entity for developing, conducting, and providing materials for, the training; minus

(ii) the amount that the entity receives under this section or from any other source to develop, conduct, and provide materials for, the training; and

(3) information demonstrating that the organization will comply with the organizational structure requirements of subsections (g) and (h), including a copy of the bylaws described in subsection (g)(2)(B).

(f) DEVELOPMENT AND OPERATION OF INFRASTRUCTURE.—

(1) CONTRACTS.—An organization that receives a grant under subsection (b) may use funds made available through the grant to enter into contracts, which may for good cause be sole source contracts, for the development of the technological and logistical aspects of the infrastructure. The organization shall enter into such a contract with an entity with experience in establishing technology-based interactive educational or training programs.

(2) TIME LINES.—

(A) BOARD, PERSONNEL, AND REVOLVING FUND.—Not later than 6 months after the date of receipt of the grant, the organization shall establish the governing board described in subsection (g), appoint a Chief Executive Project Officer described in subsection (h), and establish and operate the child care training revolving fund described in section 223. Not later than 1 year after the date of receipt of the grant, the Chief Executive Project Officer shall appoint the personnel described in subsection (h).

(B) TRAINING SITES.—

(i) 50 PERCENT OPERATIONAL.—Not later than 3 years after the date of receipt of the grant, the organization shall disseminate training at 50 percent of the sites described in the information submitted under subsection (e)(1).

(ii) 75 PERCENT OPERATIONAL.—Not later than 4 years after the date of receipt of the grant, the organization shall disseminate training at 75 percent of the sites.

(iii) 90 PERCENT OPERATIONAL.—Not later than 5 years after the date of receipt of the grant, the organization shall disseminate training at 90 percent of the sites.

(C) EVALUATION.—The organization shall develop and implement the mechanism for conducting evaluations of the infrastructure described in subsection (c)(6) not later than 3 years after the date of receipt of the grant.

(g) GOVERNING BOARD.—

(1) IN GENERAL.—An organization that receives a grant under subsection (b) shall establish a governing board.

(2) COMPOSITION.—

(A) IN GENERAL.—The governing board shall be composed of representatives of child care credentialing or accreditation entities that are recognized (as described in section 2(2)) by more than 1 State agency or tribal organization. The representatives shall be appointed by the entities. The composition of the governing board shall be specified in the bylaws of the board.

(B) INITIAL BYLAWS.—The organization shall develop the initial bylaws of the board. The bylaws shall include provisions specifying the manner in which representatives of all child care credentialing or accreditation entities described in subparagraph (A) that are disseminating training through the infrastructure shall participate in the activities of the governing board. The provisions shall provide for the participation through rotation of the representatives in the membership of the board, involvement of the representatives in committees of the board, or through other mechanisms that ensure, to the maximum extent possible, fair and equal participation of the representatives.

(C) AMENDED BYLAWS.—The governing board may amend the bylaws with the consent of the chief executive officer of the organization receiving a grant under subsection (b). The chief executive officer shall give the consent unless the chief executive officer demonstrates good cause for refusal of the consent. Any amended bylaws shall provide for the participation of representatives of all child care credentialing or accreditation entities described in subparagraph (A) that are disseminating training through the infrastructure, as described in subparagraph (B).

(3) DUTIES.—The governing board, with oversight by the chief executive officer of the organization, shall—

(A) advise the organization on the development and operation of the child care training infrastructure;

(B) review and approve the strategic plan described in subsection (h)(2)(A) and annual updates of the plan;

(C) review and approve the proposal described in subsection (h)(2)(B), with respect to the contracts, financial assistance, standards, policies, procedures, and activities referred to in such subsection; and

(D)(i) review, and advise the Chief Executive Project Officer regarding, the actions of the Chief Executive Project Officer with respect to the personnel of the governing board, and with respect to such standards, policies, procedures, and activities as are necessary or appropriate to carry out this section; and

(ii) inform the Chief Executive Project Officer of any aspects of the actions of the Chief Executive Project Officer that are not in compliance with the annual strategic plan referred to in subparagraph (B) or the proposal referred to in subparagraph (C), or are not consistent with the objectives of this section.

(h) CHIEF EXECUTIVE PROJECT DIRECTOR AND PERSONNEL.—

(1) IN GENERAL.—

(A) CHIEF EXECUTIVE PROJECT DIRECTOR.—The chief executive officer of an organization that receives a grant under subsection (b) shall appoint, compensate, and terminate the employment of a Chief Executive Project Officer to enable the governing board to perform its duties. The chief executive officer of the organization shall consult with the governing board before appointing, changing the compensation of, or terminating the employment of, the Chief Executive Project Officer.

(B) PERSONNEL.—The Chief Executive Project Officer shall appoint, compensate, and terminate the employment of such additional personnel as may be necessary to enable the governing board to perform its duties.

(2) DUTIES OF CHIEF EXECUTIVE PROJECT OFFICER.—The Chief Executive Project Officer shall—

(A) prepare and submit to the governing board and the chief executive officer of the organization a strategic plan every 3 years, and annual updates of the plan, with respect to the development and major operations of the infrastructure;

(B)(i) prepare and submit to the governing board and the chief executive officer of the organization a proposal with respect to such contracts and other financial assistance, and such standards, policies, procedures, and activities, as are necessary or appropriate to carry out this section; and

(ii) after receiving and reviewing an approved proposal under subsection (g)(3)(C), enter into such contracts and award such other financial assistance, and establish and administer such standards, policies, procedures and activities, as are necessary or appropriate to carry out this section;

(C) prepare and submit to the governing board and the chief executive officer of the organization an annual report, and such interim reports as may be necessary, describing the major actions of the Chief Executive Project Officer with respect to the personnel of the governing board, and with respect to the standards, policies, procedures, and activities; and

(D) inform the governing board and the chief executive officer of the organization of, and provide an explanation to the governing board regarding, any substantial differences regarding the implementation of this section between—

(i) the actions of the Chief Executive Project Officer; and

(ii)(I) the strategic plan approved by the governing board and the chief executive officer of the organization under subsection (g)(3)(B); or

(II) the proposal approved by the governing board and the chief executive officer of the organization under subsection (g)(3)(C).

(i) CORPORATION.—The organization may establish a nonprofit corporation containing the governing board, Chief Executive Project Officer, and personnel, to carry out this section.

(j) ADMINISTRATIVE COSTS.—Prior to the date on which the organization disseminates training at 75 percent of the sites described in the information submitted under subsection (e)(1), the organization may use not more than 25 percent of the funds made available through the grant to pay for the administrative costs of carrying out this section. Effective on that date, the organization may use not more than 15 percent of the funds to pay for the administrative costs.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003.

SEC. 223. CHILD CARE TRAINING REVOLVING FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Chief Executive Project Officer described in section 2[illegible]) shall use not less than 10 percent of the funds made available through the grant made under section 222 during the 5 years after the date of receipt of the grant to establish and operate a child care training revolving fund (referred to in this section as the "Fund")—

(A) from which the Chief Executive Project Officer shall make loans to eligible borrowers for the purpose of enabling the persons to purchase computers, satellite dishes, and other equipment that will be used to disseminate training through the infrastructure described in section 222; and

(B) into which all payments, charges, and other amounts collected from loans made under subparagraph (A) shall be deposited notwithstanding any other provision of law.

(2) SEPARATE ACCOUNT.—The Fund shall be maintained as a separate account. Any portion of the Fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

(3) INTEREST EARNED.—The interest earned on the investments shall be credited to and form a part of the Fund.

(b) ELIGIBLE BORROWERS.—To be eligible to receive a loan under subsection (a), a borrower shall be a child care provider who seeks to receive training through the infrastructure or an entity that has entered into an arrangement with the Chief Executive Project Officer to provide a training site (as defined in section 222) for the infrastructure.

(c) APPLICATION.—To be eligible to receive a loan under subsection (a), a borrower shall submit an application to the Chief Executive Project Officer at such time, in such manner, and containing such information as the Chief Executive Project Officer, in consultation with the governing board and the chief executive officer of an organization receiving a grant under section 222(b) may require. At a minimum, the application shall include—

(1) an assurance that the person shall use the equipment funded through the loan to receive or disseminate training through the infrastructure, for such period as the Secretary may by regulation prescribe; and

(2) an assurance that the person shall permit other persons to use the equipment to receive or disseminate training through the infrastructure, for such period as the Secretary may by regulation prescribe.

(d) LOANS.—In making loans under subsection (a), the Chief Executive Project Officer shall—

(1) to the maximum extent practicable, equitably distribute the loans among borrowers in the various States, and among borrowers in urban, suburban, and rural areas; and

(2) take into consideration the availability to the borrowers of resources from sources other than the Fund, including the availability of resources through the partnerships described in section 222(c)(1).

(e) TERMS AND CONDITIONS.—

(1) CONDITIONS.—The Chief Executive Project Officer may make a loan to a borrower under subsection (a) only if the Chief Executive Project Officer determines that—

(A) the borrower is unable to obtain resources from other sources on reasonable terms and conditions; and

(B) there is a reasonable prospect that the borrower will repay the loan.

(2) TERMS.—A loan made under subsection (a) shall be—

(A) for a term that does not exceed 4 years; and

(B) at no interest.

(3) COLLATERAL.—The Chief Executive Project Officer may require any borrower of a loan made under subsection (a) to provide such collateral as the Chief Executive Project Officer determines to be necessary to secure the loan.

(4) PROCEDURES AND DEFINITIONS.—Prior to making loans under subsection (a), the Chief Executive Project Officer shall establish written procedures and definitions pertaining to defaults and collections of payments under the loans which shall be subject to the review and approval of the Secretary. The governing board and chief executive officer of the organization involved shall provide to each applicant for a loan under subsection (a), at the time application for the loan is made, a written copy of the procedures and definitions.

(f) DEFAULTS.—

(1) NOTICE.—The Chief Executive Project Officer shall provide the governing board and the chief executive officer of the organization at regular intervals written notice of each loan made under subsection (a) that is in default and the status of the loan.

(2) ACTION.—

(A) NOTIFICATION.—After making reasonable efforts to collect all amounts payable under a loan made under subsection (a) that is in default, the Chief Executive Project Officer shall notify the governing board and the chief executive officer of the organization that the loan is uncollectable or collectible only at an unreasonable cost. The notification shall include recommendations for future action to be taken by the Chief Executive Project Director.

(B) INSTRUCTIONS.—On receiving the notification, the governing board and the chief executive officer of the organization shall advise the Chief Executive Project Officer—

(i) to continue with its collection activities;

(ii) to cancel, adjust, compromise, or reduce the amount of the loan; or

(iii) to modify any term or condition of the loan, including any term or condition relating to the time of payment of any installment of principal, or portion of principal, that is payable under the loan.

(g) ADMINISTRATION AND ASSISTANCE.—

(1) IN GENERAL.—Consistent with section 222(j), the Chief Executive Project Officer shall, out of funds available in the Fund—

(A) pay expenses incurred by the Chief Executive Project Officer in administering the Fund; and

(B) provide competent management and technical assistance to borrowers of loans made under subsection (a) to assist the borrowers to achieve the purposes of the loans.

(2) ASSISTANCE BY THE SECRETARY.—The Secretary shall provide to the chief executive officer of the organization and the Chief Executive Project Officer such management and technical assistance as the chief executive officer of the organization and the Chief Executive Project Officer may request in order to carry out the provisions of this section.

(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out the objectives of this section, including regulations involving reporting and auditing.

Subtitle D—Quality Child Care Through Federal Facilities and Programs

SEC. 231. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given the term in section 105 of title 5, United States Code, but does not include the Department of Defense.

(3) EXECUTIVE FACILITY.—The term "executive facility" means a facility that is owned or leased by an Executive agency.

(4) FEDERAL AGENCY.—The term "Federal agency" means an Executive agency, a judicial office, or a legislative office.

(5) JUDICIAL FACILITY.—The term "judicial facility" means a facility that is owned or leased by a judicial office.

(6) JUDICIAL OFFICE.—The term "judicial office" means an entity of the judicial branch of the Federal Government.

(7) LEGISLATIVE FACILITY.—The term "legislative facility" means a facility that is owned or leased by a legislative office.

(8) LEGISLATIVE OFFICE.—The term "legislative office" means an entity of the legislative branch of the Federal Government.

(b) EXECUTIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring any entity operating a child care center in an executive facility to comply with applicable State and local licensing requirements related to the provision of child care.

(B) COMPLIANCE.—The regulations shall require that, not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the requirements; and

(ii) any contract for the operation of such a child care center shall include a condition that the child care be provided in accordance with the requirements.

(2) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations specifying child care center accreditation standards and requiring any entity operating a child care center in an executive facility to comply with the standards.

(B) COMPLIANCE.—The regulations shall require that, not later than 3 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract for the operation of such a child care center shall include a condition that the child care be provided by an entity that complies with the standards.

(C) CONTENTS.—The standards shall base accreditation on—

(i) an accreditation instrument described in section 2(2)(B);

(ii) outside monitoring described in section 2(2)(B), by—

(I) the Administrator; or

(II) a child care credentialing or accreditation entity, or other entity, with which the Administrator enters into a contract to provide such monitoring; and

(iii) the criteria described in section 2(2)(B).

(3) EVALUATION AND ENFORCEMENT.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance of entities described in paragraph (1) with the regulations issued under paragraphs (1) and (2). The Administrator may conduct the evaluation of such an entity directly, or through an agreement with another Federal agency, other than the Federal agency for which the entity is providing child care. If the Administrator determines, on the basis of such an evaluation, that the entity is not in compliance with the regulations, the Administrator shall notify the Executive agency.

(B) TERMINATION OF AGENCY PROVISION OF CHILD CARE OR CONTRACT.—On receipt of the notification—

(i) if the entity operating the child care center involved is the agency, the agency shall terminate the direct provision of child care by the agency; and

(ii) if the entity operating the child care center is a contractor, the agency shall terminate the contract of the entity to operate the center.

(C) COST REIMBURSEMENT.—The Administrator may require Executive agencies to reimburse the Administrator for the costs of carrying out subparagraph (A) with respect to entities operating child care centers for the agencies. If an entity described in paragraph (1) operates a child care center for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the center.

(c) LEGISLATIVE BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Architect of the Capitol shall issue regulations for entities operating child care centers in legislative facilities, which shall be the same as the regulations issued by the Administrator under paragraphs (1) and (2) of subsection (b), except to the extent that the Architect may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(3) shall apply to the Architect of the Capitol, entities operating child care centers in legislative facilities, and legislative offices. For purposes of that application, references in subsection (b)(3) to regulations shall be considered to be references to regulations issued under this subsection.

(d) JUDICIAL BRANCH STANDARDS AND ENFORCEMENT.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS AND ACCREDITATION STANDARDS.—The Director of the Administrative Office of the United States Courts shall issue regulations for entities operating child care centers in judicial facilities, which shall be the same as the regulations issued by the Administrator under paragraphs (1) and (2) of subsection (b), except to the extent that the Director may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in such paragraphs.

(2) EVALUATION AND ENFORCEMENT.—Subsection (b)(3) shall apply to the Director described in paragraph (1), entities operating child care centers in judicial facilities, and judicial offices. For purposes of that application, references in subsection (b)(3) to regulations shall be considered to be references to regulations issued under this subsection.

(e) APPLICATION.—Notwithstanding any other provision of this section, if 3 or more child care centers are operated in facilities owned or leased by a Federal agency, the head of the Federal agency may carry out the responsibilities assigned to the Administrator under subsection (b)(3)(A), the Architect of the Capitol under subsection (c)(2), or the Director described in subsection (d)(2) under such subsection, as appropriate.

(f) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to

Executive agencies, and to entities operating child care centers in executive facilities, in order to assist the entities in complying with this section. The Architect of the Capitol and the Director of the Administrative Office of the United States Courts may provide, or request that the Administrator provide, technical assistance to legislative offices and judicial offices, respectively, and to entities operating child care centers in legislative facilities and judicial facilities, respectively, in order to assist the entities in complying with this section.

(g) COUNCIL.—The Administrator shall establish an interagency council, comprised of all Federal agencies described in subsection (e), to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care in the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1998 and each subsequent fiscal year.

SEC. 232. PROVIDING QUALITY CHILD CARE THROUGH FEDERAL PROGRAMS.

(a) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—Effective October 1, 2001, the Chief Executive Officer of the Corporation for National and Community Service shall ensure that, to the maximum extent practicable, any child care made available under any Federal financial assistance program carried out by the Chief Executive Officer, directly or through a child care allowance, shall be child care provided by an accredited child care center or a credentialed child care professional, as the terms are defined in section 2.

(b) DEPARTMENTS OF EDUCATION, HOUSING AND URBAN DEVELOPMENT, JUSTICE, AND LABOR.—Effective October 1, 2001, the Secretary of Education, Secretary of Housing and Urban Development, Attorney General, and Secretary of Labor shall ensure that, to the maximum extent practicable, any child care made available under any Federal financial assistance program carried out by the Attorney General or Secretary involved, directly or through a child care allowance, shall be child care provided by an accredited child care center or a credentialed child care professional, as the terms are defined in section 2.

(c) SOCIAL SERVICES BLOCK GRANTS.—Section 2002(a) of the Social Security Act (42 U.S.C. 1397a(a)) is amended by adding at the end the following:

"(3) Effective October 1, 2001, child care services made available under this subsection shall, to the maximum extent practicable, be child care services provided by an accredited child care center or a credentialed child care professional, as the terms are defined in section 2 of the CIDCARE Act.".

SEC. 233. USE OF COMMUNITY DEVELOPMENT BLOCK GRANTS TO ESTABLISH ACCREDITED CHILD CARE CENTERS.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon;

(3) in paragraph (24), by striking "and" at the end;

(4) in paragraph (25), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(26) the establishment of accredited child care centers (as that term is defined in section 2 of the CIDCARE Act), by upgrading existing child care facilities to meet standards for accredited child care centers, or by renovating existing structures for use as accredited child care centers.".

Subtitle E—Miscellaneous Provisions

SEC. 241. STUDENT LOAN REPAYMENT AND CANCELLATION FOR CHILD CARE WORKERS.

(a) STAFFORD LOAN REPAYMENT.—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in the section heading by striking "and nurses" and inserting ", nurses and child care workers";

(2) in subsection (a)(1), by striking "and nursing profession" and inserting ", nursing and child care professions";

(3) in subsection (b)(1)—

(A) in subparagraph (B)(ii), by striking "or" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(D) is employed full time providing child care services, and possesses a certificate or degree in early childhood education or development."; and

(4) in subsection (g)—

(A) in paragraph (1), by striking "and community service" and inserting "community service, and child care"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and community service" and inserting "community service, and child care"; and

(ii) in subparagraph (D), by striking "and community service" and inserting "community service, and child care".

(b) PERKINS LOAN CANCELLATION.—Section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)) is amended—

(1) in subparagraph (H), by striking "or" after the semicolon;

(2) in subparagraph (I), by striking the period and inserting "; or"; and

(3) by inserting after subparagraph (I) the following:

"(J) as a full-time employee who provides child care services and possesses a certificate or degree in early childhood education or development.".

SEC. 242. EXPANSION OF COORDINATED ENFORCEMENT EFFORTS OF INTERNAL REVENUE SERVICE AND HHS OFFICE OF CHILD SUPPORT ENFORCEMENT.

(a) STATE REPORTING OF CUSTODIAL DATA.—Section 454A(e)(4)(D) of the Social Security Act (42 U.S.C. 654(e)(4)(D)) is amended by striking "the birth date of any child" and inserting "the birth date and custodial status of any child".

(b) MATCHING PROGRAM BY IRS OF CUSTODIAL DATA AND TAX STATUS INFORMATION.—

(1) NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i)(3) of the Social Security Act (42 U.S.C. 653(i)(3)) is amended by striking "a claim with respect to employment in a tax return" and inserting "information which is required on a tax return".

(2) FEDERAL CASE REGISTRY OF CHILD SUPPORT ORDERS.—Section 453(h) of the such Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information described in paragraph (2), consisting of the names and social security numbers of the custodial parents linked with the children in the custody of such parents, for the purpose of administering those sections of the Internal Revenue Code of 1986 which grant tax benefits based on support and residence provided dependent children."

(c) MINIMUM PAST-DUE SUPPORT THRESHOLD FOR USE OF OFFSET PROCEDURE.—

(1) PART D FAMILIES.—Section 464(b)(1) of the Social Security Act (42 U.S.C. 664(b)(1)) is amended by inserting "(not to exceed $150)" after "minimum amount".

(2) OTHER FAMILIES.—Section 464(b)(2)(A) of such Act (42 U.S.C. 664(b)(2)(A)) is amended by striking "$500" both places it appears and inserting "$150".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

Mr. DODD. Mr. President, it is my pleasure today to join my colleague from Vermont, Senator JEFFORDS, as we introduce the Creating Improved Delivery of Child Care: Affordable, Reliable, and Educational (CIDCARE) Act of 1997.

This legislation will go a long way toward giving parents peace of mind. Child care shouldn't be like going to Las Vegas—where you roll the dice and hope for the best. Parents should be confident that when they are not able to be with their children, their children will still be well cared for. We shouldn't be gambling with our children's health and safety.

Up to this point Mr. President, we in the federal government have largely deferred the issue of quality of child care to the states. The sole significant contribution of the federal government to improving the quality of this nation's child care is the modest 4% set-aside for quality improvement that we struggled to create within the child care development block grant. This lack of federal support for quality has not served children well.

A few years ago my good friend, Professor Ed Zigler of Yale University, did a survey of state child care regulations. He found, in short, that states are failing the "quality test"—no state had child care regulations in place that could be characterized as good quality standards. Only a third of states had minimally acceptable regulations. Two-thirds of states had regulations that didn't even address the basics—caregiver training, safe environments, appropriate provider-child ratios.

Keep in mind, we're not even talking about how well or whether states actually enforced those standards. This study was simply asking a question about the first step in quality—whether states had basic child care quality standards on the books that providers could be held to. This legislation addresses, for the first time on a federal level, the issues of quality child care. We have safety standards for the food we eat and the cars we drive. Is it too much to have some basic standards for child care providers—individuals who literally hold a child's life in their hands? I think not, Mr. President. And even beyond basic health and safety standards, we must consider how we can assist caregivers in supporting children's growth and development.

Mr. President, this legislation will help working families afford child care. Specifically, this bill more equitably distributes the child care tax credit by making the credit refundable for lower income families, increasing the credit for families under $55,000, and phasing down the credit to a minimum of 10% for higher income taxpayers. Further, it increases the amount that employees can contribute to Dependent Care Assistance Plans (DCAP).

The CIDCARE bill further provides incentives for parents to choose high quality child care by providing a higher tax credit and larger DCAP allowances for families that use accredited or credentialed services, reflecting the higher expenses associated with higher quality care.

Additionally, this legislation encourages child care centers and providers to offer high quality child care. It gives child care providers a higher deduction for the educational expenses related to achieving or maintaining accreditation. It further provides $50 million to create and operate a technology-based training infrastructure, that builds upon existing distance learning, Internet, and satellite resources, to enable child care providers nationwide to receive training, education, and support. It also provides loan forgiveness for Perkins and Stafford educational loans for child care workers who obtain a degree in early childhood education or receive professional child care credentials. This bill would also require federal child care centers to meet all state and local licensing and other regulatory requirements related to the provision of child care.

This legislation will also give businesses incentives to support quality child care for their employees and the community at large. It will allow businesses a charitable deduction for donating educational equipment to nonprofit child care providers, support entities, and public schools and provides a tax credit for employers who develop child care centers for their employees.

Finally, Mr. President, the CIDCARE bill will provide grants to states to support quality child care. It establishes a $260 million competitive grant program to assist states in improving the quality of child care through mechanisms such as: salary increases for credentialed child care providers: developing standards for the accreditation and credentialing of child care providers; scholarship programs to help child care providers meet the costs of education and training; expanding training and technical assistance activities; consumer education efforts, and increased rates of reimbursement for the care of children with special needs.

Mr. President, quality child care can no longer be considered a luxury reserved for the very few. This should not be a partisan issue. All of us want the best for our children. And when they can't be with their parents, we want them to be in high quality care. This legislation will move us in that direction. I urge my colleagues to join Senator JEFFORDS and myself in support of the CIDCARE bill.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 100

At the request of Mr. KERRY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 100, a bill to amend title 49, United States Code, to provide protection for airline employees who provide certain air safety information, and for other purposes.

S. 217

At the request of Mr. BIDEN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 217, a bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 535

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 969

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 969, a bill ordering the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 989

At the request of Mr. DORGAN, the names of the Senator from Georgia [Mr. CLELAND], the Senator from Louisiana [Ms. LANDRIEU], and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 989, a bill entitled the "Safer Schools Act of 1997".

AMENDMENT NO. 889

At the request of Mr. MCCONNELL the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of amendment No. 889 proposed to S. 955, an original bill making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 890

At the request of Mr. HUTCHINSON the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of amendment No. 890 proposed to S. 955, an original bill making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 892

At the request of Mr. BROWNBACK the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of amendment No. 892 proposed to S. 955, an original bill making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

At the request of Mr. MCCONNELL the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of amendment No. 892 proposed to S. 955, supra.

AMENDMENT NO. 896

At the request of Mr. BINGAMAN the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of amendment No. 896 proposed to S. 955, an original bill making appropriations for foreign operations, export financing, related programs for the fiscal year ending September 30, 1998, and for other purposes.

SENATE CONCURRENT RESOLUTION 40—EXPRESSING THE SENSE OF CONGRESS REGARDING THE OAS-CIAV MISSION IN NICARAGUA

Mr. HELMS submitted the following original concurrent resolution; which was reported from the Committee on Foreign Relations and placed on the calendar.

S. CON. RES. 40

Whereas the International Support and Verification Commission of the Organization of American States (in this resolution referred to as the "OAS-CIAV") was established in the August 7, 1989, Tela Accords by the presidents of the Central American countries and by the Secretary Generals of the United Nations and the Organization of American States for the purpose of ending the Nicaraguan war and reintegrating members of the Nicaraguan Resistance into civil society;

Whereas the OAS-CIAV, originally comprised of 53 unarmed Latin Americans, successfully demobilized 22,500 members of the Nicaraguan Resistance and distributed food and humanitarian assistance to more than 119,000 repatriated Nicaraguans prior to July 1991;

Whereas the OAS-CIAV provided seeds, starter plants, and fertilizer to more than 17,000 families of demobilized combatants;

Whereas the OAS-CIAV assisted former Nicaraguan Resistance members in the construction of nearly 3,000 homes for impoverished families, 45 schools, 50 health clinics, and 25 community multi-purpose centers, as well as the development of microenterprises;

Whereas the OAS-CIAV assisted rural communities with the reparation of roads, development of potable water sources, veterinary and preventative medical training, raising basic crops, cattle ranching, and reforestation;

Whereas the OAS–CIAV, together with the Pan-American Health Organization (PAHO), trained local paramedics to staff 22 health posts in the Atlantic and pacific regions of Nicaragua and provided medical supplies to treat mothers, young children, and cholera patients, among others, in a five-month program that benefited nearly 50,000 Nicaraguans;

Whereas the OAS–CIAV, with 15 members under a new mandate effective June 9, 1993, has investigated and documented more than 1,800 human rights violations, including 653 murders and has presented these cases to Nicaraguan authorities, following and advocating justice in each case;

Whereas, the OAS–CIAV has demobilized 20,745 rearmed contras and Sandinistas, as well as apolitical criminal groups, and recently brokered and mediated the successful May 1997 negotiations between the Government of Nicaragua and the largest rearmed group;

Whereas the OSA–CIAV has resolved hostage crises successfully, including the 1993 abductions of UNO party Congressmen, the Vice President and the French military attache, and the 1996 kidnappings of an Agency for International Development contractor and 28 Supreme Electoral Council employees;

Whereas the OSA–CIAV created 86 peace commissions and has provided assistance and extensive training in human rights and alternative dispute resolution for their members, who are currently mediating conflicts, including kidnappings and demobilization of rearmed groups, in every municipality of the zones of conflict;

Whereas the OSA–CIAV assistance and training by the OSA–CIAV of rural Nicaraguans has led to a decrease in violence in the zones of conflict since 1994, in some areas as much as 85 percent;

Whereas the OSA–CIAV has assisted children wounded by land mines;

Whereas the OSA–CIAV has provided assistance to disabled war veterans and widows of combatants;

Whereas the OSA–CIAV provided and distributed 44,010 birth certificates to rural Nicaraguans in early 1996, allowing them to participate in the 1996 presidential and parliamentary elections; and

Whereas the OSA–CIAV provided transportation to and communication with remote areas or areas of conflict, assuring a secure climate for voter registration and the elections: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) commends and congratulates Santiago Murray and Sergio Caramagna, the first and current directors, respectively, of the OSA–CIAV and all members of the OSA–CIAV team for their tireless defense of human rights, promotion of peaceful conflict resolution, and, contribution to the development of freedom and democracy in Nicaragua; and

(2) expresses its support for the continuation of the role of the Organization of American States (OAS) in Nicaragua described in the resolution passed by the OAS General Assembly in Lima, Peru, on June 4, 1997.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such resolution to the Secretary General of the Organization of American States.

SENATE CONCURRENT RESOLUTION 41 RELATIVE TO A JUST AND PEACEFUL RESOLUTION OF THE SITUATION ON CYPRUS

Mr. HELMS submitted the following original concurrent resolution; which was reported from the Committee on Foreign Relations and placed on the calendar.

S. CON. RES. 41.

Whereas the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions;

Whereas the international community, Congress, and successive United States administrations have called for an end to the status quo on Cyprus, considering that it perpetuates an unacceptable violation of international law and fundamental human rights affecting all the people of Cyprus, and undermines significant United States interests in the Eastern Mediterranean region;

Whereas the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus;

Whereas there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus;

Whereas during the past year tensions in Cyprus have dramatically increased, with violent incidents occurring along cease-fire lines at a level not reached since 1974;

Whereas recent events in Cyprus have heightened the potential for armed conflict in the region involving two North Atlantic Treaty Organization (NATO) allies, Greece and Turkey, which would threaten vital United States interests in the already volatile Eastern Mediterranean area and beyond;

Whereas a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security, and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey;

Whereas a lasting solution to the Cyprus problem would also strengthen peace and stability in the Eastern Mediterranean and serve important interests of the United States;

Whereas the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1092, adopted on December 23, 1996, with United States support;

Whereas the prospect of the accession by Cyprus to the European Union, which the United States has actively supported, could serve as a catalyst for a solution to the Cyprus problem;

Whereas President Bill Clinton has pledged that in 1997 the United States will "play a heightened role in promoting a resolution in Cyprus"; and

Whereas United States leadership will be a crucial factor in achieving a solution to the Cyprus problem, and increased United States involvement in the search for this solution will contribute to a reduction of tension on Cyprus: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) reaffirms its view that the status quo on Cyprus is unacceptable and detrimental to the interests of the United States in the Eastern Mediterranean and beyond;

(2) considers that lasting peace and stability on Cyprus could be best secured by—

(A) a process of complete demilitarization leading to the withdrawal of all foreign occupation forces;

(B) the cessation of foreign arms transfers to Cyprus; and

(C) the provision of alternative internationally acceptable and effective security arrangements with guaranteed rights for both communities as negotiated by the parties;

(3) welcomes and supports the commitment by President Clinton to give increased attention to Cyprus and to make the search for a solution a priority of United States foreign policy, as witnessed by the appointment of Ambassador Richard Holbrooke as Special Presidential Emissary for Cyprus; and

(4) calls upon the parties to lend their full support and cooperation to United States, United Nations, and other international efforts to promote an equitable and speedy resolution of the Cyprus problem—

(A) on the basis of international law, the provisions of relevant United Nations Security Council resolutions, and democratic principles, including respect for human rights; and

(B) in accordance with the norms and requirements for accession to the European Union.

AMENDMENTS SUBMITTED

THE TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1998

CAMPBELL AMENDMENT NO. 921

Mr. CAMPBELL proposed an amendment to the bill (S. 1023) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . REGULATIONS CONCERNING THE IMPORTATION OF CERTAIN FISH.

(a) IMPORT COMPLIANCE.—Section 6(c) of the Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971d(c)) is amended by adding at the end the following:

"(8)(A)(i) Not later than January 1, 1998, the Secretary, in consultation with the Secretary of the Treasury and the Secretary of State, shall promulgate regulations to ensure that fish in any form that are—

"(I) subject to regulation pursuant to a recommendation of the Commission; and

"(II) presented for entry into the United States;

have been taken and retained in a manner and under circumstances that are consistent with the recommendations of the Commission described in clause (ii).

"(ii) The recommendations described in this clause are recommendations of the Commission that are—

"(I) made pursuant to article VIII of the Convention; and

"(II) adopted by the Secretary in the regulations promulgated pursuant to this section.

"(B)(i) The regulations promulgated under this paragraph shall include, at a minimum, a requirement that the fish described in subparagraph (A)(i) are accompanied by a valid certificate of origin that attests that the fish have been taken and retained in a manner and under circumstances that are consistent with the recommendations described in subparagraph (A)(ii).

"(ii) A certificate described in clause (i) may be issued only by the government of the nation that has jurisdiction over—

"(I) the vessel from which the fish that is the subject of the certificate was harvested; or

"(II) any other means by which the fish that is the subject of the certificate was harvested.

"(C) The regulations promulgated under this paragraph may limit the entry into the United States of fish in any form if that limitation is necessary to carry out the purpose of this paragraph.

"(D) Beginning on February 1, 1998, the Secretary of the Treasury shall prohibit the entry into the United States of fish in any form that does not comply with the regulations promulgated pursuant to this paragraph.".

(b) REPORTS.—Section 11 of the Atlantic Tuna Convention Act of 1975 (16 U.S.C. 971j) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) lists each fishing nation from which fish in any form was prohibited entry into the United States pursuant to section 6(c)(8);".

BROWNBACK (AND OTHERS) AMENDMENT NO. 922

Mr. BROWNBACK (for himself, Mr. CAMPBELL, Mr. WELLSTONE, and Mr. BAUCUS) proposed an amendment to amendment No. 921 proposed by Mr. CAMPBELL to the bill, S. 1023, supra; as follows:

At the appropriate place in the Amendment, insert the following new section:

SEC. . Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 1998.

CAMPBELL AMENDMENT NOS. 923–924

Mr. CAMPBELL proposed two amendments to the bill, S. 1023, supra; as follows:

AMENDMENT NO. 923

On page 71, lines 13 to 18, move Sec. 514 to page 93 and insert after the period on line 3.

AMENDMENT NO. 924

Page 49, strike all on lines 11–13, and on line 14, strike the words "the private sector for" and insert in lieu thereof the words "the General Accounting Office shall conduct".

THOMAS AMENDMENT NO. 925

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, S. 1023, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . LIMITATION ON THE USE OF FUNDS TO PROVIDE FOR FEDERAL AGENCIES TO FURNISH COMMERCIALLY AVAILABLE PROPERTY OR SERVICES TO OTHER FEDERAL AGENCIES.

(a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) a requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector;

(B) a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable services provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget; and

(C) the regulation would not apply to contingency operations associated with national security or a national emergency.

MIKULSKI AMENDMENT NO. 926

Mr. CAMPBELL (for Ms. MIKULSKI) proposed an amendment to the bill, S. 1023, supra; as follows:

On page 71, line 16, strike "or night differential".

On page 71, line 18, strike "or differential".

FEINSTEIN (AND OTHERS) AMENDMENT NO. 927

Mrs. FEINSTEIN (for herself, Mr. CONRAD, Mr. HARKIN, Mr. INOUYE, Mr. FAIRCLOTH, Mr. FEINGOLD, Mr. JOHNSON, Mr. KERRY, Mr. MACK, Mr. REID, Mr. THURMOND, Mr. TORRICELLI, Ms. SNOWE, Ms. MOSELEY-BRAUN, Mr. COVERDELL, and Mr. SPECTER) , proposed an amendment to the bill, S. 1023, supra; as follows:

SEC. . (a) SPECIAL POSTAGE STAMPS.—In order to afford the public a convenient way to contribute to funding for breast-cancer research, the United States Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) HIGHER RATE.—The rate of postage established under this section—

(1) shall be 1 cent higher than the rate that would otherwise apply;

(2) may be established without regard to any procedures under chapter 36 of title 39, United States Code, and notwithstanding any other provision of law; and

(3) shall be offered as an alternative to the rate that would otherwise apply.

The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

(c) USE OF FUNDS.—

(1) IN GENERAL.—

(A) PAYMENTS.—The amounts attributable to the 1-cent differential established under this section shall be paid by the United States Postal Service to the Department of Health and Human Services.

(B) USE.—Amounts paid under subparagraph (A) shall be used for breast-cancer research and related activities to carry out the purposes of this section.

(C) FREQUENCY OF PAYMENTS.—Payments under subparagraph (A) shall be paid to the Department of Health and Human Services no less than twice in each calendar year.

(2) AMOUNTS ATTRIBUTABLE TO THE 1-CENT DIFFERENTIAL.—For purposes of this subsection, the term "amounts attributable to the 1-cent differential established under this section" means, as determined by the United States Postal Service under regulations that it shall prescribe—

(A) the total amount of revenues received by the United States Postal Service that it would not have received but for the enactment of this section, reduced by

(B) an amount sufficient to cover reasonable administrative and other costs of the United States Postal Service attributable to carrying out this section.

(d) SPECIAL POSTAGE STAMPS.—The United States Postal Service may provide for the design and sale of special postage stamps to carry out this section.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) nothing in this section should directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services or any other agency or instrumentality of the Government (or any component or other aspect thereof) below the level that would otherwise have been anticipated absent this section; and

(2) nothing in this section should affect regular first-class rates or any other regular rate of postage.

(f) ANNUAL REPORTS.—The Postmaster General shall include in each annual report rendered under section 2402 of title 39, United States Code, information concerning the operation of this section.

CLELAND AMENDMENT NO. 928

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, S. 1023, supra; as follows:

On page 47, line 9, strike "$145,300,000' and insert "$210,300,000".

On page 47, line 13, strike "$110,000,000" and insert "$175,000,000".

On page 51, line 15, strike "$4,885,934,000" and insert "$4,820,934,000".

THOMAS (AND OTHERS) AMENDMENT NO. 929

Mr. THOMAS (for himself, Mr. ENZI, Mr. BROWNBACK, and Mr. HAGEL) proposed an amendment to the bill, S. 1023, supra; as follows:

At the appropriate place in the bill, insert the following new section and renumber any following sections accordingly:

SEC. . LIMITATION ON THE USE OF FUNDS TO PROVIDE FOR FEDERAL AGENCIES TO FURNISH COMMERCIALLY AVAILABLE PROPERTY OR SERVICES TO OTHER FEDERAL AGENCIES.

(a) Except as provided in subsection (b), none of the funds appropaited by this or any other Act may be used by the Office of Management and Budget, or any other agency, to publish, promulgate, or enforce any policy, regulation, or circular, or any rule or authority in any other form, that would permit any Federal agency to provide a commercially available property or service to any other department or agency of government unless the policy, regulation, circular, or other rule or authority meets the requirements prescribed under subsection (b).

(b)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations applicable to any policy regulation, circular, or other rule or authority referred to in subsection (a).

(2) The requirements prescribed under paragraph (1) shall include the following:

(A) a requirement for a comparison between the cost of providing the property or service concerned through the agency concerned and the cost of providing such property or service through the private sector;

(B) a requirement for cost and performance benchmarks relating to the property or service provided relative to comparable service provided by other government agencies and contractors in order to permit effective oversight of the cost and provision of such property or service by the agency concerned or the Office of Management and Budget; and

(C) the regulation would not apply to contingency operations associated with national security or a national emergency.

HATCH (AND OTHERS) AMENDMENT NO. 930

Mr. HATCH (for himself, Mr. LEAHY, Mr. DURBIN, and Mr. KOHL) proposed an amendment to the bill, S. 1023, supra; as follows:

At the appropriate place, insert the following:

SEC. . JUDICIAL SALARIES.

(a) JUDICIAL COST-OF-LIVING ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

"(a) Effective on the same date that the rates of basic pay under the General Schedule are adjusted pursuant to section 5303 of title 5, each salary rate which is subject to adjustment under this section shall be adjusted by the same percentage amount as provided for under section 5303 of title 5, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100).".

(b) AUTOMATIC ADJUSTMENTS WITHOUT CONGRESSIONAL ACTION.—Section 140 of the resolution entitled "A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.", approved December 15, 1981 (Public Law 97-92; 95 Stat. 1200; 28 U.S.C. 461 note) is repealed.

LOTT (AND DASCHLE) AMENDMENT NO. 931

Mr. CAMPBELL (for Mr. LOTT, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1023; as follows:

At the appropriate place, insert the following:

SEC. . Section 302(g)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(1)) is amended—

(1) by striking "and" after "Senator,"; and

(2) by inserting after "candidate," the following: "and by the Republican and Democratic Senatorial Campaign Committees".

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 932

Mr. FAIRCLOTH (for himself, Mr. SHELBY, and Mr. HAGEL) proposed an amendment to the bill, S. 1023, supra; as follows:

Insert at the appropriate section:

SEC. . PROHIBITION OF COMPUTER GAME PROGRAMS.

(1) DEFINITIONS.—In this section, "agency" means agency as defined under section 105 of title 5, United States Code;

(2) REMOVAL OF EXISTING COMPUTER GAME PROGRAMS.—Not later than 180 days after the date of enactment of this Act, the head of each agency shall take such actions as necessary to remove any computer game program not required for the official business of the agency from any agency computer equipment.

(3) PROHIBITION OF INSTALLATION OF COMPUTER GAME PROGRAMS.—The head of each agency shall prohibit the installation of any computer game program not required for the official business of the agency into any agency computer equipment.

(4) PROHIBITION OF AGENCY ACCEPTANCE OF COMPUTER EQUIPMENT WITH COMPUTER GAME PROGRAMS.—

(a) Title III of the Federal Property and Administrative Services Act of 1949 is amended by adding at the end the following:

"SEC. 317. RESTRICTIONS ON CERTAIN INFORMATION TECHNOLOGY.

"(a) DEFINITION.—In this section the term 'information technology' has the meaning given such term under section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

"(b) IN GENERAL.—The head of an executive agency may not accept delivery of information technology that is loaded with game programs not required for an official purpose under the terms of the contract under which information technology is delivered.

"(c) WAIVER.—The head of an executive agency may waive the application of this section with respect to any particular procurement of information technology, if the head of the agency—

"(1) conducts a cost-benefit analysis and determines that the costs of compliance with this section outweighs the benefits of compliance; and

"(2) submits a certification of such determination, with supporting documentation to the Congress.".

(b) The table of contents in section 2(b) of the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 316 the following:

"Sec. 317. Restrictions on certain information technology.".

(c) The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

DASCHLE AMENDMENT NO. 933

Mr. KOHL (for Mr. DASCHLE) proposed an amendment to the bill, S. 1023, supra; as follows:

On page 22, lines 15 and 16, strike "Notwithstanding any other provision of law," and insert "Hereafter,".

COLLINS (AND OTHERS) AMENDMENT NO. 934

Mr. CAMPBELL (for Ms. COLLINS, for herself, Mr. SHELBY, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1023, supra; as follows:

On page 5, line 5, strike "$30,719,000", and insert in lieu thereof, "$29,719,000".

On page 39 after line 2, insert the following new section:

SEC. 121. None of the funds made available by this Act may be used by the Inspector General to contract for advisory and assistance services that has the meaning given such term in section 1105(g) of Title 31, United States Code.

KOHL (AND KENNEDY) AMENDMENT NO. 935

Mr. KOHL (for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1023, supra; as follows:

On page 12 line 2, strike "$472,490,000" and insert in lieu there of, "$473,490,000; of which $1,000,000 may be used for the Youth Gun Crime Initiative."

DEWINE AMENDMENT NO. 936

Mr. CAMPBELL (for Mr. DEWINE) proposed an amendment to the bill, S. 1023, supra; as follows:

At the end of title VI, insert the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

BINGAMAN AMENDMENT NO. 937

Mr. CAMPBELL (for Mr. BINGAMAN) proposed an amendment to the bill, S. 1023, supra; as follows:

On page 92, strike lines 6 through 16.

ABRAHAM AMENDMENT NO. 938

Mr. CAMPBELL (for Mr. ABRAHAM) proposed an amendment to the bill, S. 1023, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The congressional ethics committees shall provide for voluntary reporting by Members of Congress on the financial disclosure reports filed under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) on such Members' participation in—

(1) the Civil Service Retirement System under chapter 83 of title 5, United States Code; and

(2) the Federal Employees Retirement System under chapter 84 of title 5, United States Code.

(b) In this section, the terms "congressional ethics committees" and "Members of Congress" have the meanings given such terms under section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(c) This section shall apply to fiscal year 1998 and each fiscal year, thereafter.

CAMPBELL AMENDMENT NO. 939

Mr. CAMPBELL proposed an amendment to the bill, S. 1023, supra; as follows:

On page 3, line 2, insert the following after "$6,745,000": "*Provided further*, That Chapter 9 of the Fiscal Year 1997 Supplemental Appropriations Act for Recovery from Natural

Disasters, and for Overseas Peacekeeping Efforts, including those in Bosnia, Public Law 105–18 (111 Stat. 195–96) is amended by inserting after the "County of Denver" in each instance "the County of Arapahoe".".

COVERDELL (AND FEINSTEIN) AMENDMENT NO. 940

Mr. CAMPBELL (for Mr. COVERDELL, for himself and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1023, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) A Federal employee shall be separated from service and barred from reemployment in the Federal service, if—

(1) the employee is convicted of a violation or attempted violation of section 201 of title 18, United States Code; and

(2) such violation or attempted violation related to conduct prohibited under section 1010(a) of the Controlled Substances Import and Export Act (21 U.S.C. 960(a)).

(b) This section shall apply during fiscal year 1998 and each fiscal year thereafter.

COVERDELL AMENDMENT NO. 941

Mr. CAMPBELL (for Mr. COVERDELL) proposed an amendment to the bill, S. 1023, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) COORDINATION OF COUNTERDRUG INTELLIGENCE CENTERS AND ACTIVITIES.—(1) Not later than 120 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to the appropriate congressional committees a plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers and counterdrug activities of the Federal Government, including the centers and activities of the following departments and agencies:

(A) The Department of Defense, including the Defense Intelligence Agency.

(B) The Department of the Treasury, including the United States Customs Service.

(C) The Central Intelligence Agency.

(D) The Coast Guard.

(E) The Drug Enforcement Administration.

(F) The Federal Bureau of Investigation.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the centers and activities referred to in that paragraph in achieving the objectives of the national drug control strategy. In order to maximize such effectiveness, the plan shall—

(A) articulate clear and specific mission statements for each counterdrug intelligence center and activity, including the manner in which responsibility for counterdrug intelligence activities will be allocated among the counterdrug intelligence centers;

(B) specify the relationship between such centers;

(C) specify the means by which proper oversight of such centers will be assured;

(D) specify the means by which counterdrug intelligence will be forwarded effectively to all levels of officials responsible for United States counterdrug policy; and

(E) specify mechanisms to ensure that State and local law enforcement agencies are apprised of counterdrug intelligence in a manner which—

(i) facilitates effective counterdrug activities by such agencies; and

(ii) provides such agencies with the information necessary to ensure the safety of officials of such agencies in their counterdrug activities.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

(2) The Committee on International Relations, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

HATCH AMENDMENT NO. 942

Mr. CAMPBELL (for Mr. HATCH) proposed an amendment to the bill, S. 1023, supra; as follows:

At page 47, line 19, strike all after "Appropriations" to page 48, line 1 at "*Provided*".

In lieu thereof, insert "and Judiciary of the House of Representatives and the Senate that includes (1) a certification, and guidelines to ensure that funds will supplement and not supplant current anti-drug community based coalitions; (2) a certification, and guidelines to ensure that none of the funds will be used for partisan political purposes; (3) a certification, and guidelines to ensure that no media campaigns to be funded pursuant to this campaign shall feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of 5 Code of Federal Regulations, Section 213, absent notice to each of the Chairmen and Ranking Members of the House and Senate Committees on Appropriations and Judiciary; (4) a detailed implementation plan to be submitted to the Chairmen of the Committees on Appropriations and Judiciary for securing private sector contributions including but not limited to in kind contributions; (5) a quantifiable system to measure outcome of success of the national media campaign, including but not limited to total funds expended, to what, where, or whom such funds were expended, and the effect which such media campaign has had in reducing youth drug abuse."

HUTCHISON AMENDMENT NO. 943

Mrs. HUTCHISON proposed an amendment to the bill, S. 1023, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PERSONAL ALLOWANCE PARITY AMONG NAFTA PARTIES.

(a) IN GENERAL.—The United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, shall initiate discussions with officials of the Governments of Mexico and Canada to achieve parity in the duty-free personal allowance structure of the United States, Mexico, and Canada.

(b) REPORT.—The United States Trade Representative and the Secretary of the Treasury shall report to Congress within 90 days after the date of enactment of this Act on the progress that is being made to correct any disparity between the United States, Mexico, and Canada with respect to duty-free personal allowances.

(c) RECOMMENDATIONS.—If parity with respect to duty-free personal allowances between the United States, Mexico, and Canada is not achieved within 180 days after the date of enactment of this Act, the United States Trade Representative and the Secretary of the Treasury shall submit recommendations to Congress for appropriate legislation.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place Thursday, July 24, 1997, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 858 and S. 1028, to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy library group and to amend current land and resource management.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, July 17, 1997, at 9:30 a.m. in open session, to consider the nomination of Rudy F. De Leon, to be Under Secretary of Defense for Personnel.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Thursday, July 17, 1997 at 9:30 a.m. on S. 625—Auto Choice Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 17, for purposes of conducting a full committee hearing which is scheduled to begin on 9:30 a.m. The purpose of this hearing is to consider the nominations of Patrick A. Shea to be Director of the Bureau of

Land Management, Robert G. Stanton to be Director, National Park Service, Kneeland C. Youngblood to be a Member of the United States Enrichment Corporation, and Kathleen M. Karpan to be Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, July 17, 1997, at 10 p.m., to receive testimony on climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 18, 1997, at 10 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Thursday, July 17, at 10 a.m., for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, July 17, 1997, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on quality of child care during the session of the Senate on Thursday, July 17, 1997, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 18, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 17, 1997, to conduct an oversight hearing on the HUD rebuilding and loan guaranty program for financial institutions created as part of last year's church burning legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Forestry, Conservation, and Rural Revitalization be allowed to meet during the session of the Senate on Thursday, July 17, 1997, at 2:30 p.m. in SR–328A to receive testimony regarding the State and private forestry programs and the Northern Forestry Stewardship Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, July 17, 1997, at 3 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: the VISA Waiver Pilot Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 17, 1997, to conduct a hearing on the reauthorization of the U.S. Export-Import Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 17, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 895, to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake"; S. 931, to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center; and S. 871, to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate Oklahoma City Memorial Trust, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FISCAL YEAR 1998 LEGISLATIVE BRANCH APPROPRIATIONS BILL

• Mr. McCAIN. Mr. President, overall, this is a good bill. It shows that the Congress is concerned about finding savings in its own operations to contribute to deficit reduction.

The bill does reduce slightly the total number of employees in the Senate offices from last year's levels. It contains numerous reductions in unnecessary spending requested by various offices and affiliated organizations. Some of the more interesting examples of items requested by offices but which were very wisely not included in this bill are:

A seismic study of the Capitol Building for $75,000; $30,000 for maintenance of outdoor sculpture in the Peace and Garfield parks; and a study of electromagnetic fields in the Russell Building which would have cost $50,000.

The report also directs the General Accounting Office to place higher priority on Members' requests for audits. This has been a particular matter of concern to me, since the time the GAO sent auditors to middle of the gulf war to inspect Apache helicopters. I appreciate the committee's understanding and assistance in refocusing the efforts of the GAO on the work required by Congress, rather than self-initiated agendas.

Unfortunately, though, the bill increases funding for the Senate and joint Congressional operations by $51.6 million over last year's levels, for a total of $1.538 billion. For the Congress to approve an increase in spending for its own operations seems to me ill-advised, particularly as we continue to struggle to reach agreement on legislation to provide tax relief and reduce Federal spending.

In addition, there are several provisions in the bill language that I would ask the managers to clarify further.

For example, $100,000 is earmarked from the Library of Congress budget for an International Copyright Institute. Another $2,250 from the Library of Congress budget is set aside for official representational and reception expenses of the International Copyright Institute. My question is, what is this International Copyright Institute, and why is it singled out for an earmark of this sort?

The bill also provides $354.2 million for the General Accounting Office—an increase of $15.7 million over last year's level. This 4.6 percent increase is an unfortunate reversal of the trend to reduce the size and cost of the GAO.

The report states that this $345 million will pay for 3,500 full-time equivalent personnel. It is curious to me that the GAO can, in effect, hire 3,500 staffers, while all 100 Senators make do with just slightly more than 3,900 staffers, including our State offices.

The bill also earmarks an unlimited amount of GAO's funds to finance "an appropriate share" of the expenses of several different programs:

The Joint Financial Management Improvement Program, including the salary of the Executive Director and secretarial support; the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum, as determined by the respective forum, including necessary travel expenses of non-Federal participants; and the American Consortium on International Public Administration, including any expenses attributable to its membership in the International Institute of Administrative Sciences.

Again, I wonder why these particular institutions are deserving of an earmark for unlimited amounts of the GAO's budget.

In addition, the report language contains several funding and language provisions that cause me some concern. For example:

A provision for $118,000 increase in travel, consultant, and representational funding for the Secretary of the Senate.

A provision for $25,000 for training and travel expenses related to training for employees of the Senate Child Care Center. Shouldn't these employees already be well-trained in child care when they are hired?

A provision for $500,000 for improved lighting in the Senate Chamber. I hadn't noticed a particular problem with lighting in the Chamber.

A provision for $100,000 to design a new subway from the Russell Building to the Capitol Building. Mr. President, we have already spent huge amounts of money to install a new subway from the Dirksen and Hart buildings. Why do we need to spend more money on subways, and why does it cost a half-million dollars to design a subway when I assume it will be very similar to the one already built from Dirksen and Hart?

A provision for $550,000 to modernize elevators in the Hart Building. This building is relatively new and I wonder why a half-million dollars is needed at this time to upgrade the elevators.

Again, I congratulate the managers of the bill for their hard work and scrupulous attention to detail. This is, overall, a very good bill, but I hope that, in conference with the House, unnecessary spending can be dropped to bring the total back in line with current levels of spending.

I ask that list of objectionable items be printed in the RECORD.

The list follows:

BILL LANGUAGE

$100,000 from the Library of Congress budget for an International Copyright Institute.

$2,250 from the Library of Congress budget for official representational and reception expenses for activities of the International Copyright Institute.

$354.2 million for the General Accounting Office—an increase of $15.7 million over last year's level.

This 4.6 percent increase is an unfortunate reversal of the trend to reduce the size and cost of the GAO.

The report states that this will pay for 3,500 full-time equivalent personnel. It is curious to me that the GAO can, in effect, hire 3,500 staffers, while all 100 Senators make do with just slightly more than 3,900 staffers, including our state offices.

Earmark of unlimited amount of GAO's funds to finance "an appropriate share" of the expenses of the Joint Financial Management Improvement Program, including the salary of the Executive Director and secretarial support.

Earmark of unlimited amount of GAO's funds to finance "an appropriate share" of the costs of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum, as determined by the respective forum, including necessary travel expenses of non-Federal participants.

Earmark of unlimited amount of GAO's funds to finance "an appropriate share" of the costs of the American Consortium on International Public Administration, including any expenses attributable to its membership in the International Institute of Administrative Sciences.

REPORT LANGUAGE

$118,000 increase in travel, consultant, and representational funding for the Secretary of the Senate.

Provides $25,000 for training and travel expenses related to training for employees of the Senate Child Care Center.

$500,000 for improved lighting in the Senate Chamber.

$100,000 to design a new subway from the Russell Building to the Capitol building.

$550,000 to modernize elevators in the Hart Building.•

ENERGY AND WATER APPROPRIATIONS BILL

• Mrs. BOXER. Mr. President, I would like to ask the ranking member on the Energy and Water Development Subcommittee, Senator REID of Nevada, a question regarding the funding for hydrogen research in the appropriations bill for fiscal year 1998.

Mr. REID. I would be pleased to answer a question from my colleague.

Mrs. BOXER. Thank you. As you well know, funding for the Department of Energy's Hydrogen Research Program is critical to the advancement of hydrogen technologies. The President's budget for fiscal year 1998 requested $15 million. The committee, through the efforts of the ranking member, increased the budget request by $4 million to $19 million. As we know, the Hydrogen Future Act that passed by the Congress last year authorized $25 million for fiscal year 1998.

As the ranking member of this appropriations subcommittee I sincerely appreciate his efforts to increase funding for hydrogen research in the energy and water development bill. As we know, the Department needs the funding that they have requested to pursue the furthering of hydrogen by working with the private-sector and our national laboratories to demonstrate the effectiveness as well as the safety of hydrogen. I know that my ranking member is as interested as I am in the demonstration and validation of hydrogen power technology. I support his request for a demonstration and evaluation at the Nevada test site as part of the Department of Energy's Hydrogen Research Program budget.

I would like to ask the distinguished ranking member if he would elaborate on the intentions of the committee report language as it relates to the Department allocating funds for a comprehensive validation program at the Nevada test site. If I understand this correctly, the distinguished Senator from Nevada is suggesting that the Department should begin phase 1 of a program in fiscal year 1998 that will establish at the Nevada test site a single location to administer testing and evaluation of industry-led hydrogen energy systems.

Mr. REID. Mr. President, that is correct. First, I am deeply concerned that increased consumption of refined petroleum products for transportation will continue to climb and the quality of the air we breath will continue to deteriorate. Additionally, our reliance on foreign oil can only aggravate our trade imbalance as well as jeopardize our national security.

Therefore, I felt it to be vitally important that we begin to move forward and establish, at least, one location to allow the Department of Energy the ability to begin the precommercialization of hydrogen technologies. And the Department should provide to the committee a plan for the furthering of this center at the Nevada test site in future years. Hopefully, their fiscal year 1999 request will mirror the authorization of $30 million contained in the Hydrogen Future Act in order to fully implement the center. Full funding at the authorized levels are the only way that we can begin to bring this technology to the marketplace. Furthermore, it is my hope that the administration will view our increased funding of the hydrogen research program as a clear indication that there is support for this technology in the U.S. Senate.

Mrs. BOXER. I thank you for clarifying this most important issue and will continue to look to your leadership in this area.•

EXPLANATION OF SELECTED VOTES ON SPENDING PORTION OF THE BALANCED BUDGET ACT

• Mr. ABRAHAM. Mr. President, recently, the Senate considered historic changes to preserve Medicare for future generations. I think it is important to outline my views in detail on a few of the key votes cast regarding these issues.

I voted to table an amendment by Senator MIKULSKI to reinstate the Boren amendment. In negotiating with the White House on this balanced budget agreement, we all agreed that the best way to reform Medicaid is to allow Governors the maximum flexibility to design programs that meet the unique needs of their States. The biggest barrier to this flexibility, according to the bipartisan National Governors Association, is the Boren amendment. The Boren amendment has allowed the court system to set reimbursement rates, and these rates have been inflated much higher than what the market would determine. These higher rates have cost the States millions of dollars a year and have inhibited the ability of States to implement real program reforms. For this reason, I supported the bipartisan budget agreement and the decision to revoke the Boren amendment.

I voted to table an amendment by Senator KENNEDY which would require specific health benefits for children with special needs. I believe that our package went a long way in meeting the important goal of providing health benefits to children in need. Mr. KENNEDY's amendment, however, would take away the flexibility that Governors need to develop the best possible plan for their States. Instead, Mr. KENNEDY's amendment would allow the Federal Government to mandate both what the benefits should look like and who should receive them. I believe this amendment represents movement in the wrong direction.

I voted against an amendment offered by Senator DURBIN and Senator WELLSTONE which would reinstate food stamp benefits to the children of legal immigrants. We have already negotiated certain changes in regard to services for legal immigrants in the bipartisan budget agreement. I am committed to upholding that agreement and believe that this amendment went outside the scope of the agreed to changes.

Senator D'AMATO offered an amendment to take the money saved by changing the Medicare and Medicaid Program and direct it to National Institutes of Health to provide medical research. While I wholeheartedly support increased funding for NIH, I do not believe this is an appropriate funding avenue and therefore opposed it. In fact, I believe that money saved through changes to Medicare should go toward maintaining the long-term solvency of the Medicare Program.

I voted against an amendment offered by Senator DODD which would add $100 million to provide health care to children who are severely disabled. While I believe this is an important goal, I maintain, and received assurances to that end, that the health needs of severely disabled children would be met through the additional $24 billion we will be spending on our children's health package already incorporated in this bill.

I supported Senator LEVIN's amendment which would allow vocational education training to count toward meeting the work requirement under the welfare reform law. The current welfare law limits the amount of time an individual can be on vocational education to 12 months. This amendment will increase that limit to 24 months. I believe this change will allow individuals the time necessary to engage in training programs to provide real work opportunities once they leave the welfare system.

I opposed an amendment offered by Senator SPECTER which would have provided $1.5 billion over 5 years to pay the Medicare premium for low-income seniors. I voted against this amendment because the budget reconciliation package provides $1.5 billion in new funds to assist Medicare beneficiaries between 120 and 150 percent of the poverty line with their Medicare premium. I believe the legislation already addresses this important need.

Finally, I voted in favor of waiving the Budget Act to include the Medicare Choice program as part of the budget reconciliation bill. I believe that this is one of the most important provisions of the Medicare bill. Our legislation will allow seniors a wide array of choices in care. Seniors will be able to choose from a variety of insurance plans including medical savings accounts [MSA] and private fee-for-service plans. It is critical to keep these provisions in the legislation to allow seniors a real choice in care and to protect seniors from rationing services in the future.●

REAUTHORIZING AMTRAK APPROPRIATIONS

● Mr. HOLLINGS. Mr. President, I support S. 961, the administration's bill to reauthorize appropriations for the National Rail Passenger Corporation, better known as Amtrak. Amtrak is a necessary part of a national transportation system. It has demonstrated its popularity with the traveling public and, more importantly, its ability to provide safe, efficient transportation at reasonable prices.

My South Carolina constituents have made it quite clear that they want Amtrak to prosper, and wish it expanded, not terminated or forced to operate under unreasonable restrictions or reduced to the status of a regional railroad. The citizens of South Carolina and the Nation demand a first class rail passenger transportation service. This is Amtrak's mission, and its promise.

S. 961 puts Amtrak on the path to fulfilling that promise. The bill concentrates on what is important, the operational and financial viability of Amtrak, and is not diverted from its goal by including provisions that are divisive and will not save Amtrak significant money or allow it to maximize its revenues.

Specifically, S. 961 does not include a provision which would impose so-called caps on the punitive damages available to passengers involved in accidents while aboard Amtrak trains. Other bills which purport to aid Amtrak would cap punitive damages to twice compensatory damages or $250,000, whichever is greater. While I understand the necessity of any business to reduce costs, placing liability caps against passengers will not significantly improve Amtrak's bottom line. The General Accounting Office's (GAO) highest estimate of savings from such caps is less than one percent of Amtrak's capital funding needs.

Moreover, the provision ignores the value of punitive damages to the public. With punitive damages a possibility, Amtrak has the incentive to properly train its personnel, invest in safe equipment, and reward safe operations. Finally, such a provision is unnecessary. Punitive damages have never been awarded against Amtrak.

S. 961 puts the emphasis where it should be, on authorizing appropriations of $5 billion for Amtrak over the next six years. It is this money that is needed to fund Amtrak operations, equipment purchases, much needed capital improvements, and expanded services, not the small amount any liability cap will provide the rail carrier. We would all like to avoid paying Government subsidies for this service, but we cannot ignore that the provision of transportation infrastructure is a necessary function of Government, whether involving highways, bridges, airports, mass transit, or rail. It should be noted that a 1994 study of central government subsidies of rail transportation showed that U.S. subsidy levels are 35th in the world, well below those of Europe.

S. 961 also avoids the unnecessary controversy brought about by an effort to provide indemnification for freight railroads over whose tracks Amtrak largely operates. Some argue that freight railroads need protection from accidents between their trains and Amtrak trains. Whatever the merits of indemnifying particular freight railroads in particular cases, what has been proposed in several bills is the complete indemnification of any freight railroad for any accident, regardless of cause or fault. In other words, if a freight railroad employee acts intentionally or with gross negligence and causes an accident, Amtrak would pay for that accident, most likely with tax dollars paid by the American people. The American people would be forced to pay for the mistakes of a multi-million dollar private corporation. This is indefensible.

In 1987, a Conrail engineer, after smoking marijuana, drinking beer, and disabling safety equipment, ran his Conrail locomotives into the rear of an Amtrak train near Chase, MD. The disaster cost 16 lives and 175 injuries. In the resulting litigation, a court found the conduct of the engineer to involve gross negligence. The accident cost $130 million. If the full indemnification provision had been in effect at that time, Amtrak, which was completely blameless, would have been required to pay all of the damages associated with that accident. Amtrak would have had to pay the cost of an accident beyond its control and that it was powerless to prevent. There is no more potent example of the unfairness of such a provision.

One other unacceptable provision that was wisely omitted from S. 961 is a so-called sunset trigger provision. Unfortunately, such a provision is contained in S. 738, the Amtrak bill recently ordered reported by the Commerce Committee. The provision establishes a new Amtrak Reform Council [ARC] to investigate Amtrak's financial condition, make a determination of Amtrak's ability to meet its financial goals, and present a report on Amtrak's condition to the Congress. If the ARC determination is negative, Amtrak is required to prepare a liquidation plan and the ARC is required to prepare a plan for restructuring Amtrak. Both plans are sent to Congress and if, within 90 days, the Congress does not enact the restructuring plan, the liquidation plan must be implemented. Thus, to kill Amtrak, any action to save it need only be delayed by its congressional opponents for 3 months.

Under this provision, Amtrak could be liquidated without either House of Congress taking any responsibility by voting for or against the liquidation plan. There would not have to be any debate in Congress on Amtrak or the liquidation plan. No questions of Amtrak's worth or importance and no indication of the consequences of eliminating Amtrak would have to be addressed. A transportation program of vital importance to millions of Americans would be eliminated without another word. This is nothing more than Congress evading its responsibilities and should not be allowed.

S. 961 is the right approach. We should insist that Amtrak run its operations in a business-like, efficient manner. And we should conduct vigorous oversight. However, we should not complicate its authorization legislation with extraneous provisions, and any decision to discontinue passenger rail service in this country must be made in full view and with complete information on the economic and social costs of doing so.•

CHEMICAL AND BIOLOGICAL DEFENSE RESEARCH

• Ms. SNOWE. Mr. President, on Monday, July 14, 1997, I offered an amendment to the fiscal year 1998 Department of Defense appropriations bill which specifically appropriated funds for a program of basic research in the area of chemical and biological defenses. I want to thank the distinguished chairman of the Defense Appropriations Subcommittee, Senator STEVENS, and the ranking minority member, Senator INOUYE, for accepting this very important amendment.

This chemical and biological sensor research program was specifically authorized in the Defense authorization bill which was overwhelmingly passed by the Senate last week. The Senate Armed Services Committee recommended, and the Senate approved, an increase of $2 million in research and development funding for a joint service program to develop a prototype hybrid integrated sensor array for chemical and biological point detection.

The Senate Armed Services Committee's intent was to accelerate the development of small sensors which would detect, in real time, the presence of chemical or biological agents. These sensors would be based on metal oxide and biochemical film technologies. In its report, the Senate Armed Services Committee emphasized its support for this program and for expanding the knowledge in military relevant fields of chemical and biological research. Our soldiers in the field need this technology to protect them from the possible threat presented by chemical and biological agents.

Mr. President, I have reviewed the fiscal year 1998 Department of Defense appropriations bill which we are considering here in the Senate, and it is unclear as to whether the funding for this program, which was included in the Defense authorization bill, has sufficient appropriations. My intent, with this amendment, is to make clear that this bill appropriates funds for this very important program.

Mr. President, the threat from chemical and biological weapons that faces our Nation's troops is very real and very dangerous. During the Persian Gulf war, we witnessed just how dangerous the threat of chemical and biological weapons was during that crisis and how this threat continues today.

We must also consider the fact that chemical and biological weapons may also be a potential weapon of choice for use by terrorists. Continued research and development in the area of sensor development must continue in this field to counter these very real threats.

There is an urgent need to have effective chemical and biological weapon sensors that can detect the presence of these weapons in real-time or near-real-time. The Department of Defense needs to rapidly develop these kinds of sensors, and that is the intent of this amendment.

This amendment does not seek to go beyond the authorized funding amount. It seeks merely to insure that the program which the Senate has voted to authorize is fully funded in this bill. I thank my colleagues for their support of this amendment.•

EXECUTIVE BRANCH POLITICAL APPOINTEES

• Mr. FEINGOLD. Mr. President, as many in this body know, I have been concerned that while the total number of Federal employees has been reduced in recent years, the same cannot be said of executive branch political appointees.

Indeed, between 1980 and 1992 the number of political appointees grew 17 percent, three times as fast as the total number of executive branch employees.

Mr. President, let me emphasize that political appointees play a vital role in implementing those very policies for which an administration is elected in the first place. Political appointees often also bring backgrounds rich in experience as well as a fresh perspective that can strengthen our Government.

But as many distinguished observers have noted, too many political appointees may actually interfere with the efficient and effective implementation of administration policies. Author Paul Light has documented this problem in his book "Thickening Government: Federal Government and the Diffusion of Accountability."

Various public commissions and Government watchdog groups have also voiced concerns from the 1989 National Commission on Public Service, chaired by Paul Volcker, to the Congressional Budget Office, and most recently the Twentieth Century Fund Task Force on the Presidential Appointment Process, chaired by two former Members of this body, former Senators John Culver and Charles Mathias.

Mr. President, I have introduced legislation to cap the number of political appointees at 2,000, a level which represents a reduction of about 30 percent from current levels. That proposal is identical to the recommendation of both the Volcker Commission and the Twentieth Century Fund Task Force, and also mirrors a proposal by the Congressional Budget Office which is included in their publication of spending and revenue options to reduce the deficit. My bill would save taxpayers over $330 million during the next 5 years. Just as important, bringing the number of political appointees to a more manageable level will enhance flexibility and increase the ability of the President to implement administration policies.

Mr. President, this administration has a commendable record in bringing the overall growth of the Federal employees under control, and, in fact, beginning to reduce the number by several hundred thousand.

And recently, I was encouraged to see that work also began with respect to political appointees in the Commerce Department, an agency where the growing number of appointees has been a particular concern.

Mr. President, while I believe we have a long way to go in this area, there has been some progress made by the administration and I will not offer my legislation as an amendment to this particular bill as I have in the past.

I firmly believe further work is needed in this area, however, and I will be following the progress made by the administration in reducing the number of political appointees with great interest.•

IN REMEMBRANCE OF THE VICTIMS OF FLIGHT 800

• Mr. SANTORUM. Mr. President, I rise in remembrance of the 228 victims of the TWA airline crash off the Long Island coast which occurred just 1 year ago today. In that accident, the community of Montoursville, PA, lost 16 of its young citizens—students from the local high school who were traveling abroad as members of the school's french club—and 5 adult chaperones.

While its cause remains unknown, I believe it is critical that our remembrance of the accident not be defined by this uncertainty, difficult as it is for those who mourn the death of family and friends. Because we do know, with certainty, what we lost: sons, daughters, classmates, as well as mothers, fathers, and neighbors. We know of their contributions to their communities, schools, and professions. We know, especially in the cases of the youngest victims, of their promise and of their vitality. We know of their importance in the lives of their families. It is with this sure knowledge of who the victims were and of what they did in their lives that we should remember them.

The loss of the young Pennsylvania students—and all the members of that flight—to unexplained tragedy is terrible to bear. I know that the Montoursville students were the pride of their community. Responsible and accomplished students, cherished sons and daughters, they undertook the much-anticipated trip to France with gratitude, excitement and hope. By remembering them in this way perhaps we will always somehow know their presence in our lives.•

ONE YEAR AGO TODAY—TWA FLIGHT 800

• Mr. HOLLINGS. Mr. President, one year ago today, I spent the morning in a hearing on aviation safety arguing with the head of the Federal Aviation Administration that we needed higher safety standards and better safety inspections. We finished with the hearing at about the same time 230 people began to prepare for a flight to Paris.

As with most flights, I am sure that some people were a little nervous, while others were delighted to be on board and away from the heat and congestion in New York. Shortly after 8:30 p.m., the lives of the 230 people and their families changed forever.

Terrorism was the first focus of the National Transportation Safety Board, FBI, and others. It was, and remains, incredible that a perfectly able aircraft, with an experienced crew, would just explode. Yet it happened.

To the family of Matt Alexander, July 17 will always remain a tragic memory. Matt was from Florence, South Carolina. He was a student at Wake Forest, going to spend a semester in France.

I want to make sure that the families of the victims realize that their losses have not been, and will not be, forgotten. Aviation safety changes will occur that are the direct result of the crash. While new safety measures cannot bring back loved ones, they can help prevent future losses.

We already have put in place new procedures to assist the families following aviation disasters. A Federal task force created as part of the Federal Aviation Reauthorization Act of 1996 continues to examine ways to make sure that families get needed information, assistance, and privacy following a disaster. None of this will bring back people like Matt, but we can make the process a more humane one.•

1997 MID YEAR REPORT

The mailing and filing date of the 1997 Mid Year Report required by the Federal Election Campaign Act, as amended, is Thursday, July 31, 1997. All Principal Campaign Committees supporting Senate candidates must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 7 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1997 second quarter mass mailings is July 25, 1997. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

ORDERS FOR MONDAY, JULY 21, 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, July 21st.

I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, the Senate then immediately proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I also ask unanimous consent that at 3 p.m., the Senate begin consideration of the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent at 5:15 p.m. on Monday, the Senate resume consideration of S. 1023, the Treasury and General Government appropriations bill, with a series of votes occurring on the remaining pending amendments, including a vote on final passage of this bill, S. 1023.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Members, Monday from noon until 3 p.m., the Senate will be in a period of routine morning business. By previous order, at 3 p.m., the Senate will begin consideration of the HUD–VA appropriations bill. Under the previous order, at 5:15 p.m., the Senate will resume consideration of S. 1023, the Treasury and General Government appropriations bill, with a series of votes occurring on the remaining pending amendments to the bill, including final passage of S. 1023. Following passage of the Treasury and General Government appropriations bill, the Senate will resume consideration of the VA-HUD appropriations bill. As a reminder to all Members, the Senate will not be in session on Friday. The next rollcall will be a series of votes, commencing at 5:15 on Monday afternoon.

ADJOURNMENT UNTIL MONDAY, JULY 21, 1997

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:25 p.m., adjourned until Monday, July 21, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 17, 1997:

DEPARTMENT OF STATE

FELIX GEORGE ROHATYN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 17, 1997:

DEPARTMENT OF JUSTICE

JOEL I. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ERIC H. HOLDER, JR., OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ATTORNEY GENRAL.

EXTENSIONS OF REMARKS

INTRODUCING HOUSE RESOLUTION 188 URGING THE EXECUTIVE BRANCH TO TAKE ACTION REGARDING THE ACQUISITION BY IRAN OF C–802 CRUISE MISSILES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. GILMAN. Mr. Speaker, I am submitting today a resolution that calls upon the Clinton administration to take firm action against those responsible for providing dangerous C–802 cruise missiles to Iran.

The safety and security of American servicemen and women stationed in the Persian Gulf theater of operations are at stake. The acquisition of C–802 cruise missiles by Iran is a destabilizing development and constitutes a clear threat to peace in the region. This violates the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992, and, therefore, requires the President to levy sanctions against the provider of the cruise missiles—China. To date, the administration has done nothing. I urge my colleagues in the House of Representatives to join me in calling on the executive branch to enforce the law with respect to the acquisition by Iran of these cruise missiles, and to take appropriate action against China for providing the weapons.

We all remember the tragic and deadly attack against the naval escort vessel U.S.S. *Stark* that occurred in the Persian Gulf in May 1987. A single cruise missile slammed into the frigate and killed 37 American sailors.

Today, 15,000 members of the United States Armed Forces are stationed in the Persian Gulf area, carrying out a variety of important foreign policy objectives: enforcing economic sanctions against Iraq; protecting United States and European aircraft that are patrolling the no-fly zone over southern Iraq; and, maintaining open sea lanes through the gulf. We owe it to our troops to minimize to the extent possible the threat they face as they conduct their mission. Prohibiting rogue regimes such as Iran from acquiring advanced conventional weapons must be a high foreign policy objective for the United States, to ensure the safety of American Armed Forces in the region.

In 1996, the China National Precision Machinery Import-Export Corp., a state-run enterprise, delivered 60 C–802 model cruise missiles to Iran. These missiles are mounted on patrol boats for use by the Iranian Revolutionary Guard Navy. The China National Precision Machinery Import-Export Corp. markets the C–802 in its sales brochure as a missile with mighty attack capability and great firepower for use against escort vessels such as the U.S.S. *Stark*. This is the same company that supplied missile technology to Pakistan, a transaction that led the United States Government to impose economic sanctions for violating United States law and the international nonproliferation guidelines.

In addition, China reportedly is supplying Iran with a land-based version of the C–802 cruise missile. Iran has been constructing several sites along its coastlines to accommodate transporter-erector-launchers [TELs], from which the Iranian Revolutionary Guard can fire these cruise missiles at targets in both the Persian Gulf and the Gulf of Oman. The C–802 model cruise missile provides the Iranian military a weapon with greater range, accuracy, reliability, and mobility than it previously possessed.

In November 1996, Iran conducted land, sea, and air war games in the Persian Gulf and the Gulf of Oman and successfully testfired a C–802 anti-ship cruise missile from one of its patrol boats. Adm. Scott Redd, the former commander-in-chief of the United States Fifth Fleet, said that the C–802 missiles give Iran a "360-degree threat which can come at you from basically anywhere." Deputy Assistant Secretary of State Robert Einhorn told the Senate Governmental Affairs Committee on April 11, 1997, that the C–802 cruise missiles "pose new, direct threats to deployed United States forces."

The Iran-Iraq Arms Non-Proliferation Act of 1992—title XVI of the National Defense Authorization Act for Fiscal Year 1993—establishes United States policy to oppose any transfer to Iran of destabilizing numbers and types of advanced conventional weapons, including cruise missiles. The law requires the President to apply sanctions to "those nations and persons who assist [Iran] in acquiring weapons." The sanctions include a 1-year suspension of U.S. assistance to the offending country and a 2-year ban on the import of any goods produced by the company found in violation of the statute.

We know that China is responsible for the transfer of these cruise missiles to Iran. The President must impose the sanctions that are stipulated in the law.

To my dismay, the administration has concluded that the known transfers of C–802 cruise missiles from China to Iran are not of a destabilizing number and type and, therefore, require no enforcement of sanctions against China. Instead, Secretary of State Madeleine Albright told a Senate Appropriations subcommittee in May 1997 that the administration has "deep concerns" about the acquisition of cruise missiles by Iran and will continue to review this development. I find this to be an unacceptable response.

While reasonable people can disagree over what constitutes destabilizing, there can be no argument that Iran has been engaged in a worrisome expansion of its conventional military capability, especially its navy. Iran has threatened to use its military power to close the Straits of Hormuz, disrupt international shipping, and challenge American forces active in the gulf. The Tehran government views the United States military as an unwelcome presence in the region. Our ships have had several close encounters with the Iranian navy in the past year. Fortunately these confrontations have remained small and contained.

As Elaine Sciolino points out in her April 20, 1997, article in the New York Times, the potential for real conflict between the United States and Iran is significant, "when two enemy navies with vastly different military missions and governments that do not talk to each other are crowded into such a small, highly strategic body of water." The acquisition by Iran of advanced cruise missiles, like the C–802 model, must be considered a serious threat to stability, given the explosive situation that already exists. Iran's intent seems clear to me: to challenger the United States for predominance in the gulf.

Thus, the number of C–802 cruise missiles that Iran acquires becomes academic when considering application of the provisions of the Iran-Iraq Arms Non-Proliferation Act. Our men and women in uniform in the Persian Gulf now face a greater risk with at least 60 lethal cruise missiles targeted at them. The sailors aboard the U.S.S. *Stark* can remind us of the irreparable harm that one cruise missile can perform, let alone 60.

Other considerations aside, the law requires the administration to impose sanctions on China for its role in providing these weapons to Iran. I strongly recommend that the President consider applying sanctions against the Chinese Government, as spelled out in the statute, rather than only against the China National Precision Machinery Import-Export Corp. As a state-run enterprise, this company operates with Central Government complicity. Previous penalties by the U.S. Government against this corporation have not eliminated business dealings that are inimical to American security interests. The Chinese Government has sent us a message by permitting the sale of C–802 cruise missiles to Iran. It's time for the U.S. Government to deliver a crystal clear response.

Again, I urge my colleagues in the House of Representatives to support this resolution calling upon the Clinton administration to take appropriate action.

INTRODUCTION OF THE LOWER EAST SIDE TENEMENT MUSEUM BILL

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Ms. VELÁZQUEZ. Mr. Speaker, my colleagues, today I introduced a bill that would designate the Lower East Side Tenement Museum an affiliate of the National Park Service,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Tenement Museum is located at 97 Orchard Street in Manhattan's Lower East Side, the heart of America's immigrant tradition. This building was erected in 1863 and, over the course of 69 years, served as the first American home for thousands of immigrants from around the world.

Much of America's immigrant history begins in New York. The museum on Ellis Island explains how families from around the world journeyed to and arrived in the United States. While many newcomers set out to settle our Nation's rural frontiers, many more became urban pioneers—men, women and children who settled in the city. For this reason the next chapter of the immigrant tale, their lives in America, deserves closer exploration and recognition. Thus, in seeking a home for this story, the Museum sought the quintessential expression of urban, immigrant life—the tenement.

The Lower East Side Tenement Museum bill recognizes the museum's efforts to preserve, maintain, and interpret the themes of early tenement life, the housing reform movement, and tenement architecture in the United States. Affiliate status would allow this private nonprofit museum to fully participate in the programs and activities of the National Park Service while complimenting the Park Services trinity of Ellis Island, Clinton Castle, and the Statute of Liberty at not cost to American taxpayers.

My colleagues, this legislation enjoys wide bipartisan support among the New York State delegation and is supported by the city and State of New York, as well as civic leaders, small business owners, organized labor, the Wall Street community, and the National Park. I urge all of you to support this national treasure.

TRIBUTE TO WJGA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. COLLINS. Mr. Speaker, I rise to recognize a small town, community-minded radio station. Every morning in my hometown of Jackson, GA, something happens that is as anticipated as the sunrise. In fact, this daily ritual is shared by most of the residents of Jackson, one which reflects the tightness of its community bonds. Friendship like this can be found in all the facets of Jackson life, but especially when citizens tune into local radio station 92.1 FM, WJGA each day.

When the hands of local Georgians turn their radio dials to this station, the two men they hear in the morning don't echo the usual shock-jock type material that has come to characterize talk radio. Instead, audience members are treated to the down-home kindness of hosts Don Earnhart and Walter Carmichael. From these two, listeners are not only treated to the local news of Butts and Jasper counties, but also to the intangibles not measured by watt meters or ratings scales, things like friendship and allegiance.

Earnhart recently explained, "Our listeners get to know us." They do soon in much the same manner as two people sitting on a park bench talking about the day. Topics might concern the menu at a local cafe or the politics of a balanced budget. With a format that is comprised of completely live programming, these two wizards of the airwaves provide the one quality representative of friendship, personal attention. As Bill Osinski of the Atlanta Journal and Constitution recently said of this idea, "A radio station that respects its listeners—how refreshing." His enthusiasm for work has not faded after all these years, and with his wife Susanne working as the station's business manager, the two not only make great radio, but a great team as well.

Now, as the world continues to move at such a brisk pace, it is also refreshing to note that there are some folks content to do things the old-fashioned way. They don't need flashy logos or slogans. They don't need absurd or appalling subject matter. They simply need people like Don Earnhart and Walter Carmichael, people who care enough to care for others. How refreshing indeed.

DEPOT-LEVEL MAINTENANCE

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation that clarifies the definition of depot-level maintenance and repair as the definition applies to the Army. The definition of depot-level maintenance currently included in the Department of Defense authorization bill should include conversions and modifications and I ask your support for such a change.

Section 333 of the Department of Defense authorization bill states:

> Depot level maintenance and repair means material maintenance or repair requiring the overhaul, upgrading, or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair.

I believe this definition is vague and unclear and could undermine current BRAC laws. Further, it could potentially be interpreted to change long-existing Army definitions, and devastate attempts to gain more workload at certain depots.

I cite an example of why this definition is necessary. In 1995 Red River Army Depot in my district was realigned by the base realignment and closure process. The BRAC law stated: "Move all maintenance missions except for that related to the Bradley Fighting Vehicle series to other depot maintenance activities including the private sector . . .", thus leaving all maintenance of the Bradley Fighting Vehicle at Red River Army Depot.

When I was elected to Congress, I sat down with the Army to discuss the situation at Red River. The Army told me that Red River was unable to perform conversions and modifications of the Bradley Fighting Vehicle because conversions and modifications are not part of depot maintenance. However, Army Regulation 750–2 of Army Materiel Maintenance Wholesale Operations defines depot maintenance as "that maintenance performed on materiel requiring major overhaul or a complete rebuild of parts, assemblies, subassemblies, and end items, including the manufacture of parts, *modifications and conversions,* testing and reclamation, as required. Depot maintenance serves to support lower categories of maintenance by providing technical assistance and performing that maintenance beyond their responsibility. Depot maintenance provides stocks of serviceable equipment by using more extensive facilities or repair than are available in lower level maintenance activities." (Emphasis Added.)

Clearly the law states that depot maintenance of Bradley Fighting Vehicles is to be performed at Red River Army Depot. Since the Army definition of depot maintenance includes modification and conversions, any modification and/or conversion of the Bradley should be performed at Red River Army Depot. Mr. Speaker, this is why we need this legislation to clearly state what the Army can and cannot do and so it can follow its own regulations.

Depots are a vital part of our Nation's military and are essential to our military readiness. The Army currently has five maintenance depots, three of which are ground maintenance depots. More and more, each ground maintenance depot is becoming increasingly specialized.

Mr. Speaker, we need to make sure these depots operate efficiently, and that in a time of need we have dependable sources of repair for our military might.

It is clear that in the post-cold-war era our military readiness levels need to reflect the demise of the Warsaw Pact and other changes in the world. However, we need to fully assess the impact that closure and realignment decisions made to date have had on our current military readiness. To our knowledge, no report or complete assessment has been prepared on how base closures, which are currently being completed, have affected our military readiness. I believe that until such a report can be reviewed, it is unwise to recommend more base closures.

The four previous rounds of the base realignment and closure [BRAC] process have resulted in the closing of 97 defense installations in the United States. We are still unable to fully assess the actual savings, if any, generated from those base closures. For this reason, we know that if there are any savings generated from further rounds of base closures, those savings will not be realized for many years to come. Further, it is also necessary to realize the amount of money spent to close military facilities. By the year 2000, we will have spent approximately $23 billion in cleanup and other costs associated with the closure of military installations.

The Quadrennial Defense Review claimed that in order to preserve combat capability and readiness, the services must compete, outsource, or privatize military department infrastructure functions that are closely related to commercial enterprises. The Secretary of Defense recently stated that "We need to deregulate defense just as we have deregulated many other American industries." However, our military is not just another American industry. The civilian and military employees who currently perform these functions are experienced, dedicated, and well-skilled individuals on whom our Nation can depend in time of war. The uncertainties we would face with an inexperienced, privatized work force, pressed into service on short notice, could be a tremendous detriment to our military readiness.

AMERICAN HEROES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. PACKARD. Mr. Speaker, I rise today in recognition of two American heroes—retired Col. Mitchell Paige, of the U.S. Marines and retired Col. Frederick T. Flo of the U.S. Army.

The veterans of America are the men and women deeply responsible for the great Nation we live in. The bravery, honor and dignity in which they bestowed their service in the hope of preserving democracy puts all Americans forever in their debt. From the Revolutionary War to Desert Storm, our Nation has relied on our soldiers to keep peace and promote freedom.

I am privileged to honor two of these heroes today before this Congress and the American people.

Today, Col. Mitchell Paige is retired in the great State of California, but in October of 1942 he fought valiantly to stop the Japanese attacks on the Matanikau River during World War II. Col. Paige was rewarded for his heroic action with the Medal of Honor. This Marine was acknowledged in several papers as single handedly securing the perimeter and preserving the lives of many Americans.

Col. Frederick Flo is also an American champion. In World War II he was deployed with the Army to the front lines. Colonel Flo volunteered to lead a patrol on a 125-mile reconnaissance behind Japanese lines with only 13 men in his company. His successful mission provided important information for his superior, General Vandergift, that may well have saved the lives of many Americans.

Mr. Speaker, on behalf of the American people and this Congress, I would like to formally congratulate these two men. They are genuine American heroes and deserve our recognition and faithful appreciation. I am honored to have had the opportunity to recognize these two patriots today.

"REVERSE ROBIN HOOD BILL"

HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Ms. CHRISTIAN-GREEN. Mr. Speaker and my colleagues, the Republican tax bill can only be viewed as a "reverse Robin Hood" bill, because it would hurt hard-working families, aspiring students, and the people of the territories of the United States.

Why is it that the deficit must only be reduced on the backs of those of us who are struggling everyday to survive, while those who could best afford to contribute more not only get away scot-free, but actually get more.

Mr. Speaker, the people whom I'm privileged to represent are among the 15 million who are cut out of the Republican led tax bill. Then, as if to add insult to injury, the tax bill further threatens to kill my district's struggling tourism industry which provides our economic base and on which many Virgin Islanders and residents of other territories depend for a livelihood.

On behalf of the people of the Virgin Islands and the majority of Americans, I plead with the conference committee, to uphold the commitment of the budget agreement, to reject the tax on the domestic portion of international flights, and freeze the departure tax for the smaller members of the American family at the present level so that we can continue to be a refuge for many of those same hard-working Americans who visit us for a well-deserved vacation.

My colleagues, the people of the Virgin Islands survived Hurricanes Hugo and Marilyn, but we could not withstand Hurricane airline tax.

HONORING ELIZABETH H. "BETTY" NORWORTH ON HER FIFTIETH ANNIVERSARY WITH THE FBI

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. BRYANT. Mr. Speaker, I would like to take the time to honor Mrs. Elizabeth H. Norworth, or "Betty," as she is known by me and all of her friends. For the past 50 years she has served as an asset to the FBI's Memphis office.

Betty began her service with the FBI on September 8, 1947 as a stenographer in Memphis, where she earned a $2,168.28 per year salary. In 1951, she was promoted to stenographic supervisor. That same year, she married Ned Norworth, who remains her husband. Her steadfast dedication and performance led to a series of promotions including the position of secretary for the special agent in charge, a job she has masterfully handled since 1960. Through the last 16 special agents in charge and the past 37 years, she has perfected her position and learned just about everything that there is to know about the FBI. According to John Hancock, the current special agent in charge of the FBI's Memphis office, Betty has basically been the sole trainer of all of the last 16 special agents in charge of the FBI's Memphis office. One of those she trained and worked under was Clarence M. Kelly, the former Director of the FBI.

Mr. Speaker, I know Betty. We worked in the same office building when I was U.S. attorney, so I know how dedicated she has been and continues to be and what an asset she is, not only to the FBI, but to this great Nation. I am proud to recognize her here today.

THE EXPLOSION OF TWA FLIGHT 800; REMEMBERING THE VICTIMS AND FAMILY, PAYING TRIBUTE TO OUR COURAGEOUS AND CARING VOLUNTEERS ON LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. FORBES. Mr. Speaker, I rise today to ask my colleagues in the U.S. House of Representatives to join me in prayerful remembrance of the 230 people who lost their lives when TWA flight 800 crashed off the south shore of Long Island, near the small town of East Moriches, 1 year ago today.

I also ask that all Americans join us as we pray for the families and friends of the passengers and crew members who perished in the crash, that they might gain some measure of solace and understanding about their profound and so very public loss.

In one tragic moment on an otherwise ordinary summer evening, the lives of the surviving families and friends were plunged into a tumult of grief and confusion. We cannot imagine the soul-wrenching heartache and numbing pain they faced in the minutes and days after news of their loss reached them. In the months that followed leading up to this anniversary, some have thankfully found healing grace they need in the personal bonds forged with the other surviving families.

We all grieve for their loss, but perhaps what still weighs most heavily on our hearts is that even after a year, there is still no clear answer as to what caused TWA flight 800 to explode in mid-air over the Atlantic Ocean. Since that fateful July evening, there have been several studies conducted and recommendations made about the ways we can make airline travel safer. Today, there is something that we, as a compassionate Congress, can do to spare the families any further pain. We can move quickly to approve the bill offered by our esteemed colleague from Pennsylvania, Mr. McDADE, a bill that corrects an egregious injustice that prevents the survivors of this or any plane crash over international waters to seek compensation for the pain, suffering and loss of a loved one, as the family of other airline disasters may do. This is a simple matter of fairness and small measure of justice that we can provide, in the memory of those who died aboard TWA flight 800.

Though the headlines tell us that 230 human beings lost their lives in this crash, they are more than just numbers. Each one of those 230 were someone's son or daughter, wife or husband, brother, sister, and friend. And each of those abroad TWA flight 800 has a story. I would like to tell you about a few of my Long Island neighbors who perished abroad TWA flight 800.

Such as Eric and Virginia Holst, of Manorville. Just a few days away from their own sixth wedding anniversary they were on their way to Eric's brother Troy's Paris wedding. Eric was a dentist with a practice in the town of Center Moriches, just a few miles from the crash site. With special talent for easing the anxiety of a child's first trip to the dentist, Eric Holst decorated his office with the cards and greetings from his youngest patients, who adoring called him "Dr. Eric." His parents, John and Joan Holst live in nearly St. James.

Virginia Holst was a partner with her mother, Luz Mari Pelaez, in a skin-care and nutritional products business that she operated out of her home. After having already bravely overcome thyroid cancer, Virginia, in the words of her mother,"got so strong, so full of energy and life, it was amazing. She had fought that war, and she won."

Or the story of Beverly and Tracy Anne Hammer. Having just recently passed her stockbroker's exam, Beverly overcame her fear of flying to join her daughter Tracy Anne in Paris, where the veterinary student was to deliver a research paper. Richard Hammer did not join his wife and daughter so that they could spend time together on a once-in-a-lifetime vacation in Europe. Today, he lives in East Hampton, Long Island.

At age 37, Donna Griffith had just begun a new life for herself. The Westhampton Beach native decided to celebrate her recent college graduation by taking her first trip to Europe. The Brooklyn resident was to start classes at New York University's graduate school after her return.

Rico Puhlmann was an internationally renowned fashion photographer who split his time between the bright lights of Manhattan and the quiet countryside of Water Mill, Long Island. A child film star in his native Germany, his oeuvre included 125 cover photographs for Harper's Bazaar and countless other covers for Gentlemen's Quarterly, Glamour, and Vogue.

In these tragic moments that TWA Flight 800 fell out of the sky, the communities of East Moriches and Montoursville, PA were inextricably linked. Aboard the flight were 16 high school students and five adult chaperons from the French club at Montoursville High School. Just minutes earlier, the students had embarked on the trip of their young lives as they headed off to Paris to test their hard-earned mastery of the French language and taste the rich French culture. Sadly, for the parents, family, and friends who said goodbye to them just a few minutes earlier, they never returned.

Though we can never forget those we lost aboard TWA flight 800, we can be proud of the many shining examples of humanity amidst this calamitous occurrence. The many local efforts on behalf of the search and rescue mission demonstrated to the entire world how Long Islanders respond in difficult times. It's sad that it takes these tragic events for use to see how selfless and enduring the human spirit can be.

From the moment the first calls came in from South Shore residents who witnessed the fiery explosion, hundreds of emergency service workers, Suffolk County police officers, firefighters, ambulance workers, Coast Guard personnel and units from the 106th New York Air National Guard unit in Westhampton Beach rushed to the scene in East Moriches, in a desperate search for survivors. Sadly, there were none.

Once the place crash had been confirmed, Suffolk County officials immediately went to a level two alert, notifying hospitals and public safety agencies. In the course of responding to the crash, Suffolk County and the towns of Brookhaven and Southampton incurred nearly $6 million in equipment and overtime expenses. Though these huge costs drained the small budgets of these local governments, County Executive Robert Gaffney and Town Supervisors Felix Grucci and Vincent Cannuscio never hesitated to commit their official resources to the rescue and recovery effort.

We can be most proud of the hundreds of volunteers of all stripes who left their homes in the dark of night to lend a hand to the effort. They included ambulance companies from 15 communities, volunteer firefighters from a dozen fire departments and even local residents in their own pleasure boats who pitched in to assist the fruitless search for survivors and recovery of plane parts.

I would also like to give notice to the men and women of the Coast Guard Group Moriches, at East Moriches. Led by Comdr. Elmo Peters, these Coast Guard personnel performed with the utmost professionalism and courage in handling the extensive search and rescue operations, and they deserve our thanks and prayers as well. Incredibly, just a few months earlier there was a proposal to eliminate the Coast Guard Rescue Unit at East Moriches, a plan that thankfully was never approved.

As we have come to expect when calamity strikes any corner of the world, Red Cross volunteers can be found, comforting the stricken while giving aid to the rescuers. From the early moments of this tragedy, Red Cross volunteers from across the New York metropolitan region were on the scene, delivering food and drink, medical care, cots, blankets, and tents. In the first week after the crash, the Red Cross served more than 19,000 meals to emergency workers, the media and others at the scene. Throughout this ordeal, these Red Cross volunteers showed once again why they are truly angels of mercy.

Red Cross grief counselors comforted the victim's family dealing with the sudden, tragic loss of a loved one. They arranged to have needed prescriptions delivered to where the families stayed, brought coloring books and games for the children and even provided notebooks for family members who wanted to express their feelings by keeping a journal. Volunteers also traveled with the families as they attended memorial services at Suffolk County's Smith Point Park and at JFK Airport.

There are so many others who deserve recognition for their tireless efforts in response to this tragic event. They include the New York City and State Police departments, Red Cross volunteers from throughout the New York metro region, the Suffolk County medicial examiners office, the Brookhaven Ambulance Corps, and many local churches and organizations, too numerous to mention.

The tremendous outpouring of love and support these great Americans showed in this desperate time of need provide us with one of the few measures of solace that we can take from this tragedy. All of us on Long Island should take special pride in the efforts shown by our local disaster officials and emergency personnel and the hundreds who volunteered their time to help find survivors and collect debris. Though our hearts break with the sorrow we feel for the victims and their grieving loved ones, we can be proud of these wonderful displays of humanity.

All of those emergency workers and caring volunteers responded to this tragedy in different ways, each with something special to offer. Some came to aid the recovery of victims or gather pieces of the wreckage, while others came to support those rescue workers with food and equipment. At the Coast Guard station, mental health professionals provided around the clock trauma counseling to help the crash-site personnel cope with the difficult task of recovering victims from the wreckage.

So many wanted to come to the scene in East Moriches and offer their help. But the only thing for them to do was to pray for the victims and their grieving loved ones. Ultimately, prayer was the most important thing they could offer. Gathering at several memorial services, our friends and neighbors on Long Island came to pray for those 230 victims and for their loved ones, who desperately needed time and God's healing power to overcome their deep sorrow and devastating loss.

The first memorial service was held in Montoursville just after the crash, as the citizens of this small Pennsylvania town said goodbye to their sons and daughters, their classmates, friends, and neighbors.

The Sunday following the crash, there were simultaneous memorial services held in East Moriches and at John F. Kennedy Airport in Queens, along with the thousands of people across the country who gathered in their own houses of worship to remember those who died in the sudden, furious explosion.

At Soldiers and Sailors Park in East Moriches, more than 400 people gathered to pay their final respects to those 230 passengers and crew members, including their neighbors Eric and Virginia Holst. The feelings of grief and loss were palpable among the mourners, but as Rev. James McDonald, who married Eric and Virginia 6 years ago, explained, despair will not vanquish their faith and love. As Reverend McDonald said: "Nothing can separate us from the life of Christ, not even a broken heart. Are we hurting? Yes. Broken? Yes. Destroyed? Never."

At JFK, more than 2,000 mourners, many of them family and friends awaiting news of loved ones, gathered in a sad, gray airplane hangar to say their goodbyes. One by one, the names of the 230 dead were read aloud as family and friends reached out to console each other in French, Hebrew, Italian, and English. As Rabbi Joseph Potasnik of the New York Board of Rabbis so eloquently put it: "We may be of different bodies, but in this community today, we are of one soul."

Mr. Speaker, as we stand here today a full year later, let us keep in our prayers the 230 lives that were lost on July 17, 1996. Just as importantly, let us remember the family, friends, and spouses that were left behind to cope with this senseless tragedy. May God bless every one of them.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. STOKES. Mr. Speaker, I rise to express my support for H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This important bipartisan effort would reauthorize the Juvenile Justice Delinquency and Prevention Act of 1974 [Public Law 93–415]. H.R. 1818 represents a balanced approach to reducing juvenile crime.

The prevalence of violent crime among our Nation's youth is entirely too high. According to the Annie E. Casey Foundation, young people are committing violent crimes at a rate similar to 10 years ago—however, the violence has intensified and is causing more deaths. In fact, between 1991 and 1995, the number of juveniles arrested for violent crimes increased by 12 percent, yet violent crime arrests for all ages increased by 2.5 percent. And, between 1985 and 1994, the number of juveniles arrested for weapon violations, specifically related to increases in firearm usage in violent crimes, rose by 113 percent. Equally disturbing is the fact while African-Americans represent 12 percent of the United States' population, African-American youth are nearly 28 percent of all juvenile arrests.

Mr. Speaker, H.R. 1818 focuses in reducing the number of children and youth who commit criminal acts of violence. As such, it ensures that juvenile crime prevention efforts are targeted at communities experiencing a disproportionate representation of minorities in the juvenile justice system. It is well documented that programs that provide: Treatment to victims of child abuse or neglect, mentoring, peer counseling and teaching, job training and employment, and other such services are an essential investment in the effort to prevent juvenile delinquency.

Mr. Speaker, I urge my colleagues to vote in favor of the Juvenile Crime Control and Delinquency Prevention Act. Vote "yes" for H.R. 1818.

IN HONOR OF THE SPONSORS OF PROJECT CHILDREN '97: LOCAL MESSENGERS OF PEACE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a unique group of people, the sponsors of Project Children '97 who have distinguished themselves with unwavering dedication to the promotion of peace in Northern Ireland. Through their generous spirit of compassion, the Project Children '97 sponsors exemplify the best that we as Americans have to offer: reverence for the rights and freedom of the individual citizens. For 22 years caring American families have welcomed children from Northern Ireland into their homes and hearts for 6 weeks during what is traditionally the most violent time of year in the children's homeland.

One year ago, the children who came to visit us from Northern Ireland faced an uncertain future. The cherished cease-fire, in effect for 18 months, had been shattered by a new round of violence. Though the past year has seen a continuation of the troubles, British Prime Minister Tony Blair's inclusion of Sinn Fein in peace talks, along with the cancellation of four of Northern Ireland's Orange Order parades are hopeful signs that we will soon see a return to a lasting ceasefire. This makes the time shared by the 56 families and 61 children participating in Project Children '97 even more valuable.

This year, the 56 families from my home State of New Jersey who have been so generous as to open their homes and their lives to these young people include: Kourosh and Rosemary Akhavan, Len and Kathy Ancuta, Sean and Beatris Ashe, Garry and Janet Baker, Gary and Linda Bardzell, Charles and June Bray, Michael and Elizabeth Cancian, Kevin and Patricia Comer, Robert and Barbara Comito, James and Patti Cunningham, Philip and Kathleen DiCicco, Donald and Irene Diverio, Robert And Brianna Donohue, Al and Ellen Dorso, Peter and Robin DuHaine, Brent and Lauren Elliot, Rick and Arlene Faustini, Raymond and Rosemary Ferraro, Robert and Elizabeth Gamble, Margaret Gilsenan, Michael and Pat Goodwin, William and Margaret Giaimo/Terry, Edward and Patricia Grzybowski, George and Margaret Hughes, Edwin and Patricia Jankowski, Nicholas and Patricia Kaminsky, Keith and Karen Kirby, Robert And Donna Lee, Michael and Kathleen McBride, John and Louise McGlinchey, Brian and Lori McGorty, Robert and Dyan Moore, Robert and Carole Nyman, Sean and Anne O'Neill, Kevin and Susan O'Shea, David and Cathleen Quinn, Stephen and Jean Revis, John and Lori Rose, James and Mary Ellen Ruitenberg, Paul and Candace Ruitenberg III, Donald and Patricia Ryerson, Guy and Patti Schweizer, Stephen and Catherine Simpson, Michael and Laura Sims, Cheryl Stone, Douglas and Susanna Stroud, James and Louise Sweeney, Robert and Denise Thompson, Jr., Michael and Anne Tizio, Edward and Judith Wagner, Joseph and Barbara Wells, Craig and Barbara Yeske, Anthony and Anita Zak, Rodney and Linda Bialko, and Grianna and Donald Wynne.

The 61 young people from Northern Ireland who we have been fortunate enough to visit New Jersey are: David Sterrett, John McIlveen, Alannah Massey, Gerald O'Reilly, Lesley Black, Steven Orr, Paul Mahony, Ryan Corbett, Kevin Nellins, Elaine Coyle, Charlene McWilliams, Lindsey Todd, Eilish Bradley, Joseph McGovern, Claire McKinley, Joseph Doak, Eva Taggart Laura Cairns, Linzi Graham, Joseph Gillen, Seamus Nellins, Michael Duffy, Catriona McCann, Ita Monaghan, Daniel Lynch, Christine Brown, Aislinn Devlin, Stephanie Rae, Aine Hargey, Natalia McKeown, Aisling Burns, Seadhna Billings, Dermot Hartigan, Nicola Catney, Leigh Martin, Mary Louise Heatley, Clara Mulvenna, Danielle Gorman, Brenda Austin, Barry Dobbin, David Goodall, Laura Baird, Paul Willis, Catherine Crawford, Sara Doherty, Kerry-Marie McCaugherty, Jennifer Dixon, Nicola McCabe, Kenneth Murphy, Marie Martin, Darren Diamond, David Diamond, Stephen Coyle, Robert O'Neill, James Moran, Elaine Murray, Margaret White, Mary Deery, Natasha McConnell, Michelle Donnelly, and Collette McTernan.

It is an honor to recognize the exceptional compassion of Project Children '97's sponsors. I hope that word of their steps toward peace will spread throughout Northern Ireland and the world. These exemplary individuals are truly local messengers of lasting peace.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 112 IN SUPPORT OF HOLOCAUST SURVIVORS ON JULY 9, 1997

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to call attention to the plight of Holocaust survivors around the world. More than 50 years ago, we witnessed one of the most tragic episodes in the history of man's inhumanity to man—the slaughter of 6 million Jews and millions of others in Eastern and Central Europe during World War II. Some were able to hide or escape death, many with lingering memories and medical conditions that will be with them for life.

There are currently more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world. It is these survivors who in many cases are still struggling to live out their remaining years with dignity. Many of them live in my district and have contacted me for help after being denied assistance from the current reparations' system set up to help Holocaust survivors.

Let me tell you about one of my constituents, a Holocaust survivor currently living in New York City. Dr. Hadassah Bimko Rosensaft survived concentration camps at both Auschwitz and Bergen-Belsen. While interned, she contracted malaria and hepatitis. Unfortunately, because these diseases were not treated at the time, Dr. Rosensaft now suffers from severe cirrhosis of the liver. Although several medical experts support her claim that the condition stems from her imprisonment in Nazi Germany, the German Government says she cannot sufficiently prove that her condition is a direct consequence.

Dr. Rosensaft is fortunate to be able to afford her needed medical care with the help of her family. But her story is somewhat unique. Many other victims of Nazi horrors have been deemed wholly ineligible for reparations, and cannot rely on their families to help support them. These include, people who were in forced-labor camps; people who were confined to areas not recognized by Germany as ghettos; people who hid under false names; and people who were in a concentration camp for fewer than 6 months. In fact, even if someone was interned in two separate camps for 3 and 4 months each, that person may not qualify. In many cases, it is impossible for Holocaust survivors to prove the circumstances under which they acted during the Holocaust. I believe it is unjust to ask elderly people—with permanent injuries, who suffered enormous emotional trauma—to document their life half a century ago.

Many Holocaust survivors who were fortunate enough to avoid death camps during World War II were forced into hiding. A second reparations' provision states that if you were forced into hiding, you are eligible for reparations only if you hid for 18 months, and only if you can document and support your claim.

Learning about these onerous restrictions and the ongoing denial of Holocaust survivors' claims led me to introduce legislation in the 104th Congress calling on the German Government to expand and simplify its reparations' system. I am encouraged by recent reports by the World Jewish Congress that the German Government has announced its willingness to reopen negotiations. This is a very encouraging step in the fight for justice for Holocaust survivors. But it is only a beginning.

I am also concerned about the so-called double victims, who are now living in the former Communist States of Eastern and Central Europe. For years as the reparations' system was developed, these double victims did not have access to the system, and have been victimized twice by being denied access to reparations' today. Many of these people were in hiding. Many used false names to escape from the Nazis. Today, in order to qualify for reparations under the current system, survivors must provide proof of what they did and how they escaped. Many are still living in this part of the world and many are suffering from severe medical ailments. Although some have received a token amount of reparations, tens of thousands of Holocaust survivors in Eastern and Central Europe have never received any reparations.

I am pleased to introduce House Concurrent Resolution 112, a resolution calling on the German Government to expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors. I am pleased to introduce this resolution with the support of International Relations Committee Chairman BENJAMIN GILMAN and committee members ROBERT WEXLER of Florida, ILEANA ROS-LEHTINEN of Florida, and SAM GEJDENSON of Connecticut, along with Congressman MARTIN FROST of Texas.

To add insult to injury, recent news reports have uncovered that former members of the Nazi army, including non-German members of the SS, often receive far more generous pensions than do the victims they persecuted. Some of the people who receive German veteran pensions are known killers or were personally responsible in acts of genocide. Meanwhile, Holocaust survivors, many of whom are unable to afford the medical care they desperately need, must battle onerous restrictions and regulations in order to receive their meager benefits.

One example is the case of Wolfgang Lehnigk-Emden. This former Nazi guard murdered 15 women and children in Italy in 1943. Because he was later shot in the leg and suffers a mild disability, he now receives a generous pension—a pension three times what is given to Holocaust survivors—because he is considered a war victim. This is but one example of Germany's hypocrisy. Another example is the story of former SS Guard Wilhelm Mohnke.

According to the Department of Justice, Mr. Mohnke was personally involved in the massacre of 72 American POW's in 1944. Due to injuries he later sustained, the German Government gives Wilhelm Mohnke a war victim's pension equivalent to $560 per month.

Many people have been instrumental in the fight for justice for all Holocaust survivors around the world. Menachem Rosensaft, Founding Chairman of the International Network of Children of Jewish Holocaust Survivors and its president Rositta Ehrlich Kenigsberg have worked tirelessly on their crusade for survivors' rights. Benjamin Meed, president of the American Gathering of Jewish Holocaust Survivors has also worked tirelessly on behalf of Holocaust survivors worldwide. I am forever indebted to each of them for their hard work.

Mr. Speaker, Holocaust survivors are an aging, finite population, who are not asking for much. I believe that these survivors deserve sufficient reparations to ensure that no Holocaust survivors are forced to live in conditions worse than those generally enjoyed by the surviving former Nazis who persecuted them.

TEXT OF HOUSE CONCURRENT RESOLUTION 112, INTRODUCED BY REPRESENTATIVE CAROLYN B. MALONEY

A concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors

Whereas the annihilation of six million European Jews during the Holocaust and the murder of millions of others by the Nazi German state constituted one of the most tragic episodes in the history of man's inhumanity to man;

Whereas there are more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world;

Whereas aging Holocaust survivors throughout the world are still suffering from permanent injuries suffered at the hands of the Nazis and many are unable to afford critically needed medical care;

Whereas while the German government has attempted to address the needs of Holocaust survivors, many are excluded from reparations because of the onerous eligibility requirements imposed by the German government;

Whereas the German government routinely rejects survivors' claims on the ground that the survivor did not present the claim correctly or in a timely fashion, that the survivor cannot demonstrate to the Government's satisfaction that a particular illness or medical condition is the direct consequence of persecution in a Nazi-created ghetto or concentration camp, or that the German authorities do not consider the survivor is not considered sufficiently destitute;

Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other formerly Communist countries in Eastern and Central Europe have never received reparations from Germany and a smaller number has received a token amount;

Whereas after more than 50 years, hundreds of thousands of Holocaust survivors continue to be denied justice and compensation from the German government;

Whereas the German government is paying generous disability pensions to veterans of the Nazi armed forces, including non-German veterans of the Waffen-SS.

Whereas in 1996, the German government paid $7.7 billion in such pensions to 1.1 million veterans, including 3,000 veterans and their dependents now living in the United States;

Whereas such pensions are a veteran's benefit provided over and above the full health coverage that all German citizens, including veterans of the Waffen-SS, receive from their government; and

Whereas it is abhorrent that Holocaust survivors should live out their remaining years in conditions worse than those enjoyed by the surviving former Nazis who persecuted them;

Therefore be it resolved that it is the sense of the Congress that:

The German government should expand and simplify its system of reparations so that all survivors of the Holocaust can receive reparations, regardless of their nationality, length or place of internment, or their current financial situation;

The German government should provide reparations to Holocaust survivors in the former Soviet Union and other former Communist countries in Eastern and Central Europe;

The German government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover medical expenses of Holocaust survivors worldwide; and

The German government should help restore the dignity of Holocaust survivors by paying them sufficient reparations to ensure that no Holocaust survivor be forced by poverty to live in conditions worse than those enjoyed by the surviving former Nazis who persecuted them.

AMIA TERRORIST BOMBING ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. GILMAN. Mr. Speaker, this week is the third anniversary of the terrible destructive AMIA terrorist bombing of the Jewish community center in Buenos Aires, Argentina. This deadly international terrorist attack, directed at the very heart of the Jewish center of life in Argentina, took 86 lives, and wounded more than 300 innocents. It has badly shaken the confidence of the largest Jewish community in Latin America on the critical issue of their very safety and security.

It is essential for the Argentine authorities, the U.S. Government, and the world community to do all we can both individually and collectively to bring to justice those who undertook this deadly and cowardly terrorist act.

Hizballah, with its known links to Iran, and which our Government and others have indicated were responsible for this AMIA attack, is now clearly operating in our own hemisphere. We are all at risk. We must all work to insure that those responsible for this terrorist act are brought to justice and that the message is clearly sent that terrorism, no matter where or why, will not go unpunished by civilized society.

Our International Relations Committee staff have visited Argentina in an effort to see what more the United States can do to help solve this terrorist bombing. Based on our staff inquiry, the committee asked that the State Department, which runs a very effective international terrorist rewards program, have its experts visit Argentina and offer assistance. We now have offered to help the Argentine authorities develop a meaningful and effective publicity program for their own already announced terrorist reward for help in solving this deadly AMIA attack.

We anxiously await the further publication and distribution of additional material and efforts by Argentina to publicize the reward on the AMIA attack. As we know, our own reward efforts along these lines have played a critical role in solving or bringing to justice individuals from around the globe involved in international terrorist attacks directed at the United States.

COMMEMORATING THE BIRTH OF MEGAN ILYSSA LEON

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to congratulate the Leon family on the birth of their daughter, Megan Ilyssa. She was born July 10, weighing 8 pounds 10 ounces. I am sure that Megan's parents and grandparents are excited to see that she is a healthy, happy child.

Megan's family has been in Massachusetts for more than a century now and were often involved in the world of politics. Her great, great, great grandfather, John Joseph Tobin, was one of the first Irishmen ever elected to the Boston City Council. Megan's great grandfather, John Michael Downing, served as the court officer of the Massachusetts State Senate for many years. Her grandmother, Kathleen Patricia Leon, was appointed to the Massachusetts Equal Educational Opportunity Commission by Gov. Michael Dukakis.

I offer my warmest wishes to Megan for a happy and healthy life. And, I look forward to one day seeing her involved in our Nation's political process.

TRIBUTE TO THE 7TH GREAT DOMINICAN PARADE AND CARNIVAL OF THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. SERRANO. Mr. Speaker, it is an honor for me to recognize the Great Dominican Parade and Carnival of the Bronx on its seventh year of celebrating Dominican culture in my South Bronx congressional district.

Under its founder and president Felipe Febles, the parade has grown in size and splendor. It now brings together an increasing number of participants from all five New York City boroughs and beyond.

On Sunday, thousands of members and friends of the Dominican community will march along the grand concourse in honor of Juan Pablo Duarte, the father of the independence of the Dominican Republic.

The event will feature a wide variety of entertainment for all age groups. This year's festival includes the performance of Merengue and Salsa bands, crafts exhibitions, and food typical of the Dominican Republic.

In addition to the parade, President Febles and many organizers have provided the community with nearly 2 weeks of activities to commemorate the contributions of the Dominican community, its culture, and history.

Mr. Speaker, it is with enthusiasm that I ask my colleagues to join me in paying tribute to this wonderful celebration of Dominican culture, which has brought much pride to the Bronx community.

TRIBUTE TO JOHN NEFF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. BORSKI. Mr. Speaker, I rise today in honor of my friend and associate, Mr. John Neff. I would like to acknowledge John on his retirement after 32 years of dedicated service to Frankford Hospital John has truly reshaped the hospital, and moved it to the forefront of modern health care.

When John first came to Frankford Hospital in 1965, it consisted of a single, extremely outdated facility. As he retires, we can see the transformation that he has created. Thirty-two years later, the hospital is a contemporary health system, with five state-of-the-art facilities. Throughout his tenure, John focused on using change as a catalyst to see the hospital's objective of service come to fruition. With his fingers on the pulse of innovation, he is leaving Frankford Hospital poised to meet the demands of a new era in health care.

John has always agreed with me that the needs of seniors in Philadelphia are of utmost importance, and has continued to work to provide quality health care for seniors in our community. As a member of the Hospital and Healthsystem Association of Pennsylvania, he has worked in conjunction with this group to see that health care in Philadelphia maintains the necessary components of superior care for its patients.

Not only has John changed the care side of the hospital, but he has also changed the way in which it dealt with employees. When employees of the hospital speak about John, they often use the words kind, compassionate, and open. He has developed a feeling of fellowship and community within the hospital, with the staff describing John and other members as family.

As John moves on to a time in his life where he can devote himself to his other great passions: family, grandchildren, flying, and golf, I congratulate him on 32 years of unwavering service and dedication to Frankford Hospital and the people of Philadelphia. John is a model of perseverance and true dedication. He has taken the lead without apprehension, and challenged the status quo. With great respect, I wish to honor and applaud my friend and colleague. May he have continued success.

IN HONOR OF BILL COBANE: AN EXEMPLARY INDIVIDUAL; A DEDICATED PUBLIC SERVANT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to William Cobane, a special gentleman who has distinguished himself through his outstanding dedication to my district. He served as an intern in my office, and excelled to become a congressional staff member who served my constituents earnestly and without desire of reward. In recognition of his dedicated service, I would like to honor Mr. Cobane for his exceptional voluntary service and efforts on behalf of the Sixth Annual Project Children Luncheon on July 21, 1997 at O'Donoghue's Pub in Hoboken, NJ.

Tradition and excellence are key words describing this truly dedicated citizen. Mr. Cobane has worked extensively on the Project Children benefit—an organization committed to promoting peace in Northern Ireland. This organization annually brings children from Northern Ireland to spend part of their summer in America with host families. Driven by his Irish roots, Bill Cobane works to make sure these children have the wonderful opportunity to experience and enjoy this time in America, and away from the violence in their homeland.

His hard work and commitment to the event has benefited the lives of many young children from Northern Ireland. He has dedicated much of his time and efforts toward the success of this special event.

Mr. Cobane's work and dedication are an example of his loyal and committed service to others. His volunteerism demonstrates his dedication to his community and his stature as a model citizen. His service to my district will always stand as a shining example for others. I am proud to have such a caring individual work on the Project Children Luncheon.

WAS JOHN HUANG DEBRIEFED?

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. SOLOMON. Mr. Speaker, our worst fears about the depth and significance of the administration's scandals are being realized.

Is there anyone who still thinks this is just about campaign finance reform? We read in today's Washington Post column of Robert D.

Novak the headline "Was John Huang Debriefed?" Was he, indeed? I raised this question quite some time ago with Commerce Secretary Daley and was met with the delays and stonewalling that have characterized this administration. What else are we to conclude, but that at the very least when it comes to Mr. Huang and security matters this administration has something to hide.

I place the Novak column in today's RECORD.

[From the Washington Post, July 17, 1997]

WAS JOHN HUANG DEBRIEFED?

(By Robert D. Novak)

A previously missing government form that should have indicated whether John Huang was debriefed by a security officer before he left the Commerce Department two years ago turned up last Friday. But the place where the now infamous Democratic fund-raiser was supposed to have signed is blank.

Any government official with top-secret access—Deputy Assistant Secretary of Commerce Huang included—must attest to the return of all classified information when debriefed as he leaves the government. But Huang's unsigned debriefing document underlines questions about what he did with government secrets and how well they were protected.

Complete answers can come only from investigators with subpoena powers. Contrary to the White House mantra, current Senate hearings concern much more than campaign finance reform—such as Huang's security clearance, dubious on its face. Immediately following CIA briefings, Huang would regularly contact the Chinese Embassy. Yet, even after resigning from the government and going to the Democratic National Committee (DNC), he received another security clearance. The CIA, which had given him documents, was not alerted to Huang's change of status.

Under the Freedom of Information Act, the conservative weekly Human Events several weeks ago obtained from the Commerce Department Huang's "Separation Clearance Certificate," noting that his "effective date of separation" was Jan. 17, 1995 (though he actually went to the DNC in December). Commerce officials signed the document on Jan. 22, noting Huang's return of government charge cards, his parking permit and his diplomatic passport. "Security debriefing and credentials" was noted and signed by a Commerce Department security officer named Robert W. Mack.

At that debriefing, Huang should have signed a Standard Form 312 acknowledging return of classified material. But an official Commerce spokesman told Human Events editor Terrence Jeffrey two weeks ago: "The recollection of our security personnel is that he [Huang] was debriefed but that a Standard Form 312 has not been located."

What's more, there are indications it was never given to congressional investigating committees. On July 3, Rep. Jerry Solomon (R-N.Y.), chairman of the House Rules Committee, wrote Commerce Secretary William Daley demanding the Form 312 by July 9.

That deadline came and went, but late on Friday, July 11, the piece of paper was dispatched to Solomon. It showed that on July 18, 1994, Huang signed for his security briefing. But Huang never signed the debriefing acknowledgment that "I have returned all classified information in my custody."

If security officer Mack signed off for the debriefing, why didn't Huang? "For reasons that we have not determined," Commerce press officer Maria Cardona told me. I called Mack himself, but he said he could not reply. "When you're as low on the totem pole as I am . . ." he said, trailing off.

However, an unsigned Commerce document of Dec. 9, 1996, supplied to Solomon earlier this year, quotes Mack as saying that "he personally briefed Huang and had him sign a SF-312" in July 1994 but adds: "Mack has no recall of the debriefing" the following January. The memorandum continues that "he does recall" a call from a high-ranking official "to make sure that Huang did not lose his top-secret clearance" but kept it as a "consultant."

"Mack said to the best of his knowledge, Huang never worked as a consultant, but DISCO [Defense Industrial Security Clearance Office] did issue a top-secret clearance to Huang. . . . DISCO has never been notified to cancel the clearance," the memo continued. The memo writer said the clearance, issued on Dec. 14, 1995, was still valid on Dec. 9, 1996.

Yet another mysterious document: Commerce security officer Richard Duncan—Mack's colleague—on Feb. 13, 1995, wrote an internal memo listing Huang among other officials as signing SF-312s. Was this an attempt to create a paper trail?

This is the curious conclusion of John Huang's access to secret information. It began with the official request Jan. 31, 1994 that the required background investigation for Huang be waived because of "the critical need for his expertise . . . by Secretary [Ron] Brown." When Huang resigned a year later, Assistant Secretary Charles Meissner proposed the consultant's role, in order for Huang to retain access to classified documents. Brown and Meissner both perished in the tragic plane crash in Croatia, but their patronage of John Huang remains a fit subject for scrutiny.

THE ON-LINE COPYRIGHT LIABILITY LIMITATION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. COBLE. Mr. Speaker, the On-Line Copyright Liability Limitation Act is being introduced in response to concerns raised by a number of on-line service and Internet access providers regarding their potential liability for copyright infringement when infringing material is transmitted on-line through their services. While several judicially created doctrines currently address the question of when liability is appropriate, providers have sought greater certainty through legislation as to how these doctrines will apply in the digital environment. Undoubtedly, service providers will be concerned that the exemption contained in this bill does not go far enough and copyright owners will be concerned that it goes too far. This bill is meant to be a new starting point for discussion among the groups affected by its provisions.

BOB GOODLATTE of Virginia invested months of his time in the last Congress leading negotiation sessions between on-line service and Internet access providers, telephone companies, libraries, universities, and copyright owners. He will continue to steer the negotiation process in this Congress as the parties involved begin discussions starting from the framework established in the On-Line Copyright Liability Limitation Act.

GENERAL APPROACH

The general approach of the bill is to be as simple and streamlined as possible. It provides a single exemption, written broadly so as to cover a range of acts dealt with in separate exemptions in drafts under discussion last year. The availability of the exemption depends on the actor's level of control, participation, and knowledge of the infringement, rather than on the particular type of technology used or the particular type of business being conducted. Similarly, the exemption is available to any person engaging in the covered activity, not limited to those falling within a defined category of "service provider."

A decision was made not to attempt to codify industry-specific codes of conduct or detailed notification procedures at this time. The bill does not foreclose these possibilities, however, should the parties who will be affected directly by the provisions of this bill concur that they are desirable. It also provides certain legal protections for parties who act responsibly to assist in preventing infringement.

SECTION BY SECTION ANALYSIS

SEC. 1 SHORT TITLE

This act may be referred to as the "On-Line Copyright Liability Limitation Act".

SEC. 2. LIMITATIONS ON LIABILITY

Paragraph (a) would amend Chapter 5 of Title 17, U.S. Code, the chapter setting out what constitutes infringement and establishing remedies, to add a new section 512, entitled "Limitations on liability relating to material on-line." Paragraph (a) contains the substance of the new exemption.

Paragraph (a)(1) provides an exemption from both liability for direct infringement and vicarious liability, based solely on acts of transmitting or otherwise providing access to material online, if certain criteria are met. The exemption does not specify any particular right of the copyright owner under section 106; it would excuse the infringement of any of the rights.

If a person making use of copyrighted material on-line does not qualify for the exemption because of a failure to fall within one or more of the criteria, that does not mean that the person is necessarily liable for infringement. If the exemption does not apply, the doctrines of existing law will come into play, and liability will only attach to the extent that the court finds that the requirements for direct infringement, contributory infringement or vicarious liability have been met, and the conduct is not excused by any other exception or limitation.

"Transmitting" refers to moving material from one place to another so that it is received beyond the place from which it is sent. "Providing access" is a broader term; it could be accomplished by transmitting or by otherwise placing material on-line in a location where individuals may gain access to it on demand. The terms "transmitting" and "providing access" are intended to cover any means of accomplishing these acts. Such means could include any of the following: the carriage and routing of telecommunications signals; the services of on-line service providers or Internet access providers; the operation of bulletin boards; and the sending of private electronic or real-time communications.

The term "solely" is intended to make clear that the exemption applies only to the acts of transmission or providing access in themselves. If the person engaging in these acts also makes further use of the copyrighted material, such as making additional copies or using copies for other purposes, the exemption will not apply.

CRITERIA

The exemption is aimed essentially at passive, intermediary types of conduct. The criteria determining its applicability are adapted from a combination of case law and prior discussions of the issue in Congress in the last session. Some of the concepts are similar to those specified in the "passive carrier" exemption in section 111(a)(3) of the Copyright Act.[1] The overall goal is to exempt conduct where liability does not seem appropriate because of a low level of participation, control and knowledge, while at the same time ensuring that adequate incentives remain to assist copyright owners in preventing infringement, without ensuring that adequate incentives remain to assist copyright owners in preventing infringement, without obligating service providers generally to monitor or police communications over the Internet.

The failure to meet any one of the criteria would disqualify a person from the benefit of the exemption, since the person would then be performing a more active or knowledgeable role in distributing the infringing material. The ordinary rules of respondeat superior and enterprise liability would determine whether conduct by someone acting on behalf of the person seeking the exemption is attributed to that person.

The first three criteria all relate to the concept of acting as an intermediary in the chain of dissemination, rather than an initiator or director of the dissemination of the material.

Subparagraph (A)

The first criterion is that the person seeking the exemption did not initiate the circulation of the infringing material. Someone else was responsible for placing it on-line. For example, a service provider would not be disqualified under this criterion where a work was placed on-line by a subscriber.

Subparagraph (B)

The second criterion is that the person has no control over the content of the material: he or she did not create the material, choose it, or make any changes in it.

Subparagraph (C)

The third criterion requires that the person not be the one to decide who will receive the material. The fact that the person may have control over the universe of possible recipients, for example by controlling the list of subscribers to an on-line service or a bulletin board, would not disqualify him or her, since the choice of all subscribers does not determine which subscriber receives which material.

Subparagraph (D)

The fourth criterion rules out the possibility of receiving a financial benefit directly from a particular act of infringement. It would prevent someone who obtained a percentage of the revenue on each piece of pirated software transmitted from claiming the benefit of the exemption. It would not, however, bar someone whose financial benefit consisted of charging users of its service by the length of the message (per number of bytes, for example) or by time unit.

Subparagraph (E)

The fifth criterion requires that the person not play an active role in encouraging others to use the infringing material. The exemption would not be available to one who affirmately sponsored, endorsed or advertised the material—acts that are likely to lead to greater dissemination to a wider audience, and therefore greater harm to the copyright owner. Accordingly, such acts should engender some degree of responsibility, and it is reasonable to expect the actor to check the material being recommended (which would not be necessary if the exemption applied). Hyperlinking in and of itself would not be disqualifying under this criterion, to the extent that it is purely informational and directional. If, however, the context or presentation indicates an affirmative recommendation, a higher level of care would be appropriate, and the exemption would not apply.

Subparagraph (F)

The sixth and final criterion is a knowledge standard. If the person knows of the infringement, he or she should not be entirely exempt. The level of knowledge required is critical. If the exemption were limited to actual knowledge, it would provide an incentive to look the other way and deliberately avoid learning of the infringement. At the other extreme, a general negligence standard would be too broad to the extent that it could be interpreted to impose an affirmative duty to investigate, since service providers should not have a duty to investigate every transmission taking place through their services.

Subparagraph (F) therefore adopts an intermediate standard: if a person becomes aware of information that causes suspicion, he or she should have some obligation to check further. Such information may be obtained through the receipt of a notice from a copyright owner, or may be provided independently in the course of ordinary business. For example, a service provider who learns that a subscriber is operating a bulletin board called "PIRATES-R-US," or "POP MUSIC FOR FREE," and makes no inquiries and takes no further action should not obtain the benefit of this exemption. On the other hand, the service provider should not have to check sites or transmissions in the absence of obtaining such information. In other words, a red flag should not be ignored, but a provider should not ordinarily be required to go out and search for red flags.

The bill incorporates these concepts in two clauses within paragraph (a)(1). Clause (i) of subparagraph (F) sets a general standard of "does not know, and is not aware by notice or other information indicating, that the material is infringing." The language "is not aware" is a higher standard than "is in possession of facts," since a person may have facts within his possession, for example in a file somewhere, without being aware of them. The information need only indicate that the material is infringing, however; this would cover the type of red flag discussed above, and would not require such evidence as would be sufficient to establish infringement in a court of law. A separate sentence at the end of paragraph (a) states explicitly that "[n]othing in [that clause] shall impose an affirmative obligation to seek information described in such clause." In other words, the knowledge standard in the clause does not itself impose any obligation to monitor for infringement or to search out suspicious information. Once one becomes aware of such information, however, one may have an obligation to check further.

The other way to meet the subparagraph (F) criterion is if the person is prohibited by law from accessing the material. For example, the Electronic Communications Privacy Act makes it unlawful to access private e-mail communications. 18 U.S.C. §2510 *et seq.* In such circumstances, the exemption would be available without reference to the person's level of knowledge.

Many of the circumstances proposed for exemptions last year in the course of negotiating draft bill language would fall within the scope of this general exemption. The exemption would clearly cover the mere provision of physical facilities, such as lines or cables. It would also cover various activities that have been referred to as "mere conduit services," including the provision of local access, local exchange, telephone toll, trunk line, or backbone services, since the concept of "mere conduit" was similarly based on the passive, non-participatory nature of the activity. In addition, acts of hosting or operating bulletin boards and web pages would fall within the scope of the exemption where the operator does not have the requisite level of control or knowledge of infringing postings or content. The transmission of private or real time electronic communications such as e-mail would be exempted where the law does not permit the service provider to access the communication.

Paragraph (a)(2) deals with contributory infringement. Because contributory infringement, unlike direct infringement and vicarious liability, contains a knowledge requirement, it is treated separately. This subparagraph substantially limits remedies available for contributory infringement for conduct that qualifies for the exemption from liability for direct infringement or vicarious liability under subparagraph (1). In such cases, no monetary remedies will be available, and a court could issue an injunction requiring acts such as removing or blocking access to infringing material, only to the extent such acts are technically feasible and economically reasonable. The rationale for not barring injunctive relief is that a person who knows or should know of the infringement, and can reasonably do something to prevent it, should continue to have some legal incentive to do so. In many cases, a service provider may be the only person capable as a practical matter of preventing infringing material from being transmitted around the world, or the only one over whom a copyright owner can obtain jurisdiction.

Paragraphs (b) through (d) are intended to protect providers when they remove, disable or block access to material and remove possible disincentives to cooperate with copyright owners by taking steps to prevent infringement. These paragraphs ensure that a person who responds to information indicating infringement by removing, disabling or blocking access to material will not be penalized for having done so.

Paragraph (b) is essentially a "Good Samaritan" defense. It ensures that a person who acts responsibly upon obtaining information indicating an infringement, whether by receiving a notice or otherwise, and removes, disables or blocks access to the relevant material, cannot be held liable for having done so. This section would block claims by anyone based on the take-down itself (e.g., interference with contract claims).

---

[1] That section exempts from liability secondary transmissions made by a carrier who "has no direct or indirect control over the content or selection of the primary transmission or over the particular recipients of the secondary transmission, and whose activities consist solely of providing wires, cables, or other communications channels for the use of others: *Provided*, That the provisions of this clause extend only to the activities of said carrier with respect to secondary transmissions and do not exempt from liability the activities of others with respect to their own primary or secondary transmissions." 17 U.S.C. §111(a)(3).

Paragraph (c) preserves potential legal defense. It ensures that whatever decision is made by a person who has obtained information indicating infringement, whether to remove, disable or block access to the material, or not to do so because of a potential defense, cannot be used against that person in an infringement suit.

Paragraph (d) protects against losses caused by reliance on false information. It provides penalties for knowing material misrepresentations that material on-line is infringing, allowing the recovery of any damages incurred by a person who relies on such misrepresentations in removing, disabling or blocking access to such material.

COMPARISON TO EXISTING LAW

This exemption supplements doctrines of existing law, including contributory infringement and vicarious liability; it does not supersede or alter them. In some circumstances, it would exempt a person from liability where these doctrines would lead to the same result. In other circumstances, it would provide greater immunity, exempting a person where existing law would impose liability. While some of the criteria in paragraph (a)(1) are similar to some of the requirements for contributory infringement or vicarious liability, they are also narrower in certain respects, as described below. This exemption is not intended to indicate to the courts that the elements of contributory infringement or vicarious liability should be narrowed generally, or interpreted in accordance with the language of this provision. The intent is to continue the common law doctrines unchanged, and allow the courts to continue to develop them.

Direct infringement

Under current law, a person is liable for direct infringement who engages in an act within section 106 without authorization, with or without knowledge of infringement. The exemption would remove liability for a person who engages in such acts in the course of transmitting or otherwise providing access to material on-line in a passive, limited way, without the defined level of knowledge.

Vicarious liability

Under current law, a person is vicariously liable for the infringement of another if he has the right and ability to control the infringement, and receives a direct financial benefit, with or without knowledge of infringement. The exemption would add an element of actual control, require a more direct link to an infringement, and add a knowledge requirement. It would thus remove liability for a person who has no actual control of the placement of the material on-line, its content, or its particular recipients, if he or she receives no direct financial benefit attributable to a particular infringement, and does not have the defined level of knowledge.

Contributory infringement

Under current law, a person is liable for contributory infringement who induces, causes or materially contributes to another's infringement, knowing or having reason to know of the infringement. The exemption would remove monetary liability, and place some limits on injunctive relief, where the contribution to the infringement is of a passive nature and where the person has no actual knowledge and is not aware of information indicating infringement (but meets the lower standard of having reason to know).

Hearings on this bill will be conducted in the Judiciary Subcommittee on Courts and Intellectual Property, which I chair, simultaneously with a bill to implement the WIPO treaties negotiated in Geneva, Switzerland in December, 1996. The implementation legislation will be introduced soon after the introduction of this bill. It is my intent to move the bills together.

TRIBUTE TO COL. THOMAS F. GIOCONDA, U.S. AIR FORCE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to a dedicated U.S. Air Force officer as he departs from his post as the legislative assistant for the Chairman of the Joint Chiefs of Staff to become the Principal Deputy Secretary of Energy, and U.S. Military Representative for Defense Programs.

Col. Thomas F. Gioconda deserves our tribute. He has been connected with the Congress in one position or another for over 8 years of his distinguished 27 year Air Force career. His career accomplishments reflect the type of leader this Nation has depended upon for over 200 years during peace and conflict. I would like to take a moment to highlight Tom's career milestones.

A native of Philadelphia, PA, Colonel Gioconda is a graduate of St. Joseph's University, Philadelphia, PA, class of 1970. Colonel Gioconda also earned a master's degree in school administration from Seton Hall University, and a masters degree in business administration from the University of Montana. His military career began in 1970 with his first assignment to Malstrom AFB, MT, where he served as a missile launch officer. After 4 years as a wing missile operations crew instructor, he served as an AFROTC instructor at his alma mater for 2 years, followed by another 2 years at New Jersey Institute of Technology. He then served as a missile operations instructor and section chief at the 4315th Combat Crew Training Squadron, Vandenberg AFB, CA.

Recognizing his leadership skills, he was assigned to headquarters, Strategic Air Command, as a plans and programs officer, and later became the Congressional Liaison Branch Chief. His exceptional performance in this assignment lead to a follow on tour to headquarters, U.S. Air Force at the Pentagon where he served as a Congressional Affairs Action Officer for the Air Force Deputy Chief of Staff for Plans and Operations. During this tour he was selected for squadron command. Colonel Gioconda assumed command of the 510th Strategic Missile Squadron at Whiteman AFB, MO. His squadron was charged with the one-of-a-kind Emergency Rocket Communication System [ECRS] mission. While in command, Colonel Gioconda and his unit hosted the first visit of the Commander in Chief of the Soviet Rocket Forces to an operational U.S. missile launch control center. After successfully completing his command tour, Colonel Gioconda was hand picked to be a legislative assistant to the chairman and vice-chairman.

He has been the principal liaison officer to Congress for both General Powell and General Shalikashvili during momentous times in our Nation's history—the end of the cold war, Operations Desert Storm, Provide Promise, Provide Hope, Provide Comfort, Southern Watch, Deny Flight, and Restore Democracy, Joint Endeavor, as well as countless other military operations and deployments. Tom has accompanied me on factfinding visits to the former Republic of Yugoslavia. Tom was always on top of the issues of the day. I and many others of this body have depended on him for complete, timely, sound, and accurate information and advice.

Colonel Gioconda has been awarded the Defense Distinguished Service Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal (four oak leaf clusters), three Air Force Commendation Medals, the Air Force Achievement Medal, the Combat Readiness Medal, the Outstanding Voluntary Service Medal, and the Command Missile Badge. He is married to the former Anita Pamenter of Great Falls, MT, and has three sons, Thomas, Tony, and T.J.

In December 1995, Colonel Gioconda was selected for promotion to brigadier general. He will be promoted on August 1, 1997.

Mr. Speaker, it is a great honor and personal privilege for me to present his credentials and this tribute to Col. Thomas F. Gioconda before the Congress today. It is clear, through his record of accomplishment and his command assignments, that he is someone dedicated to the peace and freedom this Nation enjoys today. All his actions reflect a professional Air Force officer with the clear sense of honor, integrity, and purpose found in the finest military officers of this Nation. We wish him every success in what I know will be a bright future. May he always have fair winds and blue skies.

TRIBUTE TO DR. BOB GRAVES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Dr. Bob Graves. Casual acquaintances knew Bob as a dairy farmer from an old Colorado family. His early days were spent on a cattle ranch in Bellvue, CO. He became a veterinarian, worked to increase the family herd and operation, and built Graves Dairy. Many knew him for early mornings spent having breakfast at Vern's in LaPorte, dressed in Levi's, eyes shaded by bushy gray eyebrows. He always had a ready and realistic comment on the subject of the day. Others knew him as a savvy and tenacious opponent in local political battles. He stood up for private property rights, farming and ranching interests, and other ideals he held high. If you fought with him, you did so with admiration. If you fought against him, you did so with trepidation.

But most don't know the Bob who turned a personal tragedy—his daughter's death from leukemia—into hope and a future for thousands and thousands of people around the world. His daughter was one of the recipients of a bone marrow transplant before the medical community understood how critical it was to match donor and recipient marrow. While the operation was not successful, the Laura Graves Foundation, founded in her memory, has become a $50 million research organization that has greatly improved the chances for leukemia patients. He and the foundation created the matching bone marrow donor program in this country and across the world.

Although grieving over his own loss, he and his wife, Sherry, devoted their lives to this priceless project. Bringing together scientists, politicians, public relations experts, and cancer victims, he worked to improve what had already been started. Building upon the sponsorship of the American Red Cross, he managed to create a board of directors who were household names. Their reputations, the progress of better funded research, and constant persistence, created the life-saving bone marrow program. He brought together Senator Kennedy and Admiral Zumwalt, Nobel Prize winners and corporations, the American Navy and Russian Chernobyl victims. He and the foundation brought common goals and methods to the scientific community in China, England, Russia, the United States, and elsewhere. After a politically prominent and wealthy American family circumvented the donor system and bought their way to the front of the line, Bob demanded a fool-proof system that would treat all victims equally.

We all enjoy knowing about people who strive to make the news, those who fight for their 15 minutes for fame, but we don't often know about people who just quietly persevere in order to save us and our loved ones. That was Bob Graves. He had a brilliant mind surpassed only by his compassionate heart. When he died, he was creating another foundation—the Transmissible Spongiform Encephalopathies Foundation to bring together the worldwide scientific community working on "chronic wasting disease" in wildlife, "mad cow" disease in livestock, and Creutzfeldt-Jakob disease in people. Again, he was starting the project with his own money in order to benefit people and industry.

Bob Graves, D.V.M., was one person who left the world a better place.

REPORTING REQUIREMENTS ON CHINESE INTELLIGENCE ACTIVITIES

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today in support of a bill I am introducing today. It is quite simple in that it would require the Director of Central Intelligence and the Director of the Federal Bureau of Investigation to jointly prepare an annual report on the intelligence activities of the People's Republic of China—and most specifically, those which are directed against or affect the interests of the United States.

Some of the news reports on the fundraising scandal suggest that the People's Republic of China has apparently decided to take a more aggressive approach toward influencing American politics. This is occurring at all levels of our political system through the use of legitimate means such as lobbying as well as covert influence operations. At the same time, the Chinese are also relying heavily on the success of their economic espionage efforts to make their economy more competitive with ours. We also have concerns, that I think most Americans share, with the increasing buildup of the Chinese military operations and capabilities, and the potential that that poses a threat to our national security interests in the Pacific rim region.

A China specialist at the Department of Defense, summarized the growing threat posed by China's intelligence agencies by saying:

> The Ministry of State Security is an aggressive intelligence service which is coming of age in the international arena. The combination of a relatively stagnant economy and an increasingly competitive global economic environment will force China to rely more heavily on the illegal acquisition of high technology modernization—Arms production and sales are increasingly being used to gain hard currency and expand global political influence. The MSS will be required to produce intelligence to support this assertive role in the global, commercial and political environments—Western democracies such as the U.S. must adjust the focus of their clandestine intelligence and counterintelligence operations if they are to meet the MSS's forward posture effectively.

The annual report would document significant developments involving China's Ministry of State Security, the Military Intelligence Department of the People's Liberation Army, and other Chinese intelligence entities operating against the United States. The report is specifically intended to cover trends in the following areas: first, political, military, and economic espionage by Chinese intelligence services; second, intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party; third, efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army; and fourth, disinformation and press manipulation by the Government of the People's Republic of China against the United States.

Various agencies from the intelligence and law enforcement communities will be tasked to provide input on Chinese intelligence activities within the United States and elsewhere. Some of the agencies being asked to contribute to the annual report will include the following: Central Intelligence Agency, Department of Defense, Department of Justice, National Security Agency, Defense Intelligence Agency, Department of State, and the Department of the Treasury.

The classified version of the annual report will be provided to both the House and Senate. An unclassified version will be prepared so that the American public can be provided with a general summary of the nature of the Chinese intelligence threat to the United States.

Mr. Speaker, this bill is very crucial yet very simple. It is not one that requires anything more than a gathering of information for us, but I think it is critical information for us. I urge my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 267. If present, I would have voted "aye" on rollcall 267.

APPOINTMENT OF DAVID STRAUSS TO BE EXECUTIVE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. POMEROY. Mr. Speaker, I rise today to applaud the appointment of David Strauss, a fellow Valley City, ND, native and close friend, as Executive Director of the Pension Benefit Guaranty Corporation [PBGC].

I couldn't be more pleased to see such a good friend named to such an important Government post. Throughout his career, David has been an outstanding public servant deeply devoted to advancing the interests of working families. In this exciting new position, David will continue that work as the Government's top official responsible for protecting the pension security of 42 million American workers and retirees participating in about 50,000 private-sector pension plans.

David comes to the PBGC with extensive management and policy experience as deputy chief of staff to Vice President AL GORE since 1994. In that position, he played a major management role, developed policy options and advised the Vice President on a broad range of economic and domestic policy issues including wage and workplace protection, retirement security, health care, welfare, and trade.

Ensuring that Americans can look forward to a financially secure retirement has emerged as one of the most important public policy issues of the day. As head of the PBGC, David will be a leader in crafting our Nation's response to this retirement security challenge. And with his unique background as a top-notch manager and policymaker, it's hard to imagine someone better suited to this role.

Prior to his position with the Vice President, David served as chief of staff for the late Senator Quentin Burdick of North Dakota and then as staff director of the Senate Environment and Public Works Committee, which Senator Burdick chaired.

Previously, as North Dakota State Executive Director for the U.S. Department of Agriculture's Stabilization and Conservation Service—now the Farm Service Agency—he directed an agency with 53 county offices and 1,200 employees, which administered $1.3 billion in loans and direct payments to the farmers of North Dakota. During this period, he was recognized with a Special Achievement Award from the Secretary of Agriculture for his managerial skill and for reducing administrative costs despite a workload increase.

David Strauss is a superb choice to head the PBGC and I look forward to working with him on a broad range of retirement security issues. Mr. Speaker, I also submit for the RECORD an article from the Fargo Forum on David's appointment.

[From the Fargo Forum, July 3, 1997]

STRAUSS IN LINE FOR PENSION POSITION

(By Mikkel Pates)

David Strauss, a North Dakota native and deputy chief of staff to Vice President Al Gore, has been picked to be executive director of the government's Pension Benefit Guaranty Corp.

Pensions & Investments, the Washington trade paper which broke the story, said the announcement will come any day.

Strauss, 47, was a chief of staff for the late Sen. Quentin Burdick, D-N.D., through most of the 1980's and later for the Senate Committee on Environment and Public Works for which Burdick was chairman.

He also served briefly as chief of staff for Sens. Jocelyn Burdick, D-N.D., and John Breaux, D-La., before going to his current job in 1994.

Through an aide, Strauss declined to be interviewed about the new post because no official announcement has been made. Sources say the announcement could come later this week or next week.

The PBGC is a non-profit corporation wholly owned by the federal government. The corporation regulates and monitors pension plan insurance programs.

Among other things, it steps in if a pension plan fails and can't pay benefits. It makes up the difference in assets, administers the fund, and distributes the basic benefits.

The agency covers all single-employer and private defined pension plans and some plans between unions and employers. It is administered by a board, of which the Secretary of Labor is chairman, and includes the secretaries of commerce and treasury.

Sources at Pensions & Investments called Strauss a good choice for the job, despite his lack of hands-on experiences in pensions. The post does not require Senate confirmation.

The story quoted Rep. Earl Pomeroy, D-N.D., also from Valley City, who said the appointment of a top political aide showed the Clinton administration's commitment to retirement income security.

Officials from the Teamsters, the AFL-CIO, and business lobbyists all sang his praises.

"David Strauss' appointment will provide the PBGC with the kind of political leadership it has never had," said Mark J. Ugoretz, president of the ERISA Industry Committee, a Washington trade group representing the nation's biggest companies.

ERISA is the Employee Retirement Income Security Act of 1974.

As Gore's aide, Strauss helped develop White House policy options on a range of economic and domestic policies.

He was involved in working on the Retirement Protection Act, signed by Clinton in December 1994.

In a 1994 interview with The Forum Strauss said that his career hinged to some degree on Gore's future.

'If Al Gore is re-elected vice president and then runs for president in the year 2000, I very much would want to be a part of all of that," he said at the time.

Strauss grew up in Harvey and Valley City, and in the 1970's became one of the state's most successful political strategists.

Among other things, he was executive director of the Democratic-NPL party from 1975 to 1977.

In 1977, he was named North Dakota executive director of the Agricultural Stabilization and Conservation Service (now the Farm Service Agency).

At the time he was criticized for a lack of farming background for the job.

He later took great pride in winning achievement awards in the agency.

NATIONAL HISTORIC TRAILS CENTER, CASPER, WY

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mrs. CUBIN. Mr. Speaker, over a century and a half has now passed since the historic overland migrations of people across America's Western frontier began. Their stories of hardship, perseverance, and courage are legendary, and they figure prominently in the history of the West. The trails they traveled, especially in Wyoming, still remain a visible testimony to the great struggles of these early American pioneers.

During the mid-1800's, Casper, WY, was the only geographic location in the Western United States where the Oregon, Mormon, California, and Pony Express trails, as well as many Indian trails converged. A fork of the Bozeman Trail and the beginnings of the Bridger Trail also originated in Casper. These trails are a distinctive part of our Nation's past and they possess important historical and cultural values representing themes of migration, settlement, transportation, and commerce that shaped the landscape of the West.

Congress has recognized the historical significance of these trails. The National Trails Systems Act, as amended in 1978 and 1992, designates the Oregon, Mormon Pioneer, California, and Pony Express Trails as "National Historic Trails." The act also directs the Secretary of the Interior to protect, interpret, and manage the remnants of these trails on Federal lands.

While large segments of these trails, and their associated historic sites lie on Bureau of Land Management [BLM] lands in Wyoming, no interpretive center is available in Wyoming, or any adjacent State, to educate the public on the role of these trails in our Nation's history.

In an effort to preserve and interpret this important history, today I am introducing legislation to establish the National Historic Trails Interpretive Center [NHTIC] in Casper, WY. The bill encompasses a unique partnership of Federal and non-Federal interests to jointly construct and operate this Center. These interests include the BLM, the city of Casper, and the nonprofit National Historic Trails Foundation. These entities came together in 1992 to build a center to memorialize and interpret the national historic trails in the West.

The interpretive and educational programs that will be associated with the Trails Center in Casper will enable visitors to discover and appreciate the miles of untouched trails that lie on public lands in the West. The Center will identify and help protect sensitive historic trail remnants to prevent degradation. The National Historic Trails Centers will also provide an opportunity for the BLM to showcase public lands emphasizing the Bureau's commitment to preserve lands of historical value.

Under the cooperative agreement, there is a clear commitment of non-Federal partners to share costs to construct, maintain, and operate the Trails Center. City, State, foundation, and private interests will bear approximately half of the total costs of the project. The city of Casper provided funds to initiate work on the Center. The city has also donated more than 10 acres of prime land overlooking the site of the North Platte River crossings of the historic trails for the Center. Furthermore, the citizens of Casper increased local sales taxes and have raised the required 1.5 million of construction dollars to meet their financial commitment under the cooperative agreement. The State of Wyoming has joined the partnership by giving $700,000 for the Center. The cooperative agreement also requires non-Federal entities to establish a $1 million endowment, the interest thereof to maintain exhibits for the life of the Center. The overwhelming amount of non-Federal support for the Center is precisely the kind of cooperation Congress intended in managing and interpreting the historic trails of the Nation.

Under the cooperative agreement, the BLM has an important but limited role in establishing and operating the National Historic Trails Interpretive Center. The BLM has already completed a striking design as well as the engineering blueprints of the Center. With this work completed, the land available, and most of the non-Federal funds in hand, the Center is now ready to construction. This legislation provides congressional authorization of funds for the BLM to do so. Once the Center is completed, the BLM will own and operate the facility. However, with the endowment, the authorization to charge visitors a modest entrance fee, and commitments for volunteer staffing, the facility will be largely self-sustaining from a financial perspective. This is important in view of the present and anticipated future funding restrictions of the Federal Government.

In Wyoming, we are experiencing great interest in the historic trails that cross the State. In 1992, a year when visitation to Yellowstone National Park and Grand Teton National Park was down, the Wyoming Department of Tourism reported an increase in tourism along the Oregon Trail route during the sesquicentennial of that trail. This year is the sesquicentennial of the Mormon Pioneer Trail. BLM officials have estimated that between 200,000 and 1 million visitors participated in trials events in Wyoming this year. We expect similar interest in trails during the sesquicentennials of the California and Pony Express historic trails. In truth, an increasing number of Americans are discovering, enjoying, and learning the history of these treks and are seeking to experience natural settings, landmarks, and physical remains of the trails.

I am pleased with the broad level of support the National Historic Trails Interpretive Center enjoys. As noted earlier, the city of Casper and the State of Wyoming have provided tremendous assistance to this effort—for that I thank them. The Governor of Wyoming, Jim Geringer, as well as Wyoming's former Governor, Mike Sullivan, have endorsed the Center from the beginning. Wyoming's U.S. Senators, MIKE ENZI and CRAIG THOMAS, support the project. Especially gratifying has been the support and encouragement from interests outside of Wyoming, such as the Oregon-California Trails Association. I deeply appreciate the support of my respected colleague from Utah, Representative JIM HANSEN, who is cosponsoring this legislation.

Mr. Speaker, the establishment of the National Historic Trails Interpretive Center is in the public interest. The project contains the best elements of private and public cooperation. The construction and operation of this Trails Center is altogether consistent with the BLM's criteria for projects of this kind. I urge my colleagues to help advance our efforts to preserve and interpret a significant chapter of American history by lending their support for this legislation.

A TRIBUTE TO THE ANDERSON MONARCHS BASEBALL TEAM

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to a group of young athletes from south Philadelphia who have just returned from a barnstorming baseball tour in tribute to the late, great Jackie Robinson. The Anderson Monarchs are a team of 15 boys between the ages 8 and 12 who play in the RBI, Reviving Baseball in the Inner Cities, League of Philadelphia. The team is named for Jackie Robinson's Negro League team, the Kansas City Monarchs, and plays its home games at the Marian Anderson Recreation Center in the heart of south Philadelphia.

Leaving Philadelphia last week in a restored 1947 bus, the team drove west to participate in the Kansas City Royal's celebration of the 50th Anniversary of Jackie Robinson's entry into the Major Leagues. The team, sponsored by the Philadelphia Phillies, Mellon PSFS and Acme Markets, embarked on a 13-day journey that began with a game in Brooklyn, NY, the former home of Jackie Robinson's Dodgers. From Brooklyn, the Monarchs traveled to Cleveland, where they participated in All-Star game festivities, then played a game against a local team. From there it was off to Detroit, Chicago, and Iowa, where they visited the site of the Field of Dreams, made famous by the movie of that name. Many of these youngsters have never been far from the urban landscape of Philadelphia, so traveling through the rural Midwest was quite an experience for them.

In Kansas City, the Monarchs visited the Negro Leagues Baseball Museum, where they were introduced to Hall-of-Famer, Buck O'Neill, a former Monarchs teammate of Jackie Robinson. Meeting this living legend and hearing his bittersweet tales of the Negro Leagues was the high point of the trip for many of the young ballplayers.

From Kansas City the team bus wound its way back, with stops for games in St. Louis, Louisville, and Pittsburgh, before returning to Philadelphia. Mr. Speaker, these youngsters are more than just ballplayers, they are ambassadors for Philadelphia, and I have received reports that they have represented our city with great honor throughout their travels. They have learned about the legacy of segregation in baseball, and they have taught others of these lessons along the way. In honoring the anniversary of Jackie Robinson's entry into the Major Leagues, the Monarchs have been a major success. They have demonstrated admirably the sentiment engraved on Jackie Robinson's gravestone that, "A life is not important except in the impact it has on other lives." In recognition of their successful tour, I ask that my colleagues join me today in honoring Philadelphia's Anderson Monarchs.

IN MEMORY OF DAVID L. CINI

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today with great sadness to pay tribute to David L. Cini, a man who will long be remembered for his service to his family, to Connecticut, and to his beloved town of East Lyme. Mr. Cini passed away yesterday after a long illness.

The incredible courage he showed these last years has truly been inspiring. Despite physical challenges that would daunt most people, Mr. Cini never stopped working. Just last month I joined him on the town's waterfront to announce that a long-held goal of securing funding for a boardwalk had finally been achieved. For years he has worked to bring sensible development to the waterfront area of East Lyme. When we finally open the boardwalk, it will be with great sorrow that he will not be there to open it with us. I hope that the town will see fit to build that boardwalk in his honor.

Mr. Cini was not well, but he never stopped. He conducted the town's business and worked to ensure that everyone he came into contact with agreed with him that East Lyme was the best place to live. He passed away while still first selectman, which is, I think, how he preferred it.

His legacy in the town will be one of sound management, low taxes, and sensible improvements. He has been a tireless fighter for his community, representing it since 1980 as a board of education member, a selectman, and for the last eight years, first selectman. During part of that time, he was active with the Council of Governments, a regional coordinating group on Connecticut's south shore, even serving as chair at one point. He brought good honor to the town of East Lyme every day he came to work.

Certainly we will all miss David, but those who will miss him most—and in whom his legacy will endure—will be his wife Sally and his children: Heather, Holly, and Matt. Matt is following in his father's footsteps by serving eastern Connecticut's community as a valued member of my staff. When I see Matt at work, I see a bit of David; he is certainly his father's son.

Mr. Speaker, on Saturday David L. Cini will be laid to rest in his beloved town. Reqiescat in pace.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes:

Mr. BARRETT of Nebraska. Mr. Chairman, I'd like to share with my colleagues a small town's recent experience with the Environmental Protection Agency [EPA] which serves up yet another reason why the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], commonly called Superfund, must be reformed and reformed soon.

Recently, EPA advised a community in the south-central part of my congressional district, Hastings, NE, that it intends to present the city and three or four potentially responsible parties [PRP's] with a bill for the costs EPA incurred at the Hastings Groundwater Contamination Site. EPA's Region 7 Administrator has confirmed that in the next 2 to 3 months EPA intends to demand payment for costs incurred between 1983 and 1994. EPA incurred these costs in its investigation, analysis, and study of contamination in Hastings. The bill apparently even will include EPA's indirect expenses, such as employee benefits, office costs, expenses, travel, and lodging—Believe it or not!

As you can imagine, this situation greatly alarms Hastings and me, since past costs for the site amount to more than $20 million. EPA estimates the city would be responsible for $1 to $1.5 million, and the PRP's would be responsible for the balance. Unfortunately, EPA is not expected to allocate responsibility for these past costs among the various PRP's. Thus, the PRP's and the city will need to voluntarily allocate or litigate. As you know, litigation has been much more common under Superfund. Given the large amounts of money at stake, this could become a fight for survival.

You're probably thinking, so what's the big deal? I'll tell you—Hastings is a small town with a population of 23,000! The city collects approximately $5 million in sales and property taxes annually. The city can't afford a $1 to $1.5 million bill. It can't raise taxes because the Nebraska legislature has placed a zero-spending lid on all Nebraska cities in an effort to curb taxes, and it can't afford to engage in costly litigation with the other PRP's. The city can ill-afford to lose its business base because it was forced to sue to reduce its liability.

The PRP's can't afford to pay the balance of the bill. It could bankrupt them. I don't know exactly what dollar amount would force the PRP's out of business, but any large bill—even if it does not amount to $20 million—could severely hamper future business expansion and new job creation in the community.

This is a perfect example of why Superfund, and especially retroactive liability, needs to be reformed. Many communities are familiar with similar situations—a large portion of the pollution at Hastings occurred early in the century, and any pollution that did occur happened after hazardous waste laws were enacted. The disposal of the responsible materials was done according to the law of the day. Since then, companies have been bought and sold, the city's management has come and gone, and as a result, there are no real polluters now in Hastings—despite EPA's efforts to identify them.

This should be a warning to all of us. This is not an isolated case. This could happen in any district.

But what makes me so frustrated, Mr. Chairman, is that it's our fault. Congress passed Superfund. Congress has not been able to reform it, even though many of my colleagues have been working with each other and the administration to reform it for many years. It's a complex issue, but it shouldn't take this long or be this hard to do.

Often I question EPA's judgment, especially in Hastings' situation, and know the agency has been overzealous or irrational with its regulations and enforcement of Superfund. However, I realize EPA has a bad law to enforce. But why should Congress keep giving EPA funds to implement a bad law? And what incentive does EPA have to work with Congress to reauthorize Superfund if we keep it so well funded? Congress must stand up to the pressure to simply throw money at a problem without understanding what we are dealing with. For example, why haven't we asked about the true nature of risk from hazardous waste sites, and why haven't we had a national dialogue on how to prioritize spending on Superfund sites?

It's time to ask these questions and to reform Superfund. The Bipartisan Budget Agreement requires that Congress enact comprehensive reform before there is any increase in funding. I urge my colleagues to resist efforts to increase funding for this program and to support Superfund reform.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

The House in Committee of the Whole House of the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. KUCINICH. Mr. Chairman, I rise today to recognize the good work of a local organization in my congressional district, the Greater Cleveland Chapter of the Korean War Veterans Association, and the contribution they have made to one of our Nation's memorials. Included in this bill are funds for the National Park Service, which oversees our national memorials, including the Korean War Veterans' Memorial here in Washington, DC.

The Cleveland Chapter of the KWVA has an active membership and its leadership includes Mr. Joe Shearer, who serves as second vice president. Recently, Mr. Shearer brought to my attention and to the attention of Senator GLENN and others in the Ohio congressional delegation the troubling story of the condition of the Korean War Veterans' Memorial. Apparently the memorial was in a state of disrepair due to problems associated with poor construction and engineering.

In true American "can-do" spirit, Mr. Shearer and some of his fellow veterans drove to Washington, DC, to personally inform me of this situation. Letters were sent to the Department of the Interior and the National Park Service expressing concerns about the memorial. Due to the efforts of Mr. Shearer and other veterans, I have been assured by the National Park Service that repairs are currently underway and adequate funds needed to repair the Korean War Memorial have been made available.

The Korean War Veterans Memorial is a tribute to those who served in "the forgotten war." Our Korean war veterans deserve our utmost respect and deserve a memorial in which they can be proud. I applaud Mr. Shearer and his colleague's efforts in helping to memorialize the sacrifice that was made by our Korean war veterans. I am proud to stand in salute of a veteran who continues to honor the memories of those soldiers who gave their lives in the Korean war.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes:

Mr. CAPPS. Mr. Chairman, I rise in support of this bill and would like to commend Chairman LEWIS and the ranking member, Mr. STOKES, for their diligent work on the important programs covered in this legislation.

As a strong supporter of NASA's Mission to Planet Earth, I am very pleased that the bill before us provides full funding for this critically important program.

Mission to Planet Earth will expand our knowledge of ourselves, our Earth and its incredibly complex environmental systems. I am convinced that we should never shrink from the opportunity to grasp such critically important information.

But MTPE will be more than a search for knowledge. With its series of orbiting satellites, set to begin launching next year, Mission to Planet Earth's ability to accurately monitor and predict long-term climate variability will have great benefits for large sectors of our economy, including such diverse industries as agriculture, financial services, insurance, and disaster management.

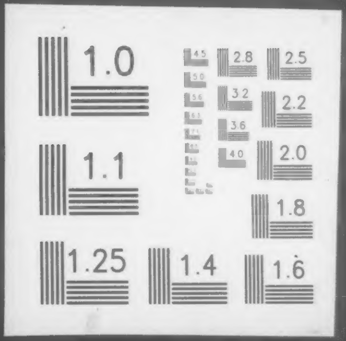
The ability to predict droughts, floods, and other cataclysmic natural events will reap huge benefits in lives and dollars for years to come. MTPE information will not only be useful for long-range forecasting, but will have daily applications as well. In agriculture, to use one example, farmers will be better able to anticipate irrigation and harvesting needs, and disease control and eradication requirements.

As NASA programs add to our knowledge of the entire solar system—with the spectacular exploits on Mars by *Sojourner* as the most recent example—we must not lose sight of all that we still do not know about our own glorious world. MTPE will help fill in some of those gaps about our environmental systems, improving our quality of life here on Earth while we continue our exploration of the stars and planets

LIBRARY OF MICHIGAN

AUG 27 2003

U.S. DOCUMENT
RECEIVED DEPOSITORY


1.0
4.5
2.8
2.5
5.0
5.6
3.2
2.2
6.3
3.6
7.1
4.0
2.0
1.1
1.8
1.25
1.4
1.6